

Green Table, Just Table and Ethical Eating in the Reform Movement

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Digest

This thesis seeks to illustrate the multiple events and streams of thought that coalesced in Union for Reform Judaism President Eric Yoffie's Biennial sermon in November 2009, and the corresponding Biennial Initiative, "Green, Table, Just Table." This thesis includes three chapters. Chapter One describes the American food chain from "farm to fork," and the consequences of that process. Chapter Two briefly outlines the history of the food chain among Jews, and how, through the lengthening of that food chain, Jews who keep kosher have become dependent on kosher certifiers to determine whether a food product is 'fit' to eat. It then describes the events that unfolded at the Agriprocessors meatpacking plant in Postville, Iowa, and the responses by the Jewish community. These include the emerging "ethical" certifications such as the Conservative Movement's Magen Tzedek certification, Uri L'Tzedek, and Peulat Shachir. It points to the rise of independent ethical meat producers. It examines the debate in the Orthodox community surrounding the relationship between *kashrut* and ethics, including the recent launch of the "*Glatt Yashor*" initiative. Chapter Three reveals the events and policies in the Reform movement that influence the discussion of ethical eating. This chapter includes an analysis of the history of values based decision-making regarding food choices in the Reform Movement. It provides a summary of the positions the Reform Movement has taken on issues such as environmental policy and workers' rights. It points to the evolving conversation about the ethical and health implications of eating meat.

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Introduction

Nonetheless, we – as a Movement – have put kashrut aside, and kashrut is not the issue for us. We do not accept the authority of the kashrut establishment, and its problems are for others to resolve.

But we do now realize that we need an approach of our own—our own definition of what is proper and fit to eat. Because our ethical commitments remain firm, and we understand – as we did not a century ago – that Jewish eating has a profoundly ethical dimension. We now know that God cares what we eat, and that eating can be an entrance to holiness.

On November 7, 2009, Rabbi Eric Yoffie, President of the Union for Reform Judaism (URJ), gave the Shabbat morning sermon at the URJ Biennial. In his sermon, he discussed “the meaning of Jewish eating for Reform Jews.” To some, who expected Yoffie to speak about the economic downturn, it seemed like a strange topic. But Yoffie’s topic reflected a pressing reality that was too difficult to ignore. Or, perhaps, realities. The Reform Movement has always lived in sacred tension between the influences of Jewish tradition and the influences of our time and our “secular” culture, while trying to remain authentic to a unique message of Reform Judaism. In November 2009, the voices of all three of these groups were talking about food, and it was time for the Reform Movement to have “[their] own definition of what is proper and fit to eat.”

President Yoffie spoke at the end of a decade in which food had become a focus of American culture, debate, scholarship, and media attention. As President Yoffie stated, “Our society is more food-conscious than it has ever been.” There was a lot of information about what Americans were eating, and how they were eating. Reform Jews, on the whole, were a part of the American culture of processed food and the “gobble,

gulp, and go” approach to meals. But Rabbi Yoffie protests that in this regard, Jews should be part of a counter-cultural tradition. He argues that “we Jews have a response to this animal-like eating: while animals eat instinctively, Jews eat mindfully and thoughtfully.” In order to make thoughtful decisions, it was time to address the realities of food production in America, and the responses of the secular food movement. Chapter One of this thesis explores food production in America, and the issues that it raises for Reform Judaism.

While President Yoffie asserts that “we do not accept the authority of the kashrut establishment, and its problems are for others to resolve,” the problems that have been plaguing the kosher food industry also cannot be ignored. The Reform Movement is part of the larger Jewish community, and we are in dialogue with those who keep *halakhic kashrut*. In order to remain current, the Reform Movement needs to understand the ways in which *kashrut* has changed and evolved among those who consider keeping *kashrut* an obligatory part of Jewish life. The second chapter explores the Jewish food movement, the history of *kashrut* in America, the Agriprocessors scandal, and how Jews are responding.

Finally, the Reform Movement has a long history of thinking about ethical eating, but only recently have its many voices come together. For over 100 years, Reform Jews in America have been discussing issues relating to *kashrut*, Jewish tradition, meat consumption, ecology, and workers’ rights. Chapter Three traces how these concerns

have been defined and refined by Reform Jews, and how they have come together in the discussion about ethical eating.

Chapter 1: America

We need to think [about] how the food that we eat advances the values that we hold as Reform Jews...

One would think that it would be a simple matter to make such decisions, and thereby to increase holiness in our lives. Our society is more food conscious than it has ever been. A whole food vocabulary has come into being...These labels are all helpful and tell us something about the food that we eat and whether it meets our ethical and spiritual standards.

But here is the problem. This dizzying dietary diversity is also confusing. We don't always know what the labels mean, or whether they make any difference.¹

I. American Food Consciousness

The Union for Reform Judaism's (URJ) "Green Table, Just Table" Initiative emerged at a time when, as President Yoffie recognized, "Our society is more food-conscious than it has ever been." In the last decade, food has become a focus of American culture, debate, scholarship, and media attention. Since Eric Schlosser's *Fast Food Nation* hit the bestseller list in 2001, where it remained for two years,² books on what Americans eat and where it comes from have proliferated and continued to be bestsellers. Michael Pollan's *The Omnivore's Dilemma: A Natural History of Four Meals* was named one of the Ten Best Books of 2006,³ and remains on the *New York Times* bestseller list to date⁴.

¹ Eric H. Yoffie, "Toronto Biennial Sermon" (address, 2009 Biennial, Toronto, Canada, November 7, 2009),

http://urj.org/about/union/leadership/yoffie/?syspage=article&item_id=27481.

² "Powell's Books - Fast Food Nation: The Dark Side of the All-American Meal by Eric Schlosser," Powell's Books, About the Author,

<http://www.powells.com/biblio?isbn=0395977894>.

³ *New York Times*, "The Ten Best Books of 2006," December 10, 2006,

<http://www.nytimes.com/ref/books/review/20061210tenbestbooks.html>

In 2008, Michael Pollan's *In Defense of Food* was #1 on the *New York Times* bestseller list,⁵ and also remains on the bestseller list to date.⁶ Several documentaries about the increasingly complex relationship between Americans and food were released in recent years. *Food, Inc.*, released in 2009, was perhaps the most expansive in scope, drawing from many of these published works and their authors.

These books and documentaries are being produced because most Americans do not know the process by which their food gets into supermarkets or restaurants. In *The Omnivore's Dilemma*, Michael Pollan traces the "food chain" of four meals back to their sources. For each of his meals: "fast food," "organic industrial," "grass fed," and "the perfect meal" (for which he hunted and foraged himself), he demonstrates the ethical issues involved in producing that meal. Pollan suggests that Americans have fallen prey to a national "eating disorder," in which they do not know what to eat because, as President Yoffie put it, "the dizzying dietary diversity" of food products and information leaves Americans in a quandary about what is really the best thing to eat.

Further, most people mistakenly believe that there are 'gatekeepers' who are protecting them from any harmful or destructive consequences of food production. The companies who control the food chain are not ensuring that food is being produced in a way that is respectful of animals, the environment, human health, and workers. The United States

⁴ "Paperback Nonfiction - List - NYTimes.com," The New York Times, <http://www.nytimes.com/2010/01/31/books/bestseller/bestpapernonfiction.html?ref=books> (accessed January 24, 2010).

⁵ Hawes Publications, New York Times Best Seller List, <http://www.hawes.com/>.

⁶ "Paperback Nonfiction - List - NYTimes.com," *supra* note 4.

government has struggled to oversee the food chain. If, as President Yoffie argues in his sermon, “we [should] not bless or consume food produced by acts of injustice, by mistreating animals, or by despoiling the environment,” then Americans must understand how food gets to their tables, the costs associated with that process, and what is being done about it.

II. The Length and Opacity of the Food Chain

The fact that most Americans cannot trace the path of their food is due to many circumstances of contemporary daily life, but two are particularly salient: 1) the contemporary food chain is far longer and more complicated than ever before; and 2) the decreasing number of companies who control the food chain have made it less transparent.

The contemporary food chain: Where does food come from?

As Robert Keller asserts in *Food, Inc.*, the way Americans eat has changed more in the last 50 years than in the last 10,000 years.⁷ Most American food, rather than growing on a farm, is produced in a factory. And that includes the vast majority of kosher food that bears the Orthodox Union *hekhsher*. Since the contemporary food chain is longer and more complicated than ever before, it is difficult to trace food back to its sources.

⁷ Magnolia Pictures, "Food, Inc. Press Notes," press release, http://www.foodincmovie.com/img/downloads/Press_Materials.pdf (accessed January 22, 2010).

If one starts the food chain on a farm, one discovers that most American farmers are farming one crop that drives the whole system: corn. This corn shows up in food in a variety of ways. First, derivatives of corn are found in most processed foods. Consumers often do not recognize them because they appear as the “unpronounceable” ingredients such as Xylitol, Maltodextrin, Ethylene, Inositol, Calcium Stearate, Alpha Tocopherol, Ethyl Lactate, Polydextrose, and Xanthan Gum. Or they appear in ubiquitous ingredients such as Sucrose, High Fructose Corn Syrup, Citric Acid, White Vinegar, Ascorbic Acid, Baking Powder, Vanilla Extract, Margarine, and Starch. Ninety percent of the food Americans find on the shelves at the grocery store contains a corn-based ingredient, particularly high fructose corn syrup.⁸

Corn is also fed to animals and farmed fish. Although cows have evolved to eat grass, to allow a cow to graze, one needs a great deal of space, and a great deal of grass. This can make meat expensive to produce. With a surplus of cheap corn, animals can be fed, and therefore raised, more cheaply.

They are also raised more “efficiently” by being crowded together. Rather than grazing on farms, most cattle spend the bulk of their lives in Concentrated Animal Feed Operations (CAFOs). This allows them to be fed more quickly, monitored more efficiently, and ultimately transported to slaughterhouses more easily. To prevent the spread of disease in these densely packed spaces, they are often given antibiotics, as well as growth hormones.

⁸ *Food, Inc.*, DVD, dir. Robert Kenner (Magnolia Pictures, 2009).

The same is true of chickens. Chickens are fed corn in tightly packed chicken coops.

They are raised and slaughtered in half the time that they were fifty years ago. To meet consumer preferences, they have been engineered to be twice as big and have disproportionately large breasts.

Much of the produce that Americans eat is grown in other parts of the world, where it can be grown more cheaply, and made available even when it is out-of-season in the United States. This means that a great deal of food travels 1,500 miles from “farm to fork.”⁹

Produce in America is also grown on a smaller number of farms, in more tightly packed areas, and genetically engineered to have properties that make it last longer and look more appealing to the consumer. Most American produce is treated with pesticides or grown with chemical fertilizers.

To keep costs down, animals are slaughtered and packaged extremely quickly in a small number of slaughterhouses. In some slaughterhouses, cows are slaughtered at a rate of 400 per hour.¹⁰ The superfast processing means that meat from many cows often ends up in one package. As explained below, this process affects both the safety of the workers and the safety of eating meat.

⁹ "NRDC: Eat Local," NRDC: Natural Resources Defense Council, <http://www.nrdc.org/health/foodmiles/> (accessed January 22, 2010).

¹⁰ Michael Pollan, *The Omnivore's Dilemma A Natural History of Four Meals* (New York: Penguin, 2007), 330.

Many foods are largely produced in chemical laboratories. Produce, meat, fish, grains, or simply chemical compounds are inputs that are used to make cheap and marketable products. Like the genetically engineered fruit and vegetables found in the produce aisle, these “processed” foods are also given additives to make them last longer, taste better, or look more appetizing.

Control of the food chain: Why do consumers not know where their food comes from?

There has been a radical transition from multiple farms and suppliers to very few; from a more transparent and local system to a completely opaque one. A small group of multinational corporations control most of the food chain. They also keep it hidden.

American farming has changed dramatically over the last century. One hundred years ago, one of every three Americans lived on a farm and farmers made up 31% of the labor force. There were 6,366,000 farms, with an average of 138 acres per farm.¹¹ Today, less than one in fifteen Americans lives on a farm.¹² There are approximately two million farms, with an average of over 400 acres.¹³ In 1920, the average yield of corn per acre was twenty bushels. Today, it can be as high as 200.¹⁴

¹¹ "A History of American Agriculture: Farmers & the Land," Agriculture in the Classroom, http://www.agclassroom.org/gan/timeline/farmers_land.htm.

¹² Pollan, 34.

¹³ Estimated from data found in "A History of American Agriculture: Farmers & the Land," Agriculture in the Classroom, http://www.agclassroom.org/gan/timeline/farmers_land.htm.

¹⁴ Pollan, 37.

In 1970, the top five beef packers controlled 25% of the market; today the top four control 80%¹⁵. Similarly, in the 1970s, there were thousands of slaughterhouses. Today thirteen slaughterhouses process the majority of beef that is sold in the United States.¹⁶ This is true of kosher slaughter as well. There are fewer than ten kosher slaughterhouses left in the United States.¹⁷

If these companies do not want consumers to be able to trace food back to its sources, it is within their power to prevent it. And they do not want people to see where their food comes from, because it is quite an ugly picture.

III. “Faster, fatter, bigger, cheaper:” The Unseen Costs of the American Food Chain

The length and opacity of the food chain means that most people are not aware of the effects of food production on farmers, animals, the environment, human health, and workers. Although food has become less expensive to buy, it has numerous unseen costs.

The primary goal of most of the companies involved in the food chain is to reduce the bottom line. As farmer Joel Salatin¹⁸ put it, “to grow it faster, fatter, bigger, cheaper.”

¹⁵ Magnolia Pictures, *supra* note 7; “Discussion Guide for Leaders - True Cost of Food - Sustainable Consumption - Sierra Club,” Sierra Club Home Page: Explore, Enjoy and Protect the Planet, <http://www.sierraclub.org/truecostoffood/leaders.asp#pest> (accessed January 23, 2010).

¹⁶ Magnolia Pictures, *supra* note 7.

¹⁷ “KOL Foods -Frequently Asked Questions,” KOL Foods - glatt kosher grass-fed organic meat, <https://www.kolfoods.com/shopcontent.asp?type=faq#WhataboutLocal> (accessed January 26, 2010).

¹⁸ Joel Salatin owns and operates Polyface Farm in Virginia. His model stands in opposition to the “faster, fatter, bigger, cheaper” *status quo*. He is committed to sustainability, letting livestock graze on grass, and local distribution.

And this has succeeded in making food, particularly processed and “fast food,” much cheaper. But there are a slew of hidden costs involved in the way food is produced, and the way it is consumed.

Farming

Michael Pollan tells the story of an American farmer named George Naylor. When George’s grandfather ran the farm in the 1920s, it fed his family, and provided food for twelve additional Americans. Today, it feeds about 129 Americans. However, George Naylor does not grow something that he can eat, or a consumer can eat. He grows commodity corn—corn that is fed to livestock before those livestock are fed to people. Today, the Naylor farm can no longer feed the Naylor family, nor can it provide them with a net income. Like most farmers, George Naylor is nearly broke. The Naylor family stay afloat due to Mrs. Naylor’s paycheck, and an annual subsidy payment from the US government.¹⁹

Animal abuse

In factory farms, “animals are treated as machines—production units—incapable of feeling pain.”²⁰ As chickens are crowded together in coops and cows are crowded together in CAFOs, they have very little room to move. Cows stand in their own manure, and chickens sometimes never see the light of day. They are fed food that often makes them sick. Their lifespan is determined by how quickly they can develop enough meat to maximize efficiency, and they are carted off to the slaughterhouse like objects. When

¹⁹ Pollan, 34.

²⁰ Pollan, 317.

meatpacking plants process 400 cows per hour, there is not enough time to pay attention to every living animal. Consequently, there are animals that remain conscious after they have been “killed,” and are essentially flayed alive.

Environmental damage: climate change

The modern food chain has significant impacts on climate change. It is both a major consumer of fossil fuels and leads to the release of massive amounts of greenhouse gases. This is primarily due to lengthy transportation, pesticides, fertilizers, and processed foods. Since the average food product in America travels 1,500 miles before it arrives on a plate, over 20% of transportation emissions in the United States come from agriculture and food production.²¹ Transporting food throughout the world is responsible for 30,800 tons of greenhouse gas emissions.²²

Large amounts of oil are required to produce synthetic pesticides and fertilizers, which in turn release greenhouse gases such as nitrous oxide, while killing neighboring plants, which could have absorbed carbon dioxide. The use of synthetic fertilizers has led to 647 million pounds of nitrous oxide emissions each year.²³

²¹ "Cool Foods Facts," Cool Foods Campaign, <http://coolfoodscampaign.org/uploads/Cool%20Foods%20Facts.pdf> (accessed January 23, 2010).

²² "Global Warming and Your Food," Cool Foods Campaign, <http://coolfoodscampaign.org/your-tools/global-warming-and-your-food/fact-sheets/>, (accessed January 23, 2010).

²³ "Cool Foods Facts," Cool Foods Campaign, <http://coolfoodscampaign.org/uploads/Cool%20Foods%20Facts.pdf> (accessed January 23, 2010).

The energy required for freezing, canning, drying, and packaging foods is remarkable. Many packaging containers are made of oil-based products, like plastic. The food processing industry leads to a massive drain of oil and significant emissions of greenhouse gases.

The meat and dairy industries are particularly destructive. In 2006, the United Nations Food and Agriculture Organization reported that the livestock industry produces 18% of the greenhouse gasses emitted each year. However, in October 2009, a report released by the Word Watch Institute challenged that estimate. The report, written by environmental experts associated with the World Bank,²⁴ suggested that the livestock industry may actually be responsible for 51% of yearly greenhouse gas emissions. The report, “Livestock and Climate Change: What if the key actors in climate change are...cows, pigs, and chickens?” tried to estimate the greenhouse gas emissions across the entire life cycle and supply chain of the livestock industry, including the impacts of deforestation.²⁵ The authors recommend eating fewer, and finding better alternatives for, animal products.

Environmental damage: deforestation, pesticides, manure

Over half of the grain grown in the United States is fed to livestock. Therefore, in order to create more farmland, deforestation is rampant. The chemicals in fertilizers and pesticides seep into the ground water, as does the manure produced by tightly packed animals. These pollutants poison plants, rivers, and eventually, humans.

²⁴ According to the *New York Times*, Dr. Robert Goodland is a former environmental advisor to the World Bank, and Jeff Anhang is an environmental specialist at the World Bank Group’s International Finance Corporation.

²⁵ Fiona MacKay, "Looking for a Solution to Cows' Climate Problem," *New York Times*, November 16, 2009.

Human Health: the health effects of American meat consumption

The “faster, fatter, bigger, cheaper” mentality has also influenced food choices. Many consumers choose foods that deliver the most calories in the quickest, cheapest form. Corn-based diets, CAFOs, and superfast slaughterhouses have made meat cheaper than ever before, and cheaper than many other foods. To put it in perspective, one can buy a hamburger off the dollar menu at a fast food chain, but must pay over a dollar for a pound of broccoli. So Americans eat a lot of meat. Meat consumption in North America has doubled in the last fifty years.²⁶ The average American eats over 200 pounds of meat each year.²⁷

However, the costs do not come in the price per pound of ground beef, but in the price humans pay with their bodies. President Yoffie warns that “red meat and processed meat [will] kill 1.5 million men and women in the next decade.” While there are many factors involved in this phenomenon, red meat is high in saturated fats, which contribute to both weight gain and heart disease. Saturated fat has also been linked to various types of cancer. As more calories come from red meat, fewer come from vegetables and whole grains. This means that meals become bereft of the critical nutrients that are found in grains and produce.

²⁶ Yoffie, *supra* note 1.

²⁷ Magnolia Pictures, *supra* note 7.

Human Health: Obesity and Diabetes

As President Yoffie laments in his sermon, “The North American way of eating has become ‘gobble, gulp, and go.’ We shovel our food in. We eat a fifth of our meals in cars. One-third of our children eat in a fast-food outlet every day, and the average McDonald’s meal is 11 minutes long.” Americans often eat so quickly they do not realize that they are consuming too many calories. They also stop paying attention to what is in their food. The use of additives such as high fructose corn syrup and other sugars in some of the cheapest processed foods and beverages has contributed to the high rate of obesity and diabetes in Americans. Human bodies are not designed to repeatedly respond to spikes of sugar in the blood, and bodies start to break down. In addition to the daily costs (financial, physical, functional) of diabetes in the life of diabetics, the national health care costs are tremendous.

Sadly, obesity and diabetes are disproportionately correlated with class. Since some of the cheapest foods are the ones high in fat and sugar, it is working class families that are most vulnerable to health problems such as obesity, high cholesterol, and diabetes.

Again, a hamburger is less expensive, and more filling, than a pound of broccoli. And broccoli is becoming harder to find in low-income communities. Studies show that in Detroit, 92% of food stamp recipients purchase their food from a liquor store, gas station or pharmacy, which generally carry no more fruits and vegetables than maybe a few potatoes and onions.²⁸ It is frightening enough that one in three Americans born after

²⁸ Eric T. Campbell, "Small Grocery Store Delivers Large Benefits," *The Michigan Citizen* (Detroit, Michigan), March 15, 2009.

