

# THE RISE OF THE KARAITE SECT

A NEW LIGHT ON THE HALAKAH  
AND ORIGIN OF THE KARAITES

*by*

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TO THE MEMORY OF  
MY FATHER  
RABBI YITZCHOK HA-KOHEN

AND TO MY MOTHER  
FEIGE MENUCHA

IS THIS VOLUME DEDICATED.

## P R E F A C E

**I**T is deplorable that the study of Karaitism had not received by a great number of our scholars its due attention. It seems that other epochs and events in Jewish history were more attractive to the Jewish research mind than the struggle between the Karaites and Rabbanites, which had its inception in Babylonia in the middle of the Eighth Century, and continued for many centuries after.

The polemic literature inherited by us from our Rabbis of old, as well as from the Karaite writers, is of no value at all in this investigation.

The research work that has been made in this somehow neglected field by the author, has had as its main object the juxtaposition of the Karaite Halakah with that of the Rabbis, in order to determine to what extent they differ. A complementary concern has been the origin of the Karaites. This vexing problem, with its uncertainty, found itself in the main body of our research, and an endeavor has been made to clarify it.

With this in mind, I present this volume to the interested reader.

As a rule I have transliterated the titles of Hebrew books in English characters. Only in a few instances I have made an exception and gave the titles in Hebrew letters. I have done this in order that the reader shall have before his eyes the spelling (and meaning) of the Hebrew texts and so that they should not be mistaken. For example, the title of the volume *Masot Benjamin* should be understood as the visions of Benjamin מִשְׁאוֹת בִּנְיָמִן and not as the travels of Benjamin מַסְעוֹת בִּנְיָמִן

Z. C.



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## INTRODUCTION

The history of the Karaites, the protracted struggle between them and Rabbinic Jewry, and the why and wherefore of their becoming the castaways of the Jewish community, is deplorably erroneous. The Jewish historians, Yost, Graetz and others, have mistakenly recorded it as a fact that Anan, in 762, founded the Karaite sect; and also that the quarrel between him and the Rabbanites had its origin in his refusal to recognize the authority of Tradition, of the Oral Law as embodied in the Talmud. Both of these assertions are entirely erroneous. Anan was not the founder of the Karaite sect, and could not have been, because we know that there were Karaites before his day. Anan was, however, the founder of one particular faction within the Karaite group, a faction whose members became his followers, and, hence, were named "Ananites" after him. This becomes particularly evident to one who has carefully studied the history of the Karaite movement either from the Rabbinic or the Karaite sources. It is but necessary to cite one instance here as proof of my assertion. R. Levi Halevi, in his *Sefer Ha-mitzvot*, writes as follows: "And there is in the (matter of) fasts a difference between the Rabbanites and the Karaites, and in others, between the Karaites and the Ananites. As to the origin of the quarrel, it is of the utmost importance to say that the Karaitic Halakah, the real bone of contention between the Karaites and the Rabbanites in its assumed opposition to the Rabbinic Halakah, has so far not been subjected to a thorough going and comprehensive study. The *Sefer*

*Ha-mitzvot* of Anan, of which two different fragments are now in existence, the copy published by Harkavy in 1903, and the one published by Schechter in 1910, have not as yet received any careful study, nor have they been compared with the body of our own Halakah. All the material that we have on the subject is of scant nature. This is a serious blow to the one who essays to write on the Karaites, because, the Halakah having been the main cause of their contention with the Rabbanites, an exhaustive study of the Karaite Halakah would have amply proved that there was not such a wide diversity between the two as had been commonly supposed if one is to judge solely from the din and clamor evoked by this controversy in both the Rabbinic as well as the Karaite camps.

In the course of my study of the Karaite Halakah, I noted certain features that are of utmost importance to the history of the Karaites, namely: that at all periods of their history they made an earnest attempt to narrow the gulf separating them from the Talmudists, and also, that the rift between the two camps was not at all as wide during the earlier stages of the battle.

According to the accepted Jewish belief, Anan was the first to make a bold attack upon the Rabbis, and their teaching, and to have been the creator of much original matter in the realm of the Halakah. Yet Kirkisani, one of his most faithful adherents who proclaims that "Anan had discovered the entire truth in matters of faith" writes as follows on the subject: "the Rosh Yeshivah Hai (referring to Rab Hai ben David, who lived at Bagdad and engaged in protracted disputes with the Karaites), and his father David translated the *Sefer Ha-mitzvot* of Anan from the Aramaic into Hebrew (Yosef Haro'eh in his *Kitab Al-Astabzar*, who also quotes these passages of Kirkisani, asserts, that it was translated from the Aramaic into Arabic, and it is possible that his reading is the correct

one), and they found nothing in it that they could not trace to the Talmud with the exception of two things: that which he deduced in the matter of the First Born, and in the distinction drawn by him between a woman who conceived her child as a gentile and gave birth to it while in the Jewish fold and the one who both conceived and gave birth to her child in the Jewish fold, or, in other words, one who had been converted before attaining to the earlier of these two stages. They (Hai and his father) did not know whence he derived this distinction until they found it later on in the *Hazanut* (Piutim) of Yanai." Though it may sound a bit strange, it is nevertheless a fact that in the fragments of the *Sefer Ha-mitzvot* of Anan we find but few of the Halakoth enumerated therein which the author does not seek to prop up with citations from the Mishnah, the Tosefta and Beraita, or the Sefra, Sifri and the Mekilta. The many freakish Halakoth added in subsequent years to the Karaite code by various Karaite writers, such as that a woman convert must be circumcised only on the eighth day of the month and a male convert only on the eleventh, most assuredly do not derive from the *Sefer Ha-mitzvot*, but owe their origin rather to various mystic groups arising within the already established sect in later days. It is also quite possible that some of these practices had been in vogue among the Ananites at an earlier day and were erroneously ascribed to Anan's authorship.

Anan not only made use of the "Thirteen Rules of Deduction" elaborated by Rabbi Ishmael, but also of the thirty-two rules established by Rabbi Eliezer, ben R. Jose Ha-galili. He was, on the whole, inclined to severity and literalness of interpretation when in doubt as to the meaning of the Biblical text.

Benjamin Nahawendi did indeed undo much of Anan's work, especially his work relating to the calendar, and came much closer to the Talmud, so much closer, that in

fact his *Masot Benjamin* may properly be considered as a purely Rabbinic work, containing as it does a body of Laws that are in entire harmony with our own, with the exception of a few insignificant instances.

In the succeeding chapters I propose to examine the Halakahs of the Karaites of the various periods of their composition in order to note this tendency to get ever nearer to the Talmud that manifested itself among them up to a quite late day in their history. At present we are in possession of only about two dozen items in which there is disagreement in the Halakahs of the Rabbis and the Karaites, a part of these being Halakahs that are not in practice in Exile and have therefore only a theoretical value, and in most of which the decisions rendered by the Karaites is the stricter one, following no longer merely the difference of opinion between the Babylonians and the Palestinians, and which the *מהרש"ל* (in the notes to his *ים של שלמה* to Baba Kama) places at 50, while others, however, place at 55. Joel Ha-kohen Miller in his article in *Ha-Shachur* (7th and 8th vols.) places them at 73, many of them involving questions of principle.\*)

\*) In the Genizah Studies II. Gaonic and Early Karaites halakah by Louis Ginzberg, 1929, p. 555, we read:

...עד עכשיו אין אומרים בארץ ישראל קדוש ושמע אלא בשבת או ביום טוב בלבד, בשחרית בלבד חוץ מירושלים ובכל מדינה שיש בה בבלאיין שעשו מריבה ומחלוקת עד שקבלו עליהם לומר קדושה בכל יום אבל בשאר מדינות ועירות שבארץ ישראל שאין בהם בבלאיין אין אומרים קדוש אלא בשבת ובימים טובים בלבד, ודברים הללו אין מעיין אותם ומדקדק בהם.... שכל הדברים הללו הם כולם בתלמוד ולא ניתן תלמוד אלא להנות בו ביום ובלילה...

And further, on p. 559:

....וכן כל דבר ודבר שהיה אומר להם ואף הוא כתב לארץ ישראל בשביל סירכא ובשביל כל המצות שנוהגין בהם שלא כהלכה אלא כמנהג שמד ולא קבלו ממנו ושלחו לו מנהג מבטל הלכה ובקש להתחזק עליהם והתחזק שלא יהיו אפיקורסין והניח אותן, תדע לך מפני מה אוכלין סירכא בארץ ישראל, מפני שאין בהם

At any rate an impartial investigation of the Karaite Halakahs at the present time would serve to throw new light on our subject matter, and help us form a purely objective estimate of the quarrel, and dispose to some extent of the untruths and the abuses that each side has heaped upon the other in this controversy.

We certainly do have a most peculiar situation here. A considerable portion of the Jewish nation has been driven away by main force from their own people, and branded as non-Jews. Neither we nor they, the outcasts, know the why and wherefore of this occurrence, and all that has been written by both since the day of the break consists entirely of polemic literature that is of no scientific or historic value.

Even the very fact of the expulsion is not entirely clear in either of the literatures. We do not know the exact time when it occurred, or where, whether in Babylonia or in Palestine, and by which group of the Rabbis the act was done. It may be that no actual, or official expulsion ever took place, but that they separated themselves from the main body of Jewry of their own accord. All that we know is that at a certain period in our history about forty per cent of our people became separated from the main Jewish body and that ever since they have lived apart from us, and acted as if they were a distinct religious body or nation, and as if they were the only true Jews. A high dividing wall has been placed between us. The breach made by the old dissension has never been repaired and the ban has not been lifted to this day.

During the long period that has elapsed since this division took place, many attempts have been made to patch up a peace between the two opposing camps. But this could be accomplished only, if at all, after the passing of the Babylonian period, because in Babylonia, up to the הלכה אחת מתלמוד הלכות שחיטה ולא מסדר קדשים כולו, נשתכח מהם סדר קדשים כולו ותלמוד סדר טהרות כולו...

year 1050, the Jewish sages were absorbed in religious studies exclusively and paid no heed whatever to secular matters or occurrences. But at a later date a new liberalism had been breathed into Judaism. This happened in the life time of the liberal thinker and philosopher Maimonides (1136-1206) whom we find sincerely desirous of bringing about an understanding between the Karaites and the Jews (see his *Responsa*, Vol. I, p. 162). So did also his son, Abraham Hanagid (see *Kaftor Woferach*, p. 13, and the *Responsa* of Ridbaz, p. 72). These great luminaries could indeed see that which the Babylonian rabbis failed to see; namely, that the Karaites actually formed a liberal movement within Jewry and that despite the fact that their interpretations of the Torah was much more literal and strict in a goodly number of instances, they were opposed to the introduction of superstitions of the Persian followers of Zoroaster, or the Amgushah as they were usually named. As a matter of fact, there was far less of a distinction between the Karaites and the Rabbanites of that time than there is nowadays between the Orthodox and the Reformed factions of Jewry, and yet would it never occur to anyone to attempt the exclusion of the latter from the ranks of Jewry, the reason being that we are living in a more liberal age than did the rabbis of the 8th and 9th centuries.

Attempts to effect a reconciliation between the Karaites and the Rabbanites have also been made at a later date, the overtures coming from both their side as well as ours. On the Rabbanic side it is necessary only to mention the influential leader and rabbi Jacob Emden who lived in the Eighteenth Century, while on the Karaite side there were the older and the younger Bashaizi and others. But it seems that all these men of a past age, an age of religious fanaticism and narrow-mindedness, really were not the proper people to cope with a task calling for mutual understanding and a conciliatory spirit.

## CHAPTER I

### THE ORIGIN OF THE KARAITES

The origin and development of the Karaites are still largely surrounded by mystery and not a little uncertainty; this despite that of late an increasing number of scholars have investigated this field. This uncertainty is due to the lack of the historic sense that characterized the Karaites,<sup>1</sup> though they produced hundreds of books (and even thousands, according to their assertions) that have been lost in the course of time.<sup>2</sup> The only Karaite works of historical import known are the books on the sects among Jews by David Ha-Babli ben Marwan al-Mukamis<sup>3</sup> (incidentally, a serious doubt has been expressed by many historians as to his having been a Karaite, and even Firkowitz has conceded that he was not a member of the sect<sup>4</sup>), the work of Abu Yusuf al-Kirkisani,<sup>5</sup> treating of the sects pre-

<sup>1</sup> Dod Mordchai, chapter 7, and in chapter 10 says:  
 „בי מקדמונינו לא נמצא שיתיה מי כותב זכרונות דברי הימים“;  
 cf. also;

לקומי קדמוניות, נספח י"ב: „שחיתה ידיעה זו, רצוני ספורי הקורות, נעלמה טחם מכל וכל, ומוכרחים היו כשרצו לדבר מענין זה, לשאוב ממקורי הרבנים“.

<sup>2</sup> Cf. A. B. Gottlober לתולדות הקראים p. 8. This seems to be merely an exaggeration, because during their entire history the Karaites were not subjected to so much oppression and did not experience as many hardships as the Rabbanites.

<sup>3</sup> Kitab al-Zrah mentioned by Kirkisani and Hadasi.

<sup>4</sup> Harkavy לקורות הכתות בישראל p. 8; Gottlober, *ibid* pp. 73 and 164; S. J. Fin in כנסת ישראל p. 225; חתוקר Vol. II. Part II by Harkavy.

<sup>5</sup> Kitab al-Anwar Waf-Maraqib, published by Harkavy with a Russian introduction in *Zapiski Wostochnawo Otdelenia Imperator. Arch. Obščes.*, 1894, Vol. VIII with his commentary. Kirkisani made use also of Kitab al-Mkalam by the Mohammedan free thinker Aby-Iza Alwarrok, in which the author also speaks of the Jewish sects of his day. He made use also of the book on Jewish Sects



valent among the Jews up to the middle of the Tenth Century; and the compilation of historical incidents by Judas Hadasi,<sup>6</sup> taken in turn from al-Mukammis, Kirki-sani, and other sources.

Further knowledge concerning the sects of that period may be gleaned from the works of the Arabic historians Albiruni,<sup>7</sup> Masudi,<sup>8</sup> Makrusi,<sup>9</sup> and Shahrestani,<sup>10</sup> who lived during the period from the middle of the Tenth, down to the middle of the Twelfth Centuries; additional data of a meager sort is also obtained from the *Responsa*, written by the Gaonim of the aforementioned period.<sup>11</sup>

This evident paucity of writings has led to the acceptance of many erroneous beliefs which, being unquestioned, have entered into the history and saga of the origin of the Karaites. The most significant of these have been the attributing to Anan the parentage of the Karaite sect; and that its beginnings were rooted in the resistance to the sway of the Talmud.

Indeed, Anan was the founder of a sect—the Ananites; a sect bearing close resemblance in doctrine and outlook to that of the Karaites, or to other of the anti-rabbinic sects that had been in existence before his day; the Karaites, however, antedated him. And as we shall note later, there were great dissimilarities between the Karaites and Ananites in their respective halakahs; we will also prove that the Karaites did not deny the Talmud at large, as is commonly believed; furthermore, the underlying cause of the

by the noted Arabic historian Albiruni (see the *Chronology of Ancient Nations*, an English version from the Arabic of Athar-Al-Bakija, translated by Ed. Sachan, London, 1879, pp. 270, 278, 279, 431).

<sup>6</sup> אשכול הכומר 1896.

<sup>7</sup> Cf. note 2.

<sup>8</sup> *Chrestomatie de Arabe* by Silvestre de Sacy.

<sup>9</sup> Ibid.

<sup>10</sup> *Religions Partheien und Philosophie Schulen*, transl. by Th. Haarbrucker, 1850—Halle.

<sup>11</sup> Cf. *Geonica*, by Dr. L. Ginzberg.

dispute between the Rabbanites and the sect known as the Karaites will be shown in a different light.

Before proceeding with this question however, it is obviously necessary to obtain a clearer perspective as to the origin of the Karaites.

Most students of Karaite literature, as Holdheim,<sup>12</sup> Chwolohn,<sup>13</sup> Fürst,<sup>14</sup> are of the opinion, as was also Abraham Geiger<sup>15</sup> before them, that the Karaites were the spiritual descendants of the Sadducees of old. The halakah of the Talmud, contends Geiger, is the halakah evolved by the Pharisees during their period of struggle with the Sadducees, then at the helm of the nation. The Sadducees shared with the Samaritans some of the ancient traditions and halakahs that were not in agreement with the halakahs promulgated by the Pharisees. Traces of these more ancient halakahs are to be found in the *Tosefta*, the *Mekilta*, the *Sifri*, and the *Targum* to the Pentateuch of Jonathan ben Uziel; the Septauginta, and in various other texts. The Karaites, they assert, are therefore the successors and spiritual heirs of the Sadducees. The latter felt it incumbent upon them to alter their name, owing to the fact that the Rabbanites had gained complete ascendancy over them, and they had been compelled in later time to subscribe to many tenets of the Pharisees, as the belief in the Resurrection of the dead and Reward and Punishment. Although many scholars oppose this view, as Rappaport,<sup>16</sup> Frankel,<sup>17</sup> and others, it has remained the most acceptable

<sup>12</sup> סאמר האישות 1861.

<sup>13</sup> *Das Letzte Passahmahl Cristi*, 2-ed. Leipzig, 1908.

<sup>14</sup> *Geschichte d. Kararhums*. Leipzig, 1862.

<sup>15</sup> *Urschrift und Übersetzungen der Bible*. Breslau, 1854.

<sup>16</sup> כרם חסד (1841) 204.

<sup>17</sup> There were a sufficient number of causes for this phenomenon. First and foremost among these was the exhaustion of the spiritual and creative powers in the ranks of Babylonian Jewry. Other causes may have been the homiletics and casuistry, and the inclination towards the mystical, which arose during this period, as

hypothesis. Later students of Karaite literature, Harkavy,<sup>18</sup> Poznansky,<sup>19</sup> and others, concur therein.

From the renowned Karaite historian, Jacob Kirkisani, we learn that in his day—towards the end of the 10th century—there was a book *Sefer Zadok*, of which he<sup>20</sup> writes: "Zadok composed a book in which he denounced the Rabbanites and put forth many arguments, advancing them in the form of assertions (or: Tradition). Only in one instance did he (i. e. Zadok) cite evidence; in the case of the prohibition of marriage with one's brother's or sister's daughter, he employs the argument of this prohibition as being on a par with the prohibition against marriage with one's sister by his father or mother."

well after the time of the Gaonim. It is commonly known that this was a period of homiletic interpretations, and the creation of Midrashic monstrosities, which not infrequently, were productive or nothing short of contempt and disparagement among the masses of the people. On the other hand, the Gaonim in general were sincerely desirous of bringing the Talmud nearer to the people, so as to cause it to be regarded as the true and only interpretative embodiment of the Torah. They felt it incumbent upon them to do this in order to erect a bulwark against the onslaughts of the sects that were just then showing signs of revival and renewed activity. In view of this the Gaonim were exceedingly careful not to oppose too openly the teachings of the homilists, though here and there in their writings we find an occasional, avowed or covert, word of disparagement. The homiletic and mystical spirit dominating the intellect of the Rabbanites at this period had made possible the appearance of such books as ספר רזיאל המלאך, ספר

הרזים, ספר יצירה אותיות דר' עקיבת, שער קוסה

and others of a similar nature which were usually ascribed to various men of the tannaitic fraternity. It is interesting to note that even the opponents of homiletic interpretations although they outwardly fought against them, were imbued with the spirit of the time; so that we discover among practically all the sects of the period certain pronounced mystical tendencies, pronouncements in favor of the ascetic life, as well as speculations concerning prophecy, some of them even going so far as to recognize both Jesus and Mohammed as Prophets.

<sup>18</sup> In his notes to the History of the Jews by Graetz.

<sup>19</sup> *Judische Zeitschrift*, vol. 8, p. 227—229.

<sup>20</sup> Kirkisani, p. 283.

Further mention of the *Sefer Zadok* is made in an Arabic manuscript commentary to Exodus, in the Imperial Library at Leningrad, the work of either Sahal ben Mazliach, or of some other 10th century Karaite writer<sup>21</sup> (according to Poznansky—cf. his *Karaite Literary Opponents of Saadia*, pp. 15-16—it was Hasan ben Mazliaah). In this manuscript we find the following: "In former days people took pains to compute the period of the New Moon in order that they might be enabled to fix the holidays thereby. Saadia asserts that this custom was instituted because of the opposition of Zadok and Boetus. As the writings of the Sadducees are generally known and are in our possession we fail to find anything in them confirming this assertion. The writings of Zadok are devoted only to an account of his quarrel with the Rabbanites in the time of the Second Commonwealth over sacrifices and other matters, but not one syllable does he mention regarding that spoken of by Saadia."<sup>22</sup> It is Harkavy's belief that it does not follow reason to assume that the Karaites, living in the 10th century in the very midst of their controversy with the Rabbanites, would have invented a non-existent book—the *Sefer Zadok*—or dared to speak of "the writings of Zadok" as a figment of their imagination, because the Rabbis would have retorted by requesting to be shown the book.<sup>23</sup>

Regarding the *Sefer Zadok*, Hadasi quotes the following passage from al-Mukamis' work<sup>24</sup>: "And so runs the

<sup>21</sup> See Harkavy *Studien und Mitteilungen*, vol. VIII.

<sup>22</sup> cf. Hilgenfeld, *Ketzergeschichte*, p. 160, and also Pinsker II, 95.

<sup>23</sup> cf. Harkavy's remarks about the Karaites in Graetz' *History of the Jews*.

<sup>24</sup> *Eshkol Ha-kofer*, p. 41 C, where Hadasi says:

וכן ספור דת אל-צדוקיא אשר תיא קרובה בתורת ח' ומעט מבחישים בכחושם בתורת אלהיך. תוכן שבילו בו אשר הגרוש הנזכר בכתוב על אשה בגרושתה אף שמו תורשים כלם שלמים משלשים שלשים יום כלל חדשי שנתה. ואומרים כמעשה נח בתורתך תורת חג חסה יוציאו מן יום חשבת ויעשוהו זולת יום חשבת וכן חג חסוכות במאמר ביום חשמיני

narrative of the faith of al-Zadokaia which is close to the teachings of God's Torah but denies part of these teachings. Thus they forbid divorce<sup>25</sup> and fix all months at thirty days. They arrive to this from the story of Noah. Also do they exclude the day of the Sabbath from the total days of the feast of Passover and so obtain seven days besides the Sabbath.<sup>26</sup> This is similarly followed with the feast of Tabernacles . . . all this is spoken of by David the son of Maroan al-Mukamis."

The above would go to prove according to Harkavy<sup>27</sup> that remnants of the ancient Sadducees were still to be found in the eight and ninth centuries, and that the *Sefer Zadok* had been passed down through the ages to finally come to rest in the hands of the Sadducees' lineal successors, the Karaites. "And though there is a possibility," Harkavy is mindful, "that the *Sefer Zadok* was not written by Zadok, but composed by an other at some later date, the essential facts of the matter are not in the least altered thereby."<sup>28</sup>

It is, of course, superfluous to say that Harkavy is here hypothesizing, as there is no conclusive evidence that the

שלת את העם ולא היה אז יום שבת. כענין הכתוב בספריך שבר מענתו. במקום אחר כתוב וביום עשרים ושלשה כי השמיני הוא שנים ועשרים ואם תוציא יום שבת מששה היה תח' יום שלשה ועשרים במספריך. משום כל אלה הגיד דוד בן מרואן אל סקסץ במקצת ספרו בעד הצדוקים כי הם יתנו דעות לבורא במת שספר הכתוב עליו.

<sup>25</sup> Regarding Abu Isa of Ispaham he says (Ibid):

ואמר שיגרש איש את אשתו מפילו סצת בת ערות דבר כאשר אמרו הצדוקים אשר לא כדבר ה'.

<sup>26</sup> cf. Kirkisani, pp. 304, 305, 311.

<sup>27</sup> לקורות הכחות בישראל.

<sup>28</sup> Kirkisani (p. 304) in writing of the Zadokites says: "They, the Zadokites also fixed all the months at thirty days each. It is possible that they relied upon this because of the story of Noah. Again, they exclude the day of the Sabbath from the sum of the days of the feasts of Passover, so as to make the feast seven days beside Sabbath: similarly with the feast of Tabernacles." Schechter believed to have found in this passage sanction for his opinion that the Zadokites are descendants of the Sadducees. Cf. Ginzberg *Eine Unbekannte Jüdische Secte*, p. 42.

Sadducees were founded by a man named Zadok; furthermore, all theories that the Sadducees were either the disciples of Zadok and Boetus or of Zadok Hakohen of an earlier period, have no substantiating data. The beginnings of the Sadducees are more cloaked in uncertainty than those of the Karaites, and there is no necessity to add further unbiased analyses; this all the more so, when it is highly in the bounds of probability that the *Sefer Zadok* was one of the writings of the Zadokite sect.

Of this opinion is also Professor S. Schechter, who advances his view in the Introduction to the *Fragment of a Zadokite Work*, which he published from the Genizah Collection.<sup>29</sup> And as we shall note, when the halakah of the Zadokites will come under scrutiny, other Jewish scholars concur.

The present data regarding the origin of the Karaites has been taken mainly from the writings of different Jewish scholars. We will now draw upon the Karaite, as well as Rabbanite, sources. It is remarkable how the conviction that the Karaites were the direct descendants and followers of the Sadducees prevailed both among the former and the Rabbanites. This was mainly due to certain similarities in the interpretation of some passages in the Bible by both the Sadducees and Karaites. It will later be made apparent that these similarities are of no significance. The Karaites themselves are not to be implicitly given credence to, for the evident reason that they were seeking to enhance their lineage and to assume an origin coeval with Sinai and Revelation.<sup>30</sup>

<sup>29</sup> *Documents of Jewish Sectaries*, vol. 1, fragments of a Zadokite work from the Cairo Genizah collection. Cambridge University Press, 1910; cf. *Eine Unbekannte jüdische Secte*, by Dr. L. Ginzberg and the article by Dr. Buchler in J. Q. R. 1912-13.

<sup>30</sup> This was an invention pure and simple on the part of the later-day Karaites to ascribe their own early origin to the day of Moses, so that it might appear that they were the only true Jews, while the Pharisees were merely a sect that had fallen away from

The oldest of Karaites historians Abu Yusuf al-Kirkisani, writes as follows in his book<sup>31</sup> (dated anno 937) on the Jewish sects: "Zadok was the first who layed open the Rabbanites to attack and contradicted them publicly. He revealed a part of the Truth." And when speaking of Anan he says: "He was the first to whom truth in totality regarding the laws was revealed."<sup>32</sup>

Abu Yusuf Jacob al-Bassir—known also as Joseph ha-Roeh—states in his book:<sup>33</sup> "There is no doubt that Anan saw fit to engage in an open and fearless battle with the Rabbanites only when the dogma and interpretations of the latter had attained great ascendancy, and after they had virtually annihilated their opponents. The struggle was already acute during the period of the Second Commonwealth and resulted in the victory of the Rabbanites, then the Pharisees, and the waning of the Karaites, then named the Sadducees.

Jacob ben Reuben, in his *Sefer Ha-Osher*<sup>34</sup> inscribes:

דע כי שהיה החלוקה הווה בבית שני ויד הרבנים מנצחת והם  
הידועים בפרושים, ויד הקראים נתחלשה... והם הידועים צדוקים  
כאשר כתוב בספר בן גוריון.<sup>35</sup>

them. Their sages were none other than Jehudah ben Tabai, Shammai and others. The first to broach this theory was Jepheth II, ben Saud. See Graetz and Gottlober, p. 5.

<sup>31</sup> Kiriksani, p. 283.

<sup>32</sup> Kirkisani, p. 13.

<sup>33</sup> MS. Leningrad see Harkavy's notes to Graetz *History of the Jews*, separate print, p. 3.

<sup>34</sup> cf. Pinsker Vol. 11, p. 84. A few words are missing here. The author quotes his predecessors, mainly from the writings of Jepheth ben Ali. We have no means of knowing whether the words quoted here were also taken from this source, or from Al Bassir.

<sup>35</sup> Jepheth ben Said who is also called Jepheth II, writes in his book:  
עד ימי העתקת התורה, הלל ושמואי היתה דת היהודית טהורה ולא  
נפלה בה שום טחלוף; ורק בבתי סדרשיחם של הלל ושמואי התחילו  
הדעות להתחלק בפירושי התורה ובכמות המצוות והקראים החזיקו בדעת  
שמואי ונשארו על דעת הדת הטהורה שלא נשתבשה ולא נתערבה.

Then Jepheth proceeds to relate, according to a plan originated by himself the chronology from Shammai till Anan.

The author of *חלוקת הרבנים והקראים* declares:<sup>36</sup>

וראשונים אנחנו מהם (מן הרבנים) וממנו היה נרמזין ירושלמין ושמותין וצדוקין ומה שאמר מתרבות צדוק וביתוס מגיד כי דתם קדמונית היתה עמהם ובעלי תועה<sup>37</sup> מחרפתם ובשתם אמרו כי דת צדוק וביתוס היא וכי צדוק וביתוס מראשי חכמיהם היו.

