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*Are Two Heads Really  
Better Than One?  
Halakhic Issues Relating  
to Conjoined Twins and a  
Two-Headed Person*

**Introduction**

Conjoined twins are identical twins whose bodies are joined or do not fully separate *in utero*. They can be joined along virtually any part of the body and are categorized by the specific point of connection, such as the chest, abdomen, back, or head, and have been known to exist since antiquity.<sup>1</sup> In the

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1 On the history of conjoined twins, see G. M. Gould and W. L. Pyle, *Anomalies and Curiosities of Medicine* (New York, 1896), 167-89; H. H. Wilder, "Duplicate twins and double monsters," *American Journal of Anatomy* 3:4 (1904): 388-472 (which includes a fascinating discussion on the physiological theories of development of conjoined twins); J. Bondeson, *The Two-Headed Boy and Other Medical Marvels* (Ithaca, NY, 2000). See also the National Library of Medicine online exhibit, "From Monsters to Modern Medical Miracles: Selected Moments in the History of Conjoined Twins from Medieval to Modern Times," <http://www.nlm.nih.gov/hmd/conjoined/> (accessed May 12, 2012). The Mutter Museum in Philadelphia has a permanent exhibit with artifacts and images explaining how conjoined twins develop, including examples of famous conjoined twins of the past and present. The autopsy of the famous Siamese twins, Eng and Chang Bunker, was performed at this museum, and a cast of their bodies is on

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modern era, it has become possible to successfully separate conjoined twins, depending on the nature of the shared vital organs. Such procedures, which invariably attract media attention, are among the most complex in the surgical arsenal and require a concert of interdisciplinary services. These cases often create correspondingly complex ethical dilemmas.<sup>2</sup>

While there has been occasional discussion of the phenomenon of conjoined twins in halakhic literature,<sup>3</sup> contem-

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display. For a current review of incidence of conjoined twins, see O. M., Mutchinick, et. al., "Conjoined twins: a worldwide collaborative epidemiological study of the International Clearinghouse for Birth Defects Surveillance and Research," *American Journal of Medical Genetics, Part C, Seminars in Medical Genetics* 157C:4 (November 15, 2011): 274-87.

2 For a recent example, see M. Lee, et. al., "The bioethics of separating conjoined twins in plastic surgery," *Plastic and Reconstructive Surgery* 128:4 (October, 2011): 328e-334e.

3 For discussions of conjoined twins in rabbinic literature, see Tuvia Cohen, *Ma'aseh Tuvia* (Venice, 1708), section *Olam Katan*, chapter 6; Y. Reischer, *Shevut Ya'akov* 1:4; C.Y.D. Azulai, *Mabzik Berakhah, Yoreh De'ah* 13, no. 5; Y.Y. Shmelkes, *Beit Yitzhak, Yoreh De'ah* 99, no. 3-4; Y.M. Glassberg, *Zekhor Berit Le-Rishonim (Helek Milu'im)*, (Cracow, 5652), chapter 5; H.J. Zimmels, *Magicians, Theologians and Doctors* (London, 1952), 71-73; W.M. Feldman, *The Jewish Child* (London, 1917), 129-30 and 137-9; Y. Ba-Gad, "On the Two-Headed Baby" (Hebrew), in his *Nahalei Ha-Eshkolot*, vol. 1, 74-89; D. Sperber, "Two-Headed Monsters," in his *Magic and Folklore in Rabbinic Literature* (Ramat Gan, 1994), 13-14; Yosef Potzanovsky, *Pardes Yosef, Bereishit*, no. 38; D.A. Mandelbaum, *Pardes Yosef Ha-Hhadash, Bamidbar*, p. 13, no. 14; N. Slifkin, "Two-Headed Men and Other Mutants," in his *Sacred Monsters* (Brooklyn, NY, 2007), 209-16. Dr. Abraham Abraham has written a number of substantive halakhic discussions on issues relating to conjoined twins in the second edition of his *Nishmat Avraham* (Jerusalem, 2007); see index, "te'umei sayam." The most comprehensive essay on conjoined twins in rabbinic literature is J. D. Bleich, "Conjoined Twins," in his *Bioethical Dilemmas* (Hoboken, NJ, 1998), 283-328. The present essay contains much new material not discussed in the aforementioned sources and should be considered a supplement to these excellent contributions.

There is a midrashic approach (see *Eruvin* 18a) that Adam and Havah were created as conjoined beings, but this is, by definition, not a case of conjoined twins, as conjoined twins are derivative from one embryo and are always identical twins. Of course, the formation of the human being at the very time of creation must be viewed with a different lens. We therefore do not explore this midrashic thesis in this essay.

porary discussions focus primarily on the issue of surgical separation with reference to a specific case, which will be addressed below. This halakhic question has been thoroughly addressed and will only be referenced here. There are, however, other halakhic issues that relate to conjoined twins and whether they have the status of one or two people. This essay will focus on these issues.<sup>4</sup>

### **Pidyon Ha-Ben**

A variant of conjoined twins is the two-headed child, or dicephalic type, where there are two heads, but no duplication of other major organs.<sup>5</sup> If such a child was a firstborn of an Israelite family, what would the *halakhah* be regarding *pidyon ha-ben*, redemption of the firstborn? This issue is discussed in what is perhaps the most famous passage in early rabbinic literature dealing with conjoined twins:

Plimo inquired of Rebbe: In the case of one who has two heads, on which of them does he don *tefillin*? Rebbe indignantly said to him: Either rise and go into exile or accept excommunication upon yourself! Meanwhile, a certain man came and said to Rebbe: A child that has two heads was recently born to me. How much money must I give to the *Kohen* for this firstborn's redemption? A certain elder then came and taught Rebbe as follows: The father is obligated to give the *Kohen* ten *sela'im*.<sup>6</sup>

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<sup>4</sup> The halakhic discussions on conjoined twins have also been applied to other halakhic matters. For example, R. Eliyahu Posek, in his work on the laws of *lulav* and *etrog*, *Eitz Ha-Sadeh* (published by his son in 5697), uses the case in *Menahot* 37a and the responsum of *Shevut Ya'akov* on conjoined twins as proofs in his discussion of the halakhic status of a "twin" *lulav* and a "twin" *etrog*.

<sup>5</sup> For a history of dicephalic twins specifically, see J. Bondeson, "The Tocci Brothers and Other Dicephali," in his *The Two-Headed Boy*, 160-88.

