By the Sweat of Your Brow

Approaching *Kashrut* from a Pluralistic Perspective*

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We begin with a series of snapshots taken across time, from earliest history to the present day:

Snapshot One—from the Torah

Adam and Eve have just transgressed their only mitzvah, a simple dietary law. They have violated their system of *kashrut* and are to be punished by God. See them tremble and perspire:

> And He said to Adam, "Because you listened to your wife and ate from the tree of which I specifically told you not to eat, the earth is cursed on your account. You will eat from it with pain for your whole life. [The earth] will grow thorns and thistles for you and you will have to eat the grass of the fields. You will eat bread by the sweat of your brow, until you, yourself, return to the ground, for that is from whence you were taken. You are really just dust and you will go back to being dust (Gen. 3:17–19).

From now on, the act of eating will not be automatic and thoughtless. It will be preceded by hard exertion. We will have to eat by our sweat, *zei'ah*.

Snapshot Two—from the Mishnah

A woman slaves over a hot cooking pot. She stands over the steaming cauldron. We can almost see her sweat dripping into the food:

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> [In the case of] a woman with hands that are ritually pure who stirs a pot that is ritually impure—her hands become ritually impure; if her hands were ritually impure and she was stirring a ritually pure pot—the pot becomes ritually impure. R. Yose says provided her hands dripped [sweat into the pot] (Makhshirin 5:11).

The Mishnah teaches that if the woman is ritually impure, her sweat will defile the food in the pot because the steam rising from the pot creates enough of a contact with the food in the pot. Against R. Yose's opinion, we do not require that the sweat actually drop into the pot. Contact with the steam is sufficient. As the Mishnah states earlier (Ibid., 2:2), *"merḥatz teme'ah, zei'atah teme'ah,"* if the bath is impure, so is its steam—*zei'ah.*

Snapshot Three—14th Century Toledo, Spain

We see an older man and a younger man, father and son. The father, the Rosh, has made the difficult journey from the North, leaving his native German Jewish community to become a leading sage in the very different culture of Spanish Jewry. He has invested much time and sweat in teaching his sons to be great Torah sages as well. The Rosh's son asks him whether it is permissible to place a pan with milk below a pot of meat to cook them together in an oven. The Rosh replies:

> My son, may he live. . . . It seems to me that it is forbidden, and even in the case where it has already been done I would forbid the pot because the steam that rises from the pan is just the same as milk, as taught in the Mishnah in the second chapter of Makhshirin (2:2)—if the bath is ritually impure, its steam is ritually impure . . . from all of this we learn that steam issuing from something is considered to be the same as that thing. It follows that the steam from a dairy pan is dairy . . . (Responsa of Rabbenu Asher ben Yehiel [1250–1327], *K'lal* 20, par. 26).

In this responsum, the Rosh becomes the first authority to transfer the concept of steam, *zei'ah,* from the realm of ritual purity to the realm of *kashrut*. His view is accepted and elaborated upon by subsequent authorities.[1]

Snapshot Four—Our Own Time

Students at the Academy for Jewish Religion, an independent rabbinical and cantorial seminary that draws its faculty from all streams of Judaism and whose student body spans a vast range of Judaic practitioners, receive the gift of a microwave oven. The microwave is more than a labor-saving device. It is the instrument heralding the beginning of our redemption. This device was invented to cancel the primeval curse placed on Adam and Eve. No longer will we have to sweat to eat our bread.

A Question

The students at the Academy confronted a question: what is the proper *kashrut* policy to adopt regarding a microwave oven to be used by them in their own student lounge? The question could be taken in a number of ways: One way to frame it is to ask to know what the "normative halakhah" is in the case of a microwave oven. What rules govern its use? Are foods prepared in a microwave considered cooked foods in the same sense as foods prepared on a range or in a conventional oven? Is it possible to use the microwave for various foods, such as dairy and meat dishes, one after the other or simultaneously? Are there special procedures that must be followed for this? Is there a kashering process that must be followed? Can such a process be employed after the microwave has been used for heating a dish which is not kosher, in the opinion of this or the next user?

An Answer

Asked for a response to this problem, I offered the following: "Assuming the inside of the oven is kept clean, the main issue is the steam, *zei'ah*. So you see, no matter how hard we have tried, the situation is that you can only eat, *'be-zei'at apekha'* (which we may now playfully translate as 'by the steam of your baking')."

Depending on the type of food, the heat level, and the duration of the heating, many foods will create steam in the microwave. If the food is dairy, the steam is considered dairy. If it is *parve,* the steam is *parve.* If it is a meat dish, the steam is considered meat. There is room to presume that the steam should impart this status to the inside walls of the microwave. (Although it might still depend on how hot the steam really is.) In itself, the status of the oven is not a problem. But the problem arises with regard to the next food placed in the microwave. If a dairy food is heated after a meat dish, the steam from the dairy food may touch the walls of the oven, which may now be considered to be have meat status. This contact contaminates the steam itself, so that, should this steam now fall back into the dairy dish, the food becomes a forbidden mixture of meat and milk.

Perhaps. Different people will weigh the significance of these concerns differently. In my view, if the microwave is kept clean—placing a plate or napkin under the dish to be heated, lightly covering the top to prevent spattering, and cleaning the inside with a cleanser should it become dirty—there is sufficient basis to allow normal usage of a microwave for heating up foods without requiring that the oven be kashered after each time.

If someone wishes to kasher the microwave, for whatever reason, it is sufficient to place a cup of water in it and boil it long enough to fill the oven with steam.[2]

The Question, Again

This was my short answer. But, it was already apparent from the outset that more is at stake here than the clarification of a policy.

This question takes on a different complexion when we deal with a community comprised of individuals who have differing *kashrut* practices. Whose practice should be followed? Is the adoption of one standard of practice an implied rejection of the other standards? Is this a practical or political question only? Are the diverse opinions we hold the product of principle, tradition, temperament, or convenience, or, some combination of these? Should such a combination of motives be accepted as legitimate for all, or is it to be considered *treif,* unacceptable? If our differing practices derive from different sets of principles, or different evaluations of the same principles, how can these differing viewpoints be brought into dialogue with each other, and how may we succeed in adopting a standard faithful to that process?

In most settings that pursue pluralistic Jewish living, these questions are approached from a primarily practical perspective. What is to be gained by trying to think beyond the usual solutions? What might emerge from an attempt at thinking through these issues with a commitment to a pluralistic approach as the initial starting point?

The Usual Solution

The usual solution adopted in contexts in which Jews of various approaches to *kashrut* interact has been to accept a set of rules that can satisfy the Orthodox adherents involved. Even if some participants may not require these standards, or may view them with discomfort, or even disdain, the operative assumption is that everyone can certainly eat the food prepared and served under these rules, while any other rules would effectively exclude the Orthodox group from participation.

The practical advantage of this solution is clear. But the success of the solution depends on a significant asymmetry of response to the pluralistic range of *kashrut* observances and interpretations. It demands that all parties besides the Orthodox relinquish their principles regarding *kashrut* observance. In effect, it posits only one standard of *kashrut.*

This policy can be justified in a number of ways. Sometimes, it is true that non-Orthodox participants will state that they simply do not keep kosher. Then it is usually understood that there should be some deference shown to those who adhere to this traditional practice. But what if those non-Orthodox involved do claim to adhere to the laws of *kashrut*, but differ in their interpretation of what this means? Often enough, the numbers decide the issue. Since the Orthodox are more evident as observers of *kashrut*, with other adherents constituting a minority, the Orthodox standard may be adopted in the name of democracy. But this policy is adopted in other cases, in which non-Orthodox groups or institutions of some size are involved. In such cases, the way to

explain this policy of deferring to Orthodox standards is that it indeed recognizes that there are various approaches to *kashrut*, but that these approaches may be graded according to ascending levels of stringency. It accepts a hierarchy of standards in which the Orthodox standard is the most strict and is, therefore, the highest, with all others considered inferior. Therefore, from a traditional perspective, all that is being asked of everyone else is to be a little stricter than usual, to be a *maḥmir*, under these particular circumstances. But such a justification does not acknowledge that this very perspective already accepts the Orthodox approach as solely determinative.[3] It does not acknowledge the possibility that other approaches may not accept this hierarchical evaluation, and may view Orthodox standards as unnecessary burdens of no halakhic or spiritual significance, or even as misstatements of Torah teachings. It recognizes that only the Orthodox have firm, immutable principles, while all others have values that can be compromised if necessary. More often than not, this ends up being the case, and it is decided that it is better to swallow one's own claims to authenticity in the face of a more intransigent claim for the sake of unity, but not without some feelings of hurt or resentment.

Is that the only way? Is it possible to develop an approach that respects the authenticity of all the various viewpoints? What follows is a preliminary investigation into this question.

Another Attempt at an Answer

We shall begin by outlining the basic elements of the traditional system of *kashrut* as they are taught in the Written and Oral Torah. These teachings will give us some indications of possible meanings to be found in this system. It will emerge that besides the specific laws that are the subject of much learning and discussion in the sources, there is a constellation of values, concerns and tendencies that are rooted, as the Torah states, in pre-Sinaitic traditions, and that then both manifest themselves through the legal process and also influence the legal process. We will suggest that the approaches to *kashrut* developed by the various movements are each important, and that each should be taken seriously because each is sensitive to particular values or elements of the total constellation, and because each one functions as an important source of critique vis-a-vis the other approaches.

Basic Elements of *Kashrut* Before Sinai

The Torah is replete with laws regulating what, when, and how food may be eaten. As mentioned already, the very beginning of the Torah teaches that the human condition as we know it derives from the inability of humans to abide by a simple dietary law. Adam and Eve are expelled from the Garden after violating the one law God commanded them, to refrain from eating of the Tree of Knowledge (Gen. 2:16–17).

There seem to be tantalizing allusions to a system of dietary laws at the

beginning of the Noah story where God tells Noah to collect certain foods and edible animals (Gen. 6:21 and 7:2,8). When the Torah says that some animals are edible, is it referring to food taboos, or to other criteria? In addition, while the concept of purity is introduced (some animals are *tahor* and some are not), the Torah does not explain what this means.

There is no ambiguity, however, at the story's end. The covenant renewed with Noah is centered around the prohibition against eating blood, a prohibition connected to the prohibition against murder itself (Gen. 9:4–6).

Later, the covenant with the ancestors of the Jewish people is made. The introduction of the name Israel, which will become the name of the people as a whole, occurs when Jacob struggles with a divine being who blesses him. This turning point in our sacred history has been marked by the Jewish people, the Torah tells us, through the adoption of a food taboo, the *gid hanasheh,* variously translated as the thigh or sciatic muscle, sinew or nerve (Gen. 32:32–33).

