

NORTH AMERICAN CONFERENCE ON ETHIOPIAN JEWRY



Q&A on the “Falash Mura” – November 2008

Background

- Over 35,000 members of the so-called Falash Mura* community have arrived in Israel since 1992.
(*Alternately: Jewish community that was not included in Operations Solomon and Moses)
 - Israeli Falash Mura send their children to Jewish religious schools and continue to lead traditional Jewish lives.
 - Over 98% go through a conversion before a rabbinical court in Israel. (See attached statement by Rabbi Amar as to the reason, although he holds that they are “absolutely Jewish.”)
- On February 16th, 2003, the Israeli cabinet voted unanimously to allow the vast majority of the Falash Mura to immigrate to Israel (with no numerical limit).
- The Ethiopian government has stated that it would have no objection to 2,000 Ethiopian Jews leaving monthly.

The Numbers

- There are 8,700 people in Ethiopia who may be eligible to immigrate under the Israeli government's criteria. These 8,700 are not new or “additional” to the community. These are the same people that NACOEJ and United Jewish Communities (UJC) have been advocating for since 2003.
- The case of the Israeli government’s refusal to even check the eligibility of the 8,700 is currently pending in the Israeli Supreme Court.
- In September 2007, a prestigious Public Committee for the Remaining Jews of Ethiopia was formed in Israel to persuade the current Israeli administration to implement previous government decisions relating to the aliyah of the Jews remaining in Gondar. The honorary President of the Public Committee is the highly respected former President of the Supreme Court of Israel, Meir Shamgar. The Committee also includes Elie Wiesel, former Justice Minister of Canada Irwin Cotler, Alan Dershowitz, the Chief Rabbi of Ethiopian Jews in Israel Yosef Hadane, former Supreme Court Justice Menachem Alon, former MKs Geula Cohen, Naomi Hazan and Hanan Porat and numerous other prominent Israeli spiritual and community leaders. In 2008, following the government’s decision to end the aliyah from Ethiopia, the Committee continued to be very active, calling for the government to examine the remaining 8,700 members of the community in Gondar to determine eligibility for aliyah.
- Under pressure, the government of Israel (GOI) recently decided to interview up to 3,000 people of the remaining 8,700 for eligibility for aliyah, under two conditions.
 - They must be on the 1999 census list produced by David Efrati, formerly of Israel’s Ministry of the Interior.
 - Interviewees also must have been living in Gondar for over a year.

These criteria, which severely limit the potential for aliyah among the remaining community, are not consistent with the government’s own policies. Until now, the government itself was

bringing Ethiopians to Israel who were on an updated 2003 list, which they refuse to use for the remaining community.

Additionally, Israeli government policy urged Ethiopians to remain in their villages rather than move to Gondar. Under this ruling, those who obeyed Israel's orders are punished.

- There are two bills pending in the Knesset advocating interviews for the entire 8,700. The bills, brought by Member of Knesset Michael Eitan, and by Deputy Prime Minister Eli Yishai, passed 44-1 and 43-1 in a preliminary reading. However, three readings are required. The bills may be brought up again after the February elections.
- NACOEJ, the North American Conference on Ethiopian Jewry, which has been providing funds for food and education for the Ethiopian Jewish community in Ethiopia for well over a decade, has been constant in the numbers it presents as within the agreed-upon confines of a “cap” to aliyah.
 - In October 2003, NACOEJ and the United Jewish Communities (UJC) agreed to propose a 24,000 number.
 - In January of 2005, NACOEJ, the UJC and JAFI agreed to a revised number of 20,000 (taking into account 4,000 who had made aliyah in the intervening months).
 - The 8,700 are part of the 20,000 number agreed upon by JAFI, UJC and NACOEJ.
 - Most of the 8,700 have first-degree relatives in Israel.
 - NACOEJ has remained committed to the number specified in the 2005 agreement. Moreover, in a 2007 binding agreement with the Ethiopian government, NACOEJ agreed to limit its assistance to the 8,700 people discussed above. Thus, it is clear that the concerns over “additional countless numbers flooding the compounds” are baseless, and are being advanced by people hostile to the completion of the agreed-upon aliyah of Ethiopian Jewry.

Falash Mura and Judaism

- Ethiopian Jews faithfully adhered to Judaism for many centuries despite great hardship. Over the past several generations, members of the Ethiopian Jewish community, the Beta Israel, were subjected to severe economic and social pressures. In response to these pressures, some made pro forma conversions to Christianity; they are referred to as Falash Mura. (Variants include Feles Mura, Ferris Mura, Falas Mura, and Falashmura.)
 - Ethnically, they are perceived as Beta Israel, Jews.
 - Religious leaders (Israeli Chief Rabbis, Orthodox, Conservative and Reform leaders in the U.S., Ethiopian Jewish religious leaders in Israel.) consider them Jews. Christian neighbors of Falash Mura in Ethiopian villages have considered them Jews, and as late as the 1990's, some were locally persecuted as Jews.
65% of the Jews in still Ethiopia have first degree relatives in Israel; almost all of the rest have other close relatives in Israel.

They observe Jewish practices.

- They pray daily according to Jewish ritual.
- They celebrate the Sabbath and Jewish holidays
- They adhere to kashruth.
- They keep the laws of family purity (taharat hamishpacha).
- The children attend a Hebrew day school paid for by the North American Conference on Ethiopian Jewry (NACOEJ), where they are taught a full secular curriculum as well as Judaic studies. Strictly kosher lunches are provided. The religious school is under the supervision of a representative of the Chief Rabbinate of Israel. The secular studies are approved by the Ethiopian Department of Education.
- Due to funding shortages, the school serves approximately only 920 students out of a potential 3,000.

- **The following rabbis, institutions and documents support the aliya and absorption of the Falash Mura. Please see the attached appendix for the complete letters.**
 - Rabbi Kenneth N. Hain, President of the Rabbinical Council of America, the single largest American organization representing Orthodox rabbis in a letter dated January 19, 2000.
 - The United Synagogue of Conservative Judaism Resolution on Beta Israel in Addis Ababa - passed by The USCJ Board June 2, 1996.
 - Union of American Hebrew Congregations.
 - Israeli Chief Rabbi Shlomo Amar.
 - Former Israeli Chief Rabbi Mordechai Eliyahu.
 - Rabbi Menachem Waldman, member of the Chief Rabbinate's Committee on Ethiopian Jews.
 - Rabbi David H. Shloush, Chief Rabbi of Netanya and Director of the Israeli Chief Rabbinate's Committee for the Spiritual Absorption of Ethiopian Jews.
 - Testimony of the Rabbinical Court (Beit Din), established by The Chief Rabbinate of Israel to determine the religious status of the recent immigrants from Ethiopia (declares slanderous a JDC report accusing Falash Mura in Israel of practicing Christianity).
 - Rabbi Jerome Epstein, Executive Vice-President of the United Synagogue of Conservative Judaism.

Current Life for the Falash Mura in Gondar

- The community lives under truly horrific conditions.
 - US and UN relief agencies have found the conditions bad even by Third World standards.
 - 94% of these families live below the World Bank's poverty line.
 - 80% lack access to bathrooms.
 - Children are the first to suffer from the consequences of malnutrition.
- NACOEJ provides funds for daily meals for school children.
- Until June 30th, 2008, NACOEJ funded the “Feeding Center for Children Under Age Six and Pregnant and Nursing Mothers”, and a monthly grain distribution to community members. Contributions to NACOEJ for this purpose were provided by UJC and Jewish federations, but stopped at the end of May, 2008, when the Israeli government announced that it was not interviewing anyone else for eligibility for aliyah.
- NACOEJ now assists this community with severely limited resources. The Jewish Agency does not currently provide any assistance to the community in Gondar; its humanitarian activities in Ethiopia are limited to a few weeks of assistance to a member of the community just before his/her to emigration to Israel.
- None of the children in the NACOEJ school has ever attended school before. Because of the NACOEJ school education, these children are far better prepared for absorption when they finally arrive in Israel. The program is extremely cost-effective, as it is far less expensive to provide basic education in Ethiopia than to provide remedial education in Israel.

Appendices:

I. Letter from Chief Rabbi Shlomo Amar
Mr. Ehud Olmert
Prime Minister

Tuesday the 11th day of Av 5768
August 12, 2008

Life, peace and all blessings

I was sorry to learn that once again that there are those who still question the Jewish identity of our brothers, living in Ethiopia, who are called Falashmura. I have already held in the past that they are "completely Jewish" and this decision was rendered after I undertook many deep investigations and received many wide-ranging testimonies .

