

The Forward  
October 3, 2008

Op-Ed piece by an Orthodox rabbi

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We certainly agree that working conditions and the like are Jewish concerns. This is consistent with the message of the great biblical prophets who underscored our responsibilities to the downtrodden and disadvantaged. Many tiers of responsibility in the workplace are firmly ensconced in Jewish law.

Nevertheless, we reject the Hekhsher Tzedek proposal. It is arbitrary, impractical and, ultimately, threatens to undermine the standing of Jewish law.

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It is the government that is best suited to uncover and prosecute legal impropriety. Rabbis are ill-prepared to ferret out malfeasance. Rabbis lack the power and authority to subpoena witnesses and punish perjury. They can only conduct private investigations, which are very expensive if done properly and very inaccurate if done cheaply.

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Any guidelines that do not organically grow out of Jewish ethical expectations are by nature arbitrary. What number of vacation days is ethical? Why should an industry average of wages or benefits serve as a guide to ethical conduct? Rabbis specialize in making decisions about law, not in creating new systems of rules to enforce ethical principles. Their suggestions about going beyond the letter of the law will be no more compelling than other suggestions.

The organizers of Hekhsher Tzedek do not seem to be aware of this. The subtitle on an official companion paper to the Hekhsher Tzedek policy recommendations reads "al pi din," or "according to the law." But the Hekhsher Tzedek proposals are not law - not secular law, and not Jewish law. They also misread rabbinic texts. For example, they cite a number of talmudic and rabbinic sources to suggest that Jewish law requires providing benefits to workers according to what is customary in a given locale, failing to note that this is only true in the absence of an articulated understanding between employer and employee. It seems that those behind Hekhsher Tzedek have interpreted Jewish law in such a way so as to make it a servant to their ethical preconceptions.

And why does Hekhsher Tzedek focus only on the kosher food industry? Ethical considerations should be applied to all industries, not just kosher food. Should good Jews use attorneys who drive large gas-guzzling SUVs? Should they shop at the warehouse store that gets most of its goods from a country that abuses millions of its citizens? Should they purchase music that glorifies drug use or objectifies women?

There is a historically established danger in singling out the kosher industry for special scrutiny and standards. Many - especially those who do not observe the laws of kashrut - feel that the real worth of Jewish dietary laws is in the ethical values they represent, which they contrast with adherence to halachic minutiae. Indeed, the Hekhsher Tzedek initiative's Web site prominently

features a quote informing us: "If we don't connect [kashrut] to the world and the values we hold, then we fail to take kashrut at its core level."

This sort of thinking is hardly anything new. For centuries, Jews were urged to abandon Jewish practice by arguments that the ethic behind the law was far more important than, and indeed the only real purpose of, the law itself. Some understand Paul's argument for Christians abandoning the kosher laws as follows: Don't worry about what enters your mouth - concern yourself with what comes out.

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Op-Ed piece by a Reform Rabbi

The Conservative movement deserves praise for its strong stance in favor of strengthening the bond between social justice and Jewish law. Its new Hekhsher Tzedek initiative is working to create an additional certification for kosher products that would take into account ethical considerations. We in the Reform movement have expressed our sympathy and support for this effort. The Union for Reform Judaism recently adopted resolutions endorsing Hekhsher Tzedek and stressing the need for better treatment of workers and immigrants.

Yet it is Orthodox Judaism that is primarily responsible for our system of kosher supervision. And Orthodox Jews represent the largest single consumer base for the kosher meats produced by Agriprocessors. Therefore, the Orthodox community and its leaders have a particular responsibility for addressing the troubling questions that have been raised and for working to repair the damage that has been done.

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The question that I keep asking myself is: Where is the voice of the Orthodox rabbinate? Why are we not hearing from the great Torah sages who are the ultimate authorities in all matters of consequence in the Orthodox world?

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Jewish tradition has a great deal to say about proper treatment of the laborer and the stranger, and throughout history our greatest rabbinic figures have not hesitated to address these matters. Let us imagine that in the early stages of the most recent scandal, the Torah authorities of the Orthodox world had emphatically proclaimed the obligation of Jews to meet the requirements of Torah and treat workers with justice, immigrants with compassion, and animals with care and consideration. To this they could have added that they had no intention of prejudging any cases currently being adjudicated in the secular courts but only to make clear the Torah principles that must guide us all. Had this happened, the scandal would have played out in a very different way, and the unease now felt throughout much of the Jewish community would have been mitigated considerably.

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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.

One very encouraging development was the recent action of O.U. Kosher, which threatened to withdraw its kashrut certification unless Agriprocessors changed its management. As a result, the company named a new CEO. Nonetheless, statements by kashrut officials, no matter how admirable, are no substitute for the words of the gedolim and roshei yeshiva — the great Orthodox rabbinic scholars and yeshiva heads.

This scandal cries out for religious leadership from the Orthodox world, and it is not too late for Orthodox Torah scholars to provide it. ...