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"It Is Permitted to Marry a Kushite"

by

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For Yisrael Meir Shain
רבא דינקותא לא משתכח

A strange statement appears in Maimonides' (d. 1204) code of Jewish law, the *Mishneh Torah*. When dealing with prohibited marriages, Maimonides writes that a convert from among the gentiles, including the seven Canaanite nations (Deuteronomy 7:3), may marry within the Jewish community. Originally there were some exceptions to this in regard to four nations: Ammon, Moab, Egypt, and Edom. However, Sennacherib, King of Assyria, commingled all the nations, and since then these four nations have been mixed up with all the other permitted nations, and they have all become permitted. "Thus a convert these days, whether he be an Edomite, an Egyptian, an Ammonite, a Moabite, a Kushite, or any other nation, whether male or female, is permitted to enter the community [of Israel, i.e. to marry within the community] immediately."[1]

As noted by Abraham I. Karelitz, the inclusion of the Kushite is problematic. There are biblical prohibitions against marrying Edomites, Egyptians, Ammonites, and Moabites (Deuteronomy 23:4, 8–9), but there is neither a biblical nor a rabbinic prohibition against the Kushite.[2] Why then did Maimonides find it necessary to say that marriage with a Kushite convert is permitted? When was it ever prohibited? I know of only two attempted explanations of this enigmatic statement. Shalom Dov Wolpo argued that the term "Kushite" in this text means Egyptian or part-Egyptian.[3] Indeed, such a usage is found in midrashic and poetic

1. *Mishneh Torah*, *'Issure bi'ah*, chapter 12, especially 12:17–25; in *Mishneh Torah ʿal pi kitve yad Teman ʿim perush makif*, ed. Yosef Kafaḥ (Kiryat Ono: Mekhon mishnat ha-Rambam, 1983), 14–21. No variant to *kushi* is recorded in Frankel's edition (New York: Ḳehilat Bnei Yosef, 1988). Nor does a check of nine early manuscripts, dated between 1242 and 1419, indicate any variant. My thanks to Mordechai Glatzer who provided me the identification of these earliest dated manuscripts of *Sefer Kedushah*.

2. Abraham I. Karelitz, *Ḥazon Ish: 'Even ha-ʿezer* (Bnei Brak: ha-Teḥiya, 1958), *Nashim* 5:8 (I owe this reference to N. Danzig).

3. Shalom D. Wolpo, *Yedabber Shalom* (Kiryat Gat, Israel: Sh. D. B. ha-Leṿi Volpo, 1987), 1:109–112.

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literature.[4] Maimonides' text, however, is neither; rather, it is a law code, where precise language is to be expected. The other attempt at an explanation was made by Yosef Kafaḥ, who says that the Kushites were included in the biblical curse of slavery (Genesis 9:25).[5] Maimonides, however, is not speaking of slaves in this passage but of biblically prohibited nations, and, in any case, a manumitted slave is considered to be Jewish and is permitted to marry within the Jewish people (see below). There is indeed no biblical or rabbinic precedent for Maimonides' strange law, which is not mentioned in the other law codes nor in those early commentators who cite this section of *Mishneh Torah*, such as Jacob b. Asher (d. 1340) and David Pardo (d. 1790).[6] As we shall see, Maimonides' text is based on: (a) a perception of the ethnic heritage of black Africans that was common in the medieval Muslim (and, to some extent, also in the Eastern Christian) world; (b) the *halakhah* regarding the Jewish status of one with an enslaved past, and the complexities involved in determining such a past; and (c) assumptions concerning the past and present enslavement of black Africans, assumptions also common to the Muslim world in which Maimonides lived. These elements, together with an anti-Black sentiment frequently found in Maimonides' Muslim environment, and reflected elsewhere in Maimonides' writings, combine to explain Maimonides' *halakhah.*

Maimonides' Source(s)

Who were the Kushites to whom Maimonides refers? A clue is provided by two texts from the geonic period: *Halakhot Pesukot*, traditionally attributed to Yehudai Gaon of the 8th century, and *Halakhot Gedolot*, attributed to Shim'on Kayyara of the 9th century. The first states:

> These Zanj [*zng'yy*]–if they convert, they are permitted to enter the community. Also the "seven nations" (Deuteronomy 7:1) – if they convert, they are permitted.[7]

4. See David Goldenberg, *The Curse of Ham: Race and Slavery in Early Judaism, Christianity, and Islam* (Princeton: Princeton University Press, 2003), 117–118.

5. Kafaḥ, ed., *Mishneh Torah*, ad loc.

6. Jacob b. Asher, *Tur, 'Even ha-'ezer* (New York: A. Y. Friedman, 1980), 4; David Pardo, *Ḥasdei David* to T. Yadayim 2:17, ed. S. Lieberman (Jerusalem: Yad ha-Rav Herẓog, 1977), 3:241a. It is also not mentioned in Maimonides' *Commentary to the Mishnah* on M. Yadayim 4:4, the basis for the statement in *Mishneh Torah*, excepting the inclusion of Kushite.

7. *Sefer Halakhot Pesukot*, ed. S. Sasoon (Jerusalem: Makor, 1951, 1971), 46, and 65 in the manuscript reproduced in this edition; *Halakhot Pesukot le-Rav Yehudai Gaon*, ed. Makhon Ahavat Shalom (Jerusalem: Ahavat Shalom, 1999), cols. 157–158. The genizah fragments published by Louis Ginzberg, *Geonica* (New York: Jewish Theological Seminary of America, 1909), 2:397, and J. N. Epstein, "Two Gaonic Fragments," *JQR* 4 (1913/14): 439, show no variation. Interestingly, *Hilkhot Re'u*, ed. A. L. Schlossberg (Versailles: Cerf, 1886), a circa 10th-century (place unknown) Hebrew translation of *Halakhot Pesukot*, omits the sentence regarding the Zanj (36). On the authorship of *Halakhot Pesukot*, see Neil (Naḥman) Danzig, *Mavo' le-sefer halakhot pesukot* (New York: Jewish Theological Seminary of America, 1993), 17–37. The most recent discussion of authorship is that of Robert Brody, *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture* (New Haven:

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The second work, *Halakhot Gedolot*, has:

> The seven nations who concluded peace [with Israel] before [Joshua's] conquest of the Land, are permitted to enter the community of Israel. The biblical prohibition of the seven nations applies only to those who were in Israel [at the time of the conquest], but those who were outside the Land were not prohibited by the Bible. And these Zanj—if they convert, they are permitted to enter the community. There are some rabbis who disagree in regard to the Zanj and the seven nations, [holding the opinion] that they may not enter the community, and that even if they convert, they are in the category of "You shall not marry them" (Deuteronomy 7:3).[8]

The word 'Zanj' is apparently related to 'Azania,' the name given to the stretch of the East African coast from the horn of Africa in the north to the island of Zanzibar (whose first element is similarly related to 'Zanj') in the south.[9] Thousands of Zanj inhabitants were enslaved by the Muslim rulers and shipped to Iraq to work the salt marshes of the Tigris-Euphrates delta.[10] While 'Zanj' referred originally to East

Yale University Press, 1998), 217–221, who concludes that the evidence for Yehudai Gaon as the author of *Halakhot Pesukot* is "untenable" although "its contents undoubtedly reflect, on the whole, … the Geonic academies of the late eighth or early ninth centuries" (220–221). Some years earlier, Brody wrote that "there is considerable evidence to support a dating of *Halakhot Pesukot* as much as a century after Yehudai Gaon" (*Le-Toledot nusaḥ ha-She'iltot* [New York: American Academy for Jewish Research, 1991], xvi, n. 38).

8. *Halakhot Gedolot*, ed. Azriel Hildesheimer (Berlin: [s.n.], 1888–92), 442–443; ed. Ezriel Hildesheimer (Jerusalem: Mekize Nirdamim, 1980), 2:520–521; ed. Venice, 1548 (= Warsaw, repr. Tel Aviv: Leon, 1942), 215b. These three editions represent different recensions but they all agree on the text quoted. In regard to its date of composition, Danzig, *Mavo'*, 185, favors the last quarter of the 9th century, while the generally accepted opinion places its composition not later than 825 (on authorship, see 175–180). Brody, *The Geonim of Babylonia*, 228–229, concludes that "the most we can say with confidence is that *Halakhot Gedolot* is a ninth-century work, although it does seem likely … that it should be assigned approximately to mid-century;" see also 227, n. 51.

9. See references in *The Periplus Maris Erythraei*, text, translation and commentary by L. Casson (Princeton: Princeton University Press, 1989), 136. According to Felix Chami, "People and Contacts in the Ancient Western Indian Ocean Seaboard or Azania," *Man and Environment* 27 no.1 (2002): 33, "Zanj" replaced "Azania." On the etymology of the name Zanj, see Alexandre Popovic, *The Revolt of African Slaves in Iraq in the 3rd/9th Century*, trans. Léon King (Princeton: Markus Wiener Publishers, 1999), 14–15; trans. of *La révolte des esclaves en Iraq au IIIe, IXe siècle* (Paris: P. Geuthner, 1976), 54–56. See also the discussion in Richard Reusch, *History of East Africa* (Stuttgart: Evang. Missionsverlag, 1954), 115–119, and Marina Tolmacheva, "Toward a Definition of the Term *Zanj*," *Azania* 21 (1986): 105–113. Cyril Hromnik, however, thinks that the name derives from the Indian name Ajan-bār (*Indo-Africa: Towards a New Understanding of the History of Sub-Saharan Africa* [Cape Town: Juta, 1981], 44). For bibliography on the various explanations of the name, see Ghada Hashem Talhami, "The Zanj Rebellion Reconsidered," *International Journal of African Historical Studies* 10 (1977): 454–455.

