

DARCHAI NOAM - דרכי נועם

“Its ways are ways of pleasantness”

(Mishlei 3:17)

Parashat Chayai Sarah
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How can the Parasha help us grow this week?

Chayai Sarah – Jewish conveyancing

In this week's Parasha of Chayai Sarah, we read about Avraham's purchase of a burial plot for his wife Sarah. After haggling with the duplicitous Ephron, Avraham buys a plot of land for an exorbitant sum.

The Gemara¹ derives certain laws about marriage from this incident. For example, one of the ways that a man can perform kiddushin (i.e. to betroth a woman) is through money. In fact, that is what the chatan is doing when he gives the ring (which is equivalent to money) to the kallah. The fact that money can effect kiddushin is derived from a gezairah shava.² The word קחה (take) appears in both passages in the Torah. In the passage relating to marriage the pasuk says “When a man *takes* a woman” (Devarim 24:1). And in the passage concerning Avraham's purchase of the field the pasuk says: “I will give money for the field; *take* it from me” (Breishit 23:13).

The Gemara then demonstrates that the taking of Ephron's field is called a kinyan (acquisition). As the pasuk says: “The field which Abraham *acquired*” (Breishit 25:10). The Gemara thus derives that a marriage can also be referred to as a kinyan or an acquisition.

Based on this analysis, some have (erroneously!) claimed that Judaism compares a wife to an asset. Just as a man can *acquire* a field, so too a man can *acquire* a wife. Of course nothing can be further from the truth. Admittedly, the word ‘kinyan’ can be used in a strict sense to refer to an acquisition, but it is not limited to this meaning alone. ‘Kinyan’ actually has a much broader meaning, namely, a change in status. For instance, in our tefillot on Friday night, we refer to Hashem as “koneh shamayim va'aretz”.³ If the word ‘koneh’ (which is another form of the word ‘kinyan’) meant ‘acquired’, then the phrase would translate as “Hashem who acquired the Heavens and the earth”. Obviously this is a nonsensical interpretation. From whom exactly did Hashem acquire the heavens and the earth?!?

We see further proof that ‘kinyan’ has a meaning other than acquisition in an economic sense, from Chava's choice of name for her first son Kain. The pasuk (Breishit 4:1) states that Kain was so named because Chava ‘acquired [kaniti] a son’.⁴ Obviously one cannot acquire a child in the economic sense.

There is a better analogy for marriage. The Rabbinical term for betrothal is ‘kiddushin’ which is related to the word ‘hekdesh’. Hekdesh is the process of taking an item and declaring it holy, dedicating it to be used in the Bet Hamikdash. Once the item is holy, it becomes forbidden for use by ordinary people. Similarly, when a woman is betrothed, she becomes forbidden to all men. The commentators point out many ways in which kiddushin is comparable to hekdesh, some of which have practical halachic implications. We can see that the process of kiddushin elevates the woman and changes her status to the holy status of a betrothed woman.

Additionally, we can compare the marriage process to the obligation to recite a bracha before eating. The Gemara⁵ teaches us that all of the fruits of the world belong to Hashem and are therefore forbidden for use. However, Hashem wants us to enjoy them. By reciting a bracha on a fruit, that fruit then becomes permissible.

¹ Kiddushin 2a-b.

² This one of the principles by which halachot are derived from the Torah. Rabbi Yishmael has a list of 13 such principles which we recite each morning in Shacharit, before Pesukai D'zimrah (see p48 of the standard Artscroll Ashkenaz siddur). Under the principle of gezairah shava, if the same word appears in two passages we can apply laws from one passage to the other. Note – the Rabbis can't just make up a gezaira shava on their own. They need a tradition that a particular gezairah shava is a valid application of this principle.

³ See the Chazan's bracha recited just before “Magen Avot” on p346 of the standard Artscroll Ashkenaz siddur. The word ‘koneh’ shares the same root as the word ‘kinyan’.

⁴ The word ‘kaniti’ is also derived from the word ‘kinyan’.

⁵ Brachot 35a.

Similarly, after kiddushin, the kallah is forbidden to everyone, including the chatan. However, when the chatan recites the bracha of nisuin under the chuppah, the kallah becomes permitted to him alone.

Thus, we see that, rather than a mundane act of acquisition, the act of marriage is an extremely holy endeavour.

However, there is still an important lesson that we can derive from the comparison of marriage to Avraham's acquisition of Ephron's field.⁶ But the comparison goes the other way. Instead of learning about marriage from its comparison to an acquisition of land, we learn about acquiring land by comparing it to a marriage. Hashem promised the Holy Land to Avraham and his descendants. But until this point, Avraham did not have legal ownership of any part of the Land. The acquisition of the field from Ephron was the first time in history that a portion of the Land would be legally acquired on behalf of the Jewish people! This is not like buying and selling a random plot of land in Chutz L'Aretz. This is big. Very big. How big? It's actually comparable to getting married! When a husband and wife get married, there is a huge celebration because they are now better able to reach their potential and begin to actualise the purpose for which they were created. Similarly, when a portion of the Holy Land is acquired for the Jewish people, this is the beginning of our Divine role of being Hashem's representatives in the world, by being a holy people living in the Holy Land. And the same applies whenever a Jewish person has the privilege of acquiring a portion of land in the Holy Land. It is a cause for celebration, comparable in some respects to marriage.

There are a number of templates on which we can base our relationship with the Land of Israel.

- The model of Avraham represents those who were born in Chutz L'Aretz. At some point, sometimes later in life, they merit to make aliya and have the privilege of living the rest of their life in Israel.
- The model of Yitzchak represents those who have the singular merit of being born in Israel and living their entire life in the Holy Land. I personally know a well-respected educator who was offered a top job in Europe. He turned the job down because he had never set foot outside the land of Israel, and he wanted to keep it that way.
- The model of Yaakov represents those who were born in Israel, but due to circumstances outside of their control, they were forced to leave. They were not able to return to the Land physically, but their heart was always there.

But there are others who were born outside of the Land, and it is just not practicable for them to make aliya at this time. Whether for reasons of parnassah, family, education, or any other number of factors. For such people we have a fourth model – that of Moshe Rabbeinu. He was never able to make it to the Land, despite pleading with Hashem 515 times⁷ for the privilege of doing so. He never lost hope, and it was always on the agenda, until Hashem Himself told him that he was not to go. And for those of us in this category, unlike Moshe, we all have the privilege of being able to visit Israel at any time (even though El Al seems to be one of the only airlines flying to Israel at the moment)!

When we are in Israel, we have the unique opportunity to perform many mitzvot that can only be performed in the Land. In addition, we have the satisfaction of knowing that we are in the Land where Hashem wants us to be. Israel is the only country in the world that guarantees a right of return to every Jew. And Israel is the only place in the world where one can truly feel proud and comfortable to live their life as a Jew. And if anyone tries to prevent us from doing so, we can know with absolute certainty that the brave security forces will literally put their lives on the line to protect us. There is no other country in the world where we can be certain of that.

Let's try something this week:

1. For those who have the privilege of living in Israel or at least visiting, try to learn about some of the unique mitzvot that one can perform in the Land of Israel – such as separating terumot and maasrot or the agricultural laws of Shemittah.
2. For those who live outside of Israel, and cannot make aliya at the moment, at least keep it on the agenda. Try to remember that Israel is where all Jewish people ultimately belong. You never know when your dream might become a reality.

Shabbat Shalom, Rabbi Ledder

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⁶ I heard this idea from Rav Shalom Rosner in his Daf Yomi shiur (Kiddushin Daf 2).

⁷ Based on the Midrash to Devarim 3:23.