Racial Standing: How American Jews Imagine Community, and Why That Matters

Today few American Jews talk about a “Jewish race.” And yet, racialist ideas still strongly inform their conceptions of who is a Jew. That is, they rely on the idea that Jews share heritable characteristics, traits, and tendencies, at least some of which are physical or embodied traits. These assumptions need not be racist, and often seem quite benign, such as when amateur genealogists discuss knowing Jewishness by tracing lineage, or when people receive interpretations of personal DNA tests. However, this set of underlying assumptions about Jewishness work to exclude Jews of color, converts, adoptees, and other Jews who do not conform to these assumptions. This talk suggests a turn away from these racialist conceptions and toward particular rabbinic resources to reorient the underlying assumptions about who is a Jew.

Emory University
October 2015

My remarks here begin with internet ads and end at Mount Sinai. There’s a connection; I promise. The link that will move us from the ads to the Israelites at the mountain is an epistemology of Jewishness. The question that impels the journey is: How do we know who is Jewish? How should we know? And what are the consequences of these ways of knowing? In particular, I want to interrogate how ideas about race can structure Jewishness—often invisibly, always with consequence. After the devastating effects of the racist constructions of the Third Reich and the Shoah, “race” talk as it related to the Jewish community retreated. In American contexts, “Jews and race” came to refer to how Jews interacted with Blacks, or, more recently, how Jews inhabited their

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whiteness. But just because Jews today rarely explicitly invoke the idea of a “Jewish race” doesn’t mean that race-based conceptions of Jewishness have also disappeared. Even though the language of “race” has fallen out of cultural favor, many of the ideas connected with it persist. So I’ll begin by discussing this racialist construction of Jewishness, then suggest its liabilities, and finally pose a categorically different means of answering the question, “Who is a Jew?”

I began this project after a few chance encounters with internet ads. When internet-based DNA testing companies pay for splashy sidebar ads that ask “Are You Jewish?” and market “Jewish DNA kits” and “Jewish DNA Tests,” they imply a genetic basis for Jewishness. These services, sometimes implicitly and sometimes explicitly, claim that a genetic sequence can determine Jewishness. This is, both biologically and halakhically speaking, nonsense. There is no gene that all Jews and only Jews have. There are genetic sequences that are more common in those who identify as Ashkenazi, some for Sephardim, and several across both Ashkenazi and Sephardi. But these measurements are helpful at the level of population and of probability. They cannot determine whether or not an individual person is Jewish. Yet over the last ten years this gene-based mode of defining who is a Jew has become widespread in popular discourse.

And personal DNA tests—a new scientific tool for understanding oneself—actually

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2 The very formulation “how Jews inhabited their whiteness,” of course, writes Jews of color out of the narrative of Jewishness.

3 For a psychoanalytic reading of this phenomenon, see Eliza Slavet, Racial Fever: Freud and the Jewish Question (New York: Fordham University Press, 2009)


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represent an instance of a much broader set of assumptions about Jewishness and who is a Jew. I am just one of a very long list of people who has been interested in the question of who is a Jew, but I am less interested in the answer than I am in interrogating how people construct an answer to the question.

Here I am committed to thinking through the expansive category of identification called Jewishness, rather than more narrowly defined conceptions, such as halakhic definitions of who is a Jew for religious purposes, or Israeli determinations of who is eligible for the right of return. The more expansive category of Jewishness is a far better match for the social realities of contemporary life. My comments here generally focus on the United States, though much of the discussion applies to Jews living throughout the world today. In 2012 the Pew Forum for Religion and Public Life polled American Jews. In order to determine if the person who answered the phone was eligible for the survey, they didn’t just ask: “Are you Jewish?” A peek at the results suggests why that question would have yielded uneven, and perhaps unrepresentative, results. While 78% of Jews answered that they are “Jewish by religion,” 22% of American Jews self-identified as having no religion.⁶ In addition to religious and non-religious Jews, the poll also interviewed people it categorized as “non-Jewish people of Jewish background” and those with “Jewish affinity.” People in the first group were raised Jewish or had at least one Jewish parent but no longer consider themselves Jewish. The second, “Jewish affinity,” included those who were not raised Jewish, have no Jewish parents, and do not identify themselves as practitioners of Judaism. The survey wanted to catch all manners

