

The Problem of the Patrilineal or Matrilineal Decent and Inter-Marriage According to the Samaritan and Rabbinic Halakah

By Michael Corinaldi
(Jerusalem)

Section 1: Introduction

Sectarian *Halakha* is a subject of research to which proper attention has not yet been devoted. Haim Hillel Ben-Sasson has already stated that anyone wishing to look carefully into the tradition of Jewish sects “must of necessity devote more attention to the *Halakhic* viewpoint determining the society’s mores and revealing, wittingly or unwittingly, it’s approach to life’s problem”^[1]. Ben Sasson refers to the Karaites, but the same is true of the Samaritans.

In this article, I compare the Samaritan and Karaite *Halakha*’s approach^[2] to this problem. It is clear that Biblical Law is governed by the system of the patriarchal family. Thus, Israelite lineage was determined by patrilineal descent. As stated:

“And they assembled all the congregation together on the first day of the second month and they declared their pedigrees after their families by their fathers’ houses...”^[3]

Also:

“And the son of an Israelite woman whose father was an Egyptian went out among the children of Israel; and the son of the Israelite woman and the man of Israel strove together in the camp. And the son of the Israelite woman blasphemed the Name [of the Lord]. And cursed; and they brought him unto Moses...”^[4]

It is obvious that the son of the Israelite woman, whose father was an Egyptian, was called “son of an Israelite woman,” and not a “man of Israel,” like his opponent, who was called so because he was the son of an Israelite father and mother. Even in Midrash Halachah (Tanaic Period), we find that this text is based on the principle of patrilineal descent and therefore, the son of the Israelite woman and a Gentile man, was born a Gentile. This source continued to explain how he “went out among the Children of Israel” because he converted to Judaism^[5].

The Talmud, in contrast, ruled by matrilineal descent. The origin of Talmudic matrilineal descent is the subject of ongoing research. The problematic situation is the Jewishness of a child born to a gentile father and an Israelite woman, whereas the child born to a gentile father and a gentle mother is a gentile according to Talmudic *Halakha*, since the time of Ezra onwards^[6]. Post-Talmudic Rabbis, such as the Nachmanidies, ruled that the son of an Israelite woman is an Israelite by birth. The Israelite woman is, in his words, “a ritual bath to purify the Gentile Nations”^[7].

Anyhow, in the Samaritan *halakhah*, there is no problem of interpretation of the Biblical text regarding the “son of an Israelite woman,” since it is based – as the Sectarian *halakha* (ancient sects and late Karaite and Falasha *halakha*)- on the Biblical principle descent. Accordingly, the son of the Egyptain and the Israelite woman is obviously and undoubtedly a gentile. There is no need to appeal to examples in the Bible: There are plenty of references to show that the son of an Israelite father, like Moses and Tsipora from Midian, was an Israelite.

We refer also to the customs of the Samaritan community in this connection. We may note, for, for example, the Samaritan custom of giving first-born males the name of their paternal grandfathers as their first name. This custom is also prevalent among Ethiopian Jews, who also follow the principle of patrilineal descent, and name

all their children after their father and paternal grandfather.

The Biblical source in Samaritan Halakha for this custom is:

“The angel which has redeemed me from all evil; bless the lads; and let my name be named on them and the name of my fathers Abraham and Isaac...^[8]”

The Cohen Meshalma ben Av Sakuha Hadafni^[9] writes that:

“In order for the names not to be forgotten and for the name of the forefathers be remembered, their descendants should be called by their names and their memory will not be lost... The names must be sustained as a main matter^[10].”

According to this interpretation, the name of the grandparents refers to the actual grandparents in every family. The patrilineal descent principle influences the possibilities of intermarriage between Samaritans and Jewish women, as I will explain further on.

Section 2: Inter-Marriage of Rabbinite Jews and Samaritans, according to Samaritan Halakha^[11].

In Samaritan *halakha*, there is a strict prohibition on intermarriage. Intermarriage with non-Samaritans is absolutely impossible and void. Kitab al Kafi^[12], for example, answers the question of whether marriage to a person not of the Madhab (non-Samaritan) is permitted, by saying that the marriage has no effect, since it is impossible to marry a non-believer, even if he is of the Samaritan community. The reason for the prohibition is that marriage is possible only between co-religionists. In Samaritan *halakha*, there is no possibility for conversion of non-Samaritans and thus, the prohibition against intermarriage is absolute. In this regard, see the words of President Ben Tzvi:

“This small nation stands out throughout its history in preserving the purity of its race. For religious reasons, the Samaritans did not inter-marry with Moslems and did not inter-marry with Jews, mainly due to the strict prohibition on intermarriage.^[13]”

The nineteenth century account of Mills notes that:

“The Samaritans never intermarry with persons of another creed- whether circumcised or uncircumcised^[14].”

