

Zera Shimshon

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

Essay 5: This essay presents a number of different concepts: A) The neighbor's law, and the hatred of gifts; B) The kindness that Abraham showed Sarah; C) Abraham's life was not shortened as punishment; and D) The destruction of Sodom.

A. The neighbor's law, and the hatred of gifts.

פְּסוּק הַשְּׂדֵה נָתַתִּי לָךְ וְהַמְעָרָה אֲשֶׁר־בוֹ וְכוּ'. הַקְשׁוּ הַמְּפָרְשִׁים אִיךְ עֲפָרוֹן חָזַר בּוֹ מְדִיבוֹרוֹ, שֶׁמִּתְחִלָּה הִרְאָה עֲצוּמוֹ נָדִיב לֵב לְאַבְרָהָם לִיתְנָה לוֹ בְּמִתְנָה, וְלִבְסוּף רָצָה לְמוֹכְרָהּ בְּדָמִים. וְתִרְצוּ שָׁמָּה שֶׁאָמַר מִתְחִלָּה לִיתְנָה בְּמִתְנָה לֹא אָמַר אֶלָּא כְּגַד בְּגִיחַת, כְּדֵי שֶׁלֹּא יָבֹאוּ לְמַחֵר וְיִטְעֲנוּ הַשְּׂדֵה מֵאַבְרָהָם מִשּׁוֹם דִּינָא דְּבַר מְצָרָא. וּמִשּׁוֹם הַכִּי, לְעֵינֵי בְּנֵי עַמִּי, נִתְתִּיחָ לָךְ בְּמִתְנָה, דְּבְּמִתְנָה לִית בָּהּ דִּינָא דְּבַר מְצָרָא. אֲמַנְם, בֵּינֵי וּבֵינֵיךְ, אֲרִיז אַרְבַּע מֵאֵת שְׁקֵל־כֶּסֶף.

There is a verse: **“I give you the field and I give you the cave that is in it; I give it to you in the eyes of the sons of my people”** (Gen. 23:11). **The commentators ask why Ephron went back on his word: that at first he appeared generous toward Abraham and prepared to give [the land] to him as a gift, but in the end he wanted to sell it to him at a high cost. It appears that what [Ephron] stated at the beginning, to give [the land] as a gift, was said only for the benefit of the sons of Heth, so they wouldn't come the next day and claim the field from Abraham according to the law of neighbors, which gives neighbors a first option to buy land.**¹ Therefore, Ephron was really telling Abraham, **“For this reason, ‘in the eyes of the sons of my people,’ ‘I give it to you’ as a gift, because a gift is not subject to the law of neighbors. But in fact, between me and between you, ‘the land is four hundred shekels of silver’** (Gen. 23:15).”

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¹ Bava Metziah 108a interprets the verse, “that you should do what is right and good before G-d” (Deut. 6:18), as including the fact that if one wants to sell a field, the first right to buy the land should be given to the neighbor who owns the adjoining field.

ונה התירוץ לא יתכן, שאם פו הנה לו לאברהם ליתן הכסף בצנעא, ואדרבא מצינו שנתן לו הכסף לעיני כלם. כדכתיב ונישקל אברהם לעפרון את-הכסף אשר דבר באזני בני-חתי, דמשמע שפבר ידעו מהכסף. ואף על פי שתירוצם הנ"ל גומן טעם לשבח, שאם אברהם הנה רוצה ליקח שדה עפרון הנה לו לילך מעפרון. ולמה הלך מתחלה אצל בני-חתי, אלא כדי ליקח רשותם ודעתם מתחלה, כדי שלא יוכלו למחר לטען על השדה דינא דבר מצרא? מפל מקום עדיין קושיא ראשונה במקומה עומדת, שאם כבר נתנו לו רשות לקנות, אין עוד צורך שעפרון יאמר ליתנה לו במתנה.

But this solution of the commentators is impossible, because if it were the case, Abraham would have given the money to Ephron quietly, and to the contrary we find that he gave him the money in the eyes of everyone. We see that it is written, “Abraham weighed out the silver that Ephron had named in the hearing of the sons of Heth, four hundred shekels of silver at the going merchants’ rate” (Gen. 23:16), with the meaning being that [the Hittites] already knew about the money. The solution of the commentators above has a sense of praise to it. That is, if Abraham wanted to take Ephron’s field, he needed to go to Ephron. So why go initially to the sons of Heth (Gen 23:3), if not in order to notify them and to obtain their permission from the beginning, so that they wouldn’t be able to come the next day to claim the field by the law of neighbors? But even so, the initial difficulty still remains, that if [the Hittites] already gave [Abraham] permission to buy the land, there was no further need for Ephron to say he would give it to [Abraham] as a present.

ועוד מהו ויקם שדה עפרון? ואף על פי שרש"י פירש, תקומה היתה לו, עם כל זה הדבר צריך ביאור יותר. ועוד שמפשיט הפתוב בסוף פרשה זו נראה שאברהם קנה את השדה מאת בני-חתי ולא קאמר מעפרון. דכתיב השדה אשר-קנה אברהם מאת בני-חתי שמה קבר אברהם ושרה אשתו. ומהפתוב בפרישת נחמי, נראה שאברהם קנה השדה מעפרון. דכתיב אשר קנה אברהם את-השדה וכו' מאת עפרון החתי. ולמה לא כתב הלא קרא ויקן אברהם את השדה מאת עפרון בכסף ארבע מאות שקל, כמו שפתוב בדוד, ויקן דוד את-הגרון וכו' בכסף שקלים חמשים? אלא כתב ונישקל אברהם לעפרון, שגראה שלא בדרך קניה נתנם לו.

Furthermore, why does it say in Gen. 23:17-18, “So Ephron’s land in Machpelah, near Mamre—the field with its cave and all the trees anywhere within the confines of that field—rose to Abraham as his possession, in the presence of the sons of Heth, of all who entered the gate of his city”? Rashi explained, following Gen. Rabbah 58:8 “that [the land] received a rise in importance, passing from the possession of a commoner to the possession of a king.” But this needs additional explanation. Furthermore, the sentence at the end of this parsha makes it appear as though Abraham acquired the field from the sons of Heth, and not as it was said from Ephron. As it is written, “The field that Abraham had bought from the sons of Heth; there Abraham was buried, and Sarah his wife” (Gen. 25:10). But from what is written in the parsha Vayechi (Gen. 47:28–50:26), it appears that Abraham acquired the field from Ephron. As it is written, “The cave that is in the field of Machpelah, facing Mamre, in the land of Canaan, the field that Abraham bought from Ephron the Hittite for a burial site” (Gen. 49:30). But why isn’t it written “the field that Abraham bought from Ephron for four hundred shekels of silver,” as David wrote, “So David bought the threshing floor and the oxen for fifty shekels

of silver” (II Sam. 24:24)? Instead, it says “Abraham weighed out to Ephron the silver,” which appears as though [the coins] weren’t given to [Ephron] in the way of making an acquisition.

