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Kashrut in Reform Communal Settings: Past, Present, and Future

By Jeffrey C. Brown

Thesis submitted in partial fulfillment of the requirements for Ordination

Hebrew Union College – Jewish Institute of Religion
2005

Referees:
Professor Sam Joseph
Professor Mark Washofsky

Digest

In light of the so-called 'return to tradition' that the Reform movement has experienced of late, this thesis seeks to explore a subject that the Pittsburgh Platform attempted to exclude from Reform practice: namely, *kashrut*. Contrary to long-established stereotypes, this thesis argues that *kashrut* has always been on the minds of leading Reform thinkers and writers, who have produced a significant written record of their engagement with this important subject. More specifically, this thesis seeks to raise awareness about the unique set of issues that surround *kashrut* in Reform communal settings, and argues that Reform communities would be well-suited to revise (or compose for the first time) a dietary policy that reflects the unique religious values of those respective communities. Chapter 1 seeks to provide an introduction to *kashrut*, with a survey of the primary sources. Chapter 2 explores the history of *kashrut* in the American Reform movement. The chapter concludes with the results of a survey taken to determine dietary policy trends in a cross section of institutions affiliated with the Reform movement. Chapter 3 offers a unique workbook (with Facilitator's guide) for committees of Reform institutions to guide them in writing/re-writing their institutional dietary policies. As a document attempting to address *kashrut* in Reform settings, it is important to note that this thesis does not advocate any one particular brand of dietary observance. Instead, this thesis seeks to argue that Reform institutions can best benefit from a dietary policy that reflects the set of values that make each institution unique. In this spirit, a process that incorporates a dynamic study experience, followed by feedback from both laity and clergy, becomes more important than the final details of the policy itself.

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This work is lovingly dedicated to Amy, whose unflagging encouragement and innumerable sacrifices have made my achievements possible. "Her mouth is filled with wisdom" and I learn from her "Torah of lovingkindness" (Proverbs 31:26) each and every day. She is my partner in all that I do, and this thesis is no exception.

Abbreviations

AICE	American-Israeli Cooperative Enterprise
BDB	*The Brown-Driver-Briggs Hebrew and English Lexicon*
CCAR	Central Conference of American Rabbis
CJLS	Committee on Jewish Law and Standards of the Rabbincal Assembly
COR	Council of Orthodox Rabbis (of Canada)
Deut	The Book of Deuteronomy
Eccl	The Book of Ecclesiastes
EJ	*Encyclopedia Judaica*
Esth	The Book of Esther
Exod	The Book of Exodus
Gen	The Book of Genesis
HMA	*Hilkhot Ma'akhlot Asurot* (The Laws of Forbidden Foods) in the Mishneh Torah
HUC-JIR	Hebrew Union College – Jewish Institute of Religion
Isa	The Book of Isaiah
Lev	The Book of Leviticus
NFTY	North American Federation of Temple Youth
NFTS	National Federation of Temple Sisterhoods
Num	The Book of Numbers
OH	Orekh Khayim
OU	Orthodox Union
Prov	The Book of Proverbs
M.	Mishnah
PARR	The Pacific Region of the CCAR
PP	The Pittsburgh Principles of 1999, officially known as "A Statement of Principles for Reform Judaism"
Ps	The Book of Psalms
RA	Rabbinical Assembly
RJP	*Reform Jewish Practice and Its Rabbinic Background* by Freehof
SA	Shulkhan Arukh
Sam	The (First or Second) Book of Samuel
UAHC	Union of American Hebrew Congregations
URJ	Union for Reform Judaism
USCJ	United Synagogue of Conservative Judaism
YD	Yoreh Deah

Explanatory Notes

Hebrew Bible excerpts are quoted from the Jewish Publication Society edition of the Tanakh (1985).

Mishnah excerpts are quoted from the Blackman translation.

Unless otherwise noted, Talmud translations are my own, with the assistance of the Soncino and Art Scroll editions.

Mishneh Torah excerpts, unless otherwise noted, are quoted from the Touger translation.

Sefer Ha-Mitsvot excerpts are quoted from the Chavel translation.

Quotes appear exactly as published, to the best of my ability. Thus, anything in [ ] was bracketed in the original publication. Material in { } is my own commentary/explanation of the quote.

My own transliteration tends to follow the "General Purpose Style" suggested by *The SBL Handbook of Style*.

All citations of Grunfeld refer to Volume 1 of *The Jewish Dietary Laws*.

Citations that read "Klein (page number)" refer to Klein's *Guide to Jewish Religious Practice*.

Citations that read "Plaut (page number)" refer to Plaut's *The Torah: A Modern Commentary*.

The complete texts of the various platforms of the American Reform movement can be found in Meyer/Plaut, as well as on http://www.rj.org/policies.shtml.

All Waskow citations refer to his article in the Jan./Feb., 1988 issue of *Tikkun*.

Introduction

In his 1980 rabbinical thesis, Rabbi David Rosen set out to explore the way that *kashrut* was addressed in the responsa literature. More specifically, Rosen was interested in comparing responsa issued by Orthodox rabbis, with responsa associated with Reform and Conservative Judaism. Rosen noted the lack of Reform literature on the subject, but he also expressed some optimism about the future:

> In recent years, however, a renewed interest has been shown by many Reform Jews in various aspects of the dietary laws. With this trend in mind, perhaps in the future we can look forward to responsa issued by the Reform movement which will deal with new problems in this important area of Jewish law (Rosen 10).

It has been 25 years since Rosen completed his thesis. The "future" that he speaks of is now. The "renewed interest" that Rosen sensed in 1980 has been illustrated by: the publication of *Gates of Mitzvah* (1979) by Rabbi Simeon Maslin[1] and *Jewish Living* (2001) by Dr. Mark Washofsky. Both books attempt to offer guidance on appropriate Reform Jewish observances, and both strongly advocate for Reform Jews to consider integrating some form of dietary observance into their lifestyle. In addition to these two books, published by the CCAR and the UAHC respectively, we would also note two recent initiatives in the CCAR. The first concerns Rabbi Richard Levy's attempt to prominently include a specific reference to *kashrut* in the 1999 Statement of Principles.[2] Although the reference to *kashrut* was eventually omitted, Levy's attempt illustrates the growing constituency within the movement that considers some form of *kashrut* central to a Reform Jewish lifestyle. This growing interest in *kashrut* within the CCAR has most recently manifested itself in the form of the recently-created CCAR Task Force on

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[1] Although *Gates of Mitzvah* was published in 1979, Rosen did not make use of it, or have access to it, in his thesis. It does not appear in his bibliography.

[2] This would have been the first explicit reference to *kashrut* in a national Reform platform since the Pittsburgh Platform of 1885.

Kashrut. The task force was created in reaction to some members' dissatisfaction that the CCAR continued to serve un-*hekshered* meat at official gatherings of the Conference.

To be sure, there is by no means a consensus as to what the best kind of *kashrut* for the Reform movement should be. This thesis certainly does not seek to offer such a vision. Yet the very debate over the subject indicates that this subject is slowly but surely gaining the attention of the movement's leadership and laity.

And although the movement has become ever more conscious of this issue since 1980, Rosen's basic observation that there is a dearth of literature on the subject remains true to this day. I have already made mention of the works by Maslin and Washofsky. Both are enormously useful in introducing the Reform layperson to the basic issues surrounding Reform and *kashrut*. Yet, neither book is wholly devoted to *kashrut*. As a result, both authors only spend a few pages discussing the dietary laws, before going on to discuss holiday observances, the lifecycle, etc.

A recent issue of the *CCAR Journal*[3] explored the issue in a more in-depth fashion. Yet, those articles were written more for rabbis and other Jewish professionals, rather than for the average layperson. Furthermore, all of the articles in that issue were devoted to exploring *kashrut* as it relates to individual Reform Jews, rather than the communal institutions that they affiliate with.

I set out to complete this project because I believe that the issue of *kashrut* is moving from the periphery to the center of Reform Judaism. Our people are seeking a lifestyle that is spiritually fulfilling, and *kashrut* offers them a perfect avenue into a more spiritual life. The thrice-daily choice to decide what to eat invites seeking Jews to approach and grapple with the Divine.

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[3] Winter 2004.

I also set out to complete this project because there is no current literature available to Reform Jews that comprehensively explains *kashrut* and explores the subject's history in the Reform movement. Furthermore, upon realizing that there is no literature that addresses how Reform communal organizations (i.e. temples, camps, etc.) should consider integrating the dietary laws into the life of their respective institutions, I set out to create a step-by-step workbook that seeks to empower Reform communal institutions to study about *kashrut* from a Reform perspective, and then decide how (if at all) *kashrut* should be best followed in those institutions.

Allow me to describe the contents of this thesis in a bit more detail. Chapter 1 seeks to answer the question "what is *kashrut*" by providing an overview of the subject. The chapter is a survey of the primary *halakhic* sources, with an emphasis on *kashrut's* origins in the Bible and Talmud. Inevitably, I was forced to highlight certain aspects of *kashrut* over others. In those cases, I made a subjective attempt to go into further detail into the areas of *kashrut* that are currently of interest to the American Reform Jew. For example, I explored the area of prohibited species in greater detail than the area of *batel b'shishim.*[4]

As this is only meant to be an overview of *kashrut*, I hardly go into any detail at all about the *kashrut* of non-meat substances (notably fruit and vegetables), although I do include a discussion about the *kashrut* of wine and cheese. Additionally, I have decided to include an overview of the special dietary laws that only apply during Passover. Passover material has been included because it is a common area of *kashrut* that Reform communal institutions have to address each year.

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[4] A *halakhic* rule that, among other things, is used to determine the usability of accidental mixtures of the permitted and forbidden, and the vessels that have absorbed forbidden food.

The main goal of Chapter 1 is to present an overview of *kashrut* as it is traditionally defined in the sources. However, the chapter does contain some brief comments about the non-Orthodox reaction to: *sh'khitah,* the *kashrut* of cheese, the *kashrut* of wine, and the *kashrut* of *kitniyot* on Passover.

Chapter 2 seeks to survey the history of *kashrut* in the Reform movement. The chapter opens with a brief discussion about *kashrut* in the formative stages of Reform in Europe, but the main emphasis is on *kashrut* in the American Reform setting. To explain the history of *kashrut* in the Reform movement, I rely on a variety of primary source documents, including: responsa, the writings of individual Reform leaders, movement platforms, movement resolutions, and official addresses to the various bodies of the Reform movement. This chapter also includes a discussion of the evolving phenomenon known as "ethical kashrut."

The chapter concludes with the results of an informal survey that I completed during the summer and fall of 2004. In the survey, I contacted a cross section of synagogues from around the country and asked about their dietary policies. I also had the privilege of speaking with representatives of several Union camps, as well as with representatives of all of the national bodies of the movement (URJ, CCAR, and HUC-JIR).

Chapter 3 is largely devoted to the aforementioned workbook. The chapter opens with a brief survey of the extant literature that addresses *kashrut* in Jewish communal settings.

I have already mentioned that my primary reason for composing the workbook is to meet a perceived need: to enable Reform communities to study about *kashrut*, and then

decide what expression of *kashrut* is right for them. But, admittedly, I have written it with a secondary agenda in mind. Inspired by thinkers like Rabbi Sidney Schwarz (*Finding a Spiritual Home*), I am looking to advocate a particular decision-making process for Reform communities. This process seeks to join lay leaders with clergy in a journey of study, along with a reflection of personal and institutional values, which culminates in an informed decision-making process. In this regard, the workbook also serves as a model of a process that can be duplicated in many other areas of communal decision-making.

We all come to the table with certain biases. In fact, my discussion about the decision-making process in the workbook just revealed one of them (a tendency to favor a communal culture commonly associated with the contemporary Reconstructionist movement). But there are other biases as well. I am a Reform Jew who believes that one can be a good Reform Jew and observe any number (or even all) of the 'traditional' *mitsvot* – even those (like *t'fillin*) that have historically not been associated with the Reform movement.[5] (By the way, Chapter 2 seeks to show that that stereotype is incorrect.)

The dietary laws are, therefore, more than an area of academic interest to me. *Kashrut* is a *mitsvah* that I seek to fulfill whenever I eat. What distinguishes me from the *mitsvah*-observing Orthodox Jew is how I choose to fulfill the commandment. For me, a "kosher style" observance[6] fulfills the obligation of *kashrut* as long as my own personal

[5] There are certainly limits to this statement. I would argue that one cannot be a 'good' Reform Jew if one does not accept a basic Reform value like egalitarianism, although this is perhaps a question that is up for philosophical debate.

[6] It is important to note that "kosher style" means different things to different people. My own "kosher style" means that I will only eat *hekshered* meat, and will not mix meat and dairy in the same meal. I prefer to use separate sets of dishes and silverware, but do not mandate it. I do not insist that non-meat products carry a *heksher*, although I do try to read labels to check ingredients. As a result, I am

decision is one that has been informed by a survey of the sources. My decision to not be "*shomer kashrut*" (according to the Orthodox definition of the term) has nothing to do with laziness, and everything to do with religious ideology and the search for personal spiritual fulfillment.

Ultimately, this thesis endorses the advice issued by Maslin and Washofsky: that a Reform Jewish observance of *kashrut* is <u>not</u> an 'all or nothing' enterprise. Reform Jews can choose to avoid pork and veal (the latter out of concern for "ethical kashrut") and still feel comfortable eating a cheeseburger. The ideology of personal autonomy permits us, as individuals, to behave like that.

The ideology of personal autonomy also permits our congregations to decide for themselves what form of dietary observance is right for them. The evidence from my informal survey suggests that many Reform communities have chosen not to exercise this particular right, instead relying on an outdated default dietary policy that no longer reflects the central values of the community. This thesis then, especially in the form of the workbook, argues that congregations *should* exercise their autonomy to create a policy that is unique. It is my hope that the workbook will empower and enable them to do so.

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comfortable eating out in restaurants that do not carry a *heksher*, as long as there are vegetarian options on the menu. In general, I prefer cooking and eating vegetarian/*milkhig* meals.

Chapter 1: What is *Kashrut*?

Our examination of *kashrut* in contemporary Reform communities will begin by attaining a general understanding of the definition of *kashrut*. Once we are able to appreciate the meaning and implications of the term, we can proceed to examine *kashrut* in a modern and liberal Jewish context.

The term *kashrut* (which now refers to the Jewish dietary laws) is the etymological descendant of the biblical root *k.sh.r.*, which appears only six times in the Hebrew Bible.[7] In Eccl 5:10 and 11:6, the root suggests "success." Yet, in Eccl 10:10 the term means "to be advantageous." And, in Eccl 2:21 and 4:4, the biblical author uses it to connote "skill." The more familiar, contemporary meaning of "proper" or "acceptable" is only suggested once in the Bible, in Esth 8:5 (BDB 506-507). To be sure, however, we would note that none of these six examples links the root with anything having to do with food. Jastrow (677-678) adequately documents the use of the term in rabbinic literature, demonstrating that the meaning of the term evolved into a definition that included: "to be fit, right; to be pronounced fit; to be ritually permitted."

The very fact that we have a Hebrew term that means that certain things are permitted implies that certain things are also prohibited. Thus, to gain an understanding of *kashrut*, we must come to know what Jewish law has allowed "in," and what Jewish law has "kept out."

In seeking to systemically organize the laws of *kashrut*, Grunfeld (49) suggests the following eight categories:

- Which animals are permitted for food, and which are not

[7] This according to page 566 of Volume *Alef – Kaf* of the Even Shoshan *Konkordantzia Chadasha*. Note that BDB (507) also speculates as to appearances of the root in Ps 68:7 (there meaning "prosperity") and Prov 31:19 (there meaning "distaff").

- Method of slaughtering animals which should serve as food
- Examination of the slaughtered animal
- Which parts of an otherwise permitted animal are permitted; which parts are not
- Conditions under which even permitted animals are prohibited
- Religious preparation of meat
- The law of meat and milk
- Relationships of mixtures of the permitted and forbidden, and the vessels that have absorbed forbidden food

To this list, I would add two more categories:

- Permitted and prohibited products that are not meat
- Special laws concerning Passover

These ten categories, then, will serve as a guide as we come to see what the *halakhah* (Jewish law) keeps in and leaves out.

Category 1: Which animals are permitted for food, and which are not

Before we can begin discussing permitted and prohibited animals, it is necessary to point out that God originally presumed that humanity could/would live off of a vegetarian diet. Thus we read in Gen 1:29-31 (emphasis added):

> God said, "See, I give you every **seed-bearing plant** that is upon all the earth, and every **tree that has seed-bearing fruit**; they shall be yours for food. And to all the animals on land, to all the birds of the sky, and to everything that creeps on the earth, in which there is the breath of live, **[I give] all the green plants for food**." And it was so. And God saw all that He had made, and found it very good.

The Torah indicates that this changed during Noah's lifetime. Following the flood, Gen 9:3 notes: "Every creature that lives shall be yours to eat; as with the green grasses, I give you all these." Why the easing of the vegetarian restriction? Writing in the 13th century, Ramban explained that:

> The reason for this {the earlier} [prohibition of eating meat] was that creatures possessing a moving soul have a certain superiority as regards their soul, resembling in a way those who possess the rational soul: they have the power of choice affecting their welfare and their food, and they flee from pain and death. And Scripture says: *Who knoweth the spirit of man whether it goeth upward, and the spirit of the beast whether it goes downward to the earth?* {Eccl 3:21}

> But when they sinned, and *all flesh*[8] *had corrupted its way upon the earth* {Gen 6:12}, and it was decreed that they die in the flood, and for the sake of Noah He saved some of them to preserve the species, He gave the sons of Noah permission to slaughter and eat them since their existence {that is, the animals} was for his {Noah's} sake.

Alternatively, Grunfeld offers: "The shorter lifetime was bound to intensify and concentrate the process of life, which perhaps is the reason why a food more vitalizing than vegetables became necessary" (Grunfeld 8).

The very flexible ruling of Gen 9:3 is slightly restricted, however, by the verse that immediately follows it: "You must not, however, eat flesh with its life-blood in it." We'll have a chance to explore the meaning of the Torah's aversion to blood later on. For now, suffice it to say that the dietary instructions of Gen 9 are addressed to all of humanity (and thus are considered part of the Noahide Laws).[9] Yet, later in the Torah, we come to find that more stringent restrictions are placed on the Israelites alone.

In terms of addressing those restrictions, I will generally follow Grunfeld (49) in dividing all animals into four categories:

- Cattle and beast
- Bird
- Fish
- Swarming thing

"Cattle" and "beast" are put into the same category because both have four legs. Yet, the Torah differentiates between four-legged animals. The term *behemah* (cattle) "is a domesticated, tame and submissive animal, such as ox, cow, sheep and goat."

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[8] One of the Ramban's key observations here is that the Torah indicates that "all flesh" – that is, humans *and* animals – were culpable for the sinning that brought on the flood. Ramban seems to justify humanity's permission to eat meat based on his awareness that animals were destined to die in punishment anyway.

[9] The Noahide Laws are several moral laws that the rabbis thought applied to all of humanity, not just Jews. They are derived from demands that God made of Adam and Noah, the two great fathers of all of humanity. See *EJ* 12.1189-1191.

Alternatively, a *khayah* (beast) "is a wild animal (animal of chase)."[10] Beasts "do not subordinate themselves to man's service and live an independent life of their own." Examples of beasts include deer like the stag and the roe (Grunfeld 49).[11]

The subject of permitted and prohibited land animals (cattle and beast) is addressed twice in Torah. In Lev 11:2-8, we read:

> Speak to the Israelite people thus: These are the creatures {*hakhayah*} that you may eat from among all the land animals {*mikol habehemah*}: any animal that has true hoofs, with clefts through the hoofs, and that chews the cud – such you may eat. The following, however, of those that either chew the cud or have true hoofs, you shall not eat: the camel – although it chews the cud, it has no true hoofs: it is impure for you; the daman - although it chews the cud, it has no true hoofs: it is impure for you; the hare – although it chews the cud, it has no true hoofs: it is impure for you; and the swine – although it has true hoofs, with the hoofs cleft through, it does not chew the cud: it is impure for you. You shall not eat of their flesh or touch their carcasses; they are impure for you.

Alternatively, Deut 14:3-8 offers:

> You shall not eat anything abhorrent. These are the animals {*behemah*} that you may eat: the ox, the sheep, and the goat; the deer, the gazelle, the roebuck, the wild goat, the ibex, the antelope, the mountain sheep, and any other animal {*behemah*} that has true hoofs which are cleft in two and brings up the cud – such you may eat. But the following, which do bring up the cud or have true hoofs which are cleft through, you may not eat: the camel, the hare, and the daman – for although they bring up the cud, they have no true hoofs – they are impure for you; also the swine – for although it has true hoofs, it does not bring up the cud – is impure for you. You shall not eat of their flesh or touch their carcasses.

From these two passages, we may deduce that a four-legged land animal is permitted if it chews its own cud and has cloven hoofs.

Tigay points out that:

> The identity of some of the animals is uncertain. Most of the Hebrew terms appear infrequently in the Bible, without enough information to identify the animals to which they refer. The ancient translations, cognate languages, and later Hebrew usage sometimes help but cannot always be relied upon, since the same name is sometimes used for different animals in different times and places. Some of the translations, therefore, are but educated guesses (Tigay 137).

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[10] This follows Grunfeld's observations, who follows Malbim. Alternatively, Rashi suggests (following Sifra Shemini 2:8) that the terms are sometimes interchangeable.

[11] There are two other differences between the two types of four-legged animals: the fat of *behemot* is strictly forbidden (for consumption), whereas the fat of *khayot* is not. Additionally, the blood of *khayot* must be actively covered, or soaked up, after slaughter. The same is not true for *behemot*. This is summarized in HMA 1:9; see also Grunfeld 49 and Klein 304.

This raises the issue, then, of potential confusion in identifying forbidden species. If an animal could not be identified, on sight or by close examination of the mouth and feet, as a kosher species, the Talmud suggests "further rules of identification which should be applied to the investigation of an animal whose feet or jaw or both, can no longer be investigated" (Grunfeld 50).[12] Yet, Maimonides appears to be adamant that the identification of a kosher animal can/should be relatively straightforward. He teaches the following, concerning the issue of confusion about a kosher species:

> There are no other domesticated animals or wild beasts in the world that are permitted to be eaten except the ten species mentioned in the Torah. They are three types of domesticated animals: [...] [the species he mentions are consistent with the ones listed in the Torah], and seven types of wild beasts: [...]. [This includes the species] itself and its subspecies, e.g., the wild ox and the buffalo are subspecies of the ox. All of these ten species and their subspecies chew the cud and have split hoofs. Therefore, a person who recognizes these species need check neither their mouths, nor their feet (HMA 1:8).

Before moving on to discuss winged creatures, a word must be said about the prohibited land animal *par excellance*: the pig. Abstention from pig has become a symbol over the last 2000+ years of purity/cleanliness within the Jewish community. Allow me to cite two examples of this. From a more positive perspective, we are able to observe in our own day and age that there are many Jews who have abandoned all observance of the dietary laws, yet still persist in abstaining from pork. This is a small acknowledgment of the symbolic power that pigs continue to have over the Jewish community today. Unfortunately, the taboo surrounding pigs has also had a negative impact on Jewish life. During the Middle Ages, one way that anti-Jewish tormentors humiliated innocent Jews was by comparing them to the pig.[13]

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[12] See also Klein 304, who points out that the Talmud only differentiates other characteristics for *khayot* and not *behemot*.

[13] Claudine Fabre-Vassas' *The Singular Beast* is one source that chronicles the anti-Jewish association that European Christians projected onto their Jewish neighbors from the beginning of the Middle Ages through World War II. Fabre-Vassas explains in her introduction: "Yet European myths on the origin of the animal {the pig} would suggest, on the contrary, a sustained opposition and introduce us to a third point of view.

In light of these observations, it is interesting to note that the Torah does not highlight the pig prohibition in any noticeable way. The pig's only claim to fame is that "it is the only domesticated animal used for food in biblical times that has a truly split hoof but does not chew its cud" (Levine 67).

With regards to the eating of birds, we again find two references in the Torah. In Lev 11:13-19, we read:

> The following you shall abominate among the birds {*min ha'of*} – they shall not be eaten, they are an abomination: the eagle, the vulture, the black vulture; the kite, falcons of every variety; all varieties of raven; the ostrich, the nighthawk, the sea gull; hawks of every variety; the little owl, the cormorant, and the great owl; the white owl, the pelican, and the bustard; the stork, herons of every variety; the hoopoe, and the bat.

Levine (67-68) observes that "there are no overall physical criteria by which to distinguish pure {or acceptable} birds from impure birds."[14] This differs markedly with the land animals we discussed above. He continues by writing: "Rather, a long list of prohibited birds is provided, the assumption being that all others would be permitted." That assumption seems to be played out in Deut 14:11-18:

> You may eat any clean bird. The following you may not eat: the eagle, the vulture, and the black vulture; the kite, the falcon, and the buzzard of any variety; every variety of raven; the ostrich, the nighthawk, the sea gull, and the hawk of every variety; the little owl, the great owl, and the white

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It no longer has to do with understanding the taboo itself within Jewish logic; it is no longer a question of recognizing the antagonistic choice of the first Christians; it is a matter of analyzing the Christian explanation for the Jewish interdiction. This interdiction would be a troubling enigma for those who lived side by side with the communities of the diaspora and even for Christianity, ever dominated by the biblical reference to the people of Israel and its laws. This, to be more specific, was the direction that presented itself to me and would lead to part 2 of this book. In it we see Jews being associated with the animal. All the features of the porcine nature that I had initially enumerated ended up being imputed to the "deicidal people." Better still, the Jews, in their rituals, in which they were reputed to spill blood, treated themselves like pigs. Furthermore – and this is the great contradiction of their destiny – since they deprived themselves of this meat, they were constantly seeking the closest substitute, the flesh and blood of Christian children. The essence of the Jewish being and custom was thus interpreted with the pig as the key, and what was and is still considered a stereotype became an obsessively articulated reading, ever present in history in one aspect or another. Is this not, in its terrible reiteration, the logical matrix of the most common anti-Judaism, the basic and seemingly natural justification for all the persecution, for all the banishment, for all the exterminations?" (Fabre-Vassas 7-8).

[14] See also Tigay 139, Klein 304, and Grunfeld 50.

> owl; the pelican, the bustard, and the cormorant; the stork, any variety of heron, the hoopoe, and the bat.[15]

The fact of the matter is, however, that the rabbis were motivated to specify characteristics that would signify a "pure bird." Thus, we read in M. Chullin 3:6:

> The distinguishing features in [clean] cattle and wild animals are prescribed in the Law, but the tokens in birds are not enjoined. But the Sages have said, Any bird which seizes its food in its claws is unclean; any [bird] that possesses an extra talon [above the others], and a crop and a craw [whose skin easily] peels off, is clean. R. Eliezer ben R. Zadok says, Any bird which parts its toes [in pairs when set upon a cord] is unclean.

Why did the rabbis delineate these particular characteristics? Tigay, citing Sifre 103, notes that *halakhic* exegesis "identified characteristics common to all the forbidden birds and allowed only those that do not display these characteristics" (Tigay 139).

Similar to our encounter with the land animals, here too we run into semantic difficulties. We cannot be completely confident that our translations of the Hebrew animal names are accurate, and thus we may be unable to accurately use the text to identify permitted and prohibited animals. Therefore, the accepted practice today is to eat "only those birds that have been traditionally accepted as permitted" (Klein 305).[16] Tigay (139) identifies traditionally accepted fowl as "chicken, capon, Cornish hen, turkey, domestic duck and goose, house sparrow, pigeon, squab, palm dove, turtledove, partridge, peacock, and, according to some authorities, guinea-fowl, quail, and what is today called pheasant."

One final thing that should be pointed out regarding winged creatures. The Torah clearly means to put them in a category that distinguishes fowl from the land animals, fish, and creeping things respectively. This biblical observation will become important

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[15] Levine (68) points out that the list here "does not correspond exactly to zoological classifications and even includes the bat, which is technically a winged rodent, not a bird."
[16] Klein and Grunfeld (50) are following Rama on YD 82:2.

when we later discuss the rabbis' understanding of the separation of meat and dairy products.

We next come to the category of animals that are found in the water. Lev 11:9-12 teaches us:

> These you may eat of all that live in water: anything in water, whether in the seas or in the streams, that has fins and scales – these you may eat. But anything in the seas or in the streams that has no fins and scales, among all the swarming things of the water and among all the other living creatures that are in the water – they are an abomination for you and an abomination for you they shall remain: you shall not eat of their flesh and you shall abominate their carcasses. Everything in the water that has no fins or scales shall be an abomination for you.

Deut 14:9-10 makes a similar statement in an abbreviated fashion:

> These you may eat of all that live in water: you may eat anything that has fins and scales. But you may not eat anything that has no fins and scales: it is unclean for you.

Tigay (139) is correct in pointing out that "only a general rule is given for distinguishing between permitted and prohibited aquatic animals." The Torah omits a list of permitted or prohibited water species.

While the rule seems fairly straightforward,[17] the question arose as to how we classify: (a) a species of fish that only grows fins/scales when it is older; and (b) a species of fish whose fins/scales fall off when it is older. The matter is seemingly resolved for us in a baraita that appears in Avodah Zarah 39a:[18]

> The rabbis taught in a baraita: [A fish] that does not have [fins and scales] now, but will grow them later – such as the *sultanit* or the *afits* – it is permitted [for consumption]. [And regarding], a fish that has [fins and scales] now and is destined to shed [them] at the time that it goes up from the sea – such as the *akunas*, *afunas*, *katsiftiyas*, *achsiftiyas*, or the *utnas* – it is permitted for consumption.

Yet, confusion still persists when it comes to the issue of the fish we commonly know as swordfish. Does that fish exhibit scales according to the halakhic definition? Orthodox Judaism maintains that the answer is "no."

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[17] In that shellfish, shark, and catfish – among others – are all clearly prohibited.
[18] A parallel passage appears in Chullin 66a-b.

However, the Conservative movement agues that the answer is "yes." In his 1966 responsum for the movement, Rabbi Isaac Klein sought to convincingly prove that swordfish *do* have scales at some point in their life. One of the first proofs that he brings is:

- The entry for "Dagim" in the *Talmudic Encyclopedia*. There, "the swordfish is identified as *Xiphias gladius*, a fish which, in its early stages, has scales that disappear when it matures. According to its Latin and Greek names it is suggested that it is the *Achsiftiyas* of the Talmud: Hullin 66b" (Klein *Responsa* 76).

Yet Klein observes that Rabbi Moshe Tendler, noted Orthodox authority:

> disagrees with the manner of classifying this fish. According to him, it becomes clear that there are two classes of fish called swordfish [sailfish and swordfish]. The first is the "clean" fish, but the second is an "unclean" fish. It is then possible to say that the author of *Knesset Hagdolah* who permitted the fish ispada, meant the latter, which is called "sailfish" (Klein *Responsa* 77).

Klein, himself not a biologist, turned to:

> the United States Bureau of Fisheries – and received an answer from the Ichthylogical Laboratory, U.S. National Museum of Washington, D.C. They sent us letters which had been sent to them earlier in response to similar questions. In each case, it was stated definitely and unequivocally that the swordfish has scales in its early stages. It sheds them when it reaches a certain size (Klein *Responsa* 77).

Tendler's response was to write the following: "The claim that the immature forms [of swordfish] do have scales has never been confirmed by people in whom we can have confidence" (quoted by Klein *Responsa* 77). What does he mean by that? Is he implying that the Bureau of Fisheries is not scientifically qualified? Or, is he suggesting that there is a problem because the government scientist might not be Jewish (and who might thereby not be able to appreciate the religious implications of their answer)?

Motivated to ease his own conscience, Klein chose to pursue a second opinion from a Jew, Dr. Carl Gans of SUNY Buffalo, who confirms that the government's observations about swordfish are valid. On the basis of all of this, Klein concludes by writing:

> In the government *List of Common Food Fishes that Have Both Fins and Scales*, the swordfish is listed too. On the basis of this evidence, we have to reconfirm our original position that the swordfish is kosher (Klein *Responsa* 78).

We cite this example only as a means of illustrating that questions persist in our own day regarding the relatively straightforward question of which animals are permitted and which are prohibited.

We now come to our final category of land animals: creeping things. The category is significant in that we encounter for the first time a serious discrepancy in the way that the material is presented in the Torah, when we compare Lev 11 with Deut 14.

Based on his reading of the text, Grunfeld would have us believe that the swarming things are neatly presented in both chapters as a paragraph that can be easily divided into three sub-categories.[19] This is hardly the case. Yet, to his credit, Grunfeld rightly observes that the Torah does describe three different classes of *sherets*. The problem is that the Torah treats them as wholly separate. Thus, we read about *Sherets Hamayim* as part of the regulations concerning fish above (Lev 11:10). (Interestingly, *Sherets Hamayim* is not mentioned at all in the Deut account for fish.)

Sherets Ha'arets is addressed in Lev 11:29-31a:

> The following shall be unclean for you from among the things that swarm on the earth: the mole, the mouse, and great lizards of every variety; the gecko, the land crocodile, the lizard, the sand lizard, and the chameleon. Those are for you the unclean among all the swarming things...

Contrary to Grunfeld, we might observe that this passage seems to be its own section of the text, rather than part of a larger unit on swarming things in general. We should also note that, once again, Deut 14 fails to address this particular kind of *sherets* in its material.

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[19] On p. 51, Grunfeld suggests: a) *Sherets Hamayim* ("swarming things that live in the water"); b) *Sherets Ha'arets* ("swarming things that creep upon the ground"); and c) *Sherets Ha'of* ("winged swarming things that fly in the air").

Finally, we turn to *Sherets Ha'of.* In Lev 11:20-23, we read:

> All winged swarming things that walk on fours shall be an abomination for you. But these you may eat among all the winged swarming things that walk on fours: all that have, above their feet, jointed legs to leap with on the ground – of these you may eat the following: locusts of every variety; all varieties of bald locust; crickets of every variety; and all varieties of grasshopper. But all other winged swarming things that have four legs shall be an abomination for you.

In this case, however, Deut 14:19-20 does offer a parallel passage: "All winged swarming things are unclean for you: they may not be eaten. You may eat only clean winged creatures."

Bernard Bamberger, commenting upon Lev 11:20-23 in *The Torah: A Modern Commentary*, summarizes the issue of swarming things by writing the following:

> The Hebrew *sherets*, "creeping/swarming thing," is a term applied broadly to all kinds of vermin: rodents, reptiles, worms, insects, etc. (cf. verses 29 and 30). The present verses speak of winged *sherets*, i.e., winged insects, of which four species are singled out as permitted for eating. Every other variety of *sherets*, with or without wings, is forbidden. Locusts and grasshoppers, cooked in a variety of ways, are still eaten by some peoples in the Near East. Medieval halachists, uncertain about the identity of the kosher species, forbade the eating of any insects. But Kalisch, writing in the 1870s, reported that the Yemenite Jews still ate locusts (Plaut 815).

Category 2: Method of slaughtering permitted animals

We have now had a chance to summarize the laws concerning which species qualify as being an acceptable part of a traditional Jewish diet.[20] Yet, for meat to be kosher (according to the traditional definition), there are several more qualifications that must be met before it can receive a *heksher* (kosher seal of approval). We move forward now, to discuss the issue of kosher slaughtering.

Permitted animals are not kosher unless they have been slaughtered properly, a process that is called *sh'khitah* (slaughter). Klein summarizes:

> Essentially this consists of a highly trained person (called a *shochet*), equipped with a special kind of knife, cutting both the windpipe (trachea) and the food pipe (esophagus) in the case of animals, and at least one of these in the case of fowl (Klein 308).

[20] For a more complete rendering of foods that are, or are not kosher, consult your local rabbinic authority. Alternatively, visit www.oukosher.org to access the resources of America's largest Orthodox kosher supervision effort. (Note: Non-Orthodox movements do not always agree with the rulings of the O.U.)

Why does Jewish law insist that animals be killed in a certain way? First and foremost, we take note of Deut 12:21:

> If the place where the Lord has chosen to establish His name is too far from you, you may slaughter {*v'zavakhta*}[21] any of the cattle or sheep that the Lord gives you, as I have instructed you; and you may eat to your heart's content in your settlements.

Rashi points out that the phrase "as I have instructed you" refers to the details of *sh'khitah* that are mentioned in the Oral Law (for example, see Chullin 28a).

There is the sense, argues Grunfeld (53-54), that the Bible originally allowed animals to be slaughtered for food if it was in connection with the cultic ritual of the Tent of Meeting, and later the Temple. Thus, take note of Deut 12:15 and Tigay's explanation that follows it:

> *But whenever you desire, you may slaughter and eat meat in any of your settlements, according to the blessing that the Lord your God has granted you.* This verse establishes a major change in religious and dietary practice. Previously, only game animals could be slaughtered nonsacrificially (the rabbis called nonsacrificial slaughter *shechitat chullin*, "secular slaughter"). Domestic cattle (oxen, sheep, and goats) could only be slaughtered on altars, as sacrifices, even if the offerer's purpose was solely to use them for food. Only after the blood was dashed on the altar and certain of the innards burnt there could the remainder be eaten. This rule was practical when all Israelites lived near a sanctuary, as when they lived in the wilderness. Even after they settled in Canaan and scattered across the land, it would remain practical as along as it was legitimate to have sanctuaries throughout the land. But once a single sanctuary was chosen the requirement would become impractical, since those who lived far from it would be able to eat meat only on the infrequent occasions when they visited there. To avoid this hardship, secular slaughter of domestic cattle, too, will be permitted, and people may eat meat whenever they want and can afford to (Tigay 124).

As a result of the Bible's early attempt to sanctify the act of slaughter, that same impulse persisted, even after slaughtering was allowed to take place outside of the Temple.

Up until now, we have demonstrated the Bible's interest in establishing a "special" way for animals to be killed. But we have not discussed the details of such a slaughtering method: how it is to be done, the values that inform the aforementioned method, etc.

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[21] It is important to point out that the Torah's term for slaughter – *z.b.kh* – is actually related to the notion of sacrifice. Thus, BDB (257) notes that "all eating of flesh among ancient Hebrews was sacrificial."

In terms of what *sh'khitah* actually involves, we must begin with the knife, known as the *khalif*. It must be "razor sharp and perfectly smooth" so as to insure that it will not "tear the flesh and cause unnecessary pain. [...] If the slightest dent[22] or nick (*p'gimah*) is felt, it is forbidden to use the knife" (Klein 310). Already, then, we have some indication as to the *halakhah's* attempt to minimize the pain of the animal.[23]

After reciting the short blessing *asher kidshanu b'mitsvotav v'tsivanu al hash'khitah*, the slaughtering begins. Klein (310-311)[24] does an excellent job of summarizing the "five regulations pertaining to the process of cutting," and I quote them directly below:

> 1. *Shehiyah* – pausing, or delay. The knife must be drawn quickly across the neck of the animal, beast, or bird without a stop. The smallest delay or pause renders the *Sh'khitah* defective and the animal not kosher.
>
> 2. *Derasah* – pressing. The blade must be applied with a to-and-fro motion, not with a chopping or striking motion.
>
> 3. *Chaladah* – burrowing. The blade must not be inserted between the trachea and the esophagus and used with an upward thrust; nor may the blade be inserted under the skin in any fashion.
>
> 4. *Hagramah* – cutting out of the specified zone, or deflecting. As was explained above, the cut must be below the larynx, preferably below the first hard ring of the trachea and up to the place where the bronchial tubes begin to branch.
>
> 5. *Aqirah* – tearing out. The trachea and the esophagus must be cut with the blade and not torn out or lacerated in any way. Thus, if the trachea was cut properly, and it is then found that the esophagus was ripped out from the jawbone at the root, the *Sh'khitah* is not valid and the animal may not be eaten. In the case of birds, if one of the two organs is ripped out after the first is cut properly, the *Sh'khitah* is proper, since for birds the severance of only one organ is necessary.

In addition, these regulations must be carried out by someone who has *kabalah* (permission) to be a kosher slaughterer. We call this person a *shokhet*. A *shokhet* must be knowledgeable in the laws of *sh'khitah* and *b'dikah* (examination – see below); a *shokhet* must also be a person of "great piety" (Klein 309).

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[22] An imperfect knife could cause unnecessary pain to the animal.
[23] This will be discussed in more detail below.
[24] Klein's source is YD 23-24. See also Grunfeld 57-ff. Forst (36) calls these five categories the "five basic disqualifications of *shechitah*."

We would note that *sh'khitah* is not complete – in the case of beasts and fowl[25] – until the *mitsvah* of *kisui hadam* (covering of blood) is completed. This follows the instruction contained in Lev 17:13: "And if any Israelite or any stranger who resides among them hunts down an animal or a bird that may be eaten, he shall pour out its blood and cover it with {the dust of the} earth." To fulfill the command, *shokhtim* insure that the blood from the cut can pour out onto a bed of dust. When the blood is drained, a new layer of dust is poured on top of the bloodied layer of dust. See below for a discussion of the symbolism of blood.

Grunfeld (58) reminds us that any animal that is not killed according to the laws of *sh'khitah* is considered *tref* (not kosher) because it holds the status of *n'velah* (see below for detailed explanation). Eating *n'velah* is simultaneously a violation of the positive commandment to follow *sh'khitah*, implied in Deut 12:21, and a violation of the prohibition against *n'velah* contained in Deut 14:21.

One last important observation: the laws of *sh'khitah* do <u>not</u> apply to kosher species of fish! The rabbis base this determination (see Chullin 27b) on their reading of Num 11:22: "Could enough flocks and herds be slaughtered {*yishakhet*} to suffice them? Or could all the fish of the sea be gathered {*yeasef*} for them to suffice them?" The rabbis read this verse and noticed the Torah's use of two different verbs, which has the effect of putting fish in a separate 'food preparation category' from land animals. As a result, the regular laws of *sh'khitah* do not apply to fish.[26]

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[25] Klein (312), following Sefer Ha-Khinukh, *mitsvah* 187: "Why, then, was this law not applied to animals (*b'hemot*) as well as to beasts (*khayot*) and fowl? It is because the exhortation to act reverently in regard to blood is not likely to be forgotten in the case of animals, since they were brought as sacrifices on the altar, and their blood had to be sprinkled thereon. The reminder is only needed for those creatures that could not be brought as sacrifices."

[26] Following YD 13:1, Forst (36) writes: "the laws of *neveilah* do not apply to fish."

Now that we have had a chance to survey *sh'khitah*, let us step back and briefly discuss the value that is often cited as the basis for the laws of *sh'khitah*. Klein (308) offers the following:

> The use of a special method of slaughtering has been explained as the fulfillment of the commandment of *tzar ba'alei chayim* – prevention of cruelty to animals. Maimonides writes: "The commandment concerning the killing of animals is necessary because the natural food of man consists of vegetables and the flesh of animals; the best meat is that of animals permitted to be used as food. No doctor has any doubts about this.[27] Since, therefore, the desire of procuring good food necessitates the slaying of animals, the law enjoins that the death of the animal should be the easiest. We are not permitted to torment the animal by cutting the throat in a clumsy manner, by pole-axing or by cutting off a limb whilst the animal is alive" (*Guide* 3:48) [...Klein continues:] Modern science has borne out the claim that *Sh'khitah* is the most humane method of slaughter.

Grunfeld (54) also emphasizes Judaism's compassion toward animals, by summarizing a story from Bava Metzia 85a:

> Once Yehuda Hanassi, the compiler of the Mishnah, sat in front of the Academy of Sepphoris when a calf was led to the slaughter yard. It began to cry as if to say "Save me". Thereupon Rabbi Yehuda said "I cannot help you; after all this is your destiny". Because of this utterance Rabbi Yehuda was punished in that he suffered physical pain for thirteen years. After that time a small animal passed his daughter who was about to kill it when Rabbi Yehuda said: "Leave it alone: God's mercy extends over all His creatures." It was only then that Rabbi Yehuda was relieved from his physical suffering because he had shown mercy on God's creatures."

Additionally, Grunfeld (55) points out a number of biblical passages that establish *tsa'ar ba'ale khayim*. Here are just a few examples:

- Gen 24:14 Kindness to animals is part of the criteria for the selection of a wife for Isaac
- Exod 23:12 Animals are to rest on Shabbat
- Lev 22:26-28 and Deut 22:6 Respect for relations between animal parents and their young
- Deut 22:10 An ox and an ass do not have to plough together, out of respect for the ass (smaller animal)
- Deut 25:4 Animals shouldn't be muzzled when they are treading on food they might be inclined to eat

These verses illustrate the value of *tsa'ar ba'ale khayim*, and help to explain why so many have understood *sh'khitah* to be an example of that very important Jewish value.

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[27] This statement is often used as proof that the Rambam understood the laws of *kashrut* to have a positive effect on one's health. Others disagree.

