

# Derech Eretz

## Kadma LaTorah

### A Multi-faceted Perspective

Rabbi Elchanan Adler

Rosh Yeshiva, RIETS

One of the most oft quoted rabbinic aphorisms is “*derech erez kadma laTorah – derech erez precedes Torah*”. As we prepare to celebrate our receiving the Torah on Shavuot, it is worth exploring the origin of this concept, as well as various layers of its interpretation.

#### Defining *Derech Eretz*

The term *derech erez*, in Chazal’s parlance, has multiple meanings. First, it refers to the notion of *menschlichkeit*, decency, common courtesy. Second, it relates in a broad sense to the notion of a livelihood, a *parnasa*. R. Samson Raphael Hirsch explains how both of these notions are reflected in the expression *derech erez*. *Derech erez* connotes: we are part of a social fabric, and within this context we find our fulfillment.

*Derech erez includes everything that flows from the human being’s necessity to perfect his destiny and his life, together with his society, through the medium of the earth’s bounty. Hence, the term is used in reference to earning a livelihood and establishing civic order, and in reference to the paths of discipline with manners and refinement that social life require, and to everything that touches upon the development of humankind and civility.*

**Commentary of R. S.R. Hirsch to Pirkei Avos, 2:2**

דרך ארץ כוללת כל דבר הנובע ומותנה  
מכך שהאדם צריך להשלים את ייעודו ואת  
חיינו בצוותא עם זולתו על הארץ, ועל ידי  
האמצעים והתנאים הניתנים לו מן הארץ.  
לפיכך מציין ביטוי זה במיוחד את דרכי  
הפרנסה והסדר האזרחי, וגם דרכי המוסר  
בנימוס ובהגינות אשר חיי צוותא אלו  
דורשים, וכן כל הנוגע בחינוך כלל-אנושי  
ואזרחי.

**פירושו של רש"ר הירש אבות ב:ב**

#### *Derech Eretz* as a Basis for Torah

According to the Midrash, the expression “*derech erez kadma laTorah*” originates in the Torah’s description of the divine gatekeepers at the Garden of Eden whose purpose was לשמור את דרך – “to guard the way of the tree of life”. The Midrash notes, in homiletic fashion, that the word “*derech*”, an allusion to norms of *derech erez*, precedes the words “*eitz hachayim*”, a symbolic reference to Torah. The Midrash associates this with the historical phenomenon that

societal norms were enshrined in human consciousness from time immemorial while Torah was presented to the Jewish People via Moshe, who numbered the 26<sup>th</sup> generation to Adam.

R. Yishmael son of R. Nachman said: *Derech erez preceded Torah by 26 generations. This is the meaning of what is written: "to guard the way of the tree of life" - "the way" refers to derech erez; afterwards, "the tree of life" which is Torah.*

**Vayikra Rabba Chapter 9**

א"ר ישמעאל בר רב נחמן עשרים וששה דורות קדמה דרך ארץ את התורה הה"ד (בראשית ג, כד) לשמור את דרך עץ החיים דרך זו דרך ארץ ואח"כ עץ החיים זו תורה.  
**ויקרא רבה, פרשה ט**

As understood by the *baalei musar*, the message of the Midrash is that *derech erez* norms are axiomatic to Torah. In other words, intuitive principles which inhere in the human condition are binding in their own right and serve as a foundation for the mitzvos of the Torah. As elucidated by the Alter of Slabodka:

*However, upon reflection we will see that character traits and attributes are an introduction to the Torah and the primary foundation of the essence of a person, without which a person is not worthy at all of Torah ... This is the intent of the Rabbis: Derech erez preceded Torah by twenty six generations, for all of the good character traits and attributes are included in derech erez; they were ingrained in human nature and for them there is no need for the giving of the Torah. The giving of the Torah came to build on these [traits and attributes] and to command him to continue to rise heavenward to ever higher levels transcending those which are in the realm of derech erez.*

**Or HaTzafun Vol. 1 pg. 173, 175**

אולם כשנתבונן נראה שהמדות והתכונות הם הקדמה לתורה והוא היסוד הראשון במהותו של האדם אשר בלעדו איננו ראוי כלל לתורה... וזוהי כוונת דברי חז"ל: כ"ו דורות קדמה דרך ארץ לתורה, כי כל המדות והתכונות הטובות כלולות בדרך ארץ והן הוטבעו באדם מטבעו ואינו זקוק עליהן למתן תורה, ואילו מתן התורה בא להוסיף עליהן ולצוותו להמשיך לעלות לדרך שמים למדרגות העולות על המעלות שהן בבחינת דרך הארץ...  
**אור הצפון ח"א עמ' קעג, קעה**

The Alter writes further:

*Upon reflection we will see that this code, too, that which is referred to as "derech erez", which preceded Torah from Sinai, is a comprehensive system which encompasses the entire man.*

**Or HaTzafun Vol. 1, pg. 176**

ולכשנתבונן נראה שגם תורה זו הנקראת דרך ארץ, שקדמה לתורה מסיני, תורה שלמה היא המקיפה את כל האדם.  
**אור הצפון ח"א עמ' קעו**

That humans possess an innate capacity to intuit certain norms of *derech erez* is implicit in the following Talmudic observation:

R. Yochanan Said: *Had the Torah not been given, we would have learned to be modest from cats, to avoid theft from ants, to avoid promiscuity from doves, and derech erez from roosters.*

**Eruvin 100b**

אמר רבי יוחנן: אילמלא לא ניתנה תורה היינו למידין צניעות מחתול, וגזל מנמלה, ועריות מיונה, דרך ארץ מתרנגול.  
**עירובין ק:**

In a sweeping statement, Rabbeinu Nissim Gaon posits the binding nature of *derech erez* norms:

*For all precepts that are dependent on logic and intuition of*

כי כל המצוות שהן תלויין בסברה

*the heart are already binding upon all [humanity] from the day that G-d created man on the earth, upon man and his offspring for all future generations.*

**R. Nissim Gaon, Introduction to the Talmud**

ובאובנתא דליבא כבר הכל מתחייבים בהן  
מן היום אשר ברא אלקים אדם על הארץ  
עליו ועל זרעו לדורי דורים.  
הקדמת רבינו נסים גאון לש"ס

Additionally, *Chizkuni* (Bereishis 7:21) understands this to be the basis upon which the generation of the flood was punished, despite having never received specific divine commandments about how to behave:

*If you will ask: Why was the generation of the flood punished if they were never commanded to fulfill mitzvos? The answer is that there are numerous mitzvos that people must keep based on logic even if they were not commanded to keep them. Therefore, they were punished.*

ואם תאמר איך נענשו דור המבול מאחר  
שלא נצטוו מצות. אלא י"ל יש כמה מצות  
שחייבים בני אדם לשמרן מכח סברת  
הדעת אף על פי שלא נצטוו עליהם ולפיכך  
נענשו.

We see that the moral intuition that Hashem instilled in humankind, which in the world's first millennia was an integral component of universal human experience, imposes an obligation irrespective of formal commandments. Indeed, Rav Eliyahu Dessler suggests that the obligation to act with respect toward another person derives from that other's very humanity:

*The root of this obligation lies in our obligation toward a human being by virtue of his being a human being.*

**Michtav Me'Eliyahu, Vol. 4, P. 246**

שורש החיוב הזה טמון בחיובנו לאדם באשר  
הוא אדם...  
**מכתב מאליהו חלק ד עמ' 246**

Rav Dessler writes further:

*One who does not appreciate the obligation to respect others lacks the attributes required for success in Torah [learning].*

**Ibid P. 248**

כי מי שאינו מכיר את חיובי הכבוד כלפי הזולת  
חסרות לו התכונות הנדרשות להצלחה בתורה.  
**שם, עמ' 248**

Rav Dessler's contention that *derech erez* is a prerequisite for Torah echoes the Mishna in *Pirkei Avos* which states: *אם אין דרך ארץ אין תורה* - Without *derech erez* there cannot be Torah. As Rabbeinu Yona explains:

*One must first improve one's own character traits and with that, the Torah can endure with him because it cannot endure with a person that doesn't have good character traits. One cannot learn Torah first and then acquire good character traits because this is impossible.*

**Rabbeinu Yona to Avos, Chapter 3**

שצריך תחלה לתקן את עצמו במדות  
ובזה תשכון התורה עליו, שאינה  
שוכנת לעולם בגוף שאינו בעל מדות  
טובות. לא שילמוד התורה ואחר יקח  
לו המדות כי זה אי אפשר.  
**פירוש רבינו יונה לאבות פרק ג**

In sum, the dictum "*derech erez kadma laTorah*" is not only historical, but moral-ethical. Man must excel in *derech erez* in order to fully absorb Torah.

## The *Derech Eretz* "within" Torah

Viewing *derech erez* as axiomatic to Torah may imply that one should not pursue serious Torah learning before becoming proficient in social etiquette. In fact, nothing could be further from the

truth. Such a notion is refuted by the Mishna's corollary statement: **אם אין תורה אין דרך ארץ** – Without Torah, there is no *derech erez*. As explained by Rabbeinu Yona, most of the principles of *derech erez* can be found in the Torah, more than anywhere else.

*Without Torah there is no derech erez-Meaning that one who doesn't know Torah is incomplete in character traits of derech erez because a majority of the good character traits about the ways of the world are in the Torah. For example, extending loans, severance pay, honest weights and measures and many others like this. If so, without Torah, one's character traits cannot be complete with derech erez.*

### **Rabbeinu Yona to Avos, Chapter 3**

**אם אין תורה אין דרך ארץ** – כלומר, מי שאינו יודע תורה אינו שלם במדות של דרך ארץ, כי רוב המדות הטובות שבדרכי העולם בתורה הם. כמו: העבט תעביטנו, הענק תעניק לו, מאזני צדק אבני צדק, וכמה כיוצא בהם. אם כן בלא תורה לא יהיו דעותיו שלמות בדרך ארץ.  
**פירוש רבינו יונה לאבות פרק ג**

Apparently, then, the relationship between *derech erez* and Torah is reciprocal and mutually reinforcing. On the one hand, Torah presupposes a requisite, baseline level of *derech erez*. For an individual who lacks even such a minimal standard of *derech erez*, Torah loses its redeeming value, and may actually be dangerous, *chas ve'shalom*. Moreover, a deficiency in *menschlichkeit*, however slight, may serve as an impediment to the Torah's ability to ennoble one's personality.

