

# ONEG SHABBAS

THE UNOFFICIAL PARASHAH SHEET FOR KIDDUSH CLUBS

פרשת ואתחנן - Vol. 4, Iss. 41 8-9 August 2025 - ט"ו אב תשפ"ד

## Wine in War

One of the wonderful gifts that God will provide us upon our entry into the land of Israel when our ancestors were to conquer it, would be (Deut. 6:10-11):

great and flourishing cities that you did not build, houses full of all good things that you did not fill, hewn cisterns that you did not hew, vineyards and olive groves that you did not plant.

This is certainly an incredible blessing, receiving all of these projects that require so much energy, time, and effort yet would already be provided. In real estate terms, we would call these turnkey properties.

While that is certainly the case for these houses and the cisterns, it would seem to be a bonus to receive these vineyards and olive groves, which have already taken years to grow and are ready for our ancestors' consumption. Of course, for readers of this publication, we all know what vineyards are used for: the production of wine. While that in and of itself would be a wonderful blessing, there's still, of course, the work to be done to transition the products of these vineyards into actual wine. Nevertheless, it's a notable help in taking over already growing vineyards.

One question that does arise, however, is the ability to properly tend to vineyards according to the laws of the Torah. After all, we have certain limitations in our growing and tending to vineyards that other nations do not; if we're taking them over, perhaps these vineyards would not be okay for us to use. Rabbi Naftali Tzvi Yehuda Berlin (1816-1893) (popularly known as Netziv) provided an explanation to assuage these concerns (העמק דבר על דברים וי"א, ד"ה כרמים וזיתים אשר לא נטעת):

And one may be concerned that these vineyards are uncircumcised fruit or forbidden vineyard mixtures, nevertheless, "and you shall eat and be satiated" - you are permitted to use them.

So even using these vineyards that may not have been planted according to the Torah, we are still permitted to use them, which is a further aspect of this blessing.



### Maimonidean Innovation

While the Talmud discusses the permissibility of food within the houses as having been available for consumption at that time (Hullin 17a), Rabbi Moses ben Maimon (1138-1204) (popularly known as Maimonides and/or Rambam) understands the wide-ranging permissibility of such food in situations of Jewish warfare (Mishneh Torah, Kings and Wars 8:1):

When the army's troops enter the territory of gentiles, conquering them and taking them captive, they are permitted to eat meat from animals that died without being ritually slaughtered or which were trefe, and the flesh of pigs and similar animals, if they become hungry and can only find these forbidden foods.

חלוצי צבא קש"כנסו בגבול העכו"ם ויכבשו וישבו מהן. מתר להן לאכל נבלות וטרפות ובשר חזיר וכיוצא בו אם ירעב ולא מצא מה יאכל אלא מאכלות אלו האסורים.

While this is pretty shocking, at least Maimonides had the Talmudic precedent for such an allowance for the consumption of such otherwise forbidden food. However, Maimonides goes further to include drinking libation wine (ibid.):

Similarly, they may drink idolatrously-libated wine. This license is derived by the Oral Tradition which interprets Deuteronomy 6:10-11: "God... will give you... houses filled with all the good things" as "pigs' necks and the like".

וכן שותה יין נסך. מפי השמועה למדו ובתים מלאים כל טוב ערפי חזירים וכיוצא בהן.

This innovation of permitting idolatrously libated wine is certainly fascinating, since, as you can imagine, it is something that is otherwise forbidden. Of course, so is the unkosher meat, but at least the rabbis in the Talmud discussed it; they didn't, however, discuss wine. As you can imagine, Maimonides received pushback on this novel permission.

### Pushback on Maimonides' Innovation

Rabbi Moses, son of Nahman (1194-1270) (popularly known as Nahmanides and/or Ramban) deals with one aspect of the novelty of Maimonides' innovation, which was that this permissibility was not necessarily meant to be forever (רמב"ן על דברים וי"א, ד"ה והיה כי יביאך ה' אלקיך):

This permission lasted until they consumed the spoil of their enemies. And some Rabbis say that this permission applied [only] to the seven years of [the] conquest [of the Land], and so it appears in the Talmud, in the first chapter of Tractate Hullin.

והיה ההתר הזה עד שאכלו שלל אויביהם. ויש אומרים בשבע שנים, וכן נראה בגמרא בפרק ראשון ממסכת חלין.

But then he really pushes heavily back against Maimonides for this expansion of permissibility (ibid.):

And this is not correct—that something was permitted in wartime only due to danger to life or famine. Rather, it was after they had conquered the great and good cities and settled in them that [the Torah] permitted to them the spoils of their enemies. And not for all the troops, but only in the land which He swore to our forefathers to give us, as is explicitly

ואין זה נכון שלא בשביל פקוח נפש או רעבון בלבד הותר בשעת מלחמה אלא לאחר שכבשו הערים הגדולות והטובות וישבו בהן התיר להם שלל אויביהם ולא בכל חלוצי צבא אלא בארץ

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stated in the matter. Likewise, what was mentioned about idolatrously libated wine is not true—for with all prohibitions related to idolatry, whether the idol itself, its attendants, or its offerings, all of it is forbidden, as it says: "You shall utterly detest it and abhor it, for it is banned" (Deuteronomy 7:26). And if the rabbi meant only to permit ordinary non-Jewish wine during wartime, then why would we need to permit such a thing? If Torah-level prohibitions were permitted [in wartime], would rabbinic decrees still remain forbidden?

