

‘Till Death Do Us Part: The Halachic Prospects of Marriage for Conjoined (Siamese) Twins

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There are many unknowns when it comes to discussions about Siamese twins. We do not know what causes the phenomenon of conjoined twins,¹ we do not know what process determines how the twins will be conjoined, and we do not know why they are more common in girls than in boys. Why are thoracopagical twins (who are joined at the chest) the most common type of conjoinment making up 75% of cases of Siamese twins,² while craniopagus twins (who are connected at the head) are less common?

When it comes to integrating conjoined twins into greater society, another bevy of unknowns is unleashed: Are they one person or two? Could they get married?³ Can they be liable for corporal/capital punishment? Contemporary thought may have difficulty answering these questions, especially the last three, which are not empirical inquiries. Fortunately, in

¹ R. Yisroel Yehoshua Trunk of Kutna (1820–1893) claims that Jacob and Esau gestated within a shared amniotic sac in the womb of their mother Rebecca (as evidenced from the fact that Jacob came out grasping his older brother’s heel). As a result, there was a high risk that the twins would end up sticking together and developing as conjoined twins. In order to counter that possibility, G-d miraculously arranged for the twins to restlessly “run around” inside their mother’s womb (Gen. 25:22) in order that the two fetuses not stick together. See *Shut Yeshuot Malko* vol. 2 (Piotrkow, 1927), p. 74a.

² T. Izukawa, et al., “Assessment of the Cardiovascular System in Conjoined Thoracopagus Twins,” *American Journal of Diseases of Children* vol. 132 (1978), p. 19.

³ This issue of marriage for conjoined brothers has more recently appeared in the genre of popular Jewish literature in the fictional short-story “The Joiner” by Ezra Olman, which was published in *Lehrhaus* (December 1, 2016) [URL: <https://www.thelehrhaus.com/culture/the-joiner/>].

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the world of halacha, a methodology exists for approaching such questions, and while the final rulings may be subject to dispute, the halachic realm certainly remains a forum for intelligent discussion of the topic.

Two-headed Men in the Talmud and Midrash

Any and all discussion about the status of conjoined twins in halacha begins with a Talmudic passage that seems to address the issue—at least in some limited way:⁴

Plimo asked Rebbe: “He who has two heads, upon which head should he lay *tefillin*?” He said to him, “Either rise up and go into exile or accept excommunication upon yourself.” Meanwhile, a certain man came and told Rebbe: “A baby was born to me that has two heads. How much am I required to give to the Kohen [for redemption of the firstborn]?” A certain elder came and taught to him that he was obligated to give ten *sela* [instead of the usual five].

The Talmud then clarifies this ruling by explaining that redemption of the firstborn is dependent on the “head” (*gulgolet*)⁵ as is implicit in the

⁴ Previous treatments of this topic include: J. D. Bleich, “Conjoined Twins,” *Tradition: A Journal of Orthodox Jewish Thought* vol. 31:1 (1996), pp. 92–125; J. D. Bleich, “*Hafradat Teomim Siamiim Baalei Lev Echad*,” *Or ha-Mizrach* vol. 45 (1997), pp. 70–88; pp. 92–125; J. D. Bleich, “Conjoined Twins,” in *Bioethical Dilemmas* (Hoboken, NJ, 1998), pp. 283–328; and E. Reichman, “Are Two Heads Really Better Than One? Halakhic Issues Relating to Conjoined Twins and a Two-Headed Person,” *The Journal of Torah and Medicine of the Albert Einstein College of Medicine Synagogue and RIETS* vol. 4 (New York, NY: Yeshiva University Press, 2012), pp. 35–59. This paper intends to summarize the relevant arguments in those works and supplement them, with a focus on sources not thoroughly discussed previously.

⁵ The Torah uses the word *gulgotam* when describing the general census of the Jewish People (sans the Tribe of Levi), but does not use that word when describing the census of the Tribe of Levi. R. Moshe Sofer (1762–1839) in *Shut Chatam Sofer (Yoreh Deah §294)* cites those who explain that this is because the word *gulgotam* implies that each *head* should be counted separately, even if one *person* has two heads. Therefore, when counting the Tribe of Levi, the Torah does not use that word because the Levites are counted from the age of thirty days and up. Since a child born with two heads *could* live beyond thirty days, using the word *gulgotam* might cause a child with two heads to be double-counted. Therefore, the Torah does not use that word for the Levitical census. However, the rest of the Jews were counted only from the age of twenty years, and a child born with two heads cannot possibly live that long—because having two heads is considered a *treifah* with a limited lifespan of twelve months—so the Torah was free to use the word *gulgotam*, without being wary of double-