



# SIMCHAT SHMUEL

BY RABBI SAM SHOR

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These past number of months have been both challenging and a blessing. The additional time spent at home, and with loved ones has enabled us to refocus our priorities and to cherish those experiences we share together as a family.

One of the many experiences our family has shared during the past number of months, has been the appearance on three different occasions of birds' nests on the balcony of our home. In addition to the excitement of our very inquisitive six year old daughter, the presence of these nests posed an interesting halachic shaila as well.

Our *Sedra, Parshat Ki Teitzei*, contains within it the challenging *mitzva* of *Shiluach HaKen*- the *mitzva* to send away the mother bird.

***If you happen upon a bird's nest before you on the road, on any tree, or on the ground, and it contains hatchlings or eggs, if the mother is sitting upon the hatchlings or upon the eggs, you shall not take the mother upon the young.***

***You shall send away the mother, and [then] you may take the young for yourself, in order that it should be good for you, and you should lengthen your days (Devarim 22:6-7).***

There are many important details

contained within these verses. First and foremost, the *pesukim* describe happening upon the nest, *baderech* while you are traveling, on the road, on the ground or in a tree ground before you. According to many *poskim*, the *mitzva* may thus not be performed by shooing away a mother bird from our own porch or yard, rather it is as the *pesukim* stipulate, if we happen upon the nest in a random place, while traveling outside, away from our own home.

The *Rambam* in the *Moreh Nevuchim* points out two powerful ideas contained within the *Torah's* instruction to send away the mother bird.

First, we are concerned for the trauma it might cause the mother bird if we were to take the eggs or hatchlings within her sight, and therefore we are instructed to send away the mother bird. However the *Rambam* points out another important idea, our concern for the eggs and hatchlings themselves. The young

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underdeveloped hatchlings and small eggs, are probably not even truly edible or appropriate to be eaten! Despite our hunger, or human inclination, by requiring the extra step of sending away, of chasing away the mother bird, this extra step, explains the *Rambam*, is meant to be an impediment that for most people will result in their letting go of any desire to take the eggs or hatchlings.

The *mitzva* of *Shiluach HaKen* therefore could really be categorized on two levels as a *mitzva kiyumit*- a *mitzva* which may indeed be fulfilled, but is not obligatory under all circumstances. First, if indeed we happen upon a bird's nest while traveling, according to most *poskim*, we may indeed follow the *Torah's* specific instructions, and fulfill the *mitzva* of sending away the mother, and taking the eggs to eat. However, the *Rambam's* insight, perhaps, gives us a different understanding of the *mitzva* inherent in these *pesukim*. Perhaps, the *mitzva* opportunity contained within the various details of this scenario, is specifically as the *Rambam* suggests, meant to condition us to rise above any natural inclination to serve our human desire and hunger, and rather channel our innate potential for emulating the compassionate midot of the *Ribono Shel Olam*.

*Yehi Ratzon* that indeed each of us, during these days of *Elul*, should merit to take to hear this beautiful idea introduced in the *Moreh Nevuchim*, and merit to channel the mida of compassion toward one another. ■

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