**RESEARCH ARTICLE**

# Speech Acts in Ibn al-Qayyim's Juristic (Uṣūlī) Ijtihād: A Pragmatic Approach
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## Abstract

This article examines speech acts in Ibn al-Qayyim's uṣūl al-fiqh reasoning through a pragmatic approach that forges a link between the heritage of legal theory and modern speech-act theories as developed by Austin and Searle. The study begins by tracing the presence of khabar (informative discourse) and inshāʾ (performative/constitutive discourse) in Ibn al-Qayyim's writings, and by showing how he transformed them from a merely formal classificatory division of texts into a network of speech acts endowed with felicity conditions and with juridical, ethical, purposive (maqāṣidī), and social dimensions.

Within the domain of khabar, the article reveals Ibn al-Qayyim's branching out of acts such as: narration, fatwā, testimony, litigation claim, confession, denial, conclusion, and proof while clarifying the rational, transmitted (textual), and pragmatic conditions that make each act effective and operative in reality. These include, for instance: integrity and precision in narration; understanding the concrete situation in fatwā; the centrality of justice in testimony; judicial binding force in litigation; the immediate legal effect of confession; the reformative dimension of denial; and argumentative strength in conclusion and proof.

As for inshāʾ, the article highlights how Ibn al-Qayyim invested the two forms of command and prohibition in constructing an integrated normative system from which the acts of obligation, recommendation, permissibility, prohibition, and reprehensibility are generated together with special attention to lexical indications, contextual cues, and a critique of the terminological shifts that affected the concepts of permissibility and reprehensibility among later scholars.

The study concludes that Ibn al-Qayyim offers an early model of an "Islamic pragmatics," in which legal discourse becomes a complex communicative act grounded in the interpenetration of uṣūlī, maqāṣidī, ethical, linguistic, and social dimensions opening a fertile horizon for scholarly dialogue between contemporary linguistic studies and the uṣūl tradition.

**Key words:** Speech acts, Ibn al-Qayyim al-Jawziyyah, Uṣūl al-fiqh, uṣūlī ijtihād, khabar and inshāʾ, pragmatics, pragmatism.

## Introduction

The attention of uṣūl scholars to distinguishing informative discourse (khabar) from performative discourse (inshāʾ) was not merely a formal exercise in classifying sentences. At its core, it was an attempt to understand how revelatory discourse operates in the lived reality of morally responsible agents: how it generates rulings, arranges effects, and regulates relationships between individuals,

society, and legitimate authority. In this context, Ibn al-Qayyim al-Jawziyya stands out as one of the figures most adept at anatomizing the functions of normative speech and its connection to purposes, effective causes, and contexts.

Yet many modern linguistic studies treat speech-act theory as a purely Western achievement, overlooking the deep roots of the idea of "speech action" in the uṣūlī, juristic, and judicial legacy. From here arises the central problem of this article, which may be formulated in the following question:

To what extent can one speak of an integrated "pragmatic conception" of speech acts in Ibn al-Qayyim's uṣūlī ijtihād? And how does his reading of khabar and inshāʾ contribute to founding an Islamic pragmatics that precedes or stands parallel to modern speech-act theories?

Several subsidiary questions follow from this problem, such as:

1.How does Ibn al-Qayyim redefine the acts of narration, fatwā, testimony, litigation claim, confession, denial, conclusion, and proof as speech acts possessing felicity conditions, rather than as mere linguistic forms ?

2.What mechanisms does he employ in moving from command and prohibition forms to the rulings of obligation, recommendation, permissibility, prohibition, and reprehensibility ?

3.What purposive (maqāṣidī), ethical, and social dimensions does he connect to these acts within juridical, fatwā-based, and educational spaces?

In light of this, the article aims to:

1.Re-read Ibn al-Qayyim's uṣūlī texts (especially: Iʿlām al-Muwaqqiʿīn, al-Ṭuruq al-Ḥukmiyya, al-Ṣawāʿiq, Ighāthat al-Lahfān…) from a pragmatic angle that brings out his implicit conception of speech-act theory.

2.Analyze the speech acts emerging from khabar in his work narration, fatwā, testimony, litigation claim, confession, denial, conclusion, and proof, while defining their felicity conditions and their functions in legal, judicial, and social reality.

3.Clarify the speech acts emerging from inshāʾ, particularly from command and prohibition, and the manner in which rulings of obligation, recommendation, permissibility, prohibition, and reprehensibility are generated from the structure of the textual discourse and its contextual indicators.

4.Highlight the interlacing of uṣūlī, maqāṣidī, ethical, and linguistic dimensions in Ibn al-Qayyim's project as a nucleus for an Islamic pragmatics one that can be employed in renewing the study of uṣūl al-fiqh and opening a critical dialogue with contemporary linguistic theories.

The article adopts a descriptive-analytical method, tracing terminology in its locations, reading texts within their contexts, and then comparing them with central concepts in modern speech-act theory (felicity conditions, illocutionary force, context, speaker intention…) without forced projection or claiming perfect equivalence, but within a calm dialogue between a deeply rooted uṣūl tradition and a contemporary linguistic achievement.

**First: Speech Acts Emerging from Informative Discourse**

Uṣūl scholars classified informative discourse according to its relation to reality (truth, falsehood, and their degrees), while taking into account the state of the discourse, the state of the informant, the nature of what is reported, and its relationship to participants thereby forming a precise pragmatic framework for reading texts.

Ibn al-Qayyim adopted this framework and derived from khabar multiple speech acts (narration, fatwā, testimony, litigation claim, confession, denial, conclusion, proof), each with felicity conditions and a specific context that determines its force and pragmatic function. He paid particular attention to detailing narration and testimony.

## 1-1-The Speech Act of Narration

Narration is an illocutionary speech act based on transmitting speech in a preserved manner from its original source through isnād, and it generally pertains to a public report shared among people unlike testimony, which is tied to particulars.

