

## Yom Kippur Morning Sermon 5769 – *Kosher Consumption* Rabbi Joshua Waxman

It was one afternoon in late August and I was driving home, thinking about work that needed to be done, errands that needed to be run, lists that needed to be made. NPR was on in the car, as it almost always is, but I wasn't really paying attention. As I pulled up at a red light, however, all of a sudden – a surprise: out of the corner of my ear I hear the announcer, Robert Siegel, ask the question, “What is kosher?” Now, I listen to NPR a lot and I had a pretty good sense of what they would be talking about on their afternoon news show, “All Things Considered”: the summer Olympics were winding down, the Democratic convention was heating up, Russia was making headlines for its invasion of neighboring Georgia – any of these were topics I wouldn't be surprised to hear come up. But “What is kosher”??? I guess when they say ‘All Things Considered’ they really mean it.

But the question Siegel was asking by way of introducing the story wasn't merely hypothetical – theological filler for a slow news day. No, the moment I heard those words I tensed up because I knew just what was coming up next. Like many of you, I had been following with dismay the unfolding saga of Agriprocessors, the country's largest processor of kosher meat which had been secretly filmed by People for the Ethical Treatment of Animals back in November 2004, demonstrating inhumane treatment of animals and potential violations of kashrut as well. The story was picked up first by Jewish blogs and then by the Jewish press, which began its own investigation. That investigation uncovered additional abuses, including large-scale hiring of undocumented immigrants, some as young as 13, and unsafe working conditions. Finally, following this last charge, the U.S. Immigration Department raided the Postville, Iowa factory in May, shutting down operations and detaining nearly 400 employees, mostly native Guatemalans.

There are many aspects of this story that shock the conscience. On the most basic level Agriprocessors – owned and run by Rubashkin's, a Hasidic Lubavitch company – was slaughtering animals in a way that made their kashrut deeply suspect from a ritual point of view. The laws of kashrut demand – *demand* – that an animal be killed in the most painless way possible in order to be considered kosher, out of acknowledgment and respect for the animal whose life is being taken. I'm going to spare you the details of what the PETA videotape uncovered but suffice it to say that it certainly did not appear that the requirements for humane and painless slaughter were being met.

If this were the extent of the problem – that the animals' death was not sufficiently painless – there would still be cause for grave concern. After all, this is a key component of and basis for the laws of kashrut, and kosher consumers have every right to expect that this guideline is being scrupulously observed. But there were even more deeply disturbing revelations about how the *workers* at the plant were treated and about the working conditions of the laborers in the slaughterhouse. For even in an industry where laborers often have few rights and are frequently mistreated, Agriprocessors' behavior stands out. Again, I'll spare you the gory details, although I will tell you that the Iowa Attorney General's Office has charged Agriprocessors with more than *nine thousand* child labor laws violations.

Now before I go any further, let me tell you that this is not a sermon about the misdeeds of the Rubashkin family, although they certainly appear to be legion. It's not a sermon about hypocrisy in kosher meat production – although, again, there certainly seems to be plenty of that as well. And it is most definitely not an indictment of the kosher food industry or of keeping kosher. Many of us in this room observe Jewish dietary laws in one form or another; others do not. But this is a sermon about what it means to act in the *right* way, in a *kosher* way, whether one observes the Jewish dietary laws or not; and in that sense the cautionary tale I bring up here on this Yom Kippur has nothing to do with kashrut – at least not in the literal sense in which many of us understand the word. Rather, watching this story unfold has compelled me to think more deeply about what kashrut means – and should mean – in a much broader sense.

Let's start with the word itself: the word 'kosher' simply means 'fit.' In the case of meat it means that that meat has been prepared according to certain guidelines that render it ritually fit for consumption according to normative Jewish law. In the NPR piece – as well as in other forums – Agriprocessors and the rabbinic organizations that certify it argue for this definition, and claim that even if the charges made against them about the treatment of workers or the treatment of animals prior to slaughter were true, these facts would have *no bearing whatsoever* on whether the meat produced can be considered kosher. So, for example, one rabbi and spokesperson for Agriprocessors who was interviewed explicitly rejected that the treatment of workers has any bearing on whether something should be considered kosher, saying: "Kosher is kosher. Everything beyond that is an extension of a definition that has been accepted since Sinai. So we're not going to redefine now what has been on the books for 3000 years." As Reconstructionists, of course, we know that tradition is *constantly* being redefined and that what has supposedly been accepted since Sinai may not be the same today as it was yesterday.

