

## D'var Torah – Ki Teytzey 5770

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By Rabbi Maurice Harris

Shabbat shalom! We continue this week making our way through the final book of the Torah, *Dvarim* in Hebrew, or Deuteronomy. Our *parashah* is called *Ki Teytzey*, and in it Moses continues to review and present the laws, statutes, and regulations that *b'nai yisrael*, the Children of Israel, are to observe when they enter the Promised Land without him.

*Ki Teytzey* may be most famous for being the Torah portion that tradition says contains more commandments, or *mitzvot*, than any other. There are over 70 laws covering a wide range of topics and scenarios: property laws, burial of the dead, laws governing warfare, the humane treatment of animals, and what parents are to do if their son becomes a drunken and obnoxious no-goodnik. The *parashah* also addresses fair labor practices, the rights of the first born, our obligations towards the property of other people, safety requirements for roofs and balconies, slavery, sex, money, divorce, and kidnapping – and this was all before pay-per-view. Our *parashah* emphasizes respect and provision for the poor, the orphan and the widow, and insists that merchants in the marketplace use honest weights and measures. With such a wide range of rules and regulations, *Ki Teytzey* is almost a mini-Torah of its own, a little blueprint for how to establish a righteous and compassionate society.

I'd like to focus tonight on just one of those *mitzvot* – the one we find in chapter 22, verses 6 and 7. It goes like this: *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. Let the mother go, and take only the young, in order that you may fare well and have a long life.*

Rabbi Yehudah Leib Alter, who lived in the town of Ger near Warsaw during the late 1800s, comments on these verses. The great Hasidic teacher, also known by the name the Sfas Emes, states that humans do not comprehend the animal mind at all. Our experience of consciousness is completely different. Not only do we not comprehend the consciousness of animals, but we don't understand how compassion works in their world either. The Sfas Emes goes on to say that only God comprehends the minds of all creatures. He writes, "God understands the feelings of the mother bird sitting over her chicks, if she should be taken together with them."<sup>1</sup>

The Sfas Emes's comment on these verses caught my attention because earlier this week I was reading a *Time* magazine article by Jeffrey Kluger called "What Animals Think." Interestingly, back in 1993 *Time* published an article called "Can Animals Think?" In the two decades that have passed, the scientific community has grown much more certain about the fact that various species of animals do different sorts of thinking. Most of us have heard about dolphins that exhibit great intelligence and can recognize themselves in mirrors; apes that can communicate

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<sup>1</sup> Green, Arthur, *The Language of Truth*, p. 317.

with humans in sign language; birds and other creatures that plan out actions and use tools; and so forth. In exploring humanity's long relationship with animals, Jeffrey Kluger writes:

Humans have a fraught relationship with beasts. They are our companions and our chattel, our family members and our laborers, our household pets and our household pests. We love them and cage them, admire them and abuse them. And, of course, we cook and eat them. Our dodge — a not unreasonable one — [had for centuries] been that animals are ours to do with as we please simply because they don't suffer the way we do. They don't think, not in any meaningful way. They don't worry. They have no sense of the future or their own mortality. They may pair-bond, but they don't love. For all we know, they may not even be conscious. "The reason animals do not speak as we do is not that they lack the organs," René Descartes once said, "but that they have no thoughts." For many people, the Bible offers the most powerful argument of all. Human beings were granted "dominion over the beasts of the field," and there the discussion can more or less stop.<sup>2</sup>

These views about what animals experience have faded away over the last century, says Kluger. We know the obvious — that animals certainly can suffer — and we've used rock solid scientific experiments to show that different kinds of animals are capable of doing different kinds of thinking, including symbolic and logical thought that some people have argued only belongs to the province of human beings.

While most people nowadays grant that animals possess different degrees and kinds of intelligence, there is still quite a debate about whether animals have what we call consciousness — that quality of self-awareness and having "the lights on inside" that we possess. It's one thing if a very smart bonobo or a well-trained parrot can use symbols to ask for a particular toy or even tell you that it's too cold in the room. But it's another thing to ask whether that fuzzy ape or colorful bird knows that it *exists* as a distinct individual, whether that animal has some sense of self, or even a sense of story about his or her life — or any of the other features of consciousness that we experience as humans

Kluger's *Time* magazine piece delved into those questions too. He writes: We accept that chimps and dolphins experience awareness; we like to think dogs and cats do. But what about mice and newts? What about a fly? Is anything going on there at all? A tiny brain in a simple animal has enough to do just controlling basic bodily functions. Why waste synapses on consciousness if the system can run on autopilot? There's more than species chauvinism in that question. "Below a certain threshold, it's quite possible there's no subjective experience," says cognitive psychologist Dedre Gentner of Northwestern University. "I

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<sup>2</sup> "Inside the Minds of Animals," by Jeffrey Kluger, *Time*, Aug. 5, 2010.

don't know that you need to ascribe anything more to the behavior of a cockroach than a set of local reflexes that make it run away from bad things and toward good things."

