

## THE CONJOINED TWINS DILEMMA:

### Shnayim Mehalchin B'derech, T'nu Lanu Echad Mi'khem and Rodef

In fall 1977, conjoined (often referred to as “Siamese”) twin girls were born to a Jewish couple in New Jersey. The twins were connected from the shoulder until the pelvis and shared a six-chambered heart and a liver. A team of twenty leading doctors and nurses was assembled in Philadelphia at Children’s Hospital to separate the twins in a difficult surgery that raised serious halachic and ethical issues. The players in this dramatic episode included a pair of fragile, newborn “Siamese” twins, a young couple, some of the finest surgeons in the United States, and one of the world’s greatest halachic authorities, the saintly Rabbi Moshe Feinstein, of blessed memory (1895-1986). A painful and tragic decision needed to be made since the twin’s shared heart could fail at any moment; without surgically separating the twins there was no hope for survival for either one. Was it permitted to separate the two babies, resulting in the immediate death of one, in order to save the life of the other?

In this class we will debate the moral and ethical issues raised by analyzing three Talmudic discussions that were reviewed to arrive at the landmark decision: *Shnayim Mehalchin B'derech, T'nu Lanu Echad Mi'khem and Rodef*.

---

#### KEY QUESTIONS

- Is it permitted to kill one person in order to save someone else?
- Is there a difference between actively causing a death and passively causing a death?
- What should be done if one person’s death can save many lives?
- Does the legal status (*halachah*) change if one person is pursuing another?
- How are the legal principles implemented in a real-life situation?

---

#### CLASS OUTLINE

**Section I. Background to the Case**

**Section II. How Many People Are Here?**

**Section III. The Analogy of Two Desert Travelers, Only One Has Water**

**Section IV. The Dilemma of Handing Over One Person to Save a City**

**Section V. Rodef – Killing a Pursuer to Save a Potential Victim**

**Postscript. The Operation and its Aftermath**

**Note:** This shiur is not intended as a source of practical *halachic* (legal) rulings. For matters of *halachah*, please consult a qualified *posek* (rabbi).



---

**SECTION I Background – The Case*****The Agonizing Question: Separate the Conjoined Twins?***

*On September 15, 1977, a pair of Siamese twins was born to a Jewish family in Lakewood, New Jersey. These twins, unfortunately, shared some internal organs, including a unique six-chambered heart. Shortly after their birth the twins were flown by helicopter to the Children’s Hospital in Philadelphia, where Dr. C. Everett Koop, who subsequently became the highly regarded Surgeon General of the United States, was the Chief of Surgery.*

*It became obvious to the entire team of physicians that the twins would die in a relatively short time unless they were separated. The only way by which one child could be viable was if the twins were surgically separated, resulting in the immediate death of the more dependent baby. Dr. Koop informed the family of the ethical dilemma they faced: **Are they willing to give the medical staff a green light to go through with surgery on their twins, effectively killing one to save the other?***

*The deeply religious family, themselves prominent teachers of Torah, referred the question to Rabbi Moshe Feinstein, of blessed memory, one of the greatest halachic authorities of his time, living in the Lower East Side of New York City.*

*Rav Feinstein consulted with the team of medical experts and rabbinic scholars during ongoing sessions lasting late into the night. After great deliberation, he approved the surgery on October 6 with the operation scheduled for October 11. While awaiting the decision, Dr. Koop had to quiet his group of experts, who were anxious over the lapse of time – the babies’ six-chambered heart was showing signs of failure due to the load of supplying blood to the two infants.*

*Dr. Koop calmed his team with the following statement (as quoted by Rabbi M. D. Tendler, ASSIA, Vol. IV, No 1, February 2001): “The ethics and morals involved in this decision are too complex for me. I believe they are too complex for you as well. Therefore I referred it to an old rabbi on the Lower East Side of New York. He is a great scholar, a saintly individual. He knows how to answer such questions. When he tells me, I too will know.”*

## SECTION II How Many People Are Here?

The first step of the decision-making process was to determine whether the twins were considered one human being or two.

