

Raising Kosher: The Ethics of certifying CAFO sourced animal protein.

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INTRODUCTION

In May of 2008 one of the nations largest kosher processing plants, Agriprocessors, Inc of Postville Iowa, was raided by the U.S. federal government and indicted for safety violations, the hiring of illegal immigrants, fraud, and child labor abuse. For the years leading up to this raid, The People for the Ethical Treatment of Animals (PETA), had video documented the gross inhumane mistreatment of the cattle, showing clear and apparent animal suffering.¹ The incident resulted in the imprisonment of the Agriprocessors CEO, and ultimately, the closure of the plant; sending controversy, scrutiny and questions of ethical accountability into the heart of the Jewish orthodox, conservative and kosher consumer communities. The widespread attention drawn to kosher slaughter was a

very important step towards creating more awareness around animal factory farming as a whole. As a result of the Agriprocessors incident, scholars, activists, and kosher consumers alike have rallied around the humane kosher slaughter issue. That said, aside from a few niche outlets, very little inquiry and consideration seemed to manifest at the intersection of the kosher ethic and how the animal was raised prior to the slaughter.

Before the processing, or the slaughter, animals must be reared. For the majority of the kosher slaughterhouses, animal livestock are bred on what's known as a concentrated animal feed operation (CAFO). CAFOs are well documented for the harm they cause to the welfare of the animal, workers, and the environment. Their practices are equally if not more ethically questionable than that of a processing plant.

¹ HumaneKosher.com, <http://www.goveg.com/kosher.asp>

The Pew Commission on Industrial Farm Animal production reports, "...concern often expressed is whether confinement operations limit animals' ability to live naturally and if this has subsequent effects of the quality of meat produced..."² The ethics of kosher meat certification are then two fold. On the one hand there is the slaughter, and on the other there the rearing.

CAFOs dominate the meat and dairy market as one of the main sources of animal raising for meat consumption (human and pet) today. In the past few decades, CAFOs have rapidly replaced the small independent agrarian farm where hundreds of animals where once raised all over the country. According to the Farm and Animal Watch, 74 % of the world's poultry, 43 % of beef, and 68 % of eggs are produced by CAFOs.³ This does not account for the U.S. wide import of meat from other countries. CAFOs crowd together thousands of animals in close confinement in order to meet the escalating global demand for animal protein with its cost effective price. As any business model will example, the greater the volume, the faster the production, the bigger the return on investment.

However, we have to ask ourselves, under strict kosher rules, based in a Judaic law which upholds the highest standards when it comes to the treatment of animals, humans, and even the earth; is it ethical to certify CAFO sourced animal protein as kosher?

The purpose of this paper is to question the ethical accountability of kosher law, or *kashrut* in Hebrew, that grants the kosher certification of animals raised on large-scale factory farms, or CAFOs. Where kosher animal protein comes from factory farmed CAFOs, how is it ethically permissible to certify such meat as kosher when the manufacturing process facilitates conditions that harm the worker, the environment and especially the animal?

Perhaps in the agrarian time for which it was written, it was unforeseeable that Judaic law would have to take into account a CAFO-like farm of its magnitude. The CAFO practice of raising animals directly opposes Judaic law. As we will see, kosher law dictates the slaughter, but does not take into account how the animal was farmed. Nor does it consider the effects of the farming on the welfare of the environment or the worker.

² Unknown Author, The Pew Commission on Industrial Farm Animals, 2010,

http://www.ncifap.org/issues/animal_health_well_being/

³ Author Unknown, "Farm and Animal Watch," October 26, 2005 - Number 40, Volume 5 <http://www.farmedanimal.net/faw/faw5-40.htm>

WHAT IS KOSHER?

Kosher is the term used to describe the ritually fit dietary rules in accordance to Judaic law. Kosher law is essentially the application of a system of religious principles and beliefs that govern the types of food Jewish people eat.⁴ Kosher, in its most basic definition, addresses the classification of the types of foods that can be eaten, how it is killed, and how it should be eaten. As for animal protein, permitted mammals must be split-hoof ruminants, and permitted birds must be non predatory. No pork, shellfish or fish with scales and fins are allowed. The slaughter must be enacted on a fully conscious animal in a painless and quick manner. If there is a nick in the knife or a delay in the slaughter, the act will be considered non-kosher, or *T'reifah*, and the animal must be discarded. Additionally, all blood must be drained.⁵ While the Torah details what ailments may render an animal a *T'reifah*, today it is common to look for specific problems. In poultry, intestines are inspected for lesion, legs for broken bones, and internal organs for any obvious discoloration. In other animals, like cows, calves, & lambs, the lungs are inspected for lesions and punctures. Any of the above ill

⁴ Yosef Zueahe Blech, *Kosher food production* (Iowa: Wiley-Blackwell, 2008) xxiii

