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THE KARAITE HALAKAH

AND ITS RELATION TO SADDUCEAN, SAMARITAN
AND PHILONIAN HALAKAH

PART I

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INQUIRY INTO THE SOURCES OF KARAITÉ HALAKAH

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 "Liḳḳuṭe Ḳadmoniyyt" (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 (Liḳḳuṭe, 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, Liḳḳuṭe, 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
for the understanding the history of Tradition; as Geiger (ZDMG., XVI (1862), 716) says, it was always the differences in practice, not in dogma, that caused and sustained divisions in Israel. This is particularly true of the Karaites who differ in nothing but religious practices from the rest of Israel.

The solution offered by Geiger that the Karaites are the descendants of the Sadducees and their halakah Sadducean, is accepted with some modification by many scholars (comp. Poznański, REJ., XLIV (1902), 169). On the other hand, the eclectic nature of the Karaite halakah was recognized by several scholars (comp. S. L. Rapoport in Kerem Chemed, V (1841), 204 ff., and in Kaempf's Nichtandalusische Poesie, II, 240; P. Frankl, Ersch u. Gruber, sec. II, vol. 33, 12; Harkavy, in Grätz' Geschichte, V., 482 ff.; id., Jahrbuch f. jüd. Geschichte u. Literatur, II (1899), 116 ff., and elsewhere). No attempt was, however, made to explain the bulk of the Karaitic halakah, on these lines. I have therefore undertaken the work of tracing the individual Karaite laws to their respective sources, which will, at the same time, be the first exposition of the Karaite laws in general—prefacing it by an examination of the Sadducean-Karaitic theory. The term "Karaite halakah" is used here as a convenient one, though, as Kırkıșani 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 first 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 (Pin-ker, II, 19). Another contemporary of Saadia, Abu Jusuf 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.

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1 comp. also Salman b. Yeruham's commentary on Ps. 96, 1 (Winter u. Wünsche, Judische Literatur, II, 80). See, however, Harkavy in Grätz, Geschichte, V, 472.

2 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 Sākawelhi. See IQR, XIII, 664; תקף, I, 67.

3 Comp. Poznański, REJ, XLIV (1902), 162 ff.

4 It was, however, taken up again by the twelfth century Karaite, Elias b. Abraham, in his polemical work against the Karaites (Pinaker, 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. Shataḥ. 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 Eidad ha-dani (Pressburg 1891), p. 1. For later Karaites repeating this story, see Poznański, l. c., p. 163; comp. Z/ḥB., 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 Karaita 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. Mašlaḥ (tenth century) asserts that Karaim goes back to the time of the second Temple, but connects it with no specific event (Pinsker, II, 35). This is still the opinion of Aaron b. Elias (fourteenth century)
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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 (Finsker, II, 19) and that Anan’s breaking with Tradition was due entirely to

in Introduction to his ḤCHR, 40. Elias b. Moses Bashyazi a century later connects the schism with the name of Simeon b. Shatah and exclaims: אַל שִׁיתָה שְׁפַיּוֹת כְּפָלִים נְדוּדֶה כְּשָׁרָה הַחָכְמָו שְׁגָּנָרָו חַיָּיו כָּלוּ כַּלְּעֹמָר (intr. to Sabbath, 320). He is followed by his disciple Kaleb Afendopolo in his ORÚN MÚDÚ (quoted in Shabtai, 99). The sixteenth century Karaite prodigy Moses b. Elias Bashyazi (born 1554 and said to have died 1572) amplified this tale by asserting in his MÚDÚ (quoted in Bor, 98 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, Abtmplion by Hillel who systematized the new laws based on the fiction of the Oral Law. Judah b. Tabbai was followed by Shemaiah, and Shemaiah by Shammãi; those two being the great Karaite teachers from whom the line of succession was never interrupted. Already Jephthah b. Said asserted that Shammãi was the teacher of the Karaites (Finsker, II, 186; comp. ib., I, 6); see also Luzzatto, BEMA TÓMÉH, III (1838), 223; Geiger, ib., IV, 12; Gottlober,腴 שָּפַע שָּפַע וּשְׁפַע וּשְׁפַע, Wilna 1865, 5 ff. How foreign this idea was to the early Karaites, is seen from what Salmon b. Yeruham says of Bet Shammãi and Bet Hillel (RÊMÉHM, IV, 13): וּשְׁפַע וּשְׁפַע וּשְׁפַע. 6 We know of two Rabbanites who combated Karaism before Saadia: the Gaon Naṭronai b. Hilai (שיר רביעי, 388) and the Gaon Hai b. David (Harkavy, Studies u. Mittheilungen, V, 108, n. 2; comp. Bornstein, שְׁפַע וּשְׁפַע וּשְׁפַע וּשְׁפַע, Warsaw 1904, 138, n. 2, who believes this Gaon to have been Hai b. Naṭronai). For anti-Karaite legislation by Jehudai Gaon see L. Ginzberg, 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-Karaitic, he usually styles them צ rotterdam. More emphatic is Abraham Ibn Daud in his Sefer Hakhabalah, where he says that "after the destruction of the Temple the Sadducees dwindled to almost nothing until Anan appeared and strengthened them." Likewise, Maimonides, commenting

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* That Saadia is meant by הלאן שמשך הס ערב, see Pinsker, p. 98; comp. Poznański, JQR., X, 242.

† Comp. Frankl, MGWJ., XXI (1883), 3 ff.

§ Spain was from early Gaonic times infected with Karaism; comp. Ginzenberg, l. c, I, 123, note 1; Frankl. MGWJ., 1888, 6 ff.; and Poznański, JQR., XVI, 768-9. Against the view of Hirschfeld (JQR., XIII, 225 ff.) that some relation existed between the Karaites and the Zahirites in Spain, see Goldziher, REJ., XLIII (1901), 67.

Kuzari, III, 65. Judah Halevi's view is shared by Abrabanel, הלאן הס ערב, and S. Duran, מנה מג' ארץ, on Abot i, 3, and II, 21a; 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, יзамен את ערב, I (Wien 1834), 42 ff.; see also D. Rosin, MGWJ., XLIII, 76-7.

11 Neubauer, Mediaeval Jewish Chronicles, I, 64. The variant does not affect the meaning of the statement.
(Abot 1, 3) on the dissension of Zadok and Boethus, adds: "In Egypt they are called Karaites, while in the Talmud they are named Sadducees and Boethusians."  
Elias b. Moses Bashyazi, a fifteenth century Karaite, tells us, in the introduction to his אדריא אֲלִילָה , 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 Mediæval 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

13 See his commentary on Hullin 1, 3. On the views of Maim. on the Karaites, see ממש יוהלמ למשת לבמא (Budapest 1905), Hungarian part, 164-170; see also the other authors mentioned by Poznański, REJ., ib., 170, to which may be added Estori ha-Pharbi (Budapest 1900), end of ch. 5 (ed. Lunzr, p. 61); David Abi Zimra, Responsa, IV, resp. 219; Meiri on ד' Abot 1, 3. See also Responsa No. 34 in the Gaonic collection: ד' ד' ד' ד' ד' ד'.

18 Comp. David Messer Leon (published by Schechter), REJ., XXIV, 126. See Weiss, דליב רד רדישוי IV, 53. Joseph al-Baṣir is the only one among the Karaites who identifies the Karaites with the Sadducees (Harkavy, I, c., p. 473). Kirksani 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 הובא אלמאתבנאסה and not from Jepheth b. Ali, as Harkavy (Grätz, Geschichte, V*, 474) suggests. Nor is Harkavy (I, 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 דליב רד רדישוי 26.
Geiger attempted to prove historically the descent of the Karaites from the Sadducees, and this view constitutes an essential part of his epoch-making theory concerning the internal development of post-exilic Judaism and the history of Jewish sects. His view is accepted by Holdheim, Fürst, Harkavy, Chwolson, and others. A general survey of Geiger's theory will help us better to understand the questions involved.

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

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17 История Каратеев, Wien 1861, 128 ff.
18 Geschichte d. Kardethums (Leipzig 1862), I, 8 ff.
19 In Russian periodical "Woschod," 1896, and elsewhere; comp. id., Еврейская наука 1872, 4, 19.
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. 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

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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

\[^{2}\text{Jüd. Zeitschr., VI, 265 ff.}\]
\[^{3}\text{Urschrift, 156 ff., 176, 434 ff.; Nachgelassene Schriften, II, 121 ff.; V (Heb.), 112 ff., 142 ff. and elsewhere.}\]
The ancient feud between Ephraim and Judah thus revived. The rejected Samaritans who retained the ancient Israelitish tradition as well as the ancient interpretation of the Law, clung, like the Sadducees, to those traditions and stood for priestly prerogative, characteristic of the religion of Northern Israel and the Sadducees. This accounts for the many practices and interpretations of the law that are common to the Sadducees and the Samaritans.  

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

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

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

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;* in the halakic midrashim from the school of R. Ishmael, himself a priest and with priestly sympathies,* and, to a lesser extent, in the later Palestinian halakic works, Tosefta and Talmud Jerushalmi.*

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-

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* Urschritt, 165; 451 ff.; Nachg. Schriften, IV, 108 ff.; V (Heb.), 112 ff.; see below.
* 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 בֵּין מַכְרָא אוּ כְרַאִים.

Karaism is, thus, not to be looked upon as a late-day revolt against the authority of Tradition caused by outside influence, but is a survival in a somewhat modified form (as by belief in resurrection) of the pre- and anti-Pharisaic tradition. 80

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

Chwolson also believes that it was the people who remained faithful to the Sadducean tradition who are designated in the talmudic literature by the name עִבְרִי. This accounts for the mutual hatred that existed between the Am-haareß 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-haareß, as proof of the latter being identical with the Sadducees. It is there said that the Am-haareß does not read the Shema'; that he does not put on the phylacteries; that he does not wear fringes on his garments and that he has no Mesuah on his door. Now the Karaites even up to this day observe none of these ceremonies. Some relationship must exist between the Am-haareß and the Karaites. As the Karaites are, Chwolson believes, descendants of the Sadducees, a relationship is established between the Am-haareß and Sadducees.

The facts are, however, not as Chwolson puts them. The Karaites have never rejected the biblical precept of לְכָּלָי הָעִבְרִי, even if they differ as to the meaning of לְכָּלָי and some other details; see, for Anan, Harkavy, סֵפֶר הָמֵיתָה לֵעֶבֶר, pp. 7-10, and Schechter, Jewish Sectaries, II, 25, 1-26, 17; Hadassi, Alph. 241 and 364 (136b); Mibhar, Num., ad loc., לְכָּלָי 13, 80b ff.; לְכָּלָי מַלְכָּא (Neubauer, Aus d. Petersburger Bibliothek), 49a ff.; comp. also Ibn Ezra on Num. 15, 38, 39. Nor is it likely that the Karaites have even denied the duty of reading the Shema'. Abu Isa Isfahani, from whom Anan borrowed several laws (comp. Poznanski, REJ., XLIV (1903), 178), taught, according to Kirjisani (comp. Harkavy, לְכָּלָי הָעִבְרִי בֵּאָרַיא, 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.¹¹

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-haarez 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. Karäerhums, I, 10; Graetz, III, 3, 395; comp. also Müller, Masechet Soferim, p. 21, note 66). The name רוצניק in Menahot 42b סֵס מַאֲכָלית... misled Wreschner (Samaritanische Traditionen, Berlin 1888, intr., p. VIII) and J. A. Montgomery (The Samaritans, Philadelphia 1908, 136) to believe that the Sadducees interpreted Deut. 6, 8 symbolically. רוצניק in Menahot (l. c.) is, as often in the Amoraic literature, equivalent to עֵמֶל, or was, as usual, substituted therefor by the censor. The parallel passage (Gitin 45b) reads עֵמֶל instead of רוצניק, which is also the reading of Estori ha-Pharhi, end of ch. 5. Harkavy (מִסֵּר מַסְמַר וְלִוְיָה, 142, n. 12) believes that Anan interpreted Deut. 6, 9 literally but referred to the וַיְבָא וְרָבָא of the Tosefta: a view which is held also by the Falashas (Epstein, Eilad ha-Dani, 174).¹¹

¹¹ Comp. also Wellhausen, Die Pharisäer u. die Sadduceer, Greifswald 1877, 73; G. Hölscher, Der Saddusäismus, Leipzig 1906, pp. 9, 33 ff., 107 ff. The general nature of the Sadducees was recently thoroughly discussed by I. Halevy in his דרואות הראשהונם, 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 פַרְעֹחַ until to-day? Nor can we comprehend how Karaism whose basic principle since the days of its first exponent Anan was "Search the Scripture," interpret it according to your own reason, and act accordingly," ignoring tradition,—how Karaism could have descended from Sadduceism which, as Geiger himself asserts, was by its very nature conservative, adhering stringently to ancient tradition.

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

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

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18 Harkavy סיד רָא הַמָּשָׁל לְעֵין, 132, 176; so Sahl b. Maššaḥ (Pinsker, II, 334); comp. Poznański, REJ., XLIV (1902), 180 ff.
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 "הרביע בחמשה" (Lev. 19, 24) by "קוה" ו"חטביו קרב" ו"מאסר מכות" by so also on Deut. 20, 6." The Samaritans and Karaites also take קרב 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 קרב (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.

Comp. Epstein, MGWJ., XL (1896), 143; Gronemann, Die Jonathan'sche Pentateuch-Uebersetzung in ihrem Verhaltnisse zur Halacha, Leipzig 1879, 48. For the view of the Book of Jubilees 7, 35-7, see B. Beer, Das Buch d. Jubilaen, 43-44.

Not all the Karaites, as Geiger (Urschrift, 182) thinks; see ה ieee, 70a, and הבור הזרת, Lev. 54a. Geiger refers to Mibhar, ad loc. Aaron b. Joseph, however, contradicts himself; see Mibhar, Num. 4b: ז交流合作 א"כ קרב: קונן מועשר שין נשמא רבתי והשלימו שמה לבילך כבא ממעש כנה ממעש ורבח תבכעל במה on Mibhar, Deut. 16a, letter 109. The view that נשמא רבתי belongs to the priest is held by Samuel al-Magabi (M. Lorge, Die Speisegesetz der Karäer von Samuel el-Magrebi, Berlin 1907, 23, end). Geiger finds this view also in p. Soṭah 8, 5; but see Pineses, ירבדא ח"ז, 176 ff., and Gronemann, i. e. For the meaning of that passage see also N. Z. Berlin, in Halevy's ירבדא ח"ז.
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

In Pisgah, III, 313-4; comp. also Poznański, אוספים, 16 ff. Hadassi (Alph. 205 (18c) and 303 (112d)) also holds that the fruits of the fourth year belong to the priests. As was pointed out already by Maimonides (תפואת אוספים, 10, 18) the mistaken view of some Geonim that the fruits of the fourth year are not to be eaten—even when redeemed—during the fourth year was caused by Lev. 19, 25: בישתת אוספים which seems to prohibit the enjoyment of the fruits of the fourth year during that year (Tosafot Rosh ha-shanah 100, 5. v.; אוספים שים כה, end, quote this view from Halakot Gedolot. See also She’elot No. 10, but see Kaminka, קבקוק, II, 21).