### Source 1. “The Surgery: An Agonizing Choice - Parents, Doctors, Rabbis in Dilemma,” by Donald C. Drake, *The Philadelphia Inquirer* (October 16, 1977)

*Time and again Rabbi Tendler put the same question to Dr. Koop in different ways, because the answer would be so important to the rabbinical discussion that would ensue.*

*Are the twins one baby or two babies? ...*

*Each time Rabbi Tendler asked the question in a different way, Dr. Koop would come back with the same unequivocal reply: With the exception of the chest connection at which their livers were joined, as well as their hearts, the girls were separate human beings with their own separate brains and nervous systems.*

### Source 2. Menachot 37a

Pleimo asked Rebbe [Yehuda the Prince], “If a man has two heads, on which one should he place his *tefillin* (phylacteries)?” Rebbe said to him, “Either go into exile or you will be excommunicated!” (Rashi explains that Rebbe assumed the question was extremely irreverent and mocking.) Just then a man walked in and said to Rebbe Yehuda the Prince, “Our baby that was just born has two heads. How much do I have to give the Kohen (priest) for *pidyon haben* (redemption of the first born – usually five silver pieces for a baby)?” A certain elderly man came and taught him, “You are obligated to give him ten silver pieces.”

בְּעֵא מִיָּנִיָּה פְּלִימוֹ מֵרַבִּי, “מִי שֵׁישׁ לוֹ שְׁנַי רָאשִׁים בְּאַיְזָה מִהֵן מְנִיחַ תְּפִילִין?” אָמַר לִיָּה, “אוֹ קוֹם גָּלִי אוֹ קַבֵּל עַלְךָ שְׂמֹתָא!” אֲדַהֲכִי אֶתָּא הֵהוּא גְּבֵרָא, אָמַר לִיָּה, “אֲתִילִיד לִי יְנוּקָא דְּאִית לִיָּה תְּרֵי רִישֵׁי. כַּמָּה בְּעֵינָן לְמִיתַב לְכַהֵן?” אֶתָּא הֵהוּא סְבָא תְּנָא לִיָּה, “חַיִּיב לִיתָן לוֹ עֶשְׂרֵה סֶלְעִים.”

### Source 3. Mishnah Sanhedrin 4:5

Man was created alone (whereas other creatures were created in groups) to teach that one who destroys a single Jew is regarded as one who has destroyed an entire world. Whereas one who saves a single life is regarded as having saved an entire world.

נִבְרָא אָדָם יְחִידִי לְלַמְדָּךְ שֶׁכֹּל הַמְּאַבֵּד נֶפֶשׁ אַחַת מִיִּשְׂרָאֵל מַעֲלָה עָלָיו הַכְּתוּב כְּאִלּוֹ אֶבֶד עוֹלָם מְלֵא וְכֹל הַמְּקַיֵּים נֶפֶשׁ אַחַת מִיִּשְׂרָאֵל מַעֲלָה עָלָיו הַכְּתוּב כְּאִלּוֹ קִים עוֹלָם מְלֵא.

**Source 4. Rabbi Shlomo Zalman Auerbach, Minchat Shlomo 1:91:24**

Regarding the matter of “life,” we have no means of measuring its worth and importance, not even from the standpoint of Torah and mitzvot. We must violate the Sabbath even for an elderly, ill man – even if he is completely insane and deaf and cannot perform a single mitzvah, (even if his) life is a massive load and burden upon his family, which distracts them from Torah and mitzvot and adds to their troubles...Even in such a case, the greatest among Israel are commanded to make efforts and get involved in his healing and violate the Sabbath to save him.

כי הענין של “חיים” אין לנו שום קנה - מדה כמה למדוד את יוקרם וחיבותם אפילו לא בתורה ומצוות, שהרי מחללין את השבת גם על זקן חולה מכה שחין אף על פי שהוא חרש ושוטה גמור, ואינו יכול לעשות שום מצוה וחייו הם רק למשא נסבל גדול על משפחתו וגורם להם בטול תורה ומצוות, ונוסף לצערם הגדול הרי הם אזלי ומדלדלי, אפילו הכי מצוה בגדולי ישראל להשתדל ולעסוק בהצלתו ולחלל עליו את השבת.

**SECTION III The Analogy of Two Travelers with One Water Can**

A primary Talmudic source dealing with the issue of sacrificing one life for saving another is the case of two desert travelers, where only one of them carries a single can of water – enough for his own survival to reach civilization, but not for both.

