

March 25, 2009

Dear Jewish Community Leaders,

We are writing to update you on our recent actions taken to increasingly support transgender and gender variant people in the Bay Area Jewish community. If you are reading this, you may have participated in one of our information gathering sessions over the past year, have shown leadership within the LGBT Jewish community or you are a part of an LGBT Alliance leadership, outreach or planning and advisory group or committee. In any case we want to report what we feel is amazing progress!

WE HAVE A NAME: *We are Kol Tzedek!*

Members of the leadership team of Kol Tzedek are affiliated with Bay Area Jewish organizations, including the LGBT Alliance of the Jewish Community Federation, Jewish Mosaic: The National Center for Sexual & Gender Diversity, Congregation Sha'ar Zahav, and Progressive Jewish Alliance. We have two focus areas that drive our agenda: marriage equality and inclusion of transgender and gender variant people. If you are interested in a report of our progress on marriage equality, please visit our website at: <http://www.koltzedek.info/>

WE COMPILED A REPORT: *The report is here!*

Over the past year, we met with a plethora of community members and rabbinic leaders to informally explore how transgender and gender variant people currently interact, or not interact, with the organized Jewish community. We compiled a report based on our anecdotal evidence and shared experiences of the perceived organizational, social and ritual needs of transgender and gender variant persons, and our wish to understand and serve this community's needs better.

Our objective was to collect enough initial information to compile a brief report to present to the new CEO of the Jewish Community Federation of San Francisco, the Peninsula, Marin and Sonoma Counties (SFJCF), Daniel Sokatch. We had a very successful meeting in which we presented the report and had an enthusiastic and receptive conversation.

WE NEED YOUR IDEAS: a *Trans committee is forming!*

Out of our meeting with SF JCF, Kol Tzedek asked the LGBT Alliance to host a subcommittee dedicated to the task of increased Trans inclusion in the organized Jewish community. Kol Tzedek will of course retain its autonomy, and will provide guidance and consulting to the subcommittee as it forms around this new objective. We are looking for people to serve on this subcommittee. If you know of trans or gender variant persons, partners or parents of trans people in your organization or community of friends, please consider recommending them to us as potential members of this new and influential organizing committee.

Thank you for your time and your support. We value your questions and feedback and will continue to keep you apprised as we work towards change, justice and LGBT rights.

Thank you,

***Rachel Biale
Ruby Cymrot-Wu***

***Noach Dzmura
Karen Erlichman***

***Lisa Finkelstein
Rebecca Weiner***

GENDER VARIANT PEOPLE IN THE BAY AREA JEWISH COMMUNITY

A Report of Recommendations from Kol Tzedek
*Kol Tzedek is a San Francisco Bay Area coalition of Jewish organizations¹
working as a catalyst for justice and LGBT rights*

¹ Kol Tzedek member organizations contributing to this report are Congregation Sha'ar Zahav, Jewish Mosaic: The National Center for Sexual & Gender Diversity, Progressive Jewish Alliance and the LGBT Alliance of the Jewish Community Federation of San Francisco, the Peninsula, Marin and Sonoma Counties in direct partnership with the LGBT Alliance of the Jewish Community Federation of the Greater East Bay. Jewish Community Relations Council (JCRC) of San Francisco, the Peninsula, Marin, Sonoma, Alameda and Contra Costa Counties and Be'chol Lashon (In Every Tongue) joined Kol Tzedek as member organizations in April 2009.

THREE SELECTED VIGNETTES: *Jewish Gender-Variant Lives*

Since my transition, I have repeatedly tried to access Orthodox space to be able to engage as a Jew in the community and tradition in which I was raised. One Rabbi stated that in his shul, he did not feel that I could sit on either the women's side or the men's side of the mechitza. He also did not feel that his congregants would be comfortable with constructing a third section to seat me. This led me to wonder if Adam, the first person, who was created possessing both male and female sex characteristics, would be accepted into today's synagogues and communities. I recently found a progressive Orthodox shul in my home town where the Rabbi is supportive. I have attended a couple of times and it's hard to describe how wonderful it is to be able to have a safe and welcoming space where I can engage as a Jew. It is also so heartening to find people who are supportive and accepting and who realize that although my gender has changed, I am still the same person they knew and loved.