This accounts also for the interpretation of verse 24 by Ps.-Jon., many Karaites, and even 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.

** Not all; see כהו, Deut. 18a: ינש מיכקל אוספים אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנה אוספים חכשנו
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, *I*, 126, note); but mainly on Ps.-Jon. to Deut. 26, 12-13:

Aramaic translates לועשים as יוחנן כלא משמישו לועשים יוחנן יוחנן שמישו ומשמישו לועשים יוחנן יוחנן לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לאוסר לא奥斯.

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

Harkavy's suggestion (תבנית advisers, *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.*, XL (1896), 5-8.

Geiger, on the basis of his theory that R. Eliezer b. Hyrcanus and R. Ishmael represent the ancient Halakah related to Sadducean Tradition (see above), sees also in every agreement of Ps.-Jon. with the interpretation of R. Eliezer or R. Ishmael ancient laws, which were changed by the school of R. Akiba (*Urschrift*, 447, 472 ff.; *Nachg. Schriften*, IV, 106-7). It was however shown by Gronemann (119, note 2; see also 103, note; 139-140, notes; comp. also Epstein, *MGWJ.*, XL (1896), 142 that Ps.-Jon. does not always follow the interpretation of the school of R. Ishmael against that
An agreement between Pseudo-Jonathan and many Karaites, not noticed by Geiger, is their interpretation of Lev. 18, 21 as referring to marriage with a Gentile woman; see Kirgisani II, 23; Hadassi (Alph. 324): רוע Armour מִזְמֶר לֶחֶזֶק לֶחֶזֶק נַחַנָּה see ib. 278, 313 and 364; see also the name of הָרָב הָדוֹר, ad loc. (496). This interpretation, though censured in the Mishnah (Megillah 3, 9; comp. Homer ad loc.), is given in the name of ספרה ים מַק (Megillah 25a; p. Sanhedrin 9, 7, see also Sifre II, 171) and as Friedmann, Bet Talmud, I, 336-7 (comp. Ginzburger, MGWI., 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.

This verse, as Frankel (Einfluss, 156) remarks, gave rise to many divergent interpretations. Anan also interpreted this verse allegorically; see Harkavy, ספרר הנות נון, 207, and Schechter, Jewish Sectories, 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 אלימורי, a unique MS. of the Hebrew translation of the אלימורי written in 1722 by Samuel b. Solomon ha-Kohen (see Pinsker, II, 144-5; Gottlober, בוקר לְגַלְוָד לְגַלְוָד, 202, note) now in the library of the Jewish Theological Seminary of America), begins CNUM: QAN NUM: אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימורי אלימوري אלימوري אלימوري אלימורי אלימوري אלימوري אלימوري אלימوري אלימوري אלימوري אלימوري אלימوري אלימوري אלימوري אלימوري אלימوري אלימوري אלימوري אלימوري.alimori. The only verse which we have found in the Mishnah (Rashi, ad loc.; Aruk, s. v. ארא; S. L. Rapoport, Krakau 1868, p. 231 ff.; Geiger, Urschrift, 304; Nachg. Schriften, IV, 106; Berliner, Onkelos, II, 88 ff. and literature quoted there.
The Karaites agree with Ps.-Jon. to Lev. 1, 4 and 3, 2, (against Sifra to 16, 21; Menahot 93a; Tosefta ib., 10, 3; so also Philo, II, 241) that סמך זרה is with the right hand only. See Mibhar, Lev., 3a: טומך זרה: בין שהאתחא דמורא השם סומך השם כשתיה chống ג' פרע מתוחלף plastikシュברמיך וגו' Hữu附属 השמתהל חפצן וגו'=Fruit ותכלה קָשִּׁית וגו'. So also Mibhar, Lev., 27a, and נמר ותה on Lev. 1, 4 (3b, end). But see D. Hoffmann, Zur Einleitung in die halachischen Midraschim, Berlin 1887, p. 75, who contends that this interpretation of Ps.-Jon. (which is also favored by the see Ibn Ezra on Lev. 1, 4) goes back to the school of R. Ishmael.

Ps.-Jon. translates אשה התורה in Deut. 24. 5, against Sifre ad. loc. and Soṭah 44a, by v. זה התרשיד. This is also the interpretation of זה התורה by many Karaites. See וענ, 154b: וכתב אתה התורה והשלא נשאה ועדין... אוכל אупить.... So also נבר וعة, 27b. See, however, Mibhar ad. loc. (20b). Samuel al-Magrabi (MS. 95a) states that the Karaites are divided on the interpretation of זה התורה. This deviation of Ps.-Jon. and some of the Karaites from the talmudic interpretation of זה התורה rests on the plain meaning of that word. See Ibn Ezra ad loc.; comp. Grone- mann, l. c., p. 67.

While, as we have seen, the proofs adduced by Geiger do not establish relationship between the ancient Halakah, believed by him to be contained in Pseudo-Jonathan, and the 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.**

According to Tradition (Mekilta, Mishpatim, 1, ed. Fried, 74b; Arakin 18b; p. Kiddushin 59a; Maim. 4, 4) the seventh year in which the Jewish male or female

** Ginsburger's edition of Pa.-Jon. (Berlin 1903) is followed here. Most of the differences between Pa.-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 Jerusalem. Comp. ib., p. 48, in reference to Deut. 17, 5, which is the interpretation of the מְכֹלֶת 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: מַעְרֹשׂ וּמֵשֶׁךְ וּלְכֵלָה יִשְׁרָאֵל יֵשׁ אוֹרֶה אֲשֶׁר אֲשֶׁר דִּבְרֵי יָחָשַׁב הַמַּעְרֹשׂ וּמֵשֶׁךְ וּלְכֵלָה יִשְׁרָאֵל יֵשׁ אוֹרֶה אֲשֶׁר אֲשֶׁר דִּבְרֵי יָחָשַׁב. For the meaning of which, as is evident from what follows there is, that these are not to be made objects for trade and gain (see b. Pesahim 23a). Ps.-Jon. in his oil follows thus the Jerusalem; comp. also the fragment of a commentary to p. Shabbat published by Poznański in II, 49 and n. 4, and Saadia Gaon on Lev. 11, 11 published by Hirschfeld in JQR., XIX, 140, beginning, וּלְכֵלָה יִשְׁרָאֵל יֵשׁ אוֹרֶה may be a reference to p. Sanhedrin 2, 6 (soc; comp. Toselfa ib., 4, 7; Maim. 3, 3): וּלְכֵלָה יִשְׁרָאֵל יֵשׁ אוֹרֶה.

Ps.-Jon. translates also Deut. 21, 7 in accordance with the Palestinian interpretation as referring to the murderer. See p. Soṭah 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. Büchner, Die Priester und der Cultus, Wien 1895, 151 ff.; D. Hoffmann, Zur Einleitung in d. halächischen Midraschim, 74-76; id., in Z/hB., VII (1903), 46-48.
slave is to be released (Ex. 21, 2; Deut. 15, 12) refers not to the Sabbath year (שבת השפ erm), but to the seventh year from the commencement of their servitude." Ps.-Jon., however, seems to interpret "the sabbatical year" (Ps.-Jon. to Ex. 21, 7; 22, 2; but see Ps.-Jon. to Ex. 21, 2 and to Deut. 15, 12). The Karaites differing among themselves on the laws of slavery agree with Tradition that יברשת refers to the seventh year of servitude. See犹豫 אלמה לא יברשת והרש שים שים וברש שים יברשת איה לברש חכמים id: מסה אחריה ברש ממהɫום [أم] שלום שים שים יברשת איה לברש חכמים; Samuel al-Magrabi (S. Gitelsohn, Die Civil-Gesetze der Karäer von Samuel al-Magrabi, Berlin 1904, 2, line 1); Afendopolo's appendix to אלתר אלתא שון 9כ אלתר אלתא שון אלתר אלתא שון איה ברושל שון איה אלתא שון אלתר אלתא עץ אלברFU לא ברשות השפ erm.

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

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40 So also Josephus (H. Weyl, Die jüdischen Strafgesetze bei Flavius Josephus, Berlin 1900, 122; Oitzki, Magazin, XVI (1889), 78). On the view of Philo, see Ritter, 59, and Weyl, l. c., note 19. The Samaritans also interpret יברשת 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. All quoted in Mibhar, Ex. 400; Ḥayyim, בון עליון, 148d; Ḥayyim, בון עליון, Ex. 68b; ארדר אלתא (Odessa 1879), 189d; Samuel al-Magrabi (Gitelsohn, p. 1, 3). The Samaritans take עזריה ועלים (v. 6) literally (Klumel, p. VII) as do also some Karaites (see אדר אליות, 90a; 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 Mesia 94b) as referring to a gratuitous guardian את אזור כנף and vs. 11, with the Talmud, to a paid guardian דוהא את עמי אחר כנף, represents according to Geiger (ib.) an intermediate state in the development of the law of guardians.\footnote{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 מסלול and verses 10-13 to בכיי חיתו. Benjamin Nehawendi seems also to make this distinction (משואת כסות, 2b) but contradicts himself. He says (ib., 3b): לשלוח רמי והנובות והושתלות הרוב ממון ברבותי אוף והים לשנה אין לושמר ווייבי ובנהב שאלגורים והם נגזר� במבו, thus referring verse 11 to מסלול.}

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; נבר חית, ad loc., 75a-b; ויהי ואברענ שפימר, נג, 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).\footnote{Philo makes such reticence a capital crime (II, 278; Ritter, p. 47; comp. Werke Philos., II, 114, note 4). This interpretation of Ps.-Jon. seems to have escaped Ritter (l. c.).} The Karaites (猬ר חית, ad loc.) interpret this verse like Tradition, as referring to שביתת והות.

Geiger (Urschrift, 477) finds support for his view that according to the Sadducees all the work connected
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 Karaite, however, agree with Tradition in the interpretation of אֵשׁ המָה (so also Philo II, 253); and Mibhar (*ad loc.*, 18b) records the opinion of some Karaites that even שָׁמַה וּרְחִית (v. 5), which according to Tradition is מֵסָל בּוּר (see note 43), does not require a priest:

יִשָּׁר אֵשׁ המָה שׁוֹרְקָה יִהְוֵה נַחֲנוּ אָּל֦וּת בּוּר
Ps.-Jon. adds to these מָחֵן לְמַהֲנָה (Lev. 16, 27) the words הַשּׁוֹרְקָה בִּמְסָלֵן עַד יִרְיוֹת מַדְּאֵל יְבּוּרָה... which is against the Halakah, as Büchler (---, 153) remarks. The Karaites agree with Tradition. See Mibhar, *ad loc.* (28a):

יִשָּׁר אֵשׁ המָה לְמַהֲנָה: יִשָּׁר אֵשׁ המָה לְמַהֲנָה
Ps.-Jon. differs from Tradition, Yoma 6, 6, in the interpretation of אֵשׁ הַשּׁוֹרְקָה (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

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"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 שָׁמַה וּרְחִית to be by a priest (Brüll, l. c., 271, n. 5, notwithstanding). See Parah 4, 4; Tosefta, ib. 4, 6; Maim., *Sho∫o∫", 3, 2; 4, 17. The view that שָׁמַה וּרְחִית (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: הַנָּג הָרְיָא יִמְמֵאָל לֵא שֵׁי יוֹזֶה יִשְׂרָאֵל אֵפוּרִים בַּכּוּרָה הַשָּׁמְחָה... and הַנָּג הָרְיָא יִמְמֵאָל..."

"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) ... 컴של elkaar, *ad loc.*

According to Tradition (Lev. 7, 16-18) are eaten only two days and the night between (Sifra *ad loc.*, Zebahir 5, 7; Pesahim 3a; Maimon., *Mishnah Torah* v. 16) so that יאכלה מפסח refers to the night after the second day so that שלים they 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): מפרחת. שכאלם לפני יום הלַוָה אתו ו珩ה מפרחת ... השלים בנס ויחד יומם יומא שחל יומא אהוב ואתו ... נאכלם לפני יום המרי לווה达不到 יום הלַוָה אהת... נאכלם נ蒐 שמל יום המרי תמח נסי הלַוָה של אהוב. 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): "... נאכל מפרחת הלַוָה של א CLOSED..."}

44 Aaron b. Elias, however, contradicts himself. See *Aaron*, fol. 39c. 1. 7 from bottom: השלחניא נאכלה לפני יום הלַוָה אהת. 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; Reissmann, *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 אומר כיוויכם domingo קרב (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. 399, and מפרחת, *ad loc.*), but see the כית by the Karaite...
Ps.-Jon. interprets "לא ירבה ולא מוסים" (Deut. 17, 16) to mean that he should not have more than two horses (לא ירבה ולא מוסים על חיות מוסים) 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 Mibhar, ad loc. (14b):

ולא ירבה ולא מוסים: אלא כר ממרכבה.

Tradition interprets "מות הנביא הזה" (Deut. 18, 19) as death by strangulation (Sanhedrin 10, 1; Sifre, ad loc., 108a). Ps.-Jon. translates death by sword.14 The Karaites agree with Tradition. See, ad loc. (22a):

ואם הנביא אשר ידו: והנביא שקר ומכילו מ芡 ישיאו ממנוני חברהPsycho ושומתנבע בכתם ובורה מ芡 ישיאו בכתם.

As was already remarked by Jonathan Eibeschütz (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: א゙ו כל תningsי바 רניא גרא מוכחי; but comp. יירוהש, 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 ( ואיןין לוין ed. Harkavy, p. 113) but not for a divorce (l. c., p. 119). See also Benjamin Nahawendi,

M. Sultanski, Goslow 1858, 118). The later Samaritans shared this view (Wreschner, 61-2). This Karaite law is based on no tradition; see Schurer, Division II, Vol. I (Engl. transl.), 299 ff.

14 Ps.-Jon. interprets "מותו" in Deut. 13, 6 also by יירוהש כויאו גרא, which is against the Mishnah, Sanhedrin 10, 1.

15 Aaron b. Joseph (Mibhar, Deut. 150) believes that death here is בריית שאוס, 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 סנה to insure legality and publicity, to which custom Ps.-Jonathan's קד 결 may be due. In a recently discovered Assuan papyrus a divorce is said to be announced והנה. See Jahrbuch d. jüdisch-literarischen Gesellschaft, VII, Frankfurt a-M. 1910, p. 378.

Ps.-Jon. (so also Fragment Targum) interprets פָּרָה אל הכהן אשר יוהי בית המקה (Deut. 26, 3) against Tradition (Bikkurim 3, 12; Sifre, ad loc.; so also Josephus, IV, 8, 22) as referring to the high priest (עַל חַכָּם כָּהֵן אִשָּׁה ויהי). The Karaites agree with Tradition. See Mibhar, ad loc., 23a. So also כְֹהֶן הָוָה, ad loc. 29b.