In fact, a number of Jewish authorities have gone on record as believing that *sh'khitah* is the 'most' humane method of slaughter that humans can use on animals. Such authorities include Klein (308), Grunfeld (84 and 308), Dresner (27 and 30), and Tendler (448).

Yet, others have begun to raise questions as to the truth of such statements. This is not the first time in our history that someone has questioned the humane-ness of *sh'khitah*. Indeed, in ages past it was a common accusation made by non-Jews, in an attempt to veil anti-Semitism in a concern for animals.[28]

The difference is that, today, some are questioning the humane-ness of the traditional method of kosher slaughter without any anti-Semitic agenda. One of the most notable advocates for *sh'khitah* reform is Dr. Temple Grandin.[29] In her 1990 article for the journal *Judaism,* and in her interview with Phyllis Klasky Karas in a 1991 issue of *Moment* magazine, Grandin argues that many kosher slaughtering facilities treat animals inhumanely because they are "shackled and hoisted" in advance of the actual slaughter.

Recognizing that shackling/hoisting is inherently cruel behavior towards animals, Congress passed the Humane Slaughter Act in 1978. The act "provided that the animal must be rendered unconscious by means of stunning (most often a bullet to its head) before being shackled and hoisted" (Karas 42). As we have already learned, kosher slaughter presumes that the animal is not hurt or defective in any way prior to the moment of slaughtering. Therefore, the terms of the Humane Slaughter Act would have prevented kosher slaughtering from taking place. However, the Act was amended so that kosher slaughtering became exempt from legislation.

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[28] See, for example, *EJ* 14.1340-1342.
[29] See her website: www.grandin.com

The challenge, argues Grandin, is to find a middle ground that simultaneously honors the definition of *sh'khitah* and allows for maximally humane treatment of animals. Grandin's solution was to propose a new conveyor system that would allow for an easy (and painless) kosher slaughter, while avoiding shackling/hoisting. The details of her solution can be found in Karas (44-ff). Although it is being implemented in many kosher slaughterhouses around the country, there are some that remain resistant because of the inevitable rise in cost associated with: a) building a new conveyor system in the slaughterhouses, and b) accounting for the fact that this system decreases the number of animals that are able to be slaughtered per hour.

Grandin's findings have made an impact on the Jewish community. Many Jewish leaders have become more attuned to issues of animal suffering, especially concerning the way that animals are treated in the months and years leading up to the moment of slaughter.[30] Surprisingly, however, few Jews have gone on record as asserting that the current mode of *sh'khitah* is not completely humane.

One noticeable exception is the Conservative movement's Committee on Jewish Law and Standards (CJLS). In September of 2000, the Committee unanimously declared that shackling and hoisting is "a violation of Jewish laws forbidding cruelty to animals and requiring that we avoid unnecessary dangers to human life. As the CJLS, then, we rule that shackling and hoisting should be stopped." The CJLS does not go so far as to say that cruelty to animals makes that meat "un-kosher." In fact, the CJLS' ruling

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[30] One prominent example is Rabbi Rayna Gevurtz Zylberman. Zylberman's Rabbinic Thesis is entitled "*Tsaar Baalei Chayim* and the Issue of Factory Farming." In her thesis, she concludes that "many of the circumstances under which animals are raised in modern agri-business can accurately be described as involving cruelty" (Zylberman 149). Just as Grandin has begun to find a way to reform slaughtering practices while honoring the laws of *kashrut* and the economic realities of the kosher slaughtering industry, so too does Zylberman (155) envision a similar set of reforms within the industry that raises the animals prior to their slaughter.

specifically says the opposite, that "shackling and hoisting animals is [...not] a violation of the laws of kosher slaughter." But, their support of the more humane slaughter method that employs upright pews is a positive step forward in the fight to protect the rights of animals.[31]

Another example of a Jewish institution calling for more humane kosher slaughtering methods is the unaffiliated New York City congregation B'nai Jeshurun. Part of the congregation's website is devoted to Jewish learning and observance. On their page[32] about *kashrut*, we find the following comment about *sh'khitah*:

> The *shohet* must sever the arteries to the head (cut off all circulation to the head) and thereby render the animal immediately unconscious and unable to feel pain. (One definite place for improvement of the *kashrut* laws is in the pre-slaughtering process. At present, the assembly line methods involve shackling animals and hoisting them off the ground and this can be fairly cruel and inhumane.)

No one would suggest that the opinion of one individual (Grandin), and two Jewish institutions (CJLS and B'nai Jeshurun) represent the whole of the organized Jewish community. Just the opposite: it seems that, at this time, we can only discern a low murmur of dissent in the Jewish community, when it comes to this issue. The question is: will the community be compelled to re-evaluate its stance over the course of the next 20 or 30 years?[33]

Category 3: Examination of the slaughtered animal

We have now established that the *kashrut* of meat goes well beyond insuring that the meat comes from a permitted species. The practice of *sh'khitah*, however, is just the

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[31] The CJLS statement may be found at: http://www.grandin.com/ritual/conservative.jewish.law.html.
[32] The webpage is www.bj.org/kashrut.php.
[33] In December of 2004, just as this project was being completed, a video (released by PETA) revealed cruel treatment of animals at a major kosher slaughterhouse in Postville, Iowa. The video raised a number of questions in the media and in the Jewish community. It is still too early to say what kind of long-term impact the incident will have on the kosher slaughtering industry. The reader is directed to the article by Sanders, which records the O.U.'s acknowledgement that inhumane behavior took place. And, although the O.U. insisted that no kosher rules had been violated at the plant, the organization did express an interest in treating the animals more humanely in the future.

first of several other commandments that must be fulfilled in order for the meat to be declared *kasher*.

After an animal is slaughtered, the *shokhet* will conduct a *b'dikah*, or a ritualistic examination of the carcass. The examination is necessary because Jewish tradition teaches that:

> Any animal or fowl which, as a result of a birth defect, disease, or inflicted wound, suffers from a mortally defective organ or limb (or an animal close to death) may be considered a *treifah*.[34] [...] For example: an animal lacking certain organs, an animal with certain organ walls perforated or certain bones fractured is considered a *treifah*. Thus, even if one slaughters a kosher animal properly, it may nevertheless be unkosher to eat if it is afflicted by any of these injuries (Forst 37-38).

Before we turn our attention to some of the details surrounding the actual examination, we must step back for a moment to consider why the *halakhah* is so concerned with this notion of *trefah*.

Trefah has its roots in Exod 22:30, where we read: "You shall be holy people to Me: you must not eat flesh torn (*trefah*) by beasts in the field; you shall cast it to the dogs."

This text makes it clear that flesh that is "torn" should not be eaten. But the rabbis broadened the prohibition to include an animal that is slaughtered while in the process of dying from any number of causes. Maimonides explains:

> When a person eats an olive-sized portion of a kosher domesticated animal, wild beast, or fowl that was mortally wounded is liable for lashes, as [Exodus 22:30] states: "Do not eat meat [from an animal that was] mortally wounded (*treifah*) in the field. Cast it to the dogs." The term *treifah* employed by the Torah refers to [an animal] mortally wounded by a wild beast, e.g., a lion, a tiger, or the like, or a fowl mortally wounded by a bird of prey, e.g., a hawk or the like. We cannot say that the term *treifah* refers to an animal that was attacked and killed, for if it died, it is a *nevelah*.[35] What difference does it make if it died naturally, was struck by a sword or died, or was battered by a lion and died? Thus [the term *treifah*] must refer to an instance when it was mortally wounded, but did not die.

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[34] We now associate this word with the meaning of "un-kosher" or "unfit/improper." But the word has a different meaning in a biblical context. See below.

[35] See below for a fuller explanation of *nevelah*.

> If an animal that is mortally wounded is forbidden, shall we say that if a wolf or lion comes and drags a kid by its foot, its tail, or its ear, and a man pursues [the beast] and saves [the kid], it will be forbidden, because it was attacked? The Torah states: "Do not eat meat [from an animal that was mortally wounded (*treifah*) in the field. Cast it to the dogs." [An animal is not considered *treifah*] unless it was brought to a state that its meat is fit [only] for the dogs. Thus we have learned that the term *treifah* is employed by the Torah refers to [an animal] that was attacked by a wild beast and battered by it that has not died yet. Even if the person hurries and slaughters it before it dies, it is forbidden as *treifah*. For it is impossible that it will live after suffering such wounds.
>
> Thus we have learned that the Torah forbade [an animal] that died, a *nevelah*, and it forbade one that was on the verge of death because of its wounds even though it has not died yet, i.e., a *treifah*. Now we do not make a distinction with regard to an animal that has died regardless of whether it died naturally, it fell and died, it was strangled until it died, or it was attacked by a wild beast who killed it. Similarly, we do not make a distinction between an animal that is on the verge of death, regardless of whether it was attacked by an animal and battered, fell from the roof and broke the majority of its ribs, fell and crushed its limbs, it was shot with an arrow and its heart or lung pierced, it developed an illness that caused its heart or lung to be perforated, one broke the majority of its ribs, or the like. Since it is on the verge of death regardless of the cause, it is a *treifah*. [This applies] whether [its wound] was caused by flesh and blood or by God's hand. If so, why does the Torah use the term *treifah*? For Scripture speaks with regard to prevalent situations. [We are forced] to say this. If not, only an animal that was mortally wounded in the field would be forbidden. One that is mortally wounded in a courtyard would not be forbidden. Thus we learn that Scripture [is employing this example,] only because it speaks with regard to prevalent situations.
>
> The intent of the verse is that [an animal] that is mortally wounded and will not live because of these wounds is forbidden. On this basis, our Sages said: "This is the general principle: Whenever [an animal] in this condition will not live, it is *treifah*"(HMA 4:6-9).

The Rambam, following the rabbis of the Talmud,[36] establishes that the Exod 22 prohibition extends to any number of other diseases and internal injuries that an animal might be suffering from.[37] The process of *b'dikah*, then, is when the *shokhet* examines a carcass to insure that it is not *trefah*.

In an effort to simplify the *shokhet's* task, the *halakhah* does not mandate a complete checking of the carcass. Thus, YD 39:1 teaches us:

> One does not need to investigate the presence of any of the agents that can cause a carcass to be *trefah*; except: the lungs must be examined in a *behemah* and a *khayah* to determine if {the lungs have} any adhesions – and anyone who breaks this fence {in order} to eat without fulfilling the mitsvah of *b'dikah* shall dwell with the serpent.

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[36] Especially in the third chapter of Chullin.

[37] In *EJ* (6.28), Harry Rabinowicz explains that the defects are generally put into eight categories: "perforated organ walls; split pipes; missing limbs; missing or defective organs; torn walls or membrane covers or organs; a poisonous substance introduced into the body, when mauled by a wild animal; shattering by a fall; broken or fractured bones." Rabinowicz cites M. Chullin 3:1 in noting that: "It is assumed in the Talmud that any of these defects would lead to the death of the animal within one year."

The *halakhic* preponderance, then, is that the "lungs of every mammal must be carefully examined because most of the mortal injuries are usually found there." The *shokhet* doing *b'dikah* need only investigate the rest of the carcass if "some irregularity has been noticed in them" (Grunfeld 61).

Most interestingly, the well-known phrase "*glatt* kosher" is connected to the *b'dikah* of the lungs. If the *shokhet* notices any adhesions on the lungs, the lungs are then subject to another examination in order to determine if the adhesions are of a type that make the carcass *kasher* or *trefah*. If the adhesions are found to be "okay," then the carcass is deemed *kasher*.

Lungs that are definitely free of adhesions are described in Hebrew as *khalak* (smooth). The Yiddish translation of *khalak* is *glatt*. Thus, a piece of meat is described as *glatt* kosher if it comes from an animal whose lungs are definitely free of adhesions. For some observant Jews who keep kosher, the standard of *glatt* kosher is preferred because it serves as an extra guarantee[38] on the fitness of the meat. Today, the term "glatt kosher" has come to colloquially mean "extra kosher" (Forst 38).

Category 4: Which parts of an otherwise permitted animal are prohibited; religious preparation of meat

We now turn our attention to another section of rules that further clarifies under what circumstances a piece of meat might be declared as *kasher*. These are the rules of *nikkur* and *m'likhah* -- of porging the animal of forbidden fats, the sciatic nerve, and blood before consumption.

[38] In that there is, theoretically, less possibility of human error on the part of the inspector(s) checking the carcass.

Lev 3:17 states quite explicitly that: "It is a law for all time throughout the ages, in all your settlements: you must not eat any fat {*khelev*} or any blood {*dam*}." Lev 7:25-27 goes on to specify the punishment for such an act:

> If anyone eats the fat[39] of animals from which offerings by fire may be made to the Lord, the person who eats it shall be cut off from his kin. And you must not consume any blood,[40] either of bird or of animal, in any of your settlements. Anyone who eats blood shall be cut off from his kin.

The severity of the punishment indicates how serious an offense this was in biblical times. But to really understand these two prohibitions, we would do best to examine them separately.

With regards to the prohibition against fat, we must recognize that not all "fat" is prohibited. Levine explains:

> [The] Hebrew *helev* has the general use of "fat," but here it refers specifically to the fat that covers or surrounds the kidneys, the liver, and the entrails. It does not refer, in its legal usage, to ordinary fat that adheres to the flesh of an animal, which is called *shuman* in rabbinic Hebrew. *Helev*, like sacrificial blood, is forbidden for human consumption. Although not regarded as choice for humans, under normal circumstances, *helev* was desired by God. From the cultic perspective, a food's desirability was not a function of the usual dietary considerations but of its symbolic value (Levine 16).

As for God's desire of *khelev*, it is attested to as far back as the days of Cain and Abel. Thus, Gen 4:4 reads: "and Abel, for his part, brought the choicest (*u'mekhelvehen*) of the firstlings of his flock. The Lord paid heed to Abel and his offering." The verse suggests that the "choicest" parts of Abel's offerings were the *khelev*-fats.

What was so choice about these fats? Baruch J. Schwartz, writing in the *Jewish Study Bible* (210), offers the following as a commentary on Lev 3:3:

> {*Khelev* is} the Lord's portion of the sacrifice. Fatty portions of slaughtered animals were considered to be the richest, tastiest morsels. Best of all are the layers of suet (Heb "*helev*," translated as "fat"), the hard, subcutaneous fatty tissue surrounding the internal organs; therefore these portions would be assigned to God. That which is "too good" for mortals might logically be assumed to be a proper repast for a deity. Burning suet also provides a dense smoke of sweet, meaty fragrance, suggesting that pleasure is derived from it by a transcendent divine being.

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[39] See also I Sam 2:15-17 and Isa 43:24.
[40] See also Lev 17:10-12 and Deut 12:16, 23-25.

This insight establishes two things. First, we now have a greater appreciation for the uniqueness of *khelev*: it was the choicest part of the animal; therefore, our biblical ancestors reserved it for God.

But our study of *khelev* also points out that the parts of the animal designated as belonging only to God are established as "off limits" for human beings. This is significant because it is the characteristic that *khelev* and *dam* share with each other. Additionally, we learn from this that the prohibitions of *khelev* and *dam* only apply to animals that would have been offered up as sacrifices. Animals that weren't normally sacrificed (i.e. fowl and *khayot*) are not affected by this prohibition (YD 64:1).

Before proceeding to a discussion about *dam*, a few brief details about the contemporary practice of *kheilev* are worth mentioning. Today, we can divide up *kheilev* into four major categories/locations of the body:

- "The whole covering of fat which, like a cloth, is spread over the intestines in the whole abdomen."
- "The fat which lies over certain components of the stomach of ruminants and over a part of the bowels."
- "The two kidneys and the fat connected with them which is on the loins."
- "The diaphragm, or according to others the lobe, which protrudes from the liver like a thumb" (Grunfeld 65-66).

One final word about *kheilev*. Our *halakhic* sources typically include an additional prohibition in this category, one called "*gid hanasheh*" (the prohibition of the sciatic nerve). The prohibition has its roots in the story told in Gen 32:23-33:

> That same night he {Jacob} arose, and taking his two wives, his two maidservants, and his eleven children, he crossed the ford of the Jabbok. After taking them across the stream, he sent across all his possessions. Jacob was left alone. And a man wrestled with him until the break of dawn. When he saw that he had not prevailed against him, **he wrenched Jacob's hip at its socket, so that the socket of his hip was strained as he wrestled with him.** Then he said, "Let me go, for dawn is breaking." But he answered, "I will not let you go, unless you bless me." Said the other, "What is your name?" He replied, "Jacob." Said he, "Your name shall no longer be Jacob, but Israel, for you have striven with beings divine and human, and have prevailed," [...] The sun rose upon him as he passed Penuel, **limping on his hip. That is why the children of Israel to this**

> **day do not eat the thigh muscle {*gid hanasheh*} that is on the socket of the hip, since Jacob's hip socket was wrenched at the thigh muscle** (emphasis added).

In terms of modern implications, Klein (349) explains that:

> The removal of the sciatic nerve from the hindquarters is very difficult, requiring the skill of an expert porger. Since the average butcher does not have sufficient skill, it has become the custom in Jewish communities[41] not to use the hindquarters at all, but to sell them to non-Jews, thus making it unnecessary to porge these parts of the animal.

We now turn our attention to the prohibition of *dam* – blood. Plaut (1425) introduces the subject for us, by writing:

> The eating of animal flesh is probably a late stage in human evolution. Originally humanity was vegetarian; the Creation account reflects this in that it permits the consumption of plants but is silent on animals, which are specifically allowed only after the Flood (Gen. 1:29; 9:4). The idea persisted that blood was the seat of life and had a mysterious quality, and that therefore it was not to be eaten under any circumstances. It was to be poured on the ground where primal earth received it back, or dashed against the altar where, so to speak, God himself accepted it. Only in the latter case could the meat be consumed, for the altar was God's table, where the food could be shared with Him through His representatives {the priests}. Thus, all slaughter for food had to be sacral in nature.
>
> This rule was feasible as long as sacrifices could be brought to local shrines accessible to the people. But, when the cult was centralized in the Deuteronomic reformation, provision had to be made for those who could not reach the sanctuary to consume meat in a non-sacral way. Such profane slaughter – limited to animals unfit for sacrifice – was therefore now permitted ({Deut} 12:15). This in turn led to the practice of draining blood from the profanely slaughtered animal to the greatest degree possible, which in post-biblical days resulted in elaborate rules for ritual slaughtering (*sh'khitah*), and the washing, salting, and soaking of meat prior to eating it. [...] Thereafter, rabbinic law created a body of rules that prescribe precisely what constitutes *kasher* (that is, ritually clean or permissible) meat.[42]

But the fact of the matter is that our *halakhic* tradition tends to be more interested in the *doing* of the commandments, rather than the *meaning* of them. Thus, we turn our attention to some of the details surrounding the prohibition of blood.

First, we must describe the blood that is prohibited. Rashi notes that the Torah specifically prohibits the consumption of blood three times: in Lev 17:14, Deut 12:24, and Deut 12:25. The repetition, he suggests, must mean that the Torah is actually referring to three *different* kinds of blood.

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[41] See Grunfeld (67), where he specifically attests to this in England.

[42] For a series of more detailed analyses regarding the prohibition of blood, the reader is invited to do further reading based on the citations mentioned in footnote 54 of Tigay 366.

Thus, when we read the phrase *lo tokhlu* in Lev 17:14, Rashi understands it to refer to *dam hanefesh*. He writes: "Its blood is for it {the body} in the place of the soul {suggesting, thereby, that blood and soul are equally important to body}, for the soul depends on it {the soul depends on the blood to be "redeemed" through the sacrifices}." *Dam hanefesh* is the force that sustains life.

But *dam hanefesh* is not the only kind of blood that is prohibited. In Deut 12:24, Rashi suggests that *lo tokhlenu* refers to *dam hatamtsit*: the blood that drips {from the slaughtered animal immediately before and immediately after the gush of blood that comes forth from the wound}. Finally, *lo tokhlenu* of Deut 12:25 refers to *dam ha'evarim*: the blood that is absorbed in the limbs.[43]

In terms of practical application, there is a two-step process that is applied to meat after an animal is slaughtered, in connection with these prohibitions. The first step is called *nikkur*. *Nikkur* is the term for the "porging," or removal of forbidden fat, arteries/veins, and the sciatic nerve.

After those parts have been removed, the process of the removal of blood must be completed.[44] This process is known as *m'likhah*, a term that literally refers to the act of salting. However, before a piece of meat is salted, it is generally soaked in water. Grunfeld (103), following Shakh[45] to YD 69:1, suggests two primary reasons for soaking:

- "To wash off the dried and congealed blood which is usually on the surface of the meat"
- "To open the pores of the meat gradually and thus give the salt greater efficiency for drawing out the blood."

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[43] Regarding both *dam hatamtsit* and *dam ha'evarim*, see Kritot 4b.
[44] It should be mentioned that the salting process is primarily intended to remove the *dam ha'evarim* that remained inside the limbs (i.e. not in the arteries/veins, but in the capillaries of the muscles).
[45] *Shakh* is both: a) the Hebrew acronym referring to the 17th century commentary to the SA entitled "Siftei Kohen"; and b) is the name used to refer to Siftei Kohen's author, Shabbetai ben Meir ha-Kohen.

After the soaking has taken place, the meat is salted for an hour (Grunfeld 112 and Klein 351, following Rama on YD 69:6) and then thoroughly rinsed, in order to remove the salt that has now absorbed the remaining blood of the meat.[46]

Category 5: The law of meat and milk

Thus far, we have examined aspects of *kashrut* concerning what makes a particular piece of meat *kasher*. But there is an entirely separate category of laws concerning the mixing together of two foods/ingredients that are both *kasher*: namely, we now encounter Judaism's prohibition of mixing meat/meat derivatives and dairy/dairy derivatives. Grunfeld (115) goes so far as to write that this law "has imprinted its stamp on Jewish home life more than any other set of Jewish laws."

Importantly, Grunfeld notes that this particular prohibition is largely dependent on the ingenuity and creativity of the rabbis, rather than coming from a *p'shat* reading of a biblical verse. Thus, he writes:

> the law of meat and milk has become a testing stone of *emunat chachamim* – our trust in Israel's sages and their traditional exposition of the true relationship between written and oral law, a relationship on which the very survival of the Jewish people depends (Grunfeld 115).

We will see, in the next chapter, that the theological belief in a relationship between the Written and Oral Torah has, indeed, had some impact on certain non-Orthodox Jews who struggle to decide to what extent they will follow the laws of *kashrut*.

The separation between meat and milk, traditionally designated in the *halakhah* as *basar b'khalav*, has its roots in a thrice-repeated biblical prohibition: "*Lo t'vashel g'di bakhelev imo.* You shall not boil a kid in its mother's milk." We find those same words in Exod 23:19, Exod 34:26, and Deut 14:21. Tigay (140) explains that:

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[46] For regulations pertaining to the soaking and salting of specific body parts, see Klein 353-356.

> This rule {in the Deut passage} is listed with the food prohibitions because meat cooked this way may not be eaten.[47] Meat boiled in sour milk (*leben*) was probably regarded as a delicacy, as it is by Arabs, since it is tastier and more tender than meat boiled in water. The point of this prohibition {according to a *p'shat* reading of the text} is that the animal's own mother's milk may not be used. It is similar[48] to the rules against slaughtering cattle on the same day as their young and capturing a mother bird along with her fledglings or her eggs, and the requirement that newborn cattle remain with their mothers at least a week before they may be sacrificed. All of these rules have the humanitarian aim of preventing insensitivity against animals. [...] The text specifies only boiling the flesh of a kid in its own mother's milk.

If a literal reading of these three passages only teaches us that "boiling the flesh of a kid in its own mother's milk" is prohibited, then why do the laws *kashrut* that we are familiar with today prohibit foods like cheeseburgers?

The answer has its roots in the Mishnah. In the eighth chapter of Chullin, we find two mishnahs that directly address the extent to which we should interpretively read *lo t'vashel g'di*. We begin with an excerpt from M. Chullin 8:1:

> No flesh may be cooked with milk save the flesh of fish and locusts; and it is forbidden to serve it up together with cheese upon the table excepting the flesh of fish and locusts. If one vowed [to abstain] from flesh, he is permitted the flesh of fish and locusts.
>
> [The flesh of] a bird may be served up on the table together with cheese, but it must not be eaten [with it]; this is the opinion of the School of Shammai, but the School of Hillel say, It must neither be served up [therewith] nor eaten [with it]. R. Jose said, This is one of the cases where the School of Shammai took the more lenient view and the School of Hillel followed the stricter ruling.

From this small excerpt, it is already very clear that *kashrut* had evolved considerably between biblical times and the Tannaitic Period (the period of the Mishnah). The rabbis make it clear that they are not at all inclined to read *lo t'vashel* literally (i.e. as specifically relating to a mother goat and her child being cooked together).[49] The mishnah also establishes that fish fall into a category that is separate from *basar* (flesh). We have already seen how this distinction carries over into the realm of *sh'khitah* (which is not required for fish).

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[47] Note that in the two Exod citations, the verse appears in the context of the observances of harvest festivals.
[48] Tigay, here, follows Ibn Ezra on Exod 23:19.
[49] The proof of this is best seen in Chullin 113a-116a.

Additionally, this mishnah reveals the rabbis' attempt to inaugurate a set of cultural taboos (i.e. prohibiting the serving of meat dishes and dairy dishes at the same meal on the same table) as a way of insuring that a strict separation of *basar* and *khalav* is maintained by individuals.

That being said, the mishnah is a bit vague in defining what *basar* is. More specifically, does it include fowl? The gemara (Chullin 104a) to the mishnah addresses this directly: "It follows [from our Mishnah] that the flesh of fowls is prohibited..." The gemara later states that the rabbis only disagreed in terms of whether or not it was *d'oraita* or *d'rabbanan* that fowl was to be classified as a type of *basar*. As we mentioned above, the rabbis were interested in inaugurating a cultural taboo that kept meat and dairy separate. In order to affect this change, the laws of *basar b'khalav* were not just limited to the content of certain meals. Separate sets of pots/pans, silverware, and dishes were required in order to insure that the remnants of a meat meal did not mix with a dairy meal, or vice versa.

There was also the issue of waiting in between meat meals and dairy meals (to allow the body time to digest the meat and "clear" the system). Thus, we read in Chullin 105a:

> R. Assi enquired of R. Johanan, How long must one wait between flesh [meat] and cheese? – He replied, Nothing at all. But this cannot be, for R. Hisda said, If a person ate flesh he is forbidden to eat [after it] cheese, if he ate cheese he is permitted to eat [after it] flesh! – This indeed was the question, How long must one wait between cheese and flesh? And he replied, Nothing at all.
>
> The [above] text [stated]: 'R. Hisda said, If a person ate flesh he is forbidden to eat [after it] cheese, if he ate cheese he is permitted to eat [after it] flesh'. R. Aha b. Joseph asked R. Hisda, What about the flesh that is between the teeth? – He quoted [in reply] the verse, *While the flesh was yet between their teeth* [Num 11:33].
>
> Mar Ukba said, In this matter I am as vinegar is to wine compared with my father. For if my father were to eat flesh now he would not eat cheese until this very hour to-morrow, whereas I do not eat [cheese] in the same meal but I do eat it in my next meal (Soncino translation).

Over the course of the intervening 1500 years, different interpretations of Ukba's "in my next meal" have arisen. Most notably, Maimonides recorded the following in HMA 9:28:

> If one eats meat first, whether the meat of animal or bird, he should not consume milk after it until the expiration of a period of time equal to the interval between one meal and the next, that is about six hours. This is on account of the fragments of meat which adhere in the interstices between the teeth and which are not removed by cleansing (Rabinowitz/Grossman translation).

Although the Rambam's ruling was widely influential on later codifiers of Jewish law, we should also note that more liberal customs have persisted through the generations. For example, "The Sefardi Jews of Holland have maintained the *Minhag* of waiting one hour after meaty meals" (Grunfeld 124).

Let it be clear that much more could be said about the *halakhic* category of *basar b'khalav*. However, our goal in this project is to merely introduce the "basics," which I believe we have done at this point. We now turn our attention to another subject that is directly related to the issues of meat and milk.

Category 6: Relationships of mixtures of the permitted and forbidden, and the vessels which have absorbed forbidden food

In addition to the actual prohibitions concerning the conscious mixture of meat and milk that were discussed above, the Jewish tradition has an additional set of rules concerning what happens when meat and milk substances are *accidentally* mixed together. A good portion of Forst's *The Laws of Kashrus* is devoted to the intricate details of these laws. But for a general overview, the reader is invited to examine Unit XXVI of Klein's *Guide to Jewish Religious Practice*. We will only touch on a few of the highlights here.[50]

- If a piece of meat touches a piece of cheese (and both are cold and dry), then no harm is done.

[50] These are gleaned from YD 91-ff. Transliterations in the bullet points follow Klein.

- If a piece of meat falls into a pot of milk: (a) if both are cold, they may be eaten; (b) if both are hot, neither may be eaten; (c) if one is hot and the other is cold, then *tata'ah gavar*[51] is invoked.
- If a piece of meat falls into hot milk, the milk can still be salvaged according to *bateil beshishim*.[52]
- If a dairy spoon is dipped into a pot of hot meat soup, or a meat spoon is dipped into a pot of hot milk, the contents of the pot are forbidden, unless the volume of the pot's contents allow for *bateil beshishim* to be invoked.
- If meat is cooked in a dairy pot, or vice-versa, and the pot has been used within the last 24 hours, the food is forbidden. If 24 hours have passed since the pot's last use, its contents are permitted on the basis of *notein ta'am lifgam*.[53]
- If dairy and meat dishes have been washed together: (a) they must be kashered if both have been used within 24 hours; (b) if the water used to wash the dishes was cold (meeting the legal definition of *klei sheni*), then the dishes do not have to be kashered.

Needless to say, these highlights only skim the surface of the detailed realm of "accidental mixtures." What we have seen, however, is useful in that we have been briefly introduced to some of the rules that guide the *halakhah* – rules like *batel b'shishim* and *noten ta'am lifgam*.

Having reviewed some of the rules concerning mixtures, we are now briefly able to discuss the concept of "kashering." As implied above, there are moments when one's cooking vessels become "not kosher." This can happen if meat is cooked in a dairy pot, or vice versa. Interestingly, all regularly-used pots become "not kosher" for cooking during Passover. In both of these cases, however, Jewish law provides a ritual (known as "kashering") that allows the vessels to become usable again.

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[51] The rule of *tata'ah gavar* states that: " 'the nether conquers,' i.e. it is assumed that when one substance falls into another, one being hot and the other cold, the lower is dominant and imparts its temperature to the substance above it" (Klein 366 following Pesachim 76a).

[52] The rule of *bateil beshishim* states that a forbidden substance (in this case the meat) "becomes annulled by a substance sixty times its volume. This principle applies to cases of forbidden foods that are accidentally mixed with permitted food. If the permitted food has sixty times the volume of the forbidden food, the latter becomes annulled and has no effect on the permitted food" (Klein 363 following Chullin 97a-ff.).

[53] The rule of *notein ta'am lifgam* states that "if a forbidden article of food accidentally falls into permitted food and the article has a disgusting taste in itself, or if it is not disgusting in itself but becomes disgusting when mixed with this food and has a deteriorating effect on it, the food remains permitted" (Klein 365 following YD 103:1).

The ritual of "kashering" has its roots in the Torah. We read in Lev 6:21 that: "An earthen vessel in which it {a sin offering} was boiled shall be broken; if it was boiled in a copper vessel, {the vessel} shall be scoured and rinsed with water." The second part of the verse implies that a copper vessel is restored to 'ritual wholeness' when it is scoured (heated) and then rinsed with water.

We also find the roots of the "kashering" process in Num 31:22-23. There, we read: "Gold and silver, copper, iron, tin, and lead—any article that can withstand fire—these you shall pass through fire and they shall be clean, except that they must be cleansed with water of lustration; and anything that cannot withstand fire you must pass through water." Here, too, we have an indication that a vessel is purified by virtue of fire and water.

OH 451-452 contains most of the laws of kashering. Here are some of the highlights (see also Klein 112-114 and Forst 217-219):

- Utensils used for cooking are kashered by boiling.
- Utensils used for broiling must be heated until they are red-hot.
- Utensils used only for cold food can be kashered via rinsing.
- The process for boiling: the utensil is first rinsed and cleaned; then it is immersed into a container filled with boiling water. If the utensil is so large that it cannot be put into a boiling container, boiling water is poured directly into the vessel that is being kashered, such that the water overflows the rim in order to kasher the outside of the vessel as well. In all cases, the vessel is then rinsed with cold water.

Category 7: Permitted and prohibited products that are not meat

Thus far, our examination of the laws of *kashrut* has primarily concentrated on meat and the byproducts of meat. But, in actuality, many non-meat products need to be certified as kosher. There are many reasons for this need, but we will point out only the most obvious at this time. Because it is possible for "kosher products" to be

manufactured in a factory/setting that also produces non-kosher products, supervision is necessary. Kosher supervision insures the consumer that the product they are buying, regardless of the ingredient list on the box, is in fact, completely kosher.

That being said, there are two non-meat products that have come under particular scrutiny in the last few decades, as kosher consumers seek to determine (from their rabbis) whether or not these non-meat products really need a *heksher*. Those two products are wine and cheese.

Historically, the Jewish concern about wine has involved a suspicion/fear that wine handled by non-Jews might have become compromised in some fashion. As a result, the *halakhah* has put 'wine handled by non-Jews' into two categories: *yayin nesekh* and *stam yenam*.

Rambam explains the prohibition against *yayin nesekh* in his Sefer HaMitsvot, Negative Commandment 194:

> By this prohibition we are forbidden to drink *yain nesech* {libation-wine that has been used in connection with idol-worship}. This prohibition is not explicitly laid down in Scripture; but Scripture says of idol-worship: *Who did eat the fat of their sacrifices and drank the wine of their drink-offering* {Deut 32:38}, and this shows that the prohibition which applies to an idol applies likewise to libation-wine.
>
> You are familiar already with the principle, often mentioned in the Talmud, that it is forbidden to derive benefit [from *yain nesech*] on pain of whipping.
>
> Proof that *yain nesech* is one of the prohibitions of the Torah, and that this prohibition is to be counted among the Negative Commandments, we find in the Gemara of Abodah Zarah: 'Rabbi Johanan and Rabbi Simeon ben Lakish both declared: With all the prohibited things of the Torah, whether the mixture consists of the same species or of different species, [it is disqualified when the prohibited element] imparts a flavour, with the exception of *tevel* and *yain nesech*. In these instances, with the same species [the mixture is disqualified] by the smallest quantity [of the prohibited element], but with a different species when [that element] imparts a flavour. This is clear proof that the prohibition of *yain nesech* is Scriptural. [...]
>
> The statements in the Talmud that the prohibition of heathen wine is among the Eighteen Rulings [which the scholars of Beth Shammai and Beth Hillel] enjoined, and that 'The case of *yain nesech* is different, since *the Sages* placed greater restriction upon it', [which might be thought to show that it was the Sages who prohibited *yain nesech*], really refer only to heathen wine in general, not to *yain nesech*, which is Scripturally forbidden. And you know the Rabbinic dictum: 'There are three kinds of [heathen] wine', etc.

> The prohibitions of this Commandment are explained in the last chapter of Abodah Zarah.

Yet, Isserles makes very clear in his gloss to YD 123:1 that idol worship no longer exists "at this time." This would theoretically nullify the prohibition of *yayin nesekh*.

Stam yenam is a more general category referring to "ordinary wines made or handled by gentiles" (Klein 307). The prohibition against *stam yenam* has its roots in the following passage from Avodah Zarah 31b:

> It has been stated: Why has beer [and by extension wine] of heathens been forbidden? Rami bar Khama said in the name of R. Yitskhak: Because of marriages. [...] Rav Papa used to drink beer [that came from an idol worshipper's] when it was brought out to him to the door of the shop [of an idol worshipper]; Rav Akhai used to drink it when it was brought to his house. Both of them held that the reason [for the prohibition] is marriage [with heathens]; but Rav Akhai insisted on a more significant buffer.

The initial part of the passage indicates a strong fear on the part of the rabbis. They seem to be afraid that drinking wine made by non-Jews will facilitate intermarriage between Jews and non-Jews.

Yet, the latter part of the text seems to indicate that there is nothing inherently wrong with the substance of alcohol from non-Jews. After all, the rabbis do consume the beer – they just do it away from the premises of the idol worshippers (which seems to be an adequate response to the intermarriage fear).

The tension between a *very* strict ban on non-Jewish wines and a more lenient approach continues to exist in some traditional communities today. For example, most Orthodox Jews today will avoid un-*hekshered* wine. However, the (North American) Conservative Movement has issued a responsum (written by Rabbi Israel Silverman) permitting the consumption of non-*hekshered*[54] wines manufactured in America.

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[54] There is a fine line, semantically, here between a product that lacks a *heksher* and a product that is not kosher. Indeed, under normal circumstances, we might suggest that a product (requiring a *heksher*) that lacks one is, by definition, not kosher. However, when one speaks of responsa issued by the Conservative movement, things become a bit more complicated. In theory, Silverman's responsa establishes that any American wine is "kosher" according to the Conservative Movement. Yet, because the Conservative

Silverman's strongest argument is based on his observation that:

> In the production of wine in modern factories, the wine is made entirely by means of machines. (Because of the exigencies of competition, contemporary wine-producers are forced to utilize the most modern production techniques.) No human hand comes into contact with the product from the moment the grapes are placed in the crusher machine until the entire production process is completed and the wine resulting from it is placed in sealed containers under the supervision of federal tax inspectors (Silverman 310).

Although Silverman does, then, permit the consumption of wines that do not carry a *heksher*, he offers three additional guidelines:

- Using wines from Israel is encouraged as a way of showing economic support to our people there.
- Although it may be *halakhically* acceptable (according to the lenient standards laid out in his responsum) to use un-*hekshered* wine, one should use "Jewish wine" on occasions where the consumption of wine is a *mitsvah*.
- This lenient ruling does not apply during Passover because "I am convinced that the production of wine in America raises many questions involving leaven" (Silverman 314).

We now turn our attention to the subject of cheese. As a first step to understanding this complicated subject, we would do well to review the process by which cheese is manufactured:

> The ingredients [for cheese] are: Milk, a starter, and a coagulant or a curdling agent. The milk is poured into a large vat. To this is added a starter consisting of lactic acid bacteria that sours the milk (i.e., changes its lactose into lactic acid). Then a coagulant is added which curdles the milk. The whey, the liquid left after the solids have curdled, is drawn off. The curd is worked over according to the kind of cheese being made. Finally the cheese is stored to ripen. Ripening is accomplished by various bacteria, molds, or both.
>
> Variations in this process, in the milk used, whether it is cow's milk, or sheep's or goat's, the amount of coagulant, the temperature, the length of the aging and ripening, account for the large array of cheese known to the world (Klein *Responsa* 48).

Now that we have a minimal understanding of the cheese-making process, we can turn our attention to the texts that have helped to shape Judaism's attitude toward kosher and non-kosher cheese.

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movement's Law Committee does not issue *hekshers* on products that they deem "kosher," we rely on the legal conclusions reached in responsa like this one. This may be illustrated by Silverman's use of the phrase "Jewish wine" further below. His implication seems to be "kosher wine," yet he cannot use that term here because he does not mean to suggest that "Jewish wine" is *more* kosher than non-Jewish wine.

The Talmud notes that:

> The law is: One may not curdle milk with the skin of the stomach of a carcass, and also with the milk in the stomach of an animal slaughtered unto idolatry. One may also curdle milk with the milk found in the stomach of a validly slaughtered animal which had sucked form a *terefa* animal, and certainly with the milk found in the stomach of a *terefa* animal which had sucked from a valid animal, because the milk collected within is considered as dung (Chullin 116b, as translated and quoted by Klein *Responsa* 45).

The Talmud seems clear here: milk found in the stomach could be used as a curdling agent for cheese, but the actual substance of the stomach wall may *not* be used as rennet.[55] Thus, Maimonides writes:

> [Milk found in] the stomach of a *nevelah*[56] and the stomach of a non-kosher animal are permitted, for it is like other waste products of the body. Therefore, it is permitted to use [milk found in] the stomach of an animal slaughtered by a gentile or the stomach of a non-kosher domesticated animal or wild beast to cause cheese to solidify. The skin of the stomach, by contrast, is like the other digestive organs and is forbidden (HMA 4:19).

As the vast majority of modern cheeses are manufactured with rennet that is extracted from the stomach walls of animals, it would seem – on the surface – that cheese made by non-Jews is to be considered 'not kosher.'

Yet, it is not at all unanimous that rennet from the wall of the stomach is prohibited! Abraham Danzig (1748-1820) wrote in his Hokhmat Adam 40:9 that:

> Those skins of the stomach or other intestines that are dried until they become like wood, and then filled with milk, are permissible inasmuch as they become so dry that they are like mere wood and do not have at all any of the juices of meat in them. Nevertheless, one should not do so from the start (*lekhat 'hilah*). It appears to me that the same applies to curdling cheese with it, that it is forbidden to do so from the start; but if it has already been done already it is permissible (as translated and quoted by Klein *Responsa* 46-47).

Danzig does seem to be expressing a legal leniency here, by permitting the use of the wall of the stomach for rennet under certain conditions.

This assertion, along with several other factors, has spurred some in the Conservative movement to explore whether cheese must carry a *heksher* in order to be

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[55] "The Oxford Dictionary defines rennet as curdled milk found in the stomach of an unweaned calf, or preparation of stomach membrane or of kinds of plants, used in curdling milk for cheese" (Klein *Responsa* 51).

[56] An animal that does not die according to the rules of *sh'khitah*.

considered kosher. Klein, writing in a responsum that was later adopted by the Movement's Law Committee, concludes that cheese need not carry a heksher. He sums up his ruling by writing that:

> The rennet used today cannot be considered forbidden because, first, most of it is derived from dried up skins that are *eitz be'alma* ("mere wood"). In addition, the extraction is effected by the use of strong chemicals and acids which removes the substance from the status of a food (*nifsal me-akhilat kelev*). And third, the rennet goes through a number of chemical changes that transform it into a *davar hadash*. And finally, the rennet is not put into the milk in a pure form but is diluted with other substances so that it is *batel beshishim*.[57] Hence, we say *yokhlu anavim veyisba'u*, and we have decided that all the usual cheeses on the market, that list the ingredients hard as well as soft, domestic as well as foreign, are kosher, *beli shum hashash* (Klein *Responsa* 57).

Certainly, there are many traditional Jews who will not accept the validity of Klein's responsum, and who will prefer to continue only buying cheeses that come with a *heksher*. Yet, we mention the *t'shuvah* here because it does an excellent job of illustrating for us a number of the issues still at play in determining the *kashrut* of cheese.

Category 8: Special laws concerning Passover

No discussion of *kashrut* would be complete without some mention of the additional dietary guidelines that are in effect during the holiday of Passover. In reality, Passover *kashrut* is not limited to the well known prohibition against eating bread; yet, most of the Passover prohibitions are related to the issue of bread and leavened products. Thus, we should begin by discussing the relationship between Pesach and bread.

The Torah makes numerous references to Passover and the abstention of leavened products during the holiday. Exod 12:14-20 is just one example:

> This day [the 14th day of the first month] shall be to you one of remembrance: you shall celebrate it as a festival to the Lord throughout the ages; you shall celebrate it as an institution for all time. Seven days you shall eat unleavened bread {*matsot*}; on the very first day you shall remove leaven {*s'or*} from your houses, for whoever eats leavened bread {*khamets*} from the first day to the seventh day, that person shall be cut off from Israel. You shall celebrate a sacred occasion on the first day, and a sacred occasion on the seventh day; no work at all shall be done on them; only what every person is to eat, that alone may be prepared for you. You shall observe the [Feast of]

[57] Thereby avoiding the problems of "forbidden substance" and *basar b'khalav* simultaneously.

> Unleavened Bread, for on this very day I brought your ranks out of the land of Egypt; you shall observe this day throughout the ages as an institution for all time. In the first month, from the fourteenth day of the month at evening, you shall eat unleavened bread until the twenty-first day of the month at evening. No leaven shall be found in your house for seven days. For whoever eats what is leavened, that person shall be cut off from the community of Israel, whether he is a stranger or a citizen of the country. You shall eat nothing leavened; in all your settlements you shall eat unleavened bread.