Hadasi avers:<sup>38</sup>

יודעי תורה בני מקרא אומרים כי יש"ו איש מתוקן היה וחכם וצדיק בדברים בתחלה היה לפני ישרים, ומדרך צדוקים וביתוסים בלבו לגמרים (לגמרי); אשר גם הנירוש מאשה כמו שאסרו צדוקים, בתוהו בני בירב על כי היה מחליף דבריהם והרגוהו והלך לו, וכאשר הרגו כמה צדיקים מוכיחים על דבריהם בשמתא ובנדוי ונהרג בתוכת מללו.<sup>39</sup>

This conception, that the jurisprudential and ideological vessel of Karaitism surged from the Sadducean wellspring is, strangely enough, also evidenced in the writings of the Rabbanites.

Saadia Gaon, who was the foremost agitator against the Karaites, declares, in speaking of Anan, that "all the men of evil at that time remaining from the sect of Zadok and Boetus gathered to him and that he (i. e. Anan) entered willingly into quarrels."

Judah Halevi in the *Kuzari* expresses his belief that:<sup>40</sup>

שבימי יהודה בן טבאי ושמעון בן שטח התחילה דת הקראית בעבור מה שאירע לחכמים עם ינאי המלך... ונתקלקלה הרבנות

<sup>36</sup> cf. Pinsker, vol. II, p. 101.

<sup>37</sup> cf. Pinsker, vol. I, p. 12, where he says:

"ואין הדבר רחוק כל כך אצלי אם כן ליחס לשני העניינים (רצוני ענין הצדוקים שבבית שני אשר לו דמיון רב עם אותו של הקראים החדשים) חבור וקשר של סבה ומסובב והתלות תולדי אחד בזולתו באופן שהיו קצת הצדוקים גם אחר שנדלדלו נוהגין בחשאי על פי ידי דרכם ואוחזים מעשי אבותיהם בידיהם ולא פסק עניינם מכל וכל, עם שלא הצליחו להתחבר לעצה מיוחדת, ונתקיים זה הענין ע"י השתלשלותו מיחידים ליחידים בצנעה, עד שבא ענן שהיה ת"ת בתחלה וכו' וחבר ספרים ומצא בהם מקום מוכשר לקבל דעותיו."

<sup>38</sup> Eshkol Ha-Kofer, p. 41.

<sup>39</sup> It is noteworthy that some Karaites either ignored or ridiculed Mohammed cf. Neubauer. *The History of the Karaites* (p. 7, note 3), while they praised Jesus, and regarded him as a great prophet.

<sup>40</sup> Ha-Kuzari, vol. III, p. 65, Hershfield ed., p. 212.



ומן מועט ומרחו להחזיק התורה בשקול דעתם ולא יכלו עד שהושב שמעון בן שטח ותלמידיו מאלכסנדריה.

It is apparent that Judah Halevi here draws his conclusions that Karaitism is an issue from the early days of Sadduceeism, though the distinction is considerable.<sup>41</sup>

The great Talmudist and historian Abraham Ibn Daud ascribes to Anan in his *Sefer Ha-Kabbalah*<sup>42</sup>

כי אחרי החורבן נתדלדלו הצדוקים ובא ענן וחוסם.

We find Abraham Ibn Ezra repeatedly referring to the Karaites as the Sadducees.<sup>43</sup> And Maimonides<sup>44</sup> too does not diverge from this common conviction:

והיה לזה החכם שני תלמידים שם האחד צדוק ושם השני ביתוס ויצאו מן הכלל ..... והניחו התורה, התחברו לאחד כת אחרת ולחברו כת אחרת וקראום החכמים צדוקים וביתוסים. .... מאז יצאו אלה כתות הרעות ויקראו באלה הארצות ר"ל מצרים, קראים, ושמותם אצל החכמים צדוקים וביתוסים, והם אשר התחילו להשיב על הטבלה.

Don Isaac Abarbanel,<sup>45</sup> Bartinuro,<sup>46</sup> and others among the Rabbanites also allude to the Karaites as Sadducees.

Although the writings of Rabbinic and Karaite scholars are all of a polemic nature and antagonistic tense, it is at this salient juncture that concord exists: that the Karaites were the successors to the Sadducees; yet no member of the two camps justified its validity, as establishing an unbroken historical chain from the latter to the Karaites. The fact that certain of Karaitic halakahs answer in character to portions of the Sadducean Code is of no intrinsic importance; considerable more correspond to those of the Rabbanites. Besides, we may read ulterior motives

<sup>41</sup> There is another commentary to this passage cf. *מגן אבות* by רשב"י Abot, chapter 1.

<sup>42</sup> *Sefer Ha-Kabbalah*, p. 31. cf. Neubauer Ed. 63-4.

<sup>43</sup> In the introduction to his commentary on the Bible and in the commentary Lev. 3-9 and 23-17.

<sup>44</sup> In his commentary to Abot 1, 3.

<sup>45</sup> In his book *Nachlat Abot*.

<sup>46</sup> *Tadayim*, chap. 4-7.

into the ready acceptance and maintenance by both factions of this dubious heritage. The Karaites, to enhance themselves, gave rise to an ancient and hallowed descent, and consequently to an exalted body of doctrine, and that their struggle against the Rabbanites is not of modern vintage, but of long duration. The Rabbis, on the other hand, well aware that Jewry, since the days of the Pharisees, regarded the Sadducees as heretics and considered them outside of their pale, almost to the extent of proscribing them, found it expedient not to impugn this origin, and affording them a war-cry, as it were, with which to assail the Karaites.

It is therefore wholly obvious that these writings cannot be regarded as authentic sources for historical research. Hence, it behooves us to draw upon the writings of the Arabic historians, where partiality and natural prejudices do not enter in to becloud the issue.

To the Arabic historians the origin of the two sects was rooted in the spirit of that particular time. It was after Mohammed's great siege in the Orient. The old Persian religion was abandoned and liberal groups here and there came to life to liquidate the remnants of the superstitions of that religion. Among them were also these Jewish groups or sects. We shall discuss this more thoroughly in the last chapter. Here, we quote only a few extracts of these historians regarding the Jewish sects of that time: Albiruni,<sup>47</sup> Masudi,<sup>48</sup> Markusi<sup>49</sup> and Shahrestani.<sup>50</sup>

Markusi, in speaking of the Jewish sects of his day, writes:<sup>51</sup> "And you may know that the Jews, who by the will of God have been scattered among the nations, consist now of four sects, each denouncing the

<sup>47</sup> See note 2.

<sup>48</sup> Ibid, note 8.

<sup>49</sup> Ibid, note 9.

<sup>50</sup> Ibid, note 10.

<sup>51</sup> *Chrest. de Arabe* by de Sacy, p. 104.

other. These are: the Rabbanites, the Karaites, the Ananites, and the Samaritans." Masudi, who was a contemporary of Saadia, records the Karaites and Ananites as two sects;<sup>52</sup> and Shahrestani explicitly says<sup>53</sup> that the "Jews of the present day are divided into seventy sects,<sup>54</sup> but we shall name here only the most important of these, the Ananites, who are disciples of Anan ben David etc."<sup>55</sup> This reference to the Ananites is made by him after he has already mentioned the Karaites. The same is to be noted in Albiruni.

<sup>52</sup> Ibid, p. 13.

<sup>53</sup> *Sharastani*, Haarbricker, p. 167.

<sup>54</sup> *Chronologie Orientalischer Volker*, pub. by Sachan, Leipzig, 1878 (English ed. 1879).

<sup>55</sup> See *Sharastani*, p. 167. The number 70 seems to be an oriental exaggeration.

## CHAPTER II

### THE HALAKAH OF THE JEWISH SECTS OF THE PRE-ANAN PERIOD

The history of the Karaites is to be divided into five periods: the early Karaites, the Ananites, the Benjaminites, the Karaites proper, and the latter Karaites.

The term 'early Karaites' signifies those dissenters that lived before the days of Anan; many of whom later amalgamated with his sect. They had their own code of laws, a part of which was exceedingly odd. The Ananites were, of course, the adherents of Anan. New sects were steadily in the process of formation, however, by men who were not in agreement with his teachings. Anan was, as Rabbi Abraham ben Daud (Ravad) expresses it, "half a Karaite and half a Rabbanite"<sup>1</sup>; and as the author of the *Chiluk* has said, "Anan has erred repeatedly in the interpretations of the Pentateuch and the Prophets, so that most communities did not depend on him. And they also said that there was a possibility that Anan and his followers did not provide sufficient explanations, so that errors fell into their works."<sup>2</sup> Two hundred years after the days of Anan there was still a distinct Ananite sect in existence; a group that did not wish to join with the Karaites.<sup>3</sup> It was from these that the Benjaminite sect was afterward evolved, named so after its leader, Benjamin Nahawendi. This sect embraced a system of the Law and interpretation of its own, which were far stricter and more legalistic than Anan's. But even they were soon eclipsed

<sup>1</sup> *Sefer Ha-Kabbalah*, p. 31.

<sup>2</sup> Pinsker, vol. II, p. 101.

<sup>3</sup> Pinsker, vol. I, p. 22.

by a still more legalistic and dogmatic group of Karaites which arose after them, each sect and faction maintaining its separate halakah and practice, quarrelling and arguing among themselves, until their final amalgamation into one body in the tenth century.<sup>4</sup> This period was the epoch of Karaitism proper. The Karaites of the succeeding period, i. e. those of the days of Joseph Abraham al-Basir in the year 1050, were denominated "the latter Karaites."<sup>5</sup>

Some of the later Karaite writers dispose their sect into four chronological sequences, historical divisions, as it were, omitting the early Karaites. The author of *Sefer Haosher* writes:<sup>6</sup> "After that was inveigled into the faith of Anan, and they sought for the Commandments and could not find them, as he (i. e. Anan) was like fire to the commentators, and erred in (interpreting) the words of the Sages, until the great faith was revealed by the later Karaites, who delved deeply and diligently and discovered the Laws, and there is no new faith after them."

The chronology of these sects should be: the early Karaites (the Zadokites and other sects untill Anan) 600-750; the Ananites 750-810; the Benjaminites 810-850; Karaites proper 850-1050; and latter Karaites from 1050 onward.

The titles of the divisions here mentioned are derived from different sources, from the Karaites themselves and from Arabian historians, who name them thus. We find the "early Karaites" mentioned by the Arabian historians: Masudi, Markusi and Shahrestani; the "Ananites" by Ananites themselves; Benjaminites from an anonymous Karaite writer mentioned by Harkavy; "Karaites Proper" cited by Sahal ben Mazliah.

<sup>4</sup> The leader was ר' אבן ג'ון who lived according to Graetz in year 940 (and not as Pinsker claims at the time of Anan (L. K.) and Frankel, who places him after Hadasi, see Ersch and Gruber, *Karaites*.

<sup>5</sup> Pinsker, vol. I, p. 22.

<sup>6</sup> Ibid.

The author of the *Aderet Eliahu*<sup>7</sup> quotes the writer of the *Sefer Haosher*: "We belonged to the fourth division"; while Levi Halevi writes in his *Sefer Ha-mitzvot*<sup>8</sup>: "there is in these facts a difference of opinion between the Rabbanites and the Karaites and, in some, between the Karaites and the Ananites." Franz Delitzsch<sup>9</sup> divided the Karaites into four stages, in a somewhat different manner than followed by us. According to him the first and earlier epoch, extended up to the days of Yosef Hameir, in the middle of the tenth century; Jehudah Haabel (who lived in the middle of the tenth century) was the initiator of the second epoch; the third epoch begins with Aaron ben Yosef, who lived towards the end of the thirteenth century, while the fourth era began in the middle of the fourteenth century, in the days of Aaron ben Elijah of Nicomedia, author of the *Etz Hayim*. This arrangement possibly harmonizes far better with the spiritual development of the Karaite sect than with its literal ascendancy. Our study aims, however, at making a comparative study of the various Karaite groups in their relationship to the Rabbanite Halakah. For this purpose, our classification is more suitable and much more precise.

The most known to us of these sects of the pre-Anan period, through the writings of Sharestani and Kirkisani, were the Isawites, who played a prominent role even among their non-Jewish neighbors, as seen by their assuming the leadership of the Sifatye<sup>10</sup> after the advent of Mohammed. The Isawites flourished approximately sixty or seventy years before Anan.<sup>11</sup>

<sup>7</sup> *אדרת אליהו* p. 24a.

<sup>8</sup> See Pinsker, vol. I, p. 22; vol. II, p. 87.

<sup>9</sup> Prolegomena zum *Etz Hayim*.

<sup>10</sup> See prolegomena to *עץ חיים* by Franz Delitzsch.

<sup>11</sup> About 684 A. D.

The founder of the sect, Abu Isa Abadjiah of Isphan<sup>12</sup> was a man of humble antecedents and a thoroughly ignorant person.<sup>13</sup> He was a tailor by trade, and, though he could neither read nor write, nevertheless became the author of several books, and was literally worshiped by his followers, who looked upon him as an almost supernatural being. He announced himself as the Messiah, entrusted by the Almighty with the task of leading His children out of exile. He even attempted to achieve his aim by means of armed conflict, raising an army of 10,000 men whom he led in a pitched battle against the Mohammedan rulers. He was defeated, his army was routed, and he himself perished on the battlefield. But his fall did not destroy the faith of his adherents in him and his God-entrusted mission. They believed that their leader was alive and well, hiding in a cave, and awaiting the propitious moment for his reappearance and the consummation of his Heaven-imposed task.<sup>14</sup> These Isawites later joined forces with Anan. We have no means of determining all the minor and intricate details of the religious life of the Isawites, but we do know, however, that Anan adopted some of their halakahs, and that the remnants of the Isawites accepted some of his.<sup>15</sup> Later on we shall treat of the Isawite halakah in detail.

<sup>12</sup> Cf. Pinsker, vol. I, p. 25, where he says:

„והיה שמו העצמי יצחק בן יעקב האספרהאני כמו שהוא אצל שרשתאני, ותוא מספר עליו מכאן מה שאומרים היה מכונה עופר אלהים שרצונו, עופר אלהים, ומי לא יכיר שעופר אלהים ועופר זה אחד הם, והוא תוא, ועל שמו נקראים הנגזרים אחריו עסוים, וסבור שנוחם, רצוני של בעל האשכול ושל שרשתאני שוין עליו עם שנויים קטנים במנין התפלות שתייב, וא"כ הוא עובדיה הנוצרי המוזכר מר' משה בשו"ע בספרו „מפת אלהים" ותוא אביו של אברהם בן יצחק הנוצרי, ואברהם זה תוליד את יוסף בן אברהם הנוצרי ואת סעדיה בנו אברהם הנוצרי ואולי הוא סעדיה המלמד הנוצרי המוזכר מרסב"י."

<sup>13</sup> Kirkisani, chap. II.

<sup>14</sup> Cf. Harkavy. הכחות ביהודה p. 3.

<sup>15</sup> Hadasi tells of him (p. 42b):

כת פשר דת אבו עיסו ותוא עובדיה האספאני: אמר כי אשר סענו חביאים בעד המשיח — אני הוא המשיח והאל הכינוי. והמצא וסדור

Another sect that flourished, about forty years or so, before the advent of Anan was the Yudganites.<sup>16</sup> The leader of this sect, Yehuda, or Yudgan by name, was dubbed "Al Rci" by his followers. He was a disciple of Abu Isa, following his teachings even to the extent of declaring himself the Messiah. Yudgan's followers also refused to believe him dead when his time came, clinging faithfully to the illusory belief in his resurrection from the dead, to fulfill his mission. His sect also disappeared after the coming of Anan, having amalgamated with Anan's followers. Of the Yudganite Halakah we shall also speak later on.

There were numerous other sects, but they were neither instrumental nor creative in the development of Halakah,

כתובים וסדורים מדעתו בלי רוח נביאת אלהיו. לץ ובער היה מדעתו.<sup>17</sup>

<sup>16</sup> There were also other sects and leaders at the time, leaders such as Ephraim, Elisha Hamalmed and Chanukah, but we know next to nothing about them. Gani Baruch lived, according to Pinsker 40 years before Anan, according to Chwolson he was the great grandfather of Anan, and died 103 years of age i. e. A. D. 732. According to Frankel, however no such person existed (see Gottlob, p. 132) and *Karaische Studien* by Frankel. About the other sects mentioned by Kirkisani and Shahrastani, as the *בלותיים* the Shahrastaniye (which say that 24 years of the Bible are missing) and others, we are also in the dark.

The author of the *Chiluk Hakroim V'horabonim* relates that from the days of the destruction of the Second Commonwealth down to the period of Anan, fourteen sects sprang up among the Jews, and that now (i. e. his own day, the 13th century) there were only four of them left: "the religion of the Rabbanites, the Karaites, the Tiflisites and the Isawites." Hadasi mentioned some of these sects, as the sect "קרעיה" about which he tells:

"יחד כת אל קרעיה הם הדלועין, שמשמשין בכלי קיקיונים למען טהורת. ובשומאח וטהרה שוים לשומרונים, ושומרים נגיעת שומאח המת יען להטהרה" and the "כת אליו גדיה והם אנשי המערות, לוקחים לאשי החדשים באגן הירה במלאת אנגו לאורו, ומשלימים דמות לבורא ואומרים פירושם סתתלות מכוערות אשר לא כתורתך".

Pinsker, in considering the influence of the Mohammedans upon the Jews at that time, says:

"שהיה אותו הפרק זמן של חילוק וחלוק תדירות בכלל, עד שכל אחד מהקבוצים או מעבדים שהיה לו מות בקדקדו לחקור אל עניני הדת היה בונה כמה לעצמו ומחדש שיטת בעקרי הדת ובערות על הבורא... כנראה בעזרת הרבות בין הערביים המניות אצל שרסתאני".



and usually adopted that which was brought into being by others.<sup>17</sup> We shall treat here therefore only of the two above mentioned sects, and also of the Zadokites, of which a book was discovered in the Genizah in Cairo by Dr. Schechter. There was one remarkable common feature underlying all these sects and groups in that all had their eyes fixed upon the Holy Land and constantly maintained their connections with it. Indeed, the Karaites themselves had their main center in Jerusalem.<sup>18</sup> It must be noted as well, that halakaic differences between the Jerusalem and the Babylonian schools had arisen long before the advent of these sects.<sup>19</sup> The Jerusalem school was in the main, more severe, than the Babylonian. This may have been the motive which led the Karaites to establish their center at Jerusalem, since the antagonism between them and the Rabbanites of the later place, was not as sharp as that characterizing the Babylonian sages. This is possibly due to the similarity of attitude regarding the severity of the halakahs, a tendency shared by both the Jerusalem school and the Karaites.<sup>20</sup> It is further possible that on this very account it was comparatively easy for the Karaites to recruit members for their sect from among the Jewish elements in Jerusalem.

A similar parallel has been drawn between the Karaite and certain Samaritan halakahs.<sup>21</sup> It is notable that the Samaritans constantly remained inhabitants of Palestine, never having left it.

<sup>17</sup> Hadasi in mentioning him says:

„דת יודגאן הוא הרועה, רועה גמליך בועץ: עצה רשע וחורה כי הוא המשיח וסען בנבואה וסאמיניו אופרים כי הוא חי ולא מת ועתיד לבוא ולתורות הוראת ולחציל סנקמת עתידך." b. p. 41 אשכול הכופר

<sup>18</sup> Especially in the time of Benjamin Nahawendi.

<sup>19</sup> Cf. end of *Yam Shel Shloime* to Baba Kama.

<sup>20</sup> Cf. Revel, *The Karaite Halakah*.

<sup>21</sup> Cf. Introduction to the *Fragments of a Zaddakite Work*, by S. Schechter.

The author of the *Hiluk*<sup>22</sup> enumerates four antagonistic sects that flourished during the last days of the Second Commonwealth

וראשונים אנחנו מהם וממנו היו גרמזין ירושלמין ושמותין וצדוקין  
וביתוסין.<sup>23</sup>

It is clear that by Jerusalemites, he means the Jews of Palestine. But in regard to the Shamutins mentioned by Karaite as well as Arabic writers,<sup>24</sup> it appears that there is no basis for characterizing them as a sect, as they were merely adherents of the school of Shammai. This can only be explained by the fact that the Karaites preferred the dicta of Shammai to those of Hillel.<sup>25</sup> As a matter of fact, the later Karaites lay claim to being the direct spiritual descendants of the school of Shammai.<sup>26</sup>

In taking up the matter of the halakah of the pre-Anan sects, the most important are contained in the Fragments. As to the period of these halakahs, it appears that the scholars who place there halakahs as pertaining to the early history of the Karaite sects (cir. 500 A. D.) are correct. Ginsberg is manifestly right only in his view that these Fragments are in agreement with the Pharisaic halakah, and diverging therefrom in but few instances.

As is already known, these Fragments evoked widespread

<sup>22</sup> Pinsker, vol. II, p. 101.

<sup>23</sup> Ibid.

<sup>24</sup> Masudi, Markusi and others; de Sacy, vol. I, p. 13; Pinsker, vol. I, p. 6.

<sup>25</sup> Ibid, p. 5.

<sup>26</sup> According to the view advanced by Dr. B. Revel, in his book on *The Karaite Halakah*, part 1, pp. 4-5, the Karaite halakah is not altogether in agreement with the halakah of the Sadducees, but it is partly in accord with the halakah of the Pharisees, and he attempts to show that Philo's teachings influenced the Karaites to some extent. He also is of the opinion that the Karaites were influenced by the Samaritan sects. Although there may be some basis for the latter assumption, still, on the whole, we should not seek to discover any single influence, but rather, and this is far more logical, assume that there were several contributory causes.

discussion as to their character and composition. Schechter in his introduction,<sup>27</sup> purports to discover in these Fragments a complete Sadduceean work. It is his belief that they compose the *Sefer Zadok* mentioned by Kirkisani, and that this work exerted considerable influence upon the Karaites. Buchler however,<sup>28</sup> dissents from this opinion.

Louis Ginzberg, in his book *Eine Unbekannte Jüdische Sekte*, has proven that the halakahs of this book agree in practically all instances with the halakahs of the Pharisees; only a few of the Zadokite halakahs differing from those accepted by us, and he regards it therefore as a Pharisaic work of the days of the Second Commonwealth.<sup>29</sup>

The more feasible position seems to lie, as is usually the case, between these two extreme theories. To all appearances, the *Sefer Zadok* was written neither by a Pharisee disciple nor by one influenced by Sadducee doctrine, but is a work compiled by an unknown sect in the days before Anan, perhaps by the early Karaites, who adopted some halakahs from the Sadducees, and followed the Pharisees in many of the latter's practices. The members of this unknown sect were also in contact with the Dosithean group among the Samaritans.<sup>30</sup> The latter exerted quite an influence upon them, as particularly evinced later on in the Karaitic halakahs. The Zadokites comprised a sect by themselves, and may truly be regarded as the first of the Karaites. The attempt made by Dr. Ginzberg<sup>31</sup> to draw a broad line of demarcation between the Zadokites and Karaites, this line to consist of their belief, or disbelief,

<sup>27</sup> Part 1, pp. 4-5.

<sup>28</sup> In the J. Q. R., 1911, vol. I.

<sup>29</sup> Cf. *Harvard Theological Review*, July 1911; George Foot Moore: *The Covenants of Damascus: A hitherto unknown sect*, pp. 330-370.

<sup>30</sup> *Fragments of a Zadokite Work*; Wreschner in his work *Die Samaritanische Traditionen* and L. Ginzberg's book already cited.

<sup>31</sup> *Ibid.*

in the Talmud, is questionable. His contention that since these Fragments are in accordance with the Talmud, and can therefore not be of Karaite origin, does not prove that the Zadokites were a Rabbanite sect. For, the founders of different sects as Anan, Benjamin Nahawendi, and later on, Nissin ben Noach frequently abided by Talmudic decisions. The last of the Karaites mentioned even made the study of the Talmud obligatory.<sup>32</sup> In spite of that however, these men were the founders of the Karaitic community.

There is also a hint in these Fragments of the author's adherence to the Talmud. There is no mention made of any one of the Tannaim or of the Mishnah, nor of the Tosefta, the Sifri, Safro, the Mekilta or the Baraita. Is it possible, then, that in a Pharisaic work of the days of the Second Commonwealth, as is Dr. Ginzberg's contention, that not one of the Jewish leaders or Tannaim should be mentioned?

Of the approximately one hundred halakahs contained in these fragments, most of them harmonize with the Talmudic pronouncements,<sup>33</sup> and are either taken directly from the Mishna, Baraita and Tosefta, or from other sources. Dr. Ginzberg has pointed out nine instances only wherein there exist differences between those halakahs of the Fragments and the halakahs of the Talmud, and that even for these few divergencies corroborative sources may be found in the Talmud, or in the older halakahs.

It would obviously be gratuitous to list those in agreement with our halakahs, and which furthermore, have already been listed by Ginzberg. We shall therefore cite only those nine which have been found to be at variance with our halakahs.

<sup>32</sup> In his *Biton Ha-maskilim*, mentioned by Pinsker, he says:  
ולחבין במשנה ותלמוד בהלכות ותוספתות

<sup>33</sup> According to Dr. L. Ginzberg, who traces nearly all the halakahs of the fragments to Talmudic sources.

I. The first of these is the paragraph 4, 20, 21, dealing with the law regarding polygamous marriages. Ginzberg has correctly shown the meaning of this paragraph to be an "intention to interpret the passage in the Bible (Leviticus 18, 18): Neither shalt thou take a wife to her sister, to vex her . . . besides the other in her life time . . ." as prohibiting polygamy,<sup>34</sup> and not as Schechter<sup>35</sup> sought to infer from it, that the Zadokites wished to forbid divorce. Nor must serious consideration be given to the earlier assertions of Kirkisani and Hadasi that this passage signified an anti-divorce measure. For Hadasi quotes Kirkisani; the latter having either misunderstood the text and thus come to interpret it wrongly, or was not quite familiar with the Fragments, for those few passages left to us from the now-lost *Sefer Zadok* mentioned by him completely belie the fact, by their different style and content, that the *Sefer Zadok* is at all identical with the Fragments. In regard to the Karaites, Anan as well as the later Karaites interpreted the term 'to vex her' as applying only to such cases where the subsequent marriage hinders the husband in the proper performance of his conjugal duties to his

<sup>34</sup> And even so is it against our commentary in the Mishnah Yebamot 1.1.

<sup>35</sup> In his introduction to the Zadokite Fragments, when talking about the laws of the Zadokites, Schechter asserts, that only two are recorded by Kirkisani. The one is that they absolutely forbade divorce, which the Scriptures permitted (Kirkisani, p. 304). In the same chapter again, treating of Jesus and his followers, the Nazarenes, he remarks, "Jesus forbade divorce as the Zadokites forbade it," (Kirkisani, p. 305). He made a similar remark about Obadiah of Ispahan (or Abu Isa) who "forbade divorce as the Zadokite and the Nazarenes forbade it" (Kirkisani, p. 311). Hadasi's evidence is to the same effect, namely, that Obdiah of Ispahan, like the Zadokites, "forbade divorce in all cases, which he declares is not in agreement with the word of God." He expresses himself similarly elsewhere, censuring the religion of the Zadokites, decrying this prohibition as being against the Scriptures. As pointed out above, this is precisely the view of the sect, which regarded a second marriage during the lifetime of the first husband, even after divorce, as fornication.

first wife; but where the occasion 'to vex' is not brought about, a second marriage is permissible.

II. Further on in the text (5-7) we find the passage

ולוקחים איש את בת אחיהם.

with regard to the marriage of one's niece. The author of the Fragments seems to agree with the Samaritans to whom this was prohibited as it was to the Karaites, and contrary to the Rabbanites who permitted such marriages. The Talmud even considered marriage with a niece a virtuous deed.<sup>36</sup>

III. Passages 11-18 treat of the Sabbatical sacrifice

אל יעלה איש למזבח בשבת כי אם עולה שבת כי כן כתוב  
מלבד שבתותיכם.<sup>37</sup>

Ginzberg understands by it that on the Sabbath only the daily sacrifices may be offered and that the author of the Fragments is opposed to the ruling of Hillel (Pes. 66a) that the Paschal sacrifice takes precedence over the Sabbath.

IV. (12-1.) ואל ישכב איש עם אשה בעיר המקדש לטמא. is also not in agreement with our halakah. In the halakahs concerning the Holy City, the Mishnah does not mention this law at all.<sup>38</sup>

V. (12, 7) אל ישא מהונם כל דבר (12, 7) is an injunction not to accept anything from the Gentiles. If the writer here refers to sacrifices, then his edict surely is contrary to our

<sup>36</sup> Yabamot 62 b:

והנשוא את בת אחותו עליו הכתוב אומר אז תקרא ות' יענה  
see also note 3 to p. 31, in Ginzberg's book and also notes 1.2 to p. 33.