* The Karaites, relying on Nehem. 10, 36, contend that the firstlings (кони) are to be offered from all kinds of earth and tree fruits (Mibhar and חַבְּרָה, l. c.). According to Tradition (Bikkurim, 1, 3) they are offered only from the "seven kinds" enumerated in Deut. 8, 8. Philo, II, 298 states that they are brought from the fruits of trees (see Werke 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 (1osefta 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 נכם אראו של תורה (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. Ahare 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): נכם אראו של תורה; so also, ad loc. (42b): נכם אראו של תורה, על פי כל ארון ובעכסא ונגנה על התורה.

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


* See Bar Hebraeus, 41b, for the anti-Sadducean interpretation of this verse: יאש רמיה רשא אראת רפ נפשו של תורה. Comp. Geiger, Jud. Zeitschrift, II, 29 ff., and Oppenheim, Bet Talmud IV, 269 ff.
(Deut. 25, 9) constituted a difference between the Pharisees and the Sadducees, as admitted by Geiger (Jüdische Zeitschrift, II, 28; comp. ib., 95). The latter in their adherence to the letter of the Law required the woman to spit in his face (משה) while the Pharisees in case of halishah caused her to spit before him (Yebamot 106b). The Karaites agree with the Pharisees in the interpretation of דינה bein דישה וברא (Mibhar, ad loc. 22a) and מוהר כסה (Comp. ad loc.)

The responsibility of a master for damage caused to others by his servants constituted, as already recorded in Mishnah (Yadaim 4, 7), an issue between the Pharisees and Sadducees. The latter applied the law of Ex. 21, 35 also to damage done by one's servants. The Karaites agree with the Pharisees and reason like them. See (180c): אד הכתוב אשה אשה ושא ויהיו מהוים משלי הם מפורים ... אבל בהמה יש שלום וני יין יישים הנשים והאנשים ... איזי להוריו נאש אשה בובני והם ית ששם ולי דעה אשה יש לכב מפורisci יוספי מחו נאותי וחיים משלי; comp. G. Hölscher, Der Sadduzäismus (Leipzig 1906), 30 ff.; Geiger, Urbeit, 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,

(Neubauer, II, 10); Tosefta Yadaim 2, 20; Baba Batra 115b-116a; p. ib., 8, 1).

The Karaite law of inheritance, as they themselves confess (נין סך עין, 165b), is confused, and difference of opinion exists among them on essential points. The prominent ninth century Karaite, Daniel al Ḳumṣi, held that the daughter when sons are left receives a third of the inheritance (Pinsker, II, 85; comp. יאדויה ואלה, 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; נין עין 165d); this, he reports in the name of David b. Boaz, was also the view of many others. These views disagree with

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81 See V. Aptowitzer, Die syrischen Rechtsbücher und das Mosaisch-Talmudische 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.

Wreschner, 41, suggests that it was taken by some of the Karaites from the Samaritans, who follow the Mohammedian law and give the daughter, when there is a son, a third of the inheritance. The Karaite law: מנה שלאנין ולא מנה שלאלאIntl נשות נשות, קריב גולגל און לונן להודל השמחה המקדש, ad; 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 Ḳamma 109a). According to Philo (II, 291) the tribe inherits his property.

82 An opinion identical with that of Joseph b. Abraham is quoted in p. Baba batra 8, 1 in the name of Aaron b. Elias (נן עין, 166a) states that by "many others" David b. Boaz meant the Sadducees and reads לְאֵ この הָיָה הָיָה כַּעֲנַיָּהוּ הפָּרָשָׁה יִשְׂרָאֵל אַל יִשְׂרָאֵל אַל יִשְׂרָאֵל אַל יִשְׂרָאֵל instead of לְאֵ この הָיָה הָיָה כַּעֲנַיָּהוּ הפָּרָשָׁה יִשְׂרָאֵל אַל יִשְׂרָאֵל אַל יִשְׂרָאֵל אַל יִשְׂרָאֵל; see also the reading in Neubauer's edition of Megillat Taanit (l. c.); comp. Hoffmann, Z/hB., IX (1905), 135. For the view of Anan on the only one, see Hadassi, Alph. 256 (98b); comp. Grätz, Geschichte, V, 187; D. H. Müller, Syrisch-römische Rechtsbücher u. Hamurabi, 31.

The opinion of Wreschner, 39, that מנה שלאלאIntl 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; נין, 166a, and 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. נחלתו אלתו הותרה: נת_hashes בּוֹמֵם לֶבַת, ושאינו בו קדים ... ולפי זה הוא נון קדש המannah. Also אֲדוֹרֵת אֲדוֹרֵת 102d: מנהל ... מנהל, Num. 41b: מנהל, ובחרוחו ... מנהל מנהל, מנהל מנהל.

Hadassi (Alph. 97) informs us that the Sadducees “absolutely forbade divorce.” Geiger (Zeitschrift, 1836, p. 99) doubted the authenticity of this report. Kirksisani reports it in the name of David b. Merwan Almukameš (ed. Harkavy, 304, l. 3; 305, l. 12). S. Holdheim in his אֶדֶרֶת אֲדוֹרֵת (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) אֲדוֹרֵת אֲדוֹרֵת (96c) as well as all the other later Karaites (Hadassi, Alph. 366 (141c); נין הבורם, and on Deut. 24, 1; Gan Eden 154d and לָטָשׁ מַלְטָשׁ (A. Neubauer, Aus d. Petersburger Bibliothek, 54)), does not like the School of Shamai (Gittin 90a) take שְׁיָרָה רֹבַּה (Deut. 24, 1) to mean sexual immorality, but an

is forced. He and Aptowitz (JQR., XIX, 609) overlooked Shabbat 116b. For the expression אֲדוֹרֵת אֲדוֹרֵת, see VIII, 78; and the gloss, 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 sefer ha-CSCH (Harkav, 119, 4):

בר ירא לא שפרא ביניינו דאשאבה ב מטיל קטירא ולא ניחא ל תורה

 reimbursed v. פסלו עביה הוהי מורה ולא ניחא ל תורה

Benjamin Nahawendi (משא נוהנדי, 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 מ部分内容 זהה דרים ביתו מביתו מביתו מביתו מביתו מביתו מביתו מביתו מביתו מביתו מביתו

the command, hence the order, if not mistaken, if not mistaken, if not mistaken, if not mistaken, if not mistaken, if not mistaken, if not mistaken, if not mistaken, if not mistaken, if not mistaken.

The maxim is that whereas men are not mistaken in the matter of divorce, they are mistakenly in all other matters.

Biblical Ezek. 34:15-18. See Sherira Gaon, Epistle, ed. Neubauer, 35, l. 11; id., Responsa, Resp. 140; comp. Grätz, Vb, 129-130; Weiss, Dor, IV, 5, 9, 37; A. Schwarz, Moses B. Maimon, Leipzig 1908, 342-345. Hadassah (Alph. 335) stands alone in his opinion that מום לא יראה קדרושי is not sufficient cause for divorce. For the Samaritan interpretation of хочет מביתו, 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): מֹשֵׁה וְאֵין אָבְדָה אַחֵרָה.

The preparation of the Red Heifer was, according to Num. 19, 9, to be done by one ceremonially clean: אָשֶׁר נִיאָשׁ מִנָּה מִרְחָכָה. The interpretation of מִרְחָכָה 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 ceremonially clean 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 נוֹקֵד is considered defiled and forbidden to her husband whereas the talmudic law requires divorce only in case the husband be a priest (Ketubbot 51b; the reason of the opinion of נוֹקֵד (l. c.) is 장 תְּרֵעָה שֵׁפֶת for Ps.-Jon. on Deut. 22, 26: אֶלָּא נַבְּרַא ליִּגְּדוּ יָדִים בְּגַנָּוֶת; comp. also Chayes, אֶפְרָאִים וּנְבֵיהוּ IV, 4. 4). See Benjamin Nahawendi (משה בעלי בית): אָשֶׁר נִיאָשׁ תָּאָשׁ עֲקֵרָה וְאָהֵבָה יָדִים כִּי נַפְּלֻהָה שֶׁלָּה בְּכָלִּים אָשֶׁר אָשֶׁר מָאָרָה. So also Hadassi, Alph. 399: נַפְּלֻהָה בֵּין אֲדֻרִים אֲרֵרָה; comp. also Alph. 364 (135b); 47. Jepheth b. Ali held that in case of defilement no writ of divorce is necessary; for the marriage is ipso facto dissolved (בֵּין עְלֵי 155a); but see Hadassi, Alph. 5. lett. כ. Holdheim (l. c., 112) contends that the Sadducees did not consider a captive even when נַפְּלָה is forbidden to her husband. Yet the Karaites hold that even an אָשֶׁר נִיאָשׁ is forbidden to her husband. See Hadassi, Alph. 365 (141d). Josephus (Contra Apionem I, 7) agrees with Tradition (Ketubbot 27a).

Holdheim (l. c., 53, note) states that while the Karaites consider man and woman equal in their spiritual duties, the Mishnah (Berakot 3, 2) confines the duty of prayer to man. The very Mishnah which he quotes states that women are included in the obligation of prayer.
and barred him from assisting in the preparation of it." This issue could have arisen only if we interpret היה לְמַגֵּח עַרְבּ 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 אָפִּיר פָּרָה.

Most of the Karaites, however, take לְמַגֵּח עַרְבּ to mean the last part of the day and assign the ablution to the hour which immediately precedes sunset, see Harkavy, ספר המצות, ח. ח. ה, 143, n. 9; see also הלכות, ad loc. (27a): עַרְבּ: סָמַךְ עַרְבּ וְכִּי לְמַגֵּח בָּקָר אֲכֵרָה בַּעֲלָהּ חֵקְכָלָה שֶׁשֶׁמֶץ מִצְצָה שֶׁשֶׁמֶץ עַרְבּ. See id., Lev. 39b; Hadassi, Alph. 295 (110c). So also אָרְאֵת אֲנִי, id.; סָמַךְ עַרְבּ וְכִּי לְמַגֵּח בָּקָר אֲכֵרָה בַּעֲלָהּ חֵקְכָלָה שֶׁשֶׁמֶץ מִצְצָה שֶׁשֶׁמֶץ עַרְבּ. So also Samuel al Magrabi (MS., 191b ff.): עַרְבּ: סָמַךְ עַרְבּ וְכִּי לְמַגֵּח בָּקָר אֲכֵרָה בַּעֲלָהּ חֵקְכָלָה שֶׁשֶׁמֶץ מִצְצָה שֶׁשֶׁמֶץ עַרְבּ. So also the anti-Karaite ordination of Maimonides (ed. Friedlaender, MGWJ., 1909, 476): מָנוֹזָה מִן הַתַּחאֵל בֵּית אֶל-פָּנְיָם סָמַךְ עַרְבּ: סָמַךְ עַרְבּ וְכִּי לְמַגֵּח בָּקָר אֲכֵרָה בַּעֲלָהּ חֵקְכָלָה שֶׁשֶׁמֶץ מִצְצָה שֶׁשֶׁמֶץ עַרְבּ. So also Sahl b. Mašliḥa, Pinsker, II, 28. According to them, such state of uncleanness as

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Comp. Geiger, ZDMG., XX, 567; Maim., 1, 6, and אָפִּיר פָּרָה, 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 *םבול ימ* 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.

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

The two daily burnt offerings (עולה ותענית) 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 עשתה 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) that a person is required only once a year. 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.

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88 So also Josephus, Ant. III, 10, 1 and Contra Ap., II, 6. Philo also considers the קרבן ט庅יר 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 בם (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 בָּם, if he first turns it over to the people (Rosh hashanah 7a); see Maim., Sanhedrin, 8, 7: אָבִי לֹא עָבִיר חֵרֶב וְיָדֵיהֶם בָּלוּ הַשָּׁמָּיִם, כֹּרִים וּלְכָלָם שְׁמַעְתָּם. Comp. ad loc. and to Parah 5, 3. This escaped Ratner, Israel in honor of N. Sokolow, Warsaw 1904, 502.
Similarly to Num. 19, 2; comp. ad loc.: אָאָא וּלְשֵׁנַה, מְרַחֲכֶה מָשָׁה אֲדֹן הַמַּעֲלָה; see also 95b, and elsewhere, 101b.

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

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-

* 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, מניין עלيانו, Warsaw 1894, 65; L. Löw, l. c., 160. קראת ed. Poznanski I, 87, n. 3, end and 84, n. 1.
ing and carrying on the sabbath is lightened. Geiger sees in the institution of 'erub a result of the Pharisaic desire to imitate the priestly sacerdotal meals eaten in 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 (מראית לארשי) 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 לע מראית הקדשה and in connection with them were practised rites and observances usually associated with sacerdotal meals. To facilitate such gatherings, i.e., participation by those who lived outside the city limits in such consecrated meals (usually held on holy days), they devised the fiction of 'erub, through which members could come from distances and food be carried from one precinct to another on sabbath. The Sadducees opposed this device (Erubin 6, 2; ib., 68b). The rejection of this "evasion law" by the Samaritans (Erubin 31b) and the Karaites (Hadassi, Alphabeta 182, 183, 242, see also authors quoted below) thus goes back to their common source—the Sadducees. This hypothesis of Geiger is due to misunderstanding the above quoted Mishnah. As has been shown by I. Halevy in his Dorot Ha Rishonim (1c, pp. 436 ff.; so also Weiss, Dor, I, 119), the Sadducees are mentioned there as

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

6 אל לנו מוריין [הכדוריין] מוי ופייуть והከחתו אופרו והקתה 그래서 [פייויוין מוי] (Weiss overlooked, however, Horayot 40; 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 working on Sabbath. Thus, while the Sadducees did not consider it forbidden, the Karaites prohibit them and reject the “evasion law” of ‘erub’ (Hadassi, l.c., and authors quoted below). The early Karaites Anan,10 Benjamin Nahawendi (םיינכט, 31a ff.) and Sahl b. Mašliaḥ (לכש הנע 대해서, 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 שבע מצוות מברק in Erubin 31b (concerning the Samaritans). See Niddah 57a and Rashi, ad loc., s.v. יאכתי; see also Wreschner, 15; comp. S. Hanover, Das Festgesetz des Samariter nach Ibrahim ibn Jakob, Berlin 1904, 21. For the Sadducees, comp. also Schürer, Div. II, vol. II (Engl. transl.), 37, n. 102.

10 See also Harkavy, סדרה ועבון, 31b; ראורואת א楽し ועבון, 29c; comp. also Harkavy, 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, Magasin, VI (1879), 121.

