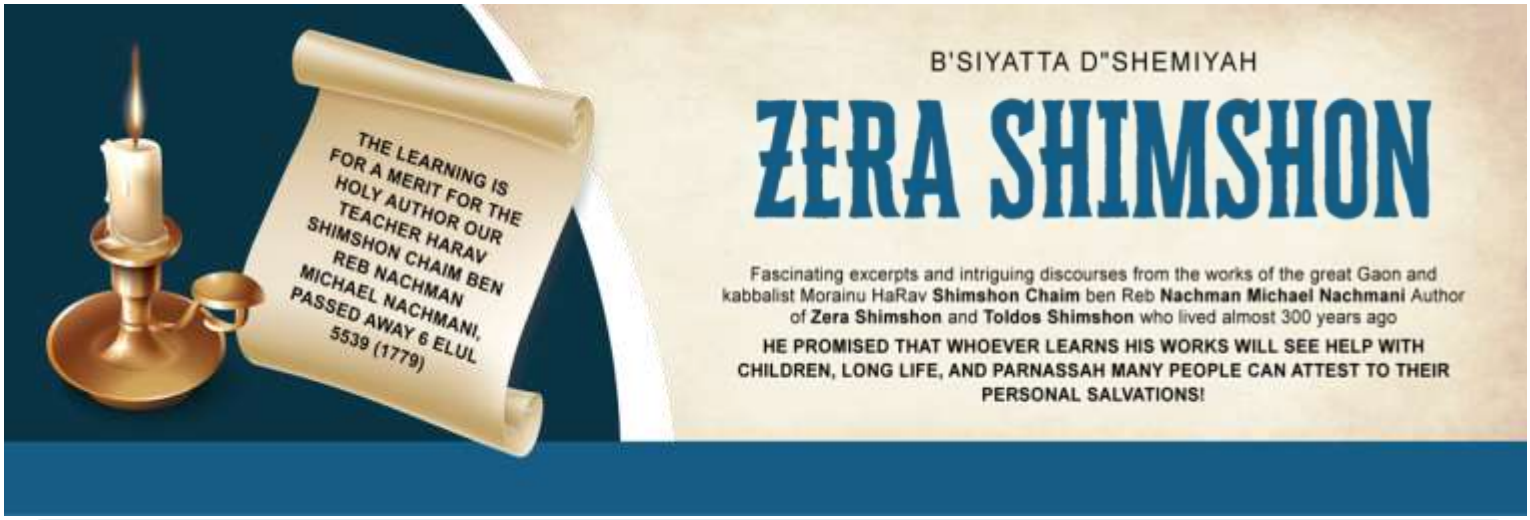

גיליון זה לזכות : הרה"ק רבי חיים זאנוויל בן רבי משה זצ"ל מריבניצא.
ולהצלחת: יוסף בן שרה ושושנה תמר בת זהבה הי"ו.
וכן להצלחת: אריה לייב בן אידל שיחי'!
נעבא העניא בת רבקה חנה וכן שמחה בן נעבא העניא אסתר בילא בת ברכה וכל משפחתה אמן!

פרשת וַיְחִי שָׂרָה

גֵּר וְתוֹשָׁב אָנֹכִי עִמָּכֶם תְּנוּ לִי אֲחֻזַּת קֶבֶר עִמָּכֶם וְאֶקְבְּרָה מֵתִי מִלְּפָנָי: (בראשית כג/ד)

I am a foreigner and a resident among you; give me a burial plot so I will bury my deceased one.

On the possuk (Braishis 23,4) "Gare v'tohshav anochi eemahchem"- I am a foreigner and a resident among you..." Rashi comments, "A Medrash Agaddah explains, 'If you wish, I will act like a foreigner, if not, I will act as a resident and take it by right, since HaKadosh Baruch Hu said to me, "l'zaracha ehtain ess ha'aretz ha'zose"-To your offsprings I will give this land."

It seems from this Medrash that Avraham tried to convince Bnei Chais to sell him Mearas HaMachpaila. Avraham told them they have nothing to lose since if they don't agree to sell it to him, he will take it anyways, without paying since the land is really his.

Zera Shimshon asks, if Avraham was really entitled to the land why did he even offer to pay for it? Why would someone pay for property that is rightfully his? To understand Zera Shimshon's answer we need to first know two disputes mentioned in the Shulchan Aruch.

