Sharī'ah as Practical Theodicy: A Comparative Look at God's Justice from a Christian Perspective

Lukas Wiesenhütter

In this essay, I argue that one version of the problem of theodicy, as it is particularly prominent within political theologies, can be phrased as the question: Where is God's justice present here and now? A comparative look at Sharī'ah might find a careful answer to this question—and contribute to an appreciative Christian view of this central Islamic concept.

Keywords: theodicy, eschatology, comparative, Sharī'ah, political theology, sharia, Islam

One common way of distinguishing approaches to the problem of evil is to separate the so-called *logical* from the *evidential* problem. The first is primarily concerned with the logical inconsistency between experienced evil and the belief in an all-good, almighty God, while the second is more modest and renders the existence of God in the face of evil not logically impossible, but unlikely.[1] In this essay, I first look at the critique of the entire theoretical theodicy discourse as put forward by Johann Baptist Metz. before I then turn to perspectives from the Islamic tradition, focusing on the writings of Murtaza Mutahhari and Khaled Abou El Fadl that might help bridging the gap between practical approaches to the problem of evil and the evidential problem. It is this dichotomy between theory and practice that I think needs to be overcome when approaching theodicy. I conclude by suggesting that, from a Christian perspective, Islamic views of Sharī'ah might be a fruitful starting point for future dialogue as well as an inspiration for perceiving the presence of divine justice.

Metz: Criticizing the Discourse and Demanding God's Justice

When Pope Benedict XVI published his first encyclical letter, *Deus Caritas Est*, in 2005, reactions among theologians in the German-speaking context were overwhelmingly positive. One however, Johann Baptist Metz, engaged in discussions and disputes with Joseph Ratzinger for decades, felt the need to clarify something. "*Deus et iustitia est*", he wrote in reply, not contradicting, but adding to the attribute used in the Pope's message: God also is *justice*.[2] For Metz, who died in 2019, this was characteristic of what his "New Political Theology" was focusing on. There has been, according to him, a tendency in Christianity from its very beginnings to disregard the fact that even after Christ, salvation still remains to be fully realized, or as Metz put it: "Do not Christians have something to expect and to fear, too—not only for

---

[1] For the classic reference, see William Rowe, "The Problem of Evil and Some Varieties of Atheism," *American Philosophical Quarterly* 16 (1979): 335–341. For discussion and overview see Graham Oppy, "Rowe's Evidential Problem from Evil," in *The Blackwell Companion to the Problem of Evil*, eds. Justin McBrayer and Daniel Howard-Synder (Oxford: Blackwell, 2013), 49–66.

[2] Johann Baptist Metz, "Gottesgerechtigkeit," in *Johann Baptist Metz Gesammelte Schriften* [hereafter, *JBMGS*], Vol. 3/2, Johann Reikerstorfer, ed. (Freiburg: Herder, 2020), 200–207, at 200.

6

themselves, but for the world and for history as a whole?"[3] He warns that the joy of Easter Sunday should not be so jubilant as to silence the cry of despair that preceded it and that has not stopped to continue throughout history.[4] *Only* focusing on God as loving might be a symptom of this very tendency, focusing too much on the victors of history.

Theology, in Metz's view, primarily must be attentive to those *suffering*—today and in the past—in order to articulate the Christian hope that "not only love but also justice is stronger than death."[5] Therefore, "theodicy" for Metz is not one theological project among others, but the core of *all* theologizing. He distinguishes two types of the question. The (today mainly analytical) attempts of proving the logical consistency of a) *God exists* and b) *Evil exists* is what he refers to as the "strictly philosophical" form of theodicy, "from Epicurus to Kant".[6] This is the realm where the logical and evidential problem of evil are discussed. The second type is identified by Metz as the Biblical and primary form of theodicy, mainly referencing Job's protest and cry to God. Job, and with him theologians, are supposed to demand justice from God in the face of the others' unjust suffering. Keeping this cry for justice alive and addressing the question "How long?" to God is *the* task of theology.[7] The very word "God" for him is a "practical thought", meaning the addressee of the sufferer's cry.[8]

Metz frequently polemicizes against the first, the "strictly philosophical" form of theodicy, which he regards as the endeavor of Job's friends, and theology's attempt "to reconcile itself with the omnipotent God behind the back of the innocents' nameless suffering."[9] In his harsh critique of this form of theodicy discourse, he is not far from Terrence Tilley—who, in his *Evils of Theodicy*, similarly argued for the primacy of practice and the role of interruptive texts, such as the book of Job, that stop us from knowing *too much*.[10] It is, therefore, no coincidence that Tilley identifies the failure "to confront Job" as one of the shortcomings of the entire theodicy project.[11] In short, referring to Kant's terminology, theodicy should primarily be identified as a problem for *practical*, and not for *theoretical* reason. While I do not agree with Metz that this should stop theologians from engaging in what he calls the "strictly philosophical" form of the question altogether, I share his conviction that it is the primary goal of all attempts at theodicies to re-address the cry of the suffering back to God. This, following Metz, means:

   1) *All* theology aims at theodicy.