However. According to Petermann's account intermarriage with a Christian or Jewish woman is possible on condition that the woman accept the Samaritan Faith^[15]. Pummer^[16] writes, that the above accounts contradict each other. In my opinion, the accounts do not contradict each other, as Mills talks about men while Petermann talks about women. A man, even if he is willing to become a Samaritan, is not accepted. It seems that Petermann is not accurate in his account when speaking about the possibility of intermarriage, even with a Christian woman. Pummer is correct when he states that it would seem that Christians are not even envisaged as possible marriage partners at present. The conclusion is that, in the past, there was no intermarriage between Samaritans and non-Samaritans, including to Jews. This is one of the reasons why the community has diminished considerably.

However, according to recent Samaritan tradition, during the 20th century, there is a different position regarding Jews. This stems from the attitude that Jews are children of the People of Israel who deviated from the right path, but will return on the day of vengeance and recompense, which cannot be said about Christians. Since 1924, and especially since the establishment of the State of Israel, the situation has changed, due to the Samaritans integration into Israeli society and the scarcity of Samaritan females. The High Priests have permitted Samaritan males to marry Jewish women and, thus, celebrate these marriages, on condition that the woman accepts the Samaritan tradition.

Thus, in the recent years, there were several inter-marriages between Samaritans and Jewish women. Since conversions are impossible according to Samaritan tradition, I inquired how brides may join the Samaritan community. The answer is that the marriage with a Jewish woman, conducted in accordance with the Samaritan rite, which implies the bride's general acceptance of Samaritan tradition, is sufficient.

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This lenient position regarding intermarriage with Jewish women, could be understood in view of the biblical law regarding the Female War Captive (“The Beautiful Woman”):

“When thou goest forth to battle... and sees among the captives a beautiful woman and thou has a desire on to her and thou wouldst take her to thee wife... and shall remain in thine house and bewail her father and mother a full month, and after that thou shalt go in unto her, and be her husband, and she shall be thy wife...^[17]”

This text is the basis, according to Sectarian *Halakha*, for the conversion of a Gentile woman and the recent leniency for marriage with Jewish women. It is possible to reach this conclusion by analogy (*qias*), in the way of an argument from the lesser to the greater, from the laws regarding the Gentile Female War captive.

The reason for the change in Samaritan’s attitude regarding intermarriage with Jewish women is that the children of such mixed marriages, according to the patrilineal descent principle, are Samaritans. Therefore, there is a difference between men and women. This stems from the position of Samaritan *halakha*, in contrast to the Rabbinic *Halakha*, that lineage (*yihus*) is determined by the patrilineal descent. Thus, even if a Samaritan male marries a gentile, for example in a civil marriage, their offspring will be Children of Israel. But, if a Samaritan woman marries a gentile in a civil marriage, her child will be a gentile.

A question that arises regards a Samaritan who marries a Jewish woman. The woman may be the offspring of a Jewish mother and a gentile, since Rabbinical *halakha* applies the principle of matrilineal descent and is thus considered Jewish, but according to Samaritan *halakha*’s patrilineal approach, she is considered a gentile. If a bride is Jewish patrilineal descent, the inter-marriage is acceptable. Therefore, how can the Samaritan community allow inter-marriage with Jewish women or with a converted Jew?

The intermarriage of Samaritan men and Jewish women is practically recognized. The Samaritan community, was never formally recognized as a religious community. However, the Samaritan’s High Priest is recognized, by the Ministry of Religious Affairs in Israel as a competent marriage authority^[18]. Thus, he officiates “inter-marriage” between Samaritan men and Jewish women, and these marriages are duly registered in the Population Registry. This *de facto* recognition is sufficient for practical purposes. However, it should be stressed that the Samaritan intermarriages, as stated above, are the sole type of inter-religious marriage recognized by the State of Israel. The system of marriage in Israel is a religious one and, thus, does not allow a spouse of another religion, there is no legal way to celebrate this marriage, unless one of the spouses converts to the religion of the other. In the case of the Samaritan intermarriage with Jews, the bride is accepted by the Samaritan tradition. Thus, it can be said that marriage between a Samaritan and a Jewish woman is not an inter-nation marriage, but an inter-community marriage.

