

Buying And Selling Human Hair In Islam

Darulifta Ahlesunnat

(Dawateislami)

Question

What do the scholars of Islam say about the following matter: nowadays, there are people in some localities who offer to buy human hair. They purchase male and especially female hair with some part of its root, up to the rate of 8,000 Rs. per kilo. The public are selling the hair of their family members despite the weight usually not reaching 62.5g. Is this buying and selling of human hair permissible?

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اللَّهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

The buying and selling of human hair, be it male or female, is impermissible and *Haram*. For women, apart from the actual buying and selling element, there is the issue that even after such hair is removed from their head it is still necessary (*wājib*) to conceal this hair from a non-*maḥram*, according to *sharī'ah*. When female hair is sold, the sin of all those involved in the process (seeing and handling the hair) will also add to the sin of the original seller. Both the buyer and seller should not destroy their hereafter and displease Allah.

Allah created humankind as dignified and honoured beings, as He declares:

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْوُجُوهِ وَالْبَحْرِ وَرَمَقْنَاهُمْ مِنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِمَّنْ خَلَقْنَا تَفْضِيلًا ﴿١٧٠﴾

Translation from Kanz-ul-Iman: And We have indeed honoured the descendants of Adam and transported them on land and sea, and gave them good things as sustenance, and made them superior than many (i.e. all) of Our creation.¹

And He gave humankind the best physical appearance:

لَقَدْ خَلَقْنَا الْإِنْسَانَ فِي أَحْسَنِ تَقْوِيمٍ ﴿٢٠﴾

Translation from Kanz-ul-Iman: We have indeed created man in the best form.²

He created the earth and whatever is in it, for mankind:

هُوَ الَّذِي خَلَقَ لَكُمْ مَّا فِي الْأَرْضِ جَمِيعًا ﴿٣﴾

Translation from Kanz-ul-Iman: It is He Who created for you whatever is in the earth.³ Since the human being has been afforded such honour and greatness, based on this, the buying and selling of any part of the body is considered impermissible and *Haram*.

Another reason behind the prohibition of trade with human hair, according to jurists, is that no part of the human body is a commodity (*māl*) for it to be used in buying and selling. In light of *sharī'ah*, if human hair is not a commodity, then trading with it is null and void (*bāṭil*).

¹ Al-Quran, 17:70, Translation from Kanz al-Īmān

² Al-Quran, 95:4, Translation from Kanz al-Īmān

³ Al-Quran, 2:29, Translation from Kanz al-Īmān

If a man or woman attained money through selling hair, then it is incumbent upon him or her to first sincerely repent. Thereafter, the sum must be returned to those from whom it was gained. If this is not possible, then their inheritors must receive the appropriate sum, and if this is not known then the amount will be given as charity on behalf of the original owners of the wealth. Personal use of this money is impermissible and sinful.

The Hanafi jurist, Imam Muhammad b. Hasan al-Shaybānī رَحْمَةُ اللهِ عَلَيْهِ (d.189 AH) writes:⁴

لا يجوز بيع شعر الانسان والانتفاع به

Stating the reason behind this impermissibility, Abu al-Hasanāt Shaykh Abdul al-Ḥayy al-Luknawī (1304 AH) رَحْمَةُ اللهِ عَلَيْهِ states:⁵

لأن الإنسان مكرم فلا يجوز أن يكون منه شيء مبتذل

With some variation in wording and after deduction from a hadith, Fakhr al-Din, Imam Zayla‘ī Hanafi (743AH) رَحْمَةُ اللهِ عَلَيْهِ writes:⁶

لا يجوز بيع شعر الإنسان والانتفاع به، لأن آدمي مكرم فلا يجوز أن يكون جزءه مهانا وقال عليه السلام «لعن الله الواصلة والمستوصلة»، وإنما العنال للانتفاع به لما فيه من إهانة المكرم

Regarding human body parts not being commodities, Imam Akmal al-Dīn al-Bābartī (d. 786AH) رَحْمَةُ اللهِ عَلَيْهِ comments:⁷

جزء آدمي ليس بمال --- ومال ليس بمال لا يجوز بيعه

Declaring this type of trade as void, Shaykh Shams al-Dīn Tumurtāshī (d.1004 AH) رَحْمَةُ اللهِ عَلَيْهِ writes:⁸

بطل بيع... شعر الانسان

The principle regarding looking at parts of the body is as follows:⁹

كل عضو لا يجوز النظر إليه قبل الانفصال، لا يجوز بعده ولا بعد الموت، كشعر عانة وشعر رأسها

Imam Aḥmad Razā Khān (d. 1340 AH) رَحْمَةُ اللهِ عَلَيْهِ explains the ruling regarding a sum attained through an null and void trade (*bay‘ bāṭil*), “Upon invalidity (in the scenario of invalid trade), the sum attained by the landowners in the form of rupees as the price, is unlawful for them.”¹⁰

Commenting on the return of such a sum, he writes:

“The cost, taken by the landowners, is (still) in the ownership of the buyers. It is incumbent upon them (the landowners) to return the cost.”¹¹

Explaining other scenarios of return, he states:

It is incumbent (*farḍ*) upon him to return it (unlawful wealth) to whomever he took it from. If they have passed away, it should be given to their inheritors. If their inheritors are unknown, then it should be given to the poor. It is definitively unlawful to spend this sum in

⁴ Al-Jāmi‘ al-Ṣaḡhīr, p. 328, Publisher Dar al-‘Ālam al-Kutub, Beirut

⁵ Al-Nāfi‘ al-Kabīr ‘ala al-Jāmi‘ al-Ṣaḡhīr, p. 328, Publisher Dar al-‘Ālam al-Kutub, Beirut

⁶ Tabyīn al-Ḥaqā’iq, vol. 4, p. 51, publisher al-Maṭba‘a al-Kubrā al-Amīriyyah, Egypt

⁷ Al-‘Ināyah Sharḥ al-Hidāyah, vol. 6, p. 390, published in Quetta

⁸ Tanwīr al-Absār ma‘a Al-Durr al-Mukhtār ma‘a Radd al-Muhtār, vol. 7, p. 245, published in Quetta

⁹ Al-Durr al-Mukhtār ma‘a Radd al-Muhtār, vol. 9, p. 612, published in Quetta

¹⁰ Fatāwā al-Razawiyyah, vol. 19, p. 431, publisher Raza Foundation, Lahore

¹¹ Fatāwā al-Razawiyyah, vol. 19, p. 427, publisher Raza Foundation, Lahore

any transaction. Apart from the previously-mentioned scenarios, there is no other way of being relieved from its burden.¹²

Shari‘ah stipulates; if hair is removed from the head of a woman, it should be buried. Mufti Muhammad Amjad ‘Alī A‘zamī (d.1367 AH) رَحْمَةُ اللهِ عَلَيْهِ writes, “It is necessary for women to conceal any hair that falls after combing or washing, from the eyes of the non-mahram.”¹³

وَاللّٰهُ اَعْلَمُ عَزَّوَجَلَّ وَرَسُوْلُهُ اَعْلَمُ صَلَّى اللهُ تَعَالَى عَلَيْهِ وَاٰلِهِ وَسَلَّمَ

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¹² Fatāwā al-Razawiyyah, vol. 23, p. 551, publisher Raza Foundation, Lahore

¹³ Bahār-i-Shari‘at, vol. 3, part 16, p. 449, Maktaba al-Madina, Karachi