# "Queer" Biblical Characters in Jewish Tradition:

# A Feminist Analysis

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### **Narratives**

- Abby Stein's shiurim, including that at <u>Limmud Festival 2019</u>
  - o Cites Sha'ar HaGilgulim "a man may reincarnate into the body of a woman"
  - o Cites Maggid Meisharim: A woman with a male soul cannot have children.
  - o Discusses: Isaac was born with the soul of a female
  - o Cites <u>Jay Michaelson</u>
  - November 2019 interview notes that Sha'ar HaGilgulim 9.2 played a formative part in Stein's journey to become a transwoman.
     Interviewer quotes this to say: "At times a male will reincarnate in the body of a female, and a female would be in a male"
- Gender Fluidity in the Jewish Tradition (Keshet)
  - Isaac was born with a female soul.
  - Moses likens himself to a nursing mother.
  - o Cites embryo swap between Joseph and Dinah.
  - Cites Abby Stein
- An Orthodox Rabbi Discusses Transgender Issues in Jewish Texts

by Rabbi Jack Abramowitz (of the OU)

- o mentions idea that Dina, Joseph and Michal had souls of the opposite sex in context of being menschlich to trans people
- Article by <u>NEFESH</u> (The International Network of Orthodox Mental Health Professionals)
  - o Kaf HaChayim: Michal had the "soul of a man". Viewed as helpful.
  - "Thus, at least insofar as Michal wearing tefilin, Kaf Hachayyim allowed "her" selfdefinition to determine "her" gender."
  - "the implication is that one who has the body of a female but the soul of a man would not be violating lo lilbash!"

### Kabbalistic sources on a Gender Soul

Sha'ar HaGilgulim, Chapter 9. <u>Gate of Reincarnations</u> by Isaac Luria (Arizal) 1534-1572 / Chaim Vital 1542-1620) Translations with aid of <u>Chabad</u>

### שער הגלגולים ט':א'

... דע, כי מדת הגלגול נוהגת באנשים הזכרים, ולא בנשים הנקבות...

... כי האנשים לפי שמקיימים מצות עסק התורה, אינם יכולים ליכנס בגיהנם, כי אין אור של גיהנם שולטת בהם.... אבל הנשים שאינם עוסקות בתורה, יכולים ליכנס בגיהנם למרק עונותיהם ואינם צריכים להתגלגל.

Understand, that reincarnation occurs for men who are male but not for women who are female.... This is because men, who are commanded with the mitzvah of studying Torah, cannot enter Gehinom, as the fire of Gehinom does not affect them... But women, who do not study Torah, they are able to enter Gehinom, and to be cleansed from their sins there, so they do not need to reincarnate.

האמנם אע"פ שאינם מתגלגלות, הנה הם באות לפעמים בסוד העבור, עם נצוצי נשמות חדשות נקבות כנשים. גם דע, כי אפשר שאחר שבאה בסוד העבור באיזו אשה, אם האשה ההיא תתעבר ותהר ותלד בת נקבה, אפשר שאותה שבאה בה בסוד העבור, תתגלגל עתה בבחי' גלגול גמור, בבתה הנולדת לה עתה:

However, even though they are not able to reincarnate, they [female souls] may occasionally perform the secret of ibur (impregnation), with the spark of new female souls for women. Also know that it is possible that after entering a certain women performing the secret of ibur, if that woman becomes pregnant and bears a female daughter, it is possible that this woman who performed the secret of ibur, that she will now be reincarnated completely in this daughter who is now born.

### שער הגלגולים ט':ב'

גם דע, כי לפעמים יתגלגל האיש בגוף נקבה, לסבת איזה עון, כמו משכב זכור וכיוצא בו. והנה הנקבה הזאת שהיא גלגול נשמת זכר, אינה יכולה לקבל הריון ולהתעבר, לפי שאין לה בחי' מיין נוקבין להעלות ולקבל טפת מיין דוכרין,

Sometimes a man may reincarnate into the body of a woman because of a sin, such as homosexuality or something similar. This woman who has received the soul of a man will not be able to conceive and become pregnant. This is because she lacks [the ability] to raise female waters, and she therefore cannot receive male waters.

והנה האשה הזאת צריכה זכות גדול לשתוכל להתעבר ולהוליד, ואין לה מציאות אחר, זולתי שתתעבר בה איזו נשמת אשה נקבה אחרת בסוד העבור, ובכן בכח שתופה עמה, תוכל לעלות מיין נוקבין, ולקבל הריון ותלד.

This woman will need great merit to enable her to become pregnant and give birth. The only way it can be done is that some other feminine soul must enter her as an *ibur*. By the strength of this partnership, she will be able to raise up female waters, get pregnant and give birth.

אמנם אי אפשר לה ללדת בנים זכרים לשתי סבות, האחת היא, לפי שהכתוב אומר, אשה כי תזריע וילדה זכר, אבל כאן האשה היא זכר כבעלה, ואינה יכולה ללדת זכרים אלא נקבות.

Nevertheless, she will be unable to give birth to male children, for two reasons. First, it says in the Torah "When a woman gives forth seed and gives birth to a male"

[Thus is reference to *Berachot* 60a, also *Nidda:* "If a woman 'puts forth seed' first, then a boy will be born. If the man puts forth seed first, then a girl will be born." Whichever one biologically "puts forth seed" first, in the spiritual realm both partners are masculine souls, and it will always be the male who puts forth seed first. Therefore, the child must be female.]

Since this woman is male like her husband, she cannot give birth to males, only to females.

הסבה הב' היא,... ואז בעת שיולדת נכנס בה הנשמה ההיא של סוד העבור, ואז הולד ההוא יוצא נקבה ולא זכר, ואז היא שם בבחי' גלגול ממש, ולא עבור כבתחלה.

Second, [because she became pregnant as a result of an *ibur*].Once she gives birth, the soul that entered as a *ibur* will enter as a complete reincarnation, not just as an *ibur* like it was at first. Therefore, the child will be female and not male. [Chabad explains that since this feminine soul is not tainted by any sexual sin, it must enter a female body.]

