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Heresy and tolerance: halachic authorities
on the daily relations between Karaites and Rabbanites

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Thesis submitted in partial fulfillment
of the requirements for Ordination

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It is written: "Get yourself a teacher and acquire a friend to study with you (Pirkei Avot 1:6)." I would like to thank Dr. Mark Washofsky who allowed me to fulfill these two commandments at the same time. His teachings and his patience opened gently the heavy doors of the halachic world to me. At the same time he was a friend with whom I studied, prayed and socialized. It was a great experience to be oriented by Dr. Washofsky while doing this thesis.

Understanding this thesis after the English has been corrected is not an easy task for someone without halachic background. However, to understand the first draft of this thesis in my broken English was a challenge. I would like to thank Barbara Glaser for her great effort not only to correct my basic English mistakes, but also for her other corrections which could only be made by someone who really understood the essence of the halachic discussions.

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Digest

Karaism was a Jewish sect that rebelled against rabbinic law and authority. Many great rabbinical authorities such as Saadia Gaon and Judah Halevi wrote polemic literature against Karaism and declared Karaism a heresy. Nevertheless, Rabbanites lived side by side with Karaites in many centers of Persia, Egypt and Turkey. Despite mutual theological attacks, the two communities still had to deal with each other daily on an economic and social basis. Many halachic questions were raised from these relationships. This work examines part of this responsa literature in order to determine if and how the theological polemics affected the daily relations between Karaites and Rabbanites.

The introduction contains a summary of Karaite history, creed and law. Each chapter deals with one of the following halachic questions. Is it permissible to: Count Karaites for *Minyan* and *Zimun*? To drink Karaite wine? To lend to or borrow from Karaites with interest? To eat meat slaughtered by Karaites? To teach *Torah* to Karaites? To ask Karaites to do work on a holiday? To circumcise Karaite children on the Sabbath? To marry with Karaites?

The conclusions reached are that with the exception of the issue of marriage and divorce, each halachic decision was influenced by the halachic authority's general view of Karaism. Halachic authorities did not use only halachic

factors to reach a decision on a certain issue. The issue of marriage and divorce is treated more carefully. There is no room for non-halachic factors in the discussion. But in all other issues there are tolerant opinions. Those authorities who are tolerant in their rulings do not consider pluralism a value. Rather, tolerance is used as a tactic to bring Karaites back to rabbinic Judaism, and not to lose them completely from the Jewish people.

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Introduction

I.1- Historic overview

The name Karaim or *B'nai Mikrah* means "children of the Scriptures" and shows the main characteristic of this Jewish sect, i.e., that the Jewish Bible is the only source of authority for their Judaism. Karaism rejected the authority of the Oral Law as reflected in the *Talmud*, but this does not mean it did not create its own Oral tradition.

The origin of Karaism is connected to the great changes that occurred in Persia during the 7th and 8th centuries C.E. During those centuries a new empire emerged: the Arabian empire. By 644 C.E. Syria, Palestine, Egypt, Iraq and Persia had all been occupied by Moslem troops. These countries experienced drastic changes of religion, language and culture. The Jewish community had to pay heavy tribute to the new rulers and Jews had to leave their fields for economic reasons. These changes widened the already large gap between the wealthy and scholarly Jews and the poor Jews.¹

Karaism was not the first sect to emerge from these times of turmoil. Among the Moslems, the Shiites questioned the authority of the *Suna*, the Moslem Oral tradition. The Shiites probably had some influence on the Jewish sectarian movements.² The sects which preceded Karaism were usually oriented toward messianism, desiring the return of Jews to

Israel and the establishment of a just society. The leaders of these sects demanded that their followers fight with arms for the return to Israel. All Jewish sectarians were crushed by the Caliph's armies.

Anan ben David founded Karaism around 770 C.E. (at that time it was called Ananism). The Karaites and the Rabbanites have different accounts of how Anan started his sect. Today most scholars believe that all these accounts are unreliable. The Karaites trace their origin to the first split among the Jewish people, at the time of Jeroboam. They believe that part of the true law was preserved later by the Sadducces. The whole truth was finally revealed by Anan.³ The Rabbanite account traces the beginning of the sect to Anan, a great scholar who was going to be chosen as the next exilarch. But even though he was greater in knowledge than his young brother Hananiah, his brother was chosen because of Anan's unruliness and irreverence. Anan became incensed and joined the remnants of the Sadduceans and Boethusians. They made him their exilarch.⁴

According to Raphael Mahler, Anan's laws, and to a lesser extent later Karaism, had the following characteristics : Democratization/individualism, rationalism, nationalism, messianism, asceticism and a tendency toward social justice.⁵ A basic principle from Anan is: "search Scriptures well." But even though the individual had the freedom to search for his laws, Anan had

already begun the tendency to provide guidance through codes of laws. Anan could not derive all the laws for daily life solely from the literal meaning of Scriptures. He had to use hermeneutical principles, most of them taken from the Midot of the Rabbanites.

After Anan's death the movement turned into a conglomeration of various anti-Rabbanite heresies. This was probably caused by the emphasis on individual freedom. To quote Jacob al-Kirkisani: "it is impossible to find two Karaites in complete agreement with one another."⁶ The groups disappeared without leaving any great mark and Karaism finally consolidated in the 10th and 11th Centuries C.E. A few events contributed to this consolidation. A Jerusalem Academy was founded and became a great center of Karaite scholarship. Karaism began a strong missionary campaign among Rabbanites. The Rabbanites who had not paid much attention to Karaism up to that time started writing polemics against Karaism. Most important among those first polemicists is Saadiah ben Joseph al-Fayyumi, who later became Gaon of the Academy at Sura. His attacks on Karaism unified the Karaite community and produced literary creativity for many years after Saadiah's death.

The 10th and 11th Centuries C.E. are considered the Golden Age of Karaism. Jerusalem and Egypt became important centers of the sect. Especially in Jerusalem, there was great literary creativity. There were a considerable number of outstanding Karaite theologians, grammarians,

lexicographers and biblical exegetes. Karaite research of the Bible fomented positive reaction by the Rabbanites, who started paying more attention to Biblical exegesis.

At the end of the 11th Century C.E. Karaite literary creativity in Israel finished suddenly as a result of the conquest of Jerusalem by the first Crusaders. Egypt continued to be an important center. For a time Karaites enjoyed the goodwill of the authorities in Egypt and had some success among the Rabbanites. At this time the Karaites tried to establish themselves in Europe, especially Spain. They did not succeed in Spain due to the high quality of the Rabbanite scholars' creativity and problems with the Castilian government.⁷ Karaites did not succeed to establish in the rest of Western Europe.

The greatest Karaite center from the 12th to the 16th Century C.E. was Byzantium. But already in the 12th Century the decline of the sect had started. Some Karaite scholars created new works but they mostly limited themselves to the translation of earlier classics from Arabic to Hebrew. Benjamin Metudela tells us that in the 12th Century a high wall separated the Karaite and the Rabbanite communities in Constantinople, probably to avoid violence.⁸

After the conquest of the Byzantine Empire by the Turks in 1453, the relationship between Karaite and Rabbanite Jews changed. The two communities began to be closer. When the Jews were expelled from Spain many came to Turkey where they prospered and produced literary works in

all subject areas. Rabbanite scholars did not limit themselves to the study of Talmud, but also devoted themselves to secular studies. Rabbanite scholars taught Karaites Jewish and secular subjects. Some great Rabbanite authorities such as Mordecai ben Eliezer Comtino and Elijah ben Abraham Mizrahi accepted Karaites as their students.⁹

In the 17th and 18th Centuries C.E. the main centers of Karaism were located in the Crimea and Lithuania, although there had been Karaites living in these places since the 12th Century. The Karaites in the Crimea under Tatar rulers could not engage in intellectual production. On the other hand, the Karaites living in Lithuania benefited from their contact with Rabbanites and in the 16th Century produced literary works. One of the important Karaite authors in Lithuania was Isaac ben Abraham Troki, who wrote the well-known polemic work against Christianity, *Chizuk Emunah*.

In general the relationship between Karaite and Rabbanites was harmonious in the 17th and 18th Centuries. Karaites were considered Jews by Rabbanites and by gentiles. During the Chmielnicki massacres in 1648, Karaites were killed in the same way as Rabbanites.

A new epoch in the history of Karaism began when Russia conquered the Crimea and Lithuania at the end of the 18th Century. Until that time the external history of the Karaites was similar to that of the Rabbanites. The differences between the two were considered internal

quarrels. For example, in Lithuania, Poland and Volhynia, the state taxes paid by Karaites had to be given first to the Rabbanites, and the total was given to the secular authorities as Jewish taxes. But in 1795 Karaites started to acquire more civil rights than the Rabbanites. Empress Catherine II relieved Karaites from the double tax paid by Rabbanite Jews and also permitted them to acquire land.¹⁰ In 1835, trying to achieve further civil rights, the Karaites began stressing their differences with the Rabbanites before the secular authorities. In 1840 the Karaites received the same civil rights as Muslims and were given independent church status. Finally, in 1863, the Karaites achieved civil rights equal to the native Russians.

During World War II the Nazis did not persecute the Karaites because from a racial point of view they did not consider them Jews. In 1959 there were 6,000 Karaites living in the USSR. There were 10,000 Karaites living in Egypt. The Egyptian Karaites continued to have close relationship with the Egyptian Rabbanites until the 20th Century. After the independence of the State of Israel most of the Karaite community moved to Israel. There are over 10,000 Karaites living in Israel today.¹¹

I.2- Creed

There is no essential difference, with the exception of the rejection of the Talmud, of dogmatic beliefs between Karaites and Rabbanites. Karaites borrowed from the Talmud certain hermeneutical rules and certain laws as will be shown later. Karaites also developed their own Oral Law which they called the "yoke of inheritance." The following are the ten principles of faith composed by Elijah ben Moses Basyatchi in the 15th Century:¹²

- 1- All physical creation, i.e., the planets and all that is upon them, has been created.
- 2- It has been created by a Creator who did not create Himself, but is eternal.
- 3- The Creator has no likeness and is unique in all respects.
- 4- He sent the Prophet Moses.
- 5- He sent, along with Moses, His Law, which is perfect.
- 6- It is the duty of the believer to know the language of the Law and its interpretation.
- 7- God inspired also the other true prophets after Moses.
- 8- God will resurrect all mankind on the Day of Judgment.
- 9- God requites each person according to his ways and the fruits of his deeds.
- 10- God has not forsaken the people of the Dispersion; rather are they suffering the Lord's just punishment, and they must hope every day for His salvation at the hands of the Messiah, the descendant of King David.

I.3- Karaite laws

Karaism considers the Jewish Bible its only source of authority. Therefore, its legal system is based totally on the Written Law. But the Bible does not provide enough laws to regulate the whole life of a person nor does it specify all the circumstances involved in each law. Karaism, starting with Anan, had to make use of hermeneutical rules to derive all the circumstances of each law, and to derive all laws necessary for daily observances. The hermeneutical rules most used by the Karaites are the following:

- 1- Analogous interpretation of juxtaposed words and passages (*Semuchin*).
- 2- Inferences drawn a fortiori (*Kal vachomer*).
- 3- Interpreting a general principle on the basis of individual examples (*Kelal uferat, Perat uchlal, Kelal uferat uchlal*). Also, all kinds of subsumption under a general principle (*Binyan av, etc.*).
- 4- Extensive interpretation of a notion (*Hagbara*)
- 5- a variety of rules for the interpretation of special words and grammatical peculiarities.¹³

Karaites, Rabbanites and even some great scholars such as Abraham Geiger saw the dispute between Karaites and Rabbanites as a continuation of the dispute between Pharisees and Sadducees. Karaism became the heir of

Sadducism. But Bernard Revel, in an article on Karaite *Halachah*¹⁴, points out that Karaite *Halachah* shows little resemblance to what we know about Sadducee *Halachah*. Karaite *Halachah* is a new development which uses old halachic systems, and Rabbanite *Halachah*, to form different laws. The following is a summary of the main laws and customs.

Until the 19th Century, the calendar was based on actual observation of the moon and not on fixed mathematical calculation. Until the end of 11th Century the beginning of the year, in the month of *Nisan*, was determined by reports from the state of the crops in the Holy Land. A delay in the state of the crops would affect the intercalation of the year and the year would be considered a leap year. *Rosh Hashanah* could begin on any day of the week. There is no second day of a holiday. *Shavuot* falls on the 50th day following the Saturday of Passover week, and therefore it always falls on a Sunday. *Chanukah* is not celebrated. These differences meant the holidays would not be observed on the same dates as the Rabbanites observed them. That became the area of most friction between Karaites and Rabbanites.

Karaites are stricter regarding work on the Sabbath. Forbidden work is considered any kind of work which is not necessary for prayer service, nourishment or satisfaction of other human needs. Early Karaite teachers prohibited kindling lights before or during the Sabbath. The Sabbath

is considered a day of mourning for the destruction of the Temple.

Certain rabbinical precepts connected to circumcision (*Priah* and *Metsitsah*) are rejected by the Karaites.

Karaites rejected the minimum quantities fixed by the *Talmud* regarding dietary laws. The prohibition regarding separation of milk and meat is accepted regarding meat of cattle, but not fowl. Karaites do not accept the additional restrictions regarding separation of milk and meat products.

Karaites are only allowed to eat from those animals enumerated in the Bible and reject the criteria for permitted mammals and birds formulated in the *Talmud*. They slaughter fowl in the same way as mammals. Due to these differences Karaite leaders decreed Rabbanite slaughtered meat forbidden for consumption.

Karaites are stricter with regard to the number of cases of forbidding marriage, due to greater degrees of consanguinity. Laws regarding the menstruation period are also stricter than those of the Rabbanites.

Karaite liturgy differs greatly from Rabbanite liturgy. There are only two obligatory daily services, one in the morning and the other in the evening. On the Sabbath and holidays the *Musaf* prayer is added. Early Karaite service was modeled on the Temple service, but later on it changed. The prayers consist mostly of combined verses from the Bible. The *Shema* is part of the liturgy, but not the

Amidah. During the two daily services, Karaites use Tsitsit, which includes a light blue thread. The Biblical passages connected with Mezuzah and Tefilin are taken in a symbolic way and they are not transformed into sacred objects.

I.4- Methodology

The Karaite rebellion against rabbinic law and authority caused a strong reaction from the rabbis. Saadia Gaon, Judah Halevi and many other great rabbinical authorities wrote polemic literature against Karaism. Since Karaism rejected one of the most important principles of rabbinic Judaism, the divinity of the Oral Law, Karaism was declared a heresy.

Nevertheless, Rabbanites lived side by side with Karaites in many centers of Babylonia, Egypt and Turkey. Despite mutual theological attacks, the two communities still had to deal with each other daily on an economic and social basis. Out of these relationships many halachic questions were raised and sent to the rabbinic authorities, who wrote responsa.