וַיִּזְכַּר אֲבָרָם לְעֵפְרוֹן בְּכֶסֶף ג' דְּקִיּוּשִׁין: רַב גִּידֵל הָגָה מִסֵּפֶד בְּהֵימָא אַרְעָא. אָזַל רַבִּי אַבָּא וַבְּנָהּ. אָזַל רַב גִּידֵל קַבְלִיָּה לְר' זִירָא וְכוּ'. אָמַר לִיה מַאי טַעְמָא עָבַד מַר הָכִי? אָמַר לִיה לֹא יַדְעָנָא. הִשְׁתָּא נָמִי, נִיתְבְּה נִיהֲלִיָּה מַר. אָמַר לִיה, זְבוּנִיָּה לֹא מְזַבְּנִיָּא לָהּ דְאַרְעָא קַמְיִתָּא הִיא, לֹא מְסַמְנָא מִלְתָּא. אִיבְעִי לָהּ בְּמַתְנָה נְשָׁקְלָהּ. רַב גִּידֵל לֹא נָחִית לָהּ, דְכָתִיב וְשׂוֹנְא מַתְנַת זְחִיָּה. לֹא מַר נָחִית לָהּ, וְלֹא מַר נָחִית לָהּ, וּמְקַרְיָא אַרְעָא דְרַבְּנָן ע"כ.

This will be understood by what is formulated in the third chapter of Kiddushin:

Rav Giddel was engaging in [the acquisition of] a certain [plot of] land. [In the meantime,] **Rabbi Abba went and purchased it. Rav Giddel went [and] complained about [Rabbi Abba] to Rabbi Zeira.** Rabbi Zeira went and complained about [Rabbi Abba] to Rav Yitzchak Nappacha. [Rav Yitzchak Nappacha] said to him: “Wait until [Rabbi Abba] ascends to [visit] us for the pilgrimage Festival, [when all come to hear the Festival sermon, on which occasion we can discuss this matter with him].” When [Rabbi Abba] ascended [Rav Yitzchak Nappacha] found him [and] said to him: “If a pauper is engaging in [the acquisition of] a loaf [of bread that he found], and another came and took it from him, what [is the halacha]?” [Rabbi Abba] said to him: “[The one who took it away] is called wicked.” [Rabbi Yitzchak Nappacha replied:] “But [if so], **what is the reason that the Master acted this way?** [Rav Giddel was negotiating the purchase of this land and you purchased it.]” **[Rabbi Abba] said to him: “I did not know [that Rav Giddel was trying to acquire the land].”** [Rabbi Yitzchak Nappacha retorted:] “**Now too, the Master should give it to him** [since you have been made aware that he submitted the first offer].” **Rabbi Abba said to him: “As for selling, I will not sell it, as it is the first land [I have ever purchased], and this matter [of selling one’s first acquisition], is not [a good] omen. If [Rav Giddel] wants to accept it as a gift, let him take it.”** Rav Giddel did not descend to claim [this plot of land], as it is written: “**But he who hates gifts shall live**” (Prov. 15:27), [and therefore he did not wish to accept the land as a gift]. Rabbi Abba also did not descend to it, because Rav Giddel was already engaging in [the acquisition of] it [when he acquired the land. In this manner,] **this Sage did not descend to take [the plot of land], and that Sage did not descend to [take care of] it, and it was called the land of the Sages.**

- (Kiddushin 59a)

והכי נמי מתחלה עפרון אמר לאברהם בלשון מתנה, משום דלא רצה למכור, דלא מסמנא ליה מילתא. וכששמע שאברהם היה שונא מתנות, והוא לא היה רוצה במכר, אמר לו ארץ ארבע מאת שקל-כסף וכו'. רמז לו שגוי הקרקע, כדי שיתנם לו אברהם, לא בתורת מקח וממכר, רק כדי להנצל מההיא דשונא מתנת יתיה. וכן עשה אברהם, שלא נתן לו הדמים בשגוי הקרקע, רק כמו מתנה אחרת תמורת הקרקע. ומשום הכי, לא כתב כאן בעת הקנייה שעפרון מכר השדה לאברהם, וכן לא כתיב נמי ויקן אברהם השדה בכסף ארבע מאות שקל כמו שכתוב בדוד.

So in fact, at the start Ephron spoke to Abraham in the language of a gift, because he didn't want to sell the land, as it would not be a good omen to sell one's first purchase of land. But when he heard that Abraham hated gifts and wouldn't accept it on those grounds, and as [Ephron] didn't want a sale, as it would be a bad omen, [Ephron] said to him, "the land is four hundred shekels of silver." I.e., he hinted to him of the value of the land, that Abraham would give [the coins] to him, not as a concession or as a price, but to save Abraham from violating the rule that "he who hates gifts shall live." Similarly, Abraham acted to save Ephron from the bad omen, that he wasn't giving him the equal value of the land, but only a different gift in exchange for Ephron's gift of the land. Therefore, it wasn't written here in the form of an acquisition, i.e., that Ephron sold the land to Abraham, and similarly it wasn't written here that Abraham acquired the field for four hundred shekels of silver as was written by David in II Samuel.

ולפי שמייד שעפרון נתנה במתנה לאברהם, סילק ידיו ממנה. וכשאברהם לא רצה לקבלה, לא זכה בה, והיתה נשארת הקרקע לכל בני-חת, כההיא דרב גידל. משום הכי, נקרא שאברהם קנאה מאת בני-חת כשנתן הכסף לעפרון. ולפי שלא היה כאן לא מכר גמור ולא מתנה גמורה, משום הכי כתיב ויקם השדה וכו', דממילא קם ברשותו של אברהם בנתינת הכסף שעשה לעפרון.

As soon as Ephron gave [the land] to Abraham as a gift, he removed his hand (i.e., ownership) from [the land]. When Abraham didn't want to receive it, he didn't merit it (i.e., acquire it at that instant), and so it remained ownerless (i.e., available) for any of the sons of Heth, as in the case with Rav Giddel. Therefore it's said that Abraham bought it from the sons of Heth when he gave the money to Ephron. Since there was no formal sale and no formal gift, therefore it is written, "the field . . . rose," i.e., that it rose to the domain of Abraham by his giving of the money to Ephron.

ועוד יש לומר שלפי שבני-חת היו יכולים לערער מטעם בר מצרא, נקרא שאברהם קנה השדה מאת בני-חת. ומשום הכי כתב קרא השדה אשר-קנה אברהם מאת בני-חת. ולא כתב עפרון, לפי שגם מהם לקחה, דאי לאו הכי אין קנינו מעפרון כלום. ומשום שלפי האמת עפרון לא סלק ידיו ממנה אלא כדי שיזכה בה אברהם, ועוד שקבל הכסף תמורתה, כתב קרא אחר כך בפירוש ניהי שקנאה מעפרון.

