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Whose Justice? When Māturīdī Meets MacIntyre

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Introduction

When Muslim intellectuals seek to engage in the great debates of the contemporary world – and the theory and practice of justice is a central one – they are caught on the horns of a dilemma. Though wanting to declare that there is a distinct Islamic notion of justice, reflecting the guidance of revelation, they also want to insist that their vision of justice is in some sense universal and able to bring Muslims into common cause with other members of society. What is needed is a kind of metatheory that can account for the way that adherents of religious traditions can engage in reasoned public debate without compromising core commitments, such as to the revealed nature of their scripture or the binding nature of its divine law.

Enter Alasdair MacIntyre. In several celebrated works, he makes a powerful argument that whereas any given tradition of enquiry can advance universal claims about justice, their justification necessarily occurs within a historically conditioned framework of thought. His work is so significant, in part, because of its role within intellectual attempts to "avoid being forced into a false choice between a contested claim for a universal moral rationality or moral relativism".[1] While MacIntyre has made transformative interventions in the field of moral philosophy, I argue that his metatheory of tradition-constituted enquiry is of moment for the contemporary articulation of a comprehensive Muslim theology.[2] This is because it gives a coherent theoretical framework for balancing the following three key ingredients in a religious tradition: the sanctity of scriptural sources; the relevance of a given intellectual tradition for reading and interpreting them; and the continuous possibility of rereading and reinterpreting them in the light of new thought and experience.

Although I will focus on the question of ethics, this cannot be divorced within Islamic tradition from the theology in which it is embedded. In my previous work on the ethical worldview of the Qur'an, I proposed that constructively building on the system of the eponymous fourth/tenth century Muslim theologian Abū Manṣūr al-Māturīdī (d. 333/944) can contribute to a contemporary theology of justice.[3] It has become almost a cliché in Islamic studies that the Māturīdite tradition, despite its historic importance for Muslim civilization, has received far less scholarly attention than the Ashʿarite or Muʿtazilite schools of thought. There are some signs that this is starting to change, including the new publication of primary sources by significant figures in the tradition and an increase in secondary literature.[4] The focus of these productions has tended to be on questions of intellectual history and, with the notable exception of mainly modern works in Turkish[5] there has been less of an attempt to discuss contemporary questions through a Māturīdite frame.

My first task in this chapter will be to provide a critical synopsis of MacIntyre's framework for staging debate between diverse traditions. Thereafter, I will briefly discuss his significant critique of modern liberal conceptions of justice, which remain a dominant force within Western thought, before moving on to outline my own approach from within the Islamic tradition. I will sketch the key features of a Māturīdite natural law theory, including the central place of God's wisdom in grounding justice on the wise purposes of the natural and divine law. Finally, I will suggest how this Islamic perspective could represent the ethical claims of its liberal counterparts, assess its own rational justification and map out a potential route to a more coherent picture of justice.

I should note that in framing my discussion in terms of opposition and debate between liberal and Islamic conceptions of justice, this chapter is pitched entirely at the level of philosophical and ethical enquiry into truth, not that of pragmatic political decision-making. This means that the question of Muslim commitment and participation within concrete liberal political orders, especially in the West, will not be broached here.[6]

MacIntyre's Tradition-constituted Enquiry

The theme of tradition-constituted enquiry has been a central plank of Alasdair MacIntyre's contribution to moral philosophy. First fully introduced as one part of the argument in his 1981 *After Virtue*, he fleshed it

out considerably in its epistemological and historical dimensions in 1988's *Whose Justice? Which Rationality?*, before testing its theses yet further in 1990's *Three Rival Versions of Moral Enquiry*.[7] During the following three decades, he has continued to develop his position, including participating in collected volumes along with his critics in 1994's *After MacIntyre* and 2009's *Intractable Disputes about the Natural Law*, and writing a further related monograph, 2016's *Ethics in the Conflicts of Modernity*. The intense scrutiny that MacIntyre's work has survived prompts David Trenery's assessment that his theory of tradition-constituted enquiry is comparable in importance to that of Thomas S. Kuhn on the study of scientific revolutions.[8] In fact, he can be understood as having extended Kuhn's idea of paradigm beyond the natural sciences.

MacIntyre's thesis is that any systematic intellectual enquiry cannot proceed in abstract but must do so according to certain criteria of rationality that traditions embody in their historical development. By rationality he means the process by which ethical positions are justified through reasoned argument.[9] The use of the term "tradition" within MacIntyre's oeuvre has received some criticism in the literature for being too fluid.[10] One of the contributions of Trenery's book is clarifying some of these ambiguities. He notes that while MacIntyre dislikes giving explicit definitions on principle,[11] a careful study of his writings shows that he uses "tradition" at two levels. In common speech, a tradition is constituted by a set of beliefs and practices embodied by individuals in their lives within communities. In this sense it is — and must be — something openly accessible to ordinary people in society, a point that is important to MacIntyre as I shall elaborate below.[12] But MacIntyre's primary focus is on what he calls a tradition of enquiry, which is a metalevel of specialized intellectual activity undertaken to test, refine and justify the beliefs and practices at the first level.[13]

MacIntyre describes six stages through which a tradition in the former sense passes as it develops into a tradition in the latter sense. The first stage is comprised of beliefs, institutions and practices upon which authority is conferred, but that are not subject to systematic questioning.[14] In the second stage, this status quo is put under pressure, possibly through the emergence within the nascent tradition of rival incompatible interpretations, or the pressure exerted by foreign ideas or new circumstances.[15] The third stage consists of the emergence of reformulations and reevaluations of existing doctrine, so as to overcome the problems identified at the

former level. Here, MacIntyre is careful to note in the context of religious traditions:

> Where a person or a text is assigned an authority which derives from what is taken to be their relationship to the divine, that sacred authority will be thereby in the course of this process exempt from repudiation, although its utterances may certainly be subject to reinterpretation. It is indeed one of the marks of what is taken to be sacred that it is so exempted.[16]

These three stages seem from MacIntyre's analysis to be necessarily part of tradition-constituted enquiry, such that only upon reaching the third stage would a body of activity be appropriately termed a tradition in his technical sense.[17] There are also at least three further stages that MacIntyre mentions, which represent the mature development of a tradition, though he does not so number them. The fourth stage is that of verification: the continual refinement and testing of the answers supplied by the tradition by subjecting them to dialectical questioning and the framing of objections.[18] The fifth is the institutionalization and regulation of its forms of enquiry – a methodological stage – while the sixth is the development of a theoretical account of them.[19] The later stages of the tradition are considered to be rationally superior in allowing a better correspondence between the mind and its objects.[20]

MacIntyre goes on to argue that upon reaching this level of theoretical maturity, the conception of rationality and truth within a tradition is distinguished by its initial contingent origin in a set of established beliefs and, to a certain extent, the particularities of language, alongside a given social and natural environment.[21] Inevitably there will be a number of first principles, yet these are not self-justifying. Rather, they are vindicated by their emergence in the first three stages and their survival of dialectical questioning in the fourth.[22]

Elsewhere, MacIntyre uses this idea to defend his own Thomistic position in the face of the contemporary philosophical critique that it cannot lay down indubitable first principles.[23] In fact, he turns the argument back on the Enlightenment "encyclopaedic" mode of enquiry, by arguing that its construct of a universal, impersonal rationality is undermined by the existence of alternative competing rationalities, such as the "genealogical" mode of Nietzsche, which unmasks its neutral stance as a hidden will-to-power.[24] Thus MacIntyre deploys tradition-constituted rationality to

explain the incommensurability of conceptions of justice proposed by rival traditions.[25]

A crucial point follows – one that has been the cause of much misunderstanding. In MacIntyre's words:

> There is no standing ground, no place for enquiry, no way to engage in the practices of advancing, evaluating, accepting, and rejecting reasoned argument apart from that which is provided by some particular tradition or other.[26]

If understood as meaning that every human being has a contingent history, language and so forth, this is trivially true. Yet that would be to miss the point of MacIntyre's argument, which is that there is no such thing as rationality qua rationality. Anyone who tries to reach a position of pure reason fails to acknowledge the contingency of their own existence (and therefore thinking) and the need for rationality to always be embedded in a history and socially grounded within a tradition.