It should be noted that the State has recognized that the Samaritans have full rights under the Law of Return, like Jews, and that they are registered in the Population Registry as “Shomroni Yehudi” (Samaritan Jew). The late High Priest, Atef Nagi Kader, who was known as Levi ben Avisha^[19], was registered as “Shomroni Yehudi”. In fact, the same type of registration was applied to all the Samaritans, including those who lived in Nablus (living now on Mount Gerizim).

We must explain how the Samaritans accept registry as a Jew (“Shomroni Yehudi”) as they regard themselves as descendants of the tribes of Israel, in distinction from the tribe of Judah. The explanation is that today, the term “Jew” does not relate exclusively to the descendants of Judah, but in general to the Children of the People of Israel. As such, it is correct to note the Samaritans in the registry “Samaritan Jews”. Also the Karaites today, call themselves, “Yehudim Karaim” (Karaites Jews), and some of them are formally registered in this way. Furthermore, the Rabbinical sources regard the Ethiopian Jews as the descendants of the tribe of Dan, and they are called “Yehudei Etiopia” (Ethiopian Jews), but since their integration with normative Judaism, they are recognized, called and registered as Jews, without any indication of their origin.

I will further compare the Karaite principles in this connection to those of the Samaritan *halakha*.

Section 3: Inter-Marriage of Rabbinite Jews and Karaites according to Karaite *Halakha*.

According to early Karaite *halakha*, there was no prohibition on intermarriage with Rabbanite Jews. The cases of inter-marriage known from *ketubot* of the eleventh century are evidence to the effect that also the Karaite leaders accepted inter-marriages with Rabbanite Jews. Another proof of this is the ancient text of the Karaite marriage bill that is in force even today. This bill includes an oath and commitment of the spouses to obey

Karaite *halakha*. The important Karaite Sage^[21] Aharon Ben Eliahu^[21] holds that this oath settles the intermarriage of a Karaite and a Rabbinite, to ensure the commitment of the non-Karaite spouse to behave in accordance with Karaite *halakha*. This saying clearly determines that there was no prohibition against intermarriage.

Later, in Central Europe, beginning in the seventeenth century, we have evidence of a change- a Karaite prohibition on intermarriage with Jews. This prohibition was based on strict Karaite restrictions imposed on marriage between relatives, in contrast to Rabbinic *halakha*. Thus, Rabbinite Jews came to be regarded as *mamzerim* by the Karaites. The subject of intermarriage, from the Karaite perspective, arose again from time to time.

In the beginning of the last century, we have evidence of requests from Rabbinite Jews to join the community, but the Eupatoria Karaite Congress of 1917 rejected these requests. In Egypt, the *Chacham* Tuvia Simcha Levy Babovitch also denied such requests, but was prepared to review the subject in a Karaite World Congress. The Karaite prohibition on intermarriage is not anymore in force in Israel.

Section 4: Intermarriage of Karaites and Non-Jews according to Karaite *Halakha*.

In this section I would like to compare the Samaritan principles to those of Karaite *halakha*. According to Karaite *halakha*, similarly to Samaritan and Rabbinic *halakha*, there is a strict prohibition of marriage to non-Jews. Karaite *halakha*, in contrast to Rabbinic *halakha*, upholds the patrilineal descent principle. Thus, if a Karaite woman marries a non-Jew under a civil marriage, her child will be a non-Jew.

The view of the *Chacham* Aharon ben Yoseph, in his interpretation on the laws of the Female War Captive^[22]. The position of Karaite *halakha* is that the Jewish lineage of an offspring of mixed marriages, namely intermarriages between Karaites and non-Jews, is determined by the father's lineage. However, later, the *Chacham* Eliahu Bashaitchi, in his Book of Commandments^[23], follows the Rabbis by ruling that even children born to a gentile woman from a Karaite man are gentile like their mother. This intermarriage is possible since the Karaites followed the Rabbis also in presuming that the Bible knew the institution of conversion for women.