2000 will contract early onset diabetes. Among minorities, the rate will be one in every two Americans²⁹.

Human Health: food safety

Each year, about 76 million people in the United States are sickened by contaminated food, 300,000 are hospitalized, and 5,000 die, according to U.S. Centers for Disease Control and Prevention (C.D.C.) estimates.³⁰ These include illnesses from bacteria such as *E. coli* and *salmonella*.

Just as a single package of ground beef can contain meat from many different cows, the meat from an individual cow ends up in countless packages. Since it is unnatural to feed corn to cows, their digestive systems are often infected with bacteria such as *E. coli*. The densely populated CAFOs result in cattle who are raised standing in their own manure, and this manure is often still on their skins when they are slaughtered. If one cow infected with *E. coli* enters the meat processing plant, the bacteria could end up in countless packages of ground beef. The current solution, however, is not a reform in the system, but treating the symptoms of the problem. Today, much of the ground beef sold to fast food restaurants and school lunch programs contains hamburger meat filler that was treated with ammonia for antiseptic purposes.³¹

²⁹ Magnolia Pictures, *supra* note 7.

³⁰ Gardiner Harris, "U.S. Food Safety No Longer Improving," *New York Times*, April 9, 2009.

³¹ Michael Moss, "Safety of Beef Processing Method Is Questioned," *New York Times*, December 30, 2009.

Produce is becoming more dangerous as well. Run-off from the vast amounts of manure produced in a feedlot flows into the groundwater, and consequently contaminates produce. Further, the heavy use of pesticides is not only destructive to the environment; it is also toxic for human health. The use of antibiotics in CAFOs creates antibiotic-resistant bacteria that become difficult to treat when they infect human beings.

Worker abuse

The other hidden human cost is the treatment of workers, and particularly meatpackers. One hundred years ago when Upton Sinclair wrote The Jungle, there was a beef trust that wielded enormous power. Workers from Eastern Europe were overworked and suffered from horrible injuries, and even death, on the meatpacking floor. The situation slowly got better. President Theodore Roosevelt challenged the beef trust, labor unions were eventually able to organize workers, and by the 1950s, meatpacking had been transformed into one of the best industrial jobs in the United States.

Today, meatpacking is one of the most dangerous jobs in the United States.³² In order to meet the needs of the fast food industry, meat companies got bigger and decided to cut wages, speed up production, and have a worker do the same job again and again. According to the U.S.. Bureau of Labor Statistics, in 1996, workers in meat packing plants had the highest rate of repeated-trauma disorders. There were 921.6 cases per 10,000 full-time workers in meat packing plants, compared to 33.5 cases per 10,000

³² "U.S. GAO - Workplace Safety and Health: Safety in the Meat and Poultry Industry, While Improving, Could Be Further Strengthened," United States Government Accountability Office (U.S. GAO), <http://www.gao.gov/products/GAO-05-96>.

workers in private industry as a whole.³³ In order to find employees, meat companies have turned to illegal immigrants—people who cannot complain, and cannot afford to lose their jobs. The U.S. Government Accountability Office reported in 2005:

The largest proportions of workers in the meat and poultry industry, according to the Bureau of Labor Statistics (BLS), are young, male, and/or Hispanic. Although the majority of workers are citizens, an estimated 26 percent of them are foreign-born noncitizens. They work in hazardous conditions involving loud noise, sharp tools, and dangerous machinery. Many workers must stand for long periods of time wielding knives and hooks to slaughter or process meat on a production line that moves very quickly. Workers responsible for cleaning the plant must use strong chemicals and hot pressurized water. While, according to BLS, injuries and illnesses have declined over the past decade, the meat and poultry industry still has one of the highest rates of injury and illness of any industry. The most common injuries are cuts, strains, cumulative trauma, and injuries sustained from falls, but more serious injuries, such as fractures and amputation, also occur. According to BLS, the injury and illness rate for the industry has declined from an estimated 29.5 injuries and illnesses per 100 full-time workers in 1992 to 14.7 in 2001. Injury and illness rates can be affected by many factors, such as the amount and quality of training, employee turnover rates, increased mechanization, and the speed of the production line.

The illegal immigrants who work in these dangerous conditions usually have no health insurance, life insurance, right to a minimum wage, or ability to report abuses. Workers hold onto their jobs with the awareness that they are easily replaceable.

Tragically, it is the surfeit of corn that has helped to fuel the situation. NAFTA led to a flood of cheap corn from the United States, and Mexican corn farmers could not compete. According to a 2003 Carnegie Endowment report, the influx of corn put at least 1.3

³³ "Meat packing plants have the highest rate of repeated-trauma disorders," U.S. Bureau of Labor Statistics, <http://www.bls.gov/opub/ted/1999/Aug/wk1/art04.htm>.

million farmers out of work.³⁴ Desperate for jobs, many of them crossed the border into the United States, where they were a perfect target for the meat industry.

Companies, also aware that workers are easily replaceable, have little investment in protecting any individual worker. Therefore when the U.S. Immigration and Customs Enforcement (ICE) performs raids on the meat packing plants, the owners do nothing to defend their workers. So it is the workers, and not the owners, that are punished. Some of these workers have been processing the meat that Americans eat in dangerous and abusive conditions for ten to fifteen years, only to be arrested and deported from the country. In the meantime, meatpacking companies are making billions of dollars.

IV. Who are the Gatekeepers of the American Food Chain?

Hiding behind thick walls

Michael Pollan suggests that if “the walls of our meat industry [became] transparent, literally or even figuratively, we would not continue to raise, kill, and eat animals the way we do.”³⁵ A view into a slaughterhouse would reveal a system in which the primary goal is to produce the most meat as quickly and cheaply as possible. But the input (the cows), the process, the processors, and the product are ignored at best, and abused at worst.

³⁴ Walden Bellow, "Manufacturing a Food Crisis," *The Nation*, May 15, 2008.

³⁵ Pollan, 333.

Part of the problem stems from insufficient inspections. The Food and Drug Administration (FDA) regulates about 80% of the food Americans eat.³⁶ (The United States Department of Agriculture (USDA) oversees meat and poultry products) In 1972, the FDA conducted approximately 50,000 food safety inspections. In 2006, the FDA conducted 9,164.³⁷

Governmental Responses in 2009: Empowering the gatekeepers and shortening the food chain

In July of 2009, the U.S. House of Representatives passed legislation that would dramatically increase the frequency of inspections of processing plants and empower the government (not just the companies) to recall tainted foods. The bill would require the FDA to conduct inspections every six to twelve months at high-risk processing plants, and at least once every three years at lower-risk plants. Currently, some facilities go for a decade or longer between FDA inspections.³⁸ As of January 2010, the bill had not had a vote in the Senate.

The FDA explains that their inability to be adequate gatekeepers is not just about frequency of inspections, but feasibility. One of the largest problems, unsurprisingly, is the length of the food chain. Dr. Stephen F. Sundlof, director of the FDA's food center

³⁶ William Neuman, "House Approves New Food-Safety Laws," *New York Times*, July 31, 2009.

³⁷ Magnolia Pictures, *supra* note 7.

³⁸ Neuman, *supra* note 36.

told the *New York Times*, “As supply chains get longer and longer, there’s more opportunity to introduce contaminants that have a public health effect.”³⁹

“Know Your Farmer, Know Your Food” Initiative

The U.S.D.A. is also appealing to the idea of shorter food chains. Agriculture Deputy Secretary Kathleen Merrigan is part of an Obama Administration which “supports the establishment of local and regional food systems.”⁴⁰ Therefore the USDA’s “Know Your Farmer, Know Your Food” initiative, launched in September 2009, “emphasizes the need for a fundamental and critical reconnection between producers and consumers.”⁴¹ The website explains:

This is a USDA-wide effort to create new economic opportunities by better connecting consumers with local producers. It is also the start of a national conversation about the importance of understanding where your food comes from and how it gets to your plate. Today, there is too much distance between the average American and their farmer and we are marshalling resources from across USDA to help create the link between local production and local consumption.⁴²

³⁹ Harris, *supra* note 32.

⁴⁰ United States Department of Agriculture, "Agriculture Deputy Secretary Merrigan Announces Partnership with Fair Food," press release, December 3, 2009.

⁴¹ United States Department of Agriculture, "Agriculture Deputy Secretary Merrigan Launches Website For ‘Know your Farmer, Know your Food;’ Plans Facebook Chat to Expand Conversation on Local Food Systems," press release, September 24, 2009.

⁴²"Know Your Farmer, " United States Department of Agriculture, http://www.usda.gov/wps/portal/knowyourfarmer?navtype=KYF&navid=KYF_MISSION (accessed January 22, 2010).

The website is also intended to provide social networking—Merrigan hosted Facebook chats about the initiative and the website has a blog, as well as links to materials on Facebook, You Tube, flickr, and twitter.⁴³ Merrigan affirms that

Americans are more interested in food and agriculture than they have been at any other time since most families left the farm and we are marshalling resources from across all of the USDA to help create and strengthen the link between local production and local consumption.⁴⁴

⁴³ “Know Your Farmer, Header,” United States Department of Agriculture, <http://www.usda.gov/wps/portal/knowyourfarmer?navid=KNOWYOURFARMER> (accessed January 22, 2010).

⁴⁴ United States Department of Agriculture, *supra* note 43.

Chapter 2: The Jewish Community

Part A: Jewish Food Consciousness and the Length of the Food Chain

Where did it come from and is it 'fit' to eat?

Jews and food consciousness go way back. For millennia, food has played a central role in Jewish law, Jewish identity, Jewish culture, separating Jew from non-Jew, and, in recent years, separating Jew from Jew. Biblical laws regarding what Jews may or may not eat have made food choices an inherent part of Jewish life since Sinai. Over time, these laws evolved and expanded. The biblical Hebrew root *k.sh.r.* eventually came to mean “to be right, pleasing, fit; to be pronounced fit; to be ritually permitted.”⁴⁵ The definition of what is “kosher” has evolved, but for most of Jewish history, it has made Jews particularly sensitive to two basic questions: “where did it come from?” and “is it ‘fit’ to eat?” These questions, in essence, are about food chains and gatekeepers.

I. The Jewish food movement

For centuries, the primary concerns amongst Jews were whether the answers to these questions satisfactorily met the laws of *kashrut* and whether the answers fit within the bounds of cultural norms. However, in the last 40 years, and particularly in the last five years, these questions have become harder to answer, and the ethical implications of those answers have fundamentally changed what Jews, and particularly liberal Jews, consider “fit” to eat.

⁴⁵ Marcus Jastrow, *Dictionary of the Talmud* (1903), 677-678.

In 1969, the California grape boycotts raised questions about whether other ethical values should influence our decisions about what to eat as a Jew. In the 1970s, Rabbi Zalman Schachter-Shalomi coined the term “eco-kosher” to refer to food that was also ecologically ‘fit.’⁴⁶ In 1988, in an article entitled “Down-to-Earth Judaism: Food, Sex, and Money,” published in *Tikkun* magazine, Rabbi Arthur Waskow asserted that there is a tendency among liberal and progressive Jews to “make ethical decisions about what to eat,” but, he lamented, “few of us consult Jewish sources for ethical advice.” So he proposed a framework for “ethical *kashrut*.”⁴⁷ He outlined seven “values expressed by the Jewish tradition” which he believes should influence our food choices⁴⁸. They are *Oshek* (not oppressing workers); *Tza’ar Ba’alei Hayyim* (respect for animals); *Lashev ba’aretz* (stewardship of the earth); *Shemirat haguf* (protecting the body); *Tzedakah* (sharing food with the poor); *Rodef tzedek & Rodef shalom* (pursuing justice and peace); and *Berakhah & Kedusha* (affirming blessing and holiness in eating).⁴⁹ These values remain very much a part of the discussion about ethical eating today.

However, the Jewish food movement has significantly expanded in the last decade. One of the largest indicators of the growth of the Jewish food movement has been the success of Hazon, an organization which “works to create a healthier and more sustainable Jewish

⁴⁶ Sue Fishkoff, “The Greening of *Kashrut*,” *Hadassah Magazine*, February 2009, 28.

⁴⁷ Arthur Waskow, “Down to Earth Judaism: Food, Sex, and Money,” *Tikkun*, January/February 1988, 19.

⁴⁸ He also credits Rabbi Rebecca Alpert for her contribution to his thinking on “ethical *kashrut*.”

⁴⁹ Waskow, 21.

community and a healthier and more sustainable world for all.”⁵⁰ Hazon was founded in 2000, and originally focused on interdenominational bike rides, in which participants’ fundraising was distributed to Jewish environmental causes.

In 2004, Hazon started *Tuv HaAretz*, the first Jewish Community-Supported Agriculture (CSA) project. When it began, it had two sites. Only four years later, it had thirty-two. For the 2009-2010 season, Hazon expects to have at least 40 CSA sites, with 10,000 people participating, and well over a million dollars going to local organic farms.

In November 2006, Hazon launched “The Jew and the Carrot,” a blog which aims to “[bring] together 3,000 years of Jewish thought and food tradition with contemporary issues like sustainability, organic eating, nutrition, food politics, and healthy, delicious cooking.” In 2007, The Jew & The Carrot was named “Best New Blog” and “Best Kosher Food/Recipe Blog” in the Jewish and Israeli Blog Awards.⁵¹

Hazon has been at the forefront of the Jewish food movement, bringing together Jews interested in Jewish ethical eating each year at a Food Conference in December. The first conference was held in 2006. In 2008, 560 people participated. In 2009, there were

⁵⁰ “Hazon: Vision And Mission,” Hazon: Jewish environmental education, bike rides, sustainable food, <http://www.hazon.org/go.php?q=/about/visionAndMission.html> (accessed January 25, 2010).

⁵¹ Leonard Felson, “The Central Role of Food in Jewish Life,” *The Jerusalem Report*, October 15, 2007.

nearly 650 attendees⁵². Hazon also has developed curricula on Jews and food. In 2008, it drafted 7-year goals for the Jewish Food Movement.

As the movement has expanded, the issues it raises have broadened. At the 2009 Food Conference, there was a “food justice” track, which focused on issues such as “workers’ rights, food access in low-income neighborhoods, Fair Trade operations, and community gardens as a tool for local empowerment.”⁵³

The expanding discussion in the Jewish community about the implications of our food choices is also apparent in other Jewish not-for-profit organizations. Although MAZON: A Jewish Response to Hunger has always sought to bring awareness about hunger to the Jewish community, it partnered with the Institute for Jewish Spirituality to create the curriculum *V’akhalta, V’savata, U’verachta: Eat and be Satisfied* which promotes conscientious eating as a motivating practice for seeking to alleviate hunger for others.

The American Jewish World Service’s (AJWS) *Fighting Hunger from the Ground Up* seeks to “invest in local, sustainable agriculture in the developing world and marshal the

⁵² Sue Fishkoff, "New Jewish food movement steps up focus on social justice," *JTA*, December 28, 2009, <http://jta.org/news/article/2009/12/28/1009929/the-new-jewish-food-movement-steps-up-focus-on-social-justice> (accessed January 25, 2010).

⁵³ Sue Fishkoff, "New Jewish food movement steps up focus on social justice," *JTA*, December 28, 2009, <http://jta.org/news/article/2009/12/28/1009929/the-new-jewish-food-movement-steps-up-focus-on-social-justice> (accessed January 25, 2010).

Jewish community's support to stop hunger from claiming lives.”⁵⁴ The website promotes the campaign with the reminder: “Food is a Jewish Issue.”⁵⁵

II. The Lengthening of the food chain among Jews

The Hazon CSAs are bringing 21st century Jews, kosher and non-kosher alike, back to the sources of their food. One of the greatest changes in Jewish eating in the twentieth century was the break-down of Jews' ability to know the path of their food, and therefore make their own decisions about whether it was ‘fit’ to eat. For most of Jewish history, the desire to uphold the laws of *kashrut* meant that Jews often needed to keep a close eye on the production of food, and most of the ‘food chain’ occurred within the Jewish community.

As Joan Nathan chronicles in “A Social History of Jewish Food in America,”⁵⁶ this remained true for Jewish immigrants to America in the nineteenth and early twentieth centuries. Amongst the Jews who immigrated to the United States during the period of 1830-1880, in order to live in smaller communities, or travel westward, many Jewish men learned how to perform kosher slaughter. During the influx of Jewish immigrants to the United States from 1881-1921, entire communities immigrated to the United States, bringing with them butchers, bakers, and grocers. This resulted, in part, in almost four thousand kosher butcher shops in New York City alone. In the early part of the twentieth

⁵⁴ “Fighting Hunger from the Ground Up: A Campaign of American Jewish World Service,” <http://ajws.org/hunger/manifesto.pdf> (accessed January 26, 2010).

⁵⁵ *Ibid.*

⁵⁶ Joan Nathan, “A Social History of Jewish Food in America,” in *Food and Judaism* (Omaha, NE: Creighton University Press, Distributed by the University of Nebraska Press, 2005), 3-6.

century Jews often went into the “food business”—becoming peddlers or small shop-owners. Over time, “the butchers, bakers, and pushcart peddlers of herring and pickles soon became small-scale independent grocers, wine merchants, and wholesale meat, produce, and fruit providers.”

As Rabbi Ruth Abusch-Magder points out in her study of German-speaking Jews in Europe in the late nineteenth and early twentieth centuries, when it came to whether certain food was ‘fit’ to eat, the final decisions were often made by Jewish women.⁵⁷ They were the ones who purchased and prepared the food, and therefore they were the ones responsible for ensuring that the food served on the table aligned with their values.

This was often also true for Jewish immigrant families in the United States during this period. Whether or not a woman chose to keep kosher, she could tell you exactly how the food was made, where she purchased the ingredients, and, in most cases, she could tell you the name of the seller.

She also had a direct relationship with the raw ingredients themselves. For example, if she wanted a chicken for dinner, she went to the butcher and saw the live chicken before it was slaughtered. She would then take it home and remove the feathers herself, clean the carcass, and determine whether and how to use multiple parts of a whole chicken.

⁵⁷ See Ruth Ann Abusch-Magder, “*Kashrut: The Possibility and Limits of Women's Domestic Power*,” in *Food and Judaism* (Omaha, NE: Creighton University Press, Distributed by the University of Nebraska Press, 2005), 169-192.

These women's lives, however, were about to be transformed. As Joan Nathan explains, "In 1925, the average American housewife made all her food at home. By 1965, 75-90% of the food she prepared had undergone some sort of factory processing."⁵⁸ This liberated women from the kitchen, allowing them to spend less time and energy preparing food. However, it also decreased their role as gatekeepers in the food chain. The bags, bottles, and boxes that replaced open bins often concealed the product itself. They also concealed where it came from.

Part B: Shomrei Kashrut and Kosher Certification as Gatekeeper

Ours is an ethically-based tradition, and Reform leaders saw no connection between the intricate rules of kashrut and ethical behavior. Sadly, for too much of the kashrut industry, this disconnect still exists; in recent years, kashrut authorities have failed in their duty to treat workers, immigrants, and animals with compassion and justice. For that reason, we applaud the Conservative movement for creating a new system of kosher certification that takes ethical factors into account.

*Nonetheless, we – as a Movement – have put kashrut aside, and kashrut is not the issue for us. We do not accept the authority of the kashrut establishment, and its problems are for others to resolve.*⁵⁹

I. Shomrei Kashrut

Today, the food chain, for both kosher and non-kosher food, is much longer. As the food chain grew, so did the list of questions that Jews, both those who kept kosher and those who did not, were asking about food. The questions took on new valences and new questions arose from the American experience. Eventually, the ethical quandaries that arose in the secular food movement found their expression in the Jewish community as well.

⁵⁸ Nathan, 7.

⁵⁹ Yoffie, "Toronto Biennial Sermon".

However, for many Jews, the first questions about whether something is “fit” to eat are the following: Is it *halakhic* kosher? Is it *glatt* kosher? Does it have a *hekhsher*? What is the denominational affiliation of the *mashgiach*? This group includes Jews across the denominational spectrum. While many Jews observe some version of the dietary laws, the rest of this Part addresses ethical eating from the perspective of those Jews for whom eating something that is not *halakhic* kosher is never an option.

President Yoffie makes an even more nuanced distinction between those who choose to obey the kosher laws, and those who rely on the established *kashrut* authorities. When Jews can no longer trace their food back to its sources, they come to depend on kosher certifiers to ensure that the food they are eating is in consonance with Jewish law. As the food chain of kosher food has grown longer, kosher certifiers were seen as the gatekeepers, and a *hekhsher* indicated that a food product was ‘fit’ to eat.

Unfortunately, along the kosher food chain, there are producers that “failed in their duty to treat workers, immigrants, and animals with compassion and justice.” Like many of its secular counterparts, the largest distributor of kosher meat, the Agriprocessors meatpacking factory in Postville, Iowa, was committing acts of animal abuse, worker abuse, and fraud.