For MacIntyre, the social grounding of rationality is paramount because he sees it as reason giving, or justificatory, within human social interaction. He writes, "For an individual either to be or to appear rational is then for that individual to participate in the norm-governed transactions and relationships of a particular institutionalized social order."[27] MacIntyre is not here arguing for the impossibility of thought, or even kinds of reasoning, outside of traditions, but for the type of systematic enquiry involving the reciprocal justification and evaluation of arguments between individuals.[28] Another way to put this claim is that just as intellectual activity is only considered a tradition when it reaches his third stage of development, tradition-constituted enquiry only occurs from this point.

His argument is not intended to dismiss the possibility of a hypothetical lone individual engaging in advanced reasoning, such as that envisaged by Ibn Ṭufayl (d. 581/1185) in his classic thought experiment *Ḥayy b. Yaqẓān*, though it does make implausible the idea that such a person could go on to develop a systematic philosophy. The real thrust of MacIntyre's case is that, within the lived reality of the world, human beings are neither free from a social context that informs their rationality, nor can they abstract themselves from it.[29] He writes of such an imagined individual, "this may well be someone whom it is very difficult to be outside the arenas of philosophical and literary discussion."[30] MacIntyre's position is undoubtedly informed by his freely acknowledged debt to Aristotle, who remarks, "the city (*polis*)

belongs to the things that exist by nature, and that man is a political animal. He who is without a city (*polis*) through nature rather than chance is either a mean sort or superior to man."[31]

MacIntyre has encountered a number of criticisms for his theory of tradition-constituted enquiry. Two central arguments made against his work are firstly that his own metatheory effectively stands outside of all traditions and thus lapses into incoherence; and secondly that it implies a profound relativity towards truth.[32] One of those to put forward the former case is Jennifer Herdt, who argues that MacIntyre's claim that there are no neutral grounds of rationality amounts to a performative self-contradiction.[33] She reads it as meaning "if anything determinate, something like 'within this particular tradition, there are no tradition-independent grounds of judgment,'"[34] which is incoherent (or at least tautological). In the collected volume *After MacIntyre*, he responds directly to this critique by elaborating on his earlier position that truth claims may be formulated universally, but their rational justification must take place within the frame of reference provided by a given tradition:[35]

> [T]here is nothing paradoxical at all in asserting that from within particular traditions assertions of universal import may be and are made, assertions formulated within the limits set by the conceptual, linguistic and argumentative possibilities of that tradition, but assertions which involve the explicit rejection of any incompatible claim, advanced in any terms whatsoever from any rival standpoint.[36]

As Trenery has argued, MacIntyre's position combines both contingent and universal elements.[37] While the term "tradition-constituted" suggests that ethical enquiry and even rationality emerge from historically grounded phenomena, he believes that the truth claims of traditions may be asserted over the domains of other traditions.[38] Moreover, he includes within this his own analysis, which seems to be a representative of his sixth "theoretical" stage. MacIntyre's claim to speak universally about tradition-constituted processes from within his own tradition is not then contradictory, though he may find it impossible to vindicate it against a rival viewpoint that does not share his starting assumptions. So, this critique of MacIntyre's metatheory of rationality collapses into the second charge, that of relativity in truth.[39]

MacIntyre deals with the problem of relativism by drawing a distinction

between truth and justification. Imagine two rival traditions, each with its own claim to truth. Insofar as these claims contradict, it is only possible that one is correct, yet each sustains a justification of its claims within the framework of its own system.[40] The inference to be drawn is that at least one of the traditions is flawed, either in its first principles, its rational process, or the relationship of both to truth, however that is conceived. The problem, then, is not relativity in truth but undecidability in justification, arising from incommensurability in standards of rationality.[41]

Even should the dispute prove interminable, whereby neither side is able to win the other over to its standards, this says nothing decisive about the nature of truth and everything about the limits of rational justification. In MacIntyre's mature view, which includes his reading of the Thomist tradition, a distinction must be drawn between truth, as understood from one's own first principles, and the justification that may be found acceptable to another reasoning from shared rational premises.[42] It is only within a post-Enlightenment context that truth and reason have become so tightly bound together that what is not definitively provable on rational grounds can be so easily construed as truth-relative,[43] as many critics of MacIntyre unwittingly demonstrate.

If MacIntyre stopped at the point of elaborating radically incommensurable traditions of rationality, his perspective would still be worthy of interest. But he goes further to offer a method by which traditions can come into conversation and potentially decide points of incommensurable difference between them. This should not be too surprising, as the ability to represent their claims to each other and to enter into disagreement in the first place presupposes some commonality in translatability of language and shared logic.[44] MacIntyre argues that through familiarity with a rival tradition's modes of thought and a kind of creative empathy it is possible to fairly represent its claims. In fact, one of the obvious achievements of MacIntyre's own work is his skill in animating the various traditions that act as his protagonists.

From this point, a number of dialectical engagements are possible: moving over to the new tradition (as MacIntyre himself did in embracing Aristotelianism and then Thomism);[45] rationally defeating it; or even synthesizing a third tradition from the two. In this latter case, he gives the example of Aquinas, who was simultaneously fluent in the Augustinian and Aristotelian traditions of his time, and thus able to combine them in Thomism.[46]

It is in this distinctive idea of direct interaction between rival traditions of reason that MacIntyre makes his strongest case against relativism and sets the stage for my preliminary engagement with the liberal perspective from an Islamic tradition of justice, which is the ultimate purpose of this chapter.

MacIntyre argues that one tradition is able to vindicate itself vis-à-vis another with respect to rationality by a demonstration of its superior rational resources.[47] It does this by reformulating the predicament of its opponent in its own terms to solve problems that were insoluble from the rival tradition's perspective. In his words:

> For among those resources, so it is claimed, is an ability not only to identify as limitations, defects, and errors of the opposing view what are or ought to be taken to be limitations, defects, and errors in the light of the standards of the opposing view itself, but also to explain in precise and detailed terms what it is about the opposing view which engenders just these particular limitations, defects and errors and also what it is about that view which must deprive it of the resources required for understanding, overcoming, and correcting them.[48]

Within his works, MacIntyre gives examples meant to show that from the perspective of his Thomistic tradition, various other intellectual traditions may be rationally defeated in this way.[49] But he also presents a scenario in which, despite having apparently demonstrated this superiority with respect to rationality from within his tradition, a rival – he uses utilitarianism – would be unwilling to accept defeat due to its radically different first principles.[50]

It is for this reason that Gerald McKenny argues that perhaps MacIntyre is not entirely successful in avoiding a kind of relativism. He points out that MacIntyre's theory requires a given tradition to be epistemologically open to the resources provided by its rival, yet there is no reason from within the first tradition to abandon those of its own standards that preclude this alternative perspective. McKenny observes that if two traditions reach an impasse that they are unable to resolve through shared rational enquiry, then the moral world is relativized in practice, even if not in theory.[51] I would argue, however, that this point all but vindicates MacIntyre's case. If he succeeds in setting out a consistent theory by which rival traditions may dialectically judge the strength of their rationally held positions and he is able to provide examples of how such debates have occurred in history, it is to his credit. It is unfair to burden him with resolving all moral difference.

