

Antiochus's Indian Exiles: Bene Israel from Maimonides to Rabbi Herzog

Tzvi Aryeh Benoff



1. History of Bene Israel (Dr. Shalva Weil)

According to their widespread tradition, the ancestors of this community originally fled Palestine due to the persecution of Antiochus Epiphanes. Shipwrecked near the village of Navgon on the Konkan coast of western India around 175 BCE, only seven men, who were Kohanim, and seven women survived. These survivors are thought to be the founders of this Jewish community in India. The Bene Israel are known by the Indian locals as the “Shanwar Telis,” which is translated as “Saturday oil men,” because their businesses were closed on Saturday.

It was upon the arrival of David Rahabi that the Bene Israel came into contact with other Jews. Neither his exact origin nor the date of arrival are certain: he may have been a Cochin Jew, who came in the 18th century from South India, although Bene Israel tradition records his arrival as far back as 1000 CE. According to the Bene Israel, Rahabi requested the women to prepare him a fishmeal. When they singled out the fish with fins and scales from the non-kosher fish, Rahabi

Rahabi allegedly introduced the Bene Israel to the festivals of Shavuot and Sukkoth, which they did not celebrate previously, despite the Biblical references; and to Birdiacha Roja or “Birda-curry fast” on the ninth of the month of Av, the Jewish fast day which commemorates the destruction of the Temple.

A sepia-toned photograph of two men in traditional attire. The man on the left is seated, wearing a turban and a long, light-colored robe, holding a long pipe. The man on the right stands, also in traditional dress, holding a long staff or pipe. A small wooden shelf with books hangs on the wall behind them.

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१४ वे तारखेस आपल्या शक्तिप्रयोगी मेज तयारकरून मध्ये १ मोठें तबक ठेवून त्यांत एका खवळ एक असे ३ प्याले ठेवावे; एकांत मीठ, २प्यांत खजुराचा तिरा, ३प्यांत (हिरण्य) अंबई स ठेवून त्यातून शरीरामिष्या भाकरी ठेवाव्या. या अशा की, बर मोठेन, मध्ये ठेवी आणि थोडी इवाळूच आणि सोन्याच्या तन वाजून एकपेकडे जेवोवा, दुसरी कसे घेणजे त्याच्या मधोच उकडविले असो ठेवई, सर्व मुन्याप्यां वरून इतका दाखस मोठ्यांत भरल असावा. मगच प्रत्येकास वेगवेगळीं असावे व तबक वखानें दाखून ठेवावे.

शिरा कटायाचा तो चांगला खजूर आणून त्यांतले विषा काढून टाकून एका मळ्यांत थंड पाणी घेऊन त्यांत टाकण्या व चांगला फुलाट घेऊन त्याचा सव काढून पोटात दाखून घ्यावा; मग तो एक मोठ्यांत आटविये शिजवाय, किंवेळ कोळ घद्यान, अथवा इत्यादी घद्यान चार किंवा पांच पाणी घेऊन त्या कुठून शियांत मिळविली शिजवित्यावा.

अंबई रस एक लठ्ठे कापून काढितो, जेवोवा मर्णेज बळक्याचे पुढचे पायाचा वरचा भाग घेऊन रतिप्रयोगी शीरा काढून स्वरूप करून मीठ लावून भाजवा.

तबक मोठ्याप्यां की रीत.

Hebrew Letter	Devanagari Letter	English Transliteration	Sanskrit Letter
א	अ	अ	अ
ב	ब	ब	ब
ג	ग	ग	ग
ד	ड	ड	ड
ה	ह	ह	ह
ו	व	व	व
ז	ज	ज	ज
ח	झ	झ	झ
ט	ण	ण	ण
י	य	य	य
כ	क	क	क
ל	ख	ख	ख
מ	म	म	म
נ	न	न	न
ס	स	स	स
ע	ह	ह	ह
פ	प	प	प
ק	फ	फ	फ
ר	र	र	र
ש	श	श	श
ת	ड	ड	ड
י	य	य	य
כ	क	क	क
ל	ख	ख	ख
מ	म	म	म
נ	न	न	न
ס	स	स	स
ע	ह	ह	ह
פ	प	प	प
ק	फ	फ	फ
ר	र	र	र
ש	श	श	श
ת	ड	ड	ड

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2. *Letters of Maimonides* (R' Shilat Edition) Pg. 559 אגרות הרמב"ם

אבל היהודים שבהדו אינן יודעין התורה שבכתב ואין להן מן הדת אלא שהן שובתין ונמולין לשמונה

But the Jews in India do not know the Written Torah and do not observe the (Jewish religion), except that they keep Shabbos and circumcise their children on the 8th day.