The goal of this work is to research this responsa literature to determine if and how the theological polemics affected the daily relations between Karaites and Rabbanites. Some of the questions we are trying to answer are: Did the halachic authorities also proclaim Karaites to

be heretics? How did the rabbinic authorities look at the Karaites in matters of religious observance? Did the halachic authorities urge their followers to totally cut their relationships with the Karaites? Could the Karaites take part in the religious life of the Rabbanites?

Hayyim Hezekiah Medini, in his work *Sdei Chemed*,¹⁵ presents a list of 29 issues of Rabbanite-Karaite relations addressed by the *Halachah*. It is beyond the scope of this work to deal with all these issues, even though some of them are short and simple. Therefore a selection of eight halachic issues was made. These issues are usually the longest and most problematic, where we find the greatest diversity of opinions. The issues are: counting Karaites for *Minyan* and *Zimun*, drinking Karaite wine, lending or borrowing with interest to Karaites, eating meat slaughtered by Karaites, teaching Torah to Karaites, asking Karaites to do work on a holiday, circumcising Karaite children on the Sabbath and marrying with Karaites.

The procedure in analyzing each halachic issue is the same: first, a description of the nature and scope of the law based on the *Talmud*, so that the nature of the problem can be understood regarding only the primary source; second, a careful analysis of the post talmudic halachic literature dealing with each issue; third, analysis and conclusions of the sources in the *Talmud* and post talmudic halachic literature, in order to find patterns in the way these

halachic authorities wanted Rabbanites to relate to Karaites.

One issue is treated differently: the problem of marriage between Rabbanites and Karaites. There are two reasons for treating this issue differently. First, the rabbinic responsa on this issue alone are numerous enough to warrant a separate thesis. Second, this issue is always discussed when a new Jewish sect, such as the *B'nai Israel* or the Ethiopian Jews, appears, and the halachic problems are the same. These problems are: the halachic validity of their marriages and divorces and the question of *Mamzerut*.

On the other hand, such an important issue cannot be ignored if we want to reach meaningful conclusions regarding the relationships between the two communities. Marriage is the ultimate halachic test of the acceptance or rejection of another community. In terms of *Halachah*, marriage deals with the crucial issue of the status of the individual. Therefore, a compromise was achieved by studying this issue through secondary sources. The writings on the issue of marriage between Rabbanites and Karaites by Katriel P. Tchursh and Michael Korinaldi, two contemporary scholars of *Halachah*, were chosen. An analysis of these two works gives a general understanding of how halachic authorities dealt with the issue of marriage in the past.

Chapter 1

Can Karaites be counted to complete
ten in a Minyan or three in a Zimun?

1.1- Sources about Minyan

The Mishnah states:

"The introduction to the Shema is not repeated, nor does one pass before the Ark, nor do (the priests) lift their hands, nor is the Torah read (publicly) nor the Haftarah read from the prophets, nor are halts made (at funerals), nor is the blessing of the mourners said, nor the comfort of mourners, nor the blessing of the bridegrooms, nor is the name (of God) mentioned in the invitation to say grace, save in the presence of ten."¹

The Gemara following this Mishnah defines the Biblical verses which prove these rulings. The proof is based on a double Gezeirah Shavah with the following verses:

"You shall not profane My holy name, that I may be sanctified in the midst of the Israelite people ..." ²

"Stand back from the midst of this COMMUNITY..."³

"How much longer shall that wicked COMMUNITY keep muttering against Me?"⁴

The last verse is interpreted by the rabbis as referring to the ten spies who gave a bad report about the land of Israel. Through the double Gezeira Shavah the Gemara connected the commandment of sanctifying God to the need for a community, which is made of no less than ten people.

1.2- Sources about Zimun

When Jews eat together in groups the leader invites the group to recite the blessing after the meal with a formula called Zimun. The *Mishnah*⁵ states that three who eat together are obliged to say the Zimun. It also states that Samaritans can be counted for Zimun but gentiles cannot. Women, children and slaves are not called by men to join Zimun.

The Gemara defines the Biblical source for the commandment. Two verses are quoted by two different authorities to prove this law and the Gemara does not decide which one is the correct source. The verses are:

"Exalt the Lord with me, let us extol His name together".⁶

"For the name of the Lord I proclaim, give glory to our God."

In both verses one person is talking to a group of at least two people, inviting them to praise God. That proves that we need at least three people for Zimun.

The Gemara also discusses the issue of allowing the Samaritans to be counted for Zimun. the Gemara finds it strange that Samaritans are allowed while *Amei Haarets*⁸ are not. Two answers are given. Abale said that allowing Samaritans to be counted for Zimun refers to Samaritan

scholars. Rava said that it refers to unlearned Samaritans.

1.3- Post talmudic halachic literature

1.3.1- Codes

The three main codes generally agree about the need for a *Minyan* in the above situations quoted from the *Mishnah*. Among the many rulings about a *Minyan* the following are the most relevant to this study:⁹

- A *Minyan* is composed of a minimum of ten Jewish adult free males.
- A transgressor who had transgressed a public decree or who had transgressed one commandment, if he was not excommunicated, is counted for a *Minyan*.
- An excommunicated Jew is not counted for a *Minyan*.

The only commentary to the *Shulchan Aruch* which has anything relevant to this study is the *Mishnah Berurah*. Using Rambam's responsum on the subject the *Mishnah Berurah* rules that a transgressor is an Israelite even if he sins and that Karaites are not counted because they do not believe in the Oral Law. Anyone who does not believe in the Oral Law is not counted as well. According to the rule *Hilcheta Kevatraei* (the halachic decision is according to the latest authority) this last decision has authoritative power.

The discussion about Samaritans being counted for Zimun continues with the great codifiers. The Rosh¹⁰ and the Rif¹¹ thought that the Samaritans of their time were like gentiles. The Tur¹² states that we count Samaritan scholars, but quotes the Rif saying that the Samaritans of today are like gentiles. The *Shulchan Aruch*¹³ decides that the Samaritans of today are like gentiles.

The *Shulchan Aruch* also says that an *Am Haarets* is counted for Zimun (in disagreement with the *Gemara* above). Gentiles are not counted.

The Moharshag in his commentary to the *Shulchan Aruch* on the law that prohibits the Samaritans of today to be counted for Zimun says:

"but Sadducees (Karaites) are counted for Zimun if they are scholars."

1.3.2- Responsa literature

The only major responsum on the subject of Karaites counted in *Minyan* and *Zimun* is that of Rambam's.¹⁴ Rambam is very succinct in that responsum. He states that Karaites cannot be counted for *Minyan* because they do not believe in the Oral Law. He brings proof from another matter, the issue of making an *Eiruv*, i.e., transforming a private domain into a public domain for the purpose of carrying during the Sabbath. The *Mishnah*¹⁵ declares invalid the *Eiruv* which was sent (usually done with some food) through

someone who does not acknowledge the institution of *Eiruv*.

The *Eiruv* is the classical example of a commandment based only on the Oral Law. The Rambam is aware of that and connects it to the matters of counting Karaites for *Minyan* and for *Zimun*. The Rambam states that these are similar cases. An *Eiruv* made by someone who does not acknowledge the institution of the *Eiruv* is not valid. Since the Karaites do not acknowledge the need for *Minyan* and *Zimun*, they cannot be counted for *Minyan* and *Zimun*.

1.4- Analysis and conclusions

Since Karaites are Jews, there is nothing in our sources that prohibits a Rabbanite to count a Karaite for *Minyan*. The example of the Samaritans could be used as a precedent to allow Karaites to be counted for *Zimun*.

Like the Karaites, the Samaritans also rejected the Oral Law. Our codifiers could have made an analogy between the Samaritans and the Karaites regarding the issue of counting Karaites for *Zimun*. But none of them, except for the Moharshag, made the analogy. It is interesting to observe that the Moharshag made the analogy between the Karaites of today and the Samaritans of the time of the Talmud, before they were accused of idolatry. This implies that, for most of the great authorities, there is not an obvious analogy between the Samaritans and the Karaites. It

also implies that even when the analogy is made, the Karaites were not called idolaters.

Rambam's way to answer the question, dealing with the laws of *Eiruv* instead of dealing with the laws about *Minyan* and *Zimun*, shows that he did not see any problems between the Karaites and the sources on *Minyan* and *Zimun*. This agrees with our previous conclusion.

Rambam's responsum implies that if Karaites only believed in the institutions of *Minyan* and *Zimun* they could be counted, even though they were heretics. Therefore heretics can be counted for *Minyan* and *Zimun* if they believe in these commandments. Karaites are not being punished by exclusion from Jewish ritual. Their status is determined by a case-by-case consideration, dealing with each ritual.

Chapter 2

Can Rabbanites drink Karaite wine?

2.1- Sources

The *Mishnah*¹ states that gentile wine, and vinegar made from gentile wine, are among the things belonging to gentiles which Jews are forbidden to use or from which they may derive any benefit.

The *Gemara* following that *Mishnah* defines the Biblical source for those commandments. The verse that proves that commandment is:

"Who ate the fat of their sacrifices and drank their libation wine?"²

The *Gemara*, through a *Hekesh*, proves that the laws which apply to sacrifices (first part of the verse), apply also to gentile wine (second part of the verse).

There are two kinds of wine. Wine for libation (*Yain Nesech*) and unknown wine (*Stam Yenam*). Wine for libation is wine made by a gentile to be offered to idols. Unknown wine is wine made by a gentile, whose use, libation or drinking, is unclear.

Since the time of the men of the Great Assembly (Ezra and Nehemiah), wine of gentiles, even if it was not for libation, was already forbidden³, as it is proven by the verse:

"Daniel resolved not to defile himself with the king's food or the wine he drank..."⁴

The *Talmud* states that from the time of Hezekiah ben Garon the sages decreed 18 decrees, and one of them was against gentile wine.⁵

We can find the reason for the prohibition against gentile wine in tractate Sanhedrin.⁶ In that tractate there is a story of how a group of Jews was seduced with wine to perform idolatry. In addition to the concern that drinking gentile wine will lead to idolatry, there is the concern that drinking gentile wine will lead to intermarriage.

2.2- Post talmudic halachic literature

2.2.1- Codes

In the *Shulchan Aruch*⁷ we find the following laws about gentile wine which are relevant to this study:

- Unknown wine is forbidden for drinking and deriving benefit. But the Rama disagrees, affirming that since today the gentiles are not idolaters, Jews can derive benefit from unknown wine and from kosher wine touched by gentiles.⁸ It is in accordance with the ruling⁹ that says that wine from a gentile who is not an idolater is forbidden to drink, but a Jew may derive benefit from this wine.

- If a gentile who accepted the seven laws of Noah (Ger Toshav) touches the wine, it becomes forbidden for drinking. But the Rama says that even though there are those authorities who are lenient regarding gentile manipulation of Kosher wine, he considers their wine forbidden.

- An apostate, even if he is circumcised, transforms a kosher wine into wine for libation when he touches that wine. This law is not found in the earlier sources. Joseph Karo, based upon a responsum by the Rashba, explains in the Beit Yosef¹⁰ that if a Jew who is suspected of cursing God or of violating other commandments (i.e., we are not certain of his transgression) makes wine forbidden, how much more so in the case of an apostate who publicly transgresses the commandments.

- A forced convert cannot prevent a gentile from touching kosher wine. Therefore a forced convert is under suspicion in the matter of keeping a gentile from touching kosher wine, and one does not rely on forced convert's wine, but they are trusted concerning the wine of others.

The Turei Zahav¹¹ quotes the Rashal saying that the law regarding the Karaites is the same as the law regarding gentiles who accepted the seven laws of Noah, and it is permissible for a Jew (Rabbanite) to drink wine with them.

The Nekudot Hakesef has a long commentary on the Turei Zahav. He basically agrees with the Rashal and infers that the Rashal considers the Karaites to be preferable to

the Ger Toshav. Another view is also quoted and that is of Betsalel Ashkenazi, Rabbi Shimshon and others, who say that since the Karaites desecrate the holidays it is as if they deny the whole Torah. This desecration of the holidays implies that the Karaites are idolaters and that their wine is wine for libation. In the end it seems that Rashal's view is preferable.

2.2.2- Responsa Literature

2.2.2.1- The responsum of the Rambam

In his most important responsum about the Karaites, the Rambam discusses the problem of Karaite wine. The Rambam starts by affirming that according to his reasoning, Karaite wine is not forbidden. He tries to prove this with an analogy of the Samaritans and the Karaites, quoting the *Talmud on Chulin*. There it is said:

"Rabbi Simeon ben Eleazar was sent by Rabbi Meir to fetch some wine from among the Samaritans (which implies that their wine was permitted)¹³. He was met by a certain old man who quoted Proverbs to him: Thrust a knife into your gullet if you have a large appetite (meaning that he should not drink from that wine). Whereupon Rabbi Simeon ben Eleazar returned and reported the matter to Rabbi Meir who thereupon proscribed them. Why? Rabbi Nachman ben Isaac explained: Because they found a statue of a dove on the top of Mount Gerizim and they worshipped it... Rabbi Isaac ben Joseph was sent by Rabbi Abbahu to fetch some wine from among the Samaritans (but their wine was forbidden!?). He was met by a certain old man who said to him: There are none here who observe the Torah. Rabbi Isaac went and reported the matter to Rabbi Abbahu who reported it to Rabbi Ammi and

Rabbi Assi; the later forthwith declared the Samaritans to be absolute gentiles. In what respect? If with respect to their slaughtering and with respect to their wine, which is idolatrous, had not the Rabbis proscribed them in that former incident? The Rabbis had previously proscribed them but their decree was not accepted. Rabbi Ammi and Rabbi Assi came now and proscribed them and their decree was accepted (Rashi explains that it was due to economic reasons. Previously, their commerce was intense but not later)."¹²

Based upon this passage the Rambam concludes that there is no prohibition against Karaite wine, because Karaites are compared to Samaritans before the decree which declared them idolaters. Also the Rambam declared that the Karaites were not idolaters.

Another problem is how can we rely on Karaites since they do not have the midrashic interpretation on "You shall not place a stumbling block before the blind?"¹⁴ The Rambam is dealing with the problem that Karaites are not commanded not to deceive others. The answer the Rambam gives is based on the *Talmud*.¹⁵

The talmudic discussion is about clothing with stains. If the stains come from the blood of menstruating Jewish women the stains are unclean, but if the stains come from the blood of menstruating gentile women, the stains are clean.

The conclusion reached in the *Gemara* (since the *Mishnah* is defective) is that since the Samaritans are considered true converts,¹⁶ their stains are unclean. If one finds the clothing of Samaritan women with stains in Israelite cities, they are clean because the Samaritans are

not suspected with regard to stained clothing (i.e., they keep these commandments). If one finds the stained clothing of Samaritan women in Samaritan cities, Rabbi Meir says that the stained clothing is unclean, because Samaritans are suspected. However the sages say the stained clothing is clean because Samaritans are not suspected with regard to matters of stained clothing.