On the other hand, Torah which is studied and observed properly is designed to reinforce standards of common decency. As noted by Rabbeinu Yona, the principles of *derech erez* underlie countless mitzvos. In addition, the Torah helps us aspire to loftier, more sublime standards of *derech erez*.

Hence, in a post *Matan Torah* world, the demarcation between Torah and *derech erez* need not be so sharply defined. Ultimately, our *derech erez* protocol ought to be informed and enhanced by the laws and values of Torah. Indeed, we may discern this in the Talmud's language that one could have learned *derech erez* from roosters "*ilmalei nitna Torah*" - had the Torah not been given; the clear implication being that once the Torah was given, however, human moral intuition must be reinforced and sharpened by Torah study.<sup>1</sup>

## *Sefer Bereishis: Book of Derech Eretz*

As noted, the Midrash patterns the dictum "*derech erez kadma laTorah*" on the wording of a *pasuk* in *Parshas Bereishis*. We have also seen that *derech erez* is an overarching concept that is interwoven into the fabric of Torah itself. *Derech erez* is, at once a prerequisite for Torah as well as an outgrowth of Torah. Let us sharpen our understanding of these ideas by exploring the relationship between *Sefer Bereishis* and *Sefer Shemos*, as well as between the *parshiyos* of *Beshalach* and *Yisro*.

The *Netziv* (in his introduction to *Sefer Bereishis*), notes that the first book of the Torah is also known as "*Sefer Hayashar* (the book of "the Just") because it describes the lives of the Patriarchs who are called *yesharim* (*ehrllich* or decent people). The *Netziv* explains that the hallmark of *yashrus* is a spirit of benevolence and tolerance which is displayed even toward those who may

<sup>1</sup> For a further development of this idea, see the comments of Rav Shimon Schwab (*Mayan Beis HaSho'eiva, Parshas Yisro*, p. 200-1) regarding the Torah's demands of *kibud av va'eim*, which transcend the normal standards of honoring one's parents as dictated by human intuition.

espouse a worldview that is antithetical and diametrically opposed to one's own. Such an attitude is apparent in the Torah's account of the lives of the Patriarchs and the dealings that they had with the various personalities with whom they interacted. The *Netziv* explains further that the rationale for such conduct is the premium attached to preserving the social order of the world to the greatest degree possible – the quintessential notion of *derech erez*.

Based on this analysis, it follows that *Sefer Bereishis* - the *Sefer Hayashar* - serves as a fitting prelude to *Sefer Shemos* - which contains the account of *Matan Torah* - in the spirit of *derech erez kadma laTorah*.

Interestingly, this same insight is advanced by R. Tzadok haKohen of Lublin (*Or Zaru'a La'Tzadik*, p. 7) who posits that *Sefer Bereishis* precedes *Sefer Shemos* since it contains the narratives of the Patriarchs, stories of their exceptional character traits, and accounts of their settling and civilizing the world – all of which are, by definition, narratives of *derech erez*. Moreover, the Patriarchs, as paragons of *derech erez*, stand in stark contrast to societies such as the *dor hamabul* (generation of the flood) and Sodom whose failings in *derech erez* norms caused them to be wiped off the face of the earth. Only after experiencing these narratives, writes R. Tzadok, are we prepared for *Sefer Shemos*, the book wherein Torah is given.

In a homiletic vein, R. Yosef Dov Soloveitchik develops a similar idea. Jewish chosenness is a function of two discrete historical events: Hashem's choice of the *Avos*, the Patriarchs, and His choice of the Jewish nation at Sinai. R. Soloveitchik compares the patriarchal covenant to the process of *ibud* (lit. work), wherein parchment is treated in order to render it suitable for writing a Torah scroll on it, and he compares the Sinai covenant to writing the letters of the scroll itself. Just as the letters of the scroll cannot be written without *ibud*, the Jew cannot observe Torah unless he performs *ibud* upon his personality, relates to the Patriarchs, and models his behavior after their *derech erez*.

Expanding this metaphor, R. Soloveitchik notes that there are two types of *ibud*. For *mezuzah*, *ibud* is performed on the inner, hairless side of the parchment (known as *duchsustus*), the side that touches the animal's flesh and muscle. This *ibud* corresponds to our efforts in controlling desire and passion, which results in protection of our inner selves, just as a *mezuzah* protects the interior of one's house. These efforts represent the antithesis of the sin of *dor hamabul*, whose society was characterized by unbridled hedonism and a complete breakdown of self-discipline. By contrast, the *ibud* for *tefillin* is performed on the outer, hairy side of the parchment (known as *klaf*), the side that interfaces with the world. This *ibud* parallels our efforts to develop empathy toward others, symbolized by *tefillin*, which highlights the link between Hashem's unity and the Jewish nation's unity; "who is like Your nation, Yisrael, a distinguished, unified nation in the world." These efforts are the antithesis of the sin of the *dor hapalagah* (generation of the dispersion) whose communist-like society was characterized by a total disregard of the worth of the individual and an utter lack of empathy and compassion.<sup>2</sup>

