

## **NONBINARY -- Yom Kippur 5780**

**Rabbi Suzanne Singer**

**One of the most powerful songs in the musical Les Mis is “Who Am I?” sung by Jean Valjean. The poverty-stricken Valjean was given a long prison sentence for stealing a loaf of bread. He manages to escape prison but is pursued relentlessly and unsuccessfully by Police Chief Javert. Years after his escape, Valjean has become prosperous and well-respected. But Javert is still after him. The Police Chief finally arrests a man he thinks is Jean Valjean and is about to send him to prison. The real Valjean is confronted with a major ethical decision: should he allow this look-alike to take the fall, or should he reveal his true identity? As he sings “Who Am I?” he takes his measure as a man. Does he have the moral fiber to face Javert? Or is he a coward, more concerned with preserving his new comfortable life than with saving an innocent man -- and his own soul?**

**Who am I? This is the work we must all engage in during the Days of Awe. Who do we strive to be?**

**At this moment in our society, some of the categories we have relied on to make that determination, categories we assumed were stable and unchangeable, have been upended. Folks with solid middle class lives, for example, have been forced to work for minimum wage as their well-paying jobs have either moved abroad or been automated. “Minority” once meant a person of color. But in the decades ahead, whites will become a minority in this country. Even the category of gender, whether one can be defined as male or female, no longer holds firm. This is all disconcerting, especially for those of us who are older and for whom this new reality can make our heads spin. One example:**

**In June, I attended the UC Davis graduation of one of my nieces. Monique is Nicaraguan through her mother so she participated in a ceremony for those of Hispanic descent. It was called The Annual Chicanx and Latinx Graduation Celebration. For those not familiar with Chicanx or Latinx, the program explained: “The purpose of using ‘x’ in Chicanx/Latinx is to allow for the Chicano, Chicana, Latino, Latina community to be gender expansive --**

**meaning it includes all those who identify and don't identify within the gender spectrum.**

**This can include, but is not limited to, trans and gender-queer folks.” In other words, the x represents people who identify as male, female, gay, transgender, and gender-queer. Transgender means a person born physically male but who identifies as female, or vice-versa. Gender-queer refers to a person who does not subscribe to conventional gender distinctions but identifies with neither, both, or a combination of male and female genders. Another term for gender-queer is non-binary or gender fluid.**

**The whole idea of gender and sexuality is undergoing a massive change as more and more people say “they aren't one or the other but perhaps neither or maybe both.” One 18-year-old high school senior in Kentucky who identifies as gender fluid and uses the pronoun they, rather than he or she, explains:**

**“Some days I feel like my gender could be like what I was assigned at birth, but there are some days when I feel the opposite way.”<sup>1</sup>**

**If this sounds like a fringe phenomenon, nonbinary identity has actually made it into the mainstream. Facebook has some 60 options for a user’s gender identity.**

**There is a nonbinary character played by a nonbinary actor in the Television series, “Billions.” There are a slew of nonbinary models in fashion spreads;**

**Coca Cola even had an ad during the Super Bowl pairing an androgynous face with a gender-neutral pronoun.**

**“There’s a Coke,” says the ad’s voice over, “for he and she and her and me and them”<sup>2</sup> – them being one of the pronouns used by people who identify as non-binary.**

**And, if you apply for a Driver’s License in California, as in a dozen other states, you will have the choice of picking three genders: male, female, or nonbinary.**

**Gender fluidity – where gender is not a stable concept -- seems fairly prevalent among the younger generation.**

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<sup>1</sup> <https://time.com/4703309/gender-sexuality-changing/>

<sup>2</sup> Daniel Bergner, “Neither/Nor,” *New York Times Magazine*, June 9, 2019, pp. 36 ff.

**Now if this is difficult for you to wrap your head around, you are not alone. I have been struggling to understand it myself. I guess my generation is pretty stuck in binaries - male or female. As one young person explains:**

**“Our brains fight fluidity. We like *this* or *that*.**

**Nonbinary presents a lot of challenges.”**

**Even some non-binary people are challenged themselves.**

**Laura Jacobs is a therapist in New York who focuses on LGBT clients. In a New York Times interview, she says:**

**“Think of getting out of the shower and standing in front of a mirror. For most people... it’s easy to see**

**those body parts as belonging to us...Now imagine**

**that the mirror is a little blurry...And let’s say you’re**

**a...[transgender] person who hasn’t yet transitioned**

**[from male to female or female to male].**

**Around the edges of the blurriness ...you can at least**

**imagine the reflection you want. But the nonbinary person**

**may not have an image; even with the help of the foggy**

**mirror, they may not be able to find themselves.”<sup>3</sup>**

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<sup>3</sup> “Neither/Nor,” by Daniel Bergner, *The New York Times Magazine*, June 9, 2019.

