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## BLACK JEWS: A HALAKHIC PERSPECTIVE

There is an apocryphal story which relates that when Ben-Gurion was a young man he met a gentleman from France who pointedly described himself as being a Socialist, a Frenchman, and a Jew — in that order. Ben-Gurion responded by indicating that he fully acceded to this descriptive order and explained himself by saying, "Because, you see, we Jews read from right to left." Political affiliation, national citizenship — and color — are all extraneous to the essence of Jewish identity.

Judaism is color blind; skin pigmentation is unknown as a halakhic concept. The problem of determining the status of the various communities of Black Jews is totally unrelated to color. The sole issue is that of Jewish identity. The question of recognition of Black Jews as members of the Jewish community must be seen within that context; as such it is simply one instance of the much broader question: "Who is a Jew?"

The problem of Jewish identity is a crucial one. It is not to be dismissed as being merely a theoretical question in the realm of speculative anthropology; it is an issue closely associated with Jewish survival. Jews have managed to preserve their identity over a period of millennia without becoming assimilated into the dominant culture of their lands of habitation whereas other ethnic groups have disappeared within relatively short periods of time. Despite their wide geographical dispersion, frequent (and sometime forced) migration and lack of an autonomous homeland, Jews have nevertheless somehow succeeded in preserving their ethnic identity.

The problem of Jewish identity is by no means a new one; it

is as old as Judaism itself. *Yalkut Shimoni*<sup>1</sup> reports that at the time of the giving of the Torah on Mt. Sinai the gentile nations became exceedingly jealous. They, too, wished to be the recipients of the revealed word of God and to share in the prophetic experience at Sinai. The Midrash depicts God as brusquely rejecting their claim with the retort, "Bring me the record of your pedigree as My children are bringing." This, declare the Sages, is the meaning of the verse ". . . and they declared their pedigrees after their families . . ." (Numbers 1:18). In order to be counted among the members of the community of Israel and to be granted recognition as a Jew it was necessary for each of the wanderers in the wilderness to present documentary proof or to produce witnesses prepared to testify with regard to the genealogical purity of the petitioner's lineage. Apparently, even at that early date, there were individuals who sought to identify themselves as Jews but whose claims to lineal descent from Abraham, Isaac, and Jacob were spurious. An authentic claim with regard to genealogical identity, then as now, was the *sine qua non* for recognition as a member of the Jewish faith-community by virtue of birth. The sole—but crucial—condition which must be met by a claim to Jewish identity by virtue of birth is that it be predicated upon authentic Jewish parentage, i.e., birth into a family whose claim to Jewish identity is recognized as having already been confirmed, perhaps as far back in the family history as on the occasion of the original census taken by Moses when all families were required to "declare their pedigrees."

The only question with regard to the status of Black Jews which is germane is whether or not they have established a valid claim to Jewish identity either by virtue of birth or of conversion. There are, however, numerous distinct communities of Black Jews and the claim advanced by each group must be examined on its own particular merits.

## I

Historically, the question first arose with regard to the Falashas, the Black Jews of Ethiopia. The earliest reference to the

Falasha community is contained in the diary of Eldad ha-Dani, a ninth-century merchant and traveler who professed to have been a citizen of an autonomous Jewish state in Eastern Africa inhabited by the tribes of Dan, Naphtali, Gad and Asher. The reports of Eldad ha-Dani were given credence as a result of the endorsement of the then Gaon of Sura, Zemach ben Chaim, who vouched for Eldad's reliability and trustworthiness. Although scholars such as Abraham ibn Ezra<sup>2</sup> and Meir of Rothenberg<sup>3</sup> expressed reservations with regard to the veracity of Eldad's narrative, other rabbinic luminaries such as Rashi, Ravad and Abraham ben Maimon cite Eldad as an unquestioned authority. Eldad ha-Dani speaks of the Falashas as Jews and describes the religious practices followed by the Falasha community. Since at that time, and for generations thereafter, there was little or no traffic between Abyssinia and the Jewish centers of Europe and Asia, the question of the Jewish identity of the Falasha community was entirely a matter of speculative curiosity.

The matter did, however, become the subject of halakhic adjudication in the responsa of Rabbi David ibn Zimra (1479-1589). By that time, a fairly extensive slave trade preying upon inhabitants of North Africa seems to have developed. R. David ibn Zimra, or Radvaz, as he is known in rabbinic literature, was presented with a halakhic question which not only called for a clarification of the religious status of the Falashas but also describes the adversities which they suffered.<sup>4</sup> A Falasha town or settlement was attacked, the males slaughtered and the women and children taken captive. One woman, whose husband was presumably among the slaughtered, was purchased as a slave by a Jew who subsequently entered into a sexual liaison with her which resulted in the birth of a son. Later, the son sought to marry a young lady of Jewish parentage and Radvaz was asked for a ruling with regard to the permissibility of the forthcoming marriage.

For Radvaz, the question of the captive's identity as a Jewess was not at all in doubt. "It is clear that she is of the seed of Israel, of the tribe of Dan," declares Radvaz. Describing the prevailing circumstances he writes:

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There is constantly war between the kings of Abyssinia, for in Abyssinia there are three kingdoms, part of the land is inhabited by Moslems, part by Christians steadfast in their religion, and part by Jews of the tribe of Dan . . . and daily they take captives one from the other.

Radvaz was concerned solely with the question of bastardy which, in turn, is predicated upon the possibility that the husband, unknown to his wife, may have been spared or may have escaped. If the captive's husband was yet living when she consorted with her master, the child born to them would, of course, be a bastard and forbidden to marry a Jewess of legitimate birth. If, however, her husband had indeed been killed, the captive's status would have been that of an unmarried widow. According to Jewish law, a child born out of wedlock to an unmarried mother does not bear the stigma of bastardy. Radvaz was called upon to decide whether, in the given instance, the child should be considered to be of legitimate birth, whether he should be declared a bastard or whether, in light of the mother's uncorroborated testimony with regard to the prior death of her husband, the status of the child must remain clouded by unresolvable doubt.

Presented in this manner, the question is simply the classic *agunah* problem in one of its many guises. As such, the question as raised was individual in nature and represented a matter of concern primarily to the persons involved.<sup>4a</sup> However, the ramifications of this responsum go far beyond the question at hand. The question reflects a matter of far broader concern since it is one which could not conceivably arise unless the Jewish identity of the Falasha community is antecedently accepted. Since bastardy is a matter of concern only with regard to Jewish issue, no problem is posed unless it is assumed that the child is of Jewish parentage.

Radvaz was concerned with yet another factor which might serve as a barrier to marital alliances with any member of the Falasha community. This latter consideration, also, is germane only because Radvaz regarded the Falashas as Jews. The religion professed and practiced by the Falasha community is a form of Mosaism;<sup>5</sup> the Falashas are totally ignorant of the Oral

Law. "They appear to be of the sect of Zadok<sup>6</sup> and Boethus known as Karaites," declares Radvaz. Since they are indeed Jews, marriages contracted by them are entirely valid but, points out Radvaz, their divorces are defective because they are not performed in accordance with the usages of Jewish law. Furthermore, by virtue of their adherence to Karaite heresies, the Falashas are disqualified from serving as witnesses. Hence, any *get* (bill of divorce) signed and delivered in the presence of Falasha witnesses is invalid.<sup>7</sup> The absence of a valid divorce, of course, precludes the wife from validly contracting a new marriage. The issue of any subsequent (invalid) marriage entered into by the wife would be halakhically categorized as bastards. Radvaz was one of many authorities who were concerned with the permissibility of marriage between Jews and Karaites. In view of the long period of time which had elapsed since the Karaite schism in the ninth-century it was inevitable that numerous Karaite women had, in the course of centuries, been divorced according to Karaite usage. Many undoubtedly remarried and gave birth to children halakhically forbidden to marry Jews of legitimate parentage. Thus, the suspicion arose that any given prospective Karaite bride or groom might bear the stigma of bastardy.