This discovery caused some Jews to question whether a kosher *hekhsher* was sufficient in determining their food choices. There are Jewish laws regarding the treatment of

animals, the treatment workers, and ethical business practices. If *hekhshered* food does not uphold those values as well, further gatekeepers may be necessary.

One response to this discovery was to provide an additional certification to a kosher *hekhsher*. The Conservative Movement established “Magen Tzedek,” a seal that would be added to products that are already *hekhshered* as kosher, but also uphold the values determined by the organization. Some Orthodox organizations, such as Uri L’Tzedek and Peulat Shachir, have developed an ethical seal for kosher businesses.

Then there are individuals and organizations who are trying to shorten the food chain, allowing purchasers of kosher food to know where their food comes from, and that it was produced in consonance with Jewish ethics beyond *halakhic kashrut*. These include independent meat producers, and the C.S.A. groups founded by Hazon.

These contemporary discussions regarding *kashrut* have elevated the discussion about Jewish ethical eating as a whole. While many Reform Jews do not require a kosher *hekhsher* on their food, the Reform Movement cannot ignore the discussion taking place in the larger Jewish world. While the “problems” of the “*kashrut* establishment are for others to resolve,” Reform Jews must understand these problems in order to determine what is ‘fit’ to eat as a Reform Jew.

II. The Kosher Hekhsher

As Joan Nathan pointed out in “A Social History of Jewish Food in America,” as the food chain grew, women were relieved from their role as kosher gatekeepers. In 1923, the same year of the creation of a women’s branch, the Orthodox Union (OU) began its “official *kashrut* supervision and certification program.”⁶⁰ The OU *hekhsher* itself was born when Joshua Epstein, an Orthodox Jew and advertising man, convinced H.J. Heinz Company to make kosher vegetarian baked beans for the Jewish market. The company needed to indicate that the beans were kosher, but did not want to have the word “kosher” emblazoned across the can in either Hebrew or English. The OU symbol did the trick.

The meaning of “kosher” in the world of food production in the first half of the twentieth century

This allowed Jews who kept kosher to have a sense that someone was serving as gatekeeper, and that the products they purchased were ‘fit’ to eat. As Jenna Weissman Joselit chronicles in “Food Fight: The Americanization of *Kashrut* in Twentieth-Century America,”⁶¹ comfort with processed and packaged foods was also facilitated by the work of advertising genius Joseph Jacobs. His advertising agency, which opened in 1919,⁶² was instrumental in convincing big companies to market their products to Jews through the Yiddish press. This not only meant more customers for food producers, it meant that Jews felt more comfortable with more products. Advertisements appeared in publications

⁶⁰ Nathan, 8.

⁶¹ Jenna Weissman Joselit, “Food Fight: The Americanization of *Kashrut* in Twentieth-Century America,” in *Food and Judaism* (Omaha, NE: Creighton University Press, Distributed by the University of Nebraska Press, 2005), 337-341.

⁶² Joseph Jacobs Advertising, <http://www.josephjacobsadvertising.com/> (accessed January 24, 2010).

which Jews read and trusted, and the ads themselves, due to Jacobs' creative influence, suggested values which appealed to Jews, including the importance of the home, family, and education.

This marketing worked both ways. Jacobs used values that had become associated with *kashrut* to make his pitch to food companies who then reached out to Jewish consumers. By 1920, *kashrut* had become associated with "quality, sanitation, and cleanliness." This was in large measure due to Jacobs' efforts, but he was building on the efforts of "a loosely bound coalition of rabbis, educators, and sisterhood women" who sought to make *kashrut* relevant to American Jews not because of *halacha*, but because of the modern values which *kashrut* embodied.

Appealing to the modern focus on science and reason, there was an effort to promote *kashrut* as a rational practice of scientifically-founded healthy and hygienic choices. American Jews highlighted an International Hygiene Exhibition in Dresden, Germany in 1911 which asserted that science had proven that the "dietary laws of the Jews conform to the dietary as well as the sanitary laws of today; they have received the unanimous sanction of the medical profession and every unbiased sanitarian." In 1912, Noah Aronstam, a Detroit physician, wrote "The Dietary Laws from a Scientific Standpoint," which argued that the laws of *kashrut* made scientific sense: kosher foods are easier to digest; they often have greater nutritive value; and are more sanitary.

Food manufacturers picked up on this idea with gusto. Not only did the number of *hekhshered* products increase, but manufacturers used the language of quality, sanitation, and cleanliness in their promotion. One company boasted its products were “kosher in the true sense of the word and leave nothing to be desired in quality or cleanliness.” In turn, “Jewish consumers of both sexes responded enthusiastically to the mass production of kosher food products and the reassuring advertising copy promoting it.”

The meaning of “kosher” in food production today

This message continues to have resonance in the non-Jewish world as well. Given the fact that Jews comprise less than 2% of the American population, and many of those Jews do not keep kosher, it is remarkable that approximately 13% of American consumers have purposely purchased a product because it was kosher, according to a recent study by the Mintel International Group⁶³, a London-based market-research company.⁶⁴ In fact, only 14 percent of those consumers keep kosher. For those not observing *kashrut*, the most common reasons for buying kosher food are quality (62%), followed by general healthfulness (51%), then food safety (34%), then adherence to non-kosher religious dietary restrictions such as Halal (10%).⁶⁵

It is not surprising, then, that many Jews regard a kosher *hekhsher* as a gatekeeper of Jewish values in the food business. However, today that would be an impossible task.

⁶³ Mark Pearlman, "21st Century Kosher," *Jewish Week* (New York), October 27, 2009.

⁶⁴ Samantha Shapiro, "The Kosher Wars," *New York Times*, October 12, 2008.

⁶⁵ Mark Pearlman, "21st Century Kosher," *Jewish Week* (New York), October 27, 2009.

Currently, an estimated 40% of supermarket products are kosher,⁶⁶ which represents approximately 20,000 products⁶⁷ (including 5,000 new kosher products this year alone)⁶⁸ with ingredients from all over the world. China is among the largest producers of kosher ingredients. In China, there are over 2,000 companies that produce kosher items.⁶⁹ An OU hechsher can certify whether a product was made with kosher ingredients and processing facilities, but not how the environment, animals, or workers were affected along the food-chain.

As Menachem Lubinsky—editor of *Kosher Today* (the trade publication of the kosher food industry), organizer of Kosherfest, and President & CEO of Lubicom Marketing Consulting—recently rejoiced:

It has become easier than ever for many companies to make their products kosher. A good deal of the animal-based ingredients have been removed because of the concern with saturated fats, and the move towards natural and organic means that fewer of the ingredients are problematic. Now the producers take a look at the ingredients, the rabbis take a look at the ingredients, and they say, “why not!”⁷⁰

There may be many reasons “why not.” Although these ingredients meet the *halakhic* requirements for *kashrut*, a “kosher” certification cannot be assumed to guarantee “quality, sanitation, and cleanliness” or “quality, healthfulness, and food safety.” This is no longer a food chain in which buyer and seller know one another, whether Jew or non-Jew. Workers in China are producing ingredients that are bought by anonymous

⁶⁶ Julie Wiener, "Inside the Business of Kosher," *Jewish Week* (New York), October 27, 2009.

⁶⁷ Magnolia Pictures, "Food, Inc. Press Notes."

⁶⁸ Wiener, "Inside the Business of Kosher."

⁶⁹ *Ibid.*

⁷⁰ Pearlman, "21st Century Kosher."

executives at multinational corporations to be mixed together in laboratories by anonymous chemists and then packaged in factories by anonymous line-workers to be shipped to the anonymous managers of supermarket chains where they are stocked by anonymous employees and then scanned at the checkout by the one person you may actually meet. That is, if you do not use the self-check-out. In other words, as Samantha Shapiro reported in the *New York Times*, “Jews no longer know that their meat is kosher because they know the person who killed it but because of the symbol that appears on the shrink-wrap at the grocery store.”⁷¹

The length of the food chain is not, in itself, inherently problematic. In fact, it has led to cheaper prices. But the opacity and anonymity mean that we know very little about how our food is made. Somewhere along the way it is quite possible that the values, beyond *halakhic* compliance, that matter to us as Jews are not being upheld. Unfortunately, when part of the kosher food chain was revealed in 2004, this proved to be the case.

Part C: The Unseen Costs of the Kosher Food Chain

*Many Americans are in absolute denial that the bulk of their processed and packaged food comes from illegal labor. It's a triangle: Employers who want maximum profit, workers who need work and consumers who want cheap food.*⁷²

--Michelle Devlin, co-author, Postville, U.S.A.: Surviving Diversity in Small-Town America

⁷¹ Samantha Shapiro, "The Kosher Wars," *New York Times*, October 12, 2008.

⁷² Sue Fishkoff, "New Postville book blames feds, globalization for town's collapse," *JTA*, August 02, 2009.

Agriprocessors

Aaron Rubashkin, a member of a Lubavitch Hasidic family, came to the US from Europe in 1952⁷³ and started a Brooklyn butcher shop.⁷⁴ In 1987, he bought a defunct meat factory in Postville, Iowa.⁷⁵ He, and later, his son, Sholom Rubashkin, turned it into the largest kosher meat packing plant in the country—Agriprocessors.

Culture Clash

In 2000, journalist Stephen Bloom published the book *Postville*, which documented the culture clash between the Lubavitch Hasidim and the farming town of 1500 into which they moved. Initially, it was difficult for Agriprocessors to find employees, so the Rubashkins would fly in workers from New York, and their workforce consisted primarily of Eastern European immigrants. They also needed to hire *shokhets* to work in the plant, and gradually the Lubavitch Hasidic community in Postville began to grow.

There was already trouble in 1997 when the Postville residents voted on a referendum over whether to annex the land on which the slaughterhouse stood to the city of Postville. The referendum was, in essence, an attempt to get the Rubashkins, and the Jewish community that had developed in Postville, to leave. Sholom Rubashkin saw it as ingratitude. Since the Rubashkins had begun operating the plant, Postville had been

⁷³ Nathaniel Popper, "In Iowa Meat Plant, Kosher 'Jungle' Breeds Fear, Injury, Short Pay," *Forward*, May 26, 2006.

⁷⁴ Julia Preston, "Rabbis Debate Kosher Ethics at Meat Plant," *New York Times*, August 22, 2008.

⁷⁵ Susan Saulny, "Hundreds Are Arrested in U.S. Sweep of Meat Plant," *New York Times*, May 13, 2008.

revitalized. Although the referendum passed 55%-45%,⁷⁶ Sholom Rubashkin was, at bottom, a businessman. The business was profitable, and would continue to be profitable, even if it had to pay more in local taxes.

Over time the make-up of the workers at Agriprocessors as well as Postville's population changed dramatically, due to a flood of Hispanic immigrants, many of whom were undocumented. By 2006, more than half of Postville's 2,500 residents were Hispanic. As mentioned in Chapter One, immigrants, and particularly illegal immigrants, had become workers in slaughterhouses across the country, and Agriprocessors was no exception.

2004: The treatment of animals

On November 30, 2004, the People for the Ethical Treatment of Animals (PETA) released a videotape of the slaughtering practices at Agriprocessors.⁷⁷ By 2004, Agriprocessors had already become the nation's largest kosher meatpacking plant, supplying about 60% of the nation's kosher meat and 40% of the nation's kosher poultry⁷⁸. While the steers' throats were slit according to kosher law (the *shokhet* checked the razor-sharpness of the blade, the trachea and esophagus were severed in one swift motion), the animals were not experiencing the quick, painless death that is often associated with these practices. Rather, the steers were "staggering and bellowing long

⁷⁶ Stephen Bloom, *Postville: A Clash of Cultures in Heartland America* New York: Harcourt Inc. 2000

⁷⁷ Preston, "Rabbis Debate Kosher Ethics at Meat Plant."

⁷⁸ Shapiro, "The Kosher Wars."

after their throats were cut.”⁷⁹ As reported in the *New York Times*, the video documented that after their throats were slit, “animals with dangling windpipes stand up or try to; in one case, death takes three minutes.”⁸⁰

The following day, Rabbi Tzvi Hersh Weinreb, the executive vice president of the Orthodox Union, said the video “raises all sorts of questions” and that he would ask Agriprocessors to make changes in their slaughtering procedures.⁸¹ In response, Agriprocessors agreed to modify their procedures. The changes included giving rabbis who perform the slaughtering ritual a stun gun to knock steers unconscious if they thrash about after their throats have been slit.⁸²

Temple Grandin, an animal science professor, visited the slaughterhouse on June 27, 2006. When she had initially viewed the PETA video in 2004, she said it was the “most disgusting thing I’d ever seen.” After her June 27 visit, Grandin stood by her original statements but said that Agriprocessors appeared to have improved its slaughter process.⁸³

Unfortunately, Agriprocessor’s treatment of animals was not the only problem.

⁷⁹ Donald G. McNeil Jr., “Videos Cited in Calling Kosher Slaughterhouse Inhumane,” *New York Times*, December 1, 2004.

⁸⁰ *Ibid.*

⁸¹ McNeil, Jr., “Kosher Authority Seeks Change in Steer Killings.”

⁸² *New York Times*, “Slaughterhouse To Change Its Process,” December 9, 2004.

⁸³ Nathaniel Popper, “Animal Rights Expert Endorses Kosher Plant,” *Forward*, July 7, 2006.

2006: *The treatment of workers*

In May, 2006, Nathaniel Popper of the *Forward* broke a story that highlighted the abuses of the *humans* at Agriprocessors. He also raised questions about a plant owned by avowedly devout Jews committing egregiously immoral practices. His article, "In Iowa Meat Plant, Kosher 'Jungle' Breeds Fear, Injury, Short Pay" bore the sub-title: "'I'm not sure these devout Jews are using Jewish ethics to treat their workers.'"⁸⁴ The quote was from Mark Grey, a professor who studies immigrant labor at slaughterhouses, and is the director of the Iowa Center for Immigrant Leadership and Integration, which is based at the University of Northern Iowa in Cedar Falls.⁸⁵ Professor Grey reported that in the five years he had been talking with workers at Agriprocessors, he had been "continually surprised by how poorly [the owners] treat these people because they're not Jews and because they happen to be immigrants." Popper's story opens with the story of one worker who

...came to this rural corner of Iowa a year ago from Guatemala. Since then, she has worked 10-to-12-hour night shifts, six nights a week. Her cutting hand is swollen and deformed, but she has no health insurance to have it checked. She works for wages...that several industry experts described as the lowest of any slaughterhouse in the nation.

The immigrants' illegal status meant that they could not complain about long hours, compensation below the minimum wage, unsafe working conditions, or lack of health insurance. They needed to put food on the table and had very few options for employment. The workers at Agriprocessors knew that there was always another immigrant who would be happy to get their job.

⁸⁴ Popper, "In Iowa Meat Plant, Kosher 'Jungle' Breeds Fear, Injury, Short Pay."

⁸⁵ Mark Grey is also a co-author of the book *Postville, U.S.A.: Surviving Diversity in Small-Town America*, released in 2009. See below.

However, Popper reports that “even in the unhappy world of meatpacking, people with comparative knowledge of AgriProcessors [sic] and other plants...say that AgriProcessors stands out for its poor treatment of workers.” The article ends with another quote from Grey: “The bottom line here is that I’m not sure these devout Jews are using Jewish ethics to treat their workers.”

May 2008: Immigration and Customs Enforcement (ICE) raid

In May of 2008, Popper’s discoveries became national news when a raid on the Agriprocessors plant led to the detainment of 389 illegal immigrants.⁸⁶ Following the raids, workers reported a range of atrocities that spanned the spectrum of worker abuse. They reported lack of safety training, child labor, extremely long work-shifts, forced overtime without overtime pay, and verbal, sexual, and physical abuse.⁸⁷ Workers also reported that the managers threatened to report their illegal status if they complained.

In August, Iowa labor authorities said they had found 57 cases of under-age workers, and the Iowa labor department announced 31 citations against Agriprocessors for safety violations.⁸⁸ In September, the Iowa Attorney General’s Office filed over 9,000 child labor charges against Agriprocessors,⁸⁹ and the list of charges only continued to grow. By July 31, 2009, federal prosecutors had filed 163 charges⁹⁰ against Agriprocessors and

⁸⁶ Preston, "Rabbis Debate Kosher Ethics at Meat Plant."

⁸⁷ Julia Preston, "After Iowa Raid, Immigrants Fuel Labor Inquiries," *New York Times*, July 27, 2008.

⁸⁸ Preston, "Rabbis Debate Kosher Ethics at Meat Plant."

⁸⁹ Fishkoff, "New Postville book blames feds, globalization for town's collapse."

⁹⁰ Rebecca Dube, "New Owner of Agriprocessors Faces Old Questions About Its Plans for Company," *Forward*, July 31, 2009.

Sholom Rubashkin which included money laundering,⁹¹ labor law violations, bank fraud, mail and wire fraud, and nonpayment for livestock.⁹²

The fallout from the demise of the company impacted the entire city of Postville—immigrants, Jews, and long-time residents. It had been the backbone of the community's infrastructure, and even those who had not worked directly for the plant were suppliers or sub-suppliers. Between May and August, the population had shrunk by 40%.⁹³⁹⁴ On November 4, 2008, Agriprocessors filed for bankruptcy. On November 21, 2008, Mayor Robert Penrod initiated the process of having Postville declared a disaster area.⁹⁵ In July of 2009, SHF Industries bought the plant for \$8.5 million.⁹⁶ As part of the purchase agreement, SHF was not held liable for repaying Agriprocessors' debts to its suppliers or workers, or to Postville-area businesses.⁹⁷

The trial of Sholom Rubashkin began in September 2009. On November 12, 2009, Sholom Rubashkin was convicted of 86 out of 91 fraud charges. The combined sentences for Rubashkin, who was 50 years old, could amount to over 1,250 years in

⁹¹ Ben Harris, "More charges against Rubashkin," *JTA*, January 19, 2009.

⁹² Dube, "New Owner of Agriprocessors Faces Old Questions About Its Plans for Company."

⁹³ Fishkoff, "New Postville book blames feds, globalization for town's collapse."

⁹⁴ Fishkoff reports that in August 2009 fewer than 50 Latinos still lived in Postville, most of them detained illegal immigrants waiting to testify in the Rubashkin trial scheduled for September 2009.

⁹⁵ Ben Harris, "Postville Jewish community struggles to survive after raid," *JTA*, November 24, 2008.

⁹⁶ *JTA*, "Jewish groups urge new Postville partnership," September 30, 2009.

⁹⁷ Rebecca Dube, "New Owner of Agriprocessors Faces Old Questions About Its Plans for Company," *Forward*, July 31, 2009.

prison.⁹⁸ On November 29, 2009, federal prosecutors dropped all immigration charges against Rubashkin. Assistant U.S. Attorney Peter Deegan Jr. explained in court papers that even if Rubashkin was convicted on all 72 charges of using undocumented workers, adding to his jail time would ultimately have no impact.⁹⁹

Preceding the trial, on September 1, 2009, a new book, *Postville, U.S.A.: Surviving Diversity in Small-Town America* was released. Written by Mark Grey (cited above) and Michelle Devlin, sociologists at the University of Northern Iowa, as well as Aaron Goldsmith, a former Postville City Council member and Lubavitcher Hasid, the book argues that Postville is only one of hundreds of towns across the Midwest in which illegal immigrants are working in factories for low wages and no benefits.

Part D: Emerging Gatekeepers

I. The Conservative Movement and *Magen Tzedek*

In response to the Nathan Popper article published in the *Forward* in May 2006, the Conservative Movement felt it needed to take action. The movement's Rabbinical Assembly and the United Synagogue of Conservative Judaism formed a five-person commission to go to Postville and see the plant for themselves. They made several visits to the plant in August and September of 2006, and determined that "there are significant

⁹⁸ *JTA*, "Rubashkin convicted on 86 charges," November 12, 2009.

⁹⁹ *JTA*, "Second Rubashkin trial is dropped," November 29, 2009. Unfortunately, however, this prevented a trial which could have established legal precedent regarding abuses of immigration law.

issues of concern at the plant, including issues of health and safety.”¹⁰⁰ The commission also visited the Empire Kosher Poultry plant in Pennsylvania, where they found “working conditions, safety conditions and general worker welfare...not to be issues of concern.”¹⁰¹ Among the commission’s members was Rabbi Morris Allen of Mendota Heights, Minnesota. Rabbi Allen cites this trip, along with a desire to promote kosher practice in his synagogue, as among the reasons he spearheaded the Hekhsher Tzedek campaign.¹⁰²

In December 2006, under the leadership of Rabbi Allen, the Rabbinical Assembly and the United Synagogue of Conservative Judaism began a joint project to create a *hekhsher tzedek*, a “justice seal,” that would indicate to consumers that a certain product met the ethical standards outlined by the organization’s Hekhsher Tzedek Commission.