---

[3] Metz, "Christen und Juden nach Auschwitz: Auch eine Betrachtung über das Ende bürgerlicher Religion," in *JBMGS* 1, 167–181, at 173. Translation mine.
[4] Metz, "Sis Mihi Deus!," in: *JBMGS* 8, 196–204, at 199.
[5] Deutsche Bischofskonferenz, ed., *Gemeinsame Synode der Bistümer in der Bundesrepublik Deutschland* (Freiburg, 2012), 92. Translation mine.
[6] See, for example, Metz, "Memoria Passionis" in *JBMGS* 4, 40.
[7] Ibid. 53.
[8] Metz, "Nachfolge als Wahrheitskriterium," in *JBMGS 5*, 127–189, at 127: "'Gott' ist von vornherein—also sozusagen a priori—ein praktischer Gedanke."
[9] Metz, "Memoria Passionis," 30. Translation mine.
[10] Terrence Tilley, *The Evils of Theodicy* (Eugene, OR: Wipf and Stock, 2000), 250f.
[11] Ibid. 90.

Demanding God's justice is the first form of theology that all other theological attempts aim at. There is no room for analytical speculations about or *explanations* for evil. Metz criticizes that the problem, in the footsteps of Augustine, has been reduced to the question of human guilt.[12] Therefore, modern attempts at *free will defenses* are a repetition of this old mistake. If at all, it will be God Godself who provides an answer to the problem of evil. It is theology's task to keep the question alive rather than trying to answer it on God's behalf.[13]

2) *All* theology is political theology.

Remembering the others' suffering cannot remain without concrete practical implications, and neither can demanding justice. Christian faith for Metz is *practice* that must be attentive to the fact that there are preconditions for the possible self-understanding of a human being as a free subject that can be addressed by God.[14] As such, political theology is not a separate project, as if an "apolitical" theology were possible: "This is theology—and nothing else. It is an attempt to speak of God in this time."[15] In so far as theology reflects faith in light of current challenges and events, it cannot ignore the political sphere. As suffering is taking place here and now, under concrete political circumstances, theodicy also is a political question.

3) Eschatology is the form of *all* theology.[16]

Despite these political implications, Metz is far from thinking that God's Kingdom could be built by human efforts alone. Even if that were possible (which it is not), inner-worldly progress could only be achieved at the expense of those that preceded us and for which all future promises would be too late—a tension that has also troubled thinkers like Max Horkheimer and Walter Benjamin by whom Metz was influenced.[17] Therefore, every theological sentence has an "eschatological dimension", the anticipation of a promise that still needs to be fulfilled. In that sense, Metz also reminds Christians of the apocalyptical tradition of the Bible, insisting that time is *limited*.[18]

Metz, and liberation theologies in his footsteps, insist on the theological importance of justice and remind us that this means striving for its establishment on Earth. At the same time, human effort will always fall short of God's eschatological rule. It is precisely this "eschatological tension" between a given promise and its fulfillment that is echoed in Metz's approach to the problem of evil. In this context, he characterizes theodicy primarily as the lamenting cry to God to finally establish justice. However, the question remains how this tension—the emphasis on

---

[12] Metz, "Memoria," 28.

[13] Compare Ibid., 22.

[14] Compare Metz, "Glaube in Geschichte und Gesellschaft: Studien zu einer praktischen Fundamentaltheologie" in: *JBMGS* 3, 1, 97. Again, this is close to Tilley's approach who claims that "doing christology is a practice of discipleship." See Terrence Tilley, *The Disciples' Jesus: Christology as Reconciling Practice* (Maryknoll, NY: Orbis, 2008), 11.

[15] Metz, "Aufwachen, Augen öffnen, Leid erkennen," in: *JBMGS* 8, 210–214, at 210. Translation mine.

[16] Metz, "Zur Theologie der Welt," in: *JBMGS* 1, 19–145, at 86: "Eschatologie darf in einer christlichen Theologie nicht nur regional, sie muss radikal verstanden werden: als Form *aller* theologischen Aussagen."

[17] See Metz, *Memoria*, 80. For Benjamin, see Miriam Münch, *Dialektik der Negativität, Dialektik der Hoffnung* (Freiburg: Herder, 2020) 161–174.