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of Jewish identification—the religious Jews, the “just Jewish,” the “half-Jewish,”7 and those with “Jewish affinity.” Jewish identifications are more complicated and far-reaching than halakhic decisions. As author Sadie Stein writes, “‘Half-Jew,’ said the more religious, was not a identity. But, as any of us can tell you, it most certainly is.”8 As the Pew Poll and Stein suggest, halakhah cannot tell the whole story of Jewish identifications. Shaul Magid has recently argued that these kinds of shifting and partial identifications are, in fact, the center of American Jewish life.9 “Jewishness,” then, is an expansive category of identification that includes some combination of having Jewish ancestors, having Jewish family members, and participating in Jewish cultural or religious practices.

Racialist Logics of Jewishness

Critical race theory provides useful vocabulary for grappling with how individuals and groups identify, and it offers particular insight into ways of “knowing” Jewishness. Kwame Anthony Appiah offers the term “racialism” to describe a way of thinking that posits “heritable characteristics, possessed by members of our species, which allow us to divide them into a small set of races, in such a way that all the members of these races share certain traits and tendencies with each other that they do not share with members of

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7 There are communities of people who specifically identify as “half-Jewish” – see, for instance, The Half Jewish Network, available at http://half-jewish.net.
any other race.”  

It is not a moral error, Appiah explains, to assume that races have characteristic heritable traits and tendencies because it does not necessarily follow that any one race is superior to another. That is, while racialist thinking does rely on ideas about heritable characteristics and race, it need not be racist. Nevertheless, like all cultural modes of knowing, is it innocent of power.

Explicitly racial definitions of Jewishness have recurred almost as long as there have been conceptions of race. Although racialist definitions often posit essentialist or transhistorical construction of the identity in question, the constructions themselves are not transhistorical, but are differentiated products of their own cultural context. The racialist definitions of Jewishness used by the Catholic Church during the crusades assumed that some measure of Jewishness lingered even after a person converted to Christianity.  

Their physical and spiritual traits were ontologically related to their status as rejecters of Jesus as messiah. When, in 1907, Judah Magnes talked of the potential of the “Jewish race,” he imagined a shared biological, cultural, and even spiritual heritage that didn’t require religious belonging or practice.  

He imagined something like a Lamarckian heritage, wherein both intellectual and physical traits—even if they were acquired traits—passed down from parent to children. These racialist constructions and

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11 For some of the most sophisticated scholarship about Jewishness in this context, see Irene Silverblatt, "The Black Legend and Global Conspiracies: The Spanish Inquisition, Race-Thinking and the Emerging Modern World," in Rereading the Black Legend, edited by Margaret Greer and Walter Mignolo (Chicago: University of Chicago Press, 2008)  
their contemporary counterparts are different from the ones we see today, though a family resemblance remains.

Racialist ideas about Jewishness—heritable characteristics, traits, and tendencies—continue to be deeply embedded in discourse about who is a Jew. Ideas about physical appearance, aptitudes and capacities, and psychological tendencies remain part of Jewish and non-Jewish conceptions of Jewishness. When dark-skinned Jews go to synagogue and are asked why they are there, when Madeleine Albright is “discovered” to be Jewish because of maternal grandmother was Jewish, even when Jews cite the number of Jewish Nobel Prize winners as evidence of Jewish intellect, these have elements of racialist thinking in their reliance on ideas of heritable appearances and characteristics.

Racialist logics of Jewishness underwrite each of these, but there are different species of the genus racialist conception of Jewishness. Though there are many, here I will concentrate on two of these species: the genetic and the apparent body. The first encompasses discourses about DNA, “Jewish diseases,” and other kinds of gene talk, while the second relies on visual cues on the surface of the body, such as skin color, hair texture, stature, and eye color. The two modes of conceptualizing Jewishness are by no means identical, but they do similar work: they create boundaries that look like clear boundaries, but they are in fact incoherent when applied to the social world we live in. Elsewhere I’ve argued that conversations about personal DNA testing and new interest in claiming anusim (or “crypto-Jewish” heritage) demonstrate how racialist ideas undergird many cultural constructions of Jewishness. In both these cases, it becomes clear that participants and observers use biological and geographical discourse—both components

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of the social construction of race—to claim Jewish identity. DNA studies and American crypto-Jews are only two of the examples of this biologized thinking about Jewish identity. “Gene talk” appears all over discussions of Jewish genealogy, in both professional and amateur settings. In 2013 Birthright Israel refused to accept 19-year-old (light-skinned, Russian) Masha Yakerson without a DNA test.