<sup>37</sup> Lev. 23-38, but there is 'ה שבתות Anan who also accepted that law says in *Sefer Ha-mitzvot*, p. 76:

„ומנו לן ולא מסקינן בשבת אלא עולה דשבת דכתוב עולה שבת בשבת, דקא כתב קראה בשבתו לאודעך ולא סלקא עולה בשבת אלא עולה דשבת, דאי לאי הכי, הוה כתוב עולה שבת על עולת החמיר, אילא רק קראה וכתב בשבת לאודעך ולא סלקא עולה בשבת אלא עולה דשבת.”

<sup>38</sup> Kelim 1.6-8.

halakahs which permit us to accept sacrifices from non-Jews.<sup>39</sup>

VI. (12, 8)

אל ימכור איש בהמה ועוף טהורים לגוים בעבור אשר לא יזבחם. This also is opposed to our halakah, which permits the sale of small cattle to Gentiles.<sup>40</sup> From the Talmudic discussion on the subject, it is evident that this prohibition was entirely unknown to the Tannaim.

VII. (12, 9) ומגורנו ... אל ימכור להם בכל מאדו.

This is also at variance with our halakah, which permits the sale of grain and wine to Gentiles.<sup>41</sup>

VIII. (12, 13, 14) כי אם נקרעו חיים ונשפך דמם.

According to Ginzberg the author does not here intend to imply a sort of Schita applicable to fishes, as is indeed the custom among the Samaritans<sup>42</sup> and some of the Karaites,<sup>43</sup> but rather to forbid the use of the blood of fish. That is why he enjoins the tearing to pieces of live fish, so that the blood may flow out while living, which is impossible after death. But this too would be opposed to our halakah, which does not require it at all.<sup>44</sup>

IX. (12, 15-16)

וכל העצים והאבנים והעפר אשר יגאלו בטומאת האדם.

Here Ginzberg purports to note the omission of the word כלי immediately after the word וכל, so that this would agree with our own halakah in all respects, with the ex-

<sup>39</sup> Hullin 13 b.

<sup>40</sup> Cf. Abadah Zara Mishnah 1.6 and in Gemara Babli 14b, 15a and 15b.

<sup>41</sup> Abadah Zara 1.8.

<sup>42</sup> *Samaritische Traditionen*, pp. 51-52.

<sup>43</sup> Cf. Hadasi, p. 89.

<sup>44</sup> There is a current expression in Talmud קרעו כרג see Hull. 21a Pes. 49b. In both places it is ר' שמואל בר נחמני who says it in the name of ר' יוחנן and with the addition:

אמר ר' שמואל בר יצחק: ומגבו.

ception of the dicta referring to stone vessels, which, in our laws, do not become unclean.<sup>45</sup>

It is these nine halakahs which Ginzberg finds so divergent from our own. As against this, he proves that most of the other halakahs, especially those dealing with the Sabbath, do agree with the halakahs of the Pharisees. In spite of this, however, he is ready to admit that many of the halakahs of the Karaites, particularly those of Anan, are in agreement with these Fragments.<sup>46</sup>

As has been already indicated, these halakahs do not have to be in total agreement either with those of the Rabbanites or Karaites. Occasional differences of opinion arose also among the Rabbinical scholars themselves: this is no less true of the Karaites, as witnessed by the divergent views on certain matters held by Anan and Benjamin Nahawendi, and between them and the later Karaites. It is also a fact that there were differences of opinion between the early Karaites and Anan.<sup>47</sup> Hence we may assume that the Zadokite halakahs are in essence halakahs of the early Karaites.

Regarding the halakahs of the Abu-Isawites, no works have been left to us. Hence, whatever we do know of this sect, has been gleaned from Kirkisani and Hadasi<sup>48</sup>; the latter having drawn his information in addition to Karaite sources, from the Arab historians, as well as from what had been written or said about them by other contemporaneous sects.

Of the laws promulgated by Abu Isa, we shall find some to be of importance here.

I. Abu Isa forbade divorce, Kirkisani adding however,

<sup>45</sup> Cf. *Eine Unbekannte Jüdische Sekte*, p. 179.

<sup>46</sup> Ibid p. 212, 213, 216, 218, 220.

<sup>47</sup> In those days there was an abundance of sects, each of them having different laws, cf. "Orient," 1848, No. 48.

<sup>48</sup> Who principally quotes the book of Al-Mukammis and Kirkisani.



that "even has this law been forbidden by the Sadducees and the Christians." So also says Hadasi:

ואסור שיגרש איש את אשתו מפיו מצא בה ערות דבר, כאשר  
אמרו הצדיקים אשר לא כדבר ה'.<sup>49</sup>

This, of course, is entirely opposed to our halakah, for even the School of Shammai, which was unusually severe with regard to divorce, does permit it in the case of moral laxity on the part of the woman.<sup>50</sup>

II. Abu Isa makes it obligatory to pray seven times daily, because of the saying of the Psalmist "Seven times a day do I praise Thee" (Psalm 119, 164) and so we find it also in Hadasi. He too said that God had commanded him in a vision to read the Shema and the Eighteen Benedictions, and accordingly Abu Isa made this obligatory upon his followers.<sup>51</sup>

III. On Kirkisani's authority, Abu Isa also said that God had forbidden him to eat meat<sup>52</sup> or to drink wine. Hadasi claimed that this applied to all of Abu Isa's followers, quoting the Biblical account of the Rachabites<sup>53</sup> in corroboration.

The prohibition against the eating of meat coincides with the custom of some of the ascetics at the destruction of the Second Temple,<sup>54</sup> whereas the prohibition against wine is in accordance with Jeremiah (Jeremiah 3; 6).<sup>55</sup>

IV. We also learn from Kirkisani that the Abu Isawites were in thorough agreement with the Rabbanites with regard to the holidays. They recognized the Talmud

<sup>49</sup> Cf. note 24, 25.

<sup>50</sup> Gittin, 9-10. Cf. Ginzberg, p. 27; Schechter, p. 15.

<sup>51</sup> Cf. *אשכול חכמה* p. 97.

<sup>52</sup> Except poultry, but not chickens; he also allowed the eating of deer meat.

<sup>53</sup> Jeremiah, 35.6.

<sup>54</sup> Cf. *Baba Batra*, p. 60b.; *Sefer Ha-mitzvot* of Anan, p. 4.

<sup>55</sup> Cf. Kirkisani, chapter 11.

and esteemed highly the Talmudic sages, placing them on a level equal to that of the Prophets.<sup>56</sup>

As related by Kirkisani, the Rabbanites did not molest them in any manner whatever, in contrast to the Rabbanite's behaviour towards the Ananites and the Karaites.<sup>57</sup> Abu Isa also considered Jesus<sup>58</sup> and Mohammed as prophets, each sent by God to guide and teach some particular nation, and therefore instructed his followers to study the New Testament and the Koran.<sup>59</sup> Abu Isa also informed his followers that he considered himself as the Messiah.

As to the Yudganites Kirkisani informs us, that Yudgan was a disciple of Abu Isa, and that he also considered himself a Prophet.<sup>60</sup> Of the halakahs quoted in Yudgan's name by Kirkisani, we learn that the former also forbade the eating of flesh and the drinking of wine. He enjoined upon his followers the need of much prayer and fasting.<sup>61</sup> He also asserted that the observance of the Sabbath and holidays was no longer obligatory, but that these days remained only as religious mementoes of the past.<sup>62</sup> It was also his view that man was endowed with Free Will, and therefore he believed in Reward and Punishment.<sup>63</sup> Hadasi corroborated Kirkisani in all this. Pinsker quotes the Karaite Jepheth, in his commentary to the Bible: "The

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> However he did not prize Christianity. Cf. Harkavy's notes to Graetz.

<sup>59</sup> Kirkisani, ch. 11.

<sup>60</sup> Ibid.

<sup>61</sup> Cf. with the saying in Talmud about those who fast always.

<sup>62</sup> As he considered himself the Messiah, he held the holy days to have been abolished, according to the saying of the Talmud Yerushalmi (Teanit, ch. 2-12).

<sup>63</sup> At that time most of the sects were inclined to believe in Reward and Punishment. This, perhaps, may be ascribed to the influence of Christianity.

Yudganites and Shadganites say that we have no commandments whatever in exile, and they also say that we have no laws of cleanliness and uncleanness, and that even the holidays are to be observed by us mainly as a remembrance of the practices of our fathers, and that furthermore we are to ease our burdens with regard to many of the commandments. They permitted the food of the Gentiles and unclean foods." <sup>64</sup>

To sum up: In none of the writings and practices of any of the above enumerated sects is there a trace of either an avowed or hidden hostility to the Rabbinic halakah (though there was some dissatisfaction with certain of the dicta of the Talmud). On the other hand, we see that in most of the ordinances and prescriptions of the early Karaites they follow the paths of the Talmud faithfully. These sects were mainly distinguished by their mystical leanings,<sup>65</sup> the result of the times and of extraneous influences, and to a certain extent, of their quite unintentional adoption of many of the practices of the nations and sects amongst whom they dwelt. On the whole, however, the Talmud and especially the Mishnah, Tosefta, Baraita as well as all the time honored halakahs were highly prized by them.

As a result of the spirit of the times, and goaded on by various other existing sects, the conflict with Anan arose. In harmony with the reigning spirit of sectarianism, Anan decided to found a new sect, and pursuant to the practices and habits of that day, the new teaching of Anan and the Ananitic Faction came into being.

<sup>64</sup> Pinsker, p. 26.

<sup>65</sup> Sharestani relates that Yudgan said that the Torah contained both exoteric and esoteric matter, and that he, i. e. Yudgan, interpreted the Torah according to mystic rules.

### CHAPTER III

#### THE HALAKAHS OF ANAN AND THE ANANITES

The halakahs of Anan became known to us, in part through the Fragments of his *Sefer Ha-mitzvot*,<sup>1</sup> published by Dr. Harkavy, and partly through Dr. Schechter's work. Again, the sources afforded to us from quotations by various Karaite writers, and from the Responsa of the Rabbis of the Ananitic period of later days<sup>2</sup> have contributed greatly to the collection of his halakahs.

Anan was well versed in the Mishnah and Talmud, as is attested both by his adherents and by his opponents. Reb Natruoi Gaon relates of him that he instructed his pupils as follows: "Abandon the path of the Talmud and I will give unto you a Talmud that is mine."<sup>3</sup> Quite aside from the fact that this in itself proves that he felt equal to the task of promulgating a new Talmud, it also proves that he was thoroughly well acquainted with Talmudic method and content. As a matter of fact, his *Sefer Ha-mitzvot* is written in a form identical with that of the Talmud, and following the latter's peculiar scholastic, dialectical method. We must admit that in that era of homiletics and cabbalistic productions, Anan's

<sup>1</sup> The *Sefer Ha-mitzvot* was written by Anan as the result of three years of application. He published it in the year 770. His celebrated quarrel with the Rabbis took place ten years earlier, in 760.

<sup>2</sup> Harkavy has gathered into a volume all the halakahs of Anan that were known in his day (903) in his *Studien und Mittheilungen*, VII (לקוטי קדמוניות, חלק שני) to which I presently intend to devote special attention. The Fragments of the *Sefer Ha-mitzvot*, published by Schechter, are for the most part mutilated or abridged and, besides, in quite a few instances, there is a similarity between them and those published by Harkavy.

<sup>3</sup> The *Responsa* of Reb Natruoi Gaon, section 43, 38-71.

book truly did represent a refreshingly new and different contribution in the Talmudic field. Were it not for his quarrel with the Rabbis, he would have become an accepted legal authority among the people and his book would have become a standard work. Others after him also attempted to create similar, rabbinic work on the halakah, as for example the *Sefer Ha-shilot* of R. Achya Gaon, the *Halakat Psukot of Reb Yeshudoi*, the *Mea Sheorim* of Reb Yitzchok Albalia, and later the code of Alfasi (1050). All these works however have neither the form nor the dialect of the Talmud. Even Alfasi, though writing entirely in the Talmudic style, does not employ its method to the same extent as Anan. Indeed, Anan's book was the sole exception to this rule of dissimilarity. Anan was the very first, or at any rate, one of the first, to create a book of this type, especially as far as it concerns the Talmudic form and style.<sup>4</sup>

Anan readily admitted that he had adopted his halakah from the Talmud, and that a goodly portion of the talmudic halakahs were sound.<sup>5</sup> As a matter of fact, Anan followed the Talmud in most of his halakahs, sometimes in the form of an accepted or concrete halakah, and other

<sup>4</sup> As proof of our contention we will cite here an example from the *Sefer Ha-mitzvot* in order to demonstrate his original pilpulistic methods following the same trend as the Babylonian Amariim did in their days. This in itself proves his inner psychological identification with the Talmud:

ומתקנין לחון לרשואתא דהלין גדילתא כי היכין דלא תיפשו  
גדילתא כי דמתקנין ראשה דאריסא דכ' תעשה אותם כעשה עבת  
ועבדינן ד' גדילתא דכ' גדלים תעשה לך ואורכא דכל גדילתא וגדילתא  
האוי שפת ואיפובן לה על תרין וזירינן לחון בחוטא לתרין אשרפי על  
הדרי בעיקבא ומתקנין לה כי היכין דכד פתחין תרין אשואתא סן תדרי  
ליהאוי גיסא ולהאוי גיסא דאסו לתכין אשרפי דנפקין בלבא דאילנא  
חד לאפי תברית ומנא לן דהכי, כת' חכא ציצית וכו' במשה אהרן ויצא  
פרח ויצץ ציץ סח ציץ דהתם תכין אשרפי הוא דנפקין באילנא חד לאפי  
תברית אף האוי ציצת נמי כי האוי גונא הוא והאוי דכתב התם  
ציץ וכת' חכא ציצת מושים דאילנא מנפשהון נפקין והאכא אכן הוא  
דבעינן מעמד דומית. (ספר המצות לענן (Published by Harkavy, p. 9)

<sup>5</sup> Such is the testimony of Salman ben Yerucham in his commentary to Psalms.

times, following the dissenting opinion of an individual who was in opposition to the view of the majority; then again, he followed a mere hint or letter of the Talmud, or took some custom recorded in the Talmud and converted it into a halakah. Furthermore, he often took a mere recommendation to the pious, to act thus and thus as a matter of pity and loving-kindness, and ordained it as Law. On the whole, it may be said that ninety per cent of his halakahs are firmly rooted in the soil of the Talmud.<sup>6</sup>

Anan employed not only the 13 methods of Rabbi Ishmael in the deduction of his halakahs, but also the 32 methods of Rabbi Eliezer ben Reb Josy. He even made use of other dialectical methods that he found here and there in the Talmud.<sup>7</sup>

According to the evidence that we gather from his *Sefer Hamitzvot*, as well as from the assertions of some of the latter day Karaites, Anan made use of the following dialectical methods in the process of building up his halakahs:

I. A Minori ad Majus,<sup>8</sup>

קל וחומר.

II. Analogy of words,<sup>9</sup>

גזירה שוה.

<sup>6</sup> Cf. Kirkisani, p. 10.

<sup>7</sup> It is quite possible that Anan, who was not an adherent to the Talmud as much as the Rabbanites, for whom the Talmud was an authority, was more in a position to handle the halakahs as he saw fit. At any rate his *Sefer Ha-mitzvot* shows a deep acquaintance with the Talmud, both the Yerushalmi and Babli. His work shows that not a single halakah, custom or pious recommendation, contained in the Talmud, was unknown to him.

<sup>8</sup> Moses Bashyazi in his *משה בשיזי* 16a, quotes Anan as saying with regard to the *קל וחומר* that this was the true dialectical form of the Talmud, and that he had also employed the same dialectical form with regard to the prohibition of *בת בתו* (similar to that employed by Abaya in Sanhedrin, 76a).

<sup>9</sup> Bashaizi, *Ibid*, says as follows:

ואמר ענין ראש הגולה כל כתוב הכא וזאת לכל נגע הצרעה וכתוב זאת התורה ועולה ולמנחת, וכתוב הכא וזאת תורת השלמים, וזאת תורת

III. Analogy of subjects,<sup>10</sup>

היקש.

IV. Two passages close to one another,<sup>11</sup>

סמוכים.

V. Something proved by the context,<sup>12</sup>

דבר הלמד מענינו.

VI. Something proved by the end,<sup>13</sup>

דבר הלמד מסופו.

VII. General and particular,<sup>14</sup>

מכלל ופרט.

VIII. Particular and general,<sup>15</sup>

מפרט ומכלל.

חזק, מה עולה ומנחה ושלמים ונגע הצרעת אין אנו עושים בגלות עתה ונתבטלו, אף מוטאת סת וזב נתבטלו בגלות...  
<sup>10</sup> This method was most favored by Anan and by the Karaites. They practiced this form of analogy of subjects in different ways. This is a sample:

ואף דינא דמוסי נמי לא דינינן האבא דכתיב לא תחוס עיניך נפש בנפש אשוינן למוסי לנפש מאי דינא דנפש לא דינינן האבא אף דיני דמוסי נמי לא דינינן האבא.  
 (S. H. of Anan, p. 14).

<sup>11</sup> In the Talmud we repeatedly encounter the argument of analogy of subjects in different ways. This is a sample:  
 ואף דינא דמוסי נמי לא דינינן האבא דכתיב לא תחוס עיניך נפש בנפש אשוינן למוסי לנפש מאי דינא דנפש לא דינינן האבא אף דיני דמוסי נמי לא דינינן האבא.  
 (S. H. of Anan, p. 14).

<sup>12</sup> In the Talmud we repeatedly encounter the argument of analogy of subjects in different ways. This is a sample:  
 ואף דינא דמוסי נמי לא דינינן האבא דכתיב לא תחוס עיניך נפש בנפש אשוינן למוסי לנפש מאי דינא דנפש לא דינינן האבא אף דיני דמוסי נמי לא דינינן האבא.  
 (S. H. of Anan, p. 14).

<sup>13</sup> In the Talmud we repeatedly encounter the argument of analogy of subjects in different ways. This is a sample:  
 ואף דינא דמוסי נמי לא דינינן האבא דכתיב לא תחוס עיניך נפש בנפש אשוינן למוסי לנפש מאי דינא דנפש לא דינינן האבא אף דיני דמוסי נמי לא דינינן האבא.  
 (S. H. of Anan, p. 14).

<sup>14</sup> In the Talmud we repeatedly encounter the argument of analogy of subjects in different ways. This is a sample:  
 ואף דינא דמוסי נמי לא דינינן האבא דכתיב לא תחוס עיניך נפש בנפש אשוינן למוסי לנפש מאי דינא דנפש לא דינינן האבא אף דיני דמוסי נמי לא דינינן האבא.  
 (S. H. of Anan, p. 14).

<sup>15</sup> In the Talmud we repeatedly encounter the argument of analogy of subjects in different ways. This is a sample:  
 ואף דינא דמוסי נמי לא דינינן האבא דכתיב לא תחוס עיניך נפש בנפש אשוינן למוסי לנפש מאי דינא דנפש לא דינינן האבא אף דיני דמוסי נמי לא דינינן האבא.  
 (S. H. of Anan, p. 14).

<sup>16</sup> In the Talmud we repeatedly encounter the argument of analogy of subjects in different ways. This is a sample:  
 ואף דינא דמוסי נמי לא דינינן האבא דכתיב לא תחוס עיניך נפש בנפש אשוינן למוסי לנפש מאי דינא דנפש לא דינינן האבא אף דיני דמוסי נמי לא דינינן האבא.  
 (S. H. of Anan, p. 14).

IX. General, particular, and general,<sup>16</sup>

כלל ופרט וכלל.

X. General, which requires the particular, and particular, which requires the general.<sup>17</sup>

מכלל שהוא צריך לפרט ופרט שהוא צריך לכלל.

XI. Something understood in general and removed therefrom, taken out not for its own sake, but for the sake of the whole,<sup>18</sup>

דבר שהיה בכלל ויצא מן הכלל, לא ללמד על עצמו יצא, אלא ללמד על הכלל כלו יצא.

XII. Something understood in general and removed therefrom in order to treat of a new thing; it can not be included in the general unless the passage allows it,<sup>19</sup>

דבר שהיה בכלל ויצא לידון בדבר חדש, אין אתה יכול להשיבו לכלל עד ששייבהו הכתוב בפירוש.

XIII. The conclusion of an argument is permissible when the conclusion is like the major premise,<sup>20</sup>

דיו לבא מן הרין להיות כגידון.

<sup>16</sup> כמו אמר, ונתת הכסף בכל אשר תאונה נפשך, הרי זה כלל, בבקר ובצאן וכיין ובשכר, הרי זה פרט, ובכל אשר תשאלך נפשך, הרי זה כלל, והנה כלל ופרט וכלל, ואין אתה דן אלא כעין הפרט, שיהיו גם אשר תשאלך נפשך סמיני אוכל. (Ibid)

<sup>17</sup> כמו אמר, קדש לי כל בכור, תכלל גם הנקבה הבכירה במשמע, אשר תקדיש, פרט, או זכר וכול אפילו אם יצאת נקבה לפניו, אמר פרט, פטר רחם, אי פטר רחם וכול גולד אפילו לאחר יוצא דופן, אמר בכור, זה יגיד לנו כי יהיה זכר ובכור ופטר רחם וכו'. (Ibid No. 170).

<sup>18</sup> תוכן הפסוק זה שאמר והנפש אשר תאכל בשר מזבח השלמים אשר לה' וממאתו עליו, והלא השלמים בכלל הקדשים היו ככתוב בפרשת אמור, אמור אליהם לדורותיכם כל איש אשר יקריב וגו' וכשיצא מן הכלל לא ללמד על עצמו יצא, אלא ללמד על הכלל כלו יצא. (Ibid No. 170)

<sup>19</sup> כמו שאמר ושתם את הכבש במקום אשר ישחוט את העולה ואת תחמאת במקום הקודש הוא מקודש, שאין הכתוב אוסר כי כחמאת האשם הוא לכהן אלא לפי שיצא לידון בדבר חדש שלא אמר כמוהו בשאר משמות, כי אמר בו והניף אותם תנופה לפני ה' ומנופות הם קדשים קלים ושלא נאמר כי אתר שהניף את הכבש הוקל בקדשתו זו האשם קשהו כמנופות לפניך. (Ibid No. 170).

<sup>20</sup> כמו ויאמר אל משה ואביה ירוק ירק בפניה הלוא תכלם שבעת ימים ק"ו לכבוד האלהים ארבע עשר יום, דיו לבא מן הרין להיות כגידון הסגר שבעת ימים סתוק למחנה אלא הפך ה' ית"ש לעשותה. (Ibid No. 169) ללמד מן הרין להיות כגידון שנאמר שבעת ימים.



XIV. Something which is not interpreted in its own place but is interpreted in another place,<sup>21</sup>

מדבר שאינו מתפרש במקומו ומתפרש במקום אחר.

XV. A basis from a passage of scripture,<sup>22</sup>

בנין אב מכתוב אחר.

XVI. A basis from two passages of scripture,<sup>23</sup>

בנין אב משני כתובים.

XVII. Something which explains a part of the subject and the explanation is necessary for the whole subject,<sup>24</sup>

מדבר שיבאר בקצת הענין ויצטרך בכלל.

XVIII. Something understood in general and removed therefrom (i. e. from the general) to throw light upon itself,<sup>25</sup>

מדבר שהיה בכלל ויצא מן הכלל ללמד על עצמו.

XIX. Something understood in general and removed in order to throw light upon another thing,<sup>26</sup>

מדבר שהיה בכלל ויצא ללמוד על חברו.

<sup>21</sup> דבאכילה כא אבא וברכת את ה' אלהיך על הארץ הטובה וטובה <sup>21</sup> דארץ ישראל ציון הוא דכתיב עלה ההר הטוב הזה הלבנון, הולך בעיני לברוכי לאכילה ברכה דמדברין בה ציון. (*Sefer Ha-mitzvot*, p. 19)  
This is the seventeenth method of Reb Eliezer ben Yosi's 32 methods.

<sup>22</sup> ודינא דשבר כמי לא דינן חכא ושבר תיבאר דגמרא תוה דכתיב <sup>22</sup> שויתי עד בקר כארי כן ישבר כל עצמותי. (*Sefer Ha-mitzvot*, p. 15)

<sup>23</sup> כמו שאמר בזה וכל אשר יגע בו הזב וידיו לא שטף במים וכבס בגדיו ורחץ בשרו במים ומטא עד הערב, ובטמא מת יאמר כי מי נדה לא זורק תליו, טמא יהיה עוד סומאנתו בו. אלה שני הפסוקים הם בנין אב לכל הטמאים ופטמאים בין מגופו ובין במקרה. (169 ג. אשכול הכופר).

<sup>24</sup> The 23rd method of the 32 methods by Reb Eliezer. He described this method as

מדבר שהוא מוכיח על חברו, כמו שאמר קול ה' יחיל מדבר, יחיל ה' מדבר קדש, וכי מדבר קדש יחיל לבד מלפי ה' והלוא כל המדבריות יחילו ותוחלו לפניו בכלל ולמה תוא פרט לבדו? מפני שהוא תחקיק שבהן. (170 ג. אשכול הכופר).

<sup>25</sup> כמו אמר לכו וראו את הארץ ואת יריחו והלוא יריחו בכלל <sup>25</sup> היתה ולמה יצאה מן הכלל ללמד על עצמה שהוא שקולה כנגד כל הארץ. (*Ibid*)

כמו שאמר לא תקחו כופר לנפש רוצח ותלוא הריגת רוצח <sup>26</sup> בכלל כל האנשים היתה ולמה יצאה מכלל, לא יצאה כי אם ללמד על שאר האנשים וכו'. (*Ibid*)

XX. Something which we find in two laws; full power must be given both,<sup>27</sup>

מדבר שהיה בשתי מדות ואתה נותנו בכח יפה שבשתייהן.

XXI. Something which we find in one law, and is also customary in general,<sup>28</sup>

מדבר שנאמר בדבר אחד ונוהג בכל.

XXII. Something which we find in one law, and also in another law,<sup>29</sup>

מדבר האמור בזה ואמור גם בזה.

XXIII. If two passages contradict each other, this contradiction must be reconciled by comparison with a third passage,<sup>30</sup>

שני כתובים המכחישים זה את זה, עד שיבוא הכתוב השלישי ויכריע ביניהם.

XXIV. A short way,<sup>31</sup>

מדרך קצרה.

XXV. A first which is really last in context,<sup>32</sup>

מוקדם שהוא מאוחר בענין.

<sup>27</sup> כמו שאמר צדיק כתמר יפרח וגו' בשם שתתמר אין לו צל ואין עושים ממנו כלים ככת הצדיק, הזכיר ואמר כארז למדנו מה הארז יש לו צל ועושים ממנו כלים לכן אמר ארז, נמצא גופן בכת היפה שבוה ובכת היפה שבוה. (Ibid)

<sup>28</sup> כמו אמר ובשר בשדה טרפה לא תאכלו כלל בכל, אין לי אלא בשדה בעיר מניין? אמר טרפה לא תאכלו, א"כ למה נאמר בשדה? דבר הכתוב בתורה שדרך הבהמות לחטוף בשדה יותר מן העיר. (Ibid No. 171a).

<sup>29</sup> איך אמר ויצר את שני העמודים נחושת ו"ת אמת קומת העמוד האחד וחוט שנים עשרה אמה יסוב את העמוד השני, הזכיר אורך האחד ועובי השני והאמור בזה אמור בזה. (Ibid No. 171b).

<sup>30</sup> כתוב אחד אומר וירד ה' על תר סיני אל ראש ההר וכתוב שני אומר אתם ראיתם כי מן השמים השמיעך את קולו ליסודך ועל הארץ תראך את אשן הגדולה, מלמד שכבוד אלהים ירד בסיני וקולו שמעת מן השמים. (Ibid No. 171c).

<sup>31</sup> כמו אמר ואהיה סתהלך מאהל אל אהל ומשכן, צריך להיות (Ibid No. 171a).

<sup>32</sup> שהמוקדם הוא מאוחר והמאוחר הוא מוקדם שאמר ובני ישראל אכלו את המן ארבעים שנה עד כואם אל ארץ גושבת, את המן אכלו עד כואם אל קצה ארץ כנען אדמת כנענית. וזה דבר שתחילו לאכלת עד סוף מ' שנה ונכתב בענייני שנה הראשונה זה מאוחר ונקדם. (Ibid No. 170).

XXVI. Proverb,<sup>83</sup>

ממשל.

XXVII. The traditional vocalization (of a word in the Bible) and also the consonantal text are authoritative,<sup>84</sup>

יש אם למקרא ואם למסורת.

XXVIII. The accusative "es" (in the Bible) is inclusive,<sup>85</sup>

את לרבות.

XXIX. The particle "col" is inclusive,<sup>86</sup>

כל לרבות.

