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אין שמחה אלא ביין – ALL REJOICING IS DONE THROUGH WINE

GREGORY BENJAMIN WEISMAN

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Hebrew Union College-Jewish Institute of Religion
School of Rabbinic Studies
Los Angeles, California

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Adviser: Rabbi Dvora Weisberg, Ph.D.

Abstract

This thesis investigates how the Jewish tradition addresses the drinking of wine and other alcoholic beverages. The use of wine in Jewish ritual dates back to the time of the Temples in Jerusalem, where wine, along with bread and meat, was a staple of the priests' sacrificial offerings. After the Temples were destroyed, the rabbis of the Mishnah and Talmud adopted and adapted the use of wine as a sacramental act, mandating that wine be used to sanctify holy times within Jewish life.

The adaptation was based, in part, on verses from the Hebrew Bible that spoke to the positive effects that drinking wine can bring. At the same time, however, the rabbis were concerned with the negative effects of wine, particularly those that come from overindulging in wine and becoming overwhelmed by its intoxicating effects. In the Mishnah, Talmud, and later rabbinic writings, rabbis sought to maintain a balance between upholding the use of wine for ritual purposes and recognizing wine's virtues, while at the same time warning against the sometimes severe effects that wine can induce. They offered limits on who can drink wine, when it can and cannot be drunk, what kind of wine should be avoided, and how the wine should be made, in order to protect and guide Jews who wish to engage with wine and uphold the Jewish value of moderation in doing so. The influences of modernity raised new issues with respect to wine, including how the tradition should consider alcoholism, how Jews in America should have responded to Prohibition, and whether the concerns that the rabbis of the Talmud had about idolatry continue to be so relevant as to continue to require that all kosher wine be handled strictly by Shabbat-observant Jews.

These issues form the content of this thesis. With a mix of biblical, rabbinic, and modern scholarly resources, it investigates the questions of how drinking wine is a value within Judaism, how it is a concern, and the modern issues noted above, both for the rabbis of their time and in the present.

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—GBW

Introduction

L'chaim! With this toast "to life," Jews all over the world express their joys and hopes for future goodness as they lift a glass of wine with one another. Whether it is in celebration of a *simcha*, a Shabbat or *chag*, or just in enjoying the company of one another, the drinking of wine and spirits has become a common component of many Jewish events. The drinking of wine for ritual purposes dates back to Temple times and has evolved, both by expansion and contraction, in the millennia since then. But throughout that evolution the equating of wine and spirits with joy and celebration has never lost its foothold within the Jewish community.

A review of rabbinic writings on drinking of wine and other spirits, from early Mishnaic descriptions of rituals to contemporary debates about drinking in 21st Century society, reveals a wide spectrum of teachings, from mandated drinking, to ambivalence on the question of whether alcohol is necessary for ritual acts, all the way to stern warnings against the dangers of drinking. Presented with biblical sources that detail both the ordained use of wine in the Temple and stories of ancestors whose drunken behavior led to grave sin, the rabbis do not speak with one voice or share one overarching message about drinking. Instead, their writings guide the Jewish community to react differently in different situations as pertains to their drinking habits. Not wanting to encourage drunkenness that would lead to sin, nor to deprive Jews of their opportunity to express and enjoy their joyousness appropriately, the rabbis offer both suggestions and restrictions about how to imbibe. In more contemporary works, rabbis and other Jewish scholars have sought to reconcile ancient teachings with modern understandings about human behavior and physiology, particularly in addressing issues like alcoholism and general public sentiments towards alcohol. What they have created is a vast body of teachings, each meaningful in its appropriate setting, but as a whole, not particularly congruous. That leaves those who are interested in understanding their position with the task of studying a variety of texts, not simply seeking a bottom-line answer.

Wine was part of the Temple ritual, dating to biblical times. The rabbis of the Mishnah and Talmud, who saw the sacrificed meat as the way in which the commandment to be joyful on holidays was fulfilled, substituted wine in the post-Temple world. In crafting their celebrations, the rabbis made wine a necessary component. *Shabbatot* and *chagim* are sanctified with wine, symbolizing the sweetness of the occasion, its status as separate from the mundanity of everyday life, and serving as a reminder of the ancient Temple rituals. While all holidays enjoy this distinction, certain holidays have an increased focus on drinking wine or other spirits as part of their practice and observance. The Pesach *seder* involves drinking four cups of wine, a practice that is incumbent on even the poorest in the community. These cups, while representing the four allusions to redemption in Exodus 6, serve to increase the joy and festive nature of the participants, underscoring the freedom that each participant in a *seder* is commanded to experience and enjoy. To celebrate Purim, the holiday commemorating the story of Esther and Mordechai's refusal to abandon their Jewish heritage in the face of persecution and risk of execution, the rabbis instruct that Jews should drink until they cannot tell the difference between the hero Mordechai and the villain Haman. While not offering a clear prescription of the amount to drink, their instruction to drink enough to confuse these polar opposites suggests an inordinate amount (curiously, in light of their general suggestion not to drink so much as to lose control of one's wits). These are two explicitly described rituals of drinking that the rabbis outline, but they do not represent the limit to celebratory drinking. As mentioned above, all opportunities to celebrate, be they holiday celebrations, *smachot*, or other joyous occasions, represent valid opportunities to add to the festivities with wine and spirits.

At the same time, the tradition recognizes the dangers that drinking can present. The biblical stories of Noah, Lot, and Aaron's sons Nadav and Avihu provide the foundation for the rabbis' concerns about drink, representative of the foundational role that *Torah sh'bichtav* (Written

Torah) plays in rabbinic thought. Each of these stories represents the danger not of drinking on its own, but of the drunkenness that can come from drinking excessively. The rabbis recognize that wine and spirits encourage those who drink them to continue to do so, that as inhibitions are lowered, people have a tendency to drink more than they should. They recognize that certain activities, like teaching, learning, and prayer, can be jeopardized by the effects of alcohol. They warn against *shikur*, drunkenness, and all of the negative consequences—real and imagined—that could result. To counterbalance their litany of suggested drinking opportunities, they generally warn against drinking too much, but without suggesting that total temperance is a safe, necessary, or a step even worth considering.

These two positions—to drink joyously to observe and celebrate, but not to drink so much as to endanger one's self or others—generally reflect the position of the early rabbis. Yet, it is an incomplete position, as it leaves so many areas of potential conflict between the two positions and areas that where more guidance is necessary. When wine or spirits are used for ritual purposes, such as at a Pesach *seder* or a Purim reading of *Megillat Esther*, the question of whether those participating can fulfill their *mitzvot* while under some influence of alcohol is an essential one to address, particularly for those who serve as a *sh'liach tzibbur* or in other leadership roles. With the modern recognition of alcoholism as a medical condition requiring complete abstinence for most who suffer it, not merely as a lack of individual will power or control, the rabbis' suggestion to drink but not drink too much becomes problematic. During Prohibition in the United States, the Jewish community was faced with the question of whether to take advantage of the right of religious organizations to use wine for sacramental purposes. Concerned about widespread abuse of this right, some in the Jewish community argued that the Jewish community should also go dry, and sought halakhic justification for using grape juice instead of wine. Interestingly, such justification also addressed alcoholism within the Jewish

community, as it provides an outlet for alcoholics to engage in some ritual acts without endangering their wellbeing. These and other issues represent the various areas in which the early rabbis teachings were in some way incomplete, but later rabbis and scholars have added to the tradition with their own interpretations and suggestions.

This thesis will examine these varied rabbinic and scholarly sources, seeking to examine the motivations for and effects of the rabbis' writings, identify how the rabbinic view has evolved over time, and conclude with a review of the issues facing the Jewish community today.

Chapter 1
The Virtues of Drinking Wine

Whether it is around the Pesach *seder* table, to mark the closing of Shabbat at *Havdalah*, or to celebrate the engagement of one's eldest daughter to the local butcher, Jews have a tradition of partaking of wine and other spirits to sanctify special occasions. The origins of this custom are rooted in the rituals of the Temple, where wine, meat, and bread were common elements of sacrificial offerings, and the usage has evolved over time. As David Novak notes, "Alcohol use has a long tradition going back to the very beginnings of our history…its use has been socialized and sanctified…Alcohol was not in itself worthy of praise, but only as a means of including the senses and their drive for pleasure into the transcendent realm of the spirit."[1] While the alcohol itself is not a source of sanctification or itself an inherent good within the tradition, its usage to demarcate special times and occasions, and the joy that it brings to participants in those occasions, is a primary source of pleasure and spiritual fulfillment.

This chapter will address the usage and virtues of drinking wine. It will begin with the ritual uses of wine, those occasions when the Torah, both oral and written, prescribes wine or other alcoholic beverages for specific uses. Next, the various emotional or personal benefits that the tradition suggests wine brings, including social bonding, joy and the easing of pain, wisdom, and blessedness will be discussed. Finally, both as important boundary to indulgence and as a segue into the next chapter, which addresses the concerns of drinking, this chapter will address how the tradition speaks out against both asceticism and overindulgence, in a clear attempt to prescribe moderation in all practices.

Ritual Uses

The most common use of wine in a ritual setting is to make *Kiddush*, the sanctification of a day, time, or event through the blessing and imbibing of wine. So central is the use of wine to

[1] David Novak, "Alcohol and Drug Abuse in the Perspective of the Jewish Tradition," *Judaism* 33 (1984): 231.

make *Kiddush* within Jewish tradition that it is not explicitly stated in either the Mishnah or the *Gemara*, yet its performance is universally understood. In several places throughout the *Gemara*, the connection between the commandment **לזכור**, to remember Shabbat and the holy days, and the drinking of wine is made. Brachot 20b is one such place,[2] in which the rabbis discuss whether women are obligated or exempt from saying *Kiddush*. Their decision notwithstanding, this is the first mention of something called a *Kiddush*, and it arises without any explanation.

> **אמר רב אדא בר אהבה נשים חייבות בקדוש היום דבר תורה אמאי מצות עשה שהזמן גרמא הוא וכל מצות עשה שהזמן גרמא נשים פטורות אמר אביי מדרבנן א"ל רבא והא דבר תורה קאמר ועוד כל מצות עשה נחייבינהו מדרבנן אלא אמר רבא אמר קרא (שמות כ, ז) זכור (דברים ה, יא) ושמור כל שישנו בשמירה ישנו בזכירה והני נשי הואיל ואיתנהו בשמירה איתנהו בזכירה**
>
> Rav Adda bar Ahava said: Women are obligated to sanctify the day as ordained in the Torah. Why should this be? It is a time-bound, positive commandment, and women are exempt from all time-bound, positive commandments. Abaye said it is by rabbinical authority. Rava said to him, But [Adda bar Ahava] says "Ordained in the Torah"? Furthermore, if this is the case, on those grounds we could subject them [women] to all time-bound, positive commandments by rabbinical authority. But, Rava said, the Torah says "Remember," (Exodus 20:7) and "Observe" (Deut. 5:11). Whoever has to observe also has to remember, and since women have to observe [which is a time-bound negative commandment], they also have to remember.

This is an interesting halakhic discussion, but offers no insight into the connection between sanctification, **קדוש**, and the usage of wine in its fulfillment. Only Rashi's comment to this passage offers insight:

> **קדוש היום מ"ע שהזמן גרמא הוא** **זכור את יום השבת לקדשו (שמות כ). זכרהו על היין.**
>
> **Sanctification of the day is a time-bound positive commandment** - "Remember the Shabbat Day to sanctify it" (Ex. 20). Sanctify it over wine.

Rashi either is the first to suggest that wine be used for *Kiddush* (an unlikely explanation), or serves as the recorder of a practice that has existed for generations before him. Fortunately, his record is reiterated by Maimonides, who details the entire act of sanctification, the blessings necessary, the reminder to sanctify both at the beginning and end of Shabbat (*Havdalah* serves as

[2] Others include Pesach 109b, Brachot 27b, and Ketubot 7b.

this second sanctification), and the use of wine to effectuate the sanctification in *Hilchot Shabbat* Chapter 29.

The commandment from the Torah to remember and sanctify is not limited to Shabbat. Yom Tov is also an occasion for *Kiddush*, and the ritualistic use of wine throughout the Pesach *seder* serves as the preeminent example of how wine can be used to create a notably holy day. Chapter 10 of *Masechet Pesachim* addresses the four cups of wine to be drunk at the *seder*, and the Mishnah, Tosefta, and *Gemara* each offer insights into this tradition. As Baruch Bokser notes, "In the Mishnah and the Tosefta, wine becomes a distinctive element of the ritual. Mishnah 10:1, 2, 4, and 7 prescribe the drinking of wine and Tosefta 10:4 deals with its significance. The need of the latter to provide biblical support concerning the prescription of wine may reflect an awareness of wine's new role in insuring festivity."[3] That significance is linked a virtue of wine that other parts in the tradition address, the bringing of joy.[4] As the Tosefta reads,

> **מצוה על האדם לשמח בניו ובני ביתו ברגל במה משמחן ביין. כדכתיב [תהילים קד] ויין ישמח לבב אנוש וגו'. רבי יהודה אומר [נשים] בראוי להם וקטנים בראוי להם.**
>
> A man is commanded to make his children and all those[5] in his house joyful n the festival. With what does he make them joyful? With wine, as it says (Ps. 104), "Wine gladdens the human heart." Rabbi Yehuda says, [Women] with that which is appropriate for them, and children, that which is appropriate for them.

In addition to the purpose of demarcating Pesach as a distinctive day through sanctification, the Tosefta suggests that wine in particular offers something that other methods of sanctification may not: joyousness. The effect of wine can often be a sense of calm, joy, perhaps even euphoria, a reality noted in Psalms. The rabbis in the Tosefta see this as an appropriate method of inducing joyousness (at least for adults), and the *Gemara* in Pesachim 109a continues the conversation, expanding the significance of wine at the *seder* table:

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[3] Baruch Bokser, *The Origins of the Seder: The Passover Rite and Early Rabbinic Judaism* (Los Angeles: University of California Press, 1984), 46.

[4] See page 19 below.

[5] Bokser translates **בני ביתו** as "his wife."

ת"ר חייב אדם לשמח בניו ובני ביתו ברגל שנא' (דברים טז, יד) ושמחת בחגך במה משמחם ביין. רבי יהודה אומר אנשים בראוי להם ונשים בראוי להן אנשים בראוי להם ביין ונשים במאי תני רב יוסף בבבל בבגדי צבעונין בארץ ישראל בבגדי פשתן מגוהצין. תניא רבי יהודה בן בתירא אומר בזמן שבית המקדש קיים אין שמחה אלא בבשר שנאמר (דברים כז, ז) וזבחת שלמים ואכלת שם ושמחת לפני ה' אלהיך ועכשיו שאין בית המקדש קיים אין שמחה אלא ביין שנאמר (תהלים קד, טו) ויין ישמח לבב אנוש.

> Our rabbis taught: one is obligated to make his children and those in his household happy on the festival, as it is written (Deut. 16:14), You will rejoice in your festival. How does he make them rejoice? With wine. Rabbi Yehudah says "Men with what is suitable for them, women with what is suitable for them." Men with what is suitable for them- wine. Women, with what? Rav Yosef taught: In Bavel, with colored garments, and in the Land of Israel with ironed linen garments. Rabbi Yehudah ben Batriya says: In the time when the Temple stood, all rejoicing was done through meat, as it is said (Deut. 27:7) "And you shall make peace-offerings, and eat them there and rejoice before Adonai your God." And now, that the Temple no longer stands, all rejoicing is done through wine, as it is said (Ps. 104:15): Wine gladdens the heart of man.

This text from the *Gemara* alludes to the *baraita* from T. Pesachim 10, and offers even deeper insight. It draws the connection between the use of wine in the Temple and the use of wine after the Temple was destroyed. With the inability to offer sacrifices and achieve joyousness through the offerings of peace-offerings, the only avenue left for such joy was through wine. Wine's power to bring joy again rests on the verse from Psalms, using the same quotation as the Tosefta.

But the joyousness that comes from drinking wine on Pesach is not merely hedonistic. As Bokser explains, "Tosefta 10:4 gives the wine drinking a specific purpose: to enable people to fulfill the requirement to be happy on the holiday. Postmishnaic authorities, characteristically uncovering significance in every detail of a rite, see a symbolic dimension to each of the four cups. While their interpretations typologically differ from those of earlier masters, both Amoraim and Tannaim agree that wine should not be considered solely a good drink."[6] The use of four cups to achieve this joy introduces a symbolism that the mere drinking of wine does not have. Each of the four cups signifies something different: the first cup symbolizes the special

[6] Bokser, 64.

character of the evening, the second the questions and discussion that are essential to fulfill the commandment to retell the story, the third cup as part of grace over the meal, and the fourth cup to express overwhelming thankfulness through *Hallel*. Unlike symposia or other events in which participants engage in heavy drinking for its own sake, "the requirement of Mishnah 10:1 to have at least four cups of wine indicates that wine is more than just a good drink, and is not part of a drinking bout or revelry. While wine drinking may have originated in customs of dining and celebrating, here in the Passover ceremony it is attached to key parts of the ritual."[7] One indication of the rabbis' concern that the wine would be too strong or that the evening might devolve from a symbolic reenactment and retelling into drunken disorder is the requirement from the beginning of the chapter that the wine be mixed or cut. Some might argue that this was in keeping with the quality of the wine of the time, that it was too strong to be palatable without being mixed, but Bokser suggests that the rabbis were also concerned that the wine be too intoxicating, and the requirement to mix it serves as protection from the *seder* becoming a "Bacchic frenzy."[8]

Worshipping Bacchus would be an inappropriate use of wine on Pesach. But, using wine as a way to worship and praise God is an essential element of the use of wine on Pesach. The book of Chronicles suggests that singing and praising God are an element of the celebration of Pesach, but the apocryphal book of Jubilees is the first to mention wine as an element of Pesach, and it does so in the context of blessing, lauding, and giving thanks to God on the holiday. Jubilees 49 details this element of celebration:

> They should eat it…from the time of the setting of the sun. For on this night-the beginning of the festival and the beginning of the joy-yea were eating of the passover in Egypt, when all the powers of Mastema had been let loose to slay all the firstborn in the land of Egypt…And all Israel was eating the flesh of the paschal lamb, and *drinking the wine, and was lauding and blessing, and giving thanks to the*

[7] Bokser, 63.
[8] Ibid.

> *LORD* God of their fathers, and was ready to go forth from under the yoke of Egypt, and from evil bondage…And the man who…does not come to observe it…and *to eat and to drink* before the LORD on the day of the festival.[9]

As a development on his larger theme that the *seder*, while akin to a Greek symposium, is a much deeper, more refined, more intentionally constructed ritual, Bokser sees the fourth cup of wine, and its placement within the *seder*, as both the enactment of the lauding, blessing, and thanks to which Jubilees alludes, and a uniqueness of the *seder* that distinguishes it from the symposium:

> While Stein[10] aptly points to symposiac parallels for the drinking of wine to accompany after-dinner praises and singing [three cups were common, four unusual], I suggest another possible explanation for this cup of wine, In Temple days, Levites sang psalms to accompany the slaughter of the sacrifice; whereas in the rabbinic rite, individual Jews did the singing. Since the individual Jews also needed a context for the psalms, the wine may have filled the void created by the loss of the sacrificial meal.[11]

What Bokser sees in the fourth cup, connected to the recitation of *Hallel* (verses of praise and thanks to God from Psalms), is the use of wine specifically to praise God. The introduction of a fourth cup in a world in which many ritual meals had three suggests to Bokser that there must have been a strong reason for that fourth cup to be added and that serious significance should be attributed to the purpose of that cup. As the fourth cup is linked to *Hallel*, one must conclude that, among all its other virtues, wine can serve the purpose of praising and thanking God.

Another holiday revolves around thankfulness toward God for the survival of a Jewish community, and drinking plays a central role in its celebration. While not a Bacchic frenzy, in many Jewish communities indulgence in wine and other alcoholic drinks is a standard component of Purim celebrations, traditionally offered after the reading of *Megillat Esther* and/or the Purim Spiel (although in some communities, wine and drink are offered during these rituals). The connection between Purim and wine begins in the first chapter of Esther, in which King

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[9] Bokser, 19. Emphasis is Bokser's.
[10] Siegfried Stein, "The Influence of Symposia Literature on the Literary Form of the Pesah Haggadah," *Journal of Jewish Studies* 7 (1957), 25-26.
[11] Bokser, 63.

