

Love and Joy as Metaphors of Volition in Hebrew and Related Literatures, Part II: The Joy of Giving*

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To the memory of my teacher and friend, M. Bravmann

The religious life of the ancients—Mesopotamian and Hebrew alike—was less a quest for salvation or union with a metapersonal godhead than an ongoing personal relationship, of different degrees of stability and intimacy, between man and his god(s). Like most personal relationships, the divine-human encounter, once formalized, was often experienced in legal terms, as a covenant: between overlord and vassal; between father and son; or between husband and wife. Furthermore, the religious covenant, exactly like its societal analogue, was created, sustained, and renewed by a continuous exchange of gifts and favors—the tangible signs of the mutual good will and loyalty of the parties. Thus, without denying the importance of the divine service and the more numinous aspects of ancient religion, there can be little doubt that the normal everyday intercourse between man and his god(s) was reflected in this ongoing exchange of gifts: the gifts—or in religious language, “the blessings”—of life and wealth, healing and assistance bestowed by divinity on everyman; the authority bestowed as a gift to kings, especially in Mesopotamia; and in Israel—at least according to the midrash—the gifts of the land, the Torah, and the Sabbath, granted to the people for all time. In return for these blessings, man reciprocated with his contributions to the temple and with the payment of his vows: in Mesopotamia with his food-offerings to the gods; and in Israel with his tithes, first-fruits and sacrifices, and later, with his prayers. And even if his sacrifices were formally considered as divine demands rather than spontaneous

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donations, nevertheless—at least according to a rabbinic tradition—if offered with a full heart and with enthusiasm, they were actually accepted as free-will offerings.¹

Unlike the sale of an object, where the payment of a consideration effected the transfer of ownership, the validity of ancient near eastern donations was dependent to a great degree on the intention and good will of the donor; if his feelings of affection towards the donee happened to change, the legal basis of the transfer was weakened, and the gifts may have been demanded in return. Thus, in order to insure the donation against its inherent instability, counterdonations were often offered by the donee, thereby assimilating the donation to the more stable vehicle of sale.² Or, more frequently, the donation was accompanied by the donor's declaration of volition.³ This was especially true of divine donations to kings and priests, and of royal donations to courtiers, where the declarations of volition were particularly elaborate.

Furthermore, while the Mesopotamian and some Biblical traditions seem to place little emphasis on the volition that accompanied donations to the deity, in rabbinic tradition, the volition and intention of the human donor—although not crucial from a strictly legal point of view—is afforded greater and greater religious consideration.⁴ Finally, it should be noted that not only do donations have to be *given* with the proper spirit, they also—at least ideally—had to be *accepted* in the spirit with which they were given: with thankfulness, if the recipient were human; with “favor” if the recipient were divine.⁵ It is as if to say that since all the goods in the world belong to the Divine, the only real contribution man can offer is the willingness with which he gives his contributions, and the alacrity with which he performs the act.⁶

In a previous study, I attempted to demonstrate that the metaphors of love and joy were used as terms of volition of action and spontaneity, not only in near eastern legal

1 Could it be that the great seriousness which the popular Christian world attributes to the exchange of Christmas gifts functions as type of covenant-renewal ceremony by which weakened social and familial relationships are solemnly reestablished? See Mauss, *Essai sur le don*, now translated as *The Gift: Forms and Functions of Exchange in Archaic Societies* (Glencoe, Ill., 1954). The use of the Hebrew *b'raka* in Judg. 1:15 clearly indicates ‘gift’ as, e.g., in the Arabic *barakat*, which carries the connotative meaning of endowment; cf. J. Pederson, *Israel* (Oxford, 1926-1940) on the meaning of the term ‘blessing’, and also his book *Der Eid bei den alten Semiten* (1914). Cf. B. Landsberger, “Das Gute Wort,” *Mitteilungen der Altorientalischen Gesellschaft*.4 (1928-9), 319-21.

2 Cf. my *Studies in the Aramaic Legal Papyri from Elephantine* (Leiden, 1969; reprint: Ktav, N.Y., 1973) for Aramaic and Akkadian illustrations of the principle. The idea is clearly reflected in the Aramaic declaration in which the donee declares that he will not say “I gave you the gift in affection and now I want it back”; cf. my *Studies*, 42, n.1. The underlying assumption is that the gift depends on affection. If the affection vanishes, the sale could be revoked. Consequently, the donee gives up this right.

3 A negative declaration, i.e., one that is not to be made, is quoted in the Palestinian Talmud, *Nedarim* 3:3, 38a, in the name of R. Hela, who observed *kn 'wrh' dbr nšc mymwr lhbryh kwrwsty byyh*, “Is it the way of a man to say to his friend (the Greek expression) χαρίζεσθαι βίᾳ (I give you perforce)?” Professor Lieberman explains in his *Greek in Jewish Palestine* (New York, 1941), 44, that R. Hela is explaining that “people do not behave this way when they make a present. A gift is offered with the good will of both parties; the one is desirous of giving, the other of accepting.”

4 Cf. my article “Love and Joy as Metaphorical Expressions . . . (Part I)” referred to above, note *. This statement needs qualification; as we shall see later, volition becomes more important in the Deuteronomist, the Chronicler, and Ben-Sira.

5 See above, n. 3.

6 E.g., 1 Chr. 29:14.

documents, where this usage was fairly well known, but also in a wide range of rabbinic texts. In that study, we saw that the inner joy / love of the donor expressed itself by the radiance of the face and the alacrity with which the action was performed. In this study we will spell out these ideas in greater detail, focusing on a number of passages having to do with donation and gift giving.

I. VOLITIONAL GIFTS TO TEMPLE AND SANCTUARY

The use of the term *šimḥa* to express this willingness and the alacrity which goes along with it, can be seen in the rabbinic homily to Num. 7:2, which describes the ceremonies that accompanied the completion of the construction of the tabernacle.

And the princes of Israel drew close (Num. 7:2): Why did the princes hasten (*nizdarzu*) to come and sacrifice first, when at the time of the erection of the tabernacle, they procrastinated (*niṭʿaššʿlu*) and finally were only (able to bring) onyx and precious stones? Because when Moses had said, *whosoever's heart moves him shall bring a donation for God towards the building of the tabernacle* (Exod. 35:5), they were disturbed because they had not been specifically asked to bring a donation. They said, "Let the people bring whatever they want, and we will fill in the deficit." (However) the people were so enthusiastic about the construction of the tabernacle that they brought all their donations freely and speedily . . . After two days, when the princes were just about to bring their donation, they could not since all that was needed had already been supplied by the *hoi polloi*. Therefore, the princes were very dejected not having had a share in the construction of the tabernacle.⁷

The rabbis ask why the princes were so eager (*nizdarzu*) to contribute to the sanctuary after it was completed, while during its construction they seemed to be in no hurry (*niṭʿaššʿlu*), being the last to contribute (Exod. 35:27). The answer is as follows: the princes, expecting a special invitation to make their donations, felt snubbed by Moses who included them in the general appeal to the people. In their pride, they decided to wait until the popular contributions were in, then to make the aristocratic gesture of making up the deficit from their own pockets. However, to the princes' chagrin, the people responded so enthusiastically to Moses' appeal, that in their rush to bring contributions, they actually brought more than was needed, thus leaving the princes without a significant share in the holy undertaking. The unstinting enthusiasm of the people and their eagerness to contribute is expressed with the phrase: *šamʿhu . . . wʿl.ebiʿu bʿšimḥa kol nʿdaba ubizrizut*. Clearly, in this context, *šimḥa* is more than just simple joy; as the complement of *bizrizut* 'eagerly, with alacrity,' it must mean something like 'willingness' or perhaps, more specifically, 'zeal' or 'enthusiasm.'

The princes thereupon decided that such an indiscretion was not going to recur. Thus, when the sanctuary was completed, in an attempt to preclude such a debacle, the princes, it is said: *hiqdimu wʿhebiʿu qorban bizrizut* "without being asked, they brought an offering with alacrity," saying *hare haššaʿa šenaqrib qorbanot bʿšimḥa* "this time, we had better offer (our) sacrifices with joy," that is, immediately, with enthusiasm; with even greater alacrity than that of the *hoi polloi*.

