



DIVINELY PRESCRIBED EVIL AND MORAL KNOWLEDGE IN ISLAM AND BEYOND

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ABSTRACT: Can one who takes Scripture to be the word of God, and who takes their independent moral judgements to be reliable, reconcile such beliefs with Scriptural injunctions that appear to permit and require evil actions? That is the Problem of Divinely Prescribed Evil. An ethics-first solution takes our independent moral judgements to be reliable and attempts to reconcile them with seemingly divinely prescribed evil. Amir Saemi (2024) offers a *prima facie* promising ethics-first solution: take Scriptural injunctions to be not moral, but legal. In this paper, I critically examine this proposal. After raising worries about Saemi's argument for his solution, I explore his analogy with the ethics and laws of war, raise three concerns for his solution, and present a dilemma which is, ultimately, an argument against Saemi's solution. I end with some suggestions for further inquiry into this recalcitrant problem, and analytic philosophy of religion about Islam.

KEYWORDS: Divinely prescribed evil; moral knowledge; problem of evil; revelation; Islam

Introduction

Questions of evil bedevil theism. The *classical problem of evil*, on any formulation, concerns some tension between the existence of an omnibenevolent, omnipotent, and omniscient deity with seemingly immoral events in the world. This tension, however, does not exhaust how evil beleaguers theism. Another source of bedevilment lies in Scripture.

Scripture contains *morally controversial passages*.¹ These are passages the apparent meaning of which seems morally objectionable by our independent moral judgements.² Examples abound in the Abrahamic faiths.

The Qur'an appears to suggest women have a duty to be obedient to their husbands (4: 34), that men may beat their wives if they fear disobedience (4: 34), that inheritance should discriminate against women (4: 11), that women's testimony is less credible than men's (2: 282), that thieves and adulterers should face corporal punishment (5: 38; 24: 2), and that slavery (and sex with one's slaves) is permissible (4: 24).

Some morally controversial passages in the Bible seem to suggest women must obey their husbands as they would God (Ephesians 5: 22–25), that cursing one's parents (Leviticus 20: 9), adultery (Leviticus 20: 10), and homosexuality (Leviticus 20: 13) are punishable by death, that slavery is permissible (Exodus 21: 2–6; Leviticus 25: 39–55; Ephesians 6: 5; Timothy 6: 1), and that a woman should be stoned to death if her virginity prior to consummating a marriage cannot be proven (Deuteronomy 22: 20–21).

The *problem of divinely prescribed evil* is generated by the apparent tension between:

(Divinity of Scripture) Scripture is the words of an omnibenevolent, omniscient, and omnipotent God.

(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 judgements.

(Reliability of Our Independent Moral Judgements) Our independent moral judgements reliably represent moral values, moral duties, and moral permissions. (Saemi, 2024, p. 23)

(Divinity of Scripture) and (Existence of Seemingly Prescribed Evil) together appear inconsistent with (Reliability of our Independent Moral Judgements). If Scripture is the word of God, and Scriptural injunctions prescribe or permit immoral acts according to our independent moral judgements, then such judgements look unreliable – since allowing and commanding us to do evil is not something a benevolent God would do.

(Existence of Seemingly Prescribed Evil) and (Reliability of our Independent Moral Judgements) also appear inconsistent with (Divinity of Scripture). If Scriptural injunctions prescribe and permit immoral acts by our independent moral judgements,

¹ Examples of Scripture include, at least, the Qur'an and Hadith (accepted-as-authentic accounts of the behavior and sayings of, at least, the Prophet) in Islam, the New and Old Testament in Christianity, and the Hebrew Bible in Judaism.

² By "independent moral judgements", Saemi (2024, pp. 8–9) means "*moral judgments obtained through careful a priori moral reflections and sufficient empirical observations, independent of Scripture*". I'll follow this and his examples of shared independent moral judgments, such as: "Men are not allowed to beat their wives", "Slavery is never permissible", "there should never be corporal punishments for theft and adultery", and "apostates should never be killed because of their unbelief".

and if such judgements are reliable, then Scripture looks unlike the word of a benevolent God who would not prescribe and permit immoral acts.

So, either Scripture is not divinely inspired, we misread morally controversial passages, or our moral judgements are unreliable. The problem of divinely prescribed evil is surprisingly underexplored. Or so it was until Amir Saemi (2024) wrote his groundbreaking book.³

In this paper, I critically examine the second, most developed of Saemi's solutions to the problem. Saemi explores the problem in the context of Islam.⁴ I'll follow him. Some of my claims will apply to any Abrahamic theist facing this problem, and some will concern Islamic attempts to do so.

In the next section, I introduce Saemi's solution. I raise two concerns about Saemi's argument for his solution in the section "The Argument?". In "The War (Dis-)Analogy", I explore Saemi's analogy with the ethics and laws of war that motivates his solution, before raising three concerns for Saemi's solution in "Three Concerns for (Legal Interpretation)". I present, in "An Argument Against (Legal Interpretation)?", an argument against his solution. I conclude with what this all teaches us that provides suggestions for future inquiry.

