

# Chapter 150

## Eating, Drinking and Maintenance of Community: Jewish Dietary Laws and Their Effects on Separateness

Stanley Waterman

### 150.1 Preface

A religion is a set of beliefs concerning the cause, nature, and purpose of the universe. As a rule, religion involves faith, which is, in other words, unquestioningly accepting certain givens as true. In particular, it concerns obedience to some supernatural power, which believers regard as controlling human destiny. Each religion normally contains a moral code that governs the conduct of human affairs and additionally, almost all religions involve devotional and ritual observances and practices to some degree.

One of the consequences of any successful religion is that sooner or later it tends towards institutionalization, so much so that it may be almost axiomatic to state that without institutionalized rules and regulations it becomes difficult for any religion to hold its adherents together and in check.

Religious beliefs are most frequently expressed through a set of behaviors and practices. Some of these are active on a personal level whereas others, though governing personal behaviors and practices, are designed to create a feeling and spirit of community, setting off members of one religion—or sect or sub-religion—from another. The customs and rituals of a religion's adherents are usually determined and administered by human intermediaries who regard themselves, and are generally accepted, as the approved interpreters of the sets of rules and regulations (religious laws) that govern the group's and the individuals' lifestyles. Over and above their role as interpreters of religious laws, this activity by religious functionaries is part of ongoing attempts to safeguard their existing strength, and to maintain control of their authority over current believers and to attract newcomers (that is, to engage in practices of conversion).

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Over the centuries and the world over food has had significant roles to play in religious practice and observance. This has led some to ask what makes food so influentially potent, unleashing such keen memories and powerful forces of cohesion or revulsion (Holtzman 2006). As Holtzman noted, the most compelling answer is that the sensuality of eating transmits powerful mnemonic cues, principally through smells and tastes.

More often than not, the effects of food on religious practice and on perceptions related to religion have been as negative rather than positive forces. As Adam Gopnik (2011: 94) has so aptly put it, “Before modern times, taste in food particularly was enforced by the two greatest of enforcers: faith and famine, and their not-so-nice foster parent, fear.” Strictures and prohibitions against the consumption of specific food substances are commoner than positive exhortations to eat or drink other foods. This is because it has been found that food and food consumption are efficient media for enhancing the perception of difference between groups and of the members of these groups—of dividing the pure from the impure, the sacred from the profane—and this is, of course, an important factor in a world in which there is vigorous competition over the justification of religious beliefs and practices.

Translated into religious injunctions rather than just cultural differences, practices relating to which foods are proper for consumption and which are inappropriate, customs regarding the care and attention devoted to the preparation of food, and the existence of food taboos become powerful elements in distinguishing members of one religion from another.<sup>1</sup>

In this chapter I examine the food consumption practices of Jews with clear emphasis on Jewish dietary laws and their effects on Jewish community and separation.

## 150.2 Introduction

I will buy with you, sell with you, talk with you, walk with you, and so following; but I will not eat with you, drink with you, nor pray with you. (The Merchant of Venice (I, iii, 35–39))

In Shakespeare’s *The Merchant of Venice*, the Jewish moneylender Shylock declines an invitation from Bassanio to have dinner with Bassanio’s friend, the merchant Antonio. By refusing this solicitation, Shylock simultaneously asserts an inclination to do business with Christians and an unwillingness to interact with them socially. Thus, in this famous infamous instance, the social segregation of Jews in sixteenth century Venice is expressed through the medium of food and an eating

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<sup>1</sup>As Gopnik, again, puts it (2011: 94): “Dietary restrictions are a big part of most religious practice; kosher and halal rules are the most famous of these, and though various attempts have been made to justify them on rational grounds .... Even the rabbis and mullahs admit now that the purpose of food laws is to create a form of symbolic solidarity that keeps a tribe or faith together. There is nothing so powerful to keep you eating with your family on this side of the river as disgust at what the people on the other side think tastes good. Faith shapes food...”

taboo. Although Shakespeare portrays much personal antipathy between Antonio and Shylock (Antonio lends money without interest, thereby affecting Shylock's business and that of other—mostly Jewish—Venetian usurers) it is Shylock, masquerading as the Jewish people *in toto*, who bears an historic grudge against all Christians. Whatever else, Shakespeare voices the differences between Christians and Jews and seems to indicate that this separation is less the ghettoization of the Jews by the Christians and more the desire of Jews *to remain apart*, separated and segregated from the Christian majority.