⁷ *Bʿmidbar Rabba* 12:16, ed. Mirkin, p. 36. According to one tradition, there were, all told, ten different *terumot* that were to be offered to God. See Rabbenu Meyuḥas to Exod. 25:3, ed. Greenup, p. 94.

A second illustration of *šimḥa* used as a partial synonym of *z^erizut* is found in the *Sifra*'s comment to Lev. 9:5–6. On the eighth day of the installation of the priests, God commanded the people to bring their sacrifices before the Sanctuary, that He might appear in their midst. Still anxious that their past sins may have alienated them from their Lord, the people, overjoyed that there was the possibility of a renewed manifestation of divine favor, immediately rushed forward to bring their offerings with more than normal enthusiasm.

And the people brought that which Moses commanded: with zeal (bizrizut). And the whole community came forward and stood before the Lord: they all came forth b^ešimḥa and stood before Him. By way of illustration, (their situation) may be compared to a king, who, in his anger, drove his wife out (of the palace). After some time, however, he made up with her. Just as soon as this happened, with every bone in her body (lit.: with girded loins and flexed shoulders), she began to wait on him more than was necessary (yoter middai). In a similar manner, as soon as Israel realized that the Lord was now disposed to forgive their sins, they rushed forward b^ešimḥa—overenthusiastically. This is what is reflected in the verse: And the whole community came forward and stood before the Lord (Lev 9:5).⁸

The slightly negative overtones of the people's *šimḥa* are reflected in the parallel expression *yoter middai* 'more than necessary / too much,' applied to the rejected wife, still not secure in her husband's affections. Although the *šimḥa* and *z^erizut* of the people may have been excessive, nevertheless, their overzealousness—or more correctly, their religious enthusiasm—actually led to fatal indiscretion.

According to one rabbinic tradition, the two sons of Aaron, Nadab and Abihu, did not offer 'strange fire' to the Lord (Lev 10:1) because of base motives—as the simple meaning of the verse would seem to indicate—but because of an excess of religious zeal.

And the two sons of Aaron each took his fire pan, put fire in it . . . and they offered before the Lord alien fire, which he had not enjoined upon them. (Lev 10:1): They, on their part, in their šimḥa. For as soon as they saw the new fire, they spontaneously felt like adding (their) gift to the (divine) gift (šam^edu l'ḥosif 'ahaba 'al 'ahaba).

Nadab and Abihu: Although they were the sons of Aaron, nevertheless, they did not show respect for Aaron (by consulting with him first), not did they consult with Moses . . . (in fact), they did not even consult with each other before they rushed forward.⁹

The sons of Aaron, therefore, far from being evil men, were religious enthusiasts who felt that something more was called for than the general exultation (cf. Lev. 9:24): the divine gift of fire had to be met with a commensurate human gift. In their *šimḥa*—not

8 *Sifra*, *Še'mini*, sec. 1:5. Note the literary composition of the passage: first the biblical verse; then an almost pashtanic gloss in Hebrew, virtually identical in form and function to an early Aramaic Targum, like many found in Pseudo-Jonathan; then, finally, a midrashic concretization by way of allegory (*mašal*). We have tried to distinguish these elements graphically. A superabundance of any strong emotion, be it too much joy or too much willingness or eagerness, causes a man to forget the proper etiquette required in a given situation. Abraham, Balaam, etc., all broke with the rules of proper behaviour when they, themselves, forgot their own dignity and saddled their own animals, a job normally relegated to servants. This notion is expressed in rabbinic literature by the dictum: 'ahaba m^eqalqelei 'et haššura. For Abraham, Balaam, and the dictum, see *B^erešit Rabba* 22:3, ed. Theodor-Albeck, p. 592.

9 *Ibid.*, *Šaw Milluim*, 1:15.

merely the joy over the theophany, but more specifically, the impetuous zeal and enthusiasm precipitated by it—they rushed forward without second thought and without consulting the ordained authorities—Moses and Aaron—and placed their gift of strange fire on the altar, only to bring upon themselves sudden death and upon the people, a day of mourning in the midst of holy celebration.¹⁰

The idea of donations given with a glad heart also comes into focus in another series of midrashic statements relating to the gifts given by the people to the tabernacle. In the *Targum Ps.-Jonathan* to Exod. 25:2, we find the phrase *ʔašer yiddʔbenu libbo* “whosoever is of a willing heart” glossed as follows: *min kol gʔbar dʔyitrʔe libbe wʔla bʔʔalmuta* “from any man whose heart desires and who is not under any compulsion.”¹¹ This seems to correspond to the midrashic exegesis to that verse found in the *Leqah Tob*, where we find:

(Whosoever is of) a willing heart: (The essence of) a generous person depends on his heart (i.e., attitude), as it is written: *whosoever is of a willing heart* (Exod. 35:5), (thus implying the exclusion of the man whose gift is given) under compulsion (*ʔones*).¹²

The reasoning behind this midrash is given in the commentary of Rabbenu Meyuḥas, who wrote:

It is stated “whosoever is of willing heart,” which implies that gifts must be given of free will and not under compulsion, in order to differentiate between another type of contribution which is also called *ʔruma* in Scripture, i.e., the yearly donation of a half-*sheqel* (for the upkeep of the Sanctuary), where the principle of free-will is not operative. On the contrary, the rabbis were prepared to put a lien against the property of him who declined to pay it. Thus Scripture finds it necessary to make obvious the fact that this donation must come as a free-will contribution.¹³

10 Regarding the translation of *ʔʔhosifʔʔhaba ʔal ʔʔhaba*: the translation of *ʔʔhaba* as ‘gift’ (freely given) was clearly spelled out by the comment of R. Abraham ibn Daud, ad loc., who says: *šehosifu tosefet doron ḥadaš* “they wanted to bring an extra *doron*—gift.” Hence the equation *doron* = *ʔʔhaba*. Furthermore, in this context, the Hebrew *ʔʔhaba* = Elephantine *raḥmah / raḥmat*, that is, ‘gift’, which is, itself, either a reflex or a loan-translation of the Neo-Babylonian *rēmūtu* ‘gift’. Cf. my *Studies*, 38, 133, and passim. This use of the word *ʔʔhaba* as ‘gift freely given’ may shed some new light on the phrase *ʔʔhabat ḥesed* (or) *ʔʔhaba waḥesed* in Saadia and other oriental texts in the Amidah prayer. The terms are parallel to *raḥamim*, *ḥayyim* and *šalom*, namely, “(You have given us) mercy, life and peace” and *torat ḥayyim*, that is, “a Torah of life.” Clearly the term means “You have given us a gift of Your *Ḥesed*” (if we follow the Ashkenazic formula) or “You have given us a gift and a *ḥesed*” (according to Saadia and the other oriental rites), but not “You have given us (the ability) to love *ḥesed*” as it is often misunderstood.

11 *Targum Ps.-Jonathan* to Exod. 25:2, ed. Ginsburger, p. 143. The phrase used in the Targum for ‘under compulsion’ could easily mean either physical or emotional compulsion. Some light on this question might be shed by a new text of the *Midraš Tanḥuma*, published by Mann in his book, *The Bible as Read and Preached*. . . , 121, which is as follows: “And they shall make for me a sanctuary . . . (Exod. 25:8): Moses said to Him: ‘My God, Master of the Universe! And from what shall they make it (i.e., the sanctuary)? Shall each one of them give a *katadikē*?’ Said the Holy One, blessed be He, to him: ‘No, but rather let them take for Me donations . . .’ *Katadikē* is a reflex of the Greek word and simply means ‘under force’; cf. Greek dictionaries for its range of meanings. It is but another synonym for *bʔalamuta*, *bʔʔones*, etc. See also, M. Kasher, *Ḥumaš Tora Šʔlema* (Jerusalem, 1961), 20: 6, n. 24.

12 *Leqah Tob* to Exod. 25:2, ed. Buber, p. 176. For the form *ʔeno ʔela* used to introduce a lexical *pʔešaʔ*, see the remarks of Professor Lieberman, *Hellenism in Jewish Palestine* (New York, 1962), 49, and my *Love and Joy*, p. 29.

