

## **A Modern Orthodox Jewish reflection on the 2015 Day Against Homophobia, Biphobia, Transphobia, and Intersex Exclusion**

*Based on [a talk](#) given on 17<sup>th</sup> May at Pitt St Uniting Church, with halachic approval from my Rav*

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I begin by acknowledging the traditional Custodians of Country and their enduring sovereignty of land, sea, sky, and community. I bear witness to their diversity, strength, and resilience, and honour the Elders past and present.

I thank my Rav for giving me halachic (religious legal) permission to be here today. Cross-cultural dialogue can be scary. It may often feel unsafe. It is rarely easy, but I believe it is necessary if we are to transcend hatred and violence in the world. Thank you to everyone here at Pitt St Uniting Church for welcoming me into your community to share this reflection from a Modern Orthodox perspective.

Hatred is both an ancient story and a new one, reinvented in every time and place. The Book of Shmuel (Samuel) tells the story of King Shaul (King Saul) and his hatred for David, his son-in-law and rival for the throne. We learn about Shaul's humble beginnings as the son of Kish from the tribe of Binyamin in Shmuel Aleph (1 Samuel) Chapter 9.

Shaul is a man whose youthful holiness earns him G'd's favour. On this basis, the Prophet Shmuel (Samuel) is divinely inspired to appoint Shaul as the first King over a united biblical nation of Israel.

The story of Shaul's kingship also appears in the Qur'an, where he is known as Talut. In Surat al-Baqara Ch. 2, verses 246-250 describe Talut's ascendancy to the Kingship of Israel. Some Muslim teachings view this sura as a lesson to choose leaders based on holiness rather than political connections or status.

Yet later, we encounter a very different Shaul, a Shaul brimming with murderous rage. What is it that invokes his hatred? In Jewish exegesis, we have a saying, "Shivim panim latorah", there are seventy faces to the Torah. Psychological research shows that people are similarly multidimensional, often acting from a variety of motivations. Yet one face of Shaul's hatred seems particularly clear.

In Shmuel Aleph (1 Samuel), we learn about the bond between Yehonatan (Jonathan), Shaul's oldest son, and David, the youngest son of Yishai (Jesse) *beit halachmi* (the Bethlehemite). We read that the soul of Yehonatan was knit with the soul of David, and that Yehonatan loved David "k'nafsho" (as his own soul).

We hear further elaboration of the love between Jonathan and David in Shmuel Bet (2 Samuel) 1:26, when David mourns the death of Jonathan:

"I am distressed for you, my brother Yehonatan; very pleasant have you been to me; wonderful was your love to me, surpassing the love of women."

David's threat to Shaul's kingship may be one motivation for why Shaul attempts to murder David, but his hostile reaction to the relationship between his son Yehonatan and David is clearly at least part of his motivation. Shaul reveals this motivation in a fit of anger, after Jonathan has attempted to protect David from Shaul's violent schemes. In Shmuel Aleph 20:30,

“Then Saul's anger was kindled against Jonathan, and he said to him, ‘You son of a perverse, rebellious woman, do I not know that you have chosen the son of Jesse to your own shame, and to the shame of your mother's nakedness?’”

Following this diatribe, Shaul reiterates his desire to murder David. This biblical example of apparent homophobic hate in a man whose holiness earned him the kingship may seem puzzling: which is the “real” Shaul? Yet the Book of Shmuel documents both Shaul's holiness and his profanity, the yetzer tov, or the good inclination, and the yetzer rah, the evil inclination, that each of us has within us.

Hatred has a new face in every time and place; yet it is as old as the biblical Shaul, hurling his spear at David and accusing his son Yehonatan of shaming him through his love for David.

In December, 1989, a 24 year old gay man named [David McMahon was ambushed and beaten by a group of people who dragged him to the edge of a cliff](#) near Bondi Beach, intending to throw him over to his death. Like the biblical David, this modern-day David escaped from this new incarnation of Shaul's hatred. Many others were not so fortunate; According to hate crimes researchers, an estimated 50 to 80 gay men and women of trans experience (some of whom have been misclassified as gay men) were beaten and thrown to their deaths from the Bondi and Tamarama cliffs between the late 1970s and the early 1990s.

In 2015, we live in a world in which this hatred persists. In September, 2014, [Guardian Australia obtained and independently translated six letters from four gay men from Iran seeking asylum in Australia](#). These men were detained on Manus Island in Papua New Guinea, where same-gender expressions of physical love are classified as “unnatural acts” and punishable by up to 14 years in prison. They had escaped one climate of hate, only for the Australian Government to cruelly thrust them into another. Some reported being sexually assaulted or targeted for brutal treatment. Some felt their only option was death.