Why does the Torah associate leaven with the Exodus? Later in the same chapter of Exod, we read: "And they baked unleavened cakes of the dough that they had taken out of Egypt, for it was not leavened, since they had been driven out of Egypt and could not delay; nor had they prepared any provisions for themselves" (Exod 12:39).[58]

The Torah does not define exactly which grains fall into the category of *khamets*. For that we turn to M. Pesachim 2:5: "These are the things wherewith a man fulfills his obligation [to eat *matsah*] on Passover: wheat, barley, spelt, rye, and oats." The Gemara, at Pesachim 35a, expounds on the mishnah:

> From the Mishnah we see that the flour of these [five grains] indeed [produces "valid *matsah*"], but rice and millet [and flour from other grains] do not. From where is this derived? [The Gemara answers]: R' Shimon ben Lakish said: It was taught this way in the academy of R' Yishma'el, and it was taught this way in the academy of R' Eliezer ben Ya'akov. The verse states: "You shall not eat *khamets* with it [the *pesakh* offering]; for seven days you shall eat *matsot* with it" (Deut 16:3). [From the juxtaposition of the command to eat *matsot*, with the prohibition against eating *khamets*, we derive that it is only with] things that come to leaven [that a] person fulfills his obligation to eat *matsah*.

The gemara insists that the distinction between the "five grains" and other types of flours surrounds the issue of fermentation. The rabbis, apparently, believed that the "five

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[58] Alternatively, Nahum Sarna (58) explains the Passover dietary restrictions as follows: "The positive command to eat *matzah* is supplemented by the strict prohibition on retaining or eating leaven or leavened food throughout the entire festival. This rule is repeated in {chapter 12} verses 19-20 and again in 13:7. Leaven, Hebrew *se'or*, is the leavening agent known as sourdough; "leavened food," Hebrew *hamets*, is food to which sourdough has been added to accelerate the rising of the dough. [...] No reason is given for the prohibition on leaven. Verses 34 and 39 intimate that it is in reenactment of the original circumstances at the time of the Exodus, when the Israelites left Egypt in haste before the dough they had prepared had time to rise. However, since leaven is also forbidden with certain types of sacrifices that are wholly unconnected with the Passover, it must be banned on other grounds, perhaps because of its use in some pagan rite. In postbiblical times fermentation was associated with decomposition and decay and taken figuratively to symbolize moral and spiritual corruption."

grains" were the only ones that were actually *able* to ferment. Grunfeld (171) elaborates on this concern:

> Once the grain is disconnected from the ground it does not matter whether the moistening takes place before or after the threshing. The moistening must be by water because moistening by fruit juices or other liquids does not constitute *Hametz* (fermentation). It also makes no difference whether the above-mentioned five kinds of grain take the form of ordinary grain, flour, groats, grits, bran, or pollard. As soon as one of them becomes moistened by water, be it through rain, soaking or cooking, they become fermented and all the rigour of the law of *Hametz* applies to them. On the other hand, it is just these five kinds of grain from which we are allowed to bake the *Matzah* for use on Passover, although generally flour of wheat is taken.

The prohibition against *khamets* actually has three parts. The first is called *'isor hana'ah*, which we may translate as a "prohibition of enjoyment." Thus, one is prohibited from "enjoying" *khamets* during Passover. Yet, many have pointed out that the tradition's use of the word *hana'ah* purposely indicates that the prohibition is not limited to the act of consumption. Rather, *'isor hana'ah* extends to include "deriving any benefit or advantage from it {the *khamets*}" (Grunfeld 172).[59] Furthermore, "utensils in which *Hametz* has been cooked or fried, and whose walls have thereby absorbed *Hametz*, may not be used on *Pesah*, unless these utensils have been *kashered*..." (Grunfeld 172, following OH 451-452).

The second prohibition concerning *khamets* is the prohibition against owning or possessing it (see the aforementioned excerpt from Exod 12). Klein (115), following the Tosafot to Pesachim 2a, notes that this part of the prohibition "is an extra precaution that was made only in the case of leaven, inasmuch as one might easily forget and use it."

The third part of the prohibition stems from Exod 12:15: "Seven days you shall eat unleavened bread; **on the very first day you shall remove leaven from your houses**, for whoever eats leavened bread from the first day to the seventh day, that person shall be

[59] If *khamets* wasn't removed and remained in the possession of a Jew during Passover, "no advantage may be derived from its use even after *Pesah*. Such *Hametz* is *Assur beHana'ah* – which means it may not be used or enjoyed in any way" (Grunfeld 173, following OH 448). See below.

cut off from Israel" (emphasis added). With this passage, the Torah seems to be instructing two separate things: the *mitsvah* of refraining from eating *khamets*; and, the *mitsvah* of actually removing the *khamets*.

Thus, the third part of our prohibition specifically addresses the issue of 'removal.' According to Jewish tradition, one removes *khamets* from one's premises via two methods: *bi'or* and *bitul*.

Bi'or, or the burning of *khamets*, is typically done after a full *b'dikah* (search) of the premises has been conducted. Any *khamets* that is found on the premises during the search is burned (typically outside of the home) – thus fulfilling the *mitsvah* of removal.

Bitul, the verbal annulment of *khamets*, is the secondary method employed in order to 'remove' (in this case, symbolically) any remaining *khamets*. Annulment takes place by reciting the two brief paragraphs that each begin *kol khamira*. The first *kol khamira* is said immediately after *b'dikah*: "Any kind of leaven in my possession which has escaped my notice, and which I have not removed, shall be regarded as non-existent or as mere dust of the earth." The other *kol chamira* is recited after *bi'or*: "Any kind of leaven in my possession, whether or not I have seen it, whether or not I have removed it, shall be regarded as nonexistent or as mere dust of the earth" (Birnbaum 49).[60]

Now that we have offered a brief overview concerning the general prohibitions of *khamets*, we must return to a statement that the Talmud itself made, in the previously quoted passage of Pesachim 35a: "Excluded from this category [of *khamets*], then, are these types of flours [i.e. rice flour and millet flour], which do not come to leaven, but, on the contrary, come to spoil."

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[60] Interestingly, the rule of removing *khamets* is not as stringent if one has a non-Jew living in his house. If a Jewish person employs a non-Jew in his house, the non-Jew is allowed to have/eat *khamets*. It just has to be kept in the employee's room – off the 'official premises' of the Jew (Grunfeld 186).

The rabbis seem to be clear: rice flour and the like are not classified as *khamets*. Yet, the Ashkenazi custom remains that rice/rice flour is not eaten on Pesach. Not only that, but Ashkenazim extend the prohibition to an entire category of foods known as *kitniyot*: a category that today includes beans, peas, maize, and even peanuts.[61]

Interestingly, we should note that Rabbi David Golinkin, writing for the Va'ad HaHalakhah of the Masorti (Conservative) movement in Israel, issued a responsum (adopted unanimously by the Va'ad) in 5749 (1988-1989) *permitting* Conservative Jews in Israel to eat foods *hekshered* "kosher for Passover for those who eat legumes" on the grounds that the prohibition of *kitniyot* is a late Ashkenazic halachic innovation, that may not have been appropriately grounded in earlier Jewish legal sources.

The full Hebrew text of Golinkin's responsum can be found in Volume 3 of the *Proceedings of the Va'ad HaHalakhah*. But, the Va'ad has also released an official English summary of the ruling, which we duplicate here:[62]

> **Question:**
> In light of the ingathering of the exiles, would it be possible to eliminate the Ashkenazic custom of not eating legumes on Pesach?
>
> **Responsum:**
> 1) In our opinion it is permitted (and perhaps even obligatory) to eliminate this custom. It is in direct contradiction to an explicit decision in the Babylonian Talmud (Pesachim 114b) and is also in contradiction to the opinion of all the sages of the Mishnah and Talmud except one (R.Yochanan ben Nuri, Pesahim 35a and parallels). It also contradicts the theory and the practice of the Amoraim both in Babylonia and in Israel (Pesahim 114b and other sources), the Geonim (Sheiltot, Halakhot Pesukot, Halakhot Gedolot, etc.) and of most of the early medieval authorities in all countries (altogether more than 50 Rishonim!).
>
> 2) This custom is mentioned for the first time in France and Provence in the beginning of the thirteenth century by R. Asher of Lunel, R. Samuel of Falaise, and R. Peretz of Corbeil - from there it spread to various countries and the list of prohibited foods continued to expand. Nevertheless, the reason for the custom was unknown and as a result many sages invented at least eleven different explanations for the custom. As a result, R. Samuel of Falaise, one of the first to mention it, referred to it as a "mistaken custom" and R. Yerucham called it a "foolish custom".

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[61] See Isserles' gloss to OH 453:1.

[62] As posted on the website http://www.responsafortoday.com/eng_index.html. The website is sponsored by the Schechter Institute of Jewish Studies in Jerusalem, an affiliate of the Masorti Movement.

3) Therefore, the main halakhic question in this case is whether it is permissible to do away with a mistaken or foolish custom. Many rabbinic authorities have ruled that it is permitted (and perhaps even obligatory) to do away with this type of "foolish custom" (R. Abin in Yerushalmi Pesahim, Maimonides, the Rosh, the Ribash, and many others). Furthermore, there are many good reasons to do away with this "foolish custom": a) It detracts from the joy of the holiday by limiting the number of permitted foods; b) It causes exorbitant price rises, which result in "major financial loss" and, as is well known, "the Torah takes pity on the people of Israel's money"; c) It emphasizes the insignificant (legumes) and ignores the significant (hametz, which is forbidden from the five kinds of grain); d) It causes people to scoff at the commandments in general and at the prohibition of hametz in particular - if this custom has no purpose and is observed, then there is no reason to observe other commandments; e) Finally, it causes unnecessary divisions between Israel's different ethnic groups. On the other hand, there is only one reason to observe this custom: the desire to preserve an old custom. Obviously, this desire does not override all that was mentioned above. Therefore, both Ashkenazim and Sephardim are permitted to eat legumes and rice on Pesah without fear of transgressing any prohibition.

4) Undoubtedly, there will be Ashkenazim who will want to stick to the "custom of their ancestors" even though they know that it is permitted to eat legumes on Pesah. To them we recommend that they observe only the original custom of not eating rice and legumes but that they use oil from legumes and all the other foods "forbidden" over the years, such as peas, beans, garlic, mustard, sunflower seeds, peanuts etc. Thus they will be able to eat hundreds of products, which bear the label "Kosher for Pesah for those who eat legumes." This will make their lives easier and will add joy and pleasure to their observance of Pesah.

A similar finding was issued by the CCAR's Responsa Committee in 5756.[63] The committee noted[64] that:

Reform practice, following the standard of the Talmud, permits the eating of rice and legumes during Pesach. We do not take this stand because we disparage custom and tradition. On the contrary: our "rediscovery" of the centrality of ritual observance to Jewish life, described at the outset of this teshuvah, demonstrates that we take the claims of tradition with the utmost seriousness. This Committee, in particular, in its approach to the answering of the she'elot submitted to it, has tended to uphold the standards of traditional practice except in those cases where good and sufficient cause exists to depart from them. And our movement has recognized for nearly two centuries that the prohibition of rice and legumes is just such a case. This observance, which presents a significant burden upon Jews during Pesach, has no halakhic justification: the Talmud clearly rejects the suggestion that rice and legumes are chametz, and the likelihood that our people will confuse legume dishes with chametz dishes is too remote to be taken into serious consideration.

We do not accept the orthodox argument that a customary observance, once widely adopted, can never be annulled. This notion is questionable, in general, as a matter of halakhah, especially when the observance is based upon a mistaken interpretation of the law. In our specific case, moreover, there is absolutely no evidence that this customary prohibition was ever ratified by rabbinic decree or accepted as binding in the form of a vow. Had a decree or a vow existed, after all, those authorities who criticized the practice down to the eighteenth century would never have spoken so bluntly against it. We think, rather, that some rabbis resort to these arguments in order to support practices and customs whose original purpose--if there ever was a legitimate original purpose--no longer holds. When a religious practice has outlived its purpose, when its retention is perceived by the community as unnecessary and burdensome, Reform Judaism affirms the right of the observant community to alter or annul that practice in favor of a new standard which better

[63] That is, between the fall of 1995 and the fall of 1996.

[64] See the full text of the responsum at http://www.ccarnet.org/cgi-bin/respdisp.pl?file=9&year=5756.

> expresses our understanding of Torah and tradition and the religious sensibilities of our age. Our position does not, of course, prevent Reform Jews from adopting the traditional prohibition as a matter of choice. On the contrary: Gates of the Seasons notes that "Ashkenazi custom" adds rice and legumes to the list of prohibited foods on Pesach, implying that observance of this custom is a valid option for Reform Jews. The mere fact that a traditional practice is not "obligatory" does not imply that we should not follow it or that we should discontinue it.

We cite the Golinkin and CCAR responsa here as an example of how contemporary Jews continue to struggle with the laws of *kashrut* from within a *halakhic* context. Even as we rely on our 2,000 year old tradition for guidance in matters of Jewish observance, the unforeseen realities of modernity demand our attention, and a renewed look at what it means to eat as a Jew.

Chapter 2: The History of *Kashrut* in American Reform Judaism

Part 1: The Height of Classical Reform Judaism (1840-1930s) and Its European Antecedents

The history of *kashrut* in the American Reform movement actually begins in Europe. It was there that a philosophy of religious dissent and debate arose, culminating in a process of "reform" that sought to apply the rationalistic values of the Enlightenment to a 5,000 year old religious tradition.

At the heart of this reforming process, which began in earnest in 19th century Germany, was a new approach to the canonical sources of Judaism. Prior to the Enlightenment, the vast majority of Jews accepted that the notion of *Torah M'sinai* included both the Written and Oral Torah. As a result, Jews for 2,000 years granted religious authority to both the Bible *and* the Talmud (and its ensuing rabbinic literature). Yet, *Wissenschaft*, the scientific approach to Judaism that many reformers advocated, took a different view. Michael Meyer elaborates:

> The talmudic literature – the basis of Jewish law – was neglected by the maskilim in favor of the Bible. In part this trend was due, of course, to the Bible's status as the common heritage of Jew and Christian and also to its place as the "classical" text of Judaism in a time when classicism enjoyed intellectual vogue. But the contributors to the Hebrew journal *Ha-Measef*, who lavished their interest on biblical studies and sought to imitate biblical poetry, found the Bible as well a source of spiritual inspiration. Like the German philosopher and aesthete Johann Gottfried Herder, they perceived in its pages "the most ancient, innocent and perhaps heartfelt poetry on earth." Initially they did not criticize the Talmud, but their preoccupation with the Bible, not as a legal document but as the spiritual treasure of Judaism, shifted the focus away from the normative authority of Jewish classical texts to their literary qualities and their value for religious exultation (Meyer 18).

One of the earliest illustrations of this trend to deligitimize Talmudic authority actually *predates* the Enlightenment! The work entitled "Kol Sakhal" is ascribed to Leon of Modena (1571-1648). Regarding this radical tract, Meyer notes that:

> The "Kol Sakhal" also opposes the celebration of the second days of holidays since their observation is both an unwarranted appendage to the biblical commandments and imposes a financial hardship on Jews who must on that account spend additional days without productive labor. It further rejects the rabbinic expansion of biblical precepts in such matters as dietary laws, ritual slaughter, and circumcision (Meyer 397).

"Kol Sakhal" is fascinating because it indicates to us that, as early as the 17th century, European Jews were questioning traditional rabbinic authority, and were exploring how the dietary laws should be changed in light of these revised religious assumptions.

Not all of the early reformers shared the radicalism of "Kol Sakhal."[65] When it comes to the issue of diet, Schwartzman notes that: "Indeed, even those who were sympathetic to synagogue change were disturbed by the extremes of the Frankfort Reform Society {c.1842}. For in its statement of principles, it declared: 'Various ritual practices, as well as the dietary laws, Jewish forms of dress and appearance are no longer binding.' (Schwartzman 96-97).[66]

On the other hand, attitudes among many European reformers were changing the face of Judaism. For example, we know of the anniversary dinner thrown in 1841 for the *Freischule*, a school associated with the reform-minded Hamburg Temple:

> Some 200 men and women, mostly of the Jewish elite, had gathered in a local hotel banquet room. Only a few, it seems, were scandalized when the menu of the evening included "crabs, oysters, and pig's head." Although not all guests partook of these courses, and the next day the students themselves were served a festive kosher meal, the fact that utter disregard for Jewish dietary laws was possible at a public Jewish celebration represented a novelty. It also indicated that for a growing number of Hamburg and other German Jews, Jewish identity no longer meant observance of Jewish law, but only Jewish philanthropy – as represented by the *Freischule* – and religious worship in a Jewish house of God (Meyer 114).

Michael Creizenach (1789-1842) sought a middle ground, when it came to *kashrut*. In his article "For a Modification of Kashrut," he argues that:

> Talmudic law states that the Israelite is not allowed to eat the meat of a mammal or bird unless it is ritually slaughtered.

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[65] Walter Jacob reminds us, in his "Introduction" to *American Reform Responsa*, that many reformers went out of their way to ground their reforms in precedents found in earlier *halachic* literature (Jacob *American* xv-xviii).

[66] Meyer (122-123) suggests that the final version of the group's principles might have been watered down to be less specific about which rituals were to be changed. Yet, he notes that even with the "watered-down" version, "most leading Reformers attacked it severely. The rabbis found that the Frankfurt platform came close to substantiating the often repeated charge of Reform sectarianism."

> There is probably no command where the talmudic interpretation differs so radically from the natural sense as here. In Deut. 14:21 the Pentateuch prohibits eating the flesh of an animal that "dieth of itself" (*nevelah*). The Talmud wants us to understand this as including every mammal and bird which did not die in accordance with the rules of ritual slaughter. It declares such animals as unclean as a carcass, even though birds brought for sacrifice in the Temple were not slaughtered in accordance with the ritual. Hence, what the Talmud calls *nevelah* was brought to the very altar from which everything that was unclean was kept with most anxious care.
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> **However, since we do not wish to depart from the talmudic interpretation of the Mosaic law,** we too will declare as *nevelah* every animal that was not slaughtered in accordance with ritual, but we interpret the word not in the usual sense, applying it only to a dead animal which should have been ritually slaughtered but was killed in some other fashion.
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> A sacrificial bird whose head was severed was, therefore, not a *nevelah* because Scripture did not ask that it was to be slaughtered ritually. **Similarly, an animal slaughtered by a Christian (and therefore not in accordance with Jewish ritual) is also not a *nevelah*, because as a Christian he does not have the obligations of an Israelite to slaughter his mammals and birds in a ritual fashion.**
>
> Of course, we would have to be stricter with regard to pagans, whose meat we may not eat even when they slaughter the animal in accordance with ritual, because we must be afraid that in the process of slaughtering they may have sacrificed the animal to some idol. The authors of the Mishnah and Talmud had this anxiety constantly before them, because it was a time when the ceremonies of paganism flourished. Therefore, the Rabbis made the eating of all non-Jewishly prepared foods so difficult that the Israelite, once he leaves his domicile, is in fact placed in a position of helplessness.
>
> [...] **However, let us not look for relaxations of the traditional viewpoint and let us observe all talmudic regulations when animals are slaughtered which belong to Israelites. But, in order to lessen rather than to increase the number of Israelites who neglect all dietary laws in their homes, we would allow the more lenient interpretations indicated here, which make it possible for an Israelite to live in accordance with his religion, which intends to enhance, and not to restrict oppressively, his earthly welfare** (as quoted in Plaut *Rise* 212-213, emphasis added).

Creizenach begins by clearly establishing himself as a reformer, when he observes that there is a disconnect between the plain meaning of the Biblical prohibition of *nevelah* and the Talmud's understanding of it. He goes on to argue for maintaining the traditional commandment, under certain circumstances (i.e. if the animal was slaughtered by an Israelite). However, he has an equal desire to "make it possible for an Israelite to live in accordance with his tradition." And therefore, he allows for leniency by suggesting that *sh'khitah* is not necessary for animals owned by Christians.

Like Creizenach, Moses Bruck (1812-1849) also "went so far as to argue that most talmudic explanations of the Mosaic law could be shown to contravene the

intentions of the lawgiver." As a result, Bruck envisioned a Judaism where a person "observes no dietary regulations at all except that matzot – along with leavened bread – would be eaten on Passover" (Meyer 160).

Leopold Stein (1810-1882), in his Torat Hayim, goes even further by suggesting that one does more to restore the 'purity' of Judaism if one actively transgresses rabbinic law:

> All rabbinical ordinances, however, which excessively weigh down and impede life, which interfere with the dignity of religion, which impinge upon the clear divine laws of the Bible, and which muddy or even distort them – these, we feel, we not only *may*, but *must*, abrogate and must not give them room in our religious life and law.
>
> [...]
>
> For all these prohibitions {prohibitions expanded by the rabbis like mixing meat and dairy; *shechitah*, etc.} there is no foundation in Mosaic legislation according to its unambiguous formulation and clear reasonable understanding. Therefore, he who does not observe these encumbering ordinances has not only not transgressed against the holy law, but has contributed in a conscientious and salutary manner to the restoration of the law in its purity, as well as to the possibility of living it in the present (as quoted in Plaut *Rise* 261-262).

The drive to reform Jewish tradition was not based solely on the notion of *Wissenschaft* and a rational reading of legal texts. There was also an attempt to evaluate whether traditional Jewish practices were meaningful. Did the various commandments elevate the spirit? Furthermore, in an age where boundaries between Jews and non-Jews were beginning to break down, did the commandments hinder such interaction (the hope of many traditionalists) or encourage such meetings (the dream of some reformers)?[67]

[67] Aaron Gross (8) seizes on this idea as an explanation for why anti-*kashrut* attitudes caught on so quickly among American reformers, when he observes that: "Significantly, *kashrut* was viewed as overwhelmingly a ritual practice. Thus, the rejection of *kashrut* was largely a rejection of what the reformers viewed as outdated rituals that impeded Jewish-Gentile relations. Implicit in this rejection was the view that *kashrut* held no redeeming ethical value that might argue for some maintenance. Indeed, it was the *rejection* of the dietary laws that was viewed as ethical, for in eliminating Jewish-Gentile boundaries, early Reformers saw themselves as participating in the dawn of the messianic era." It seems that we have come full circle today; for there are some who would argue that we re-examine *kashrut* precisely out of a sense of ethics (see below).

Samuel Holdheim (1806-1860) touches on both of these themes in his "Reply to the Reform Society of Arad, Hungary, 1848":

> As I have demonstrated scientifically elsewhere, the dietary laws belong to the biblical laws of cleanliness, which have long since lost all significance. Inasmuch as the dietary laws were given to the Israelites alone, they are part and parcel of the conception of a special theocratic {priestly} sanctity of the Jewish people and therefore have lost all significance. Whatever, however, may have once been the reason for the dietary laws, this much is certain that this reason no longer exists for us and has no religious efficacy; every irrational practice, every belief in talismanic power is opposed to the spirit of religion. Therefore the abrogation of the dietary laws is highly desirable since, in addition to being a disturbing feature in the civic and social life of the Jews, these laws are particularly prone to continue the differences between them and the other inhabitants (as quoted in Schwartzman 118).

By the middle of the nineteenth century, significant numbers of Central European Jews were beginning to make their way to the United States. Liberal Jewish ideas had already been expressed in America as early as the 1820s in Charleston, South Carolina (Meyer 228-ff.). And Rabbi Isaac Mayer Wise had attempted to form a union of like-minded[68] American congregations as early as 1848. But such a union was not actually established until 1872, at the bidding of Moritz Loth, the President of Wise's Bene Yeshurun in Cincinnati.

It is notable that Loth was more religiously conservative than Wise, and perhaps the Loth feared Wise's "radical Reform" tendencies. Loth was so conservative that he envisioned a union that embraced many aspects of Jewish tradition that had been abandoned earlier by many of the reformers in Europe. For example, in the invitation Loth sent to other congregations to join him in forming the union, he wrote of the union's goals:

> ...with a view to form a union of congregations, the object of which should be: First, to establish a Jewish Theological Faculty. [...] Third, to adopt a code of laws which are not to be invaded under the plausible phrase of reform; namely, that *Milah* shall never be abolished, that the Sabbath shall be observed on Saturday and never be changed to any other day, **that the *Shechitah* and the dietary laws shall not be disregarded, but commanded as preserving health and prolonging**

[68] In truth, Wise dreamed of an umbrella organization that would reach out to Jews of *all* stripes. But that dream never became a reality.

> **life, as it has been statistically proved in such cities as London, Prague, Pressburg and Pesth** (as quoted in Plaut *Growth* 27, emphasis added).

Although Loth's initiative was successful in that the Union of American Hebrew Congregations was formed in 1873, the religious traditionalism implicit in his letter was not to be accepted as the foundational creed of 19th century American Reform Judaism.

That distinction belongs to the Pittsburgh Platform of 1885, which Meyer/Plaut (197) call "the foremost expression of what became known as classical Reform Judaism." Below are excepts from that document:

> We recognize in the Bible the record of the consecration of the Jewish people to its mission as priest of the one God, and value it as the most potent instrument of religious and moral instruction.
>
> We recognize in the Mosaic legislation a system of training the Jewish people for its mission during its national life in Palestine, and **to-day we accept as binding only the moral laws**, and maintain only such ceremonies as elevate and sanctify our lives, but reject all such as are not adapted to the views and habits of modern civilization.
>
> **We hold that all such Mosaic and rabbinical laws as regulate diet**, priestly purity and dress originated in ages and under the influence of ideas altogether foreign to our present mental and spiritual state. **They fail to impress the modern Jew with a spirit of priestly holiness; their observance in our days is apt rather to obstruct rather than to further modern spiritual elevation** (emphasis added).

The platform clearly paints *kashrut* in a negative light. The document implies that the authority of rabbinic tradition no longer stands, and leaves readers with the sense that one can be Jewish without engaging in, or with, the dietary laws. But did the platform mean to *outlaw kashrut* as a Reform Jewish practice; or did it mean to merely assure Reform Jews that they were not *required* to be strictly kosher?

Those who agree with the former part of the question will be comforted to know that, in the midst of the debate over the dietary laws, Rabbi Emil Hirsch (1851-1923) of Chicago remarked: that "diet is not a religious affair" (as quoted by Schwartzman 215), seeming to indicate that Reform Judaism should have nothing to do with *kashrut*.

Yet there are many who agree with the latter part of the question, including some modern commentators, representing Reform's openness to tradition (see below). For example, Rabbi Simeon Maslin wrote the following in his 1979 book *Gates of Mitzvah*:

> Although this blanket rejection of the dietary laws as outmoded represented the "official" position of the Reform Movement through most of a century, it did not prevent individual Reform Jews and Reform congregations from adopting certain of the dietary laws for a variety of reasons, including the desire not to offend traditional relatives or guests (Maslin 131).

Dr. Mark Washofsky wrote similarly in his 2001 book *Jewish Living*:

> None of this [any of the movement's pre-1999 platforms] meant that Reform Jews were somehow forbidden to "keep kosher" or that no Reform Jews ever chose to do so. It implied, however, that in the eyes of Reform Judaism the observance of the dietary laws was at best irrelevant to a proper conception of liberal Jewish religious life (Washofsky 182).

I would submit that the Pittsburgh Platform is most significant because it uses *kashrut* to illustrate some of the values of classical Reform Judaism, most notably: pro-assimilationism and anti-legalistic ritualism. Yet, the Platform falls short of issuing a comprehensive policy concerning the issue.

To discern a more nuanced description of *kashrut* during this period, we must begin by briefly discussing the infamous Treifa Banquet. In the early summer of 1883, Hebrew Union College celebrated its very first Ordination ceremony, graduating its first four students. Assembled at that time were representatives from the wide array of founding UAHC member congregations. VIPs from the Midwest and East Coast gathered in Cincinnati for the historic ceremony, and the banquet that was to follow later that day. Meyer writes:

> So wide a spectrum could not be contained under any organizational aegis for very long. **Differences became visible that very evening when a lavish dinner, carelessly ordered by Cincinnati laymen from a local Jewish caterer, turned out to feature a variety of shellfish.**[69] Yet this scandalizing "Trefa Banquet" was only symbolic of fundamental tensions already

[69] Regarding the details of the menu, J. Sarna (145) writes: "Held at Cincinnati's posh Highland House and planned and sponsored by insensitive lay leaders, the banquet included four biblically forbidden foods (clams, crabs, shrimp, and frogs' legs), and also mixed meat and dairy products, another violation of the Jewish dietary code."

> apparent. Regional, religious, ethnic, and social differences would make this newborn unity ephemeral. The conservatives soon went their own way, while Reform Judaism in America, for the next generation, became preeminently radical (Meyer 263, emphasis added).

The stereotypical tendency has been to treat the banquet's decidedly non-traditional menu as a scandalous violation of Jewish law. But recently, several scholars have argued that the truth of the matter might be more complex; instead, they suggest that we might interpret the menu of the Banquet according to the image of a glass either half empty or half full.

The 'half empty' school of thought argues that the meal should be remembered for being fabulously *tref*; it was, they say, openly contemptible towards traditional Jewish dietary law.[70]

The 'half full' school invites us to take a closer look at the Banquet menu. Thus, Jonathan Sarna (145, emphasis added) writes: "The Jewish caterer, Gus Lindeman, and most of his local clients, reflecting Reform Jewish tendencies of the day, had themselves long since abandoned the Jewish dietary laws and **refrained only from serving pork products, which the meal carefully avoided.**" According to Sarna, then, the menu is significant because of its *avoidance* of pork, indicating a possible awareness/observance of the dietary laws by the caterer.

Similarly, Gross (9) reports:

> As has been emphasized by the recent research of Rabbi Lance Sussman, the avoidance of pork was viewed differently from other rules of *kashrut* in early Reform, so it is perhaps no accident that pork was avoided while other laws were flaunted. Seafood in particular was seen as healthful and therefore viewed more positively.[71]

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[70] Proponents of this position cite the Banquet as an important factor in the formation of the Conservative movement. On this, see M. Davis 219-220.

[71] Gross makes reference to the July 6, 2001 article "A Menu for Reform" article that appears in the *Wall Street Journal*, written by Debra Nussbaum Cohen. The article is significant because it is one of the few places where Sussman is referenced in print. But the article does a poor job of highlighting Sussman's important perspective.

We see, then, that historians have a choice to make – a choice that can potentially reveal their own ideologies or biases. As a proud Reform Jew, I'm more inclined to follow Sarna and Sussman because they point out that Reform Jews were responding – on a certain level – to Jewish dietary tradition. They emphasize that, although Reform Jews were not *kashrut* observant (in the traditional sense of the word), they *were* observing certain aspects of the tradition.[72]

The notion that one could observe some aspects of *kashrut* and not others – a phenomenon that we define as "kosher style" today[73] – is indeed an innovation that came to be institutionalized within the American Reform movement. And it is one that has left its mark on the entirety of Reform's history in this country over the last 125 years.

Beyond the Pittsburgh Platform, and the debate surrounding the Banquet, there is relatively little[74] documentary evidence concerning *kashrut* in the American Reform community during the last decades of the 19th century. In an attempt to bring more documentary evidence to light, I chose to survey the way that *kashrut* was addressed in Isaac Mayer Wise's newspaper, *The American Israelite*, from 1859-1900.

It is very clear from the newspaper articles that Wise went to great lengths to categorize the legal origin of various aspects of *kashrut*. He was compelled to urge observance of *kashrut* that was *d'oraita* but not *d'rabbanan*. Thus, I found that:

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[72] Classical Reform Judaism was much maligned by traditional Jews on both sides of the Atlantic. The implication that traditionalists made in such discussions was that Classical Reform Judaism was not Jewishly authentic, because it was devoid of Jewish observance. I would argue that much could be done to re-establish Classical Reform's authenticity if we point out (like Sarna and Sussman do) that Classical Reform did engage with Judaism and its sources, even if the resulting observance was not as extensive as Orthodoxy.

[73] Alternatively, some use the term to define to refer to stereotypically Jewish food, as in the case of a "kosher-style" deli.

[74] Plaut (*Growth* 265) famously wrote that: "The almost total silence of Reform literature on this subject is witness to the fact that it no longer was of real concern to the liberal leadership."

> The question as to whether certain aspects of *kashrut* were biblical or rabbinic was very important to Wise and his *Israelite*. Particular attention was paid to the practices of *shechitah* (ritual slaughter) and *bidikah* (ritual examination of certain organs checking for injury/disease). Wise argued that these were not Mosaic requirements. At the same time, he affirmed that there was value in the practice of slaughtering animals in a humane fashion – and in examining animals for disease. For this reason, he wrote on February 18, 1892 that: "We ought to insist upon *Shechitah* and *Bidikah* as general laws to be carried out in practice, but not as a specifically Jewish matter, a religious observance, which it is evidently not" (Brown 3).

No doubt, Wise was also strongly influenced by his desire to allow American Jews to assimilate into this new country. Thus, he wrote in the aforementioned February 18, 1892 article: "It {traditional *kashrut* that is dominated by rabbinic prohibitions} prevents them {new Jewish immigrants to America} from settling down in small groups over the land which would be their redemption from inherited debilities and elevate them to free citizens of a free country" (as quoted in Brown 3).

Rabbi Bernard Felsenthal (1822-1908) follows the *Israelite* in advocating for a "kosher-style" observance:

> It would be irresponsible and reprehensible to advocate the total disregard of the dietary laws. It would prove Reform to be very superficial indeed. These laws not only have hygienic but also a deeper ethical significance, because they keep us apart from all that is bestial and crude. They teach us the lovely virtue of self-discipline and may thereby assist us to become a holy people, a demand which the Torah relates to these laws.
>
> It is not necessary for a Jew to eat ham and oysters and he need not listen to the deceptive serpent of a "sausage philosophy" which says "Go ahead and eat" (as quoted in Plaut *Growth* 265-266).

Yet it is Plaut (*Growth* 265) who observes that, during the height of Classical Reform Judaism "even *hazir* (pork) ceased to be the anathema it once was to every Jew." This, of course, is the stereotypical description of Reform *kashrut* observance. It is also illustrated in the following, an excerpt of a 1904 article entitled "Not Torah, But Prophets are the Essence" by Rabbi Emil Hirsch:

> If the Law connoting the Pentateuch in its entirety be insisted on as the embodiment of what is essentially Jewish, the conclusion is unavoidable that Judaism stands for things and rites that other nations also observed, and the only possibility for saving the originality of Judaism is the fundamentally false assumption that the other peoples addicted to similar practices purloined them from Israel.
>
> [...]

> Even those institutions that by modern orthodoxy, so called, are urged as central and indispensable as the signs and distinctive symbols of Judaism – circumcision, the dietary laws and the Sabbath – will be found to belong to the class before named. For even these which for other reasons than those alleged have risen to a prominent importance in the superstition and consciousness of later Judaism are demonstrably connected with notions absolutely anti-Jewish originally and have grown out of social and intellectual conditions beyond which Judaism certainly has passed to a higher conception of man's relations to the Universe.
>
> The scientific truth of the matter is these dietary laws are observed by the priests of man races. Whether they are connected with primitive Totemism may be in dispute. But for our purposes it is inconsequential to decide the issue between the contestants. The fact stands that dietary institutionalism marks every religion at a certain stage of evolution under the dominancy of the notion that certain foods render not unhealthy but unholy. Therefore, these dietary laws cannot be said to be the characteristic contribution of Judaism to the religious wealth of the world. That the dietary laws have come to grow into every Shibboleth is due to the role they played as marking fidelity in the Maccabean rebellion. That part, then, of the Law that deals with them is not of originally Jewish woof" (as quoted in Plaut *Growth* 228).

Hirsch argues that the dietary laws may be abandoned because there's nothing unique about them. In his mind, religious observances are not worth keeping unless they are ubiquitous to the Jewish people.

The *Israelite* and Felsenthal notwithstanding, it is the Pittsburgh Platform and Hirsch that seem to have a dominant influence during the 19th and early 20th centuries in American Reform Jewish history. Thus, Meyer (322) notes that: "Surveys taken in 1928 and 1930 give a rough idea of the nature and extent of Jewish practice among Reform Jews in those years. [...] The surveys did not inquire about dietary laws, which were observed rarely by the laity and by only [*sic*] few Reform rabbis."

One final incident illustrates the pervasive influence of Classical Reform. The Synagogue Council of America (SCA) was an organization formed in 1926 to serve as an umbrella association that could represent American Jews nationally (and especially to the non-Jewish world). In 1931, SCA delegates debated a resolution that stipulated that all Jewish community dinners would be kosher. CCAR delegates to the convention vetoed the resolution (Meyer 304-305, citing CCAR *Yearbooks* in 1924, 1925, 1931, and 1934).

In doing so, the CCAR sent a strong message indicating that they would not sacrifice their own religious beliefs for the sake of *klal yisrael*.[75]

Part 2: A New Openness to Tradition: The 1930s-1950s

Several contemporary Reform rabbis have remarked, in passing, that Reform has been moving back toward traditional attitudes and observances since the moment the Pittsburgh Platform was completed. Alternatively others, like Michael Meyer, have attempted to pinpoint the return to tradition to the years after World War II (Meyer 353 and 361).

When it comes to *kashrut*, however, I would argue that the return to tradition was already forming in the 1930s. The CCAR *kashrut* decision concerning the SCA in 1934 is just a minor example.

More prominently, the 1930s brought with it the publication of Mordecai Kaplan's *Judaism as a Civilization* (1934). Kaplan's Reconstructionist approach to Judaism is notable in that it provided a rationale for non-Orthodox Jews to engage in traditional aspects of Jewish observance, without compromising the rational part of their theological integrity.

As a liberal, Kaplan formulated some interesting – and controversial – views about the way that Jewish life could be lived in America. His approach to the question of *kashrut* is a perfect example of this.

First, we must note Kaplan's simple dissatisfaction with the prevailing kind of "kosher-style" that was in vogue during this period ("Biblical *kashrut*").[76] For Kaplan,

[75] Meyer (305) reports that the CCAR contingent changed their vote when the issue came up again in 1934. Their change could be one very early indication that American Reform was already turning its attention back toward the rituals of the Jewish tradition.

"Biblical *kashrut*" failed as a viable dietary plan because he believed that it could be attacked from the right and the left. He writes:

> We are bidden to observe dietary laws, Sabbaths, feasts and fasts, abstain from marriage with Gentiles, retain Hebrew in the ritual, and even study in order to understand it. The specific recommendations with regard to the observances would be declared by the Neo-Orthodox as nugatory, and by the Liberals as arbitrary. Thus he {the Liberal, a.k.a. Reform Jew} advocates the complete abandonment of the rabbinic interpretation of the dietary laws, and would retain only the pentateuchal prohibitions of certain animals and shellfish. Why make a distinction which, from the premises of this kind of Conservatism, must appear rather arbitrary and trivial? Why incur the hostility of Gentiles by flaunting Jewish separateness for the sake of what "ranks lowest in importance among the constituents of religion?" (Kaplan 131).

From this, we see that Kaplan was very conscious of wanting to construct an authentic Judaism that would be properly understood by his fellow Jews. Therefore, he rejects "Biblical *kashrut*" because it will seem "arbitrary and trivial" to traditional Jews who are not empowered to 'pick and choose' their Jewish observances. Simultaneously, Kaplan rejects a strict adherence to "Biblical *kashrut*" because even this expression of *kashrut* prohibits social interaction between Jews and non-Jews. (We should carefully note that Kaplan does not critique the eating of *tref* per se. He only implies, in the above passage, that one should follow/reject *kashrut* in a more thoughtful manner.)

His solution is, on a certain level, quite progressive. He offers a kind of "kosher-style" that is traditional inside the home, and radically liberal outside of the home:

> Granting that the dietary laws cannot be observed in the traditional spirit, the fact remains that because of the dietary inhibitions the Jewish civilization has acquired a high degree of distinction and dignity. [...] In the matter of diet, the process of civilization will not only affect the preparation of the food; it will also evolve a kind of religious etiquette which will minimize the animality of the act of eating. Why then should not the Jews avail themselves of those of their folkways which might energize the deeply ingrained habit of transforming the act of eating, as it were, into a sacrament.
>
> In the next stage of the Jewish civilization, the distinction between animals that divide the hoof and chew the cud and those that do not, or between *kasher* and *trefa*, or between fish which have scales and fins and those which have not, will not be observed as dietary "laws" commanded by God, or as mystic symbols of what man must do to qualify himself to enter into communion with God. But these distinctions should be maintained as traditional folkways which add a specifically

[76] As is the case whenever one discusses any aspect of "kosher-style," we find that different people associate different meanings with terms like "kosher-style" and "Biblical *kashrut*". Most often, "Biblical *kashrut*" designates abstention from pork and shellfish.

Jewish atmosphere to the home. Such observances should not be regarded as intended to help one earn salvation in the here or in the hereafter, nor to produce a marked effect upon one's character. If the dietary folkways are capable of striking a spiritual note in the home atmosphere, Jews cannot afford to disregard them.

Once these practices lose their character as laws and become folkways, Jews will be able to exercise better judgment as to the manner of their observance. There need not be the feeling of sin in case of occasional remissness, nor the self-complacency which results from scrupulous observance. **Moreover, since the main purpose of these practices is to add Jewish atmosphere to the home, there is no reason for suffering the inconvenience and self-deprivation which result from a rigid adherence outside the home. From the standpoint urged here it would not be amiss for a Jew to eat freely in the house of a Gentile, and to refrain from eating *trefa* in the house of a fellow-Jew. By this means, dietary practices would no longer foster aloofness of the Jew, which, however justified in the past, is totally unwarranted in our day.** As for the fear that social intercourse between Jews and Gentiles may lead to the disintegration of Judaism, the reply is obvious: if Judaism is inherently so weak that it requires artificial barriers of social aloofness fostered by dietary laws for its maintenance, the very need for maintaining it is gone. It is true that increased social contact with the Gentiles will prove a challenge to Judaism's inherent strength, but that challenge cannot be met by a defensive retreat.[77]

[...]

With these qualifications which permit a degree of latitude necessary to unhampered movement in regions where there are no Jews, and to free social intercourse with Gentiles, the dietary practices should be reinstated in every Jewish home as a means of contributing to the home that atmosphere in which national folkways are subtly combined with folk religion. Their observance in this spirit would not prevent them from furthering communal organization (Kaplan 440-442, bold emphasis added).

I choose to include Kaplan in this examination of *kashrut* in the Reform movement, because I would argue that his Reconstructionist approach to Judaism was very

[77] In 1959, Conservative rabbi Samuel Dresner wrote *The Jewish Dietary Laws*. On one level, his work reads like a polemic against Kaplan. For example, concerning the issue *kashrut* and social mixing/assimilation, he writes: "Thus one of the primary functions of Kashrut is to distinguish us from others, to separate us from the nations and to preserve us amidst the maelstroms of history. This must be said clearly and unashamedly. And such separation is just as necessary today in America as ever before. The logic involved is clear: if Judaism has a task in the world, then there must be Jews in the world. Otherwise there will be no Judaism. But the Jews are a small nation scattered amongst the peoples. How can they be prevented form being swallowed up and assimilated in the course of the years? Kashrut helps to separate them, to distinguish them and preserve them, to remind them three times a day who they are and what God chose them to stand for..." (52-53). And, concerning Kaplan's inconsistency regarding *kashrut* in the home and *tref* outside the home, Dresner wrote: "Edmond Fleg, the distinguished French author, tells us in his moving autobiography *Why I Am a Jew*, how, as a young boy, this double standard Kashrut of convenience drove him from his religion. 'Once I was taken on a journey by my parents and at the hotel where we dined the fat and the lean were mixed, and cheese was served after meat. Even ham appeared on the table. My parents ate and permitted me to eat of this forbidden dish. Then the food forbidden at home was no longer forbidden when one was away from home? The law was law no longer?' Such inconsistencies on the part of the parent is the surest way to guarantee that the next generation will abandon the dietary laws altogether. Such double standards can only be retained by virtue of an emotional nostalgia which is rarely, if ever, inherited" (45).

influential. His method of approaching tradition with a liberal attitude compelled Reform rabbis in future years to look at *kashrut* in terms no longer defined by the Pittsburgh Platform.

A further example of this new impetus toward tradition, from within the Reform movement, can be found in Rabbi Felix Levy's presidential address to the CCAR in 1937. He recommended that:

> A committee be appointed to follow the work of the Committee on Principles that dealt with theoretic questions, and that this committee draw up a code of rules for guidance in practice.
>
> I have no desire that such a code be final or even obligatory. It can however be a guide and thereby approximate to a uniformity of ritual so sadly needed. It will help the rabbi in his work of winning the congregation to wider practice of ceremonial in home and synagog; **it will impress upon our people that their religion is not bereft of beauty of cult and that they must observe our important customs.** It will thrill them with the conviction that reform is not mere negation but is also affirmation and make them aware of fellowship with Israel, past and present. **We are paying today the price of years of neglect** (F. Levy 183, emphasis added).

Here, Levy is calling for a new, non-binding "code" of Reform Jewish observance! He specifically envisions a reinvigorated Reform Judaism that has ritual observance as its center. And while his comments do not directly touch on *kashrut*, his speech is an important mile marker on the road toward today, in that he spurs the movement to consider a liberal Jewish worldview that is *not* tied to the ritual starkness of the Pittsburgh Platform.

