

## The worker has the upper hand

### Overview

The **רבי** teaches us the view of the **רבנן** in a case where he hired workers for eight **דינרים** (two **סלעים**) per day; the workers quit after a half days work. In order to finish the job the owner must hire workers at the new higher rate of six **דינרים** for half-a-day's work. The workers that quit still receive four **דינרים** for their half day's work for we say **יד פועל על העליונה** and the owner cannot claim that since I need to pay six **דינרים** now to finish the job, I should only pay them two **דינרים** (as **ר' דוסא** maintains). Our **יד פועל על העליונה** qualifies the meaning of **יד פועל על העליונה**.<sup>1</sup>

**כלומר אינה על התחתונה כדקאמר רבי דוסא שפוחת להם מה שצריך לשכור<sup>2</sup> פועלין ביוקר:**  
The meaning of **יד פועל על העליונה** is that it is not the 'lower hand' (the worker is not at a disadvantage) as **ר' דוסא** rules, which is that the owner deducts from their wages the cost of hiring workers at a higher price.

### Summary

**יד פועל על העליונה** here means that the **יד פועל על העליונה** is not (as **ר' דוסא** maintains).

### Thinking it over

1. How can we even assume that he should pay them six **דינרים** (if **יד פועל על העליונה**), for presumably<sup>3</sup> when they began working the wage was still eight **דינרים** per day (or four **דינרים** for half a day); it is only later that the price rose to six **דינרים** for half a day?!<sup>4</sup>

2. What would be the ruling (according to the **רבנן**) if the wage dropped to two **דינרים** per half day; would the workers receive four **דינרים** or six?<sup>5</sup>

<sup>1</sup> Seemingly if **יד פועל על העליונה** is to be taken literally, the workers should receive six **דינרים** (instead of four [as the **רבנן** rule]), since currently the price for half a day's work is six **דינרים**. See 'Thinking it over' # 1.

<sup>2</sup> In this same case **ר' דוסא** rules that he pays the quitting workers only two **דינרים**, since it will now cost him six **דינרים** to finish the job; the owner need not pay more than a total of eight **דינרים** for the entire job; the sum the workers initially agreed to. This is called rightfully **יד פועל על התחתונה** for they do not receive even the four **דינרים** which they are (seemingly) entitled to. However when they receive four **דינרים**, this can only be called **יד פועל על העליונה** relative to the ruling of **ר' דוסא**, but it is not really **יד פועל על העליונה** unless they would have received six **דינרים** (not the four which the **רבנן** rule).

<sup>3</sup> See footnote # 1.

<sup>4</sup> See מהר"ם שי"ף.

<sup>5</sup> See # 60. אוצר מפרשי התלמוד.