Magen Tzedek

The Hekhsher Tzedek Commission was adamant about its commitment to awarding the seal not as a replacement to traditional *kashrut* certification, but only as an additional certification to products which are already certified as kosher. However, the use of the word ‘*hekhsher*’ upset many in the Orthodox community who feared that the *hekhsher tzedek* would be viewed as a competing kosher certification. When Rabbi Menachem Genack, head of the OU’s kosher division, heard about the proposed seal in December 2006, he supported the Conservative Movement’s dedication to labor issues, but he

¹⁰⁰ Nathaniel Popper, "Conservative Rabbis Pledge Groundbreaking System for Monitoring Working Conditions at Kosher Plants," *Forward*, December 22, 2006.

¹⁰¹ *Ibid.*

¹⁰² Preston, “Rabbis Debate Kosher Ethics at Meat Plant.”

cautioned them not to blur the line between Jewish law on labor issues and Jewish law on the strict standards of *kashrut*.¹⁰³

A solution was finally reached between Rabbi Genack and the Hekhsher Tzedek Commission. To make sure that consumers did not view the Hekhsher Tzedek seal as a kosher certification, the word “*hekhsher*” would not be used.¹⁰⁴ Instead, in December 2008, the Hekhsher Tzedek Commission changed the name of the seal to “Magen Tzedek,” and now refers to the seal as a “service mark.”

Magen Tzedek’s Mission statement reads:

The mission of the Hekhsher Tzedek Commission is to bring the Jewish commitment to ethics and social justice directly into the marketplace...and the home. The Commission’s seal of approval, the Magen Tzedek, will help assure consumers that kosher food products were produced in keeping with the highest possible Jewish ethical values and ideals for social justice in the area of labor concerns, animal welfare, environmental impact, consumer issues and corporate integrity.

The Magen Tzedek, the world’s first Jewish ethical certification seal, synthesizes the aspirations of a burgeoning international movement for sustainable, responsible consumption and promotes increased sensitivity to the vast and complex web of global relationships that bring food to our tables.¹⁰⁵

On September 9, 2009 the Hekhsher Tzedek Commission released a 150 page draft set of standards for obtaining a Magen Tzedek seal. These standards were made available for

¹⁰³ Popper, “Conservative Rabbis Pledge Groundbreaking System for Monitoring Working Conditions at Kosher Plants.”

¹⁰⁴ Ben Harris, “With new name, ethical *kashrut* seal can appear alongside the O.U.,” *JTA*, December 26, 2008.

¹⁰⁵ “Mission Statement,” Magen Tzedek, http://magentzedek.org/?page_id=17 (accessed January 28, 2010).

public comment, and once revised, will be open to a second public comment period.¹⁰⁶

Although the original deadline for the first comment period was December 9, 2009, as of January 2010, the standards were still available on the website for public review.¹⁰⁷

Magen Tzedek will essentially function as a gatekeeper. While not a kosher certification, the Magen Tzedek seal will give consumers some information about the food chain of a product. They will know that its production met certain criteria regarding labor concerns, animal welfare, environmental impact, consumer trust and corporate integrity. In meeting the standards, Magen Tzedek explains, the emphasis is on the plants that actually produce the product, which “parallels the process for kosher certification.”¹⁰⁸ Based on the draft standards, it remains to be seen whether any products could satisfy the Magen Tzedek requirements.

Magen Tzedek is an initiative of the Conservative Movement and therefore benefits from the support of the movement’s leadership. For the High Holy Days in 2008, the movement asked its rabbis to discuss Hekhsher Tzedek in their High Holy Day

¹⁰⁶ "Certification Criteria," Magen Tzedek, http://magentzedek.org/?page_id=69 (accessed January 28, 2010).

¹⁰⁷ *Ibid.*

¹⁰⁸ "Summary of Evaluation Principles September 2009," Magen Tzedek, http://magentzedek.org/wp-content/uploads/2009/09/HT_Summary_Evaluation_Principles_090909.pdf (accessed January 28, 2010).

sermons.¹⁰⁹ According to Rabbi Julie Schonfeld, Executive Director of the movement's Rabbinical Assembly, several hundred rabbis did so.¹¹⁰

II. Uri L'Tzedek and Peulat Shachir

Some in the Orthodox movement have taken-up the cause of rewarding ethical kosher businesses with their own seal of approval. Uri L'Tzedek was founded by rabbinical students Shmuly Yanklowitz and Ari Hart from the liberal Orthodox Yeshivat Chovevei Torah in New York. Uri L'Tzedek's Mission Statement reads:

Uri L'Tzedek is an Orthodox social justice organization guided by Torah values and dedicated to combating suffering and oppression. Through community based education, leadership development and action, Uri L'Tzedek creates discourse, inspires leaders, and empowers the Jewish community towards creating a more just world.¹¹¹

In December 2008, they announced their intention to award a seal of ethical business practices, called *Tav HaYosher*, to kosher restaurants that meet three elements in their treatment of workers. They include “the right to fair pay, the right to fair time, and the right to a safe work environment.”¹¹² In meeting these standards, the website explains, “all criteria are derived strictly from US, State, and local law.” For example, the “right to fair pay” means that all workers must be paid at least the minimum wage appropriate for their job, and this applies to both documented and undocumented workers. “Fair time” includes overtime pay, one day off per week, and appropriate breaks for hours worked.

¹⁰⁹ Preston, “Rabbis Debate Kosher Ethics at Meat Plant.”

¹¹⁰ Sue Fishkoff, "Orthodox Focus on Jewish ethics at High Holidays," *JTA*, October 5, 2009.

¹¹¹ "Mission & 3 Pillars," Uri L Tzedek, <http://www.utzedek.org/whoweare/mission-a-3-pillars.html> (accessed January 28, 2010).

¹¹² "Standards," Uri L Tzedek, <http://www.utzedek.org/tavhayosher/standards.html> (accessed January 28, 2010).

“A safe work environment” includes an anti-discrimination clause, OSHA regulations governing restaurant safety, and the right to unionize.

Uri L’Tzedek announced the first seven recipients (six restaurants and a kosher supermarket) on May 12, 2009, the one-year anniversary of the infamous raid on Agriprocessors in Postville, Iowa.¹¹³ As of January 2010, the seal had been awarded to almost thirty businesses in Manhattan, the Bronx, Queens, Westhampton Beach, Maryland, Illinois, and Pennsylvania.¹¹⁴

In Los Angeles, an organization called Peulat Shachir: Ethical Labor Initiative embarked on a similar mission. Peulat Shachir derives its name from the injunction in Leviticus 19 against holding a worker’s wages. It was started by Rabbi Daniel Korobkin, spiritual leader of Kehillat Yavneh in LA’s Hancock Park neighborhood, Rabbi Elazar Muskin of Young Israel of Century City and Rabbi Yosef Kanefsky of B’nai David-Judea Congregation.¹¹⁵ They offer “a covenant agreement to any business owner who complies with the six basic areas of labor law as required by the state of California,” deferring, like Uri L’Tzedek, to American law. The basic areas include: (1) minimum wage, (2) payment of overtime wages, (3) provision of meal and rest breaks, (4) leave policy, (5) workers’ compensation insurance and (6) discrimination/harassment policies.¹¹⁶ The

¹¹³ Sue Fishkoff, "N.Y. Food Establishments Earn New Ethics Seal," *JTA*, May 12, 2009.

¹¹⁴ "Restaurant List/Map," Uri L Tzedek, <http://www.utzedek.org/tavhayosher/restaurant-listmap.html> (accessed January 28, 2010).

¹¹⁵ Sue Fishkoff, "Orthodox groups to offer ethical seals for businesses," *JTA*, December 15, 2008.

¹¹⁶ Rabbi N. Daniel Korobin, "Ethics Plan Would Raise Sanctity of Business," *Jewish Journal*, March 18, 2009.

business owner would sign a covenant, pledging to treat his or her workers fairly. Unlike the *Tav HaYosher*, the certification could be granted to businesses outside the food industry—any local business that serves Jews, including synagogues, bookstores, attorneys' and physicians' offices.¹¹⁷

Both organizations are based in part on the work of an Israeli organization Bema'aglei Tzedek ("Circles of Justice") which awards its Tav Chevrati certification to Israeli businesses that "respect the legally-mandated rights of their employees and are accessible to people with disabilities."¹¹⁸ The tagline of the Tav Chevrati initiative is "Cuisine with a Conscience."¹¹⁹ Founded in 2004, Bema'aglei Tzedek is a social change organization dedicated to addressing many of Israel's societal ills, but, as one of its supporters noted in *Sh'ma* magazine, it is "probably best known for being a pioneer in the field of ethical *kashrut*."¹²⁰ The certification has been awarded to approximately 350 establishments throughout Israel.

Part E: Shortening the Length of the Kosher Food Chain

My Bubbie ate kosher grass-fed beef before there was such a thing as industrially produced meat and I wanted to be able to do the same.

--Devorah Kimelman-Block, founder, KOL Foods¹²¹

¹¹⁷ Fishkoff, "Orthodox groups to offer ethical seals for businesses."

¹¹⁸ "Tav Chevrati," <http://www.mtzedek.org.il/english/TavChevrati.asp> (accessed January 28, 2010).

¹¹⁹ *Ibid.*

¹²⁰ Dyonna Ginsburg, "A Journey into the Ethics of *Kashrut*," *Sh'ma* (November 2009): 20.

¹²¹ Cheryl Kolin, "The latest in brisket: grass-fed kosher beef," *Jewish Advocate*, September 11, 2009.

It's the best of both worlds. You are in sync with liberal America by eating foods that are organic and at the same time observing the Jewish laws of kashrut.

--Professor Jonathan Sarna, Brandeis University Jewish historian¹²²

The rise of the independent ethical-kosher meat businesses

To meet the desire to have ethical, eco-friendly kosher food, a number of Jews have decided to shorten the food chain and start independent businesses. Many of them were influenced by the secular food movement and the Agriprocessors scandal.¹²³ In 2006, Simon Feil created Kosher Conscience, a small poultry and meat-buying cooperative in New York. Feil, who had attended Orthodox day school and a yeshiva in Israel, was shocked after seeing the PETA videos. Feil explained, “we learned all these rules about not inflicting pain on animals. It sounds silly now, but it never occurred to me that you could violate these laws in a kosher establishment in any way.”¹²⁴ Feil related, “When I realized that kosher didn’t also mean humane, I had two choices: to become a vegetarian or create kosher meat that also adhered to Jewish values across the spectrum.”¹²⁵ Kosher Conscience sells meat that is kosher, hormone- and antibiotic-free, and raised in pastures on small farms in New York state.¹²⁶

This is also true of the meat sold by Mitzvah Meat, a distributor slightly larger than Kosher Conscience, founded by Dr. Maya Shetreat-Klein in 2007. Dr. Shetreat-Klein

¹²² Leonard Felson, "The Central Role of Food in Jewish Life," *The Jerusalem Report*, October 15, 2007.

¹²³ Sue Fishkoff, "The Greening of Kashrut," *Hadassah Magazine*, February 2009, 30-31.

¹²⁴ Shapiro, "The Kosher Wars."

¹²⁵ Julie Wiener, "Beefing Up Eco-Kosher," *Jewish Week* (New York), September 30, 2009.

¹²⁶ *Ibid.*

recalls, “I would go to my CSA and I would see everyone picking up their naturally raised, grain-fed meat, and there was none for the kosher folks. So I said to a friend, why can’t we do that?”¹²⁷ Although she was initially motivated by the health benefits of more naturally raised meat, as Mitzvah Meat grew, she came to appreciate the environmental, animal welfare, and “spiritual” benefits of being more connected with the “animal and the person raising it.”¹²⁸

In 2007, Devorah Kimelman-Block of Silver Spring, MD started KOL Foods, an ethical kosher meat supplier, whose name stands for Kosher, Organic, and Local. Although it was not the first, it is the largest distributor of ethical kosher meat. Kimelman-Block started by selling meat to families in her synagogue, Conservative Movement-affiliated Tifereth Israel Congregation in Washington, D.C.¹²⁹ It took her ten months to make her first sale. As the *Washington Post* reports,

First she had to find an organic cattle farm near Washington. Then a shochet, a person trained in kosher slaughtering, who was willing to do a freelance job. Then a kosher butcher to carve the beef into various cuts and other families from her synagogue to share it. All told, it took Devora Kimelman-Block of Silver Spring 10 months to obtain 450 pounds of meat that is local, grass-fed, organic *and* strictly kosher. Which is a lot of effort -- and a lot of meat -- for someone who keeps a kosher vegetarian household.¹³⁰

¹²⁷ Fishkoff, "The Greening of *Kashrut*."

¹²⁸ Wiener, "Beefing Up Eco-Kosher."

¹²⁹ Alan Cooperman, "Eco-Kosher Movement Aims To Heed Tradition, Conscience," *Washington Post*, July 7, 2007.

¹³⁰ *Ibid.*

As Fishkoff reports, “KOL slaughtered its first three cattle in July 2007, selling 400 pounds of kosher meat in three weeks. A second group of six sold out in less than a week, bringing in \$11,000. By late 2008, KOL foods was slaughtering once a month to the tune of \$20,000.”¹³¹ It has grown so quickly that in 2008 Kimelman-Block left her job in educational technology to run KOL Foods full-time, and has hired a staff person with an MBA to help run the business.¹³² In January 2010, KOL Foods was selling meat online, and shipping it from distribution centers in over 20 states.

The number of ethical kosher meat businesses is continuing to grow, as more and more like-minded Jews seek to provide ethical kosher meat, both locally and regionally.

Perhaps the newest addition is LoKo (which stands for local kosher). In the summer of 2009, Hebrew College professor Rabbi Natan Margalit teamed-up with Newton, MA resident Marion Menzin to form a Boston-area cooperative for purchasing kosher, free-range chicken.¹³³ Rabbi Margalit explained to the *Jewish Week*, “A real essential part of *kashrut* is to keep in our minds that animals are creations of God and have dignity as living creatures...If we forget about that in *kashrut* then we’re missing the main point and following the technical details only.”¹³⁴ He told the *Boston Globe*, ““Since our grandparents’ generation, *kashrut* has lost its way and become a business...Now it needs to return to the original impetus: respect for life.”¹³⁵ In order to reinforce that message, Loko requires consumers to witness the chickens being slaughtered, and then help to

¹³¹ Fishkoff, “The Greening of *Kashrut*.”

¹³² Wiener, “Beefing Up Eco-Kosher.”

¹³³ Mark Dwortzan, “Local group is bringing kosher closer to nature,” *Boston Globe*, September 16, 2009.

¹³⁴ Wiener, “Beefing Up Eco-Kosher.”

¹³⁵ Dwortzan, “Local group is bringing kosher closer to nature.”

pluck their feathers.¹³⁶ This, of course, is what patrons of kosher butchers did in “our grandparents’ generation.” Menzin believes that “by being there [for the slaughter] you understand the respect for life in schita [kosher slaughter] in a way that’s hard to understand if you’re not there.”¹³⁷

Part F: Kashrut and Ethics

It very well may be that any plant performing such types of shechita is guilty of hillul hashem—the desecration of God’s name—for to insist that God cares only about his ritual law and not about his moral law is to desecrate His Name.

Chaim Milikowsky, chair, Talmud Department, Bar Ilan University, December 2004¹³⁸

As Orthodox Jews, we have a very strict commitment to the laws of kashrut. We see them as separate from but equally as important as how much you pay somebody.

--Shmuly Yanklowitz, rabbinical student, Yeshivat Chovevei Torah; co-founder, Uri

L’Tzedek¹³⁹

Lapses of business ethics, animal rights issues, worker rights matters — all of these have no effect whatsoever on the kosher value.

--Rabbi Avi Shafran, spokesman, Agudath Israel¹⁴⁰

Yanklowitz and Rabbi Shafran were among the four panelists in a forum at Yeshiva University on December 9, 2008, discussing the relationship between “ethics” and “kashrut.” Other panelists included Rabbi Menachem Genack, a dean at Yeshiva and

¹³⁶ Wiener, “Beefing Up Eco-Kosher.”

¹³⁷ *Ibid.*

¹³⁸ Aaron Gross, “When Kosher Isn’t Kosher,” *Tikkun*, March/April 2005, 55.

¹³⁹ Fishkoff, “Orthodox groups to offer ethical seals for businesses.”

¹⁴⁰ Paul Vitello, “Label says kosher; Ethics suggest otherwise,” *New York Times*, December 11, 2008.

head of the OU's kosher division, and Rabbi Basil Herring, executive director of the rabbinic body of the Orthodox Union, the Rabbinical Council of America (RCA).

Questions about the relationship between *kashrut* and ethics had come to the fore after the development of Hekhsher Tzedek and the Agriprocessors scandal. Many Orthodox groups, particularly in response to Hekhsher Tzedek, emphasized their position that *kashrut* and ethical issues were separate. Both the kosher laws and the ethical laws raised by Hekhsher Tzedek, such as the treatment of workers, were important, but they must remain separate. Whether something is 'fit' to eat depends on the kosher laws, and these laws are based on what God has ordained through the written and oral Torah, codified over the years. Some in the Orthodox community, particularly the organizers of Uri L'Tzedek and Peulat Shachir, felt that even if they are separate, it was time for the Orthodox community to ensure that Jewish businesses, including kosher businesses, were upholding ethical laws. This larger discussion within the Orthodox community has influenced the developing Jewish conversation about food and ethics across the denominational spectrum.

I. Orthodox Jews

The Hekhsher Tzedek campaign deeply troubled many in the Orthodox community who feared that the Conservative Movement was either trying to redefine *kashrut* and/or make kosher food unaffordable.¹⁴¹ Menachem Lubinsky, editor of *Kosher Today*, stated

¹⁴¹ Preston, "Rabbis Debate Kosher Ethics at Meat Plant."

simply, “On the Orthodox side, there is total opposition to it. It just doesn’t make sense to them.”¹⁴²

The ultra-Orthodox had no tolerance for the project. In early 2007, the Central Rabbinical Congress, a group of ultra-Orthodox rabbis affiliated with the Satmar Hasidic sect, issued a proclamation condemning the Conservative rabbis.¹⁴³ Their sentiments were echoed both by a column in the Orthodox publication *Jewish Press*, as well as in *Kosher Today*.

Despite repeated assurances by the Conservative Movement that the seal would be a supplemental certification, not a replacement, much of the animosity in the Orthodox community stemmed from the concern that the Conservative Movement was trying to redefine *kashrut*, or usurp Orthodox authority over kosher certification. The *Jewish Press* columnist worried about the “suspicious machinations” of the Conservative campaign.¹⁴⁴ The Central Rabbinical Congress even went so far as to tell kosher companies not to permit Conservative rabbis into their factories.¹⁴⁵ At the time of the Central Rabbinic Congress’ condemnation, Rabbi Menachem Genack of the OU stated that the OU is “not taking a position” regarding Hekhsher Tzedek, and reiterated his sentiment that labor issues should be left to governmental authorities.¹⁴⁶¹⁴⁷

¹⁴² Nathaniel Popper, "Orthodox Slam Effort To Monitor Conditions at Kosher Factories," *Forward*, February 9, 2007.

¹⁴³ *Ibid.*

¹⁴⁴ *Ibid.*

¹⁴⁵ *Ibid.*

¹⁴⁶ *Ibid.*

In September 2008, Agudath Israel, a lobbying organization that represents haredi Jews, also released a statement opposing Hekhsher Tzedek. Rabbi Shafran expressed his fear to the *New York Times* that, “if *kashrut* is framed as simply an ethical practice, or as a practice with any specific function other than obeying God’s law, it could set the stage for the practice to ultimately be discarded.”¹⁴⁸

Response to the Agriprocessors allegations

After the ICE raid in May 2008, many Orthodox Jews were hesitant to condemn Agriprocessors. A delegation of twenty Orthodox rabbis toured the Postville plant on July 31 and deemed it an “A-1 place.”¹⁴⁹ The RCA issued a statement on June 3, 2008, which argued that “given the gravity of the allegations, and the potential impact on the Jewish community and kosher consumers, it would be inappropriate to rush to judgment before all relevant facts are clarified.” However, the statement also recognized that “nonetheless it is important even at this time to clarify what in our view should be guiding principles in addressing this issue, once the facts will be known.

The statement went on to include a very nuanced consideration of the issues at stake, including “Relevant Principles of Jewish Law,” including upholding the secular laws of the United States if “enforced without discrimination,” “Public Interest Principles” such

¹⁴⁷ As mentioned above, at the end of December 2008, Hekhsher Tzedek and the OU reached an agreement that the word “*hekhsher*” would not be used in the name of the symbol, rather it would be called “Magen Tzedek.”

¹⁴⁸ Shapiro, “The Kosher Wars.”

