Hybrid Ketubbot in the Cairo Genizah: A Re-Examination of Karaite-Rabbanite Relations in Medieval Egypt

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INTRODUCTION

Amidst Egypt's scorching summer heat, two young Jews, Rayyisa and Yehya, entered into one of the most sacred unions in Judaism: marriage. According to their marriage agreement (*ketubbah* in Hebrew), they married in 1117 CE in the Jewish month of Elul (אלול) in Fustat, a city in what is today the southern part of modern Cairo.[1] The existence of the *ketubbah* certifying their union is somewhat surprising, as the pair came from two groups within the Jewish faith long believed to have been separate and disdainful of one another: the Karaites and the Rabbanites.[2] The merging of their two families—and documentation certifying the merging of a handful of others—attests to a level of connection and intermingling between the groups. For centuries, Rayyisa and Yehya's *ketubbah* remained tucked away in the Ben Ezra Synagogue in Fustat, which housed a room piled high with letters, deeds of betrothal, legal contracts, and other long-forgotten manuscripts from Fustat's Jewish community.[3] These documents, most of which were drafted

[1] According to the *ketubbah*, the marriage took place in 1428 in the Seleucid Calendar (sel.). (Bodl. MS heb. a.3/42, Bodleian Library).

[2] Rabbanite (a Jew who follows the Talmud and broader rabbinical tradition) should not be confused with the similarly spelled rabbinate (rabbis as a group or their status).

[3] Zina Cohen, "The Cairo Genizah," in *Composition Analysis of Writing Materials in Cairo Genizah Documents: Cambridge Genizah Studies Series, Volume 15* (Leiden: Brill, 2022).

between 950 and 1250 CE, were part of the synagogue's Genizah collection.[4] Genizah is a Hebrew word derived from the Persian *ganj*, meaning "hoard" or "hidden treasure."[5] The word's root was used in different forms throughout the Talmud. *Ganuz* meant "hidden" or "thrown out,"[6] while the noun Genizah evolved to refer to a storage area, burial plot, or "cabinet where any damaged or somehow dubious holy book would be ritually entombed."[7] Over time, fragments of text bearing the name (*shem*) of God began to be placed in cubbies, basement rooms, and other nooks in synagogues until they were buried—a process known as *shemot*, as prescribed in Mishnah Shabbat 16:1.[8] In Fustat, however, Jews brought all documents containing Hebrew letters to the Geniza, not just holy documents, and they never underwent burial.[9] Instead, over a quarter million pages remained suspended in time, protected from mold by Cairo's mild climate. This treasure trove of documents provides a window into Jewish life in Egypt, and, by extension, the greater Near East, during a period lacking the archival documentation characteristic of Ottoman rule in the fifteenth and sixteenth centuries.[10] Today, the term "Cairo Genizah" applies not only to documents found in the Ben Ezra Synagogue but to all genizah manuscripts found in Cairo.[11] Approximately 300,000 Cairo Genizah fragments are located in collections across the globe, but the majority (estimated at 70%) currently sit in Cambridge.[12]

In this paper, I will use a small sample of these documents to examine relations between the Karaites and Rabbanites, two Jewish groups in Fustat during the rule of the Fatimid Caliphate between the tenth and twelfth centuries CE. The preeminent twentieth-century historian and Genizah scholar Shelomo Dov (S.D.) Goitein calls this the "classical" Genizah period.[13] Where the Rabbanites deferred to the authority of the rabbinic tradition and the *geonim* (sg: *gaon*),[14] heads of Rabbinical academics (*yeshivas*) who studied the Talmud, the Karaites based their practice solely on the Bible and rejected the rabbinic tradition.[15] The weakening of the Abbasid Caliphate, punctuated by the loss of Egypt to the Fatimids in 967, led to an economic downturn, which

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[4] Precise dating of Genizah manuscripts is not always possible, as many of them are mere fragments, torn or otherwise deteriorated.

[5] Adina Hoffman and Peter Cole, *Sacred Trash: The Lost and Found World of the Cairo Geniza* (New York: Schocken Books, 2011), 14–15.

[6] Hoffman and Cole, *Sacred Trash*, 14–15.

[7] Hoffman and Cole, *Sacred Trash*, 16.

[8] Hoffman and Cole, *Sacred Trash*; Cohen, "The Cairo Genizah."

[9] Ibid., 17.

[10] Marina Rustow, *Heresy and the Politics of Community: The Jews of the Fatimid Caliphate* (Ithaca, NY: Cornell University Press, 2008), 3–4.

[11] Rebecca J. W. Jefferson, "Deconstructing 'the Cairo Genizah': A Fresh Look at Genizah Manuscript Discoveries in Cairo before 1897," *Jewish Quarterly Review* 108, no. 4 (2018): 422.

[12] Cohen, "The Cairo Genizah," 11.

[13] Cohen, "The Cairo Genizah," 14. The Fatimid caliphs ruled from 969–1171 (Rustow, *Heresy and the Politics of Community*).

[14] *Gaon* is short for *rosh yeshivat ge'on ya'aqov*, "the head of the yeshiva of the pride of Jacob." See Marina Rustow, "Rabbanite-Karaite Relations in Fatimid Egypt and Syria: A Study Based on Documents from the Cairo Geniza" (PhD diss., Columbia University, 2004), xiv, Proquest (3110175).

[15] Cohen, "The Cairo Genizah," 18.

spurred a westward migration of people toward Fustat, Palermo, and other Mediterranean centers. A considerable number of those who moved were from the prominent and literate segments of society—and many of them were Jews. This movement of Jews to Fatimid territories in the southeastern Mediterranean meant that the *geonim* in Baghdad were able to spread their practices westward, gaining substantial numbers of loyalists in what would become the Jewish hubs of Fustat and Jerusalem.[16] These two cities were also centers for the Karaite community, who migrated westward at this time as well, spreading their countervailing influence.[17]

Scholars have often depicted the period between the tenth and twelfth centuries as one of "gradual but inevitable Babylonian Rabbanite triumph over the other varieties of Judaism," such as the Karaites, in the words of historian and co-director of the Princeton Genizah Lab Marina Rustow.[18] S.D. Goitein, in many ways, exemplified this view, arguing that Judaism's many "splinter groups" did not even "survive long enough to make an enduring impact on the main body of Judaism."[19] Moreover, he displayed a disdain for Karaism as an "ill-timed and badly conceived...radical" group and dismissed the Karaites' core tenets as "not justified by the biblical texts from which they were derived.[20] In contrast, he painted an image of a Jewish society in which the Rabbanite "yeshivas regulated and streamlined religious life."[21]

But is this narrative wholly accurate? According to Goitein, Karaites "differed from...Rabbanites, that is, the followers of the rabbis or teachers of the Talmud, as markedly as one Christian church from another."[22] Rustow counters this view, explaining that "[f]or sociologists of religion, 'sects' are separatist," a definition that does not fit with the reality of the medieval Egyptian Karaites.[23] As such, Rustow takes issue with the long-held view of the Karaites as a sect perceived as heretical by a prevailing Rabbanite orthodoxy. She argues that "[t]he sociological typology of sectarianism has tended to generate its own historical reality, one that does not accord with the preponderance of the evidence, which suggests that the Qaraites[24] were not merely a part of the Jewish people but a central part of it."[25] They traded with Rabbanites, donated to their institutions, and even married them.[26] This intermingling suggests that Karaites did not view themselves as a heretical sect on the periphery of mainstream Judaism. They viewed their

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[16] Rustow, "Rabbanite-Karaite Relations in Fatimid Egypt and Syria," xiv.

[17] Rustow, *Heresy and the Politics of Community.*

[18] Rustow, *Heresy and the Politics of Community,* 3–4.

[19] S. D. Goitein, *A Mediterranean Society: The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza, Vol. 5: The Individual* (Berkeley, CA: University of California Press, 1967), 359.