Rather, it seems sufficient that he shows that it is possible in principle for adherents of diverse traditions to empathically appreciate and accept the rational superiority of their counterparts.

Another argument that can be raised against MacIntyre is that he fails to account for the power dynamics at play in the history of ethical debate. A school of thought does not succeed merely by rationally defeating its rivals, but for a host of reasons, including considerations of politics.[52] MacIntyre, an erstwhile Marxist, is well aware of the importance of material circumstances in history, though it is fair to say that he emphasizes the impact of rational debate at their expense in his mature period. This point does not undercut his theory of tradition-constituted enquiry, however, as he can argue that a certain tradition, such as his own Thomism, or NeoAristotelianism, can become eclipsed within a certain geographical and historical space without thereby losing the argument on rational grounds. A large part of MacIntyre's argument in *After Virtue* is devoted to the stages by which an Aristotelian virtue ethics, despite its superiority, became eclipsed within the Western ethical tradition.[53] In many ways, his later Gifford Lectures, which became *Three Rival Versions of Moral Enquiry*, can be psychologically read as MacIntyre rerunning the core debates and showing that Aristotelian Thomists had the moral victory.

If MacIntyre's method is admitted as a possible frame for an engagement between conceptions of justice in the liberal and Islamic traditions, it is necessary to provide an outline of each one and to identify the major points of incommensurability between them. This will be the subject of the next two sections.

MacIntyre's Analysis of Justice in the Liberal Tradition

In *Whose Justice? Which Rationality?* MacIntyre tackles the question of justice in liberalism directly, treating the liberal tradition as a distinct tradition of enquiry with its own standards of justification.[54] He does not, however, give it as much attention as the other traditions he analyzes, instead painting broad brushstrokes.[55] More sustained critical treatment of the liberal tradition, especially the notion of the secular, has been provided by figures who have engaged with MacIntyre's contributions to the field, such as Talal Asad and Charles Taylor.[56] As this essay is only a preliminary attempt to use MacIntyre's ideas to consider the case of liberal and Māturīdite theories of justice, it is useful to add to the previous section by sketching his assess-

ment of liberalism. A full engagement with liberal thought would require considerably more attention to a full array of its representatives and critics.

One of MacIntyre's main claims, substantiated by his discussion of liberalism, is that a tradition's standards of justice are subordinated to the rational framework in which they are embedded. The liberal tradition of rationality, which arguably goes back through Hobbes to the Ancient Greek Sophists, explains social action through the present aims and interests of individuals, rather than a teleological ordering, as understood by Aristotle, Aquinas and al-Māturīdī, in which the good is ontologically prior to individual desires.[57] MacIntyre argues that liberalism transposes the individual's nature as a customer within the marketplace into rational enquiry.[58] That is, the good is privatized and each individual seeks their own good in diverse aspects of their life and, in doing so, ranks their preferences as follows:

> I want it to be the case that such and such; Doing so and so will enable me to achieve its being the case that such and such; There is no other way of so enabling me which I prefer; Doing so and so will not frustrate any equal or stronger preference.[59]

From this perspective, individuals may argue for a range of principles by which justice is to be achieved within society and by some form of aggregation these shape the socio-moral landscape. The liberal order, however, in being opposed to any single conception of the good that supervenes upon all aspects of human life, allows no position to win against the others.[60] All that the various philosophical debates of social contractarians, utilitarians, Marxists and Kantians amount to is better clarification of the commitments engendered by their starting assumptions, not a method by which to choose one rather than another.[61] It is perhaps for this reason that MacIntyre does not provide a detailed analysis of the variations between them; his purpose is to demonstrate that they are different aspects of one tradition, which relies upon a single form of rationality.

MacIntyre draws several conclusions from this, which he ranks within levels. First, there is no substantive agreement about what justice is to consist of within the liberal order as there is no consensus on human good.[62] Second, despite their differences, the diverse approaches to justice within liberalism are predicated on a shared conception of a liberal individual of a certain rational stamp; one who chooses which ethical theory is preferable just as they engage in ranking preferences in other parts of their life.[63]

Third, within the "marketplace of ideas", justice, which cannot be defin-
itively settled, becomes a matter of ensuring equality in terms of one's
ability to take a place at the bargaining table and to put forward preferences
to be accounted in whatever form of aggregation is successful.[64] Fourth,
that the ultimate appeal to justice is within a legal system that may, on
occasion, invoke any of the philosophical positions deemed acceptable
within the liberal sphere – as there is no settled idea of human good to be
used as a standard. MacIntyre comments, "The lawyers, not the philoso-
phers, are the clergy of liberalism."[65]

Finally, and perhaps ironically, the liberal order's public insistence that
there is no good to human life, but rather just the preferences of individuals
within its political, social and economic spheres, amounts to the hidden
position that this good is, in effect, nothing other than the perpetuation of
the very order that offers these choices.[66] Therefore, even though liberalism
is unable to coherently articulate a single principle for justice, it institu-
tionalizes the ongoing debate over its constitution and ensures that it takes
place on liberal terms. Although not mentioned by MacIntyre here, these
terms include a rejection of any appeal to phenomena that lie outside the
post-Enlightenment criteria for rationally admissible public evidence, such
as reference to God, religious scripture, or spiritual inspiration.[67]

This is a key point in debating justice with the Islamic tradition from
the liberal perspective. An avowed liberal would surely argue that the best
opportunity to secure justice is on the basis of a universal reason that is
assumed to be extended equally to all individuals without appeal to tradi-
tional authority.[68] This reflects a tendency within liberalism to implicitly
exclude what is distinctively religious from the question of public morality,
as has long been the case in the Christian tradition.[69] Therefore, any Islamic
standard of justice faces an immediate credibility problem in the West: if
Christian claims appealing to the religious and moral heritage are treated
with skepticism, *a fortiori* Muslim ones will be.

A potential solution to this problem has been proposed by John Rawls
through his notion of a political liberalism that claims to allow multiple
incompatible comprehensive theories of the good to co-exist based on an
"overlapping consensus".[70] This would, in theory, allow the adherents of
various traditions to come to agreement on basic points of political order.
But for the scheme to work, Rawls requires the adherents of various tradi-
tions to be "reasonable", meaning that they justify their views in a manner

that other free and equal citizens could also accept.[71] Thus, Rawls's scheme is based on finding a solution to the problem of how various traditions can reach political consensus within a preexisting liberal order via a distinctively liberal form of rationality. Notably, within the limits of this practical proposal, Mohammad Fadel argues that the theological resources of Islam do potentially allow a Muslim to "reconcile her normative commitments to Islam as a comprehensive theory of the good and her political commitments to a liberal constitutional order."[72]

The purpose of this chapter, however, is not to deal with commitments predicated on the dominance of the liberal political order, but to explore the underlying philosophical debates about the nature of justice that may, from a different theory of the good, even put such an order into question. The power of MacIntyre's analysis is to undermine the assumed neutrality of liberal rationality and to reveal its disguised societal will-to-power. He not only annuls its philosophical priority by exposing it to the cut and thrust of tradition-constituted enquiry, but astutely particularizes this general conclusion to assert that no other perspective can take on the mantle of a neutral arbiter of value.

