We mentioned above that the S"A in קכה-א *passkins* that wine poured by a non-Jew is forbidden to drink (but it is permitted for benefit). Additionally, even the wine in the bottle becomes forbidden because it is connected (through the stream, known as *nitzok*)[1] to the wine in the glass. The *Rama* there disagrees (as he does in סעיף כד) and permits the remaining wine in the bottle and the wine that was poured into the glass (see ש"ך סוף סק"א וסק"ב), but only when there is a significant loss of money.

The ש"ך (ב) asks that this seems to contradict what we just learned that the *Rama* permits even without a loss of money. Just as the *Rama* in סעיף כד permits wine indirectly touched by non-Jews (because today there is never intent), so too, he should also permit a glass of wine poured by a non-Jew, even without a great loss of money.

He explains that the *Rama* mentions that one may only be lenient when there is "a great loss of money" for one of two reasons. Either because he was discussing actual idol worshipers with intent (and therefore, wine poured into the glass may not be drunk[2]) or because he did not want to publicize the matter, as he writes in סעיף כד that one should not publicize this *halacha* in front of an עם הארץ. The ש"ך adds that in many places where the *Rama* writes to be *machmir*, he actually permits in principle, but he writes to be stringent so as not to publicize the matter. For example, the ש"ך (קכד-מט) writes that when the *Rama* permits benefiting from the wine in a case of a non-Jew measuring the wine or lowering the foam with his hand, he actually means that one may even drink it if it was touched by non-Jews today.[3]

However, it should be pointed out that the **ש"ך** himself, in קכד סקע"א and in קכה-סק"ג, *passkins* that one should rely on the *Rama* only in a case of loss. This is consistent with what the ש"ך writes in the beginning of סימן קכג that one may benefit from *stam yeinam* today only in cases of financial loss (see summary below).

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[1] We will discuss the *sugya* of *nitzok* below.

[2] And ניצוק would apply to forbid the wine in the bottle, unless there is a significant loss of money, when ניצוק does not apply.

[3] The S"A in **סעיף יט** *passkins* that if the non-Jew indirectly touches wine while measuring it, or if he touches the foam on top of the wine to cause it to settle, the wine is forbidden to drink, but one may benefit from it. Although the wine is touched only indirectly while focusing on something else, the S"A still forbids drinking it because the non-Jew deliberately comes in contact with the wine (similar to how Tosfos ד"ה ה"ג ע"ז נז. explains). The *Rama,* as explained by the ש"ך (מו, מח-מט), *passkins* that even if wine was actually touched by the non-Jew, you may even drink it. As explained above, whenever a non-Jew touches wine today, the *Rama* holds that you may always benefit from it (because they do not libate), and in a case where it is permitted in benefit (even when touched by a real idol worshipper), the contact of non-Jews today in a similar manner lowers the prohibition one further level and the wine may even be drunk.

IV. Other examples in the S"A

The S"A at the end of **סעיף יח** adds that merely lifting a bottle without shaking or pouring it does not forbid the wine, and it may even be drunk (because he is indirectly touching the wine without intent to perform a libation). For example, if a non-Jewish waiter at a *simcha* lifts up your bottle or cup for a moment in order to clean the table beneath it, you are allowed to drink the wine. (We will discuss below whether clinking glasses with a non-Jew forbids the wine inside your glass).

The *Rama* adds that touching the bottle without moving it certainly does not forbid the wine. The **ש"ך** (מג) quotes the דרכי משה, who writes that he does not understand why people are stringent and cause Jews unnecessary financial loss by throwing out a wine bottle merely because the outside was touched by a non-Jew.

The S"A in **סעיף יז** *passkins* that if a non-Jew shakes wine in an open bottle without lifting it (as wine is commonly swirled in a glass), you may not benefit from it (see ש"ך (לט)). The *Rama* argues that swirling without lifting the glass is not a form of libation and one may even drink the wine. Nevertheless, he concludes that one should only rely on this in cases of loss.[4]

The S"A in **סימן קכה-ט** *passkins* that a closed bottle does not become forbidden even if shaken by a non-Jew. The S"A there also writes that if a non-Jew moves a bottle of wine, which shakes in the process, the wine remains permitted because this is not the way non-Jews offer libations. The **ש"ך** (קכה-יז) explains that this refers to a case where the bottle was closed, and closed wine is not offered as a libation; however, if the bottle is open, lifting and shaking[5] the wine would forbid it, as we learned above. Therefore, any closed bottle of wine touched or shaken by a non-Jew remains permitted, even if the cork was removed and later reinserted, as is common when the bottle is not finished in a single sitting.