¹⁴⁹ Julia Preston, “Rabbis Debate Kosher Ethics at Meat Plant.”

as keeping kosher food affordable, “The Proper Parameters of Kosher Food Supervision,” which raised concerns about the idea that kosher authorities need to supervise all ‘ethical’ aspects of the kosher food industry, and “The Rights and Responsibilities of Individual Consumers,” including not “rush[ing] to premature judgments that might unnecessarily imperil the availability or affordability of kosher products and services.”¹⁵⁰¹⁵¹

Sholom Rubashkin

In December 2008, a federal magistrate judge denied Sholom Rubashkin the ability to be released on bail for fear that he was a particular flight risk, which many believe was due in part to Israel’s Law of Return. Many Jews perceived this decision as a dangerous precedent for future Jewish defendants. In January 2009, rabbis and representatives from the Orthodox Union, the Rabbinical Council of America, the National Council of Young Israel, Agudath Israel of America, and Chabad-Lubavitch visited Rubashkin at his jail in Iowa. The visit was intended to show support for Rubashkin, without taking a position on his guilt or innocence, and to protest “U.S. Attorneys invoking the Law of Return in bail hearings for Jewish defendants.”¹⁵² Later that month, Rubashkin was released on \$500,000 bond, with other provisions attached.¹⁵³

¹⁵⁰ The full text of the statement can be found at <http://www.rabbis.org/news/article.cfm?id=105319>

¹⁵¹ For more information on the RCA’s response to Agriprocessors, please see Shmuel Herzfeld’s Op-Ed, “Dark Meat,” in the *New York Times*, August 6, 2008, as well as the responses published in the *New York Times* on August 13.

¹⁵² Ben Harris, “Rabbinic delegation meets with Rubashkin,” *JTA*, January 14, 2009.

¹⁵³ Richard Greenberg, “Man on a Mission: Baruch Weiss and the search for justice,” *JTA*, April 19, 2009.

Orthodox Union—the “Glatt Yosher” Initiative

For the High Holy Days in 2009, the three major institutions of Modern Orthodoxy—the Orthodox Union, the Rabbinical Council of America and Yeshiva University—sent a joint letter to more than 2,000 Orthodox rabbis asking them to address Jewish ethics in at least one of their High Holy Day sermons.¹⁵⁴ The letter included examples such as the prohibition against stealing, which includes not paying taxes to the government, the need to obey secular laws, and the aspiration to be “a light to the nations” in social interactions. Rabbi Shmuel Goldin, first vice president of the Rabbinical Council of America believed this was the first time the three institutions had issued such a joint appeal. More than 50 Orthodox rabbis heeded the call.¹⁵⁵

The letter includes a quote from the late Rabbi Joseph Breuer, “a Jew must not only be *glatt kosher*, he must be *glatt yosher*.”¹⁵⁶ As indicated in the joint letter, the “recent scenes of religious Jews being led off in handcuffs, charged with corruption, money laundering, and even organ trafficking” left the signatories “sickened and embarrassed.”¹⁵⁷ Therefore, the letter was one of the first steps of the Orthodox Union’s “Glatt Yosher” project, a “unified international initiative” to promote Jewish ethics in the

¹⁵⁴ Fishkoff, "Orthodox Focus on Jewish ethics at High Holidays."

¹⁵⁵ *Ibid.*

¹⁵⁶ *Yosher/Yosher* means “honesty” or “straightness,” or as the JTA suggests, “one who leads an upright life”

¹⁵⁷ Fishkoff, "Orthodox Focus on Jewish ethics at High Holidays."

Orthodox community. The powerful statements, sermons, classes, and curricula of the initiative are continuing to unfold.¹⁵⁸

II. The Reform Movement

Even though the Reform Movement is not one which insists upon *halakhic kashrut*, it nonetheless felt compelled to respond to the actions of other parts of the Jewish world. These responses included resolutions regarding *Hekhsher Tzedek*, an op-ed by President Yoffie addressed to the Orthodox Movement, and joining Jewish coalitions concerned about the issues raised by the story of Agriprocessors.

Regarding Hekhsher Tzedek

In August 2008, the CCAR passed a resolution entitled “*Kashrut* and Hekhsher Tzedek” which asserted “those who keep kosher, including the growing number of Reform Jews who are embracing the observance of *kashrut*, should not be forced to choose between their ritual observance and their ethical values.” The resolution included calls to explore ways to work with the Rabbinical Assembly and United Synagogue of Conservative Judaism and Hekhsher Tzedek and “encourages Reform Jews and others, whether or not they have elected to observe *kashrut*...to uphold ethical guidelines in their dietary practices, as in all areas of life.” On September 15, 2008 the URJ Board of Trustees adopted a resolution on “Worker Rights, Ethical Consumerism and the Kosher Food Industry” which builds upon the CCAR resolution.

¹⁵⁸ For more information on the Initiative, please see the article cited above, the RCA’s September 30, 2009 press release at <http://www.rabbis.org/news/article.cfm?id=105488>, as well as the websites of the RCA (www.rabbis.org) and the OU (www.ou.org).

Regarding the Orthodox Movement

On September 25, 2008, in response to what he considered to be the unacceptable silence from the leadership of the Orthodox movement, Rabbi Eric Yoffie wrote an editorial entitled “Orthodoxy's Kosher Crisis,” published in the *Forward* and sent to the “10 Minutes of Torah¹⁵⁹” distribution list the following day. “Some Orthodox rabbinic voices have been heard, to be sure, and frequently they have been younger voices. Sadly, these younger rabbis have been dismissed with utter contempt by some establishment Orthodox leaders.” Yoffie continues, “This scandal cries out for religious leadership from the Orthodox world, and it is not too late for Orthodox Torah scholars to provide it.”

URJ participation in Jewish Coalitions

The PETA video--December 2004

After the release of the PETA video in December 2004, some members of the Jewish community responded with outrage. The events were highlighted on a website HumaneKosher.com, which has a video entitled “If This is Kosher...” narrated by Jonathan Safran Foer and includes Rabbi Steven (Yitz) Greenberg and Rabbi David Wolpe. It spurred Jewish leaders to make a joint statement, which opens:

As Rabbis and lay leaders from across the Jewish world, we come together to express our deep concern about the mistreatment of animals at AgriProcessors in Postville, Iowa. Judaism’s powerful tradition of teaching compassion for animals has been violated by these systematic abuses [at AgriProcessors] and needs to be reasserted.¹⁶⁰

¹⁵⁹ “10 Minutes of Torah” is a Reform listserv and online column.

¹⁶⁰ Gross, 55.

Then CCAR President Janet Marder and Executive Director Paul Menitoff were among the nearly fifty signatories, as were past CCAR Presidents and prominent Reform rabbis. As Rabbi Barry Schwartz of the CCAR Task Force on *Kashrut* succinctly commented, “If this is kosher, then we have a big problem.”¹⁶¹

Progress by Pesach—April 2009

One of the issues that emerged from the Postville raid was the status and treatment of illegal immigrants in the United States. Grounding their response in the Passover injunction to remember we were strangers in the land of Egypt, the “Progress by Pesach” coalition, which included the Union for Reform Judaism, sought to lobby for comprehensive immigration reform. The coalition cited the cruelty and cost of the spate of raids by Immigration and Customs Enforcement (ICE). On April 2 they delivered petitions with more than 3,500 signatures to the Obama administration’s public liaison office.¹⁶² The coalition’s primary request was for an executive order to immediately halt ICE raids.¹⁶³ However, the coalition viewed the emerging policies of the Obama administration as significant progress. In particular, they lauded the decision of Department of Homeland Security Secretary Janet Napolitano to increase the focus on prosecuting the employers that are violating immigration laws rather than targeting illegal workers.¹⁶⁴ Among the other members of the coalition were many local groups and national groups including the Hebrew Immigrant Aid Society, Jewish Council for

¹⁶¹ *Ibid*, 54.

¹⁶² *JTA*, “Progress reported by ‘Progress by Pesach’” April 2, 2009.

¹⁶³ “Progress by Pesach,” Jewish Community Action, <http://www.jewishcommunityaction.org/organize/progressbypesach.htm> (accessed January 31, 2010).

¹⁶⁴ *JTA*, “Progress reported by ‘Progress by Pesach.’”

Public Affairs, Anti-Defamation League, American Jewish Committee, National Council of Jewish Women, Jewish Reconstructionist Federation, and the Rabbinical Assembly.¹⁶⁵

¹⁶⁵ "Progress by Pesach," Jewish Community Action, section goes here, <http://www.jewishcommunityaction.org/organize/progressbypesach.htm> (accessed January 31, 2010).

Chapter 3: The Reform Movement

Part A: Values Based Decision Making and Ethical Eating in Reform Judaism

When a person decides what to eat that choice is not arbitrary. Food choices are, and always have been, an expression of priorities. Whether consciously or not, people make food choices based on the questions they ask, how they answer those questions, and how they prioritize the answers. For Reform Jews, what we eat has always been a matter of values-based decision making, whether we are aware of it or not.

Chapter Two of this thesis included the evolving dietary choices of people for whom the primary questions are: Does it have a *hekhsher*? What is the denominational affiliation of the *mashgiach*? Is it *glatt kosher*? Is it *halakhically kosher*?

Today, many Reform Jews do follow the laws of *halakhic* kashrut. However, as President Yoffie controversially stated in his sermon, kashrut is not the issue for most Reform Jews. But the statement, whether made by the Pittsburgh Platform in 1885 or Eric Yoffie in 2009, that Reform Judaism does not mandate *halakhic kashrut* in our food choices is not simply a rejection of *halakhah*. It is a reflection of prioritizing the answers to a broad range of important legal, ethical, and personal questions that we ask about food.

This values-based decision making is central to the process outlined in the URJ Green Table, Just Table's "Synagogue Food Policies: A Guide for Study and Decision-Making," which is based on the rabbinic thesis of Rabbi Jeffrey Brown. The values

included in this Guide are drawn from David Teutsch's *A Guide to Jewish Practice*¹⁶⁶, Arthur Waskow's *Down-to Earth Judaism: Food, Money, Sex, and the Rest of Life*, as well as Rabbi Brown's own insights.

Drawing heavily on those works, I proposed a list of questions, found in Appendix A, that help to interpret the historical evolution of Reform Judaism and values-based decisions regarding eating. My characterization of those questions is found in the titles of each section.

I. The Pittsburgh Platform, 1885: Autonomy, Universalism, *Berakhah* & *Kedusha*

W. Gunther Plaut argues that in the early years of the Reform Movement, the issue of *kashrut* received little attention, and ascribes this “general silence” to two factors. First, *kashrut* observance was largely a private decision, and second, many Reform Jews had already begun to “reform” their dietary practice.¹⁶⁷ However, this circumscribes the dietary debate to questions of Reform Judaism's relationship to biblical and rabbinic law, and to the emphasis on personal autonomy, which made personal Jewish decision-making a “private” affair, not the business of the larger community.

The Pittsburgh Platform took a clear stance on the role of law in Reform Jewish life.

However, the tendency to quote the most famous statement: “We hold that all such Mosaic and rabbinical laws as regulate diet, priestly purity, and dress, originated in ages

¹⁶⁶ “Attitudes, Beliefs, & Values Shaping Jewish Practice,” from *A Guide to Jewish Practice* by Rabbi David Teutsch (Philadelphia: Reconstructionist Rabbinical College, 2003), 15-25.

¹⁶⁷ W. Gunther Plaut, *The Rise of Reform Judaism: A Sourcebook of its European Origins* (New York: World Union for Progressive Judaism, 1963), 212.

and under the influence of ideas altogether foreign to our present mental and spiritual state,” does not do justice to the nuance implied in the document. Sections #3, #4, #5, and #6 are quoted below¹⁶⁸:

3. We recognize in the Mosaic legislation a system of training the Jewish people for its mission during its national life in Palestine, and today we accept as binding only its 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.

4. 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 entirely 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 than to further modern spiritual elevation.

5. We recognize, in the modern era of universal culture of heart and intellect, the approaching of the realization of Israel’s great Messianic hope for the establishment of the kingdom of truth, justice, and peace among all men. We consider ourselves no longer a nation, but a religious community, and therefore expect neither a return to Palestine, nor a sacrificial worship under the sons of Aaron, nor the restoration of any of the laws concerning the Jewish state.

6. We recognize in Judaism a progressive religion, ever striving to be in accord with the postulates of reason. We are convinced of the utmost necessity of preserving the historical identity with our great past... Christianity and Islam, being daughter religions of Judaism, we appreciate their providential mission, to aid in the spreading of monotheistic and moral truth. We acknowledge that the spirit of broad humanity of our age is our ally in the fulfillment of our mission, and therefore we extend the hand of fellowship to all who cooperate with us in the establishment of the reign of truth and righteousness among men.

The Platform asserted that the kosher laws did not “further modern spiritual elevation.”

Therefore, the answers to the questions regarding *Berakhah and Kedusha*—“Does it imbue my eating with holiness?” and “Does it help me feel connected to God?”—were a resounding “No.” However, a focus on the negative fails to consider the affirmative

¹⁶⁸ The Platforms of Reform Judaism can be found at:
<http://ccarnet.org/documentsandpositions/platforms/>

aspects of the Platform. The Reform Movement was not simply rejecting the dietary laws because they were outdated or inconvenient. The Reform Movement rejected the dietary laws because they impeded what were considered to be higher ethical and spiritual priorities.

The Platform used language such as “elevate and sanctify our lives,” “present mental and spiritual state,” “a spirit of priestly holiness,” and “modern spiritual elevation,” because these were ends that were of great importance. If biblical and rabbinic laws regarding food were not a means to these ends, and would even “obstruct” them, the Reform Movement needed to place these laws lower on the priority list.

The de-valuing of kosher laws is also an expression of a central value to the early Reform Movement. The Reformers wanted to insure the ability of American Jews to be able to eat with their non-Jewish neighbors. The ability to be able to eat with non-Jews was critical to their desire to develop a more universal, rather than particular, stance. As Aaron Gross argues, for the early reformers, rejecting the laws of kashrut was not just a ritual, but an ethical choice. Gross observes:

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.¹⁶⁹

This is also clear in the Platform. Their zeal for “Israel’s great Messianic hope for the establishment of the kingdom of truth, justice, and peace among all men,” was

¹⁶⁹ Aaron Gross, "Continuity and Change in Reform Views of Kashrut 1883-2002," *CCAR Journal* (Winter 2004): 8.

paramount. In order to pursue this “mission,” they needed to “extend the hand of fellowship to all who cooperate with us in the establishment of the reign of truth and righteousness among men.” The authors of the Platform, probably correctly, assumed that this would not be possible if they were unable to eat in the homes or communal buildings of non-Jews.

As David Kraemer points out, in a letter dated March 19, 1845, Rabbi Abraham Geiger¹⁷⁰ objects to Rabbi Leopold Zunz’s¹⁷¹ to “keep a strictly kosher home.” Geiger writes:

It is precisely these dietary laws that are so devoid of rationale and at the same time such a hindrance to the development of social relationships. Truly, the ideal of the deeper sense of brotherhood among men should have priority over the revival of that sense of separation which is both devoid of color and is of very dubious value...¹⁷²

Further, only a few years later, Rabbi Samuel Holdheim¹⁷³ wrote to a group of reformers in Hungary:

[as we] look upon God as the one and only Father, and consider and love all men as his children and our brethren...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.¹⁷⁴

II. The Treifa Banquet in Cincinnati, Ohio, 1883: Autonomy, Joy & Celebration

The *Treifa* Banquet, as it came to be called, is one of the most cited events in the history of kashrut in America. On that night, at a celebration of Hebrew Union College’s first

¹⁷⁰ Rabbi Abraham Geiger (1810-1874) was an early Reform leader in Germany

¹⁷¹ Rabbi Leopold Zunz (1794-1886) was an early Reform leader in Germany

¹⁷² David Charles Kraemer, *Jewish Eating and Identity (Routledge Advances in Sociology)* (New York: Routledge, 2007), 138.

¹⁷³ Rabbi Samuel Holdheim (1806-60) was an early Reform leader in Germany

¹⁷⁴ *Ibid.*

class of ordainees, the dishes served to a broad spectrum of American Jewry included four biblically forbidden foods (clams, crabs, shrimp, and frogs' legs), as well as mixed meat and dairy products.¹⁷⁵

Unfortunately, the event is not remembered as a triumph of American Jews in the 19th century. As Jenna Weissman Joselit writes about the banquet, "In the annals of American Jewish history, July 11, 1883, is a day that lives in infamy."¹⁷⁶ The Reform movement became infamous in the Jewish world for making kashrut-observance (or lack thereof) the lightning rod which divided the broad based "American Judaism" that Rabbi Isaac Mayer Wise¹⁷⁷ envisioned from its traditionalist counterparts. However, the menu also reflected a movement that was proud of its status in America, and wanted to express their joy in the most elegant way possible. These foods were not explicitly chosen to separate Jew from Jew.

Historians have also noted that the menu may not reflect a total break with Jewish history. While the *treifa* banquet served a variety of non-kosher foods, it did not include pork on the menu. Pork was seen as particularly offensive given the historical use of pork as a means of humiliating Jews.

¹⁷⁵ Jeffrey Brown, "Kashrut in Reform Communal Settings: Past, Present, and Future" (thesis, Hebrew Union College-Jewish Institute of Religion, 2005), 58.

¹⁷⁶ Jenna Weissman Joselit, "Food Fight: The Americanization of Kashrut in Twentieth-Century America," in *Food and Judaism* (Omaha, NE: Creighton University Press, Distributed by the University of Nebraska Press, 2005), 335.

¹⁷⁷ Rabbi Isaac Mayer Wise (1819-1900) was one of the founders of Reform Judaism in America. His major achievements were the establishment of the Union of American Hebrew Congregations in 1873, the Hebrew Union College in 1875, and the Central Conference of American Rabbis in 1889.

III. Other Voices: The Laws of *Kashrut*, Self-discipline, *Berakhah v'Kedusha*, *Shemirat Haguf*, Jewish History & Tradition

The Reform movement did not prohibit Reform Jews from keeping kosher as a private choice, and there were those who argued that the dietary laws held ethical meanings that were worth prioritizing. Rabbi Bernhard Felsenthal¹⁷⁸ wrote:

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. (Deut 14:21; see also Lev. 11:44; 20:25)¹⁷⁹

Self-discipline is also stressed in Professor Moritz Lazarus¹⁸⁰ piece on “The Value of Fasting.” Plaut explains that, like kashrut, fasting on days mandated by the Jewish calendar was a practice that had been abandoned by “considerable numbers of liberal Jews.” Lazarus argues:

Satiety, the sense of satisfied hunger, is at once the condition and the sign of complete gratification, bringing about self-complacency that easily passes over into wantonness and arrogance. Fasting means want, deprivation, longing, which lead to humility, and humility produced by the consciousness of sins committed is repentance...In favorable circumstances, satiety may prompt generosity...privation and longing attune one to self-devotion. [...]

Lazarus also mentions another value of fasting: “...fast days in remembrance of past misfortunes serve to establish the continuity of the national consciousness. They form

¹⁷⁸ Rabbi Bernhard Felsenthal (1822-1908) was an author and early Reformer.

¹⁷⁹ Plaut, *Growth of Reform Judaism*, 265-266.

¹⁸⁰ Professor Moritz Lazarus (1824-1903) was a German philosopher, psychologist, and teacher.

the historic bond uniting the present with the hoary past.”¹⁸¹ Lazarus was asking Reform Jews, when deciding whether to prioritize fasting, to consider the questions: *Does it reflect Jewish history? Does it honor Jewish tradition?*

While Rabbi Kaufmann Kohler¹⁸² quipped that “Judaism is a matter of conscience, not cuisine,”¹⁸³ Reform Jews held positions on the dietary laws that often reflected deeply held values.

IV. The Columbus Platform, 1937: *Berakhah & Kedushah*, Self-discipline, Jewish tradition

By the time of the Columbus Platform in 1937, Reform attitudes toward ritual had begun to change¹⁸⁴. While the Platform did not specifically mention dietary choices, it emphasized the “home” as an important place of Jewish practice.

The Home has been and must continue to be a stronghold of Jewish life, hallowed by the spirit of love and reverence, by moral discipline and religious observance and worship.

By suggesting that Jewish religious observances at home can be imbued with “reverence” and “moral discipline,” the Platform raised the question of how values-based decision making should be applied to daily living, which would include food choices. Further, it asserts that:

¹⁸¹ *Ibid*, 267-268.

¹⁸² Rabbi Kaufmann Kohler (1843-1926) was a leader of the Reform Movement in America and a President of Hebrew Union College.

¹⁸³ Eric H. Yoffie, "Toronto Biennial Sermon" (address, 2009 Biennial, Toronto, Canada, November 7, 2009), http://urj.org/about/union/leadership/yoffie/?syspage=article&item_id=27481.

¹⁸⁴ Brown, 63.

Judaism as a way of life requires in addition to its moral and spiritual demands, the preservation of the Sabbath, festivals and Holy Days, the retention and development of such customs, symbols and ceremonies as possess inspirational value...

Celebration of the Sabbath and festivals often occurs in the home, and “the retention and development” of rituals that “possess inspirational value” signals a return to an acknowledgement of Jewish tradition in our decision-making.