Justice in the Māturīdite Tradition

As with liberalism, the broad category of Islamic tradition precedes the specific theories of justice that may be articulated from within it.[73] This means that mapping the main frameworks of rationality that provide resources for tradition-constituted enquiry is a useful starting point. Here, Sherman Jackson explodes the standard dichotomy within study of Islamic history between so-called Rationalism and Traditionalism. He proposes that rather than the use of reason, or the lack thereof, being central to characterizing the difference between them, both theological tendencies embody distinct regimes of reason. He argues that the approach taken by the rational theologians (*mutakallimūn*) draws on the Aristotelian-Neoplatonic tradition as a discursive way of thinking about revelation, whereas the Traditionalists (*ahl al-ḥadīth*) – represented foremost by collectors and compilers of prophetic traditions – rely on a continuous, informal, selective endorsement of revealed and traditional material in the light of new ideas.[74]

The kind of rational justification required by a MacIntyrean engagement between traditions makes the former "Rationalist" mode of Muslim

theology a more attractive prospect for the present task. Three major tra-
ditions within Islamic theological history are particularly significant: the
Muʿtazilites, the Ashʿarites and the Māturīdites.[75] Though these theological
schools differ on key metaethical questions bearing on social justice, at the
level of fundamental reason their selective appropriation of aspects of the
rational framework of Aristotelian-Neoplatonic thought at MacIntyre's
second and third stages of tradition makes them more similar to each other
(and to MacIntyre's own Thomistic perspective) than to the varieties of lib-
eral thought entertained in the modern philosophy department.

In the remainder of this chapter, I will build upon my own prior study
of Qur'anic social justice in the light of Māturīdite theology, especially its
eponymous figure Abū Manṣūr al-Māturīdī, to outline the major aspects
of a Māturīdite theory of justice.[76] I suggest that this perspective has the
potential to emerge as a credible participant in debate with other traditions,
including the liberal perspectives discussed in the previous section. Despite
undergoing development in the course of its history, the Māturīdite tradi-
tion has disguised the historicity of its own genesis – as such traditions tend
to do – thereby typically attributing its entire theological repertoire to its
eponym or even beyond him to the early Iraqī theologian Abū Ḥanīfah (d.
150/767).[77] In the theoretical language of tradition-constituted enquiry, it
seemingly has not hitherto become fully self-conscious of its own reformu-
lations, refinements and methodological institutionalization, meaning that
it has not reached MacIntyre's sixth stage.[78]

To speak of Māturīdism in this way requires an acknowledgment that
theology is a human construct.[79] While the theory I put forward will draw
from the earlier school tradition, it must necessarily be a contemporary
approach to theology, a so-called *kalām jadīd*.[80] Just as the rational position
of al-Māturīdī emerged from engagement with the data of revelation in an
Aristotelian-Neoplatonic milieu, my rereading of this tradition attempts
to frame it within a theoretical account of its own processes of moral
enquiry as developed by figures such as MacIntyre. It could be called "neo-
Māturīdism" to signify this self-reflexive approach, as well as its debt to the
world of contemporary thought that any credible theology must engage.[81]
This would recall, yet interestingly contrast with, the more common
"neo-Muʿtazilite" epithet given to a number of modern Muslim thinkers
who favour a return to rational thinking in a manner that they claim is rem-
iniscent of the Muʿtazilites.[82]

The concept of justice in Māturīdite thought is inextricably linked to God's wisdom (*ḥikmah*). This identification is found in al-Māturīdī's *Kitāb al-tawḥīd* in unambiguous terms: "The explanation of wisdom is 'hitting the mark', which is putting everything in its place; that is the meaning of justice and His action does not divert from it."[83] Considering this explanatory gloss – which bases God's justice on His wisdom – in the context of al-Māturīdī's theological system, there is no attribute beyond God's wisdom that regulates what the "place" for everything in creation should be. His eternal wisdom is given equal status to His omniscience, whereby He cannot be ignorant, and His self-sufficiency, which precludes Him acting for a personal benefit of any kind.[84] The distinctive focus of al-Māturīdī on the attribute of wisdom has been noticed in the literature and its sources and implications deserve further investigation.[85]

The Māturīdite approach to justice within human society is thus based on a number of metaphysical postulates flowing from God who creates a contingent world, the natural moral properties within it (natural law), and the supernatural communication of revelation (divine law). God's eternal attribute of wisdom (*ḥikmah*) is identified as the basic source of all three aspects of reality.[86] Thus, the world contains signs that point to the wisdom of its Creator, including the existence of morality, which is naturally accessible to human beings,[87] and the distinctive messages sent with prophets that provide corroboration and a further extension of these truths.[88] If life within the world can furnish the human being with knowledge of the existence of God and a moral code, then the natural law is to be treated, in principle, as authoritative over all people.[89] What are the limits of the natural law from a Māturīdite perspective? My approach is to treat both the code of basic moral rules (*aḥkām*; sing. *ḥukm*) and the principles underlying them (*ḥikmah*s) as potentially discoverable via experience and reflection.[90] But the application of these rules and principles to particular cases is not known with certainty and requires a process of deliberation and the development of practical wisdom in the person of the moral agent, ideally supported by the guidance of revelation.

The divine law, as found in the Qur'an and Sunnah of the Prophet Muhammad, goes beyond the natural law in several respects. First, it deals with matters of worship that are not rationally determinable, for instance the number of ritual prayers to be performed per day. Secondly, the divine law provides rulings that make the *ḥikmah*s of the law operative within a

specific prophetic community. Such dispensations of the Sharīʿah (divine law and moral code) have a long history prior to the Prophet Muhammad, who brings the culminating revealed intervention in human history. As such, his Shariʿah can abrogate the laws – though not the underlying moral principles – within the Torah of Moses and the Evangel of Jesus.[91]

Insofar as a shariʿah is revealed to a prophet, and applied to situations he deals with, it is not subject to doubt or amendment by human agents. But according to the present theory, the rightness of a prophet's shariʿah is predicated on its goodness read as an objective moral quality; it varies between revealed dispensations precisely because the manner by which the good can be realised may shift with time and place.[92] Another way to put this point is that the *ḥikmah*s of the law are the causes that God assigns to bring their associated rules into existence.[93] Thus, it is a teleological system such that performance of right action can only be understood within a metaphysical context of beneficial and wise purposes.

The question of how the law is to be understood after the lifetime of the Prophet Muhammad is one for which the present Māturīdite reading offers a challenge to prevailing classical approaches to legal theory. Al-Māturīdī states that it is possible for *ijtihād* (exhaustive legal enquiry) or *ijmāʿ* (consensus) to determine when the cause of a Qur'anic rule is not present and so its associated rule is abrogated, even after the period of revelation.[94] Once it is appreciated that *naskh* (abrogation) does not just refer to God's repeal of one law by another, but also the juristic tool used to determine the decreed expiration times of rulings,[95] such a position is not inherently implausible.[96] Moreover, within such a framework, a rule abrogated when its wisdom is not met can be reinstated when it is once more or can be replaced by a more suitable rule. One of the roles of the ulema, according to this conception, is to use their expert knowledge to not only clarify – at the level of rules – how the multivariate texts of the Qur'an and Sunna are to be understood and apparent conflicts reconciled, but to check the application of their underlying principles to the ever-changing world.

Where does justice come in? On the social level, it is the ideal wise purpose (*ghāyah*, or *telos*) to which the *ḥikmah*s of the natural and divine law collectively lead.[97] Theologically, each of these principles can be read as the created effect of eternal divine wisdom, meaning that the just society is one that fully embodies the providential good order of its creator. As within the Qur'anic picture, life in the world is meant as a test of human excellence.[98]

Even if it may be very difficult, or impossible, to realise justice in the world, it is the duty of humanity to pursue it.

