



SIMCHAT SHMUEL

BY RABBI SAM SHOR
DIRECTOR, TORAH INITIATIVES,
OU ISRAEL

One of the many experiences our family has repeatedly shared, has been the appearance on numerous occasions of birds' nests on the balcony of our home. Over the years, our daughter's reaction has matured from excitement, to indifference, to concern for the eggs we inevitably find within these nests.

Our *Sedra*, *Parshat Ki Teitzei*, contains within it the challenging *mitzvah* of *Shiluach HaKen*- the *mitzvah* 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 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.

It's interesting to note however, that **Rav Asher**

Weiss, *shlita*, distinguishes between a bird's nest appearing on our porch or in our yard—areas we utilize as living space, an extension of our homes—and a nest in a gutter attached to our building or on a rooftop; he considers these latter areas to be a *makom hefker*, similar to finding a nest in the street or wilderness.

Based on the above, it appears this *mitzvah* is

meant to reiterate and condition us to some level of heightened compassion and consideration as we travel away from our own homes, away from our regular routines. It is one thing to model *rachmanut* and



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kindness within the walls of our own homes, but how do we conduct ourselves when we travel, when we vacation, when we happen upon a circumstance and opportunity to express compassion when we are *baderech*, when we are away from our regular routines?

There is an interesting passage in the ***Tikunei Zohar***, which can help us to begin to better understand this *mitzvah*.

There is an angel appointed over the birds . . . and when the Jewish people perform this mitzva, and the mother departs weeping and her children crying, this angel agonizes for his birds, and asks Hashem: "Does it not say that 'His compassion is on all of His works' ? Why did You decree for that bird to be exiled from her nest?" And what does HaKadosh Baruch Hu do? He gathers all of His other angels and says to them: "This angel is concerned for the welfare of a bird and is complaining

of its suffering; is there none amongst you who will seek merit on My children Israel, and for the Shechina which is in exile, and whose nest in Yerushalayim has been destroyed, and whose children are in exile under the hand of harsh rulers? Is there no one who seeks compassion for them and will attribute merit to them?" Then Hakadosh Baruch Hu issues a decree and says, "For My sake I shall act, and I shall act for My sake," and compassion is thereby aroused upon the Shechina and the children of Israel in exile...

The **Lubavitcher Rebbe zy'a**, points to this teaching from the *Tikunei Zohar*, and suggests that this mitzva of *Shiluach HaKen* is meant to arouse Hashem's mercy and compassion for His people and finally take us out of exile.

The **Rambam** in the **Moreh Nevuchim** offers a different take on the Torah's instruction to send away the mother bird.

First, we are concerned about the trauma it might cause to 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 underdeveloped hatchlings and small eggs are probably not even truly edible or appropriate to be eaten! Despite our hunger, or human inclination, we are required to take the extra step 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 we do happen upon a bird's nest while traveling, according to most *poskim*, we may indeed follow the Torah's specific instructions,

and fulfill the mitzvah of sending away the mother bird, 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*.

The **Kedushat Levi, Reb Levi Yitzchak of Berditchev zy'a**, seemingly agrees with this train of thought. The *Rebbe* explained:

The mitzvah to send away the mother bird is not solely due to considerations of mercy for the mother bird's feelings, for if it were so, the Torah did not have to issue such a commandment, for Hashem himself could have taken care either of the mother bird or its young without leaving their fate to our sense of compassion. Hashem has many other ways and means of ensuring these birds' survival. Rather, the decree was issued to teach us to have compassion for every single one of Hashem's creatures...

Yehi Ratson that each of us, during these days of *Elul*, should merit to take to heart this beautiful idea introduced in the *Moreh Nevuchim* and echoed by the words of the *Kedushat Levi*. May we be able to channel the *mida* of compassion not only when we happen upon a bird's nest, but also in our interactions with one another, and may we merit to realize that we are worthy of Hashem's compassion and love. ■

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