Trans Biblical

New Approaches to Interpretation and Embodiment in Scripture

Edited by Joseph A. Marchal,
Melissa Harl Sellew, and Katy E. Valentine

Westminster John Knox Press
Louisville • Kentucky

Contents

Introduction

Variations on Interpretation and Embodiment

Contextualizing Trans Approaches to Scriptures

JOSEPH A. MARCHAL

WITH MELISSA HARL SELLEW AND KATY E. VALENTINE

Gender variation is as ancient as stories about creation.

That such a statement is simultaneously obvious to some and controversial to others is one very clear sign of why we need trans biblical interpretation, now more than ever.

People are increasingly enlisting appeals to "the biblical" (texts or histories or sometimes just vague impressions) to discuss trans people and practices of gender variation and nonconformity. On the one hand, some more liberal groups have hailed the increased social and political visibility of (a few) trans and gender non-conforming people, claiming the arrival of a trans tipping point or marking trans rights and representation as the leading edge, or "what's next," in a sequence of civil rights fights. On the other hand, this moment of visibility—marked with certain kinds of progress, acceptance, and inclusion—is also matched with ongoing and even increasing violence against trans and gender nonconforming people, most especially trans women of color. The years in which we have been researching, writing, and editing the essays for this collection (the late 2010s and early 2020s) have been marked by persistent, resurgent violence against trans and gender nonconforming people. Not so coincidentally in this same short period, reactionary and regressive forces have directed a concerted, rapid-fire effort to pass hundreds of laws targeting especially trans and gender nonconforming young people, stoking in them panic and fear.

These conditions alone are enough to explain why biblical studies needs more sustained engagement with trans studies, even before we notice that many of these phobic and violent efforts appeal to biblical or historical claims. Indeed, a number of the essays in our collection explicitly take on such oppressive efforts, starting with our opening essay by Max K. Strassfeld. The Christian right is increasingly using trans people, especially young people, as targets in longer-standing fights over supposed family values. Too many groups refer to notions of divine creation or biblical times in efforts to construct gender identities as binarily distinct and complementary and to stabilize their (twenty-first-century) notions of sex, gender, and embodiment. In short, there is a fierce urgency for this collection and the development of trans biblical interpretation to create and support better, more sustained, and more informed engagements of biblical texts and traditions.

This collection provides an abundance of attention to precisely these matters, demonstrating the relevance and importance of trans approaches to scriptures, not only about creation, but about a range of biblical figures and events, parables and passages, practices and processes. By necessity this involves deeper and more reflexive attention to *our* practices and processes as biblical readers, receivers, and interpreters—how we cite, narrate, or explain biblical texts and traditions. Such attention and reflection are all the more crucial given the contexts in which we are currently laboring and living (if we're lucky).

This volume comes out of this urgent moment by drawing on and selecting from an increasing, critical mass of scholars interacting with trans studies. This attention reflects the work of a growing, if still relatively small, set of trans and gender nonconforming scholars attending and presenting at SBL meetings. Trans hermeneutics is now entering a key phase, with several vital questions animating its current growth.

- How are trans hermeneutics evolving as an independent and intersectional lens for interpreting biblical texts and traditions?
- How do interpreters navigate the relationships between gender variation in the ancient west Asian and Greco-Roman contexts and current-day variation and gender nonconformity?
- What makes a biblical reading trans, or a trans reading biblical, for that matter?

The contributors to this collection address these key questions from a variety of angles, shaping a number of approaches and emphases, appealing to different conversation partners and communities of accountability, and ranging widely across and past the edges of biblical traditions. They provide compelling new ways of engaging the stories of survival and solidarity, the forms of proclamation, incarnation, and transfiguration, and the impact of laws and letters we find in biblical texts and traditions. Their approaches converse with, draw upon, and intersect with feminist, queer, antiracist, posthumanist, or abolitionist approaches. The scholars assembled here move in varied gender constellations, including trans, nonbinary, gender nonconforming, and cisgender, among other gender identities. Together, these essays take readers from Genesis, through the Gospels and epistles, and into rabbinic and early Christian scriptural engagement.

TERMS AND INITIAL TRAJECTORIES WITHIN TRANS STUDIES

Trans people are not a particularly "new" phenomenon, and trans movements have been happening for much longer than you may have heard.

Just as the scholarship gathered in this book begins from different starting points, experiences, assumptions, and approaches, there is no one simple starting point for describing the emergence of trans studies, and the movements that led to it. Indeed, historically, the terms used for people and practices of gender variation have been regular subjects of both critique and comfort. The historian Susan Stryker has explained about her preferred use of transgender to describe gender variance and/or gender atypicality for the past and the present: "There is no way of using the word that doesn't offend some people by including them where they don't want to be included or excluding them from where they do want to be included."[1] Likewise, the authors and editors of *Trans Biblical* do not imagine that our own approaches to this subject will be perfect or complete. Yet, we do hope that our contributions can help to shift the terms of conversation and play a role in improving the debilitating conditions still faced by far too many trans, nonbinary, and gender nonconforming people so that, in turn, these approaches and results can also become the objects of justified critique and improvement. Justin Sabia-Tanis's essay in our collection particularly emphasizes the goal of justice: the purpose of trans hermeneutics is to liberate humanity from the tyranny of oppressive gender norms. Still, many trans scholars and activists working today are justifiably suspicious about claims of improvement, progress, or advancement. Our collection aims to add to such critical assessment. Terminologically, we do not believe that we have "progressed" from speaking about or as transsexuals, to transgender, to trans (or trans*) individuals, especially as a number of people use one or more of these descriptors for themselves, their lives, or their politics. (See especially Rebecca Wiegel's essay in our volume for a sharp discussion of the divides between transgender and transsexual narratives.) In a wider sense, we also refuse the framing of trans as part of a sequence. A rise in trans politics, progress, or even just survival is not "what's next," either politically, or socially, or historically, particularly as trans movements have been intertwined with and within others, including those focused on sexual, gender, racial, and economic justice.

1. Susan Stryker, *Transgender History* (Berkeley, CA: Seal Press, 2008), 24.

Nevertheless, one common narrative is that transgender studies coalesced early in the 1990s, inspired and informed by the approaches taken in touchstone works like Sandy Stone's essay "The *Empire* Strikes Back" (1991), Leslie Feinberg's pamphlet *Transgender Liberation* (1992), the performance art eventually gathered in Kate Bornstein's *Gender Outlaw* (1994), and historical interventions like Susan Stryker's article "My Words to Victor Frankenstein above the Village of Chamounix" (1994), among others.[2] In overlapping circles both academic and activist, these works encourage trans people to resist the silencing and stigmatization in how they have been treated medically and socially, to organize alliances among all people marginalized by or from current norms of gendered embodiment, and to likewise think more capaciously about histories of gender and embodiment, as well as our relations to these histories. Several of the essays in our collection focus on such broader alliances and more capacious models of gender, particularly those by Esther Brownsmith, Minenhle Nomalungelo Khumalo and Eric A. Thomas, and Joseph Marchal. Those key interventions from the 1990s, of course, have roots that extend much further historically. The term transgender, for instance, was coined in the 1980s, in some places to distinguish some people and practices from others, such as transsexual and transvestite, but in other places to gather any people who would use these terms under a broader umbrella for action as much as affiliation.[3] Further, such modes of identification and struggle had been practiced for decades before these terms were created and circulated.

Trans movements are interconnected with other parallel and overlapping struggles, and it is important to note trans contributions in the larger umbrella of queer struggles while also pointing out where trans movements stood apart. The ongoing efforts of trans people to grapple with dynamics of passing or closeting and resist stigma and silence point to the historic affinity between trans and queer movements. In advocacy and in the academy, queer and trans movements are in close, often overlapping, if still also fraught relations to each other. Of course, transsexuals were long part of what was once called gay liberation, so much so that our current patron saints of queer rights are the trans women who were at the forefront of the Stonewall uprising of 1969, Sylvia Rivera and Marsha P. Johnson.[4] Yet, this modern-day mythologizing has the potential to obscure both historical and ethical visions. A focus on heroic or exceptional individuals,

2. Sandy Stone, "The *Empire* Strikes Back: A Posttranssexual Manifesto," in *Body Guards: The Cultural Politics of Gender Ambiguity,* ed. Julia Epstein and Kristina Straub (New York: Routledge, 1991), 280–304; Leslie Feinberg, *Transgender Liberation: An Idea Whose Time Has Come* (1992), subsequently expanded to Feinberg, *Trans Liberation: Beyond Pink or Blue* (Boston: Beacon, 1998); Kate Bornstein, *Gender Outlaw: On Men, Women, and the Rest of Us* (New York: Routledge, 1994); and Stryker, "My Words to Victor Frankenstein above the Village of Chamounix: Performing Transgender Rage," *GLQ* 1:3 (1994): 237–54.

3. For a brief if helpful historical overview, see Stryker, "(De)Subjugated Knowledges: An Introduction to Transgender Studies," in *The Transgender Studies Reader*, ed. Stryker and Stephen Whittle (New York: Routledge, 2006), 1–17.

4. On the key role of religion in Rivera and Johnson's lives and politics, see Ahmad Greene-Hayes, "Street Evangelists and Transgender Saints: Sylvia Rivera, Marsha P. Johnson, and the Reli-

for instance, runs the risk of ignoring their place within collectives and movements. Johnson and Rivera founded Street Transvestite Action Revolutionaries (STAR) specifically to support and work within community, most especially younger people living on the streets. These Black and Puerto Rican trans women focused on the people most precariously situated at the intersections of multiple vectors of oppression (decades before the more recent mainstream recognition of intersectionality), grounded in their experience and expertise within multiple struggles, including civil rights, women's liberation, and antiwar movements. Trans and, or, even *as* queer critique and struggle, then, might better be conceptualized as multidimensional. Trans efforts are neither separate from, nor in a sequence "after" other, interrelated movements against gender, sexual, racial, and economic injustice.

Events like Stonewall were themselves far from spontaneous exceptions but part of longer-term, multipronged, and overlapping movements. Protest and resistance against police repression and harassment, for instance, had been happening since the late 1950s, at late-night coffeehouses and cafeterias in cities like Los Angeles, Philadelphia, and San Francisco.[5] Further still, we can reflect critically upon how the rising prominence and social authority of science and medicine in the nineteenth century brought the medicalized treatment of trans people for more than a century, with both enabling and constraining impacts. Scientific authorities focused their efforts by simultaneously insisting on a stable sex binary and, in turn, diagnosing and treating people who clearly troubled, fell out of, or crossed that binary they were working so hard to construct, including people with intersex conditions.[6] The rise of fascism in twentieth century Europe disrupted and ultimately targeted the treatment of, research about, and community building around trans people—possibly the most famous photo of Nazis burning books is from their 1933 destruction of the Institute for Sexual Science run by Magnus Hirschfeld in Berlin. This longer history should give many more people in the present pause, particularly those stoking panic and fear.

These longer histories of gender variation and movement are affected not only by European fascist forces but also by anti-Black racism and white supremacy in the United States. Indeed, C. Riley Snorton has provided an alternative, critical genealogy for the modern form of trans studies in which neither gender nor race are fixed or stable in the recent *Black on Both Sides: A Racial History of Trans Identity*. Rather, Snorton's project involves "tracing the circulation of 'black' and 'trans' as they are brought into the same frame by the various ways they have been constituted as fungible, thingified, and interchangeable, particularly within the logics of transatlantic exchange."[7] In identifying multiple intersections between

gions of the Afro-Americas," *QTR: A Journal of Trans and Queer Studies in Religion* 1:1 (2024): 32–52.

5. See Stryker, *Transgender History*, 59–75.

6. On the medicalized history of intersex treatments, see Alice Domurat Dreger, *Hermaphrodites and the Medical Invention of Sex* (Cambridge, MA: Harvard University Press, 1998).

7. C. Riley Snorton, *Black on Both Sides: A Racial History of Trans Identity* (Minneapolis: University of Minnesota Press, 2017), 6. For the colonizing forms trans misogyny takes from the

transsness and Blackness back through the nineteenth century, Snorton demonstrates how the fungibility of captive flesh (for instance, the objectification and exchange of enslaved people) historically made possible the modern production of gender as mutable and rearrangeable. This included both the ways enslavers used enslaved people, and the embodied and "cross-gendered" forms of resistance enslaved people took. Thus, grappling with the twists and turns of racism and enslavement is also crucial for a more capacious understanding of trans, in the past and the present. Critical reflections on racisms foreground the potential disciplinary effects of trans in more specific ways, particularly given the greater surveillance, incarceration, precarity, and debility of trans women of color.[8] The essays in our collection by Khumalo and Thomas, Marchal, and Melissa Harl Sellew build upon Snorton's project and these specific effects along different trajectories.

THE BIBLICAL IN TRANS STUDIES: APPROACHING THE PAST

Trans people have been engaging biblical materials for longer than you might think, too! The following engagements inform the essays in our collection and the approaches we hope will develop as a result.

Many corners of trans studies have shown a pointed interest in the ancient and even the biblical, especially among the historically inclined. Stephen Whittle's foreword to the landmark *Transgender Studies Reader* confidently notes: "we can determine that trans people have always existed."[9] Though it might be difficult to ascertain this bold claim of trans timelessness, it is easier to notice the appearance of ancient figures, including those from both Jewish and Christian scriptural traditions, in key works for transgender studies from before it was consolidated as a field, as well as their recurrence in many recent projects. These fleeting forms of biblical citation and figuration should help us further specify how to build more reflexive forms of biblical interpretation with or as trans studies now.

Like Whittle's foreword, Sandy Stone's 1991 manifesto points back to ancient sources like Sardanapalus and Philo of Judea before describing her essay's focus on "morality tales and origin myths."[10] Stone critically reflects on

nineteenth century forward, see also Jules Gill-Peterson, *A Short History of Trans Misogyny* (London: Verso, 2024).

8. See Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law* (Durham, NC: Duke University Press, 2015); Snorton and Jin Haritaworn, "Trans Necropolitics: A Transnational Reflection on Violence, Death, and the Trans of Color Afterlife," in *The Transgender Studies Reader 2*, ed. Stryker and Aren Z. Aizura (New York: Routledge, 2013), 66–76; and Jasbir K. Puar, "Bodies with New Organs: Becoming Trans, Becoming Disabled," *Social Text* 33:3 (2015): 45–73.

9. Whittle, "Foreword," in *The Transgender Studies Reader*, ed. Stryker and Whittle, xiii.

10. Stone, "The *Empire* Strikes Back," 282, 284.

both medicalized protocols and the earliest transsexual autobiographies and, at one point, compares their narratives to a biblical practice of baptism, the "putting on" Christ found in Paul's letters, "what the New Testament calls *endeuein* [*sic*], or the putting on of the god, inserting the physical body within a shell of cultural signification."[11] Stone's aim here is to resist the canonization of certain dominant diagnostic narratives about transsexuals, frequently imagined as a citation of the scripturally created order. The specter of biblical bodies sticks particularly to naturalizing claims that collect around bodies across time. Stone's original essay even appeared in a collection that began with the gender ambiguities and transformations of ancient Christian women,[12] an important topic that Sellew's essay revisits in our collection.

