

of the men of the Covenant of the Community.⁶⁵ Possibly, therefore, the two passages are alternative versions of a single ordinance, which in their original form, each had two parts, one dealing with an unintentional and the other with an intentional offender (as is the case in the present text of the second passage). For some reason, the copyist mistakenly combined the two parts of the ordinance into a single unit and inserted the words "with upraised hand" into the part that was originally concerned with an unintentional offender.⁶⁶

⁶⁵ *Rule Scroll*, 185.
⁶⁶ A similar phrase appears in CD 10:2-3: "No man shall be believed against his neighbor as a witness who transgresses the ordinance deliberately until he is cleansed by repentance." According to the regular reading, this regulation prohibits the acceptance of a testimony from a witness who himself transgressed the law deliberately as long as he was not "cleansed by repentance." This means that an intentional sinner can also be atoned. But I think that the phrase "who transgresses the ordinance deliberately" does not relate to the witness but to the accused man. That is to say that a person who is not yet a full-fledged member is not allowed to testify against his fellow in matters punishable with expulsion.

"THE תורת AND THE תעודת"
 ENGRAVED ON THE TABLETS

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The Book of Jubilees, written toward the end of the second century BCE,¹ retells the events of the book of Genesis and the beginning of Exodus, dating them according to the number of jubilee years, sabbatical years, and years since Creation. Implicit in the text is a specific interpretation of the Bible, coupled with an explicit halakhic polemic. Over the centuries, the book was preserved in its entirety in Ethiopic (after being first translated into Greek and then into Ethiopic) as part of the canon of the Ethiopian church. Some fifty years ago scholars discovered fragments of the Hebrew original among the documents unearthed at Qumran.

The first part of this article is concerned with two central terms in Jubilees: "תעודת" and "תורת" and "Heavenly Tablets." I discuss the meaning and significance of these terms in Jubilees, as well as the relationship

¹ R.H. Charles (*The Book of Jubilees or Little Genesis* [London: A. and C. Black, 1902 (reprint Jerusalem: Makor, 1972)] [viii-lxvi]) and J.C. VanderKam (*Textual and Historical Studies in The Book of Jubilees* [HSM 14; Missoula, MT: Scholars Press, 1977] 215-85) held that there are references to the Hasmonian wars in Jubilees, and hence dated the book to 161-152 BCE (VanderKam) or to the regime of John Hyrcanus (Charles). Their arguments, however, were refuted by J.A. Goldstein ("The Date of the Book of Jubilees," *PAAR* 50 [1983] 74-86) and R. Doran ("The Non-Dating of Jubilees: Jub 34-38; 23:14-32 in Narrative Context," *JSJ* 20 [1989] 1-7). Goldstein's claim that Jubilees was written between 169-167 BCE ("The Date," 74-86) was refuted by Doran ("The Non-Dating," 7-11) and M. Kister ("Concerning the History of the Essenes—A Study of the Animal Apocryphon, the Book of Jubilees and the Damascus Covenant" [Heb.], *Tarbiz* 56 [1987] 1-18). For full discussion of the question of Jubilees' date, see C. Werman, *The Attitude towards Gentiles in the Book of Jubilees and Qumran Literature* (Heb.) (Hebrew University Ph.D. Dissertation: Jerusalem, 1995) 11-26. It is important to note that paleographic evidence suggests the end of the second century BCE as the probable time of the composition of Jubilees. See J.C. VanderKam, "Putting Them in Their Place," *Pursuing the Text: Studies in Honor of Ben-Zion Wacholder on the Occasion of his Seventieth Birthday* (eds J.C. Reeves and J. Kampen; JSOTSup 184; Sheffield: Sheffield Academic Press, 1994) 54.

between them and another term mentioned at the beginning of the book: "Tablets of the divisions of the times." On the basis of my conclusions, I will examine the distinctive quality of the Book of Jubilees, particularly in comparison with the Qumran scrolls and contemporary apocalyptic literature.

In the second part of the article I aim to clarify two issues: (1) the status of the book for its author and his community as compared to the status of the Pentateuch, and (2) the controversies of the late second temple period regarding written laws. I will try to point out the connection between the Book of Jubilees and the controversy, known to us from the Scho-lium to Megillat Ta'anit, between the Boethusians and the Pharisees concerning written recording of laws.

The subjects to be dealt with here have been considered in several previous articles and books. A reexamination is justified by the recent publication, at long last, of fragments of the book discovered at Qumran;² it is now clear from these fragments that the central term of the book has been mistranslated: The term *hegg wa-sem*,³ translated into Hebrew as תורה ודבר and into English as "Law and Testimony," was originally תורה ותורה. The discussion will thus be concerned with an entirely new concept, not merely with reconsideration of an existing one.⁴

Our study of the term תורה ותורה may throw new light on another term in the Book of Jubilees—the "Heavenly Tablets." Despite the scholarly attention this term has received, there is still no explanation that might provide a coherent picture of its role in the book.⁵

² I am referring to the fragments from Cave 4. For the official publication, see J. VanderKam and J.T. Milik, "Jubilees," *Qumran Cave 4 VIII: Parabiblical Texts, Part I* (eds. H. Attridge et al.; DJD 13; Oxford: Clarendon Press, 1994) 1–94.

³ For a critical edition and translation of the Ethiopic text, see J.C. VanderKam, *The Book of Jubilees* (CSCO 510–11; Scriptores Aethiopiici 87–88; Leuven: Peeters, 1989).

⁴ Caquot was the only one to suggest that the Hebrew term was תורה תורה before the publication of the Qumran fragments. See A. Caquot, "'Loi' et 'Témoinage' dans le Livre des Jubilés," *Mélanges Linguistiques offerts à Maxime Rodinson* (ed. C. Robin; Comptes rendus du groupe linguistique d'études chamito-sémitiques, supplément 12; Paris: P. Geuthner, 1985) 143–45. See also O.H. Steck, "Die Getöfelen 'Zeugen' und die ver-folgenten 'Tora-Sucher' in Jub. 1, 12," *ZAW* 107 (1995) 445–65; *ZAW* 108 (1996) 70–86. According to Caquot ("Loi" et "Témoinage," 137–45) the meaning of the term תורה is the additional laws, rules, and details not included in the Pentateuch. According to Steck ("Die Getöfelen 'Zeugen,'" the primary meaning of the term תורה is "testimony." I disagree with both views. See my article, "T'vudah—On the Meaning of the Term" (Heb.), *Fifty Years of Dead Sea Scrolls Research: Studies in Memory of Jacob Licht* (eds. B. Nitzan and G. Brin; Jerusalem: Yad Ben Zvi Press, 2001) 231–43.

⁵ The first and last scholars who have attempted to clarify the term are R.H. Charles.

תורה ותורה and תורה ותורה—*The Two Torahs from Sinai*

Analysis of Jubilees 1 shows that when Moses ascended Mount Sinai he received not one Torah but two. One was תורה ותורה, literally: the Torah (= teaching, law) and predestined history, and the other, תורה ותורה, literally: the Torah and the commandment.⁶

The Torah and the commandment is first mentioned in Jub. 1:1. Here is the verse as preserved at Qumran, with the editor's reconstruction added:

During the first year] of the Israelites] exodus [from Egypt, in] the third month [—on the sixteenth of] this [month—] the Lord said [to Moses: "Come up to me to] the mountain, [that I may give you] the [two] stone [tablets]—the Torah and the commandment which I have written down to [instruct] them!"]⁷

According to this verse, Moses ascended the mountain to receive two stone tablets, on which God had written the Torah and the commandment. Although the word תורה, "commandment," is missing from the fragment, the editor's reconstruction is justifiable. First, the Ethiopic version of the verse includes the word *te'ezaz*, "commandment." Second, this verse of Jubilees is actually a reformulation of a verse from Exodus in which the phrase appears: "The LORD said to Moses, 'Come up to me on the mountain and remain there, that I may give you the stone tablets and the Torah and the commandment which I have written down to instruct them'" (Exod. 24:12).

Comparison of the biblical verse with that from Jubilees, however, reveals that Jubilees omits the conjunction letter *wa* (= "and") preceding the words "the Torah and the commandment" in Exodus. The MT of Exodus reads "תורה ותורה," whereas in the Jubilees fragment

⁶ *The Book of Enoch*, (Oxford: Clarendon Press, 1912 [reprint Jerusalem: Makor, 1963]) 91–92; F. García Martínez, "The Heavenly Tablets in the Book of Jubilees," *Studies in the Book of Jubilees* (eds. M. Albani, J. Frey, and A. Lange; TSAJ 65; Tübingen: Mohr Siebeck, 1997) 243–60, see further references ibid., n. 1. Charles notes our inability to draw a uniform picture: "In Jubilees the use of the phrase is very loose, the heavenly tablets are the statute book of the Theocracy, or a mere contemporary record, or else are predictive or determinative" (*Book of Enoch*, 92). García Martínez tries to classify the textual references to the heavenly tablets into several categories: (i) laws of the Torah and the events recounted therein; (ii) humankind's good and evil deeds; (iii) events to take place in the future; (iv) the calendar and the festivals; (v) new laws.

⁷ This was first observed by B.-Z. Wacholder, "Jubilees as the Super Canon: Torah-Admonition versus Torah-Commandment," *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies. Published in Honour of Joseph M. Baumgarten* (eds. M. Benstein, F. García Martínez, and J. Kampen; STDJ 23; Leiden: Brill, 1997) 195–211.

