

# The Halachah of History: Ancient Cities and the Date of Purim

Rabbi Jonathan Cohen

Wexner Kollel Elyon

The first Mishnah in Masechet Megillah records that Megillat Esther is not read on the same day throughout the Jewish world, but rather is contingent on the location in which it is being read. In cities with walls dating back to the conquest of Eretz Yisrael by Yehoshua bin Nun, the Megillah is to be read on the 15<sup>th</sup> of Adar, while in all other cities it is to be read on the 14<sup>th</sup>. The Gemara on 2b explains that the only exception to this rule is the city of Shushan itself that celebrates Purim on the 15<sup>th</sup> of Adar, because that is where the miraculous events themselves transpired.

This simple principle renders the celebration of Purim contingent on a historical question that every Jewish community has to answer: was this particular city in existence and fortified at the time of Yehoshua?

Even today, precise historical information about such ancient times is hard to obtain, and the uncertainty about this question was a cause of discussion in Jewish communities from the time of the Gemara<sup>15</sup> until today. This article will attempt to provide an overview of the historical and halachic development of this question as it reflects both on the nature of the day of Purim and on the halachic process of adjudication of such questions.

*Chizkiyah read [the Megillah] in Tiverya on both the 14<sup>th</sup> and the 15<sup>th</sup>, because he was uncertain whether it was walled from the time of Yehoshua bin Nun or not. Could it be that he was uncertain? After all the verse in Yehoshua (19:35) states: "Fortified cities: Tzidim, Tzer, Rakkat and Kinneret", and we have a tradition that Rakkat is Tiverya.<sup>16</sup> Rather, he was uncertain because one of the walls of Tiverya is*

חזקיה קרי בטבריא בארביסר ובהמיסר,  
מספקא ליה אי מוקפת חומה מימות  
יהושע בן נון היא אי לא. ומי מספקא ליה  
מלתא דטבריא? והכתיב (יהושע י"ט)  
וערי מבצר הצדים צר וחמת רקת וכנרת,  
וקיימא לן רקת זו טבריא! - היינו טעמא  
דמספקא ליה: משום דחד גיסא שורא

<sup>15</sup> See below that even during the Tannaitic period there may have been such uncertainty.

<sup>16</sup> R. Yaakov Emden (Novellae to the Talmud) notes that it is known historically that Tiverya was built by Herod (in 20 CE) and named in honor of the Roman emperor Tiberius. Nevertheless, Chazal had a tradition that it was built on the site of the ancient city of Rakkat.

constituted by the Sea [i.e. the Kinneret].<sup>17</sup>

## Megillah 5b

דימא הות...  
מגילה ה:

The Gemara goes on to explain the basis of Chizkiyah's halachic doubt regarding whether such a city could be considered walled for the purposes of Purim, and concludes with another similar account:

*Rav Assi read [the Megillah] in Hutzal on the 14<sup>th</sup> and the 15<sup>th</sup>, because he was uncertain whether it was walled from the time of Yehoshua bin Nun. Some say: Rav Assi stated that Hutzal in the portion of Binyamin was walled at the time of Yehoshua bin Nun.*

רב אסי קרי מגילה בהוצל בארביסר  
ובחמיסר, מספקא ליה אי מוקפת חומה  
מימות יהושע בן נון היא אי לא. איכא  
דאמר, אמר רב אסי: האי הוצל דבית בנימין  
מוקפת חומה מימות יהושע היא.

There is also a cryptic *baraita* in the Yerushalmi<sup>18</sup> that refers to “מקום שמנהגו לקרותה שני ימים” – “a place that has the custom to read [the Megillah] on both days should read on both days”. *Korban HaEdah* and *Gra* interpret this as a reference to cities of uncertain history that read on both days. *Ridbaz* understands this as a reference to walled cities who nonetheless read on the 14<sup>th</sup> also without any apparent reason. This passage could therefore indicate that as early as the Tannaitic period doubt had developed regarding the observance of Purim in certain cities.

These passages in the Gemara indicate that when there is uncertainty regarding the status of a city, the Megillah should be read on both days. The Gemara does not specify:

- (1) The parameters of such a doubt that would require a double observance.
- (2) Whether this requirement extends outside Eretz Yisrael.
- (3) Whether this represented individual stringencies of Chizkiyah and Rav Assi, or a normative rule obligating all.
- (4) If and when a bracha should be recited.
- (5) Whether all the observances of Purim are to take place, or only the reading of the Megillah.

Thus, when the question was raised regarding the observance of Purim in medieval Jewish communities, a wide range of responses were given.