13 *Peruš Rabbenu Mʔeḥas* to Exod. 25:2, ed. Greenup, p. 94. See also J. Liver, “The Half *Sheqel*,” in

The fact that this free-will donation was highly desirable is shown by this later midrash:

Whosoever is of a willing heart (Exod. 25:2): The tabernacle, which was built with donations that were wholehearted, was impervious to the evil eye. The Temple, which was built with donations that were collected halfheartedly, was (eventually) destroyed by the enemy's hand.¹⁴

For the *Sifra*, this free willingness to give caused certain problems, the gravity of which caused Moses to offer a certain expiatory sacrifice, to which specific reference is made in Lev. 8:15. The midrashist asks rhetorically what the sin was which this sacrifice was to expiate. He answers:

Moses said, "From the moment that the Lord of the Universe commanded that contributions be brought to the Sanctuary, each Israelite pushed himself so as to have brought donations without full willingness (*šelo b'ṭobatom*). To preclude the possibility that stolen property be dedicated to the sanctuary—and donations given without full willingness were considered to be stolen goods even if stolen from oneself—this expiation was offered."¹⁵

So it would seem according to the *Sifra*,¹⁶ that the contributions were not only less worthy because they were offered under compulsion, but they were, in fact, legally questionable, thus requiring the sacrifice.

The statement in Exod. 35:22 "... they came, both men and women ..." to contribute to the building of the sanctuary is formulated in an unusual way in Hebrew, using the preposition *al* to express the word 'with.' This gave several midrashic writers pegs on which to hang their exposition of the problem regarding the free will with which the contributions were supposed to be made. Thus, one text explains:

And they came, the men against [al = 'against'] women (Exod. 35:22): What does this teach us? Above it says: (And Aaron said unto them:) *Break off the golden rings, which are in the ears of your wives, sons and daughters, and bring them unto me* (Exod 32:2). The Israelites said, "How shall we effect atonement for the sin we committed in breaking the golden rings off our wives, sons and daughters, which we brought in piles in order to fashion golden gods?" Thus, when Moses brought them together in order to solicit contributions of gold and silver for the building of the tabernacle, they all brought donations from their homes and from their pockets, as it is written: *And they came, everyone whose heart stirred him up, and everyone whom his spirit made willing, and brought the Lord's offering* ... (Exod. 35:21). And yet some went after the jewelry of their wives and daughters and took them by force [*bizroa*], as it is written: *And they came* ...¹⁷

the *Yehezkel Kaufmann Jubilee Volume* (Tel Aviv, 1960; in Hebrew); and now also in English, "The Half-Shekel Offering in Biblical and Post-Biblical Literature," *HTR* 56 (1963), 173–98.

14 *Midraṣ Haggadol* to Exod. 25:2, ed. Margoliot, p. 569.

15 *Sifra*, *Šemini*, sec. 1:5. It is well known that *ṭob* and *ṭoba* do not serve merely as expressions of moral rectitude, but often refer to a psychological state of inner joy. Cf. H. L. Ginsberg, *Qohelet* (Tel Aviv, 1961), passim. Now if we are correct in our assumption that joy is often used as a metaphor of willingness, the meaning of the stereotypical rabbinic expression *b'ṭobato* / *birsono*, and the opposite *šelo b'ṭobato* / *b'al korho* become clear. Cf. *Love and Joy*. One would expect that the antithetic term *b'al korho* should mean something like 'in his sadness', i.e., unwillingly. Note that this induction is proven by the Syriac *korhana* and the Arabic *krh* 'sickness'.

16 This text was pointed out to me by Professor Saul Lieberman.

17 Ibid., *Šaw Milluim*, 1:15.

It is just such traditions about the coercion that may have occurred in the presentation of contributions to the tabernacle that are consciously negated by many of the *midrashim* cited above. Nonetheless, the dominant midrashic idea is that the donations were brought voluntarily, and this is the idea that underlies even the *Sifra* passage, where it is shown that this generosity led to certain excesses. There is one source that puts it all together, using the word *šimḥa* as the key. It states:

And all the congregation of the children of Israel departed from the presence of Moses (Exod. 35:20): Scripture tells us that once the people learned that God had forgiven them for that sin (i.e., the golden calf), and that the Holy One, blessed be He, had asked them to construct a tabernacle so that He might cause His *Š'kina* to dwell amongst them, they rejoiced with great joy (*šamḥu šimḥa y'tera*) and all went out with great alacrity (*z'rizut*) to bring all their money. This we learn from the verse: And they came, *everyone whose heart stirred him up* . . . (Exod. 35:21). And precisely because they contributed with all their heart, and with all their spirit, the Holy One, blessed be He, is destined to implant within them a new heart and spirit, and thus is it written: "A new heart also will I give you, and a new spirit will I put within you . . ." (Ezek. 36:26).¹⁸

Functionally, *z'rizut* is frequently a free variant of the volitional *šimḥa*. This may be inferred from a midrash on the same verse (Exod. 35:20), which explains the expressions *šimḥa* and *z'rizut* in other language:

וַיֵּצְאוּ . . . יֵצְאוּ לְהֵבִיא תְרוּמַת הַנְּדָבוֹת וְלֹא עֵיכּוּב.

And they departed . . . (Exod. 35:20): to get their donations without procrastinating.¹⁹

II. YANNAI

In the first part of this study, we have seen from a wide range of midrashim, all dealing with gifts to the tabernacle, the crucial juridic significance of the inner joy/will of the donors. Furthermore, we have seen that the absence of this inner joy, whether caused by outward coercion, by lack of inner conviction, or the overzealousness which causes a man to donate more than he ought—thereby suffering rather than rejoicing in his gift giving, if not actually invalidating the gift—at least greatly depreciates its significance and its value.²⁰

Now, in spite of the poetic nature of midrashic literature, the midrash is dealing with a crucial legal process, namely, the role of volition in donations to the Deity. Therefore, it should come as no surprise that actual legal terminology—the *l'son hedyoṭ* 'common law formulary'—should be used either in rabbinic midrashim or in payyetic amplifications of biblical passages. The close relationship between the midrashic tradition and the poetry of the famous early payy^{etan} Yannai has been discussed by Saul Lieberman and by other scholars.²¹ In fact, there is hardly a line of Yannai that

18 *Midraš Haggadol* to Exod. 35:20, ed. Margoliot, p. 743.

19 *Leqah Tob* to Exod. 35:22, ed. Buber, p. 212, and also *Midraš Aggada* to Exod. 35:22, ed. Buber, p. 188. Cf. *lo yihher, lo nitraššel, lo hitmahme^ah*.

20 The tabernacle donations were, of course, legally gifts.

21 S. Lieberman, "Hazzanut Yannai", *Sinai* 4 (1939), 221–30 [in Hebrew].

does not resonate with echoes of the early midrash. We shall see how important knowledge of the common law Aramaic legal formulary is for the proper understanding of Yannai's poetry in general and specifically in a fragmentary poem of Yannai's on the subject of building of the tabernacle and the contributions solicited for its construction.²²

The text of Yannai's *piyyuṭ* is in very bad shape. Stanzas 7 and 8 are fragmentary. However, at least we can tell that they are juxtaposed against one another: stanza 7 talks about the fact that a gift was not to be brought with *ḥones* 'under compulsion or duress', while stanza 8 informs us that it should be offered *b^ešiwui* and *b^eraṣon* 'quickly and willingly'.²³

The two stanzas in question read:

כלי כ... וב... ²⁴	כלי אסון ואונם
כלי ריבה ורופי	כלי גו[נה] ו[ג]...
כלי ואנינה ואנח	כלי ח... וה...
[כלי ח... וח...]	כלי זרון וזעם]
[כלי י... וי...]	כלי טענה וט...
כלי לב ולב	כלי כפיפה וכעם
כלי עי... ועושן	-----
[כלי צ... וצ...]	כלי פשיעה ופרץ
כלי רננינה ור...	[כלי ק... וקוט...]
[כלי ת... ות...]	כלי שרירה ושר...

ח כי אם כתום ובשווי וברצון ו[ב]ק... ובצ... ובפ... [ובעון [ובם... ובנ... ובמ...]

ובליקח ובכושר יד וביקר ובטוב [ובח... ובז...]

ובווריי ובה... [ובר... ובנ...]