The Shulchan Aruch states (Choshen Mishpat 163/2) that a person who buys a house in a city automatically becomes a citizen of the city with all its obligations. For instance, if the city decides to build a security wall, a shul or to buy a Sefer Torah he must also contribute.

There is a machlokes about which specific situation this Halacha applies. Some say, it applies only if one bought the house in order to permanently live there. However, if he planned to live there for only a short period of time he is not considered to be part of the city. Others argue and maintain that even if the person intends to live in the city for only a short period of time he is considered to be a part of the city.

The second machlokes is in Choshen Mishpat 156/7 regarding a person who wants to live in a city and wants to be a full-fledged member of the city but the present citizens of the city object. Some maintain that he cannot be turned away as long as he is willing to pay the taxes like everyone else. And some maintain that even if he is willing to bear the monetary obligations of being a resident, he can be turned away.

In light of the above, Zera Shimshon explains that Avraham never entertained the thought of taking Mearas HaMachpaila without paying for it. The reason Avraham mentioned that he can be a foreigner or a citizen had nothing to with paying or not paying. He mentioned this for a completely different reason; the halachos mentioned above.

Avraham Avinu didn't want to only buy the Mearas HaMachpaila-the cave of Machpaila but he wanted to also buy the field surrounding it. The reason for this was that even though he only needed a small burial

plot for Sarah, he also wanted place for him and his descendants to be buried next to Sarah. Avraham was concerned, however, that Bnei Chais would think he wanted to live there and become a citizen of Chevron. This was something that Avraham was afraid that the Bnei Chais would not agree to.

Therefore, Avraham Avinu told Bnei Chais that if the custom in Chevron was like the first opinion in Shulchan Aruch, that only a person who plans to live in a city forever, becomes a citizen, he would buy the field and explicitly stipulate that he would be there only as a foreigner and would not become a citizen.

However, if Bnei Chais claim that the custom in Chevron was like the second opinion, that even one who buys a house to live there for a short period of time becomes a citizen, Avraham will not relent but will counter-argue that, like we mentioned above, everyone has the right to move into a city as long as he agrees to pay the taxes and abide by its laws.

If Avraham would make this argument, Bnei Chais still could prevent him from buying the field and claim that their custom is of the opinion regarding the Halacha, that the citizens of a city can prevent someone from living in their city even if they are willing to pay the taxes of the city.

The Medrash therefore says that Avraham told Bnei Chais, "l'zaracha ehtain ess ha'aretz ha'zose"-To your offspring's I will give this land." Meaning, the reason the citizens have the right to prevent new people from moving into their city is for one of two reasons. Either, because they are afraid the king will raise taxes disproportionally to the increase of the number of residents, or because they are afraid that the new residents will eventually become the majority and change the way the city is run. Both of these reasons were not applicable in Avraham's situation. Concerning the first claim, at the time of Avraham, kings didn't yet collect taxes according to the residents. With regards to the second argument Avraham argued, "l'zaracha ehtain ess ha'aretz ha'zose"-To your offspring's I will give this land", Hashem gave me and my descendants the land and therefore I can take the land regardless if I live there or not. Therefore, there is no reason for you not to sell me the whole field together with the Mearas HaMachpaila.

In short, the Medrash is telling us that Avraham wanted to convince the Bnei Chais that they have nothing to lose if they sell him the Mearas HaMachpaila and the field around it, even if Avraham and his family will live there for the following two reasons. If they are afraid that he wants to use the field next to Mearas HaMachpaila as a house and through this will become a citizen, he will stipulate not to become a citizen. And even if the buying of the house causes him to automatically become a citizen they will not lose anything because Hashem gave the land to my children and even without them living there they can expel you from your place.

וְעֶפְרוֹן יֹשֵׁב בְּתוֹךְ בְּנֵי־חֵת וַיַּעַן עֶפְרוֹן הַחִתִּי אֶת־אַבְרָהָם בְּאׇזְנֵי בְנֵי־חֵת לְכֹל בָּאֵי שַׁעַר־עִירוֹ לֵאמֹר. לֹא־אֲדֹנִי שְׁמָעֵנִי הַשָּׂדֶה נָתַתִּי לָךְ וְהַמְּעָרָה אֲשֶׁר־בּוֹ לְךָ נְתַתִּיהָ לְעֵינֵי בְנֵי־עַמִּי נְתַתִּיהָ לָּךְ קְבֹר מֵתֶךָ... וַיַּעַן עֶפְרוֹן אֶת־אַבְרָהָם לֵאמֹר לוֹ. אֲדֹנִי שְׁמָעֵנִי אֶרֶץ אַרְבַּע מֵאֹת שֶׁקֶל־כֶּסֶף בֵּינִי וּבֵינְךָ מַה־הִוא וְאֶת־מֵתְךָ קְבֹר. (בראשית כ"ג/י–יא, י"ד–ט"ו).