Radvaz, however, does find grounds for permitting Karaites—and Falashas—to marry within the Jewish fold without restriction. He argues that although their divorces are defective by virtue of the use of unequalled witnesses, it may be assumed that members of the Karaite community are also married in the presence of Karaite witnesses. Since Karaites are disqualified from serving as witnesses, marriages contracted in the presence of Karaite witnesses have no halakhic validity. Since a valid marriage does not exist, it follows that a bill of divorce for its dissolution is superfluous. In light of these considerations, Radvaz rules that there is no suspicion of bastardy with regard to members of the Karaite or Falasha communities. Accordingly, declares Radvaz, marriage to a Falasha is permissible provided that the marriage partner is willing to accept the practices of rabbinic Judaism.

In a subsequent (and presumably later) responsum,<sup>8</sup> Radvaz

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expresses grave reservations with regard to Falasha eligibility for marriage within the Jewish community, but is explicit and even more emphatic in his opinion that they are unquestionably of Jewish lineage. The responsum in question was written in reply to a query regarding how one should comport oneself *vis-a-vis* a Falasha who had been acquired as a slave. Radvaz states unequivocally:

Therefore, . . . with regard to the Falasha slave, since it has become clear that he is a Jew, this purchase is nought but the ransom of captives, not the purchase of a slave, and the obligation was incumbent upon all of Israel to redeem him . . .

Although the "slave" must be granted freedom, Radvaz stipulates that the ransomed captive may be obliged to serve as a laborer or as an indentured servant for a fixed period of time in order to compensate the purchaser for the sum of money which had been expended in the "ransom" of the captive.

Radvaz felt constrained to add that Falashas taken captive must be ransomed even though they conduct themselves as Karaites. The halakhic obligation regarding the ransoming of captives does not encompass sectarians and, accordingly, Radvaz affirms that there is no obligation to ransom a Karaite who is taken captive. Yet, despite Radvaz's belief that the Mosaism of the Falashas is the result of Karaite influences, Radvaz rules that the Falashas have not placed themselves outside the pale of the Jewish community and are not to be looked upon as sectarians. With regard to the absence of an obligation to ransom Karaite captives Radvaz writes, ". . . it seems that this is so only with regard to those who dwell among the Rabbanites . . ." The Falashas in particular are not to be branded as sectarians, opines Radvaz, since

. . . these who come from the land of Kush are without doubt of the tribe of Dan and because there are not among them scholars, masters of tradition, they seize unto themselves the literal meaning of Scripture . . . they are as a child who has been held captive among idolators.

Consistent with this newly formulated position but in contradiction to his earlier stated view, Radvaz concludes:

But with regard to genealogy I fear lest their marriages be valid but that their divorces are not as has been ordained by the Sages, or blessed memory, for they are not at all acquainted with the form of divorces and marriages.<sup>9</sup>

A disciple of Radvaz, R. Ya'akov Castro, in a gloss to *Yoreh De'ah* 158:2, cites the opinion of his teacher and similarly declares the Falashas to be descendants of the tribe of Dan. But, curiously, the same author, in a gloss to *Yoreh De'ah* 267:14, reports that it was customary to execute a writ of manumission (*get shichrur*) in emancipating ransomed Falasha captives. Apparently, the established Jewish communities came into contact only with Falashas who had been captured and sold into slavery. It appears that the purchase or ransom of Falasha slaves by a Jew was not an infrequent occurrence. When a Falasha slave was acquired by a Jew, the question of the religious status of the Falashas became a matter of great significance in determining the master-slave relationship. Radvaz, as noted, ruled that since the Falashas were to be regarded as Jews they could not be held as slaves. Were they to be regarded as non-Jews their status would have been that of a "Canaanite slave" who upon emancipation by means of a bill of manumission acquires the status of a Jew. Since no bill of manumission is required for the release of a Jew from bondage, the fact that such writs were actually executed tends to indicate that the status of Falashas was beclouded and was at least a matter of doubt. Rabbi Castro, however, points out that were a Falasha belonging to a Jewish master indeed to be regarded as a Canaanite slave, in addition to a bill of manumission, immersion in a ritualarium would also be required upon emancipation in order for him to acquire status as a full-fledged member of the community of Israel. Rabbi Castro reports that while delivery of a writ of manumission seems to have been the accepted practice, paradoxically, it was not customary for immersion in a ritualarium to be carried out. Rabbi Castro accordingly concludes that "possibly" the writ was of no religious import but was drawn up simply to provide documentary evidence of the Falasha's status as a free man.

Despite the unequivocal declaration of Radvaz with regard

to the origins of the Falasha community, Radvaz's halakhic decision, handed down in the sixteenth century, may not be valid in the twentieth. In the course of the intervening four centuries it is entirely possible that there was extensive intermarriage between the Falashas and the indigenous Abyssinian population. It is reported that R. Chaim Soloveitchik of Brisk adopted a similar position with regard to the Karaite community. R. Chaim contended that, while in earlier periods of Jewish history there was room for significant disagreement regarding the permissibility of marriage between Jews and Karaites, there is no question that, in our day, such marriages are forbidden according to all authorities. R. Chaim pointed out that over the centuries the Karaites accepted gentile converts but did not do so according to the prescribed ritual. Indeed, since Karaites are disqualified from serving as members of a *Bet Din*, conversions performed by them would be inefficacious even if the Karaite *Bet Din* were to adhere scrupulously to all details of the conversion ritual. As a result, declared R. Chaim, every Karaite now has the status of a *safek akum* and his identity as a Jew is in doubt.<sup>10</sup> The same considerations may well be applicable to the Falasha community. On the other hand, the Falashas may differ significantly from Karaite communities with regard to the incidence of conversion. The Falashas are known to be shunned as pariahs by the dominant Ethiopian tribes with the result that social intercourse between the communities is severely limited. On the basis of available published information it is impossible to determine whether acceptance of converts over the generations was a common or rare occurrence among the Falashas.

Despite any qualms which might be voiced, the authenticity of the claims to Jewish identity advanced by the Falashas was affirmed not only in the middle ages but in modern times as well. The Falasha community was rediscovered over a century ago and their plight brought to the attention of western Jewry. In 1864 Rabbi Ezriel Hildesheimer, a prominent rabbinic spokesman, issued a call for action in order to counteract missionary activity among the Falashas.<sup>11</sup> This was followed by a fact-finding mission undertaken in 1867 by the noted orientalist and Semitic scholar, Joseph Halévy. However, it was not until the



beginning of the twentieth century that meaningful endeavors were undertaken on behalf of the Falashas. A relationship with the Falasha community was established largely through the efforts of a single individual, Dr. Jacob Noah Feitlovitch, whose efforts on behalf of the Falasha community were endorsed in the strongest terms in a public manifesto issued in 1921 by the then Chief Rabbi of *Eretz Yisrael*, Rabbi A. I. Kook.<sup>12</sup>

Although neither Rabbi Hildesheimer nor Rabbi Kook addresses himself to the thorny question of the permissibility of marriage between Jews and members of the Falasha community or to the question of the possible requirement of a conversion ceremony because of intermarriage over the course of centuries, both epistles speak of the Falashas in the warmest of terms and proclaim the responsibility of world Jewry both for their material support and for their religious education. Reflected in both statements is deep concern lest the Falashas forsake the Jewish faith.

