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Early Talmudic Writings"

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An Examination of the Term Derek Eretz as Found
in Early Talmudic Writings

Literally the words Derek Eretz may be translated as the 'way of the land'. This literal translations would indicate the generally accepted behavior pattern of a particular location. Thus, at the outset, it would be difficult to treat Derek Eretz as a universal concept. For, apparently by its very nature, the Derek Eretz of a situation is determined by the accepted pattern of a particular place. Therefore, the concept Derek Eretz, must, of necessity vary from place to place.

Then, too, there is the additional consideration of the person involved in the situation. As can be seen from the Massektot Derek Eretz the scholar has definite rules of Derek Eretz he must follow. However, there is no indication that these rules also apply to the artisan, the storekeeper or the housewife. Thus, not only would Derek Eretz differ according to place but it would also differ according to person.

It, therefore, becomes necessary to examine carefully the context in which the term Derek Eretz appears in order to determine the specific use of the term. Thus, any overall definition of the words Derek Eretz, while it might prove to be a working basis for the term, would be inadequate.

Quite clearly there are instances in which the author of a given passage was not too explicit in his use of the term. In those instances it becomes necessary to find parallel passages, either in structure or content, to determine the meaning of the doubtful passage.

Only after determining the specific definition of the

term Derek Eretz in each of the contexts in which it appears is it possible to arrive at some kind of pattern for the use of the term.

The problem of the dating of anonymous passages makes it impossible to establish, with certainty, the chronological development of the use of the term. Even if this difficulty were not present, we would still note that there existed two or three traditions with regard to the use of the term which were contemporaneous. Therefore, the matter of chronology adds little to our understanding of the term.

However, if it were possible to establish some basic definition of the term Derek Eretz from which all other definitions of shades of meaning might flow, then a pattern for the use of the term could be developed. The author, attempts in the first chapter of this paper to establish this basic definition. This is the key to the entire paper and ~~the~~ those definitions of the term which follow are of a supplementary nature, expanding and lending flexibility to the use of the term Derek Eretz.

Derek Eretz as Moral Law would form the basis for the more commonly accepted definitions e.g. proper behavior, worldly intercourse. For the Moral Law sets the overall pattern.

In those instances where the translation of certain passages is somewhat at variance with the commonly accepted definition, the author has provided the Hebrew original of the passage in the Second Index.

Respectfully submitted,

Irwin M. Blanch

An Examination of the Term Derek Eretz
As Found in Early Talmudic Writings

Senior Thesis

Submitted by:
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Introduction

Language undergoes two changes during the course of its development. It undergoes changes in structure and changes in content. Under the changes in structure, one would include the actual physical structure of the language viz. the philology, the morphology, the syntax. Under the changes in content would be included the number and kinds of concepts which the language can express and the gradations of meanings contained within the language. Thus, any given word of a language lends itself to a structural analysis as well as to a conceptual analysis. The analogy might be made to a vertical and horizontal plane. The philological study would be the horizontal plane, and the conceptual study would be the vertical plane. It is safe to assume that the longer the history of usage a word has the more complicated its philological development will be and the more concepts will it embrace. Therefore, no one definition will suffice for a term which has been used over a period of years.

Then, too, apart from these considerations, there is also the matter of place. During the same period of history a word may have entirely different meanings in two different locations.

There is also the matter of context. Since the same word may have in a given period of time and in a given place several shades of meaning which depend entirely upon

the context in which the word is used.

In those instances where a term carries with it the implications of a broad concept, the likelihood is that there are other terms which can be included in the same concept. Thus, the concept goes far beyond the bounds of one term.

Therefore, to summarize, the matter of defining a term is dependent upon the following factors:

1. its philological development
2. the historical period in which the term is being used
3. the place in which the term is being used
4. the context in which the term is being used

Therefore, it should be possible to examine the term Derek Eretz in terms of each of these factors. However, there are some limitations which do present themselves. Since the dating of anonymous Talmudic passages is extremely uncertain, it is necessary to pick a general time span as indicated by the title of this paper. If there should be any variants of the term Derek Eretz, they will be included in the analysis. If the matter of place proves to be of importance, that, too, will be pointed out. The matter of textual analysis will certainly prove of central importance since it is from the context that we will ultimately arrive at a definition of Derek Eretz.

In accordance with the above discussion, it is also recognized that the concept Derek Eretz far exceeds the

bounds of the use of the term itself. Thus, using a common definition of Derek Eretz, 'good manners' as an illustration, it is quite clear that there are many instances in Talmudic literature where good manners are involved. Plainly, these passages do not fall within the scope of this paper.

Massektot Derek Eretz are a case in point. An examination of the material found in the Massektot reveals that the work is in essence a code of behavior for the scholar. Thus, the work, in principle, is a handbook for the person who wishes to be considered a scholar. Therefore, this material would more properly be treated in a paper on the role of the scholar. Otherwise, it would follow that for each definition of Derek Eretz which we come upon it is equally valid to introduce other material dealing with that particular concept. Although, undoubtedly, this material would prove of interest it would be superfluous to the purpose of this paper.

Literally the words Derek Eretz may be translated as the 'way of the land'. This literal translation would indicate the generally accepted behavior pattern of a particular location. Thus, at the outset, it would be difficult to treat Derek Eretz as a universal concept. For, apparently by its very nature, the Derek Eretz of a situation is determined by the accepted pattern of a particular place. Therefore, the concept Derek Eretz, must, of necessity vary from place to place.

Then, too, there is the additional consideration of the person involved in the situation. As can be seen from the Massektot Derek Eretz the scholar has definite rules of Derek Eretz he must follow. However, there is no indication that these rules also apply to the artisan, the storekeeper or the housewife. Thus, not only would Derek Eretz differ according to place but it would also differ according to person.

Returning, however, to the literal translation "way of the land" one does recognize that the literal translation is strongly suggestive of that which we call 'mores'. Mores is defined in the Webster's New International Dictionary, Second Edition, 1948 as "Customs, specifically fixed customs or folkways imbued with ethical significance; customs or conventions which have the force of law; manners." From the literal translation of the words Derek Eretz we can establish an agreement with most of this definition. It is the matter of ethical considerations which remains to be demonstrated. It remains to be seen whether we can establish from its context whether or not there are ethical considerations.

With regard to the use of Biblical texts in this paper, a word of explanation must be added. Higger in his introduction to Massektot Derek Eretz (p.11) lists some forty designations in Scripture which appear to be forerunners of the term Derek Eretz. Here again the question

as to the kind of material which shall be valid in this presentation. The same rule applied to Talmudic passages shall be applied to passages from Scripture. Only those passages which in the opinion of the author prove to be of aid in the understanding of the use of the term Derek Eretz will be included.

Chapter One
The Moral Law

In Yalkut Bereshit (1) (a) we find the following passage: "By twenty-six generations did Derek Eretz precede the Torah." It is unfortunate that the author of this passage did not follow his statement with some such explanation as, "Derek Eretz, that is ...". There are several questions, apart from the definition of Derek Eretz which remain unanswered. First, what are the generations referred to in the passage? Second, what is the author's concept of Torah? What does he include in the term? Since the passage is not as clearly stated as we might desire it to be, we can only speculate as to the explicit meaning of the statement.

By twenty-six generations, the author may have had in mind the generations beginning with Adam and continuing up to the time of the giving of the law on Mt. Sinai. Thus, this would also define the use of the word Torah as the law given on Mt. Sinai. It would follow that Derek Eretz was existent among the twenty-six generations which preceded the giving of the law. What this Derek Eretz is, we can only guess at, in this particular context. Surely, it must be something which is as important as the Torah for otherwise the comparison would lose its meaning. Plainly, it is the Torah which is being compared to Derek Eretz, and an attempt to set up a time relationship between

the two is being made. Therefore, since the term Torah may be construed as 'revealed law', it seems likely that the term Derek Eretz may be construed as some other type of law which was possessed by the twenty-six generations that preceded the giving of the law.