On the other hand, there is a controversy on whether the conversion of a man is possible. I cannot expand on the subject. In the last generations, there is no conversion of non-Jews under Karaite *halakha*, and I assume that this is one of the reasons for the gradual diminution of their numbers. But, also on this point, there was a Babovitch trend to change and accept the conversion of non-Jews and their marriage with Karaite Jews, after the third generation. This opinion did not really take root.

It is interesting to draw attention to the dispute within the Egyptian Karaite community in the second quarter of the last century, on the subject of patrilineal descent or matrilineal descent of the offspring of a Karaite woman and a gentile man. Morad Ben Faraj, a well known Karaite leader, whose book on Personal Status is, until today, the codex of the Karaite community on the subject, held that the determining lineage of this offspring is that of the matrilineal descent^[24]. However, the *Chacham* Tuvia Levy Babovitch, the chief religious leader of the Karaite community in Egypt, who came from Crimea, opposed Faraj's ruling. The Karaite community accepted the traditional position of Babovitch, against Faraj. Thus, in the Israeli edition of Faraj's book, the text of Section 273 was changed to reflect the patrilineal descent, with a remark stating that Faraj had changed his opinion in his last days.

In Karaite *halakha* in the past, the child of a Jewish woman and a Karaite man was a Karaite, and it was possible to accept the Jewish woman in to the Karaite fold. But, in late Karaite *Halakha*, the opposite is the case: Jewish women are not accepted, and their offspring from a Karaite man are not regarded as Karaites.

The development in Samaritan *Halakha* took the opposite direction. The Samaritan community in Israel accepts today the intermarriage of a Samaritan male and a Jewish woman, as explained above. Their offspring will be Samaritans.

As to the offspring of a gentile woman, there is no difference and both the Karaite and the Samaritan *Halakha*, even today, regard them as gentiles, who cannot be converted to Moses' religion.

Section 5: Intermarriage of Jews and Samaritans, according to the Rabbinical Halakha.

In Talmudic literature, the status of the Samaritans was a matter of continuous dispute. The argument was about the validity of their conversion. Initially, the *halakha* was influenced by Rabbi Shimon Ben Gamliel's dictum that "every commandment observed by the Samaritans was kept more scrupulously by them than by the Jews"^[25]. Subsequently, Rabbi Ishmael took the view that they had become Jews under compulsion, through fear of lions, and were, therefore, not truly Jewish, while Rabbi Akiva maintained that they were true converts^[26]. Later, the prevailing opinion excluded them. By the end of the Talmudic period, the Rabbis enacted that the Samaritans be treated as Gentiles, and thus the rift between the communities became complete^[27].

The controversy continued in the Post-Talmudic period. The *Maimonides* abrogated the rule that they were genuine converts, holding that they should be treated as Gentiles. Other Rabbis (*Rishonim*) treated the Samaritans as the offspring of the Cutheans, mentioned in talmudic literature. The *Shulhan Arukh* holds that the "Cutheans of are like idol worshippers"^[28]. Nevertheless, their marriages are effective, since the *Shulhan Arukh* rules that a woman marrying one of them would require a *get*^[29]. This ruling entails serious problems of bastardy in the strict *halakhic* sense, since their divorces are not according to Rabbinic *halakhah*. Some later authorities tend to adopt the more stringent attitude, in accordance with *Maimonides*, and decide that they are Gentiles in every respect, and thus their marriages are not valid^[30].

This *Halakhic* controversy raises the question of whether the Samaritans are to be accepted, under conversion, when they wish to return to normative Judaism. If they are regarded as "of Jewish descent", illegitimacy closes the gates of reconversion before them as gentiles for all purposes, the question of *mamzerut* (illegitimacy) does not arise (since illegitimacy holds only with reference to Jews). The accepted opinion is that the Samaritans are regarded as non-Jews, in view of both the strict and the lenient line of the law. Thus, on condition of conversion, marriage between Jews and Samaritans, regardless of whether the Samaritan is a man or a woman, is permitted.

Before discussing the current *halakhic* position, we should mention some events and opinions of the middle of the nineteenth century.