### Did Chayim Vital write Sha'ar HaGilgulim to rationalise leaving his first wife?

<u>Chabbad</u> notes: In Chapter 38, the Ari will actually relate that **the first wife of Rabbi Chaim Vital** was the *gilgul* of a soul of the type discussed here in this section. That is why she could not give birth to a son. Rabbi Shmuel Vital, the son of Rabbi Chaim, through whom the Lurianic tradition was transmitted, was the son of Rabbi Chaim's second wife, who was actually his soul mate.

<u>Wikipedia</u>: **Vital apparently married at a young age. It was an unhappy marriage, and when he left his wife**, the prophet Elijah appeared to him in a dream and led him to a beautiful garden... Convinced by this vision that he was destined to become a kabbalist, Vital devoted the following two and a half years to the study of alchemy. Upon completing his studies, Elijah appeared to him again in a vision and told him that he would succeed in his efforts and write a commentary on the *Zohar*.

Vital believed his first wife performed witchcraft on him.

See Rav Chaim Vital's Freudian Dream

### Maggid Meisharim 8:3 (Yosef Kaaro – author of Shulchan Aruch)

I have come to reveal to you the secret of your third wife. You should know that **this woman** was in the past, a proper Torah scholar. However, he was stingy with his money and would not give charity. He was also stingy with his wisdom and would not teach others. He was therefore punished that his soul migrated into a woman, measure for measure. ... It is because she has the soul of a male that you have not had children from her, because a male and another male cannot produce offspring. If you shall point out that she has children from her first husband, this is because the first husband has the spark of a female soul within him.

### Isaac

### Or HaChayim by Rabbi Hayyim ben Moshe ibn Attar (1696-1743)

ל**זקוניו. In his old age.** The Torah adds this word and does not content itself with the more appropriate לזקנתו,

because, as I wrote earlier, there was an element of the divine soul missing in Isaac at the time he was born. Isaac had only been equipped with a soul from the female realm...

If Isaac had possessed only a soul from the female realm, but had lacked **the preparation** [in his body] **to receive a soul from the male realm,** then the akeidah would not have helped him [to receive a soul from the male realm].

The Torah wrote here ותלד...זקוניו (she gave birth in his old ages), to indicate she gave birth twice in his old age. The first [זקנה] of Avraham] was [Isaac's] birth. The second [birth of Isaac] was prepared for at another זקנה of Avraham – this is the akeidah.

לזקניו טעם ההודעה גם אומרו לזקוניו ולא אמר לזקנתו, למה שכתבנו כי היה חסר בעת הלידה נפש מעולם העליון להוליד, ולא היתה לו אלא מעלמא דנוקבא...

ואם לא היתה ליצחק אלא הנפש שמעלמא דנוקבא, והיה חסר הכנת הקבלת נפש מעלמא דדכורא, לא תועיל לו העקידה. וזה הוא שדקדק לומר ותלד וגוי הודיע שילדה לבי זמני זקנתו. האי הוא עת לידתו, והבי היא הכנה לעת זקנה אחרת של אברהם שהוא זמן העקידה.

Context: Genesis 21:2

וַתַּֿהַר וַתַּלֶד שָׁרָה לְאַבְרָהֶם בֵּן **לִזְקָגָיו** לַמּוֹעֵד אֲשֶׁר־דִּבֶּר אֹתָוֹ אֱלֹהִים:

Sarah conceived and bore a son to Abraham in his old age [lit: **in his old ages**], at the set time of which God had spoken.

Rabbi Yechiel Michael from Zloczow (1731-1786) – quoted by Abby Stein

(English text in italics is omitted by Stein in the link above.)

אולם הכוונה, דנודע אשר יצחק נולד בנשמת נוקבא, וכמו שכתב בעל אור החיים הק', ועל ידי העקדה היה לו נשמת דכר להשפיע. . . רק זאת נודע סדר הגלגולים. ולפעמים נקבה תסובב גבר כי בסבת הגלגול נשמת נקבה תבוא בזכר ,כאשר י'תרעם ה'גלגל ו'יתרעש ה'חוזר לבוא בגלגול שני ושלישי. ואם נקבה אשר תסובב בגבר, שני נקבות אינם מולידים, רק על ידי מעשי הטוב מחליפין הנשמה, וליצחק החליפו הנשמה. לפיכך לו ולא לה, כי יצחק היה צריך לאותו דבר ולא רבקה:

It is known that when **Issac was born, he was born with the soul of a female**, as it is written in *Or Hachaim*, and through the *akeidah* (binding of Issac) he got a male soul that can influence (meaning, can impregnate. [This is why humans experience more infertility than animals.]

But, this is known according to the *Sod* (Secret/Mysticism) of reincarnation - that **at** times, a female would be in a male body, because in the reasons of *gilgal* (reincarnation) **the soul of a female would come to be in a male.** 

... If a female comes to be in a male, **two females are then unable to procreate**. Only by good deeds can the person change their soul [to become male]. But **Isaac did change his soul [to male]**.

.. that is why it says that [God answered] "him" [Isaac] and not to "her" [Rebecca], because Yitzchak needed help and not Rivka.

Context: Genesis 25:21

Isaac pleaded with the Lord on behalf of his wife, because she was barren; and the Lord responded to **his** plea, and his wife Rebekah conceived.

#### Zohar

Kabbalistic texts indicate that he received a male soul that allowed him to have children only after the akeidah. This idea may trace to the Zohar (see for example *Pikudei* 257a in light of 227b, רמ"ע מפאנו also describes Yitzchak as having a soul "from the side of femininity" (*Gilgulei N'shamos* 90:2), and the *Seder HaDoros* (*Elef HaRishon*) writes that Yitzchak was a *gilgul* of Chava. -- Source

Explained here by **Chabad** 

# <u>Kabbalah and Queer Theory</u> (published paper by <u>Jay Michaelson</u>, Emory University)

- "Queer" reading of kabbalah
- "Isaac's feminine strength... lies in his ability to submit and to exist within the power dynamics dictated by the *akeidah* role-play."