The term 'natural' or 'moral' law would complete the allusion in this passage rendering it thus: "By twenty-six generations did the moral law precede the Torah."

In the Jewish Encyclopedia, Volume V, page 246, Emil G. Hirsch in an article Ethics writes: "From the stories in Genesis it is apparent that the Bible in no way regards morality as contingent upon an antecedent and authoritative proclamation of the divine will and law. The 'moral law' rests on the nature of man as God's likeness and is expressive thereof. It is therefore autonomous, not heteronomous. From this concept of human life flows and follows necessarily its ethical quality as being under obligation to fulfil the divine intention which is in reality its own intention. Enoch, Noah, Abraham and the other heroes of tradition, representing generations that lived before the Sinaitic revelation of the Law, are conceived of as leading a virtuous life; while on the other hand, Cain's murder and Sodom's vices illustrate the thought that righteousness and its reverse are not wilful creations and distinctions of a divinely proclaimed will, but are inherent in human nature."

However, there remain two objections to the translation

of the passage as offered. First, the limitation placed upon the definition of the term 'Torah'. In order to explain the term 'twenty-six generations' it was necessary to limit 'Torah' to the revealed law on Mt. Sinai. Though Torah is generally construed as the entire tradition as inscribed in the Tanach, this does seem to be the author's limitation of the term in this particular context. For if we take the term 'Torah' as meaning the entire record of the existence of the world, then what can we say preceded the existence of the world and mankind, except God and 'tohu v'vohu'? The second objection is that Adam, Noah, Abraham and indeed almost all of the generations preceding the giving of the law did have some kind of relationship with God and were not completely free of His will. Surely, the covenant relationship would indicate that God and the thought of Him were influencing some of their actions. This is a somewhat more difficult objection to answer, except to say that none of the generations preceding the giving of the law, though they may have had a covenant relationship with God, received a code of law from Him.

As an interpretation of Jeremiah 31.38 "Behold I will bring them from the north country, And gather them from the uttermost parts of the earth, And with them the blind and the lame, The woman with child and her that travaileth with child together; A great company shall they return hither." we find in Seder Eliyyahu Rabba, (2) (b)

"That is to say these are the Amei Haaretz who possess Derek Eretz and the rest of the mizvoth." Who are these Amei Haaretz as distinguished from whom? What is this Derek Eretz which they possess?

It does not seem likely that the author of this passage would equate such people as are versed in the Torah with "the blind and the lame...". Thus, the Amei Haaretz must be the general population which is not considered well-versed in matters of Torah. However, the author points out that they are possessed of "Derek Eretz and the rest of the mizvoth". Does the phrase "and the rest of the mizvoth" indicate that Derek Eretz is on a par with the mizvoth? Or does the phrase mean that even though the Amei Haaretz are not learned in matters of Torah, they do possess Derek Eretz and the rest of the mizvoth, apart from that of knowing the Torah? The term Amei Haaretz itself is one which allows for various interpretations as it, too, has undergone a rather intricate development. However, proceeding on the assumption that in this passage a distinction is being made between the scholarly class and the Am Haaretz, taken in the sense of 'the unlearned' it then remains for us to determine what the basis for that distinction is.

The only distinction which seems apparent is that of knowledge of Torah. The Am Haaretz does not possess knowledge of Torah but he does possess knowledge of Derek

Eretz and the rest of the mizvoth. The scholar, on the other hand, is the possessor of knowledge of Torah, Derek Eretz, and the rest of the mizvoth.

In explanation of Song of Songs 8.13 "Thou that dwellest in the gardens, The companions hearken for thy voice: 'Cause me to hear it,' and of Isaiah 43.8, "The blind that have eyes shall be brought forth, And the deaf that have ears." , the following is found in Seder Eliyyahu Rabba (3) (c):

"As it says... These are the Amei Haaretz who have Derek Eretz and the rest of the mizvoth. They withdraw from transgression and from every filthy thing. And why use the phrase 'charishim' and 'v'aznaim'? These are the scholars and their students who dedicate themselves to Scripture to the Mishnah and to Midrash..."

Here is a clear statement in which the Amei Haaretz are contrasted with the scholar. The Amei Haaretz are said to possess Derek Eretz while the scholar dedicates himself to the study of Scripture, Mishnah and Midrash. The contrast between Derek Eretz and Torah is quite clear. It cannot be that Derek Eretz, in this passage may be something which would not bare some distinction between a scholar and an Am Haaretz. The fact that although the Am Haaretz, despite his lack of knowledge of Torah, is guided by some kind of law would indicate that Derek Eretz is that kind of law. This law, in the light of his ignorance

of revealed law, would have to be some kind of innate law, the moral law.

Derek Eretz as a separate body of material is illustrated in this passage from Berakoth: (4)

"Rabbi Judah says: He (the Baal Keri) may repeat the laws of Derek Eretz. Once R. Judah after having had a seminal issue was walking along a river bank, and his disciples said to him, "Master, teach to us a section from the laws of Derek Eretz." And he went down and bathed and then repeated to them. They said to him, "Have you not taught us, Master, 'He may repeat the laws of Derek Eretz?'" ."
He replied, "Although I make concessions to others, I am strict with myself."

There are several things to be noted in this passage:

1. There is a body of material called Derek Eretz in existence in the time of R. Judah
2. This is a distinct collection.
3. There exists a tradition concerning these laws.
4. There appears to be a relationship between the recitation of the laws of Derek Eretz and the recitation of the Shema as found in Berakoth 3.6.

Just what these laws of Derek Eretz were we cannot know for certain. There are several possibilities. First, there is the possibility that these laws are an oral tradition passed down from master to student. It may be that this oral tradition came to be, at a later date, the

Massektot Derek Eretz which we know today. The possibility is particularly apparent when one considers that the Massektot Derek Eretz are mostly concerned with the scholar.

Another possibility is that the Massektot Derek Eretz were already in existence as a written document. However, since the dating of Massektot Derek Eretz is extremely uncertain, it would be difficult to establish this.

Still a third possibility is that these laws of Derek Eretz are completely unrelated to the Massektot Derek Eretz as we know them today, but were rather an oral tradition concerned with more than the scholar.

In any case, the use of Derek Eretz in this passage strongly suggests some kind of tradition existing apart from the Torah and possibly the Mishnah.

Isaiah 45.18 is explained in Seder Eliyyahu Zuta (5) (d) in this manner: "Go forth and learn from Derek Eretz. A man does not build a house at all except to bring fruit into it, or to bring utensils into it, or to bring monies into it, or to kindle a light in it. So, too, the sons of men judge from their (own) ways. They judge them from Derek Eretz in order to save them from the day which is coming before them..."

In the above passage Derek Eretz is referred to in two distinct but related ways. In the first instance, the reader is asked to go forth into the world and learn from Derek Eretz. He is supposedly to observe the ways

of men, particularly the procedure they follow in building a house, harvesting their crops and saving their money. To learn of these things, is to learn the order in which these things shall be done and the proper way of doing each thing in itself. Thus, Derek Eretz indicates not only the ways of men but the natural order of events. Thus, the natural consequences of building a house are the necessity for planting and harvesting crops, furnishing the house, saving one's money. Therefore, one should go into the world and learn from the ways of men. Derek Eretz is something completely apart from Torah.

In the second half of the passage Derek Eretz is referred to as something by which men are judged. They are judged by Derek Eretz to prevent them from bringing woe unto themselves. Thus, Derek Eretz is something by which to teach men the way to live. Derek Eretz may be a moral code developed by man exclusive of the written word of the law.