More recently, the Sephardic Chief Rabbi, Rabbi Ovadiah Yosef, reiterated the commonly accepted halakhic view in stating that the Falashas are "descendants of the tribes of Israel . . . and without doubt the aforementioned authorities who determined that they are of the tribe of Dan investigated and reached this conclusion on the basis of the most reliable testimony and evidence."<sup>13</sup> Therefore, declared Rabbi Yosef, it is obligatory upon the Jewish community to rescue them from assimilation and to "hasten their immigration to Israel, to educate them in the spirit of the holy Torah and to coopt them in the rebuilding of our holy land."<sup>14</sup> Rabbi Yosef specifically calls upon the government of Israel and the Jewish Agency to facilitate immigration of the Falashas. It has been reported that Rabbi Yosef has, on other occasions, counselled that Falashas should undergo a conversion ceremony in order to eliminate any possible question with regard to their status as Jews. Curiously, until very recently, a completely antithetical policy was adopted by secular officials of the State of Israel. For many years it was the stated policy of the Israeli government that "Israel does not regard the Law of Return as being applicable to the Falashas" and "is not enthusiastic about the prospect of Falasha immigration."<sup>15</sup> This

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posture was seemingly motivated by considerations of international diplomacy. Following the fall of Emperor Haile Selassie an inter-ministerial committee was appointed to review the status of the Falashas. As a result of the deliberations of the committee the Falashas have been recognized as eligible for Israeli citizenship and other rights under the Law of Return.<sup>16</sup>

## II

The Falashas were accepted as Jews by Radvaz and by others on the basis of the report of Eldad ha-Dani who testified to their long history of Jewish identification. The same cannot be said of other groups seeking to identify themselves as Jews.

Rashi, in his commentary to Numbers 1:18, indicates that in the wilderness either of two modes of proof of genealogical identity was acceptable: a written document certifying the family pedigree or witnesses testifying to *chezkat leidatam*, i.e., witnesses presenting presumptive evidence with regard to birth. In Great Britain, prior to the reign of Queen Victoria, it was the practice for both the Archbishop of Canterbury and the Lord President of the Council to be in attendance at every royal birth in order to certify the identity of the newly-born princeling. Jewish law makes no such requirement. Witnesses are not required to be present at the moment of parturition in order to testify to the identity of the infant. A Jew is known and accepted as a Jew on the basis of *chazakah*, presumptive evidence based upon deportment and interpersonal behavior. Such presumptive evidence is, in the absence of contradictory evidence, accepted with absolute credibility.

A similar *chazakah* serves to establish the existence of familial relationships which, in turn, may, in certain eventualities, lead to imposition of capital punishment. Wounding a parent is a capital offense. But how can the existence of a filial relationship be established? It is sufficient, declares the Gemara, *Kiddushin* 80a, for evidence to be adduced demonstrating that the person, as a child, was customarily in the mother's tow. The general conduct and deportment of an individual engenders presumptive evidence with regard to determination of matters of

personal status. Exhibition of maternal concern and filial dependence, when continued over a period of time, suffices in and of itself to establish the existence of a parent-child relationship. No further corroboration is required. This *chazakah* establishes not only the individual's identity as a member of a family unit but also as a member of a larger family, the community of Israel. Since Jewish identity depends upon maternal Jewishness, the selfsame mode of conduct which serves as the basis for the establishment of filial obligations and restrictions *ipso facto* establishes identity as a Jew. Subsequent to the establishment of a distinctive faith community, a *prima facie* claim to Jewish identity may be established by means of a simple declaration, provided there is no information or presumptive evidence pointing to non-Jewish parentage.<sup>17</sup> However, apart from documentary evidence, testimony establishing this *chazakah* was apparently the sole manner in which such identity could be established at the inception of the community of Israel.

Halakhah, of course, provides for yet another mode of acquiring status as a Jew. A person may be a Jew by virtue of birth or he may enter the community of Israel by means of conversion. Acceptable evidence of conversion may be adduced in one of two ways: either by means of witnesses who are able to identify the proselyte and to testify that they were present during the course of the conversion ritual; or on the basis of a *chazakah*, presumptive evidence derived from the individual's comportment and life style. Rambam's codification of the relevant laws with regard to this point is very instructive:

. . . a proselyte who conducts himself according to the ways of Israel . . . and performs *all* (italics added) the commandments is assumed to be (*bechezkat*) righteous convert even if there are no witnesses who testify before whom they were converted . . . Nevertheless if they come to marry in Israel, they are not to be married until they bring witnesses or until they immerse in our presence since they were known (*huchzaku*) as gentiles.<sup>18</sup>

Rambam clearly indicates that a person claiming to be a convert may substantiate that claim on the basis of conduct and behavior alone. It is the *chazakah* which establishes presumptive

evidence with regard to the authenticity of this claim despite the individual's antecedent identification as a gentile. R. Abraham Isaiah Karelitz, popularly known as *Chazon Ish*, rules<sup>19</sup> that the person seeking recognition as a convert must have conducted himself as a Jew for a period of thirty days and have been unquestionably accepted as a Jew by all observers during that time in order for his claim to be deemed valid.<sup>20</sup> *Chazon Ish* adds that such presumptive evidence is acceptable, even though it is generated by self-serving actions on the part of the applicant for recognition as a convert, because it may be assumed that the *Bet Din* of the city would not have allowed such conduct to go unheeded. If, during the period in which the applicant conducted himself as a member of the Jewish community, the local ecclesiastical authorities make no attempt to challenge the *prima facie* status created by his conduct, it may be assumed that the *Bet Din* had sufficient reason to conclude that a valid conversion had, in fact, been performed.

With the exception of the Falashas, whose claim to Jewish identity was, according to rabbinic sources, predicated upon a claim to descent from the tribe of Dan and who, in any event, are not known to have been of definite gentile genealogical origin, all contemporary Black Jews are known to have been *bechezket akum*, i.e., to have been descended from progenitors known to have conducted and identified themselves as non-Jews. The Jewishness of all such groups is of fairly recent vintage and the *chezkat akum* is easily traceable. In view of their earlier known identification with Christianity any claims advanced by, or on behalf of, these groups to descent from the ten lost tribes of Israel or to being the only authentic descendants of the original ethnic Jewish community must be dismissed as sheer fabrication. From the halakhic perspective such claims are clearly negated by the earlier *chezkat akum* growing out of their own prior conduct and deportment. Any claim to recognition as Jews can be based only upon a contention that they, or their forebears, were at some point converted to Judaism. When no claim to prior conversion is made—and indeed many find the very suggestion insulting since they contend that they, and they alone, are descendants of the original Jewish people—any claim to

Jewish identity on their part must be rejected as spurious.

Hypothetically, if an individual, or group of individuals, were to claim Jewish identity by virtue of conversion, or by virtue of descent from ancestors who were converted to Judaism, such a claim, to be given credence, must be supported by conduct indicative of membership in the community of Israel, *viz.*, observance of all commandments as indicated by Rambam. Furthermore, this *chazakah* or presumptive evidence, in the opinion of *Chazon Ish*, is given credence only when the status of the individual manifesting such conduct is recognized by the entire community without question or reservation.

With the exception of a small number of individuals who have been formally converted to Judaism in recent years and who have been recognized without reservation as righteous converts, those claiming to be Black Jews fail to meet one or more of these tests. None of these groups observe all of the precepts of Judaism. If the opposite were the case, such observance might serve to substantiate the validity of a claim to having undergone conversion at some time in the past. The members of these communities were never unreservedly accepted as authentic converts by the general Jewish community as required by *Chazon Ish*. Quite to the contrary, responsible religious spokesmen have repeatedly cautioned that the claims of those purporting to be Black Jews require careful investigation before they may be accepted as authentic. Such cautionary exhortation clearly served to thwart the establishment of a *chazakah*. Moreover, virtually all of those whose conversion cannot be authenticated openly concede that neither they, nor their progenitors, ever sought to acquire Jewish identity by means of formal conversion.