[20] Goitein, *A Mediterranean Society, Vol. 5*, 365.

[21] Goitein, *A Mediterranean Society, Vol. 5*, 360.

[22] S. D. Goitein, *A Mediterranean Society: A Mediterranean Society, Vol. 2: The Community* (Berkeley, CA: University of California Press, 1967), 7.

[23] Rustow, *Heresy and the Politics of Community*, xxvii.

[24] While Rustow utilizes the spelling Qaraite, I will adhere to the alternate spelling (Karaite) throughout this paper, except when directly quoting Rustow and other scholars who use the former spelling.

[25] Rustow, *Heresy and the Politics of Community,* xxix.

[26] Rustow, *Heresy and the Politics of Community,* xxix.

interpretation of Jewish practice as equally "legitimate" to that of the Rabbanites.[27] Throughout the documents in the Cairo Genizah, Karaites and Rabbanites are both described as "schools of law" (*madhahib* in Arabic, or *madhhah* in the singular), including in documents written by the leaders of rabbinic academies (*geonim*).[28] Despite their differences, Rustow argues that these *madhahib* within Judaism were just that—different schools of law within the same community, not separate communities with one at the center and the other sidelined.

This paper examines hybrid Rabbanite-Karaite marriage documents from medieval Fustat to build on Rustow's re-evaluation of the mainstream narrative of polemical rivalry that culminated in the triumph of the Rabbanites and the obsolescence of the Karaites. Rustow devotes a short section of her book, *Heresy and the Politics of Community: The Jews of the Fatimid Caliphate*, to the topic of hybrid marriages. She cites them as proof of the more complex, intertwined nature of the Karaite-Rabbanite relationship. But she provides a holistic overview of all hybrid marriage-related documents from across the Mediterranean, rather than an in-depth look at Jewish society in Fustat in particular through a close reading of its corresponding marriage documents. This study focuses on Fustat because the city was the "undisputable centre of the Karaites" in the eleventh century, according to the eminent historian Judith Olszowy-Schlanger.[29] Moreover, both Karaites and Rabbanites lived in the Jewish Al-Mamusa quarter of Fustat between the tenth and twelfth centuries, making Fustat a prime location to examine in terms of community relations.[30] In 1201–1202, plague and famine drove much of the Jewish community, particularly those in the upper-middle class, out of Fustat and towards Cairo and other urban centers.[31] As such, the centuries preceding the famine in Fustat are the richest to study in terms of the presence of both *madhahib* and the documentary evidence available.

This study examines eight hybrid *ketubbot*, one betrothal agreement, and one Karaite marriage formulary from Fustat in the period 1009 to 1135, with the following questions in mind: Do the documents favor one *madhhah* and its legal formulae consistently over the other?[32] What do the pledges taken by the Karaite and Rabbanite parties in the *ketubbot* reveal about how each *madhhah* viewed the other? And, finally, do the *ketubbot* reveal anything about the social status and standing of the Karaites in the broader Jewish community, either affirming or complicating the vision of Karaism as a sect of Judaism? The answers to these questions revealed by the legal formulae and the pledges made by the couples in the *ketubbot* suggest two conclusions: many

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[27] Marina Rustow, "Karaites Real and Imagined: Three Cases of Jewish Heresy," *Past & Present* 197, no. 1 (November 2007): 47.

[28] Rustow, *Heresy and the Politics of Community*, xxviii.

[29] Judith Olszowy-Schlanger, *Karaite Marriage Documents From the Cairo Geniza: Legal Tradition and Community Life In Medieval Egypt and Palestine* (Leiden: Brill, 1998), 59.

[30] Olszowy-Schlanger, *Karaite Marriage Documents From the Cairo Geniza*, 59.

[31] Goitein, *A Mediterranean Society, Vol. 5*.

[32] See Exhibit A for all of the marriage documents I examine in this paper broken down by their format/court of origin (Karaite or Rabbanite), the bride's *madhhah*, and the groom's *madhhah*.

Karaites occupied prominent places in society, and there was a spirit of cooperation and acceptance of intermingling between the two groups.

POLEMIC LITERATURE AND RELIGIOUS TENSION

Is there any truth behind the prevailing narrative of deep religious conflict between the Karaites and Rabbanites? Documentary evidence from both *madhahib* reveals significant ill will between the leaders of both *madhahib*. Natronay bar Hilay, ninth-century *gaon* of the rabbinic academy of Sura—one of the major Babylonian centers of learning—spoke of the Karaites as "heretics" who "strayed and whored" after their founder, Anan ben David.[33] Natronay threatened to excommunicate anyone who shortened the *haggada*, the Jewish text that orders the Passover seder, as he believed the act to be proof of Karaite beliefs.[34] Natronay was far from the only Rabbinic leader to draft polemical works that painted Karaism as a heretical sect. Saadiah al-Fajjumi Saadiah, or Saadiah Gaon as he came to be known after he assumed the role of head of the Sura yeshiva and rose to prominence as a Jewish theologian, was also an outspoken opponent of Anan ben David. At the age of 23, Saadiah composed a polemical work attacking the core tenets of Karaism.[35] In the face of these accusations of heresy, many Karaite polemicists pushed back, leveling their own doctrinal denunciations. One prominent tenth-century Karaite who fit this description was Daniel al-Kumisi, who condemned Rabbanite doctrine as "a commandment of men, learned by rote."[36] Rustow argues that doctrinal deviances were not the sole—or even the primary—reason for the zeal of polemicists among rabbinic leaders. Rather, social dynamics of authority played a key role. By embracing scripturalism and refusing to accept the oral tradition, the Karaites set themselves apart from the framework of rabbinic leadership and, thus, the power and reach of the *geonim*. The *geonim* in Babylon viewed it as their mission to spread Talmudic Judaism and establish a coherent and singular Jewish practice. As such, the major academies of Sura and Pumbedita began to issue responsa, answering legal questions posed to them by Jewish communities across the diaspora.[37] This "social contex[t]," says Rustow, is vital to understanding the core of the polemical discourse of both groups.[38]

Despite the anti-Karaite polemics emerging from Rabbanite leadership, the social reality in medieval Fustat did not reflect deep religious tension. A good portion of the Jewish communities in urban centers in the Near East, like Fustat, were "highly mobile."[39] According to Rustow, this "setting tended not merely to tolerate collaboration among people whose ideologies differed but to

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[33] Rustow, "Rabbanite-Karaite Relations in Fatimid Egypt and Syria," 2.

[34] Rustow, "Rabbanite-Karaite Relations in Fatimid Egypt and Syria," 2.

[35] Samuel Poznanski, "The Anti-Karaite Writings of Saadiah Gaon," *Jewish Quarterly Review* 10, no. 2 (1898).

[36] Jacob Mann, "A Tract by an Early Ḳaraite Settler in Jerusalem," *Jewish Quarterly Review* 12, no. 3 (1922): 265.

[37] Mann, "A Tract by an Early Ḳaraite Settler in Jerusalem," 265.

[38] Rustow, "Rabbanite-Karaite Relations in Fatimid Egypt and Syria," 4.

[39] Rustow, "Rabbanite-Karaite Relations in Fatimid Egypt and Syria," 18.

reward it."[40] Furthermore, while the Rabbanites' efforts to disseminate Babylonian rabbinic authority and Talmudic learning across the Islamic world were largely successful by the end of the tenth century, the group's leadership still argued about basic issues like the specifics of the Jewish calendar.[41] In 921–922 CE, there was a tense disagreement between Rabbanites in Babylon and Palestine about the organization of the calendar, leading the two groups to celebrate Rosh Hashanah (the Jewish New Year) and Passover on different days in 922 CE.[42] While they resolved the dispute by 923 CE, the willingness of two groups within the Rabbanite community to celebrate major holidays on different days is striking. Against this backdrop of mobility, communal autonomy, and the lack of a fully unified Rabbanite practice, the social realities of Jews in Fustat diverged from the polemics and rabbinical teachings hundreds of miles away in the *yeshivot* in Babylon.

