Torah and Talmud

Flier for Kolot Chayeinu Class Announcement—2007

Gender Diversity in Aggada—Rabbi Elliot Kukla—2007 (used in Kolot class)

Gender Diversity in Halacha-- Rabbi Elliot Kukla—2007 (used in Kolot class)

Genesis of Gender—Joy Laden

To Wear Is Human: Parshat Ki Teitze--Rabbi Elliot Kukla and Reuben Zellman, 2006
Curious About Judaism’s Take on Gender?

The sages gave this some serious thought. Jewish sacred texts recognize six different categories for gender diversity.

Now, it’s our turn to think and learn.

“A Created Being of Its Own”

A Seminar with Rabbi Elliot Kukla¹

March 15, 22 and 29th at 7 P.M.
At Kolot Chayeinu, 1012 8th Avenue, (between 10th & 11th Streets) Brooklyn
Co-sponsored by Jews for Racial and Economic Justice

The Kolot Chayeinu community needs knowledge to be a comfortable place for transgender, gender non-conforming and intersex people who participate (or might want to) in our congregation.

Develop a fuller understanding of gender and sex in Judaism, and get the information that will help us all be at ease.

- Explore the spiritual implications of a broadened understanding of sex and gender in Judaism
- Discover how Jewish sacred texts can help us create a community that has the knowledge to be truly welcoming of transgender, gender non-conforming and intersex people
- Look at the theological implications of the texts for people of all genders

The sessions on March 15th and 22nd are open to the public. March 29 is for Kolot members only. Kolot members are encouraged to join all three sessions. If that’s impossible, be there on March 29th (Kolot members only) for Trans “Tachchlis” (practicalities), aka “Trans 101.” We’ll also be developing practical action steps for the congregation.

Sliding Scale: $36 -$90 (for three classes).
No one turned away for inability to pay.
Info? E-mail: rebellen@earthlink.net.

¹ Rabbi Elliot Kukla was ordained by Hebrew Union College in 2006 and is currently the rabbi of the Danforth Jewish Circle in Toronto. He has been involved in transgender activism and education since 2000. He is currently co-creating a transgender resource library for Jewish Mosaic: National Center for Gender and Sexual Diversity (www.jewishmosaic.org) and helping to launch a website of educational and liturgical resources: www.transtorah.org (summer, 2007).
God created the *adam* in His own image; in the image of God He created him – male and female [God] created them. -Genesis 1:27

*Said Rabbi Jeremiah ben Elazar:* "When the Holy One, blessed be the One, created the first *adam*, [God] created him [an] “*androgyynos.*” As there it is written: 'When God created the *adam*, He made him in the likeness of God; male and female [God] created them.’ (Gen 5:2)"

*Said Rabbi Shmuel Bar Nachman:* “At the time that the Holy One, blessed be the One, created the first *adam*, He created him double-faced and [then] split him, and made for him two backs—a back here and a back there.” They asked him: “But isn’t it written: ‘and He took one of his ribs [*tzela*]’?” He said to them: “[This actually means] one of his sides...as we understand it, ‘and one of the sides [*tzelah*] of the tabernacle.’” (Exodus 26:20)

*Rabbi Tanchuma in the name of Rabbi Benayah and Rabbi Berechya in the name of Rabbi Elazar said:* “At the time that the Holy One, blessed be the One, created the first *adam*, [He] created him as a *golem* [an unformed physical substance]; and it was extended from one end of the world to its other end, as there it is written: “My *golem* Your eyes have seen…” (Psalm 139:16) -Midrash Rabbah 8
Questions:

• What central difficulties with the grammar of the verse from the Torah is each of these commentators trying to solve? What difficulty within the context of the book of Genesis are they trying to solve?

• How does each commentator solve these problems? How are the biblical verses used to support each rabbi’s opinion?

• Why do you think there are three such diverse interpretations? Wouldn’t one version of the creation of humanity be enough?

• What vision of gender does each of these interpretations of the creation of humanity lead to? Which one(s) do you prefer? Which one feels the most reflective of your own gender? Which one(s) seems most reflective of the creation of an ideal world?

