

Zera Shimshon

by Rabbi Shimshon Chaim Nachmani zt"l

Published Mantua 1778*

Chapter V: Chavei Sarah (Gen. 23:1-25:18)

Essay 4: The complex negotiations between Abraham and Ephron

פסוק גר-ותושב אנכי עמכם. פירש רש"י אם תרצו, הריני גר, ואם לאו, הריני תושב ואטלנה מן הדין, שפך אמר לי הקב"ה לזרעה אמן וכו'. מקשים העולם פיון שהיה יכול אברהם ליקח בדין, למה לו לעשות עצמו גר? ואם תאמר לפי שהקב"ה אמר לו לזרעה, והשתא לאו לצורך זרעו קבעי לה, אם כן קשה מה שאמר אהיה תושב ואטלנה מן הדין.

There is a verse: **“I am a stranger and a settler among you; give me a burial estate among you, that I may bury my dead from before me”** (Gen 23:4). **Rashi explained** following Gen. Rabbah 58:6: **“If you want to sell me the land, I will regard myself as a stranger and will pay for it. But if you do not want to sell it to me, I will regard myself as a settler and claim it as a legal right, because the Holy One, Blessed be He, said to me in Gen. 12:7, ‘Unto your seed I will give this land.’”** Among the difficulties in the world is: since Abraham was able to take a burial plot by law, why would he make himself a stranger and have to buy the land? If you will say that it’s because the Holy One, Blessed be He, said to him “I have promised to give the land ‘unto your seed,’ but I haven’t yet given it to the offspring,” then it is difficult to understand why [Abraham] would have said, **“I will regard myself as a settler and claim it as a legal right.”**

ועוד דאמרין במדרש רבה שאמרו לו בני חת, שמענו אדוני, מלך את עלינו, נשיא את עלינו, אלוה את עלינו. עכ"ל. ומה ענין לקרות לו אלו השמות עם מה ששאל לקנות אהנות קבר? ועוד למה לו לאברהם עתה לשאול הרבה אהנות קרקע לבית הקברות, לא היה לו לשאול רק מקום קבורת שרה בלבד, דתפסת מועט תפסת? ועוד כמה דקדוקים בפסוקים, ובפרט למה הוצרך עפרון לומר בפסוק אהד שלש פעמים הלשון של נתינה: השדה נתתי לך, והמערה וכו' לך נתתי, לעיני וכו' נתתי לך.

Scripture says the Hittites answered Abraham: **“Hear us, my lord: a prince of G-d you are among us. Bury your dead in the choicest of our burial places; none of us will withhold his burial place from you for burying your dead.”** (Gen. 23:6). **But it says in Midrash Gen. Rabbah 58:6 that the sons of Heth (the Hittites) said to him, “Hear us, my lord, you are a king over us, a prince over us, a god over us.”¹ Why was it relevant for them to call him these names if he**

* English translation: Copyright © 2019 by Charles S. Stein.

¹ The Hebrew Scripture quotes the Hittites as saying three words in succession, “[1] my lord, [2] a prince [of] [3] G-d.” The Midrash cites the first word verbatim: “[1a] my lord,” but then also interprets it as a title of nobility, “[1b] a

asked to buy a burial estate? Also, why was Abraham now requesting a large estate of land for a cemetery, why not just ask for room to bury Sarah alone, as: “If you grasped a little, you succeeded to grasp something” (Yoma 80a)?² A few other details in the verses raise questions, and specifically why Ephron needed to use the language of “giving” three times in one verse: “I give you the field, and I give you the cave that is in it; I give it to you in the presence of my people” (Gen. 23:11)?

וַיֹּאמֶר שְׂפָאֵאֲבָרְהָם אֶמְרָה וְתוֹשֵׁב אֲנִי עִמָּכֶם, נִתְּכֶנּוּן לְשִׁלְשָׁה עֲנִינִים. וְהֵם כָּלֵם רְמוּזִים בְּפָסוּק גָּר וְתוֹשֵׁב אֲנִי עִמָּכֶם וְכוּ', שְׁעַל כָּל אֶחָד מֵהֶם אִם יִתְּנוּהָ לוֹ, מוֹטָב. וְאִם לֹא, רוּצָה לִיקַח אוֹתָהּ מֵהֶם בְּחִזְקָה וּבִפְתַח הַדִּין. וְלִפְיָךְ הִבְגִּי חַת הַשִּׁיבוּ לוֹ הַשְּׁלֵשָׁה תוֹאֲרִים שֶׁל כְּבוֹד: מֶלֶךְ, נָשִׂיא, אֱלוֹהִים, כְּלוּמָר שֶׁהֵם מוֹכְנִים לְמִלְאֵת הַשָּׁקוּ וְרִצּוֹנוֹ בְּכָל מָה שֶׁשׂוֹאֲלִים מֵהֶם.

