

Cross-Dressing through the Ages (Beit Midrash)

Submitted by JP Payne

Short Summary of Event:

A beit midrash (literally "house of study") is a place for people to come together and engage with Jewish texts, from Torah, to Talmud, to the medieval sages, and up through modern voices. This event provides a sample source sheet for a text study which would examine the line in Deuteronomy which calls cross-dressing a to'evah (usually translated as "abomination.") These texts trace the surprising evolution of this topic from Deuteronomy to Talmud, to Rashi, to Maimonides, to Isserles, all the way to present day Rabbi Lisa Edwards. Text studies are traditionally in hevruta (or study pairs) but this structure may be modified as needed for the target group.

Materials Needed:

Two source sheets are provided: one is for the group leader (if there is one) which gives background information on the sources and suggests time intervals, and the other is for the participants.

Number of Participants: 10 – 25 participants

Time needed: The time allotments are for a two hour session and may be modified as needed for your group.

Goals for the Event:

1. Examine and discuss the original verse of Deuteronomy, noticing any textual anomalies or ambiguities.
2. Examine and discuss the classical commentaries on cross-dressing. Consider the implications these commentaries have on your own modern day community.
3. Consider your own reaction to the Biblical verse and its subsequent commentaries, and reflect on the significance of these voices to your own understanding of gender and gender presentation.

Outline of Event:

1.) Introductions

Introduce the topic. It may be helpful for the group to explore the various nuances of the term cross-dressing at this time. Also please note that the sources themselves do not define the term.

Allow people to find a hevruta (usually a pair of learners.) In some groups, it may be helpful to pair according to preferred language of reading.

2.) Key Terms

*Sources courtesy TransText, Keshet. Adapted for use by Keshet Beit Midrash.
Supported in part by a grant by CJP's Innovation Grants Committee.*

cross-dressing -- one definition may be, "wearing the clothes of a gender other than the one you identify most closely with"

to'evah -- often translated as "abomination." Another translation may be "taboo."

minhag hamakom -- Hebrew for "the custom of the place"

d'oraita -- a Torah law; see leader's source sheet for more information

d'rabbanan -- a rabbinic law; see leader's source sheet for more information

3.) Text study

Allow time for both hevruta (pairs) and group discussion.

4.) Conclusion

Allow participants to voice closing thoughts. Examples may include what significance they see for their community in the text, or what insight may have been gained from studying the evolution of the texts.

Source Sheet: Leader

THE TORAH SAYS

Deuteronomy 22:5

לֹא־יְהִיֶה כְּלִי־גִבּוֹר עַל־אִשָּׁה וְלֹא־יִלְבַּשׁ גִּבּוֹר שְׂמֹלֶת אִשָּׁה כִּי תוֹעֵבֶת יְהוָה
אֱלֹהֶיךָ כָּל־עֲשׂוֹה אֵלֶּהָ:

The items of a man should not be upon a woman; nor should a man wear the dress of a woman—for it is a *to'evah* [a thing completely off limits] to YHVH your God, everyone who does these things.

Questions for discussion:

1. Look at the structure of the sentence. In what way is it parallel or not parallel? What significance do you find in the sentence structure, if any?
2. *To'evah* is often translated as “abomination.” The word appears in a few different contexts in the Bible. A few of them are: Hebrews eating with Egyptians (which is called *to'evah* to the Egyptians); eating nonkosher animals; a man lying with a man as with a woman. How do you see the relationship between these various acts, all called *to'evah*?
3. What interest might our ancestors have had in upholding this commandment? What interest might some modern Jews have? What interest might God have?
4. This verse appears in the context of a passage that deals with sacred obligations to each other and to God. How are outer garments and inner holiness related? Do the choices you make about clothing feel sacred to you? Does your relationship to other people and/or to God impact the way you choose to clothe yourself?

Comment [JP1]: This fifth and final book of the Torah consists of speeches delivered to the Israelites by Moses, shortly before they enter the land of Israel.

Comment [JP2]: 10 minutes for hevruta.
20 minutes for group discussion.

