

A Dissent from Rabbi Paul Plotkin's Teshuvah, "Pizza from a Non-Kosher Establishment"

YD 108:1.2012d

Rabbi Pamela Barmash

This paper was submitted, in November 2012, as a dissent to "The Pizza from a Non-Kosher Establishment" by Rabbi Paul Plotkin. Dissenting and concurring papers are not official positions of the CJLS.

Regrettably, I must dissent from Rabbi Plotkin's teshuvah on both the micro and macro levels. I question the applicability of the specific halakhic rules he adduces to the case he presents, and I believe that overarching principles of halakhah and its application militate against his approach and ruling.

Rabbi Plotkin's ruling relies on the ruling of the Rema that bread baked in the same oven as non-kosher food can be deemed kosher if there is no alternative. However, in my view, there are many obstacles to subsuming pizza under this category. Bread, unlike pizza, is a major staple of the human diet, and while the social and historical circumstances of the Rema's time inspired him to permit bread in situations where otherwise it would be impossible to find kosher bread, pizza is not essential to the human diet (even for teenagers in USY groups). Rabbi Plotkin assumes that he is writing for the American Jewish community, a community where kosher certified bread is widely found in supermarkets and groceries, even in places where the Jewish population is minuscule or nil. Furthermore, while Rabbi Plotkin notes that the issue of חֵיט does not apply to bread because it has no fatty aroma, pizza is submerged under a thick layer of cheese, most certainly yielding a fatty aroma: the issue of חֵיט does, therefore, apply to pizza.

Rabbi Plotkin intends his teshuvah to provide guidance for Conservative Jews in two types of circumstances, the first being Conservative groups that are travelling and find themselves without a hot meal under unanticipated circumstances, and the second being a congregation in a locale without a kosher pizzeria. The first would occur very rarely, and it would be of greater educational and practical value to purchase kosher packaged items as well as fruit and vegetables at a local store. Regarding the situation of a congregation seeking to make use of the facilities of an otherwise non-kosher pizza place, a draft manual for supervising the kashrut of a restaurant by Rabbi Mayer Rabinowitz was discussed at the same meeting of the Committee on Jewish Law and Standards during which Rabbi Plotkin's teshuvah was brought to a vote. The guidelines for kashering a pizza oven offered by Rabbi Rabinowitz should be applied by a rabbi seeking to provide kosher pizza using otherwise non-kosher facilities. Lastly, as a result of

extensive CJLS discussion, Rabbi Plotkin has put so many caveats and reservations so as to greatly limit the applicability of this teshuvah. It must be emphasized that those relying on the teshuvah's guidelines and ruling ought to keep those caveats and reservations in mind while putting the teshuvah into practice and that they will assiduously follow the guidelines of Rabbi Plotkin's teshuvah in producing a kosher product in a non-kosher facility. It is to be hoped that Rabbi Plotkin's teshuvah not go the way of the driving teshuvah.