

This Week's Parshah - Parshas Shemini

Kindly take a moment to study MISHNAS CHAYIM in the merit of
Esther *bas* Yitzchok *a"h*

a fellow Jew who passed away with no relatives to arrange Torah study on behalf of her *neshamah*

Storks, Rats, and *Chesed*

Animal Helpers

In delineating the kosher and non-kosher animals, this week's *parshah* presents a list of proscribed birds. One of the species with a curious name is the stork, referred to by the Torah as the "*chasidah*." The root of this term, of course, is *chesed* – kindness. Rashi (*Vayikra 11:19*) explains the significance to this species. The stork is known as the "kind" bird, for it performs acts of kindness toward its fellows, aiding in their procurement of food.

Before examining this subject further, let us turn to another member of the animal kingdom – the mouse – that shares a similar penchant for helping its compatriots secure a good meal. This particular trait of theirs emerges from a Talmudic discussion regarding the laws of the watchman.

When an individual deposits some belongings with a neighbor for safeguarding, he must expect that he may not receive his goods back in the same state in which he left them. This is especially true in the case of produce, where the Mishnah rules that a certain level of depletion in quantity is to be expected (due to rodent consumption). The Rabbis dispute with R' Yochanan ben Nuri as to the extent of the leniency we provide the watchman. How much damage can we attribute to the mice? The Mishnah states (*Bava Metzia 3:7*):

הַמִּפְקִיד פְּרוֹת אֶצֶל חֲבֵרוֹ, הָרִי זֶה יוֹצֵיאַ לוֹ הַסְּרוּנוֹת... הַכֵּל לְפִי הַמִּדָּה... אָמַר רַבִּי יוֹחָנָן בֶּן נוּרִי, וְכִי מָה אֶכְפַּת לָהֶן לְעַכְבָּרֵינוּ, וְהָלוֹא אוֹכְלֵי בֵּין מִהַרְבֵּה וּבֵין מִקְמָעָא. אֲלֵא אֵינוּ מוֹצֵיאַ לוֹ הַסְּרוּנוֹת אֲלֵא לְכוּר אֶחָד בְּלֶבֶד.

"Someone deposited produce by a neighbor (and when it came time to return them, it was apparent that there had been a reduction from the original amount). In making restitution (for the missing produce), the one watching the produce may deduct the anticipated loss (due to rodent consumption) from the overall payment... This amount fluctuates according to the measure. R' Yochanan ben Nuri said: 'What do the mice care (about the measurement of the produce)? Don't they eat the same amount (for their needs) whether there is much produce or little? Rather, the watchman can utilize the deduction for only one *kur*'s worth of produce."

While there are technical aspects to the issue, for our purposes the discussion may be boiled down to this: The watchman, obviously, wants to be held responsible for as little as possible. While the produce diminished under his watch, he wants to attribute at least a portion of this loss to normal rodent plunder – something the owner must have expected. The Mishnah allows the watchman to deduct from the payment that amount that could reasonably be expected to fall prey to the mice; any amount over this is attributed to his own negligence. (In other words, if "X" amount was expected to be lost to mice, he need only pay for the amount that *exceeds* "X.")

The dispute centers upon the determination of the extent of this "deduction." The Rabbis (first opinion) calculate the amount based on the *measurement* of the produce; that is, they set the deduction as "X" *per kur's worth of produce*. If one *kur* had been deposited, the watchman can deduct "X"; if it had been two *kur*, then he may deduct 2X, and so forth.

R' Yochanan ben Nuri counters – somewhat emphatically – that this formula doesn't “add up.” If someone usually has chicken for dinner, and one day he happens upon a warehouse filled with cooked chickens, he's not going to eat the whole store. Mice operate the same way. What do they care if there's one *kur*'s worth or one hundred; they're not going to consume one hundred times the amount they normally need just because it's there! As such, R' Yochanan holds the deduction steady at “X” – no matter how many *kur* were deposited.

At first glance, this latter claim seems quite solid; what would the Rabbis answer? How do they explain that the “exemption” increases with a greater store of produce? Their response is recorded in the Yerushalmi: “These mice,” they explain, “are truly wicked. It is not enough that they eat for themselves; but when they chance upon abundant food, they call their friends, as well!”

Real Chesed – and Faulty Chesed

So here we have what appears to be an ironic situation. The stork helps to feed its friends, and for this, it is dubbed a *chasidah* – noted for its kindness and piety. In fact, the Rokeach goes so far as to say that the stork shares nomenclature with the *Chayos Hakodesh*, the most exalted celestial beings who minister before the Almighty in the Heavenly Abode! *כְּנַרְיָרְנָנִים גְּעֻלָּסָה אִם־אֶבְרָהָהּ חֲסִידָה (Iyov 39:13)* – “‘The winged creatures who joyfully praise’ – these are the *Malachei Hashareis* (Ministering Angels) – ‘with the flying *chasidah*’ – these are the *Chayos Hakodesh*,” (*Moshav Zekeinim, Shemini*). But the mice are called “*resha'im*” (wicked ones) for doing what seems to be the same thing!

The *Imrei Emes* clarifies the major difference between the two. True, both the stork and the mice ensure that their friends will have plenty to eat. But the mice – taking what belongs to others – do so to the detriment of the owner. The stork's *chesed* is thus more pure, as it takes its fare only from that which is *hefker* (unclaimed property) (*Otzros Hatorah, Vayikra 11:9*).

In other words, *chesed* is a vital part of our existence. “The world is built upon *chesed*,” the Psalmist tells us (*Tehillim 89:3*). What the Yerushalmi informs us, however, is that it is only the untainted form that is warranted, not *chesed* that is performed “on *yenum's cheshbon*” (at someone else's expense). A person may be inclined toward acts of *chesed*; that is wonderful and righteous. Someone may go out of his way, offering rides at all hours of the night to save this or that person the headache and bother. But what if this person's wife is at home, reeling under the burden of child or home care, wondering in desperation where her spouse may be? What is the true *chesed* in that case?