The later Karaites, including Levi b. Jephtha ha-Levi, Joshua b. Judah, Samuel al-Magradi, and Aaron b. Eliaš, accepted the rabbinic (see Mekilta to Exod. 16, 29; Alfasi and Asheri to Erubin 1, end; Tosafti ib., 17b, s.v. יאכתי; Ma‘an., תשבץ, 27, 1) restriction of the Sabbath way to two thousand yards outside the city limits, making thereof a biblical ordinance. See also Joseph al Bager, 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 הקהל יאכתי is biblical (Shoṭah 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, הרועי (Kiddushin 75b; comp. Frankel, Einfluss, 245), while R. Elijzer and R. Ishmael who, according to this view, partly adhered to the Sadducean-Samaritan halakah, held the Samaritans to be only lion-converts, הרועי בראות; see Kiddushin, l.c.; Shebiṭit 8, 10; p. ib., and ad loc.
or some religious object."

Geiger (Jüd. Zeitschr., II (1863), 43 ff.) holds that the Sadducees prohibited the sacrifice of the Paschal Lamb (קרובות מצוה) on sabbath. Derenbourg (Orientalia, I, 184 ff.), Holdheim (משאר הציוויא, 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" (קרובות תמיד) as a public offering (קרובות מצוה), and the "private offering" (קרובות תמיד) since, according to the Sadducees themselves, the קרבנות מצוה was also to be offered by an individual. See Menahot 65a; comp. Geiger, Urtschrift 136, and above. Moreover, many early Karaita authorities agree with Tradition that the קרבנות מצוה takes precedence over the sabbath. So Benjamin Nahawendi (משיח ליען, 153; comp. also the views of Daniel al Kumši and Jephth b. Ali, Harkavy, l. c.). So also Aaron b. Joseph (Mibhar, Exod. 16b); Samuel al Magrabi (ed.

** The Karaites differ among themselves also on the source of משלי on sabbath. Jephth b. Ali (Finsker, II, 21) and Joseph al Bašir (אורתא עלית וה, 29d ff.) follow Tradition and consider it to be a מלתא and therefore forbidden. Kiršisani thinks that carrying is not מלתא and its prohibition is traditional and attested by Jerem. 17, 22 (בע עלי, 26b; comm. also the views of Joshua b. Judah and of Aaron b. Elias, l. c.). Levi b. Jephth stands alone in his opinion that the carrying of light things is not forbidden (אורתא עליתות, 29c).
Junowicz, Fast-und Festgesetze d. Karäer, Berlin 1904, 6); Elias Bashyazi (א. מ. ב. א. ר. א. ב. 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 בֵּאָר הָבֵנְלָה, like שֻׁבָּר הָבֵנְלָה, communicates uncleanness goes back to Sadducean Tradition. It escaped Geiger that the earliest Karaites, the Ananites, were of the opinion that no separate part of the carcass is capable of communicating uncleanness. See also JQR., XIX, 151, 11; for Anan's opinion see also Jacob b. Reuben (Pinsker, II, 84); Harkavy (She'eh Leh, 59; 153, n. 12; Schechter, Jewish Sectaries, II, 23; comp. also REJ., XLV, 56, n. 4. See also Geiger, Urschrift, 135, that the Boethusians allowed מִסְמָא הַבֵּנְלָה to be written on the hands which proves their agreement with Tradition that מִסְמָא הַבֵּנְלָה is not שֻׁבָּר הָבֵנְלָה. Geiger's interpretation of Shabbat 108a (N. S., V, Heb., 151) is forced; comp. also Schorr, Ḥalaṭin, IV, 33.

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

The only view common to the Boethusians (a latter-day Sadduceeism) and the Karaites is the interpretation of
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," שֵׁם, is to be offered "on the morrow after the sabbath" מָמָד הַשָּׁבָת יִשְׁפֶּה חַכְּרוֹת. Tradition interprets "from the day after the holy convocation," i.e. from Nisan the sixteenth. The Boethusians interpreted מָמָד הַשָּׁבָת 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\textsuperscript{a} and Karaite\textsuperscript{b} interpretation of מָמָד הַשָּׁבָת.

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 Pharisaer und die Sadducäer, 59 ff.); Schürer (II, 334); Poznański (Abraham Geiger, Leben u Lebenswerk, 365) pointed out, this Boethusian interpretation of מָמָד הַשָּׁבָת 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

\textsuperscript{a} See Wreschner, Intr., XXIII; S. Hanover, Das Festgesetz der Samariter nach Ibrahim ibn Ja'kub, 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 עֵוֶר post festum. See Geiger, l. c., 296; Hoffmann, Leviticus, II, 164. For the Falashas, see A. Epstein, Eldad ha-Dani, 154 ff.; id., REJ., XXII (1891), 13 ff.

\textsuperscript{b} See on it lastly Poznański, Gedenkb. zur Erinn. an D. Kaufmann, 173 ff. Some Karaites trace their interpretation of מָמָד הַשָּׁבָת to R. Phinehas b. Jair. See Pinsker, II, 16-7; comp. Frankl, MGWJ., 1876, 115 ff.; Epstein, Eldad ha-Dani, 158, note.
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,” נסוך הים, on the Feast of the Tabernacles. See Jefeth b. Ali (Pinsker, II, 23): נסוך הים לא צוה תשב הכהנים לא בפיים: לא בוהה: לאוירים במעות נסוך הים והופת על ממフリー והאמרו והדבר... איש צוה לא בוהו. 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 מלתה השבת and נסוך הים, 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. Mashiaḥ 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 Sadduceeism 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 בקעת

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86 Sukkah 48b; Yoma 26b; comp. Maim. Commentary on Sukkah 4, 9. See on it lastly Feuchtwang, MGWI., 1911, 49 ff.
87 See also Grätz, V 4, 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. Karäerthums, I, 13 ff.); Harkavy (Grätz, Geschichte V 4, 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.
88 See Harkavy, l. c., 776; Poznański, REJ., l. c., 176-7; V. Aptowitzker, 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 לֶדוֹת. See

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The suggestion of Bacher (ZfHBr, 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 Kirgisani 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.

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Comp. Lekah Tob to Deut. 21, 15 referred to by Schechter, XVII, n. 16. Gittelsohn, Civil-Gesetze der Karäer, Berlin 1904, 11, n. q, is to be corrected accordingly.
Harkavy, pp. 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 (טז, 146d, 154b); Elias Bashyazi (ו, 49a); Mordecai b. Nisan (לע, 46). A present day Karaite, Samuel b. Shemariah Pigot, Hazzan in Ekaterinoslav, writes: ... המכסה עָלָיו אָסָר לֻקֵחַ שָׁחֵר נַשָּׁה, שֶׁאֵין אֶפְרָאִים אוֹתָם מַשָּׁלוֹחֵי יָדָם אֲלֵנָהוּ וּדְבָרָם עַד הַיּוֹבִי עָלְיוֹ וְהָכוֹנִים לְמַלְאַךְ אשיאר וְהוֹROLS (כנר ונישוחו אשיאר שמעון, St. Petersburg 1894, I, 176); comp. also Schechter, l. c., p. XIX, n. 22.

According to this Sect “Fish may be eaten only if while still alive they have been split open and drained of their blood” (p. 12, ll. 13-14; comp. p. LI, n. 23), not requiring that the fish be caught by an Israelite. Anan (JQR., XIX, 143; comp. ib., 138) and many other early Karaites (Hadassi, Alph. 235 (89d); Jacob b. Reuben quoted in 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 Phariaseic 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 Sepphoris who seems to have been suspected of some sin (comp. Eccl. r., 7, 47, hırvi; vol XIV, 245). The later Karaites rejected this view. See also Num. 15b: אֲבָא נֹעַר דָּאָר היה יִשְׂפּוּ: כְּמוֹרַח אֲסָפָה בְּדֶרֶךְ כְּפֶה רוּב הָמוֹנָה לָא שְׁמַעַתָּו וּפִיו וּלְכַל הָמוֹנָה אֲסָפָה: so also 12, 10b; comp. also Samuel al-Magrabi, l. c. 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 Margrebi*, Berlin 1907, 21; Hadassi, Alph. 234 (89d); comp. also *JQR.*, XIX, 143, beg. דועי, רחוב להויה, ch. 23; ספירה, 25.

Schechter (pp. XVIII, XLIX, notes 16, 24, LX) pointed out several agreements between the Karaites halakah and that of this Sect in the details of sabbath-observance. Extreme sabbatianism 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 (דועי, 12, 936; רחוב להויה, Lev. 192). Comp. Bacher, *MGWJ.*, 1874, 272. Many Karaites, however, oppose this view. See Miḥbar, Lev. 129, and *Sifra* 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 Karaites 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 (Z/θhB., IV, 73); Samuel al-Magrabi, l. c., 9, 21; דועי, 12, 101c; רחוב להויה, ch. 24. Schechter (XXIV, LI, n. 20) believes that this Sect considered honey to be אבר פש הבויה, and therefore prohibited it. It is, however, more probable that מִין רֶבְרוֹמִים (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 מִין רֶבְרוֹמִים, הָיוּ מִין רֶבְרוֹמִים. See Asheri, in Aboda Zarah, 68b: רְבְרוֹמִים מִין רֶבְרוֹמִים, הָיוּ מִין רֶבְרוֹמִים. Anan (Harkavy, 3) and the later Karaites allowed the use of honey (דועי, 13, 92d, 939). It is, however, doubtful whether this was also the view of the earlier Karaites many of whom prohibited even eggs as אבר פש הבויה, see Hadassi, Alph. 232 (89c) and Alph. 308 (114c). The view of Lesnysky (*Die Sadduzäer*, Berlin 1912, 40) that the Sadducees prohibited honey is untenable; he overlooked *Judg.*, 14, 8-9.
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ment." (See Schechter, XLIX, n. 39; I. Levi, REJ., l. c. 198, n. 14; Moore, l. c., 365; Kohler, l. c., 425). This law is against the Karaite halakah as well as against Tradition. The Karaites agree* with Tradition (Shabat 18, 3; Yoma 84b ff.; Mekilta on Exod. 31, 14 and parallels) that for the saving of a human life the sabbath is to be desecrated. See Hadassi, Alph. 148; 179; Mibhar, Exod. 38a; Ṣefer, p. 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 Samuel, Ṣefer, 36a; Elias Bashyazi in his הובות עצם, ch. 11, but see, however, Aḡa, אגרה, p. 8. It may also be pointed out that the two most important Karaite devia-

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* 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, נ (112b) and Levi b. Jephthah quoted by Harkavy, son of הרקבי שלמה ליבו, 132. Anan relying on Exod. 15, 26 prohibited altogether the use of medicine and of physicians (Kirksani, quoted by Harkavy in Grätz, V, 487; comp. Hadassi, Alph. 207 (823)). It is only in case of ṣeva that some Karaites hold that it is not וּשֶׁבָה, ואחרת אַלַּו, and in the שֶׁבָה, ch. 2; see, however, Maim., וּשֶׁבָה, 2, 3.

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

* This seems to be the meaning of הַיְוִיר הַיְוִיר מִדְרָשׁוֹ בָּכָה (p. 11, ll. 4-5; comp. p. XLIX, n. 19; I. Levi, REJ., l. c., 197; Bacher, ZA/b., XV, 21, n. 5; Kohler, l. c., 424.) reading הַיְוִיר הַיְוִיר for הַיְוִיר הַיְוִיר; 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 Kirgisani (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; נ. מ, 98d and 105c; והר חודה, Lev. 28a; אורות אלהים, Lev. 72.

See also Fürst, Geschichte d. Karäerthums, I, 11. While the opinion that the Sadducees also prohibited cohabitation on sabbath may be justified on the hypothesis of Geiger that any divergence from traditional halakah which is common to the early Samaritans and the Karaites goes back to a pre-Pharisaic (Sadducean) tradition, since we find the early Samaritans holding this view (Frankel, Einfluss, 253, stands alone in his opinion that this prohibition was adopted by the Samaritans from the Karaites; comp. Wreschner, 18-19), there is no reason to assume that already the early Samaritans prohibited having light in the house on sabbath. The arguments adduced by the Samaritans Manugga (Wreschner, 16, 17) and Ibrahim b. Ja'kub (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 שלמה (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; יתנש, 1908, 125), as to the reading in Tosefta Shabbat 1, 23: וַיֶּאֶסֶף יִצְוָה לֵזְגִּיהַ; comp. JQR., l. c., 662; יתנש, l. c., 120).

See, however, the view of Joseph b. Abraham (quoted in Mibhar, l. c.) that מָיְסָה תָּאָשִׁי does not contract uncleanness. The view of this Sect agrees
According to this Sect (p. 10, ll. 11-12) no man ritually unclean shall cleanse himself in the water of a vessel. As Schechter (XLVIII, n. 3) remarks, this law is directed against מיס שרובים. The Karaites, however, not only allow מיס שרובים (comp. MGWJ., 1909, 469) but, as Kirksani 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. LI, n. 27) remarks, against the Traditional view that only מחלשandle צליל can and are capable of contracting and communicating Levitical uncleanness." The Karaites agree with Tradition against this Sect. See Anan: ויכא ארא והב אשל программ בהל אוארדע לכל תמאנה לכל הנני סחיים כל 묘 ביה נהדרותא לא מיסמא ed. Harkavy, p. 51; 

partially with Mikwaot 1, 1 ff. (according to the interpretation of Maim. in his commentary ad loc. and מוסמאת אוכלין, 15, 1) that water less than אספר אין ביר מירע (ערעיין_python מאה auto) may also mean less than המחלש even when contracts uncleanness if overall borrna. Ps.-Jon's rendering of Lev. 11, 36: יס של היום בשמיה ימי עבועק is against our halakah. It may also be pointed out that the Dorothians held, like this Sect, that water is מוסמאת ברי בן שמות, 25. 

The Samaritans, according to p. Abodah Zarah 5, 4, agree with Tradition on מיס שרובים; מיס שרובים to Mikwaot, 8, 1. 

It must, however, be pointed out that the law of this Sect (p. 12, ll. 17-18): ולך כל מוסמא שאה בקורל אשם הוא לך מה כורה מוסמא מוסמא (ר. מוסמאת) agrees with the view of Hadassi, Alph. 290, 292, that in the case of Num. 19, 18 מוסמאת מוסמא is contracted and communicated even when אברהם. This view is not shared by the other Karaites. See Mibhar, Num. 10b; כהה, והר Num. 29b; ארורזז 22, 122c; זכרז, 52, 20. Even in case of.Num. רכז, רכז, see Rashi and Nahm. ad loc., Shabbat 125a; Maim., כלות, 15, 6 and commentary to כלות 5, 1; it is the opinion of most of the Karaites that it is not מוסמא מוסמא when כותר והר, ad loc. (28a); כותר, 106a; but see Hadassi, Alph. 292 and Mibhar, Lev. 18a. Ps.-Jon and Yalkut on Num. 19, 18.
comp. ib., p. 58 and 133; Hadassi, Alph. 286; Mibhar, Lev. 17a, 20a; Bahar hoda, Lev. 26b, 28b; נגפי עין, 103b, ff.; אדרת אליעזר, ליב; ואפרים, p. 21).