In this dramatization of Jewish difference and segregation, what are the guidelines and rules that dictated Shylock's refusal to dine with Antonio and Bassanio? Underlying Shylock's behavior is a litany of do's and don'ts concerning which foods are permissible and which are forbidden to Jews to eat and drink and how such foods should be prepared. In common parlance, these are referred to as the laws of *kashruth*—from the Hebrew word *kasher*, meaning “fit” or “proper” (for consumption). The concept [of *kasher* (kosher)] is hard to pin down. The word itself is a late Hebrew word that does not occur in the Pentateuch. In English, kosher is ‘fit’ in the sense of proper or suitable but is mostly ceremonial (Masoudi 1993). Although the words *kashruth* and *kasher* are usually understood in the context of food, they can equally well be used to describe other religiously fit items such as a *sukkah* (a temporary living and eating booth used by religious Jews to celebrate the autumn Festival of Tabernacles) or a *mezzuzah*, an icon affixed to doorposts.

### 150.3 Pork and Pigs

As Bahloul (1995) has noted “Meat is sacred” and much of the long litany of obligations and prohibitions concern meat, its preparation and consumption. Although there are many foods forbidden to observant Jews and others that they are encouraged to consume at specific times, the iconic prohibition, the one that most people associate with Jews, is the taboo concerning pork, that is, meat from pigs. In fact, so closely are Jews historically associated with their reluctance to eat pork that Jews and the pig have become almost inseparable (Rosenblum 2010).<sup>2</sup>

In his classic work on meat-eating taboos around the world, Frederick Simoons (1994) discussed the origins of the pork prohibition. Though Simoons dealt with meat taboos worldwide, I summarize his findings for just pork in the Middle East and Mediterranean. He noted (1994: 13) that although the main center of pork

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<sup>2</sup>Rosenblum (p. 60) notes that by refusing to eat pig, Jews were never able to ingest Romanness and thus could never truly become Roman. ... and that over time, the practice of refusing to ingest pork came to be viewed as a distinctly Jewish one, leading to the marshaling of the pig in anti-Semitic tropes throughout the medieval and modern periods. This explains, for example, the otherwise incomprehensible pejorative term *marrano*, deriving from the Arabic *muḥarram*, meaning “forbidden, anathematized,” and meaning “pig” in 15th century Spanish, for a Portuguese or Spanish Jew who converted to Christianity during the time of the Inquisition, but secretly practiced Judaism (Rosenblum 2010: 61).

avoidance is the Middle East where the Muslims have a strong anathema to pork, this avoidance cannot simply be explained in terms of Islam and even today non-Muslim groups there entertain strong feelings against it. There was longstanding anti-pork feeling in the region long before Islam though the pig had been domesticated and used a supplementary source of meat protein in prehistoric times.<sup>3</sup>

The Hebrew attitude to the pig and the prohibition in Leviticus are quite clear: as the pig is an unclean animal its flesh should be avoided. In Talmudic times, the breeding or keeping of swine was banned. During the Seleucid period in the second century BCE pork avoidance became a symbol of Jewish religion (1994: 21) and when Islam adapted and adopted Jewish dietary practices, the ban on pork consumption spread with it. Simoons (1994: 64) also noted that because the ancient Hebrews are so closely associated with the ban on pork in Western thinking, it is assumed that it originated with them, although there is no scientific consensus about this. In general, in the Mediterranean and Near East, pigs and pork are restricted to Christian areas along the northern Mediterranean whereas in Muslim regions and Israel, they are banned. Even among Christian minorities in Muslim and Jewish societies, there is reticence to use the pig or society places obstacles on its use.<sup>4</sup>

The underlying question seldom asked is why there is a pork taboo. Simoons recorded five principal hypotheses for Jewish dietary laws. First, they are arbitrary and can only be understood by the deity or strict believers. Second, they arose because of hygienic concerns about danger from illness or disease. Third, Jewish dietary laws are symbolic, setting off proper from errant behavior. Fourth, they originated in rejection by the Hebrews of the cultic practices of alien peoples. Finally, he also raises the issue that there may be an economic, environmental or ecological explanation (1994: 65). If the first hypothesis is accepted, there is little point in searching further. However, the others are worth pursuing.

The most commonly proffered hypothesis is that the ancient Hebrew rejected pork on hygienic grounds: it decays rapidly in the high temperatures of the Middle East; the scavenging pig, eating everything and physically dirty, might be dangerous to eat; eating pork can cause trichinosis, a parasitic disease. Simoons rejects the

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<sup>3</sup>Some antipathy to the pig appears to have taken root in Egypt and Mesopotamia around 1200 BCE. Herodotus noted that though the pig was not banned completely, most Egyptians did not eat pork. Nevertheless he noted annual sacrifices where pork was eaten and that the poor who could not afford pig sacrificed baked pig-shaped dough instead. In Anatolia, the Hittites kept pigs, which appear to have survived solely on scavenging. Thus, although tolerated, pigs were considered unclean, as they were in Sumer. There, as in Babylonia and Assyria their flesh was eaten on certain days only and young undefiled animals were used in rites of healing and exorcism; a similar attitude existed in Anatolia and lasted until a later period. In contrast, pork was a preferred food among the Greeks and the Romans and, as Christianity developed and spread, pork-eating migrated with it. (Simoons 1994: 16–24).