For Ibn al-Qayyim, narration becomes a felicitous act when it is accompanied by truthfulness, integrity, and vigilance, because it is a conveyance of meaning with due regard to purposes aiming at a sharʿī end such as teaching the ignorant, reminding the heedless, and condemning wrongdoing

### 1-1-1-Felicity Conditions of Narration: Rational and Transmitted Controls

Ibn al-Qayyim lays down strict conditions for an effective narration, which can be classified into three dimensions:

**The informative dimension: conditions of truthfulness**

*Conformity to reality: it is not permissible to narrate what contradicts the definitive principles of revelation or the self-evident truths of reason.[1]

*Reliability of the chain: the narrator must possess integrity and precision, lest narration become like building on no foundation.[2]

**The communicative dimension: conditions of conveyance**

*Clarity of expression: the wording should be free of complication, because eloquence is clarification of intended meaning .[3]

*Observing context: "Address people according to the measure of their minds," and do not burden them with knowledge their understanding cannot bear .[4]

**The impact dimension: conditions of acceptance**

*Readiness of the recipient: speech is not delivered except where its acceptance is hoped for; acceptance depends on the heart's preparedness .[5]

*Trust between interlocutors: when trust collapses, obedience collapses; trust is the root of assent .[6]

And its effect (its "ruling") extends to "the narrator and others across the passage of time" .[7]

Ibn al-Qayyim did not stipulate number or maleness for the act's validity; thus, these are the conditions required in the act of narration so that it achieves felicity. Austin expressed such conditions

under what is known as felicity conditions, while Searle termed them preparatory conditions (touching capacity and eligibility) and a sincerity condition in belief and its expression.

### 2-1-1-Foundations of Effective Narration

Ibn al-Qayyim's conception of effective narration can be grounded in five core foundations:

\* The uṣūl foundation: the narrator must adhere to the rules of ḥadīth criticism; he says: "Narration is not accepted until both chain and text are examined: chain is a condition of soundness, and text is a condition of acceptance" .[8]

\* The maqāṣid foundation: he links narration to the purposes of the Sharīʿa; any narration that achieves no benefit or repels no harm is mere idle talk.[9]

\* The ethical foundation: he insists on freedom from frivolity "Justice in transmission is obligatory even with adversaries; falsehood is not repelled by falsehood like it" .[10]

\* The rhetorical foundation: he observes appropriateness to the situation, holding that prolixity where brevity is required is a betrayal, and brevity where elaboration is required is a deficiency.[11]

\* The social foundation: he presupposes understanding the addressees' customs; speech is not interpreted except after grasping the speaker's convention, for convention is a partner in meaning.[12]

Ibn al-Qayyim thus offers an advanced model of narration that goes beyond mere transmission into a triadic communicative act (transmitter–text–recipient) within an ethical semantic network. In this, he anticipates modern pragmatic theories by linking:

the legal dimension (uṣūl controls), the ethical dimension (detachment and justice), and the maqāṣid dimension (realizing communicative benefits).

He also combines in his mechanisms logic (inference and causation), language (clarity and gradation), and psychology (encouragement and emotional stirring)  making his vision a foundation for an integrated Islamic pragmatics that adds a distinctive contribution to the philosophy of language in the Islamic tradition.

### 2-1-The Speech Act of Fatwā

### -The Nature of Fatwā as a Speech Act in Ibn al-Qayyim1-2-1

Ibn al-Qayyim holds that fatwā is not simply the transmission of rulings; rather, it is a "signing on behalf of God Most High," meaning that when a muftī issues a fatwā, he undertakes the conveyance of the legal ruling as a representative of divine authority .[13] It is an informative act that aims at:

\* Obligating or permitting: it produces a binding legal effect such as the obligation of prayer, or a licit concession such as travel dispensations based on His saying:

﴿ يُبَيِّنُ ٱللَّهُ لَكُمْ أَن تَضِلُّوا۟ۗ﴾ (al–Nisāʾ 176)

\*A maqāṣid-oriented functionality: realizing justice and removing hardship, grounded in His saying ﴿مَا يُرِيدُ اللهُ لِيَجْعَلَ عَلَيْكُم مِّنْ حَرَجٍ﴾al-Māʾida: 6 .[14] :

\*Contextual adaptability: Ibn al-Qayyim's fatwās stress the necessity of considering the change of custom and circumstances, as in his statement: "A section on the change of fatwā according to times, places, conditions, intentions, and habits" .[15] \*Engagement with reality: he rejects a fatwā stripped of understanding reality, likening the ignorant muftī to an "ignorant physician" who treats people without knowing their temperaments…

## 3-1-The Speech Act of Testimony:

A pragmatic-linguistic analysis of the act of testimony in Ibn al-Qayyim's thought constitutes a fertile field of study, where the inherited juristic perspective intersects with modern linguistic approaches.[16] Testimony is regarded as one of the speech acts of a felicity-based (performative) nature an act that brings about a direct effect in reality by virtue of its very performance.[17] For Arab scholars, moreover, speech acts are not studied in separation from the context of utterance and circumstance, nor are they examined in isolation from the speaker's intentionality.[18]

### 1-3-1-The Pragmatic Concept of Testimony

Ibn al-Qayyim begins his definition of testimony from a clearly pragmatic notion. He defines it as: "informing about a right that belongs to another, in a specific wording that does not admit interpretation." .[19] This definition contains the basic pragmatic elements associated with speech-act theory.[20] Testimony, in this sense, represents an assertive (informative) speech act in Searle's classification, yet it simultaneously carries a transformative illocutionary force that affects the legal and social sphere .[21]

Ibn al-Qayyim emphasizes that testimony is the pillar of justice: through it wrongs are rectified and claims are established thus granting it a pragmatic dimension that exceeds the mere transfer of information to the realm of effect and accomplishment.[22] This conception aligns with what researchers have noted: that speech "is not merely an exchange of information; it is also an act governed by precise rules that aims to change the addressee's state and stance." .[23]

