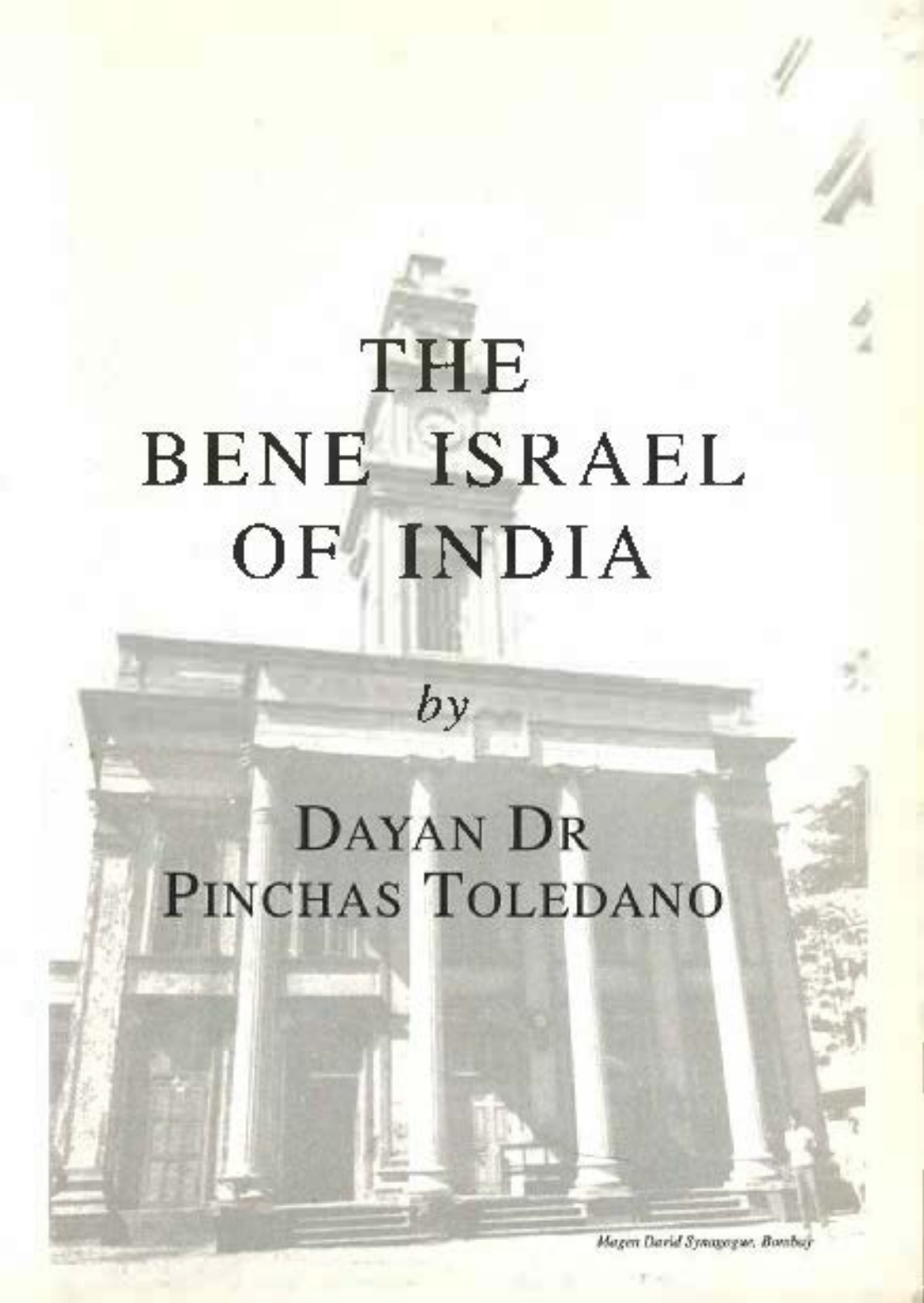




THE BENE ISRAEL OF INDIA

by

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“May the Lord God of Israel give them all that they deserve”.

CONTENTS

Chapter	Page
Preface	4
Introduction	5
1 The Origin of the Bene Israel - their own Tradition	7
2 Origins - a Historical Evaluation	10
3 David Rehabi and Religious Revival	18
4 Social Problems of the Bene Israel in Israel	26
5 The Question as to Jewish Status	28
6 The Ruling of the Chief Rabbinate of Israel	42
7 The Chief Rabbinate's Halachic Directive	49
8 Amendment of the Rabbinical Directive, deleting Reference to the Bene Israel	56
9 Conclusion	61
Bibliography	67

PREFACE

The origin of the Bene Israel of India is shrouded in mystery, as all must concede who study the few solid facts set out in the article in the *Encyclopaedia Judaica* and discussed by Dayan Dr Toledano in the first part of the present publication. Whilst some may entertain reservations about his dating of their first settlement as the result of King Solomon's maritime trade, it seems clear that it is in any case of very ancient standing. It was not until the eighteenth century, and the involvement of some Jews in the commercial activities of the Dutch East India Company, that mainstream Jewry became aware of their existence; more became known of them in the early nineteenth century, from the reports of Jewish travellers and the establishment in Bombay and elsewhere of a strong Iraqi Jewish community from Baghdad. After 1948 a great many of the *Bene Israel* emigrated to the new Jewish state: and Dayan Toledano chronicles faithfully their struggle, eventually successful, to have their unqualified status as Jews acknowledged.

It was an heroic battle against entrenched interests, the outcome of which has smoothed the path of more recent immigrants faced with problems in authenticating their Jewish origin. And it seems not unreasonable to attribute their success in some degree to their extended experience in India of British rule, from which they seem to have absorbed some of the political "street wisdom" with which they conducted their campaign.

The story of the struggle of the *Bene Israel* against prejudice constitutes a moral lesson to which those concerned with (and for) the values and teaching of Judaism cannot afford to turn a blind eye. In courageously setting it forth Dayan Toledano cites, in his notes, the essential documents written in Hebrew, some of it technically halachic, for those competent to study them, as well as summarising them in English in his text. For this service he is to be congratulated as well as thanked.

Raphael Loewe

INTRODUCTION

According to the census of 1881, the Jewish population of India stood at the comparatively low figure of 7000. This increased to a peak, in 1947, of 25,000, and then fell by 1962 to 14,000. The decrease reflected the emigration of many to the recently founded State of Israel, but there was also substantial emigration both to England and to Australia, almost certainly due to changed political circumstances following Indian achievement of independence in 1948.

The Jewish communities of India are of very old standing. The plural is designedly used here, since there are three distinct groups - the Baghdadian, those of Cochin, and the *Bene Israel*, the two latter being said to be the older. The Jews from Baghdad settled mainly in Calcutta and Bombay, the two great commercial *foci* of the sub-continent, around the middle of the eighteenth century. This influx of Jews from Iraq occurred at a time of increased commercial enterprise in India, epitomised by the business undertakings of the famous merchant family of the Sassoons. Their community became well established, remaining under the halachic jurisdiction of the Haham in Baghdad, and it was not connected in any way with the *Bene Israel*. Indeed, the former never acknowledged the latter as Jews, and consequently neither intermarried with them nor, if any of them attended an Iraqi synagogue, would call them to the Torah.

Many small Jewish communities had developed in early mediaeval times along the Malabar coast of southern India, particularly at Cochin, whence they became known as Cochin Jews. Under the local rajahs they were permitted complete freedom of religion and social self-administration. That situation continued under Dutch rule in the 16th and 17th centuries, the settlements prospering and growing in number through immigration from several European countries, particularly Holland. The Dutch Jewish communities watched over the spiritual welfare of the Cochin Jews, and the latter remained unaware of the existence of the *Bene Israel* until their nineteenth-century religious revival led by David Rehabi.

In order to understand why the *Bene Israel* were kept at arm's length by the Baghdadi community, and why later their immigration to Israel created problems with the Chief Rabbinate, one must look into the history of their origins and development.

In the two chapters that follow, I attempt to show how conflicting

evidence, combined with legendary material, has contributed towards confusion over the “purity” of the Jewish status of the *Bene Israel*. Chap. 4. deals with David Rehabi and the religious revival; the remainder discuss the position of the community of the *Bene Israel* in the State of Israel, in particular regarding the question of their Jewish status, and draws attention to social problems that have to a large extent flowed from uncertainty as to their status as defined by the halakhah. I deal in some detail with the policy of the Chief Rabbinate in this matter, a policy which has had immense repercussions in the Diaspora, and, finally, I consider the outcome of deliberations that took place between the Israeli Chief Rabbinate and representatives of the *Bene Israel* community itself.

One can scarcely overestimate the significance exercised by the mystery surrounding *Bene Israel* origins on the acceptance of their community into the mainstream of Jewry. That they have remained a coherent group, continuing as such despite much opposition and many obstacles, says a great deal about their commitment to Judaism and their belief in themselves as true Jews.

THE ORIGIN OF THE BENE ISRAEL OF INDIA THEIR OWN TRADITION

The tradition of the *Bene Israel*, handed down from father to son and still current among them, is that their ancestors came to India about 2000 years ago from the “northern provinces of Palestine”, in order to avoid persecution and foreign invaders. Legend has it that on their way to India a storm overtook their ship, which was finally wrecked near the Henery and Kenary Islands, just off the Konkan coast¹ about fifteen miles from Cheoul. Tradition further relates that when the ship went down no more than seven men and seven women were saved. According to the *Bene Israel*, the dead were buried in mounds which can still be seen in the village of Javgaw. It is further claimed that the survivors, having lost everything which they had brought with them, took to the occupation of oil-pressing: they were thus saddled with the name “*Shanwar tellis*”, meaning “Saturday oil men”, apparently because they worked for six days of the week, abstaining from work on Saturdays. The fact of such abstention strengthened their conviction that they belonged to the Jewish people.

The community has always insisted on styling itself *Bene Israel*, as distinct from *Jews* (*yehudim*). Some see in this a substantiation of their claim to be descendants of the lost ten tribes². Kehimkar, however, ascribes their nomenclature to political considerations:

“The Israelites of the Bombay Presidency are led to believe from traditional accounts and from corroborating facts that the name “Bene Israel” was adopted by their ancestors during the time when the Mohammedan power prevailed in India, and Islam was propagated by the sword. The hatred which the Mohammedans bear towards the name “*Yehudi*” (Jew) as may be seen from the Koran, is in itself a ground for believing that our ancestors, through fear of being compelled to renounce their religion, or of losing their lives and property, thought it expedient to adopt the name less hated by the followers of Mohammed, viz. “*Bene Israel*” (children of Israel) which served both objects: the retention of their ancient name and faith, and the preservation of their lives and property”.

¹ See Kehimkar, p. 14. ² op, cit., p. 74, Cohen, p. 256.

One fact may be mentioned here in support of the above statement. During the reign of Tippoo Sahib, that is, during the second Mysore War (1780 - 84), several *Bene Israel* who had enlisted in the service of the East India Company were taken captive by Tippoo's army, and would have been put to the sword had they declared themselves *Yehudim*. They were released after Tippoo's mother begged her son to spare the lives of the "*Bene Israel*" mentioned in the Koran, representatives of whom she had never had the opportunity of seeing in India. In course of time, their descendants made a point of denying that they were *Yehudim*, or Jews, and indeed felt insulted if they were called such. However, it is difficult to credit that the name *Bene Israel* would really have protected them more than that of *Yehudim*.

The circumstance that the *Bene Israel* practised animal sacrifice up to the nineteenth century has been claimed by some learned members of the community whom I interviewed to indicate that their ancestors left Palestine before the destruction of the second temple, or even before that of the first. The continuation of the sacrificial cult might seem to indicate a pre-70 C.E. origin of their people, since we know that sacrifice was not practised by Jews after the destruction of the second temple. But the argument is not convincing: it may be assumed that their ancestors would have known that after the building of the temple sacrifice anywhere outside it was prohibited, in accordance with the law of the Torah. That being so, their sacrificial practice is probably due to imitation of their Hindu neighbours. Whether or not that is the case, it may be noted that the *Bene Israel* abandoned the sacrifice of bullocks and cows, offering sheep and goats only, out of deference to the religious feelings of their Hindu neighbours, to whom the cow was sacred.

Having lived in India for centuries, the *Bene Israel* adopted the dress, language, and many social customs of their environment. Marathi became their mother tongue. They are divided into two groups, *Gora* or "white" Israel and *Kala* "black" Israel. The former regarded themselves as the true descendants of those who had come direct to India from Palestine, and according to them the *Kala* were the issue of *Bene Israel* and heathen or converted native women. There was so much animosity between these two groups in India that no *Gora* ever contemplated marrying a *Kala*, despite the two groups' sharing the same beliefs and religious customs and indeed worshipping in the same synagogue. But at *kiddush* after the service wine was given first to the *Gora* before it was handed to any *Kala*. Nor, despite their shared customs, did they mix socially or eat together; the influence of

the Hindu caste system seems clear.

Kehimkar relates³ an incident that happened in 1846, when a wealthy man attempted to introduce his son by a *Kala* woman, taking him with him to a public feast; the moment that the boy sat down to table, the whole company got up and left. The *Gora* were determined not to tolerate any disregard of their ancient distinguishing between the allegedly “real” Israel and the *Kala*. The story illustrates the care taken by the *Bene Israel* to maintain their identity at all costs - something that would prove of great importance at a later date. For apart from the legend as to how the *Bene Israel* arrived in India, there are no firm facts to substantiate their claim to be authentic Jews, and any acceptance of them as such has to rest on circumstantial evidence. Their claim to have been shipwrecked would explain why they have no written records or Jewish religious articles. And despite lack of documentary corroboration, throughout their history, and despite their isolation, the *Bene Israel* have clung to customs and traditions that cohere with those of the main body of Jewry. Thus, they have always been scrupulous in separating and burning the portion of dough (*hallah*) that had to be given to the priests in temple times. They have likewise refrained from work on the sabbath, and eat those fish only which have fins and scales. On the eve of *Kippur* every adult male paid a “shekel” (evaluated at 1 rupee) in accordance with the biblical commandment, even though according to the *halakhah*, that is not the date on which the *shekalim* were payable.

But despite their adherence to many authentic Jewish customs and institutions, there are also considerable discrepancies between their traditions and those of mainstream Judaism. These differences can only be understood by relating them to the possible historical periods in which the *Bene Israel* emerged as a separate community. An analysis of the various theories is presented in the next chapter, which will indicate why it was that the complexity of the question caused such problems to the Israeli Chief Rabbinate when it was asked to give its unequivocal acknowledgement of the *Bene Israel* as part of the Jewish people.

ORIGINS - A HISTORICAL EVALUATION

The origin of the *Bene Israel* is shrouded in legend, and since they were cut off for centuries from the mainstream of Jewry, it would be rash for the historian to claim that he had established the true facts. Their beginnings have consequently always been a matter of conjecture and controversy.

In a short account presented to the Bombay branch of the Royal Asiatic Society at its anniversary meeting in 1838⁴, Dr Wilson expressed the view that the *Bene Israel* of India belonged to the lost ten tribes who were carried away from northern Israel by the Assyrians. His view was shared by the traveller Israel Joseph Benjamin, who likewise considered them to be of authentic Jewish descent⁵. Wilson, however, later relinquished this view, and in his *Appeal for the Christian Education of the Bene Israel*⁶ he advanced the theory that they are an offshoot of the long established Jewish community of south-west Arabia, generally known today as Yemenite Jews,

“the most contiguous to India and maintaining intercourse with India to the present day, from whom our *Bene Israel*, who so much resemble them, have most likely been derived. It is not impossible that with some of their women their forefathers left Yemen during its occupation and subjection and the retaliation against it by the Ethiopian kings in the sixth century of the Christian era”⁷.

The well-known Rabbi Jacob Saphir (1822-85) in his book *Eben Sappir*⁸ also held that the *Bene Israel* are a branch of the Yemenite Jewish community, but he believed that they had emigrated thence in the third century CE, i.e. some 1600 years ago. He furthermore considered them not descendants of the northern kingdom of Israel, but of the tribe of Judah⁹.

The compiler of the *Gazette* of the Bombay Presidency¹⁰ followed Wilson in asserting that the *Bene Israel* came to India in the sixth century, ‘either from Aden or from the Persian Gulf’¹¹. Their physiognomy seemed to

⁴ Also in his *Lands of the Bible*, 2., pp. 667-69, cf. Kehimkar, pp. 4-5.

⁵ Eight Years... ⁶ Published 1886; Kehimkar, p. 5.

⁷ *Lands of the Bible*, 2, pp. 667-76. ⁸ vol 2. ⁹ cf. Kehimkar, p. 5.

¹⁰ vol. 18, part i, pp. 506f. ¹¹ Kehimkar, p. 6.

indicate some relationship with “Abrahamic” and Arabian blood, and so to lend support to Wilson’s view. This would also fit in with the tradition of the *Bene Israel* themselves that they had come from “the north”, this however being taken to refer not to northern Israel, but Arabia or the Persian Gulf¹².

As against this, some reject Wilson’s view, arguing that if the *Bene Israel* were of Yemenite Jewish origin one would expect to find them familiar with some at least of the folk-superstitions and practices current amongst the latter. For example, in Yemen, when a child was born, a goat would be slaughtered under the mother’s bed, the flesh being distributed with moist dates to relatives and friends. Again,

“on the seventh night after birth, seven black lines are drawn on each door of the house in which the birth occurred and three raw eggs are broken and thrown away, in the belief that the devil would not molest the mother and the newborn baby¹³”.

