

dr Veronika Klimova

Uniwersytet Adama Mickiewicza w Poznaniu

e-mail: veronakl@amu.edu.pl

<https://orcid.org/0000-0002-5302-6103>

Seven Karaite *Heqqeshim* of Torah Interpretation According to *Sefer Massa u-Meriva* by Abraham Firkowicz

Siedem karaïmskich *heqqeshim* dotyczących interpretacji Tory
według *Sefer Massa u-Meriwa* Abrahama Firkowicza

Summary

Abraham Firkowicz was a notable figure within the Karaite community in the 19th century. He primarily worked to establish Karaite distinctiveness and to secure legal separation from Talmudic Jews in the Russian Empire. Through his work, *Sefer Massa u-Meriva*, he authenticated traditional Karaite Judaism and presented hermeneutical techniques for interpreting the Holy Scripture. Understanding the Karaite interpretation of biblical verses revealed the origins of their customs. Karaite scholars employed seven *heqqeshim*, or analogies, to interpret holidays, determine the new moon, and establish laws of purity, inheritance, and marriage. While there are no direct textual analogies existing, the *heqqeshim* are particularly helpful in interpreting the incest laws. Karaite scholars adhered strictly to the degree of consanguinity between the partners, demonstrating that marriage was forbidden not only between individuals specified in the Torah, and thus permitting analogies (for example, the prohibition of siblings marrying another pair of siblings).

Keywords: Firkowicz; *heqqesh*; hermeneutical techniques; Karaite Judaism

Streszczenie

Abraham Firkowicz należał do znaczących postaci wśród karaimów w XIX wieku. Dążył przede wszystkim do ustanowienia odrębności karaïmskiej i zapewnienia prawnej separacji od talmudycznych Żydów w Imperium Rosyjskim. Poprzez swoją pracę, *Sefer Massa u-Meriwa*, udowodnił prawdziwość tradycyjnego judaizmu karaïmskiego i przedstawił hermeneutyczne techniki interpretacji Pisma Świętego. Zrozumienie, w jaki sposób karaïmi interpretowali wersety biblijne, rzuca światło na pochodzenie ich zwyczajów. Uczni wprowadzili siedem *heqqeshim*, czyli analogii, w celu interpretacji świąt, określenia nowiu księżyca, ustanowienia praw czystości, dziedziczenia i małżeństwa. Nie ma bezpośredniej zależności od tekstów, ale *heqqeshim* są szczególnie pomocne w interpretacji praw kazirodztwa. Uczni karaïmscy rygorystycznie przestrzegali stopnia pokrewieństwa między partnerami, wykazując, że małżeństwo było zabronione nie tylko między oso-

bami określonymi w Torze, dopuszczając jednocześnie analogie (na przykład zakaz małżeństwa rodzeństwa z inną parą rodzeństwa).

Słowa kluczowe: Firkowicz; *heqgesz*; hermeneutyczne techniki; karaïmski judaizm

The aim of this paper is to evaluate Karaite hermeneutics outlined in *Sefer Massa u-Meriva* [The book of Testing and Quarreling], a lesser-known text by Abraham Firkowicz¹, who was a prominent figure in Karaite history. Firkowicz vigorously advocated for Karaite beliefs and shielded secluded Karaite communities in the Russian Empire, receiving acknowledgement from historians, archaeologists, and scholars of other disciplines. He played a significant role in researching the history of the Polish and Crimean Karaites, despite presenting falsified information, with the aim of benefiting his people. His book *Sefer Massa u-Meriva* generated considerable controversy, leading to the destruction of most copies and its subsequent obscurity. As only a few copies remain, this book's contextual and literary features have been understudied. The analysed text originates from the 1838 version preserved at the National Library of Israel. It provides a valuable example of the debate between Rabbanites and Karaites, focusing on the legitimacy of traditional Karaite Judaism as disseminated by Karaites in Eastern Europe in the first half of the 19th century.

Hermeneutical techniques constitute the methods and principles employed to ascertain and articulate the intended meaning of Biblical texts. These techniques primarily centre around the interpretation and analysis of these texts, bridging the temporal gap between their original composition and their contemporary recitation in congregations. Additionally, there is an increasing awareness of the necessity to explicate the divine or inspired utterances of the prophets and to interpret sacred laws. Moreover, questions have arisen regarding suitable interpretations due to the ongoing conflict between the Karaites and the Rabbanites.²