[18] See Metz: "Mit dem Gesicht zur Welt—Eine theologisch-biographische Auskunft," in *JBMGS* 1, 253–278, at 270.

God's eschatological power, on the one hand, and the question of the *presence* of divine justice *here and now*, on the other—is spelled out. If theodicy is supposed to wrestle with a possible answer to the problem of evil, it is not enough to turn to God *only* in protest. As insightful as Metz's critique of the theoretical theodicy discourse is, a practical approach needs to find a careful response to the question of *where* and how God's justice can be experienced as *already present*. In addition, the role of theoretical attempts at theodicy seems not taken seriously if they are entirely dismissed as intellectual hybris. How, then, is the gap to be bridged between the "theoretical" goal to show that faith in God's justice is rationally plausible and the "practical" attempt of showing solidarity with the sufferers of history? It is with these questions that I now turn to Islamic perspectives that might shed additional light on the discourse, as similar problems are being addressed there. In the Shi'a tradition especially, divine justice has served as a theological key term. In approaching the thought of Murtaza Mutahhari, I will therefore explore the following questions: How is the divine attribute related to interhuman affairs, and how can the Metzian call for God's justice be informed by a comparative perspective?[19]

Murtaza Mutahhari: The presence of divine justice

20th century Iranian theologian Murtaza Mutahhari (1920–79), belonging to the same generation as Metz (1928–2019), dealt extensively with the problem of evil under the broader scope of divine justice, which also is the title he gave his book on the matter. It is this very attribute that has not only played a major role in Shi'a thought,[20] but that is put into question by the experience of evil and absurdity in the world. It is not God's existence *per se* that becomes doubtful in Mutahhari's reconstruction of the problem, it is, more precisely, the question if the divine attributes can be upheld as Shi'a teachings have applied them to God. This, of course, is not far from the original meaning of the word "theodicy" itself, being a compound of "God" and "justice". And, in a way, the non-existence of divine *justice* would be tantamount to saying that God—at least as major parts of the Biblical and Quranic tradition have described God—does not exist.[21]

In his defense of the classical divine attributes, Mutahhari references various strategies that are shared by religious philosophers of all monotheistic faiths. He is thus, to use Metz's term, deeply engaged in the Hellenistic or "strictly philosophical" discourse of the question. For example, he revives the tradition that, ontologically, evil is nothingness where something ought to

---

[19] I will explore the following points further in my PhD thesis, *Hiobs Begegnung. Islamische und christliche Perspektiven auf Theodizee und Theodizeesensibilität.*

[20] Murtaza Mutahhari, *Divine Justice* (Qom: Research Department of the International Center for Islamic Studies, 2004), 20: "On the four famous issues of justice, reason, free will, and wisdom, the Shia school supported the Mu'tazilah stance and consequently also came to be called 'justifiers' *('adliyyah).*"

[21] Compare the above-cited reminder by Metz that "Deus et Iustitia est." Similarly, this is reflected in the Islamic tradition where one of God's names is *al-'Adl.*

be;[22] that suffering can be understood as divine teaching;[23] or, similarly to Leibniz,[24] that the interconnectedness of the universe does not allow for punctual improvements.[25] With his emphasis on the relative freedom of human beings and the referencing of the Ghazalian tradition that there is nothing possibly better than what in fact is, he might be a promising interlocutor for those engaged in *free will* and *natural law defenses*.[26] However, as this is all part of the discourse criticized by Metz and Tilley, *mutatis mutandis* the same sort of criticism would apply to Mutahhari's theodicy as well.

It is another hint he gives that might be more inspiring when looking at it informed by the approach Metz took. If it is God's justice that is put into question, then one sub-question of the problem of evil could be rephrased as: Where can this justice be experienced as present? It is the answer to this question that would help upholding faith in a God that is described with this very attribute, and that would add an important dimension to the Metzian idea of demanding justice from God, as it would suggest that this demand is not without a possible answer. Mutahhari makes clear that the question of divine justice is not limited to the classical discussions on the inner-divine reality, such as the disputed question if God has to act according to the principle of justice; or whether God's actions are just, *because* they are divine actions.[27] Especially if God's essence cannot be separated from the attribute of justice (as he claims), the question of how this attribute is manifested in the *here and now* becomes more urgent. Phrasing the problem this way makes clear how it is not limited to the speculation about the inner-divine reality, but how it needs to be addressed within the realm of practical reason.