It is true that in that decision I held that they should undergo a "conversion by way of stringency" because it turns out that in the last generation a few non Jews have become part of the community as a result of mixed marriages, and it is difficult to check this matter completely, so to remove any doubt whatsoever they should undergo this conversion.

But in any event it a great mitzvah to bring them to the Land of Israel **as Jews**, and to save them from complete assimilation, and from spiritual and bodily danger.

The inspection process should be resumed by experts and those who pass inspection should be brought to Israel.

This is a great privilege for the people of Israel and for the government of Israel.

With blessings

Shlomo Moshe Amar
Rishon Le'tzion and Chief Rabbi of Israel.

II. http://www.thejewishweek.com/viewArticle/c39_a13028/News/International.html#

UJC Now Reassessing Aid To Ethiopians
New push for federation funds could come soon; crisis seen at Gondar compound.
by Stewart Ain Staff Writer

As Rabbi Jerome Epstein left the synagogue in the Ethiopian city of Gondar Tuesday morning, a dozen children were pounding on the door of the closed food pantry next door. The children, ages 4 to 7, had come to the pantry as they had for months, apparently "too young to understand that the cupboard is now bare," said Rabbi Epstein, executive vice-president of the [United Synagogue of Conservative Judaism](#).

"It was a striking thing, seeing them pounding on the door, hungry and not realizing it was closed," he added. "It brought tears to my eyes."

The children are some of the 8,700 Ethiopians known as Falash Mura — descendants of Jews who were forcibly converted to Christianity — living in or near a fenced-in compound in Gondar, and some are starving. The crisis comes less than two months after the United Jewish Communities stopped buying food for them and a week before a school lunch program ends.

“Some [of the Falash Mura] have money they get from their meager jobs but a lot are just going hungry,” the rabbi said. “They get food from wherever they get it, but it’s hard to tell what they are eating. You can just look at them and tell they are hungry. ... You don’t have to look very hard.”

As Rabbi Epstein toured the compound and strongly urged the American Jewish community to resume the food program, UJC, which had in the past made the Falash Mura’s plight a funding priority, may be stepping into the breach. It dispatched two senior executives to Gondar this week to learn what is happening.

“I have every expectation that they will find the situation to be of deep concern,” said Jim Lodge, the UJC’s vice president of Israel and overseas activities. “We’re troubled. Rabbi Epstein’s report only confirms our own hunch.”

He said Bruce Sholk, chair of UJC’s Ethiopian Israeli Work Group, and Barbara Promislow, a senior staff person in Israel, plan to convene a committee when they return to review their findings.

“It may be that at that point we will reissue, in intensified form, a request to federations” to reinstate the food program in Gondar, Lodge said. UJC, the umbrella group for the country’s federations, provided some \$70,000 a month for the food program at the Gondar compound but that money ran out in May. UJA-Federation of New York has earmarked \$180,000 in its 2008-2009 budget to food and medical programs in Gondar.

Rabbi Epstein, in a phone call from Addis Ababa, the Ethiopian capital, said also that he was “frustrated and upset with the condition of these people, and very upset that we have not been able to convince the government of Israel to honor the commitment it made to them” in 2003.

At that time, the government of Ariel Sharon promised to evaluate each of the Ethiopians in the compound to see whether he or she was eligible to immigrate to Israel. Since 2004, the Israeli government had been accepting 300 Falash Mura each month, but that process stopped in June.

“I can understand Israel saying that it would look at the 8,700 and no more,” Rabbi Epstein said. “Whether that is fair or not is another question, but I’m saying you made a promise to look at these cases and you must do that.”

Lodge said that if the government of Israel “does not come to [the same] conclusion, the UJC has to make an evaluation of that. Our lay and professional leadership have in the past and present advocated positions consistent with Rabbi Epstein.”

Their action comes as the Knesset is preparing to debate a bill that if adopted would compel the Interior Ministry to resume evaluating the Falash Mura to determine which ones are eligible to make aliyah under a special clause in the Law of Entry.

But Israel’s Minister of Interior, Meir Sheetrit, told The Jewish Week Tuesday that since 1990 nearly 90,000 Ethiopian Jews and Falash Mura have already immigrated to Israel, most in massive airlifts.

“There is an end to everything,” he said. “We are not going to make any more operations” to bring thousands of Ethiopians to Israel at once.

Asked about Rabbi Epstein’s call for Israel to reconsider that position, Sheetrit replied: “I don’t think we can do it because some synagogue or congregation makes a decision about this.” Rabbi Epstein represents the Conservative movement’s congregational arm, which accounts for about a quarter of affiliated Jews in the country.

Besides, he continued, "Israel is open to everyone who has the right to come to Israel. Everybody who has family in Israel, who has relatives, who is entitled to come to Israel, can make an application. Our immigration authority checks every application and if he can come, he will come. If not, he will not. We are going to act like every other country in the world."

But Orlee Guttman, director of operations for the North American Conference on Ethiopian Jewry, argued that Israel is not like every other country.

"God forbid we should ever be like any other country," she said. "If Israel holds itself to a higher standard, as we believe it does, we help Jews who are not able to come on their own, such as Yemenites several decades ago and the Ethiopians in this decade. ... They don't have enough money to feed themselves, how are they going to pay for a plane ticket?"

Sheetrit, however, dismissed concerns that the people in the compound are going hungry.

"It's not a problem of the State of Israel to take care of people coming to every compound in the world," he insisted. "It's not our task. We take care of 90,000 [Ethiopian] people who are in Israel."

The sponsor of the Knesset bill, Michael Eitan of the Likud Party, told the Jerusalem Post that this was the "first time in Israel's history that there are Jews waiting in camps to make aliyah but the state is not willing to even check their right to come here.

"It's a real embarrassment, especially after [Israeli Prime Minister Ehud] Olmert reminded [British Prime Minister] Gordon Brown how the British had stopped Jews from immigrating here before the creation of the state."

In an interview with the Jerusalem Post last year, Sheetrit said the immigration of the Falash Mura was a task that was impossible to complete.

"Who needs them?" he asked. "They are all Christians. We need to take care of the future of Israel and this [aliyah] will never finish."

He charged that even after Israel brought to Israel all of those in the compound, the area was refilled with more Ethiopians because "all kinds of groups with personal interests and who are making a living off of this, have started working on bringing in more."

Guttman pointed out that the Falash Mura have been determined to be Jews by both of Israel's chief rabbis. And Rabbi Epstein said most have relatives in Israel.

"There were at least 1,200 of them at [morning prayer] services and when we later had a dialogue with them, someone asked how many of you have parents, brothers and sisters or children in Israel," he recalled. "My estimate is that if not 100 percent answered yes, then it was 98 or 99 percent. Almost all of them did. Is it possible some of them may be lying? Sure, but that is what the [immigration] investigation is all about.

"My guess is that a large proportion are Jewish or are living as Jews. This morning all of the men put on a tallit and they ran out of tefillin. I listened to the people davening [praying], and they were davening. Most were davening in Amharic, the Ethiopian language, but they all said the Shema in Hebrew."

Rabbi Epstein said that although there may be a number who are not Jewish according to Jewish law, family reunification should be considered in determining whether to allow them to resettle in Israel.

"We brought in a lot of people from the former Soviet Union who were not halachically Jewish [according to Jewish law], that is why 300,000 people today are waiting for conversions," Rabbi Epstein added. "What is different about these people? Why aren't they allowed family reunification? If they have parents or children living in Israel, how do you keep families apart? It's cruel."

III. SSEJ (Struggle to Save Ethiopian Jewry): http://www.ssej.org/call_to_action_american.html

Rabbis' Call To Action American Rabbis

Letter from the Rabbinical Council of America.

The RCA is the single largest American organization representing Orthodox rabbis.

12 Shevat 5760
January 19, 2000

Over the past few years, approximately thirty thousand Ethiopians of Jewish ancestry have returned, or are in the process of returning, to the Jewish faith. Over the course of several generations this community, sometimes referred to as Feles Mura, had become estranged from their Jewish forbears' practices and beliefs. Many Feles Mura, probably most, had converted to Christianity. However, they rarely intermarried and identified themselves and were identified by their neighbors as part of the Beta Israel community.

