PART III

THE ORIGIN OF LAW
CHAPTER FOURTEEN

THE COMMANDMENTS, THE COVENANT, AND THE ELECTION OF ISRAEL

THE TRANSMISSION OF LAWS PRIOR TO THE SINAITIC REVELATION

One of the most prominent characteristics of *Jubilees* is the addition of legal passages, based upon laws known from the pentateuchal legal corpora, into the patriarchal narratives. As opposed to the Pentateuch, in which almost all of the laws first appear in collections of laws following the Sinaitic revelation, in *Jubilees* these statutes are introduced within the framework of stories from the preceding period. This difference in the “timing” of the giving of the laws has a dual significance, both chronological and literary. Regarding the time at which the laws were given, although certain laws in the Torah were presented in the patriarchal period, and were binding upon later generations, the vast majority of the commandments were given at Sinai (Exod 20–23; Lev 25), during the wanderings in the desert (Leviticus, Numbers), or in the plains of Moab (Deuteronomy). These corpora are independent literary units that are presented against the backdrop of a narrative that describes their revelation, yet the laws themselves are not connected to a specific story. They are disconnected from external circumstances, and are presented without any context to explain their legislation. From a legal perspective, there is no meaning to all the events that occurred prior to the Sinaitic revelation.

In contrast, *Jubilees* contains almost no collections of laws, and the laws themselves are almost always quoted in the context of a story. In some of the cases, the stories serve as a precedent for the legislation:

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1 Gen 32:33 mentions the Israelite custom not to eat the sciatic nerve, but it is not formulated as a law. Only in early exegesis was this custom transformed into an actual prohibition, as a result of the formulation “therefore the Israelites do not eat...,” and the presence of the story in the Torah (see Kister 2001: 292–293).

2 This literary observation forms the basis of R. Isaac’s famous question (*Tanhuma* [Buber] Gen 11), who wondered why the Pentateuch did not begin with Exod 12, the laws of Passover, instead of opening with narrative.

3 Exceptions to this can be found in *Jub.* 49 (parallel to the Passover laws of Exod...