THE KARAITE HALAKAH

AND ITS RELATION TO SADDUCEAN, SAMARITAN
AND PHILONIAN HALAKAH

PART I

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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, Sheelot, 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 “Likkūte Ḳadmoniyot” (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 (Likkūte, 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, Likkūte, 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.4, 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 blica-
centuries 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 (Pins-
ker, II, 19). Another contemporary of Saadia, Abu Jusu̇f
Yakub 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.  

1 See, however, Harkavy in Grätz, Geschichte, V4, 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 Säkawihi. See JQR., XIII, 664; סְכָכוֹפ, 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 הָלָכָה הַרְבּוּכִים וַתְּרוּמָאָו (Pinsker, II, 100 ff.). He
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. 1. For later Karaites repeating this story, see Poznański, l. c., p. 163; comp. ZikhB., 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. Ma'lisha (tenth century) asserts that Karaism 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 Mediæval 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 חיבור התור, 4a. Elias b. Moses Bashyazi a century later connects the schism with the name of Simeon b. Shatah and exclaims:

אא שטייא נמי נך נמה כשראות המתרוממות של אחרים והニーון לכול ענדים (intr. to חיבור התור, Goslow 1834, 3a.). He is followed by his disciple Kaleb Afendopolo in his עשה ו.sepיאוה (quoted in רר מראכין, Wien 1830, 9a). The sixteenth century Karaitic prodigy Moses b. Elias Bashyazi (born 1554 and said to have died 1572) amplified this tale by asserting in his מהתarah האלוהים (quoted in רו מראכין, 9b ff.) that Judah b. Tabbai, 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. Tabbai was followed by Shemaiyah, and Shemaiyah by Shammai; those two being the great Karaitic 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, דברי תורה, III (1838), 223; Geiger, ib., IV, 12; Gottlober, בכר קראים להלודו על יהודי והיהו, 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 (יבר בט המך IV, 13): 'והיכם 'מ נג שטייאים.

5 We know of two Rabbanites who combatted Karaim before Saadia: the Gaon Na'atronai b. Hilai (דר בר עמס, 38a) and the Gaon Hai b. David (Harkavy, Studien u. Mittheilungen, V, 108, n. 2; comp. Bornstein, דבר המפרים לזרוס שלוה, Warsaw 1904, 158, n. 2, who believes this Gaon to have been Hai b. Napshon). For anti-Karaite legislation by Jehudai Gaon see L. Ginsberg, Geonica, 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 מזiroprם. More emphatic is Abraham Ibn Daud in his Sefer Hakkabalah, 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 lobster ṣiv ḥakha, see Pinsker, p. 98; comp. Poznanski, JQR., X, 242.

7 Comp. Frankl, MGWJ., XXI (1882), 3 ff.

8 Spain was from early Gaonic times infected with Karaism; comp. Ginzberg, l. c., I, 123, note 1; Frankl. MGWJ., 1888, 6 ff.; and Poznanski, 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), 67.

9 Kuzari, III, 65. Judah Halevi's view is shared by Abrabanel, מנהעד אבמה and S. Duran, מנה on Abot 1, 3, and II, 31a; 31a.

10 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, Aldavat Yisrael, I (Wien 1834), 42 ff.; see also D. Rosin, MGWJ., XLIII, 76-7.

11 Neubauer, Medieeval Jewish Chronicles, I, 64. The variant מנוות 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 ידו והנה ונה, 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 חולין 1, 3. On the views of Maim. on the Karaites, see ספר תורתנו למשה פרק א (Budapest 1905), Hungarian part, 164-170; see also the other authors mentioned by Poznański, REJ., ib., 170, to which may be added Estori ha-Pharḥi נביה תשוד, end of ch. 5 (ed. Luncz, p. 61); David Abi Zimra, Responsa, IV, resp. 219; Meiri on Abot 1, 3. See also Responsor No. 34 in the Gaonic collection שעריו תשובה.

13 Comp. David Messer Leon (published by Schechter), REJ., XXIV, 126. See Weiss, דינים דינו והורשים, IV, 53. Joseph al-Baṣir is the only one among the Karaites who identifies the Karaites with the Sadducees (Harkavy, l. c., p. 473). Kirḳisani 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 Hadassi (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 Baṣir's נסאים אלאמשרים and not from Jepheth b. Ali, as Harkavy (Grätz, Geschichte, V', 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 Afendopolo, quoted in דרש מהיב, 2b.
Geiger attempted to prove historically the descent of the Karaites from the Sadducees,⁴ 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," Fürt," Harkavy," Chwolson," and others. A general survey of Geiger's theory⁵ 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.⁶ Judah escaped the fate of Ephraim and awoke to new life in the sixth


⁵ In Russian periodical "Woschod," 1896, and elsewhere; comp. id., "Geschichte d. Karäerthsms" (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.
4, 1 ff.). 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. 24

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. 25

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-

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.  

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-

27 Urschrift, 165; 451 ff.; Nachg. Schriften, IV, 108 ff.; V (Heb.), 112 ff.; see below.
29 See Jüd Zeitschrift, VIII, 291 ff. For the Jerushalmi comp. MGWI., 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 קרארי or בְּנֵי מָכוֹר.

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.\textsuperscript{30}

\textsuperscript{30} D. Chwolson in his \textit{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 א-ה-א-א. This accounts for the mutual hatred that existed between the Am-ḥaaret 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-ḥaaret, as proof of the latter being identical with the Sadducees. It is there said that the Am-ḥaaret does not read the \textit{Shema‘}; that he does not put on the \textit{phylacteries}; that he does not wear \textit{fringes} on his garments and that he has no \textit{Meavah} on his door. Now the Karaites even up to this day observe none of these ceremonies. Some relationship must exist between the Am-ḥaaret and the Karaites. As the Karaites are, Chwolson believes, descendants of the Sadducees, a relationship is established between the Am-ḥaaret and Sadducees.

The facts are, however, not as Chwolson puts them. The Karaites have never rejected the biblical precept of הזית, even if they differ as to the meaning of חלול and some other details; see, for Anan, Harkavy, עזר, \textit{Jewish Sectaries, II, 25, 1-26, 17}; Hadassi, Alph. 241 and 364 (136b); Mibhar, Num., \textit{ad loc.}, 35, 80b ff.; \textit{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 \textit{Shema‘}. Abu Isa Isfahani, from whom Anan borrowed several laws (comp. Poznański, \textit{REJ.}, XLIV (1902), 178), taught, according to Kirgisani (comp. Harkavy, \textit{Karaite Halakah—Revel}, 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, IV, 88; L. Löw. Ges. Schr., I, 50. Neither can the Am-ha’res 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 דילות in Menahôt 42b קרא is mislead 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. דורות י in Menahôt (l. c.) is, as often in the Amoraic literature, equivalent to בְּנֵי, or was, as usual, substituted therefor by the censor. The parallel passage (Gitṭin 43b) reads בְּנֵי instead of דורות, which is also the reading of Estori ha-Pharḥi, בְּנֵי תָּר, end of ch. 5. Harkavy (משנתו, 142, n. 12) believes that Anan interpreted Deut. 6, 9 literally but referred לִשָּׁהַר, תְּמָנָה לַעֲגָן to the paar ḥodeḥו and as such to the view which is held also by the Falashas (Epstein, Eldad ha-Dani, 174). 31 Comp. also Wellhausen, Die Pharisäer u. die Sadduceer, Greifswald 1877, 73; G. Holscher, 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 דורות, 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 מראות אaptops until to-day? Nor can we comprehend how Karaism whose basic principle since the days of its first exponent Anan was_dataset "Search the Scripture," interpret it according to your own reason, and act accordingly,—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 'פרי קרש הלולים' (Lev. 19, 24) by 'קרישה מותר קרב המנין מכה נמא,' so also on Deut. 20, 6. The Samaritans and Karaites also take קרש הלולים 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 קרש הלולים (comp. Ibn Ezra *ad loc.*), there is no necessity to assume with Geiger that this interpretation by some Karaites goes back to an ancient tradition.

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34 Not all the Karaites, as Geiger (*Urschrift*, 182) thinks; see אדואדרה יא, 70a, and *הבר החר*, Lev. 54a. Geiger refers to Mibhar, *ad loc.* Aaron b. Joseph, however, contradicts himself; see Mibhar, Num. 4b: [אפרים את קרבין] כוכב מנשה ינוש ונסיך ר뿐י והשלימו שהם למלتجار צמו] comp. however, the super-commentary [פירות כלת] on Mibhar, Deut. 16a, letter 109. The view that קרש הלולים belongs to the priest is held by Samuel al-Magrahi (M. Lorge, *Die Speisegesetze der Karäer von Samuel el-Magrebi*, Berlin 1907, 23, end). Geiger finds this view also in p. *Sotha* 8, 5; but see Pineles, *Zo* הערת, 176 ff., and Gronemann, *ib c*.

For the meaning of that passage see also N. Z. Berlin, in Halevy's *תורה*
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." He

According to Anan (Schechter, Jewish Sectaries II, p. 5 ll. 10-19) two tithes are to be taken every year. This seems to be the meaning of his words: הבחר תכשנת מتكوين [יתר] מ' ספר הוד מלשך תכשנת. The same view is held by Ibn Ezra (ad loc.) to mean that the fruits of the fourth year are to be given to the priests and that the owner is to enjoy the fruits of the fifth year (v. 25). For the view of Geiger see also Jüd. Zeitschrift, II, 183; Nachgel Schr., IV, 38, 107.

33 Not all; see und Geiger, Deut. 18a: הבחר תכשנת מتكوين [יתר].

According to Flavius Josephus und die Halacha, Berlin 1885, 16-19. See also Miḥdar, Deut., 12a; 23b; and Nibū ḫem to the last mentioned place, letters 27-28. According to Anan (Schechter, Jewish Sectaries II, p. 5 ll. 10-19) two tithes are to be taken every year. This seems to be the meaning of his words: הבחר תכשנת מتكوين [יתר].
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, *Der Prophet*, I, 126, note); but mainly on Ps.-Jon. to Deut. 26, 12-13:

...and nothing, in Ps.-Jon. to Deut. 26, 12-13:

Harkavy's suggestion (ט"ש הנושה, 142, note 18) that Ibn Ezra on Deut. 14, 28 meant Anan and the Karaites is thus proved erroneous; comp. also Book of Jubilees 32, 11. For a full refutation of the view of Geiger, see Bassfreund, *MGWJ.*, XI (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,* "referring to marriage with a Gentile woman," see Kirkisani 11, 23; Hadassi (Alph. 324): receiving עַל תּוֹעָבָה לְעִילָה נָתַן נאָסָר יִב אָמָר עָלֶה הָדוּר שֶלֹא יִשְׁחַר בֵּיתָם וָוֶךְ see ib. Alph. 278, 313 and 364; see also loc. (49a).

This interpretation, though censured in the Mishnah (Megillah 3, 9; comp. יוד הַמשׁאָה יִוַּ בּוֹכ ad loc.), is given in the name of חנָנָה דַּבֶּר יִסְמְכָּא (Megillah 25a; p. Sanhedrin 9, 7; see also Sifre II, 171) and as Friedmann, בֵּכֵר תַּלְמֻד, I, 336-7 (comp. Ginzburger, MGWJ., 1900. 6 ff.), points out, the Mishnah simply meant that this verse is not to be interpreted in this way in public as it adds to the text.

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.

27 This verse, as Frankel (Einfluss, 156) remarks, gave rise to many divergent interpretations. Anan also interpreted this verse allegorically; see Harkavy, כְּסַר הָהוֹנָה לְעִילָה, 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-Maghrabi (Book of Precepts called אֲמָרֵי הַפֶּרֶשׁ, a unique MS. of the Hebrew translation of the אֲמָרֵי הַפֶּרֶשׁ written in 1722 by Samuel b. Solomon ha-Kohen (see Pinsker, II, 144; Gottlober, בֵּכֵר תַּלְמֻד, 202, note) now in the library of the Jewish Theological Seminary of America), 222a: מִי נֶמְסָר בָּנוֹת רוּחַבָּם וּקְרָבָּם מָצֵא הֵחָיָה וּכְּדַוַּד מַחָּרַה אֶלָּא נֶמָּסָר מָצֵא הֵחָיָה מִי נֶמְסָר בָּנוֹת רוּחַבָּם וּקְרָבָּם מָצֵא הֵחָיָה וּכְּדַוַּד מַחָּרַה אֶלָּא נֶמָּסָר מָצֵא הֵחָיָה מִי נֶמְסָר בָּנוֹת רוּחַבָּם וּקְרָבָּם מָצֵא הֵחָיָה וּכְּדַוַּד מַחָּרַה אֶלָּא נֶמָּסָר מָצֵא הֵחָיָה מִי נֶמְסָר בָּנוֹת רוּחַבָּם וּקְרָבָּם מָצֵא הֵחָיָה וּכְּדַוַּד מַחָּרַה אֶלָּא נֶמָּסָר מָצֵא הֵחָיָה מִי נֶמְסָר בָּنوֹת רוּחַבָּם וּקְרָבָּם מָצֵא הֵחָיָה וּכְּדַוַּד מַחָּרַה אֶלָּא נֶמָּסָר מָצֵא הֵחָיָה מִי נֶמְסָר בָּנוֹת רוּחַבָּם וּקְרָבָּם מָצֵא הֵחָיָה וּכְּדַוַּד מַחָּרַה אֶלָּא נֶm

28 Comp. Rashi, ad loc.; Aruk, s. v. אֲמָרֵי הַפֶּרֶשׁ; S. L. Rapoport, הַפֶּרֶשׁ הָיוֹודּוֹד, 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 סופר يوم: מнятие... ימי: המאלה מוספק that משניה כרוב is with the right hand only. See Mibhar, Lev., 3a: סופר יום: מණ... ימי: המאלה מוספק. So also Mibhar, Lev., 27a, and see on Lev. 1, 4 (3b, end). But see D. Hoffmann, Zur Einleitung in die halachischen Midrashim, Berlin 1887, p. 75, who contends that this interpretation of Ps.-Jon. (which is also favored by the כהן: see Ibn Ezra on Lev. 1, 4) goes back to the school of R. Ishmael.

