

**Parshat Ki Tietze: The Compassion to Bring Moshiach?**

By Rabbi Dovid Sears

If you chance upon a bird’s nest along the way in any tree or on the ground, whether it contains young birds or eggs, and the mother is sitting upon the young birds or upon the eggs—you shall not take the mother bird together with her children. You shall surely send away (shalei’ach tishlach) the mother, and only then may you take the young for yourself; that it may go well for you, and you may prolong your days.¹

Our Sages discern within this Torah law several surprising and far-reaching implications. Concerning the phrase “*shalei’ach tishlach*” (“you shall surely send away”), the Midrash² states:

Why does the verse use a double expression? Because one who fulfills the “sending forth” of this precept will be granted the privilege of “sending forth” a slave to freedom. As it is written, “And when you send him forth free . . .”³ Fulfilling the precept of sending forth the mother bird also hastens the advent of the Moshiach (Messiah). . . Rabbi Tanchuma said: Fulfilling this precept hastens the arrival of Elijah the Prophet, whose coming is associated with the expression “to send forth.” As it states, “Behold, I shall send forth to you Elijah the Prophet before the coming of the great and awesome day of G-d. . .”^{4 5} and he shall console you as it says, “He will return the hearts of the parents towards the children.”⁶

At first glance, these connections may seem arbitrary. What does the act of sending away a mother bird before taking the nestlings have to do with freeing slaves, or the coming of Elijah the Prophet and the Moshiach? The Midrash uses the verb “*tishlach*” (“to send away”) as the element that connects the

¹ Deut. 22:6-7. (All translations are the authors.)

² Devarim Rabbah 6:7.

³ Deut. 15:12.

⁴ “The great and awesome day of G-d” mentioned here is a reference to the coming of Moshiach, teaching us that his arrival is closely associated with and will be preceded by the coming of Elijah the Prophet.

⁵ Malachi 3:23.

⁶ Ibid.

issues it mentions. But this semantic link between the three verses only begs the question: what do these issues actually have in common?

JUDAISM AND ANIMALS

A possible answer may be found by considering Jewish teachings on compassion to animals. While the Torah clearly places humanity above the animal kingdom, it mandates respect for all creatures, forbids causing animals unnecessary suffering (referred to in the Torah as *tzaar baalei chayim*), and idealizes the state of peace and harmony among all living things that will prevail during the Messianic era. The term *nefesh chayah* (living soul) is applied to animals as well as humans.⁷ The Kabbalists, too, stress the importance of compassion and respect for animals, since all things emanate from the Divine Wisdom and serve G-d's Will.⁸ Perhaps the cornerstone of the Jewish attitude toward animals is the Psalmist's declaration: "His compassion is upon all of His works."⁹ Because the Creator shows compassion to all creatures, so should we.¹⁰

THE TORAH IDEAL

The Jewish paradigm of a perfect world is the Garden of Eden, in which harmony and peace existed between all creatures. The curse of death had not been visited upon the world, and both humans and animals were vegetarian, both by instinct and Divine mandate. (In fact, even after the banishment from Eden humans were not permitted to eat meat until after the great flood during the generation of Noah.) This Eden-like state of harmony and peace will be restored in the Messianic era. As the prophet Isaiah states, "The wolf shall dwell with the lamb . . . the lion shall eat straw like the ox . . ."¹¹

According to Rabbi Avraham Yitzchak Kook, first Chief Rabbi of pre-state Israel, all creatures will then return to their original vegetarian diet, for the *tikkun* (spiritual rectification) accomplished by meat-eating will have been fully accomplished.¹²

Of course, the central feature of the Messianic era is freedom from political subjugation. The entire

⁷Gen. 1:21, 1:24.

⁸Rabbi Moshe Cordovero, *Tomer Devorah* (Palm Tree of Deborah), chap. 2; Baal Shem Tov, *Tzava'at HaRiVaSH*, sec. 12.

⁹Psalms 145:9.

¹⁰Talmud Bavli, Sota 14a.

¹¹Isaiah 11:6-7.

¹²*Olat Re'iyah* 2: 292; cf. Rabbi Chaim Vital, *Sha'ar ha-Mitzvot, Eikev*, et al.

Jewish people will return to the land of Israel, where at last they will dwell in peace. All conflict between nations will cease.¹³ Beyond this, human nature itself will be transformed, as it is written, “A new heart I shall give you, and a new spirit I shall put within you; I shall remove the heart of stone from your flesh, and I shall give you a heart of flesh.”¹⁴ The prophets envisioned a future world in which compassion, not selfishness and strife, will proliferate. “They shall neither hurt nor destroy upon all My holy mountain, for the knowledge of G-d shall fill the earth as the water covers the seas.”¹⁵

A MIDRASH THAT LEADS TO MA'ASEH

Given this, we can see a profound connection between the mitzvah of sending forth the mother bird (*shilu'ach ha-ken*), the freeing of a slave, and the advent of the Mashiach. According to another Midrash¹⁶, this precept is an act of compassion.