10. François Renault, *La Traite des noirs au proche-orient médiéval: vii^{e}–xiv^{e} siècles* (Paris: Librarie Orientaliste Paul Geuthner, 1989), 60. On the Zanj and other black African slaves in Iraq, see J. Spencer Trimingham, "The Arab Geographers and the East African Coast," in *East Africa and*

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Africans from a specific geographic area, a meaning it appears to have in the geonic works (as we shall see), in time the term came to refer to black Africans in general, a transference apparently based on skin color.[11] It would appear that this wider meaning underlies Maimonides' reference to the Kushites, with one or both of the geonic texts providing the source for the *halakhah* in *Mishneh Torah*.[12]

The geonic sources indicate a (rejected) position that marriage with the Zanj was prohibited. This is stated explicitly in *Halakhot Gedolot* (attributed to "some rabbis") and implicitly in *Halakhot Pesukot*. Why should this be the case? Neil Danzig correctly rejects the possibility that the source of the prohibition is a statement found in some medieval texts that Moses did not have sexual relations with his "Kushite" wife (based on Numbers 12:1) because it was not permitted to marry the descendants of Ham. The statement appears first in the *Chronicles of Moses*

the Orient: Cultural Synthesis in Pre-colonial Times, eds. H. Neville Chittick and Robert I. Rotberg (New York: Africana, 1975), 116–129. Paulo Fernando de Moraes Farias argued that the more general meaning of Zanj is "barbarian, savage" and in this he is followed by Renault; see de Moraes Farias, "Models of the World and Categorical Models: The 'Enslavable Barbarian' as a Mobile Classificatory Label," *Slavery and Abolition* 1 (1980): 120–123 and in J. R. Willis, ed., *Slaves and Slavery in Muslim Africa* (London; Totowa, NJ: F. Cass, 1985), 1:32–36, and Renault, *La traite des noirs*, 60. See further on the meaning of "Zanj," J. Wansbrough, "Africa and the Arab Geographers," in *Language and History in Africa*, ed. D. Dalby (London: Cass, 1970), 97–99, who tentatively proposes that those who joined the Zanj revolt of 869–883, even if neither Black nor slave, became "Zanj."

11. For the later, more general meaning of 'Zanj,' see Bernard Lewis, *Race and Slavery in the Middle East* (New York: Oxford University Press, 1990), 50; François Renault, ibid.; Alexandre Popovic, *The Revolt of African Slaves*, 14–15. As for the transference from an ethnic to a color term, cf. Al-Biruni's reference to *zanjī*, the mineral hematite found in Egypt, which is "extremely black" (*al-mutanāhī 'l-sawād*), quoted by Marina Tolmacheva, "Definition," 111. Similarly, the pharmacological writer Ibn al-Bayṭar (13th cent.) says that black rhubarb is called *zanj* from its color and not from its provenance (*Encyclopedia of Islam*, 2nd ed. [Leiden: Brill] 11:445a). In rabbinic sources we find the same linguistic transference with the word *kushi*, referring to dark wine and citrons (*etrog*); see Goldenberg, *Curse of Ham*, 116–117.

12. An anonymous reader for this article has rightly noted that 'black African' and *kushi* are culturally constructed terms that do not admit to clear-cut, timeless definitions. A related Arabic term, *al-sūdān* 'the blacks,' has similarly received a wide range of meanings (See Goldenberg, *Curse of Ham*, 106–107). A precise geographic and ethnic determination of these English, Hebrew and Arabic terms is beyond the scope of this essay. Nevertheless, "by the medieval period," as Jonathan Schorsch has shown, "'Kushite' was being wielded as a synonym for 'black people'" (*Jews and Blacks in the Early Modern World* [Cambridge: Cambridge University Press, 2004], 116). Note also that the term *kushi* in Samuel ibn Tibbon's (d. ca. 1230) Hebrew translation of Maimonides' *Guide for the Perplexed*, 3:51 translates an original *sūdān*, 'Blacks' in Maimonides' Judeo-Arabic text. In his Hebrew translation (Ramat Aviv: Tel Aviv University, 2002), Michael Schwartz has *sūdānim* and notes "or blacks [*sheḥorim*]." The Latin translation of 1520 (110b) has *Aethiopes*. Shlomo Pines renders "Negroes" in his English translation. Maimonides' source for his statement in the *Guide* is the Arab philosopher Miskawayh (d. 1030), who uses the term *zanj* which Steven Harvey translates as "Negroes," as he does also for Maimonides' *al-sūdān*. For sources, see David Goldenberg, "The Development of the Idea of Race: Classical Paradigms and Medieval Elaborations" (Review Essay), *International Journal of the Classical Tradition* 5 (1999), n. 15 (also at http://www.sas.upenn.edu/~dmg2/), and see below, nn. 54 and 69. Given this interchange of terms, and with the qualification noted, in this essay I shall use the terms *kushi* and 'black African' or 'Black' as synonymous.

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(*Divrei ha-yamim shel Mosheh*), and later in the medieval anthologies *Sefer ha-Yashar*, *Sefer ha-Zikhronot*, and *Yalkut Shimʿoni*.[13] That Moses abstained from sex with his wife is found in tannaitic sources.[14] The *Chronicles of Moses*, however, adds the reason that it was prohibited to marry the descendants of Ham. But, as Danzig says, there is no such biblical or rabbinic prohibition. It seems, rather, that the statement in the *Chronicles of Moses* was manufactured to explain Moses' abstinence. In any case, there is no prohibition against marrying a Kushite or Zanj convert.

So then, why the prohibition of marriage with the Zanj as recorded in the two geonic-era works? And why the similar implied prohibition about the Kushites in Maimonides? Two explanations appear to work together and strengthen each other: the belief in the Canaanite ancestry of the Zanj/Kushites and the halakhic status of former slaves as non-Jewish. In addition, racial prejudice most probably had an impact as well.

Zanj Descendants of Canaanites

Some scholars thought that the explanation for the prohibition recorded in *Halakhot Pesukot* and *Halakhot Gedolot* must have been a belief that the Zanj were descendants of the Canaanite peoples, with whom the Bible prohibited marriage (Deuteronomy 7:1–3).[15] Their reason was based on the fact that both *Halakhot Pesukot* and *Halakhot Gedolot* group the Zanj with the Canaanite nations. Danzig, however, rejected this possibility remarking that it is difficult to accept the idea that the black African Zanj would have been considered descendants of Canaanite peoples. Instead, Danzig suggested that the solution lies in a misunderstood rabbinic tradition that one of the Canaanite nations emigrated to *afrika* (*afriki*) in the face of Joshua's conquest of Israel.[16] It is clear that underlying

13. "Divrey ha-yamim shel Mosheh rabbenu," ed. Avigdor Shinan, *Ha-Sifrut* 24 (1977): 100–116, see secs. 8–12; *Sefer ha-yashar*, ed. Joseph Dan (Jerusalem: Mosad Bialik, 1986), 293–298; *Sefer ha-zikhronot*, ed. Eli Yassif (Ramat Aviv: Tel Aviv University), 162–166; English translation by M. Gaster with Prolegomenon by Haim Schwarzbaum, *Chronicles of Jerahmeel* (New York, 1972), 113–122. *Yalkut shimʿoni*, eds. Dov Hyman et al. (Jerusalem: Mossad ha-Rav Kook, 1999), Exodus sec. 166, 38). For discussion of these texts, see Goldenberg, *Curse of Ham*, 162–163 and 346–347 n. 49.

14. Sifrei Bemidbar, *Be-haʿalotkha*, *pis.* 99 and 100, to Numbers 12:1–2 (ed. Horovitz, 98–99); *Sifrei zuta*, *Be-haʿalotkha* 12:1–3 (ed. Horovitz, 274). See also B. Yevamot 62a [= B. Shabbat 87a], *Perush Rabbenu Ephraim b. Shimshon u-gedolei Ashkenaz ha-kadmonim*, eds. E. Korach and Z. Leitner (Jerusalem: Y. Klugmann, 1992; published primarily from MS British Museum, or. 10855), 2:86, and *Targum Pseudo-Jonathan* to Numbers 12:1. Moses' abstention from sex, incidentally, is also mentioned by Philo, *De vita Mosis* 2:68–69, and several Christian writers: Jerome, *Against Jovinian*, 1:20; Ephrem, *Commentary on Exodus* 4:4; and Ephrem, *Hymns* 9; Aphrahat, *Demonstrations* 18:5.

15. So Sasoon in his edition of *Halakhot Pesukot*, ad loc. and Abraham Traub (Troib) in his notes to the Warsaw, 1875 edition, ad loc. The decision by the authors of *Halakhot Pesukot* and *Halakhot Gedolot* that marriage with Canaanite converts is permitted is based (presumably) on a statement by Rava in B. Yevamot 76a.

16. Mekhilta de-Rabbi Yishma'el, *Pisḥa* 18 (ed. Horovitz-Rabin, 69–70); T. Shabbat 7:25; B. Sanhedrin 91a; the scholion to Megillat Taʿanit, *Siwan* 25 according to MS Parma; *Yalkut Shimʿoni*, Genesis 25, sec.110; and *Midrash ha-gadol*, 1:415. *Megillat Taʿanit* and *Yalkut Shimʿoni*

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this tradition is the Phoenician emigration to Carthage. This is confirmed by the extra-rabbinic parallels to the rabbinic tradition (Augustine, Procopius, Isidore, the Suda, etc.) and by the variant readings of the rabbinic account which names "Canaanites" in place of "Africans."[17] Danzig suggests, however, that *afrika* might have been misunderstood as referring to sub-Saharan Africa. But, aside from the fact that in both rabbinic and Islamic literature *'afrika/'ifrīkiya* most commonly means north Africa, this suggestion runs into the problem that Danzig

are here dependent on B. Sanhedrin according to Ido Hampel, *Megillat Ta'anit* (Phd diss., Tel Aviv University, 1976), ad loc. In the new critical edition by Vered Noam, *Megillat Ta'anit* (Jerusalem, 2003) the text is on p. 70. On the argument for the land, see also David Luria's commentary to *Pirkei de-Rabbi Eliezer* (Warsaw, 1852), 56a n. 4. In his edition of the Mekhilta, Jacob Lauterbach says that the original country of the Canaanites was Africa (1:158); however, there does not appear to be a rabbinic tradition regarding an origin for the Canaanites before they were in Israel. It would seem that Lauterbach came to his interpretation by reading, with MS Munich, *be-'arẓekha* and *be-'arẓekhem*, i.e., God said to the Canaanites, "I will give you a good land *in* your own country." Since according to the midrash the Canaanites left Israel for Africa, "I will give you a good land in your own country" must mean that Africa had been their country. Lauterbach's decision to accept the reading in MS Munich may have been influenced by the postbiblical tradition in Jubilees 10:29–34, according to which Canaan was given Africa when the world was divided among Noah's descendants. Whether Jubilees influenced Lauterbach or not, it did not influence the rabbinic text, for the Venice and Constantinople editions of Mekhilta read, as Lauterbach notes, *ke-'arẓekha/khem* "as your own country" i.e., God will give the Canaanites a land (Africa) as good as their own country (Canaan), which they had just left. Undoubtedly, the editions represent the correct reading (adopted also by Horovitz-Rabin in their edition of Mekhilta, although they show no variant reading, and M. Margulies in his edition of Vayikra Rabba, 386, s.v. *me-'arẓo*), since the midrash is based on an exegesis of Isaiah 36:17 which has *ke-'arẓekhem* (no variants shown in *The Hebrew University Bible: Isaiah*, ed. Moshe Goshen-Gottstein [Jerusalem: Magnes, 1981], 54). Confusion of *bet* and *kaf* is, of course, common; cf. the parallel in Y. Shevi'it 6:1, 36c.