Ibn al-Qayyim draws on Qurʾānic texts such as: ﴿وَأَشْهِدُوا ذَوَيْ عَدْلٍ مِنْكُمْ﴾ (al–Ṭalāq: 2) and ﴿وَلَا يَأْبَ الشُّهَدَاءُ إِذَا مَا دُعُوا﴾(al–Baqara: 282) to demonstrate the prescriptive obligation of testimony. These texts carry directive speech acts in Searle's sense, aiming to move the addressee to perform a specific action.[24] Likewise, the prohibition against concealing testimony in His saying: ﴿وَمَنْ يَكْتُمْهَا فَإِنَّهُ آثِمٌ قَلْبُهُ﴾ constitutes a warning speech act with a threatening illocutionary force.[25]

## 4-1-The Speech Act of Litigation Claim

### 1-4-1 The Nature of Daʿwā as a Speech Act

It is "a binding assertion presented to the judge in order to establish a right or repel an injustice," serving to ground a claim of right in sharʿī terms. Ibn al-Qayyim ties it to the judicial setting and affirms that "the burden of proof is upon the claimant, and the oath is upon the one who denies," as stated in al-Ṭuruq al-Ḥukmiyya.[26]

Ibn al-Qayyim al-Jawziyya considers "daʿwā" an institutional speech act that produces a "legal and social effect" through a disciplined judicial discourse, resting on precise conditions to secure its

legitimacy and efficacy. It is not merely an informative report; it is a binding act that generates obligations and rights.

The agent of the act is the claimant, directing the discourse to the judge (the recipient), with the intent often of setting in motion binding procedures against the opposing party. Its procedural signification obliges the judge to open the path of litigation and imposes upon the opponent the duty to respond or to furnish proof. The intention is the realization of justice and the protection of rights, not the mere conveyance of news. In this way, "daʿwā" is an illocutionary act that is not complete except through a ruling or the observance of subsequent procedures. It is built upon:

*Binding force: placing the opposing party under the responsibility of responding or proving, as in his statement: "Claiming a right entails obligating the opponent to answer." .[27]

*Triadic interaction: at minimum it involves three parties: the claimant (issuer of the act), the defendant (recipient of the obligation), and the judge (the executing authority) as the minimal structure for achieving justice.[28]

*Maqāṣid-oriented function: transforming conflict into a judicial procedure, and realizing justice as a means to restore rights rather than a tool for revenge.[29]

### 1-4-2-Felicity Conditions of Daʿwā in Ibn al-Qayyim

**1.**Conceptual clarity: achieving semantic transparency requires defining the object of the claim (money/real property/debt) with linguistic precision, subjecting it to standards of clarification within its use-context, and rejecting vagueness and divergence thus preventing obscurity and fixing the term's intended scope clearly.

**2.**Objective legitimacy: pragmatic "appropriateness" at the level of subject matter entails fulfilling conditions of enforceability (bringing the claim before the competent court without jurisdictional conflict) and semantic reliability, by aligning the discourse with authoritative rules and social context (conformity to Sharīʿa rulings; thus claims of usury or injustice are not accepted), without departing from the bounds of veracity: no hearing is given to a false claim that contradicts revealed texts.[30]

**3.**Evidence and proofs: pragmatic indicia rely on summoning evidences and semantic data, and on attaching the claim to verifiable proofs (testimony/document/oath) as pillars for clarifying the act and constructing argumentation regulating the relation between text, context, and listener, and preventing claims devoid of evidence, such as an allegation of sorcery without witnesses.

**4.**A justice-oriented intention: disclosure of intent entails manifesting good purpose within sincerity conditions and communal pragmatic norms, through the purity of purpose and the prohibition of harming the opponent (a positive intention far from transgression). This secures the speech act's success and aligns the speaker's ends with the recipient's expectations.

These conditions correspond to the "felicity conditions" in Austin and Searle, in terms of preparatory conditions (clarity of content and jurisdictional competence) and ethical conditions (integrity and sincerity) .[31]

Thus Ibn al-Qayyim's method concerning the "speech act of daʿwā" functions as an integrated communicative model combining:

*Legal bindingness (through clarity and procedure)

*Sharʿī legitimacy (through linkage to texts and maqāṣid), and

*Ethical-pragmatic integrity (through sincerity of intent and avoiding litigation as a means of harm).

Ibn al-Qayyim's treatment of the "act of daʿwā" accordingly sketches a comprehensive pragmatic model that unites procedural bindingness (through compositional precision and institutionalized procedures), sharʿī legitimacy (by adherence to the texts and purposes of the Sharīʿa), and pragmatic ethics (by sincerity of intent and refusing to instrumentalize litigation as an instrument of injury).

## 5-1-The Speech Act of Confession

### 1-5-1-The Nature of Iqrār as a Speech Act

For Ibn al-Qayyim, confession is "a binding report issued by one acting voluntarily, by which he affirms a right another has against him." It is not confined to conveying information; it creates an obligation or extinguishes a right. Once uttered if its sharʿī conditions are met it produces an "immediate legal effect." It is an act that changes the legal status, such as acknowledging a debt or establishing lineage; through it dispute is removed and social stability is achieved.

"Iqrār," in Ibn al-Qayyim's framework, falls under the category of declaratives in speech-act theory, and it possesses the following features:

**-Immediate performativity:** its legal effect follows upon explicit utterance, without needing the beneficiary's acceptance, grounded in the principle that confession is proof binding only upon the confessor.[32] It yields the establishment of a right or its negation.

**-Self-binding force:** it does not depend on the other party's acceptance; its probative force is restricted to the one who confesses, as in his statement: "Confession is a proof restricted to its confessor."

**-Social function:** realizing legal security and stability by ending disputes and quarrels, embodying the sharʿī aim of lifting contention.[33]

**-Institutional function:** it draws its force from the judicial framework and is considered a speaking proof that can dispense with other evidences[34] and it is among the most important means of proof for the Ḥanbalīs.