¹ For a general overview of Firkowicz's life and work, see E. Deinard, *Toldot Even Reshef*, Warsaw 1875; A. Jellinek, *Abraham Firkowitsch, das religiöse Oberhaupt der Karäer. Ein Gedenkblatt*, Vienna 1875; A. Zajączkowski, *Życie i działalność b. p. A. Firkowicza (1785–1874). Mowa wygłoszona podczas obchodu 50-ej rocznicy zgonu Abrahama Firkowicza*, "Myśl Karaïmska", 1 (1925), no. 2, pp. 11–19; D. Shapira, *Avraham Firkowicz in Istanbul (1830–1832). Paving the Way for Turkic Nationalism*, Ankara 2003; V. Shabarovskyi, *On the Luts'k Period in the Biography of Abraham Firkowicz*, "Karaite Archives", 3 (2015), pp. 119–132; V. Klimova, *Abraham Firkowicz. Introduction to Sefer Massa u-Meriwa*, "Jewish History Quarterly", 3 (2017), pp. 505–518. On the controversy over the Karaite manuscripts and inscriptions found by Firkowicz, see A. Firkowicz, *Avne Zikaron*, Vilnius 1872; A. Harkavy, *Altjüdische Denkmäler aus der Krim, mitgeteilt von Abraham Firkowitsch*, St. Pétersbourg 1876; T. Harviainen, *Abraham Firkovich as Collector of Dispersed Minorities and Their Manuscripts in the Light of His Archive in St. Petersburg*, "Jewish Studies", 39 (1999), pp. 97–106; Y. Ofer, *Abraham Firkovich and the Dedication Inscription of the Aleppo Codex*, "HUCA", 76 (2005), pp. 259–272.

² J. Neusner, *The Comparative Hermeneutics of Rabbinic Judaism*, Binghamton 2000, pp. V–IX; M.S. Terry, *Biblical Hermeneutics. A Treatise on the Interpretation of the Old and New Testament*, Eugene 2003, pp. 18–22; A. Sion, *Talmudic Hermeneutics*, in: *Logic in Religious Discourse*, eds. A. Schumann et al., Frankfurt 2010, pp. 104–130; S.E. Porter Jr., B.M. Stovell, *Biblical Hermeneutics. Five Views*, Downers Grove 2012,

Over time, the Karaites developed regulations for analogical-contrastive thinking and its application to specific cases through their sacred texts. They consistently and rationally shaped significant insights based on provided information, converting facts into values. During analogical reasoning, one must specify the similarities and differences between things and the corresponding causes. When objects or concepts are similar, they follow the same rule(s), whereas when they are vastly different, they follow opposite rule(s) from each other (for example, if a written document is necessary for divorce, which is the legal dissolution of a marriage (as described in Deut. 24.1–4), it can be analogized that a written document is also necessary for marriage, which is a contractual union).³

It is important to recall that in Rabbinic Judaism, R. Hillel (around the time of Jesus) was the first to develop the seven principles for interpreting laws. These are: 1) *qal wa-homer* [simple and complex]; 2) *gezera shawa* [equivalence of expressions]; 3) *binyan av mi-katuv ehad* [a standard from a single passage]; 4) *binyan av mi-shney ktuvim* [a standard from two or more passages]; 5) *klal u-frat* [general and particular]; 6) *ka-yotse bo mi-maqom aher* [analogy made from another place]; 7) *davar ha-lamed me-‘inyano* [explanation proved by the context].⁴ In the 2nd century, R. Ishmael expanded the list of principles to thirteen rules, which included *u-frat u-khlal* [particular and general]. Later, R. Eliezer ben Jose further expanded the list to thirty-two rules.⁵

Anan ben David, who reputedly laid the foundation of the original Ananite movement, which later evolved into the Karaite movement, declared in his work *Sefer hamitswot*, “Study the Torah diligently and do not depend on my own opinion”. This highlights the movement’s emphasis on the written Torah and the adoption of new religious customs and practices based on literal interpretation or distinct exegesis of biblical verses. According to Avraham Harkavy, Anan adopted three principles of biblical interpretation from Rabbinic Judaism: 1) *qal wa-homer* for negating rules (if small things are strictly prohibited, then major ones are likewise forbidden); 2) *gezera shawa* (analogical reasoning: drawing conclusions based on two biblical rules); 3) *binyan av*

pp. 9–24; H. Ishay, *The Biblical Exegesis of Abraham Ibn Ezra as a Hermeneutical Device. A Literary Riddle as a Case Study*, in: *Exegesis and Poetry in Medieval Karaite and Rabbanite Texts. Karaite Texts and Studies*, vol. 9, eds. J. Yeshaya, E. Hollender, Leiden 2017, pp. 122–125.

³ J. Olszowy-Schlanger, *Karaite Legal Documents*, in: *Karaite Judaism*, ed. M. Polliack, Leiden 2003, p. 256.

⁴ D.J. Moo, *The Old Testament in the Gospel Passion Narratives*, Oregon 1983, pp. 27–28.