<sup>6</sup> *Menahot* 37a-37b (based on Artscroll translation).

The *gemara* then discusses the basis for the ruling. A child that is “*nitraf*” within 30 days of birth does not require redemption. A child with two heads should presumably be similar to this excluded category and should not require any redemption, let alone a double redemption! Why, then, is a payment of ten *sela'im* required? The *gemara* answers that the Torah makes the *mitzvah* contingent specifically on the head count (*gulgolet*). As there are two heads in this case, each head requires redemption.

There are a number of interpretations of this passage, some based on different definitions of the word “*nitraf*.” Some explain the passage according to Rashi, who defines “*nitraf*” as “killed,” whereas others explain it according to Tosafot, who explain that it implies that the child was rendered a *treifah*.<sup>7</sup>

R. A. Neumark posits a novel, although historically anachronistic, approach to the passage in *Menahot*.<sup>8</sup> He contends that the passage refers not to a child with one body and two heads, but to a set of full, conjoined twins, with two full bodies and two heads. Furthermore, these conjoined twins are surgically separable, but will not survive connected. Since they are two complete, separable bodies, any discussion about or application of the specific law of *treifah* called “*yeter*” (duplicate organs) does not apply in this case, as that principle only applies to one body with duplicate organs, not to two separable bodies. The question of the *gemara* is thus based on a doubt re-

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<sup>7</sup> *Treifah* is a category/status of animals that are diagnosed with terminal conditions with a prognosis of less than twelve months. For discussion of how the term *treifah* applies to humans and whether its use is exactly analogous to animals, see A. Steinberg, *Entzyklopedia Hilkhatit Refu'it*, s.v., “*treifah*”; Y. Robinson, “*Treifah* for Human Beings” (Hebrew), *Assia* 56 (September 1995): 30-34.

For lengthy discussion on the point of argument between Rashi and Rabbeinu Tam, see Yaakov Schick, *Yashresh Yaakov* (Budapest, 5684), 14-16; S. Goldman, “Explanation of the Positions of Rashi and Rabbeinu Tam for a Firstborn *She-Nitraf* within Thirty Days and Redemption of a Firstborn with Two Heads” (Hebrew), *Ha-Darom* 72-73 (Elul 5762): 139-49; A.Y. Neumark, “Born with Two Heads” (Hebrew), *Kol Torah* 14:31, vol. 11 (*Av* 5720): 5-6.

<sup>8</sup> A.Y. Neumark, *ibid.*

garding if this set of twins is considered a general *treifah*, since they will die soon without intervention, but could live full lives if separated. R. Neumark wrote this thesis in 1960, when surgery for separation of conjoined twins had recently become a reality.

Irrespective of the interpretation of the passage, the conclusion appears to be that for a two-headed child, one is required to give the *Kohen* ten *sela'im*. Rashi explains that in a usual case of twins, only five *sela'im* are given, since one twin's head opens the womb first. However, in the case of dicephalic twins, it is possible that both heads exit the womb simultaneously, and thus ten *sela'im* are required.

Regarding practical Halakhah, *Tur* accepts the passage in *Menahot* as authoritative and maintains that for a two-headed child, ten *sela'im* are indeed given to the *Kohen*.<sup>9</sup> However, this conclusion is not mentioned either by Rambam or *Shulhan Arukh*. R. Yaakov Reischer states in his responsum on a case of twins conjoined at the head (craniopagus) that despite the connection of the skulls, they are clearly two distinct individuals with two distinct bodies and faces. Thus, ten *sela'im* would be required for redemption. If, however, they were delivered feet first (breech), he stipulates that only five *sela'im* would be required, presumably because one head would clearly exit the birth canal first.<sup>10</sup>

Dr. Abraham S. Abraham points out that today, the question of *pidyon ha-ben* for a two-headed baby is moot and has no practical relevance, as these babies are invariably delivered by cesarean section, thus exempting them from the requirement of redemption.<sup>11</sup>

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9 *Tur*, *Yoreh De'ah* 305. See also Rosh, *Bekhorot* 8:5; *Hatam Sofer*, *Yoreh De'ah* 294.

10 Parenthetically, given the anatomical configuration of the craniopagus twins described by R. Reischer, they would certainly have been born breech and would have required only five *sela'im* for redemption.

11 A. S. Abraham, *Nishmat Avraham* (2<sup>nd</sup> edition, Jerusalem, 5767), *Yoreh De'ah*, 305, no. 5, n. 4.

## Tefillin for Conjoined Twins

The initial question that begins the famous Talmudic passage above about the two-headed child is about *tefillin*. After the appearance of the father of a newborn two-headed child, the discussion quickly shifts to the topic of *pidyon ha-ben*, never again to return to the original question. Thus, the *gemara's* question about which head should don the *tefillin shel rosh* remains unanswered. A number of rabbinic authorities in recent times have ventured to resolve this halakhic dilemma.

R. Moshe Rosen points out the inconsistency in the way the *gemara* addresses *pidyon ha-ben* and *tefillin* for the two-headed child. While the *gemara* queries whether one should pay for the redemption of one or two children in the case of the two-headed child, with respect to *tefillin*, the *gemara* assumes that only one of the heads should don the *tefillin*, simply asking, “on **which** [head] should he place the *tefillin*?” Why is it obvious that only one head should bear the *tefillin*? Perhaps both heads are required to wear *tefillin*! R. Rosen posits that since there is but one body, the placement of a second *tefillin shel rosh* would constitute a violation of *bal tosif* (adding to the *mitzvah*).