⁸ 4Q716 1:4–7 (DJD 13:5).

we have "[הַתּוֹרָה וְהַמִּצְוֹת] הַזֵּאת." The Jubilees version, which is also attested by the Septuagint and the Samaritan Pentateuch, may alter the meaning of the text. According to the MT, Moses received both the stone tablets and the "Torah and the commandment" that God had written: "That I may give you the stone tablets and the Torah and the commandment which I have written down to instruct them." In Jubilees, however, the stone tablets that Moses received are the Torah and the commandment that God had written: "[that I may give you] the [two] stone [tablets]—the Tor[ah] and the commandment which I have written down to instruct them]." Here "the Torah and the commandment" is in apposition to "the two stone tablets." The MT version in Exodus raises the problem: what are "the Torah and the commandment" that God wrote, and upon what did he write them?⁸ Perhaps the omission of the conjunctive "and" was an attempt to resolve the difficulty: according to Jubilees, it was the Torah and the commandment that God wrote down on the two stone tablets.

Further on in the Book of Jubilees, the author comments several times that the Torah, that is, the Pentateuch, was written by God. Referring to the festival of Oaths (Shevuot), he writes: "For I have written it in the book of the first Torah, which I wrote for you, that you should observe it in each of its appointed times, one day in a year" (6:22). Of the story of Dinah, he writes: "Therefore I have written for you in the words of the Torah all of the deeds of the Shechemites which they did to Dinah" (30:12). It seems to follow, therefore, that in the view of the author of the Book of Jubilees, the Pentateuch is precisely the "Torah and the commandment" written by God himself on the tablets and given to Moses at Sinai. The two tablets thus included not only the Ten Commandments but the entire Torah.

So much for תּוֹרָה וְהַמִּצְוֹת. According to Jub. 1:4, however, Moses received an additional Torah: the תּוֹרָה accompanied by תּוֹרָה. Here, too, I quote the verse as found at Qumran, with the editor's reconstruction and translation:

[And Moses remained on the mountain forty days and forty nights while the Lord told to him the first and last things and what will come he related to him, the divisions of [the times—of the Tor[ah] and the תּוֹרָה].⁹

Here, again, the relevant term is incomplete in the fragment. The word תּוֹרָה does appear, but תּוֹרָה is the editor's reconstruction, which is justified by the occurrence of the word later in the same context, this time with half of the letters: "[the first and] last things, and what will come in all the divisions of the times of the Tor[ah] and the [תּוֹרָה]."¹⁰

According to the continuation (1:26–2:1), this תּוֹרָה and תּוֹרָה was also written on tablets—but not on those mentioned in 1:1. These other tablets, unlike the stone ones, were not brought down to earth, but their content became known because the angel of the Presence dictated what was written on them to Moses.¹¹ Thus we read further on, in God's words to Moses:

And you write down all these words which I shall make known to you on this mountain (= the divisions of the times for the תּוֹרָה and the תּוֹרָה) [...].¹² [And (God) said to the angel of the Presence [to Moses from the beginning of the creation until] my sanctuary is built [among them for all the ages of eternity, and the Lord will appear in the sight of] all [...].]¹³ [And the angel of the Presence took [...].] the tablets of the divisions of the times of the תּוֹרָה and the [תּוֹרָה] according to the weeks of their jubilees [...]. And the angel of the Presence said to Moses ... Write ...]¹⁴

From this point on in the Book of Jubilees, from the beginning of ch. 2, the angel dictates to Moses as he was commanded—the תּוֹרָה and the תּוֹרָה written on the tablets (which we will henceforth refer to as the tablets of the divisions of times). Thus, the Book of Jubilees, beginning with ch. 2, is the תּוֹרָה and the תּוֹרָה dictated to Moses on Sinai.

⁸ J.I. Durham, *Exodus* (WBC 3; Dallas: Word Books, 1987) 345–46. The divergent interpretations offered by different commentators reflect the difficulty of the text. See B.S. Childs, *The Book of Exodus: A Critical, Theological Commentary* (OTL; Philadelphia: Westminster Press, 1974) 499, who indicates two ways to understand the letter *waw* (as a conjunction or as an explicative) and notes the difficulties involved in both. Rashī (ad loc.) writes: "All the six hundred and thirteen commandments are included in the Ten Commandments"; Nahmanides: "'The stone tablets and the Torah and the commandment'; which I have written" refers to the tablets and "teach them" refers to the Torah and the commandment. And the text should be understood thus: And I shall give you the stone tablets which I have written and the Torah and the commandment so

⁹ 4Q216 1:9–12 (DJD 13:5).

¹⁰ 4Q216 4:3–4 (DJD 13:11).

¹¹ On the uncertainty of this statement before publication of the Qumran fragments, see J.C. VanderKam, "The Putative Author of the Book of Jubilees," *JSS* 26 (1981) 209–17.

¹² 1:26—this sentence is translated from the Ethiopic.

¹³ 1:26–28 = 4Q216 4:3–10 (DJD 13:11).

¹⁴ 1:29–2:1, my reconstruction based on 4Q217 col. 2 (DJD 13:24–25) and the Ethiopic.

Moses received two written Torahs at Sinai. One, the Torah and the commandment, was written by God upon tablets that he gave to Moses ("that I may give you the two stone tablets, the Torah and the commandment, which I have written down to instruct them," 1:1). The other, the תורה and the תעודות, was also written on tablets—the tablets of the divisions of the times—but God only informed Moses of their content, and Moses copied them at the dictation of the angel of the Presence.

The account of the dictation of the תורה and the תעודות to Moses on Mount Sinai, like that of the delivery of the Torah and the commandment, is actually an explanation of two problematic verses in Exodus: "And the LORD said to Moses: Write down these words, for in accordance with these words I make with you a covenant and with Israel. And he was there beside the LORD for forty days and forty nights; he ate no bread and drank no water, and he wrote down on the tablets the words of the covenant, the Ten Words" (Exod. 34:27–28). These verses admit two interpretations.¹⁵ The first holds that it was Moses who wrote "the words of the covenant, the Ten Words," on the tablets, as instructed by God, "Write down . . ." But this understanding of the verse conflicts with the first verse of the same chapter: "Then the LORD said to Moses: 'Carve yourself two tablets of stone like the first, and I will inscribe upon the tablets the words that were on the first tablets, which you shattered'" (Exod. 34:1). According to the second interpretation, God himself wrote "the words of the covenant, etc." on the tablets, while Moses wrote something else upon God's instructions (something that must also relate in some way to the covenant: "Write down these words, for in accordance with these words I make with you a covenant"). The author of Jubilees chose the second alternative; it was God who wrote the Torah and the commandment on the tablets that he then gave Moses to take down to earth,¹⁶ while Moses wrote (or, better, copied down with the angel's help) the תורה and the תעודות on Mount Sinai, as we read in the Book of Jubilees (see above).

¹⁵ See A. Toeg, *Lawgiving at Sinai* (Heb.) (Jerusalem: Magnes Press, 1977) 74. For the Rabbinic controversy as to who wrote the second set of tablets, God or Moses, see S. Lieberman, *Hellenism in Jewish Palestine: Studies in the Literary Transmission, Beliefs and Manners of Palestine in the I Century B.C.E.–IV Century C.E.* (Jewish Theological Seminary of America, Texts and Studies 18; New York: Jewish Theological Seminary of America, 1962?) 80–82.

¹⁶ As I have indicated, I conjecture that according to Jubilees these tablets comprised the entire Torah. Hence it would seem that the author of Jubilees understood the expression "the words of the covenant, the Ten Words" (Exod. 34:28) as follows: "the

Accordingly, several levels may be distinguished in the Book of Jubilees. The epic situation is the story of the Lawgiving at Sinai: Moses ascends the mountain and receives the tablets with the Torah and the commandment inscribed upon them; in addition, with the angel's help, he copies down the תורה and the תעודות, that is, the contents of the Book of Jubilees. Thus, the epic situation is presented by a hidden narrator. The stories of Genesis and Exodus, however, are heard from an inner, intervening author: the angel of the Presence, who dictates to Moses events in which he himself, as an angel, took part.¹⁷

The Meaning of the Term "the תורה and the תעודות"

At Sinai, Moses copied down "the divisions of [the times—for the Torah] and the תעודות." The author's use of the expression "תעודות תורה" is quite deliberate: both words are associated with the Theophany on Mount Sinai. While the word תעודות does not occur in the account given in Exodus, the word תורה, "testimony," does: Moses was given the tablets of the testimony (Exod. 31:18; 32:15).¹⁸ The term תורה, meaning "law" or "teaching(s)," occurs in the context of the Theophany in the phrase תורה ותעודות, "and the Torah and the commandment," already mentioned above. In the book of Deuteronomy, we read that Moses wrote a book of תורה¹⁹—the book around which the covenant revolved—and that the book was placed alongside the Ark of the Covenant, in which the tablets that Moses received at

words of the covenant" = the entire Torah, together with the Ten Words. Wacholder, however, argues that the Torah as we know it, that is, the Pentateuch, was also written by Moses. In his view, the author of Jubilees was aware of the dual description of Moses' writing of the book of the Torah at the end of Deuteronomy (30:9, 24–26). The author of Jubilees, according to Wacholder, understood v. 9 as referring to the Pentateuch, while vv. 24–26 refer to the writing of the Book of Jubilees; see Wacholder, "Jubilees as the Super Canon," 204–5.

