

June 27, 2003  
Beth Chayim Chadashim  
Los Angeles

Shelach Lecha  
(Bamidbar 13-15)  
Drash by Reuben Zellman

Our parasha for this Shabbes is Shelach Lecha, the Book of Numbers chapters thirteen through fifteen. Among other things, tonight's parasha contains one of the more infamous Biblical stories. The Israelite people, freed from Egypt's slavery, have followed Moses through the desert and have arrived in the wilderness of Paran. God instructs Moses to send out spies into the land of Canaan. These men go up into the mountains of the south to scout out the land that they have been told to enter. After forty days the spies return, and report to Moses and the Israelites: "We came into the land where you sent us, and surely it flows with milk and honey...but the people who dwell there are very fierce, and the cities are fortified and very great...The land through which we have passed to spy it out, it is a land that devours its inhabitants; and all the people that we saw in it are men of great stature...we were in our own sight as grasshoppers, and so we must have looked to them." Hearing this report, the people rose in fear against Moses and Aaron, saying "Would that we had died in the land of Egypt! Or would we had died in this wilderness! Why does the Lord bring us into this land, to fall by the sword? Our wives and our children will be carried off as prey...let us return to Egypt." Only Caleb and Joshua intercede to assure the people that God would allow them to triumph over forces stronger than they. But their words of no avail. God is furious and decides to smite the entire nation once and for all. But Moses pleads with God on behalf of his unfaithful flock, and the punishment is reduced. The people are condemned to remain in the wilderness one year for each of the forty days the spies spent in the holy land. God tells the people that only Caleb and Joshua will survive to enter, along with "your little ones, that you said would be prey, them will I bring in, and they shall know the land that you have rejected." Thus begins our ancestors' epic wandering.

There are many possible lessons to be drawn from this episode. I would like to focus on just one. In our world today we face enormous tasks, just as our ancestors did. As we pursue social justice, equality, and peace, we find that there are still giants of many sorts who wish to frighten us away from the promised lands we strive to enter. We face deeply entrenched greed and bigotry. Our society is increasingly controlled by massive corporations and corrupt governments. It is inevitable that we will sometimes feel like grasshoppers in comparison, but God does not punish us simply for being afraid in the face of difficult work. In tonight's parasha, God disapproves only of those who decide that the holy task given to them could not be done.

It is an honor to stand here before a congregation that took on a particular holy task before anyone else. As a product of similar LGBT and LGBT-inclusive communities, I wish to acknowledge on this Shabbes that I stand gratefully on your shoulders. I first found myself in this sanctuary less than ten years ago, and even since then there have been great strides toward fuller inclusion and affirmation of LGBT Jews. In the last few years, we have witnessed the decision by the Reform movement to officially celebrate same-sex unions. In

the larger society, LGB people have come a long way in the area of civil rights and protections, positive exposure, and political influence. This very week, the Supreme Court dismantled the nation's remaining sodomy laws, and Canada has just announced federally sanctioned same-sex marriage. At this Pride season, there is a great deal to be proud of.

Recently the transgender community has begun to add a few of our own victories. Inclusive-minded people have long placed the "T" after "LGB", but as often as not, the voices and the needs of trans and intersex people are, in reality, overlooked. As communities across the world commemorate Stonewall this month, we often forget that that celebrated rebellion was begun by transgender women. Today these communities are still engaged on the front lines of a profound cultural revolution. Within these communities lies the power to uproot long-held assumptions. Not only is it possible to switch genders, it is possible to be bi-gendered, or multi-gendered, or to identify with no gender at all. People make gender transitions in their teens and thirties and sixties and eighties. Some people change themselves physically and others don't. A significant number of people are intersex: having both "male" and "female" biological traits. Some of these people are transgender, and some are not. Every imaginable combination exists. I believe that this diversity of experiences has the potential to change much more than our perceptions about sex and gender. If such a formidable social institution as gender and sex is, in fact, not the vast, uncrossable divide it is traditionally believed to be, then surely other great barriers are not the giants that we think they are. I am convinced that the world that God has laid before us is much greater, more nuanced, and more wonderful than anything we can categorize or define.