**Source 5. Talmud Bavli, Bava Metzia 62a**

Two people were walking on a journey in a desert, and in the hand of one of them was a flask of water. If both of them drink, they will both die, but if one of them drinks all the water, that person will reach civilization and live. Ben Petura said, “It is better that both of them drink and die, rather than one of them seeing the death of the other.” Until Rabbi Akiva came and taught from the verse (Vayikra/Leviticus 25:36), “Your brother shall live with **you**” – your life takes precedence over your fellow’s life.

שנים שהיו מהלכין בדרך ובחד אחד מהן קיתון של מים. אם שותין שניהם מתים, ואם שותה אחד מהן מגיע לישוב. דרש בן פטורא: מוטב שישתו שניהם וימותו ואל יראה אחד מהם במיתתו של חברו. עד שבא רבי עקיבא ולמד: “ונחי אחיך עמך” חייך קודמים לחיי חבריך.



**Source 6. Drake, *op. cit.***

*Dr. Koop reported that there was no doubt that the only infant who could be helped by surgery was Baby B, since Baby A was dependent upon Baby B for heart function, and suffered from poor blood circulation. Moreover, there was no way that the six-chamber heart could be given to Baby A, nor was it possible to separate two chambers of the heart and give them to Baby A. The only hope was to save Baby B.*

**Source 7. Rabbi Avraham Yeshayahu Karelitz, Chazon Ish, Likkutim to Bava Metzia (Siman 20), 62a**

It appears that if a third party has water, and two thirsty people are before him, the halachah depends on the same dispute. According to Ben Petura the water is given to both, and both will die, for even if he gives the water to one of them, the receiver will have to share it with the other. But according to Rabbi Akiva he should give the water to whomever he chooses. Though the third party is not under the instruction of “your life takes precedence,” the person he gives it to will justifiably save himself, and it is therefore permitted to give the water to him. Moreover, it seems that the third party is obligated to give the water to one of them, because the instruction “your life takes precedence” implies that one person’s long-term life takes precedence over both of their short-term lives, so that even a third party should ensure that one of them will live a long-term life.

חזון איש, ליקוטים לבבא  
מזיעא סב, א ונראָה דאָם יש  
לאַחד מִים וּלְפָנָיו שְׁנֵי צְמָאִים  
נְמִי תְלוּי בְּפִלְגָתָא, דְּלִבְּן  
פְּטוּרָא נוֹתֵן לְשְׁנֵיהֶם  
וְיָמוּתוּ שְׁנֵיהֶם דְּהָא אַף אִם  
יִתֵּן לְאַחַד יִתְחַיֵּב לְחֵלּוֹק  
עִם חֵבְרוֹ, וְלִרְבִּי עֲקִיבָא יִתֵּן  
לְאַחַד שְׂרִיפָה, וְאִף עַל גַּב  
דְּלֵהְנוֹתֵן לִיכָּא מְשׁוּם חֵיפֵי  
קוּדְמִין, מִכָּל מְקוּם פִּינּוֹן שְׁזָה  
שְׂרִיפָה יִצְיִל עֲצָמוֹ בְּדִין, רִשְׁאִי  
הַנוֹתֵן לִיתֵּן לוֹ. וְנִרְאָה דְּחֵיִב  
לִיתֵּן לְאַחַד פִּינּוֹן דְּבִשְׁבִיל חֵיפֵי  
קוּדְמִין אֲמָרָה תּוֹרָה דְּחֵיִי  
עוֹלָם שְׁלוֹ קָדָם לְחֵיִי שְׁעָה  
שֶׁל שְׁנַיִם, גַּם הַנוֹתֵן צְרִיף  
לְהַשְׁתַּדֵּל טְפִי בְּהַצְלַת חֵיִי  
עוֹלָם.

**SECTION IV The Dilemma of Handing Over One Person to Save a City****Source 8. Sanhedrin 74a**

Said Rabbi Yochanan in the name of Rabbi Shimon son of Yehotzadak, “They took a head-count and decided in the second floor of the house of Nitza in Lod, ‘Concerning all sins in the Torah if they tell you to transgress and you will thereby not get killed, one should transgress rather than get killed, except for idolatry, forbidden sexual relationships, and murder.’”

