

Synagogue Policy Concerning Bringing Foods Prepared in the Home into the Synagogue

RABBI GEORGE POLLAK

This responsum was adopted by the CJLS in 1988 with fifteen votes in favor, and none opposing or abstaining (15-0-0). The names of voting members are unavailable.

שאלה

Should we permit food prepared in the home of a congregant to be brought into and served in the synagogue?

תשובה

This paper will deal only with the question posed. Other related issues such as bringing into the synagogue food prepared in a kosher establishment which is not שומר שבת, or non-kosher food to be consumed by non-Jews need to be addressed separately. The summary response is that food prepared in a congregant's home cannot be brought into and served in the synagogue.

However, as with other discussions, the caveat of *mutatis mutandis* is appropriate here as well.

A Matter of Trust

In *Yoreh Deah* 119:7 we find the following statement:

מי שהוא מפורסם בא' מעבירות שבתורה חוץ מעבודת כוכבים וחלול שבת בפרהסייה או שאינו מאמין הדברי רבותינו ז"ל נאמן בשאר איסורים ובשל אחרים נאמן אפילו על אותו דבר לומר מותר הוא.

A person who is known to have transgressed a prohibition mentioned in the Torah – provided that the transgression is not

The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.

idol worship, open desecration of the Sabbath, or denial of rabbinic authority – is trusted when he claims that he (she) is observant of *kashrut* laws. And such a person is believed when he (she) testifies about some one else's proper observance of the mitzvah that he (she) is known to have transgressed.¹

On the face of it, it would therefore appear that a congregant, even though known to be a transgressor as far as, for example שטטנו is concerned, would be believed when claiming that *kashrut* is observed in his or her home. In general terms, therefore, it would appear that a congregant who prepared food at home and claims to have a kosher home should be permitted to bring food into the synagogue where it would be served to the congregation, even though it is 'known' (a term requiring definition) that they are not Sabbath observant.

However, if the congregant is known to abjure the laws of *kashrut* in public places, even though he (she) claims pristine purity in the matter as far as home observance is concerned, we cannot accept such a claim and we are not permitted to use food from such a home, because at the very least, it is 'suspect.'

Nonetheless, under certain circumstances we may overlook even the gross public violation of *kashrut* by a person and accept food they prepare and claim to be kosher. Such an instance is described by Rabbi Moshe Feinstein.

When I was in Moscow in 1974, I was asked about the plight of old folks. They must be supplied with food including meat. Yet the food is prepared by children who have cast off all prohibitions, who are avowed atheists. Can such children be trusted with providing their observant old parents with food prepared according to the rules of *kashrut*? The food is vital for health of old people. This is not only a question of the *kashrut* of the food itself, but also of the preparation, the dishes used, etc.

I have come to the conclusion that it is possible to find room for leniency with regard to such people, provided that the father (mother) knows with certainty that the preparing person (daughter, daughter-in-law) will not deceive him/her by serving forbidden food and that the process of preparing the food in accordance with the rules of *kashrut* will also be observed. In such a case, a person may eat food that is cooked for him/her, for this is a question of trust that he/she will not be lied to.²

Rabbi Feinstein cites his sources upon which he bases his responsum. He differentiates between trustworthiness of testimony regarding fiscal matters (property, loans, etc.) and איסורים (ritual prohibitions). In the former we need witnesses, documentation, etc., whereas in the latter we are more lenient. Consequently, as far as elderly and sick people are

concerned, we may accept the assurance of complying with the laws of *kashrut*, from people who for themselves reject such observance.

Obviously, there is a difference between the situation described by Rabbi Feinstein and our congregants. We do not find ourselves in a similarly desperate situation. Nevertheless, although some of our congregants may not observe *kashrut* outside their homes, by extending Rabbi Feinstein's lenient view, we may accord sufficient trust to our congregants and accept their assurance about the *kashrut* of the food they prepare for the congregation. The principle on which such a view is based is twofold: (a) In איסורים we would assume that our congregants would be careful with public trust; and (b) our congregants would not willingly and deliberately deceive us.

A similar position may be derived from the תשובה of *Shevet Halevi*.³ He was asked to address the question: May one eat food prepared by someone who is suspected of not being stringent with the rules of *kashrut*? Is there ground for fear lest such a person would feed his guest non-kosher food?