For example, if a non-Jewish cleaning lady moves a bottle of wine from the dining room table to the kitchen, the wine may be drunk, even if it was shaken along the way, as long as the cork is inside (even partially).[6] Furthermore, if wine

[4] As mentioned, the ש"ך (קכה-סק"ב) explains that the *Rama* would allow even without a loss, but he writes this way not to publicize the matter. Alternatively, the דגול מרבבה quoted in the פת"ש (ג) explains that the *Rama* here is referring to real idol worshipers.

[5] If the wine moves a bit because the non-Jew is walking, that is not considered "shaking" (see ספר כושרות עמ' 85).

[6] We will learn below that there is a separate problem of leaving unattended wine with a non-Jew, lest they open it and drink from it.

is stored on the refrigerator door, it is permitted even if a non-Jew opens and closes the door.

To summarize:

- **Four** criteria must be met in order for wine touched by a non-Jew to become forbidden both for drinking and for benefit:
    1) Intent to touch
    2) Knowledge that the liquid is wine
    3) Touching wine for the sake of the wine and not for other reasons (סעיף י)
    4) Shaking the wine (סעיף יא)
- Pouring without shaking: **S"A** – may benefit, but may not drink (because the non-Jew's action of pouring is considered like touching, but there is no shaking, so no concern for libation). ***Rama*** – may even drink because non-Jews today do not worship idols (and the prohibition is downgraded a level). The **ש"ך** writes that the *Rama* himself is lenient even without loss of money, but the ש"ך does not permit *le'chatchilla* himself. (סעיף יח וכד)
- Accidentally touching wine: S"A – may benefit, but drinking is forbidden (because it is accidentally touched wine). *Rama* – even drinking is permitted, because even if touched with intent, only drinking would be forbidden, so if it is accidentally touched, the prohibition is lowered by one level. **ש"ך** – may rely on *Rama* only if there is loss.
- Lifting an open bottle and putting it down without shaking: Permitted to drink (סעיף יח)
- Shaking without lifting: S"A – prohibits, *Rama* – permits when there is a loss.
- Touching an open bottle: Permitted (סעיף יח)
- Shaking a closed bottle: Permitted (סימן קכה-ט)

After learning which forms of touching forbid drinking and benefiting and which forms of touching only forbid benefiting, there is one more very important *halacha* to learn that will allow even the S"A to be lenient. The S"A in **סעיף ז'** *passkins* that whenever the contact of an idol worshiping non-Jew allows benefitting from the wine but forbids drinking it, if the non-Jew does not worship idols, such as a Muslim, the wine may even be drunk. The **ש"ך** (יא) explains that if a Muslim accidentally touched the wine or poured it into a glass, the wine may be drunk, because if the same occurred with an idol worshiper, only drinking would be forbidden (as we learned above). In other words, whenever dealing with a non-Jew who is not an idol worshiper, the prohibition is lowered one level from that of an idol worshiper.

This principle is the source of the *chiddush* of the *Rama* discussed above that wine touched by non-Jews today, who are not idol worshipers, is always downgraded one level. Thus, the S"A agrees that when a non-idol worshipping non-Jew touches the wine, the level of the prohibition is downgraded, but he simply maintains that the non-Jews today are considered idol worshipers, with the exception of Muslims.

The 17) (יו"ד מט-ו **חזון איש**) quotes the לב) **ט"ז**), who argues on the *Rama* and S"A, based on his understanding of the רמב"ם, and maintains that whenever a non-Jew, including a Muslim, pours wine, the wine is forbidden to drink, as we do not reduce the prohibition by one level, although one may benefit from it if the non-Jew was Muslim. The חזון איש writes that **רבי עקיבא איגר** on סעיף כד, the **דגול מרבבה** (quoted in ג) פת"ש)), and the ש"ך quoted above, all disagree with the ט"ז and allow drinking wine poured by contemporary non-Jews who do not worship idols (in a case of loss), and they certainly permit wine poured by a Muslim.

