

Beyond *Maṣlaḥah* and Utilitarianism: Reassessing Rashīd Riḍā's Legal Reasoning in *Tafsīr al-Manār*

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Recent scholarship has clarified Rashīd Riḍā's *maqāṣid*- and *maṣlaḥah*-oriented reformism, the rational and empirical dimensions of individual discussions in *Tafsīr al-Manār*, and the colonial setting of his political and legal thought. However, it remains unclear whether attention to consequences makes his legal reasoning utilitarian or performs more limited juridical tasks within an Islamic legal framework. This article uses a qualitative, cross-case analysis of six clusters—intoxicants and gambling; *ṣakāt* allocation and public finance; *ribā* under collective need; polygamy; political loyalty and counter-mission funding; and Muslim judges and participation in colonial government. Each cluster is reconstructed through the relation among *ḥukm*, *'illah* or operative *manāṭ*, juristic mechanism, authority to establish the relevant facts, and protected *maṣlaḥah*. The analysis identifies three functions of consequences: corroborating the protective rationale of established prohibitions; establishing and delimiting the conditions of a concession, dispensation, or fiscal priority; and ranking legally available but compromised alternatives under constraint. These findings do not support classifying Riḍā as a utilitarian jurist. Consequences never appear as an autonomous, aggregative, and maximizing criterion of right action; they acquire legal force only after mediation by revelation, legal characterization, domain-specific juristic mechanisms, and authorized competence. The comparison with utilitarianism therefore identifies a limited resemblance in attention to collective effects alongside a decisive difference in normative structure. Colonial institutions changed the objects, thresholds, and stakes of judgment, while Riḍā's juristic repertoire supplied the forms through which those conditions were legally assessed.

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Public Interest Statement

Debates over Rashīd Riḍā have frequently been structured around a perceived opposition between Islamic *maṣlaḥah* and Western utilitarian influence. This study shows why this choice obscures how his legal judgments work. Across intoxicants, gambling, public finance, *ribā*, polygamy, and Muslim participation under colonial rule, consequences do not independently determine the law. They explain the purposes of established prohibitions, establish when limited permissions or exceptions apply, or rank constrained alternatives through inherited juristic categories and authorized fact-finding. The findings matter for contemporary debates on Islamic legal reform because they distinguish attention to social consequences from utilitarian maximization and show how colonial conditions reshaped the problems jurists faced without replacing Islamic legal reasoning.

Introduction

Riḍā's *Tafsīr al-Manār* reads legal verses amid colonial rule, new courts and administrative institutions, global commerce, missionary competition, and demands for reform. It nevertheless continues to argue through the language of revelation, *uṣūl al-fiqh*, *maqāṣid al-sharī'ah*, and inherited juristic devices. The conjunction has made Riḍā a central figure in debates over the scope of modern legal reform and the place of public interest within it. It has also encouraged descriptions of his thought as pragmatic, consequence-oriented, or proximate to utilitarianism. Those descriptions identify a real feature of the archive: Riḍā repeatedly asks what legal choices will do to households,



markets, institutions, and the collective position of Muslims. They become misleading, however, when attention to consequences is treated as a sufficient account of legal reasoning.

Four strands of scholarship establish the intellectual setting for Riḍā's legal reasoning. First, his legal theory demonstrates the importance of *maqāṣid* and *maṣlaḥah*. Kerr's foundational critique portrayed the reformist expansion of public-interest reasoning as a loosening of classical methodological controls ([Kerr, 1966](#)). By contrast, Ibrahim argues that Riḍā's legal thought proceeds from Qur'ānic *maqāṣid* and asks jurists to attend to the *ḥikmah* and general principles of the law ([Ibrahim, 2006](#)). Opwis situates Riḍā within a wider modern revival of *maṣlaḥah*, showing both the expansiveness of early reformist appropriations and their dependence on education, position, and the historical environment ([Opwis, 2005](#)). Riḍā's *maqāṣid* orientation, use of *maṣlaḥah*, and attention to social consequences are therefore established features of his jurisprudence; the unresolved issue is how these commitments perform different legal work across domains.

Second, scholars have shown that Riḍā did not simply apply an intact classical system to modern problems. Dallal demonstrates how twentieth-century reformers, including Riḍā, selectively appropriated premodern authorities and reconstructed distinctions, such as that between worship and transactions, to answer modern jurisdictional demands ([Dallal, 2000](#)). Shaham likewise challenges the dismissal of Riḍā's juristic thought as intellectually deficient while treating Islamic legal modernism as a recognizable, internally argued development rather than either pure continuity or disguised secularization ([Shaham, 2018](#)). These studies make "selective reconstruction" more accurate than either unchanged inheritance or categorical rupture.

Third, colonial and bureaucratic histories have made an exclusively internal genealogy untenable. Hamzah connects Riḍā's discourse of *maṣlaḥah* 'ammah to late Ottoman bureaucratic practices, journalistic publicity, and deliberative opinion ([Hamzah, 2008](#)). Nakissa places reform in Egypt and British-ruled India within an imperial field in which utilitarianism, civilizational progress, and liberal imperial policy shaped the reinterpretation of 'aql, *maṣlaḥah*, *maqāṣid*, *ijtihād*, and *taqlid* ([Nakissa, 2022](#)). Hussin shows more broadly that colonial authority and local elites reconstituted Islamic law as a delimited and increasingly state-centered object across Egypt, India, and Malaya ([Hussin, 2016](#)). These arguments create genuine pressure against any account that treats Riḍā's concepts as insulated from colonial genealogy. However, genealogy and influence do not by themselves establish equivalence between the normative architecture of *maṣlaḥah* and a utilitarian theory of right action.

Fourth, work on knowledge and evidence in Riḍā's *fatwās* has begun to clarify the epistemic dimension of his reformism. Stolz shows that Riḍā negotiated scientific materialism by adjudicating the standing of different forms of knowledge rather than simply accepting or rejecting "science" ([Stolz, 2012](#)). This directs attention to a question that general accounts of *maṣlaḥah* can obscure: who is competent to determine the facts on which a legal category operates? This question becomes especially important where the object is not an individual act but a collective economic need or institutional danger.

Existing studies establish Riḍā's central concepts, the reconstructive character of his reform, its colonial conditions, and the importance of knowledge and authority. Research published in 2023–2026 has refined these lines of inquiry without yet joining them in a cross-domain reconstruction of legal argument. [Fadel \(2023\)](#) conceptualizes *maṣlaḥah* as juridically ordered flourishing within Sunni legal and political commitments. [Mufazzal and Chaudhary \(2024\)](#) and [Aydın and Cevherli \(2025\)](#) reopen the comparison between *maṣlaḥah* and utilitarianism at the level of normative foundations and purposive reasoning. Direct studies of al-Manār remain organized by individual topics: [Rahman et al. \(2025\)](#) examine the rational and empirical harms invoked in the prohibition of *ḵhamr*, while [Baihaqi and Hanifah \(2025\)](#) analyze the *maqāṣid* construction of polygamy as a socially conditioned concession. [Amroin and Syauqani \(2026\)](#) reconstruct al-Manār's general rational, *maqāṣid*-oriented, and socially reformist *manhaj*, and [Alexeev \(2026\)](#) examines the interaction of inherited Khaldunian categories, European social science, and late-colonial political reasoning. This recent scholarship clarifies conceptual comparison, individual cases, general exegetical method, and political genealogy, but it leaves underdeveloped the legal sequence connecting *ḥukm*, 'illah or operative *manāṭ*, juristic mechanism, fact-establishing authority, and protected *maṣlaḥah* across different domains. A general description such as "pragmatic" or "welfare-oriented" therefore obscures the difference between an empirical harm that corroborates the wisdom of a prohibition, a public condition that activates a dispensation, and anticipated injury that ranks legally available choices under coercive constraint.

Recent studies of other sites of Islamic legal reasoning sharpen the same methodological issue. [Khoiri et al. \(2025\)](#) reconstruct al-Turabi's expansion of *qiyās* and *istishab* as a *maqāṣid*-based revision of *uṣūl* that integrates justice, public welfare, and social context. [Roslina et al. \(2025\)](#) trace a Supreme Court inheritance reform through Ibn 'Abbās's

minority interpretation, genealogical proximity, and *ijtihād qaḍāʾī*, while [Yaqin et al. \(2026\)](#) document a contemporary *istinbāṭ* process that sequences problem clarification, specialist consultation, critical selection of juristic opinions, and purposive derivation. Taken together, these studies show that responsiveness to social conditions can remain juristically mediated. The cross-domain problem addressed here lies at their intersection: how one reformist jurist assigns consequences different legal operations rather than a single, uniformly welfare-oriented function.

