

# Toward A Gender-Inclusive Hevra Kadisha



COMMUNITY  
**Hevra Kadisha**  
OF GREATER BOSTON

## Tahara

I'm wondering about you, *chevra kadisha*,  
the "holy society," who will prepare my body,  
once I'm no longer in it, for the earth.

Will you know me already, or see me for the first time  
as you wash and shroud me, as my father was washed  
and dressed in simple white *tachrichim*, for those

about to stand before God. Perhaps by then I'll know  
if I believe in God. I like the democratic  
nature of the shroud, an equalizing garment. You

may see a body that surprises you. You may not have seen  
a man's body like this one before you, which I hope is very old,  
wrinkled, and (since I'm wishing) fit, muscled

as much as an old man can be. You'll see scars.  
Ragged dog bit forearm, elbow my father picked gravel  
from over the sink, then flushed with foaming iodine,

and the long double horizons on my chest, which trunked my body  
like a tree. If I am unexpected, let me not seem  
grotesque to you, as I have to many people, perhaps

even my own parents, and others whose highest  
kindness was to say nothing. Please let me return to dust  
in peace, as the others did, and recite those beautiful psalms,

remembering, as you go about your holy ritual,  
how frightening it is to be naked before another,  
at the mercy of a stranger's eyes, without even any breath.

-Miller Oberman

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## **Section One: Laying the Groundwork**

### **Foreword**

The Community Hevra Kadisha of Greater Boston performed its first tahara in December 2013. Since that time we have grown into a hevra comprised of 150 volunteers. Our mission statement includes the following language: “We are a pluralistic and inclusive hevra kadisha, caring for the dead through the mitzvah of tahara. We are a community in which Jews from across the spectrum of Jewish life honor this sacred tradition, and share its wisdom and beauty.”

It is of paramount importance that the community of gender non-conforming and trans Jews be represented in our hevra. The mitzvah of performing tahara and of receiving tahara must be offered to all Jews.

As the conversations about gender have become more detailed in our communities, questions have arisen about tahara for trans and gender non-conforming people. The Hevra decided to form a gender task force to address these questions. The following booklet details the vision of inclusivity that has guided our process, the practical steps that the CHK has already taken, and our next steps as a community.

We are grateful to both the Charles and Lynn Schusterman Family Foundation and the Hadar Institute for their partnership with our hevra kadisha in support of this important work.

*Barbara Neustadt*

*President of the Board of the Community Hevra Kadisha of Greater Boston*

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## Scope and Goal of the Project

Simply stated, our goal is to improve our own hevra's ability to include trans and gender nonconforming people appropriately in our hevra and to serve them in death. When we began this project in November 2018, we searched in vain for other hevrot kadisha who had undertaken similar introspection after which we could model our own process. Finding none, we ventured forth into what appeared to be untrodden land.

We humbly offer this document to other hevrot kadisha in hopes that they will find it easier to discover what works for them if they have a document to respond to rather than inventing the path, though we are certain that other communities will adopt practices and rituals other than the ones detailed here. We are excited to see what works for others and hope that you and your communities will be in touch with ours<sup>1</sup> as you progress.

One way in which our hevra certainly differs from others is in scale. We have over 100 active haveirim and are located in a major metropolitan area. We recognize that other hevrot kadisha will need to find different ways to compose their teams and may not have non-binary and gender nonconforming members.

Early on in our discussions, we decided that our goal was to find ways for more expansive understandings of gender to fit within our current practice of separating men and women for taharot. Some may feel that this is too incongruous. We had several reasons for taking this approach.

There is sometimes an instinct in conversations about trans people to feel that the only way to accommodate all gender identities in a community is to throw out the idea of gender altogether. This serves to alienate many cisgender people as well as many trans people, who feel that their internal sense of self is being negated, ignored, or undermined. Our community wanted to avoid that pitfall.

Another reason why we ultimately retained the gendered nature of tahara is that our hevra is pluralistic. People can always opt out of taharot with which they feel uncomfortable, but it is central to our values that any Jew who wishes to perform tahara can do so. Doing away with gender altogether would jeopardize the ability of more traditionally-practicing folks of all genders to engage in our community.

A few notes on language seem prudent to offer in these early pages. Though we use non-binary Hebrew forms to refer to non-binary individuals, it is beyond the scope of this project to change the Hebrew language's defaults. Thus, for example, in this document, "meit" refers to a singular deceased person of any gender and "meitim" refers to plural deceased people of any gender. Similarly, "haveirim" refers to members of the hevra kadisha of any gender.

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<sup>1</sup> Please use this link to share your feedback: <https://forms.gle/zl2hNqYMNMT92t2n7>

It is also beyond the scope of this project to change the way we refer to G-d in liturgical contexts. You will find that our liturgical adaptations retain reference to G-d with masculine grammatical forms.

Finally, in this document, we will sometimes abbreviate transgender as “trans.” We will also use non-binary and genderqueer interchangeably. While they may be distinct identities, non-binary and genderqueer folks are both outside of the gender binary that informs traditional guidance around tahara. Please see definitions section for more information as to the meaning of these terms.

## Background

*“Beloved is humanity, that we are made in G-d’s image” - Pirkei Avot 3:14*

Everyone has a relationship to gender. Gender influences all of our lives, from the clothes we wear to the public bathroom we utilize to the way people respond to us when we smile at young children. Folks whose gender matches the sex they were assigned at birth may spend little time defining and considering their own gender, while transgender and non-binary folks may spend more. Gender will also influence the practice of Judaism. For example, those assigned male at birth may have a bris, a bar mitzvah, etc. Those assigned female at birth may have a naming ceremony or a bat mitzvah. In death, too, gender influences who performs a tahara on whom and what liturgy is used.

As a hevra kadisha, our number one guiding principle is *kevod hameit*, respect for the dead, and respecting the gender identity of those we serve – as they, not we, define it – is an essential part of that practice. We must commit ourselves to our ideal of *Hesed Shel Emet*, which here can be translated as the Kindness of Affirming Their Truth in addition to the more literal/traditional understanding of “ultimate kindness”. We must uphold this even if the family does not accept the person’s gender identity. The family’s mourning and process around understanding of their loved one’s path is to be respected and supported, and this is managed by chaplains, rabbis, and therapists. The hevra’s role is to reflect the meit’s understanding of themselves with dignity, love, and complete acceptance. The affirmation of the body’s holiness and ultimate beauty is key to every tahara. In the case of a transgender or non-binary person– someone who has likely spent a lot of life feeling their body to be confusing, abnormal or not worthy, someone who has worked so hard to get the world to reflect back the image they see of themselves – it is truly the greatest kindness we can offer.

In our work, the question arose: are we as a hevra kadisha prepared to serve trans and non-binary decedents? This gave rise to a flurry of follow-up questions including: What does being prepared mean? Do we know what garments to use? Prayers to recite? How do we ensure that the body of the meit is not a spectacle to be observed but treated with love and respect? Who should be on the team serving trans or non-binary meitim? How do we respect a person’s gender without making it a spectacle or the central focus of the preparation and tahara?

At first glance, part of this might seem simple – for trans folks with binary identities, is the ritual and composition of the team aligned with their expressed gender identity? But part of *kevod hameit* is recognizing that this might not have been the preference of a

trans person even if they did have a binary gender identity – so how do we find this out, since they are no longer living?

A secondary guiding principle is kavod for our haveirim – for those that serve on our tahara teams. Part of the mission statement of our hevra kadisha reads, “We are a community in which Jews from across the spectrum of Jewish life honor this sacred tradition.” This includes trans and non-binary Jews as much as any other Jew. So if the ritual is traditionally single gender (i.e. women prepare women and men prepare men), how can we make sure that trans and non-binary Jews know they are welcome in our hevra kadisha? How do we assign folks to tahara teams that respect both the meit and the haveirim?

