Pew, Continuity and Conversion

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The October 2013 Pew Report underscored the fragility of the Jewish future in North America and has led to anguished discussions and debates regarding "continuity", i.e., how to reduce the number of Jews relinquishing Judaism and Jewish identification in favor of other options.

But given the nature of the American religious scene, as I will present below, it is simply impossible to assure Jewish continuity by such a strategy alone. Rather, only if a strategy of easing the path of conversion is joined with current educational efforts and programs do we stand a chance of achieving continuity.

Such a strategy is of course at odds with the notion that conversion should be discouraged and difficult. However, that notion itself was not the primordial position of our tradition but rather historically conditioned. Encouragement of would-be converts and the intentional application of the more lenient positions found in our sources can be fully justified from within the halakhic tradition -- particularly in times of crisis such as ours.

Stating the Problem Honestly

Even if 100 percent of all children born to Jews in the United States were to remain Jewish, the Jewish population would decline significantly over time, because of the simple fact reported by Pew that Jewish adults aged 40-59 have an

average of 1.9 children– while 2.1 children in a family represents the minimum fertility replacement level, that is, the level at which births equal deaths in a society with good health services. Although I am Orthodox, the fact that Orthodox Jewish families have an average of 4.1 children is no consolation to me. My concern is for the future of the entire community and not for any particular sub-group alone. Indeed, I believe that religiously and morally, such horizons of concern are befitting all Jews – and especially the Orthodox.

But even if Jewish fertility in the U.S. were to rise and become on par with that of the general public – 2.2 children per family – Jewish continuity would not be ensured. The reason is that many persons born as Jews do not currently regard themselves as such. The Pew report is based on interviews with 3,475 Jews (of whom 20 percent identified themselves as “Jews of no religion”). In order to reach those 3,475 Jews – a total needed for statistically significant findings – the Pew surveyors conducted more than 70,000 screening interviews. By the time they had located 3,475 individuals who said they were Jewish, they had come across 1,190 persons who stated that they had been Jews – but were currently not Jewish in any way.

In other words, of 4,665 persons born Jewish, only 75 percent regarded themselves as Jewish in any way, while 25 percent regarded themselves as totally non-Jewish. Thus, even if the Jewish fertility rate were to reach 2.2, with this outflow of 25 percent, the effective Jewish fertility rate would be 1.65 – well below the fertility replacement level. As it now stands, the effective fertility rate is 1.425 percent. Because younger age cohorts are increasingly less affiliated and more intermarried, it stands to reason that the actual fertility rate is dropping even lower.

But why are 25 percent leaving us? Surely, something must be wrong with our schools, our synagogues, our community, for so many born Jews to choose to totally opt out? Not necessarily. While nothing in this world is perfect, it seems to me, as an Israeli, that the schools, synagogues, and communal activities of American Jewry are admirable and dynamic institutions, staffed by caring professionals sincerely committed to preserving Jewish continuity.

Indeed, the 25 percent attrition rate of born Jews is significantly below that of the American public in general – as emerges from another report of the Pew foundation. In 2008, Pew published its landmark "U.S. Religious Landscape Survey." A key finding relating to our topic was:

More than one-quarter of American adults (28 percent) have left the faith in which they were raised in favor of another religion - or no religion at all. If change in affiliation from one type of Protestantism to another is included, 44 percent of adults have either switched religious affiliation, moved from being unaffiliated with any religion to being affiliated with a particular faith, or dropped any connection to a specific religious tradition altogether.

Note that the 25 percent of born Jews who now say they are not Jewish at all is below the national average of 28 percent of those who have left the faith in which they were raised. Even if we add to those 25 percent the additional 15 percent of born Jews who say that they are Jewish but not at all religious, this is less than the national average of 44 percent cited above.

