THE KARAITE HALAKAH

AND ITS RELATION TO SADDUCEAN, SAMARITAN
AND PHILONIAN HALAKAH

PART I

BY BERNARD REVEL, M. A., PH. D.

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The causes of the Karaite schism and its early history are veiled in obscurity, as indeed are all the movements that originated in the Jewish world during the time between the conclusion of the Talmud Babli and the appearance of Saadia Gaon.

From the meager contemporary sources it would seem that from the second third of the eighth century until the downfall of the Gaonate (1038) the whole intellectual activity of Babylonian Jewry centered about the two Academies and their heads, the Geonim. Of the early Gaonic period the Jewish literature that has reached us from Babylonia is mainly halakic in character, e.g. *Halakot Gedolot*, *Sheeltot*, and works on liturgy, which afford us an insight into the religious life of the people. From them, however, we glean very little information about the inner life of the Jews in Babylonia before the rise of Karaism; hence the difficulty of fully understanding the causes which brought about the rise of the only Jewish sect that has had a long existence and has affected the course of Jewish history by the opposition it has aroused.

The study of sects always has a peculiar interest. During the thirties of the last century, the Karaites themselves made accessible to the scholarly world the works of
some of their latter-day authorities, and with the publication of Simḥah Pinsker's epoch-making work "Likkute Kadmoniyot" (1860) the attention of Jewish scholarship was turned to Karaism and its literature. Pinsker, blinded by his discovery of an important phase in the development of Judaism, invented a pan-Karaite theory, according to which the Karaites are to be looked upon as the source of all intellectual achievement of mediæval Judaism (Likkute, I, 4, 32). The Masorah is a product mainly of theirs, and it is among them that we are to look for the beginnings of Hebrew grammar, lexicography, poetry, and sound biblical exegesis. The Rabbanites, since Saadia Gaon, were merely imitators of the Karaites. Pinsker believed that every Jewish scholar, prior to the eleventh century, who busied himself with the study of Bible alone, was a Karaite, and he transformed, accordingly, more than one Rabbanite into a Karaite.

The question of the origin of Karaism, its causes and early development is still awaiting solution. That Karaism is not the result of Anan's desire to revenge himself on Babylonian official Jewry, need not be said. Karaite literature affords us no data; there is a marked lack of historical sense among them. They have no tradition as to their origin, and their opinions are conflicting (comp. Pinsker, Likkute, II, 98). The belief that Karaism is but an echo of a similar movement during this period in the Islamic world is now generally given up owing to the advance made in the knowledge of the inner development of Islam and, particularly, the nature of the Shiite heterodoxy (see I. Friedlaender, JQR., 1910, 185 ff.).

This question is bound up with the problem of the origin of the Karaite halakah which is of vital importance
the understanding the history of Tradition; as Geiger (ZDMG., XVI (1862), 716) says, it was always the differences in practice, not in dogma, that caused and sustained divisions in Israel. This is particularly true of the Karaites who differ in nothing but religious practices from the rest of Israel.

The solution offered by Geiger that the Karaites are the descendants of the Sadducees and their halakah Sadducean, is accepted with some modification by many scholars (comp. Poznański, REJ., XLIV (1902), 169). On the other hand, the eclectic nature of the Karaite halakah was recognized by several scholars (comp. S. L. Rapoport in Kerem Chemed, V (1841), 204 ff., and in Kaempf’s Nichtandalusische Poesie, II, 240; P. Frankl, Ersch u. Gruber, sec. II, vol. 33, 12; Harkavy, in Grätz’ Geschichte, V., 482 ff.; id., Jahrbuch f. jüd. Geschichte u. Literatur, II (1899), 116 ff., and elsewhere). No attempt was, however, made to explain the bulk of the Karaitic halakah, on these lines. I have therefore undertaken the work of tracing the individual Karaite laws to their respective sources, which will, at the same time, be the first exposition of the Karaite laws in general—prefacing it by an examination of the Sadducean-Karaite theory. The term “Karaite halakah” is used here as a convenient one, though, as Kirkisani has unwillingly shown—and any Karaite code testifies to it—the laws on which all Karaites agree are few. The Karaite laws are discussed here not according to subject matter, but such as have common source are grouped together. I begin with Philo, as the relation of Karaite halakah to that of Philo has remained, to my knowledge, hitherto unnoticed. This relation, if established, may prove helpful in the understanding of other
points in the inner history of Judaism during the blicacenturies of Islam.

For the halakah of Philo, I have used the work of Dr. B. Ritter, "Philo und die Halacha, eine vergleichende Studie," from which most of the citations from Philo in this treatise are taken. Other Philonian laws, not treated by Ritter, are discussed here, but only as they bear on the Karaite halakah.

Not all the early Karaites claimed antiquity for their schism. This is evident from the reply of Salman b. Yeruham to Saadia’s mention of their late origin (Pinsker, II, 19). Another contemporary of Saadia, Abu Jusuf Ya’kub al-Kirkisani, the most reliable historian among the Karaites, gives a date for what he calls the Rabbanite dissension: Jeroboam, to make permanent the power he had usurped and to prevent the Israelites owing allegiance to the house of David, divided the nation by sowing the seed of dissension, perverted the Law, and changed the calendar (I Kings 12, 32). The followers of Jeroboam in later times are called Rabbanites. Those who remained faithful to the original laws were the ancestors of the Karaites. This fanciful explanation found no credence even among the Karaites.

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1 סאמר בכראא מקריא ידוייזו רבייהו יחישו טה קרוייזו, נא בכייל חוטיבות זאלא זאראל מקריאים טיסרא זעמא וזלמה באט עער שופיסים.
b. Yeruham’s commentary on Ps. 96, 1 (Winter u. Wünsche, Jüdische Literatur, II, 80). See, however, Harkavy in Grätz, Geschichte, V, 472.
That not all the Karaite contemporaries of Saadia claimed antiquity for their sect is evident also from Saadia’s fourth answer in his polemical work against Ibn Sākawelīhī. See JQR., XIII, 664; חקודה, I, 67.
2 Comp. Poznański, REJ., XLIV (1902), 162 ff.
3 It was, however, taken up again by the twelfth century Karaite, Elias b. Abraham, in his חליק חרבוכיס זקריאיס (Pinsker, II, 100 ff.).
The Karaites felt keenly the need of some account of their origin that would silence the reproach of the Rabbanites and found in the event recorded in the Baraita (Kiddushin 66a; see Josephus Ant., XIII, 13.5) a basis for claim of ancient origin for their sect. As stated in that narrative, the disagreement between John Hyrcanus and the teachers of the Law resulted in the extermination of the latter, excepting Simeon b. Shatah. As a consequence, ignorance of the Law prevailed until Simeon appeared and reinstated it.

Simeon, say the Karaites, being at that time the sole authority, introduced many innovations upon his return and changed the true interpretation of the Law. To enforce these new laws, he invented the fiction that besides the Written there is also an Oral Law given to Moses on Sinai and handed down from generation to generation, and that the laws proclaimed by him went back to this real tradition.

The people followed him blindly. But some of them, knowing the false basis of these changes, rejected them and adhered to the ancient Tradition in all its purity; those were the Karaites.4

adds that those who remained faithful to the original faith migrated and only few of them, because of their attachment to the Temple, remained in Jerusalem. Yet, as Pinsker (II, 98) remarks, Elias himself put little confidence in this myth. For the origin of this legend, see A. Epstein Eldad ha-dani (Pressburg 1891), p. l. For later Karaites repeating this story, see Poznański, l. c., p. 163; comp. ZfhB., III, 92 (end) and 93, for the view of a tenth century Karaite (comp. ib., 90 and 172 ff.).

4 As a striking instance of the purely mythological character of the Karaite beliefs about their origin and past, I shall illustrate the three strata in the development of the last mentioned Karaite theory of their origin. Sahl b. Maṣlah (tenth century) asserts that Karaim goes back to the time of the second Temple, but connects it with no specific event (Pinsker, II, 35). This is still the opinion of Aaron b. Elias (fourteenth century)
On the other hand, most of the Mediaeval Jewish scholars seem to agree that Karaism was due to a revival of the Sadducees (Abraham Ibn Daud) or that Sadducean elements are prominent in it (Saadia, Judah Halevi). Saadia Gaon (891-942) was the first to meet the Karaites in open battle and refute their claims for recognition. He states that Karaism is of recent origin (Pinsker, II, 19) and that Anan’s breaking with Tradition was due entirely to

in Introduction to his תֶּרֶם הָרוֹא הַכָּבָּר, 4a. Elias b. Moses Bashyazi a century later connects the schism with the name of Simeon b. Shatah and exclaims:

וא שםיה המשועית נב ששה הנחתוnement הקומיסי והנתון הכל בלא מקדש (intr. to תֶּרֶם הָרוֹא הַכָּבָּר, Goslow 1834, 3a.). He is followed by his disciple Kaleb Afendopolo in his תֶּרֶם הָרוֹא הַכָּבָּר (quoted in תֶּרֶם הָרוֹא הַכָּבָּר, Wien 1830, 9b). The sixteenth century Karaite prodigy Moses b. Elias Bashyazi (born 1554 and said to have died 1572) amplified this tale by asserting in his תֶּרֶם הָרוֹא הַכָּבָּר (quoted in תֶּרֶם הָרוֹא הַכָּבָּר, 9b ff.) that Judah b. Ṭabba‘i, who had also survived the king’s wrath, opposed the innovations introduced by Simeon b. Shatah as also his fiction of an oral law. Judah attracted to his banner all those who remained faithful to ancient traditions. Simeon and Judah each became the head of a school, thus dividing the Jews into two factions. Simeon was succeeded by Abtalion, Abtalion by Hillel who systematized the new laws based on the fiction of the Oral Law. Judah b. Ṭabba‘i was followed by Shemaiah, and Shemaiah by Shammai; those two being the great Karaite teachers from whom the line of succession was never interrupted. Already Jepheth b. Said asserted that Shammai was the teacher of the Karaites (Pinsker, II, 186; comp. ib., I, 6); see also Luzzatto, תֶּרֶם הָרוֹא הַכָּבָּר, III (1838), 223; Geiger, ib., IV, 12; Gottlober, לֹא לְתָלַק לְחָסֵר תֶּרֶם הָרוֹא הַכָּבָּר, Wilna 1865, 5 ff. How foreign this idea was to the early Karaites, is seen from what Salman b. Yeruham says of Bet Shammai and Bet Hillel (תֶּרֶם הָרוֹא הַכָּבָּר, IV, 13):

We know of two Rabbanites who combated Karaism before Saadia: the Gaon Naṭonai b. Hilai (םְדָר בְּרִי מְבוֹשׁ, 38a) and the Gaon Hai b. David (Harkavy, Studien u. Mittheilungen, V, 108, n. 2; comp. Bornstein, רְמָשׁ לְהָבָל לְתָלַק לְחָסֵר תֶּרֶם הָרוֹא הַכָּבָּר, Warsaw 1904, 158, n. 2, who believes this Gaon to have been Hai b. Naṭonai). For anti-Karaite legislation by Jehudai Gaon see L. Ginzberg, גֵּוןִיָּה, I, 111, n. 2. For Saadia’s anti-Karaite writings, see Poznański, JQR., X, 238 ff., and additions, ib., XX, 232 ff.
personal motives (ib., 103). Yet he adds that the remnants of Zadok and Boethus joined Anan (l. c.). About two centuries later, a time which was decisive in the battle between traditional Judaism and the Karaites, the three great lights of Toledo, Judah Halevi, Abraham Ibn Ezra, and Abraham Ibn Daud, each strove to check the Karaite propaganda in Spain carried on at that time with great zeal by Ibn al-Taras, the disciple of Jeshua b. Judah, and they all assert that Karaism is an offshoot of Sadduceeism. Judah Halevi declares that the Karaite schism arose in the time of John Hyrcanus. The Karaites, says he, are superior to the Sadducees in questions of dogma, but agree with them in important religious questions. Abraham Ibn Ezra also identifies them with the Sadducees. In his commentaries on the Bible, which are strongly anti-Karaite, he usually styles them More emphatic is Abraham Ibn Daud in his Sefer Hakhabalah, where he says that "after the destruction of the Temple the Sadducees dwindled to almost nothing until Anan appeared and strengthened them." Likewise, Maimonides, commenting

6 That Saadia is meant by Saadia, see Pinsker, p. 98; comp. Poznański, JQR., X, 242.
7 Comp. Frankl, MGWJ., XXI (1882), 3 ff.
8 Spain was from early Gaonic times infected with Karaism; comp. Ginberg, l. c., I, 123, note 1; Frankl. MGWJ., 1888, 6 ff.; and Poznański, JQR., XVI, 768-9. Against the view of Hirschfeld (JQR., XIII, 225 ff.) that some relation existed between the Karaites and the Zahirites in Spain, see Goldziher, REJ., XLIII (1901), 6-7.
9 Kuzari, III, 65. Judah Halevi's view is shared by Abrabanel, Introduction to his Commentaries on the Bible; Lev. 3, 9; 23, 17, 40. As to the relation of Ibn Ezra to the Karaites, see J. S. Reggio, "אכrotch טברון", I (Wien 1834), 42 ff.; see also D. Rosin, MGWJ., XLIII, 76-7.
10 Neubauer, Mediaeval Jewish Chronicles, I, 64. The variant does not affect the meaning of the statement.
(Abot 1, 3) on the dissension of Zadok and Boethus, adds: "In Egypt they are called Karaites, while in the Talmud they are named Sadducees and Boethusians."

Elias b. Moses Bashyazi, a fifteenth century Karaite, tells us, in the introduction to his אֵלַיֶּה מֹשֶה בַּשְּׁיָצִי , 3a, that it is the opinion of all the Rabbanite scholars that the Karaite schism goes back to Zadok and Boethus.

Much confidence, however, was not placed in this testimony of the Mediaeval Rabbanites, that the Karaites descended from the Sadducees, as it is evident that the Rabbanites were often actuated by the desire to stamp their opponents in the eyes of the people as descendants of that hated sect which denied divine Providence and resurrection. In the middle of the last century Abraham

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12 See his commentary on Hullin 1, 3. On the views of Maim on the Karaites, see תְּפִלְיָה חַויָה לַנַּכְשֶת חַלְאָר (Budapest 1905), Hungarian part, 164-170; see also the other authors mentioned by Poznański, REL, ib., 170, to which may be added Estori ha-Pharḥי תְּפִלְיָה חַלְאָר, end of ch. 5 (ed. Luncz, p. 61); David Abi Zimra, Responsa, IV, resp. 219; Meiri on Abot 1, 3. See also Responsum No. 34 in the Gaonic collection: יִשְׁעֵי חָמָצֶה: רְחֵם מִן הַזָּהֲבִים לְתֵאֲשִׁים טַאֲלוּ יִזָּהוֹם.

13 Comp. David Messer Leon (published by Schechter), REL, XXIV, 126. See Weiss, דְּזֵר רְחֵם רְחֵם רְחֵם (IV, 53). Joseph al-Beṣir is the only one among the Karaites who identifies the Karaites with the Sadducees (Harkavy, l. c., p. 473). Kirkisani states that the Sadducees revealed part of the truth and that there were no Sadducees in his days (ch. 18, p. 317). Jepheth b. Ali (Poz., ib., 171-2) and Hadass (Alphabeta 97, 98) speaks of the Sadducees with contempt. The statement by Jacob b. Reuben (Pinsker, II, 84) that the Karaites are the descendants of the Sadducees was, therefore, taken by him from Joseph al-Beṣir's القاهرة המאשֵי זָהֲבִים and not from Jepheth b. Ali, as Harkavy (Grätz, Geschichte, V4, 474) suggests. Nor is Harkavy (l. c.) right in his assertion that Elias b. Abraham shared this view. See above note 3. Comp. also Pinsker, I, 11-12. The later Karaites claimed that the imputation that they were in some way related to the Sadducees was due to the hatred the Rabbanites bore them. See Kaleb Afendopolos, quoted in דְּזֵר רְחֵם, 2b.
Geiger attempted to prove historically the descent of the Karaites from the Sadducees, and this view constitutes an essential part of his epoch-making theory concerning the internal development of post-exilic Judaism and the history of Jewish sects. His view is accepted by Holdheim, Fürst, Harkavy, Chwolson, and others. A general survey of Geiger's theory will help us better to understand the questions involved.

From the earliest times, says Geiger, two distinct, or, rather, antagonistic currents were at work shaping the history of Judaism. The dualism revealed itself in olden times in the divided nationality of Ephraim (or Joseph) and Judah. Ephraim constituted a worldly kingdom, in constant contact with the neighboring nations and, therefore, in need of a sacrificial and ceremonial religion and a powerful priesthood to protect it from the surrounding heathen influences. Judah, on the other hand, constituted a kingdom politically insignificant, compact and isolated, and less susceptible to foreign influences, with one national sanctuary and a less developed priesthood. Judah escaped the fate of Ephraim and awoke to new life in the sixth

16 Geschichte d. Karäerthums (Leipzig 1862), I, 8 ff.
century B.C. With this new life came a struggle, in which priestly aristocracy and sacerdotal rule were antagonized by tendencies towards religious and political democracy that asserted themselves more and more. Since the establishment of the second commonwealth the priests ruled the nation. There stood at the head of the state a high-priest, descendant of the family of Zadok, the chief of the priesthood in the days of David and Solomon (I Kings, 1, 34; 2, 35; I Chron. 29, 22), members of which had exercised priestly functions ever since the building of Solomon’s Temple. This family and those related to it constituted the nobility of the nation and since the Return controlled the secular as well as the religious life of the people.

This power, blended with the attribute of holiness, soon led the priestly ruling class to disregard the needs and demands of the people. They stood for the ancient laws and observances, which established and asserted their rights and prerogatives, admitting no modification which the times required. They also allied themselves with the Syrians and cultivated tastes and habits distasteful to the people.\(^21\) With the victory of the Maccabees the government and the high-priesthood passed over to the latter, the Sadducees, the old nobility, joining them. An opposition against them arose among the people, the leaders of which were known as the “Separated” (Perushim), descendants of those who in the days of Zerubbabel and again in the

\(^{21}\) Ib., p. 282 ff.; Jüd. Zeitschr., II, 17 ff.; ZDMG., XIX, 603 ff. An offshoot of the Sadducees, and united with them were the Boethusians, a new aristocratic priestly family called after Simon b. Boethus, high-priest and father-in-law of Herod I (Urschrift. 102, 134 ff., 143 ff.). Herzfeld, Geschichte, II, 387, accepts the view of Azariah dei Rossi that the Boethusians are the Essenes spoken of by Philo and Josephus. See also REJ., III, 113 ff. and Chwolson, Das letzte Passamahl Christi, 28, 129.
time of Ezra separated themselves from heathen surroundings and influences (Ezra 6, 21; 9, 1; Neh. 9, 2). Their aim was to limit the power of priestly aristocracy and turn the government over to the people. The Pharisees recognized the sanctity of priesthood, but contested the centralization of secular power in the hands of the sacerdotal-aristocratic families.

The difference between these two parties, originally small and of a general nature, widened in time. The spirit of rivalry in this politico-religious struggle brought about laws and regulations on the part of the Pharisees intended to check the authority and diminish the privileges of the priests. Personal purity and sanctity of all the people were to take the place of the sanctity of priesthood. The Pharisees devised new rules of interpretation which enabled them to limit and restrict the biblical laws establishing priestly rights. On the other hand, many laws of purity and observances concerning food, originally intended for the priests and the Temple, they made apply to all the people in and outside of the Temple. So the Pharisees did not adhere to the letter of the Law, but taught and expanded the Law with regard to its inner spirit and the needs of the time, whereby they created a new Halakah differing in content as well as in spirit from the ancient, Sadducean, tradition. The majority of the people followed the new Halakah, but the Sadducean teachings found acceptance outside of Judah proper. The Samaritans, descendants of Northern Israel, were not allowed by the leaders of the national party in the time of Zerubbabel to participate in the further development of Judaism (Ezra

23 Urschrift, 156 ff., 176, 434 ff.; Nachgelassene Schriften, II, 121 ff.; V (Heb.), 112 ff., 142 ff. and elsewhere.
The ancient feud between Ephraim and Judah thus revived. The rejected Samaritans who retained the ancient Israelitish tradition as well as the ancient interpretation of the Law, clung, like the Sadducees, to those traditions and stood for priestly prerogative, characteristic of the religion of Northern Israel and the Sadducees. This accounts for the many practices and interpretations of the law that are common to the Sadducees and the Samaritans.

But, even in Judah, only the political antagonism between the Pharisees and the Sadducees ceased with the destruction of the Temple. The Sadducees, whose existence as the priestly aristocracy and ruling class depended upon the state and the Temple, ceased to control the life of the people. But the religious differences between these two parties did not disappear.

The victorious Pharisees, who ruled the day, rejected all traditions, preserved by the Sadducees, which tended to affirm the exclusive rights of the priests, and the whole body of traditional law was now made to conform to their views. Not all the Pharisaic teachers, however, agreed to these radical changes, and some of them retained their allegiance to the pre-Pharisaic Halakah. Notably among them are Shammai and his school represented by R. Eliezer b. Hyrcanus and Jose the Galilean.