Related to the idea that Isaac embodies the feminine quality of גְּבוּרָה (restraint), which allowed him to submit to the *akeidah*.

Abraham	Kindness	Male	ДÔÙ	Chesed
Isaac	Restraint	Female	גְבוּרָה	Gevurah
Jacob	Beauty	synthesis	תִּפְאֶרֶת	Tif'eret

### **Michal**

### Her story

#### **Biblical Text**

<u>ISamuel 18:20</u> Only woman in the bible to fall in love (aside from Shir Hashirim). Michal bat Sha'ul had fallen in love with David; וַתָּאָהַב מִיכֵל בַּת־שָׁאִוּל אָת־דָּוָד

She saved David's life 1 Samuel 19:11-13

Saul then married her off to Paltiel. She was late reclaimed by David.

<u>David then rejected her</u> after she was incensed by his risqué dancing in the street.

Michal had no child until the day she died. 2 Samuel 6:23

:וּלְמִיכַל ֹ בַּת־שָּׁאוּל לֹא־הָיָה לָהּ יֻלֶד עֻד יַוֹם מוֹתְהּ So to her dying day Michal bat Sha'ul had no children.

### Michal and Tefillin

### Summary

Tefillin are a positive timebound commandment.

There is a general principle that <u>women are exempt</u> from many such mitzvot but can perform them voluntarily – a *reshut*. Ashkenazi women will even say the bracha.

Tefillin are a complicated special case as there is a concern for (1) inappropriate thoughts (<u>hese'ach ha-da'at</u>), and (2) a <u>clean body (guf naki</u>). This leads many halachic authorities to protest against women wearing tefillin, as those who are not obligated may not take the mitzvah seriously enough to maintain (1) and (2) at all times.

Clean bodies and clean minds

Shulchan Arukh, Orach Chayim 38:3 (1563 CE)

שולחן ערוך, אורח חיים ל״ח:ג׳ נשים ועבדים פטורים מתפילין מפני שהוא מצות עשה שהזמן גרמא: הגה ואם הנשים רוצים להחמיר על עצמן מוחין בידם [כל בו]:

Women and slaves are exempt from Tefillin because it is a positive commandment which is caused by time. Rema: And if the women want to be stringent for themselves, **we protest against it** (Kol Bo).

The Rema (above) cites the Kol Bo, by the Maharam (Lublin 1558 – 1616). His <u>Laws of Tefillin</u> (21) forbade women from wearing tefillin, as he was concerned they would not be careful to keep clean (guf naki)

Note that the Rema (Rabbi Moshe Isserles) is contemporary with the Shulchan Aruch (by Joseph Karo), providing an Ashkenazi perspective within S"A. He also ruled that men should not lay if they are prone to sexual thoughts.

#### Cross-dressing

A third less quoted reason to restrict tefillin is (3) the possibility that this is **cross-dressing**, due to the verse in <u>Deuteronomy 22:5</u> (Parshat Ki Tetzeh):

לא־יִהְיֶה כְלִי־גֶבֶר עַל־אִשָּׁה וְלֹא־יִלְבַּשׁ גֶּבֶר שִּמְלַת אִשָּׁה כִּי תוֹעֲבַת יְהֹוָה אֱלֹהֶיךְ כָּל־עֹשֵׂה אֵלֶה:

A man's article shall not be on a woman, neither shall a man wear a woman's garment; for whoever does these things is an abomination to the Lord your God.

Aside from kabbalists, this is not the usual reason given to prohibit tefillin for women. However, <u>Targum Jonathan</u> (date unknown) interprets Deut 22:5 to include tefillin.

Targum Jonathan and kabbalists utilise an essentialist approach to Deut 22:5, in contrast to the more common *functionalist* approach of Sifri and Rashi, who viewed this verse as a a guard-rail to prevent sexual immorality or idolatry. See <u>Ronit Irshai</u>

#### The Michal Problem

The Talmud (below) tells a story that Michal wore tefillin. This is a problem as tefillin are a male practice. Various texts grapple with this problem, and how to reconcile Michal's actions with gender expectations on other women. Some texts object to Michal. Some do not, but then must ask why should other women not copy Michal?

From this discussion, there emerge 18<sup>th</sup> and 19<sup>th</sup> Century halachic sources suggesting that Michal had a "male soul".

#### **Talmudic Narratives**

#### Babylonian Talmud: Michal wore tefillin and the Sages did not protest.

The Talmud Bavli in Eruvin debates whether tefillin are a timebound commandment or not in the context of wearing them on Shabbat. In this discussion, the story is given that **Michal wore tefillin** and the Sages did not protest. They posit initially that this means tefillin are *not* a timebound commandment, and women are obligated However, the discussion concludes with the position that tefillin are timebound, but that **Michal's action was a** *reshut*, and therefore acceptable.

#### Eruvin 96a-96b (450-550 CE)

**עירובין צו א-ב:** אֶלֶּא הַאִּי תַּנָּא הוּא דְּתַנְיָא: מִיכַל בַּת כּוּשִׁי הָיְתָה מַנַּחַת תְּפִילִּין **וְלֹא מִיחוּ בָּהּ** חֲכָמִים, וְאִשְׁתּוֹ שָׁל יוֹנָה הָיְתָה עוֹלָה לָרֶגֶל וְלֹא מִיחוּ בָּהּ חֲכָמִים. מִדְּלֹא מִיחוּ בָּהּ חָכָמִים — אַלְמָא קָסְבְרִי מִצְוַת עֲשֵׂה שֶׁלֹא הַזְּמַן גרמא היא

... וְדִילְמָא סָבַר לַהּ כְּרַבִּי יוֹסֵי, דְּאָמַר: נָשִׁים סוֹמְכוֹת רְשׁוּת... מִי אִיכָּא לְמַאן דְּאָמַר רֶגֶל לָאו מִצְוַת עֲשֵׂה שֶׁהַּזְּמַן גְּרָמָא הוּא? אֶלָּא קָסָבַר רְשׁוּת, הָכָא נָמֵי רְשׁוּת.