Claims or, more accurately, speculation that present-day Black Jews may be descendants of converted slaves who belonged to Jewish slaveowners are entirely without factual foundation. It has been established that, for sociological as well as religious reasons, Jewish slaveholders made no attempt to convert their slaves to Judaism.<sup>21</sup>

It is indeed true that Halakhah requires that a gentile slave acquired by a Jew undergo immersion in a ritualarium and, in the case of a male, calls for circumcision as well. In the absence

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of voluntary compliance on the part of the slave the Jewish master is forbidden to retain ownership of the slave but may dispose of him by sale to a non-Jew.<sup>22</sup> The slave, having undergone this ritual, is required to observe all negative commandments and those positive commandments whose fulfillment is not restricted to stated times. The slave, however, upon manumission, acquires full status as a Jew. A slave might, however, validly stipulate against circumcision and immersion prior to his sale to a Jewish master.<sup>23</sup> The Jew is then permitted to retain the slave and the slave incurs no further religious obligations other than the duty to abide by the Seven Commandments of the Sons of Noah which are incumbent upon all non-Jews. In practice, it appears that for many centuries, Jewish slaveholders made no attempt to circumcize their slaves or to have them undergo immersion in a ritualarium. Rema indicates that this practice lapsed because conversion of any non-Jew to Judaism was illegal in many countries. Halakhic authorities ruled that, since a Jew might quite correctly agree at the time of purchase not to convert the slave, such an agreement should universally be assumed to be part of the contract of sale. Thus, every acquisition of a slave contained an implied agreement against conversion.<sup>24</sup> It is indeed the case that there exists no halakhic impediment which would preclude a slave who has not previously undergone immersion for the purpose of acquiring the status of a Canaanite slave from voluntarily converting to Judaism subsequent to his acquisition by a Jew. In fact such an act of conversion carries with it automatic manumission.<sup>25</sup> There is, however, no evidence that this actually occurred in the United States during the antebellum period.

### III

There is only one reference to a Jewish Black to be found in historical records of the pre-Civil War period. In 1857, Maurice Meyer, who served at the time as rabbi of the Jewish community of Charleston, published an article in a German periodical<sup>26</sup> in which he described a Black Jew, a freeman who was a retired newspaper carrier. This person was apparently converted out-

side of the United States and was described as the "most observant of those who go to the synagogue."<sup>27</sup> From Meyer's account it is obvious that the phenomenon of a Black Jew was a rarity. There is no evidence whatsoever to support the claim that some present-day Black Jews are descendants of slaves converted by Jewish slaveowners.<sup>28</sup>

The existence of groups in this country describing themselves as Black Jews can be traced to the latter part of the nineteenth century. One group, known as the Church of the Living God the Pillar Ground of Truth for All Nations was founded in Chattanooga, Tennessee in 1886 and later relocated in Philadelphia. Ten years later, a group known as the Church of God and Saints in Christ was organized in Lawrence, Kansas. This group is very active in the Washington, D.C. area and for many years its headquarters have been in Belleville, Virginia.

These groups, whose origin and development parallel the rapid development of Black Christian sects whose devotions and liturgy focus heavily on the Old Testament, claim Jewish identity based upon genealogical descent from the Jews of the Bible. The rise of these sects, both Christian and "Jewish" is not difficult to understand. Old Testament accounts of the persecution and election of the people of Israel had a ready appeal to an enslaved people. Recently-emancipated Negroes saw a commonality of experience and anticipation between themselves and the Israelites of the Bible. The parallel between their own situation and that of the ancient Hebrews who had been rescued from bondage and led to freedom is readily perceived. It is for this reason that typical Negro spirituals show a predilection for biblical motifs. These early group of Black "Jews" showed little interest in the white Jewish community.

The Church of the Living God was established by S. J. Cherry, a black seaman and railroad worker. Cherry claimed that God had appointed him as His prophet and that it had been revealed to him that all Jews of the Bible were black. He further claimed that only Blacks are real Jews but conceded that not all Blacks, either now or in the Biblical period were Jews. Esau was the first red (or white) man and was hated by God. Jacob was black. It follows that white Jews are not born of the stock

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of Jacob. It is only because the true Israelites were unknown for such a long period of time that "so-called white Jews" succeeded in fraudulently identifying themselves as Jews. Cherry, apparently rejecting the efficacy of conversion as a means of acquiring identity as a Jew, taught that one may be a Jew only if born a Jew. Hence, although white Jews may be "Jewish" in their religious observances they are not really Jews. Only Black Jews may validly claim to be Jews by virtue of descent from the patriarchs.<sup>29</sup> This church is presently headed by the "Prophet's" son and successor "Prince" Benjamin F. Cherry. Members of this group observe the Sabbath on Saturday, celebrate Passover and refrain from eating pork and fish lacking fins or scales. Gambling, smoking, swearing, television and movies are banned. The Christian origin of this group is manifest in the continued veneration of Jesus.<sup>30</sup>

The second such sect to emerge, the Church of God and Saints of Christ, was founded in 1896 by William S. Crowdy, a Negro cook on the Sante Fe Railroad. Crowdy believed he was a prophet charged by God with leading His people, the Black race, to Judaism. Crowdy claimed to be the recipient of a series of revelations in which, among other things, he was told that Blacks were descendants of the ten lost tribes of Israel. Crowdy maintained that all Blacks are Jews and that originally all Jews were black. White Jews lost their black pigmentation as a result of intermarriage with whites. Crowdy's followers adopted such distinctive Jewish practices as circumcision, the Jewish calendar, observance of Saturday as the Sabbath, Passover and the wearing of skull caps. At the same time, as indicated by its very title, the sect retained the central beliefs of Christianity, practiced baptism, celebrated a form of the Eucharist, and engaged in other Christian practices as well. The present leader of this sect, Bishop A. Z. Plummer, was appointed to his post by "Prophet" Crowdy. Plummer is viewed as a direct descendant of Abraham and called "Grandfather Abraham" by his followers.<sup>31</sup> Various estimates of the church's membership made between the 1930s and 1960s suggest that the church has between 34,000 and 38,000 adherents among its 112-200 branches. In Belleville, the site of the church's central authority, the group forms a co-



hesive and isolated enclave. The life-style of the Belleville group is that of a commune.<sup>32</sup>

In 1899, there appeared yet another group which founded a congregation in New York City known as the Moorish Zionist Temple whose spiritual leader, a certain "Rabbi" Richlieu, claimed to have been born in Ethiopia. In the early or mid-1920s one Arnold Ford became associated with the Temple leadership, either at the time of the reorganization of the Temple in 1921<sup>33</sup> or in 1925, shortly after it became defunct.<sup>34</sup> Ford declared himself to be a rabbi and, after breaking with his colleagues in 1925, founded a group known as Beth B'nai Abraham. Raised in Barbados, Ford was the son of a leader of a Christian evangelical sect and himself served as choirmaster of the United Negro Improvement Association whose leader was Marcus Garvey, one of the earliest advocates of an extreme form of Black nationalism and founder of a movement which came to be known as Garveyism. Ford adopted the anti-white sentiments of Garveyism and taught that "only true Jews were black; and white Jews were only European offshoots of the original black African Hebrews."<sup>35</sup>

Ford rejected the term "Jew" and insisted upon calling his followers "Hebrews." The term "Jew" he felt to be appropriate only as an appellation for European whites who had been converted to Judaism by Blacks. He believed that Africans were the true Hebrews, but that knowledge of their heritage had been virtually eradicated through centuries of persecution. The Beth B'nai Abraham became torn by a schism between Hebraic African sympathizers and those who wished to be identified simply as Jews. The Beth B'nai Abraham developed serious financial troubles and collapsed in 1930. Some writers maintain that Arnold Ford relocated in Detroit, changed his name and went on to become the leader of the Nation of Islam. They maintain that the recently deceased W. Fard, the founder of this Islamic cult, and Arnold Ford were one and the same person.<sup>36</sup>

At least eight different black cultist groups flourished in Harlem at various times between 1919 and 1931.<sup>37</sup> Probably the best known group of Black Jews is the Commandment Keepers Congregation of the Royal Order of Ethiopian Hebrews which

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made its appearance sometime in the 1920s. The origin and practices of this group have been analyzed in detail by a sociologist, Howard Brotz.<sup>38</sup> The members of this group claim to be descendants of Falasha Jews and have always sought recognition and acceptance as Jews by the white Jewish community. The Commandment Keepers Congregation, headquarters of the Royal Order of Ethiopian Hebrews, was established by the late Wentworth A. Matthew, formerly of the West Indies. Matthew claimed to have been born in a Falasha community in the Gold Coast of Africa. However, in his early life he was clearly a practicing Christian. In his own words:

I got tired of Christianity, of going from church to church. Got the spirit it wasn't right. Just found this by myself because I wanted Hebrew. Like I was reaching out and discovered this.<sup>39</sup>

Until May, 1962 Matthew's congregation was officially listed in the records of the City of New York as the Church of the Living God, Pillar and Ground of Truth and Faith of Jesus Christ.<sup>40</sup> To this day the Passover *seder* celebrated by this group contains elements commemorating the Last Supper.<sup>41</sup>

Brotz reports that Matthew came to Harlem from the West Indies in 1913. After coming into contact with Arnold Ford, Matthew organized his own congregation which originally consisted of only eight men. Hiring an immigrant Jew as a tutor, Matthew studied Hebrew and Jewish practices and acquired some knowledge of Yiddish.<sup>42</sup> Quite apart from his own unsubstantiated claim of Falasha birth, it is clear that his followers are not of Falasha descent. Despite Matthew's characterization of his followers as "Ethiopians," in light of the virtually total absence of Ethiopian immigration to the United States, it is inconceivable that any significant number of Matthew's congregants are of Ethiopian, much less of Falasha, origin.

