

YU Panel
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1. It is really such an honor to be with you tonight for this great panel.
 - a. I would really like to thank the organizers Gilah Kletenik and Simchah Gross and their partners in making this possible
 - b. It's really exciting to see *Teiku* moving forward tonight and to see how much has been accomplished here by passionate students empowered by this great yeshiva and university.
 - c. I really get a lot of *chizuk* from these leaders of the Jewish people on the panel tonight – Rav Genack - demanded Agriprocessors change its leadership – and who has led *kashrut* in America with such success.
 - d. Rav Herring –who has pushed forward a task force at the RCA to develop business and professional ethical guidelines.
 - e. Rav Shafran – who has been an articulate and outspoken voice on issues of central importance to Judaism and the Jewish people.
 - f. It is very inspiring!
 - g. What I would like to discuss tonight in this brief time is:
 - my personal journey,
 - the past (what has gone wrong)
 - a Torah response
 - how we might act together

2. I arrived in Ghana, Africa, a few years ago with a group of Jews to work in a village.
 - When I was greeted by the Chief of the Tribe, he noticed that I was carrying bags of food through the desert which I had brought from overseas and he asked me why I was not planning to eat their food.
 - I explained to him that I was a Jew.

 - He responded that he had heard of the Jews and that the Jews embodied what he considered to be the most moral standards in the world for:
 - our models for sharing wealth with the needy
 - and for our ethical commitments for how all creatures should be treated

 - It clicked for me as I stared this African chief in the face.

 - The world looks to the Jews to represent an elevated spiritual and moral standard
 - Will we embrace that?

 - When the nation and the world sees a *heksher* and kosher laws and they think that it's a higher spiritual and moral standard, will we tell them that we are really ONLY concerned with *basar bi'chalav*?

- I left Ghana, as I have left many countries on Jewish service-learning missions, feeling inspired by the mission that *Klal Yisrael* has in the world – to spread the highest ethical standard in the service of *HaKadosh Barukh Hu* as an *Ohr L'Goyim*.

- This is why I was so hurt when I visited Postville just a few months ago. I was walking around town with my colleague, Ari Hart, visiting with workers and families who experienced deep suffering at the hands of the largest kosher producer and the federal government.

- I recall standing face-to-face with a former worker from Guatemala named Maria who was sobbing as she held her 7 month old baby boy and explained the difficult years producing our kosher meat as she was working in nasty, hot, and bloody slave- like conditions in tedious tasks, sometimes working overtime from 7am until 10:30pm with only a 10 minute lunch break each day - for less than minimum wage.

- I met many other women like Maria, who are like *agunos*, wearing electric shackles on their legs from the federal government.

– They can not leave – they need money to survive but they don't have work permits and they can't yet return to Chimal'tenango (their home village in Guatemala). Had we had an ethical oversight at the factory a year ago, this whole mess could have been avoided....When the Rubashkin family contacted us at Uri L'Tzedek to meet we met them and required transparency, it was too late already – all we could do was help with transparency looking forward. Consumer trust had been broken by how these workers were treated. These are the men and women who made the meat for our Shabbos tables! Who will stand up and take responsibility for them?

- From listening to the countless stories of the *avodas parech* and *lachatz*, I realized that social justice is not some abstract concept. This is not some intriguing philosophy class about ethics and halakhah. People's lives are at stake!

- Literally thousands of Jews around the world emailed us with questions and asking us to help these vulnerable immigrants as literally thousands of counts emerged from the federal and state governments tracking the alleged exploitations that they were:

- Paying below minimum wage (which many tried to argue was a lie but proved true as the company has been fined 10 million dollars for illicit payroll deductions affecting over 2,000 workers over just the last two years)

- withholding pay and not paying on time

- allegations of physical/sexual abuse

- Child labor (the company was indicted on 9,311 child labor violations)

- No adequate breaks or holidays or sick days.

-*Nezek, Tzaar, Shevet, Ripooi, Boshet* – (damages, pain, unemployment, medical costs, and humiliation) – who will take responsibility for their needs?

Yesh l'davar sof!

- Are these the industries of the Jewish people that the African chief spoke of?
-Is this *Ohr l'goyim*?

- Are we really willing to argue it is only anti-Semitism when others look to us to be moral exemplars? Is it not hypocritical when we explain that we want to promote a higher ethical paradigm yet we kvetch when we actually are confronted to do so? Where is our moral courage?

In the cornfields of Iowa I realized that focusing exclusively on *kashrut* while failing to address the *ben adam l'chaveiro* concerns, makes halakhah morally irrelevant, *chas v'shalom*. Where is our moral courage?

- The imperative to apply Jewish ethics broadly even to the food industry is why, as Jewish History Professor Jonathan Sarna has verified, the Boston Beit Din in 1974 *assered* grapes due to the extremely low wages that the migrant farmers were being paid which they could not even live on. These Orthodox rabbis, following Cesar Chavez's lead, said that *Oshkek* (oppression of workers) is an *issur* and it is not permitted to buy these grapes. The pasuk is right out of the Torah (*Devarim chaf-daled, yud-daled*): "*Lo taasok sachir ani v'evyon mai'achecha o mee'gaircha asher bi'artzecha bisharecha.*" – The RambaM poskens (in *hilchos gezeila alef beis*) that *oshek* applies to non-Jews as well

- and that is how it seems that the Boston Beit Din *poskened*!