In a phenomenon, virtually unprecedented in Jewish history, practically the entire community has adopted an halakhic way of life, including observance of Shabbat and the laws of kashrut and family purity. In Ethiopia today four thousand children attend two Jewish day schools; Thousands of adults participate daily in prayer services and classes in Jewish education. In Israel, Feles Mura appear before a Rabbinical Court to accept the yoke of the commandments, thereby complying with procedures set forth by the Chief Rabbinate. Their children are educated in religious Israeli schools, including, pursuant to the request of Rabbi Chaim Druckman, the best yeshivot and ulpanot of the Bnai Akiva system. In a recent letter, six Ethiopian rabbis who work intensively with the community attested that the Feles Mura who arrive in Israel have continued to observe the practices of traditional halakhic Judaism.

Throughout history, the Jewish people, in accordance with halakhah, have joyfully welcomed back to the fold repentant Jews, including those who have converted to another religion. The Feles Mura have eagerly embraced an halakhic way of life and are certainly entitled to be welcomed to Israel under the Law of Return.

The Rabbinical Council of America believes it is a Jewish imperative that the suffering of the 26,000 Beta Israel remaining in Ethiopia be brought to a swift conclusion. We call upon the State of Israel to facilitate the rapid aliyah of the entire Feles Mura community. We urge all Jewish relief organizations, particularly the Joint Distribution Committee and NACOEJ, as well as the United Jewish Communities, to provide the maximum possible physical and spiritual assistance to this distressed Diaspora community, until its members can be reunited with their brethren in Israel.

Rabbi Kenneth N. Hain
President

Letter from the Unites Synagogue of Conservative Judaism

The United Synagogue of Conservative Judaism Resolution on Beta Israel in Addis Ababa
Passed by The USCJ Board June 2, 1996

Whereas, at the time of Operation Solomon (May 24-25, 1991), a remnant of the Beta Israel Community was left behind because of doubts about the sincerity of this community's return to Judaism and desire to rejoin the Jewish people; and

Whereas, since that time the 3,800 men, women and children in Addis Ababa, who are certainly of recent Jewish ancestry, now lead lives of intense Jewish commitment and Zionist fervor, practicing Judaism according to the most

rigorous traditional standards, observing the Sabbath and holidays, maintaining a synagogue and mikvah and engaging in Jewish study and do not follow or adhere to any other faith; and

Whereas, the 1,700 members of this community who have reached Israel continue to observe Jewish religious practices and remain loyal Jews and citizens of the State of Israel in all respects; and

Whereas, we believe that when a lapsed individual or community of clear Jewish ancestry returns to, or undertakes, the practice of Judaism and declares the intention to continue to live and raise children as Jews, this suffices to recognize the person or community as Jewish without the need of further ritual; and

Whereas, the Beta Israel in Addis live in circumstances of dire poverty, illness, isolation and separation from close family members in Israel

Now, therefore, be it resolved that The United Synagogue of Conservative Judaism calls upon the two American Jewish organizations the American Jewish Joint Distribution Committee and the North American Conference on Ethiopian Jewry who have for six years provided the only assistance the community has received, to continue and enhance such assistance to the maximum extent possible and further urges other Jewish organizations to come to the aid of the beleaguered Jewish community; and

Be it further resolved that The United Synagogue of Conservative Judaism calls upon its affiliated congregations and their members to support the work of these organizations in Ethiopia; and

Be it further resolved that The United Synagogue of Conservative Judaism calls upon the State of Israel to recognize the Beta Israel remaining in Addis Ababa as a Jewish community all of whose individual members are entitled to emigrate to their homeland, under the Law of Return, with the goal of bringing all 3,800 men, women and children to Israel by the end of 1996.

Letter from the Union of American Hebrew Congregations

The Union of American Hebrew Congregations, having received in reply to its request for a Responsum from the Responsa Committee of the Central Conference of American Rabbis that affirms the Jewishness of the Falas Mura community in Addis Ababa and of the individuals who comprise that community, now expresses its urgent hope that those Jews will be speedily admitted to the State of Israel under the Law of Return.

IV. Israeli Rabbis

SSEJ (Struggle to Save Ethiopian Jewry):

http://www.ssej.org/call_to_action_isreali.html

Rabbis' Call To Action

Israeli Rabbis

Current Chief Rabbi

Translation of a letter from Chief Rabbi Shlomo Amar to Prime Minister Ariel Sharon

Thursday, the 21st day of Iyar (May 29, 2003)

His Excellency The Prime Minister

Mr. Ariel Sharon

Jerusalem, Israel

May Life, Peace and Blessings Be His Forever

Your Excellency,

On the 14th day of Adar A 5763 (February 16, 2003) the government of Israel, which you lead, decided to bring the remnants of our brothers the children of the Felash Mura from Ethiopia, where they are living today in to camps, one in Addis Ababa, and the other in Gondar. They are subject to the scourge of hunger and various illnesses, to which I was an eyewitness when I visited amongst them. There is much death, particularly amongst the children, may G-d have mercy.

And I have already examined and investigated their Jewishness for a long period of time, and I wrote a long reasoned legal decision, and in it I stated that they are yehudim gemurim (completely Jewish), and I also held that after they immigrate to Israel, it is appropriate to arrange for them a giyur le khumrah (a conversion ceremony as a stringency) in order to eliminate all doubt.

To my sorrow, I have been told that there are those who erred in understanding my opinion that was written with respect to this matter, therefore I am clarifying to Your Excellency, that the children of the Felash Mura who are found in the camps mentioned above, hem yehudim gemurim belo saphake. (they are completely Jewish without any doubt), and it is a great mitzvah (commandment) to expedite the implementation of the aforesaid government decision, in order to save them from the gates of death. Veyapheh shah akhat kodem (And it would have been better if it had already been done an hour ago) to check and bring to Israel all those who were born to a Jewish mother (who are the great majority there, approximately 90 percent of the residents of the camps mentioned above).

And I pray that Your Excellency will be privileged that by his hand the downtrodden of Israel shall be gathered, and shall come to Zion joyfully. And may the pleasantness of the Lord be upon you, and may he gift you with good judgment, to guide this people in the paths of righteousness and peace until the Messiah comes to Shiloh and unto him will be gathered the nations.

With the blessings of Torah and with gratitude,
Rabbi Shlomo Amar
Former Chief Rabbi

Mordechai Eliyahu

Rishon LeZion Chief Rabbi of Israel

President of the Supreme Rabbinical Court

Blessed Be His Name

24 Adar 5752

To The President of NACOEJ

New York, New York

Peace and Blessing!

In reply to your request which was referred to me, I herewith reply and render my opinion, that it is a great mitzvah to educate and bring close the members of the community who are awaiting aliyah in Ethiopia.

The holy language (Hebrew) the principles of the Torah of Israel, the evening of the Seder that is approaching, holidays and festivals, the observece of the Sabbath - all these, and more, constitute important preparation in anticipation of their return in complete penance to the Nation of Israel in the Land of Israel.

This reply of mine relates to the whole community that is waiting in Addis Ababa, and in as much as possible, to those in their villages. May it be the will of God that you are counted among those who act on behalf of the total ingathering of the exiles from the four corners of the earth to our country. May your efforts be strengthened.

Mordechai Eliyahu
Rishon LeZion Chief Rabbi of Israel

Rabbi Menachem Waldman's Statement Concerning Attacks on the Felash Mora

August 20, 1998

I am a member of the Chief Rabbinate's Committee on Ethiopian Jews, and director of the educational program which has guided the Falash Mora's historic return to Judaism for the past seven years.

In addition to reports from North American advocates there have been many reports from Israeli Interior Ministry personnel, Jewish Agency Representatives and Addisu Messala (the only Ethiopian member of Knesset) himself dating back to 1992, which evidence the attacks and burnings of the Felash Mora huts.

The Felash Mora are a separate, distinct group among the Ethiopian population. The gentiles look on them as the Jews' descendants and they carry all the Jews' dishonorable names. The gentiles say to them, "This is not your land, go along with the Jews to Israel, your homeland."

All the Felash Mora who have come to Israel thus far have gone through the process of returning to Judaism in accordance with the requirements of the Chief Rabbinate. In Israel, the vast majority remain observant Jews and virtually all of the children are in the religious school system.

Many of the Falash Mora in Ethiopia have already returned to Judaism on their own, to the extent they are able (e.g. through observance of Shabbat and Pesach). I have seen this phenomenon with my own eyes. I am sure that the vast majority would undoubtedly return to the full practice of Orthodox Judaism, including ritual return through immersion in a mikveh, if they were able.

Unfortunately the assistance programs which enabled more than 7,000 Falash Mora to return to Judaism in Ethiopia have been discontinued. The Joint Distribution Committee (JDC) has completely terminated its programs in Addis Ababa despite the fact that more than 8,000 members of the Beta Israel community fled there because of pressure from their non-Jewish neighbors.

