

Sermon on Kashrut Tsedek

Yom Kippur Morning 2008-5769

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Kashrut Tsedek

On this day, when we pray to be judged with mercy and compassion, with righteousness and kindness and not simply blind justice, I am reminded of one of my favorite legal jokes.

How much is two plus two?

A businessman was trying to choose a lawyer, but was being very careful about it. He scheduled appointments to interview three lawyers.

At the first lawyer's office, after an initial exchange of pleasantries, the businessman said, "Okay, let's get down to business. I have an important question for you, and I want you to think carefully before answering. How much is two plus two?"

The lawyer raised his eyebrows, "two plus two is four." The businessman thanked him for his time, and proceeded to his next appointment.

The second lawyer, who was also a CPA, seemed a bit more particular than the first lawyer. After an initial discussion, the businessman again announced that he had a very important question, and asked, "How much is two plus two?"

The second lawyer trying to demonstrate a concern even for such a simplistic question, went over to a computer, and entered figures into a spreadsheet. "According to my calculations, two plus two is approximately four." The businessman thanked him for his time, and proceeded to his next appointment.

The third lawyer sat behind a big mahogany desk, and smoked a cigar. He seemed rather self-important as compared to the other two, but at the same time appeared to be much more successful. The businessman again announced, "I would like you to answer a very important question for me, before I decide whether I should use your services. How much is two plus two?"

The lawyer pulled the shades, locked the door to his office, and asked in a hushed voice, "How much do you want it to be?"

There are times when we know that we are guilty. Today, all of us know that we have sinned, we have erred, we have gone astray. We know that two plus two

equals four, but we would rather it not, or at least, we would rather that the judge before whom we present ourselves today will decide to be gracious to us and not to judge us with stark and blind justice.

Our Tradition tells us that for our own judges, justice should always be attenuated by righteousness. One of my favorite passages in the Torah speaks to this. It comes from Deuteronomy, chapter 16:

You shall appoint for yourself judges and officers in all your towns which Adonai your God is giving you, according to your tribes, and they shall judge the people with righteous judgment. You shall not distort justice; you shall not be partial, and you shall not take a bribe, for a bribe blinds the eyes of the wise and perverts the words of the righteous. Righteousness, righteousness, shall you shall pursue, that you may live and possess the land which Adonai your God is giving you.

One can fulfill the law, Mishpat, but FAIL to meet the requirements of the Torah which tells us to seek Mishpat Tzedek and NOT just mishpat. The Torah tells us, "Righteousness, Righteousness, you shall pursue!" The latter is unfortunately almost universally MISTRANSLATED as "Justice, Justice...." when instead the very purpose of the verse is to stress that it is Righteousness and NOT justice, plain and simple, that we should be pursuing.

If we fail to be just in our actions, we have sinned. We are obligated to be just at a minimum. We are encouraged to be righteous, to go beyond mere justice. If we fail to do righteousness, but keep justice, it is not that we have sinned, but we have not met the ideal. We will have accomplished the minimum, justice, but not what is to be desired, righteousness.

In the past few months, there has been no little discussion about the meat packing plant in Postville, Iowa owned and operated by Agriprocessors, the largest provider of Kosher meat in the world by a good margin. The Agriprocessors plant there was raided, hundreds of people were arrested and deported for immigration violations, plant owners and managers were accused of, and some have now been charged, with illegalities including knowingly hiring underage laborers, mistreatment of workers, immigration violations and providing unsafe working conditions among numerous other violations. The reports concerning events occurring at Agriprocessors in Postville and at other plants owned by the company concerning treatment of animals and workers over the past few years have resulted in initiatives to create a new certification for Kosher food products. The Conservative movement, led by Rabbi Morris Allen, calls its initiative Hecksher Tzedek, or "Certification of Righteousness."

There are those who would like to call Hecksher Tzedek a new standard for Kashrut, a new standard for determining which food should be considered Kosher. For this reason, some Orthodox rabbinical authorities have condemned the effort. Yet, Hecksher Tzedek is really more like a "Fair Trade" label. It is an additional certification, not a substitute certification.

Rabbis who argue for this additional certification say that it may well be that the meat from a company that is mistreating its workers is TECHNICALLY Kosher to eat based upon guidelines for Kosher slaughter, BUT those guidelines are not the only guidelines that should be followed. These rabbis would like it to be Kosher AND acquired in a Righteous manner.

