



THE ETHICS-FIRST VIEW DEFENDED: RESPONSES TO AUDI, AIJAZ, AKHLAGHI, AND BUCHAK

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ABSTRACT: This paper offers four detailed responses to four commentators on my book. First, in response to Robert Audi, I clarify my position on the Abraham’s sacrifice case, defending both the objective and subjective impermissibility of the sacrifice, grounded in the “Moses principle” and the “Accessibility Constraint.” Second, in reply to Imran Aijaz, I address concerns that my “Legal Interpretation” solution could be appropriated by Islamic fundamentalists, clarifying my metaphor of Hayy’s island as a condition of reasoned moral reflection rather than a narrative of historical inevitability. Third, in response to Farbod Akhlaghi, I engage with challenges to Legal Interpretation, defending it against charges of question-begging, examining whether legislation can justifiably require grave moral wrongs, and elaborating the unique epistemic role of revelation in providing underdetermination-solving and relationship-based reasons. Finally, in response to Lara Buchak, I explore her game-theoretic model of moral development as an enhancement of Legal Interpretation and propose a variation that addresses gender dynamics in 7th-century Arabia.

KEYWORDS: Ethics-first, legal interpretation, the problem of divinely prescribed evil, moral development, skeptical theism

Introduction

The central aim of my book is to address what I call *the problem of divinely prescribed evil*: how can God’s prescriptions, as reflected in Scripture, appear evil when judged by our own moral sense? There are different ways to think about the problem. One way is by drawing a parallel with the classical problem of evil.

We observe events in the world that strike us as unequivocally evil. Many instances of natural evil, such as the burning and suffering of an innocent fawn, seem unnecessary and evil. The classical problem of evil poses the question: how can a God

who is omniscient, omnipotent, and omnibenevolent permit such things to happen? While some philosophers have attempted to construct theodicies to rationalize these evils, the most promising theistic approach, in my view, is to appeal to morally relevant facts that remain *hidden* from us. We do not have access to all morally relevant facts, and what we know may not be representative of the full set of such facts. This is the core of skeptical theism: the view that we are in no position to judge God's actions, since He may have reasons for permitting evil that lie well beyond our cognitive access.

Skeptical theism may help remove our moral objections to God's actions, but it weakens our trust in our own moral sense. And that kind of doubt doesn't sit still - it spreads. It seeps into all of morality, leaving us unable to know moral truths that guide us through daily life. One place it takes hold is Scripture. Many believers see Scripture as the word of God. If skeptical theism tells us we can't judge God's actions, then surely we can't judge His words either. This doubt changes how believers read Scripture. That might be fine, except that most Scriptures, old as they are, contain passages that clash with modern moral sensibilities. So skeptical theism ends up implying that, when Scripture and our moral sense conflict, Scripture must always prevail - and our moral sense isn't just mistaken, it doesn't even count.

I called this view in the book the *Scripture-first* view. Scripture precedes our moral sense - it does not compete with it but shapes it. I argued that much of the Islamic tradition has embraced this stance. Notable figures in Islamic history, in one way or another, defended it. At their core, their arguments rest on the idea that particular moral judgments are contingent and unknowable when considered against the broader structure of divine order.

The *ethics-first* view, by contrast, holds that our moral sense is generally reliable - at least when guided by careful observation and reflection - and so it takes precedence over Scripture when the two conflict. The immediate problem with this view is its tension with skeptical theism, a position many theists find appealing as a response to the classical problem of evil. Part of my aim in the book is to show how skeptical theism can be confined to God's actions alone. That is, we can understand morality in a way that in the realm of human action, it grants us moral knowledge, while in the realm of divine action, it preserves the humility of skeptical theism. The question is how to keep skeptical theism in God's corner without letting it spill into ours. In the book, I offered two ways to do this. I will now sketch these in relation to the case of Abraham's sacrifice, which Robert Audi takes up in his article. This will help me respond to some of his concerns.

Robert Audi and Abraham's Sacrifice

In his excellent article, Audi graciously offers his gloss on the book, presenting its project in a way that is both accessible and thorough. I agree with much of what he says. But when it comes to the case of Abraham's sacrifice, a point of disagreement emerges. To see where we differ, it helps to distinguish three claims:

1. Abraham is rationally justified - or morally excused - in disobeying God's command to kill his son.
2. If the "moral ought" is the subjective ought, then Abraham is in a position to know that he ought not to kill his son, despite God's command.
3. If the "moral ought" is the objective ought, then Abraham is in a position to know that he ought not to kill his son, despite God's command.

Audi and I both accept (1). He raises concerns about (2) and appears to reject (3). I, on the other hand, have defended (2) and argued that, under certain plausible conceptions of ethics, (3) can also hold true. I have defended the Moses principle to support (1).

Moses' Principle. If one receives very reliable testimony that one should ϕ , and the situation is such that one knows that if the testimony turns out to be wrong, one's ϕ -ing would be seriously wrong, but one has no idea of how wrong one's not ϕ -ing would be if the testimony turns out to be true, then one ought not to act in accordance with the testimony.