• **What do you think it means to be created in the image of God?** Were you raised to believe that your gender was created in the image of God? What would Jewish education and prayer look and sound like if it was based around the central idea that all bodies and genders are created in the image of God?
Gender Diversity in Halcaha (The way we walk):
Mishna and Tosefta (1st-2nd CE)

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

All are obligated for the reading of the Scroll of Esther [on Purim]: Priests, Levites, converts, freed slaves, disqualified priests, mamzarim, a born saris, a saris by human action, those with damaged testicles, those lacking testicles – all of them are obligated. And all of them have the power to fulfill the obligation of the community [if they read the Scroll of Esther to the community as a whole]. A tumtum and an androgynos are obligated [to read the Scroll of Esther]. But they do not have the power to fulfill the obligation for the community as a whole. The androgynos has the power to fulfill the obligation for his own kind [another androgynos] and does not have the power for one who is not his own kind. A tumtum does not have the power to fulfill the obligation for others, whether they are of his own kind or not of his own kind. Women, slaves and minors are exempt. Thus they do not have the power to fulfill the obligation of the community. - Tosefta Megillah 2:7

An Androgynos is in some respects legally equivalent to men, and in some respects legally equivalent to women, in some respects legally equivalent to men and women, and in some respects legally equivalent to neither men nor women…. Rabbi Yose says: an androgynos he is a created being of her own, but the sages could not decide if the androgynos is a man or a woman. But this is not true of a tumtum who is sometimes a man and sometimes a woman. – Mishna Bikkurim 4: 1, 5
Questions:

• What general impression do you get from these texts of the role of the tumtum and androgynos in antique Jewish society? How do they differ from the role of gender variant people in our own times?

• Based on all these texts what system do the rabbis seem to be using for dividing up genders? Is it binary? Is it a quadrant or something else entirely?

• How are gender and power related in this text? Who seems to have higher status women or the tumtum and the androgynos?

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• What does the phrase “he is a created being of her own”? What implications does this have for the way we experience gender? Do you experience other people as uniquely created beings? Do you experience yourself as a uniquely created being? What would the world and this community look like if everyone was treated as uniquely created beings?

“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

Text Study Created by Rabbi Elliot Kukla, 2007
In the beginning, there was gender. We all were born into a world in which to be human is to be
gendered, to be divided by gender, assigned roles based on gender, taught to understand ourselves and
our relationships with others in terms of gender. We inherited this world from our parents who inherited
it from their parents, and on and on and back to the dawn of humanness, when hominids began
extrapolating the physical difference between male and female bodies into systems of meaning that go
far beyond chromosomes, genitals, secondary sex characteristics or reproductive functions.

Both those who embrace gender as an innate human characteristic and those who reject it as
oppressive ideology often point to the story of creation that opens the Book of Genesis to explain our
deeply-engrained habit of defining human beings in terms of gender. When we examine that story, we
find that it brings offers us a glimpse of a time when maleness and femaleness weren't yet freighted
with social, ideological and psychological meanings we have come to associate with them. Indeed,
when we examine the first chapter of Genesis, we don't find gender at all. God creates light and dark,
day and night, sky and earth, seas, plants, stars, sun and moon, animals – sea creatures and birds,
“cattle, creeping things, and wild beasts of every kind” – and even human beings, without referring to
gender:

1:26 And God said, Let us make [humanity] in our image, after our likeness: and let them have
dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all
the earth, and over every creeping thing that creeps upon the earth. 1:27 So God created
humanity in God's own image... male and female God created them.

Though God creates humanity “male and female,” establishing a binary that divides all human beings
into one category or the other, these categories refer to physical sex rather than gender. How can we
tell? The gender binary does more than differentiate between male and female bodies; it assigns
different roles to male and female. But when we look the verses that follow, we find that God addresses
the just-created humans collectively and equally, blessing and instructing them without distinguishing
male and female roles:
1:28 And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth. 1:29 And God said, Behold, I have given you every herb bearing seed, which is upon the face of all the earth, and every tree, in the which is the fruit of a tree yielding seed; to you it shall be for meat.

Neither the two defining characteristics of humanity – being created “in God's image,” and “dominion” over other creatures – nor the human place in the food chain are ascribed differently to males and females. Though God has divided humanity physically into males and females, those categories have none of the social and psychological significance we call “gender.”

Of course, the division of humanity into male and female is the foundation of the gender binary, which ascribes different roles, characteristics, feelings, desires, earning capacity, and authority, to men and to women. And though God doesn't create the gender binary in the first chapter of Genesis, God does establish binaries – yin-yang-style, mutually exclusive and mutually defining categories – as a fundamental feature of the universe, a way of thinking and talking that enables God, and us, to bring clarity out of confusion, simplicity out of complexity, order out of chaos.

Creation famously begins when God says, “Let there be light.” But though light is created in itself, without regard to the “darkness” we are told preceded creation, God immediately transforms light from a unique phenomenon into one part of a binary category: “and God divided the light from the darkness” (1:4). Prior to this division, light and darkness weren't mutually exclusive categories; they existed independently of one another and thus could intertwine, interpenetrate. God simplifies their relationship by dividing them into mutually exclusive binary categories.