Efron was present among the people of Chais; so Efron HaCheeti answered Avraham in the ears of the people of Chais, all who entered the gate of his town, 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."…And Efron replied to Avraham, saying to him, "My lord, do hear me! A piece of land worth four hundred shekels of silver—what is that between you and me? Go and bury your dead."

Zera Shimshon asks a few questions concerning the incident of Avraham's purchase of Mearas HaMachpaila from Efron HaCheeti.

Firstly, how did Efron have the chutzpah to change the deal so greatly? In the beginning Efron said he was willing to give Avraham the land for free and in the end Efron asked the outrageous price of four hundred shekel kessef!

Zera Shimshon's first explanation is based on the Halacha of Bar Metzra, the rights of an adjacent neighbor. This halacha states that if the owner of a property wants to sell his property, adjacent neighbors can stop the sale to the outsider if they want to buy the property. Also, included in this Halacha is that if the outsider already bought the property they can annul the sale. However, this is only the case when the owner sells the property; however, if the owner gave the property as a present to someone, the neighbors have no right to prevent the sale.

According to this, explains Zera Shimshon, initially Efron offered to give Avraham Mearas HaMachpaila as a present for free, this offer was made in front of Bnei Chais who were his neighbors. Efron didn't really mean it, he only said it to fool his neighbors into believing that this a present and the halacha of Bar Metzrah doesn't apply. Later on, when Efron and Avraham were alone, he told Avraham what he really wanted, lots and lots of money for his field.

Zera Shimshon rejects this explanation because, according to this, how can it be, like it is written in the possuk, that Avraham gave the four hundred shekel kessef in front of Bnei Chais. If Efron was worried that his neighbors would claim the halacha of Bar Metzrah he should have kept the sale a secret even after he sold the field, since the neighbors could annul the sale even after it was done!

Before Zera Shimshon gives his own explanation he asks two more questions. Firstly, there seems to be a contradiction in pessukim from whom Avraham actually bought the Mearas HaMachpaila from. In the end of the parsha it says, "The field that Avraham had bought FROM BNEI CHAIS..." This implies that Avraham didn't buy the field from Efron but rather he bought it from Bnei Chais!

On the other hand, at the end of Parshas Vayechi, when Yaakov asked his children to bury him, it says (Braishis 49/30), "in the cave that is in the field of Machpelah, which is before Mamre in the land of Canaan, which is the field Avraham bought FROM EFRON HACHEETI for burial property." How can we reconcile these two pessukim?

A second question is that at the time Avraham acquired the field it never says that he actually bought it! It only says (Braishis 23/16), "And Avraham listened to Efron, and Avraham weighed out to Efron the silver that he had named ... four hundred shekels of silver, accepted by the merchant."

Zera Shimshon answers all three questions in light of a Gemara in Kiddushin (59a) that relates the following incident. Rav Giddal was negotiating for a certain field and R' Abba went and bought it. Thereupon R' Giddal went and complained about him to R' Zera, who went, in turn, and complained to R. Yitzchak Nappaha. 'Wait until he comes up to us for the Festival,' he said to him. When R' Zera came up R. Yitzchak Nappaha met and asked him, 'What is the halacha if a poor man is examining a piece of bread to buy and another comes and takes it away from him?' 'He is called a wicked man,' was his answer: 'Then why did you, Sir, act so?' he questioned him. 'I did not know that he was negotiating for it,' he answered. 'Then let him have it now,' he suggested. 'I will not sell it to him,' he answered, 'because it is the first field which I have ever bought. And it is not a good omen for me to sell it; but if he wants it as a gift, let him take it.'

Now, R' Giddal would not take possession, because it is written: "But he that hates gifts shall live", nor would R' Abba, because R' Giddal had negotiated for it; and so neither took possession, and it was called 'The Rabbis' field'.

From this incident we learn three halachos.

Firstly, that it is a bad omen to sell one's first field.

Secondly, that it is praiseworthy not to take gifts.

And thirdly, when a person relinquishes rights to a field in order for a second person to take, and the second person does not take it, the land remains in limbo and neither of them own it.