Audi does not object to the Moses principle. The Moses principle implies that Abraham rationally ought not to kill his son, since there is a grave risk that, in obeying, he would commit a serious wrongdoing by violating an important moral object - his son - while he does not know what is at stake in rejecting the dictum of morality if God's command is correct and he disobeys. Instead of saying that Abraham rationally ought to disobey, Audi prefers to use the language of "excuse." He suggests it's better to say that Abraham would be excused for disobeying, understanding excuse as "a moral rejection of blameworthiness", Abraham might have been mistaken, but he would still be excused. I have no quarrel with framing the issue this way. This is, in fact, my *first ethics-first* response to the problem of divinely prescribed evil: we may not always be in a position to know what is right or wrong when Scripture conflicts with our moral sense, but we rationally ought to rely on that sense - or, at least, it would be morally excusable if we did.

Let's turn to (2). Audi's concern seems to be this: even if the moral *ought* is the subjective *ought*, God's command provides *accessible* evidence for Abraham, which can affect his subjective *ought*.

It appears, then, the problem of evil Saemi is posing can arise *within* the subjectivist perspective. The subjectivist, like the objectivist, must compare the accessible evidence that God is speaking with the accessible evidence that what God apparently commands is wrong. There is no uncontroversial answer for Abraham, just as there is not for the subjectivist.

In the book, I responded to this objection in two ways, though they may not have been entirely clear. Before explaining them, it's important to note that Audi and I both, in *this discussion*, view the moral force of God's command in testimonial terms - informing Abraham that the sacrifice is morally justifiable in light of facts that might

be hidden from him. In the book's final chapter, I discuss how we should understand the case of Abraham's sacrifice if the force of God's command is not testimonial (i.e., it rests on no other moral facts but God's will), but I will set that possibility aside here.

The first response to Audi's concern is this: while God's command does provide evidence for Abraham that he subjectively ought to kill his son, this evidence is undermined by the contrary reason generated by the Moses principle. According to the Moses principle, rationally speaking, Abraham has a strong reason to avoid grave moral risks when the consequences of an alternative are unknown. This reason would outweigh the evidence from God's command when we remain in the dark about God's reasoning. If Audi does not accept this, then the concern he raises for (2) would also apply to the view he himself endorses - the executability of Abraham. Audi himself writes: "And might we think that disobedience to religious authorities when it is rational to disagree with them - provided we meet the intellectual standards that we must master in order to be conscientious theists and reasonable moral agents - is, if not morally permissible, then at least excusable if mistaken?" Whatever reason Audi thinks justifies such excusal - and the Moses principle offers a compelling one - would also support (2). So, I find Audi's endorsement of (1) and caution about (2) puzzling. I think they stand or fall together.

Let's get to *my second response* to Audi's worry about (2), which also helps address his rejection of (3). In Chapter 5, I defend the following principle:

Accessibility Constraint. *S's* obligations (and permissions) are sensitive to a (potential) moral reason *R* only if *S* can in principle become aware of *R* by reflection or investigation.

The Accessibility Constraint denies that mere evidence of there being a moral reason to ϕ necessarily generates a subjective obligation to ϕ . God's speech may provide Abraham with evidence that there is some moral reason to kill his son. But under the Accessibility Constraint, since that reason is not, even in principle, accessible to Abraham through reflection or inquiry, evidence of its existence cannot alter his subjective obligation. Subjective obligations are shaped only by accessible reasons. And while Audi is right that God's speech is an accessible piece of evidence, Abraham may discount it - because it points to a reason that remains, in principle, beyond his epistemic reach.

Therefore, if we accept either the Moses principle or the Accessibility Constraint (or both), the subjectivist can maintain that Abraham's killing his son would be morally wrong.

Regarding (3), Audi writes: "Ross's view implies that Abraham could not know that killing Isaac was overall wrong," and he seems sympathetic to that conclusion. I grant that some objectivist views in ethics - utilitarianism, for instance - would support Audi's reading. However, in the book, I argue that there are also plausible objectivist theories that accept the Accessibility Constraint - the view that reasons which are, in principle, inaccessible cannot factor into the determination of moral obligation. Any such theory would hold that Abraham's killing his son was morally objectively wrong. A Kantian view - which holds that morality is determined by how we respond to our

maxims - would be one example. I also argue that Scanlonian contractualism has good reason to endorse the Accessibility Constraint. I won't reproduce those arguments here. But if they succeed, then it is far from clear that objective morality must reject (3).

Not only does Audi suggest that we should not dwell on whether Abraham's killing of his son is objectively wrong or merely morally excusable, he also proposes that, to sidestep metaphysical concerns about God's fundamentality, it's better to replace the term *ethics-first* with *ethics-essential* in our approach to Scripture. I think he is right: neither of these distinctions should distract us from the deeper point - that our independent moral sense plays a vital role in our religious lives and in how we engage with Scripture. As Audi aptly notes, "Is not scriptural literalism far more the problem Saemi is combating than the difficulty of deciding between a subjectivist theory of right and wrong and an objectivist theory of right and wrong combined with an epistemic account of excusability?" He is right. The core idea of the book is that the believer's moral sense is what she has been given, and - as the Qur'an reminds us "God never burdens a soul beyond what He has given it" (65:7) - the conscientious believer cannot afford to ignore it in her moral life, regardless of whether we describe her way of life as morally excusable or as objectively morally correct. These, incidentally, correspond to the very two ethics-first solutions I proposed in the book.

Suppose our moral judgments that conflict with Scriptural injunctions are reliable. If so, how can God's injunctions be morally mistaken if God is both benevolent and omniscient? (Legal Interpretation), according to which God's injunctions are legal directives rather than necessarily moral ones - offers an answer to this question. The other three papers in the symposium engage with (Legal Interpretation) in various ways.