ובביטח וב ובהב קירשו עצמם והי[קרישו]... בקרושת מעלה כב וקרא

At least six of the terms are actually attested to in various early medieval legal documents in publications of S. Assaf.²⁴ Based on those documents, and also on the acrostic nature of this poem, I believe that it will be possible to reconstruct, more or less, the text of the *piyyuṭ*, and so I will defer translating the text until the philological problems are put in order. First, let us list the terms from the *piyyuṭ* that have nearly precise parallels or almost exact ones, in those documents:

22 M. Zulai, *Piyyuṭe Yannai* (Berlin, 1958), 106–7. The poem is based on Exod. 25:1, *w^eyiqq^ehu li t^eruma*. At a later date, I plan to write on the relation of the terminology of this type to *piyyuṭ*, the early 'Aboda-service *piyyuṭim*, and also Samaritan *piyyuṭ*.

23 *Šawe* is a favorite word in *piyyuṭim* for willingness and immediacy, and it was used in that sense by the authors of the Dead Sea documents, as well as the Samaritans. Lieberman, in *Greek in Jewish Palestine* (New York, 1965), 176–77, calls attention to the phrase *y^eqabb^elun den min den šawe* in the famous poem *Aqdamuth*, where the parallelism with *d^ela b^ešašta* clearly indicates that *šawe* means 'quickly'. The term occurs in a letter of Bar Kosiba where he asks that something be sent *šawe* 'quickly'. See Y. Yadin in *Yediot Hahebra L^eḥaḡirat 'Ereš Yisrael* (1961), 53f. For the Samaritan usage, cf. Z. Ben-Hayyim, *The Literacy and Oral Traditions of Hebrew and Aramaic Amongst the Samaritans* (Jerusalem, 1967), 3/2, passim [in Hebrew]. It has recently been found in a Genizah fragment of a midrashic text edited by Mann in *The Bible as Read and Preached*... , 1:101 (Hebrew section).

24 S. Assaf, "Ancient Documents from Palestine and Egypt," in M. Ish-Shalom et al., eds., *Jerusalem: Studies in the Land of Israel*; (Jerusalem, 1953; in Hebrew); and idem, "Ancient Documents from the Genizah from Palestine, Egypt and North Africa," *Tarbiz* 9 (1938), [in Hebrew].

1) *b'li 'ones* 'without coercion' is almost a *sine qua non* in the medieval documents, see below, no. 7.

2) *b'li dofi* 'without deception' is attested in at least one document parallel to *lo šiqqarti* 'I did not lie / break contract'.²⁵

3) *b'li ta'ana* 'without contest / claim' is a regular and well-attested phrase.

4) *b'li leb waleb* 'without being of two minds (lit., hearts)' is also found in those medieval texts.²⁶

5) *b'li 'ošeḡ* is also found among those texts.²⁷

6) *b'li k'fifa waka'as* 'without coercion and anger': Again, a medieval legal formula will help us to clarify the meaning of this phrase. One of the volitional formulas common in Palestinian marriage contracts reads: "(I am doing this) *wa'ana la 'anis w'la ka'is w'la ra'is w'la 'ašib w'la kafif*" 'not forced, not with anger, a broken spirit, sad or coerced'.²⁸ This clause has been discussed in great detail in my "Love and Joy . . .", Part I. There I showed that the logical opposite of joy, meaning willingness, would be sadness, meaning unwillingness.²⁹ This is clearly reflected in the phrase *ka'is . . . kafif*, both of which are rare terms, both in the legal formulary and also in *payyēṭanic* tradition. The total identity of Yannai's line can hardly be coincidental. It is almost as if the poet utilized a known legal formulary to make his point that the relationship between man and God is bound by the same rules that apply to human relationships, in this case, the invalidity of a legal contract entered into under compulsion.

7) *b'li 'ason*. The term '*ones* 'compulsion' needs no explanation, being found in Jewish documents of virtually every age. Obviously, '*ason* must be something like '*ones*. It was Professor Saul Lieberman who, in a private communication, intuitively derived the word '*ason* from the root *ʿi-š-y*, with the regular *samek* – *šin* interchange, and the use of *aleph* instead of *ayin* because they were used interchangeably in Palestine at that period, and here, the poet needed an '*aleph* word to begin his acrostic poem. For instance, we know from Palestinian rabbinic legal material that a *geṭ m'ʿuše* is a writ of divorce given under compulsion. Therefore it is clear that '*ones* and '*ason* are virtual synonyms. After having received Professor Lieberman's suggestion, I happened to come upon the extremely rare expression *w'lo 'iśšut* (spelled with a *šin*) in another collection of rare deeds edited by Assaf, where the term can only mean 'without coercion'.³⁰ Thus Lieberman's insight is confirmed by an actual document.

8) *košer yad*, a synonym for *zariz* 'with alacrity' or *leb tob* 'joyfully'.³¹

25 Ibid., 211, line 43, reconstructed on the basis of other texts. The relationship between these clauses and the confessional recited in the High Holy Day liturgy is not clear. Did the liturgy borrow from the legal formulary or vice versa?

26 Ibid., 214.

27 Ibid., 210.

28 *Love and Joy*, 22f.

29 Ibid., 23.

30 Assaf in *Jerusalem . . .*, 116.

31 For the equivalence of *kašer* and *zariz*, see Lieberman, as quoted in S. Spiegel, "Noah, Daniel and Job," *Louis Ginzberg Jubilee Volume* (New York, 1945), Eng. section, 312, n. 5. On the other hand, *kašer* is clearly a synonym of *leb tob* 'a willing heart' in a *piyyuṭ* by R. Hai Gaon published by S. J. Halberstam in *Saemtliche Gedichte Rab. Hai Gaon* (Lemberg, 1889), 11. There the couplet reads:

9) *b^eli dibba* is not actually found in any of the documents published by Assaf, but it must be related to the Aramaic formulary from Elephantine, *w^ela din ud^ebab* “beyond a claim or a lawsuit.”³² This certainly ties in with the Syriac term for enemy, *bel d^ebaba*, and the Mishnaic Hebrew *din ud^ebarim* found, for instance, in *Ketubot* 9:1.³³

10) *b^eli 'anina wa'enaḥ* is also not actually found in any of the documents themselves, but we have an interesting parallel from Philo, who states:

The cities (of the Gentiles) pay under compulsion and reluctantly, and groan under the burden (i.e., of their taxes) . . . and when they discharge the appointed dues and assessments they do so without regard to the time limits allowed. But our people pay gladly and cheerfully. They anticipate the demand, abridge the time limits . . . and so at each of the yearly seasons with a zeal and a readiness which needs no prompting.³⁴

Philo's statement that the Gentiles pay their taxes “under compulsion and reluctantly” and that they groan under the burden sheds new light on the phrase *'enaḥ* ‘with groaning.’³⁵ Although he does not say explicitly, Philo does seem to imply that more than being a matter of etiquette, the Jewish gift would almost be invalid if it were offered in the spirit in which the other nations offer their duly owed taxes. Yannai can therefore be assumed to be trying to show that the gift to which he is referring in his *piyyuṭ* is not marred by this common defect. Yannai's gift is therefore doubly appropriate: it is given neither by one who is not whole or wholehearted, that is, an *'onen*, nor is it being given in a stingy or niggardly way, that is, *'enaḥ* ‘with a groan.’ We know from the *Sifra* that an *'onen* ‘one who has lost a relative but has not yet buried him’ lacks the mental clarity to offer a sacrifice.³⁶

As I mentioned above, the affinity between the language of these Genizah documents and the poem of Yannai leads one to wonder if it might not be possible to completely

ידע כי המעט לתת בלב טוב
לדל טוב מזעף פנים וקטוב.
מחסר אשר תתן בכושר
מעט טוב מאושר תתן בעושר.

“Know that giving a little with a willing heart / Is better for a poor man than giving a lot but with an angry face (i.e., with niggardliness) / And even almost nothing that is given *b^ekošer* / Is better than a rich gift (i.e., an expensive gift, but one not given *b^ekošer*).” A *piyyuṭ* published by D. Goldschmidt confirms the equation of *kišaron* and *z^erizut/raṣon*:

נתת ליראיך על מלכותך
ובכשרון ששים ושמים קבלו תורתך.

“You gave to those who fear You the yoke of Your kingdom / and with *kišaron* (alacrity) they received Your Torah with joy and gladness.” This appeared in the *Kobeš 'al Yad*, 17 (Jerusalem, 1976), 232.