But official Pharisaism did not heed them. It established as a religious norm the interpretations and laws which emanated from the school of Hillel, the great cham-

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pion of Pharisaism, who began the systematization of the new Halakah. Hillel's work was firmly established by R. Akiba and brought to completion by Judah Ha-nasi. Two centuries later the center of Judaism was transferred to Babylonia, and soon all consciousness of an earlier and differing Halakah disappeared.28

Zealously as the Pharisees of the school of Hillel worked to exclude and annul the laws and traditions tainted with Sadducean views, traces of the latter are still found in some of the apocryphal books; in the Greek version of the Scriptures (LXX); in the Aramaic version, Pseudo-Jonathan;27 in the halakic midrashim from the school of R. Ishmael, himself a priest and with priestly sympathies,28 and, to a lesser extent, in the later Palestinian halakic works, Tosefta and Talmud Jerushalmi.29

But not only are we able to reconstruct parts of the Sadducean Halakah through the traces in these works, but the Sadducean tradition is still alive, its laws are observed and its practices carried out by their descendants, the Karaites; not only are they the followers and spiritual heirs of the Sadducees, but their physical descendants. Doctrines and practices adhered to and observed by a nation do not disappear at the desire of its leaders. Nor were the Sadducees annulled. The descendants of the once dominant party continued to live according to the traditions of their ancestors. The religious unrest prev-

29 See Jüd Zeitschrift, VIII, 291 ff. For the Jerushalmi comp. MGWJ., 1871, 120 ff.
alent in the Islamic world in the eighth century caused them also to unite and defy their old enemies, the Pharisees. Their leader Anan gave them his name, which was, however, soon changed to the appellation קראים or קראים עונש.

Karaism is, thus, not to be looked upon as a late-day revolt against the authority of Tradition caused by outside influence, but is a survival in a somewhat modified form (as by belief in resurrection) of the pre- and anti-Pharisaic tradition.

80 D. Chwolson in his Beiträge zur Entwicklungsgeschichte d. Judenthums (Leipzig 1910) goes further than Geiger, and asserts that long after the destruction of the Temple, the Sadducees were predominant (pp. 10-22). He bases this view on the assumption that during the time of the Second Commonwealth the Sadducees constituted not only the priestly and secular aristocracy, but also the bulk of the people, their disappearance with the destruction of the State being therefore inconceivable (p. 23 ff.).

Chwolson also believes that it was the people who remained faithful to the Sadducean tradition who are designated in the talmudic literature by the name עונש עונש. This accounts for the mutual hatred that existed between the Am-haares and Pharisaic teachers (p. 9). Chwolson adduces the talmudic account (b. Berakot 47b and parallel) of the ceremonies the non-observance of which characterized the Am-haares, as proof of the latter being identical with the Sadducees. It is there said that the Am-haares does not read the Shema'; that he does not put on the phylacteries; that he does not wear fringes on his garments and that he has no Mezuzah on his door. Now the Karaites even up to this day observe none of these ceremonies. Some relationship must exist between the Am-haares and the Karaites. As the Karaites are, Chwolson believes, descendants of the Sadducees, a relationship is established between the Am-haares and Sadducees.

The facts are, however, not as Chwolson puts them. The Karaitees have never rejected the biblical precept of מַעֲרָתָם, even if they differ as to the meaning of מַעֲרָתָם and some other details; see, for Anan, Harkavy, מסר ובתיו, pp. 7-10, and Schechter, Jewish Sectaries, II, 25, 1-26, 17; Hadassi, Alph. 241 and 364 (136b); Mibhar, Num., ad loc., לַעַל הַנַּעַל, 80b ff.; לַעַל מִבְּרָה (Neubauer, Aus d. Petersburger Bibliothek), 49a ff.; comp. also Ibn Ezra on Num. 15, 38, 39. Nor is it likely that the Karaites have even denied the duty of reading the Shema'. Abu Isa Isfahani, from whom Anan borrowed several laws (comp. Poznański, REJ., XLIV (1902), 178), taught, according to Kirjisani (comp. Harkavy, מַעֲרָתָם, 9).
The reliability of the traditional account of the origin of the Sadducees and Boethusians (Abot de R. Nathan, ch. 5), rejected by Geiger (Urschrift, 105 ff.) as an apocryphal legend, was vindicated by Baneth in Magazin, IX (1882), p. 1-37; 61-95, where is also shown how far the view of Geiger—that the Sadducees did not reject Tradition but adhered to a more ancient interpretation of the Law—contradicts the explicit statements of Josephus (Ant. XIII, 10, 6; XVII, 1, 4) and all the Talmudic accounts about them.31

Before we enter into a discussion of the agreements between the Sadducees and the Karaites which serve Geiger as proofs of the relation of the latter to the former, a few words will not be amiss on the general difficulties connected with the hypothesis, which were ignored by

the duty of reading the Shema'. Its reading is enjoined by the later Karaites; see Hadassi, Alph. 15 (15d); see Weiss, ṣe, IV, 88; L. Löw. Ges. Schr., I, 50. Neither can the Am-ḥaaret be identified with the Sadducees by his non-observance of the law of Tefillin. The Sadducees accepted the literal interpretation of Deut. 6, 8 (see Weiss, I, 118; Fürst, Geschichte d. Karäerthums, I, 10; Graetz, III, 3, 395; comp. also Müller, Masechet Soferim, p. 21, note 66). The name דלקו in Menaḥot 42b רפס... misled Wreschner (Samaritanische Traditionen, Berlin 1888, intr., p. VIII) and J. A. Montgomery (The Samaritans, Philadelphia 1908, 136) to believe that the Sadducees interpreted Deut. 6, 8 symbolically. דלקו in Menaḥot (l. c.) is, as often in the Amoraic literature, equivalent to באל, or was, as usual, substituted therefor by the censor. The parallel passage (Gitin 45b) reads באל instead of דלקו, which is also the reading of Estori ha-Pharbi, תונר תונר, end of ch. 5. Harkavy (bsite משלט, 142, n. 12) believes that Anan interpreted Deut. 6, 9 literally but referred עשה הוריהו to the עשה הוריהו of the Falashas (Epstein, Eldad ha-Dani, 174).

31 Comp. also Wellhausen, Die Phariseer u. die Sadducäer, Greifswald 1877, 73; G. Hölscher, Der Sadduzäismus, Leipzig 1906, pp. 9, 33 ff., 107 ff. The general nature of the Sadducees was recently thoroughly discussed by I. Halevy in his דינון הדרומר, vol. Ic, pp. 358 ff.
Geiger. Geiger believes that all the differences between the Pharisees and the Sadducees may be brought under one unifying principle, viz., the advocacy of priestly interests by the Sadducees. But if this was the distinctive mark of the Sadducees, what import could this tendency have had many centuries after the destruction of the Temple, when there was no more priestly aristocracy nor prerogative? And how could this issue sustain and keep alive Sadduceism under the appellative קראים until to-day? Nor can we comprehend how Karaism whose basic principle since the days of its first exponent Anan was חפשו בכתביكم ופשו "Search the Scripture," interpretation according to your own reason, and act accordingly," ignoring tradition,—how Karaism could have descended from Sadduceism which, as Geiger himself asserts, was by its very nature conservative, adhering stringently to ancient tradition.

This Sadducean-Karaite theory of Geiger is closely connected with his hypothesis concerning the existence of an ancient Halakah related to the Sadducean and which was therefore suppressed by the later Pharisees, a view that has been accepted by many scholars. A brief discussion of this hypothesis in relation to Karaism is given here.

The Targum Pseudo-Jonathan on the Pentateuch is, as Geiger (Urschrift, 162 ff., 451 ff.; N. S., IV, 106 ff.; V (Heb.), 112 ff.) believes, the main depository of remnants and traces of this ancient Sadducean-Samaritan-Karaite Halakah. Ps.-Jon., being a product of Palestine at a time when the more ancient Sadducean traditions had not altogether died out there—though changed to conform to the New Halakah,—still contains much which goes back to

those ante-Pharisaic traditions. As proof of this view, Geiger (Urschrift, 176 ff.) attempted to show that several Karaite anti-traditional laws are found among the Samaritans and in Ps.-Jon. The following are the main points of agreement which Geiger finds between the Karaite law and the Targum Pseudo-Jonathan and which he therefore believes to be survivals of the ancient halakah.

According to the traditional interpretation of Lev. 19, 24, the fruit of a tree in its fourth year is, like the "second tithe," to be consumed by the owner within the walls of Jerusalem. This is also the view of Josephus, Ant., IV, 8, 19. Pseudo-Jonathan, however, translates 'םי צוח לש תולא י' (Lev. 19, 24) by 'םי צוח לש תולא י הנני י מטרסא י קדו י מטסא י, so also on Deut. 20, 6. The Samaritans and Karaites also take 'םי צוח לש תולא י to mean that it is to be given to the priest or redeemed by its owner. Geiger (Urschrift, 181-184) believes this to have been the view of the ancient Halakah. Since this interpretation agrees with the plain meaning of 'םי צוח לש תולא י (comp. Ibn Ezra ad loc.), there is no necessity to assume with Geiger that this interpretation by some 34 Karaites goes back to an ancient tradition.


34 Not all the Karaites, as Geiger (Urschrift, 182) thinks; see הרה י with תוה ותר, Lev. 54a. Geiger refers to Mibhar, ad loc. Aaron b. Joseph, however, contradicts himself; see Mibhar, Num. 48: ואש את קרבא י בו מערז שם נושע רביעי והשלמות שמה לשלמות בצומת: comp. however, the super-commentary תסה י on Mibhar, Deut. 16a, letter 109. The view that י י נפל by Samuel al-Magrabi (M. Lorge, Die Speisegesetze der Karäer von Samuel el-Magrebi, Berlin 1907, 23, end). Geiger finds this view also in p. Soṭah 8, 5; but see Pineles, תדה י, 176 ff., and Gronemann, l. c. For the meaning of that passage see also N. Z. Berlin, in Halevy's תדה י.
According to Tradition, two tithes were to be taken every year (except the sabbatical year). The “first tithe” (Num. 18, 21 ff.) and the “second tithe” (Deut. 14, 22 ff.) are to be taken in the first, second, fourth, and fifth years; the “first tithe” and the tithe for the poor (Deut. 26, 12 ff.) in the third and sixth years of every cycle of seven years. Geiger (Urschrift, 176 ff.) contends that the ancient Halakah required the taking of all these three tithes in the third and sixth years, as the Karaites hold.85 He

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85 Not all; see min IfD, Deut. 180: ppxi nn»jon |o nnw nn n»»»Sw n^^nrr nnow »M
bases this opinion on Tobit 10, 7, 8 (against which see F. Rosenthal, *Vier Apokryphische Bücher*, Leipzig 1885, 117, note), Josephus *Ant.* IV, 8, 22, Sifre to Deut. 12, 17; 14, 28 (against which see Weiss, *Israel*, I, 126, note); but mainly on Ps.-Jon. to Deut. 26, 12-13:

As was already pointed out by M. Olitzki (*Flavius Josephus und die Halacha*, 18, note) and Bassfreund (*MGWJ.*, XI/ (1896), 5 ff.), there is nothing in Ps.-Jon. to these two verses to justify the view of Geiger. What Ps.-Jon. adds to the translation of the text is entirely in agreement with tradition (Sifre, II, 109 and 302) that in the passage all the tithes from the last three years must be removed, the first tithe given to the Levite and the "second tithe" carried to Jerusalem. (See also on the whole Pineles, min ^ נטר, 173-6, and Gronemann, p. 161 ff.).

Harkavy's suggestion (ם מודעפ, *MGWJ.*, 142, note 18) that Ibn Ezra on Deut. 14, 28 meant Anan and the Karaite is thus proved erroneous; comp. also Book of Jubilees 32, 11. For a full refutation of the view of Geiger, see Bassfreund, *MGWJ.*, XL (1896), 5-8.

Geiger, on the basis of his theory that R. Eliezer b. Hyrcanus and R. Ishmael represent the ancient Halakah related to Sadducean Tradition (see above), sees also in every agreement of Ps.-Jon. with the interpretation of R. Eliezer or R. Ishmael ancient laws, which were changed by the school of R. Akiba (*Urschrift*, 447, 472 ff.; Nachg. *Schriften*, IV, 106-7). It was however shown by Gronemann (119, note 2; see also 103, note; 139-140, notes; comp. also Epstein, *MGWJ.*, XL (1896), 142) that Ps.-Jon. does not always follow the interpretation of the school of R. Ishmael against that...
An agreement between Pseudo-Jonathan and many Karaites, not noticed by Geiger, is their interpretation of Lev. 18, 21 as referring to marriage with a Gentile woman; see Kirkisani, II, 23; Hadassi (Alph. 324): 

This interpretation, though censured in the Mishnah (Megillah 3, 9; comp. Zosim ad loc.), is given in the name of R. Akiba, his acceptance of the former being mostly conditioned by their being nearer to the plain meaning of the verse; comp. also the view of D. Hoffmann, Zur Einleitung in die halachischen Midraschim, pp. 74-76.

This verse, as Frankel (Einfluss, 156) remarks, gave rise to many divergent interpretations. Anan also interpreted this verse allegorically; see Harkavy, p. 207, and Schechter, Jewish Sectaries, II, 32.

The interpretation in the Book of Jubilees 30, 7-10 of this verse as referring to one who effects a union between a Jewish woman and a Gentile and that such action is punished by death is found also among the Karaites; so Samuel al-Magrabi (Book of Precepts called היאוש , a unique MS. of the Hebrew translation of the הלאמרה , written in 1722 by Samuel b. Solomon ha-Kohen (see Pinsker, II, 144-5; Gottlober, , 203, note) now in the library of the Jewish Theological Seminary of America), 222a: 

Comp. Rashi, ad loc.; Aruk, s. v. אַרְאֶה ; S. L. Rapoport, Krakau 1868, p. 231 ff.; Geiger, Urschrift, 304; Nachg. Schriften, IV, 106; Berliner, Onkelos, II, 88 ff. and literature quoted there.
The Karaites agree with Ps.-Jon. to Lev. 1, 4 and 3, 2,
(against Sifra to 16, 21; Menahot 93a; Tosefta ib., 10, 3; so
also Philo, II, 241) that סמוּך דוֹּ֥י: המָּסַיִת יִֽסִּמְךָ is with the right hand
only. See Mibhar, Lev., 3a: סמָךְ דוֹּ֥י: המָּסַיִת יִֽסִּמְךָ
and also Mibhar, Lev., 27a, and also Mibhar on Lev. 1, 4 (3b, end). But see D.
Hoffmann, Zur Einleitung in die halachischen Mid-
raschim, Berlin 1887, p. 75, who contends that this
interpretation of Ps.-Jon. (which is also favored by the
משש; see Ibn Ezra on Lev. 1, 4) goes back to the school of R.
Ishmael.

Ps.-Jon. translates אֶֽשֶׁ֔ךְ נַרְשָּׁה in Deut. 24, 5, against
Sifre ad. loc. and Soṭah 44a, by אֶֽשֶׁ֔ךְ נַרְשָּׁה נִֽכְּחָלֶֽךְ. This is also
the interpretation of אֶֽשֶׁ֔ךְ נַרְשָּׁה by many Karaites. See שֶׁבֶֽ֞י נַני,
15b: אֶֽשֶׁ֔ךְ נַרְשָּׁה נִֽכְּחָלֶֽךְ וַאֲכֹל אֶֽלֶֽכֶֽךְ. So also אֵֽשֶׁ֔ךְ
וכֶֽרֶכֶֽךְ מִיָּֽשְׁתַּאֲךָ לְאָךְ אֱֽשֶׁ֔ךְ נַרְשָּׁה, ad loc. (27b). See, however, Mibhar ad loc. (20b).
Samuel al-Magrabi (MS. 95a) states that the Karaites
are divided on the interpretation of אֶֽשֶׁ֔ךְ נַרְשָּׁה. This
deviation of Ps.-Jon. and some of the Karaites from
the talmudic interpretation of אֶֽשֶׁ֔ךְ נַרְשָּׁה rests on the plain
meaning of that word. See Ibn Ezra ad loc.; comp. Grone-
mann, l. c., p. 67.

While, as we have seen, the proofs adduced by Geiger
do not establish relationship between the ancient Halakah,
believed by him to be contained in Pseudo-Jonathan, and
the Karait Halakah, the following consideration, not hith-
erto noted, arises against any attempt at connecting the
Karaite law with the ancient Sadducean Halakah which
is believed to be represented in Ps.Jon.:
If the deviation of Ps.-Jon. from our Halakah go back to ancient tradition related to Sadduceism, then we should expect the Karaites—a later name for Sadduceism, according to this view—to be in agreement with such deviations of Ps.-Jon. The following examination of the main halakic divergences of Ps.-Jon. from our Halakah and of the view of the Karaites on these points will show how untenable this view is.

According to Tradition (Mekilta, Mishpatim, i, ed. Fried., 74b; Arakin 18b; p. Kiddushin 59a; Maim. 4, 4) the seventh year in which the Jewish male or female

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...
slave is to be released (Ex. 21, 2; Deut. 15, 12) refers not to the Sabbath year (ות-po מה), but to the seventh year from the commencement of their servitude.\footnote{So also Josephus (H. Weyl, Die jüdischen Strafgesetze bei Flavius Josephus, Berlin 1900, 122; Olitzki, Magazin, XVI (1889), 78). On the view of Philo, see Ritter, 59, and Weyl, l. c., note 19. The Samaritans also interpret התשכ"ה as the seventh year of the servitude (Klumel, Mischpatim, Ein samaritanisch-arabischer Commentar zu Ex. XXI-XXII, 15 von Ibrahim ibn Jakub, Berlin 1902, p. II). They disagree, however, with Tradition in referring Ex. 21, 2-7, to a proselyte (l. c.) a view which is also represented among the Karaites (Jepheth b. Ali quoted in Mibhar, Ex. 408: יתעב, 148d; הכהantasy ב, Ex. 68b; הכהantasy א, אינור (Odessa 1870), 189d; Samuel al-Magrabi (Gitelsohn, p. 1, 5). The Samaritans take יתעב (v. 6) literally (Klumel, p. VII) as do also some Karaites (see יתעב א, 90a; Samuel al-Magrabi (Gitelsohn, 5)).} Ps.-Jon., however, seems to interpret "the sabbatical year" (Ps.-Jon. to Ex. 21, 7; 22, 2; but see Ps.-Jon. to Ex. 21, 2 and to Deut. 15, 12). The Karaites differing among themselves on the laws of slavery agree with Tradition that refers to the seventh year of servitude. See שומרי ת"ם אל יעב ה ביותר שותים, id: הלאים [ Presidency. שותים בきます אלBruh התנה]; Samuel al-Magrabi (S. Gitelsohn, Die Civil-Gesetze der Karäer von Samuel al-Magrabi, Berlin 1904, 2, line 1); Afendopolo's appendix to א""א 받ינר ובישה יראות אליהם 9c: שותים 애 לועה לשומרי אוסו צי יכ החניכי האל על מדר לא בשומרי השופטים.

Geiger holds (Urschrift, 190 ff.) that the ancient Halakah did not distinguish between paid and gratuitous guardians, as does Tradition (B. M. 93a) but made the difference in responsibility depend on the nature of the goods entrusted. It referred Ex. 22, 6-8 to things light in which case the guardian is liable only for lack of ordinary care, and verses 8-13 to things heavy for which the
guardian is responsible even if they were stolen. Ps.-Jon. taking vs. 9-11, against the talmudic interpretation (Mekilta, ad loc.; Baba Meši'a 94b) as referring to a gratuitous guardian and v. 11, with the Talmud, to a paid guardian, represents according to Geiger (ib.) an intermediate state in the development of the law of guardians.41

All the later Karaites accept fully the traditional interpretation of Ex. 22, 6-15 as referring to four kinds of guardians, so Mibhar, ad loc., 44b-45a; רב הורה ad loc., 75a-b; רמא אבが多い שופטים. גע זא, 182b-184c; Samuel al-Magrabi, MS., 136a ff.

Ps.-Jon. interprets Lev. 5, 1 against Tradition (Sifra ad loc.) interpret this verse like Tradition, as referring to another person swearing falsely or breaking an oath and conceals it (comp. Reifmann, l. c., 313, and Hoffman, Leviticus, I, 199, note).42 The Karaites (ира and min iro, ad loc.) interpret this verse like Tradition, as referring to שינה השור.

Geiger (Urschrift, 477) finds support for his view that according to the Sadducees all the work connected

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41 See RaSHbaM on v. 6; comp. Reifmann, Bet Talmud, I, 219. The view of Gronemann, 77 ff., is improbable, comp. ib., note. For Philo's and Josephus' interpretation of these verses see Ritter, p. 61 ff., and Weyl, p. 130 ff. Hadassi (Alph. 370) refers verses 6-10 to משלוים and verses 10-13 to ביאום הנין. Benjamin Nehawendi seems also to make this distinction (משרהו יוני, 2b) but contradicts himself. He says (ib., 3b): שגיאו לאון ומתחלה חונים מנושם ובכבריכו נִי התתגרו והותו ומגננה לשפיחת, thus referring verse 11 to משלוים.

42 Philo makes such reticence a capital crime (II, 275; Ritter, p. 47; comp. Werke Philos, II, 114, note 4). This interpretation of Ps.-Jon. seems to have escaped Ritter (l. c.).
with the Red Heifer was to be done by priests only in Ps.-Jon, to Num. 19, 9, 18 (comp. also Brüll, Bet Talmud, I, 270).