⁵ L. Nemoy, *Karaite Anthology*, New Haven 1952, p. 380; R.B. Sloan Jr., C.C. Newman, *Ancient Jewish Hermeneutics*, in: *Biblical Hermeneutics. A Comprehensive Introduction to Interpreting Scripture*, eds. B. Corley et al., Nashville 2002, pp. 67–69; A. Yadin, *Scripture as Logos. Rabbi Ishmael and the Origins of Midrash*, Philadelphia 2004, pp. 97–101; G.G. Porton, *Methods of Early Rabbinic Biblical Exegesis*, in: *The Reception and Interpretation of the Bible in Late Antiquity. Proceedings of the Montréal Colloquium in Honour of Charles Kannengiesser, 11–13 October 2006*, eds. L. Di Tommaso et al., pp. 441–455; A. Sion, *Talmudic Hermeneutics*, pp. 104–127, R. Hidary, *Rabbis and Classical Rhetoric-Sophistic Education and Oratory in the Talmud and Midrash*, Cambridge 2017, pp. 196–212.

mi-katuv ehad (making logical judgments based on a single biblical verse). Special attention was given to *heqqesh*⁶ in the explanation of the law.⁷

Judah Hadassi, a 12th-century Karaite scholar, presented eighty hermeneutical rules in his work *Eshkol ha-Kofer*. They are based on the thirty-two rules of R. Eliezer. Additionally, thirteen exegetical principles of R. Ishmael are compared to the twelve norms (*ergasias kai epicheiremata* [executions and arguments]) of Greek scholars. Hadassi equated three expressions: *mi-qal la-homer* [from smaller to bigger], *me-homer la-qal* [from bigger to smaller], and *qal wa-homer u-gezera shawa* [simple and complex and equivalence of expressions]. The interpretation of many rules is based on extensive explanations of concepts, specialized vocabulary and grammatical forms. References are also made to grammatical discussions by Abraham Ibn Ezra in *Moznayim*.⁸ In the 15th century, Karaite scholar Bashyatchi presented seven hermeneutic principles in the preface to *Adderet Eliyyahu*.⁹ These principles corresponded exactly to the number of rules in *Sefer Massa u-Meriva*. Abraham Firkowicz followed in the footsteps of his predecessors and emphasized the significance of the written Torah of Moses as the only accurate source. He outlined seven principles for accurately deriving halakha from the Scriptures' verses:

(עז) ועל כל מקראי קדש כת קראים האמינו
על הרשום בכתב אמת הושרשו ונשענו
כת נאנחים ונאנקים על שברם התאבלו:
גם הורו לכל עקרי דת ומופתית הביאו
התחקו על שרשי מחצב אנושות לא התנשאו
וגם ההלכות אשר בהקש יוצאות קבלו:

(עח) הקש ראשון כי יש מצוה סתומה נכתבה
אמנם באורה במקום אחר מצוה נרחבה
כי דברי התורה למדים זה מזה אמרו:
כגון ולקחתם לכם ביום הראשון באה
מצוה סתומה ובפרוש בנחמיה נמצאה
לעשות סכות ככתוב כאשר הם נזהרו:

⁶ In *Adderet Eliyyahu* Bashyatchi explained: „[...] all that which they said concerning the reasons for the commandments and the reason for the stories of the matters of our Torah, all is based on logical analogy from other commandments whose causes and reasons have been clarified in the Torah” (D.J. Lasker, *From Judah Hadassi to Elijah Bashyatchi. Studies in Late Medieval Karaite Philosophy*. Leiden 2008, p. 110; E. Bashyatchi, *Adderet Eliyyahu*, Ramle 1966, p. 282).

⁷ А. Гаркави, *Исторические очерки Караимства: (изъ этюдовъ о еврейскихъ сектахъ)*, Санктъ-Петербургъ 1897, pp. XI-XII; M. Tomal, *Z dziejów antyrabinicznej polemiki karaimejskiej w X w.*, “*Studia Judaica*”, 3 (2000), no. 2, pp. 161-162.

⁸ A. Sion, *A Fortiori Logic. Innovations, History and Assessments*, Geneva 2013, pp. 341-345; F. Astren, *Karaite Judaism and Historical Understanding*, Columbia 2004, p. 182.

⁹ E. Bashyatchi, *Adderet Eliyyahu*, p. 4 (introduction).

(77) A denomination of the Karaites believed in all the Holy Scriptures. They were rooted in what was inscribed in the written truth. They relied on it. A denomination of those who sigh and groan¹⁰ — they mourned their destruction. They also professed all the principles of the faith. They brought examples. They traced the roots of humanity. They did not exalt themselves. They also accepted the laws derived by analogy.

(78) The first *heqqesh* is an unclear written commandment. In fact, the full explanation of the commandment is to be found in another place. They said that they studied the words of the Torah — one [verse] from another [verse]. For example, “and you shall take on the first day”¹¹ is an ambiguous commandment. Its interpretation is found in Nehemiah¹². They were warned to make booths as it is written.