Vital to this effort is the role of the personal moral agency of individual human beings who act with justice in their daily interactions. One of the most important qualities that each person should inculcate is *ḥikmah*, in the sense of practical wisdom. This allows one to attain the wise purposes of the natural and divine law, which are founded in God's attribute of *ḥikmah*. Within a virtue ethics framework, it can be considered a principal good, as mentioned in the Qur'anic verse 2:269, "[God] gives wisdom to whomsoever He wishes and the one who is given wisdom has received abundant good."[99] Moreover, just as was mentioned above in relation to the natural law, the divine law no less requires practical decision-making by every responsible agent in their application of moral and legal rules to the diverse circumstances of life.[100] Unlike an approach to Islamic law in which jurists are expected to deduce a specific *ḥukm* for every conceivable situation in a person's life – the stereotype is an abdication of moral responsibility by continually turning to a mufti, or jurisconsult, for a *fatwā* (legal opinion) – the just individual is meant to develop the ability to judge how the rules and principles of the Shariʿah relate to their diverse experiences.[101] In fact, notwithstanding the importance of expert jurists for specialised intellectual work, such an approach is much closer to the original meaning of the word *fiqh* as *fahm* (understanding), than its later technical translation as "jurisprudence" for a discipline accessible only to an elite class of ulema.

What, then, would a Māturīdite theology make of the liberal tradition's conception(s) of justice? According to MacIntyre's metatheory, if the rational standards of two traditions are incommensurable, then the first would have to be able to explain not only the limitations of the second's view, but why its rival is unable to overcome them within its own rational framework. But, as discussed above, this only amounts to a rational defeat if the rival tradition would see it in these terms. Could Māturīdism push liberalism into a state of epistemic crisis? To do so, it would have to work from its own first principles to systematically unmask liberalism's failure to provide a rationally satisfying account of the good.

I will now draw on MacIntyre's critique of liberalism to suggest a line of argument that could be pursued. As discussed in the previous section, liberalism adopts the stance of a consumer seeking personal preferences and so is always in the business of ranking various conflicting desires, duties, or

contractual obligations relating to the different aspects of human life. Its rejection of a teleological view means that it can never look at the individual, let alone the society, as serving a greater moral purpose. The Māturīdite perspective could argue that this lack of a single conception of the good in human life is a hollowness at the core of liberalism in stark contrast to its own vision of unified meaning through participation in the wisdom of the divine. Thus, while the liberal paradigm is unable to provide a global theory to account for moral intuitions about justice, the Māturīdite view could argue these intuitions arise consistently from natural law based on a higher, purposeful wisdom.[102] This arguably would leave liberalism exposed to an epistemic crisis that can be diagnosed and treated with resources from within the Islamic tradition.

Conclusion

My main aim in this chapter has been twofold: to demonstrate the possibility of using a MacIntyrean metatheory to stage an engagement between Islamic and liberal conceptions of justice and to outline the specific Islamic ethical theory that I think can best undertake this task. I have argued that despite a range of valuable critiques over the past decades, many of which have helped MacIntyre refine his views, the basic notion of tradition-constituted enquiry has emerged unscathed as a useful tool for debate between radically different traditions of rationality and ethics. Though it has been able to withstand the critique that it collapses into relativism, it is less clear that the engagement between those with different first principles will always result in a decisive victory for a single tradition.

In the arena of debate between conceptions of justice, MacIntyre's critique of the liberal tradition may be a way to move beyond the unresolvable contestation between its vying theories. In his entry in the *Stanford Encyclopedia of Philosophy*, David Miller implicitly confirms MacIntyre's conclusion that none of the contemporary liberal philosophical options provide a comprehensive treatment of considered convictions about justice in all the various facets of human life.[103]

I have proposed that a Māturīdite perspective is able to stand in one of the great traditions of Muslim rational theology while also benefiting from the diverse perspectives available within modern thought. Sherman Jackson comments on the possible utility of the Māturīdite standpoint for Muslim

theology in the West as follows: "it may constitute the untried theological panacea that is firmly grounded in and identified with Sunni Tradition."[104] In terms of conceiving of justice from within this tradition, I have sketched the main principles upon which it can be constituted as an ethical theory, which involve the concept of God's wisdom and its relevance to natural and divine law. I then provided some initial reflections on the terms in which such a theory could attempt to engage the liberal tradition and to provoke an epistemic crisis.

It is not obvious that proponents of liberalism would, in practice, accept rational defeat from those debating with an Islamic ethical framework, notwithstanding that such a refusal would likely reflect factors transcending rational argumentation alone. It may be that MacIntyre's Thomistic – or as he now prefers – NeoAristotelian tradition would have more success by showing, as he has himself endeavored to do in his career, that the liberal tradition is composed of dislocated fragments from its own moral framework.[105] Perhaps the more productive engagement for Islamic thought would be with such a fellow theistic tradition committed to the natural law. But in that case does the conversation have to be framed only in competitive and antagonistic terms?

I have now returned to the initial question of how Muslims can hold on to their particular tradition-constituted conception of justice yet act in concert with others. According to the present argument, the practical moral rules and principles of natural law should be the standard that Muslims require other traditions to uphold and the basis on which they build collaborative platforms. This shared approach may manifest most easily with theists who ground their moral vision within a scriptural tradition, though it should here be emphasized that, in general, the rulings prescribed by the Islamic dispensation of divine law would only be treated as binding upon members of the Muslim community.[106]

Of course, philosophical interaction will necessarily also be broached with those, such as adherents of liberalism, who do not accept the precepts, or the underlying theology, of the natural law as formulated within an Islamic theory of justice. It is here that the MacIntyrean framework remains an important method for empathetic engagement that may result in greater mutual appreciation of the alternative rationalities grounding diverse moral intuitions about justice.

Endnotes

1. Rufus Black, review of 'Lawrence S. Cunningham (ed.), *Intractable Disputes about the Natural Law: Alasdair MacIntyre and Critics* (Notre Dame, IN: University of Notre Dame Press, 2009)', in *Studies in Christian Ethics* 24(2) (May, 2011), p.251. See also pp.251-53.

2. Sherman Jackson parallels many of MacIntyre's insights in his account of traditions of theological rationality within Islamic civilization. See Sherman Jackson, *Islam and the Problem of Black Suffering* (Oxford: Oxford University Press, 2009), pp.27-45. Also relevant is the work of Talal Asad. See Ovamir Anjum, 'Islam as a Discursive Tradition: Talal Asad and His Interlocutors', *Comparative Studies of South Asia, Africa and the Middle East* 27(3) (2007), pp.662-63. But whereas Asad mainly develops MacIntyre in an anthropological direction, I am interested in the philosophical dimensions of his work.

3. Ramon Harvey, *The Qur'an and the Just Society* (Edinburgh: Edinburgh University Press, 2018), p.194. Cf. Fazlur Rahman, *Revival and Reform in Islam: A Study of Islamic Fundamentalism* (Oxford: Oneworld, 2000), pp.61-63.

4. See Sabine Schmidtke, 'Introduction', in *The Oxford Handbook of Islamic Theology*, ed. Sabine Schmidtke (Oxford: Oxford University Press, 2016), pp.14-15; Angelika Brodersen, 'New Light on the Emergence of Māturīdism: Abū Shakūr al-Sālimī (Fifth/Eleventh Century) and his *Kitāb al-tamhīd fī bayan al-tawḥīd*', *Journal of Islamic Studies*, 31(3) (2020), pp.332-34.

5. See Philip Dorroll, 'Modern by Tradition: Abū Manṣūr al-Māturīdī and the New Turkish Theology', PhD dissertation (Emory University, 2013), pp.234-85. This has now been superseded by Dorroll's book *Islamic Theology in the Turkish Republic* (Edinburgh: Edinburgh University Press, 2021). For a systematic explication of Māturīdite theology in conversation with contemporary theology and philosophy, see Ramon Harvey, *Transcendent God, Rational World: A Māturīdī Theology* (Edinburgh: Edinburgh University Press, 2021).