Rabbi Yudan ben Pazi stated: Why is an infant circumcised after eight days? The Holy One, blessed be He, extended mercy to him by waiting until he became strong enough. And just as the Holy One, blessed be He, has mercy on human beings, so does He have mercy on animals; as it is written, “A bullock, a lamb, or a kid goat, when it is born, it shall be seven days under its mother, but from the eighth day and thenceforth it may be accepted as an offering to G-d.”¹⁷ Not only this – but the Holy One, blessed be He, declared, “[A mother cow] and her young you shall not slaughter on the same day.”¹⁸ And just as the Holy One, blessed be He, has mercy upon beasts, so does He have mercy upon birds, as it is written, “When you encounter a bird’s nest. . .”¹⁹

Certainly the Torah wishes to ennoble us through its teachings. “The *midrash* (study) is not the main thing, but the *ma'aseh* (deed).” (*Avot* 1:17) The practical implication of the precept of sending away the mother bird is clear: acts of compassion for other human beings (such as freeing a slave) and ultimately

¹³ *Mishneh Torah, Hil. Malakhim*, chap. 11-12.

¹⁴ Ezekiel 36:26.

¹⁵ Isaiah 11:9.

¹⁶ *Devarim Rabbah* 6:1.

¹⁷ Lev. 22:27.

¹⁸ Lev. 22:28.

¹⁹ Deut. 22:6.

world peace and enlightenment are brought about by an act of compassion for animals.²⁰

Why should this be so? Perhaps because acts that bespeak an enlightened spirit are inherently Messianic. The example here is of sending away the mother bird; but this is implicitly true of all acts of compassion. A person can be compassionate only by putting aside self-concern and considering the total situation of which he or she is a part. This holistic awareness will be fully attained during the Messianic era. The spirit that moves us to behave in a sensitive and caring manner is an extension of that revolution in human consciousness. Thus, the Midrash enjoins us to bring the Mashiach by becoming attuned to this spirit and allowing it to inspire our actions. Then, to paraphrase the words of our Sages, the Merciful One will surely have mercy on those who are merciful.²¹

Suggested Action Items:

- Avoid products that entail avoidable *tza'ar ba'alei chaim* (cruelty to animals), such as *foie gras* (liver produced by force feeding birds) and white veal.
- Do not buy from *shechitahs* (kosher animal slaughterers) that use shackling and hoisting, or other restraint systems that increase the suffering of animals. (Many *shechitahs* in the US and Canada use the ASPCA endorsed system by which the animal is slaughtered while standing upright. This system was approved by Rabbi Moshe Feinstein and other authorities of Jewish law. Nevertheless, certain *shechitahs* still use shackling and hoisting equipment or restraint systems inferior to the upright systems from a humane point of view.)

²⁰ The Mishnah states that a prayer leader who invokes this law as an expression of Divine mercy should be silenced (TB *Berakhot* 5:3). (The prayer leader is called the *shali'ach tzibbur* –note the recurrence of the term “*shaliach*,” from the same root as 'to send' used in '*send away the mother*') One of the reasons the Talmud offers for this censure is that such a prayer creates *kinah* (jealousy) among God's creatures. (The other viewpoint is that the Torah's laws are decrees which transcend human understanding, and thus cannot be reduced to compassion alone.) The Jerusalem Talmud cites Rabbi Yosi ben Zevida as the source of the first opinion given by the Babylonian Talmud, and explains the term *kinah* in this context to mean “limitation” (*kitzvah*). That is, by mentioning only the constituents of creation down to the bird's nest, but no lower on the natural hierarchy, the prayer leader limits God's compassion (Jerusalem Talmud *Berakhot* 40a). Rabbi Yudan ben Pazi's words in the Midrash above are consistent with Rabbi Yosi ben Zevida's view.

²¹ Talmud Bavli, Shabbat 151b.

- Try to use products from animals that are raised more humanely, such as free-range eggs and free range kosher poultry.
- Support efforts to establish higher animal welfare standards in society at large, both in animal agriculture and animal slaughter.
- Feed the birds!

Rabbi Dovid Sears is the author of The Vision of Eden: Animal Welfare and Vegetarianism in Jewish Law and Mysticism (Orot 2003) among other Judaica works. A longstanding advocate of Orthodox Jewish environmentalism, he has contributed several essays to this newsletter, as well as "Cosmic Consciousness, Man and the Worm" in Canfei Nesharim's Compendium of Sources in Halacha and the Environment (2005).

