

**Hecksher Tzedek: Loving God and Being Righteous**  
**By Rabbi Michael Schwab**  
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Shanah Tovah L'kulam. The week before every Bar or Bat Mitzvah at Beth El, Rabbi Kurtz and I sit down with the child and his/her family to speak about the larger meaning of becoming a son or daughter of the commandments. It is an exciting time for the family and it seems that most relish the opportunity to focus on the big picture for a time and to get away from the myriad of details that accompany such an event. At this meeting one of the things I make sure to teach each child about, are the two categories of mitzvot, for which they will now be responsible. The first are those that exist between human beings and God, what we call in Hebrew, ben adam l'makom. The second are commandments that exist primarily between ourselves and other human beings, ben adam l'chavero. Once they understand the distinction I then say to them, "Connecting to God, through prayer and ritual, the mitzvot between us and God, and making a difference in the lives of fellow human beings, through good deeds and charity, are both essential to being a good Jew. Both categories are of equal and supreme importance. Kashrut is just as significant a mitzvah as helping those in need, and caring for those in need is just as important as keeping kosher. In fact, in many ways these are not separate categories at all; for each type of commandment supports the other: prayer, ritual and study teach us, model for us and symbolize the values that inspire and inform our deeds. While the experience of helping and caring for our fellow human beings in turn reinforces the notion that every creation in the world is equally important and therefore reminds us that there is something beyond us—something that binds us all together. What we call God. Together, these two types of commandments give us the spiritual and ethical way of life, that we call Judaism.

Over the past few years an issue has been raised in the American Jewish community that highlights the very importance of the intersection of these two types of mitzvot. Whether you are aware of it or not, the largest kosher slaughterhouse in the country, Agriprocessors, in Postville, Iowa has been the center of a tremendous amount of controversy of late. This controversy both has American legal implications, as well some serious implications for us as Jews. To help you understand the great import of this issue in general and to understand how these events affect how we as a community are able to fulfill both categories of mitzvot, I need to give you a little background. In the spirit of the High Holidays it is my hope that our awareness and actions around this issue may begin to make atonement for some of the wrong-doing perpetuated by fellow Jews. From a sociological point of view, the story of the creation of Agriprocessors is actually a very interesting one. In 1987, a Brooklyn butcher and member of the Lubavitch community, named Aaron Rubashkin, in an act that at the time was seen as both crazy and foolish by many, bought a shuttered slaughterhouse in a northeastern Iowa town. To the surprise of almost everyone he relocated dozens of Hassidic families from New York to Iowa to take part in creating a new kosher slaughterhouse, as well as the first ultra-orthodox religious community that region had ever seen. After a period of adjustment, the longtime residents of Postville and the new arrivals began to enjoy cordial relations and unusual prosperity for a small town in Iowa. Soon, in order to increase the production of

kosher meat, the Rubashkins recruited outside the local population and hired immigrants from countries in Central and South America who were among those willing to do the hard and often unpleasant work required.

While the plant itself was named Agriprocessors, the beef was marketed under any number of different labels (Rubashkins, Aarons Best, Davids, Iowa's Best and Shor Habor), all guaranteeing both quality of meat and the strictest standards of kashrut. The Rubashkin innovation was to make fresh packaged kosher meat available to local supermarkets. Previously supermarkets carried only frozen kosher meat, if that, and only smaller butchers carried fresh kosher meat. Rubashkin was rightfully praised for making quality kosher meat both readily available and affordable to observant Jews all over the country.

Over the past few years, however, the Postville plant has undergone a series of scandals that have brought its religious, ethical and legal integrity into question. In 2004, the organization, People for the Ethical Treatment of Animals, released graphic videos inside the slaughterhouse depicting violations of kashrut, which led to the undue suffering of the animals. In response, some Orthodox authorities actually withdrew their supervision of the plant, and our own movement publicly raised concerns. The Rubashkin family investigated these charges, seemed to have tightened their supervision, and invited in experts to witness the improvements they made. Owing to their quick and conscientious response, Agriprocessors once again became the premier producer of kosher meat.

However, as many of you know, this past May, US governmental authorities staged a surprise raid on the Agriprocessors plant, arresting hundreds of illegal immigrants and leveling charges that ranged from identity theft and use of stolen Social Security numbers, to unsafe working conditions and worker abuse. Having recently been under suspicion for violating ritual standards, they were now being accused of violating ethical ones.