17. For sources on the Canaanite (or Girgashite or Amorite) emigration to Africa and on the identification of *'afrikiyim* here with the Carthaginian descendants of Canaan, see Solomon Y. Rapoport, *'Erekh milin* (Prague, 1852/Warsaw 1914; repr. Jerusalem: Makor, 1970), 184–185, s.v. "'Afrika"; Louis Ginzberg, *The Legends of the Jews* (Philadelphia: Jewish Publication Society of America, 1925), 6:177, n. 34; idem in Samuel Krauss, *Tosafot he-'arukh ha-shalem* (Vienna: Keren le-zikhron Aleksander Kohut, 1937), 432a; Saul Lieberman, *Tosefta ki-fshutah: shabbat* (New York: Jewish Theological Seminary of America), 105. For a discussion of the extra-rabbinic sources referring to this tradition, see Johanan Hans Levy, *'Olamot nifgashim* (Jerusalem: Bialik, 1960), 60–78, and M. Mieses, "Aḥrei ḥurban qartago" *Ha-Tekufah* 18 (1923): 228–233; see also Judah Rosenthal, "The Slavery Controversy and Judaism," *Conservative Judaism* 31 (1977): 74; Salomo Rappaport, *Agada und Exegese bei Flavius Josephus* (Vienna: Alexander Kohut Memorial Foundation, 1930), 99–100; Philip S. Alexander, "Notes on the 'Imago Mundi' of the Book of Jubilees, *Journal of Jewish Studies* 33 (1982): 200 n. 3; Adolf Brüll, *Fremdsprachliche Redensarten* (Leipzig: A. Fritsch, 1869), 55; Haim Z. Hirschberg, *A History of the Jews in North Africa*, 2nd ed. (Leiden: Brill, 1974), l:40–48; André N. Chouraqui, *Between East and West: A History of the Jews of North Africa*, trans. Michael M. Bernet (Philadelphia: Jewish Publication Society of America, 1968), 3–5. The variant "Canaanites" for "Africans" appears in Megillat Ta'anit, ed. pr. and MS Oxford, and in Bereshit Rabba 61:7 (666–669). Aron Dotan draws my attention to the identification of "Berber" with "Canaanite" found in a genizah fragment of an anonymous Hebrew dictionary contemporaneous with Saadia Gaon (10th century). See Aron Dotan, "Mi-re'eshit ha-milona'ut ha-'ivrit: ket'a mimilon kadum," *Te'uda* 6 (1988): 121.

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raised when rejecting the previous suggestion: it is unlikely that the lighter skinned Carthaginians would have been confused with the dark-skinned Zanj.

Whether or not the rabbinic tradition of Canaanite emigration was misunderstood, there is good reason to think that the Zanj and Kushites were believed to be descended from the Canaanites. In Islamic sources Canaan is commonly named as the ancestor of various black African peoples. Wahb ibn Munabbih (d. 730) says that the black African Nubians, Zanj, and Zaghawa descend from Canaan, and that "the descendants of Kush and Canaan are the races of the Sūdān: the Nūba, the Zanj, the Qazān, the Zaghāwa, the Ḥabasha, the Qibṭ and the Barbar." Ibn ʿAbd al-Ḥakam (9th century) states that Canaan is the father of the Blacks (*sūdān*) and the Abyssinians. Yaʿqūbī (d. 897): "The posterity of Kush ben Ham and Canaan ben Ham are the Nuba, the Zanj, and the Ḥabasha." Maqdisī (10th century) says that Canaan is the father of, among several African peoples, "the Sūdān [and] the Nūba." The *Akhbār al-zamān* (10th or 11th century): "Among the children of Canaan are the Nabīṭ, Nabīṭ signifies 'black'…. Among the children of Sūdān, son of Canaan, are … the Zanj." The *Book of the Zanj* states that the Nūba, the Ḥabash, and the Zanj are the descendants of Canaan.[18]

Other Muslim sources relate Canaan specifically to Kush either as father and son or son and father. So Maqrīzī (d. 1442): "The Nubians are descended from Nuba son of Kush son of Canaan son of Ham." Ṭabarī quotes Ibn Masʿūd (10th

18. Wahb ibn Munabbih is quoted in Ṭabarī (d. 923), *Tarikh*, 1:212, trans. William Brinner, *The History of al-Ṭabarī* (Albany: State University of New York, 1987), 2:11, and in Ibn Qutayba (d. 889), *Kitāb al-Maʿārif*, ed. Tharwat ʿUkāsha (Cairo: Dār al-Maʿārif, 1960), 26; F. Wüstenfeld, ed., *Ibn Coteibas Handbuch der Geschichte* (Göttingen: Vandenhoeck und Ruprecht, 1850), 14; translation of Ibn Qutayba is found in Bernard Lewis, *Race and Slavery*, 124–125, idem, *Islam*, 2:210, and Levtzion and Hopkins, *Corpus of Early Arabic Sources for West African History* (Cambridge: Cambridge University Press, 1981), 15. On a reading "Qazan"— possibly for "Fazzan"— instead of "Qaran," see Levtzion and Hopkins, *Corpus*, 376, n. 1. According to later Arabic sources, Wahb was a convert from *ahl al-kitāb*, i.e. Judaism or Christianity, or specifically from Judaism, but the earliest sources know nothing of this. He was probably born a Muslim (see R. G. Khoury in *Encyclopedia of Islam*, 2nd ed., 11:34). This is also the opinion of A[bd] A[ziz] Duri, *The Rise of Historical Writing among the Arabs*, ed. and trans. L. I. Conrad (Princeton: Princeton University Press, 1983; original Arabic, 1960), 123; R. G. Khoury, "Quelques réflexions sur la première ou les premières bibles arabes" in *L'Arabie préislamique et son environnement historique et cultural*, ed. T. Fahd (Leiden: Brill, 1989), 561; idem, "Ibn Khaldūn et quelques savants des deux premiers siècles islamiques," *Jerusalem Studies in Arabic and Islam* 10 (1987): 196; and Camilla Adang, *Muslim Writers on Judaism and the Hebrew Bible: From Ibn Rabban to Ibn Hazm* (Leiden: Brill, 1996), 10–12. Ibn ʿAbd al-Ḥakam (9th century), *Futūḥ Miṣr*, ed. Charles C. Torrey, *The History of the Conquest of Egypt, North Africa and Spain Known as the Futūḥ Miṣr of Ibn ʿAbd al-Ḥakam* (New Haven: Yale University Press, 1922), 8. Yaʿqūbī, *Tārīkh*, ed. Martijn Theodoor Houtsma, *Ibn Wādhih qui dicitur al-Jàqubī Historiae* (Leiden: Brill, 1883), 1:13; translation in Levtzion and Hopkins, *Corpus*, 20. On Yaʿqūbī, see Adang, *Muslim Writers*, 117–120. Maqdisī, *Kitāb al-badʾ waʾl-taʾrīkh*, ed. and trans. C. Huart (Paris: Ernest Leroux, 1903), text 3:27, translation 3:28–29. *Akhbār al-zamān*, ed. B. Carra de Vaux, *L'Abrégé des merveilles* (Paris: C. Klincksieck, 1898), 99–101; ed. 1984, 105–107; translation in Levtzion and Hopkins, *Corpus*, 34–35. It is not certain who the author is. De Vaux (Introduction, xxviii–xxxv) discusses whether it is Masʿūdī (10th century) or Ibrāhīm ibn Waṣīf Shāh (d. before 1209), and tends toward authorship by the former; Levtzion and Hopkins, *Corpus,* 33–34), the latter. The *Book of the Zanj*, ed. Enrico Cerulli, *Somalia: scritti vari editi ed inediti* 1 (Rome: [s.n.], 1957), text on 234, translation on 254.

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century) and "some of the companions of the Prophet" to say that Canaan was the son of Kush. Ṭabarī himself says several times that Kush was the son of Canaan as does Ibn Saʿd (d. 845) and Qazwīnī (d. 1283). Masʿūdī (d. 956) refers to Kush as the son of Canaan, or as the great-grandfather of Canaan. Kaʿb al-Aḥbar (a Jewish convert to Islam, d. ca. 652) has Canaan as the son of Kush, as also Dimashqī (d. 1327). Ibn Ḥawqal (10th century) makes Nimrod, the biblical son of Kush, a son of Canaan.[19]

The tradition, then, that black Africans were directly related to, and more specifically descendants of, Canaan was very well established in the Muslim world. It is not, therefore, surprising that *Halakhot Pesukot* and *Halakhot Gedolot*, authored within that world, reflect this view by listing the Zanj with the Canaanite peoples. Their grouping together of the Zanj with the Canaanites is not due merely to a taxonomic classification of prohibited marriages but reflects a perceived genealogical relationship. Maimonides did not group Kushites with Canaanites but his reason for permitting marriage with the Kushites—because "Sennacherib had commingled all peoples"—implies a belief that the Kushites descended from peoples who were biblically prohibited. Since there was such a belief in the surrounding Muslim world, i.e. that the Kushites descended from the prohibited Canaanites, Maimonides' reference to the Kushites apparently reflects, and counters, that belief. But, as opposed to the *Halakhot*, by grouping the Kushites with other peoples (Edomites, Egyptians, Ammonites, and Moabites) Maimonides did not mean to imply a genealogical relationship with them any more than he wished to imply a genealogical relationship between them and "any other nation," who are also grouped with these four peoples. The placement of the law regarding the Kushites within the organization of chapter 12 of *Mishneh Torah, 'Issure biʾah* is based on other than genealogical principles.

