

Nothing for Me, Thanks Drinking with Non-Jews

I was working at a law firm in Los Angeles, and it was holiday season for the non-Jews. “Bill,” a partner in the firm, invited all the attorneys to a holiday party at his home. Seeing little choice – Bill was a partner, and this was my job – my wife and I gingerly stepped into the scene at the party. Non-kosher food was everywhere, with alcohol and wine flowing freely. We sat there with the partners and other associates from the firm. Everyone ate; we said “no, thank you.” Everyone drank; we shook our heads – no, we didn’t want anything. Eventually, our host and fellow guests asked why we were not eating. We politely explained that we kept kosher, apparently convincing them all that we had recently landed from Mars.

While the food there was clearly out of bounds, some of the alcoholic beverages were kosher. Could we at least have had a drink?¹

Business meetings, office parties, and other social events can be difficult to avoid in the workplace. On many of these occasions, we may be expected to join non-Jewish colleagues or clients in social drinking. Assuming that we are permitted to attend the event² and that the beverage itself is kosher, with no concerns for *yayin nesech*,³ can we drink alcoholic beverages with non-Jews?

Social Drinking

Chazal prohibited alcoholic beverages (*shechar*⁴) of non-Jews for a very distinct reason: *mishum chasnus*, because of the concern that it could lead to intermarriage (*Avodah Zarah* 31b). If we are permitted to drink non-Jewish alcohol, we would become accustomed to drinking at non-Jewish affairs; this type of socializing could lead us to become involved with non-Jewish women (Rashi, *Rambam Peirush HaMishnayos Avodah Zarah* 2:6). Even if the beverage itself is kosher, the setting and the company are themselves highly problematic.

The *Gemara* relates the precautions taken by two *Amoraim*, Rav Papa and Rav Achai, when they purchased kosher alcoholic beverages from a non-Jewish establishment. Rav Papa would not sit down to drink in the store – he would leave with his purchase

¹ This chapter relates to the question of drinking kosher alcoholic beverages and kosher coffee with non-Jews. Any beverage of questionable *kashrus* is forbidden in any case.

² See the next chapter, “You Are Cordially Invited: Attending Non-Jewish Social Gatherings and Holiday Parties,” for a discussion of whether or not we are permitted to attend and eat at non-Jewish social events, holiday parties and the like.

³ Non-Jewish wine is forbidden because it may have been used for idolatrous rites, and because of the concern for intermarriage. *Yayin nesech* is literally translated as “wine that was poured [to an idol].” *Stam yaynam*, “their ordinary wine,” is wine which was made by or purchased from a non-Jew. Kosher wine takes on the status of *stam yaynam* if it is handled by a non-Jew. *Yayin mevushal* is kosher wine which was cooked or boiled, invalidating it for idolatrous services. *Yayin mevushal* does not become *yayin nesech* or *stam yaynam* even if it is touched by a non-Jew. The laws of *yayin nesech*, *stam yaynam* and *yayin mevushal* are beyond the scope of this chapter.

⁴ “*Shechar*” is literally translated as “beer,” but we define it here more broadly as “alcoholic beverages other than wine,” in accordance with the ruling of the majority of *poskim*, as will be discussed in this chapter.

and drink it outside. Rav Achai was even more careful – he would not drink the alcohol until he was at home. Both took these steps to avoid developing friendships and other contacts over drinks which could lead to intermarriage (*Avodah Zarah* *ibid.*; *Chiddushei HaRaah*, cited in *Shitas HaKadmonim*).

While *Chazal* mention *chasnus* as the primary reason for the prohibition against drinking with non-Jews, the prohibition applies across the board, even in situations where there does not appear to be any risk of potential intermarriage – for example, in all-male company, or with a priest or other non-Jew who has no relatives we might come to meet. This is in keeping with the halachic principle of *lo plug rabbanan* – the rabbis did not differentiate between one case and another. Once a ruling has been instituted by *Chazal*, it applies in all cases, even if the reasoning behind it may not pertain to a specific case (see *Darkei Moshe HaKatzar*, *Yoreh Deah* 112:2; *Rema*, *Yoreh Deah* 112:1; *Taz*, *Yoreh Deah* 112:1).