From Absāl to Hayy: On Aijaz' Worry about Islamic Fundamentalism

Imran Aijaz's paper offers a rigorous and perceptive engagement with my work, primarily through his careful reading of *Hayy Ibn Yaqzan*. Whatever its critical implications for my position, his analysis of the text - as well as his broader reflections on Islamic fundamentalism - contribute meaningfully to current discussions on the condition of Islam and will be of interest to anyone seeking a deeper understanding of its contemporary challenges. He raises two principal objections to my second Ethics-first solution. Since the second objection is also addressed in Akhlaghi's paper, I will return to it later in my response to him. In this section, I focus exclusively on the first objection he presents.

In the book, the story of *Hayy Ibn Yaqzan* serves as an illustration of how religious laws might justifiably diverge from moral ones. Absāl's island represents a nonideal society in which, due to the moral corruption of its inhabitants, it may be rational for a prophet to enact laws that fall short of moral ideals. Aijaz offers an interpretation of the narrative - attributing it to me - according to which Absāl's island symbolizes the Muslim community during the Prophet's time. On this reading, Hayy's island represents an ideal, utopian moral community, and Aijaz suggests that, on my view, "the Muslim community today has left Absāl's island and is on a journey towards Hayy's island, if it is not already there". On Aijaz's reading of my view, the Muslim

community's movement toward a more morally ideal place - understood as a metaphor for the significant broadening of our moral consciousness since the 7th century - provides a justification for why morally objectionable Scriptural injunctions should not be implemented today.

However, Aijaz challenges this interpretation by observing that "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." He contends that "although slavery has been abolished, we still see wage slavery, corporate greed, and economic disparity around the world." Given that humanity continues - by virtue of the human condition - to dwell on Absāl's island, Aijaz warns that "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." He notes that this is, in fact, the very kind of justification used by Islamic fundamentalist figures like Qutb to argue for the contemporary application of Shari'ah law.

My understanding of Hayy's island may diverge slightly from the interpretation Aijaz attributes to me. It is not that we are progressing toward Hayy's island simply because time has passed. Rather, Hayy's island symbolizes the condition in which moral judgments are formed through careful reflection and adequate empirical inquiry. Anyone who employs their own reason thoughtfully and rigorously to reach moral conclusions is, in effect, on their way to Hayy's island - if not already there - regardless of whether they live today or in 7th-century Arabia. Hayy's island is a metaphor for the use of independent reason. The problem of divinely prescribed evil is not only a contemporary problem; it arises for anyone, in any era, whose exercise of independent reason leads to moral judgments that conflict with their best interpretation of Scripture.

Qutb's reasoning rests on two major premises: first, that independent reason cannot lead us to moral truths; and second, that the laws prescribed by the Prophet in 7th-century Arabia provide the best guide for addressing contemporary problems. I believe both premises are mistaken. As for the first premise of Qutb's argument, I have argued extensively in Chapters 4 and 5 that there is reason for optimism about our ability to attain moral knowledge - or at least moral justification - when reason is exercised carefully and supported by adequate empirical inquiry. If those arguments are successful, then Qutb's pessimism about our access to moral knowledge is unfounded.

Aijaz expresses the concern that contemporary society remains rife with moral failings - from new forms of slavery and misogyny to the horrors of modern wars. As he puts it, "perhaps, in modernity, humanity has merely shifted its moral failings into new forms." I think Aijaz is at least partly right. Indeed, one of my own examples of the rationality of immoral laws - the Geneva Conventions example - rests on the recognition that contemporary humans cannot always be expected to abide by moral laws.

However, the problem of divinely prescribed evil, and the solutions I offer (including the Legal Interpretation), are directed toward conscientious believers who

find themselves in the difficult position of a conflict between their moral conscience - shaped through careful reasoning - and the apparent injunctions of Scripture. My aim is to provide *such individuals* with rational grounds for the hope that their moral judgments are trustworthy: that they can rely on their own moral reasoning, and that a benevolent God may have had good reasons to legislate laws that diverge from those judgments. This helps *them* to ease the disturbing question of how a benevolent God could command injunctions that are morally unintelligible.

Aijaz might grant that some individuals today are capable of forming reliable moral judgments - after all, he acknowledges that Absāl and Hayy, described as "thoughtful men, fond of contemplation," can attain moral knowledge that may diverge from Scriptural injunctions. But he remains concerned about the rest of society, "most of the Muslim community and humanity in general." Couldn't someone like Qutb argue that most people still get it wrong and therefore require the guidance of Shari'a law? I agree with Aijaz that much of our society behaves in ways that are, by and large, immoral. Yet I think this is consistent with the view that our overall moral consciousness has nonetheless expanded.

If I am right that reliable moral judgments require both careful *a priori* reasoning and adequate empirical investigation, then our intellectual progress - both in logic and mathematics (which require *a priori* reasoning) and in science (which depends on empirical inquiry) - supports the conclusion that we are now better equipped to make sound moral judgments. We have become more capable reasoners with greater empirical understanding - resources essential to moral discernment.

Aijaz is right to highlight the persistence of new forms of evil: wage slavery, corporate greed, misogyny, and the brutalities of modern war. But at the same time, there is now a broader recognition that such practices - whether carried out by individuals or embedded in social structures - are indeed morally wrong. We are no longer morally blind to the evils of wage slavery, misogyny, or war crimes. The problem is not ignorance, but the entrenchment of self-interest, greed, and unjust institutions and structures that make it profoundly difficult - if not impossible - to eradicate those evils.