3. Letter from Calcutta to Bagdad and Yerushalyaim 1843

שאלה

זה היום כמה שנים שבא למחנינו מן בומבאי איש ואשתו ובניו מהיאודים
הידועים במקומותם "בני ישראל", וזה האיש מיום שידענוהו עד היום
הזה הוא וביתו כולם מתנהגים כמונו כמשפט הרבנים,
שומרים כל מצות ונזהרים מכל מה שאסרו ז"ל ואינם
מפילים דבר מדבריהם ז"ל. גם הולידו בנים בתוכנו ומלנו אותם כבנינו.
ובגדלם למדו אותם ת"ת עם בנינו והם היום כמונו בלי הפרש כלל
ואנחנו תמיד קורים להם בס"ת כהלכת גוברין יאודאין.
והן עתה גדלו בניהם והגיעו לפרק הגישואין ומבקשים להנשא בבנות
ישראל. ונפשינו לשאול הגיעה אם נוכל לתת להם מבנותינו ונקח
מבנותם, וכדי הוא הרדב"ז זלה"ה לסמוך עליו בתשובתו סי' ע"ג, ואם
יש פוסקים אחרים כסברתו או הוא יחיד ואין לסמוך עליו. יורונו רבו-

On this day, for many years a person has come into our community from Bombay (Mumbai) – a man, his wife, and sons – from the Jews in that place known as "Bene Israel." From the time that we have known him to this very day, he and his entire household act like us in accordance with the Rabbis, observing commandments and refraining from everything that [the Sages] of Blessed memory have forbidden; they do not omit anything. They have also raised children in our midst and circumcised them like our children. And when [those children] have grown, they taught them Torah with our children, and they are like us today without any distinction. And we constantly call them to read from the Torah like the all other Jewish adult men.

And behold now, their sons have grown and reached marriageable age, and they want to marry [the local] Jewish girls. And we want to ask if we may give our daughters to them [in marriage] and marry their daughters? [In other words,] can we rely on Responsa 93 of the Radvaz, and are

there other legal authorities who agree with arguments, or is he a minority opinion and cannot be relied upon?

4. Response from Bagdad 1914

תשובה. הנה דין זה מפורש אמור בבית יוסף אה"ע סי' ד' סעי' ל"ן
והביאו רמ"א ז"ל שם. וז"ל: הקראים אסור להתחתן בהם וכולם הם ספק
ממזרים. ואין מקבלין אותם אם רוצים לחזור עכ"ל. וטעמא מפירש
בפוסקים ז"ל, לפי שהם מקדשין נשותיהם בכסף או בביאה ע"פ התורה,
ומגרשין אותן שלא כדת ומשנים ממטבע שטבעו הכמים ז"ל בגיטין.
ואח"ך ינשאו הנשים לאחרים בחיי הבעלים. ונמצאו הבנים ממזרים
מאשת איש. ולכן אם רצו לחזור אין מקבלין אותם דשמא יתערבו בישראל
וישאו נשים וירבו ממזרים. כל זה מבואר בפוסקים ז"ל.
ולכן אלו בנין ישראל הנמצאין בערי הודו דין קראים אית להו ואסור
להתחתן בהם מטעם האסור שהרי גם הם מקדשין ע"פ התורה ואין
להם גירושין. וכ"ז פשוט וברור. כה דברי צעירי צאן ק' היושבים על
מדין פה עו"ב בגדאד יע"א החותמים בברכה ברוב עוז ושלוש.

Behold the law is explicit in the Beis Yosef Even Haezer 4:37 and is brought down in the Rama of Blessed Memory as follows: "One is forbidden to marry Karaites because they are all potential *mazeirim*. We do not accept them if they want to rejoin [the observant Jewish community]."

The reason is explicit in the [writings of] halachic authorities of blessed memory because they marry their wives with money or marital relations as prescribed in the Torah, but they do not divorce them according to the halachah; they have deviated from the format of the sages have established in Tractate Gittin. The women subsequently remarry while their original husbands are still alive, and thus their children are *mamzeirim* from an adulterous relationship. Therefore, if they want to return, we do not accept them for fear that they will mingle with other Jews, marry them, and increase *mamzeirim*. All of this is explicit in the [writings of] halachic authorities of blessed memory.