The light/darkness binary, like the male/female binary, refers only to physical differences, but God, exemplifying another habit of binary thinking, charges those differences with human significance by associating them with another binary: “And God called the light Day, and the darkness God called Night.” (1:5) “Light” and “dark” are categories for physical phenomena that have no inherent human meaning; “day” and “night” are human categories for dividing time. The association of day with light
and night with darkness is true to most human experience, but it is a generalization rather than a built-in feature of reality: those who live near the poles, for example, experience days of darkness and nights when it is always light, but they still call those days “days” and those nights “nights.”

Associating the binary of light/darkness with the binary of day/night, God moves on to other aspects of creation, but human cultures pile on further associations. For example, because light enables us to see, and we associate seeing with the ability to understand, light becomes associated with understanding and darkness with ignorance. Since light and darkness are binary categories, whatever we associate with one is dissociated from the other. If light is associated with goodness, darkness is associated with evil; if light is associated with truth, darkness is associated with falsehood. When we compare them to the physical phenomena on which they are based, such binary webs of association are nonsensical, but the cognitive habits they foster are hard to shake, or even recognize, as we see in racial stereotyping, in which those whose skins are classified as “light” are unconsciously seen as better than those whose skins we classify as “dark.”

But even the physical categories of “light” and “darkness” are human constructions, anthropocentric simplifications of what physicists recognize as infinite degrees of variation in electromagnetic radiation. Similarly, when we examine actual human skin tones, we find many shades and variations that are vastly oversimplified by binary categories such as “black/white.” Such categories refer social ideas, not physical phenomena.

Despite the inadequacy of binary categories to reflect the complexity of existence, we habitually rely on them as a shorthand for organizing and interpreting the world. Indeed, we think of the world in binary terms precisely because they simplify the overwhelming complexity of existence, enabling us to lump subtle degrees of variation into broad, clear-cut, mutually exclusive categories whose differences are readily apparent. There are innumerable degrees of darkness and light; if we needed words for each of them, and could only refer to them when we had determined the exact degree, we would find it difficult to refer to them at all. If Genesis were written in the language of physics, rather than “And
God called the light Day, and the darkness God called Night,” it would have had to say something like, “And God called the period of time when the yet-uncreated human residents of the yet-uncreated planet not yet called ‘Earth’ would generally perceive the greatest amount of visible electromagnetic radiation ‘Day,’ and the period of time when they would generally perceive the least amount of visible electromagnetic radiation ‘Night.’” I’m not sure what the theological consequences would have been, but if Genesis avoided binary simplifications in favor of precise physical descriptions, the Bible would never have become a best seller. In other words, binaries are sexy. They not only create powerful conceptual categories; they give us clear, concise terms for overwhelmingly complex phenomena.

The gender binary is to differences in physical sex what the light/dark binary and the webs of associations we layer upon it are to visible electromagnetic radiation. Though most human bodies fit scientific definitions of physical maleness or femaleness, a small but significant percentage do not. These bodies cannot be accurately described as “male” or “female”; the general (and non-binary) term for them is “intersex,” a category that embraces many very different kinds of bodies. Many people aren't aware that not all human bodies are male or female; indeed, for a long time, doctors automatically “corrected” the genitals of intersex babies to fit them into one category or another. This form of mutilation still occurs, despite efforts by intersex activists to stop it, proof of our profound, sometimes violent commitment to making reality fit our categories.

When we turn from the sex of human bodies to the web of associations we call “gender,” as Judith Butler and other scholars have shown, the chasm between the complexity of human beings and the simplicity of the categories “male” and “female” yawns even wider. However cultures define the terms of the gender binary – and definitions vary greatly from one culture and time to another – few if any human beings perfectly fit the definitions of either gender. How could we? To be human is to be an ever-changing bundle of often contradictory emotions and desires, and to be shaped by unpredictable, ever-changing circumstances and relationships. No binary category can account for who and what we are.
Take me, for example. Even though, from early childhood, I felt that I was, or should be (as a young child it was hard to say), female, for forty-five years I did everything I could to maintain a male identity. It wasn't easy. I monitored myself constantly to ensure that I wouldn't talk, walk, sit, engage in activities or even express preferences that might seem feminine. I dissociated from my body, and from whatever my body felt or did. So few of my actions or experiences felt like mine that even now, I remember most of my life as male in the third person. This life of numbness, fear and hiding drove me to, and sometimes over, the edge of suicidal despair, but I clung to my male persona, because I was terrified of something worse if the truth that I didn't fit my assigned gender role was ever discovered: I was afraid that I would not only be rejected by everyone who knew me, but that I would become something incomprehensible and monstrous to them, something that couldn't be understood or spoken with or listened to or loved – something they could no longer see as human.

