

# Elective Surgery

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The Torah says, “he shall certainly be healed” [1]. It is derived, from here, that it is permissible for a doctor to heal his patient through medicine and surgery if there is a medical need. The question arises, however, whether or not surgery is allowed according to the Torah in cases where there is a lack of medical need; i.e., as in elective surgery [2].

Elective or plastic surgery is divided into two categories; cosmetic and reconstructive. Cosmetic surgery is performed to enhance one’s appearance, while reconstructive is performed to correct or fix a physical defect. These two categories do overlap and can be subjective, however, they are differentiated in halacha. Rav Shlomo Zalman Aurbach, for instance, holds that plastic surgery to fix a defect that causes a person pain or embarrassment is allowed. However, it is forbidden to undergo surgery solely to enhance one’s physical appearance [3].

There are three basic halachic issues that come up in the poskim with elective or plastic surgery: the issue of chavala, sakanos nefashos, and particularly relating to males is the issue of simlas isha. The Achronim discuss these issues at length.

The Talmud discusses the issue of chavalah, wounding oneself unnecessarily, and concludes that a person does not have the right to injure himself in any way [4]. This is also the psak of the Shulchan Aruch and Rambam. Rav Menashe Klein draws a distinction between elective surgery purely for cosmetic reasons, to improve one’s appearance, and surgery to fix a mum, a blemish or abnormality. A definitive mum might not be considered a chavalah and therefore one would be permitted to undergo surgery to fix it [5]. Rav Moshe Feinstein writes in his tshuva that when the Rambam describes the issur, prohibition, of chavalah, the Rambam adds an extra phrase of *derech bizayon* or *derech nitzayon*. Therefore, says Rav Moshe, going through surgery to fix a physical defect, *derech tikkun*, does not fall into the category of chavalah. Surgery in a

form of *derech tikkun* is permissible because it is not part of the issur of chavalah [6]. Rav Mordechai Yaakov Breish writes that wounding is permissible not only for a medical problem, but also if it alleviates pain in any way [7]. Tosfos includes social issues in the definition of pain. Someone who is uncomfortable socially because of his or her appearance falls under the category of “pain” and chavalah would be *mutar* as well [8]. With all that was stated, the three heterim for chavalah are *derech tikkun*, to take care of a mum, and psychological or social pain.

The issue of *sakanos nefashos* comes up in elective surgeries in which the patient goes under general anesthesia or there is some other risk to one’s life. There is, though, a concept in halacha in which Chazal allows dangerous activities that are part of everyday life or have become a social norm. There are risks in driving a car and crossing the street, however, Chazal allows us to do these activities because it is the norm of society. There is, therefore, room to allow plastic surgery because it is considered an acceptable risk in society.

The issur of *simlas isha* does not only apply to clothing, but also forbids men from involving themselves in all feminine activities. The Talmud describes a man who removes scabs from his body. The Talmud allows him to remove the scabs if they are causing him pain, however, if he is removing them to beautify his body, it is forbidden, because of the issur of *simlas isha* [9]. When it comes to elective surgery, this issur, is subjective and depends on the surgery in question. Plastic surgeries that are common practice for men to undergo may not fall into the category of *simlas isha* and would therefore be permissible.

In conclusion, the majority of poskim hold that there is ample room to be lenient in such cases and allow for elective, reconstructive surgery. However, Rav Eliezer Waldenberg, the Tzitz Eliezer, strongly rejects any possibility to allow any elective or plastic surgery. He points out that the Talmud (Bava Kama 75) learns

from the pasuk in Shemos (21:1): “a doctor is permitted to heal” that a doctor needs permission to perform any treatment to a patient. There is permission only in a case of illness, and therefore, when there is no illness, there is no permission. Additionally, the Tzitz Eliezer says there is a hashkafic issue with plastic surgery. It is a dishonor to HaShem by being unsatisfied with the way G-d created man. Rav Waldenberg says that it is forbidden “to improve upon the form engraved upon him by his Creator or to make him appear young and to contradict the decree of the King of the Universe” [10]. It is important to consider the Tzitz Eliezer’s view, however, most poskim are lenient to allow cosmetic surgery when there is a genuine need for it.

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### **References**

- [1] Shemos 21:1
- [2] Geisler, D. (2004). Cosmetic Surgery in Halacha. *Journal of Halacha and Contemporary Society*. 47: 29-43
- [3] Eisenberg, D. (2013). Judaism and Cosmetic Surgery. *Community Magazine*. 12: 50-55.
- [4] Bava Kama 91b
- [5] Mishneh Halachos Chelek 4 Siman 246-7
- [6] Igros Moshe
- [7] Chelkas Yaakov
- [8] Shabbos 50
- [9] Shabbos 50b
- [10] Etengoff, D.B. (1988). Halachic Implications of Cosmetic Surgery. *Journal of Halacha and Contemporary Society*. 15:79-91