In an excerpt from his suicide note, a man pseudonymously known as Omid wrote:

“I wish our boat had sunk in the ocean and stopped me living the most painful year in my life.

I thought Australia and its people would be my protector, but they taught me otherwise.”

Although Omid survived his suicide attempt, Omid is not alone in feeling such despair as a result of hatred.

But not all manifestations of evil are as obvious to detect as the cruel treatment received by Omid and other asylum-seekers. [Jewish scholar and Holocaust survivor Elie Wiesel](#) has said that “The opposite of love is not hate, it's indifference”. We speak about problems of phobia as if injustice were mainly about fear and hostility, when so often it is about our *indifference* to such hostility and violence.

You may have heard of [sistergirls, one term in Aboriginal/Indigenous and Torres Strait Islander cultures that can be used to describe people who are assigned as male and grow up in some cases living as women in part or all of their lives and in some cases, living in a traditional third gender as a sistergirl. Brotherboys are assigned as female, and grow up as men or brotherboys.](#) An estimated 5-10% of the Tiwi Islands population are sistergirls.

Today, in 2015, [many sistergirls, brotherboys, and Aboriginal people of trans experience in the Northern Territory have been forced to leave](#) their land, their homes and their communities with all their close kinship ties because there are so few medical professionals willing to provide the medical care they need. This forced relocation is but one of many similar injustices to which the traditional custodians who retain sovereignty of country have been and continue to be subjected.

Intersex is an umbrella term that describes the bodily diversity of people born with a variety of chromosomal, hormonal, gonadal, and genital characteristics that are not viewed as strictly female or strictly male by modern medical standards. (Medical students are rarely taught about the history of how these medical standards about intersex bodily diversity have changed over time.)

Today, in the Australia of 2015, female genital mutilation is a criminal act; [intersex genital mutilation is standard medical practice.](#)

Today, in the New South Wales of 2015, anti-discrimination legislation does not provide equal protection for bisexual people. As [the Anti-Discrimination Board of New South Wales explained in footnote 119 in \*The Neglected Communities\*](#), “It is of course, a fine line, but the Act does not currently provide recourse for bisexuals who consider they have been subjected to discrimination because they are not homosexual”.

Today, in 2015, we know that many lesbian and bisexual women are subjected to particular forms of public sexual violence. Yet lesbian and bisexual women also experience particular forms of structural violence, a term that refers to the structural ways systems can harm and disadvantage people. Lesbian and bisexual women also have higher rates of breast cancer than the population average for women and also [receive less routine health care and screening than other women.](#) They are less likely than other women to feel safe disclosing clinical information. Even when they do, their health needs are often neglected.

Heterosexism—ways of thinking and acting that assume all people are or should be heterosexual—can be more insidious than homophobia because what is hidden is harder to identify and therefore change. [Cisgenderism](#)—ways of thinking and acting that invalidate people’s own understanding of their genders and bodies—can be

equally insidious, because there is no hostile enemy to identify. Yet assumptions and neglect can kill as surely as the spear that the biblical Shaul hurled at David.

As Elie Wiesel has said, “The opposite of love is not hate, it's indifference”.

Hatred may be an ancient story, but love is an even older story. The great 16<sup>th</sup> century Jewish mystic and renowned Kabbalist Rabbi Yitzchak ben Shlomo Lurya Ashkenazi, the AriZaL, who lived in Tzfat in Ottoman Syria, explained the creation of the world as the product of *tzimztum*, a contraction G!d made in a supreme act of love to make space for the creation of the world. The vessels into which G!d placed the divine light used for creation shattered, trapping sparks of holiness in the shards. The concept of “*tikkun olam*” popularised by the AriZaL means “repairing the world”. In an Orthodox Jewish perspective, we believe that the purpose of the 613 Torah commandments or *mitzvot* is to heal the world and liberate the sparks of holiness embedded in these metaphysical “shards” of brokenness.

In Jewish tradition, we learn about the courage to begin this process of healing. Our insights into Torah liturgy do not come from the written Torah alone, but from our integration of insights from the Oral Torah given over alongside the written Torah at Har Sinai (Mount Sinai) and from rabbinic commentaries that have debated these insights over the centuries—the combination of this Oral Torah (*Mishnah*) alongside these commentaries (also known as the *Gemara*) is what you may have heard referred to as the *Talmud*.

