

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Series of Questions Addressed to Eminent Scholar Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his Facebook Page (Fiqhi)

Answer to Question:

The Legal Ruling on Cosmetic Surgery

To: Mourad Maalej

(Translated)

Question:

Question to our eminent scholar Ata Bin Khalil Abu Al-Rashtah,

Assalamu Alaikum wa Rahmatullahi wa Barakatuh,

Our eminent Shaikh - what is the legal ruling (Hukm Shari') on cosmetic surgery?

Answer:

Wa Alaikum Assalam wa Rahmatullahi wa Barakatuh,

1- If the plastic surgery is for the purpose of medication, such as surgery to address deformities in the body such as those resulting from illness or accidents or burns or otherwise, or to remove congenital defects present in a person from birth such as amputating an excess finger or separating the webbing between conjoined fingers, and so on, this type of surgery is permissible. And the evidence for this is what al-Tirmidhi narrated from Arfajah ibn As'ad who said: «أَصِيبَ أَنْفِي يَوْمَ الْكُلابِ فِي الْجَاهِلِيَّةِ فَاتَّخَذْتُ أَنْفًا مِنْ وَرَقٍ فَأَنْتَنَ عَلَيَّ فَأَمَرَنِي رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ أَتَّخِذَ أَنْفًا مِنْ ذَهَبٍ» **“My nose was severed on the Day of Al-Kulab during Jahiliyyah. So I got a nose of Wariq (silver) which developed a stench, so the Messenger of Allah (saw) ordered me to get a nose made of gold.”** Abu Issa said this Hadith is Hasan Gharib.

An-Nasai transmitted the Hadith from Arfajah ibn As'ad who said: «أَصِيبَ أَنْفَهُ يَوْمَ الْكُلابِ فِي الْجَاهِلِيَّةِ فَاتَّخَذَ أَنْفًا مِنْ وَرَقٍ فَأَنْتَنَ عَلَيْهِ فَأَمَرَهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يَتَّخِذَ أَنْفًا مِنْ ذَهَبٍ» **“His nose was severed on the Day of Al-Kulab during Jahiliyyah, so he got a nose of Wariq (silver), but it developed a stench, so the Prophet (saw) ordered him to get a gold nose”.** Al-Albani graded the Hadith as Hasan. The meaning of "nose of Wariq" is of silver, this indicates that plastic surgery for treatment and medication is permissible.

2- However, if the surgery is for the sake of improvement of appearance and beautification, and not for medication, then this is not permissible and the evidence for that is as follows:

What was narrated by al-Bukhari through Alqama, said Abdullah: «لَعَنَ اللَّهُ الْوَأَشِمَاتِ وَالْمُسْتَوْشِمَاتِ وَالْمُتَمَمِّصَاتِ وَالْمُتَقَلِّجَاتِ لِلْحُسْنِ الْمُغَيَّرَاتِ خَلَقَ اللَّهُ تَعَالَى» **“Allah has cursed women who do tattoos (Washimat) and women who have that done (Mustawshimat), who have facial hair or eyebrows plucked (Mutanammisath), and women who separate their front teeth (Mutafallijat) for beauty, who change what Allah Ta'ala has created.”**

And it was narrated by Muslim with the words: «لَعَنَ اللَّهُ الْوَأَشِمَاتِ وَالْمُسْتَوْشِمَاتِ وَالنَّامِصَاتِ وَالْمُتَمَمِّصَاتِ وَالْمُتَقَلِّجَاتِ لِلْحُسْنِ الْمُغَيَّرَاتِ خَلَقَ اللَّهُ» **“Allah has cursed women who do tattoos (Washimat) and women who have that done (Mustawshimat), who pluck facial hair (Namisath) or have them plucked (Mutanammisath), and women who separate their front teeth (Mutafallijat) for beauty, who change what Allah has created.”**

It is clear from the hadith that women who separate their front teeth (**Mutafallijat**) for beauty are sinful, which means that this act is haraam, and that it is reasoned (mu'alal) by the word "for beauty", so it is a causal attribute (wasf mufhim). That is the Mutafalija (a

woman who space her teeth) for the sake of beauty is sinful, which means that if it is not for beauty but for treatment and medication then it is permissible. It was mentioned in Lisan Al-Arab:

(Alfalaj (the split) in the teeth, is the congenital spacing between the front teeth and the lateral incisors, but if is artificiality made then it is Tafleej (tooth stripping). And “Rajul Aflaj”, a man who has split teeth, and “Imra’ah Faljaa”, a woman who has split teeth).

Thus, the meaning of al-Mutafalija is a woman who cuts her teeth to reduce them and make small gaps between them to beautify her teeth and to get the appearance of a young girl, i.e. **without having any defect in her teeth that requires medication and treatment but only for improvement of appearance and for beautification**, this is not allowed according to the hadith in which the Prophet (saw) cursed woman who separates her teeth for beauty, i.e they do it for the sake of beauty. Thus, it (for beauty) is the Illah (reason) in the prohibition, so if it does not exist, **i.e. if it is not for beautification, but for treatment and the medication then is permissible.**

Al-Nawawi said in his explanation of al-Matafalijat for beauty which came in the hadith narrated by Muslim:

(As for al-Matafalijat with “fa” and “jeem”, and it is meant by Mufalijat to cut between the front tooth and the incisors, from the word “al-Falaj” which is a gap between the front tooth and the incisors, elderly women do that to appear young and to show the beauty of their tooth, because this pleasant gap between teeth is for young girls ... **With regard to his saying Al-Mutafalijat for beauty, it means they do so for the sake of beauty and it indicates that what is haraam is to be done for beautification, but if it is needed for treatment or due to a defect in the teeth and the like,** then it is permissible, and Allah knows best).

Thus, the reason (Illah) is (for beauty), so if the surgery is performed for treatment and medication then it is allowed, but if the makeup is normal and surgery is not performed for treatment, but only for beauty and improvement of appearance then is not permissible.

This is what I believe is the answer in this matter and Allah knows best, He is Most Wise.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

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The link to the answer from the Ameer’s Facebook page:

<https://web.facebook.com/AmeerhtAtabinKhalil/photos/pb.122848424578904.-2207520000.1523992301./799976130199460/?type=3&theater>

The link to the answer from the Ameer’s Google Plus page:

<https://plus.google.com/u/0/b/100431756357007517653/100431756357007517653/posts/DwVVMQa9vuP>

The link to the answer from the Ameer’s Twitter page:

<https://twitter.com/ataabualrashtah/status/986322177543811072>