32 For Elephantine examples, see the index to my *Studies*, s.v. *din*.

33 On Aramaic *dyn wdbb* becoming Hebrew *din ud^ebarim*, cf. D. Sperling, *JANES* 1/1 (1968), esp. 37–38.

34 *The Special Laws*, I, 141–44, Loeb Classical Library, vol. VIII, 180.

35 *The Special Laws*, loc. cit.

36 *Sifra*, *N^edaba*, 16, sec. 13.

reconstruct the missing terms from the poem based on their acrosticity and the presence of pertinently-initialed terms for volition in the documents published by Assaf.³⁷ In this reconstruction, the words not underlined are in the document published by Zulai. The words underlined once are from the documents in the *Tarbiz* article and the numbers refer to the number Assaf assigned to them in that article. The double underlining refers to the documents published in the Jerusalem volume and again, the numbers refer to the numbers assigned by Assaf.

כלי ריבה ורופי	כלי אסון ואנס
כלי ואנינה ואנה	כלי גובה
כלי חולי (19) וחרם (5)	כלי זרון וזעם
כלי לב ולב	כלי טענה וטעות (12,23)
כלי עצבות (19) ועיושק	כלי כפיפה וכעס
כלי עישות (8)	כלי מחלקת (19) וזרע (12)
כלי רגינה	כלי פשיעה ופרין
כלי תרעמת (19) יתביעה (5)	כלי מללה (5) ומבע וימנא
תחות יתחיה	כלי שרירה ושננה (23)
	ישבוש
	ישעמום (8)
	ושכרות
... (8) וביצילות דעת (8) ...	כי אם כתום וכשווי וכרצון ובקיום (8)
ובעון... ובנפש חפצה (19) ... ובלקח ובכשר יד וביקר ובטוב	
ובחלימות גוף (8) ובזריו ובתנו (23) וברעת שלמה (12) ובגמר לב (6)	
ובגוף בריא (14)	
	ובכבטה ובאהב

With neither compulsion nor duress
 With neither pride nor
 With neither nor
 With neither malice nor anger
 With neither complaint nor *error*
 With neither duress nor anger
 With neither *dissent* nor *evil*

With neither crime nor lawlessness
 With neither CURSE nor rigidity
 With neither crime nor *error*

MISTAKE
 BOREDOM
 INTOXICATION

With neither nor
 With neither litigious nor deceptive words
 With neither mourning nor groaning
 With neither *illness* nor a vow (?)
 With neither nor
 Without ambivalence
 With neither *sadness* nor oppression

COMPULSION

With neither nor
 With neither nor
 With neither *complaint* nor *force*

Without (these) but rather with innocence and alacrity and free will and CERTITUDE and CLEARHEADEDNESS ... and with strength ... and with a *willing spirit* ... and with *leqah* (?) and with *justice*

37 See above, n. 24.

surehandedness and with gravity and with goodness and with a *well body* . . . and with knowledge (or confession?) and with *dignity* and with *complete awareness* and with MADE-UP MIND (lit.: heart) *healthy body* and with certainty and with love . . .

In summation: The cumulative effect of these clusters of legal terms in the poetry of Yannai is most impressive. Law, liturgy, and midrash are more closely inter-related than we might ever have suspected.

There is yet another *piyyuṭ* of Yannai, published by Davidson in his *Maḥzor Yannai*,³⁸ which nicely orchestrates the various themes discussed above. Building on the verse in Lev. 22:17 *ʾašer yaqrib qorbano* “whosoever offers his sacrifices,” and taking for granted the rabbinic doctrine that some sacrifices are invalid if offered without total volition (compare below in our discussion of Ben Sira), the poet can write *hannikʿlalot biršon ʾiššim* “(an *ʿola*) whose performance is only perfected (if accompanied) by the volition of the person offering (it),” in line 3. Later in the poem, he writes: *ʿšurat qorban . . . tamim ʿšibyonam uliršonam* “a gift of a sacrifice” which is “perfect only with their will and intent” (line 12). Equally striking is the phrase *wʿyqrʿbu šʿlemim wʿyaqribu šʿlamim* “Only (priests) perfect in mind and body shall (be invested to) offer *šʿlamim*.” This interpretation was first given by Professor L. Ginzberg in his notes to this edition of Yannai, who quotes the remark of the *Sifra* we quoted above, note 36. In the same vein, *ʿfillsa šʿlema* refers to prayer offered with intent. Furthermore, in the final section of this poem, which is both poorly preserved and poorly understood, we find a similar concatenation of terms which remind us of some of the rare terminology discussed above:

- 1) a sacrifice is not acceptable from one who is *ʿanus* ‘forced’ (line 29);
- 2) one cannot appease God’s anger (?) with an offering if the sacrifice is offered *bʿkaʿas* ‘in anger, sadness’ (line 30);
- 3) one does not force (*koʿfʿim*) a person to offer to Him who raises up the fallen (*zoqef kʿfufim*) (line 31);
- 4) if the sacrifice is offered willingly (*liršonam*), their wish shall be granted them according to their wish (*yeʿaše rʿšonam kiršonam*) (lines 32f.). The last phrase sounds like a poetic reworking of the expression *laʿašot rʿšonʿka kiršonʿka* “(help us) to perform Your (namely, God’s) wish according to Your wish.” The first case deals with human wishes, the second with those of God. And
- 5) the sad are not to offer—(*ʿa*)*gum lo maʿalim* (line 34).

Here appear shades of *la ʿanis*, *la kaʿif* and *la kaʿis*, terms which we found both in old Palestinian marriage documents and in Yannai, and of the phrase *lo kʿʿusa wʿlo ʿošeḇet* found in one of Assaf’s documents.³⁹ For further discussion of this text, one must turn to Ginzberg’s notes. The fact that virtually the same seemingly rare terminology is not limited to one composition is hardly without significance.

38 I. Davidson, *Maḥzor Yannai* (New York, 1919), 26f.

39 S. Assaf, *Tarbiz* 9 (1938), 211, 40; cf. *Love and Joy*, 23.

III. VOLITIONAL ASPECTS OF SACRIFICE AND CHARITY

We have seen above and in our previous study the widespread use of the metaphor of joy as an expression of the willingness with which the donor presents various gifts, especially those gifts called *t'ruma* to the Lord. It has also been noted that this metaphor was also the common mode of expressing free and uncoerced volition in Akkadian documents from the Old Babylonian to the Neo-Babylonian period, and even later. It stands to reason, therefore, that we may expect to find a similar usage in the period between the late Neo-Babylonian and the early rabbinic eras. Our induction is amply confirmed by a passage in Ben Sirah. There we find:

ואל תמעיט תרומת ידך	ובטוב עין כבד ה'
ובששון הקדש מעשר	בכל מעשיר האר פניך
בטוב עין ובהשגת יד	תן לו כמתנתו לך
ושבעתים ישים לך	כי אלוה תשלומות הוא

With a good eye (a joyful spirit, cf. 14:10) honor the Lord,
And do not stint with the *t'ruma* of your hands.
In all your deeds let your face shine
And with gladness, dedicate your tithe.
Give to God as He has given to you,
With sparkling eye and as much as you can afford.
For He is a God of requittal
And sevenfold He will pay you back.⁴⁰

Some of the major implications of this passage for the understanding of certain rabbinic texts were already seen by Segal. He correctly called attention to the offering of the tithe *b'eṭob 'ayin* 'generously' and its use in rabbinic literature. Furthermore, he pointed out that the rabbinic *šimḥa šel mišwa*, literally 'the joy of the commandment,' seen in the light of this passage would seem to mean the joyful and spontaneous willingness with which one performs a commandment, rather than the emotion generated by the performance of the commandment itself.

The expression *b'haššagat yad* / *k'haššagat yad* is difficult, and neither Segal nor Charles⁴² has much to say about it. It seems clear that what we have here is a terminological reflex of the biblical expression "(he shall bring the sacrifice) according to his financial capabilities." Thus, the expression is used in sacrificial context to express the idea that a person brings certain sacrifices only in accordance with what he can afford. In Lev. 5:7, we find "And if his means suffice not for a lamb . . ." and in Lev. 5:11 *'im lo taššig yado* . . . that is "but if his means suffice not (for two turtledoves) . . ." In the biblical passage the verbal idiom has not yet crystallized into an abstract substantive, as it appears in Ben Sirah and in early rabbinic literature, for

⁴⁰ Ben Sirah 35:10, 13.