These are the questions we will look at in the next two sections. We will look at the results of a survey of transgender and gender nonconforming Jews as to their own preferences for the care of their bodies after death, and we will look at the halakha that may guide us.

## **Trans Community Members Give Direction**

In order to gain insight on the concerns and desires of the transgender and gender non-conforming communities regarding issues of death ritual, a survey was designed and distributed on Facebook and Twitter. Just over one hundred respondents gave input, almost all of whom identified as transgender and/or non-binary Jews.

The survey reinforced what we know universally – that transgender people want to be treated with dignity and that the clearest expressions of that dignity include using their chosen name and pronouns. In the case of tahara, dignity includes reassurance that members of the tahara team would not be surprised, shocked, curious, or otherwise caught off guard by their trans bodies.

When asked how we should decide who performs taharot, the majority of survey respondents shared that we should follow the direction of the meit if they were able to convey their wishes before death. If the person did not convey their wishes, the next best scenarios were to ask a partner (where applicable) or default to a team comprised of transgender or non-binary people. Family members and community members might be consulted, if there is sufficient evidence that they were embracing of the meit in life. Any doubt disqualifies their opinion.

In the case of binary transgender identity, respondents ranged from “open to” to “enthusiastic” about a team comprised of cisgender folks of their gender. For those who identified as non-binary, there exists no such corollary. It is our belief that when possible, a team of non-binary or transgender hevra kadisha members should perform the tahara of transgender or non-binary meitim, pursuant to the restrictions outlined later in this document. When that is not possible, training should be provided.

The findings of this survey reinforce what we already know: that we can best serve people in death by speaking with them about their desires when they are alive. This serves as a reminder that it is of extra importance for families and friends of trans folks to find out their preferences for care after death.

Sample Quotes from survey respondents:

*A non-Jewish burial is preferable to one that is insulting and degrading.*



*I express my gender in the world as binary man, but I don't have the body of a binary man, and tahara deals with the body. It feels complicated to me. I would rather have my gender recognized and have a [tahara] team of folks that also identify as men, than a team who identify as women. But if it were possible to have a team of folks who*

*identified as men of transgender experience, or transmasculine in some other ways, that would almost make the most sense.*



*Keep in mind the distinction between social and medical transition, many trans people don't want to/aren't able to medically transition. For nonbinary peoples, create new things. Don't default to lumping us in with women (it's common, many of us are afab [assigned female at birth]). My preference would to be have trans people (hopefully nonbinary) to participate in my Tahara.*



*I feel a lot of anxiety about cis men seeing my body naked, and I would worry about the potential for disrespect through their response to seeing a man's body without a penis. I think I would in theory want to be treated as any other man, but I would be anxious about having the right chevre for it.*



*I would prefer only trans folx [to perform my Tahara] - binary or not - because they would likely respect my body. No cis people.*



*Being [family to] a trans person does not guarantee respect, sadly. Haverim should have training .... The entire team should be aware of and understanding of common transgender issues, like the difference between medical and social transition. The entire team is responsible for performing tahara, so the entire team must be willing to correct any disrespect.*



*The kind of person I want doing tahara is someone whose posture is kindness and compassion, openness and love. Folks on tahara see everything. I want a person on tahara who puts forth their compassion and kindness, and opens their heart beyond their personal backgrounds or assumptions or judgments or biases. If they lead with their hearts with this way - even if they personally don't understand or have the background - they'll treat the meyt with reverence and respect, and they'll learn quickly enough about trans' experiences.*

## Section Two: Practical Steps for the Hevra

Given the feedback from the survey, we found there were several areas in which we were not yet prepared to serve the trans and GNC populations. The steps to be taken included changing how we collected information about our current and new haveirim, training haveirim, and training funeral directors.

### Collecting Demographic Information

In order to assure that appropriate teams can be assembled, we needed to revise what data we collect about our members. To that end, the following questionnaire was sent to our existing members and has replaced our former intake form for new members.

The goals were to make a form which would allow for efficient collection of relevant information, to interrogate our haveirim's comfort with taharot for trans and non-binary meitim, and also begin the process of educating our members about gender and language. "A woman" and "a man" in the last question were purposefully set to introduce the idea that those categories in their completeness include trans people who identify with those genders, while also allowing members room to recognize and communicate exactly what their comfort level is.

Name

Email

Cell number/Home number (if applicable)

Preferred way to be contacted: call mobile, call home, text, email

I am a (choose as many as applicable):

- Cisgender man (assigned male at birth, identify as a male)
- Cisgender woman (assigned female at birth, identify as a female)
- Transgender man (assigned female at birth, identify as a male)
- Transgender woman (assigned male at birth, identify as a female)
- Non-binary/genderqueer person (identify as neither male nor female)
- Other (please elaborate):

I would serve on a team for a meit/meita who is a(choose as many as applicable):

- Woman (including transgender woman)
- Cisgender woman only (not transgender woman)
- Man (including transgender man)
- Cisgender man only (not transgender man)
- Non-binary/genderqueer person

## **Outline of Trainings for Haveirim**

Three specific trainings are in process.

One training is an introductory orientation to hevra work specifically aimed at trans and gender nonconforming (GNC) folks, in recognition of the fact that there are likely trans and GNC people who would be interested in joining the hevra kadisha if they felt it was explicitly welcoming of them.

This training is important for many reasons. One, trans and GNC folks have been traditionally excluded from this work, and therefore it is incumbent upon us to loudly and clearly make known that all are welcome. Second, because of that exclusion, it should not be the responsibility of trans and GNC folks to “represent” their gender identity in a room of cisgender haveirim. People are understandable more comfortable when they are not the only one in a room who looks like them or shares their experience.

The content of this training is the same as our general orientations, with the addition of explaining and answering questions about the roles that these potential haveirim may play in the hevra regarding their genders.

The second additional training is an orientation to gender-related concepts required for all existing and new members of the hevra. In other words, training around issues of gender is not limited to those who are trans or GNC. Everyone has a gender, and the goal of this will be to make our hevra generally more accepting of trans and gender nonconforming folks, especially since they may be serving on teams with such people as they join the hevra.

The third training is for people who have self-identified as potentially serving on tahara teams for trans folks, which is detailed in the next section.

## **Training Cisgender Volunteers for Trans Tahara**

It is clear from the survey of transgender Jews that simply volunteering to perform tahara for trans folks is necessary but insufficient to qualify a person to serve on such a team.

At a minimum, all those who will be on teams for trans meitim must participate in a mandatory training. This training should be led by knowledgeable trans and non-binary Jews and medical professionals familiar with trans bodies, and include the following aspects:

- Jewish grounding for affirmation of trans folks.
- Clear separation of gender identity and body characteristics.
- Emphasis on values of privacy and modesty.

- Presentation of liturgical differences for non-binary trans meitim.
- Understanding of different transition paths (social and medical).
- Trans and non-binary Jews talking about their stories and answering questions about trans bodies.

This session will need to have more of a focus on medical transition (the effects of hormones, what surgical intervention may look like) than a typical “trans 101” training, where people are generally told that the body of another person is not up for discussion.

## **Training Funeral Directors or Hevra Leaders**

We recognize that the level of comfort that funeral directors have with language and concepts about gender diversity will impact the quality and type of information made available to the both the families of the deceased and to the hevra kadisha. To that end, we convened a webinar with a member of the CHK, two trainers from Keshet<sup>2</sup>, and three funeral directors from the funeral home at which we work. In other communities, there may be a hevra member who contacts the family directly. In that case, this conversation should be had with those leaders to prepare them for conversations about gender with families.

The trainers from Keshet opened with general orientation to language around gender identity, gender expression, sex assigned at birth, and sexuality. These were reviewed in several ways and it was explicit that everyone has identities in these categories, not just people within the LGBTQ+ community. The trainers also highlighted the idea of “family” as an expansive category including both family of origin and chosen family.