Whatever suffering my gender role entailed, it was worth it to be seen as human. And however oppressive or alienating my place in the gender binary felt, it was worth it to be a member of my family, as a husband, a father, a friend, a colleague, to feel I was known and loved by others, even though I felt that because they knew me as a male, they didn't know me at all. Gender utterly misrepresented me, but it was better than being alone.

That is the way the second chapter of Genesis portrays the creation of gender: as a response to human isolation. The first chapter offers a different version of creation; God simultaneously creates humanity “male and female.” In the second chapter, humanity begins with a single body: “And the Lord God formed the man of dust from the ground, and blew into his nostrils the breath of life, and the man became a living soul” (2:6-7). As in the first chapter, humanity is created with sex (“the man” is physically male) but not with gender. Gender is a system for defining human difference, and at this point, there is no difference: the man is the only human there is.

God gives the man a home, a specific place to live – the Garden of Eden – and a purpose for living: “to work [the Garden] and guard it” (2:15). God even gives him a law to keep – the famous
prohibition against eating the fruit of the tree of the knowledge of good and evil. But though the man has a body, a soul, life, a home, work, plants to eat, a relationship with God and the beginning of morality, the creation of humanity isn’t finished. A single being – an absolute individual, free of social roles and categories – is not yet human, because though some of us enjoy living in solitude, as a species, human beings are social animals. We need others to fully become ourselves. As God realizes, in verse 18, “It is not good that the man be alone” (2:18).

And the man is very, very alone. In the first chapter’s creation story, humanity is made after all the other creatures on earth, but in chapter 2, the man is created first – he's the only living thing on Earth other than vegetation. In an effort to relieve his isolation, God creates “every beast of the field and every bird of the sky” (2:19). The man names each creature, but none of them make him less alone.

Finally, God gets it: in order not to be alone, the man (named “Adam,” a reference to the earth from which he was created) needs another human being. The moment Adam recognizes the new human, he creates the first version of gender, a system of binary terms defining both his difference from and relationship to the person he calls “Woman”:

2:21 And the LORD God caused a deep sleep to fall upon Adam, and he slept: and he took one of his ribs, and closed up the flesh instead thereof; 2:22 And the rib, which the LORD God had taken from man, made he a woman, and brought her unto the man. 2:23 And Adam said, This is now bone of my bones, and flesh of my flesh: she shall be called Woman, because she was taken out of Man. 2:24 Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh.

As in chapter 1, God creates the physical difference between male and female, but it is Adam who gives that difference meaning. Indeed, Adam doesn't comment on the difference between his body and the woman's. Instead, he recognizes that the woman is “bone of my bones, and flesh of my flesh.” That recognition provides the foundation for the gender differentiation that follows, defining male and female as different forms of a single “flesh,” a single species, as human.

Then Adam creates the first, embryonic version of the gender binary: he names the female “woman.” The word for “man” in Hebrew is ish; Adam calls the woman isha, because, he explains, “she was taken out of man.” Adam's act of naming transforms the physical binary male/female into a
social binary, man/woman, terms that are defined not in terms of physical difference but in relation to
one another. Until this moment,  

_ish_, “man,” was a unique term for a unique being; now “man” is one
half of a binary. Maleness, till then identical with humanness, suddenly represents only half of
humanity. Adam, the absolute individual, has become part of a social system, defined through both
kinship with and difference from the woman.

Though the terms “man” and “woman” have little content yet, the relationship between them
inspires Adam with a vision of a future filled with gender-based roles and relationships, fathers and
mothers, wives and husbands, and generations of family drama, romantic attachments and conflicting
loyalties: “Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and
they shall be one flesh.” For Adam, the gender binary is the basis of human society and human history.

For those who identify as men or women, the gender binary offers many of the benefits that
made Adam so grateful to trade in his absolute individuality for a place in its role- and identity-defining
system. The gender binary assures those who identify as men and women that we are not alone; no
matter how unusual our bodies, feelings or experiences, the gender binary defines us as “like,”
fundamentally similar to, half the human race, and as Adam found, places us in relationship to those
whose bodies and roles place them on the opposite side of the binary. There are few differences among
human beings more striking than the differences between mature male and female bodies. The gender
binary helps us understand those differences and our relationship to them, transforming otherness into
complementarity that reinforces our gendered sense of who we are.

But from the moment the gender binary is created, there are signs of trouble in Paradise. As
feminist critics have pointed out, the second chapter of Genesis presents the gender binary as
something created by and for “the man,” and imposed upon “the woman.” Though humanity is created
equally “male and female” in chapter 1, the second chapter is all about “the man”: God forms him first,
designs the garden for him, creates the animals for his benefit and invites him to name them, and only
then, to relieve his continuing isolation, creates the woman. Though he and the woman presumably saw
one another simultaneously, the story tells us only how Adam sees and understands her. In short, the
genesis of gender is presented as a story about a man, his needs, and a woman who is literally created
to fulfill them.