19. Maqrīzī, *Ibn Faḍl Allah al-ʿOmarī: Masālik el Abṣār fi Mamālik el Amṣār*, ed. Gaudefroy-Demombynes (Paris: P. Geuthner, 1927), Appendix I, 85; excerpted in translation in Levtzion and Hopkins, *Corpus*, 353. Maqrīzī's reference to Qūṭ b. Ḥām is probably only the result of a scribal error for Fūṭ b. Ḥām, i. e., the biblical genealogy. In Arabic *q* and *f* are represented by the same letter and are distinguished only by dots over the letters. For Ṭabarī, see Brinner, *History of al-Ṭabarī*, 2:50, 105, 109, etc. For Ibn Saʿd, see *Kitāb al-ṭabaqāt al-Kabīr*, vol. 1/i, ed. E. Mittwoch (Leiden: Brill, 1905), 19; trans. S. Moinul Haq and H. K. Ghanzafar (Karachi: Pakistan Historical Society, 1967), 1:33. For Qazwīnī, see *Kosmographie*, ed. F. Wüstenfeld (Göttingen: Verlag der Dieterichschen Buchhandlung, 1848–49), according to Ernst Dammann, *Beiträge aus arabischen Quellen zur Kenntnis des negerischen Afrika.* (PhD. diss., Christian-Albrechts-Universität zu Kiel , 1929), 9–10. For Masʿūdī, see *Murūj al-dhahab*, ed. Charles Pellat, *Praires d'or* (Beirut: al-Jāmiʿah al-Lubnānīyah, 1965–74), 2:321, 418, n. 1; English translation in Levtzion and Hopkins, *Corpus*, 31 (quoted by Ibn Khaldun; see Levtzion and Hopkins, *Corpus*, 332). On Masʿūdī, see Adang, *Muslim Writers*, 44ff, 122ff. For *Kaʿb al-Aḥbar, as quoted by Kisāʾī*, see W. M. Thackston, *The Tales of the Prophets*, 129. For Dimashqī, see *Kitāb nukhbat al-dahr fi ʿajāʾib al-barr waʾl-baḥr*, ed. and trans. A. F. Mehren (St. Petersburg: *Maṭbaʿat al-Akādimīyah al-Imbaraṭurīyah*, 1866; repr. Leipzig, 1923), text on 266; translation on 385. For Ibn Ḥawqal, *Kitāb ṣurat al-arḍ*, ed. J. H. Kramers (Leiden: Brill, 1938–39), 245; trans. J. H. Kramers and G. Wiet, *Configuration de la terre (Kitab surat al-ard)* (Paris: G. P. Maisonneuve & Larose, 1964), 237.

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Thus, in Iraq and Egypt the Muslim tradition of black African Canaanites seems to have influenced thinking in Jewish society. In one other location we again find the association of dark-skinned people with Canaan, but these dark-skinned people are Indians and the location is India. Mosseh Pereyra de Paiva of the Amsterdam Jewish community visited the Jews in Cochin in 1686. In his report he noted that the "white Jews" considered it disgraceful to marry the "black Jews," and he commented, "They cite as a reason that they are slaves of slaves, and that they are mixed with Canaanites, converts, and Muslims." A similar usage of "Canaanites" to describe the Cochinis occurs in the writings of the Yemenite poet Zacharia b. Saadia b. Jacob al-Ḍahri (16th century). He also visited Cochin and wrote in verse about those in the Jewish community who "are converts/ converted long ago/ from the *kushim* and Canaanites/ who know Jewish law and religion/ and acknowledge the laws of the Torah."[20]

It is possible that here too we are looking at Islamic influence, for Islam reached India, especially the Malabar coast, many centuries before the 16th century.[21] While the Muslim traditions, however, generally speak of various black African peoples, Syriac Christian sources mention the Indians as descendants of Canaan, and the Syriac Christian church had been in Malabar from the 4th century onward.[22] Thus the Syriac *Cave of Treasures* makes Canaan the ancestor of the dark-skinned peoples, that is, "the Egyptians, the Kushites, the Indians, and the Musdaye." This is in agreement with the tradition, found in several Syriac Christian works, that when Canaan was cursed with slavery (Genesis 9:25) he became black, and this color, together with the curse of slavery, was transmitted to his descendants, thus giving a Canaanite ancestry to all dark-skinned peoples.

20. Mosseh Pereyra de Paiva, *Notisias dos Judeos de Cochim* (Amsterdam, 1687; reprint Lisbon: [Oficinas gráficas do Museu comercial], 1923), 7, is quoted in Jonathan Schorsch, *Jews and Blacks*, 210. Note the evocation of Genesis 9:25 in "slaves of slaves." Al-Ḍahri is in Naftali Bar-Giora, "Source Material for the History of the Relations between the White Jews and the Black Jews of Cochin," *Sefunot* 1 (1956): 246. Yehudah Ratzaby, who published al-Ḍahri's work, remarked that *kushim* here "almost certainly" means Cochinis (*Sefer ha-musar*, ed. Y. Ratzaby [Jerusalem: Mekhon Ben-Ẕevi, 1965], 130), and in this he was followed by Segal, *A History of the Jews of Cochin* (London: Vallentine Mitchell, 1993), 23. Support for the possibility of this meaning comes from Benjamin of Tudela's reference to "Kushites" (*bnei kush*) who live in Khulam (Quilon) on the Malabar coast of India to the south of Cochin. Here too *kush* should probably be translated "Cochin." See *The Itinerary of Benjamin of Tudela* (New York: Feldheim, 1964), ed. Marcus Nathan Adler, English section, 63–64, Hebrew section, 58, and Goldenberg, *Curse of Ham*, 209. Note too the title of Mosseh Pereyra's *Notisias dos Judeos de Cochim* reporting on the Jews of Cochin.

21. See, e.g., Murray Titus, *Islam in India and Pakistan* (Calcutta: Y.M.C.A. Pub. House, 1959), 37–40.

22. See the various articles in *Indian Church History Classics*, ed. George Menachery (Ollur, Thrissur, India: South Asia Research Assistance Services, 1998). See also Christoph Baumer, *The Church of the East: An Illustrated History of Assyrian Christianity* (London: I. B. Tauris, 2006), 235–237; G. M. Moraes, *A History of Christianity in India*, vol. 1 (Bombay: Manaktalas, 1964); A. Mathias Mundalan, *History of Christianity in India,* vol. 1*: From the Beginning up to the Middle of the Sixteenth Century (to 1542)* (Bangalore: Theological Publications in India for Church History Association of India, 1984); and Alphonse Mingana, "The Early Spread of Christianity in India" in the *Bulletin of the John Rylands University Library* 10 no. 2 (1926): 435–514.

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Ishodad of Merv, the 9th century bishop of Hedhatha, records the tradition, although he himself does not accept it, that when Noah cursed Canaan, "instantly, by the force of the curse…his face and entire body became black (*ukmotha*). This is the black color which has persisted in his descendants." Similarly recording but rejecting the tradition is the 13th-century Christian Ibn al-ʿIbrī (Bar Hebraeus): "Canaan was accursed … and with the very curse he became black (*ʾwkm*) and the blackness (*ʾwkmwtʾ*) was transmitted to his descendants...." Ibn al-Ṭaiyib (Baghdad, d. 1043), a Nestorian Christian, put it this way: "The curse of Noah affected the posterity of Canaan who were killed by Joshua son of Nun. At the moment of the curse, Canaan's body became black and the blackness spread out among them." So also some later versions (Arabic, Ethiopic) of the *Cave of Treasures* make Canaan the ancestor of "other blacks (*sūdān*)," or "all those whose skin color is black." The blackness of Canaan is also attributed to the Syriac father Ephrem, and although the attribution is most likely spurious, it reflects the views of its time (the MS dates probably from the 13th century).[23] In short, the notion that Canaan became black and that this color was transmitted to his descendants, who are all dark-skinned people, was common in the East, whether in the Christian or Muslim world, for well over a millennium beginning with the *Cave of Treasures.* This tradition did not leave the Jewish world unaffected, as may be seen in the texts discussed above, and in a few others.[24]

The belief among Jews in the Canaanite ancestry of dark-skinned slaves, whether Zanj, Indians or, as will be seen below, Kushites, may have been strengthened by another factor: the expression *ʿeved knaʿani* 'Canaanite slave,' the term used from the tannaitic period onward for a non-Jewish slave, irrespective of origin.[25] In the course of time, the term may have been understood literally to

23. See Goldenberg, *Curse of Ham*, 99–100, 171–173, for these sources. The *Cave of Treasures* has been thought to go back probably to the 4th, and perhaps the 3rd, century but a recent study argues for a 5th- or even 6th-century date of composition; see Clemens Leonhard, "Observations on the Date of the Syriac *Cave of Treasures*," in *The World of the Aramaeans*, ed. P.M. Michèle Daviau et al. (Sheffield: Sheffield Academic Press, 2001), 1:255–93, and most recently Alexander Toepel, *Die Adam- und Seth-legenden im syrischen* Buch der Schatzhöhle, CSCO 618, subsidia 119 (Louvain: Peeters, 2006), chap. 1 'Einleitung', who argues for a late 6th- or early 7th-century date.

24. Moses Arragel's 15th-century Castilian commentary to the Bible (on Genesis 9:25): "And Canaan was a slave from slaves: Some say that these are the black Moors who, wherever they go, are captives." The Jewish-Yemini scholars Nathaniel ibn Yeshaya and Zachariah b. Solomon ha-Rofe (14th and 15th centuries) also say in their commentaries to the verse that Canaan turned black. The quotation in the 16th-century *Sefer reʾishit ḥokhma* of Elijah de Vidas, which has Canaan cursed with blackness (sec. *Ahava* 6:8, ed. Ḥ. Y. Waldman, *Reʾishit ḥokhma ha-shalem* [Jerusalem: Or ha-musar, 1984], 1:456) would appear to be an error, probably influenced by the Muslim traditions (Elijah lived in Safed). In *Sefer ha-zikhronot* (120) = *Chronicles of Jerahmeel* (27:4, 58), "Kushim" are listed as descendants of Canaan but this text derives from Pseudo-Philo, *Biblical Antiquities* 4:6, that has rather "Kusin," which is clearly not an error for "Kushim." In this essay I am dealing with sources that explicitly refer to Canaan as Black, although authors who mention the blackening of Ham, whether Muslim, Christian or Jewish, may implicitly include Ham's son Canaan. For the sources mentioned in this note, see Goldenberg, *Curse of Ham*, 291 n. 63, 355 n. 47, 356 n. 50.