**The traditional reading for Yom Kippur is Leviticus 18 which warns us that it is an abomination when a man lies with another man like he lies with a woman.**

**This verse has been used to discriminate against and to persecute gay men and women. It is so offensive to our sensibilities as Reform Jews that we changed the reading to Leviticus 19, the Holiness Code.**

**So we wouldn't expect our tradition to offer options when it comes to those who are gender non-conforming. It turns out that the opposite is true.**

**Take the reading for the High Holy Days that is sometimes substituted for the traditional one: the story of Creation. The Torah says that God created the first human being, the adam or earthling, "male and female God created them." Here is how the midrash – a rabbinic interpretation -- understands this: "When the Holy One, blessed be the One, created the first adam [or human being], [God] created him androgynos."<sup>4</sup>**

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<sup>4</sup> Midrash Rabbah 8:1

**The Talmud engages in a long discussion of the ways in which the *androgynos* is “in some ways equivalent to men, in some ways equivalent to women, in some ways equivalent to both men and women and in some ways equivalent to neither men nor women.”<sup>5</sup>**

**Elliot Kukla, a transgender rabbi, notes further that, “The rabbis of the Mishna who lived in the first two centuries of the Common Era, [actually] identify at least four possible genders/sexes: “the ‘*zakhar*’ (male) and the ‘*nekevah*’ (female), as well as two sexes that are neither male nor female, called the ‘*tumtum*’ and the ‘*androgynos*.’ They also had two other categories for gender identity that don’t appear at birth, but develop later in life. The ‘*saris*’ is born male but later develops female traits; the ‘*aylonit*’ is born female, but later develops male traits.” According to Kukla, “All these genders appear frequently in classical Jewish texts -- the *tumtum* appears 119 times in the Babylonian Talmud alone!”<sup>6</sup>**

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<sup>5</sup> Mishna Bikkurim 4: 1

<sup>6</sup> Terms for Gender Diversity in Classical Jewish Texts, by Rabbi Elliot Kukla, ©TransTorah and Rabbi Elliot Kukla, 2006

**Perhaps even more amazing, Kukla notes that, “In the Babylonian Talmud<sup>7</sup> the radical claim is made that the first Jews, Abraham and Sarah, were actually *tumtumim* who later transitioned genders to become male and female. [So a]ccording to some of the most influential texts of our tradition, the first human being and the first Jews were gender-variant people!”<sup>8</sup>**

**This may seem to contradict the clear fixation the rabbis had with categorizing everything, establishing what can or cannot be eaten, forbidding mixtures such as wool and linen, distinguishing between Jews and non-Jews; Shabbat and the days of the week; purity and impurity. But the rabbis were also fascinated with the liminal – the times and places that are in between. They realized that not all of God’s creation can be categorized. Says Kukla: “It was the parts of the universe that defied binaries that interested the rabbis of the Mishna and the Talmud the most.**

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<sup>7</sup> Yevamot 64a

<sup>8</sup> A Created Being of Its Own: Toward a Jewish Liberation Theology for Men, Women and Everyone Else by Rabbi Elliot Kukla, TransTorah



**Pages and pages of sacred texts are occupied with the minute details of the moment between fruit and bud, wildness and domestication, innocence and maturity, the twilight hour between day and night.”<sup>9</sup>**

**Twilight is a time of great power for the rabbis, as well as a time when people are vulnerable to the forces of evil. So it is potentially a dangerous time. But surprisingly, as transgender activist Rabbi Reuben Zellman points out: “[The rabbis] concluded that these times that are in-between and indefinable are when our prayers are most likely to be heard.<sup>10</sup> The place in the middle that made them afraid was also for them the place where miracles were most likely, where divine forces rise, where transformation is most possible...It is exceptionally holy. This approach to intermediate time is also, in many instances, Judaism’s approach to intermediate space...[The] wilderness is where the majority of our Torah takes place.”<sup>11</sup> It is, of course, in the wilderness, that the Torah is revealed. Zellman notes further that,**

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<sup>9</sup> Shabbat 34b

<sup>10</sup> 2 M. Avot 2:13; BT Brachot 29b

<sup>11</sup> The Holiness of Twilight, sermon by Rabbi Reuben Zellman, 2006, delivered at Congregation Sha’ar Zahav, SF, RH 5767

**“our people were named *ivrim*, Hebrews, from the root *avar* – ‘to cross.’ At our essence, Jews are a people who cross over borders that previously seemed impossible.”<sup>12</sup>**

**Zellman concludes: “Twilight cannot be defined; it can only be sanctified and appreciated.**

**People can’t always be defined; they can only be seen and respected, and their lives made holy. This Jewish approach allows for genders beyond male and female.**

**It opens space in society. And it protects those who live in the places in between.”<sup>13</sup>**

**As I said earlier, this is not easy for me and it may not be for you. But let this not be an obstacle to our recognizing the humanity and divine spark in each and every one of us. As Jordan Dashow, a former legislative assistant at the Religious Action Center, says: “Let us not just hope for a world where society accepts the existence of multiple genders and sexes as our rabbinic ancestors did; let us *strive to create that world* and ensure that all people-- regardless of sex or gender identity-- are treated equally both in society and under the law.**

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<sup>12</sup> The Holiness of Twilight, by Reuben Zellman, 2006, TRansTorah

<sup>13</sup> BT Shabbat 34b, trans. William G. Braude in The Holiness of Twilight, by Reuben Zellman, 2006, TRansTorah

**Further, to quote Rabbi Rachel Timoner, “If gender identity, something that was once so obvious and binary [i.e., male and female], is now an open question, what else are we taking for granted, are we oblivious to, do we erroneously consider complete?...What possibilities have we neglected or shut off into binaries...?”**

**This New Year, let us take seriously what the younger generation is introducing us to. Let us not get overly stuck in our old categories. We might discover a whole new world.**

**Song: We Are All Welcome Here**

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