We find a similar male bias in Adam's prophecy of future gendered relationships, which he
describes in terms of “a man” leaving his family for his “wife.” But despite its male bias, Adam's
gender binary is fairly benign. He doesn't define male and female roles or characteristics, or associate
the gender binary with hierarchical power arrangements. If the narrative had told us the woman's
response to seeing Adam, she might well have described gender in similarly self-centered, and thus
gynocentric, terms: “This is bone of my bones, and flesh of my flesh... Therefore shall a woman leave
her father and mother, and shall cleave unto her husband: and they shall be one flesh.”

But in chapter 3, the gender binary becomes an engine of inequality and oppression, when God
responds to the violation of the prohibition against eating the fruit of the tree of the knowledge of good
and evil by cursing the woman and the man in very different ways:

3:16 Unto the woman he said, I will greatly multiply thy sorrow and thy conception; in sorrow
thou shalt bring forth children; and thy desire shall be to thy husband, and he shall rule over
thee. 3:17 And unto Adam he said, Because thou hast hearkened unto the voice of thy wife, and
hast eaten of the tree, of which I commanded thee, saying, Thou shalt not eat of it: cursed is the
ground for thy sake …. In the sweat of thy face shalt thou eat bread.

These curses exacerbate the differences between woman and man, identifying them with different roles,
and transforming the gender binary into patriarchy, a system in which social roles, privilege and power
is divided on the basis of gender: the woman is to be “ruled over” by the man and burdened by
childbirth, while the man is to toil and till the ground in order to get “bread.”

But even here, at the mythic dawn of patriarchy, there are hints that there could and should be a
better form of gender. Though the Biblical narrative is consistently male-centered, God presents
patriarchy as a curse on both men and women. And though patriarchy is the final step in the Biblical
genesis of gender, it comes late, and seems almost accidental. When God creates Adam and the woman
in chapter 2, God says nothing about gender roles, male dominance or female submission; even Adam's
male-centered vision of a gendered future, in which men leave their parents for their wives, ends on an egalitarian note, with husband and wife becoming “one flesh.” In chapter 3, patriarchy is presented not as an inherent aspect of the gender binary, but as the tragic consequence of bad human decisions. Had those decisions gone differently, the story implies, gender would never have become patriarchal.

But these are hints of a paradise that was most certainly lost. Though the gender binary has taken innumerable forms over the millennia, most of those forms all too aptly fulfill the Biblical curse of patriarchy.

Feminists, queer theorists and others have extensively documented the social and psychological damage caused by patriarchal forms of the gender binary, but even those who are most critical tend to still identify themselves and others as males or females, men or women. Indeed, many of the most passionate feminist critiques of patriarchy insist on the essential difference between men and women, and summon women to band together on the basis of shared gender.

This allegiance to the gender binary isn't surprising. It is hard for human beings to think about ourselves, our relationships, and our societies, without thinking in terms of gender.

Traditional cultures often divide men and woman, institutionalizing and sometimes brutally enforcing gender segregation. But even in modern societies in which men and women are free to mingle, most people are homosocial – that is, most of us form friendships with people we see as being of “our” gender. The gender binary encourages homosociality by ensuring that people who identify with a given gender will have a lot in common, sharing socialization, roles, modes of gender expression and the accessorizing that go along with them – and ensuring that those who identify with the other gender will shop at different stores for different clothes reflecting different roles, socialization, and so on. By magnifying the sense of similarity among those of the same gender, the gender binary simultaneously magnifies the sense of difference between genders, encouraging us to see those
differences, as innate as the biological differences between males and females.¹

But we are bound to the gender binary in far more intimate ways, because gender is not just a means of relating ourselves – it is also a means of understanding ourselves, of organizing and discriminating among our contradictory impulses, desires, and emotions. The gender binary encourages us to embrace and express aspects of ourselves that fit the gender with which we identify, and to repress, conceal or minimize aspects of ourselves that don't. Even when we recognize ways in which we don't fit gender binary norms, we often just those aspects of ourselves in relation to those norms.

Of course, few of us believe that we are nothing more than what our local version gender binary defines as a man or a woman. We know that being human is more than being male or female. Even Genesis reminds us that, for a few verses, Adam was human without being part of a gender binary, and, for another few verses, both the woman and the man experience a gender binary has not yet become an oppressively role- and identity-defining patriarchal system. But how can we, born into a patriarchal world in which there are few aspects of our lives that are not shaped by gender, imagine who we would be if we didn't define ourselves and one another in terms of the gender binary?