In Kiddushin (6) (e) we read: "He who has a knowledge of Scripture, and Mishnah, and Derek Eretz will not soon fall into sin for it is written, And a threefold cord is not quickly broken. (Eccles. 4.12) But he that has no knowledge of Scripture and Mishnah and Derek Eretz is not part of the civilized world."

Before each of the terms Scripture, Mishnah and Derek Eretz appears the word 'v'lo', 'neither'. Thus,

the passage should be rendered: "But he that has neither knowledge of Scripture, nor of Mishnah, nor of Derek Eretz is not part of the civilized world." Therefore, knowledge of either of these three categories is sufficient to make one a part of the civilized world. Thus, each of the three members of the series appears to be of equal importance.

It is quite clear what is meant by 'Scripture' and 'Mishnah'. Scripture is the revealed law, Mishnah is the oral tradition growing from the revealed law and later put into written form. The definition of Derek Eretz remains in doubt. To be of equal status with Scripture and Mishnah, it would also have to be some kind of law as that apparently is the relationship existing between the first two members of the series. It would have to be some kind of law, the knowledge of which, exclusive of one's knowledge of Scripture or of Mishnah would make one suitable for the civilized world. The translation of Derek Eretz as 'moral law' would fill the requirements of the text.

In Seder Eliyyahu Zuta (7) (f) we read: "There are those found studying the Torah, those found studying the Mishnah, and those found busy in Derek Eretz."

Here, too, we find three members of a series, each of which appears to have some kind of relationship to the others. Were the term 'asak' as restricted in its usage as the terms 'korin' and 'shonin' are it would simplify the definition of Derek Eretz. However, the term

'asak' is as frequently used in connection with business matters as it is in connection with study. The essential difference between this passage and the passage examined previously is that in the first passage Derek Eretz is not set apart from the other members of the series. However, in this passage each member receives its own verb which would indicate that the members of the series need not be considered as having any one characteristic in common.

There is another passage in which Derek Eretz is used as part of a series with Torah and Mishnah being the other members of the series. In Kiddushin (8) the Mishnah reads: "He who is versed in Bible, Mishnah, and Derek Eretz will not easily sin, for it is said and a threefold cord is not quickly broken. But he who lacks Bible, Mishnah, and Derek Eretz does not belong to civilization.

In the Gemara section which follows we find the following: "Bar Kappara lectures: A bad tempered man gains nothing but (the ill effect of) his temper; but a good man is fed with the fruit of his deeds. And he who lacks Bible, Mishnah, and Derek Eretz, vow not to benefit from him, as it is said, "Nor sitteth in the seat of scoffers."

A man who lacks Bible, Mishnah and Derek Eretz is considered a scoffer. All of the members of this series are grouped as one. Therefore, if one takes the passage literally one is not at liberty to translate; "If a man lacks Bible, or Mishnah, or Derek Eretz ...". Therefore,

the relationship between Scripture, Mishnah and Derek Eretz is, indeed, an intimate one, for the three members of the series appear to be inseparable. Therefore, the translation 'moral law' is the one which would establish this close relationship between the Scripture, Mishnah and Derek Eretz. For, then, each of the members of this series would represent some kind of law.

In the Mekiltha (9) (g) we find: "And the Lord said unto Moses: "Write this for a memorial in the book, 'The former sages say: Such is the rule obtaining throughout all generations, the scourge with which Israel is smitten will in the end be smitten itself. Let all men learn Derek Eretz from the case of Amalek. He came to harm Israel but God made him lose the life of this world and the life of the world to come, as it is said: For I will utterly blot out..."

Thus, a Scriptural verse is used as the basis for deriving a matter of Derek Eretz. The author of the passage points out that what happened to Amalek was the natural consequence of their actions. Whenever an enemy of Israel attempts to do it harm, it is only natural that the Lord should protect His people and destroy the enemy. Thus, we should all take notice that this is the inescapable consequence of hostile activity directed against Israel. This is the natural law which rules.

In Seder Eliyyahu Rabba (10) (h) we find an

interpretation of the phrase 'to watch the road'. (Gen. 3.24)

"To watch the road" this is Derek Eretz. This teaches that Derek Eretz preceded everything."

In this rather broad statement everything is swept away before Derek Eretz. It is as if Derek Eretz were prime matter and preceded everything in creation, the world, man, the revealed law.

There can be little room for doubt that the author of this passage regarded Derek Eretz as being of primary importance in the scheme of the universe, the key to the order of things. Thus, Derek Eretz in its definition must embrace a concept broad enough to include every phase of human activity as well as the natural phenomena. Thus, Derek Eretz as 'natural law' would meet these requirements. For man, natural or moral law, has ethical overtones. In the world of nature, natural law is the order of natural phenomena.

Chapter Two

The Relationship of Derek Eretz to Torah

In the light of those passages which we have just examined in which Derek Eretz is considered as something quite apart and independent from Torah a passage quoted in the name of Eleazar b. Azariah (1) (a) seems most surprising.

"If there is no study of Torah, there is no Derek Eretz: if there is no Derek Eretz, there is no Torah."

It would seem as if R. Eleazar b. Azariah, in this passage, is reflecting a different approach to the matter of Derek Eretz. Indeed, by his phrasing, he makes the relationship between Torah and Derek Eretz not only a sufficient relationship but a necessary relationship as well. It is plain that he is attempting to bridge the gap between Torah and Derek Eretz by making one dependent upon the other.

One establishes the authority of a given principle of Derek Eretz by finding a Scriptural basis for it. The converse is also true, namely, that a Scriptural injunction is supported by appeal to Derek Eretz. It is hoped that the following passages will adequately illustrate these points.

R. Eleazar b. Azariah said: "Where there is no study of Torah there is no Derek Eretz; where there is no Derek Eretz there is no Torah."

Thus, we have the bridge between Derek Eretz and Torah. Neither exists without the other. Therefore, out of Derek Eretz we may sustain Torah and from Torah we may establish Derek Eretz. Torah, which is the revealed and written word of God includes within its framework Derek Eretz. Derek Eretz, which is the natural law, foreshadows the Torah. Derek Eretz is a reflection of man's sensitivity to the natural order of things and to his own nature. This is the first step towards the appreciation of the Torah. The two together form the basis for living.

This is supported by a selection from Seder Eliyyahu Rabba (2) (b).

"And thus did the Holy One Blessed Be He say unto Israel. At times there is Torah, how much the more so is there Derek Eretz among you."

Then, too, there is the passage in Seder Eliyyahu Rabba (3) (c) which reads:

"And when there were done in Givath B'nei Benjamin filthy things and things which were unseemly, at this time the Holy One Blessed Be He sought to destroy the entire world.

I have only given my Torah to these (people) that they might read and study it and learn Derek Eretz from it. But thus have I not written in my Torah. Even though there is no Derek Eretz among them, "And five of you shall chase a hundred" (Lev. 26.8). But if you observe the Torah and shall excel in it (then) "One shall chase a thousand,

and two put ten thousand to flight." (Deut. 32.20)

While Derek Eretz, the moral law, by itself is of some aid to mankind, the Torah together with the moral law form the basis for a better life. Thus, the relationship between Derek Eretz and Torah is established.

In Masseket Kalah (4) (d) we read: "They asked R. Eleazar, what is the ruling concerning drinking from the hand of a bride at the time when her husband is reclining on the couch with her? He said to them, "Whosoever drinks from the hand of a bride is as if he drank from a harlot. " They said to him, "And lo, do not the daughters of scholars possess Derek Eretz." He replied to them, "Heaven forbid ! whosoever does not have Torah passing over his lips does not possess Derek Eretz."

