

# A Jewish Guide to Marking Transgender Day *of* Remembrance

# Contents

Introduction .....	3
Readings for Services .....	4
I Am: Trans People Speak .....	6
My Jewish Transgender Journey .....	8
Rabbinical Testimony in Support of the Massachusetts Transgender Equal Rights Bill.....	13
Sermon .....	20
Text Study: Gender Diversity in Jewish Sacred Texts .....	23
Ways to Take Action in Your Community .....	33

“It is our role as religious leaders to ensure that our communities are places where everyone can embrace their whole selves and live up to their Divine potential.”

— R. Joseph Berman

“One of the most important teachings in the Jewish tradition is that every human being is created *b'tzelem elohim*, “in God’s image,” which is interpreted to mean that every person must be treated with dignity and respect. Unfortunately, transgender people have too often been the victims of blatant discrimination and of violence, their humanity and Godliness denied. And as a congregational rabbi, I have had congregants, both adults and teens, who are transgender, and I fear for their safety and their ability to live a life free of harassment and abuse.”

— Rabbi Toba Spitzer

# Chaverim,

As Jews, we know all too well the cost of being marked as other. We know the collective pain of injustice and loss, and we know the necessity of marking and remembering that pain and mourning, in order to move forward into the more just, whole world we are all partners in creating.

Every November 20th, transgender people and allies gather around the world to memorialize and remember the victims of transphobic violence killed in the last year. Since January of 2009, over 170 trans and gender non-conforming people were murdered for being themselves.

All of us, trans and ally alike, deserve to thrive; to bring our fullest, most vibrant versions of our selves into the world. Transphobia, the fear or hatred of trans and gender variant people, makes that impossible for many trans people—sometimes by cutting words, cold shoulders, exclusion, and discrimination, and sometimes by violence.

This November, we take time to remember the victims of transphobic violence we have lost. We take time to appreciate the support of community, friends, and families of origin and of choice. We take time to remember what we are fighting against, and who we are fighting for. We take time to grieve, and time to affirm one another and ourselves in life.

In the following pages, you will find readings and resources for marking Trans Day of Remembrance in your community, and for taking action to make the world a safer, more just place for trans and gender-variant people. Please share these resources widely, and let us know if and how your community is observing Trans Day of Remembrance.

In mourning and hope,

Joanna Ware  
Lead Organizer and Training Coordinator

# Readings

## FOR TRANS DAY OF REMEMBRANCE

### USAGE NOTES AND SUGGESTIONS:

We suggest that one or all of the following texts be included in your community's Shabbat service the weekend of November 20th. The three texts below are taken from siddurim created by Sha'ar Zahav and Congregation Beit Simchat Torah, two of the country's largest LGBT synagogues.

The first reading, "Twilight People," connects thematically to Ma'ariv Aravim, and can be included either as an alternative in place of the prayer, or as a supplemental reading before or after Ma'ariv Aravim is read.

The second reading is a prayer for Trans Day of Remembrance, and as it explicitly references the Kaddish, will fit seamlessly in to many communities' minhag if read before or after the Mourner's Kaddish.

The third reading is not as closely tied to a particular prayer, but connects with themes raised in the Amidah, and ends with a prayer of thanksgiving, making it appropriate for Shabbat inclusion.

### READINGS FOR TRANSGENDER DAY OF REMEMBRANCE

#### **Twilight People**

As the sun sinks and the colors of the day turn, we offer a blessing for the twilight, for twilight is neither day nor night, but in-between. We are all twilight people. We can never be fully labeled or defined. We are many identities and loves, many genders and none. We are in between roles, at the intersection of histories, or between place and place. We are crisscrossed paths of memory and destination, streaks of light swirled together. We are neither day nor night. We are both, neither, and all.

May the sacred in-between of this evening suspend our certainties, soften our judgments, and widen our vision. May this in-between light illuminate our way to the God who transcends all categories and definitions. May the in-between people who have come to pray be lifted up into this twilight. We cannot always define; we can always say a blessing. Blessed are You, God of all, who brings on the twilight.

— Rabbi Reuben Zellman, [TransTorah.org](http://TransTorah.org)

God, full of mercy, bless the souls of all who are in our hearts on this Transgender Day of Remembrance. We call to mind today young and old, of every race, faith, and gender experience who have died by violence. We remember those who have died because they would not hide, or did not pass, or did pass, or stood too proud. Today we name them: the reluctant activist, the fiery hurler of heels, the warrior for quiet truth, the one whom no one really knew.

As many as we can name, there are thousands more whom we cannot, and for whom no Kaddish may have been said. We mourn their senseless deaths, and give thanks for their lives, for their teachings, and for the brief glow of each holy flame. We pray for the strength to carry on their legacy of vision, bravery, and love.

And as we remember them, we remember with them the thousands more who have taken their own lives. We pray for resolve to root out the injustice, ignorance, and cruelty that grow despair. We pray, God, that those who perpetrate hate and violence will speedily come to understand that Your creation has many faces, many genders, and many holy expressions.

Blessed are they who have allowed their divine image to shine in the world.

Blessed are You, God, in whom no light is extinguished.

— Rabbi Reuben Zellman, *Siddur Sha'ar Zahav*

When I was a little boy, I prayed to God. I prayed God would make me a girl because I knew I wasn't really a boy, not inside. I didn't want to keep pretending to be a boy because it was hard to pretend all the time. I knew I couldn't go on forever pretending like that. It made me very tired and sad. I wondered why God would want me to be tired and sad every day. But I tried hard not to disappoint God.

One morning, after praying like this for many years, I woke up and God had changed me. God had changed my tiredness into courage. God gave me the courage to tell the truth. God gave me the courage to tell people I wasn't a boy, even though it made some people laugh and some people get mad.

God's courage has made me happy. God's courage has taught me to love myself. God's courage lets my outside be like my inside. God's courage gives me the gift of honesty. God is Truth.

I thank God for giving me the courage to tell the truth. I thank God for giving me the courage to be me.

Thank you God, for creating the infinitely complex universe, and for creating infinitely complex me.

— Dr. Jill Weiss, *Siddur B'chol L'vav'cha*, Congregation Beit Simchat Torah

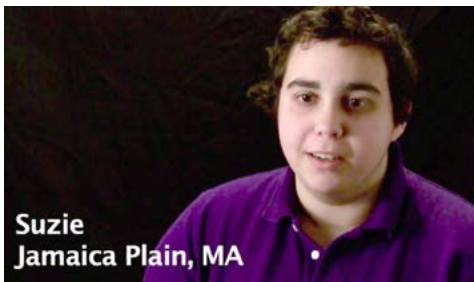
# I AM: TRANS PEOPLE SPEAK VIDEOS FROM THE JEWISH COMMUNITY

I AM: Trans People Speak is a multi-media campaign created by The Massachusetts Transgender Political Coalition to educate about the diverse communities of trans individuals, families, and allies.

We're grateful to the following Keshet members for sharing their personal stories.

To view the full video collection visit: <http://www.transpeoplespeak.org/>

## SUZIE



Link: <http://www.youtube.com/watch?v=i-yiUNoidYQ&feature=related>

“To me genderqueer is waking up in the morning and not assigning yourself to a male or female gender. It’s both an ambiguity of gender, a freedom to play with different things, to experiment with your gender presentation and identity, and it’s also a bit of a confusion, and an uncertainty with where your gender is going to fall. ... As a Jewish educator, I am passionate about creating spaces for trans and queer Jews, if that’s in prayer, or educational spaces, or community. I think that right now, Jewish community is not a safe space, and there’s a lot of work we need to do. I am really looking forward to the day when a Jewish community does not need to create a safe space, it is a safe space; that Judaism in itself is a safe space for queer and gender-variant folks.”

## STEPHANIE



Link: <http://youtu.be/AAe0zRnBZpA>

“I moved here to Boston about a year ago, and I found that I needed a new spirituality, a new religion... I started to look around, and found that a lot of my activist heroes and heroines, especially, a lot of them were Jewish, and I kind of followed them back to Reform Judaism, and that really intrigued me. ... My first day that I walked through the doors, I remember asking the Rabbi “how soon can I convert?” ... As I’m converting, I’m finding a whole host of things. I’m finding a sense of community, ... I’m finding a sense of empowerment, a sense of self, that makes me really happy to be who I am, proud to be who I am.”

## DAVID

Link: <http://youtube.com/watch?v=Fx0m7TnU2i4&feature=youtu.be>

“I don’t live my life compartmentalized, so my community is the Jewish community, my community is the queer community, my community is the overlap of those two, so who I am is the sum of all of those parts.