This racialist logic of Jewishness that is perhaps most clear in discussions of genetics, but it subtly pervades dominant contemporary understandings of Jewishness. While some racialist ideas of physical traits—such as comic celebrations of big noses or “Jewfros”—seem innocuous and superficial, others are more embedded in the very notion of what it means to be a Jew and have a Jewish body. The normative Jewish body, to take a non-exhaustive list, has light skin, hair that may be curly, and a certain sort of nose (not aquiline). Persons who do not conform to these norms are often received by others as non-Jews, whether or not they actually identify as Jewish. Blonde-haired, blue-eyed Jews are often told they “don’t look Jewish.” And so are many Jews of color.

Personal narratives from Judith Weisenfeld, Erika Davis, Julie Iny, and dozens of others show how assumptions about skin color can shape—and even structure—experiences for Jews of color. Reacting to Hasidic outreach efforts on the streets of New York, Weisenfeld reflects on the way she is perceived: “Dark and curly hair, yes, but also brown skin that makes it easy for the Hasidic man to allow me to

14 I have borrowed the phrase “gene talk” from Kim Tallbear, Native American DNA (Minneapolis, MN: University of Minnesota Press, 2013).
17 In addition to writing for popular Jewish media—Jewcy, Sh’mah, etc.—Davis keeps an eloquent blog at blackgayjewish.com.
recede into the background as he surveys the crowd. That I have never been taken to be a candidate for re-incorporation into Jewish observance has been the source of some irritation to me and I have been known, on occasion, to loiter nearby such an evangelizing event trying to be both conspicuous and inconspicuous at once, resentment brewing inside me. Why won’t he ask me?”

Erika Davis reflects on the difference between her own experiences and those of a Jewish woman who has lighter skin: “With her dark curly hair and olive skin she can walk into most any shul on any Shabbat or holiday without an upward glance. When it’s time to enroll her children in Jewish schools, if that’s what she choses, she’ll most likely not have her Jewishness questioned. She can shop in a kosher grocery store or peruse the wares and a Judaica shop and no one will follow her around. No one will ask how she reads Hebrew so well, no one will ask her to share her story, no one will ask how she came to Judaism.” Jennifer Sartori’s study of Jewish adoptive couples shows how other Jews frequently assume that Asian, Black, and Hispanic Jews are never “really Jewish.” The Jewish Multiracial Network publishes a “privilege checklist,” which lists “that many people take for granted today, but which are not available to most Jews of color in the United States.” The list includes: “I do not worry about access to housing or apartments in predominately Jewish neighborhoods,” “My rabbi never questions that I am Jewish,” “I do not worry about being seen or treated as a member of the janitorial staff at a synagogue or when attending a Jewish event,” “I am never asked ‘how’ I am Jewish at

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19 Weisenfeld, 9.
21 Jennifer Sartori, “Modern Families: Multifaceted Identities in the Jewish Adoptive Family” conference presentation, Oct 26, 2014; Klutznick-Harris Symposium, Omaha, NE.
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dating events or on Jewish dating websites,” and “I have not been asked to leave a shul or a class or have been barred from entering a shul or a class due to my skin color.”

These two species of racialist conceptions of Jewishness, the genetic and the apparent body, are not always separate, and frequently intersect with one another. For instance, the reluctant inclusion of the Lemba as “real Jews,” Israeli attitudes toward Ethiopian Jews, and even, to some extent, ethnic inequality among Ashkenazim, Sephardim, and Mizrahim, all demonstrate complicated relationships of Jewishness to race and DNA. Racialist constructions of Jewishness, then, are not merely vestiges of Nazism or antisemitism, and we see their subtle workings far beyond contemporary racist discourse.

