A Critical Review of Ḥasan Ḥanafī's View as for the Relations Between the Religious Law and Politics in the Configuration of Government in the World of Islam

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Abstract

In this study, with a critical approach, the view of Ḥasan Ḥanafī as for the relations between religious law and government is investigated; meanwhile, first, his approach toward the dual quiddity of politics/ religious law is explored, and then, the relations between these two for organizing issues like government (which is the pivotal issue of politics in modern era) are explored. Formation of modernity in modern era based on the Western, political order – which is managed in the phenomenon of government – suggested Muslims that the way to abandon the extant backwardness in Islamic societies is the provision of conventional answers (regardless of religion) to challenges such as the issue of government, legitimacy, and how it should be organized. Therefore, the political, social contemporary Muslim thinkers tried to face such challenges. The data of the present study is gathered using the library method and is explored with a descriptive-analytic approach. The most important result of this study is the attention of Ḥasan Ḥanafī to the political, the formation of efficient government, and all the more the pillars of legitimacy and acceptance of such a government in Islamic societies; he has tried – in his own view – to provide an updated answer to them, an answer which is based on the requirements of the society.

Keywords: religious law, politics, government, Islamic societies, Ḥasan Ḥanafī.

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Introduction

Facing the secularism and its consequences in Islamic societies can be deemed as the most important reason for exploring the relations between the religion and government in Islamic countries. This is because secularism and corroboration of its status in the modern political systems has caused the other non-secular versions of managing the society like religious law (with all of its constructive capacity) to become marginalized. This issue has brought about many epistemic and structural challenges in Islamic countries. In the approach of Ḥasan Ḥanafī toward the social, political issues, the challenges of each era should necessarily turn into new material for religious thinkers. Thus, regarding such a stance, to him, the basis of the formation of political system in the Islamic society (whether Islamic, liberal, ethnic,

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or communist or Marxist principle) is not only affected by the social facts of that era, but also it is simultaneously affected by the interpretive encounters toward religious and inherited teachings of a society. Certain, inherited approaches are formed and continued during these encounters which play a role as part of the issue. In his view, nowadays religion, at the regional as well as global levels, has become the center of collective movements, and guides the political course of extant governments, an issue which has made the present condition more complicated (Ḥanafī, 2009: 68).

Nonetheless, the contemporary experience of Arab world in facing the political view and act of the West, social movements, perceptions of religious governments, process of legislation, and creation of social institutions cause one to think about the station of some thinkers like Ḥasan Ḥanafī. If one accepts that based on the theoretical concerns of the extant political approaches in the world of Islam, at general, and in Arab countries, in particular, a configuration can be provided which can pave the way for a more precise perception of Ḥasan Ḥanafī's project in the realm of his political theories, then three corrective approaches of Islamists (q.v.: 'Ammāra, 1988; Fāsī, 1984; Ghannūshī, 1993; Ghannūshī, 1999; Kawākibī, 1931; Makhzūm, 1986; Sayyid, 2004) on the one hand, and non-Islamist approaches like liberal approach (q.v.: Al-'Arawī, 1988; Bilqazīz, 2007; Khālid, 1960) as well as scientific, secular approach (q.v.: Ḥūrānī, 2001; Mūsā, 1934) on the other hand, can be mentioned. Each of these approaches offers a certain perception of the relations between politics and religion in the formation of government. Meanwhile, regarding the evidences which will be mentioned in the present article, it seems Ḥasan Ḥanafī should be seen as one who goes beyond this three-fold perception, whose project (due to this) goes under a notable complication.

The main question in the present article is that how the view of Ḥanafī toward the relations between the religious law and government is configured in Islamic countries, on what pillars this interaction is based, and what its consequences are for the Islamic society. To realize this important point, first, the social-cultural milieu (i.e. the culture of power in the Arab world), which is identified by Ḥanafī, would be dealt with shortly. Meanwhile, the stance of Ḥanafī as for the roots of power in the Western culture and the consequences of such a power pattern in the contemporary Arab world would be pointed out. Later on, the theoretical approach of Ḥasan Ḥanafī in configuring the issue of government is analyzed, in addition to four categories of the political, the legitimate, the efficient government, and the pillars of legitimacy and acceptability of such a government. Finally, the approach and the structures are probed upon which Ḥanafī has dealt with the controversies of the issue of government and religious law in Islamic countries.

a) The culture of power in Arab world from the view of Ḥanafī

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Ḥanafī holds the contemporary experience of Arab societies – with the creation of the new government from the time of Muhammad ʻAlī Pāshā to Jamāl ʻAbd al-Nāṣir – began with the developments in industry, agriculture, urbanization, and naval fleet for business (Ḥanafī, 2009: 93). Religion, dominance, and gender as the cultural taboos in Arab societies have deepened the existing challenges.[۲] Localizing the roots of dominance in Arabic culture, referring the contemporary issues to the obsolete solutions, defending the leading jurists to help the government all the more via the media, and governing by one vote and avoiding the alternative votes all caused the intellectuals' inability for playing their role as a bridge between the governing structure and the members of the society. This led to the formation of a middle-class stratum of intellectuals who are totalitarian, who justify the dominance of the governor over the governed and encourage the obedience of the governors (Ḥanafī, 2005a: 8). He has pointed out various issues to depict the power culture of Arab world, some of which are pondered here.