The circumstance that these Indian Jews living in the Konkan called themselves *Bene Israel* rather than “[Jews] from Yemen” would likewise tend to show that the two communities were not connected. The Hebrew pronunciation and stress of the *Bene Israel* are likewise very different from that of the Yemenis, and their liturgical rite is identical with that of Iraq, not the Yemeni rite. And, as will be seen in the following chapters, several customs – observed at circumcisions, weddings and funerals – are dissimilar to those of Yemenite Jews. In addition, there is in fact no marked similarity in appearance between the latter and the *Bene Israel*, even supposing that this criterion were of much significance in determining their racial stock. Again, were they descended from sixth-century emigrants from Yemen, one would expect the *Bene Israel* to know more about the Torah and its interpretation, since the Talmud was widely known through the Jewish world by the sixth century: whereas in point of fact until the eighteenth century, i.e. before the religious revival led by David Rehani¹⁴, their total Jewish knowledge consisted of the six Hebrew words of the beginning of the *Shema*, “Hear, O Israel, the Lord is our God, the Lord is One” which were recited on every occasion. For this, and other cogent reasons, Wilson’s theory of Yemenite origins is unacceptable.

I now proceed to consider several other theories which may throw some light on the origin of the *Bene Israel*. It is often taken for granted that on

¹² *ibid.* ¹³ S. Samuel, *Treatise...* ¹⁴ See Chap. 4.

the fall of the northern kingdom of Israel in 722 BCE the ten tribes were annihilated, their survivors being driven from the country. This is, however, not the case. 2 Kings 23, and 2 Chronicles 34, 33 and 35, 17 make it clear that there were still remnants in Galilee, or the “northern provinces” subject to Josiah of Judah; after the fall of the kingdom of Judah in 586 BCE remnants were still left in the north, and according to 2 Kings 25, 22 Gedaliah son of Ahikam was appointed their governor by the Babylonians. Isaac H. Wise wrote:

“A few of the dispersed Hebrews found their way into Egypt and the Ionian Islands, also into Ethiopia, Arabia, India and China. Others may have gone with the Phoenicians to the western coasts of Europe and Africa. Still the bulk of the Hebrews of the two former Kingdoms of Israel and Judah inhabited the Medo-Persian Empire. Prophets and bards had kept alive in the breasts of many Hebrew patriots the hope of a national restoration to the land of their fathers, the rebuilding of the Temple on Mount Moriah, the reinstitution of their ancient polity, and the reconstruction of the Kingdom of Heaven¹⁵”.

Following Cyrus’ declaration¹⁶ permitting the Jews to return to their homeland, many Hebrews streamed back from Persia, Egypt and Phoenicia and other neighbouring countries, under the leadership of Zerubabel¹⁷ and Joshua the High Priest:

“it is almost certain that a large number of Hebrews at an early date emigrated to Samaria and Galilee, for the latter was in after times one of the most populous provinces, and the Hebrew origin of its inhabitants was never doubted. The Hebrews of Judah were in close contact with Galilee on its annexation to Judaea by Alexander the Great¹⁸”.

It would therefore seem that during the so-called Second Commonwealth, Galilee, or the “northern provinces” of Palestine, were indeed populated by Hebrews who had returned to their homeland. It is also necessary take note of the fact that during this period Palestine was frequently subjected to hostile invasion. Alexander the Great had conquered the country, and during the struggle for control of it between his successors, the Ptolemaic dynasty of Egypt and the Seleucids of Syria, the Hebrews were sometimes subjected to untold suffering. Their misery reached its peak during the invasions by the Syrian Antiochus Epiphanes after 175 BCE, when he is

¹⁵ Quoted by Kehimkar, p. 6. ¹⁶ Ezra chap. 1f. ¹⁷ Graetz.

¹⁸ Wise, cf. Milman, 1, p. 442, Kehimkar, p. 7.

said to have exterminated as many as 40,000 Jews in three days, many of them being sold into slavery.

According to Kehimkar¹⁹, the native historian of the *Bene Israel*, it was at this period that their ancestors emigrated from Galilee or the “northern provinces” of Palestine to India, in order to escape the catastrophes attendant upon Antiochus’ persecution:

“There is every reason to suppose that many of the Hebrews of the ten tribes in the Northern provinces, at or about the invasion of Antiochus Epiphanes 175 years before the Christian Era, would have left the country and sought refuge in obscure countries²⁰”.

Kehimkar points to the following facts. (i) The ancestors of the *Bene Israel* apparently knew nothing of the institution of the festival of *Hanukkah* to mark the re-dedication of the temple on 25th Kislev in 165 BCE. (ii) They remained ignorant of the destruction of the second temple by the Romans under Titus in 70 CE. (iii) They did not keep the four fasts of national mourning, which were abolished with the rebuilding of the second temple. He maintains that these three negative considerations corroborate his assertion that it was during the invasions of Palestine by Antiochus Epiphanes, which began after his accession in 175 BCE, that the progenitors of the *Bene Israel* left the “province of Galilee²¹”. He further points out²² that there were two routes to India which they might have taken as refugees. One was through the ancient ports of Elath and Etzion Geber on the Gulf of Akaba. These had been founded by King Solomon for trade with India²³ and other neighbouring countries. The other lay through Egypt, via one of the Red Sea ports. The Hebrew colonists in Egypt were loyal subjects of the Ptolemies, and the contemporary ruler welcomed Hebrew refugees from Palestine²⁴. Their landfall was at Cheoul, situated on the Konkan coast and now known as Revdanda²⁵, some thirty miles south-east of Bombay. In Kehimkar’s view it is most probable that the ancestors of the *Bene Israel* came to India, through Egypt and the Red Sea, about two thousand years ago. As to their tradition that their ancestors came from “the North”, this must be understood to mean that their founding fathers claimed descent from the

¹⁹ Kehimkar, pp. 6-13. ²⁰ *op. cit.*, p. 10. ²¹ *op. cit.*, p. 12. ²² *ibid.* ²³ *1 Kings* 9

26-28 states that King Solomon sent his fleets from the ports of Etzion-Geber and Elath to Ophir (possibly, but not certainly in India), which was known as a gold-bearing region.

²⁴ Kehimkar, p. 11.

²⁵ Some *Bene Israel* have told me that Revdanda is about 2 miles south of Navgaon,

ten tribes who had lived in Ephraim, i.e. the “Northern Kingdom”.

Kehimkar’s theory may now be examined. Jewish historical documents record that when permission was granted by the Persian conqueror of Babylon, Cyrus the Great²⁶, to the Jews of Babylonia to return to their homeland and to rebuild the temple in Jerusalem, the returning exiles led by Zerubabel did so, the rebuilding being completed in 516 BCE. Ezra the Scribe, a descendant of a high priestly family²⁷, arrived in Jerusalem from Babylon in 456 BCE²⁸; by various enactments he introduced numerous practices, thereby exercising a profound influence on the development of Judaism. He inspired great enthusiasm among the returned exiles for the study of the Torah²⁹, and it was he who founded the so-called “Great Assembly” (*keneshha-gedolah*). One of his enactments (*takkanoth*) was the public reading of the Torah on sabbaths and festivals. Although prayer had been offered centuries before Ezra’s time³⁰, it was he and the Great Assembly of 120 Elders (among them, according to tradition, the prophets Haggai, Zechariah and Malachi³¹) who formulated a set liturgy to be followed³²:

“With their assistance, he composed, in pure idiom, approaching that of the Scriptures, a series of prayers to enable every Israelite to acquit himself of his duty in a proper manner³³”.

In view of this, it is reasonable to assume that by the time of Antiochus’ persecution certain prayers were already formulated, and that even though

²⁶ *Ezra* 1, i ²⁷ *Ezra* 7, 1f. The list there is abbreviated, cf. *1 Chron.* 5, 29f.

²⁸ This is the date according to Jewish tradition. But it should be noted that modern scholarship places Nehemiah’s arrival at Jerusalem as governor in 444 BCE, and holds that Ezra came in the reign of Artaxerxes II, in 397 or even later. See Eissfeldt, pp. 552-57, especially 554.

²⁹ The Talmud (*Sukkah* 20a) records that “when the Torah was forgotten in Israel, Ezra came from Babylonia and recited it”.

³⁰ The Talmud states (*Berachoth* 26b) that the daily services were introduced by the three patriarchs respectively. According to *Midrash Tanhuma, Ki Tabo*’, 1, it was Moses who was responsible for instituting regular prayers thrice daily.

³¹ Talmud, *Megillah* 17b: תנא מאה ועשרים וקנים ובהם כמה נביאים חקנו שמתה עשרה ברכות על הסדר. The 120 elders instituted the 18 benedictions of the ‘*amidah*’, see similarly Maimonides, *Mishneh Torah, Hilchoth tephillah*, 1, 4.

³² This is not the occasion to enter into discussion of liturgical forms etc, or even of the dating of what were adopted by the Rabbis as statutory prayers. For this see Elbogen, pp. 177-209, Heinemann, pp. 29-52. All that is relevant here is to note the crucial role of Ezra and the Great Assembly (*keneseth ha-gedolah*), on which see Elbogen, p. 21, n. 4 regarding the ‘*amidah*’; Heinemann, p. 22.

³³ D.A.de Sola’s preface to the first edition of the London Sephardi daily prayers, reprinted in Gaster, who states that some of the prayers are of great antiquity, ascending to at least the period of the second temple.

the final shape of the liturgy was not yet fixed, the Jews will have been familiar with at least some form of prayer authorised by the Great Assembly. If, therefore, the ancestors of the *Bene Israel* left Palestine some time after 175 BCE, one would expect them to have known something of the liturgy of the synagogue. And although their tradition insists that everything was lost in the shipwreck, one would still expect them to have known more than the six Hebrew words of the *Shema*, which constituted their only prayer until the religious revival, being recited on every occasion, including weddings and funerals.

As to the suggested route of the *Bene Israel* through the ports of Elath and Etzion Geber, it is doubtful whether these ports would have been available at the period in question³⁴. There is no record either in the Bible or in other ancient historical sources to show that they then existed, or that there were "the facilities by sea from a port on the Red Sea littoral of Egypt for direct access to India³⁵". It also strains credulity to assume that the progenitors of the *Bene Israel* chose India, over 2000 miles away for their refuge during the period of Seleucid persecution, instead of fleeing to Egypt, where a strong Jewish community was established in Alexandria. We may therefore discard the theory propounded by Kehimkar, and I venture to suggest a new approach to the whole question of *Bene Israel* origins.

During the reign of Solomon there was peace and tranquillity between Israel and her neighbours; trade flourished, and great prosperity was brought about by Solomon's ambitious enterprise in sending his fleet to Ophir³⁶, possibly located in India³⁷, whence gold was shipped to Israel. At the suggestion of king Hiram of Tyre, Solomon had a fleet built and equipped on the coast at Etzion Geber "which is beside Elath, on the shore of the Red Sea, in the land of Edom³⁸". The Israelite sailors who undertook the voyages to Ophir alongside Hiram's sailors belonged to the tribes of Asher and Zebulun³⁹. When the fleet was ready, it sailed from the harbour

³⁴ Samuel, pp. 68-69: "the ancient ports of Elath and Etzion-Geber on the Elanitic Gulf (Akaba) flourished at the time of King Solomon and the later kings of Judah and Israel and were sequestered and reverted to Aram (Syria) and later to Edom in the reign of King Ahaz (739-735 BCE)". See 2 *Kings* 16, 6.

³⁵ *op. cit.*, pp. 69-73.

³⁶ Ophir is mentioned as a source of gold in *Is.* 13, 12, *Ps.* 45, 9, *Job*, 22, 34.

³⁷ Graetz, 1, p. 171, identifies it with Scinde at the mouth of the Indus. It should be noted, however, that modern scholarship suspends judgment, other possibilities being Arabia and east or south Africa.

³⁸ 1 *Kings* 9, 26.

³⁹ Graetz. 1, pp. 169-70.

of Etzion Geber, out of the Gulf of Akaba into the Red Sea which separates Palestine from Egypt, and proceeded along “the Gulf which washes the shores of southern Arabia, as far as the mouth of the Indus, in the “*Land of Ophir*⁴⁰”. Solomon established Jewish settlements at Elath and Etzion Geber, and with each voyage the crews brought gold and other riches from Ophir. In *1 Kings* 9, 26-28 we read that 420 talents⁴¹ of gold were brought from Ophir to King Solomon. On his death his kingdom was split between his son, Rehoboam, and Jeroboam, founder of the northern Israelite kingdom⁴², and Edom regained its independence: the result was that the Indian trade with Ophir came to an end⁴³.

It was during the reign of Uzziah (also known as Azariah, 805-754 BCE), about 160 years after Solomon’s death, that trade between Palestine and Ophir was restarted and once again flourished. Graetz has this to say⁴⁴:

“Uzziah first turned his arms against the Idumaeans, who had laid his land waste. He defeated them, possibly because they were no longer aided by the Egyptians, and reduced Edom to subjection. The town of Elath, on the shore of the Red Sea, he re-annexed to Judah⁴⁵, and the maritime trade with Arabia and Ophir (India) could thus be renewed”.

The southern kingdom under Uzziah and the northern kingdom under Jeroboam II (782-743) became very prosperous; some people even owned winter and summer houses⁴⁶. Jeroboam II subdued the Syrians, and their capital, Damascus⁴⁷, became his tributary. In the southern kingdom Uzziah, too, was strong, and he could repair the fortifications of Jerusalem⁴⁸, rendering them safer from hostile assault. He also built a number of forts in the hills of Edom, advanced against the Philistines in Gath and Ashdod, and beyond the Jordan subdued the Amorites, who paid him tribute. During the reigns of these two kings, peace prevailed between Judah and Israel.

It was at this time of security and prosperity that Uzziah resumed trade

⁴⁰ *ibid.*

⁴¹ According to *2 Chron.* 8, 18, 450 talents.

⁴² *1 Kings* 12.

⁴³ Samuel, p. 85.

⁴⁴ 1, p. 230.

⁴⁵ See *2 Chron.* 26, 2.

⁴⁶ *Amos* 5, 4.

⁴⁷ *2 Kings* 14, 28

⁴⁸ *2 Chron.* 26, 9.

with Ophir, and once again the port of Elath rose to great importance. It was most probably during this peaceful period, too, that Uziah invited Jeroboam II to join forces with him and send sailors from the northern kingdom to Ophir. I am therefore inclined to think that if the tradition of the *Bene Israel* as to their ancestors' shipwreck is correct⁴⁹ this could have occurred in the Indian Ocean either during Solomon's reign or that of Uziah, when Elath was recovered from Edom and maritime power restored.

One could thus explain why it is that the *Bene Israel* knew nothing beyond the first line of the *Shema*, since at Solomon's period prayers were not in use, or, if they were, there was as yet no liturgical formula; everyone would have prayed spontaneously, and probably worshippers produced a variety of forms and styles on each occasion. It was not until Ezra and his Great Assembly that prayers began to be standardised, probably reaching their stereotyped form in the third century BCE⁵⁰. This would also account for the fact that, prior to the religious revival of David Rehabi, the *Bene Israel* did not celebrate *Sukkoth*, or, indeed, the other festivals: during the era of the kings of Judah and Israel festivals were not celebrated, or, at any rate, people were not particular about observing them, and with the passage of time they were probably almost forgotten⁵¹. It is thus scarcely a matter for wonder that the *Bene Israel*, isolated for centuries from the mainstream of Jewry, remained ignorant of many Jewish traditions and customs. Furthermore, our dating would explain the maintenance amongst them of a sacrificial cult; under Solomon, prior to the building of the temple, the Israelites offered sacrifices on "high places" (*bamoth*, i.e. numerous altars in the land, at which sacrificial worship was legitimate prior to the construction of the temple⁵²).

⁴⁹ See Chap. 2.

⁵⁰ Heinemann, pp. 17-28.

⁵¹ *Nehemiah* 8, 17, "and all the congregations of them.. made booths... .for since the days of Joshua the son of Nun unto that day had not the children of Israel done so". 2 *Chron.* 35, 18 states that prior to King Josiah the festival of Passover was observed in a very lax manner.

⁵² 1 *Kings* 3, 2-4 records that King Solomon himself offered a thousand burnt offerings on *bamoth*.

DAVID REHABI AND RELIGIOUS REVIVAL

Religious revival among the *Bene Israel* was brought about by a learned sage named David Rehabi whose memory is revered by them up to this day: according to their own tradition, he came to India about nine hundred years ago. Very little indeed is known about him, and it is most improbable that so early a dating of him is right. It is probable that he was a Jew from Cochin, or conceivably from Egypt, since the Hebrew word *rahab* (with *he*) is sometimes used in biblical poetry as a name for that country⁵³.

According to the *Bombay Gazetteer*, it was not before the eighteenth century that Rehabi made contact with the *Bene Israel*⁵⁴. I. Olswanger, who published Kehimkar's books in 1937, asks "what documents or references are there to prove the historicity of this David Rehabi?"⁵⁵ However, since that date, Schifra Strizower has found some evidence⁵⁶:

"there is a document to prove the real existence of this David Rehabi. For there is a Rehabi family in Cochin, in whose newly published family history, a manuscript written in Hebrew, I have read that a member of the family, David Ezekiel Rehabi, went to western India in the middle of the 18th century, in the course of his work for the Dutch East India Company, there encountered the *Bene Israel* and reformed the Judaism that he found existent among them"⁵⁷.