6. For detailed discussion of these points, see Mohammad Fadel, 'The True, the Good and the Reasonable: The Theological and Ethical Roots of Public Reason in Islamic Law', *Canadian Journal of Law and Jurisprudence* 21(1) (2008), pp.1-65.

7. A fourth work, *Dependent Rational Animals*, published in 1999, makes a revamped case for the biological "nature" of humankind, a key part of his defence of a Thomistic natural law theory. Though important for MacIntyre's wider system, it has much less to say about his metatheory of tradition-constituted enquiry, which is the focus of this section. See Alasdair MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues* (Chicago: Carus, 1999), pp.5-9; David Trenery, *Alasdair MacIntyre, George Lindbeck, and the Nature of Tradition* (Eugene, OR: Wipf and Stock Publishers, 2014), pp.91-92.

8. Trenery, *Alasdair MacIntyre*, p.244. MacIntyre highlights the impact that reading and direct encounter with Kuhn made on his thinking. Alasdair MacIntyre, *The Tasks of Philosophy: Selected Essays, Volume 1* (Cambridge: Cambridge University Press, 2006), pp.vii-viii.

9. See Alasdair MacIntyre, *Whose Justice? Which Rationality?* (London: Duckworth, 1988), pp.2-5.

10. See the articles quoted in Trenery, *Alasdair MacIntyre*, pp.181-82.

11. Trenery, *Alasdair MacIntyre*, p.182. See MacIntyre, *Whose Justice? Which Rationality?*, p.10.

12. MacIntyre's personal investment in his project may be connected to the stages of development in his own commitments. It is conceivable that his grand narrative of ethical thought reflects his intellectual journey as a Presbyterian, Marxist, Aristotelian and finally Thomist/NeoAristotelian. See Peter McMylor, 'Marxism and Christianity: Dependencies and Differences in Alasdair MacIntyre's Critical Social Thought', *Theoria* 55(116) (2008), p.47. See also Trenery, *Alasdair MacIntyre*, pp.6-9, 57-59.

13. Trenery, *Alasdair MacIntyre*, pp.184-85.

14. MacIntyre, *Whose Justice? Which Rationality?*, p.354.

15. MacIntyre, *Whose Justice? Which Rationality?*, pp.354-55; MacIntyre, *The Tasks of Philosophy*, p.12.

16. MacIntyre, *Whose Justice? Which Rationality?*, p.355.

17. On this point, see also Jackson, *Islam and the Problem of Black Suffering*, p.42.

18. Compare in the context of Islamic tradition with Sherman Jackson, *On the Boundaries of Theological Tolerance in Islam: Abū Ḥāmid al-Ghāzalī's* Fayṣal al-Tafriqa Bayna al-Islām wa al-Zandaqa (Oxford: Oxford University Press, 2002), pp.9-10.

19. MacIntyre, *Whose Justice? Which Rationality?*, pp.358-59.

20. MacIntyre, *Whose Justice? Which Rationality?*, pp.356-57. See Jean Porter, 'Tradition in the Recent Work of Alasdair MacIntyre', in *Alasdair MacIntyre*, ed. Mark C. Murphy (Cambridge: Cambridge University Press, 2003), p.47.

21. MacIntyre, *Whose Justice? Which Rationality?*, pp.360-61.

22. MacIntyre, *Whose Justice? Which Rationality?*, p.360.

23. Alasdair MacIntyre, 'First Principles, Final Ends, and Contemporary Philosophical Issues', in *The MacIntyre Reader*, ed. Kelvin Knight (Notre Dame, IN: University of Notre Dame Press, 1998), pp.171, 186-87.

24. Alasdair MacIntyre, *Three Rival Versions of Moral Enquiry: Encyclopaedia, Genealogy, and Tradition: Being Gifford Lectures Delivered in the University of Edinburgh in 1988* (London: Duckworth, 1990), pp.35, 42-43.

25. MacIntyre, *Whose Justice? Which Rationality?*, p.350.

26. MacIntyre, *Whose Justice? Which Rationality*, p.350. Trenery also highlights the importance of MacIntyre's engagement with the hermeneutics of Hans-Georg Gadamer in developing this position, a point that he has acknowledged. Trenery, *Alasdair MacIntyre*, p.107. Cf. Hans-Georg Gadamer, *Truth and Method* (London and New York: Bloomsbury, 2013), p.293-94.

27. Alasdair MacIntyre, 'Practical Rationalities as Forms of Social Structure', in *The MacIntyre Reader*, ed. Kelvin Knight (Notre Dame, IN: University of Notre Dame Press, 1998), pp.120-21. Cf. Jackson, *Islam and the Problem of Black Suffering*, p.44.

28. MacIntyre, *Whose Justice? Which Rationality?*, p.367.

29. See MacIntyre, *Dependent Rational Animals*, p.74.

30. MacIntyre, 'Practical Rationalities as Forms of Social Structure', p.135.

31. Aristotle, *The Politics*, trans. Carnes Lord (Chicago, IL: University of Chicago Press, 1984), p.37. See Thomas L. Pangle and Timothy W. Burns, *The Key Texts of Political Philosophy: An Introduction* (Cambridge: Cambridge University Press, 2014), p.163.

32. See Trenery, *Alasdair MacIntyre*, p.125.

33. Herdt correctly represents MacIntyre as making the qualified claim that his failure to find a neutral ground for rationality is evidence that it does not exist. Jennifer A. Herdt, 'Alasdair MacIntyre's "Rationality of Traditions" and Tradition-Transcendental Standards

of Justification', *The Journal of Religion* 78(4) (October 1998), p.527. His position is that the failure of liberalism to provide a neutral tradition-independent ground for assessing the claims of traditions is the strongest possible evidence against such a ground existing. MacIntyre, *Whose Justice? Which Rationality*, p.346.

34. Herdt, 'Alasdair MacIntyre's "Rationality of Traditions"', p.527.

35. MacIntyre, *Whose Justice? Which Rationality*, p.9.

36. Alasdair MacIntyre, 'A Partial Response to My Critics', in *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre*, eds. John Horton and Susan Mendes (Notre Dame, IN: University of Notre Dame Press, 1994), p.295.

37. Specifically, he contends MacIntyre combines tradition-specific aspects of incommensurability and incompatible standards of justification with universalist aspects of logical consistency and epistemological openness. Trenery, *Alasdair MacIntyre*, p.129.

38. MacIntyre, *The Tasks of Philosophy*, pp.10-11.

39. Herdt goes on to argue that MacIntyre's theory of conflict resolution between traditions, put forward to avoid the charge of relativism, leads him into a bind: either it succeeds, but as a tradition-independent method, thus contradicting his claims, or it fails, and leaves him in a position of relativism. Herdt, 'Alasdair MacIntyre's "Rationality of Traditions"', p.527. My judgement, for reasons given in this chapter, is that MacIntyre's theory provides a viable way for incommensurable traditions to debate without becoming tradition independent or relativistic.

40. MacIntyre, *Three Rival Versions of Moral Enquiry*, p.43.

41. MacIntyre, 'A Partial Response to My Critics', p.295. Elsewhere, he argues against the pragmatist challenge that "truth is to be identified with idealized justification." Alasdair MacIntyre, 'Moral Relativism, Truth and Justification', in *The MacIntyre Reader*, ed. Kelvin Knight (Notre Dame, IN: University of Notre Dame Press, 1998), p.206. See pp.205-07.

42. Alasdair MacIntyre, 'Intractable Moral Disagreements', in *Intractable Disputes about the Natural Law*, ed. Lawrence S. Cunningham (Notre Dame, IN: University of Notre Dame Press, 2009), pp.34-35.