The author states his view that the matter depends here on simple prudence and precaution and is not a matter of prohibition. He reviews the literature: *Rambam*⁴ based on a discussion of Shabbat 13 – regarding the permission of a זב to eat with a זבה, notes the difference in the point of views of Hillel and Shammai in which the school of Hillel takes a lenient position permitting the two to eat together and we are not afraid that she will feed him unclean food. Similarly, persons who are not particular with the tithe are nonetheless acceptable table companions. So, too, people who may not be trusted with their particular observance of the rules pertaining to meat, cheese and wine, are nevertheless trustworthy when it comes to their guests that they will not feed them forbidden food. In the latter instance, *Rambam* forbids only meat dishes, but otherwise permits the eating of the food served by such a person which can reasonably be presumed to contain nothing prohibited by the laws of *kashrut*. The summary of the discussion is that if someone invites you to his (her) home for a meal, one should decline such a direct invitation as there are doubts regarding *kashrut*. If however, such an invitation is inadvertently accepted one may eat from the food served by the person of dubious *kashrut* observance, excepting meat dishes.

Therefore, it would appear that the prohibition in the case of our eating food from the homes of our congregants is not absolute, and there remains a measure of trust even when we know that our congregants are lax in their observance.

Avoiding Conflict

Another point bearing on this issue is found in *Yoreh Deah* 112:15:

מי שנזהר מפת עובד כוכבים מותר לאכול בקערה עם מי שאינו נזהר ממנו ואף על פי שטעם פת עובד כוכבים מתערב מפת ישראל אינו חושש. הגה: י"א דמי שנזהר מפת של עובד כוכבים ואוכל עם אחרים שאינן נזהרין מותר לאכול עמהם משום איבה וקטטה... ואין ללמוד מכאן לשאר איסורין (ב"י בשם תשובה אשכנזית)

A person who shuns bread baked by a non-Jew is permitted to eat bread from a basket in which breads baked by Jews and non-Jews were mixed together. [Isserles adds:] One is not prohibited from eating non-Jewish baked bread when one eats in the company of one who does not refrain from eating such bread, lest it evokes quarrel and hatred. However, we should not infer from this leniency in other cases of איסורין (prohibitions). (Beit Yosef quoting a German responsum.)

The comment of Isserles is most interesting. Accordingly, we accept a lenient position in order to avoid animosity, hatred and quarrel. Although the text may be interpreted as referring to non-Jews about whose feelings we are concerned, it would have no less force *vis-à-vis* our congregants as far as their food and testimonials are concerned.

Analysis

From the foregoing, our first conclusion therefore could be that:

1. Although our congregants may be suspected of not observing *kashrut* stringently, yet, if they assure us that their food – exclusive of meat dishes – is kosher, we should be lenient with regard to the use of such foods in our synagogues and should permit them to be brought into the synagogue for consumption by the congregation.

2. The more difficult issue is not the reliability of our congregants with regard to their protestations of *kashrut*. The more serious question is that we don't know to what extent our congregants are familiar with the rules of *kashrut*. This is a question of both the congregants' ignorance - not willful deception – and also the moral responsibility of the congregation towards those who would wish to observe *kashrut* and who, relying on the congregation's assurance, will eat from food that might well be טרף. This then would become a case of לפני עור לא תתן מכשול, "Thou shalt not put a stumbling block before the blind."

As in many other תשובות, we may assume under the given circumstances that our congregants are "like infants taken into captivity," without parental guidance and Jewish learning. Therefore, while well

meaning, they are totally innocent of the kind of deeper learning or experience that was part and parcel of earlier generations, when knowledge of *kashrut* was indeed second nature.

In view of this fact, for which one cannot find mitigating circumstances, one must take the position that the burden of proof is on the congregant whose food we would be accepting into the synagogue. If we had such acceptable proof, from personal knowledge, we would then on the principle enunciated above, permit such food to be brought into the synagogue. (Otherwise, we would not accept food from any 'uncertified' home.)

3. The position taken in (2) above raises the issue already alluded to by Isserles, i.e., if we accept the food of some congregants and reject the food of others, this will lead to hatred, quarrel and even more ominous consequences for the congregation – and for the rabbi. Such an outcome would be even more grievous than an occasional abrogation of *kashrut*. Nonetheless, *kashrut* is a cornerstone of Jewish life and one could not willingly or easily advocate its abrogation even in order to maintain congregational peace, particularly when alternatives exist.

4. Surely, other considerations might enter into our deliberations. There is the obvious financial loss to the congregation where it has to make good any loss that might occur by barring the congregants from providing occasional *kiddush*, or the Sisterhood from having some 'pot luck' brunches or lunches. These have to be weighed in the balance.

CONCLUSION

But when all is said, and in order to avoid both the possibility of the occurrence of the kind of 'hatred' and 'quarrel' that we alluded to and in order to stand on the principles of *kashrut*, our conclusion is: congregations should not permit foods from private homes, unless prepared under reliable supervision.

NOTES

1. See also Isserles, ad loc.
2. *Iggerot Moshe*, Y.D. No. 54.
3. *Yoreh Deah* No. 90 p. 922.
4. *Tumat Okhlim*, No. 5.