Following that, a conversation was held during which the funeral directors discussed how they would obtain information about a person’s gender from their family and loved ones.

Several key points arose:

- Funeral directors in Massachusetts are required to obtain information to fill out the death certificate. This means they need to ask for the legal name and sex designation. The most respectful way to do this is to be honest and direct with the family about what each piece of information is used for.
  - For example, “I need to know your aunt’s legal name – this is only for the death certificate, it does not have to be on the program or in the obituary but it is important for the death certificate to match the birth certificate currently on file.”

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<sup>2</sup> Keshet is the leading national organization working for full equality of LGBTQ Jews in Jewish life. For more information, visit [keshetonline.org](http://keshetonline.org).

- By the time a funeral director is presenting the idea of tahara to a family, they already have a lot of information.
  - If a person is already known to be trans by that point in the conversation, it may be appropriate to say, “It is traditional for people to be prepared by people of the same gender. Who do you think your Baba would have preferred?”
  - A short sentence such as, “It is traditional for people to be prepared by members of their same gender. Do you feel that your aunt would have wanted to be prepared by a team of women?” should be offered to all families, in order to open space for people to add additional information about more complex gender identities.
- Preplanning of funerals should include this information as well, to give people a chance to convey their wishes directly.

## **Section Three: Halakha and Liturgy**

By Rabbi Emily Aviva Kapor-Mater

*Rabbi Emily Aviva Kapor-Mater is a transgender rabbi, author, and activist. Her rabbinic work celebrates the margins of Judaism and the marginalized people who inhabit those spaces, focusing specially on affirming trans identities and experiences through innovative yet traditional Jewish law, liturgy, and ritual. As an autistic woman herself, she also works to promote acceptance and access to Jewish spaces for people with people with visible and invisible disabilities. In addition to her rabbinic passion, Emily works as a software engineer in Seattle.*

I dedicate this work in memory of all the transgender, non-binary, and gender-non-conforming Jews who have taken their own lives ל"ג. May their memory be for a blessing, and may the work we undertake for justice bring true liberation for all of us.

## Outline of Practical Guidelines

1. Transgender status does not disqualify one from receiving *tahara*.

A Jewish transgender individual, regardless of the state, completeness, direction, or any other quality of their transition, is entitled to a full Jewish burial including *tahara*, *sh'mirah*, and all the attendant rituals. This applies to trans men, trans women, and non-binary Jews.
2. Regarding the genders of the participants in the *tahara* of a transgender Jew and participation of transgender Jews in the hevre kadisha.
  - a. A *tahara* for a trans man should be performed by men and a *tahara* for a trans woman should be performed by women.
  - b. A *tahara* for a non-binary individual *lechatchila* should be performed by non-binary individuals or by women. If a man participated it is *kasher b'diyevad*.<sup>3</sup> This applies whether the non-binary individual was assigned male at birth or assigned female at birth.
  - c. A trans woman may participate in performing a *tahara* for anyone: trans or cis, male, female, or non-binary.
  - d. A trans man may only participate in performing a *tahara* for a male, cis or trans. *Lechatchila* he should not participate in performing a *tahara* for a non-binary individual, but if he did so, is *kasher b'diyevad*.
  - e. A non-binary individual may participate in performing a *tahara* for a man, a woman, or for a non-binary individual. This applies regardless of whether the individual in question was assigned male or female at birth.
3. Regarding a *tahara* that was begun but the decedent is discovered to have unexpected anatomy.
  - a. If a *tahara* was begun for an individual who was presumed to be a woman, and therefore women were performing the *tahara*, and the individual was discovered to have a penis, the *tahara* should be completed by the women. The penis should be washed as part of the *tahara*.
  - b. A trans woman who, during the course of *tahara*, was discovered to have a penis and was uncircumcised, should not be circumcised before burial.

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<sup>3</sup> Note: small communities may find themselves frequently in the “b’dyevad” category. This work is written from a point of view where “lechatchila” indicates the ideal case, when there are plenty of trained, experienced members of various genders available. In the work of *tahara*, we always aim for the most complete undertaking possible in the given circumstances.

- c. If a *tahara* was begun for an individual who was presumed to be a man, and therefore men were performing the *tahara*, and the individual was discovered not to have a penis, the *tahara* should be completed by the men.
  - d. Implants in the body, particularly in the breasts for women or in the neophallus for men, should not be removed before burial.
4. The decedent should be wrapped in *tachrichim* appropriate for their lived gender.<sup>4</sup>
- a. A trans man should be wrapped in *tachrichim* appropriate for a man. He should be buried with a *tallit* and *kippah*.
  - b. A trans woman should be wrapped in *tachrichim* appropriate for a woman. If she wore a *tallit* and/or *kippah* in life as a woman, she should be so buried.
  - c. A non-binary individual should be wrapped in *tachrichim* according to the following schema:
    - i. A *mitznefet* to cover the face and the back of the head to the neck. It is not necessary to use a two-piece *mitznefet* as one would use for women.
    - ii. The bands of the *michnasayim* should be tied midway between the knee and the ankle.
    - iii. If the decedent wore a *tallit* and/or *kippah* in life as a non-binary individual, they should be so buried. If the individual is not wrapped in a *tallit*, the body should be wrapped in an apron around the *kittel*. (Traditions vary about tying the *tachrichim*; in particular wrapping the body in a final sheet: some might actually be doing this already for all individuals and calling it a *ketonet*.)
5. *Pesukim* appropriate for the lived gender of the decedent should be said.
- A *tahara* for a trans man should use the liturgy, verses, etc. for men. A *tahara* for a trans woman should use the liturgy, verses, etc. for women. A *tahara* for a non-binary individual may use some combination, or some other verses entirely.

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<sup>4</sup> Traditions surrounding *tachrichim* vary around the world. A *hevra* should take these recommendations under consideration and adjust them in accordance with their received practices for men and women.

## Discussion

*Halacha 1: Transgender status does not disqualify one from receiving tahara.*

It is very sad that we must begin this essay with an acknowledgment of the shameful reality that many Jewish communities' discrimination against and oppression of their transgender and non-binary brothers, sisters, and siblings does not cease when they die. Though great strides are beginning to be made in the Jewish world regarding ethical and moral treatment of transgender Jews, the fact is that there is still a long way to go.

Furthermore, being on one "side" or the "other" of a religious divide in terms of observance does not, in fact, make the situation any better: while one might expect more progressive or liberal communities to automatically be more trans-friendly, there continue to be many instances of insidious and overt discrimination in those communities. Transphobia seems to know no boundaries in terms of religious observance, philosophical outlook, income level, or anything else that traditionally divides Jewish communities.

Given this background, we must begin with the statement that simply being transgender does not disqualify one from receiving *tahara* or a Jewish burial. This seems like it should be self-evident, but sadly it is not. No rabbi or *hevra kadisha* may turn away any Jewish decedent and must accord them all the traditional rites of Jewish burial. This applies to trans men, trans women, and non-binary individuals alike.

*Halacha 2: Regarding the genders of the participants in the tahara of a transgender Jew and participation of transgender Jews in taharot.*

It is a well-known principle of *halacha* that a woman may perform a *tahara* for a man but not *vice versa* (YD 352:3). This is based on the treatise *Evel Rabbati* (the so-called "tractate *S'machot*"), where this *halacha* is associated with another that at first glance appears irrelevant:

האיש מכרך ומקשר לאיש אבל לא את האשה. האשה מכרכת ומקשרת את האיש ואת האשה. האיש משמש את האיש בחולי מעיים, אבל לא את האשה. האשה משמשת את האיש ואת האשה בחולי מעיים.