I try to be an ally to the trans community in part because as a gay man, I think it’s easy to think that I need the whole world to be my ally, and to forget that I have certain privileges I can use to make the world better for everyone in the queer community. ... Something I hear in a lot of Jewish communities is that we’re totally willing to be inclusive and welcoming of trans people, but we don’t have any in our community, so we don’t want to put in the effort. ...If you really want to be welcoming, you have to be ready when someone walks through the door.”



## ALEX

Link: <http://youtu.be/Yj1BvzH65q0>

“Eventually, [my job] became unbearable because the senior staff were making my life miserable because I was open about being transgender. So even somebody like myself, with all these credentials and all this training and all this experience—still gets discriminated against. I can’t reach my full potential, because of other people’s discrimination against me. [Judaism] connects me throughout the generations, with people all over the world. ...Being Jewish has helped me in dealing with being transgender.”



## STACEY

Link: <http://youtu.be/oHthOoKEVI8>

“I’m Jewish, I was born Jewish, I was raised in a Jewish home, a kosher home, a fairly religious home. It’s been part of me my entire life, it’s just who I am, and I don’t want to give up on that just because I transitioned, and I shouldn’t have to. ...I want my religious community to accept me for who I really am, accept me for the woman that I really am.”





# MY JEWISH Transgender Journey

by Rafi Daugherty

*This talk was delivered at Bonai Shalom, Boulder, Colorado, November 2, 2012*

My name is Rafi. I am a transgender Jewish man. This means that I was born female and transitioned to male. Thanks to advances in medical science, this is not something that you can see when you look at me. I'm an appropriate height for a (Jewish) male, I have lots of facial hair and other fur, my voice has deepened to the level of a higher-pitched male. For the most part, I "pass" as a dude.

When I was a little girl growing up in Colorado, I felt there was something different about me. I yearned with all of my heart to be a boy. I wasn't particularly masculine as a child. Although I did love going fishing and "fixing things" with my father, my favorite colors were pink and purple, I played with baby dolls almost exclusively, I loved drawing and coloring, and playing make-believe games with friends. But at night, when I was about to go to sleep, I would pray, "Dear G-d, please make me a boy," and was disappointed when I awoke and was still very much a girl.

We became Orthodox when I was a young child. I felt very comfortable in that community and still appreciate the values I learned there. Every Purim I would dress as "a boy" and wear a yarmulke and tzitzis and would bring pieces of my long hair forward to be "payos." When my brother had his bar mitzvah, I woke up in the middle of the night once to try on his tefillin. I felt desperately that I was missing out on something that I should have experienced as well. I feel pretty sure that at some point I expressed my desire to be male to my mother. The response I remember (which is not necessarily the response she gave me) was, "Every little girl just wishes she was a boy." She may have said, "Every girl wishes she was a boy sometimes," or "once in a while," but what I heard was that being a girl sucked and everyone else knew it too.

Around age 10 or 11, my magical thinking went away and I became aware that G-d was not going to change me into a boy. I resigned myself to being a girl. I wanted to be a "cool" girl or a tomboy. I knew some cool girls from camp and from the Orthodox Jewish High school in Denver and I modeled myself after them. I had a beautiful singing voice and I wanted to fit in with the amazing Jewish women who were my role models. I grew my hair long and wore skirts that fell to my ankles. On Shabbos I would even wear makeup and jewelry, though I did go through a stage where I would wear only white button down shirts, black skirts, with a black jacket. I felt it was unfair that boys got to wear the same outfit every day and I had to choose colorful feminine items to wear. I enjoyed my grey and navy blue school uniform and wore it diligently without complaint.

I still had angst about being female, especially when I was at shul on a holiday or at a Shabbos meal with boys. But when I was surrounded by only females in school and summer camp, I was able to forget my desire to be male and just be a "cool" tomboy. In school and camp plays, I regularly and happily played the part of the "husband," "son," or "uncle."

My high school principal had to sit me down at one point to teach me how to speak in a “gentle and feminine” way because my blunt way of joking was making my classmates cry. I practiced using sweeter words and not making fun of people or being sarcastic. Others seemed to like me better when I was polite in this way, so I adopted this fashion of speaking for good. At one point, my principal wanted me to have a good role model from the community and she asked me to come up with a list of people I felt that I could learn from. I came back to her with a list of five to seven men from the community who I admired and wished to learn from. She was taken aback: “I meant for you to find women,” she told me. I was shocked and had a very difficult time thinking of any women in the community who I wanted to emulate. I finally found a very cool, interesting, and brilliant woman who was also our English teacher in 9th grade. She became my mentor and I spent some time with her family.

When I was in 10th grade, the movie Titanic came out. My friends and I watched it over and over and said the lines along with the actors. I became obsessed with Leonardo DiCaprio. I didn’t know if I wanted to marry him or be him. That summer, I brought pictures of him from magazines to the hair stylist and requested a haircut like his. My mother cried, “Couldn’t you find a picture of women with short hair?” No, I couldn’t. I wanted to look like him. My classmates liked to tease me about being “such a boy” and I soaked in every “tease” as a compliment.

I started drawing pictures in my journals depicting what I looked like on the outside...and what I felt like on the inside. Usually, the “inner” me was an androgynous, goth-looking person with lots of piercings and tattoos. I started to use cigarettes, alcohol, and eventually drugs to escape the anxiety of feeling so estranged from myself. At that point in my life, I was struggling so much, I don’t think I really could have told you that I was transgender. I didn’t even know that transgender existed. I just thought that I was “messed up” and worried a lot about my status as a “good Jew.” I had always been attracted to boys but in high school I started realizing that I was also attracted to some girls. I thought, “Everyone must be bisexual – that’s why G-d told us that homosexuality is bad: we need to choose the ‘good’ thing.” I went to Israel after high school to a seminary for Orthodox girls. I loved it there. Lots of the girls were tomboys and everyone was a lot of fun. I went to a couple of other schools in Israel and none of them seemed to “work” for me. Because of my other issues, I was suspended from or kicked out of all three schools that I attended there.

I moved to New York when I was 21 and starting to live clean and sober. That’s when I met my first transgender person. He was a boy that I saw around at various sober events in Brooklyn. One day, one of my friends said, “Did you know his name used to be Rebecca?” and I was instantly thrown into a whole new world. My immediate thought was, “Wow, if I wasn’t Orthodox, I would totally be transgender.” But I didn’t think G-d made mistakes and I always wanted to be a mommy, so I tried very hard to stay female. I went to a therapist and we tried to dissect why I was so uncomfortable with being female. She had me go for manicures every week as “homework” to pamper my femininity. Slowly, I became less and less religious but more and more spiritual. I started acting and dressing

## MY JEWISH TRANSGENDER JOURNEY (Cont'd)

more and more masculine, I cut my hair short again, and started wearing pants because I worked on an ambulance. People saw me as a lesbian so I started to believe that's what I was. I knew I couldn't date men because it was too uncomfortable to be treated as a woman. Dating women gave me permission to be as masculine as I needed to be. Imagine my confusion when one of my girlfriends told me she liked it when I was more femme!

By the end of 2006, I was fairly content living as a fairly masculine or gender-queer woman. I still used my birth name and pronouns. I worked in a group home for adult women with disabilities. I had a lot of great friends in and out of the Jewish LGBT community. But something was missing. I see now that I was about 85% of the way "there"—"there" being comfortable in my life and skin and experiences. I did not like to see friends from my childhood or from high school; it made me feel embarrassed and confused. Why couldn't I just be a normal religious woman like they were? It was what I thought I wanted all my life. To grow up to be a frum mommy with 300 little kids who had payos and wore pants. But that wasn't my life. It confused me. I wanted to be "normal" but was no longer sure what that meant to me.

In January of 2007, I had a life-changing couple of days. I had two weddings one day after another. The first was the wedding of my friend's younger sister from St. Louis. I knew that people there would report to my mother about how I looked so I decided that it would be a "drag" night and that I would have fun with it. I wore my favorite "girl" outfit, a khaki suede skirt suit with pretty pink and maroon embroidery. I "straightened" my short hair, and I put on makeup, and even wore a pair of khaki slides to match my outfit. I was determined to have a good time but that I wouldn't lie about my life. If anyone asked me, they would know that I was no longer observant and that I dated women. However, all night long, I felt that I was looking out through a mask. I felt like I was a lie. I wanted to scratch myself out of my skin. I went home that night and cried and wondered, "What is wrong with me?"