Stone's essay is hardly the only one to highlight such ancient bodies. As Stryker asserts in her introduction to *The Transgender Studies Reader*, "attending to what we would now call transgender phenomena has been a preoccupation of Western culture since Greek and Roman antiquity."[13] Indeed, Stryker's own earlier (if not exactly ancient) pathbreaking 1994 essay (noted above) highlighted and then performed the transformative potential of the monstrous by first recalling that "monster" relates back to the Latin for a warning or divine portent (*monstrum*). She elaborates that, for people in the ancient world: "Monsters, like angels, functioned as messengers and heralds of the extraordinary. They served to announce impending revelation, saying, in effect, 'Pay attention; something of profound importance is happening.'"[14] Stryker alludes to "the ancients" in a familiar biblical idiom, of the prophetic and the revelatory—as Jaeda C. Calaway's essay in our collection also addresses. Stryker's article is an extended, if occasionally ambivalent, reclamation of the monstrosity attributed to trans bodies, beginning with this appeal to biblical announcements from ancient messengers. This is of course a clever challenge in response to (ostensibly radical) feminist theologian Mary Daly's characterization of trans women as monstrous invaders.[15]

While Stryker appeals to ancient religious figures to think through trans-ness across time, her main aims are political and her primary methods are historical. Over the course of her work, she complicates trans approaches beyond the search for points of identification and renarrates a much longer heritage. This renarration requires attention to many kinds of gender variation, though characterizing them all as transgender is both promising and perilous. On the one

11. Stone, 289.

12. Elizabeth A. Castelli, "'I Will Make Mary Male': Pieties of the Body and Gender Transformation of Christian Women in Late Antiquity," in *Body Guards*, ed. Epstein and Straub, 29–49.

13. Stryker, "(De)Subjugated Knowledges," 13.

14. Stryker, "My Words to Victor Frankenstein," 240.

15. Mary Daly, *Gyn/Ecology: The Metaethics of Radical Feminism* (Boston: Beacon, 1978), 69–72. For brief but helpful discussions of Daly and her student Janice Raymond in relation to trans, feminist, and transfeminist approaches to religious and theological studies, see Max Strassfeld, "Transing Religious Studies," *JFSR* 34:1 (2018): 37–53; and Cameron Partridge, "'Scotch-Taped Together': Anti-'Androgyny' Rhetoric, Transmisogyny, and the Transing of Religious Studies," *JFSR* 34:1 (2018): 68–75.

hand, Stryker is not terribly concerned about the anachronistic use of terms like queer and transgender, as long as they do helpful descriptive work in highlighting oppression or the crossing of gender boundaries.[16] On the other hand, by the time she introduces the second *Transgender Studies Reader* with Aren Z. Aizura, they stress that transgender studies will need to question "why we persist in the presentist fallacy of ontologizing a current framework and imposing it on the strangeness of the past."[17] Brownsmith's essay in our collection similarly reflects upon the tension between presentist and historicist goals.

Stryker and Aizura contextualize an entire section of historically oriented essays with a mixture of confidence and hesitation as "excavating pasts that certainly contained gender-variant cultural practices, without necessarily imposing the name 'transgender' on those historical moments."[18] In this section, for instance, premodern archaeologist Mary Weismantel disputes that such an approach forces a more recent category onto ancient remains. Rather, transgender studies' finer sensitivity to the potential complexity and variety of gender and embodiment means that it is *even more suited* to explain ancient phenomena. For Weismantel, a transgender kind of archaeology does not aim "to re-populate the ancient past with modern trans men and trans women," but "to replace the narrow, reductive gaze of previous researchers with a more supple, subtler appreciation of cultural variation."[19] By the time Stryker is introducing the very first issue of *TSQ: Transgender Studies Quarterly* with Paisley Currah, they explain the methodological possibilities for historical issues, asserting: "Transgender can, for example, be a useful neologism for interrogating the past" in part because it "facilitates a deeply historical analysis of the utter contingency and fraught conditions of intelligibility of all embodied subjectivity. It can be used to pose new comparative questions about gender difference over geographic space as well as over historical time."[20] Anachronism remains only a problem for identity, but not history, as long as transgender makes room for an approach that accounts for difference through contingency and comparison. Essays like Wiegel's and Ky Merkley's in our collection likewise deploy trans less as an identity category than as an analytic category.

The focus on these kinds of contingencies and comparisons complicates how we approach embodied figures, including in ancient times and places, biblical or otherwise. Stryker's ambivalent reclamation of monstrosity, for instance, requires wrestling with stigma without being determined by it. There might, for instance, be flashes of recognition when Stryker riffs off of the aforementioned ancient monsters, characterizing fabulous creatures like angels and declaring

16. Stryker, *Transgender History*, 23–24.

17. Stryker and Aren Z. Aizura, "Introduction: Transgender Studies 2.0," in *The Transgender Studies Reader 2*, ed. Stryker and Aizura (New York: Routledge, 2013), 6

18. Stryker and Aizura, "Introduction," 11.

19. Mary Weismantel, "Towards a Transgender Archaeology: A Queer Rampage through Prehistory," in *The Transgender Studies Reader 2*, ed. Stryker and Aizura, 321.

20. Stryker and Paisley Currah, "Introduction," *TSQ* 1:1–2 (2014): 1–18, 8.

"I whose flesh has become an assemblage of incongruous parts."[21] By risking stigma and abjection, the monster reconfigures the meaning of bodies and their assemblages. For Stryker the monster and/as the trans body moves us in directions prophetic, even apocalyptic, as "a revelation of the constructedness of the natural order."[22]

There are of course risks to such an approach to or as the monstrous, even as it could signal an alternative, even revelatory angle on the bodies that have been stitched together by various practices of scriptural citation. Still, as in Strassfeld's essay in our collection, we wonder about the costs of focusing on subversion and hesitate to reduce the options to those surrounding the abject and the monstrous. Indeed, before Stryker's words to Victor Frankenstein, Stone had already worried about the canonization of another constrained set of options for narrating the meaning of bodies. These narrations often require silence, as the preferred medicalized prescription for passing as cis while trans is to not speak of being trans. Of course, Stone notes, "it is difficult to generate a counterdiscourse if one is programmed to disappear."[23] In the face of the legitimizing trajectories that stress homogeneity for the permissible performance of gender, Stone begins to trace and revalorize "the bumptious appearance of heteroglossic origin accounts."[24] Stone's manifesto ventures its own daring suggestion, renarrating, even rewriting trans, not as a category for classifying people, "but rather as a *genre*—a set of embodied texts whose potential for *productive* disruption of structured sexualities and spectra of desire has yet to be explored."[25] This genre, as a larger repertoire, better reflects the ambiguities and polyvocalities of how bodies manifest.

These emphases also move us increasingly toward trans as a verb rather than a noun. This movement is not meant to minimize the significant political, social, material, and even religious value of identifying as trans, transgender, and/or transsexual for many. Yet, scholars (including Joy Ladin in our collection) have increasingly queried in what ways identifying only *certain* people or practices as transitive, intermediate, variant, or crossing falsely stabilizes terms (like trans *and* cis, but not only), as if everyone or everything else is intransitive, firm, fixed, and clear.[26] Such queries indicate that it might also be meaningful to think of trans-*ing* itself as an action or approach.[27] Stryker, Currah, and Lisa Moore suggest this now-influential formulation of "transing" as:

21. Stryker, "My Words to Victor Frankenstein," 240.

22. Stryker, 250.

23. Stone, "The *Empire* Strikes Back," 295.

24. Stone, 294.

25. Stone, 296.

26. See Finn Enke, "The Education of Little Cis: Cisgender and the Discipline of Opposing Bodies," in *Transfeminist Perspectives: In and beyond Transgender and Gender Studies*, ed. Enke (Philadelphia: Temple University Press, 2012), 60–77.

27. This approach of course also resonates with the interrogation of "queer" as a term of identification and the suggestion to use it verbally and contingently, without particular, proper objects (see, for instance Judith Butler, "Against Proper Objects," *differences* 6:2–3 (1994): 1–26). For two, brief considerations of the fraught relations between queer and trans, see Stryker, "The Transgender

> a practice that assembles gender into contingent structures of association with other attributes of bodily being, and that allows for their reassembly. Transing can function as a disciplinary tool when the stigma associated with the lack or loss of gender status threatens social unintelligibility, coercive normalization, or even bodily extermination. It can also function as an escape vector, line of flight, or pathway toward liberation.[28]

This definition stresses how transing is an activity that we can observe and trace, but it also sounds and feels like something that interpreters can *do*, much as Strassfeld's essay in our collection highlights. Transing also underscores the potential for both disciplinary and liberatory effects.

The cyclical coincidence of violence and visibility for trans folks requires a different kind of approach for the field and for the transitivity people consider within it, as scholars like Snorton stress, and as the essays by Marchal and Khumalo and Thomas in our collection also address. For Snorton and Marquis Bey, trans evokes the potential for fugitivity—flight from racially dehumanizing conditions.[29] Scholars moving along such transitive or fugitive lines within trans studies also often turn back to the biblical. This is evident even in Jack Halberstam's brief, if characteristically jokey, discussions of Jesus figures, first in a Gospel encounter with the plural "legion," and then in the farcical Jesus movie, *The Life of Brian*.[30] More fugitively, though, the biblical shapes Eric Stanley's *Atmospheres of Violence*, which begins and ends with Sylvia Rivera and Marsha P. Johnson's description of the Hudson River as the River Jordan, a "(non)space where they would transition together, out of the bondage of a life circumscribed by imminent risk and into the promise of an elsewhere."[31]

Both Snorton and Stanley also imagine the end of the world, though Stanley more consistently so. Stanley, for instance, features a graffito from the 2020 Minneapolis uprisings (after the police slaying of George Floyd) that announced "another end of the world is possible."[32] In the opening he gestures to a world yet to come,[33] but in closing he returns to the realized eschatology he also sounded in *Captive Genders*: "not only that we need another world but that it's already here."[34] Snorton closes with a similar summoning of a future imperfect temporality in which Black and/as trans lives will have mattered. While this

Issue: An Introduction," *GLQ* 4:2 (1998): 145–58; and "Transgender Studies: Queer Theory's Evil Twin," *GLQ* 10:2 (2004): 212–15.

28. Stryker, Currah, and Lisa Jean Moore, "Introduction: Trans-, Trans, or Transgender?" *Women's Studies Quarterly* 36:3–4 (2008): 11–22, 13.

29. Marquis Bey, *Black Trans Feminism* (Durham, NC: Duke University Press, 2022), 66.

30. Jack Halberstam, *Trans*: A Quick and Quirky Account of Gender Variability* (Oakland: University of California Press, 2018), 11, 14–20.

31. Eric A. Stanley, *Atmospheres of Violence: Structuring Antagonism and the Trans/Queer Ungovernable* (Durham, NC: Duke University Press, 2021), 2; cf. 20, 123.

32. Stanley, *Atmospheres of Violence*, 83, 84; cf. 91, 114.

33. Stanley, *Atmospheres of Violence*, xiv, 27.

34. Stanley, *Atmospheres of Violence*, 113. Such spatial efforts against captivity strike a familiar temporal chord of anticipation, or what religious and biblical scholars might call a realized eschatology: "To this end, the time of abolition is both yet to come and already here" (Stanley, "Fugitive Flesh: Gender Self-Determination, Queer Abolition, and Trans Resistance," in Stanley and Nat

would effectively end the world (as we know it), Snorton almost shrugs, "but worlds end all the time . . . 'it's after the end of the world.' Even so and as yet, there is still life."[35]

In these works, the biblical functions spatially and temporally, but also figuratively and fugitively. Snorton recognizes how the biblical can reinforce stigmatizing and racializing rhetorics, as when he notes gynecological references to the punishments in Gen 3:16 as symptomatic of (enslaved subjects') suffering and (white legal, cultural, and medical) dominion.[36] Furthermore, in multiple echoes of the Johannine incarnation (1:1, 14, 15), the "word made flesh" accounts for claims about flesh maintaining racially enslaving regimes.[37] Khumalo and Thomas return to this "transing of the Word to flesh" in the prologue of John in our collection. As both Snorton and Bey highlight, CeCe McDonald more recently also wrote toward freedom in her own letters from prison, referencing multiple biblical texts, while signifying upon the prison letters of both Paul and Martin Luther King Jr.[38] Marchal's essay in our collection further reflects on letter-writing to and within prison systems in relation to both ancient and present-day conditions. While Bey notes the potentially constraining divine decree of texts like Deut 22:5, they also shift the attention from Jesus's incarnation or resurrection to his "trans/figuration," as does Katy E. Valentine in her essay in our collection.[39] The transfiguration is reconfigured as an example of transitive fugitivity, not to elevate or idealize Jesus, but to feel for a mode of becoming otherwise. Jesus's body works for Bey as both transforming and not conforming (see Mark 9:2 and Rom 12:2), a poetic template of all bodies' intensifying capacities.[40] Further, Dean Spade highlights how trans and abolitionist advocates describe the logic of criminalization and incarceration on the evocatively biblical terms of exile.[41] Abolitionists reframe our focus to counter how the prison-industrial complex removes people from society and directs our attention away from the conditions these people face in prisons by adopting a "no exile" principle, insisting instead for education and connection, community and solidarity. Such a principle is crucial within trans advocacy since trans women, and especially trans women of color, are disproportionately targeted by policing and incarceration.[42]

Smith, *Captive Genders: Trans Embodiment and the Prison Industrial Complex*, expanded second edition (Chico, CA: AK Press, 2015), 14).

35. Snorton, *Black on Both Sides*, 198.

36. Snorton, 17–18.

37. Snorton, 31, 33, and especially 52.

38. CeCe McDonald, "'Go beyond Our Natural Selves': The Prison Letters of CeCe McDonald," ed. Omise'eke Natasha Tinsley, *TSQ* 4:2 (2017): 243, 247, 264.

39. As Bey notes briefly in the introduction and then at greater frequency in Bey, *Black Trans Feminism*, 18, 88–112.

40. Bey, *Black Trans Feminism*, 91–93.

41. See Bey, 118–22; Spade, *Normal Life*, 116, 135, and 137.

42. See Stanley and Smith, eds., *Captive Genders*; Spade, *Normal Life*; Toshio Meronek and Miss Major Griffin-Gracy, *Miss Major Speaks: Conversations with a Black Trans Revolutionary* (London: Verso, 2023).

Thus, trans scholars and/as activists care about and cite a range of biblical materials, alternately recognizing, reclaiming, or just trying to negotiate them. In following the biblical around trans approaches in the past and the present, we also note their intersections or simply alignment with race critical, queer, feminist, or abolitionist ideas and efforts. Biblical interpreters would be wise to attend to and draw upon the multiple, interlocking dimensions of trans studies in our approaches, even as we might insist that biblical texts and traditions require more sustained attention.

As biblical scholars tend to do, many of these resources from trans studies focus on historical or temporal processes, an emphasis that persists in several more recent efforts to think trans historically in pre-modern contexts, and particularly in essays by Strassfeld, Brownsmith, and Wiegel in our collection.[43] This makes some sense as the word trans resonates not only spatially, but also historically, connoting the crossing of time. Such connotations could boost our confidence about trans existence across time (and space), as reflected in the recurrent tactic among trans activists and writers like Kate Bornstein and Leslie Feinberg to claim past ancestors as a buoy for trans identification, legitimacy, and solidarity.[44] These people are often described strategically, if also still colloquially and a bit cheekily, as "trancestors," and the essays in our collection by Sabia-Tanis, Valentine, and Khumalo and Thomas explicitly appeal to biblical examples of such ancestors.