The situation appears to be that the students were not pleased with the answer of R. Eleazar as to their question about drinking from the hands of a bride. In an effort to refute him, they pointed to the daughters of scholars who apparently were in the habit of serving their fathers' disciples. Therefore, the students asked how it was possible that drinking from the hand of a bride was similar to drinking from the hand of a harlot when the daughters of scholars acted in this manner. Did not these daughters possess Derek Eretz? R. Eleazar's reply would indicate that he considered Torah and Derek Eretz inseparable and since it was likely that the daughters of scholars knew something of Torah, one could assume that they knew something

of Derek Eretz and consequently would not act in an unseemly way.

In Sota (5) (e) we find the following:

"Our Rabbis taught (that the order of the phrases is) 'that hath built', 'that hath planted', 'that hath betrothed'. The Torah has thus taught a rule of Derek Eretz that a man should build a house, plant a vineyard and then marry a wife."

Looking at the order in which Scripture records the stages of a man's life, the Rabbis derive that which they consider to be the natural order of events. Thus, through the words of the Torah, the Rabbis derive the Derek Eretz of a given situation. Surely, this is not a case of legislation on the part of Scripture, merely a description of the sequence of man's life. Thus, the natural order of things is established and man should take heed of what that natural order is and so order his own life.

In Berakoth (6) (f) we find:

"And he brought her to the man" (Gen. 2.22).

R. Jeremiah b. Eleazar said: "This teaches that (God) acted as best man (shoshbin - the man who looks after the wedding arrangements) to Adam. Here the Torah teaches a matter of Derek Eretz that a man of eminence should associate himself with a lesser man in acting as a best man and he should not look askance at it."

Here, is a twofold argument for the establishment

of a principle of Derek Eretz. Not only is there a scriptural basis for the establishment of this mode of behavior, but God Himself is the originator of this pattern of behavior. Therefore, this rule of Derek Eretz has the authority of Scripture and is also in imitation of God's qualities. This is a clearcut example of imitatio dei.

Another example of this imitation of God is to be found in Masseket Derek Eretz, Pirkei Ben Azzai, Perek 3.2. However, this section will be treated at greater length in the section dealing with proper behavior.

Of the imitatio dei, Samuel S. Cohon in his book Judaism A Way of Life (U.A.H.C. 1948), on page 149 writes: "Only in God can each generation, in accordance with its own needs and lights, find the embodiment of its supreme aspirations and ideals, in God not as reflected in the life of one outstanding personality, but in Himself, super-personal, infinite and holy. Hence the call of Judaism: "Be ye holy, for I, the Lord your God, am holy" (Lev. 19.2). To become Godlike is the highest aim of man."

In the Mekiltha (8) (h) we read:

"Until the morning..." This is to teach you that you should come in to a place or leave it only in daytime. And you also find the patriarchs observed this as Derek Eretz (Lauterbach offers 'custom' as a translation). For it is said: "And Abraham rose early in the morning...(Gen.22.3)." Now by using the method of Kal Vahomer you reason: If the patriarchs who went to carry out the will of Him by whose

word the world came into being, observed this as Derek Eretz, how much should all the other people observe it?"

Thus, we have another example of the establishment of a practice on two counts. First, because the patriarchs observed it as a regular practice. Second, because the patriarchs strove to imitate the qualities of God. Therefore, if they considered this to be the will of God, we should likewise observe this as a practice.

The practice ultimately derives its validity in that it can be established through reasoning that this is the will of God. It will be noticed that no outside Scriptural support is presented as proof that this is actually a dictate from God. The authority for this principle of Derek Eretz is derived from the actions of the patriarchs who through their reasoning considered this kind of behavior to be the will of God. Therefore, we accept their reasoning, according to the rabbis, and retain this behavior. Thus, the procedure seems to be as follows:

- 1) The patriarchs through their reasoning determine the will of God.
- 2) They translate this will into some kind of act.
- 3) Their actions are set down in Scripture.
- 4) We read of their actions.
- 5) Through our reasoning we deduce that this is a principle of Derek Eretz and follow their example.

In Mekiltha (9) we read:

"and he shall be cured"

"Another interpretation: This passage suggests that you can learn Derek Eretz from the Torah. "Only shall he pay for the loss of his time, and shall cause him to be thoroughly healed."

In a note by Lauterbach, he explains, "The proper conduct (Derek Eretz) for a man who takes sick is to rest from work and seek to get thoroughly cured."

'Proper conduct' in this context means 'the most sensible thing to do' or 'the course of action that appears most reasonable'. Thus, Torah is not only revealed Law, or Law beyond the powers of our reason, but Torah is also a source of proper reasoning. Torah is a support for those patterns of behavior which are most reasonable and seem justified by man's power of reason.

The matter of 'proper conduct' brings us to our next point.

The following passages are also examples of the relationship of Derek Eretz to Torah and will be treated at greater length in the next chapter.

Sabbath 114a, Yoma 4b, Yoma 75b, Hulin 84a, Mekiltha, Masekta d'vchodesh, parsha 2, Sifre B'haloschah 102, Midrash Rabba, Bamidbar 13, Seder Eliyyahu Rabba, Seder Eliyyahu Rabba.

Chapter Three
The Ramifications of Derek Eretz

I Proper Behavior

"By what does a man acquire his father who is in the heavens ... love ... brotherly love ... reverence ... friendship... derek eretz. " (1) (a) Here are the qualities by which a man may obtain God's favor. One is not certain, however, whether these qualities concern man's relationship to his fellow-man or whether these qualities concern man's relationship to God. Surely, it would be difficult to use the qualities friendship and brotherly love in describing man's relationship to God. The thought of God is too awe-inspiring to talk in terms of friendship and brotherly love. As close as man may sometimes feel to God, there is still that unbridgeable chasm between the finite and the infinite.

Thus, one may assume that these qualities describe both man's relationship with God and man's relationship to his fellow-man. Accepting this premise, it is then possible to interpret Derek Eretz as 'proper conduct' for surely, this is one quality which man should manifest. The general meaning of the passage now becomes clear insofar as there are qualities which a man should show both in his relationship to God and in his relationship to his fellow-man. By his manifestation of those qualities which relate specifically to his relationship to his fellow-man there is also established his relationship to God. For

through his exercise of those qualities such as friendship and proper conduct to his fellow-man, one also achieves a relationship with God. These are the qualities by which a man may come to possess God. Man does not come to possess God only through improving his relationship to God; he comes to possess God through improving his relationships with his fellow-man.

But, despite His transcendence, man can still display proper and improper behavior towards God. In Seder Eliyyahu Rabba (2) (b) we find, "And he smote of the men of Beth-Shemesh " (because they had gazed upon the ark of the Lord). I Sam. 6.19

"And who smote all of these (people)? They said that nobody killed them except the people of Beth-Shemesh (themselves) for they did not possess Derek Eretz."

Does this not recall the incident in II Sam. 6.6 in which Uzzah puts forth his hand to steady the ark of God and is smitten dead. It can be argued that Uzzah's act did show a lack of reverence for the ark in that should he not have realized that the ark would not topple. However, it does seem quite clear that his effort to support the ark was motivated more by reverence for the ark than by disdain. Here, too, is an instance where the Derek Eretz, the proper behavior, toward the ark is lacking and consequently the offender is punished.

Thus it is in the case of the people of Beth-

Shemesh. They were smitten because of their breach of proper conduct which one should show towards the ark of the Lord.

Also in Seder Eliyyahu Rabba (3) we find: "And what is the nature of this constellation which is of seven stars in the heavens and all of them nigh unto each other (referring to the constellation mentioned in Job 38.31). Scripture teaches Derek Eretz to the generations that a man will not ask himself why the heavens are not thick with stars."