...it was taught in a *baraita*: **Michal, daughter of Kushi,** King Sha'ul, **would don tefillin, and the Sages did not protest against her** behaviour. And similarly, Jonah's wife would undertake the Festival pilgrimage and the Sages did not protest against her practice. From the fact that the Sages did not protest against Michal's donning phylacteries, it is apparent that these Sages hold that phylacteries is a positive mitzva not bound by time

... But perhaps [on the contrary] the *tanna* holds that, as in the case of women who lay their hands on an animal for sacrifice, **this is a** *reshut*... After all, who can deny that the pilgrimage is a timebound commandment? **As that practice is optional, so is this one optional.** 

#### <u>Jerusalem Talmud</u> Berachot 2:3:9: The sages did protest. (375-425 CE)

תלמוד ירושלמי ברכות ב׳:ג׳:ט׳... אֵת שֶׁהוּא חֵייָב בְּתַלְמוּד תּוֹרָה חַייָב בְּתְפִילִין. נָשִׁים שֶׁאֵינָן חַייָבוֹת בְּתַלְמוּד תּוֹרָה חַייָב בְּתְפִילִין. נָשִׁים שֶׁאֵינָן חַייָבוֹת בְּתַלְמוּד תּוֹרָה אֵינָן חַייִבִין בִּתְפִילִין. הָתִיבוּן הָרֵי מִיכַל בַּת כּוּשִׁי הָיְתָה לוֹבֶשֶׁת תְּפִילִין. וְאִשְׁתּוֹ שֶׁל יוֹנָה הוּשְׁבָה. מִיכַל בַּת כּוּשִׁי מִיחוּ לְרְגָּלִים וְלֹא מִיחוּ בְּיָדֶיהָ חֲכָמִים. רְבִּי חִזְקְיָה בְשֵׁם רְבִּי אֵבָּהוּ אִשְׁתּוֹ שֶׁל יוֹנָה הוּשְׁבָה. מִיכַל בַּת כּוּשִׁי מִיחוּ בְּיֵדִיהָ חַכָּמִים. בְּיֵדִיהַ חַכָּמִים.

...Anyone who is obliged to study Torah is obliged for *tefillin*, women who are not obliged to study Torah are not obliged for *tefillin*. They objected, but did not Michal, the daughter of the Kushi, wear *tefillin*, and did not the wife of Jonah make the pilgrimage to the Temple, and the sages did not object? Rebbi Ḥisqiah in the name of Rebbi Abbahu: Jonah's wife was turned back; **The sages forbade it to Michal the daughter of Kushi**.

Note that the Jerusalem Talmud is normally viewed as less authoritative than the Bavli.

#### Michal as a precedent for women to wear tefillin

#### Rabbeinu Tam (1100-1171) explains away the Yerushalmi

Rashi's grandson <u>explained</u> that the Jerusalem Talmud objects only because Michal wore tefillin on Shabbat, which is prohibited for women as tefillin are not an adornment for them. This is really about carrying on Shabbat, so the Jerusalem Talmud does not actualy mean that women should not wear tefillin at all.

#### Sefer Hachinuch (1255-1285) 421:9

Argues that women may wear tefillin if they wish, and obtain a reward, citing Eruvin 31a.

... וּמִכֶּל מָקוֹם אִם רָצוּ לְהָנִיחַ **אֵין מְמַחִין בְּיָדָן**, וְשָׂכָר יֵשׁ לָהֶן, ... וּבְמַּסֶּכֶת עֵרוּבִין בְּרֵישׁ פֶּרֶק הַמּוֹצֵא תְּפִלִּין (צו, א) אָמְרוּ זִּכְרוֹנָם לִבְרָכָה, שֶׁמִּיכַל בַּת שָׁאוּל הָיְתָה מַנַּחַת תְּפִּלִּין וְלֹא מְחוּ בְּיָדָהּ חָכָמִים ... אִשְׁתּוֹ שֶׁל יוֹנָה...

... And nonetheless, if they want to lay tefillin, **we do not protest** [against them] and there is reward for them... And in Tractate Eruvin 31a in the chapter entitled *Hamotseh Tefillin*, they, may their memory be blessed, said that Michal bat Sha'ul would lay tefillin and **the Sages did not protest against her**. [similarly, Jonah's wife]

Rashba (1235 – 1310 CE) agrees and says that Michal presumably said the brachah.

### Michal was an exception

#### Ritva: Only special women can lay tefillin

The Ritva (1260 – 1320) <u>explains</u> that the rabbis neither protested nor condoned women wearing tefillin. Most women are incapable of being careful with clean minds and bodies, but some special women can.

#### Olat Tamid:

Menopausal women will be able to observe guf naki. Michal's childlessness implies she was menopausal and explains why she was not rebuked.

#### Aruch HaShulchan Orach Chayim 38:

נשים ועבדים פטורים מתפילין, ... ואם רוצין להחמיר על עצמן – מוחין בידן. ולא דמי לסוכה ולולב שפטורות ועם כל זה מברכות עליהן. דכיון דתפילין צריך זהירות יתירה מגוף נקי, ... לפיכך אין מניחין אותן להניח תפילין. ואף על גב דתניא בעירובין (צו א) דמיכל בת שאול היתה מנחת תפילין, ולא מיחו בה חכמים – אין למידין מזה, דמסתמא ידעו שהיא צדקת גמורה וידעה להזהר...

Women and slaves are exempted from tefillin... and if they wish to be stringent on themselves, we protest against them. This is not like succah and lulav for which they are exempt and yet say the blessing upon them. Because tefillin requires careful attention, exceptional care with *guf naki*... [Men do not wear tefillin all day as they cannot maintain their care all day, but women at a time of prayer are like men at other times of day, since women are not obligated.]