One of the advantages being transgender – of having an identity that doesn't fit binary gender categories – is that we cannot rely on the gender binary to understand ourselves or our relations with others, and so we are forced to think about what who we are outside its terms. We are reminded every day that that the gender binary cannot fully account for or express humanity – our humanity.

For example, though, like many non-trans women, I have a female gender identity and feminine gender expression and live as a woman, I was raised and lived as a male. Even when others accept me, I know that words like “female” or “woman” or “she” don't mean the same thing when applied to me as they do to those who were born, raised, and have always lived and identified as female.

¹ CF evolutionary psychology critique http://www.thenation.com/article/181555/survival-sexiest?page=0,0
But at least I have a binary gender identity, and can express my identity through binary-defined terms and conventions that feel self-affirming and foster my relationships with others. Those who don't identify as either male or female must constantly choose between misrepresenting themselves in order to fit into binary gender categories, or expressing their identities in ways that mark them as outsiders to the gendered world. Some people with non-binary identities enjoy being what Kate Bornstein calls “gender outlaws”; some find friends and family, partners and communities, who love them as they are. But for too many, expressing their true identities leads to isolation, exile from family and community, loss of home and employment, and verbal and physical abuse by those who cannot recognize people who are neither simply male nor simply female as human.

But though people suffer and die every day because they can't fit within the gender binary, there is growing recognition of the presence of transgender people, and thus of the fact that there are a significant number of people who can't be accounted for or understood in terms of binary gender categories. Transgender people are increasingly visible, vocal, and organized, running for public office, lobbying for anti-discrimination legislation and better health care, being interviewed on news programs, publishing books and essays, appearing on TV shows and in movies, gaining academic recognition through journals such as the new Transgender Studies Quarterly, and institutions such as the University of Arizona, which just hired several tenure-track transgender studies professors. Many religious denominations now have openly transgender clergy, and some have developed prayers and rituals specifically for transgender people. More events and facilities include restrooms and other accommodations that are not designated for one gender or the other.

As individuals, institutions, and the cultural zeitgeist recognize the existence of transgender people – recognize, as Adam did when he first saw Eve, that despite our differences transgender people are human – we find ourselves in the midst of a new genesis of gender. Just as Adam's invention of gender transformed him as well, this new genesis of gender is slowly changing how all of us, trans and non-trans alike, understand ourselves and one another.
For starters, everyone who recognizes transgender people as human also begins to recognize the gender binary's inadequacy for accounting for the nature of humanity. Not only do we recognize that there are people whose identities can't be understood in terms of binary categories; we also begin to recognize that those categories drastically oversimplify human identity. For example, to understand the identity of people like me (generally called “transsexuals”), we have to recognize that the gender binary man/woman is actually a composite of three different male/female binaries, one relating to physical sex; one relating to gender identity (the gender we feel ourselves to be); and one relating to gender expression, the shared conventions of masculinity and femininity through which we express our gender identities. Once we recognize that the gender binary conflates at least three separate binaries, we begin to recognize the complexity of gender in non-trans people as well. Some non-transgender people express their gender in ways that don't fit binary definitions of masculinity and femininity; some have gender identities that don't quite fit binary norms. In short, as we reckon with transsexual identity, we find ourselves thinking about gender in ways that subtly expand and refine our understanding of all human identity – including our own.

When we recognize that some people are intersex, we realize the physical binary on which the gender binary is based is similarly inadequate. Human bodies are indeed created male and female, as the first chapter of Genesis puts it, but we are also created in ways that don't fit those categories – and when we see that, it's hard not to recognize that many non-intersex bodies don't fit norms of maleness and femaleness, that there are women with facial hair and men without it, women without breast tissue and men with plenty, women who are over six feet tall and men who are under five feet tall, women who don't have uteruses and men who don't have testicles, women with low voices and men with high voices, and so on. The simplifying blinders of binary categorization fall from our eyes, and we find ourselves confronting the dazzling variety of humanity.

When we recognize that some people are gender fluid – that for them, maleness and femaleness are not fixed characteristics but different means of expressing selves they understand as both and
neither male nor female – we realize that the gender binary assumption that everyone is only and always one or the other drastically oversimplifies the shifting, contradictory complexity of individual psyches. For example, there's a person in my small New England who sometimes presents as a woman and sometimes presents as a man, but goes by the same name and expects (or at least hopes) to be recognized as the same person regardless. Few of us are gender fluid, but all of us have feelings, desires, impulses, and fantasies that don't fit the definitions of our assigned gender. Men who are physically male, identify as male and have male gender expression feel and want things that the gender binary defines as female or feminine; physically female, female-identified feminine women feel and want things that are defined as male or masculine. As we recognize the humanity of those who are gender fluid, we see that no one's humanity completely fits on one side of the gender binary or the other.

