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Dissent on Paul Plotkin's Teshuvah on Eating Pizza

*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.*

Rabbi Plotkin's teshuvah raises two distinct issues of concern. First, his masterful research of Halakhic precedent on the issue of kashrut uncovered a number of leniencies issued by different Rabbis in different places at different times. His case depends on all of those leniencies being used together even though many of the authors of those various leniencies might well have rejected one another's positions. Halakhic literature includes both strict and lenient positions. The halakhic concept of following the majority of sages is a means of avoiding such arithmetic halakhah. When a number of people support a position it becomes a much stronger precedent than when it is the single position of an isolated individual, even when that individual is someone of the stature of the Ramah.

Similarly, it is problematic to rely upon a presumption that we know to be untrue in our current setting. The assumption that general vessels are *ben yomo*, meaning they have been set aside for a full 24 hours, no longer applies in the restaurants that we have today. One methodological category in Conservative Halakhah is that what we learn of the world and changing circumstance have meaningful impact on the development of Halakhah. That ought to be true whether to more strict or less strict.

The second issue is our relationship to the movement as a whole. Kashrut rightly remains a key value. I applaud Rabbi Plotkin's efforts to make this stated as a central goal. I simply think it is a goal better achieved through educational efforts and creating a consensus within the movement rather than applying a dictate from on high.