–Nicole Nussbaum

Coming to terms with our child's gender identity has been a challenging, though ultimately amazing journey. In watching our anatomically male child transition into a confident, creative young girl, we have been given a parent's ultimate gift: to follow your child down her path of authentic self-discovery. Though nothing prepared us for grappling with this experience, the process has left us stronger as a family and closer than ever as co-parents. Knowing there are many challenges ahead, we nonetheless would not change a thing about the last seven years raising our daughter.

–Bay Area Parents

A brain tumor, surgery and 33 radiation treatments later, I finished the conversion process. Now officially Jewish, I could finally get my Jewish burial! Or could I? If I was going to die, I wanted to die *real*. Burial, it turns out, is gendered. What now?

–Phoenix Wisebone²

² Excerpted from forthcoming anthology on transgender Jews, permission granted by Wisebone and the Anthology editor to excerpt for this purpose only.

Executive Summary

In this report, Kol Tzedek recommends that the Jewish Community Federation (JCF) of San Francisco, the Peninsula, Marin and Sonoma Counties in working with the Jewish Community Federation of the Greater East Bay (JFED) address the needs of gender variant Jews, a small but growing, struggling and threatened population of Jews in the Greater San Francisco Bay Area. Many members of this population are eager to increase their participation in Jewish communal life and organizations, and would happily attend, contribute, and participate in the life of our community, our synagogues and secular communal organizations. However, the strength of gender norms and our community's discomfort with the violation of those norms has frequently hindered transgender people from taking the first step toward participating in the life of the community.

Kol Tzedek asks the Board of Directors of the JCF to take the lead by supporting the establishment of a task force or working group to identify members of this population, to engage them in shaping the Jewish community's agenda, vision and allocation of resources, and to educate the Jewish community and its organizations about this population, in order to achieve the Jewish ethical standard of social justice and equality for all. In addition, we invite the JCF and the entire Jewish community to prioritize safety and dignity for transgender people, to recognize and celebrate them as full participants in Jewish organizations, and to assist them in developing ever more productive Jewish communal lives.

What this report does:

- This report identifies the difference between sexual orientation and gender variance, so that the JCF board and membership might come to understand that these separate issues require entirely different approaches and management strategies.
- The report illustrates some of what may happen when people who do not fit into the traditional male and female gender binary paradigm interact with Jewish communal organizations and demonstrates that issues relevant to inclusion emerge at every age and life stage.
- Finally, with both confidence and humility, we offer this report to inspire similar initiatives elsewhere in the United States, within and outside the Jewish community.

We encourage the JCF to act upon this critical social justice issue immediately and in a sustained way, until we create a welcoming and equitable community for all Jews.

Background

How this Report came about...

This report grew out of a series of informal meetings³ in 2008 with individual Bay Area transgender activists, rabbis, and Jewish communal leaders, led by Kol Tzedek members⁴. In a series of conversations we elicited information about the following:

1. Current levels of awareness of transgender needs and issues
2. Organizations' and synagogues' experience with requests for inclusion and services
3. Actual thought given and services offered by institutions in our community to become transgender welcoming/inclusive environments
4. Participants' views of where the greatest challenges lie for the Jewish community in addressing these issues

³ Please see Appendix E for attendees of these community meetings.