### 2-5-1-Felicity Conditions of Confession

Ibn al-Qayyim identifies four principal controls for the validity of confession and its performative efficacy:

(A) Voluntariness and absence of coercion

-Freedom from coercion: it must issue from free will; he rejects the coerced confession, stating: "Confession is valid only from one who acts voluntarily." .[35]

-Rational discernment: the confession of the insane or intoxicated is invalid, due to the absence of legally relevant intention.

(B) Verbal clarity

-Explicit formula: he requires utterance in clear terms (such as "I acknowledged," "I confessed"), to avoid semantic ambiguity.

-Precise specification: the object of confession must be specified (amount of money, nature of the right); he states: "An ambiguous confession is not valid." .[36]

(C) Objective legitimacy

-Conformity to Sharīʿa: the content must align with the value-order (Sharīʿa); confession to what violates the texts (such as usury or fornication) is rejected, as in his statement: "There is no confession in disobedience." .[37]

-Rational impossibility: a confession to the impossible is invalid (e.g., acknowledging a debt exceeding one's owned wealth).

(D) Serious intention

-Avoiding jest: a joking confession is invalid; seriousness is required, supported by the ḥadīth "Actions are only by intentions."

-Balancing rights: he considers the effects of confession upon third parties (such as the confessor's heirs), thus rejecting the confession of one terminally ill if it harms the heirs.[38]

## 6-1-The Speech Act of Denial / Condemnation

### 1-6-1-The Nature of Inkār as a Speech Act

In Ibn al-Qayyim's Iʿlām al-Muwaqqiʿīn ʿan Rabb al-ʿĀlamīn, the act of inkār is conceived as a binding discourse that rejects falsehood and restores truth to its proper place. It involves three parties: the denouncer (issuer of the act), the one denounced (its addressee), and the community that witnesses the process of reform.[39] Inkār thus fulfills a foundational sharʿī function: reviving the duty of commanding right and forbidding wrong, and making it a communicative practice that speaks in the name of religious and social purpose not a mere verbal rejection.[40] Ibn al-Qayyim al-Jawziyya treats "inkār" as a reformative speech act that produces an ethical and legal transformation through a discourse aiming to remove wrongdoing and establish truth. It is not a mere verbal refusal, but an institutional act regulated by Sharīʿa through precise conditions, as follows:

### 2-6-1-Felicity Conditions of Inkār

Ibn al-Qayyim lays down necessary controls to ensure the validity and effectiveness of inkār:

### 1.Knowledge of the wrongdoing (a contextual-legal understanding)

Analyzing wrongdoing as a violating speech act that conflicts with the rules of ethical discourse and the contextual value-order, he emphasizes:

-Verifying the ruling: grasping the communicative conditions that render an act "wrong" according to the value-system; thus one must know the Sharīʿa judgment before denouncing it, for there is no inkār in matters of error and ijtihād.[41]

-Establishing the occurrence: he rejects denunciation based on rumors, reiterating: "There is no inkār in matters of error and ijtihād."

## 2.Gentleness and wisdom (the art of pragmatic address)

-Graduated mitigation: by considering people's circumstances, he obliges gradualism in denunciation in accordance with proportionality (from hinting to explicitness), citing the ḥadīth: "Whoever among you sees a wrong, let him change it with his hand; if he cannot, then with his tongue…"

-Illocutionary adjustment: shifting the force from threat to counsel such as using rhetorical interrogatives ("Would it not be better…?") rather than direct command and urging avoidance of violence for fear of civil strife, as he warns: "Denouncing a wrongdoing does not become permissible if it leads to a wrongdoing greater than it." .[42]

## 3.Justice and integrity (communicative justice)

-Transparency of purpose: absence of hidden agendas and detachment from caprice; he thus requires sincerity and purity of intention, and rejects retaliatory denunciation: "The ignorant does not denounce the learned, nor the innovator the follower of the Sunnah." .[43]

-Dialogical balance: calling for fairness and equal opportunity in argumentation; and accepting the return of the person denounced if he admits error, in the light of:

﴿ إِنَّ اللهَ يُحِبُّ التَّوَّابِينَ﴾

## 4.Empowerment and capacity (communicative competence)

-Contextual ability: observing feasibility; one who fears harm is excused from denunciation by tongue or hand and suffices with inward rejection,[44] due to the lack of institutional and social authority.

-Procedural appropriateness: balancing benefits and harms by knowing the felicity rules of the field, preferring to desist from denunciation when a greater harm would follow (possession of the "authority of the "muḥtasib" is a condition for publicly executing denunciation)

### 7-1-The Speech Act of Conclusion

### 1-7-1 The Nature of the Concluding Act

It is a binding summary derived from evidence in order to cut off dispute. A conclusion is not merely a rhetorical ending; rather, it functions as a performative directive that obliges the addressee either to accept the truth or to adjust behavior accordingly. From examining Ibn al-Qayyim al-Jawziyya's works, it becomes clear that the "act of conclusion" is an inferential, performative speech act that combines (1) reporting an inferential truth and (2) binding the addressee to accept it or to modify conduct in its light. Its aim is to convert reasoning into practical or cognitive assent on the part of the addressee. Thus it is not a purely ornamental closure, but an institutional inferential act that produces a shift in the addressee's epistemic or practical stance, as in his statement: "It necessarily follows from this that acts are voluntary, not compelled," in which he extracts, from textual and rational premises, this decisive conclusion.[45] This act rests upon strict conditions and mechanisms that guarantee its pragmatic force.

## 2-7-1-Felicity Conditions of the Conclusion

**A.** Inferential certainty: conclusions must be grounded in definitive texts; hence his reliance on unequivocal verses such as invoking: ﴾وَلَا تَدْعُ﴿ to invalidate innovated forms of tawassul and his rejection of conclusions built on ambiguous (mutashābih) material, for that leads to misguidance.[46]

**B.** Logical coherence: one must refrain from conclusions that contradict definitive principles or rational axioms, and must connect premises to conclusions through a clear causal chain such as rejecting the inference of the permissibility of innovations from verses of mercy.[47]

**C.** Clarity and practical impact: the formulation is crafted to yield direct behavioral guidance such as in Ighāthat al-Lahfān, where he closes his counsel against intrusive whisperings by stating: "Thoughts are not blameworthy except when they settle and are given a place," .[48] converting analysis into an actionable criterion.

