



Akademik Eğitim ve Sosyal Bilimler Dergisi (AJESS Journal)

The Theological Purposes of the Divine Names The Creator, the Originator, the Fashioner and Their Role in Fostering Acceptance of the Fetus with Congenital Anomalies : An Analytical-Critical Study

Wissem Mokadem, PhD Candidate , University of Tlemcen, Algeria
*Laboratory of Anthropology of Religions and Their Comparison:
A Socio-Anthropological Study*
Dr. Hayet Debihi, University of Tlemcen, Algeria

Received: 01/08/2026; Accepted: 28/09/2026; Published: 12/10/2026

Abstract

Faith in the Most Beautiful Names of Allah is a fundamental principle of creed. This study examines the theological purposes (*maqāṣid*) underlying three of these Names—*al-Khāliq* (the Creator), *al-Bāri'* (the Originator), and *al-Muṣawwir* (the Fashioner)—and their role in guiding believing parents to accept a fetus diagnosed with a congenital anomaly. It argues that genuine internalization of these Names shifts the believer away from materialist standards of perfection toward submission to divine wisdom, offering protection against a biomedical discourse that increasingly treats the fetus as a selectable product. Employing a descriptive method for the medical and juristic background, and an analytical-critical method for the doctrinal argument, the study engages contemporary secular critiques of reproductive selection alongside classical exegesis of the three Names. It concludes that theological acceptance of congenital anomaly is not passive resignation but rather an expression of pure monotheism in God's acts of creating, originating, and fashioning.

Keywords: *Maqāṣid* of Creed; the Most Beautiful Names; the Creator, the Originator, the Fashioner; fetus with congenital anomalies; acceptance.

Introduction

Praise be to God, who created the human being in the finest stature and fashions him in the wombs as He wills; and blessings and peace be upon him who was sent as a mercy to the worlds. To proceed:

Biotechnological development is no longer a mere neutral medical achievement; it has come to bear profound axiological problems that touch the human being's conception of himself and of his offspring. Among the most specific of these problems are those connected with the early detection of congenital anomalies: the means of prenatal diagnosis have become more precise and earlier¹ than they were decades ago, and the decision concerning the fate of the fetus with an anomaly has come to rest upon the shoulders of the Muslim family. This calls for a clear creedal grounding (*ta'ṣīl 'aqadī*) that precedes the juristic fatwa and directs it, rather than merely following it. To give creedal grounding precedence over the juristic ruling in a novel case (*nāzila*) is not an arbitrary ordering; it is the very core of regarding creed as a foundation that impels action and directs conduct, not as a merely theoretical inquiry.²

While this grounding is creedal in its origin, bringing it to bear on a novel case in which medicine, jurisprudence and philosophy intersect requires addressing the contemporary mind in its own language, without abandoning the divine

¹ See World Health Organization, "Congenital disorders", fact sheet, updated 27 February 2023, available at: who.int/news-room/fact-sheets/detail/birth-defects (accessed 6 July 2026, 22:13).

² 'Abd al-Majīd al-Najjār has contributed abundant writings affirming the necessity of bringing the science of creed out of its traditional presentation, which had its own historical contexts, into practical reality; he has likewise set out the motives for, and the effects of, activating this science and its purposes. See 'Abd al-Majīd al-Najjār, *al-Īmān bi-Llāh wa-atharuhu fī al-ḥayāt*, Dār al-Gharb al-Islāmī, Beirut, 1st ed., 1997, pp. 24 ff.; 'Abd al-Majīd al-Najjār, *Mabāḥiith fī manhajīyyat al-fikr al-islāmī*, Dār al-Gharb, Beirut, 1992, pp. 152 ff.

frame of reference. For confining creedal discourse within *kalām* disputation does not serve creedal truth but weakens its presence, whereas addressing the thought of the other—by way of both adoption and refutation—belongs to the very core of what the verifying scholars (*muḥaqqiqūn*) called for under the principle of the agreement of clear reason with authentic transmitted report. On this principle rests the study's recourse to certain contemporary philosophical critiques: not as a rival to revelation, but as testimony to what unaided reason (*al-ʿaql al-mujarrad*) has attained in agreement with what supported reason (*al-ʿaql al-muʾayyad*) has established.³

Hence the research problem of this study may be stated as follows: How can a sound creedal conception be built—through activating the creedal purposes of the divine Names al-Khāliq, al-Bārī, al-Muṣawwir—when one is tested with a fetus with a congenital anomaly, in a manner that helps to move beyond the logic of utilitarian selection towards submission (*taslīm*) and contentment (*riḍā*)?

Previous Studies

The literature relevant to this study may be classified along four axes:

1. On the higher objectives of creed in general: The study methodologically closest to the present one is the thesis of ʿAbd al-Raʿūf Tāj al-Dīn Ṣawwān, “Maqāṣid al-ʿaqāʾid ʿinda al-Shaykh Muḥammad al-Ṭāhir b. ʿĀshūr” [The Purposes of the Creeds according to Shaykh Muḥammad al-Ṭāhir b. ʿĀshūr] (Master's thesis in *ʿaqīda*, Faculty of Sharīʿa, Kharrouba, University of Algiers 1 Benyoucef Benkhedda, supervised by ʿAbd al-Razzāq Daḥmūn, 2017, 228 pages). It is a thesis that grounds the science of “the higher objectives of creed” as an independent branch, but it confines itself to extracting the purposes from the writings of Ibn ʿĀshūr at the theoretical level, without applying them to any specific contemporary case. In the same direction there is a shorter study: Dr. Ḥajība Shīdakh, “Maqāṣid al-ʿaqīda fī kitābāt Muḥammad al-Mubārak” [The Higher Objectives of Creed in the Writings of Muḥammad al-Mubārak] (*Journal of the Emir Abdelkader University of Islamic Sciences*, Algeria, no. 37, 2016). This study presented the purposes of Islamic creed in contemporary thought through the writings of Muḥammad al-Mubārak, shedding light on his renewalist method, which seeks to bring creed out of the frameworks of inherited *kalām* disputation into the horizons of educational and civilizational efficacy—in other words, the activation of the higher objectives of creed. The difference between that study and the present one is twofold: in respect of specification, since the present study singles out the three Names al-Khāliq, al-Bārī, al-Muṣawwir; and in respect of application to a particular case.

2. On the purposes of selected Names among the Most Beautiful Names (this is the axis methodologically closest to what our study specifically does, namely selecting a limited number of Names and extracting their purposes): the article by Bashār Shaʿlān ʿUmar and Fāṭima Ḥaydar Ibrāhīm, “Maʿālim al-tarbiya al-ʿaqadiyya ʿalā al-īmān bi-Llāh taʿālā min khilāl asmāʾ Allāh al-ḥusnā (al-Jamīl, al-Jawād, al-Ḥayy)” [Features of Creedal Education in Faith in God Most High through the Most Beautiful Names of God (al-Jamīl, al-Jawād, al-Ḥayy)], *Majallat Abḥāth Kulliyat al-Tarbiya al-Asāsiyya* [Journal of the College of Basic Education Research], vol. 18, no. 4 (December 2022): 225–242 (peer-reviewed article, DOI: 10.33899/berj.2022.176434). This article shares with our study its methodological approach (selecting three Names and extracting their educational effect), but it does not touch upon any medical novel case.

3. On the juristic side of aborting the deformed fetus (the most abundant), and then the ethical side:

Muḥammad ʿAlī al-Bār, *al-Janīn al-mushawwah wa-l-amrād al-wirāthiyya* [The Deformed Fetus and Hereditary Diseases] (Damascus: Dār al-Qalam, 1991), a foundational book in this field.

Muḥammad al-Ḥabīb al-Khūja, *ʿIṣmat dam al-janīn al-mushawwah* [The Inviolability of the Blood of the Deformed Fetus] (*Majallat Majmaʿ al-Fiqh al-Islāmī*, 4th session, no. 4, 1988). Both of these studies investigate the obligation-defining ruling (*al-ḥukm al-taklīfī*), whereas the present study investigates the creedal and psychological stance. While the former two seek the answer to the question “What is the ruling on aborting the deformed fetus?”, this study answers the question “How does the believer accept it?”

Khālīd al-Darshawī and ʿĀmir al-Darshawī, “al-Ḥukm al-sharʿī li-ijhād al-janīn al-mushawwah: dirāsa fiḥiyya fī dawʿ al-taṭawwurat al-ṭibbiyya al-ḥadītha” [The Sharʿī Ruling on Aborting the Deformed Fetus: A Juristic Study in the Light of Modern Medical Developments], *Balāgh Journal of Islamic and Humanities Studies*, vol. 2 (2022): 16–35 (peer-reviewed article, DOI: 10.5281/zenodo.6757461). This study meets ours in the practical result but differs from it in its point of departure: the two authors prohibit abortion absolutely in the case of anomaly, before or after ensoulment, on the basis of a juristic argument to the effect that the [medical] judgement is a mere expectation that does not rise to certainty; whereas the present study finds its position on a creedal basis, while presenting the juristic positions without weighing between them on juristic grounds.