THE MERE EXISTENCE OF HYBRID *KETUBBOT*: A SIGNAL OF CONNECTION AND INTERMINGLING

Monotheistic non-Muslims in Egypt—primarily Christians and Jews—received the status of *dhimmi* under Muslim rule. This "protected person" status meant that the Jews could run their own communal affairs—including their internal legal system—and receive protection from the Muslim rulers in exchange for paying special taxes. This extended to both Karaites and Rabbanites, meaning that they were able to deal with marriages and other legal transactions internal to the Jewish community, such as *ketubbot* and other marriage documents, rather than turning to Muslim courts.[43]

At their core, these marriage documents speak to a deep level of cooperation between the two *madhahib*, as both allowed the most sacred unit, the Jewish family, to arise from a mixed origin. In each case, both parties agreed to produce a *ketubbah*, a binding Jewish legal document, suggesting that each side believed that the other was truly a part of the Jewish faith. If this basic assumption was not met, neither side would have permitted such a union through the Jewish legal system. It would have been considered akin to intermarriage, and no Jewish legal documents would have been drawn up to codify the transaction. Authoritative voices in the Rabbanite community made clear that this was no accident. Maimonides said the following about how Rabbanites in Egypt should treat Karaites in vol. 2 of his *Responsa* (שאלות ותשובות הרמב"ם): "These Karaites, who live here in Alexandria, Cairo, Damascus, and other places in the lands of Islam, should be approached with respect and treated with sincerity and friendliness...as we are advised to do even with pagans."[44] Given that intermarriage with "pagans" was strictly forbidden among devout Jews,

[40] Rustow, "Rabbanite-Karaite Relations in Fatimid Egypt and Syria," 19.
[41] Rustow, "Rabbanite-Karaite Relations in Fatimid Egypt and Syria," 19.
[42] Sacha Stern, *The Jewish Calendar Controversy of 921/2 CE* (Leiden: Brill, 2019), 3.
[43] Cohen, "The Cairo Genizah."
[44] Goitein, *A Mediterranean Society, Vol. 5*, 367.

the hybrid marriages I examine suggest that the Rabbanite Jews of the time went far beyond the level of "friendliness" advised by Maimonides.[45]

The *ketubbot* in this study are not the only evidence of hybrid marriages in medieval Fustat. The Genizah also holds a formulary (MS heb. d.66/49-50) that lays out the general structure and wording of Karaite *ketubbot* in Fustat as an aid to Karaite scribes. This document devotes an entire section to expounding on the additional clauses necessary in a *ketubbah* for a hybrid marriage. This passage in the formulary is extraordinarily revealing, as it suggests that hybrid marriages were common enough to warrant creating a special formula devoted to their *ketubbot* and transmitting said formula to Karaite scribes.[46] If the Karaite community was intent on eliminating—or even merely limiting—these unions, surely it would not have devised a set of rules governing them and made them widely available to the specialists responsible for drafting the legal documentation surrounding them.

These *ketubbot* also reveal that this openness to mingling between the *madhahib* extended outwards from the bride and groom to the community as a whole. According to Rustow, marriages involved not only the individuals who were wed and their immediate relatives but also much wider groups. Families and broader community networks helped to organize betrothals and chose pairings with individuals and families with whom they wished to build networks and partnerships. Practically, the whole family unit was involved. The family's females often chose the match, while the males—either the father or maternal uncle, in some cases—served as the bride's legal proxy in the betrothal process. In Rustow's words,

> marriages were not stories of star-crossed lovers. Betrothals were hard work, the results of neither romantic love nor individual choice but agreements contracted between families and entire communities on considerations of formal friendship, business partnership, and social station.[47]

Marriages were thus conscious communal decisions, not individual ones taken lightly by those involved.

WHAT THE *KETUBBOT* SAY ABOUT THE KARAITES' PLACE IN SOCIETY

The trousseau lists and vocation information in a number of the hybrid *ketubbot* reveal that Karaites occupied high-status positions and married into equally elevated Rabbanite families. According to Rustow, "the tendency of the elites to seek affiliations across a broad variety of social

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[45] It is important to note that even Maimonides recognized the legal legitimacy of hybrid-marriages in his book of responsa, *Teshuvot HaRambam*. According to him, a *get* (divorce agreement) was necessary in the case of a hybrid marriage, even if the *ketubbah* was drawn up by Karaites. See Fred Astren, "Some Notes on Intermarriage among Rabbanites and Karaites in the Middle Ages and Its Subsequent Prohibition," *The Journal of the Association of Graduate Near Eastern Students* 1, no. 1 (Spring 1990): 46.

[46] MS heb. d.66/49-50, FGP translation and transcription.

[47] Rustow, *Heresy and the Politics of Community*, 239.

networks created conditions conducive to Karaite-Rabbanite intimacy."[48] Multiple hybrid *ketubbot* tell the stories of unions between prominent families of both *madhahib*, suggesting exactly what Rustow argues: wealthy individuals sought out marriages that would grow their wealth, no matter the *madhahib* of their prospective spouse.

The *ketubbah* of the Rabbanite groom Yehya ben (the son of) Abraham and Karaite bride Rayyisa, the couple discussed earlier, is a case in point. Their 1117 union was the second marriage between the two and Rayyisa's third marriage overall, as she was widowed prior.[49] According to their *ketubbah* (MS heb. a.3/42), Yahya was a highly educated physician from an educated family, as evidenced by the fact that his father, too, practiced medicine. For her part, Rayyisa brought a hefty dowry—719 dinars—to the marriage. To give a sense of what this number meant in practical terms, a month's rent for a middle-class family was around half a dinar, and an artisan's monthly wage was approximately 2 dinars.[50] Rayyisa's elaborate trousseau list confirms her patrician status. It includes multiple golden rings, a pearl one, a silver jewel box, and lavish furniture like a silk mattress and a large chandelier. Rayyisa's *ketubbah* reveals that Karaites could accumulate significant wealth. According to Olszowy-Schlanger, when compared, the trousseau lists written in *Karaite* and Rabbanite ketubbot suggest that Karaites had a higher economic status than Rabbanites.[51]

In another hybrid *ketubbah* (TS 24.1), Karaite bride Nasiyya bat (the daughter of) Moses ha-Kohen, married the Rabbanite groom, David *ha-Nasi* ben Daniel *ha-Nasi*,[52] *Rosh Yeshiva* (head of the rabbinical academy) *Ge'on Yaakov*.[53] This marriage was one of two individuals from prominent families, as Nasiyya was the daughter of a Karaite notable and David was the son of a *geon* in a yeshiva in Jerusalem.[54] It is striking that a man deeply embedded in the world of rabbinical scholarship (a *geon*) allowed his son to marry a Karaite. Evidently, not only laymen but also Rabbanite leaders were open to intermingling. Nasiyya's father, Moses ha-Kohen, was likely an influential courtier, according to Olszowy-Schlanger. Further, in other genizah documents, ha-Kohen is referred to as "the mighty prince" and "the ruler of our time," revealing him to be a respected member of the Jewish community in the eyes of his contemporaries.[55] As ha-Kohen's position suggests, Karaites assumed positions of importance in Caliphal Egyptian society and were recognized as such within Fustat's Jewish community.[56] Far from being on the periphery, Karaites

[48] Rustow, "Rabbanite-Karaite Relations in Fatimid Egypt and Syria," abstract.

[49] MS heb. a.3/42, Friedberg Genizah Project (FGP) transcription and translation.