THE RABBIS EXPLAIN

Babylonian Talmud Nazir 59a (2nd—4th century CE)

תלמוד בבלי מסכת נזיר דף נט עמוד א

רבי אליעזר בן יעקב אומר: מנין שלא תצא אשה בכלי זיין למלחמה? ת"ל: לא יהיה כלי גבר על אשה, ולא ילבש גבר שמלת אשה - שלא יתקן איש בתיקוני אשה.

Rabbi Eliezer ben Yaakov says: "From where do we learn that a woman may not go out bearing weapons of war? We learn it from the verse: '**A woman should not put on the apparel of a man**' [And the rest of the verse? How should we understand it?] '**Nor should a man wear the clothing of a woman,**' [means that] a man should not adorn himself with women's accessories."

תלמוד בבלי מסכת נזיר דף נט עמוד א

לא יהיה כלי גבר על אשה - מאי תלמוד לומר? אם שלא ילבש איש שמלת אשה ואשה שמלת איש, הרי כבר נאמר תועבה היא, ואין כאן תועבה? אלא, שלא ילבש איש שמלת אשה וישב בין הנשים, ואשה שמלת איש ותשב בין האנשים.

"A woman should not put on the apparel of a man." What does the Torah mean by this verse? You might think that it simply means that a man may not wear a woman's garment and a woman may not wear a man's garment. And behold, it has already been said [by previous commentators in reference to this verse] that it is *to'evah*, completely off-limits! But there is no *to'evah* here! [Therefore], the verse must mean that a man may not wear women's clothes in order to sit amongst women, and a woman must not wear men's clothes and sit amongst men.

Rashi (c. 11th century)

רש"י דברים פרק כב פסוק ה

לא יהיה כלי גבר על אשה - שתהא דומה לאיש כדי שתלך בין האנשים, שאין זו אלא לשם ניאוף. ולא ילבש גבר שמלת אשה - לילך ולישב בין הנשים... כי תועבת - לא אסרה תורה אלא לבוש המביא לידי תועבה:

"A woman should not put on the apparel of a man. . ." that she will resemble a man and go out amongst men for the purpose of adultery. "Nor should a man wear the clothing of a woman..." in order to sit amongst the women. As we learned [in Nazir 59a]. "It is completely off-limits behavior..." [Therefore] the Torah is *not* forbidding it except when garments *lead* to such off-limits behavior.

Question for Discussion:

None of the classical commentators understand this verse literally as a Torah based ban on wearing the clothes of another gender. How do they understand this verse? Why do you think they reject a literal reading? What are each of the commentators concerned about? What kind of boundary(s) is each of them trying to protect?

Comment [JP3]: The Talmud, also called the Oral Torah, is the founding text of Jewish law. Originally transmitted orally, it is the collection of rabbinic conversations that occurred in two or three centuries following the turn of the millennium. The conversations covered a wide range of topics from Torah commentary, to legal intricacies, ethics, philosophy, customs, anecdotes, and history. It was redacted (written down) around the years 500-700 (500 for the Mishnah, 700 for the Gemara).

Comment [JP4]: Rashi was a French rabbi and author of extensive commentaries on the Torah and Talmud. We owe much of our understanding of these texts to Rashi's commentary.

Comment [JP5]: 10 minutes for hevruta, 20 minutes for group discussion

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MINHAG HA'MAKOM: HOW DO WE DEFINE CROSS-DRESSING?

Rambam, Sefer HaMitzvot, Lo Ta'aseh 40 (12th century)

ספר המצוות לרמב"ם מצות לא תעשה לט

והמצוה הל"ט היא שהזהירנו גם כן מהמשך אחר חקות הכופרים שתהיינה הנשים לובשות בגדי האנשים ותתקשטנה בתכשיטיהם והוא אמרו יתעלה (תצא כבן) לא יהיה כלי גבר על אשה. וכל אשה שתתקשט באחד מתכשיטי האנשים המפורסמים בעיר ההיא שזה הוא תכשיט מיוחד לאנשים לוקה:

This commandment also forbids us to follow the customs of the heretics, in regard to women wearing the clothing of men, or their adornments. As [God] said [in the Torah]: "A woman should not put on the apparel of a man." Any woman, who adorns herself in a way that is publicly known to be men's accessories in the city where she lives, becomes liable to whipping.