¹⁷ This analysis owes much to S. Rimonon-Kenan, *Narrative Fiction: Contemporary Poetics* (London and New York: Methuen, 1983) 86–105.

¹⁸ The standard approach is to regard תורה ("testimony") as a priestly term, meaning "a unilateral requirement imposed on Israel without any divine commitment to reward them" (L. Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* [Minneapolis: Fortress Press, 1995] 144–45). But see B. J. Schwartz, "The Priestly Account of the Theophany and the Lawgiving at Sinai," *Texts, Temples and Traditions: A Tribute to Menahem Haran* (eds M. V. Fox et al.; Winona Lake, IN: Eisenbrauns, 1996) 126 n. 52.

¹⁹ According to Deuteronomy, this book contained the entire content of Deuteronomy. See S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy* (ICC, Edinburgh: T & T Clark, 1901?) 335.

Sinai were placed: "When Moses had put down in writing the words of this *תורה* in a document until they were ended, Moses charged the Levites who carried the Ark of the Covenant of the LORD, saying: Take this book of *תורה* and place it beside the Ark of the Covenant of the LORD your God, and let it be there among you as a witness" (Deut. 31:24-26).

The source of the phrase *תורה* *תורה*, however, is in Isaiah: "Bind up the *תורה*, seal the *תורה* with my disciples" (8:16); "Now, should people say to you, 'Inquire of the ghosts and familiar spirits that chirp and moan; for a people may inquire of its divine beings—of the dead on behalf of the living—about the *תורה* and the *תורה*:'" (8:19-20). Isaiah treats the words *תורה* and *תורה* as synonyms, both meaning a message from God about the near future.²⁰ The author of Jubilees agrees to some extent with Isaiah's usage. The expression *תורה* occurs in ch. 1 of Jubilees, in the account of the march of history from beginning to end: "the first and the last things and what will come" (1:4); "the first and last things, and what will come forever" (1:26); "from the beginning of the creation until my sanctuary is built among them for all the ages of eternity, and the LORD will appear in the sight of all . . ." (1:27). It would seem that the phrase *תורה* itself designates the march of history, as it is part of an expression occurring in apposition to these verses: "the first and last things and what will come"²¹—"the divisions of the times *לתורה* *לתורה*" (1:4).

The author attaches the phrase *תורה* to the phrase *בדלקות*, here translated as "divisions of the times": "the divisions of the times *לתורה* *לתורה*" (Jub. 1:26). In the Hebrew of the Qumran scrolls, the preposition *ל* is frequently used in the sense of the modern Hebrew *לעל*,²¹ i.e., to denote the possessive case. On that basis, the above clause would mean "the divisions of the times of the *תורה* and of the *תורה*," that is to say, human history, from beginning to end, is not one single expanse of time but is divided into periods.

Two of the verses quoted above also refer to the method by which time is to be divided: "the divisions of the times of the *תורה* according to the weeks of their jubilees" (1:26); "of the *תורה* according to the weeks of their jubilees" (1:29). In other words, time is parceled out into weeks of jubilees—this is the chronological system used in Jubilees to date the events of Genesis and the beginning of Exodus.

the historical sequence of events from beginning to end, divided into periods; all this was written on the tables "of the divisions of the times" and dictated to Moses, who wrote it down, producing the Book of Jubilees as we have it.

Even if we do not know when *תורה* was written on the tablets, some of the events were clearly inscribed thereon before they occurred, since Moses copied them when on Mount Sinai, at the time of the Theophany, and not at the End of Days. Basic to this account, therefore, is a belief in predestination, in a pre-existent divine plan for all of history. The word *תורה* occurs with a similar meaning in Qumran literature, where it has the sense of something destined or preordained to take place, a law or action imposed upon all creatures by divine decree.²²

Moses received and copied the *תורה* and the *תורה*—the events of the past and the details of the future—at Sinai. The tradition that details of the future were revealed to Moses on Mount Sinai may also be found in other contemporary sources and in tannaitic Midrash;²³ the Book of Jubilees, however, adds certain features of a type common in apocalyptic literature.²⁴ For one thing, in Jubilees, as in various apocalyptic works, the whole of human history is written on heavenly tablets.²⁵

²² See J. Licht, *The Thanksgiving Scroll: A Scroll from the Wilderness of Judaea* (Heb.) (Jerusalem: Mosad Bialik, 1957) 255; and see further my article "Te'udah—On the Meaning of the Term."

²³ 4 Ezra 14:3-5 (M.E. Stone, *Fourth Ezra: A Commentary on the Book of Fourth Ezra* [Hermeneia; Minneapolis: Fortress Press, 1990] 414); Sifre Num. 139 (ed. Horowitz, 186); Sifre Deut. 357 (ed. Finkelstein, 425-27); Mek. de-R. Ishmael, Mass. de-Amalek 2 (ed. Horowitz/Rabin, 184).

²⁴ The similarity—and difference—between Jubilees and apocalyptic literature should be clear from the following characterization of the latter: "'Apocalypse' is a genre of revelatory literature with a narrative framework, in which a revelation is mediated by an otherworldly being to a human recipient, disclosing a transcendent reality which is both temporal, insofar as it envisages eschatological salvation, and spatial insofar as it involves another, supernatural world" (J.J. Collins, *The Apocalyptic Vision of the Book of Daniel* [HSM 16; Missoula, MT: Scholars Press, 1977] 9). Jubilees is indeed an angelic revelation to a human being, namely, Moses, set forth within a narrative framework—Moses' ascent to Mount Sinai. But the content of the revelation is not eschatological (except for a brief passage, 23:26-31) and is not concerned with the upper worlds (except for the account of Creation in ch. 2). We shall return to this issue later.

²⁵ The idea of tablets in heaven may be traced back to the ancient Near East, see S.M. Paul, "Heavenly Tablets and the Book of Life," *JANES* 5 (1973) 345-53. The tablets are mentioned at a later time in apocalyptic literature, e.g., in 1 Enoch: "Then he said unto me, 'Enoch, look at the tablets of heaven; read what is written upon them and understand (each element on them) one by one.' So I looked at the tablets of heaven, read all the writing (on them), and came to understand everything. I read the

²⁰ See my article "Te'udah—On the Meaning of the Term."

²¹ See F. Ohmron, *The Hebrew of the Dead Sea Scrolls* (FSSS 29; Atlanta: Scholars

Another important common characteristic of these works is the periodization of history.²⁶ Most important, although Moses was promised information about the future, the events described in Jubilees are only those that took place prior to the Theophany at Sinai.²⁷ Thus the author adheres to the apocalyptic tradition that the future is hidden; its secrets are made known only to small groups of the elect.²⁸

While Qumran literature uses *תערת* to designate the divine plan before Creation, the Book of Jubilees adds *תורת*. To my mind, this is intended to emphasize the halakhic aspect of the knowledge transmitted to Moses. Throughout his account of the events of Genesis and the beginning of Exodus, the author of Jubilees interpolates legal material, most of which does not appear in the biblical substrate. Thus,

book and what is written in it, all the deeds of humanity and all the children of the flesh upon the earth for all the generations of the world" (81:1-2; M.A. Kribb, *The Ethiopic Book of Enoch* [Oxford: Clarendon Press, 1978] 1:266-67); "And Enoch said, . . . I will speak these things, my children, verily I, Enoch, myself, and let you know (about it) according to that which was revealed to me from the heavenly vision, that which I have learned from the words of the holy angels and that which I understood from the heavenly tablets. He then began to recount from the books . . ." (93:2-3 [Kribb, 1:348-49], followed by an account of the ten "weeks" from Creation to the end). The idea that the whole of history is engraved on tablets makes it appearance at Qumran as well: ". . . age by age . . . and it was engraved on [heavenly] tablets" (4Q180); see D. Dimant, "The 'Peshet on the Periods' (4Q180 and 4Q181)," *Israel Oriental Studies* 9 (1995) 78-80; A. Lange, "Wisdom and Predestination in the Dead Sea Scrolls," *DSD* 2 (1995) 353 n. 30. Jubilees does not call the tablets from which the angel dictates to Moses "heavenly tablets," but I will try to show in what follows that these tablets (" . . . of the divisions of the times") are identical with the heavenly tablets.

²⁶ J. Licht, "The Doctrine of 'Times' according to the Sect of Qumran and Other 'Computers of Seasons'" (Heb.), *EL Sakenik Memorial Volume (Erfar* 8; Jerusalem: Israel Exploration Society, 1968) 63-70. The history engraved on the tablets is divided into periods in both Enoch and Qumran literature. Enoch calls them the ten "weeks" of history; in Qumran literature we find the phrase *תקלי י"ב* = "age by age," the term *י"ב* meaning, as usual at Qumran, a period of time of prescribed length. See Qimron, *The Hebrew of the Dead Sea Scrolls*, 95.

²⁷ At the beginning of ch. 50 (vv. 2-5), the last chapter of the book, the angel does speak of the future, but in very general and vague terms.