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 (התראה) 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 למודים ומכות כל מה שמכות מ.setProperty, 2a:gies גיוס ברכותUMP A הלודניםlay המכוות קא. So also Samuel al-Magrabi (Gitelson, 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 בלע 176d: הוורא Amelia lukasa לכל כל מה ש高血压 מIOException או יוסטטש לכמה זה הלודנים לברך בברך אשת לא התנה בזאת وما זה הפקיד רוחו יבשנים. אם אם ברא ברבר שימשה בה מהות האמה תועדו מיתזים מיתזים שבלע אמה

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

* Mibhar, Exod. 420: לכו אבר או חרב דע什么叫 מינו וללאון, ויהי השירה ואתו מינו ולאו יברעו; so also עליי, 177c. This seems also the opinion of Philo; see Werke Philos, II (Breslau 1910), 263, n. 2.
(Comp. also Mibhar, Exod. 32b and Numb. 49b and Samuel al Magrabi (Gitelson, 14) in which case the offender would, according to Tradition, not be punishable at all (Mekilta to Ex. 21, 18; Sifre to Num. 35, 17 (ed. Friedmann 61b); Sanhedrin 79a; Maimonides, ד前瞻性, 3, 1-3.). Tradition punishes murder only when the murderer has laid his hand on the victim and the death has resulted from such direct assault; handing another poison, unless actually forcing it in his mouth, or leading him to a place where in a short while a force of nature or a beast will kill him, is thus not punished by death (Sifre to Num. 35, 17; Sanhedrin 76b ff.; Maim., ר쉑, 2, 2 ff.). The Karaites do not require the death to be the direct result of the action of the murderer. The Karaites accept the view of R. Judah b. Bathya (Sanhedrin 78a) in case of murder committed by several people simultaneously. See והנה עד על אוכל אינשם וחרך כלו חיבים מיתוה, 2a: משאת במדבר. See also Hadassi, Alph. 152 and Alph. 166; נג עסו, 177c; and Samuel al Magrabi, MS., 84a: שאו飔וא ומד החורר נמש. אמס הוא אד איבי ובד ביוו וה,... על כל מהבריס בהורוה...; and the opinion of Beth Shammai (Kiddushin 43a) concerning murder committed through an agent. See נג עסו, נאוה אמס יעשה האדוב בברץ ואלי דיוו, 177b; comp. Hadassi.

Nor do the Karaites, in case of the defendant's confession of any crime, require witnesses to establish guilt. See Benjamin Nahawendi, לֶבֶן פְּדִיתוֹ מִי יָרָה הוא כְּשָׁנוּ נוּרְיָא תָּגָּא纹理: מַשָּׂאָא בָּנְמוּי纹理; so also Hadassi (Alph. 357ח): חוררי יпрофессионаים ידוה وهو על ענוגה הוא כְּשָׁנוּ נוּרְיָא纹理; see also Alph. 370; so also Samuel al-Magrabi (MS., 105b纹理: עד כי אמא ימבר כללו הרור纹理; see also Num. 50纹理: לֶבֶן פְּדִיתוֹ מִי יָרָה纹理; so also Samuel al-Magrabi纹理: אִישׁ אֶלֶּה纹理, נג עסו纹理, 194d纹理; see also Maimonides纹理, 18纹理, 6纹理; but comp. Weiss, I, 22-3纹理. The talmudic principle is that a man cannot incriminate himself, confessing of guilt not being admitted as evidence (Sanhedrin 96 and parallels; Maimonides纹理, 18纹理, 6纹理; but comp. Weiss, I, 22-3纹理).
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: והנה כן משך הלוחנו בן בֶּכְרָם וּבְנֵי לַחוֹרִים וְלַגְבָּיִם וְלַגְבָּיִים וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִם וְלַגְבָּיִמְלָא. So also Mibhar, Exod. 38a.

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).™

™ 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 בֵּכְרָם instead of the usual רֶבֶן (comp.ם וּבָנָם, ad loc.) must have been taken by Philo to mean "do not suffer him to live even a moment." This interpretation of רֶבֶן is also found among the Karaites. Samuel al-Magrabi (MS., 141b) says that
2. Ransom for death caused by the unguarded property of a man or through his instrumentality is required, according to Tradition, only in the case of the goring ox (Exod. 21, 29-31), the provision not applying to death caused by any other property or by any cause of danger created by him (Baba ḳamma 5, 6; b. ib., 53b; Maimonides, ḳoṭaḥ, 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:

"לא שופר שור ש İsраエル התו דא ובו לבודו או ישרא מתה ש⽴והן ותו דרך מותיה יקר יישר לחת כפר כהרותץ (Alph., 274)."

See ib., Alph. 270 and 370. See also מְשׁאָת בֵּנִיסָי, 2c:

"המשתת את מוצאו והבל התחפ BUS אד מיי אדיו תעש יברוסי
וכזו אלי הכטאו במעי ירישمي נד, אד מקصيانו חמש כמר הכור ונילע.

See also משלת התו דע מעד הנס・・・・・・・white: 180d, 13, 10."

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

תו דע אמק СШ במעי הורעתו בש התמאנו די אד ירשמוד אד לא יירשומ לוד לאמוית התו דע, 180d, 13, 10."

Comp., however, Mibhar., Exod. 43b. The Karaites agree also with Philo (II, 324), against Mékîla ad loc., in the interpretation of משלת התו דע (v. 34) as referring to the מונע; Philo (323) and Hadassi, Alph. 273, interpret also והם התו דע (v. 36 as סִלֹנָא. So also Benjamin Nahawendi, משלת התו דע, 2c, l. 1, but see Mibhar, ad loc.; Lev. 74a; comp. also 181b.
A view similar to this Karaite anti-traditional law—that also other cases of criminal negligence are punishable—is held by Philo.

Expounding the law of Ex. 21, 33 (II, 324), Philo says that if a man fall into the pit and die the court shall decide what punishment the digger is to suffer or what fine he is to pay (στὶ χρή παθεῖν η ἀποτίσαι). 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: κολασεσθωσαν γοννιν en ὶσω τούς αχανη τα στομα των ὀργυματων καταλειπονυιν; comp. Ritter, 52 and notes.

Philo and the Karaites agree also in the interpretation of v. 29b וְגוֹ הַכְּלֵלִי יִמְתָּ. Tradition interprets it to mean that the owner, if he does not redeem himself, shall suffer death at the hand of God

* Frankel (Einflus., 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 (Ueberschrift, 448 ff.) that the ancient halakah interpreted וְגוֹ הַכְּלֵלִי יִמְתָּ as מיתת בִּכְלֵלִי יוּתָ is already shown by Pineses (רְדָבָנָה, 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 Karaite
uphold the literal interpretation of (i.e. אומ
כינרי יוהמ (Mekilta ad loc.,
35a and parallels; comp. Maimonides, 1, 1 ff.).

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

Philo takes these verses literally and in several places
vigorously advocates the practice of lex talionis. See Rit-
ter, Philo und die Halacha, p. 18 ff. The lex talionis is ac-
cepted in all its severity also by nearly all the Karaites. Ben-
jamin Nahawendii interprets the law literally. See Ben-
jamin Nahawendii, כינריים של מעשה שלום חורב, 2d;
See also Rapoport, יב, t. c., 1831, p. 34. L. Löw, Gesammelte Schriften, I, 287 is to be corrected accordingly. Harkavy, יב, 196, believes that Anan also upheld lex talionis; comp. also Schechter, Jewish Sectaries, II, 7, ll. 57. The Samaritans also interpret עַי נַחֲצָה עַי literally (Klunel, Mischpatim, ein samaritanisch-arabischer Commentar, XX, JQR., 1911, 210 is to be corrected accordingly). Some Karaites restrict the application of lex talionis to intentional permanent injury; still others leave it to the discretion of the court to pronounce sentence of equal punishment or indemnity; comp. Mibhar, Exod. 53a; בחא וyyyyMMdd, Exod. 71b ff. According to the Schollon of Megillat Ta'anit ch. 4 (Neubauer, Mediaeval Jewish Chronicles, II, 8; comp. Grätz, III, 693) the Boethusians extended their literalism to lex talionis. Geiger at one time (Urschrift, 148, but see id., Sadduceer u. Phariseer, 22; Nachg. Schriften, V, Heb., 162), Rapoport (יבור, 15), and Ritter (133-4) deny this report any historical basis (comp. Scharf, Geschicht d. Judenthalms, I, Leipzig 1885, 221; L. Löw, t. c., 286; Büchler, MGWJ., I (1906), 679, n. and the literature adduced by Ritter, t. 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 נָהָרָה בְּשַׁרְבָּה in Lev. 21, 9; see Olitzki, Flavius Josephus und die Halacha, Berlin 1885, 42, 44, 54 and Ritter, 26), would have accepted the literal interpretation of עַי נַחֲצָה עַי (Ant., IV, 8, 35) if it were anti-Pharisaic.

Geiger (Nachg. Schriften, V, Heb. 162) claims that the ancient halakah also interpreted עַי נַחֲצָה עַי literally, as R. Eliezer held this view (Baba ḫamma 84a; see the version of R. Eliezer's opinion in Mibhar, Exod. 42a, which he seems to have taken from Meḳila, Mischpatim, 8, reading R. Eliezer for הרשומות "; comp. Geiger, t. c., and L. Löw, t. c., 287, n. 2). See I. Halevy, יב, vol. I, 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: השלים בעבר ותם לארוגי. 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 השלים ישב, the owner is to be paid the full value of the slave. Other Karaites hold that by השלים ישב 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 also Ḥ. 21, 32a: און חמי עֵבֶר וְתָם לֹא הָלָה: השלים ישב לכל העבד. וְאוֹרֶר קַבּוּל אֶמוֹר: יִשְׁלִים לְחַלֵּקָהָו אֲחֵד עֵבֶר שלפַּתיוֹ: עֵבֶר שְׁבָחֲו וְעֵבֶר שְׁבַחַטֵּוּ: עֵבֶר אֱלֹהִים וּפָטֵרָה עַל יִשְׁמָעֵל שֶׁהוּא יִשְׁמָעֵל שֶׁהוּא יִשְׁמָעֵל שֶׁהוּא יִשְׁמָעֵל שֶׁהוּא יִשְׁמָעֵל. So also יִשְׁמָעֵל כָּהֵר מִזֶּה וּיוֹנָא יִשְׁמָעֵל הָלָהוּ, Exod. 73b.

The Karaites agree with Philo also in the interpretation of Exod. 21, 19: אֲם חֲמָיו הָלָהוּ בְּחֵץ יְלַעּּשָּׁנָהו. Tradition (Mekila ad loc. (Mishpatim, 6); Onkelos and p. Ketubbot 4, 4 (28c; but see Ps.-Jon. and Nahm. ad loc.), taking figuratively, interprets it to mean that the offender is not liable for death consequent on a blow, if in the interval the injured party has so far recovered that he is able to walk about “on his own strength,” i.e. without others’ assistance. Philo (II, 317; Ritter, 32, note 3) takes literally, namely, that even when the injured party required the support of a staff or of a man the offender is 313; Ritter, 32) holds (against Mishnah Sanhedrin 9, 1; Mekilta on Exod. 21, 12) that the murderer is to be killed in the same manner in which he committed the crime (so also Book of Jubilees 4, 32). This is also the view of many Karaites. See S. Gitelsohn, Civile-Gesetze der Karäer von Samuel al-Magrebi, 14, II. 13-15; see, however, יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָעֵל יִשְׁמָא The opinion of Büchler (MGWJ., I. (1906), 679 n., 692, 706) that this was also the view of the Sadducees is not supported by any proof.
to be acquitted. The Karaites interpret, like Philo, literally; see הכה, Exod., 71α: ממשה, ... בבבל, So also Mibhar, ad loc.; ועב, Samuel al Magrabi (Gitelsohn, 23).

The Karaites interpret also Deut. 25, 12 against Tradition (Sifre ad loc.; comp. Midrash Tannaim. ed. Hoffmann, 168 ff.) literally; see Mibhar ad loc. (22b); ועב, Samuel Al Magrabi, (Gitelsohn, 29). So also Philo (II, 328): Εστω δὲ τὴν δικήν χειρός αποκοπή τῆς αψαμνης ἕν ὀφθαλμοι.

4. Philo deviates in his exposition of Exod. 21, 22 ff. from Tradition which refers πρός 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 matris) and without an independent existence (Mekilta ad loc.; Baba ḫamma 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 נון to the mother only; comp. Geiger, Urschrift, 436-7. Yet he holds, like the Karaites (Hadassi, Alph. 270 (101b)), causing abortion to be murder. See C. Ap., II, 24; comp. M. Ziper, Des Flavius Josephus Werk... gegen Apion, 164. Some Karaites follow Tradition in the interpretation of נון. See Benjamin Nahawendi, מпись, חכמים בימי, ad; כיה רות, 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. 238b, 270b, 275b; see also references given below) and interpret רפמ in verses 22, 23 to refer to the embryo or to the mother and the embryo. See Kirgisani (ed. Poznański) in *Gedenkbuch zur Erinnerung an David Kaufmann*, Breslau 1900, 186; Hadassi, Alph. 238; 270; Miḥdar, Exod. 42b; כורה תוי, Exod. 71b ff.; מ' י, 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 לילש a foetus found in a killed animal, for food. See Kirgisani, ed. Harkavy, 291; and ed. Poznański, l. c., 184 ff.; Sahl b. Mašliḥ (Pinsker, II, 28; comp. ib., 30, 83); Salmon b. Jeruḥam (Poz., l. c. 186-7); Hadassi, Alph. 238-240; 308: 360; 364 (134d); Miḥdar, Lev. 15b; 39a; כורה תוי, Lev. 24a; 62b; מ' י, 83d. ff.; Samuel al Magrabi, ed. Lorge, 10-11; לולש מלכתחא, אפיח, 23; comp. also Ibn Ezra, Miḥdar, and הכו תוי on Gen. 25, 22 and Leknah Tob on Lev. 11, 13 and 12, 8. Many Karaites

* See also Frankel, *MGWJ.*, VIII, 400. The Samaritans also apply the law of Lev. 22, 28 to לילש; see Geiger, *Nachg. Schriften*, III, 263-4: 302, V, Heb., 114; Wreschner, Intr., XXVII. Geiger’s view (Nachg. Skr., V, Heb., 112 ff.; comp. also Büchler, *MGWJ.*, L (1906), 674, note) that this Samaritan-Karaite opinion is based upon the principle of : יִלְּשָׁן a view which, as Geiger (l. c.) believes, was held also by the ancient
prohibit also the execution of a pregnant woman. See Mibḥar on Deut. 22, 22 an.1 Samuel al Magrabi (MS. 86a) states: אם יאמר אדם אם היא מעברת והכשכי התובה וגו' מעברת serviço, יאמר ול낄 ייבר והיה מעברת אバル לאחריה לאחר אחר פלדה זאת התובה אם לא יש נפשו והמשמש את נפשו ובחרה.