The raid on the plant understandably threw the kosher world into an uproar. Some communities and individuals, connected to all movements, decided to boycott Rubashkin meat in protest of their treatment of their workers and of their flouting of American law. The feeling was that their inattention to justice, to mitzvot between human beings, also had repercussions on their integrity as providers of kashrut, a ritual mitzvah. Even the O-U, the Orthodox Union, threatened to withdraw its certification after criminal charges were leveled against them in the aftermath of the raid for more than 9,000 child labor violations. According to a report in the New York Times, I quote, “[m]any of the youths worked night shifts in dangerous jobs that exposed them to hazardous chemicals.” And according to the Iowa Attorney General’s office, these children, as young as fourteen, were encouraged to submit forged documents that were known to contain false information about their resident status, age and identity. Further, the alleged violations also included: employing children under 16 who operated power machinery; and employing children under 16 who worked more hours in a day than permitted by law.” While these, of course, remain only allegations, the weight of evidence thus far seems enormous and it is certain, according to most legal experts with the exception of the attorneys representing Rubashkin, that many, if not all, of these charges will be upheld in

court.

To underscore how significant this issue truly is, I point out that just this past Wednesday the Jewish publication, JTA, printed an article reporting that twelve Jewish members of Congress wrote a letter this past Tuesday to Aaron Rubashkin, saying they were quote, “stunned” and “disgusted”, by allegations against the company and its apparent flouting of Jewish and American law. The letter noted the company's hiring of hundreds of illegal immigrants, opposition to a unionization effort at its New York distributorship, and the numerous citations received from federal regulators. These congressmen also expressed concern over allegations that it had knowingly employed child laborers, housed a methamphetamine laboratory at its Postville, Iowa, slaughterhouse, and participated in a Social Security card-forgery ring. They concluded the letter by saying, “If these many and varied allegations prove to be true, aside from personal criminal liability, such conduct would be a blot on the reputation of the kosher food industry,” Among the signatories are U.S. Reps. Gary Ackerman (D-N.Y.), Howard Berman (D-Calif.), Henry Waxman (D-Calif.), Barney Frank (D-Mass.), Robert Wexler (D-Fla.), and Illinois’s Rahm Emanuel (D-Ill.). Whether we wish it or not, this scandal has become a national issue with ramifications religiously, ethically and for our reputation as a people.

Simply put, these developments are a shanda: an utter embarrassment for the American Jewish community. Religious Jews running a kosher slaughterhouse, allegedly violating a myriad of US laws and purportedly treating their workers in an unethical manner, many of whom are children, is a travesty of wrongdoing. Further, for Jews themselves to procure kosher meat from a plant that used such unethical methods to create it, seems problematic to say the least. While not questioning the actual ritual fitness of the meat, the issue becomes whether nonetheless it should be considered unfit for consumption. For we must ask ourselves, how can we fulfill a mitzvah between ourselves and God by perpetuating the violation of one between ourselves and our fellow human beings?

Thus, with a concern for both ritual commandments and ethical commandments in mind our movement recently launched a new initiative called Hecksher Tzedek — a certificate of justice. While not explicitly related to the events in Postville, the Hecksher Tzedek initiative emerged around the same time as this controversy and its proponents have been extremely vocal in responding to the violations at Agriprocessors. The initiative seeks to give an additional level of certification to kosher food manufacturers—certifying that the producer of a given product adhered to a strict sense of business ethics, took responsibility for the needs and safety of its workers and considered the impact its business dealings have on the environment.

This idea grew from the experience and initiative of one Conservative rabbi, Morris Allen, of St. Paul, Minnesota. In investigating an opportunity to make kosher meat even more available and more affordable, he met with Agriprocessors in a business meeting about marketing a line of kosher meat that did not require the optional heightened level of strictness in supervision, called glatt.

It was during these visits to Postville, that Rabbi Allen began to hear about the conditions of the workers in the plant, especially those who came from outside of the United States. He discussed his observations with other Conservative rabbis and with professionals in

the field of labor, which led to a fact-finding mission to Postville with leaders of our Movement. Out of that visit grew his idea for Hecksher Tzedek. Soon, both the Rabbinical Assembly and United Synagogue of Conservative Judaism embraced this project. A commission was established, with both rabbinic and lay leadership, to create aspirational benchmarks for treatment of workers and production of consumer goods that would reflect a gold standard of righteousness by manufacturers and purveyors. Companies that elect to meet the established benchmarks will qualify for the certification, and may display it alongside of their kashrut certification if they so choose. Such a certification will ensure that in the process of fulfilling a core ritual mitzvah we do not violate the ethical standards our Torah teaches us in regard to the treatment of our fellow human beings.