This article examines six clusters—intoxicants and gambling; *zakāt* allocation and public finance; *ribā* under collective need; polygamy; political loyalty and counter-mission funding; and Muslim judges and participation in colonial government—to ask how Riḍā moves from a legal problem and its context to the operative reason or condition of a ruling, through which juristic mechanism, on whose factual determination, and toward which protected *maṣlaḥah*. It then asks what this variation reveals about the relationship between *maṣlaḥah* and consequence-oriented reasoning. Utilitarianism functions here as a comparative analytical category for examining normative authority, legitimate goods, constraints, aggregation, maximization, and competence, rather than as a presumption about Riḍā’s intellectual identity. The cross-domain comparison tests ultimately reject the reduction of Riḍā’s legal reasoning to utilitarianism: consequences have real argumentative force, but that force remains derivative of revelation, legal characterization, domain-specific mechanisms, and authorized judgment.

Analytical Framework

2.1 *Maṣlaḥah* as Legal Reasoning

Maṣlaḥah is neither a free-standing synonym for benefit nor a single doctrine of Islam. In the *uṣūlī* tradition, claims about goods and harms acquire legal relevance within an architecture tied to revelation, recognized objectives, and juristic competence (*ʿaql*). Al-Ghazālī defines *maṣlaḥah* as the preservation of religion, life, intellect, lineage, and property while restricting interests that conflict with authoritative norms ([al-Ghazālī, 1997](#)). ‘Izz ibn ‘Abd al-Salām systematically recognizes and weighs benefits and harms ([Ibn ‘Abd al-Salām, 1999](#)). Al-Shāṭibī embeds legal purposes in an inductive reading of the scriptural-legal corpus and orders them through *ḍarūriyyāt*, *ḥājjiyyāt*, and *taḥṣiniyyāt* ([al-Shāṭibī, 2004](#)). These constructions differ in terms of theology and method, and none makes an undifferentiated welfare calculation sufficient for validity.

Modern jurists also assign different legal scopes to *maṣlaḥah*. Opwis demonstrates that they range from expansive appropriations associated with al-Tūfī to more holistic or restrictive models, and that these choices reflect historical and institutional locations ([Opwis, 2005](#)). Her longer genealogy shows that *maṣlaḥah*’s capacity to support legal change has always depended on how jurists relate benefit to texts, analogy, and purposes ([Opwis, 2010](#)). Fadel accordingly argues that *maṣlaḥah* is better understood as human flourishing within Sunni theological, legal, and political commitments than as a direct equivalent of utility ([Fadel, 2023](#)). Ibrahim’s reconstruction of Riḍā likewise places public good within a Qur’ānic theory of *maqāṣid* and *ḥikmah*, even as Riḍā expands its reformist reach ([Ibrahim, 2006](#)). *Maṣlaḥah* names the good that a legal conclusion protects, but the authority for that conclusion depends on the rule, legal characterization, and juristic mechanism that connect the good to judgment.

2.2 Consequences, Public Interest, and Utilitarianism

Consequence-sensitive reasoning notices or anticipates outcomes, whereas consequence-oriented reasoning gives outcomes a significant justificatory role. Neither description, by itself, entails consequentialism, because a jurist may consider injury, benefit, and institutional effects while continuing to treat revelation and binding norms as constraints. Consequentialism makes the goodness of consequences the ultimate basis of rightness, and utilitarianism adds an aggregative and maximizing criterion, in which the relevant currency is utility or welfare. Therefore, non-consequentialist reasoning can consider consequences without allowing them to become the sole criterion of legal or moral validity ([O’Neill, 2004](#); [Brown, 2011](#)). These terms identify different levels of normative commitment and cannot be used interchangeably.

Utilitarianism supplies a comparative category at the level of normative architecture: the source of authority; what counts as a legitimate good; whether goods are commensurable and aggregated; whether maximization is required; which prohibitions or rights constrain the pursuit of welfare; who possesses legal competence; and who determines the relevant facts. *Maṣlaḥah* and utilitarianism both contain internal variation, so their relation cannot be reduced to a low-to-high scale of proximity. Riḍā may reason intensively about collective effects while still treating revelation and juristic categories as constraints. Conversely, inherited vocabulary does not make empirical judgments or modern institutional pressures legally insignificant.

Therefore, Riḍā's arguments can be traced through a recurrent configuration: legal problem and context → *ḥukm* → 'illah or operative *manāṭ* → juristic mechanism → competence to establish the relevant facts → protected *maṣlahah*. Shared concern for welfare does not make two arguments equivalent when authority, applicability, competence, and constraint differ.

2.3 Legal Cause, Legal Purpose, and Conditions of Applicability

The relationship among 'illah, *ḥikmah*, *manāṭ*, and *maṣlahah* determines the legal work that consequences can perform. An 'illah is a legally salient attribute to which a ruling is attached, particularly in the extension of rules through analogies. The *ḥikmah* is the broader wisdom or purpose served by the ruling, and *maṣlahah* identifies the protected good or avoided harm. Legal theory does not provide an uncontested transhistorical formula for their relationship. Opwis shows, for example, that theories of analogy differ over whether ethically substantive suitability and purpose enter the identification of the ratio legis (Opwis, 2022). Riḍā's own terminology therefore controls where it is explicit; elsewhere, the status of a circumstance as 'illah, *manāṭ*, *ḥikmah*, or *maṣlahah* depends on the legal operation it performs.

The concept of *manāṭ* identifies the factual attribute or circumstance on which the applicability of a legal rule depends. *Takhrīj al-manāṭ* extracts a legally relevant cause, *tanqīḥ al-manāṭ* refines it by excluding irrelevant features, and *tahqīq al-manāṭ* determines whether the cause or condition is present in the concrete case. This final operation requires substantive judgment: the decision-maker must describe the public problem, determine the evidentiary threshold, and decide whether the proven facts satisfy a legal category such as *ḍarūrah*, *ḥājah*, or credible danger. *Manāṭ* becomes especially salient where Riḍā retains an existing norm but must establish the circumstances that activate, limit, prioritize, suspend, or permit its application.

2.4 Colonial Institutions and the Changing Objects of Legal Judgment

Colonial modernity did more than supply "new facts." This transformation affected jurisdictions, courts, administrative authority, finance, political incentives, missionary organizations, and the objects on which legal judgment operated. Hussin demonstrates how colonial governance and local elites reorganized Islamic law across Egypt, India, and Malaya (Hussin, 2016). Wood shows that European legal reception and Islamic legal revival in Egypt were mutually transformative rather than a story of simple disappearance and replacement (Wood, 2016). Hamzah and Nakissa further show that bureaucratic public interest, imperial policy, and utilitarian idioms could alter conceptual priorities as well as institutional settings (Hamzah, 2008; Nakissa, 2022).

Thus, colonialism operates as a field of transformation and constraint rather than a sufficient cause for legal judgment. Islamic jurisprudence already contained repertoires of *rukhsah*, necessity, need, public interest, *siyāsah*, prioritization, *ijtibād*, and lesser harm. Riḍā selectively reconstructs and recombines repertoires around new economic and political objects. The result is neither a complete continuity nor a complete Western replacement.

Material and Methods

This study employs qualitative content analysis to reconstruct patterns of legal argument in *Tafsīr al-Manār* (Riḍā, 1990). The unit of analysis is the case cluster, consisting of passages that address a shared legal problem and connect a judgment to textual authority, juristic principles, empirical conditions, or anticipated consequences. Each cluster is examined by tracing the relationship among the governing *ḥukm*, the operative 'illah or *manāṭ*, the juristic mechanism through which the ruling is formulated, the authority competent to establish the relevant facts, and the *maṣlahah* protected by the judgment. This structure enables comparison of how consequences perform different legal functions across distinct domains.