At the end of the next *Mishnah* we find the general rule: "in any matter where they are under suspicion they are not believed."

The Rambam concludes from this discussion that if Karaites are not suspected in a certain matter, we can believe them. The Rambam thinks Karaites are not under suspicion regarding wine, since they are concerned with touch of gentiles on their wine. Therefore, he concludes that we can drink Karaite wine.

At the end of his responsum, the Rambam raises a problem which is not solved, since the manuscript we have is not complete. The problem is that Karaites had slaves who did not immerse in the ritual bath. Probably Karaites considered those slaves Jews, but to the Rabbanites they were still gentiles. If those slaves touched Karaite wine it became forbidden for Rabbanites.

Avraham, the son of the Rambam, quotes his father's opinion on this matter and solves our previous problem. He says that if the Karaite is observant and faithful to his religion, we make him swear that his wine was not touched

by a gentile or a slave who did not immerse in the ritual bath. If the Karaite makes the oath the wine is permissible.

2.2.2.2- Other responsa

A responsum in the collection by the name of *Oholei Yaakov*¹⁷ deals briefly with Karaite wine. What is important in that responsum is that it quotes the opinion of the Geonim on that matter. It is written that the Geonim allowed Rabbanites to drink Karaite wine, because according to their view, a Karaite is not a gentile.

A responsum in the collection called *Hagahat Drishah* affirms that there are those who would drink Karaite wine if the owner swore that a gentile did not touch it.¹⁸

The Radbaz, in one of his responsa about Karaites,¹⁹ quotes the opinions of the Rambam and Avraham ben Harambam regarding Karaite wine. The Radbaz does not disagree with them.

Hayyim Benveniste in his work, *Kneset Hagedolah*, summarizes the previous opinions saying that Karaite wine has no kind of prohibition. However, later authorities are stricter than the earlier ones on the matter because the Karaites are not careful regarding the touch of gentiles on their wine.²⁰

It is written in the work called *Aruch Hashulchan*, that Karaite wine is forbidden because they do not care about the touch of a gentile.²¹

The Chatam Sofer says that to compare Karaites to Ger Toshav is problematic. It is better to prohibit drinking with Karaites because of intermarriage and because of leading others astray from the traditional laws of the Jews, as proven in the chapter called *Bnot Kutim*. Karaites can seduce Jews to walk away from the right path and therefore, Karaites are worse than idolaters since they are heretics.²²

2.3- Analysis and conclusions

According to our sources there is no problem with wine made only by Karaites because even though they are heretics, they are considered Jews. Neither are Karaites considered idolaters. This view is confirmed by the explicit permission made in our sources regarding Samaritan wine. Again the permission regarding Samaritan wine can be used as a precedent. Therefore Karaite wine cannot fall under the categories of wine for libation or unknown wine. The only problem that Karaite wine could have is if Karaites let gentiles touch their wine. If Karaites let gentiles touch the wine, a Rabbanite cannot drink it.

It is important to point out that the *Geonim* did not see any problem with Karaite wine because they are not gentiles.

Rambam's view is very reasonable and deals with the most important matters. He does not see any problem with wine made only by Karaites and he makes the comparison with the Samaritans before the decree which declared them idolaters. He uses his knowledge about the sect to affirm that they do not let gentiles touch Karaite wine. The issue of Karaite slaves who are still gentiles to Rabbanites, but Jews to Karaites is the only problem. As Avraham the son of the Rambam complements Rambam's responsum, that problem is solved through an oath.

We do not know whether Karo's ruling on the apostate includes Karaites or not. In any case, it seems to have no basis in our sources and it seems to be a way to keep apostate Jews away from the Jewish community.

Some authorities compared the Karaites with Ger Toshav and applied the same laws to both groups. This reasoning is weak because Karaites are not gentiles, but rather heretics, and heretics continue to be Jews.

The views of Betsalel Ashkenazi and the Chatam Sofer are tendentious and lack objectivity. Betsalel Ashkenazi, through a tendentious but logic reasoning transforms Karaites from desecrators of holidays into idolaters. Although the Chatam Sofer does not write about Karaite wine, he calls Karaites heretics who are worse than gentiles to him. He demands complete social isolation from Karaites which implies not drinking wine with them. It seems that the Chatam Sofer is not only making an attack on the

Karaites but is writing polemics against Reform Jews, who are the real heretics of his time.

Chapter 3

Can Rabbanites lend or borrow with interest to Karaites?

3.1- Sources

The Bible prohibits a Jew from lending with interest to a fellow Jew, as it is written:

"Do not exact from him (your kinsman) advance or accrued interest, but fear your God. Let him live by your side as your kinsman. Do not lend him money at advance interest (*Neshech*) or give him your food at accrued interest (*Tarbit*)."¹

The difference between the terms *Neshech* and *Tarbit* is not clear. The above translation is based on the new Jewish Publication Society translation. The translator comments that *Neshech* is considered interest deducted in advance and *Tarbit* is considered interest added at the time of repayment. This is only one of many possible translations. The *Tanaim* were also intrigued by the meaning of these two terms. In the *Mishnah*,² the *Tanaim* try to differentiate between *Neshech* and *Tarbit*. The final and authoritative position on these terms is Rava's, who maintains that the *Torah* used two synonyms in order to make the prohibition of interest twofold.³

It is forbidden to borrow with interest from a Jew,

as it is written:

"You shall not deduct interest from loans to your countrymen, whether in money, food or anything else that can be deducted as interest, but you may deduct interest from loans to foreigners. Do not deduct interest from loans to your countrymen, so that the Lord your God may bless you in all your undertakings in the land that you are about to enter and possess."⁴

In the *Talmud* and among Jewish commentators of the Bible, we find that it is an accepted tradition that these verses are a warning to the borrower not to pay interest to the lender.⁵ The *Talmud* adds that the borrower is also transgressing "You shall not put a stumbling block before the blind", i.e., the borrower is causing the lender to sin.⁶

The *Talmud*⁷ and the *Mechilta*⁸ interpret the following verse as a warning against anyone (guarantor, witnesses or notary) who takes part in a transaction involving lending with interest.

"If you lend money to My people, to the poor among you, do not act toward them as creditor: exact no interest from them."⁹

Deuteronomy 23:21 states that it is permissible to lend with interest to the *Nochri*, or foreigner, usually interpreted as a gentile. Some interpret *Nochri* as a foreigner who comes to Israel. The sages made an analogy between the foreigner in Israel and the gentile in the Diaspora. Therefore, according to this interpretation of

Deuteronomy 23:21, it is permissible to lend with interest to gentiles.¹⁰

There is another view in the Talmud¹¹ which affirms that it is forbidden to lend money to gentiles. This view is based on the following verse:

"Who may dwell on Your holy mountain?... He who has never lent money at interest."¹²

The Amora'im seem to have problems regarding the view that it is permissible to lend with interest to gentiles. The Mishnah states clearly that it is permitted to lend with interest to gentiles. The Amora'im, in the Gemara following that Mishnah, argue if it is permissible to lend with interest to gentiles. They conclude that it is permissible, but only if it is the sole possible source of sustenance to a Jew, or if the Jew is a scholar. The sages made a decree forbidding lending with interest to gentiles because of concerns regarding assimilation.¹³ They feared that more economical transactions would lead to more social and intellectual interchange, which would end in assimilation.

3.2- Post talmudic halachic literature

3.2.1- Codes

The Rambam, in the *Mishneh Torah*,¹⁴ affirms that to lend money to gentiles is a positive commandment. He bases his argument on Deuteronomy 23:20 which he reads in the

imperative: "you must deduct interest from foreigners". The Rabad, in his commentary to the *Mishneh Torah*, disagrees with him. Rashi and the Ramban in their commentaries to the Bible also think that there is no positive commandment there.¹⁵ Rashi considers the statement in Deuteronomy a negative commandment against one who pays interest to his kinsman.

The *Tur*¹⁶ states that the reason for lending without interest is "to help your kinsman to live with you"¹⁷ and we are not commanded to help gentiles to live. Nevertheless, the sages prohibited it lest Jews assimilate. Nor are we commanded to help apostates to live. But we do not borrow from apostates with interest because of "You shall not put a stumbling block before the blind"¹⁸, i.e., you should not mislead an ignorant Jew and cause him to sin.

Joseph Karo comments on this passage in the *Beit Yosef*. Karo says that the Rambam affirms (in his commentary to the *Mishnah*¹⁹) that the Karaites should be considered like a baby who was raised among gentiles (an ignorant Jew). As such, a Karaite is not an apostate Jew. Karo rules that it is permissible to lend with interest to an apostate Jew, but it is forbidden to borrow with interest from him.²⁰ But since Karo follows Rambam's statement that Karaites are like babies raised among gentiles, he concludes that a Rabbanite cannot lend to or borrow from a Karaite, and extracting interest. Karo brings also the opinion of the *Nemukei Yosef* who states that the law concerning a baby

raised among gentiles applies only to those Jews who never learned Torah. But the Karaites who live among Jews and follow the laws of the gentiles are considered rebels and therefore it is permitted to lend with interest to them (classifying them as apostate). Karo ends the discussion saying that he cannot abandon the words of the Rambam for the words of the Nemukei Yosef.

Since Karo quoted the words of the Rambam it is important to check them in two relevant sources. The first is Rambam's commentary on *Mishnah Chulin*. The second is a paragraph in the *Mishneh Torah* regarding the laws of Mamrim (rebels).

Rambam's commentary on *Chulin* says:

"... It is also permitted to eat the slaughtered meat from those who are not Sadducees and Boethusians. And those are two sects which started to deny the truth of the Oral tradition, as I explained in my commentary to the Chapters of the fathers, until they transformed the truth into falsity and the enlightened path into darkness ... And they who are part of those sects today are certainly heretics. But they are not truly heretics, nevertheless the laws of heretics should apply to them, because they lead to the true heresy."²¹

In the *Mishneh Torah* we read:

"- One who does not believe in the Oral Law is not considered an elder disregarding the decision of the Supreme Court, but rather he is considered a heretic (Apikorus)...

- To whom do these words refer? They refer to a person who denies the Oral Law by his own thinking and choosing. He follows his weak reasoning and his stubbornness and denies the Oral Law like Zadok and Boethus and all who erred after them. But the children of those mistaken ones and their descendants whom their ancestors led astray and who were born and raised among the Karaites, they are like children who were captured

(from Jews and not raised as Jews) and who do not scrupulously to fulfill the commandments because they are like forced converts. Even though they hear later on that they are Jews and they see the way Jews live, they are still like forced converts since they were raised according to their ancestors' mistakes. This is so regarding those Karaites who continue their ancestors' mistakes. Therefore it is appropriate to convince them to repent and to talk to them peacefully until they return to the right paths of the Torah."²²

The Chidushei Hagahot²³ makes an interesting comment about the apparent contradiction between the words of the Rambam on *Chulin* and on the *Mishneh Torah*. From the commentary on *Chulin* it seems that the Rambam considers Karaites to be heretics. From the *Mishneh Torah*, it is clear that the Rambam does not consider Karaites heretics, but rather as Jews raised among gentiles. The Chidushei Hagahot harmonizes the two sources saying that the first is referring to Rabbanites who became Karaites, just like Zadok and Boethus. Those are heretics, but Karaites who were born in the sect and raised as Karaites are not heretics.

The Chidushei Hagahot is based on the longer commentary called *Mishnah Lemelech*.²⁴ On the *Mishnah Lemelech* we find still another way to explain the difference between those two sources of the Rambam. He says that he found in a certain edition of the *Mishneh Torah* a different ending to the paragraph on the Karaites which reads: "a person (Rabbanite) should not rush to kill them." This ending implies that a Rabbanite should try to convince them about the right way peacefully, but if they refuse to repent and accept the Torah, then it is permitted to kill them,

since they become real heretics. According to this view, the passage on *Chulin* refers to when Karaites refuse to repent and accept the *Torah*. Therefore, we can lend with interest to them. Other authorities who support this idea are quoted, among them the Radbaz and Rabbeinu Betsalel Ashkenazi.

The Radbaz comments on the *Mishneh Torah*²⁵ that the Rambam wrote that paragraph to teach about honor regarding Karaites. But the Karaites of the time of the Radbaz should be considered as heretics because despite all the peaceful talk and polite invitations from the Rabbanites, the Karaites still refused to accept the Oral Law. Another source²⁶ also quotes the Radbaz's responsum saying that he permitted Rabbanites to lend with interest to Karaites, which agrees with Radbaz's commentary on the *Mishneh Torah*.

The *Shulchan Aruch*²⁷ does not even mention the laws regarding the prohibition against lending or borrowing with interest to a Jew. The *Shulchan Aruch* begins the section on laws about interest speaking of the different groups from which it is permitted to lend to or borrow from with interest.

Some of the relevant laws are the following:

- It is a toraitic law that it is permissible to lend with interest to gentiles, but the sages prohibited it except in the cases when it is the only source of sustenance, when the lender is a scholar or when it is rabbinic interest. But

today it is permitted to lend with interest to gentiles in all cases.

- It is permissible to lend with interest to an apostate Jew, but it is forbidden to borrow with interest from him. The Rama states that many authorities try to be stricter and not to lend with interest to apostate Jews. He thinks it is preferable to be stricter.

- The laws of interest concerning gentiles apply to the Samaritans.

- The laws concerning apostate Jews do not apply to Karaites, and therefore it is forbidden to lend with interest to them and of course it is forbidden to borrow with interest from them (the same law as regarding Rabbanite Jews).

The Siftei Cohen²⁸ comments on this law saying that he found many authorities who disagree with Karo's ruling and consider Karaites as apostates. Therefore it is permissible to lend with interest to them. He quotes the Rabbeinu Betsalel to remove the contradiction with the words of the Rambam: "the Karaites of the time of the Rambam had more good qualities than the Karaites of today."

The Hayyim Hezekiah Medini in his work *Sdei Chemed*²⁹ repeats the list of authorities given by the Siftei Cohen plus a few others. It seems that this matter is still an unresolved law, since we find a couple of authorities who follow Karo's view. But most of the authorities are of Radbaz's view and Medini agrees with Radbaz's view, also.

3.3- Analysis and conclusions

It is hard to judge this issue from our sources. It is clear that we cannot lend or borrow with interest to other Jews, but the *Talmud* does not say anything about Samaritan Jews, apostates or heretics. It is permitted to lend or borrow with interest to gentiles, but the *Amoraim* made some limitations, because of fear of assimilation. The limitations made by the *Amoraim* and the view that the commandment of lending money without interest is a way to help others to live, supported arguments for lending with interest to apostate and heretic Jews. But as the *Rama* comments, it is preferable to be on the stricter side and not lend with interest to apostates and heretics.

