



1. Devarim 22:6-7

פי יקרא קן צפור לפניה בדורה בכל עץ או על הארץ אפרחים או ביצים והאם רבצת על האפרחים או על הביצים לא תקח האם על הבנים: שלח תשלח את האם ואת הבנים תקח לה למען ייטב לה והארבת ימים:

2. NJ101.5, *Van keeps bringing kids to beat mother goose in Lakewood, woman says, 5/24/19*

<https://nj1015.com/van-keeps-bringing-kids-to-beat-mother-geese-in-lakewood-woman-says/>

LAKEWOOD — Township police and the state Division of Fish and Wildlife are investigating reports that children were brought to a goose nest to beat and harass the birds on a daily basis, perhaps to steal the eggs.

The incidents took place over the course of five days earlier this month near a retention pond on Cedar Bridge Avenue, according to a woman who says she saw the attacks and called police several times...

The first time the attacks took place was about 2:15 p.m. May 13 when the woman said she heard screaming outside her office. She said she "saw a group of boys (maybe 10 of them) screaming and clapping and walking towards a goose who was flapping his wings and honking."

She said she wanted to scream at them to stop, but "they could not hear me so I went to get my phone and they left."

She said she didn't think anything of the incident at the time and "thought maybe they were walking by the pond and the goose was going after them so they were trying to make it get back."

She saw a group of boys head to the pond the next day around the same time and when she looked from her second-floor office window she saw "a smaller group of boys swinging large sticks around at the goose. Again, by the time I got my phone out they were leaving."...

Mercy?

3. Rambam, Moreh haNevuchim 3:48

This is also the reason in *shiluach hakan*. Generally, the eggs upon which the mother has already sat, and the chicks which are young enough to need their mother, are not suitable for consumption, and when one sends away the mother and it flies alone it is not pained by the sight of someone taking her young, and, also, this requirement may cause the person to abandon the whole enterprise, since that which he would take is usually not fit for consumption.

4. Talmud, Berachot 33b

משנה: האומר "על קן צפור יגיעו רחמיך" ... משתקין אותו

גמרא: פליגי בה תרי אמוראי במערבא, רבי יוסי בר אבין ורבי יוסי בר זבידא: חד אמר מפני שמטיל קנאה במעשה בראשית, וחד אמר מפני שעושה מדותיו של הקב"ה רחמים, ואינן אלא גזרות.

Mishnah: We silence one who says, 'Your mercy extends to a bird's nest'...

Gemara: Two western amoraim, Rabbi Yosi bar Avin and Rabbi Yosi bar Zevida, debated the point:

One said it is because he creates jealousy among the deeds of Creation.

The other said it is because he makes Hashem's attributes into mercy, and they are only decrees.

5. Midrash, Bereishit Rabbah 44:1

רב אמר לא נתנו המצות אלא לצרף בהן את הבריות, וכי מה איכפת ליה להקב"ה למי ששוחט מן הצואר, או מי ששוחט מן העורף, הוי לא נתנו המצות אלא לצרף בהם את הבריות

Rav said: The mitzvot were given only to smelt Gd's creations. Does Gd care whether one slaughters from the front or back of the animal's neck? The mitzvot were given only to smelt Gd's creations.

6. Rabbi Yehudah HaLevi, Kuzari 1:99

ואין בעבודת הקל סברא ולא הקשה ולא התחכמות, ואלו היה כן, היו הפילוסופים מגיעים ברוב חכמתם ושכלם לכפל מה שהגיעו בני ישראל.

Service of Gd does not involve logic or inference or calculation. Were it so, the philosophers in their great wisdom and intellect would have reached double what the Children of Israel have grasped.

7. Rabbi Shimshon Raphael Hirsch, Horeb 125

As for Man, whose function it is to show respect and love for Gd's universe and all its creatures, his heart has been created so tender that it feels with the whole organic world, bestowing sympathy even on beings devoid of feeling, mourning even for fading flowers, so that, if nothing else, the very nature of his heart must teach him that he is required above everything to feel himself the brother of all beings, and to recognize the claim of all beings to his love and beneficence.

8. Rambam, Moreh haNevuchim 3:26

Anyone with a complete view of this subject must believe the following: Each general mitzvah must have a cause, and it is commanded for a particular benefit. However, its components are just commands. For example, regarding killing a living thing for good food, the benefit is as we will clarify, but the fact that it is performed via *shechitah* rather than *nechirah*, and severing the esophagus and windpipe in a particular spot, these and similar actions are to smelt the creations.

