

Gender and Judaism

Rabbi David J Fine, PhD

Yom Kippur, Temple Israel 2022

I love grilling steaks on my Weber kettle filled with charcoal. Sorry, I know we're fasting. About a month ago, every French newspaper printed "Barbecue!" on its front page as the republic was thrown into chaos over the statement of Sandrine Rousseau, a member of France's Green Party, that "we have to change our mentality so that eating a barbecued entrecote is no longer a symbol of virility." As Roger Cohen of the New York Times described the storm: "Politicians across the political spectrum—from the far right to the Communist party—erupted. They accused Ms Rousseau of impugning the deep Gallic attachment to the marbled beef prepared by the delicate incisions of French butchers, insulting and 'deconstructing' men, projecting gender wars onto pleasant summer gatherings and generally spreading gloom. 'Stop this madness!' ...a lawmaker from the rightist Gaullist Republican party tweeted. "That's enough of accusing our boys of everything!" wrote another. And from the left, the leader of the Communist Party argued: "Meat consumption is a function of what you have in your wallet, not in your underwear."¹

So the French. There is much to say about climate change, especially as we have watched the terrible destruction of Hurricane Ian. But that is not my topic for today. I thought I would focus on the far less controversial topic of gender identity.

¹ Roger Cohen, "Of Barbecues and Men: A Summer Storm Brews Over Virility in France" *The New York Times*, September 6, 2022, page A4.

When I was working on my doctoral dissertation on Jewish soldiers in the German army in World War I, my professor told me I had to say something about masculinity and gender. “But they’re all men!” I told her. Still, she said, you have to address it. Gender effects everything. She sent me to attend a special conference at the University of California San Diego, on Jewish masculinity. I got what I think was one good paragraph and a long bibliographical footnote in my book out of that. Not my best paragraph though.

Then, some years later, I was giving a talk at a conference on Jewish law in Berlin where I was summarizing the different approaches to women and Jewish law, specifically to what we call “egalitarian worship” in Conservative Judaism. One young graduate student raised her hand in the Q and A section and challenged me (oh, it was one of a number of challenges) that my approach was inadequate, because I was talking about men and women in Jewish law but in fact there are multiple genders.

I don’t remember how I got out of that then, but I wish I had responded that she was right, that even the Mishnah recognizes four genders. While the Torah knows only *zahar* and *nekeivah*, male and female, the Mishnah adds special laws relating to the *androgynous*, one who presents as both male and female, and the *tumtum*, one who presents as neither male nor female.² Of course, we understand that “gender” represents more than one’s anatomical parts. There is a complex interplay of biology and neuropsychology along with culture and environment that has occupied an enormous body of scientific research. What we associate with different genders varies by culture, but there are also commonalities. Similar to sexual orientation, gender is not something that can be easily explained as simply due to “nature” or “nurture.” The Swiss

² Genesis 1:27; Mishnah Bikkurim 4.

scientist Hans Kummer explains that “asking if an observed behavior is due to nature or nurture is like asking whether the percussion sounds we hear in the distance are produced by a drummer or the drum.”³ Suffice it to say that the Rabbis of the Mishnah who lived two thousand years ago were sophisticated enough to understand that not all people fit into two binary categories. I wish I could reply to that question again that was posed to me in Berlin. But I think that all of us are better prepared to answer certain questions now than we would have been a decade ago.

Last May, Conservative Judaism’s Committee on Jewish Law and Standards unanimously approved a legal opinion giving guidelines on how a synagogue should call up non-binary individuals for Torah honors.⁴ Traditionally, the person receiving an aliyah is called up by the Hebrew name and then *ben* or *bat*, “son of” or “daughter of” their parents’ names. Actually, traditionally it was just the father’s name but in our congregation and most non-Orthodox contexts the mother’s name is used as well. That was an egalitarian statement on the equality of both parents, but still assumes a binary approach to gender as Hebrew only has words for “son of” and “daughter of” not “child of.” The solution of the paper written by Rabbis Guy Austrian, Robert Scheinberg and Deborah Silver, that passed last May by a vote of 24-0 (I was one of the twenty-four) was to use one of three options to introduce the parents’ names: *ben*, *bat* or *mibet*, that is, “son of,” “daughter of” and “from the household of” although the Hebrew is much more alliterative. When calling up the aliyah, in addition to *ya’amod* or *ta’amod*, which are the masculine and feminine forms of “come forward,” the paper suggests also *na la’amod* for “please

³ Hans Kummer, *Primate Societies: Group Techniques of Ecological Adaptation* (Chicago: Aldine, 1971), pp. 11-12. In Frans de Waal, *Different: Gender Through the Eyes of a Primatologist* (New York: W.W. Norton, 2022), p. 48.