If an implicitly racialist definition of Jewishness excludes or devalues many people who identify as Jews, and, in general, Jewish communities want to include and value Jews, why does it persist? Part of the answer for why Jews of color in particular experience exclusion is the continuing racism across strata of American culture. But

American racism is not a sufficient answer for understanding all of the species of racialist

conceptions of Jewishness. Even beyond skin color and other visible traits that seem to make race knowable, racialist logics structure ideas about Jewishness. Elsewhere I’ve suggested that this racialist discourse about Jewishness has gained such popularity and explanatory power because of its appeal to biomedical criteria for Jewishness: these criteria may have such attractiveness precisely because they offers something that looks like objective criteria for “who is a Jew” at a time when Jewish identity has become increasingly fluid and contested. Racialist definitions seem to offer fixity and predictability. For instance, a discourse in which genetic language and scientific authority produce Jewish bodies can seem to provide surety instead of complexity when it comes to defining Jewish identity.

In the end, of course, it cannot: genes for Tay Sachs\(^26\) or linked to Cohen ancestors cannot make a person Jewish, nor can their absence make someone non-Jewish. These genetic markers, or other racialized traits such as skin color, do not always align with other norms of Jewishness, such as Passover observance, eating lox, or even having a Jewish mother. Tying Jewishness to genetics, for instance, might ensure the certainty of who is a Jew on a one-by-one basis, but the resulting collection of people deemed Jewish would bear little relationship to the boundaries of any current communities or theological ideas of the Jewish people. Nevertheless, the appearance of certainty holds appeal for many Jews and non-Jews who find the increasingly porous boundaries of Jewish identity destabilizing.

In the following sections, I explore the process of identification, suggest the costs of leaving these racialist constructions unacknowledged and unchanged, and offer one

alternative epistemology for theorizing Jewishness. A focus on racialist discourse raises questions about what lost and what is gained, and who and what is excluded when racialist discourse constructs Jewishness. Judith Butler’s account of identity and subject positions serves as a jumping off point to think about the racialist picture of Jewishness, the kinds of bodies it excludes, and the people it does or does not interpellate as Jewish.

Reading racialist discourse with an eye to the construction of subjectivity and communal identity, the paradox may lay here: articulating a seemingly coherent racialist identity position for the individual Jew may come only at the expense of a recognizable communal Jewishness. In the end, I hope to displace the preoccupation with a “standing” that would unequivocally establish one’s Jewishness with the performative question “With whom do you stand?”

*Identification*

To understand what happens if we leave a racialist conception of Jewishness unchanged, we must first ask how the process of identification works. In this discussion, I have intentionally avoided the common phrase “Jewish identity” because I believe it misleads us: it suggests that there is a singular, stable, definable thing we can call “Jewish identity.” It obscures differences in historical and cultural context. Jewishness was not the same in fifth century Babylonia as it was in medieval Spain or twenty-first-century United States. It also obscures the differences among people. The norms for women to
identify as Jewish, for instance, differ from the norms to which men would conform to be Jewish.27

Most importantly, the phrase “Jewish identity” suggests that identity is fixed, complete, and stable, though it is actually always an ongoing process marked by partialness and incompletion. Rather than a situation in which either one possesses Jewish identity or doesn’t, identification as Jewish isn’t entirely fixed and is always a process of becoming. In this way it is similar to all identifications. At the simplest level, we can recognize moments of a person identifying as more Jewish or less Jewish. At Christmas, or at a dinner party with pork chops, or on Passover, one might feel particularly Jewish. At other times, perhaps in the presence of Jews who are far more religiously observant, or in conversation with those who identify particular politics with which one disagrees as Jewish, or when talking about non-Jewish relatives or ancestors, one might feel less Jewish.

Even beyond these examples of feeling more or less Jewishly identified, the very process of identification itself is shot through with instability. Judith Butler and other poststructuralists who write about identification remind us that identity is never a given. It is a process that takes place through complex interaction between a subject and the social norms of her cultural world. It involves her own subjectivity as well as the recognition of others, both of which are structured by social norms. This interaction is not merely one in which a pre-existing subject comes to confront social norms which are

Rather, those social norms structure the very possibility of her existence as a subject.\textsuperscript{28}

Identification, then, is not merely an act of individual will. The phenomenon known as “passing,” in which someone who is “really” one (typically) race, religion, or sex “passes” as a person of a different race, religion, or sex—makes the presence of these norms and the process of conforming to them very visible in a way they are not always.