- If there is *chashash* for a kosher *lulav*, we don't buy it. If there is *chashash* whether a food item is kosher, all the Rabbis say to be *machmir* and refrain from purchasing it.

- So if there is a *chashash* for the *issur d'oraisa* of *oshek*, how can we not be *machmir* and refrain from purchasing when lives are at stake?

- Where is our moral courage?

This is why Rav Yisroel Salanter said he refused to certify a matzah factory as kosher since the intense labor and toil of the women workers saying that "The blood of the workers is mixed with the matzah!"

-Where is our moral courage?

The courage can be found in Heshy Wilensky (the owner of the New Deal Kosher Market in North Miami Beach) who said that he stopped doing business with Agriprocessors in June, shortly after the raid, because he understood that there was a connection between ethics and *kashrut* and wanted to turn this *chillul Hashem* into a *Kiddush Hashem*. His livelihood was completely dependent on that meat but he took a stand.

- Where is OUR moral courage?

- The courage can be found with Aaron Foyerstein (a Jewish factory owner) who in 1995 had his whole operation burnt down yet he paid every single worker the wages owed to them out of his insurance money. He took a stand. -Where is our moral courage?

So we can ask, how have *Chazal* dealt with these issues of consumer responsibility and whether one may purchase a product produced *b'issur* or unethically?

- In *Kiddushin (nun-vav, amud beis)* we learn that the consumer of goods produced immorally is the one who is culpable since they have enabled for the wrong to be possible with the power of their money.

- Similarly the *Gemarah* in *Nedarim* (*kaf beis, amud alef*) calls this purchasing to be *machzik yedai ovrei aveirah*.
- The RambaM – in *hilchos geneiva* (*perek heh; halakhah aleph*) *poskened* that we do not buy the goods that are procured unethically because we are *mesaya lidei aveira*.
- The Beis Yosef *poskens* this.
- The *Grah* on *Choshen Mishpat* (356:2) learns from this *Gemarah* in *Nedarim* that one can not make purchases that support wrong-doings.
- Rav Schechter in his article on *dina d'malchusa dina* quotes the Rav to show that one can not buy from an establishment that breaks the law simply by not paying sales tax. At an absolute bare minimum, we are bound by *dina d'malchusa dina*.

- Even if ethics and *kashrut* are not formally connected, it is connected in people's minds – it is about what is communicated when we say that something is kosher. In this spirit, certain foods may remain technically kosher but as Jewish consumers to patronize an enterprise which perpetuates pain and suffering to other human beings is completely antithetical to the Torah.

- Sitting back and enjoying one's kosher sandwich completely neglecting whether it was produced through human abuses may be like being *tovel v'sheretz b'yado*.

- It's a *bizayon*, a *shunda* and Jews who are serious about halakhah must confront these issues.

- The Rav taught us that halakhah is a floor not a ceiling. Halakhah is only the beginning inspiring much higher levels of ethical responsibility.

- So this is the paradox. While meat produced unethically remains technically kosher, it is unfit for purchase and consumption according to Jewish ethics.

- In areas where the technical Halakha would not extend to obligate us, as religious Jews we must seek *ha'yashar v'hatov*.

- As the RambaN famously argued on "*kedoshim tiyu*" (and also on "*v'asita hayashar v'hatov*") that if one keeps perfectly kosher but doesn't live up to the ethics that come with consumption that they are "*naval birshut haTorah*" –have they eaten *treif*? *Chas V'Shalom!* Have they fulfilled *Ratzon Hashem*? No! RambaN says they are "*naval birshut haTorah*."

- Learning for *Yoreh Deah* for semicha last year, every day I would ask myself... Can we spread the *halakhos* and values of *Choshen Mishpat* as successfully as we have with *Yoreh Deah*?

- As *Yorei shamayiim*, we don't compartmentalize halakhic life – there are no vacations from *mitzvos*. The notion that ethics don't apply in Jewish businesses is completely antithetical to halakhah and to Jewish life.

- *B'chol derachecha da'aihu* – In all of our ways, we must know G-d.

Rav Soloveitchik said:

"It is the *Choshen Mishpat* that represents the essence of Judaism's greatness... The Torah intertwines both the ritual and ethical, and the Ten Commandments unite them in an indivisible entity, *bidibur echad*... There must be a concurrence of ethics and ritual."
(Reflections of the Rav, 153-154)

- This is why the Rav fought desperately in the 60s to ensure that *schittah* became more humane.

- This is why when the Rav was asked if a yeshiva that was unable to pay its taxes should stay open. He said "Close it down."This is a yeshiva holding up Talmud Torah that must close down. *Kal V'chomare* a meat factory that won't abide by US law.

- This is why the Tzitz Eliezer, and Rav Kook, and Rav Moshe Feinstein argued for the rights for workers to unionize and halakhic *teshuvos* are replete with securities for the most vulnerable in our societies.

