

Our Judaism is a collection of practices, behaviors, traditions, observances, and laws that we call halakha. Traditional Judaism looks at the world through the lens of halakha: as categories of permitted and forbidden, desirable and undesirable, ethical and unethical. Halakha is fundamental to how we see the world. Sometimes, an examination of a small element of an arcane aspect of halakha gives us a window of insight into a larger issue. Such is the case with the strange case of what makes an IVF embryo Jewish. IVF is “in vitro fertilization,” what used to be called a “test tube baby.”

The Conservative movement’s Committee on Jewish Law and Standards published a paper 20 years ago arguing that it is the person who gives birth that determines the Jewishness of the child. Therefore, if an embryo has two Jewish genetic parents, but they use a non-Jewish woman as a surrogate to carry the pregnancy, the child is not Jewish and will need formal conversion. If a Jewish woman carries a pregnancy and gives birth to an embryo created from the genetic material of two non-Jewish biological parents, her child is Jewish from birth.

When it was published, that was the accepted position within the Jewish world. However, in more recent years, some Israeli Orthodox rabbis have promoted a new position, that it is the biological parents, or more precisely, the biological mother, who determines Jewishness, not the birth mother. So a Jewish woman who gives birth to a child from an IVF embryo whose genetic parents are her husband and a donor egg from a non-Jewish woman needs to convert her child. But a non-Jewish woman who acts as a surrogate for a Jewish couple gives birth to a child who is Jewish without conversion.

The larger issue behind this disagreement is the question of to what extent is Jewish identity defined by genetics? Classifying groups of people according to their genetics, according to their biological parents, is another way of describing classifications by race. So this disagreement raises the question, is Judaism a race or it is a religion? Is it a race or is it a tribe? What’s the difference?

A colleague of mine has conducted a small survey on the question of Jews and race. He has a picture of a dark-skinned male hand holding a very light-skinned female hand, and presents it as an illustration from an article on intermarriage. From a sample size of hundreds of American Jews and many dozens of Israelis, both Ashkenazim and Sepharadim who have viewed the picture, *every* American Jew identified the picture as showing a Jewish woman and a black, non-Jewish man. *Every* Israeli responded that the picture depicted a Jewish man and a fair-skinned non-Jewish woman.

Both sides were viewing the image through the lens of race, but each side defaulted to a different idea of which racial identity defined Judaism. Both sides were equally wrong, assuming that Judaism is a race, instead of a multi-racial tribe. Americans and Israelis both fell into the trap of identifying the Jew based on their assumption of the typical Jewish skin tone. American Jews, predominantly and incorrectly, think of Jews as white. Israeli Jews, predominantly and incorrectly, think of Jews as darker-skinned.

Judaism is, however, a tribe, an extended family. So how is a tribe different than a race? Simply put, you can change your tribe, but you cannot change your race. In early Biblical times, a woman who married an Israelite became a part of his tribe. The act of marriage carried with it the rejection of one’s tribe of origin, embracing instead the tribe of one’s husband. But we live in a different world, one which began to show itself as early as the 6th or 7th, century BCE. They, and we, no longer assume that the woman subsumes her entire identity into her husband’s family.

When a couple gets married today, both partners retain their religious or tribal identity, unless they intentionally reject it and adopt a new one to match their partner. An outsider can adopt the practices of the tribe and be adopted by the tribe. The tribe, through an initiation ceremony, can welcome the outsider, who then becomes, for all intents and purposes, an insider.

As much as we disclaim the anti-semitic canard that Judaism is a race, it is in fact difficult to break away from conceptions of Judaism as a race. When we question the validity of a conversion, are we being influenced by the concept of “Jewish blood,” a race-based influence? If we have reason to ask a question about the procedure, to make sure that it was supervised by a Beit Din of three and includes circumcision as appropriate and immersion, it might be an appropriate question to make sure that the proper tribal procedures are followed. However, when we question a person’s identity, especially if that person presents themselves not as a Jew by choice but rather as a Jew by birth, then we are venturing onto thin ice. And to suggest that people who are not born Jewish have less of a claim on Jewish identity than those who are born into it, is to fall into the trap of thinking that there is something magical and mystical, about “Jewish Blood.”

So why is this important to me and why should it be important to you? Because the Jewish community is not immune from racist behavior. A member of the Ugandan Abayudaya community was turned away from entering Israel even though he had a valid study visa. Another had his aliyah blocked. And in our own country, a recent article in the Forward spoke about racism in the Jewish community towards Jews of color:

- Daniel was accused of being an undercover Muslim, lying so he could infiltrate their community to do harm.
- Liyah was called a fake Jew when she spoke out against racism.
- Michael grew up in an Orthodox community, in which an influential leader said that South Africa was a much better place when “the blacks knew their place.”
- Nylah was at a Jewish event, wearing a tichel on her hair, a Magen David around her neck, talking about being a Jewish journalist and a part of her college Hillel, the Hebrew class she was taking, a bit of Talmud she learned recently, and binge-watching the Israeli drama “Srugim.” The woman she was speaking with, after they had been talking for a while, stopped and said, “Wait, are you Jewish?”

As a community, we need to learn how to embrace tribalism but reject racism. Tribalism is a positive and necessary element of Judaism. Tribalism is believing that Jews are a people as much as a religion, and as a people, we are rooted in a piece of land called Israel. We, no less than any other people, deserve to have a land to call our own. Tribalism is to say that all Jews are responsible for one another, and that we have a greater responsibility for each other than for non-tribal members. Tribalism is pride in one’s own heritage and can exist alongside the highest respect for those of a different tribe. Tribalism is not racism, which claims that the color of one’s skin determines one’s level of privilege.

The seemingly minor disagreement over the determination of Judaism in an embryo opens the door to a racial definition of Judaism. We don’t want to open that door. The way to ensure that we remain, as individuals and as a community, a tribe of people free from racism is to pay attention to our unconscious biases. Beware of tribalism breeding a sense of superiority. Beware of cultivating a closed Judaism with an unhealthy suspicion of outsiders.

People cannot thrive in communities that intrinsically see them as outsiders. So they leave. And they leave our community the poorer because of their absence. The Jewish community cannot afford to push anyone away. This is a time to embrace, anyone and everyone who wants to be a part of us.

In our prayers, we say: *Haneshama lakh, v'haguf po'olakh*. "The soul is yours, and the body is your handiwork." Each body and soul, no matter the shape, no matter the color, no matter the level of intellect or education, equally belongs to God. We ask God to judge our bodies and our souls with kindness and patience. We can ask no less of ourselves, to treat each other, regardless of external appearances, with kindness and patience.

Al tashlikheinu mil'fanekha, "Don't cast us away," is our plea to God. We ask no less of ourselves, not to cast away, but to embrace each person who comes to us with a desire to be a part of our community.

In the words of Isaiah, let us make ourselves, our synagogue, our Jewish community, our home, into a house of prayer which calls out to all people:

כִּי בֵיתִי בֵית־תְּפִלָּה יִקְרָא לְכָל־הָעַמִּים.

Amen.