But, Levy's speech is the work of one man. It is really the text of the Columbus Platform, passed by the CCAR at the same meeting where Levy spoke, that indicates that a large part of the Reform rabbinate agreed with Levy's call for a return to tradition.

Regarding theological underpinnings, the new platform dramatically declared that: "The Torah, **both written and oral**, enshrines Israel's ever-growing consciousness of God and of the moral law" (emphasis added). This sentence indicates Reform Judaism's new willingness to accept (in theory) the authority of rabbinic literature. The

movement expanded its 'authoritative canon' in 1937, by expressing a willingness to look at sources that go beyond the Hebrew Bible.

Gone also from the Columbus document is the Pittsburgh Platform's sense of self-confidence that 'these rituals have lost meaning for us and should never be brought back.' In its place, the Columbus document teaches that: "Each age has the obligation to adapt the teaching of the Torah to its basic needs in consonance with the genius of Judaism."

The Columbus Platform does not directly address the issue of *kashrut*. But, it does contain the following thought:

> Jewish life is marked by consecration to these ideals of Judaism {as listed in the preceding section of the platform: ethics, social justice, and peace}. It calls for faithful participation in the life of the Jewish community as it finds expression in home, synagog and school and in all other agencies that enrich Jewish life and promote its welfare.

By including these two sentences, the document offers a mandate to Reform Jews everywhere; it invites/compels them to seek out meaningful religious experiences in all of the spheres of their lives. Judaism is no longer limited to the drama of the Classical Reform worship service. It is something liberal Jews can experience during every moment of their days and of their lives.

It seems to me that the platform, without saying so directly, does 'grant permission' to Reform Jews who are seeking out some meaning in the way that they eat. The document does this by both: a) not labeling any one, particular Jewish observance as 'off limits' or 'out-moded'; and b) teaching that every moment can be made into a Jewish moment.[78]

The trend toward a Reform return to tradition intersects with the dietary laws in the landmark 1942 address that Rabbi William G. Braude made to the CCAR, entitled

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[78] The platform also makes it clear that any definition of Judaism must include ritual/ceremonial aspects (as compared to the Pittsburgh Platform, which sought to minimize or erase the centrality of ritual).

"Liberal Judaism in a Reactionary World (From the Point of View of History)". Braude begins by noting the dissonance between the image of an 'old school' rabbi and the Reform rabbi of the early 1940s:

> It is significant that while in former years a typical rabbi was seen on the way to the synagog, leaning over a folio or perhaps wrapped in a *tallis*, the typical (and I suppose the great) rabbi is now photographed with his mouth wide open before a microphone. *Harkhev Pikha* (open your mouth) has become our supreme *Mizvah* [*sic*] (Braude 293).

But these are not words of rebuke. Braude empathizes with his fellow rabbis, believing that they have a yearning desire to live a life filled with *mitsvot*: "Symptomatic too of these yearnings have been the repeated cries: we need a code of practice, a new *Shulchan Aruk*, a Guide for the Modern Jew" (Braude 293).

As no such guide had yet been produced by a member of the CCAR, Braude continues by imagining what a committed Reform rabbi's life of Jewish observance might look like. He touches on daily prayer, time for the study of Torah for its own sake, and (most importantly for us) *kashrut*:

> We should observe the dietary laws at least in abstaining from the flesh of the swine. I know that the Pittsburgh Conference has annulled the P Code and all its works. But then Claude G. Montefiore who knew the P Code and whose Reform *tzitzit* were beyond cavil was at least sympathetic to the retention of the dietary laws in modified form. At any rate the classic tale told of one prominent rabbi who leaned over and asked for another helping of ham and when reproached for this flagrant breach of Jewish practice rejoined with: "Well, Sir, Moses knew nothing of Virginia ham," has a certain cynical *harkhev pikha* looseness about it which is worlds removed from the spirit of *kedusha* which we seek to recover (Braude 295).

Some would read Braude's comments, here, as insignificant. After all, he is only suggesting abstention from ham. He makes no comments about shellfish, meat/dairy, etc. Yet, I would point out that his words are most important, in that he includes some form of dietary observance on the list of things that a Reform rabbi *should* do, if s/he is striving to live a committed liberal Jewish life.

This search for what constituted an authentic liberal Jewish life came to a head in 1944 when Solomon Freehof published his own manual, entitled *Reform Jewish Practice*

and Its Rabbinic Background, as a response to the earlier calls that had been made by Levy and Braude.

In publishing the book, Freehof makes a powerful statement about the renewed importance of engaging in Jewish rituals and observance, rather than limiting one's Judaism to a set of ethical beliefs. Matters of observance come first, he taught; theology comes later.[79]

We note that Freehof's book is specifically about *Reform Jewish Practice*, as opposed to Jewish practice in general. Regarding Reform's approach to the Jewish tradition, Freehof writes:

> It has been the consistent attitude of Reform that practices should be modified to meet the needs of the times, that the ethical and spiritual ideals of Judaism are eternal but they must find new modes of ceremonial expression from time to time. Therefore, Reform itself does not consider its present practice as definite and fixed.[80] It is consciously seeking new and better ways in which Jewish observance may inculcate Jewish ideals. Therefore many new practices develop constantly. Often they are a modification of some older Jewish practice which had hitherto been entirely neglected and which now it is felt can be reconstructed and serve to instruct and inspire. It is, therefore, of interest to Reform Jews to learn more of the vast treasury of Jewish practice in the past so that from it material for new observances may be derived (Freehof *RJP* 14).

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[79] See Meyer's quote of Freehof in the next footnote.

[80] Freehof understood contemporary Jewish practice in terms of *minhag* (custom), rather than *halakhah* (law). Meyer (324) explains: "From its earliest history in Europe, the movement had consistently declared that the ethical monotheistic faith was primary in Jewish religion, while ceremonies served only as means to enhance and preserve it. The Reformers' image repeatedly was the kernel and the shell. Freehof now reversed the relationship. In his book *Reform Jewish Practice and Its Rabbinic Background*, he argued that "the foundation of Jewish religious life is Jewish practice upon which are built habits of mind and attitudes toward the universe...First we obey God's commandments and then we learn to understand God's nature. We do not begin with theology, we *arrive* at theology." That was a very traditional notion, but a heretical one in Reform. Where it led Freehof, though, was not the primacy of Halakhah (law) in Reform but of Minhag (custom). He believed that in the twentieth century Halakhah was too inflexible to respond adequately to new challenges. Only Minhag, traditionally the creation of the masses, "the raw material which the law took up and shifted, rearranged, justified, and embodied as legal practice" – that alone could serve as the vehicle for the creative adaptation of tradition to modern life. Reform, he argued, had developed its own Minhag, for example confirmation, the late Friday evening service, and men and women sitting together at worship. Following the paradigm of Minhag, it could, in a sense now continue to build Reform Judaism from the bottom up."

Based on this, we might reasonably expect that Freehof would address *kashrut* in his book,[81] perhaps from a "kosher style" perspective. Instead, his only significant comment about the dietary laws is the following: "To put it bluntly, there is, unfortunately, as little observance of the dietary laws among Reform Jews as there is among millions of other modern Jews and also as little observance of the traditional laws of Sabbath rest. Hence, these branches of Orthodox law are not dealt with" (Freehof *RJP* 15).

Freehof seems to be suggesting that he is omitting *kashrut* from his book because so few people (Jews in general, not just Reform Jews) are keeping the dietary laws. There are, unfortunately, no statistics available to verify Freehof's claim. Yet, given the aforementioned resurgent interest in a more 'traditional' form of Reform Jewish observance, we must note that Freehof's startling omission of *kashrut* indicates a persistent influence of the Pittsburgh Platform, which tried so mightily to prevent Reform Jews from exploring the Jewish dietary guidelines.

Reform's return to tradition is capped off in the next decade by the publication of *A Guide for Reform Jews* by Rabbis Frederic Doppelt and David Polish in 1957. Their *Guide* is significant because it is the first major Reform Jewish guide (or "code" in the language of Levy and Braude) to use the language of '*mitsvah*' – implying that Reform Jews are commanded to fulfill certain religious obligations.[82] That notion was so controversial that the authors decided to have the book privately published; they did not

[81] We have already seen that other Reform rabbis during this period were interested in speaking about the issue; it was no longer 'off limits,' as the Pittsburgh Platform had expressed.

[82] As opposed to Freehof's work, which is largely descriptive, Meyer (376) elaborates: "What gave the Doppelt-Polish guide its distinctly Reform character was the authors' readiness not only to dispense with many of the traditional mitzvot, especially the prohibitions, but boldly to introduce new ones. Thus confirmation became obligatory, as did the observance of a memorial day for the martyrs of Nazism and a religious celebration for Israel Independence Day."

think that the CCAR was 'ready' to approve the publication of such a work (Knobel "Reform" 490).

Unlike Freehof, Doppelt and Polish do address the dietary laws, in their chapter dealing with "the Home." As an introduction, they write: "It is a Mitzva to endow our homes with the spirit of our faith, the symbols of our way of life, the spiritual and cultural treasures of our people, and the living practices of our heritage, as our Torah states: 'Write them upon the door-posts of your house.' (Deut. 6:9)" (Doppelt/Polish 89). They conclude the chapter with comments specific to *kashrut*:

> Although Reform Judaism does not adhere to the traditional dietary laws, many Reform Jews still abstain from eating the meat of the pig. This is based on historical associations, since the pig was often used as an instrument of persecution of our people who were tormented by their enemies into eating it (Doppelt/Polish 90).

Writing in 1990, Rabbi Peter Knobel described this statement as "brief and only descriptive" (Knobel "Reform" 490). Given the paucity of *kashrut*-related material in Freehof's work, it seems to me that Knobel minimizes the importance of Doppelt and Polish's comments here. Like the Columbus Platform, their *Guide* contradicts the spirit of the Pittsburgh Platform and gives Reform Jews *permission* to explore the dietary laws. This, in my mind, is more significant than Doppelt and Polish's decision to only speak of *kashrut* with regards to the prohibition against pork.

Part 3: 1960s – Present Day: American Reform Jews Seek to Infuse the Dietary Traditions with New Meaning and Purpose

As Reform's 'return to tradition' became more prevalent in the 1960s and beyond, we begin to see that observance of *kashrut* by Reform Jews is seen less as an oddity that

is permitted, and more as a Jewish observance that is (in some form) encouraged, or even mandated.[83]

One early indication of this shift is the 1967 book *Liberal Judaism at Home: The Practices of Modern Reform Judaism*. Written by Rabbi Morrison Bial, it is yet another Reform manual of observance, in the spirit of Freehof and Doppelt/Polish.[84]

We will recall that Freehof's work in 1944 hardly mentioned the dietary laws at all; and Doppelt/Polish's book in 1957 mentions them in passing, under the heading of "the Home." Yet Bial suggests that keeping kosher is relevant enough to Reform Jews that he offers a special section entitled "Kashruth."

He begins this section by pointing out that times have changed. It used to be that some Reform congregations chose to punish its members (by denying them voting rights) that kept a kosher home! But Bial notes that: "Such actions only show the passions that once were raised in the Liberal Jewish movement, passions which look inane today." He continues:

> Many Reform Jews do eat ham; many do not. There are Reform rabbis who do not object to shrimp or spareribs, others whose diet at home or abroad is *glatt kosher*, absolutely in accord with the *kashruth* of traditional Judaism. And there are many who vary: some of whom have *kosher* homes but eat less discriminatingly outside their homes (Bial 59).

This paragraph gives us a sense of the true spectrum of *kashrut* observance that existed in the Reform movement in the late 1960s. By and large, that spectrum still exists today. Bial elaborates:

> **Liberal Judaism does not prescribe *kashruth*, neither does it condemn it.** The guiding criterion is internal: whatever is meaningful to you, either spiritually, or as a link with the past, or

[83] According to rabbis that participated in the CCAR Task Force on Kashrut conference call of November 11, 2004, there is anecdotal evidence suggesting that some rabbis require that individuals/families "keep kosher" (each Reform rabbi defines that differently) in preparation for conversion, Bar/Bat Mitzvah, etc. We will also see, below, that a congregation's own dietary policies do theoretically mandate a certain level of *kashrut* observance on the part of people who share a meal at a synagogue function.

[84] The book was published privately by Bial's congregation in Summit, NJ. This may or may not be an indication as to the CCAR's ideological comfort with the contents of his *Liberal Judaism*.

> with the whole house of Israel, by all means do! If *kosher* or partially *kosher* seems a true sign of a Jewish home, it is most important that the home be kept that way. Many Liberal rabbis and laymen observe "Biblical *kashruth*," but not Talmudic; they do not eat the flesh of animals or fish prohibited by the Torah. But they do not insist on the complete separation of *milchig* and *fleishig*, milk and meat and the silverware and utensils for milk and meat, as ordained in the Talmud.
>
> Each Liberal Jew must decide his own relationship to *kashruth*. Many Reform Jews consider *kashruth* peripheral to Judaism. If so, Liberal Judaism causes them no difficulty. If you do not think that *kashruth* will add to the meaning of your experience as a Jew, you will find no problem confronting you as a Reform Jew. But please be aware that every Reform synagog contains many who disagree, and find meaningful satisfaction in the complete or partial observance of an age-old custom (Bial 60-61, emphasis added).

Bial makes two important points here. First, he clarifies that Reform Jews can adopt a meaningful dietary standard that is *not* entirely traditional. In other words, he encourages the religious meaningfulness of the notion we have called "kosher-style." Furthermore, in a message aimed at those whose mindset remained rooted in the Pittsburgh Platform, Bial *defended* the right of a Reform Jew to choose "kosher style"/*kashrut*.

A Reform Jew's 'right to choose' to observe a *mitsvah* that was once deemed 'off limits' was famously enshrined in the Centenary Perspective, passed by the CCAR in 1976. In describing Reform Judaism and the commandments, the platform notes: "Within each area of Jewish observance Reform Jews are called upon to confront the claims of Jewish tradition, however differently perceived, and to exercise their individual autonomy, choosing and creating on the basis of commitment and knowledge." Earlier, the document records that:

> We stand open to any position thoughtfully and conscientiously advocated in the spirit of Reform Jewish belief. While we may differ in our interpretation and application of the ideas enunciated here, we accept such differences as precious and see in them Judaism's best hope for confronting whatever the future holds for us.

While the platform never mentions *kashrut* by name, the Centenary Perspective documents yet another important step as *kashrut* (or some form thereof) becomes a slightly more normative practice in Reform Jewish life.

The platform is also important, in that it reminds us of Reform Judaism's commitment to social justice. Indeed, the platform says that: "Judaism emphasizes action rather than creed as the primary expression of a religious life, the means by which we strive to achieve universal justice and peace."

This statement foreshadows a liberal Jewish inclination that has continued to gain strength over the last three decades. At its heart, the CCAR advocated that our ritual observances can and should reflect our commitment to the social action causes we hold dear.

During the very same convention that the Centenary Perspective was voted on, we find expression of this attempt to integrate *tikkun olam* with ritual observance. One of the resolutions passed at the 1976 Conference is entitled "Farm Workers."[85] At its heart, the resolution is aimed to express the CCAR's support for "the right of farm workers to organize into a union for the purposes of collective bargaining with their employers." The resolution "encourages its {the CCAR's} friends and constituents in California to lend support to the Farm Worker initiative which will be voted on by all the people of California on November 2, 1976."

Yet, from the context of our exploration as to the history of dietary practices in the Reform movement, we should also be interested in the second-to-last clause of the resolution:

> BE IT FURTHER RESOLVED that the CCAR urges all persons of good will to seek out and purchase UFW Black Eagle label grapes and iceberg (head) lettuce to affirm those growers who have bargained in good faith and as an incentive to growers who are procrastinating in negotiations.

[85] The text of the resolution is available at http://www.ccarnet.org/cgi-bin/resodisp.pl?file=farm&year=1976. I was directed to this document by Litvak 38.

Obviously, this is not a comprehensive call for new dietary guidelines in the movement. But it is significant that we have an attempt by the CCAR, as early as 1976, to integrate the values of social justice into the way that a religious person might eat.

This was not the only notable development in the history of *kashrut* that the Reform movement witnessed in the late 1970s. With the CCAR's publication of Rabbi Simeon Maslin's *Gates of Mitzvah: A Guide to the Jewish Life Cycle*, we find the first movement-sanctioned permission for Reform Jews to explore the *mitsvah* of *kashrut*. But before we examine Maslin's influential work, we must note a much less-known publication.

In the spring of 1980, senior HUC rabbinic student David Rosen completed a thesis entitled "A Critical Study of Reforms in Hilkhot Kashrut Based on the Responsa of the Rabbinical Assembly Vis-à-Vis Orthodox and Reform Responsa." Rosen's chief interest was to look at how the American Conservative movement has amended the traditional laws of *kashrut*, in light of new technologies, etc. He takes *halakhic* subjects like 'the *kashrut* of cheese' and 'the permissibility of un-*hekshered* wine' and analyzes the CJLS's responsa. His analysis is specifically expressed as a comparison with traditional *halakhah*.

The title of Rosen's thesis implies that he was interested in also comparing the Conservative movement's positions to those of the Reform movement. Yet, as the survey of Reform responsa in Appendix A reveals, there were very few Reform responsa about *kashrut* that were issued prior to 1979. Thus, issues directly relevant to Reform Judaism are largely ignored in Rosen's work.[86] Yet, he does note the following: "In recent years,

[86] Rosen was committed to limiting his analysis to the realm of *halakhah* in general, and contemporary responsa in particular. Although he and I chose different methodologies in this respect, one could argue

however, a renewed interest has been shown by many Reform Jews in various aspects of the dietary laws" (Rosen 10). Rosen speaks of a renewed Reform interest in *kashrut* at the end of the 1970s. This interest is not evidenced in the Centenary Perspective. But its full force can be felt in Maslin's work – a work that did not reach Rosen's desk prior to the completion of his thesis in early 1980.

The two most remarkable things about Maslin's *Gates of Mitzvah* are: (1) his purposeful usage of the term *mitsvah*;[87] and (2) the fact that a book that is so traditional in tone would be published under the imprimatur of the CCAR.

We begin by noting Maslin's advice that – at the very least – Reform Jews should study about traditional *kashrut*. We take note of his emphasis on this notion of study, as he repeats it (specifically within the context of *kashrut*) three times in his work:

- Many Reform Jews observe certain traditional dietary disciplines as a part of their attempt to establish a Jewish home and life style. For some, traditional *kashrut* will enhance the sanctity of the home and be observed as a *mitzvah*; for some, a degree of *kashrut* (e.g., the avoidance of pork products and/or shellfish) may be meaningful; and still others may find nothing of value in *kashrut* (see the essay on *kashrut*, page 130). **However, the fact that *kashrut* was an essential feature of Jewish life for so many centuries should motivate the Jewish family to study it and to consider whether or not it may enhance the sanctity of their home** (Maslin 40, emphasis added).

- *Kashrut* has been a basic part of Judaism **for too long to be ignored**; its role in the life of the Jew and in Jewish history ought not to be underestimated (Maslin 130, emphasis added).

- However, the fact that *kashrut* was for so many centuries an essential part of Judaism, and that so many Jews gave their lives for it, **should move Reform Jews to study[88] it and to consider**

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that his thesis was an attempt to write the history of *kashrut* within American Conservative Judaism. His methodological choice was appropriate, given Conservative Judaism's interest in legislating ritual change through a *halakhic* mechanism. As an anecdotal aside, Rosen situated himself in the Conservative Movement – even during his time at HUC. He pursued several years of study at JTS and Hebrew University immediately following his HUC ordination. He has served synagogues of the American Conservative movement with distinction for 24 years (email correspondence with Rabbi David Rosen of Houston, TX on November 24, 2004).

[87] See Maslin 97-115 for several essays on the notion of Reform and *mitsvah*.

[88] The importance of *Talmud Torah*, of the ritual/process of learning, cannot be overestimated. Rabbi David Teutsch teaches us that: "Most contemporary Jews do not simply accept the Jewish traditions embodied in *halakhah* (Jewish law) and *minhag* (custom). But they want to learn about Jewish traditions and explore in what ways Jewish resources, practices and insights can shape their thinking and influence their values, beliefs and practices" (Teutsch 10).

> **carefully** whether or not it would add *kedushah* to their homes and their lives (Maslin 133, emphasis added).

And if, after study, a Reform Jew is motivated to integrate *kashrut* into his/her life – what would such a 'Reform *kashrut*' look like? He explains that:

> In attempting to evolve a personal position on *kashrut*, the Reform Jew or the Reform Jewish family should understand that there are several options, e.g., abstention from pork products and/or shellfish, or perhaps adding to this abstention the separation of milk and meat; these practices might be observed in the home and not when eating out,[89] or they might be observed all the time. Or one might opt to eat only kosher meat or even to adopt some form of vegetarianism so as to avoid the necessity of taking a life. (This would be in consonance with the principle of *tzaar baalei chayim* – prevention of pain or cruelty to animals.) **The range of options available to the Reform Jew is from full observance of the biblical and rabbinic regulations to total nonobservance. Reform Judaism does not take an "all or nothing" approach** (Maslin 131, emphasis added).

Maslin's key point here is that Reform Jews, in expressing their own autonomy, retain the right to choose which aspects of *kashrut* speak to them. Thus, even as Maslin and the CCAR encourage Reform Jews to newly consider a *mitsvah* that was once deemed 'too traditional,' it is very evident that the Reform Movement is *not* advocating a 'fully traditional' *kashrut* observance. Rather, it is endorsing the notion that a Reform Jew can meaningfully experience the Jewish dietary laws under the rubric of "kosher-style."

Note, however, that Maslin also makes an important point by mentioning vegetarianism and *tsa'ar ba'ale khayim.* Following in the spirit of the 1976 CCAR Resolution on Farm Workers, this is yet another example of a progressive Jewish integration of the values of *tikkun olam* and Jewish ritual observance.[90]

Following up on the interest generated by Maslin's *Gates of Mitzvah*, the CCAR published Rabbi Peter Knobel's *Gates of the Seasons: A Guide to the Jewish Year* in 1983. Knobel, who went on to pen the only article addressing *kashrut* from a Reform

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[89] Following Kaplan, see above.

[90] See Responsum 49, "*Kashrut* in Reform Judaism" in Jacob's *American Reform Responsa.* That document largely 'rubber-stamps' the position taken by Maslin in *Gates of Mitzvah*, going so far as to quote directly from it at times. The same is true of Washofsky's *Jewish Living* (2001). The responsum and Washofsky omit any reference to "ethical kashrut."

perspective[91] in the 1990 special edition of the journal *Judaism* (an issue devoted to *kashrut*), does not mention *kashrut* in *Seasons*.

However, the book deserves mention in our survey of *kashrut* in Reform Judaism because of the following remark, made by Joseph Edelheit, which appears in *Seasons*:

> The key to a life of *mitzvot* is doing. It is through the performance of *mitzvot* that "Jewish memories" are constructed. Living as a Jew means doing. Feeling and memories take time to acquire. With personal resolve and the loving help of family, friends, and community, the gates of *mitzvah* are open to all who are willing to walk through them (Knobel *Seasons* 166).

Edelheit's comment, within the context of his essay "On Choosing Judaism and Choosing *Mitzvot*" that appears in *Gates of the Seasons*, is important because it indicates the CCAR's continued willingness to use the language of *mitsvah* to discuss Jewish observance. It hardly needs to be noted that one way that Jewish "feelings and memories" are acquired is through the experience of eating. Thus, one could read Edelheit's statement as a further 'granting of permission' for Jews to explore new and unique ways to acquire Jewish memories, by studying and experimenting with the dietary laws.

At this point, it is appropriate for us to begin considering what effect, if any, Maslin's work had on the wider Reform Jewish population. Unfortunately, statistical data is very limited. But the information that we do have is telling.

In 1987, the UAHC surveyed the "leaders of Reform Judaism."[92] The survey found that, with regards to Jewish home practices in general, "the leaders are exceptionally observant" (Winer et al. 48). Unfortunately, the questions relating to

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[91] See Knobel's "Reform Judaism and *Kashrut*," appearing in Volume 39, Number 4 (Fall 1990) of *Judaism*, pages 488-493.

[92] I am indebted to Knobel ("Reform" 490) for making me aware of this study. The results of the survey are found in *Leaders of Reform Judaism* by Winer et al. (UAHC, 1987). See Winer et al. 7-ff. for an in-depth description of who was surveyed. Basically, the Union surveyed the 2,700 delegates to the UAHC/NFTS 1985 Biennial in Los Angeles. On Winer et al. 8, we learn that "ninety percent of the delegates are laypersons, in no way employed by their respective congregations."

kashrut were limited to yes/no answers. Three questions relating to dietary practice were included in the survey. They, and their results,[93] appear below:

QUESTION	YES%	NO%
Eat no bread on Passover?	81	19
Keep Kosher?[94]	9	91
Eat pork or pork products?	64	36

Knobel ("Reform" 490), referring to the 9% figure, noted that "only 9% said they kept the dietary laws." Regarding Knobel's use of "only," couldn't we also argue that the 9% is significant, given the wide-ranging influence of the Pittsburgh Platform and the movement's general attempts, up until 1979, to avoid a systemic call for a re-engagement with the laws of *kashrut*?

Knobel's "only" also implies[95] a value judgment: the more people who "keep kosher", the better. I don't think that's the agenda that Maslin had in mind, when he encouraged Reform Jews to re-visit the texts and values of our tradition. He merely asserted what Bial had suggested before him: that contemporary liberal Jews *have the potential* to find meaning in an observance of all/part of the Jewish dietary laws. The fact that 9% "kept kosher", 81% abstained from bread, and 64% avoided pork seems to indicate that more than a few Reform Jews were interested in finding religious fulfillment/meaning in at least a partial observance of *kashrut*.

Knobel ("Reform" 492) reminds us that, up until this point, any 'official' mandates to consider *kashrut* have come from the rabbinic leadership of Reform Judaism. None of the books or speeches specifically mentioning *kashrut* have been produced by a

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[93] The results are reported on Winer et al. 49.

[94] According to Winer et al. 48, respondents were not given any further explanation as to what "keeping kosher" means. In reality, then, the survey is asking whether or not respondents consider themselves/their eating lifestyle to be "kosher." Note that this is contrasted with asking a clear set of questions, as the survey did regarding bread on Passover, or pork. I might have removed the "keep kosher" question and asked more specifically about separate dishes, eating meat out in non-kosher restaurants, etc.

[95] Though, admittedly, it's impossible to say for sure if he intended his remarks to be read like this.

body that included significant lay participation. That changed in 1988, when the UAHC/CCAR Joint Task Force on Religious Commitment released its "Call to Commitment."[96] The Call:

> is an expression of the challenge we accept for ourselves in response to our own hunger for the sacred. [...] Our "Call" is not an attempt to legislate a code of conduct or belief for Reform Jews; the principle of responsible choice is central to the traditions of Reform and is as valid today as it has been in the past. But responsible choice requires knowledge and searching. A careless decision to ignore our history and our tradition is contrary to the spirit of Reform, and is the antithesis of responsible choice (Schechter et al. 6).

After a lengthy introduction, the document proceeds to make remarks about several sub-categories of Jewish life, including prayer, Torah, and Israel. The section on "Mitzvot, Living a Jewish Life," appearing below, is notable for its reference to *kashrut*:

> **The performance of mitzvot is central to the life of the Jew.** Their content is personal and communal, ethical and ritual. Performance of mitzvot deepens our spirituality and draws us closer to God. Reform Judaism is predicated on the recognition of our freedom of religious decision-making within the framework of our tradition. **Such freedom, however, does not license the abandonment of mitzvot altogether, nor allow that they be ignored. We are each obliged, through informed and responsible choice, to adopt *mitzvot* which we will make part of our lives. The whole of Jewish tradition provides us with options for religious living. Such elements of our tradition as *tallit, kippah*, and *kashrut* can deepen and confirm the faith of Reform Jews who choose them** (Schechter et al. 7).

Here, we see that a body partially made up of Reform laypeople has actively endorsed the language of *mitsvah* as it pertains to progressive Jewish life. Furthermore, this document proves that, even among laypeople, *kashrut* is included among those *mitsvot* that are once again 'fit for Reform consumption.'

1988 is also a significant turning point in the history of *kashrut*, because it marks the publication of Rabbi Arthur Waskow's influential article "Down-to-Earth Judaism: Food, Sex, and Money" in *Tikkun*.[97] To be clear: Waskow is writing from a

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[96] I am indebted to Knobel ("Reform" 492) for pointing this out to me. The document appears in the Fall 1988 issue of *Reform Judaism*, pages 6-7. See the accompanying commentary/article written by Schechter et al.

[97] See the Jan./Feb., 1988 issue of *Tikkun*, pages 19-24.

Reconstructionist/Renewal perspective. Yet the concepts he lays out in his article have gone on to influence a significant minority of the Reform movement.[98]

In writing the article, Waskow seems to be addressing himself to *Tikkun* readers whose political/social behavior is quite liberal. Yet, Waskow posits that this behavior is often disconnected from one's sense of Jewish identity:

We may avoid eating some foods – but the foods we avoid are as likely to be non-union grapes, Chilean apples, or fast-food hamburgers from the slashed rain forests of the Amazon – as they are to be lobster or ham. We make ethical decisions about what we eat, but few of us consult Jewish sources for ethical advice (Waskow 19).

Later on, he notes that:

> Many of us act as if "we are what we eat" when it comes to decisions about vegetarianism, macrobiotic diets, boycotts of food grown by oppressed workers in Chile, South Africa, or the United States. Yet many of us also resist the imposition of absolute, black-and-white distinctions in our lives: this you must and this you must not (Waskow 21).

Instead, Waskow seeks to offer a new alternative: "Is there any way to **reshape** this ungainly bundle of our partly contradictory values so that it makes a coherent whole, affirming and strengthening our lives as Jews?" Waskow's solution is to offer up a new way of thinking about *kashrut*, which he calls "ethical kashrut." His vision is to "apply these ethical principles to the choice of what we eat" (Waskow 21).

He begins by identifying seven common liberal social values, and offers us their Hebrew terms as a way of expressing how the value is rooted in the Jewish tradition:

- **Oshek.** The prohibition of oppressing workers – and a similar prohibition of exploiting customers. Its principles could be extended to prohibit eating the fruit of such oppression or exploitation.
- **Tza'ar ba'alei hayyim.** Respect for animals. It could be extended to prohibit eating any meat, or to prohibit eating meat from animals that have been grown under super-productive "factory farm" conditions. It could also be extended to respect for the identity of plants – for example, by prohibiting the misuse of pesticides and of genetic recombination, or the eating of foods that were grown by such misuses.

[98] The most prominent example, when it comes to food, would be Rabbi Richard Levy.

- **Leshev ba'aretz**. Living with, and not ruining, the earth. It could be extended to require the use of "natural" or "organic" foods – foods not grown with chemical pesticides.
- **Shemirat haguf**. The protection of one's own body. It could be understood to prohibit eating food that contains carcinogens and/or hormones, and quasi-food items like tobacco and overdoses of alcohol. This principle would also mandate attention to the problems of anorexia or overeating that cause us deep physical and psychological pain and make food into a weapon that we use against ourselves.
- **Tzedakah**. The sharing of food with the poor. It could be extended to prohibit the eating of any meal, or any communal festive meal, unless a proportion of its cost goes to buying food for the hungry. An extended version of this approach suggests that, in a world where protein is already distributed inequitably, it is unjust to channel large amounts of cheap grain into feeding animals to grow expensive meat protein – and that it is therefore unjust to eat meat at all.
- **Rodef tzedek** and **Rodef shalom**. The obligation to pursue peace and justice. It might be understood to require the avoidance of food produced by companies that egregiously violate these values – for example, by investing in South Africa or by manufacturing first-strike nuclear weapons.[99]
- **Berakhah** and **Kedushah**. The traditional sense that eating consciously must affirm a sense of holiness and blessing. This might be understood to require that at the table we use old or new forms for heightening the attention we give to the unity from which all food comes – whether we call it God or not. This would help us maintain an awareness of the sad fact that we must kill plants and/or animals to live (Waskow 21).

Like Maslin, Waskow is not advocating for an "all or nothing" approach to eating. He admits the possibility of "the danger of obsessiveness" in trying to incorporate these values into one's everyday eating habits. Yet, he sees hope in finding a middle ground, by noting that Jews everywhere differ in their observance of *kashrut*. Some are strict, and some are lenient. He believes that the same spectrum could be applied within his schematic as well. Furthermore, he notes that inevitably, people would have to wrestle with these values to determine which ones are more important. Thus, he writes: "So choices will depend more on a balancing and synthesizing of these values than on an absolute sense of Good and Bad. More on a sense of Both/And than of Either/Or" (Waskow 22).

Waskow also notes that Jews interested in exploring "ethical kashrut" could do so either inside or outside of the confines of traditional *kashrut*.

Waskow concludes his comments about food, by writing:

[99] Keep in mind that Waskow is writing in 1988.

> If we were to draw further on the analogy with traditional kashrut, what we would need is a kind of "living Talmud" – a group of people who are Jewishly knowledgeable, ethically sensitive, and willing to become reasonably expert on questions regarding food so that their advice would be taken seriously by large parts of the Jewish community. Such a commission on ethical kashrut might periodically issue reports and suggestions on specific matters and specific foods, listing specific foods and brands that it regarded as "highly recommended," and others that it though [*sic*] should be "avoided if at all possible" (Waskow 22).[100]

As we already mentioned, Waskow's work has become quite influential among liberal Jews today (see below for more details and examples). Yet, if we are to encourage contemporary Reform Jews to consider integrating certain aspects of Waskow's thought into their own dietary practice (as some, like Rabbi Richard Levy, have suggested), then we should make two important observations.

The first is an issue of semantics.[101] Waskow has chosen to call his approach "ethical kashrut." Yet some would argue that this is problematic. After all, the Jewish community tends to recognize that there is such a thing as a default standard of *kashrut*. Certainly, there are many in the Jewish community that object to the validity of that standard, whether for ideological, historical, or cultural reasons. Yet, the community is generally able to come to some basic agreement on what the term *kashrut* semantically refers to.

The term "ethical kashrut" does not actively seek to place itself within the accepted limits of the traditional definition of *kashrut*. For that reason, some have suggested that we refer to Waskow's ideas as something other than the specific term '*kashrut*', for example: 'a progressive Jewish approach to eating.'

The other thing that we should keep in mind, as we proceed with our survey of *kashrut* (and witness Waskow's influence) is that his ideas are uni-directional. That is:

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[100] Waskow further explicates this notion of a Commission on Ethical Kashrut in the Mar./Apr., 1988 issue of *Tikkun*; see pages 90-91.

[101] I am indebted to my teacher, Dr. Mark Washofsky, for bringing my attention to this semantic dilemma, during a series of conversations in the spring of 2004.

Waskow envisions a Renewal-esque process by which liberal Jews will integrate their pre-existing social values to their hitherto-dormant Jewish identities. However, I would argue that it doesn't need to be so uni-directional. In Reform communities, we can pursue Waskow's goals if we begin with our Jewish identities. Teachers can offer study opportunities about Jewish values, which could then be applied to the social and political contexts of our outside lives. Even more profitable would be some organic combination of both approaches, which would result in a joining of the secular and the sacred.

"Ethical Kashrut" is first addressed by a Reform rabbi in print in 1992. In the spring of that year, Rabbi Edward Rosenthal wrote an article in the *CCAR Journal* entitled "Ethical Vegetarianism: The Perspective of a Reform Jew." Rosenthal's article attempts to show that vegetarianism is an ethical *mitsvah*. He reasons that, if the ethical commandments are binding on Reform Jews, then – by extension – perhaps vegetarianism should be binding on Reform Jews.

In my mind, that argument is less important than Rosenthal's discussion about specific values, and how they might challenge us to think differently about our eating. He writes: "For the Jewish vegetarian there are three main components which prove vegetarianism to be an ethical *mitzvah*: *tsaar baalei haim*, *pikkuah nefesh*, and *bal taschit*" (Rosenthal 50).

Regarding *tsaar baalei haim*, Rosenthal argues that:

> The cruelty which so permeates the meat industry is not limited to veal and foie gras,[102] but to virtually every type of flesh food which is eaten by humans. 'Factory farming' is the term used to describe the methods of raising animals for food. Under the conditions of factory farming the animals are not treated as living beings created by God, but rather as inanimate objects with neither life nor soul which can be treated with whatever cruelty is necessary to be efficient and cost-effective. Factory farming is a blatant violation of the ethical *mitzvah* of *tsaar baalei haim* (Rosenthal 54).

[102] On the recent news concerning the California ban on the sale/production of foie gras, see Broder.

This is one of three examples that Rosenthal uses to argue that Reform Jews have a binding ethical obligation to change the way that they eat. His reading of the biblical text reveals that the only ethically appropriate solution would be for all of us to become vegetarians. Thus, he writes:

> As a Reform Jew, I understand "Behold, I have given you every herb yielding seed, which is upon the face of all the earth, and every tree in which is the fruit of a tree yielding seed – to you it shall be for food" as an ethical *mitzvah* which is given by God. To violate that ethical *mitzvah*, for me, would be a sin (Rosenthal 58).

Although there is a strong vegetarian cadre within the CCAR today (see below), Rosenthal's notions never received widespread acceptance among Reform rabbis or laity. Gross (18) notes that a CCAR resolution endorsing vegetarianism was once considered, but records indicate that no such resolution was approved by the full Conference. Yet, Rosenthal's article remains significant because it indicates to us that the notion of integrating social values (and the mission of *tikkun olam*) into the conception of *kashrut* is one that continued to evolve within Reform circles during the early 1990s.

That process culminated in the late 1990s, when Rabbi Richard Levy, newly appointed President of the CCAR, pushed for a new platform for Reform Judaism. It is clear from Levy's own initial draft of the Principles (published in the Winter 1998 issue of *Reform Judaism*) that a high priority of his was to, once and for all, make it clear that *all* of the *mitsvot* were open to Reform Jews. Thus, the sixth principle of the first draft of the Principles is entitled "We are open to expanding the *mitzvot* of Reform Jewish practice." That draft principle begins with:

> As we strive to admit a greater degree of holiness into our own lives and those of our communities, we commit ourselves to some *mitzvot* that have long been hallmarks of Reform Judaism, and, in the spirit of standing at Sinai with all other Jews, we know we may feel called to other *mitzvot* new to Reform Jewish observance. [...] As part of Reform Judaism's classic belief in ongoing revelation, we know that what may seem outdated in one age may be redemptive in another (Hirt-Manheimer 15).

Within this principle, Levy chose to mention – by name – the *mitsvah* of *kashrut*: "Some of us may observe practices of *kashrut*, to extend the sense of *kedushah* into the acts surrounding food and into a concern for the way food is raised and brought to our tables" (Hirt-Manheimer 15).

Levy imagines a *kashrut* that integrates traditional aspects of the *halakhah and* the vision of "ethical kashrut" that Waskow and others began supporting in the 1970s and '80s. His views on the subject are made plain in the interview that appears with the platform draft in *Reform Judaism* magazine. Within the interview – and the draft platform - Levy insists that the doing of *mitsvot* is an avenue toward God and holiness. Here are selected excerpts:

> {At an upcoming movement Kallah} we will focus on issues surrounding *kashrut*, understanding that a kosher diet can not only fulfill the *mitzvot* of forsaking forbidden foods in the Torah, but can also respond to ethical injunctions. Keeping kosher, I hope, will not be restricted to the separating of milk and meat, refraining from biblical *treif*, and accepting only traditional methods of *shechitah* (slaughter). A Reform approach to *kashrut* should also encourage concern for *tzar ba-alei chayim*, the pain of living creatures cruelly penned in and fattened. Similarly, a Reform embrace of *kashrut* might well ban veal as well as biblical *treif*, and might prohibit fruits and vegetables grown with pesticides or harvested under inhuman conditions.
>
> There are many ways we can reform *mitzvot* into an ethical framework that responds to the challenges of contemporary life. I hope that Reform observance of *kashrut* will, in time, create such a model for associating spiritually with other life choices, such as the clothes we wear, the kinds of homes we live in, the way we use money, and the nature of family intimacy (Hirt-Manheimer 19).
>
> •
>
> When food is increasingly seen as something to be picked up from the local fast-food joint and wolfed down before a television sitcom, our people need a vision of a higher way of life. [...] ...learning in a disciplined, ongoing way the transcendent text of our tradition in the company of others also seeking to elevate their lives; and preparing food as our tradition believes God wants us to – all these *mitzvot* can help us transform our own lives and model such transformations for others (Hirt-Manheimer 20).

Levy made his case for an "ethical kashrut" passionately in the *Reform Judaism* interview. But Gross reminds us that:

> Reform Judaism has remained cautious enough on endorsing *kashrut* that even nine years after Knobel characterized the move toward greater observance as a "revolution," the mere use of the

> word "*kashrut*" was removed from the fourth draft (out of six) of what became the 1999 PP, since it caused too much controversy (Gross 11).[103]

Indeed, for all of Levy's emphasis on *kashrut* in the months leading up to the CCAR Convention in Pittsburgh in 1999, the term does not appear a single time in the final draft passed by the Conference! The closest that the final version comes to *kashrut* is when it notes:

> We are committed to the ongoing study of the whole array of (mitzvot) and to the fulfillment of those that address us as individuals and as a community. Some of these (mitzvot), sacred obligations, have long been observed by Reform Jews; others, both ancient and modern, demand renewed attention as the result of the unique context of our own times.

Yet, Levy was not deterred. In the CCAR's official commentary to the Principles, we once again find numerous references to *kashrut*. One example is:

> In a time when more and more people are using diet to express their beliefs, "our peoples' ongoing relationship with God" makes an increasing number of Reform Jews look seriously at aspects of *kashrut*. The Third Draft of the Principles specifically mentioned *kashrut*, *tallit*, *tefillin*, and *mikveh* (ritual immersion) to demonstrate the principle that there is no *mitzvah* barred to Reform Jews, even as the Reform movement does not compel the observance of any *mitzvot*. Implied in the word "modern," is a desire to "introduce innovation while preserving tradition" (Preamble). An example of this might be extending dietary restrictions to animals raised under conditions violating *tzar baaley chayim* (inflicting pain on living creatures), or refraining from foods which demonstrate the *oshek*, oppression, of those who work in the fields to harvest our foods (Commentary to Pittsburgh, viewed at http://ccarnet.org/platforms/commentary.html).[104]

It is clear[105] that, although Levy's attempt to codify an "ethical kashrut" for Reform Judaism failed within the 1999 Principles, he has not abandoned his commitment to this cause. Indeed, Levy remains a prominent force on the current CCAR Task Force on Kashrut, where he continues to advocate for his unique vision. As we move beyond the discussion surrounding the Principles of 1999, we will discover that the discussions taking place within that task force have the power to shape the next generation of Reform thinking about *kashrut*.

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[103] Regarding the controversy, see for example Rabbi Robert Seltzer's response to the first draft of the Principles on pp. 23 – ff. of the Winter 1998 issue of *Reform Judaism*.
[104] The commentary is unsigned, but its language has all the hallmarks of an essay by Levy.
[105] Based on interviews with Rabbis Steve Kushner and Sue Ann Wasserman.

Gross (18) notes that the task force was created under the CCAR presidency of Rabbi Charles Kroloff (c. 1999-2001).[106] Rabbi Bennett Miller notes:

> In the summer of 2000, a number of Reform rabbis in attendance at the Shalom Hartman Institute's Summer Rabbinic Program began a discussion about diet and *qedushah* as it applies to the new Statement of Principles. Out of that discussion the Central Conference of American Rabbis established a task force on *kashrut* (Miller 3).[107]

Miller, who served as Chair of the task force from c. 2000 – 2003, organized a two-day seminar for Reform rabbis in 2001 to explore how "Reform Jews in today's world might approach dietary issues from the unique perspective of the new Statement of Principles" (Miller 3-4). The papers given at that seminar make up the bulk of the material that appears in the landmark Winter 2004 edition of the *CCAR Journal*, which was devoted to *kashrut* and Reform Judaism.

The mission of the task force has been slightly amorphous over the last few years. Gross suggests that the task force was initially asked to:

> (1) make recommendations for a *kashrut* policy for CCAR meetings, and (2) develop guidelines and approaches to *kashrut* for the movement as a whole. To achieve these ends, four subcommittees were set up in the following areas: (1) recommendations for within the CCAR, (2) recommendations for the Reform Movement generally, (3) "eco-*kashrut*," and (4) preparations for presentations at the UAHC Biennial (Gross 18).