It's worthwhile to note that when Abraham said, “I am a stranger and a settler among you,” that three things were intended, as will be detailed in sections “A” through “C” below. They are all hinted at in that verse, “I am a stranger and a settler among you,” that if [Abraham's requests] were given to him, it would be good. If not, he would want to take [the things] from them by the force of the power of law. Therefore, the sons of Heth answered him with the three synonyms of honor: king, prince, and god, as if to say that they were prepared to fulfill his request and his will in all that he asked of them.

A. Abraham didn't want his request denied due to a belief he'd settle among them.

וְהַעֲנִינוּ הָרֵאשׁוֹן שֶׁאֲבָרְהָם לֹא הֵיךְ דִּי לוֹ לְקַנּוֹת מַעַט קַרְקַע כְּדִי לְקַבּוֹר אֶת שָׂרָה בְּלִבָּד. אֲלֵא הֵיךְ רוּצָה לְקַנּוֹת כָּל הַמְּעָרָה וְכָל הַשָּׂדֶה, מִן הַטַּעַם דְּלִקְמוֹן בְּסוּמוֹ. אֲמָנָם לְעֵינֵי הָרוּאִים, הֵיךְ מוֹכִיחַ וְנִרְאָה שֶׁפּוֹנְתוֹ לְדוֹר שָׁמ. וְאִתָּא בְּשִׁלְחֹן עָרוּף חוֹשֵׁן מִשְׁפָּט (סִימָן קס"ג) דְּהָאֵי דְאֲמַרִּינוּ קִנְיָה בֵּהּ בֵּית דִּירָה הָרִי הוּא כְּאֲנָשִׁי הָעִיר מִיָּד. וַיֵּשׁ אוֹמְרִים דְּבַעֲיָנוּ שֶׁקִּנְיָה דְּנִקְא לְהַשְׁמַקַּע אוֹ שְׂאֲנוּ יוֹדְעִים שְׁדַעְתוֹ לְהַשְׁמַקַּע, וַיֵּשׁ אוֹמְרִים אֲפִילוּ לְגוֹר.

The first thing intended was that it wasn't enough for Abraham to buy a little ground in order to bury Sarah alone. Instead, he wanted to buy the entire cave and the entire field, from the top to the bottom. In fact, to the eyes of the observers, this appeared to be proof that his intent was to dwell there. It's brought in the Choshen Mishpat section of the Shulchan Aruch 163:2 that if someone buys an apartment house, he is immediately considered one of the city residents. There are those who say that is the case only if he bought it to settle there, or that we know that his intent is to settle; and there are those who say that is the case even if his intent is only to live there temporarily.

king over us.” The next two words are a compound noun in Scripture, “[2] a prince of [3] G-d,” but the Midrash interprets them separately, as though the Hittites said, “[2] you are a prince [or a chief] over us,” and “[3] a god over us.”

² I.e., if one is greedy and tries to take too much, he may end up with nothing. But if one is reasonable and tries to take a modest amount, he will be more likely to succeed.

והנה אברהם הנה ירא פן הבני חת יאמרו לו שאינם רוצים שיקנה שם קרקע, כדי שלא יהיה כאנשי העיר. ומשום הכי, אמר להם אם תרצו, כלומר אם המנהג שלכם הוא לפי הסברא דבעינו דוקא להשתקע, הריני גר. כלומר הריני מתנה לקנות הקרקע על מנת לגור, ובהכי לא אהיה בחזקת אנשי העיר לעולם. ואם לא תרצו—דהיינו שאתם נוהגים פסברת היש אומרים דאפילו לא קנה אלא על מנת לגור, הרי הוא כאנשי העיר מיד, ובשביל זה אין אתם רוצים למכור לי—אז אדרבא אהיה תושב ואטלנה מן הדין.

Here, Abraham was afraid lest the sons of Heth would say to him that they didn't want him to buy the land there, because they didn't want him to be considered immediately like one of the people of the city. For this reason, he said to them, "if you want to sell me the land," that is to say, if your custom is according to the intent the buyer has of settling, then I will regard myself as a stranger and will pay for it. That is, I stipulate to buy the land on the condition to live here only temporarily, but I won't be considered like the people of the city forever. If even though I've disclaimed my desire to settle here, you still do not want to sell the land to me—that is, that you follow those who say that even if one buys an apartment only with the intent to live there temporarily, that he is still considered like one of the city residents immediately, and because of this you don't want to sell to me—then I really will consider myself a settler and will take it by force of the law due a settler.

דאיתא התם בשלחן ערוך הנ"ל (סימן קנ"ו) מי שרוצה לילך לדור בעיר אחרת וליטן מס ולהיות כאחד מבני העיר, יש אומרים שיקראו בידו לדור באיזה מקום שירצה. ויש חולקים ואומרים שיכולין למחות בידו אנשי אותה העיר, מטעם שמא המלך ירצה עליהם המס פשוטה שהם הרבה דיירים. ועיי"ש, ששנראה מפאן דאי לאו מטעם המס, כולי עלמא מודו שיקראו ביד האדם לדור באיזה מקום שירצה.