⁵ Yosef Zueahe Blech, *Kosher food production* (Iowa: Wiley-Blackwell, 2008) 2

findings would classify the animal unfit to certify.⁶ These practices are written into Jewish law for the sake of humane and ethical welfare of the animal and to protect the religious eater on many levels. Kosher rules come from interpretations of biblical scripture found in Deuteronomy and Leviticus of the bible, or to the Jewish faith, the Torah. The Torah, is considered the “the written law,” that is the overarching body of rules, teachings, and philosophic law in the Jewish Tradition that represents the word of God. Today, kosher law is governed by orthodox and conservative rabbinical committees, who legislate certification according to Judaic law. Whole companies, under rabbinical jurisdiction have formed to create kosher seals that appear on kosher foods today. Specially trained rabbis, called *shochets*, are trained to slaughter and ensure that an animal’s death is free of suffering. Because at the core of this duty is the assurance of a mindful and pain-free slaughter, only individuals of the highest moral character can perform this deed.⁷ *Kashrut* certification is a service to the religious kosher consumer, who has exceptionally entrusted that their kosher food will be properly certified accordingly to kosher law. Clearly, with its immense

⁶ Ibid. 142

⁷ Ibid. 139

demand, modern day koshering is a challenge compared to the agrarian farming and slaughter practice 3,000 years ago when the law was set in place.

According to the 2000 National Jewish Population Survey, 21% of American Jews report that they keep kosher in the home.⁸ According to the Mintel Research Organization, kosher remains the most dominant feature amongst new food items. An estimated 40% of supermarket food products are kosher. American's are purchasing over 12 billion dollars in kosher commodities annually; only 15% of those consumers buy it for religious or spiritual purposes.⁹ There is a growing sector of people who purchase kosher who are not religious, and do so for the historic reputation it has for being the cleanest, and most humane source of food.¹⁰ Kosher meat is more expensive, by at least dollars on the pound. Kosher consumers justify paying this premium because they prefer ethically fit food as mandated by the Torah. Kosher meat, in large part, is considered generally more ethical because of its sole attention to humane slaughter. Therefore, consumers trust kosher certification for the supposed ethical quality.

⁸ The Jewish Federations of North America, <http://www.jewishfederations.org/page.aspx?ID=33650>

⁹ K kosherToday.com, <http://www.koshertoday.com/news.asp>

¹⁰ Ibid.

The meat processing industry is one of the least transparent industries to date. Attempts to research what percentages of kosher slaughtered meat that comes from CAFOs has been a close to an impossible feat. According to a 2010 article from The Jewish World, in the U.S. alone, 5 thousand cows and 1 million chickens are slaughtered a week for kosher consumption.¹¹ While the cows seem to pale in comparison to the chickens, in total it adds up to over 13.5 million heads of cattle, and an incredible 52 million units of poultry a year. This puts supply capabilities into perspective. Perhaps this explains why Hebrew National is now owned by the CAFO utilizing giant, ConAgra, whose numbers are equally hard to find.¹² Yet, research did guide this paper to one CAFO dairy farm, the Vreba-Hoff Dairy Development, LLC in Michigan State. As of 2009, they began to make kosher milk for export to Israel, the same year they were fined hundreds of thousands of dollars for manure pollution in the form of runoff.¹³ While there are many other claims of CAFO

¹¹ Eugene White, "Kosher Meat Prices Eating a Hole in your Wallet," *The Jewish World News*, posted Thursday, April 22nd, 2010 <http://jewishworldnews.org/2010/04/22/kosher-meat-prices%E2%80%94eating-a-hole-in-your-wallet/>

¹² Con Agra.com, "Hebrew National"

http://www.conagrafoods.com/consumer/brands/getBrand.do?page=hebrew_national

¹³ Tom Henry, "Ohio, Michigan Mega-farms Spur Clashes Over Air, Water Pollution," *The Toledo Blade*, August 13, 2006 <http://www.toledoblade.com/apps/pbcs.dll/article?AID=/20060813/NEWS06/608130304/-1/NEWS>

sourcing of kosher products on the internet, hard numbers are difficult to come by. One woman and kosher consumer reports on her blog that she finally got her regrettable answer from her butcher as to where her kosher meat actually came from. He told her, “all meat for the commercial market, kosher or otherwise, comes from the same place. We just kill the animal differently.”¹⁴ To give another sense of industry scale, *Kosher Today* reported that “while the beef kill came to a complete halt [after the Agriprocessors raid], the production of poultry had actually increased to over 50,000 per day.”¹⁵ It is hard to conclude those chickens coming from independent smallholder farms.

In an personal email interview with Dr. Joe Regenstein, Professor of Food Science at Cornell University, he informed me, “Most of these are privately held companies and essentially share no information. All of the numbers about kosher foods in general trace back to one or two sources-which as a scientist I find rather soft. So numbers simply do not exist.”¹⁶

¹⁴ Unknown, “Sometimes revolutionary actions begin with a simple question,” MichahBooks.com, 2001, <http://www.micahbooks.com/monthlynewsletter61.html> (2001)

¹⁵ KosherToday.com, “November 3rd Kosher Food Industry Headlines,” <http://www.koshertoday.com/news.asp>

¹⁶ Joe Regenstein. May 9, 2010, Personal interview. Electronic interview via email correspondence.