Muʿtazz al-Khaṭīb, “Naḥwa qirāʾa manzūmiyya akhlāqiyya li-l-fiqh: al-ijhād unmūdhajan” [Towards a Systemic Ethical Reading of Fiqh: Abortion as a Model], *Journal of Islamic Ethics* (Brill), vol. 2, nos. 1–2 (2018) (Hamad Bin Khalifa University, Qatar), a peer-reviewed academic journal: a study that clarifies the importance of the ethical approach in studying modern novel cases and re-reads the rulings on abortion within one particular school, the Ḥanbalī, from a methodical ethical angle.

³ This terminology was coined by the Moroccan philosopher Ṭāhā ʿAbd al-Raḥmān, who divided reason into unaided (*mujarrad*), guided (*musaddad*) and supported (*muʾayyad*) reason. See Ṭāhā ʿAbd al-Raḥmān, *al-Amal al-dīnī wa-tajdīd al-ʿaql*, al-Markaz al-Thaqāfī al-ʿArabī, Beirut, 2014.

4. On the psycho-social side: Manūba Burhānī (University of Batna 1, Algeria), “al-Ṭifl al-mu‘āq... hal huwa ibtilā’ am ‘uqūba li-l-wālidayn?” [The Child with a Disability... Is He a Trial or a Punishment for the Parents?], *al-Rabī’a* electronic journal (published by Nādī al-Raqīm al-‘Ilmī, Association of Algerian Muslim ‘Ulamā’), no. 1, 2021—an Algerian article that directly discusses the problem of the child with a disability, between trial and punishment, from a creedal-psychological perspective. The author concludes that such a child is the result of natural laws and divine norms (*sunan*) that may befall any individual, and that nothing is incumbent upon the one so tested but patience and contentment; the article thus treats the case in its post-natal phase.

Statement of the research gap: It is clear from the foregoing that juristic studies on aborting the deformed fetus are relatively abundant, and that the question of the timing of ensoulment and of the conditions of permissibility is the subject of genuine contemporary disagreement. Yet we have not come across—within the limits of what we have examined—a single study that combines these two lines: extracting the creedal purposes specific to the Names al-Khāliq, al-Bāri’, al-Muṣawwir in particular, and linking them directly to the case of fetal congenital anomaly. This is the locus of the contribution that the present study seeks to make.

Method and Plan of the Study

The study follows the descriptive method in presenting the medical and juristic questions relating to congenital anomaly, and the analytical-critical method in discussing the evidence and the opinions.

The plan of the study comprises a preliminary section, four sections and a conclusion: a preliminary section establishing the concept of the fetus with a congenital anomaly and its medical reality; a first section on the juristic ruling on aborting the fetus with a congenital anomaly; a second section on the higher objectives of creed: grounding and the controls of derivation; a third section on the purposes of the divine Names al-Khāliq, al-Bāri’, al-Muṣawwir, severally and jointly, and their application to the case; a fourth section on the practical effect of these purposes and their dialogue with the contemporary philosophical critique of reproductive selection; and then a conclusion setting out the principal findings.

Preliminary Section: The Fetus with a Congenital Anomaly — Concept and Medical Reality

First: On Terminology

Janīn (fetus) derives linguistically from *ijtinān*, that is, concealment: one says *janna al-shay’a yajunnuhu jannan* when one conceals a thing, and the *janīn* is the child for as long as it remains in its mother’s womb, on account of its being concealed therein.⁴ In medical terminology, the term *embryo* is applied to the human being during the first eight weeks, and thereafter the term *fetus* until birth.⁵

Shawah, in the language, is ugliness (*qubh*);⁶ one says *rajul ashwah* and *imra’a shawhā’*. To describe the fetus affected by an anomaly as “the deformed fetus” (*al-janīn al-mushawwah*) is to suggest a prior value judgement that is shocking, generalizing and unfair; the reason for choosing specifically the expression *dhū al-tashawwuh* has already been indicated in detail.

As for “congenital disorder”, the medical term used in describing these cases, it is—according to the definition of the World Health Organization—a structural or functional disorder that arises during intrauterine life and may be detected before birth, at birth, or later in childhood.⁷

Second: Causes and Types of Anomaly

Medicine attributes the causes of congenital anomaly to environmental factors, such as pollution, radiation and certain drugs; to hereditary factors, such as the chromosomal syndromes; to mixed factors in which heredity interacts with environment, as in phenylketonuria⁸ (PKU), where diet governs whether or not neurological damage appears⁹—an example that carries a subtle creedal signification, for it shows that human management may ward off the harm without touching the fetus itself—and to external factors, such as the mother’s being involved in an accident. World Health Organization data indicate that the most common congenital disorders are heart defects, neural tube defects such as spina

⁴ Ibn Manẓūr, *Lisān al-‘Arab*, s.v. *j-n-n*, Dār al-Kutub al-‘Ilmiyya, Beirut, 1st ed., 2003, pp. 109–111.

⁵ Keith L. Moore, T. V. N. Persaud and Mark G. Torchia, *The Developing Human: Clinically Oriented Embryology*, 11th ed. (Philadelphia: Elsevier, 2020), p. 2.

⁶ Ibn Manẓūr, *Lisān al-‘Arab*, s.v. *sh-w-h*, p. 628.

⁷ See World Health Organization, “Congenital disorders”, op. cit.

⁸ Phenylketonuria (PKU): a hereditary disease in which the child is born without the ability to break down an amino acid called phenylalanine (which is found in foods containing protein). It is a recessive disease, that is, it appears only when the recessive trait is present in both parents. The accumulation of phenylalanine in the body harms the central nervous system and causes brain damage. Among the symptoms of the disease are a reduced production of melanin in the body, whence the hair, skin and eyes are lighter than usual; small head size; delayed mental skills; bouts of anxiety; skin rash... (Source: National Library of Medicine, medlineplus.gov/ency/article/001166.htm, accessed 13 September 2026, 17:40.)

⁹ William Nyhan, Bruce Barshop and Georg Hoffmann, *Atlas of Inherited Metabolic Diseases*, 4th ed. (Boca Raton: CRC Press, 2020, e-book), p. 176.

bifida,¹⁰ and Down syndrome;¹¹ that some 240,000 newborns die worldwide within 28 days of birth every year because of a congenital disorder; and that nine out of every ten children born with a serious congenital anomaly are in low- or middle-income countries.¹²

Methodological precision requires a distinction between two degrees of congenital anomaly that carry different considerations in this study: **an anomaly that does not preclude a meaningful life**, such as Down syndrome and cleft lip, which is the locus of the broader discussion in this study; and **an anomaly incompatible with life altogether**, such as anencephaly, where no appreciable life outside the womb is to be expected for the fetus. This distinction delimits the field of the study: creedal reflection on acceptance is directed to the first category, which is the broader and more common, since those affected live among people, so that accepting them becomes an extended, practical scholarly issue with which family and society are concerned. As for the second category, its question devolves to the jurisprudence of necessities (*fiqh al-darūrāt*) and is to be referred to those qualified to issue fatwas; it is not the object of consideration in this study.

Third: Early Detection and Its Means

The means of detecting congenital disorders include ultrasound imaging, or echography; analysis of the amniotic fluid (amniocentesis), usually between weeks 15 and 18; the taking of a biopsy of the chorionic villi (chorionic villus sampling) between weeks 11 and 14; and the taking of a sample of umbilical cord blood. To these means modern medicine has added non-invasive testing (that is, testing without surgical intervention or the use of the scalpel, by safely analysing the genetic material) of the cell-free fetal DNA in the mother's blood (NIPT), which can be carried out from approximately the tenth week.¹³ This steady advance towards ever earlier detection carries within it a parallel widening of the sphere of selective abortion—even though it is a commendable medical advance, in that it affords the medical team the opportunity to intervene in time and in the appropriate manner, or prepares the family psychologically to accept the condition of the fetus once this has been confirmed by a competent physician, or by several physicians, so as to dispel doubt and reduce the possibilities. Yet it (that is, this early detection) places the family in particular before a fateful decision, within a span of time that may not suffice for a decision to be made on the basis of a mere general submission to divine decree and destiny, without real faith in, and awareness of, the meanings of the Names of God who created, originated and fashioned. Hence the activation of the creedal purposes of the Names of God is a practical need, not a theoretical luxury. Indeed, this need has today become all the more pressing in the face of a logic of selection for which neither a juristic fatwa suffices (especially since, as has been mentioned, detection has become earlier, while the period within which the jurists permitted abortion before ensoulment is long in relation to the time of detection—being, on the preponderant view, four months), nor legal regulations, nor positivist ethical justifications in which the considerations appear to be evenly balanced: to keep a fetus with an anomaly is an ethical act in the eyes of those who give priority to its right to life and to human dignity, and to abort it is an ethical act in the eyes of certain utilitarian moral philosophers, who give priority to sparing the child and its family an expected suffering.¹⁴ It is this apparent equipollence on the positivist scales that makes the need for a creedal preponderating factor a pressing one, for within this equipollence nothing settles the choice save the restraint of faith (*al-wāzi‘ al-īmānī*).

This apparent equipollence on the positivist scales goes back to a foundational conflict in contemporary bioethics between two principles: the principle of the sanctity of life, which holds that human life has an intrinsic value that does not depend on the soundness of the body; and the principle of the quality of life, which ties the value of life to its expected

¹⁰ Spina bifida: a defect of the neural tube accompanied by health problems such as hydrocephalus, problems of the excretory system, paraplegia, problems in the pelvis, and anomalies that may affect the internal organs. Its cause is undetermined, but physicians consider it likely that a deficiency of folic acid in the body of the pregnant woman causes this disease, or her having suffered a severe fever in the first month. (Source: National Library of Medicine, accessed 13 September 2026, 18:06.)