Here, too, is an example of the Derek Eretz which man is expected to show to God. Since God is the creator of the heavens and the earth and all that is in them, it would not be seemly for man to question why God created thus and not so. Therefore, Scripture teaches us about the constellations that we may understand them a little more fully thus preventing us from committing a breach of Derek Eretz toward God by questioning the nature of His creation.

In Mekiltha (4), concerning the nature of God, we read: "And Moses reported the words of the people unto the Lord. And was there any need for Moses to report? Scripture merely wishes you to learn Derek Eretz from Moses. He did not say: "Since He who sent me knows, there is no need for me to report back."

In this section we learn Derek Eretz to God through the deed of Moses. Although Moses knew God as

well as anybody could know Him (this seems to be the assumption of the author of this passage) he did not assume that since God is omniscient there was no need to transmit the message of the children of Israel. Thus, from his action we learn Derek Eretz, proper behavior.

In Yoma (5) we find: "And the Lord called unto Moses and spoke to him. Why does Scripture mention the call before the speech? The Torah teaches us Derek Eretz; A man should not address his neighbor without having first called him. This supports the view of R. Hanina, for R. Hanina said, "No man shall speak to his neighbor unless he called him first to speak to him."

Does this not recall the passage in Berakoth (cf. p.16) in which God acted as best man for Adam? From that passage, in imitation of God, we established the principle of the relationship which should exist between men. From the passage which we are now considering we derive in imitation of the act of God a principle of proper behavior. Here again, is a principle of Derek Eretz supported by Scripture and the authority of God.

That there can be no greater authority than God is seen from the following passage in Massektot Derek Eretz, Pirkei Ben Azzai. (6) We read of an incident in which Rabban Gamaliel and a group of scholars went to visit a philosopher friend. Before entering their friend's home, Rabban Gamaliel knocked on the door. He knocked three times,

thus, causing the philosopher friend to remark, "Surely, these are the manners of a scholar ! "

But, lest the reader is to imagine that we are learning this principle of Derek Eretz, proper behavior, from Rabban Gamaliel, the author of the passage adds, "We learn this rule of Derek Eretz, however, not from Rabban Gamaliel but from God Himself, for it is said (I Kings 22.19) ' I saw the Lord sitting on His throne and all the host of heaven standing by Him on His right hand and on his left."

A similar example is to be found in Sifre Ba' haloschah (7). "And Scripture comes to teach you Derek Eretz that anytime a man wants to speak to his fellow-man he shall not say, "Draw near to me" but rather he should attract him with that which he wishes (to say) and speak to him." God is, therefore, man's example.

But, neither should one think that only Israel can be the possessor of Derek Eretz nor should one imagine that those nations which worship foreign gods are hopelessly lost. For, in Seder Eliyyahu Rabba we read:(8) (c) "And it says, 'And the Phillistines called for the priests and the diviners ...'. (I Sam. 6.3) Even though they were worshippers of strange gods they had Derek Eretz. And what is this Derek Eretz which they possessed? They said to them, "If ye send away the ark of the God of Israel send it not empty ...". (I Sam. 6.3)"

Thus, the knowledge of the proper thing to do is not dependent upon whether one worships the true God or

whether one is a recipient of the written law. For even the Phillistines, with all their idolatrous worship, knew the proper thing and would not send back the ark of the Lord without including a sin offering. It would seem that they knew the proper thing to do out of the power of their own reasoning. Thus, Derek Eretz is not restricted to one people or to one place. Insofar as reason distinguishes man from beast and all men possess reason it is possible for all nations to act according to the principles of Derek Eretz.

Norman Wilde writes in the Encyclopedia of Religion and Ethics, Volume 8, page 833, "Natural law as a basis for morals may therefore be described as an order of human nature, known to be such by the unaided reason of man, and recognized as binding without reference to the desires of pleasures and pains of the sentient life. Man knows himself as properly of a certain nature, and cannot reasonably depart from the rules involved in its realization. These rules are not imposed from without, but are the expression of his own nature and binding only as such. To be moral is to be truly a man, and to be truly a man, is to be truly a rational animal. The norms of reason are the moral laws."

Even the children of Israel may disobey God and still retain their Derek Eretz. For we read in Seder Eliyyahu Rabba:(9) (d) "Rabbi said to me, 'Twice the children of Israel were exiled, one time (in the time of) the First Temple, and once (in the time of) the Second

Temple. Why in the first instance is a time given (for the duration of the punishment) and in the last instance no time is given?' I said to him, "My son, the inhabitants of the First Temple, even though they worshipped strange god, possessed Derek Eretz." And what is Derek Eretz? Tz'dakah and g'milooth chasadim."

Here we have an instance where the children of Israel disobey the will of God. But, because they retain their Derek Eretz, as defined by the author of the above passage, their punishment is not eternal.

"Weigh your words before speaking. Perform your daily acts in accordance with Derek Eretz, so that you may be successful in life. Acknowledge the justice of a verdict against you, and refrain from grumbling." (10)

Here is a pattern for living which is general to the extent that these principles may be applied to innumerable and varied situations. The program outlined is a general philosophy of living which can be applied to every situation both between man and man and between man and God. Derek Eretz in this passage could be translated as 'the moral law'. However, since one's acting according to Derek Eretz will determine one's success in life, especially one's success in his relationships with his fellow-men, 'proper behavior', a somewhat more relative term seems preferable. It seems likely that one who acts with proper behavior is more likely to succeed, particularly when the moral law is out of keeping with the accepted

standard of behavior of the time. Proper behavior and the moral law need not necessarily coincide. One need only consider the 'proper behavior' of primitive South Sea Island tribes to be convinced of that.

In those matters relating to eating and the serving of food, the term Derek Eretz when translated of 'proper manners' gives the most meaning.

Sabbath (11) teaches us: "R. Aha b. Abba said in R. Johannon's name, 'Whence do we learn change of garments in the Torah? * Because it is said, "And he shall put off his garments, and put on other garments. " (Lev. 6.4) And the school of R. Ishmael taught: "The Torah teaches you Derek Eretz. In the garments in which one cooked a dish for his master, one should not mix a cup (of wine) for his master."

Thus, in the preparation of food there are manners which should be observed. One will certainly agree that there does not seem to be any moral question involved here, merely a matter of good form. Then, too, perhaps with the aid of Rashi's comment * we may conclude that in this instance, it is not only a question of proper manners but also the matter of giving honor to one's superior. Manners are, after all, a display of respect not only for one's fellows but for one's self.

The next passage is indeed an interesting one

* Rashi: "Whence do we learn a change of garments - which is by way of honor before God."

for it concerns the proper mental attitude one should have while eating meat. It is assumed that the mental attitude will influence the diner to consume his food in a certain way. (12) "The Rabbis taught (concerning) "Them that taketh in hunting ... " (Lév. 17.13) This means nothing to me except (that it applies) in the case of one "who hunts". Whence do I learn concerning that which is already there (and does not require hunting), for example geese and chickens? That is to say "who hunts" (means) in any case, then why does it teach "them that taketh in hunting" (using the active form of the verb) ? Scripture teaches Derek Eretz that a man shall not eat meat except by this designation."

There is nothing wrong with eating meat. However, there are different kinds of meat. There is meat which has to be hunted, and there is meat that is waiting, such as domesticated fowl. Therefore, although the Scriptures speak of meat which has to be hunted, by its use of the phrase 'who hunts' which on the surface seems superfluous, it teaches us that even while eating meat which was not hunted, one should eat as if the meat were hunted. Perhaps this means that one should eat sparingly.

