Sacred Cows, Holy Wars

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Sacred Cows, Holy Wars

Verities and Vagaries in Deciding What's Kosher and What's Not

Kenneth Lasson

Carolina Academic Press
Durham, North Carolina

Print ISBN 978-1-61163-699-4
E-ISBN 978-1-5310-0604-4

Library of Congress Cataloging-in-Publication Data

Names: Lasson, Kenneth, author.
Title: Sacred cows, holy wars : verities and vagaries in deciding what's kosher and what's not / Kenneth Lasson.
Description: Durham, North Carolina : Carolina Academic Press, [2017] | Includes bibliographical references and index.
Identifiers: LCCN 2016049798 | ISBN 9781611636994 (alk. paper)
Subjects: LCSH: Jews--Dietary laws. | Kosher food industry--United States.
Classification: LCC BM710 .L295 2017 | DDC 296.7/3--dc23
LC record available at https://lccn.loc.gov/2016049798

Carolina Academic Press, LLC
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America

For my wife, children, and grandchildren

May they always have
the capacity and courage to think honestly and rationally for themselves,
the sense and sensitivity to speak softly and civilly to others,
and the grace and gentility to do good for all.

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Preface

Though murder and mayhem may dominate the headlines, nothing lingers in the public consciousness with more passion and constancy than religious quarrels. Communities are roiled and individuals skewered when rules are broken and taboos abandoned. New laws and regulations, put into place ostensibly because of technological advances or for greater consumer protection, are similarly controversial when perceived to be primarily for the purpose of personal or corporate profits.

That singular goal—making money for private gain—emerged in the Western world as early as the sixteenth century, and by the 1800s had supplanted feudalism as the dominant economic system. But it had long been central in the relatively small universe of kosher food, where slaughtering and selling meat were a mainstay business enterprise. Adherents of the Jewish dietary laws were already well versed in religious rulings both picayune and profound, many of which led to protracted arguments and fed contentious scandals. Most of them ultimately came to camouflage the basic question: Is it kosher or is it not?

Law and religion seldom coincide comfortably in a free society, tending instead to reflect the inherent tension that resides between the two. This is nowhere more apparent than in America, where the first freedom ennobled by the Bill of Rights—religious liberty—and the underlying principle upon which it is based—the separation of church and state—are conceptually at odds, especially in view of the compromises that must sometimes be made. Although we have always clung to the fundamental importance of individual rights and civil liberties—that any activity must be permitted if it is not imposed upon others without their consent, and does not adversely affect them—we are also fundamentally "a religious people whose institutions presuppose a Supreme Being."[1]

The accommodations that ensue from these competing values have generally been borne in the good faith or spirited civility that defines our way of life. The national psyche is to appreciate the nobility of a tolerant and multi-cultural society, as well as the necessity for promoting law and order by promulgating rules and regulations.

To be sure there are not always easy solutions for the common good. At times governmental controls cause more problems than they resolve. The current and provocative issues surrounding the supervision of kosher meat and the regulation of raw milk amply illustrate the law's limitations. The impasses reached are quite understandable if not completely predictable, because both religion and law—which touch virtually every stage of the food industry, from pasture to preparation, delivery to marketing—ultimately clash. In the United States, the government takes pains to ensure that the supply of meat and milk is safe and plentiful. In the process it has outlawed milk that has not been pasteurized, and prosecuted sellers of "kosher" or "*halal*" meat that does not fully adhere to traditional Jewish or Islamic standards. While the law is not supposed to take sides, it occasionally runs afoul of Constitutional principles separating church and state: various courts, for example, have ruled that kosher butchers implicitly stipulate their compliance with rabbinic authorities, that a state law may incorporate a rabbinical ruling on kosher labeling, and that kosher symbols may be subject to trademark infringement laws.

Sacred cows come with both literal and figurative meanings. They could be live animals that are treated with sincere reverence, or ideas that are considered immune from question or criticism. Holy wars have occurred throughout history, either as conflicts that have been fought among differing religions, or between individuals or groups within particular faiths.