⁴ Guy Austrian, Robert Scheinberg and Deborah Silver, “Calling Non-Binary People to Torah Honors” CJLS OH 139:3.2022. [calling-non-binary-people-to-torah-honors-cjls-oh-139_3-2022-final.pdf](https://www.cjls.org/~/media/Files/2022/3-2022-final.pdf) ([rabbinicalassembly.org](https://www.rabbinicalassembly.org))

come forward.” The basic premise underlining the linguistic formulaic suggestions was that if we wish to honor someone then we need to honor their own identity including gender identity. There was not a single dissenting voice. And that was from the *Conservative* movement in Judaism.

I spent much of last month thinking about gender while reading this recently published book by the Emory professor Frans de Waal: *Different: Gender Through the Eyes of a Primatologist*. That was serendipitous. We had just dropped off our baby at college, up in Oswego, New York, and to console myself, I went browsing in the local town bookstore and bought this book, and now here we are. “Our Baby” is of course the tallest one in our family who blew the shofar here on the second day of Rosh Hashanah.

I can’t go over all the things I learned from reading this book. Some of it is certainly not appropriate for a Yom Kippur sermon. But let me share three take-aways:

One. Just because something is learned through culture and environment does not mean it is inauthentic or unnatural. Gender differences are observed in primates. If they are learned they are not picked up from our culture, but from *their* culture. (By the way, “primates” includes both apes and monkeys. But we, as humans, are apes, or as we like to think of ourselves, as advanced apes. The other apes—chimpanzees, bonobos, guerrillas and orangutans—are much more closely related to us than to monkeys. What’s the difference between apes and monkeys? Monkeys have tails. Apes don’t.) The other apes especially have their own cultures. They *learn* how to be mothers, for example, from experienced mothers. Humans are not the only species with lactation consultants. This openness to cultural learning (rather than mere instinct) is made

possible by the genetic make-up of all apes. Think about the verb *to ape*. It means to copy, to imitate. That is the foundational element of culture and learning.

Two. The idea of the “alpha male” that the strongman is in charge, is less than half the story. While accounting for variation, males in the various primate species are generally larger and stronger than females, but that does not mean that they control power and exercise leadership. Professor de Waal describes, based on a career of careful observation, how female chimpanzees assert themselves against the leading males in their clans. Even more so, bonobos are led by females, who, through their collective strength, exercise leadership and control over the males in their groups.

And Three. Nature testifies to and embraces diversity. De Waal theorizes that it was the development of language and its need to label things as x or y, or to use real binary language, as 0 or 1, that influenced our very binary understanding of gender. Difference and variety are the ways Nature unfolds, and we have much to learn from that. As the biologist Milton Diamond puts it: “Nature loves variety. Unfortunately, society hates it.”⁵

How can a refined understanding of gender help us become better Jews? Gender is a signpost to an individual’s identity. Rather than pigeonhole people into what fits our own schematization of the world, we have reached a point throughout the world now where we can listen to people and help all of us be who we are. That is an extraordinary moral opportunity that confronts each one of us.

So why does the ladies’ room in the hallway say “Ladies only”? We were not taking a political stand there. As many of you know, we have a mid-week tenant, a boys yeshiva high

⁵ Cited in de Waal, *Different*, p. 301.

school, and we are reminding them that they are not the only ones who use this building during the day. That had nothing to do with gender identity—beyond what a “boys yeshiva” implies—and yet it is an element of a much wider context of what has come to be called “bathroom politics.” At Temple Israel I several years ago designated the private bathroom off the bride’s room as our “gender non-specific restroom.”

What about how we use language and what it implies? I often joke about how someone was obviously sleeping during the original Jewish Calendar Meeting, because how could the festival of Sukkot begin only four days after Yom Kippur? As you know, that holiday that begins next week ends the following week with Simhat Torah, where our tradition at Temple Israel is to honor a “bride and groom.” The last aliyah when we complete the reading of the Torah on Simhat Torah and then the first aliyah as we immediately begin again are considered the most significant aliyot of the year. Traditionally only men received aliyot. The man called up for the last aliyah is honored as the *hattan Torah*, the groom of the Torah, while the following aliyah that begins the Torah again is called *hattan Bereishit*, the groom of Genesis. When Conservative synagogues started giving women aliyot the Torah in the late twentieth century the prayerbook provided a feminine version of the Simhat Torah honors. The last aliyah to the Torah was the *Hattan* or *Kallat* Torah while the first aliyah that follows that was the *Hattan* or *Kallat Bereishit*. *Hattan* means “groom of” and *kallat* means “bride of.” The Movement’s Law Committee did not offer guidance on what to call a non-binary honoree for either of these two honors. I assume we will need an ungendered Hebrew version of “partner” or “spouse” to use in this and other contexts. But what I do want to point out is that there is no reason why we need one woman and one man for these honors. I have often explained that the two honorees are not being honored together

as a bride and groom—although that often brings out a good laugh when we refer to their respective spouses—but rather each is a spouse to the Torah as a whole, or to the Book of Genesis. It is because of our gendered understanding of our relationship to our cherished scripture, not to each other, that we use those two terms. So it can be two men or two women. Traditionally it was always two men. But we always end up returning to a binary approach to honoring our members. I don't mean to criticize; just to offer something to think about!