<sup>4</sup>Anecdotally, there is a description of a “ceremony” the late Eli Landau, a well-known amateur cook and medical doctor prepared a porchetta feast in a gourmet restaurant in Tel Aviv. Landau had come to celebrate the launch of his new book, the first collection of pork recipes ever published in Hebrew. However, as Israel’s major publishers had banded together and jointly refused to print it, Landau published the book himself—and even then, some of the chain bookstores declined to sell it (Vered 2010).

decay idea as nonsense; pigs are eaten in other hot regions with no apparent problems. The trichinosis hypothesis is also hard to accept because its cause is not pig-specific, was relatively uncommon in the ancient Middle East and the relationship between undercooked meat and *Trichinella* roundworms was only discovered in the mid-nineteenth century. Simoons does not rule out the possibility that the Hebrews or some other group using commonsense methods associated the first-stage symptoms (vomiting, diarrhea, fever, and general malaise) with eating pork, but that such an association is not easy to make. However, he concludes (1994: 71) that the hygienic hypothesis is false because the core concept of the Hebrew ban on pigs is the defiling nature of the pig itself; this objection also applies to the economic-ecological premise.<sup>5</sup>

In the long run, Simoons favors the symbolic and cultic hypothesis. The Levitical bans give only one reason: holiness—the need to emulate God’s nature and separation from the impurities of pagans. And it is this desire to remain apart from other ethnic groups that was the prime instigator of the Hebrew ban on pork, a situation magnified when Antiochus made the pig central to his policy of forcing the Jews to abandon their faith. In Simoons’ view, Western observers need to consider areas outside the Near East where pork taboos also occur and the widespread revulsion of the pig and its eating habits among many peoples.

## 150.4 Origins

Pigs apart, the basic list of food permissions and proscriptions are set out in Leviticus. Mammals must both ruminant and have cloven hooves. Possessing just one of these characteristics is insufficient to render the animal fit to eat; animals such as camels or horses are rejected as they do not have cloven hooves and animals such as rabbits do not have hooves at all. Pigs have cloven hooves but do not ruminant, allowing it to become the ultimate culturally non-kosher (*tareff*, *treiffah*) animal. Several of these animals are specifically excluded by name (Leviticus, 11: 3–8 and in Deuteronomy, Chapter 14). Birds of prey, too, are forbidden food and they are specifically listed in Deuteronomy 14: 12–18—alongside bats, which are mammals. Fish, in order to be acceptable, must have both fins and scales thereby ruling out shellfish (Leviticus, 11: 9–12). And just in case of any misunderstanding,

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<sup>5</sup>The anthropologist Carleton Coon suggested that where the environment was relatively untouched by humans pigs were able to forage for acorns, beechnuts and truffles (cited in Simoons 1994: 71–72). Once human activity increased, however, the pig was seen as a competitor to humans and was displaced as a favored animal. Under such conditions a person keeping pigs would be displaying his wealth and disturbing the ecological balance of the environment, leading to the pig’s displacement. However, there is no such evidence for this in the Bible or in the archeology, as there is little verification relating climatic or environmental deterioration to a ban on eating pork. That the pig was abandoned because of an unwillingness to display wealth is also questionable, as it appears that pork was not an expensive delicacy.

it is stated three times in the chapter.<sup>6</sup> Notwithstanding, debate rages as to when scales are really scales and in some cases, the size of scales changes as the fish matures, thereby affecting the potential consumption of certain fish such as turbot or swordfish. In addition, all insects and any crawling creature, with the exception of one type of locust—irrelevant today for almost everyone—are forbidden.

This is the basic list of forbidden food, the bottom layer, the basic set of prohibitions (and permissions). However, other strata above this fundamental layer further restrict the freedoms of observant Jews in all that concerns food. And whereas the fundamental layer relates specifically to animals and flesh not all these additional directives relate to meat and meat products. Whereas most of the bottom stratum is based on direct biblical injunction, most of the upper echelons are based on interpretations of biblical injunctions, which have, over the centuries, become laws unto themselves.