We see that, for the Torah, the adoption of food taboos is an expression of sacred consciousness, appropriate for marking our reverence for life or for commemorating pivotal beginnings in our histories as human beings and as Jews. Thus, the dietary laws operate on two planes of meaning, the universal/existential and the particular/national. The universal message endeavors to mediate between our elemental drive to consume other living beings for the sake of our continued vitality and survival, on the one hand, and the uniquely human recognition that our lives participate in a greater, even cosmic, ecology of life on the other, that we take our places in this world in the midst of others who also take their places in it. Therefore, Adam and Eve, by transgressing their law of *kashrut* (through undue assertion of self), literally lose their place in the world. The satisfaction of their, and our, need and drive to eat will be henceforth fraught with difficulty (requiring the utmost exertion of the self—"by the sweat of your brow"). *Kashrut* is the basic reminder that we are not alone in this world of needs and drives. *Kashrut* is a means of preparing human consciousness for the recognition of the Other, a recognition that is foundational to our very humanity.

The second level of meaning operates as an affirmation and consolidation of Jewish identity. Dietary laws played a role, from the outset, in our nation building, and then in national definition. The nationalist aspect of dietary laws is apparent at the very start of the history of the Jewish people as a liberated people under God's care. The liberation from Egypt is marked, while the Israelites are still in that land, by the introduction of positive and negative dietary commandments, the laws mandating the eating of the paschal foods and prohibiting *ḥametz* (Ex. 12:5–10, 15–20).

A bit later, after the miraculous redemption of Israel at the Red Sea, God cares for His newly acquired people by showering Israel with heavenly bread. Predictably, this gift of food is accompanied by restrictions. Furthermore, even before arriving at Sinai, when God introduces the sacred discipline of

Shabbat, it too is accompanied by food restrictions specific to that holy day (Ex. 16:16–27). The food restriction reinforces the sanctity of the day.[4]

That food restrictions may serve as national definers for other nations as well as for Israel is recognized by the Torah in the Joseph story, where dietary laws are used by the Egyptians as a reinforcement of their own national uniqueness:

> And they served him separately and them separately and the Egyptians eating with him separately, because the Egyptians could not eat bread with the Hebrews because it is an abomination to the Egyptians (Gen. 43:32).

An aspect important to this nationalistic significance is clearly present here. This is the element of exclusion. Eating is not merely a survival strategy of the individual. It is a social activity. The forming of social groups is done, to some extent, by means of exclusion of outsiders. Thus, the mandated eating of the paschal lamb is a group activity of celebration and definition that entails the exclusion of the foreigner and the uncircumcised (Ex. 12:43–49).

We see that there is some tension between these two levels of meaning. The universal/existential message puts a limit on the individual and encourages recognition of the claims to life of others. The particularist level of meaning reinforces a sense of identity by affirming one group while excluding all others. This tension is relevant to the development of the laws and practices of *kashrut* and the various attitudes toward it to this very day.

By examining all these instances that are mentioned in the Torah even before the legislation of the *kashrut* laws themselves, we have already encountered the basic themes, usages, and meanings of these laws. We have seen absolute prohibitions on certain foods (blood and thigh sinew), regulations for preparation of foods and their consumption (paschal lamb, manna), circumstantial prohibitions of certain foods (leaven on Passover, the fruit of the Tree of Knowledge, perhaps), and regulations about the fitness of certain people to eat or not eat certain foods. We have seen that these laws serve to regulate our most basic drives as well as our desire to create moments of remembrance, celebration, or sanctification in our lives or history, and to establish our sense of identity. The extensive treatment of dietary laws found in the rest of the Torah, in the part predominantly devoted to legal teachings, is an elaborate working out of a system that continues to embody these elements, already enunciated.

Pots and Pans and Holiness

What, then, is added by the Torah in its legal sections? The Torah's collection of laws (or, rather, collection of collections of laws) comprises much new detail, some new emphases and a new orientation. This new orientation is effected through the clear and explicit embedding of *kashrut* laws within the system of values that constitute Israel's way of holiness. Israel is com-

manded to follow laws of *kashrut* in order to be holy, as God is holy (Ex. 22:30).[5]

To be holy like God means at least this much: to take control of one's physical needs, drives and environment; to be able to see one's world and make appropriate distinctions; and to be able to accept limitations. These three elements enable the Israelite to serve God faithfully, thus drawing him or her closer to God; and, in some ways, to be like God.[6]

This emphasis on holiness is independent of the *kashrut* aspects of the cultic system and of the dietary laws relating to living in the land of Israel, arenas where holiness is an obvious factor. In going beyond those arenas of sacred behavior, the Torah further claims that the *kashrut* system is to be observed by every one of the people of Israel, everywhere, and at all times, as one component in the array of mitzvot that sanctify Israel.

As far as the details go, the Torah elaborates on which foods are kosher, that is, fit to eat, and which are not (Lev. 11; Deut. 14). It adds the prohibition against cooking a kid in its mother's milk (Ex. 23:19, 34:26; Deut. 14:21). But then there are vast areas of *kashrut* that are not at all explicit in the Torah—the slaughter and salting of meat, the mixing of milk and meat, and the general question of mixtures of forbidden and kosher foods together. These areas had to be developed by the Oral Torah.

The Sweat of the Oral Torah

The process whereby the Oral Torah develops these new areas is characterized by the insistence of the tradition that all gaps in the Torah's legal system be filled. Those gaps may exist because the Torah is silent concerning a particular matter—kosher slaughtering, for example. But it may also exist because the Oral Law has a new worry, not present in the Written Torah—and that new worry is worry itself. The Oral Tradition worries about the already existing concerns—the commandments and prohibitions—of the Written Torah. Will they really be fulfilled? Will they be ignored or transgressed? What can be done to protect the Torah?

The human's self-generated propensity to sin is also acknowledged by the Written Torah. Indeed, the Written Torah sometimes voices concern that Israel may be led astray by foreign influences or by human nature itself. Such influences are to be considered pernicious. They should be avoided or eliminated. Its prophylactic solution is to have one look at *tzitzit* (Num. 15:39–40). But, in general, the Torah seems to assume that declaring something commanded or forbidden will suffice to produce acceptable compliance among the faithful.

The Oral Law, however, goes much further in its worry. It worries that the forbidden may somehow fall into the area of the permitted. And it worries that the faithful will not really maintain, execute and protect the commandments with sufficient care.

Herein lies a basic difference between the Written Torah and the Oral

Torah. The Written Torah posits a clear dichotomy between the faithful and the faithless, between those who choose the Torah, thereby choosing blessing and life, and those who reject the Torah, thus choosing accursedness and death (Deut. 30:15,19). But the Oral Law sees things as being more complexly interconnected. The Written Torah believes that good and evil can be distinguished and kept separate. The great problem for the Oral Law is that in real life, these ingredients refuse to stay apart. Thus, the Oral Law's main worry is that the Torah will be violated not by its sworn enemies, but by ourselves, her sworn adherents—not necessarily out of rebelliousness and evil, but out of laziness, ignorance and forgetfulness. The life-ingredients of mitzvah (commandment) and *'aveyrah* (transgression) refuse to stay apart. This is the problem of *ta'arovet* (the mixture of the prohibited with the permitted). The Oral Torah will try to prevent such intermingling of faithfulness and disobedience. It will seek to protect the Written Torah. This is the tradition's defining charge "*va'asu seyag la-Torah* (make a fence around the Torah)" (Avot 1:1).[7]

We see this, as well, in the difference between the concern for mixtures in the Written Torah as opposed to the Oral Torah. For the Written Torah it is sufficient to prohibit certain mixtures. These are the laws of *kil'ayim* (Lev. 19:19). But these laws apply to objects that are, like meat and milk, themselves permissible. The Torah simply outlaws the mixing of these two permissible items. But it does not concern itself with handling cases in which prohibited items, or these self-same prohibited mixtures, become mixed with other, permissible items. The presumption seems to be that such a mixture can be either prevented or rectified, or that they are of no concern at all. But such is not the approach of the Oral Torah. The problem of mixtures—mixtures of the permitted with prohibited—occupies a large proportion of *hilkhot issur ve-heter* (laws of the forbidden and the permitted).

There is another instance in which the interplay between the Written Torah's stated concerns and those of the Oral Torah creates a new area of halakhic concern, an area directly relevant to our initial *kashrut* question, and that may be seen as paradigmatic of this very interplay and relationship. The area is the Torah's guidance regarding purging cooking utensils of impurity:

> And Eleazar the priest said to the army-men going to the war, "This is the set law of the Torah that God commanded to Moses. Only regarding the gold, silver, bronze, iron, tin and lead—anything that goes into fire—you shall pass through fire to become purified, provided it is purged through special waters, while anything that does not go into fire you should pass through water" (Num. 31:21–23).

It is noteworthy that the connection between taking a human life and keeping kosher, first made apparent at the covenant with Noah, unexpectedly reappears here, by the way the Tradition reads these verses—substituting the second issue for the first. Rather than reading these laws as mandating purification for soldiers returning from battle with their booty, and who are impure from coming in contact with the dead, the Oral Law reads these

verses as having to do with making the pots and pans of the Midianites kosher (M. Avodah Zarah 5:12, B. Avodah Zarah 75b).

The Torah itself had already used the terms for ritual purity and impurity to refer to kosher and non-kosher foods. Just as ritually impure objects could infect other objects and persons through proximity and touch, so, too, forbidden food becomes more than an object of prohibition. The object is seen to have the power to influence other objects as well. But this power does not principally reside in the tactile dimension. This power will persist even after the object itself is no longer present. Since the object prohibited is food, its power must reside in its taste. In advancing this reading, the Oral Law established one of the basic principles of *kashrut*—"*ta'am ke-'ikkar,* (the taste of a food is like its essence)" (B. Pesaḥim 44b).

The process through which the Oral Torah accomplished this new teaching and so many others is both creative and constraining, expansive and exclusionary. What is the motive behind this great effort to enlarge the Torah's purview, to encompass ever widening experiential horizons, while, at the same time, filling these newly ramified spaces with restrictions, prohibitions and demands? In the best cases, the motivation is the pursuit of *kedushah,* as explained by Ramban in Lev. 19:1, and as Rava says (B. Yevamot 20a), "*kadesh 'atzmekha ba-muttar lekha* (sanctify yourself through what is permitted to you)." The Oral Torah is not merely a baroque legalistic system, it is the faithful, continued expression of the Written Torah's essential contribution to its pre-Sinaitic traditions—the development of a way of holiness through which one may become holy like God. To make sure that one is doing this, one must worry.

Worrying about a Microwave

Returning to the cases of the pots and pans, we see that the Oral Torah thus created an entirely new realm for worry, the realm of mixtures, not only of objects but of things more abstract—of the essences or derivatives of these objects, i.e., their tastes.