---

<sup>2</sup> This insight was a part of the *aggada* portion of one of R. Soloveitchik's famed *yahrzeit* *drashos* delivered in the 1950's. A Yiddish transcript of the entire homily was prepared by the journalist Dr. Hillel Seidman and reprinted in *Beis Yosef Shaul*, Vol. 4 (R. Elchanan Adler, ed., 1994), under the title "*Ah yid iz ge'glichen tzu ah Sefer Torah*" (A Jew is Compared to A Torah Scroll), along with a Hebrew translation (by R. Sholom Carmy) entitled "*Ha'Yehudi mashul*

## Parshas Beshalach: The Parsha of Derech Eretz

Let us turn to the relationship between *Parshas Yisro*, which contains the narrative of *Matan Torah*, and the Torah portion which precedes it, *Parshas Beshalach* – a *parsha* which, as we will see, epitomizes *derech eretz*. One need go no further than the very first verse of *Parshas Beshalach* to discern an allusion to *derech eretz*. Firstly, this is the sole place in the Torah where the words “*derech eretz*” appear in succession: “*Velo nacham Elokim derech eretz Pelishtim.*” For the literary purist, this equation is erroneous, since “*derech eretz*” here means “**through the path of the land** [of Pelishtim]”; if so, the phrase bears no relation to the “*derech eretz*” of Chazal’s parlance. Nonetheless, given the tradition that “*leika midi de’la remiza be’oraisa*” – there is nothing to which the Torah does not allude – the semantic parallel is unmistakable, and leaves room for drawing a subtle message.

We can also infer the notion of *derech eretz* in the parsha’s title, “*Beshalach*”. The Torah records: “*Vayehi beshalach Par’oh es ha’am*” – And it was when [Pharaoh] **sent out** [the nation]”. “*Beshalach*” (sent out) implies that the nation’s departure from Egypt was dependent on Pharaoh’s formal acquiescence and granting permission. Why would this be so? R. Chaim Shmuelevitz explains that despite its failings, Egypt served as the Jews’ host country, and *derech eretz* demanded that the Jews receive a formal discharge before departing. He illustrates this by citing the example of Chananya, Mishael, and Azarya, who were thrust by Nevuchadnetzar into a fiery furnace, and did not step out until receiving a formal discharge order from the King. The Midrash draws a parallel between their conduct and that of Noach who also waited for Hashem to formally discharge him before exiting the ark. This pattern of conduct in all of these cases, explains R. Shmuelevitz, is typical of *derech eretz*.<sup>3</sup>

The third verse of *Parshas Beshalach* recounts Moshe’s involvement with Yosef’s bones. This, too, represents an aspect of *derech eretz*: honoring another’s request, and extending a gesture of gratitude.

Later in *parshas Beshalach*, the Torah recounts the episode of the manna. As we know, the manna was the archetype of *parnasa*. In fact, the daily recitation of *parshas ha’man* is supposed to insure that one’s efforts toward providing for a livelihood will be met with success (see *Mishna Berura* 1:13). And earning *parnasa*, as we have seen, also falls within the larger purview of *derech eretz*.

---

*le’sefar Torah*”. For the portion referenced here, see pp. 46-55 (Yiddish version) and pp. 86-95 (Hebrew translation). An English translation was recently printed, in several installments, in Yeshiva University’s student publication *Kol HaMevaser*, but has yet to appear in any of the published posthumous books containing the Rav’s discourses.

<sup>3</sup> See *Sichos Musar, maamar # 5*. (Regarding how adhering to norms of *derech eretz* would justify Chananya, Mishael, and Azarya’s remaining in the furnace at risk of their lives, R. Shmuelevitz cites a Midrash which states that they received at the outset a divine sign indicating that they would miraculously survive.) Interestingly, the *Chasam Sofer* explains a textual anomaly earlier in *Sefer Shemos* along similar lines. When Pharaoh suggests to Moshe that the Jews offer sacrifices to Hashem in Egypt, rather than in the desert, Moshe responds (*Shemos* 8:22): “*lo nachon...*” – it is not proper to do this, for Egyptians worship sheep; could we slaughter the Egyptian deity to their eyes without them stoning us?” Moshe’s response contains a redundancy. If he was worried about being stoned, why invoke the “*lo nachon*,” the concept of correctness; and if he was worried about correctness, why invoke the fear of stoning? The *Chasam Sofer* answers that Moshe’s first concern, that of “*lo nachon*,” was primary. Moshe felt that it was not proper, not consistent with norms of *derech eretz*, to act in a manner that would cause the Egyptians to stone the Jews, and thereby to be punished. Since the Egyptians hosted the Jews, *derech eretz* demanded that the Jews, unless extremely provoked, not act in a manner which would cause harm to the Egyptians.

## Chok U'Mishpat of Mara

Perhaps the most compelling indication that *Parshas Beshalach* epitomizes *derech erez* is the Torah's account of Mara, the desert way station visited by the Jews shortly after experiencing *kerias yam suf*. The Torah describes how, after traveling for three days without water, the Jews arrived in Mara, where they could not partake of the waters, which were bitter. The Jews immediately complained to Moshe, who cried out to Hashem for assistance. Hashem, in turn, guided Moshe to miraculously sweeten the waters. The Torah concludes this verse with the words, "*sham sam lo chok uMishpat, veSham nisahu*" – "there he established for them a decree and a law, and there he tested them".