As stated there in the Shulchan Aruch, Choshen Mishpat 156:7, regarding one who wishes to go to sojourn in a different city and to give taxes and to be like one of the city residents, there are those who say he has the right to sojourn in any place that he wants. But there are those who disagree and say that the people of the city are able to prevent him from sojourning there, for the reason that perhaps the king will increase the tax upon them when he sees that that they comprise many residents. See there for more details, as it appears from this section that if not for the possibility of a higher tax, the entire world would acknowledge that the person could sojourn in whichever place he wants.

וְאִזּוֹ בַיָּמֵי אַבְרָהָם, לֹא הָיָה עַדְיִין חֹשֶׁשׁ זֶה בְּעוֹלָם שְׁהַמְלָכִים יִטְּלוּ עוֹל מִס כְּבֹד עַל אֲנָשֵׁי מְדִינָתָם. וְעוֹד בְּלֹא זֶה, בְּשִׁלְמָא בְּאַדָּם אַחַר יֵשׁ חֹשֶׁשׁ שְׂאֵם יְבוֹא אֶחָד לְדוֹר בְּכָאן הַיּוֹם, גַּם לְמַחֵר יְבוֹאוּ אַחֲרֵיהֶם וְיִתְרַבּוּ הַדְּיוּרִים וַיְבֹא גִזְק לְבְנֵי הָעִיר. אִי גַמִּי יִתְרַבֶּה וְרָעוּ וּמִשְׁפַּחְתּוֹ שֶׁל אוֹתוֹ הֵבֵא לְגוֹר וּבִרְבוּת הַיָּמִים תִּהְיֶה מִשְׁפַּחְתּוֹ לְגִזְק לְבְנֵיהֶם וְלְבְנֵי בְנֵיהֶם שֶׁל אֲנָשֵׁי הָעִיר. אֲמַנָּם עֲתָה שֶׁהָאֵמֶר לְאַבְרָהָם לְזַרְעֲךָ אֲתָן אֶת־הָאָרֶץ הַזֹּאת, אִם כֵּן הַבְּנִים שֶׁיִּהְיוּ לוֹ יִהְיוּ הֵם בְּעֲלֵי הָאָרֶץ, וְהָאָרֶץ תִּהְיֶה שְׁלֵהֶם. וְאַדְרָבָא הַבְּנִים יִהְיוּ יְכוּלִים לְגַרֵּשׁ אֶת אֲנָשֵׁי הָעִיר אִם יִרְצוּ. אִם כֵּן אֵין שׁוּם מְקוֹם לְמַחֹת בְּאַבְרָהָם שְׁלֹא יְבֹא לְדוֹר כָּאן, הוֹאִיל שְׂאֵין בּוֹ חֹשֶׁשׁ רִיבּוּי הַדְּיוּרִים כְּמוֹ שֶׁיֵּשׁ לְאַנְשֵׁים הָאַחֲרִים אִם יְבוֹאוּ לְדוֹר כָּאן.

Thus, in the days of Abraham, there was not yet a fear in the world that kings would place a heavy yoke of taxes on the people of their lands. But even without this fear of higher taxes, it is certain that a different type of person living in such a city could have a fear that if someone were to come to sojourn there in his place today, that others would come tomorrow and the habitations would multiply and cause damage to the city residents. Or also an inhabitant might worry about effects beyond his own lifetime, e.g., that the seed and family of the one coming to live there would multiply, and with the passing of days, the [newcomer's] family will cause harm to the sons and grandsons of the city residents. Indeed, now that G-d had said to Abraham, “to your seed I will give this land” (Gen. 12:7), it follows that the sons that he will have will be masters of the land, and the land will be theirs. So contrary to the belief of some current residents that they are in control, the sons of Abraham would be able to expel the city residents in the future, if they want. If so, there’s no room to prevent Abraham from coming to sojourn there, since there’s no fear about the increase of residents, as there would be for other people if they come to sojourn there.³

וְזֶהוּ שְׂאֵמֶר אַבְרָהָם גִּרְוֹתוֹשֵׁב אֲנִכִּי עִמָּכֶם, שֶׁיֵּשׁ לִי כַּח לְהִיּוֹת תּוֹשֵׁב הָעִיר כְּמוֹכֶם, עִמָּכֶם מִמֶּשׁ. וּכְנִגֵּד סְבָרָא זֶה, הַשִּׁיבּוֹ כִּי אֵין אָנוּ יְכוּלִים לְמַחֹת בְּךָ שְׁלֹא תְדוּר בִּינֵינוּ מִיִּרְאַת הַמָּס, שְׂאַדְרָבָא אִם אֲתָה הַיִּיתָ תּוֹבֵעַ הַמָּס מִמֶּנּוּ, הַיִּינוּ חִיבִים לִיתֵן לְךָ, הוֹאִיל שְׁמִלְךָ אֶת עֲלֵינוּ.