Some further thoughts on the eating of meat are:
"The Rabbis taught, 'When the Lord thy God shall enlarge thy border, as He hath promised thee, and thou shalt say: "I will eat flesh" because thy soul desireth to eat flesh;

thou mayest eat flesh, after all the desire of thy soul." The Torah teaches Derek Eretz that a man should not eat flesh except to satisfy the appetite." (12)

"And maintenance for thy maidens" (Prov. 27.27)

The complete thought reads: "And there will be goats' milk enough for thy food, for the food of thy household; and maintenance for thy maidens." "Mar Zutra, the son of Rav Nachman said, "Give life unto your maidens." From here the Torah teaches Derek Eretz, that man should not teach his son concerning flesh and wine." (12)

In each of the three passages just quoted a definition stronger than 'proper behavior' is required insofar as the three passages indicate that something more than a matter of social form is the subject matter. The first two passages deal with a personal matter since no one but the subject will effected by his action. The third passage deals with the correct way to be a parent and the proper way to instruct one's children. Thus, proper behavior is not only a matter of social form but a personal matter as well, and there are also those aspects of proper behavior which apply to special classes of people. Therefore, each person in a special role has a set of principles which he should observe if he is to fulfill his role properly. This is especially apparent in the Massektot Derek Eretz which deal almost exclusively with the Derek Eretz of a scholar.

Concerning the proper behavior in drinking, we read in Massektot Derek Eretz, Pirkei Ben Azzai (13): "One should not drain in one draught one's cup; if one does so, one is considered a glutton. It is Derek Eretz to drain the cup in two draughts; but if one does it in three draughts, one is considered haughty."

Concerning one's handling of food we find in Massektot Derek Eretz, Pirkei Ben Azzai: (14) There was an incident concerning R. Akibah who made a dinner for his students. At the dinner he served two dishes, one of which was only half-cooked, the other of which was cooked properly. He served the half-cooked dish first. The students lacking in manners struggled with the stalks which he served attempting to tear them. The students possessing good manners made no effort to struggle with the stalks. Then he served the properly cooked dish which everyone enjoyed. At the conclusion of the meal, he told them what he had done and explained that it was to test their manners." This was indeed a graphic way to teach proper behavior.

Another interesting account of how to teach one's friends good behavior is found concerning Rabbi Simeon. (15) Rabbi Simeon began to show peculiar behavior despite his reputation for knowing proper behavior. He used to urge his guests to eat and drink. They would vow by the Torah that they would have nothing to eat or drink. However, they would soon change their minds and partake of food and drink.

Whereupon, Rabbi Simeon would beat them. The Rabbis sent R. Joshua to investigate the matter. R. Simeon was pleased to serve as R. Joshua's host. R. Joshua, in turn, did all that he was bid to do. He was not beaten by R. Simeon. When R. Joshua inquired as to the reason for his not having received a beating, R. Simeon explained that all of the previous guests had made vows which they had not kept. Therefore, he beat them to teach them Derek Eretz.

The matter of eating meat is done with, however. For, we find a passage in Yoma (16) concerning the proper time to eat meat: "And Moses said: 'This shall be when the Lord shall give you in the evening flesh to eat and in the morning bread to the full.' (Ex. 16.8) A Tanna (taught) in the name of R. Joshuah b. Karhah: 'The flesh for which they asked improperly was given to them at an improper time; Whereas the bread for which they asked properly was given to them in its proper time. Here the Torah intimates a matter of Derek Eretz: that one should eat meat but at night.'."

As was to be expected there are passages which require a slightly different shade of meaning than those already advanced. One such passage is found in Tosefta Shviith (17) (e). "He who stores the lof (a sort of onion plant) in the Sabbatical year, R. Meir says it is Derek Eretz to store it in an earthen vessel that it may not sprout. And even though it is no proof for the matter, recall the saying, "And put them in an earthen vessel:

that they may continue many days." Thus, in the storing of plants there is a proper way to go about it if one wishes to achieve certain results.

In the relationship between husband and wife, there is also the proper and the improper kind of behavior. In Midrash Rabbah, (18) we read: "The Torah teaches Derek Eretz that a groom may not enter the chupah until the bride has given him permission."

Thus, the groom is expected to respect the wishes of the bride and not enter the chupah (probably the bridal chamber, in this instance) until she signifies that he has her permission.

Another passage which suggests that Derek Eretz should be translated, rather loosely, as 'the proper way to go about things' is the following which appears in Nidah. (19) "Our Rabbis taught: 'Twelve questions did the Alexandrians address to R. Joshua b. Hananiah. Three were of scientific nature (halakah), three were matters of Derek Eretz'." The questions included under the category of Derek Eretz were: "What must a man do to have male children?" "What must a man do to become wise?" "What must a man do to become rich?" Thus, it is the proper procedure which is being asked for and not necessarily the good behavior or proper conduct.

II Worldly Intercourse

"Rabban Gamaliel, son of Rabbi Judah the Prince says, "The Study of Torah together with Derek Eretz is good, for the labor of both of them causes sin to be forgotten, and any (study of) Torah which does not have work with it, its end is waste and causes sin... " (20) (f)

The term Derek Eretz in this passage is the antecedent for the word 'm'lacha', work. Thus, Derek Eretz in this context should be translated 'worldly occupation'. The passage then reads: "The study of Torah together with a worldly occupation is good, for the labor of both of them causes sin to be forgotten... "

Just what kind of worldly occupation the scholar is expected to have is not indicated, though it would appear that it would have to be some kind of occupation which would not take too much time from his studies.

R. Travers Herford in his Pirke Aboth (J.I.R., 1945) on page 41 offers the following comment: "The insistence of Jewish teachers upon the duty of having a trade or occupation is well known and is a mark of that practical sanity which is preeminent in Jewish ethics. Even the student who is supported that he may give his whole time to study, is bidden to study that he may teach others. None is to live for himself alone, or benefit by others without benefitting them in return."

However, R. Nehunia b. Hakhana has quite a different

opinion on the matter of whether a scholar shall or shall not work. "Whoever takes upon himself the yoke of the Torah, they remove from him the yoke of government and the yoke of Derek Eretz, and whoever breaks off from himself the yoke of the Torah, they place upon him the yoke of government and the yoke of Derek Eretz." (21) (g)

It is quite clear that the scholar could not possibly be released from the moral law, or from proper behavior. Therefore, we have no choice but to translate Derek Eretz in this passage as 'worldly occupation'.

In Berakoth (22) the point is made clear: "Our Rabbis taught: 'And thou shalt gather in thy corn' (Deut. 11.14) What is to be learned from these words? Since it says, 'This book of the law shall not depart out of thy mouth.' (Josh. 1.8), I might think that this injunction is to be taken literally. Therefore, it says, "And thou shalt combine the study of them (the words of the Torah) with Derek Eretz."

The gathering of the corn is symbolic of 'a worldly occupation'.

Returning to the matter of the role each man plays in the scheme of things, we find concerning who shall work (23) "As it says: 'For lo He formeth the mountains.' From here they derived that there are two kinds of labor. One in the words of the Torah and one the labor of Derek Eretz. He who desires to work in Derek Eretz, is given the work of Derek Eretz and concerning him Scripture

says, "For man was born to labor." (Job 5.7) To what is he similar? To a flask which is filled with water, is continuously being poured out and after an hour there is nothing in it."

Although the author of this passage does not seem to have too high a regard for labor, he does recognize that there are two classes of people i.e. those equipped for scholarship and those equipped for work. Derek Eretz in this passage is plainly the opposite of Torah and unrelated to it and should be translated as 'worldly intercourse'.

"An incident concerning R. Josiah and the son of Harash, R. Matiah. The two of them would sit and study the words of the Torah. R. Josiah turned to matters of Derek Eretz. R. Matiah said to him, "What is this that you have left the words of the living God to participate in Derek Eretz, and even though you are my master and I am your student, it is not good to desert the words of the living God and to participate in Derek Eretz." (24) (h)

Evidently R. Josiah decided to forsake the study of Torah and devote all of his time to the pursuit of business. Therefore, his student felt called upon to rebuke him and suggest that he return to the study of Torah.

