

גר ותושב וכו' -

טעם טענתו "גר ותושב" על פי מה שכתב רמב"ם בפ"ג מהלכות זכיה ומתנה (הלכה יא) וז"ל: "יכול ליתן מתנת חנם לגר ותושב מפני שאתה מצווה להחיותו, דכתיב 'גר ותושב וחי עמך'." ויש לך לדעת כי כל תורתנו הקדושה היא שכליות, ובפרט בענייני ההנהגה הארצית, וכמו שאנו מתנהגים בגר היושב עמנו, כן יתחייב שכליות יושבי הארץ להנהיג ביניהם להחיות אדם שהוא גר ותושב עמם ולתת לו מתנת חנם. והיא טענת אברהם "גר ותושב אנכי . . . תנו לי", ודקדק לומר "גר" ולא הספיק לומר "תושב", המכוון לומר שהגם שאני גר ואיני מכם, אעפ"כ הריני תושב. עוד טעם אמרו "גר" כי חש לומר על עצמו "תושב" בעה"ז והוא היפך מידת הצדיקים, לזה הקדים לומר "גר".

“An alien and a resident” –

The reason for his stating “an alien and a resident” is along the lines of what Rambam writes in Laws of Acquiring-on-behalf-of and Giving 3:11:

“One may give a free gift to a resident alien because you are commanded to sustain him (*lehachayoto*), as Scripture writes “alien and resident, and he will-be-sustained (*vochai*) among you”.

You must know that all of our holy Torah is in accordance with practical reason, especially in the area of politics, and (therefore) just as we behave toward the alien who resides among us, so also does practical reason require citizens to behave amongst themselves toward a person who is an alien and resident among them and to give him free gifts. This is (the purpose of) Avraham’s statement “I am an alien and a resident . . . give me” – he was precise in saying “alien” and not just “resident”, his intent being “even though I am an alien and not one of you, nonetheless I am a resident”.

Another reason that he says “alien” is that he was unwilling to say about himself that he was a “resident” in this world, as this is the reverse of the trait of the righteous, and therefore preceded it with “alien”.

Or HaChayyim here makes the fascinating claim that political halakhot are always grounded in practical reason and therefore apply equally to intraJewish, intraGentile and Gentile-Jewish relationships. Not that he believes in world citizenship – on the contrary, he believes that the categories “insider” and “outsider” maintain their significance no matter which, if any, is Jewish. It follows that we can understand Avraham’s dialogue with the Hittites here, where the Jew is the outsider, on the basis of Rambam’s formulation of Jewish obligations toward outsiders when they are insiders.

The subsequent question, of course, is whether we can derive the Halakhot of Jewish obligations toward Gentiles on the basis of what seems to us a reasonable account of their obligations toward us, or at the least reject particular accounts of those Halakhot on the ground that we would find them rationally unjustifiable if others acted in the same way toward us. This principle would be in many ways more powerful than that of Meiri, who argues that we are bound to reciprocate for Gentiles’ actual positive behavior toward us, not that we must behave toward them as we think they ought toward us.

This would support a similar argument I make with regard to the principle of *mishum eivah* (because acting otherwise would arouse anti-Semitic hatred), i.e

that we should understand this not as a purely pragmatic principle that would not, for instance, have ramifications for our behavior toward powerless Gentiles, but rather (at least in addition) as a moral principle, i.e. that we must not behave in a way that would reasonably arouse hatred, whether or not we think it actually will.

On the purely interpretational level, Or HaChayyim raises the question of whether we should understand Avraham here as being compelled to beg for what should be his by right, as genuinely asking for a favor, or as playing his prescribed part in a formal ritual whose end everyone knows in advance. These do not exhaust the possibilities – in particular, and this is where I tend, the conversation may be ritualized but have multiple possible endings, like the scene involving Ploni Almoni in Megillat Rut. The best evidence of ritualization is perhaps Avraham's asking the collective Hittites to speak on his behalf to Efron, who is apparently among them. One can evade this by suggesting that Avraham did not know Efron by face, or that Efron was obscured in the midst of a throng, but these seem to me the kind of answers that obscure rather than embody the 'pshat'. Or HaChayyim's principle may make it easier to understand why the Torah chooses to record the transaction at such length, although he retains the options of seeing the narrative as merely teaching us what practical reason requires, or instead as showing how the Hittites failed to honor Avraham's request as practical reason should have required them to. Perhaps then the central question in this narrative is whether Efron overcharged Avraham, and I've never found a satisfactory way of resolving that.

Shabbat Shalom!

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