The fact that Jews have a retention rate better than the national average indicates that there is a significant return on the tremendous efforts of our schools, synagogues and community centers to encourage born Jews to remain within the fold. While this may be comforting on one level, on another level the comparison with general overall trends in the U.S. religious landscape leads us to realize just how serious the challenge to Jewish continuity is. This is because the 2008 Pew survey enables us to realize the tremendous flux of all religions in the contemporary United States.

Indeed, one might ask: if not only Jews but all religions are losing such a high percentage of those raised in the faith, how is it that any religious group continues to exist? The answer to this is found in what I regard to be the most crucial finding of that survey for our current discussion. In a paragraph titled, "A Very Competitive Religious Marketplace," the authors of the 2008 survey wrote:

The survey finds that constant movement characterizes the American religious marketplace, as every major religious group is simultaneously gaining and losing adherents. Those that are growing as a result of religious change are simply gaining new members at a faster rate than they are losing members. Conversely, those that are declining in number because of religious change simply are not attracting enough new members to offset the number of adherents who are leaving those particular faiths.

It may well be the case that other countries in the world are not characterized by such “constant movement” among religions. For a variety of reasons, such movement is certainly not characteristic of Israel. In Israel, it is almost universally acknowledged that Jewishness is first and foremost identification with and a sense of belonging to an extended kinship group, with some of the kin being more

attached to the group's religion and some less so.

Such a sense of Jewish peoplehood was characteristic of Jews in Eastern Europe, the Ottoman Empire, and many other countries where Jews resided; it was also characteristic of most of the first-generation Jewish immigrants to the United States. However, with the passage of time and the deepening Americanization of the grandchildren and great-grandchildren of those immigrants, the “given-ness” of peoplehood has receded.

American Jews have now become a “religious group”– not only in the eyes of the general public and analysts of the Pew foundation, but in the eyes of Jews themselves. This is well reflected in the similarity of “constant movement” characteristic of the affiliates of Judaism and other American religious groups. Comprehension of this constant is crucial to any strategic discussion of Jewish continuity in the United States.

Maimonides (Guide of the Perplexed 1:71, citing Themistius) stated that opinions must be grounded not in wishful thinking but in empirical reality. If Jews are now involved as actors in the field of American religious groups, they must comprehend the reality of that field. Specifically, they must realize that, wishful thinking to the contrary:

1. In the American religious landscape, despite all efforts to the contrary, a significant percentage of born Jews (25 percent at least) will choose to opt out of being Jewish.
2. There is no way in which that loss will be offset by internal fertility.

If Jewish continuity is predicated only upon those born as Jews, then a dramatic and continuous numerical contraction of American Jewry is the clear prognosis.However,for a religious group to predicate its future only upon those born into it is to blithely ignore a central characteristic of the U.S. religious landscape, in which "every major religious group is simultaneously gaining and losing adherents." The future of any specific religious group is contingent upon gaining at least as many adherents as it loses. This is true for all religious groups in America – and therefore also for the Jews. Yet from a comparative perspective, the Jews – such a talented community in many ways – have seemingly been outstandingly inept in this regard. We have lost many more adherents than we have gained.

Of course, as all Jews know, we have not really been inept at gaining converts. We have been intentionally adverse to receiving converts – not from time immemorial

but since the ascent of Christianity and Islam. In medieval and early modern times, this policy was adopted in order to ensure our survival: the authorities of the dominant faiths reacted violently to members of their group opting for another religion, taking vengeance both upon the convert and those who accepted him.

Currently, however, the exact opposite is true: Jewish continuity is crucially contingent upon gaining many more adherents. Continuing to maintain the classic aversion toward accepting converts, or even following a more neutral or lukewarm policy toward persons seeking to become Jewish, is – in the current religious reality of the United States – a sure way to undermine and act against Jewish continuity.

Our only hope lies in a combination of two strategies: doing our utmost to maintain (as we have until now) a high retention rate of those born into our religious group, and simultaneously doing our utmost to be extremely warm and encouraging toward those seekers who, unhappy with their current affiliation, indicate interest in joining us.

