



COMMENTS ON AMIR SAEMI’S MORALITY AND REVELATION IN ISLAMIC THOUGHT AND BEYOND: A NEW PROBLEM OF EVIL

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ABSTRACT: In this article, I offer a friendly engagement with Amir Saemi’s recent publication, *Morality and Revelation in Islamic Thought and Beyond: A New Problem of Evil*. In this book, Saemi introduces what he terms the “Problem of Divinely Prescribed Evil,” which arises from the apparent conflict between the divinity of Scripture, the existence of seemingly prescribed immoral actions, and the reliability of human moral judgment. To resolve this conflict, Saemi proposes and defends what he calls the “Legal Interpretation” solution, which reframes morally problematic scriptural injunctions as historically contingent legal measures intended to resolve the social challenges of a nonideal community. In what follows, I argue that this solution is vulnerable to two significant objections. First, it risks being appropriated by traditionalist or fundamentalist perspectives that resist claims of moral progress (the “Absāl’s Island” objection). Second, it fails to resolve the underlying moral tension, merely relocating the problem without dissolving it (the “Illusory Solution” objection). I conclude my discussion by noting that my criticisms should be viewed as constructive and part of a larger, ongoing conversation about Saemi’s important work.

KEYWORDS: Problem of divinely prescribed evil; Islamic philosophy of religion; legal interpretation; revelation and morality; Amir Saemi

Introduction

Amir Saemi deserves congratulations for his efforts in producing this excellent book. In it, he directly addresses the tension many Muslims feel between certain aspects of Islamic belief and modern moral sensibilities. Traditional Islamic doctrine encompasses belief in the Qur’ān as the Word of a morally perfect God and belief in the *aḥādīth* as reports of sayings and actions attributed to the Prophet Muḥammad,

who is seen as an infallible and morally perfect man. However, as many Muslims are aware, both sources contain passages that, on a literal interpretation, prescribe or permit morally objectionable actions, such as mandating the execution of apostates or allowing men to beat their wives. As far as I am aware, Saemi's book is the inaugural instance of an exercise in contemporary Islamic philosophy of religion that provides an in-depth exploration of this tension. Its significance and relevance can be appreciated by considering how it engages directly with a topic that causes many Muslims to struggle with their faith. For instance, in a series of interviews and surveys conducted in the 2010s, the Yaqeen Institute for Islamic Research found that the conflict between Islamic morality and the American cultural milieu was a major cause of religious doubt among American Muslims (Chouhoud, 2016; 2018).

I offer these preliminary remarks to clarify that I hold Saemi's work in high regard and commend him for initiating an important discussion that philosophers and other intellectuals interested in the truth and reasonableness of Islamic belief need to engage in. This judgment should not be overlooked by readers when reflecting on the criticisms I am about to provide. I present these in the spirit of friendly engagement, hoping that a robustly defensible solution to the problem Saemi addresses will be found.

The Problem of Divinely Prescribed Evil and Saemi's "Legal Interpretation" Solution

The central problem that animates Saemi's book is what he calls the "Problem of Divinely Prescribed Evil". This problem, he says, is a new version of the traditional Problem of Evil and consists of the tension between the following three theses:

1. *Divinity of Scripture*. Scripture is the words of an omnibenevolent, omniscient, and omnipotent God.
2. *Existence of Seemingly Prescribed Evil*. There are some actions prescribed or permitted by the best interpretation of a Scriptural passage which seem immoral, according to our independent moral judgments.
3. *Reliability of Our Independent Moral Judgments*. Our independent moral judgments reliably represent moral values, moral duties, and moral permissions (p. 23).

Saemi explains how the tension arises:

To see the tension, suppose a believer takes the divinity of Scripture to be true. Let's also suppose that the person believes that there is some seemingly prescribed evil. Given belief in the divinity of Scripture, the person should believe that God wouldn't permit or prescribe conducts that are in fact immoral, and thus that seemingly prescribed evil is not really evil. It merely looks evil. If our independent moral judgments deem an action prescribed by Scripture to be evil, it is because our

independent moral judgments are not correct. On the other hand, if a believer accepts the reliability of our independent moral judgments, and the existence of seemingly prescribed evil, then that person should believe that some seemingly prescribed evil is really evil, and thus that Scripture prescribes evil. This would undermine belief in the divinity of Scripture (pp. 23-24).