## The position of Rav Moshe Gaon

The first time this question was posed was to Rav Moshe Gaon, who was gaon of Sura between approximately 829 and 831 CE.<sup>19</sup> The question refers to “כרכין מוקפין חומה בגלותינו במדינת הים ואין” – “Walled cities in our diaspora over the sea<sup>20</sup>, and it is not known when they were walled”. This seminal responsum, cited by authorities as diverse as Ramban, Maharil and Beit Yosef, has been preserved in the original in the collection of geonic responsa known as Chemdah

<sup>17</sup> The Yerushalmi (Megillah 1:1) also records this practice of Chizkiyah, and adds that R. Yochanan read the Megillah in Tiverya only on the 15<sup>th</sup>.

<sup>18</sup> Shekalim 1:1

<sup>19</sup> Robert Brody, *The geonim of Babylonia and the shaping of medieval Jewish culture*, p. 344.

<sup>20</sup> This may refer to any land reached by sea, including much of the Mediterranean. As with many Geonic response we are not told the whereabouts of the questioner.

Genuzah, sec. 63<sup>21</sup>. Rav Moshe Gaon's response was unequivocal – any city of unknown history reads the Megillah only on the 14<sup>th</sup>, whereas recitation of the Megillah on the 15<sup>th</sup> is reserved for cities that are known with certainty to have been walled at the time of Yehoshua bin Nun. Only Chizkiyah, who knew with certainty that Tiverya had been walled at the time of Yehoshua, but merely had a halachic doubt regarding the status of Tiverya's sea wall, had cause to read the Megillah on both the 14<sup>th</sup> and the 15<sup>th</sup>. Rav Moshe Gaon offers no reasoning for his position. Why was the 14<sup>th</sup> chosen as the date for cities of unknown history? Ramban, in discussing “מדינות ישנות” – “old cities regarding which it is not known when they were walled” cites an explanation that because most cities are of more recent vintage, any doubtful city should be presumed to follow the majority.<sup>22</sup> The application of following the majority to this kind of scenario is questioned by a number of Acharonim, including *Mekor Chayim*,<sup>23</sup> *Chochmat Shlomo* and *Derech Tamim*<sup>24</sup> based on the principle of *kavua*.<sup>25</sup>

## The Position of Ramban

Ramban himself offers a second suggestion that even a city that has a truly doubtful status need not read at all on the 15<sup>th</sup>, based on the principle of *safek d'rabbanan l'kula* – one may be lenient with regards to a doubt concerning a rabbinic mitzvah. Given that one has already read the Megillah on the 14<sup>th</sup>, reading on the 15<sup>th</sup> is rendered a *safek*, and thus need not be performed at all. Chizkiyah and Rav Assi, asserts Ramban, also read on the 15<sup>th</sup> as a “מנהג חסידות” – because of their great piety and desire to fulfill the mitzvah according to all the possibilities. In fact, adds Ramban, one should not have to read the Megillah on the 14<sup>th</sup> either because of the same principle, as even the 14<sup>th</sup> is only a doubtful obligation! However, such reasoning would lead to not reading the Megillah at all in such doubtful cities – an untenable conclusion.<sup>26</sup> Therefore, such cities read on the 14<sup>th</sup>, and are

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<sup>21</sup> See Otzar HaGeonim Megillah 5b. The version cited by Tos' Rid also indicates that he had access to the complete responsum.

<sup>22</sup> This justification is also cited by Rashba, Ritva and Ran.

<sup>23</sup> Of R. Yair Bachrach. He in fact concludes that the principle at work here cannot be one of majority, and rather based on a *s'feik s'feikah* – a double doubt. Perhaps the city was not walled at the time of Yehoshua, and even if it was, it may have been settled before the wall was constructed, which the Gemara (Megillah 3b) indicates is treated as unwalled. This is against the statement of Shulchan Aruch 688:1 that states that we are not concerned that a city may have been settled first and then walled as this is a very uncommon occurrence.

<sup>24</sup> Cited by *Eliyah Rabbah* 688

<sup>25</sup> The principle of *kavua* states that if a doubt arises in a circumstance where there is a clear minority that has not become intermingled with the majority, but can be identified as a distinct entity that has not moved from its initial location, one cannot follow the majority. Accordingly, as there is a definite minority of cities that are walled, one cannot assume that this city is from the majority. *Eliyah Rabbah* responds that *kavua* only refers to when a doubt arises with regards to the known minority itself, as in the case that one has purchased meat from a store and does not know which store one purchased from. If there is a known non-kosher butcher, one cannot assume that one purchased from one of the majority of kosher butchers. In this case, he explains, there is a known minority of walled cities, but that is irrelevant to this city itself, which remains unknown and may therefore follow the majority. This explanation is also cited by *Teshuva m'Ahava* 210 who questions its veracity, and in fact asserts that it is subject to a dispute between the Rishonim, see below.