In 1842, when remnants of the Samaritans in Shechem were threatened by the local Arab authorities, the then *Rishon Le-Zion* (Sephardi Chief Rabbi) R. Abraham Hayim Gagin^[31], defended them by writing that the "Samaritans are a branch of the Jewish People who acknowledge the truth of the *Torah*"^[32], thus displaying his solidarity with the Samaritans. However, a different view was expressed in those days by the well known 19th century R. Yehosef Schwarz^[33], who criticized the Samaritans' view that they are the true Israelites. He concluded that the Cutheans are of a mixed descent and must be regarded as Gentiles. He writes that, "they employ an image resembling a bird, much like a dove^[34], which is carved of wood"^[35]. These words follow the Talmudic claim that the image of a dove was to be found on Mount Gerizim, imitating the Samaritans' idolatrous practices^[36]. Modern scholars, however, take the view that this "magic" dove was set up by the Romans to snare the Samaritans, and not a native practice. It seems that R. Schwartz merely flows the Talmudic view, and that there are no actual grounds to support his arguments. Therefore, his opinion does not hold.

The current position of the *halakha* is that which was determined by the Israeli Chief Rabbinate and Rabbinical Courts in 1985-86, ruling that the Samaritans are to be treated as Gentiles. This holding was in connection with an application by two Samaritan sisters to be converted in order to marry Jews. The Tel Aviv Rabbinical Court accepted the application and held that the sisters required full conversion^[37]. The decision was adopted by the supreme Rabbinical Court, headed by the former Chief Rabbi Abraham Kahana Shapira.

It is important to note that the position of Rabbi Shlomo Dichovsky was that the Samaritans are true converts who maintain, according to tradition, the purity of their race but, out of concern for their intermarriages with gentiles, they must undergo conversion.

In contrast to the Karaites, the Rabbinical system and courts do not apply to the Samaritans, as the *halakha* in opposition to the Samaritans' religious beliefs. Thus, the Samaritans are organized, *de facto*, as a separate religious community.

It is important to observe the views of leading scholars, who maintain that the Samaritans descend from the ancient tribes of Ephraim and Menasheh. To quote late President Ben Zvi, whose view was that:

"This small nation stands out throughout its history in preserving the purity of its race

...the small nation stands out, throughout its history, in preserving the purity of its race. For religious reasons, the Samaritans did not intermarry with Moslems, and did not intermarry with Jews, mainly due to the strict prohibition on intermarriage.^[38]

Professor Shmaryahu Talmon argues in favor of accepting the view that the vast majority of the people of Ephraim and Menasheh were not exiled and that the Samaritans of today stem from them^[39]. Professor Talmon concluded, in an opinion submitted to the Ministry of Justice, that:

“The talmudic sages did not regard the Samaritans as belonging to another religion, but they were, in their eyes, a branch of the Jewish people that, for historical reasons, developed differently from traditional Judaism until they were totally cut off from the Jewish people.^[40]”

Other researchers have reservations on the above opinions and refer to Assyrian sources that indicate that the local population in Samaria was augmented by several small migrations from Babylonia^[41]. The question is still a matter of *halakhic* and academic controversy.

Section 6: Inter-marriage of Rabbinite Jews and Karaites, according to the Rabbinical Halakha.

The Karaites, in spite of their separation from, and opposition to, Rabbinic oral law, have remained within the bounds of Jewry for two significant reasons. Firstly, they are considered by Rabbinical *halakha* as being of Jewish descent. The *Mainmonides*, for example, held:

“Their children and grandchildren were raised among the Karaites and trained in their views. They are like a child taken captive by them and, raised in their religion. Therefore, efforts should be made to bring them back in repentance, to draw them near by friendly relations, so that they may return to the strength-giving source, i.e., the Torah.^[42]”

Secondly, they observe the written law. Thus, Rabbi Samuel Ben-Moses Ibn Hakim Halevy^[43], writes: “They were not suspected of not observing any of the commandments written in the Torah ...and retained from their forefathers the view that they were of the seed of Jacob, and grew up in the performance of the commandments.^[44]”

In the early years of Karaism, marriage of Rabbinite Jews with Karaites was indeed not denied by Rabbinic *halakha*^[45]. Later, following a stringent approach to the Karaites, the prohibition regarding inter-marriage was proclaimed in the harshly worded ruling imposed by Rabbi Moses Isserlish^[46]:

“It is forbidden to marry them. All of them are tainted with *mamzerut*^[47], and they are not to be accepted when they wish to return.^[48]”

This ruling excludes them from normative Judaism but, paradoxically, it rather proves their Jewish descent, since *mamzerut* applies to Jews only, and there is no *mamzerut* among gentiles.