These are only a few of the forms of transgender identity that are precipitating the new genesis of gender, but as we recognize and reckon with each, we recognize different ways in which human identity is more complex than the gender binary allows. This may seem startling, as though what it means to be human has suddenly grown infinitely more complicated, but as I said at the beginning, binaries are ways we respond to and simplify overwhelming complexity. If human beings weren't always much more than simply male and female, we would never have needed binary gender categories to help us understand ourselves or our relationships with one another.

That's why it can be so challenging to confront the inadequacy of gender binary definitions of what it means to be human.

We have grown up in a world in which the way we understand ourselves and others understand us is based the maleness or femaleness of our bodies. The recognition of transgender identities challenges us to see that physical sex may tell us little our psyches. We have grown up in a gendered world in which we can instantly identify others as men or women, and, when we do so, feel confident we know intimate details about what they are like. The recognition of transgender identities reminds us
that binary-based identifications and assumptions can often be mistaken.

Is the new genesis of gender a good thing or a bad thing? It is certainly good to acknowledge the truth, and the truth is that binary gender is a limited and inaccurate way of understanding ourselves and others. But, like Adam, who gladly surrendered his absolute individuality for a place in the gender binary he invented, human beings have embraced binary gender's limitations and inaccuracies in every time, place and culture, because we are social animals, and simplifying our individuality makes it much easier for us to understand who we are in relationship to others. That is the primary function of gender as we have known it, and it is too soon to tell how we will understand ourselves in relation to others in the wake of the new genesis of gender.

But thanks to centuries of Western feminism, we have already lived through a revolution in our understanding of binary gender. The history of Western feminism is the history of the struggle to redefine what it means to be a woman. Before feminism, being a woman meant not only having female body and gender identity, but a gender expression that fit cultural norms of femininity, whatever those happened to be. Feminism insists that having a female body and gender identity does not require one to dress, talk, do work or otherwise act in ways the gender binary defines as appropriately feminine. These days, there are few forms of female gender expression that disqualify women from being seen as “real women” in the United States. (Men, of course, still have a very narrow range of gender expression; it's easy for men to do things that lead others to accuse them of not being “real men.”) But as innumerable articles, essays, TV shows and movies attest, the liberation of women from feminine gender expression has led to social uncertainty (we can no longer tell if someone is a woman just based on hair length or clothing choices), individual stress (are women obligated to raise families? Work at paying jobs? Both? Neither?), upheaval in social assumptions and institutions, and strain in personal relationships. Some are exhilarated by these changes, some dismayed, but all of us have been affected by them.

In a very real sense, feminism marked the beginning of the new genesis of gender. But it is only
the beginning. Recognition of transgender identities challenges much more than binary definitions of female gender expression – it challenges all of the ways in which the gender binary defines what it means to be human.

Though the new genesis of gender has just begun, feminism helps us imagine some of its consequences. We have become accustomed to the fact that gender expression may vary widely among women, and that even the most happily hetero-normative women may express their gender differently at different times, wearing, say, masculine work clothes during the day, and extremely feminine clothes to go out at night. In the wake of the new genesis of gender, we will become accustomed to the idea that anyone's gender expression may vary widely and often, not only within the ranges we now think of as masculinity or femininity, but in ways that combine or confound binary categories. We will be used to the idea that what we know of individuals' gender identities, and even physical sex-defining characteristics, may vary as well. Just as many women who don't think of themselves as feminists (including some of my Orthodox Jewish students) now feel comfortable wearing jeans, in the wake of the new genesis of gender, even those of us who don't think of ourselves as transgender will feel free to live in ways that don't fit the constraints, definitions and assumptions of the gender binary.

Perhaps the new genesis of gender is really the beginning of the end of gender, the beginning of an era in which each of us will enjoy an individuality as absolute as that of the primordial, pre-Eve Adam, with no gender to conform to or worry about violating, no need to sort aspects of ourselves into gendered categories, no expectations that we will always look or act a certain way, no gendered divisions of roles or power, no shared language of gender expression and no gender identities to communicate. Or perhaps this is the beginning of a new, more capacious, more flexible form of gender, a form of gender that does not define us, a language whose ever-expanding vocabulary can be endlessly, inventively recombined to express our individuality, but which, because we share it, still enables us to express and understand ourselves and our relationships with one another,

Whatever we end up making of gender, we can be sure that we will find its transformation
liberating, unsettling, exhilarating, confusing, infuriating, and, despite everything, exalting – because no matter what discomfort it entails, the new genesis of gender will give each of us and all of us a

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To Wear Is Human: Parshat Ki Teitze

by Rabbi Elliot Kukla and Reuben Zellman, 2006

For all those who have ever struggled with how to discipline children’s bad behavior, this week’s parsha, Ki-Teitze, offers an easy answer: stone them to death! (Deut. 21:21)

Thankfully, Jews have recognized for over a thousand years that this is an unacceptable solution to a common problem. In fact, we learn in the Talmud (Sanhedrin 71a) that this apparent commandment of the Torah was never once carried out. Our Sages refused to understand this verse literally, as it conflicted with their understanding of the holiness of each and every human life.