In other words, a believer may, in an attempt to escape the problem, accept (1) and (2) but reject (3). As an alternative move, he or she may accept (2) and (3) but reject (1). Given the dialectical context in which Saemi discusses the Problem of Divinely Prescribed Evil, primarily considering reflective Muslim theists, this second move is not viable. Rejecting (1) would entail denying a non-negotiable tenet of traditional Islamic faith.¹

For Saemi, a qualified version of the first move is one of two “ethics-first” solutions that are defensible. Thesis (3), as he explains, is a statement about the reliability of our moral judgments, not their accuracy. Adopting this solution to the Problem of Divinely Prescribed Evil allows one to accept all three of its constituent theses, defer to his or her moral judgments in deciding whether to act on what seems like divinely prescribed evil, and resolve the tension between the three theses by holding that, although (3) is correct in a *rational* sense, it may be doubted in an *objective* sense; that is, it is possible that our independent moral judgments, though reasonable, are nevertheless wrong (169-170). The second “ethics-first” solution Saemi discusses and defends aims to resolve the Problem of Divinely Prescribed Evil by interpreting (2) in a legal, not moral, manner. In what follows, I will limit my discussion and assessment of Saemi’s two “ethics-first” solutions to the second one only, leaving the first to be addressed some other time.

Saemi’s second “ethic-first” solution focuses on the interpretation of thesis (2) in the Problem of Divinely Prescribed Evil. This thesis, recall, states the following:

2. *Existence of Seemingly Prescribed Evil.* There are some actions prescribed or permitted by the best interpretation of a Scriptural passage which seem immoral, according to our independent moral judgments.

Saemi argues that the conjunction of (2) with (1) and (3) creates tension among all three only if we presuppose a moral hermeneutic when reading Scriptural injunctions. More specifically, the Problem of Divinely Prescribed Evil is contingent upon what Saemi calls the Moral Interpretation thesis:

¹ Or, at the very least, rejecting (1) would entail denying a tenet of traditional Islamic faith *widely endorsed* by Muslims, even if it is not universally accepted. I am grateful to Mohammad Saleh Zarepour for drawing my attention to Islamic philosophers such as Abdolkarim Soroush, who hold that the Qur’ān is not the Word of God *per se*. For Soroush, the Qur’ān is an entirely human document, although the process by which it comes into existence can be said to be Divine. For further discussion of this point, see Zarepour, 2022.

Moral Interpretation. Actions prescribed or permitted by the best interpretation of a Scriptural passage are morally obligatory or permitted (p. 207).

However, another hermeneutic is available that, if adopted, prevents the problem from emerging. Saemi expresses it in what he calls the Legal Interpretation thesis:

Legal Interpretation. Actions prescribed or permitted by the best interpretation of a Scriptural passage are legally obligatory or permitted, according to religious law. But God or the Prophet may legislate legal obligations or permissions that deviate from moral ones (p. 208).

The reason the thesis of Legal Interpretation solves the Problem of Divinely Prescribed Evil, according to Saemi, is that legal obligations or permissions do not entail moral ones (p. 209). Furthermore, God's Justice can remain intact, and Scriptural injunctions can be true even if these injunctions do not coincide with our independent moral judgments (p. 209).

Why, then, should we accept the Legal Interpretation thesis? Saemi motivates his main argument for it using Ibn Ṭufayl's classic philosophical tale of *Ḥayy ibn Yaqzān* (Ibn Ṭufayl, 2009). In this tale, the eponymous protagonist, Ḥayy, grows up alone on a deserted island, raised by a doe. Over time, through observation and reflection, he discovers natural laws, the existence of God, and moral truths, all independently of human society and divine revelation. As he matures, he acquires a profound understanding of metaphysical truths and experiences a mystical union with God. Later in the tale, Ḥayy encounters another human, Absāl, who arrives on Ḥayy's island from a nearby one. Absāl brings Ḥayy back to his island, which is populated by followers of the true religion. On this island, Ḥayy attempts to share his philosophical wisdom with them, but soon realizes they cannot comprehend it. He then recognizes that most people, even if they follow the true religion, are unable to think rationally and transcend simple outward conformity to religious law. Nevertheless, Ḥayy concludes that such conformity is beneficial for the masses.²

Based on his interpretation of this tale, Saemi takes Ibn Ṭufayl to be committed to these two conclusions:

The Social Function of Religious Laws. The function of religious laws in a nonideal society is to solve the social problems of the community.