The first *heqqesh*,¹³ known as *mitswa setuma nikhteva* [unclear written commandment], states that subjective evaluations should be omitted unless explicitly indicated. Scripture that is unclear can be clarified elsewhere. For example, Lev. 23.40 instructs one to “take the fruit of good trees, the branches of palms, the boughs of leafy trees, and the willow of the brook, on the first day, and rejoice before the LORD your God for seven days.” The meaning of this law is uncertain and imprecise. However, Neh. 8.14–17 provides a specific interpretation where individuals are instructed to construct booths by collecting olive, wild olive, myrtle, palm, and other leafy tree branches from the hills. Bashyatchi comments that prophets do not interpret the term “booth,” but rather refer to a commandment in their own era as “it is written in the Torah of Moses.” This tradition serves to declare that prophets are not adding to the Torah’s commands. Hence, even if a prophet seems to enact a new regulation, it indicates that the prophet is merely reaffirming an existing law in the Torah.¹⁴

Another example of further clarification is the meaning of the word *ahim* [brethren]. In Deut. 25.5 it is unclear due to its potential connection to either close blood relatives, extended non-blood family members, or humanity as a whole. The rationale for this ordinance is described in the story of Ruth (3–4), where the duty to redeem the property of a deceased brother’s wife belonged to a relative of the family. This duty is in accordance with the practice of levirate marriage (*yibbum*), where a person who marries assumes entitlement to the assets of their deceased sibling.¹⁵

¹⁰ Cf. Ezek. 9.4. All biblical passages are from the King James Bible, with some exceptions for literal translation.

¹¹ Cf. Lev. 23.40.

¹² See Neh. 8.14–17.

¹³ Bashyatchi used the word *min* in the meaning of *heqqesh* [E. Bashyatchi, *Adderet Eliyyahu*, p. 4 (introduction)].

¹⁴ E. Bashyatchi, *Adderet Eliyyahu*, p. 157; D.J. Lasker, *From Judah Hadassi to Elijah Bashyatchi*, pp. 183–184; L. Nemoy, *Karaite Anthology*, p. 179.

¹⁵ See L. Nemoy, *Karaite Anthology*, p. 246; E. Bashyatchi, *Adderet Eliyyahu*, p. 4 (introduction); A. Firkowicz, *Sefer Massa u-Meriva*, p. 14.

(עט) הקש שני מדין פרט דין הכלל הבינו
לא תחרוש בשור ובחמור יחדו האזינו
וכל מין טהור עם טמא יחדו לעבוד נאסרו:
גם ממלת חרישה לכל מלאכות הקישו
הנסיעה בדרך ודישה כי כחם יתישו
כי מין טמא רב כחו ממין הטהור חקרו:

(79) They understood that the second *heqqesh* was the general rule of the particular rule.

They heard: "You shall not plow with an ox and an ass together".¹⁶

What is clean with what is unclean won't work together. These things are forbidden.

They made an analogy of the word 'plowing' to all kinds of work,
like travelling and threshing, as they exhausted their strength.

They studied that the strength of the impure is greater than the strength of the pure.

The second *heqqesh*, known as *mi-din prat le-din ha-klal*, holds that the general rule stems from the particular rule. For instance, the verse from Deut. 22.10, "You shall not plow with an ox and an ass together," served as the foundation for prohibiting the combination of two specific types of animals: one pure and the other impure. It is believed that these distinct creatures possess varying strengths, with the impure animal being stronger than the pure one. Therefore, consuming meat from impure animals is considered not suitable for human consumption. The term "plowing" refers to any type of work that involves two different species of animals working together. This regulation applies to all animal species and all types of work.¹⁷

(פ) שלישי הקש הערך גזרה שוה קראו
כגון אסור אשת אחי האב כתוב מצאו
והוא הדין לאח האם הקישו קדמונינו:
וכן אסור אחות האב והאם דת הזכירה
אסור בת האח ובת אחות לא הזהירה
ובדין גזרה שוה האסור שוה אצלנו:

(80) The third *heqqesh* is comparative analogy. They called it *gezera shawa*.

For example, they found it written that it is forbidden to marry the wife of one's father's brother.

Our ancestors made an analogy that this was a law for a mother's brother.

Religion recalled the prohibition of [marrying] one's father's and mother's sister,
but it didn't warn about the prohibition of a brother's daughter and a sister's daughter.

According to *gezera shawa* the prohibition is the same for us.

The third *heqqesh*, *gezera shawa*, mandates equal laws and verdicts. Applying a comparative analogy, a particular rule results in an equivalent rule. Al-Qirqisani attribut-

¹⁶ Cf. Deut. 22.10.