25. E.g. M. Kiddushin 1.3 and several times in *midrash halakhah*. Of course, the term itself derives from Genesis 9:25.

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indicate Canaanite ancestry. In at least one case we find such ancestry ascribed to non-Jewish slaves who are not black, and where therefore the Muslim and Christian traditions of black Canaanites are unlikely to have been the cause. R. Amram Gaon (d. 875) explained why the non-black Cordyenians and Tadmorites (i.e. Palmyrenes) may not be accepted as converts, as stated in the Talmud. The Gaon considered them as descendants of the Canaanite nations, although the Talmud says nothing of the sort and only claims that they were descendants of mixed (Jewish-pagan) marriages. Although from a much later period, the 13th/14th-century Arabic *al-Rauḍ al-miʿṭār* claims that Palmyra contained "a rabble of Jews and *runaway slaves*." In other words, the non-Jewish slave, termed *'eved kna'ani*, may have eventually been considered to be descended from the Canaanites, irrespective of any genealogical relationship.[26] In any case, it is likely that the expression reinforced the belief in the Canaanite ancestry of dark-skinned slaves.

Halakhic Status of Former Slaves

In addition to a belief in Canaanite ancestry of black Africans, there may well have been another reason why marriage with Zanj and Kushites were prohibited by some. Parallel situations at other times and places in Jewish history will shed light on this issue. In a letter to Rabbi David ibn Abi Zimra of Cairo written about 1520, the *meyuḥasin* (i.e. those of attested Jewish pedigree), or "white Jews," of Cochin explained that there were those in their community (the "black Jews") whose ancestors were non-Jewish Indian slaves in Jewish households who had never been manumitted. Thus their status as Jews was questionable although they, and their descendants, continued to live as Jews in the Jewish community. For this reason the *meyuḥasin* do not intermarry with them.[27] As the Jewish communal records put it: "They [the black Jews] consist of a mix of those who are converts by reason of their manumission together

26. The talmudic source for the Cordyenians and Tadmorites is at B. Yevamot 16a–b (printed editions have Tarmodites but the manuscripts read Tadmorites), Y. Yevamot 3b; Amram's responsum is in Benjamin M. Lewin, *Oẓar ha-ge'onim*, (Haifa: [s.n.], 1928–43), 7:113, ad loc. = *Teshuvot ha-ge'onim: sha'are ẓedek*, ed. Nissim Moda'i, Thessaloniki, 1792), 24b, 3.6.10, and *She'elot u-teshuvot ha-Ram mi-Trani* (Venice, 1629), 5b, # 19; the responsum can be dated to ca. 720 (I owe this reference to Mordechai Friedman). Discussion of the prohibition regarding the Cordyenians and Tadmorites can be found in B. J. Bamberger, *Proselytism in the Talmudic Period*, 2nd ed (New York: Ktav, 1968), 34–36 and Büchler, "Familienreinheit und Familienmakel in Jerusalem vor dem Jahre 70," in *Festschrift Adolf Schwarz*, ed. Samuel Krauss (Berlin: R. Löwit, 1917), 150–153. Of course, it is possible that R. Amram Gaon had a tradition independent of the Talmud that the Cordyenians and Tadmorites were descendants of the seven Canaanite nations. On the identification and location of Tadmor (Syrian Desert) and Cordyene (in present-day Kurdistan), see B. Z. Eshel, *Yishuvei ha-Yehudim be-Bavel bi-tekufat ha-talmud: onomastikon talmudi* (Jerusalem: Magnes, 1979), 227–228, 244–245; Aharon Oppenheimer, *Babylonia Judaica in the Talmudic Period* (Wiesbaden: L. Reichert, 1983), 373–375, 443–445; and *Encyclopedia of Islam*, 2nd ed., 4:639a. *Al-Rauḍ al-miʿṭār* is quoted by Oppenheimer, 444 n. 9.

27. J. B. Segal, *A History of the Jews of Cochin*, 24–25; Simḥa Asaf, "'Avadim u-sḥar 'avadim 'eẓel ha-Yehudim bi-yme ha-beinayim," *Be-'Oholei Ya'akov* (Jerusalem: Mosad ha-Rav Kook, 1943), 254–255. The article originally appeared in *Zion* 4 (1939).

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with those who have not been manumitted, and therefore we do not allow our women to marry them, although their customs and laws are like ours."[28] This situation existed in Cochin well into the 19th century.[29]

The halakhic concerns of the Cochin *meyuḥasin* derived from rabbinic law concerning the status of non-Jewish slaves. When a slave was first acquired, a ritual immersion was performed and, in the case of men, circumcision too. This gave the slave a sort of semi-Jewish status. If the slave was later manumitted, a second immersion was performed whereby the former slave became a full-fledged Jew. At that point his religio-legal status was similar to that of a proselyte. During the period between the two immersions, marriage with the slave was forbidden to the Jew; once manumitted into the full status of Jew, marriage was permitted.[30] Asaf notes the many references in responsa literature indicating that slaves were manumitted by their Jewish owners for purposes of full conversion. Once converted, these former slaves then joined, and married within, the Jewish community as full-fledged members.[31] Manumission was not infrequently performed so that a master could marry his former slave.[32] When a slave was freed, a manumission

28. Quoted in Naftali Bar-Giora, "Source Material," 251. The same reason is given in a letter from the leaders of the white community in 1844 (599) and in the report written by Even-Sappir when he visited the community in 1860 (260). Ibn Zimra's response, incidentally, was that the "black Jews" are to be considered as Jews and "it is forbidden to call them slaves." On the situation in Cochin, see also Jonathan Schorsch, *Jews and Blacks*, 204–213.

29. See Segal, *A History of the Jews of Cochin*, 72 and 77. Segal quotes Ezekiel Rahabi, of the "white Jews" of Cochin, who wrote in 1767: "The Jews whom they call Black were created in Malabar from proselytization and manumission, but their law and regulations and prayer are all like ours. But we do not take their daughters and do not give [ours] to them" (53).

30. See Maimonides, *Mishneh Torah*, *'Issure bi'ah* 12:11,17; 13:11–12; 14:18 (ed. Kapaḥ, 12:9,14; 13:7–9; 14:19); see also *Milah* 1:3 (4), *'Ishut* 4:16 (17), *Gerushin* 3:17 (16); *Zekhiyah u-matanah* 9:11 (7); Joseph Caro, *Shulḥan ʿArukh, 'even ha-'Ezer* 4:11–12. See also Adolph Büchler in *Occident and Orient: Being Studies in ... Honour of Haham Dr. M. Gaster's 80th Birthday*, ed. Bruno Schindler (London: Taylor's Foreign Press, 1936), 549–570; Menachem Finkelstein, *ha-Giyur: halakhah u-maʿaseh* (Ramat Gan: Bar Ilan University, 1994), chap. 5, especially 64–70, and index, s.v. *ʿeved*; Paul V. M. Flesher, *Oxen, Women, or Citizens? Slaves in the System of the Mishnah* (Atlanta: Scholars Press, 1988), 96–97; Ephraim Urbach, "The Laws regarding Slavery as a Source for Social History of the Period of the Second Temple, the Mishnah and Talmud," in *Papers of the Institute of Jewish Studies, London*, ed. J. G. Weiss (Jerusalem: Magnes, 1964), 40–67; originally published in Hebrew in *Zion* 25 (1960) and now in *Me-ʿolamam shel ḥakhamim: kovez̤ meḥkarim* (Jerusalem: Magnes, 1988). Urbach, 57, shows that the second immersion came into being not earlier than the second half of the 2nd century C.E.

31. Asaf, "'Avadim u-sḥar 'avadim," 250–251.

32. Ibid. See also Ben Zion Wacholder, "The Halakhah and the Proselytizing of Slaves during the Gaonic Era," *Historia Judaica* 18 (1956): 99–100 and literature cited. But S. D. Goitein, "Slaves and Slave girls in the Cairo Genizah Records," *Arabica* 9 (1962): 19 n. 3 says that such cases were "extremely rare" in the Geniza records. For rabbinic statements against sexual relations with slaves, see also Yitzhak Baer, *A History of the Jews in Christian Spain*, trans. L. Schoffman (Philadelphia: Jewish Publication Society of America, 1961–66), 1:255–259. Cf. al-Maqdisī's (10th century) comments about the Jews in this regard: "They do not allow free [sexual] enjoyment of slave-girls, except after they have set them free and married them. He who has intercourse with his slave-girl shall set her free on account of this" (quoted in Adang, *Muslim Writers*, 262).

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document was required to be given the former slave as proof of his or her new status as a free Jew.[33] If a document was not in hand, questions about the Jewish status of the former slave would naturally arise. Evidence of manumission could not be based on the slave's own declaration.[34] Thus the concern in Cochin with those whose ancestors had been non-Jewish Indian slaves in Jewish homes. Without documentary proof, there was no indication that manumission had occurred and that they and their descendants were Jews. This was a problem that surfaced now and then in different Jewish communities at different times.[35]

This explanation may also elucidate the situation in the Amsterdam (Spanish-Portuguese) Jewish community of the 17th century in regard to the black and mulatto Jews (*negros e mulatos judeos*). They were buried in a separate section of the Jewish cemetery and they were not called to the Torah in the synagogue service; their women could sit in the women's gallery in the synagogue only in the back rows. "For the most part, these blacks and mulattos were slaves and servants who had converted to Judaism and lived on the margins of the Jewish community."[36]

33. *Sefer ha-shetarot* [*The Book of Shetaroth (Formulary) of R. Hai Gaon*], ed. Simḥa Asaf, Supplement to *Tarbiẓ* (Jerusalem, 1930), 43, # 21; see also *Mishneh Torah, Ḥovel u-mazik* 4:11 (ed. Kafaḥ, 8), *'Edut* 9:6 (ed. Kafaḥ, 4); *Shulḥan 'Arukh*, *Yoreh de'ah* 267:41, and Urbach, "Laws regarding Slavery," 58: "We are in possession of a whole series of halakhic rulings and lengthy discussion, dating from the end of the tannaitic and beginning of the amoraic age, which treat of various methods of manumission and rules of evidence for it. In all of them the dominating motive is the linking of manumission with a formal legal document to substantiate it."