Some of the *Bene Israel* whom I have interviewed confirmed that the family name Rehabi exists amongst the Cochin Jews, and it is therefore probable that David Rehabi did come from Cochin. But if he is to be identified with the David Ezekiel Rehabi who visited the *Bene Israel* in the 18th century, it is difficult to understand why their communal memory has retrojected him a further 700 years. The possibility cannot be discounted that the two were distinct⁵⁸. Some members of the community believe that their legendary teacher was none other than David the brother of Maimonides, but doubtless the source of this identification is Maimonides' letter of 1176 lamenting the death of his brother, who was drowned while crossing the Indian Ocean. Their assertion that it was

⁵³ cf. *Pss.* 87, 4, 89, 11. ⁵⁴ Kehimkar, p. 40. ⁵⁵ *ibid.*, note. ⁵⁶ p.63.

⁵⁷ *ibid.*, n. 17: "the Rehabi family soon played an important part in Cochin Jewry. For many years the Rehabis acted as agents for the Dutch East India Company".

⁵⁸ *Israel*, p. 2.

Maimonides' brother who brought them out of darkness is clearly based on another letter, written by Maimonides in 1200 to the sages of Lunel, in the course of which he writes: "the Jews of India knew nothing of the Torah and none of the laws save for those of the sabbath and circumcision⁵⁹". The *Bene Israel* took it for granted that Maimonides' information came from his brother David, and that the latter was their David Rehabi ("the Egyptian").

Such an assumption is improbable in the extreme. In any case, Maimonides did not specifically refer to the *Bene Israel*, and he probably had in mind other isolated Jewish communities "in Afghanistan, Baluchistan or Eastern Persia, which were at that time under the rule of the Delhi sultanate and which may in the Muslim Middle East have been included in the geographical region of India⁶⁰".

There are thus no substantial grounds for assuming that Maimonides' brother David, who lived 800 years ago, is the David Rehabi of *Bene Israel* tradition.

But, whoever he was, it was Rehabi's ardent desire to educate the *Bene Israel*, who, he was convinced, were of Hebrew descent. It is said that he nevertheless put his belief to the test by providing their womenfolk with fish - some of them *kasher*, others not - to cook; the women quickly spotted, and discarded, those that were not *kasher*, saying that they never used fish that lacked fins and scales⁶¹. Satisfied by this test, he taught the community the elements of Hebrew religion and brought them into line with rabbinic Judaism. He also educated three young men, from the Jhiratkar, Shapurkar and Rajpurkar families, who in turn spread Jewish knowledge and introduced conformity with several rabbinic laws and enactments. We know that it was at this time that the *Bene Israel* adopted the institution of the *kethubbah* (marriage-settlement and documentation), as well as the redemption of the first-born son. It is said that after three years' sojourn amongst them Rehabi met his death, being murdered in cold blood by the local chief, and his grave is alleged to be situated in the village of Saruh, near Alibag. Unfortunately, neither of these statements can be substantiated⁶².

⁵⁹ See Maimonides' correspondence (*iggeroth ha-rambam*), Israel, p. 3, *Pisqey halachah*, p. 242.

⁶⁰ Israel, loc. cit., footnote.

⁶¹ This tradition is mentioned by Kehimkar, p. 41, and is current among the *Bene Israel* whom I met in Israel.

⁶² See I Olswanger in Kehimkar, p. 41. p. 14.

David Rehabi's disciples continued his good work, acting as *kajis* - an Arabic word for *chief*). One may wonder why their leaders assumed an Arabic title rather than some more appropriate Hindi word: the very use of an Arabic term would dispose of their claim to have arrived in India prior to the destruction of the temple - unless we are to assume that David Rehabi spoke Arabic, and it was he that conferred this title on them. The *kajis* exercised religious and juridical authority, as well as performing all kinds of religious rites. They travelled around to settle disputes, attend important ceremonies such as circumcision and officiating at weddings. In the small villages religious services would be organised by the head of the community, styled (likewise in Arabic) the *mukaddam*. Before the establishment of British rule, the *Bene Israel* community was permitted to administer itself and settle internal disputes; the *kajis*, whose office was hereditary, received emoluments for their services.

In Israel today, the *Bene Israel* have given up the title *kaji*, and they style their religious leaders *hazzan*. I have visited the beautiful synagogue of the community in Lydda on a sabbath, and noticed that they used this title - as commonly - with reference to the reader. It may be observed in passing that the decorum, the manner of the service, and their melodious tunes are much to be admired. Some of those whom I interviewed told me that the title *kaji* had been dropped long before the establishment of the State of Israel; that by the middle of the 18th century, as Jewish observance developed under the guidance of teachers from Cochin, the *kajis* had begun to lose their privileges; and that by the 19th, the office had been abolished, functionaries with normal Jewish descriptions such as *gabbay*, *hazzan*, and *shammash* appearing in their place.

Festivals and ceremonies

The *Bene Israel* have no records as to when they began to observe any of the festivals and fasts; our knowledge derives solely from travellers to India who visited them, and, from within themselves, from Kehimkar's history. We may presume that although some ceremonies and festivals will have been introduced with Rehabi's religious revival, others may ascend to antiquity. Thus we know that their ancestors celebrated the festival of *Rosh Hashanah*, which they called in Hindustani *navischa san*, *new-year holiday*. This they observed on the first day of the month of Tishri, originally for one day only⁶³. On the 3rd Tishri they kept the Fast of

⁶³ However, after Rehabi's religious revival the *Bene Israel* also observed the following day.

Gedaliah, commemorating the assassination of the governor of Judah under the Babylonians after the destruction of the first temple, the occasion being known as *navischa roya*, *new year fast*. On the evening of 4th Tishri they observed a harvest ingathering festival called *khiricha san* ("pudding festival"), for which they prepared *khir* (a dish made of new corn mixed with coconut juice and sweets) which was later shared by the family. A censer with frankincense was set to burn alongside the dish, and before the company partook of the meal they would recite the *shema*. The ceremony with the incense was discontinued on the insistence of the Cochin Jews. Kehimkar states⁶⁴ that this whole celebration arose through a mistake in the date, ten days before the date of the festival of *Sukkoth* when thanksgiving for the harvest should be rendered to the Almighty (Ex. 23,16).

Although the fast in Tishri - obviously *yom kippur* - was observed, it was known as *darfalnicha san*, "*the holiday of door-closing*". Jacob Saphir, who visited India in August 1860, writes in his *eben sappir* that on this day the *Bene Israel* sat indoors, their houses locked, until the end of the fast⁶⁵. Puzzled no less by the practice than by the name given to the day, he conjectured that since the last service of *kippur* is called *ne'ilah* or *ne'ilath she'arim* - "locking [of the gates]", this had misled them into spending the whole day behind locked doors. Incidentally, it was their custom that on the eve of *kippur* every adult male paid a shekel, calculated as = 1 rupee. They had apparently forgotten that the correct date for this impost is at the beginning of the month of Adar, six weeks before Passover.

The festival of *sukkoth*, or Tabernacles, was originally not observed by the *Bene Israel*. Possibly at some time their ancestors had found themselves unable to erect booths, in accordance with the requirement of the Torah, and so the custom became entirely forgotten. They observed the fast of 10th Tebeth, calling it *sababi roja*, but it must have been introduced by Rehabi or a later reformer. Another pietistic practice which must also have been brought to them by the reformers was that of fasting during the latter part of the month of Heshvan on Monday, Thursday, and the following Monday. A popular festival on 15th Shebat, corresponding to *rosh hashanah la-ilanoth* (the beginning of the agricultural year), they called *elijahoo hanabicha ooroo*, "the fair of Elijah the Prophet". Their reason for celebrating it was their belief that on that day Elijah had appeared to them at Khandalla in the Konkan, and ascended the same day to heaven.

⁶⁴ p. 17, cf. *Jewish Chronicle*, 31st August, 1888.

⁶⁵ 2, pp. 33-35, cf. *Pisqey halachah*, pp. 174-79.

To mark it, they would offer each other all kinds of fruit and sweets, whilst invoking the prophet by chanting some of the passages about him read more generally at the outgoing of the sabbath.

Beginning on 14th Nisan they observed a holiday lasting eight days called *anasi dhakocha san*, the festival of the closing of the *anas*: *anas* being the word for an earthenware vessel containing a sour liquid used as a sauce. They refrained from using the sauce, and from eating any leavened bread, throughout the eight days, after which they would uncover the *anas* and eat leavened bread. They were not aware of the prohibition during Passover of keeping any fermented foodstuff (*hamets*) in the house, nor had they any idea that the festival commemorates the exodus from Egypt.

It is noteworthy that before the religious revival the *Bene Israel* observed neither the festival of *shabu'oth* (Pentecost), the fast of the 9th Ab, nor *hanukkah*. Their ignorance of the latter two lends some support to the theory that their ancestors reached India before the destruction of the temple. The circumstance that their forebears used to eat poultry together with butter⁶⁶ similarly coheres with their alleged Galilean origin, since in the Babylonian Talmud⁶⁷ we read that: “in the place of Rabbi Yose the Galilean, the flesh of fowls was served with milk⁶⁸”

Institutions

It was during the period of religious revival, in 1796, that the *Bene Israel* built their first synagogue, *shaar rahamin*, in Bombay. The dedication of others followed - that of *shaar rason* in 1839, *etz hayim* in 1888, *tifereth Israel* in 1923 and *magen hassidim* in 1931. They also began to achieve progress in education. Reuben Abraham Korelker established a printing-press, and on 8th September 1877 he began publishing a paper, in Marathi, which he called *Satya-Prekesh* (“the Light of Truth”)⁶⁹. Several other newspapers followed, some appealing for unity and for the abandonment of internal animosity among the *Bene Israel*.

⁶⁶ Kehimkar, p. 95.

⁶⁷ *Hullin* 116a, *Yebamoth* 14a, *Shabbath* 130a.

⁶⁸ This argument was also advanced by Dr I. Olswanger, who was responsible for publishing Kehimkar's book in 1937; see p. 95, note. Olswanger was an emissary of the Zionist Organisation.

⁶⁹ Kehimkar, p. 71.

So staunch were the *Bene Israel* in their religious conscientiousness and observance that endeavours of Catholic missionaries to win converts from among them, which began in 1813, were of no avail. They are proud to record that although thousands of conversions took place in Bombay⁷⁰, despite sustained endeavours on the part of conversionists very few from among the *Bene Israel* forsook the faith of their fathers.

At the same time, it is right to acknowledge the paradoxically positive results, from the Jewish point of view, of the missionary address, in regard to education: what they had to offer, in both general education and instruction in Hebrew and bible-reading, the *Bene Israel* were glad to accept. When attempts were made to induce them to accept the messianic status of Jesus, they simply turned a deaf ear, and, in response to conversionist arguments, they had a stock answer: "We do not know the replies to your questions; our learned men elsewhere do; ask them"⁷¹.

The following extract from a letter by Dr John Wilson, of the Scottish Presbyterian Mission, dated 18th July 1841, is of interest:

I called a meeting of the then principle Arabian [i.e. Iraqi] Jews which was held at the house of David Sassoon, the most opulent merchant of their body. Towards the close of our interview we entered on the infinitely important question of the Messiahship of Christ, and had an opportunity of stating the usual arguments for its establishment. They ordered all their children to leave the room when we first mentioned the name of the Saviour: and we could not help observing how much more reserved they appeared in this matter than the *Bene Israel*".

The extent of the positive influence on the *Bene Israel* of those concerned to win them over to Christianity can be seen in the following statistics:

"in 1829 there were 130 Jews in 17 schools, run by the American Mission, seven in Bombay Island and ten in the Kolaba district. In

⁷⁰ cf. Israel, p. 10. Kehimkar, p. 73, states that as long as there were available from Cochin persons competent to impress upon the *Bene Israel* the principles of Judaism none strayed, despite missionary endeavours. It was only when the preachers died that some forsook the faith of their forefathers.

⁷¹ Israel, *loc. cit.*

1827 the Mission had established a Hebrew school at Alibag (in the Kolaba district) with an average attendance of 30, including 8 girls. It was also reported that in the schools in the villages of the Kolaba district the instructors were Jews. More significant of the extent of missionary influence was the fact that in 1830 Dr John Wilson was having meetings with the *Bene Israel* in Bombay City every Saturday evening. One of his first actions in Bombay was the publication of a Hebrew and Marathi grammar for the *Bene Israel*. In 1836 some 250 *Bene Israel* children, one third of whom were girls, attended Dr Wilson's school and, as the *Bene Israel* population in Bombay City at that time was only 2,000 or so, it meant that at least one-fourth of the children of schoolgoing age were in his schools. These are remarkable figures for a time when illiteracy, particularly among women, was appallingly high, and when the *Bene Israel* were new to book-learning. In 1842, as many as 38 *Bene Israel* were attending the schools of the American Mission or those of the Church of England Missions⁷².

The *Bene Israel* were indeed grateful to Dr Wilson for the immense help that he extended to them in the spheres of Jewish education and the reading of the Bible, and his effect on the growth of the community was beneficent apart from his attempt to convince them of the messianic claims advanced for Jesus.

By the middle of the 19th century local missionary influence began to decline, and the *Bene Israel* were no longer exposed to it. But at the same time they were losing their fervour for education, and consequently suffered a set-back. Of the many obstacles to educational concern the major one was poverty, parents being simply unable to send their children to school. At this point, however, the London-based Anglo-Jewish Association stepped in, and it was greatly to the credit of the Association's philanthropic concern that so much was done for the education of the *Bene Israel*. From 1st April 1881⁷³, when the Association opened schools in Bombay⁷⁴ and urged the *Bene Israel* to take advantage of them, their secular education began to improve.

⁷² *op. cit.*, pp. 10-11.

⁷³ Kehimkar, p. 74.

⁷⁴ Both the Montefiore and the Mocatta families were contributors to the Bombay schools.

Religious Belief

Jacob Saphir wrote⁷⁵ that despite their very scant knowledge of the Torah the *Bene Israel* believed in the divine unity, in resurrection and life after death, reward and punishment - in other words, the essential tenets of Judaism as defined by Joseph Albo. Above all, they believed in the coming of the Messiah who would deliver them and ultimately take them back to Israel, their homeland. However, they also believed in ghosts and were imbued with superstition, no doubt under the influence of their environment.

⁷⁵ See n. 65, *Pisqey halachah*, p. 176.

SOCIAL PROBLEMS OF THE BENE ISRAEL IN ISRAEL

When the Jewish state emerged as a sovereign entity in 1948 about 2,500 *Bene Israel* emigrated to Israel; by 1970 they numbered more than 14,000⁷⁶. It may be recorded at this point that when, in 1897, they had been invited to participate in the first Zionist Congress they refused, stating that they were “waiting for the divine hand to bring them back to Zion⁷⁷”. There are now between 20,000 and 25,000 *Bene Israel* in the country, most of them living in development areas, e.g. Dimona, Yeruham, Ofakim, Kiryat Gad, Lod, Or Akiva, Kiryat Shemonah, Elat, etc. Several of their communities have been able to build their own synagogues; others, whilst hoping to do so, worship in prayer-halls. Most are in government employ, working in the aircraft industry with El Al at Lod, in banks, the textile industry, and in agriculture.

Within months of their arrival in Israel, the *Bene Israel* complained that they were being subjected to discrimination both in the labour market and in housing. Having uprooted themselves from India, giving up lucrative occupations and selling ancestral property in order to live in a totally Jewish environment, they claimed that on arriving in the promised land they found their utopian dreams shattered. It was, they alleged, the responsibility of the Jewish Agency, which had organised their immigration from India, to ensure that they were treated with respect and without loss of dignity. Some even asked to be taken back to India: but despite two major demonstrations in 1950 and 1951, when they demanded either an immediate settlement of their problems and respect for their human rights, or else repatriation, they decided to remain, and to fight against all instances of injustice in the Jewish homeland.

In 1959 a prominent member of the *Bene Israel* community, Ezekiel Ashtamkar, established a bulletin which he called *Truth*. He appealed to all his fellow *Bene Israel* to join forces in the fight against racial discrimination. In his first issue (August, 1959) he called on his brethren to forget

⁷⁶ Information from the *Bene Israel* community in Israel.

⁷⁷ Enc. Judaica, 4, 491f

“their petty quarrels and jealousies, and unite, for unity is strength. There are bigger issues at stake. Let us make this a sacred cause and call upon each and everyone of us to join in this crusade to break the vicious circle that binds our community. Do not isolate yourselves from the community and its interests⁷⁸”.

The *Bene Israel* likewise appealed to the oriental communities to join forces with them and fight the injustices of the government. The year was a bitter one for the Israeli authorities, for they were also confronted by demonstrations of the oriental communities at Wadi Salib (Haifa), which shook the entire nation. In the same month *Truth* asserted that the political parties, so far from helping, were merely exploiting the riots for their own purposes. Similarly, *Heruth* wrote:

“It is precisely under such a socialist regime that so much injustice and discrimination is condoned. The suffering public now has a chance to change all that - not by attacking the police and damaging property, but by giving its verdict at the polling booth”.

