

“Blessed Is the One Who Turned Me into a Man”: Gender and Trans-ness in Sephardic Halakhah

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At the turn of the millennium, an Israeli religious man's sibling decided to transition. Not knowing how to relate to his now brother, the man turned to Sephardic rabbi Idan Ben-Efraim, who consulted rabbinic and medical experts on the matter, sparking a renewed debate within the world of halakhic treatises. Ben-Efraim, in his response, guided the cis-gender man in how to refer to his “new brother and how to relate to him.”ⁱ The rabbi's amount of care and empathy in properly gendering the trans man should not be overlooked. Was this proper gendering of the trans brother “progressive” posturing? Is there precedent in halakhic literature for how to refer to a trans person? Exploring how rabbinic authorities approached the question of gender transitions provides one model for our present day. Without going into the minutiae—and sometimes pathologizing logic—that were used to discuss the matter, I want to focus on how Ben-Efraim and previous rabbis took care in properly gendering trans Jews. If anything, this should be a lesson on the importance of respecting one's fellow human.

In 2003, Rabbi Ben-Efraim published *Dor tahafukhot* (A generation of upturnings), the first theological compendium dedicated solely to the question of how to relate to trans Jews who have undergone gender-affirming care. Cautioning that the responsa are “for married couples only,” the work relied on scientific and theological evidence to support various legal positions regarding how to treat Jews who—as part of asserting their gendered identity—take on hormonal, surgical, and sartorial changes to the self. Rabbi Ben-Efraim unequivocally asserts that the Torah expressly forbids gender-affirming surgery as well as other specific forms of gender transitions. While there are several halakhic prohibitions against surgical and sartorial forms of gender-affirming care for those assigned male or female

at birth, he later observes that this does not apply universally. Ben-Efraim is not a progressive rabbi. He devotes a few pages to a theological attack on his understanding of “liberalism and pluralism,” considering them an assault on Torah principles.ⁱⁱ Yet, he still exercises care in asserting that one should relate to trans Jews as their chosen gender, including instructing them to sit in the appropriately gendered space within synagogues.ⁱⁱⁱ The title—which comes from *parashat Ha'azinu*—refers to punishments awaiting a rebellious or perverse generation (*dor tahafukhot*).^{iv} When taken literally, this could be construed as transphobic. Yet, Rabbi Ben-Efraim interprets the verse to also include a positive tone, pointing out that the word *tahafukh* could also mean that it is a generation of transformations where a community turns *toward*, rather than away from, God.^v This points to the fact that the book was inspired by a generation of newly religious trans Jews who presented him with halakhic questions, seeking paths to a closer relationship with the divine.

Rabbinic halakhic texts, in delineating gender constructs, draw upon a complex taxonomy, including male (*zakhar*); female (*nekevah*); androgynous, or having indicators of multiple sexes; assigned female (*'aylonit*) or male (*saris*) at birth but transitioned to a different sex; and ambiguous (*tumtum*, i.e., “closed” genitalia that are impossible to categorize). Rabbinic exegetical and kabbalistic texts recognize that, while the assigned gender of a person sometimes remains compatible with how they identify, this is not always the case. Sometimes, a man is born with the soul of a woman and vice versa. Kabbalistic texts observe that when this occurs, a transition of genders may happen within the spiritual and physical world. For a *tumtum*, they are born as having neither male nor female spiritual attributes; yet, when their gender is determined in the physical realm, their gender in the spiritual realm

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transitions to maintain compatibility.^{vi} In the case of an androgynous person, they are born with dual-gendered spirits and maintain that duality within both realms, regardless of physical appearance.

While certainly an innovative work, supported by major rabbinic figures of our generation, Rabbi Ben-Efraim's halakhic stance finds inspiration from two major rabbinic figures of the nineteenth and twentieth centuries: Rabbis Yosef Pallacci (1815–1896) and Eliezer Waldenberg (1915–2006). This may seem as strange. For many contemporary politicians, rabbis, and community members assert that trans-ness is a new phenomenon or point to the first recorded gender-affirming surgeries that took place in Germany in the 1930s. Yet, rabbinic figures at least since the 1600s have observed those whose internal sense of gender was incompatible with their external presentation and sought out medical interventions.

Rabbi Waldenberg, in his twenty-two-volume work *Ziv Eliezer*, turned to Rabbi Pallacci to determine the halakhic status of those who undergo gender-affirming care. He also notes, based on the words of Polish Jewish physician Tobias Cohn (1652–1729) and Jerusalem chief rabbi Yom Tov Al-Gazi (1727–1782), that doctors in previous generations observed several cases of androgynous Jews who married as men and fathered children only to later marry as women and give birth to additional children. Based on this, Rabbi Waldenberg concluded that this person has the legal status and obligations of an androgynous or *tumtum*.^{vii}