Aijaz expresses concern that a large segment of the Muslim population finds morally controversial Scriptural passages to be morally plausible. He cites the Pew Research Center's 2013 report, which shows significant support in several Muslim-majority countries for punishments such as whipping and amputating the hands of thieves, stoning adulterers, and executing apostates. If Aijaz is right about the prevalence of such moral sensibilities - sensibilities that I take to be significantly different from modern moral intuitions - then the problem of divinely prescribed evil may not arise for those communities, just as it did not arise for many early Muslims. My book, however, is addressed to Muslims for whom this problem *does* arise - those whose moral sensibilities have been shaped, at least in part, by modern ethical reflection.

Still, I speculate that many Muslims do find at least some of these Scriptural injunctions morally troubling. Their public support for such punishments may not stem from genuine moral intuitions (backed by independent reasoning) but rather from a belief - promoted by thinkers like Qutb - that redemption, in the face of global

injustice and moral grievance, lies in the reimplementing of Shari'a law. As I note in the final paragraph of the book: "Even conservative theists, if they are conscientious, can see that there is something very objectionable about mistreating their spouses; after all, they should have our modern moral sensibilities, too. Of course, the conservatives might argue that people of faith should ignore those intuitions and stick to Scripture's literal meaning. However, the arguments of this book, if successful, show that there are plausible ways to resist this conservative argument.

Regardless of whether my speculation holds, Qutb's second premise (described above) should be regarded as deeply suspect when considered through the lens of the social planning conception of law. On this view, laws, by nature, are plans designed to address specific social problems. If so, Shari'a laws - as laws - should be seen as plans formulated to solve the social problems of 7th-century Arabia. But why should we assume that these same plans, even if divinely designed, are suited to the vastly different challenges of the 21st century? Hadisi in his excellent review of my book, writes:

A traditionalist who defends strict adherence to the Quranic prescriptions can certainly accept a distinction between legal and moral injunctions in the Quran. They might also accept that legal injunctions function as a social plan. But such a traditionalist could further distinguish between social plans that are historically contingent and those that are the right plans for societies as such ...a traditionalist Muslim would treat the Quranic legal injunctions as outlines for a social plan that is good for societies as such. (Hadisi, 2025)

While this Scripture-first response to *Legal Interpretation* is coherent, it comes at the cost of rejecting modern moral judgments - such as the prohibition of slavery. Moreover, contemporary society differs dramatically from that of the Prophet's time in structure, scale, and complexity. What reason do we have to think that a solution tailored to one set of problems can adequately address a fundamentally different set of problems? What grounds are there for believing that any social problem admits of solutions entirely independent of the specific features of the societies in which they arise? Believing that the same social planning can adequately address fundamentally different social problems demands an enormous leap of faith - one that, in my view, amounts to bad faith and lacks any sound basis. So, regardless of my optimism about the expansion of our moral consciousness, contrary to what Aijaz suggests, I do not believe that my project - which presupposes a planning conception of law - can be co-opted by Islamic fundamentalists insisting on the continued implementation of Shari'a law.

Responding to Akhlaghi's Challenges to Legal Interpretation

In his insightful and incisive paper, Akhlaghi raises a series of formidable objections to the view of (Legal Interpretation) I have defended - objections that, in my view, expose vulnerabilities in that account. I do not pretend to have a fully adequate

response to all of the challenges he raises. What follows is a preliminary attempt to engage with some of them, in the hope that his criticisms might serve as a constructive impetus for refining and perhaps even rethinking the view.

Objection: the argument for Legal Interpretation is question-begging

Akhlaghi argues that my defense of (Legal Interpretation) is question-begging. He writes:

‘Given the planning conception of law, [Scriptural injunctions] 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.

However, it is important to consider the dialectical context in which (Legal Interpretation) is advanced. The argument operates within a framework where the believer’s moral judgment - which stands in conflict with certain Scriptural injunctions - is taken as true, or at least reliable. Given this assumption, Scriptural injunctions, that are formulated using moral concepts, cannot be true in a moral sense, since they contradict what we take to be morally correct. (Legal Interpretation) enters as a response to this tension. It offers an alternative reading of the relevant Scriptural injunctions - namely, a legal reading - which preserves their truth by locating them within a framework of social planning. In other words, it reconceives them not as just failed moral directives, but as elements of a normative legal plan aimed at solving social problems.

Thus, within this dialectical setting, it is already granted that the Scriptural injunctions in question lack a true moral reading. (Legal Interpretation) proposes a different way of being true - legally - grounded in the planning conception of law. Akhlaghi is correct to point out that this conception does not entail that Scriptural injunctions are *not* moral in nature. But in the context of the argument, assuming they are not is not a case of question-begging; it is a consequence of the prior acceptance of the conflict between reliable moral judgment and the apparent content of the injunctions.

Moreover, even without assuming the reliability of modern moral judgments, the argument for (*Legal Interpretation*) can be preserved by emphasizing a structural difference between moral and legal laws: they cannot, in principle, fully coincide because they have different feasibility conditions. Moral laws must be implementable by the individual subject to the law, while legal laws must be feasible for implementation by the society whose problems they are intended to solve. In other words, the feasibility of moral laws depends on the capacities of a single person, whereas the feasibility of legal laws depends on a complex array of social conditions affecting large groups.