[50] Oded Zinger, "Women, Gender and Law: Marital Disputes According to Documents of the Cairo Geniza" (PhD diss., Princeton University, 2014), 164; Robert I. Burns, "Geniza Wills," in *Jews in the Notarial Culture: Latinate Wills in Mediterranean Spain, 1250–1350* (Berkeley, CA: University of California Press, 1996).

[51] Olszowy-Schlanger, *Karaite Marriage Documents From the Cairo Geniza*, 61.

[52] According to Solomon Schechter, "both a Nasi David and a Nasi Daniel occur in the list of the Nisiim...or heads of the exile in Babylon. See Solomon Schechter, "Geniza Specimens. A Marriage Settlement," *Jewish Quarterly Review* 13, no. 2 (1901): 219.

[53] TS 24.1, Cambridge University Digital Library (CUDL) translation.

[54] TS 24.1, CUDL translation.

[55] Olszowy-Schlanger, *Karaite Marriage Documents from the Cairo Geniza*, 63.

[56] Olszowy-Schlanger, *Karaite Marriage Documents from the Cairo Geniza*, 64.

were capable of being prominent and affluent members of society, just like Rabbanite Jews. Nasiyya's large dowry, over 1,100 gold dinars, attests to this.[57] The fact that both Karaites and Rabbanites forged relationships with other priorities, such as social status and wealth, more in mind than *madhhab* membership, suggests that neither group valued insularity above all; intermingling was worth it to achieve other, more top-of-mind priorities.

MS heb. e.98/60 is a Rabbanite court document containing a copy of a hybrid *ketubbah* between Abu l-Fadl Ibn Shaya and Sitt al-Dalal.[58] Like David and Yehya, Abu l-Fadl was another Karaite groom married to a Rabbanite bride who achieved high social status. He was from the prominent Ibn Shaya family of bankers, traders, and government functionaries, and he possessed wide-reaching connections within the Muslim government, according to a letter written by Karaites who fled to Egypt in 1099 when the Franks invaded Palestine.[59] They describe Abu l-Fadl as someone with his "hand [i.e., influence and patronage]...spread over Alexandria" and say that "his word is heeded" by the top echelons of society. Moreover, the letter confirms that he had "dealings with the government" and praises him for attempting to negotiate ransoms for Jews taken captive by the Franks.[60] Abu l-Fadl's work was part of a larger effort taken on by Egyptian Jews to help refugees, ransom captives, and save Jewish books.[61] According to Rustow, Abu l-Fadl primarily lived in Fustat (or possibly Cairo). He was only in Palestine at the time of Jewish captivity under the Franks because he was pursuing a marriage to Sitt al-Dalal, a Rabbanite who resided there. As in other hybrid marriages examined above, the Rabbanite family involved was prominent as well. Sitt al-Dalal's father was a government official.[62] Evidently, this was a union built between two distinguished families. Sitt and Abu l-Fadl's hybrid marriage is not the only one in the distinguished Ibn Shaya claim mentioned in the Cairo Genizah. In the late eleventh century (the exact date is not visible on the document), Karaite groom Abu Said Dawud Ben Abu Nasr Ben Shaya married a Rabbanite bride (TS 13J6.33). Though little is known about his bride, Abu Said Dawud clearly came from a high-status background, given that he was a member of the prominent mercantile Ibn Shaya family.[63]

In addition to pragmatic considerations surrounding wealth, limited marriage optionality within the Karaite community because of its stringent incest laws may have also contributed to the formation of hybrid marriages. The Karaites took the verse, "Therefore shall a man ... cleave unto his wife, and they shall be one flesh," literally. This meant that upon marriage, each spouse took on

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[57] TS 24.1, CUDL translation.

[58] Rustow, *Heresy and the Politics of Community*, 342 and 120.

[59] There were a few decades of political turmoil under the Fatimids, which led the Franks to send crusading armies through Syria—which they conquered—and Palestine in the twelfth century. Many Jews were taken captive during the siege of Jerusalem. See Rustow, *Heresy and the Politics of Community*, 323–346.

[60] Translation by Marina Rustow. See Rustow, *Heresy and the Politics of Community*, 341.

[61] Rustow, *Heresy and the Politics of Community*, 340.

[62] Rustow, *Heresy and the Politics of Community*, 342.

[63] The name of the bride is not visible on this fragmentary document, though we do know that her father's name was Amram. TS 13J6.33, CUDL translation and Rustow, *Heresy and the Politics of Community*, 252.

the blood-relative status of the other in regards to incest.[64] For example, the groom's sister was considered as if she were the bride's sister by blood, his mother, her mother, and so on. Upon divorce, that network of familial connections continued to widen, severely limiting marital options in the Karaite community. Because of the detrimental effects of this "catenary (chain reaction)" theory governing marriage law, anti-catenary reformers arose in the tenth century.[65] By the eleventh century, the anticatenary movement was successful in loosening the provisions of Karaite incest law to eliminate the chain reaction prohibitions. For example, in the case of the stepsister and stepbrother mentioned earlier, she would no longer be considered his legal sister, and the two could therefore marry without violating Karaite law. Despite this reform, Karaite incest laws were still stricter than their Rabbanite counterparts in the case of siblings. A widower was still prohibited from marrying his sister-in-law upon the death of his wife, and two sisters were still prohibited from marrying two brothers.[66] It is very possible that this practical constraint contributed to the decision of some Karaites to seek out Rabbanite spouses.

In addition to revealing the wealth and social status Karaites were able to achieve, many *ketubbot* contain language that suggests respect and a kind of egalitarianism between Karaites and Rabbanites. Hybrid *ketubbot* written according to the Karaite formula and signed by Karaite notaries (what I will refer to as Karaite hybrid ketubbot for concision from here onwards) praise Rabbanite individuals, and the same is true of Karaites in *ketubbot* composed by Rabbanites (Rabbanite hybrid *ketubbot*). The language of praise directed at both parties is balanced in Yehya and Rayyisa's *ketubbah*. It refers to Yehya's father as "his Glory, the esteemed physician," and to Rayyisa's as "the esteemed and respected elder."[67] Even the language of esteem is paralleled in the case of their respective fathers—despite the short note about Rayyisa's father as a leader within the Karaite community. *Chashuv* ("חשוב"), often translated as important or esteemed, is used to describe both fathers.[68] This reveals that the Karaite notaries and witnesses involved were respectful of some Rabbanites. That being said, the balance tilts somewhat in favor of Rayyisa's father, as the document refers to him not only as "esteemed" but also as "his Glory our Lord and Master."[69] Fascinatingly, however, the additional language of reverence showered on this Karaite elder comes from Yehya, a Rabbanite, further underscoring a warm relationship between the two families despite their religious differences.[70]

Just as the Karaite court afforded respect to a Rabbanite in Yehya and Rayyisa's *ketubbah*, in Nasiyya and David's, the Rabbanite court showed a level of respect to a male Karaite. Though produced by Rabbanites, Nasiyya and David's *ketubbah* (TS 24.1) refers to Nasiyya's Karaite father

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[64] Leon Nemoy, "Two Controversial Points in the Karaite Law of Incest," *Hebrew Union College Annual* 49 (1978): 247–65; Genesis 2:24.

[65] Nemoy, "Two Controversial Points in the Karaite Law of Incest," 247.

[66] Nemoy, "Two Controversial Points in the Karaite Law of Incest," 248–250.

[67] MS heb. a.3/42, FGP transcription and translation.

[68] MS heb. a.3/42, FGP transcription and translation.

[69] MS heb. a.3/42, FGP transcription and translation.