...Even though it was taught in a baraita in Eiruvin 96a that Michal bat Sha'ul would lay tefillin and the sages did not protest her, we do not learn from that, because presumably they knew that she was a totally righteous woman and she knew to take care [about guf naki].

Yam Shel Shlomo (Shlomo Luria / Maharshal 16th century)

<u>ים של שלמה קיד פרק א ס סד</u> דלא מיחו במיכל, לפי שהיתה צדקת גמורה, והיתה אשת מלך, גם **לא היה לה ולד**, והיתה **יכולה לשמור עצמה בנקיות**, מה שאין כן בשאר נשים

Yam Shel Shelomo, Kiddushin, 1:64

They did not protest Michal because she was a totally righteous woman, and the wife of a king, also she had no offspring, and she was able to keep herself in cleanliness, which is not so for other women.

### What if women copy Michal?

<u>Seridei Eish</u> by Rav Yechi'el Ya'akov Weinberg (1884-1966)

He asks why the Sages did not protest and answers that Michal's wearing of tefillin did not violate the <u>cross-dressing prohibition</u> because she was performing a mitzvah.

וע"כ [=ועל כן] שמכיון שמתכוונת לשם מצוה אין כאן איסור לא ילבש.

It must be that, since her intention is for the sake of the mitzva, there is no prohibition here of not wearing [a man's garb]. --- This clearly sets a precedent for other women.

#### Yohora?

Some halachists were concerned that Michal's story might serve as a precedent, leading to other women laying tefillin. Maharam Schick (1807-1879) <u>argued</u> that for women, laying tefilling constituted *yohora* יוהרא (arrogance) – acting like you are better than other women, for whom tefillin is forbidden.

### Did Michal have the soul of a man?

### Kaf Hahayyim Part 1 38:9:1 (Chatam Sofer 1900-1940)

As stated by the Rem"a: And if women want to be stringent for themselves, we protest against it. *Birkat Yosef* agrees and also the Rabbi of *Beit Hillel*.

The Targum quotes from Parshat Ki Tetzeh: "A woman must not don a man's apparel". Tzitzit and tefillin are men's apparel and should therefore not be upon a woman.

We learn from this that women are not just exempt from [the mitzot of] tzitzit and tefillin, but they actually cross a line by performing these...

Also see Shomer Emunim on Parshat Ki Tetzeh, regarding "A woman must not don man's apparel." By "a man's apparel" he means tefillin...that this is a secret from the male realm. Therefore, there is no proof [that women may do so] from Michal bat Sha'ul -- that she donned tefillin.

Bring now Yafeh Lalev, who wrote: While it is true that there is no proof from Michal Bat Sha'ul, it is possible to say that Michal bat Sha'ul was a wise woman, who knew that she herself had a soul from the realm of the masculine, and thus it is said "And Michal bat Sha'ul had no child."

And see also <u>Sha'ar Hagilgulim</u>, chapter 9. He wrote that that a woman who is a reincarnation of a male soul is not able to get pregnant unless she possesses great merit and thus conceives through receiving an *ibur* from another woman who is fully female.

כף החיים על שולחן ערוך אורח חיים ל״ח:ט׳:א׳

ט) שם הגהה. ואם הנשים רוצים להחמיר על עצמן מוחין בידם, וכן הסכים הברכ"י אות א' יעו"ש ועיין להרב בית הילל ז"ל ביו"ד סי קפ"ב סק"ב

שהביא משם תרגום יב"ע סדר תצא בפ' לא יהיה כלי גבר על אשה דמתרגם לא יהא גולין דציצית גבר על אשה דמתרגם לא יהא ע"כ,

דש"מ דלא לבד שהיא פטורה מציצית ותפילין אלא דגם עוברת בלאו, והביאו פתח הדביר אות ב' יעו"ש.

ועוד עיין בס' שומר אמונים פ' כי תצא בפ' לא יהיה כלי גבר על אשה שכתב וז"ל כלי גבר בא"ת ב"ש גי' זו תפילין שהן סוד עלמא דדכורא וכו' ואין ראיה ממיכל בת שאול שהיתה מנחת תפילין ע"כ.

והביאו יפה ללב ז"ל אות ב' וכתב דמ"ש ואין ראיה ממיכל בת שאול וכו' אפש"ל דמיכל בת שאול היתה אשה חכמה וידעה בעצמה שהיתה לה נשמה מעלמא דדכורא ולכך ולמיכל בת שאול לא היה לה ולד עכ"ל.

ועיין שער הגלגולים הקדמה ט' שכתב שאשה שמגולגל בה נשמת זכר א"א לה להתעבר אם לא ע"י זכות גדול שתתעבר בה איזה נשמת אשה נקבה אחרת בסוד עיבור וכו' יעו"ש ועיין מש"ל סי' טו"ב אות ה:'

Note: <u>Cross-dressing</u> is not the usual reason to prohibit women from wearing tefillin. The idea that tefillin are a secret of the male realm comes from the Arizal as quoted by the Ben Ish Chai in *Sod Yesharim* 12. Discussed in Deracheha

Yafeh La-lev 38:2 (Rav Rachamim Falaji פלגר 1814-1907)

This is the source cited by the <u>Chatam Sofer</u> (above). It is curious that Rachamim Falaji's brother Yosef had a fascination with sex transformations (see below)

יפה ללב - חלק א - פלגי, רחמים נסים יצחק בן חיים

בירם והטעם כראם דכקב בס' שומר אמונים בירם והטעם כראם דכקב בס' שומר אמונים פ' כו תלא כפסוק לא יחיה כלי גבר על אשח וז'ל כלי גבר כא'ח כ'ש גימ' זו תפילין שהן סור עלמא דרכורא ומ"ש ואין ראיה ממיכל כח שאול שהיחה מכחת הפילין ע"ב אפש"ל דמיכל כ"ש היחה אשה חכמה וירעה כעלמה שהיחה לה כשמה מעלמא דרכורא ולכך ולמיכל כת שאול לא חיה לה ולד ועיין בס' ברב"ו אות ש' וכס' פקח הדכיר נר"ו אות ב':

As stated by the Rem"a: And if women want to be stringent for themselves, we protest against it. As written in *Shomer Emunim, Parshat Ki Tetzeh:* "A woman must not don a man's apparel". By "man's apparel", he means tefillin, since this is a secret from the male realm. While it is true that ther eis no proof from Michael bat Sha'ul, it is possible to say that Michael was a wise woman, who knew that she herself had a soul from the realm of the masculine. And thus it is said "And Michael bat Sha'ul had no child." See Birkei Yosef and Pesach HaDevir.