Therefore, these Jews in the cities of India have the status of Karaites, and it is forbidden to marry them for the aforementioned reason; they too marry according to Torah law, but do not have halachic divorce.

5. Beis Yosef Even Haezer 4 – בית יוסף אבן העזר סימן ד

מצאתי כתוב שהשיב רבינו שמשון על הקראים שאסור להתחתן בהם לפי שנשותיהם מקודשות להם בכסף או בביאה ומגרשין נשותיהם שלא כדת ומשנין ממטבע שטבעו חכמים בגיטין ונישאות לאחרים בחיי הבעלים נמצאו הבנים ממזרים מאשת איש

I have found written that Rabbeinu Shimshon responded regarding the Karaites that it is forbidden to marry them because their wives marry them with money or marital relations, but they do not divorce their wives in accordance with the format prescribed by the sages in Tractate Gittin. Thus, their children are *mamzeirim* from being the products of an adulterous relationship.

6. Responsa of Radvaz 1:73 – שו"ת רדב"ז חלק א סימן עג

שאלת ממני באחד מבעלי מקרא שקבל עליו דברי חברות להיות כאחד מהרבנים ולשמור כל מצות דרבנן ולהזהר מכל מה שאסרו אם מותר להשיאו אשה אם יש בהם חשש פיסול מלבוא בקהל או לאו :

תשובה: כבר נשאלתי על זה פעמים אחרות והעלתי שהם מותרים לבוא בקהל אם היו כמונו והטעם שכל הקידושין שלהם הם בעדים פסולים מן התורה ואין כאן קידושין כלל והבא על אחד מנשותיהם אינו כבא על אשת איש הילכך אעפ"י שאין גיטן גט אין כאן חשש ממזרות שהרי אין אישות שלהם אישות

I was asked regarding one of the "People of the Written Torah" who accepted upon himself the terms of [authentic] religious observance to be like one of the rabbis and to observe all of the rabbinic commandments and to refrain from everything they have forbidden, if it is permitted for him to marry; is there a possible concern for him marrying into the Jewish community or not?

I have been asked this several times and have asserted that it is permitted for them to marry into the Jewish community if they will be like us [in mitzvah observance]. The reason [why it is permitted] is that their marriages were done with Biblically invalid witnesses and there is no religious marriage at all. And someone who has relations with one of their women is not

considered to be someone who has relations with a married woman. Therefore, even though their divorce procedures are invalid, there is no concern for *mamzeirus* since there is no halachic marriage.

7. Responsa of Rabbi Yitzhak Herzog (Even Haezer 1:13) – שו"ת היכל יצחק אבן העזר א סימן יג

<p>In response to this principle, <u>those who prohibit have responded that it was only said regarding the first generation of Karaites who rebelled against the Oral Law.</u> <u>But subsequent generations are not invalid witnesses since they are "forced," for they are merely following the customs of their parents and are considered like "children captured by idol worshipers"</u> (just as we say that they are not considered to be rebels for public desecration of rabbinic Shabbos prohibitions). And since they are not invalid witnesses because they are considered to be inadvertent transgressors, their marriages are valid and all of the issues raised come back into play...</p>	<p>כנגד יסוד זה השיבו האוסרים <u>שבמה דברים אמורים בקראים</u> <u>הראשונים שהרימו יד</u> <u>בתושבע"פ אבל הדורות</u> <u>שאחריהם, אינם פסולי עדות</u> <u>מפני שאנוסים הם, דמנהג</u> <u>אבותיהם בידיהם, וחשיבי</u> <u>כתינוק הנשבה בין העכו"ם</u> (וכהא דאמרין דאינם נחשבים למומרים משום חלול שבת בפרהסיא באיסורין דרבנן (או"ח שפ"ה)) ומכיון שאינם פסולי עדות דנחשבים לשוגגים, הרי קידושיהם קידושין וחזרו הטעמים האמורים לעיל...</p>
<p>The Nodah Biyehuda has already noted with regard to Karaites that even the Rama was only stringent in the place where they are established. However, with regard to the ultimate halacha, it is a dispute amongst the greatest rabbinic authorities, and we are unable to decide between them... <u>And even though the Sephardic scholars in the holy city of Jerusalem (may it be speedily rebuilt) in recent generations have decided to be stringent, nevertheless the</u></p>	<p>כבר עורר הנוב"ז ז"ל בענין הקראים שאף הרמ"א ז"ל לא החמיר אלא באתראי דקביעי... אולם סוף סוף לענין הלכה, הרי זו מחלוקת בין גדולי עולם ואי אפשר לנו להכריע ביניהם... <u>ואף שחכמי</u> <u>גאוני הספרדים בירושלים</u> <u>עיה"ק ת"ו בדורות האחרונים</u> <u>נמנו וגמרו לאיסור, בכל זאת</u></p>

question remains unresolved. And there are great luminaries that have ruled to permit them [to join the Jewish community]. On the contrary, they consider it a great mitzvah to bring them closer [to mitzvah observance], since they have accepted our entire Torah, to return to the rock from which they were hewn and depart from it.