אשר נשבע לאבותינו לתת לנו כמו שמפורש בענין וכן יין נסך שהזכיר אינו אמת שבכל איסורי ע"ז היא עצמה ומשמשיה ותקרובת שלה הכל אסור שנאמר (דברים ז:כ"ו) שקץ תשקצנו ותעב תתעבנו כי חרם הוא ואם לא נתכון הרב אלא להתיר סתם יינן במלחמה וכי למה הוצרכנו לדבר זה איסורי תורה הותרו גזרות של דבריהם יהיו אסורות



idolatry. On the other hand, if Maimonides meant general gentile wine, he did not have to write that this is permitted, as no one would have thought that it was not. We only needed to be told that soldiers may ignore Biblical injunctions, not rabbinical injunctions. If Biblical injunctions are set aside for soldiers, rabbinical injunctions are most certainly set aside for them!

מאסורי עבודת אלילים הוא ואם כוון הרב לסתם יינם, לא היה צריך לומר, כי אם אסורי תורה הותרו כל שכן סתם יינם שהוא מדבריהם

What emerges from both Nahmanides and Rabbeinu Bahya is that the permissibility for these soldiers to drink idolatrously-libated wine, as Maimonides advocated, is too far of a permission and simply cannot be accepted as allowable. Nevertheless, they both agree that these soldiers should be allowed to consume non-libated gentile wine in such situations.

## Conclusion

As part of receiving, amongst other items, vineyards we did not plant, when we entered into the land, this is to be understood as a wonderful way of enjoying latchkey properties, including the wherewithal to make wine, as well as to eventually drink said wine. In a felicitous expansion of a consumptive permissibility in the Talmud, Maimonides permits even idolatrously-libated wine, which seems like quite the leniency! Yet, his permissibility received such significant pushback in the centuries to follow. While these rabbinic writers did not agree with him on such a level of leniency, they did advocate for the permissibility of non-idolatrously libated wine.

L'chaim 🍷

# Finding One's Mate in a Vineyard

With Tisha b'Av in our rearview mirror, the next significant Jewish calendrical date is that of Tu b'Av, the 15th of Av. The first text we have on this date is as follows (mTa'anit 4:8):

Rabban Shimon, son of Gamaliel (2nd century CE), said: "There were no days as joyous for the Jewish people as the fifteenth of Av and as Yom Kippur, as on them the daughters of Jerusalem would go out in borrowed white clothes, so as not to embarrass one who did not have such garments, all of which required immersion. And the daughters of Jerusalem would go out and dance in the vineyards..."

אמר רבן שמעון בן גמליאל, לא היו ימים טובים לישראל כחמשה עשר באב וכיום הכפורים, שבהן בנות ירושלים יוצאות בכל לבן שאולין, שלא לביש את מי שאין לו. כל הכלים טעונין טבילה. ובנות ירושלים יוצאות ונחלות בכרמים

As we seldom encounter texts in the Mishnah concerning mating/paring/dating or anywhere else in rabbinic literature really, this description certainly stands out. Surely, one aspect that is apparent is the wistful view of Rabban Shimon, son of Gamaliel, who shares that this took place long ago, prior to the destruction of the Temple, which he may not have experienced, but his father did. It is not clear if his father met his mother this way or not, but it was likely something his father shared with him that he, in turn, is sharing in the second century of the common era about how good life was - even mating life - prior to the sad destruction of the Temple, thus serving as a fitting literary juxtaposition to the previous descriptions concerning Tisha b'Av before it in the Mishnah (mTa'anit 4:6-7).

There are many questions that emerge from this text: Why was it only the daughters of Jerusalem? Why did they dance? Why on these two specific dates? Why did this activity take place in vineyards? One question we need not ask is why was this activity done in the first place? That should be quite obvious: concern about young Jews and young Jewesses finding each other is an incredibly important one.

As to why it was only the daughters of Jerusalem, it may have been that they

had a critical mass, bigger than any other town or village throughout Israel pre-destruction of the Temple. As to why they danced, perhaps that is not only something the



males of our species appreciate, but maybe also it was a great way to have fun with their friends. As to why it took place in the vineyards, perhaps it provided a semblance of privacy, but also importantly shade amidst the heat.

But why these two dates? These are two strikingly different dates, with Yom Kippur being filled not only with a variety of ways of withholding physical pleasure, including fasting, but also a prohibition against labor, while Tu b'Av has none of these restrictions. The rabbis of the Talmud are similarly perplexed, as they can easily figure out what is special about Yom Kippur, but what is special about the 15th of Av, numerous amoraic sages assert different possibilities (Ta'anit 30b-31a). Yet, who is to say that they are two separate reasons? Perhaps these two dates are connected.

One way of connecting these two dates is to specifically do with the vineyards, themselves. As discussed on episode 71 of *The Jewish Drinking Show*, "The Wine Festival in the Dead Sea Scrolls", the late summer and early fall was the time of year for harvesting grapes in Israel in the Second Temple period (and to this day). It very may well have been despite the exact opposite normative nature of these two dates, they are connected as the beginning and the concluding of the grape harvest season.

Perceived in this way, these Jerusalem mating dances then become a way of formally kicking off grape harvest season, as well as celebratorily concluding the season. What, then, is the connection between wine and love? Well, for that, one need not read far into the book of Song of Songs to yield that wine and love are two of the most delightful experiences in life (SOS 1:2).

L'chaim to love 🍷



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