To take a recent example that received national attention this past fall, Rachel Dolezal conformed to many of the norms of Blackness—her hair, clothing, and political activism all suggested she was Black. And she saw herself as Black. But when it came out that she was born to two white parents, others did not see her as Black.\textsuperscript{29} When she did not conform to the norm of having Black parents or grandparents, she was no longer recognized as Black. As the cultural conversation about Rachel Dolezal starkly demonstrates, because of the strength and ubiquity of social norms, a person cannot identify as something and expect to be treated as such unless others also recognize her as such. This process of identification, therefore, is subject not only to one’s own sense of self, but also her ability to convince others that she has conformed to social norms.

Thus identification, whether identification as Jewish, as a woman, as a person of color, or as something else, is performative. That is, a person behaves, speaks, or appears in a certain way that either conforms (what Butler calls “citing”) or does not conform to norms associated with an identity. A woman might wear makeup, or bear a child, or defer to someone else in a conversation. A Jew might eat matzah ball soup, use self-

\textsuperscript{28} For a longer description of this account of identification, see Judith Butler \textit{Giving an Account of Onesself} (New York: Fordham University Press, 2005), esp. 1-20

\textsuperscript{29} For one interview in which she affirms that she identifies as Black, see “Rachel Dolezal’s True Lies,” \textit{Vanity Fair} (July 19, 2015) \url{http://www.vanityfair.com/news/2015/07/rachel-dolezal-new-interview-pictures-exclusive} accessed on August 12, 2015
deprecating humor, or go to a Passover seder. These performatives are always a process of interaction between the subject herself and a set of social norms. But it is an ongoing and sometimes fragile process. If one stops citing norms, then one risks being recognized as that identity. A man who wore only dresses and makeup would risk his identification as a man, even if he’d worn a suit every day for the previous ten years. A Jew who converted to Christianity and participated in Christian practices would risk her identification as Jewish. Identification, then, is not an irrevocable achievement or possession. Some identifications are more fragile than others, but all are results of an enduring process.

*The Costs of Racialist Conceptions of Jewishness*

Racialist conceptions of Jewishness reinforce the sense of the fixity of identity, rather than making clear that identification is an ongoing process subject to missteps. Despite scholarly insistence that race is socially constructed, racialist ideas hold that there is something essential—often biological—and therefore fixed about how people identify and are identified. When Jewishness is underwritten by racialist conceptions, then the idea of Jewishness seems more stable. But there are costs to this stability. Some of these costs are exacted from those who do not clearly conform to the norms of racialist senses of Jewishness, such as Jews of color, converts, and others who do not “look Jewish.”

But there are also costs to every person who identifies as Jewish, whether or not they “look Jewish.” In *The Psychic Life of Power*, Judith Butler considers the cost to an...
individual subject when she seeks a coherent, apparently stable identity. She must do so at the expense of sidelining parts of herself that would not fit with a culturally recognized definition of this particular identity. This is not merely about superficial conformity of appearance or taste. It is more expansively about the subject’s conformity to deeply embedded social norms. In many ways, however, any project to conform to all the norms associated with any given identity is a no-win game because these norms are not always compatible. For most identities, it is impossible to conform to all the associated norms. If one, for instance, wanted to conform to all the norms of American womanhood, one would have to be both a sexual being and a virginal one; a stay-at-home mother and a successful working mother; a sinner and a saint. It is impossible to be a perfect woman because one cannot conform to the norms of feminine purity at the same time as one conforms to the norms of feminine sexuality. To be a Jew, one might have to be funny and tragic; religious and atheistic; or even, in some contexts, a socialist and a capitalist.