²⁸ For the reservation of knowledge to small elite groups see M.E. Stone, "Apocalyptic Literature," *Jewish Writings of the Second Temple Period: Apocrypha, Pseudepigrapha, Qumran, Sectarian Writings, Philo, Josephus* (ed. M.E. Stone, CRINT II/2; Philadelphia: Fortress Press, 1984) 431-33. In Jubilees, knowledge of the future seems to be reserved for the priests; at Bethel, Jacob has a vision of tablets on which the events to befall his sons are inscribed, and he commits the information to writing (32:21-22). Jacob then transmits these writings to Levi, the forefather of the priests, before his death (45:16). Another common characteristic of both Apocrypha and Jubilees is the pseudonymic attribution of the work (Stone, "Apocalyptic Literature," 477-29)—Jubilees, according to its author, was copied by Moses at Sinai.

while *תערת* is the preordained march of history, *תורת* comprises the laws and commandments inserted in the *תערת*.²⁹

The author of Jubilees presents this legal material in two ways. He cites commands given to the protagonists of Genesis, which they then handed down from one generation to the next; among these are the prohibition of murder, the law that the blood of slaughtered animals must be covered and may not be eaten (God speaking to Noah, Jub. 6:7-8; Noah speaking to his sons, 7:27-33; Abraham speaking to Isaac, 21:19-20); the prohibition of fornication and impurity (Noah to his sons, 7:21; Abraham to his sons, 20:3-6); and the law prohibiting the eating of fruit for the first three years of a tree's growth (Noah to his sons, 7:35-39).³⁰ Another way in which legal material is presented is to describe some event, or persons featured in the book of Genesis celebrating a festival, giving a tithing, or dealing with some prohibition and the punishment meted out for its violation;³¹ such actions (though not performed regularly) anticipate the commandments to be given on Mount Sinai, and the angel is described as announcing that the action or event is inscribed on the heavenly tablets as a commandment to be given Israel. Thus, for example, in Jubilees, after his attempt to sacrifice Isaac is happily thwarted, Abraham celebrates a seven-day festival, starting on the fifteenth of Nisan. The angel comments regarding this festival (the festival of unleavened bread): "And thus it is ordained and written in the heavenly tablets concerning Israel and his seed to observe this festival seven days with festal joy" (18:19).

תערת, *the Tablets of the Divisions of the Times, and the Heavenly Tablets—On their Mutual Relationships*

According to the Book of Jubilees, various laws implemented in the patriarchal period (and inscribed in the tablets of the divisions of the times) were written on the heavenly tablets as precepts to be imposed

²⁹ See Steck, "Die Getöteten 'Zeugen,'" 76-80.

³⁰ As Anderson has pointed out, Jubilees does not state that the patriarchs observed the commandments of the Torah. The author builds up a very limited list of commandments known to the generations before the Theophany at Sinai, to be observed by the generations before Abraham and by Abraham's descendants. See G.A. Anderson, "The Status of the Torah before Sinai," *DSD* 1 (1994) 1-29; Werman, *The Attitude towards Genesis*, 124-29, 200-21.

³¹ In Jubilees these are isolated occasions of celebration or tithing, not commands to be fulfilled regularly; see above, n. 30.

on the Israelite nation from the time of the Theophany at Sinai and onward. Was it the action that caused the precept to be written on the tablets, or was the precept already inscribed there and the action taken in compliance with it? The author of Jubilees seems to envisage both possibilities. Sometimes, after describing the action, he writes, "for so it is written on the heavenly tablets"; on other occasions, the concluding comment is "it was therefore written on the heavenly tablets." Accordingly, a particular action will at times comply with a commandment already inscribed on the tablets ("for so [לך] it is written..."),³² while at other times it will provide the motive for the inscription ("it was therefore [לך] written...").

This contradiction may be resolved by the observation that, whenever the text says, "it was therefore written," the event or action in question is the outcome of divine intervention in the world, not of a random human decision. God administers his world in a just and proper manner, which was therefore engraved on the heavenly tablets, possibly even before Creation, as a law to be obeyed by Israel. It follows that the expression "it was therefore written..." is equivalent to "for so it is written..." A few examples will clarify this point.

In Jubilees, the creation of Adam and Eve and the time of their entry to the Garden of Eden (Genesis 2-3) are a paradigm for the law rendering a woman unclean after childbirth. The account in Jubilees incorporates details not given in the biblical source. Thus, Adam was created in the first week; Eve, in the second; Adam was brought to the Garden of Eden by the angels forty days after being created; Eve, eighty days thereafter. "And therefore the command was written in the heavenly tablets" (Jub. 3:10-13) that a woman is considered unclean for seven days after giving birth to a male and for two weeks after giving birth to a female; she is therefore excluded from the Temple for forty days after giving birth to a male and for eighty days after giving birth to a female (Lev. 12:1-5). At first sight, one might think that the event determined the law; but the creation of Adam and Eve and the time frame for these events were not random but ordained by God. Thus the event is part of God's actions in creating the universe and directing its progress, and the details of those actions were written on the tablets as a law imposed upon Israel.³³

³² This is the case in most of the comments referring to heavenly tablets; apart from the example cited above, see Appendix, items 8, 11, 12, 15, 16, 17, 18.

³³ The author of Jubilees seems to have put this interpretation on the sole occurrence of the term לך in Genesis: "That is why the children of Israel to this day do not

Another example concerns the festival of Shevuot. This festival falls on the fifteenth of Sivan, the date on which Noah emerged from the ark, and is intended to commemorate the oath sworn by Noah and his sons, upon God's command, to refrain from the consumption of blood. Since it was God who dictated the nature and time of the festival, the meaning of the verse "For this reason it is ordained and written in the heavenly tablets that they should observe the feast of Shevuot in this month..." (Jub. 6:17) is that the commandment to celebrate Shevuot was part of the divine plan and not the result of some human whim. Another example: Jub. 6:23-31 specifies four "days of remembrance" to be observed in the course of the year (the first day of the first, fourth, seventh, and tenth months), as these dates marked significant developments in the flood.³⁴ The flood was ordained by God, who controlled its course. Thus the four days of remembrance are not the outcome of accident but part of the divine plan: "And therefore he [= Noah] ordained them for himself as feasts of remembrance forever, and thus they are ordained. And they set them upon the heavenly tablets. Each one of them is thirteen weeks from one to another.... And all of the days that will be commanded will be fifty-two weeks of days, and all of them are a complete year. Thus it is engraved and ordained on the heavenly tablets..." (Jub. 6:28-31).

In short, the Book of Jubilees construes actions and events that took place on earth as correlated with commandments inscribed on the heavenly tablets. The commandments, the laws, were inscribed on the tablets before the events themselves, at the time of Creation. This is

eat the thigh muscle that is on the socket of the hip" (Gen. 32:33). It was no accident that the socket of Jacob's hip was injured, but an act of an emissary from heaven. This injury was part of God's plan, the legal manifestation of which would appear at the Theophany on Mount Sinai. The Rabbinic, too (contra R. Judah), consider the prohibition of the thigh muscle to be effective only after the Theophany: "This law was ordained at Sinai but was written in its proper place" (m. Hul. 7:6). The Rabbinic, however, did not believe in predestination (at any rate, not explicitly), so that Jacob's struggle with the angel is not seen as part of a preordained plan. The prohibition of the thigh muscle was instituted, therefore, to commemorate the event; it does not represent the pre-determination of events in accordance with the precept of the Torah.

³⁴ C. Werman, "The Story of the Flood in the Book of Jubilees" (Heb.), *Tarbiz* 64 (1995) 184-88. In Genesis, the turning points of the flood are the end of the third month (forty days after the beginning of the flood on the seventeenth of the second month), halfway through the seventh month (if 150 days elapsed from the seventeenth of the second month), the first of the tenth month and the first of the first month. In Jubilees, the important dates in the flood story are the four days of remembrance of the solar calendar: the 1st of the fourth, seventh, tenth and first months.

confirmed by other, non-halakhic matters engraved on the heavenly tablets according to the Book of Jubilees.

Jubilees 24 relates the events of Isaac's sojourn among the Philistines. At first, Isaac made a pact with the Philistines (v. 26, as related in Genesis), but he later reconsidered, cursing the Philistines and declaring that God would cut them off completely (vv. 28–32). The angel then notes, "And thus it is written and engraved concerning him in the heavenly tablets to be done to him in the day of judgment so that they might be uprooted from the earth" (v. 33). Thus, Isaac's curse was pronounced in accordance with the divine plan, which preceded the event—the plan would come to fruition only in the future, on Judgment Day.

In ch. 31 we read that Isaac blessed Levi and Judah, bestowing the priesthood on Levi and the monarchy on Judah. At the end of this episode the angel remarks, "And thus it is ordained concerning the two of them, and it has been written for them as an eternal testimony in the heavenly tablets, just as Isaac blessed them" (31:32). The text does not say, "It was *therefore* ordained . . . written . . .," just as Isaac blessed them," but "*thus* it is ordained . . . written . . .," implying that Isaac's blessing fulfilled the divine plan, which is eternally in effect.

Another example proving decisively that events were inscribed on the tablets before they occurred may be found in Jubilees 30. The author notes that the action taken by Simeon and Levi was "engraved in heaven against them that they might annihilate with a sword all of the men of Shechem because they caused a shame in Israel" (30:5). It was preordained that the men of Shechem should be punished for defiling Israel's daughter, as such a deed is punishable by death.³⁵ The divine plan thus included both the sin and its punishment—before they took place.