This change in attitude is reflected in Solomon B. Freehof’s book, *Reform Jewish Practice and Its Rabbinic Background*, published in 1944. In 1957, Rabbis Frederic A. Doppelt and David Polish published *A Guide for Reform Jews*, which introduced the language of obligation and mitzvah.¹⁸⁵ During this period, questions of “ethical eating” primarily revolved around the presence or absence of *kashrut*.

V. CCAR Responsa: *Kashrut* on Synagogue Premises, 1969; *Berakhah & Kedusha*, Autonomy, Jewish Tradition, *Ba’al Tashchit*, The Laws of *Kashrut*

In 1969, Rabbi Solomon Freehof, D.D.¹⁸⁶ published a set of responsa under the title “Current Reform Responsa.” He addressed two questions which pertain to food. The first regarded whether a non-kosher caterer should be permitted to prepare food in the synagogue on the Sabbath for a Bar Mitzvah. Freehof’s response centers on the fact that this is occurring in a synagogue. Although some issues are a question of “*maris ayin*, i.e. with the impression it makes on the public,” this issue should be decided based on “the

¹⁸⁵ Knobel, 490

¹⁸⁶ Rabbi Solomon Freehof, D.D. (1916-1987) was a President of the CCAR and Chair of the Responsa Committee.

impression it would make on the congregation.” He feels that it would be acceptable if the congregation did not object. He goes on, however, to protest the gift shops in synagogues being open on the Sabbath. This, he argues, “should not be permitted.”¹⁸⁷

The concept of *maris ayin* became all too real when the non-Jewish workers of the Agriprocessors plant revealed their working conditions. While they did not work on the Sabbath, they were nonetheless treated badly by Jews. This not only made an impression on the public, it raised questions about the appropriate response of Jewish congregations.

The second question was regarding whether a synagogue should serve biblically forbidden foods. Freehof notes that “there is considerable inconsistency (to say the least) among our people in the matter of foods.” However, he believes that “Laws which are rabbinical extensions of the Bible...no longer have meaning to our people...But the forbidden animals are still deemed forbidden in the sentiments of our people.”¹⁸⁸ He concludes that “This certainly, if not religious, is reverential, and the synagogue should not discourage it by bad example.”¹⁸⁹

VI. Centenary Perspective, 1975: *Berakhah & Kedusha*, Jewish Tradition, Self-discipline

The Centenary Perspective of 1975 reflected an even greater acceptance of the role of law, while joining the ritual and the ethical. In the section subtitled “*Our Religious Obligations: Religious Practice*,” the Perspective states:

¹⁸⁷ Solomon B. Freehof, *Current Reform Responsa* (Cincinnati: Hebrew Union College Press, 1969), 225-226.

¹⁸⁸ *Ibid*, 226-227.

¹⁸⁹ *Ibid*, 227.

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. Reform Judaism shares this emphasis on duty and obligation. Our founders stressed that the Jew's ethical responsibilities, personal and social, are enjoined by God. The past century has taught us that the claims made upon us may begin with our ethical obligations but they extend to many other aspects of Jewish living, including: creating a Jewish home centered on family devotion; lifelong study; private prayer and public worship; daily religious observance; keeping the Sabbath and the holy days; celebrating the major events of life; involvement with the synagogues and community; and other activities which promote the survival of the Jewish people and enhance its existence. 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.

VII. Gates of Mitzvah, 1979: *Berakhah & Kedusha*, Jewish Tradition, Self-discipline, *Tzaar Baalei Hayyim*, *Tzedakah*

The publication in 1979 by the CCAR of *Gates of Mitzvah*, written by Simeon Maslin, demonstrated a new openness, and perhaps even encouragement, to observing some form of traditional dietary restrictions. In his section on “Establishing a Jewish Home,” Maslin asserts

“It is a *mitzvah* to establish a home which is worthy of the designation *mikdash me-at*—a miniature sanctuary (Ezekiel 11:16). It is the Jewish home, along with the synagogue, that has preserved the traditions and values of Judaism through centuries of dispersion.”¹⁹⁰

It is in this context that he includes a section on “The tradition of *kashrut*,” in which he writes:

¹⁹⁰ Simeon J. Maslin, *Gates of Mitzvah A Guide to the Jewish Life Cycle* (New York: Central Conference of American Rabbis, 1979), 37.

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*...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.¹⁹¹

This is followed by a section on “The *mitzvah* of table blessings,” which includes a treatment of *Ha-Motsi*, *Birkat Ha-Mazon*, and what he calls *mikdash me-at mizbei-ach*. He asserts that “it is a *mitzvah* to treat the daily family mealtime as a sacred event,” which would include “beginning with the recitation of the prayer known as *Ha-Motsi*”¹⁹²,” He goes on suggest that a family conclude with *Birkat Ha-Mazon* if not daily, at least after Shabbat dinner.

He then argues that “as it is the ideal of the Jewish family to make its home into a *mikdash me-at*, the table should be considered a *mizbei-ach*—an altar.” He explains in his footnote that “In rabbinical writings the family table is often compared to the altar of the Temple.” (85)

For Maslin, there is no question that “Judaism has always recognized a religious dimension to the consumption of food.” It is also notable that Maslin considers the question of *kashrut* to be extremely relevant to Reform Jews. In a further discourse on *kashrut* in his Appendix of essays, entitled “*Kashrut: A Reform Point of View*,” Maslin opens with:

¹⁹¹ *Ibid*, 40.

¹⁹² *Ibid*.

No guide for Jewish living would be complete if it failed to address the issue of *kashrut*, i.e., the fitness of certain foods according to Jewish tradition. *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. The home in Jewish tradition is the *mikdash me-at* (small sanctuary) and the table is the *mizbei-ach* (altar); it is reasonable, therefore, to ask the Reform Jew to study and consider *kashrut* so as to develop a valid personal position.¹⁹³

He concludes the essay by reiterating:

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 it and to consider carefully whether or not it would add *kedushah* to their homes and their lives.¹⁹⁴

Maslin gives a history of *kashrut* in the Reform Movement, outlines the basic elements of traditional *kashrut*, that Reform Judaism does not advocate an “all or nothing” approach, but rather there are a variety of options for personal observance, including “some form of vegetarianism” to avoid *tzaar baalei chayim*. He argues that the biblical laws are intended as a means of making the Jewish people holy. Therefore, “the idea of sanctifying and imposing discipline on the most basic and unavoidable act of human behavior, eating, is one of the reasons that may lead a person to adopt some form of *kashrut*.” He then outlines five additional reasons: Jewish solidarity, a consciousness regarding world hunger, identification with the historical struggle of Jews, biblical/rabbinic legal authority, enabling any Jew to eat in one’s home.¹⁹⁵

VIII. A Statement of Principles for Reform Judaism, 1999: *Berakhah & Kedusha*, Jewish Tradition, Self-discipline, *Tzaar Baalei Hayyim*, *Tzedakah*, *Oshek*, The Laws of *Kashrut*, A Kosher *Hekhsher*

¹⁹³ *Ibid*, 130.

¹⁹⁴ *Ibid*, 133.

¹⁹⁵ *Ibid*, 132.

The rabbis who passed the Statement of Principles for Reform Judaism, in Pittsburgh in May 1999, held a radically different attitude toward prioritizing the observance of *mitzvot* than those who passed the Pittsburgh Platform of 1885. While the Pittsburgh Platform of 1885 famously states:

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 Jewish with a spirit of priestly holiness; their observance in our days is apt rather to obstruct than to further modern spiritual elevation.

“A Statement of Principles for Reform Judaism” asserted in May 1999:

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.

However, the Principles also marked a watershed on certain “Mosaic and rabbinical laws” in particular—those that “regulate diet.” While the draft of the Principles that passed at the CCAR Convention did not mention *kashrut* specifically, the third draft¹⁹⁶, issued in August 1998, had included the language:

In the presence of God we may each feel called to respond in different ways: some by offering traditional or spontaneous blessings...Some of us may observe practices of *kashrut*, to extend the sense of *kedusha* into the acts surrounding food and into a concern for the way food is raised and brought to our families.

¹⁹⁶ Before it was passed, the text of the Statement of Principles underwent several revisions, in response to feedback elicited from the Reform Jewish community.

Therefore, the Commentary on the Principles of Reform Judaism issued in October 2004, in reference to the phrase “others, both ancient and modern, demand renewed attention” specifically stated:

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 baalei chayim* (inflicting pain on living creatures), or refraining from foods which demonstrate the *oshek*, oppression, of those who work the fields to harvest our foods.

By 1999, and certainly by 2004, it was no stretch to assert that “more and more people are using diet to express their beliefs,” including “an increasing number of Reform Jews.”

IX. CCAR Journal, 2004: *Berakhah & Kedushah, Autonomy, Universalism, Jewish Tradition, Self-discipline, Oshet, Tza'ar Ba'alei Hayyim, Leshev ba'aretz, Shemirat Haguf, Tzedakah, Rodef Tzedek & Rodef Shalom*

The CCAR bolstered the discussion of *kashrut* in the summer of 2000 by establishing a Taskforce on *Kashrut*. In the fall of 2001, members of the CCAR attended a two-day conference in Boston on *kashrut* and its implications for Reform Judaism. The conference demonstrated that “many in the Reform Movement were interested in exploring the meaning of diet in Jewish life and finding authentic Reform approaches to the subject.”¹⁹⁷ The Taskforce solicited articles for a written symposium entitled “A Contemporary Approach in Reform Judaism to the Spiritual and Ethical Dimensions of

¹⁹⁷ Bennet F. Miller, "Preface," *CCAR Journal* (Winter 2004): 4.

Eating.” The CCAR published the symposium as the Winter 2004 edition of the CCAR Journal. The Journal’s articles addressed a very broad range of questions regarding ethical eating.

However, the CCAR was not yet comfortable with espousing the specifics of an “ethical dietary” policy. In 2001¹⁹⁸, Rabbi Barry Schwartz, a member of the Taskforce and the CCAR Environment Committee, submitted a “Resolution on Judaism, the Environment, and Diet.” The resolution, among other things, calls for the CCAR

to become the first major Jewish organization to affirm that environmentally conscious diets, that reduce consumption of meat, natural resources, and harmful substances, embody the key Jewish values of ecological stewardship (*shomrei adamah*), conservation (*bal taschchit*), feeding for the hungry (*peah*), compassion to animals (*tsa’ar balei hayim*) and health (*shmirat haguf*).¹⁹⁹

However, the resolution did not make it past the Board. Although the Committee tried again in subsequent years, it was not until the URJ Green Table, Just Table Initiative, and the corresponding resolution on “Eating Jewishly,” that these ethical eating issues officially became part of the Reform Movement’s purview. It was the URJ, and not the CCAR, that advanced the agenda.

X. The Houston Biennial Survey, 2005

The increased focus on dietary choices, including a growth of Reform Jews who practice some form of *halakhic kashrut*, was documented in the “Survey of Attendees at the 2005

¹⁹⁸ Rabbi Barry Schwartz, "Thesis question," e-mail message to author, January 22, 2010.

¹⁹⁹ Rabbi Warren Stone, "Re: question from an HUC student," e-mail message to author, June 25, 2009.

Houston Biennial.” While biennial attendees certainly do not represent the attitudes and practices of Reform Jews as a whole, it is noteworthy that among the clergy, educators, and lay people who participated in the survey: 62% refrain from eating pork at home; 46% refrain from eating shellfish at home; 35% refrain from mixing milk and meat; 28% eat vegetarian at home; and 43% refrain from eating foods they regard as “ethically questionable.”²⁰⁰

XI. Kashrut practice among Reform Jewish youth in NFTY, 2007

This trend is mirrored in the North American Federation of Temple Youth (NFTY). In 2007, the NFTY General Board chose “*Tihyeh Shofeit L’Atzmecha—You Will be a Judge for Yourself*” as the NFTY Study Theme for the year. In reaching this decision, they cited the fact that “many teenagers are reluctant to attend NFTY *Kallot* for reasons pertaining to their Jewish lifestyle, for example, their practices of *kashrut*.”²⁰¹

Part B: Back to the Sources:

Reform Movement Policy on Environmental Protection and Workers’ Rights

The modern Jewish environmental movement began, in large measure, as a response to an article that served as a wake-up call to environmentalists and people of faith who did not see the two as in conflict. In 1967, Lynn White wrote an article entitled “The

²⁰⁰ Rabbi Richard N. Levy with Dr. Marc Gertz, “Is Dietary Practice Now in the Reform Mainstream?: A Survey of Attendees at the 2005 Houston Biennial.”

²⁰¹ “2007-2008 Study Theme Proposal,” NFTY - Reform Jewish Teens - NFTY Home, <http://www.nfty.org/leadership/meetings/veida/agenda/studytheme/> (accessed January 30, 2010).

Historical Roots of our Ecologic Crisis” in which he suggested that the modern environmental crisis was due, in part, to the “dominion” model of human stewardship that evolved from Genesis 1:28²⁰². This was set against the background of the publication of *Silent Spring* in 1962, and the first Earth Day in 1970.

I. Beginnings: Environmental Pollution, 1969²⁰³

The Reform Movement recognized environmental protection as an important value. The UAHC passed a resolution on “Conservation and Development of Natural Resources” in 1965. One of the first explicit ties between an environmental ethic and ethical eating is found in an UAHC resolution from 1969 entitled “Environmental Pollution.” The resolution warned that “The penetration of poisonous pesticides into all living organisms is now becoming critical, thus disrupting the ecological balance of nature.” It resolved, therefore, to:

1. urge that appropriate measures be taken by local, state and national governments to remove or ameliorate the growing threats of environmental pollution and to afford protection to the environment;
2. to urge individuals and businesses in the private sector to cooperate in actions designed to reduce environmental pollution and afford protection to the environment;
3. to urge national commissions, regions and congregations to become actively interested in the problem of environmental pollution and the protection of the environment through study, cooperation and action alongside interested communal agencies which are working in this field.

²⁰² Which reads: “God blessed them and God said to them, “Be fruitful and increase, and fill the earth and master it; and rule the fish of the sea, the birds of the sky, and all the living things that creep on earth.” (*JPS Hebrew-English Tanakh: The Traditional Hebrew Text and the New JPS Translation* (Philadelphia: Jewish Publication Society of America, 1999), 2.

²⁰³ All UAHC or URJ resolutions can be found at <http://urj.org/about/union/governance/reso/all/>

II. From Farmworkers to Caterers—Matters of Justice, 1969-1989

In 1969, Reform Jews were encouraged to become aware of the origin of their food, and catch a glimpse of the path it had taken to their table, when Cesar Chavez and the grape boycott began to seize the attention of the Reform movement. This broadened the nature of the discussion surrounding the ethical implications of a food's production and how our consumption should be affected. Emerging concerns included who grew, harvested, transported, and sold the food. This awareness was reflected, in part, by a UAHC resolution in 1969 entitled "Farm Workers and Grape Strike." The resolution drew attention to the plight of the "grape pickers of California and Arizona" and urged UAHC "members and affiliates to join in the boycott of table grapes from those states until a collective bargaining agreement has been reached."

This sentiment was reinforced by the CCAR Resolution in 1973 regarding "The Rights of Farm Workers and the Grape and Lettuce Boycotts,"²⁰⁴ in which the CCAR

urge[s] our members and their congregations to boycott table grapes and head lettuce unless picked by members of the U.F.W [United Farm Workers]. We also advise them to boycott any food chains and stores which prove resistant to the struggle of the United Farm Workers. We urge our members to put into practice in our own time the ancient Biblical commandment: "Thou shalt not oppress a hired servant that is poor and needy, whether he be of thy brethren, or of thy strangers, that are in thy land within thy gates. (Deut 24:14)"

²⁰⁴ All CCAR resolutions can be found at <http://ccarnet.org/documentsandpositions/resolutions/>

The CCAR's commitment to the struggles of the United Farm Workers is reiterated in resolutions from 1975²⁰⁵, 1976²⁰⁶, 1980²⁰⁷, 1985²⁰⁸, and 1989²⁰⁹. In addition to outlining the details of the boycotts, the CCAR specifically highlighted issues that continue to haunt our food chain today: "the influx of illegal immigrants provides a cheap labor source"²¹⁰ at the mercy of their employers, and "the use of pesticides is a source of concern and potential danger to all North Americans, [and] especially life-threatening to the farm workers themselves."²¹¹ In a resolution on "Economic Justice" in 1987, the CCAR pointed to the "economic upheaval of farmers" as a source of widening economic inequality.

As Rabbi Rachel Mikva writes, in 1969 her family went on a "food-stamp diet," eating only what a family of five living on food stamps would be able to afford. Starting in 1970, they honored the grape boycott. Mikva recalls that "The food-stamp diet and the grape boycott were new 'mitzvot' decades before we [the Mikva family] regularly used that appellation; they were sacred disciplines that transformed eating into ethical instruction, a mundane activity into a gateway to holiness."²¹²

²⁰⁵ "Laborers" 1975

²⁰⁶ "Farm Workers" 1976

²⁰⁷ "Lettuce Boycott" 1980

²⁰⁸ "Table –Grape Boycott" 1985

²⁰⁹ "Grape Boycott" 1989

²¹⁰ "Lettuce Boycott 1980

²¹¹ "Grape Boycott" 1989

²¹² Rachel S. Mikva, "Adventures in Eating: An Emerging Model for Kashrut," *CCAR Journal* (Winter 2004): 55-56.

Following its resolution in 1987 on “Economic Justice” on a national scale, the CCAR passed a resolution in 1989 on “Economic Justice in the Jewish Community.” This resolution included an environmental commitment that “our institutions will seek to avoid waste of resources and pollution of the environment.” It also documented the concern that the “suppliers of goods and services to the Jewish community must be made to understand that the Jewish community will insist on honest business practices and the highest standards of ethics.” Included in the list of examples were those in the food business. Nearly twenty years before the development of Hekhsher Tzedek, the resolution states that “Caterers...kosher butchers, bakers, wine-makers, and food purveyors...will be expected to maintain such a standard...”

It also encourages institutions to “participate in local communal efforts to ameliorate or redress economic inequities and injustices in their communities” as well as “appropriate participation in the redress of economic injustice on the state, national, and world-wide levels.” “Participation in the boycott of the products of oppressed labor...” is given as a specific example.

III. A Growing Environmental Consciousness, 1979-1991

The energy crisis of the late 1970s prompted resolutions from the UAHC which demonstrated an increasing concern about environmental protection. Ten years after the “Environmental Pollution” resolution, the UAHC stated in its 1979 resolution on “Energy” that:

In assessing energy policies, we should be guided by concern for the protection of human life from hazards that may threaten health or well-being; concern for the environment; concern for future generations and their genetic integrity; and concern for the fair and equitable distribution of energy resources, both among people and countries.

In 1983, in a resolution regarding “Toxic Substances in the Environment,” the UAHC began with the premise that

Judaism affirms that the world is God's creation and that whoever helps to preserve it is doing God's work. We who inherit a tradition that is marked by a reverence for life must preserve the earth and all its varied life for our own sake and for generations yet unborn.

The following year, the CCAR Responsa committee²¹³ responded to the question: “What is the attitude of Judaism toward environmental concerns expressed now by so many political groups? Is this an issue for Judaism? Or as we have been an urban people for such a long time, is this of relatively little concern to us?”

The responsum gives a brief overview of biblical and rabbinic laws regarding protection of the environment, focusing particularly on the principle *bal tash-hit* (cause no wanton destruction). It also addresses cruelty to animals, demonstrating that it “was considered wrong to hunt merely for sport. This was cruel to animals and was also considered wasteful.” The responsum concludes with the statement, “Judaism has emphasized an appreciation of the environment and nature since the Biblical period. These issues do not play a dominant role in Jewish life, but they remain important.”

²¹³ All CCAR Responsa can be found at <http://ccarnet.org/documentsandpositions/responsa/>

In 1984, the environmental movement had sufficiently penetrated the Reform Jewish community to necessitate this responsum. While the responsa committee did not think that these issues play a “dominant role” in urban Jewish life, they are unambiguous about the importance of environmental protection and the prohibition against wastefulness. They also clearly considered the treatment of animals as part of the environmental movement. All of these themes—connection/disconnection to the land, environmental protection, prohibiting waste, the treatment of animals, and the legitimacy of biblical and rabbinical proof texts—have since played a more dominant role in Reform Jewish life.²¹⁴

In 1991, the UAHC’s Resolution on “The Environment” cites previous resolutions in demonstrating the movement’s commitment to environmental preservation. This resolution particularly notes the fact that environmental damage disproportionately affects the poor. It explicitly mentions “The daily exposure of migrant farm workers to high levels of strong pesticides is suspected to be the leading cause of the high cancer rate among them.”

It calls upon “the appropriate commissions and departments within the UAHC and other bodies in Reform Judaism to provide specific environmental guidance to our congregations and to help our congregants consciously modify their behavior in order to preserve our planet,” as well as a commitment to “Promote environmentally sound behavior throughout the UAHC, from office to sanctuary to classroom...”