To understand the halakhic status of trans Jews, many authorities turn to a nineteenth-century case in Izmir, Turkey. Hakham Yosef Pallacci, son of the chief rabbi of Izmir, Avraham Pallacci (1788–1866), mentions a question

from a young man who consummated a marriage to a young woman and, after several years, “something happened to her and she transitioned from a female to a male in every way.”^{viii} The main concern of the responsum was whether the husband was required to provide a *get* (bill of divorce) to the person who transitioned. Basing his ruling on a similar case in 1804 from Thessaloniki, in which a young woman transitioned into a man just upon arriving at the *huppah*, Pallacci ruled that a *get* was not required as the *ketubah* had been retroactively deemed invalid as the “married woman” (*'eshet 'ish*) is now a “true man” (*gever 'ish*).^{ix} For all intents and purposes, the person is halakhically their newly chosen gender and therefore their marriage is invalidated. Yet, the question of how this person should operate with regard to gendered halakhic practice remained. Should he be circumcised, as required by all Jewish men? Would he be required to fulfill all time-bound mitzvot, an obligation that women are exempt from? Although now a Jewish man, neither a *brit milah* nor the intervention of surgeons (*hakhmei nituah*) was required to confirm his new Jewish manhood.^x Instead, he should be considered as born circumcised, since rabbinic authorities viewed the vagina as an inverted penis. Every morning, he would be expected, as part of morning prayers, to recite gratitude for being born a man or a woman. In Pallacci's ruling, he should neither recite *she-lo 'asani 'ishah* (that I was not created as a woman) nor give thanks for being born “according to God's will.” This is because the trans man was “already made into a woman within his mother's womb and emerged into the world in the form of a woman.” Instead, he is instructed to say “Blessed is the One who turned me into a man [*she-hefkhani le-'ish*]” during the morning blessings. They have become anew and it is important to recognize their transformation into a new gender. Or, to borrow from Simone de Beauvoir, one is not born a man

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or woman, but “becomes one.”^{xi} In a refreshingly respectful rhetorical move, Pallacci takes care not to misgender the person, using masculine pronouns throughout for their current state. However, when referring to the person in legal documents, Pallacci notes that, although he “is not a woman, it would be a lie to call him by the name Ploni ben [son of] Ploni, since he is not a son.” One may think this is a refusal to recognize their gender, but it is an assertion that kinship, as it relates to familial descent, is tied to the act of birth. This, for Pallacci, is supported by the exegetical story of Dinah and Joseph in Targum Yonatan, who, after conception, were switched in the wombs: “and Joseph was given to the womb of Rachel, and Dinah to the womb of Leah.”^{xii} The man who has transitioned from womanhood is still a man, yet it would be inappropriate to reference their birth and familial relationship to their parents as that of a son. A man assigned female at birth remains a daughter to their parent in rabbinic law because *ben/bat* specifically references the moment of birth and not their current status. Yet, Pallacci still maintains that “he is not a son,” rather than saying “he is a daughter,” leaving it open for interpretation as to how to refer to the person in legal documents.

We live in a moment in time where parts of our society imagine that trans folks are a new phenomenon—or do not exist at all—and that properly gendering a person with their preferred pronouns is part of a “woke” agenda. However, centuries of Sephardic and Ashkenazic rabbis provide a refreshing reminder that there’s nothing new under the sun and that the value of respect for fellow human beings is an eternal mitzvah.

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i Idan Ben-Efraim, *Dor tahapukhot: Be-sugiyat nituḥim ‘aktualiyim be-halakhah* [A Generation of Upturnings: On the Subject of Contemporary Surgeries in Halakhah] (Jerusalem, 2004).

ii Ibid., 17–19.

iii Ibid., 140.

iv Deuteronomy 32:20.

v Ronit Irshai and Ilay Avidan, “Dor Tahapukhot: An Against-the-Grain Reading of Orthodox Jewish Law (Halakhah) on Gender Affirmation Surgeries,” *Nashim: A Journal of Jewish Women’s Studies & Gender Issues* 44, no. 1 (2024): 153.

vi Yosef Haim [Ben Ish Hai], *Sefer Torah Lishmah* [1975 edition] (Jerusalem, late 19th century), 357.

vii Eliezer Waldenberg, *Ziz Eliezer: Sefer she’elot u-teshuvot*, vol. 10, 1970, siman 25.

viii Yosef Pallacci, *Yosef ‘et ‘ahiv* (Izmir, 1895), 30 fol. a.

ix Ibid..

x It should be noted that the interpretation of this blessing, according to Tosefta Berakhot, is to express gratitude, rather than dismay, for having more obligations. A cis-gendered woman would recite gratitude for “making me according to God’s will,” acknowledging the value of womanhood as a gendered human separate from manhood.

xi Simone de Beauvoir, *Le deuxième sexe* (Paris: Gallimard, 1949). In the original, she states “on ne naît pas femme, on le devient.” (One is not born a woman, but rather becomes one.) I interpret this to point to the importance of distinguishing between biological sex and gender and that one is not simply a man or woman based on genitalia. Instead, a person throughout adulthood develops and makes an agential choice to adhere to, oppose, or play with a given society’s gendered constructs.

xii Targum Yonatan, Genesis 30:21. The story can be used to support the fact that an IVF recipient is the biological mother despite the fetus being conceived out of the body.