These examples should suffice to confirm that the tablets were not inscribed while the events were taking place but beforehand. The future of individuals or peoples was engraved on the heavenly tablets before they ascended onto the stage of history. Hence, the heavenly tablets were inscribed since the dawn of history, perhaps even before Creation. As to the relationship between the tablets of the divisions of the times and the heavenly tablets, I believe, on the basis of our discussion, that the heavenly tablets are the tablets of the divisions of the

times from which the angel dictated to Moses, and also those referred to in Jubilees 1.³⁶ Both sets of tablets are said to have the same content; both are said to have existed from the beginning of time; and both convey information "from the beginning to the end" (this is explicitly reported of the tablets of the divisions of the times; as to the heavenly tablets, the conclusion follows quite obviously); and both tablets have halakhic implications.

This identification, however, involves a difficulty. If the tablets of the divisions of the times are indeed the heavenly tablets, the Book of Jubilees, which is a copy of the former, is also a copy of the latter. What need, then, for the author's comments about what was written on the heavenly tablets, if the book itself was what was written?

The tools of poetics may help to clarify the picture. We have already pointed out the multiple levels of narrative in Jubilees.³⁷ This observation may now be made more precise: the author of Jubilees is active throughout the book on three different levels. The first appears only at the beginning of the book: a hidden narrator sets up the epic situation: the Theophany on Mount Sinai. The second level begins at the start of ch. 2—the actual report of events and actions (that is, the "divisions of the times of the תּוֹרָה and the תְּבִילֵי הַתּוֹרָה"). The narrator is the angel of the Presence, an internal narrator. Actually, however, the angel is not the narrator: he only dictates what was written on the tablets. Nevertheless, this internal narrator becomes a participant, creating the third level: the angel offering comments about himself and his partners (such as "to minister before the LORD always, *as we do*," Jub. 30:18) and about the things inscribed on the heavenly tablets. The angel, being a heavenly being, is an omniscient narrator, who occasionally deviates from his dictation in order to add information. These occasions represent intrusions from one narrative level (dictation of the history written on the tablets) to another, where the angel is the narrator proper and gives Moses information beyond the text from which he is dictating. This third-level information is related to the sec-

³⁶ This identity is also attested in a few manuscripts. In the last verse of the book, the angel tells Moses, "just as it was written in the [heavenly] tablets which he placed in my hands to dictate [Ethiopic: to write; but see VanderKam, "The Putative Author"] to/for you." Thus, the angel is holding the heavenly tablets—but by ch. 1 these are the tablets of the divisions of times. Among manuscripts attesting to the word "heavenly" is MS 48, considered one of the superior manuscripts of Jubilees; see J.C. VanderKam, *The Book of Jubilees* (CSCO 511; Scriptores Aethiopici 88; Leuven: Peeters, 1989)

2.xxiii.

³⁷ See above, p. 81 and n. 17.

³⁵ As to how the author arrives at this law, see C. Werman, "Jubilees 30: Building a Paradigm for the Ban on Intermarriage," *HTR* 90 (1997) 1–22.

ond level: it constitutes a reflection on the events that are being dictated. The angel reports things written on the heavenly tablets, relating to the time from the Theophany onward, whether laws given on Sinai at a later time (during the rest of Moses' sojourn there) or events to occur in a more distant future (punishment of the Philistines, the annihilation of Ammon and Moab, etc.). The purpose of the angel's report is to show that the events related in the book of Genesis took place in accordance with the *ḥokh* to be given later; and that punishment and reward would come in due time, as decreed by the divine plan.³⁸

So the *ḥokh* and the *ḥokh* inscribed on the tablets of the divisions of the times, which are the heavenly tablets, constitute an account of the march of history, preordained from beginning to end, woven into which are the laws that affect history. The *ḥokh* and the *ḥokh* from Creation to the Theophany at Sinai are dictated to Moses, except that here and there comments are introduced concerning what was written on the tablets relating to a later period—the commandments given at Sinai itself and events farther ahead in the future. Thus Moses (and the reader) discovers that the events of the book of Genesis were governed by the commandments that Israel received later at Mount Sinai, and that the sinners and righteous people of those days were punished and rewarded in accordance with the laws of the Torah.

The Book of Jubilees and Qumran Wisdom Literature

The events and actions involving the protagonists of the book of Genesis, as portrayed by the author of the Book of Jubilees, fulfill and observe a law that will be imposed in the future on the people of Israel. The *ḥokh*—that is, the laws, the commandments—shaped the *ḥokh*, the events. Furthermore, according to the author of Jubilees, even commandments handed down from generation to generation before the Theophany at Sinai (and written on the tablets as part of the historical continuum) had their effect on the events. The flood generation—the *nefilim*, the humans, the animals—were punished in accordance with the law of blood for blood, given to Noah after the

³⁸ If the author of Jubilees had been entirely faithful to the framework story, then Moses, commanded to write the Torah and the *ḥokh* at the angel of the Presence's dictation, should not have been writing that information, as it is not part of the continuous *ḥokh* that he was commanded to copy. But the author is apparently oblivious to this poetic problem, as he is to the identity of the hidden author.

flood and transmitted to his sons, and from Abraham to Isaac: any spilling of blood (whether by killing or by eating) would be punished by death.³⁹

The commandments, according to Jubilees, are thus an integral part of the divine plan devised prior to Creation—a blueprint for all future events. The book of Genesis is simply the manifestation of God's laws in the universe, before their revelation to Moses at Sinai.⁴⁰ This conclusion throws new light on the Book of Jubilees. It implies that this work, of a genre close to that of apocalyptic literature, is even closer to the wisdom literature of contemporary circles associated with the Qumran community.⁴¹ The Sapiential texts discovered in the Qumran caves present a world view and fields of interest foreign to those of the earlier wisdom literature; they are concerned with areas generally associated with apocalyptic literature.⁴² The wise man's teachings are based not on life's experience, but on revelation,⁴³ the focus of interest is not man's conduct and actions, but the ways of the world. The Sapiential texts from Qumran emphasize the need to concentrate on *ḥokh*, "the mystery of what will come into being."⁴⁴ This phrase implies an understanding of creation, consideration of historical periods (*ḥokh*) and a knowledge of the End of Days. A good example is a fragment of a work published by I.H. Schiffman, who called it *Mysteries*, reads as follows: "But they did not know the mystery of that which was coming into being [*ḥokh*], and the former things they did not consider. Nor did they know what shall befall them. And they did not save their lives from the mystery that was coming into being."⁴⁵ Moreover—and herein lies the affinity with the Book of Jubilees—it is knowledge of the mystery (*ḥokh*) that inspires proper religious conduct.

³⁹ See Werman, "The Structure of the Events of the Flood," 188–220.

⁴⁰ Note that this is not natural law in contrast to written law: it is only apparently nature, as it is directed by God, who will later convey the law to Moses.

⁴¹ See above, n. 1.

⁴² On wisdom literature at Qumran see D.J. Harrington, "Ten Reasons Why the Qumran Wisdom Texts are Important," *DSD* 4 (1997) 245–54. On the differences between this and ancient wisdom literature see especially J.J. Collins, "Wisdom Reconsidered, in Light of the Scrolls," *DSD* 4 (1997) 272–74.

⁴³ As Collins puts it, "Wisdom terminology no longer necessarily indicates an empirically based worldview. It can also be used in the service of apocalyptic revelation" ("Wisdom Reconsidered," 276).

⁴⁴ On the meaning of this expression see Lange, "Wisdom and Predestination," 340–54; D.J. Harrington, "The *Raz Nihveh* in a Qumran Wisdom Text," *RevQ* 17 (1996) 549–53.

⁴⁵ 4Q299 (T. Elgvin et al. [eds.], *Qumran Cave 4: XV: Sapiential Texts, Part 1* [JDJ 20; Oxford: Clarendon Press, 1997] 35).

An understanding of Creation and of history is also an understanding of God's laws, hence an understanding of the correct moral and halakhic way. This conception is summarized in the following lines, also part of a recently published Sapiential fragment:

And you Mavin, seek your act in the memorial of time since in it the law is engraved and all the punishments are ordained.
For engraved is that which is ordained by God regarding the iniquities of] the children of Seth and written in his presence is a book of memorial of those who keep his word.
And this is the meditated vision of the book of memorial and he gave it as inheritance to a man with a spirit [for] he created him as the pattern of the holy ones.
And no more he gave meditation to a fleshy spirit for it did not know between [good] and evil as the type of its [spirit].⁴⁷

These lines refer to the march of history, which was determined prior to Creation ("memorial of the time"), and to law engraved together with the "punishment" (פְּקוּדָה), that is, the punishments preordained for whoever violates the law. There is also a book that records "those who keep his word," that is, who observe the commandments. All these are conveyed by the "meditated vision."⁴⁸ The wise man is thus the righteous man, who observes the commandments.

The Book of Jubilees is an attempt to set down this general conception in detail and to demonstrate it. The story of Creation and history are recounted in such a way as to demonstrate their subordination to the divine Law. Hence, reflection on the Creation and on history teaches one the proper halakhic way. Nevertheless, a full understanding of God's ways cannot be achieved by personal reflection alone. It is acquired, at least in part, through revelation. Thus, the Book of Jubilees was given to Moses at Sinai, and the meditated vision is given to a Man with a spirit.⁴⁹

⁴⁷ 4Q417, first published in B.-Z. Wacholder and M. Abegg, *A Preliminary Edition of the Unpublished Dead Sea Scrolls* (Washington, DC: Biblical Archaeological Society, 1992) 2:66; see also J. Strugnell et al., *Qumran Cave 4.XXIV: Sapiential Texts, Part 2* (JDJ 34; Oxford: Clarendon Press, 1999) 151.