In the late 1990s,[108] perhaps coinciding with the re-kindled interest in *kashrut* being spurred on by Richard Levy and the Principles, there seems to have been a negative reaction among a sizable minority of the CCAR that un-*hekshered* meat was still being

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[106] Gross (18) also documents the mandates of this (apparently) first task force.
[107] Rabbi Paul Menitoff of the CCAR confirms that: "Bennett Miller was the first chair of the task force" (email correspondence with Menitoff, December 1, 2004).
[108] Rabbi Paul Menitoff estimates that it was in 1997 (email correspondence with Menitoff on January 27, 2005).

served at CCAR national conferences.[109] Thus the CCAR renewed its call to the Kashrut Task Force to once again recommend a *kashrut* policy for CCAR national meetings.[110]

As a stop-gap measure, the CCAR Board decided to stop serving un-*hekshered* meat at CCAR national functions. As a result, catering has been limited to dairy/fish meals for the last year or so.

However, members of the task force (projecting the diverse needs and desires of the Conference) have indicated that a permanent vegetarian/fish policy would not be satisfactory to the CCAR. The new reality of the CCAR is that there are many competing dietary constituencies. Each one of these rabbinic constituencies sees its dietary vision as being religiously informed; as a result, the constituencies are apt to being religiously offended if the CCAR doesn't honor their dietary choice. To illustrate this, I shall attempt to name some of the constituencies below:

- A) Those who have concluded that Judaism permits them to eat anything.
- B) Those who have chosen to follow a traditional/strict interpretation of *kashrut*.
- C) Those who have chosen to follow a traditional/strict interpretation of *kashrut*, but who object to the fact that Orthodox rabbis/institutions provide the *heksher*.[111]
- D) Any number of those in "B" or "C" who want to follow the teachings of "ethical kashrut" *in addition to* traditional *kashrut*.
- E) Those that want to follow "ethical kashrut," but who have no interest in traditional *kashrut*.
- F) Those who keep Biblical kashrut, or some other form of kosher-style.

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[109] Extensive anecdotal evidence seems to indicate that, prior to this time, those who wanted kosher meals were able to put in a special order. Often those kosher meals came in the form of "airplane style" meals, which some kosher members of the conference objected to.

[110] Under Rabbi Bennett Miller, another major goal of the committee was to develop a publication tentatively titled "*Sha'arei Kashrut*" that would function to provide Reform models of integrating the dietary laws into one's Jewish observance, along the lines of the well-received *Gates of Shabbat*. The task force got as far as developing a book proposal (Rabbi Elliott Kleinman's draft proposal was shared with me by Georgine Pellegrino of the CCAR, in email correspondence dated August 23, 2004). However, the process to create such a book seemed to stall in 2003-2004 when Miller stepped down as Chair of the task force. Since Rabbi Steve Kushner has taken over as Chair (summer 2004), the task force has concentrated its energy on creating a new dietary policy for national CCAR meetings, without concentrating on a major publication or on an official policy for any other part/body of the Reform movement.

[111] In other words, there are many who feel that it is problematic to have an Orthodox rabbi certifying something as kosher, if that Orthodox rabbi doesn't see Reform Jews/the Reform rabbinate as legitimate.

- G) Those who are vegetarians.
- H) Those who are vegans.

Admittedly, the task force has its work cut out for them. Is it possible to create a policy that will make all of these constituencies feel like their religious choices have been 'heard' and honored? Probably not.

At the same time, there does seem to be several points of consensus, at least based on the few meetings of the task force that I was privileged to take part in:

- To the extent possible, the CCAR should avoid using Orthodox *mashgikhim*.[112]
- To the extent possible, the CCAR should integrate some of the values of "ethical kashrut" into its dietary policies.[113]
- To the extent possible, no one wants the cost of food to skyrocket at conventions, in order to meet any of these new needs.

Now that we have identified some of the aspects that will inevitably play out during the decision-making process, allow me to briefly describe how that process is projected to take place.

The Task Force was originally given approximately six months (between July and December, 2004) to recommend a new policy to the CCAR Board, so that it could be approved and implemented in March, 2005. The Task Force found this deadline to be unrealistic. When the task force realized how many different constituencies had a stake in the decision, it became clear that the process would have to be longer, and more open to the feedback of Conference members from across the country.

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[112] This ideal is doubly problematic: (1) hotels could potentially run the risk of losing the business of the traditional kosher community (due to retaliation), if the hotel allows Reform rabbis to supervise a "kosher" event; (2) there is still the problem of the *heksher* on meat. If the CCAR decides to have kosher meat, it is – at least for the time being – relying on largely Orthodox authorities to supervise the slaughtering.

[113] The CCAR will be experimenting with Reform *mashgikhim* for the first time at its March 2005 conference in Houston, where it was decided that meat would only be served for one meal: at an evening BBQ being thrown at a local ranch (away from the hotel). In terms of the problem of the meat *heksher*, the task force has decided to leave that up to the local organizing committee to deal with.

As a result, the Task Force now intends to begin the process by conducting an open meeting at the 2005 convention that will inform the CCAR membership of the task at hand, and begin to lay out some of the key values that will have to be addressed in the policy (i.e. supervision, ethical or not ethical, etc.)

After the 2005 convention, the Task Force will seek to gain oral and written input from members across the country, primarily by conducting a series of workshops at regional CCAR meetings between 2005-2006. Based on the feedback in those meetings, the Task Force hopes to have a new policy drafted somewhere around the time of the 2006 convention.[114]

Looking Ahead

We have now had the chance to survey Reform Judaism's response to *kashrut*, a survey that has taken us from the Old Country in Eastern Europe to the shores of the New World. The only question that remains is: what does the future have in store?

It is a bit too early to say how much of Richard Levy's vision for a Reform *kashrut* will be adopted (if at all). But Levy, always thinking ahead, has already imagined the mechanism by which a Reform *kashrut* could actually function:

> I would propose that we establish a **Reform Kashrut Board** to make recommendations for individuals and synagogues, recognizing that even though a minority of Reform Jews in a synagogue may keep kosher, the synagogue can help its members understand what *kashrut* is in a Reform context, and offer them models for personal observance if they feel called to do that. After all, synagogues observe Shabbat even though many of its members do not, and the synagogue provides models for Shabbat observance that its members may follow. [...] How can our people know whether the *mitzvot* of Jewish dietary practice are calling to them if they cannot recognize what that practice looks like? Once some guidelines are developed, we can explore whether we want to train our own *shohtim* and *mashgihim* – kosher slaughterers and supervisors – or whether we wish to contract with some more liberal members of those professions who have indicated they might like to work with us. As for keeping track of the changing practices of growers regarding their farmworkers, there is a precedent for keeping Reform kosher consumers posted. Just as Orthodox organizations supervising *kashrut* issue periodic advisories about products that have acquired or lost a *hekhsher*, a Reform Kashrut Board could issue advisories

[114] I would emphasize that all of these dates are subject to change. The vast majority of the information about the task force was gleaned from two Task Force conference calls, in August and November, 2004.

> notifying Reform Jews that if they are observing Reform standards of *kashrut*, they should avoid certain brands of mushrooms or berries, and might be encouraged to buy other brands (R. Levy 52).[115]

My own sense is that the institutionalization of such a Board might continue to push away all of the rabbis who lobbied to have the word "*kashrut*" removed from the Principles. Levy's idea may simply be politically unfeasible.

Yet, at the same time, one must marvel: both at how far the movement is on the verge of coming since the Pittsburgh Platform of 1885, *and* at what an exciting prospect a Reform Kashrut Board is, at least in theory. The Board *does* represent a chance to integrate ritual with a profound concern for the world around us. My own feeling is that a wealth of religious meaning might be found in that sort of enterprise, for all of our people.

But it is not just institutional changes that are waiting for us in the distance. There is also the question of how new expressions of *kashrut* will affect the ways that Jews relate to one another.

The old model was that Jewish communities have an obligation to cater (in this case, quite literally) to the highest common denominator. Thus, the default dietary policy at a Jewish communal event (like something sponsored by a Federation) would be kosher, according to a traditional standard. My sense is that that model is based on the presumption that Jews who do not keep kosher won't be offended, because: a) they will still be able to eat everything at the event and b) they did not make the same kind of

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[115] Note how Levy seeks to bring part of Waskow's original vision to fruition. Such a Reform Kashrut Board could, in theory, consolidate information from websites like:

- www.nfwm.org The website of the National Farm Workers Ministry, cited by Litvak (41). Among other things, the site lists brand names of foods produced by unionized farm workers.
- www.fairtradefederation.com
- www.theorganicpages.com

religious choice to eat *tref*, in the way that the "observant" Jew chose to eat kosher (and thus would not be offended).

The future of *kashrut* would seem to indicate that that model/set of presumptions is beginning to break down. The emotional debate within the CCAR is one illustration of this. Another can be found in the provocative 1996 article "Assimilation and Digestion: An Anthropology of *Kashrut* in Postmodern America" by Eleni Zatz Litt.

Litt reminds us that, in the past, *kashrut* served as a powerful barrier between Jews and non-Jews.[116] Yet, at the beginning of the 21st century, the vast majority of Jews find themselves successfully assimilated into the American landscape.[117] And so, Litt suggests, the issue of *kashrut* today only serves as a barrier between "our fellow Jews" (Litt 62). Litt notes that some progressive Jews *are* "alienated" when they attend a Federation dinner today, because they are made to feel like the religious choice they made (to keep "kosher style," or "ethical kashrut") is not being honored (Litt 63). She goes on to remind us that these problems do not just express themselves on a communal level. They can also be found in many Jewish families today. One cousin keeps a traditional version of *kashrut*. The other keeps "ethical *kashrut*." Litt wonders: "Will contemporary *kashrut* unite or divide us?"

One can easily imagine the same sorts of fissures within the large family of the CCAR. Will there be the possibility of compromise? One has to believe that such compromise is possible, if the constituents are truly committed to creating a shared community with one another. The process of communal study and debate of the issue,

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[116] Indeed, many have speculated that Classical Reformers were opposed to *kashrut* because, in the interest of assimilation, they abhorred the idea of a barrier!

[117] Several modern writers have argued that the 'return to tradition' has occurred now *because* we're so assimilated. We're no longer threatened by particularistic behavior. Indeed, those that *shrai gevalt* over intermarriage would argue that we're too universalistic.

before it is finally resolved, has the potential to be "for a blessing," as Litt (65) describes. We hope and pray that that is true.

Survey Results and Analysis

Our examination of the changing presence of *kashrut* in the Reform movement would not be complete without some discussion about what is happening on the ground in Reform communal settings today.

Prior to my work, the most recent study that had been conducted to determine the dietary practices of Reform communities was carried out by the UAHC in 1989.[118] Based on the 425 congregations that responded, the survey found that:

- 72.7 % prohibited pork and shellfish
- 26.8% did not mix meat and dairy
- 6.8% maintained a "strictly kosher kitchen"[119]

The 1989 data proved incomplete for my project, both because of its date and because it was written and carried out as part of a broader attempt to describe the changing nature of Reform practice. Conversely, my goal in surveying was to gather anecdotal evidence that would shed light on the issue of the dietary laws in particular.

To that end, and in conjunction with my thesis advisors, I created a list of institutions that might represent (not technically speaking) a cross section of the movement. To begin with, I chose twenty American[120] congregations that all affiliate with the URJ. The twenty were chosen in an attempt to acknowledge temple cultures that

[118] The survey was part of the larger examination *Worship and Ritual Patterns of Reform Congregations* prepared by Rabbi Sanford Seltzer. I am grateful to Rabbi Sue Ann Wasserman for providing me with the 1989 data. Given the relative lack of data that I have collected for my comments below, I'm not sure that we know enough to argue strongly about how the movement has changed between 1989 and today.
[119] This number seems a bit higher than expected. Perhaps the Union included Canadian congregations (which tend to skew more traditional) in its survey.
[120] Less than 3% of the Union's congregations are found in Canada. Inclusion of Canadian data could have meant unduly influencing statistical results that are being garnered from an already-miniscule sample. This attitude is not meant to indicate a lack of interest in how Canadian and American Reform Judaism differ. On the contrary, such a study (including a discussion about *kashrut*) is surely relevant. It is simply outside of the bounds of this project.

might have differed because of: region of the country, size of the congregation, and setting of the community (i.e. urban, suburban, and rural). Later on, I'll address non-synagogue institutions. But, for now, let's examine what is happening in contemporary Reform congregations.

Of the twenty temples contacted by phone, 18 agreed to participate in my survey. The same questions were asked of each community, although follow-up questions differed from site to site. Many communities were generous enough to share, via e-mail, actual policy documents. We should note, however, that only 13 of the 18 (72.2%) have any kind of written policy that addresses dietary issues in the synagogue building. Therefore, in some cases, the results below indicate an ingrained institutional culture that may not be recorded within a formal policy statement. Here is a summary of my findings:

- **18 of 18 (100%)** prohibit shellfish/shellfish by-products
- **18 of 18 (100%)** prohibit pork/pork by-products[121]
- **9 of 18 (50%)** prohibit mixing meat and dairy ingredients on the same plate (if there is a "plated" function), or within the same entrée (if there is a buffet)
- **7 of 18 (38.8%)** prohibit mixing meat and dairy ingredients on the same table/buffet line[122]
- **0 of 18 (0%)** mentioned concern for the values of ethical kashrut
- **10 of 18 (55.5%)** ban bread[123] from their buildings during Passover

[121] One congregation interviewed noted that their written policy only prohibits shellfish; yet, their culture has evolved in recent years to unofficially prohibit pork as well. Another congregation noted the exact same circumstances with regard to the fact that only pork was prohibited in their rules, and shellfish was prohibited according to the sense of the culture.

[122] Although, of these seven, several told me that they would have no problem if the congregation served meat and dairy items from different sides of the room.

[123] All ten of these congregations prevent (to the extent possible) any bread from being on the premises during Passover. This includes cleaning out the kitchen, monitoring the snacks of religious school students, and preventing non-Jewish staff members from bringing bread sandwiches for lunch. Of the ten, there was a difference of opinion as to whether or not this prohibition extended to all forms of *khamets*, or just to bread. Among those that prohibited *khamets* in general, there was a difference of opinion regarding *kitniyot*.

The interviews failed to reveal any statistical trends with regard to size or location, etc. A large congregation is just as likely to mix meat and dairy as it is to keep them separate. And a small, isolated congregation is just as likely to ignore some aspects of *kashrut* (perhaps because acquiring kosher products is difficult) as it is to embrace *kashrut* (because small congregations often serve as centers of Jewish community that defy normal denominational boundaries).

Yet, there are certain trends that nearly all of these congregations shared, regardless of demographic. These similarities reveal, I think, different aspects of *kashrut* in the Reform movement; they are, therefore, worthy of our closer attention.

First and foremost, I found that *kashrut* was only on the "radar screen" in congregations where a full time staff person (a clergy-person or administrator) was committed to, and at least semi-knowledgeable about, the issue. That's not to say that congregations without such a staff person didn't have a dietary policy; many times they did have such a policy. But it became clear to me that congregational policies are most often <u>enforced</u> if a full-time staff person is committed to doing so. As a case in point, the Executive Director of a 1000+ member-unit congregation in Chicago prefaced her responses to me by noting that she was "Conservative" and that she "kept kosher" at home. As part of her job, she actively follows up with congregants or committee chairs to educate everyone as to the temple's rules.[124]

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[124] With regards to the term "Conservative," I do not intend to suggest that Conservative Jews are more or less observant than Reform Jews. Rather, I report the staff person's own descriptor because it is indicative of a Jewish practice that, for this individual, contrasts notably with the practice of the Reform Jews whom she serves. Interestingly, the staff person was self-aware enough to note that although the temple policy was not as traditional as this person's home practice, the staff person had no problem administering the temple's policy, and was careful not to let this person's own views get in the way of his/her professional job. However, this is the same person who explained to me that the congregation "tries as much as possible to use *hekshered* caterers" because non-kosher caterers "always screw up somehow" the temple's "kosher-style" dietary guidelines.

It should be noted that this Chicago congregation had one of the most traditional[125] policies among the temples that were surveyed. Their "kosher-style" policy indicates that, with regard to the separation of meat and dairy, each "meal" shall be designated as one or the other. This is substantially stricter than those congregations that prohibit mixing by plate/buffet line.

In contrast, another equally-large congregation in the Midwest had no written policy or guidelines at all. I was specifically told that they gave nothing in writing to the caterers that families contracted with for Bar/Bat Mitzvahs, etc. That temple's policy of no pork or shellfish is "understood." The staff person that I spoke with insisted that non-kosher caterers did not need to be specifically informed of any temple policies. When I pressed the staff person on this issue, out of curiosity as to how their policy is enforced, they responded: "everyone realizes that this is a Jewish institution and that we want to observe those basic dietary laws."

That response could be improved upon. It seems to me that since this institution took the trouble to formulate a (theoretically) thoughtful policy, then it should care about enforcing it. Yet, by not giving any written instructions to caterers, the organization silently proclaims that 'we don't care very much about our own standards and policies.' Furthermore, this staff person's response indicates a lack of interest, when it comes to Jewish tradition. When I asked what was meant by "basic dietary laws" I was met with only silence.

The second similarity shared by congregations was that, by and large, most of them considered their dietary policy to be part of the Building/House Rules. In these

[125] 'More traditional' does not indicate 'more effective,' or 'better.' But I note the fact here because it seems to me that such a strict policy can only be adhered to with the commitment of a rabbi, or committed staff person. The Executive Director seems to fit the bill here.

cases, dietary regulations are but one subsection of a larger text that addresses rental policies, maintenance procedures, etc.

Notably, of the 13 policies that were actually written down, only two of them stood on their own as semi-official statements of the congregation. I find this to be telling, because the two statements – much more so than the other 11 – demonstrate that a sophisticated thought process went into the writing of the policies, such that the policies were intricately connected to the religious mission and vision of the temple. For example, the following statement comes from a large congregation in New York City:

> It shall be _____'s policy to observe "Kosher style" with respect to food provided at all congregation functions (whether or not conducted in the synagogue), and with respect to food brought into the synagogue by a member for his or her own consumption or to share with others.
>
> _____'s kitchen is not kosher in the traditional sense. In an effort to recognize our Jewish heritage and the role that *kashrut* [the dietary laws] has played in our history, some element of *kashrut* will be observed on the _____ premises. Our kitchen will not contain separate dishes, implements, or serving platters designated specifically for meat or dairy meals.
>
> The following dietary rules should pertain to all foods served at congregation functions or brought into _____:
>
> 1. Permitted Foods
>
> Some foods (including all fruits, vegetables, most fish, and eggs) are considered *pareve*, meaning that they are permitted and may be part of either a dairy or meat meal.
>
> Meat from cud-chewing animals with cloven hooves (most commonly, beef, veal and lamb) is permitted. Meat from poultry (i.e., chicken, turkey, duck, and geese) is permitted. However, as indicated below, dairy products may not be served with any of these meats (except fish).
>
> 2. Foods Not Permitted
>
> The only fish that can be considered "kosher" are those with both scales and fins. Therefore, catfish, sharks, eels, and shellfish (crustaceans and mollusks) are not permitted.
>
> Pork and pork products (bacon, ham, pork sausage, etc.) are not permitted.
>
> 3. Mixing of Milk and Meat
>
> _____ discourages the placement of dairy products (butter, milk, cream, cheese) on the table when meat is being served as a symbol of our adherence to dietary observance. There shall be no mixing of milk and meat at congregational functions.
>
> 4. During Passover No *Chametz* is Permitted in the Synagogue

Chametz is leavened bread and anything made with wheat, rye, barley, oat, or spelt, which has not been supervised to ensure that it has not leavened. Packaged foods that can be used for Passover usually are so labeled.

5. Outside Groups

Outside groups also must follow the above policies.

Reasoning:

While Reform Judaism leaves it to the individual to decide whether or not to observe the *kashrut* laws, many Reform Jews who observe the dietary laws, totally or in part, do so because for them, (a) it adds to their personal expression of Judaism with the daily meals serving as reminders of Jewish ideals; (b) it provides an additional link with other Jews and a link to history, enabling Jews of all groups to eat in their home or their synagogue; and (c) it encourages ethical discipline. A large number of Reform Jews observe some modified form of the dietary laws by abstaining from the forbidden foods and/or the mixing of meat and milk.

For these reasons, we are adopting this same expression of Judaism for meals eaten inside the premises of _____ or at functions sponsored by the congregation. Our goals are both to create a common ground that will be welcoming to the majority of our congregants and our guests, and to encourage our members' spiritual growth by practicing the *mitzvah* of *kashrut* observance, even if only for a short time.

It is important to note that this policy is *not* intended to require congregants to observe the dietary laws in their daily lives outside of the synagogue. While the congregation encourages each member to educate himself or herself about *kashrut* (and other traditional Jewish practices as well) so as to be able to make an informed decision, the choice of whether - and to what extent – to observe the dietary laws outside of synagogue functions is the individual congregant's choice alone.

To be clear, this policy is not the norm. A statement of this depth and breadth stands in sharp contrast to the much more oft-found dietary clause within the building rules. When a congregation puts their policy in this format, it disconnects the policy from the wider religious vision of the community. Within the building rules, a *kashrut* policy can't express the community's religious values. The building regulations can only express a list of rules. One such example of this norm appears below. It was crafted by a large congregation in the South:

KITCHEN USE [126]

1. Kitchen fees are charged for routine use of the kitchen. Additional charges of actual cost will be made in the event of breakage.

2. Building personnel may be made available to assist in locating and in using kitchen equipment, as well as to clean up after a function. Labor charged with a 4-hour minimum

[126] This is a sub-section of the Building Rules.

will be made. The number of building personnel necessary will be determined by the Executive Director.

3. The building staff is not responsible for preparation of food.

4. Pork is not permitted to be prepared or served.

5. Information on events catered by Sisterhood, is available from the Sisterhood Vice President in charge of catering.

6. Kitchen equipment cannot be removed from the building.

The former statement provides us with an example of what Reform synagogues can and should do in the future because it reflects a well thought out approach to food (including the reasoning behind the policy). Alternatively, the latter represents the place where much of the movement is today: it is a watered-down policy that is potentially disconnected from the mission and vision of the congregation.

Another similarity to point out is that all 18 congregations uniformly chose not to publicize their standards to the membership at large. At best, some synagogues chose to actively distribute the text (often of the building rules) to members of the House Committee and/or the Board in general. Sometimes, the only written acknowledgement of a policy exists because of the need to inform/teach non-kosher caterers! And, we have already mentioned one example of a congregation that does not even do that much. A congregation's decision not to publish the policy to the laity, or to distribute it in some other (electronic?) fashion is yet another indication that the issue of *kashrut* is not on the "radar screens" of many of our institutions.

I'd like to close my comments about the congregational portion of the survey with some ideological observations. First, I think it's important to call to mind the aforementioned perspective of Lance Sussman.[127] Sussman argues that – contrary to popular belief – Reform has long observed *certain* aspects of *kashrut*. When Temple X

[127] See Gross 9 and the D. Cohen article.

decides to prohibit pork and shellfish from the building, that indicates a desire on the temple's part to honor part of the Jewish dietary tradition. So, although we would not say that Temple X is *kosher*, we would note that the decisions they have made are religiously significant.

Furthermore, we would do well to consider that the changing face of Reform Judaism is not so concerned with being "more" or "less" observant; instead, when it comes to *kashrut*, I would argue that we should consider whether or not American Reform communities are becoming "more" or "less" open to the authority of Rabbinic Judaism.

We have already pointed out that Classical Reformers did away with the authority of the rabbis and rabbinic literature, while maintaining a steadfast commitment to the authority of the Bible. I would argue that many of today's Reform Jews are beginning to reclaim their rabbinic heritage. And this is perfectly illustrated by the fact that 50% of congregations are instituting rules concerning the separation of meat and milk. As we saw in our first chapter, issues of meat and milk have biblical roots; yet, traditional *kashrut* vastly expanded the biblical prohibition within the literature of the rabbis. Thus, a number of our congregations are once again choosing to respond to the words of our ancient rabbis.

This is not to suggest that the authority of the Bible is diminishing. Far from it! This is best illustrated by the 55% of congregations who physically remove bread from their buildings, in literal fulfillment of the commandment in Exod 12:15. In fact, rabbinic

law does *not* mandate removal, as long as the bread is symbolically sold to a non-Jew and then locked up for the duration of the holiday.[128]

One final note about Reform congregations: not a single one of the 18 communities connected their dietary rules with concern for animals, consuming foods that had been produced according to standards of fair trade, etc. This is certainly a trend to be looked for in the future.

In addition to URJ congregations, my survey also included individual URJ camps and several national URJ institutions.

With regards to the camps, I was in touch with four out of the 12 URJ camps. Three out of the four agreed to be interviewed.

During most of the last fifty years that the Union has operated sleep-away summer camps, the camps were free to develop their own dietary policies. According to Jonathan Cohen, Director of URJ Jacobs Camp, there used to be no "national standards" during the 1950s and 1960s when Union camps were first established. However, since the 1970s the camps (according to Cohen) have all agreed to follow (at a minimum) the following UAHC "kosher style" policy:

> Introduction
>
> The UAHC encourages young people to experiment with dietary alternatives as a potential meaningful value in one's quest for spirituality and Jewish identity. The above [*sic*] practices are in effect in order to educate and to serve the whole Reform family. The freedom of the individual to choose and to learn about choice in a positive atmosphere, is a principle of UAHC Camp Institutes and NFTY. Therefore, while each camp or region may require reasonable consistency, children and staff must not be dissuaded from seeking meaningful religious practice.
>
> Official Policy on Dietary Practices
>
> 1. No pork or shell fish or by-products of pork or shellfish will be served.
> 2. All prepared foods will contain vegetable shortening as opposed to animal shortening.
> 3. Grocery items, such as crackers, cakes, and cookies will contain vegetable oils and if found to contain animal by-products, will be returned for exchange.

[128] Though this might be philosophically challenging to a liberal Jew. For example, see Petuchowski 296.

4. When meat products are served, vegetarian alternatives will be offered. Milk as a beverage will be available for those who desire.
5. When meat products are prepared with milk products, the meat product must also be served as a stand alone or the equivalent dairy item must also be served. It is also acceptable to have the milk products on the side. As examples: when meat lasagna is served, cheese lasagna should be served. When cheeseburgers are served, plain hamburgers must also be served; when tacos are served, the sour cream and cheese should be kept separate.
6. An attempt should be made to prepare all vegetables without milk products when meat is served. It is also acceptable to serve alternative vegetables. For those individuals who register as "kosher," non-dairy desserts should be offered as an alternative following meat meals when a dairy dessert is served.
7. Vegetarian food must be offered for those who elect not to eat meat, fowl, or fish, for either religious or vegetarian reasons. When a camp chooses to offer either a kosher TV dinner or kosher meat, no extra charge may be assessed to either staff or campers.

There are several interesting things about this policy. Note the reference to "the whole Reform family." That phrase seems to refer to the wide variety of choices that our Reform Jews make, concerning their observance. Yet, the fact that this policy was written for *all* of the Union's camps should also cause us to consider whether "the whole Reform family" also refers to *all* Reform Jews throughout the country. I point this out, as this could well be the first movement-wide dietary statement that the Union ever made.

In terms of the actual content of the policy, it seems to be an attempt to please both sides. For those that want to mix milk and meat, fine. For those that want to honor that aspect of *kashrut*, fine – there will be an appropriate alternative.

When Cohen took over as the Jacobs Camp Director in 2000, he decided that his camp should deviate a bit from the policy. He decided that he would still allow the mixing of meat and dairy, but that he "wouldn't do it for them." In other words, at Jacobs Camp today, campers are never served a plate that already has meat and dairy on it. If they want to add cheese to their meat tacos, that's their prerogative.

Yet, not all Union camp directors seem to be aware of the Union policy that Cohen shared with me. For example, Ruben Arquilevich of URJ Camp Newman/Swig

informed me[129] that their policy (no pork/shellfish and no mixing of meat and milk) was developed more than 10 years ago by PARR, one of the West coast regions of the Central Conference of American Rabbis. The involvement of PARR indicates that (at least in California) the local rabbis make dietary policy, rather than a national body of the Union.

Perhaps most fascinating, however, is the case of URJ Camp George: the Union's sole camp in Canada. In 1999, the Union bought the camp; in the process, the camp established the Reform movement's very first "kosher" (by traditional standards) camp kitchen.

In addition to the other staples of a fully kosher kitchen (i.e. permitted and prohibited ingredients, separate dishes, etc.), Camp George had to address an issue that is especially controversial in some Reform circles: the question of kosher supervision.[130] The camp sought out a unique compromise. Ron Polster, Director of Camp George, explains:

> During the year, our kashrut is supervised by COR (which is the Canadian equivalent to the OU symbol in the States [...].) A mashgiach whom they supply must be on the premises at any time that we are preparing meals for a group or a group is in attendance. During the summer months, we have our own mashgiach, who serves as Dean of our faculty for the summer. (Most often two people: a reform rabbi for each camp session.) The COR people then come in at the end of the summer to "Re-kasher" the premises according to their standard. In practice, however, there is no difference between the standard of kashrut we maintain over the summer months and that which is practiced during the conference season (Email from Ron Polster, dated September 22, 2004).

It could well be that Camp George is the first institution in North America to maintain its own Reform *mashgiakh*.[131] We will see, below, that this is perhaps the beginning of a

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[129] Email from Ruben Arquilevich, dated October 4, 2004.

[130] The controversy stems from the concern, on the part of some Reform rabbis, as to why "we" would rely on the Orthodox (who are usually the only recognized kosher supervisors) for a religiously authentic experience.

[131] It should be noted, however, that the Reform mashgiach at Camp George supervises a traditionally kosher kitchen. We will see, below, that others are suggesting that a Reform mashgiach might enforce a new and progressive set of dietary standards that may – or may not – overlap with traditional *kashrut*.

new and budding phenomenon within a Reform community that is now striving to address Jewish dietary concerns with a seriousness that was absent in the past.

One final note about Camp George: Polster went to great pains to point out that the official dietary policy of the camp was "kosher and nut-sensitive." In explanation, he wrote that: "As a nut-sensitive community, we stay away from serving any items that contain nuts. This is particularly true during the summer months, as we have a number of children with identified nut allergies." Later on, in explaining that the dietary policy applies to camp space inside and outside of the Dining Hall, he wrote that "no nut products are brought onto the camp grounds, as this may be lethal."

Obviously, Polster has great concern for the health of his campers. Any good camp director would probably share his concern. What is unique, here, is that Polster has chosen to establish the "nut ban" as part of the camp's dietary rules. This is an example of what a good Reform dietary policy can be. He has taken a value (that is generally not classified under the traditional laws of *kashrut*) and he has applied that value to the general dietary rules, thereby enhancing the meaning within his camp's food guidelines.

The descriptions of the policies at these three camps don't necessarily represent the next big trends in Reform camping. But they do offer us an invaluable anecdotal taste of what is happening on the ground; more importantly, they shed some light on the forces and conditions that have compelled the camps to make such varied decisions.

If our congregations represent Reform Judaism on a local level; and our camps reach out to youth on the regional level; then, it would seem that our exploration of contemporary practice remains incomplete until we address what is happening nationally today.

In North America, the Reform movement is represented nationally by a troika of organizations: the Union for Reform Judaism (URJ), the Central Conference of American Rabbis (CCAR), and the Hebrew Union College – Jewish Institute of Religion (HUC-JIR). In the course of my survey, I had the opportunity to speak to representatives of each of these three unique organizations that represents Reform Judaism on the national stage.

At the URJ, I directed my questions to Robin Hirsch, who serves as the Director of the Union's Meetings and Conventions/Biennials department.[132] I was more interested in finding out what, if any, guidelines were in place concerning: (a) food service at the Union's headquarters in New York;[133] and (b) menus at the URJ Biennials (as the official gatherings of the national Reform movement).

Hirsch began by making it clear that no official written policy statement exists, when it comes to planning URJ menus. Yet, she did note that "there is a policy." The policy, Hirsch went on, is something that she discussed privately with Rabbi Eric Yoffie, when he became President of the Union. The result of those conversations is the following *minhag* (custom) at the URJ headquarters in New York for all official catered meals inside the building:

- No pork or shellfish
- No "serving of dairy with meat"
- Always offer both fish and non-dairy vegetarian alternatives

There is a cafeteria within the URJ complex. The cafeteria does not serve pork or shellfish. On Passover, Hirsch noted, the cafeteria does not adjust its menu.

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[132] Telephone interview with (and email from) Robin Hirsch on August 19, 2004.
[133] I see this as significant because it is the "home base" of the Reform movement. What they do there could be seen as a statement regarding how the Union believes the rest of the movement should practice Judaism in the future.

In theory, the same policy is in place for URJ Biennials. Hirsch noted, however, that the meeting planner (she, in most cases) must go to extraordinary lengths to make sure that the chef who is preparing the meal (usually at a hotel or convention center) is aware of the policy. To that end, Hirsch has crafted the following paragraph that she includes in every Banquet Event Order (BEO), the document that instructs the chef/catering department about the meal:

> No pork or shellfish may be served or used in any recipe. No dairy products should be used in sauces for poultry or meat nor should dairy products be served when meat or poultry are served. Pareve margarine and non-dairy creamer must be on the table when poultry and meat are served. Butter and dairy products may be served at breakfast and at meals when only fish and vegetarian entrees are served.

The fact that Hirsch goes out of her way to give this instruction reveals a number of factors. First, it expresses the Union's legitimate concern about the issue of mixing meat and dairy. Second, it raises important questions about the role/need of a *mashgiakh*. According to Hirsch, the phenomenon of having a (potentially) non-Jewish cook prepare a "kosher style" meal inevitably contains the possibility that the cook will err by using 'inappropriate' ingredients. In theory, a supervisor presents this from happening.[134]

Like the URJ, the CCAR lacks a written-down policy to guide the creation of menus for its annual meetings. Concerning CCAR policy in the past, only second hand anecdotal evidence is available. For example, many recall that the only option for rabbis who kept kosher in the past was "airplane style meals."[135]

Under the CCAR presidency of Rabbi Charles Kroloff (c. 1999-2001), and in response to the changing nature of religious observance in the Reform rabbinate, a CCAR

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[134] To be clear: Hirsch made no mention of supervision and/or the possibility of any kind of supervision in the future.

[135] This was mentioned in passing by an unknown participant of the CCAR Task Force on Kashrut's Conference Call that took place on August 23, 2004. The person who made this comment clearly implied that it was demeaning for rabbis who kept kosher to be served in this fashion at a CCAR banquet, where everyone else enjoyed a fine meal.

Task Force on Kashrut was created. Details of the task force's work have already been chronicled above.

The momentum within the task force seems to be moving toward some form of "ethical kashrut" that may/may not include supervision (Reform or otherwise). Of course, it is too early to say how the general membership will react to these proposals. We should merely point out that the designation of a Reform *mashgiakh* by the CCAR raises additional questions. What standard of *kashrut* will the *mashgiakh* be certifying? A kosher one? A kosher style one? These are all questions that the Task Force will have to address as they seek to compose a new policy for the Conferences of the future.[136]

We now turn our attention to HUC-JIR. Any conversation about *kashrut* and the College must begin with the realization that each of the four HUC campuses (Cincinnati, New York, Jerusalem, and Los Angeles) has a <u>different</u> policy. This may be explained by the fact that each campus finds itself in a unique geographical setting, with its own set of influences based on the demographics of the Jewish community in that region. This is only made more complicated by the fact that each of the campuses has its own institutional history. For example, Cincinnati is associated with Classical Reform; New York is associated with its roots as part of the more traditional Jewish Institute of Religion, prior to JIR's merging with the College in 1950 (Meyer 359); and the Jerusalem campus' culture has always been connected with the values of the Progressive Movement in Israel.

I conducted oral and email interviews with three HUC deans (Rabbi Ken Ehrlich in Cincinnati; Rabbi Aaron Panken in New York; and Rabbi Michael Marmur in

[136] Much of this material is culled from observations I made as I took part in two Task Force conference calls (August 23 and November 11, 2004).

Jerusalem).[137] The primary idea that unified these three rabbis (and their campuses) was the assertion that there was no problem with the fact that HUC campuses had different *kashrut* policies. When probed as to the possibility that the policies might be seen as inconsistent, all replied that it was the nature of the Reform movement to have different policies in each community.

Similar to the insight I gained from speaking with congregations, I got the impression that a *kashrut* policy was not on the radar screen of all the campuses. In one case, a dean described what he thought his campus policy was; later, he was back in touch with me to clarify his answer, as his first response turned out to be noticeably different from what the actual policy was! If we can put aside such administrative confusion for the moment, let's take a look at the substance of the actual policies.

At HUC in Cincinnati, there is no official policy written down. Rabbi Ehrlich[138] noted that, in the past, the campus policy "usually reflected the sentiments of the President {of the College – Institute, who has historically resided in Cincinnati}." In Cincinnati, Ehrlich explained, food policies have to address three separate settings: catered public functions, catered cafeteria lunch service, and a self-serve dormitory kitchen.

First and foremost, policies must address official events of the College that are public. An example of this would be the College's annual Tribute Dinner. Under the administration of President Alfred Gottschalk (1971-1995), no pork or shellfish was

[137] HUC administration officials in Los Angeles did not return my phone calls or emails.
[138] Data regarding the Cincinnati campus is based on my interview with Rabbi Ehrlich on October 8, 2004.

served at these kinds of public events. Later, under the administration of President Zimmerman (1996-2000), only fish/vegetarian dishes were served.[139]

In the present day, the College has reverted back to serving un-*hekshered* meat at public events.[140] Simultaneously, Ehrlich said that the College does keep meat and dairy separate (without elaborating as to whether this was by entrée, plate, meal, etc.). He also noted that "in general, we strive to have fish instead of meat."

In addition to the usual public events, the Cincinnati campus also offers regular/semi-regular cafeteria meal service. In the past, caterers were told to avoid pork and shellfish. However, Ehrlich explained that "we are now striving to have only kosher products" sold in the lunchroom. Since the summer of 2004, the College has hired a local Cincinnati resident to do most of the catering in this setting. She calls herself a "kosher caterer," meaning that all of her ingredients carry a traditional *heksher*. Yet, the 'restaurant' is not supervised by anyone – Orthodox or otherwise.[141]

The Cincinnati campus also has a dormitory, used by Jews and non-Jews alike. Shellfish and pork are barred from the dorm kitchen. Furthermore, residents are asked to "be sensitive" to the Jewish dietary laws.

Ehrlich regretted that catering "mistakes" arise from time to time, but noted that he was optimistic about the future. A new Director of Operations has just been hired by the Cincinnati campus; Ehrlich hopes that this director will be the logical choice to oversee/communicate campus dietary policies.

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[139] Ehrlich explained that Zimmerman insisted on kosher meat, if meat was to be served.
[140] An exception to this was Rabbi David Ellenson's presidential inauguration in the fall of 2001. The banquet thrown in his honor at the College was catered under an Orthodox *hashgakhah*. See Berenbaum/Meyers.
[141] Those who wish to bring their own food into the cafeteria are free to eat whatever they would like.

The New York campus, led by Dr. Aaron Panken,[142] does "not have an official kashrut policy."[143] Yet, there is a normative practice when it comes to serving food: "For the sake of inclusion, all College-catered events serve kosher food, so that all may eat, including more observant faculty, students, and staff." Panken was clear in defining "kosher food" as food coming "from restaurants with a *heksher*, or catered by kosher {presumably certified with a *hashgakhah*} caterers."

It is interesting that New York has a firm commitment to a *kashrut* that is supervised by Orthodox authorities. There seems to be a disconnect between those in the movement that question the reasonableness of relying on the Orthodox for such services and the policy of the New York campus. Furthermore, New York's policy (like Cincinnati's) does not address "ethical kashrut."

Following the trend in New York and Cincinnati, there is no written policy at HUC in Jerusalem.[144] Jerusalem seems to follow New York in two essential respects: (1) there is no strict ban on bringing prohibited foods onto campus (i.e. people can pack whatever they want for lunch); (2) there is the expectation that all public meals will be kosher. Yet, Jerusalem differs from New York, in that Jerusalem does *not* require a caterer to have a *heksher*. Rabbi Marmur works off the "assumption" that the caterers he contracts with in Jerusalem are "kosher unless otherwise stated. [...] We will work with caterers who don't have a [kosher] license, but we let them know we want food which is kosher in the essential meaning of the term – not because of stickers and licenses." Outside of Israel, this policy might be considered 'risky,' in the sense that one would

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[142] Data on the New York campus comes from email correspondence with Panken, September 21, 2004.
[143] Panken admitted that the policy was not written down, but says that "I am pretty sure most folks are aware of it."
[144] Data on the Jerusalem campus comes from email correspondence with Dean Michael Marmur, September 20, 2004 and October 28, 2004.

have no way of knowing whether the meat of a non-kosher caterer was, in fact, kosher. But Jerusalem is a unique exception to this rule. Marmur notes that: "My assumption about meat in this town is that it is Kosher."

According to Marmur, the College seeks to use "one-time cutlery" as its utensils. Marmur admits that it is "not eco-kosher," but it is "effective." While Marmur is right that the use of disposable cutlery is not ecologically credit, his comment does indicate that the Jerusalem policy is at least aware of the values of ethical kashrut.

The Jerusalem campus also maintains a fully stocked kitchen in the President's Apartment. The kitchen is considered to be traditionally kosher. Guests using the apartment are asked to respect the "house rules" and maintain the separate sets of utensils, avoid mixing meat and dairy, using only *hekshered* meat, etc.

We see, then, that the three HUC campuses mimic the congregations, camps, and national institutions that we surveyed: there is great variety from community to community. And, at least in Cincinnati and Jerusalem, there appears to be some 'looseness' in the actual execution of the policies. In other words, given that *hekshered* caterers (along with any form of supervision) are not used for public events in Jerusalem and Cincinnati, there does seem to be the risk that "mistakes" like the one Rabbi Ehrlich mentioned can happen again. Depending on one's perspective, this is either a good thing (because some Reform Jews do not want so strict a food policy that exceptions can't be made from time to time) or a bad thing (because some believe that there is value associated with sticking by a concept that the community has agreed to follow and enforce).

There has been much discussion, up to this point, about *what* institutions feed their guests. Yet, we have spent very little time discussing *how* institutions come to make those policy decisions. We turn our attention to that important task in our next chapter.

Chapter 3: A Decision-Making Guide for Reform Communities

Introduction

In our first chapter, we surveyed the traditional definition of *kashrut*; in the second chapter we explored how *kashrut* has functioned in the Reform movement in the past and present. Now, we turn our attention to the future. This final chapter contains a workbook, or guide, for Reform institutions that have decided to compose or revise their dietary policies. To be clear, this guide will not proscribe a *particular* policy (i.e. that all Reform institutions must be vegetarian). In many ways, that is the antithesis of what Reform Judaism is/can be. Instead, this guide offers a process that institutions may engage in: one that allows for clergy/lay study, followed by informed communal decision-making.

Some brief comments about other pieces of literature that have attempted to achieve similar goals to my workbook are in order. There are two texts that deserve mention in this regard, published by the Reconstructionist and Conservative movements respectively. Both publications are valuable resources for liberal Jews (and their communities) that seek to construct a meaningful *kashrut* observance. Yet, neither of the texts offers a guide that both embraces the plurality of choices implicit in Reform Judaism *and* is dedicated to communal settings (as opposed to the individual in her/his home).

In 2000 (reissued in 2003), Rabbi David Teutsch wrote *A Guide to Jewish Practice: Introduction; Attitudes, Values and Beliefs;* Kashrut: *The Jewish Dietary Laws*. In his introduction, Teutsch notes that: "This *Guide* is intended for use by individuals, rabbis and communities" (Teutsch 13). The book is clearly meant as a general

introduction, with comments that are applicable to both individuals and communal organizations. Yet, Teutsch's work does not provide a step-by-step guide for individuals or communities to determine a meaningful dietary policy.

To its credit, the book offers a detailed list of values that should shape our decision making process. That list is followed by an extensive discussion about *kashrut* in general, along with different observations about what a non-Orthodox vision of *kashrut* might look like. Many voices, perspectives, and commentators are included.

As an appendix, Teutsch reprints an essay entitled "Values-Based Decision Making" that first appeared in a 2001 issue of *The Reconstructionist*. The essay describes a liberal Jewish decision-making process for individuals and communities. That process has come to be associated with the Reconstructionist movement; but I see no reason why it cannot be adapted to Reform settings as well. It is one of the models for the decision-making process that stands at the center of my workbook.

Ultimately, Teutsch's *Guide* is an excellent reference that belongs on the shelves of those progressive Jews who are interested in taking *kashrut* seriously. However, the book falls short of serving as a practical decision-making handbook that can be used by communal institutions.

In 2001, the USCJ/RA of the American Conservative movement published a CD-ROM entitled *kosher: an interactive experience.* The disc serves as an accessible resource for individuals who want to incorporate *kashrut* into their lives. The disc offers sections on historic background, rationales of *kashrut*, summaries of the sources, discussion about what to do when eating out, etc. The disc is an excellent resource. Its chief shortcoming (for our purposes) is that it is written from a Conservative perspective,

and therefore carries a series of religious assumptions that are not shared by the Reform movement. However, the Reform movement would do well to consider a CD-ROM or website of its own that addresses similar issues from a liberal perspective.