Ahasuerus throws parties (משתה – *mishteh* in Hebrew, a word that shares a root with the verb "to drink") for his couriers and eventually the entire community of Shushan. During those parties, Ahasuerus instructs his servants to serve his guests without restrictions, a biblical open bar without a cutoff time. Whether Ahasuerus and his contemporaries are models of good and safe partying notwithstanding (and one could make a strong argument, in light of his treatment of his queen Vashti and his general buffoonery in the story, he is not), Rava alludes to the indulgent drinking with his proclamation in Megillah 7b:

> **אמר רבא מיחייב איניש לבסומי בפוריא עד דלא ידע בין ארור המן לברוך מרדכי.**
> Rava said: A man is obligated to become drunk on Purim until he can no longer distinguish between "Cursed be Haman" and "Blessed be Mordechai."

With this simple instruction, indulgent drinking was introduced into Purim celebration. While many have struggled with this teaching,[12] its message has survived. Purim is, without a doubt, the most indulgent event in the Jewish calendar, or at least the celebration in which the elevation of drinking as an essential aspect is the strongest. Ruth Gruber Fredman identifies Purim as the sole exception to the rule of moderation that is central to Jewish tradition.[13] Once Rava's instruction was codified by Joseph Caro with almost the exact same wording as Rava, **חייב אינש לבסומי בפוריא עד דלא ידע בין ארור המן לברוך מרדכי** (the only changes are from **מיחייב** to **חייב** and **איניש** to **אניש**, which reflect changes in dialect but not meaning), the practice was solidified within Jewish tradition. Others, including Maimonides, have offered differing interpretations and understandings of Rava's instruction,[14] but Rava's words are those most cited by Jews each Purim in explanation of their drinking practices.

Whether it is in celebration of Shabbat, Yom Tov, a wedding, or Purim, wine has served a strong ritual role since the beginnings of the rabbinic tradition. As an extension of Temple

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[12] See Chapter 2, page 60 for a further discussion of the issues this teaching raises.
[13] Ruth Gruber Fredman, "*The Passover Seder: Afikoman in Exile* (Philadelphia: University of Pennsylvania Press, 1981), 83.
[14] Again, see Chapter 2 for a full discussion of the issue.

practice, and perhaps, as Pesachim 109a suggests, the only post-destruction way to fulfill the responsibility to rejoice in the festivals (אין שמחה אלא ביין), the drinking of wine is firmly rooted in the practice of the tradition. Perhaps as a result of this, the rabbis discuss more than just the use of wine, but the various virtues and benefits that wine carries.

Social Bonding

While the use of wine and other alcoholic drink within the tradition may have begun with ritual purposes, the benefits have grown beyond the fulfillment of ceremonial obligation. One such benefit is the creation and expansion of social bonds between those who are engaging in ritualistic and other forms of drinking. Evidence of this begins in certain stories in the Torah, but scholars have identified examples of the strengthening of social bonds through drinking on Purim and at the Pesach *seder* as well.

It must be noted that the analysis in this section relies in no small part on the work of Carey Ellen Walsh, who wrote an interesting article entitled "Under the Influence: Trust and Risk in Biblical Family Drinking," published in the *Journal for the Study of the Old Testament*. Walsh puts forth an interesting theory in her article. She opens with these sentences: "Intoxication is present in a fair number of biblical narratives (e.g. Gen. 9.21; 19.32-35; 2 Sam. 11.13; 1 Kgs. 16.9; 20.12, 16), and is considered a potential given of the celebrative, biblical banquet. Intoxication also shows itself to be a frequent theme in the Prophetic and Wisdom materials. In fact, its occurrences in the Bible are too numerous to address in an essay of this length." However, the presence of intoxication is not as clear on the surface of the text as Walsh might suggest. The verses cited in her opening do feature intoxication, but the balance of her analysis focuses on other episodes that do not, on their face, feature drinking. What unites them, however, is the celebration of a משתה, a biblical banquet. It is her assertion that these banquets necessarily featured drinking, and many of them, like that of Ahasuerus, clearly did. But others,

like the event Abraham threw for his son Isaac in Gen. 21, while called a משתה, did not explicitly feature drinking. The reader is left with a choice in assessing Walsh's claims. If he or she agrees or accepts that any משתה featured drinking (and Walsh offers anthropological evidence to support her assertion), then her conclusions featured in this thesis should be considered valid and meaningful. However, it must be noted that these biblical episodes have not been traditionally seen as laden with drink and drunken comportment, good or bad, nor are they on the list of "stories in the Torah about drunkenness" like those of Noah, Lot, and Nadav and Avihu (which Walsh certainly addresses). Her argument is compelling, while unorthodox. But more importantly, the sociological conclusions that she draws about the power and the effects of drinking in social settings are meaningful, even if one chooses to disregard the biblical examples she uses to illustrate her point as not the best examples of communal drinking.

It is no secret that drinking wine leads to a more relaxed state, both in terms of one's physical posture as well as emotional mindset. The loosening of the tongue that often accompanies drinking may have damaging results,[15] but those negative outcomes may be smaller than the social benefits that wine can provide. As a social lubricant, wine can bring out the best and the worst in people, but there are distinct benefits, as Cary Ellen Walsh has argued:

> Wine is an effective social lubricant for at least two reasons. It eases communication by lowering inhibitions and, just and important, by marking boundaries of inclusion among the participants…The participants of biblical banquets, then, demonstrate their trust of each other to lower their inhibitions and relax in shared drinking. One drinks, in short, with those one trusts or wants to trust.[16]

These biblical banquets occur for various reasons, including celebrating a successful harvest, a moment of change or growth in a family unit, or the desire for a leader to celebrate his reign.

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[15] See Chapter 2, page 38.

[16] Carey Ellen Walsh, "Under the Influence: Trust and Risk in Biblical Family Drinking," *Journal for the Study of the Old Testament* 90 (2000): 19.

Ahasuerus became infamous for his משתה in the story of Esther and the social havoc that it caused. But in other examples, the משתה served to bring a community closer together, not fracture it apart. Walsh notes:

> Drinking facilitated goodwill and relaxation, but could not guarantee them. In the biblical משתה drinking remains an act of intimacy, because it signals a trust that should be there, but may not always be. But the betrayal of that trust functions to correct a social boundary, not to usher in chaos. Intoxication, then, represents not an escape from, but an *increased stake* in that social world.[17]

Walsh's comment puts an interesting spin on the notion that the tension and interpersonal strife that can result from drinking and drunkenness, like that which develops between Ahasuerus and Vashti, while damaging for the participants involved, nonetheless speaks to the quality of the relationship among the players and may in fact deepen those relationships. Her contention that in the biblical world, lowering one's inhibitions through drinking and perhaps inebriation was a sign of trust of those in whose company one would reach such a state is provocative. It suggests that the fruits of such an event may not be readily borne (since often the immediate effect is interpersonal strife as a result of something someone said or did while drunk), but in the longer term, the relationship between the parties, their families, or their communities might be strengthened. The story of Ahasuerus could serve as an odd proof-text of this. While totally unintentional, his relationship with the Jewish community *was* strengthened by the end of the story. Yes, many events occurred in the intervening period (some of which seemed to doom that relationship, and the entire Jewish community) and the entire story is farcical in nature, but nonetheless as a result of the משתה at the start of the story and the later drinking banquets that occurred, a chain of events began that led to a deeper relationship between those two parties. It must also be noted that other relationships were irreparably damaged by the משתה and its resultant events, but it is nonetheless in keeping with Walsh's suggestion.

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[17] Walsh, 28.

While the events started by Ahasuerus may represent a boiling over of emotions and tension as a result of drinking, other biblical stories suggest that the loosening of one's inhibitions by wine might serve to bring to the surface thoughts and emotions that, left buried, could explode with much more dire results. Walsh points her readers to the story of Sarah and Hagar in Genesis 21, suggesting that Sarah's dismissal of Hagar is the result of her having drunk some alcohol, and her anger towards Hagar (and Abraham) coming to the surface. As Walsh explains, "The confrontation and its resolution, then, were influenced by drinking. Alcohol lowers inhibitions and when it does, emotions that have lain dormant find expression. This aspect of intoxication, Jellinek[18] notes, is both desired and feared by drinkers. If Sarah had drunk a moderate amount of wine, then her resentment towards Hagar would well boil under the influence into open confrontation."[19]

In a post-biblical milieu, the drinking of wine continues to have the capability of drawing people closer together. Ruth Gruber Fredman has argued that the nature of wine, its liquid state, and the way in which the tradition defined *kashrut* as a status not just resulting from the production of wine but in the way it is handled all the way until its consumption underscores a connectivity via wine that does not exist through meat or other consumables. She says:

> Wine is considered inescapable of absolute division; it retains its connected state even if poured into separate glasses. Therefore, wine can be the medium of social communion within the society, but cannot be used across societal boundaries. They very observant Jew cannot pour wine from his beaker into the glass of a non-Jew, but must serve him from a separate flask[20]. Unlike kosher meat, which may be shared with gentiles of all other conditions for the meal are in accordance

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[18] E.M. Jellinek, "The Symbolism of Drinking: A Cross-Historical Approach" *Journal of Studies on Alcohol* 38 (1977): 863.

[19] Walsh, 23.

[20] Fredman may be overstating things here, and does not offer a source for this conclusion. *Kashrut* allows for wine to be poured by a Jew into the class of a non-Jew and the wine to remain kosher, provided that the bottle always remains in the Jew's control. Additionally, this statement ignores *mevushal* wine, which can be passed from Jew to non-Jew and retain is *kashrut*. However, her suggestion that wine kashrut does inhibit social interaction (e.g., a bottle of kosher wine cannot be passed between Jew and non-Jew) is nonetheless valid, despite this seemingly errant conclusion.

> with the Law, the limits to which wine may be shared correspond to the limits of the community.[21]

This indivisibility of wine allows it to serve as a bridge between those who drink it together. When two people share a bottle, or a barrel, of wine, the tradition sees each one affecting the kashrut state of the other's.[22] There is a communion between them that is formed when they drink together, a communion that reflects and creates a social bond.

That bond can be created by the social enjoyment of wine together, but it is even more deeply forged when the wine is enjoyed in a ritual setting. To illustrate this bond, many ritual moments in which wine is drunk involve the passing or sharing of the wine between participants, creating a physical connect between them. As Fredman notes:

> In prescribing the number of cups of wine, the seder limits the excess and uses the changing physical state of the participants for its own ends of resolidifying communal bonds. Wine, so intimately connected in the Jewish culture with social gatherings, connotes the erasing of the limits of the individual and the extension of himself to others. After making the Sabbath *Kiddush* benediction, the father sips the wine and passes it to his wife and children; at the *Havdalah* ceremony at the end of the Sabbath, all the men sip from the common cup; and the bride and the groom share the same wine. The infant at the *brit* demonstrates his incorporation into the society by sucking the wine places on his lips (this wine is usually described as a sedative); later the adults drink together. At the seder, the child "old enough to understand" must drink the wine, and the cup of wine standing ready for Elijah invites the prophet to become one with the community, and, in so doing, reinforce the intimate relationship between man and God. As the participants drink more and more wine, they relax the differences of status, wealth, and sex that divide them during the year. By drinking the liquor of life, they experience "community" as a hopeful, happy state.[23]

When Jews come together to celebrate and they drink wine together, it serves to break down barriers between them. Drinking some may lead to drinking a little bit more, and as Walsh describes above, drinking more can lead to a deeper sense of connection. While the initial

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[21] Fredman, 84.
[22] See Chapter 3, page 81 for a further discussion of wine *kashrut*.
[23] Fredman, 83. Italics reflect Fredman's text.

impetus for the wine may be the ritual, the celebratory mood of the event deepens the connection and sense of community that is created amongst those who participate.

Wine Brings Joyousness and Eases Pain

In Temple times, meat and wine were used as part of the sacrificial ritual to fulfill the command in Deuteronomy 27 to be joyful in celebration of the festivals. After the Temple was destroyed, wine became the sole source of that joy, as Pesachim 109a declares אין שמחה אלא ביין, all rejoicing is done through wine. This ritual drinking of wine, the fulfillment of a biblical command to celebrate the festivals, certainly serves to bring joy to the celebrants. But the rabbis of the tradition also recognize that drinking wine can bring joy in its own right. They realized that irrespective of whether it is done to fulfill a mitzvah, those who drink wine, or recently have drunk wine, are often more joyful than those who do not.

The rabbis make this observation in part based on examples in the biblical text. In numerous passages, including Isaiah 24:7, 2 Samuel 13:28, I Kings 4:20, Esther 1:10, Proverbs 15:15, and Ecclesiastes 9:7, wine is enjoyed at a banquet or celebration of some kind. These celebrations are separate from the ritual observance done in the Temple; they are the social gathering of community and family members to enjoy each other's company. As Carey Ellen Walsh describes these events, they "differed from daily dining and not simply by the quantities consumed. Merrymaking was instead the intent and wine's agency in this is obvious."[24] These biblical banquets were organized around the purpose of making joy and merriment, and wine was introduced into the celebration for the explicit purpose of doing so. The participants may have been accustomed to drinking wine with most meals. But, in these celebrations, they drank more, and did so to increase the level of joy that the event brought them.

[24] Walsh, 18.

While Walsh's observation may be limited to the biblical world, the use of wine to fulfill personal joyfulness continued into the rabbinic world. Both Daniel Adler and David Novak, two scholars who have expressed concern about the misuse and overuse of wine,[25] nonetheless recognize that wine has a historical and legitimate use of bringing joy to Jews. Novak plainly declares that, "The use of alcohol is considered a legitimate pleasure in this world,"[26] the pleasure of which serves to make one joyful. While Novak speaks to the simple earthly pleasure of wine, Adler recognizes a broader good, connected to both the historical significance of ritual and a semi-metaphysical state of joyfulness:

> The grape- particularly, the fermented grape- has long been the choice of those who sought to return to such a blissful state of paradise. The power of wine, when drunk in moderation, to stimulate and symbolize joy, has long been recognized and employed by the Jewish tradition. That is surely one of the reasons why it is used in the *Kiddush* prayers sanctifying the Sabbath and holidays.[27]

It must be noted, as Adler does, that in some ways it is impossible to divorce the joy of ritual fulfillment from the joy achieved through the effects of the alcohol in the wine. In Temple times, the ritual joy came from the meat, yet eating the meat did not have any of the somatic effects that wine has. The joy came from the feeling of accomplishment that came from fulfilling a biblical command. The lengthy discussion in *Masechet Pesachim* addressed above[28] details how wine became the substitute for the meat of the Temple ritual. On that level, the joy of drinking comes not from the intoxicating effects, but simply because it feels good and joyous to observe a commandment. The same joy is achieved through abstaining from *chameitz* on Pesach or laying *tefillin* each morning. But, based in part in Psalms 104:15, וְיַיִן, יְשַׂמַּח לְבַב אֱנוֹשׁ, "And wine gladdens the human heart," or "Wine gladdens the heart of man," wine offers a secondary form

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[25] Adler's and Novak's concerned are addressed throughout Chapter 2.
[26] Novak, 223.
[27] Daniel Adler, "Drinking on Purim: When To Say When?" *Judaism* 40 (1991): 6. Italics reflect Adler's text.
[28] See pages 9ff.

of joy, the joy from its intoxicating effects. While it is possible to isolate this joyousness from the ritual benefits, the rabbis and scholars like Adler are very cautious about extolling the virtues of that joy too strongly, fearful of endorsing indulgence in wine. As a result, they couch their descriptions of the joy that wine brings within the context of the ritual benefits. No where is this more clear than in Pesachim 109a, where wine is described as the only source of joy, since it is the substitute of the meat of the Temple ritual. Rather than say that drinking wine is joyful because Psalms 104:15 says that drinking of wine is joyful, the rabbis first say that wine is joyful because of its position as the successor to the meat of the Temple ritual. The Tosefta draws closer to an endorsement of wine as a source of joy on its own in T. Pesachim 10:4,[29] "A man is commanded to make his children and all those in his house joyful on the festival. With what does he make them joyful? With wine, as it says (Ps. 104), 'Wine gladdens the human heart.'" But while that *baraita* is cited in the *Gemara*, it is done so in conjunction with the connection to ritual joy, blunting the endorsement of Rav Yehudah.

As the ritualistic fulfillment of the teachings in *Masechet Pesachim*, the Pesach *seder* should and does reflect both the ritualistic and somatic joyfulness that the rabbis describe. Bokser ably describes this reflection, relying in part on an observation from Fredman:

> One anthropologist[30] has noticed how wine has taken on this special role within the seder: "At the seder, sweet wine suggests joy and life, continuing at this festival its associations throughout the year. Wine is present on all occasions where future happiness is anticipated, such as the Sabbath, weddings, and the circumcision, and the common, informal toast over wine is "*L'chayim*"- "to life." It may be that wine is compatible with life and joy because of its sweet taste and its ability to suggest warmth and light, but these physical sensations are contingent and not necessary to its use. Other objects could be made to carry the same meanings. Wine is made "happy" by circumscribing its use. It is through mandated participation in situations defined as joyous that wine is a positive item, and through proscription in situations defined as sad-funerals or the days

[29] See page 9 for the full quotation.
[30] Fredman, 82.

> of mourning for the Temple- that wine becomes incompatible with the expression of individual or social despair.[31]

For Bokser, wine is both a source of and expression of joy. He relies on the message that comes from Psalm 104, that wine suggests joy and life, and combines it with the "mandated participation," the ritual observance, that so often calls for wine. Together, these attributes mutually-reinforce one another, creating a clear message that the drinking of wine in ritual situations is a preeminent source of joy.

Bokser also addresses those moments in which overriding sadness precludes the drinking of wine. His allusion to the mourning of the destruction of the Temple and the prohibition of drinking wine during those mourning periods raises the question of the effects that wine has not just on reinforcing joy but on alleviating the pain of sorrow. Implied in Bokser's statement is that wine is forbidden during that time because it might distract or detract from the mourning that is necessary in relation to the Temple. This assumes that wine is understood to distract or detract from mourning in general, an assumption that is supported by the tradition in other places. As Novak notes:

> Alcohol was considered helpful in alleviating certain emotional symptoms, especially the immediate sadness of mourning. Thus, the Talmud[32] notes that, originally, ten cups of wine were drunk in the house of mourning. As time went on more cups were added until intoxication became common. When this stage was reached, the original practice of ten cups only was reinstituted.[33]

The concern about intoxication is a real one, which explains the reinstitution of a limitation on how much wine should be drunk in a house of mourning. But more importantly, the tradition recognizes that in times of great and profound sadness those emotions may be too much for individuals to have to or want to bear on their own and suggests blunting them with the effects

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[31] Bokser, 46.
[32] Ketubot 8b.
[33] Novak, 224.

of wine. Baba Batra 12b suggests drinking wine as a treatment for mild depression,[34] including the depression that accompanies mourning, basing its position in the same Psalm 104 citation that suggests joyousness, that wine gladdens the human heart. Whether to raise one's spirits in good times or bad, it is clear that the rabbis see wine as an effective tool in properly modulating one's emotions on the journey through life. For those whose life is coming to an early end, wine can ease the burden as well. There is a suggestion in Sanhedrin 43a and 45a that wine, along with a narcotic, be administered to those condemned to death so that they lose consciousness and not suffer too greatly in their execution.[35] While their pain does not rise to the same level of communal concern as those who are mourning the loss of loved ones, the tradition nonetheless finds it prudent to offer them some relief in their final, painful moments.

Based on a simple verse from Psalms, the tradition has looked to wine as a, if not the, source of joy for ritual, celebratory, and mournful events. While being joyful at the festivals and sanctifying holy times requires wine, the joy that wine brings has spilled over into other aspects of Jewish life. The connection between the ritualistic and somatic joy that comes from wine have been tightly bound by the rabbis, but this combined benefit could not exist without the recognition that wine, on its own, is a source of joy.

Wisdom and Blessedness

In a conversation in *Masechet Eruvin* about neighbors who do not acknowledge the legitimacy of an *eruv* and the tensions that might arise between them, the conversation turns at a point to the effects of wine. While many negative effects are cited, Eruvin 65a offers three texts that suggest that drinking wine can cause or reflect great wisdom or blessedness, attributes of God. The first is a citation from Rav Chanina:

[34] Novak, 224
[35] Ibid.

> **א"ר חנינא כל המתפתה ביינו יש בו מדעת קונו שנאמר (בראשית ח, כא) וירח ה' את ריח הניחוח וגו'**
> Rav Chanina said anyone who is pacified by his wine has within him some of the wisdom of his Creator, as it is said (Gen. 8:21) "And Adonai smelled the sweet smell[and said that God would not curse the ground again]."