However, this stringent approach to the Karaites was limited to Central Europe. In Egypt, where a large Karaite community settled since the tenth century, inter-marriage with them was generally permitted. There is evidence of a *ketubah* (marriage contract) between Rabbinite Jews and Karaites since the eleventh century. It is clear that the *get* (bill of divorce), according to Karaite custom, is different from divorce under the rabbinical stringent *halakhic* approach, the children from a second marriage of a Karaite divorce are bastards. However, the lenient Rabbinical approach, based on Rabbi David ben Avi Zimra (Radbaz)^[49], maintains that also the marriage according to the practice of the Karaites does not take effect under rabbinical law^[50]. Hence, no suspicion of *mamzerut* exists regarding the members of the community. And in Egypt, since Radbaz's ruling, inter-marriage was in fact allowed, on condition that the Karaite party return to Rabbinical *halakha*, through acceptance of its precepts *kabalt divrei chaverut*. This act of acceptance is applicable to Jews only, in distinction from conversion.

This Jewish-Egyptian tradition still applies in Israel today. The rabbinical authority allowing inter-marriage on

The common Egyptian tradition can apply in Israel today. The rabbinical authority allowing inter-marriage on these terms, that is, conditional to acceptance of Rabbinic *halakha*, was Rabbi Ovadia Yossef, the former Chief Sepharadi Rabbi who, in the beginning of his rabbinical career, served in the rabbinical community of Egypt. Presently, Rabbis who came to Israel from the Jewish community of Egypt, such as Rabbi Nizri from Yad Rambam, and also the Sepharadi Rabbi David Chlouch, well-known Chief Rabbi of Netanya, celebrate inter-marriages between Karaites and Rabbinite Jews.

Finally, it is interesting to compare the role played by Rabbis, scholars and the State in the process of defining the Jewish identity of the sects. My conclusions are stated in my books [\[51\]](#).

Relying on anthropological categories, scholars suggested that the Falasha stem from Ethiopian-Christian society, whereas the Rabbis, based on *halakhic* and Hebrew literary sources, decided that the Falasha must be accepted as Jews, generally on condition that they undergo a short form of reconversion according to the strict line of the *halakhah*. The State recognized Beta Israel as Jews under the Law of Return.

The Jewish identity of the Karaites, who do not follow Rabbinic *halakhah*, is not questioned by scholars or the State. However, they are still excluded by Ashkenazi Rabbis, but accepted by Sephardi Rabbis.

Regarding the Samaritans, before the establishment of the State of Israel, most Samaritans lived in Shechem (Nablus). Once the State of Israel was founded, they demanded the Right of Return, so that those Samaritans who wished to join their center in Israel could do so as *olim* (Jewish immigrants) under the law of Return. Some scholars support their recognition under the law of Return, while the Rabbis regard them as fully-fledged gentiles, who can be accepted only subject to full conversion.

The State accepts that the Samaritans are not of another religion and, while circumventing the *halakhic* concept of "born to a Jewish mother", it has *de facto* broadened the scope of the Law of Return to include the Samaritans.

[\[1\]](#) Haim Hillel Ben Sasson, 'The Early Karaites-Outlines of Their Social Theory', *Zion*, (1950 42 (Hebrew).

[\[2\]](#) I.R.M. Bo'id, "The Samaritan Halacha," in A.D. Crown (ed), *The Samaritans* (Tubingen, 1989) p. 624, wrote that "there is some evidence that Kariate groups have been used [by Samaritan sages] more extensively than Rabbanite ones, and that some of the Rabbanite *halacha* is known from the study of Karaite works" (p. 648). See also note 99, at p. 647. Bo'id also stated that the Samaritans "will sometimes borrow *halachic* argument most often an argument in Karaite text on a subject on which the Samaritan opinion is the same as the Karaite one and the Rabbinite opinion is different..." (p. 647).

[\[3\]](#) Numbers 1:18.

[\[4\]](#) Leviticus 24:10-11.

[\[5\]](#) *Torat Cohanim*, on Leviticus, *ibid.* ch. 14.

[\[6\]](#) Ezra 10:3.

[\[7\]](#) Nachmanides, *Interpretation on the Torah*, Shevel ed., Jerusalem. 1960, p.262.

[\[8\]](#) Genesis 48:16.

[\[9\]](#) First half of the eighteenth century.

[\[10\]](#) Interpretation to the Bible, Manuscript.