¹¹ Down syndrome: so called after the physician who described it. It is a trisomy of chromosome 21, resulting from the non-disjunction of one of the pairs of this chromosome during division. This syndrome is among the most common chromosomal aberrations compatible with life, occurring in 1 in 400 to 1 in 500 live births; more than half of affected pregnancies miscarry spontaneously. (*al-Mawsū‘a al-ṭibbiyya al-mutakhaṣṣiṣa*, Hay‘at al-Mawsū‘a al-‘Arabiyya al-Sūriyya, vol. 16: *Hereditary Diseases*, p. 34.)

¹² World Health Organization, op. cit.

¹³ Y. M. Dennis Lo et al., “Presence of Fetal DNA in Maternal Plasma and Serum”, *The Lancet* 350, no. 9076 (1997): 485–487.

¹⁴ This is a well-known orientation in contemporary bioethics; one of its best-known formulations is that of Julian Savulescu, in the principle of procreative beneficence. See Julian Savulescu, “Procreative Beneficence: Why We Should Select the Best Children”, *Bioethics* 15, no. 5–6 (2001): 413–426. The principle states that parents are morally obliged to select the child who has the best chance of living the best life; it is usually applied in the context of in vitro fertilization and preimplantation genetic diagnosis.

quality in terms of consciousness, well-being and the avoidance of pain.¹⁵ The position of our study, although it meets the principle of the sanctity of life in its result, departs from it in its foundation: it does not ground the inviolability of the fetus in an abstract sanctity, but in *tawhīd* and in the purposes of the divine Names al-Khāliq, al-Bāri', al-Muṣawwir, and thereby offers the contemporary debate an answer both from within it and from outside it.

Section One: The Ruling on Aborting the Fetus with a Congenital Anomaly in Contemporary Juristic *Ijtihād*

The designation *janīn* is bound up with the inviolability (*hurma*) that requires the preservation of its dignity and the safeguarding of its existence; [and opinions differ] between those who regard it as a *janīn* from the moment the sperm meets the ovum, those who regard it as such once its constitution has become manifest and its human features clear, and those who hold that the designation *janīn* applies to the '*alaqa* (the clinging clot).

The preponderant view, in my opinion, is the last, and my argument for it is as follows:

First: the Qur'ānic argument. The first part of the Qur'ān to be revealed was His saying, Most High: «*Recite in the name of your Lord who created – Created man from a clinging substance*» (al-'Alaq: 1–2).¹⁶ Creation from something other than the '*alaqa* is mentioned in many verses: creation from dust (Āl 'Imrān: 59; al-Rūm: 20); creation from clay (al-Sajda: 7; al-Mu'minūn: 12; al-Sāffāt: 11); creation from moulded black mud (al-Ḥijr: 26); creation from dry clay (al-Rahmān: 14); creation from water (al-Nūr: 45; al-Furqān: 54); creation from a despised fluid (al-Sajda: 8; al-Mursalāt: 20); creation from a gushing fluid (al-Ṭāriq: 6); creation from the sperm-drop (*nutfā*) and from the mingled sperm-drop (*al-nutfā al-amshāj*), that is, the fertilized one (al-Nahl: 4; al-Insān: 2). There are also verses that bring together the stages of formation, which are the stages of the coming-to-be of the fetus. The verses cited above are a reminder of the origin of creation, such as dust, dry clay or moulded mud; or of the matter of creation that humankind has known since Adam, namely the gushing or despised fluid; or of the sperm-drop and then the mingled sperm-drop, through whose implantation in the wall of the womb pregnancy is realized, and without which it does not come about.

Second: the linguistic argument. *Janīn*, as has been indicated, derives linguistically from concealment. The jinn themselves are so named because we are unable to see them, and the grave is called *janān* because it encloses the dead and hides him from sight. In the same way, the fetus is concealed in its mother's womb and is seen only when modern detection devices are directed at it. And in His saying, Most High, in Sūrat al-Najm, verse 32: «*He was most knowing of you when He produced you from the earth and when you were fetuses in the wombs of your mothers*», the fetuses (*ajinna*) are qualified by the qualification of place (*wombs*) and by the qualification of annexation (*your mothers*).

Third: the scientific argument. Technology has today made it possible to assist reproduction by fertilization outside the womb, or what are called "test-tube babies". This means that the fertilized ovum remains in the laboratory for some days and is then implanted in the womb, in order to observe the success of the pregnancy and its realization through attachment (*ulūq*). As for what technology is striving to attain through the creation of an artificial womb in which pregnancy would take place until birth, it is still at the experimental stage. And whatever the womb may be, attachment remains the actual indicator of the beginning of a real pregnancy.

As for the contemporary juristic position, it has settled, in the most renowned of its academies, upon what was resolved by the Islamic Fiqh Council of the Muslim World League at its twelfth session, held in Makka al-Mukarrama in 1410 AH/1990 CE. The Council prohibited, by majority, the abortion of the fetus absolutely after the completion of one hundred and twenty days of pregnancy, even if its anomaly is established, stating literally that «**if the pregnancy has reached one hundred and twenty days, it is not permissible to abort it**»,¹⁷ and it permitted its abortion before that point on condition of a report by a trustworthy medical committee of reliable specialists stating that it has a serious anomaly, not amenable to treatment, with which its life would be wretched, and at the request of the parents. To the same effect the Permanent Committee for Scholarly Research and Iftā' in the Kingdom of Saudi Arabia issued its fatwa.¹⁸

It is to be noted that this resolution has regulated permissibility by three conjoint restrictions—the report of a medical committee, not of a single physician; an anomaly that is serious and not amenable to treatment; and the request of the parents—and that the temporal limit is the completion of one hundred and twenty days, which corresponds to ensoulment (*naḥk al-rūḥ*) on the well-known view held by the majority of the people of knowledge. The two Shaykhs [al-Bukhārī and Muslim] narrated from Ibn Mas'ūd (may God be pleased with him) that he said: The Messenger of God (may God bless him and grant him peace) related to us, saying:

«The creation of each one of you is brought together in his mother's womb for forty days as a drop (*nutfā*); then he is a clinging clot ('*alaqa*) for a like period; then he is a lump of flesh (*mudgha*) for a

¹⁵ John Keown, "The Legal Revolution: From 'Sanctity of Life' to 'Quality of Life' and 'Autonomy'", *Journal of Contemporary Health Law & Policy* (1985–2015), vol. 14, issue 2, article 5 (Spring 1998), p. 253.

¹⁶ Unless otherwise stated, the English renderings of Qur'ānic verses in this study are taken from Saheeh International, *The Qur'ān: Arabic Text with Corresponding English Meanings* (Jeddah: Abul-Qasim Publishing House, 1997), as published on quran.com (accessed 10 October 2026). Words in square brackets that give the Arabic term are the author's additions. Saheeh International renders al-Bāri' as "the Producer"; this study uses "the Originator". Translations of ḥadīth texts and of other Arabic sources are the author's own.

¹⁷ Islamic Fiqh Council, Resolution of the Twelfth Session, held in Makka al-Mukarrama, 1410 AH/1990 CE.

¹⁸ Permanent Committee for Scholarly Research and Iftā', fatwa no. 2484.

like period; then God sends an angel, who is commanded with four words, and it is said to him: Write down his deeds, his provision, his term, and whether he is wretched or blessed; then the spirit is breathed into him».¹⁹

Muslim reported from Hudhayfa b. Asīd (may God be pleased with him) the saying of the Prophet (may God bless him and grant him peace): «**When forty-two nights have passed over the drop, God sends an angel to it, who fashions it and creates its hearing, its sight, its skin, its flesh and its bones...**».²⁰ This view finds some support in the fact that modern medical imaging of fetuses reveals the beginning of the appearance of the first human features at this early stage, around the forty-second day. This inference, however, is open to methodological question, for the ḥadīth of Hudhayfa is explicit as regards **fashioning** (*taṣwīr*) and the creation of hearing, sight and skin, not as regards **ensoulment**; and these are two distinct phases in the ḥadīth of Ibn Mas'ūd itself, between which lies an entire stage, that of the *mudgha*. The scholars have reconciled the two ḥadīths in a number of ways that are set out in detail in the relevant places,²¹ and none of them—so far as we have been able to ascertain—makes the ḥadīth of Hudhayfa an abrogator or a specifier of the timing of ensoulment itself. To this it may be added that advancing ensoulment to the fortieth day entails weighty juristic consequences in the chapters on the *ghurra* (the indemnity due for a fetus), on the rulings concerning the miscarried fetus, and on inheritance and bequest, to which those who uphold this preference have for the most part not committed themselves.

For this reason the present study holds that the most appropriate course in dealing with this case is to combine the view of the majority on the timing of ensoulment (the completion of one hundred and twenty days) with the method of **blocking the means** (*sadd al-dharā'i*) by way of restriction in practice. For the wider the span of time available for detection and medical reporting, the more this invites laxity in aborting fetuses with minor anomalies, out of a desire for fetuses that are sound and complete in constitution; and this is precisely what the Fiqh Council warned against when it restricted permissibility to the serious anomaly that is not amenable to treatment, to the exclusion of whatever falls short of that. This method—blocking the means—achieves the legitimate practical aim (restricting abortion and exercising precaution on behalf of the fetus) without contravening the majority on a question that is *tawqīfī* (determined by revelation), in the basis of which there is no room for *ijtihād*.

