

The Rashi Database Project

GOALS: * Show that all Rashid comments are spontaneous, instant, effortless reactions of a native speaker to the biblical text.

*This is accomplished by skillful English translations instantly suggesting the Rashid comment to the reader

* Additionally, each Rashid comment is examined using the 10 organs of the Rashid anatomy.

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(MAIN BIBLIOGRAPHY): DT = Doctoral Thesis (www.Rashiyomi.com/Rashibook.htm,

MG=Modern Grammar with Applications to Rashid (www.Rashiyomi.com/Rashibook2.htm))

OTHER COMMENTATORS (ABBREVIATIONS): R=Ramban, T=Baal Turim, K=Kli Yakar, I=Ibn Ezra, H=Hendel

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PESHAT: SPONTANEOUS, REACTION TO SKILLFUL ENGLISH TRANSLATION

WHAT IS NEW: We bring the heavyweights today: The Shulchan Aruch itself weighs in on a very perplexing clash between the straightforward meaning of the text (peshat) and the Talmudic interpretation of the text (derash).

From the Rashiyomi Website

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Lv25-14a, Lv25x14a, Lv25-14b, Lv25-15a, Lv25x15a, Lv25-16a, Lv25-16b, Lv25-17a

In this Jubilee year, everyone returns, each person to this inheritance.

When you sell a sale to _____ your colleague_f, or

When you buy _____ from the hand of_a your colleague_f

Don't abuse_c each other:

*By the number of years since the Jubilee buy from your colleague_f
by the number of years_g of harvest_e he will sell to you*

According to the multitude of years sales should increase_d and

According to the smallness of years sales should decrease_d

since the number of years_{e g} he sells to you

Don't abuse_c each other and fear God

Rashi Rule: Parallelism(a,c,e) Plurality (g), Pronouns(f), Idioms (d)

Rashi Comment: The paragraph is very complex prompting even the Shulchan Aruch, which usually does not opine on interpretation of the biblical text, to offer opinions. We will follow our usual practice explaining the text first and then noting the issues brought up by the biblical commentators.

The text just finished a paragraph stating that land reverts to the original owner in the Jubilee years. Now starts a paragraph stating that between Jubilees there are also laws showing respect to

When you buy from the hand of^a your colleague^f
 Don't abuse^c each other:
 By the number of years since the Jubilee buy from your colleague^f
 by the number of years^g of harvest^e he will sell to you
 According to the multitude of years sales should increase^d and
 According to the smallness of years sales should decrease^d
 since the number of years^{e g} he sells to you
 Don't abuse^c each other and fear God

(a) (Parallelism) From the parallel contrast *to your colleague* versus *from your colleagues* hand the Talmud infers that both real estate (being discussed throughout Lv25) as well as movable objects sold (hence they are sold by *hand*) are being discussed; they both come under the prohibition of *do not abuse* for which we are told, in real estate, is charging more than the future produce years of the land (Rashi does not bring this but it is necessary to understand the Ramban's comment)

(c) (Parallelism) From the repeated prohibition *don't abuse* we parallelistically infer that abuse is not only prohibited monetarily (overcharging) but also even verbally (where there is no monetary loss)

(d) (Meaning) Rashi explains the idioms *increased sales* and *decreased sales* to refer to increases and decreases in prices.

(e) (Parallelism) From the parallelistic comparison *number of years* and *number of years of harvest* we infer that sale is by *produce-years* (giving the buyer time to use the produce within the year) We also learn that when you count remaining produce years you exclude blight years in which there was no produce.

(f) (Pronouns) From the repeated use of *colleague* (instead of a pronoun, *from him*) we infer the emphasis that preferred commerce is with your Jewish colleagues Although this is the straightforward meaning of the text Rashi calls it *derash, nuanced*, since the meaning is obtained by looking at all occurrences of the word (not just one)

(g) (Plurality) From the repeated use of the plural *years* we learn that sales must be for at least 2 remaining years. Here also, although this is the straightforward meaning of the text, Rashi calls it *derash, nuanced*, because the meaning is only obtained after reviewing all examples.

Ramban-Shulchah Aruch-Malbim

We can now explain why various biblical commentators complained about the clash of *peshat* and *derash* here. We already saw that from the parallelism *to your colleague* vs. *from your colleague's hand* (a) the Talmud inferred that the text is *not only* speaking about monetary abuse in selling of land but also about monetary abuse (overcharging) in selling of movable objects.

This is further complicated by the difference of the abuse laws in selling land and movables. If you overcharge excessively in selling movables the transaction is null and void (there is no transfer of ownership). If you overcharge only a minor amount, there is no transgression (as the

buyer may be willing to pay a little extra). There is also a middle ground where the transaction is valid but the excess overcharge has to be returned. However, none of these laws apply to selling land (the transaction is never nullified etc.).

This immediately led to the Ramban's quandary. *The simple straightforward meaning of the text is that it prohibits overcharge in selling of land. But the Talmud says it is talking about selling movables. Thus the Talmud yanks the text from its simple meaning.*

The Ramban quickly resolves the dilemma. *It is biblically prohibited to overcharge whether selling land or movables. It is also biblically prohibited to falsify a product when selling. However, the law of annulling transactions with excessive overcharge applies to movables but no real estate.*

The Malbim cites the Shluchan Aruch who asked his father, the Rosh, who was in great doubt whether this resolution is legally true (Is there indeed a biblical prohibition of overcharge for land). On the one hand the text certainly seems to say that. On the other hand, no where in the Talmud do we find any such prohibition.

Malbim cites all the above and points out that the Ramban's resolution makes allot of sense (provided it is legally valid). Malbim explains the text we have as follows: *A unified prohibition against falsification of sold products or overcharge of sold products. The special laws applying to movables would then be simply add-ons to the biblical law.*