Furthermore, it's worth noting that because the sons of Heth were able to appeal by the law of neighbors, it is said that Abraham acquired the field from the sons of Heth. Thus, Scripture calls it the field that Abraham purchased from the sons of Heth. It's not written from Ephron, because [Abraham] also acquired it from [the Hittites], because if he hadn't,

he wouldn't have acquired anything from Ephron. But because Ephron actually removed his hand from [the land] only in order to give its merit to Abraham, and further since he received the silver in exchange, Scripture says afterwards in parshat Vayechi, at verse Gen. 49:30, "the field that [Abraham] bought from Ephron."

B. The kindness Abraham showed Sarah.

ויבענון זה יובן מדרש חז"ל על פסוק ואחריו כן קבר אברהם וכו', הדיא הוא דכתיב רדף צדקה וחסד ימצא חיים צדקה וכבוד. רודף צדקה זה אברהם, ושמו דרף ה' לעשות צדקה. וחסד, שגמל חסד לשרה. ימצא חיים, ושני חיי אברהם וכו' עכ"ל.

In this matter, a Midrash of our sages, may their memory be blessed, will be understood. On the verse, "And afterward Abraham buried his wife Sarah in the cave of the field of Machpelah, facing Mamre—now Hebron—in the land of Canaan" (Gen. 23:19), Gen. Rabbah 58:9 says "it is written (Prov. 21:12): 'He who pursues righteousness and kindness will find life, righteousness, and honor.' He who pursues righteousness, this is Abraham, as it is said in Gen. 18:19, 'and keep the way of the L-rd to do what is just and right.' He who pursues kindness, this is also Abraham, that he showed kindness to Sarah. He will find life as it is said in Gen. 25:7: 'and these were the days of the years of Abraham's life: one hundred years, and seventy years, and five years.' He will find righteousness and honor, as Rabbi Shmuel the son of Rabbi Yitzchak said, that the Holy One, Blessed be He, said to Abraham, 'I am faithful and lovingly kind; you have acquired my faithfulness; come and be clothed in my clothing of righteousness.' As it says in Gen. 24:1, 'Abraham was now old, advanced in years, and the L-rd had blessed Abraham in all things.' "

והוא תמויה, דמה שייך ענין זה על פסוק זה של ואחריו כן קבר אברהם? ומהו הגמילות חסד שעשה לשרה, אי משום קבורה וחסד? הלא הבעל חייב בקבורת אשתו? ועולה עמו ואינה יורדת אף לאחר מיתה, כדאמרינן בכתובות (דף ס"א). ומה עשה אברהם יותר מחובתו, שפלף כף שבחו הפתוב שנקרא גמילות חסד? ועוד קשה: מה רצה לומר ימצא חיים, ושני חיים אברהם?

It is peculiar. for how is this thought regarding the pursuit of righteousness and kindness associated with this verse, "and afterward Abraham buried Sarah"? Also, what act of kindness did [Abraham] do for Sarah, besides the burial and the eulogy? Isn't the husband obliged in the burial of his wife? As we learned earlier, in Essay 3, regarding a wife's social status, "She ascends with him and doesn't descend with him . . . even after her death," as it says in Ketubot (page 41a [sic]),² i.e., Sarah deserved a nice burial place. So what did Abraham do that was more than his obligation, such that he is praised by the Midrash and called "one who does lovingkindness"? Another question is: What does [the Midrash] mean by saying "he will find life" is supported by the verse "and these were the days of the years of Abraham's life"?

² The correct page is Ketubot 48a.

וקודם שנבוא למירוץ המדרש, יש לדקדק מה צורך הנה לו לאברהם לדבר עם בני־חת שיבקשו מעפרון המערה. דאמרינן במדרש, אם יש את נפשכם סרס[ר]וני לי, ואי לא צלו לי עילונ[יה] עכ"ל. שְהַרְי הַדָּרָף אָרֶץ הוּא לִישָׁח הַסְרָסוּר מִחַמַּת שְׁנֵי דְבָרִים: או שידבר עם המוכר כדי שיתן אותו דבר ללוקח יותר בזול, או אם לא ירצה למוכרו, שידבר עמו הסרסור כדי שיתרצה למוכר. וכאן לא שייכי כלל, שְהַרְי אֲבָרְהָם לֹא הָיָה מִקְפִיד עַל הַכֶּסֶף, כְּמוֹ שְׁנָתָן לוֹ עוֹבֵר לְסוֹחֵר. וְעַד־כֵּן לֹא הָיָה יודע אברהם דעתו של עפרון, ושמה יהנה רצונו הטוב למוכרה לו. ולמה מתחלה בקש מבני־חת שסרסויה לו?

But before we come to a solution of the questions raised by the Midrash, we should scrutinize what need Abraham had to speak with the sons of Heth to tell them that he requested the cave from Ephron. As it says in the Midrash, “ ‘If it is your wish that I remove my dead for burial . . . intercede for me with Ephron’ (Gen. 23:8), that is, be a mediator for me, and if not, pray for me, i.e., that he will change his mind” (Gen. Rabbah 58:7). That is, it is common decency to find a mediator for two reasons: 1) in order to speak with the seller in order to obtain the item for the buyer at a lower cost; or 2) if he doesn’t want to sell, that the mediator will speak with him in order to convince him so that he will want to sell. But here this principal wasn’t relevant, because as to finding a lower cost, we see that Abraham wasn’t concerned about the money, as shown by the fact that he gave him more than the fair price. As to convincing an unwilling seller, Abraham still didn’t know the thoughts of Ephron, and in fact perhaps [Ephron] would have favored selling [the land] to [Abraham], and wouldn’t have to be convinced to sell. So why start asking the sons of Heth to be a mediator for him?

ועוד דרף ארץ לישח סרסור אחד, ולמה לקח אברהם כל בני העיר להיות כלם סרסורים בקניית שדה אחד? והו דבר תימא, ואי משום שלא יערצרו עליו כנ"ל, הלא היה די לישח רשות מהם.

It’s also common decency to take one mediator, so why did Abraham take all of the sons of the city, that they all be mediators in the acquisition of one field? This is something to question, and if it’s so that they wouldn’t appeal a sale made to him as discussed above with regard to the law of neighbors, then it would have been enough to get permission from them to make the purchase, rather than having to ask them to intercede on his behalf.

ויש לומר דפוננת אברהם היתה לבטלם ממלאכתם, כדי שיהיו פנויים ויבואו לגמול חסד לשרה ללותה ולעשות לה כבוד גדול. וכו הנה, כדאמרינן במדרש רבה, ויען עפרון החתי את אברהם באנני בני־חת, מפאן שפולן נעלו דלתותיהן ובאו לגמול חסדים לאברהם עכ"ל. וכתב שם המתנות פהונה שרש"י גורס, ובאו לגמול חסד לשרה. ולדידן אלו דברי אלהים חיים, שמתחלה נעלו דלתותיהן כדי לגמול חסד לאברהם למלאות רצונו, ואחר כך הואיל שפבר היו בטלים באו לגמול חסד לשרה, כמו שהיתה מחשבתו של אברהם.

