Rabbinic Judaism, it almost goes without saying, is a religion of laws. There are laws governing practically everything: laws about how to keep sabbath (which nowadays include not driving an automobile or answering the telephone on God’s holy day); laws about how to celebrate the biblical festivals (for example, what the maximum and minimum dimensions of the sukkah, or harvest booth, are to be, and on what date before the festival it is permitted to begin thatching the sukkah’s roof); rules concerning what one is to do upon getting up in the morning—which blessings to recite upon opening one’s eyes, and which others when getting out of bed, washing one’s hands, tying one’s shoes, and so on and so forth. Other laws dictate how early, and until how late, and in what posture, the Shema is to be recited, along with the conditions governing the recital of a lengthy prayer, the Amidah, that is to be said (standing) three times day. There are laws about relations between parents and children, husbands and wives, shopkeepers and customers, beggars and almsgivers, and on and on and on, until it seems that there is almost no area of life that is not somehow governed by Jewish law. How did all this come about?

For someone whose focus is the Hebrew Bible itself, this is a somewhat perplexing question. After all, the stories of Israel’s earliest ancestors make no mention of such laws: Abraham and Sarah, Isaac and Rebekah, Jacob and his family—all seem to function quite well without any legal framework to guide their actions. Apparently, these people never heard of God issuing any set of laws for them to obey. True, none of them lived during or after the time of the great revelation of laws at Mt. Sinai, when God is said to have adopted the

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1 These matters are first codified in the great, second-century rabbinic compendium the Mishnah, specifically in the tractates Shabbat, Sukkah, and Berakhot, though all underwent modification in later rabbinic treatises.

2 m. Berakhot 1–5.
people of Israel as His particular folk on condition that they keep His covenant stipulations, that is, His laws (Exod 19:5–6). Yet there is not much mention of those stipulations, or of that covenant, in the period following Israel’s establishment in its homeland either. Ehud, Deborah, Gideon, Samson, Jephthah—which of these heroes from the period of the Judges speaks or acts in obedience to divine laws or on the basis of some great covenant with God? The same appears to be true even after the establishment of the monarchy: in general, the stories about David, Solomon, and their descendants do not show the slightest awareness of the Sinai laws—or of any divine laws at all, for that matter. Their God may reward goodness and punish misdeeds, but He generally seems to do so without evoking any specific legal framework.3 Indeed, scholars have noted that God at one point offers David an unconditional covenant of kingship: “Your dynasty and your kingdom will always stand firm before Me: your throne is established forever” (2 Sam 7:16). Such an unconditional promise seems to jangle with the conditional covenant of Sinai. The Sinai covenant said that God would uphold Israel if it kept His laws, whereas this divine promise to David says He will maintain David’s dynasty no matter what the people, or even David’s direct descendants, do. As the biblical scholar Matityahu Tsevat has observed: “If the existence of the confederacy, which is conditional, is the body, then kingship, which is an organ, cannot be unconditional.”4 In other words: these two covenants seem to be in conflict, as if each was unaware of the other’s existence. If one assumes that this account of the Davidic covenant was written near to the time of David’s reign,5

3 Of course, the Deuteronomistic editor’s summations of various kings and their reigns are often explicitly based on their adherence to the Deuteronomic strictures against “high places” and other things associated with forbidden worship; see, e.g., 2 Kgs 12:2; 14:1–4; 15:1–4, and so forth. But in a sense these summary judgments actually make the opposite point, that despite these kings’ alleged disdain for such laws, the kings in question nevertheless “did what was right in the sight of the Lord” and were rewarded.
