

ParShaT *Ki TzaYTzaY* One Pager Series

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[Background: We continue to bring controversies between Rashi and either academic scholars or other Jewish commentaries. Today we present an academic scholar who greatly clarified Rashi.]

Rashi #1 Biblical Text: **Dt24-25a,b,c,d** Do not withhold wages from a poor, impoverished worker^a [whether] from your fellow Jews or from your resident aliens that are in your land, in your gate^b. On his day [the day of his work] give him his wages, before the sun sets on him, because he is poor, and to this [earning wages] he risks his life^c, lest he call on you to God, while you are in sin^d.

Rashi Text (Summarized): (a) Do not withhold wages from a poor, impoverished worker. This prohibition was repeated from Lv19-13 so that someone who withholds wages violates two biblical laws [making it more serious]

(b) From your resident aliens that are in your land, in your gate Included in the prohibition of withholding wages are i) fellow Jews, ii) converts, and iii) righteous non-Jews in your land who have accepted Noachide laws.

(c) To this [earning wages] he risks his life: [For example] If his work requires climbing trees and being suspended from them while working.

(d) Lest he call on you to God, while you are in sin You will definitely have a sin if you do this. However, God responds quicker on adversaries to those who pray.

Analysis: Rashi certainly correctly explains the explicit nuances of the text which imply the seriousness of the sin of withholding wages: a) It is prohibited several times, b) It applies to a broad spectrum of people who are not full citizens, c) It addresses the risks that workers take, d) It emphasizes that sin is occurred with retribution by God. However, Rashi does not give the underlying focal point of the seriousness. For this underlying focal point we turn to Academic Scholarship.

Academic Scholarship: We bring the analysis of a modern biblical scholar, Reinhard G. Krantz.

Krantz cites a petition of a labourer which was unearthed at Yavne Yam in Israel. A rough translation of the labourer's appeal is provided by Wikipedia;

Let my lord, the governor, hear the word of his servant! Your servant is a reaper. Your servant was in Hazar Asam, and your servant reaped, and he finished, and he was storing up (the grain) during these days before the Sabbath. When your servant had finished the harvest, and was storing (the grain) during these days, Hoshavyahu came, the son of Shobi, and he seized the garment of your servant, when I had finished my harvest. It (is already now some) days (since) he took the garment of your servant. And all my companions can bear witness for me - they who reaped with me in the heat of the harvest - yes, my companions can bear witness for me. Amen! I am innocent from guilt. And he stole my garment! It is for the governor to give back the garment of his servant. So grant him mercy in that you return the garment of your servant and do not be displeased.

Krantz points out that cases like this were decided on the basis of simple legal principles, the law of parity or the principle of appropriate compensation. ...Normally the practice of law depended upon customary usage. ... In the context of the biblical tradition in which laws were multiplied, law was promoted to the rank of Divine revelation and was correspondingly ordered theologically.

Importantly, Krantz continues providing insights on the laws of the labourer: "In consequence of this [the Divine nature of the law] the legal case of the labourer found on the ostrakon from Yavne Yam gains new meaning. *The question was no longer whether the labourer had had his cloak taken justly or unjustly. The question was that of social status.* God himself will hear the complaint of the poor so that he receives his cloak back before the sun sets [Ex 22:25, Deut 24:12].

Biblical Support for Academic Scholarship: The idea that land owners or lenders had excessive power over simple people such as labourers is supported at 2K04-01: "...*Your servant my husband died and the lender came to take my two children as slaves.*" It is also consistent with American history; originally only white, male, land owners had voting rights. Thus this law reflects the biblical attempt to provide equality to all people.