XXX. The conjunctions "ach" and "rak" are exclusive,<sup>87</sup>

אך ורק מעוטרים הם.

Let us now look into the *Sefer Ha-mitzvot*, and also the other halakahs that Harkavy has gathered in his *Studien und Mitteilungen* in order to compare them with the talmudic halakahs and see how far the two resemble one another.

<sup>83</sup> כמו שאמר זית רענן ופה פרי תואר קרא ה' שמך (Ibid No. 172)

<sup>84</sup> We find this in quite a few places in the talmudic text. In most instances the halakah is in accordance with the מסורת, in some instances however, it is also in agreement with מקרא. Compare Sanhedrin, p. 4, where Reb Yehudah b. Roeb renders his decision in accordance with אם למקרא, and by Hadasi

בגון שכתוב בכל צרתם לא צר וכתוב חוצה לו, בואו ובאורו לשני פנים. (Ibid)

<sup>85</sup> Pes. 22; Menahot, 11; de Soca, 17; Megilah, 2; as well as in many other places, and by Hadasi:

פקדינן רחמינו למעבד מצוותיה באימתא ויקרנן רבי עבדו את ה' ביראתא, ואף על גב דהאני עבדו את ה' על צלותא קאים דבעי צלווי אינוא קמי רחמי באימתא וברתיותא כיון דשמי כתיב בית, "את" גמרינן דמצות כמו באימתא בעינן למעבדנין. (*Sefer Ha-mitzvot*, p. 15).

<sup>86</sup> כמו אמר וכל דם לא תאכלו לרבות כל דמי דם שחיטה ורחיצה (Eshkol Hakofer, No. 178).

<sup>87</sup> Pes. 5a; Erubim, 105; Yoma, 85; and by Hadasi:

כמו אך אשר יאכל לכל נפש וכן שאמר רק אין יראת אלהים, רק את דמו לא תאכלו וכאלה רבים. (Ibid)

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... ויתן לנו לאדעך דלא שרי למישקל מגוים אלא זרעים ומים  
ואף קמחא שרי לן למשקל מגוים דכ' על אשר לא קדמו אתכם  
בלחם ומים (דברים כ"א, ה'). ולחם רגוים מי שרי לן. אילא האי  
לחם קמחא הוא דאשכחן דאקרי קמחא לחם דכ' ויהי לחם שלמה  
שלשים כר סלת וששים כר קמח (מלכים א' ה' ב') וכאין ערורא  
דלא אשתנא מבריתו שרי לן למשקל מגוים ... ומיא דאחמינן  
גוים אסיר לן דאשתני בהדי גוים ...

It is clear that the author means to say here that whatever has been changed in form by non-Jews is forbidden for use to Jews.<sup>38</sup> This is the opinion of the Talmud (Abodah Zorah, 37 B):

והשלכות מנה"מ א"ר חייא בר אבא א"ר יוחנן אמר קרא  
אוכל בכסף חשבירני ואכלתי ומים בכסף תתן לי ושתיתי, כמים,  
מה מים שלא נשתנו אף אוכל שלא נשתנה.

Even the very expression גוים אסיר לנו is taken from the Baraita, which says (ibid) that מה מים is remarkable indeed that in the Targum called on the name of Jonathan b. Uziel we find the passage of בכסף מאתם חשבירו translated by the words עכור כד הוא חי from which it is clear that the author of the Targum Jonathan understood the term אוכל to mean corn that has not as yet been made into bread. Aquila also renders the word אוכל as עבורא The word ערורא is a mistake and it should be עבורא. (It is surprising that Harkavy, in his notes, evinces difficulty in explaining the word ערורא, when it is obviously the error of some rewriter).

Also the law that חלבא דחלבוהו גוים אסור לנו follows entirely the Mishnah of Abodah Zorah, chap. 2. Mishnah 6, and the elucidation of the Talmud in Abodah Zorah 35.b. as well.

<sup>38</sup> Cf. Harkavy's notes in *Studien und Mitteilungen*, VIII, at the end of the book. It is surprising indeed that he doesn't mention this passage of the Talmud at all.

Page 4:

ודקדק קרא וכתב ואכלת שם, שם הוא דשרי למיכל אבל בלא שם לא. ואף התם נהי אפשר ומיכל בשד ואפשי משתה יין אסיר  
לן...

This harmonizes with that which is related in B. B. 60 b. משחרב בית המקדש רבו פרושין בישראל שלא לאכול בשר ושלא לשתות יין

and also the Tosefta, Sota, ch. 15. This was also one of the ordinances of Abu Isa,<sup>39</sup> and it would appear that Anan had taken it as his own. Abu Isa did not derive his ordinances from any Biblical prescription, but rather from his own intuition. Anan, however, as is usual with him, had found a Biblical passage to substantiate his injunction.<sup>40</sup>

וכתב לא תחרוש אמא שור מן בהמה טהורה ואמא חמור מן בהמה טמאה וכתב יחדיו שור וכל מיניה והיינו בהמה טהורה. This agrees with the Mishnah Kil. ch. 8, 2, and also with the Talmud in Baba Kama, 64. b., where it is said that: טמאה עם טהורה וטהורה עם טמאה אסורין לחרוש ולמשוך ולהנהיג

Page 5:

ולא הכי כתביה בתר לא תזרע כרמך למשמע מיניה תרתין כי היכא דפרישנן שדך לא תזרע כלאים הנך כלאים דפריש בזרעים ומאי היא זרעים דעשבים וזרעים דאלנות. This entirely follows the Mishnah, Kil. ch. 1, 7, where it also is forbidden, as stated:

אילן בירק וירק באילן אסיר.

Further,

וכתב לא יעלה עליך ואפילו בביתא נמי אסור למהוה שעטנז דאי הוה בביתא אי אפשר דלא דארי ליה אינש מהכא להתם. This does not agree with the Talmud, Yeb. 4, where it is explicitly stated that שעטנז is forbidden only when used for purposes of dress, but for none other:

יכול לא יפשיננו לאחריו וכו' דאי כתוב רחמנא יעלה הוה

<sup>39</sup> See chap. II, about Aben Isa's halakahs.

<sup>40</sup> Cf. further, ch. IV, regarding other differences.

אמינה העלאה אסר רחמנא, ואפילו מוכרי כסות, כתב רחמנא לא תעשה דומיא דלבישה אסיר בהנאה וכו'.

And so we find it in the Mishnah, Kil. ch. 9. Mishnah 5: Anan apparently took the custom mentioned here and converted it into a Law to be observed by all, as was his practice. In this connection see Shab. 29 b. and 46 b. Pes. 26 b.<sup>41</sup>

Page 6:

וכתיב תלבש לאדעך דשעמנו אף על גב דאסיר לך למלבישה, אי מלבישין לך בעל כורחך לא מתפסת בעוון דומיא דלבישה דאית ביה הנאה.

Agrees with Yeb. 4 B.

where the same thing is stated and even the same wording used but there is extant a Tosefta (Mak. ch. 4, 10) holding to the contrary view:

המלביש את חברו כלאים אע"פ שהמלביש מזיד, חייב

It is surprising indeed that Anan, who usually leans to the side of severity is, in this instance, found on the side of leniency.<sup>42</sup>

Page 7:

אימת דמערבין ישראל ביני נזים גרמא להון מלתא, דעבדין כעובדיהן.

Harkavy, in his comments, remarks that he did not know the source whence Anan had taken this halakah and also that the later Karaites never mentioned it at all. It is interesting to note in this connection, however, that in the Fragments of the Zadokite writings, published by Schechter, we do find the Statute לא ישובו איש במקום קרוב לנזים which, as Schechter asserts, was of Samaritan origin. (Compare Wreschner, pp. 14-15). Ginzberg has already pointed out that, according to the Mishnah, Shab. 1, 7—

<sup>41</sup> This is one of his methods to transform מנהג חסידים into a halakah.

<sup>42</sup> Cf. The beginning of this chapter.

the Talmudists were averse to spending the Sabbath in the proximity of Gentiles. From the implications of this Mishnah, and also from Er. 65 b. and the Samaritan halakah regarding Sabbath regulations, Anan formed a binding and permanent law, as was his practice.

Page 8:

להם דקא אימא קרא לדין עבדינן ציצית ולא לערלים דכ' בציצית להם וכתב בפסח להם, ויקחו להם, מה להם דפסח דדין ולא לערלים דכ' וכל ערל לא יאכל בו, אף להם דציצית לדין ולא לערלים.<sup>43</sup>

Furthermore, this halakah and all other halakahs concerning Zizith in Anan's Code, are in harmony with the Talmud, Cf. Men. 42a and in Sifri, p. 34a., paragraph 115.

Page 10:

ואורכה דגדולתא מנא לן דמפח הוא דכתב הכא ציצית וכתב התם ציץ מה ציץ אורכיה מפח אף ציצית אורכיה מפח הוא.

Cf. Men. 41b. the argument between the Schools of Shammai and Hillel. Anan's statement however that the ציץ was one *מפח* long, does not follow the talmudic saying that the *ציץ* Shab. 63 b.; this is also mentioned in other texts of the Talmud as well.

Page 11:

קא אימא לא יניש את רעהו וגו' דאסיר ליה למיתבעיה לחבריה למפריעהו בשביעית דאמא את רעהו ואת אחיו בין לישראל ובין לגר אסיר ליה למיתבעיה בשביעית.

<sup>43</sup> Harkavy's comment on this is that it agrees with the saying of Rab in Menahot, 42a,

מנין לציצית בנכרי שהוא פסולה שנאמר דבר אל בני ישראל ועשו להם ציצית, בני ישראל עשו ולא הנכרי ועשו.

Rab however took this from יעשן and Anan derived it from להם as against Reb Jehudah, who learns from להם that Zizit which were made by a Gentile may be used by a Jew. It is surprising to note that Harkavy did not perceive the real meaning of Anan, because Anan learns להם only that a Jew must not make Zizit for a Gentile as well as refrain from giving *מפת קרבן* to Gentiles, when the opinion of Rab is that it is not allowed for a Gentile to make Zizit for a Jew.

This follows the Mishnah in maintaining that שמיטה is also obligatory upon proselytes. Harkavy's remark that Anan sides here with R. Eliezer ben R. Simeon (Kid. 38) to the effect that the forfeiture of loans also applies to exilic lands, as against the opinion of Rabbi Jehudah Hanasi, does not appear logical, because this is not at all apparent from the text of Anan's writings in which no mention whatever is made of the matter.

ואימא ידו לאודעך דמה דמוזיף מן ידיה לחבריה דקא אימא  
דמשמט אבל זבין ליה זבינה נביה אי נמי אית ליה לחבריה אנרא  
נביה או נמי אנרא צביתא או נמי קביל ליה קבלת לחבריה לא שמיס  
בשביעית.

This is wholly in agreement with the Mishnah, Sheb. 10, 1.

Further on, on the same page:

לשתא דשמיטתא בעינן לקדושה דכתב הכא כי קרא וכ' התם  
וקראתם דרור מה ההיא דשמיטתא דמקדשינו ליה לשתא דשמיטתא  
בתרועת שופר.

According to the Talmud, R. H. 26 b. and 30 A., the Shofar was blown only on the advent of a Jubilee Year. On the other hand, we find in the Talmud that the Shofar was blown on other, less important occasions, such as when announcing a fast (Ta'an. Ch. 1, 6) in time of drought or when placing some one under the Ban (M. K. 16) etc. The Shofar was also the instrument employed in notifying the people that a thing hitherto forbidden had now been permitted. (Ab. Zorah 40). The Shofar was blown six times on Sabbath Eve (Shab. 35) so that it is quite possible that the Shofar was also used to announce the שמיטה year. The Talmud R. H. is concerned only with establishing the rule that the Shofar rite of R. H. and the Jubilee takes precedence over the Sabbath, and no more (which incidentally, may be interpreted as excluding the blowing of Shofar during Shmite). Anan furthermore speaks only of the obligation to blow the Shofar on Shmita eve, but says nothing whatever about its taking precedence over



the Sabbath, though he deduced this from the similar observance of this rule with regard to the Jubilee.<sup>44</sup>

Page 12:

וקא אימא ואשר יהיה לך אחיך תשמוט ידיך שמן אחיך אסור  
לך למחבוע בשביעית כל יופתא דאית לך גביה בין במשכנתא ובין  
כלא משכנתא.

According to the Mishnah, Sheb. 10, 2, a pledge is not forfeited in the Seventh Year, but is a Baraita and in the Talmud, B. M. 48 b. and in Sheb. 46 b. we find that R. Jehudah Hanasi rendered a decision that the pledge is forfeited in certain cases. Anan in this instance agreed with R. Jehudah.

Page 13:

ומאן דאיסר מימר מצוה לאו מידי אינן או אורייתא לאו  
מידי היא, אי דאימא מי ה'. מחיב קטלא ורגמין ליה כל ישראל.

Anan here gives a broad interpretation of the term יקלל in the Bible. According to his view it appears that not only the blasphemer of God, but even the one who blasphemes His Torah or Commandements, is guilty of a capital sin, as he duly explains further on in the course of his dictum. In this connection it is interesting to compare the Mishnah (Sanhedrin, 7, 5) and the Baraita (Ibid 56 a) where there is a difference of opinion concerning the וסנין לרבות כל כינויין; Anan simply took the words כינויין and gave them a freer interpretation.<sup>45</sup>

Page 14:

והידנא דלא דנינן דינא דקטלא כל דעביד מלתא דמחיב בה  
קטלא פרשינן מיניה...

This follows the Talmud of Ket. 30. and Sanh. 37. in holding that all ordinances involving capital punishments

<sup>44</sup> It may also be that Anan discovered in some of the early halakahs, which are no longer in our possession, that it was a custom to blow shofar on Shmita eve.

<sup>45</sup> Anan interpreted יקלל as Philo. But not the other commentators, including the Targumim.

do not apply at present, but nothing is said of a ban on the guilty one. However, it might be that there was such a custom.

Page 15:

אף דינא דגנפו אשה הרה ויצאו ילדיה ולא יהיה אסון ודינא דשטר כסף או כלים ונגב לא דנינן הכא, דבאשה הרה כתיב ונקרב בעל הבית אל האלהים וכתיב עד האלהים יבוא דבר שניהם בפלילים דקא אימא על כהן ושופט דבית המקדש סאי.

This agrees with the Talmud of Sanh. 52 b. and R. H. 25 b.

Page 16:

וביון דהוה ליה דשע מאן דלא פרש מניה לאטי בהדיה בחוביה דכ' סורו נא מעל אהלי האנשים הרשעים האלה.

This agrees with the sayings of the Talmud אסור להסתכל (Meg. 28, Shab. 104) and similar sayings as: בפני אדם רשע (Suk. 56) אוי לרשע אוי לשכנו

ומאן דמחייב קטלא אי הארר לא מקבלינן מיניה.

that those sentenced to death by a tribunal cannot derive any benefit by repentance, agrees with the Tosefta, Sanh. Ch. 9.

וקא אימא מנל ספר לאדעך דכד קרית בסיפרא הו דמחיבת לבריכי.

Page 17:

This agrees with Meg. 35, though the deduction there is made from another passage. See page cited.

Page 18:

אמא ושבעת קא ראזים רכל אכילה דלאו קביעה לא צריך לברוכי לבסוף. וקביעתא דאכילה מאי היא דקבע דיכתא ויתיב ואכל...

This agrees with the Talmud, Ber. 41-2, where a dis-

<sup>46</sup> But the benedictions of Anan are not opposed to Talmudic law; compare Berakot 40b.

בנימין רעיא כריך דיפתא ואמר: כריך מריא דהאי פותא, אמר רב יצא.

inction is drawn between a regular meal and a mere snack, with regard to the saying of Grace.

The form of the benedictions of *שהכל המוציא* and *ברכת המזון* differs in Anan's code from that of the Talmudists (Cf. Ber. 38 a., 48 b.)<sup>46</sup>

Page 19:

וכר מסיים מה מברך ה' בציון

Anan here makes use of *ממזכין*. Compare Ber. 40 b.

Page 20:

והדר אמרין שירה.

This agrees with the Mishnah, Tamid 7, 4, and also with the Gemara R. H. 31.

Page 21:

דכל כהן דשאתי חמרא וכו' ועיל לאוהל מחוייב מיתה.

In this connection, compare Ta'an. 17a, and the saying of Rabbi on page cited, stating that he is a *Cohen* and must never drink wine. In the *Safro*, portion *Shemini*, the passage *ובניך* is rendered to mean that only the *Cohen* who drank wine during the period of his service is guilty of a capital crime. Anan here is evidently following the Rabbi's dictum. His saying that the Levites are also forbidden to drink wine does not however agree with the Talmudists. Anan evidently took the non-binding admonition of some of the Sages and turned it into a law.<sup>47</sup>

Page 23:

ואף סיפרא אסור בה כל טמא דב' בטמא בכל קודש לא חגע וטהור נמי אסור ליה למקרא בספרא או למכתב ער דשליח מסניה מאשו ידיה.

A hint of this is to be found in Shab. 59:

רוחץ אדם פניו ורגליו בכל יום.

Page 24:

וכתיב ושננתם לבנך אנמרין לבנך ואמרין בלשון שינין דאף פירושא נמי אודיענון לבנך דשינון לשון דהריפותא הוא.

<sup>47</sup> As in many other instances, Anan here established a custom for a *halakah*.

Compare this with the saying in Kid., p. 30:

ושננתם לבניך שיהיו דברי תורה מחודדין בפיו.

Page 27:

אם דם נידה וזבה כד נאפיל על ארעה צריך כסוייה בעפרא, דם נידא מצנע ליה לשנרא.

A hint of this may be found in Shab. 75 b. Compare also Rashi's comment on this passage.

Page 28:

וקא אימא מחוץ למחנה דכי היכא דמרחק לה מן היכא דשרי לה הכי בעי רחוקה מן היכא דשרי שיבא ביה.

Compare this with the Yerushalmi Er., ch. 5, Par. 1.

Page 29:

וזקיקא בלילא הוא.

This is found in a passage in Shab. 86 a:

ישראל קדושין הם ואינן משמשינן ממותיהן ביום.<sup>48</sup>

Page 32:

וקא אימא וכסית את צאתך, דבעי כסוי לצואה.

Compare with the Talmud, Ber. 25a, where the same subject is treated in greater detail.

Page 33:

וקא אימא את ידיהם ואת רגליהם טפי בהו את את דמשוי אבריה כהדי כרעיהו.

In Zeb. 19 b. where this subject is treated at length, it is merely stated that the *Cohen* shall wash his hands and feet, but no mention is made of any other part of the body. This seems to be an innovation on the part of Anan.<sup>49</sup>

Page 35:

ולא מאשו אבריהו ושקיהן אלא בעידנא דעילין לאהל מועד או דקרבין לגבי מזבח ולא מאשי בהו עידנא אלא מן ההוא ביורא דכתיב ורחצו מסנו ולא מן אחר.

<sup>48</sup> Here again Anan takes a prescription concerning good manners and transforms it into a *halakah*.

<sup>49</sup> He may have found some source for this in a contemporary Baraita, or elsewhere.

Compare this with Zeb. 22a, where the same is stated,  
 קא אימא בכל מקום בכל דוכתא דמקדשת לאדכורי שמא, אשר  
 תזכור לא נאמר אלא אשר אזכיר מכאן שצריך להתפלל במקום  
 שהוא מיוחד לתפלה.

Compare Ber. 31a, where the same is stated.

Page 36:

וקא אימא אבוא אלך וברכתך קא מודע לך דבכל דוכתא  
 דמקדשת לה לקמי דחמי וברוכי כהנים ולוים לישראל קאים.

See Sota 38 and compare the interpretation of Reb  
 Yashya in the passage: אבוא אליך וברכתך.

Page 37:

ומאן דמטא לסכנה ומשתויב כאין דאול במדברא ומעי בדיכתא  
 וממי לסכנה ומשתויב ... כלהון צריכי שבוחי.

With regard to persons obligated to say the Benediction  
 of Gomel compare Talmud, Ber. 54 b. whence Anan's  
 halakahs on the subject are derived. Anan names it the  
 ברכת הוראה and such it is also termed in the Talmud:  
 ארבעה צריכין להודות. Harkavy's remark on this subject that  
 ברכת הנומל is an innovation by Anan instead of ברכת הוראה  
 of the Rabbanites is incorrect because the Rabbis named  
 it also ברכת הוראה.

Page 38:

וקרנין בספרא בשיתא יומי דשבתא.

Anan's prescription with regard to the Reading of the  
 Law does not agree with the Talmudic ordinance in the  
 matter. According to the Talmud, the Reading is com-  
 pulsory only on Mondays and Thursdays, whereas Anan  
 makes it obligatory on each day of the week. Furthermore  
 his order of the Reading is not in consequence with the  
 Talmudists' prescription in the matter. Compare B. K.  
 82 a. and Meg. 31 a.

Page 39:

ובחג המצות מצלינן ... כל שבעת ימי מצא קדמא קרינן  
 חרא דתמיד את קרבני לחמי ובמוספי קרינן באחרי את אלה מועדי  
 ה' אשר תקראו וגו' ... וקרינן בתר מוספי דשבת ...

Here Anan broadly follows the decision of the Talmud, Meg. 31 a. On the question of the duty to include the Psalm in the daily prayers he is also in agreement with the Talmud.

Page 41 :

וְלִהְיוּ טָפִי בָּהּ בְּנִקְבָּהּ עַד דֹּאפִּילוֹ נִידָה נָמִי מְשַׁלְּחוֹנָן לָהּ  
מִמַּחֲנֶנֶה.

In a Baraita quoted in Tractate Nidah 17 a., it is related that some people were in the habit of isolating a *Nidah* during the entire period of menstruation.

Page 42 :

בֵּין דְּחֻיָּא חֲרָא שְׁעָתָא וּבֵין דְּחֻיָּא עַד שְׁבַעָה יוֹמֵי טַמְאָה חֲרָא  
הָוָא.

Compare this with Nidah, 73 a.

From the Fragments of the *Sefer Ha-mitzvot*, quoted by Harkavy, which we have elucidated, it would appear that Anan seldom opposed the talmudic dicta and that on the contrary, in most instances his opinions tally in all details with those of the Talmud. One cannot, however, place much reliance on certain other halakahs ascribed to him, and which do not make sense. A close study of the Fragments of his *Sefer Ha-mitzvot* will show that he is in almost perfect accord with the Talmud and this fact serves to strengthen the doubt as to the genuineness of many of the other halakahs.<sup>50</sup>

To quote all the halakahs that some Karaites included in their works in the name of Anan, would be an utter impossibility. However, we shall cite here several of the halakahs quoted in Anan's name, some of these halakahs are exceedingly curious and quite puzzling.

<sup>50</sup> We should not forget that there was a struggle between Anan and the Rabbanites and between him and the Karaites. Therefore both (i. e. the Rabbanites and the Karaites) are biased in their narrations concerning Anan and the Ananites. It is very possible that both the Rabbanites and the Karaites, acting on hearsay, mentioned peculiar halakahs in Anan's name, in order to evoke the hatred of the people against him.

On pp. 3 and 4 of his book Kirkisani quotes the following halakahs in the name of Anan:

I. He permitted the carrying of objects of small weight on the Sabbath, interpreting the term of משא to mean a burden, for it is written בכתף ישאו<sup>51</sup> (Numbers 7, 9). Some of his pupils thought that he had interpreted this passage to mean that if one carried any burden within his house he must not place it on his shoulder. But Kirkisani insists that this is not at all apparent from Anan's words.

II. He ordered that prayers should be read only in a specially appointed place, named *Chatzer*.<sup>52</sup>

III. He also said that he who eats Matzoth made of wheat and not of oaten flour, on the Passover, is as though he had eaten leavened bread, because the Bible says להם עוני (Deut 1-6) and this could mean oaten bread only.

IV. He ordered that circumcision be performed only with scissors and with no other implement,<sup>53</sup> and also ordered that two flaxen rags be employed, a larger and a smaller one, both dipped in nut oil, and that he who does not do so is, as if he had not performed the circumcision rite at all.<sup>54</sup>

V. An adult is to be circumcised only on the eleventh day of the ninth month, and on no other day.<sup>55</sup>

<sup>51</sup> Cf. *Sefer Ha-mitzvot*, p. 59, where Anan ascribes נשואה בכתף to the laws of cleanliness and uncleanness, as well.

<sup>52</sup> This is a wrong interpretation of Anan's words:

וכל בני כנישתא דמברכין בה כהנים לישראל כי חצר אהל מועד דמיא דכתב בכל מקום וכו'.  
The meaning here is that a synagogue is like חצר אהל מועד but not that he ordered prayers to be conducted only in a place which is called חצר Cf. Harkavy.

<sup>53</sup> Cf. S. H., p. 83—

וקא אימא הרבות חרי הרבי דאתי לאפי הדאדי צירים, דצירי על הדאדי והיני שקול מופרי.

<sup>54</sup> Cf. *Mishnah Shabbat and the Gemara*, p. 132, and S. H., p. 85.

<sup>55</sup> According to Anan (S. H., pp. 80-82) the eleventh day is for adults and the eighth for proselytes.

VI. A women seeking to enter the Jewish fold may be converted only on the eight day of the month.<sup>56</sup>

VII. He designates the month of Shebat as completing the leap year, in place of Ader, because Shebat corresponds to the "Abib" of the Bible, the "Abib" season commencing on the 24th day of that month.<sup>57</sup>

VIII. From his words it appears that he permitted marriage with one's aunt if that aunt was not of the father's family, but his followers did not observe this.<sup>58</sup>

IX. He permitted marriage to a stepmother's daughter if the groom's father had no children by that wife,<sup>59</sup> and he interpreted the passage of *ואשה אל אחותה* (Leviticus, 18, 8) as though it had been written *אשה ובת אחותה*.

X. He said further that the meaning of the passage *וכי ירוק הזב בטהור* (Leviticus 15, 8) applies to a man only, but not a woman.<sup>60</sup>

XI. He ordered a fast of seventy days from the 13th day of Nissan to the 23rd of Siwan.<sup>61</sup>

XII. He ordered a fast for every seventh day of the month and also for both days of Purim.

XIII. He prohibited all sexual intercourse by day and also forbade all intercourse in excess of once in every 24 hours.

XIV. He forbade intercourse with a pregnant woman after the first three months of her pregnancy.<sup>62</sup>

<sup>56</sup> As is the case with a proselyte; compare S. H. of Anan, p. 80.

<sup>57</sup> We also find this in the Arabian historians, Al-Biruni and Makrûzi, concerning Anan's laws.

<sup>58</sup> The meaning here is that the Ananites were opposed to that theory and interpreted his words in the sense that such a marriage is forbidden.

<sup>59</sup> Cf. S. H. of Anan, pp. 91-100.

<sup>60</sup> Ibid, p. 105.

<sup>61</sup> Ibid, p. 45, also the next law is mentioned there, p. 401, and by the later Karaites.

<sup>62</sup> Cf. S. H. of Anan, p. 60.



XV. If the fifteenth of Nissan chanced to fall on the Sabbath he ordered that the Passover be postponed to the next day. Such also was his practice with regard to Succoth.<sup>63</sup>

XVI. Water cannot become unclean.<sup>64</sup>

XVII. No vessel can become unclean by contact with another vessel.<sup>65</sup>

XVIII. He said that the regulations concerning the uncleanness of a corpse do not apply to exilic lands.<sup>66</sup>

XIX. All small unclean creatures lose the uncleanness of the dead if they have been ritually killed.<sup>67</sup>

XX. One becomes unclean only by the intentional touching of unclean things, but not otherwise.<sup>68</sup>

XXI. The unclean person must not wash himself in an unclean vessel.<sup>69</sup>

XXII. He permitted the *Nidah* to stay among clean men and women.<sup>70</sup>

XXIII. He permitted the *Nidah* to place seeds in a pot and to kindle the fire under it.<sup>71</sup>

XXIV. Some of the laws regarding uncleanness apply only to those who are 20 years of age and over, while others apply even to children of five years.<sup>72</sup>

XXV. If the offspring of some clean animal dies before

<sup>63</sup> It is known that in the interpretation of שמעון הקטן Anan agrees with the Sadducees (Minahot, 65 a, Meg. Ta'an, ch. 1, Hal. 2).

<sup>64</sup> This is also in accordance with the Sadducees (Yad. ch. 4, Mishnah).

<sup>65</sup> No reason is given for this law.

<sup>66</sup> In accordance with the Rabbis.

<sup>67</sup> In S. H. of Anan, p. 66, we find the contrary.

<sup>68</sup> Ibid, 42, 57, 60.

<sup>69</sup> Ibid 41.

<sup>70</sup> Cf. S. H. of Anan, p. 41, where he states the contrary.

<sup>71</sup> Mentioned also by other Karaites.

