



DVAR TZEDEK

Parashat Chayei Sarah 5773

By Sarah Mulhern

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Parashat Chayei Sarah opens with the death of the matriarch Sarah at age 127. The Torah describes the death of this important character in only two terse verses,¹ and the news is soon eclipsed by a lengthy discussion occupying the rest of the chapter—17 verses in all—about the negotiations for the purchase of her tomb.²

We are told that Abraham presents himself to the community as a resident-alien and requests permission to buy land from the local citizens. Once they grant it, Abraham asks that the citizens intercede for him with a particular landowner for a specific parcel of land. The landowner then offers to give Abraham the site as a gift, which he refuses, demanding instead to make payment in full. Finally, the landowner mentions the price of the land, while still refusing payment; and Abraham then pays him the full amount, witnessed by the community.³

All of this detail—made even more pronounced by its proximity to the brief mention of Sarah’s death—begs the question: why is it so important to Abraham to purchase this land in precisely this way—at full price and in front of the entire community? And what is so crucial for us to learn from this process that the Torah sees fit to devote so many verses to it?

We can shed light on this *parashah’s* peculiar focus by observing the contemporary experiences of pastoralist communities whose ways of life are similar to Abraham’s, and many of whom are struggling to retain control of land that they have occupied for generations. Take, for example, the Masai people of Kenya, who depend on access to land and freedom of movement to raise their livestock and thus to feed their families. Although the Kenyan Constitution guarantees indigenous communities control over their traditional lands, the Masai generally do not have written documentation or the legal wherewithal to prove their right to their territory. Unsurprisingly, this results in frequent land grabs where large-scale ranchers “purchase” the land—often from corrupt local officials. As the ranches grow, the open land for pastoralists shrinks, and the Masai community faces increasing hunger and poverty.⁴

In light of this reality, we see that Abraham was a man of great foresight. He understood, as do the Masai and other indigenous and marginalized populations around the world, that land ownership is not something to be taken for granted. As a *ger toshav*—a resident alien living among other nations—the legitimacy of his presence on the land would likely someday be in question, and so he took great pains to document his purchase. This explains his extreme

¹ Genesis 23:1-2.

² Genesis 23:3-20.

³ *Ibid.*

⁴ Based on a conversation with Jaron Vogelsang, Grants Officer, American Jewish World Service, 17 October 2012.

caution to ensure that every step was official and accepted by the broader community. It also sheds light on his refusal to accept the land as a gift; once you have purchased something, you have a right to it, and Abraham wanted to ensure that his right to this land would be totally indisputable. The *midrash* on Genesis concludes from Abraham's actions that "There are three sites concerning which the peoples of the world cannot taunt Israel and say, 'they are yours by acts of robbery': The cave of Machpelah (Sarah's grave site), the grave of Joseph, and the site for the Temple."⁵

AJWS makes grants to a number of organizations that are doing crucial work to ensure that, like Abraham, people around the world today retain legal rights to their land. In Kenya, Il'laramatak Community Concern builds the capacity of the Masai to understand and advocate for their property rights. ICC staff teaches members of the community about their rights to their land as guaranteed by the Kenyan Constitution, helps communities to document and file their land claims and hosts dialogues between Masai and ranchers to increase access to grazing land.

For groups like ICC around the world, the fight to prove and claim communities' land rights in developing countries takes place one painstaking negotiation and documentation at a time, as thousands of communities and small landowners come to understand and advocate for their rights. While this work is not usually headline-making news, it can have the dramatic and inspiring effect of thousands of families living more stable, secure lives.

Perhaps this is another reason why our *parashah* includes all of the painstaking details of Abraham's land negotiations. We tend to focus on the big, dramatic moments, like Sarah's death, but our *parashah* teaches that sometimes it is the seemingly boring, step-by-step work that actually makes the difference. May we be inspired by the Torah's focus on Abraham's land negotiations to support the work of human rights defenders all over the world doing the day-in, day-out work of building a just future.



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⁵ Genesis Rabba 79:7.

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