Objection: "Can one be morally or rationally justified in legislating immoral laws when those laws require agents to perform some serious wrongs?"

At various points, Akhlaghi draws a distinction between being justified in legislating laws that *permit* immoral actions (such as the Geneva Conventions) and laws that *require* the performance of serious wrongs. He seems to believe that while the former can be justified, the latter cannot. But I fail to see why this distinction should carry the weight of making one kind of legislation rationally possible and the other rationally impossible. It is not difficult to imagine scenarios in which one could be justified in enacting laws that require serious wrongdoing. Let me give an example.

Bernard Lösener was instrumental in drafting the Nuremberg Laws that mandated the persecution of Jews in Nazi Germany. It is said that, among four competing proposals, Lösener ultimately authored the one considered most "lenient" by limiting the definition of "Jew" to those with two Jewish parents - thus excluding *Mischlinge* (those with half, quarter, or one-eighth Jewish ancestry) from the scope of the law. Lösener claimed to have spared approximately 100,000 *Mischlinge* from persecution as a result. His true motivations remain unclear, and it is uncertain whether he actually saved that many people. David Luban, for example, argues that it is not far-fetched to believe that perhaps 20,000 lives were spared because of him.¹

For the sake of argument, suppose Lösener faced the following moral dilemma: in order to save 100,000 lives, he had to draft laws that mandated the persecution of Jews, and any alternative draft would have resulted in those 100,000 lives being lost. Given the sheer magnitude of the Holocaust, one might argue that saving 100,000 lives does not justify participating in the creation of laws that institutionalized such grave injustice. But consider a hypothetical variant: imagine Lösener's draft had saved 10,000,000 lives. It's not obvious that he was not justified in drafting laws that required the serious wrong of persecution, given that under the Third Reich, any alternative proposal would have led to 10,000,000 *additional* deaths. Of course, a Nazi soldier required by those laws to persecute Jews would nonetheless be morally obligated not to obey them. That is, the Nuremberg Laws, while legally binding, were not morally binding for those subject to them. Still, we can conceive cases in which one can be justified in legislating laws that require serious moral wrongs.

Akhlaghi argues that "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." I think this is simply false, the hypothetical example above is one case in which such a possibility arises, and others can certainly be imagined (for instance, imagine a mafia godfather who enacts laws requiring his gang members to carry out serious wrongs in order to minimize bloodshed between rival families). Akhlaghi adds, "we need an account of why God would legally require gravely immoral conduct which also explains away or otherwise addresses the thought that God would not require gravely immoral conduct of us -

¹ See Luban(2021) for a detailed account of Lösener's life.

morally or legally. Saemi does not provide this". But I don't think I am required to provide such an account, so long as I can show that scenarios with a certain structure are possible. I will return to this issue later.

Objection: revelation has no unique epistemic role

While Akhlaghi acknowledges that, on my account, Scripture can play various moral epistemic role, he objects that it fails to preserve the *unique* epistemic function traditionally assigned to prophecy in moral epistemology. In the book, I argue that revelation can expand our moral consciousness by introducing us to new obligations. Akhlaghi responds: "if these obligations are, he notes, 'recognisable by reason,' then why can't I learn them without Scripture – even if with difficulty?"

Perhaps I was not as clear as I should have been in the book about the mechanism by which revelation can expand morality. Revelation can generate two types of new reasons: *underdetermination-solving reasons* and *relationship-based reasons*. The former helps believers address problems of coordination, arbitrariness, and under-specification in spiritual matters - for example, by specifying the form of individual and group prayers. Akhlaghi resists calling this *new moral knowledge*, instead labeling it "time-and-society sensitive religious legal laws." But if the religious outlook is correct, it is not implausible that we have certain moral obligations to shape our life spiritually, in accordance with that broad religious outlook - obligations that are, in principle, recognizable by reason. However, these moral obligations, grounded in our duty to lead a spiritual life, are underdetermined for various reasons, including the difficulty of translating spiritual realities into empirical terms. The religious call to prayer can thus be understood as a determination of this moral obligation. The same applies to group rituals, the performance of which requires solving coordination problems. Therefore, revelation does play a unique epistemic role in helping us learn about these specific, determined obligations.

There are also new *relationship-based reasons*. God can generate new reasons for action by virtue of His relationship to us. Joseph Raz (1994) defends what he calls the *normal justification thesis*, which holds a claim to authority is legitimate if the subject is more likely to act in accordance with reasons which apply to him (other than the alleged authoritative directives) by following the authority's directives than by relying on her own independent judgment. I believe this is true in the case of relationship-based reasons. I can know through reason alone that I have reasons to value my relationship with God, but I may not know *how* to act in ways that honor that relationship without some knowledge of God's will. God, knowing that I wish to honor this relationship, reveals to me ways in which I can do so. Thus, I am more likely to act in accordance with my reasons to honor my relationship with God by following God's directives than by relying on my own independent judgment.

This structure is common to all special relationships. Special relationships generate specific obligations that cannot always be discovered by reason alone, because they depend on the particular desires, needs, or expectations of the other party. While I may know in general that I have reason to fulfill the desires of those with whom I share a

meaningful relationship, I often cannot determine the content of those reasons without further disclosure from them. Thus, there is no inconsistency in holding that the duty to value a relationship is recognizable by reason, even if the specific obligations grounded in that duty are not fully discoverable through reason alone. So, revelation can play a unique role in revealing the content of those obligations to us.

