

# Insights into Halacha

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## Halacha & Pasteur

**Ed. note: Some footnotes are included in the PT version of the article; most are not. Some of those that are included have been edited and shortened. See the website for full footnotes and sources.**

Can you feel Purim just around the corner? Since Purim is described in the Megila as a day of Mishteh (referring to a wine feast) and the Purim turnabout miracle occurred at such wine feasts, there is a rare dispensation from the norm, and an apparent obligation to drink wine, as the Gemara Megila (7b) famously rules that ‘MeiChayav Inish Livesumei B’Puraya, a person is obligated to drink and get intoxicated (on some level) on Purim’. Hopefully, the wine will enable us to experience a sublime, spiritual Purim.

*See the Maharal M’Prague’s Ohr Chodosh (Hakdamah, pg. 49) for an interesting assessment why we drink on Purim, explaining that by drinking we are completely negating ourselves, which shows that our existence is totally from Hashem, similar to the time of the Purim miracles.*

*Rav Chaim Shmuelevitz takes this point a step further, explaining that at that point of drinking we are showing that we are entirely ‘Avdei Hashem’, and not ‘Bnei Chorin’ making rationale decisions. The Chasam Sofer writes*

*that our drinking L'sheim Shamayim on Purim is meant to negate the drinking that was done at Achashveirosh’s party in order to sin. Another idea is that the wine serves as a catalyst to draw us close to one another, as the Gemara in Sanhedrin (103b) states “Great is drinking... for it brings together those who are distant”.*

*Nesivos Shalom offers a completely separate understanding of the Gemara. He notes that the Gemara does not say 'livesumei' with wine, rather 'livesumei BePuria', in Purim, meaning that one should get intoxicated from Purim itself, as in the connotation of Yeshayahu (51:21) “drunk, but not from wine”. On Purim a person must become so “drunk” on the elevated revelations of Purim that he cannot tell between the ‘Arur Haman’ and ‘Boruch Mordechai’ of his Avodat Hashem, his interpersonal relationships, and even himself.*

Yet, and quite unknowingly to most, we all have someone to thank for enabling us to safely drink wine nowadays, Louis Pasteur (1822-1895). Among many other scientific accomplishments, he also invented a process of heating up liquids, which would destroy bacteria and other germs lurking inside, thereby increasing shelf- life and preventing these liquids (mainly milk and wine) from causing disease. This process later became known as “pasteurization”, for obvious reasons.

## Hilchot Pasteur?

Aside for the health benefits of pasteurization, there potentially might be halachic benefits as well. It is well

known that there is a Biblical prohibition to benefit whatsoever from wine that was poured as a libation in idol worship (Yayin Nesech). There is also a Rabbinic prohibition to drink wine that was poured or touched by a non-Jew, as a safeguard to prevent intermarriage and assimilation (Stam Yeinam).

However, there is an important exclusion to this rule: if the wine is cooked (Yayin Mevushal) then even if it was later touched or poured by a non-Jew, it loses its status of Stam Yeinam, and is permitted to be drunk.

*The statement in Avoda Zarah (30a), followed l'maaseh by Rashi, Tosafot, Rambam, Tur and Shulchan Aruch, and later authorities. Rabbi Akiva Eiger further qualifies this leniency, that it is only referring to a Jew's yayin that a non-Jew touched, that is still permissible to be drunk, but not to a non-Jew's cooked wine, even if it is technically 'kosher'.*

There are several reasons advanced by the Halachic authorities for this exception, among them:

- 1) Cooked wine is considered substandard and is no longer fit for a libation.
- 2) Cooked wine is uncommon, and therefore was never considered part of the prohibition.
- 3) Cooked wine's taste is inferior to uncooked wines, and is not considered real wine for this purpose.

## Debate heats up

There is some debate among the authorities as to what level of cooking this wine needs in order to receive Mevushal status. The Shulchan Aruch (Yoreh De'ah 123: 3) simply states “when it gets hot on the fire”, implying that it must be at least “Yad Soledet Bo”, when one would pull his hand away from touching it, for fear of getting burned. The Shach, quoting the Rashba and Ran, however, adds another caveat, that the heat level has to be such that the wine's volume has to be noticeably reduced due to the cooking. Rav Moshe Feinstein, in several responsa, estimates this temperature to be approx. 175°F (79°C). He maintains that once the wine reaches this temperature while being cooked, it is already considered Yayin Mevushal, and we no longer have to worry about the halachic ramifications if a gentile would touch this wine.

There is, however, a third opinion, brought in the Gilyon Maharsha and Darchei T'shuva, that in order to be truly considered cooked, this wine must really be so – meaning it has to reach its boiling point. Even though water boils at 212°F (100°C), due to its alcoholic content (alcohol has a much lower boiling point than water) the average wine's boiling point is approximately 195°F (90.5°C). Rav Feinstein maintains that since this opinion is not brought in the Shulchan Aruch or its main commentaries, we are not required to follow it. Other contemporary author-

ities, nevertheless, do take this opinion into account.

This debate also influences the halachic ramifications of pasteurization. Wine producers are not eager to actually cook, let alone boil, their wine, as doing so drastically diminishes its quality and taste. And that's where pasteurization comes into the picture. Since they have to pasteurize their wine anyway for health reasons, if it is also considered mevushal, they can "kill two birds with one stone" and keep the quality intact.

## **Pondering Pasteuring**

Contemporary authorities are divided as to the permissibility of pasteurization being considered cooked. Rav Moshe Feinstein held that the temperature of pasteurization is sufficient to be considered mevushal. Rav Ovadiah Yosef agrees that this process satisfactorily meets this requirement.

Rav Shlomo Zalman Auerbach, Rav Yosef Shalom Elyashiv, Rav Ben Tzion Abba Shaul, Rav Menashe Klein, and the Tzehlemer Rav, however, are unconvinced, as the vast majority of wine is pasteurized, and therefore cannot be considered uncommon, as cooked wine is supposed to be. Additionally, if the wine is flash-pasteurized (process performed extremely quickly - in a 'flash'), the evaporated wine is recovered through sealed pipes and therefore is not actually reduced, and the taste ends up not significantly altered. Moreover, the majority of wine

drinkers cannot distinguish pasteurized wine from uncooked wine. These decisors also take the stringent definition of mevushal into account, and therefore maintain that pasteurized wine cannot possibly be deemed mevushal. Although they all do not make the same arguments, these poskim hold that the pasteurization process as we know it does not adequately translate into actual yayin mevushal.

## **Not Out to Pasteur!**

Although there is no one clear-cut contemporary consensus to this 'touchy' subject, I can imagine that if he were alive today, Dr. Pasteur would be amazed to find that his works are still being discussed and debated, not just in the halls of science and academia, but even in the hallowed halls of Batei Midrashim all over the world.

## **Hafoch Bah V'Hafoch Bah d'Kulah Bah!**

**Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.**

Rabbi Yehuda Spitz's recent English halacha sefer, "Food: A Halachic Analysis" (Mosaica/Feldheim) containing over 500 pages featuring over 30 comprehensive chapters discussing the myriad halachic issues pertaining to food, is now available online and in bookstores everywhere."