However, coming as I do from the halakhic tradition, I know that it is not enough to argue on the basis of exigency alone. Rather, one must ask: is it halakhically possible, from within the tradition, to support and justify action that seems to be called for by a sober assessment of reality? Specifically:

Is it possible within traditional halakha to justify a policy under which rabbis will warmly encourage converts and follow the most lenient possible halakhic opinions, in a manner that will be most conducive to widespread giyyur (conversion)?

Answering the Question Honestly

In order to answer in the affirmative, we do not need to seek unanimity – for halakha is characterized by a wide range of legitimate views. Rather, we must see if we can find within halakhic sources strong voices stating that in matters of conversion broad policy considerations must determine the choice of formal halakhic requirements. If such voices exist, then, even if they are numerically in the minority they should be followed in a time of crisis (she'at ha-dehaq). If the reader does not think that the recent Pew report reveals we are in a time of crisis, she can stop reading here.

In fact, ever since the time of the great scholar Hillel in late antiquity, quite a few rabbis have advocated that in matters of conversion, policy should guide which

converts to accept and what to require of them. I would like to briefly give voice to three great twentieth century halakhic scholars – each no less learned than Rabbi Moshe Feinstein of blessed memory –who strongly advocated such a policy-guided strategy: Rabbi Ben-Zion Uzziel (1880-1953), Rabbi Joseph Mesas (1892-1974) and Rabbi Hayyim David HaLevi (1924-1998).

Rabbi Ben-Zion Uzziel, the first Sephardic Chief Rabbi of Israel, received a request in 1951 for halakhic guidance from Rabbi Judah Leon Khalfon, head of the rabbinic court of Tetuan (Spanish Morocco):Is it permissible, he was asked,to convert the children and wives of completely non-observant Jewish men, as they would presumably also be non-observant Jews?

Rabbi Uzziel's response (published in responsa MishpeteiUzziel7:20)addressed both whether it is possible to convert someone who will subsequently not be religiously observant, and why rabbis should want to convert such persons.

With regard to the first question, Rabbi Uzziel was aware that certain East European rabbis had claimed that the halakhic requirement of "reception and acceptance of commandments" meant that the convert was required to sincerely promise observance of mitzvot; on that view, a person whom we think will not be observant could not be converted. Rabbi Uzziel pointed out that, to the contrary, no classic halakhic text – including the Shulhan Arukh-- specifically required such a promise. Indeed, this was not a chance omission, for if conversion were to be made contingent upon an inherently indeterminate future observance,"then no converts would ever be accepted in Israel. For who can guarantee that this non-Jew will be faithful to all of the Torah's commandments?"After undergoing conversion, all converts – whatever the degree of their religious observance – will be no less Jewish than a born Jew leading a similar lifestyle.

With regard to the second issue,Rabbi Uzziel's response is of even greater relevance to us today. He points out that classic rabbinic texts teach us that God loves converts. Indeed, the Talmud (BT Pesahim 87b) teaches that God dispersed the Jews throughout the world so that non-Jews would have the opportunity to become acquainted with them and choose to convert! Therefore, it is a positive commandment to warmly accept proselytes, whenever this is possible.

Over and above the general positive attitude cited above, Rabbi Uzziel added that special reasons exist in modern times to accept candidates for conversion in cases linked to intermarriage:

And in our generation we bear special and heavy responsibility, because if we lock the door before converts we are thereby opening wide the gates of exit, pushing Jewish men and women to change their religion and to leave Judaism entirely or to assimilate among the gentiles…. (rabbis have special responsibility to accept such converts so as to promote the Jewishness of their children).Even if they are the children of a non-Jewish mother -- they are Seed of Israel. And they are therefore “lost sheep.” And I fear that if we push them away completely by not accepting their parents for conversion we will be accused (by God) and it will be said of us: "neither have ye brought back the strays, nor have ye sought those which were lost" (Ezekiel 34:4).