A man wraps and ties [burial shrouds] for a man, but not for a woman. A woman wraps and ties [burial shrouds] for both a man and a woman. A man attends upon a man with bowel disease, but not a woman. A woman attends upon both a man and a woman with bowel disease. (*S'machot* 12:10)

The connection to bowel disease is that in a case where the genitals or intimate parts of the person are uncovered, in order to preserve modesty, the *halacha* requires that people of the same gender attend upon the afflicted, because (in the minds of the authors of the traditional *halacha*) there is no suspicion of inappropriate behavior or immoral thoughts of a sexual nature. (See *Dor Tahapuchot* 17 –18 for an extended discussion of how transgender identity poses a challenge to these traditional rules.)

Given this principle, it is obvious that the *tahara* of a trans woman should be performed exclusively by women, and conversely that the *tahara* of a trans man may be performed by either men or women. However, it seems to me that *lechatchila* the *tahara* of a trans man should be performed exclusively by men, so as not to embarrass or cast doubt upon the truth of his gender as male. If it was performed by a woman it is nonetheless *kasher be-diyevad*.

Since trans men are to be accounted the status of “male” according to *halacha* and trans women the status of “female”, it follows that a trans man who himself wishes to participate in performing a *tahara* may not perform a *tahara* for a woman, cis or trans. Likewise, a trans woman may participate in performing a *tahara* for a man or for a woman, cis or trans. It similarly follows that *lechatchila* a trans man should not participate in performing the *tahara* of a non-binary individual, though if he did there is sufficient room to be lenient and err on the side of declaring it *kasher be-diyevad*.

It is important to note that non-binary people may perform *tahara* for anyone, male, female, or non-binary. We take seriously the idea that they belong to neither gender completely, and at the same time we acknowledge that we are still working within a binary system and it has limitations, and moving *tahara* entirely out of the realm of binary gender is not within the scope of this project. However, *tahara* for non-binary individuals should be performed by other non-binary individuals or women. This allows us the stringency of excluding men from caring for those in protected classes with regard to gender but the leniency of having non-binary people serving on any team.

As a final note, a *hevra kadisha* may encounter a situation where a trans or non-binary person’s individual preferences are expressed in an advance directive during that individual’s life. Even where those preferences conflict with the guidelines given above, the ethical imperative for *kavod ha-bri’ot* demands the *hevra kadisha* should attempt to honor and carry out those explicitly expressed preferences where possible and where they do not conflict with the *halacha*; we may rely on lenient rulings as much as possible to honor those requests. An example would be a trans man who specifically requested that no cis men participate in his *tahara*: even though that would be permissible in the letter of the *halacha* the *hevra kadisha* should attempt to respect that as much as possible since women and non-binary individuals may perform *tahara* for a man.

*Halacha 3: Regarding a tahara that was begun but the decedent is discovered to have unexpected anatomy.*

A trans woman who has a penis that is uncircumcised should not be circumcised before burial. The most common situation in which one might encounter a trans woman who had an uncircumcised penis is if she was converting to Judaism and had not yet undergone *b'rit milah* or she was exempted from *b'rit milah*; the grounds that might permit this are beyond our scope here. However, it is a situation that could arise, and as such I will deal with it below.

For a full history and exploration of the practice of post-mortem circumcision of a (presumed) male child who died, G-d forbid, before the *b'rit milah*, see the *teshuvah* [“Post-Mortem Circumcision”](#) by Rabbi Baruch Frydman-Kohl, of the Conservative Movement’s Rabbinical Assembly, published 2016. We will adopt its conclusions and extend them for the case of trans and non-binary individuals who were assigned male at birth. The Shulḥan Aruch summarizes the custom as follows:

תינוק שמת קודם שיגיע להיות בן ח' מלין אותו על קברו בצור או בקנה ואין מברכין על המילה אבל משימים לו שם לזכר שירחמוהו מן השמים ויחיה בתחיית המתים.

Regarding an infant that died before he was eight days old, they circumcise him at his grave, using either a stone or a reed, and they do not say the blessing “[who has commanded us] regarding circumcision”, but they give him a name, to remind that Heaven will have mercy upon him and he shall again live at the time of the resurrection of the dead. (YD 263:5)

There are two reasons not to circumcise a trans woman who died who had an uncircumcised penis. The first is that the *mitzvah* of *milah* is incumbent on the father of a (presumed) male infant until the child comes of age at 13 years, at which point the obligation passes to the now-adult child himself (b. *Kiddushin* 29a, Rambam *Mishneh Torah Milah* 1:2, YD 261:1). However, since the adult is not obligated in the *mitzvot* anymore, being deceased, the reason for circumcision is not to fulfill their obligation but rather because of the unsightliness or offensiveness of the foreskin:

תינוק שמת קודם בן שמונה, או אחר שמונה ולא נמול מחמת חולשתו, מלין אותו על קברו בצור או בקנה. ולא משום מצות מילה דאין מצוה במתים, אלא להסיר הערלה המאוסה.

An infant who died before eight days old, or even after eight days if he had not been circumcised because of a fevered illness, they circumcise him at his grave, using either a stone or a reed. This is not because of the commandment of circumcision, since the deceased are not subject to the commandments, but rather to remove the unsightly (*ma'usa*) foreskin. (*Aruch HaShulchan, YD 263:17*)

The term *ma'usa* here, applied to the uncircumcised foreskin, seems to indicate something offensive to the traditional Jewish sensibility, rather than something that is objectively foul (e.g. from decay). In the case of an infant who died and they forgot to circumcise him, the *halacha* rules that the grave can be opened so as to perform the circumcision, but if it was several days later, they don't open the grave so as not to look upon the decayed corpse (see *Noda B'Yehuda* cited in *Pit'chei Teshuvah* to *YD 263:5*). Here we are talking about a different kind of unsightliness, so this does not apply. Since there is no reason to remove the foreskin other than the cultural-esthetic reason, and in fact in doing so one risks causing a wound to the body that will cause it to bleed, it should not be performed on a trans woman who has an uncircumcised penis.

It is crucial to note that we are dealing here with the case of a trans woman who is a *halachic* adult; if a pre-adolescent trans girl died, G-d forbid, and was uncircumcised, I am inclined to say that the *hevra kadisha* should act in accordance with its customs for uncircumcised adult men. This would permit a circumcision for this individual if that were the *hevra kadisha's* custom in that situation, in accordance with the *halacha* that the obligation has devolved not on the parent but the *Beit Din*, and the *Hevra Kadisha* is acting in the stead of the court (see the citations from *Kiddushin*, *Mishneh Torah*, and *YD* above). In this case the obligation is not an obligation upon the deceased person, but rather an obligation upon the *Beit Din*. However, if the *hevra kadisha's* custom for uncircumcised adult men is not to do a circumcision, then it should not perform one in this instance either.

Some trans people have permanently or semi-permanently installed prosthetic devices in their bodies to enable them to live as their acquired gender, in situations where hormonal or surgical intervention is insufficient, particularly breast implants for trans women and prosthetic penile implants for trans men. As is the case with other bodily implements that are used on a habitual basis, such as artificial limbs and false teeth, these prostheses should be buried with the deceased and it is forbidden to remove them for later use or profit. If they were not attached to the body of the deceased at the time of death (for example, externally applied breast forms), they are not forbidden and it is not required to bury them (see *Pit'chei Teshuvah* on *YD 349:2*) but one may bury them if specifically requested because they were viewed to be an integral part of the individual. However, if no specific request was made, then they should not be buried.

Similarly, an individual who bound their breasts by wearing a chest binder on a day-to-day basis may be buried with the binder, but it should not be bound around their body before the body is wrapped in the *tachrichim* (since that might constitute a *chatzitzah* between the body and the *tachrichim*). Such an individual's binder falls under the category of a prosthetic device as above, since its purpose is medical-psychological and is not an "adornment"; therefore even one who was not wearing the binder at the time of death may have it buried with them without fear of violation of *bal tash'hit* (YD 349:4) since this is not superfluous. As an alternative (e.g. if the *hevra kadisha* did not want to bury the binder, or there was not a specific binder requested), an extra sheet of linen may be used to bind the chest of the decedent, since this would not constitute a *chatzitzah* between the *tachrichim* and the body.