ספר המצוות לרמב"ם מצות לא תעשה מ

והמצוה הארבעים היא שהזהיר האנשים גם כן מהתקשט בתכשיטי הנשים והוא אמרו יתעלה (שם) ולא ילבש גבר שמלת אשה. וכל אדם שהתקשט גם כן או לבש מה שהוא מפורסם במקום ההוא שהוא תכשיט המיוחד לנשים לוקה. ודע שזאת הפעולה, כלומר היות הנשים מתקשטות בתכשיטי האנשים או האנשים בתכשיטי הנשים, פעמים תיעשה לעורר הטבע לזמה כמו שהוא מפורסם אצל הזונים ופעמים ייעשה למינים מעבודת עבודה זרה כמו שהוא מבוואר בספרים המחוברים לזה. והרבה מה שיושם בתנאי בעשיית קצת הטלאסם וייאמר אם היה המתעסק בו אדם ילבש בגדי נשים ויתקשט בוהב ופנינים והדומים להם ואם היתה אשה תלבש השריין ותזדיין בחרבות וזה מפורסם מאד אצל בעלי דעת זאת:

This commandment also forbids men to adorn themselves with women's accessories. As God said [in the Torah]: "Nor should a man wear the clothing of a woman. . ." Any man who adorns himself in a way that is publicly known to be women's accessories in the place where he lives becomes liable to whipping: ...

Questions for Discussion:

1. In the first paragraph, the author restates the original prohibition, with an addendum. What addendum is made? Why is it significant?
2. What is our custom according to the place(s) we live in? How are the rabbinic contexts we have already discussed different from ours?
3. What might account for these changes over time? How might those changes impact how we interpret and live out this verse?

WHEN IS CROSS-DRESSING PERMITTED?

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Comment [JP6]: Maimonides, also known as Rambam, was a Jewish scholar and a renowned physician. He was born in present-day Spain and lived in Morocco and Egypt. He wrote the *Mishneh Torah*, a comprehensive how-to guide to living Talmudically, which later served as the model for the *Shulchan Aruch*. He also wrote *Sefer HaMitzvot*, which detailed all of the 613 commandments.

Comment [JP7]: Note: whipping is the prescribed punishment for transgression of law which is d'rabbanan. See next section for more info.

Comment [JP8]: 10 minutes for hevruta, 20 minutes for group discussion

Moses Isserles, commentary to the Shulchan Aruch (16th century), Orach Chayim 696:8

שולחן ערוך אורח חיים סימן תרצו סעיף ח

מותר לישא אשה בפורים. הגה: (ומה שנהגו ללבוש פרצופים בפורים, וגבר לובש שמלת אשה ואשה כלי גבר, אין איסור בדבר מאחר שאין מכוונין אלא לשמחה בעלמא, וכך בלבישת כלאים דרבנן.)

In the Shulchan Aruch (Orach Chayim 696:8) we read: "It is permitted [for a man] to dress as a woman on Purim."

Rabbi Isserles comments on this text: ". . .so too the practice of dressing up in masks on Purim, a man wearing the attire of a woman, and a woman wearing the accessories of a man—there is no prohibition of this, since what they are intending is merely joy, and furthermore the [prohibition of] wearing adornments is *d'rabanan* (a rabbinic prohibition) [and is therefore of a lesser level of concern here]."

Rabbi Lisa Edwards, sermon (21st century)

. . .I want to draw our attention not only to this verse, but also to the seemingly unrelated verses that immediately precede it . . . The translation of these verses that we are most used to say: "If you see your fellow's ox or sheep gone astray, do not *ignore* it; you must take it back to your fellow." A bit later it says about returning any lost thing to your fellow: "you must not *remain indifferent*." And finally it says "if you see your fellow's donkey or ox fallen on the road, do not *ignore* it; you must help him lift it up." [Deuteronomy 22:1-4]

The Hebrew actually says *hitalamtah* and *l'hitaleim*—not "ignore" or "be indifferent," but rather a literal translation is, "do not hide yourself."