Objection: "(P1) If God exists, and if the Prophet is his final messenger, then, in 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."

Akhlaghi uses (P1) to construct an argument for the falsity of (*Legal Interpretation*). He supports (P1) by advancing three claims: first, it would be irrational for God to use ambiguous language in His final revelation, especially in a high-stakes context; second, a good God would not command us to commit grave moral wrongs; and third, God should not foreseeably cause dire moral consequences by using such language in His final revelation.

In the book, I presented two examples illustrating how the legislation of morally sub-optimal laws can nonetheless be justified: the Geneva Conventions and the story of Ḥayy. Lara Buchak also offers a model of moral learning that supports the possibility of justifiably legislating sub-optimal laws. The concerns Akhlaghi raises are, in fact, applicable to these examples as well. For instance, one might argue - following Akhlaghi's line - that legislating the Geneva Conventions is unjustified because it is irrational to use ambiguous language in a high-stakes context. After all, combatants on the unjust side might wrongly believe they have moral permission to kill those on the just side. Likewise, such legislation could foreseeably lead to grave moral consequences - such as the unpunished and unjustified killing of individuals not liable to be killed.

Legislating morally sub-optimal laws, of course, is not ideal, and there are always reasons against doing so. The question, however, is whether it can be *all things considered* justified. I hope that the examples I provide - alongside Buchak's model - demonstrate that, in some cases, it is indeed possible to justifiably enact such laws.

Akhlaghi may acknowledge the *possibility* of justifiably legislating suboptimal laws, but he remains skeptical that this solution can be applied to Islamic Scripture. He wonders why God could not clarify - at least retrospectively - that certain controversial passages are legal directives intended for a specific society, rather than moral commandments of universal scope. Why leave open the possibility of such a grave misunderstanding? And why make this particular revelation the *final* one? Akhlaghi notes that while some realities, such as the "fog of war," may be unchanging, societies are not - they evolve. So why would legal laws designed for a particular society be made final? In a similar vein, Aijaz raises this concern in his second objection. He asks:

Why would an omnipotent God need [*a suboptimal law*] to bring about [*societal improvement*]? 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 [societal improvement] by channeling His omnipotence through the injunction of Qur'ān 4:34?

I have argued that from the fact that God commands *L*, and *L* is not morally permissible, it just does not follow that God is a liar or that He acted unjustly in doing so. Akhlaghi and Aijaz, however, seem to suggest that it *does* follow - provided we accept certain supplementary premises, such as: "God must retrospectively clarify the intended sense of 'ought' in *L*," or "God must provide additional revelations to resolve the ambiguity," or "God must have altered the structure of 7th-century Arabian society (or human nature more broadly) so that societal improvement could be achieved without *L*," or "God must have implemented better plans for achieving justice." But the crucial question is: how do we know that any of these supplementary premises are true?

As Akhlaghi and Aijaz rightly point out, this is a version of the classical problem of evil - comparable to the question of why God would allow the fawn to burn. But as I explain in the introduction, my aim is to show that one can embrace skeptical theism without undermining confidence in our own moral sense. Where does the confidence come from that God *could* have created human beings or society differently? How do we know that God could have sent other prophets in the age of reason without sacrificing something of great value? How can we be certain about the constraints God is working under in the grand scheme of things? I believe humility requires us to refrain from making definitive claims about the full set of reasons that apply to God. The truth is, we simply do not know what God is dealing with.

Akhlaghi anticipates this response and objects by stating: "it also defangs any positive case for (*Legal Interpretation*) beyond mere logical consistency. But logical consistency is, in the relevant sense, cheap." I have two replies to this. First, the *Problem of Divinely Prescribed Evil* is fundamentally a problem of tension between belief in a good and wise God and belief that He has commanded actions that we find morally counterintuitive. (*Legal Interpretation*) - even if presented merely as a *possibility* - can dissolve this tension by showing that there is no *logical* inconsistency. That alone is not trivial. The theist, in such a case, is entitled to hope that the existence of controversial passages does not, in itself, refute the belief that those passages are genuinely divine.

Second, I do not believe that skeptical theism undermines (*Legal Interpretation*). Suppose a theist encounters a prescription for a morally counterintuitive action - one that *was treated* as a legal directive in 7th-century Arabian society. Under the social-planning conception of law, this classifies the directive as a legal plan intended to address the specific challenges of that society. The remaining question is whether it should also be regarded as a *moral* law. As I've argued earlier, there are two ways to approach this question. If my independent moral judgment is reliable and it conflicts with the directive, then it is not a moral law - it is only a legal one. But even

disregarding the reliability of my moral intuitions, I can still recognize, through reason alone, that the feasibility conditions for moral laws differ from those of legal or social plans. By reflecting on these different feasibility conditions, I may acquire further evidence that the directive in question was never intended as a moral law, but only as a context-specific legal one.

From Inequality to Justice: On Lara Buchak's Model of Moral Development

Lara Buchak presents an intriguing development of (Legal Interpretation) in her paper. She identifies the shortcomings of my view and offers a formal model to strengthen and render it more plausible.

She insightfully notes that for my account to succeed, four conditions must simultaneously hold: (Past Vice) - which roughly states that, in the absence of Scripture, deeply inegalitarian norms would be adopted; (Legislation Effectiveness) and (Legislation Ineffectiveness) - which assert that Scripture is effective in legislating moderately inegalitarian norms but ineffective in legislating egalitarian ones; and, crucially, (Present Virtue) - which holds that in the modern era, egalitarian norms can be adopted without reliance on Scripture.

