

AVRAHAM AND EPHRON: A CURIOUS NEGOTIATION

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I

THE PROBLEM

Parashat Hayyey Sarah tells two stories; undoubtedly, the more popular (and lengthy) narrative is that of Avraham's slave and his mission to Aram to find a wife for Yitzhak. In *V'shinantam* 1/5, I suggested an approach to understanding the nature of Avraham's directive. We will, with G-d's help, return to this fascinating and engaging story in future years.

The first story, which occupies less than 20 verses (most of Chapter 23), is Avraham's protracted negotiations with the Hittites for the Cave of Makhpelah in Kiryat Arba (=חברון). A superficial perusal of the text gives the impression that it was the death of Sarah that motivated Avraham to purchase this plot. A more studied engagement with the text indicates that this was the appropriate time and circumstance for Avraham to finally "take hold" of a piece of Eretz Yisra'el, beginning the process of acquisition which was the completion of his mission. (See *V'shinantam* 2/4 for a more complete presentation of this observation.)

As such, the negotiations for Makhpelah were not just geared to procuring a burial plot for Sarah; they represent Avraham's first "serious" attempt to acquire land in *the place that I will show you*.

It behooves us, therefore, to review the Torah's narration of these negotiations and to try to decipher the enigmatic requests and responses presented. For purposes of analysis, the chapter is divided into sections (they do not represent verse numbers)

(And Sarah was a hundred and twenty seven years old; these were the years of the life of Sarah. And Sarah died in Kiryat-Arba; which is Hevron in the land of K'na'an; and

a) *Avraham came to mourn for Sarah, and to weep for her.)*

And Avraham stood up from before his dead, and spoke to the Hittites, saying:

"I am a stranger and a sojourner with you; give me possession of a burying place with you, that I may bury my dead out of my sight."

[Avraham's request for a burial plot]

b) *And the Hittites answered Avraham, saying to him:*

"Hear us, my lord; you are a mighty prince among us; in the choice of our tombs bury your dead; none of us shall withhold from you his tomb, that you may bury your dead."

[the Hittites assent to Avraham's request]

c) *And Avraham stood up, and bowed to the people of the land, to the Hittites. And he talked with them, saying:*

"If your mind is that I should bury my dead out of my sight; hear me, and entreat for me to Ephron the son of Zohar. That he may give me the cave of Makhpelah, which he has, which is in the end of his field; for as much money as it is worth he shall give it me as a possession of a burying place amongst you."

[Avraham requests a specific burial plot]

d) *And Ephron lived among the Hittites; and Ephron the Hittite answered Avraham in the hearing of the Hittites, of all who went in at the gate of his city, saying:*

"No, my lord, hear me; the field I give to you, and the cave that is in it, I give it to you; in the presence of the sons of my people I give it to you; bury your dead."

[Ephron agrees to Avraham's request]

e) *And Avraham bowed down before the people of the land. And he spoke to Ephron in the hearing of the people of the land, saying:*

"But if you will give it, I beg you, hear me; I will give you money for the field; take it from me, and I will bury my dead there."

[Avraham insists on paying for the land]

f) *And Ephron answered Avraham, saying to him:*

"My lord, listen to me; the land is worth four hundred shekels of silver. What is that between you and me? Bury therefore your dead."

[Ephron seems to insist on granting the land without payment]

g) *And Avraham listened to Ephron; and Avraham weighed to Ephron the silver, which he had named in the hearing of the Hittites, four hundred shekels of silver, current money among the merchants. And the field of Ephron, which was in Makhpelah, which was before Mamre, the field, and the cave which was in it, and all the trees that were in the field, that were in all the borders around, were made over To Avraham for a possession in the presence of the Hittites, before all who went in at the gate of his city. And after this, Avraham buried Sarah his wife in the cave of the field of Makhpelah before Mamre; the same is Hevron in the land of K'na'an. And the field, and the cave that is in it, were made over to Avraham for a possession of a burying place by the Hittites.*

[Avraham pays for it nonetheless and receives more than the cave; he acquires surrounding land, including trees, the field etc.]