۱. Relation between the religion and politics in the contemporary Arab thought

During the ethnic Arabic movement in 1960s, the communist culture and literature became rampant in Arab world and generations were cultivated based on this trend. Ḥanafī believes after shrinking the ethnic communist movement in Arab societies, Islamism increased. In this trend, government turned into a means to promote the Islamic culture and support it and, therefore, to attract people to the Islamic groups (Ḥanafī, 2009: 210-211). From the view of Ḥanafī, when an intellectual sees his cultural effort dependent on observing the politics or deems culture as politics and politics as culture, he limits himself to a red line which is made, on the one hand, by power, and on the other hand, by people, the violation of which seems impossible. His view is between the requirements of power and the rights of people, between practice in the framework of legitimacy and observance of people's interests (Ibid: 211). He objects the power relations and exertion of power at all social, administrative, and cultural levels. He eschews the form and quiddity of hierarchy as well as top-down decision-making and its transfer. He claims that social relations requires that power be exerted in a new form, the old frame of power, decision-making, and rule legislation be transformed, and new foundation be made based on collective cooperation. That said, according to Ḥanafī, relation between religion and politics is a general connection in the contemporary Arab mind. However, the clash between Islamic government and secular one is not an intellectual and epistemic conflict, but rather it is a conflict at the level of power between two conflicting politics (Ḥanafī, 2012: 69). Thus, he deemed the differences between the believers and their conflicts as to the issue of power as the root of tribalism in the history of Islamic civilization (Ibid: 66). To him, the supporters of Islamic government claim that Islam is both religion and government and is the official religion of Islamic

[۲] Al-Muḥarramāt al-thaqāfīyat al-thalātha: al-dīn wa al-sulṭa wa al-jins

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societies; religious law is its constitution that gets its governance from God. Ḥanafī claims that a view like this belittles the non-Muslim citizens of such a society. To him, religious alienation, identity, and the issue of government (Ibid: 41-45) always, in the contemporary era, have entangled the epistemic and operational milieu of Islamic world. He continues that this phenomenon becomes obvious when Muslim scholastic theologians and mystics encounter the Islamic legacy (Ibid: 45). This is an encounter by which the movement of society has been directed from the survival of human to the annihilation of these attributes (Ibid). That is, Ḥanafī claims the governing system of Arab society witnesses the human attributes are leaving it and the freedom limits of humans are depicted according to the human-like essence and attributes of God, which is termed as "*al-ahyāt maqlūba*" in the opinions of Ḥanafī. This is a condition wherein the status of text and human are exchanged and Ḥanafī claims in such a condition, humans are the servants of the interests of text, while the religious text should serve humans to provide their interests (Ibid).

۲. Encountering the issue of government in the world of Islam

To Ḥanafī, the most important approaches to encounter the issue of government in the world of Islam can be seen in the duality of religious government and civic government (Ḥanafī, 2013b: 47). Encountering the religious law as the center, he categorizes these approaches as follows: 1) reforming approach of Islamists with pioneers such as Sayyid Jamāl al-Dīn Afghānī, Muḥammad 'Abda, Rashīd Riḍā, Ibn Bādīs, and 'Abdulqādir al-Jazā'irī, on the one hand, and 2) liberal approach with pioneers such as Al-Ṭahṭāwī, Khayr al-Dīn al-Tūnisī, Ṭahā Ḥusayn, Al-'Aqād, Muḥammad Ḥusayn Haykal, Qāsim Amīn, and Khālid Muḥammad khālid and 3) secular, scientific approach of non-Islamists with pioneers such as Shablī Shamīl, Faraḥ Anṭūn, Nīqulā Ḥadād, Salāma Mūsā, Zakī Najīb Maḥmūd and 'Ismā'īl Maẓhar on the other hand. Some stances are notable in the reforming approach, an approach which (to face the supporters of the separation of religion from politics, at general, and the issue of government, in particular) deems the phenomenon of government not as a religious principle but rather as a peripheral issue which is attached to the religious principles. It sees the consideration of religious law and the execution of its principles as the basis for the formation of government. It asks for an "Islamic government" that, in the view of Ḥanafī, tries to preserve the presence of jurisprudence and religious law in the management of the society. Some of its slogans are: the governance of God is against the governance of mankind. Or, Islam is the only solution or the only alternative against the secular ideology. And even there is a slogan which claims that the correspondence of the social-political issues in the Islamic society with the Islamic law should be to avoid the fluctuation that exists in mankind's rules – which can change with the will of rulers (Ḥanafī, 2012: 55). This attitude has led to Islamization of human affairs like government and governance. The second stance configures the political around the concept of Imam

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and leader, and has brought about a political order based on kingship or inherited kingship.