It is clear that the practices of the Royal Order of Ethiopian Hebrews do not derive from those of the Falashas but originated from contact with white Jews in Harlem. Matthew's claim to Falasha descent may well have been prompted by a well-meaning Jew. Brotz reports that Feitlovitch, the moving figure of the Pro-Falasha Committee which was then actively trying to awaken

world Jewry to the plight of the Jews of Ethiopia, approached the Black Jews of Harlem in conjunction with his endeavors. Feitlovitch made these contacts in the belief that members of these sects were descendants of Falasha Jews.<sup>43</sup> In the process, he provided impetus for later affirmation of Falasha origin by the Ethiopian Hebrews. Feitlovitch's own investigations demonstrate that there is no connection between the Ethiopian Hebrews and Falasha Jews.<sup>44</sup>

#### IV

The problem which currently besets the Jewish community is the manner in which it should respond to the various groups of Black Jews seeking recognition and legitimization.

The various Black Jewish communities may be seen as separable into three distinct categories. There are some groups whose members maintain that they are the original Jews and that white Jews of European descent are "Edomites," usurpers whose claims to Judaism are spurious. Since these Black Jews view themselves as the only true Jews they see no need, and have no desire, to convert to Judaism. From our perspective, and our view of Jewish history and identity, there is very little that need be said in response to such a claim. Their use of the appellation "Jew" is, from our point of view, a misnomer. Black "Jews" subscribing to this belief and the Jewish community agree on one most significant point: the two communities differ both ethnically and religiously. It would be best for all concerned to recognize that we must agree to disagree and go our separate ways.

There are other Black Jews who, regardless of their personal feelings and convictions, recognize that in order to gain acceptance as members of the community of Israel it is necessary for them to undergo the process of conversion. There are indeed a number of instances in which not only individuals but entire groups have become proselytes and have become observant members of the community of Israel. This group poses no halakhic problem whatsoever. They have been recognized and welcomed as righteous proselytes.

The area of most concern is with regard to a third category

of Black "Jews" comprised primarily of individuals rather than of organized groups. There are significant members of Black "Jews" who, for whatever reason, feel a very close affinity to Judaism. These individuals refuse to undergo conversion either because of an erroneous belief that they are Jews by virtue of birth or because of a feeling that since they have conducted themselves as observant Jews for an extended period of time conversion is superfluous. Resistance to acceptance of the necessity for conversion is based at least in part upon the identity crisis such a process would precipitate. These individuals are understandably reluctant to reorder their thinking with regard to themselves and their religious identity. Some individuals included in this category would certainly be eligible candidates for conversion were they to seek the status of proselytes; others are ineligible for conversion because, while they seek to identify themselves as Jews and observe many of the commandments and precepts of Judaism, there remain many precepts which they decline to accept. In any event, unless and until such individuals undergo conversion their status as non-Jews remains unchanged.

Although it is not possible to recognize such individuals as Jews they may nevertheless be urged to accept the precepts of the Noachide Code as a minimum level of observance and may conceivably be encouraged to accept other *mitzvot* as well subject, of course, to the limitations which Jewish law places on the observance of the commandments by non-Jews.

Judaism teaches that observance of the Seven Commandments of the Sons of Noah is an obligation which devolves upon all gentiles. In earlier periods of Jewish history, formal acceptance of the obligations of the Noachide Code carried with it recognition and status as a *ger toshav*. Although the institution of *ger toshav* lapsed following the destruction of the Temple and the exile of the Jews from the Land of Israel, Judaism teaches that the binding nature of the Noachide Code is in no way diminished. The Black "Jews" under discussion undoubtedly seek closer identification with Judaism than they are likely to feel through observances restricted to fulfillment of the seven Noachide commandments. The Noachide laws are essentially negative in nature and serve primarily to restrict conduct in certain areas.

They do not provide for positive forms of religious expression or identification. Moreover, a religion stripped to the bare essentials of the Noachide Code lacks the richness of beauty of the rituals and ceremonies so closely associated with Judaism and Jewish worship. In some situations it may be appropriate to encourage non-Jews to accept many of the 613 *mitzvot* incumbent upon Jews in order to satisfy their need for religious expression. Of course, such persons would have the option of selecting as many or as few of these commandments as they wish. Indeed, since it will be clearly recognized by them and by the Jewish community that they are in fact neither Jews nor candidates for conversion, there is no reason why their commitment to acceptance of the yoke of the commandments should be total and all-embracing.

V

Judaism does indeed teach that non-Jews are forbidden to study the Oral Law<sup>44a</sup> and may not observe Sabbath restrictions in their totality. A non-Jew desiring to observe *Shabbat* would of necessity require rabbinic guidance with regard to the proper mode of observance. Suffice it to say that a non-Jew would find it possible to observe the Sabbath in a manner that would satisfy both the strictures of Halakhah and his own need for the Sabbath as a day of rest and spiritual renewal.

Many authorities follow the position of Radvaz<sup>45</sup> in permitting non-Jews to perform *mitzvot* provided that they clearly recognize that observance of the commandments is not a binding obligation insofar as gentiles are concerned. It would appear that the status of a non-Jew in performing the *mitzvot* is that of an *eino metzuveh ve-oseh*—one who is under no express obligation to perform the *mitzvah* but who nevertheless may, at his option, do so. According to this view, the non-Jew fulfilling *mitzvot* in this manner will be the recipient of heavenly reward for the deeds which he performs. Radvaz, however, adds a caveat with regard to permitting non-Jews to perform certain specific *mitzvot* and states, "Nevertheless regarding commandments requiring sanctity and purity such as *tefillin*, *sefer Torah*

and *mezuzah* I incline toward stringency, not to allow them to perform such *mitzvot*."

This view is also recorded in the works of several early authorities who expressly affirm that the category of "one who is not commanded but observes" extends to non-Jews who perform *mitzvot*. Me'iri, in his commentary to *Sanhedrin*, 59a explicitly states that a non-Jew who performs the *mitzvot* "is to be honored even as a High Priest."

Of even greater relevance to a definitive determination of this question are the words of Rambam, *Hilkhot Melakhim* 10:10. After enumerating the specific *mitzvot* which a gentile may not perform, Rambam states:

A Noachide who wishes to perform a *mitzvah* from among the other *mitzvot* of the Torah in order to receive reward is not to be prevented from performing it in the proper manner . . .

Noteworthy is the fact that Rambam explicitly refers to the motivation of the non-Jew in performing the *mitzvah* as being "in order to receive reward." Nowhere in halakhic sources is there a suggestion that God has in any sense demanded the performance of *mitzvot* by non-Jews. Hence, in observing *mitzvot*, gentiles cannot be depicted as being among those who fulfill God's desires and "serve the Master not for the sake of reward" (*Avot* 1:3). Logically, the sole remaining motivating factor is the desire to receive compensation. Thus, Rambam incorporates the phrase "in order to receive reward" in his codification of this Halakhah in order to indicate that there is nothing at all ignominious with regard to a gentile performing *mitzvot* for the purpose of receiving reward. He does indeed "serve the Master for the sake of receiving reward" and since no higher obligation has been placed upon him he is to be lauded for doing so.<sup>46</sup> The clear implication is that the gentile who performs a *mitzvah* is rewarded for doing so. Radvaz, in his commentary on this passage, states clearly that the status of one who conducts himself in this manner is that of an *eino metzuveh ve-oseh*.

