



# Beth Jacob Synagogue

AFFILIATED WITH THE UNITED SYNAGOGUE OF CONSERVATIVE JUDAISM

Founded 1886

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OFFICE OF THE RABBI

לשכת הרב הלל חיים לברי-ישראלי  
רב בית הכנסת

יום רביעי, י' באדר תשע"ז.  
08.03.2017

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## Delegation to Hamilton City Council's Audit, Finance and Administration Committee in support of the proposed Transgender and Gender Non-Conforming Policy, delivered at City Hall on Monday, March 6, 2017.

Your Worship the Mayor, honourable city councillors, fellow clergy, friends, and fellow citizens of Hamilton. My name is Rabbi Hillel Lavery-Yisraeli, and I am the rabbi of Beth Jacob Synagogue on Aberdeen Avenue. I am here with a number of my congregants. We are proud to be an approximately 300-family synagogue which is fully welcoming and inclusive of all identities and orientations, and coming today to support the protocol was important to us.

As a Jew and a rabbi, it is my duty to defend the honour of our holy Torah, known by some of you as the Old Testament, whose words are being misused by some to justify intolerance and hatred of people who only deserve our admiration and protection.

3,328 years ago my ancestors, the ancient Israelites witnessed the Divine revelation on Mount Sinai and received our most precious gift, the Torah, "...an inheritance of the congregation of Jacob." (Deuteronomy 33:4) God entrusted Moses and the Israelites with custodianship over the Torah, to teach it and explain it, and to pass on this responsibility of explaining and extrapolating to the next generations of Israelites. We have continued this tradition of applying and living by these instructions ever since. The commandment to observe the laws of the Torah actually instructs us Jewish people to observe the Torah as it is taught to us by the

rabbis and teachers of each and every generation. "Behave according to the Torah which they teach you and the law which they tell you; do not stray from [it]... neither right nor left." (Deuteronomy 17:11) From the Torah's own words we understand that it's the rabbinic interpretation of it which is binding upon us. Fundamentalist, literal readings of Jewish scriptures are inherently misrepresentations of God's will.

Already in the first century CE, the verse in Deuteronomy 22 seemingly prohibiting cross-dressing was explained in rabbinic legal literature to only apply when done explicitly for licentiousness. One who chooses their clothes for reasons of practicality or emotional comfort is not transgressing anything.

But more importantly, and more relevant for today, ancient Jewish tradition recognizes many historical figures who were gender non-conforming, and in today's terminology might be termed transgender. It speaks of people who were born into a body of one sex, but

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with a soul fully or partially of the opposite gender. Joseph, Jacob and Rachel's son had a female soul; his father responded by giving him a colourful tunic. Dinah, his half-sister, possessed a male soul. She behaved in a contextually masculine way, leaving the home to go look at the daughters of the land. When she was raped, her brothers defended her behaviour and blamed only the attackers. Mikhal, daughter of King Saul possessed a male soul and practised her religion accordingly, with the Sages' approval. And the list goes on.

Tradition commands us to respect the self-declared identity of transgender and gender non-conforming people. As God's creations, we all have a duty to make everyone feel comfortable and welcome. Shunning and shaming are grave transgressions of God's will.

But this whole theological dissertation should actually be irrelevant. As a Jewish person living in multicultural Hamilton, it offends me to see people trying to influence city policy in the name of *their* brand of Christianity. Who are they to try to enforce their religion on me? Hamilton is blessed to be multicultural, with many non-Christian residents, not only Jewish ones. Separation of religion and state is the only way to govern 21<sup>st</sup> century society. I respect your right to practice your religion however you please, as long as it doesn't infringe upon the rights of others. But trans rights are human rights. When deciding city policy, your religion and mine must both be irrelevant.

The Hamilton Jewish Community fully supports the unequivocal rights of transgender and gender non-conforming individuals. We commend the city for introducing this protocol, and look forward to working together to ensure the safety and comfort of all residents, so that Hamilton will be the place we can *all* call home.

[At this point, though it was unplanned, I responded to a question posed to a previous delegate, namely, why we are focusing on transgender rights while perhaps ignoring the rights of others who would feel uncomfortable as a result of the implementation of this protocol?

I pointed out that there are places not far from here, where white people will feel uncomfortable being in the same room with black people. Until recently, there were neighbourhoods in Hamilton where local laws prohibited Jewish people from owning property. Personal comfort which is dependent on racist or prejudiced policies is not a human right. If someone feels uncomfortable being next to another person by virtue of who they are, *they* have the responsibility to educate themselves and learn to feel comfortable in the presence of everyone.]



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