Should Bakeries Which are Open on Shabbat Be Supervised? A Response to the Rabinowitz-Weisberg Opinion

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This paper was submitted as a response to the responsum written by Rabbi Mayer Rabinowitz and Ms. Dvora Weisberg entitled “Rabbinic Supervision of Jewish Owned Businesses Operating on Shabbat” which was adopted by the CJLS on February 26, 1986.

Should rabbis offer rabbinic supervision to bakeries which are open on Shabbat?

1. The food itself is indeed kosher after Shabbat, once the time required to prepare it has elapsed. The halakhah is according to Rabbi Yehudah and not according to the Mishnah which is Rabbi Meir’s opinion.

2. While a Jew who does not observe all the mitzvot is in some instances deemed trustworthy, this is never the case regarding someone who flagrantly disregards the laws of Shabbat, especially for personal profit. Maimonides specifically excludes such a person’s trustworthiness regarding his own actions. Moreover in the case of מחלל שבת (a violator of Shabbat) Maimonides explicitly rejects his trustworthiness.

No support can be brought from Moshe Feinstein who concludes, “even if the proprietor closes his store on Shabbat, [since it is known to all that he does not observe Shabbat], we assume he only wants to impress other observant Jews so they will buy from him.” Previously in the same responsum R. Feinstein emphasizes that even if the person in

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question is well-known as being trustworthy we do not rely on his credibility except in extraordinary circumstances.

Moreover for rabbis to promote kashrut at the expense of aiding and abetting is bad policy. The Mishnah states: "Help may not be given to them that commit transgression." Abraham Gumbiner elaborates:

And it is forbidden to lend someone a work implement if he is suspect to do (prohibited labor) with it on Shabbat except if it is reasonable to assume that he will do only permitted labor with the implement... And this applies only to a common implement, but with an uncommon implement it would be forbidden except when the prohibition would have to be overridden for the principle of maintaining the peace. 6

The rabbis also shuddered at the thought of a Jew benefitting from his sins: "A sinner should not profit (from his sin)." 7 Maimonides codifies this principle in the laws of and 2:19.

If she is only betrothed to another man she does not become forbidden to her levir; rather the stranger who has betrothed her must give her a get and her levir may then either marry her or submit to . If her levir is a priest who may not marry a divorcee she must be dismissed by the stranger with a get just the same in order that the sinner should not be rewarded and the levir must then submit to .

Finally the rabbis laid down the principle: "We do not tell a person, ‘Sin, in order that your friend may profit." 8

CONCLUSION

What is to be gained from our being a party to public? The wisest answer is privately to permit such baked goods into our synagogues when no other more reliably kosher goods are available. We must at the same time steer clear of any public recognition of such food as being kosher or under rabbinic supervision.
NOTES

1. *Shulhan Arukh*, O.H. 318:1. The source-text is *Mishnah Terumot* 2:3. See Talmud Bavli Gittin 53b; Bava Kama 71b; Ḥulin 1 5a; Ketubot 34a; Shabbat 38.
2. Hilkhot Edut 7:11.
5. Shevi‘it 5:9; Gittin 5:9; Avodah Zarah 4:9. And in the *Mishneh Torah* Hilkhot Bikurim 8:13; Shemitah Ve-Yovel 8:8; Terumot 12:10.
7. Mishnah Hallah 2:7; Bavli Ketubot 36b, 39b; Gittin 55b; Sottah 15a; Bava Kama 38a, 39a; Avodah Zarah 2b; Niddah 4b.
8. Tosefta Ḥallah 1:9; Bavli Shabbat 4a; Kiddushin 55b; Menahot 58a. See Encyclopedia Talmudit 1: 575-578.