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A REAL ESTATE DEAL OF FOUR THOUSAND YEARS AGO*

FRANCIS S. BETTEN, S.J.

YOU will no doubt like myself be interested in seeing how a real estate deal of some importance was concluded four thousand years ago. Business was business in those far remote times just as it is now. And although the men, the place, the circumstances, the customs, were vastly different from what they are now, business as business had all the essential elements without which it would not be able to exist in our own days. So let us travel in spirit to Palestine, the land of sojourn of Abraham, the great ancestor of the Jewish race, whom we Christians also consider the Patriarch of our own religion.

Abraham had suffered the loss by death of his wife Sara, who had died at the age of 127 years. He looked for a place where he could lay her body to rest in a truly honorary grave. His eye was on a double cave situated in a tract of land which belonged to a man named Ephron.

How private ownership of land in general was handled 4,000 years ago in Palestine would require an extra study. The people who inhabited the land are called in the Bible "Hethites" or "Sons of Heth." Though they cannot have formed a thick population, they evidently had settlements called "Cities." We know that Abraham freely and unobstructedly used the grazing land of the whole country for the support of his immense flocks of sheep, camels, etc. There were quarrels between him and others who possessed large herds and like him occupied grazing lands, but we do not hear of any quarrel caused by questions of land-ownership. For our purpose it is enough to know that the particular spot with the double cave was the undisputed private property of Ephron. Abraham wished to acquire this property, and it is the actual transfer of this piece of real estate which I invite you to witness.

The whole business event is recorded in great detail in the 23rd Chapter of the book of Genesis, and is clad in that ceremoniousness which is proper to the Oriental nations. It is not difficult, however, to translate the grandiose Oriental speeches and actions into the prosaic modern business methods.

Abraham's first step was to come before an assembly of the people, the "Sons of Heth," which probably had gathered at his own request. "I am a stranger among you and a sojourner," he said; "and I crave the right to bury my deceased spouse in a grave among you."

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The people answered: "You are a prince of God among us. Bury your spouse in any one of our own sepulchres. Nobody can prevent you from doing so. You are welcome to all and any." (By sepulchres the people no doubt understood large family burial places, mausoleums, probably underground, such as the one which Abraham intended to acquire.)

With a deep bow Abraham thanked the assembled people for their willingness. But he now approached his objective more closely. "Would you not," he said, "prevail on Ephron, one of your number, to let me have that double cave which is in his property? Let him surrender it to me in your presence. I shall gladly pay for it what it is worth."

Then Ephron, the owner of the property, arose and replied within the hearing of all present. "Oh no," he said, "nothing of that. Listen what I am going to do. In the presence of this assembly of my tribesmen I shall transfer that cave to you without demanding any price. Bury your dead in it."

With another deep bow to the assembly Abraham replied to Ephron, in the presence of all: "Kindly listen to me. I shall give you the money for the land. Accept it, and only then shall I proceed to the burial." And Ephron answered: "My lord, the land which you desire is worth 400 shekels of silver. But between you and myself that does not come into consideration. You just bury the mortal remains of your dear one." And when Abraham had heard these words, he at once weighed out the amount of silver which Ephron named, in the presence of the assembly. And thus, concludes the report, was made over to Abraham the land which had belonged to Ephron in which the double cave opposite the city of Mambre was situated, including the cave and all the trees within the limits—in the sight of the whole people and all those who enter the gates of that city.

This is the report as preserved for us in Holy Scripture. A few remarks will be in place. The first request addressed by Abraham to the assembled people had a very definite purpose. He wished to obtain their consent for the burial among them. He asked expressly for the right to entomb the body of Sara. This consent they gave in the clearest manner possible. Later on nobody could disturb the rest of the deceased under the pretext that Abraham being a stranger, an alien, had had no right to bury anybody among the people of the land. Their liberal offer that all the mausoleums of the land would be open to him was merely a fine, grand oriental phrase, and he as well as the people knew it. Suppose he had accepted it, what disgraceful quarrels could not and would not have risen from it.

It was very tactful and prudent of him, to appeal to the assembly before approaching Ephron himself. In this way the assembly silently

but clearly consented to the contemplated sale, and later on nobody could charge that Abraham had obtained the property surreptitiously and contrarily to the will of the people. In his magnificent reply Ephron offered to surrender the land with the cave without receiving any remuneration at all. This was another grand Oriental gesture, and everybody knew how it was meant.

Abraham then asked for the price of the place, not point-blank in so many words, but by repeating his will to pay what it was worth. Ephron stated the price, but in good Oriental fashion added again that he really did not insist on any payment at all. As soon as the price was mentioned, there was no sort of haggling about it. The price was 400 shekels, and Abraham at once paid the 400 shekels. Abraham was resolved to make the transaction entirely incontestable. Nobody was to say later on, that Abraham had not paid the real price but had screwed it down to less than the actual value of the land.