34. Responsum of Yiẓḥak Ẓemaḥ Gaon quoted by Moshe Gil, *Be-Malkhut Yishma'el bi-tekufat ha-Ge'onim* (Jerusalem: Bialik, 1997), 1:608, sec. 340; Avigdor (Victor) Aptowitzer, *Meḥkarim be-sifrut ha-Ge'onim* (Jerusalem: Mossad ha-Rav Kook, 1941), 127, #7.

35. Goitein records a case, in which a slave-girl presented herself to the Jewish community and claimed that she had been Jewish in her native country (S. D. Goitein, *A Mediterranean Society: The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza* [Berkeley: University of California Press, 1967], 1:136). In 1702 a manumitted female slave, who lost her manumission papers, came before a rabbinic court in Salonika to remove any doubts about her status (Solomon Amarillo, *Kerem Shlomo* [Salonika, 1719], responsum 16); see also the concerns of Solomon de Medina of Salonika (d. 1589) about former male and female slaves who may not have been properly manumitted but converted and married Jews (cited in Asaf, "'Avadim u-sḥar 'avadim," 242, and Schorsch, *Jews and Blacks*, 78).

36. Yosef Kaplan, "Yaḥasam shel ha-Yehudim ha-Portugalim la-Yehudim ha-Ashkenazim be-Amsterdam ba-me'ah ha-17," in *Temurot ba-hisṭoryah ha-Yehudit ha-ḥadashah*, ed. S. Almog et al. (Jerusalem: Merkaz Zalman Shazar, 1987), 404–405; idem, "Political Concepts in the World of the Portuguese Jews of Amsterdam during the Seventeenth Century: The Problem of Exclusion and the Boundaries of Self-Identity" in *Menasseh Ben Israel and His World*, eds. Yosef Kaplan, Henry Méchoulan, and Richard Popkin (Leiden: Brill, 1989), 58–59. See Schorsch, *Jews and Blacks*, 192–198. The practice of separate burial has "precedent in the non-Jewish world" (Schorsch, ibid.). Black African slaves in Portugal were often denied Christian burial, and in 1515 a royal decree ordered their bodies to be buried separately in a common grave. It is possible that even freed Black slaves were denied burial with white Christians, for in Barcelona and Valencia free Blacks founded their own welfare associations that provided for burials. See Charles Verlinden, *L'Esclavage dans l'Europe médiévale* (Brugge, Belgium: De Tempel, 1955), 1:529–530 and 631; David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca: Cornell University Press, 1966), 53. The practice

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It is reasonable to assume that the same situation with the same concerns obtained among Babylonian Jewry during the geonic period. We know that although the Zanj were brought to Iraq to work the salt flats, some were slaves or servants in homes and businesses, including Jewish homes and businesses. We know this in the Jewish case from the formula used in a document for the sale of a slave, dating from the end of the geonic period (circa 1000 C.E.), which mentions the Zanj as a typical slave.[37] Probably the same halakhic concerns with Jewish status operated in geonic Babylonia as in Cochin and Amsterdam of later times.

Due to the role played by the Zanj in history, there must have been even more reason in Babylonia (Iraq) for apprehension regarding the halakhic status of the Blacks than was the case in Cochin or Amsterdam. The thousands of Zanj slaves who lived in extreme misery in work gangs are well known from Arabic sources because of a series of successive rebellions they waged, first in 689, then in 694–695, and the third and most important, which lasted for fifteen years between 868–883 and posed a serious threat to the Baghdad caliphate. These revolts, especially the last, were very bloody and destructive.[38] In 871, at the height of their power, the Zanj were said to have killed at least 300,000 people at Basra.[39] There was also an insurrection of Zanj in Mosul (northern Iraq) in 749, in which over 10,000 Zanj men, women, and children were massacred.[40] "The economic, political and social consequences of this long revolt," according to Y. Talib, "profoundly affected the whole Islamic world" with one of the consequences being an aversion to Africa and Africans and a "widespread diffusion of the unfavorable image of the black in Islamic countries."[41]

was carried over to the New World, where Blacks were segregated in some American (white) Protestant cemeteries from colonial times until the Civil War; see David Reimers, *White Protestantism and the Negro* (New York: Oxford University Press, 1965), 16.

37. *Sefer ha-shetarot*, ed. Simḥa Asaf, 27–28, # 7; Asher Gulak, *Oẓar ha-sheṭarot ha-nehugim be-Yisra'el* (Jerusalem: Defus ha-poʿalim, 1926), 356; Solomon A. Wertheimer and Abraham J. Wertheimer, *Kitvei yad ha-genizah: ginze Yerushalayim* (Jerusalem, 1981), 88 and see Introduction, 48. The peoples mentioned in the formulary as those commonly sold as slaves generally correspond to Arabic slave classification. See, for example, Ibn Buṭlān cited in Lewis, *Race and Slavery in the Middle East*, 56. In the formulas for slave-sale contracts recorded in *Sefer ha-'itur* (sec. *Mekhirat ʿavadim*) and *Maḥzor vitry* (sec. 599, ed. Horowitz [Nurenberg: Y. Bulka, 1923], 792–793) the ethnic identification of the slave is not mentioned.

38. Popovic's book, *The Revolt of African Slaves*, is devoted to a description and social-historical analysis of the third revolt. See also Theodor Nöldeke, *Sketches from Eastern History* (London: A. and C. Black, 1892), 174–175; especially the chapter on the rebellion, 146–175, based on the accounts of Ṭabarī and Masʿūdī. A more recent discussion of the Zanj revolts is found in Eliyahu Ashtor, *A Social and Economic History of the Near East in the Middle Ages* (Berkeley: University of California Press, 1976), 115–121.

39. Nöldeke, *Sketches*,155–160. See also Talhami, "The Zanj Rebellion," 456–457 on the devastation of Basra ("the most brutal uprising in the history of the ʿAbbasid Empire").

40. Popovic, *The Revolt*, 23.

41. Y. Talib based on a contribution by F. Samir, "The African Diaspora in Asia," in *General History of Africa*, eds. Muḥammad El Fasi and Ivan Hrbek (Berkeley: University of California Press, 1988), 3:729.

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We may assume that the Jews living in the Islamic world, particularly in the areas of the rebellion, would have similarly been affected. It surely cannot be a coincidence that the time and place of the Zanj rebellions coincide with those of *Halakhot Pesukot* and *Halakhot Gedolot*. The parallels are especially close between the last revolt and *Halakhot Gedolot*. The home of the author of this work was Basra, the city that was so devastated by the fighting, and the time of composition of the work was at the time of (or not long after) this last and most serious rebellion.[42] The Arabic sources report that after conquering a city the rebels would often free the local slaves.[43] Additionally, slaves in other towns and villages would desert their masters and join the Zanj rebels.[44] According to Wansbrough, the first efforts at recruiting for the revolt were among slaves belonging to various peoples in the area. Indeed, the sources mention enormous quantities of fugitive slaves at the end of the 8th and the beginning of the 10th centuries.[45] After the rebellion "the Muslim empire was flooded with slaves as a result of this upheaval."[46] The Abbasid policy was to give amnesty to the former rebels, and proclamations were issued that all who fled their homes should return.[47] Many of the slaves who had fled their masters did return.[48]

Others, who were far removed from their former homes or who wished not to return to their former masters, probably used the opportunity to free themselves from a life of bondage. The situation must have been chaotic, with large numbers trying to find a new life for themselves. Some slaves who came from Jewish homes, and had acquired a knowledge of Jewish life and customs, would have tried to return to that world, just as those from Muslim homes would have gravitated to the Muslim world. They would have presented themselves as having a familiarity with Jewish law and custom. The same problem arose periodically in

42. See n. 7 above.

43. Popovic, *The Revolt*, 58; Ashtor, *A Social and Economic History*, 119. Not that the Zanj didn't practice slavery themselves, for after conquering a city they would take spoils including women and children (Popovic, *The Revolt*, 58, 94, 95, 97, 115, 119), and they also took free Arab women and auctioned them off among themselves as slaves and concubines (Talhami, "The Zanj Rebellion," 456; Popovic, *The Revolt*, 131).

44. Bernard Lewis, *The Arabs in History* (New York: Harper & Row, 1967), 105. Popovic, *The Revolt*, 51–53, 138. Also Black deserters from the Caliph's army joined the rebels, as some poor peasants and Bedouin probably did (Popovic, 137). But cf. Ashtor, *A Social and Economic History*, 119–121. According to several scholars the rebellion was a class revolt, not a race revolt; see Popovic, 152–153 and 141 n. 12. For a discussion of the revolt and its causes (economic, not racial), see Muhammad A. Shaban, *Islamic History: A New Interpretation* (Cambridge: Cambridge University Press, 1976), 2:99–114. Maimonides, *Mishneh Torah*, *'Avadim* 8:12 (ed. Kafaḥ, 15) mentions the phenomenon of slaves who fled their masters and joined armies (*hipil 'azmo la-geyasot*).

45. John Wansbrough, "Africa and Arab Geographers," in *Language and History in Africa*, ed. David Dalby (London: Africana, 1970), 98; see also Lewis, *The Arabs in History*, 103–106. According to Talhami, "The Zanj Rebellion," 455–457, the revolt included semi-liberated slaves, some white slaves, some peasants, and some Bedouin.

46. Beachey, *The Slave Trade of Eastern Africa* (New York: Barnes & Noble Books), 264 n. 20.

47. Nöldeke, *Sketches*, 174; Popovic, *The Revolt*, 103–104, 115.

48. Zakariyah I. Oseni, "The Revolt of Black Slaves in Iraq under the ʿAbbāsid Administration in 869–883 C.E.," *Hamdard Islamicus* 12 no. 2 (1989): 61. See also Popovic, *The Revolt*, 152.

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the Cochin community. Asaf notes that there were times when a slave would flee from his master to another city, declare himself Jewish and try to assimilate into the Jewish community.[49] Just as in these cases, so too regarding the Zanj the question arose whether the former slaves had been manumitted and were therefore, according to Jewish law, considered Jews and permitted to marry within the community. Or had they not been manumitted, and were they therefore not considered Jews who could marry into the community? A document of manumission could easily have been lost, or claimed to have been lost, during the turmoil of the revolt.