One can say that Abraham’s intent was to exempt them from their work, in order that they would be free to come to do kindness toward Sarah and to escort her for burial and to do great honor for her. Thus it was, as it says in the Midrash Rabbah (Gen. Rabbah 58:7, regarding the verse in Gen. 23:10), “ ‘So Ephron the Hittite answered Abraham in the hearing of the sons of Heth,’ Rabbi Pinchas said: this teaches that they locked their doors and came to do kindness to Abraham.” The Matnot Kehuna writes there, that Rashi gives a version, “to

do kindness to Sarah.”³ As far as they’re concerned, “both these and those are the words of the living G-d,”⁴ that they first locked their doors in order to do kindness to Abraham in fulfilling his wish, and afterward since they were already idle, they came to do kindness to Sarah, which was what Abraham was thinking.

ועוד יש לומר דקיימא לן, מת בעיר, כל בני העיר אסורים במלאכה, זולת אם יש שם חבורות. ולפי שזה הוא משום כבודו של מת, לכן אברהם למד זה הדין לבגייחת, כדי שיבטלו מלאכתם לכבוד שרה. ואם אברהם היה מגלה דעתו שאינו רוצה אלא השדה של עפרון, אז כל הבגייחת לא היה להם שום עסק עם המת והיו מותרים במלאכה. לכך גלה להם שיש לו צורך מכלם, שאם לא יתפטר עם עפרון, צריך הוא ליקח מאחד מהם.

We can also say that we know, from Shulchan Aruch, Yoreh De’ah, 361:2, that if someone dies in a city, all the members of the city are forbidden to work (and are instead required to attend to the burial of the dead), unless there are burial associations there that will be responsible for the burial. This is because of the desire to show honor to the dead, and therefore Abraham taught this law to the sons of Heth, so that they would exempt their work for the honor of Sarah. If Abraham had revealed his thought that he wanted only the field of Ephron, then the sons of Heth wouldn’t have any involvement with the dead and would be permitted to work. Therefore, he revealed to them that he had a need for all of them, so that if he couldn’t cooperate with Ephron, he would need to take the land from one of them.

והשתא נבוא לביאור המדרש, דקשה ליה מהו ואחריו כן קבר אברהם, פשיטא דאין לו לקברה שם עד אשר לא קנה המערה. אלא לפי שקודם זה כתוב, לאברהם למקנה לעיני בנייחת בכל באי שער-עירו, שגראה מפאן שכלם היו בטלים ממלאכתן. ובעוד שהיו פנויים, קבר אברהם וכו', כדי שיוכלו כלם לגמול חסד עמה, כמו שאמרנו דכל מקום שנאמר אחר, הוא סמוך, ועיין בבראשית רבה (פרשה מ"ג).

Now we come to explain the Midrash, that first he requested this land from them “and afterward Abraham buried his wife Sarah” (Gen. 23:19); it is obvious that he couldn’t bury her there before he had purchased the cave. Rather, since at first it was written in Gen. 23:18 that the land rose “to Abraham as his possession, in the presence of the sons of Heth, of all who entered the gate of his city,” it is seen from here that everyone was idle from their work. While they were available, Abraham buried [his wife Sarah], in order that everyone would be able to do kindness to her, as we have said that in every place in the Torah that it says “afterwards,” it means the described action was adjacent, i.e., immediately following, and see the source for this in Gen. Rabbah, section 43.⁵

³ Matnot Kehuna is a commentary on Gen. Rabbah, written by Rabbi Yissachar Katz-Berman of Szczepieszyn, Poland. Rashi’s commentary on Gen. 23:10 and Yalkut Shimoni 102:17 do read “to do kindness to Sarah.”

⁴ This adage (based on the term “living G-d” in Deut. 5:23) appears in Eruvin 13b and also in Yerushalmi Berachot 9a, in both places quoting a Heavenly voice (*bat kol*) with regard to a dispute between Beit Hillel and Beit Shammai. The adage also appears in Gittin 6b, quoting the prophet Elijah in a meeting with Rabbi Evyatar.

⁵ Actually 44:5 in our editions: Rabbi Yudan and Rabbi Huna taught in the name of Rabbi Yosi ben Zimra, Rabbi Yudan saying: “Everywhere that it is said [in the Torah] ‘afterwards,’ [it means] immediately subsequent.”

וזהו שאמר המדרש, רודף צדקה זה אברהם, וחסד, שגמל חסד לשרה שתקבר בכבוד גדול יותר. משום הכי, ימצא חיים וכו', ושניי חיי וכו'.

This is why the Midrash in Gen. Rabbah 58:9 says, “He who pursues righteousness, this is Abraham . . . , and he who pursues kindness, this is also Abraham, that he showed kindness to Sarah,” that she was buried with very great honor. Because of this, “he will find life as it is said in Gen. 25:7, ‘and these were the days of the years of [Abraham’s] life.’ ”

C. Abraham’s life was not shortened as punishment.

דאמרינו בפירוש דבבא קמא, אמר ר' חנן כל המוסר דין על חבירו, הוא נענש תחלה, שנאמר ותאמר שרי אל-אברהם חמסי עליך. וכתוב, ויבא אברהם לספוד לשרה וכו'. תניא נמי הכי, אהד הצועק ואהד נצעק במשמע, אלא שממחרין לצועק וכו'.

As it says in the eighth chapter of Bava Kama (93a), “Rabbi Chanan said: One who calls for judgment on his fellow man is punished first, as it says (Gen. 16:5) ‘And Sarai said to Abram: The wrong done to me is your fault! I myself put my maid in your bosom; now that she sees that she is pregnant, I am lowered in her esteem. The L-rd decide between you and me!’ ” It was written in Gen. 23:2, “Abraham came to eulogize Sarah and to mourn for her,” i.e., Sarah asked G-d to pass judgment on Abraham, but she was judged first and died first. We learn also from here in Bava Kama 93a, “Rabbi Yitzchak says: Woe to he who cries [out to Heaven] more than the one about whom he is crying out. This is also taught [in a Baraita]: the one who cries out and the one about whom he is crying out are disciplined, but they are quicker [to discipline] the one who cries out than the one about whom [he is] crying out.”

והואיל שלשרה נתקצרו שניה, אף אברהם היה לו להיות מעט אחר מיפת שרה. שכן הדין היה שיתקצרו אף ימי חיי אברהם, שהרי שניהם נענשים. ומפני מה לא נתקצרו, ואם תאמר שנתקצרו חמש שנים, שהיה לו להיות מאה ושמונים כמו יצחק, זה היה לטובתו, שלא יראה עשו בן בנו יוצא למרבות רעה. אלא לפי שגמל חסד עם שרה, לכן לא נתקצרו ימיו.