But the holy task is far from completion. In most ways, transgender people are now where lesbian, gay, and bisexual people were thirty years ago, maybe even fifty years ago. Statistics tell us that transgender people are underserved and underrepresented in every area of society. One study done in San Francisco reports that the average income for a transgender person in the city is between 750 and 1000 dollars per month. With high poverty comes other attendant suffering. Homelessness is common. Large numbers of people survive through prostitution and drug involvement, leading to incarceration and frequent police abuse. Unemployment is severe, as trans people tend to be hired last and fired first. Health insurance is almost universally unavailable. With a few notable exceptions, transgender people have almost no civil rights, not even the limited protections that LGB people have finally achieved. Violence and sexual assault is commonplace. Community United Against Violence reports that a disproportionate percentage of reported hate crimes against LGBT people have transgender victims. In a community facing frequent despair, suicide rates are extraordinary. Ours is a land that is devouring some of its inhabitants. It is hard not to feel like a grasshopper in the face of all that needs to be done.

Which brings me to a word about grasshoppers. It is a fact of biology that the total mass of all the insects on this earth is greater than the total mass of all other creatures put together. All of the lions and the elephants and the whales, every cat, dog, fish and bird, all the creatures of land and sea combined are not as great as the family of the grasshoppers. How could this possibly be? Because there are so many of them. Tiny and vulnerable, individually weighing almost nothing at all, the insects together are bigger than all of the earth's giants. Likewise, I believe that there are many more people whose desire is for justice and fair treatment than there are people who wish to perpetuate oppression and

suffering. Together, the grasshoppers of the world have the power to shape our societies as we see fit. We may often feel small, but I believe that ultimately, we cannot fail.

With regard to transgender and intersex equality, it is my great pleasure to report that the grasshoppers are on the move. A movement is being born. I am terribly proud that our Reform Jewish community has chosen to take the lead and to set an example of inclusiveness and respectful treatment. Even in the face of criticism they have applied our progressive Jewish values. In so doing, they have not only opened a new door for me and for people like me, but have sparked new debate in other movements of Judaism and sent a message that all are welcome here. As for me, I have renewed faith that all things are indeed possible. In the last several months I have received letters from all over the world from people expressing great excitement at the step that has been taken. I have heard from many transgender people and their allies who have struggled mightily to participate in Jewish ritual and community life, and to be seen and valued as who they really are. It is my hope that through education and outreach, we can create new possibilities in Judaism for transgender people, and for all those who have felt uncomfortable or excluded.

Over the last few months, as word got out about my admission to seminary, I have encountered numerous journalists and others who wanted to speak to me about my story and about this particular moment in which Judaism finds herself. There are a couple of questions that they ask every time. One of those questions is something along the lines of: How do you feel about the fact that being transgender goes against traditional Judaism? Even the more progressive elements of the Jewish community often shake their heads in regret that I will be constantly forced to reconcile my identity with our tradition's disapproval. It is assumed that my task will be to convince the Jewish world that I belong, even though tradition says I don't.

I disagree. I see the opposite task awaiting the transgender community and its supporters. Advocating for transgender and intersex inclusion is not a matter of fighting against traditional Judaism. Rather, the first step in promoting this acceptance is to return to our traditional texts, and see what they have to teach us.