On this subject, where the sources do not give us clear directions, we begin to find subjectivity among the halachic authorities concerning the Karaites. The *Rambam*, Joseph Karo and others who followed the opinion of the *Rambam*, classified the Karaites as babies raised among gentiles, which made them "innocent" of their sins, because they did not know better. It is important to observe that all these authorities refused to apply the laws of heretics to the Karaites on this matter. Classifying Karaites as "babies raised among gentiles" seems a more convenient classification, resulting in more favorable halachic decisions.

On the other hand, we find later authorities such as the Radbaz, disagreeing with this classification and calling Karaites heretics. They try to explain their different view by bringing the excuse that the Karaites of their times were not as "well behaved" as the Karaites of the time of the Rambam.

We have to wonder if poor behavior is the real reason for changing the law regarding Karaites. Was there a real change of behavior among the Karaites toward the Rabbanites from Rambam's time to Radbaz's time? Or was there a change of classification due to polemics against the Karaites by the later authorities who were not as tolerant as the early ones?

Chapter 4

Can Rabbanites eat Karaite slaughtered meat?

4.1- Sources

It is a positive commandment to slaughter a fit animal whenever one wants to eat meat, as it is written:

"If the place where the Lord has chosen to establish His name is too far from you, you may slaughter any of the cattle or sheep that the Lord gives you, as I have instructed you (*tsiviticha*); and you may eat to your heart's content in your settlements."¹

Ritual slaughtering of fowls is not a toraitic commandment but rather a rabbinic commandment. Rabbi disagrees and learns from "as I have instructed you", that Moses was commanded as to cutting the windpipe (trachea) and the food pipe (esophagus), the major part of one of these for fowls and the major part of both of these for animals.²

Fish and locusts do not need ritual slaughtering, as it is written:

"... Or could all the₃ fish of the sea be gathered for them to suffice them?"³

The *Talmud*⁴ concludes from this verse that a general catch (probably in nets) is enough. A *Hekesh* was made regarding locusts.

The *Talmud*⁵ states that the slaughtering knife must be razor sharp and perfectly smooth and must have no dents or nicks, since these would tear the flesh and cause unnecessary pain. The knife must be examined before and after the ritual slaughtering to make sure that it is without any blemish. If the slightest dent or nick is felt, it is forbidden to use the knife.

The *Talmud* summarizes the laws of ritual slaughtering as follows:

"One may not eat of the slaughtering of any butcher who does not know the rules of ritual slaughtering. These are: pausing, pressing, burrowing, deflecting and tearing. A Jew who does not know the laws of ritual slaughtering even if he slaughters before us (experts) a few times and his slaughtering is fit, and afterwards he does not slaughter in front of experts, his slaughtering is forbidden, because he does not know the laws of ritual slaughtering."⁶

A brief definition of these terms follows⁷:

1. *Shehiah* - pausing or delay. The knife must be drawn quickly across the neck of the animal, without stopping. The smallest pause or delay renders the slaughtering defective.
2. *Derasah* - pressing. The blade must be applied with a to-and-fro motion, not with a chopping or striking motion.
3. *Chaladah* - burrowing. The blade must not be inserted between the trachea and the esophagus and used with an upward thrust; nor may the blade be inserted under the skin in any fashion.

4. *Hagramah* - deflecting. The cutting out of the specified zone below the larynx, preferably below the first hard ring of the trachea and up to the place where the bronchial tubes begin to branch.

5. *Akirah* - tearing. The trachea and the esophagus must be cut with the blade and not torn out or lacerated in any way.

A Jew who knows the laws of ritual slaughtering should not slaughter alone, in principle, until he slaughters in front of an expert three times and he is accustomed and quick.⁸

In principle, even women and free slaves can slaughter, if they are experts.⁹

It is forbidden for gentiles to slaughter.¹⁰

An apostate who eats non-Kosher meat to satisfy his appetite (strong craving), is permitted to slaughter if the knife was examined, even if he was alone.¹¹

An apostate who defies the law purposely, an apostate who desecrates the Sabbath in public or an apostate who is not concerned with the laws of slaughtering and eats non-Kosher meat; his slaughtering is not valid.¹²

It is valid for a Samaritan to slaughter if a Jew is standing over him at the time. But if a Jew comes and finds that a Samaritan has already slaughtered, the Jew cuts off an olive's bulk of the flesh and gives it to him; if the Samaritan eats it, then Jews may eat of his slaughtering; if the Samaritan does not, then Jews may not eat of his slaughtering. ¹³

4.2- Post talmudic halachic literature

4.2.1- Codes

The *Mishneh Torah*¹⁴ states that a heretic is like a gentile in regard to ritual slaughter and therefore heretic slaughter is not valid. The *Mishneh Torah* clearly states the law regarding Karaites:

"Those Sadducces and Boethusians, their students and all who go astray after them and do not believe in the Oral Law, their ritual slaughtering is forbidden. But if they slaughter in front of us, it is permitted, because their slaughtering is only forbidden lest they spoil it. They do not believe in the laws of ritual slaughtering and according to this, they are not believed to say they did not spoil it..."¹⁵

However, as we see above (p. 34) in Rambam's commentary to the *Mishnah*, the Rambam considers Karaites heretics and forbids them from ritual slaughtering.

The *Magid Mishneh* and the *Kesef Mishneh* say that the Rambam is deriving his ruling on Sadducces and Boethusians from Abaie's opinion on the *Talmud* regarding the Samaritans¹⁶ before the decree which considered them like gentiles.

The *Magid Mishneh* states that the same prohibition (against Samaritan slaughtered meat, after the decree) does not apply to the Karaites since no idolatry was found among them. Therefore there is no prohibition against Samaritan meat unless they spoil it. He continues, affirming that Rabbanites cannot even give Karaites a piece of the meat

they slaughtered to see if they will eat it. Even if they do, their ignorance of the Oral Law means that that act would not prove anything. He raises a question: why did the Rambam not write that the Samaritans were permitted to slaughter even when a Jew is occasionally present during the slaughtering? The answer given is that there are laws about ritual slaughtering which are only found in the Oral Law, and since they do not believe in it, Rabbanites cannot rely on them. In the time of the Talmud they were allowed because they were experts in the details of the commandments like other Jews. But later they began to not follow all the laws regarding ritual slaughter as stated in the Oral Law.

The *Magid Mishneh* also tries to solve the contradiction between the words of the Rambam in the *Mishneh Torah* and in his commentary to the *Mishnah*. He gives two solutions. First, Rambam's commentary to the *Mishnah* refers to the case of Karaites who slaughter without supervision, while Rambam's commentary to the *Mishneh Torah* refers to slaughtering with supervision. Second, The Rambam changed his mind. It is known that many times the Rambam changed his mind about what he wrote in his commentary to the *Mishnah*. The *Magid Mishneh* quotes the words of Rabbi Abraham, Rambam's son, who said that whenever there is a contradiction between these two works we have to rely on the *Mishneh Torah*, because it is a later work.

Radbaz's commentary to that paragraph of the *Mishneh Torah* is also important. He says Rabbanites need to examine the knives Karaites use, because Karaites do not believe in the laws regarding the ritual knife.

The *Tur*¹⁷ bases his opinion on the views of the Rambam and of the Rashba. The Rashba wrote that if a Karaite slaughters by himself, and even if a Rabbanite cuts a piece of meat the size of an olive, gives it to him and he eats it, the meat is forbidden. The reason for that is that Rabbanites do not rely on Karaites on every commandment that is not written in the Bible, even if there is presumption about Karaite observance of one of these commandments.

Joseph Karo, in his commentary to the *Tur*, quotes more from the Rashba. The Rashba wrote that if a Karaite is an expert, his slaughtering is valid. This refers to the case when a Rabbanite watches him and even when that Rabbanite goes in and out. Karo raises a problem: if a Rabbanite watches him, why does he have to be an expert? Karo answers that the presence of a Rabbanite is important because it causes the *Shochet* to fear doing anything wrong. But this would not necessarily prevent transgressing one of the five requirements for fit slaughtering. Therefore the Rashba requires an expert.

The *Bait Chadash* disagrees with Karo's explanation of the Rashba saying that when a Rabbanite watches, the Karaite *Shochet* does not need to be an expert.

In the *Shulchan Aruch*¹⁸ Karo makes his decision about the law according to the Rambam. But Karo makes an addition to the law which he does not comment on in the *Beit Yosef* and which is only found in Radbaz's commentary to the *Mishneh Torah*. Karo requires the examination of the knife.

In his commentary to the *Shulchan Aruch*¹⁹ the *Siftei Cohen* points out that the Rambam bases himself on the words of Abale and Rabba in the beginning of *Chulin*.²⁰ What is most important is the *Siftei Chohen's* commentary on the need for examining the knife. He points out that all authorities, even the Rashba, who is stricter, agree that Karaites are like Samaritans before the decree. The *Tosafot* wrote²¹ that "regarding Samaritans before the decree, there is no need to examine the knife." It is not similar to the case of an apostate who does not fear that other Jews will examine his knife (since he is almost like a Jew). The Samaritans know that the Jews do not rely on them and they fear lest the Jews will examine the knife. Therefore they are careful about defective knives.

But the *Siftei Cohen* concludes, quoting a responsum by Rabbeinu Betsalel, that there is a difference between the early Karaites, who performed some good deeds, and the Karaites of his time, who do not even eat from Rabbanite slaughtered meat. Therefore their slaughtering is forbidden, even when a Rabbanite watches them and certifies that they slaughtered well.

The *Biur Hagra* confirms the suspicion that Karo himself added the requirement of examining the knife used by Karaites. He states that all later authorities had problems with that view.

4.2.2- Responsa literature

The Radbaz says in one of his responsa²¹ that the ritual slaughtering performed by a Karaite is valid only if a Jew watched over him, examined the knife and gave it to him. In another responsum²² he quotes Rambam's opinion and adds that Rambam's view refers to when Karaites eat from that slaughtered meat. Continuing, the Radbaz says that "he cannot allow Rabbanites to eat from their slaughtered meat because Karaites do not eat from Rabbanites slaughtered meat." He concludes saying that "Anan and his followers allow the wringing of fowls' neck and that they do not examine anything at all, and therefore they eat non-Kosher meat."

The Chida, in his *Birkei Yosef*²³, wrote that meat slaughtered by the Karaites of his time was forbidden even when a Rabbanite watched the Karaite *Shochet* and even if the knife was examined.

Many opinions of later authorities are found in the Sdei Chemed²⁴ which agree with the responsum of Rabbeinu Betsalel. This responsum is frequently quoted by many early and later authorities, but I could not find it anywhere in the collection of Betsalel's responsa.

4.3- Analysis and conclusions

Based on our sources one can conclude that, since Karaites are Jews, if they are experts in the laws of ritual slaughtering, their slaughtered meat is valid.

Another way to reach a similar conclusion is through an analogy of the Samaritans (before the time of the decree) with the Karaites. The Samaritans were allowed to slaughter if a Jew was standing over him, or if a Jew came in and out and the Samaritan ate the meat he slaughtered. Similarly, this could apply to Karaites.

That analogy was accepted by many authorities, including the Rambam. It is interesting to observe his change of opinion about the Karaites, from his youth to when he became the leader of the Jewish community in Egypt. In his youth, the Rambam considered the Karaites to be heretics, forbidding them from slaughtering. But later he did not consider Karaites heretics and permitted them to slaughter meat if a Rabbanite was standing over them.

Joseph Karo and the Radbaz required examination of the knife, a ruling which is usually required from apostates who are trying to satisfy their appetite for non-Kosher meat. The Tosafists had already made a clear difference between the law regarding the Samaritans and the apostates, stating that Rabbanites do not need to examine the knife of the former. Is this the beginning of a trend to consider Karaites apostates?

Radbaz writes three times about Karaite slaughtering. All three times he says that at least theoretically we can eat from their slaughtered meat if a Rabbanite supervised the slaughtering and checked the knife. But in his longest responsum on the Karaites, he forbids their slaughtered meat for two reasons. First, because they do not eat from Rabbanite slaughtered meat. Second, because they allow the wringing of fowls' necks and do not examine anything at all. From what is explained in the beginning of this work, Karaites were even stricter regarding slaughtering of fowls, because they required the cutting of the esophagus and the trachea. I doubt that Karaites, who were strict in their religious observances, did not examine the slaughtered meat to check if everything was done correctly. At the same time we know that Karaites declared Rabbanite slaughtering invalid. Therefore it seems that the Radbaz is really forbidding Karaite slaughtering because of non-halachic reasons.

Rabbeinu Betsalel and the *Sifte* Cohen (who follows Betsalel's reasoning), change the ruling about Karaite slaughtering for non-halachic reasons, too. They affirm that the Karaites of their time were different from the Karaites of Rambam's time. Since the Karaites were not doing any good deeds, and were desecrating the holidays and cursing the sages, they should be considered as gentiles. It almost seems that a process similar to what happened with the Samaritans is happening with the Karaites. Have those later authorities adapted a similar decree against the Karaites?

Chapter 5

Can Karaites be taught Torah?

5.1- Sources

It is a positive commandment to study and teach Torah as it is written:

"Moses summoned all the Israelites and said to them: Hear, O Israel, the laws and rules that I proclaim to you this day! Study them and observe them faithfully!"¹

Impress them upon your children. Recite them when you stay at home and when you are away, when you lie down and when you get up."²

In *Sifrei*³ the expression "to your children" was interpreted to mean "to your students." Through the teaching of father to son and teacher to student our tradition from Sinai was and will be kept.

It is forbidden to teach Torah to gentiles. Two passages in the Talmud prove this statement. The first is a discussion about teaching the events regarding the genesis of the world and the chariot. Rabbi Ami states:⁴

"One does not transmit words of Torah to gentiles, as it is written: He issued His commandments to Jacob, His statutes and rules to Israel. He did not do so for any other nation, of such rules they know nothing."⁵

In the second passage Rabbi Jonathan states:⁶

"A gentile who studies *Torah* deserves death, as it is written: When Moses charged us with the Teaching as the heritage of the congregation of Jacob. It is our "heritage", not theirs. Then why is this not included in the Noachian laws? On the reading "heritage" (*Morashah*) he steals it; on the reading "betrothed" (*Meorasah*) he is guilty as one who violates a betrothed maiden, who is stoned."

The sages in the *Talmud* warned that one should not learn Greek wisdom nor learn from heretics. We find that warning in the *Talmud*⁸, where there is a story about a person who knew Greek wisdom and advised the governors to bring pork to sacrifices. There it is stated:

"Cursed the person who raises pigs and cursed the person who teaches his sons Greek wisdom."

5.2- Post talmudic halachic literature

The prohibition against teaching *Torah* to gentiles was discussed in many responsa. David Bleich wrote an interesting article on this subject,⁹ which concludes that even though this is an accepted law there are many exceptions to it. Some say it is permissible to teach Written *Torah*, but not Oral *Torah*. Others say it is permissible to teach anything if the gentile plans to convert. Opinions range from the extreme of teaching almost everything to gentiles to teaching nothing to them.