My prognosis for Saemi's solution is unfavourable. Regardless, Saemi's book remains invaluable. He excellently executes his "subsidiary goal" of offering overviews of moral theory and moral epistemology in Islamic thought, provides careful discussion of the problem and possible solutions, and brings contemporary normative and meta-ethics to bear upon the philosophy of religion. I offer my criticisms in the spirit of collective inquiry, advancing together towards resolving this recalcitrant problem - Saemi's place in that inquiry is beyond reproach.

Seami's Solution: (Legal Interpretation)

There are two general strategies for a Muslim - or any other theist - to reconcile our inconsistent triad:

(Scripture-first) Our independent moral judgements are unreliable in the face of Scriptural injunctions.

(Ethics-first) Our independent moral judgements are reliable and can be reconciled with seemingly prescribed evil.⁵

³ For related work, see Bergmann, Murray, & Rea (2010); in particular, Fales (2010) and Plantinga (2010).

⁴ By "Islam", I mean the religion according to which, at least, there exists exactly one God, who is omnipotent, omnibenevolent, and omniscient, and that Muhammad ibn Abdullah (PBUH) was the final Prophet of God (the "seal of the prophets" or *khātim/khātam an-nabiyyin*). On these two claims pronounced in the Islamic declaration of faith - *shahāda* - all Muslims agree.

⁵ Two other options: linguistic reinterpretation, or historical contextualisation, of morally controversial passages (Wadud, 1999; Barlas, 2022; also see Amijee, 2023). I'll grant, *arguendo*, that Saemi (2024, pp. 8-23) rightly rejects these. We only need *one* morally controversial passage to generate the problem of divinely prescribed evil and explaining away *all* morally controversial passages these ways is unlikely.

Arguably dominant in Islamic history, (Scripture-first) views suggest that, taking Scripture at face value, our independent moral judgements are unreliable. Saemi's discussion of these views is rich and deeply informative. My focus, however, is on his (Ethics-first) responses.

Saemi's first (Ethics-first) solution involves suspending judgement on the reliability of our independent moral judgements and arguing it can still be "rational" for us to act upon them. I'll focus on his second solution. This is because, firstly, it is the most developed. Secondly, Saemi's initial response is arguably not a *solution* to the problem. It would only establish the rationality of living in accordance with our independent moral judgements even if we doubt "whether human morality captures the extension of true morality". (2024, p. 209). A solution, however, would *reconcile* our triad. His second solution promises reconciliation. That is the third reason I focus upon it here.

Saemi's second (Ethics-first) solution takes our independent moral judgements to be reliable. I'll grant this. I want to ask whether Saemi's solution plausibly resolves our initial tension *even if* that claim is true.

Saemi argues that the appearance of a tension is generated by assuming:

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

Saemi brilliantly notices that "God or the Prophet uses *moral language* to express Scriptural injunctions" and that moral language is *ambiguous* between moral or legal injunctions.⁶ If Scriptural injunctions are read as moral injunctions, then they should be read as expressing moral truths, generating the problem of divinely prescribed evil.

Instead, Saemi suggests that we adopt:

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

The suggestion: *if* God can use Scriptural injunctions to issue legal obligations and permissions – where legal obligations and permissions do not entail moral ones – *then* the issuing of morally sub-optimal legal obligations and permissions, and their content, may not be inconsistent with our triad.

I'll follow Saemi in assuming Scott Shapiro's (2011) planning conception of law.⁷ On this view, legal activity is an activity of social planning. The rationality of social planning is subject to a *feasibility* constraint: "the planner should believe that it is possible, and indeed likely, [that the plans will be executed] successfully". And "if we knew that the correct moral principles had no chance of being followed or of solving the problems of the society, it would not be rational to legislate them in order to solve our problems". (2024, p. 220)

⁶ A point also made, as Saemi (2024, p. 208) notes, by Fazlur Rahman (2009).

⁷ Saemi (2024, p. 218) states the choice of theory of legal law will not affect his argument. If so, then if his solution fails assuming Shapiro's account, it fails *a fortiori* on any account.

To illustrate this, Saemi (2024, p. 220) draws an analogy between Scriptural injunctions and morality with the ethics and laws of war. According to revisionary just war theorists, there is a moral asymmetry between the just and the unjust sides of a war: the just may permissibly kill those on the unjust side, but not vice-versa. Moreover, they deny the moral significance of the combatant/non-combatant distinction, as some combatants may have very minimal (e.g., purely administrative) roles in a war and some non-combatants might, say, substantially materially contribute to an unjust war effort.⁸

Revisionary just war theorists argue that the Geneva Conventions, which legally regulate the conduct of war, are thus morally mistaken: they allow killing of combatants on either side and prohibit killing non-combatants. Still, since it is often difficult to establish the just and unjust sides of a war, and to establish which non-combatants may be liable to harm, if we want to “minimise atrocities” and “avoid...possibly unresolvable” disputes, it can be justified to legislate morally sub-optimal laws (Saemi, 2024, p. 221). It would be irrational, given those goals, to legislate the correct moral principles into international laws *if they are not feasible*.