I offered two main examples to support (Legal Interpretation): the Geneva Conventions and Hayy's Island. As Buchak's paper makes clear, while the conditions of (Past Vice), (Legislation Effectiveness), and (Legislation Ineffectiveness) - *mutatis mutandis* - may plausibly hold in these cases, (Present Virtue), *mutatis mutandis*, does not. Why should we assume that future generations will evolve to adopt the correct norms of just war theory? And why think that the inhabitants of Absāl's Island would come to embrace the correct moral norms as the island's history unfolds? If my defense of (Legal Interpretation) depends on the simultaneous satisfaction of all four conditions, and my two examples fail to demonstrate how they can jointly hold, then my account remains incomplete. Fortunately, Buchak offers an alternative model of (Legal Interpretation) in which all four conditions can be satisfied together.

Buchak proposes a model of moral development in which Scripture plays a crucial role in bringing about that development. She argues that moral conventions emerge through the resolution of coordination problems - problems where our choices depend not only on the relative payoffs of possible outcomes, but also on our expectations about others' actions, and our expectations about their expectations.

To illustrate her view, Buchak focuses on the issue of domestic violence discussed in the Qur'anic verse 4:34. She models the Prophet's legislation as a shift away from a deeply inegalitarian coordination equilibrium in which the 7th-century Arab community found itself prior to revelation. She suggests that the Prophet's intervention helped move the community from the initial inegalitarian equilibrium to a moderately inegalitarian one in a coordination problem faced by men - one shaped by their divergent preferences about how to treat their wives and their desire to conform to prevailing social conventions, understood as a network of expectations and higher-order expectations. The new equilibrium enabled them to reassess the expected value of their actions, opening the way to discovering the moral and personal

significance of love and equality within the family, thereby laying the groundwork for a future transition to the egalitarian equilibrium characteristic of the modern era.

I find Buchak's account entirely plausible. In a footnote, she briefly notes the possibility of modeling the issue as a coordination problem involving both men and women, though she does not develop this idea further. Building on her suggestion, I propose - within the framework of Buchak's model - a way of interpreting the Prophet's injunction as a shift in coordination equilibria within a coordination problem between men and women, one grounded in the historical and social context of the Prophet's time. Due to limitations of space, I will presuppose, without elaboration, the assumptions underlying Buchak's model of social conventions. The model I offer should be understood as a variation on Buchak's original framework.

I begin by sketching the historical and social context surrounding the Prophet's injunction in Qur'anic verse 4:34. For the purposes of my model, complete historical accuracy is not required; it is sufficient that the account is broadly accurate in its main contours.

Radical change was intolerable to men: Mernissi (1991) reports that men in the Prophet's time expressed significant resistance to radical changes in the treatment of women, preferring to maintain pre-Islamic customs. They thought that Prophet "tampered with matters in which Islam should not intervene - their relations with women. According to many of the Companions, Islam ought to change everything except their privileges with regard to women" (Mernissi, 1991, p. 120) "Umar [a very prominent Companion and future caliph] could not imagine an Islam that overturned the traditional - that is, pre-Islamic - relations between men and women... to envisage that the Arab women could claim a different status on earth seemed an intolerable change to him" (Mernissi, 1991, p. 130).

Women demanded change, but men could only accept limited reform: Mernissi (1991) recounts an episode in which a woman, beaten by her husband, approached the Prophet to seek justice. The Prophet, appalled by the violence, intended to rule in her favor. However, this moment coincided with the revelation of verse 4:34. Mernissi mentions a hadith cited in *Tafsir al-Tabari*, in which the Prophet summons the man, recites the verse, and remarks: "I wanted one thing, and God wanted another." She also references Ibn Sa'd - writing four generations before al-Tabari - who affirms the Prophet's opposition to the beating of women. "The Prophet had always persisted in his opposition to the beating of women. And men came to the Prophet to complain about women. Then he gave them permission [to beat], while saying: "I cannot bear seeing a quick-tempered man beat his wife in a fit of anger.""

We can represent the situation using Buchak's game-theoretic matrix, where both men and women hold preferences over three types of actions: inegalitarian, moderately inegalitarian, and egalitarian. Men's preferences reflect how they wish to act, while women's reflect how they wish to be treated. The magnitude of the numbers represents the expected costs (personal or moral) associated with each action, reflecting the following facts:

1. For women, lower levels of violence are strongly preferred. Extreme violence might be represented as -100, moderate violence as -30.

2. The Prophet sides with women which increases the cost of familial conflict. We can assume that the cost of conflict is -10 when the preferences are adjacent, and -15 when they are more deeply opposed (i.e., non-adjacent).
3. For men, radical change, i.e., egalitarian behavior, is experienced as deeply disruptive and intolerable, even if it is commanded by the Prophet. This resistance can be represented with a high cost, such as -50 .
4. For men, moderate reform is somewhat more acceptable, particularly if it is asked by the Prophet. This kind of change is seen as preferable to the cost of defying the Prophet and enduring a family conflict. We can represent the cost of moderate change as -9 , which is lower than the cost of conflict with their wives and the Prophet.