[70] MS heb. a.3/42, FGP transcription and translation.

as "the honourable, great, holy, our master and teacher, our lord, our noble, Moses ha-Kohen, Banner of the Jews" ("כבוד גדולת קדשת מרנו ורבנו אדוננו נשיאנו...דגל היהודים").[71] According to Solomon Schechter's examination of Egyptian records at the time, describing a Karaite in praiseworthy terms like "מר" (Mr.) and "רב" (Rabbi) conferred no "official" status on Nasiyya's father. That being said, this language still offers an important insight because it closely parallels another section of the *ketubbah*.[72] As in Yehya and Rayyisa's *ketubbah*, the language of respect is used not just for one father but for both. In fact, the document uses the *exact* same words for each.[73] Thus, while the words may not have conferred any official legal status upon their Karaite subject, they did say something about his social status—about how the Rabbanite court regarded him. They revealed that Rabbanites regarded him with just as much respect as the Rabbanite male ancestor mentioned. Nasiyya and David's *ketubbah* is not the only instance of a Rabbanite ketubbah demonstrating respect for a Karaite. In Abu l-Fadl and Sitt's *ketubbah*, Abu l-Fadl is deferentially referred to as "Prince of the house of Israel" ("שר בית ישראל" in Hebrew) by the Rabbanite drafter of the document throughout the *ketubbah*.[74]

Rayyisa and Yehya's *ketubbah* affirmed that "Rayyisa accepted the words of our dear Yehya and wished to return to him and to be his wife and companion in purity and holiness; to obey and esteem...[respect and help him, and to do in his house *all* that the pure daughters] of Israel do in the house of their husbands (emphasis added)."[75] While this may appear as simply a statement that Rayyisa accepted this legal arrangement by Yehya, the language used by the court demonstrates a feeling of unity and cohesiveness among all of the Jewish people, regardless of whether they were Rabbanites or Karaites. Rayyisa was to behave towards her husband as *all* Jewish wives behaved towards their husbands—Karaite and Rabbanite. The Karaites evidently did not see a Rabbanite groom as deserving any less than a Karaite one.

LEGAL FORMULAE OF THE HYBRID GENIZAH

Rabbanite hybrid *ketubbot* contain some elements characteristic of Karaite *ketubbot*, providing further evidence of the strength of Karaite influence and the intermingling of the two *madhahib*. This is all the more striking since the two types of ketubah differed in multiple ways. We will begin by establishing broader patterns that differentiate the two types of *ketubbot*. They differed in language, structure, dating system, and the elements of marriage they chose to discuss.

The most easily discernible distinction between Karaite and Rabbanite *ketubbot* lies in the respective language each of them employed. Karaite ketubbot are generally in Hebrew, as Karaites stridently opposed the use of non-Hebrew languages in marriage and divorce documents.[76] As

[71] T-S 24.1, CUDL translation.
[72] Schechter, "Geniza Specimens. A Marriage Settlement," 219.
[73] MS heb. a.3/42, FGP transcription and translation; TS 24.1, CUDL translation.
[74] Bodl. MS heb. e 98/60, Princeton Genizah Project transcription.
[75] MS heb. a.3/42, FGP transcription and translation.
[76] Judith Olszowy-Schlanger, "Karaite Legal Documents," in *Karaite Judaism* (Leiden: Brill, 2003), 255–73.

twelfth-century Karaite author Jehuda Hadassi wrote, "It is not proper for them [letters of divorce, *ketubbot,* and other legal contracts] to be written in a language other than *Your language*...for our language is the language our God spoke on Mount Sinai in front of all Israel, His people, and through His prophets."[77] In addition to Hebrew being the language of the Bible, which scripturalist Karaites valued, its use also separated the Karaites from the language of the oral law followed by the Rabbanites. The Karaites rejected the Rabbanite's oral tradition and thus did not want to use Aramaic, the language of Rabbinic Judaism's central text: the Talmud.[78] Rabbanite legal documents, in contrast to Karaite ones, were primarily written in Aramaic, the vernacular language of the Jews in the Near East.[79] Rabbanites believed that Hebrew was a divine language meant exclusively for religious matters rather than secular ones like legal documents.[80]

In addition to the language distinction, the dating of the *ketubbot* of the different *madhahib* also differed. Rabbanite documents in the Genizah primarily use the dating system of the Seleucid Era, marked by the reconquest of Mesopotamia by the Macedonian Greek general Seleucus I Nicator in 312–11 BCE.[81] While the majority of Karaite documents are also dated according to the Seleucid Era, they used a different designation of the era than the Rabbanites. The Karaites dated their documents with the phrase *ke-mispar yewanim* (era of the Greeks), while the Rabbanites referred to it as either *minyan shetarot* (the computation of documents), *li-shetarot* (of documents), or 'the era according to which we use to count.'"[82]

Alongside language and dating deviations, the two types of *ketubbot* were also distinct in their structures. Karaite *ketubbot* were largely written in the form of a dialogue between the witnesses and groom (and sometimes other parties), during which the groom a) summoned witnesses to perform the transaction, b) affirmed his free will in completing the said transaction, c) named the bride, d) proclaimed that the marriage transaction has successfully occurred, and e) listed the obligations that he promised to fulfill in his marriage. In the final element, the groom focused on topics ranging from financial obligations to his bride and pledges regarding the status of polygamy in their union to religious pledges. In these religious stipulations, Karaite grooms promised to adhere to the Karaite calendar, kashruth practices, and other customs of the *madhhah*.[83]

In addition to their distinctive narrative form, Karaite *ketubbot* "were particularly explicit as to the content and scope of companionship" and mutuality in marriage, whereas in "those written by Rabbanite notaries...[t]he usual obligations are expressed in the shortest way," according to

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[77] Olszowy-Schlanger, *Karaite Marriage Documents from the Cairo Geniza*, 87.

[78] Olszowy-Schlanger, *Karaite Marriage Documents from the Cairo Geniza*, 91.

[79] Olszowy-Schlanger, *Karaite Marriage Documents from the Cairo Geniza*, 89.

[80] Olszowy-Schlanger, *Karaite Marriage Documents from the Cairo Geniza*, 92.

[81] Jewish documents marked the beginning of the Seleucid Era with the first day of the Jewish month of Tishri (תשרי in Hebrew) in 312 BCE. "Glossary," *Princeton Geniza Project*.

[82] Olszowy-Schlanger, "Karaite Legal Documents," 268; MS heb. d.66/49, FGP translation.

[83] Olszowy-Schlanger, "Karaite Legal Documents," 269–270.

Goitein.[84] He describes the "mutual relationship" outlined by many Karaite *ketubbot* as containing four key elements: 1) the husband promised to attend to his wife's needs and support her while she ran the household; 2) both spouses promised to fulfill their sexual obligations to one another; 3) the husband pledged "love and affection," and the wife "love and consideration"[85]; and 4) the wife affirmed that she would listen to her husband and remain subject to his authority.[86] In direct contrast, Rabbanite *ketubbot* hardly ever expounded upon the emotional responsibilities of marriage (#3), and the concept of love was "never" used, according to Goitein. The documents usually limited themselves to discussing the most basic duties of the husband, such as providing food, clothing, and conjugal time. As for the duties of the woman, "she simply declares her willingness to become his wife."[87]

Of the nine hybrid marriage documents examined, five were produced by Rabbanites, and four were produced by Karaites.[88] Of these nine, eight follow the *madhhah* of the wife.[89] In addition, the section regarding hybrid marriages in the Karaite formulary discussed earlier (MS heb. d.66/49-50) is written for the case of a marriage between a Karaite woman and a Rabbanite man.[90] This suggests that a Karaite notary would deal largely with the case of a Karaite woman marrying a Rabbanite man rather than the other way around. A 1052 CE ketubah between Rabbanite bride Sarah and Karaite groom Yosef (TS Misc. 3513) outright states that the document is a "Rabbanite ketubba," affirming this bridal pattern.[91] This pattern of following the bride's practices suggests an established legal custom in the case of hybrid marriages, meaning that there were enough of these unions that both communities agreed on this legal compromise.