How might taste be transferred? The basic method is through cooking. Just as heat is transferred from the fire to the pot to the food, so does the taste, as it is released, transfer from the food into the pot. This taste will persist in the pot, so that the next time the pot is sufficiently heated the taste will transfer to another food. Kashering a pot is simply the application of heat to the pot such that it releases the taste it has absorbed from the forbidden source—*ke-vol'o kakh polto* (B. Pesaḥim 30a, 74a–b). (We will ignore the case of *noteyn ta'am lifgam,* giving a spoiled taste.)

We have reached the first set of principles in traditional *kashrut* that has bearing on our case of the microwave. What is the status of the microwave in which a certain food is heated? If, e.g., a cup of milk is heated in the microwave, is the microwave now dairy, and, therefore, precluded from use for the heating of meat foods?

The answer, so far, should be "No." The microwave is not the vessel in which the milk is being cooked. It is merely the container in which the glass of milk sits. Furthermore, the milk is not heating up by virtue of being in contact with the surface of the microwave, or with the heat within it. On the contrary, whatever heat is generated in the oven is emanating from the milk, which has been heated through the waves focused on it.

However, this answer does not worry enough. There is more to worry about. What if there is spattering or spillage? What if the taste could be transmitted by the vapor of the food? We have seen that Rabbenu Asher took these worries to heart, establishing the concept of *zei'ah* in *kashrut*. Others took these worries still further, so that, in all honesty, I must say that the guidelines I laid out before are unacceptable to most authorities of halakhah. Some consider the transfer from the food to the oven through steam to be a certainty (since the oven is closed).[8] Some forbid using a microwave for more than one kind of food. Some require a longer, more complicated process of kashering. Some do not believe a microwave can be kashered at all.[9] All would agree that I have not worried enough about these things.[10]

Rejection or Critique?

Of course, I am not alone in this. There is by now a long history of dissatisfaction with traditional determinations of *kashrut*, including outright rebellion against the entire system. I suggested before that these alternative approaches and commitments should be taken seriously, and not be dismissed as mere rejections of the tradition. If we examine Reform, Conservative and Reconstructionist statements about *kashrut* we should find that they uphold certain values important in *kashrut* while opposing or ignoring others. In addition, by taking those positions seriously as critiques, rather than as rejections of *kashrut*, we allow ourselves to entertain the possibility that *kashrut* is not a self-sufficient concept, but is a complex of values brought into dynamic interaction. As noted before, these values can be summarized as follows:

The laws of *kashrut* serve to regulate and channel our most basic drives as well as our desire to create, in our lives or history, moments of remembrance, celebration or sanctification, and to establish our sense of identity. These values are commanded by God because they are important for the realization of our covenantal relationship with God.

When formulated in these general terms, the constellation of values outlined above is pretty much held in common by all denominations. It is the particular ratio of one value's weight to another's that may be determined differently through the different approaches identified with the various contemporary denominations. But will this commonality of discourse hold as the discussion deepens? As the conversation proceeds, it will emerge that there are many important issues of contention and critique. However, we must allow the flow of critique to travel in every direction. It is important to realize that, if these approaches are seen as critiques, then the prevalent Orthodox

practice must be allowed to stand in critique of the other approaches as well. Thus all positions should be seen as existing in conversation with each other.

Still, the starting point for such a conversation would seem to entail the acceptance of the Torah's insistence on a number of *kashrut* laws, rather than by assuming that there is no warrant for any such set of laws. It would require a radical critique, indeed, to advocate dispensing with *kashrut* altogether. Yet, such a radical critique was advanced by classical Reform. The Pittsburgh Platform (1885) boldly states:

> We hold that all such Mosaic and Rabbinical laws as regulate diet, priestly purity and dress originated in ages and under the influence of ideas altogether foreign to our present mental and spiritual state. They fail to impress the modern Jew with a spirit of priestly holiness; their observance in our days is apt rather to obstruct than to further modern spiritual elevation.[11]

The Reform critique is not merely a rejection based on charging *kashrut* with irrelevant anachronism. Rather, the claim is that *kashrut* does not work to promote holiness for the modern Jew, though it may have served that purpose in the past. In effect, though, this claim to modernity is really an acknowledgment that we must finally accept the validity of Jesus' critique of the Judaism of his time:

> On another occasion he called the people and said to them,"Listen to me, all of you, and understand this: nothing that goes into a person from the outside can defile him; no, it is the things that come out of a person that defile him." When he had left the people and gone indoors, his disciples questioned him about the parable. He said to them, "Are you as dull as the rest? Do you not see that nothing that goes into a person from the outside can defile him, because it does not go into the heart but into the stomach, and so goes out into the drain?" By saying this he declared all foods clean (Mark 7:14–19).[12]

Such a radical statement does not allow any validity at all to the concept of *kashrut*. Its concept of holiness shares no common ground with the ancient dietary system. Many contemporary Reform thinkers have backed away from such radicalism, but have not found a clear alternative. Thus the discussion about *kashrut* in the *ḥumash* of the Reform movement struggles with this issue:

> The spokesmen of Reform Judaism . . . do not regard such provisions as the literal word of God; they hold that they are no longer religiously meaningful and therefore need not be followed. But they have no quarrel with those who chose to observe the dietary laws.Yet conscientious Reform Jews cannot disregard the subject altogether. . . . In a larger sense, we must rethink the whole question of eating, in view of our frequent statements that Judaism deals with every aspect of human life . . . [. . .] This is not to argue that we should revert to the laws of Leviticus, chapter 11; it means only that there are many religious

> aspects to the question of what we eat and how much, and of what there is for others to eat.[13]

The sense of unease is palpable. The idea that the realm of eating should be left alone by Judaism is untenable to Rabbi Plaut. But it is also impossible to "revert" to the biblical system. One suspects that this term does not merely signify a return to a previously held practice. It seems rather to convey a conviction that to practice this system would be to betray the essentially progressive character of Judaism. But if that system cannot be saved, what purchase is available on sanctifying eating? Rabbi Plaut speculates about issues of vegetarianism, the world food supply and eating disorders. He also finally admits that "adherence to kashrut meant for many people, not merely self-discipline, but real sacrifice." But it is not clear whether this sacrifice is being valorized as an act of moral grandeur or of religious devotion.

A discussion more hospitable to *kashrut* observance is found in the Reform guide, *Gates of Mitzvah*. Various options are offered to any person who might freely choose to adopt elements of traditional *kashrut*. Various reasons are offered for why such a choice might make sense, most of them centering on Jewish identification. It is also acknowledged that *kashrut* may be a means of attaining *kedushah*. Finally the guide concludes:

> One or more of these reasons as well as others might influence certain Reform Jews to adopt some of the dietary restrictions as a mitzvah, while others may remain satisfied with the position articulated in the Pittsburgh Platform. However, the fact that kashrut was for so many centuries an essential part of Judaism, and that so many Jews gave their lives for it, should move Reform Jews to study it and to consider carefully whether or not it would add *kedushah* to their homes and lives.[14]

Earlier, the essay explains that "The range of options available to the Reform Jew is from full observance of the biblical and rabbinic regulations to total nonobservance. Reform Judaism does not take an 'all or nothing' approach."[15] It should be pointed out that this range of options is certainly not limited to Reform Jews. Everyone has this range of options. What the statement really means is that, from a Reform perspective, any of these options is equally legitimate. But then one would have to wonder why anyone should choose to practice *kashrut*. The final answer of this guide is that the historical allegiance of the Jewish people to *kashrut* should be felt by everyone as a factor forcing them to consider adopting "some of the dietary restrictions as a mitzvah" because they may "add *kedushah* to their homes and lives." The range of options has been narrowed. No longer is acceptance of the entire *kashrut* system included as an option. Why is this? Apparently, the problem is not with *kashrut* itself, since it is acknowledged, against the claims of the Pittsburgh Platform, that practicing kashrut can bring holiness into one's life. The problem with adopting the entire system must be that this would violate a cardinal value of Reform Judaism—personal autonomy.

Any commitment to systematic observance is a ceding of autonomy to the authority and integrity of the system itself. Such an abdication of autonomy is unacceptable for this Reform guide. To select "all" is not to exercise one's power of selection. But, as explained by Rabbi Arthur J. Lelyveld, once the Bible is seen as a human document, "we necessarily become selective, for there are points in Scripture at which man has broken through to an understanding of the highest, while there are also points that preserve primitive practices, anachronisms, or injunctions that long ago became obsolete."[16] Thus, in the elevation of the principle of personal autonomy, we can discern an implicit critique of *kashrut*. We can hear the echoes of the Pittsburgh Platform in its charges of primitivism, anachronism and obsolescence.

In the last few years a noticeable shift toward acceptance of ritual has become pronounced in Reform circles. So it is not surprising that a prominent Reform rabbi recently urged the possibility of complete observance of *kashrut*. Still, the abdication of one's own autonomy is justified not for the sake of greater holiness, but in the name of Jewish continuity. Thus, Rabbi David Forman writes:

> By maintaining a respect for kashrut and incorporating some, if not all, of the rules governing a kosher home into our life, we have a good chance of holding on to our Judaism and contributing to the perpetuation of the Jewish people.[17]

Kashrut America

While such an argument does not advance any new critique or appreciation of the practice of *kashrut*, a different line of thinking is expressed by another important Reform figure. Rabbi Lawrence Kushner attempts to rethink *kashrut* from another angle. In an interview some years back, Rabbi Kushner mentioned his personal experimentation with traditional observance and his subsequent abandonment of it:

> I remain very respectful of traditional observance, but I no longer think it's the way for me, and I suspect it's not going to be the way for many other Jews. *Kashrut* as it's currently practiced is putting itself out of business.
>
> *Because it's so extreme?*
>
> Yes, because no matter how kosher you are, there's always someone who won't eat in your kitchen. I'd like to see a reasonable standard of *kashrut* defined for liberal Jews. There is more than one way to be a serious and observant Jew. [. . .] We need a vocabulary to describe, not varying levels—that implies better and worse—but different ways of expressing the sacred in our lives. Because there is no name for this mode of *kashrut*, it exists in a sort of black market. What we ought to do is take ourselves seriously enough to give it a name.

What name would you give it?

> *Kashrut* America, say. If we put this out there and give it a name, I think a lot of people who would like to keep kosher would. There's an obsessive-compulsive aspect to traditional *kashrut* that doesn't seem to have anything to do with what God wants, it's just obsessive behavior. How beautiful it would be if someone could say, I observe *kashrut* America.[18]

Rabbi Kushner's critique has a number of components. He denies that holiness can be attained only through a stringent traditional practice of *kashrut.* His critique can be analyzed conceptually, but its main thrust seems to operate, rather, on the behavioral plane. He notices two problems with the traditional practice of keeping kosher. One is the communal tension created by the fragmentation that results from exclusivist claims to *kashrut* standards. The result is that people will not eat in each other's homes. Those who will not eat in another's house are said to abide by a higher level of *kashrut.* This phenomenon is the subject of much humor in Orthodox and traditionalist circles, humor that betrays a considerable degree of unease among some, but by no means all, of the members of the community.