Thus, we emphasize, with the coeditors of *Trans Historical: Gender Plurality before the Modern*, that transgender people and practices are not "new."[45] Indeed, Greta LaFleur, Masha Raskolnikov, and Anna Kłosowska reject the "knee-jerk historicism" employed by some historians of gender and sexuality who insist that the past is so different that we apparently cannot use concepts like transgender (or homosexuality, or even sexuality).[46] While trans approaches to temporality and history should be comparative in noting differences, they can also be connective in finding "touches across time" between those marginalized in the past and in the present.[47] Calaway's essay in our collection in particular

43. Beyond the works discussed below, see also the following special issues: Leah DeVun and Zeb Tortorici, "Trans*historicities," *TSQ* 5:4 (2018); M. W. Bychowski and Dorothy Kim, "Visions of Medieval Trans Feminism," *Medieval Feminist Forum* 55:1 (2019); and Simone Chess, Colby Gordon, and Will Fisher, "Early Modern Trans Studies," *Journal for Early Modern Cultural Studies* 19:4 (2019).

44. Bornstein, *Gender Outlaw*; Feinberg, *Transgender Warriors: Making History from Joan of Arc to RuPaul* (Boston: Beacon, 1996).

45. Strassfeld's essay in our collection also counters this framing of trans as a "new" issue, specifically pointing to Gill-Peterson, *Histories of the Transgender Child* (Minneapolis: University of Minnesota Press, 2018).

46. Greta LaFleur, Masha Raskolnikov, and Anna Kłosowska, "Introduction: The Benefits of Being Trans Historical," *Trans Historical: Gender Plurality before the Modern* (Ithaca, NY: Cornell University Press, 2021), 9. For a similar critique of altericism, see Leah DeVun and Zeb Tortorici, "Trans, Time, and History," *TSQ* 5:4 (2018): 520.

47. See the argument in DeVun and Tortorici, "Trans," 520, building upon the conceptualization of such touches from Carolyn Dinshaw, *Getting Medieval: Sexualities and Communities, Pre- and Postmodern* (Durham, NC: Duke University Press, 1999), among others. For further reflections

resonates with such a conceptualization, reaching for a specifically transgender touch across time within what she describes as the "curvy time" of trans temporalities. These points of resonance matter because, as LaFleur, Raskolnikov, and Kłosowska stress about a number of pre-modern settings, transgender and gender-nonconforming people keep showing up, including in narratives about gender confirmation or transition. An openness to the differences of the past can help us meaningfully trace the place of outliers: "wherever and whenever structures of meaning existed for making sense of gendered experience, we will find people who were, in whatever way, outliers to those structures."[48] While this kind of history exposes the precarity or fragility of binary understandings of gender, it also shows the variety, heterogeneity, even abundance of gender across time and space.

Further, as Alicia Spencer-Hall and Blake Gutt stress in *Trans and Genderqueer Subjects in Medieval Hagiography*, non-normative gender is very often intertwined with religion in the texts and traditions of the past. This history demonstrates that trans or genderqueer subjects need not be posed as "against" or "outside" of religion (let alone Christianity!), as so many phobic forces might be claiming in the present. No doubt the concepts of gender in the medieval period are different from those in the modern period, yet transgender approaches can pay attention to gender norms and their transgressions in both periods.[49] Such transgressions in the past can challenge those who deploy biblical interpretation in marginalizing and stigmatizing directions in the present. Indeed, feminist scholars of medieval materials have long recognized the charged eroticism and gender transgression in interpretations of the Song of Songs, as well as the gender fluidity of Jesus.[50]

More recently, Leah DeVun has shown how "Christ is the ultimate nonbinary figure" in some of these late antique and medieval contexts.[51] In doing so, they (like several authors in our collection) use transgender, intersex, and nonbinary as analytical, not identitarian terms for premodern people and practices of gender crossing.[52] While at times DeVun characterizes the early Christian period in too optimistic a fashion as "embracing" nonbinary as an ideal, overall they seem right to note the enduring appeal of such figurations, given the alternating turns away and back to them in key moments of reflection on central

on queer temporalities in relation to biblical and theological studies, with some reference to trans temporalities, see Kent L. Brintnall, Joseph A. Marchal, Stephen D. Moore, eds, *Sexual Disorientations: Queer Temporalities, Affects, Theologies* (New York: Fordham University Press, 2017); and Marchal, *Appalling Bodies: Queer Figures before and after Paul's Letters* (New York: Oxford University Press, 2020).

48. LaFleur, Raskolnikov, and Kłosowska, "Introduction," 9.

49. Alicia Spencer-Hall and Blake Gutt, "Introduction," in *Trans and Genderqueer Subjects in Medieval Hagiography* (Amsterdam: Amsterdam University Press, 2021), 14.

50. Exemplary in this regard is Caroline Walker Bynum, *Jesus as Mother: Studies in the Spirituality of the High Middle Ages* (Berkeley: University of California Press, 1982).

51. Leah DeVun, *The Shape of Sex: Nonbinary Gender from Genesis to the Renaissance* (New York: Columbia University Press, 2021), 186.

52. DeVun, *The Shape*, 9–10; cf. 159–60.

Christian concepts, such as creation and incarnation, paradise and apocalypse. The essays by Strassfeld, Brownsmith, and Calaway in our collection converse with DeVun's work while turning to still other moments in biblical texts and traditions.

These historical approaches are slightly different than the identification of trancestors found in many circles and several essays here. But in recognizing outliers to structures, or transgressions of norms, this mode of historiography names, in part, an attraction to the past, the hope in engaging an archive. It often feels like a matter of survival, as Hil Malatino highlights: "When the milieu you inhabit feels hostile, it's deeply comforting to turn to text and image from another time."[53] To ask historically about trans is to dwell in a complicated affective terrain. Indeed, this terrain might reflect just how social gender is, how much recognition requires our supplication to others, as both Malatino and Merkley highlight. Historically, then, here is both an irreducible difference and a desire to do justice to the gorgeous messiness of memory, to attempt a kind of responsibility in "transtemporal solidarity," in spite of the confines of our language systems. As Malatino notes: "We are related to these subjects in some way, yes, but it is not an inheritance, not a lineage. These people are not our 'trancestors'. . . but they are nevertheless deeply implicated in our current conditions of possibility."[54]

Another way of putting it is: we cannot quite let go of these histories of gender variation.

TRANS IN BIBLICAL INTERPRETATION: HISTORIES OF APPROACH

The biblical shows up in a wide variety of ways in trans studies, providing leads for or reflecting resonances within trans approaches to biblical interpretation.

When turning to more focused examples of biblical interpretation, we likewise find that trans approaches have taken a number of forms from the start. To be sure, transgender interpretation often finds a home at first within queer hermeneutics, particularly in collections like *Take Back the Word* (2000); and then *Bible Trouble* (2011), and *Bodies on the Verge* (2019).[55] Key contributions from the first of these volumes demonstrate different strategies for exploring how trans biblical interpretation could operate. Justin Tanis's essay in *Take Back the Word*, for instance, rereads the encounter between Jesus and the Canaan-

53. Hil Malatino, *Trans Care* (Minneapolis: University of Minnesota Press, 2020), 51. For more on the affects of trans scholarship, see also Malatino, *Side Affects: On Being Trans and Feeling Bad* (Minneapolis: University of Minnesota Press, 2022).

54. Malatino, *Trans Care*, 59.

55. Robert E. Goss and Mona West, ed. *Take Back the Word: A Queer Reading of the Bible* (Cleveland: Pilgrim Press, 2000); Teresa J. Hornsby and Ken Stone, ed. *Bible Trouble: Queer Reading at the Boundaries of Biblical Scholarship* (Atlanta: SBL Press, 2011); Marchal, *Bodies on the Verge: Queering Pauline Epistles* (Atlanta: SBL Press, 2019).

ite woman (in Matt 15:21–28) from his perspective as a trans man in a way that encourages trust in the abundance that can be found in the God of the Gospels.[56] In the face of transphobia within and beyond the gay and lesbian community, Tanis presents Jesus as transformed by a mother's advocacy for her daughter's health, a messianic figure that suggests that we too should be transformed to advocate for each other. In this early essay, as well as in Sabia-Tanis's and Valentine's essays in our collection, trans interpretation has played a vital theological, even pastoral role.

Victoria Kolakowski, however, selects a potentially more complicated text in her essay in *Take Back the Word*, the death of Jezebel at the hands of eunuchs (in 2 Kgs 9), in order to offer a more ambivalent and reflexive intervention into the attractions and dangers of assimilation for transgender people.[57] On the one hand, Kolakowski qualifies lesbian and gay interpreters' previous reclamation of biblical eunuchs, pointing out that these figures might better fit in an argument for transgender inclusion.[58] On the other hand, the eunuch characters who follow the murderous instructions of Jehu could hardly be recuperated as exemplary points of identification or reclamation, particularly if their actions reinforce an ancient patriarchal structure or their comparatively "active" roles diminish a less manly tyrant. Eunuchs remain key figures to revisit and reconsider in trans approaches, as reflected in the essays by Brownsmith, Sabia-Tanis, and most especially Wiegel in our collection.

While not claiming to present a specifically transgender reading, a third essay from Ken Stone in *Take Back the Word* makes relevant contributions to such modes by queerly troubling the creation accounts of Genesis 1–3.[59] In conversation with previous feminist readings of the first human as androgynous, Stone shows how neither of these creation accounts line up with more recent expectations about binary gender.[60] Like Kolakowski, though, Stone does not insist that this makes it a "positive" text, but he does undermine homophobic and coincidentally transphobic citations by demonstrating how much Genesis is an unstable, even incoherent foundation for such claims. In just one early collection of queer readings, then, we find different potential strategies for trans biblical interpretation, situated ambivalently among (other) feminist and queer interpreters.

These early readings also highlight the role of specific figures of ancient gender variation, namely androgynes and eunuchs, who will remain central

56. Justin Tanis, "Eating from the Crumbs That Fall from the Table: Trusting the Abundance of God," in Goss and West, *Take Back the Word*, 43–54.

57. Victoria S. Kolakowski, "Throwing a Party: Patriarchy, Gender, and the Death of Jezebel," in Goss and West, *Take Back the Word*, 103–14.

58. Kolakowski, "Throwing a Party," 109; building off her previous essay, Kolakowski, "The Concubine and the Eunuch: Queering Up the Breeder's Bible," in *Our Families, Our Values: Snapshots of Queer Kinship*, ed. Goss and Amy A. S. Strongheart (New York: Harrington Park Press, 1997), 35–49.

59. Ken Stone, "The Garden of Eden and the Heterosexual Contract," in Goss and West, *Take Back the Word*, 57–70.

60. See especially Phyllis Trible, *God and the Rhetoric of Sexuality* (Philadelphia: Fortress, 1978).

in the longer treatments of biblical texts found within more theological and pastoral resources. Creative interpretations have been offered in theological work adjacent to biblical studies. Virginia Mollenkott, for instance, counters conservative and fundamentalist arguments from the (so-called) order of creation by also narrating how much the gender of the first human *and the deity* in Genesis do not conform to binary gender constructs.[61] After all, if both male and female are made "in the image of" the God in Gen 1:26–27, then this deity is also androgynous. Such an image corresponds with an increasingly popular declaration among (somewhat) progressive theists that "God is nonbinary!" Mollenkott counts the use of maternal "labor pains" to describe Jesus or Paul (in John 16:21–22 and Gal 4:19) and women putting on the presumably male body of Christ in baptism (Gal 3:26–28; Eph 5:30) as examples of transgender imagery in the New Testament.[62] She also identifies the role of the eunuchs of Matthew 19 and Acts 8 as demonstrating a biblical acceptance of transgender and transsexual people. Building off the arguments of Leslie Feinberg, Mollenkott even counters a text that attempts to exclude people with genital alterations (in Deut 23:1) with the blessings promised to eunuchs in Isa 56:3–5.[63] Indeed, Mollenkott frequently interacts with the work of both Leslie Feinberg and Kate Bornstein, noting the key role of Feinberg's *Stone Butch Blues* as a catalyst in the process of recognizing her own transgender identity.[64]

Tanis's book-length treatment of transgender theology and ministry, *Trans-Gendered: Theology, Ministry, and Communities of Faith*, also offers extended reflections upon the relevance of Christian scriptures for gender variance, asserting that these exclude transgender people only when they have been misinterpreted.[65] In conversation with Mollenkott and Kolakowski, Tanis examines the androgynous creation accounts of Genesis and focuses on a number of passages with eunuchs, arguing that "eunuchs are the closest biblical analogy we have to transgendered people."[66] He dismisses the Deuteronomy texts prohibiting "cross-dressing" and genital alteration (22:5 and 23:1) by noting that modern-day (mostly Christian) communities do not follow any of the surrounding prohibitions and opting to focus on more inclusive passages, like the baptism of the Ethiopian eunuch (Acts 8). Tanis enthusiastically concludes: "To me, seeing the record of our ancestors there at all, is affirming and amazing, but we are there."[67] Thus, Tanis and Mollenkott continue an advocacy-oriented process of taking

61. Virginia Ramey Mollenkott, *Omnigender: A Trans-religious Approach* (Cleveland: Pilgrim Press, 2001), 84–93.

62. Mollenkott, *Omnigender*, 110–14.

63. Mollenkott, 108, 118–21; see also Feinberg, Transgender Warriors, 50–51.

64. Mollenkott, viii–ix. For further context, see also David E. Weekley, "Across Generations: Becoming Grateful Allies: An Interview with Dr. Virginia Ramey Mollenkott," *JFSR* 34:1 (2018): 28–36.

65. Tanis, *Trans-Gendered: Theology, Ministry, and Communities of Faith* (Cleveland: Pilgrim Press, 2003), 55; later revised with an updated title *Trans-Gender: Theology, Ministry, and Communities of Faith* (Eugene, OR: Wipf and Stock, 2018).

66. Tanis, *Trans-Gendered*, 69.

67. Tanis, 84.

back these texts, developing an affirmative kind of reading from their social locations as transgender Christians.

These early readings of trans identities in conversation with Scripture also slightly preceded and overlapped with Christian faith communities who were grappling, often for the first time, with gender identity in the early 2000s. These writers began to provide resources to fill this gap in moderate and progressive communities to understand gender identity in conversation with Scripture. Many resources offered by faith communities revolved around care and understanding, and a few offered biblical assistance in video, sermon, pamphlet, and Bible study form. These encompass a wide variety of authors, both lay and clergy, sometimes referencing emerging trans scholarship but often offering their own nascent interpretations while Christian theology and biblical studies lagged in developing a trans hermeneutic.

Conferences evolved into publications that attempted to offer more systematic biblical interpretations. In 2004, Leanne McCall Tigert and Maren C. Tirabassi published *Transgendering Faith*, which offers a Bible study on nine passages, including a mixture of ones that explicitly address gender and ones that do not. Several questions follow each passage, which invite participants to consider bodily changes, family dynamics, and occasionally transgender experiences in light of the selected passages; the study does not offer critical resources or interpretations of the passages.[68] Notably, scholars and clergy contributed to an innovative Bible study published by the Human Rights Campaign, *Out in Scripture*, announced in 2006.[69] This lectionary-based Bible Study represents progressive Christian traditions and includes some openly trans writers and scholars known in queer interpretive circles with modest attention to trans experiences.