*Halacha 4: The decedent should be wrapped in tachrichim appropriate for their lived gender.*

*Traditions surrounding tachrichim vary around the world. A hevra should take these recommendations under consideration and adjust them in accordance with their received practices for men and women.*

Again, this is something that seems obvious, but is often the subject of heated and even angry controversy. Since traditional Jewish funerals are not done with an open casket and the body is not viewed by the family, the idea of burying a deceased individual "as a man" or "as a woman" is slightly more foreign to Judaism, which treats all genders more or less the same at burial—however, it is by no means unknown. Indeed, there was a recent tragic case of a trans woman's suicide that tested this very point.

However, the resolution of this point within the *halachic* framework we have been using in our analysis is not difficult. Since we accord the status of *halachic* gender to transgender and non-binary individuals based on the gender expression they live out in their day-to-day lives, rather than on their status assigned at birth or reassigned through medical or surgical intervention, it follows that a trans man should be treated as male and a trans woman as female by the *hevra kadisha*. This dictates who should participate, as we have discussed, which *pesukim* should be said (see the next *halacha*), as well as how the *tachrichim* should be tied on the body.

Many different customs have evolved between different burial societies in different communities for how the *tachrichim* are tied. A *hevra kadisha* should follow its custom for men for trans men (including *kippah* and *tallit*), and its custom for women for trans women. If a trans woman wore a *kippah* and/or *tallit* in life as a woman, she should be buried in a *kippah* and/or *tallit*.

For non-binary individuals, the situation is a little more complicated. The solution I propose is a compromise between the schema of "men's" and "women's" traditional *tachrichim*. The individual's face should be covered with a *mitznefet*, which extends

along the back of the head to the neck, as for men. It is not necessary to use a two-piece *mitznet* as one would use for women. The bands of the *michnasayim* should be tied midway between the knee and the ankle (this is a compromise between the men's and women's *michnasayim*). If the decedent wore a *tallit* and/or *kippah* in life as a non-binary individual, they should be so buried. If the individual is not wrapped in a *tallit*, the body should be wrapped in an apron around the *kittel* (again, this is a compromise between the two binary positions.) Traditions vary about tying the *tachrichim*; in particular wrapping the body in a final sheet: some might actually be doing this already for all individuals and calling it a *ketonet*.

*Halacha 5: Pesukim appropriate for the lived gender of the decedent should be said.*

Traditionally, when the body of the decedent is washed as part of the *tahara*, certain Biblical verses recited. Much of our modern liturgical practices were codified in the book *Ma'avar Yabbok*, by Rabbi Aaron Berakhiah ben Moses of Modena, in Mantua in 1626; for a fuller exploration see the book *Hesed Shel Emet: The Truest Act of Kindness*, third edition, by Rabbi Stuart Kelman and Dan Fendel, EKS Publishing Company, Berkeley California, 2013. I will be basing my liturgical comments on this work and referring to its section numbers below.

The liturgy as codified in *Ma'avar Yabbok* and later works designates verses from the Biblical book Song of Songs to be recited while washing various parts of the body of the deceased. However, there are a number of issues that we should address here surrounding the binaryness and overt sexuality of the verses from Song of Songs. This is not simply an issue for non-binary individuals but also potentially a problem for binary trans people (or even cis people) who might be uncomfortable with their bodies. The verses stress the “perfection” of the body, which is a notion that people who go through life with dysphoria, dysmorphia, and the like may not relate to. Furthermore, the sexual connotations of the traditional texts may be inappropriate for certain decedents, for example children, anyway. Therefore, it makes sense to have some alternatives available for situations where the verses do not seem to apply.

Here are some suggested *pesukim* for non-binary individuals, or as general alternatives to the verses from Song of Songs:

- A *pasuk* in celebration of the multiplicity of human genders:

וַיִּבְרָא אֱלֹהִים אֶת־הָאָדָם בְּצַלְמוֹ בְּצֶלֶם אֱלֹהִים בָּרָא אֹתוֹ זָכָר וּנְקֵבָה בָּרָא אֹתָם:

And God created humankind in the Divine Image, in the Divine Image did God created humankind; masculine and feminine God created them. (Gen. 1:27)

- A passage recognizing God's grace in the elevation of the outcast and the rejected to heights of great dignity:

יְיָ מִמִּית וּמְחִיָּה, מוֹרִיד שָׂאוֹל וְיַעַל: יְיָ מוֹרִישׁ וּמַעֲשִׂיר, מְשַׁפִּיל אֶרֶץ־מְרוֹמִים: מְקִים מַעְפָּר דָּל, מַאֲשִׁפֵּת יָרִים אֲבִיוֹן, לְהוֹשִׁיב עִם־גְּדִיבִים וְכֹסֵא כְבוֹד יִנְחֵלֵם, כִּי לִי מִצְּקֵי אֶרֶץ וַיִּשֶׁת עֲלֵיהֶם תִּבְלָה:

Adonai causes death and gives life, casts down into She'ol and raises up. Adonai makes poor and makes rich; God casts down, God also lifts high. God raises the poor from the dust, lifts up the needy from the refuse heap, to sets them among nobles, granting them seats of honor. For the pillars of the earth are Adonai's; God has set the world upon them. (I Samuel 2:6–8)

- Some *pesukim* affirming the inheritance of everyone in God's redemption:

תַּחַת הַנְּעֻצוֹיִם יַעֲלֶה בְרוֹשׁ וְתַחַת הַסַּרְפָּד יַעֲלֶה הַדָּס, וְהָיָה לִי לְשֵׁם, לְאוֹת עוֹלָם לֹא יִכָּרֵת: וְאֶל־יֵאמֶר בֶּן־הַנֶּכֶךְ הַנְּלוּהָ אֶל־יְיָ לֵאמֹר הַבְּדֵל הַבְּדֵל יְבַדִּילֵנִי יְיָ מֵעַל עַמּוֹ, וְאֶל־יֵאמֶר הַסַּרִּים הֵן אֲנִי עֵץ יָבֵשׁ: וְנִתְתִּי לָהֶם בְּבֵיתִי וּבְחֹמֹתַי יָד וְשֵׁם טוֹב מִבָּנִים וּמִבָּנוֹת שֵׁם עוֹלָם אֲתֶן־לוֹ אֲשֶׁר לֹא יִכָּרֵת:

Instead of the brier, a cypress shall rise; instead of the nettle, a myrtle shall rise; and these shall stand as Adonai's reputation, as a lasting sign that will not perish. Let not the foreigner, who has adhered to Adonai, say, "Adonai will keep me apart from God's people", and let not the eunuch say, "I am a withered tree." I will grant them, in My house and within My walls, a monument and a name better than sons or daughters; I will grant them an everlasting name that will not perish. (Isaiah 55:13, 56:3, 56:5)

- A psalm invoking God's promise of protection:

שִׁיר לַמַּעֲלוֹת. אֲשָׁא עֵינַי אֶל־הַהָרִים, מֵאֵין יְבֵא עֲזָרִי: עֲזָרִי מֵעַם יְיָ, עֲשֵׂה שָׁמַיִם וָאָרֶץ: אֶל־יִתֵּן לַמּוֹט רִגְלִי, אֶל־יִנּוּם שְׁמִרָה: הִנֵּה לֹא־יָנוּם וְלֹא יִישָׁן שׁוֹמֵר יִשְׂרָאֵל: יְיָ שְׁמֵרָה, יְיָ צִלָּה עַל־יַד מִיַּיְנָה: יוֹמָם הַשֶּׁמֶשׁ לֹא־יִכָּכֵה וְיָרַח בַּלַּיְלָה: יְיָ יִשְׁמָרָה מִכָּל־רָע, יִשְׁמַר אֶת־נַפְשָׁה: יְיָ יִשְׁמַר־צִאֲתָהּ וּבֹאֶה מֵעַתָּה וְעַד־עוֹלָם:

A Song to the Ascents: I lift my eyes up to the mountains; from where will my help come? My help is from Adonai, Maker of heaven and earth. God will not allow your foot to stumble; your Guardian will not slumber. Behold, the Guardian of Israel neither slumbers nor sleeps. Adonai will guard you, Adonai is your protection at your right hand. The sun will not strike you day, nor the moon by night. Adonai will guard you

from all evil; God will guard your soul. Adonai will guard your comings out and your goings in, from now until forever. (Psalms 121)

- The same psalm may be recited with feminine pronominal suffixes:

שִׁיר לְמַעְלוֹת. אֲשָׁא עֵינַי אֶל־הַהָרִים, מֵאֵין יְבֹא עֲזָרִי: עֲזָרִי מֵעַם יְיָ, עֲשֵׂה שְׂמִים וְאָרֶץ: אֶל־יְתֵן לְמוֹט רַגְלִי, אֶל־יְנוּם שְׁמֶרְךָ: הִנֵּה לֹא־יְנוּם וְלֹא יִישָׁן שׁוֹמֵר יִשְׂרָאֵל: יְיָ שְׁמֶרְךָ, יְיָ צִלְךָ עַל־יַד יְמִינֶךָ: יוֹמָם הַשֶּׁמֶשׁ לֹא־יִכָּף וְיָרֵחַ בַּלְיָלָה: יְיָ יִשְׁמְרֶךָ מִכָּל־רָע, יִשְׁמַר אֶת־נַפְשֶׁךָ: יְיָ יִשְׁמַר־צִאתְךָ וּבֹאֶךָ מֵעַתָּה וְעַד־עוֹלָם:

- Or with non-binary pronominal suffixes (as created by the [Nonbinary Hebrew Project](#)):

שִׁיר לְמַעְלוֹת. אֲשָׁא עֵינַי אֶל־הַהָרִים, מֵאֵין יְבֹא עֲזָרִי: עֲזָרִי מֵעַם יְיָ, עֲשֵׂה שְׂמִים וְאָרֶץ: אֶל־יְתֵן לְמוֹט רַגְלֶךָ, אֶל־יְנוּם שְׁמֶרְךָ: הִנֵּה לֹא־יְנוּם וְלֹא יִישָׁן שׁוֹמֵר יִשְׂרָאֵל: יְיָ שְׁמֶרְךָ, יְיָ צִלְךָ עַל־יַד יְמִינֶךָ: יוֹמָם הַשֶּׁמֶשׁ לֹא־יִכָּף וְיָרֵחַ בַּלְיָלָה: יְיָ יִשְׁמְרֶךָ מִכָּל־רָע, יִשְׁמַר אֶת־נַפְשֶׁךָ: יְיָ יִשְׁמַר־צִאתְךָ וּבֹאֶךָ מֵעַתָּה וְעַד־עוֹלָם:

## Tahara Liturgy for a Non-Binary Person

Several actions during the tahara use gendered pronouns to refer to the deceased person. For a non-binary individual, we provide the following alternatives, composed in accordance with the [Nonbinary Hebrew Project](#). These paragraphs are intended as drop-in replacements for the gendered versions on the pages indicate. Actions numbers and page numbers refer to *Hesed Shel Emet: The Truest Act of Kindness*.

This is not a complete liturgy for tahara, nor do all hevrot kadisha use identical liturgy. Each hevra should follow its usual liturgy, using these as substitutions when the words are gendered.

### Chapter 5 (Preliminary Prayers)

#### Action 3 (II. Ḥamol) (pp. 21–26)

רבונו של עולם חמול על \_\_\_\_ בת<sup>5</sup> \_\_\_\_ המטה הלזת שְׁהָא בַּת אַבְרָהָם, יִצְחָק, יַעֲקֹב, שָׂרָה, רִבְקָה,  
רָחֵל וְלֵאָה עַבְדֶּיךָ, וְתַנּוּחַ נַפְשָׁהּ וְנַשְׁמָתָהּ עִם הַצְּדִיקִים כִּי אַתָּה מְחַיֶּה הַמֵּתִים וּמְמִית חַיִּים. בְּרוּךְ אַתָּה  
מוֹחֵל וְסוֹלֵחַ לְחַטָּאִים וְלַעֲוֹנוֹת מְמַתֵּי עַמְּךָ יִשְׂרָאֵל בְּתַחֲנוּנֵינוּ.

*Ribbono shel olam ḥamol al \_\_\_\_ bet \_\_\_\_ ha-meiteh halazet she-heh bet avraham, yitzchak, ya'akov, sarah, rivkah, rahel ve-lei'ah avadecha, ve-tanu'ah naf'sheh ve-nish'mateh im ha-tzadikim ki atah mehaye ha-meitim u-meimit hayyim. Baruch atah moheil ve-solei'ah le-ḥata'im ve-la-avonot mi-m'tei am'cha yisra'el be-tahanunim.*

Ruler of the Universe! Have compassion for \_\_\_\_, child of \_\_\_\_ and \_\_\_\_, this deceased, for they are a descendant of Abraham, Isaac, Jacob, Sarah, Rebecca, Rachel, and Leah, Your servants. May their soul and spirit rest with the righteous, for You revive the dead and bring death to the living. Blessed are You Who pardons and forgives the sins and trespasses of the dead of Your people, on petition.

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<sup>5</sup> In Hebrew, an individual's name is traditionally given as "X, son/daughter of Y". Since there is no neutral Hebrew word for "child", a number of solutions have emerged. One is to use the neutral בַּת *bet* as proposed by the Nonbinary Hebrew Project; another is to use מִבֵּית *mi-beit* "from the house of" (though this presents additional sticking points with regards to blended households, absent parents, etc.). The phraseology by which the decedent was known during their lifetime should be honored, if known to the *hevra kadisha*.

ובכן יהי רצון מלפניך יי אלהינו ואלהי אבותנו ואמותינו שתסבב מלאכי רחמים לפני המתה, שהא  
 ידידה מימי עולם<sup>6</sup>. ואתה יי אלהינו ואלהי אבותנו ואמותינו משכיל אל דל מלטהה מכל צרה ומיום  
 רעה ומדינה של גיהנם. ברוך אתה גדול התקד ובעל הרחמים. ברוך אתה העשה שלום בברומיו  
 לעבדיו וליראי שמו. ברוך אתה פודה עמו ישראל ממיני פורעניות ברחמים<sup>7</sup>.

*U-v'chein yehi ratzon mil'fanecha adonai eloheinu veilohei avoteinu ve-imoteinu she-  
 tesabeiv mal'achei raḥamim lifnei ha-meiteh, she-heh yedid'hecha mi-mei olam. Ve-  
 atah adonai eloheinu veilohei avoteinu ve-imoteinu maskil el dal mal'teiheh mi-kol  
 tzarah u-mi-yom ra'ah u-mi-dinah shel geihinom. Baruch atah gedol ha-ḥesed u-va'al  
 ha-raḥamim. Baruch atah ha-oseh shalom bi-m'romav la-avadav u-l'yir'ei shemo.  
 Baruch atah poden amo yisra'el mi-minei fur'aniyot be-raḥamim.*

Therefore, may it be Your will, Adonai our God and God of our ancestors, to encircle  
 angels of mercy around the deceased, for they are Your beloved from eternal time. And  
 You, Adonai our God and God of our ancestors, Who is concerned with the poor, save  
 them from all misery, from a day of evil, and from judgment to *Gehenna*. Blessed are  
 You, great in lovingkindness and provider of mercy. Blessed are You Who makes peace  
 in the heights for Your servants and for those who revere Your name. Blessed is the One  
 who redeems the people Israel from all suffering through mercy.