5. Tradition interprets: תכף שם ה, מאת ומחת (Lev. 24, 16) to mean the cursing of the Divine Name (Sanhedrin 7, 5; Sifra ad loc.; comp. Ps-Jon. ad loc.: בבר.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 תכף by Philo, goes back the view of Philo (Tischendorf, Philoena, 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)

halakah, is erroneous. The question of ערב יריחי אמה אמה is applied in the Talmud to animals and slaves but not to free persons. See also against this contention of Geiger Pinea, 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 מתא between a finished and an unfinished embryo.

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

For Onkelos ad loc. see Geiger, Umschrift, 274. Chwolson, Das letzte Passamahl Christi, 119, overlooked the view of R. Meir (Sanhedrin 56a) that מפלת, is also punished with death. (M. Dusechack, Josephus Flavius u. d. Tradition, 23 is to be corrected accordingly.) See, however, the opinion of R. Levi ed. Friedmann, 1840:

ך ב' 샽ו הוא מנוות רם של תקירות חיות מירית שנות במקבל 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 וַיַּעֲקֹב שָׁם הָאָרֶץ (v. 16). See Anan (ed. Harkavy, 13); see also אֶפְסְרִים לָהֶם יִצְלָל לֹא שָׁרֵעָה הָאָרֶץ מָאן ... רָאֵר בִּשְׁחֵית רְדֹּמָה בְּקָלָלָה בֶּאֱמָּא דְּמֵמוּיָה מַסָּא.

The Karaites, like Philo, also set the punishment of death for false oath. See Hadassi, Alph. 346, 347; Mibhar, Exod. 37a; נַחֲמַר הַדַּבָּר, Exod. 62b; comp. ib., Deut. 24b; Samuel al-Magrabi (MS., 67a); שבבות, רַבּוֹת אֲלֵיהוּ, 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.

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

According to Tradition (Tosefta Makkot 4, 5; b. Shabuot 20a) the penalty of a false oath is מַלְכָּה; comp., however, גְּבָהוֹת, כְּבוֹד, 2 and Naḥm. on Lev. 27, 29. 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 (i. c., p. 15, ll. 1-3) agrees also with Philo (i. c.; comp. Frankel, Eidesleistung, 19-20) that oaths are not to be taken by God's name. See Schechter, i. c., LIV, as to the Samaritan manner of oath, against which see Kohler, i. c.; but see L. Löw, Ges. Schr., i., 193 ff.; comp. also Grünbaum, i. c., 404.

See Afendopolo's appendix to נַעֲרֵי אֲלֵיהוּ, Odessa 1870, 290cd: רַוְבָּךְ החכמה והרורות הסכום וּרְבֶּם מְעַלָּה לְמִי שָׁבֵר עַל מְבוֹשָׂה אֲלֵיהוּ בֵּית חֲדָל. ... וְחַסּוּר הָרְבִּכְכִּים לְיָדּוֹ הַכְּתָבִים הַיִּבֵּי הָאָרֶץ ... עַמּוֹר תַּעֲשֶׂה זֶה כְּכַהֵי תַּעֲשֶׂה שֶׁלָּכַי ... וְיוֹשְׁבֵי מְשִׁמָּה יִּכוּ בַּיְּדֵי וַיַּעֲשֶׂה מְשִׁמָּה הָאָרֶץ שֶׁלָּכַי וְיוֹנֵה שֶׁלָּכַי בַּיְּדֵי אֶת קֶסֶף יִהְיֶה נֹצֶר רְעֵי הָמָּוָּה מִיְּדֵי הָאָרֶץ שָׁכַח יִהְיֶה כַּנּוֹ יִשְׂרָאֵל בְּרֵעֵי זֶהוּ הָאָרֶץ תֵּאָרֵי הַחֲכָמָה אֲדֹנֵי בִּרְבּוֹת שֵׁמוֹ הַיִּבְּיָהוּ עַל הָאָרֶץ הַיִּבְּיָהוּ עַל הָאָרֶץ ... וְאֲלֵיהוּ הָרְבִּכְכִּים נַעֲרִי אֲלֵיהוּ הָרְבִּכְכִּים. In Lev. 19, 8 quoted by Levi b. Jepheth and Samuel al-Magrabi (i. c.) as proof that the penalty of the dishonor of the name of God is death only יִקְבָּר 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 (סימן, l. c.):"משה ארומא זכרת מצוה לא מעני(Integer) ואיזו איזור לא מעני(איזור) וארא מעני מעני(מעני מעני) מפרパターン על כלך פ.motion מהפרצות"; so also Hadassi, Alph. 267: "משה מצוה מהפרצות: יבר ברוח הפור מצוה והו בזרם בק톱ות comp. also Alph. 37^h, 37^h, so also Samuel al Magrabi (MS., 108^b): "ויק נגלף(pub) התוכמות באשר לא נגר לאמ.
משמש בקочек: מהו מיأمر כי כלכל להב מצוה ופי האדום כי תורם אחרילו חותיון חותיון סוחט עד אשר יראה כי בזוהר הפנים והאני אשר יראה כי להב אשר יראה כי אל התוכמות כי ירא אל התוכמות כי יראアル התוכמות כי ירא אל התוכמות כי ירא אל התוכמות כי ירא אל התוכמות כי ירא אל התוכמות כי ירא אל התוכמות כי ירא אל התוכמות כי ירא אל התוכמות כי ירא אל התוכמות כי ירא אל התוכמות כי ירא אל התוכמות כי ירא אל התוכמות כי ירא אל התוכמות יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יבר והיה יברוה WHICH is, according to the Karaites, punished by death. See Hadassi, Alph. 373 (1492): "ויון אלול שם כי רוחה על אוסף הת幌ות הכחוב בקז בזוזカン 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., 57^h):"ותיק高档 הנושאים ולא נושאים המבכים⼝ש ב⼿חי כדי עליי ולא רור רב החוסר תאמ
חיים פיותי. יוה מחמד מצא שأمر כי תוקן אחת על כל גנוס חיים פיותי.
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 (1492): "ויון אלול שם כי רוחה על אוסף הת幌ות הכחוב בקז בזוזカン See also Book of Jubilees 30, 8-7.
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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 Naḥm., ad loc.; comp. also Mibḥar, Num. 15a; Num. 22b), refers Num. 15, 30 to all antinomian actions. See Maim., 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 undoubtedly 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: סכל מتوقف... 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); Mibḥar, Lev., 6b; נָעֲרָה הָרוּת, Lev. 90; לֹא עָלָיו, 176a, end. See also Philo, II, 246.

See also Maim., יָודָע, 4, 10; Z. Chajes, זָולקויֵו, 1836, 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 מכה ישים הבורה (Sanhedrin 10, 1; Mekilta, ad loc.). Death for the latter offense is by strangulation (l. c.). Philo (Tischendorf, Philoena, 77) makes death the penalty for every manner of insult to parents, and death by stoning the penalty for striking parents (l. c. and Frag., II, 629). The Karaites* agree with Philo and refer Ex. 21, 15 to any physical violence against parents; see Miḥar, Exod., 41b: ומכה אביו ואםך: כל מיני מכה כי ישיםTAB הבורה ובין ישים TAB הבורה; so also Вו עד ותוה, 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. 272מ (103d); Miḥar, Exod. 42a; ותוה, 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. 267ו (102c) and Вו עד ותוה, Exod. 70b; comp. Samuel al Magrabi, ed. Gitelsohn, 19, Büchler, MGWJ., 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

* 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 Beitäge, 181-6.

The Karaites decry what they falsely ascribe to the Rabbanites: the opinion that punishment is inflicted only when the curse of a blow affected both parents; Hadassi, Alph., 249, says: ותוה כר מכה את אביו ואת אמו מתה: אני יוסי אלאר עד שיכת את שינו בתא תאת אמו בגז בלחול ובזמן אשת אתא: so also Alph. 250ס; 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 מָלֵל or נִשָּׂי with death. Hadassi (Alph. 343b) states that cursing a righteous Judge is a capital crime; so also Samuel al Magrabi (ed. Gitelsohn, 21) who also states (MS., 147b) that even the cursing of the patriarch of a tribe or family is punished by death.

MARRIAGE LAWS

7. The issue of a prohibited alliance is a bastard and the law enjoins concerning him: לא יִתְמוֹר בְּכָל מְמַר (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: "This view, however, is found among the Karaites. Jepheth b. Ali (quoted in Mibhar, Exod. 42b) punishes cursing מָלֵל or נִשָּׂי with death. Hadassi (Alph. 343b) states that cursing a righteous Judge is a capital crime; so also Samuel al Magrabi (ed. Gitelsohn, 21) who also states (MS., 147b) that even the cursing of the patriarch of a tribe or family is punished by death." We believe this to have been the Sadducean view (the Sadducean view 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 13b: נִנְזָר בְּרֹאשׁ). 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: מַעְשָׂה מִשָּׂה כְּפֶרֶס."

* Against Geiger's anti-traditional interpretation of מָמוֹר (Urschrift, 54 ff.; 350) see Rapoport, *Urkunden* 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 מָמוֹר (Sifre, II, 248; Yebamot 4, 13; *Kiddushin* 3, 12; see p. *Kiddushin* 3, 2; Tosafot Yebamot 49a, 4. v. Sifre, 15, 1; Frankel, *Grundlinien d. mosaist-talmudischen Eherechts*, 5, n. 21 is to be corrected accordingly); see Mibbar, Deut. 19b; so also R. 149c: מַעְשָׂה מִשָּׂה כְּפֶרֶס. For a peculiar interpretation of the concept מָמוֹר by some early Karaites as referring to the Chazara 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 term מ政策措施 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: "... καλείν εἰς εκκλησίαν καὶ μεταποίησον θείων λογών, συνθεμα τοὺς αὐτοχθόνους καὶ εὐπαθίδας εἰροφαντείσθαι." This view, as Samuel al Magrabi informs us, was held by many Karaites (MS., 91b) who held that the verb תולדה is understood in the sense of "to bring forth a child". For the first phrase of the verse, see Samuel, (II, 393). This view is held by many early Karaites. See Hadassi, Alph. 365 (140b): " Whoever is not a son of a priest is not permitted to bring forth a child." Aaron b. Joseph (Mibhar, Deut. 19b) states that Sahl b. Masliah (second half of the tenth century) held that marriage with a Samaritan is not forbidden: "According to the command of the Torah, a Samarian may marry a Jew. But he who is commanded to marry a Jew is not allowed to marry a Samaritan." (Mibhar, l. c., 10a). See also Rapoport, Tosef., 46, 139; Ewald, Altorh. des Volkes Israel, 247. The interpretation given by Geiger (Mibhar, 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 - אספה; Kiddushin 21b: אשה אספה") 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 תוריה חורה אחס (Deut. 7, 2; comp. מירז, Deuter. 6b, letter 115) is held by many Rabbanites; see e. g. Nahm. 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 מזר in Ezra 10, 3 as referring to the mothers only (Pinsker, II, 23, n. 12; Geiger, l. c.; see also Benjamin Nahawendi, 6b:

אלה מזרה אסרה או שהיהו בכל סל יש אל יש נקראה א AGAIN מזרהифика; similarly Hadassi, Alph. 356° (141d): הולודות נולות מזרה הולודות מהרשられる נולות, רל בר רל

והולודות, yet he adds: הולודות ושם מזרה הולודות כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כול כol. Schorr (Beth Hailah, IV, 43) claims that Maimonides is inconsistent in considering (leven, 18; not 12, 9) the law of 넌קציון as 넌קציון as this law is disputed, and quotes Yebamot 8, 4; os הלחנה as this law is disputed. Schorr (ib., 77b, s. v. "חלה") overlooked the fact that os הלחנה and Tosafot by him quoted refer to the question of 넌קציון and have nothing to do with the law of 넌קציון.
was unmarried or a widow. See Hadassi, Alph. 281; Mishar, Lev. 34a, and Deut. 17a and Deut. 24a (but see Judges 7, 147d). So also, ארחא אלוהים, 92b:olibn ʿamom bimnun bavliha shaqia avlanah... la lef doth beulah kabbalah; so also Abraham b. Josiah Jerushalmi in his אמסה אספתי (Goslow 1846), 24a. Samuel al Magrabi (MS. 222a-b) states: דע כי הם אנויאם בטשחותו הרבים לא ת đả נושה... סאמר כה שמעת בעהלו אה אום האמוניות והוד אש בם שמות מחומת. ... ודי חלולה את עונש החטיבה ימי אשר אלו הקלה אל הזא הלילה אל הבשך ההקול ב אד אסף והעיון אחר נהרגו... ונסו יבריאי כי הרקור על זה העונש חרות התסהבר של השאם הנכון למשני יושב אח חימ החזון. That this is also the view of Philo was shown by Ritter, 75.

9. The penalty of adultery with a married woman is according to Tradition (Sanhedrin 10, 1; Sifra, קריסוס, 9 (ed. Weiss, 92a)) strangulation. Many Karaite, however, hold that the law of Deut. 22, 24 applies not only to the betrothed, but also to a married woman; the punishment being stoning in both cases. So Samuel al-Magrabi speaking of adultery and its punishment says (MS., 6a): אמא יאמר אום-acre הרוחיה יאמר ולא הרוחיה באבננה ב SEX P APtract UH סאמרית הצאמה אשר עונשיה של עדיני זו מסמרית על באת אעראית ואשת אוחז על הבננה והמערות 무엇י ממעשund כי המאורה העונש אושיה; see also L. Cohn, Des Samuel al-Magrebi Abhandlung über die Pflichten d. Priester u. Richter, Berlin 1907, 10, and Mishar on Lev. 18, 20 (34a), and מירח וכפה, ad loc., letter הוה בבח שירש אשת אושיה הבכורה: לולא 본 מאורה עונש אשת עיש 본 מאורהית נכופה אשת איש, ת-half, Lev. 58b and וען, 194d. That this is also the view of Philo is evident from the fact that he
sets death by stoning even for the *unmarried harlot*; see II, 308, where he says: παλεν πορνην κατα τον ερων λογον ου παραδεχεται η πολειτε ... άς λυηη ον και ζημια και κοινον μισημα καταλυεθω,103

103 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 נשים to be מҚה; see Salmon b. Jeroham quoted by Pinsker, II, 62: נשים נכן מסירין רניקין; comp. also the opinion of Saul b. Anan quoted there (the authenticity of the במסираי is, however, disputed; comp. also Poznański, אוצר הなし, VI, 88a). See also the Samaritan reading of Deut. 23, 18: לא יתייהו לכול נשים (comp. Klumel, Mischpattim, p. VI). See also Brühl, Jahrbücher, III (1877), 39, n. 104. It is, however, possible that the Karaites, in fixing stoning as the penalty for adultery, were influenced, as in many other instances (Steinschneider, Bescheidung d. Araber u. Mohammedener, 267; cf., Polemische Literatur d. Judent, 398, n. 1; Wreschner, 41, 44), by the Mohammedan law which also punishes adultery with stoning; comp. ZDMG., LIII (1899), 161.