Six clusters were examined: (1) intoxicants and gambling; (2) *zakāt* allocation and public finance; (3) polygamy; (4) *ribā* under conditions of public need; (5) political loyalty and counter-mission funding; and (6) Muslim judges and participation in colonial government. The purposive selection captures variation across private-normative, family-social, socioeconomic-policy, and political-colonial domains. A cluster was included when the available passages contained both a legal or policy conclusion and an explicit or implicit account of benefit, harm, need, priority, or collective consequence. The resulting comparison identifies differences in argumentative structure among the selected cases; it does not estimate how frequently each pattern appears throughout al-Manār.

Close reading used the following coding categories for each cluster: (a) legal problem and context; (b) *ḥukm* being defended, qualified, or adapted; (c) operative rationale—identified as 'illah only where the passage supports a legally effective attribute, and otherwise as *manāṭ* or legally relevant circumstance; (d) juristic mechanism, such as *tarjīḥ*, *ghalabat al-maṣṣadah*, *al-mulā'amah*, *al-ahamm fa-al-ahamm*, *ḍarūrah*/*ḥājah*, or *akḥaff al-ḍararayn*; (e) the person, authority,

or configuration of competences assigned to establish the relevant facts; (f) protected *maṣlaḥah*; and (g) whether consequences corroborate a rationale, activate an exception, or rank constrained alternatives. The final three functions were derived inductively from a comparison of the cases and were not attributed to Riḍā as an explicit classical taxonomy.

The comparison with utilitarianism follows the internal reconstruction of each case. Each configuration is examined in terms of normative authority, aggregate welfare or maximization, operative constraints, legal competence, and authority to determine the facts. The analysis concerns the contrasting argumentative patterns within the six selected clusters, not their frequency across all volumes of al-Manār. Claims of direct transmission from Bentham or Mill require evidence of reading, chronology, and mediation; colonial and bureaucratic influence is assessed through historically altered institutions, concepts, and objects of judgment.

Results

4.1 Weighing Harm within the Boundaries of Revelation — Khamr and Gambling

Q. al-Baqarah 2:219 acknowledges that *khamr* and gambling contain benefits but declares their sin greater than their benefit. The verse therefore supplies a comparative legal judgment rather than leaving the act to an unrestricted calculation of net social utility. Riḍā treats prohibition as the controlling *ḥukm* and uses *tarjih* and *ghalabat al-maṣḍah* to explain why the acknowledged benefits cannot override a divinely established judgment whose dominant effect is harmful. Halevi's study of Riḍā's postwar alcohol *fatwā* further situates such reasoning within Arab–Indian commercial and nationalist competition, where alcohol regulation also became entangled with transregional power (Halevi, 2020).

فَإِنَّ آيَةَ الْبَقَرَةِ تُلْى عَلَى التَّحْرِيمِ بِمُقْتَضَى الْقَاعِدَةِ الْمَعْرُوفَةِ عِنْدَ الْفُقَهَاءِ وَهِيَ: حُرْمَةُ مَا تَغْلِبُ الْمَفْسَدَةَ فِيهِ عَلَى الْمَصْلَحَةِ، وَرُجْحَانُ الضَّرَرِ فِيهِ عَلَى النِّفْعِ. وَقَدْ نَطَقَتِ الْآيَةُ بِالتَّرْجِيحِ فِي أَمْرِ الْخَمْرِ وَالْمَيْسِرِ...

Translation: "Indeed, the verse of Al-Baqarah indicates the prohibition (of alcohol and gambling) based on a principle recognized among jurists, namely, the prohibition of that which causes more harm than good, and whose dangers outweigh its benefits. And indeed, this verse has expressed (naṭaaqt) the weighing (tarjih) of the matter of alcohol and gambling..."

For *khamr*, "harm" in an unlimited sense cannot serve as the operative 'illah. In Riḍā's explanation, intoxication—the covering and disabling of reason—functions as the legally salient property through which harm is specified. This claim concerns Riḍā's own argument rather than an uncontested universal cause for the textual prohibition. Haider's reconstruction of early Mālikī/Shāfi'ī and Ḥanafī disputes demonstrates the historical difference between the textual category *khamr*, which refers to intoxicating drinks derived from other materials, and actual intoxication (Haider, 2013). Riḍā calls the removal of reason the gravest corruption because reason distinguishes responsible human action:

إِنَّ الْخَمْرَ سُمِّيَتْ خَمْرًا لِمَخَامَرَتِهَا الْعَقْلَ وَسَتَرَهَا إِيَّاهُ... وَإِزَالَةُ الْعَقْلِ هِيَ أَفْجَحُ الْمَفَاسِدِ، إِذْ بِالْعَقْلِ يَتَمَيَّزُ الْإِنْسَانُ عَنِ الْبَيْمَةِ. وَإِذَا زَالَ الْعَقْلُ ارْتَكَبَ الْإِنْسَانُ الشُّرُورَ وَالْآثَامَ وَلِذَلِكَ سُمِّيَتْ أُمُّ الْخَبَايِثِ.

Translation: "Indeed, khamr is called khamr because it covers the mind and clouds it... and the loss of reason is the worst damage, because it is with reason that humans are distinguished from animals. And when reason is lost, humans will commit various evils and sins, and that is why it (khamr) is called the mother of all evils (umm al-khabā'ith)."

Riḍā connects intoxication to its social consequences through a causal sequence: impairment of reason weakens deliberation and restraint, which in turn permits concealed resentment to erupt as hostility. He presents this sequence as observable evidence of the *maṣḍah* protected against by prohibition:

وَأَمَّا إِيقَاعُ الْعَدَاوَةِ وَالْبُغْضَاءِ بَيْنَ النَّاسِ بِسَبَبِ الْخَمْرِ فَهُوَ أَمْرٌ مُشَاهِدٌ لَا يَحْتَاجُ إِلَى بَيَانٍ. فَإِنَّ السَّكْبَرَ يَفْقَدُ الرُّوْيَةَ وَالْحَيَاءَ الَّذِي يَمْنَعَانِ الْإِنْسَانَ مِنْ مُوَاجَهَةِ إِخْوَانِهِ بِمَا يَكْرَهُونَ... فَتَنْوَرُ الصُّغَائِنُ الْكَامِنَةُ، وَتَنْبَعِثُ الْأَحْقَادُ الدَّفِينَةُ.

Translation: "Regarding the occurrence of hostility and hatred among humans caused by khamr, it is a matter that has been witnessed (an empirical fact) and requires no further explanation. Because a drunkard loses his reason and sense of shame, which (usually) prevent people from confronting their brothers with something they hate... then (when drunk) hidden resentment boils up and buried hatred rises."

Riḍā's account moves across three legal levels: the textually regulated category of *khamr*; *iskār* as the property that specifies its disabling harm and, where relevant, extends concern to other intoxicants; and preservation of intellect and prevention of hostility as the broader *maqṣad*, *ḥikmah*, or *maṣlaḥah*. Empirical observation corroborates the protective rationale of the scriptural judgment; it does not independently create that judgment. This relation accords with Opwis's demonstration that ethically substantive purposes can inform legal analogy without converting it into a free-standing utility calculation (Opwis, 2022).

Riḍā identifies a different operative rationale for gambling. Financial loss alone cannot explain the prohibition because legitimate trade also involves uncertainty and commercial risk. Islamic commercial doctrine likewise distinguishes prohibited *maysir* and *gharar* from the risk unavoidably borne in legitimate exchange (Vogel & Hayes, 1998). Instead, Riḍā emphasizes the chance-based acquisition of another's wealth without productive effort—*akl amwāl al-nās bi-l-bāṭil*—and connects that wrongful mode of transfer to household ruin and habituation to idleness:

وَأَمَّا الْمَيْسِرُ... فَهُوَ أَكْلُ أَمْوَالِ النَّاسِ بِالْبَاطِلِ بِحُكْمِ الْمَصَادِفَةِ وَالتَّبَخُّتِ لَا بِحُكْمِ السَّعْيِ وَالْعَمَلِ... كَمْ خَرَبَ الْقِمَارُ مِنْ بُيُوتٍ كَانَتْ غَنِيَّةً، وَأَفْقَرَ أُسْرًا كَانَتْ عَزِيزَةً... وَهُوَ يُعَوِّدُ الْمَرْءَ الْكَسْلَ وَانْتِظَارَ الرِّزْقِ مِنْ غَيْرِ وَجْهِهِ.

Translation: "Regarding gambling (*maysir*), it consumes people's wealth in an unjust manner based on chance and luck, not on effort and work." How much gambling has destroyed homes that were once wealthy, and impoverished families that were once honorable... and it accustoms a person to become lazy and wait for sustenance from improper means."