Judah Eisenstein¹⁰ and others say that the reason for prohibiting the teaching of *Torah* is that some sages in the *Talmud* (such as Rabbi Yohanan) feared that the gentiles

would use their knowledge of the Torah for the sake of rebuking the talmudic sages and for attacking the Jews.

On the more specific topic of teaching Torah to Karaites, there are a few responsa, but nothing is said in the Codes.

5.2.1- The responsum of Rabbi Eliahu Mizrachi

This long responsum¹¹ starts describing a violent incident in the city of Constantinople where part of the community adopted an ordinance (Cherem) forbidding teaching any matter, either religious or secular, to Karaites. But that ordinance was not made with the total agreement of the Jewish population in Constantinople. The questions addressed to Rabbi Eliahu Mizrachi are: Is this Cherem valid? Is it forbidden to teach Torah to Karaites?

Mizrachi begins by calling attention to the fact that Jews may teach gentiles secular subjects. He knew of many gentile sages who studied with the Rambam. To prove this point Mizrachi quotes some talmudic passages.

The first one comes from *Pesachim*.¹² In that passage there is a discussion about different astronomical theories, one Jewish another non-Jewish. After some discussion Rabbi accepted the non-Jewish theory! Mizrachi concludes from that discussion that if it were forbidden to teach or learn secular matters from gentiles how could Rabbi have discussed such topics with them and even accepted their view?

Then Mizrachi quotes from *Megilah* (see p.51).¹³ From this passage it seems that Jews are forbidden to teach Torah to gentiles, but not secular matters.

Later, an interesting passage in *Baba Batra*¹⁴ is quoted to support the teaching of secular matters to gentiles. The passage is a discussion of whether a daughter inherits in the manner of a granddaughter. The sages' opinion is contrary to the opinion of the Sadducees. An argument on this subject between Rabbi Yohanan ben Zakai and a Sadducee is quoted. Rabbi Yohanan gives a first argument which is misinterpreted by the Sadducee, who declares it weak. Then Rabbi Yohanan has to be more explicit and bring a stronger proof. Finally, Rabbi Yohanan wins the debate. Mizrachi says that the Rashbam (and also Rashi) interprets this passage thusly: in the beginning Rabbi Yohanan did not want to reveal the thought process behind the matter, because it is forbidden to reveal to Sadducees the reasoning behind the laws in the Torah. Mizrachi concludes that those arguments which are not proofs for the laws in the Torah could be explained to Sadducees. It is only forbidden to explain to Sadducees the reasonings for the laws in the Torah when it is possible to easily refute their arguments. However, when it is impossible to refute Sadducees with other arguments, it is permitted to explain to them the reasonings for the laws, as did Rabbi Yohanan in the passage above. (with this argument Mizrachi is starting to build a case for teaching Karaites even Torah).

In the middle of the previous discussion Mizrachi makes an interesting comment on the social situation of the Karaite and Rabbanite communities in Constantinople. He says it is obvious that since the Rabbanites stopped teaching *Torah* to Karaites, the studies of the Rabbanite's students were diminished. When the Karaites studied *Torah* there was competition with the Rabbanite's students which motivated the latter to study harder.

Mizrachi says that whoever teaches Karaites might be bringing them under the wings of the *Shechinah* (God), and there is no greater *Mitsvah*.

Mizrachi continues quoting the Rambam and says that these Karaites are not real heretics like the Sadducees and the Boethusians, but are like babies raised among gentiles. He also quotes from Rambam's responsum¹⁵ on Karaites. Mizrachi comments that Rambam's responsum does not refer to Karaites who arrived in the city a month ago, but rather to those who have been living there for many years. The Rabbanites have asked them to repent from their wrong doings, but this plea for repentance was not effective. Despite the Karaite refusal to repent, the Rabbanites continued to circumcise Karaite children on the Sabbath, if they did not curse the Rabbanites' sages in public, or did not desecrate the holidays in public. Therefore Rabbanites should not kill Karaites even if they refuse to repent.

Mizrachi quotes Hai Gaon, who said that the Sages never forbade circumcision of Karaites on the Sabbath, believing that perhaps they would repent. From all the above Mizrachi concludes that it is permitted to teach Karaites secular matters and even *Torah*, if they do not curse Rabbanites' sages, because teaching *Torah* is not less important than circumcision on the Sabbath. Here Mizrachi is building the following *Kal Vachomer*. Hoping Karaites might repent, many authorities allowed Rabbanites to circumcise Karaite children on the Sabbath, even though this required breaking some laws of the Sabbath rest (punishable with death). Much more so in the case of teaching *Torah* to Karaites for the sake of repentance. All this is done in order for them to come back to the right way. Mizrachi asks: "how can they return to the good path if they do not know anything about our *Torah* and the reasons for its laws?"

Mizrachi ends the discussion by quoting the names of a few authorities who did teach *Torah* to Karaites. They were: Rabbi Eliah Halevi, Rabbi Eliezer Kaspali, Rabbi Mordechai Comtino and Rabbi Chanoch Tziporta. All taught Karaites on the condition that they did not despise the sages or desecrate the holidays in public. Mizrachi says that Rabbi Moses Kaspali did not teach them *Torah*.

4.2.2- Responsum of the Radbaz

At the end of Radbaz's long responsum about the Karaites¹⁶ is a paragraph dealing with the teaching of Torah to Karaites. He rules that it is permitted to teach Karaites the Written Torah (Bible), but not the Oral Torah. It is permitted to teach them Oral Torah only if they accept the words of the Rabbanite sages. Otherwise, after they learn the Oral Law, they will despise and mock it, because one who does not believe in the chain of tradition, will not accept the words of the Oral Law. Therefore, Karaites only learn the Oral Law to rebuke and invalidate it, as is clear from the words of Anan ben David.

5.2.3- Responsum of Solomon ben Nissim J. D. Kimhi

This responsum¹⁷ is based on Mizrachi's responsum. After some arguments he agrees with those authorities who debated other issues related to Karaites (wine, interest, etc.) and declared that Karaites should be considered as gentiles. Therefore, since the Torah cannot be taught to gentiles, neither can it be taught to Karaites. Solomon Kimhi gives another reason for deciding to prohibit Rabbanites from teaching Torah to Karaites. Karaites cannot accept the non-desecration of the holidays and cannot refrain from cursing Rabbanite sages, contrary to the requirements of Mizrachi.

According to the Encyclopedia Judaica¹⁸, this responsum created controversy in the Jewish community of Constantinople and the Karaites reacted strongly in an article in the *Journal Israelite*. At the end the chief rabbi of Constantinople, Yakir Gheron, ordered the burning of all copies of the book containing the responsum and severely censured the author.

5.3- Analysis and conclusions

Our sources are clear about the obligation to teach Torah to Jews, and Karaites are considered Jews. The prohibition against teaching Torah to gentiles is not clear, since many authorities disagree about specific cases. Our sources are not clear about teaching Torah to Karaites, Samaritans or heretics. As Mizrachi points out, the passage in *Baba Batra* could suggest there is a problem in teaching Torah to Sadducees or even Karaites. But even in that passage (as interpreted by Rashi and Rashbam) it is not forbidden to explain to Karaites the reasons for the laws of the Torah if there is no other way to convince them. That passage, therefore, is good basis to allow Rabbanites to teach Torah to Karaites.

According to Mizrachi, it is clear that Rabbanites can teach Karaites secular matters. He finds four good reasons to allow Rabbanites to teach Karaites Torah. First, he cites the passage in *Baba Batra*. Second, he posits the

social reason that Karaite studies of *Torah* motivate Rabbanite students to study harder. Third, he makes a *Kal Vachomer*, using the issue of circumcising Karaite children on the Sabbath, which was permitted so that they might return to the right path. In this context, the requirement not to curse the sages or desecrate the holidays, seems reasonable. Fourth, he quotes precedents of authorities who taught Karaites *Torah*.

The Radbaz agrees that it is permitted to teach Karaites *Torah*, but he differentiates between Written and Oral Law. Since they do not believe in the Oral Law, it is forbidden to teach that part of the *Torah* to them. Comparing the approaches of the Radbaz and of Mizrachi, we perceive that the different halachic decisions are based on different personal views of the Karaites. Radbaz's prohibition is based on a lack of trust of the Karaites. Mizrachi trusts they might keep their promise not to curse Rabbanite's sages and not desecrate the holidays. Mizrachi hopes that through teaching the Oral Law he can persuade Karaites to return to the right path, while the Radbaz seems to think they are hopeless.

Solomon Kimhi goes to the extreme of basing his ruling on the view that Karaites are considered to be complete gentiles (according to Rabbeinu Betsalel and others). As mentioned before, this is similar to the talmudic decree which treated Samaritans as gentiles. It shows hostility and bias against Karaites. Still, even if

they are considered gentiles, the sources do not define well what part of the Torah cannot be taught to gentiles.

Chapter 6

Can a Rabbanite ask a Karaite
to do work on a holiday?

6.1- Sources

Every kind of work forbidden to do on the Sabbath is also forbidden to do on a holiday, with the exception of work related to the preparation of food, as it is written:

"You shall celebrate a sacred occasion on the first day, and a sacred occasion on the seventh day; no work at all shall be done on them; only what every person is to eat, that alone may be prepared for you."¹

Or, as the Mishnah states:

"The festival differs from the Sabbath only in respect to the preparation of food."²

In the case of two types of work, transferring fire and carrying, the rabbis established the principle: "since it is permitted when necessary, it is permitted even when it is not necessary."³

Another important aspect of this halachic matter is whether it is permitted to ask a gentile to do work on a Sabbath or holiday that is forbidden for a Jew. According to the *Halachah*, a gentile is not commanded to rest on the

Sabbath or on a holiday. Rest on such days is not one of the Noachian laws. The Talmud⁴ states:

"A gentile who rests on the Sabbath deserves death, as it is written: so long as the earth endures, seed time and harvest, cold and heat, summer and winter, day and night, shall not cease (Lo Yshbotu, shall not rest)."⁵

The problem regarding gentile work on the Sabbath and on the holidays is that it is forbidden to ask a gentile to perform work which is forbidden for a Jew to perform. The verse which commands the Jew not to work is stated in the passive voice: "no work shall be done on them."⁶ Although the rabbis do not consider that this verse forbids asking a gentile to do forbidden work, they use it as an Asmachta, as a symbol for their own rule. The matter is complicated and there are exceptions to this rule. Some of the most important are:

- Illness or emergencies.
- Lighting a fire in cold weather.
- Relief of an animal in pain.
- Where the act is done by a gentile for his own purpose even though a Jew may benefit. ⁷

There are indirect ways of asking a gentile to do forbidden work for a Jew which are valid.

6.2- Post talmudic halachic literature

6.2.1- Codes

The only statement in the Codes regarding the problem of asking Karaites to do work on the holidays is found in a commentary to the *Shulchan Aruch*, *Orach Chaim*, called *Magen Avraham*. There it is stated:

"It is forbidden to tell a Sadducee to do work on a holiday. And the reason for that is simply because the law for an apostate is like that of a Jew, and it is forbidden to tell him to do forbidden work."⁸

6.2.2- Responsa literature

The two following responsa rely on an important passage from the Talmud, and its commentators (Rashi and Tosafot). Therefore, this passage will be analyzed before the two responsa. The passage is found in *Avodah Zarah*⁹, where the Gemara analyzes the first Mishnah, which deals with the prohibition against commerce with idolaters and borrowing or lending to them before or after their holidays. The passage reads as following:

"A question is raised regarding the reason for the laws in the Mishnah: is the prohibition regarding commerce with idolaters during their holidays because of profit (and then they give thanks to their gods for the profit) or because of "You shall not put a stumbling block before the blind"¹⁰ (since the Torah prohibits them to commit idolatry, Jews would be causing them to sin). What is the practical difference? When he owns an animal (even when a Jew does not sell to him, he will still worship idols with that animal). If you say

it is because of profit, he is indeed making profit; if you say it is because of "You shall not put a stumbling block...", he already has one! (Refutation) When he has one, you do not transgress "You shall not put a stumbling block..."!? (rhetoric question) A Baraita proves this point: "Rabbi Natan said: what is the scriptural verse that proves that a person should not hand out a cup of wine to a Nazarite or a limb of an animal to a Noachide? "You shall not put a stumbling block ..." Now, here too, if we did not give it to him, he could take it himself, yet the person who gives it transgresses "You shall not put a stumbling block..." (Refutation) Here we may be dealing with a case of two people on opposite sides of a river (one needs the other to cross it, i.e., with our help he will not transgress it). You can prove indeed from the use of the term "a person should not hand out" and not the use of "should not hand it." This proves it."

The Tosafot¹¹ to this passage is also important and it reads as following:

"It seems (but it is not) that this is also the ruling regarding all the rest of the prohibitions. But why did they specify here the case of a cup of wine given to a Nazarite? Because he simply asks to drink wine, since everybody else is drinking and he might have forgotten he is a Nazarite. But an Israelite who says: "hand me pork, non-Kosher meat," or wants to do any other prohibition, one does not suspect he will eat it and is allowed to hand it to him. But if it is clear that he wants to eat it, it is forbidden to hand it to him, even if he owns it, on the grounds that it is written (Gemara): "if you do not give it to him he will take it himself." According to that, it is forbidden to hand to an apostate idolater anything connected to a prohibition, even if he owns it, because it is clear he will eat it, and that is forbidden to you, since we consider them complete Jews. This refers to the case when he cannot take it by himself, if we do not hand it out to him, as is the conclusion of the Gemara: two on opposite sides of a river."

There is a contradiction between the conclusions of the Gemara and the Tosafot. From the conclusion of the Gemara it seems that it is forbidden to help a gentile or an apostate to sin only if he cannot sin without Rabbanite's

help. The Tosafot says that even when he can sin without Rabbanite's help it is still forbidden. The contradiction can be solved with the help of another Tosafot¹² on the subject and the Rabbeinu Nisim to that passage on *Baba Batra*. Both authorities state that it is a rabbinic prohibition, rather than a toraitic prohibition, to help an apostate or gentile to sin, even if he can do it without our help.

6.2.2.1- The responsum of Samuel Kalai (*Mishpetei Shmuel*)

Samuel Kalai starts this responsum¹³ by stating that Sadducees are considered apostate Jews. He proves that point by saying that whoever transgresses in a spirit of defiance is not considered a heretic, but rather an apostate, and an apostate is still a complete Jew. Although some authorities ruled that it is permitted to lend to Sadducees with interest, the reason is not that they are not considered complete Jews, but rather because Rabbanites are not commanded to sustain apostates. Also Sadducees are not fit to witness because they are presumed to be liars and not because they are not considered Jews.

He discusses the passages in *Avodah Zarah* and the Tosafot and realizes the contradiction between them. He states that it is forbidden to ask Sadducees to do work on holidays because of "You shall not put a stumbling block." Rabbanites cannot cause them to sin, even though they are

transgressors. He bases this ruling on that passage of the Talmud and on the Tosafot.