The reference to "decree and law" is fraught with ambiguity. What is its precise meaning? Does this refer to specific mitzvos? If so, which ones?

The Ramban, Shemos 15:25, suggests the following explanation:

*When they began to enter the great and awesome desert, and thirst where there was no water, He established for them practices concerning their livelihood and their necessities, that they should follow until their arrival in an inhabited land ... Alternatively, He disciplined them with the rules of the desert, i.e. to endure hunger and thirst, and to call out regarding them to Hashem, but not in a manner of complaint. And laws, for life, to love each man his fellow, to act upon the elders' advice, to be modest in their tents regarding women and children, and to be peaceful with merchants who enter the camp to market their wares, and admonitions that they not act like the camps of marauders who commit all manner of abomination without remorse ... similarly, in Joshua (24,25) it is said "... and he established for him decree and ordinance in Shechem"; these are not Torah decrees and laws, but rather standard practices and bylaws for regulating a civilized society..*

ועל דרך הפשט, כאשר החלו לבא במדבר הגדול והנורא וצמאון אשר אין מים שם להם במחיייתם וצרכיהם מנהגים אשר ינהגו בהם עד בואם אל ארץ נושבת... או שייסרום בחקי המדבר, לסבול הרעב והצמא, לקרוא בהם אל ה', לא דרך תלונה. ומשפטים, שיחיו בהם, לאהוב איש את רעהו, ולהתנהג בעצת הזקנים, והצנע לכת באהליהם בענין הנשים והילדים, ושינהגו שלום עם הבאים במחנה למכור להם דבר, ותוכחות מוסר שלא יהיו כמחנות השוללים אשר יעשו כל תועבה ולא יתבוששו, וכענין שצוה בתורה (דברים כג י) כי תצא מחנה על אויביך ונשמרת מכל דבר רע, וכן ביהושע נאמר ויכרת יהושע ברית לעם ביום ההוא וישם לו חק ומשפט בשכם (יהושע כד, כה) אינם חקי התורה והמשפטים, אבל הנהגות ויישוב המדינות...

In other words, the laws of Mara were not Torah laws; they were norms of *derech erez*. They were a regimen for life, for getting along, a code for living. And, as noted by the Alter of Slabodka (cited earlier), *derech erez* norms are "a comprehensive system which encompasses the entire human being."

Rashi, on the other hand, cites a Midrashic explanation that "decree and ordinance" refers to a series of mitzvos that were presented to the Jewish people before their formal receiving the Torah at Sinai.<sup>4</sup> These included the following: Shabbos, *kibud av va'eim*, *parah adumah*,<sup>5</sup> and *dinim* (the legal code spelled out in *Parshas Mishpatim*).

<sup>4</sup> According to the Ramban, these mitzvos were intended primarily for educational purposes and were not yet binding. I have dealt with the Ramban's position at length (and with the myriad views regarding the evolution of the mitzvah of Shabbos) in my *sefer* "*Mitzvas HaShabbos*" (2008).

If we consider the nature of these particular mitzvos, it is obvious that they all reflect, to some degree, the ideals of *derech erez*. This is most apparent in the mitzvah of *dinim* (laws), which form the basis for the fabric of society. So too, the mitzvah of *kibud av va'em* is based on *hakaras hatov*, recognizing and appreciating one's parents for their role in bringing one into the world and their efforts in nurturing one's development. The mitzvos of Shabbos and *parah adumah* can likewise be seen as rooted in *derech erez* norms in that both are characterized by the notions of surrender and self-discipline: Shabbos through withdrawal from daily activity and *parah adumah* through surrendering intellectually by acknowledging that there are matters that lie beyond the pale of human comprehension. Taken together, the mitzvos of Mara serve to create an integrated "*derech erez* personality" who would be naturally receptive to the rigors demanded by a Torah lifestyle. It can therefore be argued that the pre-Matan Torah mitzvos of Mara serve as a paradigm of "*derech erez kadma laTorah*."<sup>6</sup>

## The "Test" of Mara

If we interpret the mitzvos of Mara as reflecting aspects of *derech erez*, we may better appreciate Rashi's explanation of the *pasuk's* concluding words: "*ve'sham nisahu*" – "and there He tested it (the nation)". The juxtaposition of "*ve'sham nisahu*" with "*sham sam lo chok u'mishpat*" suggests a link between the phrases. What is the connection between the *chok*, the *mishpat*, and the test?

Many commentaries (i.e. Ramban) explain that the "decree and ordinance" were meant as a test – namely, to gauge the people's response to these laws. According to this explanation, we may surmise that the Nation "passed" the test by embracing the rules and commandments presented to them. Rashi, however, interprets "*ve'sham nisahu*" as referring to the outset of the story when the nation was unable to drink the bitter waters:

*And there He tested it – that is, He tested the people, and saw the stiffness of their neck, for they did not consult with Moshe using gracious language, saying "pray on our behalf that there should be water for us to drink." Rather, they complained.*

**Rashi, Shemos 15:25**

ושם נסהו - לעם, וראה קשי ערפן שלא נמלכו במשה בלשון יפה, בקש עלינו רחמים שיהיה לנו מים לשתות, אלא נתלוננו.  
רש"י שמות טו:כה

If the test was meant to probe the manner in which the Jews would request water, then it appears that they failed the test miserably. Why, then, is this failure - captured by the words "*ve'sham nisahu*" - mentioned in connection with the nation's being presented a series of mitzvos - "*sham sam lo chok u'mishpat*"?