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 megi'a 104a; p. Ketubbot 4, 8: כמותי כל ממוקדים ממציאים נשים עשה (��ה באה ותומכת את השוק) which seems to indicate that the ביני ממוקדים considered betrothal not to be binding as דתועיא (A. Brühl, Fremdsprachliche Redensarten in den Talmud u. Midraschim, Leipzig 1869, 32, note, wrongly translates this passage: "Wenn die Alexandriner sich Frauen angelobten, nahmen sie die gerade von der Straße weg."). Büchner (Festschrift zu Israel Levy's siebzigstem Geburtstag, Breslau 1911, 123, n. 3) justly remarks: "Viel leichter war hierin hellenistischer Einfluss wirksam" (Büchner, l. c., thinks that the words (or לשבטנשכ נשאות שלמה) were inserted in the קתוב in order to make the דתעיא unbinding. But, then, what was the purpose of the דתעיא and of the קתוב ?). Philo also states (II, 311) that there are many who do not consider unchastity with a betrothed woman to be adultery, though he himself agrees with Tradition (comp. Frankel, Grundlinien d. mos-tal. Eherechts, XXIV ff.) that betrothal is as binding as marriage (ib., and II, 289). See also p. Hagigah 2, 2: ויהי בני וירשלים כותבים: מיריסולים תמוהה לאלאכנדים ואומרים: דע כי האונים שב עקלט where (p. Sanhedrin 6, 6 reads: כליאו, but see Halevy, יסורי ועשוי, Ic, 478, note) is perhaps an allusion to the view of the בני ולאלאכנדים.
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 עיירות 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 (נימן, ed. Harkavy, 118) סדר הכרות ובכירות, סעיף 4. Also, Benjamin Nahawendi, שולח ומאורחשו דיני הכרות ובכירות: תני הב שמי חכמים, סעיף 5b, נמנים, also Hadassi, Alph. 365 (141a); comp. also דוד, 154c.

Geiger, relying on the view of Beth Shammai: לא נמנים אלא לאורותה (Yebamot 13, 1), claims that the older halakah distinguished in a similar manner between נמנים and זבוזא (Jüd. Zeitschr., II, 97; Nachr. Schr., V, 162). As the marriage of a minor by her mother or brothers is only a *Rabbinic* institution, the view of Beth Shammai concerning נמנים does not prove much. Hadassi, Alph. 250 (96b) and 334.5 (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 and reads in Yebamot 108א: אין ונה מינו ... לא נמנים כהדרויך שקרולני נאכי (Holdheim, מפרץ ומעיים, 53, note, erroneously ascribes this view to Elias Bashyazi; see to the contrary, his work, אשר יבוא, ch. 2). For another misrepresentation of a traditional law by Hadassi see above, note 96; see also Bacher, MGWJ., XL (1896), 21, n. 5.

103 Büchler's suggestion (MGWJ., 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 אשה, is not plausible as it does not account for Philo's view concerning אשה. 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.

II. Tradition (Soṭah 1, 1; Sifre on Num. 5, 13) makes warning by husband and subsequent suspicion of wife with the man against whom she has been warned condition precedent to subjection of the woman to ordeal of Num., 5, 15 ff. Philo, speaking of this law (II, 308), says that in case the husband suspects his wife of adultery they are to bring the matter before the court in the Holy City (comp. Soṭah 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 (גנוי) and סימיה. This is also the view of the Karaites. See Hadassi, Alph. 328, end and 239; Mibhar, Num. 5a: הכרה, Num. 7a; so also נא עמים, 157b:וא₪.

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\[104\] One of these must be before witnesses (Soṭah 1, 1). The accepted norm (Maim., דינים, 1, 1-2) requires witnesses for both.

\[105\] Ritter (pp. 81-85) discusses this law as given by Philo; he fails, however, to notice this essential deviation of Philo from Tradition.
12. Tradition takes Deut. 22, 20 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. 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: "Since the woman was declared to be betrothed, but not married, she is not guilty. Just as the husband who never got the woman has not lost his rights, just as the woman who got the man but never got the rights of marriage, so the woman who got the man but never got the rights of betrothal, there is no loss of rights." See also Alph. 365 (140c) that "Since the woman was declared to be betrothed, but not married, she is not guilty. Just as the husband who never got the woman has not lost his rights, just as the woman who got the man but never got the rights of marriage, so the woman who got the man but never got the rights of betrothal, there is no loss of rights." 

106 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 Arad Bar Eliahu, 98a: אוסר הוא אדם לנקות נשיםandro on the testimony of two witnesses; comp. ib., 98b. All Karaites agree that in case the woman confesses her guilt, it is sufficient to convict her; see Mibhar, Num. 50: נשים знать לפני כן אתないこと שבו נמצאת נשים, comp. also Caro, אוסר.ep. 156d; מנהיג עלפי, 98b and above, note 82.

107 See Werke Philos., II, 207, n. 3. Ritter (p. 77) overlooked this deviation of Philo from Tradition. For the view of Josephus, see Weyl, 87, 105.
See also Mibhar, Lev. 38b; comp. M. Halevi, ad loc.: ששה מ_employee נבנה ורבינא ... consequences of this interpretation of Deut. 22, 20 is the Karaite interpretation of Lev. 21, 9. Tradition refers to this law to a betrothed or married daughter of a priest (Sifra, ad loc.; Sanhedrin 50b ff.; P. Jon., ad loc.). The Karaite maintain that this law—"סורה—refers to unchastity in a priest's daughter—refers also to the unmarried. See Hadassi, Alph. 330 (121d); Mibhar, Lev. 38b: הנריך הקהיריאש מבנו הישב מברך ... so also citation. a. Cohn, Des Samuel al-Magrebi Abhandlung über die Pflichten d. Priester u. Richter, 9) even asserts that this law applies also to such a guilty of unchaste conduct with a woman married or unmarried; comp. also Mibhar, Gen. 60a and Gen. 60b, ad loc. and to Mibhar, Lev. 344a, letter 332. 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 (MGWI., L. (1896), 681, n. 2) that this was also the view of R. Eliezer (Sanhedrin 51a) is very improbable; comp. also Weiss, Dor, I, 151.

For the mode employed in the execution of the death sentence (Lev. 21, 9) which, according to Rab Josep (Sanhedrin 52b), was taken by the Sadducees (so also Josephus, Ant., IV, 8, 23) literally (comp. Brüll, ת� ידוקיע, IV, 7 ff.; Weiss, Dor, I, 151; Büchler, l. c., 549 ff., 557 ff.) the Karaites disagree among themselves; see Samuel al-Magrebi, l. c.; comp. also Hadassi, Alph. 324א.
the later Karaites thus disagreeing among themselves only as to the mode of proof of the woman's guilt or innocence after betrothal.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: לא מתנהו תפקריה לא אלא ליהיא יהודית למסים הרם פליג عربي א машח להם לאמות and Geiger, 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: אשר מקה אשר השלמה (but comp. Ritter, 97, n. 1, and Ibn Ezra, ad loc., v. 8).

Philo¹⁰¹ states that in case a daughter inherits she is to marry one of her relatives (based perhaps on Num. 36. 11), in the absence of which she must at least not marry out of her tribe, thus applying the law of Num. 36, 6-10 to all generations.

¹⁰⁰ According to the scholion of Megillat Taanit (ch. 4) the Boethians interpreted מלתו שלמה בקשתו literally (רberger שלמה ולימות). Rapoport (בכר שלמה וימי), 14; Geiger (Urschrift, 148) and Ritter (133 ff.; comp. Büchler, l. c., 680, note; comp. Weiss, 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, Halévy, Ḥaverim ba-Ḳaversable, Ic, 415-18.

¹⁰¹ See Treitel, MGWJ., XLVII (1903), 409. Philo explains also the law of yibbum (Deut. 25, 5-11) as a means that the allotment of one might not pass over to another (II, 443; Ritter, 69, n. 3 err in asserting that Philo mentions nowhere the law of yibbum) which is also the prevailing view among the later Karaites (comp. Poznański, REJ., XLV (1903), 62). Josephus also considers the law of Num. 36, 7 as applying to all times (Ant., IV, 7, 5; comp. Ritter, 96-7). This view is shared also by the author of Tobit 6, 12-13; comp. M. Rosemann, Studien zum Buche Tobit, Berlin 1894, 3 ff. and F. Rosenthal, 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 Bacher, Num., 50b: הלכה בטושה דנלה בכרה והנה לע בלא הביש ומכפחת בעל הקבילה. שראשים שלחא悬浮ה אלא החנה הנדיעה וען לע בכב תמר מהר alors שמסרו悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ה悬浮ği comp also Samuel al Magrabi (MS., 263a): והנה כל חנה והנה כל חנה ממכפחת אין ירשיה ימכפחת שאין לרשיה לין. כי כי לכל חנה הנים хозяй בשמה לעת עת🔧 שורח חנה לחנה תמהינה לעת לעת שורח חנה לחנה תמהינה לעת לעתbalances the text.

14. The law of Lev. 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), כי אם לשר hansa הקור בניו.

The talmudic interpretation finds in the words כי אם לשר hansa support for the tradition that a priest is to defile himself by approaching the body of his wife" (Sifra, ad loc.: "אין שאר אלא אשר שייך באיך הוא; Yebamot 22b). The Karaites, rejecting this interpretation of שאר hansa forbid the...
defilement of a priest in case of wife's death; see Miḥtar ad loc. (38a) (comp. Miḥtar Pes.: ad loc.: אכ חא אמא נוחה) סמי לוחות אסמי ומнести, ובקלת שמים אפי אסמי אדם אלא: לא כיך לוחות אסמי ומнести, ובקלת שמים אפי אסמי אדם אלא סמי לוחות אסמי ומнести, ובקלת שמים אפי אסמי אדם אלא סמי לוחות אסמי ומнести, ובקלת שמים אפי אסמי אדם אלא סמי לוחות אסמי ומнести, ובקלת שמים אפי אסמי אדם אלא סמי לוחות אסמי ומнести, ובקלת שמים אפי אסמי אדם אלא סמי לוחות אסמי ומнести, ובקלת שמים אפי אסמי אדם אלא סמי לוחות אסמי ומнести, ובקלת שמים אぴי אסמי אדם אלא סמי לוחות אסמי ומнести, ובקלת שמים אפי אסמי אדם אלא סמי לוחות אסמי ומнести, ובקלת שמים אפי אסמי אדם אלא סמי לוחות אסמי ומнести, ובקלת שמים אפי אסמי אדם אלא סמי לוחות אסמי ומнести, ובקלת שמים אפי אסמי אדם אלא סמי לוחות אסמי ומнести, ובקלת שמים אפי אסמי אדם אלא סמי לוחות אסמי ומнести, ובקלת שמים אפי אסמי אדם אלא סמי לוחות אסמי ומнести, ובקלת שמים אפי אסמי אדם אלא סמי לוחות אסמי ומнести, ובקלת ש المقدس והרבו מפוס行政部门 ולרואים את הקיום של יא ריב כנף: comp. Weiss, Dor, I, 46, note. 118 See Ritter, 73, n. 2 and Hoffmann, Magasin, 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 367b; Pesaḥim 49a; Rashi, Yeḥamot 84b, 2: מ둥ות) has collected instances which tend to show that also ordinary priests married only daughters of priests (comp. also Grätz, MGWJ., 1879, 499 and Krauss, JQR., VIII, 671). The custom to marry within the family was considered praiseworthy even for non-priests and is commended by the Rabbis; see Tosefta Kiddushin 1, 2; Yeḥamot 62b; p. Kiddushin 4, 4; Gen. rabba 18, 5; see also Book of Jubilees 4, 15-33; 8, 5-6, 9, 7; but see Kohler, JQR., V (1893), 406, note; comp. also Tobit, 6, 12-3 and MGWJ., 1879, 507, 510 ff. For the view of Josephus see M. Zöpfer, Des Flavius Josephus Werk: Gegen Apion, Wien 1871, 30; Ritter, 73 and P. Grünbaum, Die Priestergesetze bei Flavius Josephus, 29-30.

To the Karaite authorities mentioned by Geiger (l. c.) that the high-priest is to marry the daughter of a priest may be added Jacob B. Reubner, ס zdjęי קדוש, on Ez. 44, 22 and Samuel al-Magrabī (ed. Cohn, 12, l. 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 (mareh yen, 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 והשועיה (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 והשועיה in Num. 29, 1 with והשקיטה, the blowing of trumpets every holiday at the offering of sacrifices (Num. 10, 10). The Karaites also reject the traditional interpretation of והשועיה and explain it as loud praises to God (Hadassi, Alph. 225; 364 (136a); 58a ff.; Lev. 67a; 48a; ארות אלוהים, 13; ולמען מלומת 48-9) or

114 Nor does Josephus (Ant. III, 10, 2) mention the law of והשועיה: comp. also Book of Jubilees, ch. 6. The Samaritans, like the Karaites, reject the traditional interpretation of והשועיה, 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 והשועיה to mean the blowing of any instrument on that day (Mibshar, Lev., 42b: עלון עין I, l. c.). Samuel al-Magabi (MS. 41a) states that ושועיה is the sounding of ḥasôrot by priests and, in absence of authenticated priests and ḥasôrot, not to be observed now.
as the sounding of 

The Karaites also reject the traditional interpretation of Lev. 23, 40 (see Josephus, Ant. III, 10, 4) and claim that the "four species" are for the construction of the "booths" mentioned in verse 42, deriving support for this view from Nehem. 8, 14 ff. See ḫ ḫ, 56ab (where the views of Anan, Benjamin Nahawendi, and Daniel, al Ḫumṣi are quoted); Hadassi, Alph. 168 (64b); 225-6; 364 (136a); Mibḥar, Lev. 43a; ḥ ḫ, Lev. 67b; ḥ ḫ, 47b (where the opinion of Jepheth b. Ali is quoted); Pinsker II, 96; לוח מלחמה, 14; ḫ, 34, 49. Philo, speaking of the Feast of Tabernacles (II, 297), makes no mention of the law of "four species." Philo, as Treitel (MGWJ., 1903, 512) suggests, must have understood verse 40 not as a separate commandment but, like the Karaites, as prescribing material for the booths.

17. Tradition (Zebahim 5, 8; Maim., ה, 6, 4) interprets Lev. 27, 32 to mean that the animal-tithe, מְעַשֶּׁר בּהָמיִת, ַלַּבֶּן; see ה, 11, 56b and the opinion of Joseph ha-Kohen (l. c., 55d; ה, לַבֶּן, Lev. 67b; אֲרָה אָלֶה, l. c.).

