

“*Shver zu sein a Yid*”: Jewish Identity, Critical Race Theory, and Transphobia

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“*Shver zu sein a Yid*” (“Its difficult t be a Jew”) is a popular Yiddish expression that captures the collective angst of Jewish life on multiple levels. The first is the very notion of what it means to carry the responsibilities of a tradition that dictates the details of one’s life; from religious practice, to obligations of social responsibility. It is not inconsequential that it is an expression that emerges in the midst of Christian Europe where it seems like Christianity as religious practice and belief is less onerous. On another level, “*Shver zu sein a Yid*” is an expression of Jewish angst over varying state of persecution and oppression.

But in America today, is this still true? Is it really that hard to be a Jew in America? Many of us don’t carry the burden our ancestors did in terms of Torah and mitzvot, we have recalibrated our Jewish lives in ways that enables us to live in the world with minimal discomfort. Except, perhaps, fasting one day a year (or for some, a few days as year). And we have risen to become economically stable and integral to American society. It is true we are experiencing rising instances of antisemitism but this hardly compares to the systemic antisemitism of previous generations. And some of us feel torn about the present crisis in Israel and where we stand, but this hardly amounts to a “*Gevalt Yiddin*” moment. In short, given all the bumps, we are doing quite well.

And maybe that’s the problem. We don’t quite know *how* to do collectively well. There is some odd comfort in feeling we are always on the precipice of some kind of disaster or existential crisis. “Doing well” itself breeds a kind of anxiety for us, by suggesting that our success endangers our continuity – fear is always a great ingredient for self-preservation. Almost

as good as guilt, about which we are experts. Or, doing well always raises the specter of, “what will the proximate future bring?” That is, let’s implant some catastrophe in our fantasy to enable us to feel just destabilized enough to be anxious. And then we can use that anxiety to pressure ourselves and others to stick together.

But there is another dimension to all this I want to focus on today. And that is, how we, who are no longer the most othered others in the society in which we live, who experience antisemitism yet also continue to flourish, understand ourselves in this precarious changing environment in which we find ourselves.

In the midst of the chaos produced by a truly destructive political figure in our society there are other troubling aspects of this transitional and generational shift that we Jews should be aware of even if they may not impact us directly. We should be aware of them not only because we are Americans, but because as Jews we have a history of being victimized, a history of being othered, a history of being maligned because of who we are and not only what we are.

Three summers ago during the BLM protests we had a synagogue meeting about putting up a BLM sign in front of the synagogue. I have thought about that meeting periodically since that time in part because it exhibited a generational divide in our community that was perhaps inevitable but significant nonetheless. It was a hard time, we were all masked, we were all nervous about the virus, and the vitriol of racial unrest was palpable.

Looking back from that summer, we have not moved much beyond BLM. Quite the opposite, state legislatures are putting laws in place that curtail school curricula about race and gender that is deepening the divide and societal fissures that BLM exposed. More pressing aspects of this phenomenon go under the rubric of critical race theory or, more colloquially

“wokism.” Many of us who grew up in the aftermath of civil rights, who viewed ourselves as part of the anti-Vietnam counterculture and proudly wore the badge of liberalism, even some of us, radicalism, seemed a bit jarred by the expressions of anger of calls against systemic racism, gender bias, anti-trans sentiment etc. We were implicated in all this and yet we were supposed to be the good guys. Many of us pushed back against the accusations that we were perpetrators of racism and not those who fought against it.

Some of us felt confused by CRT, what it is, does it implicate us, how have we, the liberals, become the enemy of the good? The basic rubric of CRT comes from the legal profession, made famous through Kimberle Crenshaw’s essay on Critical Race Theory in a volume on Critical Legal Studies. The essay first appeared in the 1980s and stayed mostly within academic circles until the 2010s when certain reactionary groups began to talk about “color blindness” as a way to undo certain procedures like affirmative action from our schools and workplace. But color blindness is not the eradication of racism, it is only hiding its face from public view.

