

Parashat Ki Teitsei

Devarim 22:6-7

If you happen upon a bird's nest on your way, whether in a tree or on the ground, containing chicks or eggs, with the mother sitting on the chicks or eggs, don't take the mother in addition to (a) the children.

You must instead send (*shaleiach t'shallach*) the mother away, and take the children for yourself, in order that things go well for you, and you extend your life.

The commandment contained in these verses has been a focus for two major theological discussions.

1) Is it appropriate to assign reasons to commandments, in other words to presume to know the Commander's motives?

2) Is it appropriate to treat the Torah's promises of reward as literal and unconditional?

The first discussion centers here because of a statement in Tractate Megillah criticizing one who uses the liturgical formula based on this commandment "Your mercy extends even to birds' nests" on the grounds that it makes G-d's commands "mercy" rather than "decrees".

The second discussion centers here because of the dramatic story in Tractate Chagigah in which Elisha ben Avuyah loses his faith by watching a young boy fall to his death in the process of simultaneously honoring his parents and fulfilling this commandment. The Talmud reacts by saying that the "extended life" promised by the Torah here and with regard to honoring parents is that of the World to Come.

Nonetheless, all the traditional commentaries speculate as to the reason/purpose of this commandment, and some of those speculations also claim that the "in order to" clause refers not to spiritual consequences but to physical benefits that follow naturally from observance of this commandment.

Most try to treat this as an example of a class of commandments.

1) Ramban argues that the purpose of this commandment, like that against slaughtering mother and child animals on the same day, is to prevent human beings from becoming cruel. He argues that the Talmud objects only to the claim that the purpose of the mitzvah is animal-centered rather than human centered, that it reflects Divine mercy rather than being a "decree" designed to develop human mercy.

2) Ramban offers as an alternative, and Abravanel as a first option, the possibility that there is a prohibition against wiping out a species. For Ramban this most likely stems from an obligation not to undo the work of Creation, thus classing it with the prohibitions against sowing, threshing with, and wearing "mixed kinds" in verses 9-10 and possibly with the prohibition against crossdressing in verse 5. For Abravanel this is fundamentally a command for self-preservation lest all food species be killed off, and is classed with the prohibition against cutting down fruit trees for nonmilitary reasons during a siege. (Abravanel and Ramban are offered here as a free gift to Jewish environmental activists – for some reason the literature I've seen has missed them. Note, however, that their position here by no means reflects a consensus.)

3) Maimonides, as interpreted by Ramban, argues that the Torah is in fact concerned about the suffering of the mother bird, as emotions are not intellectual and thus maternal love in humans and birds is undistinguishable. Ibn Caspi, however, offers a more plausible reading of Maimonides, suggesting that the purpose of the commandment is to inculcate humility (as well as mercifulness) in us by reminding us that in many significant ways we are nothing more than animals (actually, he goes on to point out our kinship with vegetables as well).

Other than Abravanel, none of the above explains why the Torah specifically here offers a reward, let alone a material reward. Rashi, amplified by Seforno, suggests that the reward is mentioned precisely because this commandment is relatively insignificant – if this commandment earns such reward, how much more so must others, especially those dealing with kindness to humans.

However, Maimonides' explanation allows us to class this commandment with that of honoring parents, and to suggest that it is no coincidence that the reward of long life, however understood, appears specifically with regard to those two commandments. I don't, however, have a really satisfying formulation of that connection. I look forward to hearing your suggestions.

Shabbat Shalom!