Note: *Birkei Yosef* by Chaim Yosef David Azulai (1724 – 1806) and *Pesach HaDevir* are both a mixture of halacha and kabbalah rooted in the work of the Arizal.

#### Rav Yosef Palaji (Palache) פֿלגי, Izmir (1815 - 1896): Yosef Et Ehhav

Brother of Rachamim Falaji / Palache. Concerning what HaRav Shlomo Miranda wrote in the Yad Ne'man about a woman who miraculously transforms into a man:

"... A woman needs a Get from a man, and not a man. For in the Get, a man gives a Get to his wife and says, You, my wife, and he (the husband in this case) does not have before him a woman, but a man! He also writes to her that she is permitted and authorised marry any other man in the world – and lo! She is not a woman who is fit and therefore permitted (through the Get) to (any other man) the whole world... "

Source: Rabbi Moshe Ariel Abel. Sources available here

Yosef Palaji is important because the Tzitz Eliezer (Rabbi Eliezer Yehuda Waldenberg) cites him in famous 1967 <u>teshuvah</u> often misunderstood as implying that one can medically change sex.

Could some of the kabbalistic ideas of "women with the soul of a man" or "males born with female souls" really be inspired by genuine stories of males with DSDs who are born looking like girls and may or may not fully become men as adults? Who knows? Does it matter?

### Dina

### **Biblical Story**

Dina and Joseph are the last two children of Joseph, and their births are mentioned in consecutive verses. Genesis 30:21-25

### Dina's Rape (Genesis 34)

Now Dinah, the daughter whom Leah had borne to Jacob, went out to visit the daughters of the land.

Dinah is then raped and held captive by Shechem, prince of the town of Shechem. Shechem claims to love Dina and asks to marry her. The men of Shechem agree to be circumcised as a condition of the two clans merging and marrying each other. Then Dinah's brothers kill all the males of Shechem while they are weakened, and rescue Dinah. Jacob is not happy at all about their deceipt, as he only wanted Dinah rescued.

### Commentaries

### **Berachot 60a:**

ּלְאַחַר שָׁדָּנָה לֵאָה דִּין בְּעַצְמָהּ וְאָמְרָה: שְׁנֵים עָשָׂר שְׁבָטִים עֲתִידִין לְצֵאת מִיַּעֲקֹב, שָׁשָּׁה יָצְאוּ מִמֶּנִּי וְאַרְבָּעָה מִן הַשְּׁפָחוֹת, הֲרֵי עֲשָׂרָה. אָם זֶה זָכָר, לֹא תְּהֵא אֲחוֹתִי רְחֵל כְּאַחַת הַשְּׁפָחוֹת, מִיָּד נֶהֶפְּכָה לְבַת, שֶׁנֶּאֱמַר: ״וַתִּקְרָא אָת שְׁמָהּ דִּינָה״. אֵין מַזְכִּירִין מַעֲשֵׂה נִסִּים.

After Leah passed judgment on herself and said: Twelve tribes are destined to descend from Jacob, six came from me and four from the maidservants, that is ten, and if this foetus is male, my sister Rachel will not even be the equivalent of one the maidservants; immediately **the foetus was transformed into a daughter**, as it is stated: And she called her name Dina (judgment).

Similar story in **Targum Jonathan** 

### Chayim Vital 1542-1620 writes in Sha'ar HaPesukim:

(טו) ותצא דינה בת לאה :(טז) (מזולתו) כבר ידעת מ"ש חז"ל, על פסוק ואחר ילדה בת, שהיה בן, וע"י תפלת לאה, חזרה והיתה בת. נמצא, כי לאה גרמה לדינה שתהיה בת, ולכן נקראת בת לאה, ולא בת יעקב. גם ז"ס, היות כתוב בדינה נער זכר, וקרינן נערה, כי תחלה היתה נער זכר, ואח"כ נהיתה נערה נקבה...

Regarding the verse "after that she gave birth to a daughter," we already know that Chazal say that she was a male child, and after Leah's prayer, she changed / returned to be a daughter. It follows that Leah caused Dina to be a female child, and that is why she is called "daughter of Dina" and not "daughter of Jacob."

Also, the narrative refers to Dina as *na'ar* (masculine / boy), but we read *na'arah* (girl). This is because she was originally a *na'ar* (male), and afterwards became a *na'arah* (female).

### Rabbi Eliyahu Munk (approx. 1611-1631) "Dinah went out"

**ותצא דינה בת לאה** (בראשית לד, א). מאוד מאוד צריכה אשה להיות צנועה כל כבודה פנימה, לא מבעיא אשת איש, אפילו פנויה שלא היתה לאיש. צא ולמד מה קרה לדינה שהיתה זרע יעקב אבינו וזרע לאה אמנו, על כל זאת אירע לה מה שאירע לה, א"כ צריכין שמירה יתירה בנות דעלמא:

ותצא דינה בת לאה . The lesson we learn from this incident is how careful women have to be to conduct their affairs as far as possible within the privacy of the home. This rule does not only apply to married women but also to unmarried girls. If Dinah, a daughter of such illustrious parents as Jacob and Leah, was not safe from an attack on her virginity, daughters of less illustrious parents certainly need to be guarded carefully.