The next night, my boss was getting married. She knew me as a "butch" woman. I wore my black suit pants with a button down shirt and a tie. I wore the black jacket I would wear in high school and a black newsboy cap. I brought the women from the group home to the wedding and we danced and danced. I had a fabulous time and felt comfortable in my skin. I got a few funny looks from people, and someone called me "sir." I just nodded and laughed inside. The juxtaposition of that night to the night before made it perfectly clear to me that something had to change; that I never ever wanted to feel that I had to dress in a feminine way again. But what exactly did that mean? I wasn't sure.

I started doing work in "My Gender Workbook" by Kate Bornstein, I started going to a support group for people born female who were now on the masculine spectrum, and I started talking about this in therapy. I realized that I was not Orthodox anymore and that I had said, "I would be transgender if I weren't Orthodox." I realized that I was the only thing standing in my way towards becoming myself. There were a lot of difficult steps along the way but I had the strength to take them. It was around that time that Thomas Beatie (the 'first' pregnant man) was making headlines, and that inspired me, because I didn't want to sacrifice giving birth to babies in order to be a man, and his story let me know that I didn't have to.

I knew that my Orthodox family would not do well with this news. I told my younger step-sister first; she and I have always been very close. She was supportive but didn't have a lot to say about it. I dreaded telling my mother and my older, ultra-Orthodox brother. I was "outed" to my step-father when he came to visit New York in spring of 2007. He asked me a lot of questions about it and let me know that he disagreed with my decision on a religious basis but that he still loved me and wanted to support me. He agreed to withhold the news from my mother for as long as he could. I had a name-change ceremony that June on my Hebrew birthday at the LGBT synagogue Congregation Beit Simchat Torah. Before Shabbos started, my step-father called me to give me the blessing a father gives to his son. It was all I could do to choke back my tears. And that evening I was "born" into the Jewish world as Rachamim Refael Yehoshua Ben Zechariah Leib. From that point on, I asked my friends to refer to me as Rafi and with male pronouns. I started taking testosterone a couple weeks later after my 25th birthday.

Testosterone was perfect for me. I could feel the difference in my bones within a week or two. I started feeling more comfortable in my skin. My voice started to drop and I noticed a few more chin hairs a few weeks after that. My step-father finally caved and told my mother what was going on. She said she couldn't speak to me anymore and then begged me to see a frum (observant) therapist, and said she would pay. I consented and said, "If he can cure me and make me want to wear a dress, I will happily go." I went to see him. He was a modern Orthodox therapist on the Upper West Side; a pleasant guy. He was very matter of fact: "I know you are only here because your mother is making you see me." He also said, "If you have Gender Identity Disorder, there are five options for you:

1. You can transition entirely with hormones and surgery.
2. You can just use hormones and not have surgery.
3. You can choose not to use hormones or surgery but still live your life as male.
4. You can live out your maleness in secret or in specific places.

Or lastly, you can suppress your feelings and continue living life as female."

I asked him, "As a mental health professional, would you say that suppression is a healthy option?" He said, "No." I asked him to please tell my mother what we discussed and left his office, hoping against hope that my mother would really understand that this wasn't really a choice. Unfortunately, once my voice started dropping that fall, she decided that she definitely couldn't speak to me anymore and we did not talk for three and a half years.

I had some Orthodox friends who were supportive of my transition, some who said, "Oh, that actually makes a lot of sense!" But unfortunately, not everyone was able to see beyond the black and white of what we'd been taught to support me through it. I lost quite a few friends, including one who even told me "Have a nice life," at the end of a conversation in which she tried to get me to change my mind. A friend's husband literally said that a physical suicide would be less harmful to my soul than what he saw as spiritual suicide. My brother cut off all contact with me and did not want me to see my nephews. My roommate moved out because she didn't want to live with a boy, I got a new job

## MY JEWISH TRANSGENDER JOURNEY (Cont'd)

working with Jewish special needs men but was then mysteriously laid off six weeks later. Times got really rough for a while, but I still felt that I was definitely walking on the right path.

Soon, I got a new roommate, an ex-Orthodox trans-woman whose name was also Rafi. I got a new job working with homeless young adults in Harlem thanks to a new friend, and things started to work out better and better. I started being able to date and have relationships in a way that wasn't possible prior to transition. I actually wanted to reach out to my old friends and didn't feel embarrassed anymore. I understood why I was the way I was and I wanted them to know too. I got my name legally changed and had all of my important documents switched over. I was living a new life. It was a life with promise and joy even though it had a fair share of sorrow as well.

Since my transition started in 2007, life has been life! There have been a couple of jobs, a boyfriend for two and a half years, I finished my bachelors at Hunter College in NYC, and I got a master's degree from Tel Aviv University last year. I chose to move to Colorado so that I could be close to my grandmother and because New York is too expensive. I have been working as a community organizer for Keshet since last September. Keshet does inclusion work for the Jewish LGBT community—a goal that is obviously very close to my heart. I recently became approved to be a foster parent, which is totally incredible—I can't wait to start having babies in the house. I still want to make aliyah back to Israel in a few years but I'm pretty sure that holding onto that dream is good for me, keeps me moving forward.

When I first started my transition, I considered changing my last name, hoping that it would be easier to be “stealth” (to be closed about my transition). I had always been popular and having a last name like “Daugherty” is pretty uncommon for an Orthodox Jew, so I was well-known. But after thinking about the repercussions of living with a “secret” past, I made the choice to come out in a way that left no room for hiding. I kept my last name, came out on Facebook to a thousand friends, and do public speaking gigs like this one. I find it important to spread information out to the Jewish community, let them know that folks like me exist so that if there is one transgender person in the community or in someone's family, someone here can be the one who says, “I don't really understand, but I once heard this guy speak, and I will just love you and support you to the best of my ability.”

RABBINICAL

# Testimony

IN SUPPORT OF THE MASSACHUSETTS  
TRANSGENDER EQUAL RIGHTS BILL

**RABBI JOSEPH BERMAN**

**Faith Leaders Speak Out for Transgender Equality**

**Massachusetts State House, Hearing Room B2**

**Monday, April 4<sup>th</sup> 2011**

I'm Rabbi Joseph Berman and I serve as the Rabbi of Temple B'Nai Israel in Revere. I'm honored to be speaking with you here today.

A few months ago my congregation, Temple B'Nai Israel, signed on to the Do Not Stand Idly By campaign launched by Keshet, one of the coalition partners. The campaign calls for an end to homophobia and transphobia in the Jewish community. In the words of Julian Lander, who grew up in Revere and Winthrop, runs our ritual committee, and has been out as a gay man in the congregation for many years: our synagogue took this step "in order to state publicly and explicitly what our community has already demonstrated with its actions: that we believe in the fundamental dignity and worth of each person."

Our congregation is one of over 1000 Jewish communal institutions nationally that have signed on to the campaign. There is broad based support within the Jewish communities of Massachusetts for transgender equality and for the passage of this legislation.

As someone whose gender identity matches the gender that I was assigned at birth, I am not transgender. This means that in everyday interactions I know that people will use my preferred pronouns, I know that people will not ask me inappropriate, invasive questions about my body, and I don't have to worry that the person I am speaking with is seeing only my gender identity rather than seeing me. No one should have to worry about these things. And yet, unfortunately, trans people are constantly referred to with the wrong pronoun, asked inappropriate questions about their bodies, and interact with people who are focused on their gender and unable to see any deeper. These are the day-to-day things that I take for granted—which transgender people cannot.

I also have the expectation of and access to basic necessities like employment, money, and physical safety. Yet I have seen friends, family, and members of my community denied jobs, face discrimination in public places, and deal with threats of violence because they are transgender.

I recently watched a friend who is in graduate school apply for jobs and internships. As all of his peers got jobs and internships he was turned down again and again because he is trans. And when he turned to the institution for support they basically said: "sorry, there's nothing we can do about it."

As a Jew, and a grandchild of holocaust survivors, I feel a responsibility to speak against injustice. My grandmother survived Auschwitz because there were people—Jews and non-Jews—who risked their lives to save her. Though at times it may be easier, and safer, to turn away from oppression and injustice, I believe that all of us suffer when others are oppressed. To see another experiencing oppression and neglect to act, to turn away, is to deny their humanity. In doing so, our own humanity is diminished. By acting, our humanity is upheld.

Rabbi Abraham Joshua Heschel—a teacher, scholar, and civil rights activist—has a powerful commentary on the Jewish prohibition of creating images of God. Why is it that images are really forbidden in Judaism? Some people think that it is because God has no physical form and so anything we could create would be a form of idolatry. But no, this is not the true answer; images are forbidden, but not because God does not have an image. God does have an image: YOU; a human being. You are the image of God.[i] The person sitting next to you is the image of God. This is true no matter what their gender identity is! This is the meaning of Genesis 1:27, which describes the creation of human kind: “And God created the human in God’s image.”