"Ignore" and "be indifferent" are nice interpretations, but they are not translations. Hiding yourself is different from ignoring something or being indifferent to someone else's plight, don't you think? Hiding yourself is not only about shirking responsibility—it's about closeting yourself. It's about hoping no one will notice you, maybe it's about hoping you won't notice yourself—won't notice who you really are. . . Perhaps this verse [when read in its fullest context] is about: not hiding yourself behind clothes that do not belong to you that do not show who you are, that do not allow you to feel like yourself when you are wearing them.

Questions for Discussion:

1. Why does Isserles say cross-dressing is permitted on Purim? What is the purpose of cross-dressing on Purim? What might be surprising about Isserles' statement that the prohibition is *d'rabanan*?
3. How is R. Edwards' commentary diverge from previous explanations? How does it build upon them?

Comment [JP9]: Moses Isserles, born in Poland in the 1500s, was a rabbi, Talmudist, and posek, renowned for his writings on halacha, entitled *ha-Mapah* (lit., "the tablecloth"), an inline commentary on the Shulchan Aruch.

The Shulchan Aruch (literally the "set table") is the most authoritative legal code of Judaism. It was authored by Yosef Karo, also in the 1500s. Together with its commentary *ha-Mapah*, it is the most widely accepted compilation of Jewish law ever written.

Comment [JP10]: D'rabanan refers to decrees issued by the rabbis after the Torah was given. It is considered to be as equally binding as Torah law (d'oraita).

When considering the difference between d'oraita and d'rabanan, it is important to note that d'oraita, or Torah law, refers to laws found explicitly in the Torah or laws derived from Torah by halakhically-sound exegetical methods. For example, the commandment to do no work on the Sabbath is d'oraita, as are the 39 categories of work forbidden. (The former is stated explicitly in the text, while the latter is derived from the text.)

A very common subcategory of d'rabanan is known as "gezeirah", which refers to the category of law which "draws a fence around the Torah." A gezeirah is a law issued by the rabbis to help people observe a Torah law. For example, the law not to write on Shabbat is d'oraita. However, the law not to *touch* a writing implement is d'rabanan.

Although both categories of law are considered by halacha (Jewish law) to be equally binding, there are some very important differences between the two when it comes to special cases, such as instances of doubt, extenuating circumstances, or conflicting laws. A Torah law is not considered changeable. A rabbinic law, in rare cases, may be subject to modification or revocation.

Comment [JP11]: Rabbi Lisa Edwards was ordained in 1994 by Hebrew Union College. She currently serves at Beth Chayim Chadashim, one of the world's first LGBT outreach synagogues, in Los Angeles.

Comment [JP12]: 10 minutes for hevruta, 20 minutes for group discussion

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4. Considering the texts studied in this session, how do these sources' understanding of gender presentation through compare with our society's understanding? How do they compare with your own understanding of gender presentation?

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Source Sheet: Participant

THE TORAH SAYS

Deuteronomy 22:5

לֹא־יִהְיֶה כְּלִי־גִבּוֹר עַל־אִשָּׁה וְלֹא־יִלְבַּשׁ גִּבּוֹר שְׂמֹלֶת אִשָּׁה כִּי תוֹעֵבַת יְהוָה
אֱלֹהֶיךָ כָּל־עֲשֵׂה אֵלֶּה:

The items of a man should not be upon a woman; nor should a man wear the dress of a woman—for it is a *to'evah* [a thing completely off limits] to YHVH your God, everyone who does these things.

Questions for discussion:

1. Look at the structure of the sentence. In what way is it parallel or not parallel? What significance do you find in the sentence structure, if any?
2. *To'evah* is often translated as “abomination.” The word appears in a few different contexts in the Bible. A few of them are: Hebrews eating with Egyptians (which is called *to'evah* to the Egyptians); eating nonkosher animals; a man lying with a man as with a woman. How do you see the relationship between these various acts, all called *to'evah*?
3. What interest might our ancestors have had in upholding this commandment? What interest might some modern Jews have? What interest might God have?
4. This verse appears in the context of a passage that deals with sacred obligations to each other and to God. How are outer garments and inner holiness related? Do the choices you make about clothing feel sacred to you? Does your relationship to other people and/or to God impact the way you choose to clothe yourself?

