

# **HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY**

## **SERIES 3: 8 - THE ETHIOPIAN BETA YISRAEL: ቤተ ኢስራኤል**

### **PART 1 - HISTORY & HALACHIC STATUS**

#### **OU ISRAEL/BEIT KNESSET HANASI - FALL 2024**

- Around 160,000 Ethiopian Jews from the Beta Yisrael community<sup>1</sup> live in Israel today. More than half of these people were born in Ethiopia although the number of native born Israelis is of course rising fast. It is estimated that around 6,000 remain in Ethiopia.
- Most of the Ethiopian Jews were brought to Israel in two famous rescues - Operation Moses in 1984 and Operation Solomon in 1991, but these are just two of a number of IDF rescue operations
- Their integration into Israel society has met with many challenges, mostly social, cultural, and economic, but also halachic. In this 2 part series we will examine two of halachic issues - (i) How the poskim determined the Jewish status of the Ethiopian Jews - both the Beta Yisrael and later the Falash Mura; and (ii) How the customs of the Ethiopian community in their observance of mitzvot compared with that of the rest of the Jewish community and how these different approaches are being integrated<sup>2</sup>.

## **A] THE HISTORY OF THE BETA YISRAEL**

### **A1] FOUNDATION LEGENDS**

- There are a number of theories as to the origins of the Beta Yisrael:
  1. An early Ethiopian tradition<sup>3</sup> is that King Solomon married Queen Makeda of Sheba (possibly from Aksum in the north of the country) and they produced a son - Menelik, who visited his father in Yerushalayim. Shlomo then sent him back to Ethiopia with the first born sons of Israel, who became the Ethiopian Jews.
  2. A more accepted Jewish tradition is that Beta Yisrael are from the tribe of Dan who left Eretz Yisrael, initially following the split of the Northern Kingdom under Yeravam in the 10th century BCE. Then, after the exile of the 10 Tribes by Sancheriv, many more of the tribe of Dan settled in Ethiopia.
  3. Beta Yisrael are the descendents of Egyptian Jews who emigrated to Ethiopia between the 7th century BCE and 2nd century CE.
  4. Beta Yisrael are the descendants of Yemenite Jews who emigrated between the 2nd and 6th centuries CE due to wars between Ethiopia and Yemen.

1. We will see below that a distinction is usually drawn between the Beta Yisrael community and the smaller Falash Mura. A key break point between the two communities was the result of the intense Christian missionizing of the Ethiopian Jews in the late 19th century. While most of the Beta Yisrael community resisted those attempts to convert them, some did become Christian (sometimes voluntarily but often by force in order to gain relief from famine and hunger) and these became known as the Falash Mura. (The original name may have been *Faras Muqra* but this was confused with the older term Falasha - see [https://en.wikipedia.org/wiki/Falash\\_Mura](https://en.wikipedia.org/wiki/Falash_Mura)). Almost all of the Torah observant Beta Yisrael have been rescued and brought to Israel. Many of the Falash Mura have since returned to Jewish practice, moved to the cities of Gondar and Addis Ababa, and are desperate to be brought to Israel. Nevertheless, some in the Beta Yisrael community which resisted conversion regard the Falash Mura as traitors and apostates and object to their being brought to Israel. The halachic implications of their return to Jewish practice are considered below.
2. Important resources on this include:
  1. Two articles by R. Menachem Waldman in *Techumin* 4 (1983), 314 and *Techumin* 16 (1996), 243. Rabbi Waldman is a central contemporary rabbinic and halachic figure in outreach to the Ethiopian community. For more on him and his writings see <https://korenpub.com/collections/rabbi-menachem-waldman?srsId=AfmB0orbvQcoBZlgFcdBbkCYP0DrxyLxn3jp8g1MGECmtArD5tYmmBUK>. See also <https://www.timesofisrael.com/rabbi-of-8000-stranded-ethiopian-jews-fights-to-complete-their-exodus/>.
  2. R. Sharon Shalom's *From Sinai to Ethiopia - The Halakhic and Conceptual World of Ethiopian Jewry* (Geffen, 2016).
  3. Or HaORITa (The Light of the Torah: Interpretation and Customs of Ethiopian Jews) by R. Muhrato Solomon
  4. Falasha Anthology translated from Ethiopic Sources (Yale, 1951).
  5. R. Chaim Jachter's analysis in [https://www.sefaria.org.il/Gray\\_Matter\\_I%2C\\_The\\_State\\_of\\_Israel%2C\\_The\\_Halachic\\_Status\\_of\\_the\\_Falash\\_Mura.16?lang=en](https://www.sefaria.org.il/Gray_Matter_I%2C_The_State_of_Israel%2C_The_Halachic_Status_of_the_Falash_Mura.16?lang=en).
  6. Rabbi Shimon Nadel's shiur at the OU - Ethiopian Jewry: A Survey of Halacha and History - <https://outorah.org/p/110932/>.
3. The most extensive version of their legend appears in the *Kebra Nagast* (Glory of the Kings), the Ethiopian national saga, translated from Arabic in 1322, and is based on the traditions of the Ethiopian church. King Haile Selassie (d. 1974) claimed to be from this Solomonic line. The meeting of King Solomon and the Queen of Sheba is recorded in the Tanach in Melachim I chapter 10 and Divrei HaYamim 2 chapter 9. There is no explicit suggestion in the biblical accounts of a marriage or a child. However, Melachim I 10:13 states that the Shlomo gave the queen 'everything she desired', which the Midrash develops into an account that she became one of his thousand wives, converting upon the marriage, but recanting when she returned to her land. The Midrash continues that before she left and recanted she had a child through the king. A descendant of that child, many generations later, was Nebuchadnezzar - who would destroy the Temple Solomon built. See <https://jwa.org/encyclopedia/article/queen-of-sheba-midrash-and-aggadah>.

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5. The Beta Yisrael are the descendants of the non-Jewish Agaw tribe which adopted a form of Judaism in the 14th century period.