A mixture of resources from both trans people of faith and allies began to emerge in the 2010s. *This Is My Body: Hearing the Theology of Transgender Christians*, for instance, features personal essays drawn largely from the Sibyls, a spiritual group in the UK for trans people and allies, with sporadic biblical engagement.[70] As a trans activist in the Lutheran tradition, Austen Hartke provides more substantial biblical engagement from a trans lens in *Transforming*. There he reflects not only on name changes in the Bible, but on accounts of Joseph's coat and Deborah as being nonnormative in the ancient world and thus similar to trans believers today.[71] Another pastoral resource created by Chris Dowd and Christina Beardsley, with contributions from Tanis, was rooted in

68. Leanne McCall Tigert and Maren C. Tirabassi, ed., *Transgendering Faith: Identity, Sexuality, and Spirituality* (Cleveland: Pilgrim Press, 2004), 152–57.

69. Publication dates are not available on the individual Bible studies; see https://www.hrc.org/resources/out-in-scripture (accessed August 15, 2023).

70. Christina Beardsley and Michelle O'Brien, ed., *This Is My Body: Hearing the Theology of Transgender Christians* (London: Darton, Longman & Todd, 2016).

71. Austen Hartke, *Transforming: The Bible and the Lives of Transgender Christians* (Louisville, KY: Westminster John Knox Press, 2018; updated edition 2023).

a participant study and includes a helpful chapter on the Bible.[72] Alongside positive trans readings of texts such as Gen 1:26–27, they include less frequently examined passages such as Rom 5:12–17 as an example of trans acceptance rooted in the union with Christ.

Faith community resources for Christians have been somewhat limited in their biblical interpretations because few biblical scholars were publishing about transgender people and their concerns until well after 2010. These resources engaged with scholarship at varying levels, offering at times innovative readings of the Bible rooted in firsthand experiences and deep allyship. These publications show verve for making strides with very little material from the guild. Interestingly, though, the faith-based resources also looked strongly to theological writings that engaged trans identities well before most biblical scholars, appealing to Susannah Cornwall, Marcella Althaus-Reid, Lisa Isherwood, Vanessa Sheridan, Mollenkott, and Tanis.[73]

In the same time period, though, Jewish scholars and activists were producing significant work around the roles of eunuchs and androgynes in relation to passages in Bereshit (Genesis) and beyond. Sarra Lev's dissertation, for instance, examined gender crossing in tannaitic literature, focusing especially on how eunuchs were seen as transgressing sex/gender categories by moving from male to female or non-gendered categories.[74] Rabbinic materials discuss eunuchs and androgynes, and often pair the latter with *tumtumim*, people who lack an identifiable sex (possibly because a flap of skin obscures their genitalia). For the rabbis, both divine and human bodies were notably malleable, reflecting more thoroughly than the creation narratives on not only the androgynous image for God and the first human, but also the traditions about Abraham and Sarah as *tumtumim*.[75] Indeed, Elliot Kukla, the first openly trans person ordained as a Reform rabbi, identified with the *tumtum* in his master's thesis on ancient Jewish gender multiplicity, arguing: "These texts indicate an opening toward *infinite* locations for belonging that are still authentically connected to our histories and communities."[76] Continuing his work as a nonbinary and disabled rabbi with the online resource TransTorah, Kukla also helped to popularize the strategic

72. Chris Dowd and Christina Beardsley, *Transfaith: A Transgender Pastoral Resource* (London: Darton, Longman & Todd, 2018).

73. Marcella Althaus-Reid, *Indecent Theology: Theological Perversions in Sex, Gender and Politics* (New York: Routledge, 2000); Althaus-Reid and Lisa Isherwood, eds., *The Sexual Theologian: Essays on Sex, God and Politics* (London: T&T Clark, 2004); Mollenkott, *Omnigender*; Mollenkott and Vanessa Sheridan, *Transgender Journeys* (Cleveland: Pilgrim Press, 2003); Tanis, *Trans-Gendered*.

74. Sarra Lev, "Genital Trouble: On the Innovations of Tannaitic Thought Regarding Damaging Genitals and Eunuchs" (PhD dissertation, New York University, 2004); see also now Lev, *And the Sages Did Not Know: Early Rabbinic Approaches to Intersex* (Philadelphia: University of Pennsylvania Press, 2024).

75. See the discussions in Sally Gross, "Intersexuality and Scripture," *Theology and Sexuality* 11 (1999): 65–74; and Gwynn Kessler, "Bodies in Motion: Preliminary Notes on Queer Theory and Rabbinic Literature," in *Mapping Gender in Ancient Religious Discourse*, ed. Todd Penner and Caroline Vander Stichele (Leiden: Brill, 2007), 389–409.

76. Elliot Kukla, "A Created Being of Its Own" (master's thesis, Hebrew Union College, 2006), 58. See also the discussion of Kukla and the earlier zine by Micah Bazant (in 1999) that reclaimed

shorthand “there are six genders in ancient Judaism”—namely: female, male, *tumtum*, *androginos* (a person with both male and female characteristics), *saris* (a person who was castrated or born without a penis or reproductive capability), and *aylonit* (a female eunuch, or a female who does not develop reproductive capability).

As more trans, genderqueer, and nonbinary Jews were participating and increasingly leading within a wide spectrum of denominational settings, they pointed to a range of texts and traditions, profoundly undermining the persistently regressive or reactionary reading of Genesis that sanctifies only a heteronormative view of binary gender, as well as the frankly colonizing claims to speak of a univocal and timeless “Judeo-Christian” position that marginalizes and vilifies trans and gender nonconforming people. To be sure, though there are manifest differences between Jewish and Christian histories and practices, indispensable works like Max K. Strassfeld’s *Trans Talmud* and DeVun’s *Shape of Sex* thoroughly attest to the lengthy and considerable histories of attention to gender variation within Jewish and then Christian traditions of scriptural interpretation and engagement, respectively.

By the second and third decade of the “new” century, trans approaches to these scriptures were taking a number of forms and are still growing, though not quite (yet) to the infinite possibilities Kukla imagined. These contributions from rabbinic and other forms of biblical studies developed in part by drawing upon resources from both feminist and queer hermeneutics. Indeed, even a quick survey of some of the key works by Deryn Guest, one of the most prominent biblical scholars applying trans approaches, suffices as another gauge of the intertwined relations among these lenses. Guest’s first major book elaborated a lesbian-feminist hermeneutics through the application of four principles: resistance, rupturing, reclamation, and reengagement.[77] Brownsmith’s essay in our collection adapts these principles and, as we have already seen, many trans interpreters have reclaimed and reengaged biblical texts in this way, though perhaps without as much resistance to the silencing and erasure Guest’s work identifies.

From within this principle of resistance, Guest’s hermeneutic of hetero-suspicion builds upon and specifies the sort of hermeneutic of suspicion elaborated by feminist biblical scholars like Elisabeth Schüssler Fiorenza.[78] In recent years, Jo Henderson-Merrygold critically engaged this hermeneutical proposal of Guest’s to emphasize the need to treat cisnormativity with suspicion, thus coining a hermeneutic of cis-picion.[79] Henderson-Merrygold argues that we should be suspicious of a presumed binary and what variations of gender this presumption

the *timtum* as genderqueer in Strassfeld, *Trans Talmud: Androgynes and Eunuchs in Rabbinic Literature* (Oakland: University of California Press, 2022), 195–200.

77. Deryn Guest, *When Deborah Met Jael: Lesbian Biblical Hermeneutics* (London: SCM Press, 2005).

78. See Guest, *When Deborah*, 123–24; engaging works as early as Elisabeth Schüssler Fiorenza’s *Bread Not Stone: The Challenge of Feminist Biblical Interpretation* (Edinburgh: T&T Clark, 1984).

79. Jo Henderson-Merrygold, “Gendering Sarai: Reading beyond Cisnormativity in Genesis 11:29–12:20 and 20:1–18,” *Open Theology* 6:1 (2020): 496–509.

covers up in our interpretations of biblical texts, specifically in the ancestral narratives that feature Sarah and Esau.[80] Other figures from these narratives in Genesis have been recurrent figures of identification for trans readings, most especially Joseph, particularly considering the garment given by Jacob, the coat of many colors (of KJV and musical fame), is more likely a long robe with sleeves (Gen 37:3, 23, 31–34), the same kind worn by David's daughter Tamar (2 Sam 13:18–19). Though scholars interested in homoerotic dynamics, like Ted Jennings, helped to point out Joseph's (so-called) transgendering garment,[81] queer and trans performance artists and interpreters like Peterson Toscano and J. Mase III put this biblical knowledge into wider circulation through more popularizing presentations of Jo's or Josephine's "princess dress."[82]

To continue the survey of Guest's developing hermeneutical approaches, in later works they explicitly begin drawing upon transgender studies alongside feminist and queer theories to refine their approaches. For instance, though approaching Judges 4–5 with an explicitly lesbian lens in their "From Gender Reversal to Genderfuck" essay from *Bible Trouble*, Guest also engages Halberstam's work on female masculinity to note the various overlaps and tensions between butch lesbian, transgender, and transsexual circles.[83] One result is that Guest highlights at several turns how Jael's genderqueer presentation in this fraught biblical text looks differently to transsexual, transgender, or genderqueer readers, potentially as feminist readers. Likewise, in the longer work *Beyond Feminist Biblical Studies*, Guest suggests that interpreters practice genderqueer criticism, a feminist form of biblical scholarship more thoroughly informed by queer theories, critical studies of masculinities, and the constructedness of gender overall.

To Guest, one important difference for this type of feminist or gender studies approach is finding common cause with the trans activism of Sandy Stone and Kate Bornstein in order to resist and subvert the gender binary.[84] With greater attention to practices that trouble this binary, scholars like Aysha Winstanley Musa have also returned to some of the same texts that animated Guest's work, including the account of Jael in Judges. In both her dissertation and her essay in our collection, Musa approaches Jael from a nonbinary perspective, asserting

80. Henderson-Merrygold, *Introducing a Hermeneutics of Cispicion: Reading Sarah and Esau's Gender (Failures) beyond Cisnormativity* (London: T&T Clark, 2024).

81. Theodore W. Jennings Jr., *Jacob's Wound: Homoerotic Narrative in the Literature of Ancient Israel* (New York: Continuum, 2005), 177–96.

82. Though they adapt their depiction of this trans biblical character to the performance context, representative examples of their work include: Peterson Toscano, "Joseph and the Amazing Gender Non-Conforming Bible Story" from his solo performance "Transfigurations: Transgressing Gender in the Bible" (Pendle Hill, 2017), DVD, and https://www.youtube.com/watch?v=gkikBKW8vmQ; and J Mase III, *"Josephine": Reconciling My Queer Faith*, Huffington Post, October 4, 2013, http://www.huffingtonpost.com/j-mase-iii/josephine-reconciling-my-queer-faith_b_4014580.html.

83. Guest, "From Gender Reversal to Genderfuck: Reading Jael through a Lesbian Lens," in Hornsby and Stone, *Bible Trouble*, 9–43; Halberstam, *Female Masculinity* (Durham, NC: Duke University Press, 1998).

84. Guest, *Beyond Feminist Biblical Studies* (Sheffield: Sheffield Phoenix Press, 2012), 71–75.

that Jael is best described not as a woman, but as a gender ambiguous character, performing roles that have been constructed as feminine as well as those constructed as masculine.[85] In her essay in our collection, Musa shows how Jael's gender ambiguity is particularly evident through their performance of motherhood (in contrast to the frameworks reflected by Deborah and Sisera's mother).

One of the reasons we focus so much attention on the trajectories of Guest's work is that Guest and Teresa Hornsby were the first biblical scholars to coauthor a book on transgender biblical interpretation, *Transgender, Intersex, and Biblical Interpretation*. The gender binary remains the object of critique and resistance in this relatively brief yet potent book, as is evident from Hornsby's first contribution, pointedly titled: "Gender Dualism, or the Big Lie." Here, Hornsby asserts: "Even if we know nothing else about gender, its construct, and its ubiquitous presence, we can *look around* and *know* that it is simply not true that there are only two, opposing genders."[86] After briefly surveying some of Mollenkott's and Tanis's approaches to trans interpretation, Hornsby returns with Kolakowski to the ambivalent recognition that biblical texts and traditions can be made to support either the oppression or liberation of trans people. Given this challenging observation, Guest's attention to method in the two middle chapters of their and Hornsby's volume is especially valuable in venturing a way forward. As in their previous hermeneutical reflections, Guest articulates four elements to describe the transgender gaze: 1.) locating this gaze "in trans experience," 2.) exposing the constructedness of gender, 3.) confronting "heteronormativity with alternative visions of gender," and 4.) requiring "political and religious engagement, challenging the (negative) effects of biblical interpretation for trans people."[87] As with many interpreters past and present (within and beyond our collection), Guest names the ultimate goal of addressing and improving the conditions of trans people today. As Ladin, Calaway, and Sellew do in our collection, Guest also employs autobiographical reflections, specifically to locate themselves and to explicate their understanding of a trans reading approach. For instance, Guest points, like Mollenkott, to Feinberg's *Stone Butch Blues* as influential for their own identity.[88] Yet, Guest also returns to concepts and conversation partners from their own previous work, including Halberstam's transgender look, Stone's manifesto against invisibility, and Bornstein's challenge to gender categorization, in order to look more carefully at what makes a transgender gaze. (The essays by Calaway and Valentine in our collection draw upon some of these same interlocutors, most notably Halberstam and Feinberg, respectively.)

85. Aysha Winstanley Musa, "Jael's Gender Ambiguity in Judges 4 and 5" (PhD thesis, University of Sheffield, 2020).

86. Hornsby, "Gender Dualism, or the Big Lie," in Guest and Hornsby, *Transgender, Intersex, and Biblical Interpretation* (Atlanta: SBL Press, 2016), 16.

87. Guest, "Modeling the Transgender Gaze," in Guest and Hornsby, *Transgender, Intersex, and Biblical Interpretation*, 50–51.

88. Guest, 45.

Guest revisits these interlocutors and influences particularly to think through and potentially model how a transgender gaze, outlined in the four elements above, relates to trans experiences. Both in their essays in our collection and previous works, Ladin, Sabia-Tanis, and Sellew similarly each draw upon experience, at times in distinctive directions. Sabia-Tanis, for instance, stresses a grounding in the lived experiences of transgender people as the first presupposition for trans theology and hermeneutics. This means that trans interpretation can do more than look for biblical figures who can function as trancestors. It can read other passages not (as) explicitly related to gender—like the parable of the good Samaritan—through the lens of transgender experience. In her essay in our collection as well as her exemplary article reading the Gospel of Thomas through a trans lens, Sellew reflects upon how her place as a woman of transgender experience shapes a reader-centered approach.[89] Beyond *Thomas'* reconfiguration of the doubled creation narratives of Genesis, Sellew highlights how this noncanonical Gospel's focus on finding your true identity is particularly relevant for trans or gender nonconforming readers.

Such readers might also resonate with teachings that bodies can misrepresent our actual identities, providing opportunities to queer the gender of Jesus, as Valentine and Khumalo and Thomas also do in their essays in our collection. In her own essay in our collection, Ladin revisits her remarkable *Soul of the Stranger* with the explicit aim of clarifying how she defines trans hermeneutics in relation to experience. To Ladin, a "trans experience" is any experience in which someone notes a slippage between themselves and the identity-defining roles and categories they have been assigned. If one but learns to pay attention, then, anyone can look for mismatches or conflicts between their sense of themselves and the gender roles and categories others expect from them. For Ladin, this approach has the salutatory ability to apply to our readings of biblical texts, while also undermining how the trans / cis binary oversimplifies and erases how variations and changeability are a part of any category. Ladin's framework un-queers trans and nonbinary identities.