This is why Abraham said, “I am a stranger and a settler among you,” that I have the power to be a settler of the land like you, precisely with you. In response to this understanding, they answered him, we are not able to prevent you from sojourning amongst us out of fear of tax; to the contrary, if you had been a claimant of the tax from us, we would be obliged to give it to you, because you are king over us.

³ I.e., with other newcomers, the city residents might be able to resist their settlement out of fear of damage their offspring will cause in the future. But with Abraham, it’s already decreed that his offspring will rule the land, so it is pointless to try to keep him out. This assumes that the Hittites knew that G-d had made that promise to Abraham, but it seems from their response, “you are the elect of G-d among us,” that they did have that knowledge.

B. Abraham wanted a suitable family plot, and a large crowd at the funeral.

הענין השני דהואיל דקמיא לן נוח לו לאדם להקבר אצל אבותיו, כדאימא בשלחן ערוך יורה דעה (סימן שס"ג).

The second thing intended is that it is comfortable for a person to be buried besides his forefathers, as brought in the Yoreh De'ah section of the Shulchan Aruch (363:2, in the gloss of the Rema).⁴

היה מתירא אברהם פן יאמרו לו בני חת שיוליך לקבור את שרה אצל אבותיה וגם הוא יקבר שם אחר מותו, ויבנה יהיו נקברים יחד ואצל אבותיהם, ומה לו לתבוע להקבר שם. ולכן מתחלה אמר להם שהיא גר, דהיינו שהיה נכרי ונתגייר, שפנדאי אינו יכול לילך בקברי אבותיו. וזה היה הדין לכל הגרים שיתגיירו: שצריך שיקנו קרקע להקבר שם, הגר עם כל המשפחה שלו שיבואו אחר כך ממנו.

Abraham was afraid lest the sons of Heth would say to him that he should go bury Sarah besides her forefathers and that he should also be buried there after his death (so in this way, they would be buried together and next to their forefathers), and what right he had to be buried there in Hebron. Therefore, in the beginning he said to them that he was a stranger—that is a foreigner and a convert to the belief in the one true G-d—who certainly was not able to go to the graves of his forefathers. This would be the law for all the strangers who converted: that they would need to buy land to be buried there, the stranger and all the family that would come forth afterwards from him.

ולכן לא שאל אברהם מקום כדי לקבור שרה בלבד, רק תנו לי אחוזת קבר, לעשות שם בית הקברות לכל המשפחה שתבא מהם, כמו שפירש רש"י, אחוזת קרקע לבית הקברות. והטעם הוא, שאם לא היה לוקח אלא מקום קבורת שרה בלבד, אף אם היה לוקח אחר כך שם מקום אחר לקבר שלו, הלא בין כך ובין כך, היה גנאי לשרה להיות נקברת שם לבדה. אמנם אם היה מיחד מעתה אותו המקום והקרקע לבית הקברות של כל המשפחה, אז הוא כבוד גדול לשרה, שיבואו אצלה בנדאי בעלה ובניה, שהרי בנדאי בקבר אחד צריך להתחיל.

Therefore, Abraham didn't ask for a place to bury Sarah alone, rather he said, "give me a burial estate," to create there a cemetery for all the family that would come from them, as Rashi explained on Gen. 23:4, an estate of land for a cemetery. The feeling was that if he were to take a place of burial only for Sarah alone, even if he would afterwards take there a different place for his own grave, between this time of buying a grave for Sarah and this time for buying a grave for himself, it would be a disgrace for Sarah to be buried there alone. In fact, if he were to initially designate the same place and the land for a cemetery of the entire family, that would be a great honor for Sarah, to establish with certainty that her husband and her sons would be buried there beside her. In such a case, it is certain that one grave is

⁴ The Shulchan Aruch, Yoreh De'ah, 363:2, authored by Rabbi Joseph Karo, gives the ruling following by Sephardim: "They do not convey a corpse from a city wherein there is a cemetery to another city, unless it is from outside the Land into the Land [of Israel]." The gloss added by Rabbi Moshe Isserles (the Rema), gives the ruling following by Ashkenazim: "Or if they convey him to the place of his ancestral sepulcher."

needed to start a cemetery, i.e., either way, only one burial was needed at the time, but whereas a designation of a lone, isolated burial would be a disgrace, a designation of a new family burial estate would be an honor.