- Non-Jewish Ethiopian records mention the Beta Yisrael as far back as the early 14th century when troops were sent to fight people “like Jews”. The Beta Yisrael suffered centuries of persecution by Christians who sought to baptize them or reject them calling them the derogatory term “Falasha” - ‘wanderer’ or ‘landless’.
- Much of their history has therefore been a cycle of extermination (by Christians and Muslims), forced conversions and baptizments although at times the Beta Yisrael even had their own kingdom and army. There are no clear records much earlier than the 14th century, but the Beta Yisrael may have been autonomous, even having their own kingdom and army which flourished in the 9th-13th centuries.

## A2] HISTORICAL TIMELINE

9th century: Eldad Ha-Dani claimed to belong to an independent Jewish state in East Africa inhabited by people descending from the lost Tribes of Dan, Asher, Gad, and Naphtali. He spoke of the ancient tribe of Dan in Kush - the “land of gold” referred to in Bereishit 2:11-12.

1. ... ויש לנו קבלה איש מפי איש שאנחנו בני דן היינו ... וכשעמד עליהם ירבעם בן נבט שהחטיא את ישראל ועשה שני עגלי זהב ונחלקה מלכות בית דוד ונקבצו השבטים ואמרו קומו והלחמו עם רחבעם ועם ירושלים. אמרו לו: למה אנחנו נלחמים עם אחינו ועם בן אדונו דוד מלך ישראל ויהודה, חלילה וחלילה! ... לבסוף נתנו עצה לילך למצרים ולא על הדרך שהלכו אבותינו .... אלא כדי לילך לעבור לנהר פישון לארץ כוש ... והגענו לארץ כוש ומצאנו אותה ארץ טובה ושמנה ובה שדות וכרמים גנות ופרדסים. ולא מנעו לבני דן לשבת עמיהם כי בחזקה לקחו את הארץ...

מתוך 'אלדד הדני', פרסבורג תרנ"א עמ' 25-26 חזר ונדפס בכתבי א. עפשטיין הוצאת מוסה"ק

*Eldad Ha-Dani writes that the Ethiopians were from the tribe of Dan and left Eretz Yisrael when the Northern Kingdom rebelled against Rechavam<sup>4</sup>.*

12th century: Travellers through the ages, including Benjamin of Tudela<sup>5</sup>, reported meeting them as a “Mosaic kingdom lying on the other side of the rivers of Ethiopia.”

13-17th century: Anti-semitic persecutions, land confiscations & pressure to convert. Jews are given the derogatory name “Falasha”.

1438: R. Eliyahu of Ferrara was a 15th century Italian Talmudist and traveller. Following his travels to Eretz Yisrael in 1438 he wrote letters back to his family.

2. כמדומה לי שקדמתי להודיעכם מה שספר לי בחור אחד יהודי על אודות אנשי מקומו. שהם אדונים לעצמם ואינם ברשות אחרים וסיבבותיהם אומה גדולה נקראת חוב"ש. ומתנצרים בשתי וערב על פניהם, ותמיד נלחמים הם בהם .... ויש להם התורה ופירוש עליה על פה, ואין להם לא התלמוד ולא הפוסקים שלנו. וחקרתי ממנו בכמה מצות - בקצתם נוטים לדעתנו ובקצתם נוטים לדעת הקראים. ויש להם מגלת אסתר אבל לא חנוכה ....

הרב אליהו מפירארא, אגרות א"י, יערי, עמ' 88

*Here he describes meeting a meeting with an Ethiopian Jew who described their kingdom near to the land of Habash<sup>6</sup>, the wars with non-Jewish peoples around them and missionizing of Christians. He reports that the Beta Yisrael had the written Torah and some Oral Law explanations but not the Talmud. They had Megilat Esther but not Chanuka. In halachic terms, some of their mitzva observance accorded with normative halacha but in other respects their practice was more like that of the Karaites.*

1488: R. Ovadia Mibartenura meets Ethiopian Jews on his travels to Eretz Yisrael.

4. The reliability of the accounts of Eldad HaDani is discussed by later poskim. Although there are traditional commentators who regard his writings as unreliable - see, for instance, Ibn Ezra to Shemot 2:22 who states explicitly that HaDani cannot be relied upon. (However, see the Avi Ezri supercommentary (ibid) who cites the Sefer Agur against Ibn Ezra and asserts that Ibn Ezra should not be followed on this). See also Shu't Maharam MiRottenberg 193 and Rosh at the start of Chulin for views which reject HaDani. However a number of traditional commentators accepted HaDani's authority. Following the publication of HaDani's account, which included variations to the laws of shechita which differ from those in the Talmud, the Jews of Kairouan wrote to Rav Tzemach Gaon to seek his view. He supported HaDani's account and allowed for the possibility that these lost tribes could have halachic differences to the accepted talmudic position. (See Adiel Kadari: *All Drink from the Same Fountain. The Initial Acceptance Of The Halakhot Of Eldad Ha-Dani Into The Halakhic Discourse* - <https://www.academia.edu/12588529>). Other authorities which accepted HaDani's reliability include: Rabbeinu Chananel, Rashi (HaPardes #148), Sefer Eshkol, R. Avraham b. HaRambam, Sefer Hateruma, Mordechai, Hagaot Maimoniot, Tosafot (Chulin 2a s.v. *hako*, Zevachim 31a s.v. *shehashechita*), Or Zarua, Semag, Rosh, Shiltei Giborim. See Waldman 1983, 315 for full citations. He also quotes R. Chisdai Ibn Shaprut who cites HaDani in his letter to the newly converted king of the Kazars.

5. See François-Xavier Fauvelle-Aymar: *Desperately Seeking the Jewish Kingdom of Ethiopia: Benjamin of Tudela and the Horn of Africa (Twelfth Century)*, Speculum, Vol. 88, No. 2 (April 2013), pp. 383-404.

6. Habash = Habesha = Abyssinia.

3. ואני ראיתי שנים מהם במצרים והם שחורים מעט, אבל לא כבני כושיים, ולא יכלו להבחין מהם אם הם שומרים תורת הקראים או תורת הרבנים. כי בקצת דברים היו נראים כשומרים תורת הקראים, במה שאמרו שלא היה נמצא אש בבתיהם ביום השבת. ובשאר דברים נראים כשומרים תורת הרבנים, והם אומרים שמתחסיים לשבת דן.