Added to define the term she invented, Crenshaw said about CRT, “It is a way of seeing, attending to, accounting for, tracing and analyzing the ways that race is produced...the ways that racial inequality is facilitated, and the ways that our history has created these inequalities that now can be almost effortlessly reproduced unless we attend to the existence of these inequalities.” (Jacey Fortin, “Critical Race Theory,” NYT Nov 8, 2021). In other words, all the marches we attended and petitions we signed 40 years ago not only have not extricated racism from our society, but in some way has implanted it more deeply into our society. It’s not that we were, or are, bad people, or that our intentions were not noble; it’s that we miscalculated the systemic quality of racial inequality that is in the very fabric of American society and, more

broadly, the west more generally. So once the right that fought against racial equality now make the claim that they are, or our society is, “color blind” they can claim to undo any of the procedures put in place to put a band aid on racism of half a century ago. When politicians say they want a “color blind” society they mostly mean they want a society that “believes” racism doesn’t exist and thus we can undo any policies put in place to ameliorate the racism that does exist.

And here we are indeed implicated, and rightly so, in part because we falsely believed that polices solve societal problems. And partly because we (and I use that term cautiously) wanted to solve inequality without threatening our own privilege as white folk in a so-called “Judeo-Christian” society, and in our case, as Jews. So when someone in our BLM synagogue meeting said “well, its not that any of us are racists,” and I responded by saying “we are all racist,” I was summarily attacked for such an egregious accusation. I wasn’t suggesting any of us were bad people. I was suggesting that we all think and exist from our positionality, and that positionality is one of privilege. Its no accident that MLK in his famous “Letter from the Birmingham Jail,” in 1963 wrote as follows:

I must make two honest confessions to you, my Christian and Jewish brothers.

First, I must confess that over the past few years I have been gravely

disappointed with the white moderate. I have almost reached the regrettable

conclusion that the Negro’s great stumbling block in his stride toward freedom

is not the White Citizen’s Counciler or the Ku Klux Klanner, but the white

moderate, who is more devoted to “order” than to justice; who prefers a

negative peace which is the absence of tension to a positive peace which is the

presence of justice; who constantly says: “I agree with you in the goal you seek, but I cannot agree with your methods of direct action”; who paternalistically believes he can set the timetable for another man’s freedom; who lives by a mythical concept of time and who constantly advises the Negro to wait for a “more convenient season.” Shallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.

King was pointing his finger at us, the white moderates, Jews and Christians, who want to do good as long as we can protect the privilege we have attained (as Jews) and inherited (as Christians) in this country. The Jewish part is worth thinking about more carefully. What was King referring to? Why mention us at all? King knew Jews played an important role in civil rights. He knew of our sordid past, and he knew of Christianity’s complicity and guilt in that past. And yet he also knew how much we want to help while maintaining all that we gained. Or as the songwriter Gillian Welch wrote in her song “Miss Ohio,” “I wanna do right, but not right now.”

I think some of faced that moment in the summer of 2020 and BLM. The uncivility of it all, the anger of it all, the blackness of it all. It brought back memories of the urban ghetto of Watts and Harlem. We thought that was in the past, and for good reason, for many of us who don’t live in proximity to the northern ghettos or the poor black south, it was. In August of this year, we celebrated the 60th anniversary of the March on Washington in August 1963 and the 60th anniversary of King’s “Letter from a Birmingham Jail” written a few months before on April 16th of that year. And today what we are fighting, if we are fighting, are laws passed against teaching Critical Race Theory that tells us that racism is not circumstantial, that slavery didn’t end 150

years ago but continues in incarceration laws, racial profiling, and surreptitious red lining, and the abolition of affirmative action while legacy politics which functions as the affirmative action for wealthy white people, continues in elite universities. Recall that all of those inequities once targeted Jews, and not so long ago. Some of us don't want to hear that, but this is precisely the attitude King was pointing at in his letter in 1963. And he was pointing at us. But why?

