

Parashat Emor: We Must Do Better: Responding to Transgender Individuals
Rabbi Neil S. Cooper
May 21, 2016

I would like to begin this morning by turning our attention to a passage in this morning's Torah reading which, I suspect, you will find as disconcerting as I do. Please turn to page 719, Lev. 21:16 ff.

At the beginning of *Parashat Emor*, the Torah focuses on the *Kohanim*, the Priestly caste among the Jewish People, whose responsibility it was to offer the sacrifices in the ancient Temple. A religion based on the rituals of animal and grain sacrifices, the ancient biblical religion, was very different from the Judaism which evolved from it and with which we are familiar. At that time, prayer, spoken prayer, was not the medium by which one addressed and "got closer" to God. Sacrifice was the way. In fact, the Hebrew word "sacrifice"/*korban* means "to come close." Sacrifices provided the vehicle for proximity to God.

And so, the *parasha* discusses the qualities and qualifications of the priests, only men, those who would facilitate and perform the rituals. But the Torah is not concerned only with training, with intent and skill. The *Kohanim*, we are told, were required to meet certain physical requirements (v. 16):

No man...who has a defect shall be qualified (as a priest) to make an offering. No man who is blind or lame or has a limb too short or too long (is qualified). Neither shall a man who is a hunchback or has a broken leg or broken arm, a dwarf or one who has a growth in his eye...

To our modern sensibilities, this discriminatory position, disqualifying a person from serving God, from fulfilling his sacred responsibility as a result of a congenital deformity or an injury, through no fault of his own, seems grossly unfair. Indeed, these disqualifying characteristics became a sources of discomfort and embarrassment to later scholars and serious readers of the Torah.

Maimonides, the great scholar of the 12th century, for example, was a physician by profession, a Jewish scholar and a great philosopher. As he tries to explain this passage, one has a sense, that he, too, is quite bothered by this passage. Commenting on the disqualifying characteristics imposed on the priesthood, Maimonides observes:

It may well be that this reflected a common prejudice of associating one's **character** with his **outer appearance** and the necessity of the priest to inspire feelings of reverence and holiness in the people...Most people do not estimate a person by his **true form**, but by his limbs and his clothing. ([Guide to the Perplexed](#) 3:45)

Without saying so, in explaining this passage from the Torah, Maimonides seems to suggest that this law is there for the sake of those who are superficial, who judge others by outer qualities, not by the essence of that person's deeper self. And Maimonides is not the only one to feel that way. That is what Martin Luther King, 850 years after Maimonides, proclaimed when he spoke on behalf of civil rights when he spoke in Washington DC before the throngs, gathered in Washington DC on August 28, 1963:

Judge not a person by the color of his skin but by the content of his character.

What Maimonides intimated, already in the medieval times, what Martin Luther King proclaimed to all Americans when he spoke, was we still have not learned. **We must do better than this. We are better than this.**

We have an obligation to look deeper at our fellow person, to consider the inner beauty of all creatures. One may not be outwardly beautiful, one may not appear to be in physical conformity to some arbitrary ideal, one's appearance may not conform to society's "preferences," but today, we must be better than that. Our age requires of us greater sophistication and understanding. We must be able to look deeper, in a more discerning and more compassionate way.

Our ancient ancestors, who were ignorant of medicine and science, did not understand anomalies of nature. They believed that those who were stricken by disease, functioned with deficits or were hindered by a deformity were being punished by God. After all, how could God have allowed this to occur? How could this not be a punishment, a curse? That rather primitive view was prevalent in ancient times. But, sad to say, that ancient, anachronistic and hurtful theology seems to serve many people, even today.

There are people today who still view mutations and differences as punishments as evidence that God's word is not being followed. For some it is theology. For others it may be simply fear of that which is different. But whatever the motivation, those whose appearances and identities do not conform to the standards and categories that make us comfortable, are subjected to ridicule, condemnation and violence. Some seem intent, even self-righteous, as they inflict further pain and insult upon those who are different, rather than confronting their own fears and prejudices. And all of this has been laid bare for all to see, in its ugliness and in its discriminatory nature, in some responses, in West Virginia and elsewhere, to those who are transgender.

The condemnation in certain religious communities, directed at those who are transgender, carry its adherents back to times when differences were not understood, when those who were different would be penalized, shunned, discriminated against and ostracized. Today we have the benefits of science and medicine to inform us that those who do not conform to our notions of what is normal are **not** renegades or revolutionaries intent on changing others. Those, to cite a different context, whose sexual orientation draws them toward others of the same, rather than the opposite sex, are not **choosing** a position in order to be contrary. Those who are gay or lesbian can legitimately say:

This is not a choice I have made. This is who I am: *kach nivrait*. This is how I was created.