According to the conclusion of the Gemara, all is forbidden when the apostate (or gentile) will not transgress without our help. But if he transgresses anyway, then a Rabbanite can sell to him or help him. This refers (and that is the way Kalai reconciles the Gemara and the Tosafot) to the case when an apostate, out of his evil inclination, transgresses anyway - when he is making a request from a Rabbanite and the Rabbanite does not fulfill it, he finds someone else who will. It is then forbidden to ask apostates to transgress, even when they will transgress anyway, without our asking, because of "You shall not put a stumbling block."

Then Samuel Kalai tries to prove his point through a Kal Vachomer with a child. A child is not required to perform the commandments. In this case, it is forbidden to ask a child to transgress, because if one does, it would seem as if one agrees with the idea of transgressing that commandment. If this is true with a child (who is not commanded) much more so in the case of an apostate (who is a Jew, and therefore, commanded).

From all that he concludes that it is forbidden to ask Karaites to do forbidden work on a holiday.

Kalai, however, continues raising the case "when what is asked from the Sadducee is not in itself a transgression, but might lead to one." He declares this forbidden too,

because the cases brought in the Gemara were not transgressions either, but they led to transgressions.

6.2.2.2- The responsum of Benjamin ben Mattithiah (Biniamin Zeev)

Benjamin ben Mattithiah's gives two responsa¹⁴ that touch upon this subject. In his first responsa Mattithiah begins by ruling that it is forbidden to ask Sadducees to do work on holidays because of "You shall not put a stumbling block." He does not think that this ruling refers only to those commandments about which the Sadducees are zealous, but also about those commandments which they do not know or keep. To prove this last point he quotes the passage in Avodah Zarah, and calls attention that to give wine to a Nazarite, or a limb of an animal to a gentile, are cases in which the gentile or the Nazirite do not know they are transgressing. If they knew, they would not transgress.

The next responsum contains a long comment on the passage in Avodah Zarah. Even though one may conclude from that passage that one transgresses "You shall not put a stumbling block" only when there is no other way for the other to transgress without our help, it is not so. Even when an apostate can sin without the help of a Rabbanite, one should not cause him to sin, because the expression used is "do not hand out." It refers not only to the situation when two are on different sides of a river, but also when

they are not. As it is said in the Gemara: "even when they get it by themselves, it is still forbidden because of "You shall not put a stumbling block."

Mattathiah continues, saying that some consider giving wine to a Nazarite or a limb to a gentile, as not transgressing a toraitic commandment, but only a rabbinic one. He proves that even in the case where we ask a Sadducee to transgress a rabbinic commandment it is forbidden, because the *Halachah* is usually stricter with rabbinic commandments than with toraitic ones. He brings many examples to prove this point.

6.3- Analysis and conclusions

Our sources are not comfortable even in asking a gentile, who is not commanded regarding rest on holidays, to do forbidden work. The ideal seems to be not to ask a gentile to do forbidden work. If that is so with gentiles much more so in the case of Karaites.

The responsa and the passage on the codes seem to be right when applying the rule "You shall not put a stumbling block before the blind" to the Karaites. Even though they are transgressors or heretics, they are still considered Jews and Rabbanites cannot cause other Jews to sin. The *Kal Vachomer* with a child made in the responsum by the *Mishpetel Shmuel* is a strong proof not to ask Karaites to do forbidden work.

This matter is in the area of *Chumra*, of stricter position, because a Rabbanite can sin just by causing Karaites to sin. Therefore, a great importance is given to the fact that Karaites are considered Jews. In this area of *Chumra* it is best, to be on the safe side, to classify Karaites as apostates instead of heretics. Here it is not a matter of being tolerant of Karaites. It is a matter of preventing Rabbanites to sin in their relationship with Karaites.

Chapter 7

Can Rabbanites circumcise Karaites children on the Sabbath?

7.1- Sources

A father is commanded to circumcise his son, or to appoint a *Mohel* to circumcise him, if the father does not know how to circumcise.¹ The scriptural proof for this commandment is the verse:

"And when his son Isaac was eight days old, Abraham circumcised him, as God has commanded him."²

If the child is healthy, circumcision should occur on the eighth day after birth, as it is written:

"And throughout the generations, every male among you shall be circumcised at the age of eight days."³

When the eighth day after birth falls on the Sabbath (or holiday), it supersedes the Sabbath (or holiday), and one is allowed to do all work connected with the ritual of circumcision on the Sabbath (with the exception of work which can be done on the day before).⁴ According to the conclusion of the *Gemara*, there is no proof from the *Torah* regarding this commandment and it is considered *Halachah lemoshe misinai*, an oral law given to Moses at Sinai.

The *Mohel* needs to be Jewish.⁵ But the *Rama*, in the *Shulchan Aruch*⁶ declared that in case of danger, a gentile can circumcise.

There are three steps involved in ritual circumcision:⁷

- 1- *Milah* - the cutting off of the foreskin.
- 2- *Priah* - the tearing off and folding back of the mucous membrane to expose the glans.
- 3- *Metsitsah* - the suction of the blood from the wound.

The *Talmud* states that a circumcision without *Priah* is not considered a circumcision.⁸

Opinions differ as to whether *Metsitsah* is an integral part of the circumcision ritual, or a health measure. The majority opinion holds that *Metsitsah* is not part of the ritual, but merely a health measure.⁹

7.2- Post talmudic halachic literature

7.2.1- Codes

The only passage in the Codes relating to this subject is a commentary on the *Shulchan Aruch* written by Jacob Israel ben Zebi Emden called *Mor Uktsiah*.¹⁰ In his commentary regarding women in confinement, he mentions the subject of circumcision of Karaite children on the Sabbath. He prohibits a Rabbanite to circumcise Karaite children on the Sabbath, because Karaites mock the words of the

Rabbanites' sages, they transgress the commandments, and they continue in heretical ways when there is no pressure on them (from gentiles). Therefore laws regarding Jews are not applied to Karaites.

7.2.2- Responsa literature

7.2.2.1- The responsum of the Rambam

The circumcision of a Karaite child on the Sabbath is an important subject in Rambam's long responsum on the Karaites.¹¹ In agreement with his mostly positive attitude toward Karaite practices, the Rambam rules that it is permitted to circumcise the children of Karaites even on the Sabbath. The Rambam is motivated to allow such practice so that the Karaites might repent and return to the right path.

The Rambam bases his ruling on a previous decision by Hai Gaon, who ruled that Rabbanites never avoided circumcising Karaites on the Sabbath because it is possible they will come back to the true and good path and it (circumcision) will not prevent their return. But Hai Gaon emphasizes that this ruling applies to Babylonia and other communities where the Karaites circumcise according to the *Halachah*, with an officially appointed *Mohel*, where Rabbanite scholars go to Karaite homes and where Karaites pray according to Rabbanite custom and without changing the liturgy.

The Rambam agrees with this position and also states that it is permitted to circumcise Karaites on the Sabbath if they do not mock Rabbanites' sages and traditions, and if they circumcise the way Rabbanites do. The Rambam does not mention the requirement that Karaites pray in the same way as the Rabbanites. According to our historical knowledge, Karaite liturgy by the time of the Rambam differed greatly from Rabbanite liturgy. Also, he does not require the existence of good social relations between the two communities. Therefore, Rambam's requirements seem to be less strict and more realistic than those of the Hai Gaon.

7.2.2.2- Radbaz's responsum

The Radbaz, in his long responsum on the Karaites,¹² bases his ruling on Rambam's responsum, but especially on the words of Hai Gaon. The Radbaz says that the Karaites living in Egypt at his time do not fulfill the conditions required by Hai Gaon. They do not circumcise according to Rabbanite laws, since they do not require *Prilah*, which according to the *Talmud* makes the circumcision invalid and therefore causes the *Mohel* to desecrate the Sabbath in vain. The Radbaz continues, saying that the Karaites do not circumcise with Rabbanite *Mohalim*. Also, the Karaites do not welcome Rabbanite scholars into their homes. Much to the contrary, they run away from Rabbanite scholars as if "running away from snakes". And finally, the Karaites do

not pray like Rabbanites, since they do not even say the Amidah.

Since all the requirements asked by Hai Gaon and the Rambam are not being fulfilled by Karaites, the Radbaz concludes that it is forbidden to circumcise their children on the Sabbath.

7.2.2.3- Other authorities

In the collection called *Sdei Chemed*¹³ we find a list of minor authorities who also wrote on the subject. All these authorities rely on the two responsa above, some taking Rambam's position, others taking Radbaz's position.

Those who allow Rabbanites to circumcise Karaite children on the Sabbath, such as the Moharash, the Moharam and the Mohariksh, base their rulings on the words of the Rambam and call attention to the fact that the Karaites of their cities do not mock the words of Rabbanite sages, nor do they mock Rabbanite laws. Some, such as the Petach Devir and the Ram, even say that when Rabbanites know that Karaites desecrate the holidays at home, but defer their desecration in public, circumcision on the Sabbath is still permitted.

Those who prohibit circumcision of Karaite children on the Sabbath, such as Rabbeinu Betsalel Ashkenazi, Rabbeinu Shimshon, the Moharash Gabizon and Rabbi Jacob Israel ben Zebi Emden, base their ruling on the words of the

Radbaz and affirm that the Karaites of their cities mock the sages and customs of the Rabbanites and transgress many commandments. Some authorities prohibit Sabbath circumcision even when Karaites ask to circumcise according to the *Halachah*, with *Priah*, because the Karaites agree with *Priah* just to convince a Rabbanite *Mohel* to circumcise their children, but they do not believe in *Priah* nor do it among themselves. The author of the *Sdei Chemed* disagrees with the latter position and states that this ruling disagrees with the *Rishonim* and that Rabbanites should circumcise on the Sabbath when *Priah* is done. But when they do not want *Priah*, it is clear that it is forbidden.

An interesting opinion which tries to explain the different rulings, is found in the work called *Birkat Hamaim*. Here it is explained that the different rulings are not contradictory, but rather reflect different types of Karaites living in different places and times. When Karaites behave according to the requirements, it is permitted to circumcise their children on the Sabbath; when they do not behave according to the requirements it is forbidden.

7.4- Analysis and conclusions

There is nothing in the sources which prevents the circumcision of a heretic or of an apostate, just because of his status. The only problem is when a circumcision

performed on the Sabbath does not have all necessary steps (*Milah* and *Priah*, *Metsitsah* is regarded as a health measure). If there is no *Priah*, the circumcision is invalid and therefore a Rabbanite desecrates the Sabbath. From the historical introduction¹⁴ we learn that Karaites rejected the rituals of *Priah* and *Metsitsah*. Therefore, a Rabbanite cannot circumcise Karaite children, if the Karaites require the Rabbanite *Mohel* to follow their laws. Conversely, if a Karaite agrees to let his child be circumcised according to Rabbanite law, it is permitted for a Rabbanite to perform the circumcision, since the circumcision is valid. This is the exact position of the *Sdei Chemed's* author.

The Rambam and the Hai Gaon add to the only halachic requirement (to do *Priah*), other requirements. These additional requirements are not exactly halachic, and show instead a concern with the relationship between Karaites and Rabbanites. Hai Gaon's requirements are so strict that they cause us to wonder whether any Karaite sect would behave accordingly. Rambam's requirements are more realistic. Rambam's requirements seem to apply not only to circumcision on the Sabbath, but to any kind of circumcision. The Radbaz and others see these additional requirements as the determinant for Sabbath circumcision and believe that Rabbanites should not circumcise Karaite children on the Sabbath, not only because of *Priah*, but because of who they are. As the author of the *Birkat Hamaim* points out, in addition to the matter of *Priah*, the performing of a

circumcision on the Sabbath depends on how the Karaites are behaving. The extreme is reached with Jacob Israel ben Zebi Emden, who seems to be questioning even the Karaites' Jewishness.

This issue is a clear example of how social and historical contexts influence halachic decisions. The closer the religious practices, the social relationships and the ideological disputes between the Karaites and the Rabbanites are, the easier it is to allow Rabbanites to circumcise Karaite children on the Sabbath.

Chapter 8

Can Karaites marry with Rabbanites?

8.1- Introduction

This chapter is not an in depth search of the halachic literature on this subject. The literature is vast and requires a separate work of research. Instead, this chapter will survey superficially the different opinions among the halachic authorities through two articles written on the subject by two contemporary scholars of Jewish law: Katriel P. Tchursh and Michael Korinaldi.

8.2- Katriel P. Tchursh

In an article called "*Leachdut Hatorah Uleachdut Haumah*"¹, Tchursh deals with the status of Karaites in the modern state of Israel. He deals with many halachic matters including whether Karaites should be considered Jews, and whether marriages between Rabbanites and Karaites are allowed.

He starts the chapter on marriage by quoting the strictest ruling, the one of the Mahariksh, who in general is negative toward the Karaites. The Mahariksh states that their own marriages are valid, since toraitically their women are sanctified to their men through sexual intercourse

or money. However, their divorces are not made according to the rabbinic understanding of the toraitic law of divorce, and therefore there are *Mamzerim* (the offspring of certain forbidden relations, including adultery) among the Karaites. Therefore, it is forbidden to marry them.

Tchursh continues, stating that the whole topic is basically centered around the issue of witnesses. If there are fit witnesses at Karaite weddings, then the marriage is valid. Since Karaite divorces are not done according to rabbinic law, there are *Mamzerim* among Karaites. Therefore it is forbidden to marry them. Every authority who allows the marriage of Karaites to Rabbanites thinks that Karaite witnesses are not fit to testify.

Among those who permit marriages between Karaites and Rabbanites we find: the Radbaz, the Nagid Rabbeinu Avraham, Rabbi Shmuel ben Chakim Halevi, the Tiferet Israel, and others. Tchursh calls attention to Radbaz's ruling, because the Radbaz is strict in all other issues concerning the Karaites. Still, he allows marriage, if they repent and accept the Oral Law, because he considers Karaite witnesses invalid.

Among those who prohibit marriages between Karaites and Rabbanites we find: the Rash, the Rambam, the Mabit, the Ram, Rabbi Betsalel Ashkenazi, the Rama, the Rashak, the Maharshal, and others. The Rambam does not state explicitly that it is forbidden to marry Karaites. He states that Karaite marriages are valid, but not Karaite divorces, and

if a Rabbanite wants to marry a divorced Karaite, he/she needs a rabbinic divorce. The Mabit does not consider their witnesses fit, but still forbids marriage because he fears that by accident fit witnesses were present at the time of a Karaite wedding, which would make it a valid wedding. Since Karaite divorce is not valid, there is a possibility of Mamzerim among Karaites. It is important to point out that the Rama prohibits marriage with Karaites, and many later authorities base their ruling on the Rama's.