The Permissibility of Immoral Laws. The best laws to solve the social problems of a community consisting of corrupt people are not necessarily correct moral principles (p. 213).

The basic idea here is that religious laws, *qua* legal laws, cannot constitute guiding principles for ideal societal conditions. Instead, they work in nonideal societal conditions to create social order (p. 213). Into this basic idea, Saemi incorporates Scott Shapiro's planning conception of the law, according to which legal activity is an

² My simple summary here is, of course, no substitute for reading Ibn Ṭufayl's entire tale, which is brimming with valuable philosophical and religious insights.

activity of social planning independent of moral merit (pp. 217-218). Saemi then states that this understanding should inform how one interprets Scriptural injunctions. These injunctions indicate the social planning undertaken by the Prophet Muḥammad to solve the societal problems of the nascent Islamic community (p. 219). Since any legislating body uses moral language, one should not be surprised that the Prophet used moral language in his efforts at social planning. Moreover, the presence of moral language in Scriptural injunctions does not mean that the thesis of Moral Interpretation is correct. The thesis of Legal Interpretation is consistent with Scripture's moral language (pp. 219-220). Finally, as the rationality of planning includes making feasible plans, it follows that it can sometimes be rational to legislate nonoptimal moral rules (p. 220). Saemi cites the Geneva Conventions as a case in point. Although these international laws regulate human warfare and can serve to minimize atrocities in wars, they contain serious immorality (pp. 220-221). The same thing can be said, he claims, about Ibn Tufayl's *Ḥayy ibn Yaqzān*, where it is irrational to legislate correct moral principles in a society where immorality is prevalent and most people are unreflective (p. 221). Bringing these points together, Saemi presents his argument for the thesis of Legal Interpretation in this passage:

Let me state the argument for Legal Interpretation. At the time of revelation, Scriptural injunctions were the laws of the society. Therefore, given *the planning conception of law*, they represent the Prophet's planning to solve the social problems of the society. The *feasibility constraint* on social planning makes it the case that in some circumstances it is rationally necessary to legislate immoral laws to solve social problems (the permissibility of immoral laws). Assuming that the Medinan community is such a case, the Prophet would be in principle justified to legislate nonoptimal moral laws, through Scripture, to solve their social problems. Therefore, Legal Interpretation is true; that is, while actions prescribed or permitted by the best interpretation of a Scriptural passage are *legally* obligatory or permitted, according to religious law, they may not be morally obligatory or permitted (p. 221).³

As previously noted, Saemi holds that the thesis of Legal Interpretation solves the Problem of Divinely Prescribed Evil. In the next section, I will offer two criticisms of his proffered solution. In the first, I will argue that Saemi's solution can easily, even if inadvertently, lend itself to creating or sustaining immoralities in religious regimes. In the second, I will argue that Saemi's solution does not prevent the Problem of Divinely Prescribed Evil from arising.

³ Saemi's reference to the "Medinan community" is to the Muslim community that existed in Medina after the Prophet Muḥammad and his followers migrated there in 622 CE. In Islamic thought, this journey is known as the Hijrah. In Medina, the Muslim community was transformed from a small social group into a socio-political entity.

Saemi's "Legal Interpretation" Solution Evaluated

Criticism 1: The "Absāl's Island" Objection

In my first criticism, I will grant, for argument's sake, that Saemi's thesis of Legal Interpretation is correct. According to this thesis, since God or the Prophet may legislate legal obligations or permissions that deviate from moral ones, Scriptural injunctions are legally obligatory or permitted. These include all the morally objectionable injunctions in the Qur'ān and *ahādīth* that Saemi mentions (pp. 4, 7-8), as well as others. Suppose we now ask, "Should Muslims in Islamic societies *today* follow Scriptural injunctions that are morally objectionable?" Saemi's answer is "no" because things are sufficiently different now. Take the Scriptural injunction that permits men to beat their wives:

Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand (Qur'ān 4:34).

During the time of the Prophet, when the *status quo* had no issue with deep misogyny and unqualified violence against women, insisting on correct moral principles that demanded gender equality and nonviolence toward women would not have been socially feasible. Since the injunction presented in Qur'ān 4:34 was more practically realistic for the time, it provided *some* degree of protection for women in 7th-century Arabia and possibly even a Pareto improvement for them (p. 222).⁴ But implementing this injunction today, Saemi explains, is unreasonable:

While the permission for wife-beating as a last resort might be a good plan to improve a deeply misogynistic community, it would be a terrible plan to solve our social problems today, given the broad understanding of the wrongness of sexism in our society (p. 222).