ברחמים הסתר והצלם פשעי המתה הזת ידידה<sup>8</sup>. משרפת אש תחליצהה שהא צריכה לרחמיה  
 הרבים. ואתה יי אלהינו טוב וסלח לכל קוראיה. ברוך אתה גדול העצה ורב העלילה ברחמים. עם  
 רגלי צדיקים וצדקניות בגן עדן ידווקה, פי מקום ישרים וישרות הוא רגלי חסידיו וחסידותיו ישמור<sup>9</sup>.  
 ברוך אתה הנותן רחמים גדולים ורוב תחנונים למתי עמו ישראל. אמן, כן יהי רצון.

<sup>6</sup> The traditional text reads “servant, son of Your maidservant” (עבדה בן אמתה) or “maidservant, daughter of  
 Your maidservant” (אמתה בת אמתה), a reference to Psalms 117:16, later echoed in the famous *piyyut Yedid  
 Nefesh*. Since the term *amah* “maidservant” is already inherently gendered, we have replaced that text  
 here with a less hierarchical, gender-neutral alternative: “Your beloved from eternal time”,  
 which echoes the first and last words of *Yedid Nefesh* as well. This substitution suitable for insertion into  
 the masculine and feminine versions of this prayer as well (ידידה/ידידה).

<sup>7</sup> We omit the paragraph from the masculine version of this prayer regarding the covenant of  
 circumcision.

<sup>8</sup> See above note 6.

<sup>9</sup> The plurals of “upright” and “pious” [people] are given here in both masculine and feminine plurals;  
*Ma'avar Yabbok* has only the masculine. If desired these can be transplanted into the *tahara* liturgy for  
 cis people or for binary trans people as well.

*Be-rahāmim has'teir ve-ha'aleim pish'ei ha-meiteh ha-zet yedid'hecha. Mi-s'reifat eish taḥalitzeihev she-heh tz'richev le-rahamecha ha-rabim. Ve-atah adonai eloheinu tov ve-salah le-chol kor'echa. Baruch atah gedol ha-eitzah ve-rav ha-alilyah be-rahāmim. Im rag'lei tzadikim ve-tzid'kan'yot be-gan eiden yid'rocheh, ki mekom yesharim visharot hu rag'lei ḥasidav va-ḥasidotav yish'mor. Baruch atah ha-notein rahāmim gedolim ve-rov taḥanunim le-meitei amo yisra'el. Amen, kein yehi ratzon.*

Through mercy, hide and ignore the transgressions of this deceased, Your beloved. Deliver them from consumption by fire, for they need Your great mercy. And You, Adonai our God, are good and forgiving to all who call upon You. Blessed are You, mercifully great in counsel and mighty in achievement. May they tread with the feet of the righteous in the Garden of Eden, for that is the place of the upright. God protects the feet of the pious. Blessed are You Who gives great mercy and abundant grace to the deceased of Your people Israel. Amen. May such be God's will.

Action 4 (III. Ana Elohei Ha-Ḥesed) (pp. 29–31)

אָנָּא אֱלֹהֵי הַחֶסֶד וְהַרְחָמִים, שְׁכֹל אוֹרְחוֹתֶיךָ חֶסֶד וְאֱמֶת, וְצוֹיִתָנוּ לַעֲשׂוֹת חֶסֶד וְאֱמֶת עִם הַמֵּתִים  
וְהַמֵּתוֹת וְלִהְיֶתֶעֱסֵק בְּקִבּוּרָתָם, כְּמוֹ שֶׁכָּתוּב: כִּי קִבּוּר תִּקְבְּרֵנוּ<sup>10</sup>.

*Ana elohei ha-ḥesed ve-ha-rahāmim, she-kol or'ḥotecha ḥesed ve-emet, ve-tzivitanu la'asot ḥesed ve-emet im ha-meitim v'ha-meitot u-lehit'aseik bi-k'vuratam, kemo she-katuv: ki kavor tik'b'renu.*

O God of lovingkindness and compassion, all of Whose ways are lovingkindness and truth, You have commanded us to practice lovingkindness and truth with the dead, and to attend to their burial, as it is written, “You shall surely bury him” (Deut. 21:23).

וּבְכֵן יְהִי רְצוֹן מִלְּפָנֶיךָ, יְיָ אֱלֹהֵינוּ, שֶׁתִּאֱמָצְנוּ וְתַחֲזַקְנוּ לַעֲשׂוֹת מִלְּאֲכָתּוּ מִלְּאֲכָתּוּ שְׁמִים זוֹ כְּרָאִי, הֵן  
בְּטָהֳרַת הַמֵּתָה, הֵן בְּלִבִּישְׁתָּהּ וּבְקִבּוּרָתָהּ, וְתִשְׁמְרֵנוּ מִכָּל נֹזֵק וְתִקְלָהּ, שְׁלֵא נִפְשֵׁל בְּמַעֲשֵׂה יָדֵינוּ.

*U-vechein yehi ratzon mil'fanecha, adonai eloheinu, she-t'am'tzeinu u-t'ḥaz'keinu la'asot melach'teinu melechet shamayim zo ke-ra'u'i, hein be-tohorat ha-meiteh, hein*

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<sup>10</sup> Since this is a quote from Tanakh, we do not change the gender of the possessive pronoun.

*bi-l'vishateh u-vi-k'vurateh, ve-tish'm'reinu mi-kol nezek u-t'kalah, she-lo nikasheil be-ma'asei yadeinu.*

Therefore, Adonai our God, may it be Your will to give us courage and strength to do our task, this heavenly task, as appropriate, whether in performing *tahara* for the *meiteh*, or in dressing them, or burying them. And keep us from any injury or obstacle such that the work of our hands not be disrupted.

לְקַיֵּם בְּנוֹ הַמִּקְרָא: שׁוֹמֵר מִצְוָה לֹא יֵדַע דְּבַר רָע. וְתַעֲמֹד לָנוּ זְכוּת מִצְוֹת גְּמִילוּת חֶסֶד וְאֱמֶת לְמַלְאֲכַת  
יְמֵינוּ בְּטוֹבָה. וְחֶסֶד יְיָ עָלֵינוּ לְעוֹלָם.

*Lekayeim banu ha-mik'ra: shomeir mitzvah lo yeida davar ra. Ve-ta'amod lanu zechut mitzvat gemilut hesed ve-emet le-mal'ot yameinu be-tovah. Ve-hesed adonai aleinu le-olam.*

Sustain in us the statement: “One who observed a *mitzvah* encounters no evil” (Eccl. 8:5). Establish for us the privilege of the *mitzvah* of *gemilut hesed v'emet*, that it fills our days with goodness. And may God's lovingkindness be upon us forever.

#### Chapter 7 (*Tahara*)

Action 3 (VII. Tahor Hu/T'horah Hi) (pp. 49–50)

טְהוֹרָה הֵיא.

*Tehoreh heh.*

They are pure.

#### Chapter 9 (Concluding Prayers)

Action 1 (XIIIb. Birkat Kohanim) (p. 69)

יְבָרְכֶךָ יְיָ וְיִשְׁמְרֶכָּהּ.

יְאֵר יְיָ פָּנָיו אֵלֶיךָ וַיְחַנֶּנֶךָ.

יְשֵׁא יְיָ פְּנֵיו אֵלֶיךָ וַיְשִׁם לְךָ שְׁלוֹם.<sup>11</sup>

*Yevar'chech eh adonai ve-yish'm'rech eh.*

*Ya'eir adonai panav eilech eh vi-ḥunech eh.*

*Yisa adonai panav eilech eh ve-yaseim lech eh shalom.*

May Adonai bless you and protect you. May Adonai deal kindly and graciously with you. May Adonai bestow favor upon you and grant you peace. (Num. 6:24–26)

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<sup>11</sup> Since the Priestly Blessing is a recitation of verses from Tanakh, I am somewhat opposed to modifying it in a liturgical context. (For example, when we bless girls on *Erev Shabbat* traditionally we do not modify this text either.) However, some do so; *Hesed Shel Emet: The Truest Act of Kindness* gives this prayer in the feminine. Therefore for completeness' sake I have included an emended, non-binary version. The traditional version or this emended version may be used for a non-binary person.

