Talking About Anti-Trans Legislation Through a Jewish Lens

A messaging resource from Thrive: The National Jewish Coalition to Protect Trans and LGBQ+ Youth

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Keshet קשת

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INTRODUCTION

Anti-LGBTQ+ opponents have been introducing legislation targeting trans youth and their access to gender-affirming health care, facilities, education, extracurriculars, and privacy. As Jews, we are called to take action.

This guide provides 3 layered approaches to conversations about trans youth, the legislation that targets them, and Jewish tradition. It is our hope that this resource can be used to elevate conversations about anti-trans legislation and trans inclusion in Jewish spaces.

Note: The approaches is this guide are intended for general use. If speaking about a particular case or proposed ban, contact Thrive (rose@sojourngsd.org or lanie.cohen@keshetonline.org) for more details.

APPROACH #1: EMPHASIZE JEWISH VALUES

Start by elevating Jewish values that people will likely already be familiar with - *b'tzelem Elohim* (the idea that all people are created in the image of G-d), *kavod* (respect), *tikkun olam* (our duty as Jews to repair the broken pieces of the world), and more. These are key pieces of the world that Jews should hopefully agree that we want to live in. We want our kids to exist in communities, both Jewish and non-Jewish, where they feel safe to be themselves.

- *As Jews, we are taught the value of t*ikkun olam*. We have an obligation to make the world a better place for everyone, especially those on the margins of our communities. Trans youth are just one example of a group that Judaism compels us to fight for.*
- *In Judaism, we're taught that G-d is infinite and created humans b'tzelem elohim, in G-d's image. Transgender people are a reflection of G-d's limitlessness and creativity.*

APPROACH #2: HELP PEOPLE NAVIGATE THE FEAR THAT CAN COME WITH NEW INFO

Anti-LGBTQ+ opponents benefit from framing transgender youth as a foreign, scary phenomenon. This can result in fear-based reactions from conflicted audiences, which we can help them navigate.

Start with an acknowledgement of the initial inexperience many people have when it comes to transgender youth. This allows people to focus less on their own discomfort by helping them realize that the discomfort they may feel is normal, and that others may feel the same:

- *It can be tricky to understand what it means to be transgender, especially if you don't have anyone in your life who's had that experience. It's normal to have questions at first. But we can all agree that transgender youth should be treated with dignity and respect, just like everyone else.*

For some, it can also be important to share a basic definition of what "transgender" means. When needed, describe what it means to be transgender with simple definitions and ideas that build on what people already know about their own gender, and also emphasize the importance of support for transgender youth.

- *Transgender people feel that the gender everyone has been assuming they are since birth doesn't match who they know themselves to be. With the love and support of people around them, transgender youth can flourish while making choices that align with their identity.*

Emphasize establishment in order to diminish uncertainty. Anti-LGBTQ+ opponents often claim that transgender youth are a new, under-researched phenomenon, and that anti-trans policies are passed in the name of "safety". In fact, trans people have been socially and medically transitioning, with physician supervision and community support, for a very long time. Legislation that restricts trans people's access to gender-affirming medical care or facilities is a step back.

- *It might seem like more people are identifying as transgender than ever before, but transgender identity is nothing new. Policies and best medical practices on how to treat transgender people have been in place in the US for years. For example, the American Academy of Pediatrics has had a written policy on best medical practices for trans youth since 2018.*

- *Trans people have been accepted in our Jewish communities for a long time too. Berel-Beyle, a trans man who lived in the Ukranian shtetl of Krivozer in the 1930s, is just one example; after medically transitioning with a doctor in Odessa, he returned to his shtetl community and was known as an upstanding Jewish man.*

Debunk misconceptions about gender-affirming medical care. Many people hold fears that trans youth who pursue puberty blockers or hormones are making rash, irreversible medical decisions at a young age. In fact, medical transition for youth under 18 is typically a slow process supervised by a team of doctors, mental health professionals, and parents.

- *For trans youth, the journey to getting on puberty blockers or hormones is long. Young people and their parents can meet with doctors and counselors for years before medication is even discussed. The idea that someone could go through this process, only to have much-needed medication taken away by laws that go against their doctors' wishes, is heartbreaking.*

Opponents also stoke fears that youth gender exploration is often kept secret from parents, and that trans-affirming spaces interfere with parents' ability to keep their kids safe. **Address this concern by reiterating that kids develop a sense of who they are, in an environment independent from their parents, as a natural part of growing up. Gender is just one small part of that.**

- *We send our kids to school, Hebrew school, youth group, camp, and so many other spaces where they develop a sense of identity without a parent around. The goal is that all of these community spaces have adults who care about the children in their care, and that kids feel comfortable being themselves as they change and grow.*

It may also be necessary to address opponents' efforts to fuel anti-transgender sentiment through false claims that gender diversity is inherently sexual or inappropriate:

- *Gender identity is about who people are, not who they want to have sex with. There are age-appropriate ways to talk to children about the diversity of attractions and identities that people might have - but it is not harmful for children to know that there are many ways to be yourself.*

APPROACH #3: ILLUSTRATE THE HARMS

We can close our conversations about anti-transgender legislation by reminding our communities of the shared Jewish values we hold in common, while also establishing the harm that anti-trans policy can perpetuate.