As such, it is our role as religious leaders to ensure that our communities are places where everyone can embrace their whole selves and live up to their Divine potential. And it is the role of the Commonwealth to pass non-discrimination legislation to ensure that everyone—including transgender people—have the opportunity to develop their potential to be fully human and to be fully alive, free of discrimination and violence.

[i] Art Green. *Seek My Face, Speak My Name*. pg. 28. The entire chapter deals extensively with this theological issue.

## TESTIMONY (Cont'd)

### RABBI VICTOR REINSTEIN

*In Keshet's role as a founding member of the Interfaith Coalition for Transgender Equality, we invited Rabbi Victor Reinstein to provide a Jewish voice on the clergy panel for the legislative hearings in the previous legislative session for HB 1722, the bill that would make it illegal to discriminate against people because of gender identity and gender expression. Legislators were deeply moved by his powerful testimony. The testimony below has been updated and will be resubmitted to this years' Judiciary Committee in support of what was formerly HB 1722 and is now An Act Relative to Gender Based Discrimination and Hate Crimes.*

#### **Rabbinic Testimony In Support Of An Act Relative To Gender Based Discrimination And Hate Crimes**

My name is Victor Reinstein. I have been a rabbi for nearly thirty years and am currently the rabbi of the Nehar Shalom Community Synagogue in Jamaica Plain. I am offering testimony in support of An Act Relative to Gender Based Discrimination and Hate Crimes. As a rabbi, I have worked with transgender members of the Jewish community and have witnessed their struggle as a minority within a minority.

Throughout my life and career I have sought to respond to the Torah's call to seek justice, "Justice, justice shall you pursue" (Deut. 16:20). As a teenager, I stood in a vigil during the year following my Bar Mitzvah to urge passage of the Voter Registration Act. During that time I heard some of the most ugly epithets that I had ever heard, many of which I did not understand. I did understand that the source of these words was fear and hatred, and I came to realize how quickly violent deeds are spawned by violent words. The wrenching and heroic stories of transgender people underscore how short the span from word to deed.

The Torah does not qualify the pursuit of justice. Offering an equal standard of protection, justice is the guarantor of social equality for every single person, and the curative when equality is denied for any reason. Those who are most easily victimized are those for whom justice is most easily denied. That is why we are here today, to pursue justice on behalf of transgender people, a community for whom justice will continue to be denied without the protection of law. It would be a mistake, however, to think that we are here only for the sake of transgender people. We are here for the common good. Standing together to defend the rights and affirm the dignity of one group, we defend and affirm the rights and dignity of all.

In an ideal society, hate crime legislation would not be necessary. In the meantime, the protection of law in the face of bigotry is an expression of hope, representing a vision and a way that we shall overcome and create the better society. As a Jew, I find comfort in knowing that the law regards an attack upon my identity as an act of hate. Confident that I have equal standing in society, my sense of belonging is affirmed. No one among us should be denied the security that comes of such affirmation.

The commandment to pursue justice flows from the starting point of Jewish ethics in the very beginning of the Torah, in the very first chapter of Genesis. The first human is created in the image of God and every single person, each one descended from the first, carries God's image. Just as the pursuit of justice is not qualified, neither is there any qualification to what it means to be created in the image of God. While God does not qualify, the ancient rabbis were concerned that people might. To empha-



size the equal endowment of all with God's image, even as it is refracted through the myriad rays of human diversity, the rabbis pointed to the minting of coins. Every coin, they taught, is cast from one die and each one, therefore, is exactly the same. On the other hand, how marvelous are the ways of the Holy One, in whose image every single person is cast and yet every person is different!

For all of our individual differences that together reflect God's image, the rabbis suggest that all humanity unfolds from a common gender. In a remarkably sensitive teaching, fascinating imagery is offered that is uniquely relevant to a discussion of gender identity and equality. The rabbis speak of the first human as *androgynos*, borrowing directly from the Greek. The first human, from whom we all descend, was androgynous, both male and female in one. The rabbis were not afraid to offer an understanding of gender that transcends rigid categories of masculine and feminine. When the first androgynous human was separated into two equal beings, traces of each one's gender remained within the other. Like all of our other differences, each of them emanating from a common source, the diverse expression of gender identity is yet another reflection of God's image in one precious human being.

Rooted in this rich understanding of human diversity is a behavioral imperative that is called in Hebrew, *Kavod Habriot*, the showing of honor to all of God's creatures. We honor God by honoring people. To the degree that a human being is debased, so God's image is debased. Hate crime legislation is needed to protect those who are most easily debased. While we need to do all that we can to lift the veil from the hearts of those who feel threatened by the ambiguity of another's gender identity, the innocent who suffer need the protection of law. When I have worked with people who are transgender I have been struck by their fear and nervousness. When a person cannot live freely and present with pride the image of God which she or he carries, our society is benighted by the weight of their oppression.

In an ancient rabbinic teaching story, through a person known simply as Daniel the tailor, interpretation is offered to a verse in the Book of Ecclesiastes, "I returned and saw all the oppressions that are done under the sun, and behold, the tears of the oppressed, and they have no comforter..." (Ecc. 4:1). Daniel the tailor used this verse to cry out against social oppression and the failure of law, challenging the courts for wielding power against the weak and stigmatized, causing them to be removed from the social fold, cut off from the commonweal.

With none to comfort them in a callous society, Daniel the tailor hears the Holy One say, "I will comfort them." God waits for the makers of laws to act, and moving beyond words, to offer comfort through deed. To offer the protection of law in the face of discrimination and violence is needed to help lift the oppression of those among us who are transgender. Then shall God's image shine more brightly in the collective face of our Commonwealth.

## TESTIMONY (Cont'd)

### RABBI STEPHANIE KOLIN

*As a founding member of the Interfaith Coalition for Transgender Equality, Keshet invited rabbi Stephanie Kolin speak at Transgender Equality Lobby Day at the Massachusetts State House, where transgender activists, friends, family members, and allies gathered to ask their legislators to support “An Act Relative to Gender-Based Discrimination and Hate Crimes.” This important bill would make it illegal to discriminate against people because of their gender identity and expression.*

#### **Rabbi Stephanie Kolin of Temple Israel**

#### **Boston Transgender Equality Lobby Day Massachusetts State House, Boston**

**Tuesday, April 7, 2009**

Good morning. I am Rabbi Stephanie Kolin of Temple Israel, Boston, the largest Reform Synagogue in New England. Thank you so much for inviting me to be part of this extraordinary and powerful day.

I'd like to share a story with you. A few years ago, I was leading a trip to Israel for young adults who had never been there before. Early on in the trip, one participant came to me and shared with me that she was a lesbian and was worried about coming out to the rest of the people because she wasn't sure if they would accept her or if, maybe, they would feel uncomfortable sharing a room with her. Now this was a trip full of young progressive liberal Jews and I knew that there would really be no problem, so I encouraged her that if she were comfortable and she wanted to tell them that they would, indeed, be welcoming and open. She did end up sharing this aspect of her life with her new friends and they were, in fact, very open and comfortable with her sexuality.

As we moved our way through Israel's holy places, beaches, neighborhoods, and historical sites, we finally wound our way toward the Kotel, the Western Wall, the most sacred spot in the world for the Jewish people. The other group leaders and I explained what would happen when they approached the Kotel, as it is set up as a traditional Jewish synagogue is set up—women pray separately from men. And at the Kotel, the right side is for women and the left side is for men. So, after our introduction, the majority of the participants went to their respective side of the Kotel and prayed, put notes in the wall, and stood with their community at this ancient symbol of the sacred.

But the individual who had told me that he, and now I'll switch to the correct pronoun, that he was a lesbian, started crying. He wasn't, in fact, gay, he explained to me. He was transgendered and he said, through his tears: “I don't know what to do.” And, gesturing to the right side of the Kotel, he said: “I don't belong over there,” and gesturing to the left side, the men's side, he said: “and no one wants me over there.” And he cried some more and he told me that all he wanted to do was approach what was sacred to his people, to be part of his community, to be counted among the people. He went on to say that he felt this pain every time he wanted to do something as simple as use a public bathroom.

My eyes were opened and his pain was so very real and I knew that we all need to be able to approach what is sacred to us, to be counted and considered one of our own people, part of a community that we consider our family.