רבינו עובדיה מברטנורא, אגרות א"י, יערי עמ' 133

*Another 15th century traveller, R. Ovadia Mibartenura (c.1445- c.1515) wrote extensive letters concerning his travels to Eretz Yisrael to his father back in Italy. He also met Ethiopian Jews and writes at length concerning their terrible tribulations and wars with oppressive neighboring peoples. Again, he describes some of their practices as halachic and others more akin to the Karaites, such as not having any flame burning on Shabbat.*

- 16th century:** Shlomo Molcho taught that redemption for the Jewish People would come from the Ethiopian Jews of Kush who would arrive in boats and take revenge of the Christian oppressors.
- 17th century:** R. Menashe ben Israel of Amsterdam researched in depth the question of the 10 lost tribes and identified the Jews of Ethiopia as part of these lost tribes.
- 19th century:** By the mid-19th century there are estimated to have been around 250,000 Beta Yisrael although this number was tragically reduced due to terrible famines between 1888-1892 and also an intensive Protestant missionary drive.
- 1848:** The son of R. Shmuel David Luzzato (Shadal) engaged in extensive research concerning the Beta Yisrael and sent letters to their priests via explorers attempting to locate the source of the Nile. Shadal's son died young and he lectured on this topic on his son's first Yahrzeit in 1858.
- 1855:** An Ethiopian Jew, Daniel ben Chanania and his son Moshe arrived in Yerushalayim and facilitated an exchange of letters between the rabbinic leadership of the Old Yishuv and the priests of the Beta Yisrael in Ethiopia. These highlighted the need to save the Beta Yisrael community from destruction.
- 1859:** The London Society for Promoting Christianity Amongst the Jews began operating in Ethiopia. Henry Aaron Stern, a Jewish convert to Christianity targeted the Beta Yisrael.
- 1859:** British Chief Rabbi, R. Nathan Adler tried to set up an organization to save the Ethiopian community, writing to R. Moshe Chazan of Alexandria to enlist his assistance. The attempt was not however successful<sup>7</sup>.
- 1862:** Early Ethiopian Zionist leader, Abba Mahari, led a mass attempt to make Aliya. The attempt failed and many died.
- 1864:** R. Azriel Hildersheimer issued a kol koreh imploring the Jewish people to rise up to save the Ethiopian community<sup>8</sup>. This was later joined by other rabbinic leaders including R. Zvi Hirsch Kalischer<sup>9</sup>, R. Yaakov Etlinger and R. Hirsch.
- 1865:** R. Hirsch's son-in-law, R. Yosef Guggenheimer, wrote a halachic article in Yeshurun asserting without question that the Beta Yisrael community was Jewish and that the remainder of the Jewish people had an obligation of 'kol Yisrael areivim ze laze' to rescue them.
- 1868:** The Alliance Israélite Universelle organization sent the Jewish-French Orientalist Joseph Halévy to Ethiopia to study the conditions of the Jews there, after which he called for the world Jewish community to save them by establishing Jewish schools in Ethiopia.
- 1879:** The Malbim (who lived for a time in Paris) wrote to the Alliance encourage a further "mitzva mission" for Halévy to rescue the Jews of Ethiopia.
- 1888-1892:** Devastating plague, drought and famine killed up to two thirds of the Beta Yisrael.
- 1904:** Jacques Faitlovitch, a student of Halévy, led a new expedition to northern Ethiopia after receiving funding from Edmond de Rothschild. Faitlovitch disrupted the missionizing efforts and managed to create an international committee for the Beta Israel.
- 1908:** 44 chief rabbis made a joint statement officially declaring that the Ethiopian Jews were indeed Jewish. This decision was later affirmed by other rabbinic authorities, including Rav Avraham Kook in 1912.<sup>10</sup>

7. R. Chazan had access only to the first teshuva of the Radvaz (see below) which identified the Ethiopian community as Karaites and he therefore refused to intervene.

8. This included the call: **מכל זה נודע לנו בבירור כי אחינו ובשרנו הם וכי באה העת להצילם ולהחיותם:**

9. R. Kalischer made practical proposals to form an action committee to engage in rescue operations.

10. See Igrot HaRaya 2:432.

1922: Rav Kook issued a kol koreh in 1922 in support of a later expedition by Faitlovitch.

4. **קול קורא** לכל אחינו בני ישראל דבכל אתר ואתר!! ... הצילו נא, אחים, את אחינו הפלשים מכליון ומטמיעה! עזרו נא להשיב אלינו את האחים הנדחים האלה! ולא ימחה שבט מישראל מתחת שמי ד', השיבו לבצרון את נדחינו, הצילו חמשים אלף נפשות קדושות מבית ישראל מכליון והוסיפו בזה עוז ואומץ לבנין עמנו ואמוץ כחותיו, וצור ישראל יקום בעזרת ישראל. ויקבץ נדחינו מארבע כנפות הארץ ובאו ורננו במרום ציון והשתחוו לד' בהר הקודש בירושלם!