It is, therefore, not a change of topic when Mutahhari, in his work that is concerned with *divine* justice, points to legal and practical matters as well. In fact, the very word used to describe the divine attribute—*'adl*—was primarily referring to concrete social justice during the early Islamic period, as Joseph van Ess points out.[28] The inner connection between faith and justice is shown, for example, when the latter is referred to as the reason for the Prophets' appearance in general, in Qur'anic terms: "We sent down with them the Book and the Balance, so that mankind may maintain justice" (Q 57:25).[29] Justice, in the words of Mutahhari, is "not just a

---

[22] See Mutahhari, *Divine Justice*, 130: ". . . what we are talking about is that all of these are forms of 'non-existential things' and 'imperfections,' and their existence is of the form of the existence of 'deficiencies' and 'vacuums,' and they are evil because they are themselves non-being, deficiency, and emptiness, or are the source of non-being, deficiency, and emptiness."

[23] Ibid. 160, Mutahhari quotes Imam Muhammad Baqir in this regard: "Verily God seeks out the believer with affliction as a man seeks out his near ones with gifts when is away from them."

[24] Gottfried Wilhelm Leibniz, *Die Theodizee*, trans. Artur Buchenau (Hamburg: Felix Meiner, 1968), 2nd edn., 101, §9.

[25] Mutahhari, Divine Justice, 113: "There is no event in the universe which is 'unique' and totally 'independent' of other events; all parts of the universe are interconnected and interrelated."

[26] Ibid. 67. For a detailed analysis of al-Ghazali's "*laysa fī al-imkān abda' mimmā kān,*" see Eric Ormsby, *Theodicy in Islamic Thought: The Dispute Over Al-Ghazali's Best of All Possible Worlds* (Princeton, NJ: Princeton University Press, 1984).

[27] This is a reference to the early famous dispute between Mu'taziltes and Ash'arites. Compare Mutahhari, *Divine Justice*, 6f.

[28] Josef van Ess, *Theologie und Gesellschaft im 2. und 3. Jahrhundert Hidschra: Eine Geschichte des religiösen Denkens im frühen Islam* IV (Berlin: De Gruyter, 1997), 507f.

[29] Compare Mutahhari, *A Survey of the Lives of the Infallible Imams* (https://www.al-islam.org/printpdf/book/export/html/30048), 124f. See Q 57:25 and Mohammad Hashim Kamali, *Shari'ah Law: An Introduction* (Oxford: Oneworld, 2008), 30ff.

dream or a wish, it is a reality that the world is going towards."[30] By way of example, he references a saying of the Prophet: "The best way of Jihad is just speech in front of an unjust ruler."[31] There seems to be a close connection of both divine justice and the realization of this justice in interhuman affairs, as well as between this inner-worldly justice and its eschatological fulfillment. This can already be argued for quranically. A classical formulation in this regard is *Sura An-Nisā'*(4):135, which begins: "Be steadfast maintainers of justice, witnesses for God." This suggests that it is *God's* justice that becomes manifest or visible in the deeds of humankind—as Muna Tatari notes;[32] and, that "standing for God and standing for justice are deeply linked"—as Seyyed Hossein Nasr phrases it in his commentary on the verse.[33] It is therefore not surprising when Mutahhari describes justice in the following words:

Qur'ānic justice is among other things: the counterpart of *tawhīd*, the cornerstone of Resurrection and Judgement day (*ma'ād*), the objective of the Law of the prophets, the philosophy behind leadership and imamate, the criterion of personal success and perfection, and the barometer of social wellbeing.[34]

While the mentioning of Judgement Day might already echo some of Metz' insistence on the "apocalyptical" time,[35] it is especially the formula "objective of the Law" that might be fruitful in a comparative approach, as Christian theology, often, has polemicized against the notion of law rather than re-discovering it in a constructive way. It is particularly in Islamic jurisprudence (*fiqh*) that "justice", as it is feasible on Earth and attributed to God, are closely connected, and it is thus no coincidence that Mutahhari refers to *fiqh* at the outset of a book concerned with *divine* justice.[36]

One, if not *the*, place for the realization of this justice is *Sharī'ah*. Mutahhari emphasizes in this context that the principle of justice in the realm of jurisprudence is even more important as reason (*'aql*) has a central independent role to play in Shi'a *Ijtihād*. He can thus summarize that "the principle of justice, the principle of subordination of the Law to actual expediencies, and in consequence the principle of essential good and evil along with the validity and authority of reason made up the authority of Shi'a jurisprudence."[37] *Fiqh*, jurisprudence, thus appears as the realm where *divine* justice and the *human* effort (*Ijtihād*) to act according to this justice are supposed to converge. This view, however, can hardly be limited to a Shi'a approach alone. In fact, most if not any Islamic perspective will emphasize the centrality of Sharī'ah when it comes to the

---

[30] Mutahhari, *A Survey of the Lives of the Infallible Imams*, 126.