That evening, I tried to open some space for him to share his story with the group. I asked everyone to sit together and, if they felt comfortable, to share their story of what it was like for them to visit the Kotel. Everyone shared and until the very end, this one young man was silent, taking it all in. I thought maybe he wouldn't share, which would be fine, as long as he knew the space was available to him. As the group was finishing, he took his turn and began to speak. He told his story with tremendous courage and this group of new friends surrounded him with love and a profound sense of community support. The last time I checked his Facebook page, he was getting married to a beautiful woman in what appeared to be a very sweet Jewish wedding.

There is an ancient blessing in the Torah called *Birkat Kohanim*, or the Priestly Benediction. The last of the three of these blessings is this: *Yisa Adonai panav eilecha v'yasem l'cha shalom*—loosely translated as: May God lift up God's face to your face, and there, in that gaze, may you find peace. The last word, *shalom*, meaning peace, is the same root as the word *sh'leimut*, or wholeness. To find a sense of wholeness, to be one's complete entire self, to feel unbroken and uncompartimentalized and undivided, is a sacred thing. It is a holy thing, a blessing for each one of us, for every person to be able to be their whole self, respected and loved for who they uniquely are.

I want to thank you for the work you are all doing here today. You are engaging in the sacred work of justice, of repairing that which is broken, of making individuals whole. It is sacred work to move this legislation out of committee and up for a vote. It is sacred work to speak with your legislators and share your stories. It is sacred work to make sure that in this Commonwealth, all are treated equally, all have the right to live a safe life, and every citizen is counted as a whole and complete person created in the image of God and reflecting the blessing of wholeness. Let us do this work with our whole selves, let us stand together and act together so that no one may remain broken!

Thank you.

## TESTIMONY (Cont'd)

### RABBI DAN JUDSON

Senator Cynthia Stone Creem  
State House Room 416B  
Boston, MA 02133

Representative Eugene L. O'Flaherty  
State House Room 136  
Boston, MA 02133

Dear Senator Creem, Representative O'Flaherty, and Members of the Committee:

I am Rabbi Dan Judson and I am writing in support of “An Act Relative to Gender-Based Discrimination and Hate Crimes” (H.1728/S.1687) which would clarify and update Massachusetts’ non-discrimination laws to ensure that they clearly and uniformly protect all people regardless of their gender identity or expression.

I have seen the difficulties that individuals who identify as transgender face in my own synagogue. I served a small synagogue in the south shore of Boston for a decade and in the last years of my service there I had a young person who was born a girl but now wanted to live his life as a man. Often our understanding of folks like this are that they are somehow deviant, but nothing could be further from the truth. I had guided this young person through their bat mitzvah [Jewish coming of age ceremony], their confirmation, and their struggles as a teenager. I knew him to be kind, compassionate, sensitive, articulate and funny. When he told me that he wanted to start living as a man, far from seeming odd, it made a great deal of sense because the decision made him happier than he had been since he was a child. The problem is that his decision came with such stigma. He regularly encountered people who verbally attacked him and he lived with some fear that assaults would move from verbal to physical. It is my desperate hope that we can live in a society where individuals are allowed to express their gender identity without fear of harassment or discrimination. It will not happen overnight, but like all steps forward towards a more open and tolerant society it begins with steps like our Commonwealth publicly taking a stand to say that discrimination based on gender identity is wrong.

As a Rabbi, I believe I have an added impetus to speak out against discrimination in all forms. As Jews, our collective memory of generations of violence and oppression compels us to speak out when others are targeted by hateful bias within our own Jewish communities as well as in the broader communities of the Commonwealth. We are proud that Massachusetts has always been a leader in the fight against discrimination. With the enactment of this bill, the Commonwealth would join 13 other states that specifically prohibit discrimination based on gender identity and expression, bringing transgender people under the umbrella of the law’s protection.

I therefore support “An Act Relative to Gender-Based Discrimination and Hate Crimes” and the legislature’s efforts to include transgender people in our state’s non-discrimination and hate crime laws. This bill represents an important step towards equality for all citizens of the Commonwealth and I urge you to support it as well. It is time for Massachusetts to once again take its rightful place as a leader in the struggle for equality for all people.

Sincerely,

Rabbi Dan Judson

# Sermon

## WHEN GENDER VARIES: A CURIOUS CASE OF K'REE AND K'TEEV

by Rachel Brodie

### Parashat Chayei Sarah – Genesis 23:1 – 25:18

“In the Bible, women are rarely born, they almost never die and when they give birth it is usually to a boy.” With that caveat, Dr. Yair Zakovitch, legendary Bible professor at Hebrew University in Jerusalem, began a series of provocative lectures on women in the Bible that continues to influence my thinking about the subject ten years later.

Technically, Rebecca (Rivka in Hebrew) qualifies: we do not learn of her existence until she is old enough to accept a marriage proposal, her ultimate demise goes unrecorded, and when she gives birth it's to two boys at once. However, in the interim, the scenes that make up her narrative distinguish her as one of the stronger Biblical characters and—for a 21st century, queer, feminist reader—one of the most compelling.

The Rebecca that emerges from a close reading of the narrative in Genesis 24 is a complex amalgam of traits. As seen from the perspective of the servant, Rebecca is physically very attractive (verse 16), strong and muscular (capable of drawing hundreds of gallons of water—for all those camels—in a short time, verse 20); and socially capable of acting forward and independent (talking to a stranger, accepting his gifts and issuing invitations). In addition, the servant's test seems designed to reveal certain character traits: Rebecca proves to be hospitable and sensitive to the needs of animals but her behavior also indicates a willingness to be servile and to put the needs of others, even complete strangers, first.

From the servant's perspective, this is a miraculous combination, one only God could have created (verse 27). Physically and socially, the person he has encountered at the well seems a perfect match for his master's frail son. Isaac—like an animal almost sacrificed, and grieving the recent loss of his mother—could benefit from Rebecca's sensitivity and servility, as well as her physical strength and confidence.

Of course, Rebecca is not a typical woman of the Bible, partly because of her “masculine” traits (physical strength, stamina, bold social behavior and independence). Through the eyes of the servant, the Biblical text itself seems to approve of the blending of stereotypically masculine and feminine traits. Might the character of Rebecca afford a more nuanced view of gender—one that extends beyond biological and social conventions? Perhaps. Though a far more radical view of Rebecca and gender emerges from a close reading of Genesis 24, not in the narrative per se but on the page itself.

Five times in this chapter, the text refers to Rebecca using a word made up of three Hebrew letters: nun-ayin-reysh (verses 14, 16, 28, 55, 57). Na'ar (the unvocalized three-letter word) refers to a young man. In printed versions of the Hebrew Bible, that word is printed in a smaller font and without vowels. Next to it, in the margins, is a “correction”—those same three letters but with the letter hay added at the end. The significance? Add ahay, to make it na'ar'ah, and you get a young woman.

## SERMON (Cont'd)

A point of background: From approximately the 7th to the 10th century C.E. a group of men who came to be known as the Masoretes engaged in a process of standardizing the Biblical text (from the different versions and oral traditions that were known to them). They added letters (primarily vowels) and systematic notes for vocalization to the otherwise vowel-less, punctuation-less text. In some cases they made marginal notes indicating either their discomfort with a scribal tradition or the existence of competing traditions. One type of marginal note is called the “kree u’ketiv” (literally, “read and written”)—it is a note that means “the text says A but when you read it aloud, read it as (substitute) B.”

This particular case of kree u’ketiv involves substituting the term for a young woman (na’ar’ah) for the word that is actually written in the text: na’ar (young man). The vast majority of people who have heard this story (from ancient times until the present) or read it (since few editions indicate the existence of textual variants) have never had occasion to wonder about the oddity of this particular kree u’ketiv. Besides, there are some perfectly reasonable explanations offered for its existence, such as: it’s not so much a kree u’ketiv as a spelling convention, and no hay was required, since the context made it obvious that it was referring to a female.

Were the Masoretes correcting a scribal error? If so, why does it appear five times in a row, all in reference to Rebecca? Why were they so concerned, when the Biblical text itself seems not to be, that future readers be clear about Rebecca’s place within a rigid gender divide? Before trying to make sense of the Masoretic tradition, we need to unpack what it means to be considered a na’ar’ah. The term is used to refer to a girl who is pubescent, still living under her father’s care but eligible for marriage. In this liminal state, she is especially vulnerable to unwanted sexual attention and should therefore remain close to home.