- *One of the most important teachings of Judaism is* pikuach nefesh*, the idea that we can and should do nearly anything in the service of saving a life. We are taught that if we save one person's life, it is as if we have saved the whole world. 1 in 5 trans and nonbinary youth attempt suicide. Allowing transgender youth to be themselves, with the medical and social support that they need, is life-saving.*
- *In Judaism, parents and children are responsible for each other as a way of honoring G-d. We are taught about the value of* shalom bayit *- peace in the home. When laws pass that limit the choices parents can make to protect and affirm their transgender kids, it can add incredible stress or even break apart families.*
- *Our clergy and leaders in our Jewish communities want our kids to stay Jewish. When our Jewish communities are silent about anti-trans legislation, it sends a message to trans youth in our communities that Judaism isn't something that includes them. This makes them less likely to lead Jewish lives as adults.*

ADDITIONAL RECOMMENDATIONS

Emphasize that trans people have always been a part of Judaism. There are eight different sexes-genders talked about in the Talmud. There is documentation of Jews breaking gender norms going back centuries. There are even *midrashim* that speak to some of the matriarchs and the patriarchs of the Torah being transgender.

Emphasize that part of creating inclusive Jewish communities is advocacy. A great way to show members of marginalized groups that they are welcome in your Jewish community is by advocating for them in the wider world. When Jewish organizations take a stand against anti-trans policies, it demonstrates to trans Jews that their communities embrace them not just with words, but with actions.

Don't descend into hostility. Though it can be frustrating to engage with anti-trans rhetoric, making people feel ashamed for a lack of knowledge or misinformed ideas can alienate those who are honestly wrestling to understand trans identities. That wrestling is an important part of our Jewish tradition. Using measured, relatable language does a better job of creating empathy and a sense of how opponents' efforts hurt transgender youth.

JEWISH RESPONSES TO SPECIFIC LEGISLATION TYPES

The following sections establish meaningful reasoning, rooted in Jewish tradition, to stand against some of the most common types of anti-trans legislation.

Bans or restrictions on trans health care

This type of legislation bans or restricts treating trans people for gender dysphoria. Most outright bans apply to those under the age of 18, but bills have been proposed for up to age 26. Health care for trans adults is usually not made illegal outright, but limited through unnecessarily strict policies that make the care prohibitively expensive to provide, receive, or insure.

One of the most important Jewish teachings is pikuach nefesh *- the idea that our highest priority, as Jews, is to save a life. Access to gender-affirming medical care can be life-saving for trans people. Bans and restrictions on health care for trans people fundamentally go against Jewish teaching to protect and affirm the lives of others.*

"Parental Rights in Education" bills

Legislation focused on "parental rights in education" often mandates the outing of LGBTQ+ students to parents by school employees, and prevent educators from acknowledging LGBTQ+ identity.

These bills are based in the idea that parents are the only people who can be trusted to have the best interests of their children in mind. However, Jewish wisdom holds that our children don't belong to us. They are both a loan and a gift from G-d, and a child's job is to find their own path in life. The tradition of l'dor vador *teaches us that Judaism is passed from generation to generation, not just by parents, but by the whole community. As Jewish community members, we want our kids to feel safe and trust the adults in their lives, no matter the context.*

Trans erasure bills

Trans erasure bills codify definitions of "male" and "female" into state law based on sex assigned at birth. This creates obstacles to gender marker changes on birth certificates, drivers' licenses, and other state ID documents, and creates ripple effects for all other legislation having to do with gender, such as non-discrimination laws.

A name change is a holy, meaningful thing, signifying that you're coming closer to yourself and closer to G-d. In the Torah, we see G-d change the names of Abraham, Sarah, and Jacob (Israel) to honor their covenants with G-d and signify who they would go on to be in the world. There is a deep, divine precedent in our tradition for these changes to the markers of identity, and we should fight to see these values reflected in the places where we live.

Sports bans

These discriminatory bills prohibit trans youth from participating in public school and college sports.

We believe that every person is created b'tzelem Elohim*, in the image of G-d. That includes each and every member of the LGBTQ+ community, and informs our obligation to pursue justice and celebrate gender and sexual diversity. LGBTQ+ individuals should never be discriminated against, whether in housing, healthcare, or on the sports field.*

Bathroom bans

This legislation bans trans people from using bathrooms that align with their gender identity in public spaces.

Transgender people - like all people - thrive when they are treated with kavod, or respect. And exclusion, just as it would for anyone, takes its toll. Bathroom bans single trans people out for discrimination and harassment.