If any other community in the world manifested the same desire to return to Judaism as do the Felash Mora, it would be a cause for communal rejoicing. Only in Ethiopia have these people been abandoned by both the major Diaspora Jewish relief organization, i.e., the Joint (JDC), and by the State of Israel.

What the Felash Mora want is to Return to Judaism the old fashioned way, through Mikveh and mitzvot. G-d and history will not judge us kindly if we reject their pleas.

Rabbi David H. Shloush is Chief Rabbi of Netanya and Director of the Israeli Chief Rabbinate's Committee for the Spiritual Absorption of Ethiopian Jews.

Protest against untruthful things that were said by the Joint (JDC) and by Minister of Absorption Yuli Edelstein

26 Cheshvan 5759

November 15, 1998

TO: Members of the Ministers' Committee for Diaspora Affairs

headed by Mr. Natan Sharanski, Minister of Commerce and Industry

RE: The Falash-Mura community still in the cities of Addis-Ababa and Gondar

Shalom:

A press release distributed by the Joint (JDC) on November 4, 1998, stated that the reason Falash-Mura in Ethiopia wanted to leave their villages and come to Israel was: To take the opportunity to join other Ethiopian Jews in Israel and achieve a higher standard of living.

In the same statement the Joint added that: according to the Ministry of the Interior, many of the Falash Mura community attend church services in Israel immediately after making aliyah.

On Israel radio, on Friday, November 13th, 1998, Mr Yuli Edelstein, the Minister of Absorption said: "All of the Falash-Mura community members are totally Christian and should not be brought to Israel."

As the head of the Committee for the Spiritual Absorption of the Ethiopian Jews, founded by the Chief Rabbinate of Israel, and as a rabbi who had been very active with the issues of their Judaism and their status as Jews since their first arrival in Israel in 1980, I validated their Judaism and their right to enter Israel according to Halacha.

Today I am active in authenticating the Judaism of the Jews from Russia from the Halachic point of view, to integrate them into the Jewish people, because of the numerous mixed marriages that have taken place between Jews and Christians in the former Soviet Union. This is a challenge, and it is my duty to respond to it since we live in times of ingathering from the four corners of the world, to our homeland, as written in the Torah: "If any of thine that are dispersed be in the uttermost parts of heaven, from thence will the Lord thy G-d, gather thee, and from thence will He fetch thee, and the Lord the G-d will bring thee into the land which thy fathers possessed." Duteronomy (30,4-5).

Therefore I see it as my duty to express my protest against the untruthful things that were said by the Jewish Organization, the Joint, and by a minister in the State of Israel as follows:
According to highly reliable testimonies that can be proven in facts, that the great majority of the Falash-Mura community that came to Israel keep the Torah and mitzvot.

They have synagogues and rabbis and kesotch (Ethiopian Jewish religious leaders) that guide them. There are amongst them some that do not observe their religion according to the Halacha, as in any other community in Israel, but it is a rule: Israel who transgresses is still Israel.

I will emphasize that out of 4,000 men, women and children of the Felash-Mura community who have recently come to Israel, 400 are pupils in Yeshivot and Ulpanot, all join the army with dedication and loyalty to our ideals, and it is not a secret that all the Ethiopian Jews are excellent combat soldiers in the IDF.

It is possible that exceptions, due to lack of livelihood, were tempted by the missionaries' propaganda, to visit the church in return for gifts and other benefits. It is also possible that a few people deceived the aliyah department, as also happened in aliyot from other countries and also in other communities in Israel. That is why Jewish organizations are active against the cancerous missionary activity in Israel, where unfortunately, proselytizing is permitted.

However, it is not permissible to punish all the Jews of the Falash-Mura community because of a tiny minority who create a false impression by lying and deceiving, as written: "because of the sins of one man, will You be angry at the whole community?" (Exodus 15,22).

The Falash-Mura communities in Addis-Ababa and Gondar are of the seed of Israel. Their desire is to return to Judaism and keep the mitzvot. According to Halacha (Jewish law) they are Jews. They live now in extremely harsh conditions. Some of them have died because of lack of food and assistance. It is a great mitzvah to bring them to Israel and save their souls: "Any one who saves one soul of Israel, it is as though he saved a whole world."

Sincerely,

Rabbi David H. Shloush

Chief Rabbi of Netanya and

Director of the Israeli Chief Rabbinate's Committee for the Spiritual Absorption of Ethiopian Jews

Testimony of the Rabbinical Court (Beit Din), established by The Chief Rabbinate of Israel to determine the religious status of the recent immigrants from Ethiopia.

(Declares JDC (Joint) report slanderous) *English translation of the signed Hebrew original*

22 Heshvan 5759, 11 November 1998

To Whom It May Concern:

We have heard evil rumors about an honorable community - the new immigrants from Ethiopia who are called Felesmura. It is falsely alleged that they turn to all types of foreign worship in Israel and they are not part of the Jewish people. This was written, for example, in the Report of the JDC (Joint) dated 4 November 1998.

We, the undersigned, are charged with responsibility for this community for the past two years. We work amongst the community every week, conducting separate meetings with each individual family.

WE TESTIFY THAT THE TOTAL OPPOSITE IS TRUE: This community undertakes great efforts to be fully integrated into our people and greatly desires to make up for anything they may lack in Jewish studies.

Additionally, hundreds of the community's boys are studying in our best Yeshivas (religious schools) and have excelled there, according to the heads of the Yeshivas. The girls also study in religious boarding schools (ulpanot).

In the caravan site where the newcomers live (Chatzrot Yassaf) there are synagogues and a mikva (ritual bath).

Prayers are conducted three times every weekday as well as on Shabbat and Jewish Holidays.

On the holiday of Succoth (Tabernacles) three hundred (300!!!) sets of the four species (lulav and etrog) were brought to the caravan site; each family itself paid the full price for every set.

We urgently plead: do not pay any attention to the slanderous campaign against these good people. The campaign comes from a defiled source. The real problem is only that their skin is somewhat darker.

Therefore we hope that all who listen to us will exert their efforts to integrate these people into our state. Only blessing will flow from this endeavor.

May blessing flow from Him who is the source of all blessing.

We hereby affix our signatures:

Rabbi Baruch Edelstein

Rabbi Yeshayahu Meitles

Rabbi Nissim Cohen

V. SSEJ (Struggle to Save Ethiopian Jewry): http://www.ssej.org/call_to_action_ethiopian.html

Ethiopian Rabbis

Chief Kes (High Priest) of the Jews of Ethiopia, Raphael Hadane

Letter from Israel to the Jewish Community in Ethiopia

Erev (the evening) of Sukkot 5759, 4 October 1998

Unto you, our brethren and of our flesh, that have left the villages to go to Gondar and Addis Ababa, we send our blessings from the Holy Land.

Our brethren, strengthen yourselves in the way of the Lord - in the way of the Torah and commandments. Cleave to the God of Israel that he will open for you the gates to return to the land of our fathers - the land of Israel.

I call upon the Jewish Agency, the joint (JDC) and the North American Conference on Ethiopian Jewry (NACOEJ) to assist you with medical and social aid and the maintenance of a school for your children and Jewish education for you and the members of your family in order that you may properly fulfill the duties of our religion. With the Help of God the Lord of Israel who gathers the oppressed of Israel, we will be privileged to see you returning to Zion in the near future, loyal to God and the Torah of Israel.

Your friend who prays for your salvation,

Kes Raphael Hadane, Chief Kes (High Priest) of the Jews of Ethiopia

Letter from Kes Hadane and Kes Imharan Fikado

24 Heshvan 5759 13 November 1998

TO: The Prime Minister of Israel, Mr. Binyamin Netanyahu

RE: The immigration of our Jewish Brothers who were left in Ethiopia (the Falashmura)

Shalom:

We are the leaders of the Ethiopian Jews.

We came recently from a visit in Ethiopia. We stayed for three weeks with our brothers in Addis-Ababa and Gondar. We visited their houses, spoke with them and looked at their situation. We know many of them personally for a long time. We saw their distress and came back to Israel shocked and in tears.

Our brothers, Beta-Israel, left their villages because they cannot live in the places they were born and grew up in. The gentiles grow away from them and tell them to go where they belong, to Israel. The gentiles harm them in different ways: they burn their houses, take their property by force, shoot them, and worst of all, kidnap and rape their young daughters.

Our brothers have no alternative but to run to Addis-Ababa and Gondar. In Addis-Ababa and Gondar they suffer a great deal. They do not get medical assistance. They have not enough money for food and housing. There are many sick people among them and many died recently of diseases and weakness. The situation in Gondar is worse than in Addis-Ababa.

