

Nature in the Parasha

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Parashat Ki Tetze

Is Sending Away the Mother Bird an Act of Compassion?

Birds, Compassion and the Month of Elul

The mitzvah of sending away the mother bird before taking her eggs or chicks has always intrigued me. This week I'm sending away the 'mother bird' of my grandchildren and taking my three rambunctious fledging granddaughters aged 5, 7 and 8 for a full three day stint, so their mother can be "free" to fly to work while school hasn't yet begun. As an endearing nickname, I actually call each of my granddaughters אפרוח/efroach – chick, to their great delight. Birds symbolize spirituality. They are light, refined and fly in the sky. The bird is associated with life because of its swift movements, which are completely alive. This is the opposite of death without movement (Maharal, *Gevurat Hashem* 19).

ספר דברים פרק כב (ו)

כִּי יִקְרָא קוֹן צִפּוֹר לְפָנֶיךָ בַּדֶּרֶךְ בְּכֹל עֵץ אוֹ עַל הָאָרֶץ אֲפֹרֹתִים אוֹ בִּיצִים וְהָאִמָּה עַל הָאֲפֹרֹתִים אוֹ עַל הַבִּיצִים לֹא תִקַּח הָאִמָּה עִם הַבָּנִים: (ז) שְׁלַח תִּשְׁלַח אֶת הָאִמָּה וְאֶת הַבָּנִים תִּקַּח לָךְ לְמַעַן יִיטֵב לָךְ וְהָאֲרָכָת יָמֶיךָ:

"If you come across a bird's nest on the road, on any tree or on the ground, with baby birds or eggs, and the mother is sitting on the chicks or eggs, you must not take the mother along with her young. You shall surely send away the mother, and only then may you take the young for yourself, so that it may go well with you, and you may prolong your days" (*Devarim* 22:6-7).

This peculiar mitzvah prompts many questions such as why does the Torah forbid taking the mother together with its young in the nest? Why do we have to send away the mother bird, if we want to take her eggs or chicks? What is so kind about sending away the mother-bird in order to take her young ones, won't she feel pain when she returns to find her nest empty? Why is the reward of this mitzvah to live a good long life?

In my chicken coop, I go daily to collect eggs without sending away any of the hens. Am I then neglecting the favorable mitzvah of sending away the mother-bird? Rashi explains that this is not the case, for it states, "If a bird's nest chance before you on the way" this excludes a bird's nest or a chicken coop, which is in your property. Rambam explains that the purpose of the mitzvah of sending away the mother bird is to teach us compassion. Taking the child within the sight of her mother causes the mother acute pain. Animal mothers, just as human mothers, suffer when their offspring is harmed. "There is no real distinction between the pain of humans and the pain of animals, because a mother's love and compassion for her young is not reasoned intellectually, but is connected with emotions and instincts. These are found among animals no less than among human beings... when the mother is sent away since she does not see her young ones being taken, she does not feel any pain. In most cases, however, this commandment will cause us to leave the whole nest untouched, because the young or the eggs, which we are allowed to take, are, as a rule, unfit for food. If the Law provides that such grief should not be caused to animals, how much more careful must we be not to

cause grief to our fellow human beings.” (Rambam, *The Guide to the Perplexed*, Part 3, Chapter 48). By performing the mitzvah of sending away the mother-bird, we are training ourselves to feel empathy and compassion for all G-d’s creations. This fits in with the theme of the month of Elul when the heavenly Gates of Compassion are open.