All said, due to the economies of scale within the kosher meat industry, it is appears clear why the large-scale factory farms provide a more cost effective solution to kosher market needs.

THE TORAH AND THE ETHICAL TREATMENT OF ANIMALS, HUMANS AND THE EARTH

“The Torah prohibits causing the torture or causing pain to any living creature.”¹⁷

While keeping kosher specifically refers to the classification of animals that can be eaten, how to slaughter animals, and how to separate meat and dairy, Judaic law also strictly forbids any unnecessary cruelty to animals, mistreatment and oppression workers, and even demands guardianship of the earth. Jewish law has strict commandments when it comes to the just and ethical treatment of animals and fellow beings. Specifically in Judaism, the law that governs the prevention of animal suffering is called, *Tza'r baele Chayim*. Kosher slaughter is enacted to uphold this ethical commandment imbedded in the Torah. There is a story in the Torah that tells of a rabbi condemned to 13 years of physical suffering for not showing compassion to a

¹⁷ Donin Halevy Hayim, *To be a Jew*, (Basic Books, 1991), 56

calf on the way to its slaughter.¹⁸

Philosophically, the Torah is creating a connection between the ethical treatment of an animal and how he treats another human being, “a person who is cruel to a defenseless animal will undoubtedly be cruel to defenseless people.”¹⁹

However, as we will see, there is a conflict in modern day koshering between the ritual and the intent, or the Torah and *Kashrut*. Although kosher law is born out of the Torah or the Judaic law, in present day application, apparent certification extends only to the obligation of the slaughter. If *kashrut* took into account the greater law, perhaps very little meat available today would be considered kosher. Just because an animal has a painless death, doesn't mean it has a painless life.

*“A righteous man considers the life of his beast.” (proverb 12:10)*²⁰

It is tricky to talk about ethics and law, because they are not synonymous. But religious law is different than secular/governmental law. Judaic law invokes ethics and morality, and

expectations that its followers must uphold to lead a “righteous” life in accordance with the esoteric nature of religion. Because ethics are universal, when referring to Judaic “law,” it seems it can be synonymous with moral and ethical behavior.

This paper does not focus on the ethics of the kosher slaughter, however relevant as a major ethical dilemma in and of itself given the Agriprocessors raid, but rather uses the incident as a frame of reference, or a tipping point, to work backwards and look at the ethics of how the animal was raised prior to its kosher death. Judaic law forbids the mistreatment of animals, *Tza'r baele Chayim*. Hence, steeped in much ethical conflict, kosher law seems to govern the quality of death but not the quality of life.

THE ETHICAL ARGUMENT FOR CAFO SOURCED KOSHER.

Before I argue the counter, I want to offer some ethical reasoning why certification of factory farmed animals may be permissible through the perspective of the modern day kosher meat consumer and producer. As a result of the Agriprocessors, Inc. raid and temporary closure, which lasted almost two years, kosher meat skyrocketed with limited availability in

¹⁸ Servinghistory.com. “Talmudic Legends,” http://www.servinghistory.com/topics/Judah_I::sub::Talmudic_Legends

¹⁹ Judaism 101, “The Treatment of Animals,” <http://www.jewfaq.org/animals.htm>

²⁰ Donin Halevy Hayim, *To be a Jew*, (Basic Books, 1991), 57

many U.S. markets. Some butchers in the U.S. were shorted over 1000 pounds of beef in a week. In some areas, kosher meat prices per pound increased from \$12.98 to \$16.98 per pound.²¹

If kosher law took into the consideration the consequences of large-scale factory farming, and thus rendered CAFOs sourced livestock an unfit source for kosher meat, there would be severe shortages and extreme price increases way beyond what was seen in 2008-2009. Whole populations depend on kosher meat for their main source of protein. CAFO raised meat ensures a less expensive source of kosher animal product. For kosher families, large and small, this could have a serious impact on their nutritional well-being. Not only would this mean less meat for consumers, but the meat made available would be out of reach and unaffordable for many without a major financial sacrifice. Although a healthy, low, or no-meat diet can be achieved, not all people are equipped with the skills and education to create an animal-free, protein-dense diet. Perhaps many consumers would not get their nutritional needs met.

From a deontological perspective it

²¹ Jessica Gresko, "Customers Stew as Meat Gets Scarce," http://www.huffingtonpost.com/2008/12/01/customers-stew-as-kosher-n_147391.html (2008)

is the duty of the rabbi to certify CAFO sourced meat in order to supply protein rich food to the consumers he is responsible to. A rabbi could very well argue that it is his obligation, his just duty, according to the functions of Torah to certify this protein rich product in order to protect the kosher consumer. The consequences of the rearing of an animal in a CAFO are irrelevant. People must be fed. After all, the Torah states that humanity is given dominion over animals.²² From a virtue-based ethic, the *Shochet* may also feel morally obligated to kosher consumers who has entrusted him with the revered task of providing them with the only classification of food they can consume.