And I bring that up to indicate that we use gender to give texture to our relationship with the highest, not only with the Torah but also with God.

Traditionally, when only men received aliyot, it made sense to call the honoree for the last aliyah the *Hattan Torah*, the groom of the Torah, because “Torah” is a feminine noun, and is considered in Jewish texts as the female cherished possession of the male Israel in a very patriarchal non-egalitarian and no-longer-usable metaphor. But we are not always so masculine in our self-understanding. While the Torah is considered feminine, God is—usually—considered masculine, and so we, the people Israel, are the female partner to the male God. In a fascinating, complex and typically difficult book called *Unheroic Conduct: The Rise of Heterosexuality and the Invention of the Jewish Man*, the brilliant Judaic studies scholar from UC Berkeley Daniel Boyarin argues that the “gentle feminized Jewish man” is not a product of exile or diaspora but rather goes back to Talmudic times when the Rabbis understood themselves, collectively, as the female partner to God.⁶ Gendering theology in that way, Boyarin understands the heterosexualization

⁶ Daniel Boyarin, *Unheroic Conduct: The Rise of Heterosexuality and the Invention of the Jewish Man* (Berkeley: University of California Press, 1997).

of rabbinic culture in a way that turns conventional understandings of male and female on their heads.

But you don't have to read the Judaic and rabbinic studies version of critical theory from Berkeley in order to understand that 1) we gender our understandings of our relationships with everything around us, and 2) the boundaries of gendering are open to much diversity and variation.

Let's go back to chimpanzees for a minute. De Waal traces how both human children and young apes have been found to follow gender-preferences in choice of toys. Males like cars and trucks. Females prefer dolls. There are always exceptions, but overall, this has been proven true across human cultures, in tribal cultures that are less influenced by modern western society, among human children that are only given certain toys from birth for purpose of experimentation—yes that does bother me—and among chimpanzees, both in captivity and in the wild. Much has been argued over whether the “maternal instinct” is “real.” And while males, among both humans and chimpanzees, are certainly capable of, and do, take care of infants, infant-care is usually performed (especially among chimpanzees) by mothers, with the assistance of older females, and with younger females looking on and learning. But what was most interesting for me was de Waal's observation that young female chimpanzees love to play with dolls as they pretend to be mothers. They have been observed carrying dolls on their backs within a chimpanzee sanctuary, imitating how mothers carry their infants. But what was even more extraordinary for me to learn was that young female chimpanzees have been documented in the wild on many occasions “holding onto rocks or wooden logs in ways that looked as if they

were carrying an infant.”⁷ That is, they made their own doll-like toys out of rocks or logs, carrying or cradling them as they would a baby.

That hit home for me. When I was little I played with a wooden log. Yes, I played with cars and trucks and Star Wars action figures and the like. My friends and I used the tops of garbage cans as shields (they were made out of metal then) and long hard-plastic tinker-toys as swords. But I also had a log that I cradled and caressed and kissed. I must have found it with the logs by the fireplace and picked mine for how smooth and nice to caress it was. I kept it in the fireplace but did not permit my parents to use it for firewood. When my parents and grandparents would sit in the living room I would open the fireplace, take out my log, cradle it in my arms, parade it around the room and have my parents and grandparents all kiss it as I brought it to them. In my toddler-imagination, you see, the fireplace was an Ark and my log was my Torah. I never lost my log. This is it. [*Take log in my arms.*]

Am I that different from the young female chimpanzees observed carrying their wooden logs around the forest at Kibale National Park in Uganda? Not so different, although a little more gender fluid.

Gender identity is of course a cultural construct, informed by many influences among which is our biology. What I learned from reading Frans de Waal’s book is that rather than put things into categories, nature celebrates diversity. What de Waal asks us all to learn is that “humans don’t need to be the same to be equal.”⁸

⁷ De Waal, *Different*, p. 26. He cites Sonya M. Kahlenberg and Richard W. Wrangham, “Sex Differences in Chimpanzees’ Use of Sticks as Play Objects Resemble Those of Children” *Current Biology* 20:R1067-68.

⁸ De Waal, *Different*, p. 317.

We are all different but equal. The Mishnah teaches us that *HaKadosh Barukh Hu tava kol adam behotmo shel adam harishon v'ein ehad mehen domeh lehavero*, that God created every human being from the seal of the first human and yet each one is unique from each other.⁹ And as we sing in the Unetaneh Tokef, *kevakarot ro'eh edero ma'avir tzono tahat shivto*, that we are like a flock of sheep passing under the staff of the shepherd. The good shepherd knows each sheep. Each is unique and each is equal.

The ways we imagine God are reflections of how we understand ourselves. Let us treat each of us as unique and special and equal as we are each one of us created in the image of God.

⁹ Mishnah Sanhedrin 4:5.