וְנָהוּ אִם תִּרְצוּ, הֲרִינִי גֵר, וְאִם לֹא, אֶהְיֶה תוֹשֵׁב וְאֶטְלָנָה וְכוּ'. שְׁהָרִי שְׂרָה בְּעַל כְּרַחוּ צָרִיד לְקוֹבְרָה כְּאֵן, הוֹאִיל שְׂיִישׁ כְּאֵן בֵּית הַקְּבָרוֹת, וְאִין מוֹלִיכִין הַמֵּת מֵעִיר שְׂיִישׁ בְּהַ קְבָרוֹת לְעִיר אַחֲרָת—אֶלָּא אִם כֵּן מַחֲוֹצָה לְאֶרֶץ לְאֶרֶץ—כְּמוֹ שְׂפָסֵק הַשְּׁלָחַן עָרוּד סִימָן הַגּ"ל. וּבְנִיָּה גַם כֵּן בְּנִדְאִי יִהְיֶה נִקְבָּרִים כְּאֵן, שְׁהָרִי הַקַּב"ה אָמַר לְזָרְעֶךָ אֲתָן וְכוּ'. וְהֵם יִהְיוּ הַבְּעָלִים שֶׁל הָאֶרֶץ, וְכָל הַקּוֹשֵׁי שְׁלָכְכֶם אִינוּ נּוֹפֵל אֶלָּא עַל קֶבֶר שְׁלִי. וְאִם אֲנִי אֶהְיֶה נִקְבָּר בְּמָקוֹם אַחֵר, יִהְיֶה גְּנָאִי לְאִשְׁתִּי וּבְנֵי. וּגְנָאִי אִף לִי, שְׁהָאִשָּׁה דַּעֲתָהּ לְהַקְבֵּר אֶצְל בַּעְלָהּ וּבְנֵיהָ.

So now we can understand the intent of **“if you want to sell me the land, I will regard myself as a stranger and will pay for it, but if you do not want to sell it to me, I will regard myself as a settler and claim it as a legal right.” Sarah perforce has to be buried here, as there is a cemetery here, and as we don’t conduct the dead from one city in which there is a cemetery to another city (except that it is permitted to move the dead from outside the Land of Israel to within the Land of Israel), as the Shulchan Aruch cited above decreed. Her sons would certainly also be buried there, because the Holy One, Blessed be He, said, “Unto your seed I will give this land.” Abraham was thinking, “They will be the masters of the land, and all of their difficulties would fall only upon my grave,”** i.e., that my descendants will come to my grave to pray to G-d. **“If I will be buried in a different place, it will be disgraceful to my wife and my sons. It will be disgraceful also to me, that my wife’s desire was to be buried besides her husband and sons, but that her desire was not met.”**

וְעִינֵינוּ בְּשְׁלָחַן עָרוּד שָׁם (שס"ו), וְעוֹד שָׁם הַמוֹכֵר קֶבֶרוֹ, בְּאִים בְּנֵי הַמְּשַׁפְּחָה וְנוֹטְלִים אוֹתוֹ בְּזָרוּעַ, לְפִי שְׁגָנָאִי הוּא לְהֵם שְׁבְנֵי הַמְּשַׁפְּחָה לֹא יִהְיוּ קְבוּרִים בְּמָקוֹם אַחֵד. וְעִינֵינוּ שָׁם בְּש"ד וְכֵן הוּא בְּגִמְרָא דְכְּתוּבוֹת (דף פ"ד) מְשׁוּם פְּגָם מִשְׁפָּחָה. וְנָהוּ שְׁהוֹסִיף אֶבְרָהָם תְּנוּ לִי, דְּמִשְׁמַע לְעַצְמִי, אַחֲוֹת קֶבֶר דְּהֵינּוּ אַחֲוֹת קֶרְקַע וְכוּ'.

See there in the Shulchan Aruch (Yoreh De’ah, 366:1), that regarding one who sells his family’s grave, his family members come and take it by force,⁵ because it is disgraceful for them that the members of a family will not be buried in one place. See there the commentary of the Shach,⁶ and similarly in the Gemara of Ketubot (page 84a), because it would be a blot on the family for strangers to be buried in their family plot, while they would have to be buried elsewhere. This is why Abraham added “give me,” the meaning being “for myself,” a burial estate that is an estate of land, etc.

⁵ Shulchan Aruch, Yoreh De’ah, 366:1: “One who sells his family grave, the path to his grave, the place of where his funeral would halt, and the place of his lamentation—the members of the family may come and bury him against the will of the buyer, and they replace the purchase money to the buyer.”

⁶ Rabbi Shabtai ben Meir HaCohen (1621–62), European posek (decisor) and commentator on the Talmud, called “the Shach” after his work, Sifte Cohen (שפתי כהן), (Krakow 1646) a famous commentary on the Yoreh De’ah section of the Shulchan Aruch.