Rabbi Uzziel stated that avoidance of such Divine rebuke should clearly outweigh the concern of receiving unworthy proselytes.

In 1965, Rabbi Joseph Mesas, then Chief Rabbi of Haifa, stated that in matters of conversion, the general policy to be followed is that of the rabbis of Morocco, Algeria and Tunisia – who accepted all persons seeking to convert (responsa Mayyim Hayyim, vol. 2, #108). Rejection of persons seeking to become Jewish achieves no positive results, and frequently leads to unhappiness, resentment and bitterness, both of the candidate himself and of individual Jews, families and communities affected by that rejection, he said. He noted that if the rejected candidate really wants to become a Jew, s/he would simply turn to another rabbi, and ultimately be accepted. What then has the first court achieved, except to cause anguish and hatred?

Indeed, the notion that the rabbis have control over the consequences generated by rejecting converts is an illusion. To illustrate this, Rabbi Mesas related a case (one of several that he personally knew of) in which rabbis refused to convert a woman who then proceeded to move with her Jewish husband to another location where they “passed” as Jews. Fifty years later, it was discovered that the family's matriarch was not Jewish; ipso facto, neither were her daughters or their children – although all of them had grown up thinking they were Jews. Several members of the family agreed to convert, while others were so upset and distraught that they left Judaism entirely.

Rabbi Mesas did not blame the matriarch. He said that the rabbis who rejected her were responsible for the tragic outcome, because they lacked the foresight or the will to comprehend the cost to present and future generations of their rejectionist policy. Indeed, he said, under contemporary conditions, rejecting candidates for conversion was not a sign of true religious commitment but rather a manifestation of a sanctimonious pseudo-piety.

Because rabbis have a responsibility to further the well-being of the entire Jewish community, they should follow the halakhic policy that leads to the most positive overall results:“When a conversion to Judaism takes place, then a light shines in the darkness and everything is forgotten and joy dwells in their home.”

Rabbi Hayyim David HaLevi (Chief Rabbi of Tel Aviv 1973- 1998) cited with great approval the position on conversion policy expressed by the great Rabbi Israel Joshua Trunk (1820-1893) of Kutno. Rabbi Trunk had been told that in the early Middle Ages the King of Kiev negotiated with the leaders of Israel in his generation.He wanted to convert and to convert all of his people with him, but he proposed just one condition – and because of this condition the agreement fell through and did not take place.He wanted them [the rabbis] to waive circumcision of the elderly; that they should convert by immersion only, and die uncircumcised.And the newborns would be circumcised.And this way in the next generation they would all be fully Jewish. The rabbis refused to agree to this condition [and the King and his nation did not convert].

Rabbi Yehoshele(Trunk)criticized them, saying that it was wrong of them to reject a populous great nation and to prevent them from joining the Lord's estate… the Talmud (Nedarim 32b) says:

"Why was our Father Abraham punished and his children doomed to Egyptian servitude for two hundred and ten years? Rabbi Johanan said: Because he prevented people from entering beneath the wings of the Shekhina, as it is written (Genesis 14:21), "Give me the persons, and take the goods to thyself"[…] Allies are crucial!

Rabbi Trunk regarded the rabbis' refusal as a strategic mistake of the highest degree: the long-term positive implications of the king's proposal for the Jewish future were so momentous that they could (and should) have ruled according to the minority opinion of Rabbi Joshua ben Hananiah, who held that conversion without circumcision is valid (BT Yevamot 46a). The idea that numbers are of no significance for the Jews is absolutely misguided: "Allies are crucial!", declared Rabbi Trunk.