- 1954: President Ben Zvi of Israel asked Emperor Haile Selassie to permit some Ethiopian Jews to emigrate to Israel
- 1975: Based on the 1973 halachic ruling of R. Ovadia Yosef (see below), the Knesset decided that the Law of Return applies to the Beta Yisrael.
- 1977: Menachem Begin instructed the Mossad - "Bring me the Ethiopian Jews". The Mossad persuaded Ethiopian dictator Mengistu to release 120 Jews in exchange for arms.
- 1979: The Mossad decided to bring in the Beta Yisrael through Sudan and Jews began to walk to Sudan, many thousands dying en route from famine and violence. 8,000 were rescued over 5 years.
- 1981: OPERATION BROTHERS - the Mossad took over a Red Sea diving resort and began a covert rescue operation<sup>11</sup>.
- 1983-5: Devastating famine in Ethiopia which claimed over one million lives.
- 1984: OPERATION MOSES - following a secret agreement with the Sudanese 6000 Jews are brought to Israel in 3 months.
- 1985: OPERATION JOSHUA/SHEBA - over 500 Ethiopian Jews were airlifted to Israel by the US airforce.<sup>12</sup>
- 1985: The Israeli Chief Rabbinate ruled that the Beta Yisrael require a *giyur lechumra - mila/hatafat dam brit, mikve* and acceptance of mitzvot.
- 1991: OPERATION SOLOMON - Israel paid Mengistu \$35 million dollars and airlifted 15,000 Jews to Israel in less than 48 hours!<sup>13</sup>
- 2016: The Knesset decided in principle to bring the remaining Ethiopian Jews - mostly the Falash Mura - to Israel.
- 2021-23 OPERATION ROCK OF ISRAEL (TZUR YISRAEL) brought 5,000 Ethiopian Jews to Israel. This was precipitated<sup>14</sup> by recent wars in Ethiopia and the pandemic in which Ethiopians had little access to vaccinations and medication.

## **B] HALACHIC DETERMINATIONS AS TO THE STATUS OF THE BETA YISRAEL**

- A number of halachic questions<sup>15</sup> must be resolved when reintegrating the Ethiopian community into the general Jewish population:
  - (i) Can we be certain of the Jewish status of the Beta Yisrael. Although they have clung to a Torah observant lifestyle and also identified as Jewish (enduring centuries of persecution), their origins are obscure.
  - (ii) Although most resisted conversion, many Ethiopian Jews DID convert to Christianity, often under enormous pressure<sup>16</sup>. Many of these became known as the Falash Mura and, in recent decades, they have moved to the larger cities, 'reconverted' to Judaism, and now want to be brought to Israel. Are these people and their descendants Jewish? Do they require a new conversion on their return to Israel and, if so, should this be a full conversion or a *gerut lechumra*?
  - (iii) Do we have to be concerned about possible mamzerut in this community which could have arisen if married couples separated without proper halachic divorce? If so, what can be done to resolve this so that these people can marry freely in Israel?

11. See <https://www.jewishvirtuallibrary.org/operation-brothers-the-mossad-s-red-sea-diving-resort>. A 2019 spy movie - The Red Sea Diving Resort - was made to recount this operation.

12. The news of Operation Moses had leaked out to the press and, under pressure from other Muslim countries, Sudan blocked further flights. All 100 United States senators signed a secret petition to President Ronald Reagan, asking him to have the evacuation resumed. Vice President George H.W. Bush then arranged a follow-up mission - Operation Joshua.

13. See for instance <https://www.jpost.com/israel-news/30-years-on-defense-ministry-releases-operation-solomon-footage-watch-668955>.

14. It was also pushed by the first Ethiopian-born Jewish woman to enter the Knesset - Pnina Tamano-Shata - who was Minister of Immigrant Absorption in the Bennett government.

15. There are of course also many non-halachic social, economic and political issues. One question which has arisen in recent years is how to ensure that opportunists, including war-criminals from Ethiopia's many conflicts, are not trying to join the emigrants. See for instance <https://www.timesofisrael.com/israel-said-to-promise-to-return-ethiopian-immigrants-who-committed-war-crimes/>

16. During the devastating famine of 1888-1892 most of the community were dying and missionaries offered food and land to those who were prepared to convert.

• A recent application of these issues arose in 2018 in a controversial case concerning Barkan winery, which used fully religious observant Ethiopian workers in the process of producing their wine. When the Eida Charedit discovered this, they withdrew their kashrut certification on the basis that some of the workers had not undergone full conversion and were therefore non-Jews who invalidated the wine. As a result, Barkan moved these workers to other duties in order to retain the certification. This caused a massive backlash from both secular Israelis, the Rabbanut and even the President of Israel, accusing the company of pure racism<sup>17</sup>.

5. אמר רב יהודה א"ר אסי: עובד כוכבים שקידש בזמן הזה - חוששין לקדושין, שמא מעשרת השבטים הוא. (רש"י - שגשגו עובדות כוכבים וקסצר דעובדת כוכבים שילדה מישראל הולד ממזר וחוששין לקידושי ממזר) .... כי אמריתה קמיה דשמואל א"ל: לא זוז משם עד שעשאו עובדי כוכבים גמורים, שנאמר: (הושע ה:ז) בַּתְּךָ בְּגָדוֹ קִי-בָגִים זָרִים יִלְבְּדוּ

יבמות טו:

*The Gemara raises the question of marriage to one of the descendants of the 10 Tribes and questions whether there could be an issue of mamzerut. It concludes that this is not relevant since we regard all descendants of the 10 Tribes as non-Jews due to their total intermarriage and assimilation.*

• But does this apply to the Beta Yisrael who retained their Jewish practice and did not assimilate? Even those who were converted to Christianity very rarely married non-Jews from outside the community, partially due to the extreme discrimination they continued to suffer from non-Jewish Ethiopian society.<sup>18</sup>

6. קַטָּא' יִשְׂרָאֵל (יהושע ז:יא) - אמר רבי אבא בר זבדא: אף על פי שחטא - ישראל הוא. (רש"י - מדלג אמר 'חטא כעס' עדיין שם קדושתם עליהם.)

סנהדרין מד.

*Chazal derive a general halachic principle from the biblical account of Achan stealing from the spoil of Yericho - a Jew remains Jewish no matter how much they sinned. But does this even apply if they convert to a different religion?*

7. ישראל מומר שקידש - קדושו קדושין גמורים וצריכה ממנו גט. ואפילו זרעו שהוליד משהמיר, אם קידש אותו זרע ישראלית - קדושו קדושין. ודוקא שהולידו מישראלית אפילו מומרת. אבל אם הולידו מן העכו"ם דינו כעכו"ם, אפילו היה המוליד ישראל שאינו מומר ....