In addition to the non-kosher animals listed in Leviticus and Deuteronomy, there are prohibitions on eating meat from any permitted animal that has not been slaughtered according to the laws of *shechitah* or from an animal with a significant anatomical or physiological defect. There is a clear prohibition against consuming blood, initiating designated procedures for its removal in general and even more specific procedures for blood-rich liver; certain fats from the abdomens of cattle, goats and sheep must be removed in order to render the meat fit to eat. In addition, the sciatic nerve area in the hindquarters of the animal is also generally not consumed; its labor-intensive removal requires specially trained personnel, making it an expensive operation. As a consequence, it was common for the entire hindquarters to be sold on to the non-kosher market.

In addition to these prohibitions on animal products, fruit from a tree cannot be consumed in the first 3 years after planting (Leviticus 19: 23–24) and there are also similar prohibitions on newly grown grain.

As well as these regulations derived directly from the Old Testament, there are others whose origins are more oblique and which have been variously interpreted over the years. The most widespread of these is the prohibition against mixing meat (including fowl) and dairy products, derived from the biblical injunction not to “cook a kid in its mother’s milk” (Exodus, 23:19, 34:26 and Deuteronomy, 14:21). Over the centuries, this has led to a slew of regulations in which not only are dairy and meat foods separated from one another, but also the vessels in which they are cooked and from which they are consumed. Vessels for meat and dairy products must not come into any contact with one another. This means keeping separate sets of cookware, flatware and dishes and, in more extreme cases, discrete cupboards, ovens and even kitchens—all of which is compounded during the festival of

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<sup>6</sup>9 These you may eat, of all that are in the waters. Everything in the waters that has fins and scales, whether in the seas or in the streams—such you may eat. ... 10 ... that does not have fins and scales ... they are detestable to you ... 12 Everything in the waters that does not have fins and scales is detestable to you.

Passover (see below). In an effort to keep these products strictly separated from one another, customs have developed whereby, for instance, no dairy products are consumed for a stipulated time after having eaten meat or fowl. The strictest view requires at least 6 h between the two. Most Orthodox Jews in the West wait 3 h but the custom among observant Dutch Jews is to wait 1 h, thus highlighting the symbolic nature of this stricture. There are also other differences of opinion, such as about hard cheeses. Because some cheeses are made with a curdling agent from the walls of a calf's stomach, some Jews view the cheese as a prohibited mixture of milk and meat. Others believe that all cheeses, hard and soft, are kosher (Masoudi 1993). In a modern world where people eat outside the home, this gives rise to separate meat or dairy (or vegetarian) restaurants—or at least strictly segregated non-contiguous areas within restaurants or dining areas.

Passover imposes further dietary obligations on observant Jews. Exodus 12:15 stipulates: “Seven days you shall eat unleavened bread; on the first day you shall remove leaven from your houses, for whoever eats leavened bread from the first day until the seventh day shall be cut off from Israel.” All leavened products or leavening agents (*chametz*) may be simply depleted, removed, destroyed or transferred (“sold”) to gentiles. The objective is that no Jew possess any *chametz* for the whole week of Passover and that any food product that might contain even a minutia of *chametz* not be ingested. All dishes and appliances in the household, which might have been in contact with *chametz* during the year must be ritually cleansed or “sold” or stored away and sealed, not used during the festival.

However, as with so many things Jewish, there are differences of opinion over what exactly constitutes *chametz*, with the general rule to allow what has become general practice in individual communities. As a consequence, it is traditional among all communities not only to refrain from eating leavened bread but also to consume unleavened flatbread (*matzah*) instead. In addition, Ashkenazi communities generally ban the use of pulses (*qitniyot*) and rice whereas Sephardi and other non-European Jewish communities permit them.<sup>7</sup>

How these demands and proscriptions arose and why they continue to apply has been the source of much discussion among Jews and others (see Severson 2010). For believers, the reasons are plain and require no elaboration. They are simply there, to be followed explicitly. For doubting traditionalists, if the rules do not stand up fully to logical analysis, (i.e., make sense) they constitute part of what is done to maintain group cohesion and thus for the sake of group continuity to be followed. However, true skeptics may ask “Why on earth ...?” and wish to know if some innate logic was involved in their origin and whether this is sufficient reason for encouraging or forbidding the consumption of one food or another.

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<sup>7</sup>This may cause confusion and even give rise to absurdity and farce, especially in Israel, when a supermarket product might have a label from a Sephardi rabbinical authority permitting its consumption for Passover while the opposite side of the same package or jar might bear a label from an Ashkenazi authority prohibiting its use—all of which is a reminder of differences past and present, real or imagined.

## 150.5 Institutionalization and Modernity

What is obvious from this cursory survey is that observant Jews have felt a need to protect themselves from transgression by consuming forbidden foods. Thus, over the years, this has brought about widespread organization and regulation of things to do with preparing, storing and retailing food.