The Prohibition against Non-Jewish Alcohol

What is *Shechar*?

Shechar is any type of alcoholic beverage other than wine, which is subject to its own prohibitions, instituted by the *Tannaim*. The prohibition against drinking *shechar* with non-Jews is found not in the *Mishnah* but in the Babylonian Talmud. The *Aruch HaShulchan* traces the history of this prohibition.

The *Mishnah* was compiled in *Eretz Yisrael*, completed in approximately 200 CE. At that time, the standard drink was wine. Other types of alcohol were not common, and were not considered suitable for *kiddush* and *havdalah* (see *Pesachim* 107a). Drinking *shechar* was not widespread enough to be a cause for concern, so no edicts were enacted to restrict its consumption with non-Jews.

In Babylon dates were plentiful and date liquor was common. In that locale it was considered *chamar medinah* (a distinguished beverage), and it was used for *havdalah*. It became necessary for the *Amoraim* to impose restrictions there on drinking *shechar* with non-Jews, unlike the situation in *Eretz Yisrael*, where alcohol was almost exclusively wine.

The Restrictions on *Shechar*

While a decree was necessary, the *Amoraim* did not make the restrictions on *shechar* as broad as those on wine for two reasons. First, *shechar* does not have the same effect as wine; “wine gladdens man’s heart” (*Tehillim* 105:15), and whets the appetite. In addition, since the *Tannaim* had not decreed against *shechar*, the *Amoraim* did not want to invest their own later decree with the same weight as that of the *Tannaim*.

Instead, while non-Jewish wine is forbidden altogether, they did not entirely forbid non-Jewish alcohol. Their primary purpose was to set up a protective “fence” to prevent socializing over drinks in non-Jewish homes and establishments, and the prohibition is structured accordingly. Assuming there are no *kashrus* problems, it is permitted to drink non-Jewish *shechar* at home, and at Jewish gatherings. In these

settings, the majority of those present will presumably be Jewish, reducing the risks (*Aruch HaShulchan Yoreh Deah* 114:6).

The *Shulchan Aruch* forbids the consumption of every type of alcoholic beverage with non-Jews because of the concern for *chasnus*. This includes, but is not limited to, beverages made of dates, figs, barley, grain or honey. Assuming that the product itself is kosher, it is only forbidden to drink it where it is sold or otherwise dispensed. We can buy it and drink it at home, because the primary purpose of the enactment is to prevent sharing a meal with a non-Jew (*Yoreh Deah* 114:1). In other words, the prohibition relates not to the *kashrus* of the beverage – which may actually be kosher – but to the location where it is consumed.

The *Shach* (3) emphasizes that this prohibition includes alcohol made of all types of grains, whether wheat or barley. The *Biur HaGra* explains that the base of the alcohol is irrelevant – they are all prohibited for the same reason, the concern for intermarriage.

The *Rema* (both in *Darkei Moshe HaKatzar* on the *Tur* and in his glosses on the *Shulchan Aruch*) cites a more lenient practice common in Ashkenazic countries, permitting consumption of grain- and honey-based alcohol in a non-Jew's home (*Yoreh Deah* 114:1). According to this lenient opinion, many of the grain-based alcoholic beverages common today would be permitted.

Practically speaking, we do not follow the more lenient ruling on this issue. The *Achronim*, even among the Ashkenazim, disagree with the *Rema*, and rule in keeping with the *Shulchan Aruch*. The *Biur HaGra* (8) mentions the lenient opinion forbidding only date alcohol and writes, “However, all the *poskim* disagree with this.”

The *Pri Chadash*⁵ (6) questions the *Rema*'s lenient opinion permitting grain and honey alcohol. He writes that *Chazal* forbade *all* types of *shechar* due to the concern for intermarriage, and this is how all the *poskim* rule. Accordingly, one who is lenient concerning grain alcohol transgresses the ruling of *Chazal*, and should be rebuked. *All* forms of alcohol are forbidden. Kosher non-alcoholic fruit juices are permitted – but alcohol is not.