In this context, Rabbi Trunk cited Rabbi Johanan, who held that the reason for Israel's fate in Egypt may be found in a close reading of Genesis 14:21. As related earlier in that chapter, the populace of Sodom had been captured as prisoners of war, and Abraham had overcome their captors. The king of Sodom proposed that Abraham keep the booty, and return the populace to his (the king's) rule. But implicit in that very request was the king's acknowledgement that the people of

Sodom were at that point in time legitimately under Abraham's domain. Abraham (notes Rabbi Johanan) could (and should) have retained them and converted them, i.e., brought them into Abraham's covenant with God.Abraham's failure to seize this opportunity to dramatically expand God's flock was a strategic blunder – and the ultimate cause of Israel's servitude in Egypt. So too, declared Rabbi Trunk, with regard to the rabbis who rejected the king of Kiev's proposal: had they accepted it, the Russian people would all have become adherents of Judaism – and how different would have been the fate of Jews in Eastern Europe in medieval and early modern times!

Rabbi HaLevi explained that Rabbi Joshua ben Hananiah, who Rabbi Trunk thought should have been followed in the Kiev case, was himself articulating halakhic policy in response to the conditions prevailing in his own times (the first century C.E.):

An extremely widespread movement of conversion developed towards the end of the Second Temple period.At the time there were about a million Jews in Egypt, about a million and a half in Syria and Asia Minor, about a million in Europe and North Africa, and about a million in Babylonia.These numbers did not stem from emigration, as at the time there were not so many Jews in the land of Israel itself.According to historical experts, these numbers reflect a broad movement of conversion.... This was the era in which idolatry lost its appeal, and Judaism captured the hearts of many... [but most converts were women]; It seems apparent that the obstacle that kept many men from joining the house of Israel was circumcision.

It could be, that we hear in the Talmud a faint echo of this severe problem ... the Talmud states: "all [i.e., Rabbi Joshua and Rabbi Eliezer] agree, that immersion without circumcision is effective."(Yevamot 46b) It is simple, that the Halakhah is according to the [other] Sages [who required both rites].But it seems that there were indeed proselytes for whom circumcision was an obstacle - who sought to enter under the wings of the Shekhina by immersion only [...].And indeed Rabbi Eliezer and Rabbi Joshua considered their conversion to be valid.

Who today could imagine the possibility of accepting masses of converts without circumcision?Yet this was possible, at least theoretically [also in post-Talmudic times;after quoting Rabbi Trunk's position cited above, Rabbi HaLevi concludes].

From all of the above we can learn the depth and breadth of the halakhic maxim relating to conversion: "Everything can be in accordance with the judge's view." Note this well.

Rabbi Hayyim David HaLevi argued that a serious discussion of giyyur must comprehend halakhic statements in their real-life context. At the outset it must be realized that the basic position of Jewish tradition is very much in favor of accepting converts. This positive attitude, encouraged by the rabbinic leadership in the centuries before and after the beginning of the Common Era, proved extremely successful. However, women were more prone to actually convert than were men – because conversion of a man required circumcision, to which many men were averse. Having established this general background, Rabbi HaLevi proceeded to a contextual reading of the late first century rabbinic debate. Heproposed that those rabbis who were willing to convert without requiring circumcision were able to advocate such a position because they knew well that the Torah affords rabbis a tremendous amount of latitude in deciding what to require of a proselyte – and they also knew that Torah is very much interested in the acceptance of converts.

Rabbi HaLevi further stated that one should not imagine that such leeway was available only to rabbis of ancient times. He pointed out that Rabbi Trunk obviously thought that post-talmudic rabbis also possess such prerogative – and that they should have employed it to facilitate the conversion of the king of Kiev and his nation.