The Karaites, however, agree with Tradition in the interpretation of מִשׂ בֵּיתָר (so also Philo II, 253); and Mibhar (ad loc., 18b) records the opinion of some Karaites that even הנָשָׁת (v. 5), which according to Tradition is שָׁפֵת מִדֵּה (see note 43), does not require a priest:

Ps.-Jon. adds to מָתִיר לְמֵית (Lev. 16, 27) the words מֵית נַפָּל (Lev. 16, 22) in ascribing the death of the goat to non-human agency. Geiger (N. S., V, Heb., 115) believes this to have been the ancient interpretation (failing, however, to indicate the reason that

Ps.-Jon. differs from Tradition, Yoma 6, 6, in the interpretation of מַשְׁלָה אֶלָּה (Lev. 16, 22) in ascribing the death of the goat to non-human agency. Geiger (N. S., V, Heb., 115) believes this to have been the ancient interpretation (failing, however, to indicate the reason that

43 Comp. Brüll, Bet Talmud, I, 273. Geiger (l. c.) quotes also Ps.-Jon. on verses 3, 5, 7, but in the interpretation of v. 5, Ps.-Jon. is in full agreement with Tradition, which also requires שָׁפֵת מִדֵּה to be by a priest (Brüll, l. c., 271, n. 5, notwithstanding). See Parah 4, 4; Tosefta, ib. 4, 6; Maim., פרה, 3, 2; 4, 17. The view that קָדֹשׁ בַּעֲרָבָּה (Ps.-Jon. on verses 3, 7) is represented also in Yoma 42a. As to the slaughtering of sacrifices in general if it need be by a priest, see Ritter, pp. 110-11; see also Büchler, Die Priester und der Cultus, 138 ff., and p. 101, n. 2, and p. 155, n. 2. See Yoma 27a and Zebahim 32a; see also Lev. Rabba 22, 4: מַשָּׂא לְמָתִיר לְמֵית נַפָּל... שָׁפֵת מִדֵּה...

44 See also Geiger, Urschrift, 173 (and Büchler, l. c., 154) as to Ps.-Jon. Ex. 29, 37; 30, 29: against which see the just remarks of Gronemann, 48, note.
might have caused the change in the interpretation of this verse). The Karaite interpretation agrees with that of the Talmud. See Mibhar, ad loc. (27b) ... comandoym, comp. also הוה הר ה, ad loc.

According to Tradition שלמים נזר וนะב (Lev. 7, 16-18) are eaten only two days and the night between (Sifra ad loc.; Zebahim 5, 7; Pesahim 3a; Maimon., 10, 6). It construes מָפַהְרָה וּמַהְרָה (v. 16) so that יָכִל refers to מָפַהְרָה. Ps.-Jon. refers to יָכִל to the night after the second day so that שלמים are eaten two days and two nights (comp. Ps.-Jon. to Lev. 19, 6). The Karaites are divided on this question. See Mibhar, ad loc. (11b):

וכָרְבִי יָכִל נוּר וּנְהָרָה, ad loc. (18b):

והנה שלמים נזר וなんて, ad loc. (18b): נאכלו לsetParameter יום ו遷ה יامعة י.toInt ו遷ה אל שיני יお互い יומת אathed. But see נָאָר שֶלֶם נזר וなんて, ad loc. (18b): נאכלו לsetParameter יום ו遷ה יامعة י.toInt ו遷ה אל שיני יお互い יומת אathed. In a fragment of a commentary on Lev. which Schechter published in his Saadyana, 144 ff., the author of which Schechter believes to be the famous ninth century Karaite Daniel al Kumasi, the same view is held (ib., p. 146):45 נזר וなんて יובל מפ Maher ו遷ה ושלמים.

45 Aaron b. Elias, however, contradicts himself. SeeAaron b. Elias, however, contradicts himself. See אֵנָב יָכִל מְפַהְרָה וּמַהְרָה. Philo, as is evident from the third reason given by him for the law of Lev. 19, 6 (II, 245), agrees with Ps.-Jon. See also Geiger, Nachg. Schr., IV, 38; Reifmann, Bet Talmud, I, 314. Chwolson, Das letzte Passamaohl Christi, 35, believes this to have been the Sadducean view; comp. ib., 32, 34. The interpretation of Ps.-Jon. seems to have escaped Chwolson. Another Karaite view is found in the fragment mentioned in the text. Daniel says that the words שלום יזרו מקסם (Lev. 1, 2) excluded Gentiles from bringing any sacrifices to be offered for them in the Temple. Other Karaites hold the same view (Mibhar. Lev. 39a, and מָפַהְרָה וּמַהְרָה, ad loc.; תִּהיָה וּרְאֵיה, ad loc., מָפַהְרָה וּמַהְרָה 62a; but see מָפַהְרָה וּמַהְרָה by the Karaite
Ps.-Jon. interprets Deut. 17, 16 (Deut. 17, 16) to mean that he should not have more than two horses (אלא ירהו והם) which is against the talmudic interpretation that the King is not to keep more horses than he actually needs (Sifre, ad loc., 105b; Sanhedrin 21a, comp. Brüll, Bet Talmud, II, 25-26). The Karaite agree with the talmudic interpretation. See Mibhar, ad loc. (14b).

Tradition interprets ממה נבקה חוהי (Deut. 18, 19) as death by strangulation (Sanhedrin 10, 1; Sifre, ad loc., 108a). Ps.-Jon. translates death by sword.46 The Karaites agree with Tradition. See Mibhar, ad loc. (22a):

As was already remarked by Jonathan Eibeschütz (אורים והומיס, 9, 2) Ps.-Jon. in his translation of Deut, 24, 1 requires the presence of a court for the execution of a bill of divorce. The Karaites agree with Tradition (see Baba Batra Arakin 230: תרוי קפ נט מנה ויהי ויהי גביר תרשיחא בעלים ויהי ויהי חסידתא בתכינ).47

The later Samaritans shared this view (Wreschner, 61-2). This Karaite law is based on no tradition; see Schürer, Division II, Vol. I (Engl. transl.), 299 ff.

46 Ps.-Jon. interprets שמח in Deut. 13, 6 also by אבר, which is against the Mishnah, Sanhedrin 10, 1.

47 Aaron b. Joseph (Mibhar, Deut. 15a) believes that death here is בוס, basing his view on Jerem. 28, 16.
It is, however, most probable that in many instances a writ of divorce would be given in the presence of a kurban to insure legality and publicity, to which custom Ps.-Jonathan’s קרבןlicer may be due. In a recently discovered Assuan papyrus a divorce is said to be announced before the high priest. See Jahrbuch d. jüdisch-literarischen Gesellschaft, VII, Frankfurt a-M. 1910, p. 378.

Ps.-Jon. (so also Fragment Targum) interprets הבאתה אל הבאתה אל אשר יהיה בעית השם (Deut. 26, 3) against Tradition (Bikkurim 3, 12; Sifre, ad loc.; so also Josephus, IV, 8, 22) as referring to the high priest (שלוחי לו יהיה אותו ויהיה הרבר לבר). The Karaites agree with Tradition. See Mibhar, ad loc., 23a. So also הבאתה אל הבאתה אל (ad loc. 29b).

The Karaites, relying on Nehem. 10, 36, contend that the firstlings (הברות) are to be offered from all kinds of earth and tree fruits (Mibhar and הבאות lcm., l. c.). According to Tradition (Bikkurim, 1, 3) they are offered only from the “seven kinds” enumerated in Deut. 8, 8. Philo, II, 298 states that they are brought from the fruits of trees (see Werkes Philos, II, 168, n. 2; but see Philo, II, 391); comp. also Book of Jubilees 21, 10 and Josephus Ant. IV, 8, 22.
I will now turn to the differences known or supposed to have existed between the Sadducees and the Pharisees and examine Karaite halakah on these disputed points.

The interpretation of Lev. 16, 12-14 constituted one of the earliest differences between the Pharisees and the Sadducees. The Sadducean view and practice was (Tosefta Yoma 1, 7) that the kindling of incense in the vessel (v. 13) was to take place before the high-priest entered the Holy of Holies, maintaining that otherwise the high-priest when entering it would see the Ark,—which contravenes נָעַר אָרָא תֶּבֶּרֶת (v. 2). The Pharisaic ruling and practice was that the incense is to be put on the coals in the Holy of Holies itself (T. K. Aḥare Mot, 3; Tosefta Yoma 1, 7; Yoma 109b; 53a; p. ib., 1, 5 (39a)). The Karaites agree with the Pharisaic interpretation of these verses. See Mibhar, ad loc. (27a): נָהַר אָרָא נַעַר תֶּבֶּרֶת; so also מֵימָר ad loc. (42b): בְּנֵרָה שֶׂמֶטֶרָה מְכִנֵּסָה עַל יִי בָּל אֲרוֹר וּמְכִנָּה מְכִנָּה עַל הַמִּסְגָּר.

The authenticity of Megillat Taanit (ed. Neubauer, ch. 4), according to which the interpretation of הָרָה


See הָרָה, Lev. 41b, for the anti-Sadducean interpretation of this verse: הָרָה וְתַהֲמֶסֶת шֶׂלֶם אַרְאָה רַכְּם בּוּנָהָה וְכַסְדוּרָה. Comp. Geiger, Jüd. Zeitschrift, II, 29 ff., and Oppenheim, Bet Talmud IV, 269 ff.
(Deut. 25, 9) constituted a difference between the Pharisees and the Sadducees, is admitted by Geiger (Jüdische Zeitschrift, II, 28; comp. ib., 95). The latter in their adherence to the letter of the Law required the בֹּאָכָה to spit in his face (蒐集) while the Pharisees in case of הֲלִישָׁה caused her to spit before him (Yebamot 106b). The Karaites agree with the Pharisees in the interpretation of הֲרִיָּה בֶּן נַעַר. Comp. Mibhar, ad loc. (22a) שֵׁרְשׁה כְּבָשָׁה. Comp. ad loc.

The responsibility of a master for damage caused to others by his servants constituted, as already recorded in Mishnah (Yadaim 4, 7), an issue between the Pharisees and Sadducees. The latter applied the law of Ex. 21, 35 also to damage done by one's servants. The Karaites agree with the Pharisees and reason like them. See נו שֵׁר שִׁבֵּר וְאָסַח אֶת אֵישׁ הָיוֹם םָמֻּרָהָם אֲבָל נו מִסְדָּרְשׁוּ. ... נו שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר שִׁבֵּר Sh. a. Geiger, Urschrift, 143 ff.

The Pharisees and the Sadducees differed on the law of inheritance. According to Num. 27, 8 when there are sons and daughters, the sons are the heirs. But if the son died before his father, the son leaving a daughter, the Sadducees held that the daughter shares with her brother's daughter the inheritance. The Pharisees held that the son and all his descendants, male or female, should precede the daughter in the right of inheritance (Meg. Taanit 5, 80 See Rapoport. חזון אבות (Prag. 1861), 11 ff.; Weiss, I, 117. note 2. Josephus (Ant. IV, 8, 23) translates with the Sadducees בָּנוֹי. Comp. Testament of Twelve Patriarchs, Zebulun, 3, 4, ff. קָרָיָּה בֶּן נַעַר literally. See, however, Anan (Harkavy, 116): וְיֵשׁ לָא בֶּן נַעַר. Comp. also
The Karaite law of inheritance, as they themselves confess (דוע אל, 165b), is confused, and difference of opinion exists among them on essential points. The prominent ninth century Karaite, Daniel al Kumshi, held that the daughter when sons are left receives a third of the inheritance (Pinsker, II, 85; comp. הצאררתא, 101a). Joseph b. Abraham ha-Kohen was of the opinion that the daughter's right to inheritance is equal to the son's (ib., 101c; דוע אל, 165d); this, he reports in the name of David b. Boaz, was also the view of many others. These views disagree with...
the Sadducean as well as with the Pharisaic practice. Those Karaites who do accept the traditional view that daughters do not share with sons in inheritance,—and this is the view of nearly all later Karaites (Hadassi, Alph. 252, 256; נ, 166א, and 27, 8)—agree also with the Pharisees against the Sadducees, that the son's children, female as well as male, are the sole heirs even when the deceased has left daughters. See Hadassi, Alph. 252 and 256: נוב אינן ל"ו העבדרות א"ת נשתת עלה להב לכל ויאופי יו בוי קוריסים לבת; so also ובר יבד נניח תורתיות מ"נ בת 102ד: א"ת א"י אליוות מ"נ בת; so also הדן הבן, יבר נניח נקבת... והדני הבן, יבר נניח נקבת... הדני הבן, יבר נניח נקבת.

Hadassi (Alph. 97) informs us that the Sadducees "absolutely forbade divorce." Geiger (Zeitschrift, 1836, p. 99) doubted the authenticity of this report. Kirkisani reports it in the name of David b. Merwan Almukames (ed. Harkavy, 304, l. 3; 305, l. 12). S. Holdheim in his מאמר א"א איוות (Berlin 1861, p. 43 ff.) finds support for this assertion in the fact that the Karaites, who, as he believes with Geiger, descend from Sadducees, also prohibit divorce except in case of suspicion of adultery in the wife, and quotes (p. 53, note) א"את א"י אלים. Holdheim, however, misstated the facts. The author of א"את א"י אלים (96c) as well as all the other later Karaites (Hadassi, Alph. 366 (141c); נב א"ת נניח נניח ניחב on Deut. 24, 1; Gan Eden 154ד and לובט מלוכת (A. Neubauer, Aus d. Petersburger Bibliothek, 54)), does not like the School of Shammai (Gittin 90א) take תוח ריב (Deut. 24, 1) to mean sexual immorality, but an

is forced. He and Aptowitzer (JQR., XIX, 609) overlooked Shabbat 116b. For the expression תוח ריב, see לובט מלוכת, VIII, 78; דוא"א קוריסיא, may also refer to R. Gamaliel II who was the supposed litigant (Shabbat 116b).
“intolerable thing” as, for instance, the wife’s becoming (after the marriage) deaf or blind or contracting an incurable disease; anything of such a nature is legitimate cause for divorce. But even this view was rather an innovation of later Karaites. As we now know, according to Anan, marriage may be dissolved at the wish of either of the parties, by a writ of divorce. See his Mishnah (Harkavy, 119):

\[\text{כ ב דר בדד} \]

Benjamin Nahawendi (משה בכימי, 5b), considered the right of divorce to be vested in the husband alone. Samuel al Magrebi tells us of the following three opinions among the Karaites as to the husband’s right of divorce. He says (MS. 97b):

\[\text{כ ב דר בדד} \]

54 See Harkavy in Grätz, Geschichte, V4, 487. This view of Anan seems to have escaped Poznański, ZfhB., XI (1907), 72. It is possible that Anan in this law raised to the dignity of a biblical law the מוטה enacted about a century before Anan. See Sherira Gaon, Epistle, ed. Neubauer, 35, l. 11; id., תמיות, Resp. 140; comp. Grätz, V4, 129-130; Weiss, Dor, IV, 5, 9, 37; A. Schwarz, Moses b. Maimon, Leipzig 1908, 342-345. Hadassi (Alph. 335) stands alone in his opinion that מוטה לאורך ד>i is not sufficient cause for divorce. For the Samaritan interpretation of התניא comp. MGWJ., LIV (1910), 433: Philo and Josephus agree with the view of Beth Hillel (Ritter, 70, n. 1).
The practice of the Karaites of his day thus coincided with the opinion of R. Akiba⁵⁵ (Gittin 90a): אסימלצלאתחורחנ. The preparation of the Red Heifer was, according to Num. 19, 9, to be done by one ceremonially clean: והואותרוה. The interpretation of תינאפ'נ constituted one of the essential differences between the Pharisees and Sadducees. The Pharisees considered the unclean man who has bathed in the day time, and awaits sunset, in accordance with Lev. 22, 7, to be רוחנוה and eligible to prepare the ashes of the Red Heifer. The Sadducees considered him unclean.

⁵⁵ Still more erroneous is the assertion of Holdheim (l. c., 57 ff.), that the Karaites considering the marital bond similar to that of God and Israel allow the husband to forgive and take back an adulterous wife, while Tradition demands the dissolution of the marriage by a writ of divorce. The reverse is true. According to the Karaite law, even the מנהג is considered defiled and forbidden to her husband whereas the talmudic law requires divorce only in case the husband be a priest (Ketubbot 51b; the reason of the opinion of מנהג is שמהממסדהברכה; for Ps.-Jon. on Deut. 22, 26: הליא, see Chayes, אמירות ברכות, 9; comp. also מנהג כנףיה, IV, 4, 4). See Benjamin Nahawendi (משתא כנפייה, 50a): ואםאשתאמיאיםוהואומדוהרוהמעמהיהמה gauss עלבעלהאפורות; so also Hadassi, Alph. 329: מנההריהאפורותמהיאמה ביהםמסדהאפורותעלבעלה; comp. also Alph. 364 (135b): מנההעלעל; 152b; 155a; 92b: הליא, 47. Jepheth b. Ali held that in case of defilement no writ of divorce is necessary; for the marriage is ipso facto dissolved (לעל, 155a); but see Hadassi, Alph. 5. lett. כ. Holdheim (l. c., 112) contends that the Sadducees did not consider a captive (שוד) even when מנהה was defiled. Yet the Karaites hold that even an אשת תישארלאשכיתו is forbidden to her husband. See Hadassi, Alph. 365 (141d). Josephus (Contra Apionem I, 7) agrees with Tradition (Ketubbot 27a). Holdheim (l. c., 53, note) states that while the Karaites consider man and woman equal in their spiritual duties, the Mishnah (Berakot 3, 2) confines the duty of prayer to man. The very Mishnah which he quotes states that women are included in the obligation of prayer.
and barred him from assisting in the preparation of it." This issue could have arisen only if we interpret נאע in Deut. 23, 12 to mean "from the time that the sun begins to decline" allowing the unclean to take the ablution after midday, a period thus intervening between the purification bath and sunset, during which he was considered by the Pharisees clean and suitable to prepare the

Most of the Karaites, however, take נאע to mean the last part of the day and assign the ablution to the hour which immediately precedes sunset, see Harkavy. See also Harkavy, ad loc. (27a): נאע לערב ובו נאע בבר לא הכרה של יום השמש משעה שמונה שעה גור בשעה נאע ראו להכרה דברי העבר ספ라도 לערב ... בוק פסקו של היום הסמוך בכם צ الواحد ולבית ספדו לערב ... לערב. So also Samuel al Magrabi (MS., 191b ff.): נאע לערב ספדו הלילה הלילה משעה ב ... אפרים ולבית בו הוא בבר ושב נאע הוא נאע ישירות הישרים לספדו ומ_probs שבעה הפרשים על ארשי העבר במאמה המאמה העבר נוח ולבית ע_ONE ... So also Samuel al Magrabi (MS., 191b ff.): נאע לערב ספדו הלילה הלילה משעה ב ... אפרים ולבית בו הוא בבר ושב נאע הוא נאע ישירות הישרים לספדו ומ_probs שבעה הפרשים על ארשי העבר במאמה המאמה העבר נוח ולבית ע_ONE ... So also Samuel al Magrabi (MS., 191b ff.): נאע לערב ספדו הלילה הלילה משעה ב ... אפרים ולבית בו הוא בבר ושב נאע הוא נאע ישירות הישרים לספדו ומ_probs שבעה הפרשים על ארשי העבר במאמה המאמה העבר נוח ולבית ע_ONE ... So also Samuel al Magrabi (MS., 191b ff.): נאע לערב ספדו הלילה הלילה משעה ב ... אפרים ולבית בו הוא בבר ושב נאע הוא נאע ישירות הישרים לספדו ומ_probs שבעה הפרשים על ארשי העבר במאמה המאמה העבר נוח ולבית ע_ONE ... So also Samuel al Magrabi (MS., 191b ff.): נאע לערב ספדו הלילה הלילה משעה ב ... אפרים ולבית בו הוא בבר ושב נאע הוא נאע ישירות הישרים לספדו ומ_probs שבעה הפרשים על ארשי העבר במאמה המאמה העבר נוח ולבית ע.ONE ... So also Samuel al Magrabi (MS., 191b ff.): נאע לערב ספדו הלילה הלילה משעה ב ... אפרים ולבית בו הוא בבר ושב נאע הוא נאע ישירות הישרים לספדו ומ_probs שבעה הפרשים על ארשי העבר במאמה המאמה الع...
one who has bathed (for purification) in the day time—does not exist at all; the Karaites thus differ in the question of as much from the Sadducees as they do from the Pharisees.

The law of false witnesses constituted one of the earliest differences between the Pharisees and the Sadducees. The latter restricted the application of Deut. 19, 19 to the case when the accused has already been executed in consequence of their false testimony. The Pharisaic view and practice were that false witnesses are liable to equal punishment after the judgment had been passed but not carried out (Sifre, ad loc., ed. Friedmann, 109b; Makkot, 1, 6; Tosefta Sanhedrin 6. 6; p. ib., 6, 3 and parallels).

Geiger (Urschrift, 140) and Weiss (I, 138) consider apocryphal the report of the Baraita Makkot 5b that the Pharisees did not apply the law of false witnesses in case the wrongly accused was already executed. The issue between the Pharisees and Sadducees was, according to them, the case where the testimony was found to be false before the execution of the alleged offender.89

Most of the Karaite exegetes and codifiers agree with the Pharisees in this disputed point; see Mibhar, ad loc. (15b).