שולחן ערוך אבן העזר הלכות קידושין סימן מד סעיף ט

*The Shulchan Aruch rules<sup>19</sup> that, even if Jews convert to other religions, their marriages to other converts are valid and their children's marriages to Jews (even converts) are also valid. As such, as long as the mother is not a non-Jew, the descendants of converts retain their halachic status as Jews.*

8. ישראל מומר שנעשה תשובה א"ל לטבול. רק מדרבנן יש לו לטבול ולקבל עליו דברי חצירות צפני ג (כ"י פי החולץ).

שולחן ערוך יורה דעה הלכות גרים סימן רסח סעיף יב

*The Rema rules that, although there is no Torah requirement for a Jewish convert to immerse in a mikve when they return to Judaism, there is a rabbinic requirement (minhag?) for them to do so. Would this apply to those Ethiopian Jews whose families had converted to Christianity?*

9. הקראים אסור להתחתן בהם וכולם הם ספק ממזרים. ואין מקבלים אותם אם רואים לחזור. אבל האנוסים החוזרים לדת ישראל, נ"ל שמותר להתחתן בהם כמו בשאר גרים.

שולחן ערוך אבן העזר הלכות פריה ורביה סימן ד סעיף לו

*The Rema also rules that, although it is permitted to marry into the families of anusim who had converted to Christianity, it is NOT permitted to marry Karaites (who had remained Jewish) since their children have a status of 'safek mamzer'.*

17. We will see below the irony that the position of the Eida Charedit is actually consistent both with the secular academic and understanding and the halachic position of many in the Rabbanut. In the name of racial equality many on the secular left were actually espousing a position based on traditional rabbinic sources that they would never usually accept.

18. Even in the case of the Falash Mura who did convert in large numbers, Rav Waldman reports that they remained a socially distinct (though not religiously distinct) group within the general Ethiopian community. Non-Jews refer to them as "Israel", views them as strange and of a lower stature, and refused to marry them. Rav Waldman writes that the intermarriage rate of the Falash Mura was extremely low (approximately 0.3 percent), and the few intermarriages occurred mostly among those who moved to cities far from their ancestral villages. Accordingly, the fact that the Falash Mura lived as Christians for quite some time seems not to detract from their status as Jews. Traditional Beta Yisrael also avoided contact with non-Jews and understand that such contact rendered them impure and required ritual immersion.

19. There is a minority position that once a Jew converts to an different religion their children are NOT halachically Jewish (see Meiri Avoda Zara 26b s.v. *na'ase*). Nevertheless, most commentators understand that the Shulchan Aruch rejects this position entirely. However, Be'er Heitev (44:7) cites Shu't Mahari Mintz (12) and Maharshdam as writing that a marriage between a Jew who has converted to another religion and another Jew is valid only on a rabbinical level, implying that they believe he is no longer a full-fledged Jew. Be'er Heitiv (44:8) also quotes Mahari Ben Chaviv as distinguishing between a Jew who was forcibly converted to another religion (who remains Jewish) and a Jew who converted willingly (who loses his status as a Jew). Nevertheless, Pitchei Teshuvah (44:9) cites the Noda Bihudah (2:162) who rules unequivocally that this minority view is entirely rejected by halachic authorities. Be'er Heitev (44:8) also cites the Re'eim, who rules that, even after many generations of following a different religion, the descendants of those who converted to a different religion remain Jewish provided their maternal line remains halachically Jewish.

## 10. (כד) ספק ממזרים. לפי שיש להם קידושין ומגרשים שלא כדת תורתנו ונמלאו זניכם ממזרים.

ט"ז אבן העזר סימן ד ס"ק כד

*The Taz explains that the Karaites bear a 'safek mamzer' status since their marriages are halachically binding but their divorces are not. As such, divorced Karaite women who remarry will bear children who are mamzerim. Does this halachic concern apply in any way to the Ethiopian community which did not follow a normative halachic approach<sup>20</sup>?*

## B1] R. DAVID IBN ZIMRA (RADVAZ)

- The Radvaz has two important teshuvot on the question of the halachic status of the Beta Yisrael. In the first<sup>21</sup>, he addresses the question of an Ethiopian woman who was kidnapped during the Ethiopian wars and sold with her two children as slaves. She was bought by a Jewish man (Reuven) and told him that she was also Jewish and that her husband had been killed. Although Reuven initially treated her as an Aguna, he eventually had sexual relations with her and she gave birth to a son who grew up and sought to marry. The question to the Radvaz related to the status of this man. In his teshuva, the Radvaz identifies the Ethiopian Beta Yisrael as Jewish but as belonging to the Karaite sect and proceeds with his determination on that basis.
- However, in his second responsum<sup>22</sup>, the Radvaz changes his position and takes a different approach:

11. **שאלת** ממני אודיעך דעתי במי שקנה עבד חפשי מאותם היהודים הדרים בארץ כוש, איך יתנהג עמו? אם יוצא בשש או לא? וכל הדינים הנוהגים בעבדים אם נוהגים בו או לא?  
**תשובה** ... הילכך זה שקנה העבד החפשי כיון שנתברר לו שהוא יהודי אין זה אלא פדיון שבויים לא קנן עבדים והמצוה היתה מוטלת על כל ישראל לפדותו כדי שלא יטמע בין הגויים. וכ"ש הוא ... מצוה על כל ישראל לפדותו וכיון שקדם זה וקנה אותו זכה הוא במצוה רבה אבל אין לו דין עבד כלל ...  
 ואע"ג דאיכא ספק אחרונא שהרי כל אלו החאבשיש הדרים בארץ כוש הם מתנהגים כדת הקראין שהם צדוק ובייתוס. ואין אנו מצווים לא לפדותם ולא להחיותם? מ"מ מסתברא לי דהני מילי אלו שהם דרים בתוך הרבנים ורואים דברי חכמים ומלעיבים ומלעיגים עליהם. על אלו ועל כיוצא בהם אמרו 'מורידין ולא מעלין' והם המשפחה הארורה אשר כתב הרמב"ם ז"ל. אבל אלו הבאים מארץ כוש הם משבט דן בלי ספק. ומפני שלא היו ביניהם חכמים בעלי קבלה תפשו להם פשטי הכתובים. אבל אם היו מלמדים אותם לא היו פוקרים בדברי רבותינו ז"ל והיו כתינוק שנשבה לבין הגויים. תדע שהרי צדוק ובייתוס בבית שני היו ושבט דן גלה קודם. ואפילו אם תמצא לומר שהדבר ספק, מצוה לפדותם. ... אבל לענין יוחסין אני חושש שמא קדושיהן קדושין וגייסם אינו כתקון חז"ל שהרי אינם יודעים כלל בטיב גיטין וקדושין הנלע"ד **זוד בן זמרא**.