I would like to raise several questions about this narrative:

- 1) Why does Avraham introduce himself to the Hittites - thus beginning the negotiations - as a *גר ותישב* (*a stranger and a sojourner*)?
- 2) What is the gist of the Hittite's salutation of Avraham: *נשיא אלקים אתה בתוכינו* - (*you are a mighty prince among us*)?
- 3) Once Avraham has singled out one particular field (that of Ephron), Ephron's response begins with the word *לא* (*no*); what is Ephron rejecting?
- 4) Ephron seems insistent on granting Avraham a burial plot; why does Avraham keep negotiating with him?
- 5) Following the previous question: Why does Avraham insist on paying for the land (even though the amount is exorbitant)?

II

THE BEAUTY OF YEPHET SHALL DWELL IN THE TENTS OF SHEM

In order to properly address the questions listed above, we will need to devote a significant portion of our discussion to a methodological question with far-reaching implications for the study of Torah and our understanding of classical texts.

Ever since the culture of the West, basking in the very real, if exaggerated glow of the Enlightenment, developed secular theories about the history, literature, mores and evolution of religion, there has been an atmosphere of kulturkampf raging between the worlds of academia and religion. Although this state of affairs has occupied much of the attention of the Protestant world (and, to a far lesser degree, the Catholic Church), nowhere has the battleground of this conflict been fiercer - or claimed more casualties - than in our own world of Torah. The alarming rate of disaffection, attrition and assimilation throughout the world of Ashkenazik Jewry over the past 200 years is unprecedented - and the relatively rapid replacement of Torah culture, values and ethos with those of "the West" has played no small part in this cultural and religious tragedy.

This is not to claim that the spirit of inquiry, rigorous methodological analysis and embrace of intellectual pursuits as having inherent value are inimical to the Torah viewpoint - the very opposite is true. It is, however, both an understatement and grossly misleading to limit a description of the modern academic mien to these noble accomplishments. For the past two hundred years, with increasing cynicism and dismissiveness, the world of religious faith and commitment have been relegated to the shelves occupied by other curious ancient relics of a bygone world.

Sadly, the casualties have not been limited to those who preferred Cambridge to Volozhin; the world of Torah scholarship has also been affected by the demographic and sociological changes wrought by the last two centuries of secular culture. A subtle yet sig-

nificant development has been the understandably (yet regrettably) negative attitude towards secular disciplines which permeates many Torah-observant circles and communities.

This is, of course, not how the world of Torah study always viewed the pursuit of secular knowledge. The Rishonim, by and large, were not only doctors - they were also poets, philologists, philosophers and mathematicians. Across the spectrum (although this is not as ubiquitous in the world of Ashkenaz as in the Iberian and Provencal worlds of medieval Torah scholarship), the great scholars of the High Middle Ages (Maimonides, Nachmanides, haLevi, ibn Ezra, S'forno, Avrabanel, Me'iri, etc.) utilized these disciplines to enhance their understanding of Torah and to help develop and actualize their own Torah-*weltanschauung*. This attitude towards "worldly" knowledge, already evidenced throughout both Talmuds and the Midrashim (e.g. BT Pesachim 94), was a fulfillment of a Rabbinic interpretation of the blessing of Yephet:

G-d shall enlarge Yephet, and he shall live in the tents of Shem; (B'resheet 9:27).

The Rabbis explain the relationship between Yephet (Greece) and Shem (Yisra'el) as follows: "[this means] that the words of Yephet shall be in the tents of Shem." (BT Megillah 9b). Although in its original context, this comment was brought to explain the special consideration accorded the Greek language holds in Halakhah (as regards the writing of Kitvei haKodesh), many Rishonim understood it (and other statements of Hazal - e.g. BT Shabbat 75a) as a charge to harness the great intellectual accomplishments of Man - be they Jewish, Greek or Arabic in origin. The goal of this mastery was always understood not as an end in and of itself, rather as a vehicle for enhancing one's grasp and appreciation of G-d's world (see, inter alia, MT Yesodei haTorah Chs. 1-4) and as a valuable tool towards enhancing one's mastery of Torah and Yir'at Shamayim.