**D.** Contextual appropriateness:

Varying style and phrasing according to whether one is addressing laypeople or specialists.[49]

## 8-1-The Speech Act of Proof

### 1-8-1- The Nature of Proof as a Speech Act

Ibn al-Qayyim holds that proof is not a mere presentation of fixed information, but rather an "interactive speech act" that combines transmitting established truths (assertion/informing) with reshaping the addressees' stances (guiding/directing). Its goal is to transform the addressee's epistemic structure from doubt to certainty, or from error to correctness. This act is grounded in:

-Argumentative bindingness: offering decisive proofs from revelation (Qurʾānic verses and sound ḥadīths) and from reason (logical demonstrations), as in his statement: "A corrupt proof corrupts the inference." .[50]

-Dialectical interaction: employing confirmatory-interrogative strategies for challenge and refutation, compelling the opponent toward acknowledgment of the truth such as His saying: "Who gave to everything its creation, then guided?" .[51]

After surveying the speech acts emerging from khabar with their assertive functions and implicit performative effects, Ibn al-Qayyim within his pragmatic construction moves to the other side of discourse: acts generated by performative forms (inshāʾ), foremost among them command and prohibition, and the normative rulings and pragmatic values that arise from them…

### Second: Speech Acts Emerging from Inshāʾ (Performative/Constitutive Discourse)

There is no doubt that the work of uṣūl scholars was marked by deep reflection on the Lawgiver's discourse: understanding its verses, and illuminating the comprehension of the morally responsible. This effort was also characterized by expansive inquiry into the varied purposes and aims that surround performative styles especially the two styles of command and prohibition found in the Qurʾān. From these they derived subsidiary speech acts tied to legal rulings namely: obligation, permissibility, prohibition, recommendation, and reprehensibility. We perceive the impact of this tradition in Ibn al-Qayyim al-Jawziyya, who devoted attention to explaining how the acts of command

and prohibition are understood and what derivative acts branch from them such as obligation, permissibility, prohibition, reprehensibility, and others within revelatory discourse.

## 1-2-The Command

Ibn al-Qayyim holds that if a command occurs in absolute form, stripped of contextual indicators, it entails obligation unless some evidence or a clear contextual cue indicates otherwise.[52] That is: the command-form in the Qurʾān and Sunnah such as "Establish the prayer" when it comes unqualified and without a diverting indicator, is presumptively binding and obligatory, not merely recommendatory.

This presumption is not abandoned except when another proof or a clear contextual cue shows that what is intended is recommendation or permissibility such as an explicating text or a particular contextual frame.

Accordingly, the Lawgiver's commands are initially carried upon obligation, and exceptions are made only where a proof indicates departure from that default.

## 1-1-2-Speech Acts Emerging from the Command

Ibn al-Qayyim says: "Indeed God Most High has two rulings over His servants: a religious legal ruling, and a creational cosmic ruling. The religious ruling is connected to His command, and the cosmic to His creation; He glorified be He has creation and command. His religious, directive ruling is of two kinds, according to what is sought: if what is sought is beloved to Him, then the requested act is either obligatory or recommended; and if what is sought is disliked to Him, then the requested omission is either prohibition or reprehensibility." .[53]

He derives this division from His saying:

﴿يَا بَنِي آدَمَ خُذُوا زِينَتَكُمْ عِندَ كُلِّ مَسْجِدٍ وَكُلُوا وَاشْرَبُوا وَلَا تُسْرِفُوا إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ﴾ (al–Aʿrāf: 31), stating that it "gathers the foundational principles of the Sharīʿa's rulings altogether," for it combines command and prohibition, permissibility and report.[54]

And he also cites the Prophet's saying (peace be upon him): "Leave me as long as I leave you, for those before you were destroyed only because of their excessive questioning and their disagreement with their prophets. If I forbid you from something, then avoid it; and if I command you with something, then do of it as much as you are able." Ibn al-Qayyim comments: the matters are three with no fourth: commanded where the obligation is to perform according to capability; forbidden where the obligation is to avoid entirely; and silent where one should not probe and inquire… Thus the ḥadīth encompasses all divisions of religion: they are either obligatory, forbidden, or permissible; and the reprehensible and recommended are two branches of these three, not outside permissibility. .[55]

Through his analysis of the Lawgiver's discourse regarding human acts whether by requirement or by choice Ibn al-Qayyim points to the speech acts generated by the style of command through a serious applied practice marked by a pragmatic outlook, seeking the aims to which command-forms may be directed in specific contexts. These acts include:

## 1-1-1-2-Obligation

Uṣūl scholars' formulations differ in defining obligation. Among the finest is al-Bayḍāwī's definition: "that whose deliberate abandonment is blameworthy, absolutely," and it was preferred by Ibn Mufliḥ, Ibn al-Laḥḥām, al-Mardāwī, and Ibn al-Najjār among the Ḥanbalīs, as well as al-Ṭūfī though he did not include the phrase "deliberately." It is also close to Abū Bakr al-Bāqillānī's definition, except that he used the phrase "in some respect" instead of "absolutely," saying: "that whose abandonment merits blame in some respect." Many uṣūl scholars such as al-Ghazālī and al-Rāzī accepted it, and al-Shawkānī also chose it, adding the phrase: "and whose doer is praised." .[56]

In preferring "what is blamed" rather than "what is punished for leaving," there is a semantic restriction that leaves room for pardon and protects the definition from undesirable overextension thereby distinguishing it from the recommended, reprehensible, and permissible, for none of these involve blame. The qualification "legally" makes revelation the decisive ground and contextual determinant namely: blame is established only by Sharīʿa, contrary to the Muʿtazila, for whom blame can be established by reason. The term "its leaver" precisely specifies the act that triggers blame namely, the omission of the act while pragmatically excluding "doing the act" as a ground of blame, thereby drawing the boundary between obligation and prohibition, where it is the doer who is blamed. The condition "deliberately" functions as a procedural constraint signaling that blame is tied to will and choice; it excludes the one who leaves a duty forgetfully he is not blamed, though the duty remains a duty and because leaving without intent is not blameworthy. The word "absolutely" excludes the expanded duty, the alternative duty, and the communal duty, for each of these may be deliberately left in a qualified way (by time, substitute, or the fulfillment of the purpose by others). This condition prevents indiscriminate assignment of blame in cases where omission is constrained reflecting a fine appreciation of legislative flexibility in these duty-types.