¹⁷ See L. Nemoy, *Karaite Anthology*, p. 247; E. Bashyatchi, *Adderet Eliyyahu*, p. 4 (introduction).

ed the prohibition of marrying a brother's or sister's daughter to Zadok. He claimed that Zadok made this decision based on an analogy with the biblical prohibition against "uncovering the nakedness" of a paternal or maternal aunt (Lev. 18.12-13).¹⁸ This was the only analogy found by al-Qirqisani in Zadok's writings. It also formed the basis for the prohibition against marrying a brother's or sister's daughter contained in the Damascus Document.¹⁹ As an illustration, Lev. 18.14 instructs "not to uncover the nakedness of your father's brother," which includes the prohibition on marrying a father's brother, mother's brother, father's sister, and mother's sister.²⁰

(פא) הרביעי נקרא בפיהם הקש קל וחמר
אם בת הבן ובת הבת אסורות גמרו אמר
קל וחמר הבת עצמה בלי ספק נאסרת:
כיוצא בזה אם לעזור לשונא נצטוינו
קל וחמר לרע ואהוב לעזור נתחייבנו
כי השכל גוזר ככה והאמת עוזרת:

¹⁸ The prohibited relatives according to Leviticus are: mother (18.7), father's wife (18.8), sister, father's daughter and mother's daughter (18.9), daughter of father's wife, born to father (18.11), son's daughter and daughter's daughter (18.10), father's sister (18.12), mother's sister (18.13), wife of father's brother (18.14), daughter-in-law (18.15), brother's wife (18.16), stepdaughter, as well as her son's daughter and daughter's daughter (18.17), wife's sister during her life (18.18), and mother-in-law (20:14) (J. Olszowy-Schlanger, *Early Karaite Family Law*, in: *Karaite Judaism. A Guide to its History and Literary Sources*, ed. M. Polliack, Leiden 2003, pp. 279-280). According to Karaite Law, a man is forbidden from marrying his sister-in-law, even if his first wife is divorced or deceased. All these categories are considered to be blood relatives and are referred to as *she'er basar*, meaning 'near of kin'. Before the eleventh century, Karaites used analogy up to the fourth degree to deduce further prohibited degrees of kinship. Talmudic scholars, who do not strictly adhere to the kinship degree between partners, believe that marriage was only forbidden between individuals specified in the Holy Scriptures, and thus, do not permit any analogies. For instance, if Moses prohibits marriage with one's father's sister (that is, the aunt), the uncle is allowed to marry his own niece, despite the degree of relationship being the same in both instances (И. Казас, *Общие заметки о караимах*, "Караимская жизнь", 3-4 (1911), pp. 52-53).

¹⁹ Y. Erder, *The Karaites and the Second Temple Sects*, in: *Karaite Judaism*, p. 127; J.M. Baumgarten, *The Damascus Document*, DJD 18, Oxford 1996, p. 21 (Hebrew text, pp. 5:7-9). The Damascus Document says: "And they marry each one his brother's daughter or sister's daughter. And Moses said «To your mother's sister you may not draw near, for she is your mother's near relation». And the precept of incest is written from the point of view of males, but the same applies to women, so if a brother's daughter uncovers the nakedness of a brother of her father, she is a relationship" (A. Schremer, *Qumran Polemic On Marital Law: CD 4:20 - 5:11 and Its Social Background*, in: *The Damascus Document. A Centennial of Discovery*, eds. J.M. Baumgarten et al., Leiden 2000, p. 148).

²⁰ See L. Nemoy, *Karaite Anthology*, p. 247; E. Bashyatchi, *Adderet Eliyyahu*, p. 4 (introduction); A. Firkowicz, *Sefer Massa u-Meriva*, p. 14; A. ben Elijah, *Gan Eden*, Евпаторія 1866, p. 136. Noteworthy is the text *Kitab al-anwar* by Al-Qirqisani, in which the prohibition of marrying two sisters, even after the dissolution of marriage, is discussed. The text references Lev. 18.14 and quotes authors who derived their decision from the prohibition against marrying the wife of a paternal uncle. If a man marries a woman and then seeks to remarry, he cannot do so with either the woman's brother's or sister's daughter, nor can he marry the woman's sister. This is due to the principle that if a man and his brother's son cannot marry the same woman in successive marriages, then it logically follows that he cannot marry women (i.e., two sisters) who are even more closely related to each other (J. Olszowy-Schlanger, *Early Karaite Family Law*, p. 281).

(81) The fourth *heqqesh* is called *qal wa-homer* by them.

When they concluded that it is forbidden [to marry] the daughter of a son and the daughter of a daughter,

qal wa-homer says that it is undoubtedly forbidden [to marry] the daughter herself.

It follows that if we are commanded to help one who hates,

according to *qal wa-homer*, we are obligated to help a neighbour and a loved one.