In addition to this statement in *Hilkhot Melakhim*, Rambam, in one of his responsa,<sup>47</sup> states unequivocally, ". . . for a gentile who fulfills a *mitzvah* is accorded reward for [the] *mitzvah*, but

not as one who is commanded." Accordingly, Rambam rules that a non-Jew seeking circumcision in fulfillment of the *mitzvah* may be circumcised by a Jew.<sup>48</sup>

One contemporary authority, Rabbi Moses Feinstein, adopts a contradictory view and states that a non-Jew who performs a *mitzvah* receives no compensation whatsoever.<sup>49</sup> Rabbi Feinstein carefully distinguishes between a non-Jew and a Jewish minor. The latter, opines Rabbi Feinstein, is, at the very minimum, in the category of "one who is not commanded but fulfills,"<sup>50</sup> whereas the former is completely excluded from the pale of *mitzvot*. Rabbi Feinstein further rules that non-Jews are forbidden to engage in the performance of any ritual *mitzvah* on a regular basis.<sup>51</sup> This position is predicated upon a statement by Rambam, *Hilkhhot Melakhim* 10:9. Rambam, basing himself upon *Sanhedrin* 58b, declares that a non-Jew may not be permitted to "create" a new *mitzvah* or ritual observance. Regular performance of a *mitzvah* by which he is not bound, argues Rabbi Feinstein, is tantamount to the creation of a new *mitzvah* and cannot be sanctioned since non-Jews are enjoined from devising novel observances. However, according to Radvaz's interpretation of Rambam the voluntary performance of one of the divinely commanded 613 precepts cannot be accounted as the creation of a "new" *mitzvah* on the part of a non-Jew. For Radvaz, such a view is contradicted by the previously cited comments of Rambam, *Hilkhhot Melakhim* 10:10.<sup>52</sup>

The opposing view of Me'iri is dismissed by Rabbi Feinstein because it is contained in a manuscript which was unknown until very recently. Rabbi Feinstein claims that the authenticity of the newly-discovered Talmudic commentaries attributed to Me'iri is suspect. Radvaz's statements are dismissed by Rabbi Feinstein for the same reason that he does not give credence to the opinion voiced by Me'iri. Although the commentary of Radvaz is incorporated in all standard texts of Rambam's *Mishneh Torah* it is based upon a manuscript whose authenticity Rabbi Feinstein does not accept as having been established beyond doubt.<sup>53</sup> However, it would seem to this writer, that Radvaz's comments, insofar as the crucial passage is concerned, are simply an explication of the plain meaning of the text. If so, it is

the authentic and authoritative view of Rambam himself which may be cited in support of the thesis that non-Jews are rewarded for the performance of *mitzvot*.<sup>54</sup>

There is yet another source which, although in itself is not halakhically authoritative, nevertheless lends support to the view that non-Jews are rewarded for the performance of *mitzvot*. Scripture records that following Abraham's circumcision "... the Lord appeared unto him in the terebinth of Mamre . . ." (Genesis 18:1). Apparently troubled by the necessity for a reference to Mamre and by the identification of this historical personage with the geographical site of God's revelation, Rashi makes the following comment: "It was he [Mamre] who gave [Abraham] counsel with regard to circumcision; therefore [God] revealed [Himself] to him in [Mamre's] portion." Rashi's comment is perplexing to say the least. Abraham is the recipient of an explicit Divine commandment. He has been ordered to circumcise himself. Can there be any question that Abraham will obey? If so, why does Abraham seek the counsel of Mamre? What advice need he solicit? *Siftei Chakhamim*, in one of the explanations which he advances, indicates that this advice was sought not after Abraham received the Divine command regarding circumcision but prior to the commandment. Abraham, declare the Sages, fulfilled all the precepts of the Torah even though no *mitzvah* had as yet been ordained. In keeping with his regimen of observance, Abraham desired to fulfill the *mitzvah* of circumcision as well and desired to do so without delay. This *mitzvah*, however, presented a unique problem. By virtue of its nature circumcision is a non-recurring *mitzvah*; it can be performed only once in a lifetime. Hence, Abraham found himself in a quandry: a *mitzvah* performed as a result of Divine command is greater than one performed in the absence of such directive. On the other hand, performance of the *mitzvah* should not be delayed. Abraham's dilemma was whether he should perform the *mitzvah* without delay even though he had as yet not been commanded to do so and, hence, its performance would be in the category of *eino metzuveh ve-oseh*, or whether he should wait until God would command him to do so in order that he might fulfill the *mitzvah* in the optimum manner as a



*metzuveh ve-oseh*. It is with regard to this question, according to *Siftei Chakhamim*, that Abraham consulted Mamre. Mamre's advice was to delay the circumcision until the commandment was issued. This advice coincided with the Divine design and Mamre was suitably rewarded. God visited Abraham "on the plains of Mamre" during his convalescence and this statement was recorded for posterity as part of the eternal Torah.

The very question posed by Abraham indicates that prior to receiving this commandment he enjoyed the status of *eino metzuveh ve-oseh* although he was yet a Noachide. It might appear that this contention may be refuted if the thesis of numerous commentators who are of the opinion that the Patriarchs enjoyed the status of Jews, albeit "uncommanded" Jews, is accepted. If so, Abraham would have enjoyed the status of an *eino metzuveh ve-oseh* prior to the Divine command, even though a Noachide does not. This is, however, not the case. R. Yehudah Rosanes makes it very clear that the Patriarchs may be deemed to have acquired the status of Jews only *after* Abraham's circumcision.<sup>55</sup> All commentators are in agreement that prior to that event Abraham's status was indistinguishable from that of other Noachides. In fact, according to R. Rosanes, Abraham's circumcision at the divine behest was tantamount to an act of conversion and conferred status as a Jew upon him.<sup>56</sup> Had Abraham not enjoyed the status of an *eino metzuveh ve-oseh* prior to the divine command there would have been no purpose whatsoever to Abraham's performance of the circumcision rite. There would have been no basis for Abraham's perplexity and hence no reason to consult Mamre.

Furthermore, the assertion that a Noachide does not enjoy the status of an *eino metzuveh ve-oseh* leads to a difficulty in understanding the various Midrashic references to the fulfillment of *mitzvot* by Abraham. According to this opinion, such action would have been pointless were Abraham to be deemed a Noachide. It is rather difficult to posit that these Midrashim are all of the opinion that Abraham in fact enjoyed the status of a Jew since the status of the Patriarchs is a matter which is the subject of considerable dispute among latter-day commentators, none of whom cite these sources as evidence. Moreover, all midrashic

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references to Abraham's performance of *mitzvot* would have to be understood as referring to actions performed by Abraham subsequent to his circumcision. No such chronological distinction is made in any of the Midrashim.

In accordance with the view of the many authorities who maintain that non-Jews are rewarded for the performance of *mitzvot*, Black "Jews" may be supported, in some circumstances, in the selective observance of *mitzvot*. However, it cannot be overemphasized that, for one who is not a Jew by birth, membership in the community of Israel is contingent upon formal conversion. No matter how many *mitzvot* a non-Jew may perform, his status remains that of an *eino metzuveh ve-oseh*, i.e., a non-Jew who voluntarily assumes the burden of *mitzvot*. Encouragement and support of non-Jews seeking such observance should never be of a nature which would permit this distinction to become blurred.