Here, the operative rationale is the wrongful, chance-based transfer of wealth; impoverishment and the erosion of work are the consequences through which its *mafsadah* becomes visible. The corresponding *maṣlahah* is the protection of property and household stability, as well as the maintenance of a social order in which wealth is connected to legitimate exchange and work.

Riḍā's further requirement of *al-mulā'imah* explains why neither causal claim is left to intuition or desire. A claimed interest must conform to the purposes of *Shari'ah* and remain acceptable to sound reason.

...أَنْ مَا يُسَمُّونَهُ بِالْمَصَالِحِ الْمُرْسَلَةِ... يُشْتَرَطُ فِيهِ الْمَلَاعِمَةُ لِمَقَاصِدِ الشَّرْعِ عِلْمًا... وَأَنْ تَكُونَ مَقْبُولَةً عِنْدَ الْعُقُولِ.

Translation: "...that what they refer to as *maṣlahah mursalah*... requires conformity (*al-mulā'imah*) with the objectives of the *Shari'ah* in a scientific manner... and that it is acceptable to common sense (*maqbulah 'inda al-'uqul*)."

The two prohibitions share a mechanism—predominant harm—but do not have an identical legally salient property. In Riḍā's account, intoxication specifies the impairment associated with *khamr*, whereas gambling institutionalizes an unjust transfer of wealth. Their *maṣlahah* also differs in emphasis: preservation of intellect and social peace in the former, and preservation of property, household security, and productive order in the latter one. The consequences primarily corroborate the rationale for each prohibition; their presence alone does not explain the different legal structures.

4.2 Reordering Legal Priorities for Public Need — *zakāt* and *ribā*

zakāt Allocation and Public Finance

Fiscal discussions connect recognized allocation frameworks to changing public needs. The obligation of *zakāt* remains intact, and the ruler receives no unrestricted fiscal discretion in this case. Riḍā addresses particular designated shares—the share of *al-mu'allafah qulubuhum* and, separately, the post-Prophetic treatment of the Messenger's share—whose administration he relates to public purposes: Therefore, *maṣlahah* moves from explaining a rule's wisdom to prioritizing among the legally recognized objects of expenditure. This purposive movement accords with Ibrahim's account of Riḍā's Qur'ānic *maqāṣid* and Opwis's demonstration that his modern *maṣlahah* doctrine is expansive but still argued through juristic genealogy (Ibrahim, 2006; Opwis, 2005). Riḍā first invoked authority for the proposition that transactions and governance may be built on *maṣāliḥ mursalah*:

إِنَّ أَصْحَابَ الْأَيْمَةِ - كَابْنَ عَقِيلٍ مِنَ الْخَنَابِلَةِ - صَرَّحُوا بِأَنَّ الْمَصَالِحَ الْمُرْسَلَةَ هِيَ الْأَصْلُ الَّذِي تُبْنَى عَلَيْهِ أَحْكَامُ الْمُعَامَلَاتِ وَالسِّيَاسَةِ.

Translation: "Indeed, the companions of the imams of the *madhhab*—such as Ibn 'Aqil from Hanabilah—clearly stated that *maṣāliḥ mursalah* is the basis (*al-aṣl*) upon which the laws of *mu'āmalāt* and politics (*siyāsah*) are built."

Riḍā makes fiscal discretion depend on a specific collective-security condition: the community must require fortifications or military preparation to repel aggression. Once the *imām* establishes that need, it becomes the *manāṭ* that authorizes funds to be redirected from a less urgent allocation toward defense.

وَأِنْ كَانَ فِي النَّاسِ حَاجَةٌ إِلَى بِنَاءِ خُصُونٍ أَوْ إِغْدَادِ جَيْشٍ لِدَفْعِ عَادِيَةِ الْأَغْدَاءِ... جَازَ إلْغَاءُ سَهْمِ الْمُؤَلَّفَةِ... وَصَرَفَ ذَلِكَ إِلَى إِغْدَادِ الْقِتَالِ.

Translation: "And if there is a need in society to build fortifications or prepare troops to repel enemy aggression... then it is permissible to cancel the *mu'allaf* portion... and spend it on war preparations."

The same logic appears in the treatment of the Prophet's share after his death. The original officeholder is no longer present, but the public purpose attached to the resource persists.

فَيُوضَعُ سَهْمُ رَسُولِ اللَّهِ (ص) بَعْدَهُ فِي مَصَالِحِ الْمُسْلِمِينَ الْأَعْمَ.

Translation: “Then the portion of the Messenger of Allah (pbuh) after his death was placed for the broader public benefit of the Muslims.”

The disappearance or reduced urgency of one recipient rationale does not authorize a private redirection. Riḍā locates the power to establish the need and choose the expenditure in the *imām’s ijtihād*. Hamzah’s study of Riḍā’s *maṣlaḥah ‘ammah* helps explain this movement toward public and deliberative authority, while also showing that such authority took shape within late Ottoman bureaucratic and journalistic transformations rather than outside history ([Hamzah, 2008](#)):

وَعِنْدِي أَنَّهُ خِيَرِ الْإِمَامُ فِي تَعْيِينِ ذَلِكَ... يُفَوِّضُ كُلُّ ذَلِكَ إِلَى الْإِمَامِ: يَجْتَهِدُ فِي الْقَرَضِ.

Translation: “And in my opinion, the *imām* is given the choice in determining this... All of that is entrusted (mandated) to the *imām*: he exercises his own judgment in determining it.”

The legal bridge between the verified need and the allocation decision is *al-abamm fa-al-abamm*.

وَتَقْدِيمِ الْأَهَمِّ فَالْأَهَمِّ عَلَى مَا أَدَّى إِلَيْهِ اجْتِهَادُهُ.

Translation: “And (the *imām* must) prioritize what is more important over what is less important (*al-abamm fa-al-abamm*), according to the results of his *ijtihād*.”

Riḍā connects a recognized allocation framework to an established collective need through the *imām’s ijtihād* and the priority rule, *al-abamm fa-al-abamm*. The *ḥukm* is a conditional authorization concerning the designated resource at issue, not a general erasure of *zakat* categories. Its operative *manāṭ* is an urgent defense need, whose protection outweighs the current claim of a less-pressing allocation. Its mechanism is the *imām’s ijtihād* guided by priority, and its *maṣlaḥah* is communal security and the continuation of institutional capacities. Consequences establish urgency and rank recognized expenditures, while legal purposes and public competence prevent unrestricted fiscal calculations from being made.

[Luthfi et al. \(2026\)](#) show why the allocation question remains institutionally significant in a modern setting. Their study of Indonesian *zakāt* governance treats *maqāṣid* not only as a distributive orientation toward public welfare but also as a demand for transparent authority, civil-society participation, and checks on concentrated administrative power. Read beside Riḍā, the comparison separates two legal tasks: *al-abamm fa-al-abamm* supplies a rule for ranking public needs, whereas modern governance arrangements regulate and supervise the authority that makes the ranking. Consequence-sensitive allocation therefore involves both a substantive priority rule and an institutional account of competence.

ribā, Need, and Collective Authorization

Riḍā addresses the economic problem faced by Muslims in India under a financial order that they did not control. The reformist debate over *ribā* and modern banking repeatedly turned on how classical classifications mapped onto new credit institutions ([Saeed, 1996](#)). Jahar’s direct study confirms that Riḍā differentiated forms and rationales of *ribā* rather than simply declaring modern interest beneficial ([Jahar, 1998](#)). Nakissa locates both the economic problem and its vocabulary within an imperial policy environment rather than a neutral change in commercial facts ([Nakissa, 2022](#)). The passage nevertheless poses a legally specific question: may a particular prohibited transaction be tolerated when collective economic life cannot otherwise meet an established necessity or need? Riḍā anchors the possibility of dispensation in the Qur’anic principles of ease and removal of hardship:

إِنَّ الْإِسْلَامَ كُلَّهُ مَبْنِيٌّ عَلَى قَاعِدَةِ الْيُسْرِ وَرَفْعِ الْحَرَجِ وَالْمَشَقَّةِ الثَّابِتَةِ بِنَصِّ قَوْلِهِ تَعَالَى: (يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ)

Translation: “Indeed, Islam is entirely built on the principles of ease and the removal of hardship and difficulty, as confirmed by the words of Allah: ‘Allah desires ease for you and does not desire hardship for you.’”