What is the source of this unease? After all, argue those who adopt this approach without qualms, is it not accepted that one should take precautions to avoid any possibility of eating forbidden foods? The problem is that more and more people feel that such a possibility in the *kashrut*-observing community is overly exaggerated. Instead, the phenomenon seems based on a different fundamental proposition: that it is holier *not* to eat in someone's house than to eat there. Such a conception of the sacred does violence to our sense of the meaning of *kedushah* in two ways. It accepts self-limitation as the defining characteristic of *kedushah.* Hence, more self-limitation is more holy. Self-limitation is a problematic value in today's world. Still, it can be advocated as a real value of the tradition. The problem is exacerbated, however, because paradoxically, while using a justification that appeals to the value of self-negation, the current stringent practice also appropriates the value-charge of *kedushah*—the fact that this value is weighted heavily in our scale of values—for elitist purposes of self-promotion.[19] For whatever reasons, modern sensibilities are acutely attuned to, and revolted by, this kind of self-serving paradox.

Another powerful observation of Rabbi Kushner is that the emphasis on stringency in *kashrut* observance has a damaging effect on those most genuinely committed to it. He describes this effect as "an obsessive-compulsive aspect to traditional *kashrut* that doesn't seem to have anything to do with what God wants, it's just obsessive behavior." However we may wish to formulate what it is that God really wants,[20] and despite Freud's contention that all ritual is akin to obsessive-compulsive behavior,[21] we would agree that God does not want us to turn into obsessive-compulsives.

Thus, Rabbi Kushner's critique rejects the traditional practice of *kashrut* as destructive of the very value that we understand *kashrut* should promote,

holiness, and of the context in which this value should be lived, holy community. What, then, would count as a healthy approach to *kashrut*, in particular, and to holiness, in general?

It is significant that the name Rabbi Kushner chooses for his suggested solution—echoing Rabbi Stephen S. Wise's phrase, *Minhag* America—is *Kashrut* America. Rabbi Kushner's approach implies that the reinforcement of community identity that is basic to *kashrut* is a more congenial foundation for the modern pursuit of the sacred. Because today's community is so variegated, any practice meant to promote group identity would have to be inclusive of group variations. It would have to accept and respect freedom. He does not develop fully what this approach would really entail, but it is clear that he recognizes that it is in America that such an approach has become possible. The influence of America on contemporary thinking about *kashrut* is explicit and marked in the literature emanating from the Conservative and Reconstructionist movements as well.

Holiness and the Good Life

Despite its European, German-Jewish background, the Conservative movement is essentially an American Jewish phenomenon, greatly influenced by the American experience and by American values.[22] This has informed Conservative discussions about Judaism in general and *kashrut* observance in particular.

Conservative scholars and halakhic authorities have grappled with many questions relating to *kashrut*. On a number of issues, the Conservative stance has been more lenient than the stances adopted by the Orthodox community. One example of this can be seen regarding the status of wines not having a *hekhsher* (rabbinic certification of *kashrut*). Whatever the practice may be among individual Orthodox Jews, Orthodox authorities are unanimous in regarding such wines as forbidden because of the long standing rabbinic prohibition against all wines of non-Jewish provenance *(stam yeynam)*. In the latest Conservative responsum about this question, however, Rabbi Elliot Dorff arrives at a very different conclusion.[23] He rules that, though kosher (and especially Israeli) wines should be used for sacramental purposes, and though there may be some who might wish to be stringent because of the way some wines are processed, ultimately these wines should not be considered as non-kosher. That is, Rabbi Dorff advocates the abandonment of the old *issur* (prohibition) of *stam yeynam*.

The lines of argument that lead him to this conclusion are numerous. But Rabbi Dorff's main contention is that the two-fold worry that served as the basis for the ancient prohibition must be rejected. *Stam yeynam* was prohibited out of a concern that social interaction with non-Jews be prevented, so as to prevent intermarriage. In Rabbi Dorff's view, the ultimate goal of the *issur* is not attainable through these means. He denies that practicing such a prohibition will have any effect on the rate of intermarriage. More important, however, is his judgement about the intermediate goal of the *issur*—the inhi-

bition of social interaction between Jews and non-Jews. On this Rabbi Dorff writes, "In keeping with our acceptance of the conditions of modernity, we in the Conservative movement would undoubtedly hold that, short of intermarriage, Jews *should* have social and business contact with non-Jews."[24] Rabbi Dorff has substituted the old value of Jewish insularity with a new, American, value of Jewish integration in society.

While Conservative advocates are not bashful about accepting the proposition that Judaism must accommodate itself to the American scene, they insist that this is not a new invention of theirs, but rather, that Judaism's integrity has always depended on its adjustment to whatever might have been the context of the day. One attempt to root this value in traditional Jewish philosophical thought was made by Rabbi Louis Finkelstein in 1929. He approvingly cites Hasdai Crescas' analysis of the four-fold purpose of religion: "It endeavors to bring about perfection of human conduct, a knowledge of the truth, the physical enjoyment of life, and the happiness of the soul—spiritual happiness, as we should say in our modern terminology."[25] He then proceeds to try to evaluate how well contemporary Judaism meets these goals. He is satisfied with the contribution of modern Judaism to the spiritual happiness of the Jew, especially as it fosters intellectual fulfillment, ethical conduct and a relationship with the Divine. He writes: "The observant Jew still finds in prayer opportunity for communion with God; our ethics are still ideals the world is struggling to attain; and our understanding of reality is still most divinely true and most humanly effective."[26] However, he does find Judaism, as it has developed into modern times, lacking in one respect:

> The real difficulties that we face in our religious life center about our Judaism's underestimation of Crescas's fourth element in spiritual happiness, the satisfaction of physical needs and desires. In thinking of spiritual happiness we tend to forget, what Crescas is so careful to stress, the important part played in it by the satisfaction of natural impulses and desires. Spiritual happiness is the crown of human bliss, but the foundation is more earthly and material. Starving men do not readily rise into the full joy of Divine communion; "the shekhinah does not rest on one who is in sorrow," says the ancient rabbinic maxim.[27]

The desire to rectify this failing has influenced many discussions, proposals and rulings in the Conservative movement's struggle to define a modern traditionalist Judaism. And it is evident with regard to how Conservative authorities have dealt with many questions pertaining to *kashrut*. For example, aside from Rabbi Dorff's *teshuvah* on wines already mentioned, Conservative halakhah has been liberal in using the rabbinic concept of *davar ḥadash*—a "new thing," something originally non-kosher but now acceptable as kosher because it has been transformed—to a degree beyond what is officially accepted in Orthodox circles. The Conservative movement has thereby decided that all cheeses made with rennet, as well as mono- and di-glycerides and pepsin are kosher, even without supervision.[28] This tendency towards leniency has been attacked by Orthodox critics, just as it has been defended

by Conservative rabbis as simply being the result of independent halakhic analysis.[29] Occasionally the argument made since Haskalah times is reiterated:

> Unfortunately the walls of the halakhic edifice have cracked and the building is collapsing. It is impossible for us to tolerate any further heaping on of stringencies. We must strengthen the halakhic edifice according to the ways of our Sages, of blessed memory, and with logical thinking, without dealing with worries and stringencies.[30]

This recognition of the pressure of modern times on the basic assumptions we use for halakhic deliberations has been expressed quite strikingly with regard to discussions about the determination of standards for any Conservative observance of *kashrut*. Explaining the tension experienced by any practicing Conservative Jew, Rabbi Gilbert Kollin posits that "we must bear in mind that Conservative Judaism, *on every level*, accepts social integration as a *sine qua non*."[31] Because this *modus vivendi* has been accepted, not only as a fact of life, but as a value, the compromise of the traditional halakhic system, which did not previously operate with social integration as a value, becomes necessary. Rabbi Kollin characterizes such compromises, not being based on a reformulation of halakhah, as "*ad hoc* adjustments regulated only by our conscience."[32] Rabbi Kollin then expresses great admiration for the commitment evinced by individuals who practice some kind of *kashrut* observance, however imperfect. In this he comes very close to Rabbi Kushner's description of *Kashrut* America. But Rabbi Kollin is not content to appreciate the existence of a range of personal choice; he insists on the necessity for a reformulation of halakhah. However, he does not offer one.[33]

A particularly clear instance of compromise can be found regarding the Conservative position on eating in non-kosher restaurants. Rabbi James M. Lebeau writes:

> One of the more common problems that face us as we strive to maintain our observance of the dietary laws is the need, or desire, to eat outside our homes. Many of us travel frequently for business or pleasure. . . .
>
> May we eat in a non-Kosher restaurant and still observe *Kashrut*?
>
> This question has been debated by rabbis in the Rabbinical Assembly, the organization of Conservative rabbis, for over forty years. It seems that a majority of the rabbis in the Conservative Movement approve of eating dairy or parve foods in non-Kosher facilities. . . . One of the reasons that Conservative rabbis would generally permit this leniency is that they no longer accept the restriction against eating food prepared by non-Jews. Such a restriction was based on the fear that assimilation and intermarriage were necessarily caused by Jews frequenting non-Jewish establishments. In addition, many rabbis have carefully investigated the operation of restaurants and are able to offer guidance that allows Jews to eat non-meat products in them without violating Jewish law. . . .
>
> Let us state clearly, that this position results from the special needs that Jews face in our modern world. Many rabbis feel that if we did

> not have guidelines that allow Jews to observe dietary laws outside their homes (even in non-Kosher restaurants), we would be discouraging the overall observance of Kashrut.[34]

Rabbi Lebeau struggles with two sets of warring claims. The claims of strict adherence to traditional *kashrut* are at war with the community's refusal to follow them. In order to preserve basic adherence to the system, the system must be more flexible. In addition, in order to preserve the integration of the Jew into the modern world it is necessary to make some adjustments in the system. Either way, the system as traditionally developed must change in the face of sociological factors. This sensitivity to social realities was most emphatically developed by the Reconstructionist movement.