⁴ Please see Appendix D for Kol Tzedek members

Overview

Bay Area Jewish Community History: LGBT Issues

The Jewish community has been engaged with the issue of gay and lesbian inclusion for well over 30 years and has made great strides towards increased inclusion. The Greater San Francisco Bay Area Jewish Community established itself as a cutting edge community with the establishment of Congregation Sha'ar Zahav in 1977, and the establishment of the Lesbian and Gay Alliance⁵ at the Jewish Community Federation of San Francisco, the Peninsula, Marin and Sonoma Counties in 1996. At that time there was very little understanding of transgender people within the Jewish community or within the lesbian and gay civil rights movements. Despite the fact that the Stonewall riots of 1969, the events that mark the birth of the LGBT movement, were led by transsexual and gender variant people. Grassroots efforts for transgender visibility and empowerment have been led by Jewish activists. Kate Bornstein⁶ and Leslie Feinberg⁷ are two renowned Jewish examples of Transgender and Gender Variant Jewish activists. The current emerging awareness of transgender and genderqueer identity calls on our community to take the lead again, with the same kind of vision and daring.

Scope of the Report

Transgender Identity: Beyond the Binary

Addressing and accepting transgender identity requires changing the traditional binary “boy-girl, man-woman” categories most of us have been raised with, as well as the associated public expressions and manifestations (e.g., men’s room; women’s room). A more contemporary, useful framework is to recognize a *continuum* of gender expression that reflects a variety of gender identities, include among other terms:

- **MTF**⁸, an acronym for “Male to Female”
- **FTM**⁹, an acronym for “Female to Male”
- **Transgender** or **Trans**, an inclusive umbrella term that encompasses MTF and FTM persons as well as gender variant people for whom surgery and/or hormones were or are not an option
- **Transsexual**, an umbrella term for people who live out their lives in a gender different than the one they were assigned at birth
- **genderqueer**, a person whose gender presentation might change from day to day or situation to situation

For the sake of general comprehension and clarity, we use the term “transgender” in this report in its broadest implications (using “trans” to mean “beyond” rather than “cross to the other side”) to include all gender variant people. Please refer to Appendix A for a glossary of terms used in this report.

⁵ The Lesbian and Gay Alliance changed its name to be more inclusive in 2003 to be the LGBT Alliance.

⁶ Kate Bornstein is an author, playwright and performance artist: www.katebornstein.com

⁷ Leslie Feinberg is a transgender activist, speaker, and author: www.transgenderwarrior.org

⁸ MTF (an acronym for “Male to Female”) refers to people assigned male at birth who transition to female

⁹ FTM (an acronym for “Female to Male”) refers to persons designated female at birth who transition to male

A Critical Distinction: Transgender does not mean Gay

The distinction between sexual orientation and gender expression merits further explanation:

- Sexual orientation or sexual preference describes a person's attraction to or affection for others.
- Gender expression refers to a person's choice to follow or disregard social norms for their assigned gender.

A person who is gender variant may identify as heterosexual, queer, bisexual, gay, straight, lesbian or homosexual. The previous sentence indicates that sexual preference and gender presentation are distinct from one another, and yet may also be related in complex ways.

Transgender Jewish Inclusion: Impact

Opportunities and challenges for transgender inclusion occur for individuals, families and for the Jewish community at every stage of life. One way to think about it is along the life stages and life cycle events which mark Jewish life: birth, childhood, Bar/Bat Mitzvah, young adulthood and leaving home, marriage, childbirth and adoption, aging and death.

These life cycle moments become visible through communal institutions, public religious life and rituals, programs and services, and will manifest along a variety of vectors:

- Communal education institutions and programs
- Religious life (organized in synagogue and individualized/alternative)
- Ritual practices
- Social service programs and economic support service
- Cultural programs
- Community engagement and outreach programs (e.g. Jewish Gateways¹⁰ and the Interfaith Connection¹¹ at the San Francisco Jewish Community Center)
- Advocacy, social justice activism and community organizing (e.g. Jewish Community Relations Council¹²)

¹⁰ Jewish Gateways welcomes wandering or wondering Jews and non-Jews, singles, couples, and families, those in interfaith and multiracial relationships, Jews-by-Choice, adult children of interfaith families, members of the LGBT community, and people of color. They are ready to help you explore Jewish choices and discover those that work for you. www.jewishgateways.org