Drinking with Non-Jews

Sitting Down to Drink

The *Shulchan Aruch* adds an important stipulation to the prohibition against non-Jewish alcohol: “And they [*Chazal*] only forbade it when one sits down formally to drink (*kovea atzmo*). If he went into the non-Jew's house and happened to have a casual drink (*derech arai b'akrai*), but does not do so on a regular basis, it is permitted.”

⁵ Rav Chizkiyahu da Silva (1659-1698) of Italy and Jerusalem, one of the great *Acharonim*, was the author of the classic commentary *Pri Chadash* on *Yoreh Deah*.

The *Shulchan Aruch* uses two qualifying terms: *derech arai* and *b'akrai*. The *Kaf HaChaim*⁶ (6), citing the *Pri Chadash*, writes that *derech arai* means in a manner which is strictly casual and informal – not sitting down to have a drink together. *B'akrai* means that it was a chance, passing incident – not something which happens on a regular basis (three times is considered to be “on a regular basis”). According to the *Kaf HaChaim*, either of these elements on its own is prohibited – not necessarily the two in combination. Sitting down formally for a drink (drinking *b'derech keva*) would be forbidden even once, while even a casual drink (for example, having a quick drink standing up) is forbidden on a regular basis. The *Shulchan Aruch* and *Kaf HaChaim* are not by any means suggesting that it is permitted to drink freely with non-Jews as long as we do it standing up!

A student in yeshivah asked me to define “three times.” Does it mean that it is permitted to drink with different non-Jews as long as it is less than three times with each one? Or is it cumulative – one can only drink with all non-Jews combined up to three times total? I told him that this point is not clear from the wording of the Shulchan Aruch and the Kaf HaChaim – and advised him to be strict, and do neither. There is no reason to drink alcoholic beverages with non-Jewish co-workers, friends or acquaintances.

Drinking at Non-Jewish Parties

The Rambam writes that *Chazal* enacted certain prohibitions which are not explicit in the Torah, in order to keep us at a distance from non-Jews and reduce the likelihood of intermarriage (*Hilchos Maachalos Assuros* 17:9-10). “They forbade drinking with them, even in a situation where there is no concern for *yayin nesech*, and they forbade eating the bread baked and food cooked by non-Jews, even where there is no concern that the food itself is not kosher.”

The Rambam elaborates on two aspects of the prohibition. There is the aspect discussed above: “And we do not drink their *shechar* (alcoholic beverages) which they make from dates, figs and the like. And [drinking their *shechar*] is only forbidden in the place where it is sold. But if one took the *shechar* home and drank it there, it is permitted, because the main reason for the decree was to prevent having a meal with them.” The Rambam does not distinguish between different varieties of alcohol, and forbids any and all drinking in non-Jewish homes, bars, lounges and the like.

The other aspect concerns drinking at non-Jewish parties: “One should not drink at a non-Jewish party, even if it is *yayin mevushal* which is not forbidden, or if he drinks only from his own utensils [his own bottle, poured into his own cup].” He allows only one leniency: “if the majority of those present at the *mesibah* (party) are Jewish, it is permitted to drink there.”

Based on the Rambam’s wording (“if the *majority* of the party are Jews, it is permitted.”), the *Pri Chadash* writes that if the crowd is exactly fifty percent Jews and fifty percent non-Jews, it is forbidden to drink there – an even fifty-fifty is not a majority of Jews (*Yoreh Deah* 114).

⁶ Rav Yaakov Chaim Sofer (1870-1939) was a *posek* and *mekubal* in Baghdad and Jerusalem. His ten volume *Kaf HaChaim* is a commentary on *Shulchan Aruch Orach Chaim* and part of *Yoreh Deah*.

My wife and I were attending a convention in Orlando, Florida, and we were invited out to a social/business dinner by the three members of the senior management of the company where I was employed. They chose the venue: a treife seafood restaurant. Assuming correctly that there would be nothing kosher on the menu, we ate before leaving for the restaurant, and spent the evening watching our companions eat lobster – a sight I hope never to see again.