In a PBS interview for a *Religion & Ethics* segment on the Agriprocessors incident, Spokesman for Agriprocessors, Inc. and editor-in chief of *Kosher Today*, Menachem Lubinsky, said, "We [Orthodox Jews] buy this product 365 days a year. We're interested in *kashrut* the way it was for 3,000 years. We're not interested in redefining it."²³ According to Lubinsky it was his clients duty to provide meat according to kosher rule, that is, following

²² Virtual Jewish Library, "Judaism and the treatment of animals" <http://www.jewishvirtuallibrary.org/jsource/Judaism/animals.html>

²³ Lucky Severson, "Kosher Ethics" October 3, 2008 Episode no. 1205 PBS, Religion & Ethics Newsweek, <http://www.pbs.org/wnet/religionandethics/week1205/cover.html?print>

the letter of the Judaic law. Because the jurisdiction of kosher law is preoccupied with its obligation to the slaughter, and not the quality of farm life and its effect, it can be argued from a deontological place that it is ethical to certify CAFO protein as kosher. Lubinsky's argument looks at the face value of Kosher law, and in so much, is arguing that it is the duty of the *Shochet*: to slice the throat of an animal in painless and quick a kosher manner, and not question or reinterpret the greater laws Judaism.

Further, in 2008, the Associated Press reported, "processors have been swamped with orders, increasing the amount of meat they produce or refusing to take new clients. Some consumers are paying up to 40 percent more for the same meat."²⁴ From a stakeholder's perspective, a drop in profits can potentially affect the livelihoods of workers at small butcher shop to the large super store chains. Therefore, is it ethical to ban kosher certification of meat sourced from CAFOs when superstores like Wal-Mart have a large percentage in the market share, and will be forced to stop passing on the savings of cheaper kosher meat.²⁵ These

²⁴ Jessica Gresko, "Customers Stew as Kosher Meat Gets Scarce," *Associated Press* Dec. 1, 2008
http://www.huffingtonpost.com/2008/12/01/customers-stew-as-kosher-_n_147391.html

²⁵ Sherri Day, "Forget Rye Bread, You Don't Have to Be Jewish to Eat Kosher," *NewYorkTimes.com*, June 28,

suppliers depend on the CAFO to make their meat products more affordable. The consequences may play a larger role on the little guy, like the independent butcher, or even the Wal-Mart checkout clerk, whose pay may be cut, or raise deferred, because of the savings that must be passed on to the customer at any cost. From a utilitarian perspective it can be argued that the fiscal consequences could negatively affect all stakeholders, big and small, and therefore would be creating overall industry harm.

ETHICAL ARGUMENTS AGAINST CAFO-SOURCED KOSHER CERTIFICATION

"You may eat any animal that has a split hoof completely divided and that chews the cud." (Leviticus 11:3).²⁶

Animal Welfare

As inferred earlier, animal's raised in large CAFOs do so in unsanitary and inhumane conditions. Cattle often live a life ankle deep in their own feces. They are fed antibiotics to keep them from contracting disease from one another, and they are injected with hormones to promote muscles

2003 <http://www.nytimes.com/2003/06/28/business/forget-rye-bread-you-don-t-have-to-be-jewish-to-eat-kosher.html>

²⁶ MyJewishLearning.com, "Food Laws in the Bible," http://www.myjewishlearning.com/practices/Ritual/Kashrut_Dietary_Laws/History/Biblical.shtml

growth in confinement. The life of a large-scale factory farmed animal is spent in substandard conditions, 24/7. Livestock are known to suffer ammonia burns on their feet from standing in their own feces as well. Additionally, gas buildup where the animals are housed can cause respiratory harm to animal health, again, as a result of manure buildup on flooring.²⁷ Years before the Mad Cow disease scare, and still to this day, most large-scale animal factory farmed cattle are fed animal part leftovers in their feed. They are fed corn-based grain that is known to cause severe stomach ailments and sometimes even chicken litter.²⁸ Yet CAFO cattle are inherently ruminant creatures and denied their natural diet, grass. Based on this sub-par standard of living, the animal welfare on a CAFO appears to inherently violate basic Judaic law, which commands humane and ethical treatment of animals, and forbids the consumption of mammals that do not chew the cud. Is it ethical to render this meat healthy for human consumption, let alone kosher certification? Even though kosher certification is not technically responsible for paying attention to this aspect of meat “manufacturing”,

given that the average kosher consumer is expecting fit and ethical meat, how can this be kosher?