The individual process of identification also mirrors the social level in the construction of a group identity: certain bodies, traits, appearances, desires, or behaviors associated with a subject position are included while others are excluded. Jewishness, for example, may be associated with such practices as laying tefillin, nagging children, knowing some Yiddish or Hebrew phrases, and eating lox and bagels, or having a Jewish mother, a big nose, curly hair, a particular sense of humor, or now certain DNA sequences. This list is, of course, arbitrary, but the regulatory power of some of its ideals is quite real when it comes to deciding who is Jewish. While eating lox may have only a loose connection with Jewishness—not least because it is part of Ashkenazi foodways but

not Sephardi—in the grand scheme of history, it was only recently, and only in certain circles, that a person without a Jewish mother might be considered Jewish.

Thus we cannot draw the lines of genetics or bodies in a way that would only include self-identified Jews and not others, nor in a way that would match any existing Jewish communities. Butler writes: “the political question of the cost of articulating a coherent identity position by producing, excluding, and repudiating a domain of abjected specters that threatens the arbitrarily closed domain of subject positions.” These productions and exclusions exist outside the boundaries of culturally recognized identities, but those abject specters “out there” are necessary for the culturally recognized identities we have “in here” to retain their definitions. In short, the cost of certain and coherent identity positions is the exclusion of persons, as well as the exclusions of parts and possibilities for each person.

Instead of focusing on regulating identities (at the social level) or conforming to them (at the individual level), Butler offers another possibility: “Perhaps only by risking the incoherence of identity is connection possible.”\(^{31}\) Paradoxically, in Butler’s account, it is by the very giving up of certainty, clear answers, and bright boundary lines that people can create community. Holding fast to the markers of coherent and certain identity—for instance, DNA to mark Jewishness—would create a clearly-defined community. But these clear boundaries would keep out people who should be included.

Identification always makes reference to a community, relationships, or a collection of other individuals. For instance, the idea of “being Jewish” only makes sense if there are others who are also identifiable as Jewish, in addition to the existence of some

\(^{31}\) Butler, *Psychic Life of Power*, 149.
who are identifiable as not-Jewish. Butler’s view, then, does not suggest that we get rid of boundaries all together. If there were no characteristics, there could be no community at all because everyone would simply be an individual. So in order to make sense as an identity category, Jewishness must have some identifiable characteristics. But insisting on coherence and certainty, in this case by using biomedical criteria or acquiescing to racialist conceptions of Jewishness, would at least partially exclude people who identify themselves as Jewish and are recognized by others as Jews.

The cost of this certainty—and its social practices of community gate-keeping—reverberates beyond the exclusion potential community members. Reliance on DNA, for instance, would exclude some Jews who are recognized by halakhah, the Reform movement, or other Jews. Converts, adopted children, and their descendants would find themselves written out of Jewishness. And there is also a cost for those who would be deemed Jewish by genetic criteria or racialist conceptions more broadly. Part of the cost of a certainty based on racialist definitions of Jewishness is the weakening of the meaning of communal ties and religious practice. The power exercised through biomedical discourse would displace some of the power of religious discourse to produce and regulate Jewish bodies and the Jewishness of bodies.

When we fully recognize and articulate these racialist notions of Jewishness (that one can “discover” Jewish identity through DNA tests, that Black Jews must be converts, that Asian children adopted into Jewish families will never “really” be Jewish), we see that they operate in exclusionary ways. If racialist definitions of Jewishness either fully or partially exclude many self-identified Jews and work at cross purposes with communally stated practices of inclusion, then we need an alternative way of theorizing
Jewishness.

One might suggest that there is already a system for clearly determining Jewishness, and that system is halakhah. However, as I have argued, Jewishness as a lived identification exceeds the bounds of halakhah and therefore needs to be theorized as such. I am not suggesting that halakhah is not religiously authoritative, that it should lose its religious authority, or even that it should change. Instead I am claiming that Jewish identifications as they appear today cannot be meaningfully explained within the bounds of halakhah. In the most obvious instance, many Reform and Reconstructionist Jews are not halakhically Jewish because they have a Jewish father but not a Jewish mother. In other instances, when Black Jews are halakhically Jewish, through descent or conversion, they are frequently still interpellated as non-Jews. Halakhah’s place is making religious determinations and categorizations, but the social norms associated with Jewishness far exceed its parameters. This critique of racialist definitions of Jewishness and proposal to move toward a performative definition, then, is not a proposal to replace halakhah or to undermine it. It is a proposal about Jewish identifications, which relate to, but are not reducible to, halakhic ways of knowing.