While other *ketubbot* did not directly state which *madhhah* drafted the document as Sarah and Yosef's did, their characteristics make clear their origin. For example, Yehya and Rayyisa's *ketubbah* is mostly in Hebrew, typical of Karaite *ketubbot*, and it orders the calendar in terms of the "era of the Greeks" ("מספר יונים") in typical Karaite fashion. In addition, it is formulated as a dialogue between the male parties involved in the formulaic Karaite style. Yehya a) summoned his witnesses to perform the *qinyan* ("Be my witnesses and perform...the *qinyan*"), b) affirmed that he performed this legally binding arrangement of free will ("I am not coerced...and under no

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[84] S. D. Goitein, *A Mediterranean Society: The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza Family, Vol. 3: The Family* (Berkeley, CA: University of California Press, 1992), 50–51.

[85] Goitein says that what he translates as "consideration" is often translated as compassion or pity, which he takes to mean that the wife is promising to exercise patience with her husband throughout the course of their marriage. See Goitein, *A Mediterranean Society, Vol. 3*, 51.

[86] Goitein, *A Mediterranean Society, Vol. 3*, 51.

[87] Goitein, *A Mediterranean Society, Vol. 3*, 51–52.

[88] See below for a chart I made (exhibit A), designating the form of each marriage document discussed, as well as the *madhhah* of each spouse.

[89] TS 24.1 is in the Rabbanite form, as evidenced by its lack of the characteristic Karaite elements and its primary use of Aramaic as the language of choice. Given that the bride was a Karaite, this breaks the otherwise intact pattern of hybrid *ketubbot* being drafted in the court of the bride's *madhhah* (TS 24.1 translation by Ben Outhwaite, CUDL).

[90] MS heb.66/50, FGP translation and transcription.

[91] T-S Misc. 35.13, Princeton Genizah Project.

compulsion"), c) named his bride, and d) stated that the legal arrangement successfully occurred ("[and I married], performed the *qinyan* and betrothed her by *mohar*, writ, sexual intercourse, witnesses and the *qiddushim*, according to the law of Moses").[92] The document also includes e) a list of obligations that Yehya owed to his wife ("[I shall dress, clothe and] support her…"). Further adhering to the Karaite *ketubbah* formula and providing more evidence that this document was completed according to Karaite style in the Karaite courts is the mention of the Nasi at the start of the document: "Hizkiyahu, the Great Nasi, the head of all the exile of Israel" (in Hebrew: "יחזקיהו הנשיא הגדול ראש הגולה").[93]

In addition to including obligation lists, many hybrid *Ketubbot* discussed the "content and scope of companionship" in their respective marriages in the Karaite tradition by including pledges between the two spouses regarding love, honesty, and other emotional commitments.[94] The Rabbanite Yehya promised to "be with her [Rayyisa] in truth, justice, love, pity, [honesty and faithfulness…]" and affirmed that all wives among "the children of Israel" are "owe[d]…faithfulness [and honesty…]." Though his words were part of a Karaite hybrid *ketubbah*, it is notable that a Rabbanite man would focus on the emotional elements of a marriage, even though his own *madhhab did* not do so in marriage agreements. In addition to establishing that a Rabbanite took on this Karaite characteristic, the *ketubbah* reveals a reciprocity in this focus on companionship. Rayyisa "accepted the words of our dear Yehya and wished to return to him and to be his wife and companion in purity and holiness, to obey, esteem [respect and help him…]" and promised to "behave towards him in love, compassion, honesty and faithfulness."[95]

In addition to the pattern of following the custom of the brides and the inclusion of emotionally coded language, the hybrid *ketubbot* share another common element: they all incorporate lists of obligations in the Karaite tradition, regardless of whether they were composed by Karaites. Unlike the traditional Karaite list of the groom's obligations, the lists of stipulations in the hybrid *ketubbot* were modified to outline a union of mutual commitment; both the bride and groom agreed to respect their partner's practices and not force them to adhere to their own customs. This phenomenon will be discussed further in the section below.

STIPULATIONS: A REFLECTION OF RESPECT FOR RELIGIOUS DIFFERENCES

[92] Qiddushin (קידושין in Hebrew) is the betrothal ceremony required by Jewish law, during which the groom gives the bride an object of monetary value. This object transfer signifies that the woman is holy (קדוש) and therefore set apart from others and designated for her husband alone. The Rabbanites expounded upon this process, requiring the groom to say the following to the bride in front of witnesses when transferring ownership of the object in order to complete *qiddushin*: "Behold, thou art consecrated unto me, with this ring, according to the law of Moses [inherited tradition) and of Israel [sanction of community]." See Blu Greenberg, "Marriage in the Jewish Tradition," *Journal of Ecumenical Studies* 22, no. 1 (1985): 3–20.

[93] I translated this section of MS heb. a.3/42 using my own Hebrew language knowledge and consultation of the formulas used in other Karaite *ketubbot*, namely T-S 16.67.

[94] As discussed earlier, Goitein noted that Karaite ketubbot focused on the "content and scope of companionship" in ways Rabbanite *ketubbot* did not. See Goitein, *A Mediterranean Society Vol. 3*, 50–51.

[95] MS heb. a.3/42, FGP translation and transcription.

As mentioned briefly above, regardless of whether they were composed by Rabbanites or Karaites, hybrid *ketubbot* adopted an altered version of the stipulation section found in Karaite *ketubbot*. In this section, both parties promised to abide by a certain degree of religious tolerance for one another—as will be clear when we set these promises into their context, the formidable disagreements in practice between the two groups. Karaite Sabbath observance differed significantly from that of the Rabbanites. The former refused to benefit from heating or light on the Sabbath, meaning that they did not consume warm food or light their homes. In addition, Karaites refused to engage in sex on the Sabbath, an act which many rabbinic sources actually encouraged on the holy day.[96] Further, where the Rabbanites operated according to an astronomical calendar, Karaites ordered their calendar by observation. When they saw a new moon, they would declare the start of a new month and begin counting the days. Accordingly, Karaites and Rabbanites often observed holidays on different days. In constructing a picture of discord between the two *madhahib*, Goitein evokes two emblematic instances where the two calendars could cause conflict: "Imagine an observant Karaite keeping his store open on the Rabbanite Day of Atonement, when any activity other than prayer was unthinkable; or a Rabbanite baker offering regular bread for sale on a Karaite Passover, the feast of unleavened matzos."[97] In addition, Karaites did not celebrate holidays not mentioned in the Bible, such as Hanukkah and Purim.[98]

Yehya and Rayyisa's *ketubbah* includes a typical—and therefore extremely revealing—example of these stipulations. In the document, Yehya promised not to make his wife violate her Karaite beliefs, and he was even willing to stake money on the sanctity of this pledge. According to the document, if he broke his promise, "he shall have to pay one hundred dinars to the poor of the Karaites and the poor of the Rabbani[ties] *in equal shares*" (emphasis added).[99] The fact that the punishment of a Rabbanite by order of a Karaite legal document included charity to *both* Karaites and Rabbanites is notable. It was written against the backdrop of a community chest for the Jewish poor in Fustat, an organization in which Karaites turned to Rabbanites for charity and vice versa.[100] This reciprocity in the Jewish charity operation in Fustat only adds to a picture of mutuality and cooperation between the two groups. Even more remarkable is the existence of the same stipulation in other hybrid marriage documents. The betrothal agreement of Karaite groom Abu Said Dawud Ben Abu Nasr Ben Shaya mentioned earlier (TS 13J6.33) stipulates that "[t]here will be no way for him [the groom] to take a second wife or keep a slave-girl as a concubine."[101] The document declares that "[i]f he disregards this, he will be obligated to pay 100 dinars dedicated to

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[96] This held true even if the food was kept warm using a method that did not require fire. See Goitein, *A Mediterranean Society Vol. 5* and Talmud *Ketubot* 62b.