¹¹ The Interfaith Connection is a program that provides support and community building opportunities for interfaith/intercultural couples and families where one of the partners is Jewish. It is a safe place where you can begin or continue the process of exploring the religious and cultural differences & similarities of you and your partner. http://www.jccsf.org/content_main.aspx?catid=208

¹² Jewish Community Relations Council (JCRC) of San Francisco, the Peninsula, Marin, Sonoma, Alameda and Contra Costa Counties works as a bridge building consensus organization, JCRC works collaboratively across communities on issues of universal concern. www.jcrc.org/socialaction_coalitions.htm

Recommendations & Call to Action

We respectfully request that JCF create a planning committee, task force, or a working group to explore these issues and achieve specific outcomes to further transgender inclusion in the Jewish community. These suggested outcomes include, but are not limited to:

- Creating a transgender lay-leadership cohort to work closely with the JCF committee/task force/working group and shape the exploration and planning of desired outcomes
- Trans-accessibility audits of all Jewish institutions (print and web materials, physical plant, videotape some walkthroughs of Jewish organizations) to create materials for improving accessibility and inclusiveness
- Creating a Resource Center with training/educational materials and consultation for Jewish organizations.
- Developing direct service programs and projects that enhance inclusion and empower transgender people within Jewish institutions (*Transgender Economic Empower Initiative*¹³ (TEEI) as an example)
- Outreach to unaffiliated transgender Jews
- Inclusion of transgender outreach to interfaith families and conversion efforts
- Formal and informal education and professional development on transgender issues and community inclusion across the Jewish organizational structure
- Public relations campaign within the Jewish community using varied media
- Diverse community forums and salons addressing trans inclusion within and outside of the Jewish community
- Create safe spaces, both physical and virtual, for exploring and articulating a uniquely Jewish trans/gender ethic and experience
- Create age-appropriate trans-inclusive educational curricula for Jewish educational settings
- Acknowledging National Transgender Day of Remembrance as an organizing moment on the calendar, and encouraging congregations and Jewish organizations to publicly commemorate the date

Leadership/Key Players

The work of this committee or task force will fall under the purview of the LGBT Alliance of the Jewish Community Federation of San Francisco, the Peninsula, Marin and Sonoma Counties in partnership with Kol Tzedek. The effort should be led and significantly populated by transgender Lay Leaders; the vision and commitment that informs the committee's work must be fully embraced by the highest level of JCF staff and lay leadership.

¹³ TEEI is a unique collaborative program designed to help transgender individuals find stable jobs that provide a living wage, benefits, and opportunities for advancement. www.teeisf.org

Conclusion

We began this work in early 2008. This was long before several powerful waves of historic change engulfed our community. The California Supreme Court ruling allowing same-sex marriage occurred in May 2008 and the unfortunate passing in November 2008 of Proposition 8. Additionally, the economic crisis impacted this community in 2008. We understand that our community is working hard just to maintain critical services and programs in the face of dramatic economic losses and may impact the ability to take on new initiatives.

But closer reflection leads to the opposite conclusion. Now, more than ever, we must focus attention and energy on our transgender community for it is already the most economically threatened segment of our community and now the most vulnerable to financial catastrophe.

It is in a time of crisis and great need that our moral fiber as Jews is most visibly tested. Speaking about and acting with and on behalf of those most marginalized in our community is precisely what this hour and this report calls for. A focus on empowering, including and embracing transgender people in our community will serve as an inspiration. With the intent to set an example of change for those Jews who are marginally connected yet have negotiated identities based on gender, race, sexual orientation and/or class we wrote this report. With the intent to inspire action and impact change: we wrote this report. Thank you.