The sweet smell to which the citation from Genesis refers is not of wine or fruit, but of the smoke of the sacrifice that Noah made after his exit from his ark. But Rav Chanina draws a connection between the appeasement that God demonstrated after the Flood, vowing never again to curse the ground, and the pacified state of those who have enjoyed wine. In other words, to be tranquil—and wine causes tranquility—is to reflect an aspect of the wisdom that God demonstrated after the Flood. There certainly may be flaws in Rav Chanina's logic- wine does not always cause tranquility, nor was wine-induced tranquility the emotion that God was experiencing—but he nonetheless draws a loose connection. Others join in, suggesting other ways in which wine leads to wisdom. A second Talmudic citation, this one from Baba Batra 12b, connects the wisdom of having an open heart or open mind with wine:

> **אמר רב הונא בריה דרב יהושע הרגיל ביין אפי' לבו אטום כבתולה יין מפקחו שנאמר (זכריה ט, יז) ותירוש ינובב בתולות**
> Rav Huna the son of Rav Yehoshua said, one who is a wine drinker, even if his heart is closed like a virgin, the wine opens it, as it is said (Zech. 9:16): Wine opens the virgins[36].

In other words, wine may soften someone, prompt them to be more understanding or compassionate, characteristics that are normally associated with having an open heart.

Rav Chiyya understands that wine can often cloud the mind. While most who have drunk wine begin to lose their faculties (a reality that bases Rava's instruction to drink on Purim **עד דלא ידע**), there are few who are able to retain a clear mind despite wine's intoxicating effects. They have great wisdom according to Rav Chiyya:

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[36] The comparison here suggests that virgins are considered "closed," (i.e., not been entered or opened). The verse from Zechariah implies that wine causes virgins to open themselves (i.e., lose their virginity), and Rav Huna alludes to the power that wine has to open virgins by suggesting that it can open the heart of someone whose heart had previously been closed, like a virgin.

> **אמר ר' חייא כל המתיישב ביינו יש בו דעת ע' זקנים. יין ניתן בע' אותיות וסוד ניתן בע' אותיות נכנס יין יצא סוד**
>
> Rav Chiyya said: Anyone who retains a clear mind when drinking has the wisdom of the seventy elders. Wine (יין) equals 70 from its letters, and secret (סוד) equals seventy from its letters, so that when wine goes in, secrets come out.

Two important observations rest within Rav Chiyya's statement. The first, which is explained by Rashi, is that the מתיישב, which Rashi describes as ששותה יין ואין דעתו מטרפתו, the one who drinks wine and his wisdom is not seized, must be as brilliant as the seventy elders. Only someone with such great intellectual power could withstand the effects of wine. The second part of the statement offers an even deeper explanation of the power that wine has over the mind. Drawing on the *gematria* of both יין, wine, and סוד, secret, which both equal seventy, Rav Chiyya suggests that, under normal circumstances, the more one drinks, the more likely that his or her secrets will come out—not a surprising observation. But coupled with the earlier statement about those who can retain a clear mind, it serves to reinforce that earlier statement: because wine has the power to disrupt one's faculties, one example of which is its ability to force out those things that are meant to be kept in, those who are able to remain in full control despite having had wine should be seen as demonstrating extraordinary wisdom, comparable to that of the Sanhedrin of seventy elders.

In addition to wisdom, wine may also lead to blessedness. Rav Chanin bar Papa suggests in Eruvin 65a that those who pour wine in their home are blessed, and their homes too (and assumedly others within it) are blessed:

> **א"ר חנין בר פפא כל שאין יין נשפך בתוך ביתו כמים אינו בכלל ברכה שנא' (שמות כג, כה) וברך את לחמך ואת מימיך מה לחם שניקח בכסף מעשר אף מים שניקח בכסף מעשר ומאי ניהו יין וקא קרי ליה מים אי נשפך בביתו כמים איכא ברכה ואי לא לא ליה אף בשחקו**
>
> Rav Chanin bar Papa said: Anyone in whose house wine is not poured like water is not in a state of blessedness, as it is said (Exodus 23:25), "He will bless your bread and your water." Bread is that which can be acquired for money from the Second Tithe and so too water* is that which can be acquired with the money of the Second Tithe. This liquid is, of course, wine, but it is called water. If it is

> poured in one's house like water, in that house there is blessedness, and if not, there is not.

The connection between wine and water is not immediately clear, but Rashi clarifies by pointing the reader to Eruvin 26b. There, it is declared that water cannot be purchased with money received for the Second Tithe.[37] But the statement from Rav Chanin suggests that water can be acquired from the money of the Second Tithe. The use of the word water that is marked with the asterisk seems to imply not water proper but some liquid, since, as Rashi explains, water cannot be purchased with money from the Second Tithe. Wine is assumed to be the next liquid in line, and thus, according to Rav Chanin bar Papa, those who pour wine in their homes enjoy the benefit of blessedness that Exodus 23:25 describes. The final statement expands the blessedness not just to those who pour wine, but to their entire households in which wine is poured.

Wisdom and blessedness are certainly characteristics that the tradition both extols and sees as attributes of God. By connecting these virtues with wine, the rabbis are seemingly connecting drinking wine with some aspects of Godliness. This of course must be read alongside the concerns that the rabbis have about wine, but it does contribute to a balanced and circumspect approach towards wine that the rabbis suggest. Despite the wisdom and blessedness that comes from wine, it would be wrong to assume that the rabbis sanction wanton drinking. As the next section discusses, the rabbis consistently argue that there is a limit to how far wine is to be enjoyed.

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[37] The First Tithe was given to the Temple. The Second Tithe was consumed by the owner in Jerusalem, who had the option of selling his produce in his hometown and then buying replacement produce with the money upon arrival in Jerusalem (to avoid the burden of bringing the produce with him). They are these transactions that Rav Chanin bar Papa and Rashi are discussing.

Boundaries to the Enjoyment of Wine

There are weekly, seasonal, yearly, and once in a lifetime events that call for drinking wine. The social and personal benefits that come from drinking wine have prompted Jews to expand their opportunities to drink beyond the ritually mandated occasions, transforming wine into something that creates, by virtue of the fact that Jews are drinking it, occasions unto themselves. But that does not mean that the tradition grants Jews license to drink as much as they would like, at any occasion they would like, for any purpose they would like. As noted above, there are certain periods of national mourning in which wine is essentially forbidden. Beyond the ritual prohibitions, it is clear that Jews' interaction with wine is bounded on both sides: they are forbidden from overindulgence and they are (with some exceptions) advised against total abstention. Instead, and in keeping with the value of moderation that is consistent with the tradition, the general message is that Jews should feel free to engage with and enjoy wine, within reason and to a point.

Based on readings in Ta'anit 11a-b and Yerushalmi Brachot 2:9 and Nedarim 9:1, David Novak suggests that, "the preponderance of rabbinic tradition seems to have regarded asceticism [and teetotalism] as unnecessarily harsh."[38] As discussed in Chapter 2,[39] teetotalism should be reserved only for those who have demonstrated an inability to drink any alcohol and maintain their faculties. But even in that instance, abstinence might be seen not as a full act of blessedness, but as resignation by the individual to the fact that he or she cannot fully and completely engage in the world in the ways that God intended. Quoting from the section on *parashat Kedoshim* in Rabbi Yonatan Eybeschutz' work *Tiferet Yehonatan*, Daniel Schreiber notes:

> The forms of abstinence that are appropriate for a person are those which an entire nation can successfully engage in while still retaining its integrity. But a form of abstinence that is possible only for an individual, and not the nation in

[38] Novak, 223.
[39] See Chapter 2, page 64.

> its entirety, is not considered a form of sheleimut and praiseworthy abstinence, and as such was discouraged by the Sages of Israel.[40]

Eybeschutz suggests that there are two types of abstinence: national and personal. An example of national abstinence would be the prohibitions within *kashrut* against eating pork and shellfish. These are items from which Jews[41] abstain as part of their membership in the "people," and this abstention is a feasible feat, having proved itself through history. Implied in his statement, however, is that national abstention from alcohol may not be possible, in part because of its ritual purpose.[42] If it in fact is not feasible, and a person chooses to engage in a personal abstention from something to which the nation enjoys access, that abstention would be, in Eybeschutz' mind, not praiseworthy and discouraged by the Sages of Israel. This conclusion, while not without merit, does raise some concerns in a world where the negative effects of alcoholism and other dependencies are a known issue. But the spirit of Eybeschutz' statement is clear: people should enjoy what is available to them—the fruits of the world—and to not do so under the guise of a pious act is not, in fact, praiseworthy or spiritually fulfilling.

On the opposite end of the spectrum from total abstinence, there are examples within the Jewish history that suggest drunkenness has its place within the tradition. Carey Ellen Walsh has recorded[43] the potential benefit of drinking to excess in a social environment within the biblical tradition, suggesting that drinking to excess had both a social payoff and risk.[44] In her mind, while social drinking may have begun as merely a way to ease physical and emotional tensions, it often expanded into intoxication at seasonal banquets. Some may wonder whether

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[40] Daniel Schreiber, "Asymptomatically Approaching God: *Kedusha* in the Thought of Ramban," *Tradition* 44 (2011): 33.

[41] Ignoring, for the moment, the variety of practice among Jews. Eybeschutz' reasoning does not require that all Jews in fact abstain, just that it would be feasible for them to do so.

[42] One could question whether a national abstention is not feasible, and point to the abstention by Muslims as a prime counter-example.

[43] As noted above, page 14ff.

[44] Walsh, 17.

this expansion moved the revelers away from the initial good intensions of sharing a drink, but she maintains that drinking to intoxication is the normal result of banquets, and a deeper expression of the social bonds between revelers.[45] In even the most destructive drinking stories, like Lot and Noah, she suggests that there are redeeming qualities to the intentions and actions of the participants. She notes that through intoxication Noah "usher[ed] in the preferred order of sons" and Lot's daughters, who believed that the world was ending, wished to propagate and "reconstitute the social world."[46] In addition to these events, the story of Esther and Ahasuerus, brought together during a drunken משתה, became the basis for the celebration of Purim. As Fredman notes, Purim is the sole exception to Judaism's general rule of moderation, "when inebriation is permitted in celebration of the Jews' victory over tyranny in ancient Persia. Even at this time, however, this 'excessive drinking' is in a context structured and circumscribed by the culture."[47]

But that context is of the utmost importance. Only within the context of Purim, a day in which Jews seek to, in some ways, forget themselves, is this type of drinking permissible. As will be discussed in the next chapter, many within the tradition question whether drunkenness on Purim is allowable, offering sound reasoning for the dangers and spiritual shortcomings that such behavior can cause. For all other days, "the drinking of wine is defined as a social event and is subject to the same rules of moderation that govern daily life in general. In Judaism, excess in any form is discouraged: 'One should neither be too jocular and gay, nor too morose and melancholy; but should strive at all times to be happy, contented, and friendly. And so with

[45] Walsh, 25.
[46] Ib. at 28.
[47] Fredman, 83.

regard to other attributes a person who adopts the middle course is called wise' (Code of Jewish Law, Volume 1, 29:2)."[48]

Conclusion

Wine has a place as a component of Jewish practice. Its ritual uses date to Temple times, and its role as the preeminent vehicle for ritual joyousness is grounded in early rabbinic writing. Based in part on this ritual role, the tradition has explored the virtues of wine, which include bringing joy and diminishing sadness, creating social bonds between those who drink together, and bringing wisdom and blessedness to those who moderately drink. At the same time, the tradition is clear not to endorse wanton drinking. As the next chapter will detail, there are serious concerns about the power and effect of wine, concerns that prompt the rabbis of the tradition to argue for a moderate—not indulgent or abstinent—approach to wine.

[48] Fredman, 83. Code of Jewish Law, Volume 1, 29:2 refers to the *Kitzur Shulkhan Aruch* 29:2.

Chapter 2
Rabbinic Concerns About Drinking

Wine was part of the Temple ritual, and survived into the rabbinic world both as a way to maintain a connection to the biblical past and to continue sanctifying special events as the priests did. While wine served a ritual, sacramental purpose, it also served mundane purposes, including the enjoyment and celebration of good times beyond the formal sanctification, and the consolation of mourners and others in grief. But the rabbis were wary of the effects of wine and other alcoholic beverages. They make grand statements about these effects, noting that wine serves as the preeminent source of grief and woe in the world, and warning strongly against overindulgence. Yet, despite all of their concerns, they do not enact a full ban. Later thinkers like Maimonides, Nachmanides, and Caro were familiar with Islam, which did and does have a full ban on alcohol, yet chose not to impose such a ban. In the end, with all of their warnings, the message the rabbis send to the people is that responsible drinking is permitted, but irresponsible drinking can be dangerous, both in this world and the next.

This chapter will begin with a discussion of the negative effects of wine and drunkenness, followed by the ways in which wine is associated with grief. As an interesting aspect to this, the rabbis use creative word play to demonstrate the difference between "good" drinking and "bad" drinking. Next, how the drinking of wine affects one's ability to perform *mitzvot* will be addressed, including how the בן סורר ומורה uses wine in his violation of *mitzvot*, and the teaching to engage in heavy drinking during Purim. Finally, the chapter will conclude with a discussion of teetotalism and the virtues of personal responsibility when it comes to drinking wine.

The Effects of Drinking

Despite the widespread use of wine in the performance of ritual obligations, the rabbis of the Talmud outline a series of effects that drinking can have on an individual, and those effects are overwhelmingly deleterious. Ranging from the breakdown of social conventions to

death, in these warnings the rabbis clearly wish to send the message that the drinking of wine and other intoxicants is dangerous and should be done with great caution. Yet, as will be demonstrated below, at no point is a total ban on wine and other intoxicants ever seriously considered. One might conclude that the rabbis see wine as a necessary potential evil, something that can serve a great purpose but may also be the source of great destruction.

In a lengthy conversation about the dangers of drinking wine in Sanhedrin 70a that will be referred to repeatedly, Rava offers this comment:

> **רבא אמר אל תרא יין כי יתאדם אל תרא יין שאחריתו דם.**
>
> Rava said: Do not look at wine that is red,[1] do not look at wine for its consequence is blood.

Rava is drawing a connection between wine and blood, suggesting that the common color of the two cannot be ignored. Rashi offers some insight into this enigmatic statement, suggesting that the negative command אל תרא means אל תתן עיניך לימשך אחריו, that one should not look longingly upon wine. Why not? As Rashi further explains, שאחריתו דם means סופו יהרג עליו, that essentially, eventually it will kill you. This may be the direst of the Talmud's warnings against indulging in wine, but its concern for wine's ill-effects are shared by many rabbis and comments found within it. In the same *sugia*, Rav Chanan addresses the implied but unasked question of why, if wine is so bad, did God make it. Rav Chanan uses another quotation from Proverbs 31:6, to answer the question:

> **א"ר חנן לא נברא יין בעולם אלא לנחם אבלים ולשלם שכר לרשעים שנא' [משלי לא, ו] תנו שכר לאובד ויין למרי נפש.**
>
> Rav Chanan said wine was created in this world to comfort the bereaved and grant reward to the wicked, as it is said (Prov. 31:6), "Give intoxicants to the wicked one and wine to the embittered souls."

[1] The phrase **אל תרא יין כי יתאדם** is a quotation from Proverbs 23:31. Rava and others in the *sugia* interpret the verse, and in this case, it seems that Rava is drawing a connection between the redness of wine and the redness of blood, indicating that wine, a red liquid, leads to another red liquid, blood.

Implied in his comment is the notion that the reward granted to the wicked through wine is limited to this world, the world in which the wine was created. This statement reflects a worldview in which the actions of this world have a direct affect on one's reward and punishment in the world to come. Those who are wicked may experience the pleasure of wine as a reward in this world. But Rav Chanan suggests that those rewards will be temporary, and the wicked will receive punishment, not reward, in the world to come. At the same time, his comment does identify a commonly understood positive attribute and use of wine, to console those who are experiencing tragedy. As Rashi explains, those embittered souls are mourners, and the purpose of the wine is to lessen their troubles (**לפכוחי צערייהו**).

Rav Chanan's characterization of those who indulge in wine is shared by Rav Yitzhak, whose *drash* also in Sanhedrin 70a on Proverbs 23:31, the same verse that prompted Rava to suggest wine leads to death, also outlines the connection between indulging in wine and the affect it has on the wicked.

> **א"ר יצחק מאי דכתיב [משלי כג, לא] אל תרא יין כי יתאדם אל תרא יין שמאדים פניהם של רשעים בעוה"ז ומלבין פניהם לעוה"ב.**
>
> R. Yitzhak said: What is the meaning of the verse (Prov. 23:31), "Do not look at wine that is red?" Do not longingly look upon wine and indulge in it, for it reddens the faces of the wicked in this world, and it whitens their face in the world to come.

While Rav Yitzhak's pronouncement about the role of wine in this world is not quite as dire as Rava's, it has similar consequences in the world to come as that of Rav Chanan. Rav Yitzhak plays up the common effect that drinking too much can have on people, turning their faces red, another allusion to **יתאדם** in the verse from Proverbs. But even more creatively, he flips that effect on its head, suggesting that those who were turned red from indulgence in this world will be whitened with fear, shame, or dismay as they realize they spoiled their reward on wine in this world, and are left with nothing but punishment in the world to come.

These three comments, found within a conversation in Sanhedrin about the בן סורר ומורה, the stubborn or rebellious son, are creatively connected to one another. Each share a trait with another, and each have something unique in their wisdom. Rava's comment shares a source-text with the comment from Rav Yitzhak, Proverbs 23:31, but is the only one to suggest (with Rashi's interpretation) that indulging in wine can cause death, an effect in this world. Both Rav Chanan and Rav Yitzhak suggest that the true effect of indulging in wine is the receipt of reward in this life, with punishment waiting in the world to come, But Rav Chanan uses a different verse from Proverbs, 31:6, to prove it. Rav Yitzhak offers perhaps the most visceral description, illustrating the whitening of one's face when he or she learns of his misfortune. Together, these three texts offer significant, theological consequences to indulgence in wine. While other rabbis outline direct cause-effect relationships between the drinking of wine and misdeeds, only these three rabbis outline long-term consequences that span not only this world, but the world to come as well.

Rava, Rav Chanan, and Rav Yitzhak each imply that people who indulge in wine are deserved of punishment in the world to come, but none of them explicitly suggest that wine drinkers do bad or sinful deeds while on this earth. They imply that wine drinkers are wicked, or that wicked wine drinkers are treated uniquely, but they do not go as far to say that drinking too much wine might cause someone to do a specific forbidden act. That suggestion is made by Eliyahu to Rav Yehudah in Brachot 29b:

> **אמר ליה אליהו לרב יהודה אחוה דרב סלא חסידא לא תרתח ולא תחטי לא תרוי ולא תחטי.**
> Eliyahu said to Rav Yehudah, the brother of R. Sala the Pious: Do not get angry and you will not sin, do not drink to excess and you will not sin.

Here, Eliyahu suggests that drinking to excess (Rashi clarifies that תרוי means תשתכר ביין, getting drunk by wine) leads one to sin, in much the same way that being angry might. The implication of these two teachings is that wine, like anger, can cloud one's judgment, and lead a person to do

things they might not ordinarily do. But what prompts a person to sin, to commit an act that they should or do know better than to do, can be difficult to understand. In fact, it has been suggested that Nadav and Avihu, Aaron's sons who were punished with death for offering אש זר, strange fire, to God, did so because they were seeking to better understand sin. The Zohar wonders (Zohar I 73a) about Nadav and Avihu, "We are taught that they were drunk, but would one give wine to drink on such an occasion, or could one suppose that they were so arrogant that they became intoxicated?!"' The suggestion that they were drunk comes from two places in Leviticus Rabbah, 12:1 and 20:9. The Zohar's answer to its question offers another possibility than the usual assumption that they acted wantonly, suggesting that they delved into sin in order that they might understand sin, so that they might improve the world by better understanding how sin works, and presumably be able to better prevent or defend against it.[2] Following the Zohar's logic, Nadav and Avihu indulged in wine in order to understand the effect, namely sin. This reading of the Nadav and Avihu story is a demonstration of Eliyahu's teaching that drinking to excess leads to sin. One could say that Nadav and Avihu knew this as well, and they indulged for the explicit purpose of engaging in sin to better understand it. But the teaching of both texts is the same: indulging in wine leads to sin.

While those two texts suggest that sin in general is an effect of wine, other sources more explicitly describe what types of sin may occur. Not surprisingly, sexual indiscretions are mentioned in connection with wine indulgence. In an article addressing whether a Sabbath-Desecrator may drink kosher wine without tainting the wine's kosher status, Rabbi J. David Bleich suggests that drinking too much wine can lead to lowered sexual inhibitions:

> Consumption of wine can have the effect of diminishing sexual inhibitions and thereby contribute to extramarital liaisons with non-Jews who may be prone to promiscuity. The Sages banned wine touched by a non-Jew in order to curtail

[2] Novak, 225.