An editorial by Ezekiel Ashtamkar includes an ironical comment which makes evident the anger, bitterness and despair of the *Bene Israel* community at the prevalence of social injustice:

“A religious-minded Jew from Bombay asked us about the Garden of Eden in Israel. We have now informed him that after five years of great effort, the gates of this Garden are unlocked to us. In this Garden of Eden Aaron is in jail, Moses is running helter-skelter. David is up to monkey tricks, Adam and Eve are still running half naked, and the agents of the Jewish Agency are the angels of God⁷⁹”.

The gravity of the social problems confronting *Bene Israel* immigrants to Israel was realised by some of their prominent members, who formed a committee to investigate the injustices of which some of their members were the victims, and to endeavour to help those who were in need, both financially and otherwise.

⁷⁸ *Truth*, December, 1959.

⁷⁹ *Truth*, 1959-61, p. 3.

THE QUESTION AS TO JEWISH STATUS

Apart from the grievances of the *Bene Israel* in regard to housing and jobs, their community suffered another blow when the question was raised as to their halachic status as Jews. Some rabbis were refusing to perform marriages between them and Jews of other origins, and the question came to a head when, in December, 1960, a young man from the *Bene Israel* wished to marry a Sephardi girl but was refused authorization by the Registrar on the grounds that since the *Bene Israel* had been cut off from mainstream Jewry for centuries, its Jewish status must be in doubt.

It is important to understand that the Registrar in Israel was relying on two rabbinical *responsa*, - issued by the *beth din* of Baghdad and Jerusalem respectively. When, in the 18th century, Baghdadi Jews first came to India, they had prayed in the synagogues of the *Bene Israel* and buried their dead in their cemeteries. As Baghdadi numbers increased, they began to keep apart from the *Bene Israel* and question their authentic status in *halachah*⁸⁰. In 1914 the *hazzan* of the Baghdadi synagogue, M.H.Gourgey, and its warden, I.H.S.Gubbay, had written to the *beth din* in Baghdad and Jerusalem enquiring about the personal status of members of the *Bene Israel* community and asking whether it was in order to intermarry with them⁸¹. Specifically, they pointed out that (i) since purportedly divorced women amongst the *Bene Israel* remarried without obtaining a *get* (bill of divorce), any issue of the second union must be illegitimate in Jewish law: (ii) Widows of childless men remarried without first obtaining release from the deceased husband's brother by the ceremony of *halitzah*⁸², with similar results. 'In the light of this information, both *battey din* replied that intermarriage between members of the Baghdadi Jewish community in India and the *Bene Israel* was not permissible. The Baghdadi *beth din* drew an analogy with the Karaites, between whom and rabbanite Jews the

⁸⁰ The Baghdadis would not permit the *Bene Israel* to be called to the sepher; see *Pisqey halachah*, pp. 13-17. In 1870 the Sephardi and Ashkenazi Rabbis in Safed combined to rebuke the Baghdadi Jews for rejection of their *Bene Israel* brethren, recommending that they should be counted for a quorum (*minyan*) for congregational worship and be called to the *sepher*.

⁸¹ *Pisqey halachah*, pp. 20-22.

⁸² In accordance with Deut. 25, 5-10.

*shulhan 'arukh*⁸³ - but not, it should be noted, Maimonides - declared marriages impermissible.

With hindsight, one must regret the naiveté of the two *battey din* in accepting at its face value the evidence of the *hazzan* and warden, neither examining its quality as evidence, nor itself investigating the custom and tradition of the *Bene Israel* in regard to the matter. The result was that, as stated above, many years later, several rabbis in Israel relying on their *responsa* refused to sanction or officiate at such mixed weddings, as being, in their view, contrary to the *halachah*.

During the time of Rabbis Ben-zion Uzziel and Isaac Herzog, respectively Sephardi and Ashkenazi Chief Rabbis of Palestine and subsequently Israel, no general ruling was given by the Israeli rabbinate regarding the status of the *Bene Israel* as a community⁸⁴. Individual cases were, however, dealt with, invariably with a positive result. After the death of the two of them the issue became an urgent one, calling for unequivocal guidance from the Israeli Chief Rabbinate. Nor did the *Bene Israel* themselves sit idly by; in May, 1961, they held a conference of delegates from their various centres in Israel. It took place at Haifa, under the chairmanship of Professor Hayim Ezekiel, and an Action Committee was appointed consisting of Asher Koleth (Lod), Chairman, S.J.Samson (Jerusalem), Secretary, Sassoon Ashton (Beer Sheva), H.I.Reuben (Haifa), Ezekiel R. Ashtamkar (Rishon Le-tsiyon), and Daniel Solomon (Jerusalem), Adviser. Several resolutions were adopted, among them the circularization of all synagogues in Israel and India informing them of the magnitude of the problem caused by the *Bene Israel* being not considered "pure" Jews (*yehudim tehorim*) and being thus precluded from marrying other Jews. The Action Committee also had several meetings with the Prime Minister, David Ben Gurion, Dr Zerah Warhaftig, the Minister of Religious Affairs, and Moshe Sharet, at that time Chairman of the Executive of the Jewish Agency. By now pressure was building up from all quarters because of the lack of action by the Government of Israel and the

⁸³ *Eben ha-'ezer*, 4, §37. Similarly the Karaites did not carry out the preparation and delivery of the *get* in the manner prescribed by the halachic codes, and it follows that amongst their members there must be descendants of subsequent unions who are, from the rabbinic point of view, of illegitimate birth.

⁸⁴ It would appear from the responsum of Rabbi Uzziel (see *Pisqey halachah*, p. 23) that he was of the opinion that general intermarriage with the *Bene Israel* is permissible. Possibly this was not publicised at the time, and was thus not generally accepted. See further *Chap.* 10.

intransigence of the rabbinate, and the *Bene Israel* were complaining about racial discrimination and the harrassment of their community.

When I had an interview with Mr E. Ashtamkar, editor of *Truth* and of course himself one of the *Bene Israel*, he impressed upon me that they had given up lucrative occupations in India and had sold ancestral property, as well as interrupting their children's education, sacrificing all this because of their heartfelt desire to settle in the Land of Israel, regarded as their natural homeland; they had not realized, nor had they any good grounds for suspecting, that once in Israel their status as Jews would be questioned.

In fairness to the Chief Rabbinate, it must be pointed out that it did issue a statement declaring that there was no question as to the Jewishness of the *Bene Israel* in general, and that no prohibition of their intermarriage with other Jews had been issued. The statement admitted that some rabbis were refusing to perform such marriages because important items of Jewish law concerning *gittin* (divorce), *halitzah* (release of a childless widow by her brother-in-law), and 'arayot (unions regarded in *halachah* as incestuous) had not been observed by the *Bene Israel* for centuries, due to their not having had the guidance of the Talmud and because their age-long isolation from mainstream Jewry made them unaware of Jewish traditions and institutions. In consequence, Rabbi Isaac Nissim - by then *Rishon le-tshyon*, or Sephardi Chief Rabbi - ruled that a wholesale pronouncement as to general intermarriageability could not be given by a stroke of the pen, and that it was only after fresh and authoritative findings that investigation of this thorny problem could ultimately lead to a solution. The Action Committee were entirely dissatisfied by this statement of the Chief Rabbinate, and their resentment is palpable in Ashtamkar's editorial:

"The question we now ask is why did the Jewish Agency uproot hundreds of families and bring them to the Holy Land to face religious discrimination of so called "pure Jews"? Does it realise the gravity of the situation? Does it think that this small and politically unimportant Eastern Community can be suppressed and repressed? Ultimately, the Jewish Agency will be held responsible for the fate of these hundreds of innocent families⁸⁵"

Despite their bitterness, the Action Committee at first refrained from giving fresh publicity to their plight, hoping that through the good offices of the Chief Rabbinate the matter might be settled peacefully. But when

⁸⁵ *Truth*, 1959-61.

Professor H Ezekiel, a prominent member of the *Bene Israel*, gave an interview to the *Jerusalem Post*⁸⁶ about their situation and the Chief Rabbinate's alleged intransigence, a significant change took place. First, although the problem had been smouldering for a considerable time, it was only now that it was foisted on the attention of the Israeli public; secondly, the *Bene Israel* were made even more united in face of possible future developments. Unfortunately, perhaps, Ezekiel's interview was publicized in the foreign press, and sparked off a bitter controversy affecting the prestige of the State of Israel abroad.

Chief Rabbi Nissim wrote to the *Jerusalem Post* on 11th May, 1961, reiterating his statement that without authoritative findings as to the antecedents of the *Bene Israel* community, the Chief Rabbinate was not in a position to re-open discussion as to their intermarriageability with the general Jewish community. This declaration was received with even greater resentment by those *Bene Israel* still in India, with the result that the Israeli foreign office became concerned as to the future of good relations between the two countries. In order to give a clear picture of this deplorable situation, which constituted a *hillul ha-shem* (*profanation of the divine name*) and embarrassment to the Israeli government, I reproduce in what follows editorial comments and correspondence from the contemporary Indian press.

The Indian Express, Saturday, 13th May, 1961 (editorial):

“...What is interesting is that the Jews of India are perhaps the only section of the community in the world who have not known the meaning of anti-Semitism, even in the mildest form. This means that they have achieved the triumph of selflessness over selfishness or having come into a tolerant environment that they have helped to sustain it by equal tolerance on their part. The Israel restriction suggests that lews who come from a region free from anti-Semitic feelings are in some way less than those who are the unfortunate victims of the ruthless persecution”.

Maratha, 23rd May, 1961 (editorial: translation from *Truth*, II, no. 2, August, 1961)

“...is extremely sorry that this calamity has been brought upon the *Bene Israel* community by their co-religionists in Israel causing

⁸⁶ 10th May, 1961, under the headline “*Bene Israel* demand status as Jews”.

grave damage to its reputation, and expressing regret that the religious leaders of Israel have not yet learnt the bitter lessons of history and after all the sufferings ~and persecution still continue to use the language befitting Hitler. The *Bene Israel* are deeply religious, God-fearing, peace-loving and respectable community of Maharashtra. It feels its duty to condemn unequivocally the Rabbinate of Israel for these cruel allegations against this innocent community and suggests that if relations between India and Israel should remain friendly, the Consul-General in Bombay should prevail upon the government of Israel to revoke this insulting decision of the religious leaders immediately”.

Hindustani Times, 12th May, 1961 (editorial: the *Hindustani Times* enjoyed the largest circulation in northern, north-western and central India):

“...Israel’s Jews have come mostly from Europe. Why they should look upon the 7,000 Indian Jews in their midst as an impure lot is beyond comprehension. In comparison the Indian Jews are swarthy in complexion, but the European Jews in Israel have no reason to suppose that the Jews of Biblical Palestine were greatly different. Time and clime may have added to the difference in colour between them, but that it should be the warrant for a new caste system among th Jews in Israel is to go against the fundamental tenet of Judaism. Many of the Indian Jews who had gone to Israel at the inception of the State were disillusioned.... It is intriguing to find the Rabbis of Israel set upon social ostracism of the Indian Jews after all these years. Their policy amounts to the establishment of a new kind of ghetto in Israel. Now is the proverb truly borne out, that he who would cheat a Jew must be a Jew”.

Mebasser (Union of Orthodox Congregations of India, 1, iv, 15th May, 1961 - 1 Tammuz, 5721 (editorial):

“...Israel religious authorities do not hesitate to treat as “pure” Jews the progeny of unmarried youths who were permitted free love by the Palmach Manual during the war and also those Jews who delight in breeding, and revel in eating, that obnoxious animal whose name our Arab Muslim cousins will not even utter with their mouth (*Exodus*, by Leon Uris, pp. 337 and 444). But coloured “practising Jews” like the *Bene Israel* from India, who left their homes in India out of considerations of sentiment and not because they were not wanted

here, and whose main lot at present in Israel is to be hewers of wood and drawers of water in the southern desert or the perilous frontier, will apparently have to wage a long, and arduous struggle for a generation or two to obtain recognition as “pure” Jews and to gain their proper and respectable position in Israel society. If this is the type of law that is “to go forth out of Zion, and the word of the Lord from Jerusalem” (Isa. II: 3), then the *Bene Israel* will have to raise again the age-old cry “what portion have we in David? Neither have we inheritance in the son of Jesse: to your tents, O, Israel. (I Kings XII: 16)...”

The community of the *Bene Israel* in India were fully informed, by the news media, of the situation of their brethren in Israel, but nevertheless the Action Committee had, by circulars to the synagogues and communities in India, appealed for their help and support. The Committee had even asked those whom they had left behind that until the affair had been honourably settled, further 'aliyah to Israel should be suspended. It was also at pains to make clear that it had always kept the international prestige of Israel firmly in view, and stressed that it was merely seeking a way to settle the problem honourably and without taking precipitate action.

The *Bene Israel* in India were outraged by the reports that they were being considered as “impure” Jews by the Chief Rabbinate of Israel. Such a move seemed to them premeditated and politically motivated, and implying racial discrimination on the part of the Jewish Agency. Some called for the closure of the Israeli immigration office in Bombay, and asked their co-religionists to remain in India, which was their true home, and not to emigrate to Israel; others asked why the Chief Rabbinate should single out the *Bene Israel*, and not the Jews of Cochin or Burma. They were very proud of their identity and its traditions, and could not accept the inferiority of status that the rabbinate of Israel appeared to be thrusting upon them.

Letters from correspondents in *The Indian Express*, some of which are quoted below, reveal the anger of the *Bene Israel* at being considered, as they thought, “impure” Jews. Similar letters were published in *The Times of India*, and the readiness of the *Bene Israel* to vent their feelings in the general press is eloquent testimony of the strength of their indignation.

The Indian Express, Wednesday, 17th May, 1961 (“Readers’ Views”):

“...Whether the alleged impurity of the Indian Jews is racial or ritual or

moral is not clear. It would be interesting to know why, if an agnostic like Premier Ben-Gurion or atheists like, perhaps, the majority of members of Israeli Kibbutz are acceptable as “pure” Jews, Indian Jews should be branded as impure, even though they clung to their faith through centuries of complete isolation from Jews elsewhere and, alone among Jewish communities throughout the world, prided themselves on the name of *Bene Israel* (Children of Israel) - a name linking as it were the Israelites of old with the new State.

Jews from India, who have migrated to Israel, having renounced their Indian nationality, are Indians no longer. How they adjust themselves to the status of inferiority sought to be thrust on them in Israel is their business. What is tragic and inexcusable is that they had been led by intense propaganda to believe that they were in exile in India and would be serving God by returning to their true home in Israel, participating in the grand design of the ingathering of the exiles. Is it not time that, now at least, the Jewish Agency, and other bodies with similar aims, should cease their activities which only confuse simple-minded Indian Jews about where their true national loyalty lies?”

B.J.Israel (Bombay)

“The view of the Jewish religious authorities that Indian Jews particularly of Bombay are not “pure Jews”, as they have no “organised council of Rabbis” is absurd and nonsensical and smacks of South Africa’s apartheid policy. Why are Bombay Jews only singled out for the “purity” purge and not other Jews who came from Cochin, Calcutta and Burma? There is no doubt that this decision has been motivated by political and racial considerations, as Bombay Jews form a large number of Indian Jews in Israel and they fear their association with white foreign Jews will have a social impact to the detriment of the latter...The Chief Rabbi of Jerusalem has always guided the Indian Jews in religious matters for over 50 years and has never once raised the question of “purity”, and it, therefore, appears that he was now influenced to arrive at this absurd opinion by persons having political and racial prejudices against the Indian Jewish community. If the Israeli religious authorities do not take a sensible view of the situation and revoke their decision soon the Government of India must be appealed to redress the grievance”

Moses Joseph (Bombay)

"The report regarding the ban imposed by the Israeli religious authorities on Indian Jews settled in Israel, marrying members of other Jewish communities there is sure to come as a shock to the *Bene Israels* in India, which have lived here in an atmosphere of perfect tolerance for 2,000 years. Apart from the question of the purity of the *Bene Israels*, it would do the Israeli religious authorities tremendous good to read again the Bible wherein instances after instances are found of Jews marrying outside of the community. It is fantastic for the European Jews to claim any racial purity. In fact all the social surrounding and the caste system in India have enabled the *Bene Israels* to maintain their racial purity as perhaps nowhere else in the world. It is obvious that 2,000 years of persecution through which the European Jewry have gone and of the recent experience of Hitlerite gas chambers have not cured them of their stiffneckedness".

D.S.Pefzarkar (Bombay)

The situation in India seemed, insofar as its Jewish community was concerned, to be getting out of hand, and the Consul-General of Israel endeavoured to calm it by letting it be known that some rabbis did, in point of fact, solemnize marriages between members of the *Bene Israel* community and other Jews. His attempts were of no avail, and merely made him the object of criticism, as the following letters show:

The Indian Express, Friday, 26th May, 1961: ~-

"It is a pity that a man holding such a responsible post as the Consul General of Israel should resort to distorting facts in order to justify the actions of some Rabbis in Israel. There has never been a single instance where a *Bene Israel* intending to marry a Cochinitic Jew or a Bagdadi or, for that matter, a European Jew has been prevented from doing so by any religious authorities in Bombay. The question of custom is another matter altogether. It is natural that the *Bene Israels*, who have their own social background, generally prefer to marry among their own people. But that is a matter of custom and the Israel Consul General should know that it has nothing to do with the ban. In Israel itself, it is claimed that they seek to weld together Jews from various countries coming there into one people socially as well as religiously. The ban runs directly against this policy. How the Consul

General of Israel should try to find excuses to justify this thoroughly unjustifiable action on the part of these Rabbis is beyond one's comprehension.