[97] Goitein, *A Mediterranean Society Vol. 5,* 366.

[98] Aton Holzer, "Tu Bi- or Not Tu BiShevat? A Festal Rabbanite Response to the Karaite Question," *Revue Des Études Juives* 182, no. 1–2 (January–June 2023): 29.

[99] MS heb. a.3/42, FGP translation.

[100] Rustow, *Heresy and the Politics of Community,* 256

[101] TS 13J6.33 translation; Mordechai A. Friedman, "Cases of Polygamy," *Genizah Fragments: The Newsletter of Cambridge University's Taylor-Schechter Genizah Research Unit at Cambridge University Library*, no. 12 (1986).

the Rabbanite and Karaite poor."[102] Yet another *ketubbah* holds the same charity stipulation; the *ketubbah* of Rabbanite groom al-Rayyis Abu Ali Yefet ha-Kohen and Karaite Sitt Yaman (better known as Najiya) (ENA 2728.2a) stipulated that 30 dinars would be paid to the poor—to be split "between the two parties," presumably the Rabbanites and Karaites—if either spouse violated the terms of their contract and disrespected one anothers' practices.[103] Even though these two *ketubbot* were written by Rabbanites, unlike the prior *ketubbah* discussed, the punishment for violating the terms of this contract is the same: charity to both communities.

Yehya and Rayyisa's *ketubbah* also highlights a level of religious tolerance between the two *madhahib*. In it, Karaite beliefs are protected alongside Rabbanite ones. The Karaite customs safeguarded by the document surround the following topics: kindling fire on the Sabbath, Kashruth laws, and Rosh Chodesh dating (declaring of the new month):

> [D]ear Yehya stipulated according to his will and resolved...that he shall not profane against his aforementioned wife [the festivals of the Lord] according to the sighting of the Moon, and that he shall not light the Sabbath candles against her, and not force her in her food and drink.[104]

In addition to Yehya's pledge, Rayyisa promised not to "profane against" her husband and make him violate his festivals and kashrut laws. Yet another *ketubbah*, TS 12.621, contains a similar stipulation. The legible phrases of this Karaite *ketubbah* between Karaite bride Sara bat Sahlawayh b. Ḥayyim and Rabbanite groom Ḥesed—who Goitein[105] believed to be Abu Nasr al-Tustari—match a portion of the Karaite formulary discussed earlier.[106] The formulary says of the groom: "He will not force her to profane the festivals of the Lord of the Hosts, according to the sighting of the Moon *and the finding of the* aviv *in the Land of Israel*, because she is from the Karaites and *belongs to their customs*" (emphasis added).[107] Meanwhile, a fragment of Sara and Hesed's ketubbah reads: "*[and the finding] of the aviv in the Land of Israel*, and *according to their custom*" (emphasis added).[108] These parallels suggest that when the document was whole, it prohibited Hesed from making his wife celebrate the holidays according to the Rabbanite calendar. In a similar exhibition of religious tolerance, the few fragments of Abu Ali Yefet and Najiya's

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[102] TS 13J6.33 translation; Friedman, "Cases of Polygamy,"

[103] ENA 2728.2a, translated by Goitein, quoted in Rustow, *Heresy and the Politics of Community*, 251.

[104] MS heb. a.3/42, FGP translation.

[105] Goitein cataloged more than 26,000 genizah fragments on index cards, including TS 12.621, and the Princeton Genizah Lab has digitized the cards and included them on the web pages discussing their respective fragments. See "Goitein's Index Cards," Geniza Lab, Princeton University, https://genizalab.princeton.edu/resources/goiteins-index-cards.

[106] FGP translation; Goitein's TS 12.621 index card, "Goitein's Index Cards," *Princeton Genizah Lab*.

[107] MS heb. d.66/49-50, FGP translation. Italics added to highlight the similarities between the *ketubbah* and formulary.

[108] TS 12.621, FGP translation. Italics added to highlight the similarities between the *ketubbah* and formulary.

ketubbah reveal that both parties agreed to respect the practices of the other, specifically in regards to the celebration of "festiva[ls...]," "food," and calendar ("intercalation").[109]

Though ENA NS 18.37, a *ketubbah* from the 1030s, is fragmentary, it still offers valuable insights into the religious tolerance present in hybrid marriages.[110] The Rabbanite groom (whose name is unable to be made out on the document) promised "[...not to force] her [his wife] to profane" her festival practices, allowing her to follow the Karaite practices of not lighting fire or engaging in sexual relations on the Sabbath. He also vowed to abstain from lighting fire or initiating sexual relations on the Sabbath, though perhaps there were more vows in the areas of the document that have withered away with time and are no longer legible. More than simply pledging to abide by one or two Rabbanite laws, he "came with her to the religion of the Lord which is the rite of the Karaites," presumably accepting upon himself the Karaite tradition.[111] This clause is similar to one in Yehya and Rayyisa's *ketubbah*, in which both parties "took upon themselves...to behave according to the custom of the Karaites." Despite the spirit of cooperation present throughout the rest of the *Ketubbah*, this *ketubbah* did seem to favor Karaite festivals to some degree. While Rayyisa was legally forbidden to force Yehya to violate Rabbanite festivals, he pledged to celebrate the festivals according to the calendar of the Karaites.[112] This stipulation may reveal the standard pragmatic solution to the problem of trying to fulfill different—and sometimes directly contradictory—practices under one roof. Without this stipulation, would one spouse celebrate Yom Kippur and fast for 25 hours, and the other go about their normal day if their *madhhah's* calendar did not declare the holiday to be until the next week? According to Fred Astren, a specialist on the Karaites, it is possible that some households celebrated holidays "on both their Karaite and Rabbanite dates" as a compromise.[113] However, finding common ground on some of the other religious differences may have been more challenging. If one spouse ate warm food on the Sabbath and the other did not, would they each eat separately? What about lighting and warming the home on the Sabbath? Would some rooms be lit and heated and others kept in the darkness and cold?

Though the Karaite partiality visible in the two *ketubbot* discussed above could signal a level of discord between the two groups, the spirit of cooperation and respect evident in the rest of the stipulations within this document and the others I discuss seem to undermine this interpretation or at least construct a picture of Fustat whereby that discord was fairly limited.[114] TS 8.223, whose

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[109] ENA 2728.2a, PGP document description and transcription, translated by Goitin, quoted in Rustow, *Heresy and the Politics of Community*, 251.

[110] ENA NS 18.37 is yet another case of a Karaite *ketubbah* for a hybrid marriage with a Karaite bride, adhering to the pattern discussed earlier of the ketubbah favoring the bride's *madhhah*.

[111] ENA NS 18.37, FGP translation.

[112] MS heb. a.3/42, FGP transcription and translation.

[113] Astren, "Some Notes on Intermarriage among Rabbanites and Karaites in the Middle Ages," 47.

[114] Putting aside the question of tension, this slight partiality—even in just a few documents—points to a level of authority held by the Karaites, challenging the prevailing narrative of the obsolescence and relative powerlessness of the Karaite community compared to their Rabbanite brethren.

verso holds the end of *ketubbah* drafted for the marriage of a Karaite groom and Rabbanite bride in Fustat sometime between 1128 and 1135 CE, is emblematic of this religious tolerance.[115] Through this document, which is even more fragmentary than ENA NS 18.37 such that only a few lines can be made out, the Rabbanite bride pledges to allow her Karaite husband to keep Rabbanite festivals and not to force him to eat meat not slaughtered according to Rabbanite rules.[116]

In addition to the religious tolerance revealed in TS 8.223 and ENA NS 18.37, the existence of slight partiality in the other direction—in favor of Rabbanites—in other documents nuances the picture. David and Nasiyya's *ketubbah* is a case in point of the existence of documentation prioritizing Rabbanite rituals. In it, David "agreed not to force this Nasiyya, his wife, to sit with him in the light of the Sabbath, nor to eat the fat (of the sheep's) tail, nor to profane her own festivals," revealing that theirs was a relationship in which the Rabbanite party respected Karaite practices.[117] That being said, Nasiyya gained this respect for her tradition only "on condition that she observe with him [David] the festivals" of the Rabbanites.[118] This reveals that while they had something of a balanced relationship, it inclined slightly in favor of the Rabbanite *madhhab*. Despite her Karaite heritage, Nasiyya had to join her husband in the celebration of his holidays. The fact that not all of the *ketubbot* favored either the Karaites or the Rabbanites is telling. While some marriage contracts may have slightly favored a particular *madhhab* over the other, others did the opposite.