<sup>72</sup> Cf. S. H. of Anan, p. 61.

it had attained its eight day, its body is not in the least contaminating.<sup>73</sup>

The halakahs quoted by some of the Karaites in the name of Anan, as for example by Levi ben Jepheth, Yoshua ben Jehudah, R. Jehudah ben Klaab, Jehudah ben Eliyahu Hadasi, Jacob ben Reuben, the author of the *Sefer Haosher*, Aaron ben Joseph, author of the *Hamibchar* named also Aaron the first, Aaron ben Eliyohu called Aaron the 2nd, Elijah ben Moses Bashaizi, Moses Bashaizi and others, as well as those belonging to the Rabbinic camp, like Abraham Ibn Ezra and Moses Ibn Ezra, Dunash ben Labrat, the Gaon Samuel ben Hofni and others, we find are the following:<sup>74</sup>

I. The first thing quoted by the Karaites is Anan's ordering the consecration of the new moon by sight, in accordance with the established practice at the time of the Second Commonwealth.<sup>75</sup>

II. He ordered that Matzot be baked only at eventide, as it is written *בִּעֶרְבָּ תֹאכְלוּ מַצּוֹת* also that Matzot must be baked on coals only and not in an oven.<sup>76</sup>

III. He permitted walking from one's house to the Synagogue on the Sabbath, but to no other place, because one is not permitted to go out of his house, as it is written:<sup>77</sup> Abide ye every man in his place, let no man go out of his place on the seventh day. (Exodus 16, 29).

<sup>73</sup> Ibid, p. 58.

<sup>74</sup> Most of these halakahs are collected in Harkavy's *Studien und Mitteilungen*, VIII.

<sup>75</sup> This brought on differences between the Ananites themselves and between the Ananites and the Karaites.

<sup>76</sup> Mentioned in the name of Anan in *גן עדן* ch. 3.

<sup>77</sup> Mentioned by M. Bashyazi:

כִּבְנוּ עֵץ אֶמֶר: תַּחְתִּיּוֹ וּמִקוֹמוֹ יֵעָלוּ לַעֲנִיּוֹן אֶחָד, וְהַמָּעַם שֶׁשְּׂנִיתָם יוֹרֵד עַל מַעְבַּר אֲמַנָּה תַּחְתִּיּוֹ יוֹרֵד עַל מָקוֹם רִשּׁוֹתָיו עַד אֱלֵפִים אֶמֶת, שְׁתֹּא מִגֶּרֶשׁ חֲעִיר.

And this is in accordance with the old Jewish law. This law however, is not contained in our Fragments of Anan's book of Prescripts.

IV. He ordered that circumcision be performed towards the end of the Sabbath so that the healing might commence on a week day.<sup>78</sup>

V. It is forbidden to touch a woman on the Sabbath and even more strictly to have intercourse with her on that day. This prohibition originated with the Sadducees, and is based upon the passage *לא תעשה כל מלאכה*, but Anan ascribed a new reason for this prohibition, basing it on the saying *בחריש ובקציר תשבות*.<sup>79</sup>

VI. He absolved his followers from bringing the Lulab and other plants to the place of worship, basing this on the saying in Ezra *צאו ההר והביאו עלי זית* where it was specifically brought for the purposes of the Succah.<sup>80</sup>

VII. One may kill a fowl either by *מליקה* or *שחיטה* as there is no difference as regards fitness for eating between the Altar food and the food prepared for daily use.<sup>81</sup>

VIII. He forbade the eating of hens, because he found that in Aramaic a hen is named *דוכיפתא* and he assumed that that was one of the forbidden fowl named in the Pentateuch.<sup>82</sup>

IX. According to Anan the touch of the carcass of an animal does not contaminate one, provided it is whole; and he interpreted *הנוגע בנבלתה* to apply only when a person comes in contact with an entire carcass, while in carriage even a part of it renders one unclean.<sup>83</sup>

X. If a still born baby possesses human features but

<sup>78</sup> Cf. S. H. of Anan, p. 76.

<sup>79</sup> Mentioned by Ibn Ezra in his commentary to Exodus, 3b-21 cf. Harkavy's notes to Graetz's *History of the Jews*.

<sup>80</sup> *אשכול חכמה* and *גן עדן* Sec. 1.

<sup>81</sup> Cf. S. H. of Anan, pp. 37-136.

<sup>82</sup> Cf. *נפשות* 84, mentioned also in Ibn Ezra's Commentary to Lev., 11-19.

<sup>83</sup> Cf. S. H. of Anan, pp. 59-60.

no sexual members, the seven unclean days apply to it as to all other human corpses.<sup>84</sup>

XI. Anan ordered that the bride and groom take a mutual oath that they will not forsake their faith.<sup>85</sup>

XII. Circumcision by a non-Jew is void and the rite must be performed once more by a Jew.<sup>86</sup>

XIII. He specified two characteristics for the identification of clean fowls. They swallow their water and feed their young.<sup>87</sup>

XIV. He made tithes obligatory and levied upon gold, silver, iron and copper, saying that they also originate in the earth and it is written *וכל מעשר הארץ* (Lev. 36, 27).<sup>88</sup>

XV. He ordered a Daily Psalm to be read not only at morning, but also at evening prayer.<sup>89</sup>

XVI. He ordained that prayers consist only of Psalms and abolished all other prayers.<sup>90</sup>

XVII. In the slaughtering of fowl he ordered that not only must two *סימנים* be severed, as required by our halakah (Hul., ch. 2, 1) but followed R. Yehudah in ordering that all of the *סימנים* must be severed.<sup>91</sup>

XVIII. He transferred the fast of the Ninth of Ab to the tenth, evidently following the saying of R. Yochanan who held that (Ta'an 29)

אלמלא הייתי באותו הדור לא קבעתיו אלא בעשירי.<sup>92</sup>

<sup>84</sup> Cf. נספחות p. 74.

<sup>85</sup> Cf. Section גן עדן נשים ch. 6.

<sup>86</sup> Ibid מילת ch. 2; cf. S. H., p. 78.

<sup>87</sup> Cf. נספחות p. 84, גן עדן ch. 5; S. H., p. 154, 156.

<sup>88</sup> Cf. זכרון לראשונים of Harkavy, part 3, p. 44.

<sup>89</sup> Cf. Harkavy's notes to Graetz.

<sup>90</sup> Ibid.

<sup>91</sup> Cf. Kirkisani and S. H., pp. 37-146.

<sup>92</sup> Harkavy in his notes to Graetz; mentioned also by the later Karaites.

XIX. One becomes a בר עונשין partly at 15 and partly at 20 years of age. This practically agrees with the saying of the Talmud "The age of twenty for responsibility" בר נ' לעונשין and to some extent with the *Fragments of the Zadokites*.

XX. He forbids the burning of a light on Friday evening and in case a light is illuminated Friday during the day, it must be extinguished before sunset.<sup>93</sup>

XXI. He forbade healing of the sick by means of doctor's prescriptions, but said that one must depend upon the mercy of God, because it is written

בְּיָמֵינוּ ה' רֹפֵאֵינוּ.<sup>94</sup>

XXII. It is not permitted to have intercourse oftener than once in twenty-four hours.<sup>95</sup>

XXIII. A נידה does not contaminate water (evidently because she has to use water for her purification).<sup>96</sup>

XXIV. A נידה must cleanse herself in a vessel only.<sup>97</sup>

XXV. He opposed the decision of the Rabbis, providing that mixtures are null when multiplied sixty-fold; Anan maintained that the smallest quantity renders the thing אסור.<sup>98</sup>

XXVI. He forbade the eating of flesh for the duration of the exile, permitting only the flesh of the deer, and including all birds in the prohibition with the exception of young pigeons and doves.<sup>99</sup>

XXVII. According to Hadasi, in Anan's opinion a man did not inherit his wife's estate.<sup>100</sup>

<sup>93</sup> Cf. S. H. of Anan, p. 69.

<sup>94</sup> Mentioned by the later Karaites.

<sup>95</sup> Also mentioned by Kirkisani.

<sup>96</sup> See introduction regarding odd halakahs in Anan's teachings.

<sup>97</sup> Mentioned by the later Karaites.

<sup>98</sup> אשכול דביות p. 132, 4.

<sup>99</sup> Cf. ch. V, and S. H., p. 4.

<sup>100</sup> S. H., p. 156.

Some details concerning the halakahs of Anan are quoted by the Arab historians, but they frequently confuse them due to their lack of acquaintance with the subject. Hence, one cannot fully depend upon them.

Jephet ben Ali relates that Anan was in the habit of saying to his disciples: "search deeply in the Torah"<sup>101</sup> and that he searched diligently in the Torah for traces of the halakahs. This immediately becomes evident to one who studies his *Sefer Ha-mitzvot*. Here Anan indulges in the queerest of homiletic twists, making use of the oddest comparisons and peculiar dialectics. There are, however, some halakahs in which even these methods fail to yield any hint or basis in the Bible, such as the case of the forbidden marriages wherein he has created a new class of forbidden/conjugal relations, according to which not only the consanguine marriages are outlawed by the Talmud, but even consanguinity in the third degree within the family of both the husband and the wife, basing it upon the passage of "And they shall be one flesh," which means that they become one flesh. Accordingly, all relatives of the wife become ipso facto forbidden to her husband, just as if they had been his own relatives. The originality of this prohibition, observed for fully three hundred years<sup>102</sup> among the Karaites, makes it worth while to cite the Law of Anan in full regarding his שיטת הרכוב as found in his *Sefer Ha-mitzvot*.

<sup>101</sup> In his commentary to the Bible. Also mentioned by Moses Ibn Ezra in his ערות הכושם. Duckas means that therefore the Karaites were called also "בעלי תחשוש" Beitrage, 29.

<sup>102</sup> In the eleventh century; Reb Joseph Haroe and Reb Yeshuah ben Jehudah fought against the שיטת הרכוב.

#### CHAPTER IV

### ANAN'S DOCTRINE OF "AROYOT"

Most of the forbidden "Aroyot" by Anan in this chapter have no source in the Mishnah or in Talmud. A small part of them are from the שניות ורבנן ; but others, as par. 5, 6 and 7 are allowed according to our laws. It is characteristic of Anan that he found these laws through analogy of subjects.

These laws had been in existence among the Karaites about 300 years until Yeshuah ben Jehudah (who is called "The great teacher of the Karaite Sect" and who lived in the first half of the eleventh century) fought, in his book *Aroyot* (written in Arabic and translated into Hebrew by his pupil Jacob ben Shimon, and published by I. D. Markon, Petersburg, 1904) against Anan's doctrine in regard to "Aroyot" and issued his own 6 rules in this matter, which were adopted by all the Karaites. These six new rules were of great help to the Karaites at that time, for as a result of the severity of Anan's laws it was extremely difficult for them to contract marriages.

These new rules were also for the most part of Karaite creation, and not forbidden by the Rabbanites.

The following 17 paragraphs contain the main laws of Anan in "Aroyot" (*Sefer Ha-mitzvot* of Anan, pp. 90-96) :

א) ואסיר ליה לזכר למנסב אשת אביו, ואשת בעל אשת אביו, ואשת בעל אמו. ואסיר לה לנקבה לאינסובי לבעל אמה, ולבעל אשת בעל אמה, ולבעל אשת אביה.

I. It is forbidden for a male to marry the wife of his father, and the wife of the husband of his father's wife

and the wife of his mother's husband. <sup>1</sup> It is forbidden for a female to be married to the husband of her mother, and to the husband of the wife of his mother's husband and to the husband of her father's wife.

(ב) ואסיר ליה לזכר למנסב אשת בעל אשת בעל אמו, דדומיא דאשת בעל אשת אביו בנברי, בעל אשת בעל אמו הוא, והולכך אסירה אשתו. ואסיר לה לנקבה לאינסובי לבעל אשת בעל אשת אביה, דדומיא דבעל אשת בעל אמה בנשים, אשת בעל אשה אביה היא והולכך אסיר בעלה. והאי דתניא לאשת אביו למפויי בהדה אסור הלין קרובות וקרובין דפרשינן בהדה.

II. It is forbidden for a male to marry the wife of the husband of the wife of his mother's husband, which is like the wife of the husband of his father's wife, as in the case of males; he is the husband of the wife of his mother's husband and therefore is his wife forbidden. It is forbidden for a female to be taken in marriage by the husband of the wife of the husband of his father's wife, which is like the husband of the wife of his mother's husband in the case of females; she is the wife of the husband of his father's wife and therefore is her husband forbidden. And the fact that we find twice: "to the wife of his father," means to forbid also all the relatives of both sexes, as we have interpreted it herein before.

(ג) ואסיר ליה לזכר למנסב אחותיה בין בת אביו ואמו ובין בת אמו ולא בת אביו ובין בת אביו ולא בת אמה בין דמתילדא בכשרות ובין דמתילדא בזנות, בין דמתילדא מן עבר ובין דמתילדא מן אמה, ואסיר לה לנקבה לאינסובי לאחאה בין דאתיליד בכשרות ובין דאתיליד בזנות, בין דאתיליד מן עבר ובין דאתיליד מן אמה.

III. It is forbidden for a male to marry his sister whether the daughter of his father and mother or the daughter of his mother, and not the daughter of his father or the daughter of his father and not the daughter of his mother, whether she was born in legal marriage, or in adultery, whether she was born by a male slave or she was born by a female slave. It is forbidden for a



female to be married to her brother whether he was born in legal marriage or in adultery, whether he was born by a male or female slave.

(ד) ואסיר ליה לזכר למנסב אשת אחיו, דדומיא דאחותו בגבדי, אחיו הוא והוא לכך אסירה אשתו. ואסיר לה לנקבה לאינסובי לבעל אחותה דדומיא דאחיה בנשים, אחותה היא והוא לכך אסיר בעלה.

IV. It is forbidden for a male to marry the wife of his brother, which is like his sister in the case of males; he is his brother and therefore is his wife forbidden. It is forbidden for a female to be married to the husband of her sister, who is like her brother in the case of females; she is his sister and therefore is her husband forbidden.

(ה) ואסיר ליה לזכר למנסב בתה ואחותה דאשת אביו כד ילדה אשת אביו ולד מן אביו, ובת כלתו כד ילדה כלתו ולד מן בנו ובתו, ואחותו דבעל אמו כד ילדה אמו ולד מניה, ובת בעל בתו כד ילדה אשת אביה ולד מניה. ואסיר לה לנקבה לאינסובי לבנה או לאחיה דאשת אביה כד ילדה אשת אביה ולד מן אביה, ולבן כלתה כד ילדה כלתה ולד מן בנה, ולבנו או לאחיו דבעל אמה כד ילדה אמה ולד מיניה, ולבן בעל בתה כד ילדה בתה ולד מניה.

V. It is forbidden for a male to marry the daughter or the sister of his father's wife when his father's wife has born a child from the father, and the daughter of his daughter-in-law, when the daughter-in-law has born a child from his son, and the daughter and the sister of his mother's husband when his mother has born a child from him, and the daughter of the husband of his daughter when his father's wife has born a child from him. It is forbidden for a female to be married to the son or to the brother of her father's wife when her father's wife has born a child from the father, and to the son of her daughter-in-law when her daughter-in-law has born a child from her son, and, to the son or brother of her mother's husband when her mother has born a child from

him, and to the son of the husband of her daughter when her daughter has born a child from him.

(ו) ואסיר ליה לזכר למנסב אשת בנה או אשת אחיה דאשת אביו כד ילדה אשת אביו ולד מן אביו, ואשת בן כלתו כד ילדה כלתו ולד מן בנו, ואשת בנו או אשת אחיו דבעל אמו כד ילדה אמה ולד מיניה, ואשת בנו דבעל בתו כד ילדה בתו ולד מניה, דדומיא דבתר דאשת אביו ואחותה בנברי, בנה ואחאה אינון; ודומיא דבת כלתו בנברי, בן כלתו הוא; ודומיא דבתו ואחותו, דבעל אמו בן בנו אחיו אינון; ודומיא דבת בעל בתו בנברי, בן בעל בתו הוא והוא לכך אסירין נשותיהם. ואסיר לה לנעבה לאינסובי לבעל בתה או לבעל אחותה דאשת אביה כד ילדה אשת אביה ולד מן אביה, ולבעל בת כלתה כד ילדה ולד מן בנה, ולבעל בתו או לבעל אחותו דבעל אמה כד ילדה אמה ולד מניה, דדומיא דבנה ואחיה דאשת אביה בנשים, בעל בתו ובעל אחותו דבעל אמה אינון; ולבעל בת בעל בתה כד ילדה בתה ולד מניה, בתה ואחותה אינון; ודומיא דבן כלתה בנשים, בת כלתה היא; ודומיא דבן בעל ואחיו דבעל אמה בנשים, בתו ואחותו אינון; ודומיא דבן בעל בתה בנשים בת בעל בתה היא והוא לכך איסורין בעליהם.

VI. It is forbidden for a male to marry the wife of the son or the wife of the brother of his father's wife when his father's wife has born a child from his father, and the wife of the son of his daughter-in-law when his daughter-in-law has born a child from his son, and the wife of the son or the wife of the brother of his mother's husband, when the mother has born a child from him, and the wife of the son of his daughter's husband when his daughter has born a child from him, which is like the daughter of his father's wife and of her sister in the case of males; they are her son and her brother, and it is like the daughter of his daughter-in-law in the case of males; he is the son of his daughter-in-law and is like the daughter and the sister of his mother's husband; they are, the son of his son and the son of his brother, and it is like the daughter of his daughter's husband in the case of males; he is the son of his daughter's husband and

therefore their wives are forbidden. It is forbidden for a female to be married to the husband of the daughter or to the husband of the sister of her father's wife, when her father's wife has born a child from her father, and to the husband of the daughter-in-law when the daughter-in-law has born a child from her son, and the husband of the daughter or the husband of the sister of her mother's husband, when her mother has born a child from him, which is like the son and the brother of his father's wife in the case of females; they are the husband of the daughter and the husband of the sister of her mother's husband; and to the husband of the daughter of her daughter's husband when her daughter has born a child from him; they are her daughter and her sister, and it is like the son of her daughter-in-law in case of females; she is the daughter of her daughter-in-law and is like the son and brother of her mother's husband in the case of females; they are his daughter and his sister and are like the son of the husband of her daughter; she is like the daughter of her daughter's husband and therefore are their husbands forbidden.

(ז) ואסיר ליה לזכר למנשא אחות אביו דמן אביו בין מכשרה ובין מפסולה ואחות אמו דמן אביה בין מכשרה ובין מפסולה. ואסיר לה לנקבה לאינסובי לאחי אביה דמן אביה בין מכשרה ובין מפסולה ולאחי אמה דמן אביה בין מכשרה ובין מפסולה.

VII. It is forbidden for a male to marry the sister of his father, who is his father's sister whether through legal or illegal marriage, the sister of his mother, who is her sister from the father whether through legal or illegal marriage. It is forbidden for a female to be married to the brother of her father, who is the brother of her father whether through legal or illegal marriage, and to the brother of her mother, who is a brother of her father whether it be through legal or illegal marriage.

(ח) ואסיר ליה לזכר למנשא אשת אחי אביו דמן אביו בין

מכשרה ובין מפסולה. ואשת אחי אמו דמן אביה בין מכשרה ובין מפסולה. דדומיא דאחות אביו ואחות אמו בגברי, אחי אביו ואחי אמו אינן והוא לכך אסירין נשותיהון. ואסיר לה לנקבה לאינסובי לבעל אחות אביה דמן אביו בין מכשרה ובין מפסולה, ולבעל אחות אמה דמן אביה בין מכשרה ובין מפסולה, דדומיא דאחי אביה אחי אמה בנשים, אחות אביה ואחות אמה אינן והוא לכך אסירין בעליהון, ולהכי תניא לאחות אמו לאיסתרי אף דמן פסולה.

VIII. It is forbidden for a male to marry the wife of his father's brother from the father, whether through legal marriage or illegal and the wife of his mother's brother from the father, whether through legal marriage or illegal, who is like the sister of his father and the sister of his mother in the case of males; they are, the brother of his father and the brother of his mother, and therefore are their wives forbidden. It is forbidden for a female to be married to the husband of her father's sister from the father, whether through legal marriage or illegal, and to the husband of her mother's sister from her father, whether through legal marriage or illegal, in the case of her father's brother and her mother's brother as pertains to females, they are the sister of her father and the sister of her mother therefore are they forbidden. It was therefore taught: 'to the sister of her mother' to forbid it even in the case of illegal marriage.

(ט) ואסיר ליה לזכר למנסב אשת אחי אביו ואשת אחי אמו ומן כל אחיותיהון דמן אבוהון, בין מכשרה ובין מפסולה. ואסיר לה לנקבה לאינסובי לבעל אחות אביה ולבעל אחות אמה ולמן כל אחיותיהון דמן אבוהון בין מכשרה בין מפסולה.

IX. It is forbidden for a male to marry the wife of his father's brother, the wife of his mother's brother and all their sisters from the father, whether through legal marriage or illegal. It is forbidden for a female to be married to the husband of her father's sister, to the husband of her mother's sister and to all their brothers whether through legal or illegal marriage.

(י) ואסיר ליה לזכר למנסב אשת בעל אחות אביו ואשת בעל  
אחות אמו וכל אחותהון דמן אבוהון בין מכשרה ובין מפסולה,  
דדומיא דאשת אחי אביו ואשת אחי אמו בגברי, בעל אחות אביו  
ובעל אחות אמו אינן הולכך אסירן נשותהון. ואסיר לה לנקבה  
לאינסובי לבעל אשת אחי אביה ולבעל אשת אחי אמה ולמן כל  
אחיהון דמן אבוהון בין מכשרה ובין מפסולה, דדומיא דבעל אחות  
אביה ובעל אחות אמה בנשים, אשת אחי אביה ואשת אחי אמה  
אינן הולכך אסירן בעליהון. ודתנא כתב אשת אחי אביו לטפויי  
ביה אסור הלן קרובות וקרובין, ולמגמר מניה דכל עריות דדומיהו  
בגברי אסירן נשותיהון לגברי, ודומיהו בנשים אסירן בעליהון  
לנשים, ולאגמורי דאשת אחי אביו כי דודתי היא.

X. It is forbidden for a male to marry the wife of the husband of his father's sister, the wife of the husband of his mother's sister and all their sisters of the fathers whether through legal or illegal marriage, who is like the wife of his father's brother and the wife of his mother's brother in the case of males; they are the husband of his father's sister and the husband of his mother's sister and therefore are their wives forbidden. It is forbidden for a female to be married to the husband of the wife of her father's brother, to the husband of the wife of her mother's brother and to all the brothers of the fathers, whether through legal marriage or illegal, who is like the husband of her father's sister and the husband of her mother's sister in the case of females; they are the wife of the father's brother and of the mother's brother and therefore are their husbands forbidden. And it is therefore written: "the wife of his father's brother" as a supplement that the relatives of both sexes are also forbidden and to derive from it that all the forbidden relations which apply to males, their wives are forbidden to males, and those which apply to females, also apply to their husbands and to derive from it further that the wife of a father's brother is like an aunt.

י"א) ואסיר להון לאבות למנסב מן נשי בניהם ומן נשי בעלי

בנותם כמא דנחית ואסיר להון לאמות לאינסובי למן בעלי בנות ולמן בעלי נשי בניהן כמא דנחית.

XI. It is forbidden for fathers to marry the wives of their sons and the wives of the husbands of their daughters through all generations. It is forbidden for mothers to marry the husbands of their daughters and to marry the husbands of the wives of their sons, through all generations. י"ב) ואסיר להון לאבות למנסב מן נשי בעלי נשי בניהם כמא דנחית, דדומיא דנשי בעלי בנותם בגברי בעלי נשי בניהם אינון הולכך אסירין נשותהון. ואמות אסיר להון לאינסובי למן בעלי נשי בעלי בנות כמא דנחית, דדומיא דבעלי נשי בניהן בנשים, נשי בעלי בנות אינון והולכך אסירין בעליהון, ודחנא כתב נשי בניהם למסויי אסור' הליון קרובות וקרובין.

XII. It is forbidden for fathers to marry the wives of the husbands of the wives of their sons, through all generations, who are like the wives of the husbands of their daughters in the case of males, they are the husbands of the wives of their sons and therefore are their wives forbidden. It is forbidden to mothers to be married to the husbands of the wives of the husbands of their daughters, through all generations; this is as the husbands of the wives of their sons in the case of females; they are the wives of their daughter's husbands and therefore are their husbands forbidden; and therefore it is written: "the wives of their sons" as a supplement that these relations of both sexes are also forbidden.

י"ג) ואסיר להון לכל אבות בין דזכרים ובין דנקבות למנסב מן כל בנותם בין דמן זכרים ובין דמן נקבות, אף דמתילדין מן זנות או מן עבד או מן אמה. ואסיר להון לכל אמות בין דזכרים ובין דנקבות לאינסובי לכל בניהון בין דמן זכרים ובין דמן נקבות אף דמתילדין מן זנות או מן עבד או מן אמה ולהאכי תנאנון.

XIII. It is forbidden to all fathers whether of males or of females to marry one of their daughters whether of male or female issue, even if they were born in adultery or are the issue of a male or a female slave. It is for-

bidden to all the mothers, whether of males or females, to be married to any of their sons whether of male or female issue, even if they were born in adultery or of a male or female slave; and therefore was it twice mentioned.

י"ד) ואסיר ליה לזכר למנסב אשת אחיו ואשת בעל אשת אחיו ואשת בעל אחותו. ואסיר לה לנקבה לאינסובי לבעל אחותה ולבעל אשת בעל אחותה ולבעל אשת אחיה.

XIV. It is forbidden for a male to marry the wife of his brother, the wife of the husband of the wife of his brother and the wife of his sister's husband. It is forbidden for a female to be married to the husband of her sister, to the husband of the wife of the husband of her sister, and to the husband of her brother's wife.

ט"ו) ואסיר ליה לזכר למנסב אשת בעל אשת בעל אחותו, דדומיא דאשת בעל אשת אחיו בנכרי, בעל אשת בעל אחותו הוא והולכך אסירא אשתו ונקבה אסירא לאינסובי לבעל אשת בעל אשת אחיה, דדומיא דבעל אשת בעל אחותה בנשים, אשת בעל אשת אחיה היא והולכך אסיר בעלה.

XV. It is forbidden for a male to marry the wife of the husband of the wife of his sister's husband, who is like the wife of the husband of his brother's wife in the case of males; he is the husband of the wife of her sister's husband and therefore is his wife forbidden. It is forbidden for a female to be married to the husband of the wife of the husband of her brother's wife, who is like the husband of the wife of her sister's husband in the case of females; she is the wife of the husband of her brother's wife and therefore is her husband forbidden.

ט"ז) ואסיר ליה לזכר למנסב בת אשתו או בת בנה או בת בתה או מן כל אחותיהון, בין דמן אב ובין דמן אמ. ואסיר לה לנקבה לאינסובי לבן בעלה או בן בנו או בן בתו או למן כל אחיהון בין דמן אב ובין דמן אמ.

XVI. It is forbidden for a male to marry his wife's

daughter or the daughter of her son, or any of their sisters, whether of the father or of the mother. It is forbidden for a female to be married to the son of her husband or to the son of his son or to the son of his daughter or to any of their brothers, whether of the father or of the mother.

י"ז) ואסיר ליה לזכר למנסב אשת בן אשתו ואשת בן בנה דאשתו, ואשת בן בתה או מן כל אחותיהו, בין דמן אב ובין דמן אם, דדומיא דבת אשתו ובת בנה ובת בתה בנברי, בן אשתו ובן בנה אינן והולכך אסירין נשותהו. ואסיר לה לאינסובי לבעל בת בעלה ולבעל בת בנו דבעלה, ולבעל בת בתו ולמן כל אחיהו, בין דמן אב ובין דמן אם, דדומיא דבן בעלה ובן בנו ובן בתו בנשים, בת בעלה ובת בנו ובת בתה אינן, הולכך אסירין בעליהן. ודחנא כתב בת אשתו למפויי בה אסור הלין קרובות וקרובין.

XVII. It is forbidden for a male to marry the wife of his wife's son, the wife of the son of his wife's son, and the wife of the son of her daughter or to all their sisters whether of the father or the mother; who is like his wife's daughter and the daughter of her son and the daughter of her daughter as in the case of males; they are the son of his wife and the son of her son and therefore are their wives forbidden. It is forbidden for a female to be married to the husband of the daughter of her husband, and to the husband of the daughter of her husband's son, and to the husband of the daughter or his daughter and to any of their brothers, whether of the father or of the mother, who is like the son of her husband and the son of his son, and the son of his daughter as in the case of females; they are the daughter of her husband, the daughter of his son and the daughter of his daughter, and therefore are their husbands forbidden. It is written: "the daughter of his wife" in order to supplement the statement that all these relatives of both sexes are forbidden.



Harkavy, speaking of Anan's halakah, says that it consisted of the following divisions:

1) Rabbinic elements that have remained either entirely unchanged or have been but little modified.

2) Halakahs which were expressly promulgated with a view to opposing the rabbinic halakahs, and are therefore entirely of Karaite origin.