In the very first of the six orders of the *Mishnah*, *Seder Zraim* (Order of Seeds), in the final of the eleven tractates, *Bikkurim* (first fruits) chapter 4, the Oral Torah discusses the prayer obligations of people with *tum-tum* and androgynous (pronounced *ahn-droh-ghee-noos*) bodies—two Jewish legal categories of intersex characteristics. The *Talmud* documents generations of rabbis debating the specific prayers a *tum-tum* or androgynous should say. Although we could read this as a lack of understanding or as oppressive, there is a more fundamental lesson for us here: The main goal of this debate was to make space for people with a *tum-tum* or androgynous body within a society that determined gender based on physical characteristics, to build inclusive communities for people who would otherwise be excluded from the spiritual benefits of sacred acts. This clear example of religious legal thinking being applied to develop strategies for social inclusion typifies the traditional insights that have been obscured by our contemporary prejudices.

At the *Kriyat Yam Sum* (the splitting of the Sea of Reeds), when the Prince of the Tribe of Yehudah (Judah), Nachshon ben Aminadav stood at the Yam Suf with Pharaoh's army close behind, none of the twelve tribes wanted to be first to jump into the sea. Nachshon was the first to leap into the sea toward freedom from enslavement in Egypt. When the Prophetess Miriam led the women in song at their first prayer service following the *Yetziat Mitzraim*—their liberation from slavery in Egypt—she did so based on her spiritual calling from *HaKadosh BaruchHashem* (The holy one blessed is the name). These leaders each demonstrated the actions that are needed for *tikkun olam*: Nachshon demonstrated the need for critical thinking and independent action to challenge the injustices of our time. Miriam displayed the community building and affirmation needed to heal from oppression and injustice. Courage and

joy, action and song: Nachshon and Miriam both enacted vital elements of social change.

The Hebrew word for biblical Egypt is Mitzraim (from *metzar*, meaning narrow) means literally ‘the narrow place’. This work of Tikkun Olam requires us to walk in narrow places, to allow ourselves to see the suffering of others without indifference, and to be ready to challenge oppression and to help others, even if we are the first to dive into a situation, even when it is scary.

Among the 63 tractates of the Mishna or Oral Torah, only one focuses on moral advice and not on legislation. This tractate, known as Pirkei Avot, is a compilation of insights from religious scholars of multiple generations. In Pirkei Avot, we learn about our obligation to engage in Tikkun Olam, or healing the world:

“Rabbi Tarfon taught: "It is not your responsibility to finish the work [of perfecting the world], but you are not free to desist from it either" (2:16).

So how do we translate the principle of Tikkun Olam into action?

We can start through Shmirat haLashon—guarding our speech. We begin this work with a kind word of affirmation, such as when we call our non-binary gender friend by their preferred pronoun and name.

We begin by speaking out against stereotypes, when one of our friends makes a disparaging remark about bisexual people.

We begin by contracting ourselves and the spaces we inhabit, so that there is room for us to listen to—and to hear—another person’s pain.

We begin by joining with people who have survived suffering, our voices interweaving in songs of joy that affirm the blessing of life.

We begin by learning about and acknowledging the sacredness and value of other people’s experiences of their genders, bodies, relationships, and sexualities.

As Elie Wiesel has said, “We must not see any person as an abstraction. Instead, we must see in every person a universe with its own secrets, with its own treasures, with its own sources of anguish, and with some measure of triumph.” Tikkun olam lies in finding that measure of triumph even in the midst of anguish, in the witnessing and honouring of another person’s universe as manifested in the everyday affirmation of a supportive word, a gentle hand on a shoulder, a smile, a nod, or even a glance. We are more than labels and abstractions; we are more than muscle, blood, and bone.

Elie Wiesel has said that “the opposite of faith is not heresy, it's indifference.” It is indifference, says Wiesel, which reduces another person to an abstraction. Let us never be indifferent to the suffering of people whose experiences of their genders, relationships, bodies, or sexualities we perceive as different from our own.

Let us engage in critical thinking and debate “l’shem shamayim”- for the sake of Heaven- and never use faith as a mask for bigotry or oppression.

Let us work to transform our respective faiths into forces for healing through courage and joy, through action and song.

Let us honour the neshamah- the soul- within ourselves and within each person we meet during this process of Tikkun Olam, of healing our world and our communities.

I am so grateful for the blessing of sharing this Day of Action with you. Thank you.

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Dr Gávi Ansara received the Keshet Leadership Award for his work founding a gender, sexuality, and intersex outreach project within Orthodox and traditional religious communities overseas. Gávi is currently Manager of Research and Policy at Australia's LGBTI Health Alliance and an Associate Editor of the International Journal of Human Rights in Health Care.

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