Even if one would agree that this [case] is a potential halachic dispute [one can be lenient], for even if the halacha would clearly prohibit, the case would still only be a *safek mamzer* which is only rabbinically prohibited. But in truth, there is a genuine halachic dispute, for which there is much precedent amongst later authorities to be lenient by rabbinic cases. [In other words there are two levels of doubt factoring into the case]: 1) whether or not the halacha follows those that are lenient and 2) even if the halacha follows those that prohibit, it is still only a rabbinic prohibition (since we don't actually know if they are products of adulterous relationships). [Therefore one can be lenient.]

מידי ספק פלוגתא לא נפקא שאלה זו. ויש עמודי עולם שהורו להיתר אדרבה חשבו זאת למצוה רבה לקרב את הרחוקים, מכיון שמקבלים עליהם תורה שלמה שלנו, להשיבם לצור מחצבתם לבלתי ידח ממנו נדח, (יעו"י ברדב"ז ח"א, ע"ג, וח"ג רי"ט), הרי אפילו אם נניח שזהו ספק פלוגתא בכל זאת הרי אם היתה ההלכה נחתכת לאיסור ג"כ לא היה זה אלא ספק ממזר שהוא רק מדרבנן, אבל באמת יש ספק בעצם ההלכה, וכגון זה כבר נתבאר באחרונים דהוא לקולא בדרבנן, היינו ספק בדין וספק במעשה, ספק שמא ההלכה כהמתירים, ואת"ל דההלכה כהאוסרים הרי אין זה אלא ממזר דרבנן.

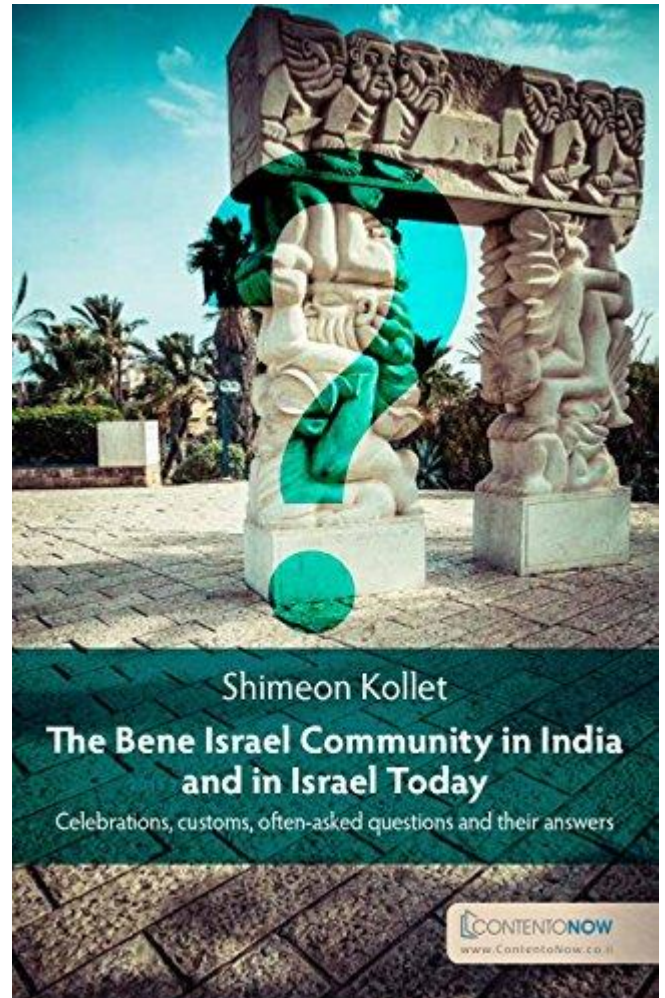
8. Testimony of Bene Israel Elders to Tel Aviv Beis Din 1962

מנחם קולת: היה מנהג שלא התחתנו עם גרושה כי אנו שנאנו את הגירושין, הגירושין שסודרו ע"י זקני הקהילה, היה להן תוקף אבל זה היה מקרה נדיר מאד.