A Performative Alternative

Once articulated, the racialist logics of Jewishness raise a theological issue related to the social process of identification: they profoundly confuse the concept of the people Israel. Peoplehood remains a central theological concept in Judaism, but it begs the question of who, precisely, is included in that people. Racialist logics suggest that the
contours of peoplehood are fixed and knowable, that there is a clear “us” and a “them.”
But there are textual resources in Jewish tradition that suggest otherwise and conceive of
Jewishness in a more open, perhaps even performative, fashion.

In Jewish textual tradition, the revelation at Mt. Sinai marks the moment when the
people Israel accept God’s offer of the Torah. In interpretations of the event, both inner
biblical and rabbinic, the event becomes one of critical importance for all Israelites (and
then Jews) at all times throughout history. Deuteronomy 29:9b-14 describes the covenant
which YHWH commanded Moses to make with Israel in the land of Moab after the
Israelites wandered for forty years. But it is also a clear reference and reminder to the
Israelites of the revelation and covenant with their God at Sinai: “Ye are standing this day
all of you before YHWH your God: your heads, your tribes, your elders, and your
officers, even all the men of Israel, your little ones, your wives, and thy stranger that is in
the midst of thy camp, from the hewer of thy wood unto the drawer of thy water...God
may establish thee this day unto Himself for a people. Neither with you only do I make
this covenant and this oath; But with him that standeth here with us this day before the
Lord our God, and also with him that is not here with us this day.” In its biblical context,
Deut 29 is a recapitulation of the Sinai revelation. This covenant reaffirms both
communal identity (“Ye are standing this day all of you before YHWH your God: your
heads, your tribes, your elders, and your officers, even all the men of Israel, your little
ones, your wives, and thy stranger that is in the midst of thy camp, from the hewer of thy
wood unto the drawer of thy water”) and the community’s relationship with God (“God
may establish thee this day unto Himself for a people”). It textually and ritually recalls
the revelation at Sinai.
Ancient Jewish interpreters returned to Deut 29 to think about communal identification. Two rabbinic texts, Midrash Tanhuma and Babylonian Talmud Shevuot both read the Deuteronomistic text to say that all Israelites throughout time were actually present at Sinai. These texts read the event at Sinai as a moment that not only defines the historical community who was physically present, but also the transhistorical community of the people Israel throughout history. They draw the warrant for this reading from the ambiguity of the text: If Moses began Deut 29 by calling “all Israel” (Deut 29:1) together—and even reiterated that everyone from the infants to the workers to the leaders was present—then every Israelite was “standing with us.” Who, then, could Deut 29:14 mean when it referred to those who were “not here with us this day”? Rabbinic readers of the biblical text interpreted this to mean all members of the community throughout history. They read themselves, and all future Jews, into the event at Sinai.

Midrash Tanhuma-Yelamdenu, a rabbinic compilation from sixth or seventh century Palestine, contains a tradition which reads the Deut 29 tradition into the Sinai narrative.

R Isaac said: “All the prophets received the inspiration for their future prophecies at Mount Sinai. How do we know? It is written: “But with him who stands here with us this day before the Lord our God, and also with him that is not here with us this day” (Deut 29:14). “Who stands here with us this day” refers to those who were already born, and “with him that is not here” alludes to those who were to be born in the future. Hence they are “not with us this day.” “Not standing here with us this day” is not written in this verse, but rather “is not here with us this day.”

This alludes to the souls who were to be born in the future since “standing here” could not be said of them.\textsuperscript{33}

Bodily presence at Sinai was not a necessity to be “with us” at Sinai. Both the “standing” and those for whom standing was not yet possible were together as one audience, one community before God. Even those who had no bodies yet were nevertheless present. The midrash reads these not-yet-embodied members of the community into the story and places them alongside the historical community members.

The Babylonian Talmud, often considered the central text in the shaping of post-Biblical Jewish tradition, contains a similar (but here unattributed) tradition about all of Israel’s presence at Sinai.