בשר'ת דברי זוד (ליוורנו תקפ"ח, הלכות אישות ס' ה) וחזר ונדפס בשו"ת הרדב"ז ח"ז תקנת עגונות ס' ה

*The Radvaz rules that the Beta Yisrael were certainly Jews and were not to be treated as Karaites<sup>23</sup> since they had left the rest of the Jewish people long before the formation of the sectarian groups of the 2nd Temple and later Karaites who rebelled against the rabbis. However, he was concerned from the perspective of yuchsin as to whether they had the correct halachic procedures for divorce.*

## B2] R. YITZCHAK HALEVI HERZOG

12. מאד מאד התענינתי בדו"ח ששלח לי, תחזקנה ידיכם ותעשינה תושיה לקרב את הפלשים למקור ישראל. ומצוה רבה לעזור בעבודת הקודש הלזו. ברם יש כאן נקודה הלכתית מעשית מאד מענינת, והיא בקשר לחיתון עם יהודים. השאלה העיקרית היא אם הם צאצאי גרים או שהם מזרע בית ישראל, ואדרבה אם צאצאי גרים זה מקיל. החשש הוא שמא ישנן עריות שהם לפי שבושיהם מקילין בהן. או שמא יש אצלם גירושין, הם ודאי נעשים שלא כדת של תורה. ולפיכך משני טעמים הללו יש חשש ממזרות. אך במה דברים אמורים? אם הם מזרע בית ישראל. אבל אם היו גויים מעיקרא ונתגיירו, הנה ברור שלא נתגיירו ע"מ לשמור את היהדות שלנו אלא היהדות שבדו אז אלה שקיבלו אותם - מלבם. והרי זה כמתגייר ע"מ לשמור כל התורה חוץ מדקדוק אחד מדברי סופרים. ובזה יש לכאורה מקום לצרף לקולא שמא אינם במובן ההלכתי יהודים ואין ערך כלל לקדושין וממילא אין ערך לגירושין שלהם, ולא היה מבחינת ההלכה אצלם דין של ממזרות. ויש לנו רק להטבילם עכשיו כשמקבלים אותם ומותרים בבנות ישראל בנקל. מובן שכל מה שאני אומר כאן הוא רק לכאורה, ולמעשה צריך עוד עיון וביורר בדקדוק חברים ברבנות הראשית לישראל... עכ"פ חזקו ואמצו להביא את כולם תחת כנפי היהדות הנאמנה ולקשרם אל הרבנות הראשית לישראל בציון בית חיינו. ...

רב יצחק הרצוג, מכתב כ"ט אדר א' תשי"ד למנהל המחלקה לחינוך ותרבות תורניים בגולה

*Chief Rabbi Yitzchak Herzog<sup>24</sup> focuses in this 1954 letter on the central question of whether the Ethiopian community had*

20. In fact, divorce in the Beta Yisrael was extremely rare.

21. Shu't Radvaz 4:219.

22. Shu't Radvaz 7 Takanat Agunot #5.

23. This was also the psak of R. Yaakov Kastro, a student of the Radvaz. See Hagaot Moharikash on Shulchan Aruch YD 158.

24. An important aspect of R. Herzog's halachic analysis is his reliance on academic scholarship - historians, sociologists, anthropologists and others - which casts significant doubt on the Jewish origins of the entire Beta Yisrael community. We will see below that R. Ovadia Yosef objected strongly to this approach which places academic scholarship over an established Jewish tradition that the Beta Yisrael were originally Jews. This raises the broader question of the extent to which non-traditional academic studies may be integrated into halachic analysis and the paradoxes that this can result in. For instance, many academic scholars may be personally, politically and socially opposed to labelling the Beta

been able to preserve proper yuchsin since they did not have all the halachic details of gerut, leading to the possibility of mamzerut. Nevertheless, this would only be a halachic issue if they were Jewish. If, however, they were not Jewish, having converted without a full commitment to observe mitzvot, there would be no concern of mamzerut! The people could convert afresh on their arrival in Israel and proceed to marry into the Jewish people with no halachic concerns.

- This position was supported by the Sefardic Chief Rabbi, R. Yitzchak Nissim, and also by R. Tzvi Pesach Frank.

### B3] R. OVADIA YOSEF

- The question of the halachic status of the Beta Yisrael was referred by the Ethiopian community to R. Ovadia Yosef in 1973. He referred back to the extensive research and halachic positions of the Radvaz, the Moharikash, R. Hildersheimer and R. Kook.

13. .... לכן באתי למסקנא שהפלשים הם צאצאים לשבט מישראל שהדרימו לכוש. ואין כל ספק שהגאונים הנ"ל שקבעו שהם משבט דן חקרו ודרשו והגיעו למסקנא זו ע"פ עדויות וראיות מהימנות ביותר, וקבלה מפי רבותיהם, על קביעה זו. ולאחר שנתבקשתי ממנהיגי הפלשים אשר פנו אלי בבקשה להתחבר עם אחינו בית ישראל ברוח התורה וההלכה, תורה שבכתב ושבעל פה ללא כל סייג ולקיים כל מצות התורה הקדושה ע"פ הוראות חז"ל אשר מפיהם אנו חיים, אמרתי לנפשי לא את לחשות. וחייבים אנחנו להצילם מהתבוללות וטמיעה ולהחיש עלייתם ארצה. ולחנכם ברוח תורתנו הקדושה ולשתפם בבנין ארצנו הקדושה, וישבו בנים לגבולם!