[\[11\]](#) See more on the Personal Status of the Samaritans: M. Corinaldi, "The Personal Status of the Samaritans in Israel," *Samaritan Researchs*, vol. V. (Mandelbaum Publishing, Sydney, 2000), p. 2.85-2.96.

[\[12\]](#) Kitab al Kafi, ch. 19, see the translation of Sergio Noja, Instituto Orientale di Napoli, Napoli 1970.

[\[13\]](#) *Sefer Ha-Shomronim*, p. 41.

[\[14\]](#) J. Mills, *Three Months Residence at Nablus and an Account of the Modern Samaritans* (London: John Murray, 1864).

[\[15\]](#) H. Petermann, *Reisen im Orient 1852-1855* [Leipzig] I (1860) p. 279.

- [16] R. Pummer, "Samaritan Rituals and Customs", in A. D. Crown (ed), *The Samaritans* (Tubingen, 1989).
- [17] Deuteronomy 21:10-13.
- [18] Drayton, *Laws of Palestine*, Vol. II, p.903
- [19] Passed away in May 2001.
- [20] The Sage in Karaite tradition is called *Chacham* and thus hereinafter I will mention Karaite Sages as "*Chacham*".
- [21] Fourteenth century, the writer of the Karaite code *Gan Eden*.
- [22] *Sefer Ha'mivchar (Eupatoria, 1835)*17b.
- [23] *Adheret Eliahu*, Women, chapter 6.
- [24] See the original text of his book in Arabic, section 273.
- [25] Tosefta, *Pesachim* 1:1; Talmud Bavli, *Berachot* 47b. *Gittin* 10a, *Kiddushin* 76a.
- [26] Talmud Bavli, *Kiddushin*, 75b
- [27] Talmud Bavli, *Hullin*, 6a.
- [28] *Shulhan Arukh, Yoreh De'ah* 2:8.
- [29] *Shulhan Arukh, Even ha-Ezer*. 44:10.
- [30] See e.g. Shakh on *Shulhan Arukh, Yoreh De'ah*. 159:5.
- [31] 1787-1848.
- [32] See Y. Ben Zvi. *Sefer Hashomronim* (Jerusalem: Yad Yizhak Ben Zvi. 1970 2nd Edition) 57, 367 (Hebrew).
- [33] 1804-1865
- [34] Talmud Bavli, *Hullin*, 6a.
- [35] *Tevu'ot Ha-Arez* (Hebrew), published in English under the name *Descriptive Geography and Brief Historical Sketch of Palestine*, translated by Israel Leeser, New York. 1850. 1845.
- [36] Talmud Bavli, *Hullin*, 6a.
- [37] The full text of the decision was published in *Torah She-Be'al-Peh* 29 (1988) 59-67.
- [38] *Sefer hashomronim, supra n. 6*, p. 41.
- [39] S. Talmon, "Biblical Tradition of the Early History of the Samaritans". *Eretz Shomron* (Jerusalem. Ha-Hevrah le-Hakiroth Eretz Israel va-Atikoteka. 1974), 19-37.
- [40] Opinion dated 3.1.94, published in *A.B.- The Samaritan News, No. 629 (15.2.95)*, 33-34.
- [41] See e.g. H. Tadmor, "Introductory Remarks to a New Edition of the Annals of Tiglath-Pileser III", *Proceedings of the Israel Academy of Sciences and Humanities*, 2/9 (1967) 168-187.
- [42] *Hilchot Mamrim*, 3:3.
- [43] End of the 15th and beginning of the 16th century, active in Cairo and Constantinople.
- [44] Responsa of Rabbi Samuel Ben Moses Ibn hakim Halavy, printed in Corinaldi, *supra* note 41, p. 178.
- [45] See Simha Assaf, *Be'Ohalei Yaakov*, page 182, and more extensively, in my book *The Personal Status of the Karaites*, 1984, page 103, and the sources therein.
- [46] Known as Rema, 16th century, Poland.
- [47] *Mamzerut* means bastardy= illegitimacy in the Jewish strict sense.
- [48] Rema, *Shulkhan Aruch, Even Ha-Ezer*, 4:37.
- [49] Sixteenth century *halahic* authority.
- [50] *Responsa Radbaz*, part 4, no. 219, and Part 7, No. 5.
- [51] *Jewish Identity* (Jerusalem. Magnes Press, 1998): *The Enigma of the Jewish Identity* (Sarigim, Nevo Publishers, 2001).