> social intercourse with non-Jews. Curtailment of conviviality fostered by sharing wine was designed to reduce the incidence of intermarriage and licentiousness.[3]

Interestingly, in the context of his article on Sabbath-Desecrators, Rabbi Bleich warns against sexual indiscretions between Jews and non-Jews, noting that within the tradition there are warnings against wine touched by non-Jews to prevent social intercourse with people outside the faith. The acceptability of such borderline xenophobic positions in contemporary society aside,[4] Rabbi Bleich passes over the potentially more likely outcome of wine consumption. Even if Jews hold strictly to the teachings that he and the Sages offer and only consume wine within safely Jewish contexts, the risk of diminished sexual inhibitions, extramarital liaisons, and licentiousness remains. In such a context that risk may be limited to intra-Jewish relationships, and while extramarital liaisons with non-Jews may be communally more damaging than intrafaith affairs, the sexual impropriety is the same. However it is applied, Bleich's teaching that wine indulgence may lead to sexually inappropriate acts stands. It is also augmented by a reading of the Ramban's teaching that Daniel Schreiber offered. He sees the implication from the Torah that wine, forbidden in certain circumstances (like to *Kohanim* entering the Temple), must therefore have some dangerous aspect to it.

> In fact, it seems from the words of the Ramban himself that the proper way to evaluate when a certain act or experience not directly addressed by the mitsva portion of the Torah is appropriate from the perspective of *kedusha* is to ask a simple question: 'Extrapolating from what the Torah has told me explicitly to do and not to do in this realm of life, what would the Torah's view be in this circumstance with regard to this particular act?' The Torah provides us with detailed instructions for each area in life. It's up to us to 'connect the dots' and fill in the blanks between the mitsvot. Once the Torah prohibits wine to the *kohanim* entering the *Bet ha-Mikdash* or mentions that one of the traits of the *ben sorer u-moreh* is that he has acquired an irresistible preference for alcohol, it's reasonable to deduce that the Torah strongly discourages overindulgence in wine, even outside the context of the *mikdash* and *kohanim* or young impressionable

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[3] J. David Bleich, "May a Sabbath-Desecrator Drink Wine?" *Tradition* 44, no. 1 (2011): 70.

[4] Chapter 3 includes a discussion of the issues surrounding kosher wine and the perceived racism/xenophobia of the strictures of wine *kashrut*. See page 81.

> men. Similar cases can be made for extrapolating from the sexual and food-consumption realms.[5]

Schreiber is drawing a connection between food, wine, and sex, three things in which humans have a tendency to overindulge, three things that the Torah implicitly limits (in Schreiber's eyes) specifically[6] because of this tendency. Schreiber does not, like Bleich, suggest that too much wine leads to sexual indulgence. But following his "connect the dots" logic, one could make the conclusion that indulgence begets indulgence, and whether it is sex to food, food to wine, or wine to sex, the risk is there.

Sexual inhibitions are not the only inhibitions that indulging in wine can lower. Another risk of indulging in wine that the tradition addresses is loosening of the tongue, saying or sharing thoughts or words that are meant to remain secret or personal. This may be particularly true when drinking is done as part of the conviviality of a communal celebration. As noted above,[7] when members of a community come together and share a barrel of wine, they express a level of trust in one another that may not be achievable without the lubricating help of alcohol. At the same time, that increased level of trust exposes an increased risk of betrayal of that trust. As Carey Ellen Walsh noted in her study of drinking in biblical families, "With heavy drinking comes a heightened trust as well as a consequent increased risk of betrayal. The potential danger came in the form of trickery or betrayal in the relaxed atmosphere and feelings of goodwill that drinking engendered. The biblical banquet scenes portray both the payoff and risk of drinking to excess."[8] What Walsh does not make explicit is whether the risk to the person drinking comes from him or her performing the trickery of betrayal (which would be in keeping with the notion that drinking leads to sin, death, and other harmful actions), from others around who are

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[5] Schreiber, 51. Spelling and transliteration reflect Schreiber's text.
[6] A specific, implicit prohibition seems counter-intuitive, but I believe this is exactly what Schreiber is suggesting.
[7] See Chapter 1, page 14, "Social Bonding."
[8] Walsh, 17.

drinking, and one not being able to defend one's self from trickery or betrayal, or both. It seems reasonable to suggest that both are significant risks to an individual. The tradition might look more negatively upon the person who betrays or tricks as a result of his or her indulgence, but following Schreiber's reading of Nachmanides, that when faced with a question not directly addressed by a mitzvah one should wonder what the Torah might want, one could conclude that subjecting one's self to the risk of being deceived, tricked, or betrayed as a partial result of one's inebriation is a situation that the Torah teaches to avoid.

There are passages in the Zohar that concur with the notion that indulging in wine can lead to the sharing of secrets and other acts of betrayal. The author of the Zohar sees the loss of self-control that results from drunkenness as an impediment to true mystical insight, the searching for and maintaining of the *sod*. Referring to a line from Eruvin 65a, נכנס יין יצא סוד, "When wine enters, secrets leave," the Zohar suggests that the esoteric secrets of mystical insight are incompatible with the intoxicating power of alcohol.[9] While the Zohar[10] is referring explicitly to the esoteric secrets of authentic mystical ecstasy, it is simply an application of the observation that Walsh made: the intoxicating power of wine can cause those thoughts, ideas, or words that are meant to remain secret to come to the surface. Whether they are the quietly held secrets of a family and its household—tales of illegitimate children or business ventures gone awry—or the timeless *sodot* of mystical truth, wine indulgence might bring them to the surface.

Nor are secrets the only thing that indulging in wine might bring out. Long-held emotions, usually those that have been festering in an attempt to maintain *shalom bayit*, peace and camaraderie in the home, might rise to the surface as a result of drinking. As Walsh notes,

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[9] Novak, 225.

[10] It is important to note in reference to this and the earlier Zohar reference (see note 2) the milieu in which the Zohar was written. A product of Muslim-ruled Medieval Spain, a Jewish community that reflected a multitude of cultural influences from its Muslim neighbors, one must wonder whether Islam's temperance had an influence on the Zohar's author and these statements suggesting the harmful effects of alcohol.

> Festive drinking brought emotions and tensions to the surface and so entailed a risk. Within a drinking context we find that Hagar and Ishmael were expelled, Amnon was killed, Jacob got the wrong wife, and Samson lost his as soon as he had acquired her. These twists could happen at banquets precisely because of the safety and goodwill that drinking engendered.[11]

In none of these cases did the actors enter the scene intending to cause the resultant pain. They thought they were going into safe spaces to enjoy the company and love of their friends and family. Yet, through the relaxing power of wine, they and those around them brought out feelings, thoughts, and emotions that had been laying dormant for some time, and chose those moments to wreak havoc on their family systems (or perhaps simply couldn't prevent themselves from doing so). One must wonder whether these tragic biblical stories might have ended quite differently without the effects that alcohol caused. These stories, along with others, serve as the source material for the rabbis of the Talmud. Reading them the way that Walsh does, it becomes clear why the rabbis urged caution around the drinking of wine and other alcoholic drinks.

While it used for ritual purposes, the rabbis warn against indulging in wine. They cite death, punishment in the world to come, sexual and other indiscretions, the breakdown of familial and communal trust, and the inability to keep or seek important secret or esoteric knowledge as some of the ill effects that might come from indulging in wine. As troubling as these effects may be, they are only the beginning of the list of reasons why the tradition warns against drinking to excess.

Wine as a Source of Grief

Indulging in wine can have serious effects on those who drink it, prompting problematic actions and ramifications in this world and the world to come. But those tangible results are not the only effects that wine can have. Several instances in the Talmud detail an emotional effect

[11] Walsh, 28.

that the drinking of wine can have on an individual. These emotional effects are often coupled with actions like those noted above that the drinker later regrets. But, the rabbis of the Talmud are clear that the drinkers experience a level and type of grief that they would not have had had they not drunk the wine, and that this grief should be considered a separate, albeit additional, negative effect of drinking.

Returning to Sanhedrin 70a, Rav Amram chooses another verse from Proverbs to investigate, and like those noted above, it explains the pain that wine can cause:

> **אמר רב עמרם בריה דר''ש בר אבא אמר ר' חנינא מאי דכתיב [משלי כג, כ] למי אוי למי אבוי למי מדנים למי שיח למי פצעים חנם למי חכלילות עינים [וגו'] למאחרים על היין לבאים לחקור ממסך כי אתא רב דימי אמר אמרי במערבא האי קרא מאן דדריש ליה מרישיה לסיפיה מדריש ומסיפיה לרישיה מדריש**
>
> Rav Amram the son of Rav Shimon bar Abba said in the name of R. Chanina: What is the meaning of (Prov. 23:29-30) "Who cries woe? Who cries alas? Who had quarrels? Who has pain? Who has meaningless wounds? Who has red eyes? [Etc.] Those who linger after wine, who ask after mixed wine[12]." When Rav Dimi came he said, "They in the west say, "when it comes to this verse, whoever expounds it from beginning to end, or from end to beginning, has done so correctly."

The two verses in Proverbs demonstrate that there is a connection between woe, quarrels, and pain and the drinking (or at least seeking) of wine. But Rav Dimi's explanation expands the implication, by showing that the pain and woe not only flow from the wine to those who drink it, but that those who are woeful are prompted to drink wine by their misery. His comment, **מאן דדריש ליה מרישיה לסיפיה מדריש ומסיפיה לרישיה מדריש**, implies that the text can be read it two ways, from beginning to end or end to beginning. The first reading, from beginning to end, is the simple reading: "Who has woe, et al.? Those who seek wine." But reading it from end to beginning, Rav Dimi adds another layer to the significance. "Who are those who seek after wine? Those who are full of woe." These two readings reflect comments that are seen above, like those

[12] Translations of the phrase **לבאים לחקור ממסך** vary, but in each the implications is that this wine is mixed and therefore of high quality and sought after.

of Eliyahu in Brachot 29b, who suggested that drinking leads to sin, and of Rav Chanan, who earlier in the *sugia* suggested that wine is reserved for those who already are woeful or wicked.

Rav Dimi's explanation that the nature of the relationship between wine and grief or woe flows in both directions underscores the underlying connection that other rabbis in the Talmud explain citing biblical examples of how wine leads to, stems from, and is wholly wrapped up in woeful or grief-filled experiences. The two stories to which they return most often are the stories of Adam and Noah, each of whom finds himself grieved by his encounters with wine. The first story appears, somewhat unexpectedly, in a discussion about the blessings for various fruits (unexpectedly because that discussion includes the blessing for fruits of the vine, the blessing to be said before partaking of wine). The text begins with a question of whether one can say the blessing for "fruits of the trees" over fruits that are from the ground:

> **על פירות הארץ וכו': פשיטא א"ר נחמן בר יצחק לא נצרכה אלא לר' יהודה דאמר חטה מין אילן היא דתניא אילן שאכל ממנו אדם הראשון רבי מאיר אומר גפן היה שאין לך דבר שמביא יללה על האדם אלא יין שנאמר [בראשית ט, כא] וישת מן היין וישכר**
>
> What about "the fruits of the trees?" It's obvious [that the blessing for fruit of trees is inappropriate...why would the Mishnah even ask?][13] Rav Nachman bar Yitzhak said it is needed only in reference to what Rav Yehuda said, that wheat is a type of tree. For it was taught in a *baraita*: The tree from which Adam the first man ate. Rabbi Meir says it was a grapevine, for there is nothing that brings as much wailing to man as wine, as it says (Gen. 3:7) "And [Noah] drank from the wine and became drunk."[14]

It may be completely immaterial to the question that the *Gemara* raises, but Rabbi Meir's *baraita* places quite a heavy burden on the grapevine and its fruit. He implies that the forbidden fruit that Adam and Eve ate was not the apple (as it commonly thought), nor the fig (as Rashi teaches in his commentary), but the grape, because the grape and its wine **מביא יללה על האדם**, bring great wailing to humanity. Rashi extrapolates this accusation, reaffirming Rabbi Meir's assertion and

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[13] This *mishnah* asserts that saying the blessing for fruits of the ground over fruits of trees fulfills the obligation, since all tree-fruit comes indirectly from the ground, but that saying the blessing for fruits of trees over fruits from the ground does not fulfill the obligation.

[14] Brachot 40a.

continuing, וזה הביא מיתה, and it, the wailing, brings death. This *baraita* is also mentioned in Sanhedrin 70a-b, but Rashi's commentary there offers an additional insight into its teaching. Responding to a different iteration of the *baraita* on 70b, שאין לך דבר שמביא יללה לאדם אלא יין, "There is nothing that brings woe except for wine," Rashi says that is because of this action, the drinking of the wine, that the punishment of death and crying come into the world.[15] Underlying Rabbi Meir's assertion is not only the story of Adam and Eve, who certainly experience much woe and wailing after they partake of the forbidden fruit, but also the story of Noah drinking too much, exposing himself, and bringing embarrassment upon himself and his family.

Noah's story is particularly interesting, because as Rav Hisda notes, he had the knowledge of Adam and Eve's action, and should have taken warning from their experience with wine, and yet he still made a similar mistake.

> ויחל נח איש האדמה ויטע כרם אמר רב חסדא אמר רב עוקבא ואמרי לה מר עוקבא א"ר זכאי א"ל הקב"ה לנח נח לא היה לך ללמד מאדם הראשון שלא גרם לו אלא יין
>
> "Noah, a man of the land, debased himself and planted a vineyard." Rav Hisda, in the name of Rav Ukva, and some say Mar Ukva in the name of R. Zakkai, said, "The Holy One of Blessing said to Noah, 'Noah, didn't you learn it from Adam the first one, whose downfall was caused by wine?"

One may wonder what the connection between Adam and Noah is, other than the fact that they are early humans and each was punished in some way for their wine indulgence. Rashi's comment on the curious phrase איש האדמה makes a brilliant connection. While Noah is described as a man of the land, one who works the land, understands farming and cultivation, one who can plant a vineyard, Rashi says that Adam too was an איש האדמה, because he was created from the land. This linguistic connection suggests that the wisdom or learning that Adam had should have been transferred to his descendant who shares this epithet. But alas it

[15] Rashi's comment, the first דיבור המתחיל of the *ammud*, is הלכך מסתברא דעל ידו נקנסה מיתה ובכיה לעולם

was not, and the result of Noah's drinking was his embarrassing himself, degrading his family, and cursing the people of Canaan. The depth of the sorrow and woe that his story illustrates prompted Uvar the Galilean to make an astonishing observation about the story: in Genesis 9:20ff, the telling of Noah's drunkenness, the letter ו appears thirteen times. As Rashi points out, those thirteen times are thirteen uses of **ויו**, a *vav hahipuch*, a common grammatical function to indicate the perfect tense. But, as Rashi explains, **ויו** by itself means "woe," suggesting that thirteen times in the story of Noah the word "woe" is read, as a reminder of the depth of woe and sorrow that drinking can cause.

Word Play

That is not the only word play that the rabbis use to describe how wine can negatively affect those who partake of it. They note two biblical verses, one from Proverbs and one from Psalms, that discuss the virtue of wine. Proverbs 3:10 reads:

וְיִמָּלְאוּ אֲסָמֶיךָ שָׂבָע, וְתִירוֹשׁ יְקָבֶיךָ יִפְרֹצוּ

Your barns will be filled with grain, the wine of your vats will burst forth.

And Psalms 104:15:

וְיַיִן יְשַׂמַּח לְבַב אֱנוֹשׁ לְהַצְהִיל פָּנִים מִשָּׁמֶן וְלֶחֶם לְבַב אֱנוֹשׁ יִסְעָד

Wine that gladdens the heart of men, oil that makes the face shine, and bread that sustains man's heart.

The rabbis play on the words **תירוש**, a common biblical Hebrew word for wine or grape juice and the word **ישמח**, which in the context of Psalm 104 clearly means to gladden. The word play they employ does not question the meaning of either of these verses; rather, it sees these citations as an opportunity to express their own ambivalence towards wine, making use of alternative pronunciations of these words. The pronunciations they use are not in keeping with the Masoretic text,[16] nonetheless they are typical of the rabbinic approach to biblical verse.

[16] This is not an instance of **כתיב/קרי** difference, but of the rabbis imposing an alternate pronunciation to make this argument.

Reading Proverbs 3, the *Gemara* in Yoma 76b wonders about תירוש:

> **ותירוש חמרא הוא והתניא הנודר מן התירוש אסור בכל מיני מתיקה ומותר ביין ולאו חמרא הוא והכתיב [זכריה ט, יז] ותירוש ינובב בתולות דבר הבא מן התירוש ינובב בתולות והכתיב [משלי ג, י] ותירוש יקביך יפרוצו דבר הבא מן התירוש יקביך יפרוצו והא כתיב [הושע ד, יא] זנות ויין ותירוש יקח לב אלא דכולי עלמא תירוש חמרא הוא ובנדרים הלך אחר לשון בני אדם ואמאי קרי ליה יין ואמאי קרי ליה תירוש יין שמביא יללה לעולם תירוש שכל המתגרה בו נעשה רש רב כהנא רמי כתיב תירש וקרינן תירוש זכה נעשה ראש לא זכה נעשה רש (והיינו דרבא דרבא) רמי כתיב ישמח וקרינן ישמח זכה משמחו לא זכה משממו והיינו דאמר רבא חמרא וריחני פקחין**
>
> But is *tirosh* really wine? It was taught in a *baraita*: One who vows from *tirosh* is forbidden from any type of sweet fruit, but is permitted to have wine.[17] *Tirosh* isn't wine?! But, it is written [Zechariah 9:17], "And *tirosh* will bring forth virgins."[18] That which comes from *tirosh* will bring forth the virgins. But it is written [Proverbs 3:10], "and the *tirosh* of your vats will burst forth."[19] And it is written [Hosea 4:11], "Promiscuity and wine and *tirosh* capture the heart."[20] Rather, all [agree] *tirosh* is wine, but for the vows, follow the language of the common people.[21] Why does Torah call it *yayin* and also call it *tirosh*?[22] *Yayin*, because it brings things wailing[23] into the world. *Tirosh*, because whoever indulges in it will become poor.[24] Rav Kahana points out a contradiction: It is written "*tirash*" but said "*tirosh*." One who is meritorious[25] will become a *rosh*[26], and one who is not meritorious will become *rash*.[27]

This *sugia* has both a descriptive and a prescriptive treatment of wine and drinking. In the first part it wonders about what wine is and is not, and its relationship to the grapes that make wine, whether and when they should be treated the same or differently. But by the end of the text, the rabbis are clearly expressing concern about the effects wine can

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[17] So, *tirosh* means sweet fruit, and not wine.

[18] Rashi elucidates on "*Tirosh* will bring forth virgins": זה יין טוב שהוא משכר את האדם לגלות סתרי לבו האטומים כבתולה – This is good wine that makes a man drunk enough to bring out the sealed secrets of his heart, like a virgin.

[19] The image of something bursting from vats must be a liquid, so in this case, *tirosh* must mean wine and not grapes.

[20] יקח לב, to capture the heart, is a euphemism for intoxicate. Since sweet fruits do not intoxicate, this is another proof-text that *tirosh* means wine.

[21] As Rashi explains, while the Torah might refer to wine as *tirosh*, by the time of the rabbis of the Talmud, יין was the word for wine. Thus, a vow on *tirosh* made by someone during or after the Talmudic period would not refer to wine, and wine would be allowed for them.

[22] An apt question, in light of the previous issue of the language of the common people.

[23] Rashi notes the "ay" sound of יין, which sounds like someone wailing. This of course also alludes to the baraita of Rabbi Meir in Sanhedrin 70a-b and Brachot 40a.

[24] Rav Kahana's following statement will explain. See also Rashi's explanation of כוס and כיס below.

[25] Rashi explains that meritorious means drinking wisely, according to one's virtues.

[26] The head of something, a leader, successful

[27] Poor

have. The reading of Zechariah 9, and in particular Rashi's explanation, echoes the teachings from the Zohar and the early biblical stories: wine can bring forth secrets that are not meant for sharing. The description of *yayin* causing wailing is a reiteration of the teaching of Rabbi Meir and the stories of Adam and Noah. But the word play of Rav Kahana is truly genius. He notes that manuscript and pronunciation differences, the presence or absence of the ו in תירוש, can change the word from *tirash* to *tirosh*. He finds a suitable meaning for each, being a "head" or being "poor," and explains a meaningful difference, so that *both* meanings become the correct way to read the text.