Given these norms, Rebecca’s circumstances are ripe for tragedy: she is very attractive, out of bounds (away from home), takes candy from strangers and her difficult brother is left in charge of the household because her father isn’t around. Dina, the other character who is referred to with this exact same kree u’ketiv, (see Genesis 34: 3,12), facing similar circumstances, is abducted and raped. But not Rebecca, Rebecca’s un-na’ar’ah-like behavior is actually rewarded. As a result of being out and about, taking risks, transgressing social conventions, and defying rigid gender identification she is even treated in a manner that befits a person with agency (she gets to decide when to leave her home to journey to meet Isaac, verses 57-59) and her future is blessed (verse 60).

Is that why she’s referred to as na’ar, a young man? If it were only a question of pointing out her non-stereotypical female behavior, we wouldn’t have needed this additional proof. That much we had already gleaned from the narrative itself. What does the “na’ar/ah” correction add?

Perhaps the fact that the word is made into a kree u’ketiv given the very good reasons for having called Rebecca a na’ar in the first place reflects an ambiguity inherent in the word itself, one that embodies a deeper truth about the emergence of gender identity. Could it be that a nun-ayin-reish (whether na’ar or na’ar’ah) is a “youth”—recently pubescent, whose gender resists categorization and whose identity has yet to be forced into a rigid binary system? If so, then by preserving the Masoretic tradition have we unintentionally lost a significant insight preserved by the Bible itself?

There is also a long tradition of deriving additional meaning from a “kree u’ketiv.” The Malbim (19th century, Russian Bible scholar) understood the kree to be the interpretation (drash) on the word and the ketiv as its literal meaning (pshat). Using the “na’ar/ah” example, this might mean that an individual’s physiology (the literal/pshat) might point to one end of the gender continuum, but that person’s lived experience (the interpretive/drash) is elsewhere on it. The assertion (only radical when applied to gender?) that the way people appear and the way they are inside might not be aligned is directly reflected in Rav Soleveitchik’s (20th century, American Orthodox talmudist) understanding of kree u’ketiv. He associates the kree with a person’s exterior, public self, while the ketiv is more the interior, emotional life.

Combining these two perspectives Rebecca may have been physiologically and emotionally more of a na’ar, while presenting to the world the image of (making people “read” her as) a na’ar’ah. Indeed, that seems to be how the servant sees her and exactly what he is looking for in an ideal partner for Isaac: a human manifestation of the divine gift of gender that is given to each of us in full spectrum.

# Text study

MATERIALS FROM THE HINEINI CURRICULUM RESOURCE GUIDE

The guide is available at [www.keshetonline.org/resources/store](http://www.keshetonline.org/resources/store).

## GENDER DIVERSITY IN JEWISH SACRED TEXTS AND OUR COMMUNITIES



**Time:** 30-60 minutes depending on how many texts you choose to examine

**Audience:** Students from high school through college, Adults

**Note:** As facilitator, you can choose to have participants look at a variety of texts at once and then have one large discussion. Or you can give them 10 minutes with each text and reconvene as a large group in between each text.

Jewish sacred texts offer an opportunity to engage with a variety of Jewish voices that have been a central part of Jewish thought and practice over the past two thousand years. The texts themselves are talking to each other. At times they are arguing, at times they agree. It is our turn to enter the conversation and make these texts meaningful and relevant in our lives. It is our turn to generate new ways of understanding these ideas and simultaneously create the texts of our generation.

1. **Introduce the Texts:** Begin by going over any new or unfamiliar terms that might appear in the texts. Be sure to hand out the lists of contemporary and Jewish terms for people to refer back to.

**Note:** It is important to notice the complexity of reading texts outside of the context in which they were written. The terms in the texts are the language of their time, just as we have our own language for describing gender and sexual diversity. In an effort to identify with the texts, we must always be careful not to erase the particularities that each of the terms carries in the context that created it. Just as they refer to *tumtum* and *androgynos*, we can talk about intersex, transgender, and genderqueer people.

2. **Chevruta:** Break the group into pairs and explain that they should take turns reading the texts out loud and then discussing them.
3. **Shiur:** Reconvene everyone for a large group discussion. Refer back to the guiding questions below as a way to ground the conversation.
4. **Guiding Questions:**
  - What does Judaism have to say about gender diversity?
  - What are some of the challenges created by reading a text out of the context in which it was created?
  - How can we use these texts in our work for greater inclusion of trans and GLB people in our communities?



## Contemporary Terms for Gender Diversity

**Transgender or Trans:** An umbrella term for anyone who knows themselves to be a gender that is different than the gender they were assigned at birth. Some trans people may have an alternate gender identity that is neither male nor female, and for some people their gender identity may vary at different points in their lives. Some transgender people modify their bodies through medical means, and some do not.

**Gender Identity:** A person's inner understanding of what gender(s) they belong to or identify with. This is each person's unique knowing or feeling, and it is separate from a person's physical body or appearance (although often related).

**FTM (Female to Male):** A person who appeared to be – or was assigned at birth to be – female, was raised as a girl, who knows himself to be male, and who wishes to or does live as a male part or all of the time. Some people may also identify as “transmen” or “trans-masculine.”

**MTF (Male to Female):** A person who appeared to be – or was assigned at birth to be – male, was raised as a boy, who knows herself to be female, and who wishes to or does live as a female part or all of the time. Some people may also identify as “transwomen” or “trans-feminine.”

**Intersex:** A general term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that does not seem to fit the normative definitions of female or male. Visit [www.isna.org](http://www.isna.org) for more information about intersex issues. Hermaphrodite is an older term used by the medical community to describe intersex people. It is considered a disrespectful term, because it stigmatizing and does not reflect modern scientific understanding of intersex conditions. If you hear someone use the word hermaphrodite, please let them know that the term ‘intersex’ is preferred.

**Gender Nonconforming:** An umbrella term that can include anyone whose gender identity, expression, or behavior is outside of social norms of women who are “feminine” and men who are “masculine,” such as butch women, effeminate men, drag queens/kings, fairies, bois, and others.

**Queer:** 1) An umbrella term used by some to describe lesbian, gay, bisexual, and transgender people. 2) A term used to describe people who transgress social, cultural, and sexual norms. 3) Historically and currently used as a slur targeting those perceived to transgress “norms” of sexual orientation and/or gender expression.

**Genderqueer:** 1) A broad political and cultural identity that includes many (but not all) transgender, transsexual, and gender nonconforming people, as well as others who see their gender as falling outside of mainstream norms. 2) People who identify as neither male nor female, both male and female, or who claim an alternate gender identity of their own.

## Some Background on Jewish Sacred Texts

**Tanach (Hebrew Bible):** The Tanach or Hebrew Bible consists of the Torah (Genesis, Exodus, Leviticus, Deuteronomy and Numbers), the Prophets (Joshua, Judges, Samuel, Kings, Isaiah, Jeremiah, Ezekiel, and the 12 minor prophets) and the Writings (Psalms, Proverbs, Song of Songs, Daniel, Ecclesiastes, Ruth, Job, Esther, Lamentations, Ezra, Nehemiah, and Chronicles). We don't know exactly the dates when these texts were compiled, but many scholars date the earlier parts of the Bible to around 1000 B.C.E., and the latest parts to the 2nd century B.C.E..

**Mishna:** Edited around the 2nd century of the common era, the Mishna is a compilation of what had been oral traditions establishing laws and practices which were based on rabbinic interpretation of the Torah.

**Talmud:** In the Talmud, rabbis and scholars recorded their conversations and disagreements about the laws of the Mishna. The Talmud contains conversations within and across generations. In addition to legal issues, the rabbis of the Talmud tell stories about their teachers and their students, and present interpretations of biblical stories and texts. The Talmud includes contributions from about 200 C.E. to 600 C.E.

**Midrash:** Midrash is a genre of rabbinic literature. It was produced in the same circles as the Talmud, but not included in the Talmud. The subject of this literature is non-legal—posing and answering questions that are suggested by the text of the Bible. This literature begins around the same time as the Talmud, but continues for another 2 – 3 centuries after the Talmud is closed.

## Terms for Gender Diversity in Jewish Sacred Texts:

**Zachar:** This term is derived from the word for a pointy sword and refers to a phallus. It is usually translated as “male” in English.

**Nekevah:** This term is derived from the word for a crevice and probably refers to a vaginal opening. It is usually translated as “female” in English.

**Androgynos:** A person who has both “male” and “female” sexual characteristics. In the Talmud, the androgynos is understood as someone who both has a penis as well as some female sex traits. 149 references in Mishna and Talmud (1st – 8th Centuries CE); 350 in classical midrash and Jewish law codes (2nd – 16th Centuries CE).