The Consul General also expresses his hope that with the election of a new Chief Rabbinate the problem will be brought to its "attention". What in the name of heaven is the problem? If the *Bene Israels* are Jews, as he himself admits, then there is nothing further to be discussed.

Whatever the Israel Government may do, it is necessary that in India the Jewish Agency and the Zionist Association, which are conducting a campaign for luring away Indian Jews, should cease their activities".

(D. S. Pezarkar)

Wednesday, 31st May, 1961:

"The Consul General [of Israel] does a bit of dialectical acrobatics when he says that some Rabbis do perform marriages of *Bene Israels* with Jews of other communities.

The point is that some have refused to do so and the Israel Government has done nothing about it.

The Consul General appears to confuse the whole issue by saying that there is a problem involved here which will have to await the election of the Chief Rabbinate, when the only thing his Government has to do to right the matter is to compel Rabbis to perform such marriages".

Moses Joseph (Bombay)

These were indeed black days for the *Bene Israel* community, and they were determined at all costs to remove the stigma of being labelled "impure" Jews. A meeting of the Union of Orthodox Jewish Congregations of India was convened on 17th May, 1961, and a resolution was adopted to write to all the leading authorities of world Jewry, condemning the Chief Rabbinate of Israel for its racial discrimination against the *Bene Israel* community. The list of addressees is given below. The letter reads as follows:

“Dear Sirs,

I am directed to forward herewith a copy of resolution adopted by the Executive of the Union of Orthodox Jewish Congregations of India at their meeting held on Wednesday, 17 May 1961, for information.

Yours faithfully,

A. D. Jhirad, Joint Hon. Secretary

TRUE COPY OF RESOLUTION ADOPTED BY THE
EXECUTIVE OF THE UNION OF ORTHODOX JEWISH
CONGREGATIONS OF INDIA ON 17 MAY 1961.

The Executive of the Union of Orthodox Jewish Congregations of India views with grave concern and horror the news appearing in the Local Press regarding the origin of the great resentment at the decision of the Israel Jewish Religious Authorities to brand the Indian Jews as “impure” Jews and refusing to grant them licences for marriage with other Jewish communities in Israel.

The Executive is convinced that it is the faithful observance of religious precepts and not any organised Indian (*sic* ?) Council of Rabbis which constitutes a pure Jew. The Executive hopes that the Government of Israel will initiate steps to remove the stigma on Indian Jews forthwith both in the interest of truth and also maintenance of cordial relations between the Jews of India and Israel⁸⁷

Those to whom copies of this communication were sent were: The President of Israel, the Prime Minister of Israel, the Israeli Minister of Religious Affairs, the Consul-General of Israel in India, the Chief Rabbi of the United [Ashkenazi] Hebrew Congregations of the Commonwealth (Dr Israel Brodie), the Haham of the Sephardi community of England (Dr Solomon Gaon), the Union of Orthodox Jewish Congregations of America, the President, the Rabbinical Council of America, the Central Jewish Board, Bombay (appending a request that a general meeting of the community be convened immediately, to register a mass protest), Professor Haim Ezekiel (Israel), all local papers, Rabbi N. Lamm and Rabbi Charles Weinberg (United States of America), and all synagogues in India.

⁸⁷ The letter was dated 18th May, 1961, and despatched from the Head Office, c/o Magen Hassidim Synagogue, 8 Marland Road, Bombay.

By now the voice of the *Bene Israel*, both in India and in Israel, had been heard in world outside, and the London *Jewish Chronicle* came to their aid criticising the rabbinate of Israel. On 26th May, 1961 a leader headed "Law and Humanity" had this to say:

"Strong protests have been voiced against the policy of the Chief Rabbinate of Israel regarding marriage between Indian Jews of the *Bene Israel* sect and other Jews. It would seem that the Chief Rabbinate opposes the official authorisation of general marriage rights to these Indian Jews. Its opposition appears to be based not on any questioning whether the *Bene Israel* are Jews or not, but on doubts whether the Indian rabbinic authorities have, in the past, always rigorously enforced full halachic requirements regarding matrimony. Yet the Israel Chief Rabbinate has refrained from publishing an edict banning marriages between the *Bene Israel* and other Jews. It evidently feels qualms of conscience about this, and has decided to leave the option on the granting of such marriage licences to local Rabbis. Apparently it hopes that some, at least, of the local Rabbis will adopt a less severe attitude towards these Indian Jews. This policy of the Chief Rabbinate - which is invested, in the State of Israel, with supreme authority in matters of marriage - shows a grave abdication of responsibility. In human problems of this kind, which involve intimate personal relationships and may cause grave suffering, the Chief Rabbinate cannot evade its spiritual duties in this unheroic manner. It should issue a general ruling which will obviously be mindful of the obligations of humanity enjoined by Jewish law".

Subsequently the *Jewish Chronicle* published several letters from readers criticising the rabbinate of Israel for being too rigid on the issue of the *Bene Israel*. One contributor called on the rabbinate to realise that

"the ancient Hebrews had mixed with a number of races, when they entered history as a nation. The *Bene Israel* is an additional force to the State of Israel, and they came to the Holy Land, not through persecution, but by reason of their sincere religious longings and beliefs. We just cannot afford to fiddle with legal quibbles while the hour demands the unity of our people and the closing of ranks⁸⁸".

⁸⁸ *Jewish Chronicle*, 2nd June, 1961, from S. Sachs.

Another letter⁸⁹ quoted the late Haham, Dr Moses Gaster, who had identified the *Bene Israel* with the remainder of the house of Israel:

“The report in your issue of 19 May of the furore raised in Bombay, India, on the issue of the Israel Chief Rabbinate’s ban on marriages between members of the *Bene Israel* sect, and other Jews makes disheartening reading.

As one of Sephardi origin, who was born and bred in Bombay, I know the *Bene Israel* well and have the deepest regard and respect for them. To me they are the symbol of the finest in Jewry and stand for all that is best in Judaism. If only more members of the Sephardi and Ashkenazi communities possessed their religious convictions, we would have no cause to worry about the future of Judaism. In this connection, I refer to the cudgels taken up on their behalf by my father, the late Rev. J.E.Sargon. My father always felt that there was no difference between them and any other Jews and in order to reinforce his convictions, he wrote as far back as 1911 to the late Haham, Dr Moses Gaster, for his opinion.

Dr Gaster wrote: ‘I know the *Bene Israel* very well and I know that they are very religious and good Jews. I have often taken up their causes, and I have personally declared them to be identical with the rest of the House of Israel’. The attitude of the Israeli religious authorities is nothing new. By this time, however, one would have thought that this prejudice would have disappeared”.

At this point Dr Aryeh Tartakower, the chairman of the Israel Executive of the World Jewish Congress, invited the chairman and secretary of the Action Committee of the *Bene Israel* to see him. Meeting them on 29th May, 1961, he told them that prompted by a cable received from London expressing the concern of the World Jewish Congress and its President, Dr Nahum Goldmann, at articles that had appeared in the English press about the *Bene Israel* problem, he had had an interview with the *Rishon le-tsiyon*, Chief Rabbi Nissim. The latter had referred to the decision of the Baghdad rabbinate in 1914⁹⁰, confirmed later in the same year by the *beth din* of Jerusalem, against intermarriage between the *Bene Israel* and other

⁸⁹ *Jewish Chronicle*, 16th June, 1961, from I. Sargon.

⁹⁰ See *Pisqey Halachah*, pp. 11-22. Already in 1843 the *beth din* of Baghdad was asked by the local community whether they were permitted to intermarry with the Bene Israel. Unfortunately their reply is unknown (p. 11).

Jews. He had further referred to a visit which he had received from Mr B.B.Benjamin, a prominent member of the *Bene Israel* in India; it had then been agreed that an orthodox rabbi would go to India to guide the community in its religious life.

It would seem that what Rabbi Nissim had in mind was that once an orthodox rabbi had been appointed as their spiritual leader in Israel, he would make it his business to investigate the personal status of any members of the *Bene Israel* community there contemplating emigration to Israel, so that once arrived, no halachic problems should arise. Unfortunately, however, Mr Benjamin arranged instead for a young reform rabbi from the United States of America to come and guide the spiritual affairs of the community. Rabbi Nissim therefore asked Dr Tartakower to inform them, through the *Bene Israel* leadership in Israel, that they must terminate the contract with the reform rabbi and accept instead an orthodox rabbi from Israel. It further transpired that Rabbi Nissim had intimated to Dr Tartakower that if his terms were complied with, the Chief Rabbinate of Israel would issue a statement that the *Bene Israel* problem no longer existed, and that the *Bene Israel* would thenceforth be free to intermarry with other Jewish communities.

The chairman and secretary of the Action Committee of the *Bene Israel* in Israel were astounded at this, and declined to be party to such an unreasonable demand, knowing that in any case they exercised no jurisdiction over the parent body in India. They made it clear that, the reform rabbi was accredited to, and worked exclusively in his own liberal congregation, which had been in existence for more than thirty years. They added that in any case, Mr Benjamin had had no responsibility for his appointment, which had occurred long before his meeting with Rabbi Nissim: and emphasised that the orthodox community not only could not procure his withdrawal, but that any attempt on their part to do so would be quite improper. Nonetheless, the chairman did convene a meeting of the Action Committee on 11th June, 1961, at which the results of the interview with Dr Tartakower were discussed, and the following statement was issued⁹¹:

“The Action Committee feels that the Chief Rabbi’s proposal to install an orthodox rabbi in India is not only illogical but tantamount to downright blackmail of a minority community which is unfortunately at his mercy in Israel. Further the conception that the

⁹¹ Information from Mr S. Samson, Hon. Secretary of the *Bene Israel* in Israel.

Bene Israel community which Chief Rabbi Nissim now considers illegitimate turns out to be legitimate once an orthodox rabbi is accepted by the remaining *Bene Israel* in India. This is indeed absurd and devoid of any rational thinking”.

In my interview with Mr Ashtamkar he was insistent that the foregoing demonstrated that religious observance and attention to halachic requirements had, in point of fact, nothing to do with refusal to grant marriage licences, and that all arguments advanced in defence of such refusal were but lame excuses, in effect attempting to blackmail the community of the *Bene Israel* and make a mockery of religion.

THE RULING OF THE CHIEF RABBINATE OF ISRAEL

The plight of the *Bene Israel* had aroused the conscience of many people in Israel and the diaspora. Almost the entire Israeli press was on their side, and some, supported by their editorial boards, called on the government to overcome the stubborn obstructionism of the rabbinate by introducing facilities for civil marriage so that those might marry who were refused religious authorisation. The Action Committee also sought the help of the Prime Minister, David Ben Gurion, regarded by them as the "lion of Israel"; but, as a prominent member of the Committee put it, when they met him, they found that when confronted, by the Chief Rabbinate of Israel he proved more of a lamb.

As pressure mounted, Chief Rabbi Nissim convened a special meeting of the Supreme Rabbinical Council comprising ten great halachic scholars from all over Israel. They met, in the Chief Rabbi's residence, on 18th October, 1961, there being present the following:

Rabbi Obadiah Hadiah	Member of the Supreme Court, and of the Council of the Chief Rabbinate
Rabbi Yaakob Adess	"
Rabbi Shaul Israeli	Member of the Council of the Chief Rabbinate, and Rabbi of Kefar Haro'eh
Rabbi Shalom I Halevy	Member of the Council of the Chief Rabbinate
Rabbi Joseph S. Eliashib	Member of the Supreme Court
Rabbi Joshua M Emberg	<i>Ab beth din</i> , Tel Aviv
Rabbi Eliezer Goldsmith	"
Rabbi Betsalel Zolti	Member of the Supreme Court
Rabbi Shelomoh Karlits	<i>Ab beth din</i> , Petah Tikvah
Rabbi Shelomoh Tena	Member of the Tel Aviv Court

These *dayyanim* were faced with several halakhic problems needing immediate solution, in order that the status of the *Bene Israel* might be finally determined. These questions are here set out, but since some of them were formulated not as questions, but rather as logical consequences to one possible answer to a foregoing question, they are tabulated in a manner to indicate their subordination:

A Since the *Bene Israel* were isolated for centuries from mainstream Jewry, what is the proof that they are in fact Jews?

B Assuming that the *Bene Israel* are indeed Jews, have they intermarried with Gentiles from their environment?

C If they did so intermarry, who arranged the necessary conversions? [In India there were no rabbis with the necessary qualifications to supervise conversion.]

D Have the *Bene Israel* conducted divorces in due form, by delivery to the wife of a *get* (instrument of divorce)? Even assuming that they have done so, their *gittin* will necessarily have been invalid, since without the availability of the Talmud or halachic codes, they will have had nothing to instruct them as to the requisite form of the document and the procedure for delivery.

(i) Since any *get* issued will necessarily have been invalid, any issue of the divorcee by a subsequent marriage would be illegitimate.

(ii) If that is so, there will inevitably be amongst the *Bene Israel* instances of *mamzerut* (illegitimacy), subject to matrimonial restrictions.

E Have the *Bene Israel* ensured that any widow of a childless man was, before marrying again, released by her brother-in-law by the ceremony of *halitsah*?

F Since the *Bene Israel* were isolated from mainstream Jewry for centuries and did not even have the text of the Torah, it is likely that they will have contracted marriages declared in *Leviticus* to be incestuous, the issue of which would be illegitimate.

The meeting decided that before pronouncing on these points four rabbis should meet representatives of the *Bene Israel*, in order to obtain more information as to the historical background. In consequence on 25th Tishri, 5742 (5th October, 1961) the following met in Tel Aviv: Rabbis Joshua M Ernberg, Eliezer Goldsmith, Shelomoh Tena, and Elijah Koshelevski (Rabbi of Beer Sheva), and, representing the Action Committee of the *Bene Israel*, Mr Asher Koleth (Ramat Gan), Chairman, Professor Haim Ezekiel (Kefar Ofer), Messrs S. Ashton (Beer Sheva),

Pinchas Koleth (Ramat Gan), Ezekiel Ashtamkar (Rishon le-tsiyon), Haim Ben-Issachar Reuben (Haifa), and S. Samson (Jerusalem), Hon. Secretary. The Chairman, in outlining the history of the *Bene Israel*, stated that Rabbi David, the brother of Maimonides, knew about them and had taught them about the Jewish way of life, not for one moment doubting their Jewish authenticity. The *Bene Israel* had always rejected any amongst themselves who married out, and in no circumstances, allowed them to mix with the “pure *Bene Israel*”, the others being termed “black Jews”. He went on to say that divorce was almost unknown amongst them, and, when it did occur, the divorcee did not remarry, any more than a widowed woman did. When there was a case of divorce, the parties concerned would appear before the elders of the community and the *hazzanim*, who were mostly from Cochin, and these would draw up the *get*. They had always regarded divorce with abhorrence. Mr Samson, the Hon. Secretary, mentioned that his aunt, who had been widowed at the age of twenty, had never remarried, such being also the custom in the local non-Jewish environment. As regards incest, no cases ever arose, it being likewise prohibited in the environmental culture. Mr Kolet mentioned several cases of Baghdadi Jews who had married daughters of the *Bene Israel*; conversely, his own brother had married a girl from Iraq, and the wedding had taken place in Baghdad.

Professor Ezekiel testified that the *Bene Israel* observed the laws concerning *niddah* (menstruation and consequent sexual abstinence). After giving birth, a woman would not enter the synagogue for forty days in the case of a boy⁹², or eighty in the case of a girl. On the eve of *yom kippur*, all would go to the *mikveh* (ritual bath) and immerse themselves seven times, and they would stay in the synagogue until the end of the fast⁹³.

The four Rabbis having heard what the Action Committee had to say, the Supreme Rabbinical Council re-convened on 8th Heshvan (18th October, 1961). After a lengthy discussion, the Council arrived at a unanimous decision and issued a declaration that the *Bene Israel* constituted an integral part of the Jewish people, and that it was consequently in order for other communities to intermarry with them. Where the rabbi asked to officiate had any doubts concerning a particular case, he should, as previously, consult the regional rabbinical tribunals.

⁹² cf. *Lev.* 12, 1-5.

⁹³ For further details see *Pisqey halachah*, pp. 342-46

The Council of the Chief Rabbinate thus reversed the ruling of the Baghdad *beth din* early in the century, on the grounds of its not having been in full possession of the facts concerning the historical background of the *Bene Israel* and their Jewish manner of life. The decision brought relief and joy to the *Bene Israel* both in Israel and in India, and was indeed hailed by all Israeli newspapers, as well as by almost all sections of Jewry, as an historic event. The editorial in the *Jewish Chronicle* of 27th October, 1961, was entitled "Belated Decision":

"Widespread satisfaction will be felt at the news that the Chief Rabbinate of Israel has at last given a ruling that grants full religious rights to Indian Jews of the *Bene Israel* sect and in particular allows them to marry other Jews.

