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A Quarrel Over What Is Kosher

By [NATHANIEL POPPER](#)

Since it was raided by immigration agents last May, the kosher slaughterhouse in Postville, Iowa has been an endless source of national fascination and headlines. Just last week the Orthodox man who ran the Agriprocessors plant was released from jail on bail after a contentious hearing -- this after being hit by child-labor and bank-fraud charges.

The raid and its aftermath were not a surprise to me. I'd visited the plant in 2006 and written an article about the immigrant workers who had been shorted pay and lost limbs in the plant. But the attention to the plant's woes -- particularly in the Jewish community -- astonished even me. The Agriprocessors raid, as it became known, inspired fund-raising campaigns, sermons, front-page headlines and lots of biting debate.

What was it that so riveted our attention? It was never articulated and it took me a while to see it, but this one story had managed to distill some of the most essential questions and issues that are dividing and defining the Jewish community, and indeed religious communities of all stripes today.

These divisions are, at their most basic, about the proper way to interpret religious law and values: Should we read our ancient texts literally or adapt them to a changing world?

The Agriprocessors plant slaughtered chickens and cows according to a group of laws -- known as kashrut -- that have been refined and codified over centuries in books like the Shulchan Aruch. Bearded, Orthodox rabbis had buzzed around the Agriprocessors plant making sure these laws were being followed.

When allegations about the working conditions at the company first came to public attention through my 2006 reporting, these Orthodox rabbis vouched for the company. But a group of progressive, socially engaged, and mostly clean-shaven rabbis decided to visit the plant themselves. After a tour of the plant and town, these rabbis said that while the company seemed to be in compliance with narrow kosher laws, there was less attention being paid to another, less codified set of Jewish rules about the proper way to treat workers.

These rules do not loom large in everyday Jewish life -- there is little contemporary rabbinic legislation on the proper minimum wage -- but they are strikingly consonant with modern concerns about human dignity and equality. The rabbis pushing this agenda might be compared, in secular terms, with Supreme Court justices like Ruth Bader Ginsburg and Stephen Breyer who seek to interpret old legal doctrines through a modern lens. As part of this push, these rabbis, who were representing the Conservative movement, created a new program, known as the Hekhsher Tzedek or Justice Certification, which aims to evaluate the business ethics of kosher producers.

The Hekhsher Tzedek generated intense pushback in large segments of the Orthodox community, where there is a belief in strict adherence to the laws set down in the Jewish holy texts -- these are the Antonin Scalia of the Jewish world, to continue the Supreme Court analogy. One influential Orthodox rabbi told me, "I don't keep kosher because of some sense that it is the right thing to do socially -- I do it because God said so."

These issues of legal interpretation have come up in past intracommunal battles over permitting women to read from the Torah and allowing gays and lesbians into the rabbinate. But the Agriprocessors debate has been about more than just law -- it has been about how Jews should relate to each other and the world.

The raid and the company's subsequent collapse have hurt a diverse swath of people, from the 300 immigrants who were thrown in jail to the Orthodox family from Brooklyn, the Rubashkins, who owned the company and have faced criminal charges; one son, Sholom Rubashkin, was put in jail and hit initially with a 99-count criminal indictment.

The Orthodox rabbinate has focused most of its energy on a successful campaign to spring Mr. Rubashkin from jail on bail, citing an ancient Jewish religious obligation to free Jews from gentile captivity. This law and its sentiments grow out of a kin-based vision of religion in which the thing that matters most is family and co-religionists.

This campaign for Sholom Rubashkin has faced skepticism from progressive Jews -- many of whom had spent months trying to help the immigrants put in jail after the raid. In standing up for the immigrants, the non-Orthodox rabbis have fought for a more explicitly universal vision of mankind, in which a Guatemalan Catholic has the same weight as a Brooklyn Jew.

To be clear, these debates have not always broken down cleanly along Orthodox and non-Orthodox lines. There is, for instance, a group of young Orthodox rabbis who have been vocal in their criticism of the company. But this group is thus far a minority, and they have faced derision from the larger Orthodox community. The two sides of the Jewish world -- the Orthodox and non-Orthodox -- have shown remarkable unity on issues pertaining to Agriprocessors, but it has largely been in opposition to one another.

It is the very vitriol and divisive nature of the Agriprocessors debates that is one of the most characteristic elements of the increasingly polarized Jewish community of today. Progressive Jews passionate about social justice and Orthodox Jews unswerving in Talmudic law have interacted less and less in recent years, and disagreed more and more. The battles over Agriprocessors have underscored the suspicions between the two camps.

There is a historical irony to these divisions. Food has traditionally been one of the last places that Jews could come together -- Jews who had fully embraced the modern world would still allow themselves contact with the old country at the kitchen table. Now these interactions are being tarnished by questions about where the chicken in the matzoh ball soup came from and whose rabbis certified it. The ability to come together over a warm platter of brisket of beef may be, increasingly, a thing of the past.

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