This, Saemi maintains, may have been the situation at the time of revelation. It may have been infeasible in seventh century Arabia to solve their social problems by legislating the morally correct laws. It may have even made the situation worse. The morally correct laws, we assume, would be more egalitarian. But such moral principles, if made legal laws, would deviate substantially from those socially possible for that society (for example, banning slavery). If socially impossible then, God may have been justified in legislating morally sub-optimal laws in Scripture, provided “they...presented the best available plan to solve some social problems of the newly formed [Islamic] society”. (2024, p. 222).

The moral language in Scripture can be read as *legal* obligations and permissions. Such claims do not entail moral ones, and so there is no conflict between our independent moral judgements and Scriptural injunctions, since the latter aren’t making moral claims. They were, instead, the best socially viable plan to solve the social problems of early Islamic society. Both the *issuing* of morally sub-optimal laws, and their *content*, may be justified, if they are legal laws. The question of divinely prescribed evil, thus, looks answered.

The Argument?

Saemi’s ingenious solution offers a *prima facie* attractive way out for, as he puts it, the “conscientious” Muslim faced with morally controversial passages. To assess the solution, I start with Saemi’s argument for it.

A preliminary note: Saemi (2024, p. 40) assumes the falsity of any divine command theory. This assumption is not as dialectically innocent as presented. For example, it plays a crucial role in the denouement of the book – where Saemi denies that God’s commands can generate non-testimony-based justification for Abraham to kill his son

⁸ For representatives, see McMahan (2009) and Frowe (2014).

- and screens off motivation for (Moral Interpretation) that Saemi sidesteps. Still, I'll grant Saemi his assumption *arguendo*.⁹

Saemi provides an argument for (Legal Interpretation), which I reconstruct here:

(P1) Scriptural injunctions were the proposed laws of Islamic society at the time of revelation.

(P2) Scriptural injunctions represented the Prophet's planning to solve the social problems of early Islamic society. [Planning Conception of Law]

(P3) Sometimes, it is rationally necessary to legislate immoral laws to solve social problems; it can be rationally required to have immoral laws. [Feasibility Constraint]

(P4) Early Islamic society was one where it was rationally necessary to legislate immoral laws to solve social problems.

(P5) If (P4), the Prophet would have been, in principle, justified to legislate sub-optimal moral laws, through Scripture, to solve said social problems.

(C) "Therefore, Legal Interpretation is true...while actions prescribed or permitted by the best interpretation of a Scriptural passage are *legally* obligatory or permitted...they may not be morally obligatory or permitted." (2024, p. 221)

I have two worries about this argument.

First, this is not a valid deductive argument for (Legal Interpretation); (P1)–(P5) do not entail the *truth* of (Legal Interpretation). If (C) was "if Scriptural injunctions are legal injunctions, they may not be moral ones", that would be a valid argument – but not for the truth of (Legal Interpretation). It would only establish the *logical possibility* of (Legal Interpretation). So, this is not an argument for (Legal Interpretation).

Second, (P2) begs-the-question against (Moral Interpretation). The reasoning given from (P1) to (P2) is: "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 society" (2024, p. 221). But the planning conception of law does not entail that, if Scriptural injunctions were implemented as legal laws, they are only legal injunctions in Scripture. That is to assume what is in dispute.

Absent a valid, non-question-begging argument for (Legal Interpretation), the maximally charitable move is this: Saemi offers (Legal Interpretation) as the *least costly*

⁹ Saemi also does not state his background meta-ethical commitments. They seem broadly realist. This silence matters more than it may appear. Different realist views have varying consequences for moral epistemology, or for what moral facts could be hidden from us. And there are broadly "realist" views whose commitments radically differ from what many think "realists" must accept; see my Akhlaghi (2022); (Forthcoming).

logically possible option for a “conscientious” Muslim faced with the problem of divinely prescribed evil. Perhaps any theist should take the least costly option that allows one to, in principle, reconcile the divinity of Scripture with the appearance of prescribed evil and the reliability of our moral judgements.¹⁰

Our question becomes: *is* (Legal Interpretation) the least costly logically possible option for a conscientious Muslim? In the final major section, I argue it is inconsistent with God’s existence and the finality of the Prophet’s revelation – two non-negotiable Islamic commitments. So, very costly. But first, more on war.

The War (Dis-)Analogy: Some Questions

Saemi draws his analogy with the ethics and laws of war to illustrate how true moral principles, and justified governing laws in non-ideal conditions, could come apart.

Even if we assumed (Legal Interpretation), however, there are difficult questions that comparing the ethics and laws of war with Scriptural injunctions and moral truths raises for Saemi. They also highlight pressure points for Saemi’s view that I will press in the follow sections.

Saemi assumes that our rational goal when considering possibly legislating morally sub-optimal laws is to “minimise the atrocities [and] avoid [possibly irresolvable] disputes”.