In India the *Bene Israel* always took immense pride in maintaining their Jewish heritage and they have recently emigrated in large numbers to Israel. It was, therefore, most distressing when the Chief Rabbinate - which in the State of Israel is invested with supreme authority in matters of marriage - showed reluctance to accord them the same religious rights as their fellow-Jews from other lands. The Chief Rabbinate unheroically took the line of least resistance. It deliberately refrained from authorising marriages between *Bene Israel* and other Jews, although it did not interfere with the granting of such licences by local Rabbis. This pusillanimous attitude rightly invoked strong protests by Jews in all parts of the world who are mindful of the obligations of humanity and Jewish fellowship. It has happily been corrected".

Nevertheless, the decision of the Chief Rabbinate was repudiated by the ultra-orthodox *Neturei Karta*, and by some of the rabbis belonging to the *Agadat Israel*. The most violent attack came from a Rabbi Moses Sternbook, who resorted to derogatory terms regarding Chief Rabbi Nissim. He wrote an (unsolicited) *responsum*, or rather, as he himself termed it, a *meha'ah* (remonstrance), calling on rabbis to take no notice of Rabbi Nissim, who, he asserted, had been until a few years previous "a mere businessman, and not fit to dispense the *halachah*"⁹⁴. He further

⁹⁴ Published in Adar 5720/1960: "מהראר לי להקדים שאין בדעתי במסגרת מאמר הנוכחי לרחוק על הבעיה מבחינת הלכה אם הם באמת מותרים או לא רק מהשקפה חוקית ומוסרית שלדעתי היא ביעות לרחיים להתירע על כפיה בדעת בשעה שהם בעצמם רוצים לכפות כל יבני הארץ וביניהם גדולי תורה להכניע עצמם נגד מצפתם לחקנת רב נסים שהיה עד לפני כמה שנים סוחר פשוט וכר".

accused Rabbi Nissim of being influenced, in taking a liberal view, by political considerations, and of having seen fit not to investigate the halachic aspect exhaustively, in order that he might be re-elected as a Chief Rabbi of Israel⁹⁵.

Sternbook quoted from some Jewish travellers, amongst them Shelomoh Reinman (born in Cochin, about 1800), who wrote in his *Mas'oth shelomoh*⁹⁶ that when the *Bene Israel* came to India, "they married Hindu women"⁹⁷. It is sad to see that Sternbook accepted Reinman's statement without a thorough investigation of the facts; anyone who reads Reinman's full text will observe that what he says is pure assumption. Sternbook also chose to ignore the view of Rabbi Jacob Saphir⁹⁸ expressed in his *eben sappir*, to the effect that there is no doubt whatsoever as to the Jewishness of the *Bene Israel*, who, he stated, did not intermarry or mix socially with their gentile neighbours.

The traveller Israel Benjamin, known as Benjamin II (alluding to the 12th century traveller Benjamin of Tudela), likewise wrote in his diary *Mas'ey yisra'el*⁹⁹ that the *Bene Israel* are Jews, and, in his opinion, belonged to the lost ten tribes¹⁰⁰. Sternbook also quoted briefly from articles in the *Jewish Chronicle* dated 7th February and 11th May, 1883, to the effect that the *Bene Israel* are not "pure Jews". It is the case that some Iraqi Jews had alleged, as mentioned above (Chapter 6) that pure Jewish blood does not flow in the veins of the *Bene Israel*.

For the benefit of students of *halachah* as well as of history, I cite here extracts of the exchange between the Editor of the *Jewish Chronicle* and

⁹⁵ "וכנראה פחד שאם לא יתיר לא יוכל להמשיך כרב ראשי".

⁹⁶ Vienna, 1884.

⁹⁷ pp. 99-112; "בראשית בואם לקחו להם נשים נכריות מבנות הארץ כי לא איש הביא אשתו עמו ועל כן אלה אשר לא היה להם נשים לקחו מבנות נכריות, ובתנאי תקרא בשם בני ישראל ותשמו את דתו ולא תתערב בבנות הארץ באכילתה בעבודתה או אלהיה..."

⁹⁸ Travelled to India in 1858; a disciple of Rabbi Eliyahu (the "Vilna Gaon"). *Pisqey halachah*, pp. 174-79: "בכל דבריהם ועניניהם מנהגיהם ואמנותם נראה ברור בעליל שהם מזרע בית ישראל וצאי ירך יעקב אבינו, ככל היהודים הנפתים בגולה. ולא התערבו עם כל אומה ולשון כי אינם מתחתנים עם העמים אשר סביבותיהם, רק הם כיניהם, ואינם אוכלים ושותים עמהם ולא יתערבו עם הגוים כלל...וכו".

⁹⁹ Benjamin visited India in 1848. His book, written in French, was published in 1856, and the Hebrew translation in 1859. See p. 171.

¹⁰⁰ "אין כל ספק אצלי כי שבט הבני ישראל אשר זכרתי בלבר שהם יהודים גמורים גם הם באמת מזרע עשרת השבטים אשר נגלו בימי הושע בן אלה המלך מישראל על ידי הכסדים לחלח וחבור על נהר גחון תצרי מדי".

the historian of the *Bene Israel*, H. S. Kehimkar.

Jewish Chronicle, 7th February, 1883:

“Notwithstanding the fact that they practise all Jewish observances, the *Bene Israel* in Bombay are looked down upon by the Arab Jews, as those who originally came from Baghdad and other parts of Arabia are termed, owing to a custom having prevailed among them of marrying Hindu women. They thereby lost caste in the sight of the pure Jews, who as was mentioned at the Council of the Anglo-Jewish Association on Sunday last, regarded them in the same light as in England the Portuguese Jews did their German brethren”.

11th May, 1883 (“Notes of the Week”):

If the blood in their veins be not as pure as that of their Jewish countrymen of Arabic origin, they are more interesting to their English coreligionists owing to their having lived from times immemorial in our vast Indian Empire”.

These two extracts from the *Jewish Chronicle* upset the *Bene Israel* of India, and prompted a reply from Mr Kehimkar, one of their leading figures, on 7th June, 1883, refuting the allegation. His letter was published on 6th July; I cite here the two main points only:

(i) “What I most desire to know is whether you or any of your readers can substantiate the allegation that the custom of marrying Hindu women once prevailed among *Bene Israel*... So far as my knowledge goes I may say that the allegation is utterly unfounded. In the first place after the advent of *Bene Israel* to India the natives must have considered their manners and language as strange...”

(ii) “In the second place if the charge had a shadow of truth in it, the distinction observed by *Bene Israel* between pure and impure Jews would be without any explanation whatsoever. This distinction is so rigidly observed that the pure *Bene Israel* - that is those that are of genuine blood, both through father and mother neither intermarry or dine with the “Black Jews”, whose burial place also has been set quite apart. The line of separation between the pure Jews and the “Black Jews is strictly maintained only by the *Bene Israel* of the Bombay Presidency and the white Jews of Cochin, and is in

accordance with the rule laid down by Ezra and Nehemiah”.

It must, however, be observed that, granted the trustworthiness of Kehimkar’s statement when he wrote, for a considerable time now the rigidity of the *Bene Israel*’s distinction between so-called “White” and “Black” Jews has been relaxed. Clearly, there is here occasion for halachic questions. Are we to take it that, at least in recent times, there has been intermarriage between the two groups, and, if so, were the “Black” Jews properly converted beforehand? We are, however, entitled to argue that since *hazzanim* and properly informed instructors were sent to the *Bene Israel* from Iraq and Cochin, it is reasonable to suppose any conversions of “Black” Jews will have been carried out in due halachic form. Just so, it is on record that in the case of the few divorces that did occur, the *Bene Israel* used to avail themselves of the help of Iraqi Jews to guide them in regard to the requirements of the law¹⁰¹. Sternbook, who felt free to quote from the *Jewish Chronicle* selectively, ignored the editor’s prompt rejoinder accepting Kehimkar’s refutation, published on 6th July, 1883:

“Our correspondent, in his warm advocacy of the purity of the blood of the *Bene Israel*, places a construction upon our remarks which is entirely unwarranted and which we repudiate. We have always regarded with genuine interest and satisfaction the efforts made to bring about close relations between the *Bene Israel* and their brethren-in-faith. It is a matter of history that it was owing to our advocacy of their cause that the Anglo-Jewish Association was induced to take those active steps in their behalf which have proved so fruitful of excellent results to the *Bene Israel*. Our remarks were founded upon statements publicly made. But we believe that the view of our correspondent is the more correct. The most recent authority. on the subject, *The Encyclopaedia Britannica*, distinguishes the *Bene Israel*, as a race, from “Kala Israel”, the Black Jews, a mixed multitude of proselytes and ‘vernae’ [i.e. slaves]”.

¹⁰¹ Benjamin, p. 5.

THE CHIEF RABBINATE'S HALACHIC DIRECTIVE

On 18th October, 1961 the Supreme Rabbinical Council had ruled that marriages between the *Bene Israel* and other Jews were perfectly in order. *Kol Israel* (the Israeli radio) and the press gave wide publicity to this decision.

At a meeting of representatives of the *Bene Israel* on 4th November, 1961 at Lod, it was unanimously decided that although the problem was apparently solved, the Action Committee should remain in being until the end of 1962. Their communal leaders doubted the sincerity of the religious authorities, and their misgivings were justified when, in January 1962, a young woman of the *Bene Israel* was refused a marriage licence by the Rabbi of Ashkelon. After much publicity a licence was granted, but with a clause included that the applicant was "not authorised to marry outside the *Bene Israel* community". On 15th February the Rabbi of Herzliya declined to officiate at a wedding at which the bridegroom was a *Bene Israel*, on the grounds that he had not received instructions from the Chief Rabbinate permitting mixed marriages between *Bene Israel* and other Jews. To cap this, all hopes of the *Bene Israel* that their problem had been finally disposed of were dashed when, on 19th February, 1962, four months after the Supreme Rabbinical Council's favourable decision, the Chief Rabbinate of Israel issued new directives in effect nullifying it: henceforth it would be incumbent upon rabbis acting as registrars of marriages to comply with the following instructions¹⁰²:

"On the basis of the decision of the Chief Rabbinical Council of Israel dated 8th Heshvan 5722, the following declaration is hereby transmitted to rabbis registering marriages.

When an application is presented for authorisation of a marriage between a member of the *Bene Israel* community and a *party not belonging* to that community, it is incumbent upon the rabbinic registrar:

1. To investigate whether the mother or grandmother of the

¹⁰² Published by the Ministry of Religious Affairs in August, 1964; reprinted in *Pisqey halachah*, p. 8.

prospective bride or groom of the *Bene Israel* community, *as far back as it is possible to trace their descent*, was a Jewess, and whether she came from a family in which marriages had been effected with non-Jews or proselytes.

2. To investigate whether the parents or the grandparents, *as far back as it is possible to trace descent*, of the party seeking marriage authorisation, were married following the divorce of either of them; and whether any marriage had taken place in the family between kinsfolk related in a degree regarding which Jewish law prohibits marriage.

If the rabbinic registrar is certain that regarding the aforesaid precautionary questions there is no impediment or doubt, he shall authorise the marriage. Should there be *any area of doubt* regarding them, the rabbinic registrar shall refer the matter to the district *beth din*. The *beth din* shall consider the case and determine whether or not the marriage is in principle permissible, and, if it is, whether formal conversion or ritual immersion (*tebilah*) are requisite. If the marriage is not permissible, the applicant may not be married^{102a}.

Even after the publication of this directive some rabbis continued to refuse marriage licences to members of the *Bene Israel*. On 16th March, 1962, the Rabbinat of Jerusalem refused to issue a licence to Mordecai Yehezkiel and S. Sassoon, on the grounds that it had received no instructions from the Chief Rabbinat.

When the new directive became known the *Bene Israel* community were reduced to despair, being utterly disillusioned with the Rabbinat and indeed with the State of Israel. None of them could understand the Rabbinat's apparent *volte face*. Their general mood may be gauged from an interview which I had with the honorary Secretary and spokesman of

^{102a} "על פי החלטת מועצת הרבנות הראשית לישראל ביום ח' במרחשון תשכ"ב, ניתנות כזה הנחיות הנישואין:
אל הרבנים רשמי הנישואין:
הוגשה בקשה לרישום נישואין של אחד מעדת "בני ישראל" עם מי שאינו מבני עדת זאת, על הרב רשם הנישואין:
א. לחקור ולדורש אם האם ואם האם של המבקש או המבקשת מעדת "בני ישראל", ולמעלה עד כמה שאפשר, היתה יהודיה או ממשפחות שנתערבו בהם שאינם בני ברית או גרים.
ב. לחקור ולדורש אם הורי המבקש והורי המעלה עד כמה שאפשר נישאו לאחר גירושין, או שהיו בתוכם נישואי קרובים האסורים לפי הדין.
נבחר להרב רשם הנישואין שאין חשש מן החששות האמורים לעיל, ישיא את המבקשים. נמצא חשש מן החששות הנ"ל, יפנה הרב רשם הנישואין לבית-הדין באזור. בית-הדין ידון בדבר ויכריע אם הנישואין מותרים מעיקרם או לאו, ואם הם מותרים, אם צריכים גירות או טבילה אם לאו.

the Action Committee, Mr S. Samson, who explained that his community felt that the policy being pursued by the Rabbinate of Israel smacked of the policy of apartheid prevalent in South Africa. Marriage certificates issued to *Bene Israel* now had the words *Bene Israel* inserted in place of the usual genealogical description *cohen, levi, or yisrael*. To these three traditional categories, he said, it had apparently become necessary to add a fourth group comprising *Bene Israel* or Indian Jews. The very fact of the need for special directives, he maintained, indicated that the laws governing marriage applicable to Jews generally were inapplicable to *Bene Israel*, and he insisted that such directives were based upon a policy of *apartheid* erected into a principle.

When I asked Mr Samson to elaborate, he said: “for example, the directives are not applicable when a *Bene Israel* wishes to marry another *Bene Israel*, but only when a *Bene Israel* wants to marry a member of the so-called racially “pure Jews”. If the Rabbinate was really sincere and guided by principles based on religion alone, it would have been equally concerned about how, and whom the *Bene Israel* married even amongst themselves. But this is not the case, just as the South African government does not bother itself about marriages between negro and negro. When one of the *Bene Israel* marries another, the Rabbinate could not care less; the only difference is that whereas in South Africa *apartheid* is openly practised, in Israel it is practised under the ‘cloak of religion’”.

It was known, in some circles in Israel, that the reason why the Chief Rabbinate had issued its special directive was because certain rabbis in Israel and America had organised a campaign against Chief Rabbi Nissim’s earlier pronouncement that the *Bene Israel* are Jews without qualification, and were impugning its validity. Their pressure was so effective that of the ten rabbis¹⁰³ who had written positive *responsa* regarding their status (see *Chapter 7*) some retracted, without giving any reason.

The *Bene Israel* themselves, on the other hand, had come to the conclusion that in issuing its positive declaration of 18th October, 1961 the Supreme Rabbinical Council had merely been responding to the need to calm the agitation of both Jews and non-Jews in India itself. As mentioned above¹⁰⁴, the Israeli Consul-General in Bombay was in a most embarrassing position, having to face attacks in the Indian press. As the

¹⁰³ See M. Sternbrook’s second Remonstrance (*meha’ah*), published 18th Kislev, 5722. 1961, p. 2.

¹⁰⁴ See Chap. 6 regarding criticism of the Israeli Consul-General in Bombay in the *Indian Express*.

situation was becoming progressively more tense, the Israeli Minister of Religious Affairs sent a cable to the Union of Orthodox Congregations of the *Bene Israel* in India denying the allegation, described as “a vicious and dangerous fabrication¹⁰⁵”, that *Bene Israel* in Israel were being refused licences to marry members of other Jewish communities. In consequence, when the special directive of the Israeli Rabbinate was published, the *Bene Israel* themselves wrote to their brethren in India apprising them of the actual situation, being quite determined not to let the issue rest until they had obtained equal rights, and the stigma of “impure” Jewish status eradicated once and for all.

Several rabbis and other prominent persons whom I interviewed expressed dismay, and indeed shock at the special directive reversing, *de facto*, the positive ruling of the Chief Rabbinate, and went on record as recognising that the *Bene Israel* “are Jews like all others”.

In regard to whether the *Bene Israel* would co-operate with the investigations enjoined by the Rabbinate’s directive, Mr Samson told me that no member of the *Bene Israel* would agree to be investigated by anybody in order to determine whether or not he/she was a “pure” Jew. Saying “we refuse to be treated like second class citizens”, he told me that they were determined to refuse to answer such questions. Their refusal was widely publicised in the press, which supported them in their plight: and Chief Rabbi Nissim was accused of vacillating and having issued the directive because of political pressure from other rabbis.

A spokesman of Chief Rabbi Nissim’s office described the response of the Action Committee to the directive as lacking in elementary understanding, claiming that it was exactly in line with the Chief Rabbinate Council’s ruling of October 1961, which had stated that clarification would be requisite in every individual case; not a word, he insisted, was changed by the directive, which was aimed neither at satisfying nor at dissatisfying anyone, but based solely on halachic requirements¹⁰⁶.

The issue of the directive involved the *Bene Israel* in further humiliation, since several rabbis, basing their decision upon it, refused to officiate at weddings of *Bene Israel* with other Jews. In consequence, the Chief Rabbinate appointed “regional registrars” to investigate each application

¹⁰⁵ *Jerusalem Post*, 28th May, 1961.