סנהדרין דף עד. אָמַר רַבִּי  
יוֹחָנָן מְשׁוּם רַבִּי שְׁמַעוֹן בֶּן  
יְהוֹצְדָק נִמְנָו וְנִמְנָו בְּעֵלִית  
בֵּית נִתְזָה בְּלוֹד: כָּל עֲבִירוֹת  
שְׁבִיתוּרָה אִם אוֹמְרִין לְאַדָּם  
עֲבוֹר וְאֵל תִּהְרַג יַעֲבוֹר וְאֵל  
יִהְרַג, חוּץ מִעֲבוֹדַת פּוֹכְבִּים  
וְגִלּוּי עֲרִיּוֹת וּשְׂפִיכוֹת דְּמַיִם.

**Source 9. Sanhedrin 74a**

A certain person came before Rabba and told him, “The governor of my village said to me, ‘Kill such and such a person or else I will kill you.’” Rabba replied to him, “Let yourself be killed and do not kill him. Who says that your blood is redder? Maybe that man’s blood is redder.”

סנהדרין דף עד.  
ההוא דאָטאַתא לְקַמִּיּה דְרַבָּה  
וְאָמַר לִיּה אָמַר לִי מְרִי דוֹרְאִי  
זִיל קַטְלִיּה לְפָלְגִיא וְאִי לֹא  
קַטְלִינָא לָךְ אָמַר לִיּה  
לְקַטְלוּךְ וְלֹא תַקְטוּל מִי יִימַר  
דְדָמָא דִידְךָ סוּמְק טְפִי דִילְמָא  
דְדָמָא דְהָהוּא גַבְרָא סוּמְק טְפִי

**Source 10. Talmud Yerushalmi Terumot 8:4 (47a)**

We learn (in Tosefta Terumot 7:23): This is the ruling for groups of people who were traveling and were accosted by non-Jews, who said: “Give us one of you and we will kill him; and if not, we will kill all of you.” Even if all of them will be put to death, they should not hand over even one person of Israel. But if they singled out someone, as in the Sheva son of Bichri episode (Shmuel/Samuel II, Ch. 20, see below), they should hand him over and not get killed. Rabbi Shimon son of Lakish said, “This is providing he is subject to the death penalty like Sheva son of Bichri was.” But Rabbi Yochanan said, “This applies even if he was not deserving of the death penalty like Sheva son of Bichri was.”

תלמוד ירושלמי תרומות מז.  
תְּנִי סִיעוֹת בְּנֵי אֲדָם שְׁהִיּוּ  
מִהַלְכִין בְּדַרְדָּךְ פִּגְעוּ לָהֶן גּוֹיִם  
וְאָמְרוּ, “תִּנּוּ לָנוּ אֶחָד מִכֶּם  
וְנַהְרוּג אוֹתוֹ וְאִם לֹא הָרִי אָנוּ  
הוֹרְגִים אֶת כּוֹלְכֶם:” אֶפִּילוּ  
כוֹלְךָ נְהַרְגִים לֹא יִמְסְרוּ נַפְשׁ  
אֶחָד מִיִּשְׂרָאֵל. יִיחַדוּ לָהֶן אֶחָד  
כְּגוֹן שְׂבַע בֶּן בְּכָרִי, יִמְסְרוּ אוֹתוֹ  
וְאֵל יִהְרֶגוּ. אָמַר רַבִּי שְׁמַעוֹן בֶּן  
לִקְיִשׁ, “וְהוּא שְׂיֵהָא חַיִּיב מִיִּתָּה  
כְּשֶׁבַע בֶּן בְּכָרִי.” וְרַבִּי יוֹחָנָן  
אָמַר, “אַף עַל פִּי שְׂאִינוּ חַיִּיב  
מִיִּתָּה כְּשֶׁבַע בֶּן בְּכָרִי.”

**Source 11. Rabbi Yehoshua Leib Diskin, Shut Maharil Diskin, Kuntress Acharon, no. 146**

The rationale behind [the halachah of] singling out has not yet been clarified, and it is difficult to say that [the person singled out] is considered to be a pursuer [who is viewed as threatening the others.] But, we can say that it is in their hands to kill all of them.

טַעֲמָא דִּיחַדוּ לֹא נִתְבָּאַר עַדְיִין,  
וְדוּחַק לִזְמַר שְׁהוּא כְּרוֹדְךָ, אִף  
יֵשׁ לִזְמַר שְׂבִיכְדֶם לְהַרוּג אֶת  
כוֹלֶם.