⁴⁸ If I have interpreted this passage correctly, it may contribute to our understanding of the term מְדַבֵּר, frequently mentioned in Qumran literature. מְדַבֵּר מֵעַד not only contains the historical events inscribed prior to Creation (as per Lange, "Wisdom and Predestination," 342-43), but the historical survey is presented together with a study of the correct law arising therefrom. I am not claiming that the Book of Jubilees is מֵעַד מֵרִאשִׁית, but if I am right, the close relationship between the two books cannot be ignored.

⁴⁹ There is indeed an inner tension between the argument that study itself leads to understanding and the thesis that only revelation brings true comprehension. There is much evidence of this tension at Qumran; the answer usually given there is that any

Jubilees and the Pentateuch—Relative Status

As envisaged by the Book of Jubilees, the world was created according to the תּוֹרָה and continues to be directed according to the תּוֹרָה. This development may be regarded as a logical outcome. Wisdom, which existed before Creation (Prov. 8:22), was identified with the תּוֹרָה (Sirach 24), from which it follows that the world was created according to the תּוֹרָה,⁵⁰ and so its laws are imbedded in its creation and its further history.⁵¹ Jubilees, however, does not identify the תּוֹרָה active in Creation and in history with the written Mosaic Torah, but with תּוֹרָה in a broader sense: the properly interpreted laws.⁵² In Jubilees, neither the commandments given to the protagonists of Genesis nor those said to be engraved on the heavenly tablets are verbatim repetitions of the biblical commandments; rather, they are laws as interpreted in Qumran literature and the closely related priestly halakhah.⁵³ For example, the four "days of remembrance" are not mentioned in the Torah, but they were significant for circles adhering

person making the effort to discover and to understand will ultimately be granted a clarifying revelation. The same is true in the halakhic area; see A. Shemesh and C. Werman, "Hidden Things and their Revelation," RevQ 18 (1998) 409-27. It should further be noted that the concept of "heavenly tablets" which was known to Jubilees from the Enoch literature (see above, n. 25), was subjected to halakhic reduction. The use of the concept in Jubilees is not simply a duplication of the concept as it is in the Enoch works, but a reworking of that tradition, emphasizing the religious *halakhot* active throughout history.

⁵⁰ As stated in a midrash edited some six centuries after the Book of Jubilees: "Thus, the Holy One, blessed be he, would look at the Torah and create the world" (Gen. Rab. 1:1 [ed. Theodor-Albeck, 2]).

⁵¹ If wisdom and Torah are identical, we may infer that secret knowledge of natural wonders were revealed to Moses at Sinai. See M.E. Stone, "Lists of Revealed Things in the Apocalyptic Literature," *Selected Studies in Pseudepigrapha and Apocrypha: With Special Reference to the Armenian Tradition* (SVTP 9; Leiden: Brill, 1991) 379-418.

⁵² Similarly, see García Martínez, "The Heavenly Tablets," 258-59; Caquot, "Loi et 'Tânnoigraçe,'" 145.

⁵³ On the relationship between the Bible and the exegesis in the Book of Jubilees, see K. Müller, "Die hebräische Sprache der Halacha als Textur der Schöpfung," *Bibel in jüdischer und christlicher Tradition: Festschrift für Johann Maier* (eds. H. Merlein, K. Müller, and G. Stemberger; Athenäum Monographien, BBB 88; Frankfurt a/M: A. Han, 1993) 157-76. Müller, however, holds that the laws, together with their interpretation, are contained in the book of the patriarchs, which is handed down from generation to generation in addition to the Written Law. My thesis is that the entire Book of Jubilees comprises the interpretive element, while the term "book of the patriarchs" should be linked with the question of which laws were known to the generations prior to Sinai; see Anderson, "The Status of the Torah before Sinai."

to the solar calendar. Similarly, the laws concerning the eating and covering of blood are far more stringent in Jubilees than in the Bible.⁵⁴

The *ḥorāh*, the laws committed to writing by Moses on Mount Sinai, stood at the center of the dispute between the Pharisees and the Sadducees, between Rabbinic halakhah and priestly halakhah. As seen by Jubilees, the purpose of the writing was to produce a book that would be a witness when the people sin and violate the covenant,⁵⁵ that is, fail to observe the laws of the *ḥorāh* according to priestly halakhah—the halakhah espoused by the Qumran community, which clashed with the Pharisaic interpretation. This idea is enunciated explicitly: “And this *ḥorāh* [ḥorāh]⁵⁶ will confront (them), [f]or they will forget all my commandments—everything that I command you” (Jub. 1:8–9).⁵⁷ The author is alluding, of course, to the statement of Deuteronomy as to the poem written to be a testimony should the people sin: “Therefore, write down this poem and teach it to the people of Israel; put it in their mouths, in order that this poem may be my witness against the people of Israel . . . then this poem shall confront them as a witness” (Deut. 31:19–21).⁵⁸

According to Jubilees, however, it was not the poem that was written, but the *ḥorāh* and the *ḥorāh*. The author thus made use of a verse from the tradition of the poem in Deuteronomy 31, but replaced that tradition by the competing tradition, cited in the same chapter of Deuteronomy, according to which the entire book of the *ḥorāh* will bear

⁵⁴ See C. Werman, “The Rules of Consuming and Covering the Blood in Priestly and Rabbinic Laws,” *RevQ* 16 (1995) 621–36. A few additional examples: (i) According to Jubilees, the law consecrating the fruit of a tree in its fourth year applies all over the world; it requires bringing the first fruits to the Temple and placing them on the altar, the remainder being eaten by the priests. Rabbinic halakhah was different; see M. Kister, “Some Aspects of Qumranic Halakhah,” *The Madrid Qumran Congress: Proceedings of the International Congress on the Dead Sea Scrolls, Madrid, 18–21 March, 1991* (eds. J. Trebolle Barrera and L. Vegas Montaner; STDJ 11; Leiden: Brill, 1992) 2:576–88. (ii) The biblical injunction against giving one’s child to Molech is interpreted in Jubilees (ch. 30) as the prohibition of intermarriage, an interpretation rejected by the Rabbis; see Werman, “Jubilees 30.” (iii) In second temple times there was a dispute as to the requirement to tithes cattle and sheep, as a result of conflicting laws in the Torah; see Kister, “Some Aspects of Qumranic Halakhah,” 579 n. 31. The Book of Jubilees requires tithes to be taken from livestock as well.

⁵⁵ This role of the *ḥorāh* in the Book of Jubilees is noted by Steck, “Die Getöteten Zeugen.”

⁵⁶ I prefer this reconstruction to that suggested by Vanderkam (“And the [ḥorāh] will confront this *ḥorāh* . . .”); see Werman, “*ʿEṯudāh*—On the Meaning of the Term.”

⁵⁷ 4Q216 2:4–5 (DJD 13.8).

⁵⁸ Steck, “Die Getöteten Zeugen,” 461–62.

witness:⁵⁹ “When Moses had put down in writing the words of this *ḥorāh* to the very end, Moses charged the Levites who carried the Ark of the Covenant of the LORD, saying: Take this book of the *ḥorāh* and place it beside the Ark of the Covenant of the LORD your God, and let it remain there as a witness against you” (Deut. 31:24–26).

In deuteronomistic terminology, “the book of the *ḥorāh*” is the book of Deuteronomy. It was given to Israel in the steppes of Moab and placed beside the tablets of the covenant given at Sinai.⁶⁰ For Jubilees, “the book of the *ḥorāh*” is the book dictated to Moses during the Theophany on Mount Sinai, in addition to the tablets of the Torah and the commandment, which were placed in the Ark; its purpose was to testify against the Israelites, should they sin in the future.

Thus we see that, according to the Book of Jubilees, Moses came down from Mount Sinai carrying two Torahs, both in writing. One, the Torah and the commandment, was written on the stone tablets; the other, the *ḥorāh* and the *ḥorāh*, was written on the heavenly tablets and copied into a book—the Book of Jubilees. The *ḥorāh* and the *ḥorāh* is more comprehensive, containing explanations, interpretations and expansions of the laws in the book of the Torah and the commandment. Thus, the people of Israel received at Sinai both the *ḥorāh* and its interpretation (according to the priestly halakhah).⁶¹

The contention that the Book of Jubilees was already given at Sinai explains why the author of the book attributes the people’s sins to their forgetting the proper way: that way was known to the people in antiquity, as attested by the Book of Jubilees itself. Thus, continuing the verse quoted above, which already contains the motif of forgetfulness: “And this *ḥorāh* [ḥorāh] will confront (them), [f]or they will forget all of my commandments, everything which I will command you” (1:8–9), the text describes the two stages of sin:

(Abandonment of God’s laws, idolatry): And (they) will follow the nations, [their] iniquities, and their [shame]. They will serve [their] gods, and they will become for them an obstacle, [distress, affliction] and a [trap. Manly] will be destroyed. [They will be captured and will fall [into the hand of the enemy because they have abandoned] my statutes, [my commandments, the festivals] of

⁵⁹ On the competing traditions in Deuteronomy 31, see M. Weinfeld (ed.), *Devarim* (*Olam ha-Tanakh*) (Tel Aviv: Davidson-At, 1994) 228–30.

