Islamic Bioethical Deliberation on the Issue of Newborns with Disorders of Sex Development

Mohd Salim Mohamed · Siti Nurani Mohd Noor

Received: 11 November 2013 / Accepted: 17 March 2014

© Springer Science+Business Media Dordrecht 2014

Abstract This article presents the Islamic bioethical deliberation on the issue of sex assignment surgery (SAS) for infants with disorders of sex development (DSD) or intersexed as a case study. The main objective of this study is to present a different approach in assessing a biomedical issue within the medium of the Maqasid al-Shari‘ah. Within the framework of the maqasidic scheme of benefits and harms, any practice where benefits are substantial is considered permissible, while those promoting harms are prohibited. The concept of Maqasid al-Shari‘ah which is the mechanistic interpretation of Qur’an and Hadith presents the holistic attention of Islam on many life activities, including healthcare. Indeed, this concept encompasses many aspects of worldly life, both for the human individual and collectively for the whole society. In healthcare, the practice of SAS on DSD newborns has presented an assortment of implications on the future livelihood of the affected individual. The process of decision-making seems to be very multifaceted since every element such as the determination of the ‘correct’ sex and the urgency of early surgery must consider the benefits and harms, as well as the child’s rights and best interest. The application of the concept of Maqasid al-Shari‘ah, would convey a pragmatic approach that is often disregarded in Western medicine. This approach considers the right of the individual to live life optimally, individually and socially and practice his faith, precisely, in accordance with the assigned gender.

Keywords Disorders of sex development · Sex assignment surgery · Ethical decision making · Maqasid al-Shari‘ah · Intersex · Islamic bioethics

M. S. Mohamed · S. N. M. Noor
Department of Science and Technology Studies, Faculty of Science, University of Malaya, 50603 Kuala Lumpur, Malaysia
e-mail: mobsalim@um.edu.my

S. N. M. Noor
e-mail: sitinuranimor@um.edu.my

Published online: 25 March 2014 © Springer