If only one *tefillin shel rosh* is to be worn, the question then turns to preference. Just as there is a primary and secondary hand, perhaps there is a primary and secondary head. In addition, perhaps the *tefillin shel rosh* should be placed on the head in closer proximity to the hand that bears the *tefillin shel yad*. Alternatively, since the right has greater importance in many areas of halakhah, perhaps the right head should bear the *tefillin*. It is because of the absence of clear guidelines, according to R. Rosen, that the *Gemara* asks, “on which [head] should he place the *tefillin*?”<sup>12</sup>

R. Binyamin Fleischer likewise mentions the notion that *bal tosif* would preclude the wearing of *tefillin* on both heads. However, if each head is to be viewed as an independent

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12 *Nezer Ha-Kodesh* (New York, 5719), n. 59.

person, he counters, *bal tosif* would not apply. He rejects this counterargument by citing the *Shitah Mekubetzet* on *Menahot*, which recounts a story in which Shlomo Ha-Melekh poured water on one head of a two-headed person; the other head experienced the pain as well. This seemingly proves that the two heads are in fact one unified body. As such, the concern for *bal tosif* would still apply.<sup>13</sup>

R. Efraim Grunblatt was troubled by the same question as R. Rosen (although he does not quote him). Why is it, he asks, that while the *gemara* allows for the possibility of requiring redemption for both heads, when it comes to *tefillin*, the assumption is that only one head should bear the *tefillin*? After all, the Torah states that “they [*tefillin shel rosh*] should be a sign between your eyes,” and both heads possess a pair of eyes.<sup>14</sup> R. Grunblatt argues that based on the principle prevalent in the laws of *treifot*, all duplicate organs are considered removed or absent, and one would not fulfill the *mitzvah* if the *tefillin* is placed on a head that is considered halakhically absent.<sup>15</sup>

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13 *Shavei Binyamin* (New York, 5694), n. 14. See also Y.Y. Schmelkes, *Beit Yitzhak, Yoreh De'ah* 1:99, who compares the case of a child born with two male reproductive organs and the requirement to undergo two circumcisions to the case of *tefillin* for the two-headed boy. Like R. Rosen and R. Fleischer, he adopts the approach of *bal tosif*.

14 This same logic might dictate the necessity for two pairs of *tzitzit* for a two-headed person, as the verse says, “*lo taturu... aharei eineichem*,” “do not stray after your eyes.” Since each head possesses a separate pair of eyes, each should thus be required to wear a separate pair of *tzitzit*. I have not seen anyone address this issue, arguably for obvious reasons.

15 R. Grunblatt also uses the case of the two-headed child in *Menahot* to offer a whimsical proof that it is not possible to read the *haftarah* twice on the same Shabbat. The *gemara* assumes that only one head can don the *tefillin* in order to prevent the future potential conflict at the bar mitzvah of the two-headed child. If each head were allowed to wear *tefillin*, then each would claim the right to recite the bar mitzvah *haftarah* with its attendant blessings! From the fact that *tefillin* is limited to one head, we see clearly that the *haftarah* can only be read once. (One can only speculate if Rebbe's response to this proof of R. Greenblatt would have been similar to his response to Palimo, although I suspect Rebbe would have thoroughly appreciated the

I would suggest that there is a possible practical difference between the position of R. Rosen and R. Fleischer, on the one hand, and that of R. Grunblatt, on the other. According to R. Rosen and R. Fleischer, if the two-headed person wished to wear “Rashi” *tefillin* on one head and “Rabbeinu Tam” *tefillin* on the other, this might not constitute a violation of *bal tosif*, as the obligation is fulfilled with one of the two pairs. However, according to R. Grunblatt, donning two pairs of *tefillin* simultaneously has no halakhic value, as one (and possibly both) of the heads is considered legally absent. Thus, there would be no halakhic utility in placing the *tefillin* of Rashi and Rabbeinu Tam on the two heads.

While the above discussions are examples of legal analyses of the Talmudic passage about a two-headed child, a number of rabbinic authorities have discussed the issue of *tefillin* with respect to specific cases of conjoined twins that they themselves observed. While the twins mentioned in these cases are not Jewish, the question is addressed as if they were. In his responsum regarding craniopagus twins (joined at the head), R. Yaakov Reischer concludes that without doubt, each should don *tefillin* on their respective heads, as there are two complete bodies.

R. Chaim Elazar Shapira observed a case of twins on display in Vienna with two upper bodies, but one shared body from the waist down (a form of dicephalous twins).<sup>16</sup> In his work on the laws of *tefillin*, R. Shapira finds it difficult to consider this anomaly as one legal person, since there are two separate hearts and heads. He therefore concludes that each twin should don his own *tefillin shel rosh*, with the *tefillin shel yad* worn on the corresponding left hand, adjoining their respective hearts.<sup>17</sup>

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intellectual exercise.)

16 Based on the anatomic description, location, and historical period, I suspect that he observed the famous Tocci brothers, who were exhibited widely at that time.

17 *Ot Hayim Ve-Shalom*, section *Ot Hayim* (on *tefillin*) 27:9, no. 13. R. Shapira also offers other explanations as to why both heads should don *tefillin*.



## **The Reason for Rebbe's Response**

When Palimo in the Talmudic passage inquires of Rebbe about the applicability of the laws of *tefillin* to a two-headed child, Rebbe responds in a way reminiscent of a teacher frustrated with a difficult student whose absurd question distracts the class from the day's intended lesson: "Either go into exile or accept upon yourself a curse!" The simple explanation is that Rebbe assumed Palimo was mocking or making folly of the halakhah by mentioning a ludicrous example, one that could not possibly occur.<sup>18</sup> In fact, Tosafot comment that "in this world, there is no such thing."<sup>19</sup> Similarly, R. Yitzchak Or Zarua (13<sup>th</sup> century) includes this case of the two-headed baby in a list of Talmudic cases that he considers purely hypothetical with no basis in factual reality.<sup>20</sup>

These comments are somewhat difficult in light of the fact that the passage continues with a story of a man who had a two-headed child.<sup>21</sup> As to the historical veracity of this statement, while there were sporadic, rare cases of conjoined twins noted from antiquity onwards, it is quite possible that many areas of the world were indeed unfamiliar with this congenital anomaly until accounts were published and disseminated in the medical literature.<sup>22</sup>

While a student's distraction may merit a response, Rebbe's particular response seems more severe than such a common circumstance would dictate. What then compelled Rebbe's extreme rebuke? Commentaries have suggested anatomical, homiletic, and magical explanations.

R. Menashe Klein suggests that Palimo and Rebbe ac-

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18 See Rashi, *Menabhot* 37a, s. v., *oh*.

19 Tosafot, *Menabhot* 37a, s.v., *oh*.

20 *Or Zarua*, vol. 2, *Hilkhot Aveilut*, end of 424 (pp. 173-4 in the Zhitomer, 5622 edition).