Ladin's conceptualization, then, highlights that not all trans approaches to interpretation center around disruptive or subversive effects. Strassfeld's essay in our collection, as well as his larger, landmark work *Trans Talmud*, also worries about the cost of reading the appearance of the androgyne in rabbinic applications of scriptures as primarily subversive, particularly if these materials put them in a precarious position. As a result, both Ladin's and Strassfeld's approaches in part center around categorizations and expectations of the human. Ladin, after all, underscores how, since no human always fits within their assigned roles or categories, all people have trans experiences. Further, Ladin's goal for anyone engaging trans hermeneutics is not that we find the same trans experiences in the bible, but that we shift our assumptions about humans. Strassfeld underscores

89. Melissa Harl Sellew, "Reading the *Gospel of Thomas* from Here: A Trans-Centred Hermeneutic," *JIBS* 1:2 (Spring 2020): 61–96.

how rabbinic materials are deeply invested in related questions when they ask in what ways could gender variant people like androgynes or eunuchs fit within ritual or legal obligations; or in other words, in what ways are they (like other) humans? On the one hand, this creates space in the tradition, as when the androgyne is described as "a unique creation." On the other hand, their position in creation is acknowledged, their humanity is legible, only when this tradition is considering the case of their injury or death.

In this moment Strassfeld recognizes a resonance, from the work of Alexander Weheliye, with how racialization has historically functioned in the genres of the human, a category built on hierarchies, exclusions, and their violences.[90] Trans interpretation then can move in posthumanist and Black feminist directions,[91] as when Strassfeld reconsiders androgynes and eunuchs, not by way of an analogy to Black people and the histories of racism, but in learning to suspect an offer of access to a category like human on the basis of such critical reflections on these histories. Finding "us" in a sacred tradition is powerful, but Strassfeld questions on what terms and within what histories of categorization are "we" included? Along a similar trajectory Merkley's essay in our collection pointedly proposes to not treat trans as yet another category for humans, but to use trans as a mode for examining how and what categorization does.

Trans forms or figures within biblical interpretation then should not be located solely within queer hermeneutics. Sellew's specifically reader-centered approach also points us in other directions, particularly when she grounds her approach as "reading from this place," building on the monumental work of Fernando F. Segovia and Mary Ann Tolbert on social location.[92] If we bother to look, we can see how trans people or practices have peeked in occasionally within other works or collections focused with less explicitly trans specific emphases, including within ethnically and racially minoritized hermeneutics. Michael Joseph Brown's examination of African American biblical hermeneutics, for instance, concludes with an extended meditation on the experiences of two Black trans women.[93] Brown proposes that these women's experiences matter for womanist and other Afrocentric approaches, not because they are respectable representatives, but because they are among the most marginalized. Brown underscores how one of these women "recognizes that the oppression she encounters is multiple and simultaneous," exemplifying how critical reflections on positionality can move us toward an intersectional analysis.[94] The inclusion

90. Alexander Weheliye, *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human* (Durham, NC: Duke University Press, 2014).

91. For a reconsideration of rabbinic treatments of human and non-human animals, in light of queer theory, trans theory, and disability studies along posthumanist trajectories, see Rafael Rachel Neis, *When a Human Gives Birth to a Raven: Rabbis and the Reproduction of Species* (Oakland: University of California Press, 2023).

92. Sellew, "Reading," 63–64; Fernando F. Segovia and Mary Ann Tolbert, eds., *Reading from This Place: Social Location and Biblical Interpretation*, 2 vols. (Minneapolis: Fortress, 1995).

93. Michael Joseph Brown, *Blackening of the Bible: The Aims of African American Biblical Scholarship* (Harrisburg, PA: Trinity Press International, 2004), 175–83.

94. Brown, *Blackening*, 181.

of their perspectives in such reflections runs the risk of tokenization or fetishization but, as Khumalo and Thomas also note in closing their essay in our collection, Brown candidly acknowledges: "If, however, the possibility of the actual inclusion of such a hermeneutical perspective rests entirely on the presence of these individuals in the guild, then their voices may never be heard."[95]

A similar spirit likely animates Tat-siong Benny Liew's reconsideration of the Gospel of John for minority biblical criticism in the light of what Liew calls "transgendering" dynamics. Like Strassfeld often does, Liew opens by reflecting on the longer histories of racist policing of bathrooms to underscore the intersectional convergences of race, gender, and sexuality.[96] Liew, as well as Khumalo and Thomas in our collection, reconsider, with many Johannine scholars, the intriguing gender dynamics of a Jesus who is described as both a female *Sophia* and a male *Logos*. When Liew reads this Gospel for multiple, racially or sexually coded signs (like clothing, categories, and crossing), then he recognizes this Jesus as a cross-dressing and border-crossing drag king trickster. Though Liew locates himself in his essay as a trickster like this elusive Jesus, at one point he explains that his approach "hopes to give recognition and life to those who desire to live otherwise gendered or transgendered lives."[97] These select examples of minoritized forms of biblical criticism engaging trans materials underscore how trans approaches have not been as racially attuned as they could be, a significant problem that some of the essays in our collection, particularly those by Strassfeld, Sabia-Tanis, Khumalo and Thomas, and Marchal, hope to address.

TOWARD TRANS BIBLICAL VARIATIONS OF INTERPRETATION

Our collection represents a historic effort to expand and elaborate upon the sometimes-disparate trajectories of trans biblical interpretation, intensifying and enlarging the set of biblical texts and interpretive approaches, relevant histories and theories, conversation partners and force multipliers in order to question, qualify, challenge, and ultimately alter the conditions of our time and place. Even when parts of our collection might seem to be narrowing or squeezing so as to contract the focus, they often move alternately, accordion-like, to open our paths for exploring trans elements in biblical texts and traditions. For instance, while Ladin shifts our focus to the many kinds of trans experiences of mismatch between expectation and reality that *anyone* can have, Wiegel makes a strong case for specifying a single criterion for historically identifying a trans person

95. Brown, *Blackening*, 178.

96. Tat-siong Benny Liew, "Queering Closets and Perverting Desires: Cross-Examining John's Engendering and Transgendering Word across Different Worlds," in *They Were All Together in One Place?: Toward Minority Biblical Criticism*, ed. Randall C. Bailey, Tat-siong Benny Liew, and Fernando F. Segovia (Atlanta: SBL Press, 2009), 251–52.

97. Liew, "Queering," 267, 261.

in the pre-modern past. Like others, Wiegel critiques scholarly approaches that have over-identified trans as another disruptive version of queer and highlights the variability in gender categories in different cultures, both historically and geographically. This variability is not particularly a problem for doing trans historiography for Wiegel, if we do not expect people in the past to imitate our present-day categories. In fact, this helps Wiegel to arrive at her argument that "a trans person is someone who seeks or desires to transition from one category of sexed or gendered intelligibility (telling an intelligible story with their body) to another category of sexed or gendered intelligibility, or someone who seeks or desires to transition from intelligibility to unintelligibility because of the inadequacy of their culture's categories for them." Wiegel then applies this narrow definition to see which people might fit it in biblical texts, starting with Jesus's vexing saying about "eunuchs for the kingdom of heaven" in Matt 19:12. Yet, even in this most rigorous contraction, Wiegel also shows how this concise definition can shift our attention away from expected texts in previous searches for trancestors toward wider sets of texts, including those that involve movements that do not at first appear to be analogous to transgender narratives, as in the emphasis on virginity over marriage in texts like 1 Corinthians 6–7.

Thus, in its range of approaches to trans interpretation, *Trans Biblical* does not ignore the texts about eunuchs, androgynes, or clothing long held as important for trans approaches to biblical traditions. The two essays that bookend the collection—by Strassfeld and Merkley—provide some of the most helpful engagements of androgynes in Genesis 1 and clothing prohibitions in Deuteronomy 22, precisely through their treatment of distinctly Jewish and Christian traditions of interpretation, among the rabbis and early church fathers, respectively. Strassfeld's essay strategically juxtaposes the rabbinic treatment of androgynes with the very different contemporary legal context in which trans people are (recurrently) targeted in the present-day United States.[98] The rabbinic approach to androgynes and hybrid animals stems from a rather different, if also rather *religious* reading of creation from the one promoted by the brand of evangelical Christian theology that animates so much anti-trans animus in more recent years. While neither Strassfeld's exploration of Genesis 1 nor Merkley's of Deuteronomy 22 (and investigation of Tertullian's interpretation of gendered clothing choices) find the most affirmative views in either of these traditions, they demonstrate how resources from trans studies can redirect our focus with these ancient texts and challenge the lingering influence of normalizing and naturalizing categories.

After Strassfeld's opening essay, the next three expand the array of biblical texts and characters from the Hebrew Bible treated within trans interpretation. Ladin, for instance, applies her capacious delineation of trans experience beyond the creation narratives toward the ancestral cycles in Genesis. Ladin argues that

98. For other anachronistic juxtapositions in relation to trans people and practices, see Marchal, "The Corinthian Women Prophets and Trans Activism: Rethinking Canonical Gender Claims," in Hornsby and Stone, *Bible Trouble*, 223–46; and Marchal, *Appalling Bodies*, especially 30–67.

Jacob's resistance to his birth assignment (as the second-born son) is a meaningful example for trans hermeneutics, not because this made him transgender, but because this resistance is akin to how trans or nonbinary people refuse or challenge their birth assignments. The next two essays, by Musa and Brownsmith, approach two other biblical characters as nonbinary: Jael in Judges and Mordecai in Esther. Musa employs a genderqueer methodology to specifically disrupt the binary framework most readers bring to biblical texts and traditions. For Musa, even interpreters who argue that Jael performs a kind of gender reversal unwittingly reinforce this binary, and thus miss how Jael performs motherhood in a gender ambiguous manner—in a nonbinary way. Brownsmith likewise sees a nonbinary Mordecai resisting a gender binary in Esther, a characterization that helps us to recognize multiple genders, even as we cannot naively map our current versions of gender on ancient texts. Brownsmith feels the pull between two different horizons: a presentist context in which the Bible is read as scripture that speaks to the lives of present-day people (why many *care* about these texts), and a historicist context that scholars can bring to read a biblical text (information many might *need* in order to understand these texts) as a product of a specific time, reflecting the worldview of very distant people.[99] The chapters in *Trans Biblical* alternately, if still recurrently, work toward both of these ends.

Our collection turns then to a number of essays on the Gospels and letters of the New Testament. Indeed, *Trans Biblical* intentionally provides more attention to these texts from the distinctly Christian canons of scriptures, for two reasons. The first is that both Jewish studies and Jewish devotional communities of practice are relatively "further ahead" than their larger Christian counterparts in considering trans people and practices of the past and the present. The second reason, though, is the more potent: some of the loudest transphobic forces in the present day come from those who claim to be Christian—followers of a Savior and his scriptures. Many people need to understand these particular biblical texts and traditions differently and better.

The next three essays by Sabia-Tanis, Valentine, and Khumalo and Thomas focus primarily upon prominent portions of the canonical Gospels: the parable of the good Samaritan (in Luke), the transfiguration (in Mark), and the incarnation of the Word (in the prologue to John). Sabia-Tanis adeptly transposes the beloved Samaritan parable into our present context by placing transgender people at the center, not the margins, of teachings by Jesus. Placing different figures within the parable in a trans social location shifts our perspective. The disproportionate violence against trans people, especially trans women of color, could suggest an analogy to the person who was robbed, assaulted, and abandoned, yet Sabia-Tanis primarily reads the Samaritan as trans to convey a lesson about our neighborly obligations as exemplified by those who have been excluded and despised.

99. For an important intervention into doing trans history, discussing gender as a hyperobject in order to address similar concerns, see Ky Merkley, "Writing Trans Histories with an Ethics of Care, While Reading Gender in Imperial Roman Literature," *Gender and History* 36:1 (2024): 14–31.

While Sabia-Tanis writes as a trans theologian, the next two essays foreground the importance of allies with trans people contributing to broader efforts to change biblical interpretations of Jesus. Prompted by insights from trans Christians, Valentine explores the transfiguration of Jesus in Mark 9:1–9 as a positive example of a gender transformation in the Gospels. Building upon the interests of her interviewees and their positive attachments to this account,[100] Valentine surveys bodily changes in the ancient world, including the metamorphoses of gods, humans, and animals, to help contextualize the femme form Jesus takes on the mountain alongside the gender-queer ancestors Moses and Elijah. Khumalo and Thomas likewise advance an understanding of Jesus as a proto-ancestor in Africana interpretation, for readers in critical empathy and responsive ally relationships with transgender people, particularly given Jesus's incarnation in the flesh. They highlight the bodily incarnation of *Logos* in the prologue of John as a figural representation of trans* experience, a transitive figuration that is recurrently misrecognized and "deadnamed" by other traditions that demand suffering and death.

The next three essays move the collection into an engagement with the Pauline epistles, but not before Wiegel's essay revisits the eunuchs of Matthew 19 alongside the valorization of sexual renunciation in 1 Corinthians 6–7. Here Wiegel boldly advances a single criterion in looking for trans people in the premodern past, focused upon an act of transition, as mentioned above, "from one sexed or gendered intelligibility" to another, or a desire for it. These two texts are alike, not because the latter shows that the former is "really" about celibacy, but because both advocate crossing categories and thus transgressing gender boundaries. In contrast to the prevailing androcentrism in early Christianities, Wiegel's interpretation of these practices opens up a possible valorization of the female and feminine as something worth transitioning *into* and not merely *away from*.

Calaway's essay seeks a transgender touch across time with transformed bodies later in 1 Corinthians, particularly the glorified, resurrection bodies in 1 Corinthians 15. This metamorphosis provides an opportune theme for pursuing a hermeneutics of resonance and dissonance. Paul's ongoing androcentrism strikes a dissonant chord for Calaway as a trans woman, yet this cannot block out the description of bodies in transition that resonates, a rise from flesh into a glorious sparkling. Marchal similarly moves the focus from the individual person of Paul to other figures like Hagar, Onesimus, and Epaphroditus (in Galatians, Philemon, and Philippians) as potential examples of captive genders and fugitive flesh negotiating greater precarity and proximity to death. Informed by efforts at the intersections of critical race, trans, and abolitionist practices to specifically address the diminished life chances disproportionately faced by trans people, Marchal highlights how the roles of (formerly) incarcerated trans women and their networks of support and solidarity today can creatively reposition biblical

100. See also Katy E. Valentine, "Examining Scripture in Light of Trans Women's Voices," in *The Oxford Handbook of Feminist Approaches to the Hebrew Bible*, ed. Susanne Scholz (Oxford: Oxford University Press, 2020), 508–23.

practices of letter-writing, circulation, and assembly within longer histories of imprisonment and enslavement.

Our final two essays explore beyond the biblical canons, interpreting and engaging the Gospel of Thomas and Tertullian and, in turn, reflecting upon other, canonized texts. Indeed, as Sellew and Merkley highlight, both *Thomas* and Tertullian's *De pallio* reflect an anxiety over and/or the diminishment of the exterior. Sellew contrasts the Gospel of Thomas's approach to renewal and transformation as possible in the here and now to the anxious apocalypticism evident in Paul's letters. In the Gospel's emphasis on an introspective process of salvation focused on one's inner, less visible self, Sellew finds strong resonances with trans people's experience, especially processes of self-understanding, self-acceptance, and public assertion of our true gendered selves. Such potentially validating resonances, then, are tied to the dissonance between an inner self-understanding and others' claims on the basis of one's external, bodily self. Merkley similarly zeroes in on other moments of contestation, namely the meaning of clothing in early Christian negotiations of scripture within Roman norms of masculinity. Tertullian's approach to Deut 22:5 differs from Clement of Alexandria's by emphasizing Achilles as a monstrous example of gender crossing, an argument with chilling continuities with recent claims that trans people are deceptive or threatening. Yet, Tertullian's manifest efforts to construct this boogeyman demonstrate how long gender has been a multicultural site of contestation, given the ancient presence of gender nonconforming people, even in these early Christian debates. The mere presence of this contestation allows for more inclusive and gender expansive readings within the Christianity of today.