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THE RABBIS EXPLAIN

Babylonian Talmud Nazir 59a (2nd—4th century CE)

תלמוד בבלי מסכת נזיר דף נט עמוד א

רבי אליעזר בן יעקב אומר: מנין שלא תצא אשה בכלי זיין למלחמה? ת"ל: לא יהיה כלי גבר על אשה, ולא ילבש גבר שמלת אשה - שלא יתקן איש בתיקוני אשה.

Rabbi Eliezer ben Yaakov says: "From where do we learn that a woman may not go out bearing weapons of war? We learn it from the verse: '**A woman should not put on the apparel of a man**' [And the rest of the verse? How should we understand it?] '**Nor should a man wear the clothing of a woman,**' [means that] a man should not adorn himself with women's accessories."

תלמוד בבלי מסכת נזיר דף נט עמוד א

לא יהיה כלי גבר על אשה - מאי תלמוד לומר? אם שלא ילבש איש שמלת אשה ואשה שמלת איש, הרי כבר נאמר תועבה היא, ואין כאן תועבה? אלא, שלא ילבש איש שמלת אשה וישב בין הנשים, ואשה שמלת איש ותשב בין האנשים

"A woman should not put on the apparel of a man." What does the Torah mean by this verse? You might think that it simply means that a man may not wear a woman's garment and a woman may not wear a man's garment. And behold, it has already been said [by previous commentators in reference to this verse] that it is *to'evah*, completely off-limits! But there is no *to'evah* here! [Therefore], the verse must mean that a man may not wear women's clothes in order to sit amongst women, and a woman must not wear men's clothes and sit amongst men.

Rashi (c. 11th century)

רש"י דברים פרק כב פסוק ה

לא יהיה כלי גבר על אשה - שתהא דומה לאיש כדי שתלך בין האנשים, שאין זו אלא לשם ניאוף; ולא ילבש גבר שמלת אשה - לילך ולישב בין הנשים... כי תועבת - לא אסרה תורה אלא לבוש המביא לידי תועבה:

"A woman should not put on the apparel of a man. . . ." that she will resemble a man and go out amongst men for the purpose of adultery. "Nor should a man wear the clothing of a woman..." in order to sit amongst the women. As we learned [in Nazir 59a]. "It is completely off-limits behavior..." [Therefore] the Torah is *not* forbidding it except when garments *lead* to such off-limits behavior.

Question for Discussion:

None of the classical commentators understand this verse literally as a Torah based ban on wearing the clothes of another gender. How do they understand this verse? Why do you think

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they reject a literal reading? What are each of the commentators concerned about? What kind of boundary(s) is each of them trying to protect?

MINHAG HA'MAKOM: HOW DO WE DEFINE CROSS-DRESSING?

Rambam, Sefer HaMitzvot, Lo Ta'aseh 40 (12th century)

ספר המצוות לרמב"ם מצות לא תעשה לט

והמצוה הל"ט היא שהזהירו גם כן מהמשך אחר חקות הכופרים שתהיינה הנשים לובשות בגדי האנשים ותתקשטנה בתכשיטיהם והוא אמרו יתעלה (אצא כב) לא יהיה כלי גבר על אשה. וכל אשה שתתקשט באחד מתכשיטי האנשים המפורסמים בעיר ההיא שזה הוא תכשיט מיוחד לאנשים לוקה:

This commandment also forbids us to follow the customs of the heretics, in regard to women wearing the clothing of men, or their adornments. As [God] said [in the Torah]: "A woman should not put on the apparel of a man." Any woman, who adorns herself in a way that is publicly known to be men's accessories in the city where she lives, becomes liable to whipping.