43. See Sherman Jackson, 'Not Truth But Tolerance: A (Much Belated) Response to Atif Khalil', *American Journal of Islamic Social Sciences (AJISS)* 28(4) (2011), p.151.

44. MacIntyre, *Whose Justice? Which Rationality?*, p.351. See Trenery, *Alasdair MacIntyre*, p.132. At least from MacIntyre's Thomistic perspective, any systematic enquiry presupposes the laws of logic. Pangle and Burns, *The Key Texts of Political Philosophy*, p.157. But Porter astutely points out that MacIntyre has not fully attempted to discuss the interaction of traditions that are not closely related in genealogy. Porter, 'Tradition in the Recent Work of Alasdair MacIntyre', p.55.

45. See Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (3rd edn. Notre Dame, IN: University of Notre Dame Press, 2007), pp.x-xi.

46. MacIntyre, *Three Rival Versions of Moral Enquiry*, pp.114-15. MacIntyre also gives the example of Descartes becoming the first Cartesian. MacIntyre, *Whose Justice? Which Rationality?*, p.360. Jackson describes the famous conversion of al-Ashʿarī from the Muʿtazilites to begin his own theological synthesis. Jackson, *Islam and the Problem of Black Suffering*, p.79.

47. MacIntyre, 'A Partial Response to My Critics', p.297.

48. MacIntyre, *Three Rival Versions of Moral Enquiry*, p.146.

49. *Whose Justice? Which Rationality?*, pp.361-65; MacIntyre, 'A Partial Response to My

Critics', pp.295-97; MacIntyre, 'Moral Relativism, Truth and Justification', pp.216-20.

50. MacIntyre, 'Intractable Moral Disagreements', pp.50-51. Utilitarianism, as MacIntyre characterizes it, requires a starting point in a conception of human happiness (or another concept to replace it) to explain the purpose of following moral rules. But, as opposed to the Aristotelian, the utilitarian, by definition, abstracts this notion as a psychological state from particular ends embodying the good. See MacIntyre, 'Intractable Moral Disagreements', pp.44-49.

51. Gerald McKenny, 'Moral Disagreement and the Limits of Reason: Reflections on MacIntyre and Ratzinger', in *Intractable Disputes about the Natural Law*, ed. Lawrence S. Cunningham (Notre Dame, IN: University of Notre Dame Press, 2009), pp.211-13.

52. Thanks to Ovamir Anjum for this point of critique. The same line of argument can be found in Wael B. Hallaq, *Restating Orientalism: A Critique of Modern Knowledge* (New York: Columbia University Press, 2018), p.141.

53. See MacIntyre, *After Virtue: A Study in Moral Theory*, pp.226-36.

54. MacIntyre, *Whose Justice? Which Rationality?,* pp.326-48. This may seem at odds with his earlier characterization of the individualistic aspect of liberalism, which he opposes to the prior Aristotelian tradition. MacIntyre, *After Virtue*, pp.250-52. In an interview, MacIntyre clarifies that he distinguishes between the anti-traditional tendency of liberalism and the emergence of a distinct tradition of liberal enquiry embodied in certain thinkers and their texts. Alasdair MacIntyre, 'An Interview for *Cogito*', in *The MacIntyre Reader*, ed. Kelvin Knight (Notre Dame, IN: University of Notre Dame Press, 1998), p.271.

55. This point is made by Porter, 'Tradition in the Recent Work of Alasdair MacIntyre', p.44. For an example, see MacIntyre, *After Virtue*, pp.xiv-xv.

56. See Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford, CA: Stanford University Press, 2003); Charles Taylor, *A Secular Age* (Cambridge, MA: Harvard University Press, 2007).

57. Kelvin Knight, 'After Tradition?: Heidegger *or* MacIntyre, Aristotle *and* Marx', *Analyse & Kritik* 30 (2008), p.48.

58. MacIntyre, *Whose Justice? Which Rationality?,* p.336.

59. MacIntyre, *Whose Justice? Which Rationality?,* p.340.

60. MacIntyre, *Whose Justice? Which Rationality?*, p.337. See also John Christman, *Social and Political Philosophy: A Contemporary Introduction* (London and New York: Routledge, 2002), pp.95-96.

61. MacIntyre, *Whose Justice? Which Rationality?*, pp.334-35. See MacIntyre, *After Virtue*, pp.6-8.

62. MacIntyre, *Whose Justice? Which Rationality?*, pp.342-43. Both MacIntyre and Charles Taylor mention Descartes as a key figure in the shift to the conception of a subject floating free of tradition. MacIntyre, *The Tasks of Philosophy*, pp.8-9; Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge: Cambridge University Press, 1989), pp.156-57.

63. MacIntyre, *Whose Justice? Which Rationality?*, pp.343-44. See also MacIntyre, *After Virtue*, p.250.

64. MacIntyre, *Whose Justice? Which Rationality?*, pp.336, 344.

65. MacIntyre, *Whose Justice? Which Rationality?*, p.344. A similar statement could be applied to the Sunnite Islamic tradition as it developed in history. The Māturīdite perspective developed below potentially challenges this by embedding a consistent idea of wisdom at the core of questions of justice.

66. MacIntyre, *Whose Justice? Which Rationality?*, p.344.

67. A significant strand of the Māturīdite tradition concurs on the rejection of inspiration as binding within the social order. For instance, the Ḥanafite-Māturīdite jurist ʿAlāʾ al-Dīn al-Samarqandī (d. 539/1144) states that a non-prophet's inspired convictions about the Law are personally binding but are not to be applied to other people. ʿAlāʾ al-Dīn al-Samarqandī, *Mīzān al-uṣūl fī natāʾij al-ʿuqūl*, ed. ʿAbd al-Malik ʿAbd al-Raḥmān al-Saʿdī (Makkah: Jāmiʿa Umm al-Qurā, 1984), vol.2, p.1027. Cf. Abū Manṣūr al-Māturīdī, *Kitāb al-tawḥīd*, ed. Bekir Topaloğlu and Muḥammad Aruçi, 2nd edn (Istanbul: Maktabat al-Irshād, 2010), p.69.

68. McKenny, 'Moral Disagreement and the Limits of Reason', p.212.

69. This can potentially manifest in a form of secularism in which religion is separated from the state, though this does not necessarily have to be the case. A contemporary example is the similar liberal morality that characterizes both the UK and the USA, despite the former's established Church and, in the words of Jefferson, the latter's "wall of separation between Church & State." Thomas Jefferson, 'Letter to the Danbury Baptists', *Library of Congress Information Bulletin* 57(6) (1998).

70. John Rawls, 'The Idea of an Overlapping Consensus', *Oxford Journal of Legal Studies* 7(1) (1987), pp.4-5.

71. Fadel, 'The True, the Good and the Reasonable', pp.4-5.

72. Fadel, 'The True, the Good and the Reasonable', p.5.

73. For an extended survey of such theories, see Majid Khadduri, *The Islamic Conception of Justice* (London and Baltimore: Johns Hopkins University Press, 1984).

74. See Jackson, *On the Boundaries of Theological Tolerance in Islam*, pp.16-29.

75. See the discussion in Harvey, *The Qurʾan and the Just Society*, pp.27-38. Jackson devotes a single chapter to each of these schools of thought and one to Traditionalism, which amounts to an analysis of the influential recasting of the Traditionalist stance by the relatively late figure of Ibn Taymiyyah (d. 728/1328). Jackson, *Islam and the Problem of Black Suffering*.