[31] Mutahhari, *Divine Justice*, 28 referencing Al-Kāfī 5, 60.

[32] Muna Tatari, *Gott und Mensch im Spannungsverhältnis von Gerechtigkeit und Barmherzigkeit* (Münster: Waxmann, 2017), 55.

[33] Seyyed Hossein Nasr, et al., eds, *The Study Quran. A New Translation and Commentary* (New York: Harper Collins, 2015), 253.

[34] Mutahhari, *Divine Justice*, 32.

[35] Even more so because the "apocalyptical" coming of the *Mahdi* is also closely linked to the establishment of justice; compare Mohammad Ali Shomali, *Shi'i Islam: Origins, Faith and Practices* (London: ICAS Pres, 2005), 149.

[36] Mutahhari, *Divine Justice*, 23.

[37] Ibid., 27.

meaning and establishment of justice, for Sharīʿah is, as the often-quoted phrase by Ibn Qayyim states, "God's Justice among his servants"[38].

What can be learned from Mutahhari is that he connects this discourse to the problem of evil, suggesting a connection between *fiqh*, the presence of divine justice and the question of theodicy. By gathering various philosophical arguments how the rationality of faith in God can be upheld, he engages in the discussion of the logical problem that Metz dismissed. By pointing to the central role of justice in interhuman affairs, however, he puts emphasis on the practical problem. As the concrete experience of justice becomes a central concern, he goes beyond the mere demand for God's justice and opens the room for interpreting the human effort of embodying divine justice as a form of practical theodicy—that is, the preliminary presence of the divine attribute that was put into question. This endeavor is closely connected to the evidential problem of evil, for the more (or less) divine justice can be experienced through the embodiment of the divine attribute, the more plausible (or implausible) faith in God becomes. Reading Metz and Mutahhari side by side can thus help taking both intuitions seriously: the Metzian emphasis on the outstanding fulfillment of God's justice that we need to demand from God, and a possible inspiration how this very justice starts to be present here. Mutahhari thereby touches upon the connection between law and justice, a question that Metz, according to his own judgement, did not pursue enough.[39] I will follow this line of thought further by broadening the perspective once more to include the writings of a contemporary author who is not only aware of the various criticisms the term "Sharīʿah" is regularly facing, but who can also help showing how an emphasis on the role of reason is not limited to Shia *fiqh*.[40]

Sharīʿah and *fiqh*—Law and God's Justice

There is a twofold problem with the call for justice. First, the term is so broad and abstract that its content has yet to be determined in a specific context.[41] For example, the definition offered by Mutahhari remains formal and could thus be used in very different ways: "every existent acquiring the degree of existence and perfection that it merits and is possible for it."[42] Second, history and a look at the news show that horrendous injustice can be committed in the name of justice. This is why (state) law and justice are not, and should not be, regarded as simply identical. At the same time, the reference to divine justice *can* serve as a correcting factor, as the constant reminder that every earthly attempt of its realization remains relative, fallible, and preliminary. This tension—hope for the fulfillment of divine justice, which, on the other hand, is already

---

[38] See, for example, the quote in Khaled Abou El Fadl, *Reasoning with God: Reclaiming Sharīʿah in the Modern Age* (New York: Rowman and Littlefield, 2014), 298.

[39] See Metz, "Gottesgerechtigkeit," 204.

[40] See Abou El Fadl's emphasis on the claim *"ma yajibu ʿaqlan yajibu sharʿan wa ma yajaba ʿaqlan wajaba sharʿan"* in his *Reasoning*, 109. See also p. 353, where he makes clear how no other than al-Ghazali has stressed the role of reason for the *uṣūl al-fiqh*. For the relation between ʿaql and law also see Khaled Abou El Fadl, "What type of law is Islamic law?" in *Routledge Handbook of Islamic Law*, eds. Khaled Abou El Fadl, et al. (London: Routledge, 2019), 11−39, at 16.

[41] Compare to Felix Körner, *Politische Religion, Theologie der Weltgestaltung: Christentum und Islam* (Freiburg: Herder, 2020), 173.

[42] Mutahhari, *Divine Justice*, 55. This echoes the "classical" description of justice as *suum cuique*.

here—corresponds to the eschatological tension emphasized by Metz regarding every theological tenet: the knowledge of the unfulfilledness ("not yet") of a promise already made ("now").

