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## WHO IS A JEW: A SOCIOLOGICAL PERSPECTIVE

Although the question of "Who is a Jew" is generically halakhic and must therefore be resolved in halakhic terms, the problem can, in part, also be viewed within a sociological framework. Indeed, because this issue, saturated as it is with our most deeply felt commitments, has triggered so much emotion and provoked so much heat, we have also the responsibility of bringing to it some illumination and light, some clear and calm-headed analysis, not necessarily for traditional Jews, but for other Jews as well, hostile, ambivalent, or confused about the traditional position. A sociological perspective might help, in part, to accomplish this end.

Let us therefore immediately begin with a fundamental sociological question. When we speak of a person belonging to a group, any group, how do we define his membership in the group? What, speaking from a sociological perspective, determines group membership? Three criteria are generally believed to be necessary. Firstly, self-definition — the individual must define himself as a member, i.e., subjectively identify himself with the group. Secondly, there must be definition by others, i.e., others, both members of the group and outsiders, non-members, must also view him as a member of the group. Lastly, the individual must have some enduring, normatively prescribed, social interaction with other members of the group. He must be socially connected with them and share their value commitments. These three things collectively make an individual a member of a group. Neither criteria alone suffices nor any combination of only two of them.

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If membership in a group is based on these three criteria, it must therefore be a relative, not an absolute concept, because these criteria are relative and not absolute. Interaction with members of the group can serve as an example. Some members of a group have very intimate and intense connections with the group; others only nominal and peripheral relationships. The other criteria are similarly variable. Thus, there can be and are different *degrees* of membership in a group.

When we confront the question of "Who is a Jew" we need therefore to recognize that there are also degrees of membership in the Jewish community. Membership in the Jewish community is not a monolithic concept. This idea of degrees of membership in the Jewish (or any) community is most vividly illustrated when we approach the boundaries of parameters of the community. For example, the question of "Who is a Jew" might be inverted into another question, "Who is not a Jew?" From a Jewish perspective, the classification *non-Jew* is not simply a residual category in which all those who are non-Jews are lumped together. Non-membership, i.e., being non-Jewish, is also a question of degrees. There is a halakhically established hierarchy of different types of non-Jews in terms of their acceptability as non-Jews, and in some instances their potential eligibility as members of the Jewish community. Compare, for example the status in Jewish law of the seven nations that inhabited Canaan prior to our entry into the Promised Land to that of other nations; or those peoples who worshipped idols, and the differences in their various types of idolatry, to those who did and do not. Finally, we have the concept of the *ger toshav*, who straddles the boundary between the Jewish and non-Jewish communities.

At the other periphery of the Jewish community we find a similar phenomenon when dealing with the deviant Jew — who has or is in the process of *abandoning* the Jewish community and/or discarding his normative obligations as a Jew. Even within the framework of the fundamental concept — *yisroel al al pi sh'chata, yisroel hu*, one always remains a Jew, however he sins, there are calibrations and degrees of deviance recognized in Halakhah. The sinner overcome by the temptations of the flesh compared to *mumar l'hachis*, the principled sinner; *mumar l'dav-*

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*ar echad*, the sinner in one area as compared to *mumar l'chol hatora kula*, the sinner who abandons all. Thus, when we ask the question, "Who is a Jew", we need preliminarily to recognize that there exists subtle sociological distinctions and explicit halakhic degrees of Jewishness.

Having stated this, we must now very hastily add that every group, if it is to retain its integrity, also requires boundaries — boundaries that set it apart, make it distinctive, prevent its blending too freely with other groups, thereby undermining whatever special character the group possesses. Groups do differ widely in the degree to which they maintain and emphasize these boundaries, for example, in the extent to which they are open or closed, i.e., encourage and are receptive to new members. Groups also differ in the degree to which they define their boundaries by way of maintaining explicit standards and criteria for membership. Of course, the more open the group, the less explicit its membership standards, the looser that group is, the more impermanent its character and integrity becomes, the less clear and binding are the moral demands it makes of its membership. It comes as no sociological surprise therefore that those groups that demand a high level of role performance from their members also establish and maintain high standards for membership in the group, thereby assuring the quality of the performance of their members even before they assume and perform their roles. This, to re-iterate, is achieved by carefully defining and determining beforehand who can and cannot be a member.