According to this Zera Shimshon explains the incident of Avraham Avinu buying the Mearas HaMachpaila.

In the beginning Efron didn't want to sell the field to Avraham; Efron wanted to give it to Avraham because it was his first field he ever bought and to sell it would be a bad omen.

However, after Efron heard that Avraham did not want to take it as a present he said that the price the field is worth four hundred silver sheckel. Efron didn't tell Avraham this in order to sell him the land for this price, but he reasoned that if Avraham would spend four hundred shekel, it wouldn't be considered that Avraham was getting a present.

This is the reason that at the time of acquisition it doesn't say that Avraham bought it from Efron but only that he "weighed out the money".

Since Efron relinquished his rights on the field and Avraham didn't want to take it, it became hefker and it became the property of all of Bnei Chais.

It is therefore considered as if Avraham got it from them. On the other hand, since it was originally Efron's field and only he had relinquished his rights in order to give it Avraham it is also considered like Avraham bought it from him!

וַתָּמָת שָׂרָה בְּקִרְיַת אַרְבַּע הִוא חֶבְרוֹן בְּאֶרֶץ כְּנָעַן וַיָּבֹא אַבְרָהָם לִסְפֹּד לְשָׂרָה וְלִבְכֹּתָהּ

Sarah died in Kiryas Arba, which is Chevron, in the land of Kanaan, and Avraham came to eulogize Sarah and to weep for her

It is written in this week's parsha "Sarah died in Kiryas Arba, which is Chevron, in the land of Kanaan, and Avraham came to eulogize Sarah and to weep for her."

Zera Shimshon asks, it seems the word, "Sarah" in the phrase; "to eulogize Sarah and to weep for her" is out of place. It would have been better if it was written; to eulogize and to weep for Sarah, and not to write, Sarah right after "to eulogize" and before "to weep" since both eulogizing and weeping were done regarding Sarah.

A second question is, normally, a person cries when he hears a loved one passed away, and after that, at the time of burial, they eulogize. Why then does the possuk mention that Avraham eulogized Sarah before he wept for her?

Zera Shimshon answers the second question; when the Torah mentioned that Avraham cried, it is not referring to the initial tears Avraham shed when he heard the sad news that Sarah passed away. There is no reason for the Torah to speak of these tears because it doesn't show us that Sarah was very special. All husbands weep for their wives even if she is not as praiseworthy as Sarah.

Rather, the Torah is speaking about the tears Avraham shed AFTER the seven days of eulogizing Sarah. When most people would be beginning to get back to normal living, Avraham still cried when he remembered Sarah's exceptional great deeds and yiras shamayim that she had when running his house.

The Torah therefore wrote Sarah between the phrases, "to eulogize", and "to weep for her" to separate the time of the eulogy from the time of the tears, in order to allude to the fact that the tears were not a result of the eulogy, but they came because Avraham remembered how great Sarah was.

Zera Shimshon gives another answer why Sarah is mentioned directly after the phrase, and Avraham came to eulogize, and not at the end of the possuk based on an answer to another question. In the beginning of the possuk Sarah's name is mentioned, "Sarah died in Kiryas Arba, which is Chevron.." so why is she referred to in the next phrase by her name; to eulogize SARAH and not simply with the pronoun, her, "to eulogize HER.."?

Zera Shimshon answers that there are two reasons why a woman receives praise. The simple reason is that she performs praiseworthy and virtuous acts. However there is also another reason. Even if she is not special, she will receive praise if her husband is praiseworthy.

A proof to this is that the Gemara paskens that when a woman marries a man, she 'ascends with him'. This means that if her future husband is of a higher social status than she is, after they get married he must treat her as equal status to him. The Torah therefore writes Sarah's name explicitly to stress that Avraham came to eulogize SARAH, not only because she was his wife, but because she was exemplary in her own right.

This is also the reason that Sarah was was mentioned directly after the Torah wrote that Avraham eulogized her, and not at the end of the possuk. It is to stress that Sarah deserved the praises that Avraham spoke about her in her own right and not only because she was married to Avraham.

HaRav Shimshon Nachmani, author of Zera Shimshon lived in Italy about 300 years ago in the time of the Or HaChaim HaKodesh

The Chida writes that he was a great Mekubal and wrote many sefarim including sefarim about "practical kabbolo" and asked that all of his sefarim be buried after he passes away except for Zera Shimshon and Niflaos Shimshon on Avos.

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