89 Comp. also Pineles, יָד הַשָּׂפֶּה שֶל מִשְׁמַר הַחֵרְבָּה, 172; Friedmann, Beth Talmud, V, 233 ff.; Herzfeld, Geschichte, III, 387; Graetz, III, 99. The Book of Susannah was according to Brüll, Jahrbücher, III (1877), 63 ff. (comp. also Hoffmann, Magazin, IV (1877), 157 ff.) written as a protest against this Sadducean practice. For the view of Philo see Ritter, 26, n. 1. Josephus accepts the Pharisaic view (Weyl, 85). For the Samaritans see Wreschner, Intro., p. VIII, note 5. For attempts to explain the talmudic view see Geiger, Urschrift, 140, note), which is also the view of the Karaite Aaron b. Joseph (Mibhar, Deut. 16a) see Magazin, XX (1893), 88 ff.; Rapoport, דְּבֵר בְּשָׁלֹשׁ אַמְּנָה, p. 7. L. Löw, Ges. Sch., I, 284, is to be corrected accordingly.
The two daily burnt offerings (ולהיinja) being public offerings, had to be provided at the expense of the public, from the half shekel tax (Shekalim 4, 1; Sifre I, 142). The Sadducees claimed (basing it on the singular form in Num. 28, 4) that the daily burnt offerings may be offered by individuals. Menahot 65a and Megillat Taanit, 11 (Neubauer, Mediaeval Jewish Chronicles, II, 3): "The Karaites, in agreement with the Pharisees, consider the perpetual offering a public sacrifice to be offered at the expense of the people, though they hold that, in all duties incumbent on the people at large, if an individual anticipates it, the duty is discharged. See Mibhar to Ex.

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88 So also Josephus, Ant. III, 10, 1 and Contra Ap., II, 6. Philo also considers the perpetual offering a public sacrifice (II, 239). Comp. M. Zipser, Flavius Josephus' "Ueber das hohe Alter des Jüdischen Volkes gegen Apion," Wien 1871, 113. The fact that King Hezekiah defrayed the expense of the *Tod* (II Chron. 31, 3; comp. Schürer, II, I, 284, Engl. transl.) is not against this view, as even according to Tradition an individual is allowed to bring the *Tod*, if he first turns it over to the people (Rosh hashanah 70); see Maim. comp. Geiger, Urschrift, 136.

This escaped Ratner, 112 in honor of N. Sokolow, Warsaw 1904, 5o2.
The view of Geiger (Jüdische Zeitschrift, I, 24; Nachgelassene Schr., V, Heb., 161; ZDMG., XX, 560 and elsewhere; comp. Poznański, REJ., XLV, 63) that the Samaritan interpretation of Deut. 25, 5 ff., which was also held by some early Karaites, goes back to the Sadducees, cannot be accepted. The Samaritans took נון (v. 5) to be an adjective, referring to אשת התנה translating it "the outer wife," i.e. the betrothed who had not as yet entered her husband’s house, and restricted the law of levirate marriage to the betrothed woman whose husband died without living issue (Kiddushin 75b-76a; p. Yeḥamot 1, 6 and Gitṭin 1, 4; comp. Frankel, Vorstudien, 197, note b). If the Sadducees, like the Samaritans, would have applied the law of yibbum only to the betrothed, but not to the widowed wife, marriage would have been prohibited with them, as the cause of the exclusion of the Samaritans from the Jewish community and of marriage being prohibited with them, was that they referred the law of levirate marriage to the betrothed only. See Kiddushin 75b.60

An agreement of great importance, as Geiger thinks, between the Sadducees and the Karaites is their rejection of the device known as ‘erub, by which restraint on walk-

60 Against this view of Geiger see also L. Löw, Gesammelte Schriften, III, 162; Geiger’s opinion (Urschrift, 148) that many of the Pharisees were against intermarriage with Sadducees is not proved; see, to the contrary, N. Krochmal, אין קונ羰וי תחת, Warsaw 1894, 65: L. Löw, l. c., 160. ניקת_ed. Poznanski I, 87, n. 3, end and 84, n. 1.
ing and carrying on the sabbath is lightened. Geiger sees in the institution of 'erub a result of the Pharisaic desire to imitate the priestly sacerdotal meals eaten in the sanctuary. The sacrificial meals constituted a religious act. To afford the priests an opportunity to assemble for such repasts, which were usually held on holidays and sabbath, the regulations concerning walking distances and carrying food from one precinct to another were disregarded. The Pharisees also instituted common repasts (originally of companies of ten people, as in the eating of the Paschal Lamb). These meals, though of profane food, were eaten and in connection with them were practised rites and observances usually associated with sacerdotal meals. To facilitate such gatherings, i.e. participation by those who lived outside the city limits in such consecrated meals (usually held on holy days), they devised the fiction of 'erub, through which members could come from distances and food be carried from one precinct to another on sabbath. The Sadducees opposed this device (Erubin 6, 2; ib., 68b). The rejection of this "evasion law" by the Samaritans (Erubin 31b) and the Karaites (Hadassi, Alphabeta 182, 183, 242, see also authors quoted below) thus goes back to their common source—the Sadducees. This hypothesis of Geiger is due to misunderstanding the above quoted Mishnah. As has been shown by I. Halevy in his Dorot Ha Rishonim (1c, pp. 436 ff.; so also Weiss, Dor, I, 119), the Sadducees are mentioned there as

61 Jüd. Zeitschr., II, 24, Nachg. Schriften, III, 290; V, Heb., 145 ff. and elsewhere. Against the view of Geiger concerning רחובות of ten people to which he ascribes much importance (see references above and Urschrift, 121 ff.; Nachg. Schr., IV, 107), see A. Büchler, Der Galiläische Amhaaretz, 208, n. 2; comp. also, for Ps.-Jon. on Exod. 12, 4, Frankel, MGWJ., 1846, 114.

62 אל מלוח מילים [חתומיקו] הביאו את הכתובים החוקרים (יוסף פלד) (א"פ). Weiss overlooked, however, Horayot 4a; comp. also Geiger himself,
which means "one who does not believe in the device of 'erub," i. e. one who ignores as invalid the rabbinic injunctions against violation of the Sabbath. Thus, while the Sadducees did not consider הָרֵעָה and הָרֵעָה forbidden, the Karaites prohibit them and reject the "evasion law" of 'erub (Hadassi, l. c., and authors quoted below). The early Karaites Anan, 63 Benjamin Nahawendi (אָמַר חַנְיָה, 31a ff.) and Sahl b. Ma'asiaḥ (ל. c. and שַׁלְמָיא הָרָדָה, 29c) interpreting Ex. 16, 29b שַׁלְמָיא הָרָדָה literally, forbade leaving the house on Sabbath save for physical needs.

Urschrift, 147-8; Nachg. Schr., V, Heb., 147, II. 5 ff. This is also the meaning of מִי שָׁשוֹת הֵדַּר בְּּהָרִיב (concerning the Samaritans). See Niddah 57a and Rashi, ad loc., s. v. מְלִיתה; see also Wreschner, 15; comp. S. Hanover, Das Festgesetz d. Samaritaner nach Ibrahim ibn Jakub, Berlin 1904, 21. For the Sadducees, comp. also Schürer, Div. II, vol. II (Engl. transl.), 37, n. 102.

63 See אָמַר חַנְיָה, 31b; יִשְׁפּוּר אֲלַחַיָה, 29c; comp. also Harkavy, יִשְׁפּוּר אֲלַחַיָה, 129, n. 1; 139, n. 3. This is also the view of Hadassi; see Alph. 144 (54c) and 247 (94d). Some Karaites forbade, like the later Samaritans (Wreschner, 15), leaving the house on Sabbath even for physical need or a religious object; see Hadassi, Alph. 144. See also Reifmann, Beth Talmud, I, 385; Harkavy, Magazin, VI (1879), 121.

64 The later Karaites, including Levi b. Jepheth ha-Levi, Joshua b. Judah, Samuel al-Magracbi, and Aaron b. Elias, accepted the rabbinic (see Mekilta to Exod. 16, 29; Alfasi and Asheri to Erubin 1, end; Tosafot ib., 17b, s. v. יִשְׁפּוּר אֲלַחַיָה; Maim., דְּבָרֵי, 27, 1) restriction of the Sabbath way to two thousand yards outside the city limits, making thereof a biblical ordinance. See also Joseph al Baser, Pinsker, II, 87.

It may also be pointed out here that only R. Akiba, the champion of the New Halakah according to Geiger (Urschrift, 153 ff. and elsewhere), is of the opinion that the restriction of מִי שָׁשוֹת הֵדַּר is biblical (Sotah 5, 3)! See also Schechter, Jewish Sectaries, I, p. 10, l. 21; p. 11, l. 6.

It was also R. Akiba, the antagonist of the Sadducean-Samaritan halakah according to Geiger, who held the Samaritans to be genuine converts. see Kiddushin 75b; comp. Frankel, Einfluss, 245), while R. Eliezer and R. Ishmael who, according to this view, partly adhered to the Sadducean-Samaritan halakah, held the Samaritans to be only lion-converts; see Kiddushin, l. c.; Shebiit 8, 10; p. ib., and מִי שָׁשוֹת ad loc.
or some religious object. 65

Geiger (Jüd. Zeitschr., II (1863), 43 ff.) holds that the Sadducees prohibited the sacrifice of the Paschal Lamb (םstitución קרבן) on sabbath. Derenbourg (Orientalia, I, 184 ff.), Holdheim (Jewish History, 160 ff.), Chwolson (Das letzte Passamahl Christi, Leipzig 1908, 28 ff., 140, 161; comp. Bacher, JQR., VI, 680 ff. and REJ., XLV, 176 ff.) claim that the similar view held by Anan and some other early Karaites goes back to the Sadducees. See against this view A. Schwarz, Die Controversen der Schammaiten und Hilleliten, I, Wien 1893, p. 17, note. It may also be pointed out that it is hardly probable that the Sadducees distinguished, as Geiger (l. c.) and Chwolson (l. c., 21; 29, n. 2; 43, 140) claim, between the “perpetual offering” (קרובנ תומיה) as a public offering (קרובנ זбри), and the pip as a private offering (קרובנ היד), since, according to the Sadducees themselves, the pip was also to be offered by an individual. See Menahot 65a; comp. Geiger, Ur- schrift 136, and above. Moreover, many early Karaite authorities agree with Tradition that the nos קרבn ספס takes precedence over the sabbath. So Benjamin Nahawendi ( lzשד ילענ, 153; comp. also the views of Daniel al Kumsi and Jepheth b. Ali, Harkavy, l. c.). So also Aaron b. Joseph (Mibhar, Exod. 16b); Samuel al Magrabi (ed.

65 The Karaites differ among themselves also on the source of 11 דנ่น on sabbath. Jepheth b. Ali (Pinsker, II, 21) and Joseph al Başir (רמוא אבraham זסי, 29d ff.) follow Tradition and consider it to be a מלאוחה and therefore forbidden. Kirkisani thinks that carrying is not מלאוחה and its prohibition is traditional and attested by Jerem. 17, 22 (ו לוי, 26b; comp. also the views of Joshua b. Judah and of Aaron b. Elias, ול נלי, l. c.). Levi b. Jepheth stands alone in his opinion that the carrying of light things is not forbidden (רמאז רמאז, 29c).
Junowicz, Fast-und Festgesetze d. Karäer, Berlin 1904, 6); Elias Bashyazi (ת"א פסחא, ch. 8).

Geiger (Nachgel. Schriften, III, 315; V, Heb., 149 ff.; ZDMG., XVI, 717 ff.; comp. Cohn, ZDMG., XLVII, 678) holds that the Karaite view that רחנוי ליה, like נבנוי יב, communicates uncleanness goes back to Sadducean Tradition. It escaped Geiger that the earliest Karaites, the Ananites, were of the opinion that no separate part of the carcass is capable of communicating uncleanness. See אמם החכמה של כל ועשור הנכלה, etc. Geiger, however, did not notice that the earliest Karaite view was that no separate part of the carcass communicates uncleanness. See also Geiger, Urschrift, 135, that the Boethusians allowed מרב מון be written on מֵנוֹז which proves their agreement with Tradition that רחנוי ליה is not מִרְבָּה." Geiger’s interpretation of Shabbat 108a (N. S., V, Heb., 151) is forced; comp. also Schorr, קהלת, IV, 33.

The view of Geiger (Jüd. Zeitschr, I, 51; II, 27; N. S., III, 316; V, Heb., 138 ff.; 163 ff.) that the Samaritan and Karaite interpretation of Lev. 12, 4, 5 (שַׁמַּה רָעָה) goes back to the Sadducees is not proved. See Wreschner, l. c., 38, in favor of whose view it may be pointed out that the Book of Jubilees (3, 13) seems to agree with Tradition that a woman during נבנוי יב is excluded only from ממותה; see also Schwarz, l. c., 94 ff.

The only view common to the Boethusians (a latter-day Sadduceeism) and the Karaites is the interpretation of
The Feast of Weeks is, according to Lev. 23, 15-16, to be observed on the fiftieth day after the waving of the sheaf. The “wave-sheaf,” מִמְחַר הַשֵּׁבַח, is to be offered “on the morrow after the sabbath” מִמְחַר הַשֵּׁבַח יוֹם הַסָּבָת. Tradition interprets מִמְחַר הַשֵּׁבַח “from the day after the holy convocation,” i.e. from Nisan the sixteenth. The Boethusians interpreted מִמְחַר הַשֵּׁבַח to mean the day after the weekly sabbath that occurs during the feast of the unleavened bread, so that Pentecost is celebrated always on the first day of the week (Menahot 65a; Megillat Taanit 1, 2; Sifra on Lev. 23, 15 and parallels). This is also the Samaritan and Karaite interpretation of מִמְחַר הַשֵּׁבַח.

But to adduce this Karaite view as evidence of the Karaite descent from the Sadducees is hardly justifiable. As Geiger himself (Urschrift, 138-139); Wellhausen (Die Pharisäer und die Sadduceer, 59 ff.); Schürer (II, 334); Poznański (Abraham Geiger, Leben u Lebenswerk, 365) pointed out, this Boethusian interpretation of מִמְחַר הַשֵּׁבַח does not go back to Sadducean tradition but originated in the animosity of the Boethusian priests-aristocrats against the Pharisees after having been deprived by them of their

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66 See Wreschner, Intr., XXIII; S. Hanover, Das Festgesetz der Samaritaner nach Ibrahim ibn Ja'kūb, Berlin 1904, text, p. VII; comp. ib., 62-63; Geiger, Nachg. Schr., III, 294-296. The Samaritans and the Karaites differ, however, in the following essential question, namely, when to count if the fifteenth of Nisan occurs on Sunday. The Karaites begin on it to count the seven weeks. The Samaritans would begin counting on the first of the next week and thus offer the מְמַלֶּה post festum. See Geiger, l. c., 296; Hoffmann, Leviticus, II, 164. For the Falashas, see A. Epstein, Eldad ha-Dani, 154 ff.; id., REJ., XXII (1891), 13 ff.

prerogative to regulate the calendar and was never carried out in practice.

The only agreement between the Sadducees and the Karaites known to us is their rejection of “water libation,” נָטָרְנֶה הַמִּיס, on the Feast of the Tabernacles. See Jefeth b. Ali (Pinsker, II, 23): נָטָרְנֶה הַמִּיס אֵלָה יִשְׂבָּהָׁהוּ אֲלָה בְּנֵי... לא בְּחֵצָה: חַאֲפַרְם בְּפֵשׂוֹת נָטָרְנֶה הַמִּיס אוֹתְלִימוֹ אֲלָה הָדָרֶה... אֵלָה בְּדוּר; see also Mibhar, Num. 28b, and מָיָה בְּשָׁה, ad loc.

Thus, as we have seen, in all the differences between the Sadducees and Pharisees recorded in Talmud and Megillat Taanit the Karaite halakah (as far as Karaite opinion is known to us), with the exception of נָטָרְנֶה הַמִּיס and נָטָרְנֶה הַמִּיס, either agrees with the Pharisees against the Sadducees, or is in itself undetermined by reason of divergent views among the Karaites themselves.

The mention by the Karaites Kirkisani and Hassan b. Mashiah of a work (or works) composed by Zadok the founder of the Sadducean party, is considered by many scholars proof of some relation existing between Sadduceism and Karaism.

Schechter has established close relation of “Fragments of a Zadokite work” discovered and published by him (Jewish Sectaries, Cambridge 1910, vol. I.) with the הבארה יבשנה.
mentioned by the above-named tenth century Karaites. As Schechter himself says: "The term Zakokites naturally suggests the Sadducees; but the present state of knowledge of the latter's doctrines and practices does not offer enough points of resemblance to justify the identification of them with our sect" (Intr., XXI). However, if these fragments do contain Sadducean traditions and practices, they afford no support of the Sadducean-Karaite theory, but rather disclose further proof that in seeking for the origin of Karaism and its halakah we must cut adrift from any theory that would link it with Sadduceeism.

One of the two main and specific accusations of this Sect against their antagonists is polygamy (p. 4, ll. 20 ff.) which nearly all Karaites allow if it does not interfere with the husband's duties to his first wife and is not הָרְ員ִל. See


The suggestion of Bacher (ZfhB., 1911, 19) that these Zadokites represent a group of Sadducean priests who, not long before the destruction of the Temple, in consequence of the victory of the Pharisees, left Palestine, is based on the theory of Büchler-Chwolson that not until a decade before the national catastrophe did the Pharisees control the national life of the people—a theory which is still to be proved; comp. A. Epstein, MGWJ., XI, (1896), 139-140. Kohler (l. c., 431) states that "The Fragments of a Zadokite Work" discovered by Schechter "strongly confirms the theory of Abraham Geiger as to the relationship of Samaritanism and Karaism to Sadduceeism" and that "Professor Schechter has made it highly probable, if not certain, that the Document brought to light by him formed the very source of Anan's system, which, as Kirksani relates, was founded upon the books of Zadok" and: "We thus possess in this Document the connecting link between the ancient Sadducean and Samaritan lore and the doctrines of the Karaites in a far more direct form than Geiger and Harkavy could expect" (l. c., 432-3). The following examination of the halakah contained in this Document will show how erroneous these assertions are.

72 Comp. Leḳah Tob to Deut. 21, 15 referred to by Schechter, XVII, n. 16. Gittelsohn, Civil-Gesetze der Karäer, Berlin 1904, 11, n. q, is to be corrected accordingly.
Harkavy, p. 105, 115, 109, 127; Hadassi (Alph. 324 (119d); comp. also Alph. 321-2, 365 (135b)); Aaron b. Joseph (Mibhar, Lev. 33b); Samuel al Magrabi (MS., 214b); Aaron b. Elias (י"ע ו, 146d, 154b; Elias Bashyazi (אגרת אלוהים, ch. 5); Mordecai b. Nisan (רבים מלוכלך, 46). A present day Karaite, Samuel b. Shemariah Pigit, Hazzan in Ekaterinoslav, writes: 39 ... 

According to this Sect “Fish may be eaten only if while still alive they have been split open and drained of their blood” (p. 12, ll. 13-14; comp. p. LI, n. 23), not requiring that the fish be caught by an Israelite. Anan (JQR., XIX, 143; comp. ib., 138) and many other early Karaites39 (Hadassi, Alph. 235 (89d); Jacob b. Reuben quoted in p. 10b, lett. 55) held, in agreement with the Samaritans (Wreschner, 51), that only fish caught
by an Israelite may be eaten. Moreover, "splitting open the fish while still alive," which is required by this Sect, is *expressly forbidden* by most of the Karaites. See Samuel al Magrabi, ed. M. Lorge, *Die Speisegesetze der Karäer von Samuel el Margrebi*, Berlin 1907, 21; Hadassi, Alph. 234 (89d); comp. also *JQR.*, XIX, 143, beg. ינ السابعיה, אֵאֶלְחלֹוהי, ch. 23; מְשוּר, 25.

Schechter (pp. XVIII, XLIX, notes 16, 24, L.X) pointed out several agreements between the Karaite halakah and that of this Sect in the details of sabbath-observance. Extreme sabbatarianism is, however, a general sectarian propensity. Moreover, the Karaites differ from this Sect in the following laws of the sabbath.

According to this Sect (p. 11, ll. 16-17) "if any person falls into a gathering of water or unto a place of .... he shall not bring him up by a ladder or a cord or any instru-

the blood of fish. This is also the view of Daniel al-Kumši (Kirkisani, ed. Harkavy, 316). So also Hadassi, Alph. 234, end and Aaron b. Elias (ךך, 93c; חֵרָה וּזֶרֶח, Lev. 19a). Comp. Bacher, *MGWJ.*, 1874, 272. Many Karaites, however, oppose this view. See Mibhar, Lev. 12a, and תֵהָרִיךְ תַּכְּהָ, ad loc., lett. 65: Samuel al Magrabi, l. c., 16. Kohler's contention (l. c., 427) that the Book of Jubilees agrees on this point with Tradition against this Sect is not proved; see Book of Jubilees, 6, 10; 7, 28.