9. Ramban to Devarim 22:6

אלו ההגדות אשר נתקשו על הרב, כפי דעתי ענין אחר להם, שרצו לומר שאין התועלת במצות להקב"ה בעצמו יתעלה, אבל התועלת באדם עצמו למנוע ממנו נזק או אמונה רעה או מדה מגונה, או לזכור הנסים ונפלאות הבורא יתברך ולדעת את ד'. וזהו "לצרף בהן", שיהיו ככסף צרוף, כי הצורף הכסף אין מעשהו בלא טעם, אבל להוציא ממנו כל סיג, וכן המצות להוציא מלבנו כל אמונה רעה ולהודיענו האמת ולזכרו תמיד:...

והביא ראיה מן השוחט מן הצואר והעורף לומר שכולם לנו ולא להקב"ה...ה

וכן מה שאמרו (ברכות לג ב) לפי שעושה מדותיו של הקב"ה רחמים ואינן אלא גזרות, לומר שלא חס הקל על קן צפור ולא הגיעו רחמיו על אותו ואת בנו, שאין רחמיו מגיעין בבעלי הנפש הבהמית למנוע אותנו מלעשות בהם צרכנו, שאם כן היה אוסר השחיטה, אבל טעם המניעה ללמד אותנו מדת הרחמנות ושלא נתאכזר, כי האכזריות תפשט בנפש האדם...

These *aggadot* which were used to challenge the Master, in my view they mean something else. They wish to say that mitzvot provide no benefit for Gd, but they benefit humans, preventing harm or bad beliefs or ugly traits, or they call to mind miracles and wonders of Gd, and knowledge of Gd. This is "to smelt them," like refined silver, for smelting silver is not a deed without reason; it is to remove all impurities. So the mitzvot remove from hearts all bad beliefs, and inform us of the truth, and to call it to mind perpetually...

And he brought proof from "One who slaughters from the front and back of the neck" to say that all of this is for us, not for Gd...

And so they said, "Because he makes Hashem's attributes into mercy, and they are only decrees," meaning that Gd is not merciful upon the bird's nest, and Gd is not mercy on an animal and its young. His mercy does not reach animals, to prevent us from using them for our needs; if that were so, He would prohibit slaughter. But the prevention is to teach us mercy, not to be cruel, for cruelty spreads in a person's soul...

10. Talmud, Bava Metzia 115a

תנו רבנן: אלמנה בין שהיא ענייה בין שהיא עשירה אין ממשכנין אותה, דברי רבי יהודה. רבי שמעון אומר עשירה ממשכנין אותה, ענייה אין ממשכנין אותה, שאתה חייב להחזיר לה ואתה משיאה שם רע בשכנותיה.

למימרא דרבי יהודה לא דריש טעמא דקרא ["ולא תחבול בגד אלמנה"], ורבי שמעון דריש טעמא דקרא? והא איפכא שמעינן להו:

דתניא "ולא ירבה לו נשים" רבי יהודה אומר מרבה הוא ובלבד שלא יהו מסירות את לבו, רבי שמעון אומר אפילו אחת והיא מסירה את לבו הרי זה לא ישאנה. אם כן מה תלמוד לומר "ולא ירבה לו נשים"? אפילו כאביגיל!"

לעולם רבי יהודה לא דריש טעמא דקרא, ושאני הכא [מלך] דמפרש קרא "ולא ירבה לו נשים ולא יסור" - מאי טעמא לא ירבה לו נשים? משום דלא יסור.

ורבי שמעון? מכדי בעלמא דרשינן טעמא דקרא, לכתוב רחמנא "לא ירבה" ולא בעינן "לא יסור" ואנא ידענא מאי טעמא לא ירבה? משום דלא יסור. "לא יסור" דכתב רחמנא למה לי? אפילו אחת ומסירה את לבו הרי זה לא ישאנה.

Braita 1: "Whether a widow is poor or wealthy, one may not take collateral from her, according to Rabbi Yehudah. Rabbi Shimon said: One may take collateral from a wealthy widow, but one may not take collateral from a poor widow because you are obligated to return it to her and you will cause her a bad reputation among her neighbors."