Notably, *kosher: an interactive experience* contains a resource specifically aimed at communities, rather than individuals. The disc contains large excerpts of the *Miller Guide to Exploring Kashrut Practices for Jewish Communal Agencies and Organizations*, published by the JCRC of Greater Philadelphia and the Board of Rabbis of Greater Philadelphia (original publication date unknown).

The *Miller Guide* is not aimed at synagogues in particular, although it can be adapted by them. Unfortunately, the majority of the *Miller Guide* is devoted to a series of case studies, most of which are not relevant to synagogue life. Additionally, the *Miller Guide* seems to be aimed at an audience that is already Jewishly knowledgeable. There is no comprehensive attempt to explain what the dietary laws are; of course, that information is available on other parts of the CD-ROM.

Although the *Miller Guide* is written with the presumption that pluralistic compromises are necessary, it falls short of acknowledging that an informed dietary policy can be "non-traditional." This is an indicator that the *Miller Guide* may not be best suited for Reform communities.

Given that Teutsch's *Guide* and the USCJ/RA CD-ROM are both inadequate to serve the unique needs of our Reform communal institutions, I offer the following workbook as a possible substitute. My hope and prayer is that its open-mindedness and inclusivity will give Reform communities a chance to craft a dietary policy that is both spiritually meaningful and religiously substantive.

Arukhot Chayeinu: The Meals & Menus of our Lives

A Decision-Making Guide Concerning Dietary Policies
For Reform Communal Institutions

Prepared by Student Rabbi Jeff Brown

A Note About the Text

Text that appears in light gray is meant only for facilitators, and (if mass-produced) would only appear in the "Facilitator's Edition" of the guide.

Introduction

Shalom and Welcome! This is a workbook, or guidebook, designed to empower all kinds of Reform institutions (temples, camps, day schools, etc.) to review and improve – or, in some cases, create for the first time – their dietary policies.

There are three primary reasons that I have created this guide; each responds to a different need that I perceive as existing in the American Reform community.

First, there is the ideological reality of Reform Judaism. Contrary to Orthodox and Conservative Judaism, Reform does not mandate a particular set of Jewish ritual observances. Communities, no less than individuals, have the freedom to determine their own Jewish observance. This is a blessing and a curse. It is a blessing because it gives communities the authority to be autonomous. And yet it is a curse, because sometimes communities are not equipped to decide what's best for them. This guide provides communities with a relatively straightforward mechanism for determining what might be best for them.

Second, I have written this guide because I sense that there is renewed interest in the issue of food and our personal dietary habits. It's not just because of the much-heralded 'return to tradition' that we speak about in the Reform movement. We are living in a secular culture that puts food/food issues on the forefront of our consciousness. We're all aware of interest surrounding the value of particular ingredients, and whether or not they contribute to a healthy diet. But we're also living in an age that is becoming more conscious about where our food comes from (i.e. how our farmers and animals are treated). This guide gives communities permission to re-examine their eating choices in light of these new concerns, by using the tools and traditions of Liberal Judaism.

Finally, I have written this guide out of the belief that the process it puts forward can be uniquely helpful to Jewish institutions. All too often our synagogues simply do things because 'that's the way we've always done it.' How often do we really stop and ask ourselves: does the way we do X really reflect who we are, and what we want to be? One avenue toward positive synagogue transformation is for an institution to engage in a process that empowers it to reflect on mission and vision, and then to act/create a policy that carries out that mission and vision. This guide creates a framework for communities to do that.

Getting Started

The first step in this process is for an organization to identify if it needs a (new) policy. My own sense is that, unless an institution went through this kind of process (regarding its dietary policies) in the last five years, nearly every organization 'needs' to do it – at least in the sense that it can profitably benefit from it. But, from a more religious perspective, I would note that Reform Judaism teaches us that individuals and communities should *always* be re-examining the choices that we make. Is it still meaningful and enriching for us to celebrate Shabbat by doing X, or preparing for Bar/Bat Mitzvah by doing Y?

Who determines if the organization needs to do this? Perhaps an initial suggestion might come from either a member/constituent or a lay leader. But in the ideal, the process should not go forward without the support of the rabbi and the president. We should note that *kashrut* has the potential to be a sensitive issue. Not every congregant will be pleased to hear that the temple is thinking about revising its policies. Remember that institutions find comfort in maintaining the status quo, because they are afraid of what change might mean to their organization.

It will vary with the institution, but it may take time to win over support of the communal leadership to even begin the process! Have patience. Consult with your rabbi and president.

Once it has been agreed that the process for writing a dietary policy will go forward, consult with your leadership to determine the make-up of your committee. You'll want to make sure that – to the extent possible – a cross-section of the community is represented. If you already know that the community is split between the issues of X and Y, make sure that X and Y are fairly represented on the committee! Also, if the rabbi is not serving as facilitator, be sure to find out if the rabbi will serve on the committee.

In assembling a cross-section of the community, consider the role of the non-Jew in your synagogue. In some communities, non-Jews are just as likely to be cooking something for the temple potluck as Jews, so their perspective is important. Every congregation has a different policy regarding the role of the non-Jew on congregational committees, so be sure to consult with the temple leadership about the decision that's best for you.

Consult with the synagogue leadership about the timeline of the committee. This guide envisions a process running approximately five sessions, lasting 1-1.5 hours each. These can be spaced out once a week, or every other week. Alternatively, the committee may want to consider meeting as part of a *Shabbaton* or retreat format. This may be especially attractive to smaller communities, where the entire membership may be invited to join the committee in its work.

One more comment: this process seeks to integrate institutional values with the Jewish tradition. The best way for an institution to identify its values is to have a mission statement. Has your community written/revised one recently? If not, that might be the

place to begin. As a first step, consult *Hear, O Israel: Creating Meaningful Congregational Mission Statements*, distributed by the Department of Synagogue Management of the URJ.

The First Meeting

There are three goals for this meeting:

- Facilitate a "getting to know each other" mixer for committee members
- Explore attitudes/presumptions regarding *kashrut*
- Complete an Institutional Values Audit

Suggested welcoming comments to be read aloud to the committee by the Facilitator: **Welcome! It's a pleasure for me to call this first meeting of our "Dietary Policy Task Force" to order.** Insert optional comments about how the institution came to form this task force if relevant. Also briefly review any history of dietary policies at your institution. **Our job is straightforward. The Board/Rabbi has asked us to draft a new dietary policy that will determine what sorts of food we serve at communal events here at ____ over the next few years.**

We are Reform Jews, and so we are not required to keep any/all of the traditional dietary rules. But we *are* required to study and review the sources of our tradition that delineate those laws. After we've had a chance to learn about our tradition, then we are entitled to discuss whether or not the traditional dietary norms have any relevance in the life of our temple today.

Today's first meeting is meant to be an introduction. As this is our first meeting, we'll begin by getting to know each other. Over the course of the next few sessions, we'll begin to examine the traditional sources concerning *kashrut*. That will be followed by a discussion about *kashrut* and Reform Judaism. In our concluding phase, our job will be to assemble the building blocks of a dietary policy that address the unique needs of *this community*.

Does anyone have any questions? Be prepared for questions – and if they are not asked, consider prompting a discussion about topics – that range from the mundane (do I need to bring any special materials to our future meetings) to the substantive (we're not rabbis – why are we making such an important decision for the temple?).

After the questions have concluded:

Activity 1: Going Shopping in the Supermarket: A Mixer

Since we're going to be working closely together over the course of the next few weeks, it makes sense that we should begin by having the chance to get to know each other. Even if everyone on the committee has worked together before (or even socialized together before), committees should still do this activity because committee members

have presumably not worked together in the context of shaping the institution's dietary policy.

Primary goals:

- Give committee members a chance to learn each other's names, and stories.
- Sensitize committee members to the spectrum of ways that food resonates with individuals (i.e. for some, food is tied to religious memories, for others it's about the food eaten with Dad at the baseball game) in a safe environment.

Time for activity: approximately 20-30 minutes; time should be shortened or lengthened based on number of committee members.

Materials needed: The images that are found in **Appendix B**.

- These are a series of pictures, advertisements, and websites associated with food. Consider gluing each image to a single piece of 11 X 14 colored construction paper to make everything look nicer.
- Alternatively, feel free to bring in actual examples of the food, instead of relying on the images for representation.
- Arrange images/food on a table/wall in the room where the committee is meeting, in advance of the session.

On the table/wall, you'll notice that there are a series of images connected to food in general. In a moment, we'll all have a chance to browse through the images. Consider it an imaginary trip through the supermarket.

After we all have a chance to browse, we'll each have a chance to go around the table and introduce ourselves. Share your name, then go over to the "store" and pick up the item/picture that you were most drawn to. Tell us what it was about the item or image that compelled you to choose it. Does the item represent a value that you hold dear? Perhaps one of the items is connected to a strong family memory?

I want to stress that there are no right or wrong answers. This is an activity designed to help us get to know one another. I trust that we will all strive to exchange stories, and share viewpoints in a setting that is safe and respectful.

If the group is bashful, the facilitator should go first.

Facilitators should be aware that committee members might be compelled to share unexpectedly private information about their own issues, or the issues of friends/family, relating to food. These may include, but are not limited to:

- Struggles with weight/dieting
- Issues of body image/eating disorders
- Family disagreements about eating or *kashrut*

Above all, facilitators should keep in mind that their job is to listen attentively. Your job is not to solve this person's problem! If this intensely personal sharing persists for an

inappropriate amount of time, facilitators should gently offer that perhaps this is not the appropriate setting to go into such detail about a personal matter.

After everyone has had a chance to "go shopping" and tell their stories:

Well done! I look forward to more opportunities for us to share our stories with one another over the next few weeks.

Let's switch gears now and turn our attention to the topic that has brought all of us together today: the topic of *kashrut*. I know that that word means different things to different people. Over the next few weeks, we're going to have a chance to explore, in a more in-depth way, the details of *kashrut*. But today, let's see if we can touch on some basic definitions.

Activity 2: Beginning to Define *Kashrut*

Primary goal:

- Brainstorm associations that committee members have with the words "kosher" or "*kashrut*." Summarize with a basic, working definition that the committee can return to later.

Secondary goal:

- Begin to sensitize committee members to the tension that exists between the traditional definition of *kashrut* and the values of Reform Judaism.

Time for activity: 15 minutes

Materials needed: Large chalkboard/wipeboard/flip chart, with accompanying writing/erasing instruments.

Instead of turning to a basic dictionary or encyclopedia definition of *kashrut*, let's see if we can't put our own knowledge together to produce a definition that we can all relate to. Let's take a few minutes to do a free association exercise. What pops into your head when you hear the words "kosher" or "*kashrut*"? (Remember, there are no right or wrong answers here!).

Facilitators should consider asking for a volunteer to record the answers on the board so as to make the process less "facilitator-driven."

The more responses, the better! Below is a sample list. If the group is having a hard time contributing answers, facilitators may want to consider prompting the group by offering one/some of these:

(No) pork	(No) ham	(No) bacon
(No) shellfish	Orthodox	Reform Jews don't follow
Manischewitz	Israel	Shabbat
fleischig (meaty in Yiddish)	*milkhig* (dairy in Yiddish)	Grandparents

The Old Country	Challah	Appropriate
Acceptable	O.U. (kosher food symbol)	Kosher Butcher
Salting the Meat	Passover	Separate Dishes/Pots
(In) Humane Slaughter	Special Way of Slaughtering	(No) Ham and Cheese
treif (non-kosher)	Waiting Betwen Meals	Kosher Deli
Matzo Ball Soup	Bar Mitzvah/Wedding	Kosher-Style
Kosher Airplane Food	Gefilte Fish	Latkes
Vegetarian	Organic	

In terms of establishing a definition, begin by attempting to make a few generalizations about the recorded responses. Depending on comfort level, facilitators may want to invite committee members to do the summarizing. Alternatively, this is something the facilitator can do for the rest of the group.

Here are a few examples of synthesizing comments:

- Some of your answers suggest that we associate keeping kosher with previous generations – like our grandparents. This might indicate that some of us are not sure if it really has anything to do with our lives today.
- Other responses suggest that *kashrut* is alive today – but it's just something that the Orthodox do. This might indicate that some of us are not sure if *kashrut* applies to Reform Judaism.
- Other answers seem to associate keeping kosher with a special holiday or life cycle observance. This might indicate that some of us associate *kashrut* with special occasions, but not everyday living.
- Several of the answers indicate an interest in keeping some of *kashrut*, but not all of the aspects of it.

In sum, our responses indicate that ***kashrut*** is a very big subject. In fact, it's so big that it's hard to give a brief definition that really includes all of the details of it. Instead, I would suggest that we begin our learning process by defining the term very broadly: **"*Kashrut* is that part of Jewish law that determines what is proper, and improper, for a Jew to eat."** Facilitators should write the definition on the board to emphasize its importance.

Even as we establish such a broad and inclusive definition, I want to emphasize that we will be returning to some of the more detailed observations that we've already made (like *kashrut* and Reform Judaism; keeping all/part of *kashrut*; prohibited species; mixing of meat and dairy) in future weeks, as we explore *kashrut*, and Reform Judaism's attitudes towards it in a more in-depth fashion.

Activity 3: Our Institutional Values

Primary goal:

- Focus the committee's attention on the importance of writing a dietary policy that reflects the priorities of the institution.

Time for activity: 20-30 minutes

Materials needed: Several copies of the institution's mission statement (optional); several pieces of blank paper and pens

Reform Judaism advocates for "choice through knowledge" when individuals and communities make decisions about their religious practice. In other words, we shouldn't just get together and decide that we're not going to have ham here at the temple, just because no one likes ham. Instead, we should decide to abstain from ham if there's a consensus among us that there are good Jewish values/reasons for abstaining from ham. That's why we'll devote a good deal of the next few weeks to studying the in's and out's of *kashrut*. Once we're armed with the knowledge, we'll be able to make good, informed choices.

But our choices aren't just going to be filtered through the values of the Jewish tradition and Reform Judaism. They also have to be filtered through *our* values, the unique values that make _____ the special place that it is.

What are *our* values – the ones that are most sacred to *us*? This next exercise helps us to consider that important question.

Let's begin by dividing up into small groups of three or four people each. Facilitators should divide up the groups accordingly, based on the number of members on the committee who are present. If at all possible, strive for a minimum of 2-3 groups, even if there are only 2-3 people in a group.

Each group should have a copy of the list of Jewish values (see below) and a copy of our mission statement (optional). Each group should also have a sheet of paper and a pen, in case you want to make some notes.

Each group should take the next 7-10 minutes to name the top three values that they associate most with our community. The mission statement may be useful to you in gleaning important values, but don't feel constrained by that document. Let your lists be based on your experience of what this community is all about. Don't be afraid to include a value on your top three that does not appear on the list below! Feel free to make note of examples that help to illustrate the values that you choose.

After we have all had a chance to battle it in our respective groups, we'll come together and hear what the other groups decided. I want to emphasize that there are no right or wrong answers here. These lists are just meant to express *your* own conception of what our community stands for.

"Attitudes, Beliefs & Values Shaping Jewish Practice"
Appearing on pp. 15-25 of *A Guide to Jewish Practice* by Rabbi David Teutsch

Love	Humility	We were slaves in Egypt
Service	Avoiding Waste	Health and Wellness
(Not) Wasting Time	Covenant	Created in the Image of God
Paths of Peace	Democracy	Connection to God
Diversity	Egalitarianism	Truth and Integrity
Land of Israel	Fidelity	Environmentalism
Covenanted Caring	Gratitude	Beautifying Jewish Observance
Inclusion	Jewish Authenticity	Intention
Holiness	Human Dignity	Commitment to Community
Jewish Learning	Menschlikheit	Unity/Survival of the Jewish People
Rest and Renewal	Obligation	Physical Pleasure
Pluralism	Compassion/Mercy	Be Fruitful and Multiply
Peace at Home	Protecting the Body	Preserving the Chain of Tradition
Guarding the Speech	Joy and Celebration	Spirituality
Improving the World	Social Justice	Prevention of Pain to Animals
Modesty	Awe of God	The Earth and all that is in it belong to God

After the groups have had 7-10 minutes to compile their own lists of values, bring the group back together. Invite each group to present their values.

Facilitators should be sure to acknowledge the validity of each list of values. If someone names "welcoming gays and lesbians" as a value, and someone else believes that that isn't a priority of the congregation, acknowledge the difference of opinion, and assure everyone that this is an exercise in naming values as individuals perceive them. Each individual/group's answer is not meant to represent the reality of what the community is like, or a consensus vision of what the community stands for.

Have volunteers record the "top three" lists of each group, so that the group can return to them in the final decision-making stage. Our task is to: (1) identify the values of this institution; (2) craft a dietary policy that reflects and furthers those values. For example, if the committee decides that "egalitarianism" is a central value, then it may make sense to craft a dietary policy that also notes that men and women (Brotherhood and Sisterhood) share in the responsibilities of preparing/cleaning up after the Oneg. Another example: if a central value of the community is "Health and Wellness," then a dietary policy should mandate that fruits and vegetables be part of every Oneg, instead of the customary all-sugar buffet.

When the conversation is finished:

I think we've done very nicely today. I look forward to seeing you at our next session, when we'll tackle the laws of the prohibited species in depth! Until then...

The Second Meeting

The primary goal of this meeting is for the committee to walk away with a basic familiarity concerning permitted and prohibited species.

Welcome! Today, we'll have the chance to begin our exploration into the details of the laws of *kashrut*. Keep in mind that, as Reform Jews, we've chosen to "give tradition a vote" in our dietary policy. One way that we allow tradition to have a vote is by familiarizing ourselves with it! In doing so, we'll be in a position to make informed choices for the unique dietary standards of our community.

As we mentioned last time, the laws of *kashrut* encompass many different aspects. Some have attempted to put those different aspects into categories. Here is one such list:

- Which animals are permitted for food, and which are not
- Method of slaughtering animals which serve as food
- Examination of the slaughtered animal
- Which parts of an otherwise permitted animal are prohibited; which are not
- Conditions under which even permitted animals are prohibited
- Religious preparation of meat
- The law of meat and milk
- Relationships of mixtures of the permitted and forbidden, and the vessels which have absorbed forbidden food
- Permitted and prohibited products that are not meat
- Special laws concerning Passover

In being realistic, we have to acknowledge that our goal is *not* to become experts in *kashrut*. Instead, we seek only to become familiar enough with those aspects of *kashrut* that are likely to impact our food preparation and consumption here at _____. For that reason, we will spend the majority of our time concentrating on three concepts:

- Which animals are permitted for food, and which are not
- The law of meat and milk
- Special laws concerning Passover

Most of our time today will be spent exploring the issue of permitted and prohibited species.

Activity 1: A Kosher Taxonomy

Primary Goals:

- Challenging the group to consider that there are different ways to organize animals into categories
- Exposing the group to the system of categorization employed by the Jewish tradition for the purposes of *kashrut*

Time for activity: 10-15 minutes

Materials needed: Blackboard, wipeboard, or flip chart with appropriate writing/erasing utensils. Ideally, two large writing surfaces should be used (to correspond with the two parts of this activity).

Let's begin this morning by taking a few minutes to brainstorm as many different edible organisms (i.e. animals and insects) **as possible.** Facilitators may want to ask a volunteer to record the group's answers on the (first) board.

The idea here is to get as many names as possible. All of the animals mentioned in the first round will be categorized in the second one. The more names of animals that the group can produce, the clearer the categories will be for participants at the end of this activity. Examples of animals would be:

Cows	Peacocks	Giraffes	Whales	Scorpions
Marsupials	Pigs	Grasshoppers	Chickens	Shrimp
Horse	Lion	Falcon	Shark	Flounder

Make sure that answers are as specific as possible. Avoid a term like "shellfish," which denotes several different species of animals. Instead, press for specific examples (like shrimp or clams).

Once all of the group's ideas have been recorded on the board, continue:

Our job now is to begin thinking about the different ways that it might be possible to categorize the animals we've named. Thinking about animal categories is key; this will become clear in a moment when we discover that the laws of *kashrut* are dependent on the system of categorization that the Biblical author utilized for the animal kingdom.

Let's begin to organize the list by considering: if we were hired as animal taxonomists, what might be different systems of categorization that we could use? Remember, there's no right or wrong answers! Invite answers from the group. Challenge them to see if they can come up with the taxonomic system that the Hebrew Bible employs. Categorization methods given by the group might include:

- Animal Color
- Foods the Animals Eat
- Mammal/Reptile, etc.
- Geographic location
- Type of Climate Animal Favors
- Mode of Reproduction

Now that we've brainstormed a number of different methods that we might consider using, let's find out how the Torah categorized the animal kingdom!

The Torah puts animals into four basic categories:

- Four-legged land animals (further subdivided by those that may be domesticated (cattle) and those that may not be domesticated (beast))
- Birds
- Fish
- Swarming things (further sub-divided into things that swarm in water, land, or air)

For the Biblical author, the defining characteristic for animals seems to have been each animal's primary environment. Biblical taxonomists asked: does this animal primarily reside on land, in the water, or in the air?

Let's take a minute now and see if we can put all of these animals into the four categories that the Torah uses. This is where the second board could be used. Watch out for "tricky" animals like amphibians, reptiles, and insects. All of those belong in the "swarming things" category as opposed to the fish, four-legged land, and bird categories respectively.

The best way to explore this issue in greater detail is to delve into the text of the Torah!

Activity 2: Permitted/Prohibited Species Text Study

Primary goals:

- Introduce participants to the "text study" method of Jewish learning
- Familiarize participants with the basic Torah texts that define which species are permitted and which are prohibited

Time for activity: 35-45 minutes

Materials needed: Pens for participants to make notes about their assigned text. All of the texts appear below. However, facilitators may want to consider distributing a group's text (see below) on its own index card, so that groups will only be exposed to *their* text in the initial phase of the exercise. Only reveal the "answers" if the discussion about a particular text is weak (see below).

For 2,000 years, Jews have studied the texts of our tradition using a particular method of study called *khevruta*. *Khevruta* comes from the Hebrew word *khaver*, meaning friend or partner. Thus, *khevruta* is a method of learning where individuals study with a partner.

We're now going to divide up into several groups. The simplest way to do this exercise is to divide up into four groups, corresponding to the four categories of animals that we mentioned above. If your group is excessively large, the last animal category (swarming things) can be sub-divided into three separate text study groups, resulting in a total of six text study groups for this activity (see below).

Each group will be assigned (or: given, if your group is using the index cards) a brief excerpt from the Torah, in English. Begin your study by having one member of the group read the text aloud. Your first job will be to make sure that everyone in the group has a basic understanding of the plain meaning of the text. This is a chance for you to make sure you know what all the words mean, etc.

Once you've had a chance to read over the text, your goal will be to answer the following questions:

1) Which of the four categories (four-legged land animals, birds, etc.) does your text address?
2) Does the text reveal which animals are permitted and which are prohibited? How does it do that – by naming exact species, describing characteristics, or both?
3) Summarize in your own words the most critical aspects of your passage.

We'll spend about 15 minutes in our *khevruta* groups. During that time, I'll be circulating to answer any questions that your groups might have. After that, we'll all come together to share what we've learned with the rest of the group.

Groups should now be formed. The content of each of the texts appears below. Facilitators, note that brief answers to the above questions appear immediately after each text, to help you in facilitating the learning.

TEXT 1: DEUTERONOMY 14:3-8

You shall not eat anything abhorrent. These are the animals that you may eat: the ox, the sheep, and the goat; the deer, the gazelle, the roebuck, the wild goat, the ibex, the antelope, the mountain sheep, and any other animal that has true hoofs which are cleft in two and brings up the cud – such you may eat. But the following, which do bring up the cud or have true hoofs which are cleft through, you may not eat: the camel, the hare, and the daman – for although they bring up the cud, they have no true hoofs – they are impure for you; also the swine – for although it has true hoofs, it does not bring up the cud – is impure for you. You shall not eat of their flesh or touch their carcasses.

1) This passage details the permitted and prohibited species of four-legged land animals. Note the two sub-categories of animals in the second sentence. The first one (ox, sheep, goat) refers to domesticated animals. The second one (deer, gazelle, etc.) refers to animals that cannot be domesticated.
2) Yes. The text lists particular species that are permitted and particular species that are prohibited. The text explains that these animals are permitted/prohibited on the basis of whether or not each animal has both cloven hooves *and* chews its own cud. (Cud is "food brought up into the mouth by a ruminating animal from its first stomach to be chewed again." And a cloven hoof is "a foot (as of a sheep) divided into two parts at its distal extremity.") Note the special highlight that pig

is given. It is the only animal (known to the Biblical author) that has cloven hooves, but does not chew its own cud.

3) This text teaches us that we may only eat four-legged land animals if they chew their own cud *and* have cloven hooves. Animals that have one characteristic but not the other are not kosher. The most famous example of this is the pig (see above).

TEXT 2: DEUTERONOMY 14:11-18

You may eat any clean bird. The following you may not eat: the eagle, the vulture, and the black vulture; the kite, the falcon, and the buzzard of any variety; every variety of raven; the ostrich, the nighthawk, the sea gull, and the hawk of every variety; the little owl, the great owl, and the white owl; the pelican, the bustard, and the cormorant; the stork, any variety of heron, the hoopoe, and the bat.

1) This passage details the permitted and prohibited species of birds.
2) The text tells us that we can eat "any clean bird". It also details the names of the birds that we may not eat. But the text does not tell us what qualifies as a "clean bird"! As it turns out, the rabbis of the Mishnah (important Jewish legal text, c. 200 CE) attempted to describe what set the listed prohibited birds apart from other fowl. Those that are interested may find that material in M. Chullin 3:6. More generally, our tradition has typically permitted all of the birds that are not listed in the prohibited section of this passage. For example, this is how we know that chicken and turkey are permitted.
3) This text provides us with a list of birds that are prohibited. But it does not give us any particular rationale for the prohibited species. Even more importantly, it does not name species that are specifically permitted. The text seems to imply (and later tradition concurs) that anything not prohibited is permitted.

TEXT 3: LEVITICUS 11:9-12

These you may eat of all that live in water: anything in water, whether in the seas or in the streams, that has fins and scales – these you may eat. But anything in the seas or in the streams that has no fins and scales, among all the swarming things of the water and among all the other living creatures that are in the water – they are an abomination for you and an abomination for you they shall remain: you shall not eat of their flesh and you shall abominate their carcasses. Everything in the water that has no fins or scales shall be an abomination for you.

1) This passage details the permitted and prohibited species of those animals that live in water.
2) This passage is very clear about the characteristics of acceptable/unacceptable water-based species. But the text does not specifically name any of the species that are either permitted or prohibited. The important thing to note: water-based animals may be eaten only if they have both fins *and* scales. (Note: there is some debate over fish that might have fins and scales at one point in their life, but not at

others. The most prominent example of this phenomenon is the swordfish. Swordfish only have scales for the early period of their lifespan. For this reason, most Orthodox authorities have prohibited swordfish. However, the Conservative movement does allow for swordfish consumption. Reform communities that are interested/concerned about this issue are encouraged to see pp. 75-78 of Isaac Klein's *Responsa and Halakhic Studies*.)

3) Although this text does not name specific species of water animals that are either permitted or prohibited, it is quite clear as to what the qualifying characteristics are. Water-based animals must have both fins and scales in order to be considered "permitted."

TEXT 4, PART A: LEVITICUS 11:9-12

Note: Text 4 is broken into three parts so that those who are looking to divide their committees into six study groups will be able to easily distribute the material. For communities that are only dividing into four study groups, parts A, B, and C of Text 4 should all be combined into one large section.

These you may eat of all that live in water: anything in water, whether in the seas or in the streams, that has fins and scales – these you may eat. But anything in the seas or in the streams that has no fins and scales, among all the swarming things of the water and among all the other living creatures that are in the water – they are an abomination for you and an abomination for you they shall remain: you shall not eat of their flesh and you shall abominate their carcasses. Everything in the water that has no fins or scales shall be an abomination for you.

- Note is that the laws concerning permitted/prohibited swarming things (of the water) are found within the passage dealing with water-based animals in general (Text 3, above). Thus the laws concerning swarming things in the water are exactly the same as above: they are only permitted if they have fins and scales. Note: swarming things in water are generally understood to be amphibians, which are prohibited.

TEXT 4, PART B: LEVITICUS 11:29-31

The following shall be unclean for you from among the things that swarm on the earth: the mole, the mouse, and great lizards of every variety; the gecko, the land crocodile, the lizard, the sand lizard, and the chameleon. Those are for you the unclean among all the swarming things…

1) This passage addresses those species that swarm on land. Generally, we would describe these animals as reptiles.
2) The text implies that all species that swarm on land are prohibited. No rationale is given.
3) This passage explains that all swarming things on land, which we generally refer to as reptiles, are prohibited.

TEXT 4, PART C: LEVITICUS 11:20-23

All winged swarming things that walk on fours shall be an abomination for you. But these you may eat among all the winged swarming things that walk on fours: all that have, above their feet, jointed legs to leap with on the ground – of these you may eat the following: locusts of every variety; all varieties of bald locust; crickets of every variety; and all varieties of grasshopper. But all other winged swarming things that have four legs shall be an abomination for you.

1) This passage addresses those species that swarm in the air.
2) The text is clear: all "winged swarming things" are prohibited. No specific species are listed. However, the passage also notes that there is an exception to this rule: winged swarming things that have jointed legs are allowed. Here, the permitted species are specifically mentioned (locusts, grasshoppers, etc.)
3) This passage indicates that winged swarming things are generally prohibited, excepted in the very specific case of certain locusts, grasshoppers, and the like that have a particular kind of leg.

Activity 3: A Review: Navigating the Menu of Maisonette

Primary goal:

- To give participants the opportunity to review what they've learned about permitted and prohibited species.

Time for activity: 10 minutes.

Materials needed: Perhaps a pen for writing; a copy of the menu (which appears below). Facilitators, note that your book also includes an additional copy of the menu with footnotes, to aid in your navigation of the menu!

We'll wrap up today with a chance to put our newfound knowledge to the test! On the next page, you'll find excerpts of actual appetizers and main courses from Maisonette, a five star restaurant in Cincinnati, Ohio. Let's go through the menu and see if we can figure out which ingredients are kosher (according to the traditional definition of the term), and which aren't!

APPETIZERS

SALADE de HOMARD au CONCOMBRE, YOGURT et HARISSA

Maine lobster salad with Harissa relish, cucumber and yogurt sauce with mint

TARTARE de THON au CAVIAR SEVRUGA, FRUIT de la PASSION et CELERY

tuna tartar with Kentucky caviar, passion fruit and celery aspic, nutmeg cream coulis and herb salad

FOIS GRAS a la POIRE et au EPICES

cold foie gras with roasted spiced pear, bitter chocolate tuile and Rioja wine reduction

SALADE de BETTERAVE, ROQUETTE et FROMAGE de CHEVRE à la PISTACHE

warm goat cheese salad with Arugula, roasted beets and pistachio nuts

MAIN COURSES

FLETAN a L'ANANAS et au POIVRE LONG, EPINARD et BEURRE de POMME de TERRE

halibut wrapped in pineapple with Asian pepper, spinach, kohlrabi, potato cream and curry oil

FILET de CHEVREVIL ROTI à la COMPOTE D'AIRELLE au POIVRE NOIR

roasted venison with cranberry and black pepper marmalade, celery root gratin and braised celery stalks

MEDAILLON de VEAU au LARD et aux LEGUMES D'AUTOMNE

roasted veal medallion wrapped in country bacon, with baby root vegetable ragout, foie gras and veal jus

FACILITATOR'S MENU

APPETIZERS

SALADE de HOMARD au CONCOMBRE, YOGURT et HARISSA
Maine lobster[145] salad with Harissa relish,[146] cucumber and yogurt sauce with mint

TARTARE de THON au CAVIAR SEVRUGA, FRUIT de la PASSION et CELERY
tuna tartar with Kentucky caviar,[147] passion fruit and celery aspic,[148] nutmeg cream coulis[149] and herb salad

FOIS GRAS a la POIRE et au EPICES
cold foie gras[150] with roasted spiced pear, bitter chocolate tuile[151] and Rioja wine reduction

SALADE de BETTERAVE, ROQUETTE et FROMAGE de CHEVRE à la PISTACHE
warm goat cheese salad with Arugula, roasted beets and pistachio nuts

MAIN COURSES

FLETAN a L'ANANAS et au POIVRE LONG, EPINARD et BEURRE de POMME de TERRE
halibut[152] wrapped in pineapple with Asian pepper, spinach, kohlrabi,[153] potato cream and curry oil

FILET de CHEVREVIL ROTI à la COMPOTE D'AIRELLE au POIVRE NOIR
roasted venison[154] with cranberry and black pepper marmalade, celery root gratin and braised celery stalks

MEDAILLON de VEAU au LARD et aux LEGUMES D'AUTOMNE
roasted veal[155] medallion wrapped in country bacon,[156] with baby root vegetable ragout,[157] foie gras[158] and veal jus

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[145] Lobster is prohibited as it is an example of shellfish. All forms of shellfish lack both fins and scales.
[146] Harissa relish is a North African chili paste made from garlic, caraway seeds, coriander seeds, cumin seeds, paprika, salt and olive oil.
[147] Caviar consists of the roe (eggs) of sturgeon, a fish that is traditionally considered not kosher (see the responsum by Graubart in the archives of the Rabbinical Assembly's Committee on Jewish Law and Standards (CJLS) for a Conservative perspective). There is such a thing as "kosher caviar," but that is usually derived from the roe of salmon, a kosher fish.
[148] Aspic is savory clear jelly prepared from a liquid stock made by simmering the bones of beef, veal, chicken, or fish. We'd have to find out what kind of bones are used, in order to determine for sure if this is "kosher."
[149] Coulis is a thick sauce made with pureed vegetable or fruit and often used as a garnish.
[150] Foie gras is the fatted liver of an animal and especially of a goose, usually served as a pâté. Technically, the liver of a kosher species would be considered a kosher ingredient. However, many object to the consumption of foie gras because of the inhumane treatment of animals involved in foie gras production.
[151] The classic tuile is made with crushed almonds but the cookie can also be flavored with orange, lemon, vanilla or other nuts.
[152] Halibut is a kosher fish – it has fins and scales.
[153] Kohlrabi is a member of the turnip family.
[154] Venison refers to the flesh of a deer, which is a kosher species.
[155] Veal, like foie gras, is technically a kosher ingredient. Yet, many object to its consumption because of the inhumane treatment of animals that takes place during veal production.
[156] Bacon, a derivative of pig, is prohibited.
[157] A ragout is a mixture or sauce.
[158] See comments above concerning foie gras.

Great work! We've had the chance to survey the first critical component of *kashrut* today: the laws of the species that are permitted and prohibited as food. Next time, we'll move ahead to explore the traditional prohibition of mixing meat and dairy ingredients together. We'll also discuss dietary prohibitions that are unique to the holiday of Passover.

One last thing. We have a small homework project for next time (presuming that there is a minimum of a few days/a week until next meeting)! At our next meeting, we will be doing a brief overview of the history of Jewish law. It's my hope that we'll all be able to present a particular part of the history. Rest easy: no expertise necessary. There are plenty of resources available at our disposal (see below).

Below is a list of the legal works/periods that we'll be discussing. Each one should be distributed to one person/pair/small group (depending on # of people in the group/people who are willing to do the homework). Assign/ask for volunteers for each.

- The Torah
- The Talmud (c. 500 CE)
- The Mishneh Torah by Moses Maimonides (1135-1204 CE)
- The Shulkhan Arukh by Joseph Caro (1488-1575 CE)

I want to stress that we should each be shooting for a brief 2-4 minute presentation on our assigned topic. Nothing elaborate. In fact, we have a series of questions that will guide us in our reading. If we do our best to answer these questions, we'll have everything we need for the presentation in front of the group.

GUIDING QUESTIONS

- What is the name of the document/text?
- Do we know who wrote the text? (If so, be sure to tell us!)
- Do we know when the text was written? (If so, be sure to tell us!)
- Do we know why the text was written? Was it in response to a historical event, or to an earlier text?
- Can we categorize the text as being part of a particular genre (i.e. a book of stories)?
- Are there any other interesting facts about this text that you think we should know?

Accessible Reference Materials That Can Be Used For Research

Encyclopedia Judaica The premier encyclopedia of Judaism. You might find the Index in Volume 1 useful to find exactly what you're looking for. Available in many synagogue, public, and university libraries.

http://www.jafi.org.il/education/history/ A timeline of Jewish history prepared by the Jewish Agency. Provides very short summary paragraphs of events.

http://www.jewishvirtuallibrary.org/jsource/History/timeline.html This timeline of Jewish history, put out by the Jewish Virtual Library and the American-Israeli Cooperative Enterprise (AICE) contains more information than the Jewish Agency's site (above). However, it is a bit harder to use.

www.myjewishlearning.com A comprehensive site about Judaism. Start by clicking on the homepage tabs labeled "History and Community" and "Texts." If you are looking for more material, there is an excellent "search" function on the site, but it will produce a huge number of matches to your request, making it a challenge to sift through the results.

www.wikipedia.org An excellent online encyclopedia that addresses all major Jewish topics.

For further study, you might consider:

Back to the Sources (by Barry Holtz) An excellent introduction to the history and content of Jewish literature, but much more in-depth than an encyclopedia article. It goes into too much detail for the purposes of this project. But you should use the book for future study. Easily available online and in many brick-and-mortar book retailers.
As you peruse these resources, I would remind you again that we are only looking to touch on a basic overview of these sources/events. Don't worry about the details. Just consider how your topic might be important to the larger history of Jewish law.

Remember, this is just a 2-4 minute presentation. It's a big deal – but it's not a HUGE deal. We look forward to everyone's contributions next time. Good luck!

The Third Meeting

The primary goals of this meeting are to:

- Challenge participants to consider dietary choices as a cultural aspect of Judaism
- Introduce participants to a very basic timeline of Jewish history, so as to illustrate the development of Jewish law over time
- Expose participants to the laws associated with: (a) the mixing of meat and dairy products; and (b) the holiday of Passover

Activity 1: Satire on a Sandwich? A Clip from *Hannah and Her Sisters*

Primary goal: To invite participants to consider how the foods we eat are an unconscious aspect of who we are culturally.

Time for activity: Under 5 minutes to watch the film; 5-7 minutes for discussion

Materials needed: VCR/DVD player and TV screen. One copy (VHS or DVD) of the 1986 film *Hannah and Her Sisters*, directed by Woody Allen. The film is widely available for purchase (new and used) online. Many major public and university libraries, along with the national video rental chains, carry the film as well.

Welcome back! We did an excellent job last time of immersing ourselves in the laws concerning permitted and prohibited species. Later today, we'll be turning our attention to additional legal material connected to the prohibition of the mixing of meat and dairy. We'll also have the chance to discuss some of the dietary issues surrounding the holiday of Passover.

But before we get to all of that, I think it's important for us to step back for a moment and realize that the legal material we've been studying isn't just about the foods that we're allowed to stock in our kitchens.

The legal material serves as the foundation for a certain 'Jewish sensibility of eating.' Sometimes, this sensibility is detached from the actual laws of *kashrut*; nonetheless, the sensibility is strong enough to influence our dietary choices.

Let me illustrate this with an example that has nothing to do with religion. Let's say you're the kind of person that enjoys a piece of pie at the end of dinner every night. If you decide one day to switch things up and *begin* your meal with pie – some might object. People would not object to the practice of eating dessert before the meal on the grounds that it was unhealthy. Instead, they would object simply because that behavior is unusual. It violates certain norms that are an ingrained part of our American culture.

Similarly, we Jews have certain "norms" when it comes to eating. (We should note, though, that the norms vary based on geography, personal/communal religious ideology, values of the families we grew up in, etc.)

Woody Allen's 1986 film *Hannah and Her Sisters* illustrates some of the cultural norms associated with Jewish eating. Let's watch a brief clip of the film, and then discuss its content.

As background for this particular scene, Allen plays a hypochondriac who is convinced that he is dying from a brain tumor. Seeking meaning in the world in the midst of his own personal doom and gloom, Allen considers converting from Judaism to Catholicism. Our clip begins with Allen's first trip to the local parish priest.

Later in the film, we learn that Catholicism doesn't fit with Allen. He decides to look into becoming a Hare Krishna. When that doesn't fit right either, Allen reverts back to the secular Jewish identity that he started with at the beginning of the movie. Interestingly, his character marries a non-Jewish woman at the end of the film.

Allen's obvious lack of connection to institutional Judaism (and its rules and rituals) make the punchline of this clip all the more poignant.

Play the clip. The clip begins approximately 1hour 13 minutes into the VHS version of the film. The clip is immediately preceded by a title screen that reads "The big leap." Stop the clip when Allen finishes unpacking the mayo from his grocery bag in his apartment.

QUESTIONS TO CONSIDER IN DISCUSSING THE FILM:

1. **What do the items in Allen's grocery bag (all of them – not just the food) represent?** They represent the necessary items that Allen needs in order to be a Catholic/maintain a Catholic home (i.e. the crucifix).
2. **What is the significance of including Wonder Bread and Hellman's mayonnaise in the bag?** As is mentioned above, Allen seems to be suggesting that these kinds of foods are a central part of a Catholic (or more generally, Christian) lifestyle. But in saying that, Allen seems to be strongly asserting that there is something un-Jewish (or culturally *tref*) about these two foods. Allen argues that Jews have just as visceral a reaction to the consumption of Wonder Bread/mayo as they do to the sight of a crucifix! Ask the group if they agree with this assessment of the crucifix and mayo. Reassure them that Allen has a very particular kind of Jewish past and identity. Consider making mention here of how the clip references his on-screen parents and their awareness of the Holocaust. Also remind the group that this is the same character who winds up getting intermarried at the end of the film. Be aware: if your group has non-Jews or converts (or others), some might be put off by the way that Catholicism is being set up as a polar opposite to Judaism. Reassure the group that this is just one way (and a movie's no less) to express American Jewish identity. Assure them that one can be a good Jew without endorsing or living according to this sort of cultural stereotyping. In fact, it may be worth exploring other Jewish stereotypes that are unrelated to this film clip, like: Jewish men being bad at sports; Jewish women being very materialistic; all Jews are rich, etc.

3. **The appearance of the bread and mayo is undoubtedly meant to be a joke. But is Allen also urging us to view the scene as a bit of a satire?** Remember that satire employs humor or irony to offer critique. One could argue "yes" – that Allen is perhaps critiquing Judaism for making diet as important as the "high ritual" objects in the bag (crucifix, theological treatises, etc.). Such a critique would imply that Allen takes issue with the dietary laws. This would make sense, given his secular background. It also dovetails a trend in 19th and early 20th century American Jewish history, when some of this country's radical Reform Jews derided traditional Jewish concern over food as "kitchen Judaism." On the other hand, one could argue "no" – that this clip is just a little bit of humor, without anything "deeper."
4. **What lessons can we apply from this clip to our work in this committee?** (a) The fact that Jewish culture distinguished foods that are "acceptable" or "not acceptable" is critically important. FACT: Hellman's mayonnaise and most Wonder Bread loaves *are* marked as kosher today (no data available from 1986). Yet, some Jews still consider those products to be off-limits because of cultural taboos. We need to keep those taboos – and other cultural expectations about food – in mind as we plan our policy. A policy that encourages foods that have been culturally off limits in the past, or a policy that prohibits foods that were culturally acceptable is probably not likely to be well-received by the wider community. Illustration: imagine a congregation that decides to go completely vegetarian. What will the brotherhood, which has been serving bagels and lox breakfasts for 30 years, think? (b) Another more general lesson that we can glean from the clip: food is an important symbol of cultural Judaism. Even for those who choose not to observe other aspects of Jewish life, choices about food continue to resonate within one's cultural and religious identity.

Activity 2: Traveling the Timeline of Jewish History

A review of the directions given at the end of the last meeting, concerning the homework for this activity:

At our next meeting, we will be doing a brief overview of the history of Jewish law. It's my hope that we'll all be able to present a particular part of the history. Rest easy: no expertise necessary! There are plenty of resources available at our disposal (see below).

Below is a list of the legal works/periods that we'll be discussing. Each one should be distributed to one person/pair/small group (depending on # of people in the group/people who are willing to do the homework). Assign/ask for volunteers for each.

- The Torah
- The Talmud (c. 500 CE)
- The Mishneh Torah by Moses Maimonides (1135-1204 CE)
- The Shulkhan Arukh by Joseph Caro (1488-1575 CE)

I want to stress that we should each be shooting for a brief 2-4 minute presentation on our assigned topic. Nothing elaborate. In fact, we have a series of questions that will guide us in our reading. If we do our best to answer these questions, we'll have everything we need for the presentation in front of the group.