Judaic law says that any mammal fit for consumption shall eat cud, that is, a ruminant whose sole food is grass. Is it ethical to certify an animal kosher that nature and Judaic law has intended to eat grass, but instead eat chicken litter, grain, or other animal parts? A kosher consumer expects to be protected by kosher certifiers so they themselves can be deemed “righteous” in accordance to their Judaic practice. This relationship is a very entrusting. Does the *Shochet*, and the authority he works under, look the other way when it comes to the raising of an animal, and in doing so falls short of his sacred obligation to the consumer? Judaic law specifically classified the ruminants as “fit” animals for consumption, specifically because they chewed the cud. Today, modern industrial agriculture has taken that right away from the farm animal, and from the religious kosher consumer whose right it is to have “fit” kosher meat. Yet, kosher law still upholds that grain fed meat is kosher. Has not the cow been rendered unfit, not kosher, by its de-classification of a cud-chewing animal? At the very least, from a deontological perspective, it seems it

²⁷ John Carlin et al. “Putting Meat on the Table: Industrial Farm Animal Production in America,” Report of the Pew Commission on Industrial Farm Animal Production, 2009, 86

²⁸ Jim Mason Peter Singer, , *The Ethics of What we Eat, Why our Food Choices Matter*, (Rodale. 2006)61,62

would be the righteous duty of the rabbi and kosher certification boards to halt the koshering of an improperly classified animal? The kosher consumer has entrusted their ethical values into a system, which by modern definition, is breaking the kosher law.

From an animal welfare point of view it is ethically deplorable to deny any ruminant proper feed, and even worse, make it eat the flesh of other animal species, and sometime its own, for the benefits of a consumer society. This is blatant mistreatment of animals. These Judaic and kosher laws were instated to protect animal well-being, and to protect the character of the kosher consumer, whose dietary actions will ensure him a compassionate man living in this world. There is a very utilitarian aspect to this thought. To treat an animal with respect and compassion goes beyond a virtue-based ethic of what is right and good according to a moral law, and extends to an ethical consequentialist theory. Put simply, a more compassionate person betters the lives of all those in their community, if not the world. An ethical person role models to the next. Therefore, when a kosher eater decides to not eat CAFO sourced meat because he is eating the flesh from a once suffering animal, he sets and ethical

precedence that can either be enacted in the name of duty to his religion, duty to the greater well being of the animal, or even for the greater good towards a more compassionate society.

The voice of the Torah appears very utilitarian. It emphasizes the health and well being of not just the Jews, but also their neighbors, their animals and their land. It appears that kosher and biblical law, that regards the proper treatment of animals, also espouses a message that protects the harm of others for the greater good of society. In saying so much, how is it ethical certify meat from an animal whose life has been spent in complete contradiction of the overarching utilitarian standards and consideration for the ethical treatment of animals laid forth in the Torah? That said, ethically speaking, how can an animal raised in cruel and unusual conditions, outside its native agrarian environment, be certified kosher?

Worker Welfare

“We should not be more concerned about the smoothness of a cow’s lung than we are about the safety of a worker’s hand. We should not be eating food that has been produced in a way that has denied the dignity of the labor!” -Rabbi Morris Allen²⁹

²⁹ Rabbi Morris Allen, “Magen Tzedek,” <http://rabbimorrisallen2.blogspot.com/>

The Jewish tradition and law invokes utmost respect to fellow human beings, especially that of the worker. According to the CDC, the agriculture sector is ranked as one of the three most hazardous industries.³⁰ While there is evidence of animal welfare violations acted out in slaughterhouses across the country today, abuses that bring human health concerns often take place on the CAFO as well.³¹ As of 2001, it was estimated that there were as many as 700,000 workers in CAFOs, including owner/operators, family members, and employees.³² According to the National Ag Safety Database, as many as 25% of all workers on CAFOs experience chronic bronchitis, while up to 70% of workers will experience acute bronchitis in a given work year. Additionally extreme exposure to hydrogen sulfide can lead to neurological and cardiac problems. In fact, workers who already have asthma before taking a job at a CAFO, often do not last more than a few months due to the high exposures of organic dust that includes pollens, animal and insect feces, animal dander, fungal spores, to name

³⁰ Author Unknown, "NIOSH Safety and Health Topic: Agricultural Safety," *CDC.com*
<http://www.cdc.gov/niosh/topics/aginjury/>

³¹ John Carlin et al. "Putting Meat on the Table: Industrial Farm Animal Production in America" A Report of the Pew Commission on Industrial Farm Animal Production, 2009

³² Steven Kirkhorn, Marc B. Schenker, "Human Health Effects of Agriculture: Physical Diseases and Illnesses." (Part of AHS-NET 2001) <http://nasdonline.org/document/1836/d001772/human-health-effects-of-agriculture-physical-diseases-and.html>

a few.³³ Also, organic dust toxic syndrome (ODTS), particles farm feces, may be seen in up to 34% of CAFO workers.³⁴

On large-scale poultry farms, workers are susceptible to MSRA, an infection caused by *Staphylococcus-aureus* bacteria as well. Recently in Arkansas, 37 workers from a chicken hatchery contracted the virus.³⁵ MSRA causes "staph skin infections...but can also penetrate into the body, causing potentially life-threatening infections in bones, joints, surgical wounds, the bloodstream, heart valves and lungs."³⁶ In 2010, a university of Iowa study found a new strain of MRSA in 64% of the workers on several farms in Iowa and Illinois.³⁷

A kosher slaughterhouse is culturally revered for its high levels of cleanliness. But what about the CAFO where these animals are raised? When disease is spreading amongst workers from infectious off-gassing and organic dust, as a result of animal feces, how can meat raised in such

³³ Ibid.

³⁴ Ibid.