⁴¹ M. Z. Segal, *The Complete Ben Sirah* (Jerusalem, 1972), 222f. [in Hebrew].

⁴² R. H. Charles, *The Apocrypha and Pseudepigrapha of the Old Testament in English* (Oxford, 1913), 438.

instance, in Mishna *Arakin* 4:1. Furthermore, the Deuteronomic equivalent of P's *haššagat yad* is expressed by the phrase *ka'ašer yebar(r)ekka* "according to that which God has bestowed upon you" as in Deut. 16:10—regarding the sacrifices offered during the Shavuoth holiday—and Deut 15:14—regarding the gifts offered to the newly manumitted slave, reading *ka'ašer* for *'ašer* in the latter verse, which is suggested by the phrase in 16:10 and which is confirmed by the LXX *kata*. The rare phrase *missat nidbat yadeka 'ašer titten* in Deut. 16:10 is understandable in light of the Syriac *missat* which means 'that which is sufficient, enough.'

The whole phrase is parallel to Deut. 16:17, where it is stated that one ought observe the Sukkoth festival *'iš k^ematt^enat yado k^ebirkat YHWH 'eloheka 'ašer natan lak* "according to the blessing / according to that which the Lord has bestowed upon you." Furthermore, instead of translating *'iš k^ematt^enat yado* as "each with his own gifts" (so the new JPS translation) but rather "each according to his financial ability" (so Driver⁴³ and BDB), the actual meaning becomes clear. Driver points out the virtual equivalence of the expression *ka'ašer taššig yadeka* "according to what he can afford" in Ezek. 46:7 with *mattat yado* in Ezek. 46:5. There seems to be no reason to render the latter term as "what he pleases" (so the new JPS). Thus *matt^enat / mattat yado* (D) = *haššagat yad* (P). This equivalence was seen most clearly by Saadia who renders D's *'iš k^ematt^enat yado* by "What his hand can afford according to that which God has bestowed upon him," using exactly the same *figura etymologica* as he uses for translating P's term. Let us not forget that the concepts of giving according to one's means and the blessings which accrue to the donor are secondary ideas which cluster around the main idea under discussion: giving joyfully / willingly. This idea is found in the same deuteronomic context as the other concepts just discussed. In Deut. 15:10, we find discussed the proper spirit in which gifts are to be given to a newly manumitted slave: *lo yera' l'babeka b^etitt^eka lo* "you shall not be sad in giving to him." As Driver clearly realized, the negative formulation is merely a round-about way to say "you shall give joyfully, without any niggardliness, that is, willingly."

Thus, the concatenation of the three ideas, (a) giving willingly—Ben Sirah's *b^etoḇ 'ayin, b^ešaṣon*, (b) according to one's means—Ben Sirah's *haššagat yad*, and (c) the concomitant blessing—in Ben Sirah, the reference to God as *'el tašlumot*, is found as early as D. Moreover, each of these ideas is developed in rabbinic literature.

First, willingness. In *Wayyiqra Rabba*, we read the following:

If you have brought me a sacrifice freely (*b^eraṣon*) and willingly (*b^etoba*), I accept it: but if it was under compulsion and against your will, I reject it, and I consider it only as so much fire, as it is written: *Command the children of Israel and say unto them, "My food which is presented unto Me for offerings made by fire"* (Num. 28:2). What do we learn from the phrase 'by fire'? The Holy One, blessed be He, said to them: if you brought it freely and willingly, I accept it, but if under compulsion, then it is (only) so much fire, and is not an appropriate offering.⁴⁴

Professor Lieberman suggests reading *šalem* instead of *lašem* in the last line of the text, and our translation reflects this emendation.⁴⁵ Since offerings that are not required by

43 S. R. Driver, *Deuteronomy* (Edinburgh, 1895), 199.

44 *Wayyiqra Rabba* 27:10, ed. Mirkin, p. 97, and see the note in ed. Margoliot, p. 644.

45 Compare *Roš Haššana* 18a, where *l'fila š'lema* is rendered by Rashi as 'prayer with *kawwana*'. Cf.

law are to be brought 'according to your will,' it must be the intention of the midrash to point out that even those sacrifices which are obligatory (that is, not voluntary contributions) must be brought freely, and with complete willingness. It is significant that in the parallel recension of this midrash in *Pesiqta Rabbati*, the word *b^eahava* 'with love' replaces the phrase *b^etoḇa* 'with goodness,' thereby demonstrating with particular clarity their volitional equivalence.⁴⁶

The second idea, so common in aggadic sources, is also the basis of a halacha attributed to R. Simeon bar Yoḥai:

It is stated: *Honor the Lord with thy wealth* (Prov 3:9): (Thus teaching) From what should you honor Him? With that which He graciously gives to you. Separate your gleanings, your forgotten sheaves, the leftover corners of your fields. Separate *r^eruma*, first tithe, second tithe, poorman's tithe and *ḥalla*. Make a *sukka*, a *lulab*, a *šofar*, *r^efillin*, and *šišit*. Feed the poor and the hungry, and give drink to the thirsty. If you have the means, you are required to do all these things, but if you do not have the means, then you do not have to do even one of them . . .⁴⁷

On the surface, this midrash seems to be based on a superficial similarity of *hon* and *hon*; the interchange of the letters *heh* and *het* being a common feature in Galilean Aramaic. The similarity of sounds stimulates the midrashist to use the verse as a peg on which to hang his homily. However, on further examination, the case may be somewhat different. H. L. Ginsberg has suggested to me that in at least two places in the Book of Proverbs (30:15, 16) the noun *hon* is parallel to *lo tišba^c* and simply means 'sufficiency.' The probable semantic development of *hon* is as follows: *hon* means *šoba^c* 'satiety' which easily nuances itself into 'riches.' The problem deserves an independent study. If our surmise is correct, the midrashic explication of the biblical verse may be less forced than a superficial reading would indicate.

The third point, the idea that God will reward the joyful donor—that is, he who gives according to his ability—by increasing his property and implicitly insuring his ability to grow more, prompted the following comment:

also *B^erakot* 14b, where the expression *qabalat ʿol malkut šamayim* means the acceptance of the yoke of God's kingdom willingly and with proper intention. The midrash is based on Lev. 22:27 "When an ox or a sheep or a goat is born, it shall stay seven days with its mother, and from the eighth day on, it shall be acceptable as an offering by fire (*ʿišše*) to the Lord." If you have offered a sacrifice freely (*b^eraṣon*) and willingly (*b^etoḇa*), I accept it as my sacrifice, but if it was brought under compulsion and against your will, I only consider it some much fire." Cf. the comment of Mirkin, ad loc. The exact translation is a bit difficult but the intention of the midrashist to underline the greater significance of sacrifices offered willingly is clear enough. Similarly, to the verse at Num. 28:2, "Be punctilious in presenting to Me at the stated time—the offerings of food due me—as offering of fire (*l^eʿiššay*) of pleasing odor to me," we find the midrash referred to in n. 46: "What is the meaning of the phrase *l^eʿiššay*? The Holy One, blessed be He, said to them: 'If you have brought the sacrifice freely and willingly, I accept it. But if it was brought under compulsion, then I consider it as only so much fire, seeing as how it lacks perfection (of will)'." Our translation reflects Professor Lieberman's suggestion to read *šalem* for *lašem*. Another interesting text that sheds light on the meaning of these terms is found in the Tosefta *Menahot* 7:9, where we find: "When Israel is found pleasing before God (*b^eraṣon lifne hammaqom*), what is said regarding them? (*Your sacrifices are*) my food offerings due to Me (Num. 28:2), just like children who are supported by the their father. However, at a time of rebuke, what is said? . . . as offerings of fire of pleasing odor to Me" (loc. cit.)—all the sacrifices that you offer are only some much fire." (ed. Zuckerman, p. 522).

46 *P^esiqta Rabbati*, ed. Friedmann (Tel Aviv, 1963), p. 194.