We met the Israeli Ambassador to Ethiopia and he told us that he had been given instructions by the government of Israel not to deal with them. However, he promised that Jewish organizations would assist them on a humanitarian basis.

Mr. Prime Minister, as the religious leaders of the Ethiopian Jews, who know well our brothers for many years, and after checking the situation in Ethiopia, we cry out the following facts and demands:

Our brothers are our flesh and blood. They pray to the G-d of Israel and keep Shabbat and the Jewish Festivals. They established synagogues and have their hearts set on studying and fulfilling the mitzvot of the Torah. There is an active Mikve in Addis-Ababa for fulfilling the laws of purity of the Jewish family. We prayed with them and we taught them Tora and Mizvot. We cried with them in their prayers to G-d. We are certain that they will remain faithful to the Jewish tradition and will behave like all the Jews who keep the Jewish religion. We checked many families individually. They are our relatives. They belong to our community, the community of Beta-Israel. Almost all of them have parents, children, brothers, sisters, uncles, aunts and other relatives in Israel.

Their situation is disastrous. They have no assistance, they suffer from sickness and death. Not only they are hurt by the gentiles, but also by the attitude of their Jewish brothers. The Jewish organizations left them and the Israeli embassy closes the gates in front of them.

We demand to find a way to enable them to return to Israel. We were told by the embassy that there are 3,000 among them in Addis-Ababa who are entitled to immigrate to Israel by the Law of Return. However, no one gives them permission to be interviewed. In Gondar there are thousands who fulfill the requirements of the Law of Return. However, a representative of the Ministry of the Interior gets there only once in two weeks and checks only a few people each time. There, also, the doors of the office are closed to them and only the Ministry of Interior decides whom to interview.

They must be given medical, financial and religious assistance, until they immigrate to Israel. The assistance must be given as soon as possible, so that they will not die. "Any one who saves one soul of Israel, it is as though he saved a whole world."

G-d will bless the ones who help our brothers and bring them to their homeland, the country of Israel.

Sincerely yours,

**The Chief Kess (Rabbi) of all Ethiopian Jewry, Kess Hadane Rafael
and Kess Imharan Fikado**

Letter from Coalition of Major Ethiopian Organizations

24 Heshvan 5759, 13 November 1998

Mr. Howard Rieger
Chief Executive Officer
United Jewish Communities

Dear Mr. Rieger:

As you know our organization represents virtually all of the major Ethiopian organizations in Israel. We have been privileged to work with United Jewish Communities on the Ethiopian National project and looking forward to continuing this productive relationship in the future.

We would like to bring to your attention in matter of great importance to all members of our community and one, which we are sure, is equally important to the United Jewish communities. Operation Promise has been providing support to approximately eight thousand Ethiopian Jews waiting to immigrate to Israel in Gondar, Ethiopia, through programs funded by NACOEJ and JDC.

While we are grateful for this assistance, there are approximately eight thousand additional Ethiopian Jews who do not receive any medical care from JDC or humanitarian assistance from NACOEJ. Consequently, there is enormous suffering among these Jews, particularly their children.

The entire Ethiopian Jewish community in Israel would be extremely grateful if the United Jewish Communities would make funds available to JDC and NACOEJ so that they can extend their medical and humanitarian programs to the Ethiopian Jews who currently are not being helped. They are an integral part of our community and many of them have first-degree relatives in Israel or in the compound in Gondar.

Thank you very much for your attention to this urgent matter.

Sincerely,

Avraham Neguise

Chairman of the Ethiopian Organizations Representatives Amutah

Kasshun Wondie, Deputy Chairman of the Ethiopian Organizations Amutah

Dani Admassu, Member, Executive Committee of Ethiopian Organizations Representative

Itshak Dessie, Member, Executive Committee of Ethiopian Organizations Representative

cc: Barbara Ribakove (NACOEJ), Stephen Schwager (JDC), Moshe Vigdor (JAFI)

Insight Israel
Volume 1, Number 5
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**How Can Apostates Such as the Falash Mura
Return to Judaism?¹⁰**

Yoreh De'ah 268:12

by Rabbi David Golinkin

Question: In our day, there are many Jews who have converted to Christianity or Islam – among them thousands of Ethiopian Falash Mura – who wish to return to the Jewish fold. How can such apostates and their children return to Judaism?

Responsum: Several scholars have observed that there is a significant difference between the use of the terms *mumar* (apostate) and *meshumad* (apostate) in Talmudic literature,¹¹ and the use of those terms from the Geonic period onward.¹² This is what Prof. Yaakov Katz wrote on the subject almost fifty years ago:

Deciding the status of a *mumar* ... relied upon the Talmudic tradition. In practice, the concepts settled upon in the Talmudic period did not correspond at all to the reality to which they were applied ... Talmudic *halakhah* does not treat of the status of a *mumar* in terms of an abandonment of the Jewish community, but rather in terms of an ongoing transgression of the laws and commandments. The Talmud recognizes a sort of partial *mumarut* (apostasy). A person can be a *mumar* in regard to one's appetites or one's desire to irritate, in regard to desecrating the Sabbath, in regard to circumcision, in regard to idolatry, and in regard to the entire Torah. However, such a *mumar* is always described in the negative, i.e., in terms of a deviation from what is accepted in Judaism, and never in terms of joining a different religious community. Therefore, it is clear in the eyes of the Talmud that the *mumar* never ceases to be a Jew... Therefore, even if there is a tendency toward denying the *mumar* certain privileges – for example, not accepting [the *kashrut* of] his ritual slaughter or his capacity to serve as a witness – this denial always requires evidence. The fact that the *mumar* is a Jew is never in doubt...

The connection to Christianity or Islam fundamentally altered the nature of the concept of *mumar*. Thereafter, one could no longer speak of being a partial *mumar*. The *mumar* utterly removes himself from Judaism. He severs his connection to the members of his community and settles in another religious community... Judaism ... had to adopt a position in regard to this new type of *mumar*, and in typical fashion, it did so in reliance upon the old concepts, after filling them with new content. The term *mumar* or *meshumad* now referred to a person who separated himself completely from Judaism, and it became an absolute concept. The collocation “*mumar* in regard to...” vanished from usage outside of Talmudic quotations and paraphrases. In the popular conception, the apostate entirely ceased to be a Jew, and that view actually corresponded to the social reality...¹³

Due to this substantive change in the nature of the *mumar*, there is little Talmudic material to guide a Jew who has converted to Islam or Christianity back to Judaism. The fifty halakhic authorities who addressed this issue between the ninth and seventeenth centuries can be divided into six basic approaches. We will now briefly survey these six approaches, proceeding from the most lenient to the most stringent.

I) Repentance Alone

1) This approach is found in one of the earliest responsa that has reached us on this subject. Rabbi Moshe Gaon (ca. 825) was asked in regard to a Jew “who became an apostate and later returned to Judaism, do we suspect that his contact renders wine *yayin nesekh* [wine of libation to idolatry] or not?” He responded that “if he observes the

Sabbath in public and observes all the *mitzvot*, he is accepted as any kosher Jew...one may drink a glass of wine with him with no suspicion of the touch of a gentile” (*Otzar Hageonim* on Tractate *Yevamot*, p. 111, par. 258). In other words, Rabbi Moshe Gaon requires no specific act other than repentance.

2) Rav Hai Gaon (d. 1038) was asked whether, in the case of a slave who had been circumcised by his master but who left Judaism and was sold, and who was later purchased by another Jew, was it necessary to perform *hatafat dam brit* (drawing of blood in lieu of circumcision), or was it sufficient that he be ritually immersed in a *mikveh*? Rav Hai responded that there was no need to draw blood or to immerse him “rather, he is like an apostate Jew, for any Jew who becomes an apostate, once he repents, he does not require immersion let alone circumcision” (*Otzar Hageonim* on Tractate *Yevamot*, p. 109, par. 250, right column). In other words, Rav Hai, too, does not require any specific act other than repentance.

3) Rabbeinu Gershom (d. 1028) was asked “whether or not a *kohen* who became an apostate and repented is fit to perform the Priestly Blessing and to be called first to read the Torah?” He replied, “since he has repented, he is fit to ascend the pulpit and perform the Priestly Blessing”. Nowhere in Rabbeinu Gershom’s extensive responsum do we find mention of any act other than repentance.¹⁴

4) Rabbi Yitzhak ben Avraham (*Ritzba*), one of the most important French Tosafists (ca. 1200), required no act other than repentance: “It is correct that it is not required that a *mumar* who repents be accepted by [a court of] three...even if he did not immerse...in any case we consider him to be a penitent, since he set aside his ways and returned to his Maker” (*Responsa of the Rashba attributed to the Ramban*, par. 180 and parallels).