Herein lies a disanalogy. For in the law of war, *we* are the authors of the laws *and* those *with* this rational goal. On theistic assumptions, we are *neither* the authors of Scriptural laws, *nor* those with this rational goal who authored Scripture.

So, two questions: first, why assume that God or the Prophet had the aforementioned goal? We might appeal, as Saemi does, to “God’s justice”. But wouldn’t a just God have provided us the moral truths and avoided ambiguous legislation? Muslims also believe that the Prophet’s revelation was *final*. Second question: if the rational goal is what Saemi suggests, would ambiguously providing, in the final revelation, morally sub-optimal laws best achieve this?¹¹

Next, justified laws may be morally sub-optimal for different reasons. Some may be because of contingent and more easily changeable features of a society or, say, because of the nature of some activity. Whilst subject to contingent variation, war will likely always involve the “fog of war” that makes it hard to tell, say, who the just side is, or which non-combatants are liable to harm. The Geneva Conventions may be the best laws of war partly given this.

Saemi is more optimistic about the prospects of alignment of other laws with correct moral principles over time. He notes: “there might always be a distance between correct moral principles and proper legal laws, as...the Geneva Conventions shows. But as time passes, the legal laws should come closer to correct moral principles.” (2024, p. 223)

This assumes that the “obstacle” to bringing legal laws closer to morality is social feasibility and something to do with, as Saemi puts it, our “moral consciousness”

¹⁰ In the workshop for this symposium (21/02/25), Saemi confirmed this is how he is best read.

¹¹ I return to this in the last major section.

expanding over time to include others within equal moral concern. But perhaps *the nature of war* makes closer reflection of its ethics in law a mistake and not, say, social infeasibility or failures of moral consciousness expansion in Saemi's sense.

What, then, can Saemi say to the Muslim who maintains that *the nature of human beings and societies* are *immutable* as aspects of war are? A more traditional Muslim could insist that even assuming (Legal Interpretation), Saemi is wrong that we *can* bring our legal laws into closer alignment with morality: the nature of human beings and our societies make this *always* infeasible. Perhaps God has provided us *the best legal laws humanely implementable*.

The worry: the analogy with war may be *closer* than Saemi suggests. Ideal humans and social conditions are still constrained by *humans* and *what human society physically can be like*, as ideal war is by the nature of war. Saemi provides no response to this concern. He may just register this disagreement with more traditional Muslims. But then note that his solution depends upon some optimistic account of human nature and possible human society that some of his opponents will immediately reject.

Third, distinguish between two ways in which a law can be *sub-optimal*. First, a law can be *less than best* or *seriously wrong*. Laws can be less than best when below, on some ordinal ranking, whatever the best laws are. Seriously wrong laws are below some threshold on that ranking, where anything below that threshold is a seriously wrong law.

A law can also *permit* a wrong or *require* a wrong. A law can merely permit you to do something wrong; laws that do not prohibit adultery are plausibly morally sub-optimal this way. Another way laws can be sub-optimal is to require you to do a wrong. Consider, for example, a Nazi German law requiring you to report your neighbour's being Jewish despite this likely leading to their internment or death.

A final disanalogy, then: if revisionary just war theorists are right, the Geneva Conventions only *permit* some *serious wrongs* – say, killing just soldiers. They do not *require* unjust soldiers to kill just soldiers. But Scripture not only permits some serious wrongs but *requires* us to perform apparent *serious wrongs*: for example, dismembering thieves, whipping adulterers, and stoning homosexuals.

Suppose one can be morally or rationally justified in legislating morally sub-optimal laws when their sub-optimality (and immorality) is exhausted by their *permitting* some serious wrongs. Can one be morally or rationally justified in legislating immoral laws when those laws *require* agents to perform some serious wrongs? On the face of it? No.

Three Concerns for (Legal Interpretation)

Looming Revenge

The problem: there appears to be a *revenge* worry for Saemi's solution. The problem of divinely prescribed evil was generated, partly, by our independent moral judgement that God would not issue moral Scriptural injunctions that require and permit serious moral wrongs.

But an omnibenevolent, omnipotent, and omniscient God prescribing legal injunctions that *mandate* morally bad actions also looks inconsistent with our independent moral judgments. Because it strikes us as morally wrong for anyone to *legally require serious moral wrongdoing* by legislation, *even if* that legislation was the morally best socially viable one(s) within a given society!¹²

Did the war analogy not show how this could be morally justified? But even eschewing concerns about that analogy, this objection is about the apparent tension between our initial triad *even on* (Legal Interpretation). For it seems inconsistent with our independent moral judgements that God would *legally require gravely immoral conduct*.

To block this revenge worry, we need an account of why God would legally require gravely immoral conduct which explains away, or otherwise addresses, the thought that God would not require gravely immoral conduct of us – morally *or* legally. Saemi does not provide this.