A fundamental aspect concerning the kashrut status of meat and fowl, besides ascertaining whether or not the animal is an approved species, is that it should be slaughtered according to accepted practice (*shechitah*). Observant Jews regard shechitah as an act of respect and compassion for the animals whereby the trachea, esophagus, carotid arteries and jugular veins are severed using a very sharp blade and the blood allowed to drain. A *shochet*, the person practicing *shechitah*, normally a religious Jew, expertly trained and licensed, is the only person permitted to perform this operation, which must be carried out without pressing, pausing, piercing, tearing or allowing the knife to be covered.

In traditional pre-modern Jewish communities, the *shochet* would have been a local person, either from the village or township or at least from the region, covering several settlements. The *shochet* often doubled as a *mohel* or ceremonial circumciser whose status in the local community was almost equal to that of the rabbi. As a local person, or at least a person known to all, the community he served trusted the *shochet* and there was seldom doubt that the animals selected and the means by which they had been slaughtered conformed with Jewish religious law.

However, the meeting of Jews with modernity—first with the Enlightenment in Central and Western Europe and later with the unprecedented freedoms accorded Jews in North America—gave rise to issues that had hardly existed before. Nevertheless, some semblance of the Old World continued into the New, as Norman Ravvin (1997: 4) recounted:

my ... grandfather was a shochet ... a necessary figure in many Jewish communities, but in Canadian terms a rather atavistic sort of professional man, a disappearing breed. Ironically, [his] knowledge of ... shchita ... [...] got him work in Canada and entitled him to a visa. ... [He was] a travelling rabbi and shochet on the Canadian prairie ....

But even here, one gets the impression that the itinerant, though known, was not a local and because distances between settlements were longer and the areas covered vaster, the potential for “suspicious” activities became greater.<sup>8</sup>

The potential for losing trust in *shochetim* on the Canadian prairies perhaps did not often come to fruition, but the travelling slaughterer was just the tip of the iceberg. In towns and cities, the picture is different and the need for kosher supervision is long-standing. In New Amsterdam as early as 1660, a Portuguese Jew applied for a license

<sup>8</sup>In the modern age, as the philosopher Onora O’Neill (2002a) has written, “Every day we read of untrustworthy action by politicians and officials, by hospitals and exam boards, by companies and schools. ... we cannot have guarantees that everyone will keep trust. Elaborate measures to ensure that people keep agreements and do not betray trust must, in the end, be backed by—trust. At some point we just have to trust. There is, I think, no complete answer to the old question: ‘who will guard the guardians?’”

to sell kosher meat. The first recorded complaint against a *shochet* was lodged in 1771 and the first court license revocation against a kosher butcher took place in 1796.<sup>9</sup>

From the middle of the nineteenth century several attempts were made by American Jewish laymen and *shochetim* to improve *kashrut* standards, but it was not until the Union of Orthodox Rabbis became involved in 1924 that modern kosher supervision was born. As more products were produced in manufacturing plants rather than households, kosher product certification became more necessary to protect those for whom *kashrut* is important. Although initially necessary to ensure that the animals and plants sold met with the strictures of *kashrut* (type of animal or plant, slaughter, etc.), it increasingly came to mean a guarantee that manufactured foodstuffs did not contain even the smallest traces of forbidden substances. Although in recent times the heightened regulation of food manufacturers in general has placed ever-increasing demands on producers to label accurately and truthfully the contents of their products, this was not always the case. Consequently, , the symbol of the Union of Orthodox Rabbis, became an icon for observant Jews in America.

As the manufacture of kosher food spread throughout the United States, the resources of the New York-based certifying organization began to be stretched, so that another certifying agency was needed. This led to the establishment of the O/K Laboratories, which was also based in New York. Over the years more such agencies were established throughout the country and worldwide. One source now lists 143 such agencies worldwide, with over half in the United States alone (Table 150.1). Each of these agencies uses a symbol, supposedly to distinguish it readily from the others (Fig. 150.1). In addition to the agencies, individual rabbis have entered the field of *kashrut* certification, using their own kosher symbol or even just a plain “K” to designate a product’s kosher status. However, rather than clarify matters, it has only supplemented the confusion and, as an unforeseen consequence of the kosher business, it has helped separate observant Jews into “camps” that will trust only one agency but not others, or one that people have heard from others “can be trusted.”