Many Karaite authorities agree with the law of this Sect (p. 12, ll. 14-15) that locusts are to be killed in water. See Hadassi, Alph. 235 (89d); Jacob b. Reuben (ZfthB., IV, 73); Samuel al-Magrabi, l. c., 9, 21; ינ, ינ, 101c; ינ, ינ, ch. 24. Schechter (XXIV, LI, n. 20) believes that this Sect considered honey to be ינ and therefore prohibited it. It is, however, more probable that ינ,—הברחון (p. 12, l. 12) refers, as Schechter himself (l. c.) suggests, to the particles of the bees which are mixed up with the honey and is, perhaps, to read ינ תופיס. See Asheri, on Aboda Zarah, 68b: חֵזֶשׁ יִשָּׂרָאֵל אַל אֲנָא לְכָלִי יִתֵּרֵשׁ אֲנָא גֻּנָּי מִזְרָח: Anan (Harkavy, 3) and the later Karaites allowed the use of honey (ךך, 92d, 93a). It is, however, doubtful whether this was also the view of the earlier Karaites many of whom prohibited even eggs as מְשוּר מֵה, see Hadassi, Alph. 232 (89c) and Alph. 308 (114c). The view of Lesynsky (*Die Sadduzäer*, Berlin 1912, 40) that the Sadducees prohibited honey is untenable; he overlooked Judg, 14, 8-9.
ment." (See Schechter, XLIX, n. 39; I. Levi, REJ., l. c. 198, n. 14; Moore, l. c., 365; Kohler, l. c., 425). This law is against the Karaite halakah as well as against Tradition. The Karaites agree\(^4\) with Tradition (Shabbat 18, 3; Yoma 84b ff.; Mekilta on Exod. 31, 14 and parallels) that for the saving of a human life the sabbath is to be desecrated. See Hadassi, Alph. 148; 179; Mibhar, Exod. 38a; מ"ע א, נ, 34a; האריה עש, ch. 21; אבראה, p. 9.

This Sect, like the Book of Jubilees (50, 12, comp. v. 9), prohibited\(^9\) fasting on sabbath. Most of the Karaites, however, allow and even commend fasting on the sabbath. See Hadassi, Alph. 150 (56d); comp. Alph. 244 and 264. So also Samuel al Magrabi, ed. Weisz, Traktat über den Sabbat bei den Karäern, Pressburg 1907, 14; comp. also מ"ע א, נ, 36a; Elias Bashyazi in his רא"א, ch. 11, but see אבראה, p. 8. It may also be pointed out that the two most important Karaite devia-

\(^4\) Grätz (Geschichte, V4, 186) states that Anan prohibited medical treatment on the sabbath. I do not know his authority for this statement. See Hadassi, Alph. 301, letters י, פ (112b) and Levi b. Jepheth quoted by Harkavy, מ"ע א, נ, 132. Anan relying on Exod. 15, 26 prohibited altogether the use of medicine and of physicians (Kirkisani, quoted by Harkavy in Grätz, V4, 487; comp. Hadassi, Alph. 207 (82a)). It is only in case of מ"ע א, נ, 135b that some Karaites hold that it is not מ"ע א, נ, 34, and in רא"א, ch. 2; see, however, Maim., מ"ע א, נ, 3.

Aaron b. Joseph (Mibhar, Exod. 38a) quotes I Sam. 21, 7 as proof that מ"ע א, נ, 34. This verse is adduced also in Matthew 12, 4 and in Yelamdenu (Yalkūt, II, 30) in this connection.

\(^9\) This seems to be the meaning of מ"ע א, נ, 11, ll. 4-5; comp. p. XLIX, n. 19; I. Levi, REJ., l. c., 197; Bacher, ZfnB., XV, 21, n. 5; Kohler, l. c., 424.) reading מ"ע א, נ, 11, for מ"ע א, נ, 11; comp., however, Moore, Harvard Theological Review, 1911, 246. The Falashas postpone even the Day of Atonement when it occurs on sabbath.
tions from Tradition in the laws of the sabbath, namely, the prohibition to have fire in the house on the sabbath and the prohibition of cohabitation on the sabbath-day, which Geiger (*Nachgel. Schriften*, III, 288 ff.) and Harkavy (Grätz, *Geschichte*, V", 478) believe, go back to Sadducean Tradition, are not shared by this Sect.

The law of this Sect that water in a rock not sufficient for immersion is contaminated, like water in a vessel, when touched by an unclean person (p. 10, II. 13-14) is against the Karaite principle that water does not contract uncleanness. See Kirkisani (quoted by Harkavy, Grätz, *Geschichte*, V", 488) who states that this was the view of Anan. So also Hadassi, Alph. 235, 286, 295; Mibhar, Lev. 28d; אָרְהָה אֲלֵיָהוּ, 98d and 105c; נָכֵר הַוָּה, Lev. 28a; 72."

"See also Fürst, *Geschichte d. Karäerthums*, I, 11. While the opinion that the Sadducees also prohibited cohabitation on sabbath may be justified on the hypothesis of Geiger that any divergence from traditional halakah which is common to the early Samaritans and the Karaites goes back to a pre-Pharisaic (Sadducean) tradition, since we find the early Samaritans holding this view (Frankel, *Einfluss*, 253, stands alone in his opinion that this prohibition was adopted by the Samaritans from the Karaites; comp. Wreschner, 18-19), there is no reason to assume that already the early Samaritans prohibited having light in the house on sabbath. The arguments adduced by the Samaritans Manugga (Wreschner, 16, 17) and Ibrahim b. Ja’kūb (who knew the Karaite view; comp. Geiger, *N. S.*, III 289) for this prohibition which are borrowed from the Karaites (Wreschner, 18) tend to show that this prohibition was accepted by the later Samaritans from the Karaites. Nor is it probable that this prohibition resulted from the ancient interpretation of the concept הָבָא (Geiger, *l. c.*; comp. Poznański, *REJ.*, XLIV 174 ff. in connection with which see the claim of the tenth century Karaite Ibn Saquie, who, like Geiger, believed in the existence of a more ancient Halakah (*JQR.*, XIII, 664: מְיָהָה, I, 1908, 125), as to the reading in Tosefta Shabbat 1, 23; מֶטֶקָּיָּא וּמִשׁ לִיזִּיֵה; comp. *JQR.*, *l. c.*, 662; מְיָהָה, *l. c.*, 120)."

"See, however, the view of Joseph b. Abraham (quoted in Mibhar, *l. c.*) that מֶטֶקָּיָּא does not contract uncleanness. The view of this Sect agrees..."
According to this Sect (p. 10, ll. 11-12) no man ritually unclean shall cleanse himself in the water of a vessel. As Schechter (XLVIII, n. 3) remarks, this law is directed against Lev. 10, 11-12. The Karaites, however, not only allow מים משנים (comp. MGWI., 1909, 463) but, as Kirgisani informs us (quoted by Harkavy, l. c.), it was the view of Anan that one who does not bathe in a vessel remains unclean.78

The two laws contained in p. 12, ll. 15-19 are, as Schechter (p. LI, n. 27) remarks, against the Traditional view that only מים משנים and מים שלמים are capable of contracting and communicating Levitical uncleanness.79 The Karaites agree with Tradition against this Sect. See Anan: ניטניאן הוא מספר מעשה ולא מספר דָּלִים. As Kirkisani informs us (quoted by Harkavy, l. c.), it was the view of Anan that one who does not bathe in a vessel remains unclean.78

Partially with Mikwaot i, i ff. (according to the interpretation of Maim. in his commentary ad loc. and מדותא אברナイ, 15, 1) that water less than נ的社会 ל of מים שלמים (comp. Kirchheim, p. 394, 25.) contract uncleanness if מים שלמים even when מים שלמים.

Ps.-Jon's rendering of Lev. 11, 36: יִהְיֶה מים שלמים מנותיו מים שלמים is against our halakah. It may also be pointed out that the Dositheans held, like this Sect, that water is מים שלמים מנותיו.78 Comp. Kirchheim, ברכות, 25.

78 The Samaritans, according to p. Abodah Zarah 5, 4, agree with Tradition on מים שלמים מנותיו; comp., however, שרת, 3 to Mikwaot, 8, 1.

79 It must, however, be pointed out that the law of this Sect (p. 12, ll. 17-18): כל כי מים שלמים או מים שלמים או מים שלמים או מים שלמים are the view of Hadassi, Alph. 290, 292, that in the case of Num. 19, 15 (טמאים מים שלמים) is contracted and communicated even when מים שלמים. This view is not shared by the other Karaites. See Mibhar, Num. 18b; ברכות, 15b, Num. 29b; והקר寬, 19, 11, 122c; נודו, 19, 123. Even in case of מים שלמים מנותיו (Lev. 11, 35; see Rashi and Nahm. ad loc., Shabbat 135a; Maim., לוסיל, 15, 6 and commentary to לוסיל 5, 1) it is the opinion of most of the Karaites that it is not מים שלמים מנותיו when מים שלמים. See תמרות והקר寬, ad loc. (28a); ברכות, 19, 106a; but see Hadassi, Alph. 292 and Mibhar, Lev. 18a. Ps.-Jon and Yalkut on Num. 19, 18.
comp. ib., p. 58 and 133; Hadassi, Alph. 286; Mibhar, 
Lev. 17a, 20a; הוהי הנב, Lev. 26b, 28b; עמ, 103b, ff.; 
ראדה אליהו, 71b; ראדוי, p. 21).

THE INFLUENCE OF THE WORKS OF PHILO UPON THE 
KARAITE HALAKH

PENAL LAWS

1. In the laws of homicide the Karaites widely deviate 
from Tradition. According to Tradition, murder is pun-
ishable only when felonious intent to kill has been proved 
(Sanhedrin 78b ff.). Beside intent, antecedent warning 
immediately before the commission of the crime and its 
acknowledgment by the offender ( mano ) are required 
(Mekilta on Ex. 21, 12; Sifre on Num. 15, 33 and Deut. 
22, 24; Sanhedrin 80b; Makkot 6b and parallels). The 
Karaite do not require forewarning in any crime and 
consider murder punishable even in the absence of intent. 
See פב נוי, 2a: ופי נוי יכohen 핫 מית 
אוספי שאז מתייה לההה באמצעות פאפון מית. So also Samuel al-
Magrabi (Gitelsohn, 22). Intent to kill is required by the 
Karaite only when the missile by which the killing has 
been effected was not likely to cause death. See פב נוי, 176d:

According to R. Simeon (Sanhedrin 79a) and Rabbi 
(Mekilta, Mishpaṭim, 8) murder is not punishable even in case of miscarried felonious 
intent, i. e. when a man intending to kill a person killed another instead.

Mibhar, Exod. 42a: ופי נוי הוהי הנב, ופי נוי, ולאוימ. This seems also the 
opinion of Philo; see Werke Philos, II (Breslau 1910), 263, n. 2.
Tradition punishes murder only when the murderer has laid his hand on the victim and the death has resulted from such direct assault; handing another poison, unless actually forcing it in his mouth, or leading him to a place where in a short while a force of nature or a beast will kill him, is thus not punished by death (Sifre to Num. 35, 17; Sanhedrin 76b ff.; Maim., Ḫoraita, 2, 2 ff.). The Karaites do not require the death to be the direct result of the action of the murderer. The Karaites accept the view of R. Judah b. Bathrya (Sanhedrin 78a) in case of murder committed by several people simultaneously. See also Hadassi, Alph. 152 and Alph. 166; נן ערן, 177c; and Samuel al Magrabi, MS., 84a: אין הפשיס המשיח להפשיש...

...ודא ולא ריחר לא בין בחוד זה... לכל מהויבים בחודו...; and the opinion of Beth Shammai (Kiddushin 43a) concerning murder committed through an agent. See נן ערן, 177b: לאורח הוא עינוי האורח בעמותו ויאולו די עוז; comp. Hadassi,

82 Nor do the Karaites, in case of the defendant's confession of any crime, require witnesses to establish guilt. See Benjamin Nahawendi, דובפרם בתו דר חוראא שוי חסנוי תורס תוארמסיס; so also Hadassi (Alph. 357b): הוהו חוסא אמר ויחוד הזה ועל עוננו חסנוי תורס; see also Alph. 370; so also Samuel al-Magrabi (MS., 105b): עד כים אמא יברח יבלו הרודו

יולו מסים או אמרו תוכי עשויות כל חוו אלא נאסרה קורוי זה המأهل מתהאיצים comp. also Mibhar, Num. 5a; נן ערן, 194d; ראיתא אלא ואיה, 98a. The talmudic principle is, no man can incriminate himself, confessing of guilt not being admitted as evidence (Sanhedrin 9b and parallels; Maimonides, סנהדרין, 18, 6; but comp. Weiss, I, 22-3).
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Alph. 269 ff.; comp. also Weiss, I, 150. They also consider accessories, accomplices, and counselors to murder punishable equally with the principal. See Hadassi, Alph. 274: See also Samuel al Magrabi (MS. 84b) : ליהיהו תיבל לפיו פקענה יבג והם יר OSError 83. See also Mibhar, Exod. 380.

These Karaite laws approach the view of Philo according to whom intent to kill even when not carried out is punished by death (I, 314, Mangey, comp. B. Ritter, Philo und die Halacha, Leipzig 1879, 23 ff. and Werke Philos, II, 209, note 3).^3

^3 Josephus (Ant. XII, 9, 1) agrees with Tradition that only action is punishable. Philo states in this connection (II, 315) that those who with murderous intent prepare poison or any other deadening substance are to be killed instantaneously (Josephus, Ant. IV, 8, 34, considers even the keeping of poison punishable by death in which, as Weyl, p. 66 ff., has shown, he followed the Roman law (Lex Cornelia de sicariis)). As suggested by Ritter (p. 28), Philo based this law on Exod. 22, 17. The Septuagint translates הבש רשא instead of the usual רשא תוחא (comp. רוש and Nahm., ad loc.) must have been taken by Philo to mean “do not suffer him to live even a moment.” This interpretation of הושאר instead is also found among the Karaites. Samuel al-Magrabi (MS., 141b) says that
2. Ransom for death caused by the unguarded property of a man or through his instrumentality is required, according to Tradition, only in the case of the goring ox (Exod. 21, 29-31), the provision not applying to death caused by any other property or by any cause of danger created by him (Baba kamma 5, 6; b. ib., 53b; Maimonides, נזיקין, 12, 16). The Karaites interpret the law of ransom (v. 30) to apply to all cases where a person meets death through the negligence of the owner of the property or the creator of the cause of death. Thus, whether it be a pit (Ex. 21, 33-35), or a fire kindled on one’s premises that spread beyond (ib., 22, 5), or failure of the owner of a house to build a battlement for his roof (Deut. 22, 8)—and a person was killed as a result of such negligence—in all these cases the Karaites hold that the owner of the property or the maker of the fire or pit is to pay ransom, according to Exod. 21, 30. As Hadassi says:

ומחה והשנ بواسطة שנסכן ולא אחיו משחר: אמשר התועד ולא כלוח ויאיר ולא משחר את רשעה להבת ותệpון התוד המזין ויתו ושכר להבתאפיה (Alph., 274).

See ib., Alph. 270 and 370. See also משאתי בטיב, 2c: הממשיא פִּי וนอกה ווהל הנפקה בּ וּא שְנַכַּא בּ רִאְוּ דּוּדְיָהוּ אֶל שְנַכַּא בּ רִאְוֻ דּוּדְיָהוּ וּא שְנַכַּא בּ רִאְוֻ דּוּדְיָהוּ. See also see עוּ נֶנַּע, 180d: וחולו התוד בהמדים וו נבשית.

though the Law reprieves the condemned pregnant woman, in case of מַמְבָשָׁה the execution is not to be postponed since according to the Law says והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשн aprove: 184b. However, Comp., however, Mibhar., Exod. 43b. The Karaites agree also with Philo (II, 324), against Mekilta ad loc., in the interpretation of והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנを作って והשנ作った. 2c, l. 1, but see Mibhar, ad loc.; see also בבר עזה Lev. 74a; comp. also שם, 181b.
A view similar to this Karaite anti-traditional law—that also other cases of criminal negligence are punishable—is held by Philo.

Expounding the law of Ex. 21, 33 (II, 324), Philo says that if a man fall into the pit and die the court shall decide what punishment the digger is to suffer or what fine he is to pay (οτι χρη παιδευη νη αποσιαι). He also says about the law of Deut. 22, 8, that those who fail to make a battlement to their roof commit a crime equal to that of one who digs a pit, and declares: καλαζεθουσαι γονοι ειν εις τοις αγανα τα στομα των ορυγματων καταλειποναι; comp. Ritter, 52 and notes.

Philo and the Karaites agree also in the interpretation of v. 29b הנם בleine ויתא. Tradition interprets it to mean that the owner, if he does not redeem himself, shall suffer death at the hand of God85 מיתת ברי שמע (Mekilta, Mishpatim, X;
Sanhedrin 15b; comp. Ps.-Jon. to v. 29). The Karaites uphold the literal interpretation of הוהי והוהי והוהי והוהי (i.e. הוהי) and take והוהי והוהי והוהי (v. 30a) to mean that the nearest kinsmen ( være הוהי) of the killed are to decide whether to execute him or to take ransom. See Benjamin Nahawendi, תְּרֵי עֶשֶׁר, 2c; משה יתנ,v. 123 etc. See also Hadassi (Alph. 270, 370); בָּהֵר תָּהָר, ad loc. (73b); Samuel al Magrabi (Gitelsohn, 35-36).

Philo holds the same view, and in his exposition of this law (II, 323) says that the owner of the goring ox is guilty of the man’s death. He shall be put to death or pay ransom. The court shall decide his punishment. The Karaites thus agree with Philo and differ only as to the question with whom rests the option of death or ransom; while according to Philo (so also Mekilta, ad loc.) the court is to decide, the Karaites hold that it rests with the המלアイテムimed בדיה אכ רושים הורינו אכ רושים לקיחום כפר: שענה, אכ כמר ויש יחינו עליה. See also Hadassi (Alph. 270, 370); בָּהֵר תָּהָר, ad loc. (73b); Samuel al Magrabi (Gitelsohn, 35-36).

3. Tradition interprets the law of Ex. 21, 24-26 and Lev. 24, 19-21 to mean money indemnity (Mekilta ad loc., (Mişpāṭim 8); Sifra on Emor, 24, 19; Baba ḫamma 8, 1; Ketubbot 35a and parallels; comp. Maimonides, I, 1 ff.).

Philo takes these verses literally and in several places vigorously advocates the practice of lex talionis. See Ritter, Philo und die Halacha, p. 18 ff. The lex talionis is accepted in all its severity also by nearly all the Karaites. Benjamin Nahawendi interprets יָּתָה זוּהָר בְּאֶחְיָהוּ literally. See Benjamin Nahawendi, המאשה כל מהוּ מום בְּאֶחְיָהוּ, 2d; משה יתנ, v. 177d.
So also Ben Zuta, a Karaite contemporary of Saadia Gaon (Ibn Ezra on Exod. 21, 24); Jepheth b. Ali (MGWJ., XLI, 1897, 205); Hadassi (Alph. 275 (104c); 370 (146b); 373 (149c); comp. also Alph. 170); Aaron b. Joseph (Mibhar, Exod. 42a); Aaron b. Elias (יוסף, 179a ff.; רבי יהו דר, Exod. 71b ff.); Samuel al Magrabi (Gitelsohn, l. c., 28-9); Abraham b. Josiah (מאות, 24b); Solomon Troki (ט Awakening, 39).**

** See also Rapoport, ידיעות, 1831, p. 34. L. Löw, Gesammelte Schriften, I, 287 is to be corrected accordingly. Harkavy, כל התgons, 198, believes that Anan also upheld lex talionis; comp. also Schechter, Jewish Sectaries, II, 7, ill. 57. The Samaritans also interpret יון the hata literally (Klumel, Mischpatim, ein samaritanisch-arabischer Commentar, XX; JQR., 1911, 210 is to be corrected accordingly). Some Karaites restrict the application of lex talionis to intentional permanent injury; still others leave it to the discretion of the court to pronounce sentence of equal punishment or indemnity; comp. Mibhar, Exod. 53a; רבי יהו דר, Exod. 71b ff. According to the Scholion of Megillat Ta'anit ch. 4 (Neubauer, Mediaeval Jewish Chronicles, II, 8; comp. Grätz, III, 693) the Boethusians extended their literalism to lex talionis. Geiger at one time (Urschrift, 148, but see id., Sadduzäer u. Pharisäer, 22; Nachg. Schriften, V, Heb., 162), Rapoport (דיבור שולם והומא), 15, and Ritter (133-4) deny this report any historical basis (comp. Jost, Geschichte d. Judenthums, I, Leipzig 1885, 221; L. Löw, l. c., 286; Bäuchler, MGWJ., L (1906), 679, n. and the literature adduced by Ritter, l. c.). Such an important difference would not have been left unnoticed in the talmudic literature. It is also improbable that Josephus, who was an avowed Pharisee (Vita, II, end) and who in all the differences between the Sadducees and the Pharisees, as far as his opinion is known to us, sides with the Pharisees (except in the interpretation of הרשע in Lev. 21, 9; see Olitzki, Flavius Josephus und die Halacha, Berlin 1885, 42, 44, 54 and Ritter, 26), would have accepted the literal interpretation of יון הניה מזור (Ant. IV, 8, 35) if it were anti-Pharisaic.