He then distinguishes prohibitions intrinsic to an act (*ḥarām li-dhātihī*) from those prohibited because they lead to another wrong (*ḥarām li-ghayrihī*). Within the quoted passage, *ribā al-nasi’ah* is placed in the latter category:

وَإِنَّ الْمَحْرَمَاتِ فِي الْإِسْلَامِ قِسْمَانِ: الْأَوَّلُ مَا هُوَ حَرَامٌ لِذَاتِهِ... وَالثَّانِي مَا هُوَ حَرَامٌ لِغَيْرِهِ... وَرَبَا النَّسِيئَةِ... وَهُوَ يُبَاحُ لِلضَّرُورَةِ بَلْ وَلِلْحَاجَةِ كَمَا قَالَهُ الْإِمَامُ ابْنُ الْقَيِّمِ.

Translation: “And indeed, there are two types of things that are forbidden in Islam: first, those that are forbidden because of their nature... second, those that are forbidden because of other factors... and *ribā nasi’ah* (including the second)... so it is permissible in cases of emergency, even out of necessity (*ḥājah*), as stated by *imām Ibn al-Qayyim*.”

The classification of prohibition supplies a doctrinal basis on which relaxation may become possible; it does not itself activate an exception. Activation requires a real *ḍarūrah* or *ḥājah* of the community. The categories perform different legal operations: *ḥaram li-dhatibi/li-ghayribi* identifies the character of the prohibition, whereas *ḍarūrah/ḥājah* identifies whether the factual threshold for a dispensation exists. Because an individual has both limited knowledge and an incentive to overstate collective need, Riḍā denies individuals unilateral authority to establish that threshold:

وإنَّما المُشْكِلُ تَحْدِيدُ ضَرُورَةِ الْأُمَّةِ أَوْ حَاجَتِهَا... وَأَرَى أَنَّهُ لَيْسَ لِفَرْدٍ مِنَ الْأَفْرَادِ أَنْ يَسْتَقِلَّ بِذَلِكَ، وَإِنَّمَا يُرَدُّ مِثْلُ هَذَا الْأَمْرِ إِلَى أُولَى الْأَمْرِ مِنَ الْأُمَّةِ.

Translation: "However, the problem is determining what constitutes an emergency or the needs of the people. In my opinion, no individual should decide this independently; matters such as this must be left to the ulil-amri of the people."

Establishing the *manāṭ* requires collective inquiry that joins juristic, public, and sectoral competence:

فَالرَّأْيُ عِنْدِي أَنَّ يَجْتَمِعَ أُولُو الْأَمْرِ مِنْ... وَكِبَارُ الْعُلَمَاءِ الْمُدَرِّسِينَ... وَالْأَطِبَّاءِ، وَكِبَارُ الزَّرَّاعِينَ وَالتَّجَّارِ... يَتَشَاوَرُوا بَيْنَهُمْ فِي الْمَسْأَلَةِ.

Translation: "So my opinion is: the leaders should gather... together with the great scholars, teachers... doctors, large farmers and merchants... to discuss this issue."

Riḍā preserves the basic prohibition while placing any dispensation behind several conditions: classification of the transaction as *ḥaram li-ghayribi*, verification of collective *ḍarūrah* or *ḥājah*, and deliberation by *ulū al-amr* with scholars and relevant specialists. Classification makes dispensation doctrinally possible, verified collective need activates that possibility, and consultation establishes whether the factual threshold has been met. The participants contribute different forms of competence: jurists classify the prohibition and its possible exception, public authorities judge collective needs, and sectoral experts supply evidence about medicine, agriculture, commerce, and economic capacity. The protected *maṣlahah* is the removal of debilitating hardships and the preservation of property and communal economic capacity. Thus, need operates as the legally relevant condition that both activates and limits the exception, rather than merely describing a desirable outcome.

Contemporary institutional evidence clarifies the legal importance of this sequence. [Yaqin et al. \(2026\)](#) find that problem clarification precedes legal interpretation in Ma'had Aly's *istinbat* process and that economic, medical, or scientific questions are informed by relevant specialists before juristic opinions and *maqasid* are assessed. Riḍā's proposal is less formally institutionalized, but both arrangements distinguish the competence required to establish a public condition from the competence required to characterize that condition in law.

4.3 When Social Conditions Shape the Scope of Legal Permission — Polygamy

Riḍā treats polygamy as an existing Qur'anic permission whose use depends on need rather than as an independently recommended norm. Modern reformist family law debates repeatedly reclassified inherited permissions in response to new ideals of marriage, state legislation, and arguments about women's welfare ([Tucker, 2008](#)). Within that contested setting, Riḍā grounds the scope of the permission in demographic imbalance following war, economic vulnerability, and the risk that women without familial support will be driven into sexual exploitation:

وَرُبَّمَا كَانَ التَّعَدُّ لِمَصْلَحَةِ الْأُمَّةِ... كَمَا فِي بِلَادِ الْإِنْكِلِيزِ، وَفِي كُلِّ بِلَادٍ حَدَثَتْ فِيهَا حَرْبٌ عَظِيمَةٌ أَفْنَتْ أَلْفًا مِنَ الرِّجَالِ، فَيَزِيدُ عَدَدُ النِّسَاءِ زِيَادَةً فَاجْتَنَتْ، فَتَضْطَرُّهُنَّ إِلَى الْكَسْبِ وَالسَّعْيِ لِقَضَاءِ حَاجَةِ الطَّبِيعَةِ... وَلَا بَضَاعَةَ لِأَكْثَرِهِنَّ فِي الْكَسْبِ سِوَى أَبْضَاعِهِنَّ.

Translation: "And it could be that polygamy is for the benefit of the people... as in England, and in every country where there has been a major war that has killed thousands of men; then the number of women increases dramatically, forcing them to work and strive to fulfill their instinctive needs... and most of them have no 'commodity' to work with other than their own bodies (genitals)."

The social diagnosis is historically situated and normatively controversial, and it does not function automatically as a technical *'illah* for polygamy. It supplies the operative circumstance by which Riḍā limits the field of an existing *rukhsah*. The relevant condition is not male preference or abstract permissibility, but an exceptional imbalance that leaves many women without support and exposed to exploitation. Riḍā therefore distinguishes permissibility from recommendation, insists that necessity be measured according to its extent, and treats non-polygamy as the preferred baseline:

...تَعَدُّ الرِّجَالِ هِيَ ضَرُورَاتٌ تَقْدَرُ بِقَدَرِهَا... وَكَانَ الْأَصْلُ الْمَطْلُوبُ عَدَمُ التَّعَدُّ؛ فَجُعِلَ التَّعَدُّ فِي الْإِسْلَامِ رُخْصَةً لَا وَاجِبًا وَلَا مَنُوبًا لِذَاتِهِ.

Translation: "...polygamy is an emergency situation that is measured according to its degree... whereas the original (main principle) is not to practice polygamy. Therefore, polygamy in Islam is considered a concession (rukhsah), not an obligation or recommendation because of its very nature."

The *ḥukm* is a conditional permission and expressly a *rukhṣah*, not an obligation or intrinsic recommendation. Its operative *manāṭ* is a socially demonstrated exceptional need measured by its actual extent. The proportionality formula—*al-ḍarūrāt tataqaddar bi-qadrihā*—also supplies the limit: once the need is absent or the response exceeds it, the justification weakens. The *maṣlaḥah* claimed by Riḍā is the protection of vulnerable women, prevention of sexual exploitation, and preservation of family and moral order. Consequences do not generate permission; they activate and delimit the field in which the existing concession may be used.

4.4 Legal Reasoning under Colonial Constraint — Political Loyalty, Muslim Judges, and Participation in Government

Political Loyalty and Counter-Mission Funding

The first colonial problem concerns the competition for political and religious loyalty. Missionary societies, education, evangelism, and colonial power formed an interconnected field in which Riḍā defended Muslim authority ([Ryad, 2009a](#)), while allegiance itself became an object of public governance within late Ottoman transformations of *maṣlaḥah* and opinion ([Hamzah, 2008](#)). Riḍā interprets missionary activity as an institutional strategy: colonial powers finance religious propagation and local intermediaries to move vulnerable Muslims into their protection. On that diagnosis, the Qur’anic allocation for al-mu’allafah qulūbuhum supplies a juristic mechanism for countering a material process of allegiance-building:

...وَأَرْتَبْتُ سِيَاسَتَهُمْ وَمَصَالِحَهُمُ الْعَامَّةُ وَالْخَاصَّةُ بِهِ، وَصَارَ وَسِيلَةً مِنْ أَقْوَى وَسَائِلِ الْأَسْتِعْمَارِ وَالْأَسْتِيلَاءِ عَلَى الشُّعُوبِ... فَأَتَّفَقْتُ مَعَ الْجَمْعِيَّاتِ الدِّينِيَّةِ عَلَى نَشْرِهِ.