Ps.-Jon. translates אשה ורזה in Deut. 24, 5, against Sifre ad. loc. and Soṭah 44a, by ורזה והזאת. This is also the interpretation of אשה ורזה by many Karaites. See נועו, 154b: והכר ורזה והזאת והזאת רדויו... וכל אולמה... הַכְּרֶה ורזה והזאת והזאת רדויו והזאת והזאת. So also Mibhar ad loc. (27b). See, however, Mibhar ad loc. (20b). Samuel al-Magrabi (MS. 95a) states that the Karaites are divided on the interpretation of נרזה והזרה. This deviation of Ps.-Jon. and some of the Karaites from the talmudic interpretation of נרזה והזרה rests on the plain meaning of that word. See Ibn Ezra ad loc.; comp. Gronemann, 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 Karaite Halakah, the following consideration, not hitherto 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.\(^9\)

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

\(^9\) Ginsburger's edition of Ps.-Jon. (Berlin 1903) is followed here. Most of the differences between Ps.-Jon., and our Halakah are collected by Gronemann, ib. He includes, however, renderings of some passages not being aware that Ps.-Jon. followed in their interpretation the Jerushalmi. Comp. ib., p. 48, in reference to Deut. 17, 5. \(א לא\) שרי, which is the interpretation of the הָנָה הָנָה in p. Sanhedrin 6, 1. See also Onkelos, ad loc., and Ps.-Jon. on Deut. 22, 24; comp. MGWJ., LII (1908), 217, note 1. This also explains Ps.-Jonathan's rendering of Lev. 11, 11: וְתֹא הָנָה הָנָה which Hoffmann (ZfhB., VII, 1903, 47); comp. Reifmann, Bet Talmud, I, 314) considers to be anti-traditional. But see p. Shebiit 7, 1: המיימו המיימו חָלַח לַכְּךָ אָלַא אָהֶר. The meaning of which, as is evident from what follows there, is that אָלַא אָהֶר אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַא אֵין אָלַา

Ps.-Jon. translates also Deut. 21, 7 in accordance with the Palestinian interpretation as referring to the murderer. See p. Sotah 9, 6; comp. b. ib., 38b and Rashi, ad loc. See also on the Halakah of Ps.-Jon. J. Reifman, Bet Talmud, I, 215 ff., 347 ff.; A. Büchler, Die Priester und der Cultus, Wien 1895, 151 ff.; D. Hoffmann, Zur Einleitung in d. halächischen Midraschim, 74-76; id., in ZfhB., VII (1903), 46-48.
slave is to be released (Ex. 21, 2; Deut. 15, 12) refers not to the Sabbath year (שהות השמשה), but to the seventh year from the commencement of their servitude.⁴⁹ Ps.-Jon., however, seems to interpret רבעשנה "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 רבעשנה refers to the seventh year of servitude. See ישאל שאנמר אֵל עבֶּד חוּד משע שֵּׂים, nD: المشאת בנוים; Samuel al-Magrabi (S. Gitelsohn, Die Civil-Gesetze der Karäer von Samuel al-Magrabi, Berlin 1904, 2, line 1); Afendopolo’s appendix to איסדרא אלולו: שעב שאנמר בשת 96כ: איסדרא אלולו מייס וָא בו יִהְיוּ הסה אלא מַעְתָּה בִּאְוָה על סדר אסנ וּאֱסנ ובית וָא יִהְיוּ הסה אלא מַעְתָּה בִּאְוָה על סדר.

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

⁴⁹ 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 בושבנה 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. 480; רוהה רמא, דף 18d; נא יתלה, Ex. 68b; נא יתלה אלולו (Odessa 1870), 189d; Samuel al-Magrabi (Gitelsohn, p. 1, 5). The Samaritans take יתלה יתלה (v. 6) literally (Klumel, p. VII) as do also some Karaites (see נא יתלה אלולו, 90א; Samuel al-Magrabi (Gitelsohn, 5)).
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; Baba Meši'a, ad loc., 75a-b; TBJ, 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 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 (nachra mehru, ad loc.) interpret this verse like Tradition, as referring to שבעתה העוה.

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

\[41\] 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 ממלשנינ and verses 10-13 to ביעיני י🌎. Benjamin Nehawendi seems also to make this distinction (_books, 28b) but contradicts himself. He says (ib., 3b): ממלשנינ, thus referring verse 11 to ממלשנינ.\[42\] 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 אַשְׁאָה הַמֺאָה (so also Philo II, 253); and Mibhar (ad loc., 18b) records the opinion of some Karaites that even שֵׁבָת-מִרְדָּה (v. 5), which according to Tradition is פֶּסֶל בֵּן (see note 43), does not require a priest:

וַיַּשָּׁוֶה וַיֹּאמֶר חַוִּית בֵּן וַיַּשָּׁוֶה
Ps.-Jon. adds to אַשְׁאָה הַמֺאָה (Lev. 16, 27) the words תֵּעָשֶׁה בְּפָסְלָה... which is against the Halakah, as Büchler (Die Priester und der Cultus, 153) remarks. The Karaites agree with Tradition. See Mibhar. ad loc. (28a):

וַיִּשָּׂוֶה אֵלֶּה מַחְרוֹחַ וַיַּשָּׂוֶה אֵלֶּה מַחְרוֹחַ.

Ps.-Jon. differs from Tradition, Yoma 6, 6, in the interpretation of רַעֲשֲּׁלָה אֵלֶּה וַתַּשָּׁוֶה (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 שֵׁבָת מִרְדָּה to be by a priest (Brüll, l. c., 271, n. 5, notwithstanding). See Parah 4, 4; Tosefta, ib. 4, 6; Maim., אָדָם אָדָם, 3, 2; 4, 17. The view that شִׁמְעָת בֵּן (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: תָּנִי דִּכְּרִית עַל פָּרֹק כָּפָּרִית בֵּין שְׁמוֹת רַעֲשִׁית... והַבְּתַנְּתָּו שִׁמְעָת... וּפְרָכָל.

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) ...וישלחו ומם, comp. also שחר החרה, *ad loc.*

According to Tradition *שלמים נר חננה* (Lev. 7, 16-18) are eaten only two days and the night between (Sifra *ad loc.*; Zebahim 5, 7; Pesahim 3a; Maimon. *Me'amlooth* (v. 16) so that יְאָשׁה refers to תּומָה Ps.-Jon. refers 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):

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 Ḳumṣi, the same view is held (*ib.*, p. 146): 45 ...Denied also דינר פּומָה יולָה שולׁישׁי

Aaron b. Elias, however, contradicts himself. See *ib.* 2, fol. 39c.

1. 7 from bottom: *שלמים* אַלְכַּלְכָּל לַעֲנָי יוֹם יולָה אֵת אֵת. 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 Passamahl 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 אָדָם כֹּל יְרוּם מִסָּרָה (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 *Shelomo*, *ad loc.*; but see *ib.* by the Karaite
Ps.-Jon. interprets הָנָא יָרָה הָלָה לְמָסָה (Deut. 17, 16) to mean that he should not have more than two horses (לָהֹזָה הָלָה לְמָסָה) 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 Karaites agree with the talmudic interpretation. See Mibḥar, ad loc. (14b): הָנָא יָרָה הָלָה לְמָסָה.

Tradition interprets וּמֵת הַנֵּבֵי הַחָוָא (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 נִרְחָה הָדָּו, ad loc. (22a): נִרְחָה הָדָּו שַׁמְא יְדִירא: הָדָּו מְצַר שַׁמְא יוֹרָה נִרְחָה הָדָּו יְמִינְהוּ נַזְמֵמַנְי מֵמִי שַׁמְא מַנְנִי בְּדָרוּ הָדָּו כְּבָּשָׁהּ נַזְמַנְי.⁴⁷

As was already remarked by Jonathan Eibeschütz (אָוֹרֵיס והוֹפוֹם, 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 174b; Arakin 23a: אָנָא נִרְחָה הָדָּו בְּיַרוּ הַנֵּבֵי הַחָוָא עַד מַנְנִי); but comp. מִלְיוֹךְ הָדָּו, ad loc.; see the literature in L. Löw, Ges. Schr., III, 235-244) against Ps.-Jon. Anan requires the presence of ten, which constitutes a court according to the early Karaites (see REJ., XLV, 67; 69 note) in case of marriage (ָּם הָלְעָנ ed. Harkavy, p. 113) but not for a divorce (l. c., p. 119). See also Benjamin Nahawendi,

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

⁴⁷ Aaron b. Joseph (Mibḥar, Deut. 15a) believes that death here is בְּרִית שָׁמוֹם, 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 Beth Din to insure legality and publicity, to which custom Ps.-Jonathan's קדש בו דינה may be due. In a recently discovered Assuan papyrus a divorce is said to be announced תועה. See Jahrbuch d. jüdisch-literarischen Gesellschaft, VII, Frankfurt a-M. 1910, p. 378.

Ps.-Jon. (so also Fragment Targum) interprets בהאמה לא תבר את היה בימי היה אשתו (Deut. 26, 3) against Tradition (Bikkurim 3, 12; Sifre, ad loc.; so also Josephus, IV, 8, 22) as referring to the high priest (עלול לו את כתנה וידוהי ממעה לחדש ב). The Karaites agree with Tradition. See Mibhar, ad loc., 23a. So also כה חווה," ad loc. 29b).

48 The Karaites, relying on Nehem. 10, 36, contend that the firstlings (—hehכ, l. c.). According to Tradition (Bikkurim, i, 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 נִיִּ֔בִּים אֲרָאֵת על הבערה (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 19b; 53a; p. ib., 1, 5 (39a)). The Karaites agree with the Pharisaic interpretation of these verses. See Mibhar, ad loc. (27a): נִיִּ֔בִּים אֲרָאֵת על הבערה, בַּעֲרָה הָהָּרָה שלֵּיִּי אֲרָאֵת הבערה; so also, ad loc. (42b): מַכְּנָה שָׁפְמוּרָה מִכְּנִישָׁה על יִּי כָּלִי אֲרָאֵי וּמִכְּנִישָׁה על המָרָה.

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


*See תִּרְקָּה, Lev. 41b, for the anti-Sadducean interpretation of this verse: אֲרָאֵת על הבערה נִיִּ֔בִּים. Comp. Geiger, Jüd. Zeitschrift, II, 29 ff., and Oppenheim, Bet Talmud IV, 269 ff.
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(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 הבמה to spit in his face (כמש) while the Pharisees in case of הליישא caused her to spit before him (Yebamot 106b). The Karaites agree with the Pharisees in the interpretation of והקתק במט מבריא (comp. ad loc. (22a) see Mibhar, ad loc. (180c): נוקי עבד ואשת אשת אשרを作る אחים משלימים בנים והם פסוחים ... אשר בנה ש Patreon יגוי דרọ יספוח hebtו ואומר ... והאון למקח נוקי עבד בנים השור כי השור יתי לבסוף אומן יספוח ממון אחים ويمינו משלים; comp. G. Hölscher, Der Sadduzäismus (Leipzig 1906), 30 ff.; 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,

The Karaite law of inheritance, as they themselves confess (ני"ע ז, 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. WV^KnTlfc, 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; ני"ע ז 165d); this, he reports in the name of David b. Boaz, was also the view of many others. These views disagree with

81 See V. Aptowitzer, Die syrischen Rechtsbücher und das Mosaisch-Talmundische Recht, Wien 1909, 82. His assertion that the law of Timotheos quoted there is Sadducean is mistaken. The equal rights of a daughter’s son and another daughter’s daughter never constituted an issue between the Pharisees and the Sadducees.

82 Wreschner, 41, suggests that it was taken by some of the Karaites from the Samaritans, who follow the Mohammedan law and give the daughter, when there is a son, a third of the inheritance. The Karaite law: נטועי כל חן חןibration משיאנומנו (Benjamin Nahawendi, 2d; so also Hadassi, Alph. 369) might have also been borrowed from the Samaritans (see Wreschner, 42). For a similar view, see Schechter, Jewish Sectaries, I, p. 9, lines 14-15. Tradition makes no provision for the case of a man dying without heirs and considers it impossible (Sifre to Num. 5, 8; Baba qamma 109a). According to Philo (II, 291) the tribe inherits his property.