With regard to the question of law, as inspired by Mutahhari, a comparable tension can be identified in Islamic approaches to the distinction between Sharīʿah and *fiqh*. Khaled Abou El Fadl offers such a distinction that can resonate with Metz's approach, while putting an emphasis on Mutahhari's insistence on the concrete experience of justice at the same time. While Sharīʿah is understood as the ultimate path of God, *fiqh* is portrayed as the human effort of coming close to understanding the former. In this sense, Abou El Fadl refers to Sharīʿah as "ideal law in an objective and noncontingent sense, as it ought to be in the divine's realm."[43] He then clearly distinguishes this from the human attempt of approaching it: "While Sharīʿah is divine, *fiqh* (the human understanding of Sharīʿah) was recognized to be only potentially so, and it is the distinction between Sharīʿah and *fiqh* that fueled and legitimated the practice of legal pluralism in Islamic history."[44] This difference is crucial when pointing out the tension between the divine fulfillment of what humans can only start to achieve. In this sense, there is no divine law that would not be the result of human interpretation, as the traditional confession *Allāhu aʿlam can help indicate.*[45] The effort (*Ijtihād*) to derive a concrete judgement through the application of the *uṣūl al-fiqh* could then be understood as the attempt of making justice concrete in a particular set of circumstances.

And it is this very attempt that makes human effort get as close to divine justice as possible, without neglecting the difference between the two. Abou El Fadl makes this explicit by stating that "every law attempts to fulfill the will of God, but no law can claim to have actually fulfilled it."[46] Nothing makes this more apparent than the inner-Islamic plurality in matters of law that often was celebrated rather than seen as problematic.[47] It is thus a legitimate understanding of *fiqh* to regard it as the room for discourse with the aim of approaching Sharīʿah as closely as possible.[48] At the same time, this is not a mere memory of the outstanding divine

---

[43] Abou El Fadl, *Reasoning*, xxxii. Also compare Kamali, *Shari'ah Law,* 16.

[44] Abou El Fadl, *Reasoning*, xl. Elsewhere, he stresses that "the exact boundaries between Shari'a and fiqh were often contested and negotiable." However, when a principle became *applied* the distinction upholds: "So for instance, Shari'a imposes a duty (*taklif*) upon Muslims to enjoin goodness and resist wrongfulness. There is little doubt that this duty is a part of Shari'a, but what it actually means and how or who should implement it is part of fiqh." Khaled Abou El Fadl, "The Islamic Legal Tradition," in *The Cambridge Companion to Comparative Law*, ed. Mauro Bussani, et al. (Cambridge: Cambridge University Press, 2012), 295–312, at 302.

[45] See Ufuk Topkora, "*Wā Allāhu aʿlam—und Gott weiß es besser,*" in *Theologie der Barmherzigkeit? Zeitgemäße Fragen und Antworten des Kalām, ed. Mouhanad Khorchide, et al.* (Münster: Waxman, 2014), 55–74, at 55.

[46] Abou El Fadl, *Reasoning*, 328. This also is a starting point for a theological argument why Sharīʿah cannot simply be introduced as law of the state. For this topic, see especially Abdullahi Ahmed an-Naʾim, *Islam and the Secular State* (Cambridge, MA: Harvard University Press, 2008).

[47] See, for example, Abou El Fadl, *Reasoning*, 311: "To put it more concretely, a juristic argument about what God commands is only potentially God's law, either because on the Final Day we will discover its correctness (the first school) or because its correctness is contingent on the sincerity of belief of the person who decides to follow it (the second school)." See also Thomas Bauer, *Die Kultur der Ambiguität: Eine andere Geschichte des Islams* (Berlin: Verlag der Weltreligionen, 2011), 143; Wael Hallaq, *Sharīʿa: Theory, Practice, Transformations*, (Cambridge: Cambridge University Press, 2012), 368.

[48] Abou El Fadl, *Reasoning*, 357f: "By its very nature, the fiqh tradition is pluralistic and diverse—it is not a set of determinations but a process of reasoning and wrestling with the implications of divinity in human life." Also see Joshua Ralston, *Law and the Rule of God: A Christian Engagement with Sharīʿa* (Cambridge: Cambridge University Press,

fulfillment of justice, but the (always fallible) beginning of its realization. It is not merely delegating hope to the hereafter, but constitutes human responsibility for the present.[49] As such, Abou El Fadl reminds Muslims of what he calls the task of "embodying and manifesting the truth of divinity."[50] The attempt of "embodying" divine justice that can be explained by distinguishing Sharīʿah and *fiqh* helps to pay attention to both the hope for the ever-greater outstanding fulfillment by God and the interpretation of divine justice as being already present "among His servants." With this distinction, Abou El Fadl is very attentive to the possible confusion of God's rule with human attempts of fulfilling it. Furthermore, he could add an interesting nuance to Metz's approach to the problem of evil when the cry for God's justice ("How long?") might also be articulated in the form of embodiment: in the attempt of preliminary symbolizing the divine attribute that the cry to God longs for.