But since Sarah’s years were cut short, Abraham should have lived only a bit after Sarah’s death. That is, even according to the principle that the one calling for his fellow to be judged will be judged first, still the days of Abraham’s life should have been shortened, because both the one crying out and the one about whom she cried out should have been punished. However, we see that Abraham was 137 years old when Sarah died, and he lived another 38 years, until age 175. **So why weren’t [the days of Abraham’s life] shortened? If one were to say that they were shortened by five years, that he should have lived 180 years like Isaac, this shorter life was not a punishment, but instead a kindness due to Abraham’s goodness, as Rashi writes on Gen. 25:30, so “that he wouldn’t see his grandson Esau falling into bad ways.”**

Rather it was because [Abraham] did kindness toward Sarah that his days were not shortened.

ואם תאמר מנלן שבזכות זה הנה, יש לומר דאמרינו במדרש רבה על פסוק השדה אשר קנה אברהם . . . שמה קבר אברהם ושרה אשתו, בא ללמדך שכל מי שגמל חסד לשרה זכה לגמול חסד לאברהם. ואם כל מי שגמל חסד לשרה ניתן לו אריכות ימים, מפל שפן לאברהם שגמר כל זה החסד, נעוד שאם היו מתקצרים שני אברהם, לא הנה נודע בעולם שזכר הגמילות חסד שעשו לשרה. וזהו ימצא חיים וכו', ושני חיי אברהם וכו'.

If you will ask the source of this merit, one could say that it says in Midrash Rabbah (Gen. Rabbah 62:2) on the verse (Gen. 25:10) “the field that Abraham bought . . . there Abraham was buried, and Sarah his wife,” that “[the verse] comes to teach you that anyone who has shown kindness to Sarah also merited to show kindness to Abraham.” If everyone who showed kindness to Sarah was given a long life, similarly Abraham who was the cause of all this kindness would benefit from long life, and further if Abraham’s years would have been shortened, the reward for the kindness that was done for Sarah wouldn’t be known in the world. This is the meaning of Gen. Rabbah 58:9, “He will find life, as it is said in Gen. 25:7, ‘and these were the days of the years of Abraham’s life.’ ”

D. The destruction of Sodom.

ועל דרך זה יבואר הפתוב, ושמרו דרך ה' לעשות צדקה ומשפט. דמה ענין זה להמכסה אני מאברהם אשר אני עשה? וכי בשביל שהוא עושה צדקה ומשפט, לא הנה יכול הקב"ה לעשות דין בסדום, שלא היו עושים צדקה ומשפט קודם שיגלה את אונן בתמיה?

In this way, the verse of Scripture, “and keep the way of the L-rd to do what is just and right” (Gen. 18:19), will be clarified. For how is this related to the verse Gen. 18:17, “Now the L-rd had said, ‘Shall I hide from Abraham what I am about to do,’ ” i.e., to destroy Sodom? Is it because [Abraham] was doing what was just and right that the Holy One, Blessed be He, was not able to immediately enact judgment upon Sodom, for certainly [the inhabitants of Sodom] weren’t doing what was just and right even before He revealed [his intent to Abraham to destroy them]? I.e., the people of Sodom deserved to be destroyed based upon their own behavior, so why was it relevant that Abraham was a righteous person?

ומלבד מה שכתבנו למעלה במקומו, אמרינו במסכת סופה פרק ד', אמר ר' אלעזר כל העושה צדקה ומשפט פאלו מלאו לעולם פלו חסד. שנאמר אהב צדקה ומשפט חסד ה' מלאה הארץ עכ"ל. ואם אברהם הנה עושה צדקה ומשפט, הנה כל העולם פלו מלא חסד, ואי אפשר שתשלוט מדת הדין בעולם.

Besides what we wrote earlier, above in its place in Zera Shimshon’s Essay 9 on the previous parsha, Vayeira (Gen. 18:1–22:24), it says in the fourth chapter of tractate Sukkah (49b), “Rabbi Elazar said: Anyone who performs charity and justice is considered as though

he filled the whole world in its entirety with kindness. As it is stated: (Ps. 33:5) ‘He loves charity and justice; the earth is full of the kindness of the L-rd.’” Thus, if Abraham had done charity and justice, all of the world must have been filled with kindness, and it would have been impossible that strict judgment would control the world.

וְאִי אֶפְשֶׁר נְמִי שְׁלֵא לַעֲשׂוֹת דִּין בְּאַנְשֵׁי סְדוֹם, שֶׁהָרִי הַצּוֹר תְּמִים פָּעֵלוּ כִּי כָל־דְּרָכָיו מִשְׁפָּט וְכוּ'. וְלָכֵן אָמַר הַמְּכַסֶּה אֲנִי מֵאַבְרָהָם וְכוּ', שֶׁכֵּן אַבְרָהָם אָף עַל פִּי שְׁהִיָּה אַחִיז בְּמִדַּת הַתְּקוּדָה, עִם כָּל זֶה עוֹשֶׂה מִשְׁפָּט בְּעֵת וּזְמַן הֶרְאִי. וְזֶהוּ דְסִמְיָד לִיָּה כִּי יִדְעִתִּיו וְכוּ' לַעֲשׂוֹת צְדָקָה וּמִשְׁפָּט.

But while G-d’s judgment was tempered with kindness, it was also impossible not to enact judgment on the people of Sodom, for, “The Rock!—His deeds are perfect, Yea, all His ways are just” (Deut. 32:4), which Rashi interprets to mean that when G-d brings punishment upon those who transgress His will, He does not bring it in a flood of anger, but in deliberate judgment. Therefore, it says, “Shall I hide from Abraham what I am about to do?”, because even though Abraham had taken the characteristic of kindness in establishing his reputation, nevertheless [Abraham] also enacted judgment at the proper time, such as waging war against the four kings who had captured Lot (Gen. 14:15–16). That is why the adjacent verse, Gen. 18:19, says: “For I have singled him out, that he may instruct his children and his posterity to keep the way of the L-rd by doing what is just and right.”

וְזֶהוּ הַטַּעַם שֶׁשְּׁלַח מַלְאָכָי רַחֲמִים לְהַפּוֹד סְדוֹם, כְּמוֹ שֶׁפִּירֵשׁ רַשִׁ"י עַל פְּסוּקָה, וַיָּבֵאוּ שְׁנֵי הַמַּלְאָכִים סְדוֹמָה בְּעֶרְבֹ, וְעֵי"ש. וְקוּשָׁה לְמָה לֹא הָיָה אֶחָד מִלְאָךְ שֶׁל מִדַּת הַדִּין?

