

Hermaphrodites and Torah

By Rabbi Yehudah ben Shomeyr

A Hermaphrodite, or as medical professionals are now calling the condition an “Intersexual” person, one born with both male and female genitalia, is not specifically mentioned in Torah. Most of the time, at the time of birth the parents choose which sex they prefer their child to be, most often the decision is dependent upon further medical evaluation which genitalia is more functional and dominant and that is the one they go with. Thus the child lives its life as one sex, sometimes having to take medication or take hormone therapy for the rest of their life. Other parents allow the child to grow up as a hermaphrodite and allow them to decide what sex they want to be if any at all. I suppose some parents want to wait until the child grows up and discovers which sex they are attracted to. They may think what if they decide for them which sex they will be at birth and they end up being attracted to the same sex when they grow up? Either way it is possible that a Hermaphrodite who chooses one sex over the other will still after surgery may not be able to father or conceive children so adoption or foster care may be the only option for them to have children.

Growing up I knew of only one Hermaphrodite and their parents decided to make her a girl seeing as she had predominately more female than male parts.

Unfortunately many who grow up as a Hermaphrodite is subjected to ridicule and persecution and some eventually go into pornography on account of their sexually unique condition. Some falsely feel this is the only way to make a living and be accepted. I am speaking of naturally born Hermaphrodites not self-made “shemales” ones through chemicals and or surgery.

It is nearly impossible for other Hermaphrodites to find each other and have a relationship for I am told there are only about 500 true Hermaphrodites in the world and the chances of them being compatible with things such as religion and philosophical beliefs is slim. This means that if a true religious hermaphrodite decides to remain both sexes for the rest of their life they will most likely be celibate.

“Leviticus 18:22 And you shall not lie with a man, as with a woman; it is abomination. 20:13 And if a man also lies with men, as he lies with a woman, both of them have committed an abomination; they shall surely be put to death; their blood shall be upon them.

The Torah seems to be condemning at least male homosexuality, in very clear language. However, my sermon is not over yet. the situation is not that simple. By the time the rabbis were compiling the Talmud -- about 1500 years ago -- male homosexuality was clearly taboo as a matter of social practice. But when the rabbis, always scrupulous in their analysis of Torah, turned their attention to this verse, they were troubled by the words "as with a woman." With their tremendous attention to detail, the rabbis concluded that the only man a man could lie with "as with a woman" would be a hermaphrodite, someone who has both male and female sexual equipment.” – Rabbi Barry Leff

Some feel that God made them that way and to have an operation to make oneself either male or female would admit God made a mistake, because God is male and female in the Hebrew grammatical gender and in the writings of Kabbalah (Jewish Mysticism), and He has to be for Him to be able to create male and female people and desire them to be one as He is One. Some even believe Adam was a Hermaphrodite before Eve sprang from Adam.

“Before Eve came along, God made Adam and for there to be God, Adam, and eventually Eve, this means G-d had to have masculine and feminine qualities to create Adam, and to have Eve come from him, must have at first been created with feminine qualities.

The real and holy Kabbalah, not the Hollywood Madonna kind, elaborates on God having both masculine and feminine qualities. For instance some words for God and His attributes are in the masculine in Hebrew, and some words, like the Ruach Ha Kodesh (Holy Spirit) are in the feminine gender in the Hebrew language. So having said that, I believe there is a feminine side to men as well as a masculine side to women, obviously one dominates the other in a specific gender, but either traits come out when needed.” – There’s Men and Then There’s Men, article by Rabbi Yehudah ben Shomeyr (Kris Shoemaker)

“Some esoteric Jewish traditions hold that God is hermaphroditic in nature, and that Adam was originally a hermaphrodite. This is based on a reading of Genesis 1:27: "So God created man in his own image, in the image of God created he him; male and female created he them." This theme is developed with great detail in the Kabbalah; For instance see this passage from the Kabbalah Unveiled. Rabbi Samuel-bar-Nachman is quoted by Carpenter as saying "Adam, when God created him, was a man-woman (androgyny)". Maimonides (*ibid.*) is quoted likewise: "Adam and Eve were created together, conjoined by their backs." This is similar to the androgyny mentioned in Plato's *Symposium.*” – Anon: Source Unknown.

The Rabbi’s and Sages and the Talmud surprisingly have much to say on the issue:

“The androgyny is in some things like men and in some things like women; in some things like both men and women; and in some things like neither men nor women.”

(Mishnah Tractate Zraim)

One Rabbi who runs an “Ask the Rabbi” forum on the internet answers this question. (Names have been changed to maintain confidentiality):

“Dear Rabbi,

I have asked this question to many rabbis and no one knows the answer ... can you help ... If someone is born a hermaphrodite and doesn't change their gender at all, do they get bar or bat mitzvah-d? Where do they stand in shul? And most importantly when they are buried would you say a prayer for him or her? The same question if a Jew has a complete sex change when they pass on what would the prayer be?

-- Terry

Generally speaking, hermaphrodites have an appearance of external genitalia that create a doubt if they are a combination of male and female, only male, or only female. This phenomenon is well documented in the Talmud and such a person is referred to as an ‘androgynous’ [a noun not verb]. Since you asked repeatedly and have not yet had a clarification from a Jewish perspective here goes: There is some halachic doubt as to the precise status of such a person. Maimonides, the great medieval codifier of Halacha, is of the opinion that the androgynous remains of dual status but may marry as a man. There is another opinion quoted in the Code of Jewish Law [Shulchan Aruch] that holds that an androgynous is a male because a female is someone with ‘the absence of male indicators’ - but when the person has the male organ he is a male and the female organ is considered superfluous. This view is the basis to permit a hermaphrodite to be brought up as and considered a male.