וּבְכָנֶגֶד סִבְרָא זֶה הַשִּׁיבוּ לוֹ, נָשִׂיא אֶת עֲלִינוּ, דְּמַצִּינוּ שְׁפֶסֶק הַרְמַב"ם (בַּפֶּרֶק ג' מֵהַלְכוֹת אָבֵל). נָשִׂיא שְׁמַת הַכֹּל מִיִּטְמְאִין לוֹ, הַכֹּל אוֹנְנִין עָלָיו, אֶפִּילוּ גְזִירִים, אֶפִּילוּ פְהֻגִים, מִפְּנֵי שֶׁהַכֹּל חֲיִיבִים בְּכַבּוּדוֹ עַכ"ל. אִם כֵּן, אָנוּ חֲיִיבִים בְּכַבּוּדוֹ וְאֵף בְּכַבּוּד שָׂרָה, מִשּׁוּם דְּאִשְׁתַּת חֶבֶר הָרִי הִיא פְחָבֶר. וּבְזֶה אֶתִי שְׁפִיר מָה שְׁפִירֵשׁ רַש"י עַל פְּסוּק לְכָל בְּאֵי שְׁעָרֵי עִירוֹ, שְׁכּוֹלֵם בְּטֹלוֹ מִמְּלֵאכְתָּם וּבָאוּ לְגִמּוּל חֶסֶד לְשָׂרָה, לְפִי שִׁיְהִיו הַכֹּל אוֹנְנִים עָלֶיהָ.

In response to this understanding, they answered him, “you are a prince over us,” as we find in the ruling of the Rambam in the Mishneh Torah (in the laws of the mourner, third chapter, halacha 10). He writes, “If a prince dies, all can make themselves impure to bury him, making themselves mourners because of him—even a Nazirites, even priests who generally should avoid the ritual impurity that comes from contact with the dead—because all are obliged in the honor [of the prince].”⁷ The Hittites were therefore saying, “If so, we are obliged in honoring you and even in honoring Sarah, because the wife of a person is considered like that person.” In this, everything is all right, as Rashi explained on the verse Gen. 23:10–11, which reads: “Ephron was present among the Hittites; so Ephron the Hittite answered Abraham in the hearing of the Hittites, all who entered the gate of his city, saying, ‘No, my lord, hear me: I give you the field and I give you the cave that is in it; I give it to you in the presence of my people. Bury your dead.’” With regard to “all who entered the gate of his city, Rashi said, following Gen. Rabbah 58:7, “For they all left their work and came to pay their last respect to Sarah,” because everyone was a mourner for her.

C. Abraham wanted his spiritual and physical right to the Land to be recognized.

הַעֲנִין הַשְּׁלִישִׁי שֶׁעָלָיו הַשִּׁיבוּ, אֵלּוּם אֶת עֲלִינוּ. הוּא לְשׁוֹן תְּמוּמָה, שְׂזָה וְדָאִי אִינּוּ מוּכָן כְּפִשׁוּטוֹ, דְּחַס וְשְׁלוֹם שְׁאִירַע לְאוֹתוֹ צַדִּיק כְּדֵי, שְׁהָרִי כְּשֵׁם שְׁנִפְרָעִין מִן הָעוֹבֵד כְּדֵי גִפְרָעִין מִן הַנְּעֻבָד. וְנִעְקֵב לֹא רִצָּה לְהִיּוֹת נִקְבֵר בְּמִצְרַיִם כְּדֵי שְׁלֹא יַעֲשׂוּהוּ עֲבוּדָה זָרָה.

The third thing is that the Hittites replied to Abraham with strange language, viz, “you are a god over us.” This is certainly not to be understood as in the plain meaning, G-d forbid, that they viewed him as a deity. That’s something that later happened to a particular righteous person, Jacob, that “just as retribution is exacted from the idol worshipper, so too retribution is exacted from the idol that is worshipped” (Gen. Rabbah 96:5; also Yerushalmi Chagigah 8b). Thus, Jacob didn’t want to be buried in Egypt so that the [Egyptians] wouldn’t make him the object of idol worship.⁸

⁷ Our text of the Mishneh Torah, Mourning, 3:10 does not mention the Nazarite and is ordered differently: “[Regarding] a prince who dies, everyone can make himself impure for him, even a priest. [Everyone] makes himself like one performing the mitzvah of burying the dead, because everyone is obliged to honor him.”

⁸ This is Rashi’s comment to Gen. 47:29.