Kosher meat is meat acquired in accordance with the laws of the Jewish Tradition concerning the acquisition of meat. To declare meat Kosher means to determine that it was acquired in accordance with those laws. Kosher meat meets, pardon the pun, the Mishpat standard, the legal minimum if you will. The Hecksher Tsedek initiative is in essence the application of Tsedek to Mishpat, exactly what is mandated in the Torah.

Those who advocate for the new certification argue, in my way of looking at it, that just as we should pursue Mishpat Tsedek, Righteous Justice, and not just Mishpat, justice alone, so too we should pursue Kashrut Tsedek, a Righteous Kashrut, and not just Kashrut, under the very same premise "Tsedek Tsedek Tirdof," "Righteousness, righteousness, you shall pursue." In simple terms, "It may well be Kosher, but it is not Tsedek. We want Tsedek."

The criticism of Agriprocessors is that they do not appear to be righteous in going about their business whether or not their facility produced Kosher meat.

The Central Conference of American Rabbis, the Reform rabbinate, recently passed a resolution submitted by my colleague Rabbi Henry Karp of Davenport, Iowa which I would like to share a part with you. The resolution states that:

Those who produce kosher meat are engaged in sacred work and therefore are expected to adhere to the highest standards and values of Jewish tradition. Those who keep Kosher, including the growing number of Reform Jews who are embracing the observance of kashrut, should not be forced to choose between their ritual observance and their ethical values... Jewish law and values impose ethical guidelines governing labor, business practices and the treatment of animals. The Torah repeatedly calls upon us to deal justly with the laborer and the stranger in our midst.

The Rabbinical Assembly of Conservative Judaism and the United Synagogue of Conservative Judaism have established a Hekhsheh Tzedek Commission, the purpose of which is to create an additional certification for Kosher products taking into account ethical considerations in addition to ritual laws. Such considerations will include how kosher meat processing companies conduct their businesses, particularly with regard to treatment of workers, health and safety, animal welfare and environmental impact.

THEREFORE, be it resolved that the Central Conference of American Rabbis:

1. Adjures all those who are engaged in the sacred work of producing kosher meat to conduct their business according to the highest Jewish ethical standards as well as ritual standards;
2. Applauds the Rabbinical Assembly and the United Synagogue of Conservative Judaism for their efforts to enfold this ethical dimension into their understanding of what constitutes the appropriate preparation of food through their Hekhsher Tzedek initiative;
3. Will explore means by which it can work cooperatively with the Rabbinical Assembly and the United Synagogue of Conservative Judaism in efforts to establish and promote a certification established by the Hekhsher Tzedek Commission, which is consistent with our understanding of Jewish values and justice; and
4. Encourages Reform Jews and others, whether or not they have elected to observe kashrut, to consider the guidelines to be established by the Hekhsher Tzedek Commission and to uphold ethical guidelines in their dietary practices, as in all areas of life.

-From the Proposed CCAR Resolution on
KASHRUT & HEKHSHER TZEDEK,
CCAR Board of Trustees – August 28, 2008.

Opponents of the initiative argue several points. First, the Torah tells us in Deuteronomy, chapter 4, that “You shall not add to the matter that I am commanding you, nor shall you take away from it.” Hence, in theory, we should not create new rules. Well, my friends, this has hardly been applied by the rabbis for the past two thousand years, during which through interpretation of basic commandments in the Torah and prophets, as well as creating rules out of whole cloth, rabbis have added volumes of additional rules and requirements, usually under the directive of making a fence around the Torah, which means creating a boundary that you SHOULD not cross so that you do not endanger yourself by potentially crossing the boundary that you MUST not cross. One could argue that most of those rules ADDED to the commandments in the Torah and therefore violate the directive of Deuteronomy. One could also argue, however, that we, as Reform Jews, prioritize what we perceive as right and just in our world today over what was perceived as right and just in ancient times by others. Further one could also argue that this particular initiative actually prioritizes the Torah’s ethical mandates over rabbinic law’s ritual guidelines.

The second problem for those who question Hecksher Tzedek, especially as promoted by the Reform Movement, is that there is a disconnect in the minds of many when they hear the terms “Reform Jews” and “Keeping Kosher” mentioned together. Many Orthodox Jews feel that Reform Jews have no business speaking up about Kashrut, that those laws are solely the purview of the Orthodox community. They feel this way because the vast majority of Reform Jews do not

keep Kosher and those that keep Kosher style, often do not ONLY purchase meat certified as Kosher.

Here are non-Kosher Jews telling the Kosher Jews what keeping Kosher should be about!