3) Many of the halakahs which Anan borrowed from the Sadducees, some of which still remained in his day. It is certain that there were some writings extant in his day which originated in the Sadduceean period. These writings did indeed furnish excellent sources for the latter day Karaite sects.

4) Some halakahs were composed of such elements as would harmonize with the needs, as well as with the views of the sundry sects which arose during the seventh century, a hundred years before the advent of Anan, such as the Isawites and the Yudganites, which sects were in turn later swallowed up by the Karaites.

5) Some laws which were originated by Anan, by means of peculiar interpretation of Biblical passages or letters, in order to prove his own exceeding thoroughness in the study of Biblical texts and the superficiality of the work of the Rabbanites.

But the followers of Anan, the Ananites, disagreed in many instances with their teacher, though they venerated him and sought to spread his teachings. Accordingly, we find the assertion of Reb Eli Bashaizi, in his book *Aderet Eliahu*, saying as follows:

חבמינו נחלקו בענין המליקה לשלש דעות, הדעה האחת היא רבינו ענן שאמר שאין שחיטה בעור כלל אלא מליקה, מפני שאין חבדל בין מה שיעשה במקדש ובין מה שיעשה חוץ מן המקדש במליקת העור. וכתב ומלך את ראשו ממול ערפו. וזה בטל מפני שמצאנו ושחט את הצפור וכו'. והחכם רבינו ישועה אחד מתלמידי

ענן שהיו נקראים עננים שבו מזאת הדעת בראותם שפשוטי  
הכתוב עומדים כנגדם.

In addition to disagreeing with some of their master's teachings, the Ananites kept themselves apart from the Karaites for a considerable time, refusing to intermarry with them and disagreeing with them in many halakahs which the Ananites decided differently from the Karaites. They kept themselves apart so zealously, and so successfully, that we find some of the Ananites, still in existence at the time of Saadia Gaon (in the early part of the tenth century). There were quite a few Ananite scholars, like R. Moorach ben Noson, who was a full-fledged Ananite and lived up faithfully to the laws of his sect. Of the distinguishing marks which set apart the Ananites from the Karaites, we know the following:

I. The Ananites maintained that a dead body does not contaminate in exile, while the Karaites maintained that the Biblical laws on the subject applied to the present day as well.

II. The Ananites consecrated the month "by sight", while the Karaites considered it obligatory to compute it according to the cycles of the sun and moon, just as the Rabbanites did.

III. There was also a difference of opinion between them with regard to the Fast Days. Reb Levi Halevy in his *Sefer Ha-mitzvot* makes brief mention of this, and in a general way:

ויש בין אלה הצומות חלוקה מהם בין הרבנים ובין הקראים  
ומהם בין הקראים ובין העננים.<sup>1</sup>

Another difference between the two sects is mentioned in a quotation by Pinsker from Levi ben Halevy concerning circumcision on the Sabbath. . But it is difficult

<sup>1</sup> Mentioned by Pinsker and by Harkavy.

to discover from the complicated style of the writer exactly what this difference consisted of.

There were at that time a group described as half Ananites and half Karaites, who observed their holidays according to both rites, one according "to sight" and another in accordance with the Rabbinic ordinance, and who exacted a promise of their sons and daughters at the time of their marriage, to do likewise.

The fact that Anan and the Ananites recognized Jesus and considered him as a Prophet<sup>2</sup> does not concern us here in our study of his halakahs.

<sup>2</sup> Shahrestani I, 167; Makruzi, p. 108.

CHAPTER V  
THE HALAKAHS OF BENJAMIN NAHAWENDI  
AND DANIEL HA-KUMISSI

Anan's dicta could not have possibly satisfied all the forces in opposition to the Rabbanite teaching of the period. There is also the added fact that Anan himself was very much of a Rabbanite; he often feared to deviate from the rabbinic decisions, and his habitual indulgence involved pilpulistic and homiletic methods, in a measure occasionally exceeding even those of the Rabbanites,<sup>1</sup> has already been brought out. Hence we frequently find his own pupils disagreeing with him, because in their view his interpretations contradicted the evident meaning of the Biblical passages under considerations.<sup>2</sup>

For the foregoing reasons, it was to be expected that a new leader should arise among the Karaites to lead the new sect, as well as to unite the various factions within the Karaitic fold into one homogeneous body sharing the identical set of doctrines and beliefs.

A man of this type did indeed arise at that time to take over the leadership of the Karaites. That man was Benjamin Nahawendi, a leader possessed of deep Jewish and secular learning<sup>3</sup> but by no means a personality great enough to carry along with him all the Karaites, or to remain forever enshrined as the expounder and developer

<sup>1</sup> See the beginning of ch. II.

<sup>2</sup> Ibid.

<sup>3</sup> Cf. Salmon ben Yeruchom in his commentary to Psalms, mentioned by Pinsker and Harkavy, but the meaning of the words

אחר כך נגלה בניסיון וגלה דברים שיתחית ענין נגדו בהם אחרי החלמוד is not as Weiss interpreted them, that Benjamin was opposed to the Talmud; the real meaning here is just the contrary.

of the Karaite doctrine, as Paul had been in the case of Christianity.

Despite this, Nahawendi did exert a considerable influence upon his time, and rendered objective decisions in all halakaic matters, a procedure which appealed strongly to his adherents, of whom there were not a few in his day. (Circa 820).<sup>4</sup>

The halakahs of Benjamin Nahawendi are partly included in the *Masot Benjamin* (published at Goslowa in the year 1836), a book dealing with civil laws, and also with the rules governing the Jewish courts (Beth Din), Note Sales, etc., etc. He also wrote another book, the *Book of Prescripts*, mentioned in his *Masot Benjamin*. This work is mentioned as well by other Karaite writers, but it was lost.

Benjamin Nahawendi, who was also a philosopher, developed a theological system somewhat similar to the one elaborated by Philo.<sup>5</sup> This does not, however, concern us here, our object being merely the consideration of his halakahs.

The greater number of his halakahs represent a reap-proach to the Talmud. In point of fact Nahawendi was actually much closer to the Talmud than Anan.<sup>6</sup> On the whole the desire for a closer approach to the Talmud manifests itself all along the line. Anan himself did not stray much from the talmudic path, but his pupils and followers sought to come still nearer to it. Nahawendi himself attempted to narrow the gap even more successfully and thoroughly than the Ananites.<sup>7</sup> Accordingly, we

<sup>4</sup> Mentioned by Yeshuah ben Jehudah in his commentary to the Bible.

<sup>5</sup> He was an adherent of the Motezilites, according to Kirkisani, ch. 7.

<sup>6</sup> In the Introduction to his book *משאית בנימין* he says:  
 ושאר דינים שדנו בהם וכתבו הרבנים ולא יכולתי לרמוז בהם סקרא  
 גם אותם כתבתי שאם תחפצו תדינו בהם.

<sup>7</sup> Cf. Jepheth Halevi in his commentary to the Bible (M. S.), Harkavy in *Studien und Mittheilungen*.

note that in his *Masot Benjamin*, Nahawendi is in almost entire accord with the Talmudists in all juridical matters.

It would be superfluous to analyze the entire substance of that book, and its comparison with the law of the Rabbis, because nearly all of them are taken from the Talmud. A few examples will suffice.

וצריך השופט לילך ללשכת הגזית ללמוד ... ואם בגלות ילך  
אצל חכם ממנו (1-72)  
is taken from the Sifri שביבנה ב"ד

Further, the passage

שני יוסף בן שמעון בעיר אחד כותבים אומנתם ואם אומנתם  
כאחד יכתבו רחוב ביתם (1-74)  
is in agreement both with the Mishnah and the Gemara  
(B. B. 172).

The passage

מתנה שומר להיות פטור משבועה נושא שכר ושכיר משבועה  
והם בהשואל מלשם  
(2-74) is in agreement with the Mishnah (B. M. 94).

The law

האחים קטנים וגדולים ... ב"ד מעמיד אפיטרופוס ...  
ובשיגדלו יכולים להשביע (3-71)  
is taken from Kid. 42 and Git. 52.

Further, the law

מי שהלך יורשו למדינת הים ... וכתב נכסיו לאחר ואחר כך  
בא יורשו אין מתנתו מתנה ... אלא אם בן שייר ... (3-73)  
is taken from B. B. 146.

Further, the halakah

כותב אדם את שמו על השטר בחתימת ידו ומעיד עליו אפילו  
לאחר כמה שנים  
is mentioned in a Baraita Ket. 20.

The halakah

טוען לרע יש לי אצלך ה' מאות כספים ורעהו אומר להר"ם  
על השאר  
is taken from B. M. 39.

As evinced by the few examples cited above, we find practically all of his halakahs in thorough agreement with the Talmud. Even in those rare instances where he diverges from talmudic decisions, he usually seeks to prop up his opinion, by the view on the matter of one or another of the Talmudists.

However, we do find included here many items which are not at all mentioned in the Talmud, such as

מי שנתחייב בזמן הזה בארבע מיתות ב"ד נחשבהו כמת והולך לו ולא נדבר עמו, ולא נקבל כל מתנה וגם כל תשובה, ואם רוצה לעשות תשובה, ילך במקום שלא יכירוהו במשפט מת לשדי מושל בכל (2-71)<sup>8</sup>

Or take, for example, such a halakah:

הבעל חוב רשאי לכבוש אף את בניו הקטנים של הלוה, וראיה מהכתוב והנשה בא לקחת את שני ילדים לו לעבדים (6-71) which has no source in the Talmud.<sup>9</sup>

We find some other halakahs of Nahawendi scattered among the many books written at various times by the Karaites,<sup>10</sup> a few of which we will assemble here.

I. Nahawendi's first reform was in the field of קידוש החודש . According to Nahawendi, the New Moon

<sup>8</sup> This halakah is taken from Anan's *Sefer Ha-mitzvot*, p. 14—

והידנא דלא דנינן דינא דקטלא כל דעביד מילתא דמחייב בת קטלא פרשינן מיניה, אי גברא הוא מפרשינן ליה לאיתתיה מיניה ואי איתתא היא מפרשינן ליה לגברא מיניה ולא משתעונן בחדיה ולא דאיר גבן ולא עבדינן בהדים משא ומתן ולא שילינן מיניה ולא מושלינן ליה ולא מקבלינן מיניה צדקה ולא מרחמינן עליה וחשבינן ליה במאן דמית ליה.

<sup>9</sup> Cf. אשכול חכומר p. 97, 4.

<sup>10</sup> It is noteworthy that all the halakahs which are mentioned by other Karaites in the name of Benjamin Nahawendi, are in agreement with the Talmud, not only in the sense of the halakah itself, but also in the interpretation of the passage of the Bible from which the halakah is derived; as for example:

ולא תסוב נחלה ממסות ולא תסוב נחלה ממסות למסות, מכאן שתבעל יורש את אשתו

is in full agreement with the opinion of Rabbi Ismael in B. B. 111b. An other law mentioned in Eshkol Ha-kofer, p. 98, that אין תבת יורשת כלום is in agreement with B. B. 110a and so are many others.

is to be proclaimed "by sight" in the months of Nissan and Iyar only, because the holidays occur in these months, while other months are to be computed in such wise that when the month has 30 days, that month's New Moon is celebrated on two successive days, and not on one day. He quotes as evidence the passage of ויהי ממחרת החודש השני (Samuel 20, 27) interpreting this to mean the second day of ראש חודש

Then the two months, Nissan and Iyar, are named חרשי ירח and on the basis of these months all the feast and fast days of the year are appointed. That is why they are termed by him חרשי סעדים ומצות.

The months containing 30 days each, as we see in the story of the Flood, are named חרשי תקופות and the year שנת חמה (Sun Year); but inasmuch as there would be five spare days left at the end of the year, Nahawendi instituted a leap month of 30 days, for every sixth year, and also provided for the completion of the entire cycle, every 72nd year. As proof of his assertion that there were two sorts of months, he quoted the saying of Haggai 1, 15 and 2, 11, wherein a certain day is variously described. Saadia Gaon, as is known, took issue with him on this score. Nahawendi also maintained that there were three distinct portions of בוקר—the first being the appearance of the Morning Star, the second the dawn, when the east lights up, while the third is marked by sunrise, and he cites various Biblical passages in corroboration of this theory.<sup>11</sup>

<sup>11</sup> The original text as mentioned in *Studien und Mitteilungen*, VIII, is:

"שלוש בוקרים בו ביום ברא שדי, בקר ראשון הוא עלות השחר, שנאמר וידעו אותה ויעללו בה כל הלילה עד הבקר וישלחות בעלות השחר, ותבא האשה לסנות בקר וגו' ויקם אדוניו בבקר. אמר כל הלילה עד הבקר ואמר בעלות השחר, מלמד שבקר ראשון הוא עלות השחר, ותוא לפני השני. ואמר עד האור, ואמר ויקם אדוניו בבקר ללמד שבקר שני הוא בקר אור, ואמר הבקר אור וחאנשים שלחו. בקר שלישי הוא עת זריחת השמש שנאמר ו... בבקר כורת השמש ופשטת על העיר."



II. In the matter of the Pascal sacrifice, Nahawandi's decision was the opposite of Anan's, in whose opinion the Pascal sacrifice does not take precedence over the Sabbath; Nahawandi here agreed with the Talmudists that the precedence should be honored.<sup>12</sup>

III. With regard to יבום, he disagreed with Anan that the marriage of the widow is incumbent upon some relative other than upon one of the actual brothers of the deceased, even as we find in the case of Ruth and Boaz.<sup>13</sup> He interpreted the passage of כי ישבו אחים יחדו to mean a blood brother, pursuant to the Talmudic interpretation;<sup>14</sup> but he maintained that יבום in this passage only applies to a betrothed.<sup>15</sup>

IV. With regard to מליקה he does not follow Anan's precept, but claimed that it was optional with the Priest to use either method: שחיטה or מליקה.<sup>16</sup>

V. In the case of the מנינים ארבעה his opinion is that it is obligatory for the sake of the holidays, and opposed Anan, who considered it optional.<sup>17</sup>

VI. He agreed with Anan that שבועות always comes on the Sunday following the Sabbath.<sup>18</sup>

VII. He followed Anan and the leaders of sundry other sects in forbidding the eating of all flesh in exile, but assigning a different reason than these sects and their leaders did, for this prohibition. He deduced this from the passage:

כי ירחיב ה' את נבולך כאשר דבר לך ואמרת אוכלה בשר.  
(Deut. 12-15) saying that the eating of meat is allowed

<sup>12</sup> ספר העושר on the Bible by Jacob ben Reuben.

<sup>13</sup> S. H. of Anan, p. 107.

<sup>14</sup> Yeb., p. 17.

<sup>15</sup> As the Samaritans. Cf. Wreschner's *Samaritische Traditionen*.

<sup>16</sup> Reb Elihu Beshayzi in אדרת אליהו p. 63.

<sup>17</sup> Kirkisani, ch. I.

<sup>18</sup> זן ערן 65b.

only when "thy boundaries are extended," i. e. when the Jews dwell in Palestine.<sup>19</sup>

VIII. A child is obligated to observe the Commandments as soon as it begins to speak, while it devolves upon its father to begin its instruction as soon as it is weaned, because it is written :

את מי יורה דעה ... נמולי מחלב עתיקי משרים.

The proper time for weaning a child is at the age of three, because that was the time when Hannah weaned Samuel and brought him to the Temple, as it is written (Sam. 1. 1.24) "כאשר נמלתו" "and the Levites came to live in the Temple at the age of three." (Chron. 11, 31, 16)<sup>20</sup>

IX. With regards to walking on Sabbath, Nahawendi sided with the Talmud, as against Anan, interpreting the passage of שבו איש תחתיו to mean four cubits.<sup>21</sup> Therefore, one is to walk only for a legitimate purpose, such as going to the synagogue, and even then one must not pass the boundaries of לחוץ לתחום.<sup>22</sup>

X. One may pick up fruits dropping from a tree on his own grounds, but not those which drop on the public highway.<sup>23</sup>

XI. A woman may be married by five different methods: בארישה, בלטיחה, במוהר, בברית ובעדים. for all of which he finds proof in Biblical passages.<sup>24</sup>

XII. A betrothed needs no divorce, because it is only the one that has been married by a written act of the court who needs a written act to secure her freedom.<sup>25</sup>

<sup>19</sup> Kirkisani, ch. 12 אות ז' p. 236 אשכול הכופר

<sup>20</sup> Ibid.

<sup>21</sup> Sabbath, ch. 3. אדרת אליהו; א 31 גן עדן

<sup>22</sup> Cf. above p. 67, III.

<sup>23</sup> p. 35. גן עדן

<sup>24</sup> p. 144 גן עדן

<sup>25</sup> p. 154. אדרת אליהו

XIII. One must not marry a woman who has suckled at the breast with him, because a woman of this sort thereby becomes one's sister, proof of which is found in the passage (Song of Songs, 8, 1).<sup>26</sup> מי יתנך כאח לי יונק שדי אמו

XIV. One is forbidden to intermarry with non-Jews. Proof of this is contained in the passage ומזרעך אל תתן למולך (Lev. 18, 21).<sup>27</sup>

XV. The act of circumcision is to be performed with a חרבות צירים which means a scissors; but if such an instrument is not at hand, then one may employ any implement.<sup>28</sup> For we find that Zipporah used a sharpened stone for this purpose.

XVI. We have not at present either the מי נידה or the sacrifices, because neither of these can be practiced in exile. But whatever practices are possible should and must be observed even now, such as the washing of the hands and the washing of one's clothes in water (after a period of uncleanness).<sup>29</sup>

XVII. With regard to Aroyot he is inclined towards Anan's view, and accepted the same in its entirety.<sup>30</sup>

XVIII. He was opposed to Anan's opinion that a man does not inherit his wife's estate, agreeing with the Talmudists that the husband does inherit it.<sup>31</sup>

XIX. With regard to resorting to non-Jewish courts of

<sup>26</sup> Kirkisani, ch. II. It seems that in this he came under the Mohammedan influence; where this is also forbidden according to Mohammedan law.

<sup>27</sup> Kirkisani, ch. II. Cf. Meg., ch. 4, Mishnah 9, where is said: האומר מזרעך לא תתן למולך, ומזרעך לא תתן לאעברא בארמיותא, משחקין אותו בנזיפת.

<sup>28</sup> Cf. S. H. Cf. Anan, p. 83. He differs from Anan in allowing the employment of any other implement when a scissors are not at hand.

<sup>29</sup> Cf. *Studien und Mitteilungen*, VIII, p. 180.

<sup>30</sup> פ. משאח בנימין.

<sup>31</sup> Ibid.

Justice, it was his opinion that one must not resort to them to adjust differences with a fellow Jew but that one may apply to them in the case of a difference with an unobservant Jew (i . e. one who does not follow the Jewish law) who is according to him, a Jew who has forsaken his religion, without however having gone over to non-Jews.<sup>32</sup>

From all this we may assume that Benjamine Nahawendi's stand on the halakahs is with but few exceptions, close to ours. As he was deeply versed in the literature of the Talmud, he is in reality more of a Rabbanite than a Karaite, although he was a prominent leader of the Karaite sect.

The most important Karaite leader, after Benjamin Nahawendi, was Daniel Ha-Kumissi, who like all the other Karaite leaders had written a book called *Sefer Ha-mitzvot*. This dealt with halakahs that Karaites were to obey. This book unfortunately disappeared, only parts of the manuscript and reference being alluded to in books of other Karaites and Rabbanites have been transmitted to us. The *Sefer Ha-mitzvot* was written in Hebrew and in an original style, with a blending of Rabbinical and Arabic terminology.

Daniel Ha-Kumissi is called in Arabic "Ras Alcal", which in Hebrew would mean ראש כלה. He lived in the second half of the ninth century.<sup>33</sup> Zunz<sup>34</sup> is of the opinion that Ha-Kumissi was the grandson of Anan, because he found that Rabbi Natronai says in the *Siddur of Rabbi Amron*<sup>35</sup> that Anan was his grandfather. But from the

<sup>32</sup> Ibid.

<sup>33</sup> Cf. Pinsker, p. 45.

<sup>34</sup> *Die Ritus*, p. 7.

<sup>35</sup> Natronai passage in the *Siddur of Reb Amron*, p. 54 reads as follows:

אלא הללו מיכין סלעגין ובוזין דברי חכמים ותלמידיו ענן ירקב  
שמו אבי אביו של הנזאל אל יהי לו מושך (חסד) וכו'.

text it is not sufficiently clear whether he means it literally, or his spiritual heir.<sup>36</sup>

From the passage extracted from the writings of Ha-Kumissi and which Harkavy includes in his *Studien und Mitteilungen* (Vol. VIII)<sup>37</sup> it is evident, that he followed neither Anan nor the teachings of the Rabbanites, and that he was aiming at creating a new school. But although he was a well learned man yet he had not great influence, and his teachings and explanations have not been accepted by the latter Karaites, in spite of the fact that he is mentioned by many of them.

An illustration will make this point clear. Regarding questions as to which fowl Jews may eat and those which they are not allowed to eat, he disagrees with the Rabbanites who say that the fowl has four signs to be classified as a clean fowl. He also opposes Anan who also classifies a clean fowl by two signs different entirely from those of the Rabbanites. According to the teachings of Ha-Kumissi however, there are no special signs by which we can distinguish between a clean fowl and unclean fowl, because there are none mentioned in the Torah. Therefore, not knowing at present what the fowl mentioned in the Bible are, owing to the uncertainty of their names mentioned there, the Jews should not eat them at all. He does however make an exception as to pigeons, which in his opinion we do know.

The passage where he forbids to eat fowl reads as follows:

... בזאת תדעו כי כל המדבר כל עוף אשר לו אות או כן  
הוא טהור דבר סרה על יוי והוא בודה מלבו...  
ועתה דע כי אין לנו לאכול עופות טרם נדע אלה השמות באר  
היטב. ומי הוא היום אשר ידע פתרון אלה שמות העופות. באמת  
זה אומר בן וזה אומר לא כן, וכל דבר אשר יש לו דומה במקרא

<sup>36</sup> Cf. Pinsker, p. 45.

<sup>37</sup> *Studien und Mitteilungen*, Vol. VIII, pp. 187-192.

נוכל לפתור אותו כמו עורב וגנש ואשר אין לו דומה במקרא לא  
 נוכל לפתור אותו כמו הפרס והעזניה והתחמס והאחרים... על  
 כן אסור לאכול כי לא נדע עוף טמא מעוף טהור כי אם תורים וכני  
 יונה...

The outstanding characteristics of Ha-Kumissi is that he frequently opposes the views of Anan and shows his disappointment in him, as we see it by Kirkisani in the Hebrew translation by Prof. H. Malter (still in M. S.).<sup>38</sup> He also opposes the Rabbanites, but not as much as the former. This is how far we can judge from the passages that we have on hand.

Generally speaking, we can see from his passages, that with regard to the teaching of Anan, he shows his opposition quite often, while with respect to the Rabbanites he is not so antagonistic and sometimes even supports their views. For instance: he is against the strict laws of Aroyot as advocated by Anan, and which were an innovation by the latter. It is therefore quite possible that if we had his *Sefer Ha-mitzvot* we would likely find there a great inclination towards the Rabbanites and a strong declination from the Ananites.

Altogether Harkavy collected seven passages of Ha-Kumissi's *Sefer Ha-mitzvot*, the first of which deals with clean fowls and unclean fowls, mentioned above. The second—with the prohibition of witchcraft, and as a result of this he forbids even callendar calculations. The third deals with the forbidding to ask a non-Jew to labor on Sabbath whether receiving remuneration or not. In the fourth passage he condemns those who say טמא טמא and expresses his opposition particularly against Anan. The fifth, sixth and seventh are about Aroyot where he openly disagrees with Anan.

Daniel Ha-Kumissi was the last of the Karaite authors

בשעה שחיה חסידו קרא לו „ראש המשכילים“ אחרי כן קרא לו „ראש חכמים“.

who dealt with the Karaite laws in the Babylonian era. His successors were mainly devoted to the composition of religious hymns and to treatises of a polemic nature. With Daniel Ha-Kumissi, the Karaites end a chapter of Karaite halakah in the Babylonian epoch, which has had a great influence on the Karaite scholars of the later periods.

## CHAPTER VI

### A NEW LIGHT ON KARAITISM

Polemics given rise by religious controversy and disputations are notoriously turgid in style and exaggeratory of statement, and cannot be regarded as an authentic source for historical research. The polemics that raged between the Rabbanites and Karaites must therefore be excluded from our investigations as gainfully instructive. They have only brought home to us the severity of the *kampf* that raged between these two groups of believers, and the accusations and reproaches that were so freely cast about.

The question, however, naturally arises: what constitutes the true background and motives of the conflict? Assuredly, it cannot be attributed to the acceptance and practice of the Unwritten Law (*Torah Sh'baal Pe*), for Anan and his followers unquestionably kept full faith with the halakahs of the Talmud; their lesser deviations, due not to opposition or antagonism, but to an almost innate conservatism, and which also have their roots in the teachings of the Talmud, as evinced in the usages and discipline of certain sects that adhered to the Pharisees, but were more orthodox than the latter. On the other hand, we are aware, from the stream of polemic literature, of a battle over and about the Talmud. In what manner, therefore, is all this to be understood, without the impairment of our perspective and knowledge of facts?

Equally untenable is the hypothesis of many scholars that the schism in the Mohammedan faith, especially the sect of the Shaites, exerted a corresponding influence upon the Jews in the time of Anan, in bringing into being the Karaite sect. This theory has been effectively demolished



by Friedlander in his *Jewish Arabic Studies* (J. Q. R., 1910-11, 1912-13, vol. II). Still and despite the extremely effective criticism to which this theory has been subjected by Friedlander, the solution of the psychological difficulty of two similar sects, arising simultaneously in two different faiths, Mohammedanism and Judaism, and yet not having some common origin or influence, still remain. This is particularly true in view of the fact that the Jews and Mohammedans of the period lived in close spiritual communion, and exerted a considerable reciprocal intellectual influence upon each other (Prolegomina to 'Etz Chayim'). One has to admit that there were sufficient internal reasons for producing the variegated assortment of both, secret and public, sects that flourished in Jewry at that time. (Gottlober, p. 21; Rappaport in "Kerem Chemed", vol. V).

To fully comprehend this strife, that was so hotly contended by those affected, a glance back to that period or epoch in history will afford an excellent view of the cultural, ideological and manifested religious state of the times.

It was after the advent of Mohammed. Anan and his precepts held sway following the year 767 A. D. The great blaze of Islam had brought down all before it in the East; its conquests, in 750, ranged from Mecca to the Caucasus, from Turkestan to the Castile. In the path of this conflagration, stubbornly resisting its onslaught, but in the end yielding, had stood Persia, the land of the Medes and Persians.

The liberal of the Jews of the time, those who did not look askance at greater freedom in religious thought, though they were greatly embittered at the bloody massacres of their coreligionists who had proven recalcitrant to the wave of Mohammedan fanaticism, were *an und für sich* compelled to face the undeniable fact that Mohammedanism was an added force to the ideal of monotheism, and as the once militant Judaism, now carried on a ceaseless,

deadly warfare with the great mass of idolaters, as well as with that powerful group of believers of Dualism—the Zoroastrians. Too, Islam had accorded full recognition and inviolability to the great and holy men of the Israelites, and had not been averse to adopting many of the Jewish laws and customs.

Persia, where the biprincipled religion of Zoroaster had found root and flourished, and to where it was almost solely confined, was, it is true, at that time becoming less receptive to it. Zoroastrian faith and practice no longer afforded the same spiritual gratification, and a perceptible decrease had begun to make itself apparent in its ranks. As early as the third century had seen disintegration as a definite force, and the coming, approximately, 216, of Manichaeism. These efforts, by Mani, to restore the body of Zoroastrian doctrine, though not altogether fruitless, served only as momentary patches upon its seedy garment.

The cause of this decline may be directly assigned to the new and manifested spirit in Arabia and in the Mesopotamian Valley. It was the hour of renascence, and already had progressive men outgrown the irrational religious beliefs that formed so great a portion of the Persian creed; chiefly, the lore of demons and evil spirits, and the different laws concerning them, with which the Zend-Avesta is taken up.

It was the time of general rising, out of envy and distrust, by many of the Arabians against the Persian sway. Everything pertaining to the Iranian belief was extirpated, and many books and treatises were consigned to the flames.

The authoritative Danish investigator, Rask, has in this connection proven that the Zend-Avesta, as known at present, is but a surviving remainder of the original ere Islam began its rule in the Orient; and that the Persians housed a great library on every phase of religion. As the Arabic historian Tabari relates, no less than twelve

IV. The Vispered, with twenty-four chapters, a supplement to the Yasna; and the Khorda, an abridged edition of the Laws in the Zend-Avesta, the Zoroastrian catechism.

In the process of comparison, we find Mohammedanism nobler and finer, with but one Lord at its apex. Here there is no room for conflicting dicties; there is but one God and Mohammed is his prophet.