Supporting documents attached:

- **Appendix A:** Glossary of terms. Sources: Ohio State's Gay, Lesbian, Bisexual, and Transgender Student Services, 4th floor, Ohio Union, 1739 North High St., Columbus, OH 43210 614-688-8449, gltss@osu.edu, <http://multiculturalcenter.osu.edu/gltss>; Intersex Society of America; <http://www.isna.org/>; University of Arizona's SafeZONE; <http://safezone.arizona.edu/index.html> From: Carroll, Lynne, Gilroy, Paula J., Ryan, Jo (2002). *Counseling Transgendered, Transsexual, and Gender-Variant Clients*. Journal of Counseling & Development, Vol. 80, Issue 2.
- **Appendix B:** *New Website Provides Ark of Services to Trans Jews* by Stacey Palevsky, staff writer, J Weekly 1.23.09 http://www.jewishsf.com/content/2-0-/module/displaystory/story_id/36913/format/html/displaystory.html Copyright J, the Jewish news weekly of Northern California
- **Appendix C:** *Transgender Jews Now Out of Closet, Seeking Communal Recognition* By Rebecca Spence, writer, Forward. 12.31.08. <http://www.forward.com/articles/14854/>
- **Appendix D:** Kol Tzedek Contributors to the report
- **Appendix E:** Members of the San Francisco Bay Area community who attended and/or contributed to conversations and/or meetings leading up to this report in 2008.

Appendix A

Gender: The social construction of masculinity or femininity in a specific culture. It involves gender assignment (the gender designation of someone at birth), gender roles (the expectations imposed on someone based on their gender), gender attribution (how others perceive someone's gender), and gender expression (someone's external presentation of their gender). While one's sense of internal gender is not socially constructed, it reflects socially constructed roles and attributions in the way it is expressed.

Gender Expression: The external presentation or appearance of a person's gender (e.g. dress, mannerisms, hair style, speech, etc.). One's gender expression may differ from one's gender identity.

Gender Identity: A person's internal sense of being male, female, both, neither, etc. The internal identity may or may not be expressed outwardly, and may or may not correspond to one's physical sex characteristics.

Gender Roles: The socially constructed and culturally specific collection of attitudes and behaviors considered normal & appropriate for people of a particular sex; established sex-related behavioral expectations people are expected to fill.

Gender queer: A term that refers to individuals who "queer" the notions of gender in a given society. Gender queer may also refer to people who identify as both transgendered and queer (i.e., individuals who challenge both gender and sexuality regimes and see gender identity and sexual orientation as overlapping and interconnected).

Gender variant: A term that refers to individuals who stray from socially accepted gender roles in a given culture. This word may be used in tandem with other group labels, such as gender-variant gay men and lesbians.

Intersex: A person who is born with "sex chromosomes", external genitalia, or an internal reproductive system that is not considered medically standard for either male or female. The gender identity and sexual orientation of these individuals may vary. The older term "hermaphrodite" is considered by many to be offensive. The Intersex movement seeks to halt pediatric surgery and hormone treatments that attempt to normalize infants into the dominant "male" and "female" roles.

Queer: Queer is a term that has been reclaimed by members of the gay, lesbian, bisexual and transgender communities to refer to people who transgress culturally imposed norms of heterosexuality and gender traditionalism. Although still often an abusive epithet when used by heterosexuals, many queer-identified people have taken back the word to use it as a symbol of pride and affirmation of difference and diversity.

Sex: The biological assignment of "male" or "female" based upon the genitalia that an individual possesses at birth. The biological sexes are commonly seen as mutually exclusive, and it is often believed that a person's sex should dictate their gender expression (those born with "male" genitalia should behave in a masculine way and those born with "female" genitalia should behave in a feminine way).

Sexual orientation: This term refers to the gender(s) that a person is emotionally, physically, romantically, and erotically attracted to. Examples of sexual orientation include homosexual, bisexual, heterosexual, and asexual. Transgendered and gender-variant people may identify with any sexual orientation, and their sexual orientation may or may not change during or after gender transition.

Transgender: An "umbrella term" for someone whose self-identification, anatomy, appearance, manner, or behavior challenges traditional societal definitions of male and female. Transgender people include transsexuals and others who do not conform to traditional gender boundaries or consider their gender blended to any degree.