21 See D. Sperber, "Two-Headed Monsters," 13-14, where this question is discussed.

22 For example, there is an illustration of conjoined twins in one of the first printed treatises on obstetrics, the *Rosengarten*, by Eucharius Rosslin, printed in 1513.

tually held differing views regarding a particular *halakhah* of *treifot*. A *treifah* is a person or animal that has a terminal condition with a prognosis of less than twelve months. Most rabbinic authorities maintain that if a designated *treifah* does, in fact, live longer than twelve months, the original *treifah* designation was clearly invalid. The only possible exception is the category termed “*yeter*,” regarding which the accepted legal principle is that “*kol yeter ke-natul dami*,” additional or duplicate organs are considered as if removed or absent, rendering a *treifah*. According to Rashba, *treifot* in the *yeter* category are able to survive longer than the twelve month period, but are nevertheless considered to have a full legal status of a *treifah*. Others disagree and maintain that the *yeter* category is no different than other *treifah* categories, and such a *treifah* cannot survive beyond twelve months.

According to all opinions, R. Klein explains, a two-headed person would fall into the *treifah* category of *yeter*. Palimo, in accordance with Rashba’s understanding, maintained that it is possible for one in the *yeter* category to live longer than twelve months while still being considered a *treifah*. It was therefore appropriate for him to ask about *tefillin*, a law that would only apply to the child when he reached thirteen years of age. Rebbe, however, did not agree with the position of Rashba, maintaining that such a child, being a *treifah*, could not possibly survive to bar mitzvah, when the question of *tefillin* would be relevant. Rebbe therefore considered Palimo’s question heretical, as Palimo was overtly rejecting the words of *Hazal* as Rebbe understood them and thus merited an extreme response.

R. Klein further suggests that *Hashem* orchestrated the appearance of the man with the two-headed child, and the subsequent statement of “*hahu saba*” (identified with Eliyahu Ha-Navi), to affirm that Palimo’s position is in fact not heretical and it is in accordance with halakhic tradition that this type of *treifah* can survive to the age of bar mitzvah.<sup>23</sup>

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23 A similar approach is suggested by S. Goldman, “Explanation of the

R. Yaakov Epstein bypasses the anatomical discussion, preferring a homiletic interpretation of Rebbe's response. He interprets Palimo's question as follows: If one is of two heads, or two minds, with his thoughts both on the heavenly matters of prayer and on worldly matters as well, is he allowed to put on *tefillin*? This explains the severity of the response of Rebbe, immediately ostracizing Palimo. Since one clearly should refrain from wearing *tefillin* if his thoughts are impure, Rebbe answered angrily that one should subjugate his thoughts and his heart, expel any impure thoughts, and be receptive to the holy thoughts of prayer.<sup>24</sup>

R. Meyer Blumenfeld invoked the case in *Menahot* of the two-headed boy to teach a lesson to a one-headed bar mitzvah boy. In a bar mitzvah sermon on the *haftarah* of *Parshat Bamidbar*, R. Blumenfeld employs a homiletic idea similar in concept to R. Epstein, comparing the different lands of the Diaspora to the two heads of one body. If, as in the case of Shlomo Ha-Melekh, when hot water or suffering is endured by "one head," the Jews in one land, and the "other head," the Jews in the other lands, cry out in pain, this is a sure sign that we are ready for the redemption.

He further applies the idea of two heads to certain Jews whose behavior reflects a dichotomy between their presence in both the Jewish and non-Jewish world at the same time – as if living with two heads. The question goes beyond whether they can put on *tefillin*, he argues, and is rather a fundamental question as to the nature of their Judaism. Is it possible to remain a Jew with two heads? Turning his attention to the bar mitzvah boy, R. Blumenfeld concludes that the people that received the Torah on Mount Sinai were of one head, and he enjoins the young boy to continue in that vein.<sup>25</sup>

R. Chaim Elazar Shapira suggests another explanation for Rebbe's response. Tosafot mentions that the two-headed

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Positions of Rashi and Rabbeinu Tam," 139-49.

<sup>24</sup> *Beit Yaakov* (1933), 87-88.

<sup>25</sup> M. Blumenfeld, *Netivot Nevi'im* 2 (Brooklyn, 1965), 97-99.

child presented to Shlomo Ha-Melekh as originated from Ashmadai, the king of the demons. Such a creature was therefore considered a product of demons, witchcraft, and sorcery, matters clearly prohibited by the Torah. Rebbe's response reflected his complete and utter rejection of these prohibited endeavors, the ultimate source of such a creature. Palimo was concerned about the existence of such sorcery amongst the Jewish people, thus prompting him to ask such a question.<sup>26</sup>

An alternate explanation reinterprets the phrase "rise and go into exile" as a suggestion, rather than a punishment. According to *Seder Ha-Dorot*, quoting the *Zohar*, in the place to which Kayin was exiled, the children had two heads. When Rebbe said, "rise and go into exile," he suggested that Palimo go to the same place of exile that Kayin went to; there, where people have two heads, he would be better able to find an answer to his question.<sup>27</sup>

## Inheritance

The issue of inheritance, while not mentioned in the Talmudic discussion, is raised by Tosafot in his brief recounting of the midrashic story regarding Shlomo Ha-Melekh.<sup>28</sup> According to the expanded version of the *midrash*,<sup>29</sup> Ashmedai, the king of the demons, raised up from the netherworld a man with two heads to display to Shlomo Ha-Melekh. Shlomo requested that he return the person to his place of origin, but this was apparently no longer possible. The two-headed person remained in this world, married a woman, and begat children of both the two-headed and one-headed variety. Upon the death of the father, the two-headed son requested two portions of inheritance. When brought before Shlomo, he covered one of the heads and poured scalding water on the other. When both heads simultaneously cried out in pain, he declared them one

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26 *Minhat Elazar, Nimukei Orah Hayim* 27:9.

27 J.D. Bleich, "Conjoined Twins," 311, n.25.

28 Tosafot, *Menahot* 37a, s. v., *kum gali*.

29 *Otzar Ha-Midrashim* (Eisenstein), 533.

person, with one share of inheritance.

The logic behind this proof is not explicitly stated. Perhaps Shlomo's sole purpose was to experimentally determine if they had two separate nervous systems, as he believed this to be the criterion for their individuality. It is equally possible that this was a dramatic method of publicly verifying a decision that Shlomo arrived at for other reasons.