Intelligence commands, and truth helps.

The fourth *heqqesh*, *qal wa-homer*, translates to ‘easy and hard, light and heavy, simple and complex’ — from minor to major. It states that the prohibition of a small thing is applicable to the prohibition of a large thing. For example, the verse in Lev. 18.10, “You shall not uncover the nakedness of your son’s daughter or your daughter’s daughter,” is interpreted to prohibit marrying the daughter herself, although this rule is not documented. Another example is the commandment to help an enemy (Ex. 23.4–5, Pr. 24.17, Pr. 25.21, Pr. 29.10), which also applies to supporting loved ones.²¹

(פב) חמשי הקש מכח הלשון בלבד המציאו

כגון מאמר אמך היא: האסור הוציאו

גם לאם האם וכן בלי הפסק עד למעלה:

וכגון ממאמר החדש הזה לכם הקישו

על פי ראיית הלבנה בחדושה יקדשו

ועת עדותה בערב עד בשחק נאמן סלה:

(82) They invented the fifth *heqqesh* on the basis of the wording of the commandment.

For example, they concluded that if the prohibition comes from a verse “to your mother,” then it applies to the mother of the mother, which continues in the same way, and so on.

For example, they made an analogy to the verse, “This month shall be for you²²,”

and they determined the beginning of the month after seeing the moon.

It is the time of proof. In the evening, the witness in the sky is faithful. Selah.²³

The fifth *heqqesh* is *mi-koah ha-lashon*,²⁴ which is based on studying the word of the law. For example, Lev. 18.7 reads: “You shall not uncover your father’s nakedness or your mother’s nakedness — she is your own mother.” By analogy drawn from this prohibition, it is forbidden to marry one’s grandmother on one’s father’s or mother’s side in the ascending line. However, there is no explicit mention of these specific

²¹ See L. Nemoy, *Karaite Anthology*, p. 247; E. Bashyatchi, *Adderet Eliyyahu*, p. 4 (introduction); A. Firkowicz, *Sefer Massa u-Meriva*, p. 15; Aaron ben Elijah, *Gan Eden*, p. 137.

²² Cf. Ex. 12.2.

²³ Cf. Ps. 89.38.

²⁴ Bashyatchi uses the term *heqqesh koah ha-dibbur* (analogy based on the wording of the ordinance) which should be interpreted as *ta’am ha-lashon* [a decree on expression]). L. Nemoy, *Karaite Anthology*, p. 247; E. Bashyatchi, *Adderet Eliyyahu*, p. 4 (introduction).

prohibitions in the Scriptures. Another example is Ex. 12.2, which declares “This month shall be for you the beginning of the months.” The term *hodesh* [month], with a literal meaning of “renewal of a thing,” indicates that the beginning of the month is determined by the visibility of the moon in the sky, as seen from the Earth. Similarly, the phrase *yerah yamim* [a moon of days] in Deut. 21.13 should be interpreted as a span of one month, as the moon is being viewed from the perspective of the Earth.²⁵

(פג) הקש ששי בשם הגברת השכל קראו
 שיוצא בהקש והשכל גוזר הביאו
 כגון אחי האב המעבריים הם אסרו:
 וכגון רוב דיני הירושות שהם הורישו
 בהגברת השכל כי כל צרכם שמשו
 כמבואר בספריהם בשכל בדור הגבירו:

(83) They called the sixth *heqqesh* logical preference.

They presented what comes from analogy and what the brain decrees.

For example, they forbade [marrying] one's father's stepbrothers.²⁶

And for example, they drew up most of the laws of inheritance.

The strengthening of the brain fulfilled all of their needs.

They strengthened the brains through generation, as explained in their books.

The sixth *heqqesh* is *hagbarat ha-sekhel* [logical preference], which involves enhancing the mind. When no relevant rule is present in Torah and no conclusion can be drawn from another written rule, logical inference should be employed. Intellectual reasoning and general knowledge are essential for deriving such reasoning when the Torah does not explicitly permit or prohibit certain acts. Regarding inheritance laws, in the Karaite community, daughters possessed equivalent inheritance rights as sons, setting them apart from the Rabbinic community. Nevertheless, a widower could remarry after the death of his first wife and have offspring by his second wife who would be entitled to share in the inheritance of the first wife. A woman could counteract this by issuing a specific document ensuring that solely her children would own her dowry. The wife may ensure that her estate passes to her biological children from a previous marriage by including a specific provision in her prenuptial agreement.²⁷

²⁵ See L. Nemoy, *Karaite Anthology*, p. 248; E. Bashyatchi, *Adderet Eliyyahu*, p. 4 (introduction); A. Firkowicz, *Sefer Massa u-Meriva*, p. 15.