Go See What the Folk are Doing[35]

As in so many other areas of Jewish living, Rabbi Mordecai M. Kaplan subjected the practice of *kashrut* to sustained examination and rethinking. Rabbi Kaplan considered *kashrut* as one of the folkways of the Jewish people. In this way, he advocated the overturning of the traditional concern to avoid transgression. In the traditional Jewish legal system prohibitions outnumber "positive behests."[36] Folkways function, rather, as positive experiences, conducive to a meaningful life. By turning Jewish practice into a set of folkways, Rabbi Kaplan hoped to create a more positive life style for the Jew. This would have important implications regarding *kashrut* observance: "*Once these practices lose their character as laws and become folkways, Jews will be able to exercise better judgment as to the manner of their observance. There need not be the feeling of sin in case of occasional remissness, nor the self-complacency which results from scrupulous observance.*"[37]

Rabbi Kaplan's conception of *kashrut* presents itself as rational and practical. As Rabbi Richard Hirsh explains it, "Mordecai Kaplan's teaching that the ritual commandments are folkways designed to effect identification with the Jewish people led to an understanding that *kashrut* can be observed in some areas but not others, without inconsistency. As long as the level of observance supports and strengthens identification with the Jewish people, it is a functionally appropriate level of observance."[38]

Because *kashrut* was a folkway designed to promote Jewish peoplehood, Rabbi Kaplan was convinced that its utility for the Jewish people was limited to its practice in the Jewish home. The benefit from this approach was that there would no longer be any restriction on the Jew's involvement in the world through the artificial boundaries set up by *kashrut*. But Rabbi Kaplan was not able to eliminate all tension from the system since he also advocated the observance of *kashrut* as a way of "transforming the act of eating, as it were, into a sacrament."[39] This would seem to argue for a personally oriented practice. Nevertheless, it was apparently of greater importance to him that the Jew be unencumbered while operating in the world than that s/he cultivate the act of eating as a sacrament wherever s/he might be. For Rabbi Kaplan,

the spiritual significance of *kashrut* was exhausted by its capability of "striking a spiritual note in the home atmosphere,"[40] and not within the Jewish soul.

Reconstructionism has moved away from Kaplanian rationalism. A recent publication by the movement, entitled *A Guide to Jewish Practice,* written by Rabbi David Teutsch and enhanced with glosses by various other rabbis, advances a number of basic values inherent in practicing *kashrut*: "Primary concerns underlying *kashrut* observance include identification with the Jewish people, creation of sensitivity to the ethical issues surrounding food, and cultivation of an attitude of gratitude and responsibility for the food we eat."[41] Additionally, contributors' glosses include concerns to promote *kedushah* and to "strengthen one's Jewish spiritual practice."[42] Suggestions are given for meditations prior to and after eating.

Kashrut is seen as a tool for heightening consciousness regarding one's identity as a Jew, the act of eating itself, and the act's ramifications as they connect to such areas as the food industry's labor policies or wastefulness and the prevalent cultural pressures affecting conspicuous consumption, self image, health and body type. Acknowledging the close connections now common between the Reconstructionist and Renewal communities, many of these concerns are placed under the heading "eco-*kashrut*," explained in this way:

> A term coined by Reb Zalman Shachter-Shalomi in the mid-1970's, eco-kashrut was popularized by Arthur Waskow and the Shalom Center in the late 1980's. Today various Jewish and secular initiatives seek to further the connection by putting an "eco-hecksher" on those products which are least environmentally damaging. And eco-kashrut's scope is wider still: today's world "consumes" not only food but paper, energy, land, species, societies.[43]

This guide sets forth three categories of practices that can sustain and promote these values—vegetarianism, eco-*kashrut*, and traditional *kashrut.* It notes that these approaches are compatible with one another. It advocates informed choice on the part of each individual. Regarding traditional *kashrut*, its thorough overview makes the point, contra-Kaplan, that *kashrut* is traditionally relevant outside the home as well as in it, although it acknowledges that many people compromise outside the home. It includes such traditional instruction as rules for soaking and salting meat. It follows Conservative opinion in allowing swordfish and accepting all hard cheese as kosher.

The value of social integration is central to Reconstructionism, to an even greater degree than in Conservative Judaism. Thus, with regard to wine, Rabbi Teutsch writes that the traditional prohibition was designed "to minimize contact between Jews and non-Jews. These concerns clash with our values. We now hold that all wine is simply wine *(stam yeynam)*."[44] Thus he appropriates a term that is traditionally a term of prohibition and reads it as a term of permission. This was apparently not a strong enough statement for Rabbi Dan Ehrenkrantz, who added his rejection of the Conservative responsum allowing all wines: "The reasoning of the Conservative Law Committee maintains a respect for the traditional ruling that I do not share. I consider all

wine kosher because I object in principle to interfering with social contact between Jews and non-Jews."[45]

On the other hand, the vegetarian approach is questioned by one contributor for potentially weakening Jewish identity. After Rabbi Teutsch observes that vegetarianism eliminates the need for different sets of dishes, Rabbi Sheila Weinberg writes:

> On the other hand, vegetarianism reduces the specialness of Jews. We are now as likely to bond with other vegetarians as with other Jews. Also by eliminating the separate dishes, pots and utensils and all that entails, there are fewer moments to remember the significance of *kashrut,* to use our eating practice as a call to awareness of our relationship to God, Torah and Israel.

But she concludes:

> We can, however, use our vegetarianism as a form of *kashrut* that connects us to universal values that are also Jewish values and still conforms with the traditions of our ancestors.[46]

In this way Rabbi Weinberg affirms the possibility that one may move beyond accommodation between two competing allegiances—to one's Jewishness, on one hand, and to social engagement, on the other—to a real synthesis. But this synthesis requires a high degree of conscious awareness and commitment.

"Just as Their Faces Differ, So Do Their Conceptions"[47]

What are the key issues, shared values and controversial claims that emerge from this short survey of denominational thinking on *kashrut*? There is a basic split between the Orthodox stream and all other streams. We have seen that the various non-Orthodox groups, while differing in nuance and emphasis, do, indeed, share certain general values, commitments, assumptions and perspectives. These become the basis for each group's handling of the specific questions surrounding *kashrut*. These can be described below:

Personal autonomy—All movements acknowledge that we live in a society that accepts the central notion of personal autonomy. When this is not taken for granted, but is challenged, the response is the renewed demand for society's members to have the right to choose, to be selective, to compromise or not to compromise as they wish. All movements recognize that their members are against accepting allegiance to any heteronomous system. The differences among the movements consist in their response to this accepted fact. Reform Judaism promotes this fact as a key value. Reconstructionism recognizes that any sense of commandedness must arise out of personal choices for individual behavior and communal involvement. Conservative Judaism tries to modify halakhah so as to persuade more Jews to accept it.

Issur ve-heter (prohibition and dispensation)—It follows that it is difficult for these movements to treat the idea of prohibited substances with total seri-

ousness. Since the criterion for any action is determined by personal choice, there can be no inherently forbidden substances.[48] There are only warning lights, which may be heeded or disregarded, depending on the circumstances and the individual. The issue will not be "Did this drop of milk render the food prohibited?" but rather "Will I decide to eat this food at this moment, in this situation?" The decision becomes historicized: "In the past, a Jew might have forbidden this dish. Do I still want to do this?" The elements from which such a decision will be made will not consist of halakhic definitions of *issur ve-heter,* but will consist of assigning relative weights to values like Jewish identification, interpersonal obligations, a sense of personal comfort or discomfort.

Social integration—This value has been adopted by all non-Orthodox groups. Moreover, even though certain Orthodox groups may agree that social involvement is desirable, it is only the non-Orthodox groups that allow this value to be manifestly weighted against traditional halakhic values. In this sense all non-Orthodox groups have knowingly and explicitly rejected a core value of *kashrut*, the maintenance of a segregated community. For Conservative thinkers this is either because it is no longer practicable, or because it is no longer desirable. Reform and Reconstructionism are even more emphatic in their positive acceptance of social integration.[49]

Community—Kashrut builds community. But the Orthodox and non-Orthodox streams approach the value of community from different angles. For the Orthodox, a strong community is conceived of as a collection of individuals united by their similarities of commitment and lifestyle. For the other denominations, a strong community is tested by its ability to include those who differ from each other or from the mainstream. This split is related to differing conceptions of Jewish identity.

Jewish identity—While traditional conceptions of Jewish identity emphasized a sense of uniqueness and hence required measures that would preserve and protect that uniqueness, there are increasing numbers of Jews who are more comfortable with notions of Jewish identity that derive from a sense of family and blessedness. Such notions do not imply the need for exclusiveness and insularity to the same degree as older notions. Conceived of as a product of individual choice, Jewish identity finds its expression in eclecticism. Once Jewish identity is conceived of as the product of a set of choices, it becomes important to respect the choices of others, however they may differ from one's own. At the same time, one's individual choices are enhanced through participation in community. But this community must be inclusive rather than exclusive. The ability to share becomes a central value.

Kashrut can be understood as being, among other things, the systematic attempt to create, with regard to food, a safe space for sharing. But this sharing is only possible when the definitions of *kashrut* are themselves shared. When they are not shared, the act of sharing becomes polluted by distrust and resentment.

Indeed, the Torah's first story of transgression of a dietary prohibition, the story of Eve and Adam's partaking of the forbidden fruit, is not only a story of transgression; it is also a story of sharing. Eve eats of the fruit and immediately shares it with Adam. Sadly, this generous impulse has tragic consequences. Of course, for traditional readers of the story it was easy to disregard this paradox. Such a reader would see her gesture not as generous, but as diabolical.[50] For the traditional halakhist, the impulse to share cannot be characterized as generous if what is shared is forbidden. But when the concepts of *issur ve-heter* are no longer central, and what determines the religious quality of an act is its *kavannah*—its intentional consciousness—the act of sharing takes on a stature independent of the stuff being shared. Then the clashing ideas of *kedushah* held by the Orthodox and non-Orthodox groups lead to excruciatingly different evaluations of events and imperatives.[51]

Kedushah—The Orthodox and non-Orthodox differ in their definitions of an essential component of holiness. For the Orthodox, *kedushah* entails the acceptance of limitations. To create a system of limitations is to create a system for the exercise of the human capacity for holiness. To abide by that system is to engage in holy living. It is in this arena that the tradition expects the exercise of that very capacity which is called upon by moderns for the expression of one's personal autonomy. The free choice of a life of *kedushah* results in the bending and transformation of one's will, rather than in its free expression. But for those who privilege personal autonomy, *kedushah* must be defined differently. Reform theory will emphasize the ethical aspects of *kedushah*.[52] A recent Conservative formulation downplays the necessity for self-sacrifice by emphasizing the positive quest for holiness. It translates the talmudic directive *kadesh et ʾatzmekha ba-muttar lekha* (B. Yevamot 20a), traditionally understood as a call for self-control and abstinence[53] as "achieve holiness within the realm of the permitted," explaining that what is demanded is that one "go beyond obeying the letter of the law and refraining from what is forbidden by finding ways of sanctifying every moment of your life."[54] In this view, "To be holy is to rise to partake in some measure of the special qualities of God, the source of holiness. Holiness is the highest level of human behavior, human beings at their utmost."[55] Reconstructionist and Renewal approaches, instead of emphasizing separateness, tend to identify *kedushah* with the pursuit of higher consciousness, a consciousness that is integrative rather than analytical.[56]