The grosser worship of the demonic powers is also not in the make-up of this new religion. It is not surprising then, that liberal Jews saw in the teachings of Mohammed great strides towards progress on earth, aiding also therefore in the bringing to naught of the last surviving traces of the Persian influence, superstitiousful, as it was.

And it was upon this soil, fertile already with the seeds of revolt and dissension, that the stalk of strife found nutriment to sprout among the Jews.

The Babylonian Talmud had been greatly determined by Persian direction. We find in it not only Persian superstition and legend, but many decisions handed down in accordance with the Persian code, not to speak of the customs and usages of Persian life. Even the forms and expressions of the literary Pahlavi had entered into the Talmud Bavli in no small abundance. To this degree was it under an alien influence that it is difficult to sift the Jewish from the Persian; especially, is it replete with matters pertaining to spirits and imps, astrology and other superstitions of Persian source.

It is, of course, gratuitous to say that the burden of proof rests here. But it is, in reality, no burden; for even to those who have found in the above an overamplified statement, the following detailed exposition will reveal the full measure of Persian modification on our Talmud.

Simply and categorized, ideology, legend, laws and customs, proverbs, and language are the five "phases of influence" of consequence.

## IDEOLOGY

A system of nomenclature for angels in Jewish lore, previous to Iranian influence, did not exist. Celestial beings known as angels, were, of course, referred to in the Bible, without specification though. This, then, had been embodied in the Persian religion, from whence it had been taken, as is attested to by the Talmud itself.<sup>1</sup> Thus it is among Jews now; an evil angel and the angel of good; in Persian teaching, it is Ormazd, who meets the latter requirements, and Ahriman, the Prince of Darkness, who is the incarnation of bad.<sup>2</sup>

Even unto the very names was this induction. Above all is Mithra<sup>3</sup>; Hadar, the angel of fire<sup>4</sup>; Dahraman,<sup>5</sup> the angel appointed over the dead; Tir,<sup>6</sup> the guardian of rainfall; Serosh,<sup>7</sup> defender against evil spirits; and the angels who bear the prayer before Ormazd,<sup>8</sup> and many more are found conspicuously in the Talmud.

## DEMONS, FIENDS AND EVIL SPIRITS

As with angels so were the Amara'im of Babylon in the consideration of, and belief in, demons susceptible to the Persian persuasion.

Ahriman is known likewise as Scheton,<sup>9</sup> who arouses the evil in man, afterwards bringing about his degradation

- (1) שמות המלאכים עלו להם מבבל (וי"ר שמיני ו').
- (2) סדת תרחמים וסדת תדון (ב"ר פו"ב) יצר הרע ויצר טוב (ברכות כ"א); ב' מלאכים מלוים לו לאדם (תענית י"א) אם זכה מלאכי השרת נמסרין לו, אם מתחייב מלאכי תבלה נמסרין לו (סדרש תהלים ק"ד).
- (3) נמסרין (עבודה זרה ב').
- (4) תדרניאל, שכל דבור שיוצא מפיו יוצאין ממנו ב' ברכים של אש (פסיקתא דמ"ת).
- (5) דומה, הממונה על הרוחות (סנהדרין צ"ד).
- (6) ביומא כ'. פירוש רש"י, מלאך הממונה על השקות הארץ ממטר השמים ממעל וכו' דמי לעגלא.
- (7) סוריאלי, שר הפנים, סת לריבא על ג' דברים וחנצל סן המזיקין (ברכות נ"א).
- (8) מלאכי רחמים הממונים על התפלה (סדרש תהלים מ').
- (9) הוא השטן, הוא היצר הרע, הוא המלאך הסות (ב"ב פ"ו).

and death. In the Zend-Avesta, he is also alluded to as the Serpent of Gehenna<sup>10</sup> (Vendidad II, 384). To him is ascribed the pains of menstruation<sup>11</sup> that are visited upon this world (Vendidad I).

His myriads of helpers are called devs<sup>12</sup> (devils), and they infest the universe throughout (chap. I, 21); though their place of habitation is the cold North<sup>13</sup>; particularly, do they revel in the vicinity of graveyards<sup>14</sup> (Ibid II, 337).

Ahriman is also privileged to ascend the heavens and cast there his accusations<sup>15</sup> (Ibid III, 62).

Of the demons, there are of two kinds, male and female;<sup>16</sup> and they assume different shapes<sup>17</sup> and forms, as that of man,<sup>18</sup> or that of a fly.<sup>19</sup> And like the human race, they multiply;<sup>20</sup> for those who wantonly spill their seed, bring demons upon the earth.<sup>21</sup>

Eshem<sup>22</sup> is the greatest of the devils. One of the fundamental teachings of Persian religious conduct is the avoidance of unclean hands<sup>23</sup>; for Sabetch,<sup>24</sup> the baneful spirit, rests upon such hands.

The cock that crows in the early dawn drives away

- (10) נחש הקדמוני (סנהדרין כ"ט) נחש הראשון (אדר"ג פ"א).
- (11) עדובין ג'.
- (12) כל העולם כולו, מלא רוחות ומזיקין ואלמלא ניתנת רשות לעין לראות, אין כל ברירה יכולה לעמוד בפניהם (ברכות ו', מדרש תהלים י"ז, תנחומא, משפטים).
- (13) ילקוט איוב וירמיה; פדר"א פ"ג; מדרש כונן.
- (14) חלן בבית הקברות, כדי שתשרת עליו רוח פומא (סנהדרין מ"ח).
- (15) תנא, יורד ומסית, עולה ומספין (כ"ב מ"ז).
- (16) שדה ושדות, שדה ושדות, כלומר שד וזכר ושדה נקבת (גיטין מ"ח, מדרש קהלת פ"ג).
- (17) חופכין פניהם לכל דמות שירצו (אדר"ג פרק ל"ז).
- (18) יוסף שידא (חולין ק"ה).
- (19) יצר הרע דומה לזכוב (ברכות מ"א).
- (20) פרים ורבים רבוי אדם (אדר"ג פרק ל"ז, הגיגת מ"ז).
- (21) מהוצאת שכבת זרע לבפלה יבראו שדים ומזיקין (ערובין י"ח).
- (22) אשמדאי, הוא מלכא דשרי (גיטין מ"ח).
- (23) שבת ק"ט.
- (24) סדיתח אשת ידה אחת במים ונותנת פת לתינוק וכו', אמר אבוי משום שיכחא (רש"י: לפי שרות רעת שורה על הלחם תגלסו בידים שלא נפלן שחרית, ושם חשד שבתא).

the imps of the night<sup>25</sup> (Ibid 143, 93). During the period of darkness must no one proffer or receive the hand of another<sup>26</sup> (Ibid).

To repel these unseen forces, each Persian intoned a special prayer.<sup>27</sup> The demons' mastery extends over the participants in wedlock (Ibid), and over the mother in the pangs of childbirth<sup>28</sup> (Ibid III, 223); that of fiends, over wells and springs<sup>29</sup> (Ibid).

The driving off of pernicious spirits by adjuration was among the Persians a conviction that translated itself into action. Whole systems of conjuration were devised; and many were the invocations with which some of them commanded the devils. All this entered into the Talmud.

In exorcising a demon, the chief thing to utter was "I expel you from me"<sup>30</sup> (Ibid). If one has been bitten by a mad dog, an accordant spell must be cast in order to eject the hurtful spirit. This incantation has been written into the Talmud<sup>31</sup> (Vendidad I. 30); also, those against forgetfulness,<sup>32</sup> and that the sheep of the slaughter-house may be fatter.<sup>33</sup> Too, did the Talmudists<sup>34</sup> (Cf. Sabbath 90) take over the Persian belief in cameos and talismans (cf Kleiker II, 179) as capable of averting evil.

- (25) היוצא לדרך קודם קריאת התפלה, דמו בראשו, מפני המזיקין (ברכות ל"ח).  
 (26) אסור לאדם שיתן שלום לחברו בלילה, תישינון שמא שר הוא (מגילה ג').  
 (27) שיר של פגעים (שבועות ט"ו); כל הקורא קריאת שמע וכו' מזיקין בדלין הימנו (ברכות ד').  
 (28) תנא, ד' צריבין שמירה מן המזיקין, חולה, חיה, חתן וכלה (ברכות נ"ד).  
 (29) המזיקין מצוין בבורות (גיטין פ"ז); ת"ר לא ישתה אדם מים לא מן הנחרות ולא מן האגמים בלילה (פסחים ק"ב); תיתי מרזיבא שכיתי מזיקין (חולין ק"ח); ד' דברים נאמרו בקרומיות של קנה וכו' מפני שרות רעה שוכנת על ידו (ב"ר פרק נ"ו).  
 (30) גירא בעינא דשטנא (קדושין פ"א).  
 (31) נזיתי משכא דאפא דכרא ונכתב עלוהי וכו' קנדי קנדי וכו'.  
 (32) אשבעית עלך פותה שר של שכחה, שתסיר לב טפש ממני וכו' (הלכות תרו"צ גיאות, תבדלה, צ"ד ט"ו, בשם ר' עמרם גאון).  
 (33) עזא דכו מבחי שמינא מנאי (מגילה ג').  
 (34) שבת ט"ו; צ'.

The reading of the sacred writings<sup>35</sup> as a means to restore health, is analagous to the effects the Persians attributed to their Zend-Avesta. Generally speaking, it is the Persian religion that is responsible for this appearance of demons and imps in the Midrash and Talmud.

#### PARADISE AND GEHENNA; THE MESSIAH AND RESURRECTION

The idea of a Reward and Punishment after death is not known in the Bible. It gained credence among the Jews ere it did among the Babylonians, and following its sweep over the Persians, to whom it represented an unassailable conviction. In Vendidad IX, there is a detailed account of the life of the righteous in the Garden of Eden.

Wholly and unreservedly was this conception by the Amariim received, as evinced in the Yerushalmi, Tractate Klaiim (at the termination of chap. 9), as well as in Bereshith Raba. And thus we find in the Talmud completely depicted that: Paradise, as Hell, is divided seven-fold;<sup>36</sup> after death, the good and bad must pass over a bridge,<sup>37</sup> the righteous entering Eden, while the latter fall into warmer climes, where they are led to the incessantly blazing furnaces. And the punishments that are inflicted upon them are great and varied; some are continually suspended by their feet, others eat of their own flesh. This celestial chastisement sometimes takes the form of sharply-pointed objects and spears; for those who have during their mundane existence spoken ill of their neighbors, there are the reversed gallows, so that their tongues may loll out

(35) מותר להתרפאות בדברי תורה בשבת (שבת ס"ז).

(36) שבעה מדורין לגן עדן ושבעה לגיהנום.

(37) וגברו חיבי מיכדי? — בשעה שעוברים על הגשר (שבת ל"א); באותה שעה מבוא הקב"ה את העמים ואליהם וכו' יעברו כל אומה ואומה ופסלה על הגשר של גיהנום, ועוברין, כיון שמגיעין לתוכה יתח לפניהם כחוט ונפלין לתוך גיהנום (סדר אליהו זושא פ"א).

in pain and anguish<sup>38</sup>; still others are burnt in their own excrement, or in their own semen<sup>39</sup>; some are hanged by the hair or skull<sup>40</sup>; from the graves of others does smoke issue.<sup>41</sup>

The Persians believed that in the generation that was to see the Messiah, humanity would greatly dwindle,<sup>42</sup> and soon after will the dead arise, with Ormazd as the supreme deity and guardian of mankind. In like manner, does the Talmud<sup>43</sup> dwell upon its notion of the Delivery, with, of course, different identities.

The Zend-Avesta, in its theory of Resurrection, as that of the Talmud,<sup>44</sup> finds it wholly feasible; for did not the One On High in the beginning create substance from a void, to raise the dead would be only recreating His handiwork. After Resurrection, homage to King<sup>45</sup> will no longer be necessary, and the Devil's shadow will no more darken the earth.<sup>46</sup>

#### LEGEND

In the Persian faith, the righteous who dwell in Paradise

(38) סוטה ל"ח.

(39) זה נידון בצומא רותחת, וזה בשכבת זרע רותחת (גיטין נ"ו).

(40) זו תלויה בשערה, ואלו בקדקדי ראשיהם (וי"ר סי"ז).

(41) קברו סעלה עשן (סנהדרין ס"ח); מכנשו ליה לקטמיה ודיינו

ליה וקלו ליה ומבדרו אשב ימי (גיטין נ"ז).

(42) בני אדם יחיו סחמעיין (סנהדרין צ"ו; סוטה מ"ט) סמוך

ליסות המשיח דבר גדול בא לעולם וחצי משתלחין (סנהדרין צ"ז; כתובות ק"ב).

(43) כיצד חקב"ה סחית מתים לעולם תבא? מלמד שנושל שופר

בידו וכו' עצמותיהן מתקבצין וכו' איבריהם מתחממין וכו' עורותיהן מתרקמין וכו' ונשמות מתבגסות לגושיהן וכו' (פיר"א פ' ל"ג; אותיות דר"ע, אות ז').

(44) אוי לכוני חיבוא דאמריהן מיתו חיין, דחיי — מיתו, דמיתו —

חיין? — א"ל, אוי לכוני חיבוא דאמריהן מיתו לא חיי, דלא תוו — חוו, דחוו לא כ"ש (סנהדרין צ').

(45) אין בין העולם הזה לעולם תבא אלא שעבוד סליחות בלבד (פסחים ס"ח).

(46) סוכה נ"ב; אומר יצר הרע תואיל ואני עבוד לעולם תבא כו' (אדר"ב ס' פ"ז); אין גיתנום לעתיד לבוא (עבודה זרה ג'; מדרש

תהלים י"ט).



are luminous as the stars<sup>47</sup> (Vendidad II. 130). He who does not peruse the Zend-Avesta is doomed.

The art of magic does not derive from the Evil Power, and all wise men can practice it (Vendidad 18, 166). The Talmud, expressing a like opinion, believes that the Sanhedrin should possess these supernatural qualities.<sup>48</sup>

Because of debauchery and licentiousness will the rains be withheld from the soil<sup>49</sup> (Ibid 18, 125). He who studies the Scriptures will be at peace with Temptation<sup>50</sup> (Ibid 19, 19). Even the godly, after their expiration, fear the Angels of Evil not to be enmeshed in their snares before they enter Paradise.<sup>51</sup>

The Iranian conception was that of two firmaments; the visible one, of precious stones, and the second, vaulting above the first<sup>52</sup> (Ibid 19, 128).

Both the Zend-Avesta and the Torah are alike in their power to repel demonic influences, merely by reading, to their followers.<sup>53</sup> The idea of the Persians that the good deeds of the pious are accumulated in a treasure-trove is also brought out in the Midrash.<sup>54</sup>

(47) כשם שהמה ולבנה מאירים לעולם כך הצדיקים (סנהדרין י"ט; מדרש תהלים ע"ה); תללותו כל כוכבי אור. מי חן כוכבי אור? — אלו הצדיקים. (מדרש תהלים קמ"ח); ומצדיקי הרבים ככוכבים (ירושלמי, נדרים פ"ג ה"ח).

(48) אין מושבין בסנהדרין אלא בעלי כשרים (סנהדרין י"ז).

(49) בעון גלוי עריות הגשמים נעצרים (תענית פ"א; ספרא פרשת קדושים).

(50) בראתי יצר הרע, בראתי לו תורה תבלין, אם אתם עוסקין בתורה אין אתם נמסרים לו (ספרי, עקב; קדושין ל'; ב"ב כ"א); אשריהם ישראל שבוסן שהם עוסקין בתורה יצרן מסור בידם (עבודה זרה ו').

(51) דין הקבר, מפילו צדיקים נדונים בו (מס' חיבוט הקבר פ"ג).

(52) רקיע של ראשי תחיות וכו' של אבנים טובות ומרגליות (פדר"א פ"ד).

(53) מכאן אמרו מפילו אין בידו של אדם לא מקרא ולא משנה, אלא יושב וקורא כל היום, ואתות לופן חסנע" שכל תורה בידו (סדר אליהו זוטא פ"ב; מגילת ל"א; תענית כ"ז).

(54) הראה לו הקב"ה את כל האוצרות של מן שכל וכו' (שמות רבה פ' מ"ה, תנחומא, כי תשא).

An analogy to the Persian angel Mithra, the preceptor of children<sup>55</sup> and guide to the devout on their passage to Heaven, and who is also clothed in white,<sup>56</sup> is found in the Talmud.

That the departed souls of the virtuous are retained under the very Throne of the Almighty (Ibid 19), is also in the Talmud as imparted by Reb Eliezer.<sup>57</sup>

To worship the glory of God out of love for His Divine Being was to the Persians more meritorious than the homage of fear; a Talmudic dissertation, too.<sup>58</sup>

The Iranian designation of their Zend-Avesta as "provision for the traveler," or "guide to life," was carried over by the Talmud to so style the Torah.<sup>59</sup>

The legendary feat of Zoroaster, who banished the evil spirits by a mere utterance, was adapted to Moses.<sup>60</sup>

The passage in the Zend-Avesta, wherein Ormazd speaks unto Zoroaster of the life of virtue that follows death, is given in the Talmud.<sup>61</sup>

The Persians do not erect monuments to their great, for their good deeds shall forever be their mark; this injunction is too taken heed of in the Talmud.<sup>62</sup>

When a righteous man has sinned, he is chastened for his transgression upon this world, so that he may fully reap the fruits of his piety in the Garden of Eden in the hereafter; such is also the Talmudic contemplation.<sup>63</sup>

The disciples of Zoroaster are assured of a heavenly

(55) מטמרון מלמד תורה לתנוקות של בית רבן (עבודה זרה ג').  
 (56) בשעה שמת בה שמעון הצדיק וכו' היה זקן לבוש לבנים ומחזק לבנים נכנס עמו וכו' (יומא ל"ט).  
 (57) נשמותיהן של צדיקים גנוזות תחת כסא הכבוד (שבת קנ"ב).  
 (58) העושה מאהבה שכרו כפול ומכופל (ספרי ואתחנן).  
 (59) מר עוקבא קרא ליה זורא (כתובות ס"ז).  
 (60) אמר שיר של פנעים וברחו המזיקין מפניו (איכה רבתי פ"ד).  
 (61) אין מלוין לו לאדם, לא כסף ולא זהב, אלא מעשים טובים בלבד (אבות פ"ו).  
 (62) אין עושים נפשות לצדיקים, דבריהן הן זכרון (ירושלמי, שקלים פ"ב).  
 (63) גפרעין מן הצדיקים בעולם הזה על עברה קלה שעשוין (תענית י"א).

existence; this has been conformed to the children of Abraham.<sup>64</sup>

When God in His Glory passes divine judgment upon a mortal, it is in the company of His angels (Vendidad 19, 89); a notion taken over by the Yerushalmi.<sup>65</sup>

The Midrash<sup>66</sup> writes of the Persian belief that to sin is to lessen the power of the angels in Heaven.

God is with him who studies and meditates in the night<sup>67</sup> (Vendidad 18).

The kin of a departed bestow charity so that his disembodied spirit may swiftly proceed to greater celestial heights.<sup>68</sup>

After death, is the Persian persuasion, are the actions, good and bad, balanced upon divine scales. Talmudic literature has placed great emphasis upon this concept.

This life, to the Persians, is but a passing, unimportant sojourn; only after extinction is the commencement of the true existence.<sup>69</sup>

Among the earliest creations was the Zend-Avesta.<sup>70</sup>

The married, according to the Avesta, are looked upon with greater favor than those who are not married<sup>71</sup>; and he who has progeny will possess more worth in the eyes of God; the rich are worthier than the poor; so also is it said in the Talmud.

(64) אברהם אבינו ע"ה אינו מניח הנפולים לרדת לגיהנום (ערוכין י').

(65) אף הקב"ה אינו דן יחידי (ירושלמי, סנהדרין פ"א).

(66) בזמן שישראל עושים רצונו של מקום מוסיפין כח בגבורת של מעלה, ובזמן שאין עושין מתישין כח גדול של מעלה (איכה רבתי פ"א).  
(67) כל העוסק בתורה בלילה הקב"ה מושך לו אש של חסד ושכינת כנגדו (ע"ז ג'; חמיר ל"ב; ברכות ל').

(68) ראש חשנה י"ז; קדושין כ'; ירושלמי ריש פאה; סנהדרין, ריש פרק ו' וקדושין סוף פרק א').

(69) טוב מלא כף נחת, זה העולם תבא, ממלא הפנים, זה העולם חות (קהלת רבה, פרק ד').

(70) תתורה נבראת בין הדברים שנבראו מראש (נדרים ל"ט; ספרי, עקב).

(71) כל אדם שאין לו אשת — אינו אדם (יבמות ס"ג; כל מי שאינו מניח בן הקב"ה מלא עליו עברה ב"ב קפ"ז).

Zoroastrians were loath to convert others to their faith. Thus had the Talmudists decreed to the Jews to dissuade proselytes.<sup>72</sup>

Though the Zend-Avesta was unknown to the peoples preceding the coming of Zoroaster, the righteous who had gone before him were aware of it and followed the precepts therein. Similarly, is it alluded to of the great and sanctified of the Jews.<sup>73</sup>

That which is told by the Persians of Zoroaster, that God had shown him all that was to come, was also attributed to Moses by the Amariim.<sup>74</sup> (I. 103; II. 116).

Even with the sharp end of the sword lying heavily against the throat, should not man despair and lose hope<sup>75</sup> (Vendidad I. 116).

He who gives shelter and sustenance to a wise man is as if he has brought an offering to the altar of God<sup>76</sup> (Aprin II. 150, 382).

The righteous on earth stand higher than the angels above.<sup>77</sup>

All that is created of God in this world is of two kinds: male and female.<sup>78</sup>

Ye have accepted the Avesta, is the Almighty's word; therefore, have ye in my eyes never sinned<sup>79</sup> (Vendidad 324).

(72) קשים גרים לישראל כספחת (קדושין ע').

(73) אברתם אבינו קיים כל התורה ואפילו עירוב תבשילין (יומא כ"ח).

(74) תראה לו למשה דור דור וחכמים, עד סוף כל הדורות.

(75) אפילו חרב חתה מוכחת על צוארו של אדם, אל ימנע עצמו מן הרחמים (ברכות ו').

(76) כל המארח תלמיד חכם בביתו ומחנחו מנכסיו, מעלה עליו הכתוב כאילו הקריב קרבן (ברכות י').

(77) גדולים צדיקים יותר ממלאכי השרת (סנהדרין צ"ג).

(78) כל מה שברא הקב"ה בעולמו זכר ונקבה בראם (ב"ב ע"ד).

(79) כיון שקבלתם עליכם עול תורה, מעלה אני עליכם כאילו לא תפאתם מימיכם (ירושלמי ראש השנה, פ"ד, ה"ו).

He who gives himself up to the study of the Avesta is free from the obligation of sacrifices<sup>80</sup> (Vendidad II. 324).

The scoffer shall be deprived of his income<sup>81</sup> (Vendidad 373).

Marriage to a kinswoman is deserving of great reward<sup>82</sup> (Vendidad II. 149).

Prayer without devotion is as body without soul<sup>83</sup> (Vendidad I. 105).

Congregational prayer is indeed weighty, for it carries the supplications of the many<sup>84</sup> (Vendidad II. 131).

A broken pledge is tantamount to the worship of idols<sup>85</sup> (Vendidad II. 315).

All that which has been heretofore brought is merely indicative of the great mass of legendary material taken over from the Persians; the main concern here, however, is with the halakaic influence that made itself so strongly felt in the Talmud and Midrash.

#### HALAKAH

In bringing the Laws that emanated from the Persian wellspring, a different procedure will be followed than has been done hitherto. These halakahs are known to us from the Talmud, in its distinctive style and structural form of expression; hence, for the sake of greater clarity, they will be given here in text, the Notes indicating their source in the Zend-Avesta.

Ere continuing, however, are of interest the regulations and rules of conduct of a general nature.

(80) כל העוסק בתורה, אינו צריך לא עולה ולא מנחות (מנחות ק"ו; מגילה ח').

(81) כל המהלוצץ מזונותיו מתמעטין (ע"ז י"ח).

(82) תנשא את בת אחותו, עליו חתוב אומר או תקרא ות' יענה

(יבמות פ"ב; סנהדרין ע"ו; דרך ארץ רבה פ"ב).

(83) המהלל צריך שיכוון את לבו לשמים (ברכות ל"ח).

(84) זכותא דרבים עדיף, וצבור נפיש זכותיה (ע"ז ד'; ברכות ו').

(85) כל המהליף בדבורו, כאלו עובד עבודה זרה (סנהדרין צ"ב).

The matter of benedictions, or the saying of grace over something that affords delectation is of Persian origin; the blessing of food and when viewing the sea for the first time (Vendidad II. 112, and in Tract Brachoth, p. 60); the blessing that is required when one visits the cemetery (Ibid II. 168, and Brachoth, p. 60); etc., etc.

The marriage ritual, with its special benedictions, ceremony and rites, is fully delineated in the Avesta (II. 157, 158; III. 228).

All enjoinders concerning demons and spirits set forth in Vendidad, have entered into the Talmud. Many of the laws of Yasna: the sacrificial arrangement; the rendering of the divine service; the mandates in regard to cleanliness and uncleanness; form the major portion of Talmudic Law in these matters.

Firstly, a number of *dinim* germane to demons and imps.

(1) תפלת ר' אלכסנדר בן דמצי צלותיה: רבון העולמים גלוי וידוע לפניך שרצוננו לעשות רצונך, ומי מעכב? — שאור שבעיסה, יהר"מ שתצילנו מידם. (ברכות י"ז).<sup>86</sup>

(2) בבוקר אומר: אלהי נשמה שנתת בי טהורה היא וכו' (ברכות ט').<sup>87</sup>

(3) ג' דברים נאמרו בצפרנים: שורפן חסיד, קוברן צדיק, זורקן רשע. מאי זורקן רשע? — שמא תעבור עליהן אשה עוברה ותפיל (ערוכין י"ח).<sup>88</sup>

(4) עינא דבעיא למחזי לנא בישתא תפקע (ע"ז ס"ה, ב"מ ק"ט): רב ורבי חייא רבה תרויהון אמרין צ"ט סתים בעין, ואחד בידי שמים.<sup>89</sup>

(5) הבנים יוצאים בקשרים. מאי קשרים? אמר אדא מדי, אמר ר' נחמן בר ברוך, אמר רב אשי בר אבין, אמר ר' יהודה,

<sup>86</sup> Vendidad II, 100.

<sup>87</sup> On arising the devout Persian kneels in prayer; a hope in his resurrection to come. It is akin to that of the Talmud (Ibid 100).

<sup>88</sup> He also possessed a special blade for the pruning of his nails; a usage which orthodox Jews to this day observe (Ibid 166).

<sup>89</sup> Khorda, p. 92

<sup>90</sup> Vendidad 19, 142; Khorda, 45.19.

- קשורי פאה, אמר אביי, אמרה לי אם, תלתא מוקמי, חמשה מסו, שבעה אפילו לכשפים מעלי. (שבת ס"ו, ע"ב).<sup>91</sup>
- (6) מוליך ומביא (את הלולב) וכו', כדי לעצור רוחות רעות (סוכה ל"ו, מנחות ס"ב).<sup>92</sup>
- (7) אסור לאדם לישון בבית יחידי וכל הישן בבית יחידי אחזהו לילית (שבת קנ"א, ע"ב).<sup>93</sup>
- (8) ת"ר שותה כפלים, דמו בראשו, מפני שהוא זונות (פסחים ק"י).<sup>94</sup>
- (9) כל הקורא קריאת שמע על מטתו כאילו אוזנו חרב של שתי פיות בידו (להרוג את המזיקין) (ברכות ה' ע"א).<sup>95</sup>
- (10) איזה שומה היוצא יחידי בלילה, והלן בבית הקברות וכו' (רש"י: איזה שומה האמור בכל מקום, שפטור מן המצוות ומן העונש, ואין קנינו — קנין ואין ממכרו — ממכר וכו' הלן בבית הקברות, כדי שתשרה עליו רוח מומאה, רוח שדים שיסיעהו להיות מכשף, היוצא יחידי בלילה, אימור נגדריפום אחזיה (שם, שם, חגיגה ג' ע"א).<sup>96</sup>

This is but, of course, almost infinitesimal to the huge Persian edifice of halakahs regarding demons that are in the Talmud.

The following ten of *Halakot Nushim* are a second illustration of the extent to which the Persian influence permeated the Talmud.

- (11) הרצה מעות לאשה וכו' כדי להסתכל בה לא ינקה מדינה של גיהנום (ברכות ס"א).<sup>97</sup>
- (12) קטנה אביה או אפטרופוס מקבלין קדושה ובוגרת מקבלת בעצמה. (קדושין מ"א).<sup>98</sup>
- (13) בתך בנה, שחרר עבד ותן לה (פסחים קי"ג); איזהו רשע ערום, זה המשהה את בתו בוגרת (סנהדרין ע"י); המשיא

<sup>91</sup> Yasna, 9.46.