A matrix, with the following payoffs, can represent the situation:

Women Men	Inegalitarian	Moderate	Egalitarian
Inegalitarian	0, -100	-10, -110	-15, -115
Moderate	-19, -40	-9, -30	-19, -40
Egalitarian	-65, -15	-60, -10	-50, 0

In this matrix, there are only two coordination equilibria - outcomes in which neither party can improve their situation by unilaterally changing their preferences. One equilibrium occurs when men's actions are inegalitarian and women accept it; the other occurs when men's actions are moderately inegalitarian and women find that acceptable.

Notice that the cell in which men's actions are egalitarian and women are happy with it does *not* represent an equilibrium, since men could do better by changing their behavior. In addition to Buchak's explanation of (Legislation Ineffectiveness) - which appeals to the outlandishness or unbelievability of radical change - this model offers an alternative explanation: even if the Prophet succeeded in initially getting people to accept egalitarian norms through legislation, men would likely revert to inegalitarianism to secure a better payoff (if there is no agreement on moderate inegalitarianism, its payoff might be even lower than the matrix suggests). In response, women would then adjust their expectations, shifting to inegalitarianism to reduce family conflict and improve their own payoffs. Therefore, not only would the Prophet fail in his efforts, but his position as a leader would also be jeopardized by the risk of widespread rejection.

The Prophet's legislation can initiate a shift from the inegalitarian equilibrium to a moderately inegalitarian one, thereby establishing a new social convention. Once this convention is in place, the rest of the story unfolds much like the one Buchak tells: moral progress occurs through exploration. As men increasingly perform the moderately inegalitarian action, they gather evidence about its actual value. Over time, they may come to see a connection between the value of moderate and egalitarian actions. Eventually, the payoff matrix is updated, and as the cost of breaking the convention in favor of egalitarianism diminishes, the community abandons the

moderate equilibrium in favor of a newly formed egalitarian equilibrium with higher payoffs. In this way, (Present Virtue) is established.

At the end of her paper, Buchak raises some worries about (Legal Interpretation). I believe that I have addressed most of her concerns in my other responses in this paper. For example, she asks why we should assume that the nature of men is fixed. As I said earlier, we don't know what God is dealing with - nor whether creating humans differently, given the goods He aims to realize through creation, falls within the range of His possibilities. In any case, as Buchak herself acknowledges, this is just the classical problem of evil, and whatever response the theist has to that problem will likely carry over to this context as well.

Like Akhlaghi, Buchak raises a concern about the finality of the Prophet's message. In addition to the skeptical response I offered to Akhlaghi's version of this worry, I would like to suggest a further response - one that resonates with the spirit of Buchak's own suggestion. She proposes that "the idea might be that each individual's moral journey must necessarily follow the historical journey described," and considers that "Scripture [may be] a kind of scaffolding in our individual lives as well as socially." Mohammad Iqbal Lahuri (d. 1938), a visionary thinker in the Islamic modernist tradition, has a conception of the Prophet's finality that resonates with the view I defend in the book. Iqbal understands the Prophet as one who "stands between the ancient and the modern world" (Iqbal, 2013, p. 100). In his view:

"The birth of Islam...is the birth of inductive intellect. In Islam prophecy reaches its perfection in discovering the need of its own abolition. This involves the keen perception that life cannot forever be kept in leading strings; that, in order to achieve full self-consciousness, man must finally be thrown back on his own resources".
(Iqbal, 2013, p. 101)

On this conception of finality, once humanity reaches a stage where moral learning becomes possible, further revelation is no longer necessary. In fact, according to Iqbal, for moral actions to possess genuine value, they must arise from the individual's own will. As he puts it, "goodness is not a matter of compulsion; it is the self's free surrender to the moral ideal and arises out of a willing cooperation of free egos" (Iqbal, 2013, p. 68). He goes even further, suggesting - echoing the words of a Muslim Sufi - that "no understanding of the Holy Book is possible until it is actually revealed to the believer just as it was revealed to the Prophet." (Iqbal, 2013, p. 143).

But this leads to Buchak's final concern: that the view I defend "makes it difficult to receive guidance from Scripture if all it tells us is the optimal way to resolve social problems in light of the feasibility constraints produced by past societies". Yet this need not be all that Scripture offers. In the book, I explored several ways in which Scripture continues to serve a moral function in the lives of believers. In my response to Akhlaghi, I argue that revelation plays a distinctive moral and epistemic role by generating two kinds of reasons: *underdetermination-solving reasons* and *relationship-based reasons*. I won't repeat the full account here, but to summarize: underdetermination-solving reasons arise in cases in which human deliberation alone

cannot settle what ought to be done. Take *Friday prayer*, for example. Instituting such a practice not only requires solving various coordination problems but also identifying a *holy day* - a task that cannot be settled through human reasoning alone. God's designation of Friday provides a divine resolution, translating a spiritual need into an empirical practice. Similarly, *relationship-based reasons* are created when God, by revealing his will, specifies ways we can express the value we place on our relationship with Him. For example, God asks us to take care of his creatures. This gives us a new relationship-based reason for benevolence and may make certain actions morally-religiously required which would have not been morally required, had it not been for God's demand.

In sum, Scripture has historically played a crucial role in our moral development. It helped bring us to a point where societal progress no longer depends on the supernatural. Yet it continues to play a vital role in our spiritual journey - shaping our inner lives and our relationship with God. From a broadly religious perspective, where the spiritual life is seen as a moral necessity, Scripture remains an integral part of our moral journey even today.

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