Thus, the experience, effort, and expertise assembled by the scholars in this collection provide a series of distinctive and important interventions within both biblical studies and trans studies. The present and future of more just arrangements of gender and embodiment require a greater reckoning with the past and a new kind of attention to the many kinds of gender variation. Biblical scholars, of course, bring a crucial, multifaceted expertise—in the ancient west Asian and Greco-Roman contexts and the select texts that were later canonized religiously and culturally—to trans studies and praxis. An approach attuned by, with, or simply as trans studies, in turn, calibrates the study of biblical texts and traditions with a finer sensitivity to the potential complexity and variety of gender and embodiment. Trans kinds of biblical scholarship, or biblical kinds of trans scholarship, are uniquely positioned, and potentially *even more suited* to address both ancient people and practices and current deliberations and developments. This combination, of trans and biblical, facilitates new comparative, interdisciplinary, and intersectional questions about differences in gender and embodiment—historically, geographically, linguistically, socially, politically, and theologically. Thus, this *Trans Biblical* collection equips its readers to grapple with stigma, ridicule, anxiety, and violence, without being determined by them, moving the variations on interpretation and embodiment in dynamic, reflexive, and capacious directions.

We hope that this introduction serves to situate the contributions of *Trans Biblical* within longer streams of scholarship and advocacy, within, beside, or beyond biblical studies. In presenting some key voices and movements within both trans studies and biblical studies, we entertain no pretensions at absolute comprehension of a complex and still growing series of convergences where trans and biblical might still feed into each other. Thankfully the following essays themselves return to these convergences and can point readers to even more resources and conversation partners. When and where we engage with trans theories and movements, we believe this collection acts as a helpful entrée for biblical interpreters to make new, more creative, reflexive, and accountable connections to influential texts and traditions. For those already familiar with some of the prior trans identifications with biblical figures or texts, this volume encourages us to think more broadly about forms of gender variation and in wider sets of texts besides those that focus on androgynes or eunuchs. Of course, it is extremely valuable to see gender variance in the biblical materials themselves. Gender variation *is* as ancient as stories about creation! *And* stories about resistance, and escape, and resurrection, and transfiguration, and incarnation, and on and on. Biblical texts and traditions are more capacious and variable than most expect, often disrupting present-day assumptions of a gender binary. *Trans Biblical* sharpens our awareness of what is "in" these texts and builds up our capacities for what can be done "with" our encounter with/in biblical texts and traditions.

In short, the work of these scholars meets an important, even urgent need by providing a range of entry points and approaches to biblical texts and traditions in a contextually and theoretically nuanced fashion. It is past time to engage these variations on trans and biblical.

Chapter 1

Androgynes, Hybrid Animals, and the Project of Trans History

MAX K. STRASSFELD

In 2018, a memo from the US Department of Health and Human Services was leaked to the *New York Times*. The memo offered a definition of sex: "Sex means a person's status as male or female based on immutable biological traits identifiable by or before birth."[1] As the *Times* reported, this definition would eradicate federal recognitions of trans people who have gone through bureaucratic processes to change their legal status. While nothing in the memo references religion directly, journalists traced the language back to its Christian evangelical roots.[2] The category of sex is currently at the heart of legal and policy wrangling over trans embodiment.[3] In this chapter, I will practice deliberate anachronism

1. See Erica Green, Katie Benner, and Robert Pear, "'Transgender' Could Be Defined Out of Existence under Trump Administration," *New York Times*, October 2018. https://nyti.ms/2R9W1jB.

2. In the popular press, *Mother Jones* has reported on the connection between the anti-trans bills and evangelical Christian theology. See Samantha Michaels, "We Tracked Down the Lawyers behind the Recent Wave of Anti-Trans Bathroom Bills," *Mother Jones*, April 25, 2016, https://www.motherjones.com/politics/2016/04/alliance-defending-freedom-lobbies-anti-lgbt-bathroom-bills/. The reporters argue that the language found in the memo originates with the Alliance Defending Freedom (ADF), a Christian legal organization.

3. On this question, see Paisley Currah, *Sex Is as Sex Does: Governing Transgender Identity* (New York: New York University Press, 2022).

by weaving together a rabbinic tradition about an androgyne with contemporary legal battles. In doing so, I illuminate what is at stake in these divergent struggles over the definition of sex and gender in law.

In my book *Trans Talmud: Androgynes and Eunuchs in Rabbinic Literature*, I explore various nonbinary rabbinic categories. I argue that the rabbis simultaneously use these figures to extend their regulation of sex, gender, and embodiment, even as they paradoxically carve nonbinary space into the tradition.[4] I use the term "transing" (as a verb) to describe my method of interpretation.[5] Drawing on the work of trans studies theorists and historians, I argue for a reading strategy that attends to the materiality of sex and gender and the concurrent costs of regulation.[6]

With the term "transing," I also raise the question of what it means to read historical sources through a specifically trans lens. I am skeptical as to whether the tools developed to study histories of sexuality are sufficient to address the study of androgynes and eunuchs in antiquity. Throughout this chapter, I pose a broader question: How might our reading practices need to be shaped by the specificities of the bodily regulation and surveillance of intersex and trans people?[7]

The most central early rabbinic source on the androgyne is found in tractate Bikkurim.[8] In this source, the rabbis debate the extent to which law can

4. What follows is a revised version of an argument that appears in different forms elsewhere, including the second chapter of my book, Max K. Strassfeld, *Trans Talmud: Androgynes and Eunuchs in Rabbinic Literature* (Oakland: University of California Press, 2022), and an earlier article under the title "Translating the Human: The *Androginos* in Tosefta Bikurim" in *TSQ* 3:3–4 (2016): 587–604. I am grateful to Rafe Neis and the fellows of the Frankel Institute for their response to an early draft of the chapter, and the reviewers for subsequent comments.

5. I do not originate the use of transing as a verb; it was first used by Joanne Meyerowitz in a talk and then elaborated on in a special issue of *Women's Studies Quarterly*. Joanne Meyerowitz, "A New History of Gender," in *Trans/Forming Knowledge,* University of Chicago (February 2006); Susan Stryker, Paisley Currah, and Lisa Jean Moore, "Introduction," *Women's Studies Quarterly* 36:3–4 (Fall/Winter 2008): 11–22.

6. Eva Hayward, "More Lessons from a Starfish: Prefixial Flesh and Transspeciated Selves," *Women's Studies Quarterly* 36: 3/4 (2008): 64–85; Joseph A. Marchal, *Appalling Bodies: Queer Figures before and after Paul's Letters* (Oxford: Oxford University Press, 2020); Jules Gill-Peterson, *Histories of the Transgender Child* (Minneapolis: University of Minnesota Press, 2018); C. Riley Snorton, *Black on Both Sides: A Racial History of Trans Identity* (Minneapolis: University of Minnesota Press, 2017); Leah DeVun, *The Shape of Sex: Nonbinary Gender from Genesis to the Renaissance* (New York: Columbia University Press, 2021); Susan Stryker, "The Transgender Issue: An Introduction." *GLQ* 4:2 (1998): 145–58; Stryker, "My Words to Victor Frankenstein above the Village of Chamounix: Performing Transgender Rage," *GLQ* 1:3 (1994): 237–54.

7. In this chapter I primarily address anti-trans law in the contemporary U.S. context; there is much more that could be said about the way the term transgender is being used globally to collapse specific cultural and religious configurations of sex and gender, and the specific impacts on the Global South. See, for example, the themed issue of *Transgender Studies Quarterly*: Aren Z. Aizura, Trystan Cotton, Carsten/La Gata, Carla Balzer, Marcia Ochoa, and Salvador Vidal-Ortiz, eds, "Decolonizing the Transgender Imaginary," Special Issue *TSQ* 1:3 (2014): 303–465.

8. Gwynn Kessler has persuasively argued that this text has been overemphasized in the scholarship. I certainly agree with her conclusion that more attention needs to be paid to the ways the *androginos* and *tumtum* are invoked more broadly in the literature. See Gwynn Kessler, "Rabbinic Gender: Beyond Male and Female," in *A Companion to Late Ancient Jews and Judaism: Third Century BCE to Seventh Century CE*, ed. Naomi Koltun-Fromm and Kessler (Hoboken, NJ: Wiley & Sons, 2020), 353–70.

incorporate mixed bodies, both animal and human. The rabbis simultaneously determine whether androgynes can be included in different ritual and legal obligations, as they assert that the androgyne is part of the order of creation.

In rabbinic literature there are two terms for androgynes that are commonly used and neither type of androgyne is found in the Hebrew Bible. The first term, *androginos*, is a compound of the Greek words for "man" (*anēr*) and "woman" (*gynē*). The rabbinic text I analyze here suggests that the *androginos* has dual genitalia. This androgyne appears more frequently in the halakhic materials—what are conventionally translated as "legal" discussions.

In the early rabbinic source I address in this chapter, the androgyne is paired with a hybrid animal, who is a mix of a domesticated and wild animal, called the *koy*.[9] To understand the androgyne in Bikkurim, we first need to unpack the connection between animality and gender.

THE KOY: ANIMALITY AND HYBRIDITY

The origin of the *koy* is not entirely clear; the term is not found biblically.[10] Moreover, the rabbis debate the definition of the *koy*—while some rabbinic traditions seem to classify the *koy* as a mix of any wild and domesticated species, others define it more precisely. One opinion in the Talmud, for example, argues that the *koy* is a crossbreed specifically between a goat and a stag.[11]

The rabbinic traditions about the androgyne and the hybrid animal are organized in a similar format; both take the form of a list. The hybrid animal list is separated into subsections, and each is introduced by a question: How is the hybrid animal like a wild animal? How is the hybrid animal like a domesticated animal? Under each of those headings comes a list of laws that describe how the hybrid animal functions legally within these categories. So, for example, the *koy* functions as a wild animal in the way in which it is slaughtered for consumption.

The structure of the list is designed to work through all the ways in which the hybrid animal fits into the established dichotomy of wild and domesticated animals. However, when the list proposes that the hybrid animal is like both

9. In the longer version of this chapter, I explore the different versions of the androgyne list that circulate, and the scholarly debate over whether this text properly is in the Mishnah or the Tosefta. I remain agnostic on the question of which composition the androgyne list belongs to. There I argue that one version of the text preserves the original arrangement of the pairing of the androgyne and *koy*, while the other version of the text helps explain why these lists are found in tractate Bikkurim altogether. The version usually attached to the Mishnah locates the androgyne within a chapter discussing various objects that cross established dichotomies.

10. While the words for wild and domesticated animals appear in the Bible, there is no biblical word *koy* that refers to a hybrid animal. The Septuagint translates the "*'ako*" in Deut 14:5 as *tragelaphos*. On the connection of the *koy* to the *tragelaphos* see Judith Romney Wegner, "Tragelaphos Revisited: The Anomaly of Women in the Mishnah," *Judaism* 37:2 (1988): 160–72.

11. See b. Ḥullin 79b–80a. This disagreement over the definition of the *koy* is carried into the commentators. See, for example, Maimonides, who argues that they could not decide whether the *koy* is a kind of wild or domesticated animal: Maimonides, Mishneh Torah, hilkhot n'zirut, 2:10. Tosafot, on the other hand, points to a contradiction between b. Keritot 21a and b. Ḥullin 79b–80a.

wild and domesticated animals in some respects, it suggests that there are some qualities common to all kinds of animals. In other words, the category of being "like both wild and domesticated" implies that there is a concept of animality that supersedes other taxonomical distinctions.

Beth Berkowitz, in her monograph *Animals and Animality in the Babylonian Talmud*, argues that in the Talmud, animals both have selves and are used to negotiate the boundaries between the rabbinic self and its various "others" (pagan, Samaritan, nonrabbinic, etc.). The Talmud reinforces a dichotomy between humans and animals, and it describes animals as property, props, and sources of domestic labor (although some humans are described in these terms as well). At the same time, she notes that the sources almost systematically undermine those very distinctions.[12]

Divisions between wild and domesticated animals are not self-evident, although some of the distinctions in rabbinic law are inherited from biblical texts. The boundaries between domestic and wild animals are occasionally contested; there are rabbinic debates about whether certain animals (e.g., dogs) are considered wild or domesticated.[13] Given Berkowitz's conclusions, it should not be surprising to us that these taxonomies tend to situate animals in relation to human needs. A taxonomy of wild and domesticated in relation to the *koy* similarly centers human perspectives by dividing animals into those that are considered a part of the household and those that are not. This distinction spatially maps animality based on human kinship structures. Moreover, the category of the domesticated animal implies human ownership of the animal's "domesticated" labor.

Situating animals as property in relation to human households can also be a gendered, and at times racialized, enterprise. The most famous rabbinic source on the establishment of the household comes from the first chapter of Mishnah Kiddushin, over which much feminist ink has been spilled.[14] This chapter establishes the figure of the rabbinic householder and describes how he acquires his property. It is no accident that the opening of the tractate on marriage laws succinctly lays out the method for acquiring wives, slaves, and animals. Taken together, the acquisition of the three "objects" establishes an androcentric household based in property relations and the subjugation of certain classes of beings. The category of domestication, therefore, is simultaneously a mode of acquisition and both gendered and sexualized. The figure of the hybrid animal

12. Beth Berkowitz, *Animals and Animality in the Babylonian Talmud* (Cambridge: Cambridge University Press, 2018). On the categories of human/animal in the context of generation and reproduction, see Rafael Rachel Neis, *When a Human Gives Birth to a Raven: Rabbis and the Reproduction of Species* (Oakland: University of California Press, 2023). On bestiality, see also Mira Wasserman, *Jews, Gentiles, and Other Animals: The Talmud after the Humanities* (Philadelphia: University of Pennsylvania Press, 2017), 73–119.

13. See, for example, m. Kilʾayim 8:6, where the rabbis disagree about whether the dog belongs in the category of wild or domestic.

14. See Gail Labovitz, who situates these discussions in her book, Labovitz, *Marriage and Metaphor: Constructions of Gender in Rabbinic Literature* (Lanham, MD: Lexington Books, 2009).

perches on precisely these interstices. The *koy* becomes a site to contemplate animality and processes of domestication.

"LIKE NEITHER": ANDROGYNES AND HYBRID ANIMALS

In this section, I will examine the parallel androgyne list and the debate over the legal status of the androgyne in gendered law. I will argue that the androgyne has a paradoxical effect: they undermine dichotomous gender in the law and, at the same time, solidify gender as an ontological category in law.

The most famous tradition about the androgyne begins with a thesis statement that mirrors the *koy* list:

> [In the case of the] androgyne: there are ways in which they are like men, there are ways in which they are like women, there are ways in which they are like both men and women, and there are ways in which they are not like men or women (t. Bikkurim 2:3).[15]

This topic statement signals that what follows will be a list. In many respects this list is a classic example of the genre of early rabbinic lists, although in some respects it diverges from that form.[16] The traditions found within this list are also dispersed throughout the corpus in their topical legal contexts. The legal traditions follow the structure of the introductory sentence and are arranged in four sections to demonstrate how the androgyne functions in four different ways—that is, like men, like women, like both, and like neither.