³⁵ Katie Couric, "Animal Antibiotic Overuse Hurting Humans?" *CBSnews.com*, Feb, 2 2009,
<http://www.cbsnews.com/stories/2010/02/09/eveningnews/main6191530.shtml?tag=mncol;lst;4>

³⁶ MayoClinic.com, "MRSA infection,"
<http://www.mayoclinic.com/health/mrsa/DS00735/DSECTION=symptoms>

³⁷ Tara C. Smith et al., "Methicillin-Resistant *Staphylococcus aureus* (MRSA) Strain ST398 Is Present in Midwestern U.S. Swine and Swine Workers." 2009, *PLoS One*, Online Jan. 23, 4(1): e4258 DOI: [10.1371/journal.pone.0004258](https://doi.org/10.1371/journal.pone.0004258)

an environment be qualified as kosher? Are kosher consumers, who entrust their dietary religious obligation into the hands of kosher certifiers being ethically violated? Also, Judaism prides itself in compassion towards strangers, neighbors, animals and even workers. There are 613 commandments or laws called *Mistvot*. One states “Not to stand by idly when a human life is in danger.” (Lev. 19:16) (CCN82)³⁸ By all equations, the act of allowing a work environment to spread infection and disease upon employees appears not only illegal by secular standards, but certainly unethical by Judaic law, especially when the myth of a high quality product is passed to the religious entrusting kosher consumer. One great irony here is that kosher certification prides itself on the ritual of inspecting an animal’s lung for lesions and damage.³⁹ What about the lungs of the laborers who raised the birds, cattle, and even the milk? Does the health of the laborer’s respiratory system count? Clearly there is no accountability for the ethical consequences of how the kosher meat was sourced, just an intent based responsibility to a duty, or a kosher label.

³⁸ Jewfaq.org “A List of the 613 Mitzvot.”
<http://www.jewfaq.org/613.htm>

³⁹ Yosef Zueahe Blech, *Kosher Food Production* (Iowa: Wiley-Blackwell, 2008) xxiii

The kosher certification of animals raised in CAFOs, be it meat or dairy, that produce toxic and harmful conditions cause infection and disease to their human caretakers, and appears a direct ethical violation to the utility of the Judaic law. But the owners of the CAFOs are not required to adhere to kosher law. Who then is accountable? Rabbinical certified koshering, with its esteemed ethical obligation and duty to grant an item kosher, does not appear to extend beyond the walls of the slaughterhouse. In theory, it would appear that this position is that of a virtue-based *and* utilitarian one, whose moral interest is in the greater religious wellness of the greater kosher community, and certainly the overall welfare of all animals. But by default, or act of omission, rabbinical kosher certification is koshering animals whose rearing has caused great harm to the people around them. There is no utilitarian ethic upheld, only a limited rights based one that doesn’t take into account the totality of the harm being inflicted.

As if the living conditions weren’t bad enough for the livestock, large-scale animal factory farms have serious health implications for the worker as well. When hundreds, if not thousands of factory farm workers are at risk, injured and sick as a

result of the demand for kosher meat, how can it be ethical to deliver a food source and represent it as so to the consumer, let alone in the name of a Judaic law? The act of omission is equally unethical when performing a job out contract, and not taking into consideration the consequences of those actions. While the kosher seal attempts to ensure a humane painless death for the animal, it certainly does not extend to a painless life for the worker. Therefore, it is perplexing that it seems permissible to allow unfair infliction of sickness and disease to persist around the making of a kosher product. Is it ethical for the kosher certification to not include the welfare of the industrial farm worker as a criteria for certification?

Environmental welfare

“We are called upon to be guardians of the earth, to prevent the suffering of all beings, to provide food to those in need, to avoid the wasting of our precious resources, and at times to allow ourselves and the land to rest.”⁴⁰

According to the Union of Concerned Scientists, CAFOs in the U.S. produce approximately 300 million tons of untreated manure each year. CAFO manure

⁴⁰ Alexander Sharone, “Food Justice: It’s What’s for Dinner,” The Progressive Jewish Alliance, September 9, 2009, <http://www.pjalliance.org/>

contaminates drinking water, causes mass fish kills, contributes to marine life “dead zones” in lakes and bays, and helps bring on acid rain.⁴¹ Additionally, water soil is heavily compromised as a result of raising livestock in large-scale CAFOs, rendering the drinkable water supply of communities that live in proximities of CAFO’s to become compromised more often than not. As mentioned earlier, one such dairy CAFO and kosher milk supplier, the Vreba-Hoff dairy in Michigan, has to deal with 120,000 gallons of manure a day.⁴² In 2009, a fourth lawsuit was filed by the Department of Environmental Quality (DEQ) against Vreba-Hoff for their “continued failure to responsibly manage the waste produced by their CAFOs and protect Michigan's water quality.”⁴³

Jewish tradition communicates reverence for the land. The Torah imparts acts like guardianship, abstain from cutting down trees during wartime, and respecting the property that belongs to God first. The property, or the earth, is being desecrated every day a CAFO is open for “farming.”