Geiger (Nachg. Schriften, V, Heb. 162) claims that the ancient halakah also interpreted יון הניה מזור literally, as R. Eliezer held this view (Baba kamma 84a; see the version of R. Eliezer's opinion in Mibhar, Exod. 42a, which he seems to have taken from Mekilta, Mishpatim, 8, reading R. Eliezer for יון הניה מזור: comp. Geiger, l. c., and L. Löw, l. c., 287, n. 2). See I. Halevy, ידיעות, vol. l, 425 ff. for elucidation of the traditional view and that of R. Eliezer; comp. S. Munk, Guide des Égarés, 371, n. 1. Philo (II,
Philo (II, 323, end) states that the owner of an animal that killed a slave is to pay the full value of the slave. Ritter (49) considers this view of Philo to be against Exod. 21, 32: $\text{shallôm šekev wî nîrûvî}. Many Karaite authorities agree with Philo and hold that v. 32 establishes the minimum fine and that if the value of the slave be more than $\text{shallôm šekev}$, the owner is to be paid the full value of the slave. Other Karaites hold that by $\text{shallôm šekev}$ the law indicates the value of the average slave and that in all cases the owner of the animal is to pay the full value of the slave. See $\text{ssay mîn ru wî nîrûvî}$. The Karaites agree with Philo also in the interpretation of Exod. 21, 19 $\text{saw mîn ru wî nîrûvî}$. Tradition (Mekila ad loc. (Mishpaṭîm, 6); Onkelos and p. Ketubbot 4, 4 (28c; but see Ps.-Jon. and Nahm. ad loc.), taking $\text{mîn ru wî nîrûvî}$ figuratively, interprets it to mean that the offender is not liable for death consequent on a blow, if in the interval the injured party has so far recovered that he is able to walk about "on his own strength," i. e. without others’ assistance. Philo (II, 317; Ritter, 32, note 3) takes $\text{mîn ru wî nîrûvî}$ literally, namely, that even when the injured party required the support of a staff or of a man the offender is

313; Ritter, 22) holds (against Mishnah Sanhedrin 9, 1; Mekila on Exod. 21, 12) that the murderer is to be killed in the same manner in which he committed the crime (so also Book of Jubilees 4, 32). This is also the view of many Karaites. See S. Gitelsohn, Civil-Gesetze der Karâer von Samuel al-Magrebi, 14, II. 13-15; see, however, ḳâb hat 3, 177c. The opinion of Büchler (MGWJ., L (1906), 679 n., 692, 706) that this was also the view of the Sadducees is not supported by any proof.
to be acquitted. The Karaites interpret literally; see Exod., 71a: "וַיַּשְׁמַעְתָּןֻּ הָאֱלֹהִים שָׁם תּוּלָּמֵד אֵלֶּה הַחֲסִיפָּהוּ. So also Mibhar, ad loc.; Samuel al Magrabi (Gitelsohn, 23).

The Karaites interpret also Deut. 25, 12 against Tradition (Sifre ad loc.; comp. Midrash Tannaim. ed. Hoffmann, 168 ff.) literally; see Mibhar ad loc. (22b); Samuel Al Magrabi, (Gitelsohn, 29). So also Philo (II, 328): "Εστω δὲ τις ἐκεῖνος αποκοπη τῆς ἀφήμενης ὡς αὐτῇ θεμές.

4. Philo deviates in his exposition of Exod. 21, 22 ff. from Tradition which refers to the woman and holds the man guilty of murder if he killed the mother, but not punishable for the deadly effect of the blow on the unborn child, regarding the foetus only as part or limb of the mother (pars viscerum matris) and without an independent existence (Mekilta ad loc.; Baba kamma 48b ff.; see also Ohalot 7, 6 and Ps.-Jon. to v. 22). Philo (II, 317 comp. 319, beg.) takes this law to refer to the embryo and interprets these verses: If the foetus miscarried by the blow was not formed at the time of the blow the offender is not liable for murder (verse 22), but if the embryo has assumed a distinct shape and is completed the offender shall die for the death of the child (verse 23)." Philo, though considering the unborn child to be a part of the mother (II, 319), holds that the law of Lev. 22, 28

87 Philo follows the Septuagint in the interpretation of these verses; see Ritter, 35. Josephus (Ant., IV, 8, 33) agrees with Tradition and refers to the mother only; comp. Geiger, Urschrift, 436-7. Yet he holds, like the Karaites (Hadassi, Alph. 270 (103b)), causing abortion to be murder. See C. Ap., II, 24; comp. M. Zipser, Des Flavius Josephus Werk... gegen Apion, 164. Some Karaites follow Tradition in the interpretation of ָלָאָה. See Benjamin Nahawendi, דָּבָר הָרוֹחַ, Exod. 71b, below.
includes the prohibition of sacrificing a pregnant animal, a law unknown to Tradition (II, 398; comp. Frankel, *Ueber palästinische u. alexandrinische Schriftforschung*, 32, n. 6; Ritter, 109 and notes). Philo (l. c.; comp. Ritter, l. c., n. 3) seems also to believe, against Tradition (Arakin 7a; comp. Ps.-Jan. to Deut. 22, 22), that the law reprieves a pregnant woman condemned to death. These anti-

traditional views of Philo are found also among the Karaites. The Karaites, like Philo, consider the killing of an embryo murder punishable by death (Hadassi, Alph. 2388, 2702, 275; see also references given below) and interpret נְטֶא in verses 22, 23 to refer to the embryo or to the mother and the embryo. See Kirķisani (ed. Poznański) in *Gedenkbuch zur Erinnerung an David Kaufmann*, Breslau 1900, 186; Hadassi, Alph. 238; 270; Mibhar, Exod. 42b; נְטֶא, Exod. 71b ff.; נְטֶא, Exod. 177d; 179c-d; Samuel al Magrabi, ed. Gitelsohn, 27 ff. They also consider the killing of a pregnant animal violation of Lev. 22, 28 and go even further than Philo in prohibiting the נְטֶא a foetus found in a killed animal, for food. See Kirķisani, ed. Harkavy, 291; and ed. Poznański, l. c., 184 ff.; Sahl b. Mašlıąh (Pinsker, II, 28; comp. ib., 30, 83); Salmon b. Jeruham (Poz., l. c. 186-7); Hadassi, Alph. 238-240; 308; 360; 364 (134d); Mibhar, Lev. 15b; 39a; נְטֶא, Lev. 24a; 62b; נ, 83d. ff.; Samuel al Magrabi, ed. Lorge. 10-11; נ, 64b ff.; Samuel al Magrabi, ed. Lorge. 47; comp. also Ibn Ezra, Mibhar, and אֶשֶּׁר תָּבֹא on Gen. 25, 22 and Lekהח Tob on Lev. 11, 13 and 12, 8. Many Karaites

See also Frankel, *MGWJ.*, VIII, 400. The Samaritans also apply the law of Lev. 22, 28 to נְטֶא; see Geiger, *Nachg. Schriften*, III, 263-4; 302, V, Heb., 114; Wreschner, *Intr.*, XXVII. Geiger's view (*Nachg. Schr.*, V, Heb., 112 ff.; comp. also Büchler, *MGWJ.*, L (1906), 674, note) that this Samaritan-Karaite opinion is based upon the principle of נְטֶא, a view which, as Geiger (l. c.) believes, was held also by the ancient
prohibit also the execution of a pregnant woman. See Mibhar on Deut. 22, 22 and ad loc. Samuel al Magrabi (MS. 86a) states: "We have no view to execute a pregnant woman. See Rashi on Deut. 22, 22. Samuel al-Magrabi (ed. Gitelsohn, 38) states that the Law reprieves even a pregnant animal condemned to death! See above, note 83.

5. Tradition interprets: נָכַב שֶׁה יְמוֹת (Lev. 24, 16) to mean the cursing of the Divine Name (Sanhedrin 7, 5; Sifra ad loc.; comp. Ps-Jon. ad loc.; so also the Septuagint (comp. Frankel, Einfluss, 132) and Josephus (Ant. IV, 8, 6). Philo (Vita Mosis, II, § 206 ff.) refers this law to any disrespectful mention of the name of God at an inappropriate occasion or place. To this untraditional interpretation of נָכַב by Philo, goes back the view of Philo (Tischendorf, Philonea, 79; comp. Frankel, Händelstung d. Juden, Dresden 1840, 21; Ritter, 45-7) that the law punishes a false oath with death. As Philo (l. c., 80) argues, a false oath involves the dishonor of the Divine Name therein employed (comp. Lev. 19, 12) halakah, is erroneous. The question of יָרָךְ אֲנָה is applied in the Talmud to animals and slaves but not to free persons. See also against this contention of Geiger Pineles, Manuel der Seculare, 190 ff.; L. Löw, Ges. Schr. III, 401; Gronemann, 122, note. It must also be pointed out that most of the Karaites mentioned above do not distinguish in the interpretation of יָרָךְ אֲנָה between a finished and an unfinished embryo.

Kirkisani agrees with Tradition that the execution is not to be postponed (ed. Poznański, Gedenkbuch zur Erinnerung an D. Kaufmann, 185). Samuel al-Magrabi (ed. Gitelsohn, 38) states that the Law reprieves even a pregnant animal condemned to death! See above, note 83.

For Onkelos ad loc.: see Geiger, Urschrift, 274. Chwolson, Das letzte Passamahl Christi, 119, overlooked the view of R. Meir (Sanhedrin 56a) that קָל הַבֵּית is also punished with death. (M. Duschack, Josephus Flavius u. d. Tradition, 23 is to be corrected accordingly.) See, however, the opinion of R. Levi (Sanhedrin 56a) ed. Friedmann, 184a: וַיְכַל יִשְׂרָאֵל מִפֹּתַח הָבֵית אֲשֶׁר שָׂפָה תִּמְסֶס אִתָּה יָרָךְ אֲנָה. ...
and he applies to it the law of Lev. 24, 16, according to his interpretation of this verse. Most of early Karaites agree with Philo in the interpretation of this verse. See Anan (ed. Harkavy, 13); Ananim, (ib., 138; see Anan (ed. Harkavy, 13); Ananim, (ib., 138)

91 Harkavy's note to it (ib., 198, v. 13) is unintelligible. The later Karaites abandoned this interpretation of תַּנּוּק "יִשָּׂם (v. 16). See Hadassi, Alph. 346, 347; Mibhar, Exod. 37a; הַרְחַב, Exod. 62b; comp. ib., Deut. 24b; Samuel al Magrabi (MS., 67a); שְׁבַעַת, ch. 6. They follow also the reason given by Philo. As a false oath involves the dishonor of the name of God the penalty therefor is death in accordance with Lev. 24, 16.93

92 According to Tradition (Tosefta Makkot 4, 5; b. Shabuot 20a) the penalty of a false oath is מְשָׁמַך (v. 16). See Schechter, Jewish Sectaries, 5, p. 16, 8 and notes, that according to the sect which Schechter designates as Zadokite (see above) "one is to keep a vow pledged to him to a particular commandment even at the risk of death." The view of Kohler (American Journal of Theology, 1911, 417), that according to that sect the penalty of any false oath is death is not proved. The Zadokite sect (l. c., p. 15, ll. 1-3) agrees also with Philo (l. c.; comp. Frankel, Eidesleistung, 19-20) that oaths are not to be taken by God's name. See Schechter, l. c., LIV, as to the Samaritan manner of oath, against which see Kohler, l. c.; but see L. Löw, Ges. Schr., I, 193 ff.; comp. also Grünbaum, l. c., 404.


In Lev. 19, 8 quoted by Levi b. Jepheth and Samuel al-Magrabi (l. c.) as proof that the penalty of the dishonor of the name of God is death only תַּנּוּק punishment is mentioned. The
Based on this Philonian-Karaite interpretation of Lev. 24, 16 is the view of the early Karaites that every antinomian utterance or action is punished by death. See Anan (ךש, l. c.): או נגזרת לא יותר מפיו אינני ואו דרכם עניי כי ימי טובות קמה והἡ קרו מ italiano אינמי ויזכרו so also Hadassi, Alph. 267: שעה מעשה: נגזרת בשום דבר, משמעו והו נגזרו ברעמה: הב הות כבש פעמים ופיו בקור וتكلمוה comp. also Alph. 372ב, 37ג, so also Samuel al Magrabi (MS., 108b): הוהי כ Wyatt התוכנה בברוק והאשה אשים לא נגזר להם נשפנוק בברוק: מהם כי אם כיتكامل לוהי משמעו והו ימידה ראש המפרידה, bead בודר בודר מימה והב עשה שיבא עליה הנימויים כי בורו ההוא תאגרו הפרי אםחר כי והנימויו בראון התוכנה המפרידה את כי אניවarez על כי ראש כשם מבצעו ההויה הנימוי כי אם אפריר כי הממונה הווא אשים כי אניivre אלא באפיו בברוק ויואר עליה את כי hו hא נקראו.

That this Karaite early Karaites, however, took תבר to mean death by court, מיה רבי אבא אבר, against the traditional interpretation of the concept תבר as heavenly visitation (comp. Sifra on Lev. 23, 29; Sifre on Num. 19, 13; Moed קטן 28a; p. Bikurim 2, 1; Maim., שבורה, 8, 1; Ibn Ezra on Gen. 17, 14; Nahm. on Lev. 18, 29 and Abrabanel on Num. 15, 30). See Hadassi, Alph. 266: יב ... כל ענייה פרידת הפרי מפוסס וbyterian בשמשת ת"א אפריר חזות ה perchè קסועב:anmar� יד ייולה הוהי סמא רכשינוןו התוכנה מליולות פסוניוו של יד ייולה הוהי סמא רכשינוןו התוכנה. Death in תבר punishment is by stoning (ib., Alph. 267). See also Ibn Ezra on Lev. 20, 20 and Harkavy, מסר תברות וינן, 141, n. 14, and בכש תברות לים מיבר, Lev. 37a, letters 63, 69. S. Munk, Palestine (German ed. by M. Levy, II,438) is to be corrected accordingly. The latter Karaites agree with Tradition; see Mibhar, Lev. 34b; 40a, n. 1, 125d; 48א, 7.

Every antinomian action or utterance involves the dishonor of God's name which is, according to the Karaites, punished by death. See Hadassi, Alph. 373 (149c): ואו תֶלֶת שי' "והי sin יָּדֵי הוָּא יָּדוֹ הָאָדָם מְפַרְרָה ... See also Book of Jubilees 39, 87. According to some Karaites failure to pray is also punished by death (in accordance with II Chron. 15, 13). So Samuel al-Magrabi (MS., 57a): והם עתון והמהלכים ולא העשינה המברחות יוצאת בברית וודא על דבר ההויה הנה תל הים, והשמדתים והלא שארים כיyny והם את הוהי על לכל פעמים ויודע הוהי.
view is not due to their fondness for exaggeration but is based on the above-mentioned Philonian interpretation of Lev. 24, 16 and Num. 15, 30 (for Num. 15, 30, see Philo, II, 252 and 404) is evident from the fact that a similar view is held by Maimonides who, in disagreement with the talmudic interpretation (Sifre, ad loc.; Horayot 8a; Keritot 7b; comp. Rashi, Rashbam, and Nahm., ad loc.; comp. also Mibhar, Num. 15a; נטח והוה Num. 22b), refers Num. 15, 30 to all antinomian actions. See D'an: mi», III, 41 (Eng. translation by M. Friedlander, London, 1904, 348-9): "If a person sins presumptuously so that in sinning he shows impudence and seeks publicity; if he does what is prohibited by the Law, not only because of his evil inclination but in order to oppose and resist the Law, he 'reproacheth the Lord' (Num. 15, 30) and must undoubtedley be put to death. ... Even if an Israelite eats meat (boiled) in milk or wears garments of wool and linen, or rounds off the corners of his head, in spite against the Law, in order to show clearly that he does not believe in its truth, I apply to him the words 'he reproacheth the Lord' and (I am of the opinion) that he must suffer death as an unbeliever. ... According to my opinion, all the members of an Israelitish community which has insolently and presumptuously transgressed any of the Divine precepts must be put to death."

6. According to Tradition, cursing parents is punished by death (Ex. 21, 17; Lev. 20, 9) only when the Divine

The Karaites, relying on Lev. 4, 2: מить מзван, hold (against Tradition; see Sifra ad loc.) that a sin-offering is to be brought for the involuntary transgression of any law. See Pinsker II, 73 (the meaning of this passage escaped Poznański, Karaite Literary Opponents of Saadia Gaon, 66); Mibhar, Lev., 6b; נטח והוה, Lev. 9b; קנך, 176a, end. See also Philo, II, 246.

98 See also Maim., רוחה, 4, 10; Z. Chajes, סלמא נטחב, Zolkiew 1836, 18b ff.
name is used (Sanhedrin 7, 12; Mekilta ad loc.). Striking parents is punished by death (Ex. 21, 15) only when the blow is a מַכָּה שֵׁשֶׁת בַּת בָּהָר (Sanhedrin 10, 1; Mekilta, ad loc.). Death for the latter offense is by strangulation (l. c.). Philo (Tischendorf, Philoea, 77) makes death the penalty for every manner of insult to parents, and death by stoning the penalty for striking parents (l. c. and Frag., II, 629). The Karaites agree with Philo and refer Ex. 21, 15 to any physical violence against parents; see Mibhar, Exod., 41b: בהר וה categoría מַכָּה בָּהָר הוא פַּנּי הַמַּכָּה פִּנִּיתוֹ; so also מַכָּה מַכָּה בהר והקטגוריה, Exod., 70b and Samuel al Magrabi, ed. Gitelsohn, 17. Nor do the Karaites in Exod. 21, 17 condition the use of the Divine Name. See Hadassi, Alph. 272ב (103d); Mibhar, Exod. 42a; מַכָּה המַכָּה, Exod. 70b, and Samuel al Magrabi, l. c., 19. They agree also with Philo in making death by stoning the penalty for violence to parents. See Hadassi, Alph. 267ט (102c) and מַכָּה המַכָּה, Exod. 70b; comp. Samuel al Magrabi, ed. Gitelsohn, 19, Büchler, MGGWJ., L (1906), 683.

Philo (II, 330; but see Quaest. in Ex. II, § 6) states that distinction is to be made in punishment between insult to a public officer and a private person. Tradition makes

96 For the Samaritan view comp. ZDMG., XLVII (1893), 681. Mark 7, 10 ff. and Matthew 15, 5 ff. (comp. commentaries) perhaps refer to this older interpretation of Exod. 21, 17: that every manner of insult to parents is punished by death. Comp. Wünsche, Neue Beiträge, 181-6.

The Karaites decry what they falsely ascribe to the Rabbanites: the opinion that punishment is inflicted only when the curse or blow affected both parents; Hadassi, Alph., 249, says: הַמַּכָּה כְּנֶסֶת אֲבֵי אֲבֵי מִותָה מִותָה: see also Alph. 250ד; see also Salmon b. Jeroham quoted by Neubauer, Aus d. Petersburger Bibliothek, 111. See Sanhedrin, 85b; Mekilta on Exod. 21, 17; Sifra on Lev. 20, 9.
no such distinction." This view, however, is found among the Karaites. Jepheth b. Ali (quoted in Mibhar, Exod. 42b) punishes cursing קש or אא with death. Hadassi (Alph. 343b) states that cursing a righteous Judge is a capital crime; so also Samuel al Magrabi (ed. Gitelsohn, 21) who also states (MS., 147b) that even the cursing of the patriarch of a tribe or family is punished by death.

MARRIAGE LAWS

7. The issue of a prohibited alliance is a bastard (מצור) and the law enjoins concerning him: שוק (Deut. 23, 3). Tradition (Yebamot 8, 3) refers it to marriage. Philo, as was pointed out by Ritter (91, n. 5),

97 Weiss, Dor, I, 126, note, relying on Kiddushin 66a: החירש שלומית, believes this to have been the Sadducean view (the תורק there was not, as Weiss l. c., states, in accordance with Deut. 22, 18, but because Judah (or Eleazar; see Josephus, Ant. XIII, 10, 5) was a single witness; see Pesahim 113b: נ郵י נו ...). See also Josephus, C. Ap., II, 23 that disobedience to the high-priest is punished like impiety toward God (comp. Ant. IV, 8, 14). It is, however, possible that Josephus had in mind the law of Deut. 17, 12; see Grätz, III, 110, note 1; comp. Maim., Sanhedrin, 10, 5: חוקי השימור [法令 ממור] מהתולה לבר(space), see also Hadassi, Alph. 278a: הפיסות; but see Hadassi, Alph. 278b (159d) and Samuel al Magrabi, ed. Gitelsohn, 11, 1. 14. For a peculiar interpretation of the concept מצור by some early Karaites as referring to the Chazars see Harkavy, Semitic Studies in memory of Dr. Kohut, Berlin 1897, 246-7.
interprets this verse, verses 2, 4 (II, 261), and v. 9 (II, 393) to mean that the 
ממור is not to mingle with the community of Israel and does not refer to marriage. In his exposition of v. 9, (II, 393) he says: “... καλεῖν εἰς εκκλησίαν καὶ μεταθέτοντα θείαν λογίαν, οὐς θείας τοὺς αυτοχθόνας καὶ επιστρέφας εὐροφανειότητα”.

This view, as Samuel al Magrabi informs us, was held by many Karaites (MS., 91b).

This is the view of many early Karaites. See Hadassi, Alph. 365 (140b): "ומת אשת איש וניה באחד דך אסר בתוכו ונהל נורתי: להגנה על הדורות ומפיים מיתוך וער הקדיש ... ואמים שיש להם בלשון מושר פסכנל להתרחקות ... עמדו תותב בתוככם יעים טעם ירשים ידע מפריך;" so also Alph. 3737 (148d).