Ḥanafī claims that in the Western liberal movement, government and its organization based on convention is propounded as the main issue. It is an approach which still takes religion to justify the modern pillars of politics, but sets convention and worldly transformations as the basis for its doings. Its produce is conventionalizing the vital issues of the society based on the findings of modern intellect. To Ḥanafī, such an order can only be realized by establishing a democratic order.

From the view of Ḥanafī, when the scientific approach is considered regarding the politics, the idea is to separate the religion from government decisively (Ibid: 32) and its produce is the continuation of Westernizing project without the need for religion to justify the issues because the West is considered as the reference of intellect, the origin of knowledge, and the instance of modernity (Ibid: 33).

٣. Tyranny, colonialism, and modern government in Arab countries

Based on Ḥanafī's rheology (encountering the phenomenon of government in the world of Islam and also the formation trend of the phenomenon of modern government in these societies – during which some affairs occurred like when the capacity of "religious texts" was activated for the religious movements and also the conventional politics dominated the non-religious movements) (q.v.: Ibid: 30), Ḥanafī configured the status of the existing Arab culture, in comparison with the West, as pre-modern and the West as post-modern (Ḥanafī, 2005a: 21). Moreover, he saw the activity scope of the pioneers in the first period of Arab movement limited to the colonized status of Islamic governments, and the second period of Arab movement focused on the liberation from the domestic tyranny (Ibid: 13). Depiction of such a status has oriented the thinking course of Ḥanafī as for the issue of government.

That said, the course of social-political movements of Arabs is realized under the influence of some issues such as foreign and domestic colonialism, liberation of the motherland from the foreign forces at the beginning of these movements, and liberation of citizens of the society from the despots (Ibid: 8). To him, the dominance of religious approaches has led to the formation of political tyranny, the results of which are the prioritization of obligations over the rights, limitations for the hidden attitudes, avoidance of the permissible, and departure from freedom (Ḥanafī, 2012: 30). In contrast, he has deemed the formation of homeland governments in Arab countries the result of the activities for liberal identity (Ibid: 35). In his view, the slogan of liberals is that right is above power and nation above government (Ḥanafī, 1988, vol. 5: 473-475).

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The present part provides the base to assess the view of Ḥanafī; after expressing the theoretical aspects of his view, the configuration of the issue of government between the religious law and conventional politics is dealt with.

b) Ḥanafī's political view as for the issue of government

To Ḥasan Ḥanafī, the configuration of the issue of government is based on certain theoretical aspects. In his view, the science of the principles of religion, in fact, is the science of politics and political theory, and the political ideologies in such a science are affected by religious beliefs. To him, by analyzing various theological theories and currents, it can be concluded that all of them are nothing but a political dispute (Ḥanafī, 1988, vol. 5: 122-136). Therefore, the Islamic law and conventional politics are obviously interwoven in the political thought of Ḥanafī.

١. The political

Ḥanafī holds an attitude which is based on dialogue approach. Every political religion tries to defeat the rival movements. What is the true encounter with the existing status of Arabic, Islamic societies is that one should recognize the nature of the historical stage through which the society passes in the course of history. In a sense, he believes historical awareness is the very awareness as for the narrative of "I" in history which makes the basis of civilization awareness. As to the Arab society, this has been the passage from one stage to the next stage, from old to new, from tradition to modernity, via resorting to the originality and contemporariness to preserve the Arabic, Islamic identity in the course of history.

To Ḥanafī, the depiction which is manifested in the Islamic movements from the political is that it is configured with an absolute approach (regardless of temporal and spatial requisites as to Islam). they have dealt with slogans like "Islam is the solution", "Islam is the alternative", "governance is for Allah", and "Implement the religious law". Furthermore, via resorting to the classic political history, they have put forward the government of caliphs and emphasis on the religious law and the unity of nation. They have claimed that Islamic government is formed based on the unity of belief and the rampancy of such a perception, and not based on geographical features as well as bias.