All religions have their sacred cows and holy wars, which neither demeans nor necessarily sanctifies them.[2] The ancient Egyptians sacrificed animals but not the cow, because it was sacred to the goddess Hathor. In Egyptian mythology, Hesat was the manifestation of Hathor, the divine sky-cow, in earthly form. In Greek mythology, the cattle of Helios pastured on the island of what is now called Sicily. In Celtic mythology, the principal gods sometimes took the form of a bull and cow during a rite at the spring equinox.[3]

Bull worship was common in many ancient cultures. Among the peoples of the Near East the wild bull was widely venerated, as it was in Egypt, which some believe the Hebrews were reviving in the wilderness when they fashioned the golden calf. Moses had ascended Mount Sinai to receive the Ten Commandments, leaving the Israelites for forty days and nights. Fearing he would not return, they demanded that Aaron make them "gods" to whom they could

pray. Aaron took their golden earrings and fashioned a "molten calf," declaring that "These [be] thy gods, O Israel, which brought thee up out of the land of Egypt."[4] Some modern theologians believe that the golden calf has ever since plagued the Jewish people, the liquid gold seeping into the faith required by the Torah, everlastingly melding the search for spirituality and the preoccupation with material well-being. What follows are some of the intriguing events in the quest for both, together with strong personalities involved therein, from the earliest times to the days in which we now live.

A personal note: Like most people, I can fairly be identified in a number of different ways. One of them is as an Orthodox Jewish American who tries to keep kosher. The truth is that in many ways it's easier to do that nowadays than ever before, with the plethora of kosher products available worldwide, thanks in large part to the remarkably flourishing business of kosher supervision. As will soon become apparent, however, the terms "Orthodox" and "kosher" are highly relative, subjective, and prone to change over time. The fascinating truth and consequences of that circumstance, and how it reflects the faith and folly of the human condition, are largely the substance of this book. In writing it I've tried to draw a line between unwarranted cynicism and legitimate criticism of the kosher business, as well as to be fair and accurate. (In my musings about faith and belief, the thought has occurred to me that perhaps the only people more puzzling than those who believe in religious precepts are those who don't. Nevertheless, I have little doubt that some of my co-religionists will regard the efforts herein not as an attempt to clarify or speak truth to power, but as the errant prattle of an ignorant skeptic who has strayed too far afield from his professional academic interests in civil liberties and human rights.)

What happens when private and public regulations clash with one another in the often conflicting efforts to protect individual rights—particularly the freedom to practice perceived religious obligations—and to guard against consumer fraud? The stories that follow are related against a colorful historical backdrop that describes early rabbinical dictates on the slaughtering and sale of meat (Part I). They examine some of the civil and criminal litigation that have ensued from intrigues in the abattoirs, catalogue the burgeoning contemporary roster of competing supervisory agents and organizations (Part II), and take an inside look at the more compelling cases that have arisen in recent years (Part III).

The underlying theme herein is to examine the persistent perception by numerous people within the kosher meat industry that their business involves "two percent *halachah* (Jewish religious law) and 98 percent ego and money

and politics." What emerges is a tale of religion, politics, and filthy lucre that goes far beyond your father's first food fight—not only a spellbinding picture of how contemporary life and mores have evolved, of canons and curiosities, but as well a sobering (and often entertaining) paradigm of the limitations of law, the vagaries of religious disputes, and the verities of business ethics.[5]

{Notes, p. 179}

Acknowledgments

I am indebted to my daughter Tamar for the idea of this book, to my wife Barbara for putting up with my various and sundry writing moods during its creation, and to my research assistants (Yosef Kuperman, Jessica Swadow, and Melissa Vanni) for their diligent work on the manuscript. I am no less grateful to my editors at Carolina Academic Press (Ryland Bowman, Scott Sipe, and Susan Trimble) for their abiding encouragement of the project—as well as their tireless efforts in wading through all the verities and vagaries associated with the sacred cows and holy wars of a subject matter in which they had little familiarity but much faith.