Section Two: The Higher Objectives of Creed — Grounding and the Controls of Derivation

First: Definition of the Higher Objectives of Creed

The term “the higher objectives of the Sharī'a” (*maqāṣid al-sharī'a*) has become well known, and its attachment to the practical side of the religion has become widespread. The correct view is that the term *maqāṣid* ought to encompass the purposes of the religion in both creed and law, even though the scope for *ijtihād* in the practical rulings is wider than it is in matters of creed, since the subject-matter of creed is unseen and definitive, and it is not proper to delve into it save within the limits of clear rational perceptions that accord with the innate disposition (*fiṭra*). The higher objectives of creed, then, are that which the Wise Lawgiver intends to bring about, by way of practical and methodical forms of conduct, through the absorption of the creeds of faith, in a manner that redounds to the believer's well-being in this life and the next.²²

They have a greater claim to precedence than the practical purposes, because creed is the root of the religion upon which the Sharī'a is built: a defect in the creedal conception entails a defect in conduct, including a defect in the way one deals with trial.

Second: The Question of *Ta'wīl* — Are the Acts of God Most High Grounded in Wise Purposes?

The legitimacy of speaking of “purposes” in the Names and acts of God depends on a major question of theology and legal theory, namely the question of **the grounding of the acts of God Most High in wise purposes and ends** (*ta'wīl af'al Allāh ta'ālā bi-l-ḥikam wa-l-ghāyāt*). The majority of the Ash'arī theologians, in the well-known position of their school, held that it is to be denied that any such grounding is necessary upon God in the first place, so as to safeguard the absoluteness of His will, glorified be He—with a qualification, among many of their verifying scholars, affirming that His acts, exalted be He, comprise great wisdoms, even though these are not necessitating upon Him.

¹⁹ Narrated by al-Bukhārī, *Kitāb Bad' al-khalq*, Bāb Dhikr al-malā'ika (no. 3208); and Muslim, *Kitāb al-Qadar*, Bāb Kayfiyyat khalq al-ādāmī fī baṭn ummihi (no. 2643).

²⁰ Reported by Muslim in *Kitāb al-Qadar*, Bāb Kayfiyyat khalq al-ādāmī fī baṭn ummihi wa-kitābat rizqihi. See *Ṣaḥīḥ Muslim bi-sharḥ al-Nawawī*, 1st ed., al-Maṭba'a al-Miṣriyya, 1930, vol. 16, p. 189.

²¹ See Ibn Hajar al-'Asqalānī, *Fath al-Bārī*, *Kitāb al-Qadar*, commentary on the ḥadīth of Ibn Mas'ūd; Ibn Rajab al-Ḥanbalī, *Jāmi' al-'ulūm wa-l-ḥikam*, commentary on the fourth ḥadīth.

²² 'Abd al-Ra'ūf Tāj al-Dīn Ṣawwān, *Maqāṣid al-'aqā'id 'inda al-Shaykh al-Tāhir b. 'Āshūr*, Master's thesis, Faculty of Islamic Sciences, Algiers, 2017, p. 50.

The Māturīdīs, and likewise Ibn Taymiyya and Ibn al-Qayyim among the Ḥanbalīs, held to the affirmation that God Most High acts for a wisdom, and that His Names and His acts are grounded in far-reaching wisdoms, without this implying the existence of any necessitating factor external to His essence.²³

This latter view—the affirmation of wisdom and of *taʿlīl* in His acts, exalted be He, together with declaring Him transcendent above any obligation—is the one held by the generality of the verifying scholars among the people of knowledge, past and present; it is the foundation upon which the science of the practical and creedal purposes rests, and it is the view adopted in this study. Accordingly, to speak of the “purposes” of the divine Names al-Khāliq, al-Bārī, al-Muṣawwir is not a forced quest for wisdoms that the Law has not indicated; it is, rather, an induction of what the texts contain and of what the Salaf affirmed concerning the effects of these Names in the purification of souls and in the building of their conception of the universe and of creation.

Third: Controls for the Derivation of Creedal Purposes

On the basis of an induction of the methodological rules established among the scholars of Ahl al-Sunna and the legal theorists (*uṣūliyyūn*) in the chapter on the Names and Attributes and on the construction of purposive rulings, the controls governing the derivation of creedal purposes may be reduced to four, which will be mentioned below. In selecting them I have relied on four pillars: the epistemic pillar, which determines the limits of reason and the source of creedal knowledge; the functional pillar, which distinguishes between the universal, intelligible purpose and the devotional particulars whose wisdom may be hidden from the human being; the ontological pillar, which precludes any analogy between the Creator and the creature; and the evidential pillar, which protects purposive derivation from deviating towards contrivance, towards negation (*taʿlīl*), or towards corrupt esoteric interpretation. The four controls are as follows:

The first control: not delving into the essence of God and the modality of His acts by mere opinion, and confining oneself to what the text indicates or what the induction of meanings yields.²⁴

The second control: constantly distinguishing between knowledge of the overall purpose and devotion through the details of the wisdom, which God may disclose to some of His servants and veil from others.²⁵

The third control: not affirming any deficiency, any likening, or any resemblance to created beings,²⁶ in accordance with His saying, Most High: «*There is nothing like unto Him, and He is the Hearing, the Seeing*» (al-Shūrā: 11).

The fourth control: guarding against deviation (*ilhād*) with regard to the Names of God, which consists in distorting them from their correct meanings, negating them, or assimilating them [to created things],²⁷ in accordance with His saying, Most High: «*And to Allāh belong the best names, so invoke Him by them. And leave [the company of] those who practice deviation concerning His names. They will be recompensed for what they have been doing*» (al-Aʿrāf: 180).

By these four controls, purposive derivation remains within the sphere of devotion and adherence, not within the sphere of contrivance and innovation.

Section Three: The Purposes of the Names and Attributes

The Most Beautiful Names of God are the gateway to coming to know God Most High; in them the depth of knowledge of Him, Mighty and Majestic, becomes manifest. They have general purposes in which all of them share, the most prominent of which are the following.

The purpose of gnosis (*ʿirfān*): that is, knowledge of God Most High and love of Him. Ibn al-Qayyim said: “The loftiest of purposes is knowledge of God and love of Him, intimacy in His nearness, longing to meet Him, and delight in His remembrance; this is the loftiest happiness of this world and the next.”²⁸

As for the share of the one who is tested in this purpose, it is that trial through anomaly or illness is a door to knowing God through His Names, in general and in particular, by way of an experiential knowledge (*maʿrifa dhawqiyya*) that one who enjoys well-being may never attain. Consider, for example, the Name of God *al-Raḥīm* (the Most Merciful): how the tested mother obtains a special share of it, as she looks upon her newborn with the eye of mercy and sees in him a beauty that others do not see, so that acceptance, in her, is joined to love and not to compulsion.

The purpose of magnification and reverence: from the love of God through the Names of His majesty and His beauty arises the purpose of magnifying Him, declaring Him transcendent, sanctifying Him, and disavowing all deficiency.

²³ See Ibn al-Qayyim, *Shifāʾ al-ʿalīl fī masāʾil al-qadāʾ wa-l-qadar wa-l-ḥikma wa-l-taʿlīl*; Ibn Taymiyya, *Majmūʿ al-fatāwā*, vol. 8.

²⁴ Ibn Taymiyya, Taqī al-Dīn Aḥmad b. ʿAbd al-Ḥalīm, *Darʾ taʾarūḍ al-ʿaql wa-l-naql*, ed. Muḥammad Rashād Sālim, Riyadh: Imam Muḥammad b. Saʿūd University, 2nd ed., 1991, vol. 1, pp. 198 ff.

²⁵ al-ʿIzz b. ʿAbd al-Salām, *Qawāʾid al-aḥkām fī maṣāliḥ al-anām*, Maktabat al-Kulliyāt al-Azhariyya, Cairo, 1994 ed., vol. 1, pp. 12 ff.

²⁶ Ibn Kathīr, Abū al-Fidāʾ Ismāʿīl b. ʿUmar, *Tafsīr al-Qurʾān al-ʿaẓīm*, Dār Ṭayba, Riyadh, 2nd ed., 1998, vol. 7, p. 194.

²⁷ Ibn al-Qayyim, Abū ʿAbd Allāh Muḥammad b. Abī Bakr, *Badāʾiʿ al-fawāʾid*, Dār ʿĀlam al-Fawāʾid, Mecca, 1425 AH, vol. 1, p. 298.

²⁸ Ibn al-Qayyim, Muḥammad b. Abī Bakr, *Ṭarīq al-hijratayn wa-bāb al-saʿadatayn*, ed. Muḥammad Ajmal al-Iṣlāḥī, Dār ʿĀlam al-Fawāʾid, 1st ed., 1429 AH, p. 385.

The share of the one who is tested in this purpose is that he declares his Creator exalted, in His creating this fetus with an anomaly, above error, chance or mutation; for it belongs to the perfection of magnifying Him, Mighty and Majestic, that the one who is tested should realize that behind what is described as an anomaly there are necessarily wisdoms, which may become manifest and may remain hidden.

The purpose of tranquillity and submission: for through faith in His Names, exalted be He, come the opening of the breast, the tranquillity of the heart, contentment, and submission to the rulings and decrees of God.