Worry—It was suggested above that worry forms a constitutive element in the nature and development of our Tradition, the Oral Law. It has been the fuel energizing the development of laws and customs and has inspired the search for deeper and more creative approaches to halakhic analysis. The denominations differ with regard to the religious value of worry and as to the focus of worthwhile worry.[57] The Orthodox worry about preventing sin; the non-Orthodox worry about inducing observance or inducing positive Jewish experiences. The place of worry as a motive force in religious life has been

replaced by demands for higher awareness and consciousness of core values—justice, goodness, holiness, and the living of a fulfilling life. For the non-Orthodox, the problem with worry is that it has been turned from *ḥashash* (concern) into *ḥashad* (suspicion). This is seen as corrosive of the religious health of the individual and the community. From the Orthodox perspective, the relinquishing of worry promotes religious laziness and self-satisfaction. It prevents the ongoing creation of the Oral Torah because this traditional source of pressure has been jettisoned. We have seen that, with regard to relating to *kashrut*, Reform is stuck with accepting traditional definitions which it will then put before its members to accept or disregard. The Conservative, accepting traditional halakhah as a base, has not formulated rules for systemic change.[58] Its changes are reactive to social pressure. Reconstructionism, in keeping with its name, has advanced certain alternative criteria for a system of *kashrut*, shifting the arena of worry into areas that can be perceived as those of concern to American liberals and spiritual seekers. It remains to be seen whether this will be a source of strength or weakness.

"We Shall Do and We Shall Listen"[59]—Elements of a Pluralistic Approach

The history of pluralism—ideological, religious, social and political—has yet to be written. There are many definitions of the term and discussions of the many issues connected to it.[60] Pluralism has attracted increased interest of late, embraced by some and anathematized by others. In general, non-Orthodox groups extol the ideal while most Orthodox bodies oppose its adoption into the Jewish communal agenda. On the other hand, in many groups that seek to attract Jews of varied backgrounds and affiliations and that, therefore, must function pluralistically, Orthodox leadership has been pronounced.

American Jewry has gone through a century of religious self-definition that has resulted in a denominational structure. As an illustration of that process, it might be pointed out that the Jewish Theological Seminary began as a pluralistic institution, only later redefining itself as the lead institution for the developing Conservative movement. Today many observers wonder whether this structure shows signs of loosening. The record is mixed. While the interdenominational Synagogue Council of America has folded, some interdenominational groups survive and new independent institutions and communities have arisen.[61] A striking example of the importance being given to pluralism as a compelling idea is the establishment at New York's Temple Emanuel, the most prominent Reform synagogue in the world, of the Skirball Center for Adult Education, which aggressively markets itself as a pluralistic learning program. On the other hand, the one rabbinical and cantorial seminary dedicated to training its students through a pluralistic faculty and curriculum, the Academy for Jewish Religion, continues to struggle, despite significant recent growth.

In general, while there are many communities of individuals and many institutional contexts that are inclusive of Jewish religious diversity, the creation and development of a community consciously dedicated to developing a pluralistic way of Jewish living is still a desideratum. Even if the necessary support for such an enterprise could be garnered through consciousness-raising and fund-raising in the Jewish community, one wonders how such a group could cohere. The problematic dynamic of worry is especially acute for any group dedicated to pluralism. On the one hand, a pluralistic group might be seen as a context that demands even greater suspicion and stringency, since it is clear that certain members of the group, in not sharing a common set of standards, cannot be trusted. On the other hand, it is precisely in such a group that, presumably, there is a mandate to find a set of behaviors that all can commit to so that all can be trusted.

What ingredients would be necessary for such a project to function? I offer the following suggestions and musings. One ingredient is "responsible discussion." This is expressed in Rabbi Elazar ben Azariah's exposition of the words of Kohelet:

> And he also opened by expounding: "The words of the sages are as goads, as well fastened nails, [composed in] (masters of) collections, given by one shepherd." (Eccles. 12:11) . . . Masters of collections—these are students of Sages who sit in groups and are busy with the Torah. These declare impure and those declare pure, these forbid and those permit, these disqualify and those accept. Lest a person say, "Since these declare impure and those declare pure, these forbid and those permit, these disqualify and those accept, how, now, can I learn Torah?" The Torah then states, "they were all given by one shepherd." One God gave them, one benefactor spoke them from the Blessed Lord of all that is created, as it says, "The Almighty spoke all of these things" (Ex. 20:1). Therefore make your ear into a funnel and acquire a listening heart for the words of those who declare impure and those who declare pure, those who forbid and those who permit, those who disqualify and those who accept.[62]

While it is accepted that pluralism requires discussion among participants, this discussion should be more than a joint effort to understand a common text and more than the sharing of divergent viewpoints. A pluralistic community would affirm the need to actively engage in the critique of those viewpoints and the need for an acceptance of "responsibility," that is, the willingness to respond to critique. Response does not mean the automatic deflection of that critique. Rather, it means the taking of the critique to one's "listening heart" and the internal integration of the positive elements of that critique.[63]

To put this in homiletical terms, when the Israelites encamped around Mount Sinai to accept the Torah, they were, for a brief time, encamped "as one" ("and Israel encamped *[va-yihan]* there opposite the mountain" [Ex.

19:2]). Rashi quotes the Mekhilta, which noticed that the verb "encamped" is written in the singular, while the previous verbs in the verse are in the plural: "[They encamped] as one person, with one heart, though the rest of the encampments were with complaints and divisions." Now, it may be asked, given that this momentary show of unanimity was bound to dissipate, what good was it at all? If the giving of the Torah to Israel was predicated on their being unified, how could Israel retain possession of this Divine Gift forever, when the breakdown of its sense of unity was guaranteed from the start?

The answer must be that, thankfully, that sense of togetherness, though temporary, allowed Israel to utter a crucial pledge, by virtue of which we maintain our connection to Torah: we said, "*na'aseh ve-nishma,* we will do and we will listen." We committed ourselves to each other by saying *na'aseh,* we will each do what we think is right, *ve-nishma,* but we will also listen to hear what others are doing.

But the doing must be pushed even further. In addition, a pluralistic community requires the willingness to experiment. The experiment may be to engage in a religious practice foreign to one's own, such as praying a Reform service when one is used to an Orthodox one. This may be difficult enough. But a further step entails the willingness of the group to experiment together with solutions to the problem of pluralistic practice. This means the willingness to do something and then to consider how it worked. What was effective and what was not? What was gained and what was lost? And for whom? In the words of the Israelites at Mount Sinai, *na'aseh,* we will try it out, *ve-nishma,* and then we will listen for the result.

To do these things—to listen responsibly and to act experimentally—the pluralistic community requires of its members the willingness to make sacrifices and concessions. Such an attitude is necessary on practical grounds. But its significance reaches into the spiritual realm of holiness, as traditionally defined—*kadesh et 'atzmekha ba-muttar lekha* (B. Yevamot 20a). The injunction to be holy is the call to sacrifice for the sake of others even when one is convinced that one's position is correct and that were one to refuse to make that sacrifice, one would be operating well within one's rights.[64]

By the Sweat of Your Brow Shall You Eat Bread

This essay has attempted to begin the discussion that a pluralistic community might have regarding *kashrut.* Competing values and conceptions have been placed side by side. This is but a beginning of responsible discussion, an attempt to listen to contrasting viewpoints with a listening heart. One result of this discussion has been to posit that, when considered in terms of how the movements conceive of important Jewish values, a clear division exists, not between the denominations, but between Orthodoxy, on the one side, and all other movements, on the other. This discussion has attempted to walk between both these two camps. A response was offered to the concrete

question of the use of a microwave oven in a pluralistic context. This was an example, however modest and timid, of experimentation. The solution required that liberal proponents of *kashrut* go quite a distance toward meeting the requirements of Orthodox practice. They were asked to accept practices and values that they find unnecessary or objectionable. Still, despite the traditional thrust of the proffered solution, it was noted that the solution advocated fell short of the requirements of many Orthodox authorities.

It is usually at this point that practical solutions and religious discussions break down. The question becomes whether there is any possibility of compromise by those who adhere to Orthodox standards. This is the challenge of the willingness to sacrifice. While sacrifice is difficult for any individual or group, there is an inherent asymmetry between progressive movements and the Orthodox with regard to the challenge of making compromises. The Reform and Reconstructionist movements, by placing decision-making powers in the hands of the individual, have relinquished any strong claim to an absolute standard of behavior. The Conservative movement has elevated the practice of compromise to a high religious value. But the Orthodox perceive their situation differently. They see themselves as being subject to a Divinely ordained system of absolutes. How, then, from their own perspective, could they find room for compromise on religiously mandated standards?

One hesitates to instruct another group on how it should follow its own practices. But, in a pluralistic community one may be allowed at least the *ḥutzpah* of making a suggestion. It has been pointed out that among progressive Jews, the rejection by one group or individual of an invitation to eat together is currently experienced as a hurtful act. Despite the insistence by Orthodox Jews that they have no choice in the matter, and that they are entitled to maintain the highest standards of *kashrut* as an expression of deep religious commitment, the refusal of Orthodox Jews to eat with other Jews who feel that they are keeping kosher is experienced as an act of rejection and is considered an act of personal and communal disrespect. Were this feeling taken seriously as an issue of *kevod ha-beri'ot* (human dignity) might it be possible to find a way to make compromises on an ad-hoc, local and temporary basis?

The Tradition knows of the rule that "Human dignity is so important that it pushes aside a Torah prohibition."[65] The Talmud restricts the meaning of this sweeping declaration. But it allows the temporary suspension of rabbinic prohibitions for the sake of respecting the dignity of an individual or group. Talmudic cases include examples wherein the individual (or group) is allowed to continue acting in transgression of a law so as to prevent embarrassment. And cases include instances in which one individual or group may be engaged in an act permitted to them, and yet, for the sake of not offending the group, participation in that act is permitted even for another person for whom that act would be forbidden. Traditionally, these dispensations have not been welcomed with enthusiasm. Often efforts were made to restrict

them severely.[66] It would be up to those among the Orthodox community who wish to engage in the pluralistic experiment to examine whether such an expansion of this concept is acceptable and called for in this situation.

The question has been asked before. The Torah (Ex. 24:9–11) tells of a mysterious theophanic event that occurred after the revelation at Sinai.

> Moses and Aaron, Nadav and Avihu, and seventy of the elders of Israel ascended; And they saw the God of Israel; and under His feet there was a kind of paved work of sapphire stone, pure like the very heaven. And He did not send forth His hand upon the nobles of the people of Israel, and they saw God, and ate and drank.