So it should be doubly so for the *am segulah*, the covenantal community, with its myriad of normative responsibilities requiring of the Jew exceedingly high levels of discipline and commitment in the herculean task of *tikun olam*, fashioning the world in accordance with the Divine Will. Effective control over members of the covenantal community and their performance is indispensable for reaching its exalted goals. This must also commence with how membership is defined, the first line of defense for the group — chronologically and primarily. Thus "What is a Jew" or more specifically formulated, what a Jew is and does, inevitably begin with the question "Who is a Jew." For this reason this issue is, and must necessarily be so crucial for us.

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Becoming a Jew, we all know, is either ascribed at birth or achieved through conversion. But how does ascription at birth assure anticipatory control of our role performance as Jews. To understand this process, we have to understand the functions of the family and the framework of ascription by birth that generally takes place within the family, and view both these functions and this framework through the prism of Halakhah.

The family fills many vital social functions for society — e.g., reproduction, social, social control. But the family is also one of the social instruments by which society transmit its resources, i.e., property, power, prestige. Similarly, families are the vehicle through which individuals are assigned to different roles and groups in society. Sociologists also recognize that marriage not only joins two individuals. It also unites two kinship lines. With this union of two independent and separate kin units, there must inevitably occur a rearrangement, a reshuffling, of social structure. As we stated earlier, families provide for the transmission of resources and are the vehicles for preparing and placing members in key social roles. Thus, any marriage, any union of two kinship lines, has fundamental implications for the community — for the distribution of that community's valuable resources, social and sacred, and for the allocation to, placement in, and preparation for, its social roles. Societies therefore must and do regulate marriage. The crudest motive for such regulation may be to protect the rights and privileges of class and caste groups in the society because a socially unacceptable marriage across class or caste lines directly threatens the prevailing structure of privileges of that society.

The Jewish community (like class or caste groups) is also confronted with similar problems. Any mixed marriage erodes the integrity of the community — but not, and this is a crucial distinction, because they endanger social privileges and prerogatives, but because they threaten the structure of responsibility in our community, the fulfillment by its members of their normative obligations. Why? Because the union of Jewish and non-Jewish kin lines and especially Jewish-Gentile parenthood introduces confusion and chaos into the family's essential functions: the status placement of the mixed offspring — who is he?; the

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socialization of the mixed offspring — what will he become and who can be responsible for him becoming what he should become when one of his two parents is an alien to the covenantal community; and lastly, the larger problem of the continuity of the transmission of our religious, culture, and social heritage given such an ambiguous and problematic family unit.

The Talmud offers the solution of this problem — a marriage between Jew and non-Jew is not valid and cannot attain a religious or any type of sanction. By the invalidation of any marriage (i.e., any kinship connection) with the Gentile community which might produce offspring who cannot be socially placed or trained, and thereby assimilated into the covenantal community because one member of the family unit is an alien to the covenantal way of life, the integrity of the covenantal community is protected by the Jewish family in a most prophylactic way — by the maintenance of distinctive boundaries around the group.

This boundary-maintaining mechanism to eliminate the ultimate threat, Jewish-Gentile parenthood, is also supported by other auxiliary prohibitions. Marriage to non-Jews we have already pointed out is not only prohibited but invalidated. Moreover, sexual relations with non-Jews are also proscribed as a form of social control over marriage and marital choices. Many types of social intercourse with non-Jews, especially as they are viewed as possible antecedents to sexuality and marriage, are also regulated. All this legislation should be viewed, not as discrete regulations, but as links in a normative chain to secure a clear boundary between the groups. Thus, the ascriptive assignment of Jewishness by birth assures for the Jewish community sociologically screened membership, potentially educatable as Jews, and who can ultimately function as such.