The German government in the early 20<sup>th</sup> century concurred with the decision of Shlomo Ha-Melekh, although for different reasons. The parents of a set of dicephalous twins petitioned the German government for public assistance for two mouths to feed. Despite support from the medical community, the government rejected their claim, stating that twins that could not be surgically separated were legally considered as one person.<sup>30</sup>

R. Yitzhak Yehudah Schmelkes heard of the case on display in Vienna of the twins with one shared lower body.<sup>31</sup> Unlike the Talmudic case of one body with two heads, these twins had separate upper bodies. R. Schmelkes seems inclined to consider them as two halakhically separate people for matters such as counting for a *minyan* and entitlement to inheritance, as they have separate hearts and upper bodies.<sup>32</sup>

R. Reischer addresses a case of twins conjoined at the head, with two complete bodies, concluding that as two complete individuals, they are obviously each entitled to separate shares of inheritance.<sup>33</sup>

R. Yaakov Hagiz (17<sup>th</sup> century) comments on the halakhic status of a unique form of conjoined twins he observed in Italy. One twin appeared as a normal adult, while the second, smaller twin was connected at the waste, with its legs reaching only to the knees of the other. He reports that this smaller,

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30 J. Bondeson, "The Tocci Brothers," 182.

31 Again, these were likely the Tocci brothers who were personally seen by Rabbi Shapira.

32 *Beit Yitzhak*, *Yoreh De'ah* 99, no. 3-4.

33 *Shvut Yaakov* 1:4.

parasitic twin had no apparent sensation. R. Hagiz considers this twin a *goses*, with its attendant halakhic ramifications, including rights to inheritance. (It is somewhat remarkable that R. Hagiz labeled the parasitic twin a *goses*, a term given to one whose death is imminent, given the fact this twin survived for many years.) He also considers whether the parasitic twin would require *milah* and whether, upon seeing this unusual being, one should recite the blessing of “*meshaneh ha-beriyot*,” which is recited upon unique or unusual creatures.<sup>34</sup>

We thus have discussions in rabbinic literature about inheritance for four unique types of conjoined twins – two forms of dicephalous, craniopagus, and parasitic.

### **Marriage of Conjoined Twins**

The famous Siamese conjoined twins Chang and Eng Bunker, who were joined at the chest wall but had completely separate bodies, married different wives (sisters, in fact), and maintained separate families. The Godina twins, born in 1908, were joined at the sacrum (pyopagus) and married identical (although not conjoined) twins. The success with which these sets of twins navigated this unique marital arrangement was apparently not shared by another earlier set of conjoined twins. Rabbeinu Gershon ben Shlomo of Arles (13<sup>th</sup> century), father of Ralbag, records a story in the name of Avicenna (the Persian physician) of a pair of female conjoined twins anatomically similar to the Bunker twins. One of the twins wished to marry, but the other refused, out of concern for her modesty during the course of marital relations. When the twins presented the case before a judge, the judge devised a Solomonic solution to determine if one twin had the right to marry against the will of the other. After the twins were seated, he asked one to rise and walk across the room. With great effort, she was able to partially stand, but her sister remained seated. He then asked the other sister, who had requested to marry, to perform the same

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<sup>34</sup> *Halakhot Ketanot* 1:245.

action. She stood with ease, forcibly carrying her sister with her across the room. Having satisfactorily determined that the sister requesting marriage was the dominant twin, he acceded to her request and allowed the marriage. Shortly thereafter, however, the non-dominant twin died, purportedly due to anger and shame. With her passing and decomposition of the body, the remaining dominant twin died as well.<sup>35</sup>

R. Yaakov Reischer addresses the halakhic issues that arise regarding marriage in his responsum regarding craniopagus twins. In a case of male conjoined twins, he maintains that it is prohibited for one of them to marry, as the woman's lying in bed, by necessity, with the other twin might potentially lead to adultery. Furthermore, there is a general prohibition against cohabitation in the presence or view of others. For this latter reason, it would likewise be prohibited for a set of female-female conjoined twins to marry, even though the concern for adultery may not technically apply.<sup>36</sup> He adds that even in a place where it is accepted custom for one to have two wives, it would still be prohibited to marry conjoined twins, since cohabitation in the presence of another is prohibited.

According to Yosef Potzenovsky,<sup>37</sup> the *beit midrash* in the European city of Liske housed an old copy of R. Reischer's *Shvut Yaakov* that contained the handwritten marginalia of R. Akiva Eiger. In his notes, he queries that if the twins were female, there would be a prohibition of marrying two sisters, and one need not resort to the secondary prohibition of public marital relations.

In his approbation to the published responsa of R. Reischer, R. Yosef Shaul Nathanson asks the identical question

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<sup>35</sup> See *Sha'ar Ha-Shamayim, ma'amar shemini*. This story is repeated by others. See, for example, Tuvia Cohen, *Ma'aseh Tuvia*, section *Olam Katan*, chapter 6.

<sup>36</sup> R. Reischer also applies this logic to a set of male-female conjoined twins, although this combination is not physiologically possible. Conjoined twins are the product of the splitting of a single embryo, and by definition are always identical and of the same gender.

<sup>37</sup> *Pardes Yosef, Bereishit*, n. 38.

as R. Eiger, wondering why R. Reischer did not invoke the prohibition of marrying two sisters as an obvious reason why marrying conjoined twin sisters would be prohibited. He suggests that perhaps conjoined twins are considered a legal *treifah* and the prohibition of marrying two sisters does not apply to a *treifah*.<sup>38</sup> For this reason, R. Reischer does not mention the prohibition of marrying two sisters in this case.

R. Yosef Dzialofsky, however, claims that R. Nathanson extrapolated incorrectly from the *gemara's* statement that the prohibition does not apply to a *treifah*. In the case under discussion there, the fetus was nonviable, but in the case of viable conjoined twins, there is no reason that the prohibition of marrying two sisters should not apply, even if they may be considered a *treifah*.<sup>39</sup>

I would suggest a different answer to the question of R. Eiger and R. Nathanson as to why R. Reischer did not mention the prohibition of marrying two sisters. R. Reischer introduces the concept of engaging in marital relations in front of others as the main reason to prohibit a set of male conjoined twins from marrying one woman; he extends this logic to a set of female conjoined twins as well. Since the conjoined twins (of the configuration discussed by R. Reischer) are separate individuals, it is technically and halakhically permissible for a man to marry one of them. The only issue that would preclude this arrangement is, as R. Reischer mentions, the prohibition of public marital relations violated by the conjoined sister, which applies even in locations where it is customary to marry two women. The prohibition of marrying two sisters would not in any way preclude a man from marrying *one* of the twins, and R. Reischer thus did not deem it necessary to mention this prohibition.<sup>40</sup>

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38 See *Niddah* 23.