There is also a "middle of the road" position, that of Ezekiel Landau (the Nodea Bayehudah). He answers a question pertaining to the case of a Rabbanite man who married a Karaite woman. He permits the marriage after the fact and only if the woman was not born in or lived in a Karaite community. But if she was raised in a Karaite community and left it, he does not allow or forbid the marriage, since other authorities who preceded him accept it as valid even when the Karaite comes from a Karaite community.

Tchursh calls attention to the fact that even those who allow marriage between Karaites and Rabbanites, do so under the condition that the Karaite partner makes an oath that he/she will obey all the Oral Law. Not only that, but he points out another condition, i.e., that the Karaites accept the Oral Law as a whole community, or at least in large numbers, because in individual cases there is the concern that Karaites are accepting the Oral Law for reasons

other than true belief. Tchorsh says that we can only be sure that they are doing it out of true belief if they accept the Oral Law together in large numbers. (This last requirement does not appear in all responsa which allow marriages with Karaites).

At the end, Tchorsh deals with the present situation in the State of Israel. He concludes that since there is no such case as a great number of Karaites who live in Israel and who want to accept the Oral Law together, the question of marriage with Karaites is not a contemporary problem (i.e., it is forbidden until that time). When a great number of Karaites want to accept the Oral Law, the matter of marriages between Karaites and Rabbanites will have to be judged by an assembly of all great sages of the time.

8.3-Michael Korinaldi

In an article called "*Lesheelat Maamadam Haishi Shel Karaim Beisrael*"², Korinaldi examines the matter of marriage between Karaites and Rabbanites in order to reach a practical solution to the problem in the State of Israel.

Korinaldi bases his article on the research made by Simchah Asaf.³ Regarding the status of Karaites, Korinaldi states that even though they separated from the Rabbanites, they are still considered Jews, and the commandments which are obligatory upon Jews (according to the Rabbanites) are also obligatory upon the Karaites. Karaites are not

considered gentiles and the laws of conversion do not apply to them.

The basis for the prohibition against marrying Karaites is the suspicion of *Mamzerut*. It is a rabbinic decree that when there is suspicion of *Mamzerut*, there cannot be marriages. Those who prohibit the marriage of Karaites consider it valid through sexual intercourse or money, but do not consider their divorce valid.

Korinaldi continues quoting sources which allow marriages. Asaf proved that the great polemics between Karaites and Rabbanites in the first centuries of Karaite existence did not stop them from marrying one another. In 1313 a great number of Karaites joined the Rabbanite community of Egypt and the Rabbanites did marry with those Karaites.

On the side of those who allowed marriage with Karaites is the Radbaz. The reason for that ruling is that their witnesses are not fit to testify. There is concern with *Mamzerut* only in the first generation of Karaites, because there were fit witnesses then. But since there were few divorces in that generation and other conditions that made the probability of *Mamzerut* very remote, *Mamzerut* should not be a concern.

Based on Radbaz's position, many authorities who follow him allowed marriages with Karaites, if the Karaite accepts the Oral Law. But in other countries marriages were not permitted. Rabbi Mordechai Halevi tries to explain the

different rulings in the following way. In Egypt the Karaites are completely separated from the Rabbanites and there are no fit witnesses at their weddings (since they do not invite Rabbanites to come), but in Constantinople and other communities, Rabbanites are present at their weddings (which indicate closer and better relations). Therefore, there are fit witnesses at their weddings and Rabbanites cannot marry Karaites.

An example of an authority in Constantinople who forbade marriage between Karaites and Rabbanites is Rabbi Eliahu Mizrachi. He ruled that Rabbanites can teach Torah to Karaites and who had a generally positive approach toward the Karaites.

Korinaldi concludes from the words of Rabbi Mordechai Halevi that the more the Karaites were separated from the Rabbanites, the easier it was for individual Karaites to join the Rabbanite community.

Rabbi Eliahu Hazar quotes twelve authorities who allow marriages with Karaites, but he concludes that all depends on individual cases, which should be judged by a court.

Korinaldi also quotes the ruling of Ezekiel Landau, which is considered "middle of the road" by Tchursh. Korinaldi says that his ruling is based on the principle "Kol Defrish Meruba Prish", whatever comes out of a mixed multitude is presumed to have come from the majority, i.e., it has the legal status of the majority.

Korinaldi ends his article with some rulings made on the issue by halachic authorities in the State of Israel. The first authority is Rabbi Ben Tsion Meir Chai Uziel. He does not accept the Teshuvah (repentance) of a Karaite who wants to marry a Rabbanite. He bases his ruling on the Rama. However, if the whole community wants to accept the Oral law, then Uziel requires that the great sages of the generation get together and decide. But when asked about a Rabbanite woman who married a Karaite man, he ruled that the child was not a Mamzer, and Uziel allowed the acceptance of the conversion of that Karaite man, because of the principle "whatever comes out from a mixed multitude is presumed to have come from the majority" and because it is not clear that one should prohibit the marriage.

A responsum by Rabbi Nisim Ochanah requires the following conditions in order to allow a marriage with a Karaite who comes from Egypt:

- 1- That it is clear that he, his parents and his grandparents were all born in Egypt, where the Rabbanite community was separated from the Karaite community and there is no concern of fit witnesses present at their weddings.
- 2- Parents and grandparents were not divorced.
- 3- The Karaite must take an oath promising he will follow the Oral Law.

Korinaldi quotes from the official ruling regarding the *Bnai Israel* (Jews from India), who had a similar concern with Mamzerim among them, because of invalid divorces. In

their case, they were allowed to marry with Rabbanites. But there is a warning in the official ruling not to apply the ruling concerning the *Bnai Israel* to the Karaites.

Korinaldi comments that the only basic difference between the cases of the Karaites and the *Bnai Israel* is that the latter did not separate from the Jewish community.

Korinaldi concludes that currently the halachic authorities have not reached a definite decision on the issue of whether to allow marriages between Karaites and Rabbanites. He gives a possible solution to the problem. A rabbinic court made by rabbis from Egypt, who follow the tradition of the Radbaz, should be the ones to judge the cases of marriage between Karaites and Rabbanites, and even regulate the marriages and divorces among Karaites.

8.4- Analysis and conclusions

It is important to observe the many authorities who in general have a positive attitude toward the Karaites, and yet forbid marriages with them, while there are authorities who have a generally negative attitude toward the Karaites and allow marriages with them. The words of Rabbi Mordechai Halevi, who tries to explain the phenomenon, are important. He says that the different rulings are due to historical and social circumstances. Whenever the two communities are apart, there is no fear of fit witnesses at their weddings. Whenever they are close, there is a problem of fit witnesses

at their weddings. This implies that the better the relationship between the two communities, the harder it is to allow marriages between Karaites and Rabbanites!

It is reasonable to require that the Karaite partner accepts the Oral Law. But to require that a great number of Karaites need to be willing to accept the Oral Law so that one can be sure they are true believers seems to have little halachic basis. There are many individual cases where marriages were allowed. Most of the responsa deal with individual cases and only one reports a mass conversion. Finally, halachic authorities do not require that a great number of gentiles convert so that they can be sure they are true believers. Gentile conversion is treated on an individual basis.

Korinaldi is correct to compare the Karaites with the *Bnai Israel*. The basic halachic problem between the two communities is identical, i.e., the concern with the existence of *Mamzerim* among a community which did not have valid divorces. The other concerns, such as whether they separated themselves from the mainstream of the Jewish people or not, are not truly halachic considerations and those who take them into account show their biases against the Karaites.

Chapter 9

Final conclusions

Karaism created a serious schism in the Jewish community. Leading Jewish thinkers such as Saadia Gaon and Jehuda Halevi attacked the philosophical basis of the Karaite sect. Karaism was considered heresy because it attacked one of the most fundamental principles of rabbinic Judaism: the divinity of the Oral Law. The purpose of this work has been to examine whether the theoretical disputes between Karaites and Rabbanites influenced halachic decisions on practical questions of daily religious observance.

Analysis of the many halachic decisions on different matters of daily religious observances showed that with the exception of the issue of marriage and divorce, each halachic decision was influenced by the halachic authority's general view of the Karaites. By no means did halachic authorities use only halachic factors to reach a decision on a certain issue. Each of them was influenced by his theoretical perception of the Karaites and by his perception of the daily relationships between the Karaite and Rabbanite communities.

Besides isolated statements which show tolerance or intolerance of Karaites in each responsum, we find common problems in all of them. These common problems are: How to

classify the Karaites? How are Karaites practicing certain religious laws? Are Karaites engaged in polemics against the *Talmud*?

Given the Karaite principle that the Oral Law is not divine, then according to rabbinic law Karaites should be classified as *Minim* or *Apikorsim*, i.e., heretics. Still, according to rabbinic Judaism, a heretic is considered a Jew. Not only that, since the Karaites are strict monotheists they cannot be considered idolaters. But as we read the works of the different halachic authorities we find that not all of them classified Karaites in the category of heretic but as monotheistic Jews.

The Rambam's position is an interesting case. When he was young he wrote in his commentary to the *Mishnah* that Karaites are heretics. Later, when he became one of the leaders of the Jewish community, he changed his opinion. In the *Mishneh Torah* he did not classify them as heretics but rather as Jews raised among gentiles, i.e., Jews who do not know their status or religious obligations, and who are not to be regarded as intentional sinners. The Rambam takes the view that Karaites were only transgressing the commandments because their ancestors taught them to do so. This view appears in his major responsum on the Karaites, where he calls upon Rabbanites to continue to have good relations with Karaites and to try to persuade them softly about the truth of rabbinic Judaism. Rambam's tolerant view produced

lenient halachic decisions. Being an important authority, Rambam influenced some later authorities.

Some authorities classify Karaites as *Mumarim*, or Jewish apostates. Joseph Karo and the Radbaz follow this classification when demanding that the knife used for ritual slaughtering by a Karaite be examined (but in other issues they follow other classifications). That is not a precise definition, and it may be an attempt at tolerance toward the Karaites, but it can also be a wrong perception of what Karaism is. The rulings based upon this classification sometimes are strict, sometimes lenient.

Some authorities, such as the Radbaz, classified them as heretics and tried to apply the laws dealing with heretics to them. This is the correct classification, and since the few rulings regarding heretics are very strict (theoretically, heretics should be killed), the rulings reached by these authorities are strict.

The Rashal and others who followed him, did not reach the point of classifying Karaites as idolaters, but instead classified them as monotheistic gentiles. These authorities doubt the Jewish status of the Karaites. As the laws for gentiles who are not idolaters are not as strict as those for Jewish idolaters, the rulings reached based in this classification are not too strict, and sometimes are even lenient.

On the other side of the spectrum, there are authorities such as Betsalel Ashkenazi, Solomon Kimhi and Jacob Zebi Emden, who classify Karaites as idolaters. They base their view on the logic that Karaites desecrate the holidays, which implies that they desecrate the Sabbath, since the laws for the Sabbath are stricter and the Sabbath happens more frequently. In rabbinic Judaism desecration of the Sabbath implies idolatry. Therefore they conclude that Karaites are idolaters. This kind of reasoning is logically correct but false in reality. Karaites do not desecrate the holidays. Rather, they disagree with Rabbanites in matters of calendar and the exact date of the holidays. Neither do Karaites desecrate the Sabbath, and are actually stricter in their Sabbath celebration. Finally, Karaites are monotheists and do not worship idols. The different rulings based on this position are the strictest.

Finally, since Karaism is not found in the *Talmud*, many authorities compare the Karaites with the Samaritans or the Sadducees of the *Talmud*. That seems to be a legitimate comparison, and usually leads to lenient rulings. A problem appears that, according to the *Talmud*, the *Halachah* was lenient with regards to the Samaritans in many ways, until it was found that they worshipped an idol. After that incident the sages in the *Talmud* made a decree to consider them idolaters, which caused strict rulings.

Joseph Karo is a unique case because he is not consistent in using the same classification for Karaites in every issue. This leads to contradictions within his work.

The second problem common to all halachic authorities is how to evaluate Karaite behavior. This problem is divided into two categories. The first concerns how the Karaites of a given community practice certain religious laws. The second concerns the behavior of the Karaites toward the Rabbanite community.

Many authorities while studying a halachic issue had to take into consideration how the Karaites practiced the religious laws connected with that halachic issue. Some authorities seemed to know precisely the religious practices of the Karaites, while others made mistakes when describing Karaite practices. The Radbaz, for example, was mistaken regarding Karaite slaughtering of fowls. This phenomenon indicates that the two communities were separated. If the two communities were close and the halachic authority still made imprecise descriptions of Karaite rituals, the community would not accept that authority's responsum because it would find its mistakes. Therefore, when the two communities were close the halachic authorities had to be precise when describing Karaite rituals, if they wanted their responsa to be authoritative. On the other side, if a halachic authority was precise in his description of Karaite rituals, that does not by itself prove that the two communities are close. That authority could have had other

sources of information, such as a messenger sent to the Karaite community to research the matter, or that authority could have possessed Karaite literature describing Karaite rituals.

Another conclusion is reached when dealing with Karaite practices. Analyzing all the halachic literature on the matter of Karaite practices, we find that the closer Karaite rituals were to the Rabbanites', the easier it was to be lenient in halachic rulings. Many authorities paid more attention to what Karaites did, rather than who they were.

The behavior of the Karaite community toward the Rabbanite community is also an important factor to make lenient or strict rulings. Hai Gaon and the Rambam were the first to require that the Karaites should respect the Rabbanite holidays in public. They called attention to the fact that since the Karaites of their times (and places) were respectful of the Rabbanites, there could be religious and social contact. But many centuries later the Radbaz and other authorities called attention to the fact that the Karaites were disrespectful of the Rabbanite holidays in public, and of the Rabbanite sages. This is the basis for these authorities to have changed previous lenient rulings to stricter ones. Again we conclude that Karaite behavior was an important factor in the halachic process to reach decisions about how to relate to Karaites. The more the

Karaites made polemics against the Rabbanites, the stricter the halachic rulings against them were.

Non-halachic matters are also an important aspect in the majority of the responsa. These non-halachic matters confirm the theory that philosophical polemics and social factors influence halachic decisions. Hai Gaon affirms that his decision to allow Rabbanite Mohalim to circumcise Karaites even on the Sabbath applies only to communities where Karaites have good relations with Rabbanites and pray in a similar way. The Rambam follows Hai Gaon's example and requires that Karaites do not mock at Rabbanite sages. The Radbaz prohibits Rabbanites to eat Karaite-slaughtered meat for two reasons, one of them being that Karaites do not eat Rabbanite-slaughtered meat. These are just a few examples of non-halachic factors taken into consideration in order to reach a decision on a halachic issue.

