Mishnah Androgynous, chapter 4

(1) An androgynous [one who has both male and female characteristics] in some ways is [treated] like men and in other ways like women. In other ways is [treated] like both men and women and yet, in others, neither, like men, nor like women.

(2) How are they like men? He defiles with [a] white [issue] and dresses like a man. He marries [a wife] but is not taken as a wife, like a man. His mother counts the blood of purification as [she would after the birth of] a man [i.e., thirty three days, (see Leviticus 12:2-5) however, since she is defiled for fourteen days, like after the birth of a woman, and not seven, like after the birth of a male, (see next Mishnah) she therefore, has only twenty six days remaining of those thirty three days (Tiferet Yisrael)]. And he may not be alone in the company of women, like a man. [If the estate is small] he is not maintained together with the daughters [rather, he is forced to go begging like the other male heirs]. And [if he razors the corners of his head, or, of his beard,] he transgresses the prohibitions of: “Do not round the corners of your head and do not destroy the edge of your beard,” (Leviticus 19:27) and [if a priest who is a hermaphrodite, allowed himself to become defiled, he transgresses], “Let none defile himself for a dead person” (ibid. 21:1) like a man. And he is obligated in all the mitzvot as a man.

(3) How is he like women? He defiles with [a] red [issue of blood] like a woman, and he may not be alone in the company of men, like a woman. He does not obligate levirate marriage [upon his childless brother’s death], like a woman. And

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he does not share the inheritance with the sons, like a woman [since his brothers can tell him, prove to us that you are a son but not a daughter]. And he does not eat of the sanctified [sacrificial flesh] of the Temple, like a woman. His mother counts the blood of defilement [after birth] like that of a woman [i.e., fourteen days, (see Leviticus 12:2-5)] and he is disqualified [and excused] from being a witness, as a woman. And if he was the victim of an illicit relationship, he is disqualified from eating terumah, just like a woman [who would be disqualified in those same circumstances].

(4) How is he like both men and women? One is liable for hitting, or cursing him, as with either men or women. And one who kills him accidentally must go into exile, and if intentionally, he is executed, as with either men or women. His mother brings on account of his birth a sacrifice as [she would] for a man, or a woman (see Leviticus 12:6). He may eat of the holy things [which may be eaten] in the provinces [outside the precincts of Jerusalem, such as terumah, terumat ma'aser and hallah] and [if] he [is the sole heir, he] inherits any inheritance, like any [other] man, or, woman.

(5) How is he neither like man, nor like women? [If he touched terumah after having either a white, or red issue,] terumah is not burned on account of his

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issue [however, if he saw both white and red at one time, then he would defile the terumah, since regardless whether he is male or female, he is defiled], nor is he liable on account of his entering the Temple [during such a state, even if he saw white and red simultaneously, this is deduced from the verse which states: “Both male and female shall you send away outside the camp,” (Numbers 5:3) thus he need be, either a definite male, or a definite female, hence, he is treated] neither like men nor like women. And he is not sold as a Hebrew servant neither as a man, nor as a woman, and he does not have a valuation, neither as a man, nor as a woman. If one says: May I be a Nazir, if this [pointing at a hermaphrodite] be neither man, nor woman, he becomes a nazir. Rabbi Yose says: The hermaphrodite is a category of its own and the Sages could not ascertain if he is man, or woman, whereas, a tumtum is either, a definite male, or definite female [though, we can't tell which since the organs are not visible].