5) *Sefer Hassidim*, attributed to Rabbi Judah Hehassid (Ashkenaz, d. 1217), establishes that in regard to “a person who became an apostate and returned to being a Jew and obligated himself to repent as the sages shall instruct him, it is permitted to drink wine with him and pray with him from the moment he accepted [the obligation]” (ed. Margaliot, par. 203, p. 192).

6) Rabbi Shlomo ben Shimon Duran (*Rashbash*; Algiers, 1400-1467) addressed our issue in regard to the question of the repentance, circumcision and ritual immersion of “apostates referred to as *anusim ha’areilim* [uncircumcised Marranos].” He ruled decisively that a Jewish apostate remains Jewish even though he has sinned, that his *kiddushin* [contracting marriage] is valid, and one may not lend him money at interest. Because they are not deemed converts, they are not instructed in some of the minor and the major commandments and the punishments for transgressing them, as would be required of a proselyte in accordance with *Yevamot* 47a. “And he is not to be frightened or alarmed but should be attracted by kindness, for he entered the covenant at Sinai.” “And he also does not require immersion” because he is not a proselyte. “And so the rabbis of France z”l wrote that a Jew who became an apostate, even to idolatry, does not require immersion or acceptance by a court of three” (*Responsa of the Rashbash*, par. 89).

7) Lastly, the French Tosafist Rabbi Samson (perhaps Samson of Sens, younger brother of Rabbi Yitzhak ben Avraham, the *Ritzba*) added that in regard to a person who “leaves the faith,” “his repentance is only repentance if done publicly” (*Piskei Recanati*, par. 68, fol. 11a). The unabridged version of the *Mordekhai*, as quoted in the *Responsa of the Maharik* (par. 85), also states that “since he was permitted in the congregation and accepted the obligation to fast, even though he has not finished, when he recanted and repented he immediately returned to his acceptable status.” In other words, both authorities seem to be of the opinion that an apostate must repent in public.

II) Lashing Alone or Lashes and Some Additional Act

1) This approach is clearly attested in a different version of the aforementioned responsum of Rav Hai Gaon (above, paragraph I, 2). According to that version, Rav Hai responded that that slave “is like an apostate Jew who does not require immersion but rather lashes” (*Otzar Hageonim* on Tractate *Yevamot*, p. 109, par. 250, left column). This is, indeed, the version of Rav Hai’s responsum quoted in the *Tur* (*Yoreh De’ah* 267) and in the *Shulhan Arukh* (*Yoreh De’ah* 267:8). According to this version, an apostate who returns to Judaism is subject to lashes.¹⁵

2) Rav Amram Gaon (ca. 858) also requires lashes, but he adds a requirement of public confession:

Thus we have seen that lashes are certainly required, because he transgressed several positive and negative commandments, and commandments punishable by *Karet* [divine punishment] and the death penalty. He does not require immersion, since he is not a convert...and even though he receives lashes, he must publicly stand before the congregation and confess what he did and express regret for the evils he committed, and having done so, all know that he has completely repented, and there is no suspicion of deceit, and one may eat and drink with him (*Otzar Hageonim* on Tractate *Yevamot*, par. 259, p. 112, right column).

In other words, Rav Amram Gaon appears to suspect the possibility of deception, and therefore requires both lashes and public confession.

3) Rav Paltai Gaon (ca. 842) also suspected the possibility of deception, and ruled that, if necessary, it is permitted to give lashes and immerse returning apostates as a fence around the Torah, as “Rabbi Elazar ben Ya’akov [said]: I have heard that the court gives lashes and punishes not in accordance with the Torah... but rather to make a fence around the Torah” (*Sanhedrin* 46a), “and they are accepted in repentance” (*Otzar Hageonim* on Tractate *Yevamot*, par. 260, p. 112).

III) Immersion and Repentance

In *Avot Derabi Nattan* (Version A, Chapter 8, ed. Schechter, p. 37) there is a story about a girl who was taken into captivity, and when she was released she was ritually immersed. The explanation given is “that all the days that she was living among the gentiles, she ate their food and drank their drink, and now let her be immersed that she be purified”. Rabbi Yitzhak ben Moshe of Vienna (1180-1250) wrote a responsum in regard to whether a person who accidentally killed another person could lead communal services: “And so I learned from my teacher and rabbi Rabbi Simhah z”l (of Speyer, d. 1230), that all penitents require immersion”, and he relied upon the story from *Avot Derabi Nattan* (*Or Zarua*, Part I, par. 112). Indeed, this idea that all penitents require immersion was prevalent among the rabbis of Ashkenaz in the Middle Ages,¹⁶ and this would appear to be the source of the requirement of immersion for returning apostates.

1) Rabbi Meir ben Baruch (Maharam) of Rothenburg (d. 1293) was asked a question about an *agunah* [a chained woman who could not remarry]. A Jew of questionable repute, who converted and apparently repented, testified that the woman’s husband was still alive in France. He was sought but not found. Maharam ruled that the woman could remarry “since he converted to idolatry, he is unfit [to testify] and because he immersed but did not make perfect repentance, he is not fit to testify...” (the *Mordekhai* on *Ketubot*, at the end of par. 306 and parallels). In other words, Maharam incidentally states that a convert who returns to Judaism must both repent and ritually immerse.

2) Rabbi David Ibn Zimra (Radbaz; Egypt and Israel, 1480-1574) was asked “about Jews forced to convert by Muslims, who gave birth to children and grandchildren...who now come to Judaism and are circumcised, do they require ritual immersion, [and if] required, is it absolutely necessary or not?” Like Rabbi Shlomo ben Shimon Duran, above, he ruled that immersion is not absolutely necessary and they need not be informed of the *mitzvot*, since they are not proselytes.

But immersion is not a *mitzvah*...but since he leaves the impurity of the gentiles to the purity of Israel, he must immerse for purification, like the immersion of *Yom Kippur*, since he is no worse than penitents who, as Rabbi Simhah z”l wrote, must immerse (*Responso of the Radbaz*, III, par. 858 (415)).

In other words, the Radbaz was of the opinion that immersion for Jews forced to convert does not derive from the Talmudic requirements for conversion, but rather from the customs of repentance of the rabbis of Ashkenaz.

IV) Immersion and Acceptance as a *Haver* by a Court of Three

In a *Baraita* in the Babylonian Talmud (*Bekhorot* 30b) we read that if an *am ha'aretz* [a Jew who is not a *haver*] wishes to become a *haver* who is strict in the observance of the laws of priestly gifts and tithes and the eating of *hullin* [profane food] in a state of ritual purity, “he must accept the rules of *haverut* before three *haverim*” (and cf. *Tosefta Demai*, Chapter 2). This is the source of the next approach.

1) Rabbi Yom Tov ben Avraham Ishbili (Ritba; Saragossa, 1250-1330) wrote in his *novellae* to *Yevamot* 47b concerning the binding nature of the *kiddushin* [betrothal] of an apostate:

And a Jew who sinned and repented, all [agree] that according to the letter of the law he does not require immersion, but only acceptance [of *haverut*] before a court, *ab initio*, but he nevertheless immerses by rabbinic decree just in case – it is like the immersion of an emancipated slave whose immersion is only by rabbinic decree, and so it is written in ... Tosafot (ed. Yafn, Part 2, Jerusalem, 1992, cols. 330-332).

Although the Ritba writes that “all” require acceptance of *haverut* before a court, only Avi Ha'ezri made such a demand (see below). On the other hand, the Ritba agrees that the immersion of a returning apostate is a rabbinic requirement, as in the case of an emancipated slave.

2) The Ritba's position was quoted in its entirety by Rabbi Joseph Haviva (Spain, early 15th century) in his *Nimukei Yosef* to *Yevamot* (ed. Vilna, fol. 16b, at the top). From there, it was adopted by Rabbi Joseph Caro (*Beit Yosef* on *Yoreh De'ah*, at the end of par. 268), by Rabbi Moses Isserles (*Rema* on *Yoreh De'ah* 268:12, and cf. 267:8), by Rabbi Mordechai Jaffe (*Levush* on *Yoreh De'ah* 268:12), and by Rabbi Jehiel Michal Epstein (*Arukh Hashulhan*, *Yoreh De'ah* 268:10, 16), who required immersion and acceptance of the obligations of *haverut* before a court of three.