⁶⁰ See above, pp. 81–82.

⁶¹ On revelation as the source of the correct, authoritative interpretation of the Written Law, see M. Mach, “The Social Implication of Scripture-Interpretation in Second Temple Judaism,” *The Sociology of Sacred Texts* (eds. J. Davies and I. Wollaston; Sheffield: Sheffield Academic Press, 1993) 166–79.

my covenant, [my sabbaths [. . .]. And they bowed down to all] the work[s] of [their] error

(*Forgetfulness*) I will hide my [face] from them, and [I] will give them into the hand of the nation[s] for captivity, [de]vastation, . . . I will disperse them among the nation[s]. They will forget all my statutes and all my commandments, [and all my teachings,⁶² and (they) will forget] month, sabbath, festival, jubilee, and covenant. Afterwards they will return] to me from among the nation[s] with all their heart] (1:9–15).⁶³

The angel goes on to predict that the Israelites will forget the solar calendar (6:34), and the account of the sins of the generation contains the verse: “because they have forgotten the commandment and covenant and festival and new moon and sabbath and jubilee and all of the law” (23:19).⁶⁴

The Written תורה and תורה—Jubilees and the Dispute over Communing the Torah to Writing

The author of the Book of Jubilees attributes the authority and validity of his interpretation to the fact that this was the interpretation of the laws of the Torah given at Sinai and written down then.⁶⁵ This

⁶² The proximity of these general terms—my statutes, my commandments, my teachings—to terms appearing later on in the passage and explicitly relating to controversial matters, namely, the calendar (“they will forget month, sabbath, festival . . .”; see Kister, “The History of the Essence Sect,” 7–8), suggests, to my mind, that the more general terms also allude to differences between Jubilees and its opponents regarding the proper interpretation of the commandments of the Torah.

⁶³ 4Q216 2:5–8, 11, 14–17 (DJD 13.8).

⁶⁴ The idea of forgetfulness also appears in Rabbinic literature. B. Tem. 16a states that details of laws given at Sinai were forgotten when Moses died. The context is a discussion of the question of authority and the power of the Rabbis to be creative and innovative in halakha. There is a similarity here to Jubilees; but, unlike the latter, the Talmud is concerned with orally transmitted laws (see below), and no emphasis is laid on sinfulness as a consequence of forgetting.

⁶⁵ In this respect Jubilees is very similar to the Temple Scroll. There may be a reference in the Scroll both to the Torah written by Moses on Mount Sinai (= the Book of Jubilees or the Temple Scroll?) and to the halakha learned from the book of the Torah written on Sinai and given to Moses: “Then you shall do (i) according to the law that they declare to you [= the Torah as preserved by the Community] and (ii) according to what they say to you from the book of the law [is this the “revealed things” learned from the book of the Torah? See Shemesh and Werman, “Hidden Things”] and declare to you in sincerity . . .” (11QT 56:3–4 [Y. Yadin (ed.), *The Temple Scroll* (Jerusalem: Israel Exploration Society, 1983) 2.403]). The Damascus Covenant answers the question of authority differently. As Shemesh and I have shown (“Hidden Things”), the members of the Community admit that expansion and excesses of the text are the result of human efforts. Authority is vested in the divine inspiration

argument was apparently known to the Rabbis, who emphatically focus their attention on the same biblical verses cited by our author. In support of this thesis, consider the Scholium to Megillat Ta’anit (Ms Oxford):

On the tenth of Tammuz, תשרי כסו (= Book of Deceits?) was annulled and removed. For the Boethusians would write the laws in a book, so that when a person asks, they show him [the answer] in the book. The Rabbis said to them: Has it not been said already [in Scripture]: “. . . For in accordance with these words I make with you a covenant and with Israel”, “in accordance with the Torah that they shall teach you etc.”—implying that it is forbidden to write [these laws] in a book. Another interpretation: [. . .] תורה, for [. . .] the Boethusians said: “An eye for an eye, a tooth for a tooth”—if a person caused his fellow’s tooth to fall out, his tooth shall be taken out; if he put out his fellow’s eye, his eye shall be put out; and both are equal. “And they shall spread out the garment before the elders of the town”—the garment, literally, “She shall spit in his face”—she should actually spit in his face. The Rabbis said to them: Has it not been said already [in Scripture]: “the Torah and the commandment which I have written down to instruct them,” and it is further written, “Therefore, write down this poem and teach it to the people of Israel; put it in their mouths?” [that is to say:] “teach it”—that is the Written Law, “put it in their mouths”—these are the *halakhot* [= the Oral Law].⁶⁶

The verses enunciated by the Rabbis are precisely those cited in Jubilees to present the picture of the two Torahs.⁶⁷ This passage from

of the Interpreter of the Law (רודף הורה), who provides hermeneutical rules. These rules enjoy divine authority, as they were given to the Community by the Interpreter of the Law who was sent to them by God. The author of the Damascus Covenant reiterates, time after time, that the rest of the people, who oppose the Community, were not granted these rules because they were not faithful to the explicitly written commandments of the Torah, namely, the revealed commandments. Using the terminology of the Community, one might say that the members of the Community “reveal the “hidden things” inasmuch as they have been faithful to the “revealed things.” The implication is that only the members of the Community possess the correct interpretation; moreover, they are the only people capable of correctly interpreting and expounding the verses of the Torah. The Community’s opponents are therefore accused on two counts: they have deliberately violated certain commandments of the Torah, and unintentionally violated other commandments and details of the commandments. Hence the different answers of the Damascus Covenant and the Book of Jubilees to the question of authority also imply a different account of the people’s sins: the author of the former describes sinning due to ignorance, while the author of Jubilees attributes the sin to forgetfulness.

⁶⁶ Hebrew text as in V. Noam, *Megillat Ta’anit and the Scholium: Their Nature, Date, and Sources* (Heb.) (Hebrew University Ph.D. Dissertation: Jerusalem, 1997) Appendix: 35–36.

⁶⁷ The use of one of the verses quoted in the Scholium (Deut. 17:11) has been noted by M. Kister, “Marginalia Qumranica” (Heb.), *Tarbiz* 57 (1985) 315; A. Rosenthal, “The Oral Law and Torah from Sinai—Theory and Practice” (Heb.), *Mehqerei Talmud*, vol. 2: *Studies Dedicated to the Memory of Professor Eliezer Shimson Rosenthal* (eds. M. Bar-Asher and D. Rosenthal; Jerusalem: Magnes Press, 1993) 452–53 n. 14.

the Scholium essentially represents two arguments. In the first, the Rabbis attack the Boethusians' proof of their authority (an argument identical to that of Jubilees). In the second they defend their own argument that the source of authority for interpreting the Written Law was handed down orally from generation to generation.

In the first argument, the Boethusians write laws in a book, which they show to any person requesting a legal ruling. In other words, though they themselves wrote the book, the authority is vested in the book itself.⁶⁸ The Rabbis reject this written book, denying its authority to validate legal rulings, as the proper interpretation of the Torah, they say, was transmitted orally. In their answer, they quote two verses: "And the LORD said to Moses: Write down these words, for in accordance with these words I make with you a covenant and with Israel" (Exod. 34:27); "You shall act in accordance with the Torah that they instruct you and by the ruling that they tell you; you must not deviate from the verdict that they announce to you either to the right or to the left" (Deut. 17:11).

The verse from Deuteronomy is the basis for Rabbinical authority. The phrase *בְּפִי לַי*, here translated "in accordance with" but derived from the word *פִּי* ("mouth"), is presented as proof for the validity of an orally transmitted Torah: "in accordance with the Torah that they instruct you." Employing a hermeneutical inference similar to *דַּרְשֵׁי תַנּוּךְ*, the text concludes that the covenant (mentioned in the verse from Exodus) is also "*בְּפִי לַי*," that is, orally transmitted.⁶⁹ Thus, the Book of Jubilees expounds the Boethusians' argument underlying the dispute in the Scholium: the content of the covenant was conveyed in written and not oral form, namely, the book that Moses copied—the Book of Jubilees.

In "another interpretation" in the Scholium, the Rabbis uphold their position that oral tradition may deviate from the literal meaning of the Written Law. Here, too, the proof-texts are the very same verses cited in Jubilees. The first is that quoted (with one significant change) at the beginning of the book: "The LORD said to Moses, 'Come up to me on

⁶⁸ On authority and writing at Qumran, see J.M. Baumgarten, "The Unwritten Law in the Pre-Rabbinic Period," *Studies in Qumran Law* (SILA 24; Leiden: Brill, 1977) 15-18.

⁶⁹ Is this the source of the expression *בְּפִי לַי* (= Oral Law)? For a denial of this view, see Y. Bilstein, "A Note on the Term *Torah she-be-'al peh*" (Heb.), *Tarbiz* 42 (1973) 496-98; but see Rosenthal, "The Oral Torah," 455-56 n. 30.

the mountain and remain there, that I may give you the stone tablets and the Torah and the commandment which I have written down to instruct them;" (Exod. 24:12). The second is the verse alluded to when Jubilees explains why it was committed to writing: "Therefore, write down this poem and teach it to the people of Israel; put it in their mouths, in order that this poem may be my witness against the people of Israel. . . then this poem shall confront them as a witness" (Deut. 31:19-21).