ספר המצוות לרמב"ם מצות לא תעשה מ

והמצוה הארבעים היא שהזהיר האנשים גם כן מהתקשט בתכשיטי הנשים והוא אמרו יתעלה (שם) ולא ילבש גבר שמלת אשה. וכל אדם שהתקשט גם כן או לבש מה שהוא מפורסם במקום ההוא שהוא תכשיט המיוחד לנשים לוקה. ודע שזאת הפעולה, כלומר היות הנשים מתקשטות בתכשיטי האנשים או האנשים בתכשיטי הנשים, פעמים תיעשה לעורר הטבע לזמה כמו שהוא מפורסם אצל הזונים ופעמים ייעשה למינים מעבודת עבודה זרה כמו שהוא מבוואר בספרים המחוברים לזה. והרבה מה שיושם בתנאי בעשיית קצת הטלאסם וייאמר אם היה המתעסק בו אדם ילבש בגדי נשים ויתקשט בוהב ופנינים והדומים להם ואם היתה אשה תלבש השריין ותזדיין בחרבות וזה מפורסם מאד אצל בעלי דעת זאת:

This commandment also forbids men to adorn themselves with women's accessories. As God said [in the Torah]: "Nor should a man wear the clothing of a woman. . ." Any man who adorns himself in a way that is publicly known to be women's accessories in the place where he lives becomes liable to whipping. ...

Questions for Discussion:

1. In both passages, the author restates the original prohibition, with an addendum. What addendum is made? Why is it significant?
2. What is our custom according to the place(s) we live in? How are the rabbinic contexts we have already discussed different from ours?
3. What might account for these changes over time? How might those changes impact how we interpret and live out this verse?

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WHEN IS CROSS-DRESSING PERMITTED?

Moses Isserles, commentary to the Shulchan Aruch (16th century), Orach Chayim 696:8

שולחן ערוך אורח חיים סימן תרצו סעיף ח

מותר לישא אשה בפורים. הגה: (ומה שנהגו ללבוש פרצופים בפורים, וגבר לובש שמלת אשה ואשה כלי גבר, אין איסור בדבר מאחר שאין מכווין אלא לשמחה בעלמא, וכך בלבישת כלאים דרבנן.)

In the Shulchan Aruch (Orach Chayim 696:8) we read: "It is permitted [for a man] to dress as a woman on Purim."

Rabbi Isserles comments on this text: ". . . so too the practice of dressing up in masks on Purim, a man wearing the attire of a woman, and a woman wearing the accessories of a man—there is no prohibition of this, since what they are intending is merely joy, and furthermore the [prohibition of] wearing adornments is *d'rabanan* (a rabbinic prohibition) [and is therefore of a lesser level of concern]."

Rabbi Lisa Edwards, sermon (21st century)

. . . I want to draw our attention not only to this verse, but also to the seemingly unrelated verses that immediately precede it . . . The translation of these verses that we are most used to say: "If you see your fellow's ox or sheep gone astray, do not *ignore* it; you must take it back to your fellow." A bit later it says about returning any lost thing to your fellow: "you must not *remain indifferent*." And finally it says "if you see your fellow's donkey or ox fallen on the road, do not *ignore* it; you must help him lift it up." [Deuteronomy 22:1-4]

The Hebrew actually says *hitalamtah* and *l'hitaleim*—not "ignore" or "be indifferent," but rather a literal translation is, "do not hide yourself."

"Ignore" and "be indifferent" are nice interpretations, but they are not translations. Hiding yourself is different from ignoring something or being indifferent to someone else's plight, don't you think? Hiding yourself is not only about shirking responsibility—it's about closeting yourself. It's about hoping no one will notice you, maybe it's about hoping you won't notice yourself—won't notice who you really are. . . Perhaps this verse [when read in its fullest context] is about: not hiding yourself behind clothes that do not belong to you that do not show who you are, that do not allow you to feel like yourself when you are wearing them.

Questions for Discussion:

1. Why does Isserles say cross-dressing is permitted on Purim? What is the purpose of cross-dressing on Purim? What might be surprising about Isserles' statement that the prohibition is *d'rabanan*?
3. How is R. Edwards' commentary diverge from previous explanations? How does it build upon them?

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4. Considering the texts studied in this session, how do these sources' understanding of gender presentation through compare with our society's understanding? How do they compare with your own understanding of gender presentation?

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