The same teaching of Rav Kahana is also mentioned in Sanhedrin 70a, but with an additional insight added by Rashi. Wondering what Rav Kahana means by זכה, meritorious, Rashi suggest that the one who is meritorious is careful in his drinking, so that his drinking will gladden him and brighten his heart. Rashi's understanding of the *rash*, the poor person who drinks too much, is not explained in reference to either talmudic text, but rather in his comment to the previously mentioned verse, Proverbs, 23:31. Unlike Rava and Rav Yitzhak, however, Rashi reads and interprets the latter part of verse:

> אַל תֵּרֶא יַיִן כִּי יִתְאַדָּם כִּי יִתֵּן בכיס [בַּכּוֹס] עֵינוֹ יִתְהַלֵּךְ בְּמֵישָׁרִים
> Do not look after wine as it reddens, sparkling in the cup, and going down smoothly.[28]

The קרי/כתיב difference in this verse is the source of Rashi's interpretation. Following a teaching in Leviticus Rabbah[29], he reads both כיס, a pocket, and כוס, a glass into the verse. According to his reading, when someone focuses their gaze on their כוס, wanting more and more wine, the person who is serving him will be focusing on his כיס, slowly taking all of his money. The text in Leviticus Rabbah goes even further, connecting מישרים, the ease with which the wine might be

[28] This verse is enigmatic to say the least. Translations vary widely.
[29] Leviticus Rabbah 12:1

swallowed, with משור, a plain, bare house—all that is left for the one who has drunk him or herself into poverty.

In both Yoma 76a and Sanhedrin 70a, Rava adds a second word play, this one on Psalm 104:15:

> **[היינו דרבא דרבא] רמי כתיב ישמח וקרינן ישמח זכה משמחו לא זכה משממו והיינודאמר רבא חמרא וריחני פקחין**[30]
>
> Rava posed a contradiction: It is written [Psalms 104:15] "*yeshamach*", but we read it "*yesamach.*" One who is meritorious *yesamach,*[31] and one who is not meritorious *yeshamam.*[32] And this is what Rava said: wine and scents have made me wise.

Again, the message is clear: those who drink their wine carefully, or meritoriously, will be rewarded, and those who do so carelessly will be punished. As a result, the true judgment as to whether the drinking of wine will be beneficial is not whether the wine is good, how much is consumed, or what is done about it, but the personality of the drinker, and whether he or she does so meritoriously.[33] But more importantly, just like the *tirosh/tirash* word play, the rabbis take a seemingly straightforward biblical verse (in the case of the Psalms text, a verse that clearly suggests drinking wine has some merit) and find a way to read the cautionary tale of those who drink too much into the text.

Wine and its Effect on *Mitzvot*

The previous discussions have focused on normative concerns that arise out of indulging in alcohol, negative repercussions, both in this world and the next, as well as overall judgments of those who drink too much. Most of the rhetoric surrounding these repercussions assumes that those who are drinking are drinking either for worrisome reasons, such as they are woeful or

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[30] Yoma 76b

[31] Will be made happy

[32] Here, the word play is not as tight as *tirosh/tirash*. Rava is conflating שׁמם, meaning "destroy," which begins with a *shin* followed by a *mem*, and שׂמח, a creative reading with that second root is also read with a *shin*. ישׂמח, the word both in the verse from Psalms and in the first part of Rava's statement, is read with a *sin*.

[33] Novak, 225.

wicked people, or they are drinking too much, allowing the effects of the alcohol to have too strong an influence on their behavior, or some combination of the two. But the tradition also recognizes that there are risks with even moderate drinking, effects on the experience in this world that may be influenced by being under the influence. In the mind of the ancient rabbis, the preeminent realm in which these effects are of concern is in the performance of *mitzvot*. The rabbis demonstrate great concern about how drunkenness might affect one's ability to perform *mitzvot* properly, if at all, and what *mitzvot* are more greatly affected (or the performance of them more impinged) by the presence or influence of alcohol. The rabbis see a range of concerns, from the effect that alcohol can have on a general religious outlook to individual *mitzvot* that are explicitly forbidden while under the influence.

In some cultures and religious traditions, euphoria is considered a goal of spiritual practices. This euphoria could be achieved through fasting and other types of abstention, intoxication through alcohol or other substances, or other intentional practices. But within the Jewish tradition, intoxication is not considered an exalted human state, nor is the euphoria that often accompanies it equated with religious bliss.[34] Even if that intoxication is part of or the result of a religious celebration, it is not in keeping with the values of the tradition. By crossing the line from partaking of wine as part of a ritual celebration to indulging in wine and becoming intoxicated, the celebrant is removed "from the religious significance of the occasion, [which] often results in behavior inimical to the Jewish moral code of conduct."[35] But it is not only the risk of immoral conduct that militates against indulging in alcohol; it is the risk of abandoning societal norms and the Jewish worldview of living in relation to God and God's fellow creations:

> The abandonment of societal norms in drunkenness…is antithetical to all that the Jewish tradition stands for…The Rabbis have taken this antisocial and antinomian urge to escape reality, and they have permitted an outlet for it in

[34] Novak, 225.
[35] Adler, 6.

> Purim. But they have also so limited and confined the revelry, that it does not transgress basic Jewish morality and law…To be human, to be made in God's image, means to recognize the existence of good and evil in the world, to differentiate between them, and willfully to choose the moral path.[36]

While Adler is speaking about drinking on Purim in general, is it worth noting that he recognizes Purim as the occasion during which indulging would be most appropriate, yet still warns against its effects. Not because of what might come of the drinking, either in this world or the next, but because indulgence and intoxication can disorient to such a degree that the drinker cannot continue to fulfill his obligation to "recognize the existence of good and evil, differentiate between them, and willfully choose the moral path." For Adler, it is the inability to choose the right path, and as others have argued, that path includes fulfilling the *mitzvot* of the Torah.

This is not to say that the drinking of wine or other alcoholic drinks has no place in the celebration of Judaism, it certainly does. "Participation in an authentic Jewish communal event, a true *haburat mitzvah*…can elevate even a group of drunkards from a drunken orgy to a community pleasing to God."[37] In other words, people who were otherwise drunk, or who had otherwise forgotten the responsibilities to which Adler alludes, can still engage in communal celebrations and the performance of *mitzvot*. Their opportunity is not lost. At the same time, however, it must be made clear that engaging in a *haburat mitzvah* while drunk does not fulfill the purposes or the goals of that event, as the drunkenness may interfere with the engagement with Torah, God, and the community. As Novak continues:

> Such an occasion must preclude drunkenness because it is characterized by Torahitic discourse which requires one's full attention. In theological terms it means that the body, that complex organ of sense and sensuousness, participates in a spiritual reality and is, therefore, limited, transformed and, indeed, intensified by it. Why, then, is the juvenile delinquent's[38] drunkenness so feared? Because of

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[36] Adler, 15.

[37] Novak, 228.

[38] See the discussion about the בן סורר ומורה below, page 54.

> its ultimate consequences, which are seen as being violently estranged from both God and man.[39]

In coming together as members of the Jewish community for the purpose of fulfilling a communal obligation (or celebrating the fulfillment of an obligation by a member of the community), engaging in Torah is an essential component. To do so requires a soundness of mind and body and an awareness of what one is doing, why one is doing it, and one's relationship with his or her community members and God. Raising a glass in celebration can achieve this, but being under the influence detracts from it.

The presence of words of Torah, be they recited or studied, is often an essential component of a *haburat mitzvah* or other communal celebration. As Maimonides declares, engaging in words of Torah while under the influence is forbidden:

> **וכשם שאסור לכהן להכנס למקדש מפני השכרות כך אסור לכל אדם בין כהן בין ישראל להורות כשהוא שתוי אפילו אכל תמרים או שתה חלב ונשתבשה דעתו מעט אל יורה שנאמר ולהורות את בני ישראל ואם הורה בדבר שהוא מפורש בתורה עד שידעוהו הצדוקים מותר כגון שהורה שהשרץ טמא והצפרדע טהור והדם אסור וכיוצא בזה**
>
> Just as it is forbidden for a priest to enter the Temple while intoxicated, it is also forbidden for any person, whether *kohen* or *yisrael*, to teach[40] while he is intoxicated. Even if he ate dates or drank milk and his mind became a little confused, he should not teach, as it is said [Leviticus 10:11], "And to teach the children of Israel." If he taught something that is stated in the Torah to the extent that it was known to the Sadducees, he is permitted. For example, if he taught that the *sheretz* is impure but the frog is pure; that blood is forbidden or other similar things.[41]

At a *haburat mitzvah* or other communal event, it is possible to assume that the words of Torah being taught or discussed are generally widely known (evidenced by the backhanded comment that even the Sadducees would have known), and thus a certain degree of indulgence might be allowed. This may be particularly true for the participants, those who are witnessing the event

[39] Novak, 228.
[40] Teach Torah, or render a ruling
[41] *Mishneh Torah*, *Hilchot Biat HaMikdash* 1:3

and joining in the celebration. But for the rabbi, chazzan, or other *shaliach tzibbur* who is leading the event, there is much less room for the effects of wine.

> On a more mundane level, intoxication is considered to be incompatible with the role of a teacher of Torah[42]...not only does it apply to the ritual roles of priest at the altar, but also to their role as religious authorities and teachers in the larger social setting, "to instruct authoritatively the people of Israel in all of the laws which the Lord your God has spoken through Moses."[43]

This reading of Leviticus expands the prohibition against priestly intoxication from the Temple to the role in the community at large. As the religious authority within the community, responsible both for teaching Torah and for ensuring that those in the community follow those teachings, the priests are always "on call." Novak's suggestion is that this limitation upon priests applies to today's religious leaders as well. As teachers of Torah, rabbis, *chazzanim*, synagogue and communal educators, and one could argue any member of a community who either regularly or is actively teaching Torah should be subject to this limitation.

Teaching Torah is not the only Jewish practice that is limited by the presence of alcohol. The ability to pray with proper intention is affected by wine. While some sources simply condemn the practice, Brachot 31b draws a particularly interesting comparison:

> **אל תתן את אמתך לפני בת בליעל אמר רבי אלעזר מכאן לשכור שמתפלל כאלו עובד ע"ז.**
> Count not thy handmaid for a wicked woman; Rabbi Elazar said from this that a person who says the *Tefillah* when drunk is like one who serves idols.

There may not be a worse accusation in the rabbinic tradition than that one serves idols. While this may seem like a simple accusation made to dissuade anyone from saying the *Tefillah* while intoxicated, it reflects the concern that the rabbis and the tradition has against misspeaking while in deep prayer. The *Shulkhan Aruch* notes that one should be sure not to repeat words in *Shema*,

[42] Following Leviticus 10:9-11, the source-text for Maimonides' ruling above.
[43] Novak, 226.

lest one give the impression that there are multiple gods.[44] If one is reciting this and other prayers while intoxicated, it certainly is possible that he or she might have a slip of the tongue and accidentally repeat or omit a word or phrase. As the rabbis are concerned that this might appear to be the worship of idols or other gods, it is not surprising that they would equate one who prays while intoxicated with such behavior.

The prohibition against praying while intoxicated is upheld elsewhere, including in Eruvin 64a, the rabbis make it clear that anyone who has drunk "a quarter of a log[45] of wine" must not give legal decisions,[46] nor should they pray. But Rabbah, son of Rav Huna, who offers the opinion in Eruvin, is much more detailed, and in some cases more lenient than Rabbi Elazar:

> **אמר רבה בר רב הונא שתוי אל יתפלל ואם התפלל תפלתו תפלה שיכור אל יתפלל ואם התפלל תפלתו תועבה היכי דמי שתוי והיכי דמי שיכור כי הא . דרבי אבא בר שומני ורב מנשיא בר ירמיה מגיפתי הוו קא מפטרי מהדדי אמעברא דנהר יופטי אמרו כל חד מינן לימא מילתא דלא שמיע לחבריה. דאמר מרי בר רב הונא לא יפטר אדם מחבירו אלא מתוך דבר הלכה שמתוך כך זוכרו פתח חד ואמר היכי דמי שתוי והיכי דמי שיכור שתוי כל שיכול לדבר לפני המלך שיכור כל שאינו יכול לדבר לפני המלך.**
>
> Rabbah son of Rav Huna said: One who is under the influence of drink must not pray, but if he did pray his prayer is regarded as a proper one. An intoxicated man must not pray, and if he did pray his prayer is an abomination. How are we to understand the expression of "One who is under the influence of drink", and how that of "an intoxicated man?" As follows: When Rabbi Abba son of Shumani and Rav Menashya son Yermiah of Gifti were taking leave from each other at the ford of the river Yofati they suggested, "Let each one of us say something that the other has never heard before." Mari son of Rav Huna had said that the best form of taking leave of a friend is to tell him a point of the *halakhah*, because he would remember him for it. "What is to be understood", one of them began, "by 'one who is under the influence of drink' and what by 'an intoxicated man?' The former is one who is able to speak in the presence of a king, the latter is one who is unable to speak in the presence of a king."

In this text, Rabbah tells a tale that highlights the concern about proper articulation in prayer. The story notes that there are different degrees to which one can be affected by alcohol, and

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[44] Shulkhan Aruch OH 61

[45] The volume equivalent of about three eggs. Adin Steinsaltz, *The Talmud: The Steinsaltz Edition- A Reference Guide* (Eugene, Oregon: Wipf & Stock, 2006), 287.

[46] The same verb, **יורה**, is used here as well as in the text *Hilchot Biat HaMikdash* above. Interestingly Rav Nachman offers his own experience as contradiction to this text. He states that until he drinks a quarter of a log of wine, his mind is not yet clear.

notes that speech gets progressively worse with intoxication. While neither the person under the influence nor one who is fully intoxicated should pray, since the former can speak to a king (a common metaphor for God, in part because the similar emotional effect that the rabbis believe standing before a king or God would have), the presumption is that his or prayer would be properly articulated, and thus acceptable.

There may be an exception, however, to the rule against praying while under the influence or intoxicated. At the end of a meal, when glasses of wine or other strong drink may have been downed, it is still incumbent upon those participating to say *birkat hamazon*, grace after meals. If it is forbidden to say *birkat hamazon* is while under the influence, that would greatly affect many Jews' Shabbat, festival, and *simcha* celebrations.

> There is an opinion, however, that grace after meals and other blessings may be said when one is drunk (TP Terumot 1:6). Nevertheless, a haburat mitzvah (i.e., an occasion governed by the rules of the ancient Pharasaic fellowship (see En. Talmudit 12:509) requires a level of attention (kavvanah) enabling the participant to comprehend the words of Torah said at it. Drunkenness, or any riotousness, would surely destroy the atmosphere which makes this possible (see M Demai 2:3 and M Avot 3:13, Tos. Demai 2:13) Such a level of attention is as high if not higher than, that required for prayer, from which drunkenness is precluded (see TB Eruvin 64a and Brachot 31a/bot.).[47]

Depending on the context in which *birkat hamazon* is recited, it may be possible for one do so while under the influence. While this is in keeping with Rabbah's teaching in Eruvin, which allows for the admissibility of prayers said by those who are under the influence, this explicit permission for those who are drunk to say *birkat hamazon* is certainly a lenient exception.

While the texts from Brachot and Eruvin seem to focus at least in part on the ability of the person who has been drinking to properly articulate prayer, there is a second, perhaps more important concern when it comes to praying while intoxicated: *kavanah*, intentionality. Jewish prayer is more than just a recitation of words; it requires that the one who prays has considered

[47] Note 39 on Novak, 228. Spelling and transliteration reflect Novak's text.

the words that are crossing his or her lips and says them with a full heart and intention. If one's mind is not at full capacity as the result of intoxication, one cannot have the necessary intentionality to contemplate the prayers properly. As Novak argues, "In a Jewish perspective we must see why the state of drunkenness is antithetical to the state of human existence that the mitzvot intend [i.e., kavanah]. Since this state of human existence is one lived in the community of observing Jews (knesset Yisrael), we must understand why the authentic constitution of this community precludes drunkenness."[48] Drunkenness is an impediment to *kavanah*, and *kavanah* is essential to prayer. Thus, drunkenness and prayer cannot coexist.

Novak's summary explains quite concisely why drunkenness and the *mitzvot* do not mix. Prayer is but one example of *mitzvot* that require a clear mind and an intentful heart to properly fulfill it. Drunkenness can impinge on both one's performance of the *mitzvot*, by affecting speech or other behaviors, and on one's *kavanah*, but affect one's state of mind and awareness. With few exceptions, *birkat hamazon* a notable one, one cannot properly perform a mitzvah while under the influence.

The Case of the בן סורר ומורה

The eighth chapter of Sanhedrin discusses the בן סורר ומורה, the stubborn and rebellious son. The case is based on four verses in Deuteronomy:

> יח כִּי יִהְיֶה לְאִישׁ בֵּן סוֹרֵר וּמוֹרֶה אֵינֶנּוּ שֹׁמֵעַ בְּקוֹל אָבִיו וּבְקוֹל אִמּוֹ וְיִסְּרוּ אֹתוֹ וְלֹא יִשְׁמַע אֲלֵיהֶם.
> יט וְתָפְשׂוּ בוֹ אָבִיו וְאִמּוֹ וְהוֹצִיאוּ אֹתוֹ אֶל זִקְנֵי עִירוֹ וְאֶל שַׁעַר מְקֹמוֹ.
> כ וְאָמְרוּ אֶל זִקְנֵי עִירוֹ בְּנֵנוּ זֶה סוֹרֵר וּמֹרֶה אֵינֶנּוּ שֹׁמֵעַ בְּקֹלֵנוּ זוֹלֵל וְסֹבֵא.
> כא וּרְגָמֻהוּ כָּל אַנְשֵׁי עִירוֹ בָאֲבָנִים וָמֵת וּבִעַרְתָּ הָרָע מִקִּרְבֶּךָ וְכָל יִשְׂרָאֵל יִשְׁמְעוּ וְיִרָאוּ.
>
> [18] If a man has a stubborn and rebellious son, that does not listen to the voice of his father or the voice of his mother, and even though they punish him he will not listen to them
> [19] His father and mother will take hold of him and bring him to the elders of the city, to the gates of his place
> [20] They will say to the elders of the city, "This is our son. He is stubborn and rebellious, and does not listen to our voices. He is a glutton and a drunkard.

[48] Novak, 227. Spelling and transliteration are Novak's.

> [21] The men of his still shall stone him with stones so that he dies. This is so that you will get rid of the evil from your midst. And all Israel will hear and fear.

Of all of the possible actions that a child might do to prompt his parent to consider him rebellious—talking back, not following direction, bringing shame onto the family by his actions—the Mishnah, following the one clause from one verse from Deuteronomy 21, focuses immediately on what it means to be סובא and זולל—a drunkard and a glutton. The Torah text suggests that becoming a rebellious child is something that happens in relation to the parents. First the son does not heed his father or mother; second, he continues not to do so after they have disciplined him. But, in advising parents on how to deal with such a child, the Torah suggests taking a different course. It says that parents need to say to the town elders in pronouncement of their child's rebelliousness that he is a drunkard and a glutton. This categorical condemnation becomes the means by which the Mishnah suggests the בן סורר ומורה is evaluated. Perhaps because the Torah offers no context to this description of drunkard and glutton—there is nothing else in the surrounding texts to suggest the connection between drunkenness, gluttony, and rebelliousness—the authors of the Mishnah choose to focus on this curiosity.

> **מתני' מאימתי חייב משיאכל תרטימר בשר וישתה חצי לוג יין האיטלקי ר' יוסי אומר מנה בשר ולוג יין אכל בחבורת מצוה אכל בעיבור החדש אכל מעשר שני בירושלים אכל נבילות וטריפות שקצים ורמשים (אכל טבל ומעשר ראשון שלא נטלה תרומתו ומעשר שני והקדש שלא נפדו) אכל דבר שהוא מצוה ודבר שהוא עבירה אכל כל מאכל ולא אכל בשר שתה כל משקה ולא שתה יין אינו נעשה בן סורר ומורה עד שיאכל בשר וישתה יין שנאמר [דברים כא, כ] זולל וסובא ואע"פ שאין ראיה לדבר זכר לדבר שנאמר [משלי כג, כ] אל תהי בסובאי יין בזוללי בשר למו**[49]
>
> Mishnah- When is he liable? When he eats a *tartemar* of meat and/or drinks a half a *log* of Italian wine. R. Yosi says: a *mina* of meat and a *log* of wine. If he ate it in a *chaburot mitzvah* [communal religious act] or for the purpose of calculating the month; if he ate the second tithe in Jerusalem; if he ate the *nevliot* or the *treifot*, abominable and creeping things, or *tevel*, or the first tithe from which the *terumah* had not been separated, or the second tithe that had not been redeemed; if he ate any commanded/sacred thing that had not been redeemed; if he ate something that doing so would be a transgression; if he ate any food but meat, or drank any

[49] Sanhedrin 70a

> drink but wine, he is not a stubborn and rebellious son, until he eats meat and drinks wine, for it is written (Deut. 21:20): "He is a glutton and a drunkard." Even though there is no proof, there is reason to suggest this, as it is written (Prov. 23:20): "Do not be among the wine-drunkards, among the gluttons for meat."