GUIDING QUESTIONS

- What is the name of the document/text?
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As you peruse these resources, I would remind you again that we are only looking to touch on a basic overview of these sources/events. Don't worry about the details. Just consider how your topic might be important to the larger history of Jewish law.

Remember, this is just a 2-4 minute presentation. It's a big deal – but it's not a HUGE deal. We look forward to everyone's contributions next time. Good luck!

Primary goals:

- To introduce participants to Jewish legal history
- To sensitize participants to the notion that Jewish law developed in different periods, and in different sources

Secondary goal:

- To introduce participants to resources that they can use for their own further (and independent) study of Jewish History/Judaism.

Time for activity: 20-30 minutes of in-class time; additional "homework" time for participants to individually prepare in advance.

Materials needed: Various books and internet resources (see above) for individual research; chalkboard/wipeboard/flip chart with writing/erasing utensils

We're now going to shift gears to learn a little Jewish history. Before we begin sharing the fruits our homework/research, I want to make a brief comment as to why Jewish history is relevant to the study of *kashrut*.

Later on today, when we get into our text study about the prohibitions concerning meat/dairy and Passover, we'll see that aspects of traditional *kashrut* are not found at all in the Bible, or even, in some cases, in the Talmud! It's important for us to be able to contextualize a particular piece of Jewish law, so that we can determine its meaningfulness to us today. Indeed, many Reform Jews have chosen not to engage in certain commandments that scholars have identified as very "late" (historically). The implication here is that, for some Reform Jews, the later a particular observance was created, the less binding it becomes on other Jews.

At this point, proceed with the presentations. Below are some comments that you may want to use to supplement the presentations.

The Torah This is a tricky one because of the question surrounding biblical authorship. The Torah itself implies that the Exodus from Egypt (and the ensuing 40 years of wandering in the desert which is narrativized throughout the Books of Exodus, Leviticus, Numbers, and Deuteronomy) took place at around 1300 BCE. But modern scholars argue that the Torah was composed by many people over a period of many years, culminating in a final editing at c. 400 BCE! Thus, be careful about the use of dates here. In general: the most important thing to mention is that the Torah is the foundational

document of Judaism. It describes, for its Biblical audience, the behaviors that God desires.

Composition of the Talmud (c. 500 CE) The Talmud is the best-known and most important collection of literature produced by "the rabbis." "The rabbis" were the first rabbis in the history of Judaism. They were brilliant scholars and teachers of both the Written Torah (i.e. *the* Torah -- the Five Books of Moses) and the Oral Torah (Jewish tradition claims that Moses was given two pieces of literature at Sinai: the piece he wrote down (hence, Written Torah) and the piece he passed on orally (hence, Oral Torah)). In actuality, Jewish tradition claims that the Talmud itself is *the* Oral Torah in written down form. The Talmud contains several different genres of literature, but the kind that we are most interested in is the legal material. With regards to the legal material, we might make two important observations: (1) the Talmud seeks to create a new Judaism that can exist without a Temple and sacrificial cult (NOTE: the Second Temple was destroyed by the Romans in 70 CE); and (2) the rabbis of the Talmud sought to "fill in the blanks" of Jewish law, as it is contained in the Bible. For example: The Torah teaches us that we should "keep Shabbat" and "honor Shabbat." But the Torah doesn't really explain what "keep" and "honor" mean. The Talmud seeks to clarify those issues. One final note: the Talmud was actually composed in two stages. The first stage is called the Mishnah, and was edited in the Land of Israel in c. 200 CE. The second part of the Talmud is called the Gemara, and was edited in Babylonia in c. 500 CE. In other words: MISHNAH + GEMARA = TALMUD.

The Mishneh Torah by Moses Maimonides (1135-1204 CE) Maimonides is also known as Rambam. He was born in Muslim Spain, fled to Morocco, lived briefly in Jerusalem, and finally settled in Egypt. There, he served as a rabbi, a physician to the leader of Egypt, and produced a remarkable catalog of literature that is still widely read and studied today. One of his most important works is called the Mishneh Torah, which is one of the first major codes of Jewish law. A code is simply an extensive listing of commanded Jewish behaviors that is/was meant to serve as a secondary resource guide for Jews that either did not have enough time, or knowledge, to study the ultimate source of Jewish law: the Talmud and its accompanying commentaries. Maimonides, and all other codifiers of Jewish law, is important because his work is not just a *summary* of legal questions that have already been answered. Codifiers also get to offer opinions about legal questions that the Talmud does *not* clearly answer. In this way, codes also become a *new* source of Jewish law, not just a repetition of the old.

The Shulkhan Arukh by Joseph Caro (1488-1575 CE) The Shulkhan Arukh is a code of Jewish law, just like the Mishneh Torah is. What sets the Shulkhan Arukh apart is its authority as the basis for traditional Jewish law *today*. It's important to note that Caro was a Sephardic Jew – a Jew from Spain who fled to Turkey, and later to the Land of Israel. As you may know, Sephardic Jews differ from time to time from their Ashkenazic brethren, when it comes to deciding Jewish legal questions. With only Caro's content, the Shulkhan Arukh would not be useful to the Ashkenazic community. Thus, it is critical that the Polish rabbi Moshe Isserles (1530-1572) wrote his *Mapah* as an

Ashkenazi gloss to Caro's Sephardic code. Today, the Shulkhan Arukh contains both, and is thus authoritative for Jews worldwide.

Activity 3: Text Study

Primary goal:

- Introduce participants to the basic texts that address the prohibition against mixing meat and dairy *and* the prohibitions of Passover

Secondary goal:

- Through the use of the CCAR responsum, begin to sensitize participants to some of the unique aspects/values of liberal Jewish decision-making

Materials needed: Pens to write with; relevant texts appear below

Time for activity: 35-45 minutes

Now that we've had a chance to see that there have been many different stages of Jewish legal development, it's time for us to apply that learning to the texts that introduce us to aspects of *kashrut* that deal with the mixing of meat and dairy, and some of the special dietary rules concerning Passover.

The process of this text study is meant to mimic the one we did last time. Feel free to make minor adjustments, if the text study last time didn't run as smoothly as you had hoped (i.e. number of people in a group, length of time given for *khevruta*, etc.). The texts to be distributed to each group/person appear below, along with some insights that will help you facilitate the conversation about the texts later on. After the *khevruta* time is over, be sure to go through the texts in the order that they appear below.

TEXT (CLUSTER) 1

Although only the last text directly refers to kashrut, *all of these texts share a certain theme. Can you identify the common denominator? How does the identification of that shared theme inform your understanding of the last text?*

- **You shall do the same with your cattle and your flocks: seven days it shall remain with its mother; on the eighth day you shall give it to Me {for sacrificial slaughter}** (Exodus 22:29).
- **However, no animal from the herd or from the flock shall be slaughtered on the same day with its young** (Leviticus 22:28).
- **If, along the road, you chance upon a bird's nest, in any tree or on the ground, with fledglings or eggs and the mother sitting over the fledglings or on the eggs, do not take the mother together with her young. Let the mother go, and take only the young, in order that you may fare well and have a long life** (Deuteronomy 22:6-7).

- **"You shall not boil a kid in its mother's milk"** (Exodus 23:19, Exodus 34:26, and Deuteronomy 14:21).

All of these texts attempt to generate an ethic that opposes insensitive treatment of animals. That insensitivity is specifically connected to an awareness of parent-child relations in animals. From this perspective, "you shall not boil a kid in its mother's milk" seems to have less to do with prohibiting cheeseburgers (that comes later; see below) and more to do with a mandate to treat animals with a certain kind of sensitivity. Ask participants: why might the Torah seek to emphasize this notion of sensitivity toward animals? Explore the possibility that perhaps the way we treat animals might somehow inform the way we treat each other.

TEXT 2

The following text comes from the Mishnah (c. 200 CE) and is the rabbis' attempt to clarify exactly what the Torah meant when it said "You shall not boil a kid in its mother's milk."

Keep in mind that at our last meeting, we discussed how all animals could be put into one of four categories (four-legged land animals, creatures that fly, creatures that live in the water, and "swarming things." How does this text maintain and/or violate those Biblical categories? Does this text suggest that there's a difference between: "cooking" dairy with meat, "serving" dairy with meat, and/or "eating" dairy with meat?

> **No flesh {apparently the meat of any animal; see next paragraph for comments about birds/poultry} may be cooked with milk {or any dairy product} save the flesh of fish and locusts; and it is forbidden to serve it up together with cheese {or any other dairy product} upon the table excepting the flesh of fish and locusts. If one vowed [to abstain] from flesh, he is permitted the flesh of fish and locusts. [The flesh of] a bird {any poultry} may be served up on the table together with cheese, but it must not be eaten [with it]; this is the opinion of the School of Shammai, but the School of Hillel say, It must neither be served up [therewith] nor eaten [with it]** (M. Chullin 8:1).

Based on the way that this text is phrased, it gives the impression that "flesh" refers to the meat of any animal, except for a few key exceptions (which turn out to be pretty big exceptions): fish and locusts. Generally, the text indicates that one should not cook or serve meat with dairy. But one *can* cook/serve fish (or locusts) with dairy! Furthermore, the end of the passage seems to indicate a disagreement between the houses (schools/followers) of the early rabbis Hillel and Shammai. Both rabbis agree that it is inappropriate to mix poultry and dairy in the same meal. But Shammai (generally very strict when it comes to these sorts of questions) rules leniently and allows for poultry and dairy to be served separately on the same table. Only Hillel objects to the mix of poultry and dairy entrees that are available.

The text maintains the Biblical categories of animals by using those categories when discussing exceptions, etc. For example, it makes sense that fish and locusts can be eaten with dairy because the Torah is clear: a four-legged land animal is completely different from a fish (for example). What is more surprising, however, is the Talmud's assertion that poultry *should* be put in the same category as four-legged animals! We note, however, that the disagreement between Hillel and Shammai indicates that the merging of birds and four-legged land animals into the same category was far from unanimously accepted during this early part of the Tannaitic Period (the period of the Mishnah).

Note that this is a clear attempt on the part of the rabbis to expand the prohibition "You shall not boil a kid in its mother's milk." It takes the Torah's prohibition (which seems to only apply to an individual animal and its mother) and expands it to include the meat of *any* four-legged animal or bird with *any* dairy substance. The whole notion of a specific animal and its child/parent has been obliterated. What might be the reason for this? Perhaps the Mishnah has expanded the prohibition so as to insure that the Torah prohibition is followed? This would be in line with the famous rabbinic dictum: "Build a fence around the Torah {in order to insure that it is not violated}." Emphasize that this is an excellent example of how Jewish law develops over time.

It's important to point out that the rabbis' more stringent separation of meat and dairy also results in the practice of designating dishes, silverware, pots, pans, dishtowels, etc. as meat or dairy. These practices are all part of an attempt to insure that no meat is accidentally mixed with dairy (or vice versa).

TEXT 3

The following text comes from Maimonides' Mishneh Torah (c. 1150 CE). As background, earlier rabbinic literature already established that one should not mix foods containing meat with foods containing dairy. But what if a person wanted a meat lunch and a dairy snack later in the afternoon? That question is not addressed fully in the Talmud. Thus, we search for the answer in later Jewish legal texts.

What is the rationale for the waiting period given here? If you had to guess, do you think that the time between a dairy meal and a meat meal is shorter or longer?

> **If one eats meat first, whether the meat of animal or bird, he should not consume milk after it until the expiration of a period of time equal to the interval between one meal and the next, that is about six hours. This is on account of the fragments of meat which adhere in the interstices between the teeth and which are not removed by cleansing** (Mishneh Torah, Laws of Prohibited Foods 9:28).

Note that Maimonides advises six hours between a meat meal and a dairy meal. Other authorities have suggested shorter waiting periods. Different customs are associated with different Jewish communities around the world. Here, Rambam suggests that the reason for waiting after a meat meal is because fragments of meat get stuck in the teeth (the waiting period presumably gives a person's mouth enough time to clean out those

fragments). Other authorities have suggested that the waiting period is tied to digestion of the food.

When it comes to waiting in between a dairy meal and a meat meal, the wait is far less. Again, customs vary from community to community, but generally the wait is 30 minutes.

TEXT (CLUSTER) 4

The following are two excerpts from the Torah that deal with the holiday of Passover. The first passage outlines the food restrictions of the holiday. The second passage supplies the famous rationale for those practices.

Note how the first passage addresses the prohibition against leaven. There is no specific listing (like we saw, for example, with some of the Torah texts concerning permitted and prohibited species) of foods that are off-limits. If you had to guess, where might we turn for more specific guidelines?

- **This day {the 14th day of Nisan} shall be to you one of remembrance: you shall celebrate it as a festival to the Lord throughout the ages; you shall celebrate it as an institution for all time. Seven days you shall eat unleavened bread; on the very first day you shall remove leaven from your houses, for whoever eats leavened bread from the first day to the seventh day, that person shall be cut off from Israel. You shall celebrate a sacred occasion on the first day, and a sacred occasion on the seventh day; no work at all shall be done on them; only what every person is to eat, that alone may be prepared for you. You shall observe the [Feast of] Unleavened Bread, for on this very day I brought your ranks out of the land of Egypt; you shall observe this day throughout the ages as an institution for all time. In the first month, from the fourteenth day of the month at evening, you shall eat unleavened bread until the twenty-first day of the month at evening. No leaven shall be found in your house for seven days. For whoever eats what is leavened, that person shall be cut off from the community of Israel, whether he is a stranger or a citizen of the country. You shall eat nothing leavened; in all your settlements you shall eat unleavened bread** (Exodus 12:14-20).
- **And they baked unleavened cakes of the dough that they had taken out of Egypt, for it was not leavened, since they had been driven out of Egypt and could not delay; nor had they prepared any provisions for themselves** (Exodus 12:39).

We now turn our attention to the holiday of Passover. Beyond the fact that Passover is an important aspect of *kashrut*, we are including it in our study for a more practical reason as well. A well-rounded dietary policy for a congregation should address Passover, in addition to a policy for the rest of the year!

Regarding the question as to where we might look for a more detailed answer regarding what is allowed/not allowed for Passover, the answer is: the Talmud, as well as the later codes.

TEXT 5

In addition to the Bible, Talmud, and codes, Judaism has long relied on an additional genre of literature to clarify pressing Jewish legal questions of the day. This genre is known as responsa (singular: responsum) literature. Responsa are scholarly answers to questions about Jewish practice. The rabbis who compose responsa survey the extant literature on a subject, and then issue their response based on their interpretation of that literature.

The following text is an excerpt of a responsum issued by the Central Conference of American Rabbis (CCAR, the rabbinic association of Reform rabbis) in 1995-1996. Reform responsa are similar to the traditional responsa generated in the Orthodox world. The only difference is that the answers contained in Reform responsa reflect the uniquely liberal Jewish sensibility that Reform brings to the Jewish tradition. This particular responsum addresses the question as to whether or not legumes may be eaten during Passover.

As background, the Talmud (c. 500 CE) made it clear that legumes (for example: peanuts) were not included in the category of khamets. Khamets *is the category of food prohibited on Passover. However, Rabbi Moshe Isserles, in his famous gloss to the Shulkhan Arukh, asserted that legumes were not permitted! He based his ruling on the fear that people would confuse legumes with legitimate forms of* khamets, *and thereby accidentally transgress Jewish law. As a way of "building a fence around the Torah" (insuring that a Torah rule is not broken), Isserles forbade Ashkenazic Jews from eating legumes during the holiday, even though Sephardic Jews were permitted. The debate over legumes still persists to this day. Thus, the need for a responsa on the subject.*

Prepare a brief summary of the text for your presentation to the group. What value(s) compel the Reform movement to permit legumes?

> **Reform practice, following the standard of the Talmud, permits the eating of rice and legumes during Pesach. We do not take this stand because we disparage custom and tradition. On the contrary: our "rediscovery" of the centrality of ritual observance to Jewish life, described at the outset of this tshuvah {legal answer to a submitted question}, demonstrates that we take the claims of tradition with the utmost seriousness. This Committee, in particular, in its approach to the answering of the she'elot {legal queries} submitted to it, has tended to uphold the standards of traditional practice except in those cases where good and sufficient cause exists to depart from them. And our movement has recognized for nearly two centuries that the prohibition of rice and legumes is just such a case. This observance, which presents a significant burden upon Jews during Pesach, has no halakhic justification: the Talmud clearly rejects the suggestion that rice and legumes**

are chametz, and the likelihood that our people will confuse legume dishes with chametz dishes is too remote to be taken into serious consideration.

We do not accept the orthodox argument that a customary observance, once widely adopted, can never be annulled. [...]

When a religious practice has outlived its purpose, when its retention is perceived by the community as unnecessary and burdensome, Reform Judaism affirms the right of the observant community to alter or annul that practice in favor of a new standard which better expresses our understanding of Torah and tradition and the religious sensibilities of our age. Our position does not, of course, prevent Reform Jews from adopting the traditional prohibition as a matter of choice. On the contrary: Gates of the Seasons notes that "Ashkenazi custom" adds rice and legumes to the list of prohibited foods on Pesach, implying that observance of this custom is a valid option for Reform Jews. The mere fact that a traditional practice is not "obligatory" does not imply that we should not follow it or that we should discontinue it ("Pesach Kashrut and Reform Judaism," available at http://www.ccarnet.org/cgi-bin/respdisp.pl?file=9&year=5756).

There are a number of values that compel this Reform responsum to rule in favor of permitting the consumption of legumes during Passover (in no particular order):

- The prohibition presents an undue burden on Jews during the holiday.
- The Talmud (c. 500 CE) permits the consumption of legumes during Passover. We don't encounter the prohibition until later during the Medieval Period, and it is not "canonized" until Isserles writes (c. 1560 CE). In general, the older a Jewish practice is, the more authoritative it is. As this is a relatively 'late' innovation in Jewish legal history, Reform Jews are less compelled to observe it.
- As rational individuals, especially in an age of advanced food packaging, we do not think it likely that Jews will confuse legumes with other forms of *khamets*.

As a closing thought, invite the committee to consider how these values might affect the ways that Reform Jews look at *kashrut* in general. Does the issue of whether or not a mitzvah is a burden matter to us? What about the period in which a law was created? This is an excellent bridge to our next meeting, which will explore *kashrut* and Reform Judaism.

The Fourth Meeting

Primary goals for the meeting:

- Sensitize participants to the stereotypes surrounding Reform Judaism and *kashrut*
- Educate participants as to the history of the American Reform movement and its evolving attitudes toward *kashrut*, by making use of excerpts of the platforms of Reform Judaism
- Introduce participants to the phenomenon of "ethical kashrut"

Over the course of the past three sessions, we've had a chance to explore some of the most important aspects of *kashrut*. But before we are ready to begin making the decisions that will form the backbone of our new dietary policy, we must devote a session to *kashrut* and Reform Judaism.

The reason for today's discussion is simple: as Reform Jews, we bring a certain set of religious assumptions and values to the table when we make religious decisions. What are those values, and where do they come from? Today's session is devoted to finding out!

Activity 1: *Eyewitness News?* The Trefa Banquet and the Stereotypes of Reform Judaism

Primary Goals:

- Sensitize participants to the stereotypes of Reform and Orthodox Judaism, and discuss their historicity
- Teach participants about the infamous Trefa Banquet of 1883

Time for activity: 15 minutes

Materials needed: blank paper and some pens; menu of Trefa Banquet (appears below)

In the summer of 1883, the Hebrew Union College (the rabbinical seminary of the Reform movement) celebrated its first graduating class of rabbis by throwing an elaborate banquet in the ordinees' honor. At that time, there was not a clear sense of the different movements of Judaism in the way that we tend to think of them today. Instead, there were various factions of Jews scattered around the country, each with their own ideological priorities.

Take note of the names 'Hebrew Union College' and 'Union of American Hebrew Congregations.' Isaac Mayer Wise (architect of American Reform Judaism) imagined that these institutions could serve *all* of America's "Hebrew" congregations – not just Reform synagogues.

VIPs from many of the aforementioned factions (including communities that thought of themselves as more traditional or quasi-Orthodox) were invited to Cincinnati to celebrate the ordination of the first American-trained rabbis.

Much to the surprise of many of the guests, the banquet did not meet the strict regulations of traditional *kashrut*! See the translated French menu below, for a taste of that evening:

The First Six Courses of the Hebrew Union College Ordination Banquet[159]

1883

Little Neck Clams

Selection of Soups

Fish
Beef with Mushrooms
Soft-Shell Crabs
Shrimp Salad

Sweet Breads with Monglas sauce[160], served with peas with Francais sauce[161]

Chicken a la Viennese[162]
Asparagus Sauce
Potato Pie

Frog Legs with Cream and Roast Cauliflower
Pigeon in Puff Pastry with Tryolienne Sauce[163]
Lettuce Salad

One last historical observation about the evening. There is much debate as to whether or not Wise knew about or approved the menu. Shortly afterwards, he claimed that local Reform-minded lay leaders had made all of the catering arrangements.

To get a better sense of the different reactions to the banquet, let's divide up into two groups. Each group should begin by looking over the menu. Can you identify how the meal violated the traditional laws of *kashrut*? Feel free to ask me if you have any questions.

After you've had a chance to look over the menu, each group will write a brief skit to express what you think a "stereotypical" reaction to the dinner might have been like. Image that your group has been asked to provide the news report for *Eyewitness News* at

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[159] As it appears (with partial translation) on Isaacs/Olitzky 60-61.
[160] Sweet breads refers to the thymus or pancreas of a young animal (as a calf). Monglas sauce begins with a base made up of a bit of liquor the sweetbreads cooked in. That is mixed with flour, butter, mushroom juice, eggs, lemon juice, truffles, crayfish or shrimp tails, and parsley.
[161] Francais sauce is a mixture of butter, garlic, white wine, and parsley.
[162] Chicken with butter and lemon
[163] I couldn't find a reference to Tryolienne sauce. But Tyrolienne sauce is: mayonnaise, capers, parsley, gherkin (immature fruit of a cucumber or a small prickly fruit that can be pickled), and tomatoes.

11. Group 1: write your skit as a reporter covering the reaction of Reform Jews attending the dinner. Group 2: write your skit as a reporter covering the reaction of Orthodox Jews attending the dinner. Interview the fictional cast of characters (representing your side) that might have been at the occasion.

Let groups write their skits for about 10 minutes or so. Then bring everyone together, and have each group perform their skit. After the skits are done, discuss with the group some of the issues that were raised. Potential topics that could be touched on:

- Disbelief on the part of Orthodox Jews that a Jewish dinner could contain such entrees
- Disbelief on the part of Reform Jews that the kind of food served at a dinner could matter so much to Orthodox Jews.
- Desire on the part of Orthodox Jews to leave the dinner – and the Union of American Hebrew Congregations - because they do not want to be affiliated with others who do not object to the meal
- Realization on the part of Reform Jews that we can't all get along: perhaps a feeling of "good riddance"

Great job! I'm thrilled to see that both groups "hammed" up their skits so well! Seriously, the banquet really is an important moment in American Jewish History. It brings into relief the serious ideological differences that were present in the 19th century Jewish community.

The banquet is also important because it reiterated for the world that Reform Judaism is not interested in honoring any of the dietary laws.

If stereotypes are to be believed, then the above statement is undoubtedly true.

But in actuality, Reform Judaism long ago abandoned its *tref* policy for a more nuanced approach to eating, now known as "kosher style." "Kosher style" eating gives Jews the freedom to follow *some* of the dietary laws, but not *all* of them – if they so choose. Our next exercise will illustrate for us how this evolution came about.

Activity 2: Platforms of Reform Judaism Text Study

Primary goals:

- Use excerpts from the platforms of Reform Judaism to illustrate the evolution of the movement's attitudes toward *kashrut*
- Use the documentary evidence of the platforms to show that the stereotypical presumptions about Reform and *kashrut* are incorrect

Secondary goal:

- Use this text study to educate participants as to the meaning of Reform Judaism in general

Time for activity: approximately 30 minutes

Materials needed: pens for taking notes, excerpts of the platforms (appears below).

As some of you may know, over the course of its 125 year history, the American Reform movement (by way of its major rabbinical association, the Central Conference of American Rabbis) has approved a series of platforms. The platforms are documents that summarize what it means to be a Reform Jew. They clarify our values, and help in many ways to define the boundaries of what is acceptable in the Reform movement and what isn't.

Let's break up into four groups. Each group will be assigned an excerpt from a different platform. Let's spend about 10-15 minutes reading the platform out loud and discussing it in your small groups. Then we'll join together and present our findings. Discussion points are provided for facilitators below each text excerpt.

As your group considers its text and prepares some brief remarks for the group presentation, see if you can answer the following questions:

- Can we summarize this passage in our own words?
- Is your passage suggesting that certain ideas/behaviors are prohibited? If so, identify them.
- Is your passage suggesting that certain ideas/behaviors are required? If so, identify them.
- Given what we've already learned about the laws of *kashrut*, what - if anything - does your passage seem to be saying about the dietary laws?

TEXT 1: An Excerpt from the Pittsburgh Platform of 1885

This is the first platform of American Reform Judaism. Many have suggested that the entire document (not just the excerpt below) does an excellent job of defining Classical Reform Judaism.

What do you make of the excerpt below, in light of the Trefa Banquet?

> **We recognize in the Mosaic legislation a system of training the Jewish people for its mission during its national life in Palestine, and to-day we accept as binding only the moral laws, and maintain only such ceremonies as elevate and sanctify our lives, but reject all such as are not adapted to the views and habits of modern civilization.**
>
> **We hold that all such Mosaic and rabbinical laws as regulate diet, priestly purity and dress originated in ages and under the influence of ideas altogether foreign to our present mental and spiritual state. They fail to impress the modern Jew with a spirit of priestly holiness; their observance in our days is apt rather to obstruct rather than to further modern spiritual elevation.**

- This passage makes it very clear that Reform Judaism does not mandate any ritual observances. The second paragraph emphasizes that *kashrut* is included in the category of rituals that "are not adapted to the views and habits of modern civilization."
- Does the passage prohibit observance of the dietary laws? This is a much-debated question. The first paragraph does not seem to prohibit them, but the second paragraph ends with the reference to 'obstructing spiritual elevation.'
- As for the Trefa Banquet, this passage seems to reflect that menu's ambivalence regarding the dietary laws. One possible difference: some have suggested that the lack of pork on the menu could indicate a desire on the caterer's part to present a "kosher style" meal (that is, a menu that honors at least a part of the dietary laws). Note that the Pittsburgh Platform does not reflect any interest in a "kosher style" policy.

TEXT 2: Three Excerpts from the Columbus Platform of 1937

This document, reflecting the changing mores of Reform Judaism in the Interwar Period, makes it clear that Reform Judaism is <u>not</u> limited to the Classical Reform embodied in the Pittsburgh Platform. Many have suggested that this document indicates the early beginning of the Reform 'return toward tradition' that is much heralded today.

The Torah, both written and oral, enshrines Israel's ever-growing consciousness of God and of the moral law.

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Each age has the obligation to adapt the teaching of the Torah to its basic needs in consonance with the genius of Judaism.

•

Jewish life is marked by consecration to these ideals of Judaism {as listed in the preceding section of the platform: ethics, social justice, and peace}. It calls for faithful participation in the life of the Jewish community as it finds expression in home, synagog and school and in all other agencies that enrich Jewish life and promote its welfare.

- The first passage is interesting because it makes reference to the Written *and* Oral Torahs. This is a major change: in earlier Reform history, only the Written Torah was considered authoritative. This had a direct impact on *kashrut*. Thus, some Reformers began to observe "Biblical kashrut" – that is, they observed the permitted and prohibited species as outlined in the Torah. But they did not observe the prohibition of meat/milk (for example) because that was a rabbinic innovation (i.e. found in the Oral Torah/Talmud). Thus, one could argue that this sentence, in acknowledging the importance of the Oral Torah, is granting

permission to Reform Jews to explore aspects of traditional *kashrut* that are found outside of the Bible.

- The second passage emphasizes that the Jewish citizens of every age have a responsibility to re-evaluate their Jewish choices. This stands in contrast to the Pittsburgh Platform's tone, which seems to imply that the values/positions of the Pittsburgh Platform are valid/eternally relevant. This could be read as a desire, on the part of the Columbus Platform, to distance itself from the Pittsburgh Platform.
- The third passage is notable because of its assertion that Jewish life can be experienced in many different settings: not just in the synagogue. As eating is one of the primary activities of the home, one has to consider that this passage may, in fact, be referring to *kashrut*. However, it is pure speculation, as no further reference to the dietary laws is made in this document.

TEXT 3: Two Excerpts from the Centenary Perspective of 1976

This is the third of the platforms. Note how this document, like its 1937 forerunner (the Columbus Platform), consciously seeks to distance itself from the Classical Reform Judaism embodied in the Pittsburgh Platform of 1885.

We stand open to any position thoughtfully and conscientiously advocated in the spirit of Reform Jewish belief. While we may differ in our interpretation and application of the ideas enunciated here, we accept such differences as precious and see in them Judaism's best hope for confronting whatever the future holds for us.

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Within each area of Jewish observance Reform Jews are called upon to confront the claims of Jewish tradition, however differently perceived, and to exercise their individual autonomy, choosing and creating on the basis of commitment and knowledge.

- These excerpts are dominated by the acknowledgement that diversity within Reform Judaism is a good thing.
- Note how the second paragraph, without naming specifics, clarifies that Reform Jews are required to consider *all* of the (ritual) claims of Judaism. Reform Jews are certainly not required to do all of the commandments. But this document argues that we are all required to *think* about them, and consider if any are right for us. Although *kashrut* is not mentioned specifically, it is potentially implied.

TEXT 4: Two Texts That Address the Pittsburgh Principles of 1999 (officially known as "A Statement of Principles for Reform Judaism")

The Pittsburgh Principles of 1999 marked the apparent ascension of 'Neo-Traditional' Reform Judaism. Under the leadership of Rabbi Richard Levy, the CCAR passed this platform in Pittsburgh: a symbolic message asserting that Reform no longer meant 'the old Pittsburgh Platform.'

The first passage below is the closest the platform comes to the dietary laws. The second passage is the official commentary to the platform.

> **We are committed to the ongoing study of the whole array of (mitzvot) and to the fulfillment of those that address us as individuals and as a community. Some of these (mitzvot), sacred obligations, have long been observed by Reform Jews; others, both ancient and modern, demand renewed attention as the result of the unique context of our own times** ("A Statement of Principles for Reform Judaism," available at http://ccarnet.org/platforms/principles.html).
>
> •
>
> **In a time when more and more people are using diet to express their beliefs, "our peoples' ongoing relationship with God" makes an increasing number of Reform Jews look seriously at aspects of *kashrut*. The Third Draft of the Principles specifically mentioned *kashrut*, *tallit*, *tefillin*, and *mikveh* (ritual immersion) to demonstrate the principle that there is no *mitzvah* barred to Reform Jews, even as the Reform movement does not compel the observance of any *mitzvot*** (Official Commentary to "A Statement of Principles for Reform Judaism," available at http://ccarnet.org/platforms/commentary.html).

- Note how the first passage insists that *all* of the *mitzvot* are open to Reform Jews. This statement stands in stark contrast to the original Pittsburgh Platform.
- What do you make of the commentary's reference to *kashrut* in the second paragraph? Why might *kashrut* have been deleted from the final version of the platform? Perhaps because some Reform Jews are still not ready to accept the fact that *kashrut* is a part of Reform Judaism? Consider the contrast between that attitude, and the attitude expressed in the first passage.

After discussion of all four platforms is finished:

I hope that we can now see that the 19th century stereotype that Reform Jews don't engage in *kashrut* at all is overblown. In fact, the platforms since 1937 illustrate an increasing open-ness to the Reform exploration of traditional ritual (and by extension: the dietary laws). And, although *kashrut* is not specifically mentioned in any of the recent platforms, there is ample evidence to indicate the place of importance that this issue holds in today's Reform movement. In addition to the fact that the CCAR currently has a Task

Force devoted to the subject, *kashrut* has been highlighted in two major Reform publications of the last 25 years: *Gates of Mitzvah* by Simeon Maslin (1979) and *Jewish Living* by Mark Washofsky (2001).

With our remaining time, let's turn our attention to a new and creative approach to *kashrut* that many liberal Jews have begun to advocate in the last decade. That approach is known as "ethical kashrut."

Activity 3: An Introduction to "Ethical Kashrut"

Primary goal:

- Introduce participants to "ethical kashrut" and invite them to consider integrating it into the community's dietary policy

Time for activity: 20-30 minutes

Materials needed: *Boston Globe* article (see below)

"Ethical kashrut"[164] was first introduced to the Jewish world in a series of articles written by Rabbi Arthur Waskow in 1988. Waskow argued that Jewish dietary guidelines should not be limited to the traditional laws of *kashrut*. Instead, Waskow suggested that Jews should eat according to the values that shape their lives. (For Waskow, "ethical kashrut" is an approach that can either stand on its own, or be *added* on to the traditional laws of *kashrut*.)

"Ethical kashrut" is relatively simple. First, Waskow challenges us to identify values that are important to us. Let's take the value of fair trade, for example. Fair trade is a labor policy that insures that workers are being fairly compensated (and not exploited) for their product. To be pro-fair trade is not just a political or social position. It's also a religious one. After all, Judaism is staunchly opposed to the oppression of workers.

Therefore, Waskow urges that we should not eat (and by extension: buy) commodities, unless they have been produced under the standards of Fair Trade. In other words, Waskow would suggest that foods not produced under Fair Trade are *tref* or non-kosher (so to speak).

Let's begin by reading a brief article about Fair Trade that appeared in the October 20, 2004 edition of the *Boston Globe*. Afterwards, we'll discuss how "ethical kashrut" might inform some of the dietary choices that we'll have to make during our meeting next time.

[164] See the Jan./Feb., 1988 issue of *Tikkun*.

Farmers tell of Fair Trade benefits

By Alison Arnett, Globe Staff | October 20, 2004

ACTON -- Edmundo Lopez breaths in the aroma of a small glass of coffee and takes a deep sip. He smiles as he raises his head, declaring, not surprisingly, that of the four samples arrayed in front of him, he likes his own Nicaraguan coffee best. "It's the merlot of coffees," says coffee meister George Howell, who is sponsoring this cupping -- similar to a wine tasting -- at his new Terroir coffee company here. Howell chose this coffee as a winner of his "Cup of Excellence" this year. Its characteristics are "smooth and mellow," he explains.

In Nicaragua, Lopez and his cooperative grow coffee sold under the Fair Trade label, which guarantees family farmers a fair market price for their coffee, cocoa, and bananas and other fruit. In Boston recently, as part of a monthlong tour featuring tastings and events in five cities, Lopez and Ecuadoran banana grower Ivan Ramon met with chefs, retailers, and consumers at the Harvest Co-op Market in Jamaica Plain; Wild Oats Markets in Andover, Medford, and Saugus; and other cafes and businesses.

Kimberly Easson, an official of the Oakland, Calif., TransFair, which certifies and helps market Fair Trade products, translated for the farmers, who talked about the benefits to their families, communities, and the environment. Under the Fair Trade criteria, coffee farmers in Lopez's cooperative in the Madriz region of northwestern Nicaragua get two to three times the price they would earn on the open commodity market. Some of this money helps with education, improving housing, and even roads in his community, Lopez says. And because they get a premium for high-quality coffee, they can concentrate on a better product that is grown organically, one of the criteria TransFair emphasizes.

Howell, one of the earliest coffee entrepreneurs, sold his Coffee Connection stores to Starbucks in the mid-'90s and now offers his Terroir beans in shops and by mail. He has long been involved in seeking out small-scale farmers who grow excellent coffee beans. Nicaraguan co-ops such as Lopez's have been flexible about changing their ways to improve their coffee, and Fair Trade premiums both reward the farmer and help raise the quality of coffee, says Howell, as he slurps Nicaraguan coffee and compares it to cups from Costa Rica, Kenya, and Guatemala.

To Ramon, one of nine brothers in a farming family, a better environment is a big concern. He shows photographs of banana plants amid other crops and forest trees. The intercropping, very different from the large plantations -- where nothing but bananas is grown -- protects the forests, says the grower. "The most important thing is to take care of the environment for future generations," he declares.

TransFair's Easson, who is director of strategic relationships, said the events, which also included New York; Seattle; Portland, Ore.; and Milwaukee, were organized to raise consumer awareness of Fair Trade. TransFair, the only independent certifying organization of Fair Trade products in this country, reported a one-year growth in Fair Trade coffee sales of 91 percent in 2003; Fair Trade-certified products are sold in more than 20,000 retail outlets nationwide, the organization says.

The chance for the eight farmers to meet American consumers "is very empowering," says Easson. "Fair Trade is going mainstream."

Ramon also attended the Produce Marketing Association trade show in Anaheim, Calif., the first time a Fair Trade producer has been involved in such a large show, says Haven Bork, spokesman for TransFair. Although many markets and retail outlets, such as Starbucks and Dunkin' Donuts, now feature Fair Trade coffee, the produce is just beginning to make headway. "We're very aggressively marketing" produce -- especially the bananas, Bork says.

Kashrut is all about making choices. For some, the choice is between chicken and pork, or between a cheeseburger and a hamburger. But the approach of "ethical kashrut" teaches us that our choices don't have to be limited to the paradigm established by traditional *kashrut*. Instead, "ethical kashrut" encourages us to think of every food choice that we make in the context of values that are part of our conscience and/or our Jewish tradition.

The Fair Trade newspaper story illustrates just one example: insuring that farmers earn fair wages for their crops. The lesson of the story from an "ethical kashrut" perspective seems to be: if you care about the plight of farm workers, you should only buy a product that has been approved as "Fair Trade" (yes, they do have symbols marking that!).

But "ethical kashrut" is not limited to Fair Trade issues. Let's take a few minutes and see if we can brainstorm other areas where we can apply our values to the food choices we make.

Facilitators, here are some possibilities, along with the Hebrew terms that describes these key Jewish values:[165]

Respect for animals (*Tza'ar ba'alei hayyim*) Perhaps this means going fully vegetarian, or abstaining from meat of animals raised in "factory farm" conditions. What about respecting the identity of plants? One could avoid fruits veggies sprayed with pesticides, or foods that have been genetically manipulated.

Protecting one's own body (*Shmirat Haguf*) Abstain from foods with carcinogens or hormones. This value could also raise awareness of eating disorders, which make food into a weapon that we use against ourselves.

Sharing food with the poor (*Tzedakah*) Consider abstaining from any communal or festive meal, unless a portion of its cost goes to a hunger organization.

Pursue peace and justice (*Rodef Tzedek and Rodef Shalom*) Avoid food produced by companies or countries that violate basic values/principles.

Sanctifying the act of eating by blessing (*Brachah and Kedushah*) When we eat, we should consider calling to mind where our food comes from – whether we are thanking God or not.

Great work! I hope that this last part of our discussion highlights one way how progressive Judaism makes the act of eating more spiritually meaningful, without relying on the traditional guidelines of *kashrut*.

Next time, we'll join together to decide on the key issues that will shape our dietary policy.

[165] This list is based on the outline that appears on p. 21 of the Jan./Feb., 1988 issue of *Tikkun*.

The Fifth Meeting

Welcome back! During the last four meetings, we've had the chance to consider:

- The values of this institution
- Some of the details of the traditional Jewish dietary laws
- A bit of the history surrounding *kashrut* in the American Reform movement

Our goal, in crafting a statement of dietary policy, is to offer a vision that incorporates aspects of each of these issues.

Goals of the meeting:

- Explore **why** this Jewish community should have a dietary policy
- Determine **what** the details of that policy should be
- Gain a consensus as to **how** that policy should be expressed, distributed, and implemented in the community

Activity 1: Why Should Jewish Dietary Values Matter to Us?

Primary goal:

- Brainstorm and discuss why Jewish communities in general, and this one in particular, should seek to integrate some form of *kashrut* into the communal life of the institution

Time for activity: 15 minutes

Materials needed: chalkboard/wipeboard/flip chart; writing/erasing utensils

Before we begin to discuss the nitty gritty of our policy, let's step back for a moment and consider why it is that Jews in general, and this community in particular, should integrate dietary guidelines into their lives. I'd like to go around the room and just quickly brainstorm some ideas. Remember, there are no right or wrong answers here.

List is generated. Facilitators: if you need some help, consider these examples, which come from the CD-ROM *kosher: sanctifying the ordinary* (USCJ/RA, 2001).

- **Covenant** We keep kosher in order to maintain our distinctiveness as a people. The covenant is a pact that we (the Jewish People) enter into with God. When we "do Jewish," or act distinctively by doing the *mitzvot* (i.e. by eating according to the Jewish dietary traditions), we fulfill our responsibilities in the covenant.
- **Holiness** Part of what it means to be Jewish is to constantly strive to be like God – to be holy. This is in contrast to the animal instincts that are bred within us. Keeping kosher affords us an opportunity to sanctify an act (eating) that would be otherwise dominated by our own animal instincts.
- **Ethical and Ecological Concerns** *Kashrut* offers us the opportunity to behave ethically. Here are just two examples of aspects of *kashrut* that allow us to observe/celebrate the ethics of our tradition: (1) *Sh'khitah* (traditional kosher

method of slaughtering) is believed by many Jewish authorities to be the most humane way of slaughtering an animal; (2) Avoiding meat/dairy mixtures reminds us of the need to be sensitive to animals and their children. Needless to say, "ethical kashrut" offers many additional opportunities to integrate ethical/ecological concerns into our lifestyles.

- **Jewish Identity** Keeping kosher or "kosher style" enables us to connect to the Jewish People. The "Covenant" rationale (above) espouses Jewish Peoplehood for religious reasons. The "Jewish Identity" rationale espouses Peoplehood for cultural reasons.
- **Health** This is the most controversial rationale for keeping kosher. Ancient and modern Jewish authorities alike have suggested that the details of *kashrut* can be explained by their unique health properties. The flaw in this explanation is that: (1) it suggests that the Torah is equivalent to any other medical treatise; and (2) it fails to objectively evaluate the fact that kosher eaters are no more or less healthy than non-kosher eaters.

Once the list is generated, be sure to discuss:

- Which of these reasons resonates with the values of the community? Why?
- Which of these reasons does not resonate with the values of the community? Why?

This would be a great time to refresh everyone's memory regarding the value lists that were generated at the end of Activity 3 during our first meeting. (Re-read or re-distribute the lists to participants.) Do the community values that we named several weeks ago influence our response to any of the values we've listed on the board?

Activity 2: Decision-Making Worksheet

Primary Goal:

- Come to a consensus regarding the substantive details of the community's dietary policy

Time for activity: approximately 15-30 minutes; times will vary based on community

Materials needed: pens for recording the decisions of the group

Now that we've reviewed some of the reasons why Jewish communities choose to adopt aspects of *kashrut*, the time has come to make some detailed decisions about the content of our policy.

A handy multiple choice worksheet appears below. We'll now proceed to go through each question, and we'll do our best to come up with a consensus answer for each one. Remember, the answers are only samples. Don't be confined by the sample answers; feel free to think outside of the box!

Keep in mind that every community is different. It may well be that your community is not able to come to a consensus on some of these questions. Have patience, and remember that as the facilitator, it's your job to make a judgment call as to how to proceed.

Also, as you go through each of the questions below, feel free to return to the exercises that the committee did that are thematically related. Feel free to review texts, remind the group of a member's great idea, etc.

Decision-Making Worksheet

Prohibited Species

Pork/Pork By-Products

a. Not Allowed
b. Allowed

Shellfish/Shellfish By-Products

a. Not Allowed
b. Allowed

Permitted Species (Beef, Fowl, etc.)
a. Our community is vegetarian, no meat please! (Be sure to specify if this includes fish)
b. Allowed under any circumstances
c. Allowed, if marked as "kosher" by a recognized authority
d. Allowed, if marked as "organic" and/or "free-range" by a recognized authority

Meat/Dairy Mixtures

Institutional Dishes/Pots and Pans, etc.
a. We make no distinction about these items.
b. Our dishes/pots are marked as "meat" and "dairy" and we will keep them and their contents separated.

Buffets

a. We are comfortable serving entrees like cheeseburgers and meat lasagna.
b. Individual entrees on a buffet are designated as either "meat" or "dairy", but are never mixed together. We let individuals choose if they want to put a meat entrée and a dairy entrée on the same plate.
c. Our meals are designated as entirely "meat" or entire "dairy." If a meal is designated as "meat," then no dairy/dairy by-products (including milk) are served for dinner (including dessert).