Saemi's more general idea here is this. Keeping the planning conception of law in mind, one can argue that if there is a significant change in the structure of society, its laws may no longer be suitable in its new structure (p. 222). Still, one aspect must remain fixed, he avers. Because God is Just and Scripture is His Word, "the central message of Scripture cannot go against justice" (p. 222). Therefore,

⁴ Saemi explains Pareto improvement as follows: "By a 'Pareto improvement' solution, I mean a solution in which everybody is better off and nobody is worse off, when compared to other alternatives" (p. 221).

No one with a clear conscience can insist that the Scripture's permission of slavery should be maintained today - it contradicts the Qur'an central call for Muslims to act justly. The same goes for other morally controversial passages. In time, hopefully the moral consciousness of the community broadens, and thus it would be only reasonable and in line with the Qur'an's central message of justice to abandon the discriminatory laws that were suitable for a community with a very narrow moral consciousness for a new set of laws that are morally improved (pp. 222-223).

But *has* our moral consciousness significantly broadened since the 7th century? True, we reject slavery in this day and age, and the treatment of women has drastically changed, but more needs to be said to *show* that our moral consciousness has matured appreciably since the time of the Prophet. Although slavery has been abolished, we still see wage slavery, corporate greed, and economic disparity around the world. And, while many societies now emphasize equality between men and women, offer educational opportunities for women, and provide legal protection for women against abuse, we live in a hypersexualized society. Women are constantly objectified and sexualized in modern media and culture. There is an arguable case, it seems to me, for thinking that human moral consciousness has *not* significantly broadened since the 7th century; indeed, some might argue that it has gotten *worse* since then (just think of the moral horrors of wars that occurred in the 20th century alone). Perhaps, in modernity, humanity has merely *shifted* its moral failings into new forms. It may well be that these failings are endemic to the human condition because of *who we are*.

In his reading of *Ḥayy ibn Yaqẓān*, Saemi explains that Ḥayy's island is *ideal* and Absāl's is *nonideal* (p. 213). Absāl's nonideal island, he thinks, represents the Muslim community at the time of the Prophet Muḥammad (pp. 213-214). To speak in terms of the tale, Saemi holds that the Muslim community *today* has left Absāl's island and is on a journey towards Ḥayy's island if it is not already there. But nowhere in his tale does Ibn Ṭufayl suggest that Absāl's island depicts a specific community confined to a particular time and place. On the contrary, after his failed attempt to teach philosophical wisdom to the people on Absāl's island, Ḥayy realizes something about humanity's predicament. As Ibn Ṭufayl writes (in a passage that Saemi also quotes):

Ḥayy now understood the human condition. He saw that most men are no better than unreasoning animals, and realized that all wisdom and guidance, all that could possibly help them was contained already in the words of the prophets and the religious traditions. None of this could be different (Ibn Ṭufayl, 2009, p. 164, emphasis mine)

Based on Ḥayy's observation and what I think is the correct interpretation of Ibn Ṭufayl's tale, I will now introduce the "Absāl's Island" objection to Saemi's Legal Interpretation solution: *Most of the Muslim community (Ummah) has lived and continues to live on Absāl's island. One may go further and argue that most of humanity has lived and continues to live on Absāl's island. After all, Ḥayy's realization toward the end of*

the tale concerns “the *human* condition” and how “*most men*” behave, as opposed to Muslims alone. If this is correct, Saemi’s Legal Interpretation solution may be conscripted by some Muslim authorities and those interested in defending them to justify a present-day implementation of all the Scriptural injunctions in traditional Islam, including the morally objectionable ones Saemi discusses. Many Muslim fundamentalists and conservatives argue that society is currently in a deplorable state and that a return to traditional Islam as practiced during the time of the Prophet, with all its Scriptural injunctions, is the only way to remedy society’s woes. For example, Sayyid Qutb, one of the ideological founders of modern Islamic fundamentalism, elaborates on this general assessment about society in his work *Milestones*, using the theme of *Jahiliyyah* (pre-Islamic ignorance):

