

## For The Birds

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There we were, in a meadow high up in the Rocky Mountains. My family and I were on a tour led by a park ranger in the Rocky Mountains National Park, and he was describing the remarkable ecosystem that existed in the meadow in which we were standing. While the views surrounding it were spectacular, there was nothing apparently extraordinary about this particular meadow, yet the way he talked about it, it seemed like one of the most exciting places you could ever hope to visit. What made this meadow so remarkable, the guide told us, was the delicate dance between predator and prey, and the heightened faculties different species developed to be able to thrive in their ecological niche. “If a mouse runs through this meadow,” the ranger told us, “a deer a mile away will hear it, a bear a mile away will smell it, and an eagle a mile above will see it.” I’m sure the ranger didn’t know about it, but his description of this majestic bird of prey is echoed in a remarkable passage dating back 2,000 years, describing this morning’s Torah reading.

The Torah, in this week’s *sedrah*, describes the animals, aquatic creatures and birds that are permitted and forbidden to us- a list that is reiterated, with some changes, later on in Parshat Re’eh in the book of Devarim. It is one of these changes that the Talmud picks up on. In this week’s Parsha, the Torah forbids

וְאֶת־הַדָּאָה וְאֶת־הָאֵיָה לְמִינָהּ:

According to the translation of the Living Torah Chumash, this refers to the kestrel, and the vulture after its species. In Parshat Re'eh, the Torah uses more and different words to describe birds that sound remarkably similar to those mentioned in Shemini:

וְהַרְאָה וְאֶת־הָאֵיָה וְהַדְּיָה לְמִינָהּ:

And the white vulture, and the black vulture, and the kite after its species

The Talmud wants to know two things (Chullin 62b-63a). First of all, are we, indeed, talking about the same birds? And if we are, why does the Torah use *more* terms to describe the same birds? And finally, why does the Torah use *different* terms to describe the same birds, such that the *da'ah* in one place is described as a *ra'ah* in another? Indeed, the Talmud in Chullin says that these are all referring to the same species of bird. So why is that bird called the *ra'ah*? Rashi explains “מפני שרואה ביותר”- because it has outstanding vision. This comment is puzzling. Having excellent vision is a reason to *invalidate* a bird for consumption? As the child of someone whose vision was so bad that he was exempted from the draft for Vietnam, I find it hard to believe that good eyesight is a disqualifier! Besides, isn't the fact that these birds are birds of prey sufficient to render it invalid? The Talmud develops this idea a little further. It's not just that this bird has excellent vision- it's the *way* it uses its vision:

עומדת בבבל ורואה נבלות בארץ ישראל

This bird has such outstanding vision that it stands in Babylonia and sees a carcass in the land of Israel. Can you imagine that? Long before we were worried about the capability of missiles to travel similar distances with the same level of accuracy, the Talmud said that a bird can do the

same thing. But let's be real for a moment. One mile of vision is astonishing, but can a bird really see that far?

I believe there are several important lessons to be learned from the Talmud's formulation and vivid imagery.

First of all, note that the bird is standing in Babylonia, but looking at the carcass in the land of Israel. *Neveilah* in this case represents the negatives- all that is difficult, dangerous or destructive about the land of Israel. There is no need, in this forum, to rail against the Jews who have made comfortable lives for themselves here but see it as their duty to engage in any initiative that undermines the security of the State of Israel and to use every opportunity to criticize it under the guise of love and friendship, and to "save it from itself." No, that's not really our problem though it is a *huge* problem on the college campuses many of our children are enrolled in. For many American Jews, however, it is easy to fall into the trap of only seeing the *neveilah* in Israel- the attention grabbing headlines, the economic hardships and the security threats and challenges of living in Israel. For some such American Jews, they are fully content to be *omdim bebavel*, stay in their comfortable homes in the diaspora, and fight to the last drop of someone else's blood. We view Israel not as a place that needs to be saved from itself, but as a place that needs to be saved, full stop. In fact, we need Israel far more than it needs us, because although Israel does not exist to be a place of our refuge, it is that as well, and in a scary world like the one in which we are living, that is not to be taken for granted. Of course, Israel's challenges are important and should feature in our advocacy efforts, but the drawback of just *advocating* for Israel is that it can change Israel in our minds from being a place we pray for, and not necessarily a place we

yearn for. Our challenge is to pay attention not just to the *neveilah*- the challenges and societal problems- but also to the many positives about Israel as a place of intellectual vibrancy, a place where it is easier to live a life of purpose, a place of surpassing holiness and the place that is not just our national home, but could be our home.