(ב) אולם לא אכחד כי ראיתי להגאון רבי יצחק אייזיק הלוי הרצוג זצ"ל במכתבו מיום כ"ט אדר א' תשי"ד למחלקה לתרבות תורתית לגולה שע"י הסוכנות היהודית. שכתב לפקפק ביהדותם של הפלשים מפני שראה שהחוקרים מנוי וגמור עמם שהפלשים הם בני גזע לא יהודי שנתגיירו אי פעם. ואם כן הרי ברור שלא נתגיירו על מנת לשמור את היהדות שלנו על פי התורה שבעל פה, אלא יהדות שבדו מלבם. ודינם כמי שנתגייר על מנת לשמור כל התורה חוץ מדקדוק אחד מדברי סופרים שאין מקבלים אותם. ואם כן שמא אינם יהודים במובן ההלכתי. .... ולכן יש לגיירם בבית דין כשר ואז תהיה להם תורת יהודים גמורים. עכת"ד.

ונוראות נפלאותי מה ראה על ככה לדחות דברי גאוני עולם שקובעים בודאות שאין ספק שהם משבט דן, מפני דבריהם של חוקרים שמטילים ספק ביהדותם. ומי נדחה מפני מי, אתמהה!! ומכל מקום היות שראיתי שעשה מעשה וציוה להרה"ג רבי נתן סאלם זצ"ל שיצרף עמו שני תלמידי חכמים ויעשו הטפת דם ברית וטבילה לשם גיור לחומרא, והקבוצות של הפלשים שעלו ארצה היו מתי מעט של כמה עשרות בכל פעם, ולא הביעו שום התנגדות להטפת דם ברית וטבילה, לא רצינית לחלוק למעשה על הגריא"ה הרצוג הנ"ל. .... אולם לדינא לא כן אנכי עמדי. ודעתי שיש לסמוך על הפוסקים הנ"ל, שהפלשים יהודים לכל דבר, ואינם צריכים גיור אפילו לחומרא.

ש"ת יביע אומר חלק ח - אבן העזר סימן יא

*Chief Rabbi Ovadia Yosef objected in principle to the position of R. Herzog, which he felt was based on academic evidence that disputed the traditional halachic position of so many poskim. R. Yosef ruled that the Beta Yisrael were completely Jewish and did not halachically require any conversion whatsoever. However, he chose initially not to oppose R. Herzog's ruling to require a gerut lechumra<sup>25</sup>.*

- Many of the Beta Yisrael were so overjoyed<sup>26</sup> by R. Yosef's ruling that they adopted him as their posek and guide. We will look in Part 2 at the question of whether this effectively moved them to a Sefardic custom and psak or whether they were still able to maintain their own traditional practices.

14. עוד יש טעם כללי לכלל הקראים להתירם. כי אף שקידושיהם קידושין וגיטם אינו גט כתקנת חז"ל, מכל מקום כולם פסולי עדות הם מן התורה. .... כיון שקידושיהם נעשים בעדים פסולים. .... ואין לחוש לדור הראשון שהיו קידושיהם קידושין בעדים כשרים, ושמה נתגרשה אחת מהן בעדים פסולים אחר שפקרו ונישאת לאחר ובניה ממזרים, כי חששא רחוקה היא ... שאף שהרדב"ז חשש לענין יוחסין משום ספק ממזרות, מכל מקום חזר והתיר בסימן ט' מכח ספקות רבים. ע"כ. וכן כתב הגר"מ פיינשטיין במכתב לנכדו הרב מרדכי טנדלר, מיום כו סיון שדמ"ת, דלדינא אין לחוש ביהודי אתיופיה לאיסור ממזרות ....

ש"ת יביע אומר חלק ח - אבן העזר סימן יא

*He also rejects the concern that their marriages may have been valid but their divorces not, leading to possible mamzerut. Since the marriages were not halachically valid, the issue of divorce was not a halachic concern<sup>27</sup>.*

Yisrael as non-Jews with the potential discrimination that follows from that positions. Yet their academic scholarship points strongly to that conclusion and they would ordinarily be academically opposed to accepting tradition rabbinic approaches on this. Emotive issues such as the one at Barkan winery mentioned above can place such issues in sharp reliefs. Many people were outraged at the position of the Eida Charedit to withdraw their kashrut licence from the winery on the basis that Ethiopian workers handling the wine had not properly converted. Ironically, that position is supported by the academic research (which the Eida Charedit would not normally accept)!

25. R. Shalom writes (p.38, fn72) that "After further investigation into the issue of Jewish-non-Jewish relations in Ethiopia, and after learning that the Ethiopian Jews were very careful about maintaining insulation from the Christian environment, this strict ruling was annulled. Instead, a special bureau was established .... to conduct an additional investigation into each case individually."

26. R. Yosef's shiva in Har Nof was overwhelmed with Ethiopian Jews who bused in en masse to pay their respects.

27. See Rav Waldman's analysis in Techumin (11:214-240) in which he demonstrates in detail that traditional Ethiopian Jews' marriages were not halachically valid. However, R. Waldman notes that this issue has become more of a problem in recent years since some Ethiopian Jews living in Ethiopia are beginning (albeit rarely) to adopt normative halachic

## B4] R. SHLOMO GOREN

15. כדי למצא פתרון הלכתי-יהודי לבעיתם של הפלאשים ולצאת מידי ספקות חמורים ביחס לזהותם אם רוצים להעלות אותם ארצה, יש לגייר אותם לחומרא כדת וכדין וע"י כך נוכל להתגבר על הקשיים ההלכתיים, אבל לפי ההלכה שנקבעה ע"י הראשונים הנ"ל חייבים אנו לדאוג להם לחיותם ולפרנסתם כמו ליהודים.