This is the reason that angels of mercy were sent to overturn Sodom, as Rashi explained on the verse (Gen. 19:1), “The two angels arrived in Sodom in the evening,” and see there. Rashi explained that it shouldn’t have taken long for angels to travel from Hebron to Sodom, but because they were angels of mercy, they tarried in the hope that Abraham would succeed in his advocacy for the people of Sodom. As there is a concept that an angel is usually created for only one specific task,⁶ Rashi further explained that one angel was sent to destroy Sodom, and one angel was sent to save Lot. But there is still a difficulty: Why wasn’t there one angel of strict judgment? I.e., how can an angel be sent to destroy Sodom, an act that represents strict judgment, also be considered to be an angel of mercy, to tarry in the hope of Abraham’s advocacy?

⁶ Gen. Rabbah 50:2.

אֵלָא לְפִי שְׁמֵדַת הַדִּין לֹא הִיָּתְהָ יְכוּלָה לְשַׁלּוֹט בְּעוֹלָם, בְּשִׁבִיל הַצְּדָקָה וּמִשְׁפָּט שֶׁהִנֵּה עוֹשֶׂה אַבְרָהָם, שֶׁהִנֵּה מִמְלֵא כָּל הָעוֹלָם חֶסֶד. וְלִכֵּן הִמְלִיךָ שָׂבָא לְהַפּוֹד סְדוֹם הַלֵּךְ קוֹדֵם בְּבֵיתוֹ שֶׁל אַבְרָהָם כְּדַכְתִּיב, וְהִנֵּה שְׁלֵשָׁה אַנְשִׁים נֹצְבִים עָלָיו. וְקוֹשֶׁה לָמָּה אֵי צִטְרִיכוּ שְׁלֵשָׁה, הֲלֹא בְּשָׁנַיִם סָגִי? אֶחָד לְרַפְאוֹת אֶת אַבְרָהָם וְאֶחָד לְבִשָׁר אֶת שָׂרָה. וּמָה צוּרָךְ הִנֵּה שְׁלִיךְ שָׁם אוֹתוֹ שֶׁהִנֵּה לוֹ לְהַפּוֹד סְדוֹם? וּלְפִי דַרְפָּנוּ, נִיחָא כְּדֵי לְהַרְאוֹת לְאַבְרָהָם שֶׁהִנֵּה מְלִאָךְ רַחֲמִים בְּשִׁבִיל זְכוּתוֹ, וְעוֹד לְהַרְאוֹת לוֹ שֶׁהִנֵּה צָרִיךְ לִיטוֹל מִמֶּנּוּ רְשׁוֹת קוֹדֵם שְׁעֵשֶׂה אוֹתוֹ מַעֲשֵׂה שֶׁל דִּין. וּלְפִי שֶׁהָיוּ מְלִאָכֵי חֶסֶד, הוֹעִילוּ שְׁנִיצוֹל צוֹעֵר.

Rather, strict judgment cannot rule in the world, because Abraham did what was just and right, which filled all the world with kindness. Therefore, Gabriel, the angel that came to overthrow Sodom, went first to Abraham’s house, as it is written (Gen. 18:2), “He saw three men standing near him.” The question is why three angels were needed instead of two? One, Raphael, was sent to heal Abraham after his circumcision, and one, Michael, was sent to foretell to Sarah that she would have a child. But what need was there to send the one who was to overthrow Sodom?⁷ I.e., he could have been sent directly to Sodom; why send him first to visit Abraham? According to our way of understanding, it is accepted that it was in order to show Abraham that [Gabriel] was an angel of mercy because of [Abraham’s] merit, and furthermore to show him that [Gabriel] needed to take permission from him first before [Gabriel] would undertake this action of judgment. Because they were angels of mercy, they saved Zoar from the destruction of Sodom and Gomorrah, to provide a refuge for Lot and his daughters; Gen. 19:20-23.⁸

E. Abraham and Ephron’s negotiations in light of land acquisition legalities.

וְעוֹד יֵשׁ לְדַקְדָּק בְּפִרְשָׁה זוֹ מַהוּ בְּכֶסֶף מְלֵא. וּנְבִאָר בְּדָרָךְ אַחַר עֲנִין מְכִירָה זוֹ וְהַטְעָנוֹת שֶׁהָיוּ בֵּינֵיהֶם, שֶׁבְּשִׁבִיל זֶה הוֹצִיָּרוּ לְהַעֲרִיד כָּל כֹּהֵן בְּדַבְרֵיהֶם. וְנִקְדִּים מַה שֶׁפָּסַק הַרַמְבַּ"ם (בְּפָרָק א' מֵהַלְכוֹת מְכִירָה) שֶׁהַקְּרָע נִקְנָה בְּכֶסֶף וּבִשְׁטָר וְכו', וּבִמְקוֹם שְׁנוּהֲגִין לְכַתוֹב שְׁטָר מְכָר, לֹא קִנְיָה אֶפִּילוֹ אַחַר נְתִינַת הַמְּעוֹת עַד שֶׁיִּכְתוֹב שְׁטָר.

Furthermore, one should scrutinize in this parsha what “the full price” (Gen. 23:9) means. We will explain in a different way the matter of this sale and the demands between [the parties], because of which they needed to speak so many words. We will advance what the Rambam ruled (in the first section of the Laws of Sales, the fourth halacha), that land is purchased either by money or by a *shtar* (a document) etc., and in a place where it is customary to write a *shtar mecher* (a bill of sale, discussed below), [the land] is not purchased even after the giving of money, until the *shtar* (document) is written.⁹

⁷ Rabbi Nachmani’s language parallels that of the Siftei Chachamim for Gen. 18:2. The Siftei Chachamim, a supercommentary on Rashi’s commentary on Torah, was authored by Shabtai ben Joseph Bass (1641-1718), a Polish printer, publisher, and bibliographer.

⁸ Bava Metzia 86b identifies the three angels who visited Abraham and Sarah as Gabriel, Raphael, and Michael, and their respective roles. The Gemara also states that it was Gabriel and Michael who went to Sodom, with Gabriel acting alone there in destroying the city.

⁹ Mishneh Torah, Sefer Kinyan, Sales, 4th halacha: “How is title acquired by money? If one sold another a house or sold him a field, and the second gave him the money, then the second has acquired title. Where are these things

והכסף מלא שם חילק בין שטר קנין לשטר ראיה. דבמקום שפותבין שטר, קנין לא קנה עד אחר כתיבת השטר. ובמקום שפותבין שטר ראיה, קנה מיד בכסף.

“The full price” recited there in Gen. 23:9 is divided between a *shtar kinyan*, a deed, serving as the vehicle for the transfer of property, and a *shtar rayah*, documentary proof that the property has been transferred by some other means, such as by a payment of money. **Because in a place where they write a *shtar kinyan* (a deed), they complete the purchase only after the writing of the document. But in a place where they write a *shtar rayah* (a proof), the purchase is effected immediately with money and the *shtar rayah* is only a proof that a sale had been made by such a payment of money.**

As a background, Kiddushin 26a reads: “Rav says: They taught that land can be acquired by means of money alone, i.e., without a document, only in a place where the custom is that they do not write documents. But in a place where the custom is that they write documents, one does not acquire land until a document is given to him.” The Bach, in Choshen Mishpat 190:8, explains: “Where their custom is to write a *shtar kinyan*, such that they write in it ‘my field I have sold to you,’ this document is preferred to money, in that the *shtar kinyan* is a deed that itself effects the acquisition and also serves as a proof. But in contrast, where their custom is to write a *shtar rayah* which is only an acknowledgement of a previous sale, the acquisition is accomplished by money [i.e., and not by a deed, and so the *shtar rayah* is only a proof].”