With this scenario in mind, let us look at another verse in our parsha: “A man’s clothes should not be on a woman, and a man should not wear the apparel of a woman; for anyone who does these things, it is an abomination before God.” (Deut. 22:5) Just as classical Jewish scholars reinterpreted the commandment to stone to death rebellious children, they also read our portion’s apparent ban on “cross-dressing” to yield a much narrower prohibition.

The great medieval commentator Rashi explains that this verse is not simply forbidding wearing the clothes of the “opposite gender.” Rashi writes that such dress is prohibited only when it will lead to adultery. Maimonides, a 12th century codifier of Jewish law, claims that this verse is actually intended to prohibit cross-dressing for the purposes of idol worship. (Sefer haMitzvot, Lo Taaseh 39-40) In other words, according to the classical scholars of our tradition, wearing clothes of “the wrong gender” is proscribed only when it is for the express purpose of causing harm to our relationship with our loved ones or with God. The prohibition that we learn from this verse is very specific: we must not misrepresent our true gender in order to cause harm. Otherwise, wearing clothing of another gender is not prohibited. The Talmud puts it most succinctly: v’ein kan toevah – “there is no abomination here.” (Babylonian Talmud, Nazir 59a-b)

So, what does this verse mean for us today? In order to understand it in our own context, we need to examine two questions: What does it mean to wear clothing of a gender we are not? And, what does it mean to cause harm?

Many people feel like their true gender is not (or is not only) the gender that was assigned to them at birth. The Torah is asking us not to misrepresent our gender, which we can understand as using external garments to conceal our inner selves. Unfortunately, many transgender and
genderqueer people today feel forced to hide in exactly this way. In our society the penalty for expressing the fullness of a gender-variant identity is often severe and can include verbal, sexual, and physical abuse, employment discrimination, an inability to access education and health care and, sometimes, murder.

Gender rigidity does not just impact transgender and genderqueer people. It also harms the eight year-old boy who was suspended from school for wearing his ballet tutu to class in upstate New York, the flight attendant in Atlanta who is currently suing her employer for firing her because of her refusal to wear make-up, and the butch lesbian who was shouted at and harassed in a “women’s” restroom in a synagogue in Los Angeles. Much of this mistreatment comes from those who insist that wearing the clothes of the “other gender” is wrong “because it says so in the Bible.”

Classical Jewish scholars do not accept such a justification for narrow-mindedness. Neither should we. Rather, we can flip mainstream understandings of our verse on their head and understand it as a positive mitzvah, a sacred obligation to present the fullness of our gender as authentically as possible. Unfortunately, not everyone is able to fulfill this mitzvah without endangering their life or livelihood, and the protection of human life always comes first in Judaism. However, the Torah wants us to be true to ourselves.

Next, we come to the second part of our prohibition: that we must not cover up our gender in order to cause harm. Transgender and genderqueer people who hide under the clothing of the gender they were assigned – rather than expressing themselves as they really are – suffer terrible harm. Rates of depression, suicide, and destructive self-medication are astronomical.

Each and every soul is created in the multifaceted image of the Creator. When we try to conceal that uniqueness, we cause ourselves pain. And when we ask others to obscure themselves we cause them harm. The great majority of our parsha is concerned with the minute details of preventing harm. The lines before our verse, teach that if we see that someone’s donkey has fallen down, we are required to help that person lift the animal up. The verse immediately following, instructs us never to hurt a mother bird as we are collecting her eggs. And the very next verse commands us to build a guardrail around the roof of our houses, to prevent anyone from falling off. The verse about what to wear is nestled amongst mitzvot that guide us towards exquisite levels of empathy and gentleness towards all of creation.

As our Sages realized, a sacred tradition that command us not to cause pain to a single mother bird, must not be asking us to stone to death small children or conceal our true gender. Jewish tradition asks us to safeguard each unique being created in the image of God, by preventing harm. When we cover up our true souls and muffle our divine reflection under clothes that feel “wrong”, we are harming God’s creation. This is what our Torah prohibits!