Perspectives of dialogue

Joshua Ralston has recently argued for a Christian engagement with Sharīʿah and put forward a constructive understanding of the law in general that also echoes the eschatological tension discussed above. He argues that "[d]uring the saeculum, public law. . . offers provisional and indirect witness to the eschatological rule of God."[51] It can thus function as a sign that points towards a justice that still awaits its fulfillment. Ralston adds to this that "[t]here are better or worse public witnesses to God's rule."[52] This takes seriously the danger that law and justice might come apart, and that the material judgment of what is "just" in a particular context is not always apparent. Being aware of the tension, he concludes with a recommendation for Christian theologians in their approach towards Sharīʿah: "Simply put, Christians should refrain from critiquing *sharīʿa* tout court, and instead learn to attend to and engage with the distinctions within *fiqh* and thereby judge the concrete rulings, be they *ahkām* or *fatwā*s."[53] This opens a space for believers of different religious traditions to wrestle with the question which particular law or action might serve as such a witness.[54]

I would like to suggest that this call for engagement with *fiqh* and concrete legal opinions might inspire Christian discussions of the problem of evil as well. The interrelatedness of law and divine justice turns out to be of significance for the theodicy discourse for multiple reasons. Since divine justice cannot be upheld without paying attention to the reality of human life, the problem of evil is not limited to the debate over the divine attributes, but has to include a preliminary answer to the question inspired by Metz and Mutahhari: Where can divine justice be perceived

---

2020), 80: "*Fiqh*, at least classically, is not the quintessential example of divine voluntarism but the discursive space in which Muslims have interrogated the relationship between divine revelation, reason, custom, human, and societal needs."

[49] See Abou El Fadl, *Reasoning*, 382.

[50] Abou El Fadl, *Reasoning*, 8.

[51] Ralston, *Law and the Rule of God*, 261.

[52] Ibid. 276.

[53] Ibid. 316f.

[54] Recent publications in Catholic Social Teaching could be seen as careful steps into a similar direction. Consider the role the Pope ascribes to Ahmad Al-Tayyib in writing his encyclical letter *Fratelli Tutti*.

as *already present*? The attempt of "fulfilling Sharīʿah" is thus a *practical* answer to this form of the problem of evil by "embodying" the very attribute that is put into question: God's justice. The question how this is to be achieved within a particular context is wrestled with in the realm of *fiqh*, while the practice of giving a *fatwa*—as the "application of shariʿah or fiqh. . . to Muslims' real life today"[55]—is the attempt of making the contested divine attribute tangible in concrete circumstances.[56] From a Christian point of view, this can serve as a source of inspiration and further dialogue.

First, it is a reminder that the question of justice has to be spelled out in the details of concrete and political judgements and cannot remain in the abstract. This is one of the observations Ralston makes regarding Christian approaches to law,[57] and also a criticism that faced the New Political Theology following Metz.[58] If divine justice is to be aimed at here and now, then this concrete practice is of theological significance. The discourse over which rule meets the criterion of justice can then also be interpreted as the question which ruling "might become a witness—a *shahīd* even—to God's just and eternal rule."[59] This is not to say that religion is reduced to ethics. Rather, it is a way to theologically make sense of human attempts to establish or symbolize justice. Similarly, Ralston even calls public law "something of an incognito witness to God's rule."[60] My suggestion is that Christian theology can learn from the sketched view that concrete jurisprudential rulings can be measured by their attempt of being explicit witnesses to divine justice. For, unlike secular state law, *fiqh* explicitly tries to make room for God's will in a particular set of circumstances.

Second, as important this field is, law and the practices of Sharīʿah should by no means be limited to social ethics. In fact, there is a variety of actions, rituals, or even liturgical elements that are encompassed by Sharīʿah that are not primarily concerned with human interaction but with questions of worship (*ʿibādāt*). It might be an interesting attempt to regard these elements in light of a further characterization Abou El Fadl offers: "I would suggest that Shariʿah ought to stand in an Islamic polity as a symbolic construct for the divine perfection that is unreachable by human effort."[61] To use Metz's vocabulary, these everyday life practices might serve as "interruptions" that remind us of the outstanding divine justice that is yet to come. A Christian look, informed by Metz and his political theology, might wonder if these elements of Sharīʿah can be seen as a form of addressing the question of theodicy symbolically back to God. A "Metzian" look at Sharīʿah

---

[55] Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law. A Systems Approach* (London: International Institute of Islamic Thought, 2007), xxiii.

