

## To Wear Is Human: Parshat Ki Teitze

by Rabbi Elliot Kukla and Reuben Zellman, 2006

For all those who have ever struggled with how to discipline children's bad behavior, this week's parsha, *Ki-Teitze*, offers an easy answer: stone them to death! (Deut. 21:21)

Thankfully, Jews have recognized for over a thousand years that this is an unacceptable solution to a common problem. In fact, we learn in the Talmud (Sanhedrin 71a) that this apparent commandment of the Torah was never once carried out. Our Sages refused to understand this verse literally, as it conflicted with their understanding of the holiness of each and every human life.

With this scenario in mind, let us look at another verse in our parsha: "A man's clothes should not be on a woman, and a man should not wear the apparel of a woman; for anyone who does these things, it is an abomination before God." (Deut. 22:5) Just as classical Jewish scholars reinterpreted the commandment to stone to death rebellious children, they also read our portion's apparent ban on "cross-dressing" to yield a much narrower prohibition.

The great medieval commentator Rashi explains that this verse is not simply forbidding wearing the clothes of the "opposite gender." Rashi writes that such dress is prohibited only when it will lead to adultery. Maimonides, a 12<sup>th</sup> century codifier of Jewish law, claims that this verse is actually intended to prohibit cross-dressing for the purposes of idol worship. (Sefer haMitzvot, Lo Taaseh 39-40) In other words, according to the classical scholars of our tradition, wearing clothes of "the wrong gender" is proscribed only when it is for the express purpose of causing harm to our relationship with our loved ones or with God. The prohibition that we learn from this verse is very specific: we must not misrepresent our true gender in order to cause harm. Otherwise, wearing clothing of another gender is not prohibited. The Talmud puts it most succinctly: *v'ein kan toevah* – "there is no abomination here." (Babylonian Talmud, Nazir 59a-b)

So, what does this verse mean for us today? In order to understand it in our own context, we need to examine two questions: What does it mean to wear clothing of a gender we are not? And, what does it mean to cause harm?

Many people feel like their true gender is not (or is not only) the gender that was assigned to them at birth. The Torah is asking us not to misrepresent our gender, which we can understand as using external garments to conceal our inner selves. Unfortunately, many transgender and

genderqueer people today feel forced to hide in exactly this way. In our society the penalty for expressing the fullness of a gender-variant identity is often severe and can include verbal, sexual, and physical abuse, employment discrimination, an inability to access education and health care and, sometimes, murder.

Gender rigidity does not just impact transgender and genderqueer people. It also harms the eight year-old boy who was suspended from school for wearing his ballet tutu to class in upstate New York, the flight attendant in Atlanta who is currently suing her employer for firing her because of her refusal to wear make-up, and the butch lesbian who was shouted at and harassed in a “women’s” restroom in a synagogue in Los Angeles. Much of this mistreatment comes from those who insist that wearing the clothes of the “other gender” is wrong “because it says so in the Bible.”

Classical Jewish scholars do not accept such a justification for narrow-mindedness. Neither should we. Rather, we can flip mainstream understandings of our verse on their head and understand it as a positive *mitzvah*, a sacred obligation to present the fullness of our gender as authentically as possible. Unfortunately, not everyone is able to fulfill this *mitzvah* without endangering their life or livelihood, and the protection of human life always comes first in Judaism. However, the Torah wants us to be true to ourselves.

Next, we come to the second part of our prohibition: that we must not cover up our gender in order to cause harm. Transgender and genderqueer people who hide under the clothing of the gender they were assigned – rather than expressing themselves as they really are – suffer terrible harm. Rates of depression, suicide, and destructive self-medication are astronomical.

Each and every soul is created in the multifaceted image of the Creator. When we try to conceal that uniqueness, we cause ourselves pain. And when we ask others to obscure themselves we cause them harm. The great majority of our *parsha* is concerned with the minute details of preventing harm. The lines before our verse, teach that if we see that someone’s donkey has fallen down, we are required to help that person lift the animal up. The verse immediately following, instructs us never to hurt a mother bird as we are collecting her eggs. And the very next verse commands us to build a guardrail around the roof of our houses, to prevent anyone from falling off. The verse about what to wear is nestled amongst *mitzvot* that guide us towards exquisite levels of empathy and gentleness towards all of creation.

As our Sages realized, a sacred tradition that command us not to cause pain to a single mother bird, must not be asking us to stone to death small children or conceal our true gender. Jewish tradition asks us to safeguard each unique being created in the image of God, by preventing harm. When we cover up our true souls and muffle our divine reflection under clothes that feel “wrong”, we are harming God’s creation. This is what our Torah prohibits!