## VI

The Jewish community has frequently been remiss in its treatment of righteous proselytes. Indeed, one of the interpretations of the Talmudic dictum, "Proselytes are as burdensome unto Israel as leprosy" advanced by *Tosafot*, *Yevamot* 47b, is based upon *Tosafot's* recognition that oftentimes we do wrongs to the convert. Such practices are a violation of the admonition "And a proselyte you shall not wrong, neither shall you oppress him . . ." (Exodus 22:20). Since our conduct in this regard is not exemplary, explains *Tosafot*, the greater the incidence of conversion, the greater the instances of transgression and the graver the punishment.

In assessing and analyzing our position with regard to Black Jews it is necessary to take clear cognizance of two opposing imperatives: (1) The Jewish community must be extremely careful not to extend recognition to those claiming to be Jews whose claim to Jewish identity is spurious. (2) We must be exceedingly careful to accord true proselytes — regardless of color — the welcome affection properly due all righteous converts.

The Lord Himself is described as evidencing concern for the

welfare of the proselyte, as loving him "in giving him bread and clothing" (Deuteronomy 10:18). The Torah specifically commands us to mirror this Divine love in our actions and emotions: "And you shall love the proselyte for you were proselytes in the land of Egypt" (Deuteronomy 10:19).

The obligations of Jews, individually and collectively, with regard to converts are not limited to concern for their spiritual welfare and essential temporal needs. Mahari Perla, in his commentary to Saadia Gaon's *Sefer ha-Mitzvot* (*Aseh*, no. 82), writes that Saadia viewed the passage "And if there would dwell among you a proselyte in your land . . . as the home-born among you shall the proselyte who dwells among you be unto you and you shall love him as yourself . . ." (Leviticus 19:33-34) as constituting a positive precept. In commanding that the treatment accorded a proselyte be identical with that accorded the native-born Jew, the Torah expressly forbids any type of discrimination whatsoever. Any form of prejudice, whether expressed in word or deed, constitutes a violation of this precept. The Torah does not countenance discrimination against converts; nor does it tolerate discrimination among righteous proselytes on the basis of color.

#### NOTES

1. *Bamidbar*, 684.

2. *Commentary on the Bible*, Exodus 2:20.

3. *Teshuvot Maharam Rothenberg*, no. 193.

4. *Teshuvot Radvaz*, IV, no. 219 (1,290). The identical responsum appears in VII, no. 9.

4a. A statement apparently referring to this young man and the ultimate solution to his problem appears in a responsum authored by a disciple of Radvaz. R. Ya'akov Castro, *Ohalei Ya'akov*, no. 11, writes:

It is a commonplace occurrence for a bastard to marry a female slave who has immersed [herself] for purposes of slavery and to purify his progeny that they may enter into the Congregation. Such an incident occurred in Egypt in [the case of] a Jewish Falasha who had been married in her country and gave birth to a son in Egypt [fathered] by a Jew who cohabited with her in ignorance; he [the son] married a female slave and purified his progeny in the time of the scholars of the preceding generation, of blessed memory.

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5. It should be noted that many other Ethiopians also practice circumcision, observe the Sabbath and perform ritual ablutions. The Christianity practiced by many Ethiopians is highly syncretistic and retains many Judaic elements. Edward Ullendorf, *The Ethiopians, an Introduction to Country and People* (London, 1960), is of the opinion that the Falashas are descended from elements of the Aksumite Kingdom who resisted conversion to Christianity. Thus their practices mirror the religious syncretism of the pre-Christian Aksumites.

6. Rabbinic writers frequently refer to Karaites as Sadducces not as a result of misidentification, but because the Karaites, in common with the Sadducces, rejected the Oral Law. Cf., J. D. Eisenstein, *Ozar Yisrael* (New York, 1951), IX, 211.

7. In point of fact, modern scholars report that the bill of divorce is unknown among Falashas. There is no distinctive Falasha custom in connection with divorce. The formalities are executed in the presence of the local chief. See Wolf Leslau, *Falasha Anthology* (New Haven, 1951), p. xviii. Since in dissolving a Falasha marriage a bill of divorce is not written and presented to the wife as is required by Jewish law, there is no question that, from the halakhic perspective, the matrimonial relationship has not been terminated. Either Radvaz was unaware of Falasha practices with regard to divorce or the bill of divorce fell in to disuse among the Falashas sometime after the sixteenth century.

8. *Teshuvot Radvaz*, VII, no. 5.

9. This is also the definitive ruling of *Bet Yosef*, *Even ha-Ezer* 4 and *Rema*, *Even ha-Ezer* 4:37.

10. Quoted by Rabbi Ovadiah Yosef, *Torah she-be'al Peh*, XIII (5731), 28; see also R. Eliezer Yehudeh Waldenberg, *Tzitz Eli'ezer*, X, no. 25, chap. 3, sec. 10, who independently makes a similar point with regard to the B'nai Israel of India.

11. *Jeshurun*, XI, no. 2 (November, 1864).

12. Unpublished open letter dated 3 Kislev, 5682. See also Rabbi Kook, *Igrot ha-Raiyah* (Jerusalem, 5722), II, 83, 89f, and 318.

13. Unpublished communication dated 7 Adar I, 5733. Rabbi Yosef indicates that this was also the opinion of R. Isaac ha-Levi Herzog. Radvaz's position with regard to descent of the Falasha community from the tribe of Dan is also accepted by *Tzitz Eli'ezer*, X, no. 25, chap. 3, sec. 19.

14. *Loc. cit.*

15. David Zohar, First Secretary, Embassy of Israel, Washington, D.C. in a letter published in *Sh'ma*, 3/47 (February 2, 1973), pp. 54-55.

16. JTA Daily News Bulletin, April 15, 1975.

17. *Tosafot*, *Yevamot* 47b; *Shakh*, *Yoreh De'ah* 268:2.

18. *Mishneh Torah*, *Hilkhos Isurei Bi'ah* 13:9.

19. *Chazon Ish*, *Yoreh De'ah* 158:6.

20. See also *Teshuvot R. Akiva Eger*, no. 121 and Rabbi A. I. Kook, *Ezrat Kohen*, no. 13. Cf., however, R. Shlomo Goren, *P'sak Din be-Inyan he-Ach ve-ha-Achot* (Jerusalem, 5733), pp. 95-105 and "Survey of Recent Halakhic Periodical Literature," *TRADITION*, vol. 13, no. 4 (Spring-Summer 1973), pp. 195-196.

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21. See Charles Reznikoff with Uriah Engelman, *The Jews of Charleston* (Philadelphia, 1950), pp. 77-78.
22. *Yoreh De'ah* 267:4.
23. Rema, *Yoreh De'ah* 267:4.
24. *Loc. cit.*
25. *Ibid.*, 267:9.
26. *Allgemeine Zeitung des Judenthums*, XXI, 339.
27. Translated by Reznikoff, *ibid.*, p. 279.
28. See Bertram Korn, "Jews and Negro Slavery in the Old South, 1789-1865: Address of the President," publication of the *American Jewish Historical Society*, L (1960-61), 176.
29. See Deanne Ruth Shapiro, *Double Damnation, Double Salvation: The Sources and Varieties of Black Judaism in the United States*, unpublished Master's Essay, Columbia University, 1970, pp. 121-122.
30. *Ibid.*, pp. 125 ff.
31. *Ibid.*, pp. 112-116.
32. *Ibid.*, pp. 116-118.
33. Ruth Landes, "Negro Jews in Harlem," *Jewish Journal of Sociology*, IX (December, 1967), 181.
34. Arthur Dobrin, *A History of the Negro Jews in America*, unpublished paper, 1965, Schonburg Collection, New York City Public Library, p. 40; cf., Shapiro, p. 90.
35. Landes, p. 180.
36. See C. Eric Lincoln, *The Black Muslims in America* (Boston, 1961), p. 11.
37. Howard Brotz, *The Black Jews of Harlem* (New York, 1964), p. 10.
38. *The Black Jews of Harlem* (New York, 1964); "Negro 'Jews' in the United States," *Phylon*, XIII (1952), 324-337; "The Negro-Jewish Community and the Contemporary Race Crisis," *Jewish Social Studies*, XXVII (1965), 10-17.
39. Quoted in Brotz, *Black Jews*, p. 96.
40. Robert Coleman, "A Black Jew Speaks," *The Jewish Observer*, November, 1970, p. 12; *idem*, *American Examiner-Jewish Week*, November 16, 1974, p. 25.
41. Brotz, *Black Jews*, pp. 40 and 50-51.
42. Brotz, *Phylon*, XIII, 325-328.
43. Brotz, *Black Jews*, p. 49.
44. See Jacques Feitlovitch, "The Falashas," *American Jewish Yearbook* (Philadelphia, 1920), pp. 80-100.
- 44a. Meiri, *Sanhedrin* 59a, permits gentiles to study the laws pertaining to those *mitzvot* which they seek to fulfil. See also comments of Abraham Sofer in his notes on the commentary of Meiri, p. 229, note 1. Rambam, *Teshuvot ha-Rambam*, ed. Alfred Freimann (Jerusalem, 1934), no. 324, exempts Christians from this prohibition.
45. Commentary on the *Mishneh Torah*, *Hilkhhot Melakhim* 10:10; see also *Encyclopedia Talmudit*, III, 359.
46. Cf., however, Radvaz in his commentary *ad locum*, who advances a different explanation for Rambam's incorporation of this phrase in his codification of the halakhah. According to Radvaz, Rambam, by the inclusion of this phrase,