83 An opinion identical with that of Joseph b. Abraham is quoted in p. Baba batra 8, 1 in the name of Anan b. Elias (ני"ע ז, 166a) states that by “many others” David b. Boaz meant the Sadducees and reads in Baba batra 115b של האומר חוה ב תכ הכהו דא אימל כהראל אימל שיאני ול instead of של האומר וחוה ב תכ הכהו דא אימל כהראל אימל שיאני ול; see also the reading in Neubauer’s edition of Megillat Taanit (1. c.); comp. Hoffmann, ZfHB., IX (1905), 135. For the view of Anan on תכ, see Hadassi, Alph. 256 (88b); comp. Grätz, Geschichte, V4, 187; D. H. Müller, Syrisch-römische Rechtsbücher u. Hamurabi, 31.

The opinion of Wreschner, 39, that תכ refers to the Samaritans
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, 166ח, ק to Num. 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: "there is not the benediction," and so also Adarai Eliezer 102d: whom it is allowed also; but also Bar Kohba, Num. 41b: and the author of the man of Num. 27, 8: 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 Almukameṣ (ed. Harkavy, 304, 1. 3; 305, 1. 12). S. Holdheim in his תוארי אהיוותא (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) "אלהוותא ומרא. Holdheim, however, misstated the facts. The author of האלהוותא (96c) as well as all the other later Karaites (Hadassi, Alph. 366 (141c); and נביה הרה on Deut. 24, 1; and Eden 154d and אהלית מלחית (A. Neubauer, Aus d. Petersburger Bibliothek, 54)), does not like the School of Shammai (Gittin 90a) take רות הבר (Deut. 24, 1) to mean sexual immorality, but an is forced. He and Aptowitz (JQR., XIX, 609) overlooked Shabbat 116b. For the expression מותא, see חלוד, VIII, 78; 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 ספר המצוות (Harkavy, 119): והא אמר והרי אם לא נמצאו נון בני יכלה את הנשים והלא נishlist לא נקט ההנה דבר איג לא שמרו בני הנשים או הולכת הבאתمل סרבה ולא נוטא להנה מניחיה הכ בנים שלפי כל בח היא נוטא ובם נוטא.

Benjamin Nahawendi (משאھת בהנימי, 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): כי מצא הבן ו_LINESroken1910ם מנה בודר אל יושב להרה עונני לא נמצאו והככמים והבודר מנה מיני חום כי חום🌎felt6777 מנה בודר מנה כי חום מנה מנה בודר מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה מנה המנור ימוי התומנה שלח אתריא את אשיי עד רוכים בוזה.

54 See Harkavy in Grätz, Geschichte, V, 487. This view of Arif 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 תแตกה מזרחי enacted about a century before Anan. See Sherira Gaon, Epistle, ed. Neubauer, 35. l. 11; id., שומרי נคลิปימת, Resp. 140; comp. Grätz, V, 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 המנור ימוי התומנה שלח אתריא את אשיי עד רוכים בוזה is not sufficient cause for divorce. For the Samaritan interpretation of יתۇת בהר 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. Akiba (Gittin 90a): אסיוו מיעא איהרה נאמ נא.

The preparation of the Red Heifer was, according to Num. 19, 9, to be done by one ceremonially clean: והемся יאש יאש מחר שחר. The interpretation of ר"א אקיבה 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 נוח ורב השם and eligible to prepare the ashes of the Red Heifer. The Sadducees considered him unclean.

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 נאש מיעא 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 ofóż למאש דראוהו l. c. is שמו ממאש רות; for Ps.-Jon. on Deut. 22, 26: אין באור נדר צא ואנוי forex, see Chayes, Midr. and Midr. Beth midr., 9; comp. also IV, 4, 4). See Benjamin Nahawendi (משתא בכרות, 50): אמש אשת אשי היא אנשה דינה כמי של מארי עלי׳ על ביעה צאוה; שהי: מ-Smithים נק אסיו בך אנה היא אשה בשמה הוא נבון: so also Hadassi, Alph. 329: Más אשת אסיו אנה היא אשה בשמה הוא נבון: comp. also Alph. 364 (135b); 152b; 155a; בהמ שמשה: 47. Jepheth b. Ali held that in case of defilement no writ of divorce is necessary; for the marriage is ipso facto dissolved (נ, 155a); but see Hadassi, Alph. 5. lett. p. Holdheim (l. c., 112) contends that the Sadducees did not consider a captive (ושי) even when אשת מיעא defiled. Yet the Karaites hold that even an אשת ישראלי is forbidden to her husband. See Hadassi, Alph. 365 (114d). 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 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 לֶהְנָהּ עַרְבָּ֚כִּים to mean the last part of the day and assign the ablution to the hour which immediately precedes sunset, see Harkavy. See ib., Lev. 39b; Hadassi, Alph. 295 (110c). So also Samuel al Magrabi (MS., 191b ff.):

וּמֶה לֶהְנָהּ עַרְבָּכִּים בַּאֲמִרֵי הָעָלָה, וַיֶּהָבָּה יַעֲרֵבָּכִּים בַּאֲמִרֵי הָעָלָה

So also Sahl b. Mašliaḥ, Pinsker, II, 28. According to them, such state of uncleanness as


87 Comp. Geiger, ZDMG., XX, 567; Maim., תְּפִלֵי פָּרָע, ה', 6, and and י'א ad loc.
—one who has bathed (for purification) in the day time—does not exist at all; the Karaites thus differ in the question of מַבְלֹל וָי 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.⁵⁸

Most of the Karaite exegetes and codifiers agree with the Pharisees in this disputed point; see Mibhar, ad loc. (15b): יָאוּורָה בֵּיתא יִשְׁמָעֵאל וּלְכָשָׁר וְךָ; אָהָרְוֹנָה בֵּיתא; comp. יָאוּורָה בֵּיתא יִשְׁמָעֵאל וּלְכָשָׁר וְךָ; אָהָרְוֹנָה בֵּיתא; יָאוּורָה בֵּיתא יִשְׁמָעֵאל וּלְכָשָׁר וְךָ; אָהָרְוֹנָה בֵּיתא.⁵⁸

⁵⁸ Comp. also Pines, דְּרָכָה שֶם חוֹרָה, 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 רְאוּרָה שֶם חוֹרָה (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, יָאוּורָה בֵּיתא יִשְׁמָעֵאל וּלְכָשָׁר וְךָ, p. 7. L. Löw, Ges. Sch., I, 284, is to be corrected accordingly.
The two daily burnt offerings (עולה המית) 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 ניק in Num. 28, 4) that the daily burnt offerings may be offered by individuals. Menaḥot 65a and Megillat Taanit, 11 (Neubauer, Mediaeval Jewish Chronicles, II, 3): ששה תרועה ארבעה מעיסים מצויים משלי יודי ומכיא שבת אחר מוכיא שעי ישמע מתכין ומן; comp. Geiger, Urschrift, 136.

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.

59 So also Josephus, Anti. 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 ת والسפירה (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 ת والسפירה, if he first turns it over to the people (Rosh hashanah 7a); see Maim., Yad, ד, 7: לא כרבות צ EntryPoint שמתrichTextPanel אחר בו משלו משלי, comp. ad loc. and ב to Parah 2, 3. This escaped Ratner, מבר in honor of N. Sokolow, Warsaw 1904, 502.
Similarly to Num. 19, 2; comp. ad loc.translation of Deut. 25, 5 ff., which was also held by some early Karaites, goes back to the Sadducees, cannot be accepted. The Samaritans took נִשְׁנָתָה (v. 5) to be an adjective, referring to נַשָּׂה תָּתָא 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. Yebamot 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.89

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-

89 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, Mo'adim Conver Zemirot, Warsaw 1894, 65; L. Löw, I. c., 160. תָּתָא כֶּרֶם 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 sacrificial meals eaten in Jerusalem. 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 (מִרְשָׁי) 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 in connection with them were practised rites and observances usually associated with sacrificial 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, Alphabetica 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 מִי אֶזְנָי מְזוּרָה

61 Jüd. Zeitschr., II, 24, Nachg. Schriften, III, 290; V, Heb., 145 ff. and elsewhere. Against the view of Geiger concerning מִרְשָׁי 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 LE ALMI KADIMOT [Mediaeval and Amoraic Sources], S. 8, n. 12. 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 leaving the house on sabbath. Thus, while the Sadducees did not consider leaving the house forbidden, the Karaites prohibit them and reject the "evasion law" of 'erub (Hadassi, l. c., and authors quoted below). The early Karaites Anan, Benjamin Nahawendi (19, 31a ff.) and Sahl b. Mašliah (l. c. and 29c) interpreting Ex. 16, 29b literally, forbade leaving the house on sabbath save for physical needs.

Urschrift, 147-8; Nachg. Schr., V, Heb., 147, ll. 5 ff. This is also the meaning of מני שאnu מנדא על תור מתור in Erubin 31b (concerning the Samaritans). See Niddah 55a and Rashi, ad loc., s. v. לאלין; 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.

33 See Alph. 129, 31b; and Ḥalaṭa bi-Ḥalaṭa, 29c; comp. also Harkavy, "Alfa' stereo, 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.

34 The later Karaites, including Levi b. Jepheth ha-Levi, Joshua b. Judah, Samuel al-Magrabi, and Aaron b. Elias, accepted the rabbinic (see Mekilta to Exod. 16, 29; Alfasi and Asheri to Erubin 1, end; Tosaftot ib., 17b, s. v. לאלין; Maim., בדיה, 27, 1) restriction of the sabbath way to two thousand yards outside the city limits, נוהי שער, 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 נוהי שער is biblical (Soṭa 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, ל samsung (Kiddushin 75b; comp. Frankel, Einfluss, 245), while R. Eilezer and R. Ishmael who, according to this view, partly adhered to the Sadducean-Samaritan halakah, held the Samaritans to be only lion-converts, ל samsung (see Kiddushin l. c.; Shebiit 8, 10; p. ib., and נוהי שער ad loc.)
or some religious object.  

Geiger (Jüd. Zeitschr., II (1863), 43 ff.) holds that the Sadducees prohibited the sacrifice of the Paschal Lamb (קרוב תabor) on sabbath. Derenbourg (Orientalia, I, 184 ff.), Holdheim (תנמאורים יהודים, 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” (קרוב תabor) as a public offering (קרוב תabor), and the same as a private offering (קרוב תabor), since, according to the Sadducees themselves, the sacrifice was also to be offered by an individual. See Menahot 65a; comp. Geiger, Urschrift 136, and above. Moreover, many early Karaitic authorities agree with Tradition that the קרב הנוס and therefore forbidden. Kirkisani thinks that carrying is not מלאכה מותרת and its prohibition is traditional and attested by Jerem. 17, 22 (יָעַר טֶרֶם, 26b; comm. also the views of Joshua b. Judah and of Aaron b. Elias, נָעַר טֶרֶם, l. c.). Levi b. Jepheth stands alone in his opinion that the carrying of light things is not forbidden (לֹא נָעַר טֶרֶם, 29c).
Junowicz, Fast- und Festgesetze d. Karäer, Berlin 1904, 6)
Elias Bashyazi (ז"ע, 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 יר discuss נבלה is, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נבלה, like יר discuss נخلاص 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 יד is excluded only from יד and יד; see also Schwarz, l. c., 94 ff.

The only view common to the Boethusians (a latter-day Sadduceanism) and the Karaites is the interpretation of
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and the time of the Feast of Weeks. 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,” מִמְחָרַת חֵן, is to be offered “on the morrow after the sabbath” מִמְחָרַת חֵן נִפְסָנוּ הַכֹּהֵן. Tradition interprets מִמְחָרַת חֵן “from the day after the holy convocation,” i.e. from Nisan the sixteenth. The Boethusians interpreted מִמְחָרַת חֵן 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 מִמְחָרַת חֵן.

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 Sadducaer, 59 ff.); Schürer (II, 334); Poznański (Abraham Geiger, Leben u Lebenswerk, 365) pointed out, this Boethusian interpretation of מִמְחָרַת חֵן 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

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 דִּין poṣṭ 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,” נסך החיים לא צוה ושבע המררים לא בכינוס, on the Feast of the Tabernacles. See Jefeth b. Ali (Pinsker, II, 23): נסך החיים לא צוה ושבע המררים לא בכינוס: לא מוחה חומרים: המוסרים כנ은ו נסך חיים חומרים על ממרים ויאמר אתה לא ירוב... see also Mibhar, Num. 28b, and 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 ממרות ושבע and נסך חיים, 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

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68 Sukkah 48b; Yoma 26b; comp. Maim. Commentary on Sukkah 4, 9. See on it lastily Feuchtwang, MGWJ., 1911, 49 ff.