From the view of Ḥanafī, since the scope of the effect of religious law in human life is based on the visible world, and nobody is aware of the Unseen except the sublime God, therefore to him, dealing with the Unseen and setting it as a basis for interpreting the existence of human and his society is a suggestion by the enemies of Islam. He deems it as the most essential weapon of the new capitalism to encounter the world of Islam. To Ḥanafī, our belief in the Unseen, our dialogue about it, our perception of it and our difference as to it, and its excommunication by those who deny or interpret it all are beliefs for the interest of a capitalistic religion. It is where

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we are victims of capitalistic religiosity, where we believe in capitalism in place of religion but mistakenly think that we believe in the religion of Islam.

Ḥanafī sees people as the base of the pyramid of the political against the government as the top of the pyramid of the political. He gives primacy to people because he believes there can be a base without top but there is no top without base. To him, people, at any rate, are the very factor which advances the history, and its leaders have also embodied such a historical spirit. Therefore, the form of the political system is not a priority for Ḥanafī; rather, he believes that political system should endeavor to realize justice in the society and avoid oppression (Ḥanafī, 2005a: 49). Following on this, to him, justice is the base of the government, and not faith. The faith which is not manifested in justice is oppression, as the disbelief manifested in justice is the very faith (Ibid: 49-50). To Ḥanafī, oppression in the world was the cause for the revelation of religious law (Ibid: 50).

He holds Shī'a scholars were mainly the leaders of revolutions by people, and this has led the political among Shī'as to emphasize this point that politics is basically religion and wisdom. Later on among the believers of this denomination, this thought entered the philosophy of their history so that they would recognize the role of nation, the destiny of human groups, and the continuation of eras. In fact, this philosophy is based on development, revolution, salvation, and emancipation (Ḥanafī, 2008). This is whereas, to him, Sunnis were the dominant current, and the one who has owned the history has brought about this power via control of language. But Shī'as always were in conflict with the dominant power and the one who has owned the language has caused the movement of history (q.v.: Ḥanafī, 2005c).

۲. The legitimate

To Ḥanafī, the issue of theory and practice (faith) should be analyzed based on the intellect and reality. Practice as part of the issue of faith is different in various societies with regard to their social and political situation. The oppressive societies do not define "the legitimate" as the oppressed societies. They, unintentionally and in contrast to each other, define the legitimate in their own way. To him, this means the historicity of sciences such as jurisprudence whose duty is to determine the legitimate deed. That said, to Ḥanafī, religious law (in order to provide the common interests of mankind) is a comprehensive issue, which belongs to all walks of economic, social, legal, and martial life. Moreover, religious law is open against the Ijtihad (scholarly investigation) of scholars. Using a narration, which is considered by Sunnis as the most important means for legitimate politics, Sunnis claim people know their own worldly life better. But to Ḥanafī, intellect is the pivot of all affairs and no safety valve for beliefs can be other than the intellect. Intellect draws the finesse between the good deeds from the bad one. The basis of religious law should also be the intellect; it is the foundation of accepting the narration (Ḥanafī, 1988, vol. 3: 397-

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433). In addition to explicating the issue of permission for the abrogation of religious law as well as exploring and criticizing the various views as to this issue, he holds that there is gradual change about the phenomenon of prophethood. This gradual change had continued to the stage of human's intellectual maturity. Basically, prophethood is a means for the intellect of the human to reach independence and maturity. Therefore, humans need prophethood so that they can increase their awareness. They can attain independence, an independence which is based on their intellect and innate volition. He believes that the finality of prophethood is realized in the last stage of revelation's gradual change, i.e. the time of the Propjet of Islam (s). Therefore, the last religious law abrogates all the precedent religious laws due to the gradual change, the enhancement of history, and the perfection of prophethood (Ḥanafī, 1988, vol. 4: 109).

Ḥasan Ḥanafī explores and criticizes this issue regarding the necessity of prophetic mission, and the possibility of prophetic mission. As to this, he considers sending prophets by God as permissible. To him, assertion as for the necessity of prophethood (both intellectually and legitimately) leads to the destruction of intellect and science. Those who deem the prophethood necessary weaken the theoretical and intellectual bases of the society and the establishment of a political system for it because they see no share for the human intellect to arrange the social relations (Ḥanafī, 1988, vol. 4: 51-52). In addition to analyzing the arguments put forward as to this part, Ḥanafī believes that prophethood, in fact, is a means for the intellect to reach its perfection. The implausibility of prophethood is significant when the intellect has reached its final stage of perfection. But prophethood is not impossible at all in the stages before the perfection of intellect (Ḥanafī, 1988, vol. 4: 45).