There occurs the phrase, "in the presence of all who entered the gates of that city." The gates of the cities were the regular places of the assemblies of the people. At the gates the courts of justice rendered their verdicts. They were in a way the seat of government. In the Orient, we are told, this custom still exists. In ancient Turkey the High Gate, or High Porte, was the name for the seat of the supreme administration of the realm.

A point which most strongly strikes us moderns in this record of an important business transaction is that we read nothing of the drawing up of any document and the signing and sealing of it. The purpose of our documents is to make the fact of the transfer of some right or some property safe against any objection. In our case this purpose was secured in another way, namely, by its official publicity. It is indeed interesting how our account insists on that feature. In the beginning Abraham "spoke to the Sons of Heth," and after receiving their consent bowed respectfully to them. After the matter had become a personal affair between Abraham and Ephron the circumstance that it was carried on in all its details before the assembly is four times insisted upon. This public approval appears to be so important that in a sort of recapitulation with which the chapter is concluded this alone is expressly mentioned, omitting the person of Ephron entirely: "And thus Abraham buried his wife Sara in the double cave of the plot which was opposite (the city of) Mambre, which is Hebron, in the land of Chanaan. And the plot with the cavern in it was confirmed to Abraham as a place of burial by the Sons of Heth."

Since then there evidently was no written contract in this business transaction, we may look for the reason of the absence of a feature which we consider essential in all present-day transactions. It was

undoubtedly the fact that writing was not known in the land. As far as Abraham himself was concerned we may consider it certain that he was well acquainted with the art of writing. His family came originally from Babylonia, where cuneiform writing was most generally practiced, as we know from the countless business writings, contracts, laws, books, etc., which have been unearthed in that country. But this noble art was evidently not known among the Sons of Heth, in the land where he was now sojourning, situated about a thousand miles away from Babylonia. Hence a written document would have been of no service in Chanaan.

And now we come to the important question of the price. That Abraham paid in good money cannot be doubted in the least. Abraham wanted the sale to be unassailable, so that later on no difficulty could be raised. So he certainly offered the silver which represented the value claimed for it. There was besides the official publicity, which, by the way, also stood in the place of a written receipt. But what was the value in our money of the price paid? How much was a shekel? To answer this question satisfactorily, if that is possible at all, would go far beyond the limits of this paper. Above all we have to keep in mind that at that period the term shekel denoted a weight, not a coin. The specialists whom we might look up reply very evasively. They tell us that we must keep apart several kinds of shekels, the Babylonian shekel, the Phoenician shekel, the full shekel, the half shekel (which often is also called simply shekel), the silver shekel, the gold shekel. But for the time of which we speak, 2,000 years before Christ, they do not tell us what was the modern value of a Babylonian gold shekel or a Phoenician silver shekel. But one thing is made sure for us by the fact that Abraham weighed the money, namely that as stated before the shekel was no coin. A coin is a piece of metal of a definite fineness and weight, both of which is guaranteed by the integrity of the designs engraved or stamped thereon. Coins are counted out. If they are weighed it is for some accidental reason. From the text we cannot even know whether the shekels were separate pieces of about the same size and perhaps roughly of the same weight, such as was the so-called ring money or bar money which we know to have existed at that time, but each piece of which had to be weighed when used as payment.

True coinage, as is known from secular history, was introduced as late as about 650 B.C., by a king of Lydia in Asia Minor, that is, nearly fifteen hundred years after the time of Abraham. At the time of Christ, however, the shekel seems to have been a regular coin, though it went under different names. Its value is given somewhat variously as 63 or 68 cents. At Our Lord's time, the 400 shekels paid by Abraham

would have been about \$250 or at the most \$300. Its purchasing power naturally was much higher than that amount, and still greater was its practical value two thousand years earlier, when Abraham weighed out his shekels to Ephron.

Was it a proportionately high price for the plot acquired by Abraham? To answer this question we have no direct clue, since we know neither the size nor the character of the property which changed hands. But the situation itself permits a well founded conclusion. In the beginning of the transaction the Hethites called Abraham "a prince of God." Ephron was fully aware how badly he wanted the "land with the double cave." So we are probably not wrong in presuming that in spite of his munificent generosity in words the sum charged by him was rather exorbitant than fair. Abraham was to pay a princely price, and Ephron knew he would pay almost any amount demanded.

The Biblical report of this real estate deal, while no piece of belle lettres, undoubtedly is a masterful representation of a legal transaction, written by a man who though no lawyer in our sense of the word was possessed of a genuinely legal mind and produced an account which was proof against any cavillations of posterity. Was it perhaps anyhow an official record, perhaps of the nature of a notarial act? or was it simply a private memorandum composed for the information of Abraham's descendants? However that be, it may have been transmitted as a family document until it reached the hands of Moses who embodied it in the history of the origins of God's Chosen People.