Translation: “...Politics and public interests—even their own interests—were tied to it (religion), so that it became one of the most powerful tools for colonialism and the conquest of nations... So they agreed with religious groups to spread it.”

The relevant fact is not simply that missionary work exists, but that colonial powers materially cultivate Muslim loyalty.

فَإِنَّ دَوْلَ الْأَسْتِعْمَارِ الطَّامِعَةَ فِي اسْتِعْبَادِ جَمِيعِ الْمُسْلِمِينَ... يَخْصِمُونَ مِنْ أَمْوَالِهِمْ سَهْمًا لِلْمُؤَلَّفَةِ قُلُوبُهُمْ مِنَ الْمُسْلِمِينَ.

Translation: “Because colonial countries were ambitious to enslave all Muslims... they allocated part of their wealth as special funds (‘shares’) to (soften) the hearts of Muslims.”

For Riḍā, counter-funding becomes legally relevant only when material dependence creates a credible risk that Muslim leaders or communities will transfer their political allegiance to a colonial patron. This vulnerability is the *manāṭ* that extends the rationale of *ta’līf al-qulūb* to the new institutional setting.

وَأَوَّلَى مِنْهُمْ بِالتَّأْلِيفِ فِي زَمَانِنَا قَوْمٌ مِنَ الْمُسْلِمِينَ يَأْلِفُهُمُ الْكُفَرُ لِيَدْخُلُوا تَحْتَ جَمَائِعِهِمْ.

Translation: “And what is more important to be ‘softened’ (given funds) in our time are Muslims who are being persuaded by infidels to enter into their protection.”

The choice is justified through a comparison of constrained alternatives, not through an unlimited preference for useful expenditure.

فَيُخْتَارُ بِتَأْلِيفِهِمْ... أَخَفُ الضَّرَرَيْنِ وَأَرْجَحُ الْمَصْلَحَتَيْنِ.

Translation: “So the decision was made to ‘soften’ them... in the form of: choosing the lesser of two evils, and choosing the greater of two benefits.”

The *ḥukm* is permission—and in Riḍā’s rhetoric, political urgency—to allocate counter-funding for vulnerable loyalties. Its operative *manāṭ* is a demonstrable risk that colonial patronage will move Muslim leaders or communities under foreign protection. *Akhaff al-ḍararayn* and *arjah al-maṣlaḥatayn* connect that risk to the decision by ranking compromised alternatives. The *maṣlaḥah* is the preservation of religious allegiance, political cohesion, and capacity to resist domination. The lesser-harm rule remains bounded by the specified danger; it does not make every politically expedient payment lawful. Here, consequences perform an option-ranking function, although the factual risk also helps establish that the named allocation remains applicable.

Muslim Judges and Participation in Colonial Government

The second colonial cluster turns on a theological obstacle to institutional participation. Riḍā’s *fatwās* for Muslims under non-Muslim rule anticipate aspects of later minority jurisprudence ([Ryad, 2009b](#)), while colonial courts and administrative structures reconstituted the institutional field in which such participation occurred ([Hussin, 2016](#); [Wood, 2016](#)). Muslims in India questioned whether serving as judges or officials under British law amounted to ruling

by other than what God revealed and therefore to unbelief. Riḍā first identifies the theological and legal conditions relevant to kufr judgment before considering the institutional consequences of participation. He records the categorical reading that he then qualifies:

إِنَّ هَذَا السُّؤَالَ يَتَضَمَّنُ مَسَائِلَ مِنْ أَكْثَرِ مُشْكَلَاتِ هَذَا الْعَصْرِ... وَكَثِيرٌ مِنَ الْمُتَدَبِّرِينَ يَعْتَقُونَ أَنَّ قُضَاةَ الْأَهْلِيَّةِ الَّذِينَ يَحْكُمُونَ بِالْقَانُونِ كُفَّارٌ أَخْذًا بِظَاهِرِ قَوْلِهِ تَعَالَى: ﴿وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ﴾.

Translation: "This question raises a major issue of our time. Many religious people believe that judges who rule according to qānūn (English) are infidels, because they adhere to the apparent meaning of the verse: "Whoever does not judge according to what Allah has revealed, then they are the infidels.""

Riḍā treats the denial of God's law or doctrinal preference for another law as superior—not the bare act of applying a non-*Shari'ah* rule under all circumstances—as the condition relevant to unbelief. This interpretation was itself a modern reconstruction rather than an unchanged reproduction of settled doctrine. Wagner shows that Riḍā's reading of Q. 5:44 was historically innovative and helped prepare the later career of *ḥukm bi-mā anzala Allāh* as an Islamist slogan (Wagner, 2016). In transformed political conditions, Riḍā rearranged inherited materials to distinguish doctrinal rejection from constrained administrative application:

...قَالَ فِي الْكُفْرِ الْوَاقِعِ... إِنَّهُ لَيْسَ بِالْكُفْرِ الَّذِي تَذْهَبُونَ إِلَيْهِ... كُفْرٌ نُونٌ كُفْرٌ. وَذَهَبَ بَعْضُهُمْ إِلَى أَنَّ الْكُفْرَ بِشَرْطِ مَعْرِفَةٍ... أَنَّ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ مُنْكَرًا لَهُ أَوْ رَاعِيًا عَنْهُ لَا عَقِيدَةً.

Translation: "The disbelief referred to is not the disbelief you imagine (apostasy) but rather 'disbelief beneath disbelief.' Some scholars stipulate: disbelief occurs when one judges by other than the law of Allah in a state of denying the law of Allah or turning away from it because one believes something else to be more correct..."

Riḍā then distinguishes rules of worship from rules governing worldly administration and civil transactions. Because many matters in the second category remain open to *ijtihad*, applying an administrative rule under colonial authority cannot be treated in the same manner as denying a fixed obligation of worship.

أَقُولُ: إِنَّ الْأَحْكَامَ الْمُنْزَلَةَ... مِنْهَا مَا يَتَعَلَّقُ بِالَّذِينَ نَفْسِهِ كَالْعِبَادَاتِ... وَمِنْهَا مَا يَتَعَلَّقُ بِأَعْمَالِ الدُّنْيَا كَالْعُقُوبَاتِ وَالْخُودِ وَالْمُعَامَلَاتِ الْمَدَنِيَّةِ... وَأَكْثَرُهَا مُؤَكَّدٌ إِلَى الْإِجْتِهَادِ.

Translation: "The laws that were revealed: some were related to religion itself, such as worship... others were related to worldly affairs, such as punishment, ḥudūd, and civil transactions... and most (worldly affairs) were left to ijtihād."

Only after these doctrinal distinctions remove automatic *taḳfir* does Riḍā turn to the consequences of participation. His factual claim is that qualified Muslims' withdrawal from office cedes institutional power to others, eliminates religious and worldly interests, and contributed to Muslim political decline in India.

وَبِظَاهِرٍ أَنَّ تَرْكَ أَمْتَالِهِ مِنْ أَهْلِ الْعِلْمِ... لِلْقَضَاءِ وَغَيْرِهِ مِنْ أَعْمَالِ الْحُكُومَةِ... يُضَيِّعُ عَلَى الْمُسْلِمِينَ مُعْظَمَ مَصَالِحِهِمْ فِي دِينِهِمْ وَدُنْيَاهُمْ... وَمَا تُكِبُّ الْمُسْلِمُونَ فِي الْهِنْدِ وَتَحُولُهَا وَتَأْخُذُوا عَنِ الْوَثَنِيِّينَ إِلَّا بِسَبَبِ الْجُرْمَانِ مِنْ أَعْمَالِ الْحُكُومَةِ.

Translation: "It is clear that abandoning judicial positions and government jobs... will eliminate most of the interests of Muslims." Muslims in India and similar places have not suffered decline and defeat at the hands of idolaters except because they have been prevented from holding government jobs."

