

Parsha Ponders

Ki Seitzei | Aug 24, 2023 | 8 Elul 5783

*Birds, chicks, and bris milah*¹

כי יקרא קן-צפור לפניך בדרך וגו' והאם רבצת על-האפרחים או על-הביצים לא-תקח האם על-הבנים: שלח תשלח את-האם ואת-הבנים תקח-לך למען ייטב לך והארכת ימים

When you chance upon a bird's nest while on the way...and the mother is perched on her chicks or on her eggs, don't take the mother upon the children. [Rather]² send away the mother bird and take the children for yourself, in order to be good for you and that you'll lengthen your days³

A popular *mitzvah* nowadays is the *mitzvah* to send away the mother bird. Perhaps because of the Torah's promise of a long life, people yearn for an opportunity to fulfill this *mitzvah*. The Torah tells us not to take the chicks or eggs when the mother bird is perched upon them. Rather, send away the mother bird, and then take the children for yourself.

Regarding this *mitzvah*, we are taught⁴ an unusual teaching: When the Jewish people fulfill the *mitzvah* of *bris milah*, with love and fear of G-d, it is said about them "Don't take the mother upon the children". However, when the Jews are not fulfilling the *mitzvah* of *bris milah*, then it is said about them: "Send away the mother bird". What are we to make of this teaching, which is combining these seemingly disjointed ideas?

The halachic decisors discuss⁵ the application of the *mitzvah* of sending away the mother bird. The Torah focuses on the proper conduct for how to acquire the eggs or chicks. What happens if a person isn't interested in the children? They're just walking in the forest, and they chance upon a mother bird in her nest. Is there still a *mitzvah* to send away the mother bird? Or is the *mitzvah* only if the person wants the eggs or chicks?

Seemingly, the answer should depend on the reasoning behind the *mitzvah*⁶. The more Kabbalistic sources say⁷ the reason to send the mother bird away is in order to "upset her" so to speak. She comes back to her nest to find it empty. She mourns the loss of her children. This emotional trauma somehow awakens Divine Mercy. The Divine Presence, so to speak, starts to cry and mourn the loss of Her children, i.e. the exile of the Jews from Israel and the destruction of the Temple. This *mitzvah* awakens Divine Mercy and can help bring the ultimate redemption. According to this, one should send away the mother bird regardless of one's interest in the children.

However, the Ramban gives⁸ a more relatable reason. Taking chicks and eggs in front of a mother bird is an act of cruelty. The Torah wants to inculcate in us a sensitivity to avoid this trait by first sending away the mother bird. That makes sense if a person genuinely wants or needs the food. However, if there's no interest, why disrupt this family unit needlessly? That itself would also be an act of cruelty.

¹ Based on Chasam Sofer al HaTorah to Deuteronomy 22:6,7 s.v. בילקוט ראובני

² See <https://parshaponders.com/ki-seitzei-5777/>

³ Deuteronomy *loc. cit.*

⁴ Yalkut Reuveni ad. loc. s.v. ובזימנא דמקיימין ברית מילה

⁵ The Chasam Sofer cites this question from the Chavos Yair § 67. See Teshuvos Chasam Sofer Orach Chaim § 100 and Minchas Asher Devarim § 40

⁶ See Minchas Asher *loc. cit.* § 2 who is surprised that *poskim* would take the reasoning behind the *mitzvah* into account, considering we usually aren't דורשין טעמא דקרא

⁷ Tikkunei Zohar Tikkun § 6 pg. 23a; Zohar Chadash Rus pg. 25b

⁸ Ad. Loc. Cf. Rambam, cited by Ramban

If we were to analyze the verses, we would notice that they don't exactly match either approach. The verse says, "don't take the mother upon the children", which sounds like don't take them both together. However, one should have the option to neither take nor send away the mother bird. This would seemingly be a case where one doesn't want the food. However, the next verse says: "You shall surely send away the mother bird". That sounds like something a person should go out of their way to do so, no matter what.

However, we can try to fit both approaches in the verses. When the Divine Presence is amongst the Jewish people, i.e. they're fulfilling Hashem's will, then the only reason to fulfill the *mitzvah* of sending the mother bird would be according to the Ramban's approach. Don't be cruel, and only send the mother bird if one needs the children. However, if G-d forbid we're not following the Torah properly, the Divine Presence, so-to-speak, goes into exile and leaves us. In that case, it makes sense then to fulfill the *mitzvah* according to the Kabbalistic approach, to awaken Divine Mercy.

This idea is expressed by our Sages regarding *bris milah*. When we fulfill this *mitzvah*, then the Divine Presence rests among us, and we're only obligated not to take the mother bird upon the children. However, when we aren't fulfilling *bris milah*, and the Divine Presence isn't with us, then we're obligated in sending away the mother bird.

Good Shabbos