Of the five attending, my wife and I were the only Jews, obviously the minority. If this was considered a “mesibah” (party) as discussed by the Rambam, we would not be allowed to drink any alcoholic beverages, even if they were kosher. The Rambam would not have forbidden sitting in the restaurant with my employers, but would have prohibited drinking alcohol, since we were in the minority. Even had there been another Jew with us, making the numbers even, it would still have been a problem. Fortunately, neither of us enjoys drinking.

However, there does seem to be a blatant contradiction in the Rambam. On the one hand, he rules that it is forbidden to drink in predominantly non-Jewish company; he only permits it when the majority of those present are Jews. On the other, we see that based on the *Gemara* in *Avodah Zarah*, and as the Rambam himself rules, all drinking at any non-Jewish gathering is absolutely forbidden, regardless of the number of Jews present.

The *Bach*⁷ explains the apparent contradiction in the Rambam. He writes that any leniency permitting drinking with a non-Jew is limited exclusively to drinking with him in a Jewish home. Even if non-Jews are visiting a Jewish home, the concern for intermarriage still exists, and a Jew may only drink alcohol if there is a majority of Jews present. “But in a non-Jewish house, even if one is drinking alone [with his own utensils], it is forbidden” (*Yoreh Deah* 112). This includes any sort of non-Jewish “house” or establishment, whether private, commercial, or social.

In other words, even had there been a majority of Jews with us at the restaurant with my employers, according to the Bach it would still have been forbidden for us to drink alcohol there. As the Rambam wrote, any drinking in a non-Jewish establishment or home, even alone, and even if it is our own alcohol from our own cup, is forbidden.

From where did Rambam derive that it is permitted to drink if the majority of those attending are Jewish?

The *Beis Yosef* cites a *Gemara* in *Avodah Zarah* (30a) as the probable source: The *Amora* Shmuel was sitting with a non-Jew named Avlet, and they were served *yayin mevushal*. Avlet had some knowledge of Jewish practices, because he made sure not to touch the wine so that it would not be forbidden to Shmuel as *yayin nesech*. Shmuel told him that his precaution was unnecessary, because *yayin mevushal* does not become *yayin nesech*.

⁷ Rav Yoel Sirkis (1561-1640), a great *rav* and *posek* in Poland, was the author of the classic commentary *Bayit Chadash* (known as “the *Bach*”) on the *Tur* and other works.

The *Beis Yosef* concludes that if Shmuel and Avlet were having *yayin mevushal* together, apparently there must be some circumstance which permits sharing a social drink with a non-Jew (*Yoreh Deah* 112).

The *Aruch HaShulchan* expresses surprise that this *Gemara* is cited by the *Beis Yosef* as the basis of the Rambam's ruling – if the concern is drinking at a non-Jewish party, two people sitting together (Shmuel and Avlet) do not comprise a party (*Yoreh Deah* 114:3).

Drinking with Non-Jews in a Jewish Home

As we learned from the *Bach*, intermarriage is an issue even with non-Jewish visitors to a Jewish home, unless the majority of those present are Jewish. This would be all the more true of a Jewish-owned commercial establishment frequented by non-Jews. In fact, even if the majority of the patrons *are* Jewish, it is still not clear from the *poskim* that we would be permitted to drink alcohol in such a setting. The problems and the pitfalls remain the same, even if the owner of the establishment happens to be Jewish.

A former student who was back in the United States sent me the following question: "What is the halachah with drinking with non-Jews at your own house? For instance, most of my friends from [home] are not Jewish, and when I visit my parents they like to come see me and have a swim in the pool and have a beer. Is this an issue? Should I only drink if there is a majority of Jews? When we are outside, does that majority include Jews who are inside the house? Or if we are inside, does it include Jews who are in the house but not in the same room?"

I responded in keeping with the Bach: "If there are a majority of non-Jews, even in one's own house, one should not drink. I think the majority means counting those who are realistically participating in the party or the get-together. But, in general, I advise against drinking at all on these occasions. Have your beer afterwards, or have a couple extra while in yeshivah."

Having Coffee

We are forbidden to drink alcohol with a non-Jew, but what about a cup of coffee? Today, going out to "do coffee" is as common as going out for a beer, in both social and work-related settings. Assuming once again that the coffee itself is kosher, there are three main halachic opinions on this question: permitted, forbidden, and ill-advised.

