



Parashat Nitzavim and Parashat Vayeilech

Four Gemstones: The gravity-well of a non-binary doorway made from cursed wormwood

by Noach Dzmura on Friday September 15, 2006

22 Elul 5766

Deuteronomy 29:9 - 31:30, Shabbat, 22 Elul 5766

A GenderQueer Doorway

In *Parashat Nitzavim*, Moses relates the covenant between God and the Hebrews, explaining the curses that will befall them if they do not follow God's commandments, and the blessings they will experience if they return to the way of God.

Moses tells the Hebrews the covenant is even for “woodchoppers and water drawers” (Deuteronomy 29:10), which is usually understood to mean “everyone”—but I’m not satisfied that in traditional interpretations “everyone” also includes queers.

We look back at the ancient Israelites and infer that the “woodchoppers” in such a traditional society were men, and the “water drawers,” women. So Moses’ “woodchoppers and water drawers,” or “everyone” clearly refers to both “men and women.” But there’s a queer doorway we can use to expand our understanding of this text. We might ask: could a eunuch chop wood? Perhaps an *androgynos* (a person with a combination of male and female genitals) might draw water with the women? I’m not playing fast and loose with the tradition, either: although I’m guessing about the specifics, gender variant individuals were not prohibited from having a role in early Israelite society. The Rabbis of the Talmud modeled Jewish law on the variety of life they saw in their communities. This covenant is for every Jew—not simply every straight male Jew.

The passage is even more radical: Moses invites into the covenant not just the Israelites gathered before him in the desert of Sinai, but also those Jews who “are not with us here this day.” (Deut. 29:14). Usually, this is interpreted to mean men and women of future generations. But since Moses has essentially invoked time travel, we can see that this clause is flexible enough to include not only Jewish genderqueers and preferencequeers but also a universe of potential differences we can’t even imagine yet. This is an open-ended glimpse into a very queer eternity.



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Cursed as a Spout of Wormwood

We enter our second queer doorway by asking about those curses that Moses refers to. S/He who created us in Hir¹ image knows there will be those queers among us who say, “I shall be safe, even though I follow my own willful heart.” (Deut. 29:18). (This is the famous “this law doesn’t apply to me” clause.) But a-following my willful heart I will go, until I get the Torah written that addresses my life specifically and particularly. In fact, commentators on the next *parasha*, *Va-Yelekh*, underline my obligation to write that very Torah. *Va-Yelekh* is the source of the commandment that every Jew should write a Torah for himself.

So I am the person Moses warned against, and the person Judaism didn’t plan for, but I am also covenanted. I am “a stock spouting poison weed and wormwood;” (Deut. 29:17); a person who follows his own “willful heart” – and I am covenanted. The law – as it is commonly understood – doesn’t apply to me. What about you? Claim it with pride! This condemnation does not – cannot possibly apply to me. This law denies my existence and oppresses me, and it is my obligation to comment on those things that blot my face out of our common scripture loudly enough and often enough, such that a new twig, a new blossom, a new leaf, and some healthy new roots grow upon this Tree of Life. As G-d intended, my covenant with Hir is still being written in the pages of my life. The curses visited on the people because of my transgressions? Intolerance and bigotry. The blessings? A living example of the ability of humankind to transform itself.

Non-Binary Binary

A third queer opening presents itself when we realize that transgression *teshuvah* is built into the covenant as two sides of a coin, and the covenant is modeled on a chimerical binary quality of life: A binary code is built into the alternating base pairs of our DNA. We are one thing and then the other so quickly that black and white becomes myriad shades of grey and all colors of the rainbow. Like light, which may be perceived as a particle or as a wave, we flicker from transgression (*ayin bet resh*, the Hebrew root, means “to traverse a boundary”) to *teshuvah*, and back again. *Teshuvah* is to return—to remember where you have been. Traverse a new boundary. Remember where you have been. Traverse a new boundary. Remember . Traverse . Remember . Traverse. Think, act, think, act, think. . .

Boundaries get redrawn all the time. Then they are no longer boundaries.

Gravity of Concealed Things

The final queer opportunity in this *parasha* is the “hidden things” clause: “Concealed acts concern the Lord our G-d; but with overt acts, it is for us and our children ever to apply this . . . Teaching.” (Deut. 29:28).



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All humans conceal certain acts. Some things are not safe to reveal to a bigoted and short sighted populace. A transgender man goes stealth. A queer woman remains closeted. A gender queer identifies as a man in certain unsafe contexts, and as a woman in safer contexts. These things are no one's business—it's between one person and G-d. One need only justify one's choice to G-d.

Hiding has consequences, though. Some communal fellow-feeling is lost when one hides, and the closets we hide in are not entirely invisible to our fellow humans. They have a kind of 'gravity well' that pulls us one way or another; when closeted, we are not entirely free, and neither are those persons from whom we conceal aspects of ourselves.

All humans reveal certain acts; some revelations are transgressive. In this passage, open acts of transgression may be seen as opportunities for challenge to the community. In the quotation above, the Torah says we must "apply" these teachings to everything that is revealed, that it's our business to do so, that it's our obligation to inquire into the ethics and spiritual reality of that which individuals in our communities reveal to us. What we queers need to remember is that "apply" does not mean "condemn."

We are obligated to address that which is revealed. If I have taken the bold step to trust my community with those things that formerly were concealed, sacred to myself and God alone, my community is obliged to understand the sanctity of my revelation, and engage with it as Torah instructs. To learn this new *passuq* (sentence) as one would study any other Torah, with all the difficulty and exultation that study entails.

[1] Note: "Hir" is a gender-neutral pronoun used by some intersex, feminist and transgender scholars and activists. For more information, click here: <http://en.wikipedia.org/wiki/Hir>



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