Ibn al-Qayyim also points to expressions by which obligation is inferred expressions that may sometimes be used for obligation, or for shared indication between obligation and recommendation. He states: "Obligation is inferred by the imperative sometimes; and by explicit terms such as 'obligation,' 'duty,' 'it is written,' and the word 'upon,' and phrases like 'a right upon the servants' and 'upon the believers,' and by arranging blame and punishment upon omission, and nullifying deeds due to omission, and other than that." .[57]

As for indications shared by obligation and recommendation, that will be addressed under "recommendation."

Ibn al-Qayyim clarifies that an absolute command indicates obligation, stating: "That an unqualified command is for obligation is inferred from His blaming the one who violates it, naming him disobedient, and arranging upon him punishment immediate or deferred." .[58] Thus the imperative form generally signifies obligation as the direct default meaning of the command-style in certain contexts. Verses of rebuke, blame, and punishment in the Qurʾān typically include an imperative of binding obligation. He adds: "Obligation is inferred by the imperative sometimes, and by explicit terms such as 'obligation,' 'duty,' 'it is written,' and 'a right upon the servants' and 'upon the believers,' and by arranging blame and punishment upon omission, and nullifying deeds…".[59]

All this indicates that obligatory acts upon the morally responsible are acts commanded in a decisive manner without discretionary choice.

**2-1-1-2-Recommendation**

Recommended is the passive participle of the verb recommend *"nadaba"*. One says: he called the people to a matter he summons and urges them. The poet says:

"They do not ask their brother, when he calls them"

in calamities, for proof of what he said." .[60]

In uṣūl terminology, it is: "that whose doer is rewarded, and whose leaver is not punished." This definition identifies recommendation through negation: reward draws toward the act, while the absence of punishment removes deterrence from leaving it.

The clause "that whose doer is rewarded" affirms the positive incentive that distinguishes it from the merely permissible (and it also encompasses the obligatory and the recommended). The clause "and whose leaver is not punished" then implicitly adjusts the first clause by negating punishment so as to distinguish it from obligation.[61]

### 3-1-1-2-Permissibility

Ibn al-Qayyim defines the permissible as "equally balanced between the two sides: no recommendation in it and no reprehensibility." .[62] Two features appear in this definition:

-First: it transforms an abstract concept ("permissibility") into an almost mathematical model ("equally balanced"), enhancing imagistic clarity by denying preference for either side and establishing the neutrality of permissibility.

-Second: it employs a negative form "no recommendation in it and no reprehensibility" as a negative assertive act that cancels the idea that the permissible belongs to recommendation or reprehensibility by negating both attraction and deterrence.

Ibn al-Qayyim lists expressions by which permissibility may be inferred, saying: "Permissibility is inferred from permission and choice; from a command after prohibition; from negating sin, hardship, guilt, or liability; from reporting that it is pardoned; from approving its performance during the time of revelation; and from condemning the one who forbids the thing." .[63]

He says elsewhere: "Permissibility is inferred from the wording of making lawful, lifting blame, permission, and pardon; and from 'if you wish, then do, and if you wish, then do not'; and from mentioning as a favor the benefits in created things and their related actions, such as: ﴿وَمِنْ أَصْوَافِهَا وَأَوْبَارِهَا

وَأَشْعَارِهَا أَثَاثًا﴾ (al–Naḥl: 80), and

﴿وَبِالنَّجْمِ هُمْ يَهْتَدُونَ﴾ (al–Naḥl: 16); and from silence regarding prohibition; and from approval of an act during the time of revelation which is of two kinds: the approval of the Lord, blessed and exalted, and the approval of His Messenger when he knew of the act." .[64]

Thus permissible acts are authorized: they are volitional acts governed by the agent's will, neither a decisive command nor a decisive prohibition. Hence a command may, in certain contexts, indicate permissibility and choice; likewise a non-decisive prohibition.

Ibn al-Qayyim also points to how one infers permissibility from normative discourse: "and from reporting that He created for us such-and-such, and made it for us, and bestowed it as a favor upon

us; and from informing about those before us doing it without condemning them for it yet if His report is coupled with praise of the doer for its sake, it indicates its preferability as recommendation or obligation." .[65]

This shows the possibility of extracting the intended illocutionary force (permissibility) from multiple speech acts: indeed, an informative report may carry the act of permissibility in certain contexts, such as contexts of magnifying or bestowing favor. The force of permissibility may also be embedded in a style of praise. In all cases, contextual indicators govern the identification of the intended illocutionary force which may be permissibility or obligation, both of which fall among the potential implications of command.