39 *Yad Yosef* (Lublin, 1911), *hashmatos* n. 86. For another approach to the question of R. Eiger and R. Nathanson, suggesting that this was a case of conjoined twins who converted, see R. E. Waldenberg, *Tzitz Eliezer* 17:49, and his discussion of *Beit Yitzhak* there.

40 This is my interpretation of the phrase “even in locations where one can



There is one reported case in the early 20<sup>th</sup> century of a set of pyopagus twins (fully formed twins joined at the sacrum and positioned back to back), Rosa and Josepha Blazek, who were rumored to have married the same man.<sup>41</sup> In this case, had the characters been Jewish, the man would have been in violation of the prohibition of marrying two sisters, as well as the prohibition of engaging in relations in public.

The aforementioned discussions about the marriage of conjoined twins refer to twins with complete, although connected, bodies. The marriage of dicephalous twins, with two heads and one body, would require a different analysis. While the case that was brought before Shlomo Ha-Melekh was of a two-headed child that was the product of the marriage of a woman with a two-headed man, there is no specific discussion about the halakhic aspects of such a marriage, perhaps since this was a creature of the netherworld. There is an historical account of dicephalous twins who married a single wife, “with whom they were said to live in harmony.”<sup>42</sup>

A two-headed person has only one set of reproductive organs, and, according to the decision of Shlomo Ha-Melekh, is legally considered one person with two heads. There would therefore be no concern about adultery or the marriage of two sisters, as discussed above. However, it remains a question as to whether R. Reischer’s concern for cohabitation in public would apply in this case. Technically, the spouse of a two-headed person is engaging in relations with one individual, yet each head has a different brain, personality, and set of eyes.

The famous Tocci brothers – who had two separate bodies above the waist and one shared common body below, with one set of reproductive organs – married two separate women. Bondeson mentions discussion in the contemporary

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marry two woman.” I recently saw that R. Schmelkes provides a similar answer in *Beit Yitzhak, Yoreh De’ah* 1:99, no. 4.

41 J. Bondeson, “The Biddenden Maids,” in his *The Two-Headed Boy and Other Medical Marvels*, 154.

42 Idem., “The Tocci Brothers,” *ibid.*, 167.

newspapers and medical journals about the legal ramifications of this marriage, including questions of paternity, such as which twin would be considered the father of which child, and inheritance.<sup>43</sup> This configuration demands yet another unique analysis with respect to marriage. R. Yitzhak Yehudah Schmelkes argues that if this configuration were present for female sisters, the *kiddushin* of either one of the sisters would be invalid, as it would be a marriage for which consummation is legally impossible. Since the sisters would share one set of reproductive organs, the man would violate the prohibition of cohabitation with his wife's sister. This is a form of adultery and a more severe violation than cohabitation in public.<sup>44</sup>

### **Criminality and Conjoined Twins**

In his discussion of the case of a parasitic twin, R. Hagiz ponders what the punishment would be for one who murders the parasitic twin. He concludes that the parasitic twin would be considered a *goses*, with all its ramifications; one is guilty of homicide for the murder of a *goses*, despite his poor prognosis. Based on the historical period, location, and description of R. Hagiz, it is clear that he is referring to the Colloredo brothers, Lazarus and his parasitic twin Baptista, who were born in Italy in 1617.<sup>45</sup> While R. Hagiz pontificated regarding the punishment for murdering the parasitic twin, this actually had practical relevance for the Colloredo brothers. There are accounts of Lazarus, the normal size twin, striking a man and killing him after the man had teased him in public. Lazarus was sentenced to death, but was reprieved after he claimed that if he were killed, his brother, who was innocent of this crime, would be unjustly murdered as a result.<sup>46</sup>

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43 Ibid., 181.

44 *Beit Yitzhak*, *Yoreh De'ah* 1:99, no. 4.

45 On the Colloredo brothers, including illustrations and poems about their life, see J. Bondeson, "The Two Inseparable Brothers and a Preface," in his *The Two-Headed Boy and Other Medical Marvels*, vii-xxii.

46 Ibid., ix-x.

A similar case of obfuscation of criminal culpability relating to conjoined twins is found in the fictional work of Mark Twain, *Those Extraordinary Twins*. Dicephalus twins, Count Angelo and Count Luigi Capello, were accused of kicking another person and were put on trial for assault. The defense lawyer, Pudd'nhead Wilson, in seeking acquittal, claimed that it is impossible to say which of the twins did the kicking, and that the guilty twin could not be punished without incarcerating the innocent brother.<sup>47</sup>

R. Schmelkes concurred with the judge in the Colorado case, ruling that if one of the conjoined twins commits a sin punishable by lashes or death, one cannot administer the punishment, as an innocent person (the non-guilty conjoined twin) would be punished as a result. He compares this to the case of a pregnant woman who is sentenced to death for a capital crime, where the fetus is killed prior to the execution of the death sentence. However, once the woman is in labor and the fetus is a separate entity, one no longer has license to take its life and must wait until after birth to execute the mother. Since the twins are halakhically separate people, one cannot punish the innocent twin on account of the guilty one.<sup>48</sup>

## **Separation of Conjoined Twins**

There are rare accounts of attempts at separating conjoined twins in pre-modern times, one dating back as early as 945 C. E.<sup>49</sup> With advances in imaging and surgical techniques over the last few decades, the separation of conjoined twins has become less rare, although not common. The halakhic aspects of the separation of conjoined twins have been amply explored

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<sup>47</sup> See M. Twain, *Those Extraordinary Twins*, chapter 5. Twain based his story on the famous contemporary set of dicephalous twins, the Tocci brothers. See J. Bondeson, "The Tocci Brothers and other Dicephali," in his *The Two-Headed Boy and Other Medical Marvels*, 180.

<sup>48</sup> *Beit Yitzhak*, *Yoreh De'ah* 1:99, no. 4.

<sup>49</sup> See G. M. Gould and W. L. Pyle, *Anomalies and Curiosities of Medicine*, 172-3; R. M. Van der Weiden, "The first successful separation of conjoined twins (1689)," *Twin Research* 7:2 (April 2004): 125-7.

in the medical halakhah literature and will not be revisited here.