When a person embraced Islam during the time of the Prophet ... he would immediately cut himself off from *Jahiliyyahh* (pre-Islamic ignorance). When he stepped into the circle of Islam, he would start a new life, separating himself completely from his past life under ignorance of the Divine Law ... This renunciation of the *Jahili* (pre-Islamic ignorance) environment, its customs and traditions, its ideas and concepts, proceeded from the replacement of polytheism by the concept of the Unity of Allah, of the *Jahili* view of life and the world by that of the Islamic view, and from absorption into the new Islamic community under a new leadership and dedication of all loyalties and commitments to this new society and new leadership ... We are also surrounded by *Jahiliyyahh* today, which is of the same nature as it was during the first period of Islam, perhaps a little deeper. Our whole environment, people’s beliefs and ideas, habits and art, rules and laws is *Jahiliyyahh* ... This is why the true Islamic values never enter our hearts, why our minds are never illuminated by Islamic concepts, and why no group of people arises among us who are of the calibre of the first generation of Islam (Qutb, 2006, pp. 33-34).

For Qutb, people today are steeped in *Jahiliyyahh*, comparable to the *Jahiliyyahh* of 7th-century Arabia. The solution for this problem facing society is Shari’ah Law, which is as immutable as the laws governing the universe, and without which the only state available to humanity is *Jahiliyyahh* (Qutb, 2006, pp. 101, 106-107).

To further develop the “Absāl’s Island” objection to Saemi’s Legal Interpretation solution, let’s consider Ibn Ṭufayl’s tale again and ask, “Could most of the Muslim community or humanity in general ever be on Ḥayy’s island?” According to Saemi’s understanding of the tale, this island is ideal; by ‘ideal,’ he means a place where “everybody - consisting of only two persons - wants to find the truth and live in accordance with it” (p. 213). The reference to two persons here is a reference to Ḥayy and Absāl, both of whom, in the tale’s ending, go back to Ḥayy’s island to spend the rest of their lives in religious devotion (Ibn Ṭufayl, 2009, p. 165). As Saemi correctly observes, both men want to live their lives according to the truth, but Ibn Ṭufayl’s tale provides additional details about their character. Absāl is described as a fine young

man devoted to his religion in its practices and through seeking religious knowledge (Ibn Ṭufayl, 2009, p. 165). He is also “naturally a thoughtful man, fond of contemplation and of probing for the deeper meanings of things” (Ibn Ṭufayl, 2009, p. 157). When Ḥayy first encounters Absāl, he recognizes Absāl as a truth seeker (Ibn Ṭufayl, 2009, p. 158). Once the two men are able to communicate with each other and Absāl learns about Ḥayy’s life on the island, he reverentially looks at Ḥayy as a man of God and wants to serve as his disciple (Ibn Ṭufayl, 2009, p. 160-161). It isn’t at all evident that we can generalize these saintly qualities to the Muslim community or even to humanity in the present world so that we can justifiably say that Ḥayy’s island is now, or ever will be, inhabited by the masses—Muslim or otherwise. Ḥayy’s island is indeed ideal, but it is idealized *fiction*, like the island in another eponymous work, *Utopia*, by Thomas More. The word “utopia” is commonly understood to mean a perfect society, based on its etymology in the Greek *eu-topos*, which means a “good place”; but the word can also mean “no place” if we instead use the Greek *ou-topos* (More, 2003, p. xi). Given the humanist brilliance that he brings to bear on his reflections on the political climate of his time, it’s plausible to think that More deliberately played with the Greek roots of the word to create this ambiguity. It is this second sense of utopia that applies to Ḥayy’s island, given the saintly qualities required to inhabit it. Most of the Muslim community and humanity in general remain on Absāl’s island.

Ḥayy offers this advice to the dwellers on Absāl’s island:

He urged them to hold fast to their observance of all the statutes regulating outward behavior and not delve into things that did not concern them, submissively to accept all the most problematical elements of the tradition and shun originality and innovation, follow in the footsteps of their righteous forbears and leave behind everything modern. He cautioned them most emphatically not to neglect religion or pursue the world as the vast majority of people do (Ibn Ṭufayl, 2009, pp. 164-165).