As it is written: “Neither with you only” [Deut 29]. “But with him who stands here with us.” From this we know only those who were standing by Mount Sinai. But the coming generations, and proselytes who were later to be proselytized, how do we know? Because it is said, and “also with him who is not here with us this day.” (BT Shevuot 39a)

The Talmud suggests a widening circle: God’s oath is not only with Moses, but with each person who stands “here with us,” which means everyone gathered at Sinai. The rabbis then read the subsequent text to expand inclusion to all the future generations of born Jews and converts.

The theological idea of the Jewish people, even in its Talmudic and Midrashic forms, transcends biological relation. Both biblical and rabbinic tradition have a strong sense of ancestry and progeny; in fact this Talmudic passage is about the “oath of

judges,” which, it explains, has implications for past and future generations if one breaks it. And yet even with this emphasis on descent, the revelation at Sinai—the seminal event of the Jewish people—defines Jewishness not by descent but by “with”-ness. The deciding factor is who is “with” the community at Sinai. The text specifically includes converts, both present and future. Connection, not descent, signals communal belonging.

These Jewish texts, of course, do not fully espouse a theory of performativity. But they open the door for it. First, they emphasize the idea of “standing with” rather than an essentialized and predetermined idea of who was (and is) Jewish. Second, they do not locate all Jewish bodies at the defining moment of Jewishness. At first, the absence of bodies seems like it cannot fit with the performative notion of identification because bodies and materiality are a crucial part of how people engage in the process of identification. However, because the bodies are not all predefined through the Sinai event, the text allows that individual people go through the process of identification in whichever cultural context their bodies come to inhabit. By not locating all Jewish bodies at Sinai, the text opens up the possibility for each person’s body to inhabit his or her own historical and cultural space in the context of “local” norms, one of the fundamental aspects of identification.

These are, of course, not the only texts which think about how to define Jewishness. I am offering them as a model, not as the univocal judgment of the tradition. Especially because they are not meant to displace halakhah, but rather to help us think through Jewishness in all its everyday messiness of identification, they needn’t do the same work as halakhah. Performativity allows for the instability of identification. Unlike

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racialist conceptions, it admits the precariousness and ongoing nature of identification for all subjects.

I am not merely saying that Jewish communities need to do a better job recognizing and including Jews of color. That is absolutely necessary, but what I’m suggesting here is a broader recognition and then refusal of racialist conceptions of Jewishness where we find them. When journalists announce that scientists have proven that “Jews are a race,”35 or when a DNA lab informs a practicing Catholic priest that he “is Jewish,”36 and at the same time Jewish communities suggest that adoptees, converts, and their children are not quite real Jews, the Jewish community has an epistemological mess on its hands. But better to embrace the epistemological anxiety of Jewishness with borders drawn in the sand than the clarity of a Jewishness with impenetrable walls.

36 David Kelly, “Clearing the Fog over Latino Links to Judaism in New Mexico” LA Times (December 5, 2004). For discussion of this event, see Imhoff, “Traces of Race,” 10-13.
Handout

Deuteronomy 29:9b-14

"Ye are standing this day all of you before YHWH your God: your heads, your tribes, your elders, and your officers, even all the men of Israel, your little ones, your wives, and thy stranger that is in the midst of thy camp, from the hewer of thy wood unto the drawer of thy water... God may establish thee this day unto Himself for a people. Neither with you only do I make this covenant and this oath; But with him that standeth here with us this day before the Lord our God, and also with him that is not here with us this day."

Tanhuma Yelamdenu

R Isaac said: "All the prophets received the inspiration for their future prophecies at Mount Sinai. How do we know? It is written: "But with him who stands here with us this day before the Lord our God, and also with him that is not here with us this day" (Deut 29:14). "Who stands here with us this day" refers to those who were already born, and "with him that is not here" alludes to those who were to be born in the future. Hence they are "not with us this day." "Not standing here with us this day" is not written in this verse, but rather "is not here with us this day." This alludes to the souls who were to be born in the future since "standing here" could not be said of them.

BT Shevuot 39a

As it is written: "Neither with you only" [Deut 29]. "But with him who stands here with us." From this we know only those who were standing by Mount Sinai. But the coming generations, and proselytes who were later to be proselytized, how do we know? Because it is said, and "also with him who is not here with us this day."