After the heights of the revelation at Sinai, Parashat Mishpatim settles down to more mundane topics, including a lengthy discussion of torts. Perhaps motivated by this sudden change of altitude, Nahmanides interprets these details as expansions on the Ten Commandments, such as the prohibitions on coveting and theft: "For if a man does not know the laws of the house and field or other possessions, he might think that they belong to him and thus covet them and take them for himself" (*Ramban: Commentary on the Torah. Exodus*, translated by Charles Chavel, 338–339).

Viewed through lens of H.L.A Hart's legal theory, Nahmanides expresses something profound: all linguistic expressions, including rules, are somewhat indeterminate. There may be clear-cut cases to which they apply, but because language is always general and the world is always particular, rules always have a certain "open texture." For example, the rule "No vehicles in the park" certainly applies to a Honda Accord, but does it apply to a bicycle, or to a World War II–era tank displayed for Veterans Day? A rule is thus rendered determinate only through application to new cases. Such application not only clarifies the linguistic meaning of the rule; it more precisely specifies the intention behind it.

Parashat Mishpatim, then, renders more determinate the revelation at Sinai. The Torah takes the general commandments—for example, the prohibitions on coveting and theft—and spells out what exactly ownership is and thus what it might mean to covet or steal someone else's property. But "open texture" is ineliminable. Even after these prohibitions are rendered more determinate within the Torah, the process continues— from the earliest Rabbinic literature to modern *responsa* that, for example, try to determine what it means to own intellectual property, so as to apply the prohibition on stealing for today.

We often privilege the general over the concrete when thinking about how we should act rightly. In religion we tout the spirit over the letter. In ethics we extol values and eschew norms. And in politics we are drawn to slogans over policies. But perhaps it is only through the letter that the spirit can be discerned, it is only through norms that values gain content, and it is only through policies that slogans attain meaning.

TORAH FROM JTS

JTS

Mishpatim / Shabbat Shekalim 5781 משפטים \ שבת שקלים תשפ"א

God's Currency

Rabbi Gordon Tucker, Vice Chancellor for Religious Life and Engagement, JTS

The arrival of Parashat Shekalim (plural of *shekel*) each year is what might be called the liturgical "rite of spring" in the Jewish tradition, signaling that Pesah is six–seven weeks away, and preparations (spiritual and physical) for the great festival are very soon to begin. This year, it will be observed on Rosh Hodesh Adar, when the weekly reading will be Parashat Mishpatim.

The brief special reading for Shekalim (Exod. 30:11–16) sets forth the obligation that was imposed on the recently freed Israelite slaves to contribute one-half of a *shekel* to the Mishkan (Sanctuary) that was going to be built. But the reason we re-read this passage annually is not so much because of the biblical passage from Exodus (in which there is no suggestion that this was meant to be a repeated levy), but rather is owing to the opening words of the Mishnaic tractate entitled *Shekalim*:

> "On Rosh Hodesh Adar they make a public announcement about the *shekels*." (M. Shekalim 1:1)

That is, in the same way that we often get bills telling us that payment is due in 30 days, so it was in the time of the Second Temple: the fiscal year of the Temple began on Rosh Hodesh Nisan, and so a month earlier, the beginning of Adar, notice would go out that the *half-shekel*—the per capita tax that supported the public sacrifices—was about to come due.

Although in the Torah the *shekel* was a unit of weight, by the time of the Mishnah, there had already been hundreds of years during which coins were struck with images, which were often those of the realms' rulers. And thus begins our story of minted coins.

One of the most famous passages referring to images of rulers on coins occurs in the Gospels Matthew, Mark, and Luke. In those narratives, it is said that some adversaries tried to trap Jesus, by asking him whether it was proper, in Jewish religious law, to pay the tax imposed by the Roman government. If he said "No,"

there would be grounds for informing on him to the Romans, while if he said "Yes," he would lose all authority among his fellow Jews, all of whom hated that tax. But he evaded the trap by pointing out that, since the emperor's image was on the coin used to pay the tax, the coin might as well go to its ultimate owner ("render therefore to Caesar the things that are Caesar's"). But crucially, he then added: "and to God the things that are God's," thus avoiding the trap.

