Gentiles and Wine - What is the Logic?

What is the logic behind the prohibition of gentiles touching Jewish wine? How does the logic how we understand this law and to whom it applies?

Questions? Comments? Email dinanddaf@gmail.com

1. רמב"ם משנה תורה הלכות מאכלות אסורות יא:א, ג, ד

אַ יַיָן שֶׁנְתְנַסֵּךְ לְעַכּוּ"ם אַסוּר בַּהֲנָיָה. וְהַשּׁוֹתֶה מְמֶנוּ כָּל שֶׁהוּא לוֹדֶה מְן הַתּוֹרָה..

When wine has been poured as a libation to a false divinity, it is forbidden to benefit from it. A person who drinks even the smallest quantity of [such wine] is liable for lashes according to Scriptural Law...

גַיִן הָעַכּוּ"ם שָׁאֵין אָנוּ יוֹדְעִין אָם נִתְנַסֵּךְ אוֹ לֹא נִתְנַסֵּךְ וְהוּא הַנִּקְרָא סְתַם יֵינָם אָסוּר בַּהֲנָאָה כְּמוֹ יַיִן שְׁנַתְּוֹ הַשְּׁנִתְ מִלְּדִּוּת:
שָׁנְּתְנַסֵּךְ. וְדָבָר זֶה מִגְּזֵרוֹת סוֹפְרִים הוּא. וְהַשּׁוֹתֶה מְסְתַם יֵינָם רְבִיעִית מַכִּין אוֹתוֹ מַכַּת מַרְדּוּת:
When we do not know whether wine belonging to a gentile was used for a libation or not, it is called "ordinary [gentile] wine." It is forbidden to benefit from it, as it is forbidden to benefit from wine used as a libation. [This matter] is a Rabbinic decree. When a person drinks a revi'it of "ordinary [gentile] wine," he is liable for "stripes for rebellious conduct."

דּ וְכָל יַיִן שֶׁיִגַע בּוֹ הָעַכּוּ"ם הָרֵי זֶה אָסוּר שֶׁמָּא נִסֵּךְ אוֹתוֹ שֶׁמַחְשֶׁבֶת הָעַכּוּ"ם לַעֲבוֹדַת כּוֹכָבִים. הָא לָמַדְתָּ שַׁיֵּין יִשִׂרַאֵל שֵׁנַגַע בּוֹ הָעַכּוּ"ם דִּינוֹ כָּסְתַם יֵינָם שֵׁהוּא אָסוּר בַּהֲנָיָה:

It is forbidden [to benefit from] any wine that a gentile touches; for perhaps he poured it as a libation. For the thought of a gentile is focused on the worship of false deities. From this, we learn that it is forbidden to benefit [even from] wine belonging to a Jew which was touched by a gentile; it is governed by the laws that apply to ordinary gentile wine.

2. עבודה זרה ל.

שְׁמוּאֵל וְאַבְלֵט הֲווֹ יָתְבִי, אַיְיתוֹ לְקַמַּיְיהוּ חַמְּרָא מְבַשְּׁלָא, מַשְׁכֵיהּ לִידֵיהּ, אֲמַר לֵיהּ שְׁמוּאֵל: הֲרֵי אָמְרוּ יַיִּן מְבוּשָׁל אֵין בּוֹ מִשׁוּם יֵין נֶסֶךְ.

The Gemara relates another incident: Shmuel and Ablet, a gentile scholar, were sitting together, and others brought cooked wine before them. Ablet withdrew his hand to avoid rendering the wine prohibited to Shmuel. Seeing this, Shmuel said to Ablet that the Sages said: Cooked wine is not subject to the prohibition of wine used for a libation, and therefore you need not withdraw your hand on my account.

3. עבודה זרה כב:

אם איתא דאקצייה ואם איתא דפלחיה — לא הוה מזבין ליה

if it is so that it was set aside, or if it is so that it was worshipped, then the gentile would not have sold it to the Jew in the first place.

4. רמב"ן עבודה זרה לו:

ולי נראה בזה כמ"ש בריש פירקין אם איתא דאקצייה לא הוה מזבין ליה הכא נמי אם איתא דנסכיה לא הוה מזבין ליה הילכך ליכא למיחש לאיסור נסוך אלא משום בנותיהן הוא דגזור ביה רבנן

.5 שבת יז:

גָזָרוּ עַל פָּתַּן וִשַּׁמְנָן מְשׁוּם יֵינָן, וְעַל יֵינָן מְשׁוּם בְּנוֹתֵיהֶן

they issued a decree prohibiting their bread and their oil due to their wine. And they issued a decree prohibiting their wine due to the fact that it leads to familiarity, and people will come to marry their daughters.