The Rabbis infer from the wording of the verses that there are indeed a Written Law and a written poem (in the words of the Scholium: "teach it"—that is the Written Law"), but there is also an oral transmission: "I have written"—"to teach them"; "write down"—"put it in their mouths." Thus, the Rabbis say, alongside the book of the Torah, an oral tradition was transmitted as an interpretation of what was given in written form (as stated in the Midrash: "וְהַתּוֹרָה אֲשֶׁר נִתְּנָה לְיִשְׂרָאֵל בְּיַד מֹשֶׁה בְּעֵינֵי כָל יִשְׂרָאֵל, וְהָיָה הַתּוֹרָה אֲשֶׁר נִתְּנָה לְיִשְׂרָאֵל בְּיַד מֹשֶׁה בְּעֵינֵי כָל יִשְׂרָאֵל, וְהָיָה הַתּוֹרָה אֲשֶׁר נִתְּנָה לְיִשְׂרָאֵל בְּיַד מֹשֶׁה בְּעֵינֵי כָל יִשְׂרָאֵל"—teaching us that two Torahs were given to Israel, one written and one oral).⁷⁰

The Rabbis' argument is intended to rebut the view represented by the author of Jubilees. The Book of Jubilees denies the oral tradition, rejecting the Rabbis' inference from the wording of the verses that the latter refer to an orally transmitted tradition. What was transmitted was what was written in books: The Torah and the commandment is the book of the Torah itself, written by God to be taught to Israel; and the "poem" in Deuteronomy 31 is precisely the Torah written by Moses on Mount Sinai, with no need for oral interpretation.

The reference in both manuscripts of the Scholium to "ספרות" still awaits clarification.⁷¹ It would seem, however, that the basic

⁷⁰ Sifta 112c. The fact that R. Akiva rejects this exposition ("Was Israel indeed given two Torahs?")—loc. cit.—attests to its antiquity. A similar view concerning two Torahs is voiced by R. Gamliel (Sifta Deut. 351 [ed. Finkelstein, 408]).

⁷¹ See Noam, *Megillat Ta'anit and the Scholium*, 213-23. I might mention here that ms Parma (*Noam, Megillat Ta'anit and the Scholium*, Appendix, 35) associates the Sadducees with methods of execution, implying that they enjoyed sufficient secular power to implement capital punishment. Perhaps the text is implicitly critical of the Hasmonean rulers, who adopted Hellenistic laws foreign to Judaism, with no support or even hint in the Torah ("They do not know how to bring proof from the Torah"). The dispute with the Boethusians, according to ms Oxford, was one of principle, in which Rabbis and Boethusians were on equal levels. As to the details of the controversies—"an eye for an eye," "the garment literally," and "she should actually spit. . ."—it has already been pointed out that their interpretation was also disputed among the Rabbis themselves; see Noam, *Megillat Ta'anit and the Scholium*, 220-23.

disagreement between the Boethusians and the Rabbis was not over the question of writing or non-writing, but on whether prophecy still existed or had been terminated.⁷² The Scholium to Megillat Ta'anit is concerned with attempts by the Rabbis' opponents to argue that books written in their own time were actually given on Mount Sinai and to use those books in order to denounce the oral tradition which, in the rabbinic view, was what was given to Israel at Sinai and handed down from generation to generation.

Appendix: References to the Heavenly Tablets in the Book of Jubilees

I. Laws

- (1) The impurity of a woman immediately after birth is associated in the heavenly tablets with the times at which Adam and Eve were created (Adam in the first week; Eve in the second) and the times of their entry into the garden of Eden (Adam, forty days after being created; Eve, eighty days).
- (2) The law of covering one's private parts follows the eating of fruit from the tree of knowledge: "But of all the beasts and all the cattle he permitted to Adam alone that he might cover his shame. Therefore it is commanded in the heavenly tablets . . . that they should cover their shame" (3:30-31).
- (3) The law "Cursed is one who strikes his fellow with malice" follows God's cursing of Cain after his murder of Abel: "And therefore it is written on the heavenly tablets 'Cursed is one who beats his fellow maliciously'" (4:5).
- (4) The law of measure for measure is associated with the story of Cain's death, caused by his house falling upon him: ". . . for he had killed Abel with a stone, and with a stone he was killed by just judgment. For this reason it is ordained in the heavenly tablets: 'With the instrument with which a man kills

his fellow he shall be killed. As he wounded him thus they shall do to him.'"

- (5) Pardon and atonement for Israel's sins once a year, on the Day of Atonement: "Regarding the children of Israel it has been written and ordained, 'If they turn to him in righteousness, he will forgive all of their sins and pardon all of their transgressions'" (5:17).
- (6) Celebration of the festival of Oaths (Shevuot), associated with Noah's covenant, concluded in the month of Sivan: "For this reason it has been ordained and written on the heavenly tablets that they should observe the feast of Shevuot in this month" (6:17).
- (7) The celebration of four days of remembrance—the four significant dates in the story of the flood (1st of the first month, 1st of the fourth, 1st of the seventh and 1st of the tenth): "And therefore he ordained them for himself as feasts of remembrance forever, and thus they are ordained. And they set them upon the heavenly tablets. Each one of them is thirteen weeks from one to another . . . And all of the days which will be commanded will be fifty-two weeks of days, and all of them are a complete year. Thus it is engraved and ordained on the heavenly tablets . . ." (6:28-31).
- (8) The commandment of circumcision: ". . . and there is no passing over a single day beyond eight days because it is an eternal ordinance ordained and written in the heavenly tablets" (15:25).
- (9) The festival of Booths. According to Jubilees, when God tells Abraham of the coming birth of Isaac, he also informs him that Isaac's seed will be holy; in consequence, Abraham celebrates the festival of Booths: "And we eternally blessed him and his seed who are after him . . . because he observed this feast in its appointed time according to the TITLIT of the heavenly tablets. For this reason it has been ordained in the heavenly tablets regarding Israel that they shall be observers of the feast of booths seven days . . ." (16:28-29).
- (10) The festival of Passover: Abraham celebrates a seven-day festival after the thwarted sacrifice of Isaac (15 Nisan): "And thus it has been ordained and written in the heavenly tablets regarding Israel and his descendants to observe this festival seven days with festal joy" (18:19).

⁷² Y. Sussmann, "The History of *Halakha* and the Dead Sea Scrolls—A Preliminary to the Publication of 4QMMT" (Heb.), *Tarbiz* 59 (1990) 58 n. 185; Stone, "Lists of Revealed Things," 409-10 n. 1. The injunction against writing the law, based on Exod. 34:27, appears only in the Babylonian Talmud but not in tannaitic literature: "R. Judah b. Naimani the public orator of R. Simeon b. Lakish discoursed as follows: It is written, 'Write down these commandments,' and it is written, 'For in accordance with these commandments.' . . . A Tanna of the school of R. Ishmael taught: [It is written] These you may write, but you may not write *halakhoi*" (b. Git 60b).

- (11) Laban gives Jacob his elder daughter before the younger: "... because thus it is ordained and written in the heavenly tablets that no one should give his younger daughter before the elder..." (28:6).
- (12) Intermarriage with foreigners punishable by death: "For this is the way it has been ordained and written in the heavenly tablets regarding any descendant of Israel: 'Let anyone who causes defilement surely die. And let him be stoned'" (30:9).
- (13) The law of "second tithes": Jacob gives a second tithe to God at Bethel, "And therefore it is decreed in the heavenly tablets as a law to tithe a second time..." (32:10).
- (14) Tithes from livestock: "And the entire tithe of cattle and sheep is holy to the LORD and it will belong to the priests who will eat it before him year after year because it is so ordered and engraved on the heavenly tablets regarding the tithe" (32:15).
- (15) The "Addition" to the festival: God keeps Jacob for one additional day at Bethel, "And thus it was revealed that it should be. And it is written on the heavenly tablets. For this reason it was revealed to him so that he might observe it and add it to the seven days of the feast" (32:28).
- (16) Prohibition of incest: "Therefore it is written and ordered in the heavenly tablets that a man should not lie with his father's wife..." (33:10).
- (17) Institution of the Passover festival to commemorate the Exodus and the escape from death in the plague of the first-born: "For it is an eternal decree and engraved upon the heavenly tablets" (49:8).
- (18) The injunction to eat the paschal lamb in the Temple: "... because thus it is written and decreed that they shall eat it in the sanctuary of the LORD" (49:17).
- (19) Desecration of the Sabbath punishable by death (50:13).

II. Events

- (1) Judgment of humanity in each generation (5:13).
- (2) Isaac's name (16:3).
- (3) Lot's descendants to be cut off (16:9).
- (4) Abraham's election as God's friend (19:9).
- (5) The reward of the righteous at the End of Days (23:32).

- (6) The curse on the Philistines (24:33).
- (7) The actions of Simeon and Levi at Shechem (30:5).
- (8) The election of Levi following his actions at Shechem (30:19).
- (9) A righteous person will be inscribed on the heavenly tablets as a friend, and a wicked person as an enemy (30:20-22).
- (10) Election of Levi and Judah to leadership (31:32).