אָמנם פֿתבּ הַכִּלִּי יָקָר בְּפָרְשַׁת לֶךְ לָךְ, דִּשְׁנֵי קַנְיָנִים הֵינָה צָרִיךְ בְּאַרְצֵי יִשְׂרָאֵל. הַרְאִשׁוֹן הוּא רוּחַנִי דְהֵינּוּ לְהַדְבִּיק נַפְשׁ הָאָדָם בְּקִדּוּשַׁת מַאֲצִילוֹ, וְזֶה עֲשֵׂה אַבְרָהָם בְּרֵאִיית עֵינָיו, דְּכָתִיב כִּי אֶת־כָּל־הָאָרֶץ אֲשֶׁר־אַתָּה רֹאֶה לְךָ אֶתְנַנֶּה וּלְזָרְעֶךָ עַד־עוֹלָם. וּקְדוּשָׁה זֹו מְעוֹלָם לֹא נֶאֱבָדָה, כִּי קְדוּשַׁתָּן אַף כְּשֶׁהֵם שׁוֹמְמִים. וּבְקַנְיָן זֶה הַרוּחַנִי זָכָה בּוֹ אַבְרָהָם מִיָּד, שְׁהָרִי אָמַר לוֹ הַקֵּב"ה שֶׁאֵינָה עֵינָיו וְרֹאֶה מִן־הַמְּקוֹם אֲשֶׁר־אַתָּה שָׁם. וְלֹא מִשְׁמַע מִיָּד, אָמנם בְּקַנְיָן הַגּוֹפְנִי לֹא מְצִינּוּ שְׂזָכָה בּוֹ הוּא, אֲלֵא בְּנֵי יִזְכוּ בּוֹ וְכו'.

Actually, the Keli Yekar⁹ writes on parshat Lech Lecha (Gen. 12:1–17:27), specifically on the verse Gen. 13:17, that two types of qualities were needed for the Land of Israel. The first quality was spiritual so that the soul of the man would cling to the holiness of His majesty, and this Abraham did in seeing [the land] with his eyes, as it says, “For I give all the land that you see to you and your offspring forever” (Gen. 13:15). This holiness will never be lost, because [destroyed sanctuaries] “are holy even in though they are desolate.”¹⁰ Abraham merited this spiritual acquisition immediately, as the Holy One, Blessed be He, said to him, “Raise your eyes and look out from where you are, to the north and south, to the east and west” (Gen. 13:14). The second quality was physical, but the meaning of the next verse with regard to the physical ownership, “For I give all the land that you see to you and your offspring forever” is that it does not happen immediately. In fact, we don’t find that he merited the tangible acquisition, rather the meaning was “your sons will merit it, etc.”

וּמַעֲמָה אָמַר אַבְרָהָם אִם תִּרְצוּ, הָרִינִי גַר, אֵף עַל פִּי שְׂיִישׁ לִי צָד סְבָרָא לומר הוֹאִיל שֶׁהַתַּפְסוּתִי הַקְדוּשָׁה בְּאַרְצֵי, עַל פְּרֻחָהּ צָרִיךְ לומר שֶׁהַקֵּב"ה גַּתְרָצָה שְׁאִקְנֶה אוֹתָהּ גַּמִּי בְּקַנְיָן גּוֹפְנִי. דָּאִי לֹאוּ הָכִי, לֹא הֵינָה בִּי פֶם לְהַתְפִּיִס שָׁם הַקְדוּשָׁה, שְׁהָרִי אִין אָדָם מְקַדִּישׁ דְּבַר שְׁאִינּוּ שְׁלוֹ. אֵף עַל פִּי כֵן, הַנְּנִי מוֹכֵן לְקַנּוֹת בְּמַעוֹתֵי מְקוֹם הַסְּבָרָה כְּמוֹ גַר, וְאִם לֹאוּ, אֶהְיֶה תוֹשֵׁב וְכו', שְׁהָרִי אָמַר לִי לְזָרְעֶךָ אֶתְּנוּ וְכו'.

So for now Abraham said, “ ‘If you want to sell me the land, I will regard myself as a stranger and will pay for it,’ even though I separately have an understanding that would allow me to say that since I seized the holiness in the land, it must necessarily be said that the Holy One, Blessed be He, wants me to also acquire it in a physical acquisition. Because if G-d did not also want me to have physical possession, I would not have the power to grasp the holiness there, because a man does not consecrate something that is not his. Therefore, I am prepared to purchase (with my funds) a burial place like a stranger, but if not, I will be a settler and take it by law, as [G-d] said to me, “Unto your seed I will give . . .” (Gen. 12:7).

⁹ Shlomo Ephraim ben Aaron Luntschitz (1550 –1619), rabbi of Prague (1604-19), best known for his Torah commentary, Keli Yekar. On Gen. 13:17, he writes, “It seems to me from all this that one can say, that the Holy One gave the land to Abraham in order that he acquire there two types of benefit. The first is spiritual, and is acquired simply through seeing. The other is physical and is acquired through marking out its boundaries.”

¹⁰ Mishnah Megillah 3:3 (and Megillah 28a): Rabbi Yehuda teaches also, that no funeral orations may be delivered in a synagogue which had become ruinous, nor may it be used as a rope-walk, nor to spread nets therein [to dry], nor to spread fruit on its roof, nor to use it as a short cut, as it is said (Lev. 26:31), “I will bring your sanctuaries into desolation,” that is, they remain sanctuaries even in their desolation.