The commentators are divided as to the literal and spiritual significance of the elders' act of eating while apprehending God.[67] Was the verse to be taken literally or metaphorically? Was their eating an act of religious celebration or an act of crass rebellion? Rashi cites both views. He explains that he thinks the elders were gross sinners. But he admits that the Targum translates differently. The Targum renders the verse:

> And they saw the Glory of God, and they were overjoyed with their sacrifices that were accepted, as though they ate and drank.

Is it possible to conceive of the act of joining together for a meal as a religious experience important enough to warrant the necessary sacrifice to make it possible? Could one feel that the acceptance of such sacrifice would be a source of supreme joy? Our answers to these questions will help determine whether we shall be able to eat together in holy communion.

The challenge of developing a pluralistic practice of *kashrut* consists in effecting a resolution of tensions deeply embedded in our tradition. It requires a synthesis of forces that pull in opposite directions. These forces are those put into play by the complex nature of the Torah's most central value, *kedushah*. It is through this encompassing value that the Torah sought to reframe all the competing values inherent in our ancient food taboos. What approach might attempt to give proper expression to such a multivalent mitzvah? The forces of inclusion and exclusion, of self-assertion and self-restraint, of satisfaction and worry are all waiting to be harnessed through a pluralistic transformation.

We have learned that there are two properties to *zey'ah* (vapor or sweat). One property is the quality of identity. Sweat is considered to have the identical nature of the entity from which it emanates. It is the authentic product of that entity. The second property is the tendency for sweat to effect connections. As it rises or drips down, it brings about the intermixture of individual entities. The pursuit of a pluralistic agenda will require much effort and sweat. The intermingling of the sweat of diverse individuals can produce a new mixture, synthesizing the authentic uniqueness of each of our perspectives while bringing about a delicious sense of inter-connectedness.

Conceived in this way, we may hope to turn the ancient curse, "By the sweat of your brow shall you eat bread together," into a blessing.

NOTES

1. See *Shulḥan Arukh, Yoreh De'ah* 92:8.

2. For contemporary discussions about *kashrut* issues related to microwave ovens see, among others:

Ya'akov David Ulekh, *Sefer Sha'are David 'al Hil. Basar be-Ḥalav ve-Ta'arovet* (BeneBeraq: 1992), p. 80.

R. Moshe Morgan, *A Guide to the Laws of Kashrus—Sefer Re'aḥ Ha-Bosem,* vol. 2 (Lakewood, NJ: C.I.S. Publishers, 1989), pp. 68–74, 142–143.

Rabbi Binyomin Forst, *The Laws of Kashrus—Pitḥei Halakhah* (Brooklyn, NY: Mesorah Publications, 1993), *passim.*

Keeping Kosher: A Diet for the Soul (*A Newly Revised Edition of* The Jewish Dietary Laws by Samuel H. Dresner; *A revised guide based on* A Guide to Observance *by Seymour Siegel, David M. Pollack*), Robert Abramson, editor (New York: The Rabbinical Assembly/USCJ Commission on Jewish Education, 2000), pp. 55–56, 72.

3. Recently the New York State statute regulating the sale of kosher products has been challenged by partners who own a kosher meat store under the supervision of a Conservative rabbi *(Yarmeisch v. Rubin)*. This is not the place to consider this case. But it is relevant to note that the law, formulated in 1915, identifies kosher food as that food "sanctioned by the orthodox *(sic)* Hebrew requirements." A supporter of the statute, Assembly Speaker Sheldon Silver, is quoted as explaining that "the meaning of kosher has become synonymous with being according to Orthodox standards" ("State Kosher Laws: It's Up to the High Court," *The Jewish Week,* August 16, 2002, p. 16). The lawyer for the State, Nathan Lewin, argues further: "If you want to [. . .] go by a Conservative standard, then don't call your product kosher" (Katherine Marsh, "Busting Chops," *legalaffairs,* Sept./Oct. 2002, online at www.legalaffairs.org).

4. The combination of national identity and Divine providence is found later in the book of Daniel, where Daniel and his three friends refuse to eat Babylonian food and insist on eating only vegetarian food, so as not to defile themselves. God helps them to thrive despite their paltry diet (Dan. 1:8–21).

5. See also Lev. 11:43–47 and Lev. 20:25–26.

6. God exhibits these qualities in the first two chapters of Genesis. But see note 19 below.

7. Sometimes the Oral Law teaches that expressions of this protective, expansive propensity are found in the Torah itself. The expansive prohibitions regarding meat and milk are justified by the Oral Law as being the Torah's own expression of utmost avoidance of anything related to the cooking of a kid in its mother's milk. Another possible example is the Torah's prohibition against eating leaven on the afternoon preceding Passover. (See *Sefer Ha-Hinnukh,* ed. Chavel, §487—"For the Torah makes a fence around it for us.") This follows Rambam's opinion. But Ramban (Gloss to *Sefer Ha-Mitzvot* Neg. #199) disagrees and does not enumerate this prohibition as a separate *mitzvah*. The Ramban seems uncomfortable with the idea that the Written Torah makes fences. (See also their dispute at Neg. #353, and see R. Yosef Engel's *Lekah Tov, Klal 8,* pp. 45b–48d, on this topic, from which it is possible to adduce additional examples of Ramban's refusal to see fences in the Written Torah.) This may be related to Ramban's mystical understanding of Torah, in which every precept has a theosophical and theurgical significance, and so, cannot be viewed as being engaged in human psychological issues. For Rambam, on the other hand, manipulation of the human and consideration of what the Torah can realistically mandate is a genuine concern for God, requiring Divine cunning. (See also, Josef Stern, *Problems and Parables of Law: Maimonides and Naḥmanides on the Reasons for the Commandments* [New York: SUNY Press, 1998].) For an aggadic discussion of this, see *Avot dR. Natan,* A, Ch. 2 (Schechter, ed., p. 8), B, Ch. 1 (Schechter ed., p. 3).

8. See R. Akiva Eiger to *S.A. Y.D.* 92:8.

9. See sources cited in note 2, above.

10. The RaBaD issues a striking attack against a legitimate lenient ruling, accusing those who hold that opinion of failing to value worry: "How ugly it is that the worry about eating

forbidden foods has left them because of its nullification in the majority substance." (Quoted by *Maggid Mishnah* and *Kesef Mishneh* to Rambam *Yad, Hil. Ma'akhalot 'Asurot* 3;16. Cited in Elliot Dorff, "The Use of All Wines," in *Proceedings of the Committee on Jewish Law and Standards of the Conservative Movement 1986–1990* [New York: The Rabbinical Assembly, 2001], p. 212.)

11. W. Gunther Plaut, *The Growth of Reform Judaism* (World Union for Progressive Synagogues, 1965), p. 34. Plaut records (p. 36) that this paragraph was adopted unanimously.

12. As translated in *The Oxford Study Bible,* edited by M. Jack Suggs, Katherine Doob Sackenfeld and James R. Mueller (New York: Oxford University Press, 1992), p. 1313.

13. *The Torah: A Modern Commentary,* edited by W. Gunther Plaut (New York: Union of American Hebrew Congregations, 1981), p. 813.

14. *Gates of Mitzvah: A Guide to the Jewish Life Cycle,* edited by Simeon J. Maslin, Illustrated by Ismar David (New York: CCAR, 1979), p. 133. It may be noted that the guide to home observance, *Gates of the House,* does not include any discussion on *kashrut.*

15. Ibid., p. 132.

16. Ibid, "*Mitzvah:* The Larger Context," p. 111.

17. "How *Kashrut* Can Help With Continuity Crisis," *Forward,* Aug. 17, 2001, p. 15.

18. William Novak, "A Conversation with Lawrence Kushner," *Kerem* 6, 5759/1999, pp. 24–25.

19. Maimonides, in *Hil. Tum'at Okhlin* 16:12, has a forceful expression of the concept of *Kedushah* as elitist separation. I. Twersky (*Introduction to the Code of Maimonides* [*Mishneh Torah*], New Haven and London: Yale University Press, 1980), p. 435 points out that such an appreciation of piety is absent from the *Guide*. A different conception of the essence of *kedushah* is taught by Shimon Shkop, in his introduction to his magnum opus of talmudic analyis, *Sha'are Yosher* (Warsaw, 1928): "If we say that the essential meaning of holiness that God demands of us in this commandment of 'You shall be holy [for I, God your Almighty, am Holy]' (Lev. 19:2) is to distance ourselves from permitted enjoyments *(motarot),* such holiness has no relationship at all with God, may He be blessed. Therefore it appears, in my humble opinion, that within this commandment is included the very basis and root of the purposeful goal of our lives, which is that all our service and toil should always be dedicated to the good of the collectivity *(le-tovat ha-klal),* that we not avail ourselves of any act or motion, benefit or enjoyment unless it have some aspect that is for the good of those other than ourselves *(le-tovat zulatenu)*. . . . In this manner the notion of this holiness does imitate the holiness of the Blessed Creator to a small degree. For as with the act of the Holy Blessed One in the entire Creation, as well as in each and every second that He sustains the world, all His actions are dedicated to the good of that which is other than Himself, so it is His will, may He be blessed, that our actions should always be dedicated to the good of the collectivity and not to one's own benefit."

20. See B. Makkot 23b–24a for the various citations to Micah 6:8 and others.

21. See his 1907 essay, "Obsessive Acts and Religious Practice," printed in (among other places) *Character and Culture,* edited by Philip Reiff (New York: Collier Books, 1963), pp. 17–26.

22. Reconstructionism emerged from Conservative Judaism, in part, by insisting that this American influence be explicitly celebrated and elevated to a core value.

23. Elliot Dorff, "The Use of All Wines," in *Proceedings of the Committee on Jewish Law and Standards of the Conservative Movement 1986–1990* (New York: The Rabbinical Assembly, 2001), pp. 203–226.

24. Ibid., p. 217 (emphasis in the original text).

25. Louis Finkelstein, "The Presidential Message: 'Traditional Law and Modern Life'," in *Proceedings of the Committee on Jewish Law and Standards of the Conservative Movement 1927–1970,* edited by David Golinkin (Jerusalem: The Rabbinical Assembly and The Institute of Applied Halakhah, 1997), Vol. I, p. 25. (See Hasdai Crescas, *Or Adonai,* II:6 (Jerusalem, 1963, p. 51ff).