**Source 12. Rambam (Maimonides) Hilchot Yesodei Hatorah (Laws of the Foundations of the Torah) 5:5**

If gentiles tell [a group of] women: “Give us one of you to defile. If not, we will defile all of you,” they should allow themselves all to be defiled rather than give over a single Jewish soul to [the gentiles].

Similarly, if gentiles told [a group of Jews]: “Give us one of you to kill. If not, we will kill all of you,” they should allow themselves all to be killed rather than give over a single soul to [the gentiles].

However, if [the gentiles] single out [a specific individual] and say: “Give us so-and-so, or we will kill all of you,” [different rules apply]: **If the person is deserving of death like Sheva ben Bichri, they may give him over to them.**

Initially, however, this instruction is not conveyed to them. If he is not obligated to die, they should allow themselves all to be killed rather than give over a single soul to [the gentiles].

רמב"ם יסודי התורה ה:ה  
נָשִׁים שֶׁאָמְרוּ לָהֶם עוֹבְדֵי כּוֹכָבִים, תָּנוּ לָנוּ אַחַת מִכֶּן וְנִטְמָא אוֹתָהּ, וְאִם לֹא, נִטְמָא אֶת כָּלְכֶן - יִטְמָאוּ כָּלְכֶן, וְאֵל יִמְסְרוּ לָהֶם נֶפֶשׁ אַחַת מִיִּשְׂרָאֵל.

אִם אָמְרוּ לָהֶם גּוֹיִים, תָּנוּ לָנוּ אֶחָד מִכֶּם וְנִהְרָגְנוּ, וְאִם לֹא, נִהְרַג אֶת כָּלְכֶם--יִהְרָגוּ כָּלְכֶם, וְאֵל יִמְסְרוּ לָהֶם נֶפֶשׁ אַחַת מִיִּשְׂרָאֵל.

וְאִם יִחְדוּהוּ לָהֶם וְאָמְרוּ, תָּנוּ לָנוּ פְּלוֹנִי אוֹ נִהְרַג אֶת כָּלְכֶם--אִם הָיָה מְחַיֵּב מִיתָה כְּשֶׁבַע בֶּן בְּכָרִי, יִתְּנוּ אוֹתוֹ לָהֶם, וְאִין מוֹרִין לָהֶם בֶּן, לְכַתְּחִלָּה; וְאִם אֵינוֹ חַיֵּב--יִהְרָגוּ כָּלְכֶם, וְאֵל יִמְסְרוּ לָהֶם נֶפֶשׁ אַחַת מִיִּשְׂרָאֵל.

**Source 13. Rema Yoreh Dei'ah 157:1**

If idolaters said to Jews, “Give us one of you, and we will kill him,” they should not hand him over unless he was singled out and they said, “Give us so-and-so (and they named an individual)” (based on the Mishnah in Terumot and the Rambam in Hilchot Yesodei Hatorah). There are those who say that even in such a situation they should not hand him over unless he is deserving of the death penalty like Sheva ben Bichri.

הֲגַה עוֹבְדֵי כּוֹכָבִים שֶׁאָמְרוּ לְיִשְׂרָאֵל תָּנוּ לָנוּ אֶחָד מִכֶּם וְנִהְרָגְנוּ לֹא יִתְּנוּ לָהֶם אֶחָד מֵהֶם אֲלֵא אִם בֶּן יִחְדוּהוּ וְאָמְרוּ תָּנוּ לָנוּ פְּלוֹנִי (מִשְׁנֵה פֶרֶק ח' דְּתֵרוּמוֹת וְהַרְמַב"ם פֶּרֶק ה' מֵהַלְכוֹת יְסוּדֵי הַתּוֹרָה) וְיֵשׁ אוֹ מְרִים דְּאֶפִּילוּ בְּכִי הָאִי גּוֹנָא אִין לְמִסְרוּ אֲלֵא אִם בֶּן חַיֵּב מִיתָה כְּשֶׁבַע בֶּן בְּכָרִי (ב"י בְּשֵׁם רַש"י וּב"י)

**Source 14. Rabbi J. David Bleich, in “Conjoined Twins,” Bioethical Dilemmas: A Jewish Perspective, p. 295**

In light of the unresolved controversy between early-day authorities with regard to this matter, a rabbinic decisor would find grave difficulty in sanctioning an overt act designed to extinguish the life of one of the twins on the basis of this consideration alone.



