



MISHNAS CHAYIM

מישנת חיים

MISHNAH ON THE PARSHAH

פרשת כי תצא תשס"ט • Parshas Ki Seitzei 5769

IS MERCY "FOR THE BIRDS"?

One of the numerous topics covered in this week's *parshah* is the mitzvah of *shiluach hakan*. When a person happens upon the nest of a wild bird, he must first send away the mother bird before taking the eggs. "Do not take the mother with the offspring," says the Torah (*Devarim 22:6*).

The Mishnah in Berachos offers some insight as to what this mitzvah is about – or, rather, what it's *not* about. The Mishnah (5:3) states:

האומר על קן צפור גיעו רחמיך... משתקין אותו.
"One who says, 'Your mercy extends to a bird's nest,' is silenced."

As Rashi (*Berachos 33b*) explains, the Mishnah is discussing an individual who is composing his own prayer. In his moment of inspiration, he formulates the following praise: "Hashem! You are so merciful, as evidenced by the mitzvah of *shiluach hakan*." Apparently, the composer understands the mitzvah to be a show of mercy toward Hashem's creatures, preventing them from experiencing the anguish of witnessing their progeny being taken. The Mishnah, however, feels this explanation to be erroneous; so much so that we instruct this individual to terminate his prayer.

The Gemara (*ibid.*) further elucidates the mistake inherent in such a mindset: "He (the composer of this prayer) portrays the *mitzvos* of Hashem as stemming from an attribute of mercy. In actuality, the basis for the mitzvah – like any mitzvah – is simply a manifestation of Hashem's Will and decrees and our imperative to adhere to them."

This is not to suggest – G-d forbid – that Hashem is lacking in the attribute of mercy. Addressing this point, the Sefer Hachinuch (*mitzvah 545*) reminds us

of the obvious: that Hashem is referred to in many passages as "the Merciful One." Furthermore, we are commanded to emulate the merciful ways of Hashem and to cultivate the trait of mercy in ourselves. The intent of our Mishnah is merely to stress that a sense of mercy was not the prime impetus for the commandment of *shiluach hakan*. Rather, it is a "royal decree" from the King and Master of the Universe, to be followed whether or not we are privy to its underlying reasons.

MERCIFUL MITZVAH

However, we do find elsewhere in the words of Chazal that there actually does seem to be an element of mercy to this mitzvah.

The Medrash (*Devarim Rabbah 6:1*) compares the mitzvah of *shiluach hakan* to circumcision. "Why does a baby receive a *bris milah* on (specifically) the eighth day?" the Medrash asks. "For Hashem had mercy on him," comes the answer, "and postponed the *milah* until the baby has his full strength to withstand the ordeal (which does not occur until that time)." The Medrash concludes: "... Similarly, Hashem was *filled with compassion toward the birds* and commanded that we send away the mother before taking the chicks."

The truth of the matter is that the sentiment expressed in this Medrash does not necessarily contradict the "rebuke" offered by the above-mentioned Mishnah. As R' Zev Wolf Einhorn (*Peirush Maharzu on the Medrash*) explains, every mitzvah really contains numerous profound and hidden reasons; as for *shiluach hakan*, *rachmanus* (mercy) for the creatures involved may very well be one of these reasons. Although the Mishnah instructs us to silence one who proclaims this sentiment, the Mishnah does not categorically disagree with the notion that compassion plays a role in the mitzvah of *shiluach*

Dedicated in loving memory of Mr. Bernard Wiener

בערל בן הערש ע"ה

by Dr. and Mrs. R. Shanik, Lakewood, NJ

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hakan. What the Mishnah means to convey is that the merciful and ethical component of the mitzvah should not be the basis for our observance.

In other words, we do not pick or choose which *mitzvos* to fulfill based on our own perception of what is moral or correct. We recognize that Hashem is perfect, just, and the ultimate Arbiter as to what constitutes moral behavior. The vehemence displayed by the Mishnah is intended to distance us from a certain mistaken attitude, wherein an individual implies that he “approves” of this or that mitzvah because it conforms to his personal sense of justice. While *shiluach hakan* may indeed contain an element of *rachmanus*, the sole reason for following Hashem’s command is precisely that – it is Hashem’s command. As loyal servants of the King, we stand ready and willing to fulfill all of Hashem’s *mitzvos*, regardless of whether or not we discern the inherent morality of each one.

GENERATING RACHMANUS

It is interesting to note the abundance of mercy that *results* from the fulfillment of this mitzvah. The Ramban (*ibid.*), commenting on the Mishnah discussed above, explains that whereas *rachmanus* may not be the impetus for the commandment, one nevertheless will develop this trait by fulfilling this mitzvah. By performing the act of sending away the mother before taking the chicks, a person will automatically cultivate a sense of mercy within himself, which will carry over to his dealings with others.

There exists yet another dramatic manifestation of the *rachmanus* that is an outgrowth of this mitzvah. In a fascinating and ironic twist, the Rabbeinu Bechaye (*ibid.* v. 7) and the Recanati (#224) contend that the act of sending away the mother bird is actually intended to *cause it anguish*, which effects a general outpouring of mercy for the *entire world*. Their rendering – which is based on the words of Chazal (*Zohar Chadash, Rus, 94a*) – do contain certain esoteric concepts, which may be beyond our current comprehension, but the general idea is clear and awe-inspiring.

Apparently, the mother bird – after witnessing its nest and children taken away – is left feeling utterly distraught, to the point that she wants to take her own life. At this point, the “celestial representative” of the birds takes pity on the bereft mother and approaches the Almighty to plead on her behalf. Through his supplication, Hashem’s attribute of *rachmanus* is aroused, and He responds with an abundance of mercy. This emanation of compassion is not just directed toward the distressed bird, but to all suffering individuals who are in need of salvation. Specifically, Hashem is “reminded” of *His* abandoned “fledglings” – the Jewish people in Exile – who are removed from their home. And He recalls the fact that He Himself is far from His home, as the Shechinah (Divine Presence) is also in exile, longing to return to the Beis Hamikdash.

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