The Purpose of All Mitzvot is to Instill Good Character-traits and Compassion

There is a subtle difference between the approach of the Rambam and the Ramban. Ramban holds that compassion for the mother-bird herself is not the motive for this mitzvah. The fact that the Torah permits eating certain animals proves that human needs override those of animals. He explains that this mitzvah is related to another mitzvah which prohibits us from killing a mother animal and her young on the same day (*Vayikra* 22:28). If these mitzvot were for the sake of showing compassion toward the animals then it should be prohibited to slaughter the mother first and afterwards her calf, or to take the chicks at all. Rather both of these mitzvot have the following educational goal: to teach us not to be cruel-hearted. The focus of these mitzvot is therefore on ‘us’ rather than on the animals – to help us develop the trait of compassion by acting compassionately. Through these two mitzvot, the Torah is teaching us that our need should not become greed; thus, we are to avoid any action, which could lead to the destruction of an entire species. A similar explanation is given by the *Sefer HaChinuch* (Mitzvah 435). From the mitzvah to send away the mother-bird, with its reward of a good and long life, we learn a general principle about the purpose of all the mitzvot: To instill within us good character-traits such as compassion and to avoid cruelty.

Relating to Animals as Living Feeling Creatures

According to Rabbi Avraham Yitzchak Kook, the mitzvah to send away the mother bird, the mitzvah, which prohibits us from killing a mother animal and her young on the same day, and the mitzvah to take the life of the animal in a humane way, all lead to the proper attitude towards animals. “We must take to heart that we are not involved with a random object that moves about like an automation, but with a living, feeling creature. We must become attuned to its senses, even to its emotions, to the feeling it has for the life of its family members, and to its compassion for its own offspring” (*Chazon HaTzimchonut V’HaShalom*). Judaism is filled with beautiful and powerful teachings about showing compassion to animals. Rivkah’s kindness of watering ten camels made her the worthy wife for the patriarch Yitzchak. Moshe and King David were selected to be leaders of the Jewish people because of their compassionate treatment of sheep. Many Torah laws mandate treating animals kindly. We may not muzzle an ox while it is working in the field nor yoke a strong and a weak animal together. Animals, as well as people, are to rest on Shabbat. We are prohibited from causing *tza’ar ba’alei chayim* – any unnecessary pain, including psychological pain, to living creatures. Rabbi Samson Raphael Hirsch explains: “Here you are faced with G-d’s teaching, which obliges you not only to refrain from inflicting unnecessary pain on any animal, but to help and, when you can, to lessen the pain whenever you see an animal suffering, even through no fault of yours (*Chorev* 60:416). Today, unfortunately, animals are treated cruelly in many ways. Rather than being treated as “living souls,” they are frequently treated as machines, as useful tools from which profits can be made. In fact, modern intensive livestock agriculture is often called, “factory farming.” In the US over a quarter-billion, male chicks are killed annually by suffocation instantly after birth, because they do not produce eggs, and they do not provide sufficient meat to justify raising them to maturity. This is

just one symptom of how far we have moved from having compassion for birds (Dr. Richard Schwartz, Ph.D., Collection on Judaism, Vegetarianism, and Animal Rights).

Beyond Compassion

Although the 'mother-bird mitzvah' seems to derive from the noble consideration of mercy, we may not assume that we understand its true reason. All the mitzvot are Divine decrees, beyond human logic. The Mishna mentions that we must silence someone who prays to G-d to show him compassion, because G-d's compassion extends even to a mother bird.

משנה מסכת ברכות פרק ה (ג)

הָאוֹמֵר עַל קֶן צִפּוֹר יִגְיעוּ רַחֲמֶיךָ, וְעַל טוֹב יִזְכַּר שְׁמֶךָ, מוֹדִים מוֹדִים, מְשַׁתְּקִין אוֹתוֹ:

One who says [in prayer]: "Your compassion reach to the nest of a bird" and "Your name shall be mentioned on the good!" "Thank you, thank you" – silence him... (*Mishna Berachot 5:3*).