47 TP *Pe'a* 1:1, 15d; cf. *P^esiqta Rabbati*, ed. cit., p. 126b-127a.

Give him (the needy person) readily and have no regrets when you do so . . . (Deut 15:10): So that one should not say, "Today I am going to squander my possessions on others, and tomorrow I will have to depend on them." Thus does it say: that for this thing (the Lord thy God will bless thee) (Deut. 15:10), that is to say, God has looked after needs, and He will look after his needs as well.⁴⁸

The Torah does not usually excuse the Israelite from his legal responsibilities even if he suffer because of his observance. Here it is important to reassure the donor that he will not suffer, so that he give freely and willingly.

Midrashic sources extend this to other, more specific cases. Thus, whereas Deuteronomy only instructs the master to furnish his manumitted slave with sheep, grain, and wine, the rabbinic exegesis of the law reads:

אשר ברכך ה' אלהיך תתן לו:
הכל לפי הברכה אהה מעניק לו.

With that which the Lord has given you, you shall give him (Deut. 15:14): this implies that you are to give to him (gifts) according to your means (lit.: according to your blessing).⁴⁹

Presumably, the master is only instructed to give in accordance with his own wealth so that he will not come to begrudge his charity.

In another place we find this exegesis regarding the command *lo t'ḥammeš ʿet l'babeka* "thou shalt not harden thy heart" stated with respect to giving to the poor in Deut. 15:7:

Thou shalt not harden . . . (Deut. 15:7): There are men who suffer over the decision whether to give or not to give.⁵⁰

Thus the rabbis assumed the Torah to be specifically referring to the act of giving charity in such a way that one later regrets having done so.

Practically all the terms we have described come together in a particularly poignant section of the apocryphal Book of Tobit. There we read the dying Tobit's last words to his son Tobias:

And in all your days, my boy, be mindful of the Lord our God and be not desirous to sin and to transgress His commandments. Do acts of righteousness all the days of your life, and tread not the paths of sin. Because those who act in truth shall be successful in all their efforts; (and success comes) for all who do the just deed. Bestow charity of your means; let not your eye be niggardly in the practice of charity: turn not your face away from any poor man, and the face of God shall not be turned away from you. As your resources are, according to their sufficiency give (you) alms of them. For you store up a good credit for yourself against the day of necessity. For alms deliver from death, and allow not descent to Darkness. Indeed, alms are an excellent offering in the sight of the Most High for those who are wont to give them.⁵¹

48 *Midraṣ Tannaim* to Deut. 15:10, ed. Hoffmann, p. 84.

49 *Sifri D'barim*, sec. 119, ed. Finkelstein, p. 178.

50 *Midraṣ Tannaim* to Deut. 15:7, ed. Hoffman, p. 81.

51 Tobit 4:5-11. Our translation is from F. Zimmerman, *The Book of Tobit* (New York, 1958), 69.

This idea is carried through in several passages in the New Testament, most notably in the Second Letter to the Corinthians. There, Paul insists that donations be given *hos eulogian kai mē hos pleoneksian*, that is, not as an exaction, but as a willing gift.⁵² Paul specifically instructs the people of Corinth (see 2 Corinthians 8:3–5) that they do not have to behave like the community of Macedonia who “gave not only as much as they could afford, but far more, and quite spontaneously, begging us for the favor of sharing in this service to the saints, and, what was quite unexpected, they offered their own selves first to God and under God, to us.”⁵³ The result of their over-zealousness is that they remain in ‘intense poverty’. Rather, “each one must do as he has made up his mind, not reluctantly or under compulsion, for God loves a cheerful giver (*hilaron dotēn*). And there is no limit to the blessings that God can send you—you will make sure that you will always have all you need for yourselves in every possible circumstance, and still have something to spare for all sorts of good works . . .”⁵⁴ God really only wants that which is offered freely. If you are generous within your means, then God will favor you by seeing to it that you always have enough, even enough to always be able to give charity. The idea that through the giving of charity one will win the blessing of always being well enough off to give more charity is a common Jewish motif, as we have seen before. In this eloquent fundraising sermon, Paul again shows his deep Jewish roots.

Elsewhere, Paul presents the following bit of wisdom to his readers on this subject. He states: “Our gifts differ according to the grace given us . . . let the preachers give sermons, the almsgivers give freely, the officials be diligent, and those who do works of mercy, do them cheerfully.”⁵⁵ The word used here to indicate cheerfulness (*en hilarotēti*) is the word traditionally used to translate *raṣon*, that is, ‘will’ or ‘desire’.⁵⁶ Here the message is clear: just as the job of the preacher is to preach, so is the job of the almsgiver to give alms properly, that is, freely, and so is it the job of the doer of good deeds to do them properly, that is, cheerfully.

To sum up: Paul’s sermon clearly reflects our triple complex of ideas, saying, in effect, “I don’t want you to overdo it like your brothers in Antioch. God does not want to impoverish you. You don’t have to give under duress and coercion, nor do you have to give more than you have; after all, God loves a joyful giver. And if you give in this spirit, God will provide you with the ability to give more.” Some have tried to derive the concept of the joyful giver from Hellenistic sources.⁵⁷ That might be plausible if we were dealing with only one element, namely, joy. However, here we are dealing with a complex that is well known from the sources we have been examining. These three elements do not converge to form an organic complex in Greek literature, but do so in Deuteronomy, Ben-Sirah, and to various degrees in Tobit and rabbinic literature. Paul’s sermon is simply a grand articulation of the older Jewish traditions and but another example of Paul’s Jewish background.

52 2 Corinthians 9:5.

53 Ibid., 8:3–5.

54 Ibid., 9:7f. and cf. 8:11.

55 Romans 12:8.

56 LXX to Prov. 18:22.

57 E. Bruck, “St. Paul, the Fathers of the Church and the ‘Cheerful Giver’ in Roman Law,” *Traditio*.

This particular complex of ideas concerning the psychology of giving charity also seems to be found in Islam. According to Islamic law, unlike the obligatory *zakāt*, the freely given *ṣadaqat* charity donation can only be given from the *ʿafw* 'superfluity' of a man's goods,⁵⁸ or from *faḍl* 'excess'.⁵⁹ Bravmann has examined the entire matter in his excellent essay "The Surplus of Property."⁶⁰ The Quranic terms *ʿafw* and *faḍl* are interpreted by him in the light of the following tradition: "Ibn Saʿd asked him (Ibn ʿAbbās) what taxes are due from the goods of the *ahl al-ḍimma* 'protected people'? Ibn ʿAbbās answered: The *ʿafw*, that is *al-faḍl* 'the surplus'." Here *faḍl* is equated with the Quranic *ʿafw*. The whole problem is illumined by the following order concerning the way in which taxes were to be collected: "In collecting money, do not flog anybody, nor sell anybody's food supply, winter or summer clothes . . ." The officer charged with the collection of taxes was a bit stunned by this ordinance and replied: "O Commander of the Faithful! If so, I will return to you as I left you!" To which ʿAlī replied: "Even if you return to me as you left me!" Then, quoting the Quran, he continued: "Truly, we were commanded (by God) to take the *ʿafw* from them, that is, the surplus. In other words, taxes were not to be taken by force, but were to be given (a) willingly, (b) from the surplus of a man's goods, according to a man's (c) greatest financial ability, *ʿalā qadr at-tāqah*. Although Bravmann may be right in insisting that the concept of the superfluity of goods is another example of a pre-Islamic practice which was incorporated into Islam, the correspondence of this three-fold complex of ideas with that found in Paul's sermon, Ben Sirah, and Deuteronomy is hardly coincidental. The wholehearted acceptance of the doctrine by the prophet and its centrality in the later *ḥadith* literature (see Bravmann), was clearly facilitated by its centrality in contemporary Judaism and Christianity.

IV. VOLITION IN THE CHRONICLER

Inner-biblically, the idea of giving cheerfully or willingly becomes even more basic in the work of the Chronicler. The volitional overtones of the verb *ṣamah* were intuitively sensed by S. Yaphet in her book *The Ideology of the Book of Chronicles and Its Place in Biblical Thought*.⁶¹

The words *ṣamah* and *ṣimḥa* are used on three different occasions in the book of Chronicles in a clearly volitional context: two having to do with the free and generous spirit in which donations were presented to the Temple, and one describing the freedom and wholehearted spontaneity with which the people entered into a covenant with the Lord. The first passage is found in 1 Chr. 29:9f. In this famous passage, David, after having donated his private resources to the building of the future temple, solicits voluntary contributions from the people, somewhat after the manner of Moses in the

58 Cf. Sura 7:198 and Sura 2:216-17.

59 Cf. Sura 24:22.

60 Bravmann, "The Surplus of Property" *The Spiritual Background of Early Islam*, (Leiden, 1972), 229-53.

61 S. Yaphet, *The Ideology of the Book of Chronicles and its Place in Biblical Thought* (Jerusalem, 1977), 217f. [in Hebrew].

