

Idol Speculation

November 24, 2022

Q My non-Jewish cleaning lady often handles wine bottles while straightening up the kitchen. When is there a *yayin nesech* concern?



A Wine was traditionally used in idol worship. Because of this, any wine with which a non-Jew comes into contact becomes forbidden, even today when this practice has ceased. But because there's no suspicion of idol worship today, some *poskim* say the wine is only forbidden to drink, but it may be sold or used in other ways (Shulchan Aruch Y.D. 123:1). Others are stringent and prohibit even *hana'ah*.

Wine that is *mevushal* (cooked) is not subject to these halachos (ibid. 3), because idolators considered it unfit. R' Moshe Feinstein includes pasteurized wine in this category (Igros Moshe Y.D. 3:31).

A closed bottle, even unsealed, does not become forbidden (S.A. Y.D. 124:25, see Shach). So the concern is only for open bottles of non-*mevushal* wine.

In idol worship, the wine was sloshed about (*shichshuch*) in a vessel (Avodah Zarah 59b), so if a bottle was touched but not moved, it is permitted (ibid. 18). If it was picked up gently, not causing sloshing, it is likewise permitted (ibid.). If the wine was made to slosh without picking up the bottle, the Mechaber (ibid. 17) forbids it. The Rama says to follow the stringent view except in case of *pseida* (loss).

If the bottle was raised and the wine sloshed around, it becomes forbidden, but R' Akiva Eiger (ibid. based on Taz) still rules leniently in a case of loss, because idol worship is obsolete. (Note that *shichshuch* means considerable splashing around, not just any movement of the liquid.)

If the wine itself was touched rather than the bottle, the halacha is more stringent, but today one needn't assume it was touched without reasonable suspicion (Rama Y.D. 128:4).