In making this statement "kosher is kosher," the Agriprocessors spokesperson was making the argument that 'kosher' is merely a technical term that speaks exclusively to the details of slaughter, and that everything else is just window dressing. But this claim flies in the face of Judaism's long ethical tradition, which includes prohibitions both on causing unnecessary suffering to animals – even outside of the context of kosher slaughter – and of mistreatment of workers. As it says in Deuteronomy, "You shall not abuse a needy and destitute laborer." (24:14) And the prophet Malachi declares: "I will act as a relentless accuser against those... who cheat laborers of their hire... said the Lord of Hosts." (3:5)

There has been strong reaction in parts of the Jewish community to the effort to disassociate the technical requirements of kashrut from any ethical concerns. An Orthodox social justice organization named Uri l'Tzedek was formed in the wake of the initial revelations and called for a boycott of Agriprocessors products, although they have since rescinded the call following steps Rubashkins has taken to ameliorate the situation. The Conservative Movement has put together an impressive document – drawing in part on the research of Rabbi Jill Jacobs, who spoke at Or Hadash the year before last – that uses traditional Jewish legal sources to argue that the ethics of production play a critical role in determining whether food is fit to eat. Included in the argument is the Talmudic assertion (B. Sukkah 30a) that one cannot perform a mitzvah by committing a sin: for example, you can't fulfill the mitzvah of waving a lulav and etrog on Sukkot if you get

the lulav and etrog by *stealing* them, and you can't make kosher meat if you're abusing your animals and workers. To this end, the Conservative Movement is trying to get off the ground a new certification known as "Hekhsher Tzedek" – literally meaning 'certification of righteousness' and testifying to the ethical fitness of the product. The certification, if it comes into existence, would stand alongside conventional kosher certification rather than replacing it – the one testifying to the ritual fitness of the product and the other to its ethical fitness.

This last point is of particular importance to the backers of the Hekhsher Tzedek initiative, who stress that they don't wish to replace the ritual requirements with ethical requirements but wish to uphold the importance of both. This approach should be very familiar to Reconstructionists, who have long taken a maximalist position with regard to ritual and ethics, saying that each has its integrity and neither side should be sacrificed for the sake of the other. So for example some Jews might privilege the ritual and, like the spokesperson for Rubashkins, say that the ethical lapses aren't significant with regard to kashrut: while treating workers humanely might be nice, what determines whether an animal is kosher are the technical details of slaughter. Others make ethics primary – for them, whether an animal is technically kosher is less important than how it is treated and so they prefer organic or free-range food even though it may not, technically, be kosher.

A Reconstructionist approach, of course, is to say that both are necessary if food is to provide spiritual, as well as physical, nourishment. Kashrut, after all, is about striving for holiness in the food we eat, just as so many aspects of Judaism seek to transform elements of our everyday lives into vehicles for holiness. In limiting and becoming more thoughtful about the food we eat, we connect ourselves to the Jewish people both in the past and the present who have used food as an expression of their covenantal obligation to serve God in holiness. And here, by the way, is where I have a small quibble with the backers of Hekhsher Tzedek, who say that the ethical fitness of a product complements its ritual fitness. I actually think that the ethical fitness is *part* of the ritual fitness – isn't incidental to what makes food a vehicle for holiness. When NPR and The New York Times and other mainstream media outlets are running stories and Op-Eds holding up some Jews' lack of concern for ethics, this is a problem for all of us. Ethics must be a key component of how we strive for holiness: not a replacement for traditional Jewish modes of expression but not an afterthought either.

This idea is central to the thinking of Rabbi Arthur Waskow of the Shalom Center here in Philadelphia, who has long argued that we need to bring ethics into our understanding of what is kosher – not only for food, but for a whole range of products that we consume. As I mentioned earlier, 'kosher' literally means 'fit' and if ethics are an acceptable component of what makes the food we eat 'fit,' this is no less true with any of the other goods or services we enjoy. According to such an approach, for example, garments made with child labor wouldn't be kosher, since the way they are produced violates Jewish ethical standards. Extending that logic, one could argue that in an age of global warming, a Hummer might be treif while the more eco-friendly Prius would be kosher. The wholesale redefining of the term 'kosher' may confuse the argument rather than enhance it; but the point certainly bears consideration that in this period of increased globalization and competition we need to think a great deal more about the impact of the choices we make as consumers.

Now all this is a great deal of talking about food on a day when we're supposed to be fasting – using, incidentally, not *food* but *not food* as a vehicle to holiness. But even here, even on a day when we abstain from food and fast, we're not off the hook, for as we will hear in our Haftarah reading in just a few minutes, the prophet Isaiah angrily denounces those in his own time who think they can pay attention to ritual requirements – that is, the fast – while ignoring the ethical demands God places upon us: “Behold, while you are fasting, you engage in business, and your workers you continue to oppress! Behold, you fast in strife and quarrelling, and with a meanly clenched fist you strike. Today, you do not fast in such a way as to make your voice heard on high. Is this the kind of fast I delight in? A fast merely to deprive one's body? Is it bowing the head like the willows, or reclining in sackcloth and ash? Do you call that a fast, a day in which The Holy One delights? Is not the fast that I desire the unlocking of the chains of wickedness, the loosening of exploitation, the freeing of all those oppressed, the breaking of the yoke of servitude?”