Lara Buchak, however, may have the goods. In her contribution in this issue, Buchak argues an essential feature of authority is to allow people to learn things they may not learn unaided. This can be done through laws that “provide *temporary* non-optimal solutions whilst allowing people to *eventually* coordinate around optimal ones”. Her suggestion: God opted, on (Legal Interpretation), for a model of *reinforcement moral learning* to teach us moral truths.

Take slavery. Buchak maintains that God could not have successfully banned slavery at the time of revelation since this would be socially impossible. But he could have, and perhaps did, command us to do “less slavery than previously” such that, over time, we come to learn through experience that it is better to end slavery. This is allegedly preferable to just telling us to stop. For society then would likely not follow that prohibition, and without “sampling” *the good of less slavery* that would otherwise be remote for that society, we would have failed to come to learn, commit, and coordinate on never doing *the bad of slavery*.

Buchak’s paper nicely illustrates how this suggestion has several attractive features for a proponent of (Legal Interpretation). But it does not defang the revenge objection.

First, notice the *moral cost* of Buchak’s suggestion. God *chose* to create humanity with limitations that make moral learning come at the cost of *grave* wrongs to others. Thus, God *chose* a method of moral learning for us that came at the cost of grave moral wrongs against women, homosexuals, thieves, adulterers, and others for *thousands* of years.¹³ It seems, by our independent moral judgements, that it is morally wrong for *anyone* to adopt such a method of moral teaching.

Suppose someone kills homosexuals for being homosexual and that I want to teach them the wrongness of doing so. I do this by telling them to do it less than they

¹² A benevolent God would presumably legislate the *morally best*, socially feasible laws at the time of revelation. But take dismembering thieves. Would it not have been morally better, *and* socially viable, to have, say, legislated lengthy imprisonment for thieves? If so, it seems implausible that this – and other – laws were the morally best socially viable ones. The justification offered for permissibly legislating such laws then looks undercut.

Notice this is a problem for *any* theist’s appeal to (Legal Interpretation). Were religious laws across the Abrahamic faiths really the morally best socially viable ones?

¹³ At the symposium workshop, Buchak acknowledged this cost.

previously have but still allow them to stone homosexuals for this reason. Suppose I then adopted this as the method of teaching a society the wrongness of stoning homosexuals for thousands of years, in the hope that, eventually, they will realise it is wrong and stop. This seems a seriously morally wrong method of moral teaching.

Second, one might insist that Buchak's reinforcement moral learning account was the *only* or *best* method of moral teaching available to God. Say, because of some immutable features of our biology and psychology. But could God not have created us otherwise? To suggest not, *prima facie*, would restrict God's omnipotence. Could God not have foreseen this cost? To suggest not, *prima facie*, would restrict God's omniscience.

If one insists that a benevolent God would do this, then we need an explanation why which does not restrict God's omnipotence or omniscience, lest we surrender God's benevolence. But suppose an answer was forthcoming that did not threaten God's properties. Why, then, would it have been inconsistent with such properties to have, for example, just given us individual and communal exercises of deep, immersive moral imagination instead?

The revenge worry, then, appears unscathed by Buchak's proposal. This is a serious problem for Saemi's solution.

The Moral Function of Scripture

My second objection concerns Saemi's claims about what moral function remains for Scripture if (Legal Interpretation) is true. The worry is that if our independent moral judgements are reliable and help inform us that Scriptural injunctions are not moral ones, then "it is not clear whether Scripture has any moral function". (2024, p. 227)

Saemi understands that worry as similar to an old objection to prophecy from Barahima about the relationship between reason and revelation. That relationship is a central concern of much Classical Islamic philosophy. Saemi (2024, pp. 229–231) thus appeals to some Classical Islamic philosophers to offer two responses. Both offer some moral function for Scripture.

But Saemi misconstrues this old objection. The historical concern was identifying the epistemically *unique* role of prophecy and revelation. How, for example, to verify the veracity of the Prophet without obviating the epistemically unique role of prophecy.¹⁴ The analogous problem here concerns how to verify the veracity of the moral function(-s) of Scripture without obviating an epistemically unique role for prophecy in moral epistemology.

It will not suffice, then, to find *some* moral epistemic role Scripture can play. The issue is not total "redundancy" but the elimination of a *unique* epistemic role for revelation in moral epistemology.

The first response, modelled on al-Fārābī and Averroës, is that "all theoretical and practical truths are discoverable by reason alone" but that Scripture can provide epistemic and motivational assistance. This, even if plausible, will not suffice. For, again, we want the unique role of Scripture here.

¹⁴ I am here following Anthony Booth (2018).

The second response is adapted from al-Ghāzālī and ‘Abd al-Jabbār. It maintains that “there are moral truths that don’t disagree with reason but which cannot be discovered through reason alone” and “Scripture may expand our moral consciousness by teaching us about them”. Saemi puts this as Scripture “extending” our moral obligations.

But if these obligations are, he notes, “recognisable by reason”, then why can’t I learn them without Scripture – even if with difficulty? There may be some specific things we would learn only through Scripture (prayer rules, say). But this is not much by way of *moral knowledge* uniquely acquired through Scripture but, instead, say, time-and-society sensitive religious legal laws.

