

Noach Dzmura, a 2007 graduate of the Richard S. Dinner Center for Jewish Studies of the Graduate Theological Union in Berkeley, is a community educator. The recipient of the 2006-07 Haas-Koshland Award, he was privileged to teach about Gender Variance in Mishnah during last year's World Pride Celebration in Jerusalem. He can be reached at brerrabbi@hotmail.com.

for separate-but-equal status; transgender persons argue that sex and gender are no longer "real enough" categories to classify humans. Everything a person does to be Jewish is based on categories, then, that don't work.

Mishnah Androgynos is a rabbinic text addressing the exceptional case of a hermaphrodite human (a person with two complete sets of genitals, one male and one female). Androgynos prescribes a legal alternative to the one-sex-one-gender binary system. In this alternative, an individual regularly appears in the garb of one gender even though only half of the individual's body maps to that gender's norms. The hermaphrodite, then, is directly enabled by the community to function as a unique member. A similar adaptation might be useful in communities working to include transgender Jews.

The hermaphrodite's gender is always ambiguous. S/he appears male but possesses a female "half" and sometimes performs feminine obligations. Rather than reacting to a "man" performing female obligations as a transgression, community members must recognize the hermaphrodite's duality as both man and woman. Though the hermaphrodite in other instances is said to have a single gender, legal discussion concerning circumcision suggests that the hermaphrodite has two distinct masculine genders. In Talmud, a hermaphrodite is "certainly male" and must be circumcised. In another passage, a hermaphrodite is a "doubtful male" whose circumcision may not violate the Sabbath. S/he is "doubtful" because the female half diminishes his/her masculinity. When a hermaphrodite is circumcised, the female

half cannot be exempted, so must, for this moment, be equivalent to a man. The rabbis have opened a door. If half a body can change gender without having the requisite genitals, perhaps it is no great stretch to change the gender (and not the sex) of a whole body. For the hermaphrodite, gender is a "both, and" proposition. The hermaphrodite has a fuzzy dual gender that wobbles around an always dual sex (continuous state) and at the same time a series of single-genders within each narrow legal context (discrete state). Today, wherein a gender binary is competing with newer non-binary forms of gender identification, a "two-state solution" to gender seems like a responsible — and achievable — strategy.

The deeper question raised by "transgender" is this: Since a dual-to-many relationship has precedent, why base our interactions on a one-to-one relation between sex and gender? Even Jews not bound to the law recognize the effects law has on tradition and custom. If sex and gender are not stable, why base obligations — or customs — on them at all? Since male and female genitals emerge from identical tissue, why not obligate from the point of similarity rather than the point of variation? Since gender is negotiated between us rather than contained inside, why not negotiate obligations between members, "fixing" an obligation only when it fits a specific community's need? In such an environment, a heterosexual — or gay — couple might marry as equals, and a transgender woman may be visible as formerly male and currently female without shame. The Androgynos offers precedent for such moves.

Queer Jews Studying Talmud

Charlotte Elisheva Fonrobert, Associate Professor of Religious Studies at Stanford University, and her PhD student, Max Kayla Strassfeld, discuss studying the talmudic text, Androgynos.

Charlotte Fonrobert: I "discovered" the androgynos many years ago when I studied a variety of talmudic texts that touched upon gender questions. Looking for texts having to do with women's bodies, I stumbled across a long list of laws the rabbis compiled to circumscribe the legal phenomenon

of the androgynos, a person with both sets of genitalia: "He conveys ritual impurity by his white or by his red genital emission." (*Bikkurim* 2:3–7)

What a bizarre and yet wildly interesting text, full of tensions and indeterminacies in matters of gender. The androgynos and *tum-tum*, two figures that roughly cohere with what today is called "intersex," show up all over the rabbinic corpus, in a vast variety of different settings. Coming from a heterosex-

ual, but perhaps heterodox, perspective my ongoing interest in the rabbinic androgynos and *tumtum* has been driven by a curiosity to find a way to shake up the strictly dual-gender nature of Jewish law.

Max Kayla Strassfeld: I love Talmud and when I was applying to graduate school I became obsessed with four lines about the androgynos and *tumtum* that I continue to stalk. Another reason to study the androgynos and *tumtum*, though, is because I love community and my community needs teachers. Like many other Jews, I am regularly denied access to Jewish tradition because I ask the wrong questions, know the wrong things, and cause trouble — often by simply existing.

Even when we manage to "pass" enough to get access to traditional learning, we often find that the texts we are most drawn to are exactly the texts that our teachers avoid. Talmud, in many ways, epitomizes this problem; it remains at the core of Jewish literacy and yet it is one of the most difficult Jewish texts to access. The opportunities to study traditional texts in a setting that not only welcomes but also teaches queer reading strategies are few and far between, and finding a place to learn seriously about the androgynos and *tumtum* is a real struggle.

Fonrobert: For me, these texts have taken on a whole new life as we read them in the context of contemporary transgender politics.

Strassfeld: My relationship to these texts is complex. It is comforting to read about gender ambiguity in my tradition, to know that perhaps trans and intersex Jews have ancestors of a sort, even though one cannot connect a "straight" line between the androgynos and *tumtum* and the modern trans and intersex identities and bodies. But the texts, as text, are not always so comforting. While sometimes they express an acceptance of these categories as a natural variation, a reading that is revolutionary from a modern gender-binary perspective, at other times the text is much darker and more problematic.

Fonrobert: This is absolutely true. It wasn't that the rabbinic sages wanted to acknowledge gender ambiguity, but rather to avoid male-male sexual encounters: "like men, the androgynos can take a wife but cannot be taken as a wife." Yet, even those re-

strictive rules take on a new life when read in the light of contemporary discussions in American and European law about trans and intersex marriages.

Strassfeld: The four lines I am stalking are from *Yevamot* 84a:

It was taught in a baraita that Rabbi [Yehuda ha-Nasi] said: When I went to learn Torah with Rabbi Elazar ben Shamua his students banded together against me like the roosters of Beit Bukya and they only allowed me to learn one thing in our mishnah: Rabbi Eliezer says that [in the case of the] androgynos: stoning is required as it is for a male.

The basic plot line is this: Rabbi Yehuda ha-Nasi goes to study with a teacher but the teacher's students restrict access. Rabbi is only allowed to learn one (by implication unimportant) text: if the androgynos is anally penetrated by a man, then he earns the punishment for *mishkav zakhar* (men lying with men), which is stoning. This is the genderqueer equivalent of Leviticus 18:22, the biblical verse that has haunted the Jewish gay and lesbian community for decades. It is an uncomfortable text about transgression and punishment, and a text that seems to present the androgynos as marginal to the corpus.

There are many strategies for rereading a text as violent as this one, as creative feminists and queer Jews have been doing for decades. One way to read it is to unpack the various levels of gender interplay: the students who are compared to the masculine image of an aggressive rooster form an impenetrable barrier around their teacher. Not coincidentally, they allow only a text about a doubly penetrable and transgressive androgynos body to slip through. These four lines have enough complex gender play to occupy me for years to come.

But it is also simply a good story in four little lines of text: this is the parable of the Jew who comes knocking on the door of tradition looking for a teacher. And the shortsighted students turn him away, spitefully teaching him only one text. It is a text that is about a marginal topic; it is almost a taunt rather than a teaching. They do not recognize the value of what they have let slip through their ranks. And yet, this little line of Gemara raises questions that go to the heart of our gendered legal system. With this text, queer Jews are given a tool with which to crack open the gender binary and peer inside.