The same problems arose in a much earlier period. According to Ephraim Urbach, the innovation by the Rabbis at the end of the second and the beginning of the third centuries to require a document of manumission is likewise explained by a similar social situation following the Bar Kokhba rebellion. The Rabbis' main concern "was to safeguard meticulously the legal and religious status of members of their own community." Their opposition to manumission of slaves was essentially directed at mock-manumission and the blurring of the boundary between the status of true slave and manumitted slave. Only the slave who had been manumitted by means of a document was reckoned as a full Jew, fit to marry a free Jewish woman."[50] Similar concerns were voiced again in the amoraic period when fugitive slaves who did not have certificates of manumission, were assimilated into the Jewish community because of their familiarity with Jewish law and custom.[51] In this case too we can see the same factors operating as with the Zanj of Iraq: the ease with which a slave who had been in a Jewish home, because of his or her familiarity with Jewish law and custom, could assimilate into the Jewish community; and the concerns over such a possibility due to the possible non-Jewish status of the slave.

Such concerns expressed by some Jewish authorities in 8th- and 9th-century Iraq are evidenced in *Halakhot Pesukot* and *Halakhot Gedolot*. Although the authors of these works disagreed and ruled that the Zanj could "enter the community," the rejected position would have argued that Zanj conversion was unacceptable, for according to Jewish law a slave must be manumitted to be converted to Judaism, and without proof of manumission conversion was impossible. Thus, the possibility of former slave status resulted in a consequent question of Jewishness.

As for Maimonides, although the Zanj slaves of Iraq did not inhabit his world, black slaves did. The association of black with slave is seen throughout the Islamic world across time and geography. From the beginnings of Islam in the seventh century up until the early twentieth century, the vast majority of Blacks in the Muslim Middle East were slaves, or had their origins in slavery. This was so to the extent that Blacks eventually came to be equated with slaves. "A black skin in almost all the Islamic societies, including parts of the Sudan, was and still is associated with slavery."[52] The following few examples

49. Asaf, "'Avadim u-sḥar 'avadim," 244.

50. Urbach, "Laws regarding Slavery," 56–59, quote on 59.

51. Ibid., 91, with reference to B. Kiddushin 70b.

52. Orlando Patterson, *Slavery and Social Death* (Cambridge: Harvard University Press, 1982), 58. See also David Brion Davis, *Slavery and Human Progress* (New York: Oxford University Press, 1984), 8.

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from the medieval period point to this identity. The historian Masʿūdī (d. 957) reported that the Abbasid Caliph al-Rāḍī (d. 940) would accept nothing from the hand of a black man [*aswad*] because he considered him an "ugly slave."[53] The Muslim philosopher Ibn Sīnā ("Avicenna," d. 1037) speaks of "people not very capable of acquiring virtue. For these are slaves by nature as, for example, the Turks and the Zinjis [i.e., black Africans]."[54] The historian Ibn Khaldun (1332–1406) goes further and limits the idea of a natural slave to the Black alone:

> The only people who accept slavery are the Negroes (Sudan), owing to their low degree of humanity and their proximity to the animal stage. Other persons who accept the status of slave do so as a means of attaining high rank or power, as is the case with the Mameluke [*mamluk*] Turks in the East and with those Franks and Galicians who enter the service of the state [in Spain].[55]

The identification of black with slave is evident in Islamic literature and art, where "the Black" is usually portrayed as slave, servant, or attendant.[56] As literature and art, so too language follows and reflects social structures, and the gradual blackening of the slave class in the Islamic world is reflected in the vocabulary. In time the Arabic word for slave, *ʿabd* (Hebrew *'eved*) came to mean only a black slave and, in many dialects by the 11–13th centuries it was used to designate any Black, slave or not, a meaning it retains today in colloquial Arabic.[57] There are other similar linguistic examples associating black with slave: in North Africa

53. Masʿūdī, *Murūj al-dhahab*, ed. Charles Pellat (Beirut: al-Jāmiʿah al-Lubnānīyah, 1966), 1:92, quoted in Lewis, *Race and Slavery*, 93.

54. *Al-Shifāʾ: al-Ilāhiyyāt*, eds. G. C. Anawati et al. (Cairo: Organisation Générale des Imprimeries Gouvernementales, 1960), 2:453; "Healing: Metaphysics," trans. Michael E. Marmura, in *Medieval Political Philosophy: A Sourcebook*, eds. Ralph Lerner and Muhsin Mahdi (Glencoe IL: Free Press of Glencoe, 1963), 108. In translating "Zinjis" (Zanj) here as black Africans in general, rather than in its more restricted meaning of the people from eastern Africa, I follow Steven Harvey, "A New Islamic Source of the *Guide of the Perplexed*," in *Maimonidean Studies* 2, ed. Arthur Hyman (New York: The Michael Scharf Publication Trust of Yeshiva University Press, 1991), 41; Erwin I. J. Rosenthal ("negroes"), *Political Thought in Medieval Islam* (Cambridge: Cambridge University Press, 1958), 155; and Max Horten, *Die Metaphysik Avicennas* (Halle: R. Haupt, 1907), 680. See also above at nn. 11 and 12.

55. *Prolégomènes d'Ebn Khaldoun, Muqaddimat Ibn Khaldūn*, ed. Etienne Quatremère (Paris: Didot), 1:269; translation of Charles Issawi, *An Arab Philosophy of History: Selections from the Prolegomena of Ibn Khaldun of Tunis* (London: John Murray, 1950), 98. Franz Rosenthal, *The Muqaddimah* (New York: Pantheon Books, 1958), 1:301, translates: "[T]he Negro nations are, as a rule, submissive to slavery…." See Lewis, *Race and Color in Islam* (New York: Harper & Row, 1970), 38, and for further bibliographic information, *Race and Slavery*, 122 n. 15. Gernot Rotter, *Die Stellung des Negers in der islamisch-arabischen Gesellschaft bis zum XVI. Jahrhundert* (Bonn: [s.n.], 1967), 159, mentions Samawʾal al-Israʾīlī, a 12th-century Jewish convert to Islam, (and similarly Amshāṭī) as claiming that the Nubians are slaves by nature.

56. Lewis, *Race and Slavery*, 95, 98.

57. Bernard Lewis, *Race and Slavery*, 56, 125–126 n. 10; Lewis, "The Crows of the Arabs," in *"Race," Writing, and Difference*, eds. Henry L. Gates and Kwame A. Appiah (Chicago: University of Chicago Press, 1986), 112; S. D. Goitein, "Slaves and Slavegirls in the Cairo Geniza Records," *Arabica* 9 (1962): 2 n. 3, 8; Goitein, *Mediterranean Society*, 1:131.

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khādim, lit. 'servant', has come to mean "negress";[58] in the Kumzari dialect of the Shihuh tribe of Arabia, *zangair* (i.e. Zanj) means slave;[59] in his work, *The Arabs and the Sudan,* Y. F. Ḥasan writes that "the term *al-Nūba* [the Nubians] became almost synonymous with 'black slaves'."[60]

We can see the connection between Blacks and slaves in Maimonides' own writing:

> The Sages commanded that one should employ the poor and the orphaned rather than use slaves in one's home. It is better to employ the former and thus benefit the descendants of Abraham, Isaac and Jacob, rather than benefit the descendants of Ham (*zeraʿ ḥam*).[61]

Descendants of Ham, i.e., Blacks, are here equated with slave. As with the case in geonic Iraq and elsewhere, it is likely that there were some in the Jewish community of Egypt not willing to accept Blacks as marriageable because of an assumption that the Black was a slave or descendant of a slave who had not been manumitted, a position implicitly refuted by Maimonides.

Racial Prejudice

Segal notes that although the distinction between the white Jews and black Jews in Cochin was concerned with Jewish status, the attitudes may have been reinforced by the color divide common in general Indian society.[62] Similarly, in Amsterdam, racist sentiment, by now well-ensconced in Western Europe, undoubtedly played a role in the Blacks' exclusion from the community. Presumably a similar mix of Jewish law and racial prejudice operated as well in 18th-century Surinam, where the descendants of Jewish planters and Black slaves were not fully accepted within the Jewish community.[63]

We may presume that in Jewish Iraq during the period of the Geonim anti-Black sentiment similarly existed, for such sentiments were common in the surrounding Muslim society of the time.[64]

58. A. J. Wensinck, *Encyclopedia of Islam*, 2nd ed., s.v. *khādim*.

59. Bertram Thomas, *The Kumzari Dialect of The Shihuh Tribe, Arabia* (London: The Royal Asiatic Society, 1980), 48. My thanks to Sol Cohen for this reference.

60. Yūsuf F. Hasan, *The Arabs and the Sudan: From the Seventh to the Early Sixteenth Century* (Edinburgh: Edinburgh University Press, 1967), 8.

61. *Mishneh Torah*, *Matenotʿaniyim* 10:17 (ed. Kafaḥ, 15). On "the descendants of Ham" (*zeraʿ ḥam*, *bnei ḥam*, and Arabic *banū ḥām*), meaning 'black African,' see Goldenberg, *Curse of Ham*, 136. According to Goitein, the most common slave-girls mentioned in the Geniza documents are Nubians (*Mediterranean Society,* 1:137–138).

62. Segal, *A History of the Jews of Cochin*, 25–26.

63. Robert Cohen, *Jews in Another Environment: Surinam in the Second Half of the Eighteenth Century* (Leiden: Brill, 1991), 156–163.