Rabbi Yossi bar Zvida explains that in highlighting the 'mother-bird mitzvah,' the worshipper presents G-d's laws as "springing from compassion, whereas they are only decrees" (*Babylonian Talmud, Berachot 33b*). The Rabbis ruled that we may not limit the reason for the mitzvah. In reality it may have many reasons, and compassion for the mother-bird is but one facet. (*Tosfot Yom Tov Berachot 5:3*). Nevertheless, Rabbi Shlomo Riskin goes along with the Rambam and stresses that G-d is known as the compassionate one. In the attributes of G-d indicated in the Torah (*Shemot 34:6*), the first attribute, after omnipotence, is mercy. There are numerous additional examples of G-d's mercy in the Torah. He explains that the Mishna's ruling is meant to prevent us from limiting Hashem's great compassion, for sending away the mother bird is not a complete act of compassion. The true act of compassion would be to prohibit us from taking the eggs and the chicks as well. Permission to take the nestlings after sending away the mother-bird is a concession. The Torah's ultimate goal is that we become so sensitive that we won't want to disturb the nest at all. Yet, the Torah deals with reality, with the human instinct to take it all, mother and child. While the commandment to send away the mother bird aims to sensitize us to the feelings of animals, it can't be invoked as an ideal of compassion based on which we can plead for G-d's mercy.

The Pain of the Mother-bird Arouses Heavenly Mercy

The *Zohar* does not consider sending away the mother-bird as an act of compassion. When the mother bird is driven out of her nest, she cries bitterly over her separation from her young. The angel appointed over this species appears before the heavenly throne and complains: "Merciful One, why has Your Torah ordered such a heartless act?" The angels designated over the other bird species protest, objecting to their birds meeting the same fate. G-d then reprimands all the heavenly hosts saying, "Why do the angels in charge of the birds complain against the birds' plight while none of you expressed concern over the anguish of My sons and the *Shechinah* (Divine Presence)? "The *Shechinah* is exiled. She is alienated from Her nest and home, the Holy Temple. My sons, the fledglings, dwell alone among their enemies, the nations of the world. Yet, none among you cry out to arouse My compassion for them! "For My own sake, then, I will redeem them!" (*Tikunei Zohar 23a*, cited by Chana Weisberg). Thus, this mitzvah has a profound cosmic impact by arousing heavenly mercy for the Jewish people. The mother-bird's distress elicits Hashem's compassion, and causes Him to shower His mercy on *Klal Yisrael* and individuals in need. In turn, Hashem then rewards the person who brought this about.

Mothers and Motherhood

We learned from the *Zohar* that the mitzvah of the mother-bird awakens the cry of the Divine mother for her children. Thus, motherly devotion is a Divine trait embodied by the Shechina – the Divine Female Indwelling presence. A mother’s love and self-sacrifice for her children extends from the highest Shechina to the lowest animal kingdom. As part of her motherly instinct, she will risk her life to save her young. It is therefore, specifically while the mother-bird is engaged in her activities of motherhood that she will be vulnerable to the hunter. Consequently, we must guard this noble character-trait and never exploit it. “If you are faced with the possibility of acquiring a bird which may be used for food, but you find it in free creation, serving its cosmic purpose – in that moment you should have respect for it as a servant of creation; do not appropriate it at the moment of its service to its species” (Rabbi Samson Raphael Hirsch, *Chorev*). In his commentary on the mitzvah which prohibits us from killing a mother animal and its young on the same day, Rabbi Hirsch comments: We venture to say that this idea reflects that aspect of animal life that shows the beginning of a resemblance to human character. Although egotism, love and concern for self is the powerful drive that stimulates animal life, the selfless love and care of the animal mother for its young comprise the first elevation to that selflessness that characterizes true human love – the godliest trait in the human character. We are to therefore emphasize and respect this elevated trait when we find it among other creatures (Rabbi Yosef Ben Shlomo Hakohen).