A person who is deaf or blind is guilty of no sin. That is how they were created:

Kach Nitreiti: If you don't like how I was made take it up with God!

It seems to me that these cases are not much different from those cases in which a man or a woman who has been born into the wrong body. That is what a person who is transgender must contend with: to dwell in a body which is opposite their own identity. We cannot imagine what such a realization must be like: to realize that your body does not reflect who you are inside. My sense is that it is more difficult

than anyone who has not faced this dilemma personally can imagine. But my concern today is not simply how a person who is transgender feels. My concern is how the rest of us respond.

Maimonides said of the people who lived at his time that:

Their prejudice was to associate one's character with one's outer appearance. Most people do not estimate a person by his/her true form but by their limbs and their clothing.

In this observation, expressed 900 years ago, Maimonides' implicit criticism is felt. Maimonides knew that view was unfortunate and shallow. I believe this shallow view embarrassed him. And here we are now, 900 later, in the most sophisticated and highly educated society in the world, and we still have not figured out how to respond properly to those whose appearance may not match their deeper, true identity.

A question was once asked about the creation of humanity: Why did God create the world with only one male and one female rather than fully populated. The answer, found in the Talmud (*Mishnah Sanhedrin* 4:5) is provided by way of beautiful analogy:

Humanity began with a single person in order to show God's greatness. While a person may stamp many coins from a single die, and they are all alike, the King of Kings has stamped every person individually and yet none of them is alike.

Every person is created in God's image. Yet every person is different, both inside and out. Those who do not conform to **our** prejudices and expectations are in God's image no less than those who meet our preconceived physical standards. Each person must know that he/she is created *b'tzelem Elohim* / in God's image. Each person must say, not with resignation but with pride, *kach nivreiti*/ this is how God made me. And who are we to say that one of God's creations is more worthy, closer to God, dearer to God, than another?

Classical Jewish literature, going back more than 2,000 years contains frequent references to people who did not fit into existing categories, such as those who are androgynous or hermaphroditic. These are not new phenomenon. And yet, the uproar this issue is causing might lead one to think that what we are dealing with is akin to confronting an alien who has just landed on earth: How shall we confront this strange, new situation? Is it dangerous? Contagious?

Whether or not one is familiar with the occurrence of transgenderism, why is not our first response one of acceptance, of compassion or of support? Why are we not able to address this issue, as individuals and as a country, from the Jewish perspective of *kavod ha-briot*: The religious value of showing honor and respect for every person? Has not the great teacher Hillel taught us that the essence of Torah, while standing on one foot, is simply: Don't do to others what you would not want others to do to you? For this country to be embroiled in law suits and demonstrations over bathroom use says nothing about those who are transgender. This says something about us. And we must do better.

Our true "humanity," in the best and fullest sense of that word, is not measured by our outer appearance. Our identity, who we are, is revealed in the acts of kindness we perform, in the compassion we display, and by the hand that we extend to those who struggle.

Our world's history has been stained many times by those who denigrate, denounce and even attack others based on their appearance. This, of course, touches a central issue of all civil rights. Jews understand this better than most. We, therefore, must be the ones to protect those who are viewed as different from this sort of prejudice. I am proud of the Rabbinical Assembly which, this week at our international convention, will announce the unopposed passage of a resolution calling attention to the rights and protection of transgender individuals.

There is a *Bracha* we recite when we see someone who is different, unusual or even, what some might consider, ugly or strange in appearance: *Baruch Ata...Mishaneh et HaBriot*.

This *bracha* is not recited for the sake of the person we see. We say this blessings for ourselves, to remind ourselves that this person we have seen, so different from what we normally see, was created this way by a God who blesses the world with diversity. No two people are the same.

The question which we must answer today as a society is not "which bathroom should such person use?" I expect that we can figure that out. The question is: Are we able to look beyond externalities, as a transgender person must do in every waking hour of every day, and treat other people, all people, in the compassionate, kind and generous way we are expected to act? Over the past few weeks, this issue, to my mind, has exposed before all Americans some of the shallowest, and most hurtful behaviors we have seen. It is time for the rest of us to say no to that shallowness and cruelty. It is time for all of us in this country in general, and for the Jewish Community in particular, to do better.