¹⁰⁶ *Jerusalem Post*, 23rd February, 1962.

involving the *Bene Israel* before issuing a marriage licence. But, as already noted, the Action Committee objected to their appointment, and refused to have those whom they represented subjected to what they considered degrading treatment. They simply asked to be treated like all other communities in Israel, who were not - so they claimed - subjected to the directive. The question continued to make headlines, and consequently the President of Israel, Isaac Ben Zvi, called Chief Rabbi Nissim and Dr Z. Warhaftig, the Minister of Religious Affairs, to discuss the matter with him. He expressed his concern at the undesirable international repercussions of the regional rabbis' refusal to issue licences for the marriage of *Bene Israel* with other Jews, and urged them to put an end to the ambiguous situation (*Jerusalem Post*, 1st July, 1962).

On 2nd July, 1962 the Action Committee issued a statement entitled *Apartheid*, condemning the Chief Rabbinate's "fascist" directive and calling on the *Knesset* to pass a law recognising the equality of status of the *Bene Israel* community with the remainder of the Jewish population. On the same day the matter was raised in the *Knesset*, there being two motions on the order paper calling for a parliamentary debate, one in the name of Mrs Emma Talmi (Mapam) and one in that of Mr Moshe Kol (Liberal), but the proposal was defeated by 41 to 30, the opposition consisting of Mapai, National Religious (Mizrahi) and Agudat Israel members. The *Bene Israel* were not deterred despite this setback, and at a meeting of more than 800 of their members held at Beer Sheva on 21st July, 1962, the following resolutions were unanimously adopted:

1. Demand for immediate cancellation of Chief Rabbi Nissim's "infamous" directive, which constituted an insult to the whole *Bene Israel* community.
2. Remonstrance at the appointment of "regional registrars", a move considered to be merely attempt to side-step the issue.
3. Call for disciplinary action against rabbis refusing to issue marriage authorisations to members of the community.
4. Request to the secretaries of all *Bene Israel* centres in Israel to prepare lists of persons prepared to strike and to participate in demonstoations of passive resistance¹⁰⁷.

¹⁰⁷ *Truth*, September, 1962, p. 5.

The motive was to arouse the conscience of prominent persons both in Israel and the diaspora in the face of their predicament and alleged racial discrimination on the part of Chief Rabbi Nissim and his Council. At the meeting in Beer Sheva the mayor, Mr Jariji, condemned the Rabbinate for causing ill-feeling and hatred in Israel¹⁰⁸. He promised his support in whatever action the *Bene Israel* might take. Mr Gideon Ben Israel, a member of the *Knesset*, said that the problem transcended the situation of the *Bene Israel*, involving every Jew, since what was their problem then could at any moment be that of others, expressing fear as to what might happen to the Russian Jews who would, in the near future, be coming to Israel¹⁰⁹. He consequently appealed to the whole people to rally behind the *Bene Israel*.

On 29th - 31st May, 1962 there assembled, in the People's Building (*binyeney ha- 'umma*) at Jerusalem, the first international gathering of synagogue leaders convened by the World Council of Synagogues, New York. The Action Committee exploited the opportunity to explain their grievances to its top-ranking leadership. One of the vice-presidents of the Council, Mr B. B. Benjamin, led a delegation of ten from the United Synagogues of India supported by seven observers, and he took advantage of the occasion to make a fervent appeal for support of the struggle of the *Bene Israel* community in Israel¹¹⁰. Other dignitaries present included Mr Charles Rosengarten, President of the World Council, Dr Simon Greenberg, Vice-Chancellor of the Jewish Theological Seminary of America, Abraham Joshua Heschel, Professor of Jewish Ethics and Mysticism at the Seminary, Mr Morris Lamb, Director, and Mrs Adele Gilead, Executive Secretary and Convention Director. After hearing the *Bene Israel's* case, the meeting agreed that a suitable resolution be drafted and presented to the Convention, two members of the Action Committee being invited to join the drafting committee. On Thursday, 31st May, 1962, the following resolution was passed unanimously, amidst loud applause:

“With pride that the *Bene Israel* throughout the centuries of their separation from the mainstream of Jewish life have nevertheless maintained their loyalty to the Jewish tradition so that today they are in all respects members of the World Jewish Community, we affirm that as Jews they are our brethren in all respects and are entitled to the same rights, privileges and treatment as all Jews in all countries of the world¹¹¹”.

¹⁰⁸ p. 4. ¹⁰⁹ *ibid*.

¹¹⁰ The full text of his speech is printed in *Truth*, September, 1963, iii.

¹¹¹ *Truth*, September, 1962, p. 8.

The *Bene Israel* were naturally gratified not merely by the resolution, but in seeing their aim of arousing the conscience of world Jewish leadership had been effectively achieved. Several prominent persons in Israel spoke out in their support, and in the Hebrew daily *Haaretz* a well-known Israeli figure drew a parallel between the directive and the Nazi notion of racial superiority and the conception of a master race that had led to the destruction of six million Jews¹¹². A correspondent of the *Jerusalem Post* made a fervent appeal:

“It is about time that intelligent God-fearing and God-believing Jews, who claim to be liberal, become acquainted with some of the suffering, physical and spiritual, that is being caused daily in our “Modern” Israel by religious fanatics who still have to learn to love their neighbours as themselves. We Jews are always so outspoken and indignant about racial discrimination and religious persecution elsewhere we have a lot to clear up right here at home. It is about time that Jews spoke up¹¹³.”

Despite the moral strength of the *Bene Israel*'s case, it is to be regretted that they and their sympathisers failed to appreciate a point of cardinal significance. *Halachah* - that is, the administration and interpretation of rabbinic law, founded upon the written Torah - is a matter requiring specialist expertise, like any other system of law, responsibility for which lies not with such bodies as the World Council of Synagogues, but with the Rabbinate, which has interpreted its principles throughout Jewish history. They did not appreciate that affirmation of Jewish ethics and observance of the commandments is one thing, the constructive response to living situations within the parameters of the *halachah* another. The problem of the *Bene Israel*, brought about by their protracted isolation in India, is not unique, and doubtless similar ones will arise in the future so long as the gates of Israel remain open to receive Jewish communities from the diaspora wishing to settle in the homeland.

¹¹² p. 9.

¹¹³ Quoted in *Truth, ibid.*

AMENDMENT OF THE RABBINICAL DIRECTIVE, DELETING REFERENCE TO THE BENE ISRAEL

The struggle of the *Bene Israel* had aroused the conscience of many prominent individuals in Israel and the diaspora, but such public sympathy failed to elicit any response from the Chief Rabbinate. They soon came to appreciate that the support that they had attracted amounted to little else than lip service, but that for concrete help they had no one to look to but themselves. They were so despondent about their situation that in the summer of 1963 some 100 or more demanded repatriation to India, and to achieve their aim they staged a sit-down strike in front of the building of the Jewish Agency in Jerusalem. The Action Committee withheld support, since it realised that the strikers were not motivated by the Chief Rabbinate's directive, but apparently wanted to return to India because of alleged discrimination in housing and jobs. Without the Committee's support, their demonstration was fruitless.

In 1964 the Action Committee met President Shazar and the Minister of Religious Affairs, Dr Warhaftig, and made it clear that the *Bene Israel* would carry on their fight until the directive had been annulled. In the meanwhile, the former strikers decided to repeat their manoeuvre, not in demand of repatriation to India but against the Chief Rabbinate's directive. They thus received the Committee's endorsement when they threatened a "sit-down hunger strike" in front of the Jewish Agency's Jerusalem headquarters, unless the directive was abolished once and for all.

Mr Samson Moses, one of the *Bene Israel* from Dimona, and purporting to speak also for those of Beer Sheva and Ashdod, sent a letter to the Chairman of the Jewish Agency Executive, Mr M. Sharrett, with copies to the Indian Ministry of External Affairs and the Headquarters of the United Nations¹¹⁴. The Action Committee had asked the *Bene Israel* leadership in India to support the strike by initiating public protest against the Rabbinate's directive. A cable was also sent by the honorary Secretary of the Action Committee, Mr Samson Samson, to Mr Sassoon Judah, honorary Secretary of the *Bene Israel* community in India, requesting that he bring a petition about the problem in Israel before the Indian government and take steps to have it brought to the attention of the United Nations' Commission on Human Rights.

¹¹⁴ Information from Mr S. Samson; reprinted in the *Jerusalem Post*, 26th May, 1964.

The hunger strikers in Jerusalem were joined by some *Bene Israel* volunteers; they refused all sustenance save the juice of a fresh lemon daily¹¹⁵. The Action Committee decided also to organise a mass demonstration itself, and called on members of their entire community to support the hunger strikers. By this time the situation was deteriorating so alarmingly that President Shazar decided to call a meeting of the parties concerned. On Friday, 31st July, 1964 the honorary Secretary and spokesman of the Committee, Mr Samson, was summoned to the President's Office to meet the President, Chief Rabbi Nissim, and Dr Z. Warhaftig; the Director of the President's Office, Mr Gabriel Doron¹¹⁶, was also present. The President then produced a draft modification of the Chief Rabbinate's directive involving the status of the *Bene Israel*, which was accepted by Chief Rabbi Nissim; it read as follows:

1. The Chief Rabbinate reiterates its declaration that the *Bene Israel* from India are Jews in every sense.
2. The questions to be asked at the time of applications for marriage authorisation according to the directive of 1962 apply to immigrants from every “distant” land, and do not in any way discriminate against the *Bene Israel*¹¹⁷.

The President hoped that agreement of this text would bring the deplorable state of affairs to an end, and that Mr Samson would accept it. The latter replied that although he personally disagreed with the wording, he would bring it before the Action Committee. The phrase to which he took exception was “from every distant land”, as this wording might in itself impugn the equality of status of the *Bene Israel*. He has informed me that he had produced a counter-proposal at the meeting which would have satisfied the *Bene Israel* community. The declaration which he would have liked the Chief Rabbinate to issue was:

“The Chief Rabbinate is convinced that since the promulgation of the directive of 1962 experience has shown that there is no need for

¹¹⁵ *Jerusalem Post*, 29th July, 1964.

¹¹⁶ Details from Mr Samson. Published, in Hebrew, by the Ministry of Religious Affairs in August, 1964 (see next note), and in English in the *Jerusalem Post* (3rd August).

¹¹⁷ Ministry of Religious Affairs, "בני ישראל", published Elul, 5724 (August 1964), p. 11: "השאלות הנשאלות בשנת נישואין לפי ההנחיות של חשב"כ חלות על כל עולים מכל ארץ רחוקה, ואין בהם שום אפליה לרעה על 'בני ישראל'."

“special directives” in connection with the *Bene Israel* and therefore the practice that prevails in connection with all other Jews shall apply to the *Bene Israel* also¹¹⁸”.

Unfortunately this was rejected by Chief Rabbi Nissim and Dr Warhaftig. The President’s own wording was rejected outright by the 120 representatives of all centres of the *Bene Israel* when they met to discuss it. It was further resolved to hold a mass demonstration in Jerusalem. Thus it was that five days after the publication of the President’s proposal, on 5th August, 1964, more than 3,000 members of the *Bene Israel* - that is, about 30% of the community in Israel - demonstrated in Jerusalem, calling for the complete abrogation of the Chief Rabbinate’s directive.

To begin with the demonstration was orderly. Some members of the Action Committee reminded their co-religionists of their 2,000 year loyalty to Judaism without having suffered any discrimination. Now, in Israel, they were suffering anti-semitism at the hands of their brethren. Several sympathisers joined the demonstrators, among them Professor Yig’al Yadin, members of the *Knesset*, and other leading Israeli personalities. Some demonstrators carried an effigy of Chief Rabbi Nissim with a rope about its neck, which the Action Committee asked them to remove; on their refusal it was confiscated by the police, but another party appeared bearing a second effigy, and, following it, the bearer of a placard reading “Beware! A pharaoh in the cloak of the Chief Rabbi has arisen against Israel, in the the Land of Israel”. Regrettably the demonstration then got out of hand, and when the procession reached the Jewish Agency Building in King George St the effigy was burned and *kaddish* recited.¹¹⁹

It was the spontaneous act of some embittered members of the *Bene Israel*, disillusioned with the Chief Rabbinate, but it met with fierce denunciation from all sections of Jewry including the Action Committee itself, which condemned the burning of the effigy and recitation of *kaddish*. The Union of Israel Synagogues likewise issued an open letter expressing its dismay and deep concern at the *Bene Israel* demonstration

¹¹⁸ This counter-proposal is not recorded in the Ministry of Religious Affairs’ publication (see previous note), but it was reported in the *Jerusalem Post* of 3rd August, 1964.

¹¹⁹ Ministry of Religious Affairs’ publication, p. 13: בהפגנה זו נשאו כרזות וסיסמאות נגד: הרבנות, קבוצה אחת נשאה בוכה בדמותו של הרב הראשי נסים, כשעל צווארו כרוך חבל. בוכה זו נשפרה בפומבי עם סיום ההפגנה ברחוב המלך ג'ורג' כשכל הסובבים קוראים "קדיש".

at which an effigy of Chief Rabbi Nissim had been burned¹²⁰. After the demonstration, at the urging of many figures in Israeli public life who promised to help in every way possible, the hunger-strikers broke their 9-day fast. By now almost all the Israeli political parties except for the National Religious Party¹²¹ were identifying themselves with the struggle of the *Bene Israel*. On 17th August, 1964, a special session of the *Knesset* was called at which the Prime Minister, Levi Eshkol¹²², spoke of the plight of the *Bene Israel* and appealed to the Rabbinate to see to it that all feelings of discrimination against them be disposed of. Facing mounting pressure, the Chief Rabbinical Council summoned a national conference of Rabbis in Jerusalem, in order to discuss the demonstration of the *Bene Israel* and their grievances.

This momentous assembly took place on 31st August, 1964. At it, the Chief Rabbinical Council decided to delete from the contentious directive the words *Bene Israel*, and to widen their scope in order to make clear that the provisions applied to all Jews alike¹²³. Consequently, in place of the specific reference in the directive of 1962 to the *Bene Israel* community the operative wording ran "any person concerning whose genealogy the slightest doubt exists in matters affecting matrimonial law¹²⁴". When this resolution became known, the Action Committee expressed great satisfaction at the Chief Rabbinate's decision.

Thus this long and painful chapter was formally closed. However, I have to state that when, in the summer of 1975, I was doing my research on the subject, I came across some Rabbis who were still refusing to officiate at *Bene Israel* weddings. In such cases the parties are usually referred to

¹²⁰ *Jerusalem Post*, 13th August, 1964.

¹²¹ Its executive passed a resolution identifying itself with Chief Rabbi Nissim's stand on the question of the *Bene Israel*. The party's view was that the issue could have been settled, "if not for incitement by outside political elements" (*Jerusalem Post*, 7th August, 1964).

¹²² His statement was reported in full in *Mebasser*, the publication of the Union of Orthodox Congregations of India, on 25th Kislev, 5725 (30th November, 1964), p. 5. The translation of the Hebrew was provided by Mr S. Samson.

¹²³ Ministry of Religious Affairs' publication, p. 14, §4. The deletion (strictly speaking, re-wording) is set forth in the following manner: "הרכנות הראשית כנוכח מהשיחות שהתקיימו לפי זימתו של נשיא המדינה, מקשיבה באהדה לכל הצעה להחליף את המונח 'בני ישראל' בהנחיות, על מנת להוציא מלבם של אחינו 'בני ישראל' אף רגע מדומה של אפליה."

¹²⁴ *Jerusalem Post*, 1st September, 1964. cf. *op. cit.*, §2, where the text of the revised directive is formulated thus: "בבצור ההנהגות אין בו משום אפליה, אלא רק משום איזכור הלכה קיימת על צורך של בדיקה בכל נשואין בהם יש לו לרשם הנשואין חשש כל שהוא."

Sephardi Rabbis¹²⁵, who showed greater tolerance and willingness to alleviate difficulties still encountered by the *Bene Israel*. I also met other Rabbis who insist that the *Bene Israel* ought all be required to perform a ritual immersion in the *mikveh* (*tebilah*), as a matter of form, in case their forebears in India ever accepted non-Jews without subjecting them to the requisite procedures of conversion. Others, on the other hand, consider that this should not be done, as being liable further to complicate matters: since, if a woman performed ritual immersion for this specific reason, her status thereafter would be that of a convert, and, as such, she would be precluded from marriage to a *cohen*. However, the *Bene Israel* are on the whole now fully accepted as of equal status amongst Jews, and thus a “tribe” which was cut off for centuries from mainstream Jewry has found its rightful place in the people of Israel.

¹²⁵ As reported in *Haboker*, 1st July, 1962.

CONCLUSION

When one studies the special directive of the Chief Rabbinate of Israel in the light of subsequent repercussions, one is left with the feeling that the whole issue concerning recognition of the *Bene Israel's* status as Jews could, and should have been handled in a more humane manner. Had it been, this might have acted as a substantial counterweight to the spread of apprehension through their own community and to the ill-feeling towards the Rabbinate that it engendered.

The *Bene Israel's* sensitivity is bound up with their pride in their history - a justifiable pride, when one considers that despite their isolation from mainstream Jewry for 2,000 years they clung steadfastly to their Jewish faith and maintained the practice of many traditional Jewish customs, even if not always implementing them in full conformity with rabbinic Judaism. Their resentment and bitterness had good grounds in the light of the retraction by some of the *dayyanim* of favourable *responsa* concerning the issue which had already become public knowledge, the more so in that it was generally known that such retraction was due to intense pressure from rabbis of extreme views in Israel as well as in America.