This ambiguousness leaves much for the *Gemara* to address. What is/are the connection(s) between gluttony, drunkenness, and rebelliousness? This *mishnah* suggests that Proverbs 23:20, which connects סובא with wine and זולל with meat, offers some insight. But this insight is only limited to what the סובא and זולל might indulge in. What remains is why indulgence equates with rebelliousness. The *Gemara* will seek to address this, discussing what defines gluttony and drunkenness, how one demonstrates that he or she has reached such a state, ultimately ending up with a position that it is the lack of control that drunkenness and gluttony represent that indicates rebelliousness. Through a variety of explanations of different approaches to meat and wine, different ways in which they symbolically represent the possibility for grave transgression, the rabbis offer their argument that too much and/or the wrong kind of meat and wine are not just bad for one's health, but demonstrate a lack of self-control that should raise the ire of the entire community.

Without waiting for the rabbis in the *Gemara* to begin their examination, Rashi chimes in with a question about something in the Mishnah: Italian wine. He wonders about the special properties of Italian wine that warrant its special case, and notes that it is of great quality, such that it could become addictive even after one drinks just a half a *log*, or the equivalent of the volume of three eggs. Other wines, however, are of lesser quality, therefore less addictive, and only the drinking of a full *log* would induce addiction and liability as a בן סורר ומורה. Rashi may have felt compelled to make this distinction as a result of Rav Yosi's comment that a *log* of wine is required, without specifying the nature of the wine being Italian or otherwise.

> **אמר רב חנן בר מולדה אמר רב הונא אינו חייב עד שיקח בשר בזול ויאכל יין בזול וישתה דכתיב זולל וסובא**
>
> Rav Chanan bar Moladah said in the name of Rav Huna: One is not liable until he buys meat cheaply and eats it, or wine cheaply and drinks its, since it says "a glutton and a drunkard."

This second comment in the *Gemara* further limits the type of wine that a potential **בן סורר ומורה** must partake of to be considered for punishment. Rav Chanan and Rav Huna's argument is that only cheap wine, assumedly of low quality, would qualify. They are suggesting that the boy who is a glutton or a drunkard, who has given in to his addictions, will have to scavenge for his fix. High-priced, high-quality wine would be out of financial reach for such a person. But, if he does give in to that addiction by seeking low-cost, low-quality wine, he demonstrates that his addiction has taken over, and this is a potentially rebellious son. The play on words between cheap, **זול**, and glutton, **זולל**, is not lost, as it seems these two rabbis are hoping the reader makes the adduction that cheapness and seeking goods on the cheap is a sign of gluttony. The argument is on its face convincing. In the contemporary world, cheaply made drugs like crack cocaine and crystal meth, which are highly addictive, represent this phenomenon of the addictive power of cheap mind-altering substances. However, this statement might be in conflict with the *mishnah's* first comment about Italian wine. If Italian wine is, as Rashi suggests, of fine quality, one might conclude that it would be expensive. It too is described as addictive, as a direct result of its quality and expense. Neither the other rabbis in the *Gemara* nor Rashi address this potential conflict. What is left is one warning against a certain (presumably) expensive wine and another general warning against cheap wine. Both warnings are based on those wine's addictive powers, but the question of which is more dangerous, or whether they simply both are, is left unanswered.

Rav Chanan and Rav Huna continue with a second comment:

> **ואמר רב חנן בר מולדה אמר רב הונא אינו חייב עד שיאכל בשר חי וישתה יין חי.**

> Rav Chanan bar Moladah said in the name of Rav Huna: One is not liable until he eats raw meat or undiluted wine.

Here they offer a second sign—drinking יין חי—raw, living, unprocessed or diluted wine. This too demonstrates an inability to control one's impulses. Unprocessed wine, like cheap wine, is undesirable. Drinking it not only shows poor judgment, but in the case of undiluted wine, a lack of patience to wait for wine to be truly ready for consumption. This lack of patience could certainly be considered within the category of "behaviors that demonstrate a lack of self-control," which the rabbis seek to describe as gluttony. But, this second criterion also raises a second question: with two criteria (cheap and undiluted), does the potential בן סורר ומורה need to drink wine that is both cheap and undiluted? Or, have Rav Chanan and Rav Huna set two potential pathways to becoming a בן סורר ומורה? This question, like that of the cheap or Italian wine, remains unanswered. In fact, if all three comments are considered together, one might conclude that there are three paths to rebellions: Italian wine, cheap wine, and undiluted wine.

But that does not mean Rav Chanah and Rav Huna's statement goes unaddressed. The *Gemara* cites a comment from Rava and Rav Yosef who question whether a boy drinking undiluted wine is in fact, liable for being a בן סורר ומורה.

> **איני והא רבה ורב יוסף דאמרי תרוייהו אכל בשר חי ושתה יין חי אינו נעשה בן סורר ומורה.**
> Really? But Rava and Rav Yosef both said that if a boy ate raw meat or drank undiluted wine he will not become a *ben sorer u'moreh*.

Neither the *tanna kama* or Rashi offer any explanation for this comment. The reader, however, is not left wondering how to interpret it, as Ravina chimes in with an explanation:

> **אמר רבינא יין חי מזיג ולא מזיג בשר חי בשיל ולא בשיל כבשר כיבא דאכלי גנבי.**
> Ravina said: the undiluted wine is mixed and not mixed; the raw meat is cooked and not cooked, like charred meat that thieves eat.

Ravina tries to clarify Rav Chanah and Rav Huna's statements, suggesting that the undiluted wine is both mixed and not mixed. On its face, however, it does not draw a distinction that

could explain the contradiction between the statement of Rav Chanah and Rav Huna and that of Rava and Rav Yosef. Rashi's comment to Ravina offers that distinction, as he notes the comment of Ravina was specifically in reference to the wine that Rav Huna was discussing. In Rashi's mind, Rava and Rav Yosef are referring to wine that is completely undiluted, which is not particularly tasty or attractive, and no one would drink that type of wine to indulge, while Rav Chanah and Rav Huna are referring to this partially mixed wine, which might be consumable and addictive. Thus, as Rava and Rav Yosef said, there is no risk of someone drinking undiluted wine and becoming a בן סורר ומורה. But, the partially mixed wine that Ravina says Rav Chanah and Rav Huna were discussing is tasty, is attractive, and thus, a boy drinking it would risk becoming a בן סורר ומורה.

Rava and Rav Yosef offer one more contribution to the conversation, outlining another behavior that some might thing would lead to a boy becoming a בן סורר ומורה:

> **רבה ורב יוסף דאמרי תרוייהו אכל בשר מליח ושתה יין מגיתו אין נעשה בן סורר ומורה.**
> Rava and Rav Yosef both said: a boy who ate salted meat or drank wine from its press will not become a *ben sorer u'moreh*.

Like their previous comment, this contribution by Rava and Rav Yosef does not, on its face, offer much explanation. Certainly, drinking wine directly out of the press would be an unusual behavior; when wine must be diluted or mixed properly to be considered fit for drinking, this fresh wine would most likely be closer to יין חי than to wine for proper enjoyment. Interestingly, Rava and Rav Yosef see no risk of a boy drinking יין חי becoming a בן סורר ומורה, so it seems a bit redundant to also note that drinking wine right from the press (which might too be considered יין חי) would not carry such a risk. Rashi offers some explanation, noting that wine from the press was not well regarded or sought after. But, even with that explanation, it is not clear what this second comment from Rava and Rav Yosef adds to the conversation.

What is clear, however, from these examples is the concern that the rabbis of the Mishnah and *Gemara* had with boys demonstrating a lack of self-control. Each of the types of wine discussed are both easily accessible and of somewhat suspect quality, with the exception of the Italian wine. The rabbis are suggesting that, unlike a mature adult who appreciates a finely aged and mixed bottle of wine, a rebellious boy might scavenge for cheap wine to indulge. The commentary to this *sugia* in the *Schottenstein Edition of the Talmud Bavli* suggests that this scavenging would lead to robbery, and that robbery would lead to murder, the true risk of the בן סורר ומורה. It seems plausible that that was the concern of the rabbis, who were frightened by the notion of a boy seeking wine from all sorts of unorthodox sources. In their questions, they wondered whether a given type of wine was desirable, discounting those that were not at a source of rebelliousness. In the end, with each possibility, they were guided by the notion that a boy who seeks cheap wine, wine that might have addictive power, wine that was not given the full preparation that the normal protocol mandated, has demonstrated a lack of self-control. That gluttonous approach, both to wine and meat, is enough to raise their concern of this boy becoming a בן סורר ומורה.

The Question of Drinking on Purim

> **אמר רבא מיחייב אינישׁ לבסומי בפוריא עד דלא ידע בין ארור המן לברוך מרדכי רבה ורבי זירא עבדו סעודת פורים בהדי הדדי איבסום קם רבה שחטיה לרבי זירא למחר בעי רחמי ואחייה לשנה אמר ליה ניתי מר ונעביד סעודת פורים בהדי הדדי אמר ליה לא בכל שעתא ושעתא מתרחיש ניסא**
>
> Rava said: A man is obligated to become drunk on Purim until he can no longer distinguish between "Cursed be Haman" and "Blessed be Mordechai." Rabbah and R. Zeira joined together for the Purim feast. They became drunk, and Rabbah went and cut R. Zeira's throat. The next day, Rabbah prayed [to God on his behalf] and revived [R. Zeira]. The following year [Rabbah] said to him: "Will you, [R. Zeira] come and we will have the Purim feast together? [R. Zeira] replied: "A miracle may not happen every time!"[50]

[50] Megillah 7b. Translation by Daniel Adler. Adler, 7.

The teaching is well known: on Purim, Jews are to drink until they cannot distinguish between the cursed Haman and the blessed Mordechai. That teaching is based on the first line of this *Gemara*, and most Jews who celebrate Purim regularly can paraphrase, if not recite, the line. It has led many individuals and communities to engage in extreme drinking on Purim, seemingly sanctioned by the tradition. Some have expressed concern over whether the drinking on Purim is safe, meaningful, necessary, and in keeping with the greater values of the tradition. While many can recite the line from Megillah 7b, many fewer know the story that follows, of Rabbah and Rav Zeira's homicidal adventures, and the miracle needed to save Rav Zeira's life. The placement of the instruction and the story adjacent to one another beg the question of whether the story is meant to inform the understanding of the teaching. A convincing argument has been made by Rabbi Daniel Adler, in which he not only exposed the evolution of the teaching through various sources but also offered interesting suggestions on how to read this *Gemara* in its entirety.

What seems like a simple teaching, "A man is obligated to become drunk on Purim until he can no longer distinguish between 'Cursed be Haman' and 'Blessed be Mordechai,' may not be so simple. While the version from the *Talmud Yerushalmi* has been lost to history,[51] the *Tosafot* to this *Gemara* cites a phrase that it claims to be that lost *Yerushalmi* text:

> **דלא ידע בין ארור המן לברוך מרדכי: [בירושלמי] ארורה זרש ברוכה אסתר ארורים כל הרשעים ברוכים כל היהודים.**
>
> **Until he can no longer distinguish between "Cursed be Haman" and "Blessed be Mordechai"** – [In the *Yerushalmi*] Cursed be Zeresh, Blessed be Esther, Cursed be all the wicked, Blessed be all the Jews."

This text seems to be a longer version of what one must be able to recite, or at least claim to understand, while one is enjoying the Purim celebration. It would require a much lower level of intoxication for one to forget or mix up this longer phrase. Although this text has survived in

[51] Adler, 9.

the *Tosafot*, it has not become part of the normative Jewish practice on Purim. This is a result, in part, of the decision by Joseph Caro *not* to include the longer phrase in the *Beit Yosef*. He points out that if the test of appropriate drunkenness was the inability to distinguish between "Cursed be Haman" and "Blessed be Mordechai," it would take a lot of drinking before one would have trouble with those simple statements.[52] Whether or not Caro's goal was to encourage by endorsement more drinking during Purim, that was a result of his decision. But many other rabbis struggled with the wisdom of his decision, and sought to use the story that follows as a proof-text for the requirement of a more temperate Purim celebration.

Rabbenu Ephraim was one of the first who tried to dissuade his followers from overindulging on Purim, suggesting that the instruction to drink and the story of Rabbah and Rav Zeira must be read together. *Sefer HaEshkol* cites Rabbenu Ephraim's position, going as far as saying that the position that one should get drunk on Purim is rejected as a result of Rabbah and Rav Zeira's cautionary tale.[53] Others have suggested that the word עד should be understood as "until" but not including, which would give great leeway to each reveler to choose how much to drink;[54] that, while Rava's statement is meaningful, it must be disregarded in light of the story of Rabbah and Rav Zeira;[55] and that one should not drink but say funny, nonsensical things, so that the fellow celebrants will think one cannot distinguish between Haman and Mordechai.[56] These cases all demonstrate a discomfort with the plain reading of Rava and the way in which Caro chose to interpret the teaching. As Adler summarizes, "A literal understanding of the

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[52] Beit Yosef OH 695, as cited in Adler, 9.
[53] Adler, 7.
[54] This is the position of Rabbi Netanel Weil, *Korban Netanel* to the Rosh to *Megillah*, Chapter 1, par. 8, note 10, as cited by David Glonkin, "Just How Drunk Should a Jew get on Purim?" In *Insight Israel: The View from Schechter* (Jerusalem: The Schechter Institute of Jewish Studies, 2003), 30.
[55] This is the position of the Bakh, Rabbi Joel Sirkes, as cited, Adler, 8.
[56] This is the position of Rabbi Yosef Haviva, *Nimukey Yosef* to *Megillah* 7b, ed. Blau, New York, 1960, p. 18, as cited by Glonkin.

statement is untenable, given the vast majority of commentators who could not come to terms with a requirement of drunkenness."

An interesting interpretation that has been suggested is to read both Rava's statement and the story of Rabbah and Rav Zeira in the light of the holiday of Purim, a day of farcical stories and unusual behaviors. In that light, the story is but another jest, befitting the holiday, and not meant to be taken seriously. Pulling the lens back even farther, one sees that this is one in series of odd stories in Megillah, each in keeping with the light-heartedness of the day.

> Not only is Rava's statement followed by the bizarre story of Rabbah and R. Zeira, but it is found within a series of semi-humorous accounts on the Talmud page. Indeed, it is quite possible that Rava's injunction to drink and the accompanying story meant to be taken in the light-hearted manner in which the Talmud discussion was taking place. We may be dealing with a kind of ancient Rabbinic purim-shpiel.[57]

While this instruction might calm the concerns of those who believe that too much drinking is taking place during Purim, it does not settle the issue of how much, if any, drinking is reasonable. None of these teachings engage seriously with the text from the *Tosafot*, which would have lowered the threshold for "enough" drinking so that most would be able to fulfill the teaching with just a few drinks. Some later commentaries turn the conversation away from a universal standard and recognize that each individual might be a better judge of how many is too many. *Arukh Hashulkhan* suggests that each, knowing his or her own tolerance level, should reach their own threshold,[58] and *Sha'arei Teshuvah* says that "he who is weak in his constitution or greatly behaves like a fool that he comes by this [drinking] to indecent deeds and words, should not drink too much," perhaps even abstaining completely.[59]

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[57] Adler, 13.

[58] Which might still be in keeping with Rava's teaching, since each individual will need a different amount to properly forget the difference between Haman and Mordechai.

[59] Adler, 13.

A reading of this story that is not generally referred to is that of Maimonides. In *Halakhot Megillah* 2:15, he argues that one should prepare and eat a beautiful meal, then drink until he becomes drunk and falls asleep. Isserles cites this position in the Mapa,[60] noting that if one is asleep (as a result of drinking), he can no longer distinguish between Haman and Mordechai. Thus, in this induced sleep, he has fulfilled the obligation. Interestingly, Maimonides does not make mention of the teaching from Rava at all. Yes, he sees that drinking is part of the holiday, but עד דלא ידע is not mentioned anywhere in *Hilkhot Megillah*. Some have seen this as tacit disapproval of Rava, and as Maimonides supplanting Rava's instruction with his own.[61] The overriding impulse of this, like most of Maimonides' teachings, is that of moderation. To him, requiring excessive drinking might lead to unruly behavior; moderating the drinking would moderate the behavior. It should be a day of feasting, joy, and yes, drinking (Maimonides was not a teetotaler), but in moderation.[62]

Teetotalism

The rabbis' concern for indulgence or overindulgence in wine raises the question of whether they would embrace teetotalism, total abstention from wine, as a way to ensure no one drinks too much and falls victim to one of wine's many effects. The answer to that question is generally "no," but the rabbis did address teetotalism for some and in some circumstances.

Just as Maimonides addressed the question of drinking during Purim, he also addressed drinking in general, and the concern of over indulgence. Maimonides' desire for a life of moderation, the golden mean, of neither indulgence nor abstention, would suggest that he would be against teetotalism as a practice. Yet, in certain circumstances, he supported it in service of a loftier goal:

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[60] Gloss to Shulkhan Aruch OH 695
[61] Adler, 10.
[62] Ibid.

> Nonetheless [referring to the reality that a general abstention is a bad course of action], [Maimonides] recognizes instances where one is obligated to abstain from wine. If one is unable to live the sort of life that a Jew is commanded without abstaining from wine, he must have recourse to the drastic measure of nezirut. His sin is precisely that he has reached a state where abstention from wine is his only salvation.[63]

Schlesinger's observation about Maimonides suggests that while Maimonides sees total abstention from anything as undesirable, perhaps even reaching the level of sin, it may become a necessary sin, done in the service of preventing the commission of other, more significant sins. This position certainly reflects many of the concerns about the power of wine that the rabbis of the Talmud note—wickedness and woe, sexual indiscretions, the breaking of confidence and social norms—and recognizes that for some, the only way to prevent such transgressions is total abstention. For those who can handle wine occasionally and in moderation, Maimonides' rejection of teetotalism should not be confused with an embrace of hedonism. Schlesinger continues his description of Maimonides' position by noting that "mortification[64] is rejected without expressing a corresponding appreciation of hedonism. Maimonides, for example, defines "*histappekut*" (satisfaction with moderation) as the golden mean between mortification and gluttony."[65] For those who can drink alcohol reasonably, neither complete abstention and hedonism would, in the eyes of Maimonides, be the right path. A middle position—enjoying wine appropriately, using it for ritual and celebratory purposes, and in so doing demonstrating one's ability to live a life of moderation—would fulfill Maimonides' golden mean.

Maimonides' apprehension about teetotalism, and his endorsement of it for some, reflects positions found elsewhere in the tradition. Novak notes that "Teetotalism was advised only for those who doubted their ability to 'hold their liquor' and who feared what they might do when drunk. In Judaism, alcoholism may very well be the abuse of the privilege to enjoy alcohol

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[63] Meir Schlesinger, "Moderation and the Service of God," *Tradition* 24, no. 1 (1988): 2.
[64] Total abstention
[65] Schlesinger, 3.

in moderation."[66] As a proof-text for this position, Novak cites a statement from Rabbi Yehudah HaNasi, who in both Nazir 2a and Sotah 2a wonders why these two *masechtot* were adjacent to one another in the Mishnah. His answer is that this demonstrates that anyone who sees a *sotah* in her disgrace will have to take the vow of a *nazir* to abstain from wine. Novak reads both the *sotah* and the witnessing *nazir* as victims of a lack of moderation, no longer able to enjoy the privileges that others in the community take for granted. The same too for those who indulge in alcohol—they must abstain.

Personal Responsibility

While the tradition outlines serious concerns about indulgence in wine and other spirits, it does not set clear, quantitative restrictions on how much one should, can, or ought to drink. While the qualitative suggestion of avoiding drunkenness and overindulgence is repeated throughout the tradition, in the end, the tradition leaves it up to each individual to determine what that means for him or herself. Even when the Talmud does try to set some quantitative definitions about tolerance and personal indulgence, those definitions differ from person to person.[67] The implication is not that there are no restrictions, or that the restrictions are malleable to meet whatever desires a person wishes, but that it is up to each person to responsibly respect the qualitative restrictions around drinking, and develop for him or herself his or her own quantitative definition. In other words, even the Talmud says, "Know when to say when."