But what was the meaning of that last phrase? I owe the following insight to the late JTS professor Fritz Rothschild. He pointed to an oft-quoted mishnah in the fourth chapter of Tractate Sanhedrin, in which God's supernatural power is proven in this way: "When a person stamps coins with a single seal (Hebrew: *hotam*, and remember this word!), they all appear identical to one another. But the supreme King of kings of kings, the Blessed Holy One, stamped all people with the seal that was given to Adam, and not one of them is similar to another" (M. Sanhedrin 4:5). What this mishnah testifies to is that in late antiquity, there was a Jewish cultural meme that we are, metaphorically, God's coins, stamped with the image of the divine. And thus, Jesus appears to have assumed that his listeners were aware of that metaphor, and would understand that while the emperor could claim possession of his (literal) coin, only God could claim the ultimate allegiance of God's human servants.

So when the Torah enigmatically described the payment of the half-*shekel weight* as "expiation for your persons" (Exod. 30:15–16), it seems that later tradition understood the physical *coin* given to the Temple to be a metonym (a surrogate) for the human giving it, an act that signified devotion to the One whose Temple it was, and whose image was stamped on each person.

Coins, of course, can get tarnished, and the image on it blurred. And this leads us, finally, to a beautiful teaching of the early Hasidic preacher Ze'ev Wolf of Zhitomir, found in his work *Or Hameir*.

He draws our attention to a later mishnah in Tractate Shekalim (5:4), which is no longer dealing with the *shekel* but with other financial transactions in the Temple. Pilgrims bringing sacrifices to the altar would need to purchase flour and wine to accompany the animals being offered. In order to avoid having monetary dealings go through a single person, procuring those sacrificial adjuncts was a two-step process. The money would be given to a man named Yohanan, who would give the purchaser a stamp (the word *hotam* again), which would then be taken to Ahiyah, who would redeem that stamp with the flour and wine needed. At the end of the day, Yohanan and Ahiyah would go through a reconciliation, making sure that the number of stamps and the amount of money matched. But what, the following mishnah asks, would

happen if someone lost his *hotam*? The text says that "we wait until evening comes," and if there was indeed excess money, it would be certain that the person who had lost his stamp was truthful and he would be made whole again.

You can now see where Ze'ev Wolf was going. What if we lose our stamp? That is, what if the divine image imprinted on us "coins" gets so tarnished that it is, effectively, lost? Is there any hope, any way to be restored to wholeness? For this teacher, the seemingly defunct details of Temple transactions involving figures long since deceased were vibrantly alive as a message of penitence and hopeful restoration. If a person loses their stamp, we wait for them, suspending judgment until the end of the day. If we have lost our way, there is always hope of its being found again. What is the "end of the day"? Ze'ev Wolf tells us that if it is not the end of a single day, it might be the end of the week, or the month, or the year. However long it takes, the outstanding *hotam* can be restored. And it must be, for we alone are God's currency in the world.

It is not just individuals whose stamp can be misplaced. So many in our nation have felt that America was progressively losing its *hotam* in the years just past. (Especially since it is said that God's *hotam* is truth.) And that is no doubt why there is now such a broad feeling that perhaps the promised "end of the day" has arrived, and that there is hope for retrieving the lost stamp. But the one who lost the stamp must go looking for it, and show up at the reconciliation. May we all be part of a widespread will among all citizens to return to wholeness, and to become a truthful and compassionate society once again, God's currency in the world.

The publication and distribution of the *JTS Parashah Commentary* are made possible by a generous grant from Rita Dee (*z"l*) and Harold Hassenfeld (*z"l*).

דבר אחר | A Different Perspective

The Spirit and the Letter

Dr. Yonatan Brafman, Assistant Professor of Jewish Thought and Ethics, JTS

> In all fields of experience, not only that of rules, there is a limit, inherent in the nature of language, to the guidance which general language can provide . . . Whichever device, precedent or legislation, is chosen for the communication of standards of behavior, these, however smoothly they work over the great mass of ordinary cases, will, at some point where their application is in question, prove indeterminate; they will have what has been termed an open texture.
>
> —H. L. A. Hart, The Concept of Law, 126-128