

SUMMARY OF THE ARTICLE:

THE PERSONAL STATUS OF THE KARAITES IN ISRAEL

by

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The Karaite community in Israel, numbering approximately 8,000 members, has its own court in Ramla which deals with marriage and divorce cases. The Karaites have never been recognised as a separate religious community in the sense of the Religious Communities Law of 1939 and are therefore legally considered as Jews. Only the Rabbinical Courts are authorized to deal with marriage and divorce of Jews, and the Karaite Court has no legal standing and its decisions are not valid.

The Minister of Religious Affairs appointed a commission to study the Karaite problem, but no Karaite was among its members. The Commission recommended that Karaite marriages and divorces be dealt with by Rabbinical Courts, if both partners agree, and that a special Karaite Court be authorised for those cases where both or one partner insist on Karaite procedures.

The traditional ban on intermarriage between rabbanite Jews and Karaites is based on the suspicion that Karaites might be mamzerim. Karaite marriage was considered valid according to Halakhah but Karaite divorce was not. A Karaite divorcee must therefore be considered as still married, and her children from a second – and consequently invalid – marriage are mamzerim.

Nevertheless, in many cases intermarriage was allowed, especially in Egypt where a large Karaite community existed, completely separated from the Jewish community. From the halakhic viewpoint, none of them was fit to witness at a marriage, and all their marriages were therefore null and void.

Opinions among the rabbis differed as to the procedures to be applied in each individual case: should the Karaite wishing to marry a Jewish women, or desiring to return to 'Klal Israel', be accepted, and if so, had he to be converted?

Since the foundation of the State of Israel and Karaite immigration, the number of cases has been increasing. It is therefore advisable that a special Rabbinical Court be founded whose members are rabbis of orienta-

* in: Mahalkhim, nr. 1, March 1969, pp. 7-18; original Hebrew title.

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communities, experienced in dealing with these questions in their countries of origin. This Court should be authorised to deal with requests of Karaites to return or to marry a Jewish partner, as well as with Karaite marriage and divorce cases – provided both partners agree.

The Rabbinical Council should discuss thoroughly the Karaite question in order to advance its speedy solution.

Summary by Yochanan Eldad