Saemi could respond that the epistemically unique role of prophecy and revelation is to be found not in moral epistemology but elsewhere. And it would suffice to save Scripture from having *no* moral function to find *some*. But this victory is pyrrhic. It surrenders Scripture having some moral *knowledge* to teach us which we could learn *only through* Scripture.¹⁵ Worse, it may strengthen the old objection that reason alone can teach us what Scripture can too.

A Question of Interpretation

If (Legal Interpretation) is true, how can we determine which claims of Scripture should be read as moral and which legal – given that both employ moral language?

Saemi cannot appeal to the distinction between the Meccan/Medinan verse distinction; those verses in the Qur'an before and after the Prophet's migration to Medina (*Hijra*). For he takes morally controversial passages *anywhere* in the Qur'an to be legal injunctions.¹⁶

Our independent moral judgements, Saemi claims, can “help inform us that Scriptural injunctions are not moral ones”. If so, that suggests a test:

(Ethics-First Test) If a Scriptural injunction, read as a moral truth, conflicts with our independent moral judgements, then that is strong epistemic reason to think that it is a legal injunction. If there is no conflict, this is strong epistemic reason to think it is a moral injunction.

Here are two worries about this test.

First, it is a *temporally unstable* test for whether a Scriptural injunction is legal or moral. Given our independent moral judgements have and do change over time, the test generates different results throughout history. In seventh century Arabia, the test would have rendered all Scriptural injunctions as moral. This looks perilously close to the worry Saemi raises for the linguistic reinterpretation response to our problem: the meaning of Scriptural injunctions looks “underdetermined”. (2024, p. 17).

¹⁵ As Mohammed Saleh Zarepour reminds me, it also seems inconsistent with the famous Hadith Makarim al-Akhlaq: “Innamā bu ‘ihtu li-‘utammima makārim al-akhlāq”; “I was sent to complete the nobilities of character”.

¹⁶ He also thinks unhelpful Fatema Amijee's (2023) thick/thin norm distinction.

Saemi might consider that unfair, since we are granting the reliability of our independent moral judgements. But their reliability does not entail their *infallibility*. This is where Seami's silence on his meta-ethical commitments makes progress difficult. Such views could help justify taking our judgements as gradually approximating the moral truths, perhaps blocking this worry.

Regardless, a second worry. The test seems to suggest that, after "careful *a priori* reflection and sufficient empirical observation", one can determine which injunctions are moral or legal.

But if this entails that (empirically-informed) reason can determine which injunctions are moral and which legal, then why think that Scripture provides us some *unique* moral knowledge? Again, Saemi may deny that Scripture has some epistemically unique role in moral epistemology. For reasons given, that strikes me as a pyrrhic victory.

In the quote above, Saemi did say "help", though, and not that the *only* epistemic reason we might have to read some injunction as legal is inconsistency with our independent moral judgements. So perhaps we can appeal to something else. But given the ambiguity in moral language used, how can Scripture tell us? The literal meaning of Scriptural injunctions looks unable to help us either.

This problem is serious because a resolution is necessary for *any* attempt to make appeals to God's justice. Saemi does this repeatedly. Without a test to settle which Scriptural injunctions are moral or legal, one cannot discern where and what in the Qur'an (or other Scripture) *indicates this justice to us*.¹⁷

An Argument Against (Legal Interpretation)

I now present a dilemma, which generates an argument against (Legal Interpretation) in the Islamic context:

(P1) If God exists, and if the Prophet is his final messenger, then, in *the final revelation*, God would not have used *ambiguous moral language* to convey merely legal injunctions that permit *and require* the performance of grave moral wrongs.

(P2) If (Legal Interpretation) is true, then God, in the final revelation, used ambiguous moral language to convey such morally sub-optimal legal injunctions.

(P3) So, if God exists and the Prophet is his final messenger, then (Legal Interpretation) is false. [From (P1) and (P2)]

¹⁷ Interestingly, given his solution is a "legal" one, Saemi does not engage with Islamic jurisprudence. On Saemi's view, do jurisprudents become secular normative ethicists, social planners, and sociologists, trying to ascertain the morally best socially feasible plans? I suspect many Islamic jurisprudents would demur, if so.

(P4) So, if (Legal Interpretation) is true, then either God does not exist, or the Prophet is not his final messenger. [From (P3)]

(C) So, either (Legal Interpretation) is false, or it is false that God exists and the Prophet is his final messenger. [From (P3) and (P4)]

To explain, the final revelation constitutes a *very morally high-stakes situation*. First, it is God's Last Word on earthly affairs; God's final explicit guidance. Second, if that revelation was misunderstood as containing moral injunctions and not legal ones, we'll think many serious moral wrongs are, in fact, morally required of us.

(P1) claims that if God exists and the Prophet was his final messenger, then in the final revelation, God would not have used ambiguous moral language – in such a morally high-stakes situation – to convey merely legal injunctions that permit *and require* the performance of grave moral wrongs. If (Legal Interpretation) is true, (P2) continues, that is what God did.