⁴¹ Union of Concerned Scientists, “The Hidden Cost of CAFOs,” Sept 2008, www.ucsusa.org/assets/documents/food.../cafo_issue-briefing-low-res.pdf

⁴² Michigan State University Libraries, “CAFOS” <http://blogpublic.lib.msu.edu/index.php/2004/08/06/cafos?blog=5>

⁴³ Robert McCann, Michigan.gov, “New Lawsuit Filed Against Vreba-Hoff Dairy for Ongoing Permit Violations” http://www.michigan.gov/deq/0,1607,7-135-7251_7253-228003--RSS,00.html

According to the Pew Commission on Industrial Farm Animal Production, in reference to CAFOs, “Scientists say the occurrence of hormonally-active agents in surface water is of increasing concern worldwide, and has led to a growing awareness that human and wildlife health might be negatively impacted by hormones in the environment.”⁴⁴ The hormones are from the urine and feces of the livestock. According to the Union of Concerned Scientists, “CAFOs are a major contributor to increasing ammonia pollution.”⁴⁵ The notion that a product that has imparted such harm to the environment and public health can be certified as kosher, is ethically alarming. One current skeptic, Rabbi David Rosen, considers CAFO supplied kosher product as a “prohibition against *'chillul HaShem'*, the desecration of God's name.” He goes on to say, “Surely it is precisely such a desecration when observant Jews eat animals produced under conditions of cruelty that flagrantly violate Jewish teachings and prohibitions...”⁴⁶ This cruelty is imposed upon the animal, the laborer, and the environment.

⁴⁴ Pew Commission on Industrial Farm Animal Production. “Public Health” http://www.ncifap.org/issues/public_health/

⁴⁵ Union of Concerned Scientists, “The Hidden Cost of CAFOs,” Sept 2008, www.ucsusa.org/assets/documents/food.../cafo_issue-briefing-low-res.pdf

⁴⁶ Rabbi David Rosen, contributor in blog: “Kosher Meat is an Oxymoron,” http://blog.peta.org/archives/2007/08/kosher_meat_is.php

That an animal’s existence is contributing to environmental degradation at the expense of the planet and public health is unquestionably a problem growing out of hand. That a kosher certification company would offer the kosher label to an animal, whose life contributed to such grand scale environmental pollution, creates a significant ethical dilemma. Animals are received at a slaughterhouse like a shipment of product, then slaughtered and certified kosher under the best possible pain-free conditions. Yet, there seems to be zero repercussion for the environmental damage ensued by the manufacturing of kosher meat, that is the life of the animal. If Judaic laws commands its followers to protect the land, and the kosher seal invokes a consumer whose religious duty it is to respect the laws of her religion, how can a kosher consumer partake in the consumption of CAFO sourced kosher? Given modern day industrialization, why aren’t the rabbinical communities adapting to protect the consumer from violating their commitment to their faith? They govern kosher certification and are entrusted by the greater Jewish community to perform the act of *kashrut* and ensure a righteous commitment upheld for all consumers of kosher food. Why have they not stepped in

to address the *T'reifah* sourcing of CAFO sourced kosher food? Is it not their responsibility to address the current times that have advanced from the 3,000 year old agrarian way, and adjust a religious law, grounded in compassionate ethics, and demand a higher ethical standard for kosher products being produced today?

CONCLUSION

“You should not abuse the needy and destitute labor, whether a fellow countrymen, or a stranger in one of the communities of your land -- and one text telling us what kind of meat to eat isn't written in boldface, and another text telling us about how to treat the worker isn't written in small print .” - Rabbi Morris Allen⁴⁷

As a result of the May 2008 raid on the Agriprocessors plant, The Rabbinical Council of America issued a new set of guidelines in January of 2010, “intended to promote and safeguard ethical corporate policies and behavior, and encourage socially responsible activities in kosher food production.”⁴⁸ The new guidelines list of wrongdoing include: “misleading the consumer, neglecting the health and safety

of the customer, employees, or the public; and mistreatment of animals.” But this solely refers to the slaughter. What about animal rearing? Until the total kosher community addresses the ethical and actual ramifications of a CAFO produced product, the certifying of kosher meat will remain ethically slippery and concretely questionable.

Perhaps the Jewish, French philosopher, Jacques Derrida, explained it best when he said,

No one can deny seriously, or for very long, that men do all they can in order to dissimulate this cruelty or hide it from themselves, in order to organize on a global scale the forgetting or misunderstanding of this violence that some would compare to the worst cases of genocide.⁴⁹

The real ethical issue about factory farming is that animal suffering is recognized only when it fringes upon profitability.⁵⁰ The “forgetting” in place by industry to accommodate, not only kosher, but mainstream consumption, has led to serious and harmful results enacted upon the modern day farm animal, worker, and environment.