6. עבודה זרה לו:

...עַל פִּיתָּן וִשַּׁמְנַן מְשׁוּם יֵינָן, וְעַל יֵינָן מְשׁוּם בְּנוֹתֵיהֶן...

Rather, they issued a decree prohibiting their bread and their oil due to their wine. And they issued the decree prohibiting their wine due to the fact that this leads to familiarity, and Jews will come to marry their daughters...

7. רשב"א תורת הבית בית ה שער א

ואסרו סתם יינן כדי להתרחק מהם וממסיבותם שמסיבותיהן מביאות לידי חתנות ולזנות עם בנותיהן וזנות בנותיהן מביא לידי ע"א כדרך שעשו משטים דכתיב ותקראנה לעם לזבחי אלהיהן.

And they forbade wine in order to distance themselves from them and their parties, whose parties lead to marriage and licentiousness with their daughters, and the prostitution of their daughters leads to idolatry, just as they did in Shittim, as it is written, "and they called the people to the sacrifices of their gods."

8. תוספות עבודה זרה כט: ד"ה יין

...וי"ל דודאי עיקר גזרה דסתם יינם (לקמן עבודה זרה לו:) משום בנותיהן הוא מיהו לא היו אוסרים אותו... בהנאה מטעם זה מידי דהוה אפיתן ושמנם אלא עבדו רבנן כיין נסך גמור שנתנסך לפני עבודת כוכבים שאסור מן התורה משום דדמי ליה...

...And the main decree gentile wine is because of their daughters (=intermarriage). However, theywould not forbid benefit for this reason, just as their bread and their oil (are only forbidden to eat, not to benefit from); but rather the rabbis treated it like libation wine that had been poured before idolatry, which is forbidden by the Torah, because it is similar to it...

9. רא"ש עבודה זרה ב:יג

ואפשר, לפי שהמבושל אינו מצוי כל כך, ומילתא דלא שכיחא- לא גזרו ביה. והרמב"ם ז"ל כתב שאם נתערב ביין מעט דבש או מעט שאור הואיל ואין ראוי לנסך על גבי המזבח הרי הוא כיין מבושל וכשכר ומותר לשתותו עם העובד כוכבים. ואין לסמוך עליו דעיקר בגזירה משום בנותיהם אלא שהחמירו לאסור בהנאה כיון שנתנסך לעבודת כוכבים

And it is possible, since the cooked wine is not so common, and that which is uncommon - they did not issue a decree about it. And the Rambam, z"l, wrote that if a little honey or a little liquor is mixed with wine, since it is not appropriate to pour it on the altar (for Jews), then it is like cooked wine and like beer, and it is permissible to drink it with a pagan. And one should not rely on him because the essence of the decree is because of their daughters (=intermarriage), but they were strict in prohibiting it with benefit, since it was (=could have been?) poured to idol worship.

10. רמב"ם הלכות מאכלות אסורות יא:ז

גֵּר תּוֹשָׁב וְהוּא שֶׁקְבֵּל עָלָיו שֶׁבַע מִצְּוֹת כְּמוֹ שֶׁבֵּאַרְנוּ יֵינוֹ אָסוּר בִּשְׁתִיָּה וּמֻתָּר בַּהֲנָיָה. וּמְיַחָדִין אֶצְלוֹ יֵיִן וְאֵין מַפְקִידִין אֶצְלוֹ יַיִן. וְכֵן כָּל עַכּוּ"ם שֶׁאֵינוֹ עוֹבֵד עַכּוּ"ם כְּגוֹן אֵלּוּ הַיִּשְׁמְעֵאלִים יֵינָן אָסוּר בִּשְׁתִיָּה וּמֻתָּר בַּהְנָיָה. וְכִן הוֹרוּ כַּל הגָּאוֹנִים. אֵבַל אוֹתַם הַעוֹבִדים עכּוּ"ם סְתם יינַם אסוּר בּהֵנַיַה:

With regard to a resident alien, i.e., one who accepted the observance of the seven universal laws [commanded to Noah and his descendants], as we explained: It is forbidden to drink his wine, but it is permitted to benefit from it. We may deposit wine in his possession for a short time, but may not entrust it to him for a lengthy period. *Since we do not suspect that he will use the wine for a libation - or allow other gentiles to do so - we do not forbid one to leave it there for a short while. Nevertheless, if it is left there for a long time, we fear that the gentile will exchange it with his own wine and as stated above, it is forbidden for Jews to drink his own wine (see Rashi, Avodah Zarah 64b). With regard to any gentile who does not serve false deities, e.g., the Arabs: *The Rambam's wording has attracted the attention of the commentaries, for from the beginning of the halachah, it appears that the gentile must accept all seven mitzvot, while this clause appears to imply that it is sufficient for him to accept only the prohibition against idolatry. The Kessef Mishneh explains that when the entire nation does not worship false deities, then we do not fear that wine will be used as a libation. When, however, that is not the case, a gentile must accept all seven mitzvot for his wine to be permitted. It is forbidden to drink his wine, but it is permitted to benefit from it. The Geonim rule in this manner. With regard to those who worship false deities, *Our translation follows the standard version of the Mishneh Torah. The uncensored text reads: "Christians, by contrast, are idolaters. It is forbidden to benefit...." The Rama (Orach Chayim 155:1) rules that Christianity violates only the prohibition against shituf, worshipping another entity together with God, and gentiles are not prohibited against

such worship. It must be emphasized that today, though many gentiles are nominally Christian, their observance is minimal and they have an awareness of monotheism. See also the statements of the Rama (Yoreh De'ah 123:1, 124:24) who quotes opinions that maintain that in the present age, it is not customary for gentiles to pour wine as libations to false deities. Nevertheless, the prohibition against drinking such wine, however, remains intact. by contrast, it is forbidden to benefit from their ordinary wine.

11. שולחן ערוך יורה דעה קכג:א

סתם יינם של עממים עובדי כוכבים אסור בהנאה וה"ה למגעם ביין שלנו:

הגה: משום גזירת יין שנתנסך לאלילים ובזמן הזה שאינו שכיח שהאומות מנסכים לעבודת כוכבים י"א דמגע עובדי כוכבים ביין שלנו אינו אסור בהנאה רק בשתייה וכן סתם יין שלהם אינו אסור ליהנות ממנו ולכן מותר לגבות בחובו מן עובד כוכבים סתם יינם מפני דהוי כמציל מידם (טור בשם רשב"ם והרא"ש ומרדכי) וה"ה בשאר הפסד כגון אם עבר וקנה או מכר אבל לכתחלה אסור לקנותו ולמכרו כדי להשתכר בו (הגהות מיי' פ"ח דמאכלות אסורות והגה' אשיר"י ומהר"ם פדואה סי' מ"ו) ויש מקילין גם בזה וטוב להחמיר ועיין לקמן סימן קל"ב (שם בשם סמ"ג ואגור בשם הגאונים)

The wine of idolatrous nations is forbidden for enjoyment, and God for their contact with our wine:

R. Moshe Isserless: It was decreed because of wine that was offered to idols, and in this time when it is uncommon for nations to worship idols, the contact of idolaters with our wine is does not forbid benefit, but only drinking; and likewise their wine is not forbidden for benefit (but only for drinking), and therefore it is permissible to collect debt from a non-Jew in the form of wine, for this is like rescuing it from their hands (Tur in the name of Rashbam and Rosh and Mordechai). And the same is true in cases of financial loss, such as if one transgressed and bought or sold, but *ab initio* it is forbidden to buy and sell it in order to make money from it (Hagagot Maimoniot chapter 8 of Prohibited Foods and Hagahot ha-Ashiri and Maharam Padua chapter 46). There are those who are lenient in this too, but it is better to be stricter, and see chapter 132 (*ibid*. In the name of Semag and Agur in the name of Geonim).

.12 חולין ה

מקבלין קרבנות מפושעי ישראל כדי שיחזרו בהן בתשובה חוץ מן המומר ומנסך את היין ומחלל שבתות בפרהסיא

One accepts offerings from Jewish transgressors so that they will consequently repent, except for the transgressor, one who pours wine as a libation to idolatry, and one who desecrates Shabbat in public [befarhesya].

See <u>here</u> for more halakhah I'maaseh on this issue.