Transgender in Halacha

**Historical Variants**

[1] Ibn Ezra (1089–1164) quotes Rabbeinu Chananel regarding males that produce a form in their body similar to a female to allow them to engage in marital relations like a female. [2] Along similar lines, a commentary of an ancient Sephardic sage of unknown identity is printed in *Chitzei Menashe* (London 1901).

[3] In the *Kuzari* R. Yehuda HaLevi (ca. 1070–1141) writes of the great similarity between the reproductive organs of the male and female. [4] A similar concept is found in medical writings attributed to the Rambam.

[5] A responsum in *Besamim Rosh* attributed to the Rosh (although there is much discussion regarding the authenticity of the sefer) discusses the requirement of a *get* from a husband who had his male organ severed. In the commentary authored by the one who printed the sefer (entitled *Kasa DeHarsena*) there is much elaboration on the topic.


Transgender in Halacha


Contemporary Responsa on Gender Reassignment

[34] A responsum by R. Eliyahu Katz (1916–2004) from 1963 in connection to the fact that the Rabbinate in London allowed a woman to remarry without a get after her husband switched to a woman by means of surgery. He firmly disagrees with this opinion.

[35] R. Aryeh Leib Grossnass (1912–1996), Av Beis Din in London, in his Lev Aryeh (printed 1973) discusses a case where a husband, after being married for many years and having children, “switched” to a woman as the result of a lengthy disease. He rules that his wife requires a get to remarry.


[37] Three articles on the topic of gender reassignment surgery published in the halachic journal Hamaor in 1973, including a lengthy article by R. Meir Amsel. It should be noted that these responsum were written based on the assumption (information provided to them) that reassignment surgery can allow the person to reproduce and give birth just as a person of the gender they were reassigned to, though for the time being this is still not actually the case (as has already been pointed out by [38] R. Avraham Hirsch).

[39] A letter of the Lubavitcher Rebbe written in 1985 to someone who sometimes had the desire that he should have been a female and was contemplating a change of sex.

[40] A responsum by R. Yitzchok Zilberstein (1934–present) regarding the permissibility to allow a patient in the psychiatric department to undergo gender reassignment surgery when they threaten to commit suicide otherwise.
Transgender in Halacha

[41] R. Raphael Evers (1954–present), Rabbi of Rotterdam, discusses various halachic issues related to a man that underwent gender reassignment surgery to look like a female.

[42] A response as quoted in the name of R. Ovadia Yosef regarding whether a man who underwent gender reassignment surgery to look like a female – and now is in the process of becoming religious – should put on tefillin.

[43] An article by R. Yigal Shafran in the periodical Techumin on the subject of gender reassignment.

[44] A responsum by R. Asher Weiss on the subject of how to write the groom’s father’s name in the kesuba if he underwent gender reassignment surgery.

[45] A responsum by R. Chaim Rapaport whether to accept a potential convert who had undergone gender reassignment surgery.


Excerpts from the sefer Dor Tahapuchos (Yerushalayim, 5764) by R. Idan Ben-Ephraim. [48] A comprehensive overview of the halachic status of one who underwent gender reassignment surgery. [49] The prohibitions involved in undergoing the surgery. [50] A summary of the relevant laws based on his research.

[51] Some points from a talk by R. Tzvi Hersh Weinreb on the halachic issues related to transgender individuals.

[52] An explanation by R. Avraham Yitzchak Kook into the respective roles of males and females, and how the Torah perspective is to fulfill one’s purpose in life, in contrast to the darchei emori whose focal point was the enjoyment that can be derived – with some additional commentary.
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82 אָלֶיה אָשָׂה אֶל חַיָּה.
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Mohar be-Bais. 59

Shehitur Shel — אסף עשו blirעה דברת
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heshul le-hoshe'ah kevod ve'oras lemifneh
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v'shehul mamekashen, ki ha-berecha shir
ve'shehul melakeh. 60

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Surg. 101:1810, 1998; Constant CM, et al,
Spear SL and Arias J, Ann Plast Surg [62]
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