Rabbi Yaakov Chaim Sofer, in his commentary on the *Shulkhan Aruch, Khaf HaHayyim*, responded to Caro's maintaining of the teaching to drink on Purim עד דלא ידע, that "Equal is he who drinks a lot and he who drinks a little as long as he directs his heart to heaven."[68] Sofer

[66] Novak, 223.
[67] Ib. at 227.
[68] Adler, 13.

establishes the principle that the amount one drinks is not important in deciding whether one has had too much, but rather the end result of that drink; if one can maintain the direction of his or her heart, then he or she has not had too much. Interestingly, however, there are cases the tradition recognizes that being drunk may not be a choice of the individual, or using Sofer's language, may not be how he or she has directed his heart:

> A distinction is made between ordinary drunkenness, where there is still some degree of awareness and self-control, and the 'drunkenness of Lot,' where all self-control and, indeed, awareness are lost." In the former state one is considered fully responsible for the civil and criminal consequences of one's acts, being prohibited only from formal prayer. In the latter state one is considered exempt from any responsibility at all. Here we see that there seems to be fundamental difference recognize between alcoholism as a disease, which overcomes all sense of freedom and responsibility, and drunkenness as a state that can too easily be rationalized and used as a cover for acts for which one is culpable. Here the rule of the Mishnah that 'one is always responsible (*mu-ad le-olam*)' surely still applies.[69]

As one drinks more and more, he or she may be violating his responsibilities or creating a situation in which he or she cannot fulfill them. But that is only true up to a point. In the case of severe drinking issues, what today might be considered alcoholism, it appears that there is a recognition that control over alcohol may simply be beyond the power of that individual.[70] But interestingly, even in this case about concern for extreme drunkenness, the situation is framed around personal responsibilities. It is as if the concern is not about the drinking or the drunkenness per se, but about the resultant changes in behavior that stem from it. Just as one must be responsible for knowing how much one can drink within reason, one must continue to hold that responsibility after the wine has been drunk.

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[69] Novak, 226

[70] See Chapter 3, page 76, "Alcoholism," for a further discussion of the effect of alcoholism as a recognized disease.

Conclusion

The rabbis are not shy about sharing their concerns about drinking wine and other alcoholic beverages. They foretell ramifications of drinking like death, punishment in the world to come, the commission of major transgressions and the inability to properly perform *mitzvot*. They use drunkenness and the search for alcohol as a major criterion for evaluating the בן סורר ומורה, the stubborn and rebellious son, and some struggle with the wanton drinking that is associated with Purim. Yet, with all of these concerns, the rabbis are not willing to enact a total ban on alcohol. The rabbis saw and experienced life in communities that did not partake of alcohol, most notably the strong Muslim societies of the Middle Ages. Their hesitancy to ban alcohol may be a result of their desire to maintain as much of the Temple ritual as possible, within the context of a world without the Temple. As wine was part of the ritual then, so should it remain part of Jewish ritual in the rabbinic world. But it appears as if there is a second reason beyond the maintaining of an allusion to an ancient ritual. The rabbis want to encourage personal responsibility, and by allowing drinking, they give Jews an opportunity to both enjoy its flavors and effects and demonstrate self-control. Despite all of the risks associated with drinking, the rabbis seem to want Jews to partake, in the right way. The overriding message is that while drinking wine and other spirits is perfectly acceptable, drinking that results in intoxication is unacceptable and should be avoided.[71]

[71] Novak, 227.

Chapter 3
Issues in Modernity: Prohibition, Alcoholism, and Wine *Kashrut*

This final chapter addresses three issues that have played significant roles in the Jewish community in the 20th and 21st Centuries: Prohibition, alcoholism, and wine *Kashrut*. In the early 20th Century, the United States adopted Prohibition, banning the sale, production, and possession of alcohol, with an exception for religious institutions that used wine for sacramental purposes. The Jewish community was forced to reckon with this new reality, and did so in interesting ways. In the latter half of the 20th Century, the field of psychiatry shifted its understanding of alcoholism, recognizing it as a bio-psychosocial disease. Somewhat later, the long-held myth of Jewish immunity to alcoholism was debunked, and the Jewish community began to reach out to alcoholics and their families with support. Finally, in a world where diversity and cultural understanding are core values, the strictures of wine *kashrut*, with an insistence on Jewish-only production and handling, have come into conflict with the universalist mentality of many liberally-minded Jews. These three issues are not particularly interrelated, but they each developed as a result of the changes brought by the 20th Century. The three sections that follow should be considered independent from one another, but as important outgrowths of the findings in the previous two chapters.

Prohibition

As the Temperance Movement of the late 19th and early 20th Centuries heated up, members of the Jewish community in America spoke out. Most voiced their opposition to Prohibition, but a few prominent voices spoke in support, each in ways that reflected their understanding of the tradition. Those Jewish leaders who were against Prohibition framed their opposition around the fact that the Jewish community had a long history of using wine for ritual purposes and did not perceive itself as having the problem with alcoholism that so many other groups experienced. As Hannah Sprecher noted in her article "'Let *Them* Drink and Forget *Our* Poverty': Orthodox Rabbis React to Prohibition":

> The very idea of entirely prohibiting alcoholic beverages in order to guarantee temperance struck Jewish leaders as unnecessary. After all, Jews had a two-thousand-year documented history of widespread use of alcoholic beverages, yet alcoholism was virtually unheard of in the Jewish community. Judaism frowned upon the notion of total self-denial: God's gifts to man were meant to be enjoyed—in moderation—and among those gifts was wine.[1]

Sprecher and Marni Davis, author of *Jews and Booze: Becoming American in the Age of Prohibition*, have written the most extensively on the subject of the American Jewish community's reaction to Temperance and Prohibition. While Davis' work is much more in-depth, the observations and conclusions they draw corroborate one another and paint a clear picture of the various responses that different sectors in the Jewish community had to Temperance and Prohibition.

Sprecher offers a straightforward synopsis of the Jewish community's response, noting that parties within the community were quite fervent in their support or admonishment of the Temperance movement. As Davis notes, citing a statement published by the Central Conference of American Rabbis in its 1914 yearbook, the CCAR was quite opposed to Prohibition. They wrote:

> Prohibition…was "born of fanaticism [and] disregard of the actual needs of life" and its success would manifest "the ambition of ecclesiastical tyrants." It was the responsibility of Jewish leaders, the rabbis insisted, to "take a stand on the question of Prohibition," and "go on record, declaring [themselves] of temperate habits…but at the same time declare that [their] conception of religious ethics does not condemn the moderate use of alcoholic beverages."[2]

While the CCAR published this statement in opposition to Prohibition, there were prominent Reform rabbis who came out in support of the movement, including Stephen S. Wise. Wise saw the Reform Movement's responsibility as acting in the nation's best interests, not just American Jewry's. He argued that "the prohibition question is no Jewish question…it is an American

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[1] Hannah Sprecher, "'Let *Them* Drink and Forget *Our* Poverty': Orthodox Rabbis React to Prohibition," *American Jewish Archives* 43, no. 2 (1991), 136.

[2] Marni Davis, *Jews and Booze: Becoming American in the Age of Prohibition* (New York: New York University Press, 2012), 168, citing the Yearbook of the Central Conference of American Rabbis, 1914, vol. 24 p. 117-8.

problem. Do not let us think about ourselves, but let us think of the welfare of the whole country. Let the verdict be, 'Alcohol must go.'"[3]

But Wise's statement represented a small minority of Jewish leadership, Reform and otherwise. Leaders of Conservative and Orthodox Judaism voiced their opposition to Prohibition, in part because of a concern for access to wine for ritual purposes; there was no halakhic precedent for using grape juice in place of wine for *Kiddush* and other rituals. Two important questions faced halakhic decisors (including members of the CCAR, who, despite their lack of concern for *halakhah*, nonetheless did issue *responsa* about Jewish practice for their followers), whether grape juice was allowable in place of wine for ritual purposes and whether wine was preferable to grape juice in fulfillment of those rituals. The *Gemara* notes in Baba Batra 97b that the juice pressed from grapes may immediately be used for *Kiddush*, a presumptive statement of support for non-fermented grape juice. The CCAR hung its ruling on that principle, stating that "Fermented wine is not essential, especially if wine is not easily obtainable. In fact, the following principle was established by the teachers: 'One may press out the juice of grapes and use it immediately for *Kiddush*' (B. Batra 97b)."[4] But Jews who had a higher concern for halakhic precedent were faced with the ruling by the *Magen Avraham*, Rabbi Abraham Gumbiner, who in the 17th Century ruled that wine was preferable to grape juice.[5] Speaking for the Conservative Movement, Rabbi Louis Ginzburg wrote a 75-page *responsum* in Hebrew arguing that grape juice was in fact permissible, regardless of a preference for wine.[6] His conclusion (translated by Sprecher) was as follows:

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[3] Davis, 168.

[4] Julius Rappaport, "Fermented Wine Not Required for Sacramental Purposes," in *Yearbook of the Central Conference of American Rabbis* (New York: Central Conference of American Rabbis: 1920), 108-112.

[5] Sprecher, 155.

[6] The *responsum* is recorded in its entirety and in the original Hebrew in *The Responsa of Professor Louis Ginzburg*, ed. David Glonkin, New York: The Jewish Theological Seminary, 1996. There is no English translation.

> There can be no doubt that in the past most of the wine used for religious purposes was fermented, since the process of preventing the fermentation was unknown. But to base on such a fact the prohibition of the use of unfermented wine would be as unreasonable as to suppose that because only wax and tallow candles were used for lighting synagogues, the use of gas and electricity for that purpose is forbidden.

The Reform and Conservative movements, in a partial embrace of the principle of *dina d'malchuta dina* (the law of the land is the law), put themselves in a position where they could adhere both to Jewish law and the law of the United States without the need for special dispensation. Orthodox Jewry, on the other hand, made no such arrangements, and fervently fought for the right to use and have access to sacramental wine.

It was five years between the start of Prohibition and the first Orthodox statement on the *halakhah* of using grape juice. In 1926, Rabbi Israel Simha Hurewitz responded with as much invective against liberal Judaism as halakhic reasoning, arguing that grape juice of the 20th Century was not the "new wine" of Baba Batra, since the "new wine" was proper wine that simply had not yet fermented, while grape juice had no capacity to ferment.[7] Both Sprecher and Davis suggest that the lack of response on the part of Orthodox rabbis was due, in part, to Orthodox rabbis' second motive for disallowing the use of grape juice: they were getting rich selling sacramental wine purchased via the special licenses given to clergy during Prohibition. While Orthodox rabbis stridently opposed the use of grape juice during Prohibition, it should be noted that after Prohibition was repealed, Orthodox Judaism embraced the use of grape juice, and in Orthodoxy today, the ritual use of grape juice may be found in many homes. Halakhic discussions over the last thirty years have not suggested any issue with the use of grape juice for ritual purposes.[8]

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[7] Sprecher, 158.
[8] Ib. at 162.

Sprecher and Davis document the rampant selling of sacramental wine in which a variety of Orthodox rabbis engaged during Prohibition. Rabbi Moses Z. Margolies played a leading role in the process as head of the Union of Orthodox Rabbis. It was Margolies' Union that rebuffed overtures from the Reform and Conservative Movements to create a united Jewish position *vis á vis* Prohibition, Margolies' Union that lobbied the federal authorities in Washington, DC to give licenses for sacramental wine only to Orthodox rabbis (intentionally excluding Reform and Conservative rabbis),[9] and Margolies who, despite a request from American Jewish Committee President Louis Marshall, refused to either give up the right to have access to sacramental wine or issue a *responsum* explaining why wine (and not grape juice) was essential to Jewish practice.[10]

That Orthodox rabbis were abusing their access to sacramental wine was not a secret, but the reality was thrust into the public spotlight in March 1921, when the Menorah Wine Company was raided by federal authorities and $250,000 worth of wine was seized.[11] Company employees were giving out wine to whomever asked for it, regardless of whether or not they had a permit from a rabbi.[12] This was only the largest in a series of scandals involving Orthodox rabbis and wine. As a mostly European-born group, Orthodox rabbis were not accustomed to the culture of the American Jewish community and the American rabbinate. They struggled financially, a reality they had never faced in Europe (and in contrast to Reform and Conservative rabbis, whose congregations treated them with greater respect and financial stability), and saw the wine permits as an avenue to extra income. But Jews outside the Orthodox community became increasingly concerned with the reputation of the Jewish community as a result of the Orthodox rabbis' actions. There was in increase in anti-Semitic sentiment in the U.S., voiced as

[9] Sprecher, 139.
[10] Davis, 176.
[11] In a case of irony, the officer who led the raid was Izzy Einstein, a well-known Jewish Prohibition enforcer.
[12] Sprecher, 143.

disgust with the rabbis who cared more about lining their pockets than with respecting American law.[13] The CCAR's *responsum* on grape juice made note of the image of Jews running booze, and went as far as arguing for the removal of rabbis from the privileges of Section 6 of the Volstead Act.[14, 15] In the minds of the CCAR's rabbis, it was better for the Jewish community not to have any access to wine than to have some Jews abusing the privilege and give the entire community a black eye. The AJC joined the CCAR in imploring the IRS commissioner to revoke the Section 6 privileges for Jews, but to no avail.[16]

Historians generally regard Prohibition as a failure, due to the high level of organized crime that developed in support of the black market for alcohol and the fact that the nation ultimately opted for repeal. In the Jewish world, one important development that resulted from Prohibition was the discussion of and ultimate acceptance of grape juice in place of fermented wine for *Kiddush* and other ritual purposes. As noted above, after Prohibition's repeal all movements saw fit to allow grape juice, despite the ample availability of wine. But the way in which each movement addressed the question reflected their understanding of *halakhah*; the Reform Movement was concerned with Jews' role in the United States and less concerned with halakhic precedent, the Conservative Movement looked to previous halakhic decisions to justify the change it supported, and Orthodoxy used the weight of history to hold, at least temporarily, on to its objection to using juice. While only a few voices were in support of Prohibition before it took effect, the odd realities it created in the U.S. prompted some Jews to abandon wine completely, others to seek it out. But in the end, after the passage of the 21st Amendment, what they were all left with were two options for *Kiddush*: wine and grape juice.

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[13] Sprecher, 163.
[14] The Volstead Act was the legislation that empowered the federal government to enforce the 18th Amendment (Prohibition), and Section 6 detailed the exceptions given to clergy members to have access to sacramental wine.
[15] Sprecher, 159.
[16] Davis, 178.

Alcoholism

Although Jewish tradition strongly values moderation in drinking, there nonetheless are Jews who are alcoholics and drug abusers. However, as awareness about alcoholism as a psychological and physiological disease increased over the past few centuries, the Jewish community lagged behind, convinced that Jews were immune to alcoholism for a variety of reasons. Scholarly research was conducted to prove this immunity and many medical and psychological practitioners adopted this perceived reality into their worldviews. But starting in the late 1970s and developing over the proceeding forty years, the Jewish community recognized that, like all affinity groups, alcoholism did affect a small but significant percentage of its members. The research in the field began to reflect this recognition, and has shifted from asking how it is that Jews avoid alcoholism to focusing on Jewish alcoholics, how to treat them and their families, and how to treat and, if at all possible, prevent their disease. Currently, there are resources available to help leaders of the Jewish community—rabbis and other pastoral figures as well as treatment practitioners—assist those who are coping with chemical dependency and its effects.

In 1798, the philosopher Immanuel Kant declared that Jews and women are immune to alcoholism.[17] His anecdotal observation was certainly not based in any field research, but was reflective of a common belief within the Jewish community (no comment is made about his statement on women, but it is fair to say that Kant was as incorrect about women as he was about Jews). Unfortunately, most of the field research conducted in the mid-20th Century was based on the presumption that Jews as a group did not suffer from alcoholism. This presumption guided the research of many well-respected scholars, like Charles Snyder, perceived by many as the leading authority in the field, who authored *Alcohol and the Jews: A Cultural Study of*

[17] Susan Lind Vex and Sheila B. Blume, "The JACS Study I: Characteristics of a Population of Chemically Dependent Jewish Men and Women," *Journal of Addictive Diseases* 20, no. 4 (2001), 72.

Drinking and Sobriety (1958) and "Culture and Jewish Sobriety: The Ingroup-Outgroup Factor" in *Society, Culture, and Drinking Patterns* (1962). The presumption survived into the 1970 and 1980s, reiterated by Wolfgang Schmidt and Robert Popham in "Impressions of Jewish Alcoholics" in the *Journal of Studies in Alcohol and Drugs*, Suzanne Bainwol and Charles F. Gressard in their "The Incidence of Jewish Alcoholism: A Review of the Literature" in the *Journal of Drug Education* (1985), and Barry Glassner and Bruce Berg, who between 1980 and 1991 wrote articles entitled "Jewish Sobriety,"[18] "How Jews Avoid Alcohol Problems," and "Social Locations and Interpretations: How Jewish Define Alcoholism." As the titles of many of these works indicate, the presumption that Jews did not suffer from alcoholism was a given, and the focus of research was on describing and explaining that presumption. Several theories surfaced[19]: Snyder argued that the value of sobriety and moderation within Judaism prevented alcoholism, Robert Bales suggested that the prevalent use of wine in ritualized settings sensitized Jews to moderate alcohol use,[20] and Glassner and Berg added the association of alcohol abuse with non-Jews[21] and that Jewish adults avoid heavy alcohol use by not associating themselves with heavy drinkers.[22] Glassner and Berg also conducted research in 1984 to differentiate between different sectors of the Jewish community, surveying 88 Jews in New York City from Orthodox, Conservative, and Reform backgrounds, as well as non-practicing Jews. Their findings suggested that Orthodox Jews drank on special and sacramental occasions and reported no known heavy drinkers, Reform and non-practicing Jews integrated drinking into their social interactions and knew alcoholics, and Conservative Jews displayed a "lack of clarity" in discussing their drinking habits

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[18] Glassner wrote this article alone. The other two were co-authored with Bruce Berg.

[19] As summarized by Lydia V. Flasher and Stephen Maisto in "A Review of Theory and Research on Drinking Patterns Among Jews," *The Journal of Nervous and Mental Disease* 172, no. 10 (1984): 596-597.

[20] A theory put forth by Robert Freed Bales in *The "Fixation Factor" in Alcohol Addiction: A Hypothesis Derived from a Comparative Study of Irish and Jewish Social Norms*.

[21] Satirically documented by the Yiddish folk song "*Shikker iz a Goy,*" "A Gentile is Drunk."

[22] The last three theories were documented by Barry Glassner and Bruce Berg in "How Jews Avoid Alcohol Problems," *American Sociological Review* 45 (1980): 647-664.

and exposure to alcoholism, but, according to the authors, their experience was midway between that of the Reform and Orthodox.[23]

These findings all reflect the reality that, as late as the 1980s, the overwhelming majority of American Jews accepted the "moral model" of addiction. The moral model suggests that alcoholism and other chemical dependencies are psychological issues, that people abuse "because they choose to do so," and with enough will power, they could choose not to.[24] This belief led addicts and those who they affected to feel shame and embarrassment about their situation, and prevented them from seeking treatment and support. This served to further reinforce the mistaken belief that there were no Jewish alcoholics. There were, however, some who began to recognize that alcoholism and chemical dependency were something more than just a matter of choice and that there were Jews who struggled with alcoholism and addiction. As David Steinhardt noted in 1988, a 1980 study comparing Jewish addicts to addicts in the general population found that while 20% of men and 34% of women addicts were cross-addicted (meaning they were addicted to two or more substances), 61% of Jewish men and 78% of Jewish women addicts were cross-addicted.[25] As Steinhardt's title, "Alcoholism: The Myth of Jewish Immunity," and findings suggest, there were known Jewish addicts, but the community had not yet recognized this reality on a large scale. As noted in Chapter 2,[26] David Novak, in 1984, suggested that the ways in which the tradition addresses drunkenness suggests a recognition of alcoholism as a disease. He points to the rabbis making distinctions between those who drink so

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[23] Barry Glassner and Bruce Berg, "Social Locations and Implications: How Jews Define Alcoholism," *Journal of Studies on Alcohol* 45, no. 1 (1984): 16.

[24] Richard L. Eisenberg, "*Refuat Ha-Nefesh U'refuat Ha-Guf*: Spiritual Dimensions of Addiction Recovery," *Conservative Judaism* 61, nos. 1-2 (2008-9): 95.

[25] David Steinhardt, "Alcoholism: The Myth of Jewish Immunity," *Psychology Today*, February 1988, 10.

[26] See Chapter 2, page 67.

often and so much as to have some of their culpability relieved and those who occasionally drink too much and make bad decisions, yet remain culpable, as proof of this recognition.[27]

In this same time period, from the late 1970s to 1980s, there were some who were beginning to suggest that a) alcoholism was a significant issue within the Jewish community and b) the moral model was an ineffective description of the realities of chemical dependency.[28] In 1979, Marcia Cohn Spiegel completed her master's thesis, "The Heritage of Noah: Alcoholism in the Jewish Community Today," suggesting that part of the reason why alcoholism had for so long been denied or missed in the Jewish community was because most Jewish alcohol abuse was done by individuals in private, and not in communal or social settings.[29] In 1984, Lydia Flasher and Steven Maisto acknowledged that much of the research on Jewish alcoholism was close to twenty years old and more importantly, the data was not supportive either of the theories of why Jews were able to avoid alcoholism or of the suggestion that Jews were able to avoid alcoholism, and they called for further research into the rate of alcoholism within the Jewish community.[30] In 1989, Lisa Master suggested that while the research had denied the issue of alcoholism in the Jewish community, as a practitioner, she could relay the reality that many clinicians recognized that not to be the case.[31]

These revelatory findings began a shift in the way that the Jewish community addressed alcoholism. In 1993, Steven Berg compiled an annotated bibliography of resources in *Jewish Alcoholism and Drug Addiction* that was over 150 pages long, and in his introduction, he noted,

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[27] David Novak, 226.