As well as indicating the diffusion of the manufacturing and preparation of food products for observant Jewish populations and the spread of these populations, this explosion of agencies and individuals with the power and say-so to authorize the fitness of food products also signifies something more disturbing: a breakdown of trust in which some people refuse to recognize the authority of a certifying agency or individual and/or only have confidence in another. In the words of Onora O’Neill (2002b, Section 1), “... this high enthusiasm for ever more complete openness and transparency has done little to build or restore public trust. On the contrary, trust seemingly has receded as transparency has advanced.”

This perspective indicates that some segments of the observant Jewish population only consume food products if they have been certified as fit by a favored *kashrut* agency or individual. In essence, all other food products are taboo. Although most observant Jews are willing to accept the authority of the longest-standing and moderate agencies—that is, to trust them—or of agencies related to a “higher” (that is, stricter) authority, groups who are more particular will only eat at the tables of those

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<sup>9</sup>History of Kosher Certification. [www.kosherquest.org](http://www.kosherquest.org) (Viewed 6 March 2012).

**Table 150.1** Kashruth authority locations

Location	Number
New York	18
Israel	12
California	9
Canada	8
France	7
Texas	6
United Kingdom	6
Massachusetts, Pennsylvania, Australia	5 each
Florida, Maryland, Ohio, Argentina	4 each
Illinois, New Jersey, Austria, The Netherlands	3 each
Arizona, Colorado, Virginia, Washington, Brazil, Germany, Italy, Mexico	2 each
Connecticut, District of Columbia, Delaware, Georgia, Indiana, Kansas, Minnesota, Missouri, Rhode Island, Wisconsin, Philippines, Colombia, Belgium, Czech Republic, Hong Kong, India, Russia, South Africa	1 each
Total	143

Data source: [www.hanefesh.com](http://www.hanefesh.com)

who accept the same authority. This, lack of trust *in extremis*, can produce absurd scenarios in which two strictly religious Jews paint themselves into different kosher corners from which they can only eat separately.

The obsessive hair-splitting of some strictly religious groups and individuals leads to irrational—and distressing—situations where members of the same family choose not to eat with one another because they cannot agree over the fitness of the rabbi officiating over the fitness of the food! This is not much different to a situation in which a Jew concerned over kashrut will not eat at the table of one who cares little or not at all. As Mars (1997: 189) observed, “Commensality, eating food together, has been considered both a manifestation and a symbol of social solidarity and of community” and any diminution in commensality is an indication of a commensurate shrinking of social cohesion and social capital. Mars also pointed to a case in his research in the Welsh city of Swansea where a Jew from an observant background became strictly Orthodox and subsequently refused to eat in the house of his observant brother because he was not satisfied with the kashrut supervision proffered by the (Orthodox) United Synagogue. Unfortunately, such situations are not uncommon.

It is not just cynicism on my part that suggests a justification for suspecting false play in the world of kashrut certification, for kosher food is a multi-billion dollar industry.<sup>10</sup>

<sup>10</sup>Boland and Geisler (2006/2012) reported that U.S. supermarkets have 25,000 kosher product lines and that even large food manufacturers such as Coca-Cola, Kraft and General Mills have some food products certified kosher. Moreover, the kosher food market does not cater just for Jews, one estimate suggesting that just 44 % of the kosher market is Jewish. More than a quarter of all kosher consumers are non-Jewish health-conscious consumers, kosher having become associated with being clean and safe.

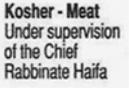
 <p>Union of Orthodox Jewish Congregations New York, NY</p>	 <p>The Organized Kashruth Laboratories Brooklyn, NY</p>	 <p>Star-K Kosher Certification Baltimore, MD</p>	 <p>Star-D (Dairy) Baltimore, MD</p>
 <p>Bais Din of Crown Heights Brooklyn, NY</p>	 <p>Igud Harobonim New York, NY</p>	 <p>Sepharadic Rabbinical Council of America, Brooklyn, NY</p>	 <p>Texas K Kosher Supervision Dallas, TX</p>
 <p>Kosher Supervisors of Wisconsin, Milwaukee, WI</p>	 <p>Chabad Lubavitch Arizona Phoenix, AZ</p>	 <p>Earth Kosher Los Angeles, CA</p>	 <p>Kashruth Council of Toronto Toronto, Ontario</p>
 <p>Calgary Rabbinical Council Calgary, Alberta</p>	 <p>Union of Orthodox Rabbis of Argentina Buenos Aires</p>	 <p>Mizrachi Hashrus of Melbourne Caulfield, Australia</p>	 <p>Ufficio Rabbinico Di Trieste Trieste, Italy</p>
 <p>London Beth Din London, UK</p>	 <p>Manchester Beth Din Manchester, UK</p>	 <p>Kedassia London, UK</p>	 <p>Dayan Osher Yaakov Westheim Salford, UK</p>
 <p>Chief Rabbinate of Holland Amsterdam, Netherlands</p>	 <p>Rabbi Schlesinger Strasbourg</p>	 <p>Chief Rabbinate of Jerusalem Jerusalem, Israel</p>	 <p>Chief Rabbinate of Haifa Haifa, Israel</p>