Therefore, it is important to understand that the Hecksher Tzedek commission's concerns were grounded, not only in universal ethical values but also in the teachings, customs and laws of our people that have evolved from Torah to Talmud; from the Medieval codes to the Responsa of today. Rabbi Avram Reisner, who sits on our movement's Committee on Jewish Law and Standards, created a document to outline the Jewish legal sources that inform the creation of such a certification. For example, in discussing employee health and safety, Rabbi Reisner cites a discussion in the Talmud about a porter who was required by his boss to carry a load too heavy for him. The Mishnah, already in the 3rd century, holds that the employer is responsible for any resulting personal injury to the porter. In responding to one of the criticisms of that position in the subsequent Talmudic discussion our sage Rav Ashi, who had the final word, said, "it is reasonable for a worker to assume that his employer would not assign a task that cannot be performed by a competent person and therefore he would feel obligated to attempt even that which he thought could cause him harm". In other words, an employer has direct responsibility for anything that he requests an employee to do as part of his employment there, for he is the one with authority. With authority comes responsibility. Significantly, this opinion carried forward through the ages in Jewish tradition and influenced the later law codes. Even the former Chief Rabbi of Israel, Ben Zion Chai Uzziel, specifically stated that an employer is always responsible for maintaining proper working conditions and is culpable in a direct way for any actions it asks its employees to carry out which cause them harm. Thus, according to Jewish law, the employer is held responsible if they ask their employees to do something illegal or which could be harmful to them.

Yet, even beyond the strict legal aspect of this controversy, in consonance with the spirit of this time of year, the Hecksher Tzedek initiative is significant because it speaks to the integrity of Judaism itself. Namely, Judaism's capacity to integrate its traditional rituals with its ethical standards in way that is acceptable to God. For what do we stand for when we attempt to fulfill God's command not to eat unkosher meat, when the kosher meat that we eat comes from an animal slaughtered by foreign illegal workers, including underage children, who work in deplorable working conditions and who are paid a meager wage? On Rosh Hashanah it is appropriate to speak of such issues because we repent as a community, not only for our personal wrong-doings but for our communal sins as well. That is why our confessional prayers, like *ashamnu*, are written in the plural. So while the Rubashkin family is not technically our family and while their community is not our

community in an immediate sense, during this time of year we must ask ourselves how we can set right, what our fellow Jews have done wrong. Rabbi Abraham Joshua Heschel teaches us in his book, *Insecurity of Freedom* that, quote, “the Bible insists that God is concerned with everydayness, with the small details of [human] life . . .with how we manage the commonplace. The concern of our great prophets was not actually the mysteries of heaven, but the blights of human society, the affairs of the marketplace. The prophet Amos, for example, addressed himself to those who trample upon the needy, those who increased the price of grain unfairly, those who used dishonest scales and those who passed off rotted corn as quality grain. The predominant feature of the biblical pattern of life is unassuming, un-heroic, inconspicuous piety. As it says in Leviticus, “You shall not defraud your fellow . . . . The wages of the hired servant for that day shall not be kept with you until the next morning . . .” Thus, the challenge we face is a test of our integrity.”

Hecksher Tzedek, therefore, should be seen as an attempt by the Conservative Movement to maintain the integrity of our religious values. It is a bold effort to join the mitzvot between people and God with the mitzvot between people and other human beings in a meaningful way. While I recognize that it is sometimes easier to keep these mitzvot separated, in this case allowing meat that was slaughtered correctly to be permissible on a technical level, if we do so, we relegate our Judaism to playing a merely technical role in our lives. Yet, in truth our Judaism can and does mean so much more to us.

That is not to say that the issue of Agriprocessors is simple or straightforward. The Rubashkin brand has provided affordable kosher meat to so many communities, some of which have had no other source of kosher meat. That is why this initiative is not, and must never be, about vying against Agriprocessors or any single company. We should not support this program in order to bring Agriprocessors down. In fact, it is my sincere hope that during this season of repentance they will do proper teshuvah and re-make themselves, thus once again becoming an example of the best of both kashrut and business ethics. Instead, this effort was initiated to add another dimension of holiness to how we carry out one of the basic functions in life that is governed by Torah law, eating. As Rabbi Morris Allen remarked: “I can’t fix all business practices throughout the world . . . but I do have a responsibility to be involved in trying to address an industry that I am dependent upon in order to fulfill my Jewish life.”

As we enter the High Holiday season I am reminded of a powerful teaching that is so important leading up to Yom Kippur. A person cannot be forgiven for sins against a fellow human being by praying to God. One can only gain forgiveness from the person himself.

Therefore one must take action in the everyday world to attempt to right the wrongs we see against other human beings, especially wrongs committed by our fellow Jews. The fact that certain foods we eat are ritually certified does not excuse the ethics of how that food was produced. Thus, as Rosh Hashanah begins, let us at least pledge to ourselves to continue to ponder these issues, to study them, to pray for the teshuvah of those responsible for what happened at Agriprocessors, to watch for the recommendations of our Hecksher Tzedek commission, and to try to act with holiness in every aspect of what

we do, ritual or ethical. The latter is what God asks of all of us who walk this earth and what God asks us to account for on these upcoming holy days. Shanah Tovah. I wish all of you a wonderful, sweet New Year filled with good deeds and the blessings of life.