Here I want to invoke an essay written by my friend and colleague Henry Abrahamson, a dean at Touro College, on CRT and the teaching of Jewish history. Abrahamson is a Jewish historian. As an Orthodox Jew he is not known for his radicalism or even, for that matter, his liberalism. His essay weighs in on the controversy of the 1619 Project, a school curriculum developed by the scholar Nicole Hannah-Jones first released in the NYT in 2019. In some way the 1619 Project brought CRT to a wider audience without the technical aspect of legal theory. Essentially Hannah-Jones wanted to create a new way of teaching about slavery and racism in the US that was not filtered through what one could call the "white gaze." That is, to teach about slavery from the perspective of its victims. This of course is not new. Harriet Beecher Stowe's *Uncle Tom's Cabin* was published during slavery in 1852 and Toni Morrison's *Beloved* won a Pulitzer Prize in 1988. But still, Hannah-Jones argued we teach our children about slavery largely from the perspective of slavers and not slaves.

This caused an uproar, the latest iteration being Florida laws passed by Ron de Santis and others, evoking a 1776 Project which was intended to make sure our educational curricula stay within the boundaries of that which makes our children *proud* to be Americans, what Yale historian Tim Snyder called the production of "vague guidelines that lead to self-censorship."

Abrahamson knows that his Orthodox community is sympathetic to the pushback on Hannah-Jones' project and CRT more generally, a sentiment that is born from a centuries-long

suspicion of the “left” in Orthodox circles. But this ban on what are known as “memory laws” censoring collective memory that undermine conventional norms or upset our students raises certain fundamental questions of how we Jews see ourselves and our history.

If CRT is about teaching history (in this case slavery and racism) from the perspective of its victims, this is precisely what we Jews do when we teach Jewish history. We don’t teach about the Jews expulsion from Spain from the perspective of King Ferdinand and Queen Isabella? Or teach about the gulag from Stalin’s perspective? When we teach about Jews, we teach about Jews as victims. And this is even the case in our liturgy and sacred texts. Is there anything we have learned about Pharaoh’s perspective of how the Jews were recalcitrant? Or as we will recite in the Ten Martyrs later today, do we learn about the Roman quelling of the Jewish insurrection in 66 CE from the perspective of Hadrian?

We don’t only teach about Judaism from the perspective of the persecution of the Jews, it becomes the very *raison de-etre* of Judaism. And if anyone dare challenge that victimized status we accuse them of antisemitism even, in the case of Israel, where Jews are sovereign and armed with nuclear weapons. As a kind of “insider baseball” example, one of the greatest Jewish historians of the 20th century, Salo Baron who held the first chair in Jewish history at an American university (Columbia) wrote a very contentious essay arguing that the story of the Jews as a story of persecution simply does not bear the weight of history. What he called the lachrymose view of Jewish history distorts that many instances where Jews lived in relative peace with their Christian and Muslim neighbors. Baron is not denying persecution but denying its systematicity. He was highly criticized for that position as it countered not only the Jewish narrative but our psychic disposition. Don’t we say every Passover seder, “In every generation they rise to destroy us, and God saves us from their hand.” Don’t we stand by the door

welcoming Elijah and say, “Please God pour out your wrath on the goyim who do not know you”? How can Baron be correct?

So how then, can we in good conscience state that the 1619 Project or CRT is somehow not legitimate? How we can say that studying slavery from the perspective of the slaves is not legitimate when we study Jews from the perspective of the Jews. We don’t teach our history written by those who oppressed us so why should we learn about slavery from descendants of slavers? On this reading, Jewish history itself is a kind of CRT.

The reason this is so fraught, I think, is because CRT puts us on the wrong side of the ledger. We become part of the perpetrator and not the victims. A new iteration of “*Shver zu sein a Yid*”. We want to support civil rights and even BLM as long as we’re the good guys. Because either we are the victims or we are the good guys, those seem to be the only two options we can accept. This is why King’s critique of us as “white moderates” stings so sharply. But maybe King was trying to tell us something. Maybe he was suggesting that there is a price to be on the side of equality when it’s not about you – when you may actually have to pay a price for your convictions.