[56] It is noticeable how closely related this is to Jewish practice, which might stimulate further comparative work. See, for example, Hakki Arslan, "Normative Ratgebung in Islam und Judentum—ein Vergleich zwischen Fatwa—und der Responsenliteratur," *ARDES—Zeitschrift der Vereinigung für Jüdische Studien* 5, no. 22 (2016), 87–108.

[57] Ralston, *Law and the Rule of God*, 320: "*Fiqh* is about moving from general principles and ideals to the act of judging concrete cases and rendering specific opinions on both the general frameworks of law and specific cases. Contemporary Christian views of law, in contrast, are relatively abstract and not connected with concrete cases, practices, and jurisprudential models."

[58] Ansgar Kreutzer, *Politische Theologie für heute. Aktualisierungen und Konkretionen eines theologischen Programmes* (Freiburg: Herder, 2017), 56-59.

[59] Ralston, *Law and the Rule of God*, 316.

[60] Ibid. 266.

[61] Abou El Fadl, *Reasoning*, 310.

might see in it one form of asking God for completing what humans can only begin, and interpret it as a symbolic utterance of the question "How long?", the demand for God's eschatological rule. This might be a starting point for a constructive dialogue with Muslim interlocutors that could help Christians re-discover elements in their own understanding of ritual that very often remains further separated from everyday routine than Jewish or Muslim practices.

Third, none of this makes the attempts of a theoretical approach to the problem of evil obsolete in which Mutahhari, in contrast to Metz, remained to be engaged. On the contrary, they remain necessary if the postulate of divine justice is to be defended at all. However, it cannot be "defended" by theoretical terms alone, but by pointing to a practice that postulates the symbolic presence of this very justice. One could assume this is a change of topic that is no longer part of the traditional theodicy discourse. But this would be the continuation of the mutual polemics of "theoretical" versus "practical" approaches to the problem of evil. Following Terrence Tilley, the evidential problem of evil that renders the existence of the just God implausible *is* a practical problem, and the plausibility of the existence of divine justice cannot be treated as any other hypothesis, but needs to be looked at considering the concrete circumstances of a life.[62] The more or less the embodiment of divine justice as it is aimed at in Sharīʿah will be experienced, the more or less will faith in God who *also is justice (Deus et iustitia est)* appear as plausible or implausible.[63]

Understanding Sharīʿah as symbolizing "God's justice among his servants", to use the famous description by Ibn Qayyim, can add to the discourse by taking seriously the criticism that the analytic (usually referred to as "theoretical") debate is *blind* to practical questions. As the problem of evil is not *only* a theoretical problem, the way of dealing with it also cannot remain purely theoretical. Therefore, the theological attempt of an answer must take seriously that, preliminary, symbolically, and in awareness of the eschatological tension, God's justice can be experienced *here*. So understood, this is more than the imperative to act ethically. It is the practical part of the "answer" to the evidential problem of evil, as it is the embodiment of divine justice, or the lack thereof, that renders faith in a just God plausible or implausible. A Christian view of Sharīʿah and *fiqh* can help discover a possible form in which that embodiment takes place. Thus, insofar as Sharīʿah is understood as the attempted embodiment of divine justice, it could be interpreted as a practical response to the question of theodicy; insofar as the distinction between *fiqh* and Sharīʿah is stressed, it is a *symbolic* response. Both can help Christian political theologies rediscover ways of bridging the gap between the presence of (divine) justice and its remaining fulfillment as well as between theoretical and practical responses to the problem of evil.

---

[62] See Terrence Tilley, "Theoretische und praktische Antworten auf das Problem des Übels: Die Entwicklung einer Perspektive," in *Logische Brillanz—Ruchlose Denkungsart? Möglichkeiten und Grenzen der Diskussion des Problems des Übels in der analytischen Religionsphilosophie*, ed. Oliver Wiertz (Münster: Aschendorff, 2021), 427–50, at 441.

[63] Also compare Gasser, "Das Problem des Übels als ein Problem weltanschaulicher Auseinandersetzung," in *Logische Brillanz*, 299–328, at 320. Gasser asserts that arguments will be more or less convincing depending on the worldview of the person evaluating them.

❧

Lukas Wiesenhütter is a Ph.D. Candidate in Catholic Theology at the University of Bonn. He studied Theology in Freiburg (Germany) and Jerusalem, and Near and Middle Eastern Studies in London. In his research project, he focusses on Islamic and Christian approaches to the Problem of Evil.