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

118 Some Karaites agree with Tradition in the interpretation of Lev. 23, 40; see ה, 11, 56b and the opinion of Joseph ha-Kohen (l. c., 55d; ה, לַבֶּן, Lev. 67b; אֲרָה אָלֶה, l. c.). I believe that the Sadducees shared this view, unaware that by תֹּֽרְדוּ בְּפֶֽפֶרָתּ Ibn Ezra refers, as usual, to the Karaites (see above, note 10); see, how- M. Duschack, Josephus Flavius u. d. Tradition, 27 and Grätz, III, note 10). Josephus agrees with Tradition (Ant., III, 10, 5); so also the Falashas (Epstein, Eldad ha-Dani, 162). See also Book of Jubilees 16, 4 and B. Beer, Buch d. Jubiläen, 47.

118 It must, however, be pointed out that Philo (l. c.), in contradistinction to Josephus (comp. M. Olitzki, 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. The Karaites agree with Philo. See Miḥr, Lev. 51a; Ḥeṭar ha-Ḥayyim, Lev. 76b.

18. Tradition applies the law of Lev. 22, 19 (תִּמְצַי) to animal sacrifices only (Sifra to Lev. 1, 14; Menaḥot 6a and parallels). Philo, as is evident from the reason given by him for the law of תִּמְצַי (II, 238) holds that תִּמְצַי refers also to בֵּית הָיוָה. The Karaites agree with Philo. See Miḥr, Lev. 3b, Ḥeṭar ha-Ḥayyim, Lev. 51a, Ḥeṭar ha-Ḥayyim, Lev. 5a; see also Miḥr, Lev. 5a.

19. Philo (II, 256; comp. Werke Philos, II, 93, n. 1) states that all the lights of the sacred candle-stick (לֹא נוּחַ) were extinguished in the morning. According to Tradition (Tamid, 6, 1; Sifre on Num. 8, 2; Tosefta, Sotah 13, 7; Yoma, 39a and parallels; comp. also Naḥm. on Ex. 27, 20 and Tosefat Menaḥot 86b s. v. וּטְנַח; comp. M. Duschak. Flavius Josephus u. d. Tradition, Wien 1864, p. 4, which is to be corrected accordingly) one light was left burning the whole day (נָר הַשָּׁם). 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

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115 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 פּוּשַּׂר שָׂם עַל הָאָדָמָה to be given from all domestic animals. See also Schechter, Jewish Sectaries, II, 4, ll. 13-15; comp., however, Hadassi, Alph. 205.

116 See Tosefta Sotah 13, 7; Yoma 39a; p. ib., 6, 3: שָׂם עַל הָאָדָמָה וְתוֹחֵי כֵּן מִאָשֶׁר בֵּית הָיוָה, מַעֲרָא וּוֹאלוֹל שָׂם עַל הָאָדָמָה; but see Weiss, Dor, I, 82, note 1, that this refers to שָׂם עַל הָאָדָמָה who lived about forty C. E.: see Maim., הָשָּׁם, 3, 12 and ad loc.: comp. כֵּן, 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 Ben Torah, Lev. 85b.

20. The Karaites reject the ancient traditional law\(^{118}\) 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; comp. also Maim. commentary on Nedarim, ch. 10, end; שוש א يولנה ברי המשבר רחל היהר השבתות מתקשות בבל אם ... הפרשה ורדה אנבל נכת בניMoshe ריחי ו정책י, id., ישיבסריסי זא ונכת בניMoshe וصحة, id., 12, 12. This seems to be also the view of Philo who seems to express his objection to the law of annulment of vows by the statement (II, 273; comp. Werke Philos, II, 112, n. 2) that "no man is competent to heal vows.\(^{119}\)

\(^{118}\) Weiss (Dor, I, 81) believes that the law of the הרות ויביאו 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 שמותי ותיך did not favor the making of vows; see, however, Rapoport, דחיי ותיך, 23 ff. We do not know whether the law of הרות ויביאו was even contested by the Sadducees; comp. p. Berakot 7, 2; Gen. rabba 91, 3. Schechter (Jewish Sectarism, I, XVIII; comp. ib., p. 16, ll. 7-8 and notes) believes that the sect which he designates "Zadokite" (see above) held that vows cannot be annulled; comp. also K. Kohler, American Journal of Theology, 1911, 435-6.

\(^{119}\) The later Karaites accepted, with slight modifications, the law of הרות ויביאו; see Kaleb Afsendopolo's appendix to Odessa 1870, 2270 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 Geonic period against the annulment of vows. Jehudai Gaon (quoted by Nahshon Gaon) states: ראוגן ... ולא בר זוכז ויביאו אל וירוגו עלף ותיך ביכי אל דרכו אל שמותי, ed. Muller, No. 122; comp. ib., Nos. 117, 120; see, however, שמותי, Nos. 6, 44, 75; שיערא תשובה, Nos. 38, 137, 143, 145-6; תروف, עלções ויביאו,
21. The Karaites agree with Philo also in the interpretation of אֵל אֶת בַּשָּׁלֶל נְגֵי בַּתְּלֵב אַמּוֹ (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; כה הוה, Exod. 79ab. לֶבַצֶּק מַלְכָּחָה 41.

22. The law of Ex. 13, 13; Num. 18, 15 enjoins the redemption of the firstling of an ass with a lamb, and that, if the owner fails to redeem, the firstling is to be killed by having its neck broken. According to Tradition this law refers only to an ass but not to the firstling of any other unclean animal (Mekilta, ad loc.; Sifre on Num. 18, 15; Bekorot 5b). Philo makes this law apply to all domestic

ed. Horowitz, I, Nos. 12, 14; so also Sar Shalom Gaon: שעוני תשבות) בִּוְדוֹחֵחַ מלאי וּמַיִם מַלְכָּחָה וּרְדָא (בָּשָׁלֶק שַׁבֹּעָה No. 141; see however, ib., No. 11 end; ed. Lyck, No. 37; see however, ib., No. 11 end; No. 48 and וּנְהָנָא, ad loc.).

122 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, 3034: Wreschner, Intr.; XXVI. For the view of the ancient Samaritans see Geiger, l. c., 3056 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 בַּשָּׁלֶק מַלְכָּחָה 1016 (comp. Ritter. 128) that the law ofאֵל אֶת בַּשָּׁלֶל נְגֵי בַּתְּלֵב אַמּוֹ was not universally known in Babylonia even long after the destruction of the Second Temple see Halevy, יַד רַבּוֹת אֲשֶׁר נִצְרָנוּ, Ic, 128.

123 For Anan’s interpretation of אֵל אֶת בַּשָּׁלֶל נְגֵי בַּתְּלֵב אַמּוֹ see Harkavy, סִיוָנה הָלֵגֶן 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 אֵל אֶת בַּשָּׁלֶל נְגֵי בַּתְּלֵב אַמּוֹ; see Geiger, Nachg. Schr., III, 303; comp. also כָּה הוה, Exod. 790; Samuel al-Magrabi, ed. Lorge, 20-22; אֲשֶׁר נִצְרָנוּ, 24.
animals (II, 233; Ritter, 119 ff.). This is also the view of the Karaites. See Anan (ed. Schechter, p. 7, ll. 8-15):

This may be due to his desire to remove any suspicion that the ass occupied a favorable position in Jewish law. This may also account for the view of Philo. Philo omits the law of the firstling (Exod. 13, 13; comp. Ritter, 120; Olitzki, Magazin, XVI, 178.). Nor do all the Karaites accept the literal interpretation of "לפיון וカーון"; see the opinion of Sahl b. Mašliḥ 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 (水资源 כל פרו כבשיהם נשרלא באהר) and Deut. 15, 19-20 (לא פרו ולא עולמי) and between Lev. 27, 26 (firstling קורים) and Deut., I, c. (second tithe וקרון). The firstling is to be declared קורים by the owner and, like the “second tithe,” to be consumed by him within the walls of Jerusalem or redeemed; see Haddass, Alph. 204-5; Mibhar, Deut. 12b; Eliyahu ha-Cohen, Deut. 192 (Ibn Ezra on Deut. 12, 17 refers to this Karaite view; Harkavy, 131, 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 קורים ipso facto and to be given to the priests (Exod. 13, 2; Lev. 27, 26, Num. 18, 15), whereas the כבש who was owned by an Israelite only at the time of its birth is to be made קורים 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*, II, 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, ll. 7-18): נָקָם אֶת אֲשֶׁר אָבַע לוֹ בָּעָל רָאִיתָו (וָוָאָוָא) וַהֲשֵׁב אֶת אֹתוֹ בָּעָל רָאִיתָו (וָוָאָוָא) וַהֲשֵׁב אֶת אֹתוֹ דְּרָאִיתָו (וָוָאָוָא) וַהֲשֵׁב אֶת אֹתוֹ דְּרָאִיתָו (וָוָאָוָא) וַהֲשֵׁב אֶת אֹתוֹ דְּרָאִיתָו (וָוָאָוָא) וַהֲשֵׁב אֶת אֹתוֹ דְּרָאִיתָו (וָוָאָוָא) וַהֲשֵׁב אֶת אֹתוֹ דְּרָאִיתָו (וָוָאָוָא) וַהֲשֵׁב אֶת אֹתוֹ דְּרָאִיתָו (וָוָאָוָא) וַהֲשֵׁב אֶת אֹתוֹ דְּרָאִיתָו (וָוָאָוָא) וַהֲשֵׁב אֶת אֹתוֹ דְּרָאִיתָו (וָוָאָוָא) וַהֲשֵׁב אֶת אֹתוֹ דְּרָאִיתָו (וָוָאָוָא) וַהֲשֵׁב אֶת אֹת... comp. also ib., p. 8, ll. 15-20 and p. 9, ll. 9-10, 21 ff. Kirksiani 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*, V, 107, note, is to be corrected accordingly.

See also Rapoport, *Essai de v*, 128-9; *id.*, 100b ff.; Ritter, *Herzfeld, Geschichte*, III, 463; Frankel, *Vorstudien*, 10, and notes; *id.*, *MGWJ*, 1852, 40.

On the Egyptian Jews and their relation to Palestine see the literature quoted by Schürer, *l. c.*, 147 ff., and in Sweet’s *Introduction to the Old Testament in Greek*, Cambridge 1902, 3 ff. In the third and fourth centuries C. E. there were still some Amoraim in Alexandria; see p. Erubin 3, 9; Kiddushin 3, 14; comp. Frankel, *Merollersi ha-thora*, 770. It may also be pointed out that Judah b. Tabbai, to whom the later Karaites (see above, note 4) ascribe the beginning of Karaism, lived in Alexandria; see p. Hagigah 2, 2; p. Sanhedrin 6, 6; comp. Frankel, *Rakam ha-thora*, 34-5; Weiss, *Dor*, 128, n. 1; Hallevy, *Rashi thora*, 1c, 474 ff.
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, רַעַד אֶרֶץ, 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, دروت ההדות, 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).\[132\] 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?\[133\] Do they reflect the actual practices

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\[132\] 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.

\[133\] See Treitel, MGWJ., 1903, 415; but see Ritter, 15:16.
in vogue among Egyptian Jewry or do they go back to a peculiar tradition?

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. Moreover, the general belief that Philo and his works were lost to the Jews of the Middle Ages until Azariah dei Rossi, about

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 (Ober palästinische u. alexandrijnische 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, MGWJ., 1877, 436; but see Ritter, 109, n. 2; 112.

128 See L. Cohn, Werke Philos I, 14. The view of Büchler (MGWJ., L (1906), 706; see also Lauterbach, Jewish Encyclopedia, X, 2. 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, Leben u. Lebenswerk, 372, n. 1), of Philo. Philo’s deviations from Tradition cannot be brought into relation with Sadduceeism and the supposed ancient halakah related to it; comp. Rapoport, מַעְרוֹר הַשָׁמָא, 101a. Philo interprets כמו סְמֶרֶה (Frankel, Einfluss, 137). He considers (II, 230) like the Pharisees (Menaḥot 65a) the קְרָבָן הֵוָיִים a public offering; allows divorce without דַּעְיָה דּוּרַה (Ritter, 70, n. 1) and seems to agree with the Pharisees also in the law of דַּעְיָה הוֹלֵם (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-Ḳirḳisani, in his work Kitāb al-anwār wal-marākib (written 937), speaks of a Jewish Sect named “the Magarites” (מגאריאים). 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” (בַּרְכָּנִית) 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, l. c. (see id., י rekl assa, III, 128a); Eppenstein, MGWI., LIV (1910), 200; D. Neumark, Geschichte der jüdischen Philosophie des Mittelalters, I, Berlin 1907, 128, 133, 560, 568; II, 372 and 466 ff. Among Philo’s (the “Alexandrine’s) works—which, as Kirkisani informs
us, were eagerly studied,—might have been those that contain Philo's expositions of biblical laws; Philo thus influencing, not only the theological views of the first Karaite philosophers (Benjamin Nahawendi and his followers), but also their interpretation of biblical laws and their practices.\textsuperscript{100}

\textsuperscript{100} The allegorical method of interpretation, characteristic of Philo, was popular also among the Karaites; see Weiss, \textit{Dor}, IV, 86 and Poznański, \textit{MGWJ.}, 1897, 208, n. 1; comp. also H. Hirschfeld, \textit{Jefeth b. Aïl’s Arabic Commentary to Naḥum}, 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, \textit{Ges. Schr.}, I, 42. A similar view is found in p. Shekālim 6, 1. Reifmann, \textit{תורה אלוהים}, I, 350 and Weiss, \textit{Dor}, IV, 141 are to be corrected accordingly). Saadia Gaon proved to them by it the possibility of an oral Law (comp. Weiss, \textit{Dor}, IV, 141) and the Karaites Nissi b. Noaḥ (eleventh century; see lastly Harkavy, \textit{ז״ד לוגgetSingletonך}, intr., VII) and Judah Hadassi (twelfth century) arranged their works, like Philo, according to this view. Comp. also Müller in \textit{Oeuvres complètes}, XI, intr., XIX; Bacher, \textit{Jewish Encyclopedia}, X, 583b.

The Karaites Zeraḥ b. Nathan (end of sixteenth century) was much interested in the works of Philo (Neubauer, \textit{Aus der Petersburger Bibliothek}, 75, 125). The famous nineteenth century Karaites Abraham Firkowitsch indeed asserts that Philo was a \textit{Karaite} (preface to \textit{תורה ותלמודי}, 20), but, according to him, Jesus was a Karaites likewise (תורה ותלמודי, appendix to \textit{תורה ותלמודי}, 540, 560; Kırkısani, ed. Harkavy, 305, 9 and Hadassi, \textit{JQR.}, VIII (1896), 436 state that Jesus was a Sadducee); comp. I. B. Levinsohn, \textit{תורה ותלמודי}, Odessa 1863, 18-9.