

CENTER FOR MODERN TORAH LEADERSHIP



WHY AVRAHAM OVERPAID, AND IN CASH

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Avraham paid for the field and cave in Chevron with “400 shekels of silver overir lashocher” = “negotiable currency”. Why does the Torah bother to convey the mode of payment? Lest you suggest that there were tax implications - the transaction took place literally in full view of the local authorities, so clearly Avraham was not trying any fancy accounting.

Beres*** Rabbah (Lekh Lekha) suggests one approach. The midrash asserts that four men – Avraham, Yehoshua, King David, and Mordekhai, each “yatza lahem monitin baolam”, meaning that they minted distinctive coins that were widely accepted as negotiable currency. So perhaps the Torah means that Avraham used his own coins.

Why would that matter? Having one’s coinage accepted is a common halakhic definition of sovereignty, for example with regard to the rule dina demalkhuta dina. The common denominator among the three aside from David seems to be that each was halakhically considered a sovereign despite not being a crowned king. Mentioning Avraham’s currency thus validates the claim of Avraham’s Hittite interlocutors that he is treated as a nasi in their midst (unless nasi elo?im has a purely religious meaning).

The midrash, and a beraita on Bava Kamma 67b, go so far as to report the design of Avraham’s coins:

There were four who had their coinage go out in the world:

Avraham –

“... I will enlarge your reputation/שמך”

= his monitin went out. What was it?

An elderly man and an elderly woman on one side, and a lad and a lass on the other side.

Rishonim discuss whether/why such images are forbidden, or scandalous even if permitted; perhaps they were busts rather than full-body portraits, or concave rather than raised, or perhaps the beraita meant only that these coins had the words zaken/zkeinah/bachur/betulah on them. They also debate whether the lad and lass represent Yitzchak and Rivkah, or rather Avraham and Sarah after their miraculous rejuvenation (which assumes that Avraham was also rejuvenated). But the consensus is that the elderly couple represents Avraham and Sarah. If we take this as fact,

Avraham’s use of these coins to purchase Sarah’s grave seems especially meaningful.

But it is not generally a good idea to take this sort of midrash as fact. Moreover, archaeology poses a challenge to this interpretation. The oldest formal “coin” so far found is from more than a millennium after Avraham.

Aware of this issue, Rav Dovid Tzvi Hoffman (1843-1921) wrote in his Commentary that “it appears that there were not minted coins then, but there were silver ingots, which perhaps had their weight engraved on them”. Rabbi Hoffman’s explanation anticipates by at least a century this article from the May 2021 issue of the Journal of Archaeological Science, which reports that “hoards” of Bronze Age metal all across Europe were often broken into units or multiples of standard weights, suggesting that they were used as a medium of exchange.

There is still no record of minted coins. But aside from the general weakness of archaeological arguments from absence, the underlying interpretation we’ve offered requires only that Avraham’s endorsement of a currency was accepted without cavil – the midrashic add-on that his coins were minted, with an elaborate and distinctive decoration, is unnecessary.

In this reading, the Torah includes the detail of overir lasocher in order to show that G-d had at least partially fulfilled His initial promise to Avraham at the outset of Lekh Lekha.

Malbim offers a radically different explanation:

So that he would not be able to make any claim of ona’ah

The advantage of cash is apparently that it makes the transaction final and irreversible and impervious to subsequent claims about fairness. But who insisted on cash? The Torah does not tell us that Efron made any such demand. It seems that Avraham was afraid that Efron would renege. Why?

Malbim provides a wonderfully baroque reading of the story, in which Avraham must negotiate with different constituencies within the Hittites, and ensure that each understands his words differently. I suggest something that seems to me somewhat simpler.

The Hittites never had any intention of selling Avraham an achuzat kever = hereditary crypt, at any price. They were happy to give him any non-hereditary spot, and they

genuinely respected him as an individual, so long as he was a wandering or visiting Jew. But they also knew – perhaps word of the Covenant Between the Pieces had gotten around – that Avraham saw his descendants as the heirs to land that currently belonged to them. They had no interest in legitimizing his claim.