Appendix B

New Website Provides Ark of Services to Trans Jews

by Stacey Palevsky, staff writer, published in the J. Weekly Friday January 23, 2009

When Micah Bazant first began to transition from a female to a male, he started looking for biblical breadcrumbs that would help him find his place in the Jewish tradition.

One day, while flipping through “The Joys of Yiddish,” he found a reference to “timtum,” a term that had come to imply someone was a numskull. However, in the Mishnah, it originally referred to a person whose sex is not determinable when the genital areas are concealed.

“And I thought, ‘Wow, that means there were people of indeterminate gender in the Jewish community centuries ago!’ ” he recalled.

The Oakland resident was floored. He found a few other “slivers of information” within various Jewish texts, and soon began to feel inspired by and connected to a religion that had been only a small part of his childhood and adolescence. Now, years later, Bazant is a part of a loose collective of Bay Area transgender Jews who have created TransTorah.org. The Web site provides resources for people of all genders, and it also assists synagogues looking to better welcome transgender people into their congregations.

“My gender transition was totally interwoven with reconnecting to Judaism,” Bazant said. “You’re just getting in touch with your n’shema [soul], with your true spirit, and you’re going through this intense transformation. I think for a lot of trans people, this very intense process reconnects them with their religion.”

The Web site went live in November. In the first week, more than 1,000 people visited the site, said Bazant, a graphic designer who had a short-lived zine called Tim Tum eight years ago. The TransTorah team also includes Maggid Jhos Singer of Berkeley; Reuben Zellman, a Congregation Sha’ar Zahav rabbinical intern; Rabbi Elliott Kukla of the Bay Area Jewish Healing Center; and Max Strassfeld, a Judaic studies doctoral student at Stanford University. The site is a collection of sermons, liturgies, articles, personal essays, educational materials and ritual ceremonies that “include and affirm” people of all gender identities, the site says.

The Web site idea was conceived two years ago, after Kukla and Zellman became inundated with requests for gender-inclusive sermons, articles and ritual ceremonies they had collected and put together. For example, Kukla got an e-mail from a trans person in Little Rock, Ark., looking to convert to Judaism and wanting “guidance in how to sanctify that moment,” and a synagogue in Utah once contacted him for suggestions on how to welcome new members who were transgender. “We realized we had created a lot of materials, and we wanted it to be reachable to everyone,” Kukla said.

The TransTorah team emphasizes that the site does not represent or speak on behalf of all trans individuals, but that it is simply the tip of “an incredibly beautiful iceberg,” Bazant said.

Karen Erlichman, regional director of the LGBT nonprofit Jewish Mosaic, praised the site for making accessible a huge variety of resources. “Imagine some isolated Jewish trans person looking for a community, for resources and spiritual care, who can now ... find TransTorah.org,” she said.

The site’s creators admit that their various textual interpretations may be embraced or rejected. Nonetheless, Singer said at the very least the Talmud is quite clear that Judaism recognizes genders beyond the male-female binary.

“Jewish tradition has a long, long history of recognizing that there is a very broad spectrum of gender expressions with human populations,” Singer said. “I think it is safe to say that the rabbis of old realized what we call transgender today was a part of the Jewish community then.”

Appendix C

Transgender Jews Now Out of Closet, Seeking Communal Recognition By Rebecca Spence Published in the Forward on Wednesday, Dec 31, 2008

Los Angeles — When Elliot Kukla, a Reform rabbi, came out as transgender six months before his ordination in 2006, he never imagined how openly the Jewish community would be addressing transgender issues just three years later. This month, he is poised to address a West Coast regional conference of Reform rabbis on the subject, and even the elderly Jews that he works with in the Bay Area are largely accepting of his identity.

“I’m so amazed at the old ladies who will turn to their friends and say, ‘Did you meet the nice, young transgender rabbi?’” Kukla said. “Some of that is San Francisco, but that conversation would never have happened a few years ago.”