69 See Grätz, V4, 495. This examination of the relation of the Karaite halakah to the Sadducean views known to us discloses how unfounded are the assertions of Weiss (Dor, IV, 85); Neubauer (Aus der Petersburger Bibliothek, 2); Fürst (Geschichte d. Karärtums, I, 13 ff.); Harkavy (Grätz, Geschichte V4, 477 and elsewhere); Poznański (REJ., XLIV (1902), 173) and others who follow Geiger, that the Karaites agree with the Sadducees in the differences between the latter and the Pharisees.

70 See Harkavy, l. c., 776; Poznański, REJ., l. c., 176-7; V. Aptowitzer, Die Rechtsbücher der nestorianischen Patriarchen u. ihre Quellen, 8.
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 לזרה. See

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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., XL (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 Kirkisani 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. Lekah Tob de 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, K., Lež, 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 (Num. 154b); Elias Bashyazi (Nish., ch. 5); Mordecai b. Nisan (Haubah Melkhal, 46). A present day Karaite, Samuel b. Shemariah Pigit, Ḥazzan in Ekaterinoslav, writes: "At every ... the bones are peeled off the fish, this is not consumed even if it is alive, provided it is caught in the month of Nisan or the month of the Samaritans (Hadassi, p. 119^; 245). The later Karaites rejected this view. See also Samuel al-Magrabi, l. c., ch. 5.

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, li. 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 Karaites (Hadassi, Alph. 235 (89d); Jacob b. Reuben quoted in the Hebrew to Mibhar; Num. 10b, lett. 55) held, in agreement with the Samaritans (Wreschner, 51), that only fish caught in river water to Mibhar; Num. 10b, lett. 55) held, in agreement with the Samaritans (Wreschner, 51), that only fish caught in river water to Mibhar; Num. 10b, lett. 55) held, in agreement with the Samaritans (Wreschner, 51), that only fish caught

Schechter (pp. XVII, XIX, XXXVI, n. 3) believes that this Sect prohibited divorce and regarded a second marriage during the life-time of the first husband or wife, even after divorce, as fornication (comp. JQR., 1911, 138). This view is as foreign to the Karaite halakah as to Tradition; see above. This Sect decrees also the Pharisaic regulation of the calendar. If the calendar of this Sect was a solar one (comp. Schechter, XVI, XX and Kohler, l. c., 429), the Karaites differ in this important point from this Sect as much as the Rabbanites.

It may be pointed out that a similar view is quoted in Midrash (Gen. r., 7, 2 and parallels) in the name of Jacob of Tiberias. The later Karaites rejected this view. See also Samuel al-Magrabi, l. c., n. 23. The requirement that the blood be drained from the fish before it is eaten suggests, as Schechter p. LI, n. 23, points out, that this Sect prohibited the eating of...
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 Magrebi*, Berlin 1907, 21; Hadassi, Alph. 234 (89d); comp. also *JQR.*, XIX, 143. beg. י списות, הרה אולוה, ch. 23;�אמר, 25.

Schechter (pp. XVIII, XLIX, notes 16, 24, LX) 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 (Kirgisani, ed. Harkavy, 316). So also Hadassi, Alph. 234, end and Aaron b. Elias (ב"ת י"א, 93c; הכה והוה, Lev. 19a). Comp. Bacher, *MGWJ.*, 1874, 272. Many Karaites, however, oppose this view. See Mibhar, Lev. 12a, and *ירדה תכשא, 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; ר"ג ג'ג, 101c; הת י"א, ארותר אולוה, ch. 24. Schechter (XXIV, I, n. 20) believes that this Sect considered honey to be אבר מז חתי and therefore prohibited it. It is, however, more probable that מנהל מדברום (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 מנהל מדברום. See Asheri, on Aboda Zarah, 68b: מנהל טאו אמי אנלנLabour and they will be forbidden מנהל מדברום. Anan (Harkavy, 3) and the later Karaites allowed the use of honey (ב"ית י'ג, 92d, 93a). It is, however, doubtful whether this was also the view of the earlier Karaites many of whom prohibited even eggs as אבר מז חתי. 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.
This Sect, like the Book of Jubilees (50, 12, comp. v. 9), prohibited 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 מִבָּר אלתרי ב', 36a; Elias Bashyazi in his אֲנָא הָוָא and in מהרא' אלתרי ב', ch. 11, but see מִבָּר אלתרי, p. 8. It may also be pointed out that the two most important Karaita devia-

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4 Grätz (Geschichte, V, 186) states that Anan prohibited medical treatment on the sabbath. I do not know his authority for this statement. See Hadassi, Alph. 301, letters כ, ד (112b) and Levi b. Jepheth quoted by Harkavy,masser הותיקנים, 132. Anan relying on Exod. 15, 26 prohibited altogether the use of medicine and of physicians (Kirkisani, quoted by Harkavy in Grätz, V, 487; comp. Hadassi, Alph. 207 (82a)). It is only in case of need that some Karaites hold that it is not רוחות השם. See Hadassi, Alph. 179 and Alph. 364 (135a) and Joseph b. Abraham quoted in 'כ, 89, 1, 34, and in מהרא' אלתרי ב', ch. 2; see, however, Maim., שמות 'ה, 2, 3.

Aaron b. Joseph (Mibhar, Exod. 38a) quotes I Sam. 21, 7 as proof that שָׁוָה לֵבָנֹת בֵּית יְהֹוָה. This verse is adduced also in Matthew 12, 4 and in Yelamdenu (Yalkut, II, 30) in this connection.

55 This seems to be the meaning of פְּנֵיהַיִם אֲשֶׁר מִרְצוֹנִי בֵּית יְהֹוָה (p. 11, ll. 4-5; comp. p. XLIX, n. 19; I. Levi, REJ., l. c., 197; Bacher, Z/HerB., XV, 21, n. 51 Kohler, l. c., 424.) reading רָאָיָה instead of תְּרֵינַה; 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, ll. 13-14) is against the Karaite principle that water does not contract uncleanness. See Kirēkisani (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; הַמֵּר הָיוֹה, Lev. 28a; מִרְיוֹת אֲלִילָה, 478; מִרְיוֹת אֲלִילָה, 72."

"See also Fürst, Geschichte d. Karäerthsms, 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 חָבוֹת לַאֲלָלוּת (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; מְשְׁרֵיה, I, 1908, 125), as to the reading in Tosefta Shabbat 1, 23; אֲלָלוּת כָּלִים לְנָחָה; comp. JQR., l. c., 662; מְשְׁרֵיה, l. c., 120).

"See, however, the view of Joseph b. Abraham (quoted in Mibhar, l. c.) that חָבוֹת לַאֲלָלוּת do 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 מַלֶּא שְׁאֹבִים The Karaites, however, not only allow מִזָּנֵי שְׁאֹבִים (comp. *MGWJ*, 1909, 469) but, as Kirkeisani informs us (quoted by Harkavy, l. c.), it was the view of Anan that one who does not bathe in a vessel remains unclean.  

The two laws contained in p. 12, ll. 15-19 are, as Schechter (p. I, n. 27) remarks, against the Traditional view that only אָבַד לָא מֵאֲשֶׁה מְלַאכָּה בְּחַמָּה לְאִו דִּירֵם מָאָרְנָא נְחַמְּאָה (פָּאֵר) contract uncleanness if מַמְלֵךְ מְמֻסָּא even when in.  

Ps.-Jon's rendering of Lev. 11, 36: הָלֱּכָּה הַיְּבִינָה מִיִּן לְכָּנָּנִין is against our halakah. It may also be pointed out that the Dositheans held, like this Sect, that water is not מַמְלֵךְ מְמֻסָּא; comp. Kirkeisheim, 25.  

The Samaritans, according to p. Abodah Zarah 5, 4, agree with Tradition on מַמְלֵךְ מְמֻסָּא; comp., however, "יְרָד" to Mikwaot, 8, 1.  

It must, however, be pointed out that the law of this Sect (p. 12, ll. 17-18): מִלֶּא מֵאֲשֶׁה מַמָּלַכֶּה מַמָּלַכֶּה מַמָּלַכֶּה מַמָּלַכֶּה מַמָּלַכֶּה מַמָּלַכֶּה מַמָּלַכֶּה מַמָּלַכֶּה מַמָּלַכֶּה מַמָּלַכֶּה M is contracted and communicated even when מַמְלֵךְ מְמֻסָּא. This view is not shared by the other Karaites. See Mibhar, Num. 18b; לֶאָרָדֶה, Num. 29b; יָרָד, 122c; מַמְלֵךְ מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא מְמֻסָּא M. Even in case of Lev. 11, 35; see Rashi and Naḥm. *ad loc.*, Shabbat 125a; Maim., 15, 6 and commentary to *אֲשֶׁר*, Num. 5, 1; it is the opinion of most of the Karaites that it is not מַמְלֵךְ מְמֻסָּא when מַמְלֵךְ מְמֻסָּא. See Ps.-Jon and Yalkut on Num. 19, 18.
THE INFLUENCE OF THE WORKS OF PHILO UPON THE
KARAITE HALAKAH

PENAL LAWS

1. In the laws of homicide the Karaites widely deviate from Tradition. According to Tradition, murder is punishable 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 (רעהוּת) are required (Mekilta on Ex. 21, 12; Sifre on Num. 15, 33 and Deut. 22, 24; Sanhedrin 80b; Makkot 6b and parallels). The Karaites do not require forewarning in any crime and consider murder punishable even in the absence of intent. See Bệnh א続ける שת📝אשוב יאנה יומת, 2a; נופא_likes את יומת את יומת יומת יומת. So also Samuel al-Magrabi (Gitelsohn, 22). Intent to kill is required by the Karaites only when the missile by which the killing has been effected was not likely to cause death. See או עזר, 176d: הרותים אתק הבית שלוש ישות יש רצה שרצה את הנפש את הבית שלוש ישות ואתה יומת את התומך שיאדו את מות. So also the opinion of Philo; see Werke Philos, II (Breslau 1910), 263, n. 2.
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. Bathyra (Sanhedrin 78a) in case of murder committed by several people simultaneously. See אולף בוח וראיתọ: יי עייפיו עייפיו עדעט וינעט תונעט תונעט (Alph. 357ח):" והנה היא נשאו אחרות הוא על דבון הוא בא Wifi ליימא; see also Alph. 370; so also Samuel al-Magrabī (MS., 1056):" דע כי אם ידבר בשל תורן, מוחלטamente יתיישב כי טוב לא ת냐ך כי טוב מחרם יוסיף המשם המדותו comp. also Miḥbr, Num. 5א; הבו, 194ד; אדרת אלוהים, 98א. The talmudic principle is אינא אינא שים שים מים ריאש יתוסף יתוסף אין ישן יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסף יתוסי 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: "... והשנה את כל שם הריגה ברשות ידך אין נין ..."

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So also, cf. also Samuel al Magrabi (MS. 846):

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)."}

"33 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 instantly (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 רכשה by φαρμακον which has also the meaning of "poisoners." Ritter fails, however, to indicate the source of Philo's assertion that the Law commands that the poisoner is to be executed immediately. The peculiar expression רכשה אָל instead of the usual רכשה ומ (comp. רכשה and Naḥm., ad loc.) must have been taken by Philo to mean "do not suffer him to live even a moment." This interpretation of רכשה אָל 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 going 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, *Thinik*, 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: הרה השמר שזור: תיבר להר מם יציח ויד בקש ימעות ויד ידיש לשת לשת זכר נזר (Alph., 274).

See *ib.*, Alph. 270 and 370. See also Mishnah Einin, 20: המסמות מאמותות ו孖ל הנוסך 바로. אನ כל ארוז ווניש ברפתיי רוחה אכפי נמצאות בענין זה, והם בקושיות כפרים גגות כלに対י. See also אולומ הנק הבאה מעור הגרמותו בנה נפש, 180d: ומעם לאת ואה עתה האות ומאתם בנה נפש.

though the Law reprimes the condemned pregnant woman, in case of the execution is not to be postponed since the Law says 

The Karaites agree also with Philo (II, 324), against Melkitia ad loc., in the interpretation of the תומת התיה לשון (v. 34) as referring to the בון; Philo (323) and Hadassi, Alph. 273, interpret also תומת התיה לשון in v. 36 as למשוים. So also Benjamin Nahawendi, *משאיא יבכומ סוכמ ליג יג 2c, l. 1, but see Mibhar, ad loc.; תומת התיה Lev. 74a; comp. also נבכומ *ילע 16b.*
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 (στὶ χρη παθεῖν η αποστίασαι). 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: κολασισθῶσιν γονὼν εν ίαω των αχανη τα στομα των οργωματων καταλειπώσαν; comp. Ritter, 52 and notes.