D. Halacha vs. Today's Custom

From the previous section, it emerges that in the case of wine poured by a non-Jewish Christian, the S"A holds that it is forbidden to drink it, but one may benefit from it, while according to the *Rama,* one may even drink it, and the ש"ך *passkins* like the *Rama* in cases of significant loss. In contrast, in the case of wine poured by a Muslim (and certainly a Jew who is מחלל שבת בפרהסיא, whose wine is never forbidden to benefit from), even the S"A permits drinking it *le'chatchilla*, as do the *Rama,* דגול מרבבה, רע"א, ש"ך, and חזון איש, and only the ט"ז forbids. If so, why does the widespread custom in עם ישראל appear to be to forbid drinking wine poured by Christians, Muslims, and even non-religious Jews?

We will first address Christians, followed by Muslims, and then non-religious Jews.

I. Wine poured by Christians

As mentioned, the S"A would never permit drinking wine poured by Christians, just as he would prohibit wine poured by any idol worshipers.[7]

[7] There is a dispute among the *Rishonim* as to whether Christianity is considered *avodah zarah,* but for the purposes of this discussion, we will assume that Christianity is *halachically* considered *avodah zarah*, at least to some extent, due to its belief in the trinity (see S"A and *Rema* in או"ח קנו and יו"ד קמח). Nevertheless, the *Rama* is

Regarding *Ashkenazim,* Rav Moshe was once asked whether a catering company can hire non-Jewish workers (i.e., Christians) and have them pour wine using gloves, as perhaps that makes the contact with wine even more indirect, and it would be completely permitted.

Rav Moshe in 18) (אגרו״מ (יו״ד ח״ב-נא) first writes that wearing gloves is not considered indirect touching, and if a non-Jew touches or pours the wine with gloves, the wine would be forbidden. However, Rav Moshe adds that according to the *Rama,* the wine should be permitted (even without gloves) because wine poured by today's non-Jews is permitted.

Lema'ase, Rav Moshe *passkins* that one may not allow non-Jews to pour the wine for two reasons. First, the ש״ך only permits in a situation of loss (e.g., if the glass was already poured), but he would not allow intentionally hiring non-Jews to pour wine. Second, there is another *halacha* (that we will learn more in depth below) stating that an open bottle of wine left unattended with a non-Jew is prohibited, because he may touch it directly or shake it. Since it is impossible to keep an eye on all the waiters at all times, even the *Rama* would agree that their wine is forbidden since they may have touched it.[8] Thus, it is clear from the *pssak* of Rav Moshe that *Ashkenazim* follow the ש״ך and only allow wine poured by a Christian in a case of great loss.

II. Wine poured by Muslims or non-religious Jews – *Sephardim*

Based on what we learned above, it would seem that even according to the S"A, if a Muslim or non-religious Jew pours wine into a glass (without touching the wine), one may drink the wine even *le'chatchilla*. This is based on the S"A in **סעיף ז׳**, which we saw *passkined* that whenever contact by a non-Jew forbids drinking the wine but not benefitting from it, if the non-Jew is Muslim (who never renders a Jew's wine forbidden from benefit, and certainly by a Jewish מחלל שבת בפרהסיא, who has the same status), the wine may even be drunk. Since the S"A *passkins* in קכה-א that wine poured by a non-Jewish idol worshipper may not be drunk, but you may benefit from it, wine poured by a Muslim should be permitted to drink. In fact, this is what the יא) ש״ך) *passkins.* If so, where does the custom of forbidding wine poured by a Muslim and a non-religious Jew originate from?

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still lenient with respect to wine because they do not offer wine as a libation to an idol. Islam, on the other hand, is assumed not to be *avodah zarah,* since the religion is monotheistic.