Fig. 150.1 Symbols of some Kashruth authorities (Source: Stanley Waterman, extracted from [www.hanefesh.com](http://www.hanefesh.com))

From the beginning, there has been a need in the United States to enact kosher food laws. New York State enacted the first in 1915 in response to the

chaotic state of the kosher food industry—its charlatans, profiteers and outright crooks—which, coupled with the huge influx of immigrants ... unfamiliar with local circumstances, made any assurance of kashruth all but impossible.... (Masoudi 1993)

Masoudi noted that between 1985 and 1988 over 240 kosher food violations were referred to the New York Attorney General.<sup>11</sup> However, legal disputes involving kashrut are complex and in order to regulate kosher food constitutionally, Masoudi records, a state must not define the term “kosher” at all and because the term is essentially religious, courts are not fit to resolve disputes over its meaning. Consequently, in his opinion, the kosher food laws in most states violate the Constitution. Laws that select a particular definition of “kosher” favored by a particular sect as the state’s definition fail on the basis of denominational preferences. Those that select a definition without reference to a particular sect’s views fail on grounds of the First Amendment, that is, impeding the free exercise of religion. In order to protect its consumers from kosher food fraud, no state may go further than to require the sellers to disclose their certifying organization or the procedures followed in preparing their food.

## 150.6 Secularity and Jewish Dietary Laws

From the preceding discussion, one should not assume that all Jews actually consume or demand kosher food. Where many people in the “West” have adopted secular lifestyles, religious proscriptions have been transformed into cultural or ethnic preferences in good circumstances whereas in worse situations they have been jettisoned entirely.

In a nominally Orthodox Jewish community such as that in Leeds in the United Kingdom, just under two-thirds (63 %) of a survey sample of almost 1,500 Jewish households purchased meat from a kosher butcher. Nevertheless, 78 % of the same sample reported that they ate non-kosher food outside the home occasionally or frequently, a typically Anglo-Jewish situation in which many people retain certain Jewish religious customs while being simultaneously lax toward many others (Waterman 2003: 8). In the United States it is common to find “kosher-style” delis and restaurants in which food has been transformed from being ritually fit to eat into being an ethnic food catering not only to the tastes and preferences of nostalgic but non-Orthodox or non-observant Jews, but also to inquisitive gentiles. As the

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<sup>11</sup>For example, a New York State Division of Kosher Law Enforcement inspector, on a surprise visit to Commack Kosher Deli & Market on Long Island, inspected the factory-sealed packages of kosher turkey thighs in the refrigerator. The department subsequently declared that these were in violation of section 201-a(2) of the New York Agriculture and Market Law because the thighs were not individually marked “soaked and salted,” one of the key steps in making meat officially kosher. The Department of Agriculture and Markets fined Commack \$11,100. (Marsh 2002).

prize-winning secular Jewish-British novelist Howard Jacobson (1993: 34) colorfully put it during a visit to New York:

Even without cheesecake and sour cream, I was in heaven. This was not like eating kosher in England. Not surprising, since the food here was not so much kosher as kosher-ish—ersatz kosher, kosher freed from the rules and restrictions which usually make you wish you were in another restaurant, eating something that didn't have matzo balls in it, or that wasn't mashed and strained and puréed, as though for Jewish babies. And there was no wizened little watchdog from the Beth Din sitting in a corner either—no ancient guardian of the Orthodox palate, such as you find in English kosher delis, hovering like a chaperon over the promiscuity of your digestive system, spoiling your appetite, and making you feel that eating is not a pleasure but a penance, a mortification of the duodenum which you misperform at your peril.

But secularism does not just mean freedom to ignore the constraints of the Jewish religion with regard to what they consume for modernity has also brought about a heightened awareness of what has come to be known as “animal welfare.” Apparently, some methods of animal slaughter are considered to be more “humane” than others and, it is little surprise that *shechitah* and *halal* forms of killing animals are regarded in some countries as less humane methods than those which require pre-stunning of animals. Predictably, this has led to charges of anti-Semitism on the part of Jews towards legislators favoring the banning of *shechitah* and other forms of ritual slaughter and equally surely, to the actual proscription of these forms of slaughter in some countries—not just countries in which anti-Semitism was rife as in Nazi Germany or Fascist Italy but in modern democracies where animal rights are taken seriously such as Sweden and New Zealand (which had a Jewish Prime Minister at the time the ban came into force in 2010). Thus Jews in those countries in which there are ongoing debates about proscribing *shechitah* are fighting to protect what they regard as one of their fundamental rights. Illogically, even many Jews for whom *kashrut* is an anachronism are prepared to give their co-religionists (or co-ethnies) support on this issue. Ironically, their natural allies in this struggle are the Muslim communities (even though some Muslim authorities are more lenient over the stunning issue than their stricter counterparts), which have the numbers to back up their demands. Even more paradoxical, of course, is that there are many people around who regard all forms of animal killing to be inhumane and who wish that this be terminated, much as in earlier history human sacrifice and cannibalism were relinquished.

