

Transforming Tradition and Transgender Transformation

I am so grateful to be able to return to deliver my *d'var Torah* this Shabbat. As many of you know, this has not been the easiest year for me healthwise. Although my scheduled return from sabbatical got pre-empted by some surgery to correct a complication of an earlier surgery, the result is that I am back for my *bar-mitzvah* portion and it's a pleasure to be back.

While there is a longer story to share here and lessons to be gleaned, today I want to open with one critical aspect of my recovery:



Yes, back in March, I was encouraged by family and friends to spend some serious time watching TV as a good way to recuperate. Given that



my day-to-day life does not include many windows for TV, I had lots of series to choose from that I had missed over the years.

The last series I watched entirely was *The Sopranos* about 10-15 years ago. Yes, I

know – the younger generation is looking around in befuddlement at that reference!

Some careful research led to the choice of *House of Cards*. I turned on my laptop in my hospital room and started streaming it. Woah! It's dark, it's devil-ish, it's kind of evil, but, it's good. I was hooked.



And as soon as one episode ended, Netflix immediately, joyfully, efficiently shared that the next episode was going to begin in 10 seconds. So, I watched the next one. And kept going. Over the course of just a few days, I had, as they affectionately call it “binge-watched” the entire first season.

But, here's the thing. While it was compelling TV, I am not sure it was good for me. Like good for my soul, my health, my recovery. In fact, I actually think it delayed my healing. There is something about it that was so disturbing that it may have slowed my process of renewal. It cut into my sleep, giving me nightmares.

So, this summer, I decided I needed a new show and I found it on Amazon: *Transparent*.



This is a drama about a man in his 70's who realizes that he is, in fact, a woman. In just the first few episodes, we learn of the tension of her coming out to her children. We see the rich and complex family dynamics and we are moved by the raw emotions of the narrative. Although there are also some disturbing elements, this seems like a healthier show for me right now. And I have not even reached the second season where I have been told the Jewish content goes up dramatically! However, please don't reveal anything!

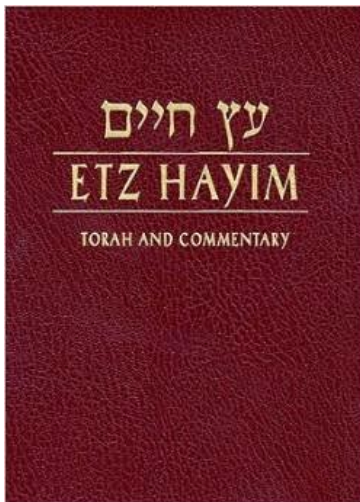
The show and its sensitive portrayal of a transgender woman were fresh in my mind as I was reading this week's *parashah*. And then my eyes fell upon this verse: "*Lo-yehiyeh klee ge'ver al-ishah v'lo yilbash ge'ver*

simlat ishah, ki to'avat Adonai Eloheikhah kol oseh eileh - A woman must not put on man's apparel, nor shall a man wear woman's clothing; for whoever does this abhorrent to Adonai your God." (Dt 22:5)

Oy. That's not good.

I was just watching precisely this behavior. And even more so, I know people – friends, members of our *shul* – who are transgender. I took a deep breath and went to the commentary to search out some answers.

Rabbi Harold Kushner who authored the masterful commentary in our *Etz Hayim Humash* explains that some people think “that this commandment is directed against disguising oneself as a member of the



opposite sex because this would facilitate mingling and hence fornication.”

OK – that may have been the reason.

He continues to share that others feel that cross-dressing is prohibited because it was associated with “certain pagan rites and magical practices.” That’s helpful in terms of historical context; in general, the Torah railed against paganism, which it saw as an immoral force during its time.

But that still leaves us with a question: how do we reconcile this law of our Torah with our modern understanding? For me, the Torah is not merely an ancient text that reflects on the moral lives of our ancestors living thousands of years ago, it is a living text. A text that continues to grow and evolve as Jews have experienced and re-experienced it over the millennia.

Now, in this case, for most of Jewish history, there has not been much development in our understanding of gender identity. Only in this past generation have we begun to understand that one’s gender can be different than the gender one was assigned at birth. And therefore, in Conservative Judaism, we now have the opportunity to revisit this law.

When I first came to Emunah 13 years ago, I met people who were going through this struggle and spoke with them and their family members. I was fortunate to find this *teshuvah* – this religious responsum by my teacher and friend, Rabbi Mayer Rabinowitz. Back in 2003, [he authored a](#)

[paper](#) in which he deals with the science and the traditional Jewish sources that touch on all the aspects of being transgender.

While this *teshuvah* may need to be updated, Rabbi Rabinowitz begins a process of updating our laws and does so by exploring the related case-study material that was written over the last two millennia.

In his conclusion, he powerfully writes: “People who are undergoing [this process of gender reassignment] are doing so because they are suffering from gender dysphoria. [...] Their pain and anguish is great and there is no doubt that they are suffering. This has led them to undergo the long and difficult procedures outlined in the standards of care. [This process] is being done for the patient’s betterment and health, and therefore, would be permissible, just as it would be permissible to help treat a physical ailment. [...]

“Hormonal treatment would also be permitted and would not transgress the prohibition of wearing the garments of the other [gender] (sex) or changing that which was created, since it is a case of *l’tovato*, for the good of the patient, and [since] *bakol mitrap’een*, [we may cure ourselves with anything], there are no restrictions on what type of medicine may be used to heal a person.” (Rabinowitz, appendix, p. 11)

That is how we understand the tradition. Rabinowitz explored the texts over the generation and today's medical and scientific understanding to bring the law to us today. He also applied traditional rabbinical concepts to an issue where there were new medical insights.

His religious responsum, his *teshuvah* helped us be at the fore of embracing individuals and families going through this process, why our Keruv Committee has been at the fore of teaching about transgender issues, why we brought Dr. Joy Ladin last year to share her unbelievably powerful journey as a trans



woman and that is why we will continue to explore these issues with additional speakers this year including on Keruv Shabbat in November and why we, as a community, advocate for transgender rights in Judaism and in civil society.

But, let us not forget – that this is our approach to many issues – we are rooted in our sources and our tradition, while appreciating what we can learn from modern science and medicine. That is what many religious groups need today – the ability to adapt and re-form themselves in a

manner that authentically speaks to the past while blending in modern understanding and more inclusive approaches.

This melding of Jewish tradition and modernity has guided our approach to women's participation and egalitarianism, to gay and lesbian inclusion, to how we welcome those who are married to someone of another or no faith and that is how we continue to evolve as a community that cares about workers' rights and demands justice for them as our *parashah* teaches.

That is what it means to be part of a living, organic tradition. It is a living tree where we read and study all the rings of the tree trunk, before we add the newest ring, the newest understanding for this moment.

So, the next time you are surfing Netflix or Amazon Prime, just remember that we are learning and growing from insights we glean all around us including the insights we stream. That is why we have a dynamic tradition – one that speaks to the values and concerns of this moment, while never losing our connection to our roots.

Let us continue to share that approach together.