Nothing about our interpretation depends on whether the Hittite attitude was justified. Chazal note that Hittites are not Semites, and that all the various Canaanite groups seem to have arrived as recent conquerors. But all that matters to us is that they thought they were justified in resisting Avraham.

But the diplomatic niceties had to be observed. Avraham personally was admired and perhaps also feared. So their first strategies were:

1. Offer him everything he wants, just make sure there are no long-term implications.

2. Negotiate with him collectively, not individually, to avoid “Prisoner’s Dilemma” situations.

Avraham successfully moves to negotiate with Efron individually, albeit still in public. There’s no good reason to deny him this, but it’s a good strategy, because while ordinary Hittites know the overall strategy, they probably haven’t been given specific coaching. Efron understandably makes a fatal error in the subsequent negotiations. He names a price that everyone present knows is absolutely, totally, incredibly ridiculous – but still, it is a price. He does not understand that for Avraham the land is literally priceless. So Avraham, without a word, takes out cash and pays asking price. What could Efron say? What could anyone say?

You’ve probably noticed that this narrative bears a family resemblance to pre-1948 and ongoing narratives about Jewish land purchases in Israel. So we need to discuss that before going on with our regularly scheduled Torah programming.

I’m open to at least five sorts of responses:

1. This isn’t a compelling or even plausible reading of the text. For instance, the first reading you offered seems much more compelling to me.

2. This is an at least plausible reading of the text, but the analogy to modern events is weak.

3. This is a plausible reading of the text, and I don’t see why the analogy to modern events should bother me, as I find Avraham’s behavior throughout impeccable.

4. This would be a plausible reading of the text if it didn’t cast troubling implications for modern events. But since it does, and since it is certainly not the only or even the most plausible reading, I don’t think it should be treated as more than a clever hava amina.

5. This is a plausible reading of the text, but the analogy to modern events works both ways, and should give us a broader perspective on the episode. For example: what

happens to Efron and his family the day after, and what does that tell us about Hittite culture? Why is G-d so sure that their “sin will be complete” within four generations?

Commentators over the centuries have disputed whether Efron’s price actually reflects the real estate market at the time, or not. Our reading requires positing that it was substantially above-market. If it was worth more to Avraham than to anyone else, was it immoral of Efron to demand more from him?

I focused on the negotiation-narrative this week not because I was looking for narrow contemporary relevance, but rather because I’m learning the sixth chapter of Bava Metziah with a wonderful chaburah at YI Sharon. (You can find recordings of the weekly shiur at:

[https://www.podpage.com/taking-responsibility-for-torah/category/employeremployee-law/.](https://www.podpage.com/taking-responsibility-for-torah/category/employeremployee-law/))

The position initially presented in the opening sugya of that chapter assumes that any labor contract freely agreed to is both halakhically binding and haskafically just; a position presented afterward contends that such a contract may be halakhically binding and yet leave grounds for moral complaint, perhaps specifically if the economically weaker party ends up with less than the stronger party would have been willing to pay. That made me wonder whether my general discomfort with bargaining (in person, but not so much online) had a moral dimension; and that in turn made me wonder whether we should be rooting for Avraham to win the negotiations with the Hittites, or rather for the two sides to find an equilibrium position that reflects a “just” outcome.

More generally, does/should halakhah favor fixed, transparent pricing over the shuk? For example, some of my friends argue that unless job advertisements include a fixed salary, women will be offered and accept less than men for the same work. (Libertarian economists presumably counter that this should lead to only women being hired; this is not the right context for that conversation.) If we favor the shuk, is that because fixed prices are too likely to create market distortions, or because we think that many people find bargaining a pleasurable experience?

My hope is that this essay succeeds in modeling a process of thinking about life through Torah rather than imposing our thoughts about life on Torah.

Shabbat shalom!

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