Further Readings on Compassion for Animals

Anthologies :

Rabbi Yitzchak Nachman Eshkoli, *Tza'ar Baalei Chaim* (Ofakim, Israel 2002)

Rabbi Yoel Schwartz, *Ve-rachamav al Kol Ma'asav* (Dvar Yerushalayim: Jerusalem 1980)

Rabbi David Sears, *The Vision of Eden: Animal Welfare and Vegetarianism in Jewish Law and Mysticism* (Orot: Spring Valley, NY 2003)

Rabbi Yitzchak Shtisman. *Nefesh Kol Chai (HaMosad Le-Idud Limud Ha-Torah: Jerusalem 2003)*

Selected Primary Sources:

BT *Berakhot* 40a

BT *Shabbat* 151b

JT *Ketubot* 4:8

Midrash Bereshit Rabbah 33:1

Midrash Shemot Rabbah 2:2

Midrash Tanchuma, Noach, 5, 6

Midrash Tehillim, Psalms 37:6; Psalms 117

Orchot Tzaddikim, Sha'ar ha-Rachamim

Rabbi Chaim Ibn Attar, *Ohr ha-Chaim*, Genesis 33:17

Rabbi Eliezer Azkari, *Sefer Charedim*, chap. 4:1

Rabbi Israel ben Eliezer (“Baal Shem Tov”), *Tzava'at ha-Rivash*, 12

Rabbi Moshe Cordovero, *Tomer Devorah*, chap. 2-3

Rabbi Moshe Cordovero, *Ohr Yakar al ha-Zohar, Emor*, pp. 137-138

Rabbi Yehudah HeChassid, *Sefer Chassidim*, 87, 667, et passim

Rabbi Samson Raphael Hirsch, *The Nineteen Letters*, Letters 3, 4, 5

Rabbi David Kimchi (RaDaK), Jonah 4:11

Rabbi Zvi Hirsch Koidanover, *Kav ha-Yashar* 7:20

Rabbi Avraham Yitzchak Kook, *Chazon ha-Tzimchonut ve-ha-Shalom*, 26, et passim

Rabbi Avraham Yitzchak Kook, *Eyn Ayah, Berakhot*, Vol. II, chap. 6, par. 26 (p. 180)

Rabbi Meir Leibush Malbim, *Ha-Torah ve-ha-Mitzvah*, Genesis 24:10-15

Rabbi Menashe of Ilya, Author's Introduction to *Ha'amek She'eilah*, cited in biography printed with *Alfei Menashe*, Vol. II

Rabbi Moshe ben Nachman (Nachmanides), *Perush al ha-Torah*, Deuteronomy 22:6

Rabbi Eliezer Papo, *Peleh Yo'etz, Inyan “Ba'alei Chaim”*

Sources on Forced Feeding of Birds:

Rabbi Yoel Sirkes, *BaCH* on *Yoreh Deah* 33:9

Rabbi Avraham Danzig of Vilna, *Chokhmat Adam* 16:10

Sha'arei Tzedek on *Yoreh De'ah* 33

Divrei Menachem (Divrei Shalom) p. 143, col. 2

Rabbi Zvi Hirsch Shapira of Munkatch, *Darkei Teshuvah, Yoreh De'ah* 33:131, 142, 143

She'eilat Shalom Tinyana, no. 154

Shema Shlomo, Yoreh De'ah, no. 1

Rabbi Moshe Sofer, *Teshuvot Chasam Sofer*, Vol. I, no. 25, citing TaZ

Rabbi Menachem Mendel of Lubavitch, *Teshuvot Tzemach Tzedek*, no. 17

Rabbi Eliezer Waldenberg, *Tzitz Eliezer*, Vo. XI, nos. 49, 55 (end), citing CHIDA and Rabbi Zvi Elimelekh of Dinov

Rabbi Ovadia Yosef, *Yabi'a Omer*, Vol. IX, *Yoreh De'ah*, no. 3

Sources on Veal:

Rabbi Moshe Feinstein, *Igrot Moshe, Even Ha-ezer*, Vol. IV, no. 92

Sources on Upright Restraint Systems for Shechitah:

Rabbi Moshe Feinstein, *Igrot Moshe* (1973), Vol. 5, no. 13

Rabbi Zvi Pesach Frank, *Har Zvi, Yoreh De'ah*, no. 1 (incomplete)

Rabbi Yitzchak Yaakov Weiss, *Minchat Yitzchak* (1969), Vol. 10, no. 59

Rabbi Zakman Sorotzkin, "*Be-inyan Shechitah Be-tzavor Le-ma'alah Ve-sakin Le-Matah*," published in *Ma'asaf Sha'arei Torah* (1961)