Julius Lester was a black radical who later converted to Judaism, became a cantor and taught Jewish Studies at UMASS-Amherst (he used to teach in African American Studies and when he converted he was asked to leave African American Studies and moved to Jewish Studies where I was then teaching when I was a graduate student at Brandeis - his autobiography *Lovesong* is a beautiful read). He once said in his black radical days, “Black folks don’t need to wear a yellow star on our clothing, our skin in a yellow star.”

But the story doesn't end here, "*Shver zu sein a Yid*" goes one step further. I used to be a contributing editor to Tablet Magazine. I had become increasingly uncomfortable with its choice of essays it published until last year around Sukkot it published a scathing anti-trans essay. I realized that was enough and I resigned from the publication.

For many Boomers, the trans phenomenon is a complicated one. Many of us grew up in the world of second wave feminism that moved, after the Stonewall riots in early August 1969 (interesting only a week before Woodstock) into the gay and lesbian rights movement. Second wave feminism (first wave feminism was suffrage in the early 20th century) was a movement of liberation, rights, and pride in womanhood and femininity. The LBGTQ movement came on its heels and posed a problem on the question of gender stability, or essentiality. But the feminism and LBGTQ movements saw common cause and worked together, despite their differences, which were not insignificant.

The introduction of the trans movement in the public square, in part depicted brilliantly by the series *Transparent* made many of us uncomfortable. We could some to understand the fungibility and complexity of sexual desire in the various forms of homosexuality, which of course has existed as long as human beings have, but transsexuality was a more difficult pill to swallow, both emotionally and intellectually. Whereas homosexuality questioned the normativity of sexual desire, transsexuality questioned the very existence of gender. I don't mean to minimize that discomfort, part of the mixed blessing of longevity to live beyond the confines of our ability to absorb change. And this is not to say all change is good; but as we get older change seems to become stranger and stranger. I think we at least must evaluate change in conjunction with our limited ability to absorb it.

But staying with our theme today of “*Shver zu sein a Yid*” let’s not forget that sexuality was integral to how Jews were marginalized in history. Jews were not only often viewed as sexual perverts, but also as homosexuals, deviants, and in the Middle Ages some Christian texts claimed Jewish males menstruated and lactated. Not that Jewish men were women but, in some sense, that we were transsexual. The attempt was a radical case of othering, viewing us outside the realm of the human normatively construed. Aside from the question of race, the transsexual community is experiencing significant marginalization, even legal attempts to prevent transsexual transitions and perhaps we Jews who were once viewed as transsexuals, could work toward recognizing the challenges of identity facing a younger generation about issues that were not issues for us.

We fought for civil rights when we were young but now the playing field has changed. CRT teaches us that deep societal problems are not eradicated by legislation. The multiple Black murders by law enforcement that gave birth to BLM shows us that what we fought for has not been accomplished. They once asked Obama, “why do you, as the son of a white mother, identify as Black?” He responded, “I know I’m Black when I try to hail a taxi in Manhattan.” None of us experience that. I can’t say that I understand what it is like to feel alienated from one’s birth gender. Just like I cannot understand what it is to walk in the world as a Black man. I have no problem hailing a taxi. But I do have historical memory of being marginalized, persecuted, sexualized, and oppressed. And if that can’t translate to something or someone who is not me, who is not one of my people, I think we will have lost a great opportunity to contribute to the evolution of humanity.

What I am trying to communicate is that “*Shver zu sein a Yid*” need not only be about the burden we carry or the persecutions we bear, but also the challenge of empathy when the anger

and hatred is not pointed toward us, when we are not the victims, when we both have the power and privilege to support others and also the luxury of spending some of our well-earned capital to help those who are suffering. The difficulty in being a Jew is perhaps less complicated when the sites were set on us; but the challenge of living inside our prophetic tradition is no less relevant if we are *not* the victims of abuse. It seems we are always in that place of *Shver zu sein a Yid*, even when being a Jew is not that hard. Maybe precisely when being a Jew is not that hard.