אבל הרמב"ם לא חילק בין שטר לשטר. וכן דעת הר"ן, מפני שפנין שנוהגין לכתוב השטר, לא סמכא דעתיה דלוקח עד שיכתוב שטר וכו'.

But the Rambam wrote “*shtar mecher*,” and he **didn’t distinguish** whether he meant a *shtar kinyan* (a deed) or a *shtar rayah* (a proof). The Bach notes that the RaN¹⁰ was of the same **thinking** as the Rambam, i.e., not to make a distinction, **because** in his opinion **the intent** of the Gemara **was where it is customary “to write a *shtar l’hoda’ah* (a document of acknowledgement that the seller writes in the first person, past tense), the buyer doesn’t rely on [the seller’s intent to sell] until a document is written**, i.e., the parties can back out of the deal until the document is written. Once a document is written then there’s a purchase at the first hour with payment of money. The *shtar rayah* (proof) without payment of money likewise never effects purchase of the field: this is always only a *shtar hoda’ah* (document of acknowledgment).” Bach, Choshen Mishpat 190:8. I.e., even though the *shtar rayah* is only a proof and is not a bill of sale or a deed, the RaN holds that where such a document is required, even it has to be written before the exchange of money. It is written in the past tense, but is given to the buyer only as he hands over the money.

said? In a place where they don’t write a document. But in a place where their way is to write a *shtar mecher*, there’s no acquisition of title until he will write the document.”

¹⁰ Rabbi Nissim ben Reuven (1320-1376) (“the RaN”) was a Spanish medieval Talmudic scholar.

וְהָיָה שְׁטָרֵי דִידוֹן אִף עַל פִּי שְׁפָתוֹב בְּהֵם, וּמְכָרְתֵי וְנִמְתֵּי, לְשׁוֹן עֶבֶר, שְׁטָר קִנְיָן הוּא, וְלִחְזֵק הַדָּבָר כּוֹתְבִין כָּךְ, כְּמוֹ נִמְתֵּי
בְּסֵפֶר, הַשְּׂדֵה נִמְתֵּי לָךְ עכ"ל.

“But a *shtar mecher* (bill of sale) like these [documents] of ours, even though it is written in the documents ‘and I have sold and I have taken’ in the past tense (just as with a *shtar rayah*), is a *shtar kinyan* (a deed), and to strengthen the matter, i.e., to clarify that it is a deed and to distinguish it from the *shtar rayah*, they write thus ‘and I took money’ and ‘the field I have given to you.’ Thus writes the RaN, and this is also the opinion of the Ba’al ha-Ittur¹¹ and the Rashba¹² of blessed memory, and the Beit Yosef¹³ expounds more, and see above at 190:1 and what is written there.” (Bach, Choshen Mishpat, 190:8).

Therefore, all agree that where a *shtar mecher* or *shtar kinyan* is required, it must be written before a transfer of land can be recognized. Where a *shtar rayah* is required, even though all agree that it does not itself create a transfer of land, there is a dispute whether it can be written following a transfer of funds (as though it is a proof of a transaction), or whether it must be written before the transfer of funds (as though it is a sales agreement setting out the terms).

וְאִבְרָהָם הָיָה רוֹצֵה לְקַנּוֹת בְּלֵי שׁוּם עֲרֵעוֹר וּפְקֻפּוּק, וְלֹא הָיָה רוֹצֵה לְסַמּוֹךְ עַל הַמְּעוֹת אֲבָל הָיָה מְבַקֵּשׁ אִף שְׁטָר קִנְיָן. וְלִכְן
מִתְחַלֵּה שְׂאֵל בְּכֶסֶף מְלֵא, כְּלוֹמֵר שֶׁהָיָה רוֹצֵה אִף הַשְּׁטָר שֶׁל הַקִּנְיָן, וּמִכָּל שֶׁכֵּן שֶׁלֹּא הָיָה יוֹדֵעַ מִנְהַג אוֹתוֹ הַמְּקוֹם. וְעִפְרוֹן
הַשִּׁיב לוֹ, לֹא-אֲדֹנִי שְׁמַעֲנִי הַשְּׂדֵה נִמְתֵּי לָךְ, כְּלוֹמֵר אִין צָרִיךְ שְׁטָר, מִפְּנֵי שֶׁהַשְּׁטָר שְׂאֵנּוּ כּוֹתְבִין הוּא שְׁטָר רֵאָנָה. וְהֵרֵאָנָה
שְׂאֵנּוּ כּוֹתְבִין בּוֹ נִמְתֵּי וּמְכָרְתֵי, מִפְּנֵי שְׂאֵינּוּ שְׁטָר מְכָר, אֲלֵא רֵאָנָה בְּעֵלְמָא. וְדַיִיק לוֹמֵר, לֹא-אֲדֹנִי, כְּלוֹמֵר לֹא כְּמוֹ שְׂאֵתָה
סוֹבֵר שְׂצָרִיךְ דִּוְקָא הַשְּׁטָר, וְלִפִּי זֶה אֵת מְתָד קְבוּר שְׁעָתָה. אִין צוֹרֵךְ לְזֶה, וְלְזֶה יֵשׁ שְׂהוּת.

Abraham wanted to purchase without any claim or doubt, i.e., wanting to fulfill all opinions, and didn’t want to rely upon payment of money but also requested a *shtar mecher* (bill of sale). Therefore, he initially asked [Ephron] what the full price was, as if to say that he wanted the *shtar mecher* (bill of sale), and in any regard, he didn’t know the custom of this place. Ephron answered him, “No, my lord, hear me: I give you the field” (Gen. 23:11), as if to say that, “There is no need for a document because the document that we write is only a *shtar rayah* (proof). The *shtar rayah* (proof) that we write has within it the text ‘I give to you’ and ‘I sell to you,’ because there is no *shtar mecher* (bill of sale) required here, but merely a *shtar rayah* (proof).” It is precise to say, “no, my lord,” as if to say that, “It is not in accordance with your opinion that a document is required, and because of this, bury your dead now. There is no need for this bill of sale, and for this proof there is time.”

¹¹ Rabbi Isaac ben Abba Mari (c. 1122-c. 1193) (“Ba'al ha-Ittur”), Provençal rabbi from Marseilles.

¹² Rabbi Shlomo ben Avraham ibn Aderet (1235–1310) (“Rashba”), Spanish rabbi, *posek* (decisor), and Talmudist.