Those who observe the Torah and the mizvoth will receive a reward not only in the world to come but in their businesses here on earth.

For in Seder Eliyyahu Zuta we read: "And it says: "Look down from the heaven and see." (Isaiah 63.15) And not

only the heavens ... but to tell to mankind that whoever observes the Torah with travail and does the mizvoth with travail the reward of worldly intercourse is given him, and the principal is saved for him." (25)

The following passage offers several possible interpretations. Berakoth (26)(1) Our Rabbis taught: "Four things require to be done with energy, namely (the study of) the Torah, good deeds, praying and Derek Eretz."

It might be possible to translate Derek Eretz in this instance as proper behavior, worldly intercourse or even moral law considering the spiritual quality of this passage. The choice remains an open one.

III Sexual Intercourse

In Erubin (27) (j) R. Johanan observes: "If the Torah had not been given we would have learned modesty from the ant, chastity from the dove, and Derek Eretz from the cock who first coaxes and then mates. And how does he coax his mate? Rab Judah citing Rab replied: "He tells her this: 'I will buy you a cloak that will reach to your feet.' After the mating he tells her, 'May the cat tear off my crest if I have any money and do not buy you one.'".

It is clear that Derek Eretz in this passage cannot be translated as 'moral law' since it would be out of keeping with the general spirit of the passage. The translation 'proper behavior' is out of keeping with that part of the passage which tells of the deception of the cock. Surely, deception is not something we would care to learn from the cock in the absence of Torah. 'Worldly occupation' is not involved as this is a matter of relationship between husband and wife. Derek Eretz in this instance has something to do with mating and the proper way to go about it. From the phrase 'and then mates' we may assume that it is 'sexual intercourse' which is being referred to. Thus, we arrive at still another ramification of the term Derek Eretz.

The following passages will be treated with sparse comment since the texts speak for themselves.

In Mekiltha (28) the following passage makes the relationship between Derek Eretz and sexual intercourse most apparent: "Her flesh" - This means her food, as when it said: "Who also eat the flesh of My people" (Micah 3.3) And it is written: "He casued flesh also to run upon them as the dust" (Ps. 78.27) "Her raiment" in its literal sense. "And her specific time" meaning Derek Eretz as when it is said "And lay with her and cohabited with her." (Gen. 34.2) Derek Eretz is equated with the word 'cohabited' and therefore, for the author of the passage signified 'sexual intercourse'.

In the next passage the definition of Derek Eretz is derived the author of the passage through a kal v'chomer. (29) "And her time" meaning he should not give her summer garments for the winter, nor winter garments for the summer. But he should give her each in its season. How about her food? You reason by the method of kal v'chomer. If you cannot withhold from her things which are not necessary for sustaining life, it is but logical that you surely cannot withhold from her things that are necessary for sustaining life. How about Derek Eretz? You reason by the method of kal v'chomer. If he cannot withhold from her those things for which she has not primarily married, it is but logical that he should not be allowed to withhold from her that for

which she was primarily married. Rabbi says, "Her body" refers to Derek Eretz, as when it is said "None of you shall approach to a body that is near of him." (Lev. 18.6)

In Seder Eliyyahu Rabba (30)^(k) we find a more generalized use of the term Derek Eretz.

"There are four degrees of Derek Eretz. There are those who marry a woman for the sake of harlotry. And there are those who marry a woman for the sake of money. And there are those who marry a woman for the sake of being famous. And there are those who marry a woman for the sake of heaven."

If we render the term Derek Eretz as 'marriage' the phrase is then translated: "There are four types of marriages...".

In Aboth (31) (1) D'Rabbi Nathan there is a passage which not only suggests that it should be translated with Derek Eretz as 'sexual intercourse' but also suggests what our attitude toward sexual intercourse should be.

"There are seven things the multiplication of which are difficult and the minimization of which are good: wine, work, and sleep, and wealth, and Derek Eretz, and warm water and endangering life."

KEY TO INDEXES

The first index contains the source of every passage used in this paper. The number before each of the references corresponds to the number before each passage in the paper.

The second index contains selected Hebrew passages. The letter before each passage corresponds to the letter in front of the selected passage in the body of the paper.

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- (1) Yalkut Bereshith p.34
- (2) Seder Eliyyahu Rabba, Friedmanned., 1902, p. 69
- (3) Ibid., p. 82
- (4) Berakoth 22a
- (5) Seder Eliyyahu Zuta, Friedmanned., 1902 p. 175
- (6) Kiddushin 1.10
- (7) Seder Eliyyahu Zuta, Friedmanned., 1902, p. 194
- (8) Kiddushin 40b
- (9) Mekiltha, Lauterbach, Vol. II, p. 148
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- (10) Seder Eliyyahu Rabba, Friedmanned., 1902, p. 1

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The Relationship of Derek Eretz to Torah

- (1) Aboth 3.17
- (2) Seder Eliyyahu Rabba, Friedmanned., 1902, p. 84
- (3) Seder Eliyyahu Rabba, Ibid., p. 56
- (4) Massektot Kalah, Higger ed., 1936, p. 126
- (5) Sota 44a
- (6) Berrakot 61a
- (7) Mekiltha, Lauterbach, Vol. 1, p. 51
Massekta d'Pischa, Parsha 7
- (8) Mekiltha, Lauterbach, Vol. 1, p. 86
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- (9) Mekiltha, Lauterbach, Vol. 3, p. 56
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- (1) Seder Eliyyahu Rabba, Friedmann ed., 1902, p. 128
- (2) Ibid., p. 58
- (3) Ibid., p. 9
- (4) Mekilta, Lauterbach, Vol. II, p. 207
Massekta d'vachodesh, Parsha 2
- (5) Yoma 4b
- (6) Massektot Derek Eretz, Pirkei Ben Azzai, Chapter 3.2
Higger ed., 1935, p. 182
- (7) Sifre Ba'haloschah 102
- (8) Seder Eliyyahu Rabba, Friedmann ed., 1902, p. 58
- (9) Ibid., p. 71
- (10) Massektot Derek Eretz, Masseket Derek Eretz, Chapter 1.30
Higger ed., 1935, p. 85
- (11) Sabbath 114a
- (12) Hulin 84a
- (13) Massektot Derek Eretz, Pirkei Ben Azzai, Chapter 4.5
Higger ed., 1935, p. 210
- (14) Massektot Derek Eretz, Pirkei Ben Azzai, Chapter 5.2
Higger ed., 1935, p. 215
- (15) Ibid. Chapter 4.1
p. 193
- (16) Yoma 75b
- (17) Tosefta Shviith 4.2
- (18) Midrash Rabba Ba'midbar 13
- (19) Nidah 69b

II Worldly Pursuit

- (20) Aboth 2.2

- (21) Aboth 3.5
Studies in Sin and Atonement, Buchler, p. 89

"Even earlier is the statement of R. Nehunijah who flourished before the year 100..."