As was mentioned in the beginning of this chapter, the issue of marriage and divorce is an exception to the rule. We find that the halachic authorities are more careful when dealing with the issue of personal status. They do not allow non-halachic considerations to influence their decisions. Authorities such as the Rambam and Eliahu Mizrachi, who are tolerant in many issues, are stricter in the case of marriage, forbidding marriages between Karaites and Rabbanites. On the other hand, authorities such as the Radbaz, who are not tolerant in many issues, are lenient in the case of marriage and allow them to happen. As Mordechai

Halevi explained the matter: wherever the two communities were close, there is a fear that fit witnesses were present during a Karaite wedding which would make it a binding union, in need of a *Get* (rabbinic divorce) to be dissolved; wherever the two communities were apart that problem disappeared. Even the most tolerant authorities could not ignore the possibility that fit witnesses were present at a Karaite wedding, wherever the two communities were close. On the other hand, the stricter authorities who allowed marriage, probably lived in a place where the two communities were apart from each other. And they only allowed marriage when the Karaite spouse would promise to follow rabbinic law. Therefore, because of the seriousness of the issue of *Mamzerut*, the halachic authorities did not take into account non-halachic factor in their decisions. No tolerance was shown in matters of personal status.

In many issues where early authorities made both lenient and strict rulings, we observe a tendency among later authorities not to chose the lenient positions. Since the number of issues dealt with in this work are limited, and since it was not a tendency observed in all issues where there were lenient and strict rulings, we cannot generalize and affirm that the *Halachah* got stricter with regard to the Karaites. A tendency toward strict rulings is found in the following issues:

The Geonim, the Rambam, Avraham ben Harambam, the Radbaz and others permitted Rabbanites to drink Karaite wine. But later authorities such as Betsalel Ashkenazi, Rabbeinu Shimshon, the Aruch Hashulchan and the Chatam Sofer prohibited Rabbanites to drink Karaite wine.

Joseph Karo, in his authoritative work the *Shulchan Aruch*, declared it is forbidden to lend to or borrow from Karaites with interest (a lenient ruling because he considers Karaites as Jews). But Shabbethai ben Meir, in his commentary called *Sifte Cohen* (basing himself in Betsalel Ashkenazi and others), permitted Rabbanites to borrow or lend with interest to Karaites.

The Rambam, Joseph Karo (under certain conditions), and Joel Sirkes permitted Rabbanites to eat Karaite slaughtered meat. But Betsalel Ashkenazi, the Rashba, Shabbethai ben Meir, the Radbaz and Haim Azulai forbade the consumption of Karaite slaughtered meat.

Many authorities in Turkey, with the exception of Moses Kaspali, taught Karaites any part of the *Torah*. Eliahu Mizrachi, after a long study, concluded it is permissible to teach Karaites any part of the *Torah*. The Radbaz forbade Rabbanites to teach Karaites the Oral Law but not the Written Law. Later in Turkey, Solomon Kimhi forbade Rabbanites to teach them any part of the *Torah*.

If guided only by the polemical literature against the Karaites, we would expect that the halachic authorities would try to separate as much as possible the Karaite and

the Rabbanite communities through strict legislation of daily religious observance. But this is not so. Of course, there were many authorities who did exactly that. But we find some authorities who showed tolerance toward the Karaites and dealt with the halachic issues in such a way as not to separate the Karaite and the Rabbanite communities. But even those tolerant authorities did not seem to be motivated to do this because they thought pluralism was a value. Tolerance and lenient rulings were tactics to try to bring Karaites back to rabbinic Judaism and not lose them completely from the Jewish people. Those tolerant authorities still had hope to "convert" them. But that hope seems to disappear later on in Jewish History. Later authorities, more and more, gave rulings which set the two communities apart. But perhaps these strict rulings were only a reflection of the sad reality that the Karaite and the Rabbanite communities were already too apart from each other, and regarded each other as strangers or even enemies.

Glossary of halachic authorities

Biniamin Zeev - Benjamin Zeev ben Mattithiah of Arta, Italy, early 16th Century.

Chatam Sofer - Moses Sofer, Hungary, 1839.

Chida - Haim Y. D. Azulai, Israel, 1806.

Hai Gaon - (probably) Hai Bar Rav David Gaon, Pumbedita, 9th Century.

Joseph Karo - Turkey/Israel, 1575.

Mabit - Moses ben Joseph Trani, Israel, 1580.

Maharshal - see Rashal.

Melechet Shelomoh - Solomon ben Nissim Joseph David Kimchi, Turkey, mid. 19th Century.

Mishpetei Shemuel - Samuel Kalai, Italy, 1599.

Moharash - Samuel Schneersohn, Poland, 1882.

Mohariksh (or Mahariksh) - Jacob Castro, Egypt, 1610.

Mor Uktsiah - Jacob Israel ben Zebi Emden, Germany, 1776.

Nagid Rabbeinu Avraham - Abraham ben Moses ben Maimon, Egypt, 1237.

Nemukei Yosef - Joseph ibn Habib, Spain, beg. of 15th Century.

Nodea Bayehudah - Ezekiel Landau, Poland, 1793.

Rabad - Abraham ben David of Posquieres, France, 1198.

Rabbeinu Betsalel Ashkenazi - Betsalel ben Avraham Ashkenazi, Egypt/Israel, 1594.

Rabbi Ben Zion Meir Chai Uziel - Israel, 20th Century.

Rabbi Eliahu Hazar - Israel, 20th Century.

Rabbi Mordecai Halevi - Mordecai ben Judah Halevi, Egypt,
1684.

Rabbi Nissim Ochanah - Israel, 20th Century.

Rabbi Shimshon (or Rash) - Samson ben Abraham of Sens,
France, 1175.

Radbaz - David ben Solomon ibn Abi Zimra, Egypt, 1573.

Ram - Elijah Mizrachi, Turkey, 1526.

Rama - Moses ben Israel Isserles, Poland, 1572.

Rambam - Moses Maimonides, Egypt, 1204.

Ramban - Moses Nachmanides, Spain, 1270.

Rashal - Solomon ben Jehiel Luria, Poland, 1573.

Rashba - Solomon ben Abraham Adret, Spain, 1310.

Rashi - Solomon ben Isaac, France/Germany, 1105.

Rif - Isaac ben Jacob Alfasi, Algeria/Marrococos, 1103.

Rosh - Asher ben Jehiel, France/Germany, 1328.

Tiferet Israel - Israel ben Gedaliah Lipschutz, Germany,
1860.

Notes

Introduction

- 1- Nemoy, Leon. Karaite Anthology, p. XIV.
- 2- Ibid. p. XVII.
- 3- Ibid. p. 45-51.
- 4- Marcus, Jacob. The Jew in the Medieval world, p. 234.
- 5- Mahler, Raphael. Hakaraim, chapter 5.
- 6- Nemoy, Leon. Karaite Anthology, p. XX.
- 7- Encyclopedia Judaica, vol. 10, p. 770.
- 8- Haencyclopedia Haevrit, vol. 30 , p. 40.
- 9- Encyclopedia Judaica, vol. 10, p. 771.
- 10- Ibid., p. 774.
- 11- Haencyclopedia Haevrit, vol. 30, p. 43-44.
- 12- Nemoy, Leon. Karaite Anthology, p. 250.
- 13- Encyclopedia Judaica, vol. 10, p.777-778.
- 14- Revel, Bernard. The Karaite Halachah (Karaite studies), p. 1ff.
- 15- Medini, Hayyim Hezekiah. Sdei Chemed, vol. 1, p. 404-414.

Chapter 1

- 1- Megilah 23b. Also in Berachot 21a and Sanhedrin 74b, but incomplete. Also in Palestinian Talmud, Berachot 7:3 where there is a Gezeirah Shavah between Lev. 22:32 and Gen. 42:5

which is simpler and clearer (maybe it was the original form of the Midrash).

2- Lev. 22:32.

3- Num. 16:21.

4- Num. 14:27.

5- Berachot 45a.

6- Psalm 34:4.

7- Deut. 32:3.

8- Berachot 47b. There are many definitions for the term *Am Haarets*. It generally refers to a country man or an illiterate person.

9- Shulchan Aruch, Orach Chaim 55:1.

10- Commentary of the Rosh, Chulin 6a.

11- Commentary of the Rif to Gitin, chapter 1, p. 146b.

12- Orach Chaim 199.

13- Ibid. and Yoreh Deah 2:8.

14- Sheelot uteshuvot Rabeinu Moshe ben Maimon, paragraph 71, Or Hamizrach, Jerusalem, 1983.

15- Eiruvim 31b.

Chapter 2

1- Avodah Zarah 29a.

2- Deuteronomy 32:38.

3- Eisenstein J. D., Otzar Dinim Uminhagim, p.168.

4- Daniel 1:8.

5- Avodah Zarah 31a.

- 6- Sanhedrin 106a.
- 7- Yoreh Deah 123 and 124.
- 8- In one of his responsa (# 124), the Rama comments that there is a widespread custom in many countries, where people not only take benefit from gentile unknown wine, but also drink it. Even though he thinks one should not follow this custom, he finds some halachic basis for it.
- 9- Yoreh Deah 124:6.
- 10- Ibid. 124.
- 11- Ibid. 124:2.
- 12- Chulin 6a.
- 13- Proverbs 23:2.
- 14- Leviticus 19:14 and Siphra.
- 15- Nidah 56b and 57a.
- 16- Yebamot 24b.
- 17- Sheelot Uteshuvot Oholei Yaakov, p. 62b.
- 18- Hagahat Drishah, # 22.
- 19- Sheelot Uteshuvot Haradbaz, # 696.
- 20- Hagahat Beit Yosef, Yoreh Deah, paragraph 124, #21.
- 21- Aruch Hashulchan, Yoreh Deah, paragraph 124, # 5.
- 22- Medini, Hayyim Hezekiah. Sdei Chemed, vol. 1, p. 407.

Chapter 3

- 1- Leviticus 25:36-37.
- 2- Baba Metsia 5:1.
- 3- Baba Metsia 60b.

- 4- Deuteronomy 23:20-21.
- 5- Rashi and Ramban - commentaries to Deuteronomy 23:20-21 and Baba Metsia 75b.
- 6- Baba Metsia 75b.
- 7- Ibid.
- 8- Mechilta, tractate Kaspā, chapter 1.
- 9- Exodus 22:24.
- 10- Eisentein, J. D., Otsar Dinim Uminhagim, p. 380.
- 11- Psalm 15:5.
- 12- Baba Metsia 70b.
- 13- Hilchot Malveh Veloveh 5:1.
- 14- Commentaries to Deuteronomy 23:21.
- 15- Yoreh Deah 159.
- 16- Deuteronomy 25:36.
- 17- Leviticus 19:14.
- 18- Chulin p. 18. This is a wrong quotation as the Mishnah Lemelech and the Chidushei Hagahot point out. The right source is Mishneh Torah, Mamrim 3:3.
- 19- Yoreh Deah 159:2.
- 20- Chulin p. 18.
- 20- Mamrim 3:1 and 3:3.
- 21- Tur, Yoreh Deah 159.
- 22- Commentary to the Mishneh Torah, Hilchot Malveh Veloveh 5:5.
- 23- Mamrim 3:3.
- 24- Medini, Hayyim Hezekiah. Sdei Chemed, p. 408. I could not find original source.

25- Yoreh Deah 159.

26- Ibid.

27- Medini, Hayyim Hezekiah. Sdei Chemed p. 408.

Chapter 4

1- Deuteronomy 12:21.

2- Chulin 28a.

3- Numbers 11:22.

4- Chulin 27b.

5- Chulin 17b.

6- Chulin 9a.

7- Klein, Isaac. A guide to Jewish religious practice, p. 311.

8- Chulin 9a.

9- Chulin 2a.

10- Chulin 13a.

11- Chulin 3a and 3b.

12- Chulin 5a.

13- Chulin 3b.

14- Hilchot Shechitah 4.

15- Ibid. 4:16.

16- Chulin 3b.

17- Yoreh Deah 2.

18- Ibid.

19- Ibid.

20- Chulin 3a.

- 21- Chulin 3b.
- 22- Teshuvot Haradbaz 552.
- 23- Ibid. 696.
- 24- Medini, Hayyim Hezekiah. Sdei Chemed, p. 405.
- 25- Ibid., p. 406.

Chapter 5

- 1- Deuteronomy 5:1.
- 2- Deuteronomy 6:7.
- 3- Sifrei, Vaetchanan, paragraph 34.
- 4- Megilah 13a.
- 5- Psalm 147:19-20.
- 6- Sanhedrin 59a.
- 7- Deuteronomy 33:4.
- 8- Baba Kama 82b and Menachot 64b.
- 9- Bleich, David. Contemporary halachic problems, p. 311-340.
- 10- Eisenstein J. D. Otsar Dinim Uminhagim, p. 435.
- 11- Sheelot Uteshuvot Eliahu Mizrachi # 57.
- 12- Pesachim 94b.
- 13- Megilah 13a.
- 14- Baba Batra 115b-116a.
- 15- Sheelot Uteshuvot Harambam # 71.
- 16- Sheelot Uteshuvot Haradbaz # 696.
- 17- Medini, Hayyim Hezekiah. Sdei Chemed p. 409. Sheelot uteshuvot Leyoreh Deah, paragraph 4.

Chapter 6

- 1- Exodus 12:16.
- 2- Megilah 1:5 and Beitsah 5:2.
- 3- Beitsah 12a.
- 4- Sanhedrin 58b.
- 5- Genesis 8:22.
- 6- Exodus 12:16.
- 7- Klein, Isaac, A guide to Jewish religious practice, p. 90.
- 8- Shulchan Aruch, Orach Chaim, chapter 304 small paragraph 8.
- 9- Avodah Zarah 6a and 6b.
- 10- Leviticus 19:14.
- 11- Avodah Zarah 6b, Tosafot, s.v. Minayin.
- 12- Shabbat 3b, Tosafot, s.v. Bava.
- 13- Mishpetei Shemuel, teshuva # 134.
- 14- Sheelot uteshuvot Biniamin Zeev # 406 and # 407.

Chapter 7

- 1- Kidushin 29a.
- 2- Genesis 21:4.
- 3- Genesis 17:2.
- 4- Shabbat 130a and Mishnah on Shabbat 133a.
- 5- Avodah Zarah 26b.

- 6- Shulchan Aruch, Yoreh Deah 264:1.
- 7- Shabbat 133a.
- 8- Shabbat 137b.
- 9- Klein, Isaac, A guide to Jewish religious practice, p. 424.
- 10- Shulchan Aruch, Orach Chaim, Mor Uktsiah, paragraph 230.
- 11- Sheelot uteshuvot Harambam # 71.
- 12- Sheelot uteshuvot Haradbaz # 696.
- 13- Medini, Hayyim Hezekiah. Sdei Chemed, vol. 1, p. 409.
- 14- Introduction, p. 9.

Chapter 8

- 1- Hatorah Vehamedinah, p. 186-243.
- 2- Mehalchim, #1, p. 7-18.
- 3- Letoldot Hakaraim Beartsot Hamizrach, in Beholei Yaakov, p.181-222.

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