²¹⁴ For further discussion, see Part C: Eating Meat.

The resolution highlights the treatment of workers and environmental justice. The growing concern about pesticides, and the growing commitment to modifying behavior in order to preserve the planet, certainly provide foundations for an environmental food ethic.

The UAHC also returned to the question of energy policy in its 1991 resolution calling for a “New North American Energy Strategy.” The resolution opens with a powerful call for environmental stewardship:

The earth is the Lord's and the fullness thereof" reminds us that we are only stewards of nature, obliged to cherish and preserve it. Jewish tradition is emphatic that human dominion over nature does not include a license to abuse the environment... Today, the profligate use of energy threatens our ability to live in harmony with nature, and we seek to restore a balance through conservation.

IV. COEJL

It is important to note that in 1993, the Coalition on the Environment and Jewish Life (COEJL) was founded, and began to formulate an interdenominational Jewish religious voice in the environmental movement. The Reform Movement was part of the “Coalition,” and eventually played a significant role in advancing COEJL’s agenda by housing COEJL’s Legislative Assistant at the Religious Action Center of Reform Judaism. COEJL’s advocacy strengthened the Jewish community’s voice on Capitol Hill. In 1996, COEJL launched *Operation Noah*: *Defending God’s Endangered Species and Habitats*, in which it used the biblical image of Noah’s ark to advocate for the reauthorization of the Endangered Species. At the start

of the twenty-first century, COEJL was a leading religious voice on climate change and energy policy.²¹⁵

V. Stewardship of Creation and Climate Change, 1996-2009

In 1996 the CCAR passed a resolution on Endangered Species which argued that “to truly fulfill the obligations of our faith, we must act as stewards of Creation, making its care one of our core responsibilities.” By 1998, one of the primary issues confronting environmental sustainability was climate change. In its 1998 resolution on “Confronting the Challenge of Climate Change,” the CCAR outlines Jewish values that it believed should be primary principles in developing policy on climate change. They include: “Responsibilities to Future Generations, Integrity of Creation, Equitable Distribution of Responsibility, Protection of the Vulnerable, Energy Independence.” In explicating these values, the CCAR cited foundational biblical texts, and was unabashed in linking environmentalism with a sense of the holy. It addressed the disproportionate burden that environmental damage from climate change will inflict on the poor. It demonstrated an increasing environmental ethic in the daily practice of Reform Jews when it states “Minimizing climate change requires us to learn how to live within the ecological limits of the earth so that we will not compromise the ecological or economic security of those who come after us.”²¹⁶

²¹⁵ For more information on COEJL’s work, please see www.coejl.org. For COEJL’s policies, please see <http://tools.isovera.com/organizations/org/PolicyCompendiumEnergy20080513-1.pdf>

²¹⁶ <http://data.ccarnet.org/cgi-bin/resodisp.pl?file=climate&year=1998>

The Reform Movement's "Statement of Principles" was passed in 1999. In the section on "Torah," the Platform states, "We bring Torah into the world when we strive to fulfill the highest ethical mandates in our relationships with others and with God's creation." In specific, "we are obligated to...protect the earth's biodiversity and natural resources." This is listed as one of the acts that "reaffirm[s] social action and social justice as a central prophetic focus of traditional Reform Jewish belief and practice."

In 2000, the CCAR passed a resolution on "National Energy Policy." It argued that "For 25 years, the organized American Jewish community has unanimously advocated action to reduce our nation's reliance on fossil fuels through energy conservation and the development of environmentally sound, non-nuclear energy technologies." It also declared that

We have a solemn obligation to do whatever we can within reason both to prevent harm to current and future generations and to preserve the integrity of the creation with which we have been entrusted. Not to do so when we have the technological capacity - as we do in the case of non-fossil fuel energy and transportation technologies - is an unforgivable abdication of our responsibility.

The following year, the CCAR Journal devoted an entire issue to a symposium on "Judaism and the Environment." The CCAR passed an additional resolution on "Climate Change" in 2005, in which they urge "Together, the people of the world can, and must, use our God-given gifts to develop innovative strategies to meet the needs of all who currently dwell on this planet, without compromising the ability of future generations to meet their own needs."

The growth of the environmental movement within Reform Judaism is also evident in the NFTY Social Action Theme of 2006-2007: “*Shooftei Adamah: Partners of the Earth.*”

The General Board wrote: “There are no easy answers, but in the end, if you can teach someone to respect the environment, then you have truly performed a great mitzvah.”²¹⁷

At the 2009 Biennial, in addition to resolutions on ethical eating, the URJ passed a resolution on “Climate Change and Energy.” It summarizes the Reform Movement’s commitment to environmental protection since 1965.

For more than forty years the Reform Movement has advocated in defense of our environment and all those species — from the smallest creatures to humankind itself — that rely on our shared natural habitat and resources for survival. Since our 1965 Resolution on Conservation and Development of Natural Resources, we have spoken out for cleaner air, water, and land by decrying toxic waste, fighting pollution, and calling on our synagogues and congregants to make wise use of limited natural resources in our personal and communal lives. Greening Reform Judaism, a new URJ web initiative (www.urj.org/green), provides our congregations and congregants with the resources, including Jewish texts, green building guides, and examples of green synagogue success stories, to effectively lead the way to a more environmentally sustainable Jewish community. The URJ is also central to the advocacy and programmatic work of the Coalition on the Environment and Jewish Life (COEJL), the umbrella group representing scores of national and regional Jewish organizations committed to environmental protection and energy conservation, including its new Jewish Energy Covenant Campaign to transform the way the Jewish community views energy and environmental issues and make a meaningful and unique contribution to the global effort to confront climate change.

²¹⁷ NFTY Theme description—give URL

The CCAR Responsum of 1984 cited environmental issues as “important,” but stated they “do not play a dominant role in Jewish life.” Twenty-five years later, environmental protection had become a priority amongst Reform Jews.

VI. An increased awareness of Workers’ Rights

In 1997 both the UAHC and the CCAR passed resolutions on “Sweatshops and Child Labor.” In 2005, the URJ passed a resolution on “Workers Rights in the United States” and in 2007 in “Support of Comprehensive Immigration Reform in the United States.” In 2008, the URJ Board of Trustees passed a resolution on “Ethical Employment Practices” which urged “congregations and all arms of the Reform Movement” to ensure that it is upholding the highest possible standard in its employment procedures and practices. In its 2003 resolution on “International Trade,” the CCAR “urge[d] American and Canadian companies...to commit to strong environmental, labor, and human rights standards in their business practices, both domestically and abroad.” These commitments—environmental, labor, human rights—would later surface in the conversation about ethical eating.

VII. The CCAR Journal, 2004

In 2004, the CCAR Journal devoted an entire issue to “A Contemporary Approach in Reform Judaism to the Spiritual and Ethical Dimensions of Eating.” In the journal, Rabbi Richard Litvak devotes his article to “*Osheq*: The Meeting Point of Ritual Piety and Moral Purity in a Contemporary Reform *Kashrut*,” in which he argues that Reform Jews should not eat food that has come from the oppression of a laborer. In addition to abuse,

insufficient wages, and safe work conditions, Litvak specifically reinforced the relationship between environmental degradation and worker safety by citing an Environmental Protection Agency statistic that “as many as 300,000 agricultural workers are poisoned each year by pesticides.”²¹⁸ He notes that the CCAR is a member of the National Farm Workers Ministry, “an interfaith organization that works to end the exploitation of America’s farmworkers [sic],” and which provides information about food products produced by companies that treat their workers well. Much like the goal of Magen Tzedek three years later, this guide allows consumers to walk into a supermarket and

just as one would read labels for that which is ritually ‘kosher’ or ‘*treif*,’ [one] can read labels and purchase those that are ethically ‘kosher,’ or not purchase those that are ethically ‘*treif*,’ in regard to *osheq*.²¹⁹

Part C: Eating Meat

My proposal is this: let’s make a Jewish decision to reduce significantly the amount of red meat that we eat. There are urgent and compelling reasons to do so.

Rabbi Eric Yoffie

Rabbi Yoffie’s call for Reform Jews to “make a Jewish decision to reduce significantly the amount of red meat that we eat” is grounded in an evolving discussion of meat consumption in Judaism in general, and Reform Judaism in particular. There are four themes that have influenced the discussion of Judaism and meat consumption—reverence for life, *Tsa’ar Ba’alei Hayim* (treatment of animals), ecology, and human health. Today,

²¹⁸ Richard Litvak, "Osheq: The Meeting Point of Ritual Piety and Moral Purity in a Contemporary Reform Kashrut," *CCAR Journal* (Winter 2004): 40. See also National Farm Workers Ministry (www.nfwm.org)

²¹⁹ Litvak, p.41

all of these factors converge in the discussion of Judaism and meat consumption. While Yoffie insists that “This is not a call for vegetarianism, or for asceticism. Judaism is not an ascetic tradition,” he also debunks the myth that Jews are “obligated” to eat meat on Shabbat and holidays. Yoffie argues:

The Talmud suggests that fish and garlic are the foods that we should serve to honor Shabbat (*Shabbat* 118b); it also instructs us to eat meat in modest quantities (*Hullin* 84a). Remember too that in biblical Israel, the common diet consisted of barley bread, vegetables, and fruit, along with milk products and honey. My point is this: for the first 2,500 years of our 3,000 year history, Jews consumed meat sparingly, and we can surely do the same.

Our consumption patterns have changed, and so has the discussion about eating meat in the Reform Movement.

I. Reverence for life: Meat-eating as a compromise

The Interpretive History

In the beginning, we were vegetarians. Most Jewish advocates for a vegetarian diet (including those in the Reform Movement) begin with the premise that meat eating is a concession—it is not what God wanted, or what God ultimately wants. In the Garden of Eden, human beings did not eat meat. In the beginning, both humans and animals were herbivores.

²⁹ 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. ³⁰ And to all the animals on land, to all the birds of the sky, and to everything that creeps on earth, in which there is the breath of life, I give all the green plants for food." And it was so. (Gen 1:29-30)²²⁰

²²⁰ *JPS Hebrew-English Tanakh: The Traditional Hebrew Text and the New JPS Translation* (Philadelphia: Jewish Publication Society of America, 1999), 3.

Many commentators ascribe this prohibition to the principle of the reverence for life. As

Professor Umberto Cassuto²²¹ comments:

You are permitted to make use of the living creatures and their service, you are allowed to exercise your power over them so that they may promote your subsistence; but you may not treat the life-force within them contemptuously and slay them in order to eat their flesh; your proper diet shall be vegetable food.²²²

It is not until after the flood that we are permitted to eat meat:

God blessed Noah and his sons, and said to them, "Be fertile and increase, and fill the earth. ² The fear and the dread of you shall be upon all the beasts of the earth and upon all the birds of the sky -- everything with which the earth is astir -- and upon all the fish of the sea; they are given into your hand. ³ Every creature that lives shall be yours to eat; as with the green grasses, I give you all these. (Genesis 9:1-3)²²³

Robert Alter summarizes a long interpretative tradition when he notes in his commentary,

"this might conceivably be intended as an outlet for [a human's] violent impulses."²²⁴ As

Nehama Leibowitz explains,

After the Deluge the descendants of Noah, that is, all mankind was permitted to be carnivorous. Since the land had become filled with violence and man had given free rein to his worst instincts, man was no longer required to make the supreme moral exertions required to forego the slaughter of animals. It was far more important that he should, at least, utilize what moral fibre he still possessed in refraining from killing his own kind and respecting the life of his neighbor.²²⁵

²²¹ Rabbi Umberto Cassuto (1883–1951) was an Italian historian, and biblical and Semitic scholar

²²² Umberto Cassuto, *A Commentary on the Book of Genesis, Part I: From Adam to Noah*, trans. Israel Abrahams (New York: Magnes Press, Hebrew University, 1972), 58.

²²³ *JPS*, 15.

²²⁴ Robert Alter, *The Five Books of Moses* (New York: WW Norton and Co, 2004), 50.

²²⁵ Nehama Leibowitz, *Studies in Bereshit*, trans. Aryeh Newman, 3rd ed. (Jerusalem: Jewish Agency at Alpha Press, 1976), 77.

Cassuto continues his commentary on Genesis One by asserting

Apparently, the Torah seeks to convey that in principle man should refrain from eating meat, and that when Noah and his sons were granted permission to eat flesh this was only a concession subject to the condition that the blood was not to be consumed. This prohibition implies respect for the principle of life”²²⁶

The presumption, further, is that in the Messianic age humans will return to a vegetarian diet. This is derived from Isaiah Chapter 11.

⁶ The wolf shall dwell with the lamb, The leopard lie down with the kid; The calf, the beast of prey, and the fatling together, With a little boy to herd them. ⁷ The cow and the bear shall graze, Their young shall lie down together; And the lion, like the ox, shall eat straw. (Isaiah 11:6-7)

Cassuto explains that in Genesis One:

The Torah presents...a kind of idealized picture of the primeval world situation. Not only man but even the animals were expected to show reverence for the principle of life. In full accord with this standpoint is the prophetic view that the prohibition was never annulled, and that in the Messianic era it would be operative again and even the carnivorous beasts would then feed only on vegetation²²⁷

This view is most widely attributed to Rav Kook. According to Nehama Leibowitz, “Rav Kook maintained that mankind has been permitted to slaughter animals for food [as a] ‘transitional tax’ or temporary dispensation till a ‘brighter era’ is reached.”²²⁸

The Reform Jewish voice

This theme of meat-eating as concession is present in an article by Edward Rosenthal entitled “Ethical Vegetarianism: The Perspective of a Reform Jew,” published in the

²²⁶ Cassuto, 58-59.

²²⁷ Cassuto, 59.

²²⁸ Leibowitz, 77.

Spring 1992 edition of the CCAR Journal.²²⁹ Rabbi Jeffrey Brown points to this article as the first time a discussion of *eco-kashrut* appears in a Reform publication²³⁰ The idea of meat-eating as ethical concession is also found in “Thou Shalt Eat Vegetables,” an article by Rabbi Harold M. Schulweis which appeared in *Reform Judaism* magazine in 1995.²³¹ While Rabbi Yoffie explicitly does not advocate for a vegetarian lifestyle, the interpretive tradition of Jewish vegetarians, including Reform Jewish vegetarians, is growing.

However, as Aaron Gross points out in his Winter 2004 CCAR Journal article, “Continuity and Change in Reform Views of *Kashrut* 1883-2002,” “none of these Reform sources rests its case wholly upon” arguments such as meat eating as a concession.

II. *Tsa’ar ba’alei hayim*: Animal Cruelty

The next argument, which draws its root in early commentary and applies directly to the PETA video of Agriprocessors in 2004, is *tsa’ar ba’alei hayim*. There are multiple biblical instances of prohibitions against animal cruelty, as well as a rich interpretive tradition. As Rabbi Rosenthal points out in his article, in the Guide of the Perplexed 3:17 Maimonides asserts “...we should not acquire moral habits of cruelty and should not

²²⁹ Edward Rosenthal, "Ethical Vegetarianism: The Perspective of a Reform Jew," *CCAR Journal* 39, no. 1 (Spring 1992): 50-52.

²³⁰ Jeffrey Brown, "Kashrut in Reform Communal Settings: Past, Present, and Future" (thesis, Hebrew Union College-Jewish Institute of Religion, 2005).

²³¹ Harold M. Schulweis, "Thou Shalt Eat Vegetables," *Reform Judaism*, Summer 1995, 24.

inflict pain gratuitously without any utility, but...we should intend to be kind and merciful even with a chance animal.”²³²

The assumption for a long time was that the laws of kosher slaughter ensured minimal suffering for the animal. Reform Jew Max Freundenthal (1868-1937) [find out who he is] focused on the question of whether animals were treated humanely in his assessment of the kosher laws. He defended the ritual slaughter laws by arguing “all the strict rules which the *shokhet* has to observe during ritual slaughter were introduced by the Rabbis for the single reason that thereby all torture of animals might be prevented.” W. Gunther Plaut notes in *The Growth of Reform Judaism* that even Reform Jews often came to the aid of the Orthodox when “the legislatures of various countries considered and occasionally passed laws which restricted the traditional practice of *shehita*”²³³ Thus Freundenthal concludes “...even he who does not observe dietary laws will be commanded by a sense of justice to see that others should not be prevented and forbidden from observing them.”²³⁴

The principle of *tsa'ar ba'alei hayim* in Reform literature presents itself in 1979 in Simeon Maslin's *Gates of Mitzvah* when he cites it as a potential motivation behind keeping kosher. Maslin writes, “...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

²³² Edward Rosenthal, "Ethical Vegetarianism: The Perspective of a Reform Jew," *CCAR Journal* 39, no. 1 (Spring 1992): 53.

²³³ W. Gunther Plaut, *The Growth of Reform Judaism: American and European Sources until 1948*. (New York: World Union for Progressive Judaism, 1965), 266.

²³⁴ *Ibid*, 267.

would be in consonance with the principle of *tzaar baalei hayim*—prevention of pain or cruelty to animals.)”²³⁵ Maslin’s sentiments reappear in the 1979 responsum on *Kashrut in Reform Judaism*. Aaron Gross argues that “all Reform rabbinical discussions of *kashrut* since 1979 have cited *tzaar baalei hayim* in connection with *kashrut*. Most of these discussions have also favorably mentioned the vegetarian-*kashrut* option...”²³⁶

Tsa’ar Ba’alei Hayim is among Rabbi Arthur Waskow’s list of considerations for ethical *kashrut*, and is discussed in several of the CCAR Journal articles of 2004. Aaron Gross deals directly with it in his piece, as does Rabbi Rachel Mikva in her article “Adventures in Eating: An Emerging Model for *Kashrut*.” Mikva suggests five considerations in the development of a modern dietary practice, based on the five categories that W. Gunther Plaut uses to frame *kashrut* in *The Torah: A Modern Commentary*.²³⁷ One of these considerations is “To identify with the feelings of animals and inspire hesitation about eating meat.” She too suggests that “permission to eat meat is understood by our tradition to be a sort of concession to our violent appetites, which become all too evident by the time of Noah.” Citing Rambam, Ibn Ezra, and Rav Kook, she discusses how the laws about eating meat reflect “sensitivity to life.”²³⁸

²³⁵ Simeon J. Maslin, *Gates of Mitzvah A Guide to the Jewish Life Cycle* (New York: Central Conference of American Rabbis, 1979), 132.

²³⁶ Aaron Gross, "Continuity and Change in Reform Views of *Kashrut* 1883-2002," *CCAR Journal* (Winter 2004): 16.

²³⁷ See W. Gunther Plaut, ed. *The Torah: A Modern Commentary* (New York: UAHC Press, 1981), 1444.

²³⁸ Rachel S. Mikva, "Adventures in Eating: An Emerging Model for *Kashrut*," *CCAR Journal* (Winter 2004): 61-62.

Although not a Reform Jew, a significantly influential voice in the Jewish vegetarian movement is that of Rabbi Arthur Green²³⁹, particularly in his essay “Vegetarianism: A Kashrut for our Age” in his book *Seek My Face: A Jewish Mystical Theology*. Green outlines many of the common arguments regarding vegetarianism: the biblical ideal, the ecological consequences, the question of human hunger. But his most adamant point is the prevention of violence.

Life has become too precious in this era for us to be involved in the shedding of blood, even that of animals, when we can survive without it. This is not an ascetic choice, we should note, but rather a life-affirming one. A vegetarian Judaism would be more whole in its ability to embrace the presence of God in all of Creation.²⁴⁰

In 1984, the CCAR Responsa committee responded to the question²⁴¹: “What is the attitude of Judaism toward environmental concerns expressed now by so many political groups? Is this an issue for Judaism? Or as we have been an urban people for such a long time, is this of relatively little concern to us?”

The responsum gives a brief overview of biblical and rabbinic law regarding protection of the environment, focusing particularly on the principle *bal tash-hit*, cause no wanton destruction. It also addresses cruelty to animals, suggesting that “A similar kind of feeling was expressed about animals through ordinances concerning hunting.” The

²³⁹ Rabbi Arthur Green is a Professor, a historian of Jewish mysticism, and theologian. He was a dean of the Rabbinical school at Boston’s Hebrew College and President of the Reconstructionist Rabbinical College.

²⁴⁰ Arthur Green, *Seek My Face: A Jewish Mystical Theology* (Woodstock, VT: Jewish Lights Publishing, 2003), 88.

²⁴¹ See also Part B: Back to the Sources: Reform Movement Policy on Environmental Protection and Workers’ Rights, *supra*. All CCAR Responsa can be found at <http://ccarnet.org/documentsandpositions/responsa/>

responsa argues that it “was considered wrong to hunt merely for sport. This was cruel to animals and was also considered wasteful.” The responsum clearly considered the treatment of animals as part of the environmental movement.