The tenor of Torah scholarship since the Enlightenment has been, for the most part, very different than that embraced by these Rishonim. As the "academic" world has bared its anti-religious fangs, the world of religion has, understandably, backed away. The prevailing attitude (for the past several hundred years) within most circles of Torah scholarship is one of reticence regarding the embrace of secular disciplines, especially in the world of the social sciences and humanities. As mentioned, this is an understandable reaction to the terrible losses inflicted upon the Torah world by the popularity of secular culture and academics.

[Parenthetically, it is prudent to note that our greatest Torah leaders have all made great use of the fruits of modern research to increase their ability to issue proper Halakhic rulings. This is not the issue at stake here; no one challenges the value of utilizing research for practical knowledge. We are addressing the utilization of "secular" knowledge to enhance our Torah knowledge beyond the practical realm.]

Nonetheless, there is much to recommend an ideal of utilizing the positive contributions of the past several hundred years of academic growth in "the West" to enhance and cultivate a greater appreciation for - and mastery of - our holy Torah. Although many students of Torah understand the benefit of harnessing the technological advances made available to us through arduous research (note how many yeshivot have state-of-the-art web pages), this is not *the beauty of Yephet dwelling in the tents of Shem*; this is simply Shem riding on Yephet's horses (or sitting in the back of Yephet's limousine). For the richness of Greece (i.e. the "academic world") to adorn the Torah, we need to wisely and carefully identify those disciplines, sources and schools which can, indeed, bring more glory and understanding into the Beit Midrash. Too much of secular "wisdom" is driven by anti-religious sentiment and bias; it is hard to find a university today that does not teach purely heretical notions as anything but the new gospel.

III SCIENCE AND TORAH: DIFFERENT LANGUAGES?

Beginning in the last century, a significant number of great Torah scholars addressed the "new findings" of the scientific world against the backdrop of the Toraic narrative. Clearly, the most troubling challenge to the Torah's account of history was the publication of Darwin's *Origin of the Species* and the theory of evolution introduced with that work. Although some great scholars (then and now) rejected the theories of evolution, the age of the world etc. out of hand, many have taken a more accommodating approach.

For example, R. Shmuel David Luzzato (Italy, d. 1865), in his introduction to his commentary on Humash, states:

The enlightened should understand that the intent of the Torah is not to teach about natural wisdom and science, rather the Torah was given to straighten men to the path of righteousness and justice (צדקה ומשפט), and to fix in their minds the belief in [G-d's] unity and providence, for the Torah was not given to the wise alone, but to the whole nation. Just as the ideas of [Divine] providence and recompense were not explained in philosophical terms (nor should they have been), rather the Torah spoke in the language of men, likewise the creation is not recounted by the Torah in a philosophical way, like our sages have said: "It is impossible to recount the power of the creation to human beings." (Midrash Hagadol, B'resheet 1,1).

Rav Avraham Yitzhak haKohen Kook zt"l, first Ashkenazi chief rabbi of Eretz Yisra'el, wrote the following:

...Regarding the claims coming out of the new research, which, for the most part, contradict the literal words of the Torah: My opinion regarding this is that...even though none of these new ideas is indisputably true, nevertheless, we are in no way obligated to reject and challenge them; for it is not a basic principle of the Torah to relate simple facts and events which occurred. The main thing is the content; i.e. the inner explanation of things...these things were already stated by the Rishonim, especially in the Moreh N'vukhim (I:71, II:15-16) and we are, today, prepared to expand this idea further.

(Ig'rot R'ayah #134, dated 5 Iyyar 5668)

There are many other Rabbinic giants who have expressed similar sentiments - and serious students of Torah have, by and large, adopted this approach to resolving apparent conflicts between the literal sense of Torah narrative and contemporary revelations emanating from the world of the ivory tower. Some of our earlier discussions (e.g. the shiurim on B'resheet and No'ach sent out last year) have utilized this perspective as well.