ומכל מקום אין להרהר אחר יעקב ולאה איך יצא זה המכשול של דינה. דע **כי טבע דינה היה טבע זכר שהוא יוצא השדה,** על כן היתה יצאנית, והענין כמו שאמרו רז"ל (ב"ר עב, ו) שדינה היתה זכר בבטן אמה ויוסף היה נקבה בבטן אמו, והתפללה לאה על זה ונתהפכו שניהם, מכל מקום היה בה טבע הזכר. וזהו שאמר בת לאה, כי מה שנעשית בת ולא בן זה היה מכח תפלת לאה:

We must not spend time wondering how such a misfortune could have happened and what errors if any her parents had committed. We must remember that **Dinah's nature was like that of a male who is in the habit of going out into the field**; this is how she conducted herself.

Our sages have explained that as a fetus Dinah was [originally] male in her mother's womb, and Joseph was [originally] male in his mother's womb; but Leah prayed, and they were both changed. From the start, she had a male nature. Thus, the text says "daughter of Leah", since what made her a daughter and not a son was the force of Leah's prayer.

#### Jericho Vincent: Trans Torah: Moshiach ben Yosef v'Dinah

Dina's change from male to female is called a "transition". Joseph and Dinah are "trancestors".

### Joseph

Birth is linked to Dinah's. See above.

### Only man in the bible to be described as beautiful (Genesis 39:6):

Now Joseph was shapely and beautiful. וַיִּהֶּי יוֹטֵּף יִפֶה־תָּאַר וִיפֶה מַרְאֶה:

[Immediately after this is the story of Joseph's sexual harassment by Potifar's wife. Joseph escapes physically unharmed, but is thrown in prison.]

### Joseph's laddishness – feminine? Bereishit Rabbah 84:7

יוֹסֵף בֶּן שְׁבַע עֶשְׂרֵה שָׁנָה וגו) 'בראשית לז, ב ,(וְאַתְּ אָמַר וְהוּא נַעַר, אֶלָּא שֶׁהָיָה עוֹשֶׂה מַעֲשֵׂה נַעֲרוּת, מִמַשִּׁמֵשׁ בָּעֵינָיו, מִתַלֵּה בַּעֵקֶבוֹ, מִתַקֵּן בִּשַּעֵרוֹ .

"Joseph, seventeen years old..." – and you say he was a lad? It is because he would perform the actions of a lad – he would groom his eyes, lift his heels, and curl his hair.

### Coat of many colours sign of femininity / connected with sexual vulnerability

#### Genesis 37:3

Now Israel loved Joseph best of all his sons—he was his "child of old age"; and he had made them a (princess') **ornamented tunic.** וְיִשְׂרָאֵׁל אָהָב אֶת־יוֹסֵףׁ מִכָּל־בָּנְיו כִּי־בֶּן־זְקֻנְים הָוּא בּיִרנֵת פַּסִּים: לְוֹ וְעֲשָׂה לְוֹ כִּילְנֵת פַּסִּים:

#### Genesis 37: 31-33

וַיִּקְחָוּ **אֶת־כְּתִּנֶת יוֹסֵף** וְיִּשְׁחֲטוּ שְׁעֵיר עִזְּים **וַיִּטְבְּלוּ אֶת־הַכֵּתִּנֶת בַּדֵּם:** וַיְשַׁלְחוּ אֶת־כְּ**תְּנֶת הַפָּסִּים** וַיָּבִיאוּ אֶל־אֲבִיהֶּם וַיִּאֹמְרָוּ זָאֹת מָצֶאנוּ הַכֶּר־נָא הַכְּתְּנֶת בִּנְךֶּ הָוֹא אִם־לְא: וַיַּכִּירֶהּ וַיִּאֹמֶר כִּתְנֵת בָּנִי חַיֵּה רָעָה אֵכָלֻתָהוּ **טָרָף טֹרֵף יוֹסֵף**:

Then they took Joseph's tunic, slaughtered a kid, and dipped the tunic in the blood. They had the ornamented tunic taken to their father, and they said, "We found this. Please examine it; is it your son's tunic or not?" He recognized it, and said, "My son's tunic! A savage beast devoured him! Joseph was torn by a beast!"

#### II Samuel 13:18-19 about Tamar (after her rape by her half brother Amnon)

(יח) וְעֶלֶּיהָ**ׂ כְּתִּנֶת פַּסִּים** כִּי בֵּן תִּלְבְּשְׁן בְנוֹת־הַמֶּלֶךְ הַבְּתוּלָת מְעִילֵים וַיּצֵּא אוֹתָהּ מְשֶׁרְתוֹ הַחוּץ וְנָעַל הַדֶּלֶת אַחֲבֶיהָ: (יט) וַתִּלֵּח תָּמֶר אֵפֶר עַל־ראֹשָׁהּ וּ**כְתְּנֶת הַפּסֵים אֲשֶׁר עָלֶיהָ קָבֵעה** וַתָּשֶׂם יָדָהֹּ עַל־ראֹשָׂהּ וַתֵּלֶךְ הָלָוֹךְ וְזָעֲקָה:...

She was wearing an **ornamented tunic**, for maiden princesses were customarily dressed in such garments. —His attendant took her outside and barred the door after her. Tamar put dust on her head and **rent the ornamented tunic** she was wearing; she put her hands on her head, and walked away, screaming loudly as she went.

Note that Jericho Vincent ignores the rape of Tamar. The link with violence.