Once we link the mitzvos of Mara with the ideals of *derech erez*, the answer is clear. Precisely because the Jews exhibited a failing in *derech erez* by demanding water in an unrefined manner, it became necessary to present them with a series of mitzvos which encapsulate the spirit of "*derech erez kadma laTorah*". Accordingly, the closing phrase of the *pasuk* - "*ve'sham nisahu*" -

<sup>5</sup> Rashi in *Beshalach* omits *kibud av va'em* and mentions *parah adumah*. *Torah Temima* suggests that Rashi's mention of *parah adumah* is based on a scribal error, and originally appeared as an acrostic of *kaf aleph* (for *kibud av*), which was mistaken for *pei aleph* (*parah adumah*). However, in *Parshas Mishpatim* (24:3) Rashi includes *kibud av va'em* as well as *parah adumah*. Rashi's comments here are based on *Seder Olam Zuta* (chapter 4) which mentions *parah adumah*.

<sup>6</sup> For more on the implications of Mara's symbolizing *derech erez*, see *Mitzvas HaShabbos*, p. 52.



“And there he tested them - provides the context and rationale for *“sham sam lo chok u’ mishpat”* – there he established for them decree and ordinance.

In fact, Rashi’s language implies (as noted by the Ramban), that these mitzvos were given not in a binding capacity, but rather as cognitive/intellectual tools - *“parshiyos she’yisasku bahem”* – selected portions of Torah with which they would “occupy themselves with”. We may suggest, in line with Rashi’s approach, that the prime purpose of this intellectual exercise was to sensitize the Jews to aspects of *derech erez*, an area in which they needed dramatic improvement.<sup>7</sup>

## A Novel Insight into the Blessing of *Ahava Rabba*

Our understanding of Mara’s “decree and ordinance” as epitomizing the spirit of *“derech erez kadma laTorah,”* sheds fresh light on a seeming redundancy in the prayer for success in Torah recited each day. First, we pray:

<i>In the merit of our ancestors who trusted in you, And you taught them decrees of life, So, too, favor us and teach us.</i>		בעבור אבותנו שבטחו בך ותלמדם חוקי חיים כן תחננו ותלמדנו.
---	--	--

As explained by the *Abudraham*, the word *“avoseinu”* – our forefathers – refers to our ancestors who left Egypt to enter into the desert without any provisions. If so, we may suggest that *“va’telamdeim chukei chayim”* – “And you taught them decrees of life” - refers to the Torah of *derech erez*, in Mara. We ask similarly: *“kein techaneinu u’selamdeinu”* – so, too, favor us and teach us” - the norms of *derech erez*, so that we can be prepared to absorb Torah. Having asked for instruction in *“derech erez”* we proceed to pray for enlightenment in Torah itself:

<i>Place in our hearts to understand... Enlighten our eyes with Your Torah ...</i>		תן בלבנו להבין ולהשכיל... והאר עינינו בתורתך...
--	--	---

## R. Yanai and the Simpleton

We began with an excerpt from a Midrash which is the source of the rabbinic aphorism *“derech erez kadma laTorah”*. The crux of the Midrash tells of an interaction between the great scholar R. Yanai and an anonymous wayfarer whom R. Yanai mistook as a scholar of equal rank and invited to his home to dine. The Midrash depicts the harsh reaction of R. Yanai upon his discovery that the man was ignorant of even the most rudimentary knowledge of Torah. But upon probing further into the background of this individual and becoming aware of his sterling character and lofty standards of *derech erez*, R. Yanai experienced an epiphany:

<i>There is a story that R. Yanai when once walking in the road, saw a man who looked very distinguished and (R. Yanai) said to him:</i>		מעשה ברבי ינאי שהיה מהלך בדרך, וראה אדם אחד שהיה
--	--	--

<sup>7</sup> In a homiletic vein, the sweetening of the waters of Mara may symbolize the verse *“derache’ha darchei no’am”* – her ways are ways of pleasantness (Mishlei 3:17), a concept which the Talmud employs in the interpretation of halacha (see, for example *Sukkah* 32a, *Yevamos* 15a and 87b). Interestingly, the “therapeutic” dimension of mitzvos emerges in the subsequent *psukim* which emphasize how a devotion to the study and practice of Hashem’s laws will shield one from the illnesses of Egypt – *“ki ani Hashem rofecha”* - “for I am Hashem your healer”. See also the Ramban’s citation on the words *“ve’hayashar be’ainav ta’aseh”* – “and do what is just in His eyes” (15:26) as referring to one whose interpersonal dealings are characterized by integrity.