For nearly a decade, Kukla, 34, has been publishing articles and giving talks in the Jewish community on the topic of transgender people. But over the past year, education and advocacy initiatives dealing with transgender rights in the Jewish community have increased to a level never before seen. The conversation in liberal Jewish circles surrounding gay and lesbian rights is shifting, with the spotlight now being trained on the often overlooked — and, activists say, far more stigmatized — matter of transgender rights.

“Transgender issues are really the next set of issues that the Jewish community feels it needs to address,” said Gregg Drinkwater, executive director of the Denver-based group Jewish Mosaic, which promotes the full inclusion of gay, lesbian, bisexual and transgender individuals in the Jewish community. “It’s the next wave within the liberal Jewish community, certainly within the Reform and Reconstructionist movements, and in parts of the Conservative world.”

The term “transgender” refers to a wide spectrum of people who fall outside society’s gender norms. It includes those often labeled as transsexuals, cross-dressers or drag queens. There are no hard data on the number of transgender people in America.

A common misconception, transgender activists say, is that all transgender people either want or have had sexual reassignment surgery, or take hormones. In fact, activists say, many transgender people — especially those who transition from female to male — do not opt for the medical route, and may choose other ways of altering their gender identity, like changing their name and appearance.

In the Conservative movement, plastic surgeon-turned-rabbi Leonard Sharzer, who once performed sexual reassignment surgeries, has taken a similar view. Sharzer, senior fellow in bioethics at the Louis Finkelstein Institute for Religious and Social Studies at the Jewish Theological Seminary in New York, has written a rabbinic opinion, or teshuvah, expanding on an earlier teshuvah on transsexuals that in 2003 was passed by the movement’s top lawmaking body. Authored by Mayer Rabinowitz, an associate professor of Talmud at JTS, the opinion argued that Jewish law, or Halacha, should consider people who undergo sexual reassignment surgery in terms of their new gender.

“Those who claim that we can not change God’s creation are closing their eyes to conversion, and to transplants as well as many other medical procedures which in fact do change God’s creation,” Rabinowitz’s teshuvah states. “Halakhah has always been macroscopic and not microscopic. Therefore, external organs determine the sexual status of a person.”

Sharzer’s opinion, which has yet to be submitted to the law committee, proposes that an individual claiming a transgender identity be considered the gender that person claims for himself or herself, regardless of whether or not he or she has undergone surgery.

Transgender Inclusion Report Kol Tzedek March 24, 2009

Sharzer said that his teshuvah relied on Rabinowitz's reasoning. But Rabinowitz's teshuvah addresses only those who have undergone full sexual reassignment surgery. Asked how his interpretation of Jewish law justifies the inclusion of those who have not surgically altered their bodies, Sharzer framed his argument in medical and psychological terms. He pointed to a scholarly text by sexologist Leah Cahan Schaefer that, Sharzer said, found that those transgender individuals who do not have surgery feel as strongly about their gender identity as those who do.

According to Avi Shafran, director of public affairs at ultra-traditionalist Orthodox advocacy group Agudath Israel of America, Orthodox Judaism does not recognize the concept of transgender Jews. "Halachically, and that's all that should matter to an Orthodox Jew, if the physiology is clearly male or female, then they are considered that," Shafran said. As for those who have had surgery: "Certainly the surgery is not permitted. If post facto there was a change, to the best of my knowledge it doesn't make a difference either."

Jewish transgender activists, however, point to the fact that Jewish texts themselves recognize a multiplicity of genders. "Today in the Western world, we are very insistent about our binary gender system," said Reuben Zellman, a rabbinic intern at the San Francisco Reform synagogue Congregation Sha'ar Zahav. "Our sages talked about gender diversity in a much different way than we talk about it in contemporary America. They were, in some senses, much more open about what the range of human experience could really be."