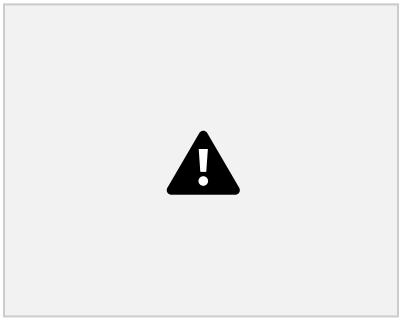
[8] Although we will learn below that having a Jew enter occasionally would permit the wine, Rav Moshe felt it is still best to be *machmir*, presumably either because the waiters are left unattended for an extended period of time, or because the *Rama* relies on יוצא ונכנס only *b'dieved* when the Jew is away for more than 20 minutes (see below for more details).

It is possible that the custom originates from the ט״ז's stringent position quoted by the חזון איש above. However, most *posskim* do not hold like the ט״ז (as we saw above), and *Sephardim* do not usually follow the ט״ז (especially when he argues on the S"A). Nevertheless, **Rav Ovadya** in יביע אומר (א-יא) and many other *Sephardic posskim* also forbid consuming wine that was poured by a Muslim. What would be the reason for this stringency?

In order to understand their view, we need to take a slight detour and learn another *halacha* that relates to *stam yeinam*: **ניצוק** – the principle that a stream of wine being poured can create a *halachic* connection between two containers and forbid them both. Let's explain.



The 19) (עב:) **גמרא עבודה זרה**) relates that רב חסדא instructed Jewish wine merchants to be careful when filling bottles belonging to non-Jews that they should avoid creating a continuous stream from their container to the non-Jew's bottle (see image #1) because the leftover wine in the non-Jew's bottle forbids the stream, which in turn forbids the wine remaining in the Jew's container. Rather, they should pour in short bursts from an elevated position, such that the upper portion of the stream is no longer connected to the Jew's container before the lower portion reaches the non-Jew's bottle (see image #2). **Rashi** *passkins* in accordance with רב חסדא, but **רבינו תם** in Tosfos ד״ה רב חסדא *passkins* that *nitzok* is not considered a *halachic* connection and does not prohibit the wine above.



The S"A in **סימן קכו-א** *passkins* like the Gemara above that pouring wine from a bottle into a cup containing leftover *stam yeinam* renders the entire bottle forbidden (see image #1) unless the stream is disconnected from the bottle before it reaches the cup (see image #2). The S"A in **סעיף ב׳** adds that this *chumra* forbidding *nitzok* applies only when there is a relatively small financial loss. But if the Jew is pouring out of a large barrel, we rely on ר״ת who *passkins* that *nitzok* is not considered a connection.[9]

The קכו-א) **ש״ך**) writes that the S"A is *machmir* concerning *nitzok* only if the wine in the glass is forbidden both for drinking and for benefit. However, if the wine in the glass is only forbidden to drink but it is still permitted in benefit, the

[9] We will learn the *halachos* of *nitzok* in more depth below.

stream cannot create a *halachic* connection between the cup and the bottle. The S"A himself *passkins* this in קכו-ה, as explained by the ש״ך there.

We learned above that if a non-Jew pours wine without shaking it, the S"A in קכד-יח and קכה-א *passkins* that it may not be drunk, (but one may benefit from it). Based on what we just learned, since benefit is permitted, *nitzok* should not apply and the leftover wine in the bottle should remain permitted. But if so, why does the S"A in **סימן קכה-א** *passkin* that when a non-Jew pours wine without shaking it (and the wine in the cup is forbidden to drink, while benefit is permitted) the wine leftover in the bottle is forbidden![10] It should be permitted, as he *passkined* in סימן קכו!

The 20) (עמ׳ רז **עטרת שלמה**) quotes the תפארת אדם and בית יהודה, who explain that the S"A essentially accepts the opinion of the רמב״ם that wine poured by a non-Jew should be prohibited both to drink and to benefit from. However, in practice, the S"A is lenient and allows one to benefit from such wine in order to prevent financial loss. Nevertheless, since the S"A still views this wine as fundamentally similar to wine that is prohibited for benefit, he applies certain stringencies to it as well, such as the prohibition of *nitzok.*