(P1) and (P2) entail that if God exists and the Prophet is his final messenger, then (Legal Interpretation) is false – (P3). For (Legal Interpretation) entails God would have done something, assuming (P1), that is inconsistent with God's existence and the Prophet's revelation being final. Contraposition of (P3) gives us: if (Legal Interpretation) is true, then either God does not exist or the Prophet is not his final messenger, (P4).

A dilemma follows: either (Legal Interpretation) is false, or it is false that God exists and the Prophet is his final messenger.

This dilemma is troubling for any Muslim attracted to (Legal Interpretation). Muslims cannot reject [God exists and the Prophet is his final messenger]. So, Saemi – and any other Muslim – is forced to accept that (Legal Interpretation) is false.¹⁸

(P3) and (P4) are trivial consequences of other claims, and (P2) uncontroversially follows from (Legal Interpretation). So, the action is in (P1).

Here are three reasons to accept (P1).

First, consider what would be practically rational when legislating morally sub-optimal laws. Assume, following Saemi, that a rational goal in morally sub-optimal legislation is “minimise atrocities” and “avoid possibly irresolvable disputes”. If so, then it would be practically irrational for God to have used ambiguous moral language in the final revelation – in a *very morally high-stakes situation* – to convey merely legal injunctions and create ambiguity over whether they are moral or legal injunctions.

For, firstly, Scriptural injunctions can (and have!) been read as morally permitting and requiring actions that constitute – by our judgements – moral atrocities. So, the aim of “minimise atrocities” would be unachieved. Secondly, using ambiguous moral language in the final revelation creates a potentially irresolvable dispute: whether Scriptural injunctions are moral or legal. So, the aim of “avoid possibly irresolvable

¹⁸ I suggested in our symposium workshop that it seems theologically undesirable for any Muslim to adopt a solution that suggests God justifiably prescribes evil, renders it mysterious why God sent his final message when we were socially unprepared to follow the morally best laws, and does not rule out continual, morally-ever-improving revelation. These seem amongst the ‘costs’ of (Legal Interpretation).

disputes" would be unachieved. One reason to accept (P1), then, is that it would be practically irrational for God to have done what (Legal Interpretation) says God did.

Second, it appears inconsistent with our independent moral judgements that an all-loving and all-knowing deity would, in the final revelation, through ambiguous moral language, *command* us to commit grave moral wrongs, whilst *leaving open* whether such prescriptions are legal or moral. This is the revenge objection discussed earlier, but in service of (P1). It seems morally objectionable for God to have ambiguously, legally mandated that we commit grave moral wrongs in the final revelation.¹⁹

To see my third reason: one might reject (P1) because they take God to have equipped us to settle the question of legal or moral interpretation. But even if God did that, (P1) remains plausible. We can justify (P1) by justifying its logically equivalent contraposition:

(P1*) If God used *ambiguous moral language* to convey merely legal injunctions that permit *and require* the performance of grave moral wrongs, then either God does not exist, or the Prophet is not his final messenger.

Here is an argument for (P1*). If God is omniscient, then God could have reliably predicted that the issue of interpreting ambiguous moral language in the final revelation would arise, risked dire moral consequences, and would likely be misread. Allowing this very morally risky interpretative issue *at least in the final revelation* seems unlike the actions of a benevolent deity. So, either God couldn't foresee all of this (so, not omniscient), could foresee it but allowed it to happen (and so not benevolent), or this is not, in fact, God's final revelation. Thus, if God did what (Legal Interpretation) suggests, then either God does not exist, or the Prophet's revelation was not final – (P1) and (P1*).

One *prima facie* promising response to my argument is to reject (P1) by appeal to:

(Sceptical Theism) We do not have epistemic access to God's actual or possible moral, prudential, or other normative reasons for or against doing any action, or for allowing any action or event to occur.²⁰

The objection is that (P1) falsely assumes that the rational goals *for us* to have as legislators of morally sub-optimal laws are the same as for God. Given (Sceptical Theism), we should doubt arguments that some action of God's would be practically irrational, since we do not have epistemic access to God's reasons for action.

But (Sceptical Theism) would not reveal (P1) is false. For (Sceptical Theism) would not entail the *falsity* of (P1). Instead, it only suggests that (P1) is underdetermined by the evidence; we cannot adjudicate (P1) because we cannot know what would be practically rational for God. This would at least mitigate the force of the argument and Saemi does accept (Sceptical Theism).

¹⁹ When presenting the revenge objection, I argued against the best available account of why God would have, namely Lara Buchak's.

²⁰ Sceptical theism is a family of views; for discussion, see Perrine (2023).

Appeal to (Sceptical Theism), however, generates a serious problem. For it *also* defangs any *positive case* for (Legal Interpretation) beyond mere logical consistency. But logical consistency is, in the relevant sense, cheap. (Legal Interpretation) is logically consistent with God's existence and the Prophet's revelation being final, if (Sceptical Theism) is true. What we wanted, though, was *good reason to believe* (Legal Interpretation) is, to quote Saemi, "true". Or, minimally, a plausible way to assess whether (Legal Interpretation) is the least costly solution to our problem.