## 150.7 Conclusion

Food and food consumption has traditionally been a sure way of separating Jews from the peoples among whom they have lived. There have been many mechanisms for effecting such separation, the most common being prohibitions on the consumption of specific animals and plants, directives and guidelines on the preparation of permitted foods so that they are fit for eating, and in the modern world, institutionalizing the certification procedures for such foods. Conventionally, in the period before the Enlightenment, these proved reasonably efficient in achieving their goals, which, in essence, was the preservation of Jewish peoplehood.

However, the emergence of different customs in diverse Jewish communities and the institutionalization designed to safeguard observant Jews from consuming prohibited food have served to highlight differences among Jews themselves. This has only been emphasized further by the secularization of many Jews in modern societies, undermining the role played by *kashrut* in setting off Jews from the population in general and further widening gaps between observant Jews and others. On the other hand, attempts to ban *shechitah* are regarded as an infringement of the rights of an ethnic group and, almost perversely, brought Jews closer as members of the same ethnic group.

## References

- Bahloul, J. (1995). Food practices among Sephardic immigrants in contemporary France: Dietary laws in urban society. *Journal of the American Academy of Religion*, 53(3), 485–496.
- Boland, M., & Geisler, M. (2006/2012). *Kosher industry profile*. Ames: Agricultural Marketing Resource Center, Iowa State University. [www.agmrc.org/markets\\_industries/food/kosher\\_industry\\_profile.cfm](http://www.agmrc.org/markets_industries/food/kosher_industry_profile.cfm). Viewed May 4 2012.
- Gopnik, A. (2011). *The table comes first*. New York: A.A. Knopf.
- Holtzman, J. D. (2006). Food and memory. *Annual Review of Anthropology*, 35, 361–378.
- Jacobson, H. (1993). *Roots Schmoots: Journeys among Jews*. London: Penguin Books.
- Mars, L. (1997). Food and disharmony: Commensality among Jews. *Food and Foodways*, 7(3), 189–202.
- Marsh, K. (2002, September/October). Busting Chops. *Legal Affairs*. [www.legalaffairs.org/issues/September-October2002/story\\_marshall\\_sepoct2002.msp](http://www.legalaffairs.org/issues/September-October2002/story_marshall_sepoct2002.msp). Viewed July 18 2012.
- Masoudi, G. F. (1993). Kosher food regulation and religion clauses in the First Amendment. *University of Chicago Law Review*, 50, 667–696.
- O'Neill, O. (2002a). Spreading suspicion. Lecture 1, BBC Reith Lectures 2002, A question of trust. [www.bbc.co.uk/radio4/reith2002/lecture1.shtml](http://www.bbc.co.uk/radio4/reith2002/lecture1.shtml)
- O'Neill, O. (2002b). Trust and transparency. Lecture 4, BBC Reith Lectures 2002, A question of trust. [www.bbc.co.uk/radio4/reith2002/lecture4.shtml](http://www.bbc.co.uk/radio4/reith2002/lecture4.shtml)
- Ravvin, N. (1997). *A house of words: Jewish writing, identity, and memory*. Montreal: McGill-Queen's University Press.
- Rosenblum, J. D. (2010). Why do you refuse to eat pork? Jews, food, and identity in Roman Palestine. *Jewish Quarterly Review*, 100(1), 95–100.
- Severson, K. (2010, January 13). For some, 'Kosher' equals pure. *New York Times*. [http://www.nytimes.com/2010/01/13/dining/13kosh.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2010/01/13/dining/13kosh.html?pagewanted=all&_r=0). Viewed 20 September 2014.
- Simoons, F. J. (1994). *Eat not this flesh: Food avoidances from prehistory to the present*. Madison: University of Wisconsin Press.
- Vered, R. (2010, Summer). Prescribing pork in Israel. *Gastronomica*, 10, 19–22.
- Waterman, S. (2003). *The Jews of Leeds in 2001: Portrait of a community*. London: The Institute for Jewish Policy Research.