²⁶ *Adderet Eliyyahu* does not contain a specific section on inheriting. Karaite inheritance legislation precludes spouses from sharing each other's estate. Moreover, the majority of Karaite scholars deny daughters the right to inherit their father's property. Benjamin al-Nahawandi, in his *Book of Rules*, provided an interpretation of Num. 36:3 (“and be added to the inheritance of the tribe”) that asserts a wife's property, which comprises her dowry, is held by her husband during and after her lifetime and is added to his inheritance (L. Nemoy, *Karaite Anthology*, p. XXV, 24, 380).

²⁷ J. Olszowy-Schlanger, *Early Karaite Family Law*, p. 287.

(פד) שביעי הקש משפט הדמוי הם שמוהו
 כי האסור על חברו גם הוא אסור כמוהו
 כי אם בת אשת האב באסור כן גמרו:
 את כל שני שארים על שני שארים בל יקחו
 מדרך השכל עוז המדע ונשתבחו
 כי את עדתם הרחיקו מעריות גברו:

(84) As the seventh *heqqesh*, they applied the law of similarity.

If it is forbidden to his neighbour, it is forbidden to him.

If it is forbidden [to marry] the daughter of one's father's wife, they determined that the same [rule applies] to relatives of the second degree, that they wouldn't take [them].

Let us praise the power of logical thinking.

As they took their community away from forbidden relationships, they became stronger.

The seventh *heqqesh*, known as *mishpat ha-dimuy*, is based on similarity. This implies that the prohibition on one of two similar things corresponds to the prohibition on the other. For instance, if it is forbidden to marry a father's wife's daughter (Lev. 18.11), then it is also forbidden to marry a mother's husband's daughter. The statement covers not only a mother's husband's daughter, but also a stepmother (father's wife), aunt (uncle's wife), daughter-in-law (son's wife), stepdaughter (wife's daughter),²⁸ or the daughter or stepchild of either spouse. It is prohibited for two closely related individuals to marry two other closely related individuals, regardless of their specific relationship.²⁹

Marriage between two sisters and two brothers is forbidden because of their automatic kinship according to Gen. 2.24, which asserts the kinship between the families of the wife and the bridegroom, or Lev. 18.16, which prohibits uncovering the nakedness of one's brother's wife. In accordance with the principle of gender equality, those who are forbidden to marry within the husband's family are also forbidden to marry a suitable relative of the wife. In this way, the wife essentially becomes the sister of her husband's brother, just as she is her own sister.³⁰ Yeshua ben Yehuda³¹, the

²⁸ Yeshua ben Yehuda, the author of *Sefer ha-Yashar*, stated that the term *ahot* [sister] in Lev. 18:11, when used to refer to a stepmother's daughter from a previous marriage, does not confer any familial relation. Instead, she must be treated with the same pure modesty as a blood sister, due to her mother's marriage prohibiting her from being with her half-brother (L. Nemoy, *Karaite Anthology*, pp. 126-127).

²⁹ See L. Nemoy, *Karaite Anthology*, p. 248; E. Bashyatchi, *Adderet Eliyyahu*, p. 4 (introduction); A. Firkowicz, *Sefer Massa u-Meriva*, p. 15.

³⁰ J. Olszowy-Schlanger, *Early Karaite Family Law*, p. 282.

³¹ During that era, Shimon ben Shaul al-Talaytuli from Toledo composed a letter criticizing an unidentified leader of the Karaite community in Jerusalem. The leader was accused of engaging in an illicit marriage with his brother's wife's sister. It is possible that the recipient of Shimon ben Shaul's rebuke was indeed Yeshuah ben Yehudah, a leader in the Karaite community. According to stringent *rikkuv* regulations, which prohibit atop another levels of kinship for marriage, the union between him and the widowed sister-in-law of Yusuf al-Basir's son-in-law was declared unlawful (M. Gil, *A History of Palestine, 634-1099*, Cambridge 1997, p. 802; J. Mann,

author of *Sefer ha-Yashar*, argued that if a woman divorces and remarries, her new in-laws become closely related to her former husband's family. As a result, subsequent marriages within the same family can broaden the circle of relations and families. This may lead to allegations of incest and unlawful branding for individuals involved in mixed marriages.³²

In contrast to the Rabbanites, a Karaite man was prohibited from marrying two sisters, even after one sister had passed away (despite the fact that Moses only prohibits the marriage with a sister-in-law during the lifetime of the wife, to avoid conflict between the two sisters and maintain harmony within the family).³³ Based on Lev. 18.17, which prohibits marriage with a woman and her daughter due to their blood relationship, the Karaite Torah scholars drew a conclusion about the close kinship of a woman and her daughter and the close kinship between two sisters.³⁴ Moreover, Lev. 18.17 explicitly prohibits uncovering the nakedness of a maternal aunt. This is considered a form of incestuous relationship as a maternal aunt is closely related to one's mother.³⁵