The question of whether a physical operation to change one's sex accomplishes its goal of gender reassignment is also subject of some controversy in Jewish law. Remarkably, it's hardly a new question - the earliest discussion concerning the gender status of a transsexual is found in the twelfth century! In his recent book *Tzitz Eliezer*, Rabbi E. Waldenberg – a major halachic authority - claims that one who undergoes transsexual surgery assumes the status of the sex to which s/he is now surgically assigned. Other commentators disagree, arguing that it means that an act which Jewish law considers to be self-mutilation is effective in altering halachic gender status. In practice, when it comes to issues like burial the individual would probably be treated as the gender that they were living as.

--Rabbi Mendle”

The majority of Judaism today doesn't believe in what Christians call “original sin”, but for there to be imperfections and what we call sin itself, there must be a spiritual fall of mankind. Before the fall God called everything “good”, after the sin of Adam and Eve and the expulsion from Gan Eden (Garden of Eden) everything was not good, sickness and physical death entered the world for the first time. Sin opened the door for all kinds of death, sickness, imperfections, defects, etc. Since Hermaphroditism is so rare many considered it a birth defect, something that didn't separate correctly during a specific stage of gestation.

Talmud is subject to the opinion and interpretation of the Rabbi's. There are some clear cut things in the Talmud, and there are also grey areas. The old saying goes, "You have two Rabbis' and you'll get three opinions." And thus is the case regarding Hermaphrodites.

Some feel Hermaphroditism is a result of sin of one of the parents. I wholeheartedly disagree for the Torah says that a child will not be punished for the sin of his parents (Deut. 24:16). And Hermaphroditism is not the child's fault either. It is simply an anomalous birth defect that can occur because we live in an imperfect, fallen world. A similar question was asked in the Brit Chadasha (New Testament) regarding a blind man.

John (Yochannon) 9:1-3 And as Jesus (Yeshua) passed by, he saw a man which was blind from his birth. And his disciples asked him, saying, Master, who did sin, this man, or his parents, that he was born blind? Jesus (Yeshua) answered, Neither hath this man sinned, nor his parents: but that the works of God should be made manifest in him.

They are NOT an "abomination" or a "freak of nature". It is sad that we humans can be so cruel to those who are different, whether one has a physical, sexual, or mental abnormality. Innocent people have been killed because they were born a certain way. It is ingrained in us to fear and persecute that which is different or that which we do not fully understand. All one has to do is go to a grade school and see just how early we learn how to isolate others and be cruel.

Even the Talmud says up until a certain month one can pray the sex of a child can be changed. Science has confirmed this, in the respect that a child's sex is not determined till a certain time in the womb, and sometimes, because we live in a fallen and tainted world, things can happen in the womb that can cause a child to be born as a Hermaphrodite. Actually, there are many examples in creation of Hermaphroditism, such as the earthworm and some snails (this phenomenon is mostly found in invertebrates), and many species of plant life.

In Judaism the gender roles are greatly defined, yet much of this comes from tradition. For instance, I see no problem with women wearing tzitzit or tefillin, I see no problem with a woman studying Talmud. I see no Written (not Oral) Torah prohibition against these things. But Rabbi's have discouraged women from these things and thus it became tradition and a standing "rule". However, just as with a man these religious duties should not interfere to a harmful degree with ones

responsibility to spouse and family. But problems do arise for Hermaphrodites when it comes to where to sit in synagogue (For most shuls have separate seating for men and woman). When the age of 12 and 13 come around, do you have a bar or bat mitzvah?

To those whose parents haven't chosen by surgery at birth, the sex of their Hermaphrodite child, I feel the Hermaphrodite has several choices and it should be up to them based on their view of Scripture and halachah with consultation to take into consideration from their Rabbi and their Doctor.

They can:

1. Remain a Hermaphrodite and celibate.
2. Remain a Hermaphrodite and attempt to find another compatible Hermaphrodite (This is highly unlikely and I wouldn't suggest it).
3. Have the surgery to be either male or female and live the remainder of their lives as such, and legal change their name to reflect this accordingly. They can even have a circumcision or Hatafat Dam Brit and a Bar or Bat Mitzvah later in life. It is common for older men who were in the Holocaust or a situation where a Bar Mitzvah was not possible to have one as an elder adult.

My opinion is whichever organs, internal and external are dominate, and mostly functional, that is the gender one should choose. If one is truly equally both it is solely up to the individual what sex to be if any at all. I also think the sex drive and romantic gender preference, if any, should be taken into consideration regarding this decision. The Hermaphrodite must be totally sure and comfortable in choosing a gender and be willing to stick with it the rest of their life. As a Rabbi I can give guidance, my thoughts, advice, input and opinion, but ultimately the decision lies with the Hermaphrodite. I cannot and will not make that decision for them.

I also feel it is important to try and make a decision prior to graduation and getting out on one's own so as to make a fresh new start in the world.

I suppose the hardest decision of all is to make a decision to decide to be one gender and stick with it.

I know there are no simple answers. I realize that these "solutions" are too simplistic and each decision raises questions and issues all their own and diving into those is not necessarily the thrust of this blog. More so this blog is an attempt to help the Hermaphrodite come to a decision and for those who are not educated

of familiar with this issue to learn and be sympathetic and understanding toward not only Hermaphrodites, but to all kinds of people whether they be of a different religion, nationality, whether they have a birth defect, deformity caused by an accident, whether mentally challenged or what have you, all people need to be treated with love and respect and made to feel a sense of belonging and acceptance.