Earning a Long Life for Respecting the Mother

In spite of the limited compassion involved in the mitzvah of sending away the mother-bird, the Torah promises a great reward, a long life, to those who fulfill it (*Devarim 22:7*). Rashi comments that although it is a relatively easy *mitzvah* to carry out, involving little hardship or cost, we earn the tremendous reward of long life through its performance. We can, therefore, only imagine how great the reward will be for more difficult mitzvot. The only other mitzvah for which long life is promised is for honoring our parents in the Ten Commandments. Many are puzzled why the same reward is promised for the extremely difficult mitzvah of honoring parents and the relatively simple mitzvah of sending away a mother-bird. Kli Yakar explains that both of these mitzvot strengthen our belief in the creation of the world. They both teach us that no being comes into the world without a mother giving birth. This chain of motherhood leads us all the way back to Hashem – the original Mother, Who gave birth to the world. Had the world been eternal, without a Creator, there would be no reason to respect our parents. Yet, we believe that the first Mother shared her honor with all mothers emanating from her. Therefore, we must honor our parents, and send away the mother bird. Since both of these mitzvot strengthen our belief in the creation of the world, their reward is to live a long life in this world. This is the foundation of *emunah*, as it states, “...the righteous person lives by his faith” (*Chavakuk 2:4*). By means of *emunah*, we cleave to the source of life and therefore, the reward for this is to live a long life (*Women at the Crossroads* pp. 176-177). Simply, when a child sees his parents showing compassion to a mother-bird, she will be reminded of her obligations to her own parents. A number of *Midrashim* state that fulfillment of this *mitzvah* is a *segulah* (spiritual remedy) for having children. We learn this from the wording “that you may you take the young for yourself” (*Midrash Devarim Rabbah 6:6, Yalkut Shimoni 930*). The *mitzvah* is also a *segulah* for getting married and for acquiring a new house, since these two mitzvot are juxtaposed to the mitzvah of sending away the mother-bird (*Devarim 22:8, 22:13*).

Sending Away the Mother-bird Brings the Mashiach

There is an even more incredible reward associated with this mitzvah. “If you fulfill the law of kindness to birds (by sending away the mother bird), you will also fulfill the law of freeing Hebrew slaves... and you will thereby hasten the advent of Mashiach” (*Midrash Devarim Rabbah* 6.3). The connection between sending away the mother-bird and hastening Mashiach is also alluded to in the Hebrew letters that comprise the wording. “You shall surely send away the mother” – שְׁלַח תִּשְׁלַח אֶת הָאִמָּה. The last five letters which mean, “the mother” – אֵת הָאִמָּה/et ha'em can be read as an acronym for אֵלֵיָהוּ תִשְׁבִּי הַמְּבַשֵּׂר אֶת מִשִּׁיחַ – *Eliyahu tisbi hamevasser et Mashiach* – Eliyahu the Tishbite who will herald the Mashiach (Rav Tzvi Elimelech of Dubno, *Agra d’Kalah, Parashat Ki Tetze*). How can the simple act of sending away a mother bird before taking the nestlings speed up the arrival of the Mashiach? In the Garden of Eden, there was harmony between people and animals. In spite of the Torah’s beautiful and powerful teachings about showing compassion to animals, this harmony no longer exists. The Torah relates that after the flood in the time of Noach, animals began to dread human beings (*Bereishit* 9:2). In the Messianic era, the harmony between people and animals that existed in the Garden of Eden will be restored. It will be a time when “...the wolf shall dwell with the lamb... the lion shall eat straw like the ox... and no one shall hurt nor destroy in all of My (G-d’s) holy mountain” (*Yesha’yahu* 11: 6-9). In order to hasten the coming of Mashiach we must start to act out the conditions that will prevail during the Messianic times. When we show compassion to a mother-bird it will lead to greater concern also for people and one aspect of this will be freeing of slaves. For, as Rambam taught, the Torah mandates that we should not cause grief to cattle or birds, how much more careful must we be that we do not cause grief to fellow human beings. Finally, this increased compassion for all of G-d creatures will lead to a greater appreciation of the Creator, and hence a greater commitment to performing all of G-d’s mitzvot, and finally to that ideal time of justice, compassion, and harmony embodied by the Messianic vision (Dr. Richard Schwartz, Ph.D., *Collection on Judaism, Vegetarianism, and Animal Rights*).