The index case which sparked interest in the halakhic world was the birth of a set of twins joined at a six-chamber heart that were born to a religious Jewish couple in Lakewood, New Jersey in 1977. It was determined that without surgical intervention, the twins would die. Furthermore, surgery could possibly save one of the twins, but this required the sacrifice of the other. The medical and halakhic issues were varied and complex, but the main ethical/halakhic issue was whether it was permitted to sacrifice one twin to save the other. R. Moshe Feinstein was approached by the couple to render a decision in this case, and his lengthy discussions with the chief surgeon, Dr. C. Everett Koop, over the days before the operation are now part of the medical halakhah lore.<sup>50</sup> The decision was made to allow separation. For reasons unknown to me, R. Feinstein did not commit this decision to writing in his published responsa, *Iggerot Moshe*, although his son-in-law, R. Moshe Tendler, later published an account of the decision process.<sup>51</sup> Despite the lack of a printed responsum, rabbinic authorities subsequently commented on what was known to be the decision of R. Feinstein.<sup>52</sup> Dr. Koop recently reminisced about this landmark case

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50 An article from the *Philadelphia Inquirer* describing this chapter, D. Drake, "The Surgery: An Agonizing Choice – Parents, Doctors, Rabbis in Dilemma," *Philadelphia Inquirer* (October 16, 1977), has been reprinted in *Jewish Medical Ethics* 4:1 (February 2001): 14-21.

51 R. Moshe Tendler, "*Ki-She-Dobin Nefesh Mipnei Nefesh*," *Le-Torah Ve-Hora'ah: Sefer Zikaron* (New York, 5749), 114-122; idem., "Unpublished Responsum: 'So One May Live,'" in his *Responsa of Rav Moshe Feinstein: Care for the Critically Ill* (Hoboken, NJ, 1996), 125-33 and 209-13.

52 R. Dovid Povarsky, *Bad Kodesh* 4:51; R. J.D. Bleich, "The Separation of Siamese Twins Joined at the Heart" (Hebrew), *Be-Netivot Ha-Halakhah*, vol. 3 (*kuntres ha-refuah*); idem., "Conjoined Twins," in his *Bioethical Dilemmas*, 283-328; M. Halperin, "Siamese Twins: Rav Feinstein's Ruling and the Subsequent Controversy," *Jewish Medical Ethics* 4:1 (February 2001): 26-27. For other halakhic discussions on the separation of conjoined twins, see R. M. Sternbuch, *Teshuvot Ve-Hanhagot, Hoshen Mishpat* 893; A. Steinberg, "Siamese Twins" (Hebrew) in *Sefer Assia* 2 (Jerusalem, 5741), 246-51; R. M.M. Klausner, "Killing One Fetus to Save the Remaining Ones" (Hebrew), *Ateret Shlomo* 1 (5756): 255-66; (Hebrew);

in a discussion with students at the Chabad Center of Dartmouth College, where he teaches.<sup>53</sup>

## **Abortion of Conjoined Twins**

While the halakhic literature on conjoined twins dates back to Talmudic times, there is one issue relating to conjoined twins which appears nowhere in pre-modern rabbinic literature – abortion of conjoined twins. While rabbinic discussions on abortion date back to antiquity, the issue of abortion for conjoined twins is a product of the modern era and the advent of medical ultrasound imaging, which allows visualization of the anatomic features of the fetus or fetuses *in utero*.<sup>54</sup> In the pre-modern era, a woman could not have known prior to birth if she was carrying a set of conjoined twins. A number of contemporary rabbinic authorities address the halakhic permissibility of aborting fetal conjoined twins.

R. Levi Yitzchak Halperin was asked whether a woman carrying conjoined twins is allowed to perform an abortion or whether she should carry the twins to term and attempt surgical separation.<sup>55</sup> Initially, he queries as to whether the twins are considered two separate beings or one being with duplicate organs. He brings proof from the story of Adam and Havah,

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D. Stein, "On the Topic of Conjoined Twins" (Hebrew) *Beit Yitzhak* 32 (2000): needs page number; A.N. Tzucker, "On the Topic of Conjoined Twins" (Hebrew), *Hakirah* 5 (Fall 2007): 33-39; A. Enker, "Necessity: Do Numbers Ever Count" (Hebrew) in his *Ikarin Be-Mishpat Ha-Pelili Ha-Ivri (Fundamentals of Jewish Criminal Law)* (Jerusalem, 2007), 389-448.

<sup>53</sup> See A. Levy, "Former Surgeon General Looks Back at Hallmark Case Influenced by Rabbinic Law" (April 24, 2009) at [http://www.chabad.org/news/article\\_cdo/aid/880801/jewish/Surgeon-General-Addresses-Dartmouth-Students.htm](http://www.chabad.org/news/article_cdo/aid/880801/jewish/Surgeon-General-Addresses-Dartmouth-Students.htm) (accessed May 12, 2012).

<sup>54</sup> See, for example, T.C., Mackenzie, et. al., "The natural history of prenatally diagnosed conjoined twins," *Journal of Pediatric Surgery* 37:3 (March 2002): 303-9; R.M. Nomura, et. al., "Conjoined twins and legal authorization for abortion," *Revista da Associacao Medica Brasileira* 57:2 (March-April 2011), 205-10.

<sup>55</sup> See L.Y. Halperin, "Pregnancy Termination for Siamese Twins" (Hebrew), in his *Ma'aseh Hoshev* (Jerusalem, 5757), vol. 3, ch. 8, pp. 147-50.

who, according to some *midrashim*, were created as conjoined beings. Citing the case of the two-headed child presented to Shlomo Ha-Melekh, he wonders if Shlomo's test reflected a specific attempt to determine whether each twin had a unique and separate sensori-nervous system, which is what defines an individual being, or whether this was simply an effective, dramatic demonstration of his decision, which was based on other criteria.

R. Halperin distinguishes between different forms of anatomical connection. If the twins are not connected by any vital organs and would be surgically separated with relative ease, then they would be considered two separate, potentially viable fetuses. As such, abortion would be prohibited. If, however, they share vital organs, such as a heart, as well as a common nervous system, there are three possible scenarios and approaches. R. Halperin hastens to note that this is a very general overview, and that any actual case would require much greater analysis given the complexity of the issue.