Aaron b. Joseph (Mibhar, Deut. 19b) states that Sahl b. Mašliaḥ (second half of the tenth century) held that marriage with a ממור is not forbidden: לא יעשיה משלא בעודי רבדיר רבוג המしっかりとו שלמה וישמעו ישראלו יקנו [את הממור]. Sahl b. Mašliaḥ, evidently, also interpreted לא יא מ威尼斯人 רקבל, as did Philo, Hadassi, and the Karaites mentioned by Samuel al Magrabi, to mean that the ממור is not allowed to mingle in the community. See also Mibhar, l. c.: "לא יא בקהלב יא בכרו: בכרו יא בקהלב, דייר חמשת נזכרי, ad loc.

99 See Michaelis, Mot. Recht, II, § 139; Ewald, Alterth. des Volkes Israel, 247; comp. also Rapoport, ד"ת בעליונות, 46.

100 The interpretation given by Geiger (Anz. IV, 21-2) to this view of Sahl is forced and unnecessary. Geiger's reference (l. c., 22) to Sahl's opinion quoted in Mibhar, Deut. 6b, has no bearing on his view.
8. In the exposition of the law of Deut. 21, 10-15 concerning marriage with a female captive of war, Tradition makes no distinction between a married woman and the unmarried (Sifre, ad loc.; Kiddushin 21b: אשה ואופל). So also Josephus, Ant. IV, 8, 23. The Karaites hold that this law refers only to the case when the captive

here. Sahl’s interpretation there of סנהד (Deut. 7, 2; comp. to Mibhar, Deut. 6b, letter 115) is held by many Rabbanites; see e. g. Naḥm. on Deut. 20, 10. The Karaites anti-traditional view (see Kiddushin 3, 13; Yebamot II, 5 and parallels) that children born to a Jew from a Gentile woman are considered to be Jews which caused the early Karaites to interpret לזרע in Ezra 10, 3 as referring to the mothers only (Pinsker, II, 23, n. 12; Geiger. l. c.; see also Benjamin Nahawendi, 6b: כל שבורה וexual אל יהיה ו性和 אשה דרך שותה וירה וירה ד"ה; similarly Hadassi, Alph. 3658 (141d): "יולוורויכ שוליהל נר יעורית גורש ואשה איהו גורש ושתחנוה רחфтש שותה והנהließlich איה נוניהו נשים; yet he adds: נמל נכל גברית ושתחננה חביה ויהוה איה נניזו יעדנול מהת, so also Alph. 3657 (140b) goes back to talmudic times and was held by Jacob of Cozser (p. Yebamot 2, 6; p. Kiddushin 3, end; G. rab., 7, 3 and parallels) who seems to have been suspected of some נןננ (see above, note 73). See also the early Bible critic (ed. by Schechter), JQR., XIII, 362, lines 22-25, and note on p. 371.

The assertion of M. Friedmann (Beth Talmud, I, 106) that the Karaites like Tradition (Yebamot 8, 4, b. ib., 76b ff. and parallels), interpret Deut. 23, 4: "עונות ולא עונות" is erroneous. All Karaites attack this traditional view. See Elias b. Abraham (Pinsker, II, 105); Mibbar and נבר ירוח (appendix to the דקreflect; see above, note 73). See also the early Bible critic (ed. by Schechter), JQR., XIII, 362, lines 22-25, and note on p. 371.

Schorr (Vilna, IV, 43) claims that Maimonides is inconsistent in considering (7עונות ולא עונות is as this law is disputed, and quotes Yebamot 8, 4; מנהר:true 23, 4 refers only to those who do not embrace Judaism.

Schorr apparently overlooked the fact that מנהר and Tosafot by him quoted refer to the question of עונות ולא עונות and have nothing to do with the law of הובית.
was unmarried or a widow. See Hadassi, Alph. 281; Mibhar, Lev. 34a, and Deut. 17a and ad loc.; Deut. 24a (but see Šin, 147d). So also Ṭarah Al-Yah, 92b: אדם שענה היתה יושבת להאמה ... אֲלֵ֥י יַעַרְעֵ֥בָה דַּבָּ֥ר אֲלֵהַ֖ו... So also Abraham b. Josiah Jerushalmi in his Ṭarah Al-Yah (Goslow 1846), 24a. Samuel al Magrabi (MS. 222a-b) states: ...אמר כה נשה ביבהל אֲלֵ֥י יַעַרְעֵ֥בָה דַּבָּ֥ר אֲלֵהַ֖ו... אֲלֵ֥י יַעַרְעֵ֥בָה דַּבָּ֥ר אֲלֵהַ֖ו... אֲלֵ֥י יַעַרְעֵ֥בָה דַּבָּ֥ר אֲלֵהַ֖ו... אֲלֵ֥י יַעַרְעֵ֥בָה דַּבָּ֥ר אֲלֵהַ֖ו... אֲלֵ֥י יַעַרְעֵ֥בָה דַּבָּ֥ר אֲלֵהַ֖ו... So also Abraham b. Josiah Jerushalmi in his Ṭarah Al-Yah (Goslow 1846), 24a. Samuel al Magrabi (MS. 222a-b) states: That this is also the view of Philo was shown by Ritter, 75.

9. The penalty of adultery with a married woman is according to Tradition (Sanhedrin 10, 1; Sifra, 9 (ed. Weiss, 92a) strangulation. Many Karaites, however, hold that the law of Deut. 22, 24 applies not only to the betrothed, but also to a married woman; the punishment being stoning in both cases. So Samuel al-Magrebi speaking of adultery and its punishment says (MS., 6a): ואֹמֵם אָמַר אֶל יִהוּדָּ֥ה לאָ֖ו אֶל תִּשְׁעָ֣הו הַֽיּוֹרֵ֥ת אֲלֵ֥י דַּבָּ֥ר נַעֲמָתָ֖ו אֲלֵ֥י דַּבָּ֥ר נַעֲמָתָ֖ו אֲלֵ֥י דַּבָּ֥ר נַעֲמָתָ֖ו אֲלֵ֥י דַּבָּ֥ר נַעֲמָתָ֖ו אֲלֵ֥י דַּבָּ֥ר נַעֲמָתָ֖ו So also L. Cohn, Des Samuel al-Magrebi Abhandlung über die Pflichten d. Priester u. Richter, Berlin 1907, 10, and Mibhar on Lev. 18, 20 (34a), and Ṭarah Al-Yah, ad loc., letter Šin, 147d. That this is also the view of Philo is evident from the fact that he Šיַע תִּשְׁעָ֥הו הַֽיּוֹרֵ֥ת אֲלֵ֥י דַּבָּ֥ר נַעֲמָתָ֖ו אֲלֵ֥י דַּבָּ֥ר נַעֲמָתָ֖ו אֲלֵ֥י דַּבָּ֥ר נַעֲמָתָ֖ו אֲלֵ֥י דַּבָּ֥ר נַעֲמָתָ֖ו אֲלֵ֥י דַּבָּ֥ר נַעֲמָתָ֖ו
sets death by stoning even for the unmarried harlot; see II, 308, where he says: παλιν πορνην κατα τον ιεραν λογον οι παραδεχεται τη πολιτεια ... Ως ημη ουν και ζημια και κοινον μισης καταλυσθω. 101 See Ritter’s comment on this law of Philo (p. 92); but see Book of Jubilees 20, 4 which also seems to punish unchastity of an unmarried woman with death (by burning, in accordance with Gen. 38, 24). The early Karaites also considered unchastity of a woman to be οταν; see Salmon b. Jeroham quoted by Pinsker, II, 62: τον δορυ ουν ... τον σαφεια τον ραταρμ ... Ως ένα φροντυ ρητα ακαιροτοι; comp. also the opinion of Saul b. Anan quoted there (the authenticity of the expression is, however, disputed; comp. also Poznański, Αριτα, VI, 88a). See also the Samaritan reading of Deut. 23, 18: αλλα δυνατον λαβει το λαθος (comp. Klumel, Mischpatim, p. VI). See also Brüll, Jahrbücher, III (1877), 39, n. 104. It is, however, possible that the Karaites, in fixing stoning as the penalty for adultery, were influenced, as in many other instances (Steinschneider, Beschneidung d. Araber u. Mohammedaner, 26-7; id., Polemische Literatur d. Juden, 398, n. 1; Wreschner, 41, 44), by the Mohammedan law which also punishes adultery with stoning; comp. ZDMG., 1LIII (1899), 161. 102 Noteworthy in this connection is the agreement between the view held by the earliest Karaite authorities (Anan and Benjamin Nahawendi) and the practice in vogue among the Alexandrian Jews in the first century B. C. I refer to Tosefta Ketubbot 4, 9; Baba meşi’a 104a; p. Ketubbot 4, 8: τον λατεμενου ξηπατημεν χαθει (or τον λατεμενου την μηχανα) which seems to indicate that the דגון considered betrothal not so binding as την μηχανα (A. Brüll, Fremdsprachliche Redensarten in den Talmuden u. Midraschim, Leipzig 1869, 32, note, wrongly translates this passage: “Wenn die Alexandriner sich Frauen angelobten, nahmen sie sie gerade von der Strasse weg.”). Büchler (Festschrift zu Israel Lewy’s siebzigstem Geburtstag, Breslau 1911, 123, n. 3) justly remarks: “Vielleicht war hierin hellenistischer Einfluss wirksam” (Büchler, l. c., thinks that the words (or δει τα διαδεμεναι για την μηχαναι λαμβαναι ουν) were inserted in the δει τα διαδεμεναι για την μηχαναι λαμβαναι ουν to make the δει τα διαδεμεναι για την μηχαναι λαμβαναι ουν unbinding. But, then, what was the purpose of the δει τα διαδεμεναι για την μηχαναι λαμβαναι ουν?). Philo also states (II, 311) that there are many who do not consider unchastity with a betrothed woman to be adultery, though he himself agrees with Tradition (comp. Frankel, Grund- liinien d. mos-tal. Eherechts, XXIV ff.) that betrothal is as binding as marriage (ib., and II, 229). See also p. Hagigah 2, 2: ουν βαβτισμός ουσίας, θείας, θεοτόκου: Μισθολογίας ανδρών, θείας, θεοτόκου: τον τρήσεις: ἀναλωσίαν to ἀναλωσίαν θείας, θεοτόκου: τον τρήσεις: ἀναλωσίαν (p. Sanhedrin 6, 6 reads: τον τρήσεις: βιβλίον, but see Halevy, ιε, 478, note) is perhaps an allusion to the view of the δει τα διαδεμεναι για την μηχαναι λαμβαναι ουν.
10. Philo (II, 310) states that violation of a widow or divorced woman is a crime approaching adultery and the court shall decide upon the punishment whether it be physical chastisement or pecuniary fine. Tradition, as Ritter (90-91) observes, makes no distinction between a divorced woman or widow and a woman who has never been married. A view similar to that of Philo is held by the Karaites, some of them even making carnal intercourse with a widow or divorced woman a capital crime while most

concerning this as not being binding. This view of the Alexandrian Jews was held also by the earliest Karaites who maintained that the betrothed can sever their connections without a writ of divorce and that, in general, betrothal does not have the force of marriage. See Anan (ע btc, ed. Harkavy, 118) שד אינא: ב ר י ר א י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י י ي
of them are, like Philo, satisfied that a special penalty be imposed on the offender, such as the court may deem best. See Hadassi, Alph. 278.

II. Tradition (Sotah 1, 1; Sifre on Num. 5, 13) makes warning by husband and subsequent negligence of wife with the man against whom she has been warned condition precedent to subjection of the woman to ordeal of Num., 5, 15 ff. Philo, speaking of this law (II, 308), says that in case the husband suspects his wife of adultery they are to bring the matter before the court in the Holy City (comp. Sotah 1, 4) and if the court is undecided the woman is to submit to the ordeal; Philo, evidently, not considering necessary suspicion of a particular man, warning (נשא) and negligence.

This is also the view of the Karaites. See Hadassi, Alph. 328, end and 239; Mibhar, Num. 5a: נאיה יתנאה, Num. 7a; so also Samuel al Magrabi (MS. 866): סנה דיינן הכהנים. 105

104 One of these must be before witnesses (Sotah 1, 1). The accepted norm (Maim., סנהה, 1, 1-2) requires witnesses for both.

105 Ritter (pp. 81-85) discusses this law as given by Philo; he fails, however, to notice this essential deviation of Philo from Tradition.
12. Tradition takes Deut. 22, 20: 

Nun 22, 20: אָם  אָפְּת  הֵח  הָרָבד  to mean that in case adultery during betrothal has been established by the testimony of witnesses, penalty is death (v. 21) in accordance with Deut. 22, 24 (Sifre, ad loc.; Ketubbot 46a; comp. Frankel, Der gerichtliche Beweis, 49). Philo, in his exposition of this law (II, 313), says that if the husband's charge be found true, the parents of the woman are guilty of having deceived the husband at the time of the betrothal. Philo, evidently, held that the accusation of the husband, whose substantiation involves death, was unchastity before betrothal. 107 This is also the view of most of the Karaites. See Hadassi, Alph. 366 (141b–c) that the mere absence of the הַבָּלהַ is sufficient to convict her: הַבָּלהַ הַמַּעֲשְׂרִים הַמַּעֲשְׂרִים אָם  אָפְּת  הֵח  הָרָבד. 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See also Mibhar, Lev. 38b; comp. ad loc.: שחרית משינו נבנה ישראלי ור\n
cות המיתות והשבת יד ור\n
לנעשה חיבר להכותו סיפורה במח Hawthorne בחל נוצרי, אדם משמא

והנתה קורדים האזרחים ואחר האזרחים; so also ib. to Mibhar,
Deut. 19a, letter 77. So also Samuel al Magrabi (Ms., 97a): ו.FromArgb אכית ר\n
אלה דשת אשת מצא ור\n
והנה בָּל הכותו ניש והלו האזרחים.
The later Karaites agree with Tradition that negatio virginitatis is not prima facie

evidence of her guilt. See Hadassi, Alph. 320 (121d); Mibhar, Lev. 38b: תכית הקאריס מסגונות התבכיה ור\n
so also Mibhar, Gen. 60a and ad loc. and to Mibhar, Lev. 34a, letter 232. This is also the view of Philo
(?) Hoffmann, Leviticus, II, 90) and Josephus (Ant., IV, 8, 23; comp. Ritter, 81; P. Grünbaum, Die Priestergesetze bei Flavius Josephus, Halle 1887, 18, n. 2; Weyl, 106). Comp. also B. Beer, Das Buch d. Jubiläen u.
sein Verhältniss zu den Midraschim, Leipzig 1856, 58. The view of Büchler (MGWJ., I (1896), 681, n. 2) that this was also the view of R.
Eliezer (Sanhedrin 51a) is very improbable; comp. also Weiss, Dor, I, 151.

For the mode employed in the execution of הר כהן קטוב (Lev. 21, 9) which, according to Rab Joseph (Sanhedrin 52b), was taken by the Sadducees (so also Josephus, Ant., IV, 8, 23) literally (comp. Brüll, תכית

המיסים, IV, 7 ff.; Weiss, Dor, I, 151; Büchler, l. c., 549 ff., 557 ff.) the Karaites disagree among themselves; see Samuel al-Magrabi, l. c.; comp. also Hadassi, Alph. 324 פ.
the later Karaites thus disagreeing among themselves only as to the mode of proof of the woman's guilt or innocence after betrothal.\textsuperscript{109}

13. Num. 36, 6-10 provides that when a man dies without male issue and his daughter inherits his property, the heiress is to marry only within her tribe so that the allotment of one tribe might not pass over to another. According to talmudic interpretation (Baba batra 120a ff.; comp. Pseudo-Jonathan on verse 6: נַּֽעַזְתָהוּ שְׂרוֹ לְיָשָּׂא הָֽשָׂרוּם הַבִּרְיָּהוּ A בָּרִיָּהוּ A לְיָשָּׂא הָֽשָׂרוּם הַבִּרְיָּהוּ and Geiger, \textit{Urschrift}, 447) this rule applied only to the "generation of the conquest," while according to Samuel (B. b. 120a) even in the case of the daughters of Zelophehad it was not a command, but merely counsel: וּֽעֲלֹה שְׂרָו לִשְׂרוּ לְיָשָּׂא תְּלָהוּ (but comp. Ritter, 97, n. 1, and Ibn Ezra, \textit{ad loc.}, v. 8).

Philo\textsuperscript{110} states that in case a daughter inherits she is to marry one of her relatives (based perhaps on Num. 36, 11), in the absence of which she must at least not marry out of her tribe, thus applying the law of Num. 36, 6-10 to all generations.

\textsuperscript{109} According to the scholion of Megillat Taanit (ch. 4) the Boethusians interpreted נַֽעַזְתָּהוּ שְׂרוֹ לְיָשָּׂא הָֽשָׂרוּם literally ( muestra). Rapoport (דְּבִרְיָהוּ א בָּרִיָּהוּ, 14); Geiger (\textit{Urschrift}, 148) and Ritter (133 ff.; comp. Büchler, \textit{l. c.}, 680, note; comp. Weiss, \textit{Dor.}, I, 117) consider this report unauthentic as this view is held also by R. Eliezer b. Jacob (Sifre, II, 237; Ketubbot 46a); see, however, Halevy, \textit{Dorot ha-Mishpatim}, Ic, 415-18.

\textsuperscript{110} See Treitel, \textit{MGWJ.}, XLVII (1903), 409. Philo explains also the law of yibbum (Deut. 25, 5-11) as a means that the allotment of one might not pass over to another (II, 443; Ritter, 69, n. 3 errs in asserting that Philo mentions nowhere the law of \textit{yibbul} which is also the prevailing view among the later Karaites (comp. Poznański, \textit{REJ.}, XLV (1902), 62). Josephus also considers the law of Num. 36, 7 as applying to all times (\textit{Ant.}, IV, 7, 5; comp. Ritter, 96-7). This view is shared also by the author of Tobit 6, 12-13; comp. M. Rosemann, \textit{Studien zum Buche Tobit}, Berlin 1894, 3 ff. and F. Rosenthal, \textit{Vier apokryphische Bücher}, Leipzig 1885, 116, note.
The Karaites, like Philo, apply the law of Numb. 36, 6-10 to all times; see Hadassi, Alph. 260 (99a); Mibhar, ad loc. (33a), and, Num., 50b: והלו את נשירת חולים פעמיים. The interpretation is opposed to that of the Babylonian Talmud, where the law is interpreted in a different manner. Comp. also Samuel al Magrabi (MS., 263a): והלו את נשירת חולים פעמיים. The Karaites reject this interpretation and hold that the husband does not inherit his wife; see Mibhar, Num., 37a; מבריחין ונשבות. Mordecai b. Nisan (Tosafot Sotah 3a, i. c.; states: 'וַיַּעַלוּ לָבָשׁ מִלְכָּתוֹ, מִלְכָּתוֹ, מִלְכָּתָו...')
defilement of a priest in case of wife's death; see Mibhar ad loc. (38a) (comp. *p3 nTB, ad loc.).

Philos also mentions the six blood-relations, enumerated in these verses, as those for whom the priest is to defile himself, evidently excluding like the Karaites the wife.

15. Philo and the Karaites also agree in the interpretation of Lev. 21, 14. Philo (II, 229) interprets this law to mean that the high-priest must choose his wife from priestly lineage. That this is also the interpretation of the Karaites is shown by Benjamin Nahawendi (1400); 367 (142c) holds that the husband inherits his wife if they have children; Samuel al-Magrabi (MS., 269) states: comp. Weiss, Dor, I, 46, note.

113 See Ritter, 73, n. 2 and Hoffmann, Magazin, VIII (1881), 56. It is, however, possible that Philo recorded here a custom which he believed to be a law. Büchler (Die Priester u. d. Cultus, 88-9; comp. also Berakot 44a; Pesahim 49a; Rashi, Ye'ematot 84b, s. v. נמי) has collected instances which tend to show that also ordinary priests married only daughters of priests (comp. also Grätz, MGWJ., 1879, 499 and Krauss, JQR., VIII, 671). The custom to marry within the family was considered praiseworthy even for non-priests and is commended by the Rabbis; see Tosefta Kiddushin 1, 2; Ye'ematot 62b; p. Kiddushin 4, 4; Gen. rabba 18, 5; see also Book of Jubilees 4, 15-33; 8, 5-6, 9, 7; but see Kohler, JQR., V (1893), 406, note); comp. also Tobit, 6, 12-3 and MGWJ., 1879, 507, 510 ff. For the view of Josephus see M. Zipser, Des Flavins Josephus Werk: Gegen Apion, Wien 1871, 30; Ritter, 73 and P. Grünbaum, Die Priestergesetze bei Flavius Josephus, 29-30.