Philo and the Karaites agree also in the interpretation of v. 29b γνώ μεινίεια γεωργία. Tradition interprets it to mean that the owner, if he does not redeem himself, shall suffer death at the hand of God\(^{85}\) מיתת בידי שמים (Mekilta, Mishpatim, X;}

\(^{85}\) Frankel (Einfluss., 93) believes that the translation of the Septuagint indicates the traditional interpretation, against which see Ritter, 48, n. 2 and 124 ff. and H. Weyl, Die Jüdischen Strafgesetze bei Flavius Josephus, Berlin 1900, 153 ff. The view of Geiger (Urschrift, 448 ff.) that the ancient halakah interpreted מיתת בידי ים as מיתת בידיו ים was already shown by Pineles (דהריך ISIL, 193-6) and Weyl (l. c., 144-153) to be unfounded; comp. also Poznański, Abraham Geiger, Leben u. Lebenswerk, 378, n. 1.
Sanhedrin 15b; comp. Ps.-Jon. to v. 29). The Karaites uphold the literal interpretation of וּכְרֵא כָּרֵא (i.e. כָּרֵא) and take וּכְרֵא כָּרֵא (v. 30a) to mean that the nearest kinsmen (הָדוֹמֵה) of the killed are to decide whether to execute him or to take ransom. See Benjamin Nahawendi, "משנה בנס-[הЈ], 2c: "משנה בנס-[הЈ] חפץ ומחץ闪闪 בכנד אמ שמה ומחץ闪闪 בכנד. אמ נוהל ההד ורצים להקה masculine כפר וינצל בבוער ובירה של נרי המותה לפספר החשמ בקבל אמ רעים הורין וא רעים הלקחים כפר. כן". See also Hadassi (Alph. 270, 370); [73&]; 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 nearest kinsmen.

3. Tradition interprets the law of Ex. 21, 24-26 and Lev. 24, 19-21 to mean money indemnity (Mekilta ad loc., (Mişpâţ'im 8); Sifra on Emor, 24, 19; Baba kamma 8, 1; Ketubbot 35a and parallels; comp. Maimonides, הָדוֹמֵה וִיהי, 1, 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 יִיּוּ אֹיֵּהוּ יִיּוּ אֹיֵּהוּ literally. See Benjamin Nahawendi, משאף בְּלָא מַכָּה וֹמָה חֲבִירוֹ, 2d; אשר בְּלָא מַכָּה וֹמָה חֲבִירוֹ

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So also Ben Zuta, a Karaite contemporary of Saadia Gaon (Ibn Ezra on Exod. 21, 24); Jephthah b. Ali (MGWJ., XXXI, 1897, 205); Hadassi (Alph. 275 (104c); 370 (146b); 373 (149c); comp. also Alph. 170); Aaron b. Joseph (Mibhar, Exod. 42a); Aaron b. Elias (n. 179a ff.); the karaites, Exod. 71b ff.); Samuel al Magrabi (Gitelsohn, l. c., 28-9); Abraham b. Josiah (Epitome, 24b); Solomon Troki (Baraitha, 39).

See also Rapoport, ימין ושמאל, 1831, p. 34. L. Löw, Gesammelte Schriften, I, 287 is to be corrected accordingly. Harkavy, סדרת חכמה, 198, believes that Anan also upheld lex talionis; comp. also Schechter, Jewish Sectaries, II, 7, II. 57. The Samaritans also interpret literally (Klume, Miscapitim, ein samaritanisch-arabischer Commentar, X; 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; Ḥebra ḥeb, Exod. 71b ff. According to the Scholion of Megillah 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., Sadducäer u. Pharisäer, 22; Nachg. Schriften, V, Heb., 162), Rapoport (תכליתו של פירושו וציוון, 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; Büchler, MGWJ., I (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 נאש ומרח הסנהדרין in Lev. 21, 9; see Olitzki, Flavii Josephi und die Halacha, Berlin 1885, 42, 44, 54 and Ritter, 26), would have accepted the literal interpretation of נאש ומרח הסנהדרין (Ant. IV, 8, 35) if it were anti-Pharisaic.

Geiger (Nachg. Schriften, V, Heb. 162) claims that the ancient halakah also interpreted נאש ומרח הסנהדרין literally, as R. Eliezer held this view (Baba ḳammam 84a; see the version of R. Eliezer’s opinion in Mibhar, Exod. 42a, which he seems to have taken from Mekilta, Mishpaṭim, 8, reading R. Eliezer for פורשוע "; comp. Geiger, l. c., and L. Löw, l. c., 287, n. 2). See I. Halevy, דרכי התורה והמשפט, vol. Ic, 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: שַׁלְשֵׁשָׁם שֶׁכֶּלֶל מִי וּלְאָדָם וּלְאָדָם. 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 שַׁלְשֵׁשָׁם שֶׁכֶּלֶל, the owner is to be paid the full value of the slave. Other Karaites hold that by שַׁלְשֵׁשָׁם שֶׁכֶּלֶל 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 אָם הָשָׁמָת עֵבֶר וּרְקֵחֵכְתָו לְתַחַת שַׁלְשֵׁשָׁם שֶׁכֶּלֶל עֵבֶר. They also hold that v. 32 establishes the minimum fine and that if the value of the slave be more than שַׁלְשֵׁשָׁם שֶׁכֶּלֶל, the owner is to be paid the full value of the slave.

The Karaites agree with Philo also in the interpretation of Exod. 21, 19 שְׁנִיּוֹת וּמִשְׁנֵיהָ נָהּ בִּרְכֹת. Tradition (Mekila ad loc. (Mishpaṭim, 6); Onkelos and p. Ketubbot 4, 4 (28c; but see Ps.-Jon. and Naḥm. ad loc.), taking מִשְׁנֵיהָ לְעַעֲרִיתוּ פִּי לְעַעֲרִיתוּ פִּי, 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 מִשְׁנֵיהָ לְעַעֲרִיתוּ פִּי 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. Gitelson, Civil-Gesetze der Karäer von Samuel al-Magrebi, 14, II. 13-15; see, however, יִהְיֶה בָּעָדָם, 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.
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to be acquitted. The Karaites interpret מַשְׁנֶה הָאָדָם, like Philo, literally; see מַשְׁנֶה הָאָדָם, Exod., 71a: מַשְׁנֶה הָאָדָם, Exod., 71a: מַשְׁנֶה הָאָדָם. So also Mibhar, ad loc.; נַעֲרָה, 180b; Samuel al Magrabi (Gitelsohn, 23).

The Karaites interpret also Deut. 25, 12 הָאָדָם הָאָדָם against Tradition (Sifre ad loc.; comp. Midrash Tannaim. ed. Hoffmann, 168 ff.) literally; see Mibhar ad loc. (22b); מַשְׁנֶה הָאָדָם ad loc.; Samuel Al Magrabi, (Gitelsohn, 29). So also Philo (II, 328): -Εστώ δὲ η δική χειρος ἀποκοπή της αφαμενης ὅν οἴ θεμες.

4. Philo deviates in his exposition of Exod. 21, 22 ff. from Tradition which refers מַשְׁנֶה הָאָדָם in verses 22-23 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 matri) and without an independent existence (Mekilta ad loc.; Baba Ḳamma 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

Philo follows the Septuagint in the interpretation of these verses; see Ritter, 35. Josephus (Ant., IV, 8, 33) agrees with Tradition and refers מַשְׁנֶה הָאָדָם 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 מַשְׁנֶה הָאָדָם. See Benjamin Nahawendi, JB33 n St ת?3, 2d; מַשְׁנֶה הָאָדָם, 2d; מַשְׁנֶה הָאָדָם, 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. 238f, 270v, 275f; see also references given below) and interpret JIDX in verses 22, 23 to refer to the embryo or to the mother and the embryo. See Kirksanı (ed. Poznański) in *Gedenkbuch zur Erinnerung an David Kaufmann*, Breslau 1900, 186; Hadassi, Alph. 238; 270; Mibhar, Exod. 42b; הובוי, Exod. 71b ff.; שינא, 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 בנים a foetus found in a killed animal, for food. See Kirksanı, ed. Harkavy, 201; and ed. Poznański, l. c., 184 ff.; Sahl b. Mašliah (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; הובוי, Lev. 24a; 62b; שינא, 83d. ff.; Samuel al Magrabi, ed. Lorge. 10-11; אחראת האילים, 64b ff.; Samuel al Magrabi, ed. Lorge. 23; נהגה אלף מלחמה, 47; comp. also Ibn Ezra, Mibhar, and הובוי on Gen. 25, 22 and Lekah Tob on Lev. 11, 13 and 12, 8. Many Karaites

88 See also Frankel, *MGWJ.*, VIII, 400. The Samaritans also apply the law of Lev. 22, 28 to בנים; 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 ינא 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 an1 מִבְּחַר נְכָה ad loc.29 Samuel al Magrabi (MS. 86a) states:

ותשא יאמר אותו לא יעשה

and it is prohibited to perform the action. For the halakah, see Duschack, of this halakah, Talmud this the contention however, a between animals is erroneous. The question of is applied in the Talmud to animals and slaves but not to free persons. See also against this contention of Geiger Pineles, 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 קְרָדָן between a finished and an unfinished embryo.

5. Tradition interprets: תְּנַכֶּב הֲשָׁם יִהוּדָה (Lev. 24. 16) to mean the cursing of the Divine Name (Sanhedrin 7, 5; Sifra ad loc.; comp. Ps-Jon. ad loc.);29 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 תְּנַכֶּב by Philo, goes back the view of Philo (Tischendorf, Philonea, 79; comp. Frankel, Eidesleistung 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)

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.

29 For Onkelos ad loc.: רְוִי מִספְּרָיו שֶם see Geiger, Urschrift, 274.

Chwolson, Das letzte Passamahl Christi, 119, overlooked the view of R. Meir (Sanhedrin 56a) that מִספְּרָיו מִי 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 סֶפֶקֶרֶה רַבּ חָנוֹן ed. Friedmann, 184a: מִי יָכוֹל לְשַׁמְּאָה מִספְּרָיו שֶם שֶלָּה בְּוָטֶה שֶם מֵהָה שֶנֶאָה' תְּנַכֶּב שֶם.

...כל מוי של שמה מיספריםligation של הקבל'ה חבוד מהמה שלמה'ג ויתקח שם.
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 מַה שֶׁשֶׁנּוֹ (v. 16). See Anan (ed. Harkavy, 13); comp. Mibhar, Exod. 37a; Exod. 62b; comp. ib., Deut. 24b; Samuel al Magrabi (MS., 67a); Shemot, sect. 370; tfinsp interpretation oath. Also Magrabi the Samaritans, the Zadokites, also set the punishment of death for false oath. See Hadassi, Alph. 346, 347; Mibhar, Exod. 446. Later, even XVI (1862), 401 ff.

Karaite Appendix 347 (131) See comp. false 8 Mibhar, comp., note 62 Anan with and 370; tfinsp interpretation oath. Also Magrabi the Samaritans, the Zadokites, also set the punishment of death for false oath. See Hadassi, Alph. 346, 347; Mibhar, Exod. 37a; Exod. 62b; comp. ib., Deut. 24b; Samuel al Magrabi (MS., 67a); Shemot, sect., 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.

91 Harkavy's note to it (ib., 198, s. v. דַּבַּר) is unintelligible. The later Karaite abandoned this interpretation of הבק; comp. Mibhar, Lev. 44b. For the Samaritan interpretation of הבק see Grünbaum, ZDMG., XVI (1862), 401 ff.

92 According to Tradition. (Tosefta Makkot 4, 5; b. Shabuot 20a) the penalty of a false oath is מַפְּקַד; comp., however, however, Shepherd, תְּנַהוֹת מַפְּקַד. See Schechter, Jewish Sectaries, I, p. 16, l. 8 and notes, that according to the sect which Schechter designates as Zadokite (see above) "one is to keep a vow pledging 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, l. 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. Schrif., I, 193 ff.; comp. also Grünbaum, l. c., 404.