The share of the one who is tested in this purpose is wide and has a direct effect on his daily life. Submission frees him from the whisperings of the self and of Satan in the form of the troubling question: Why me? Why is this happening? What have I done to be punished with such a child? All of these are misleading questions which it is not fitting even to pose, such that we should go in search of answers to them.

The purpose of drawing down guidance of the heart and certainty: He, Most High, said: «No disaster strikes except by permission of Allāh. And whoever believes in Allāh – He will guide his heart» (al-Taghābun: 11). “Whoever affirms and knows that no affliction befalls him except by God’s leave, He guides his heart to patience, contentment and steadfastness in faith; so that if he is given, he is thankful, and if he is tried, he is patient.”²⁹

The purpose of trial and purification (ibtilā’ wa-tamhīṣ): He, Most High, said: «Do the people think that they will be left to say, “We believe” and they will not be tried?» (al-‘Ankabūt: 2); and in the ḥadīth: «The greatness of the reward goes with the greatness of the trial».³⁰

There is no contradiction, as might be imagined, between the purpose of trial and the purpose of honouring (*takrīm*); on the contrary, trial is itself one of the forms of honouring, not its opposite. For God tries His servant only for a wisdom that goes back to raising his rank, expiating his misdeed, or purifying his faith. The one who is tested is thus honoured by his trial, in respect of the reward that is stored up for him, and is not demeaned by it. Hence the fetus with a congenital anomaly falls within the generality of the honouring of the human being—«And We have certainly honored the children of Adam» (al-Isrā’: 70)—and is a locus of the trial that is one of the doors of this honouring.

These general purposes constitute the framework within which the purposes specific to each individual Name are ordered, among them the three Names that are the subject of this study.

The Purposes of the Divine Names al-Khāliq, al-Bārī’, al-Muṣawwir

First: The Context of the Three Names and the Significance of Their Order

The three Names “al-Khāliq, al-Bārī’, al-Muṣawwir” occur together in a single place in the Noble Qur’ān, at the close of Sūrat al-Ḥashr: «He is Allāh, the Creator [al-Khāliq], the Producer [al-Bārī’], the Fashioner [al-Muṣawwir]; to Him belong the best names. Whatever is in the heavens and earth is exalting Him. And He is the Exalted in Might, the Wise» (al-Ḥashr: 24). The exegetes observed that the order is significant: al-Khāliq is placed before al-Bārī’ because the preponderating act of the will precedes the effective operation of the power, and al-Bārī’ is placed before al-Muṣawwir because the bringing into existence of essences precedes the bringing into existence of attributes.³¹ Abū Bakr b. al-‘Arabī said: “al-Khāliq is general; al-Bārī’ is more specific than it; and al-Muṣawwir is more specific than the more specific.”³² The gist of what the exegetes have settled upon is that **al-Khāliq** is the One who determines (*al-muqaddir*) the existence of a thing in a specific manner; **al-Bārī’** is the One who brings this determined thing forth from non-existence into existence in a configuration that fulfils its function; and **al-Muṣawwir** is the One who brings this existent forth in the form and with the characteristics that He, glorified be He, wills.³³ Thus *khalq* (creating) is a determination; *bar’* (originating) is a bringing-into-being and an execution; and *taṣwīr* (fashioning) is a bestowal of configuration and characteristics. These are three concomitant ranks, none of which is separable from the others in any creature, and hence in any fetus, whether sound or with a congenital anomaly. Here, then, are the meanings of the three Names, each taken separately.

1. The Name of God al-Khāliq

Even the unbelievers of old did not deny creation. He, Most High, said: «And if you asked them who created them, they would surely say, “Allāh.”» (al-Zukhruf: 87); and He said: «And if you asked them, “Who created the heavens and earth?” they would surely say, “Allāh.”» (Luqmān: 25). The Name “al-Khāliq” indicates that God is the One who determines the existence of things out of non-existence in accordance with an order, a wisdom and a prior knowledge,

²⁹ Wahba al-Zuhaylī, *al-Tafsīr al-munīr fī al-‘aqīda wa-l-sharī‘a wa-l-manhaj*, Dār al-Fikr al-Mu‘āṣir, Damascus, 2nd ed., 1418 AH, vol. 28, p. 248.

³⁰ Narrated by al-Tirmidhī, *Kitāb al-Zuhd*, Bāb Mā jā’a fī al-ṣabr ‘alā al-balā’ (no. 2396), who said: *ḥasan gharīb*; and Ibn Mājah, *Kitāb al-Fitan*, Bāb al-Ṣabr ‘alā al-balā’ (no. 4031).

³¹ al-Rāzī, Fakhr al-Dīn, *Mafātīḥ al-ghayb (al-Tafsīr al-kabīr)*, Dār al-Fikr, 1st ed., 1981, on the exegesis of al-Ḥashr 24.

³² Ibn al-‘Arabī, Abū Bakr, *‘Arīḍat al-aḥwadhī bi-sharḥ Ṣaḥīḥ al-Tirmidhī*, ed. Jamāl al-Mar‘ashlī, Dār al-Kutub al-‘Ilmiyya, 1997, vol. 13, p. 34.

³³ al-Baghawī, Abū Muḥammad al-Ḥusayn b. Mas‘ūd, *Tafsīr al-Baghawī*, Dār Ṭayba li-l-Nashr wa-l-Tawzī‘, Riyadh, 4th ed., 1997, vol. 8, p. 87.

neither in vain nor by chance. This has been acknowledged by one of the most prominent geneticists of our time, Francis Collins, who led the Human Genome Project, in his book entitled *The Language of God: A Scientist Presents Evidence for Belief*,³⁴ where he argued—from a Christian theological standpoint based on the idea of divinely guided evolution, a standpoint with which we differ in its doctrinal details, even though we concur with him on the principle of acknowledging the existence of a governing Creator—that what appears to be random in genetic mutations is nothing but a manifestation of a deeper order that allows for diversity within governed limits.

Faith in the Name of God al-Khāliq leads the believer to regard congenital anomaly not as a flaw in the making, but as one of the aspects of the divine determination whose aim is trial and purification. He therefore refrains from attributing error or deficiency to the Creator, glorified be He, and bears in mind that the diversity of shapes and forms is an occasion for reflecting on the power of the Originator (*al-Mubdi*), glorified be He, as He, Most High, said: «*Exalt the name of your Lord, the Most High, Who created and proportioned*» (al-A‘lā: 1–2).

2. The Name of God al-Bāri

The Name “al-Bāri” is mentioned in the Qur’ān only in this place in Sūrat al-Ḥashr. It indicates—as the scholars of language and exegesis have said—the masterly bringing-forth of concrete entities from non-existence into existence. It is equivalent to our saying “the Maker” (*al-Ṣāni*) or “the Bringer-into-being” (*al-Mūjid*), except that it conveys the origination of bodies, not of accidents.³⁵ In *al-Kashshāf* it is said: al-Bāri is the One who created creation free of disparity and disorder;³⁶ that is to say, every creature issues from the hand of the divine determination in the manner that befits His wisdom, glorified be He, and the function for which that creature was created, and there is in it no disparity or disorder in the sense of futility, even if there appears in it something that departs from the customary forms of material perfection. Faith in the Name of God al-Bāri bequeaths to the one who is tested with a fetus with a congenital anomaly a certainty that negates all futility from this act of bringing-into-being: the fetus, however its configuration may appear, has been brought into being upon a prior determination and a far-reaching wisdom—not haphazardly, nor by chance, nor by error, nor in vain.

3. The Name of God al-Muṣawwir

He, Most High, said: «*It is He who forms you in the wombs however He wills*» (Āl ‘Imrān: 6). Al-Muṣawwir is the One who gives created beings their likeness through the marks by which they are distinguished from one another; and fashioning does not concern outward shape alone, but extends beyond it to capacities, structure and aptitude. Al-Ghazālī said: “al-Muṣawwir is the One who has assigned to every existent its specific form in accordance with what His wisdom required, not in accordance with what creatures deem good.”³⁷ This last qualification—“not in accordance with what creatures deem good”—is the crux of the matter in this case, for it establishes that the standard of beauty in form is a divine standard, not a human one. What is intended here is not [to deny] the occurrence of congenital anomaly as a fact of the senses—for it is a real functional or structural deficiency, which no one disputes—but rather to deny that this anomaly impugns the perfection of the divine workmanship. Anomaly is thus affirmed with respect to the creature, by comparison with what is customary, and it is denied to be a fault with respect to the Creator. For God has created nothing in vain, and has created no form save for a wisdom that may be manifest or may be hidden. The shortcoming lies in the beholder’s perception of where the wisdom resides, not in the form as attributed to its Fashioner; for sight does not properly discern the places of wisdom save with the eye of insight. The effect of faith in this Name is contentment (*riḍā*), since the believer submits his taste and his standards to the measure of his Creator: he raises no objection to a form that God, glorified be He, has fashioned, and he knows that variety in creation belongs to the completeness of power. He, Most High, said: «*You do not see in the creation of the Most Merciful any inconsistency [tafāwut]*» (al-Mulk: 3).