Rosenthal insists that our modern system of meat production is a “blatant violation of the ethical *mitzvah* of *tsaar baalei haim*.” His argument reflects the realities discussed in this thesis’s presentation of the Secular Food Movement:

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*.²⁴²

III. Ecology

While the rising tide of ecology in Jewish thought is discussed in another section, it is a critical factor in the arguments about meat consumption. Yoffie cites ecological concerns as one of the reasons Reform Jews should reduce their meat consumption:

The meat industry today generates nearly one-fifth of the man-made greenhouse gas emissions that are accelerating climate change throughout the world. According to a U.N. report, animal agriculture is responsible for more greenhouse gas than all transportation sources combined. And the preparation of beef meals requires about fifteen times the amount of fossil fuel energy than meat-free meals.... Professor Gidon Eshel of the Bard Center has suggested that the effect of reducing our collective meat consumption by twenty percent would be comparable to every American driving a Prius instead of a standard sedan. And this twenty percent reduction is something that every one of us – every Jew, every family, every synagogue – can do.

²⁴² Rosenthal, 54.

Gross reports that “Rabbi Barry Schwartz reports that in addition to the general return to ritual, interest in the vegetarian-*kashrut* option owes its greatest debt to the surge of interest in Jewish ecology”²⁴³

IV. Health

Yoffie concludes his discussion on reducing meat consumption by appealing to human health. He argues

And finally this: we have obligations to our own health and well-being. Created in God’s image, we are obligated to maintain our physical vigor so that we may bring honor to the Divine Presence. And this means reducing the red meat and the processed meat that will kill 1.5 million men and women in the next decade, most from cancer and heart disease.

Given the historical associations of *kashrut* with health and hygiene²⁴⁴, it is not surprising that health is a not uncommon motivator in Jewish dietary choices. Aaron Gross reports that in his conversation with Rabbi Barry Schwartz, Schwartz believes that a “vegetarian-*kashrut* option” carries more weight amongst his colleagues who view vegetarianism as more healthy.²⁴⁵

Pikkuah Nefesh is cited by Rabbi Rosenthal as a reason to become a vegetarian, given the health risks that arise from eating meat.²⁴⁶ Schulweis cites the same studies as Rosenthal to demonstrate the dangers of eating meat and the importance of valuing human health in dietary choices. In her article, Mikva acknowledges that “The suggestion that...*kashrut* promote[s] human health and hygiene has caused much debate over the centuries.”

²⁴³ Gross, 20.

²⁴⁴ See Chapter 2, Part D: Emerging Gatekeepers, *supra*.

²⁴⁵ Gross, 19.

²⁴⁶ Rosenthal, 54-56.

However, she argues, “A translation of these principles to modern times requires little imagination.” She states simply, “...we are commanded to choose life. This is keeping kosher...we can assert as a movement that an element of *kashrut* is the command to eat healthfully.”²⁴⁷

²⁴⁷ Mikva, 60.

Conclusion

Within the last five years, Jews across the denominational spectrum joined in coalitions to address the issues raised by the Agriprocessors scandals of December 2004, May 2006, and May 2008. Some Jews started raising and slaughtering animals “the old-fashioned way” in order to supply eco-friendly, humanely raised, kosher certified meat. The demand has been insatiable. The number of Hazon’s *Tuv HaAretz* CSA sites has grown from two to forty.

Within the last six months, The Hekhsher Tzedek Commission released a draft set of criteria for “Magen Tzedek” certification. The Obama Administration unveiled the “Know Your Food, Know Your Farmer” campaign. The Orthodox movement began its “Glatt Yosher” initiative, spreading the message that Jews in America are profoundly interwoven with non-Jews in daily business practices, and no Jew is “above the law”—either civil or religious.

Within the last three months, Sholom Rubashkin was sentenced to over 1,000 years in prison, the number of businesses which display the Tav HaYosher seal has nearly doubled, KOL Foods has moved to national distribution, the Hazon Food Conference boasted its highest attendance to date, the URJ hosted its most ecologically sustainable Biennial to date, Michael Pollan has released yet another bestselling book on food,²⁴⁸ and

²⁴⁸ "Paperback Advice - List - NYTimes.com," The New York Times, <http://www.nytimes.com/2010/02/07/books/bestseller/bestpaperadvice.html?ref=bestseller>

as part of the “Glatt Yoshor” Initiative, the Rabbinical Council of America released “Jewish Principles and Ethical Guidelines (JPEG) for the Kosher Food Industry,” which states “Given the active involvement of rabbis in supervising kosher food production, and the influence we have in this area, we believe it is incumbent on us to promote and enforce conduct consistent with Jewish values throughout the kosher food industry.”²⁴⁹

And, of course, the URJ released its “Green Table, Just Table” Initiative. There can be no doubt that the “Green Table, Just Table” Initiative emerged at a time of dramatic change in the way that American Jews have been thinking about ethical eating.

It is also now clear that the Initiative grew out of intertwined roots that stretch back into Reform Movement history. Concerns about animal abuse, ecological sustainability, and workers’ rights are not new. They have expressed themselves in Jewish teachings, in URJ and CCAR resolutions, and in the purchasing choices of Reform Jews. They are now linked to our food choices.

The Reform Movement has always been grounded in its larger cultural context, and the secular food movement that has developed in the last decade has sparked a national conversation. The growth of the Jewish food movement has given Jews across the denominational spectrum access to Jewish teachings about food, increased information about the paths of their food, and alternatives through both secular and Jewish CSAs.

(accessed January 31, 2010).
²⁴⁹ Rabbinical Council of America (RCA),
<http://www.rabbis.org/news/article.cfm?id=105521>
(accessed January 31, 2010).

It was controversial that President Yoffie asserted that “kashrut is not the issue for us,” because contemporary Reform Jews have increasingly been thinking about *kashrut*. The debate amongst Reform rabbis is evident in the crafting of the 1999 Statement of Principles, and in the Winter 2004 issue of the CCAR Journal, which reflected a symposium on “A Contemporary Approach in Reform Judaism to the Spiritual and Ethical Dimensions of Eating.” An increasing number of Reform Jews have chosen to adopt some form of dietary restrictions, and President Yoffie himself is among the Reform Jews who keep a kosher home.

The Reform Movement created a blog to respond to President Yoffie’s sermon. In response to others’ comments, President Yoffie wrote:

My goal was to put the issue of eating Jewishly higher on the agenda of the Reform movement. [I felt] that "preaching a Reform kashrut" is not the best way to do that. I hoped to generate study and discussion, with the understanding that some Reform Jews may ultimately choose to embrace some aspects of Kashrut while others may choose to struggle with this issue without Kashrut. I regret that [one of my colleagues] interpreted my remarks as denigrating those who make a "pro-Kashrut" choice. This was not my intention, and, for the record, my wife and I have a kosher home.²⁵⁰

President Yoffie may have been correct in his assessment that focusing too much on *kashrut* would detract from other issues that have also gained traction in the Reform Movement in the last forty years, including our ecological sensibility, our sensitivity to

²⁵⁰ Eric Yoffie, comment on "Rabbi Yoffie's Shabbat Sermon," web log comment posted November 11, 2009, <http://blogs.rj.org/reform/2009/11/president-yoffies-shabbat-serm.html> (accessed January 31, 2010).

workers' rights, and our increasing discussion about forgoing meat consumption for reasons of health, animal cruelty, or environmental impact.

Further, the complexities of ethical eating cannot be covered in one sermon. President Yoffie's choice to deliver this message as a sermon at the Biennial gives it incredible authority. It also reminds us of a higher authority. No matter how Reform Jews prioritize the issues involved in food choices, for many there has also been an underlying question: What does God want us to eat, and why? Whether the answer lay in shellfish, in order to celebrate our entry into America and reach out to non-Jews in a spirit of universalism, or the answer lay in a new attention to *halakhic kashrut*, for many Reform Jews, cuisine has really always been about conscience.

There is no question that this thesis will be out-of-date the moment it is submitted. The changes in the last decade, and even the last three months, have been profound. It is almost impossible to predict what will unfold in the next three months, or beyond. Many questions remain unanswered. Will Magen Tzedek be able to find products that meet its exacting criteria? Will independent meat businesses such as KOL Foods be able to continue their commitment to ecological sustainability as they move into the national market? Will kosher consumers, faced with the realities of a depressed economy, be willing or able to pay a premium for those products?

I hope so. And I hope Reform Jews will heed the call—expressed by our history, expressed by our leadership, expressed by our wrestling with the divine—to rededicate

ourselves to determining what is ‘fit’ to eat as Reform Jews. When faced with the complexities of modern life, Reform Jews have sought the prophetic voice and looked to our tradition for wisdom and insight. We must do so again now. The question facing Reform Jews is not confined to our beliefs about *kashrut* and custom. The question facing Reform Jews is whether the ethical mandate we seek as Jews applies to the very sources of our sustenance.

In the beginning, Jews knew the Source of their food. It is time to look back to the sources.

Appendix A: Questions about Food

Food choices are, and always have been, an expression of how someone prioritizes their values. Whether consciously or not, people make food choices based on the questions they ask, how they answer those questions, and how they prioritize the answers. Listed below are some of the potential questions:

A Kosher Hekhsher

Does it have a *hekhsher*?

What is the denominational affiliation of the *mashgiach*?

The Laws of Kashrut

Is it *glatt kosher*?

Is it *halakhically kosher*?

What does the Talmud say about it?

What does the Bible say about it?

Autonomy

Does it affirm my autonomy as an individual?

Does it reflect my North American identity?

Universalism

Does it allow me to eat with non-Jews?

Does it make non-Jews feel welcome?

Self discipline/Awareness

Does it encourage self-discipline?

Does it make me think about what I am eating?

Joy and Celebration

How does it taste?

How does it look?

Does it reflect bounty and abundance?

Does it reflect joy and celebration?

Jewish History & Tradition

Does it help me feel connected to the Jewish people?

Does it reflect my Jewish identity?

Can other Jews eat it?

Can my parents and grandparents eat it?

Does it reflect Jewish history?

Does it honor Jewish tradition?

Do retaining traditional Jewish laws related to eating reinforce a sense of group cohesion and identity?

Does it reflect the traditions of my family?

Is it part of a family recipe?

Is it appropriate for a Jewish holiday?

Does this enable/prevent me from being able to eat with members of my synagogue?

Ba'al Tashchit

What does it cost?

How easy is it to find?

How long does it take to prepare?

How difficult is it to prepare?

Is it wasteful?

Shalom Bayit

Does it encourage my family to eat together?

Hachnasat Orchim

Are my guests allergic to it?

Do my guests have dietary restrictions or preferences other than kashrut?

Oshek

Were the workers treated humanely?

Tsa'ar Ba'alei Hayim

Were the animals treated humanely?

Leshev ba'aretz

What was the effect of the production of this food on the environment?

Shemirat Haguf

Is it healthy for me?

Tzedakah

What was the impact of the production of this food on world hunger?

Rodef Tzedek and Rodef Shalom

What are the political policies of the producer?

What are the business practices of the producer?

Does the producer strictly adhere to Jewish and secular laws about business ethics?

Berakhah and Kedusha

How would God feel about this choice?

Does it imbue my eating with holiness?

Does it help me feel connected to God?

Does it help me feel connected to the land?

Appendix B:
A List of Selected Reform Movement Platforms, Resolutions, and Responsa

Reform Movement Platforms

1885 Pittsburgh Platform
1937 Columbus Platform
1975 Centenary Perspective
1999 Statement of Principles for Reform Judaism

URJ Resolutions

1879 Encouraging Agriculture among Jews
1965 Conservation and Development of Natural Resources
1969 Farm Workers and Grape Strike
1969 Environmental Pollution
1979 Energy
1979 Environmentally sound Energy policy
1983 Toxic Substances in the Environment
1991 New North American Energy Strategy
1991 The Environment
1997 Sweatshops and Child Labor
2005 Workers' Rights in the United States
2007 Support of Comprehensive Immigration Reform in the United States
2008 Ethical Employment Practices (adopted by Board of trustees)
2008 Worker Rights, Ethical Consumerism & the Kosher Food Industry
2009 Eating Jewishly
2009 Climate Change and Energy

CCAR Resolutions:

1973 The Rights of Farm Workers and the Grape and Lettuce Boycotts
1975 Laborers
1976 Farm Workers
1980 Lettuce Boycott
1985 Table-Grape Boycott
1987 Economic Justice
1989 Grape Boycott
1989 Economic Justice in the Jewish Community
1996 Endangered Species
1997 Sweatshops and Child Labor
1998 Confronting the Challenge of Climate Change
2000 National Energy Policy
2003 International Trade 2005 Climate Change
2008 Kashrut & Hekhshe Tzedek August (adopted by Board of Trustees)

CCAR Responsa:

1969 Kashrut on synagogue Premises
1979 Kashrut in Reform Judaism

Appendix C:
A Timeline of Significant Events in the history of ethical eating in Judaism

1879	UAHC ²⁵¹ Resolution: Encouraging Agriculture among Jews
July 1883	Treifa Banquet
1885	Reform Movement Platform: Pittsburgh Platform
1937	Reform Movement Platform: Columbus Platform
1965	UAHC Resolution: Conservation and Development of Natural Resources
1969	UAHC Resolution: Farm Workers and Grape Strike
1969	UAHC Resolution: Environmental Pollution
1969	CCAR Responsa: Kashrut on Synagogue Premises
1973	CCAR Resolution: The Rights of Farm Workers and the Grape and Lettuce Boycotts
1975	CCAR Resolution: Laborers
1975	Reform Movement Platform: Centenary Perspective
1976	CCAR Resolution: Farm Workers
1979	UAHC Resolution: Energy
1979	UAHC Resolution: Environmentally Sound Energy Policy
1979	Publication of <i>Gates of Mitzvah</i>
1979	CCAR Responsa: Kashrut in Reform Judaism
1980	CCAR Resolution: Lettuce Boycott
1983	UAHC Resolution: Toxic Substances in the Environment
1984 Nov	CCAR Responsa: Judaism and the Environment
1985	CCAR Resolution: Table-Grape Boycott
1987	CCAR Resolution: Economic Justice
1988 Jan/Feb	Arthur Waskow's "Down-to-Earth Judaism: Food, Sex, and Money" published in <i>Tikkun</i> magazine; calls for "ethical kashrut"
1989	CCAR Resolution: Economic Justice in the Jewish Community
1989	CCAR Resolution: Grape Boycott
1991	UAHC Resolution: Environment
1991	UAHC Resolution: New North American Energy Strategy
1996	CCAR Resolution: Endangered Species
1997	UAHC Resolution: Sweatshops and Child Labor
1997	CCAR Resolution: Sweatshops and Child Labor
1998	CCAR Resolution: Confronting the Challenge of Climate Change
1999	Reform Movement Platform: Statement of Principles
2000	CCAR Resolution: National Energy Policy
2000 Summer	CCAR establishes task force on Kashrut
2003	CCAR Resolution: International Trade
2004 Dec	CCAR Journal devotes entire issue to subject of Kashrut

²⁵¹ In November 2003, the Union of American Hebrew Congregations (UAHC) changed its name to the Union for Reform Judaism (URJ)

2005	URJ Resolution: Workers' Rights in the United States
2005	CCAR Resolution: Climate Change
2006 Dec	Hazon's first Food Conference
2006-2007	NFTY Action Theme <i>Shooftei Adamah</i> (Partners of the Earth): NFTY Acts to Improve the State of the Environment
2007	Hekhsher Tzedek founded
2007 July	KOL Foods slaughters and sells beef
2007 Nov	Kosher Conscience distributes organic, free-range, kosher turkeys for Thanksgiving
2007	URJ Resolution: Support of Comprehensive Immigration Reform in the United States
2007-2008	NFTY Study Theme "You Will be a Judge for Yourself" asserts "many teenagers are reluctant to attend NFTY Kallot...[because of] their practices of <i>kashrut</i> "
2008	URJ Resolution: Ethical Employment Practices
2008 Aug	Mitzvah Meat first slaughter and sale
2008 Aug	Hekhsher Tzedek announces guidelines for Magen Tzedek
2008 Aug	CCAR Resolution: Kashrut & Hekhsher Tzedek
2008	URJ Resolution: Worker Rights, Ethical Consumerism & the Kosher Food Industry
2008 Dec	Uri L'Tzedek announces plans for Tav HaYosher seal
2009 spring	Peulat Shachir awards first certificates of compliance to two restaurants and two synagogues
2009 May	First Uri L'Tzedek Tav HaYosher recipients announced
2009	Green Ta'am begins distribution in Cleveland and Columbus, Ohio
2009 summer	LoKo begins distribution
2009 Sept	Hekhsher Tzedek Commission releases 150-page draft set of standards for the Magen Tzedek seal
2009-2010	NFTY Action Theme <i>Mazon L'Machshavah</i> (Food for Thought): NFTY Acts to Encourage Ethical Eating
2009 Nov	URJ President Eric Yoffie delivers Biennial Sermon, which includes discussion of ethical eating
2009 Nov	URJ Biennial Initiative "Just Table, Green Table" launched
2009 Nov	URJ Resolution: Eating Jewishly
2009 Nov	URJ Resolution: Climate Change and Energy

Appendix D: 2009 URJ resolution: Eating Jewishly

BACKGROUND

Traditional Jewish sources tell us to linger over our meals (*Berachot* 55a) and, above all, to invite God in. The emergence of food and drink from the earth is a wonder and a mystery; therefore, we stand in awe before the work of God's hands, and recite blessings to give expression to our gratitude. We know that the Divine Presence lives in the texture of our everyday acts, and so, for us, eating can be a gateway to holiness.

We know – as all Jews know – that meals are profoundly important in creating and sustaining purposeful community. When we eat alone, we are sorely tempted to focus on ourselves; we distance ourselves from the world, from the needs of others, and – most often – from the presence of God. And eating in loneliness, we drift away from the Jewish people. Further, meals are profoundly important in creating and sustaining purposeful Jewish community. When we join together for a *se'udah* – a Jewish communal meal – we open our minds and our hearts to the concerns of others, and we draw God in, as a partner, to our sacred community.

In these difficult times, countless members of our congregations are overwhelmed by work, economic distress, and ever-deepening isolation. For our synagogues, communal meals need to be a fundamental value — an occasion to unite our congregations, rise above our self-absorption, and turn our members in the direction of *mitzvah*-doing and God.

Our society is more food-conscious than it has ever been. In 1969, when it became clear that most of the grapes served at our tables were produced by exploited workers, the 50th General Assembly of the Union for Reform Judaism passed a resolution urging Reform Jews and synagogues to stop eating grapes until collective bargaining rights were extended to farm workers. Our actions drew on the rabbinic teaching that one does not say a blessing over stolen food (*Mishneh Torah, Hilchot Berachot* 1:19). Surely it follows that we do not bless or consume food produced by acts of injustice, by mistreating animals, or by despoiling the environment. Such decisions simple decisions can increase holiness in our lives.

As we make these decisions for our families, our congregations, and ourselves, we note that there are, specifically, urgent and compelling reasons to reduce significantly the amount of red meat that we eat. According to a report by the United Nations, animal agriculture is responsible for more greenhouse gas than all transportation sources combined, and the preparation of beef meals requires about 15 times the amount of fossil fuel energy than meat-free meals. We also have obligations to our own health and well-being. Created in God's image, we are obligated to maintain our physical vigor so that we may bring honor to the Divine Presence. This means reducing the red meat and the processed meat that will kill 1.5 million men and women in the next decade, most from cancer and heart disease.

Ours is an ethically-based tradition, and Reform leaders have long seen no connection between the intricate rules of kashrut and ethical behavior. Sadly, for too much of the kashrut industry, this disconnect still exists; in recent years, kashrut authorities have failed in their duty to treat workers, immigrants, and animals with compassion and justice. For that reason, we applaud the Conservative movement for creating a new system of kosher certification that takes ethical factors into account.

As Reform Jews, we need our own definition of what is proper and fit to eat, because our ethical commitments remain firm, and we understand that Jewish eating has a profoundly ethical dimension. We now see that when we eat with mindfulness, even the humblest meal can become a sacred act. As Reform Jews, we must find ways to eat that are right for farm workers, right for the planet, right for our bodies and right for our souls.

THEREFORE, the Union for Reform Judaism resolves to:

1. Support increased congregational and community efforts to eat together in communal celebration;
2. Urge member congregations to enhance their food-consciousness by:
 - a. Educating members about the meaning of Jewish eating for Reform Jews, though the use of URJ-provided and other resources, for courses on Jewish eating, planting synagogue gardens, and engaging with local farmers;
 - b. Engaging temple members and boards in discussions about what it means to eat in a Jewish, ethical and healthy manner;
 - c. Considering the benefits of reducing red meat consumption both communally and individually;
 - d. Creating their own congregational ethical eating guidelines, taking into account food produced by acts of injustice, by mistreating animals, or by despoiling the environment;
3. Challenge our young people, especially the North American Federation of Temple Youth, to engage in innovative and creative efforts to eat Jewishly and ethically;
4. Encourage our camps to develop creative and cost-effective ways to explore issues of eating Jewishly;
5. Applaud the Conservative Movement for creating a new system of kosher certification that takes into account ethical factors.

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