93 See Afendopolo's appendix to אָדוֹת אֲלֹהִים, Odessa 1870, 209cd: רֹב וְהַחֲמָסָיו גְדוֹלִים עֶפֶרֶב וְטַחֲתָיו לֹא עֵלֶּיהָ אֵיךְ שֶׁלָּה וְאֵיךְ שֶׁלָּה; אַמּוֹר רְבּוֹתָנָיו לֹא עֵלֶּיהָ אֵיךְ שֶׁלָּה וְאֵיךְ שֶׁלָּה אֲשֶׁר אָמַר נִיבָּר לְיַהֲ שֶׁלָּה וְאֵיךְ שֶׁלָּה אָשֶׁר אָמַר נִיבָּר לְיַהֲ שֶׁלָּה אֲשֶׁר אָמַר נִיבָּר לְיַהֲ שֶׁלָּה אֲשֶׁר אָמַר נִיבָּר לְיַהֲ שֶׁלָּה אֲשֶׁר אָמַר נִיבָּר לְיַהֲ שֶׁלָּה. וְזֶה אָפֶל שֶׁאֱמַר נִיבָּר לְיַהֲ; וְזֶה אָפֶל שֶׁאֱמַר נִיבָּר לְיַהֲ; וְזֶה אָפֶל שֶׁאֱמַר נִיבָּר לְיַהֲ; וְזֶה אָפֶל שֶׁאֱמַר נִיבָּר לְיַהֲ; וְזֶה אָפֶל שֶׁאֱמַר נִיבָּר לְיַהֲ; וְזֶה אָפֶל שֶׁאֱמַר נִיבָּר לְיַהֲ. The text is unintelligible. 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 תַּנּוּ 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 (סימון, l. c.): מואם דאמר מנומא מצוה ולא מניزيי ואנ oi שאר בשיאה ואת אטאמר מני "פייתווע קוסחל ובטימ ילש בך ולשコーミ; so also Hadassi, Alph. 267: "יהי מנומא והזה מצוה ומצוות ודר נינו מיקמה comp. also Alph. 372ח, 373ח, so also Samuel al Magrabi (MS., 108b): "ויהי מנומא והזה מצוה ומצוות ודר נינו מיקמה מים מפייתווע קוסחל ובטימ ילש בך ולשコーミ; ימיהו אישר האומר יהי בך ביצעה יוכיח מימה ובחא עלי זה מימים ופייתווע קוסחל ובטימ ילש בך ולשコーミ: כו' אלו האומר זה מצוה וממצוות ודר נינו מיקמה עלי זה מימים ופייתווע קוסחל ובטימ ילש בך ולשコーミ: כו' אלו האומר זה מצוה וממצוות ודר נינו מיקמה עלי זה מימים ופייתווע קוסחל ובטימ ילש בך ולשコーミ: כו' אלו האומר זה מצוה וממצוות ודר נינו מיקמה עלי זה מימים ופייתווע קוסחל ובטימ ילש בך ולשコーミ: כו' אלו האומר זה מצוה וממצוות ודר נינו מיקמה עלי זה מימים ופייתווע קוסחל ובטימ ילש בך ולשコーミ: כו' אלו האומר זה מצוה וממצוות ודר נינו מיקמה עלי זה מימים ופייתווע קוסחל ובטימ ילש בך ולשコーミ: כו' אלו האומר זה מצוה ומ incontrovertible evidence in the Talmud and the Knesset Hanessi, Death in punishment by stoning (ib., Alph. 267). See also Ibn Ezra on Lev. 20, 20 and Harkavy, סדר ל弨 תקנוצי מבעב פורק, 141, n. 14, and comp. to Mibbar, Lev. 37ח, letters 63, 69. S. Munk, Palestine (German ed. by M. Levy, II,438) is to be corrected accordingly. The latter Karaites agree with Tradition; so Mibbar, Lev. 34ח, הדרות תפוח, Gen. 47ח; Lev. 56ח; Gen. 12ח; 125ח; 128ח, 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): "אתי שיאתי עלי היא והזה מתאנה חכבו ... כי אני רבים וحان רוחה ו⁄ה ו⁄ה הביא ומ👓ים ו⁄ה נתי. See also Book of Jubilees 30, 8-7. According to some Karaites failure to pray is also punished by death (in accordance with II Chron. 15, 13). So Samuel al-Magrabi (MS., 57ח): "הזומכ הא הכתוב ל⁄ה יגען ממחונוגריו ייעשו בני בניוortality הען כדי הבינו האזז יזימחר, ויושם מניית, ו⁄ה ממחונוגריו ייעשו בני בניוortality הען כדי הבינו האזז יזימחר, ויושם מניית, ו⁄ה ממחונוגריו ייעשו בני בניוortality הען כדי הבינו האזז יזימחר, ויושם מניית, ו⁄ה ממחונוגריו ייעשו בני בניוortality הען כדי הבינו האזז יזימחר, ויושם מניית, ו⁄ה ממחונוגריו ייעשו בני בניוortality הען כדי הבינו האזז יזימחר, ויושם מניית, זיוס מניית, ו⁄ה ממחונוגריו ייעשו בני בניוortality הען כדי הבינו האזז יזימחר, ויושם מניית, ו⁄ה ממחונוגריו ייעשו בני בניוortality הען כדי הבינו האזז יזימחר, ויושם מניית, ו⁄ה ממחונוגריו ייעשו בני בניוortality הען כדי הבינו האזז יזימחר, ויושם מניית, ו⁄ה ממחונוגריו ייעשו בני בניוortality הען כדי הבינו האזז יזימחר, ויושם מניית, זיוס מניית, ו⁄ה ממחונוגריו ייעשו בני בניוortality הען כדי הבינו האזז יזימחר, ויושם מניית, ו⁄ה ממחונוגריו ייעשו בני בניוortality הען כדי הבינו האזז יזימחר, ויושם מניית, זיוס מניית, ו⁄ה ממחונוגריו ייעשו בני בניוortality הען כדי הבינו האזז יזימחר, ויושם מניית, ו⁄ה ממחונוגריו ייעשו בני בניוortality הען כדי הבינו האזז יזימחר, ויושם מניית, זיוס מניית, ו⁄ה ממחונוגריו ייעשו בני בניוortality הען כדי הבינו האזז יזימחר, ויושם מניית, ו⁄ה ממחונוגריו ייעשו בני בניוortality הען כדי הבינו האזז יזימחר, ויושם מניית, זיוס מניית, ו⁄ה ממחונוגריו ייעשו בני בניוortality הען כדי הבינו האזז יזימחר,oren.
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; מנהיההר载体 Num. 22b), refers Num. 15, 30 to all antinomian actions. See מנהיההר载体, 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 undoubtedy 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: מנהיההר载体..., 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; מנהיההר载体, Lev. 9a; קנים, 176a, end. See also Philo, II, 246.

80 See also Maim., דעות, 4. 10; Z. Chajes, מנהיההר载体 נובאינן, 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 *mama shin ha-ba horah* (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 Karaites⁶ agree with Philo and refer Ex. 21, 15 to *any* physical violence against parents; see Mibhar, Exod., 41b: בָּלָּל מְנוּיָה מֵחָה בֵּית שִׁישִׁיָּה בֶּהוֹדָה; so also 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. 272 (103d); Mibhar, Exod. 42a; בָּרֶה הָוָה, 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. 267 (102c) and בָּרֶה הָוָה, Exod. 70b; comp. Samuel al Magrabi, ed. Gitelsohn, 19, Büchler, MGIWJ., 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

³⁶ 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 Beitüge, 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: והרו כָּרְבָּבָב אֶמְּאָה אֵמוֹת מֵאֵה יָוָה אֶת שִׁישִׁיָּה אֶת הָוָה בֶּהָוָה בְּכָלָהָה בְּכָלָהָה וּמֵאֵה אֵמוֹת אֶת שִׁישִׁיָּה אֶת הָוָה אֶת שִׁישִׁיָּה בֶּהָוָה בֶּהָוָה so also Alph. 250⁹; 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 with death. Hadassi (Alph. 343) 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 (עבד ממלכתי) and the law enjoins concerning him: (Deut. 23, 3). Tradition (Yebamot 8, 3) refers it to marriage. Philo, as was pointed out by Ritter (91, n. 5).

Weiss, Dor, I, 126, note, relying on Kiddushin 66a: היריוויס ברבייארל, believes this to have been the Sadducean view (the רווקל 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: נבורי לו פרדס ...). 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., Maim., Sanhedrin, 10, 5: ולך חותם חותם [לפי ממרים] יד לעבדו because it is punished like impiety toward God.

Against Geiger’s anti-traditional interpretation of מ 어떠ו (Urschrift, 54 ff.; 350) see Rapoport, נ绂ת, 78 ff. For the Septuagint see Frankel, Einfluss, 204, and for Philo see Ritter, 91, n. 5. Most of the later Karaites agree with the accepted talmudic interpretation of מ何度も (Sifre, II, 248; Yebamot 4, 13; Kiddushin 3, 12; see p. Kiddushin 3, 2; Tosafot Yebamot 49a, s. v. יersistent). Maim., ראשונים ירואים, 15, 1; Frankel, Grundlinien d. mosaisch-talmudischen Eherechts, 5, n. 21 is to be corrected accordingly); see Mibhar, Deut. 19b; so also מ何度も ירואים, 149c: ירואים מ何度も ירואים, but see Hadassi, Alph. 278 (105d) and Samuel al-Magrabi, ed. Gitelsohn, 11, l. 14. For a peculiar interpretation of the concept מ何度も 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(rot) 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: "... καταρρέων καὶ μεταστοάν θεον λογων, ὅπες θεμας τον αυτοχθόνας καὶ ευπατριάς εροφάντεσθαι." This view, as Samuel al Magrabi informs us, was held by many Karaites (MS., 91b) interprets this verse, verses 2, 4 (II, 261), and v. 9 (II, 393) to mean that the "JTED 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: "...This view, as Samuel al Magrabi informs us, was held by many Karaites (MS., 91b). Aaron b. Joseph (Mibhar, Deut. 19b) states that Sahl b. Mašliaḥ (second half of the tenth century) held that marriage with a rot(rot) is not forbidden: "אלא צה"ת מ"כ לברר רבעי סדס שלח ישם יתמי ישאריו קהה [את המומר]. Sahl b. Mašliaḥ, evidently, also interpreted "אלא צה"ת מ"כ לברר רבעי סדס שלח ישם יתמי ישאריו קהה [את המומר], as did Philo, Hadassi, and the Karaites mentioned by Samuel al Magrabi, to mean that the rot(rot) is not allowed to mingle in the community. See also Mibhar, 1. c.: "אלא צה"ת מ"כ לברר רבעי סדס שלח ישם יתמי ישאריו קהה [את המומר]; comp. also Rapoport, ad loc.

99 See Michaelis, Mos. Recht, II, § 139; Ewald, Alterth. des Volkes Israel, 247; comp. also Rapoport, ה関わה ויהודה, 46.

100 The interpretation given by Geiger (אוצר תᡝ撵, 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—itaiי אשה*). 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 אשה היא הרוחה הНАטנ (Deut. 7, 2; comp. מיבר, Deut. 6b, letter 113) is held by many Rabbanites; see *e.g.* Naḥm. on Deut. 20, 10. The Karaite 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 נאתי in Ezra 10, 3 as referring to the mothers only (Pinsker, II, 23, n. 12; Geiger, l. c.; see also Benjamin Nahawendi, 6b: אשה אשר יקריה באשה וReadOnly את אשה, similarly Hadassi, Alph. 366 (141d): והנה אנשי נאתי הם אנשי נאתי ואש נשואים חכמים; yet he adds: נאטי נאתי הם נסו חכמים, so also Alph. 365 (140b) goes back to talmudic times and was held by Jacob of Casri (p. Yebamot 2, 6; p. Kiddushin 3, end; G. rab., 7, 3 and parallels) who seems to have been suspected of some *תומכון* (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, *ib.*, 76b *ff.* and parallels), interpret Deut. 23, 4: *אשה לא או נאתי* is erroneous. All Karaites attack this traditional view. See Elias b. Abraham (Pinsker, II, 109); Mibhar and הכורה מיבר *ad loc.*; מיבר, 146b; 149d *ff.*; * Mais,リアルタイム, 93c; *Mais,リアルタイム, 17b; A. Firkowitsch*, (appendix to the *越来越好*, 4835), 51a; comp., however, Hadassi, Alph. 323 (119b). The legitimacy of David (descendant of Ruth the Moabitess) they save by asserting that Deut. 23, 4 refers only to those who do not embrace Judaism.

Schorr (לֶא מַעְלָה, IV, 43) claims that Maimonides is inconsistent in considering (*אשתלוא אשתלוא* in אשה לא או נאתי as נאתי as this law is disputed, and quotes Yebamot 8, 4; *ib.* 77b, *v.* הָאָשֶׁנָּא. Schorr apparently overlooked the fact that אשתלוא and Tosafot by him quoted refer to the question of נאתי and have nothing to do with the law of *אשתלוא אשתלוא*.
was unmarried or a widow. See Hadassi, Alph. 281; Mibhar, Lev. 34a, and Deut. 17a and ad loc.; 92b:

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was unmarried or a widow. See Hadassi, Alph. 281; Mibhar, Lev. 34a, and Deut. 17a and ad loc.; 92b:

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was unmarried or a widow. See Hadassi, Alph. 281; Mibhar, Lev. 34a, and Deut. 17a and ad loc.; 92b:
sets death by stoning even for the *unmarried harlot*;¹⁰¹ see II, 308, where he says: πάλιν πορνήν κατὰ τὸν ἵππον λόγον οἱ παρα-
δεχέται η τοπιτεία ... Ος ληφη ὄνω καὶ ζημια καὶ κοινὸν μιασμα καταλεσθω.¹⁰²

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 *wrong* (Pinsker, II, 62: תַּכְּנָה לֹא תַּכְּנָה הַגִּירה רַהיִרְתִיכִּי; comp. also the opinion of Saul b. Anan quoted there (the authenticity of the עַמְּכָּרְכִּי מְכָרְכִּי is, however, disputed; comp. also Poznański, Aufzeichnungen, VI, 88a). See also the Samaritan reading of Deut. 23, 16: מַיִּית נָא ל־

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 meši’a 104a; p. Ketubbot 4, 8: and modern commentators (Steinschneider, Beschreibung d. Araber u. Mohammedane, 267; id., Polemische Literatur d. Jueden, 398, n. 1; Wreschner, 41, 44), by the Mohammedan law which also punishes adultery with stoning; comp. ZDMG., LIII (1899), 161.
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 נרואים 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 (םלصلا, ed. Harkavy, 118: כי יקה ושם אשת בקיעה אלא מה לא ברור) נSceneManager; so also Benjamin Nahawendi. שולחה נאמרות ומן בנייה אלא אם כן שומת כתוב מבט יפה וב俣 approval: 5b: כי יקה נסיונ. אעש אשת בקיעה ויאי לא ב苄על; so also Hadassi, Alph. 365 (141a); comp. also בעל נ 여러분, 154c.