<sup>92</sup> Vendidad I, 162; there is it spoken of the ceremonial swaying of the Borsou, which is as the reed ערובה to Jews.

<sup>93</sup> Yasna, 9.61.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> Khorda, p. 68; this demon is there called Gandarewa.

<sup>97</sup> Khorda 45.19.

<sup>98</sup> Vendidad II, 158.

את בנותיו סמוך לפרקן עליו הכתוב אומר ופקדת נוך וגו' (יבמות ס"ב).<sup>99</sup>

(14) אם שהה את אשתו עשר שנים, אינו רשאי לבטל (יבמות פ"ו).<sup>100</sup>

(15) המורדת בבעלה פוחתין לה מכתובתה, מורדת ממאי? — יכול מתשמיש המטה וכו' (כתובות ע"ג).<sup>101</sup>

(16) אילו יוצאות שלא בכתובה וכו' משמשתו נידה וכו' מדברת עם כל אדם וכו' (כתובות ע"ב).<sup>102</sup>

(17) עונת ת"ח מערב שבת לערב שבת (יבמות ס"ב).<sup>103</sup>

(18) הבא על הנידה חייב על הזדון כרת ועל השונג חטאת (כריתות נ').<sup>104</sup>

(19) הבא על הזכר, עונש לשוכב וגם לנשכב (כריתות צ"ט).<sup>105</sup>

(20) בעל קרי שנתנו עליו תשעה קבין מים — מהור (ברכות כ"ב).<sup>106</sup>

Ten more halakahs are brought here of Persian origin, and which are concerned with the various manifestations of conduct:

(21) מי שמתו מוטל לפניו אוכל בבית אחד וכו' ואינו אוכל בשר וכו' (ירושלמי ברכות פ"ג ה"ה; מ"ק כ"ג; שמחות פ"ו).<sup>107</sup>

(22) פריעת בעל חוב — מצוה (אבות פ"א, י"א).<sup>108</sup>

(23) אף על פי שנתן לו חמשה דברים (צער, רפוי וכו') אינו מתכפר לו, עד שיבקש ממנו (ב"ק פ"ח).<sup>109</sup>

(24) תפילת שחרית עד חצות, יחביא ליה שכר תפלה בזמנה (ברכות כ"ו).<sup>110</sup>

<sup>99</sup> Vendidad III, 227.

<sup>100</sup> Ibid 9, 137.

<sup>101</sup> Ibid 3, 231.

<sup>102</sup> Ibid 3, 231.

<sup>103</sup> Ibid 3, 231.

<sup>104</sup> Vendidad 15, 33.

<sup>105</sup> Ibid 8, 96.

<sup>106</sup> Ibid 8, 74-82.

<sup>107</sup> Vispered 40.

<sup>108</sup> Ibid 116.

<sup>109</sup> Vendidad 4, 106.

<sup>110</sup> Vispered 5, 6.



- (25) מצוה הבאה בעבירה, אינה מצוה (סוכה ל').<sup>111</sup>  
 (26) חייב אדם לברך על הרעה, כשם שמברך על הטובה (ברכות פ"ט).<sup>112</sup>  
 (27) ובכל נפשך, אמילו נומל את נפשך, (ברכות, משנה פ"ט, ג').<sup>113</sup>  
 (28) הנכנס לבית הכסא, לא יחזיר פניו לא למזרח ולא למערב (אדר"נ פ"א; ברכות ס"ב).<sup>114</sup>  
 (29) כיצר מחנכין (את הכוכין) ? אר' יהודה, אם היה ארוך — מקצרו (מ"ע ח').<sup>115</sup>  
 (30) העומד לפני הנר ערום — נכפה (נדרים כ"ג; כלה פ"ג).<sup>116</sup>

To completely and without stint enumerate the Talmudic passages of Persian origin is not within the scope of this work; it would necessitate far greater physical proportions; and our object herein is born of a different design.

It would be of interest, though, to mention two other instances characteristic of Persian influence; the great number of parables and saws in the Talmud, and the transfusion of Persian vocabulary into it.

Of the proverbs, twenty of the more popular will be brought:

- (1) איזהו עשיר השמח בחלקו (אבות פ"ד, מ"א).<sup>117</sup>
- (2) דעה קניית מה חסרת (וי"ד פ"א).<sup>118</sup>
- (3) לא הבישן למד ולא הקפדן מלמד (אבות ב' ו').<sup>119</sup>
- (4) לא בקשישותא תלי מילתא אלא במעמא (ב"ב קמ"ב).<sup>120</sup>
- (5) אונים לכותל (וי"ד ל"ב).<sup>121</sup>

<sup>111</sup> *Die Traditionelle Literature der Persen*, p. 155.

<sup>112</sup> Khorda, 22.

<sup>113</sup> Khorda, 45.

<sup>114</sup> Vendidad II, 169.

<sup>115</sup> Vendidad II, 311.

<sup>116</sup> Dunker, *Alte Geschichte* II, 392.

<sup>117</sup> Persian Proverbs, p. 171.

<sup>118</sup> Ibid, p. 168.

<sup>119</sup> Ibid, p. 169.

<sup>120</sup> Ibid, p. 170.

<sup>121</sup> Ibid, p. 170.

- (6) מלי בסלע משתיקא בתרין (מגילה י"ח)<sup>122</sup>
- (7) מי שהניח לו אביו מעות והוא רוצה לאבדן, ילבש בבלי פשתן, וישתמש בבלי זכוכית וישכור פועלים ואל ישב עמהם (ב"מ כ"ט)<sup>123</sup>
- (8) ג' שונאים זה את זה הכלבים וכו' הוונות ות"ח שבבבל (פסחים קי"ג)<sup>124</sup>
- (9) קדרי רבי שותפא לא חמימא ולא קריא (ערוכין ג')<sup>125</sup>
- (10) בתר עניא אזלא עניותא (ב"ק צ"ב)<sup>126</sup>
- (11) שלשה דברים מרחיבין דעתו של אדם. דירה נאה, אשה נאה וכלים נאים (ברכות נ"ו)<sup>127</sup>
- (12) כל מי שאינו מלמד את בנו אומנות כאילו מלמדו ליסמות (קדושין ל')<sup>128</sup>
- (13) בירא דשתית מיניה מיא לא תשרי ביה קלא (ב"ק צ"ב)<sup>129</sup>
- (14) במקום שאין אנשים השתדל להיות איש (אבות ב. ח)<sup>130</sup>
- (15) הרהורי עבירה קשין מעבירה (יומא כ"ט)<sup>131</sup>
- (16) רשעים בחייהם קרואים מתים (ברכות י"ח)<sup>132</sup>
- (17) דע מאין באת ולאן אתה הולך (אבות ג. א.)<sup>133</sup>
- (18) בני אם יש לך היטב לך וכו' (ערוכין נ"ד)<sup>134</sup>
- (19) אין אדם נחשד בדבר א"א כן עשאו וכו' (מ"ק י"ח)<sup>135</sup>
- (20) למד לשונך לומר איני יודע וכו' (ברכות ל"א)<sup>136</sup>

As to the Persian vocabulary in Talmud, see *Hachalutz* (VIII, p. 98), the article *Pahlavi Words in the Talmud*, where there is fully catalogued 172 such words, with their interpretation and transliteration into Semitic equivalents.

The cause and effect of the historical sequence of events

<sup>122</sup> Ibid, p. 171.

<sup>123</sup> Ibid, p. 172.

<sup>124</sup> Ibid, p. 175.

<sup>125</sup> Ibid, p. 176.

<sup>126</sup> Ibid, p. 177.

<sup>127</sup> Ibid, p. 178.

<sup>128</sup> Ibid, p. 179.

<sup>129</sup> Ibid, p. 182.

<sup>130</sup> Ibid, p. 182.

<sup>131</sup> Ibid, p. 186.

<sup>132</sup> Ibid, p. 187.

<sup>133</sup> Ibid, p. 188.

<sup>134</sup> Ibid, p. 188.

<sup>135</sup> Ibid, p. 188.

<sup>136</sup> Ibid, p. 169.

that then followed, assume a sharper outline and through the mist of centuries we obtain a clearer picture. The resistance to the superstitions of the Persian religion, that flared into open revolt, brought within its orbit the Jews, particularly, the liberal of them. The Orient was then up in spiritual arms against the theology of Zoroaster, and in the muster roll that resounded throughout the East, the Jew accounted for himself.

Generally speaking, it was at a time when Israelites were living in closer amity with the Arabs; it was the proximity of time, place and thought. To many of the Jews, the more cultural and educated, Arabic was their spoken tongue and literary language. It was the incipient state of a period of revival in Arabia; in truth, an Arab-Jewish epoch, a binding force that brought the two Semitic nations into greater fraternal ties. It is not suprising then, that tolerant, non-bigoted Jews viewed with alarm and distaste the infusion of Persian thought into the Talmud; chiefly, the ideas relating to demons; and endeavored to counteract this influence. Against this contentious background saw the long, drawn-out struggle to come.

The adherents of the Talmud, particularly its expounders, the Rabbis, set up a hue and cry that this new-born sect was the expression of subversive designs against it. The negation of the Persian superstitious lore in the Talmud was to them a renouncement of its entirety and a revolt against its authority; and forthwith went up the clamor that the Karaites seek to uproot the Talmud.

A beclouded and muddled history would seem to bear this out, and it is not until the present that many of the Karaite laws that were hitherto taken literally, that is, without discernment, become perspicuous in the light of modern analysis.

We find too in the Talmud that at that time was formed a Persian religious group who styled themselves Chaburim, and who worshipped the ideal of fire, especially on their

Sabbath or day of religious festival. These Chaburim were so hated and abominated for their acts of malice toward Jews, that in the Talmud Rav exhorts: "To be under a gentile but not subject to a Chabur" (Sabbath, p. 11). The passage in the Bible, "I will bring the wrath of an odious nation upon you," is construed by the Talmud as signifying the Chaburim (Yevamoth, p. 13). In Tract Pes. (p. 113): "There are three who manifest aversion one to the other: the dogs, cocks and the Chaburim." Chaburim were to the Talmudists of the same ilk as dogs and cocks. They harassed the Jews, among other torments, from lighting the Chanukah candles, for it was to them a reverence of fire; and the Gemara inquires whether it be prudent to transport a Chanukah candlestick out of fear for the Chaburim (Sabbath, p. 45).

It is pointedly reasonable, therefore, that the motivation prompting the Karaites not to light candles on the eve of the Sabbath was of the desire not to emulate the Chaburim, who thus marked their day of rest. The text upon which the Karaites based this sanction was in truth, in the ratiocinative process, an interpretive lean-upon, as it were.

At any rate, the real root of the conflict of the Karaites against the Rabbanites was embedded in the Persian lore and influence which they sought to disparage and impair, eventually to remove from the Jewish body this alien growth, and herein, out of an obscure past, must every liberal-minded Jew acknowledge the inexcusable, unwarranted persecution and expulsion, ostracism from communal life and excommunication from religious participation, an unjustifiable banishment from history and destiny, of the Karaites from Judaism.

It is a noteworthy, if not ironic, fact of Jewish history that many Jewish scholars of later periods wholly and unambiguously discarded from the Talmud all that which is concerned with magic and demons.

Thus did Maimonides distinctly aver that "belief in superstition is tantamount to heresy." The *Kuzari* (chap. IV, par. 23) openly holds: "Were idolatry today the mode, as it was in ancient times, we would observe the phenomenon of Jews, as did the scholars of the sundry nations, giving credence to the shallow absurdities of paganism, as star-gazing, averting evil by means of talismans, all of which are unnatural and irrational, though the Torah cautioned us to disbelieve in these matters."

Alike in assertion is the *Magen Avraham* that "The danger of magic has passed, for the many attributes spoken of in the Gemara are no longer perilous, because nature has obviously changed, and the order of things is as the essential character of the land."

And the author of *Menorath Ha-moar* writes (Volume II, chap. 1): "The tales told of magic are empty mouthings without any substance. They are, however, of great detriment to those who delve into them and weakly allow themselves to fall prey to their own thoughts".

One of the later scholars, Rabbi Moses Hugiz, takes pains in his book *Laket Ha-koma* to bring proofs of the effects of magic, believes though that "In these times has the power of magic completely waned, and all that is spoken of it today is but nonsense."

Even a backward work, as the *Sefer Chasidim*, expresses itself that "though the Torah forbade us sign-reading, there are among Jews today those who do not heed this injunction and declare that it is not in the signs to engage in certain activities at certain times. Also, have people desirous of proving to themselves its value, come to believe in it because of some coincidence, and verily is it the Devil's work that leads us to evil, and woe beside those who do it, for with their actions do they transgress many of the Dont's of the Torah and are false to its commandments that magic has no place in Jewish life."

It is, therefore, all the more tragic, for the persecutions that befell the Karaites were inflicted for the same beliefs and assertions that later Gaonim and Chasidim voiced with great piety and out of an ineffable attachment to Judaism.

In following periods, many of the great among the Jews wished to heal this breach and to effect the return of the Karaites to the Jewish community. One of these was Maimonides<sup>137</sup>; but himself a much-maligned figure, he was unable to alleviate their plight. In this same endeavor had also Rabbi Samuel Hanagid attempted to bring about a binding peace. One of the earlier Gaonim greatly deplored the chasm between the Karaites and the Jews, and in no uncertain terms expressed his disapprobation of the situation.<sup>138</sup> (Zunz, in his *Ritus*, p. 228, believes the Responsa to be falsified). In a similar vein had also written the *Hamabit*.

The expulsion of the Karaite sect from Judaism was one of the most serious and far-reaching blunders that Jews have committed in the history of the Diaspora.<sup>139</sup>

<sup>137</sup> Regarding Maimonides and the Karaites, see his *Responsa*, Vol. I, p. 162.

<sup>138</sup> See *Kaftor Woferach*, p. 13, and Response of Radbaz, p. 72.

<sup>139</sup> At the end of this chapter I wish to make clear that as it was necessary to bring in this chapter simultaneously two sources, the Persian and Talmudic, I believe that a third source, of modern investigation, would be too great a burden upon the reader; therefore, I will mention here the bibliographical sources with which this chapter is concerned, namely: Darmesterer and Mills, *Sacred Books of the East*, Oxford, 1887, 3 Vol.; Darmesterer, *Annales du Musée Guimet*, Paris, 1892, 3 Vol.; Bartholomae, *Die Gathas der Avesta*; Darmesterer, *Ormazd and Ahriman, Le Zend-Avesta*; Justi, *Geschichte des Alten Persien*; G. Meyer, *Geschichte des Altertums*; Z. Jackson, *The Prophet of Ancient Iran*, New York, 1899; F. Windischman, *Zoroastische Studien*; Spiegel, *Die Traditionelle Literatur der Parsees, Zur Erklärung des Avesta, The Religious Book of the Parsees, Eranische Alterkunde, Eran, Das Land Zwischen den Indus und Tigris, Einleitung in die Traditionelle Schriften der Parsees*; Hachslutz, Vol. VII, VIII; Kochvey Itzhak, Vol. XXXIV, the article by Dr. Solomon Rubin; Kohut, *Über die Jüdische Angelegenheiten und Demonologie*; Mills, *The Avesta, Neo-Platonism and Judaism*.

## APPENDICES

### APPENDIX I

*Some other laws by Nahawendi, mentioned by Kirkisani.*

(Transliterated in Hebrew characters)

#### פי דבר מא תפרד בה בנימן אלנהאונדי.

זעם אן אלכאלס תעאלי אנמא כלס מלכא ואחדא ואן דלך  
אלמלאך הו אלדי כלס גמיע אלעאלם והו אלדי בעת אלנביון וארסל  
אלמרסלין ואקאם אלמענוזא ואמר ונהי והו אלדי יחדת כלמא  
יכון פי אלעאלם דון אלכארי אלאול. וזעם אן אליבום אנמא יגב  
לממלכה. וזעם אן קול אלכתאב והיה הבן הבכור לשניאה אונג  
פי דלך אן אלאהובה ואן תקדמת פי אלוואדה לא יכון אבנהא  
אלכבר כל תכון אלכבוריה לאבן אלשניאה מתקדמא כאן או מתאכרא  
בעד אן יכונא גמיעא פטר רחם. וזעם אן קול אלכתאב אם במחותרת  
ימצא הנגב והכה ומת אראד בה פי אי נקב כאן ואן כאן נקבא  
קדימא לם ינקבה הו ופי כראב. וזעם אן קול אלכתאב לא תסניר  
עבד ואן כאן עבד בעץ בני אסריאל והרב מנה אלי ענדך פלא ינוז  
לך תסלמה אליה. וחרם אלתזויג באלרציעה. ואונג אלפראיץ עלי  
אלצבי מנד יתכלם. וכאן יגוז אתכאד רוס אלשהור עלי אלעדד  
אלא גיסן ותשרין פאנה לם יגיו אתכאדהמא אלא עלי רוייה אלהאל.  
וכדלך כאן ידי אן דכאה אלטיר באלשחיטה ואלמליסה גמיעא.  
וזעם אן אלממלכה אדא צאנעתא רגל פי אלצחרא ולו אן דלך  
ברצאהא פאנה לא יגב עליהא אלקתל. וזעם אן מן כרג מן אלהם  
והו מית לא יטמא מנה ואנמא אלטמא ממן ימות פי אלהוא. וזעם  
אן אלקבר אלדי יטמא מן דנא בה הו אלקבר אלדי יכון כארגא  
פאמא אלקבר אלדי יכון פי בית פאנה לא יטמא מן דנא בה.  
וזעם אן תיאב אלזבה אלתי תנאם פיהא וקר צארת משכב להא  
או מושב ואן דנא אנסאן בתלך אלתיאב והי מכלועה טמי מנהא  
וונג עליה אן ינסל תיאבה ואן דנא בהא והי מלכוסה לם יגב עליה  
אלא נסל אלבדן פקט. וזעם אן וקת בין הערבים לא יקבל אלטמא  
אי אנה וקת לא יטמא פיה אנסאן.

## APPENDIX II

*The source of the law, that a Karaite who desires to become a Jew must first be baptised.*

We find in the *Shulchan Aruch* a derived law regarding the Karaites, that is out of proportion in its vindictiveness and sadistic hounding of an adversary. The law namely is: a Karaite who is desirous of returning to the Jewish fold, must first be baptised in another faith ere he can be admitted to the Jewish pale. The source of this law was hitherto unknown. Lately I have discovered that the origin of this law is in the *Responsa* of Rabbi Elijah Mizrahi. The passage reads as follows:

הקראים אין מקבלין אותם אם רוצים לחזור, אלא אם יפנו  
תחלה לדת אחר ואז מותר לקבל, כמו שמקבלין שאר גרים, ומלין  
אותם כמו שנוהגין למול מהול ולא חיישינן לע"ז ואין בזה משום  
כפיה או מסית, כי בלאו הכי כל זמן שהם עומדים במרדם אינם  
מאמינים בדברי חכמים והרי הם כגוים לכל דבר. (שו"ת ר' אליהו  
מורח"י סי' ב"ח).

## APPENDIX III

*Sadducees in the Seventeenth Century (?)*

The known French historian, M. Basnage, in his work *Histoire des Juifs* (1716 a la Haye, ch. XV) is trying to prove that there exists an unbroken chain from the Sadducees to the Karaites. He also maintains that there were Sadducees in the Third Century, and that even in the time of the Karaites there were still some of this sect in existence. There is also a very peculiar passage in the same chapter, to the effect that even in the author's time, at the end of the 17th Century, there were still some Sadducees in Africa. This seems very strange. The quotations which Basnage brings from various sources, some of which are extracted from the decrees of Justinian do not prove anything. It is, however, worth while to bring this passage without comment.



The passage reads as follows :

XIV. Un Auteur moderne assure, qu'ils parurent si redoutables, dès le commencement du troisieme Siecle, qu'Ammonius, qui les voioit enseigner en Egypte, où ils s'étoient réfugiés, écrivit contre eux. Il developpe même la Méthode qu'Ammonius suivit dans cet Ouvrage. Les Sadducéens nioient les Points fondamentaux ; mais, ils ne laissoient pas de se soutenir contre les Pharisiens, parce qu'ils étoient enveloppez dans l'Ancien Testament. Au lieu qu'Ammonius se servit avec Avantage de la Lumiere que l'Evangile avoit repandue sur ces Véritez, qui paroisoient douteuses ou ambiguës aux Juifs, et fur tout aux Sadducéens, qui avoient pris de là Occasion de faire Schisme et Secte à part.

XV. Je ne releverai point la Faute qu'on a déjà remarquée fur le tems auquel Ammonius a vécu. On le place au Commencement du troisieme Siecle, l'An 320, ou u'An 330 : mais, cette Faute doit être mise sur le Compte de l'Imprimeur ; et il y a de l'Injustice à charger de cette Bevuë, causée par un Chifre mal placé, un Homme qui s'explique nettement. Il faut plutot remarquer qu'Ammonius vivoit un peu plus tard qu'on ne le place ordinairement ; puis que Denis d'Aléxandrie lui adressa une Lettre contre Sabellius, qui donna lieu de soupçonner d'Hérésie ce grand Evêque, et qui l'obligea de faire son Apologie. Cette Circonstance découvre qu'Ammonius enseignoit à Aléxandrie, dans le tems que Denis en étoit Evêque.

L'Ouvrage d'Ammonius étant perdu, ou ne peut deviner quelle Méthode il prit contre les Sadducéens ; mais, celle qu'on lui attribué étoit mauvaise. Combattre les Hérétiques par une Autorité qu'ils ne reconnoissent pas, c'est avouer qu'on n'a pas dessein dessein de les convaincre, ni de les convertir. Les Raisonnemens de Saint Paul, ou de Jésus-Christ, fur la Résurrection des Morts, étoient inutiles

à ces Préjugés, dans lesquels il trouvoit un grand Vuide. On fut obligé de revenir à la charge contre lui, sans l'abatre. Il mourut; mais, laissa des Disciples qui soutinrent sa Doctrine après lui. On voit encore aujourd'hui des Sadducéens en Afrique et en divers Lieux, qui nient l'Immortalité des Ames, et la Résurrection des Corps; mais, il faut avouer qu'ils sont très rares. On prétend même que la Conférence d'Alphrag regarde les Caraïtes plutôt que les Sadducéens.

XIX. On assure qu'il y a chez les Mahométans une Secte de Sadducéens; qu'ils y portent encore aujourd'hui le Nom de Zindikites, et qu'ils ne croient ni Providence, ni Résurrection des Morts: mais, on s'est laissé tromper par Giggoius, qui a interprété le Terme de Zindig par celui de Sadducéen. Il est vrai que quelques Interprètes ont été de ce Sentiment; mais, ce Terme indique plutôt les Mages, Disciples de Zoroastre, et Adorateurs du Feu: ce Nom étant emprunté de deux Livres de Zoroastre, qui comprennent toute la Religion des Mages, et qu'on appelle Zend et Pazend. D'ailleurs, la Secte des Zindikites, croit la Transmigration des Ames. En effet, ce fut elle qui s'étant assemblée dans la Ville de Hascémie, qui étoit la Capitale d'Almansor, voulut faire des Processions autour du Calife, semblable à celles qu'on fait autour du Temple de la Mecque, parce qu'ils soutenoient que l'Ame d'Ali avoit passé dans le Calife; mais, aiant été choqué de cette Impiété, il en fit arrêter cent des plus hardis. Les autres prirent un Coffre de Mort, et se présentèrent aux Portes de la Prison, comme s'ils avoient voulu enterrer quelqu'un: on leur ouvrit, ils entrèrent en foule; tirèrent de là les Prisonniers; allèrent tous ensemble au Palais d'Almansor pour le tuer: mais, lui et ses Gens se désendirent si vigoureusement qu'on les repoussa. Cependant, comme il ne se crut pas en Sureté dans sa Capitale, il bâtit Bagded, pour s'y retirer. La Secte des Zindikites étoit donc composée

de Gens qui croioient la Transmigration des Ames, et c'est mal à-propos qu'on en fait une Troupe de Sadducéens.

XX. Je ne crois pas aussi qu'on doive les confondre avec les Manichéens, que Hadi, petit-Fils d'Almansor, fit pendre à Bagded. J'avoue qu'ils portoient le Nom de Zendik, qui est celui de Sadducéens; mais, ce Nom est, si je ne me trompe, commun chez les Orientaux à tous les Hérétiques. Du moins, les Dogmes qu'on attribue aux Sadducéens de Bagded, n'étoient point ceux de la Secte qui a porté ce Nom. Au contraire, ils enseignoient à travailler pour l'autre Vie, et à mépriser les Biens de celle-ci; au lieu que les Sadducéens, attentifs uniquement aux Biens et aux Maux de la Vie présente, ne pensoient point à celle qui est avenir. D'ailleurs, ces Docteurs, qui vouloient qu'on se garentît du Peuple, et qu'on ne mangeât jamais de Viande, reconnoissoient deux Principes, l'un bon, et l'autre mauvais; la Lumière, et les Ténèbres. Ainsi, c'étoient plutot des Manichéens. Hadi, quatrième Calife de la Maison des Abbassides, les trouva auprès de Bagded; et en exécution des Ordres qu'il avoit reçus de son Pere, il fit dresser auprès de cette Ville mille Potences, ausquelles on attachâ tous ces Sadducéens, ou plutot les Manichéens qu'on put découvrir.

XXI. Il faut donc avouer que, si on excepte peut-être quelques Lieux de l'Afrique, on ne peut plus trouver de Sadducéens qui fassent Corps, et qui s'assemblent en Société. Ils pouvoient vivre autrefois dans une même Eglise, et dans un même Temple avec les Juifs; mais, ils sont devenus si odieux et si méprisables par leur petit Nombre, qu'on ne les tolere plus. Il n'y a donc que quelques Libertins et quelques Esprits forts, qui nourrissent en secret ces Erreurs, et qui entretiennent par là la Succession du Sadducéisme; mais, on ne peut la suivre au travers de cette Route obscure et cachée. Passons donc aux Caraïtes, qu'on a souvent confondus avec ces Hérétiques.

#### APPENDIX IV.

*In conjunction with our contention that the Karaites were part of a liberal movement to dispense with superstitious lore in Judaism.*

As we did not wish to burden the chapter "A New Light on Karaitism" with too many quotations, we believe it would be of interest to bring here some of the Karaites assertions in their fight against superstitions. Dr. Jacob Mann in his significant book *Texts and Studies*, vol. II (Karaitica) has rightly asserted that "Especially sever are the Karaite authors with the folk ways of superstition involving the use of amulets, incantations and mystical formulae of divine noms and angels," and especially when he says that, "in this respect the Karaites all ranked themselves on the side of rationalists of the time."

We shall bring here just a few of very many assertions:

*Quotation 1 (from Daniel Ha-Kumissi):*

והם (היינו הרבנים) הציבו מצבות בבתי כנסיותיהם ושימו את ארון והיא מצבה והם משתחוים לו... ואולם שמו להם מינים, מינים. ספרים כמו ברתליא קנסרין, וספר בלעם וספרים אחרים כמו ספר אדם, ספר הישר, ספר הרזים (הרזים?) ורזה רבה ואמרו לישראל כי אנחנו נגיד לכם סוד הנסתר מן הספרים האלה מלבד ספר נגום אשר התיק (העתיקו?) להם...  
והכרתי כשפים ומעוננים, רבאנים תולדת לבנה, וקמיעים ושמות...

(See *Texts and Studies* by Jacob Manu, pp. 74—78).

*Quotation 2 (from Salmon ben Yeruchem):*

מפשות מלות מאלה השמות ואמרו כי ייסרו ויחכימו בני אדם ומנרעה יכשירו, ומימי ימים לגזרים ינזורו, וקבוצ השדים רחוקה

מאד יקצרו. חפצו לכתוב סמיעים מעשה אמורי לאהבה, יצו להביא תרגומל לבן להקטיר בלהבה. ועוד אמרו בלחשנו ירפאו חולים, ומכות אנושות נחבש במילים, ונחשים ואריות ודובים ושועלים, ננים בלחשינו מכל גבולים... גורל אלה התועבות אשר ספרנו, ועוד למאות ולאלפים לפנינו...  
(לקוטי קדמוניות pp. 18-19).

*Quotation 3 (from Sahl ben Masliah):*

ואיך אחריש ודרכי עובדי עבודה זרה בין מקצת ישראל יושבים בקברים ולנים בנצורים ודורשים אל המתים ואומרים יא, ר' יוסי הגלילי רפאני וכו' וכו'.  
(לקוטי קדמוניות p. 32).

*Quotation 4 (from an unknown Karaite writer):*

יבחר אלים חדשים. כ"כ חדשים מקרוב באו. דע כי אין בעולם שדים, אבל כאשר יתן איש בלבו כי יש שדים וירא וישער גופו, ויסמר שערות בשרו ועל כן אמר לא שערם אבותינו.  
(*Texts and Studies*, p. 100).