Based on this, if a Muslim pours wine, the wine may not be drunk because pouring is something that in essence forbids drinking and benefiting. This changes our original assumption. We initially thought that since wine poured by a non-Jew is permitted for benefit, wine poured by a Muslim should be lowered one level further and permitted even to drink. However, according to this understanding of the S"A, the starting point is that wine poured by a non-Jew is essentially prohibited for benefit as well. Therefore, even after lowering the prohibition by one level for a Muslim, the wine poured remains forbidden to drink (but *nitzok* does forbid the remaining wine in the bottle, since the wine in the glass is only forbidden from drinking).[11]

As already mentioned above, **Rav Ovadya** in 21) (יביע אומר (א-יא) *passkins* that wine poured by a Muslim may not be drunk. In that *teshuva,* on page רנז, he explains that benefit is permitted (since the prohibition is lowered a level for Muslims) and therefore, *nitzok* does not apply either (since the wine is permitted to benefit from). Rav Ovadya also *passkins* in the same *teshuva* that the same logic applies to wine poured by a Jewish מחלל שבת בפרהסיא: it may not be drunk,

[10] The ש״ך (קכה סק״א) raises this question and concludes with צריך עיון. See, however, the באר היטב (קכה-א), who answers that the S"A is *machmir* only when the bottle is picked up, since that is similar to libation.

[11] It is clear that the ש״ך did not understand the S"A this way, as he raises the question and concludes with צריך עיון, and did not offer the answer of the תפארת אדם.

but one may benefit from it, and *nitzok* does not forbid the wine remaining in the bottle.

Rav Dovid Teherani, a student of Rav Ovadya, notes in סימן קכב) **יין לנסך** 22) (סק״ו) that Rav Ovadya bases his ruling on the תורת האדם, but the majority of *Sephardi posskim* allow drinking wine poured by a Muslim.[12] He therefore concludes that it is indeed best to be *machmir* not to allow a Muslim or Jewish מחלל שבת בפרהסיא to pour your wine*,* but if it was already poured, you may be lenient, especially in the case of a non-religious Jew.

III. Wine poured by Muslims or non-religious Jews – *Ashkenazim*

All of the above discussion pertains to the opinion of the S”A and the *Sephardic* practice. The *Rama,* however, allows drinking wine poured by a Muslim, just as he permits wine poured by Christians. Even the ש״ך, who relies on the *Rama* only in cases of loss, limits the stringency to Christians, but regarding Muslims, he permits drinking the wine they poured even *le'chatchilla* (as he writes explicitly in סקי״א).[13]

Furthermore, there is even more reason to be lenient regarding wine poured by a non-religious Jew. We learned above in Section B that the majority of Jews today are either traditional, respectful of Judaism, or תינוקות שנשבו, and do not have the status of מחללי שבת בפרהסיא according to many opinions. Moreover, **Rav Moshe**, in 23) (אגרו״מ (או״ח ח״ה לז:ח), writes that it is not entirely clear that even a definite מחלל שבת בפרהסיא prohibits wine that he touches, as this *halacha* is not codified anywhere in the S”A or ש״ך. Nevertheless, Rav Moshe acknowledges that the accepted custom (attributed to Rashi) is certainly to forbid wine touched by a מחלל שבת בפרהסיא.

It is striking that if one were to take a poll among religious Jews, one would likely find that the widespread custom, even among the *Ashkenazi* Jews*,* is to forbid wine poured by a Muslim or a non-religious Jew. What is the source of this stringency? It seems that the S”A, *Rama,* ש״ך, רע״א and more, are lenient!

There are two possible suggestions to explain the common *Ashkenazi* practice: 1) As mentioned above, the **ט״ז** *passkins* that wine poured by Muslims and non-religious Jews is forbidden. Although the ט״ז is a דעת יחיד against the S”A, *Rama,* ש״ך, and other *posskim,* perhaps his *pssak* has become the accepted custom because of the severity of the prohibition of intermarriage and the need to guard against assimilation*.* 2) The 24) (חי״ב-נו) **ציץ אליעזר**)

[12] See previous note on how to reconcile the S”A.