Geiger, relying on the view of Beth Shammai: איני ממהנים אלא ראובות (Yebamot 13, 1), claims that the older halakah distinguished in a similar manner between נзаменו רמואי and נзаменו אירואבי (Jüd. Zeitschr., II, 97; Nachg. Schr., V, Heb., 162). As the marriage of a minor by her mother or brothers is only a Rabbic institution, the view of Beth Shammai concerning נзаменו does not prove much. Hadassi, Alph. 250ב (96b) and 334f (123ab) falsely states that according to the Rabbanites a minor given to marriage by her father (Deut. 22, 16) is free to annul her marriage through נзаменו and reads in Yebamot 108a: את הות נמאיו ... ואת אשית לה堉ים שקבועו לי באב ... slogans (Holdheim, 53, note, erroneously ascribes this view to Elias Bashyazi; see to the contrary, his אַבַּרְבְּרָה אַלְכָּד, 120, ch. 2). For another misrepresentation of a traditional law by Hadassi see above, note 96; see also Bacher, MGWI., XL (1896), 21, n. 5.

108 Büchler’s suggestion (MGWI., L (1906), 674, note) that this law of Philo goes back to the more ancient view (represented by Beth Shammai) allowing divorce only in case of the wife’s adultery and considering the divorced woman to be still to some extent an אישה, is not plausible as it does not account for Philo’s view concerning נзаменו. Moreover, Philo and the Karaites do not share the view of Beth Shammai and allow divorce for any cause. See, for Philo, Ritter, 70, note 1 and, for the Karaites, above.
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:

KARAITES HALAKH—REVEL

11. Tradition (Sotah 1, 1; Sifre on Num. 5, 13) makes warning by husband and subsequent 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 (καλά) and

104 One of these must be before witnesses (Sotah 1, 1). The accepted norm (Maim., Ṣaba‘, 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.
KARAITE HALAKAH—REVEL

12. Tradition takes Deut. 22, 20: 

אָס אָמַת הָיוּ הָרְבֵּר
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 betrothal is sufficient to convict her: 

אוֹמַר בַּת אַבְּתֶל הָלָכָה לְצִיַּמְתָּה בְּמַטְעָה יָדוֹ אַמֶּהְּלָה
לָא יִכְנָה אֹמֶה הָאָבֶּא אֲחַזָּא וְאֵאַזָּא אָמַת בְּמַטְעָה עַל הָשַׁמָּה וּשְׁפִּי נַעַר
and Hawro: 

וּתָמָה טֵעָה וּמַטְעָה לְצָרָה אֶזְמָה וַתְּעוּרָה

Among the Karaites, however, the idea of submission is a matter of proof: see also Alph. 365 (140c): 

וּרֶדֵר רוֹזַּי הָרְיָרִים וָאָמִּיָּה בְּשַמְלָה וְפִשָּׁי

in accordance with the law before Deut. 22, 15; see also Alph. 367. 

The Karaites, as far as the Karaites, distinguish between the cases of the woman forced to divorce her husband because he had deceived her, and the case of the woman who, having been deceived by her husband's parents, later refused to submit to the divorce. Some Karaites consider such refusal prima facie evidence of her guilt and say she is to be put to death as an adulteress; see Aladar Eliah, 98a; comp. ib., 98b. All Karaites agree that in case the woman confesses her guilt, it is sufficient to convict her; see Mibhar, Num. 50: 

אָמְנָה אַמּוֹ הָדָה בְּנָעָה וְעָטָה

and Ritter (p. 77) overlooked this deviation of Philo from Tradition. For the view of Josephus, see Weyl, 87, 105.

107 In case the suspected woman refuses to submit to this ordeal she is, according to Tradition (Sotah 1, 3), to be divorced and forfeits her dowry. Some Karaites consider such refusal prima facie evidence of her guilt and say she is to be put to death as an adulteress; see Aladar Eliah, 98a; comp. ib., 98b. All Karaites agree that in case the woman confesses her guilt, it is sufficient to convict her; see Mibhar, Num. 50: 

אָמְנָה אַמּוֹ הָדָה בְּנָעָה וְעָטָה

and Ritter (p. 77) overlooked this deviation of Philo from Tradition. For the view of Josephus, see Weyl, 87, 105.
KARAITE HALAKAH—REVEL

See also Mibhar, Lev. 38b; comp. ad loc. ... sehen sich nicht, dass Frau ... beim Gebäude ist und nicht beim Haus ... die Frauen, die im Haus leben ... in Deut. 23, 27, 28 ... in this context also ib. to Mibhar, Deut. 19a, letter 77. So also Samuel al-Magrabi (Ms., 97a) ... 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., L, 1896), 68, 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 the ban (Rab Joseph, Sanhedrin 52b) which, according to Rab Joseph (Sanhedrin 52b), was taken by the Sadducees (so also Josephus, Ant., IV, 8, 23) literally (comp. Brühl, Teimmem admon., 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 ff.

108 Related to this Philonian-Karaite interpretation of Deut. 22, 20 is the Karaite interpretation of Lev. 21, 9. Tradition refers this law to a betrothed or married daughter of a priest (Sifra, ad loc.; Sanhedrin 50b ff.; Ps.-Jon., ad loc.). The Karaites maintain that this law—\引用\ (so also ib. to Mibhar, Deut. 19a, letter 77. So also Samuel al-Magrabi (Ms., 97a) ... in a priest's daughter—refers also to the unmarried. See Hadassi, Alph. 330 (121d); Mibhar, Lev. 38b: ... ליה רמאו ... so also ib. to Mibhar, Lev. 58b. Samuel al-Magrabi (L. Cohn, Des Samuel al-Magrabi, Abhandlungen über die Pflichten des Priester u. Richter, 9) even asserts that this law applies also to ב הנב יג 준 ... guilty of unchaste conduct with a woman married or unmarried; comp. 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., L, 1896), 68, 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 the ban (Rab Joseph, Sanhedrin 52b) which, according to Rab Joseph (Sanhedrin 52b), was taken by the Sadducees (so also Josephus, Ant., IV, 8, 23) literally (comp. Brühl, Teimmem admon., 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 ff.
the later Karaites thus disagreeing among themselves only as to the mode of proof of the woman's guilt or innocence after betrothal.\textsuperscript{100}

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: אֶלָּא מָחְנָה רֵפָאָה דְּאִי לִדוּרָיו שְׁתֵּי נְיוֹם בֵּית פִּלְחֵי אֲראִים אֲלֹהִים לֹא יִהְיֶה 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: עִשָּׂה נְוֵה דִּישָ׀אִם הָרֶּהוֹת (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 \textit{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{100} According to the scholion of Megillat Taanit (ch. 4) the Boethusians interpreted \textit{דִּישָׂאִים הָרֶּהוֹת} literally (משמע). Rapoport (דִּישָׂאִים הָרֶּהוֹת, 14); Geiger (\textit{Urschrift}, 148) and Ritter (133 ff.; comp. Büchner, \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{דִּישָׂאִים הָרֶּהוֹת}, \textit{Ic}, 415-18.

\textsuperscript{110} See Treitel, \textit{MGWJ.}, XLVII (1903), 409. Philo explains also the law of \textit{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{yibbum}) 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 *ibid.* (50b): and *comp.* also Samuel al Magrabi (MS., 263a): The law of Numb. 21, 2-3 enjoining the priests not to defile themselves by approaching a dead body says, “But for his kin that is near to him...” (v. 2a).

The talmudic interpretation finds in the words אָנָּא בֵּית (Numb. 21, 2) support for the tradition that a priest is to defile himself by approaching the body of his wife” (Sifra, *ad loc.*: זְבָּחִים אָנָּא בֵּית). The Karaite, rejecting this interpretation of *זֵבָּחִים,* forbid the...
defilement of a priest in case of wife’s death; see Mibhar
*ad loc.* (38a) (comp. hence, *ad loc.:* 77
*אֵין אִשָּׁהּ אֲרוֹם* "אֵין* יִהְיֶה אֶלֶף וָטַנְנֵי לְבוּל") יֵהְיֶה שְׁמַאָה אֵין אִשָּׁהּ אֲרוֹם הָאֵלֶף
בַּר מִסְיָה, *ad loc.* (58a): 
יָנֵה מִסְיָה אֵין אֱסָדָה לְיָסְפַּת בָּאָשָׂה; comp. also Hadassi,
Alph. 206 ה וְאָדָר אֲלָיו, 171א; Philo (II, 230) speaking of the law of Lev. 21, 2-3 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.¹³⁸ That this is also the interpretation
(?) המִסְיָה אֵין אֱסָדָה לְיָסְפַּת בָּאָשָׂה; Benjamin Nahawendi
agrees with Tradition (כַּל טַנְנֵי, ed. Harkavy, 179). Hadassi (Alph. 36ה
(140a); 36ג (142c) holds that the husband inherits his wife if they have children; Samuel al-Magrabi (MS., 269) states: יָנֵה מִסְיָה אֵין אֱסָדָה לְיָסְפַּת בָּאָשָׂה
וכַּל טַנְנֵי: מִי שֶׁיֵּרְשֶׁהָ אֱלֹהֵי אֵין הָאֲרוֹם מָמַלְכָּה וְרָוָה וְיָזִיק בַּנְי מִשְׁמַאָה
וְיָנֵה מִסְיָה אֵין אֱסָדָה לְיָסְפַּת בָּאָשָׂה;comp. Weiss, *Dor*,
I, 46, note.¹³³

¹³⁸ 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, Yebamot 84b, s. v. יָנֵה) has collected instances
which tend to show that also ordinary priests married only daughters of
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; Yebamot 62ב; 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 Flavius Josephus Werk: Gegen Apion*, Wien 1871, 30; Ritter,

To the Karaita authorities mentioned by Geiger (l. c.) that the high-
priest is to marry the daughter of a priest may be added Jacob B. Reuben, תִּפָּא
יָנֵה, on Ex. 44, 22 and Samuel al-Magrabi (ed. Cohn, 12, 1 24 ff.; Cohn, ib.,
note 111 remarks: "Diese Ansicht ist nur karäisch vielleicht nur des Authors").
of most Karaites was already observed by Azariah de Rossi (ם araç ינש, ed. Wien, 68a) (comp. Geiger, ZDMG., XX (1866), 561 ff.; Nachgelassene Schriften III, 311-14 V, Heb., 133 ff.; Jüd Zeitschr., VI, 265).

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 greatful to God. Philo makes no mention of the traditional interpretation of נִנְנִי (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 נִנְנִי with נִנְנְיָה, the blowing of trumpets every holiday at the offering of sacrifices (Num. 10, 10). The Karaites also reject the traditional interpretation of נִנְנִי and explain it as loud praises to God (Hadassi, Alph. 225; 364 (136a); 58a ff.; Lev. 67a; רַאֲשׁוֹת, 48a; אָסָף, 13; לֶבֶנֶּשׁ מְלָכָה, 48-9) or

114 Nor does Josephus (Ant. III, 10, 2) mention the law of נִנְנִי; comp. also Book of Jubilees, ch. 6. The Samaritans, like the Karaites, reject the traditional interpretation of נִנְנִי, differing among themselves as to its meaning; see Geiger, ZDMG., XX, 570; Hanover, Das Festgesetz der Samaritaner nach Ibrahim ibn Jakub, text, pp. X-XI and ib., 28, 68. Some Karaites take נִנְנִי to mean the blowing of any instrument on that day (Mibhar, Lev., 42b; נִנְנִי, l. c.). Samuel al-Magrabi (MS. 410) states that נִנְנִי is the sounding of hașosrot by priests and, in absence of authenticated priests and hașosrot, not to be observed now.
as the sounding of \( \text{תְּהַנָּה} \) on every holiday (comp. \( \text{נָוִי} \), 58d; Hadassi, 136a).

The Karaites also reject the traditional interpretation of \( \text{לֹא הָאָשָׂר} \) (Lev. 23, 40) (see Josephus, \textit{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 \( \text{נָוִי} \), 56ab (where the views of Anan, Benjamin Nahawendi, and Daniel, al Kuniši are quoted); Hadassi, Alph. 168 (64b); 225-6; 364 (136a); Mibhar, Lev. 43a; \( \text{כֵּן} \), Lev. 67b; \( \text{אֲדֹנָי} \), 47b (where the opinion of Jepheth b. Ali is quoted); Pinsker II, 96; \( \text{לָמוּת מְלוֹאָה} \), 14; \( \text{תְּרוּמָה} \), 34. 49.\(^{115}\) Philo, speaking of the Feast of Tabernacles (II, 297), makes no mention of the law of “four species.” Philo, as Treitel (\textit{MGWJ.}, 1903, 512) suggests, must have understood verse 40 not as a separate commandment but,\(^{116}\) like the Karaites, as prescribing material for the booths.