Pentateuch. The response is overwhelming: all strata of society bring their free will offerings. In the language of the Chronicler:

וַיִּשְׂמְחוּ הָעָם עַל הַתְּנָדָבָם כִּי בְלֵב שְׁלֵם הִתְנַדְּבוּ לָהּ

I would render the verse as follows: “And the people rejoiced in their voluntary giving (reading *‘al* as though it were the equivalent of *b . . .*) for with a complete mind/intent, they gave to the Lord.” Whether or not we follow my interpretation of *‘al* (a linguistic phenomenon which has been carefully investigated by Yalon for later Hebrew),⁶² the close association between *šimḥa* and *leb šalem* ‘wholeheartedness’ is hardly fortuitous.⁶³ Nor is it an isolated phenomenon in Chronicles. In the second passage, 2 Chr. 24:5f., we learn that the righteous king Joash, in his desire to restore the Temple, gathered all the priests and charged them to go out of the cities of Judah and to solicit money for the repair of the Temple. Even though the king’s command was most urgent (*w^eattem t^emah^aru laddabar* “as for you, get to it!”), their response was hardly enthusiastic (*w^elo miharu* “they didn’t hurry”).⁶⁴ After scolding the high priest for this lack of clerical enthusiasm, the king turns directly to the people themselves. In dramatic contrast to the sacerdotal lethargy of verse 5, we read in verse 10:

וַיִּשְׂמְחוּ כָל הַשְּׂרָיִם וְכָל הָעָם וַיָּבִיאוּ וַיִּשְׁלִיכוּ לָאָרוֹן עֹד לְבָלָהּ.

which we would translate as “All the princes and all the people enthusiastically rushed forward to bring (their donations) and they threw them into the box . . .” Interestingly enough, many commentators find the use of the term ‘to rejoice’ in this context odd indeed, and are led to various emendations. However, as we have seen above, we are dealing with a rather well-attested literary cliché rather than with a textual corruption.⁶⁵

The third passage is 2 Chr. 15:14f. During the reign of King Asa, “They then entered into a covenant to seek the Lord, the God of their fathers, with a set mind and with full determination—”

62 H. Yalon, *Pirqa Lašon* (Jerusalem, 1971), 343.

63 See above for *šalem* in its sacrificial context.

64 For a similar opposition of ‘hurry’ (whatever the root of *figura etymologica* being used) and ‘be lax / lazy’, cf. Ps. 119:60 *ḥašti w^elo hitmah^amahti lišmor mišwoteka* “I hurried and did not tarry to perform your commandments.” Cf. also in the Qumran Psalms Scroll (11QPs^c in J. A. Sanders, *The Psalm Scroll of Qumran Cave 11* (11QPs^a), (Oxford, 1965), 39: *ḥaḥbiru yaḥad l^eḥodi^a yiš^o w^eal tir^aṣṣ^elu l^eḥodi^a ‘uzzo* “Gather together (corporately) to (willingly) declare His saving power and do not delay in making known his power.” This device of biblical parallelism, namely, to state a fact positively in stich A and negatively in stich B, is attested to by almost endless examples. *‘aša / qibbel b^ešimḥa* in rabbinic texts, is often replaced in parallel recensions with *lo iḥer*, *lo nitraššel*, *lo nit^aṣṣel*, *lo nitmah^ame^h*, *lo iḥkeb*, and others. Cf. M. Held, “The Action Result (Factitive–Passive) Sequence of Identical Verbs in Biblical Hebrew and Ugaritic,” *JBL* 84 (1965), 272–83.

65 *Mekilta*, *Yitro* 2, ed. Horowitz-Rabin, p. 209. In this connection, the midrash of R. Eliezer b. Parta, *ibid.*, p. 210, has new meaning: “. . . (Moses) said to them (the Israelites): *‘im m^eqabblim ḡatem ‘alekem ‘onašim b^ešimḥa, hare ḡatem m^eqabblim šakar . . . w^eqibb^elu . . .*,” which I would paraphrase “I know that you are willing to accept the Torah voluntarily, but I want to know whether you realize that in accepting the Torah with its rights and obligations, you are leaving yourselves open to the punishments concomitant with those laws. Are you willing to accept those punishments freely and without coercion?” *Šimḥa* here certainly does not mean ‘with joy’!

וַיִּשְׂמְחוּ כָּל יְהוּדָה עַל הַשְּׂבוּעָה כִּי בָכָל לִבָּם נִשְׁבְּעוּ וּבְכָל רָצוֹנָם בִּקְשׁוּהָ וַיִּמָּצֵא לָהֶם . . .

“—and all Judah rejoiced in taking the oath for they had sworn with all their heart, and with all their will, so that He made Himself available to them.” Thus, the association of joy with full and complete will on the one hand, and with enthusiasm and spontaneous action on the other, is a feature of the Chronicler’s style. What is even more important than the purely linguistic evidence is the very fact that two literary *topoi* used by the rabbis—the reluctance of one group of people to contribute (in the Bible, the Levites; in the midrash, the whole populace) and the joyous alacrity of another group (the whole people, both in the Bible and the midrash); the joy of willingness with which the people enter into a covenant with the Lord—and the term *šamah* are already present in the oldest of midrashim, the books of the Chronicler.

Just as the rabbinic midrashim on soliciting contributions for the construction and later for the repair of the Temple are based on Biblical *topoi* using the word *šamah*, so the Chronicler’s description of entering into a covenant willingly with God *b’šimḥa* ‘without compulsion’ could have served as the *topos* for the rabbinic tradition that the Jews did not accept the Torah under divine compulsion, as some would have it, but rather *hišwu kullam b’leb ʾehad l’qabel ʿalehem ʿol malkut šamayim b’šimḥa* “they all agreed singleheartedly to accept the yoke of the kingdom of heaven joyfully,”⁶⁶ which can only mean, as one man, they, with one concerted action, accepted the yoke of divine kingship with willingness.

If joy can express willingness, then sadness, as we might guess, can express mental reservation. Now, exactly such juridical sadness is found in Deut. 15:10, in which, as we have seen above, our ancestors were commanded to bestow gifts to their manumitted slaves. However, they were warned that the outer objective donation was not enough—the *animus donandi* was also important: *ʿal yerʿa lʿbabʿka bʿtittʿka lo* “Do not give it to him with a sad heart, with mental reservation or reluctance (according to the LXX).” Put positively, “Give him willingly, fully, unbegrudgingly,” for—to paraphrase Paul’s paraphrase of Deuteronomy—“God loves a cheerful giver”; or in the Hebrew of Proverbs, *ṭob ʿayin hu yʿborak*.⁶⁷

To close, we present two texts that discuss the facial expression that must accompany the act of giving, an expression that must give testimony to the lack of niggardliness with which the donation is being given. First, a passage from the *Abot dʿRabbi Natan*:

And receive all men with a cheerful countenance *bʿseber panim yafot*. How is this to be done? It teaches us that if a man gives to his fellow all the good presents in the world but his face is downcast, then it is as if he had not given him anything. But he who receives his fellow with cheerful countenance even though he give him nothing, it is as if he had given to him all the good presents in the world.⁶⁹

And finally, its Islamic mirror image in the *ḥadith* recorded in the name of Jābir:

66 *Mekilta, Yitro* 2, ed. Horowitz-Rabin, p. 209.

67 Prov. 22:9.

68 *Abot* 1:15.

69 *Abot Dʿrabbi Natan*, text A, ch. 13, ed. Schechter, p. 57.

The Messenger of Allah, peace and blessings of Allah be upon him, said: Every good deed is charity, and it is a good deed that thou meet thy brother with a cheerful countenance and that thou pour water from thy bucket into the vessel of thy brother.⁷⁰

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70 M. M. Ali, *A Manual of Hadith* (London and Dublin, 1978), 211.

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