- (22) Berakoth 35b
(23) Seder Eliyyahu Rabba, Friedmann ed., 1902, p. 62
(24) Aboth d'Rabbi Nathan, Schechter ed., p. 1
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(25) Seder Eliyyahu Zuta, Friedmann ed., 1902, p. 172
(26) Berakoth 32b

III Sexual Intercourse

- (27) Erubin 100b
(28) Mekiltha, Lauterbach, Vol. III, p. 27
Massekta d'N'zikin, Parsha 3
(29) Ibid., p. 28
(30) Seder Eliyyahu Zuta, Friedmann ed., 1902, p. 177
(31) Aboth d'Rabbi Nathan, Schechter ed., p. 109
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Chapter One

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שנאמר היושבת בגנים חבצרים 'שיר השירים ח.יג'
ואמר הוציא עם עור ועינים למו 'ישעיהו מג.ח'
אילו הן עמי הארץ שיש בהן דרך ארץ ושאר מצות.
מרהיקין את עצמן מן העבירה ומכל דבר מבוז.
זחרשים ואזנים למו. אילו הן חכמים ותלמידים שמוסרים
את עצמן במקרא במשנה במדרש הלכות בהגדות ...
- (d) סדר אליהו זוטא
שנאמר כה אמר ה' בורא השמים הוא האלותים יוצר הארץ
ועושה הוא א כוננה לא חוהו בראה לשבת יצרה אני ה'
ואין עוד 'ישעיה מה.יח' צא ולמד מדרך ארץ. כלום
אדם בונה בית אלא על מנת להכניס בו פירות, ולהכניס
בו כלים ולהכניס בו כספים. או להצות בו את האור.
אף כך בני אדם דרכיהם נידונין. דנין אותן מתוך
דרך ארץ. בשביל להצילם מיום הבא לקראתם. שנאמר
או להם כי נדדה ממני 'הושע ז.יג'
- (e) קדושין א
כל שיש לנו במקרא ובמשנה ובדרך ארץ לא במהרה הוא
חוסא וכו' וכל שאינו לא במקרא ולא במשנה ולא בדרך
ארץ אינו מן הישוב
- (f) סדר אליהו זוטא
...ומצאן קורין; ומצאן שונין, ומצאן עסוקין בדרך ארץ...
- (g) מכילהא
מסכתא דעמלק פרשא ב
ויאמר ה' אל משה כתוב את זכרן בספר זקנים הראשונים
אומרים כך מדה מהלכת על פני כל הדורות שיש שיתראל
לוקין בו סופו ללקות ילמדו כל אדם דרך ארץ מעמלק
שבא להזיק את ישראל ואבדו המקום מחיי עולם הזה ומחיי
עולם הבא שנאמר כי מחה אמתה ...
- (h) סדר אליהו רבה
לשמור את דרך 'בראשית ג.כד' זו דרך ארץ מלמד שדרך ארץ
קדמה לכל.

Chapter Two

- (a) אבות ג יז
...אם אין תורה אין דרך ארץ...
- (b) סדר אליהו רבה
וכך אמר להן הקב"ה לישראל. פעמים יש תורה אל אחת
כמה וכמה הא יש בכם דרך ארץ.
- (c) סדר אליהו רבה
אמר לא נחתי תורתי לאילו אלא שיקראו וישנו וילמדו
הימנה דרך ארץ אלא לא כך כתבתי בתורתך אף על פי
שאין בהו דברי תורה אלא מדראך ארץ ורדפו מכם המשה
מאח 'ויקרא בו.ה' אבל אם תעשו את התורה ותעדיפו עליה
אחד מכם ירדיף אלף ושנים ינוסו רבבה 'דברים לב.ל'
מסכתות כלה
- (d) מסכתות כלה
ג
שאלו את ר' אליעזר מהו לשתות מיד הכלה כל זמן שבעלה
מיסב עמה. אמר להן כל השותה מיד כלה כאילו שותה
בזונה, אמרו לו והלוא כל בנות תלמידי חכמים יש בהן
דרך ארץ. אמר להן חס ושלום, כל מי שאין תורה עובר
על פיו אין בו דרך ארץ.
- (e) סוסא מד זא
למדה תורה דרך ארץ שיבנה אדם בית ויטע כרם ואח"כ
ישא אשה
- (f) ברכות סא א
למדה תורה דרך ארץ שיחזור גדול עם קטן בשושבינות
ואל ירע לו.
- (g) מכילתא
מסכתא דפסחא
פרשה ז
וככה תאכלו אותו מתניכם חגורים וגו' כיוצאי דרכים
רבי יוסי הגלילי אומר בא הכתוב ללמדך דרך ארץ מן
התורה על יוצאי דרכים שהיו מזורזין.
- (h) מכילתא
מסכתא דפסחא
פרשה יא
...והרי דברים קל וחומר ומה אם האבות והנביאים
שהלכו לעשות רצונו של מי שאמר והיה העולם נהגו בדרך ארץ
שאר בני אדם אל אחת כמה וכמה.

Chapter Three
I Proper Behavior

(a) סדר אליהו רבה

במה קונה אדם את אביו שבשמים ...אהבה...אחוה...
יראה...ריעות...דרך ארץ.

(b) סדר אליהו רבה

שואמר "ויך באנשי בית שמש" שמואל א' ו.יט'
ומי הרג את כל אילו. אמרו לא הרג אותן אלא
אנשי בית שמש שלא היתה בהן דרך ארץ.

(c) סדר אליהו רבה

שואמר "ויקראו פלשתים לכוהנים ולקוסמים" שמואל א' ג.י
כוהנים אף על פי שעובדי עבודה זרה היו, היתה בהן
דרך ארץ. ומה היא דרך ארץ שהיתה בהן. אמרו להן אם
משלחים אתם את ארון ברית ה' אלוהי ישראל אל השלחו איתו
רקם 'שמואל א' ג.י

(d) סדר אליהו רבה

...אף אל פי שהיו עובדי עבודה זרה היה בהן דרך ארץ
ומה הוא דרך ארץ שהיתה בהן. צדקה וגמילות חסידים.

(e) תוספתא

שביעית ד ב

הסוכן את הלחם בשביעית ר' מאיר אומר דרך ארץ טומנו
בעציץ כדי שלא יצמח ואף על פי שאין ראייה לדבר זכר
לדבר ונתתם בכלי חרס למען ועמדו ימים רבים 'ירמיהו ב.יד'

Chapter Three
II Worldly Intercourse

(f) אבות ב ב

רבן גמליאל בנו של רבי יהודה הנשיא אומר יפה תלמוד
תורה עם דרך ארץ שיגיעת שניהם משכנות עון וכל תורה
שאין עמה מלאכה סופה בטלה ונגררה עון ...

(g) אבות ג ה

רבי נחמיה בן הקנה אומר כל המקבל עליו עול תורה
מעבירין ממנו עול מלכות ועול דרך ארץ וכל הפורק
ממנו עול תורה נותנין עליו עול מלכות ועול דרך ארץ.

(h) אבות דרבי נתן

נוסחה א פרק א

מעשה שאירע ברי יאשיה וברי מתיא בן חרש שהיו שניהם
יושבים ועוסקין בדברי תורה פירש ר' יאשיה לדרך ארץ
א"ל ר' מתיא בן חרש רבי מה לך לעזוב דברי אלוהים
חיים ולשטוף בדרך ארץ ואע"פ שאתה רבי ואני תלמידך
אין טוב לעזוב דברי אלוהים חיים ולשטוף בדרך ארץ.

(1) ברכות לב ב

ד' דברים צריכין חיזוק דרך ארץ

Chapter Three
III Sexual Intercourse

(j) עירובין ק'ב'

אמר ר' יוחנן אילמלא לא ניתנה תורה היינו
למידין צניעות מחתול וגזל מנמלה ועריות
מיונה ודרך ארץ מחרנגזל שמפיים ואחר כך בועל

(k) סדר אליהו זוטא

ארבע מדות בדרך ארץ יש שנושא אשה לשום זנות
ויש שנושא אשה לשום ממון ויש שנושא אשה לשום
גדולה ויש שנושא אשה לשם שמים.

(l) אבות דרבי נתן

נוסחה א פרק לז
שבעה דברים רובן קשה ומיעוטן יפה. יין, וישיונה,
ועושר, ודרך ארץ, זמים חמים, וחזקת דם.