To continue the discussion of prophethood, he puts forward the issue of imamate (guardianship). To him, imamate is a kind of connection, allegiance, and will which sets imam as the representative of the nation. It is an option for people to be ruled by whom, and not that Imam is the deputy of God or the vicegerent of the Messenger of Allah. To Ḥanafī, this condition is closer to the civic government than to its denial (Ḥanafī, 2013b: 47), and that imamate – opposite to the opinion of Shī'as – is not provable also by the text (Ibid: 171-173). Therefore, imamate, to Ḥasan Ḥanafī, is a covenant which is provable at the beginning via allegiance (Ibid: 193-194).

To Ḥanafī, not only imamate but also the interests of religious law are closer to the general interests of members of the society than to the religious and political interests such as the five necessities: life protection, intellect, religion, honor, and wealth, which are all integrated. To Ḥanafī, effort to realize each of these necessities in the society is, at the same time, both a religious and political doing (Ḥanafī, 2013b: 47); it is the duty of the government to realize the religious order. Nonetheless, to him, religious legitimacy is only a justification for the existing political power (Ḥanafī, 2005a: 109). When unity happens with justice, doctrine with religious law, and

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perception of system with governance (as it is propounded by the contemporary Islamic notables), the quintessential relation between the culture and politics is shown (Ḥanafī, 2009: 210). The disagreement of Shī'a and Sunni about imamate is a political disagreement which has changed into a cultural issue: choosing by text or by people. Moreover, the difference about the incompatibility between the faith and practice has been transferred to the arena of culture, leading to the three approaches of Kharijites (unity of practice and theory), Murji'ah (referring the deed to the faith), and Mu'tazila (the station between the stations). And also institutions are formed to realize the most complete form of such a relation between enjoining the good and forbidding the bad with Ḥasbu, which tried to adjust the law to the interests of people without fraud and deceit (Ḥanafī, 2009: 209-210).

٣. Efficient government

To Ḥasan Ḥanafī, the contemporary political Islam has turned into one of the hereditary forms of the relation between the culture and politics (Ibid: 210). The basis for the efficiency of any model of the government, to Ḥanafī, is the proper encounter with the existing reality of the environment in which this form has been shaped. Here, philosophy is the thought and history is the reality, and politics is the very bridge which connects the thought and reality. The realization of thought in reality (Ḥanafī, 2003: 418) is the origin of thinking and intellectual transformation. Such a transformation surpasses the social changes and political order (Ḥanafī, 2009: 208).

Ḥanafī claims that the efficient government depends on the personal doings of humans as well as their collective acts in the form of government (as a political system) (Ḥanafī, 1988, vol. 5: 319-321). Therefore, to him, the duty of the Imam of society is merely practical and not religious legislative. Imam is not the deputy of God and His Messenger for people. Rather, it is an option by people to be ruled by whom. To him, the efficiency of religious governments should be reassessed based on this point. Practical, religious rulings which issued according to this principle in the Islamic society all have been based on historicity and also the political incentives at the backstage. According to this, Ḥasan Ḥanafī points out the historicity of theology and jurisprudence.

٤. Legitimacy and acceptability pillars of government in Islam

To Ḥanafī, the domination of a conservative approach over the political, for which the public agency is also considered one of its administrators, led to bureaucracy; the governing system waited for receiving the policy makings and instructions in a top-down form, and political frameworks or executive organizations lacked the initiatives. Following on this, the widespread participation of people was not available for planning, execution, and assessment of the development course. The participation of people decreased owing to the crisis of democracy in the region. In

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his view, as long as the opinions of people as to policies are not accepted by the governing systems, naturally they do not take part in the execution of governmental plans and policies (Ḥanafī, 1998: 48).

In the view of Ḥasan Ḥanafī, the discussion of the legitimacy and acceptability of the political (based on the religion) should be considered part of the fundamental principles of religion, and not a discussion of the derivative principles of the religion. He sees the political position the reason for such a view, which is related to the social life of the religious society (Ḥanafī, 1988, vol. 5: 144-146).

Later on, Ḥasan Ḥanafī provides a psychological-sociological analysis of imamate and its extra-human features to those who believe in it from various sects. He holds the psychological conditions of the dominated society plays a part to create such a belief. He talks about the social illusions of these societies in creating and elaborating the extra-human attributes of imam (Ḥanafī, 1988, vol. 5: 213-218). To him, with regard to the concept of the finality, employing a concept named "imamate", which is after the process of prophethood, is absolutely meaningless. He holds the belief of imamate is made by extremists, and rejects it. In his view, such a phenomenon (imamate), in fact, contradicts the very philosophy of revelation and opposes the concept of the gradual change of revelation; in effect, it contradicts the very prophethood. In the stage of finality of prophethood, and not imamate, the general Ijtihad (scholarly investigation) in the world of Islam should start and the mankind who has reached the stage of its intellectual maturity should use the intellect to organize his life. But the concept of imamate causes –even after finishing the era of prophethood –the prophethood to continue; it marginalizes the intellect and, as a result, Ijtihad stops in the religious law. Imamate means humans always need a successor for the prophethood so that they can be supervised, guided, and managed (Ḥanafī, 1988, vol. 4: 124-125). In other words, imamate is nothing except overgeneralizing the prophethood to those who are not prophets, whereas prophethood is a unique incident which is not repeatable. Prophet is the connecting link between the source of revelation and the others, a unique and special means. This is whereas the duty of imam is something practical and does not have a theoretical duty. However, the duty of imam has developed in the oppressed and dominated societies and has permeated the theoretical arena (which is exclusive to the prophet (Ḥanafī, 1988, vol. 4: 130-131).