Seated Meals

a. We are not concerned with the prohibition against mixing meat/dairy and would serve a plated entrée like a cheesesteak.
b. Individual entrees are either "meat" or "dairy," but we are willing to mix "meat" and "dairy" entrees on the same plate (example: BBQ chicken served on same plate with cheddar mashed potatoes).
c. We designate entire courses as either "meat" or "dairy." Thus, on any given plate everything will be either "meat" or "dairy." But, a "meat" course may be followed by a "dairy" one.
d. Same as choice "c" in Buffet section

Passover

a. Our only rule: No bread, or obvious bread by-product is served at our communal seder.
b. No bread, or obvious bread by-product may be consumed on Temple premises throughout Passover.
c. All bread, or bread by-products are physically removed from the Temple premises during the holiday.
d. Only foods with a Passover *heksher* may be consumed during Passover.

Note: many congregations have a special sub-policy concerning non-Jewish staff who bring lunch to work with them during Passover. Your community may want to consider such a clause as well.

Ethical Kashrut

Below are a list of initiatives that may be classified under the "ethical kashrut" category. They are not mutually exclusive.

- When we serve on disposable products, we will only use products that are recyclable and/or are made from recycled products.
- We will only serve food that has been manufactured by workers who receive fair wages. We will only shop at supermarkets whose employees are unionized.
- We will only use meat that comes from animals that were treated fairly in life, and at slaughter.
- We will only use meat that is free from pesticides that can harm the environment/ourselves.
- As part of our Religious School curriculum (to age-appropriate audiences), we will promote healthy lifestyles (of exercise, etc.) and educate about eating disorders.
- Our congregational eating will always be accompanied by an opportunity to remember the poor and the hungry, by donating to Mazon, donating uneaten food, etc. We will also support public policy initiatives that help the poor and the hungry.

- Communal eating will always be preceded and/or followed by a communal opportunity to give thanks for the food on the table. This may be the traditional *HaMotzi* and/or *Birkat HaMazon*, or a more creative liturgical expression of thanks.

Applicability of the Policy

Now that we've decided *what* the policy is, we now have to discuss when it will be applied.

a. Only at formal meals sponsored by the congregation in the building
b. At all times within the building (including Religious School, potlucks, staff lunches, catered lifecycle receptions, etc.)
c. Any formal congregational meal, even if outside the building

Give special thought to consistency. Does it send a negative message if the congregation abstains from pork and shellfish at formal meals, but the Confirmation Class is allowed to order in pepperoni pizza?

Mazel Tov! Hopefully, that wasn't too difficult. We now have the basis for a communal dietary policy. There's just a few more steps to go…

Activity 3: Text Study

Primary goals:
- Expose participants to a variety of temple dietary policies
- Challenge participants to name the best and worst aspects of those policies
- Encourage participants to integrate those observations into the framing of their own policy

Time for activity: 20-30 minutes

Materials needed: Dietary policies (see below); pens for making notes

The last step of the composition process is arguably the most important. Although we've decided *what* the content of our policy is going to be, we have not yet determined *how* to frame it.

As we are about to see, there are a number of different ways to frame a dietary policy. Let's take a few minutes to study three dietary policies from real Reform congregations from around the country.

Remember, we've already made the content decisions, so don't be distracted by the policies' decisions about mixing milk and meat. Instead, keep your eyes out for the details…you'll see what I mean in a moment.

Try to answer these questions when you study your text:

- Does the statement speak about dietary policies in particular, or does it address non-dietary issues as well?
- Does the statement offer any explanation for how/why various decisions were made? Does it give you any insight into any of the issues that their dietary committee struggled with?
- Does the statement offer examples to illustrate various policies?
- Does the statement discuss how the values of Reform Judaism/the congregation are related to the policies in the statement?

Needless to say, these are all questions that we should also keep in mind in terms of our own statement.

Split the committee into three groups.

TEXT 1

It shall be _____'s policy to observe "Kosher style" with respect to food provided at all congregation functions (whether or not conducted in the synagogue), and with respect to food brought into the synagogue by a member for his or her own consumption or to share with others.

_____'s kitchen is not kosher in the traditional sense. In an effort to recognize our Jewish heritage and the role that *kashrut* [the dietary laws] has played in our history, some element of *kashrut* will be observed on the _____ premises. Our kitchen will not contain separate dishes, implements, or serving platters designated specifically for meat or dairy meals.

The following dietary rules should pertain to all foods served at congregation functions or brought into _____:

6. Permitted Foods

Some foods (including all fruits, vegetables, most fish, and eggs) are considered *pareve*, meaning that they are permitted and may be part of either a dairy or meat meal.

Meat from cud-chewing animals with cloven hooves (most commonly, beef, veal and lamb) is permitted. Meat from poultry (i.e., chicken, turkey, duck, and geese) is permitted. However, as indicated below, dairy products may not be served with any of these meats (except fish).

7. Foods Not Permitted

The only fish that can be considered "kosher" are those with both scales and fins. Therefore, catfish, sharks, eels, and shellfish (crustaceans and mollusks) are not permitted.

Pork and pork products (bacon, ham, pork sausage, etc.) are not permitted.

8. Mixing of Milk and Meat

_____ discourages the placement of dairy products (butter, milk, cream, cheese) on the table when meat is being served as a symbol of our adherence to dietary observance. There shall be no mixing of milk and meat at congregational functions.

9. During Passover No *Chametz* is Permitted in the Synagogue

Chametz is leavened bread and anything made with wheat, rye, barley, oat, or spelt, which has not been supervised to ensure that it has not leavened. Packaged foods that can be used for Passover usually are so labeled.

10. Outside Groups

Outside groups also must follow the above policies.

Reasoning:

While Reform Judaism leaves it to the individual to decide whether or no to observe the *kashrut* laws, many Reform Jews who observe the dietary laws, totally or in part, do so because for them, (a) it adds to their personal expression of Judaism with the daily meals serving as reminders of Jewish ideals; (b) it provides an additional link with other Jews and a link to history, enabling Jews of all groups to eat in their home or their synagogue; and (c) it encourages ethical discipline. A large number of Reform Jews observe some modified form of the dietary laws by abstaining from the forbidden foods and/or the mixing of meat and milk.

For these reasons, we are adopting this same expression of Judaism for meals eaten inside the premises of _____ or at functions sponsored by the congregation. Our goals are both to create a common ground that will be welcoming to the majority of our congregants and our guests, and to encourage our members' spiritual growth by practicing the *mitzvah* of *kashrut* observance, even if only for a short time.

It is important to note that this policy is *not* intended to require congregants to observe the dietary laws in their daily lives outside of the synagogue. While the congregation encourages each member to educate himself or herself about *kashrut* (and other traditional Jewish practices as well) so as to be able to make an

informed decision, the choice of whether - and to what extent – to observe the dietary laws outside of synagogue functions is the individual congregant's choice alone.

Facilitators, here are some things to consider about this policy:

- It doesn't specifically define "kosher style" (although the rest of the policy does illustrate the intent).
- The reference to "cloven hooves" illustrates that the policy is rooted in Jewish text and tradition.
- Examples of some prohibited species are given.
- The mixing of meat/milk rule is vague. At one point the policy "discourages" it. Later, they firmly prohibit it.
- The prohibition to store *chametz* during Passover reflects a very literal reading of the Torah. Is that consistent with this congregation's reading of other sacred Jewish texts? Of the Torah more specifically? More importantly: is consistency important to us? Why or why not?
- The statement does an excellent job of explaining why they have put this policy into place.
- The statement does a great job of explaining that individuals should not feel pressured by the stance of the congregation.

TEXT 2

1. Kitchen fees are charged for routine use of the kitchen. Additional charges of actual cost will be made in the event of breakage.

2. Building personnel may be made available to assist in locating and in using kitchen equipment, as well as to clean up after a function. Labor charged with a 4-hour minimum will be made. The number of building personnel necessary will be determined by the Executive Director.

3. The building staff is not responsible for preparation of food.

4. Pork is not permitted to be prepared or served.

5. Information on events catered by Sisterhood, is available from the Sisterhood Vice President in charge of catering.

6. Kitchen equipment cannot be removed from the building.

- Note how the actual detail about eating is limited to clause 4.
- Is the community best served by coupling its catering/rental policies with a statement on dietary policy? What messages do we send to the community if we create a dietary policy that is separate from other policies? (Dual messages: on the one hand, that the temple thinks dietary policies are an important example of the what the community stands for, and therefore deserves to be highlighted on

their own. On the other hand, separating the policies means potentially making it more difficult for people to learn all the relevant information when they are planning a reception.) Remember, there's no single right answer to these questions!

TEXT 3

_____ Guidelines for Caterers

_____ has a "kosher style" policy. We do not require that your food be kosher. However, neither pork nor shellfish may be served, and menus must be designated as either meat or dairy. Bread and rolls may not be served during Passover. Grilling, barbecuing and open-fire cooking are not allowed in the temple. For those willing to observe the laws of kashrut, we are happy to arrange for our kitchen to be koshered and welcome kosher caterers.

Please let your caterers know that they are responsible for clearing tables; washing dishes (if ours are used); leaving the kitchen neat and clean; and disposing of refuse in plastic bags and depositing them in the dumpster outside the kitchen. If they have any questions, they may contact the temple directly. Catering/rental trucks may load and unload on the _____ Avenue side of the building. However, delivery personnel must sign in at the security desk located inside the _____ Street entrance.

- Is this policy just for caterers, or for everyone at the congregation?
- Note how the policy mixes dietary issues with safety issues (i.e. no open fires in the building). What are the advantages and disadvantages to such a choice? (Advantage: your community shows that you are thinking holistically. When compared to choices about food, safety is as important (or more important)! Disadvantage: The community loses the chance to truly highlight a dietary policy that reflects the key values of the community.)
- This policy specifically states a willingness for the temple's kitchen to be *koshered* (made kosher) by a "kosher caterer" (which is usually certified by local Orthodox authorities). What are the advantages and disadvantages to allowing licensed kosher caterers to work on the premises (the possibility of allowing all Jews the chance to eat in the temple should be weighed against the ideological implications of having a potential affiliate of the Orthodox community come in and say that our Reform temple is "kosher enough.")

Be sure to allow time to discuss which aspects of these policies (i.e. combining dietary rules with more mundane building policies; providing the reasoning for the policy; references to caterers, etc.) the committee really likes, and which ones they don't like.

Every group works differently. The facilitator (or his/her designee) may find it easiest to take the committee's input on these issues (along with the earlier decisions about the actual policy details) and compose a draft of the policy first; this may make more sense

than having the group construct the entire document together. Needless to say, any draft should be brought back to the group (or sent around via email) for input or discussion. Make sure that the final draft reflects the consensus of the group.

Once a final draft is completed, facilitators should consult with temple leadership about the next step. Every community has different policies. Does the document have to be approved by the President, the Board, the Senior Rabbi, and/or the Ritual Committee? If so, be sure to take the appropriate steps to gain their input and approval.

Every community works differently, so be patient. The document may not get approved overnight!

Once the final approval of the congregation is given, be sure to consider how the document will be distributed. Will it be posted in the building or on the website? Will new members receive it? These are all logistical issues to be worked out according to the culture of your community. With each decision, just keep asking yourselves: what sort of message are we sending to the congregation by doing this? Be sure that you're comfortable with that message.

Finally, consider throwing a festive meal to mark the completion of the policy – for the committee that drafted it, or for the congregation at large. Be sure to order foods that reflect the new policy! Put together a handout that explains the policy. The party can be a great chance to educate temple members as to this important evolution in the life of their community.

Congratulations on this wonderful achievement and *b'tayavon* – eat heartily!

Conclusion

In the introduction, I endorsed the Maslin/Washofsky approach to Reform *kashrut*, arguing that a progressive dietary policy does not have to be all/nothing. We can choose to observe X, while ignoring Y.

Yet this thesis did not fully explore the implications of such an approach. Future scholars will have to pick up where Eleni Zatz Litt left off. They will have to answer the pressing question: how does a diverse group of progressive Jews (or any Jews, frankly) eat together when everyone in the group has made a different, but religiously authentic, dietary choice? If *hekshered* food is served, the *tref*-eaters (or those wary of Orthodox supervision) will be upset. If *tref* food is served, the "*shomer kashrut*" crowd will be upset. And that realistic scenario is based on the presumption that the various people/constituencies actually agree on what constitutes kosher food, and what constitutes *tref*. With the advent of alternative eating approaches like organic, vegetarian, vegan, and the entire category of "ethical kashrut," there is the very real possibility that we Jews will not be able to agree on what is kosher and what isn't in the very near future. And if that is the case, *kal v'khomer* that our communities will have a hard time deciding on a consensus dietary policy that will be spiritually meaningful.

While this may be true, let us not be concerned. After all, this is not the first time that the movement has attempted to show how a long-established Jewish tradition can be integrated into a Reform lifestyle. Indeed, the Reform leadership might consider modeling its response to *kashrut* to the response to Shabbat that was published in 1996.

In that year, the CCAR offered *Gates of Shabbat: A Guide for Observing Shabbat*. The book did a superb job of describing a plurality of approaches to Shabbat

observance, all from a unique Reform perspective. The book's impact on an individual level is obvious: our people now have the chance to learn, and then decide what kind of Shabbat observance is right for them and their families.

Although I only have a little evidence to back this up, I do believe that our communal institutions have learned from *Gates of Shabbat* in the same way. Communities offer a plurality of Shabbat programming. There is Friday night worship for those whose Shabbat experience focuses on Friday night. There are morning activities that typically include study and prayer. Some congregations offer periodic Shabbat lunches. And many of our congregations offer periodic Havdalah programming.

Plurality should have a place in our movement's food offerings as well. Reform communities have already begun to do it in making sure that there is a vegetarian option available at meals when meat is being served. But why not make sure that that vegetarian dish is also certified organic, if that's an issue that resonates with individual communities?

The options are theoretically endless, but our budgets will inevitably constrain the number of food options that are available at a particular meal. In the meantime, as communities grapple with what sort of pluralistic buffet they'll be offering, I have one last practical recommendation. Communities should do their best not to make their members feel like second class citizens when they eat. If there's going to be a meat and vegetarian option, don't put a note about the vegetarian option in small print at the bottom of the invitation. Be sure to include it as one of several (equal) options in the body of the menu. Alternatively, if the meal has "kosher style" and kosher options, try not to have the kosher meal be a frozen airplane meal. Kosher participants inevitably pay

the same amount of money to attend a meal as the non-kosher ones. Event organizers might consider their responsibility to treat all paying customers equally; for, in reality, all of the "customers" should be respected equally for the dietary choices that they have made.

Appendix A: A Survey of American Reform Responsa Addressing *Kashrut*

American Reform responsa addressing the issue of *kashrut* go all the way back to 1918. At that time, an anonymous *sh'elah* (question) was submitted to the CCAR to determine if it was "necessary for Jewish soldiers to observe the dietary laws while in active service?"[166] Note that the question does not directly relate to Reform Judaism. Furthermore, HUC Professor Gotthard Deutsch, author of the *t'shuvah* (answer), answers the question by identifying what the "Orthodox" answer to the question would be, rather than arguing for a specifically liberal perspective. Thus, Deutsch concludes:

> Military service is *Dina Demalchuta.* It is intended for the welfare of the country, and it applies to Jews and non-Jews alike. Therefore, it supersedes ceremonial law, including the dietary laws. It would be absolutely unfair to demand the military administration to provide a *kosher* kitchen, which in some instances would be an impossibility, and in every case a hardship. Very observant young men, while in a camp which is in the vicinity of a large city, can easily provide themselves with *kosher* food, or Orthodox organizations may provide it for them, if they wish to do so, but from the strictest Orthodox viewpoint this is absolutely unnecessary.

The following year, Deutsch answered a question (not quoted in the responsum) regarding the same piece of Pyrex for both meat and dairy foods.[167] Again Deutsch limits his examination to the traditional sources, without invoking any criteria for a more particular Reform observance or sensibility. He concludes that:

> These quotations should suffice to prove that Pyrex, presuming that it is glassware, may be used for both milk and meat dishes and would therefore mean both a convenience and a saving in *kosher* households. Inspection of the article would seem necessary to convince the man who gives the decision {presumably a local rabbi} that Pyrex is what it is represented to be.

Although Deutsch does not provide us with a uniquely Reform answer, the responsa remain significant because they reveal at least a limited interest on the part of the two questioners to gain religious guidance about *kashrut* from an authority who is affiliated with a major Reform institution. This albeit limited interest on the part of the questioners

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[166] The responsum "Kosher Kitchen in Military Camps" may be found at http://www.ccarnet.org/cgi-bin/respdisp.pl?file=50&year=arr.

[167] The responsum "Use of Pyrex Dishes for Meat and Milk" can be found at http://www.ccarnet.org/cgi-bin/respdisp.pl?file=51&year=arr.

reveals that Classical Reform's influence was not as hegemonic as many tend to think of it during the early part of the 20th century.

The next example of *kashrut* in American Reform responsa literature does not appear again until Solomon Freehof's *Current Reform Responsa* was published in 1969. Chapter 53 of that book includes a number of answers that Freehof issued in response to questions that were submitted by *CCAR Journal* editor Joseph Klein. The tenth and final question that Freehof answers concerns what an appropriate *kashrut* in Reform synagogues might look like. Because of its direct relevance to this project's subject matter, I shall provide the complete answer below:[168]

> Answer: An honored colleague was asked by a family at the marriage at which he was to officiate, to wear a hat during the ceremony. He conceded to their traditional sentiments. After the ceremony, they went into the dinner and *trefe* seafoods were served; and he rebuked them, quite justly, on the ground of their hypocrisy. There is considerable inconsistency (to say the least) among our people in the matter of foods. But we are concerned, not with consistency, but with the sense of propriety.
>
> There can, of course, be no discussion from the legal point of view on the question of forbidden food. Yet a large proportion of our people follow certain restrictions, and these restrictions have become a tradition with them. **Laws which are rabbinical extension of the Bible (even though the rabbis themselves may consider them as directly derived from the Bible and therefore *m'd'oraiso*) no longer have meaning to our people, such as questions of meat and milk and the salting and soaking of meat. But the forbidden animals are still deemed forbidden in the sentiments of our people.** This certainly, if not religious, is reverential, and the synagogue should not discourage it by bad example (Freehof *Current* 227, emphasis added).

Obviously, this responsum is notable for the "kosher style" stand that Freehof takes. But even more interesting, in my mind, is the considerable difference between Freehof's approach and that of Deutsch. Freehof clearly identifies certain legal values (i.e. valuing Biblical legislation over Rabbinic legislation) that he seeks to apply to the traditional *halakhah* in order to determine current Reform practice (for his day).

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[168] Note that Freehof did not date individual questions/answers in *Current Reform Responsa*. This responsum may be found in Freehof *Current* 226-227.

Ten years later, in 1979, we have the appearance of two more responsum addressing *kashrut*. We have already made reference, in Chapter 2, to the responsum "*Kashrut* in Reform Judaism,"[169] which largely rubber stamps Simeon Maslin's approach to *kashrut* in *Gates of Mitzvah*.

The other responsum from 1979 deals with the question of whether or not a Jew might use a facial cream or lotion that contains oil from a prohibited animal.[170] The answer surveys traditional literature concerning the acceptable use of cosmetics, and the notion of prohibited species in general, and then concludes:

> We should note, however, that non-kosher food, when accidentally mixed with kosher food, would not cause the latter to be prohibited if the amount is smaller than one-sixtieth (*Shulhan Arukh* Yoreh Deah 94.4 ff). In this case the percentage of mink oil in the cosmetic is minute, probably less than one-sixtieth. So, if the oil were swallowed, or if it were accidentally mixed with kosher food through the handling of such food, the amount involved would be too small to present a question of *kashrut*. There could be no objection, therefore, for its use by Reform Jews or any Jews.

This answer illustrates the rule of *batel b'shishim* that we spoke about in Chapter 1.

Ten years later (in April, 1989), we have the appearance of two more responsa concerning *kashrut*. The first is a bit of "Purim Torah" – that is, a piece of literary humor, rather than scholarship. In "Are Dinosaurs Kosher?"[171] the Responsa Committee warns that: "Should you, therefore, find a dinosaur steak listed on your menu you should refuse it on the grounds of *kashrut* and due to the age of the meat." Earlier, it observes that even if dinosaur was a permitted meat "the *shohet* would place himself in grave personal danger as the collapsing dinosaur would propel him from his ladder. So because of *pikuah nefesh* the *shohet* would not be able to slaughter the dinosaur..." All humor aside, however, the responsum should catch our attention because all of the basic textual

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[169] See http://www.ccarnet.org/cgi-bin/respdisp.pl?file=49&year=arr.
[170] The responsum entitled "Suitable Cosmetic" can be read at http://www.ccarnet.org/cgi-bin/respdisp.pl?file=14&year=carr.
[171] See http://www.ccarnet.org/cgi-bin/respdisp.pl?file=83&year=narr.

references are correct and accurate (for example, Rambam's observation that only birds clearly identified by the Bible are kosher).

The other 1989 responsum deals with the validity of a piece of kosher fish that is served in such a fashion that it *looks like* shrimp.[172] The *t'shuvah* argues that it would "be wrong, as well as in poor taste to present any item in the form of shrimp or let us say a pig at a kosher dinner." Interestingly, the responsum concludes with the following observation: "Although Reform Jews do not observe the laws of *kashrut* strictly, those who do should observe the spirit as well as the letter of the law." The responsum ends there, and does not explore the statement further. Perhaps we can read this statement as supporting an ethical kashrut that includes all of the traditional prohibitions. After all, one could explain ethical kashrut as an attempt to live out the spirit of the law.

The most recent responsum dealing with *kashrut* was issued in the 1995-1996 year (5756) and is the aforementioned "Pesach Kashrut and Reform Judaism."[173] The responsum notes that Reform Jews need not abstain from *kitniyot*, but also touches on matters concerning the destruction and/or selling of *khamets*. The responsum notes that there are a number of liberal Jewish objections to selling *khamets* to a non-Jew (the legal fiction of such a sale; the reliance on a non-Jew to complete the *mitsvah*) and thus concludes that the practice of selling is un-necessary, as long as Reform Jews put prohibited foods in an inaccessible place for the duration of Passover.

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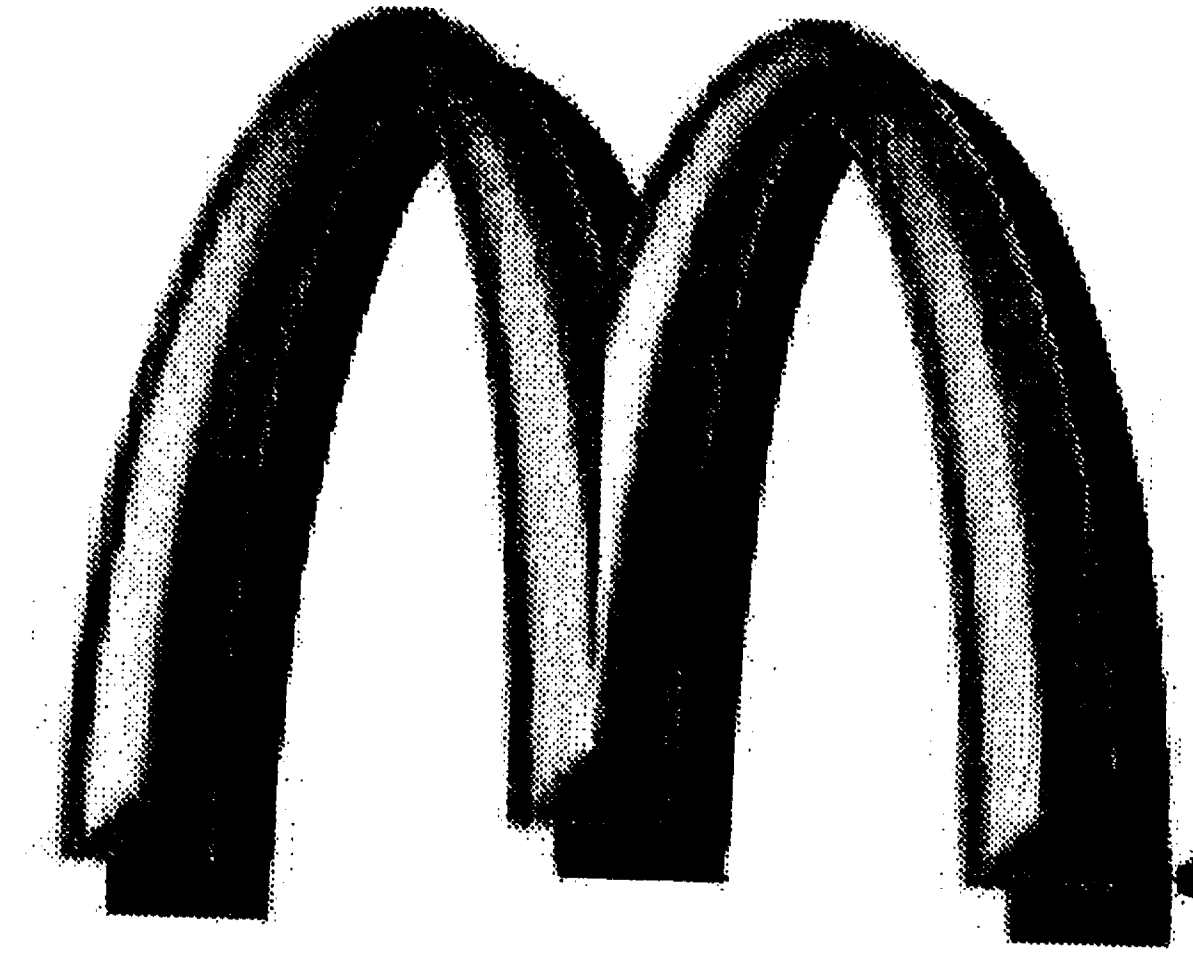
[172] The responsum "A Fish in the Shape of a Shrimp" may be found on http://www.ccarnet.org/cgi-bin/respdisp.pl?file=82&year=narr.
[173] See http://www.ccarnet.org/cgi-bin/respdisp.pl?file=9&year=5756.

Appendix B: Pictorial Supplement to Activity 1 (First Meeting) of the Workbook



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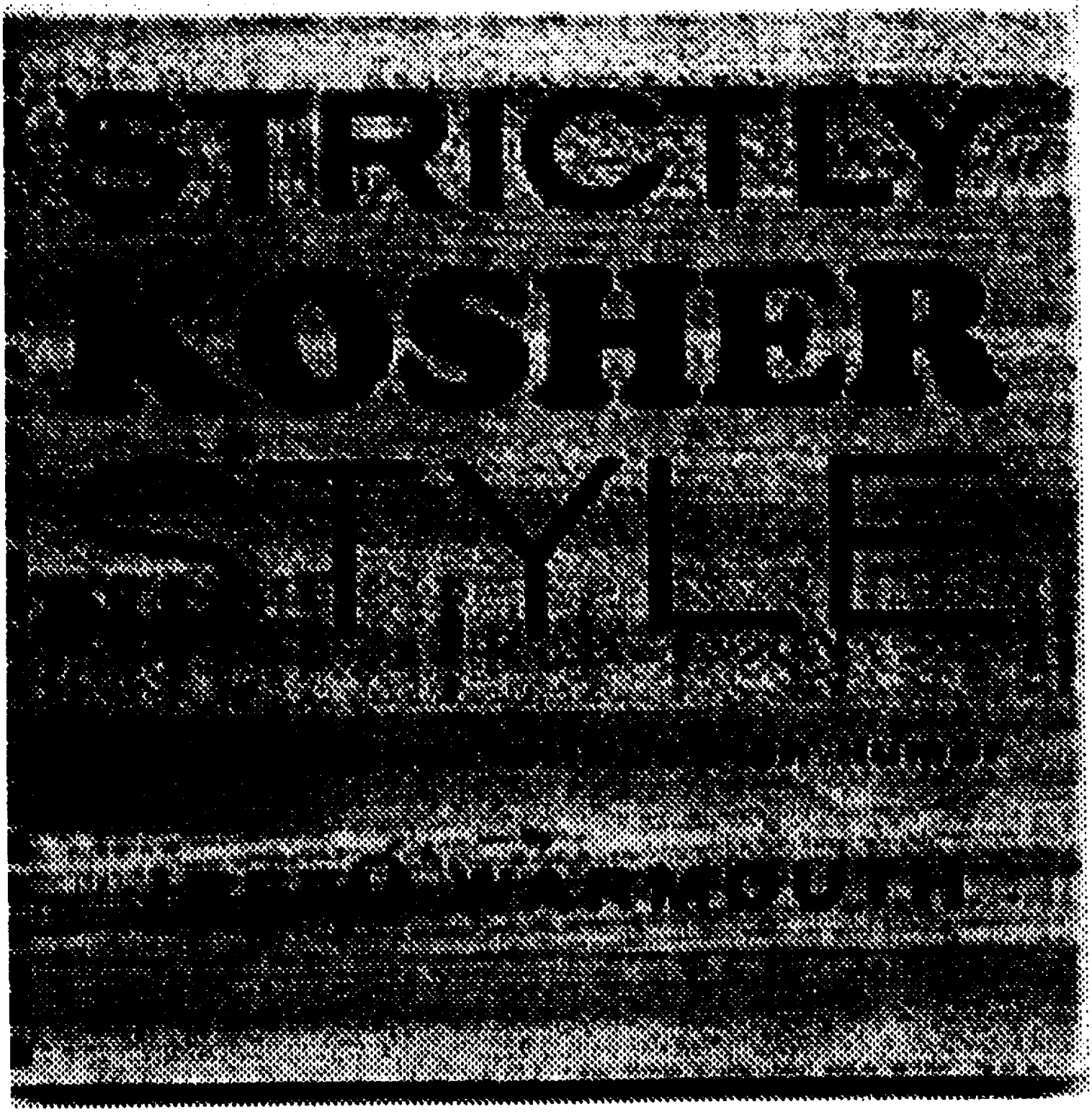
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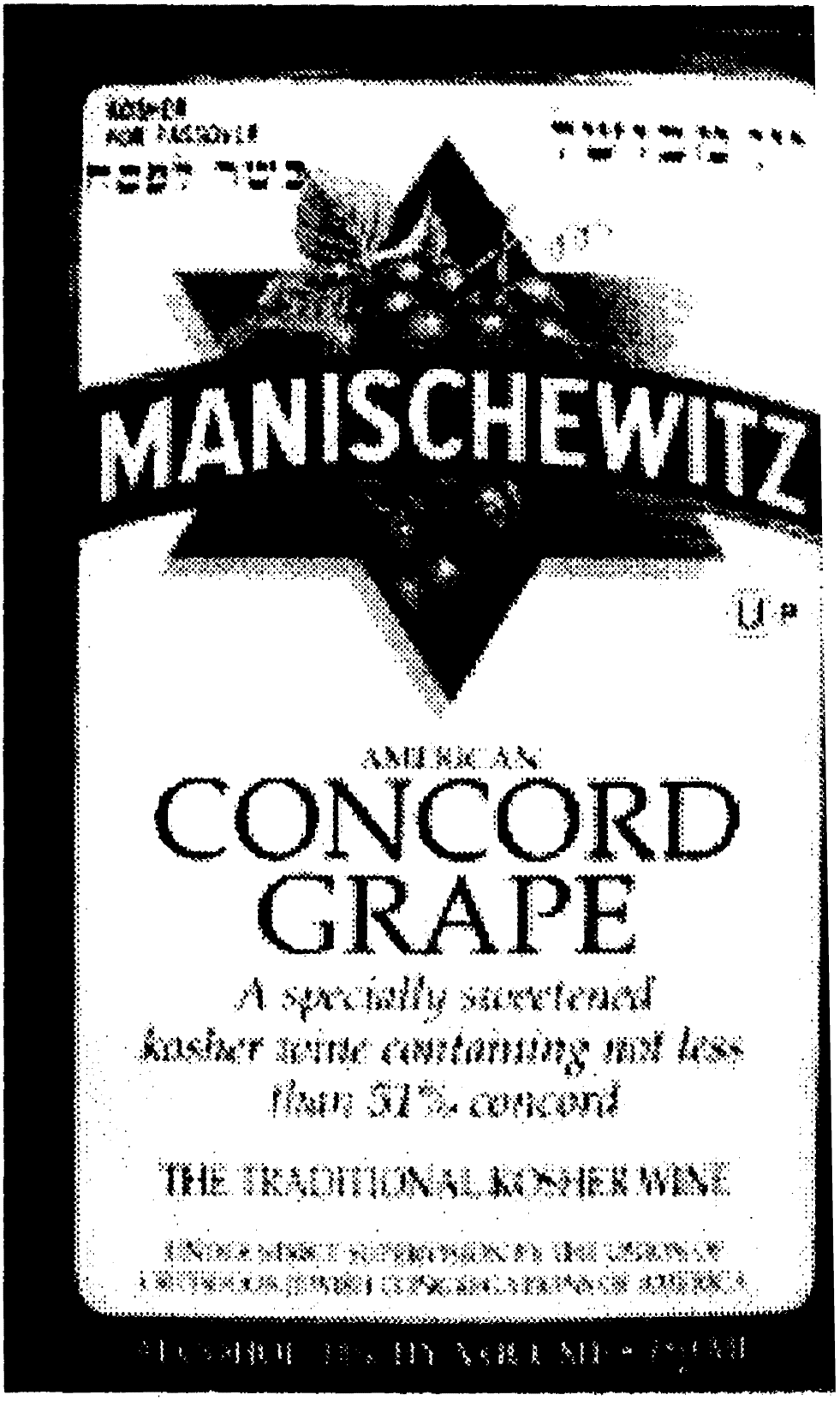
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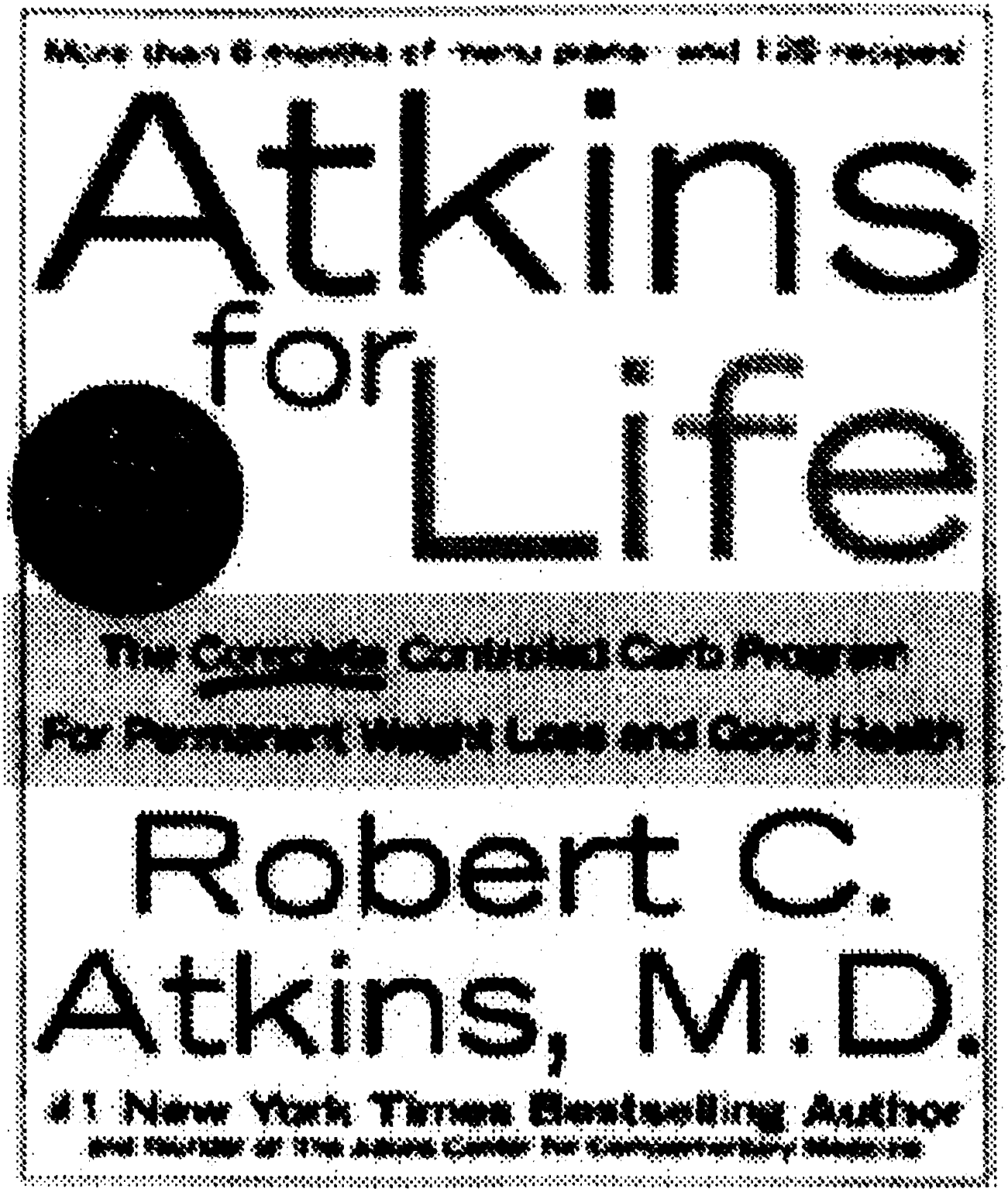
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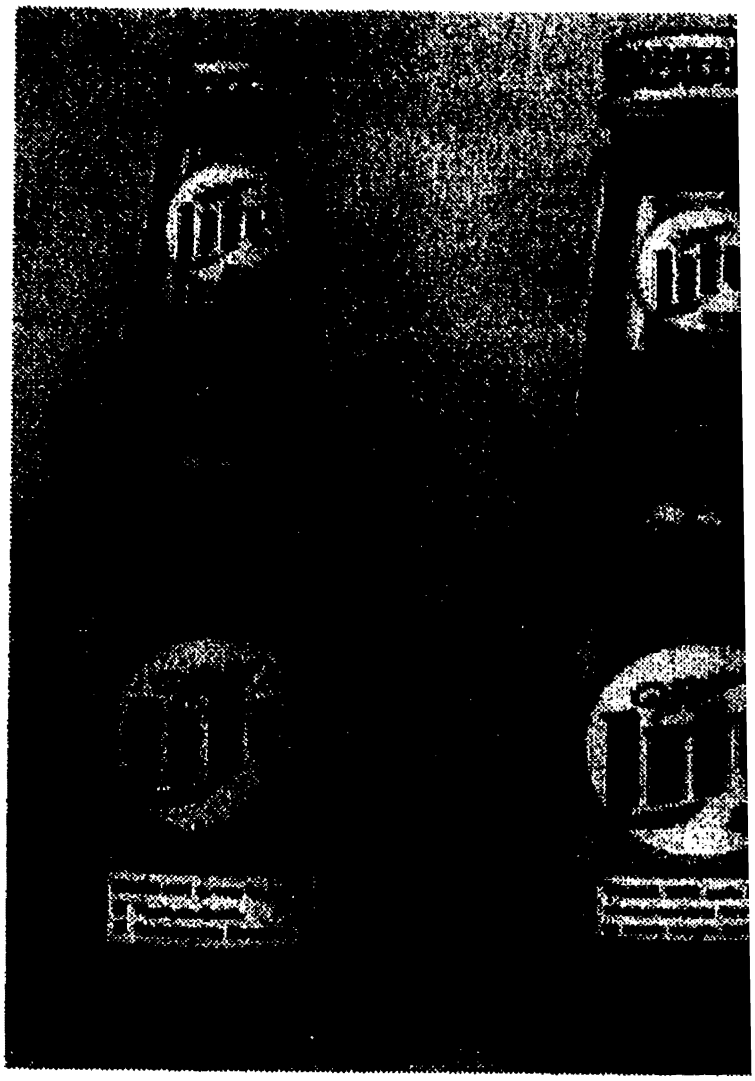

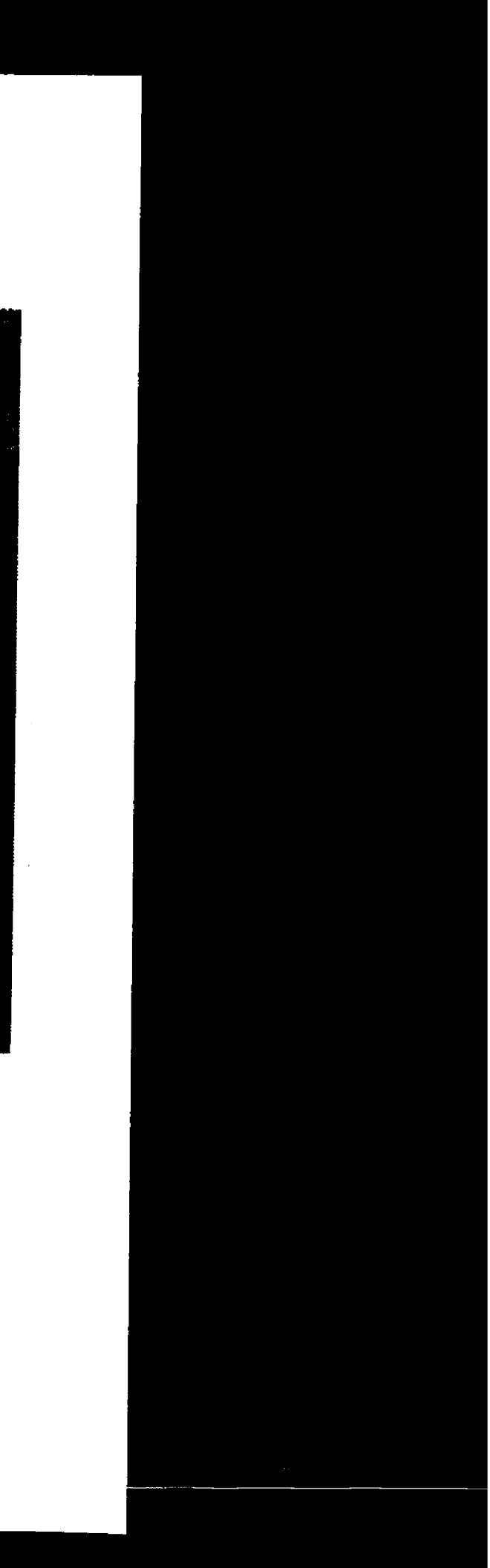

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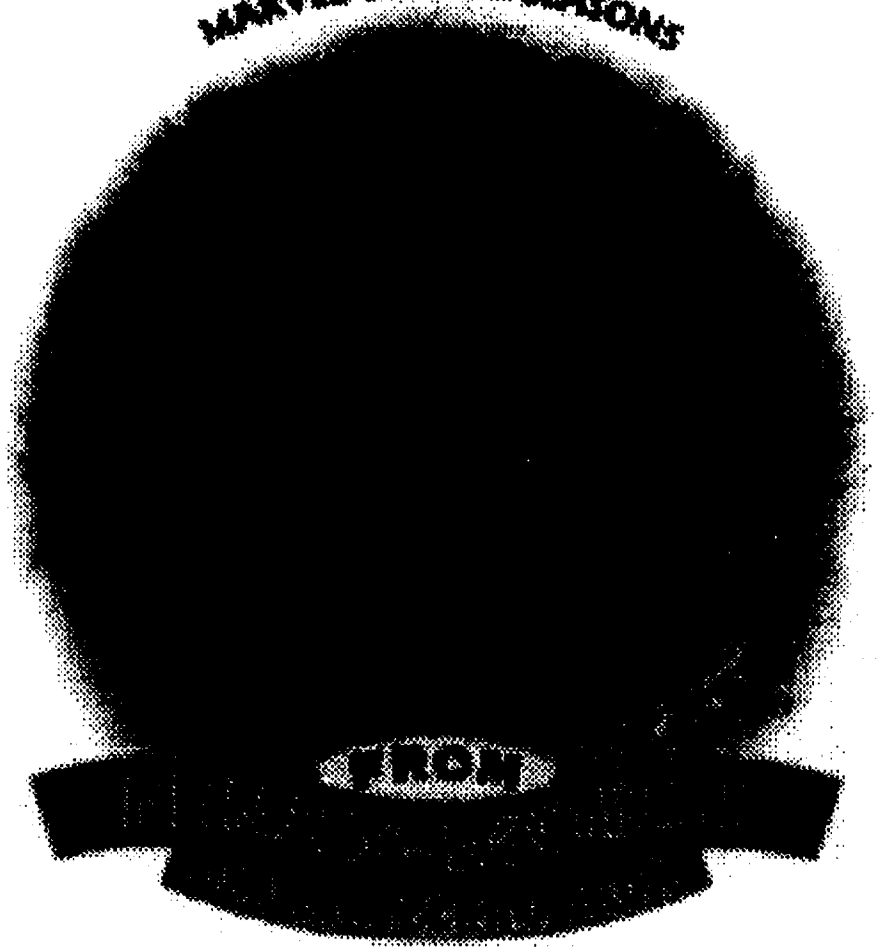

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