

“Ethics in the Marketplace: We Answer to a Higher Authority”
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Temple Ohabei Shalom, Brookline, Massachusetts

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There used to be a commercial for hotdogs featuring an actor playing Uncle Sam. It went something like this:

“Government regulations say that we can make our Hebrew National hotdogs from frozen beef. We don’t.

The government says we can use artificial coloring. We don’t.

They say we can add meat by-products. We don’t.

They say we can add non-meat fillers. We can’t.

We’re kosher and have to answer to an even higher authority.

I always loved that commercial. It was at once informative, funny and clever. It also made me feel a bit proud. Keeping kosher, the commercial suggested, meant adhering not only to minimum legal standards, but to a moral framework that was noble and exalted. To be a Jew, it suggested to me, was to be holy.

I felt the same way 13 years ago when I read about the fire at Malden Mills’ Polar fleece factory up in Lawrence. Though the fire had been one of the largest in Massachusetts history, what was remarkable wasn’t the fire itself but its aftermath.

At a time when New England had already lost most of its textile jobs to places with cheaper labor, Malden Mills’ owner vowed to rebuild his factory on the very same site. Even more surprising was his decision to pay his 3000 employees salary and health benefits for the months they wouldn’t be working until the factory could be reopened. It cost him \$25 million.

Especially at a time of downsizing and outsourcing, his seemed an extraordinary act of decency and kindness. Overnight, the owner, Aaron Feuerstein, a Brookline native who I’m sure many of you know, became a national folk hero. He was profiled on “60 Minutes.” He was featured in “Parade Magazine.” He was invited to be a guest of President Clinton at the State of the Union address.

As for Feuerstein himself, he seemed almost not to know what the fuss was about. When asked why he did what he did, he cited his Judaism, telling Morley Safer: “You are not permitted to oppress the working man, because he's poor and he's needy, [both] amongst your brethren and amongst the non-Jew in your community.” He added that it would have been “unconscionable” to

throw 3,000 people out of work and to devastate the cities of Lawrence and Methuen. Aaron Feuerstein answered to a higher authority too.

* * *

Regrettably, certain business practices of late carry a strikingly different valence.

Postville, Iowa, September 9—“The Iowa attorney general on Tuesday brought an array of criminal charges for child labor violations against the owners and top managers of a meatpacking plant where nearly 400 workers were detained in a May immigration raid . . . Federal prosecutors convicted nearly 300 workers, most of them illegal immigrants from Guatemala, on document fraud charges . . .

“In all, 9,311 criminal misdemeanor charges involving 32 under-age workers were filed against the company, Agriprocessors Inc., and its owner, Aaron Rubashkin, and his son, Sholom, who was the top manager of the packing plant in Postville, Iowa.”¹

Postville, Iowa, May 26, 2006—“The animals slaughtered here at the nation’s largest kosher meat packing plant have been the object of nationwide sympathy since an animal rights group released videos from the kill floor in December 2004. But a tour of the mobile homes and cramped apartments just outside town, where AgriProcessors’ immigrant workers live, quickly shifts a visitor’s attention to a more striking concern: the impoverished humans who do the factory’s dirty work.”

One of those workers—a woman who agreed to be identified by the pseudonym Juana—came to this rural corner of Iowa a year ago from Guatemala. Since then, she has worked 10-to-12 hour night shifts, six nights a week. Her cutting hand is swollen and deformed, but she has no health insurance to have it checked. She works for wages starting at \$6.25 an hour and stopping at \$7, that several industry experts described as the lowest of any slaughterhouse in the nation.

Juana and other employees at AgriProcessors—they total about 800—told the Forward that they receive virtually no safety training . . . In just one month last summer, two young men required amputations; workers say there have been others since. . . . In addition, employees told of being asked to bribe supervisors for better shifts and of being shortchanged on paychecks regularly.

‘Being here, you see a lot of injustice,’ said Juana . . . ‘But it’s a small town. It’s the only factory here. We have no choice. . . .