To Ḥanafī, in order to get out of the crisis of illegitimacy and unacceptability of the dominant governments in the contemporary Islamic societies, these should be set aside: the claim of holding the truth and locking the door of Ijtihad on the one hand, and movement from words, perceptions, and beliefs to acts to realize the common interest and mutual goals on the other hand; there should be a practical, useful, and futuristic dialogue between the two sides (Ḥanafī, 2009: 51).

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In the view of Ḥanafī, Islamists claim that Islam is the only solution; this leads to the worsening of social challenges, day by day, wherein there is no ability to leave these challenges. Shouting the slogan of "Islam is the true prescription and facilitator" also means frustration as for the contemporary political experiences such as liberalism, socialism, and capitalism, the futility of which is shown by the passage of time. That "governance belongs to God" means the legislation process by humans (which has gone under temporal and spatial changes) has been a puppet for the rulers, the interests of social strata, and clashes between the powerful figures of the world. And shouting the slogan "adjusting the Islamic law to the society" is also an indication of people's exasperation under the endorsed civic rules and their being pressurized in their daily lives. Therefore, it has been pretended that rules are to call off the interests, not to realize the interests (Ibid: 83).

c) Assessing the political theory of Ḥanafī as to the relations of government and religious law

The pivot of the considerations of Ḥasan Ḥanafī's thinking project is the collective awareness as to the relations of religious thought and social reality as a lived experience of the Islamic society including the politics and non-politics (q.v.: Ḥanafī, 1996: 6-7):

١. To encounter the issue of power and its constituting elements, Ḥanafī begins with creativity in using a phenomenological approach from an ideological perspective. This causes him (in place of a mere focus on a philosophical and thinking consideration) to address all the people of the society via power as well as the dialogue with the elites and thinkers. Therefore, he deals more with the ideological system of power and its rotation than the etymological criticism of the issue of government (q.v.: Hānī, 2006: 109). To unite the diversity and enormity of the political currents and trends in Arab world, the version of Ḥanafī is based on a unified structure and firm foundation wherein it is built – in place of assessable and valid epistemic limits – on an identity-civilization limit so called the Arabic-Islamic civilization. This makes it difficult and ambiguous to evaluate the work of Ḥanafī precisely because the audience faces a project which is not limited to the Islamic epistemic and contextual limits, though it uses the religion-based epistemic capacities. It does not even accept the requisites and consequences of using non-Islamic ideas, but rather it covers a larger arena by trespassing them. It claims that an idea can be verified via its efficiency, not via issues which consider the truth or falseness of their constituting propositions.

٢. In contrast to the seculars of Arab world, Ḥanafī does not see religion a posthumous idea, and idea in which Islam has nothing to do with the worldly life and worldly and social affairs and that it sees the affairs in the helm of human's science, intellect, and strategy. Moreover, in contrast to the early

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Arab Muslims who regarded Islam only exclusive to the Arab part of the world and saw others out of the circle of Islam, Ḥanafī (with leniency) considers Islam as the collective culture of Arab and non-Arab Muslims and even Arab non-Muslims (q.v.: Ḥanafī, n. d.: 76). However, by denying the religion as an actual fact and the "extra-temporal and extra-spatial features of the propositions of revelation" (q.v.: Ḥanafī, 2012: 46), and also contrasting the courses of legitimate and intellectual arguments to organize the human life, Ḥanafī (for analyzing the vital affairs of the society) claims that, first, identity as a changing factor should be considered as a basis for gathering the various approaches of the society around the pivot of intellect, not around the pivot of religious narrations and texts. To him, this causes disunity and dispersion (Ibid). Therefore to him, religion is an issue which has been the result of propounding the question as to the human life and its answer by revelation (Ḥanafī, 1996: 19; Id, 2012: 47-48), that everywhere and every time, this propounding of the question and creativity to answer it should carry on. Based on Ḥanafī' idea, the extant answers are entangled with the society of the time of revelation. Therefore, his idea results in this opinion that one cannot consider a station for most of the Qur'ānic and religious propositions of Islam in a place and time other than the era of revelation and the Arabian Peninsula. In this view, although religion is limited to the human questions from the World of Sanctity, with the finality of prophethood and inaccessibility of an answerer who is connected with the revelation, a serious deficiency would be imposed on the religion for answering the needs of the times and places other than the times and places of the revelation era. To him, change must happen at any cost.