#### "There was no man"

#### Genesis 39:7-12

וַיְהִּי אַחַר´ הַדְּבָרֵים הָאֵׁלֶּה וַתִּשָּׂא אֲשֶׁת־אֲדֹנֵיו אֶת־עִינֵיהָ אֶל־יוֹסֵף וַתַּאֹמֶר שִׁכְבָה עִמְי: וַיְמָאֵׁן... וַיְהִי כְּדַבְּרָהּ אֶל־יוֹסֵף, יוֹם וֹ ִיוֹם וְלֹא־שָׁמַע אֵלֶיהָ לִשְׁכַּב אֶצְלָהּ לְהֵיוֹת עִמְהּ: וַיְהִי כְּהַיּוֹם הַדֶּה וַיָּבָא הַבַּיְתָה לַעֲשְׂוֹת מְלַאכְתָּוֹ **וְאֵיוּ אִישׁ** מֵאַנְשֵׁי הַבַּיִת שָׁם בַּבֵּיִת: וַתִּתְפְּשֵּׂהוּ בְּבִגְּדָוֹ לֵאמָר שִׁכְבָה עִמֶי וַיַּעֲזֹב בִּגְדוֹ בְּיָדָה וַיֻּנָס וַיֵּצֵא הַחְוּצָה:

After a time, his master's wife cast her eyes upon Joseph and said, "Lie with me." But he refused..... And much as she coaxed Joseph day after day, he did not yield to her request to lie beside her, to be with her. One such day, he came into the house to do his work. And **there was no man** from the household there in the house. Then she caught hold of him by his garment and said, "Lie with me!" But he left his garment in her hand and got away and fled outside.

#### Bereshit Rabbah 87:7

וַיָהִי כְּהַיּוֹם הַזֶּה וַיָּבֹא וגו' וְאֵין אִישׁ מֵאַנְשֵׁי הַבַּיִת (בראשית לט, יא), אֶפְשָׁר בֵּיתוֹ שֶׁל אוֹתוֹ הָאִישׁ מִשְׁתַּיִּר כְּלֵּא אִישׁ... רַבִּי שְׁמוּאֵל בַּר נַחְמָן אָמַר לַעֲשׁוֹת מְלַאכְתּוֹ וַדַּאי, אֶלֶּא וְאֵין אִישׁ, בָּדַק אֶת עַצְמוֹ וְלֹא מָצֶא עַצְמוֹ אִישׁ. דְּבָר אַחֵר, רַבִּי שְׁמוּאֵל אָמַר נִמְתְּחָה הַקֶּשֶׁת וְחָזְרָה, הֲדָא הוּא דְּכְתִיב (בראשית מט, כד): וַתִּשֶּׁב בְּאֵיתָן קַשְׁתוֹ, קַשְׁיוּתוֹ. רַבִּי יִצְחָק אָמַר נִתְפַזֵּר זַרְעוֹ וְיָצָא דְּרֶרְ צִפְּרְנָיוּ, שֶׁנֶּאֱמַר (בראשית מט, כד): וַיָּפֹזּוּ זְרֹעֵי יָדִיוּ. רַב הוּנָא בְּשֵׁם רַבִּי מַתְנָא אָמַר אִיקוֹנִין שֵׁל אָבִיו רָאָה וִצְנַן דְּמוֹ...

"It was on a certain day, he came... and there was no one of the people of the household" – is it possible that this man's house remained without anyone [inside]? ... Rabbi Shmuel bar Naḥman said: "to perform his labor" indeed. However, "there was no one [ish]" – he examined himself and did not find himself to be a man [ish].

Another matter, **the bow was drawn and was restored**. That is what is written: "His bow sat firm [vateshev be'eitan kashto]" (Genesis 49:24) – his firmness [kashyuto]. Rabbi Yitzḥak said: **His semen dispersed and emerged through his fingernails**, as it is stated: "And the arms of his hand were gilded [vayafozu]" (Genesis 49:24). Rav Huna said in the name of Rabbi Matna: He saw the image of his father and his blood cooled ...

#### Misc Perspectives

#### Jericho Vincent

- interprets "he did not find himself to be a man" as a sign that Joseph had a female soul.
- <u>Jacob</u> prays that God gives Joseph "blessings of the breast and womb" sign of Joseph's femaleness
- Midrash that Joseph married the daughter of Dinah, so that mashiach ben Yosef is descended from our "trancestors"
- symbolism of Menashe and Ephraim being born "on Joseph's knees" as a sign of his femaleness.
- Coat of many colours is a "princess" dress link with Tamar but no mention of the rape.

#### Joseph's Womb: Gender Complexity in the Story of Joseph

- Femininity and possible homosexuality explored
- switching of embryos between Joseph and Dinah
- idea that gender-transgressive women are inhabited by a male soul or dybbuk
- symbolism of Menashe and Ephraim being born "on Joseph's knees" as a sign of his femaleness.
- Coat of many colours is a "princess garment". Does mention the rape of Tamar and draws parallel with Joseph's abuse by Potifar's wife.

#### MyJewishLearning article on "LGBTQ Interpretations of Jewish Texts"

- Joseph acts like a teenage girl.
- Joseph's beauty is gendered female.
- Switch of embryos between Joseph and Dinah
- "princess dress" noted, but no mention of the rape

## Misc gender-soul narratives

- page 193 from Sefer Yamei Chabad. Alter Rebbe's daughter had a male soul. Because her intellect was masculine. Cannot find source. Discussed here
- <u>Haichal Habracha Bamidbar 27:7</u> says that the Bnos Tzelafchad had male Neshamos.
- Arizal taught that Rachav (בחבר) reincarnated in Hever (חבר), who was the husband of Yael! (See *Sha'ar HaGilgulim*, ch. 36) Hever had a female soul, which is probably why Yael had to be the stronger, more "masculine" one and execute Sisera herself. And for her tremendous deed, the Arizal says Yael (יעלי) reincarnated in Eli (עלי) the High Priest! Perhaps Yael had a male soul all along. Source
- Ysoscher Katz notes that Sefer Tziyoni (14<sup>th</sup> century) seems to say that Moses was born with the appearance of a woman (בצלם דמות אש"ה). The phrase probably has to do with the fire of God, or the hidden light of creation. Or at most a miracle that helped him to be hidden. Not a female soul. <u>Discussion here.</u>