17. Tradition (\textit{Zebahim} 5, 8; \textit{Maim.} \textit{תְּרוּמָה} \( ' \text{ה} \), 6, 4) interprets Lev. 27, 32 to mean that the animal-tithe, \( \text{תְּרוּמָה} \),

\(^{115}\) Some Karaites agree with Tradition in the interpretation of \( \text{לֹא הָאָשָׂר} \); see Geiger, \textit{ZDMG.}, XX, 544; Hanover, l. c., 16 and 62 (Hanover, 31, n. 2, relying on the words of Ibn Ezra on Lev. 23, 40): \( \text{לֹא הָאָשָׂר} \) and the opinion of Joseph ha-Kohen (l. c., 55d; \( \text{כֵּן} \), Lev. 67b; \( \text{אֲדֹנָי} \), l. c.).

The Samaritans agree with the Karaites; see Geiger, \textit{ZDMG.}, XX, 544; Hanover, l. c., 16 and 62 (Hanover, 31, n. 2, relying on the words of Ibn Ezra on Lev. 23, 40): \( \text{לֹא הָאָשָׂר} \). Ibn Ezra refers, as usual, to the Karaites (see above, note 10); see, how-M. Duschack, \textit{Josephus Flavius u. d. Tradition}, 27 and Grätz, III, note 10). Josephus agrees with Tradition (\textit{Ant.}, III, 10, 5); so also the Falashas (Epstein, \textit{Eldad ha-Dani}, 162). See also Book of Jubilees 16, 4 and B. Beer, \textit{Buch d. Jubiläen}, 47.

\(^{116}\) It must, however, be pointed out that Philo (l. c.), in contradistinction to Josephus (comp. M. Olitzki, \textit{Flavius Josephus und die Halacha}, p. 25, n. 31 and p. 50), 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.\textsuperscript{117} The Karaites agree with Philo. See Mibhar, Lev. 51a; הוהי הכה, Lev. 76b.

18. Tradition applies the law of Lev. 22, 19 (תִּתְמוּנָה) 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 תִּתְמוּנָה (II, 238) holds that תִּתְמוּנָה refers also to החיתות. The Karaites agree with Philo. See Mibhar, Lev. 3b, מְמֵה יִשְׂרָאֵל בְּכָל אֶחָד וּמְסֻמּוּ מָשָׂרָה בְּכָל וּתוֹכָהוֹ. יָחָשֵׁל הַפְּרִישוֹת לְמַרְדָּעָת וּמְנָשֶּׁשׁ; see also הוהי הכה, Lev., 5a.

19. Philo (II, 256; comp. Werke Philos, II, 93, n. 1) states that all the lights of the sacred candle-stick (כּנים) were extinguished in the morning. According to Tradition (Tamid 6, 1; Sifre on Num. 8, 2; Tosefta, Soṭah 13, 7; Yoma, 39d\textsuperscript{118} and parallels; comp. also Naḥm. on Ex. 27, 20 and Taṣafot Menahot 86b s. v. מַה נַח מַה; 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 (זר ומעריב). Josephus (C. Ap., I, 22) also states that the lights were never extinguished (see Ant.. III, 8, 3 that three lights burned in the Temple during

\textsuperscript{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 נעייסר חמה to be given from all domestic animals. See also Schechter, Jewish Sectaries, II, 4, ll. 13-15; comp., however, Hadassi, Alph. 205.

\textsuperscript{118} See Tosefta Soṭah 13, 7; Yoma 39a; p. ib., 6, 3: סְמֻמּוּ נְעִירִים וּתִתְמוּנָה .... הוהי רָע מְעֶרֶבֶּי חוֹלֵךְ [בל חוֹלֵךְ] מְסַנְא אַוֶּלֶק שְׁמוֹעָה חוֹלֵךְ שְׁמוֹעָה נְעִירִים. but see Weiss, Der, I, 82, note 1, that this refers to נעייסר חמה who lived about forty C. E.: see מִשְׁמֵי יָוֵשׁ, 3, 12 and מִשְׁמִי יָוֵשׁ ad loc.; comp. אָכֵל רַבָּא, 'l, ed. Wien, No. 309.
daytime!) The Karaites hold, like Philo, that no lights burned in the Temple during the day. See Mibhar, Exod. 57a and הוהי הבנה, Lev. 85b.

20. The Karaites reject the ancient traditional law119 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 (l. c., v. 7 ff.). See Hadassi, Alph. 139-141, 364 (135a); Mibhar, Num. 29a; עַבְּדֵי מָלָכָה, 51; comp. also Maim. commentary on Nedairim, ch. 10, end; showing absolutely no mention of נוּכָּא הָהַר [the vow of the mountain] הָהַר הָשְׁבָעָתָו מְעַשְּׁתָו בּוֹל יִשְׂרָאֵל ... מְשָׁעַת הָהַר שִׁבְסֶפֹּכּוּתוּ אִית נוּכָּא הָבְּהַר מִית הָרָו מְשָׁעַת, 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."120

119 Weiss (Dor, I, 81) believes that the law of נוּכָּא הָהַר was inaugurated in the time of Simon the Just. This opinion of Weiss is based on his view (l. c., 80; so also Geiger, Urschrift, 31:2) that did not favor the making of vows; see, however, Rapoport, Zusam, 23 ff. We do not know whether the law of נוּכָּא הָהַר was even contested by the Sadducees; comp. p. Berakot 7, 2; Gen. rabba 91, 3. Schechter (Jewish Sectaries, I, XVIII; comp. ib., p. 16, II. 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.

120 The later Karaites accepted, with slight modifications, the law of נוּכָּא הָהַר; see Kaleb Afendopolo's appendix to Kolel shel Natoa, Odessa 1872, 227a ff. It is, however, possible that in rejecting 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 Naḥshon Gaon) states: רַבָּאָנוּא לא נוּכָּא הָהַר וְאֵין וְיִפְקֵדַּה לָא מִבְּהֵן וּלְאֵת שְׁפִּיטָה, ed. Müller, No. 122; comp. ib., Nos. 117, 120; מִבְּהֵן הָהַר, ed. Mayer, Nos. 6, 44, 75; שִׁיעִיר יִשְׁבֵּותָה, Nos. 38, 137, 143, 145-6; מִבְּהֵן הָהַר.
21. The Karaites agree with Philo also in the interpretation of וֹאֵּת בָּהֵל (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); 360א (132d); Mibhar, Exod. 47b; Halakh, Talmud, Leksikon, 79ab.

22. The law of Ex. 13, 13; Num. 18, 15 enjoin 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

ed. Horowitz, I, Nos. 12, 14; so also Sar Shalom Gaon: וֹאֵּת בָּהֵל (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); 360א (132d); Mibhar, Exod. 47b; Halakh, Talmud, Leksikon, 79ab. See Hullin 8, 1 ff.; Mekilta on Exod. 23, 19; Sifre on Deut. 14, 21. The Samaritans agree with Tradition; see Geiger, Nachg. Schr., III, 303-4; Wreschner, Intr.; XXVI. For the view of the ancient Samaritans see Geiger, l. c., 305-6 and Nachg. Schr., IV, 66, 126. For the LXX see Frankel, Vorstudien, 183. The practice of the Falashas agrees with the view of Philo and the Karaites (Epstein, Eldad ha-Dani, 130, 173; Epstein, l. c., 129-131 believes that this was also the view of Eldad ha-Dani; but see No. 35 of Eldad’s Halakah, ed. Epstein, 121). Against the view of Rapoport מִלְוַּנָּר, 101a (comp. Ritter, 128) that the law of אֲלֵּת בָּהֵל was not universally known in Babylonia even long after the destruction of the Second Temple see Halevy, דִּאָסְרָת הָאַסְתָּרוּס, 1c, 128.

121 For Anan’s interpretation see Harkavy, see Harkavy, לַעֲבֹר נִבְּאֵת אֱלֹהִים אֲלֵּהַם, 152, n. 1. For other interpretations of this verse by some early Karaites see Hadassi, Alph. 240 (91cd); Jacob b. Reuben (Harkavy, l. c., 155) and Ibn Ezra on Exod. 23, 19. Most of the later Karaites accept the traditional interpretation of אֲלֵּת בָּהֵל; see Geiger, Nachg. Schr., III, 303; comp. also Samuel ibn Tibbon, Exod. 79a; Samuel al-Magrabi, ed. Lorge, 20-22; אֲלֵּהַם, 24.
animals (II, 233; Ritter, 119 ff.). This is also the view of the Karaites. See Anan (ed. Schechter, p. 7, ll. 8-15):

As (DTK3 Deut. 406)

This anti-traditional view of Philo may indeed account for the view of Philo. Philo omits the law of (Exod. 13, 13; comp. Ritter, 120; Olitzki, Magazin, XVI, 178.). Nor do all the Karaites accept the literal interpretation of (see the opinion of Sahl b. Mašiaḥ quoted in Mibhar, Exod. 19b (comp. Ibn Ezra, ad loc.). Aaron b. Joseph (Mibhar, I. c. and Num. 17b) agrees with Tradition that only the ass is to be redeemed. Comp. also Weiss, Dor, I, 51.

The contradiction between Exod. 13, 2 and Deut. 15, 19-20 (ל UserName 19-20) and between Lev. 27, 26 (ד והו ביכר א) led many Karaites to refer Deut. 15, 19-20 to the owner) which, as they believe, in contradistinction to which is not to be declared 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; ידanco, Deut. 19a (Ibn Ezra on Deut. 12, 17 refers to this Karaite view; Harkavy, מִדָּא לְגֵלָא, 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 not to be declared ipso facto and to be given to the priests (Exod. 13, 2; Lev. 27, 26, Num. 18, 15), whereas the which was owned by an Israelite only at the time of its birth is to be made ipso facto 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

owner and belongs to him (Deut. 15, 19-20). See Anan’s Book of Commandments (ed. Schechter, p. 6, II. 7-18): "NOW the people, all of them, shall be gathered together into the land..." Chapter II makes an effort to deal with this passage, but the sentences are not clear enough to be translated into English. Harkavy (ed.) makes a note that the phrase "Now the people" is translated by the Hebrew, "Now the people..."

comp. also ib., p. 8, II. 15-26 and p. 9, II. 9-10, 21 ff. Kirckisani 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. Mittheilungen, IV, 107, note, is to be corrected accordingly.

121 See also Rapoport, הגדת ימי, 128-9; id., יער מ barren, 100b ff.; Ritter, 6, 8-9. Herzfeld, Geschichte, III, 463; Frankel, Vorstudien, 10, and notes; id., MGWI., 1852, 40.

On the Egyptian Jews and their relation to Palestine see the literature quoted by Schürer, I. 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, דבשא הרשון עיני, 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 2a, 2; p. Sanhedrin 6, 6; comp. Frankel, ירר ומשינה, 34-5; Weiss, Dor, 128, n. 1: Halevy, יוהד הראואנין, Ic, 474 ff.
KARAITE HALAKAH—REVEL

Ap., II. 4; comp. Schürer, l. c., 35 ff.; 40). 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, עלד עלד, 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, דואת הראים, Ic, 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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122 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 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. ib., 28, 63 ff., 90, 93; but see Werke Philos, II, 48, n. 2; 202, n. 3; 258, n. 1. Frankel (\textit{Ueber palästinische u. alexandriniische Schriftforschung}, 32, nu. 6; Einfluss, 157 see 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 I. 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 (Abraham Geiger, \textit{Leben u. Lebenswerk}, 372, n. 1), of Philo. Philo's deviations from Tradition cannot be brought into relation with Sadduceism and the supposed ancient halakah related to it; comp. Rapoport, עליון ייחוס, 101a. Philo interprets like the Pharisees (Frankel, \textit{Einfluss}, 137). He considers (II, 230) like the Pharisees (Menahot 65a) the a public offering; allows divorce without רזר to the law (Ritter, 70, n. 1) and seems to agree with the Pharisees also in the law of ריחון (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-Ḳirkisani, in his work Kitāb al-anwār wal-marākib (written 937), speaks of a Jewish Sect named “the Magarites” (חגארה). 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” (אלאנרדינן) 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, b. c. (see id., הגרה, 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 con-
tain Philo’s expositions of biblical laws; Philo thus influ-
encing, 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, Ges. Schr., I, 42. A similar view is found in
p. Sheḵalim 6, 1. Reifmann, נְבֵית הַלוֹנְדוֹר, 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, "מִדְרָשׁ הַלֵּבִן", 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 Firkowitztch in-
deed asserts that Philo was a Karaite (preface to מְכָר הָיוֹרֵם, 20), but,
according to him, Jesus was a Karaite likewise (משנה חומש, appendix to
ישו"ם, 54a, 56a; Kirḳisani, ed. Harkavy, 305, 9 and Hadassi, JQR.,
VIII (1896), 436 state that Jesus was a Sadducee); comp. I. B. Levinsohn,
יניעו"ם, Odessa 1863, 18-9.