1) Considered as two fetuses, with one healthy and one a *treifah*: This approach would apply to a case similar to that of the Lakewood twins, in which the shared heart rested primarily in the chest of one twin, with one twin considered dominant or primary and the other one weaker and secondary.<sup>56</sup> The dominant twin is viewed as a "*shalem*," healthy fetus, while the secondary twin carries the legal status of a *treifah*. In this approach, according to R. Halperin, abortion would be prohibited without exception, as there is no *heter* to sacrifice the healthy fetus along with the *treifah*. However, it would be permitted to selectively abort the secondary twin if it were possible to preserve the dominant fetus in the process. To my knowledge, such a procedure has not yet been attempted.

2) Considered as two fetuses, both with the status of *treifah*: According to this position, even if one twin is domi-

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<sup>56</sup> Of course, this is a simplification; anatomical position does not necessarily reflect physiological dominance.

nant and the other secondary, we would consider both twins to have the status of *treifah*. In this case, there would be room to consider the possibility of abortion, as one would be sacrificing one *treifah* at the expense of another *treifah*, both of equally inferior status. However, it is possible that surgical separation of the twins after birth would change the status of one twin from a *treifah* to a “*shalem*.” Would we consider this potential upgrade in legal status – which would only possibly occur through a risky surgical operation after birth – enough to preclude an abortion *in utero*? R. Halperin leaves this difficult question unanswered.

3) Considered as one fetus with the status of *treifah*: If we consider the conjoined bodies as one fetus with some duplicate organs, then it would have the status of a *treifah* (based on the principle that “*yeter ke-natul dami*,” a duplicate organ is considered as if that organ is removed or absent). Given the poor prognosis both *in utero* as well as if the fetus survives to birth, R. Halperin would in principle allow an abortion in this case. However, each case would require its own unique legal analysis before any decision is rendered.

While R. Halperin’s discussion is hypothetical, when he was asked whether it is permissible to perform an abortion in a specific case of conjoined twins who shared a heart, his answer was affirmative. He added an important proviso that another rabbinic judicial authority must concur with the decision.<sup>57</sup>

R. Menashe Klein was also asked a practical question about the permissibility of abortion for a woman who was found on ultrasound to be carrying a child with two heads (and one body).<sup>58</sup> As a preface to his consideration of terminating the pregnancy of a deformed or defective child, he cites three references reflecting the attitude and actions of rabbinic figures when faced with the birth of a child with congenital

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57 See Y. Stein and L.Y. Halperin, “Siamese Twins Seen on Ultrasound During Pregnancy” (Hebrew), *Ha-Berakhah* 6 (*Tamuz* 5771): 15-18.

58 *Mishneh Halakhot, Mahadurah Tinyana*, 6:37.

anomalies or with halakhic stigma. R. Ada bar Ahavah had a child with an anatomical effect of his genitalia rendering him a *petzuah dakah* and infertile. He fasted for him and he died.<sup>59</sup> Similarly, according to some, when a legal bastard (*mamzer*) is born, there is a custom to not recite the usual prayer, “sustain this child...,” as we do not genuinely wish to sustain such a child. Some suggest that one should even specifically pray that this child should die. In the same vein, R. Yitzhak ben Yehudah Ha-Levi mentions that with the birth of a severely deformed child, people often pray for the child’s death.<sup>60</sup> R. Klein makes it clear that while there may be cases in which one is permitted to pray for death, under no circumstances is it permitted to physically hasten the death of a child with any deformity or stigma.

With this preface, he launches into a discussion about the status of a two-headed fetus, defining such a fetus as a *treifah*, and therefore entertaining the possibility of abortion. He concludes, in accordance with the position of Rashba, that even though a two-headed fetus is designated as a *treifah*, it can still potentially live well beyond the twelve-month period. Given the projected longevity, R. Klein concludes that abortion is clearly prohibited.<sup>61</sup>

## Conclusion

There is more to the rabbinic literature on conjoined twins than separation alone. Rabbinic authorities over the centuries have observed and commented on a variety of types of conjoined twins, including craniopagus, dicephalus, and parasitic. Issues such as redemption of the firstborn, *tefillin*, inheritance and criminal liability were addressed in pre-modern times, while modern authorities have newly addressed the issues of separation and abortion. Depending on the anatomi-

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59 *Yerushalmi, Shabbat* 19:2 (17a), cited by Rabbeinu Hananel, *Shabbat* 135a. It is not clear if R. Ada bar Ahavah fasted or if R. Abin fasted.

60 *Pan'e'ah Raza*, end of *Beha'alotkha* on the verse “*al na tehi ka-met.*”

61 *Mishneh Halakhot, Mahadurah Tinyana*, 6:37.



cal configuration and the issue under consideration, conjoined twins have been considered halakhically at times either one or two people. This is reminiscent of the two-headed twins in Mark Twain's *Those Extraordinary Twins*, who would ask to get paid for two when they worked, but traveled the railway with just one ticket.

I would suggest that we might learn about the separate identity of conjoined twins from a *midrash* about the events of *Har Sinai*. In commenting on the use of a singular verb in describing the people of Israel, the *midrash* states that the Jews at *Har Sinai* were united, "*ke-ish ehad be-lev ehad*," as one person with one heart. One could perhaps learn from here that in order to be considered *ish ehad*, one person, one must have *lev ehad*, one heart; it is the heart that creates the separate identity. This conclusion is in agreement with the position of Shlomo Ha-Melekh, who considered the two-headed person one being, perhaps since there was only one heart. This would also be consistent with the *psak* of R. Moshe Feinstein allowing the sacrifice of one twin to save the other, although for a different reason. Since in that case the twins were joined at and shared one heart, albeit a 6-chambered heart, they would perhaps be considered *ish ehad*, one person, and it is permitted to amputate part of the body to save the rest.<sup>62</sup>

Eschewing the legal implications of this idea and invoking the conceptual and homiletic analysis, in the vein of Rabbis Blumenthal and Epstein above, we look forward to the time when the disparate heads of the Diaspora and the divergent halakhic approaches reflected in the two heads will one day unite under a single-minded Sanhedrin, when we will genuinely be "*ke-ish ehad be-lev ehad*," with the rebuilding of the *Beit Ha-Mikdash* speedily in our time.

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<sup>62</sup> I think I have a good idea how Rebbe would have responded to this idea had I mentioned it in his class.