Where that line should be drawn is impossible to say, since our judgment is clouded by our feelings about any given species. A cockroach likely has no less brainpower than a butterfly, but we're quicker to deny it consciousness because it's a species we dislike.<sup>3</sup>

He also adds:

"It would be perverse to deny consciousness to mammals," says Steven Pinker, a Harvard psychologist and the author of *The Stuff of Thought*.

"Birds and other vertebrates are almost certainly conscious too. When it gets down to oysters and spiders, we're on shakier ground."<sup>4</sup>

As I read Kluger's article, I started thinking about the animals that are part of my daily life, our pets, Mister M the cat, and Sparky, a four month old pit bull/lab mix. It's hard for me to imagine that they don't have consciousness, or awareness, though I also concede that I can't wrap my human mind around what their actual experience and thought processes are like. I also wonder at the ways in which their senses far exceed ours. Dogs' noses pick up scents that humans can't detect, and they live in a world of smell that I can't imagine. Some birds have eye-sight that puts ours to shame and a number of flying birds and insects have navigational senses that we don't possess at all. Bats have some kind of sonar for goodness sake.

All of these different experiences of life, intelligence, and in many cases, consciousness are part of the wonder of the universe. The Sfas Emes teaches that this is part of what is meant by the verse from the Psalms that reads: "God's mercies are upon all God's creatures."<sup>5</sup> The English translation misses part of the depth of this verse that comes across in the Hebrew. The Hebrew words are *v'rachamav al kol ma'asav*. *Rachamav* is the word that's being translated as "God's mercies," but the Hebrew root is *rechem*, which is the word for womb. There's a nurturing, parental loving quality to this Divine mercy, a sheltering and guarding adoration like a mother has for the fetus in her womb – or like a mother bird has for the eggs or the chicks in her nest.

And here we come plodding down the road – omnivores that we are – and we're hungry, and maybe we're even poor and dealing with hunger, and we happen upon a mother bird with her young. The Torah acknowledges that we need to eat, and that just as the mother bird eats worms and bugs, we eat birds and eggs, and – vegetarianism aside for the moment – this is the natural order. And yet the Torah demands that we take a particular action in order to be compassionate to the mother bird. We shoe her away before we take the eggs or the chicks.

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<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Psalm 145:9.

How do we know that this particular act spares the mother bird a lot of pain? Might she not still be devastated by the loss of her brood even if she doesn't witness their capture? We can't know. But the Sfas Emes is suggesting that God does know, and in making this claim the *rebbe* offers a remarkable image of what God is. God is the being that experiences and understands all forms of consciousness.

This is really remarkable, because our tendency as human beings has been to imagine God as being a lot like us, only far more powerful of course. But the Sfas Emes asks us to imagine a God who *understands* what dogs experience when they're chasing after a ball, or sniffing around the yard excitedly, or looking at you in the hope of a treat, or chewing up the carpeting on the bottom stair and how the heck am I supposed to pay for that and the vet bills Sparky!?! Sorry – I digressed a bit.

The Sfas Emes also writes that we proud humans are not the top of the pyramid in terms of consciousness and intelligence in the universe. He takes the many references to angels in biblical and rabbinic tradition and suggests that angels are conscious beings that exist in the universe, and they have a greater intelligence and a more developed conscious awareness than humans. He also writes that just as we can't understand a cat or a cow's consciousness, so too angels can't understand ours, nor can we understand theirs. We're not alone in the universe in this model – we're part of a continuum of consciousness that includes different forms of intelligence and different types of experience. And God is the being who experiences all of these variations, understands them all, and – coming back to our Torah verse about the mother bird – understands how to translate compassion across the lines that separate species. The Sfas Emes also argues that compassion is found within each creature – every single one – and that the nature and quality of that compassion is specific to each kind of creature. "It was God who decreed that compassion should be found in each creature in a particular manner," he says, concluding his commentary on this Torah verse. And what is the Hebrew word the Sfas Emes uses for the English word, "compassion"? *Rachamim*. There it is again – that Hebrew word for compassion or mercy or kindness that bespeaks a womblike, parental adoration.

If *rachamim* is a fundamental element of creation, along with atoms and quarks, I think there's hope after all for our troubled world. Shabbat shalom.