۳. Furthermore, Ḥanafī claims that spawning the holy text out of such a process is like a double-edged sword whose result would be the clash of identities. To avoid such a clash, he holds that one should trespass the religious arguments which are based on verses and narrations. According to this, he claims there is nothing holy as "religious thinking", but rather it is all identity encounters of people with the holy text and the result of class efforts (originating from the social realities which have been continuously narrowed and broadened). This is where if there were no actual self out of the human existence for religion, there would be no gauge to assess the personal and collective religiosity and religious conduct of the societies. As a result, the criteria for the truth or falsehood of religious thinking would be reduced to the conventional epistemic standards, and would not be able to assess the quality as well as the quantity of religiosity in the societies. Based on the verses of the Qur'ān, it sees a particular right for the Prophet (s) to legislate rules and regulations in particular situations and based on the changing temporal and spatial conditions, which the believers must oblige to the rules issued by the Messenger of God (Miṣbāḥ Yazdī, 2015: 18-19). This is clear

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through the continuation of revelation and continual supervision of people's religiosity by the sublime God (as it is displayed in the Abrahamic religions). That said, although the science of jurisprudence principles, to Ḥanafī, is the main aspect of Muslims' methodology to face the scientific issues in the society (Raffā'ī, 2000: 217), and is regarded as a criterion for religious thinking to him, the function of this science in these conditions would be nothing more than the collective agreements to attain the conventional recognition.

٤. If it is accepted that the revered Messenger (s) has honors and stations among the nation – the station of prophethood and prophetic mission; the station of reign, presidency, and politics; the station of judgment and legal governance (Khumaynī, 194: 105) – then, based on assumption, the governing rules and Islamic government are organized based on the religious law. This is because today the needs of Muslims are met and organized, for the general interests of all people, by an institution named the government. Not only impingement of people's assets, life, honor as well as their personal and social aspects by the governments (Khumaynī, 2006, vol. 1: 28-68) but also compensation for the loss imposed on the life, assets, and honor of the people of the society are part of the indispensable duties of governments (Khumaynī, 2006, vol. 15: 101; vol. 21: 188& vol. 8: 166). Establishing the justice, administering the people's rights, and observing the fairness are of the essential responsibilities of the Islamic government. In this view, basically Islam is for the establishment of the just government, and the entire fiscal and penal rules of Islam are based on justice and expediency (Khumaynī, vol. 2: 460). This is whereas Ḥanafī is closer to those readings of the religion which are not real. He explicitly says that basically the propositions based on the religious verses and narrations as to the religious phenomena and issues (their meanings and descriptions) do not allude to a physical, effectual, and really existing affair. Ontologically, one cannot offer an opinion about these propositions, and they merely instigate the personal and social incentives for changing toward the betterment and moving toward the future.

٥. Ḥasan Ḥanafī, everywhere in his intellectual project, he deems the heard materials (as a reason for the religious beliefs, all the more the two issues of prophethood and hereafter) as week; following on this, he rejects the legitimacy of resorting to the oral sources of religion. To him, narrations and traditions – whether recurrent or singular – are not so able to organize the religious belief systems as well as the affairs related to the religious ontology and religious epistemology. In place of tradition, he gives primacy to intellect and intellectual arguments to understand a conviction and its ensuing belief. He also reviews the intellectual arguments which the theologians employ to justify their beliefs; he propounds other reasons like the social and political background as well as the power system which suggest the desire for such a

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belief. Based on this, the root of all doctrinal systems is historical, and they are reproduced according to the historical requisites.

٦. The image which Ḥasan Ḥanafī provides (regarding the social-political aspects of the divine Prophet and Messenger and that of the prophethood process) differs extremely from the conventional image. In his image of the phenomenon of prophethood, the process of "prophetic mission" is accentuated, not the Prophet himself. As a result, via taking a physical approach, how the Prophet himself connected with the World of Sanctity and also his means lose their importance. What matters to him is the Prophet's preaching aspect and his goal of this preaching. Discussions like the quiddity of "religious experience" and the how-to of the revelation and the noble Qur'ān descending and to the Prophet (which are the important discussions in the Qur'ānic sciences) lose their validity. As to the finality which is the last stage of divine revelation in human history, he sees the maturity of human intellect the basis for finality. He claims that intellect has reached its independence, and the station of human has reached the freedom of will. To him, it is owing to this station which finality finds its meaning. Therefore to him, narration related to the divine miracles of the Prophet of Islam (like the other preceding prophets) is basically incorrect, and the violation of natural rules for people who have reached intellectual independence is meaningless.