The androgyne functions as a man, for example, in that he becomes impure through seminal emissions, just as men do. Similarly, the androgyne must "marry rather than be married," as men must. This can be interpreted to mean that they may initiate a marriage contract with a woman (as men do) but may not be married (a phrase that is grammatically in the passive), as women are to

15. Hebrew grammar uses masculine language for the androgyne. Because of the androcentric conventions of Hebrew, it is difficult to know how to weigh that fact. In the past I have translated this text using "ze/hir," primarily because the cognitive dissonance (particularly for those unfamiliar with gender-neutral pronouns) was helpful in disrupting any easy translation. In doing so I was drawing on the work of early trans activists who were playing with translation and this text—primarily Reuben Zellman and Elliot Kukla. Drawing on my translations, Moshe Halbertal uses ze and hir in his recent translation and reading of this source as well. See Moshe Halbertal, *The Birth of Doubt: Confronting Uncertainty in Early Rabbinic Literature*, trans. Elli Fischer (Providence, RI: Brown Judaic Studies, 2020), 171–203.

Currently, in my corners of the trans community, it is more common to encounter the singular "they" than ze/hir. Any perceived awkwardness in the singular "they" should, I hope, help to signal the awkwardness of discussing nonbinary embodiment in English. The drawback of translating the androgyne's gender as "they" is that it papers over the androcentrism of using male grammar as the default. Each solution is decidedly less than perfect.

16. Classically, the topic sentence would include the number of clauses to follow in order to aid memorization, although this is not the only list in the tannaitic corpus where the numbering is absent. For a recent dissertation on the genre of the list in the Mishnah, see Roy Shasha, "The Forms and Functions of Lists in the Mishnah" (PhD dissertation, University of Manchester, 2006).

a man. It would be difficult to formulate a more concise distillation of rabbinic androcentrism than that six-word sentence.[17]

The list continues to spell out the ways in which the androgyne is like a woman: like a woman, she becomes impure through menstruation, and like a woman she is disqualified from serving as a legal witness.[18] Both the obligations and the exemptions that pertain to women are applied to the androgyne. In this way, some of the legal exclusions that the androgyne faces are based not on their status as an androgyne but on their status as potentially female. A law stating that women and androgynes may not serve as legal witnesses only needs to be formulated when another group (men) can fulfill this role. The androgyne is therefore like women in that their legal subjectivity is curtailed.

The first half of the list may seem to be a prosaic discussion of the status of the androgyne in relation to specific laws, but at the same time the list incorporates the androgyne into the law, thereby conferring legitimacy on them. If the ideal legal subject for the rabbis is the one with the most obligations, then when the sages compare the androgyne to both men and women, they demonstrate the ways in which the androgyne has legal obligations (as well as restrictions).[19] There may be some practical difficulties in the enactment of these restrictions; for example, according to the laws of seclusion (*yiḥud*), the androgyne is not permitted to be alone with either men or women—but there is an effort to establish the androgyne as a legal subject.

The third category appears to take the inclusion of the androgyne one step further. When the list asks how the androgyne is like both women and men, it suggests that there are laws that are not contingent on gender. So, for example:

> [How is the] androgyne like both men and women? [The person who injures the androgyne] is liable for injuring [the androgyne] as if [they had injured] either a man or a woman, the intentional murder of the androgyne [incurs the capital punishment] of decapitation [in the same way it would if a man or a woman was murdered]. . . .

If the androgyne is injured, their injury is treated like the injury of either a man or a woman. Their murder is treated in exactly the same way as the murder of

17. On this passage see Sarra Lev, "Defying the Binary? The Androgynous in Tosefta Bikkurim," in *Annual Meeting of the Association for Jewish Studies* (Washington, DC, 2011); Charlotte Fonrobert, "Regulating the Human Body: Rabbinic Legal Discourse and the Making of Jewish Gender," in *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. Fonrobert and Martin Jaffee (Cambridge: Cambridge University Press, 2007), 270–94.

18. Just as men become impure through "white" (seminal emissions), women become impure through "red" (menstrual blood). This constructs male and female bodies as analogous to one another. On the language in this section, see Y. N. Epstein, who argues that the specific formulation of obligation is only used when comparing a matter that is unclear to a matter that is clear and agreed on. See Yakov N. Epstein, *M'vo'ot l'Sifrut haTanaim: Mishnah, Tosefta, u'midrashei halachah* (Jerusalem: Magnes, 1957), 220.

19. Feminist scholars have demonstrated that being exempted from legal obligation is a detriment in the rabbinic system of law. See, for example, Rachel Biale, *Women and Jewish Law: The Essential Texts, Their History, and Their Relevance for Today* (New York: Schocken, 1984), 10–44.

a man or a woman; if it was a deliberate and premeditated murder, then the punishment is decapitation, one of the two crimes for which this is mandated.[20]

The text continues to generate several more ways in which the androgyne functions as both men and women do; however, it is worth dwelling briefly on this category itself. If the overall goal of the list has been to understand androgynes within the context of gendered law, why include a section on androgynes in ungendered law? Is there an actual question as to whether the androgyne's death should be treated like any other human death? This section seems, on the face of it, utterly unnecessary. It appears to exist solely to challenge binary gender in law.

There is a similar problem with the category of "both" on the hybrid animal list. For example, the hybrid animal is like both wild and domesticated animals in that one cannot consume its limbs while it is still alive. This law, which originates in the Bible, applies to all animals. Given that, one might question why it is necessary to state this prohibition in relation to the hybrid animal. Just as the murder of an androgyne seems to obviously be murder, is not the torture of an animal still obviously torture?

Ironically, this statement about protecting an animal from torture also highlights the many other kinds of licit violence that structure the hybrid animal list. The list addresses a host of legal issues, including the covering of the hybrid animal's (spilled) blood, the rules of its slaughter, and which sections of the animal's body may and may not be consumed. While the specter of violence is present in both the androgyne and the hybrid animal list, violence in relation to the hybrid animal is mostly sanctioned. Only suffering that is unnecessary for the human use of the animal is disallowed. Animality, broadly speaking, incurs vulnerability to sacrifice, consumption, and forced labor.

In the case of the androgyne, the redundancy of being like "both" men and women also asks us to think about the gendered effects of this category. If being "both" creates a list of laws that transcend gender, then perhaps this allows a concept of humanness, independent of gender, to emerge. It is tempting to conceptualize these statements, particularly the ones touching on such topics as injury and murder, as recognizing the "human rights" of the androgyne.[21] Perhaps, then, suffering transcends the gender binary.

In his monograph *Habeus Viscus*, Alexander Weheliye explores the constitution of the category of the human through the lens of Black feminist thought. He writes the following about human rights laws: "Frequently, suffering becomes the defining feature of those subjects excluded from the law . . . due to the political violence inflicted upon them, even as it, paradoxically, grants them

20. For the rabbinic assignments of punishment, see Devora Steinmetz, *Punishment and Freedom: The Rabbinic Construction of Criminal Law* (Philadelphia: University of Pennsylvania Press, 2008).

21. Charlotte Fonrobert makes the point that this category establishes the androgyne as human in Fonrobert, "The Semiotics of the Sexed Body in Early Halakhic Discourse," in *Closed and Open: Readings of Rabbinic Texts*, ed. M.A. Kraus (Piscataway, NJ: Gorgias Press, 2006), 69–96.

access to inclusion and equality."[22] Weheliye critiques a frame that adjudicates access to human rights through a comparison of suffering to evaluate whose suffering requires recognition. In this analysis, humanity is bought at the cost of violence. At the same time, this access to the category does not trouble the basic (racist and sexist) terms of the human; the human is built on a foundation of anti-Blackness.

The concept of rights-based legal thinking is not the primary framework of rabbinic discourse. The focus of these legal traditions is on the obligation of the person who harms the androgyne, not on the rights of the androgyne per se, for example.[23] However, it is worth noting that the androgyne functions legally as a human uniquely through their injury or death. For those clauses, it is through suffering that the androgyne becomes a legible human under the law. Similarly, the hybrid animal becomes an animal through the statement that torture is not allowable. Acknowledging the category of the animal means recognizing the pain of animals. Becoming human, as well, may come both posthumously and as the result of violence.

My intention here is not to analogize the androgyne and anti-Blackness but rather to learn from Black feminist theory in order to interrogate the mechanisms of imagining the category of the human. Despite the fact that the injury of the androgyne would seem to pose a concept of "universal" human rights that transcends binary gender, this category of "both" is still framed through the poles of gender dichotomy. To belong, the androgyne must be like men and women. The gendered terms of the human are not fundamentally challenged by the inclusion of the androgyne.

The final section of the androgyne list details the ways in which the androgyne is not like either men or women. For example, if someone makes a vow that they will undertake certain restrictions if the androgyne is neither a man nor a woman, the vow is valid.[24] This, too, appears as a parallel clause in the hybrid animal list. The vow is not a statement of self-identification: a non-androgyne is making the vow over the androgyne or the hybrid animal. In other words, a third party who makes a truth claim about the androgyne's or *koy*'s hybrid status is deemed to have made a valid statement. This puts the androgyne into a passive role shared with the *koy*. At the same time, however, it also crucially suggests that inclusion in the category of human or animal does not depend on

22. Alexander Weheliye, *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human* (Durham, NC: Duke University Press, 2014), 75–76.

23. For a discussion of the frame of "rights" and how it plays out in relation to transgender communities, see Paisley Currah, Richard Juang, and Shannon Price Minter, eds., *Transgender Rights* (Minneapolis: University of Minnesota Press, 2006).

24. Although I am translating using the Vienna manuscript, I chose examples that appear in both versions of the list. See Lieberman's commentary: Saul Lieberman, *Tosefta Kifshuta* (New York: Jewish Theological Seminary Press, 2007), 835. The law about the *koy* and Nazirite vows can be found in m. Nazir 5:7. On the text of the *koy* Nazirite vow, see Zechariah Frankel, *Darchei HaMishnah: Chelek Rishon* (Leipzig: Sumptibus Henrici Hunger, 1859), 253. On the androgyne and Nazirite vows, see m. Nazir 2:7 and t. Nazir 3:19. For a discussion of the androgyne and vows, see Kessler, "Rabbinic Gender."

complete disambiguation. Even if binaries structure the majority of the list, for this moment of the list, binaries are discarded to explore how androgynes are not like either men or women. In the next section I will begin to explore some of these broader ontological questions about gender in law.

"A UNIQUE CREATION": THE ONTOLOGY OF GENDER IN RABBINIC LAW

If the strategy of the list in Bikkurim is generally to incorporate hybrid bodies into law, then the coda to the lists takes a decidedly different approach. There are parallel codas to the hybrid animal and androgyne list, and it is in the coda that we find the first attributed statement. For the androgyne list the coda reads: "Rabbi Yose disagrees:[25] The androgyne is a unique creation and the sages could not decide about them[26] whether he is a man or she is a woman . . ."[27] In other words, Rabbi Yose differs from the strategy of the list, which incorporates androgynes into a set of legal choices. As Rabbi Yose sees it, the sages would have had to designate the androgyne as either a man or a woman. As is made clear by the ways in which the androgyne is like both men and women, the sages did not assign them one legal gender. For Rabbi Yose, the implication of this "failure" is that the androgyne must be excluded; this final statement opposes the work of carefully fitting the androgyne into gendered laws.

And yet, paradoxically, while Rabbi Yose seeks to exclude the androgyne from the rabbinic enterprise, he also establishes a space for the androgyne as a "unique creation." Scholars and activists have read Rabbi Yose's refusal to assimilate the androgyne as carving a space for the existence of nonbinary people.[28] Rabbi Yose's rejection of the androgyne in law is also an acknowledgment that gender exceeds a binary. In that sense, Rabbi Yose, who has the final word, radically subverts binary gender.

I am not opposed to that interpretation of the coda, particularly when activists use it as an argument against contemporary transphobia within Judaism; I am not particularly interested in policing the meaning of this list. I do, however, worry about the cost of reading subversion here. To acknowledge the androgyne as unique but unassimilable into social structures (governed by law, custom, and

25. The Vienna printed edition and other manuscripts cite Rabbi Yose. In the Parma manuscript however, this statement is attributed to Rabbi Meir. The Parma manuscript for the *koy* list also lacks the final statement, so there is no comparable statement to assess attribution. I will use Rabbi Yose here, but I remain agnostic about the question of the proper attribution of this tradition. For further philological discussion of these sources, see the version of this chapter in my book.

26. I am translating this pronoun as "them" because this statement is a strikingly clear example of how grammar hinders the ability to express gendered indeterminacy in Hebrew, even when that indeterminacy is the subject of the discussion. If I were translating literally, it should be "him."

27. I am not treating here the ending of the coda which discusses the category of the *tumtum* (who seems to be liminally unsexed).

28. See Kessler, "Rabbinic Gender." Kessler also points out that Rabbi Yose's statement has staying power in rabbinic literature.

ritual) is to put them into a precarious social position indeed.[29] I have no wish to purchase subversion using androgynes as currency, even as I will argue that Rabbi Yose's statement implicitly understands the androgyne as a part of the order of creation. I shall explore the ways Rabbi Yose's statement implicitly cites the Genesis story shortly.

Even though most scholars interpret the list and the coda by Rabbi Yose as diametrically opposed, there is another way to understand the relationship between the two; read in a certain light, the list and the coda collude with each other.[30] It is true that the two approaches have very different effects for the androgyne. Still, both the list and Rabbi Yose mark gender as central to halakhah (conventionally translated as law). The framers of the list see gender as a crucial organizing principle for law and generally assimilate the androgyne into that structure. For Rabbi Yose, on the other hand, gender is so essential to the rabbinic legal project that the androgyne cannot fit within it.

The apparent challenge posed by the androgyne and *koy* obscures the reification of the categories of gender and domestication. The androgyne and hybrid animal are not disambiguated; on the contrary, they remain hybrid. Their incomplete exclusion from halakhah means that they will haunt rabbinic discussions for centuries to come. But they are domesticated. The cementing of ontologies of gender and domestication is one of the foundations for the regulation of women, androgynes, slaves, and animals in law. This tradition in Bikkurim, therefore, is not merely a reflection of the gendered nature of rabbinic law. Rather, it can be understood as a foundational moment in establishing gender as central to halakhah.

At the same time, the coda of the hybrid animal and androgyne lists connects both by calling them "unique creations,"[31] an uncommon phrase. This category of "unique creations" thus enacts a kind of union between androgynes and hybrid animals. This union between androgyne and *koy* papers over the violence that inheres in the animal list; it is a kind of limited connection between those who test the boundaries of taxonomy. Albeit unwittingly, Rabbi Yose has created potential allies in the androgyne and the *koy*.

This invocation of "creation" can be linked to both the creation story in Genesis and anti-trans law. In the next section, I will explore these two very divergent receptions of Genesis.

29. I am thinking in particular of some of the darker sides of monstrousness, such as the death of Filisa Vistima. See Stryker, "My Words to Victor Frankenstein."

30. Fonrobert sees them as opposed. In her brilliant reading, she argues that while the list may function as a project of inclusion, it is in fact a demonstration of the discursive strength and flexibility of law. See Fonrobert, "Gender Duality and Its Subversions in Rabbinic Law," in *Gender in Judaism and Islam: Common Lives, Uncommon Heritage*, ed. Firoozeh Kashani-Sabet and Beth Wenger (New York: New York University Press, 2014), 106–25.

31. It is true that the *koy* list in some recensions lacks the coda. The versions that do have it, however, suggest an implicit connection between the androgyne and the *koy*, an impression that is only strengthened by all the parallels between the lists.