'Would you, Rabbi, care to accept my hospitality?' He answered: 'Yes,' whereupon he brought him to his house and entertained him with food and drink. He (R. Yanai) tested him (the guest) in [the knowledge of] Scripture, and found [that he possessed] none, in Mishna, and found none, in Aggada, and found none, in Talmud, and found none. Then he said to him: 'Take up [the wine cup of Birkas HaMazon] and recite Grace.' The man answered: 'Let Yanai recite Grace in his own house!' Said the Rabbi to him: 'Are you able to repeat what I say to you?' 'Yes,' answered the man. Said R. Yanai: 'Say: A dog has eaten of Yanai's bread.' The man rose and caught hold of him, saying: 'You have my inheritance, which you are withholding from me!' Said R. Yanai to him: 'And what is this inheritance of yours which I have?' The man answered: 'Once I passed a school, and I heard the voice of the youngsters saying: The Law which Moses commanded us is the inheritance of the congregation of Yaakov; it is written not 'The inheritance of the congregation of Yanai', but 'The inheritance of the congregation of Yaakov'. Said R. Yanai to the man: 'How have you merited to eat at my table?' The man answered: 'Never in my life have I, after hearing evil talk, repeated it to the person spoken of, nor have I ever seen two persons quarrelling without making peace between them.' Said R. Yanai: 'That I should have called you dog, when you possess such derech erez!'

**Vayikra Rabba Chapter 9 (adapted from Soncino Translation)**

משופע ביותר. א"ל משגח רבי מתקבלא גבן? אמר לו, אין. הכניסו לביטו, האכילו והשקהו. בדקו במקרא ולא מצאו, במשנה ולא מצאו, באגדה ולא מצאו, בתלמוד ולא מצאו. א"ל, סב בריך. א"ל, יברך ינאי בביתיה. א"ל, אית בך אמר מה דאנא אמר לך? א"ל, אין. א"ל, אמור אכול כלבא פיסתיה דינאי. קם תפסיה א"ל, ירותת גבך דאת מונע לי. א"ל, ומה ירתותך גבי? א"ל, חד זמן הוינא עבר קמי בית ספרא ושמעית קלהון דמניקיא אמרין תורה צוה לנו משה מורשה קהלת יעקב. מורשה קהלת ינאי אין כתיב כאן אלא קהלת יעקב. א"ל, למה זכית למיכלא על פתורי? אמר לו, מיומי לא שמעית מילא בישא וחזרת למרה, ולא חמית תרין דמתכתשין דין עם דין ולא יהבית שלמא ביניהון. א"ל, כל הדא דרך ארץ גבך וקריתך כלבא?!

ויקרא רבה, פרשה ט

Let us explore the message of this powerful anecdote by highlighting the contrast between its protagonists. On the one hand, R. Yanai, a man of enormous Torah knowledge, must certainly have felt betrayed and disappointed by the degree of his guest's ignorance. Additionally, R. Yanai's derisive description of his guest as a dog surely smacked of elitism, based as it was on the notion that one who is ignorant of Torah is unworthy of being sustained. The guest, for his part, exposed the host's condescending attitude by invoking a *pasuk* which he happened to overhear from school children (though he had never studied himself) - "*Torah tziva lanu Moshe morasha kehilas Yaakov*" - from which he was able to intuit a basic truth which challenged the elitist assumption of his host. When R. Yanai probed this individual's background, he was genuinely moved to discover the incredible degree to which the latter, despite being ignorant of Torah, had managed to distinguish himself in the realm of *derech erez* – *menschlichkeit*. Clearly, this individual's heightened sensitivity for the feelings of others, and his incredible self-sacrifice in tirelessly promoting peace between people, were nothing short of legendary.<sup>8</sup> How ironic it is

<sup>8</sup> It was noted earlier that excellence in *derech erez* presupposes some knowledge of Torah, as implied by the Mishna's statement: "*im ein Torah ein derech erez*". Perhaps the Mishna's assertion should be interpreted as a general rule, while the case of this individual represents a notable exception. Alternatively, the intent of the Mishna is that the issues and practice of *derech erez* will not be readily sustained on a global level unless moored in a binding set of principles incorporated in the Torah. Otherwise moral relativism can be marshaled (as in post-modernism) to

that while this individual was so solicitous of the feelings of others, the same can not be said about R. Yanai who had no compunctions about uttering a slur which the average listener would surely find offensive. To this individual's credit, and consistent with his sterling personality, he did not overreact. (In fact, the language of the Midrash in the first example that he reported about his conduct is "*la shema'is mila bisha ve'chazarti le'mara.*" According to some commentators, this refers to the fact that he endured insults without responding negatively in kind.) Rather than becoming embittered or disillusioned, he turned the situation into an opportunity to firmly chide his host and lead him to reconsider his elitist mindset.