Second: The Concomitance of the Three Names and Its Effect in Building the Conception

These three Names are ordered in an integrated, hierarchical pattern: creating (*khalq*) for the initial determination, originating (*bar*) for bringing-into-being and execution, and fashioning (*taṣwīr*) for the bestowal of configuration and characteristics; and all of them work together in shaping the creedal understanding of the condition of the fetus, whatever its form may be. When the one who is tested calls this concomitance to mind, he realizes that his fetus has not fallen under one of these Names to the exclusion of another, but is—like the rest of creation—the locus of the three Names together: determined with knowledge, brought into being without futility, and fashioned in accordance with a wisdom, not with human approbation. His conception is thereby brought out of the sphere of bare resignation into the sphere of a knowing certainty (*al-yaqīn al-‘arīf*) grounded in an understanding of the purposes of these Names.

Above all these purposes of the three Names, the purpose of mercy remains their comprehensive essence; for God has not created, originated or fashioned save with a mercy that has outstripped His wrath. Faith that this fetus is a determined creature, fashioned by the mercy of God, lifts the soul above frowning and disapproval—indeed, above the mere pity that may engender a sense of abasement in the soul of the one who is tested—towards a mercy that reintegrates

³⁴ Francis S. Collins, *The Language of God: A Scientist Presents Evidence for Belief* (New York: Free Press, 2006).

³⁵ al-Rāzī, *Mafāṭīḥ al-ghayb*, op. cit., vol. 29, p. 514.

³⁶ al-Zamakhsharī, Abū al-Qāsim Maḥmūd b. ‘Umar, *Tafsīr al-Kashshāf*, Dār al-Ma‘rifā, Beirut, 3rd ed., 2009, p. 77.

³⁷ al-Ghazālī, Abū Ḥāmid, *al-Maqṣad al-asnā fī sharḥ asmā’ Allāh al-ḥusnā*, ed. Bāsim Fayṣal al-Jawābira, Dār al-Faḍīla, 1999, p. 75.

the afflicted person into his society and prepares for him a standing that opens before him horizons for the discovery of his capacities, so that he grows up, and his self-confidence grows with him, until his very condition declares: **I am different, but I am not less.**

Third: Application to Non-Lethal Congenital Anomaly

When the believer who is tested with a fetus with a congenital anomaly—of the category defined earlier, in the preliminary section, as not precluding a meaningful life—calls these three Names to mind together, his conception is brought out of two narrow spheres into spaciousness. It is brought out of the sphere of bare resignation, which rests on nothing but the notion of “what is written” (*al-maktūb*) taken in a general way, into a certainty grounded in a deeper understanding of the purposes of these Names; and it is brought out of the sphere of material standards of beauty and perfection into the standards of the Hereafter, which lead the believer to see in his trial a door of reward and elevation, not of deficiency and deprivation. This is the essential difference between “the submission of the heedless” (*taslīm al-ghāfil*) and “the submission of the knower” (*taslīm al-ʿarif*), a difference that this study is concerned to elucidate and to establish firmly.

Section Four: The Practical Effect and the Dialogue of the Purposes with Contemporary Philosophical Critique

First: Fear of Poverty and the Critique of the Economic Motive for Reproductive Selection

Among the motives for contemporary selective abortion—sometimes declared and sometimes concealed—is the fear of the burdens, economic and social, of caring for a child with a disability. God has prohibited the killing of children for this very motive in two places in the Qurʾān, in two formulations of differing signification. He, Most High, said: «*And do not kill your children for fear of poverty. We provide for them and for you*» (al-Isrāʾ: 31); and He said: «*Do not kill your children out of poverty; We will provide for you and them*» (al-Anʿām: 151). The difference between the two verses is subtle and intended: “for fear of poverty” (*khashyata imlāq*) refers to a poverty that is anticipated and has not yet come about, whereas “out of poverty” (*min imlāq*) refers to a poverty that is actually present; God has thus prohibited killing in both situations alike. This prohibition of killing out of “fear” of a future poverty applies plainly to selective abortion motivated by fear of the cost of caring for a child with a disability—a fear that is future-oriented par excellence—so that it falls under the general scope of the first verse *a fortiori*.

Among the examples sometimes adduced to justify selective abortion on economic grounds is what is said about the cost that hereditary blood diseases such as thalassaemia impose on certain societies. One such example is the experience of Cyprus, where from 1973 a national preventive programme was adopted, consisting of awareness-raising, population screening, genetic counselling and prenatal diagnosis; the number of affected newborns fell from an expected 71 to an actual 23 in 1978, and from 77 to 18 in 1979.³⁸ This example deserves a careful critical pause. It is a model that is usually cited as evidence of the “success” of prevention; yet one of its essential components is the selective termination of the affected pregnancy, and this is precisely what ought to be noticed: programmes for “the prevention of hereditary diseases”, presented in the neutral language of public health, may conceal beneath them a logic of reproductive selection that is no less problematic than individual abortion—and may indeed be more dangerous, by virtue of being institutional and systematic.

Second: A Dialogue with the Contemporary Philosophical Critique of Reproductive Selection

It is noteworthy that the most serious contemporary philosophical critique of the culture of “reproductive perfection” has issued not from a religious frame of reference but from secular philosophers of ethics and politics. In this there is corroboration that the creedal purpose established by the present study is not at odds with reason, but converges with it from a different angle.

The American philosopher Michael Sandel wrote, in his book *The Case against Perfection*, that the human striving to engineer genetically “ideal” children corrupts two essential moral virtues—humility before that which we do not control, and a social solidarity founded on the sharing of unequal fortunes—and he called instead for a stance of “openness to the unbidden”, grounded in an appreciation of the giftedness of life, which does not subject children to the designing will of their parents.³⁹ This idea is very close to what is established by the divine Names al-Khāliq, al-Bārī, al-Muṣawwir, namely that the form of the fetus is a divine determination in which there is no place for a designing human will.

In the same direction, the German philosopher Jürgen Habermas warned against what he called “liberal eugenics”, arguing that prior genetic intervention in the constitution of the fetus, in accordance with specifications chosen by the parents, impairs the autonomy of the future person himself, since it renders him governed by the will of another in the very basis of his constitution, in a manner that conflicts with his being the author of a free life history of his own.⁴⁰

³⁸ M. A. Angastiniotis and M. G. Hadjiminis, “Prevention of Thalassaemia in Cyprus”, *The Lancet* 317, no. 8216 (14 February 1981): 369–371.

³⁹ Michael J. Sandel, *The Case against Perfection: Ethics in the Age of Genetic Engineering* (Cambridge, MA, and London: The Belknap Press of Harvard University Press, 2007), p. 45.

⁴⁰ Jürgen Habermas, *Mustaqbal al-ṭabīʿa al-insāniyya: naḥwa nisāla lībirāliyya* [The Future of Human Nature: Towards a Liberal Eugenics], trans. Jūrj Kattūra, al-Maktaba al-Sharqiyya, Beirut, 1st ed., 2006, “The Moral Limits of Eugenics”, pp. 75–80.

In the field of disability rights specifically, the scholar Adrienne Asch formulated what is known as the “expressivist objection” to selective genetic testing. Its purport is that the practice of choosing to terminate a pregnancy on account of disability, once it turns into a policy or a general culture, carries an implicit message to the effect that the lives of living persons with disabilities are of lesser worth, or that they ought not to have existed at all.⁴¹ This critique—although it issues from a non-religious standpoint—coincides entirely with what the present study established in Section Three: that the standard of the beautiful form is a divine standard, not a human one, and that the fault lies in the eye of the beholder, not in the form.

This contemporary ethical sensibility has been crowned by an international legal text: Article 10 of the Convention on the Rights of Persons with Disabilities provides that every human being has «**the inherent right to life**»,⁴² and obliges States Parties to take the necessary measures to ensure that persons with disabilities enjoy this right on an equal basis with others. If this is the outcome at which purely rational critique has arrived, then *a fortiori* the believer who is equipped with certainty in the Most Beautiful Names ought to be more firmly fortified and more assured, not weaker in argument.

Third: Scriptural Texts on the Honouring and Integration of Persons with Disabilities

This conception is supported by a number of texts that have not been given sufficient presence in the literature on the subject. Among them is His saying, Most High: «*And We have certainly honored the children of Adam*» (al-Isrā': 70), which is the foundation of a human dignity that is not conditional upon the soundness of the body; His saying, Most High: «*You do not see in the creation of the Most Merciful any inconsistency [tafāwut]*» (al-Mulk: 3), which indicates that the variation among forms does not impugn the perfection of the divine workmanship; and His saying, Most High: «*There is not upon the blind [any] constraint nor upon the lame constraint nor upon the ill constraint*» (al-Nūr: 61), which is an explicit legislative text lifting hardship from those who have excuses and integrating them into public life. Prophetic guidance in this regard reached its summit in Sūrat 'Abasa, when God reproved His Prophet (may God bless him and grant him peace) for having turned away from Ibn Umm Maktūm, the blind man, while occupied with the nobles of Quraysh—thereby founding the principle that persons with disabilities are not to be despised or marginalized, nor are others to be given precedence over them on account of any worldly advantage. The Prophet (may God bless him and grant him peace) made him a muezzin and twice appointed him as his deputy over Medina.