The reality is that they do not understand Reform Judaism. Increasing numbers of Reform Jews are keeping Kosher and many Reform Jewish institutions keep Kosher facilities, as supervised by Reform rabbis, and purchase only Kosher meat for use in their facilities. Certainly, the Orthodox do not understand Conservative Judaism which has stressed the observance of dietary laws for its entire history, though reports are that most Conservative Jews themselves do not keep strictly Kosher. The point is that keeping Kosher, while not necessarily a standard practice is neither alien nor contradictory to Reform Judaism today.

Moreover, there is no understanding that the Reform movement has long been concerned with the plight of workers and aiding immigrants to this country, Jewish or not. We are concerned with the means in which the products that we consume are obtained. Many of us purchase fair trade items, which though more expensive, offer us the ability to uphold our ethical standards. We may buy organic produce in a desire to protect our environment from harmful chemicals. While those keeping Kosher may be a small but growing minority within the Reform Jewish community, the ethical goals of *Hecksher Tzedek* have been primary in our movement for nearly its entire history and dominant themes for much of the past century.

In his book, Prayers of the Jewish Advance, written in 1924 and whose title is a subtle statement of his belief that Reform Jews have advanced beyond their Traditional brethren, Abraham Cronbach, in interpreting the meaning of the Eighth Commandment, "Thou shalt not steal," wrote:

Oppression of the laborer and exploitation of the poor are forms of stealing. Over charging in business and under-paying those who work for us are forms of stealing.

In his commentary on the first commandment, which he believed centered on the theme of liberation, God having brought us out of slavery, Cronbach wrote:

There is such a thing as economic slavery, the slavery of overworked and underpaid toilers in mines, mills, factories and sweat-shops. This slavery cries up to God as much as ever did any servitude under which Israel of old may have languished.

In 1911, speaking about the tragic Triangle Shirtwaist Factory Fire, Rabbi Stephen S. Wise stated:

The lesson of the hour is that while property is good, life is better, that while possessions are valuable, life is priceless. The meaning of the hour is that the life of the lowliest worker in the nation is sacred and inviolable....

Going back four years earlier, on April 26, 1907, Rabbi Eugene Mannheimer, preached a sermon to this congregation on “Our Duty to the Immigrant,” in which he quoted from Deuteronomy, chapter 10:

He doth execute justice for the fatherless and the widow and loveth the stranger, in giving him food and raiment. Love ye, therefore, the stranger, for ye were strangers in the land of Egypt.

Before the end of that evening a committee was established to work to help immigrants to the community. The committee consisted of Mrs. Anselm Frankel (Edna Kohn), Isaac Friedlich, Morris Samish, Mrs. Sam Weinstock (Celia Joseph) and Rabbi Mannheimer along with Miss Flora Dunlap, who was a professional consultant. This became the Jewish Settlement Association.

Coincidentally, perhaps, I spoke about the importance of welcoming the stranger into our midst on Rosh Hashanah last year. I pointed out that Tradition tells us that it was Abraham’s actions in welcoming the strangers, who turned out to be angels, into his home that brought about the blessing of Isaac’s birth. Thus, had Abraham not welcomed the three visitors, the Akeidah story, nor the blessings that followed from it including the eventual birth of Jacob, ancestor of all of the Children of Israel: none of that would have happened. The very existence of our people is rooted in welcoming the stranger into our midst.

The Haftarah portion read this morning chides the Israelites, “Because on your fast day you think only of your business and oppress all your workers!” It tells us that, “If you remove the chains of oppression, the menacing hand, and malicious word; if you make sacrifices for the hungry, and satisfy the needs of the afflicted; then shall your light shine in the darkness, and your night become bright as noon; Adonai will guide you always.”

Certainly, much work is needed in reforming our nation’s immigration laws as well as the ways in which our current laws are or are not enforced. We cannot pretend that the rule of law does not exist, that laws have not been broken, but neither can we ignore when laws are not righteous. Striving to make our society better, striving to perform Tikkun Olam, requires that we pursue Mishpat Tsedek, righteous justice, making our laws and their enforcement better. This is not only true of our state and federal laws, but of our Jewish laws and guidelines.

This year, on this day on which we pay particular attention to our actions and times of inaction over the past year:

May we strive to seek a higher standard and let us not find the minimum acceptable in our sight. May we rise above indifference and let us hearken to the call of the powerless. Righteousness, righteousness, let us pursue!

L'shanah tovah tikateivu v'chotmeinu.

May you be inscribed and sealed in the Book of Life for a good year.

Kein yehi ratzon. May it be God's will.