## Self-Evaluation: Knowing Where to Place the Dot

There is an additional "twist" in the Midrash which is equally fascinating. It concerns the pronunciation of a word which appears in the following verse in Tehilim (50):

<i>He who offers confession honors me; and one who orders [his] way, I will show him the salvation of G-d.</i>	זבח תודה יכבדנני ושם דרך אראנו בישע אלקים.
--	--

The Midrash opens with the words "*ve'sam derech*" from the above verse, and cites the interpretation of R. Yanai, who, by way of changing the letter "*sin*" to a "*shin*", rendering "*ve'sam*" – he who orders [his way] – into "*ve'sham*" – he who evaluates [his way], observed the following:

<i>One who evaluates his way, is worth a lot.</i>	ושם כתיב דשיים אורחיה סגי שוי.
---	--------------------------------

The Midrash uses this exegetical comment as a springboard for the anecdote of R. Yanai and the wayfarer and returns to it at the story's conclusion. When R. Yanai became aware of his guest's greatness, he saw in him a personification of the message of this homily:

<i>He declared regarding him: "One who evaluates his way, is worth a lot."</i>	קרא עליה שם דרך דשיים אורחיה סגי שוי.
--	---------------------------------------

Apparently, R. Yanai was inspired to this novel interpretation of the verse in Tehilim as a result of his encounter with this individual who exhibited an extraordinary sense of *derech erez*. Interestingly, the Talmud cites another story involving the same R. Yanai which indicates how much he took to heart this particular interpretation of the words "*ve'sam derech*":

<i>R. Yanai had a student who would ask him questions daily; on the Shabbos of the festival [when a large crowd assembled to hear the lecture] he did not ask. He [R. Yanai] attributed to him the verse "<i>ve'sam derech arenu beyesha Elokim</i>".</i>	רבי ינאי הוה ליה ההוא תלמידא דכל יומא הוה מקשי ליה, בשבתא דריגלא לא הוה מקשי ליה. קרי עליה: ושם דרך אראנו בישע אלקים. מועד קטן ה.-ה:
---	---

### Moed Katan 5a - 5b

There is an interesting story told about the *Meshech Chochma* (R. Meir Simcha of Dvinsk) in connection with this Gemara. One day R. Meir Simcha overheard an individual thoughtlessly shouting a question at a Rabbi who was in the midst of teaching *Mishnayos* to a group of people in shul. The teacher was stumped by the question and at a loss for words. Whereupon R. Meir

---

negate even the firmest of natural law postulates. This does not preclude the possibility of an individual's mastery of *derech erez* principles, even while lacking a rudimentary knowledge of Torah.

Simcha rose up and declared loudly: “A man who does not differentiate between right and left will ask such a question!” All those present assumed that the question was flawed and the teacher resumed teaching. Later, the questioner, who could not detect any faulty logic in his argument, approached R. Meir Simcha and demanded an explanation for the latter’s uncharacteristic outburst. R. Meir Simcha responded by citing the story from Tractate *Moed Katan* regarding the student who showed discretion about when to ask questions and R. Yanai’s comments applying to that student the *pasuk* “*ve’sam derech*”, rendered as “*ve’sham derech*” – he who evaluates his way. As R. Yanai’s homiletical interpretation hinges on exchanging the *sin* (whose dot is on the left) with a *shin* (whose dot is on the right), it follows that this individual whose ill-timed questioning of the *magid shiur* revealed an utter lack of discretion could not possibly subscribe to R. Yanai’s interpretation; he did not differentiate “between right and left”.

## Deciphering the Code in the Mara Episode

If we are correct in equating the lesson of “*derech erez kadma laTorah*” with the “*chok u’mishpat*” of Mara, then it would not be surprising to find an allusion there to R. Yanai’s interpretation of “*ve’sam derech*” and the exegetical word play of “*sam- sham*”. Sure enough, the narrative of Mara yields precisely such a link: **שָׁם שָׁם לֹךְ חֹק וּמִשְׁפָּט וְשָׁם נִסְתָּהוּ**

This pithy phrase contains three combination of *shin/sin* followed by a *mem*. First, the word “*sham*” (*shin-mem*); next, “*sam*” (*sin-mem*). These two words appear in succession, and are identical in all respects except for the position of the dot. This linguistic peculiarity seemingly alludes to a “*sin-shin*” letter exchange. How remarkable that this “code” appears in connection with the “*chok u’mishpat*” - “decree and ordinance” - that symbolize notions of *derech erez*! The parallel to R. Yanai’s exposition of “*ve’sam derech*”/”*ve’sham derech*” is striking.<sup>9</sup>

Several words later this combination of letters recurs in the word “*ve’sham*” (*shin-mem*) of “*ve’sham nisahu*”. Perhaps this third allusion is necessary in order to unlock the *shin-sin* code alluded to previously in the words “*sham-sam*” (*sham sam lo chok u’mishpat*). Without this third combination (the “*kasuv ha’shelishi*”), it would be unclear which letter substitutes for which: whether the *shin* for a *sin* (as in R. Yanai’s exegesis) or the *sin* for a *shin*. By repeating the combination in a “*shin-mem*” format, we learn that the “*sin*” is to be exchanged with a “*shin*” rather than the reverse, in consonance with R. Yanai’s derivation.

May we be blessed with the wisdom to discriminate “right from left” and internalize a true sense of *derech erez*. May the Torah that we study reinforce these lessons and lead us to ever higher levels of *derech erez* and beyond. May we merit, on Shavuot and throughout the year, to take the story of R. Yanai and its lessons to heart, and may it serve as an inspiration to us in our individual lives and in our communities.

---

<sup>9</sup> It should be noted that “*sham*” in its literal meaning means “there” while R. Yanai’s “*sham*” relies on Chazal’s definition which means “evaluate”. Nonetheless, in the spirit of “*leika mido de’la remiza be’oraisa*” (there is nothing to which the Torah does not allude to), the linguistic parallel certainly holds.