

## Professor Mohsen Kadivar

### “The Situation of a Clear Statement of Complete Intention” A Case Study of the Second ‘Necessary Preliminaries of Wisdom’ in ‘Absolute Expressions’

Absolute or unrestricted (*muṭlaq*) versus delimited (*muqayyad*) is a key area in the study of language and meaning (*mabāḥith al-alfāz*) in Islamic Legal Theory (*uṣūl al-fiqh*). It deeply affects the understanding and interpretation of the apparent linguistic (*ẓāhir*) indication of Scripture and Tradition (Sunna), thereby deducing new, or justifying pre-existing, jurisprudential, ethical, and theological knowledge of Islam. This section in *uṣūl al-fiqh* includes three major chapters: preliminary discussions, the rulings of absolute expression (*aḥkām al-iṭlāq*), and the rulings when both absolute and delimited expressions coexist. The second chapter is divided into the utterances of absolute expression (*alfāz al-iṭlāq*) and the quality of indication of these utterances to absolute expression.

This paper focuses on how the absolute (*muṭlaq*) indicates absolute expression (*iṭlāq*) and comprehensiveness (*shumūl*). Is this implication by designation (*waḍʿ*) or does it depend on context (*qarīna*)? Among Shiʿite Uṣūlis, the dominant approach since the 11th AH/17th AD century is the necessity of general context (*qarīna ʿamma*) for absolute expression (*iṭlāq*). This general context depends on the realisation of a few necessary preliminaries, which are called “the necessary preliminaries of wisdom/rationality” (*muqadammāt al-ḥikma*).

There are at least three necessary preliminaries: first, the possibility of absolute and delimited expression; second, the speaker (*mutakallim*) must be in “the situation of a clear statement of complete intention” (*maqām al-bayān li tamām al-murād*) and not in “indetermination” (*ihmāl*) or ambiguity (*ijmāl*); third, the negation of what requires specification (*taʿyīn*). The focus has been on the second preliminary, analysing its boundaries and meaning.

How can we determine if the speaker—here, the Lawmaker (*Shāriʿ*)—is in the “situation of a clear statement for complete intention”? What are its precise criteria? This paper examines holding absolute (*al-tamassuk bi al-iṭlāq*) in various fiqh cases and argues for a revision. If the Lawmaker’s situation is unclear, what does the foundational principle (*al-aṣl al-awwālī*) require?

Focusing on Imāmi *uṣūl al-fiqh*, this paper also provides a comparative analysis with Sunni *uṣūl al-fiqh* and linguistic philosophy. It comprises three sections: an overview of absolute and delimited (*muṭlaq wa muqayyad*), a literature review of “the necessary preliminaries of wisdom” (*muqadammāt al-ḥikma*), and the criteria for “the situation of a clear statement of complete intention” (*maqām al-bayān li tamām al-murād*).



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Mohsen Kadivar is a research professor of Islamic Studies at the Department of Religious Studies, Duke University (US). His work is at the intersections of “Islamic Studies”, the contemporary “Intellectual History” in the Middle East, and the “Philosophy of Religion”. His primary interests span both classical and modern Islamic thought. Kadivar is known for his work in advocating for the compatibility of modernity with reformist Islam. His books, “*Blasphemy and Apostasy in Islam: Debates in Shi’a Jurisprudence*” as well as “*Human Rights and Reformist Islam*,” (both Edinburgh, 2021), reflect his arguments in this regard. He has authored numerous books and scholarly articles in Persian, some of his works translated into other languages. Kadivar’s forthcoming books are titled “*Governance by Guardianship*,” (Cambridge), and “*The Illusion of Islamic Theocracy*,” (UNC).