Does this mean that Rabbi Yehudah believes we do not analyze the reasons for pesukim and Rabbi Shimon believes we do analyze the reasons for pesukim? But we learned the opposite:

Braita 2: "He shall not increase his wives' – Rabbi Yehudah said he may marry more so long as they do not lead his heart astray, and Rabbi Shimon said he may not marry even one if she leads his heart astray. Then why does it say, 'He shall not increase his wives?' To teach that he may not even marry an extra wife like Avigayil!"

In truth, Rabbi Yehudah believes we do not analyze the reasons for pesukim, and this is different because the pasuk states explicitly, 'He shall not increase his wives and his heart will not go astray' – Why should he not increase his wives? So that his heart will not go astray.

And Rabbi Shimon believes we always analyze the reasons for pesukim, and so Gd could have written 'He shall not increase his wives' and we would not have needed 'will not go astray,' and I would have known, 'Why should he not increase? So that he not go astray.' Then why did Gd write 'will not go astray?' He should not marry even one, if she will lead his heart astray.

11. Talmud, Rosh haShanah 16a

אמר רבי יצחק: למה תוקעין בראש השנה? "למה תוקעין?? רחמנא אמר תקעו!"

Rabbi Yitzchak asked, "Why do we blow shofar on Rosh haShanah?" "Why do we blow shofar?!" Gd said, "Blow!"

12. Rabbi Samson Raphael Hirsch, Foreword to *Horeb*; Translation by Dayyan I. Grunfeld

There will accordingly be two schools of study engaged in the exposition of the Divine law, differing only in the sources from which they draw their knowledge of it. One school will concern itself with the comprehension of the utterances regulating our practical conduct in and for themselves, and of the lessons – equally concerned with practice – which can be derived from those utterances...

The other school will concern itself with reflecting and pondering on these laws, and its source of knowledge will be the more or less illuminating power of insight which dwells in each individual religious thinker...

Everything belonging to the first school is obligatory, because it emanates from the authority which has power to bind. All that springs from the second school has no power to bind, because it represents only the views of individuals, and claims recognition only insofar as it is in conformity with what is contained in the work of the first school.

13. Rabbi Yechiel Michel Epstein, Aruch haShulchan Yoreh Deah 292:4

וגם אין לשאול דאם אין חובה בלקיחת הבנים למה באמת פטרה תורה כשהן טריפה, דאין זה שאלה כלל, דאטו טעמי התורה גלויים לנו? והרי גזירת מלך היא, והגם שמפרשי התורה נתנו איזה טעמים זהו לאסבורי בעלמא, אבל באמת "נעו מעגלותיה לא תדע."

One also should not ask why, if there is no obligation to take the young, the Torah exempted where the young are in a state of tereifah. That is not a question; are the reasons of the Torah revealed to us? It is a decree of the King! Granted that the Torah's commentators gave various reasons, but that is only to offer logical ideas, but, in truth, "You shall not know the paths in which it wanders." (Mishlei 5:6)

What if we don't want the young?

14. Ramban to Devarim 22:6

אבל במדרשו של רבי נחוניא בן הקנה בשלוח הקן מדרש שיש במצוה סוד: אמר רבי רחמאי "מאי דכתיב 'שלח תשלח את האם' ולא אמר 'את האב'? אלא 'שלח תשלח את האם' בכבוד אותה בינה שנקראת 'אם העולם' דכתיב (משלי ב ג) 'כי אם לבינה תקרא.' מאי 'ואת הבנים תקח לך'? אמר רבי רחמאי "אותם בנים שגדלה. ומאי ניהו? שבעת ימי הסוכה ודיני שבעת ימי השבוע וכו'." והנה המצוה הזאת רומזת לענין גדול, ולכך שכרה מרובה למען ייטב לך והארכת ימים:

15. Rabbi Yechiel Michel Epstein, Aruch haShulchan Yoreh Deah 292:4

ועוד דלפי טעמי החכמה שנאמרו במצוה זו בפ' הרמב"ן ובהיי וביותר בזוהר ותקונים בדווקא הוא ליקח את הבנים:

Further, according to the reasons of wisdom stated regarding this mitzvah in the commentaries of Ramban and Rabbeinu Bechayye, and more in the Zohar and Tikkunim, it is specifically instructed that we take the young.