¹ “Meatpacker Faces Charges of Violating Child Laws,” *New York Times*, September 10, 2008, p. A16.

I'm continually surprised at how poorly they treat these people because they're not Jews and because they happen to be immigrants,' said [Mark] Grey, director of the Iowa Center for Immigrant Leadership and Integration . . . 'The bottom line here is that I'm not sure these devout Jews are using Jewish ethics to treat their workers.'²

I'm afraid that neither am I.

Which means that, in the same way Hebrew National and Aaron Feuerstein made me feel proud, Agriprocessors makes me feel embarrassed and angry. In the treatment of their animals and employees alike, AgriProcessors seems not to answer to a higher authority.

Unfortunately, as we know all too painfully from the news of the last 14 months, some of this country's most esteemed and venerable companies have engaged in business practices no less irresponsible. There of course were the major banks and mortgage lenders who, to borrow an expression from Torah, put a "stumbling block before the blind" by showering people indiscriminately with credit card offers, convenience checks, and ARM's, often at usurious interest rates that they could never repay. Then there was the recklessness of certain investment banks whose greed caused them to leverage assets at 35 times what they could support, ultimately eroding investor confidence and contributing to the current economic crisis. Nor can we ignore the corruption of accounting fraud or overstatements that brought pillars of the financial system to the brink of collapse, endangering the stability of the system itself and the world economy.

For me personally, a most distressing experience occurred when I opened some proxy materials from Fidelity Investments. Until then, such things had always been routine and uncontroversial and I barely paid them any attention. Yet this packet was different for its inclusion of a shareholder resolution that immediately caught my eye. The resolution would have required Fidelity to screen out investments in companies that substantially contribute to genocide, egregious violations of human rights, or crimes against humanity.

Now, one might have thought such a resolution to be uncontroversial, even a slam dunk. Who among us, after all, really wants their retirements secured by the IG Farbens and Petrochinas of the world, who at various points in their histories harvested profits from the furrows of human suffering? Yet in a statement that was as shocking as it was irresponsible, Fidelity recommended that I vote against AGAINST the proposal. It argued that not violating Federal or Massachusetts law was enough. It seemed that, at least in certain of their practices, Fidelity and other firms felt no need to answer to a higher authority.

But we do.

Answering to a higher authority is the meaning of Yom Kippur. What have we done well? Of what do we feel proud? Where have we failed? And how can we be our best, whole selves? This is our day of answering. Have we lived with integrity in all aspects of our lives? Have we been ethically kosher? Have we treated our workers fairly? Our colleagues? Our students? Have we

² "In Iowa Meat Plant, Kosher 'Jungle' Breeds Fear, Injury, Short Pay," *The Forward*, May 26, 2006, p. 1.

been honest in our business dealings? Have we taken care not to purchase goods and services from those oppress their workers, pay unlivable wages, trade unfairly, or despoil the environment? And, if not, what shall we do to change?

This is our day of answering. So we can, we pray, answer still more righteously *next* Yom Kippur. *Unetaneh tokef kedushat hayom*. Let us proclaim the sacred power of this day. This is when the book of our days is opened and what is written there proclaims itself.

Yet the Book of Our Days need not be only a record of the past. It can also be a pure and fresh tablet on which we etch for ourselves a proud and noble future. By way of example, we needn't look any further than the Rabbinical Council of America, the major kosher certification authority in the U.S. Last week, about mid-way through these Days of Repentance, the RCA announced a dramatic turnabout—we might even call it *teshuva*. Henceforth, it announced, its seal of kashrut would certify not only the fitness of food for consumption but the moral conduct of the food's manufacturer as well. Said Rabbi Asher Meir, chairman of the RCA's task force, "We learned that in the eyes of the consumer a kosher business is not limited to what kind of food comes out. It reflects the way the business is run—if it's run in a kosher way."

I commend the RCA, after much urging from its Reform and Conservative counterparts, for insisting that the businesses it regulates—including that factory in Iowa—answer to a higher authority.

So must we.

Ken yehi ratzon!