The history of the Jewish people includes many important transgender and intersex people. Our rabbis relate the story of the biblical Reuven, Jacob's eldest son, who married a woman who after many years turned into a man. Genesis Rabbah tells us that Mordecai, upon the birth of his daughter Esther, was unable to find a wet nurse for her; at which point, "milk came to him," and he breast-fed her himself. Intersex people known as 'saris' or 'eunuchs' served in high positions in the court of King David and in the empires of Persia and Babylon. Today, debate continues in the religious and academic communities over the status of the minor prophet Nehemiah. It is fascinating to speculate that it was an intersex person, a transgender person, who with Ezra first brought the Torah to the Jewish people. Indeed, many scholars assert that the very first human was an intersex person. Rabbi Jeremiah ben Eleazar said that "When the Holy One, blessed be God, came to create the first man, God made him androgynous, as it is said: 'Male and female God created them, and called their name man.'"

Even more interesting to me than this little-known history is an examination of traditional Jewish thinking about gender and its implications. We discover that, on matters of gender

variation, traditional Jewish legal and social thought is far more accurate, nuanced, and humane than our present-day beliefs and practices.

The Rabbis of the Talmudic period identified at least seven different genders. The Babylonian Talmud describes several categories: women having other than the usual feminine traits; men having other than the usual masculine traits; people who are sterile for all sorts of reasons; people without identifiable sex or gender; and people with traits of both sexes or genders. By the third century, a substantial section of Mishnaic law had been written that was dedicated to the treatment of intersex and transgender people. Tractate Bikkurim explains: “The androgynous person in some ways is like men, and in some ways is like women, and in some ways is like both men and women, and in some ways is like neither men nor women.” It then goes on to list all the ways in which intersex people are legally considered to be men, women, both, or neither. Among other things, we are told here that others are liable for any harm they cause to such a person; that anyone who kills such a person intentionally shall be put to death; and that when such a person is born, the mother is to act as if she had borne both a son and a daughter, and is to present to God for her child the mandated offering in thanksgiving.

This is just a sample. The Talmud addresses questions about intersex and transgender people in every aspect of society: marriage, property, dress and conduct, inheritance, conversion, sex, religious duties. The scholars try to figure out how many categories of people there really are and the proper legal treatment of each one. They discuss at length what should happen if sexual maturation does not take its expected course, and consider dozens of possible ways in which this might occur. Two thousand years ago, our forbearers were asking the questions that we are just beginning to ask today.

The principles underlying their discussions should have profound implications for our Jewish lives. For the greatest part, we today have chosen to leave trans and intersex people out of the society altogether. Our scholars of the past appear to have never considered that an option. In these texts it is understood, first of all, that intersex and transgender people exist. It is specified clearly that their lives are of equal value to any others. And it is assumed that social institutions must figure out how to fit such people in. Our rabbis’ solutions are highly imperfect, but they are way ahead of us. Their discussion is based on the understanding that there is in every person an essential humanity that supercedes everything else. It is greater than the body and greater than the confines of the most entrenched human institution.

So we see that to be a transgender Jew, or to explore broader understandings of gender, is not a departure from Jewish tradition. Quite the contrary. Our scholars bequeath to us understanding deeply rooted in the principle of b’tzelem Elohim—the belief that every single person is made in the image of the divine, and is to be taken as they are given to us. As a new movement embarks to teach our Jewish community, our holy task now is to move ahead to where we were before, and then to do better. We must rediscover and reassert what our Jewish tradition already knows, and then to add to that our new and developing wisdom. This is our obligation to the living Torah. And it is our obligation to future generations, who will not be carried off by giants, but who, standing on our shoulders, may see a promised land which embraces the fullness of God’s marvelous creation.

I will close with the words of one of our most eminent ancestors. In his fifty-sixth chapter, the prophet Isaiah turns to the Biblical eunuchs, perhaps the most prominent intersex transgender people in a tradition of many. Isaiah addresses them as follows:

<sup>3</sup>Let not the foreigner say,  
Who has attached themselves to the Almighty,  
“God will keep me apart from God’s people”;  
And let not the eunuch say,  
“I am a withered tree.”  
For thus said the Eternal:  
“As regards the eunuchs who keep my Sabbaths,  
Who have chosen what I desire  
And 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....  
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.”