## Conclusion

We know that as a hevra kadisha, we have an advantage over people in other contexts when it comes to matters of respect and honor. The tahara room as it exists already is a space of ultimate body positivity. There is no judgment about body size or shape, medical conditions and devices, the state of the skin or hair or lack thereof.

Our task is fundamentally and crucially nonjudgmental in nature. No physical condition, or manifestation, or identity is cause for discomfort in the face of death. And it seems that a natural extension of this acceptance would be making gender less of a topic of discussion than it is among the living, where people constantly want to categorize trans bodies and shoehorn them into structures they were never created for. Our ability to care for trans people in death and to include trans people in our teams in life is something we are well-trained for as hevra members: to meet each body where it is, recognizing that we know so little about the life that it has led until we intersect at this very moment.

This booklet is our contribution to the holy work of *Hesed shel Emet*. We know this is but a first step, and our committee has come together as Jews of many genders, of a spectrum of Jewish practice, and experience with tahara. We have included many voices, and offer this to hevrot kadisha everywhere to join us in this holy work of ensuring that traditional Jewish burial rituals are available to our entire community.

## **Appendix: Definition of Terms Related to Gender/LGBTQ+ Identity**

*These are some of the most common English terms used in the local and national lesbian, gay, bisexual, transgender, queer, and ally communities—there are many others, and more are created every day. It is always best to ask individuals and communities what terms they use, and what those terms mean to them. Thank you to Keshet ([keshetonline.org](http://keshetonline.org)) for allowing us to use portions of their definitions document.*

**QUEER:** 1) An umbrella term used by some to describe lesbian, gay, bisexual and transgender people. 2) A term used to describe a sexual orientation that is not straight, without indicating the genders of the queer person or the people they are attracted to. Some people prefer queer because it doesn't reference the gender binary, and some people prefer queer because it can expansively include attraction to people of a range of genders (used similarly to "pansexual" and "bisexual"). 3) Historically and currently used by some as a slur targeting those perceived to transgress "norms" of sexual orientation and/or gender expression, but for others, a word that has been reclaimed as a positive and affirmative part of their identity. Different from some reclaimed slurs in other marginalized communities, people outside the queer community are also welcome to use the word "queer" to describe that group or an individual within it.

**(ASSIGNED) SEX:** A person's assignment at birth and as they age, based upon primary and secondary sex characteristics (genitalia, breasts, body hair, chromosomes, hormones, etc.) as male, female, or intersex.

**INTERSEX:** A general term used to refer to people who have atypical sexual or reproductive anatomy and biology. Intersex is not a single category – many forms of intersex exist and within each form, there may be substantial variation as well. Variations may include the reproductive organs such as the testicles, penis, vulva, clitoris, and ovaries, chromosomes, and hormone levels, all of which can result in additional variations in secondary sexual characteristics such as muscle mass, hair distribution, breast development, hip to waist ratio and stature. The term intersex displaced "hermaphroditism", which is now considered offensive, as knowledge and understanding of sex development has increased. Intersex continues to be widely accepted as an umbrella term referring to biological diversity affecting sexual and reproductive anatomy. Knowing someone is intersex does not imply anything about their gender identity or sexuality.

GENDER IDENTITY: A person's inner understanding of the gender(s) to which they belong or with which they identify. This is each person's unique knowing or feeling, and is separate from a person's physical body or appearance (although often related).

CISGENDER: A term for anyone who knows themselves to be the gender they were assigned at birth. It is used to contrast with "transgender" on the gender spectrum. Cisgender has its origin in the Latin-derived prefix cis, meaning "on the same side."

TRANSGENDER or TRANS: An umbrella term for anyone who knows themselves to be a gender that is different than the gender they were assigned at birth. Some trans people may have a gender identity that is neither man nor woman, and for some people their gender identity may vary at different points in their lives. Transgender has its origin in the Latin-derived prefix trans, meaning "across" or "beyond."

BINARY GENDER IDENTITY: A gender identity of someone who defines their gender as either male/man or female/woman. A trans person may have a binary gender identity the same way that a cis person may.

NON-BINARY GENDER IDENTITY: A gender identity of someone who specifically rejects the notion that they fall somewhere within a binary gender (the idea that the only genders are "man" and "woman"). Can sometimes be used interchangeably with genderqueer.

GENDERQUEER: A gender identity used by someone who defines their gender as queer or non-normative. Someone whose gender identity is neither man nor woman, is between or beyond gender, rejects binary gender, is some combination of genders. Can sometimes be used interchangeably with non-binary.

GENDER NON-CONFORMING/GNC: Used to describe people whose gender expression does not align with societal expectations based on their perceived gender. Gender nonconforming people may or may not identify as trans.

GENDER EXPRESSION: A person's behavior, mannerisms and appearance that are associated with their gender.

GENDER ATTRIBUTION: An observer decides and assigns what they believe a person's gender is based on their gender expression and the observer's own past experiences.

GENDER TRANSITION: A person's transition can look and feel different; there is not one way to transition nor is there an end-point that all people are moving toward. Transition includes some or all of the following: cultural, legal, and medical adjustments; telling one's family, friends, and/or co-workers; changing one's name and/or sex on legal documents; electrolysis or laser hair removal; hormone therapy and/or hormone blockers; different forms of surgery-including but not limited to chest and genital surgery. Gender transition is not a linear process, and is often influenced by one's access to information, community, and financial resources.

TRANSPHOBIA: Irrational fear or hatred of people who break or blur gender roles and sex characteristics, which exists in both the heterosexual and gay communities. Expressed as negative feelings, erasure, attitudes, actions, and institutional discrimination against those perceived as transgender or gender non-conforming, or the fear of being perceived as transgender or gender non-conforming.

CIS-NORMATIVE: The social, cultural, institutional, and individual beliefs and practices that privilege cisgender experiences and identities as the natural, normal gender identity.

## Appendix: Definitions of Halachic and Hebrew Terms

*B'diyevad* = *post facto*, in the realistic case (compare with *lechatchila*).

*Bal tashchit* = “do not destroy”, a basic principle of Jewish ethical law against senselessly causing damage or waste.

*Chatzitzah* = barrier, separation.

*Kasher* = “kosher”, legally acceptable.

*Ketonet* = tunic.

*Halacha, halachic* = Jewish law, in the system of traditional Jewish jurisprudence.

*Haveir(im)* = A member (or members) of the Hevra Kadisha who may participate in a tahara.

*Lechatchila* = *ab initio*, at the outset, ideally, in the most stringent case (compare with *b'diyevad*).

*Meit* = the deceased person.

*Michnasayim* = trousers.

*Mitznefet* = headdress.

*Pasuk*, pl. *pesukim* = verses from *Tanakh* (Scripture).

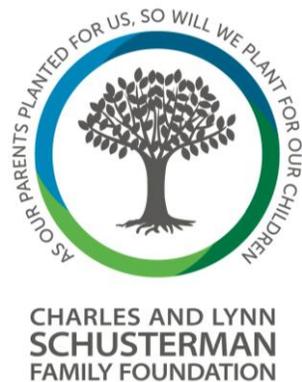
*Sh'mirah* = “guarding” the body of the deceased from the time of death until the actual time of interment.

*Tachrichim* = burial shrouds.

*Tahara* = ritual washing and purification of the body of the deceased, and wrapping it in the burial shrouds (*tachrichim*).

We don't have all the answers. This document is intended to move the conversation further and share what has worked for us. Please send us your comments and feedback at <https://forms.gle/XPVYDtYtHftTFaBs8>

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