The process of conversion is similarly geared to produce such an outcome but for adults, exercising free will, who will immediately assume their role as Jews. Ascription by birth through family is a more subtle, anticipatory process because it deals with a newly born generation of raw human and Jewish material. Recasting this whole question in this sociological fashion, I hope has added, if not novelty, at least clarity to our under-

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standing of our halakhic response to who is and must be a Jew.

The final point I should like to make is historical rather than sociological, and has to do with the question why the issue of "Who is a Jew" has emerged at this time, and more important, what are its implications at this juncture of our history. In the last two thousand years there was never an issue of "Who is a Jew" because that question had no meaning or relevance. Jews defined themselves as a covenantal community and the Christian community, our perennial neighbors in the Western world, also defined us in the same way. Needless to say, while the definitions may have been congruent, the evaluations of this definition by the two respective communities differed immensely. If we saw ourselves as the *am segulah*, this same definition connoted for the Christian in his theological thesaurus, the infidel and worse. From that divergence in evaluation, the blood-stained pages of our history came to be written.

In modern times, a third world, a new society, emerged between the Jewish and Christian communities. It can be classified as a neutral society, neither Jew or Christian, or as Disraeli described it, a blank page between the Old and New Testaments. This counter-culture to the Judeo-Christian heritage has attracted a disproportionate number of our most gifted and talented Jews. In this pareve milieu, many cease to define themselves as Jews and are also so defined as such by their Christian counterparts. While this community is a considerable ideological force in modern life, it has not yet succeeded in transforming or eliminating the historically operative definition of Jew in both the Jewish and Christian worlds.

The painful paradox is that the creation of the State of Israel has raised the most potent challenge to our traditional definition. The problem is fundamentally related to the fact that being a Jew in Israel today also means citizenship in a state and membership and participation in a political community. The Knesset has, in fact, extended Israeli citizenship in an unusually imaginative and dramatic way even to some Jews outside the physical boundaries of the State. But citizenship in a state, even one governed by Jews, and the rights and obligations attached to it, is qualitatively different from membership in the covenantal

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community. The leading members of the Jewish state who have sought to modify the criteria and procedures by which membership in the Jewish community has been traditionally ascribed or achieved because of their belief that they could, as a result, be meeting some of the present and compelling needs of a modern political community have failed to consider one critical dimension of Jewish statehood. Herein lies the tragedy and the challenge and task before us.

The political community that is the State of Israel cannot be severed from the covenantal community. It is an organic part of that community, a phase of its miraculous evolution in our time, created, we believe, to permit fullest expression of the purposes of the covenantal community, those denied in our long diaspora — maximum fulfillment as a nation; service as a Divine instrument and agency in human history; a moral beacon for all nations. Thus, the requisite for membership in the political community must be co-extensive and congruent with that of the covenantal community. Only in this way can their symbiotic relationship be expressed and the ultimate and convergent aims of each be achieved.

Any change in the status of “Who is a Jew” would therefore not only create an unbridgeable chasm among our people, creating two separate classes of Jews. It would not only encourage intermarriage, the scourge of Jewish life in Diaspora, and lead to more and more young Jews walking down the aisle to disappear from the annals of the Jewish people. It would transform the character and mission of the covenantal community, which would be a tragedy on two scores.

Firstly, it would be a betrayal of our past and the long and difficult struggle that brought us to this day. More tragic yet, it would be a rejection and denial of our future. Standing on, or near the threshold of *aschalta d'geulah* — the process of Jewish redemption and ultimately the redemption of the entire family of man, we dare not dismember the covenantal community. Instead we need to regenerate it so that we can be prepared, and help achieve the glorious destiny that awaits us.