



DVAR TZEDEK

Parashat Ki Tetze 5772

By Sigal Samuel
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Parashat Ki Tetze contains 74 interesting and illuminating commandments—including one that, at first glance, gets my hackles up: “A man’s apparel should not be on a woman, and a man should not wear a woman’s clothing, for whoever does these things is an abomination before Adonai your God.”¹ For many of us—and especially for those of us who identify as transgender or gender non-conforming—this apparent prohibition against cross-dressing feels problematic. Why should wearing clothes that are not “gender-appropriate” earn the harsh title of abomination?

The ancient rabbis—who, apparently, were equally perplexed by this verse—offered a surprising interpretation of it, one that provides an opportunity to reflect on differing expressions of gender identity within our communities and around the world. Interestingly, the Babylonian Talmud does not read the verse as a simple ban on cross-dressing. Instead, it explains that the law prohibits cross-dressing for the purpose of falsifying one’s identity and infiltrating spaces reserved for the opposite gender.² Similarly, Rashi, the celebrated medieval commentator, explains that the law forbids people from dressing like and associating with a group of the opposite gender for the purpose of adultery.³ Following this same logic, the Shulchan Aruch teaches that men and women are permitted to cross-dress on Purim, since it is for the purpose of *simcha*—joy or merrymaking—not illicit activity.⁴

According to rabbinic interpretation, then, this law is not about preventing people from wearing clothes traditionally associated with another gender. It is about preventing deception—the veiling of our true identities—and the harmful results of gaining access to restricted spaces by means of that deception. Read in this light, the verse urges us to ensure that we create spaces that are safe, appropriate and consensual for everyone. Pushing the rabbis’ concerns about deception even further, I would suggest that when we use clothing (or other visible markers) to *reveal* our true identities—what we believe to be our authentic innermost selves—we achieve something that is not only permissible, but ideal.

Unfortunately, those who reveal their true identities in ways that subvert traditional gender norms often face a great deal of discrimination. For many transgender and gender non-conforming people across the globe, particularly in developing countries, this translates into crippling social and economic hardship. India, for example, is home to approximately one million transgender people. Because the majority of them are denied access to job, education and housing opportunities, they are forced to inhabit slums and engage in sex work to survive. Since many are HIV-positive, members of the transgender community are typecast as “high risk,” a classification that serves to justify their restricted access to health services and social welfare, which further entrenches the bias against them.⁵

¹ Deuteronomy 22:5.

² Babylonian Talmud, Nazir 59a.

³ Rashi on Deuteronomy 22:5.

⁴ Shulchan Aruch, Orach Chayim 696:8.

⁵ “Hijras/Transgender Women in India: HIV, Human Rights and Social Exclusion,” *United Nations Development Programme*, December 2010. http://www.undp.org/content/dam/india/docs/hijras_transgender_in_india_hiv_human_rights_and_social_exclusion.pdf

Hijras—physiological males who adopt a feminine gender identity—constitute a conspicuous segment of the Indian transgender population. Neither fully male nor fully female according to traditional gender norms, they are regarded with a mixture of deference and disdain. On the one hand, their special status earns them a place at weddings and birth ceremonies, where they are asked to bestow blessings for good luck and fertility. Most of the time, however, they are relegated to the margins of Indian society, where they endure extreme poverty, discriminatory treatment and police brutality.⁶ Like many transgender populations the world over, they pay a high price for failing to fit into traditional male and female gender categories.

Yet transgender populations across the globe are also making important social gains. This past May, for instance, Burma celebrated its very first International Day Against Homophobia and Transphobia. Over 400 people attended the inaugural rally for LGBT rights, which was held in a social hall in the Burmese capital of Rangoon. One of the participants, a 106-year-old transgender woman named U Kyaw, was almost in tears as she told the audience how gratified she was to see this event take place in what had long been a conservative and repressive country.⁷

Reflecting on U Kyaw's experience deepens my appreciation for the Shulchan Aruch's claim that subverting gender norms is permissible when it is done for the purpose of *simcha*. I can think of no greater joy than the joy that comes from having our authentic selves recognized and validated. When I consider U Kyaw's life, I am overwhelmed with respect for the endurance she has displayed, and saddened that she had to wait an entire century to enjoy the fundamental *simcha* of being recognized for who she is. Let's not let our brothers and sisters around the world wait that long. Instead, let us seize the opportunity provided by this week's *parashah* to reflect on the myriad forms gender expression can take, and to celebrate those incredibly satisfying moments when our outward appearances reveal our true authentic selves.



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⁶ "Police Violence Against Activists in Bangalore on October 20, 2008," *Human Rights Watch*, 28 October 2008.

<http://www.unhcr.org/refworld/docid/490ac3f12.html>

⁷ Anna Leach, "106-year-old Transgender Woman Speaks at Burma's First IDAHO," *Gay Star News*, 18 May 2012.

<http://www.gaystarnews.com/article/106-year-old-transgender-woman-speaks-burma%E2%80%99s-first-idaho180512>

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