He further notes that what is permissible may become a recommended act of obedience for which one is rewarded if accompanied by intention and aimed at support for obedience. He says: "As for the rank of the near ones, it is to perform obligations and recommended acts, and to avoid prohibitions and reprehensible acts renouncing what does not benefit them in their Hereafter, and being cautious of what they fear may harm them… Their elite have had the permissible, in their case, transformed into obediences and acts of nearness through 'intention'; thus, for them there is no permissible that is equally balanced between the two sides." .[66]

## 2-2-Prohibition

Ibn al-Qayyim holds that the form of prohibition, when stripped of contextual indicators, entails prohibition (taḥrīm) in its true sense; and he deems mistaken the one who departs from its apparent meaning. He states: "Whoever denies that the command indicates obligation and that the prohibition indicates prohibition has erred." .[67]

### 1-2-2-Speech Acts Emerging from Prohibition

Ibn al-Qayyim al-Jawziyya derives new speech acts from the style of prohibition through applying it to legal texts and excavating the aims to which it may be directed in specific contexts. From this emerge two speech acts:

### 2-2-1-1-Prohibition / Illicitness

In uṣūl terminology, it is the opposite of obligation, and it is: "that whose doer is blamed, legally." .[68] In the phrase "that which is blamed," there is a restriction that prevents expanding the sense to include the reprehensible, recommended, and permissible. The phrase "its doer" (as opposed to "its leaver" in obligation) prevents confusion and excludes the obligatory. The qualifier "legally" clarifies that blame is only from the side of Sharīʿa, and it succinctly resolves the theological dispute with the Muʿtazila. Though brief, this definition functions as a performative text that establishes a sharʿī criterion and embodies a pragmatic differentiation against confusion between obligation and prohibition.

Ibn al-Qayyim holds that prohibition in legislative contexts signifies prohibition, anticipating the Muʿtazilite position, and he supports this with linguistic and sharʿī proofs, including:

**1.** Blaming the doer and naming him disobedient:

the prohibition entails blame for committing the act, naming the doer "disobedient," and arranging punishment for it.

**2.**Indicating prohibition through Qurʾānic and legal phrasing:

explicit statements of prohibition, warning, threat, condemnation of the doer, and the imposition of expiation upon the act all of this confirms that prohibition implies illicitness.

Linguistic examples include:

-"It is not fitting" in Qurʾān and ḥadīth indicates prevention both rationally and legally.

-"It was not for them…" and "they were not to…" indicate restriction and prohibition.

**3.**Punitive and legal arrangement:

laying down a prescribed punishment  for an act indicates its prohibition.

**4.**Ethical and religious characterization of the forbidden:

Prohibition and illicitness in Ibn al-Qayyim: the semantics of prohibitive expressions

Ibn al-Qayyim indicates that prohibition carries the meaning of  the prohibition primarily, and that this indication is firmer and clearer than the indication of reprehensibility in legislative contexts. He illustrates this through a large number of linguistic and legal cases, which may be summarized in the following points:[69]

**1)**Blame, reproach, and punishment:

The act that is prohibited is often such that its doer is blamed, reproached, or cursed; or God's love is negated from him; or he is likened to Satan or to beasts; or he is described as immoral  or sinful all of which indicate prohibition.

**2)**Argumentation from the Qurʾān and the Sunnah:

Employing expressions such as: "it is not fitting", "it is not sound", "it was not for them to do such-and-such," "they were not to…," in addition to threats of recompense or punishment these are all indicators of prohibition.

Examples:

﴿لِمَ تَصُدُّونَ عَن سَبِيلِ اللَّهِ﴾ (Āl ʿImrān: 99)

﴿لِمَ تَلْبِسُونَ الْحَقَّ بِالْبَاطِلِ﴾ (Āl ʿImrān: 71)

﴿مَا مَنَعَكَ أَن تَسْجُدَ﴾

## 2-2-1-2-Reprehensibility

Ibn al-Qayyim mentions its common meaning on the tongues of later scholars, saying it is: "that whose abandonment is more weighty than its performance," and it is also used in the sense of "leaving what is preferable." Yet he criticizes them, considering this a deficient definition that conflicts with its earlier meaning. For when the early generations among the Salaf employed the term, they carried it in a broader sense. "Many later followers of the imams erred against their own imams because of this: the imams were cautious about using the term 'prohibited', and used the term 'disliked'; then

the later scholars negated prohibition from what the imams had called 'disliked.' After that, the term 'disliked' became easy on their tongues its burden lightened so some carried it to mere tanzīh (a mild, non-binding dislike), and others went further, extending it to the dislike of 'leaving what is preferable.'".[70]

It is as though he is pointing to a communicative rupture between an imam's statement "I dislike this," which may intend prohibition, and a later reader's understanding" it is not prohibited ; it is merely disliked" so that karāha shifts from a precautionary judgment to a facilitative one by hollowing out the term's warning content: first, by denying prohibition where the imams intended it under disliked ; then by collapsing karāha into mild tanzīh; until the matter stretches into "disliking the abandonment of the preferable" and thus the utterance's normative authority erodes through excessive easing.

He then concludes by emphasizing that the Salaf employed the term karāha in its sharʿī sense, whereas later scholars interpreted their imams' words according to a technical convention that had arisen: "The Salaf used karāha in the meaning in which it is used in the speech of God and His Messenger; but later scholars conventionalized karāha as that which is not prohibited, and whose abandonment is preferable to its performance. Then those among them who interpreted the imams' words according to this later convention erred in that." .[71] Here lies a warning against a term's estrangement from its origins.

Ibn al-Qayyim al-Jawziyya clarifies elsewhere the expressions that sometimes indicate karāha, and sometimes jointly indicate karāha and taḥrīm. He states: "As for the expression 'God and His Messenger dislike it' or 'it is disliked,' it is most often used regarding the prohibited, though it may also be used for mild tanzīh dislike. As for the expression 'As for me, I do not do it,' what is established from it is karāha, as in the Prophet's (peace be upon him) statement: 'As for me, I do not eat while reclining.' As for the expression 'it is not for you' and 'it is not for us,' its usage is consistently in the prohibited, such as: 'It is not for you to be arrogant therein,' and 'It is not for us to return thereto,' and 'It is not for me to say what I have no right to say.'" Thus Ibn al-Qayyim distinguishes between the prohibited and the disliked on pragmatic grounds. By this critique, he gestures toward a critical pragmatics that lifts the veil on a kind of collusion between linguistic drift and legislative laxity paving the way for an uṣūl-based study of terms as arenas of authority and contestation.