Perhaps as Alvin Plantinga (1974; 1977) offers his free will defence not as a solution to, but as a well-specified, logically possible hypothesis to hold when faced with, classical problems of evil, we should read Saemi as offering the same here.²¹ But as Peter van Inwagen's (2006) discussion of defences suggests, plausible defences should invoke hypotheses that are true *for all we know*. Logical possibility is not enough to show that our evidence does not rule out (Legal Interpretation). I've offered evidence to suggest it does.

Still, (Sceptical Theism) seems to generate an impasse. Either (Sceptical Theism) is false or it isn't. If it is, I have provided reasons to accept (P1) and reject (Legal Interpretation) on pain of relinquishing core Islamic commitments. If (Sceptical Theism) is true, then (P1) and (Legal Interpretation) – and Saemi's solution by appeal to the latter – are underdetermined by the evidence.²²

A second response. Perhaps (P1) *misunderstands* the nature of revelation, or the finality of prophecy, in some way that troubles my argument.

This is *prima facie* more promising. It adverts to a lacuna, however, that makes assessing whether *Saemi* can make this response difficult. For whilst we hear much about the first half of "Morality and Revelation" in the book's title, we hear relatively little about the nature of the latter, including what the Prophet's finality amounts to.

Interestingly, it is difficult to assess this response *simpliciter*. For whilst a central tenet of Islam, there is little in contemporary analytic Islamic philosophy of religion addressing what the finality of the Prophet's revelation amounts to. The issue is not mentioned once, for example, in the Stanford Encyclopaedia of Philosophy article on "Arabic and Islamic Philosophy of Religion" (McGinnis & Acar 2023).

Islamic scholarship has, of course, addressed the finality of the Prophet. Such accounts are offered within complex theories of religion that take us too far afield. But, briefly, here is why appeal to these won't easily work. These theorists seek to explain Islamic commitment to the finality of the Prophet *without a clear distinction between moral and legal laws*.²³ To determine what any account of finality entails given that distinction, and whether they are consistent with what (Legal Interpretation) entails occurred in the final revelation, is an important project.

It is, sadly, not prosecutable here. Providing a comprehensive account of the Prophet's finality should be a central task for philosophy of religion about Islam, as providing accounts of core Christian commitments – like (for most) the Trinity – is in

²¹ My thanks to Mohammed Saleh Zarepour for this.

²² As Saemi (2024, p. 180) notes, rejecting (Sceptical Theism) would be disastrous for theistic responses to the classical problems of evil.

²³ See, e.g., Iqbal (1958, Ch. 5); Soroush (2009, Chs 2-3); and Motahhari (1969; 1989). See Andani (2020) for very helpful discussion of some historically significant views of revelation in Islam more generally.

philosophy of religion about Christianity. Needing an account of finality to provide this second response to my argument only strengthens that case.

Until then, I tentatively conclude that, on minimal Islamic assumptions, (Legal Interpretation) is false.

Conclusion

This may seem a bleak place to end. To think that would be to miss lessons learnt through engaging with Saemi's excellent book.

First, when adopting a solution to the problem of divinely prescribed evil, one must be alive to features of the religion co-opting that solution. Saemi, of course, realises this. But these features can complicate matters in unobvious ways, even with minimal religious commitments. That is what I have suggested with respect to the finality of the Prophet's revelation in Islam for Saemi's solution.

Second, any plausible account of revelation in Islam must explain what the finality of the Prophet's revelation amounts to. That would help adjudicate the argument in the previous section *and* help set the bounds of play for Islamic philosophy of religion, moral philosophy, and more. It is striking that this core commitment has received substantially less analytical philosophical attention than, say, God's unity – or *tawhid* – in Islam. My arguments suggest this should change.

Third, the consequences of (Sceptical Theism) for the problem of divinely prescribed evil require attention. I've argued it generates a disappointing impasse over the argument in the previous section. But if (Sceptical Theism) is true, then perhaps we are bound to only play in the realm of logical possibility. If we wanted to go further and make probabilistic judgements, on what evidence can this be done if (Sceptical Theism) is true?

Finally, some of what is needed to establish whether (Legal Interpretation) is the least costly response to our problem is now clearer. Namely, an account of the rationality and moral permissibility of legislating morally sub-optimal legal laws that require committing grave moral wrongs (that blocks the revenge worry), demonstrating how appeal to (Sceptical Theism) does not undermine any positive case for (Legal Interpretation), and an explanation of the finality of the Prophet's revelation consistent with the moral sub-optimality of the laws provided in the final revelation.²⁴

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²⁴ I am extremely grateful to my co-symposiasts, the symposium workshop audience, and especially to Lara Buchak, Paul O'Grady, Amir Saemi, and Mohammed Saleh Zarepour for excellent written comments (and to the latter for the kind invitation to contribute).

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