V) Immersion, Shaving of Hair, and Additional Acts

1) “Avi Ha'ezri” – who appears to be Rabbi Eliezer ben Yoel Halevi (Ra'aviyah; Ashkenaz, 1140-1220) ruled: “When an apostate Jew returns, he must *shave his head with a razor* and perform immersion as a proselyte, and his immersion need not be during the day [like a proselyte], but the acceptance must be before three people” (*The Semak of Zurich*, part II, p. 49). In other words, Avi Ha'ezri requires immersion as a *proselyte*, as well as acceptance before three people as we saw in the Ritba. However, his main innovation is the requirement that he “shave his head with a razor”, which we have not seen previously.

2) These practices are emphasized in sources from the Inquisition in France (1317 ff.) and Spain (1465). According to these sources, when an apostate Jew returned to Judaism, the areas of his body that were baptized were rubbed with sand, his nails were cut to the quick, his head was shaved, he was immersed three times while repeating the blessing for immersion, he declared “*divrei haverut*” and renounced Christianity, and he was issued a certificate testifying that he had repented.¹⁷

3) Rabbi Israel Isserlein (Ashkenaz, d. 1460) was asked whether it was permissible to *shave* a repentant apostate during *Hol Hamoed* (despite the normal probation against shaving then) in order to *immerse* him and return him to the true faith. He permitted it “because it is customary to *shave* such penitents... *since he is not counted in a minyan until he shaves and immerses*, and although it is not absolutely required, *in any case, the custom of our ancestors is Torah*” (*Terumat Hadeshen*, par. 86). In other words, while he admits that these are only customs, nevertheless, the apostate is not counted in a *minyan* until he shaves and immerses.

4) Rabbi Joseph Caro (Israel, d. 1575; *Beit Yosef* on *Orah Hayyim* 531) opposed the permission granted by Rabbi Israel Isserlein to shave on *Hol Hamoed*, because the Spanish community did not require that repenting apostates shave, but the Rema (*Shulhan Arukh Orah Hayyim* 531:7) permits an apostate to shave on *Hol Hamoed*, following *Terumat Hadeshen*.

5) Rabbi Shlomo Luria (Maharshal; Lublin, 1510-1573), addressed our subject in two places. In *Yam Shel Shelomo* (*Yevamot*, Chapter 4, end of par. 52) he writes: “It is our custom that an apostate is required to *immerse* due to the prohibitions and sins he has performed, as shown in the *Yerushalmi*”. He then quotes the story from *Avot Derabi Nattan* (above, approach No. III).¹⁸ However, in *Hidushei Ubei'urei Hamaharshal* on *Tur Yoreh De'ah* 267 (ed. El

Hamekorot, 5719) he writes: “And it is the custom today [*to immerse*] the apostates *and to shave all their hair before hand, and so I have actually seen in practice*”. This last statement of the Maharshah is quoted by the Bah, the Drisha, the Taz, the Shakh, Be’er Hagolah, and others.¹⁹

One might well ask why it became customary to shave the head and cut the fingernails of a repentant apostate. Rabbi Israel Isserlein himself claimed that the custom derived from Rabbi Moshe Hadarshan quoted in Rashi’s commentary to Numbers 8:7 regarding the Levites who “caused a razor to pass over all their flesh”. This explanation is too sophisticated and we would do well to seek another.

Another possible explanation is that, in the Geonic period (ca. 500-1000 c.e.), shaving the head and beard was an accepted punishment for public desecration of the Sabbath, inflicting serious bodily harm, adultery, and other offences.²⁰ It is, however, difficult to maintain that European Jews of the 13th century and onward were influenced by customs of the Geonim.

A third possibility is that the Jews of the 13th century were directly influenced by the biblical narrative of the “beautiful woman” in Deuteronomy 21:10 ff.: “you shall bring her into your house, *and she shall trim her hair, and pare her nails...*”

Lastly, it is possible that this custom is an imitation of the laws of proselytes. The Rif (Shabbat, Chapter 19, ed. Vilna, fol. 55b), the Rosh (*ibid.*, par. 11, fol. 179c), Rabbi Jacob ben Asher (*Tur Yoreh De’ah* 268), and Rabbi Moshe Isserles (*Rema to Yoreh De’ah* 268:2) require cutting the hair and nails of a *proselyte*, and Rabbi Yoel Sirkes explains (*Bah to Tur Yoreh De’ah* 268) that this is intended to prevent any impediment to immersion.

IV) Self-Mortification – For and Against

Finally, in Ashkenaz we find an approach requiring that an apostate seeking to return to Judaism must physically afflict himself, but there are contradictory reports in regard to the positions of two of the greatest halakhic decisors of Ashkenaz.

1) Rabbi Eleazar of Worms (Ashkenaz, d. 1236), author of *Sefer Harokeah*, addressed our issue in his Laws of Repentance (par. 24, p. 31). There he writes that an apostate must mourn and weep and fast daily for a few years and confess three times a day “and lie on the ground, and endure great suffering, and if [people] say to him ‘evil apostate’ he must remain silent”.

On the other hand, Rabbi Eleazar of Worms is quoted in three places (*Responsa of the Rashba attributed to the Ramban*, par. 180 and parallels) as follows:

He was not strict with him that he endure suffering to repent like a Jew who has performed other transgressions...and we should not be so strict with him that he endure suffering and overcome his inclination, because since he has returned he is healed, and he who comes to be purified should be helped.

Thus, the two sources are diametrically opposed.

2) The same thing happened in regard to the opinion of Rabbi Israel Isserlein quoted above. In *Leket Yosher*, written by his student Rabbi Yoel Hostadt (*Yoreh De’ah* p. 49) we find a quote “in the name of the Gaon” [Rabbi Israel Isserlein] that

the apostate shall shave his hair and immerse before two or three people... and must fast for three consecutive days, day and night, and must fast another forty consecutive days before the end of the year... and must fast every Monday and Thursday all year... and must not make new clothing during the first year... In the second year he must fast Monday and Thursday all year... and in the third year [fast] one day a week... and must distance himself from priests... and not argue with any gentile... and if he hears that people abuse him by calling him “apostate”, he must not reply.

On the other hand, in *Terumat Hadeshen* (par. 198), Rabbi Isserlein himself wrote that an apostate who returns to the true faith is *not* required to repent by means of great suffering, and he relies upon the lenient view of Rabbi Eleazar of Worms quoted above. Indeed, his opposition to self-mortification is also anonymously reported in

Responsa Binyamin Ze'ev (par. 72, fols. 138b-139a), and is attributed to him by name in *Sefer Me'irat Einayim* on *Hoshen Mishpat* 34:22.

3) Lastly, Rabbi Isaac Tirna (Ashkenaz, b. 1380) ruled that a Jew and his wife who wish to return to Judaism must afflict themselves by means of a list of measures, as above (*Sefer Haminhagim Lerabbeinu Isaac Tirna*, ed. Shpitzer, Jerusalem, 5739, p. 14, n. 21).

VII) In Practice

After reviewing all of the above sources, we believe that when a Jew who has converted to Christianity or to Islam wishes to return to Judaism, the rabbi must take the following five steps:

- 1) The rabbi must ascertain whether the person is truly an apostate or the child of an apostate who can prove that he is the descendant of a Jewish mother.
- 2) The apostate or the child of an apostate must repent both theologically and psychologically, and observe *mitzvot* in practice (approach No. I, above), since this is a basic requirement of *all* of the rabbinic decisors.
- 3) Since in our day many apostates and children of apostates do not have adequate knowledge of Judaism, the rabbi must teach them basic Jewish beliefs and practices. This requirement is not derived from any of the sources quoted above, but is required by the current reality.
- 4) “Accepting *haverut* before three” (approach No. IV, above). This does not refer to conversion to Judaism before a rabbinic court, since Jewish apostates are halakhically Jewish. However, this ceremony is important not only according to the approach of the Ritba and his followers, but also psychologically, as it provides the repentant apostate an opportunity to express the desire to return to Judaism, and to express regret for past deeds.
- 5) Immersion (approaches Nos. III and IV above). This immersion is not an absolute requirement, since this is not the case of conversion to Judaism, but it is desirable as a symbol of atonement, following the approach of *Avot Derabi Nattan*, Rabbeinu Simhah, and Radbaz (approach No. III).