It is said that in the Torah, those who care for animals are heroes, while those who

⁴⁷ Lucky Severson, “Kosher Ethics” October 3, 2008 Episode no. 1205 PBS, Religion & Ethics Newsweek, <http://www.pbs.org/wnet/religionandethics/week1205/cover.html?print>

⁴⁸ Rabbinical Council of America, Jan 21, 2010, <http://www.rabbis.org/news/article.cfm?id=105520>

⁴⁹ Gerald R. Burns, “Derrida's Cat (Who Am I?),” *Research in Phenomenology* vol 38, (Brill 2008)

⁵⁰ Jim Mason Peter Singer, , *The Ethics of What we Eat, Why our Food Choices Matter*, (Rodale. 2006)

hunt animals are villains.⁵¹ The rabbi who was condemned to 13 years of suffering for scoffing at the calf on its path to its death was only released from his punishment when he showed true compassion towards to the life of a weasel.⁵² Thus, this compassion based in the ethical treatment of all sentient beings, and their environment, must be considered when it comes to the sacred obligation of koshering food. Moreover, the disconnect, or the “forgetting,” between the deontological based duty or ritual of *kashrut* and the utilitarian based intent within greater Judaic law calls for a remembrance of the inter-connectedness of the two. Without willingness to relate the two, the kosher ritual of CAFO sourced products will continue to be a questionably ethical injustice to the kosher consumer and the Jewish faith. As Rabbi Allen pointed out above, the fine print of *kashrut* must be held accountable to the bold face print of Judaic law in order to render a truthful and ethically sourced product.

The enlightening news, is that all over the country smallholder niche entities are emerging. They realize the ethical implications of the kosher seal, and are

holding both ritual and law accountable. Rabbi Morris Allen has created the “The Magen Tzedek” ethical certification. His intention is to create kosher certification that promotes health and safety in the workplace and corporate transparency. Although small-scale for now, he is making waves in the kosher community to address the many conflicts this paper addresses. Equally inspiring is KOLfoods, a Glatt kosher certified meat supplier. KOL stands for kosher, organic and local. They work with small independent farmers to ensure their kosher meat and eggs are ethical and sustainable. According to their business model, their mission to “strive to ensure that the value of *tzar ba’alei chaim* (not causing our animals unnecessary pain) is upheld, and that the workers involved in the production of our meat are treated with dignity and are paid fair wages for their labor.”⁵³ Other Jewish communities with a concern for ethical kosher have voiced opinions and are speaking out against the practices of CAFO sourced *kashrut*. They include The Progressive Jewish Alliance, Hazon, The Failed Messiah.com, and even the eco and sustainable, Saul’s Restaurant and Delicatessen of Berkeley, California. While these strides towards a more ethical

⁵¹ Judaism101.com, "Treatment of Animals."
<http://www.jewfaq.org/animals.htm>

⁵² Servinghistory.com. “Talmudic Legends,”
http://www.servinghistory.com/topics/Judah_I::sub::Talmudic_Legends

⁵³ KOLfood.com,
<https://www.kolfoods.com/shopcontent.asp?type=farmers>

modern-day kosher are taking place, all kosher consumers have the right to equally high standards from any kosher certifier that imparts to supply them with the obligated religious and ethically fit food. Consumers, kosher or not, have a right to transparency when it comes to food. Unfortunately, this is the cost of being fed by corporations, who are only sometimes held accountable for their unethical business practices that have the potential to cause large-scale harm.

The myth that kosher meat as the cleanest, most trustworthy for consumption has long been dispelled amongst ethical meat eaters in the know. Hebrew National's popular slogan had always been, "We answer to a higher authority."⁵⁴ Irony cannot help but set in when considering that they are now owned by the CAFO sourcing giant, ConAgra. Kosher law, historically, never accounted for the incredibly low cost and easily accessible meat available today. In our highly industrialized agri-world, how realistic is it to adhere to strict kosher laws given the demand for kosher meat products, while passing on a truthful product? Is it possible to enforce the guidelines in a deeply entrenched agribusiness of kosher meat commodities? Kosher laws must protect against current conventional

⁵⁴ HebrewNational.com, <http://www.hebrewnational.com/history/100-years.jsp>

standards, which include lack of oversight, if they want to be true to the philosophical ethic of Judaic law. Claude Levi-Strauss said, "Food must not only be good to eat, but good to think."⁵⁵ In the case of kosher food that is sourced from a large-scale factory farm CAFO, there could never be enough critical or ethical thinking put into what it truly means to certify a kosher steak, a breast of chicken or a glass of milk.

Jewish generations have long argued that kosher meat is the healthiest and most ethical, hands down. Now this practice, steeped in trust, is in question and, perhaps, coming undone by the realities of modern day animal factory farming. After all, kosher standards are upheld by the true ethic of *kashrut*, born out of the sacred rule of Judaic law. The above exploration into the ethics of kosher certification of animal factory farmed sourced foods ultimately leads to a final modern-day ethical question: Could organic, sustainable, humanely slaughtered, and humanely raised inherently be the new kosher- rabbi or not?

⁵⁵ Calaude Levi-Strauss, as quoted in Joan Jacobs Brumberg "The appetite as Voice", Carole Counihan & Penny Van Esterik *Food And Culture: a reader 2nd edition* (NY NY: Routledge 1997) pg 150

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