The Pardes Parsha Discussion by Rabbi Alex Israel

Ki-Tetze: Why do Mitzvot?

Our parsha is filled with mitzvot. But what is a mitzva and what is its objective? Why do we keep God's commands? Is it about obedience, or is it an act that will enhance or raise our lives?

Professor Shalom Rosenberg compared mitzvot to one of two different laws: Are they akin to the requirement to wear an army beret or a seat belt?

A soldier doesn't wear a military beret as protection from the sun or the rain; rather, it is a means to express the discipline to which the soldier is committed.

But how about a seat belt? We are legally obligated to wear it although the seat belt can be uncomfortable or inconvenient, and we might get a fine for not wearing it. Ultimately, the seat belt is for our own safety. Wearing it is good advice.

Please discuss:

- Are mitzvot more akin to the military beret or to the seat belt?
- What is the difference between these two legal models?
- If God didn't give a particular command (shaatnez, Shabbat, kashrut/dietary laws, honoring parents, Passover) would we want to do it anyway?

One of the laws of our parsha provides a fascinating backdrop to this debate:

> If, along the road, you chance upon a bird's nest, in any tree or on the ground, with fledglings or eggs and the mother sitting over the fledglings or on the eggs, do not take the mother together with her young. Send away the mother and take the young… (22:6-7)

The Torah legislates one may not take the eggs or chicks of a mother-bird while she is present in the nest. First, the person must distance the mother and only then take the eggs. Isn't it obvious that this law is about developing a sense of compassion?

We don't want to cause distress to the mother-bird. And yet, to our surprise, the Mishna rules:

> If a person prays: "Your compassion is upon the bird's nest!" … silence him. (Berakhot 5:4

The Talmud explains it is improper to appeal to God's compassion here because this: "transforms the attributes of the Holy One Blessed Be He into expressions of mercy, **when they are nothing but decrees.**" (Berakhot 33b) In other words, who is to say this mitzva is an expression of mercy and kindness? A law is a law, a divine command!

The Talmud continues:

> A person descended before the ark [as prayer leader] in the presence of Rabba, and said: "You have shown mercy to the bird's nest, now have mercy and pity upon us." Rabba said: "Look how beautifully this Torah scholar knows to appease the Lord!"
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> Abaye replied: "Didn't we learn in a Mishna that they silence him?" (ibid)

What is the argument about? The question is why we do mitzvot. Are they akin to the army beret – based on legal acceptance, blind obedience; or do mitzvot compare to the seat belt, having human welfare at their focus? (On the one hand the word "mitzva" indicates a legal directive – an order. On the other, we use the word "mitzva" as a synonym for a good act: "Do a mitzva – help that man!")

The first opinion was championed by the thinker Yeshayahu Leibowitz (1904-1994):

> Every reason given for the mitzvot that bases itself on human needs — be they intellectual, ethical, social or national — voids the mitzvot of all religious meaning. For if the mitzvot are the expression of philosophic knowledge, or if they have any ethical content, or if they are meant to benefit society, or if they are meant to maintain the Jewish people, then he who performs them serves not God but himself, his society or his people. He does not serve God but uses the Torah of God for human benefit and as a means to satisfy human needs.
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> If, for example, the meaning of Shabbat was social or national, it would be completely superfluous: The secretary of the labor union takes care of the workers' need for rest. The Divine Presence did not descend upon Mount Sinai to fulfill that function. ("Commandment" in Contemporary Jewish Religious Thought, by A.A. Cohen and P. Mendes-Flohr)

Leibowitz thinks a mitzva is a simple act of obedience. That is why we silence the person who prays about God "who has mercy on a bird's nest;" we observe God's law not due to its ethical or emotional context, but because it is a command – a divine fiat.

But does this make sense? Does the Torah not command Shabbat “so that your servant may rest,” charity to assist the poor, and, yes, mercy on the bird’s nest? And hence, Rabba said: “Look how beautifully this Torah scholar knows to appease the Lord!”

On the one hand, we need mitzvot to bear the force of law, of a legal directive, otherwise, we would circumvent the law, ignore it and neglect its observance. In that context, a mitzva is essentially a command – “Yours not to reason why!” But on the other hand, the Torah is a Torah of life, and God seeks to foster truth and justice, kindness and sanctity.

In the long run, both sides of the argument represent an essential dimension of our religious observance.

Please discuss:

Which side of mitzvot are more essential, their legally binding nature, or their ethical and behavioral effect?

Shabbat Shalom!