VIII) The Falash Mura²¹

Beginning in 1862, Ethiopian Jews began to convert to Christianity as a result of threats by Emperor Theodorus II, the severe famine and plague that blighted the country (1888-1892), intense Christian missionary activities, and economic pressure that derived from the fact that Jews could not own land. The Falash Mura continued living as a separate community - they were not Jews, but they were not assimilated into the surrounding Christian society. They lived in separate villages, married amongst themselves, continued to observe the Sabbath, and maintained contact with their Jewish relatives.

In the course of Operation Solomon (May 1991), between 2,000 and 5,000 Falash Mura were brought to Israel amongst 14,500 Ethiopian immigrants. Some 3,000 Falashmura remained in Addis Ababa. In July 1991, the [Elyakim] Rubenstein Commission decided that they were not Jews under the Law of Return, inasmuch as they had converted to Christianity for economic reasons, “however, we should nevertheless accept them” by means of a procedure similar to conversion. In September 1992, the [Yair] Tzaban Commission decided that the Falash Mura were not Jewish under the Law of Return, but that the spouses, parents, and children of Jews could immigrate to Israel for humanitarian reasons. In October 1993, the Chief Rabbinate of Israel appointed a committee of three rabbis (Rabbis Shloush, Arousi, and Waldman) to examine the issue of the immigration of the Falash Mura. The committee found that the Falash Mura in Addis Ababa should be treated as Jews, and should be allowed to immigrate to Israel individually, after the lineage of each had been ascertained. That was also the trend of the Ministerial Absorption Committee headed by Natan Sharansky in 1997.

In 2002, Chief Rabbi Shlomo Amar determined that the Falash Mura who had not married gentile women, are “of Jewish descent” and they should be brought to Israel and returned to Judaism. Indeed, between 1993-2006

approximately 25,000 people made Aliyah from Ethiopia. In January 2005, The Sharon government decided to increase the rate of Aliyah of the Falash Mura from 300 to 600 per month, in order to finish the entire process by the end of 2007. In 2006, the Israeli government tried to reduce the rate from 300 to 150 per month, but the rate of 300 was maintained, due to the protests of the Jewish Agency, the United Jewish Communities and the Ethiopian community in Israel. According to various estimates, the number of Falash Mura still in Ethiopia is between 10,000 and 22,000 people. This topic is further complicated by Ethiopian missionaries in Israel who attempt to convert Ethiopian immigrants to Christianity.

There is no doubt that the Falash Mura are Jews in the eyes of Jewish Law (although not necessarily in the eyes of Israeli law), and they should be allowed to immigrate to Israel as recommended by the Chief Rabbinate's committee. However, that committee supported the "completion of their repentance" "in accordance with the instructions of the Chief Rabbinate":

1. Thorough investigation of the lineage of each individual;
2. Study of the basic tenets of Judaism and the practical commandments;
3. Acceptance of the observance of *mitzvot* before a panel of three;
4. *Hatafat dam brit* [drawing of blood in lieu of circumcision] before a panel of three;
5. Immersion for the purpose of becoming Jewish before a panel of three (Rabbi Waldman, 5756, p. 38).

In other words, the three rabbis of the committee decided that the Falash Mura must convert to Judaism! That decision contradicts all of the sources examined above, as well as all of the sources that Rabbi Waldman cited in his own report (5756, pp. 22-36)!

Therefore, we would like to emphasize that according to all of the above sources:

- 1) Halakhically, the Falash Mura are apostates who seek to return to Judaism, and the reason for their conversion to Christianity is immaterial;
- 2) Because they are Jews, they do not require conversion to Judaism;
- 3) The Falash Mura should be returned to Judaism like any other apostate, as described in section VII, above.

I hope and pray that the Israeli government will do everything it can to bring the rest of the Falash Mura to Israel and to help them return to the Jewish people.

David Golinkin

Jerusalem

3 Shevat 5767

Notes

¹⁰. This responsum began as a responsum to my father, Rabbi Noah Golinkin z"l, on 14 Shevat 5749. It was expanded for presentation at a conference on Jewish Identity in December 2000 and was approved by the *Va'ad Halakhah* of the Rabbinical Assembly of Israel in January 2001. The complete Hebrew version will appear shortly in a volume on Jewish Identity to be published by Tel Aviv University. My thanks to Rabbi Avinoam Sharon for his preliminary English translation of this *teshuvah*. The references in this version have been abbreviated.

¹¹. The original Talmudic term *meshumad* was consistently replaced with the term *mumar* by the censors, beginning with the Basel edition of the Talmud (1578-1581) - see Raphael N. N. Rabinowitz, *Ma'amar al Hadpasat Ha-Talmud*, ed. Haberman., Jerusalem, 5712, p. 77; William Popper, *The Censorship of Hebrew Books*, New York, 1899, pp. 59, 71; Rabbi Theodore Friedman, *Conservative Judaism* 41/2 (Winter 1988-89), pp. 53-54. In this article, we will use the more familiar term *mumar*.

¹². Chaim Tchernowitz (Rav Tza'ir), *Toldot Haposkim*, Part I, New York, 1946, pp. 45-46; Ya'akov Katz, *Tarbitz 27* (5718) pp. 210-211 = *Halakhah Vekabalah*, Jerusalem, 5744, pp. 262-263; Yosef Hayim Yerushalmi, *HTR* 63 (1970), pp. 364-365; Friedman, (above, note 2); Robert Brody, *Irano Judaica* II (1990), pp. 54-55.

¹³. Yaakov Katz, *ibid.* For examples of "Talmudic" converts in the Geonic period who abandoned the *mitzvot* but did not profess another faith, see *Otzar Hageonim* on *Yevamot*, par. 262, pp. 113-114.

¹⁴. *Mahzor Vitry*, Berlin, 1889-1897, par. 125, pp. 96-97 = Shlomo Eidelberg, *Teshuvot Rabbeinu Gershom Me'or Hagolah*, New York, 5716, par. 4, pp. 57-61, and compare *ibid.*, par. 5 and in the editor's comments. For other rabbinic decisors who ruled like Rabbeinu Gershom, see *Responsa of Rashi*, ed. Elfenbein, New York, 1943, par. 170, pp. 190-191; Eidelberg, p. 60, n. 20; Rabbi Menahem Waldman, 5756, p. 23; and cf. Ya'akov Katz, (above, note 3), pp. 213 ff. = pp. 265 ff.

¹⁵. There are several additional rabbis who theoretically require lashing if there are appropriately ordained sages or a Sanhedrin. See *Responsa of the Rashba*, Part V, par. 66 and Rabbi Jacob Beirab and his followers in *Kunteres Hasemikhah* at the end of the *Responsa of the Maharalbah*, Lemberg, 1865, fol. 60b ff.

¹⁶. For many sources, see Ya'acov Elboim, *Teshuvat Halev Vekabbalat Yissurim*, Jerusalem, 5753, pp. 225-227.

¹⁷. Yosef Hayim Yerushalmi (above, note 3), pp. 363-369, collected the sources and translated them from Latin into English.

¹⁸. In other words, he refers to *Avot Derabi Nattan* as "Yerushalmi". On this widespread phenomenon see, e.g., Rabbi Levi Ginzberg, *Peirushim Vehidushim Bayerushalmi*, Part I, New York, 5701, pp. 28-32.

¹⁹. Rabbi Boaz Cohen, p. 1354, and Rabbi Menahem Waldman, 5756, p. 28, had difficulty understanding the later rabbinic decisors who quoted from Maharshal because they saw his book *Yam Shel Shelomo* without seeing his commentary on *Tur Yoreh De'ah*.

²⁰. See Alfredo Mordechai Rabello, *Hayehudim Besefarad Lifnei Hakibush Ha'aravi Bere'i Hehakikah*, Jerusalem, 5743, pp. 149-151, who refers to important literature. My thanks to Prof. Rabello for referring me to his book. Shaving the head was an accepted punishment among the Visigoths in the 7th century, but it is hard to imagine that Jews in the 13th century and after were influenced by that.

²¹. This summary is based upon Corinaldi, 1998; Corinaldi, 2001, Chapter 11; and upon 27 articles on this topic which appeared in *Ha'arets* and *The Jerusalem Post* in 2006.

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3. Michael Corinaldi, *Hidat Hazehut Hayehudit*, Srigim, 2001, Chapters 6, 11
4. Rabbi Menahem Waldman, *The Falash Mura and their Return to Judaism According to Jewish Law*, Machon Shevet Am, Marheshvan, 5756, esp. pp. 22-38
5. Rabbi Menahem Waldman, *The Falash Mura in Addis Ababa and in Israel, 5752-5757*, Machon Shevet Am, Heshvan 5757