It is worth noting that the aforementioned *ha-heqqesh* was one of the three foundations of the Karaite faith, along with *ha-katuv*, which is the only written Torah the Karaites accept, and *sevel ha-yerusha* [the burden of inheritance, the yoke of inheritance, the endurance of tradition] (or *ha-ataka ha-mishtalsholet* [the chain of transmission]), which deals mainly with marriage ceremonies, burial and mourning, as well as ritual slaughter, specifying the rules for removing *gid ha-nashe* [the sciatic nerve], salting and washing. These practices do not go beyond the Scripture, but they receive indirect support from the biblical text.³⁶ Abraham Firkowicz likened the Torah to a crown, analogy to a wreath, and traditions to a golden headdress. These three elements are of paramount importance to Karaites and are inextricably linked, as is required by the Karaite faith.

Texts and Studies in Jewish History and Literature, vol. 2: *Karaitica*, Philadelphia 1935, p. 40, 99; J. Olszowy-Schlanger, *Early Karaite Family Law*, pp. 281-284). Around forty years after, Sahl ben Fadl ben Sahl al-Tustari (Yashar ben Hesed ben Yashar) continued to oppose Yeshua ben Yehudah's opinions against *rikkuv* (J. Mann, *Texts and Studies in Jewish History and Literature*, p. 40, 99; J. Olszowy-Schlanger, *Early Karaite Family Law*, p. 284). The *rikkuv* was first established by Anan and subsequently backed by Benjamin al-Nahawandi, Daniel al-Qumisi, Jacob al-Qirqisani, Sahl ben Matzliah, Japheth ben Eli, and other individuals to varying degrees. However, Joseph ha-Roe and Yeshua ben Judah openly opposed it (L. Nemoy, *Karaite Anthology*, p. 126).

³² L. Nemoy, *Karaite Anthology*, p. 125.

³³ И. Казас, *Общие заметки о караимах*, pp. 52-53.

³⁴ E. Bashyatchi, *Adderet Eliyahu*, p. 287.

³⁵ G. Wasserman, *Royal Attire. On Karaite and Rabbanite Beliefs by Hakham Mordecai ben Nisan*, Daly City 2016, p. 71; L. Nemoy, *Two Controversial Points in the Karaite Law of Incest*, "HUCA", 49 (1978), pp. 247-265.

³⁶ See L. Nemoy, *Karaite Anthology*, p. 248; E. Bashyatchi, *Adderet Eliyahu*, p. 4 (introduction); A. Firkowicz, *Sefer Massa u-Meriva*, p. 15; S. Lucki, *Sefer Me'irat 'enayim, Ner Tsaddiqim*, vol. 3, Ashdod 2005, pp. 11-16; H. Tawil, B. Schneider, *Crown of Aleppo. The Mystery of the Oldest Hebrew Bible Codex*, Philadelphia 2010, pp. 33-34.

(פו) ועל אלה וכיוצא יש מן הכתוב עזר
 וכל ישראל פה אחד מודים כתר ונזר
 ועטרת זהב לבני מקרא אשר הוטבעו:
 על אדני כתוב והקש וסבל ירושתנו
 חוש המשולש לא ינתק נפש חכמינו
 תנוח בגן עדן כי לצדקה זרעו:

(85) All these [laws] and everything that stems from them are based on the Torah.
 All Israel with one mouth admit [it]. Crown, wreath
 and golden headdress for sons of Scripture were placed
 upon the foundation of the written Law of God, *heqqesh* and our tradition.
 The thread of these three [things] won't be cut. The soul of our scholars
 will rest in the garden of Eden because they sowed righteousness.³⁷

In conclusion, Abraham Firkowicz's *Sefer Massa u-Meriva* emerges as a significant literary and religious contribution to Karaite Judaism. Through its poetic form, reminiscent of Elijah Bashyatchi's *Adderet Eliyyahu*, the work encapsulates the core tenets of the faith. Firkowicz's primary objective is evident in his endeavour to reaffirm the enduring validity and veracity of Karaite beliefs and teachings transmitted through centuries. By examining the employed hermeneutics, this study reveals the steadfast adherence of the Karaites in the early 19th century Russian Empire to traditional practices, while concurrently integrating insights from earlier Karaite Byzantine literature. The interpretations presented in *Sefer Massa u-Meriva* not only affirm the continued fidelity of the Karaite community to established norms but also serve as a compelling call for the Rabbanite community to re-evaluate their own legal traditions and reconnect with their biblical roots. Firkowicz's meticulous reliance on the writings of his predecessors underscores a profound understanding of the rich intellectual heritage within the Karaite tradition. Further research is required to explore the religious life of the Karaite community throughout its history in Eastern Europe.

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³⁷ Cf. Hos 10.12.

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