Fourth: The Physician's Responsibility and the Situation of the Family

1. The Physician's Responsibility in Communicating the News

Since the physician is the first to confront the parents with the news of the anomaly, the manner in which he communicates it has a profound effect on the shaping of the family's stance, for worse or for better. Modern medicine has developed methodical protocols for the communication of difficult news, among the best known of which is the “SPIKES” protocol,⁴³ which recommends preparing the setting of the conversation, exploring the extent of the family's prior perception, giving the information in clear and gradual language, attending to the emotional reaction, and then setting out a clear plan of follow-up. This protocol, although neutral in its origin, coincides with what Islamic ethics urges by way of gentleness in conveying news of calamities and consideration for the condition of the afflicted, and by way of seeking the countenance of God through kind speech and a smile. Good practice on the part of the physician requires that he take account of the particularity of each case and not deal with it in a stereotyped fashion in which the routine of work prevails over the human dimension and turns empathy with the family into a cold performance of function.

2. The Effect of Creedal Certainty in Bringing Serenity to the Family

The activation of the purposes of the divine Names al-Khāliq, al-Bārī', al-Muṣawwir does not remain a theoretical conception in the mind of the one who is tested; it is reflected as a practical psychological effect in the daily life of the family. The family that receives the news of an anomaly usually passes through phases of shock and denial, and then of anxiety about the fate of the fetus, and it may slide into self-blame or into an exchange of accusations between the spouses,⁴⁴ to the point of separation, especially after the birth and the confirmation of the anomaly.

It is here that the role of creedal certainty becomes apparent. Once it has settled in the consciousness of the parents that this fetus was created by God, Mighty and Majestic, and originated and fashioned by Him in accordance with a far-reaching wisdom—not as the result of an error they committed, nor as a punishment for a sin they perpetrated—then the question “Why us?” fades from their minds. For the believer in the wisdom and justice of God realizes that God's apportionment among His servants rests on wisdom, not on outward equalization, and that what has befallen him has occurred neither by error nor by coincidence, but by a determination and a wisdom that may be manifest or may be hidden from him; and so his heart comes to rest in this, with the stillness of one who is content and at peace.

⁴¹ Adrienne Asch, “Disability Equality and Prenatal Testing: Contradictory or Compatible?”, *Florida State University Law Review* 30 (2003): 315–342.

⁴² Convention on the Rights of Persons with Disabilities, United Nations, 2006, Article 10.

⁴³ Walter F. Baile et al., “SPIKES—A Six-Step Protocol for Delivering Bad News: Application to the Patient with Cancer”, *The Oncologist* 5, no. 4 (2000): 302–311.

⁴⁴ Giuseppe Buonocore and Carlo Valerio Bellieni, *al-Alam ladā al-mawālīd* [Neonatal Pain], trans. Badr b. Ḥasan Sabīh, King Saud University Press, 2021, p. 337.

The mother who accepts her fetus, and then her newborn, is a mother who prepares him to live a normal life in spite of his anomaly, and here the great role of this mother becomes apparent. For this reason, the building of a self that is sound in creed and in psyche, for women in particular, is of the utmost importance and urgency.

Conclusion

This study arrives at the following findings:

1. The term “the fetus with a congenital anomaly” (*al-janīn dhū al-tashawwuh al-khalqī*) is more precise than “the deformed fetus” (*al-janīn al-mushawwah*) and further removed from the prior value judgement that runs counter to the aim of this study.
2. The distinction between the non-lethal anomaly, which is the locus of (creedal acceptance), and the anomaly incompatible with life, which is the locus of (the jurisprudence of necessities), is a methodological distinction that is indispensable for understanding the case in its proper light.
3. The view relied upon juristically is that of the majority on the timing of ensoulment (the completion of one hundred and twenty days), together with the adoption of the method of blocking the means so as to restrict abortion in practice, without any need for a preference as to timing that contravenes the majority and is not based on explicit evidence.
4. The divine Names al-Khāliq, al-Bārī, al-Muṣawwir, taken together, found an integrated creedal conception: creating is a determination that negates error; originating is a bringing-into-being that negates futility; and fashioning is a shaping that imposes contentment with a standard of beauty that is divine, not human.
5. Creedal acceptance of the fetus with a congenital anomaly is not passive resignation; it is the fruit of a pure monotheism directed to God Most High in His creating, originating and fashioning.
6. The contemporary philosophical critique of the culture of reproductive selection converges, in its practical result, with the Islamic creedal purpose, even though the foundational point of departure differs; and this lends the creedal conception additional argumentative force in the face of contemporary discourse.
7. The Qur’ānic prohibition of killing children “for fear of poverty” applies plainly to the motive of future economic fear that lies behind some decisions of selective abortion.

Finally, we draw attention to certain measures and practical steps that it would be desirable to undertake, among them:

1. Producing up-to-date official Algerian statistics on the rate of congenital disorders from an accredited source (the Ministry of Health or the National Office of Statistics).
2. Including a dedicated course on the juristic and creedal purposes in the curricula of the faculties of medicine.
3. Involving scholars of the Shari’a in the medical ethics committees concerned with complex questions, and allocating permanent seats to psychological, social and legal specialists alongside them.
4. Simplifying the purposes of the Most Beautiful Names of God in educational circles addressed to medical staff and to the families so tested alike.
5. Conducting subsequent field studies that measure the effect of creedal awareness-raising concerning these Names on the level of acceptance, among Algerian families, of the fetus with a congenital anomaly, as a complement to the theoretical side of this study.

In closing, the acceptance of the fetus with a congenital anomaly, through calling to mind the purposes of the divine Names al-Khāliq, al-Bārī, al-Muṣawwir, becomes an elevated creedal stance that gives expression to a pure monotheism directed to God in His making, to submission to His will, to an acknowledgement of His wisdom, blessed and exalted is He, and to a broadening of the concepts of beauty and perfection; so that affliction (*miḥna*) is transformed, in the eyes of the one who is tested, into a gift (*minḥa*), withholding into bestowal, trial into elevation, and patience into reward.

References

First: The Noble Qur’ān

Saheeh International (trans.). *The Qur’ān: Arabic Text with Corresponding English Meanings*. Jeddah: Abul-Qasim Publishing House, 1997. Online edition: quran.com (accessed 10 October 2026).

Second: Books in Arabic

al-Baghawī, Abū Muḥammad al-Ḥusayn b. Mas’ūd. *Ma’ālim al-tanzīl (Tafsīr al-Baghawī)*. 4th ed. Riyadh: Dār Ṭayba li-l-Nashr wa-l-Tawzī’, 1997.

al-Bār, Muḥammad ‘Alī. *al-Janīn al-mushawwah wa-l-amrād al-wirāthiyya*. Damascus: Dār al-Qalam, 1991.

al-Bukhārī, Muḥammad b. Ismā‘īl. *Ṣaḥīḥ al-Bukhārī*. Dār al-Fikr, 1981.

Buonocore, Giuseppe, and Carlo Valerio Bellieni. *al-Alam ladā al-mawālīd* [Neonatal Pain]. Trans. Badr b. Ḥasan Sabīḥ. King Saud University Press, 2021.

al-Ghazālī, Abū Ḥamid. *al-Maqṣad al-asnā fī sharḥ asmā’ Allāh al-ḥusnā*. Ed. Bāsim Fayṣal al-Jawābira. Dār al-Faḍīla, 1999.

Habermas, Jürgen. *Mustaqbal al-ṭabī‘a al-insāniyya: naḥwa nisāla libirāliyya* [The Future of Human Nature: Towards a Liberal Eugenics]. Trans. Jūrj Kattūra. 1st ed. Beirut: al-Maktaba al-Sharqiyya, 2006.

Ibn al-‘Arabī, Abū Bakr. *‘Aridat al-aḥwadhī bi-sharḥ Ṣaḥīḥ al-Tirmidhī*. Ed. Jamāl al-Mar‘ashlī. 1st ed. Beirut: Dār al-Kutub al-‘Ilmiyya, 1997.