As much as those contemporary writers who long to synthesize the two worlds (generally by using the Ramban's commentary on B'resheet as a springboard) wish it were different, we will likely never reach the point where the university world adopts Sefer B'resheet as an accurate telling of the most ancient history.

Nevertheless, there are some areas where contemporary research, done by earnest (yet secular) scholars in realms closely related to Torah narratives, have ultimately substantiated the Torah's account of history. In other words, even though we would be satisfied adopting Rav Kook's approach - that we need not reject findings of the academic world which seem to contradict Torah teachings, since the main emphasis in studying Torah is the "message" - if we can enhance our understanding of P'shat through these methods, we certainly will.

IV CAN THESE BONES LIVE?

One of the fascinating areas of research which has opened up many new doors of Torah understanding and insight is that of archeology. This field, relatively new and, in its finest hours, painstaking and rigorous of method, has found the Near East to be the most bountiful of areas for its own research. The many digs in Israel, Jordan, Egypt, Syria and throughout the Middle East have uncovered virtual treasure troves of evidence linking our present to our past. The most notable example, one which deserves far more than the passing mention it will get here, is the momentous find of the Dead Sea Scrolls in 1947 in the series of caves known as Qumran. Our understanding of the religious schisms affecting the Judean community in the last two centuries before the common era has been enhanced hundredsfold as a result of the Scrolls - and countless puzzling passages throughout Rabbinic literature have become clarified as well.

Archeology has been able to take us even further back - and there are even instances where words in T'nakh which were indecipherable to the Rishonim have, as a result of archeological evidence, become clarified. For example, the word פִּי in Sh'mu'el I 13:21 was rendered by the classical commentators as any one of various types of farm implements. This translation does not fit the verse smoothly - but, since the word is a *hapax legomenon* (occurs only once in the T'nakh), there was no contextual reference against which to clarify it.

Recent digs in central Israel have brought the פִּי to light - it is an ancient coin (weighing roughly 8 grams of silver); this finding has allowed us to go back to our verse and understand that the T'nakh is teaching us how much the B'nei Yisra'el had to pay the

P'lish'tim to sharpen their tools, rather than another item in a list of implements. (See the verse in context, the traditional commentaries and Da'at Mikra ad loc. I am indebted to Professor Shnayer Leiman for this reference.)

V

“I AM A STRANGER AND SOJOURNER”

Recent discoveries of Hittite law and other Near Eastern texts have uncovered a basic piece of information which sheds light on our entire Parashah:

In many near eastern societies, foreigners (anyone outside of the tribal family) were not allowed to purchase land. (See, e.g., Lehmann's article in BASOR 129, Skinner in ICC Genesis p. 336 and Pritchard in ANET p. 219 n. 47)

[The interested reader is directed to B'reshet 34:21 - the impact of that arrangement becomes clearer in light of the evidence offered here.]

In last week's essay, I suggested that the reason Avraham delayed acquiring land in Eretz K'na'an for over 60 years from the time of his arrival until the purchase of Makhpelah was due to his not yet having reached *the land that I will show you*. There is, however, a more prosaic reason which becomes clear when we view the evidence of local law in K'na'an at the time of the Avot. As a גר, Avraham did not have the right to buy land in K'na'an - nor did the local peoples have the right to sell it to him without special dispensation.

Before going further, we can already revisit our first question and answer: Avraham introduces himself as a *stranger and sojourner* because he is explaining why he has no land as of yet - no place to bury Sarah. It also explains why he gathers the Hittites (or their leaders -S'forno at 23:7) to begin the negotiations. After all, why didn't he go directly to Ephron, if it was his field he desired? He congregated the B'nei Het together in order to create the possibility for a communal decision allowing this foreigner to purchase land.

We can now understand their response: *You are a lord and prince among us...*; in other words, with all due honor and respect, Avraham, you are not one of us. We cannot allow you to purchase land, as that will naturalize you here. You are certainly a noble man - but a נשיא אלקים is hardly a member of the people! We will certainly grant you any place you wish - no one would withhold that from you - but we cannot sell it to you. This answers question #2 above.