רב שלמה גורן<sup>28</sup>

*Chief Rabbi Shlomo Goren did NOT accept the psak of R. Yosef and required the Beta Yisrael to undergo a conversion (at least lechumra) to avoid issues of yuchsin.*

## B5] R. MOSHE FEINSTEIN

16. בענין האתיופים המחזיקים עצמם ישראל ..... למע"כ נכדי האהוב הרה"ג מוהר"ר מרדכי טענדלער שליט"א, בברכת שלום וברכה וכט"ס, אחדשה"ט. הנה כפי בקשתך, באתי בזה לאשר מה שכתבת בשמי לפני כמה שנים, אודות הפעלאשעס, שידוע מה שכתוב בשו"ת רדב"ז חלק שביעי סימן ט', ששמע מדבריו שמחזיקים כיהודים, אבל לדינא קשה לסמוך על זה. שלא ברור אם הרדב"ז ידע היטב המציאות אודותם, וגם לא ברור אם עד זמנינו לא נשתנה מצבם. אבל לדינא אינם באיסור ממזרות, וכעין שהרדב"ז מזכיר שם שהרי יש בהם כמה וכמה ספיקות. ...

ולגבי יהדותם, נחשב לנו כספק. ויש להצריכם גירות אמיתי קודם שנתירם לבוא בקהל. אבל גם קודם גירותם יש מצוה להצילם משמד ומסכנה כדין כל ישראל. שספק נפשות להקל גם שכאן הספק הוא בעצם יחוסם כיהודים. וגם יש לדעת שאפילו אם לדינא אינם יהודים, מ"מ מאחר שחושבים שהם יהודים ומוסרים נפשם על יהדותם, מחוייבים להצילם.

והנה כדהזכרת, אין להביאם לא"י אלא א"כ יעברו גירות, כדי שלא להרבות חשש התבוללות. אבל אם נתגירו כדין, וכמו ששמעתי שעושים, נחשבם ככל יהודים. ויש לעזורם ולתומכם בכל צרכי חייהם, בין בגשמיות ובין ברוחניות. ומאוד נצטערתי על מה ששמעתי שיש כאלו בא"י שמונעים מלקרובם בעניני רוחניות, וגורמים ח"ו שיהיו אבודים מדת יהודי. ונראה לי שכך נוהגים רק משום שצבע עורם הוא שחור. דפשוט שיש לקרובם, לא רק מצד שאינם גרועים משאר יהודים, ואין לדינא חילוק במה שהם שחורים, אלא גם מצד שיש בהם הטענה שאולי הם גרים, ונכללים במצות ואהבתם את הגר. .... ואסיים בתקוה שישופר המצב ובזכות שמירת כל המצות ניכה כולנו בקרוב לקיבוץ גלויות ע"י משיח צדקנו.

שו"ת אגרות משה אבן העזר חלק ה סימן א

*R. Moshe Feinstein insisted that the Ethiopian Jews must be saved and was very unhappy about the racism that they suffer. He was not concerned about halachic issues of mamzerut<sup>29</sup> but WAS concerned that there is no strong proof that they are Jews. As such, he required a FULL gerut for them<sup>30</sup>, after which there is an extra halachic obligation to look after them due to the mitzva of 've'ahavtem et ha-ger'.*

17. והנה ביום ההוא יוסיף אֲדֹנָי שְׁנֵית לְדוֹ לְקִנּוֹת אֶת-שָׂאֵר עַמּוֹ אֲשֶׁר יִשְׂאָר מֵאֲשׁוּר וּמִמִּצְרָיִם וּמִפְתָּרוֹס וּמִכּוּשׁ וּמֵעֵילָם וּמִשְׁנֵעֹר וּמִמְחֻמֹּת וּמֵאֵיִי הַיָּם: וְנִשָּׂא נֶסֶל לְגוֹלָם וְאָסַף נְדָחֵי יִשְׂרָאֵל וּבְנֵי צִוּוֹת יְהוָה יִקְבָּץ מֵאַרְבַּע כְּנָפוֹת הָאָרֶץ:

ישעיהו יא:יא-יב

*Yeshayahu prophecies the return of the lost tribes from all over the world, including Kush - Ethiopia.*

• Some Jewish traditions anticipate the return of the 10 Tribes as *gerei tzedek*. May we merit the return of all Jews to Eretz Yisrael במהרה בימינו!

practices which they are learning from their connections the Jewish world. In such cases, where they carry out marriage ceremonies with chupa and kiddushin there is a far greater concern that the marriage is halachically binding and would require a halachic divorce.

28. Quoted by Waldman 1983, 326.

29. We saw above that R. Ovadia Yosef rejected the halachic concern of mamzerut on the basis that the traditional Beta Yisrael marriage is not halachically binding and does not therefore require a halachic divorce. However R. Yitzchak Herzog (see Techumin 4:324-325), R. Shaul Yisraeli (see Techumin 7:312), and Rav Hershel Schachter (The Journal of Halacha and Contemporary Society 9:143-160) adopted a different approach, which saved Ethiopian Jews from mamzerut through showing a double doubt - *safek s'feika*. First, they argue that there was significant intermarriage in the Ethiopian community, together with improper performance of conversion ceremonies. Consequently, many of today's Ethiopian Jews are descendants of non-Jews and, as non-Jews, the problem of mamzerut does not apply to them. R. Herzog adds to the equation the generally accepted position of academic scholars that the Beta Yisrael may in fact all be descended from non-Jews who improperly converted to Judaism and thus remained non-Jews. Dr. Karen Bacon (Torah U-Madda Journal 3:1-7) shows through genetic testing that that the Ethiopian Jewish community includes a large number of people who were originally non-Jewish. As such, each Ethiopian Jew is a safek non-Jews. Then, even if they are halachically Jewish, they would only be a safek mamzer since we cannot know which individuals descend from women who remarried without halachic divorces. In light of this double doubt, Rav Herzog, Rav Yisraeli, and Rav Schachter argue that, after the completion of a conversion process in Israel, Ethiopian Jews may marry other Jewish people.

30. This was also the position of R. Shlomo Zalman Auerbach, Dayan Yitzchak Weiss, R. Shach, R. Yosef Shalom Elyashiv and others. The policy of the Chief Rabbinate requires a full conversion for the Falash Mura and a *gerut misafek* for the Beta Yisrael.

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