To the Karaite authorities mentioned by Geiger (l. c.) that the high-priest is to marry the daughter of a priest may be added Jacob B. Reuben, on Ez. 44, 22 and Samuel al-Magrabi (ed. Cohn, 12, 1. 24 ff.; Cohn, th., note 111 remarks: “Diese Ansicht ist nur karäisch vielleicht nur des Authors!”).
CEREMONIAL LAWS

16. Philo, speaking of the First of the seventh month (II, 295), says that it is called Day of Trumpets, as trumpets are blown that day at the offering of the sacrifices. Their sounding is a commemoration of the giving of the Law. The trumpet being an instrument of war, symbolizes the war between the different forces of nature and humanity, for the pacification of which man must be grateful to God. Philo makes no mention of the traditional interpretation of חネット הרותה (Num. 29, 1), i.e. that the “Shofar” (Sifra on Lev. 25, 9; see Hoffmann, Leviticus, II, 247) is to be sounded everywhere (except on sabbath; R. ha-shanah 29b) in Israel on that day and seems to have identified חמות חצותה with חמות הרותה in Num. 29, 1 with חמות הרותה, the blowing of trumpets every holiday at the offering of sacrifices (Num. 10, 10).114 The Karaites also reject the traditional interpretation of חמות הרותה and explain it as loud praises to God (Hadassi, Alph. 225; 364 (1360); יראות, 58a ff.; החניך, 28, 68 b; Lev. 67a; יהודא אֵלֶיהוּ, 48a; זairo, 13;לחוץ מלכות, 48-9) or

114 Nor does Josephus (Ant. III, 10, 2) mention the law of חמות הרותה: comp. also Book of Jubilees, ch. 6. The Samaritans, like the Karaites, reject the traditional interpretation of חמות הרותה, differing among themselves as to its meaning; see Geiger, ZDMG., XX, 570; Hanover, Das Festgesetz der Samariter nach Ibrahim ibn Jakub, text, pp. X-XI and ib., 28, 68. Some Karaites take חמות הרותה to mean the blowing of any instrument on that day (Mibhar, Lev., 42b; יראות, 1, 115). Samuel al-Magrabi (MS. 41a) states that חמות הרותה is the sounding of הַחָסְפּוֹרִים by priests and, in absence of authenticated priests and הַחָסְפּוֹרִים, not to be observed now.
as the sounding of the shofar on every holiday (comp. נא לטרות; Hadassi, 136a).

The Karaites also reject the traditional interpretation of the p'kufot לַכָּבֵי בְּיוֹם הָיוֹרָשָׁא (Lev. 23, 40) (see Josephus, Ant. III, 10, 4) and claim that the “four species” are for the construction of the “booths” mentioned in verse 42, deriving support for this view from Nehem. 8, 14 ff. See נא לטרות; 56ab (where the views of Anan, Benjamin Nahawendi, and Daniel, al Kumsi are quoted); Hadassi, Alph. 168 (64b); 225-6; 364 (136a); Mibhar, Lev. 43a; הדרת אלוהים, 47b; הדרת אלוהים, 47b (where the opinion of Jepheth b. AH is quoted); Pinsker II, 96; מֵלִיחַ מלוֹחַת, 14; תֹּלְדוֹת, 34. 49. Philo, speaking of the Feast of Tabernacles (II, 297), makes no mention of the law of “four species.” Philo, as Treitel (MGWJ, 1903, 512) suggests, must have understood verse 40 not as a separate commandment but, like the Karaites, as prescribing material for the booths.

17. Tradition (Zebahim 5, 8; Maim., יתירות, 6, 4) interprets Lev. 27, 32 to mean that the animal-tithe, תּוֹתֵר בְּתוֹתוֹת

Some Karaites agree with Tradition in the interpretation of לַכָּבֵי בְּיוֹם הָיוֹרָשָׁא; see Geiger, ZDMG, XX, 544; Hanover, 1, c., 16 and 62 (Hanover, 31, n. 2, relying on the words of Ibn Ezra on Lev. 23, 40: תּוֹתֵר בְּתוֹתוֹת מֵלִיחַ מלוֹחַת; see also Book of Jubilees 16, 4). Ibn Ezra refers, as usual, to the Karaites (see above, note 10); see, how Josephus agrees with Tradition (Ant., III, 10, 5); so also the Falashas (Epstein, Eldad ha-Dani), 162). See also Book of Jubilees 16, 4 and B. Beer, Buch d. Jubiläen, 47.

It must, however, be pointed out that Philo (I, c.), in contradistinction to Josephus (comp. M. Olitzki, Flavius Josephus und die Halacha, p. 25, n. 31 and p. 59), does not seem to require the construction of special booths for the Feast of Tabernacles.
like the "second tithe," is to be eaten by the owner within the walls of Jerusalem. Philo (II, 234, 391; comp. Ritter, 123; Driver, *Deuteronomy*, 170, note is to be corrected accordingly) states that the animal-tithe is to be given to the priests.\(^{117}\) The Karaites agree with Philo. See Miḥhar, Lev. 51a; הָרוֹת הָלוֹךְ, Lev. 76b.

18. Tradition applies the law of Lev. 22, 19 (הוארש) to animal sacrifices only (Sifra to Lev. 1, 14; Menahot 6a and parallels). Philo, as is evident from the reason given by him for the law of השם (II, 238) holds that the שָׁם refers also to תֹּם יְהוָה. The Karaites agree with Philo. See Miḥhar, Lev. 3b, שִׁלְיָלְכֶּל המְעָט אֶת הַשָּׁם מִסְדִּיל בַּעַר... וְגוֹרְבִּנֶּךָ; see also מִבְּרֵה הָרוֹת, Lev., 5a.

19. Philo (II, 256; comp. *Werke Philos*, II, 93, n. 1) states that all the lights of the sacred candle-stick (מענה) were extinguished in the morning. According to Tradition (Tamid 6, 1; Sifre on Num. 8, 2; Tosefta, Sotah 13, 7; Yoma, 39a\(^{118}\) and parallels; comp. also Nahm. on Ex. 27, 20 and Tosafot Menahot 86b s. v. מענה; comp. M. Duschak. *Josephus Flavius u. d. Tradition*, Wien 1864, p. 4, which is to be corrected accordingly) one light was left burning the whole day (הַמֵּירוּר). Josephus (*C. Ap.*, I, 22) also states that the lights were never extinquished (see *Ant.* III, 8, 3 that three lights burned in the Temple during

\(^{117}\) So also Book of Jubilees 32, 15 and Tobit 1, 6. Ritter, 123 overlooked that Philo (II, 234) disagrees with Tradition (Bekorot 9, 1) also in requiring מענה במקדש to be given from all domestic animals. See also Schechter, *Jewish Sectaries*, II, 4, ll. 13-15; comp., however, Hadassi, Alph. 205.

\(^{118}\) See Tosefta Sotah 13, 7; Yoma 39a; p. ib., 6, 3: שְׁמוֹנָה שֵׁנִים שֵׁנִים שֵׁנִים תְּרוּעָה... תֹּם וּמִנָּרִי רֲאֹלֵק [לָא הַלַּחֲדוֹת] מִנּוּנְי אִיָּוִי שֵׁמוֹנָה תְּרוּעָה; but see Weiss, *Dor*, I, 82, note 1, that this refers to תְּרוּעָה who lived about forty C. E.: see Meim., הַּרְבּיָיָיו וּמִמְסָפְּרִי, 3, 12 and מַדְּנֶד ל' ad loc.; comp. הָדוּשׂ, ed. Wien, No. 399.
daytime!) The Karaites hold, like Philo, that no lights burned in the Temple during the day. See Mibhar, Exod. 57a and Lev. 85b.

20. The Karaites reject the ancient traditional law" that vows made and oaths taken without due consideration of the circumstances involved may be annulled by a court as those of a daughter by her father (Num. 30, 5-6) and that of a wife by her husband (I. c., v. 7 ff.). See Hadassi, Alph. 139-141, 364 (135a); Mibhar, Num. 29a; Lev. 51; comp. also Maim. commentary on Nedarim, ch. 10, end; שוה אלענו בעי הצפרב "י החר השביחו מעשינו בכלי יז ע" וuffs... מפרשת תרוה אינע בוחר מעשה הרות "שסומטיוניא אינע בוחר מעשה הרות" לזרוח, id., 12, 12. This seems to be also the view of Philo who seems to express his objection to the law of annulment of vows by the statement (II, 273; comp. Werke Philos, II, 112, n. 2) that "no man is competent to heal vows."

19 Weiss (Dor, I, 81) believes that the law of נר וֹנַי רֹנִים was inaugurated in the time of Simon the Just. This opinion of Weiss is based on his view (I. c., 80; so also Geiger, Urschrift, 31-2) that נר וֹנַי רֹנִים did not favor the making of vows; see, however, Rapoport, ת"הו מְנַשֵ'י, 23 ff. We do not know whether the law of נר וֹנַי רֹנִים was even contested by the Sadducees; comp. p. Berakot 7, 2; Gen. rabba 91, 3. Schechter (Jewish Sectaries, I, XVIII; comp. ib., p. 16, ll. 7-8 and notes) believes that the sect which he designates "Zadokite" (see above) held that vows cannot be annulled; comp. also K. Kohler, American Journal of Theology, 1911, 425-6.

20 The later Karaites accepted, with slight modifications, the law of נר וֹנַי רֹנִים; see Kaleb Afendopolo’s appendix to ת"הו אָלְפָיו, Odessa 1879, 227a ff. It is, however, possible that in rejecting נר וֹנַי רֹנִים the early Karaites, as in several other instances, turned into a law the general sentiment among the Babylonian Jews during the Gaonic period against the annulment of vows. Jehudai Gaon (quoted by Nahshon Gaon) states: נר וֹנַי רֹנִים, ed. Müller, No. 122; comp. ib., Nos. 117, 120; ספנאות, וֹנַי רֹנִים, Nos. 6, 44, 75; שִׁעיי יִשׁוּבָה, Nos. 38, 137, 143, 145-6; וֹנַי רֹנִים.
21. The Karaites agree with Philo also in the interpretation of אָּל (Exod. 23, 19; 34, 26; Deut. 14, 21) as prohibiting the seething of a kid or—by analogy—of any other animal in the milk of its mother. See Philo II, 399; comp. Ritter, 128. See Hadassi, Alph. 240 (91cd); 360b (132d); Mibhar, Exod. 47b; Sefer ha-Bahir, Exod. 79ab. See Alph. 240 (91cd); 360b (132d); Mibhar, Exod. 47b; Sefer ha-Bahir, Exod. 79ab. See Hadassi, Alph. 240 (91cd); 360b (132d); Mibhar, Exod. 47b; Sefer ha-Bahir, Exod. 79ab.

22. The law of Ex. 13, 19; Num. 18, 15 enjoins the redemption of the firstling of an ass with a lamb, and that, if the owner fails to redeem, the firstling is to be killed by having its neck broken. According to Tradition this law refers only to an ass but not to the firstling of any other unclean animal (Mekilta, ad loc.; Sifre on Num. 18, 15; Bekorot 5b). Philo makes this law apply to all domestic...
animals (II, 233; Ritter, 119 ff.). This is also the view of the Karaites. See Anan (ed. Schechter, p. 7, ll. 8-15):

The contradiction between Exod. 13, 2 (תפס נור ומכים דגן) and Deut. 15, 19-20 (לכינו נור ולמדנה) and between Lev. 27, 26 (תפס נור) and Deut., 1. c. (םייקנה) led many Karaites to refer Deut. 15, 19-20 to deben הער by the owner, and like the “second tithe,” to be consumed by him within the walls of Jerusalem or redeemed; see Hadassi, Alph. 204:5; Mibhar, Deut., 12b; הער דגן, Deut. 19a (Ibn Ezra on Deut. 12, 17 refers to this Karaite view; Harkavy, סדר עוליים, 142, n. 16, is to be corrected accordingly). Anan tried to reconcile the above mentioned contradictions by claiming that the firstling whose conception and birth were while its mother belonged to an Israelite is יודע ipso facto and to be given to the priests (Exod. 13, 2; Lev. 27, 26, Num. 18, 15), whereas the debor who was owned by an Israelite only at the time of its birth is to be made יודע by the
The Philonian halakah, in general, is a problem still to be solved. Philo lived in Egypt where as we now know from the papyri recently discovered in Assuan and Elephantine (Sayce-Cowley, Aramaic Papyri discovered in Assuan. London 1906; Sachau, Drei aramäische Papyrusurkunden aus Elephantine, 1908), the Jews were permanently settled in the sixth century B. C. (comp. Schürer. Geschichte des Jüdischen Volkes, III 4, 24 ff.).

Alexander the Great transplanted many Jews into Egypt in 332 B. C. (Josephus, Bell. Jud. II, 18, 7; Contra

comp. also ib., p. 8, II. 15-26 and p. 9, II. 9-10, 21 ff. Kirkisani alludes to this view of Anan (ed. Harkavy, 248) and states that the authority for this law of Anan was found in one of Jannai's liturgical compositions. Harkavy, Studien u. Mittheiligungen, V, 107, note, is to be corrected accordingly.

124 See also Rapoport, נSaga, 128-9: id., ת"ב מיל, 100b ff.; Ritter, 6, 8-9. Herzfeld, Geschichte, III, 463; Frankel, Vorstudien, 10, and notes; id., MGWJ., 1852, 40.

On the Egyptian Jews and their relation to Palestine see the literature quoted by Schürer, l. c., 147 ff., and in Sweet's Introduction to the Old Testament in Greek, Cambridge 1902, 3 ff. In the third and fourth centuries C. E. there were still some Amoraim in Alexandria; see p. Erubin 3, 9; p. Kiddushin 3, 14; comp. Frankel, הבואו החולשנים, 77a. It may also be pointed out that Judah b. Tabbai, to whom the later Karaites (see above, note 4) ascribe the beginning of Karaism, lived in Alexandria; see p. Hagigah 2, 2; p. Sanhedrin 6, 6; comp. Frankel, דברי משמש, 34-5; Weiss, Dor, 128, n. 1; Halevy, Dorו הרארטוגני, 1c, 474 ff.
The city of Alexandria early became a great center of Jewish activity, second only to Jerusalem. The existence of the Temple of Onias did not affect the loyalty of the Jews in Egypt to the Sanctuary in Jerusalem (Frankel, Einfluss, 157; Schürer, l. c., 147-8). Palestinian scholars often visited Alexandria (Rapoport, עלות הכתובות, יא, 101b). The Palestinian interpretation of the Law and the practices in vogue there were not unknown to them (Frankel, Vorstudien zu der Septuaginta, 185-186; comp. Halevy, הרות הראיתוסופים, יכ, 127, note; 129, note) and the influence of Palestinian exegesis is patent in that great monument of the Jews of Egypt, the Septuagint (Frankel, Vorstudien zu der Septuaginta; Ueber den Einfluss d. paläst. Exegese auf d. alex. Hermeneutik; Ueber paläst. und alex. Schriftforschung; but see Herzfeld, Geschichte, III, 548 ff.). Philo, the great representative of Egyptian Jewry, knew of the existence of an oral tradition and considered it as binding as the Written Law (see the references by Ritter, 14-5; comp. Neumark, Geschichte d. Jüdischen Philosophie des Mittelalters, II, Berlin 1910, 418, note; see, however, Werke Philos, II, 289, note). He also visited Palestine and there saw the people living according to that Tradition (Grätz, MGWJ., 1877, 436 ff.). How are we then to account for the interpretations and decisions in which Philo deviates from traditional halakah? Are such deviations subjective opinions of Philo? Do they reflect the actual practices

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125 See also Ritter, 16-7. For Philo's eruditio hebraica see the references by Ritter, 10, n. 2 and by Schürer, l. c., 699; comp. also L. Löw, Ges. Schr., I, 7, 303.

126 See Treitel, MGWJ., 1903, 415; but see Ritter, 15-16.
in vogue among Egyptian Jewry\textsuperscript{127} or do they go back to a peculiar tradition?\textsuperscript{128}

But be this as it may, the fact, which I have attempted to demonstrate, that \textit{in most of Philo's deviations from Tradition the Karaites hold the same view}, points to some kind of dependence of the latter on Philo, or to common descent from a particular tradition. The former view gains in probability from the following:

The Hellenic or Alexandrian method of interpretation of the Scriptures did not remain unknown to the Palestinian teachers of the law and the works and views of Philo found their way to the Palestinian schools.\textsuperscript{129} Moreover, the general belief that Philo and his works were lost to the Jews of the Middle Ages until Azariah dei Rossi, about

\textsuperscript{127} So Ritter 16-17; comp. \textit{ib.}, 28, 63 ff., 90, 93; but see \textit{Werke Philos}, II, 48, n. 2; 202, n. 3; 258, n. 1. Frankel (\textit{Über palästinische u. alexandrische Schriftforschung}, 32, nu. 6; \textit{Einfluss}, 157 see \textit{ib.}, 33, n. 9 and pp. 190-201) believes that Philo's exposition of the sacrificial ritual goes back to the practice of the Temple of Onias; comp. also Grätz, \textit{MGWJ.}, 1877, 436; but see Ritter, 109, n. 2; 112.

\textsuperscript{128} See L. Cohn, \textit{Werke Philos} I, 14. The view of Büchler (\textit{MGWJ.}, L (1906), 706; see also Lauterbach, \textit{Jewish Encyclopedia}, X, s. v. Philo, 16b) that Philo's deviations from traditional halakah represent an earlier halakah (that of Beth Shammai) is still to be proved. Geiger who scanned Jewish literature and that of its sects for traces of ancient halakah took no account, as already remarked by Poznański (\textit{Abraham Geiger, Leben u. Lebenswerk}, 372, n. 1), of Philo. Philo's deviations from Tradition cannot be brought into relation with Sadduceeism and the supposed ancient halakah related to it; comp. Rapoport, \textit{ןואל הניא}, 101a. Philo interprets \textit{מָזֶּה} like the Pharisees (Frankel, \textit{Einfluss}, 137). He considers (II, 230) like the Pharisees (Menahot 65a) the \textit{רִבְרֵי הָעַרִי} a \textit{public offering}; allows divorce without \textit{יֵרָהוּ דַּבְרָא} (Ritter, 70, n. 1) and seems to agree with the Pharisees also in the law of \textit{יָדוֹן} (Ritter, 26, n. 1).

the end of the sixteenth century, reintroduced him in Jewish literature, is now proved to be unfounded. The tenth century Karaite, Abu Yusuf al-Kirkisani, in his work *Kitāb al-anwār wal-marākib* (written 937), speaks of a Jewish Sect named “the Magarites” (מגרים). This sect, says Kirkisani, sprang up before the rise of Christianity. The adherents of the sect make the biblical passages that speak of attributes of God refer to an angel who, according to them, created the world (ed. Harkavy, 304). Among them are the works of the “Alexandrine” (אлександрин) which are the best of the “Books of the Cave” (ib., 283). The same author, speaking of Benjamin Nahawendi whom he considers the second founder of Karaism, says that Benjamin’s belief that an angel created the world is similar to the view held by the Alexandrine (ib., 314). Harkavy ingeniously suggested that these “Magarites” are the Egyptian Essenes, known as the Therapeutae. The “Alexandrine” whose works they so highly estimated is no other than Philo (ib., 256 ff.) and Nahawendi’s “Angel” goes back to Philo’s “Logos” (comp. Poznański, *REJ.*, L, 1905, “Philon dans l’ancienne littérature judéo-arabe,” where all the material is collected and discussed). The view that some of the works of Philo were known to the Jews in the eighth, ninth, and tenth centuries—the period of religious unrest among the Jews and the birth of Jewish religious philosophy—is shared by many scholars. See Bacher, *JQR.*, VII, 701; Hirschfeld, *ib.*, XVII (1905), 65 ff.; Poznański, *ib. c.* (see *ib. iii, 128a*); Eppenstein, *MGWI.*, LIV (1910), 200; D. Neumark, *Geschichte der jüdischen Philosophie des Mittelalters*, I, Berlin 1907, 128, 133, 560, 568; II, 372 and 466 ff. Among Philo’s (the “Alexandrine’s”) works—which, as Kirkisani informs
us, were eagerly studied,—might have been those that contain Philo's expositions of biblical laws; Philo thus influencing, not only the theological views of the first Karaite philosophers (Benjamin Nahawendi and his followers), but also their interpretation of biblical laws and their practices.\(^{130}\)

\(^{130}\) The allegorical method of interpretation, characteristic of Philo, was popular also among the Karaites; see Weiss, *Dor*, IV, 86 and Poznański, *MGWJ*, 1897, 208, n. 1; comp. also H. Hirschfeld, *Jefeth b. Ali’s Arabic Commentary to Nahum*, London 1911, 8 and 10 ff. The Karaites share also the view of Philo that the Decalogue is the text on which the whole Law is but a commentary (this view is found also in the later Midrashim; see the references by L. Löw, *Gez. Schr.*, I, 42. A similar view is found in p. Shekhalim 6, 1. Reifmann, *יביט הללני",* I, 350 and Weiss, *Dor*, IV, 141 are to be corrected accordingly). Saadia Gaon proved to them by it the possibility of an oral law (comp. Weiss, *Dor*, IV, 141) and the Karaites Nissi b. Noah (eleventh century; see lastly Harkavy, *הרי לנקין",* intr., VII) and Judah Hadassi (twelfth century) arranged their works, like Philo, according to this view. Comp. also Müller in *Oeuvres complètes*, XI, intr., XIX; Bacher, *Jewish Encyclopedia*, X, 583b.

The Karaite Zeraḥ b. Nathan (end of sixteenth century) was much interested in the works of Philo (Neubauer, *Aus der Petersburger Bibliothek*, 75, 125). The famous nineteenth century Karaite Abraham Firkowitsch indeed asserts that Philo was a *Karaite* (preface to *מבחר בראשית*, 2a), but, according to him, Jesus was a Karaite likewise (*תנינא זיוואוח", appendix to *مبחר בראשית", 548, 56a; Kirkisani, ed. Harkavy, 305, 9 and Hadassi, *JQR.*, VIII (1896), 436 state that Jesus was a Sadducee); comp. I. B. Levinsohn, *העיין הנובאף*, Odessa 1863, 18-9.
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