**Tumtum:** A person whose sexual characteristics are indeterminate or obscured. In the Talmud the tumtum has indeterminate genitals. 181 references in Mishna and Talmud; 335 in classical midrash and Jewish law codes.

**Ay'lonit:** A person who is identified as “female” at birth but develops “male” characteristics at puberty and is infertile. 80 references in Mishna and Talmud; 40 in classical midrash and Jewish law codes.

**Saris:** A person who is identified as “male” at birth but develops “female” characteristics at puberty or later. A saris is considered male, but has no penis or a very small penis. A saris can be “naturally” a saris (saris hamah), or become one through human intervention (saris adam). This status is also known as a eunuch. 156 references in mishna and Talmud; 379 in classical midrash and Jewish law codes.

## Text 1: Queerly Created

וַיִּבְרָא אֱלֹהִים אֶת-הָאָדָם בְּצַלְמוֹ בְּצֶלֶם אֱלֹהִים בָּרָא אֹתוֹ זָכָר וּנְקֵבָה בָּרָא אֹתָם  
- בראשית א: כז

God created the adam [the first human being] in God's own image; in the image of God He created him – male and female [God] created them.

- Genesis 1:27

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אָמַר ר' יִרְמְיָהּ בֶּן אֶלְעָזָר: בְּשִׁעָה שִׁבְרָא הִקְדוּשׁ בְּרוּךְ הוּא אֶת אָדָם הָרִאשׁוֹן, בְּאַנְדְּרוֹגִינוֹס בָּרָאוּ,  
- פְּרָשָׁה ח

Said Rabbi Jeremiah ben Elazar: "When the Holy One, blessed be the One, created the first adam [human being], [God] created him [an] "androgynos."

- Midrash Rabbah 8:1

## Text 2: Genders Beyond Male and Female

Mishna Bikkurim Chapter 4

פרק ד

א אַנְדְּרוֹגִינוֹס יֵשׁ בּוֹ דְּרָכִים שְׁוֵה לְאֲנָשִׁים, וְיֵשׁ בּוֹ דְּרָכִים שְׁוֵה לְנָשִׁים, וְיֵשׁ בּוֹ דְּרָכִים שְׁוֵה לְאֲנָשִׁים וְנָשִׁים אֵינוֹ שְׁוֵה לְאֲנָשִׁים וְנָשִׁים:

Mishnah 1: The androgynos is in some ways like men, and in some ways like women, and some ways like both men and women and in some ways neither like men nor women.

ב כִּי צַד שְׁוֵה לְאֲנָשִׁים, מְטַמֵּא בְּלֶבֶן כְּאֲנָשִׁים. וּמִתְעַטֵּף, כְּאֲנָשִׁים. וְנוֹשֵׂא אֶבֶל לֹא נִשְׂא, כְּאֲנָשִׁים, וְאָמוּ יוֹשֶׁבֶת עָלָיו בְּדָם מֵהָר, כְּאֲנָשִׁים. וְאֵינוֹ מְתִיחַד עִם הַנָּשִׁים, כְּאֲנָשִׁים. וְאֵינוֹ נִזוֹן עִם הַבָּנוֹת, כְּאֲנָשִׁים. וְעוֹבֵר עַל כָּל תְּקִיפָה וְכָל תְּשָׁחִית וְכָל תְּטַמֵּא לְמִתִּים, כְּאֲנָשִׁים. וְחֵיב בְּכָל הַמִּצְוֹת הָאֲמֹרוֹת בַּתּוֹרָה, כְּאֲנָשִׁים:

Mishnah 2: How is he (sic) like men? He becomes impure when he has a seminal discharge like men, and he dresses like men. He can take a wife, but he cannot be taken as a wife like men... He must not be alone in the company of women like men... And he must perform all the commands of the Torah like men.

ג כִּי צַד שְׁוֵה לְנָשִׁים, מְטַמֵּא בְּאֶדָם, כְּנָשִׁים. וְאֵינוֹ מְתִיחַד עִם הָאֲנָשִׁים, כְּנָשִׁים. וְאֵינוֹ זָקוּק לְיָבוּם, כְּנָשִׁים. וְאֵינוֹ חוֹלֵק עִם הַבָּנִים, כְּנָשִׁים. וְאֵין אוֹכֵל בְּקֶדְשֵׁי הַמִּקְדָּשׁ, כְּנָשִׁים. וְאָמוּ יוֹשֶׁבֶת עָלָיו בְּדָם טָמֵא, כְּנָשִׁים. וּפְסוּל מִן הָעֵדוּת, כְּנָשִׁים. וְאֵם נִבְעַל בְּעֵבְרָה נִפְסַל מִן הַתְּרוּמָה, כְּנָשִׁים:

Mishnah 3: And how is he like women? He becomes impure when he has a menstrual flow like women, and he must not be alone in the company of men like women; and he does not share the inheritance with the sons like women... Like women, he is disqualified from acting as a witness...

ד כִּי צַד שְׁוֵה לְאֲנָשִׁים וְנָשִׁים, חֵיבִים עַל מַכְתּוֹ וְקַלְלָתוֹ, כְּאֲנָשִׁים וְנָשִׁים. וְהַחֹרְגוֹ שׁוֹגֵג גּוֹלָה וּמְזִיד נִחְרָג, כְּאֲנָשִׁים וְנָשִׁים. וְאָמוּ מְבִיאָה עָלָיו קַרְבָּן, כְּאֲנָשִׁים וְנָשִׁים. וְאוֹכֵל בְּקֶדְשֵׁי הַגְּבוּל, כְּאֲנָשִׁים וְכְנָשִׁים. וְנוֹחַל לְכָל הַנְּחִלוֹת, כְּאֲנָשִׁים וְכְנָשִׁים:

Mishnah 4: How is he like both men and women? Guilt is incurred for killing him or for cursing him, as in the case of men and women; one who unwittingly slays him must go into exile, and one who intentionally slays him receives the death penalty... He inherits in all cases of inheritance like both men and women.

ה פיעד אינו שׁוה לא לְאִנְשִׁים וְלֹא לְנָשִׁים, אֵין שׁוֹרְפִין תְּרוּמָה עַל טְמֵאת זִבְתּוֹ, וְאֵין חִיבִין עָלָיו עַל פִּיאַת מִקְדָּשׁ, לֹא כְּאִנְשִׁים וְלֹא כְּנָשִׁים. וְאֵין נִמְכָּר בְּעֶבֶד עִבְרִי, לֹא כְּאִנְשִׁים וְלֹא כְּנָשִׁים. וְאֵינוּ נִעְרָךְ לֹא כְּאִנְשִׁים וְלֹא כְּנָשִׁים, וְאִם אָמַר, הֲרִינִי נָזִיר שׁוֹה לֹא אִישׁ וְלֹא אִשָּׁה, נָזִיר. רַבִּי יוֹסֵי אָמַר, אֲנִדְרוּגִינוֹס בְּרִיָּה בְּפָנָי עֲצֻמָּה הוּא, וְלֹא יִכְלוּ חֲכָמִים לְהַכְרִיעַ עָלָיו אִם הוּא אִישׁ אוֹ אִשָּׁה. אָבֵל טוּמְטוּם אֵינוּ כֵן, פְּעָמִים שְׁהוּא אִישׁ, פְּעָמִים שְׁהוּא אִשָּׁה:

Mishnah 5: And how is like neither men nor women? ... He cannot be assigned a value (for the biblical Temple tax, because one amount is specified for men and another amount for women) unlike men or women; and he cannot be sold as a Hebrew slave, unlike men or women. If someone says, “I will become a Nazirite (take vows of asceticism) if he is neither a man nor a woman,” then he becomes a Nazirite.

Rabbi Yose says: The androgynos is a creation of its own kind, and the sages could not decide if he was a man or a woman. But this is not the case for the tumtum—sometimes a tumtum is a man, and sometimes a tumtum is a woman.

### Text 3: What Color Booties for the Baby – Blue, Pink, Purple, or Green?

ז הריני נזיר לבשיתה לי בן, ונולד לו בן, הרי זה נזיר. נולד לו בת, טמטום, ואנדרוגינוס,  
אינו נזיר. אם אמר כשאראה כשיתה לי וְלד, אפלו נולד לו בת, טמטום, ואנדרוגינוס,  
הרי זה נזיר:

If someone said, “I will become a nazir when a son is born to me” and a son was born to him, behold, this one is a nazir!

If a daughter, a tumtum or an androgynos is born to him, he is not a nazir.

But if he said, “When I see that a child is born to me [I shall be a nazir],” even if a daughter, a tumtum or an androgynos is born to him, behold, he is a nazir!