This is why the great Rav Broyer argued saying "KOsher is intimately related to YOsher."

- Where is our moral courage?

- Friends, moral courage must be found in our generation. We have a different task from the previous generation of American Jewish leadership which succeeded tremendously at securing the Jewish people, at establishing a strong day school system, at putting *hekshers* on every food product imaginable.

- For our generation, that has inherited this spiritual and material wealth, we are now positioned to go beyond ourselves. We must now strive to stand on the shoulders of giants and fulfill the mission of *Klal Yisrael* to be a light unto the nations. But we will need new paradigms for our leadership to address the difficult problems before us.

- We have found that there is a tremendous amount of exploitation in the kosher industry right here in NYC – workers not being paid minimum wage or overtime, not being paid frequently and at times suffering from abuses.

- The attacks on the Orthodox and on *Kashrut* will only gain force and our values will only be undermined if we don't address these problems head on since the world sees *kashrut* and ethics as completely intertwined. We will not see these standards included into *hashguchos* but we must unite the *tzibbur* to respond right away.

- When the larger establishments were dragging their feet not to respond to the Agri abuses due to their size and bureaucratic nature, Uri L'Tzedek which is grass-roots based was the one to jump in to respond first and we created the space for others to step in. But tonight is not about ULT, Agudah, RCA, and OU. This is about G-d's Torah. This is about upholding what is good in the world. We need to be together tonight.

- Agri is now behind us now and the question is now how can we move forward to ACT as a community. We need leadership. We, Uri L'Tzedek and the student community have a very important role to play in our monitoring.

So I would like to share with you very briefly an initiative that hundreds of Jews have already signed on to and that we all need to be together on.

Uri L'Tzedek is launching the *Tav HaYosher*
(the Orthodox ethical seal for restaurants).

- This is a seal, not a *heksher*, that is going to be put up in kosher restaurants to show that in addition to the food there being ritually kosher that all workers are treated properly as well (that they are paid according to law, paid on time, given breaks, and that they do not suffer from any abuses or exploitations).

- The *Tav HaYosher* is grassroots activism demonstrating that we take responsibility for ourselves without recourse to government interference or immigration raids.

- Modeled off of the *Tav Chevrat* in Israel which has been tremendously successful and now has their ethical seal in over 350 restaurants throughout Israel. What a *kiddish Hashem!*

- R. Aaron Lich has backed it.

- R. Druchman has backed it.

- R. Mutty Elon has backed it.

- A group of Orthodox rabbis in L.A. have backed it and are even launching what they are now calling the *Peulat Sachir* (their Orthodox ethical seal) in their restaurants.

- The *Tav HaYosher* is coming to NYC. We just had a training meeting on Sunday and we have a committed group already of 30-50 compliance officers who will visit the restaurants periodically to ensure our basic standards are met for minimum wage, paid on time, proper breaks, and securities against abuses.

- We MUST have the moral courage to tackle this crisis head-on.

You can start to lead in this initiative tonight:

1. By going to the Uri L'Tzedek website and signing the letter of support for the *Tav HaYosher*

2. Or by volunteering as a compliance officer who visits restaurants to ensure the standards are being met.

3. Or By going to the kosher restaurants and cafeterias right here in town and taking responsibility for every vulnerable worker by ensuring the management partners by putting a *Tav HaYosher* into their window.

4. Next time that you are in a restaurant, take 3 seconds and look into the eyes behind the counter of who is preparing your food to see their infinite human dignity.

- Now Friends, dream with me and

- Imagine the day where we can rise and say our kosher industry is fulfilling all of *Ratzon Hashem* not just parts of it.

-Friends, dream with me and

-Imagine that all of the Jewish world who has left being *shomare kashrut* could return because they are convinced that it is the highest ethical standard *b'yachad ba'atideinu*.

-Friends, dream with me!

-Our industries will be known for the best standards for treatment of workers especially at a time of economic crisis where the most poor are more vulnerable than ever.

-Friends, dream with me!

-That Maria can buy her 7 month year old baby formula after producing the meat for our cholent.

-That all of our food will be perfectly glatt kosher and perfectly *yosher*.

- Now it may seem that we are only fighting only for our non-Jewish brothers and sisters here and possibly neglecting our Jewish brothers and sisters. But let's be clear: When we are *kovea itim* in *tzedek* and *chesed* and are *osek b'tzarchei rabbim*, we may be

fighting for non-Jewish lives but even more we are fighting for the soul of the Jewish people.

-Friends..... we are very far away from this.

-We call upon our community today to rise with moral courage to be a light in the world as G-d has called upon us to be.

-I close with the words of the Rav (from Confrontation):

"We are called upon to tell this community not only the story it already knows - that we are human beings, committed to the general welfare and progress of mankind, that we are interested in combating disease, in alleviating human suffering, in protecting man's rights, in helping the needy, - but also what is still unknown to it, namely, our otherness as a metaphysical covenantal community."

-Friends, that other confronting us, that the Rav speaks, is the African Chief.

-That other is Maria in Postville.

-That other is Jose serving our falafel.

Friends, We have been confronted!!!!