**Key Findings**

The main findings of the article may be summarized as follows:

1.From the khabar/inshāʾ binary to a network of speech acts:

Ibn al-Qayyim does not treat khabar and inshāʾ as a rigid grammatical classification; rather, he derives from them speech acts of clear performative character, such as: narration, fatwā, testimony, litigation claim, confession, denial/condemnation, conclusion, and proof then the acts of obligation, recommendation, permissibility, prohibition, and reprehensibility that emerge from command and prohibition.

2.Precise felicity conditions for narration, fatwā, and testimony:

-In narration, he combines the informative dimension (truthfulness and chain reliability), the communicative dimension (clarity of expression and attention to context), and the impact dimension

(recipient readiness and trust between parties), making narration a disciplined communicative act rather than a mechanical transmission of text.

-In fatwā, he frames it as a "signing on behalf of God," linking it to understanding reality and changing customs thus becoming a binding speech act oriented to facilitation, lifting hardship, and establishing justice.

-In testimony, he foregrounds its pragmatic dimension as the pillar of justice, uniting information and accomplishment, and transferring a right from the sphere of claim into the sphere of legal establishment.

3.An institutional conception of daʿwā, iqrār, and inkār:

-Daʿwā is a foundational speech act that opens the gate of adjudication and generates obligations and procedures. It is accepted only with conceptual clarity, objective legitimacy, the presence of evidence, and good intention.

-Iqrār is a declarative act with immediate legal effect, producing a self-binding commitment upon utterance, provided voluntariness, discernment, clarity, and legitimacy are present.

-Inkār is a reformative act regulated by conditions: knowledge of the ruling, verification of the case, gentleness and gradation, justice and integrity, and observing capacity and public interest transforming commanding right and forbidding wrong into a conscious pragmatic practice rather than a momentary impulse.

4.Reconstructing the relation between proof and conclusion:

Ibn al-Qayyim offers a precise conception of the "act of proof" and the "act of conclusion": the conclusion is not a formal closure, but a binding inferential act that aims to convert conviction into practical commitment, on condition of textual or rational definitiveness, logical soundness, and clarity of behavioral implications.

5.Deriving normative rulings from command and prohibition within a pragmatic frame:

-He carries the unqualified command upon obligation unless a contextual cue diverts it, and he extracts obligation from expressions such as: explicit obligation, obligation,and writing,"a right upon…," and from indicators of blame and punishment.

-He defines recommendation, permissibility, prohibition, and reprehensibility with precision attentive to pragmatic markers (blame/praise, entitlement to punishment or its absence, and the historical drift of technical usage).

-He criticizes the later shift in karāha from a meaning close to prohibition to a softened, tanzīh-based sense, clarifying how this drift affects the efficacy of legal discourse in ethical regulation.

6.Founding a nucleus for an Islamic pragmatics:

By continuously linking uṣūlī controls, sharʿī purposes, ethical values, situational requirements, and the addressees' conventions, Ibn al-Qayyim offers a model that can be described as an "Islamic pragmatics," making the legal speech act a meeting point of text, reason, reality, psyche, and society.

**Recommendations**

Building on the foregoing, the article proposes several practical recommendations:

1.Re-integrate the pragmatic dimension into teaching uṣūl al-fiqh, by showing that many discussions of khabar/inshāʾ, formulae, generality/particularity, clarification/ambiguity are at their core questions of speech acts rather than merely formal linguistic issues.

2.Read Ibn al-Qayyim's uṣūlī and juristic works with a pragmatic-linguistic lens, and do not restrict benefit to legal branches or preference-weighing, but employ them to enrich linguistic and philosophical debates about the nature of legal discourse.

3.Develop the language of contemporary fatwā, preaching, and judicial discourse in light of Ibn al-Qayyim's conception of the felicity conditions of narration, fatwā, testimony, claim, confession, and condemnation restoring due weight to clarity, justice, gentleness, contextual awareness, and maqāṣid.

4.Beware of unregulated terminological drifts in normative rulings (such as overexpansion of permissibility and dilution of karāha), and return to the meanings stabilized in the usage of the Salaf, as Ibn al-Qayyim warned.

5.Open a methodologically grounded dialogue between researchers in pragmatic linguistics and uṣūl al-fiqh on the basis of specific heritage texts (such as Ibn al-Qayyim's), rather than relying on general slogans about the "precedence" or "lateness" of tradition.

**Proposed Research Directions**

To complete what this article began and open wider horizons, several research topics may be suggested:

1.A comparative study between Ibn al-Qayyim's conception and that of other major figures regarding legal speech acts such as al-Ghazālī, al-Juwaynī, al-Shāṭibī, Ibn Taymiyya to map the development of "uṣūl pragmatics" across periods.

2.An expanded applied study of Ibn al-Qayyim's fatwā discourse as a pragmatic corpus, using detailed samples from Iʿlām al-Muwaqqiʿīn and al-Ṭuruq al-Ḥukmiyya, analyzed through concepts such as illocutionary force, preparatory conditions, and contextual appropriateness.

3.An analysis of speech acts in classical Islamic judicial discourse (books of adjudication, legal documents, reconciliation, endowments), linking them with Ibn al-Qayyim's discussions of claims, confessions, testimony, and oaths.

4.A rereading of the chapter of commanding right and forbidding wrong in juristic and ḥadīth heritage, starting from Ibn al-Qayyim's view of inkār as a disciplined reformative speech act, and comparing it with modern theories of "persuasive communication" and "ethical discourse."

5.Building a comprehensive theoretical model of "Islamic pragmatics" grounded in uṣūl al-fiqh and maqāṣid al-sharīʿa, benefiting without dependency from Western linguistic and philosophical tools, and testing this model on Qurʾānic, ḥadīth, and contemporary fatwā texts.

With these findings, recommendations, and proposals, the article attempts to make Ibn al-Qayyim's uṣūlī ijtihād a living bridge between the sciences of Sharīʿa and modern language sciences not by way

of rhetorical courtesy, but on the basis of precise textual analysis showing that the speech act in our heritage was not absent, but rather implicit at the heart of uṣūl inquiry into textual indication and its efficacy in people's lives.

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