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intends to indicate that a non-Jew who contends that the fulfillment of a precept is incumbent upon him is to be prevented from performing the *mitzvah*.

47. *Teshuvot ha-Rambam*, ed. Alfred Freimann (Jerusalem, 1934), no. 124.

48. The source of Rambam's ruling is *Avodah Zarah* 26b: "A Jew may circumcise a gentile for purposes of conversion but not for purposes of *murana* (excision of a parasite worm)." Rambam, in his responsum indicates that the Gemara forbids only therapeutic circumcision when performed upon a gentile by a Jew but does not intend to limit permission solely to circumcision for purposes of conversion. Circumcision for purposes of conversion, explains Rambam, is simply an example of circumcision for the sake of a *mitzvah*. Rambam's statement, *Hilkhot Milah* 3:7, "Therefore, if the intention of the gentile was for purposes of circumcision a Jew is permitted to circumcise him" must be understood in the same vein, i.e., as permitting circumcision for the purpose of fulfilling the *mitzvah* of circumcision. Cf., however, *Kesef Mishneh*, *ad locum*.

49. Indeed some support for the thesis that the concept of *eino metzuveh ve-oseh* is limited in nature and that gentiles are excluded from sharing in the reward for the performance of *mitzvot* may be adduced from a comment of R. Saadia Gaon in his *Emunot ve-De'ot*, Fourth Treatise, chap. 5. [English translation by Samuel Rosenblatt, *The Book of Beliefs and Opinions* (New Haven, 1948), p. 192]. In his discussion of divine omniscience and freedom of will Saadia raises an obvious question. Since God knows which actions a person will perform and which he will not perform what purpose is there to the issuance of formal commandments? In resolving this problem Saadia enumerates a number of reasons pointing to the necessity for a revealed system of laws and includes as one of his reasons ". . . so that man may be rewarded, for if a man serve Him and he not be commanded to do so there would be no reward."<sup>15</sup> The clear meaning of this passage is that if a *mitzvah* has not been commanded there can be no reward for its fulfillment. The Gemara, however, does recognize the status of "one who is not commanded, yet fulfills." According to this principle as enunciated by the Sages, a person who fulfills a *mitzvah* even when not subject thereto, receives some form of compensation, albeit a diminished one. Saadia apparently reasons that reward for an *eino metzuveh ve-oseh* is possible only subsequent to revelation but, in the absence of a *revealed mitzvah*, the concept of *eino metzuveh ve-oseh* does not apply. Fulfillment of a *mitzvah* is vacuous unless the *mitzvah* has been revealed by God.

[Rosenblatt's citation of the Talmudic dictum, "He who is commanded and does stands higher than he who is not commanded and does" (*Kiddushin* 31a) in this context is misleading. It would appear that he understands Saadia as saying that the person performing the *mitzvah* enjoys the status of an *eino metzuveh ve-oseh* and hence receives a lesser reward than one who is commanded. Yet an examination of the passage in question clearly indicates that Saadia is not addressing himself to the *degree* of compensation but says, rather, that *no* compensation would be awarded.]

For R. Feinstein not only is fulfillment of a *mitzvah* vacuous unless the *mitzvah* is revealed by God but, moreover, the fulfillment of the *mitzvah* is a sacramental act only if performed by one who is at the very minimum a party

to the Sinaitic covenant. For such a person performance of a *mitzvah* even if not specifically incumbent upon the performer is a sacramental act and hence merits reward; for others it is meaningless and hence remains unrewarded.

50. *Igrot Moshe, Yoreh De'ah*, I, nos. 3 and 6; *Yoreh De'ah*, II, no. 8.

51. *Igrot Moshe, Yoreh De'ah*, I, no. 3 and at greater length in *Yoreh De'ah*, II, no. 7. Rabbi Feinstein recognizes that non-Jews are rewarded for prayer even though prayer is not included among the seven Noachide commandments. See *Igrot Moshe, Orach Chayyim*, II, no. 25; see also below no. 54.

52. See above no. 46.

53. *Teshuvot ha-Rambam*, no. 124, is not cited by Rabbi Feinstein. Rabbi Feinstein, presumably, would negate this source for identical reasons. It is of interest to note that Ramban questions the authenticity of a responsum attributed to Rif and cited by *Ba'al ha-Ma'or* because there existed no tradition with regard to the responsum in question. See *Milchamot ha-Shem, Sukkah* 26a; cf. also Ravad's comments regarding this responsum in his *T'mim De'im* (Lemberg, 5572), p. 46a. However, with regard to the question at hand, the various manuscripts reinforce a common position. In light of these several diverse sources, it is difficult to entertain Rabbi Feinstein's thesis.

With regard to the reliability of newly-discovered manuscripts see also the comments of Chazon Ish, *Kovetz Igrot*, I, no. 32.

54. See also Rambam, *Commentary on the Mishneh, Terumot* 3:9, "Although they are not obligated with regard to *mitzvot* if they perform any aspect of them they receive some reward . . . and since they join with us in reward their deeds with regard to *mitzvot* are valid." These comments are advanced by Rambam as an explanation of the statement contained in the *Mishnah* to the effect that *terumah*, *ma'aser*, etc. become sanctified through the actions of a gentile. *Igrot Moshe* is of the opinion that Rambam's comments are limited to certain non-ritual observances.

However, the same question may be raised with regard to the discussion in *Menachot* 42a. One *beraita* rules that a gentile may perform a valid circumcision. This position is negated only by citation of a specific verse which is understood as excluding non-Jews from performance of this rite. Otherwise, circumcision performed by a non-Jew would be significantly different from, for example, circumcision performed at night. The latter does not constitute fulfillment of a *mitzvah* in any sense and hence must be followed by "letting of blood of the covenant." It would appear that circumcision performed by a non-Jew could not be thought to be efficacious unless it constitutes a fulfillment of a *mitzvah*.

Similarly, *Yevamot* 62a records a dispute between R. Yochanan and Resh Lakish concerning a convert who had sired children while yet a gentile. Virtually all authorities are in agreement that non-Jews are not bound by the obligation to "be fruitful and multiply." Yet R. Yochanan maintains that the convert is not obligated to engage in procreation and gives as his reason "*kvar kiy-yaim piryah ve-rivyah*"—indicating that, while yet a gentile, he had fulfilled the commandment with regard to procreation.

55. *Perashat Derakhim* (New York, 5707), *Derush Rishon*, pp. 4a and 7b.

## *Black Jews: A Halakhic Perspective*

This view is cited in the name of Maharash Yafo, *Commentary on the Bible*,  
*Parshot Va-Yigash* 93:5.

56. *Loc. cit.*