The relevant *manāṭ* is therefore not employment by a non-Muslim government in the abstract. It is a constrained institutional situation in which Muslim participation enables the implementation of their law and reduces the greater harm caused by complete displacement.

وَالظَّاهِرُ لَنَا... يَنْبَغِي لَهُ فِي كُلِّ مَكَانٍ بِإِقَامَةِ مَا يَسْتَطِيعُ إِقَامَتَهُ مِنْ هَذِهِ الْأَحْكَامِ، وَأَنْ يَحُولَ دُونَ تَحْكِيمِ غَيْرِ الْمُسْلِمِينَ بِقَدْرِ الْإِمْكَانِ.

Translation: "What seems clear to us... is that a person has an obligation wherever they are to uphold those laws to the best of their ability, and to prevent non-Muslims from being judged by them to the extent possible."

Riḍā frames service as a *rukhsah* under *akbaff al-dararayn*, while suggesting that it may approach *'aẓimah* when participation is necessary to support Islam and preserve Muslim interests.

وَالظَّاهِرُ مَعَ هَذَا كُلِّهِ أَنَّ قَبُولَ الْمُسْلِمِ الْعَمَلِ فِي الْحُكُومَةِ الْإِنْكِلِيزِيَّةِ... هُوَ رُخْصَةٌ تَدْخُلُ فِي قَاعِدَةِ ارْتِكَابِ أَخْفَ الضَّرَرَيْنِ، إِنْ لَمْ يَكُنْ عَزِيمَةً يُقْصَدُ بِهَا تَأْيِيدُ الْإِسْلَامِ وَحِفْظُ مَصْلَحَةِ الْمُسْلِمِينَ.

Translation: "It is clear... that the acceptance of a Muslim to work in the British government... is a concession (rukhsah) that falls under the rule of choosing the lesser of two evils, even if it cannot be said to be the main principle ('aẓimah) intended to support Islam and protect the interests of Muslims."

Riḍā's argument proceeds through three distinct legal operations. First, *taḳfīr* depends on the denial of God's law or doctrinal preference for another law, not on every compelled or administrative application of a non-*Shari'ah* rule. Second, once automatic *taḳfīr* has been excluded, the permissibility of holding office can be assessed separately. Third, the *rukhsah* applies when Muslim participation can realistically preserve religious practice, legal representation, public influence, and other communal interests that would otherwise be surrendered. The rule of *akḥaff al-ḍararayn* then ranks the available alternatives by comparing the limited compromise of participation with the greater institutional loss produced by withdrawal. Consequences enter the judgment only after the permissible domain and its operative condition have been established.

Discussion

5.1 Consequences in Rules, Exceptions, and Constrained Choices

Riḍā assigns consequences to different legal functions rather than varying only the degree of welfare-attentiveness. In the case of *ḵhamr* and gambling, observable effects reveal why scriptural prohibitions protect the intellect, property, households, and social peace. These effects corroborate the *maḥṣadāh* of established rules but do not operate as autonomous norms. In *ribā* and polygamy, factual conditions determine whether a bounded dispensation or concession has a field of operation. Need and demographic emergencies acquire legal force only when characterized as *ḍarūrah* or *ḥājah* and measured by their extent. In colonial loyalty and public office cases, every available course carries injury, so the anticipated consequences rank the legally available alternatives through *akḥaff al-ḍararayn* or *arjah al-maṣlahatayn*.

Urgent defense expenditure combines two operations: proof of a collective-security need makes fiscal reprioritization legally relevant, and *al-ahamm fa-al-ahamm* then ranks that need against competing allocations. In the colonial-patronage case, evidence that Muslim communities may enter foreign protection establishes the renewed applicability of *ta'liḥ al-qulūb*, after which *akḥaff al-ḍararayn* and *arjah al-maṣlahatayn* compare politically costly responses. These cases show that consequences acquire legal significance through the mechanism appropriate to the problem being adjudicated, rather than through a single calculation applied uniformly across domains.

[Table 1](#) summarizes the governing rules, operative circumstances, fact-establishing competence, juristic mechanisms, and protected *maṣlahah* in each domain.

Table 1. Legal reasoning across the six case clusters

Case and <i>ḥukm</i>	' <i>Illah</i> or operative <i>manāṭ</i>	Mechanism and factual competence	Protected <i>maṣlahah</i> and consequence function
<i>Ḵhamr</i>: prohibition	Textual <i>ḵhamr</i> ; intoxication as legally salient disabling property	<i>Tarjih</i> ; predominant harm; scriptural characterization and observable effects	Intellect and social peace; rationale-corroborating
Gambling: prohibition	Wrongful chance-based acquisition	Predominant harm; observable transactional form and effects	Property and household stability; rationale-corroborating
<i>zakāt</i>/public finance: conditional priority in the allocation at issue	Established defense need	<i>Siyāsah</i> ; <i>imām's ijtihād</i> ; <i>al-ahamm fa-al-ahamm</i> ; public authority	Communal security; exception-activating and option-ranking
<i>ribā</i>: bounded dispensation while prohibition remains	Verified collective <i>ḍarūrah</i> or <i>ḥājah</i>	Prohibition classification; consultation among <i>ulī al-amr</i> , jurists, and specialists	Economic capacity and property; exception-activating
Polygamy: bounded <i>rukhsah</i>	Exceptional need measured by extent	Proportionality of necessity; situated social assessment	Protection from exploitation and family order; exception-activating/limiting
Political loyalty: counter-funding	Credible transfer risk under colonial patronage	Lesser harm and greater interest; public/political assessment	Religious and political cohesion; option-ranking/applicability
Judges and officials: no automatic <i>taḳfīr</i>; participation as <i>rukhsah</i>, possibly '<i>azimah</i>	<i>Taḳfīr</i> : denial/rejection; participation: preventable institutional loss	<i>Kuḍr dīna kuḍr</i> ; legal-domain distinction; lesser harm; juristic/institutional judgment	Religious practice and representation; option-ranking

Note. The table summarizes the *ḥukm*, operative '*illah* or *manāṭ*, juristic mechanism, fact-establishing authority, protected *maṣlahah*, and legal function of consequences.

5.2 *Manāṭ* and the Problem of Applicability

Several cases preserve an existing norm while requiring proof of the circumstance that will apply, qualify, prioritize, or suspend it. The *ribā* discussion illustrates this distinction most clearly. Classifying a transaction as *ḥaram li-dhatihī* or *ḥaram li-ghayrihī* determines whether legal relaxation is doctrinally conceivable; it does not prove that the community actually faces *ḍarūrah* or *ḥajab*. *Tahqiq al-manāṭ* is the further operation of verifying that condition through evidence and authorized deliberation. The same structure appears when an urgent defense need justifies priority among fiscal allocations, a demonstrated demographic emergency delimits the use of polygamy as a *rukhsah*, or Muslim participation in colonial government can prevent a greater institutional loss.

Applying these rules requires the decision-maker to determine the legal significance of the contested facts. Credit dependence must be shown to constitute collective *ḥajab* rather than commercial convenience, colonial patronage must present a credible threat to Muslim allegiance rather than a speculative possibility, and government participation must be capable of protecting communal interests rather than merely facilitating colonial rule. These determinations combine empirical evidence with normative classification because the same factual situation can be described under competing legal categories. Analysis of the *manāṭ* therefore reveals the decisive intermediate stage between a general rule and its application: authorized actors must establish and characterize the concrete circumstances that make the rule, exception, or priority legally operative.

[Azni et al. \(2025\)](#) demonstrate the stakes of this intermediate stage in contemporary marriage-dispensation adjudication. In their analysis of 48 decisions and interviews with six judges, *maṣlahah* often served as a procedural justification for preventing adultery while psychological, biological, and economic readiness received inadequate assessment. The evidentiary omission changed the legal balance itself: one anticipated harm was elevated, while risks to life, intellect, and progeny were excluded from the characterization of the case. *Tahqiq al-manāṭ* is therefore constitutive of *maṣlahah* reasoning; without disciplined fact-establishment, the language of welfare can authorize the *mafsadah* it is meant to prevent.