If the masses today are “on Absāl’s island”, so to speak, Ḥayy’s advice applies to them. Although this advice does not *advocate* rigid traditionalism, Islamic fundamentalism, Islamic authoritarianism, etc., it is nevertheless *consistent* with the sort of outlook defended by Qutb and other Muslim fundamentalists or conservatives.⁵

⁵As explained earlier, I have a different interpretation of *Ḥayy ibn Yaqzān* than the one Saemi offers in his book. I don’t think the last few pages of Ibn Ṭufayl’s tale are primarily intended to argue for the social function of religious laws and the permissibility of immoral laws in Muslim society. Of course, in the tale, Ḥayy explicitly tells people to cling to tradition, shun originality and innovation, reject modernity, follow in the footsteps of their righteous forbears, and refrain from pursuing the world. But these followers of the true religion, remember, are what made him realize that most individuals are no better than “unreasoning animals”. By contrast, both Ḥayy and Absāl transcend the rigid traditionalism embraced by the inhabitants of Absāl’s island. The final section of *Ḥayy ibn Yaqzān* offers a disguised critique of rigid traditionalism, one that Ibn Ṭufayl could not expand upon in his tale given his circumstances. He served under the Almohads, a dynasty that promoted a puritanical reform movement in Islam. The Almohads persecuted both Muslims and non-Muslims if they were perceived

The only resistance Saemi offers against those who would want to deploy his Legal Interpretation solution in a modern context is to appeal to our broadened moral consciousness. As noted earlier, this contentious claim lacks any supporting argument in his book. Perhaps this is because his discussion is aimed at "progressive Muslims" (pp. 27, 29, 102). Saemi doesn't explain who counts as a "progressive Muslim". Still, based on his account, it seems that to be one minimally requires refraining from taking morally controversial Scriptural injunctions at face value (102). But even this rudimentary definition would rule out large segments of the Muslim population. According to the Pew Research Center's 2013 report "The World's Muslims: Religion, Politics and Society", the majority of countries in the Middle East, East and North Africa, sub-Saharan Africa, South Asia, and Southeast Asia favor making Shari'ah the law of the land (Pew Research Center, 2013, p. 9). Among these countries, there is significant support for punishments such as whipping and amputating the hands of thieves, stoning adulterers, and executing apostates (Pew Research Center, 2013, p. 52, 54-55). All of these punishments are included in Saemi's list of morally controversial passages in the Qur'an and *aḥādīth* (4, 7-8). These passages *would* obviously be taken at face value by segments of the Muslim population that support such punishments.

To be clear and for the record, I am on Saemi's side. Like him, I believe that our moral consciousness has matured in significant ways since the arrival of Islam as a historical religion in the 7th century. I also emphatically agree with Saemi that Muslims today should not follow Scriptural injunctions that are morally objectionable, such as those requiring the execution of apostates or licensing wife-beating. My concern with Saemi's Legal Interpretation solution is that his justification for confining it to 7th-century Arabia, or thereabouts on the historical timeline, rests on a contentious claim unaccompanied by supporting evidence. Most traditionalist Muslims - particularly those who endorse the implementation of morally objectionable Scriptural injunctions and would, therefore, benefit the most from hearing about Saemi's project - will reject the view that our moral consciousness today has markedly improved when compared to the Prophet's time around 1400 years ago. The mainstream Sunnī view is that the *best* generation of Muslims consists of the *saḥāba* (followers of the Prophet Muḥammad who met him), the *tābi'ūn* (those who learned from the *saḥāba*), and the *tabi'ū al-tabi'in* (those who learned from the *tābi'ūn*). These three groups are collectively known as the *Salaf* (pious predecessors) - the earliest generation of Muslims considered the most virtuous and exemplary in their practice of Islam. The theological explanation for this view can be found in the *aḥādīth* literature. In one *ḥādīth*, the Prophet Muḥammad is reported to have said:

as deviating from "true religion". It was because of the Almohads that philosophers like Maimonides and Ibn Rushd had to leave Al-Andalus (Muslim Spain). In *Ḥayy ibn Yaqzān*, Ibn Ṭufayl offers a politically safe ending, one where he can be interpreted as urging people to obey tradition. This move afforded him some degree of protection against accusations of heresy. The discerning reader, however, is able to see the work's deeper meaning, as Ibn Ṭufayl himself held: "I have not left the secrets set down in these few pages entirely without a veil - a sheer one, easily pierced by those fit to do so, but capable of growing so thick to those unworthy of passing beyond that they will never breach it" (Ibn Ṭufayl, 2009, p. 166).