Returning to this issue in 1989 (responsa 'AsehLekhaRav Vol. 9:30). Rabbi HaLevi wrote:

Judaism is not a missionary religion, and it does not relate at all [in a missionary way] to any other religion, including Christianity.[…] But in a broad historical view, Christianity caused tremendous damage to the spread of Judaism.This is because the entire yearning of the idolatrous world for a new faith (after the ancient world became tired of idolatry which was about to disappear from the world) caused many to flock to Judaism – until Christianity appeared and preached an easy religion devoid of any practical commandments.
[At this point, rabbi HaLevi inserts the following footnote:]

It is possible that we find an echo of these matters in the disagreement among the Tannaim … [citing Yevamot 46ab, HaLevi writes]: And perhaps Rabbi Joshua thought to be lenient by accepting proselytes on the basis of immersion alone, because that would open the door to conversion of masses of people and their entry into Judaism, something that circumcision -- which was so difficult for them -- prevented.It goes without saying that it did not cross Rabbi Joshua's mind to nullify the commandment of circumcision among the proselytes.Rather, his intent was only with regard to the older members of the first generation of proselytes.

The children who would be born to them would be circumcised in accordance with the law, with the waiver applying only to those who themselves converted. Had Rabbi Joshua's opinion had been accepted in the Beit Hamidrash – the face of history might have looked very different!

Rabbi Joshua's position was not followed. The tidal wave of conversion to Judaism was diverted, and the great masses of non-Jews seeking religious fulfillment in a relationship with the God of Israel chose to do so via Christianity. Over the course of time, rabbis and other Jews forgot that Judaism had ever been interested in attracting adherents. But Rabbi HaLevi was well aware of the path not taken, and of what might have been had those rabbis responded otherwise to the strategic significance of the early Christian challenge: "Had Rabbi Joshua's opinion had been accepted in the Beit Hamidrash – the face of history might have looked very different!"

The competitive religious marketplace of the 21st century United States is significantly analogous to the religious marketplace of late antiquity: tens of millions of people are dissatisfied with the faith into which they were born, are seeking alternatives – and are changing adherences. The 2013 Pew report reveals that born Jews are also part of this landscape, with 25 percent of them having left. But all faith groups are in a similar situation; because Jews are less than 2 percent of the population, that means that for every Jew who opts out, there are 50 non-Jews seeking fulfillment outside of the group into which they were born.

Judaism possesses a rich and diverse religious-cultural tradition, woven together from ancient times to the present by talented and creative individuals and communities. Furthermore, Jews have developed a strong and vibrant sense of togetherness, kinship and family – a resource increasingly valuable in times such as ours. Is it not reasonable to assume that of all the tens of millions of non-Jews seeking fulfillment, many could find meaning and fulfillment in Judaism?

Whatever the Israeli rabbinate's policy on giyyur in Israel may be, this has no relevance for the reality in which United States Jewry exists. If they are indeed (as they see themselves) the true keepers of the halakhic tradition, Orthodox rabbis are especially called upon to acknowledge all of the above, and to respond to the strategic call of responsibility for the future not only of Orthodox Jews, but of all God's flock.

Does halakhic tradition contain the resources that can enable Orthodox rabbis to rise to that call, to warmly encourage converts and to follow the most lenient possible halakhic opinions that will be most conducive to widespread giyyur? Yes,

it does.

The halakhic tradition contains many strands and many voices. That same tradition also teaches that in times of urgency (she'at ha-dhaq), the most lenient options should be followed. The Pew reports prove unequivocally how great that urgency is.

The views of the great halakhic scholars cited above are crucial to the contemporary discussion of Jewish continuity. Relying upon earlier sources and applying them in contemporary reality, they teach that within the heart of the halakhic tradition there is a clear voice calling out: At all times, and in all places, God loves converts. Conversion is a mitzvah. Over and above that general rule, there are times in which conversion is crucial to Jewish continuity, and inclusion of non-Jews into God's flock is a strategic imperative.

Ours is such a time. Will future generations look back in regret and say "Had Rabbi Uzziel's, and Rabbi Mesas' and Rabbi HaLevi's opinions been accepted in the Beit Hamidrash, the face of history might have looked very different.” Or will they say: "How great were the Torah leaders of those times, who chose the halakhic path most appropriate to the American religious landscape, and led the entire American Jewish community from seemingly inevitable numerical decline to numerical and spiritual growth."