There is another lesson, though, that applies regardless of where we live. Why is an animal with excellent vision considered invalid? Because this is a bird that stands in one place, and is looking at the *neveilah*- the flaws, challenges and failings of another. So often, we are all too ready to pass negative judgment on other people- whether it is their physical possessions, their child rearing abilities or their actual children, or their life choices in general. Often, these judgments are rendered with willful blindness or blissful obliviousness to whether our house is in order such that we are making those judgments. Making this bird out of bounds teaches us that we must be exceedingly careful with the way we use our vision. Instead of using it to look for the negative in others to pass judgement on them, we should be using our vision to see how we can help. Once again, I'm going to quote one of today's greatest moral philosophers and deepest commentators on the human condition- I refer, of course, to the comedian Louis CK, and this time, I don't even have to censor the exchange to sanitize it for a synagogue setting. In the second season of his show *Louie*, there is an exchange between him and his daughter Jane, who comes into the kitchen and wants a Mango Pop, essentially a frozen mango on a stick. The fact that there was only one to be had and her sister got it launched the two into a discussion of some of the cold, hard realities of life:

**Jane:** *"That's not fair!"*

**Louis:** *"I don't even know what that means."*

*Jane: “Why does she get one and not me?”*

*Louis: “Because she’s a separate person from you. You’re never gonna get the same things as other people, it’s never gonna be equal, it’s not gonna happen ever in your life so you may as well learn that now, OK?”*

*Jane: “Well then I get something else yummy. I get something else.”*

*Louis: “What do you mean you ‘get’?”*

The dialogue continues a bit, with Louis CK explaining that no one “gets” anything in life for free, with Jane repeating, each time, that it’s not fair. Finally, Louis says,

*“Listen. The only time you should look in your neighbor’s bowl is to make sure that they have enough. You don’t look in your neighbor’s bowl to see if they have– to, uh, to make sure you have as... as much as them”*

It is no accident that, as we have mentioned in the past, the Shulchan Aruch (OC 429:1) lists the venerable practice of *Ma’ot Chittim* as the very first law of Pesach, before the many, many chapters dealing with all the other intricate laws of the holiday. Before we make Pesach for ourselves, and rather than looking with judgment on other people’s plates, we must make sure *others* have the ability to make Pesach in an equally respectable, dignified manner.

Finally, I believe there is a third important lesson we can learn from this bird, one that is deeply related to the second lesson about passing judgement. עומדת בבבל ורואה נבלות בארץ ישראל - One of the challenges of a Pesach done right is that it brings families and friends together with varying levels of Jewish observance, engagement and interest. Indeed, the Seder is one of the few rituals that is still observed, in some form or other, across the Jewish spectrum everywhere in the world,

including by those who are God forbid intermarried. I know many people who are hosting Sedarim with relatives and friends who are not at all observant or Jewishly lettered, but some of you have told me that you are having relatives who are extremely stringent in their observances, especially around Pesach time. It is easy, when placed in these situations, to look at the *neveilah*-the negatives, whether it is Uncle Charlie's complete disinterest in the Seder and inability to read Hebrew and cousin Darlene's explicit request that we hurry up the Seder part so we can eat, or to complain about the excessive stringencies that Uncle Yossi brings, each year thinking up a new one, or the lengthy divrei Torah he likes to share that no one understands, including himself. We open up the Seder with the expression, כל דכפין ייתי וייכול, all those in need, regardless of who they are and what level of engagement they have, are invited to join us at the Seder, and our challenge is to try and craft a Seder experience that speaks to all of them, without them feeling as though we are seeing their *neveilah* and judging them. It's especially true in the realm of religious practice, as I believe there is a great deal of religious judgment that takes place on Pesach. After all, so many of the customs many observe are actually designed to divide people rather than bring them together. Some people don't eat *gebrotz*, or Matzah that has gotten wet in any way out of concern that it might become chametz. Still others don't *mish*, or eat in the homes of other people on Pesach despite this being their practice the rest of the year; this is my family's practice, for example. And there are plenty of other such stringencies, all summed up in a comment of Rabbeinu Asher ben Yechiel, one of the foremost Rishonim, at the beginning of his commentary on the laws of Pesach. He writes that there are many differing customs with regard to Pesach and that ישראל קדושים הם, the Jewish people are holy; these customs have an important historical and religious significance. Lord knows I like to make fun of the degree to which some

people take cleaning for and eating on Pesach, and some of the customs are silly by any halachic measure. But aside from the corrosive effect this has in terms of attitude, as we spoke about last week, it is wrong. Our challenge is to make the most kosher, most joyous, most meaning Pesach *we* can in which all the people who are with us feel valued, and not as though we are judging them constantly.

The *da'ah* is prohibited, because it uses its powers of vision for the negative- to judge, denigrate and write off others. Let's use this non Kosher bird to teach us a lesson, so that our Pesach will be kosher in every sense of the word.