The best people are those of my generation, and then those who will come after them (the next generation), and then those who will come after them (i.e. the next generation), and then after them, there will come people whose witness will precede their oaths, and whose oaths will precede their witness (Ṣaḥīḥ al-Bukhārī 6429).

Many Salafi and other traditionalist Muslims maintain that solving societal problems is possible only if we *return to*, not *deviate from*, the Islamic practices of the *Salaf*. Skepticism about the broadening of our moral consciousness and whether we have made any real moral progress over the centuries isn't simply a product of theological suspicions. It remains part of present-day debates among philosophers and other intellectuals (e.g., Pinker, 2011; 2018 presents a morally optimistic assessment, but it is one which Gray, 2018 strongly disagrees with).

I will conclude my first criticism of Saemi's Legal Interpretation solution by highlighting the dilemma it faces and the difficulties presented by each of its two horns. Either (i) our moral consciousness has broadened significantly since the time of the Prophet Muḥammad, or (ii) it has not. If (i), Saemi needs to provide substantial support for this claim since it is one that many non-progressive Muslims and other thinkers (both Muslim and non-Muslim) find dubious. If (ii), why should Muslims not call for more serious attempts to implement and sustain traditional Islam and Shari'ah Law, as someone like Qutb recommends, complete with all the classical but morally problematic injunctions? While I do not think this dilemma is intractable, an adequate response will require more discussion and argument than Saemi provides in his book.

Criticism 2: The "Illusory Solution" Objection

My second criticism of Saemi's Legal Interpretation solution is that it fails to escape the Problem of Divinely Prescribed Evil, contrary to what he maintains. Again, for the sake of argument, I will grant that the thesis of Legal Interpretation is correct. Saemi offers this explanation for how this thesis solves the Problem of Divinely Prescribed Evil:

If Legal Interpretation is correct, there would be no inconsistency between the reliability of our independent moral judgments, the existence of seemingly prescribed evil, and the divinity of Scripture. Legal Interpretation does not imply that God or the Prophet is not truthful. Rather, it only states that God can use Scriptural injunctions to issue legal obligations and permissions, and that legal permissions do not entail moral permissions. In other words, Legal Interpretation allows the theist to claim not only that *what God does* can be just (if He has sufficient reason to issue those legal prescriptions), but also that *what is said by God* is true under a legal interpretation, since the fact that Scriptural injunctions do not coincide with our independent moral judgments does not imply that they are false ... According to this solution, while all of our three main theses are true, there is no

inconsistency between them. The appearance of inconsistency is generated by Moral Interpretation. Once we reject Moral Interpretation in favor of Legal Interpretation, the inconsistency disappears. (pp. 208-209).

As I shall now argue in presenting the "Illusory Solution" objection to Saemi's Legal Interpretation solution, this explanation may give the impression of solving the problem, but all it does is relocate it. This is because *God's act of issuing legal obligations or permissions is still open to moral evaluation, as Saemi himself accepts*. As he says in the passage quoted above, God's actions in issuing legal prescriptions can be judged as just (or unjust), even when we adopt Legal Interpretation. Connected to this point is another important one. Since Saemi maintains that God's justice in issuing legal prescriptions is contingent on "sufficient reasons", it follows that God's *mere act* of issuing them does not *eo ipso* constitute a successful theodicy. God must also have good reasons for issuing them. As we saw earlier, Saemi holds that the central message of the Qur'ān can never go against justice, even if we accept the planning conception of the law in dealing with societal problems (pp. 222-223). The Qur'ān is explicit on the unwavering Justice of God towards humanity, as the following verses make clear (more can be cited):

Indeed, Allah does not wrong the people at all, but it is the people who wrong themselves (10:44).

Whoever does righteousness – it is for his own soul; and whoever does evil [does so] against it. And your Lord is not ever unjust to the servants. (41:46).

My word will not be changed, and never do I wrong the servants (50:29).

From all this, I gather that Saemi thinks God's justice remains intact whenever He issues legal obligations and permissions that include morally objectionable actions, as was the case in 7th-century Arabia. In such a scenario, God supposedly has "sufficient reasons" for issuing legal prescriptions that have immoral elements.