26. Ibid., p. 27. This essay cannot attempt to examine the cogency of his assessment.

27. Ibid., p. 28.

28. See Isaac Klein, *A Guide to Jewish Religious Practice* (Supplement by Joel Roth) (New York: JTS, 1992), pp. 306–307, 525 (Roth). Klein's arguments are explained in detail in his *Responsa and Halakhic Studies* (Ktav, 1975), pp. 43–74. See, also, the responsa in *Proceedings of the Committee on Jewish Law and Standards of the Conservative Movement 1980–85* (New York: The Rabbinical Assembly, 1988), pp. 181–190, and *Responsa 1991–2000: The Committee on Jewish Law and Standards of the Conservative Movement,* edited by Kassel Abelson and David J. Fine (New York: The Rabbinical Assembly, 2000), pp. 98–100.

29. See, as a recent example, the critique by Avi Shafran, "The Conservative Lie: Proclaiming Fealty to Jewish Law, Conservative Leaders Have Trampled It," *Moment* (February 2001). He writes: "The law of probability leads us to expect that there will be times when the halachic result will be more lenient than one might expect, and other times when it will be more demanding. Tellingly, though, and practically without exception, Conservative 'reinterpretations' of Jewish law have entailed permitting something previously forbidden . . . That is a clear sign not of objectivity but of agenda, of a drastically limited interest in what the Torah wants from us and a strong resolve to use it as a mere tool to promote personal beliefs" (p. 54). Similarly, at a conference on halakhah at Hebrew Union College, March, 2001, an Orthodox participant challenged Elliot Dorff to name any decision in which Conservative authorities had opted for a more stringent, rather than lenient, approach. Dorff pointed to a recent decision condemning the hoisting and shackling of animals prior to slaughter. One response to Shafran that addresses this question is by Samuel Fraint, "The Truth about Conservative Judaism," *Moment,* June 2001, especially pp. 56, 65. On these exchanges, see Shaul Magid, "Walking Softly on/with the Law: Apologetic Thinking and the Orthodox/ Conservative Debate," in *Conservative Judaism* 54:1 (Fall 2001), pp. 29–52.

30. Benjamin Kreitman, "*Ha-im Bereḥat Seḥiyah Kesherah Le-Miqvah,*" *Proceedings of the Committee on Jewish Law and Standards of the Conservative Movement 1927–1970,* edited by David Golinkin (Jerusalem: The Rabbinical Assembly and The Institute of Applied Halakhah, 1997), Vol. III, p. 221 (Hebrew).

31. Gilbert Kollin, "Kashrut in the Modern Age," in *Conservative Judaism* 20:1 (Fall, 1965), p. 56 (emphasis in the original text).

32. Ibid., p. 57.

33. For an attempt to set forth a concept of halakhah and *kashrut* that would also allow for individual choice, see Hershel Matt, "Kashrut in Conservative Judaism," in *Conservative Judaism* 12:1 (Fall, 1957), pp. 34–38.

34. James M. Lebeau, *The Jewish Dietary Laws: Sanctify Life,* edited by Stephen Garfinkel (New York: United Synagogue of America, Department of Youth Activities: 1983), pp. 103–105. And see his further discussion, pp. 139–140.

35. B. Beraḥot 45a

36. *Judaism as a Civilization: Toward a Reconstruction of American-Jewish Life* (New York: Schocken Books, 1934, 1967), p. 439.

37. Ibid. p. 441. (Italics in the original.) In a note to this passage, Rabbi Kaplan refers to a late 19th-century German work by A. Weiner for specific suggestions as to how to practice *kashrut.*

38. "A Reconstructionist Exploration of Dietary Law: *'Kosher Consciousness' and Jewish Identity,"* Online selections from the JRF quarterly—*Reconstructionism Today,* Summer 1998, www.jrf.org/rt/kosher.

39. *Judaism as a Civilization,* p. 440.

40. Ibid., p. 441.

41. David A. Teutsch, *A Guide to Jewish Practice: Introduction, Attitudes, Values and Beliefs,* Kashrut: *The Jewish Dietary Laws,* experimental edition produced by The Reconstructionist Rabbinical College in cooperation with The Reconstructionist Rabbinical Association (Wyncote, PA: RRC Press, 2000), p. 29.

42. Ibid.

43. Ibid., p. 33. Gloss by Fred Dobb. A related concept is "ethical *kashrut*." For a Renewal perspective, see Arthur Waskow, *Down to Earth Judaism: Food, Money, Sex and the Rest of Life* (New York: Morrow, 1995).

44. Ibid., p. 47.

45. Ibid. Ehrenkrantz seems to be unaware of Dorff's *teshuvah,* cited above.

46. Ibid., p. 32.

47. J. Beraḥot 9;1. And see S. Lieberman, *Tosefta Ki-Fshutah, Zera'im,* Part I, p. 104, s.v. *lefi she-eyn,* who cites the Targum to Prov. 27:19 as: "Just as waters and faces differ, so do the hearts of human beings differ from each other."

48. In the parlance of the yeshivot, all dispensation and prohibition, from the modern perspective, resides in the *gavra,* the person, rather than in the *ḥeftza,* the object. From this perspective, for one to posit that an object itself is forbidden, one would have to be either a) committed to a legal system, or b) superstitious. Furthermore, even were one to accept the power of a legal system to prohibit an object, rendering it an "illegal substance," it would still be difficult to justify—as a legal operation—the notion that such substances could endow other, permitted substances with their prohibited character. For instance, one would probably not accept the idea that possession of one gram of cocaine mixed into 58 grams of powder is equivalent to the possession of 59 grams of cocaine, since the cocaine has not become *batel be-shishim,* cancelled by sixty times the amount of permitted substance.

49. Kaplan was contemptuous of the notion that the Jewish group should be protected through isolating practices. He wrote: "As for the fear that social intercourse between Jews and Gentiles may lead to the disintegration of Judaism, the reply is obvious: if Judaism is inherently so weak that it requires the artificial barriers of social aloofness fostered by dietary laws for its maintenance, the very need for maintaining it is gone." After the Holocaust, and given what we now know about the power of mass culture, it is difficult to agree that such a reply is still obvious.

50. Rashi to Gen. 3:6, following Bereshit Rabbah 19:5, does not grant Eve a generous motivation. Rather, she seeks a partner to share her fate. See also Ḥizzekuni, ad. loc. But the kabbalists were more alive to the complexity of the situation. See *Sha'are Orah,* Ch. 10 (ed. Ben-Shelomo, II:127), who connects this episode with the portrait of the Woman of Valor, who bestows only goodness upon her husband. For Gikatilla, the sin of the primordial couple was the sin of impatience. Had they waited, they would have been able to share this fruit together. See also *Zohar* I:49b, which regards Eve's act as a paradigm of Divine union, albeit a flawed one.

It is worthwhile, in the context of this essay, to note how R. Naftali Zvi Yehudah Berlin explicates the above-cited midrash's explanation for Eve's success in persuading Adam to sin: "Now they have investigated in [Bereshit] Rabbah how Adam allowed himself to be seduced. And they answered that she squeezed grapes and gave it to him." This means that she explained to him that this is nothing more than *zei'ah be-'alma*—mere sweat, and not a food like the fruit. But, actually, regarding grapes the drink is the essence of the fruit, as is known." (*Harḥev Davar,* ad. loc.)

51. As we will presently point out, in a clash between the values of sharing food and maintaining *kashrut*, progressive groups often prefer the first value and Orthodox groups prefer the latter value. For a case of leniency in *kashrut* for the sake of enabling hospitality, see the permission to shorten the time for salting meat when guests are waiting or to prepare for Shabbat—*S.A.Y.D.* 69:6 and Rama. (Cited by Louis Jacobs, *A Tree of Life: Diversity, Flexibility, and Creativity in Jewish Law,* 2nd. ed. [Portland, OR: The Littman Library of Jewish Civilization, 2000], p. 39, n. 43.)

52. See Gunther Plaut, *The Torah,* op. cit., p. 889ff.

53. See above, at n. 20.

54. *Etz Hayim: Torah and Commentary,* ed. David L. Lieber (New York: The Rabbinical Assembly/The United Synagogue of Conservative Judaism, 2001), p. 693.

55. Ibid.

56. See, e.g., in the Reconstructionist *Guide,* cited above, the comment by Myriam Klotz: "Holiness of the body as created in the Divine Image is a stance of integration as much as it is of separation" (p. 30).

57. This essay is not the place to explore how this finds expression in the differing ways the denominations tend to learn Torah.

58. The influence of works such as Joel Roth's *The Halakhic Process* is questionable.

59. Ex. 24:7.

60. On pluralism, see the following selection of writings and their sources:

Elliot N. Dorff, "Pluralism," in *Frontiers of Jewish Thought,* ed. Steven T. Katz (Washington, DC: B'nai B'rith Books, 1992), pp. 213–233.

Reuven Kimelman, "Judaism and Pluralism," in *Modern Judaism* 7 (1987): 131–150.

Sh'ma 29/561, April 1999.

Dan Dishon, *Tarbut Ha-Maḥaloket Be-Yisra'el: 'Iyyun Be-Mivḥar Mekorot* (Jerusalem/Tel-Aviv: Schocken, 1984).

Michael Graetz, *Va-Yamodu Ba-'Omer* (Beer Sheva, 2001).

61. These would include, among others, ḥavurot, non-denominational minyanim, synagogues that function across denominational labels, educational programs such as Pardes, CLAL, local community efforts at interdenominational cooperation, etc.

62. Num. Rab. 14:4 and parallels. The term "listening heart" is rendered "understanding heart" in B. Ḥag. 3b. In Tos. *Sotah* 7:12 the phrase reads: "Make your heart full of rooms—*ke-ḥadrei ḥadarim*—and put into it the words of those who . . . etc."

63. For a related point, see Shaul Magid's essay cited above, n. 19.

64. See above, at n. 19. And see the comments of the *Maggid Mishnah* on Rambam, *Hil. Shekhenim* 14:5, who ties the need for flexibility and social cooperation, including the relinquishing of one's entitlements, to the imperative to be holy.

65. See B. Beraḥot 19a–b. I thank my students at AJR for helping me study this *sugya* and others related to this concept.

66. On the subject of *kevod ha-beri'ot* see the important studies:

Nahum Rakover, *Gadol Kevod Ha-Beri'ot: Kevod Ha-Beri'ot ke-'Erekh 'Al* (Jerusalem: Sifir'at Ha-Mishpat Ha-'Ivri, 1999).

Yaakov Blidstein, "*Gadol Kevod Ha-Beri'ot—'Iyyunim be-Gilgulehah shel Halakhah,* (Jerusalem: Sh'naton Ha-Mishpat Ha-'Ivri 9–10 1982–3).

On the reluctance of halakhic authorities to apply this principle, see Blidstein, pp. 141–149.

67. See *Vayikra Rab.* 20:10. Compare the traditional commentators such as Onkelos, Saadiah, Rashi, Ibn Ezra, Rashbam, Ramban ad. loc. And see Maimonides, *Guide* I:5, and *Zohar* 1:135a–b *(MH).*

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