While this phenomenon of *ketubbot* specifying that one spouse personally took on some of the practices of the other's *madhhab* existed in both the Karaite and Rabbanite hybrid ketubbot examined, its presence in Karaite *ketubbot* is especially striking. The *ketubbot* which established that a Rabbanite husband followed the practices of his Karaite wife (ENA NS 18.37 and MS heb. a.3/42) reveal these Rabbanites' willingness to not only allow but actively take on their wives' practices. The formulary of hybrid marriages discussed earlier (MS heb. d.66/50) further supports this argument. It says that a Rabbanite husband would take on the Karaite practice not to benefit from fire on the Sabbath, stating: "He will not light a candle on Sabbath nights, and there will not be fire in his house on Sabbath days."[119] If he breached the terms of the ketubbah, including his promise to adopt certain Karaite practices, his wife would have the grounds to request and receive a divorce from him.[120] The compromise that many Rabbanite husbands chose to pursue helps to explain how—at least some of—the practical difficulties that Goitein believed caused tension between the *madhahib* were resolved.[121] Admittedly, some areas of Jewish practice probably

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[115] Rustow, *Heresy and the Politics of Community*, 250.

[116] ENA NS 18.37, CUDL.

[117] Rabbanites eat the fat from a sheep's tail, while Karaites do not. See Nachmanides' commentary on Leviticus 3:9.

[118] TS 24.1, translated by Ben Outhwaite, CUDL.

[119] MS heb. d.66/50, my translation of Jacob Mann's transcription. See Jacob Mann, *Texts and Studies in Jewish History and Literature*, vol. 2 (New York: Ktav Publishing House, 1972), 173.

[120] MS heb. d.66/50, FGP transcription and translation.

[121] See a quote of Goitein's views accompanied by footnote 97.

presented more difficulty than others. For instance, a Rabbanite sitting in the dark with his Karaite wife on the Sabbath was likely easier than deciding to accept the Karaite date for Yom Kippur and reject the Rabbanite calendar.

CONCLUSION

The marriage documents examined throughout this paper remained hidden in the Ben Ezra synagogue for centuries, its custodians reluctant to disclose the cache's existence to outsiders, perhaps out of shame over the deposit's disorderly condition. When these manuscripts finally came to light, they opened up a window into the world of medieval Egyptian Jewry. As Rustow seems to suggest, religious terms and concepts drawn from the Christian tradition, like church and sect have been universalized and applied to Jewish groups. This may stem from a historical tendency to assume that theology (theory) ruled lives in religious environments rather than to look at how people lived in practice. As such, historians have long viewed medieval Judaism as a tradition in which the rabbis ruled and average Jews obediently followed their interpretation of biblical commandments and their extrapolations from the Talmud regarding how to deal with so-called heretics like the Karaites.

Examining Karaite self-understandings of their own tradition may have helped to prevent this incomplete historical analysis. Fred Astren, a historian devoted to studying the Karaites, argues that Karaism cannot merely be looked at as the manifestation of a "list of halakhic and doctrinal deviations" from mainstream Rabbinic Judaism. To do so would be to construct "a static representation of the multi-faceted relationship" between Karaites and Rabbanites throughout the centuries.[122] Because there was not much in their own texts to help craft a sense of self-identity and a firm historical consciousness, Karaites "often turned to rabbinic literature to reconstruct the past" and define their own notions of tradition and legal authority.[123] This meant that, while they defined themselves as scripturalists, Karaites did sometimes turn to the oral tradition of the rabbis as a model for how to approach their own legal questions. For instance, though they differed in many ways, Karaite *ketubbot* drew their basic structures from Rabbanite *ketubbot*. The Hebrew Bible did not include a structure for creating these types of documents, so the Karaites found it helpful to look to an already existing model as a starting point for creating their own. This willingness to turn to Rabbanite documents may partly help to explain the readiness of many Karaites to foster intimate and tolerant relations with Rabbanites.

In an attempt to follow in Astren's footsteps, this paper focuses on the social realities of a Jewish tradition so often perceived to be defined by its laws and rules. It reveals a practice astonishingly different from law and theory, in which pragmatic consideration, rather than legal prescriptions, reigned supreme. Because of its restrictive incest laws and the small size of its

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[122] Fred Astren, "History, Historicization, and Historical Claims in Karaite Jewish Literature" (PhD diss., University of California, Berkeley, 1993), 194, Proquest (9430374).

[123] Fred Astren, "Karaite Historiography and Historical Consciousness," in *Karaite Judaism: A Guide to Its History and Literary Sources, Vol. 73*, ed. Meira Polliack (Leiden: Brill, 2003), 26, 28.

community, many Karaites were disposed to pursue marriages to Rabbanites. Moreover, both Karaites and Rabbanites sought alliances to secure their respective social position and economic statuses, regardless of *madhhah*. The hybrid marriage documents reveal that a lot of strategy went into creating marital unions beyond questions of religious affiliation. The pragmatic considerations behind these unions left both *madhahib* open to fostering hybrid marriages built on mutual sacrifice and tolerance.

Just as these documents focus on practice as well as theory, they also give a voice to characters whose perspectives are not always reflected in medieval Jewish sources. Just as the polemical treatises of both *madhahib* give later generations a glimpse into the medieval Jewish way of life, so does the legal history recorded in these marriage documents. What makes these documents unique is that they give a voice to a population that is silent in polemical literature. No matter how tolerant the responsa of both groups were, they did not reflect the thinking of Jewish women. In contrast, the entire familial structure was involved in arranged Jewish marriages. The bride was not the only woman speaking in a particular *ketubbah*. We also hear echoes of what her mother, aunts, grandmothers, and other female figures in her life expected. This is a wholly different perspective than that of a particular rabbi in Babylon—a perspective that helps to construct a richer and more diverse historical picture of medieval Judaism.

Exhibit A

Shelfmark	**Document Type**	**Bride *Madhhab***	**Groom *Madhhab***
MS heb. a.3/42	Karaite	Karaite	Rabbanite
ENA NS 18.37	Karaite	Karaite	Rabbanite
TS 8.223	Rabbanite	Rabbanite	Karaite
TS 12.621	Karaite	Karaite	Rabbanite
TS Misc. 35.13	Rabbanite	Rabbanite	Karaite
TS 24.1	*Rabbanite	*Karaite	Rabbanite
TS 13J6.33	Rabbanite	Rabbanite	Karaite
MS heb. e.98/60	Rabbanite	Rabbanite	Karaite
ENA 2728.2a	Karaite	Karaite	Rabbanite

**TS 24.1 is the only document examined that breaks the pattern of the ketubbah format and court of origin not following the madhhab of the bride.*

I. Primary Sources: Genizah Documents

Bodleian Libraries, Oxford University

MS heb. a.3/42
MS heb. e.98/60
MS heb. d.66/49
MS heb. d.66/50

Jewish Theological Seminary

ENA NS 18.37
ENA 2728.2a

Taylor-Schechter Cairo Genizah Collection, Cambridge University

TS 8.223
TS Misc.35.13
TS 24.1
TS 13J6.33
TS 12.621

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