[13] Furthermore, the ש״ך does not agree with the עטרת שלמה's resolution of the S”A, since he leaves the contradicting question on S”A as a צריך עיון.

vehemently defends the custom to forbid wine poured by Muslims and non-religious Jews. He writes that even the חזו״א and דגול מרבבה only allow wine poured by a non-Jew when it is poured incidentally, such as when moving boxes of wine. But if a non-religious Jew deliberately pours a glass of wine, that is considered ״שכשוך״ and the wine is certainly prohibited to drink. According to the ציץ אליעזר, whenever a bottle of wine is poured normally, שכשוך takes place, unless the one pouring is extremely careful to lift the bottle and pour without moving the wine.[14] Therefore, any time a Muslim or מחלל שבת בפרהסיא pours wine, the wine in the cup is forbidden.

Although many modern-day *posskim* forbid wine poured by a Muslim or non-religious Jews, it would seem that the wine remaining in the bottle should certainly be permissible to drink, as **Rav Ovadya** (21) cited above *passkins*. The reason for this is because *nitzok* only creates a connection to forbid the wine in the bottle if the wine in the glass is forbidden both for drinking and benefit. When a Muslim or non-religious Jew pours wine, the wine in the cup is only forbidden to drink, and therefore does not forbid the remaining wine in the bottle. In fact, even the **ט״ז**, who is *machmir* to forbid drinking wine poured by a Muslim, as discussed above, limits this to the wine poured into the cup, but not to the wine remaining in the bottle.[15]

Nevertheless, **RSZA** in 25) (שולחן שלמה (ערב הע׳ ז) is quoted as ruling that the accepted custom is to prohibit even the remaining wine in the bottle when poured by a Muslim, because of *nitzok.* Furthermore, **Rav Elyashiv** is quoted in 26) (אשרי האיש (יו״ד ח״א פ״ח) as ruling that even wine remaining in a bottle poured by a Jew who is a מחלל שבת בפרהסיא is forbidden. What could be the basis for the positions of RSZA and Rav Elyashiv? All the commentaries on the S”A appear to forbid only the wine poured out, but not the remaining wine in the bottle.

Regarding a Muslim, the 27) (ח״ד-מד:יט) **מראה דבר**) writes ״צריך עיון״ as to the source of this *halacha.* Regarding Rav Elyashiv’s ruling concerning a מחלל שבת בפרהסיא, Rav Shraga Kallus related in a shiur online that the quotation is inaccurate, and Rav Elyashiv never issued such a ruling.

Nevertheless, there are two possible reasons for the stringent approach. First, the 28) (ח״ב-סא:ג) **אבני ישפה**) *passkins* like the ruling cited in the name of

[14] According to the ציץ אליעזר, when the S”A in קכד-יח discusses the case of pouring wine without שכשוך, that refers only to where the non-Jew is extremely careful not to shake, but all other cases of pouring include shaking.

[15] The קכו-ט) ש״ך) *passkins* that *nitzok* applies even to non-Jews today, who do not worship idols, because *m’ikar ha’din,* non-Jewish wine is forbidden in benefit. However, even the ש"ך would agree that wine remaining in a bottle from which a Muslim poured would certainly be permitted to drink, since *m’ikar ha’din,* even the poured wine is permitted in benefit.

Rav Elyashiv, that the remaining wine in a bottle poured by non-religious Jews is forbidden because of *nitzok.* He explains that the leniency of the *Rama* that all non-Jews act "without intent" for libation – and therefore the prohibition is downgraded – does not apply to non-religious Jews. When Chazal forbade their wine, they were aware that they have no intent to perform libations, yet they still rendered their status as equivalent to that of a non-Jew. Thus, although there is no problem of libation, the prohibition is still not downgraded.[16]

A second reason to forbid the remaining wine in a bottle poured by either non-religious Jews or Muslims is that if we consider pouring as an act of shaking (as the ציץ אליעזר suggests), then any act of pouring, in fact, also constitutes shaking, which forbids the bottle. We learned in קכד-יא that when a non-Jew shakes the wine, it is forbidden to drink and benefit from it. When a Muslim or a non-religious Jew shakes the wine, the prohibition is lowered by one level, and although benefit is permitted, the wine is still forbidden to drink (the reason is because shaking is similar to כוחו, which prohibits drinking).