Unfortunately, abandoning Moral Interpretation in favor of Legal Interpretation does not resolve the issue of inconsistency. Here is why. Let *I* stand for an immoral action like wife-beating. Holding that God commanded *I* seems to involve an inconsistency, a point that Saemi acknowledges. But suppose we see *I* as a (or part of a) legal, not moral, injunction, *L*. And suppose, furthermore, that *L* is teleological in nature; it has the laudable goal, *G*, of societal improvement. In this case, Saemi seems to think there is no moral tension or inconsistency involved in God commanding *L*, since God is not commanding *I simpliciter*; His aim in commanding *L*, although it includes *I*, is to bring about *G*. The coherence of this position can easily be questioned by asking why an *omnibenevolent, omniscient, and omnipotent being* would need to proceed in this manner. To see this, let's limit *G* to the societal goal of protecting

women against violence. Why would an omnipotent God need *I* to bring about *G*? It may well be that because of human limitations and the feasibility constraint on social planning, ordinary mortals hoping to reduce violence against women in 7th century Arabia could do no better than issue the sort of injunction we find in Qur'ān 4:34. But the Problem of Divinely Prescribed Evil pertains to *God*, not ordinary mortals. Is it reasonable to think that God, whom the Qur'ān describes as the "best of planners" (8: 30), could only plan to achieve *G* by channeling His omnipotence through the injunction of Qur'ān 4:34? If God is omnipotent, His power to bring about social reform easily extends beyond laws that include morally objectionable components. And, if God is also omnibenevolent, He would, through His omniscience, be aware of, and act on, morally better alternatives. A consideration of God's omnibenevolence alone creates a separate difficulty for Saemi's position. For even if we grant that an omnipotent God can only bring about *G* by commanding *L* (which includes the immoral element, *I*), we might think that God's omnibenevolence would prevent Him from doing so. An omnibenevolent being, one might argue, would not prioritize the advancement of social goods over immoralities that affect individuals.⁶

The underlying problem with holding that God can have "good reasons" for commanding *L* to bring about *G*, despite *L*'s inclusion of the immoral element *I*, is this. Given God's attributes of omnibenevolence, omniscience, and omnipotence, it is at least *prima facie* reasonable to think that God can bring about *G* without commanding *L* or that He is not morally justified in commanding *L* even if it is somehow necessary to bring about *G*. These points will, no doubt, be familiar to those aware of the standard criticisms of "greater good" solutions to the Problem of Evil (e.g., Rowe, 2006, esp. pp. 265-266). People aware of these criticisms are probably also familiar with some sophisticated replies that theistic philosophers have developed to defend "greater good" solutions (e.g., Swinburne, 2001). Since, *pace* Saemi, the Problem of Divinely Prescribed Evil persists even if we accept his Legal Interpretation solution, it seems prudent to examine whether this solution may benefit from a supporting "greater good" (or other) theodicy. Because Saemi thinks—incorrectly, in my judgement—that the Problem of Divinely Prescribed Evil dissipates if we accept his Legal Interpretation solution, it is understandable why he does not take up the task of theodicy in his book. If I am correct, however, this is a gap that needs to be addressed.

Conclusion

Saemi's Legal Interpretation solution to the Problem of Divinely Prescribed evil is both original and ambitious. By drawing on Ibn Ṭufayl's *Ḥayy ibn Yaqẓān* and modern legal theory, Saemi reframes morally problematic Scriptural injunctions as historically contingent legal prescriptions aimed at solving the problems of a nonideal society. In my assessment of Saemi's solution, I have argued that it is vulnerable to two significant criticisms—the "Absāl's Island" and "Illusory Solution" objections. The main point of

⁶ As J.L. Mackie perceptively remarks in his classic presentation of the Problem of Evil, to hold that God is concerned only with promoting good and not minimizing evil would mean that He is "not in our sense benevolent or sympathetic" (Mackie, 1955, p. 207).

the first objection is that, without a more robust justification for the claim that our moral consciousness has significantly broadened since the 7th century, the solution risks being appropriated by Muslim fundamentalists or conservatives to reinforce, rather than avoid, morally problematic Scriptural injunctions. According to the second objection, the moral tension or inconsistency that the Problem of Divinely Prescribed evil gives rise to remains even if we adopt a legal hermeneutic in interpreting Scriptural injunctions. Without a suitable theodicy, it is implausible to think that an omnibenevolent, omniscient, and omnipotent God is justified in improving a nonideal society by issuing laws containing immoral elements. Obviously, these criticisms are far from the final word on the topic. As Saemi and others engage with them, I hope new and fruitful pathways will emerge for philosophical and theological engagement with one of the most pressing issues in Islamic thought today.

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