THE GENESIS OF TRANSPHOBIA

Elsewhere I describe the widespread invocation of androgynes in creation stories that circulated in antiquity.[32] Creation stories remain surprisingly relevant in contemporary legal battles over trans embodiment as well. Legal advocacy groups turn to Genesis to frame their regulatory efforts. The Alliance Defending Freedom, a conservative evangelical legal group, has as one of its central doctrines the following statement: "We believe God creates each person with an immutable biological sex—male or female—that reflects the image and likeness of God."[33] This is a direct reference to Gen 1:27: "And God created [the] human in God's own image, in the image of God, God created him, male and female God created them." For the ADF, this verse refers to God's creation of biological (and immutable) sex.[34] In other words, for conservative Christian theologies, Genesis is frequently the proof text for the impossibility of sexed changes.

The formulation of the 2018 Health and Human Services memo (with which I began this chapter) is a variation of the language found in the so-called bathroom bills—bills that seek to regulate trans access to many public facilities. In this section I will read closely the language of one of these anti-trans laws from Mississippi, called the Religious Liberty Accommodations Act.[35] This law is just one of a slew of proposed bills that focus on bathrooms in the continuation of the history of white supremacist regulation of restrooms.[36] These anti-trans laws are intertwined with extralegal efforts to regulate trans embodiment, including the deadly pattern of violence directed primarily at Black trans women and trans people of color, as well as the array of "administrative violence" (as Dean Spade has termed it) that trans people experience routinely.[37]

32. Strassfeld, *Trans Talmud*, 33–54.

33. See Alliance Defending Freedom. "Alliance Defending Freedom Doctrinal Distinctives," https://www.adflegal.org/about-us/careers/statement-of-faith.

34. Why evangelicals are turning to Genesis in particular, as opposed, for example, to Deut 22:5 or the first chapter of Romans exceeds the scope of my discussion here. I suspect it is related to complementarian theologies. But it is not just the Alliance Defending Freedom that invokes Genesis. See also the position of Focus on the Family: Issue Analysts, "Transgenderism- Our Position," Focus on the Family, 2018, https://www.focusonthefamily.com/get-help/transgenderism-our-position/.

35. Gayle Salamon has crucially explored transphobia in her book in which she argues that Latisha King's gender expression is read as a provocation that justifies her murder. See Gayle Salamon, *The Life and Death of Latisha King: A Critical Phenomenology of Transphobia* (New York: New York University Press, 2018).

36. The tactic of referring to them as "bathroom" bills is designed to play off a long history of white supremacist regulation of bathrooms. Whether white supremacists were invoking the anti-Black specter of sexual predation or constructing certain racialized bodies as conduits of sexually transmitted infections, the contemporary regulation of public facilities along ableist, racialized, and gendered lines has a long history in the United States. Sheila Cavanagh argues that the whiteness of bathroom porcelain is significant, and renders a kind of white, able-bodied, straight space. See Sheila Cavanagh, "Gender, Sexuality, and Race in the Lacanian Mirror: Urinary Segregation and the Bodily Ego," in *Psychoanalytic Geographies*, ed. Paul Kingsbury and Steve Pile (New York: Routledge, 2014), 323–39.

37. Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law* (Durham, NC: Duke University Press, 2015).

The text of the law purports to protect individuals and organizations that discriminate against queer and trans people on the basis of "sincerely held religious beliefs or moral convictions." The opening clauses define what specific religious beliefs are protected as state-sanctioned grounds for legal discrimination. The first two protected religious beliefs are:

1. Marriage is or should be recognized as the union of one man and one woman;
2. Sexual relations are properly reserved to such a marriage.

Within the context of this law, religious belief is defined as a conviction that marriage is necessarily both heterosexual and monogamous. The choice of the words "is or should be" in the first clause evokes a wish to reframe heterosexual marriage, even as the law protects a belief in that reframing. The gap between "is" and "should be" points to a gap between the ideal and reality.[38] Similarly, the language that sex should be "properly reserved" to marriage gestures toward a gap between this ideal and the fact that ("improper") sex outside of marriage is widely practiced.

In this section of the bill, in other words, religious beliefs are counterfactual. A different social order hovers just beneath the surface of (an imagined) secular societal reality. The counterfactual nature of these beliefs constitutes an implicit argument for their legal protection.[39] Presumably, if the framers of the bill felt that their world more closely resembled this religious social order, these beliefs would not require legal protections.

The third clause functions differently from the first two clauses on marriage and sex. It reads:

3. Male (man) or female (woman) refer to an individual's immutable biological sex as objectively determined by anatomy and genetics at time of birth.[40]

If marriage is the union between one man and one woman, only certain men and women qualify. The pairing between heterosexual monogamy and binary

38. Judge Carlton Reeves, in the preliminary injunction that initially blocked the law, reads it as a response to gay marriage victories in court. See *Barber v. Bryant*, 193 F. Supp. 3d 677 (S.D. Miss. 2016), reversed, 860 F.3d 345 (5th Cir. 2017).

39. I am arguing here that the (secular) social reality to which the bill responds is also imagined, a part of US white evangelical narratives of secular/sexual social decay. See, for example, Sara Moslener's work on the growth of the youth abstinence movement in the 1990s, which harnessed white supremacist (and anti-Black) sentiment to fund Republican/Christian abstinence-only education (Moslener, *Virgin Nation: Sexual Purity and American Adolescence* [Oxford: Oxford University Press, 2015], 109–30). This entire line of argumentation is also greatly influenced by the analysis in Ann Pellegrini and Janet Jakobsen, *Love the Sin: Sexual Regulation and the Limits of Religious Tolerance* (Boston: Beacon Press, 2004).

40. The resonance of this language with the definition of sex proposed in the 2018 memo from the US Department of Health and Human Services is obvious. This language comes almost directly from a proposed school policy on bathrooms that the Alliance Defending Freedom (ADF) sent to school boards across the country. See Michaels, "We Tracked Down the Lawyers."

gender is not accidental. In the service of heterosexuality, the regulation of sexuality and gender identity must go hand in hand.

The third clause asserts that both sex and gender identity are assigned at birth. Let us pass over the assumed notion that anatomy and genetics always align, a point many intersex activists would take issue with.[41] The language of biology and genetic testing also introduces the question of science and medicine into a law designed to protect and define religious belief. Medicine and religion collude to determine the immutable truth of sex at birth.[42] When the law entwines the scientific and the theological, it conspires to naturalize a divinely ordained gender binary. According to state law in Mississippi, science and religion do not believe in transsexuals.

I want to note the differences between the two sets of clauses. The state of Mississippi protects the belief that gay and nonmarital sex *should not* exist. At the same time, the state also affirms the conviction that transsexuals *do not* exist.[43] In this manner, imagining religious freedom impacts trans and queer people differently.

Trans studies theorist Eva Hayward takes up the question of gendered ontology. Citing the actress and activist Laverne Cox, Hayward notes the way trans women are commanded, "Don't exist." One way to combat the murderous imperative of this erasure might be to insist on the humanity of trans women of color. Drawing on Black feminist theory, Hayward rejects this strategy and argues that any attempt to revise the category of the human to include trans women is compromised. The category of the human itself is shaped by foundational anti-Black and misogynist logic and used to determine whose suffering is meaningful. Instead, she urges us to push against ontology itself: ontology is the ultimate architect of the mandate to trans women of color: "Don't exist."[44]

The gendered theology of the law in Mississippi (a mandate disguised as a belief) is the ontological scaffolding for the dictate to trans women: "Don't exist." In consequence, as the rest of the law goes on to describe, discrimination is transubstantiated. Refusing trans people services is the material instantiation of a protected religious belief that trans people cannot exist. This bill manifests a

41. For a discussion of the earlier tendency of the court to move away from a reliance on birth sex and chromosomes, see A. Sharpe, *Transgender Jurisprudence: Dysphoric Bodies of Law* (London: Routledge, 2002).

42. The connection among secularism, religious freedom, and sex/gender are the subjects of prolific scholarship. See, for example, Joan Wallach Scott, "Sexularism: On Secularism and Gender Equality," in *The Fantasy of Feminist History* (Durham, NC: Duke University Press, 2011), 91–116.

43. I am specifically discussing a contemporary US political context here. The relationship between science, trans sexual embodiment, law, and religion will look different in other times and places. For an excellent analysis of the contemporary Iranian context, see Afsaneh Najmabadi, *Professing Selves: Transsexuality and Same-Sex Desire in Contemporary Iran* (Durham, NC: Duke University Press, 2013).

44. Hayward, "Don't Exist," *TSQ* 4:2 (2017): 191–94. In the context of intersex studies, the mandate, "Don't exist," functions differently. Intersex activists resist the mythologization of their bodies, including in the persistence of the term "hermaphrodite" (an amalgam of Hermes and Aphrodite) as a tactic of writing intersex bodies out of existence. On this topic, see, for example, Thea Hillman, *Intersex (for Lack of a Better Word)* (San Francisco: Manic D Press, 2008).

religious belief in immutable sex, and it thereby closes the gap between religious ideals and gendered mores.

I want to return to these questions of the creation story and gender in the coda to the list in Tosefta Bikkurim—namely, the statement by Rabbi Yose that the androgyne is a "unique creation." Like Mississippi anti-trans law, this coda also contains an oblique reference to Genesis. The phrase "the androgyne is a unique being" uses a noun form of the verb "to create" found in the very first verse of the Hebrew Bible.[45] The citation of the word "create," coupled with the narratives that circulate widely throughout late antiquity about androgyne creations, brings to mind Genesis. This may be a direct reference to early rabbinic exegesis on the creation story, which argues that the original human was an androgyne.[46] Drawing on the exact same verse as the ADF, Gen 1:27, the rabbis understand that the first human was an androgyne. If this is indeed an oblique reference to Genesis, then although Rabbi Yose is ejecting the androgyne from law in the coda, he is also explicitly associating the androgyne with the order of creation. In other words, the androgyne is created by God. Whatever else Rabbi Yose's statement accomplishes, it is also a powerful theological assertion.[47]

I have argued that the list/coda is invested in domesticating the androgyne and the *koy*, and that it establishes gender as central to law. Still, unlike contemporary trans women of color, neither the androgyne nor the hybrid animal is

45. The phrase, a "unique creation," is rare in tannaitic literature. It occurs in this tradition and in t. Kilʾayim 1:9, where the rabbis discuss the status of several animals including the antelope from Deut 14:5. The root word for "creation" itself is not at all rare; we see that the word has the meaning of God's creations—as, for example, b. Ḥullin 127a. Even outside the context of an exegesis on Genesis, therefore, this word most often is associated with God's creation (although not always).

46. The rabbis comment on the fact that there are two creation narratives in the Hebrew Bible, and that these stories have discrepancies between them. Current source criticism would account for this textual conflict by arguing that the narratives reflect different source materials. The rabbis, however, explain that these are distinct stages of creation. In this reading, God originally created a single human with two faces and two sets of genitalia. The second stage of creation represents the splitting of this androgyne into two bodies. The rabbinic exegesis in the eighth chapter of Genesis Rabbah has parallels: see Leviticus Rabbah 14, b. Ber. 61a, b. Ketub. 8a, and b. ʿErub. 18a. See also Genesis Rabbah 1:26, which glosses a being with two sets of genitalia. For a recent discussion of the context of Genesis Rabbah within an increasingly Christianized Roman Palestine, see Sarit Katan Gribetz, David M. Grossberg, Martha Himmelfarb, and Peter Schäefer, eds, *Genesis Rabbah in Text and Context* (Tübingen: Mohr Siebeck, 2016). Daniel Boyarin describes the first-century philosopher Philo's version of the creation narrative, which is shaped by a Middle Platonic dualism. See Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley: University of California Press, 1993), 31–61; and "Gender," in *Critical Terms for Religious Studies*, ed. Mark Taylor (Chicago: University of Chicago Press, 1998), 117–36. Leah DeVun thinks that Philo is the bridge to early Christian ideas on the topic. See DeVun, *The Shape of Sex*, 16–40.

47. Similar formulations circulate in various traditions in late antiquity. For example, in the Apocryphon of John, the divine triad (mother-father-son) are all described in ways that bend simple gender assignment. Jonathan Cahana reads the Gnostic engagement with the symbolism of the androgyne as a subversion of Greco-Roman definitions of family. See Jonathan Cahana, "Gnostically Queer: Gender Trouble in Gnosticism," *BTB* 41:1 (2011): 24–35. On 1 Corinthians, see Marchal, *Appalling Bodies*, 30–68. For a trans reading of androgyne creation narratives and the Gospel of Thomas, see Melissa Harl Sellew, "Reading the *Gospel of Thomas* from Here: A Trans-Centred Hermeneutic," *JIBS* 1:2 (2020): 61–96.

told, "Don't exist."[48] While the Bikkurim source is certainly not utopian by any standards, it stands in marked contrast to contemporary receptions of Genesis. In the list and the coda, androgynes exist, even if there is a question about whether violence against them constitutes violence as it would against other human beings. Mississippi anti-trans law, in contrast, understands Genesis to be the origin story of a cisgendered ontology.

Historian Jules Gill-Peterson has argued that the way trans children have been figured as a "new" social problem not only ignores trans children in the history of the United States but also deprives trans children of a history that might work to empower them. The erasure of trans history, in this case, is not neutral; it is a deliberate forgetting in the service of subjecting trans children to medical authority. Similarly, as Iain Morland points out, the intent of intersex treatments is to efface the history of the intersex body. Morland argues that we need to rethink surgical practice, which has often been portrayed as cementing male or female sex. Instead, surgeons create an accepted version of the appearance of sexed congruity and work to erase the presurgical body. In that sense, surgery memorializes the contact of a body with someone who sought to erase it.[49] One might argue, then, that the "rediscovery" of intersex issues by the mainstream media every few years is predicated on the consistent forgetting of intersexuality. Like surgery, this manufactured "forgetting" is designed to suppress the possibility of intersex history.

The contemporary negation of trans and intersex existence means that trans and intersex historical projects are always caught up in ontological dilemmas. If, as Morland writes, genital surgeries both indicate the attempted erasure of intersex history, and also function as the marker of that history, then contemporary contests over intersex and trans embodiment are already embroiled in both history and ontology.[50] Trans history cannot fight the ontological battles of the present by itself, but the project of trans history is not divorced from this struggle. In this chapter, I have tried to address and attend to some of those specificities, both by rooting my analysis within the context of the study of androgynes in late antiquity, and by making explicit the connection to the contemporary ontologies of sex and gender that govern trans and intersex existence. In the face of such historical and contemporary suppressions, trans and intersex histories become all the more crucial.

48. See also texts like t. Ber. 6:3, which address the blessing recited over seeing an "unusual" creation. On this, see Julia Watts Belser, "Queering the Dissident Body: Race, Sex, and Disability in Rabbinic Blessings on Bodily Difference," in *Unsettling Science and Religion: Contributions and Questions from Queer Studies*, ed. Lisa Stenmark and Whitney Bauman (New York: Lexington Books, 2018).

49. Iain Morland, "Afterword: Genitals Are History," *Postmedieval* 9:2 (2018): 209–15.

50. It is for this reason that a history of sexuality approach, which has in the past been primarily organized around the dangers and possibilities of constructing a gay (and sometimes lesbian) past, will be insufficient to address these very specific ontological matters. While trans and intersex historical projects are not totally distinct from the field of history of sexuality, they are also not entirely contiguous with it either.