Lema'ase, what is the *halacha* if a non-religious friend, family member, or waiter pours you a glass of wine? Are you allowed to drink it? And are you allowed to drink the remaining wine in the bottle? We will first summarize the reasons to be lenient and then the reasons to be stringent.

Reasons to be lenient regarding wine poured by a non-religious Jew:

1. As discussed in section B, according to many *posskim,* most non-religious Jews today are not considered מחללי שבת בפרהסיא, and they would not forbid any wine touched.
2. Rav Moshe writes that it is not entirely clear that a מחלל שבת בפרהסיא forbids wine that he touches.
3. The *Rama* and ש"ך allow drinking wine poured by a non-Jew because he does not touch the wine and has no intent for libation. Certainly, then, wine poured by a non-religious Jew would be permitted. The ש"ך would permit this even *le'chatchilla,* since the Jew has the status of a Muslim (and the case where the ש"ך only allowed relying on the *Rama* in a situation of loss is when a Christian pours the wine).
4. The S"A allows drinking wine poured by a Muslim (as explained by ש"ך סקי"א), so he would certainly allow wine poured by a non-religious Jew (who has the same status).
5. The חזו"א, רע"א and דגול מרבבה permit.

[16] What emerges from the ruling of the אבני ישפה is that a Muslim is treated more leniently than a non-religious Jew regarding the wine he pours. A Muslim does not forbid the remaining wine in the bottle, whereas a non-religious Jew does.

6. If the wine is pasteurized, we can also add the opinions that hold pasteurization is considered *mevushal* (see שבט הלוי ח״ב-נא).

Reasons to be stringent:

1) ט״ז forbids based on רמב״ם.
2) Rav Ovadya and the ציץ אליעזר forbid.
3) The widespread custom seems to be stringent (as confirmed by rulings attributed to RSZA and Rav Elyashiv).

It is clear that one should follow the custom and avoid drinking wine poured by a non-religious Jew, and if a non-religious Jew directly touches the wine, it should certainly be forbidden (assuming he has the status of a real מחלל שבת בפרהסיא, though as mentioned, many *posskim* hold that today's non-religious Jews do not have that status). However, we should keep in mind that the majority of *posskim* maintain that there is no prohibition of *stam yeinam* at all when a non-religious Jew pours the wine (without touching it). Therefore, if not drinking wine poured by such an individual will cause him pain or embarrassment, it would seem that a lenient approach should certainly be taken. Embarrassing a fellow Jew involves a biblical prohibition, whereas *stam yeinam* is rabbinic. There have been many stories of non-religious Jews who have been deeply offended and alienated because people did not learn the *halachos* of *stam yeinam.* [17]

לפי עניות דעתי, it is a *mitzvah* to publicize the leniencies to observant Jews. When the *Rama* writes that one should not publicize this *halacha* in front of עמי הארץ, he was referring to the leniency for wine poured by a Christian, but concerning wine poured by a מחלל שבת בפרהסיא (or a Muslim), even the S"A agrees it is permitted *le'chatchilla* (as explained by the ש״ך (יא)). Regarding the wine remaining in the bottle, there is even more room to be lenient.

Lastly, many *acharonim* are lenient to allow wine poured by non-Jews, and many would certainly allow wine poured by a מחלל שבת בפרהסיא. For example, the קעו-י) **ערך השלחן**), written by Rav Yitzchak Teib (1786-1833), allows drinking wine poured by a Muslim (and certainly a non-religious Jew). The כלל) **חכמת אדם** עז-א) allows drinking wine poured by a Christian, if a potential loss is involved

[17] I once sat on a flight from NY to TLV next to a non-religious Jew who told me that although he was interested in coming closer to religion, he would never become religious. He explained that when his brother became religious, he once ate at his brother's house and opened a bottle of wine. His brother got up and said, "no one should drink from that wine because he is a מחלל שבת בפרהסיא". This individual got up and has not spoken to his brother since. If the *baal teshuva* had known the basics of these *halachos,* everything could have been avoided. Most people learn all the *chumros* of *stam yeinam*, but it is important to know the leniencies, especially when being stringent might embarrass others.

(like the ש״ך above), and he likely would say the same in cases of potentially causing embarrassment to a non-religious Jew. *Lema'ase*, you should ask your Rav.