- Ibn al-Qayyim, Muḥammad b. Abī Bakr. *Badā'i' al-fawā'id*. Ed. 'Alī b. Muḥammad al-'Imrān. 1st ed. Mecca: Dār 'Ālam al-Fawā'id, 1425 AH.
- Ibn al-Qayyim, Muḥammad b. Abī Bakr. *Shifā' al-'alīl fī masā'il al-qaḍā' wa-l-qadar wa-l-ḥikma wa-l-ta'līl*. Beirut: Dār Ibn Hazm, 2006.
- Ibn al-Qayyim, Muḥammad b. Abī Bakr. *Ṭarīq al-hijratayn wa-bāb al-sa'adatayn*. Ed. Muḥammad Ajmal al-Iṣlāḥī. Dār 'Ālam al-Fawā'id, 1429 AH.
- Ibn Ḥajar al-'Asqalānī, Aḥmad b. 'Alī. *Fath al-Bārī bi-sharḥ Ṣaḥīḥ al-Bukhārī*. Ed. 'Alī b. 'Abd al-'Azīz al-Shibl. 1st ed. Riyadh, 2000.
- Ibn Kathīr, Abū al-Fidā' Ismā'īl b. 'Umar. *Tafsīr al-Qur'ān al-'aẓīm*. 2nd ed. Riyadh: Dār Tayba, 1998.
- Ibn Mājah, Muḥammad b. Yazīd. *Sunan Ibn Mājah*. Ed. Bashshār 'Awwād Ma'rūf. Beirut: Dār al-Jīl, 1998.
- Ibn Manẓūr, Jamāl al-Dīn Muḥammad b. Mukarram. *Lisān al-'Arab*. 1st ed. Beirut: Dār al-Kutub al-'Ilmiyya, 2003.
- Ibn Rajab al-Ḥanbalī, 'Abd al-Raḥmān. *Jāmi' al-'ulūm wa-l-ḥikam fī sharḥ khamsīn ḥadīthan min jawāmi' al-kalim*. Ed. Māhir b. Yāsīn al-Faḥl. 2nd ed. Cairo: Dār Ibn al-Jawzī, 2023.
- Ibn Taymiyya, Taqī al-Dīn Aḥmad b. 'Abd al-Ḥalīm. *Dar' ta'arūḍ al-'aql wa-l-naql*. Ed. Muḥammad Rashād Sālim. 2nd ed. Riyadh: Imam Muḥammad b. Sa'ūd University, 1991.
- Ibn Taymiyya, Taqī al-Dīn Aḥmad b. 'Abd al-Ḥalīm. *Majmū' al-fatāwā*. Ed. Anwar al-Bāz and 'Āmir al-Jazzār. 1st ed. Egypt: Dār al-Wafā', 1997.
- Ibn Taymiyya, Taqī al-Dīn Aḥmad b. 'Abd al-Ḥalīm. *al-Risāla al-Tadmuriyya: taḥqīq al-ithbāt li-l-asmā' wa-l-ṣifāt wa-ḥaqīqat al-jam' bayna al-qadar wa-l-shar'*. Riyadh: Maktabat al-'Ubaykān, 2000.
- al-'Izz b. 'Abd al-Salām. *Qawā'id al-aḥkām fī maṣāliḥ al-anām*. Cairo: Maktabat al-Kulliyāt al-Azhariyya, 1994.
- al-Mawsū'a al-ṭibbiyya al-mutakhaṣṣisa* [The Specialized Medical Encyclopaedia]. Hay'at al-Mawsū'a al-'Arabiyya, Syrian Arab Republic.
- Muslim b. al-Ḥajjāj. *Ṣaḥīḥ Muslim*. Ed. Muḥammad Fu'ād 'Abd al-Bāqī. Dār Iḥyā' al-Turāth al-'Arabī, 1955.
- al-Najjār, 'Abd al-Majīd. *al-Imān bi-Llāh wa-atharuhu fī al-ḥayāt*. 1st ed. Beirut: Dār al-Gharb al-Islāmī, 1997.
- al-Najjār, 'Abd al-Majīd. *Mabāḥith fī manḥajīyyat al-fikr al-islāmī*. 1st ed. Beirut: Dār al-Gharb al-Islāmī, 1992.
- al-Nawawī, Yahyā b. Sharaf. *Ṣaḥīḥ Muslim bi-sharḥ al-Nawawī*. Cairo: al-Maṭba'a al-Miṣriyya bi-l-Azhar, 1930.
- al-Rāzī, Fakhr al-Dīn. *Mafātīḥ al-ghayb (al-Tafsīr al-kabīr)*. 1st ed. Dār al-Fikr, 1981.
- Sībawayh, Abū Bishr 'Amr b. 'Uthmān. *al-Kitāb*. Ed. 'Abd al-Salām Muḥammad Hārūn. 3rd ed. Cairo: Maktabat al-Khānjī, 1988. Vol. 4.
- Ṭāhā 'Abd al-Raḥmān. *al-'Amal al-dīnī wa-tajdīd al-'aql*. Beirut: al-Markaz al-Thaqāfi al-'Arabī, 2014.
- al-Tirmidhī, Muḥammad b. 'Isā. *Sunan al-Tirmidhī*. Ed. Bashshār 'Awwād Ma'rūf. 1st ed. Beirut: Dār al-Gharb al-Islāmī, 1998.
- al-Zamakhsharī, Abū al-Qāsim Maḥmūd b. 'Umar. *al-Kashshāf*. 3rd ed. Beirut: Dār al-Ma'rifa, 2009.
- al-Zuhaylī, Wahba. *al-Tafsīr al-munīr fī al-'aqīda wa-l-sharī'a wa-l-manhaj*. 2nd ed. Damascus: Dār al-Fikr al-Mu'āṣir, 1418 AH.

Third: Resolutions, Fatwas and Conventions

Islamic Fiqh Council of the Muslim World League. Resolution of the Twelfth Session on the Abortion of the Congenitally Deformed Fetus. Makka al-Mukarrama, 1410 AH/1990 CE.

Permanent Committee for Scholarly Research and Iftā' in the Kingdom of Saudi Arabia. Fatwa no. 2484.

United Nations. Convention on the Rights of Persons with Disabilities, 2006, Article 10.

Fourth: University Theses

Ṣawwān, 'Abd al-Ra'ūf Tāj al-Dīn. *Maqāṣid al-'aqā'id 'inda al-Shaykh al-Ṭāhir b. 'Āshūr* [The Purposes of the Creeds according to Shaykh al-Ṭāhir b. 'Āshūr]. Master's thesis, Faculty of Islamic Sciences, Algiers, 2017.

Fifth: Journal Articles

Burhānī, Manūba. "al-Ṭifl al-mu'āq... hal huwa ibtilā' am 'uqūba li-l-wālidayn?" [The Child with a Disability... Is He a Trial or a Punishment for the Parents?]. *al-Rabī'a* electronic journal, Association of Algerian Muslim 'Ulamā', no. 1, 2021.

al-Darshawī, Khālīd, and 'Āmir al-Darshawī. "al-Ḥukm al-shar'ī li-ijhād al-janīn al-mushawwah: dirāsa fiḥhiyya fī ḍaw' al-taṭawwurat al-ṭibbiyya al-ḥadītha" [The Shar'ī Ruling on Aborting the Deformed Fetus: A Juristic Study in the Light of Modern Medical Developments]. *Balāgh Journal of Islamic and Humanities Studies* 2 (2022): 16–35. DOI: 10.5281/zenodo.6757461.

al-Khaṭīb, Mu'tazz. "Naḥwa qirā'a manẓūmiyya akhlāqiyya li-l-fiqh: al-ijhād unmūdhajan" [Towards a Systemic Ethical Reading of Fiqh: Abortion as a Model]. *Journal of Islamic Ethics* (Brill) 2, nos. 1–2 (2018).

al-Khūja, Muḥammad al-Ḥabīb. "Iṣmat dam al-janīn al-mushawwah" [The Inviolability of the Blood of the Deformed Fetus]. *Majallat Majma' al-Fiqh al-Islāmī* (Jeddah), 4th session, vol. 1, no. 4 (1988).

Sha'lān 'Umar, Bashār, and Fāṭima Ḥaydar Ibrāhīm. "Ma'ālīm al-tarbiya al-'aqadiyya 'alā al-īmān bi-Llāh ta'ālā min khilāl asmā' Allāh al-ḥusnā (al-Jamīl, al-Jawād, al-Ḥayy)" [Features of Creedal Education in Faith in God Most High through the Most Beautiful Names of God]. *Majallat Abḥāth Kulliyat al-Tarbiya al-Asāsiyya* 18, no. 4 (2022): 225–242. DOI: 10.33899/berj.2022.176434.

Shīdakh, Ḥajība. “Maqāṣid al-‘aqīda fī kitābāt Muḥammad al-Mubārak” [The Higher Objectives of Creed in the Writings of Muḥammad al-Mubārak]. *Journal of the Emir Abdelkader University of Islamic Sciences* (Algeria), no. 37 (2016).

Sixth: Websites

National Library of Medicine. MedlinePlus. <https://medlineplus.gov>

World Health Organization. “Congenital Disorders.” Fact sheet, 27 February 2023. <https://www.who.int/news-room/fact-sheets/detail/birth-defects>

Seventh: Foreign-Language References

Angastiniotis, M. A., and M. G. Hadjiminis. “Prevention of Thalassaemia in Cyprus.” *The Lancet* 317, no. 8216 (1981)

Asch, Adrienne. “Disability Equality and Prenatal Testing: Contradictory or Compatible?” *Florida State University Law Review* 30 (2003)

Baile, Walter F., et al. “SPIKES—A Six-Step Protocol for Delivering Bad News: Application to the Patient with Cancer.” *The Oncologist* 5, no. 4 (2000)

Collins, Francis S. *The Language of God: A Scientist Presents Evidence for Belief*. New York: Free Press, 2006.

Keown, John. “The Legal Revolution: From ‘Sanctity of Life’ to ‘Quality of Life’ and ‘Autonomy’.” *Journal of Contemporary Health Law & Policy* 14, no. 2 (Spring 1998).

Lo, Y. M. Dennis, et al. “Presence of Fetal DNA in Maternal Plasma and Serum.” *The Lancet* 350, no. 9076 (1997)

Moore, Keith L., T. V. N. Persaud, and Mark G. Torchia. *The Developing Human: Clinically Oriented Embryology*. 11th ed. Philadelphia: Elsevier, 2020.

Nyhan, William, Bruce Barshop, and Georg Hoffmann. *Atlas of Inherited Metabolic Diseases*. 4th ed. Boca Raton: CRC Press, 2020.

Sandel, Michael J. *The Case against Perfection: Ethics in the Age of Genetic Engineering*. Cambridge, MA: The Belknap Press of Harvard University Press, 2007.

Savulescu, Julian. “Procreative Beneficence: Why We Should Select the Best Children.” *Bioethics* 15, no. 5–6 (2001)