These words, spoken more than 2500 years ago, could not be a more timely rebuke to the Rubashkin family if they had been penned yesterday. But they also could not be a more fitting rebuke to us. Isaiah is telling us that we cannot simply go through the motions and assume we've fulfilled our responsibilities before God. His resounding words stress the urgency of the question that is before all of us, because *all* of us have the possibility and therefore the responsibility to make choices that honor what God demands of us. On this day when we sit here, secure in the knowledge that we're fulfilling our requirement, doing what we're supposed to, Isaiah tells us we should be squirming: because animals have been tortured in Iowa, because groundwater has been polluted, because underage and undocumented workers were paid measly amounts and deprived of any medical care, because families were torn apart for the crime of trying to earn a living – and it was all done with our complicity and for our benefit. And as I've said now repeatedly, these concerns are all of ours whether we keep kosher or not, for all of us bear the responsibility to consider what goes into the products we consume and what allows them to be so *cheap*: production outsourced to countries which coerce laborers, engage in child labor, and pay achingly little; destruction of our environment through meager or non-existent environmental standards; big-box stores that benefit from economies of scale as they kill neighborhoods and crowd out locally owned businesses, and which offer their employees little to no health coverage.

All of us are responsible, all of us are complicit. And that's why this day was put here: to force us to reflect, really to think searchingly over the way we have acted and the choices we've made in the year that has passed – to use our hunger not as expiation for our failings but as a spur to avoid making them next time. I bring the example of Rubashkins and Agriprocessors not to point fingers at others – which is *sooo* easy – but rather to get us to point fingers at ourselves: to consider the ways in which we have made choices that were too easy, closed our ears to the suffering of our neighbors, been complicit in behavior that is *treif* by any standard.

And the Rubashkins themselves? There are reports that they've made improvements at the plant, including higher wages and the hiring of a compliance officer to ensure that new procedures are being followed. On the other hand, new questions have emerged about treatment of workers at an Agriprocessors warehouse in Brooklyn, even as the Rubashkins try to turn their Iowa plant into a showcase. Workers at that plant were

fired when they attempted to form a union, on the basis that they were illegal immigrants and so couldn't vote to unionize. The firing both violates a 1984 Supreme Court ruling that says illegal immigrants are protected by the National Labor Relations Act and can unionize, and also shows that Rubashkins knowingly hired illegal workers, in part to exploit precisely the vulnerability their status engenders. The Rubashkins are seeking to have this Supreme Court decision overturned.

What is saddest in all this is that we shouldn't be turning to the courts to tell us how to act, by letting us know what we can legally get away with. We have a rich and unequivocal twenty-five hundred year old tradition that demands fair treatment of workers, humane treatment of animals, and unflinching integrity in certifying that the demands of ritual requirements are being met. All of these are being wantonly violated in ways that threaten our moral center. Like many other Jews who keep kosher, I have taken the step of refusing to buy Rubashkins products – products bearing the Rubashkins, Aaron's Best, and Supreme Kosher labels – and I urge you to do the same (workers for Empire, by the way, which is another kosher brand commonly found in area supermarkets, are unionized through United Food and Commercial Workers and working conditions are reported to be good). We have the opportunity and responsibility to take a stand as Jews and as consumers to say that ethics matter and that the choices we make can be vehicles by which we express our values.

I imagine many of us remember the old Hebrew National commercials, where Uncle Sam holds a hot dog while the announcer denounces all the shortcuts the FDA allows manufacturers to take in making their food. But Hebrew National, the announcer goes on to say, doesn't take these shortcuts: "We're kosher, and we answer to a higher authority." It's a great slogan – and this day, and our fast, and the prophet Isaiah's words all call us to make it more than just a slogan: it must become an organizing principle that forces us to ask, "What is the right thing to do," not "What can I get away with?" Answering to a higher authority requires us to confront and acknowledge the inequities and injustices that we know exist but would rather let remain hidden out of sight and out of mind; that we truly heed Isaiah's demand to banish oppression from our midst and fulfill the needs of the poor. Then Isaiah says, "[O]ur light shall shine in darkness, [o]ur darkness shall be like the noon, and the Righteous One will guide [us] always." As we pray together, this Yom Kippur, let us all rededicate ourselves to answering to a higher authority, without cutting corners, and to making our actions truly kosher in every way.