[28] In fact, the American Psychiatric Association in 1965 and the American Medical Association in 1966 adopted the now-ubiquitous disease model, "the belief that people abuse alcohol [and other drugs] because of some biologically caused condition," with a known etiology, progression, and outcome. Eisenberg, 97.

[29] M. Spiegel, "The Heritage of Noah: Alcoholism in the Jewish Community Today" (MA thesis, Hebrew Union College, 1979), ii.

[30] Flasher and Maisto, 602.

[31] Lisa Master, "Jewish Experiences of Alcoholics Anonymous," *Smith College Studies in Social Work* 59, no. 2 (1989), 183.

"Actions are being taken to educate the Jewish community about the dangers of alcoholism and other drug addiction."[32] Since the late 1970s, significant work addressing Jewish alcoholism has been done, including the founding of JACS (Jewish Alcoholics, Chemically Dependent Persons and Significant Others),[33] a support group, and of Beit T'shuvah, a residential addiction rehabilitation center in Los Angeles that is guided by Jewish values and Jewish spirituality. Additionally, experts have published *Twelve Jewish Steps to Recovery: A Personal Guide to Turning from Alcoholism and Other Addictions-Drugs, Food, Gambling, Sex…*[34] and included a chapter on "Confronting Addiction" in *Jewish Pastoral Care*.[35] These and other advances illustrate the growing depth of alcoholism and chemical dependency awareness within the Jewish community and the lengths to which Jewish leaders are going to meet the needs of addicts and those in their lives. Of late, much field research has been conducted in Israel[36], comparing rates and effects of alcoholism between the various groups, Jewish and otherwise, as documented by Richard Isralowitz, Mohammed Afifi, and Richard Rawson in their work *Drug Problems: Cross-Cultural Polity and Program Development* and other sources.

This development over the past half-century certainly bodes well for the Jewish community. While no group wishes that its members suffer from alcoholism or dependency, the fact that the Jewish community has finally recognized that some of its members are suffering from and affecting their families and friends with this disease, and is taking steps to treat them

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[32] Steven L. Berg, *Jewish Alcoholism and Drug Addiction: An Annotated Bibliography* (Westport, Connecticut: Greenwood Press, 1993), xv.

[33] While JACS was founded in 1978 as an independent agency, in 1992 it was rolled into the Jewish Board of Family and Children's Services. This history illustrates how alcoholism was first recognized as a concern by sufferers and their families and later by the larger Jewish community.

[34] Kerry M. Olizky, Stuart A. Copans, and Sheldon Zimmerman, *Twelve Jewish Steps to Recovery: A Personal Guide to Turning from Alcoholism and Other Addictions-Drugs, Food, Gambling, Sex...* (Woodstock, Vermont: Jewish Lights Publishing, 2009).

[35] Marcia Cohn Spiegel and Yaakov Kravitz, "Confronting Addiction" in *Jewish Pastoral Care*, ed. Dayle A. Friedman (Woodstock, Vermont: Jewish Lights Publishing, 2005), 303-324.

[36] Based on search results in RAMBI – Index of Articles in Jewish Studies, http://aleph.nli.org.il/F?func=find-b-0&local_base=rmb01.

and raise awareness of the issues is a sign of the value of support that has been central to Judaism throughout its history. Rather than see alcoholism as a dereliction of responsibility and of the Jewish value of moderation, today's Jewish community is striving to show compassion to those who have felt alcoholism's ill-effects, and offer them comfort in their times of need. As Richard Eisenberg wrote, alcoholism should be confronted with prayers for *refuah*, healing, for those who suffer and those who they have affected.[37]

Wine *Kashrut*

The rules of wine *kashrut* differ from those of all other food and drink. While all other food and drink is kosher based on the ingredients used and, to some extent, the process by which the product is created, kosher wine (and all other grape-based products, like jams, juices, and jellies) must be made and handled exclusively by Shabbat-observant Jews until it is bottled. More specifically, kosher wine "is wine which is handled from the beginning of the wine-making process (the crushing of the grapes) until its end (when the wine is bottled, corked, and sealed) solely by Sabbath-observing Jews. If wine is in a sealed container, it is acceptable even if a Gentile has caused the wine inside to move about."[38] In addition, "All ingredients, tools, and utensils used in the entire wine-making process must be certified kosher."[39] These rules developed as the result of great anxiety on the part of ancient and medieval rabbis about idolatry and fraternization with gentile neighbors, and have survived to today despite the concerns of many liberal-minded Jews about the way in which wine *kashrut* characterizes non-Jews and non-Shabbat-observant Jews. Scholars like Jordan Rosenblum and David Kraemer have offered a much more constructive description of the motivation behind the rabbis' anxiety, suggesting that their intentions were not to exclude and vilify their gentile neighbors but to develop a strong

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[37] Eisenberg, 98.
[38] Odelia E. Alroy, "Kosher Wine," *Judaism* 39, no. 4 (1990): 455.
[39] Terje Z. Lande and Oren Postrel, "Wine: Our Symbol of Joy," in *The Sacred Table: Creating a Jewish Food Ethic*, ed. Mary L. Zamore (New York: CCAR Press, 2001), 338.

sense of Jewish identity in a polyglot world, but those explanations do not eliminate the fact that wine *kashrut* is highly sensitive to the differences—real and imagined—between Jews and non-Jews. For some that concern is comforting, for others it is enraging. As a matter of practice, the varied movements and streams within Judaism have chosen to engage with kosher wine in different ways, each reflecting their values and interpretation of the teachings of the tradition.

Before delving into the serious concerns that the rabbis had with mixing Jewish and non-Jewish wine (or the mixing of Jews and non-Jews over wine), the underlying concern for the first of the two characteristics of kosher wine, it is best to address the simpler, second concern, that all the ingredients in wine be kosher. To a novice, it would seem like a simple provision; grapes are kosher, and wine is simply fermented grape juice, aged to perfection. But, as Rabbi Elliott Dorff noted in his 1985 *responsum* about the virtues and concerns with kosher wine, the modern process of winemaking has several avenues by which substances could be introduced that would call wine's *kashrut* status into question. Based on a canvass of twenty or so wineries in California and in consultation with winemaking experts from institutions like the University of California-Davis (known for its viticulture studies and programs), Dorff noted that the process of fining wine, in which foreign substances are introduced to remove the cloudiness from the wine, can subject the wine's kosher status to concern. As he notes, "Some substances used for fining wines are clearly kosher and pareve (e.g., bentonite, egg albumin); others are dairy (casein and its compounds); others are clearly not kosher (beef blood [in Europe]); and some (animal gelatin, insinglass made from sturgeon bladders) are considered kosher and pareve by, I suspect, most of our movement but not kosher by some."[40] Some wines are made without fining and some wineries are very forthright about what items are used to fine their wines, but others are not. As

[40] Elliot Dorff, "The Use of All Wines," in *Proceedings of the Committee on Jewish Law and Standards of the Conservative Movement 1986-1990*, ed. David Fine, 203-226. (New York: The Rabbinical Assembly, 2001), 206. It should be noted that beef blood is no longer used in the US or in the EU for fining wine.

Dorff's comment suggests, wine may have dairy ingredients or substances from certain animals that would call into question the wine's kosher or pareve status[41]. While these fining agents are not essential to the taste of the wine, merely its appearance, introducing non-kosher, dairy, or meat substances to wine would call into its question its status as potentially kosher and pareve. This reality prompted Dorff and many others to wonder whether the ingredients introduced were subject to nullification, the conclusion that, since the fining agents were introduced in such small quantities and with the explicit purpose of fining, and not adding ingredients to, the wine, the wine would still be kosher, despite the presence of dairy, meat, or non-kosher items.[42,43] Terje Z. Lande and Oren Postrel point out an additional concern about the wine-making process, noting that many wineries use vodka or other grain-based substances to clean their wine-making utensils, which would introduce a concern that the wines have *chameitz* in them, and thus would not be suitable for Pesach.[44] Of course, the easy way to avoid any of these concerns would be to drink only wine with a *heksher*, confirming that no unkosher, dairy, or leavened agents were introduced to the wine.

It is curious that Dorff, Lande, and Postrel discussed which wine ingredients are and are not kosher, in light of the fact that kosher wineries can guarantee the kashrut of all ingredients of their wine. That they did suggests that there are Jews who are interested in drinking wine with

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[41] If the wine is not pareve, it would limit the other foods that could be eaten with it.

[42] Dorff, 209ff. He notes that while some rabbis (Ezekiel ben Judah Landau in Poland in the 18th Century, Moshe Feinstein in 20th Century America) have allowed for these wines to be considered kosher, he himself is hesitant to suggest that wines made with non-kosher or dairy fining agents are fit for a kosher audience. He recognizes that he and his contemporaries have a better understanding of how wine is made and that plenty of modern wineries use pareve fining agents, and suggests that those who are concerned about kosher wine drink wine that does not have unkosher or dairy agents.

[43] A related debate has raged within the halakhic-observant community about blended whiskies and whiskies that are aged in wine barrels (a common practice). J. David Bleich has noted in his article "The Whiskey Brouhaha," *Tradition* 34, no. 2 (2000): 58-77, that often the wine barrels are used precisely to affect the taste, and thus certainly calls into question the kashrut status of that whiskey, since the wine used is presumably not kosher. Different *poskim* and other halakhic decisors have responded with a range of leniency, from strictly outlawing such whiskey, allowing it, and allowing it with the suggestion that those who want to be overly cautious avoid it.

[44] Lande and Postrel, 339.

only kosher and/or pareve ingredients, but who are not necessarily concerned that the wine had been handled only by Shabbat-observant Jews. Dorff suggests that, aside from ritual purposes, Conservative Jews who keep kosher should feel free to drink most non-kosher wines, comfortable that no unkosher items were used.[45] Lande and Postrel's work was published in *The Sacred Table*, a publication of the Reform Central Conference of American Rabbis, a group that historically has not been overly concerned with *kashrut*. Dorff, Lande and Postrel offer their readers insight into the wine making process in such a way that the reader would be better able to find wine that would satisfy the second characteristic of wine *kashrut* (that only kosher ingredients and utensils were used) with a general disregard of the first (that it be handled only by Shabbat-observant Jews). What this suggests is that there are Jews who want their wine to be kosher just as their meat, bread, and cheese are kosher, but are uncomfortable with the observant Jew-only requirement of wine *kashrut*. The analysis below will shed some light onto their concerns.

The concern about non-Jewish handling of Jewish wine dates back to the origins of rabbinic Judaism. Mishnah Avodah Zarah 5:5 states:

> **היה אוכל עמו על השלחן והניח לגינה על השלחן, ולגינה על הדלבקי , והניחו ויצא, מה שעל השלחן, אסור. ומה שעל הדלבקי, מתר. ואם אמר לו הוי מוזג ושותה, אף שעל הדלבקי אסור. חביות פתוחות, אסורות. סתומות, כדי שיפתח ויגוף ותגוב.**
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> If he was eating with him [a gentile] at a table and leaves a bottle [of wine] on the table, and a bottle on the side table, and left him and went out, that which was on the table is forbidden, and that is which is on the side table is permitted. But if he says to him, "Mix and drink," even that which is on the side table is forbidden. Open jugs are forbidden. Sealed: if he could open, reseal, and it could dry, also forbidden.

This text illustrates the anxiety that the ancient rabbis had about drinking with their gentile neighbors, an anxiety that revolved around a fear of drinking wine that had been used for idolatrous purposes. As Jordan Rosenblum notes, "As the only intoxicant suitable for idolatrous

[45] Dorff, 220.

libation, the Tannaim are concerned that, at any moment, a non-Jew will overtly or covertly offer a portion of wine to a deity. For this reason, tannaitic literature contains a series of prohibitions against wine and wine-related products."[46]

While Jews have historically been concerned about gentile wine and its idolatrous purposes, they have recognized that not all gentile wines necessarily were used as libation offerings. Thus, two categories of gentile wine exist within halakhic literature, *yayin nesekh* and *stam yeinam*. *Yayin nesekh*, "poured wine," is wine that has been used for idolatrous purposes. It is forbidden to a Jew for either pleasure (i.e., drinking) or commerce. *Stam yeinam*, "their wine," gentile wine of unknown origins, is permitted to a Jew for commerce only.[47] However, it was not until the Middle Ages that the tradition treated these two categories of wine differently. Until then, while the tradition recognized that both categories existed, it forbade them in the same way. By the Middle Ages, rabbis recognized that few gentiles practiced idolatry, and decided that *stam yeinam* was safe for Jews to trade; the prohibition against drinking survived and survives today.[48]

The concern about gentile wine does not focus exclusively on fear that it has been used for idolatry. Avodah Zarah 36b notes that Jews should be fearful of the bread, oil, wine, and daughters of gentiles. The rabbinic discussion that ensues suggests that they be fearful of gentile bread and oil on account of their wine, fearful of their wine on account of their daughters, and fearful of their daughters for "the other thing," an allusion to the concern of consorting with or marrying idolaters and engaging in idolatry, and the role that wine might play in causing it.[49] The combined fear of idolatry and intermarriage strikes at the heart of Jewish identity, threatening

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[46] Jordan D. Rosenblum, *Food and Identity in Early Rabbinic Judaism* (Cambridge: Cambridge University Press, 2010), 81.
[47] Alroy, 452.
[48] Ib. at 453.
[49] See pages 36-7.

Jews' central beliefs and their future generations. It is not surprising to scholars that they would construct these concerns; in fact, Rosenblum and Kraemer see these restrictions as stemming from a positive desire to create a strong Jewish identity. Rosenblum suggests that the Tannaim sought to create Jewish identity through separateness, and did so with rules and regulations they created *vis-à-vis* food and wine. They wanted to make it harder for Jews to sit at tables with non-Jews, and couched that desire in a fear of *avodah zarah*, foreign worship. But underlying that fear was a desire to construct Jewishness as a minority culture.[50] Kraemer explains it thusly:

> If there is a "gentile food," there must also be—by implication, at least—"Jewish food." And if laws marking the food of the "other" as "gentile" would encourage avoidance of the Jew's gentile neighbor, laws restricting the Jew to "Jewish" food would reinforce his or her own "otherness" (=Jewishness) in the gentile context. They would say, in effect, that the Jew must eat what she is—Jewish food for the Jewish person. The Jew, observing these restrictions, would see herself as somehow apart, living among gentiles, perhaps, but not fully part of them. And the gentile observer would understand the same message: the Jew who refuses to eat my food remains somehow foreign, despite his being my neighbor.[51]

Whether the motivations are, at their core, a concern about the other or a desire to create a self-identity, the fear of gentile wine pervades wine *kashrut*.[52] It is the reason that only Shabbat-observant Jews can handle wine. That boiled or cooked wine was seen as unfit for libation by idolaters is the reason that the rabbis are more lenient when dealing with *mevushal* wine, wine that is kosher and then heated (there is disagreement as to what temperature is appropriate, but it ranges between 165° and 190° F[53]). *Mevushal* wine can be handled, sold, transported, and even served by non-Jews, since the concern about it being used for idolatry has been removed. The rabbis suggest that Jews concerned with wine *kashrut* go to great lengths (oenophiles would

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[50] Rosenblum, 91-102.
[51] David Kraemer, *Jewish Eating Through the* Ages, (New York: Routledge, 2007), 28.
[52] There is one notable exception. During the Middle Ages, kosher wine that was provenance of Muslims was considered safe, since Muslims were known as monotheists who did not drink wine. Kraemer, 130.
[53] Alroy, 456.

argue that boiling the wine ruins it) to ensure that their wine has not been tainted with the specter of idolatry.

Modernity has affected Jews' views on gentile wine, but the effects have varied between the movements. As Alroy notes, no longer is there a concern about *yayin nesekh*, because "In general, the Orthodox movement believes that Gentile wine is considered *stam yeinam*, and not *yayin nesekh*, because there are no longer idol worshippers where wine is made or served."[54] Liberal Judaism has questioned the validity of the anxiety around gentile wine to a much greater degree. Along the same lines as the Orthodox concern, Dorff (speaking for Conservative Judaism) suggests that winemakers are known not to be idolaters, and thus the "unknown" of *stam yeinam* is really a known reality that it was not used for idolatry. Additionally, he suggests that there is little merit to the concern about intermarriage, since other alcoholic drinks are allowed in mixed company, as well as the bread and oil mentioned in Avodah Zarah 36b. They all previously had been forbidden, but he suggests that *kashrut* is not at all concerned with anti-mixing prohibitions, and thus, since bread and oil are allowed, so should wine be.[55] Writing in a Reform context, Lande and Postrel go farther, suggesting that "while these concerns were valid in ancient times, from a progressive, Reform Jewish perspective, they should have no validity today with regard to commercially produced wines."[56]

With the mix of interpretations about the acceptance of wine kashrut among 21st century Jews, there are bound to be situations in which Jews who come together will disagree about wine. Sue Fishkoff notes one such story in her book *Kosher Nation.* An independent *minyan* in Washington, D.C. had chosen to ban kosher wine on account of its perceived xenophobia towards gentiles. But, as many independent *minyanim* do, this *minyan* had a variety of practice and

[54] Alroy, 456.
[55] Dorff, 217.
[56] Lande and Postrel, 338. In the quotation they are specifically referencing the concern about wine used for idolatry, but later they similarly reject the concern about intermarriage as well.

tradition amongst its members, and some wished to have kosher wine for *Kiddush*. Those against kosher wine went as far as suggesting that the wine kashrut laws were tantamount to a sign that said "No black people were involved in the making of this food." Those in favor of using kosher wine countered, saying that they wanted to sanctify Shabbat with wine that was made by others who themselves sanctify Shabbat. The impasse was broken by the suggestion that the *minyan* not have a policy about wine at all. Empty cups would be set out for *Kiddush* and at meals, and each participant would use whichever wine they so choose.[57]

[57] Sue Fishkoff, "Beyond Manischewitz," in *Kosher Nation*, ed. Sue Fishkoff (New York: Schocken Books, 2010), 120.

Conclusion

Wine is an essential part of Jewish life. It served as a staple in the ancient Mediterranean world, and along with other staples - bread, oil, and meat - was part of the Temple ritual. As wine was used to sanctify events at the Temple, the rabbis chose to elevate wine to the vehicle for sanctification in the post-Temple world. The rabbis introduced wine into Jewish practice as a way for the entire people to remember (לזכור) Shabbat and the festivals. They also offered people stern warnings about the potentially devastating effects of wine—death, punishment in the world to come, and poverty to name a few. The message they created about wine—drink appropriately, but never too much—is both incredibly easy and incredibly difficult to understand and follow. It is based in no small part on the Jewish value of moderation, which suggests that all of the pleasures of the world are to be enjoyed, but should never become overwhelming forces in one's life. It is also based on the rabbis' view of personal responsibility, that each individual must choose his or her own destiny and is responsible for the choices he or she makes. Rava's command on *Purim* to drink עד דלא ידע does not suggest that one, two, four, or six drinks is the appropriate amount on *Purim*. Instead, it leaves it to each individual to decide for him or herself how he or she will fulfill this command that is incumbent on the entire Jewish people. The rabbis spend a great deal of time wondering about the choices of the stubborn and rebellious son, debating whether drinking certain types of wine, wine of certain ages, or wine in certain quantities crosses a line. They are incredibly concerned with how each individual engages with wine, even the individuals who make the wine (and who must be Shabbat-observant Jews for the wine to be kosher). But after two thousand years of debate, there is yet to be a clearly defined diet of drinking for the Jewish community. Some Jews drink often and drink somewhat heavily, engaging in a liquid *hiddur mitzvah* each Shabbat. Others, whether for health concerns or because they just do not enjoy alcohol, abstain almost completely. That seems to be in keeping with the underlying message of the rabbis, to have the choice, have the option, have the ability

and autonomy to indulge—or not—in wine as each individual sees fit. For those who do not, grape juice is available and a perfectly legitimate alternative (thanks, in part, to the realities of Prohibition). But for those who wish to enjoy a glass of wine, a knuckle of whiskey, or a cold beer, the rabbis say, "*L'chaim*!"

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