The Chief Rabbinate's directive ought never to have been published, since it could not fail to be interpreted as adding insult to injury, seeing that for two millenia the *Bene Israel* had been united with Jews everywhere in yearning and praying for redemption and the establishment of the State of Israel. Naturally enough, they felt that they had not returned to their homeland just to be told that they were in some way inferior to their brethren, and to find that their Jewish status was questioned. Once the directive had been issued, it inevitably fell into the hands of laymen unfamiliar with the workings of the *halachah* and unaware of its built-in machinery for meeting problematic situations positively and with understanding. It thus served no useful purpose, and merely exacerbated the situation.

It is obvious that administration of the *halachah* can no more be left to the dictates of emotion than can any other system of law; its requirements have to be met, and where necessary enforced, and such process leaves little room for subjectivity based on sympathy¹²⁶. On the other hand, the

¹²⁶ cf. Talmud, *Kethubboth* 84a

sages have advised us to exercise deliberation in giving judgment¹²⁷. The directive had better not been issued at all, and certainly not made public if it had to be. At the same time, it has to be said that the *Bene Israel* themselves, together with a great many of their supporters, evinced a purblindness to the circumstance that the laws of the written Torah are unworkable in practice without the interpretative detail of halachic apparatus, which incorporates millenia of Jewish experience in the handling of personal, family, and public law. It is understandable that, in view of their long isolation, the *Bene Israel* viewed the matter somewhat naively; and the same may well be true of many in Israel and outside who lent their voice to their cause in good faith, having themselves grown up without gaining familiarity with the internal workings of a Jewish communal life in which faith and tradition are vigorously reinforced by established custom. Doubtless others, too, not uninformed about such matters, were happy enough to use the *Bene Israel* problem for their own purposes, being themselves opposed to any exercise of power by an ecclesiastical establishment.

The “ingathering of the exiles” will doubtless, from time to time, produce problems similar to that encountered by the *Bene Israel*, and theirs is no worse, halachically speaking, than hundreds that have to be dealt with by various *batey din* in Israel concerning Jews coming from Russia and eastern Europe many of whom, or whose parents, married non-Jewish spouses and can bring little more evidence of their Jewish ancestry than vague memories of sundry customs carried out in the homes of forebears known to them.

In regard to the question of possibly widespread illegitimacy within the *Bene Israel* community, it is to be regretted that some halachists in Israel based their opinion entirely on the *responsun* of the Baghdad *beth din* of 1914. That *responsun* relied exclusively on information from the warden and *hazzan* of the Iraqi community in India, who stated that the *Bene Israel* permitted remarriage of divorced women without their having received a *get* (instrument of divorce; see *Chapter 6*). From this it concluded that there was a presumption of transmitted illegitimacy affecting the entire *Bene Israel* community, and on the basis of this so-called evidence alone the Baghdad *beth din* prohibited their own Iraqi community from intermarrying with them. If one studies the evidence of the *hazzan* and the warden and the subsequent *responsun* of the Baghdad *beth din*, one has to ask oneself what proof there is that it examined the

¹²⁷ Mishnah, 'Aboth. 1, 1.

evidence objectively; does it, indeed, stand up on its own, bearing in mind that the two sole witnesses were themselves members of the Iraqi community, particularly in light of the historical fact that that community held the *Bene Israel* in disdain? Further, even assuming that the facts were accurately reported and the evidence consequently valid, so that the Baghdad *responsum* could be treated as authentic, the rabbinic authorities in Israel would surely then not have been in order in permitting even internal marriages of the *Bene Israel* community, since, if one or both parties were illegitimate, the authority would thereby become accessory to passing their status on to another generation¹²⁸. But, as has appeared above, the Rabbinate's directive specifically applied to marriages contemplated between *Bene Israel* and members of other Jewish communities only¹²⁹. This is not the occasion for polemics; suffice it to say that more could be advanced in support of the *Bene Israel*'s contention. If students of *halachah* care to refer to my own *responsum* concerning Karaites, they will find that several of the halachic considerations there discussed apply equally to this case.

In regard to allegedly incorrect handling by the *Bene Israel* of divorce procedure, it will be recalled that their Action Committee gave evidence to the Supreme Rabbinical Council of Israel that their women, if widowed, never remarried. Even if that evidence were set aside, it would be essential from the halachic point of view to take account of that of Rabbi Jacob Saphir, himself an outstanding talmudist who lived for a time amongst them. Having observed their practice, he wrote in his book that "should a *Bene Israel* woman be rejected by her husband, whether for adultery or any other reason, she returns to her parental home and never remarries for the rest of her life". Dr Isaac Herzog, late Ashkenazi Chief Rabbi of Israel, wrote¹³⁰ that there was no reason to doubt the testimony of Saphir, whose good faith and talmudic scholarship had been highly regarded by contemporary rabbis in Jerusalem. Relying on it, therefore, we may conclude that the allegation of wholesale illegitimacy amongst the *Bene Israel* was an overstatement. Similarly the late Benziyyon Uziel, Sephardi Chief Rabbi of Israel wrote in a *responsum*¹³¹ that there was no doubt of the Jewish descent of the *Bene Israel* and that they could therefore be acknowledged as being within the Jewish fold; it was owing to exile that they had been cut off for centuries from mainstream Jewry.

¹²⁸ The *Shulhan 'arukh, Eben ha-'ezer*, 4, §24 declares that in cases where both parties intending matrimony are of doubtfully legitimate descent (*sepheq mamzerin*) their marriage is impermissible, in case one of them is, in point of fact, legitimate.

¹²⁹ See *Chap. 8*.

The *responsum* of the Baghdad *beth din* of 1914 received such obsessive attention that a piece of evidence of the utmost relevance was ignored. Rabbi Samuel Abo of Safed and his son, Rabbi Abraham, were both *shelihim* (emissaries¹³²), and had resided amongst the *Bene Israel* in India. Samuel Abo in a *responsum*¹³³ endorsed by the members¹³⁴ of his *beth din* commended them for observance of the commandments, and in particular for construction of a *mikveh* (ritual bath) in accordance with halachic prescriptions. There is also the fact that the Ashkenazi *beth din* of Safed concurred¹³⁵ with Rabbi Samuel Abo; and several Rabbis of Tiberias¹³⁶ accepted the testimony of other *shelihim* to India as to the willingness, and indeed eagerness of the *Bene Israel* to learn more about Judaism and the observance of the Torah. In the same *responsum* the sages of Tiberias denounced, in strong terms, those [unspecified, but clearly referring to the Iraqis] who would fain exclude them from “the protective wings of the divine presence”. It is of significance that this *responsum* was written in Heshvan 5631 (i.e. late 1870) and was endorsed by the signatures of seven outstanding rabbis.

¹³⁰ His *responsum* is rehearsed in *Pisqey halachah*, p. 36. The following is an extract:

“לדין הגאון הגדול פאר הורו וזר הרב הראשי והאב”ד דפתח תקוה שליט”א. זה היום נפנית לעיני בשאלה זו של חיתוך עם “בני ישראל” היות והוא שעת דחק גדול. המקום יא כבוד.

נתברר לי שהכת בני ישראל שבהדורם מורע בית ישראל בלי שום ספק, אלא שאחינו הבבלים היו מהם על יסוד תשובה שקיבלו מרב מובהק בכגדל דל לפני מאה שנה שיש הם ספק פורשים ממזרות, והספק הוא שכתבו לו מאנשי בגדד שבהדור עליהם שני דברים: (א) שהזקוקות ליבום שבעניהם נישאו מהן לשוק בלי חליצה; (ב) שאין אצלם גיטין.

(א) רק לדעת י”א ולד יבמה לשוק ממזר מדרבנן, ובדאי משום ספק זה אין להחמיר כלל, שהרי ספק ממזר אינו אלא מדרבנן וי”א שממזר יבמה כשר כפשטן של דברים שאין ממזר מיבמה. כשי”כ ספק כזה. (ב) נראה מקום להחמיר, כמו שהחמיר הרמ”א דל בקראים. אכן בנוגע לזה נאמנים עלי דברי הרב יעקב ספיר דל בספרו אבן ספיר חלק שני שהיה גדול בתורה וזכירה וחסיד מאד בעיני גאון ירושלים איתני ארץ דל שבימים ההם, וחקר דרש על הכת ההיא של בני ישראל שהוא כותב בפירוש שאצלם המשולחת מבעלה חזרת לבית אביה ורשבת אלמנות חיות כל ימיה, ואלה שואלים אינם מדברים על עובדות של נישואין של יבמות לשוק ואינם אומרים שידוע להם על מקרים של נישואי אשת איש לשוק בלי גט (ואני ברכת את התשובות על עדותם). נמצא שאין כאן הכחשה כלל, ודאי שהוא, ר יעקב ספיר, נאמן אעפ”י שהוא עד אחד, הואיל וזה מילתא דעבדא לאיגלוי ולא נתחזק איסור כלל. וא”כ אין מקום לחושש. ומאז, כידוע, כבר קיבלו עליהם את כל מצוות התורה, דאורייתא ודרבנן. אבל בימי הרב ספיר דל עדיין לא היו להם גיטין. וזר.

¹³¹ *Pisqey halachah*, p. 23. The following is part of his *responsum*: לכבוד הרה”ג הנכבד כמזהירי רבי רפאל ענתבי יצ”ו בעיר בומביי שכמרירת הדור.

הומצא ליד ע”י חברי הרב הראשי הגאון שליט”א שאלתו על דבר הכת הנקראים שם “בני ישראל” שנמצאים במדינתכם שמתנהגים כדת משה וישראל אך גט, מקוה, חליצה יבום אין להם, ואין בהם לא כהן ולא לוי; תפשו בשאלתו, אם מותר להתחתן אתם, ואם מותר לצרפם למנין ולקרוחם לתורה.

ואשיבנו: בנידון זה כבר נשאלתי בשנת תרצ”ח ע”י הא”י יוסף סיגון, עורך הירחון “הבלימה היהודית” בכומבאי, והשבותי אז בארוכה. תוכן תשובתי היה שהיהודים ששם “בני ישראל” נקרא עליהם, הם מגזע זרע קדש של היהדות, ותמכתי יסודותי על תשובת רה”ג בשער תשובה (סי מ”ו) ובמקומות אחרים, ואגרת הרמב”ם לחכמי לטיל. שמדובר שם על היהודים שבהדור שאינם ידעים את התורה שבכתב ואין

The bitterness of the whole episode could have been avoided if the rabbinical luminaries of our own day had seen this evidence, which they would have found no difficulty in accepting and, on its basis, acknowledging the *Bene Israel* unreservedly as a lost tribe, unsullied by any alleged impurity, wishing to return to their homeland and contribute - as they are in fact doing - to the building up of the State of Israel. It is most unfortunate that this did not happen, with the result that the sad affair dragged for some years as a *cause celebre*, constituting a *hillul hashem* (profanation of the divine name) and bringing discredit on Israel, Jews and Judaism amongst the non-Jewish world that is uninformed as regards the *halachah* and its procedures.

להם מן הדת אלא שהם נימולים ושוכתים כיום השבת. והמורכר הוא כדאי על אבות אבותיהם של אלה הנמצאים אצלכם ונקראים בשם יהודים.

ולענין להחזיר לבוא בקהל - אחרי שבורתי בחשובתי שם את שיטות הקדמתים בדבר היתר הקראים משום ספק ממורות שמקדשים ואינם שומרים הלכות גיטין, דשמה הם עצמם כשרים לעשות או שקדשו בפני ערי ישראל, שהארכתי כזה גם בספרי "משפטי עזאל" ח' אה"ע הובאתי ובארת דברי שרית הריב"ש סי' ק' וסי' ש"מ, והתשב"ץ ח"ג סי' מ"ו, והר"מ אה"ע סי' י' בדבר האנוסים, העליתי במסקנא שכת' זו "בני ישראל" הם חסר מגזע עם ישראל ואין לרדם כקראים שפרקו מעליהם עול תורה ומצוות כמו שמקובל ממש מסיני בתורה שבעל פה; אבל אלה לא מרצתם פרקו מעליהם תורה ומצוות אלא שנשחכזה מהם תורה מסיכת גלותם בארצות רחוקות, מנוחקים ומבחדים מכל פזורי האומה ותתנים תחת גלות קשה ומרה. אלא שהואיל וגם אחרי שבאו אל מתניהם קהלות ישראל וראו מעשיהם הטובים והישרים שבדקים הם בתורה ומצוות, היה עליהם לחזור למוטב ולהשיב להם ולבניהם את התורה שנשחכזה מהם. וכין שעמדו בשכחם נקראים פושעים, כמו שכתב הריב"ש לגבי האנוסים. והואיל ועד השנים האחרתים עמדו כמרחקים מקהלות ישראל ולא קדשו בפני עדים כשרים מישראל, הרי נישואיהם בטלים וממילא אין בניהם ממזרים, וכו'. ומתוך כך העליתי בנרוך דיון בהכח "בני ישראל" שאותן המשפחות ששמרו ענין המקור ולא היה בהם עניני גט או חליצה באופן שלא נדע שנמצא בהם פסול ממורת, מצוה לקבלם בקהל ישראל ולקרבם על ידי כך לתורת ישראל, וצריכים להתנות עליהם שיקבלו באופן פומי וחגיגי לשמור ולעשות כל מצוות התורה הטהורה והמסורות. וכי' וביחד מצוות הנדה שהיא יסוד טהרת המשפחה. וכו'.

¹³² The *shelihim* from Israel used to journey to communities in the diaspora in order to collect funds for their *yeshiboth*.

¹³³ The full text of his *responsum*, written on 26th Tishri, 5631 (1870), will be found in *Pisqey halachah*, pp. 13-15. I cite the following extract: לפי...

עדות מע' הרב החותם ראשן ה"ו, שבפעם ראשונה בשנת התקצ"ה שהיה שמה, לא היה להם לא בית כנסת ולא מוהל ולא שוחט, כי אם לפי דבריהם שהיו שומרים שבת בביטול מלאכה דוקא, והיו אופין ומבשלים בשבת, דבר שאין עושים אותו הקראים. ותלית בפעם שנייה ענינו לא ראו, שיש להם בתי כנסיות שתיים בברקוט, וגם ספרי תורה לרוב, וחזן הכנסת מבני בבל, ומקה טהורה עשו ע"פ התורה כחקן חז"ל, ולקחו אותו עד שהלך וראה אופן עשיית המקור בסלילן כשר ע"פ תורתנו הקדושה, ולא יצר כי בשנת תר"ט, שהיה שמה מע' הרב החותם ראשן הנד, ועד עתה, דאי שהוסיפו משמרת על משמרת לעשות ככל אשר יורו אותם חכמי לב מיראי ה' וחושבי שמו. וכו'.

¹³⁴ The following four Rabbis signed alongside him: J. Sakali, Mosheh Kohen, Mordechai Mosheh, Joseph Levi.

¹³⁵ The following is the endorsement of the Ashkenazi Rabbis of Safed: עינינו ראו כל הכתוב מצוה בחוכרת מפום ארוותא רבנן קדישי רבני וחכמי ק"ק הספרדים ה"ו, דברים המרדוקים הנחמדים מזהב ומפי רב ומתוקים לקרב את המרחקים כאשר רצונו ה' אלהינו. וכו'. חלילה לכם למנות רבים לחסות בצל כנפי אלהינו. וכו' יחזרו לסורם כרע חלילה ותהיו גרימה חזר. כי ע"כ כל האנשים תשים גדולים וקטנים אשר יקבלו עליהם כרת משה ישראל, מצוה עליכם לצרפם לעשרה ולקרוחם לס"ת, אין נגרע דבר מישראל הכשרים. וכו'.

Those who so vehemently opposed acknowledgement of the *Bene Israel* were not apprised of all the relevant evidence, and the issue transcended halachic parameters, taking on political dimensions. Nonetheless, the *Bene Israel* are now acknowledged and accepted, both halachically and politically, as Jews without further qualification: cases of discrimination against them are isolated, and can no longer claim endorsement from any official policy. And, as over the years their community becomes progressively more integrated, it will undoubtedly make a considerable contribution to Jewish life in Israel.

¹³⁶ The Rabbis of Tiberias likewise endorsed: אנחנו אלה פה יושבי המכתש העיר הזאת המ"ד זו טבריה ד'ו הבאים עה"ת, שמועה שמענו מאת כמה שלחי אדמת הק' ההולכים להחם, מעידין בגדלן של עם בני ישראל האבחים הנמצאים בעיר הדרו ונקראים בשם עם בני ישראל, כי חמדי תאוחם וחשקם להכניס עצמם בתורת משה ישראל וללכת בדרכי התורה והם דורשים וחוקרים לידע ולשמור ולקיים את דברי התורה. וכר ועל זה באונו שמענו כי יש מאחבי שרצתם להרחיקם מלהכנס תחת כנפי השכינה. ולא זו הדרך ולא זו העיר, וע"ז אמרו לקרב ולא לרחק. ומי יערב על לבו לגשת להרחיק להאנשים האלה בזרע, לא מן ה' הוא זה. ואדרכה, כל המקרב להכניס תחת כנפי השכינה ולהררם בדרך ישרה ובחקי התורה והמצות, אשרו ואשרי חלקו וה"ו מוכה את הרבים, אין חקר לשכרו.

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