Lenient Opinions

The *Pri Chadash* rules that it is permitted to have coffee with a non-Jew. The *Gemara* forbids all types of alcohol, but as the Rambam rules, all types of fruit juices are permitted, which would include coffee (*Yoreh Deah* 114).

Similarly, the *Kaf HaChaim* writes that in Baghdad it was customary to drink coffee and tea in non-Jewish homes, and there were no objections to this practice (*Yoreh*

Deah 114:12). The *Be'er Eshek*⁸ (105) writes that there is no prohibition against having coffee even in a non-Jewish home or establishment, where there would be concerns for potential intermarriage.

Strict Opinions

The *Birkei Yosef*,⁹ on the other hand, considered having coffee with non-Jews a major issue, and ruled strictly: “It is forbidden due to concerns of intermarriage. And one who separates himself from this is as if he separates himself from death to life” (*Orach Chaim* 325:2).

The *Darkei Teshuvah*¹⁰ cites the *Maharikash*¹¹ in *Erech Lechem* on the subject of drinking coffee in non-Jewish homes or establishments. He forbids it for two reasons. First is the concern for potential intermarriage. In addition, these places are a *moshav leitzim*, “a gathering place of scoffers” (see *Tehillim* 1:1), and the frivolous, inappropriate atmosphere is reason enough to forbid drinking there.

The *Darkei Teshuvah* goes on to cite the *Kuntres HaSema*, “who mentions the enactments instituted by the great rabbinical authorities of the times. They decreed that no person should make a habit of going to non-Jewish establishments. And one who makes a practice of drinking there is an empty, low person. He cannot be given the title of rabbi or *chaver*,¹² and cannot hold any position in the community” (*Yoreh Deah* 114:2).

The *Birkei Yosef* cites the ruling of the *Maharikash* (113), who forbade drinking coffee in non-Jewish coffee houses, because of the concern for intermarriage. He also cites a similar ruling from the *Radvaz*¹³ (637), who writes that while the coffee itself is permitted, because it is not considered food cooked by non-Jews (*bishul akum*), one may not drink it with them at their gatherings (*Shiyurei Berachah, Yoreh Deah* 113:3).

Ill-Advised

As we see, some *poskim* permit drinking coffee with non-Jews; others forbid it. *She'eilas Yaavetz*¹⁴ takes a third halachic approach: it is appropriate to be strict and refrain. He writes that having coffee with non-Jews on a regular basis has the same status as drinking alcohol with them – meeting socially for coffee can have the same unfortunate results as drinking alcoholic beverages.

⁸ Responsa of Rav Moshe Shabsai Ber, published in 1674.

⁹ A commentary on the *Shulchan Aruch* by Rav Chaim Yosef David Azulai (1724-1806), known as the *Chidda*. The *Chidda* was a great *rav, posek, mekubal*, and a highly prolific author. He was born in Jerusalem and passed away in Leghorn, Italy, where he served as *rav*.

¹⁰ Commentary on *Yoreh Deah* by the Munkacser Rebbe, Rav Tzvi Hirsch Shapiro (1850-1913).

¹¹ Rav Yaakov Castro (1525-1610), *rav* and *rosh yeshivah* in Cairo, Egypt, wrote glosses on the *Shulchan Aruch* entitled *Erech Lechem*.

¹² An honorary title bestowed on a learned person.

¹³ Responsa of Rav David ben Zimra (1479-1573), *av beis din* and *rosh yeshivah* in Egypt and author of numerous works of Torah.

¹⁴ Responsa of Rav Yaakov Emden (1697-1776), son of the Chacham Tzvi. Rav Yaakov Emden, an eminent *talmid chacham*, was the author of major commentaries on the Mishnah and Talmud, and other works.

He writes that there is some difference between alcohol and coffee, because alcohol is intoxicating while coffee has a sobering effect. Even so, we should treat coffee as we do alcohol – the prohibition is not dependent on alcohol content. *Chazal* also forbade non-Jewish bread and cooked foods, obviously nonalcoholic, and their enactment is only set aside under pressing circumstances, even though the risk of intoxication clearly does not apply.