64. In general, on attitudes toward Blacks in the Muslim world, see Lewis, *Race and Slavery in the Middle East* and Gernot Rotter, *Die Stellung des Negers*. One example will serve as an illustration. Ibn al-Faqīh al-Hamadānī, writing around 902/3 in Iraq, said that Blacks are "overdone in the womb until they are burned, so that the child comes out something between black, murky, malodorous,

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One consequence of these attitudes in the Muslim world was the rejection of marriage with Blacks. Bernard Lewis records several traditions reflecting this view, including those attributed to the prophet of Islam, such as "Beware of marrying the Zanjī" and "Do not bring black into your pedigree." While these *ḥadith*s are spuriously attributed to Muḥammad, they do reflect the attitudes of the time they were written, as does Masʿūdī's (10th century) stricture "Do not intermarry with the sons of Ham."[65] Particularly relevant, because of the time and place of its author, is Jāḥiẓ of Basra's (d. 868/9) argument against the prevailing custom of not marrying Black women.[66] No doubt, racist sentiment existed among the Jews just as among the Muslims. It is true that there are a number of references, some certain and some speculative, to the acceptance of black African converts to Judaism (not necessarily from slave manumissions) before, during, and after this period.[67] These instances do not, however, allow us to assume that anti-Black

stinking, and crinkly-haired, with uneven limbs, deficient minds, and depraved passions, such as the Zanj, the Ethiopians, and other blacks who resemble them," to which Lewis remarks, "Such ideas appear to have been current at the time" (46). By the 9th century in the Muslim Near East "there existed prejudices and stereotypes, in which the African was seen as relatively inferior to the non-African" (Jere L. Bacharach, "African Military Slaves in the Medieval Middle East: The Cases of Iraq (869–955) and Egypt (868–1171)," *International Journal of Middle East Studies* 13 [1981]: 492 n. 4). See also Aziz al-Azmeh, "Barbarians in Arab Eyes," *Past and Present: Studies in the History of Civilization* 134 (1992): 8, 9, 11, 13, and several studies by John Hunwick: "Black Africans in the Islamic World: An Understudied Dimension of the Black Diaspora," *Tarikh* 5 no. 4 (1978): 35; *West Africa and the Arab World* (Accra: Ghana Academy of Arts and Sciences, 1991), 11, 13; "Black Slaves in the Mediterranean World: Introduction to a Neglected Aspect of the African Diaspora," *Slavery and Abolition* 13 (1992): 6, 31; "Islamic Law and Politics over Race and Slavery in North and West Africa (16th-19th Century)," in *Slavery in the Islamic Middle East*, ed. Shaun E. Marmon (Princeton: M. Wiener, 1999), 57. The collection by Levtzion and Hopkins, *Corpus of Early Arabic Sources for West African History*, contains a number of relevant quotations; see especially 83, 132–133, 130, 149, 186, 200, 205–206, 211, 213–214, 321–322. For anti-Black sentiment in Iranian literature, see Minoo Southgate, "The Negative Images of Blacks in Some Medieval Iranian Writings," *Iranian Studies* 17 (1984): 3–36. "Blacks are frequently pictured as ugly and distorted, intellectually inferior, remote from civilization, excessively merry, sexually unbridled, and easily affected by

65. Lewis, *Race and Slavery in the Middle East*, 88.

66. Lewis, *Race and Slavery in the Middle East*, 31.

67. [1] The names 'Ασουάδα (feminine) and אסוד (Aswad), both meaning 'Black', are recorded on Jewish tombstones of the late 1st century BCE to early 1st century C.E.; see William Horbury and David Noy, *Jewish Inscriptions of Graeco-Roman Egypt* (Cambridge: Cambridge University Press, 1992), 154–55, # 83. If not nicknames, Asouda and Aswad may indicate black African origins. Also an ossuary from Jerusalem is possibly inscribed [N]iger; see L.Y. Rahmani, *A Catalogue of Jewish Ossuaries in the Collections of the State of Israel* (Jerusalem: Israel Academy of Sciences and Humanities, 1994), 199, # 565. [2] If David Rosenthal's reconstruction of Y. Berakhot 2:6, 5b (*Tarbiẓ* 60 [1991] 439–441) is correct, a Zanj by the name of Benjamin not only was a convert (or a descendant of converts) to Judaism, but he figured as a participant in talmudic discussions, transmitting a rabbinic tradition. Rosenthal reconstructs "Benjamin Zangai" from "Benjamin *gnzkyyh*" by metathesis. Another mention of Zanj in rabbinic texts is found in a variant reading to B. Kiddishin 70b; see B. M. Lewin *Oẓar ha-Geonim*, 9:174–175, ad loc. Note also the inclusion of the Zanj in Targum Pseudo-Jonathan and Neofiti margin to Gen. 10:7. Samuel Krauss, "Die biblische Völkertafel im Talmud, Midrasch

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sentiment did not exist, just as the many cases of black African conversion to Islam do not belie the anti-Black attitudes found in the Muslim world.[68]

The anti-Black sentiment as exhibited in the surrounding Muslim society is reflected elsewhere in Maimonides' works. In his *Guide for the Perplexed* 3:51, Maimonides writes that those who live at the extreme ends of the world, the Turks in the north and the Blacks (*al-sūdān*) in the south, are "irrational beings, not human beings, below humanity but above the ape." As Steven Harvey has shown, Maimonides' source for his statement was the Arab philosopher

und Targum," *Monatsschrift für Geschichte und Wissenschaft des Judentums* 3 (1895): 57 emended *dngʾy* in the Targum to 1 Chron. 1:9 to *zngʾy*, i.e. Zanj, but could *dngʾy* be Dinka? [3] The Jewish liturgical poet Yannai mentions converts from among the descendants of Ham, which may refer to black Africans. The *piyyut* is in Zvi M. Rabinowitz, *Maḥzor piyyutei Rabi Yannai* (Jerusalem: Bialik, 1985), 1:105–106, which see for further literature, and see now Laura Lieber, *Yannai on Genesis: An Invitation to Piyyut* (Cincinnati: Hebrew Union College Press, 2010), 362–363, 367. Menahem Zulay, "Meḥkere Yannai," *Yedi'ot ha-Makhon le-ḥeḳer ha-shirah ha-'ivrit* (Berlin, 1936), 2:268–269, thinks that the reference is to contemporary converts who may have been Egyptians, and Saul Lieberman cites the case of the known conversion of a monk from Mt. Sinai, who, he thinks, might have been Egyptian: Saul Lieberman, "Ḥazanut Yannai," *Sinai* 2 (1939): 244, reproduced in S. Lieberman, *Meḥkarim be-torat Erez Yisrael*, ed. David Rosenthal (Jerusalem: Magnes, 1991), 146, but see Zvi Meyer Rabinowitz, *Halakhah ve-agadah be-fiyutei Yannai* (Tel Aviv: Ḳeren Aleksander Kohut, 1965), 79–80 n. 7. It is not impossible, nevertheless, that descendants of Ham may have included black Africans. Yannai's provenance is the Land of Israel; his dates are uncertain, some putting him in the 4–5th centuries, others in the 6–7th centuries. [4] A 12th-century will from Cairo records the manumission of two slave-girls, one of whom was apparently a black African. In the will, the owner stipulated that upon her death the slaves were to be manumitted, given ownership to a quarter of the house (i.e. their income would be provided from such ownership), and allowed to live in the half of the house that their mistress had owned on condition that they remain Jewish: Moshe Gil, *Be-malkhut yishma'el*, 1:607, sec. 339. [5] A 16th-century genizah document mentions a "Rabbi Isaac the Ethiopian (*al-ḥabashi*)" who was the beadle (*shamash*) in a synagogue: MS Jewish Theological Seminary, ENA ns 54.17. (I am indebted to Sol Cohen for bringing this document to my attention.) Part of the date is missing, but based on what remains, as well as the paleography, Moshe Gil (oral communication) dates it to 1544. [6] The Qadi's court archives of Ottoman Jerusalem dated 1559 record a Jew married to a Black woman (*al-ḥabashiya*), for which see Amnon Cohen, *A World Within: Jewish Life as Reflected in Muslim Court Documents from the Sijill of Jerusalem (XVIth Century)* (Philadelphia: Center for Judaic Studies, University of Pennsylvania, 1994), 1:119, 2:211. [7] Blacks and mulattos born of a couple married according to Jewish law were not excluded from the Jewish cemetery or from community functions in Amsterdam (Kaplan, "Political Concepts in the World of the Portuguese Jews of Amsterdam," 59), and three graves of Blacks were found in the Jewish cemetery at Montjuich (Barcelona) dated between 1091–1391, when the cemetery was used (Antoniao Prevosti, "Estudio tipológico de los restos humanos hallados en la necrópolis judaica de Montjuich (Barcelon)," *Sefarad* 11 [1951] 82). [8] Lastly, note that David Kimḥi (d. 1235) had no problem assuming that the "Kushite" in David's army (2 Samuel 18:21) might have been a Nubian convert to Judaism, for which see his Commentary to 2 Samuel 18:21.

68. See Lewis, *Race and Slavery in the Middle East.* To acknowledge the existence of racist sentiment is not to deny the halakhic basis of the concerns regarding former slaves. To say, therefore, that "it must have been pure racial prejudice which connected Negro slaves with the Canaanite tribes" (Wacholder, *Historia Judaica* 18 [1956]: 102): is a gross simplification that overlooks the evidence presented in this essay.

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Miskawayh (d. 1030), who wrote of those "who dwell in the farthest parts of the inhabited world both to the north and to the south such as the remotest Turks in the county of Gog and Magog and the remotest Negroes [*zanj*] and similar nations which are distinguished from apes to a slight degree only."[69]

To return then to the question posed at the beginning of this article, the rejected prohibition of marriage with the black African Zanj, as reflected in *Halakhot Gedolot* and *Halakhot Pesukot* and the similar rejected prohibition of marriage with Kushites in *Mishneh Torah*, may be the result of both the belief that black Africans descended from the Canaanites, and the suspicion that the Black may be, or may be descended from, an unemancipated slave. In addition, anti-Black sentiment as exhibited in the surrounding Muslim society (and reflected elsewhere in Maimonides' works) no doubt acted as a leavening agent. These three factors worked together and strengthened each other.

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69. Miskawayh, *Tahdhīb al-Akhlāq*, ed. C. K. Zurayk (Beirut: American University of Beirut, 1966), 69; the quotation is from Zurayk's English translation of Miskawayh, *The Refinement of Character* (Beirut: American University of Beirut, 1968), 61; similarly at p. 47 (Arabic) and p. 42 (English). For Miskawayh as Maimonides' source, see Steven Harvey, "A New Islamic Source of the Guide of the Perplexed," *Maimonidean Studies* 2 (1991): 31–47. For the translation of *al-sūdān* in Maimonides and *zanj* in Miskawayh, see above, n. 12. For a discussion of this Maimonidean passage within the context of Muslim thought, see David Goldenberg, "The Development of the Idea of Race" (above, n. 12), 566–568.

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