- Mishna Nazir 2:7

## Text 4: Our Genderqueer Ancestors: Abraham & Sarah

דף סד: א דף סד: ב

א"ר יצחק: מפני מה היו אבותינו עקורים? מפני שהקב"ה מתאוה לתפלתן של צדיקים.

א"ר יצחק: למה נמשלה תפלתן של צדיקים כעתר? מה עתר זה מהפך התבואה ממקום למקום, כך תפלתן של צדיקים מהפכת מדותיו של הקב"ה ממדת רגזנות למדת רחמנות.

אמר רבי אמאי: אברהם ושרה טומטמין היו, שנאמר: +ישעיהו נ"א+ הביטו אל צור חוצבתם ואל מקבת בור נוקרתם, וכתוב: +ישעיהו נא+ הביטו אל אברהם אביכם ואל שרה תחוללכם.

אמר רב נחמן אמר רבה בר אבוה: שרה אמנו אילונית היתה, שנאמר: +בראשית י"א+ ותהי שרי עקרה אין לה ולד, אפי' בית ולד אין לה.

Babylonian Talmud Yevamot 64a-b

R. Isaac said: Why were our ancestors (Abraham and Sarah, Isaac and Rebecca) infertile? Because the Holy One, blessed be, longs to hear the prayer of the righteous.

R. Isaac further stated: Why is the prayer of the righteous compared to a pitchfork? As a pitchfork turns the sheaves of grain from one position to another, so does the prayer of the righteous turn the heart of the Holy One, blessed be, from the attribute of strict judgment to the attribute of compassion.

R. Ammi said: Abraham and Sarah were originally tumtums, for it is said, "Look to the rock you were hewn from, and the hollow of the pit from which you were dug." (Isaiah 51:1), and this is followed by the text, "Look to Abraham your father and to Sarah who bore you."

R. Nachman said in the name of Rabbah b. Abbuha: Our mother Sarah was an aylonit, for it is said, "And Sarai was barren, she had no child" (Genesis 11:30). [The verse says both 'was barren' and 'had no child' to tell us that] she didn't even have a womb.

## Text 5: God Treasures the Genderqueer

פרק נו

א כה אמר יהוה שמרו משפט ועשו צדקה כי קרובה ישועתי לבוא וצדקתי להגלות:  
ב אשרי אנוש יעשה זאת ובן אדם יחזיק בה שמר שבת מחללו ושמר ידו מעשות  
כל רע: ג ואל יאמר בן הנכר הנלוה אל יהוה לאמר הבדל יבדילני יהוה מעל עמו  
ואל יאמר הסרים הן אני עין יבש: ד כי כה אמר יהוה לסריסים אשר ישמרו  
את שבתותי ובחרו באשר הפצתי ומחזיקים בכריתתי: ה ונתתי להם בביתי ובחומתי יד  
ושם טוב מפנים ומפנות שם עולם אתן לו אשר לא יכרת: ו ובני הנכר הנלוים על יהוה  
לשרתו ולא הבה את שם יהוה להיות לו לעבדים כל שמר שבת מחללו ומחזיקים  
בכריתתי: ז והביאותים אל הר קדשי ושמחתים בבית תפילתי עולתיהם וזבחייהם לרצון  
על מזבחי כי בתי בית תפלה יקרא לכל העמים: ח נאם אדני יהוה מקבץ נדחי ישראל  
עוד אקבץ עליו לנקבציו:

*Thus said God:  
Observe what is right, and do what is just;  
For soon my salvation will come,  
And my deliverance will be revealed*

*Happy is the one who does this,  
the one who holds fast to it:  
Who keeps the sabbath and does not profane it,  
Who stays his hand from doing any evil.  
Let not the foreigner, who has joined himself to God, say:  
“God will keep me apart from God’s people.”  
And let not the saris say: “I am a withered tree”*

*For thus says God:  
As for the sarises who keep My sabbaths,  
Who have chosen what I desire  
And who hold fast to My covenant—  
I will give them, in My house, and within My walls  
A monument and a name, better than sons or daughters.  
I will give them an everlasting name that shall not perish.*

*As for the foreigners who join themselves to God,  
to minister to God, and to love the name of God,  
to be God’s servants—  
All who keep the sabbath and do not profane it,  
And who hold fast to my covenant—*

*I will bring them to my sacred mount  
And let them rejoice in My house of prayer.  
Their burnt offerings and sacrifices shall be welcome  
on My altar;  
For My house shall be called a house of prayer for  
all peoples.”*

*Thus declares God, who gathers the dispersed of Israel:  
“I will gather still more to those already gathered.”*

- Isaiah 56:1-8



## Contemporary Voices

“Who would you be, if you had never been punished for gender inappropriate behavior? What would it be like to walk down the street, go to work or attend a party and take it for granted that the gender of the people you met would not be the first thing you ascertained about them? What if we all helped each other to manifest our most beautiful, sexy, intelligent, creative, and adventurous inner selves, instead of cooperating to suppress them?”

- Patrick Califia

“In order to understand transgender expression and see and respect people as they really are, we have to break down our gender conditioning. We have to get used to (and excited about) bearded ladies... short boys with 'dessert hands' and big-boned gals with deep voices. We have to trash the lists. This is exciting because when we validate other people and create space for their own unique gender, we do the same for ourselves.”

- Micah Bazant

# WAYS TO take action IN YOUR COMMUNITY

## WHAT CAN YOUR COMMUNITY DO?

### Observe Trans Day of Remembrance

- Share selected readings from this resource during Shabbat Services during the week of November 20th. Additional resources are available at: [www.keshetonline.org/resources/TDOR](http://www.keshetonline.org/resources/TDOR)
- Attend a Trans Day of Remembrance community observance in your city. For a listing of local events, see: <http://www.transgenderdor.org>

### Plan a transgender education and awareness program

- Show a film and lead a discussion about transgender issues and experiences. Some film recommendations:
  - Call Me Malcolm (documentary about a transgender seminary student)
  - I'm Just Anneke (short documentary about a gender-variant adolescent)
  - No Dumb Questions (short documentary about three sisters struggling to understand their uncle's transition)
  - Boys Don't Cry (Academy Award Winning feature film)
  - Ma Vie en Rose (feature film about a transgender child)
  - Screen a selection of the I AM videos featured in this guide.
- Organize a text study learning session to explore gender diversity in Jewish thought. (Use Gender Diversity in Jewish Sacred Texts on the previous pages.)
- Invite educators from your local transgender advocacy and education organization to lead a program in your community.
- Host professional development training for your staff. Contact Keshet for more information: [info@keshetonline.org](mailto:info@keshetonline.org) or 617.524.9227.

### Advocate for legal protections for transgender and gender variant people in your state and city.

- Check out this map of LGBT Equality in the United States to see how your state fares: <http://www.lgbtmap.org/equality-maps>
- Ask your local LGBT advocacy organization how to best support trans equality efforts.
- Contact your representatives and ask them to support any legislation extending civil rights and protections to transgender people.

## **Support, include, and celebrate transgender people in your community.**

- Include transgender people in positions of leadership in your community.
- Offer community support for Jewish rituals to mark transgender-specific lifecycle events like name changes and gender-affirming medical procedures. (For resources, see: <http://www.transtorah.org> and [http://www.transfaithonline.org/more\\_resources/jewish\\_index/.](http://www.transfaithonline.org/more_resources/jewish_index/))
- Make sure that your community spaces have gender neutral restrooms. Bathrooms are a site of a great deal of violence and harassment for transgender people and a single-stall gender neutral bathroom helps ensure your community is safe for everyone.
- Respect a transgender person's preferred name and pronouns. If a transgender person comes out in your community, be vigilant about using their preferred name and pronouns, and help your friends remember to do so as well.
- Ask your synagogue, school, and workplace to include "gender identity" and "gender expression" in their non-discrimination policy.
- Honor Jewish transgender heroes: Hang up a poster of Kate Bornstein, a Jewish transgender author, playwright, performance artist and gender theorist, in your synagogue or school—available at [www.lgbtjewishheroes.org](http://www.lgbtjewishheroes.org).
- For more tips for allies, check out this list from MIT: <http://web.mit.edu/trans/tipsfortransallies.pdf>.

**Talk to your friends and family about transgender experiences, oppression, and civil rights. Ask them to join you in supporting transgender people's fight for safety, dignity, and the opportunity to live their lives fully.**

Working for the  
full inclusion  
of lesbian, gay,  
bisexual, and  
transgender Jews  
in Jewish life

[www.keshetonline.org](http://www.keshetonline.org)



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