Let's recall the rest of the negotiations - and clarify the “between-the-lines” of each side:

And Avraham stood up, and bowed to the people of the land, to the Hittites. And he talked with them, saying:

“If your mind is that I should bury my dead out of my sight; hear me, and entreat for me to Ephron the son of Zohar. That he may give me the cave of Makhpelah, which he has, which is in the end of his field; for as much money as it is worth he shall give it me as a possession of a burying place amongst you.”

[Avraham is asking the members of the clan to approach Ephron - so that he should be able to sell the land to Avraham in their presence]

And Ephron lived among the Hittites; and Ephron the Hittite answered Avraham in the hearing of the Hittites, of all who went in at the gate of his city, saying:

“No, my lord, hear me; the field I give to you, and the cave that is in it, I give it to you; in the presence of the sons of my people I give it to you; bury your dead.”

[Ephron insists on granting the burial plot. As Professor Yehuda Elitzur ז"ל points out, he says נתתי נתתי נתתי - *what more do you want, I have given it to you!* That is the meaning of the introductory לא - *I will not sell it, but I will grant it*. Avraham, for his part, will not bury his dead without first gaining ownership rights via a proper sale. We have now answered questions 3-5]

And Avraham bowed down before the people of the land. And he spoke to Ephron in the hearing of the people of the land, saying:

“But if you will give it, I beg you, hear me; I will give you money for the field; take it from me, and I will bury my dead there.”

[As mentioned above, Avraham is insistent on purchasing land - he wants an אחרוזה (holding which he can bequeath to his progeny) as opposed to a מתנה (gift)]

And Ephron answered Avraham, saying to him:

"My lord, listen to me; the land is worth four hundred shekels of silver. What is that between you and me? Bury therefore your dead."

[Something has shifted in the dialogue here. Explanation below]

VI

EAST MEETS WEST

In 1927, E. Chiera published the findings of a *Joint Expedition with the Iraq Museum at Nuzi*. Nuzi is an ancient town in Mesopotamia - a district familiar to Avraham if not to Ephron.

Among the Nuzian legal documents published, we find several examples of a curious form of adoption, known as "sale-adoption". The gist of this relationship was that an outsider (non-family member) could pay to be adopted by a family member, thus circumventing the ban on selling land to outsiders. In other words, the outsider (in our case - Avraham) would pay a sum to the clan member (Ephron) to allow him in to the family - thus allowing him to become a landowner among the clan members.

This legal loophole was likely not known - or utilized - by the Hittites. Avraham, however, being a Mesopotamian by birth, would have been familiar with it; indeed, it may be that his years of "sojourning" were also an attempt to find the most suitable peoples among whom to settle - and with whom to begin his acquisition of the land via this method.

In any case, it is entirely possible that this is what Avraham proposed to Ephron - and that is reflected by Ephron's response: *what is land of four hundred shekel between you and me?* - meaning, instead of the נשיא אלקים distance implied in the original salutation, our relationship is now one of ביני ובינך - *between you and me*, as kin. (This would also explain the exorbitant price paid by Avraham)

VII

EPILOGUE

The proposal suggested above is not intended, in any sense, to supplant the insightful and impactful messages gleaned by Hazal and the Rishonim from this significant text. As Rav Kook so eloquently stated - and as is borne out by centuries of commentary by חכמי המסורה - the essential of Torah is the message; how much our own lives are more firmly guided by the Divine teachings of Torah is immeasurably more significant than our ability to utilize various academic tools to verify historicity or other "פשוט modes". What we have seen is that, in contradistinction to common assumptions, the world of modern research has much to offer us in our own understanding of Torah. Was a Nuzian-type "sale-adoption" the mechanism used by Avraham to "get his foot in the door" of land-purchase in Eretz K'na'an? We can't know for sure - but it is certainly an intriguing possibility.

"If someone tells you that there is Torah among the nations, do not believe him; but if he tells you that there is wisdom among the nations, believe him." (Eikhah Rabbah 2:13)

The glory of Yephet - the achievements of the academic world commonly associated with the western world - indeed have their place in the Beit Midrash.