This structure distinguishes Riḍā's reasoning from utilitarian maximization theory. He does not begin by aggregating all the benefits and harms and then selecting the option with the highest net utility. A consequence becomes legally operative only after it is characterized as intoxication, wrongful acquisition, *ḍarūrah*, *ḥajab*, vulnerability of allegiance, denial, or an avoidable institutional loss. *Tarjih*, *siyāsah*, *rukhsah*, consultation, proportionality, and lesser-harm reasoning then connect the characterized circumstances to a judgment. Consequences matter because of the legally authorized position they occupy within the argument, not as an independent moral calculus.

[Roslina et al. \(2025\)](#) provide a complementary judicial example of disciplined mediation. The Indonesian Supreme Court's treatment of daughters as blocking heirs was reconstructed through an inclusive reading of *walad*, Ibn 'Abbās's minority opinion on Q. 4:176, genealogical proximity, and *ijtihād qaḍā'i* within a constitutional setting. The desired consequence—greater gender justice—did not alone generate the rule; it was connected to a scriptural and juristic basis through an authorized judicial mechanism. This sequence distinguishes purposive legal reconstruction from an outcome treated as self-validating.

5.3 *Differentiated but Interacting Epistemic Competences*

Across cases, the locus of factual authority changes with the object of regulation. For *khamr* and gambling, Riḍā treats the relevant effects as relatively observable properties of regulated conduct. Public economic and political problems require a different sequence: contested empirical conditions → distributed inquiry → legal characterization → judgment. The *imām* assesses fiscal priorities; *ulū al-amr* deliberates with scholars, physicians, farmers, and merchants over collective economic needs; and actors within colonial institutions assess what Muslim participation can realistically preserve.

Riḍā's *ribā* passage provides the clearest evidence for this distribution of epistemic labor because it explicitly assigns *ulū al-amr* a consultative role alongside jurists and sectoral specialists. Stolz's analysis of science and Riḍā's *fatwās* confirms that disputes over legal judgment also concerned which forms of knowledge could authoritatively describe the facts ([Stolz, 2012](#)). Later developments clarify the institutional significance of this arrangement. Collective *ijtihād* became a distinct twentieth-century concept and the methodological basis of modern *fiqh* academies ([Makhlouf, 2020](#)), while contemporary bioethics shows how experts may function as “co-muftis” when judgments about evidence, probability, and risk shape the legal question itself ([Ghaly, 2015](#)). Shaham's history of expert witnesses demonstrates that Islamic courts had long used specialist knowledge, even though modern science and administration transformed its scope and institutional authority ([Shaham, 2010](#)).

Riḍā's proposal remains a deliberative, cross-professional mode of determination, rather than a durable collective-*ijtihād* institution. It also refuses an absolute division in which experts determine the facts and jurists determine the norms. Specialists help define evidence, probability, and sectoral needs, while juristic and public authorities retain responsibility for legal characterization within a consultative configuration. Later, collective *ijtihād* and the role of experts as “co-muftis” institutionalized and intensified this interaction without constituting its historical source in Riḍā's text.

[Yaḡin et al. \(2026\)](#) show how this distribution can be institutionalized. In their case study, collective deliberation combines *qawli intiqādi*—critical assessment of received juristic opinions—with a *manhajī* analysis of texts, principles, and *maqāṣid*, the evidentiary strength of an argument, rather than the reputation of its author, grounds its acceptance. Their findings sharpen the historical comparison: Riḍā identifies the necessary participants and forms of knowledge, whereas the contemporary institution supplies a repeatable procedure of clarification, criticism, and verification.

5.4 Colonial Transformation and Juristic Reconstruction

Colonial institutions changed both the circumstances presented to Riḍā and the authorities that could define them. Modern finance turned communal credit dependence into a contested public condition; missionary organizations made political and religious allegiance an object of organized funding; colonial courts and bureaucracies made abstention, representation, and complicity distinct legal problems; and imperial hierarchies altered the consequences of Muslim inclusion and exclusion. Colonial powers thus reorganized jurisdictions, incentives, and authoritative institutions rather than merely adding neutral facts to an otherwise unchanged juristic process ([Hamzah, 2008](#); [Hussin, 2016](#); [Nakissa, 2022](#); [Wood, 2016](#)).

Riḍā responds to these transformations through inherited categories: *rukhsah*, *ḍarūrah*, *ḥājah*, *maṣlahah*, *siyāsah*, *ijtihād*, *ta'liḡ al-qulūb*, and *akḥaff al-ḍararayn*. Colonial conditions alter objects, thresholds, and institutional bearers rather than simply leaving them intact. Wagner's account of Q. 5:44 demonstrates how inherited materials were rearranged into an innovative modern interpretation ([Wagner, 2016](#)), while Ryad shows how the law for Muslims under non-Muslim rule responded to newly urgent political and confessional conditions ([Ryad, 2009a, 2009b](#)). Riḍā's legal modernism, therefore, operates through selective reconstruction, activation, and recombination of a juristic repertoire under transformed constraints.

Colonial institutions altered the factual predicates requiring legal characterization: dependence on modern credit could become a question of collective *ḥājah*, missionary patronage a threat to political and religious allegiance, and withdrawal from government office a source of institutional loss. These conditions acquired legal force through such juristic categories as *ḍarūrah*, *ta'liḡ al-qulūb*, *rukhsah*, and *akḥaff al-ḍararayn*. Colonial modernity changed the objects, thresholds, and stakes of judgment, while Riḍā's juristic repertoire determined how those conditions could justify, limit, or rank legal responses.

6. Conclusion

Across the six clusters, consequences perform different legal functions because the relationship between facts and norms changes from one domain to another. In *khamr* and gambling, observable harms specify why established prohibitions protect intellect, property, households, and social peace. In *ribā* and polygamy—and partly in fiscal allocation—collective need or exceptional social necessity must be established before a bounded dispensation, concession, or priority can operate. In colonial loyalty and public office cases, anticipated injury orders are legally available, but there are compromised alternatives through lesser-harm reasoning. The same consequence may help establish applicability in one case and rank permissible responses in another; its legal effect follows from its position within the argument rather than from a single consequential logic.

Each judgment connects a problem and context to a *ḥukm*, an *'illah* or operative *manāṭ*, a juristic mechanism, an authority competent to establish the relevant facts, and a protected *maṣlahah*. When the regulated object is a collective economic or political condition rather than an individually observable act, no single actor possesses all the knowledge required for judgment. Riḍā therefore distributes factual authority among jurists, rulers, consultative actors, and specialists. His *discussion on ribā* gives this arrangement its clearest form: sectoral experts establish the nature and extent of economic need, public authorities assess its collective significance, and jurists determine whether the verified condition satisfies the categories that permit a bounded dispensation.

Therefore, cross-domain evidence does not warrant classifying Riḍā as a utilitarian. His judgments resemble utilitarian reasoning only at the limited level of attention to collective effects, and colonial utilitarian or bureaucratic discourses helped shape some problems and concepts through which he reasoned. The normative structure remains different:

consequences acquire legal force through revelation, characterization of the *manāṭ*, domain-specific mechanisms, binding constraints, and authorized competence. Aggregate utility never appears as an independently sufficient criterion, and Riḍā does not treat all goods as commensurable objects of maximization. Genealogical influence and conceptual resemblance consequently stop short of utilitarian identity.

Colonial modernity transformed jurisdictions, finance, courts, missionary competition, political incentives, and factual objects of judgment. Riḍā selectively reconstructed *rukhsah*, *ḍarūrah*, *ḥājah*, *maṣlahah*, *siyāsah*, *ijtihād*, and lesser harm reasoning around altered institutions and constraints. His legal reasoning is therefore best understood as an internally juristic, consequence-sensitive form of reform whose objects were reshaped by colonial modernity—not as the adoption of utilitarianism as the governing theory of legal validity.

The study is limited by its purposive selection of six case clusters and its focus on argumentative structure in Tafsīr al-Manār. It does not establish how frequently these configurations occur across all 12 volumes, nor does it demonstrate direct transmission from particular utilitarian authors without independent evidence of reading, chronology, and mediation. The analysis also relies on the historical and institutional evidence currently available for identifying the circumstances to which Riḍā responded to. Further research can test the proposed distinctions against a systematically indexed corpus of al-Manār, compare Riḍā's tafsīr with his *fatwās* and political writings across time, trace the reception of these arguments in later reformist jurisprudence and modern *fiqh* institutions, and examine how colonial administrators, translators, and Muslim interlocutors mediated utilitarian and public-interest vocabularies through archival evidence. Such work would clarify the distribution, development, and transmission of the legal mechanisms identified in this study.

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