## SECTION V *Rodef* – Killing a Pursuer to Save a Potential Victim

A different Talmudic concept is reported to have formed the basis of Rabbi Feinstein's ruling: The principle of killing a *Rodef*, a deadly pursuer.

### Source 15. “The Surgery: An Agonizing Choice - Parents, Doctors, Rabbis in Dilemma,” by Donald C. Drake, *The Philadelphia Inquirer* (October 16, 1977)

“Two men jump out of a burning airplane,” Rabbi Tendler said in one discussion, using an analogy. “The parachute of the first man opens and he falls slowly and safely to earth.

“The parachute of the second man does not open. As he plunges past his friend, he manages to grab onto his foot and hold on. But the parachute is too small to support both of them. Now they are both plunging to their death.

### Source 16. Mishnah on Sanhedrin 73a

The following can be saved by taking a life: one who pursues another to kill him...

סנהדרין עג.  
ואלו הן שמצילין אותן בנפשו  
הרודף אחר חבירו להרגו ...

### Source 17. Mishnah Ohalot 7:6

A woman whose life is endangered during childbirth, we cut the fetus within the womb and remove it limb by limb, because her life takes precedence over its life. However, if most of the baby has come out, we do not touch it, for we may not push aside one life because of another.

האשה שהיא מקשה לילד,  
מתחכין את הנולד במעייה  
ומוציאין אותו אברים אברים,  
מפני שחיה קודמין לחייו. יצא  
רבו, אין נוגעין בו, שאין דוחין  
נפש מפני נפש.

### Source 18. Sanhedrin 72b

Rav Huna said, “When the pursuer is a child, the potential victim can be saved by taking the child's life.” Rav Huna takes the position that a pursuer requires no forewarning, whether child or adult. Rav Chisda raised an objection based on the Mishnah in Ohalot: “If most of the baby has come out we do not touch it, for we may not push aside one life because of another.” The Gemara answers: That case does not prove that the Law of the Pursuer does not apply to children, because it is fundamentally different. There, they are pursuing her from Heaven.

סנהדרין עב:  
אמר רב הונא קטן הרודף ניתן  
להצילו בנפשו קסבר רודף אינו  
צריך התראה לא שנה גדול ולא  
שנה קטן איתבייה רב חסדא  
לרב הונא יצא ראשו אין נוגעין  
בו לפי שאין דוחין נפש מפני  
נפש ואמאי רודף הוא שאני  
התם דמשמיה קא רדפי לה.

**Source 19. Talmud Yerushalmi, Shabbat 14:4**

Rav Chisda asked, “Can you save an adult by killing a child?” Rabbi Yirmiya answered, “Is this not addressed in the following Mishnah? ‘If most of the baby came out we cannot touch it because we may not push aside one life because of another.’” Rabbi Yosse son of Rabbi Bon, quoting Rav Chisda said, “That case (the emerging baby) is different because **we do not know who is pursuing whom.**”

רב חסדא בעי מהו להציל נפשו של גדול בנפשו של קטן. התיב ר' ירמיה ולא מתני' היא יצא רובו אין נוגעין בו שאין דוחין נפש מפני נפש. ר' יוסה ב' ר' בון בשם רב חסדא שנייא היא תמן שאין את יודע מי הורג את מי.

**Source 20. Rabbi J. David Bleich, in “Conjoined Twins,” Bioethical Dilemmas: A Jewish Perspective, p. 306.**

However, the aggression of the mother vis-à-vis her unborn fetus is not qualitatively identical to that of the fetus against the mother. Homicide is a capital offense whereas feticide is not; hence, the threat against the mother is qualitatively more serious than the threat to the fetus. Accordingly, since the fetus is engaged in a qualitatively greater act of aggression, there is an objective reason to eliminate the fetus that renders nugatory (irrelevant or insignificant) the consideration “How do you know that the blood of one is redder than the life of the other?”