٧. He also introduces the understanding of prophethood and hereafter in the circle of human awareness. Finally, he deems a kind of religious unrealism as for the hereafter and most of the concepts and descriptions which are used for it. This way of judging by Ḥasan Ḥanafī, which is the result of his methodology for explicating the religious beliefs, lastly empties the religion from the holy, and has nothing to do with the Islamic, religious way of living.

٨. Criticizing the function of imamate in the political organization of the Islamic societies and separating the realm of insight and theorization from the realm of action and practice – the first is the duty of the prophet and second is the duty of imam – Ḥanafī sees the legitimacy and acceptability of the political system in Islam dependent on not having a claim for the possession of truth and the lock of Ijtihad door on the one hand, and changing the words, perceptions, and beliefs into acts to realize the common interest and common goals on the other hand. This is where a practical, useful, and futuristic dialogue can be shaped between the two sides of the dialogue. This is whereas expediency and practical dialogue between two sides can be the criterion for the preference of an idea when there is no divine or intellectual reference, but in the Islamic system, there are such criteria. Moreover, a powerful minority, using a wide range of propaganda, usually plays a major role to orient the thoughts and opinion of others. In fact, what is endorsed is the wish of a limited but powerful minority, not the real wish of a majority or the entire people (Miṣbāḥ Yazdī, 2015: q.v.

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http://www.mesbahyazdi.ir/node/5472). However, the view of Islam as to this is that the political system of the Islamic society should be arranged in a way that the common interests of the people of the society should be provided, all the more those who strive to attain human perfection and eternal salvation. Accordingly, such a rule should be endorsed by someone who has enough awareness as for the real and eternal interests of humans. Secondly, such a person should not sacrifice the common interests for personal interests and transient whims. It is obvious no one is wiser than the sublime God, the One who does not need the Servants and their acts, and His laws are to provide the interests of those Servants (Miṣbāḥ Yazdī, 2015). Of course, the social rules mentioned in the heavenly books do not present all the required social rules of all the times and places. However, the religious laws include generalities and frameworks by the observance of which the required rules can be inferred for the changing temporal and spatial conditions. At least, by observing the limits, one can be secured from the eternal, deadly abysses. For the most part, via analyzing the station of the prophet and imam (without regarding the requisites of the Time of Occult to understand the teachings of imamate among Shī'as) Ḥanafī deems no other form of political order except retaining the element of Ijtihad and the consensus. This is whereas at the Time of Occult and also in the lower ranks of leadership, under the conditions which are considered relatively valid and proportionate to the governmental posts, one should seek a system which is more similar to the infallibility of the prophet and imam, and assumes the station of infallible function of managing the society. By being so, one has a better understanding of the rules, regulation, principles, and foundations of that system. Such a person is more pious and has more continence. By having these two essential conditions (jurisprudence and piety), that person violates the rules of Islam lesser whether by the intentional misdoings or inadvertent ones.

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Conclusion

The main goal of the present article was to assess the view of Ḥasan Ḥanafī critically (the relations of religious law and politics in the configuration of government). First, the power culture in Arab world was explored from the view of Ḥanafī. It was shown, in his view, the new issues in the Arabic, Islamic countries are down to the new changes which have happened to the government. Two crises of colonialism and tyranny have directed the capacities of activism of the world of Islam toward a particular target, and are the origin of forming the various links between the divine religions and human politics. To understand these links and happenings in the Islamic countries, Ḥanafī has explicated some concepts like the political, the legitimate, and the efficient government, which

can pave the way for assessing his thoughts in this arena. Therefore, after reviewing his ideas, the most important flaws – related to the researched issue – were dealt with. It was shown that Ḥanafī is like some of the contemporary Muslim thinkers who are suggested the world of Islam is in a state of backwardness and that it is necessary to provide conventional answers to some challenges such as the issue of government, legitimacy, and how to organize the government. Although Ḥanafī is one of those who realized the more essential issue in the realm of the political, i.e. to play on the field of Westerners), he played a role by staying on a part of this playfield. This was because the Western modernity (for the issue of development and advancing government, whether liberal or socialistic) had determined a target whose course passed a certain area. The political, the formation of the efficient government, and above all, the pillars of legitimacy and acceptability of such a government changed into recent challenges for the Islamic societies. In Ḥanafī's thinking, non-Western versions of managing the society like religious law with its entire constructive capacity were marginalized, and this would lead to a great many epistemic and structural challenges itself.

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