It is the custom to not marry a divorcee ... while there is a recognized and accepted divorce procedure set up by the community elders, it is a very rare phenomenon.



"If the members of the Bene Israel community were birds, animals or reptiles they would have been placed under the category of endangered species... they are vanishing as a community and being amalgamated into main stream Judaism. I am myself a member of the Bene Israel community, so before our rituals and customs which we have followed for centuries, vanish completely, I took it upon myself to collect our rituals and record them in writing. As I am myself eighty-seven years old, I could not find many older than myself who would enlighten me further on the subject. I am often called upon to give a talk on our community. I started collecting the questions which follow my talks and I am presenting them herewith. Every research paper should have a bibliography at the end of the theses, but since I am writing what was told to me by my elders as well as my own recollections I have no bibliography to present." – Shimeon Menahem Kollet



9. Rav Herzog's Notes to Responsa 13

תוכן תשובתי היתה שהיהודים ששם בני - ישראל נקרא עליהם, הם מגזע זרע קודש של היהדות, ותמכתי יסודותי על תשובת רה"ג בשערי תשובה (סי' מ"ו ה') ובמקומות אחרים, ואגרת הרמב"ם לחכמי לונל, שמדובר שם על היהודים שבהודו שאינם יודעים התורה שכתב ואין להם מן הדת אלא שהם נימולים ושובתים ביום השבת. והמדובר הוא בודאי על אבות אבותיהם של אלה הנמצאים אצלכם ונקראים בשם יהודים.

The main idea of my responsa was that the Jews known as Bene Israel are from the holy lineage of Jews. And I have supported my position on the responsa [of many rabbis]... in many other places, as well as Maimonides's letter to the sages of Luniel that discusses Indian Jews that do not know the Written Torah and do not have religious observance, except that they

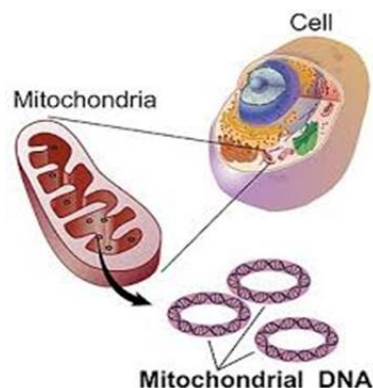
are circumcised and rest on Shabbos. The subjects [of that letter] are obviously the ancestors of those that find themselves before you this day and are referred to as Jews.

10. PKOS ONE (March 2016)

The Genetics of Bene Israel from India Reveals Both Substantial Jewish and Indian Ancestry

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trasted patterns between the X chromosome and the autosomes. The genetics of Bene Israel individuals resemble local Indian populations, while at the same time constituting a clearly separated and unique population in India. They are unique among Indian and Pakistani populations we analyzed in sharing considerable genetic ancestry with other Jewish populations. Putting together the results from all analyses point to Bene Israel being an admixed population with both Jewish and Indian ancestry, with the genetic contribution of each of these ancestral populations being substantial. The admixture took place in the last millennium, about 19–33 generations ago. It involved Middle-Eastern Jews and was sex-biased, with more male Jewish and local female contribution. It was followed by a population

11. Haaretz 2016

Study Finds Genetic Connection Between Indian Bene Israel and Middle Eastern Jews:

Researchers assume the move from the Middle East to India was accomplished mainly by men who arrived and married local women, possibly after their conversion.

The new study, asserts that the community originated in one of the Jewish communities in the Middle East. According to the researchers, they arrived in India 19 to 33 generations ago — 600 to 1,000 years ago — much later than estimates of community members.

The genetic findings allowed the researchers to assume that the transition from the Middle East to India was accomplished mainly by men who arrived and married local women, possibly after their conversion — although genetics doesn't provide an answer to that. After establishing the community, the Bene Israel preserved their unique genetic character, married only within the community and refrained from integrating with other non-Jewish Indian groups.

“The challenge in examining the connection of the Bene Israel to other Jewish communities is twofold,” says Waldman. “First... we have to demonstrate that it does not stem from the same overall Indian blending, since the population of ancient northern India has a certain genetic similarity to Middle Eastern populations. In addition, even if we find a genetic basis that doesn't exist in other Indian populations, we have to demonstrate that it's related to Jewish communities and not only to peoples originating in the Middle East.”