¹³ Rabbi Joseph Karo (1488–1575) penned the Beit Yosef, a commentary on Jacob ben Asher’s Arba’a Turim.

וכאשר שמע אברהם שאמר לו שפותרבין בשטר, השדה נמתי לה, אמר אם פן זהו כמו שטר מכר, כמו שטרי דידו, ואינו כמו שטר הודאה. בעלמא ולא קנה עד שיכתוב השטר, ונתתנו לעפרון שיכתוב לו את השטר, ואמר לו אף על פי שאינו שטר מכר גמור, עם כל זה הוא נידון בשטר מכר. ואם-אתה לו שמעני (אני הייתי רוצה שיכתוב) נמתי כסף השדה וכו' קח ממני (לקני ולראיה), ואחרי פן ואקברה את-מתי שמה.

When Abraham heard that [Ephron] said to him that they write in the document, “the field I give to you,” he said, “If so, this is like a *shtar mecher* (a bill of sale), like our documents, and never like a *shtar hoda’ah* (a mere acknowledgment).” He wouldn’t purchase the property until [Ephron] would write a document, and so he appealed to Ephron to write the document for him, and said to him, “Even though you have no *shtar mecher gamur* (a formal bill of sale), nevertheless the language is such that it is judged like a *shtar mecher*. In Gen. 23:13, Abraham answered him, “If you would only hear me out!” by which he meant, “I want Ephron to write a document.” The verse continues, “I’m giving you the price of the field; accept it from me,” meaning as a price for a document that would serve as both a *shtar kinyan* (deed) and also as a *shtar rayah* (proof). Afterward the verse concludes, “that I may bury my dead there.”

ועוד יש לומר בדרך אחר. שכתב השלחן ערוך בחושן משפט (סימן קצ"ד) שבמקום שיש משפט ידוע למלך, שלא יזכה בקרקע אלא או הנותן מעות או בשטר, וכיוצא מדברים אלו, עושים כפי משפט המלך ע"כ. ולפי זה כששמע עפרון שאברהם שאל בכסף מלא בלומר שטר, אמר הכתוב, ועפרון ישב בתוך בני-הת. ופירש רש"י, ישב כתיב, אותו היום מינוהו שוטר עליהם. וקשה מה ענין רמז זה בכאן, אלא לרמוז שעפרון פה היתה פוננתו להשיב לאברהם, הואיל שאני מלך, אני יכול לעשות חק ודין שכל בני העיר יקנו בכסף לחוד.

Furthermore, one can explain the back-and-forth discussion in a different manner. As is written in the Shulchan Aruch, in Choshen Mishpat (194:2), that in a place where there is a law known to the king that someone won’t merit land unless he pays money or uses a document or the like, people act in accordance with the law of the king.¹⁴ When Ephron heard that Abraham asked for the full price, as if to say Abraham wanted a document that would serve as both a *shtar kinyan* and a *shtar rayah*, Scripture says “Ephron was sitting among the sons of Heth” (Gen. 23:10). Rashi explains, “it is written that he was sitting . . . that very day they had appointed him an officer over them; because of the importance of Abraham who needed to negotiate with him, he was elevated to prominence.” There’s a difficulty how this hint is relevant at this point in Scripture, except to hint that Ephron intended to reply to Abraham, since I am now a king, I am able to make a law and rule that all of the sons of the city will purchase with money alone.

¹⁴ Shulchan Aruch, Choshen Mishpat 194:2: “In a place where there's no law known to the king, but if the king rules and his law is that someone won't merit in land unless he writes a document or pays money and the like, according to these things people will do in accord with the law of the king.”

וְזָהוּ וַיַּעַן עֶפְרוֹן וְכוּ' בְּאָזְנוֹ בְּגִיחַת לְכָל בָּאֵי שַׁעַר־עִירוֹ לֵאמֹר, דְּמִשְׁמַע לֵאמֹר לְאַחֵרִים. וְאַחֵר כֶּף, לֹא־אֲדֹנִי שְׁמַעְנִי, לֹא כִּמוֹ שְׁאַמְרַת לְקִנּוּת בְּשֵׁטֶר, אֲלֵא הַשְׂדֵּה נִתְתִּי לָךְ, אֲפִילוֹ בְּכֶסֶף לְבִדּוֹ. וְאַבְרָהָם הֵשִׁיב לוֹ אֵף עַל פִּי כֵן אִם־אַתָּה לוֹ שְׁמַעְנִי וְכוּ'. וְכֹאשֶׁר שָׁמַע עֶפְרוֹן פְּוֹנֹת אַבְרָהָם שֶׁהִיָּה רוֹצֵה בְּשֵׁטֶר, אָמַר לוֹ, אֲדֹנִי שְׁמַעְנִי אַרְצָא אַרְבַּע מֵאֹת שְׁקָל־כֶּסֶף וְכוּ'.

This is why the verse continues, “So Ephron the Hittite answered [Abraham] in the hearing of the sons of Heth, to all who entered the gate of his city, saying,” the meaning of “saying” being **to say to others**, i.e., Ephron as newly-appointed officer was establishing a rule that in Hebron, money alone would finalize a sale. **Afterwards** in the next verse, Gen. 23:11, he said, **“No, my lord, hear me,”** in other words, **not as you said to purchase with a document, rather, “I give you the field,” even with money alone. Abraham answered him** in Gen. 23:13, **“If you would only hear me out!** I’m giving you the price of the land; accept it from me.” **When Ephron heard that Abraham wanted a document, he said to him** in Gen. 23:15, **“My lord, do hear me! A piece of land worth four hundred shekels of silver.”**

וְלֹא הַזְכִּיר עוֹד בְּגִיחַת. וְרוֹצֵה לְרַמּוֹז לוֹ נָמִי מֵה שְׁכֶתוֹב בַּשְּׁלֶחַן עֲרוּךְ (סִימָן ק"ו) דְּהַמּוֹכֵר שְׂדֵה מִפְּנֵי רַעֲתָהּ, קָנָה מִיָּד, וַיִּשְׁמַע אַבְרָהָם לְעֶפְרוֹן שְׁאוֹתָהּ הַשְׂדֵּה אֵינָה חֲשׂוּבָה כְּלוּם, אֵף עַל פִּי שֶׁהוּא הִיָּה יוֹדֵעַ מֵה טִיבָהּ.

The sons of Heth are not mentioned further, i.e., at this point there was no further need to involve additional parties. **[Ephron] wanted to hint to [Abraham] what is written in the Shulchan Aruch (Choshen Mishpat, 190:11), that if one sells a field because it is bad, the purchase is immediate and the parties can't retract, and Abraham let Ephron know that the field was not at all important in his eyes, even though he knew its goodness.**¹⁵

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¹⁵ Perhaps the meaning is that the condition of the field was not important to Abraham, as his primary focus was on the cave. However, it's more likely that the meaning is that Ephron was falsely claiming a problem with the field's condition, and Abraham simply went along with Ephron's fiction.