76. Harvey, *The Qurʾan and the Just Society*, pp.41-42.

77. Ulrich Rudolph, *Al-Māturīdī and the Development of Sunnī Theology in Samarqand*, trans. Rodrigo Adem (Leiden: Brill, 2015), pp.321-22. The extent to which aspects of al-Māturīdī's theology are already present in the thought of Abū Ḥanīfah depends in part on the authenticity of various treatises ascribed to the earlier figure, which I cannot discuss here. But it is impossible to claim that al-Māturīdī was merely practicing Abū Ḥanīfah's theology without ignoring the theological developments in the two intervening centuries from which al-Māturīdī draws considerably in constructing his system.

78. For many examples of theological reformulation within the Māturīdite tradition, see Harvey, *Transcendent God, Rational World*.

79. Jackson, *On the Boundaries of Theological Tolerance in Islam*, pp.8-9; Gordon D. Kaufman, *The Theological Imagination: Constructing the Concept of God* (Philadelphia, PA: The Westminster Press, 1981), pp.21-23.

80. Rotraud Wielandt, 'Main Trends of Islamic Theological Thought from the Late Nineteenth Century to Present Times', in *The Oxford Handbook of Islamic Theology*, ed. Sabine Schmidtke (Oxford: Oxford University Press, 2016), pp.749-53.

81. See MacIntyre's justification for his use of the term "NeoAristotelian" to describe his mature position. Alasdair MacIntyre, *Ethics in the Conflicts of Modernity: An Essay on Desire, Practical Reasoning, and Narrative* (Cambridge: Cambridge University Press, 2016), p.31.

82. See Thomas Hildebrandt, *Neo-Muʿtazilismus?: Intention und Kontext im modernen arabischen Umgang mit dem rationalistischen Erbe des Islam* (Leiden: Brill, 2007), pp.1-2. This often seems more of a rhetorical affiliation based on their perceived rationality and heterodoxy than genuine continuity with the theology of the classical Muʿtazilite schools.

83. Al-Māturīdī, *Kitāb al-tawḥīd*, p.164. See Harvey, *The Qur'an and the Just Society*, p.29.

84. Al-Māturīdī, *Kitāb al-tawḥīd*, p.163.

85. J. Meric Pessagno, 'The Uses of Evil in Maturidian Thought', *Studia Islamica* 60 (1984), p.63; Rudolph, *Al-Māturīdī and the Development of Sunnī Theology in Samarqand*, p.296-300; Harvey, *The Qur'an and the Just Society*, pp.28-29. See Harvey, *Transcendent God, Rational World*, pp.161-64.

86. Harvey, *The Qur'an and the Just Society*, pp.35-38. There are certainly points of similarity between the theological ethics of al-Māturīdī and that of Ibn Taymiyyah many centuries later, though there is not space to explore them here. See Sophia Vasalou, *Ibn Taymiyya's Theological Ethics* (Oxford: Oxford University Press, 2016), p.142; Jon Hoover, *Ibn Taymiyya's Theodicy of Perpetual Optimism* (Leiden: Brill, 2007), p.220.

87. Al-Māturīdī, *Kitāb al-tawḥīd*, p.167. Rudolph, *Al-Māturīdī and the Development of Sunnī Theology in Samarqand*, pp.263-64.

88. Al-Māturīdī, *Kitāb al-tawḥīd*, p.168.

89. That human beings are always obligated to act in basic matters of rationally appreciable morality is found in al-Māturīdī, *Kitāb al-tawḥīd*, pp.176 and 249. It is a mainstay of the Samarqandī and Iraqī Ḥanafite traditions, and the Muʿtazilites. The Bukhāran Ḥanafites were closer to the Ashʿarites in suspending obligation until the arrival of revelation. See A. Kevin Reinhart, *Before Revelation: The Boundaries of Muslim Moral Thought* (Albany: The State University of New York Press, 1995), pp.44-56.

90. Harvey, *The Qur'an and the Just Society*, p.37.

91. Abū al-Muʿīn al-Nasafī, *Baḥr al-kalām*, ed. Walī al-Dīn Muḥammad Ṣāliḥ al-Farfūr (Damascus: Dār al-Farfūr, 2000), pp.291-92; Al-Samarqandī, *Mīzān al-uṣūl fī natā'ij al-ʿuqūl*, vol.2, p.1059; Abū Manṣūr al-Māturīdī, *Ta'wīlāt al-qur'ān*, eds Ertuğrul Boynukalin, and Bekir Topaloğlu (Istanbul: Dār al-Mīzān, 2006), vol.1, p.257. See Ramon Harvey, 'Al-Māturīdī on the Abrogation of the *Sharīʿa* in the Qur'an and Previous Scriptures', in *İmâm Mâtürîdî ve Te'vîlâtü'l-Kur'ân*, eds. Hatice K. Arpaguş, Mehmet Ümit and Bilal Kır (Istanbul: M. Ü. İlâhiyat Fakültesi Vakfı Yayınları, 2019), pp.514-17.

92. Al-Nasafī, *Baḥr al-kalām*, p.292.

93. Harvey, *The Qur'an and the Just Society*, p.41.

94. Al-Māturīdī, *Ta'wīlāt al-qur'ān*, vol.6, p.392; vol.15, p.125. See Harvey, *The Qur'an and the Just Society*, p.41. Note that I treat the terms ʿillah (legal cause), ḥikmah and maʿnā (ontological cause) as synonymous in this context. Also see Harvey, 'Al-Māturīdī on the Abrogation of the *Sharīʿa* in the Qur'an and Previous Scriptures', pp.521-22.

95. Harvey, *The Qur'an and the Just Society*, p.58.

96. The dominant position in the classical Ḥanafite tradition is that neither *qiyās* (analogy), the main acknowledged rational method in legal theory, nor *ijmāʿ*, which can be treated in some sense as an aggregation of the *ijtihād* of ulema, provides acceptable evidence for abrogating Qur'anic rulings, due to their non-occurrence in the Prophet Muḥammad's lifetime. Fakhr al-Islām al-Bazdawī, *Uṣūl al-Bazdawī*, ed. Sāʾid Bakdāsh (Madinah: Dār al-Sirāj; Beirut: Dār al-Bashāʾir al-Islāmiyyah, 2014), p.495. But some classical scholars from the Shāfiʿite school did accept abrogation of the Qur'an by types of *qiyās*, whereas even

some Ḥanafites accepted it for *ijmāʿ*. ʿAbd al-ʿAzīz al-Bukhārī, *Kashf al-asrār ʿan uṣūl Fakhr al-Islām al-Bazdawī*, ed. Aḥmad Khalūṣī and Muṣṭafā Darwīsh (Durr Saʿādah, 1891), vol.3, pp.174–76.

97. See Harvey, *The Qur'an and the Just Society*, p.22.

98. Al-Māturīdī, *Kitāb al-tawḥīd*, pp.166, 175, 248. See Pessagno, 'The Uses of Evil in Maturidian Thought', p.76.

99. I am grateful to Hisham Altalib for pointing out the relevance of the verse for this part of my argument.

100. See MacIntyre, *Dependent Rational Animals*, p.93.

101. See Ebrahim Moosa, 'Ethical Landscape: Laws, Norms, and Morality', in *Islam in the Modern World*, ed. Jeffrey T. Kenney and Ebrahim Moosa (Abingdon: Routledge, 2014), pp.39–40.

102. See Harvey, *The Qur'an and the Just Society*, pp.41–42.

103. David Miller, 'Justice', in *The Stanford Encyclopedia of Philosophy* (Fall 2017 Edition), ed. Edward N. Zalta, (https://plato.stanford.edu/archives/fall2017/entries/justice/).

104. Jackson, *Islam and the Problem of Black Suffering*, p.103.

105. MacIntyre, *After Virtue*, p.252.

106. Cf. Al-Samarqandī, *Mīzān al-uṣūl fī natā'ij al-ʿuqūl*, vol.1, pp.271–74.

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