

Wine & Racism

by: Rabbi Jeremy Rosen

Last month there was a huge fuss in Israel over wine. It was known as the Barkan Affair. Barkan Wines, one of many relatively recent Israeli expansions into the quality wine trade, was seeking certification from the most Orthodox of religious supervisory agencies, the Edah Haredis, which incidentally is known for its very anti-Zionist positions. But hey, money is money. Their standards are pretty strict, even in a business known for its excesses. As they only drink wine untouched by non-Jewish hands, they insisted that all persons involved in the actual process of winemaking should be bona fide Jews. So according to them Ethiopian Jews must be excluded from the winemaking process (but not other parts of the industry), because their religious status as Jews is open to question.

There was an outcry condemning this as another example of Haredi, ultra-Orthodox racism. If they were racist, then of course I would condemn them unreservedly and aggressively, as much as I condemn those members of the Haredi community who see fit to demonstrate publicly in support of enemies of the Jewish state who are trying to destroy it. But the Beth Din of the Edah Haredis was not being racist, whatever else they may be. Anyone familiar with the community will know that there are quite a few black members who have gone through a very strict conversion process and are well integrated into the community.

The facts: When the Ethiopian Beta Israel community started arriving in Israel from Ethiopia in the 1970s, there was a tremendous debate about their status. They had been cut off from Jewish life for 2,000 years. Their holy books were not in Hebrew, but a local dialect. They had no knowledge of rabbinic developments, laws, and customs after the first century. Their existence was well known to Jewish communities in medieval times. Eldad HaDani, the well known Jewish traveller and writer of the ninth century claimed he was one of them. Some Jewish travelers speculated they were lost tribes of Israel. Others that they had been converted by early Christians who were still loyal to the Old Testament, because their Judaism was clearly of a biblical nature.

Another claim was that they were Jews captured and sold into slavery. The question was asked whether these Ethiopians were really Jews and must, therefore, be treated as Jews and set free. The Radbaz (1479-1589) was longtime chief rabbi of Egypt. In his Responsa (vol. 2 no. 219, vol. 7) he ruled that they were Jews from the tribe of Dan and that, even though they acted like Karaites, it was not their fault, because they were *tinokot she-nishbu* (Jewish children captured when they were too young to know about mainstream Judaism; a technical talmudic term which exonerates them for failing to keep Jewish Law).

It was following his precedent that the greatest Sephardi Torah giant of the previous generation, Haham Ovadia Yosef, declared that they were indeed

Jewish (Yabia Omer 8, Even HaEzer 11). Other experts argued that because of their long absence from mainstream Judaism, they ought to go through a minimal form of conversion just in case (*Giyur Misafek*). Some did. Others refused on the principle that it was humiliating and the equivalent of denying their heritage.

Official Israeli government and rabbinical officials formally decided on March 14, 1977, that the Law of Return applied to the Beta Israel and that they were regarded as fully Jewish. But as we know, Jews cannot agree on anything; mainly the Ashkenazi Haredi community still insisted on conversion. Now this is complex issue and not to be dismissed simply as a matter of prejudice. After all, no one argued they could not be regarded as full Jews if they did go through symbolic conversion. This is the basis of those who defend the Edah Haredis's position. They claim that this is a hyped-up issue over a halachic technicality to attack the Haredi rabbinate.

Sadly, Israel, being a country like any other, does have racist elements in it. Every new immigrant community since the beginnings of modern settlement has experienced prejudice and discrimination, regardless of where they have come from or the color of their skin. Ask any Russian Jew about prejudice. And the Haredi world has indeed been guilty of making oriental communities (and others) feel like second-class citizens. Eventually they learn that this is not a very practical or indeed reasonable attitude. In general, Ethiopian Jews have been welcomed into Israeli society. After initial pains of integration, they have done remarkably well in every sphere of Israeli life. Most, like me, regard them as invaluable jewels in our crown.

Unfortunately, those who defend the Edah are ignoring a different point. Exactly the same laws regarding touching wine that apply to non-Jews, also apply to Jews who publicly disregard Jewish law—the *Mumar*. Why didn't the Edah also insist that Barkan guarantee secular or non-religious Jews be removed from contact with the wine?

The answer is that on some issues the Edah, like all halachic authorities, decides when not to make a fuss, to turn a blind eye, for very good social reasons. Technically, all Orthodox synagogues ought to deny honors to Jews who defy Jewish law in public. But as we well know, they do not. So why not just bend the rules by omission here as they do elsewhere? This is not an issue of ingredients. It is an added refinement, and a debatable one at that.

This insistence does seem, *prima facie*, to point to prejudice. But the reality is not so malevolent. It is rather carelessness, insensitivity born out of isolation and a narrow context where it simply does not occur how anyone on the outside could possibly take offense. They simply did not realize the impact it might have. This inability to see what kind of impression publicly declaring exclusions makes is a failing of many people who have been brought up in narrow, confined societies, regardless of where or who. Sometimes with great scholars its a certain innocence, naiveté. But this does not mean it should be allowed to pass without comment.

And it is not just the Haredi rabbinate. Imagine how stupid it was that the

Israeli rabbinate chose to have a non-Orthodox rabbi arrested for performing a marriage not sanctioned by Jewish law. Then of course he was freed. Without charges. Object, by all means, but use the law to arrest someone over this? It simply embarrasses anyone who really cares about the image of Orthodoxy, and it is completely unnecessary.

This is what worries me about all dogmatic orthodoxies—religious, political, and ideological—and all bureaucracies and authorities. They have a tendency to become so fixated on the letter, that they often end up forgetting the spirit.