ועינינו הרואות שלכאורה הבטחה זו אין בה ממש, שהרי אין אדם מקנה למי שלא בא לעולם, ואף האב לבנו אם אין אשתו כבר מעוברת. ואם כן, מה יועיל הקב"ה בהבטחתו? ואברהם עצמו, למה בנה מזבח על בשרת ארץ ישראל? כמו שפירש רש"י פרשת לך לך, אלא ודאי צריך לומר שרצה לומר לי שאקנה אני על מנת להקנות לבני, ושפיר יש לי זכות וקנין בארץ גמור. ואתי שפיר דאיתא מוחזקת לנו מאבותינו.

Our eyes see that apparently this promise that Abraham's children would possess the Land of Israel wasn't concrete at that time, because a man doesn't transfer ownership to someone who never existed, and even a father doesn't [transfer ownership] to his son if his wife isn't already pregnant.¹¹ If so, what would be the purpose of the Holy One, Blessed be He, in making His promise? As for Abraham himself, why did he immediately build an altar upon entering the Land of Israel in thanksgiving for the good tidings of the promise that his children would possess the Land of Israel? As Rashi explained on the parsha Lech Lecha, for verse Gen. 12:7,¹² it certainly must be said that Abraham's thinking was that "[G-d] intended to say to me that I should acquire a portion to bestow to my sons, and it's good that I have the merit and good that we will have complete acquisition in the Land," both spiritual and tangible. It's fine that it says "the Land of Israel is a holding for us from our fathers," i.e., the Land is considered as though it was already in possession of one who was entitled to a portion of the land, even before the land was formally assigned to that person.¹³

והא דאמר לזרעה, דמשמע לזרעי ולא לי, היינו נשאז פשיהו בני מרובים יגרש את יושבי הארץ מפניהם. מה שאין כן עתה שאני יחיד, פן תהיה הארץ שממה. וזהו שפייס, ואקברה את מתי מלפני. דהיינו מטעם לפני, שהקדשתי כל מה שהיה לפני, כדכתיב שא נא עיניך וראה מן-המקום אשר-אתה שם, צפונה ונגבה וכו'.

It says "to your seed" (Gen. 12:7), and the meaning to Abraham was: "to my seed but not to me," i.e., that when my sons will be many, they will force out the inhabitants of the Land from before them. That won't happen now while I am a sole individual, lest the Land become desolate. This is the conclusion of our verse, "that I may bury my dead from before me" (Gen. 23:4). That is the intent of the words, "from before me," that I have sanctified all that is before me, as it is written in Gen. 13:14, "Raise your eyes and look out from where you are, to the north and south, to the east and west."

¹¹ Shulchan Aruch, Choshen Mishpat, 210:1.

¹² Gen. 12:7: "The L-rd appeared to Abram and said, 'I will assign this land to your offspring.' And he built an altar there to the L-rd who had appeared to him." Rashi's commentary: "[Abraham built the altar] in thanksgiving for the good tidings that he would have children, and for the good tidings that they would possess the land of Israel."

¹³ This adage, found, e.g., in Or Torah (Lublin, 1672), by Uri ben David ben Moses Kolmayer, has its source in Bava Batra 119a: "Rabba says: the Land of Israel is a possession," relating to the inheritance of the daughters of Zelophehad (Num. 27:7) of the portion of the firstborn due their father.

ועל זה השיבו לו, אלוה את עלינו, כלומר אנו מודים שיש לך כח וזכות גדול בארץ הזאיל שהתפסת ביה הרוחניות והדבקות נפשך במאצילך. ועל זה, אמר עפרון השדה נמתי לך, דהיינו שיש לך רשות לקנות בית דירה ולהשתקע כאן ולהיות כמונו, כמו שרומז קניית השדה כנ"ל, ועוד המערה לך נמתיקה, שתהא לאחיות קבר לבני משפחתך, ועוד לעיני בני עמי נמתיקה לך. לא די שקבר קנית הרוחניות בראיית עיניך, אלא אף הגופניות שהוא מה שרוצה בני עמי, הכל הוא שלך.

On this, they answered him, “you are a god over us,” as if to say “we acknowledge that you have power and great merit in the Land since you have captured its spirituality and as your soul has attached to it in your nobility.” On account of this, Ephron said, “I give you the field,” that is, “that you have permission to purchase an apartment house and to settle here and to be like us.” This was hinted at by the acquisition of the field discussed above, “and I give you the cave that is in it.” That is, “that you will have a burial estate for the sons of your family,” and “I give it to you in the presence of my people.” As if to say, “It is not enough that you have already acquired the spiritual aspect, by seeing the Land with your eyes. Rather you will also acquire even the physical aspect, which is what the sons of your people will see. It is all yours.”

* * *