**Source 21. Rabbi J. David Bleich, in “Conjoined Twins,” Bioethical Dilemmas: A Jewish Perspective, p. 305.**

Iggrot Moshe’s thesis is readily applicable to the case of dicephalus (two-headed) twins. At the time that Rabbi Feinstein’s ruling was issued, medical experience indicated that, if not separated, conjoined twins sharing a single heart could survive for a maximum of nine months. Moreover, in the particular case addressed by Rabbi Feinstein, the twins were experiencing heart failure and, had they not been separated, they both would have expired in a relatively short period of time. In the case of dicephalus twins, there is medical evidence indicating that, generally speaking, it is the left twin that has a chance for survival; the indications are that the right twin will not survive even if assigned a full complement of organs. In the case under discussion, it is clear that only one twin had a chance for survival. For unexplained reasons, the right twin usually has complex cardiovascular anomalies that are not amenable to surgical correction. In the conjoined state, the twins are certainly mutual aggressors. The right twin unintentionally threatens the normal longevity anticipation of the left twin. The right twin, however, because of its congenital anomalies, cannot survive for a period of more than twelve months. Such an individual, it may well be argued, must be regarded as a *treifah* (a person whose physical state is such that he cannot survive for twelve months). As is the case with regard to feticide, murder of a *treifah* is not a capital offense. Accordingly, although both are pursuers, the right twin is engaged in an act of pursuit that is qualitatively of greater magnitude than the pursuit in which the left twin is engaged. Hence, according to Iggrot Moshe’s analysis, the right twin may, and indeed must, be eliminated in order to preserve the life of the left twin.

---

**POSTSCRIPT The Operation and its Aftermath**

Baby B was separated from Baby A on October 11 causing the tragic, immediate death of Baby A. Sadly, the surviving twin died forty-seven days later, unrelated to the surgery, due to a Hepatitis-infected blood transfusion.

**ADDITIONAL RESOURCES:****AUDIO**

“Medical Halacha (Law) – The Twins Decision,” by Rabbi Akiva Tatz, M.D., at: <http://www.simpletoremember.com/media/a/the-twins-decision/>

“Split Decision: Separating Conjoined Twins in Halacha,” by Rabbi Daniel Z. Feldman, online at: <http://www.yutorah.org/lectures/lecture.cfm/723474/Rabbi%20Daniel%20Z.%20Feldman/Split%20Decision:%20Separating%20Conjoined%20Twins%20in%20Halacha> – includes a lecture on the medical background by pediatric surgeon Dr. Gerard Weinberg, on the legal and secular ethical issues by Mr. David Wassermen, and on the halachic issues by Rabbi Daniel Feldman

**BOOKS AND ARTICLES**

“Conjoined Twins,” in *Bioethical Dilemmas: A Jewish Perspective*, by Rabbi J. David Bleich, pp. 283-328 (Ktav, 1998).

Conjoined Twins, Rabbi J. David Bleich, *Tradition Magazine*, Fall 1996.

“So One May Live” – Siamese Twins, Unpublished Responsum by Rav Moshe Feinstein zt”l, translated and annotated by Rabbi Moshe Dovid Tendler, appearing in *Care of the Critically Ill*, Vol. 1, by Moshe Tendler, available online at: <http://www.jlaw.com/Articles/ravmoshe.html>

“The Status of Two-Headed Babies and/or Conjoined Twins,” by Rabbi Yitzchak Breitowitz, available online at: [http://judaiclaw.org/Questions\\_Answers\\_014.html](http://judaiclaw.org/Questions_Answers_014.html)

“The Laws of Rodef : The Matter of Conjoined Twins,” by Rabbi Yehoshua Pfeffer, appears online at: <http://www.dinonline.org/2012/07/08/parshas-pinchas-the-laws-of-rodef-the-matter-of-conjoined-twins/>

Siamese Twins: Rav Feinstein’s Ruling and The Subsequent Controversy, by Mordechai Halperin, M.D., Director, Dr. Falk Schlesinger Institute for Medical-Halachic Research, appears in *ASSIA - Vol IV*, No 1 February 2001, and available online at: [http://www.daat.ac.il/daat/kitveyet/assia\\_english/halperin2-1.htm](http://www.daat.ac.il/daat/kitveyet/assia_english/halperin2-1.htm)

See the Maharsha, *Chidushei Aggadot Bava Metzia 62a*, when the container of water belongs to both travelers, then the ruling of Ben Petura is followed to share the water.