Zellman, 30, said that rabbinic literature — including the Mishnah and the Babylonian Talmud — considers many different possible sexual categories for people. Those categories, he said, include the androgynos and the tumtum, two distinct and accepted categories of people who are not decidedly male or female. As an example, Zellman pointed to a passage from the Babylonian Talmud in which the rabbis are discussing Sarah's infertility. One of the possible reasons that the rabbis consider for Sarah's infertility, Zellman said, is that Abraham and Sarah were tumtumim, or people of indeterminate sexual identity. "What they say is that maybe she didn't have a uterus," Zellman said. "In essence, maybe Sarah is not a woman in the way that we understand it."

Zellman was the first openly transgender person to apply to the Reform movement's rabbinical school, Hebrew Union College-Jewish Institute of Religion. He began HUC in 2003, and is on track to be ordained in 2010.

Under the auspices of Jewish Mosaic, Zellman and Kukla, who serves as a rabbi at the Bay Area Jewish Healing Center, designed a guide for exploring gender issues, and specifically transgender and intersex issues, in the context of Jewish sacred texts. Known as TransTexts, the guide takes passages from Jewish texts that in some way address gender. It includes rabbinic commentary to show the myriad ways that the text can be interpreted.

Kukla is also one of a collective of activists who a month ago launched Transtorah.org, a Web site designed to serve as a resource for the Jewish community on transgender issues. And in another example of Jewish transgender activism, Keshet, a Boston-based Jewish group that advocates for the rights of gay, lesbian, bisexual and transgender people, is in the midst of organizing an interfaith coalition to support a transgender rights bill up for consideration by the Massachusetts state legislature.

It may be that transgender issues are now hitting the Jewish community in a pronounced way because they are rising to the fore in broader American society, said Denise Eger, rabbi of Congregation Kol Ami, West Hollywood's gay and lesbian Reform synagogue.

Indeed, both inside and outside the Jewish community, media attention in recent months has been focused on transgender people. Within the Jewish community, Joy Ladin, a transgender male-to-female literature professor at Yeshiva University, caused a stir last fall. Formerly a man known as Jay Ladin, she returned to work as a woman. Elsewhere, Thomas Beatie — known as the "pregnant man" — made headlines when he became the first known transgender man to give birth.

Eger, who is also chair of the Pacific Association of Reform Rabbis, invited Kukla to address the upcoming PARR conference, which begins on January 4 in Palm Springs, Calif. Eger said that while the Jewish community is just now beginning to address transgender people, "It's something that's always been there, but now perhaps we're able to shed a light on the journey and the spirituality of it."

Appendix D

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Lisa Finkelstein, Director, LGBT Alliance, Jewish Community Federation of San Francisco, the Peninsula, Marin and Sonoma Counties (working in collaboration with **Samuel Strauss**, Director, LGBT Alliance of the Jewish Community Federation of the Greater East Bay) www.sfjcf.org/groups/lgbt

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Appendix E

This report grew out of a series of informal meetings and a series of conversations in 2008. Here are a few of the Bay Area transgender activists, rabbis, and Jewish communal leaders who have contributed to this work:

Rabbi Camille Shira Angel
Julie Batz
Joel Baum
Rachel Biale
Sue Bojdak
Stephanie Brill
Ali Cannon
Sarah Church
Michael Cohen
Rabbi Menachem Creditor
Ruby Cymrot-Wu
Noach D'zmura

Karen Erlichman
Lisa Finkelstein
Ina Turpen Fried
Rabbi Marvin Goodman
Janet Harris
Elana Jacobs
Cole Krawitz
Rabbi Elliot Kukla
Rabbi Jane Litman
Ben Lunine
Yael Moses
Martin Rawlins-Fein

Rabbi Dorothy Richman
Davey Shlasko
Ilana Sherer
Maggid Jhos Singer
Natalie Stern
Samuel Strauss
David Waksberg
Rebecca Weiner
Jamie Wolf
Pam Wool
Dafna Wu
Reuben Zellman