

KI SEITZEI (DEUTERONOMY 21:10-25:18)

Hard-Boiled Compassion

2003 · Rabbi Yerachmiel Seplovitz

You're out strolling in the wild one day, and suddenly you hear a symphony of chirps. You look up and discover a bird's nest. The mother is watching over her young.

What a find! You have a coop at home waiting to be filled with several young, kosher birds. (Except perhaps for one or two of the bigger birds who will soon grace your Shabbos table.) You lift your net, ready to capture the entire family in their nest. Soon mother and children will be yours.

Wait! You can't take them yet:

If a bird's nest happens to be before you on the road, on any tree, or on the ground – young birds or eggs – and the mother is roosting on the young birds or on the eggs, you shall not take the mother on the young. Chase away the mother and take the young for yourself, so that it will be good for you, and you will prolong your days. (Deuteronomy, 22:6-8)

There are various reasons given for this Mitzvah. The Chizkuni takes an ecological approach. He explains that by leaving the mother alive, we allow her to produce more offspring, so the species won't become extinct.

Another reason offered by several commentaries is that it is exceedingly cruel to empty a nest in the presence of the mother. Midrash Rabbah (6:1) tells us that G-d shows His compassion toward humans, animals and birds. He demonstrates mercy for a baby by delaying the Bris until the eighth day when he's stronger. Newborn animals are not permitted to be slaughtered, nor may a parent and offspring be slaughtered on the same day. Finally, the Midrash says that we send the mother bird away as an act of compassion.

This explanation is troubling. We are supposed to show compassion for the mother bird. We don't want her to experience the pain of seeing her children taken away. We chase her away so she won't have to witness the dastardly deed. Nice. But what about the fact that she'll be returning to an empty nest? Are we really sparing her feelings by sending her away? Doesn't she still suffer at the prospect of her progeny being turned into omelets and fricassee? If we're so concerned about Momma Bird's feelings, why don't we just leave her alone?!!

There is an interesting Mishnah (Brachos, 5:2) that seems to contradict the above-quoted Midrash. Someone is leading the Services, and he inserts the prayer, “Just as You showed mercy to bird’s nest . . . (and told us not to take the mother so too, take pity upon us.)” The Mishnah says that he is to be silenced. That is not considered an appropriate prayer. Rabbi Ovadya of Bartenura (Italy and Jerusalem, 1440-1516) explains that this man understands G-d’s Mitzvahs to be simple acts of compassion, rather than a King’s decrees that MUST be followed.

Who’s right, the Midrash or the Mishnah? Is this Mitzvah an act of humane consideration for a mother bird, or is it simply another religious precept without a logical reason?

I believe it is both.

The Torah was given on Mt. Sinai 3500 years ago, and we accept G-d’s Commandments whether we understand them or not. In this regard, every Mitzvah is a decree. However, there are moral lessons that we can learn from these decrees.

Rabbi David Feinstein explains that “. . . the mitzvah teaches compassion. It is inevitable that one who develops compassion for a bird will learn to be kind to human beings, as well. (Kol Dodi on the Torah, page 280)

But these moral lessons are secondary to the Mitzvah itself. Animals were given to Man as a source of food and other needs. That’s one of the reasons that Noah took extra Kosher animals on the Ark. We should make sure to treat them humanely, even as we use them for food. Compassion only goes so far. Carried to the “logical” conclusion, one might assume that we should ban circumcision and become vegetarians.

It is such misplaced “piety” that fuels the animal “rights” movement. I heard on the radio about some activists who sprayed white baby harp seals with red paint, making them worthless to the fur industry. The net result of this act of “compassion” was that the baby seals were deprived of their natural camouflage in the snow, providing easy snacks for predators.

In a similar act of “saving” animals, last week some vandals released ten thousand captive minks to save them from becoming lady’s coats and Chassidic men’s hats. The animals ran wild, several being run over by cars. The minks that survived the cars attacked cats, ducks, and chickens. So much for protecting animals!

The above two examples are only illustrations of being silly. However, sometimes it gets truly dangerous.

Abortion is a sin. There are no two ways about it. Unless a mother's life is in danger, Jewish Law prohibits killing unborn children. It is morally and ethically wrong for a woman to kill her child as a matter of convenience. The fact that unwanted children shouldn't be abused doesn't change that fact. Yes, a fetus is part of a woman's body. (Sort of.) The Torah does not allow a woman to cut off her hand, and it does not allow her to trash the contents of her uterus. QED. End of discussion.

Somehow, people with very sick minds extend this concept as a "Mitzvah" to kill abortion "doctors" and their bodyguards. The former "minister" who perpetrated this depraved deed told reporters that he expected "a great reward in Heaven." Personally, I suspect otherwise. I suggest they bury him in something fireproof.

Our friends at PETA who are so concerned about a "chicken Holocaust" wrote to Arafat to complain that innocent animals are used for killing Jews.

This week's Torah Portion tells us of the ongoing war between G-d and the cruel nation of Amalek. As an act of mercy and "professional courtesy," King Saul spared the Amalekite king. This act of "compassion" led to the eventual birth of Haman, and, according to some opinions, Adolph Hitler.

The Torah offers many lessons that can be learned on many levels. We can learn a lot from the law of sending away the mother bird. We should learn that it is extremely important to avoid causing physical or emotional anguish to others.

We should also learn to maintain perspective. Keeping someone else happy is not carte blanche to ignore the requirement to do what is right. In analyzing King Saul's decision, the Talmud concludes, "He who is kind to those who are cruel ends up being cruel to those who are kind."

TORAH TALKKI SEITZEI (Deuteronomy 21:10-25:18)

Have a great Shabbos. Rabbi Yerachmiel Sepowitz

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