He points out that if *Chazal* were so strict about this in their times and set up a system of restrictive safeguards, we are certainly no better. If anything, we need these restrictions far more, to prevent entanglements with non-Jewish women. “For this reason,” he writes, “in my eyes it is clear that it is right and proper to be strict concerning this and all the like, and it is *halachah* from the *Talmud* (Responsa *She'eilas Yaavetz*, vol. II, 142).

Due Caution

The *Chochmas Adam*¹⁵ writes that the *Pri Chadash* is lenient about having coffee in a non-Jewish home. However, writes the *Chochmas Adam*, “in our times, due to our many sins, numerous problems come of it, among them that it leads to forbidden relationships, G-d forbid, as is known. Therefore, one who has any connection to Torah should distance himself from going into their homes to drink any kind of beverage” (*Chochmas Adam, Shaar Issur V'Heter, Klal 66, 14*).

Practically Speaking

We see that some halachic authorities are lenient about having coffee and similar beverages with non-Jews, while others rule more strictly, especially at parties or other social settings. Practically speaking, can we have (kosher) coffee with non-Jewish co-workers or clients, whether at business meetings, office parties, cafes or restaurants? The writings of the *poskim* provide important guidelines. They discuss two grounds for leniency concerning coffee:

Maintaining Cordial Relationships

The *Kaf HaChaim* mentioned that drinking coffee at non-Jewish social events was widely accepted. He suggested that this may have been *mishum eivah* – it was permitted in order to avoid ill feelings from the surrounding non-Jewish society. It was customary for Jews and non-Jews to frequent coffee shops and treat each other to coffee as a sign of good will. If the Jews would refrain from drinking the coffee, it would cause animosity, and because of this, it was permitted in order to keep the peace.

Pressing Circumstances

¹⁵ Summary of the *halachos* in *Yoreh Deah* by Rav Avraham Danzig (1748-1820), author of *Chayei Adam* on *Orach Chaim* and *Zichru Toras Moshe* on *hilchos Shabbos*. Rav Danzig, a businessman for many years, eventually became a *dayan* in Vilna.

*Chayei HaLevi*¹⁶ cites *Pischei Teshuvah*¹⁷ and *Darkei Teshuvah*, who discuss the question of drinking coffee with non-Jews, especially in coffee shops. Based on their words, he writes that “it is appropriate for a *baal nefesh* to be strict, but that under pressing circumstances, it is permitted to be lenient. As such, we do not voice objections to those who are lenient” (Responsa *Chayei HaLevi*, *Yoreh Deah* 4:53).

How Bad Can It Be?

No matter how sophisticated, aware, and in control we may feel – and no matter how “frum” we may be – socializing, with or without alcohol, can end in disaster, causing permanent, irreparable damage. A prominent rav in the United States recounts a heartbreaking story.

“Estie” was happily married with a number of children. She was strictly Orthodox, and dressed and conducted herself accordingly, even at work in a largely non-Jewish office. She consistently avoided all work-related social events. Then one day an employee with whom Estie had worked closely for years was leaving the company, and Estie felt obligated to attend the farewell party in her honor. She was pressured into having a drink, or drinks. She was unable to refuse... and woke up the next morning with a strange man. Estie’s husband was a Kohen. They took their story to a rav, and based on the circumstances of their case, his pesak was that they were no longer permitted to live together.¹⁸ For Estie, drinking at an office party spelled the end of her marriage, an irreversible tragedy for her, her husband and their children.

¹⁶ Responsa of Rav Yochanan HaLevi Vosner, Skverer *dayan* in Montreal.

¹⁷ Comprehensive commentary on *Shulchan Aruch Yoreh Deah*, *Even HaEzer*, and *Choshen Mishpat* by Rav Avraham Tzvi Eisenstadt (1813-1868), *rav* in Kovno.

¹⁸ An analysis of when a married woman is prohibited to her husband due to extra-marital relations is beyond the scope of this chapter. In this instance, the husband’s status as a *kohen* was an important factor in the *pesak*.