<sup>26</sup> In explaining this problem, Ritva (paraphrasing Megillah 2b) states that if a city were to not read at all, there would be a concern that people would perceive them as 'not Jewish'. Ritva adds that there is also a concern for *pirsumei nisa* which impels us to at least read on one day.

exempt on the 15<sup>th</sup>. Reading on the 15<sup>th</sup> anyway would be considered a *minhag chassidut* but not required. Even this *minhag chassidut*, Ramban hastens to add, would only be legitimate in the case of a true doubt as outlined above, but outside of Israel there is no such doubt as we have no information regarding the age of the cities. With regards to the recitation of a bracha on the reading, Ramban notes that were the two dates regarded as equally strong candidates one would never recite a bracha in such a city at all. It is only if one assumes that the 14<sup>th</sup> should be the preferred date in accordance with the majority of cities that a bracha could be recited.

Ramban asserts that even if the 14<sup>th</sup> and 15<sup>th</sup> were taken to be equal candidates one would still select the 14<sup>th</sup> as the date for the only reading. Ran in his commentary on Rif (2a) explains that this is because the 14<sup>th</sup> comes first. Therefore, seeing as one is obligated to read on one of the two days, one reads immediately to fulfill the obligation. Once the 14<sup>th</sup> has been observed one may subsequently invoke the principle of *safek d'rabbanan l'kula* to justify non-observance on the 15<sup>th</sup>. However, in his *Chiddushei HaRan* he proposes a different explanation – that in contemporary cities reading on the 15<sup>th</sup> is precluded due to the lack of *asara batlanim* (ten men who are free from work in order to be available for communal needs).<sup>27</sup> The implication is that according to Ran's opinion in *Chiddushei HaRan* one might be obligated to read on both days in the absence of this consideration.

Rashba limits Ramban's position further, arguing that outside of Israel there is no room at all to consider reading on both days, even as a *minhag chassidut*. While Ramban indicated that this was because of a lack of information regarding such cities, Rashba gives a principled argument for his position. Rashba notes that Jews living throughout the Persian Empire in 127 provisions from *Hodu* to *Kush*, could not possibly have known the age of each and every walled city! It was only the cities in Eretz Yisrael whose age was known, as it was halachically relevant to the laws of redemption of property. And yet, notes Rashba, the Gemara on 2b clearly states that there was no city that celebrated two days of Purim in the days of Mordechai and Esther! It must be, argues Rashba, that in Eretz Yisrael the ages of all the cities were known, and therefore in later years when uncertainty developed over individual cities two days were observed as a *minhag chassidut*, while outside of Eretz Yisrael the original enactment of Mordechai and Esther was that cities whose history is uncertain should observe only the 14<sup>th</sup>. Ritva cites Rashba as including not only Eretz Yisrael, but also lands close to Eretz Yisrael within this rubric.<sup>28</sup>

## The Position of Tur and R. Yechiel b. HaRosh

Tur<sup>29</sup> rules that the Megillah be recited both days in all doubtful cities. He cites his brother R. Yechiel as ruling that a bracha cannot be recited on either day because each day is uncertain. As

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<sup>27</sup> The question of whether the lack of *asara batlanim* relegates walled cities to reading on the 14<sup>th</sup> is a dispute among the Rishonim. Shulchan Aruch (Orach Chayim 688:1) rules that this is not an impediment and that such a city reads on the 15<sup>th</sup>. Mishnah Berurah cites *Yad Efrayim* who recommends reading on the 14<sup>th</sup> also. *Chazon Ish* (*Moed* 154:2), however, notes that upon closer analysis this is clearly a minority opinion and may be disregarded entirely.

<sup>28</sup> In Ritva's rendition of Rashba's position no mention is made of the knowledge of the age of cities due to the halachic need to define walled cities for the purpose of redemption. It is simply asserted that Jews were aware of the age of cities in the region. This would logically extend to nearby lands also.

<sup>29</sup> Orach Chayim 688.

noted above, this appears to be the position of *Chiddushei HaRan* also, as long as the city has *asara batlanim*. This is probably the most logical conclusion to be drawn from treating the status of the city as a true *safek*.

## The Position of Piskei Riaz

*Piskei Riaz*<sup>30</sup> (R. Yeshaya di Trani the Younger) takes the unusual view that in doubtful cities the Megillah should be recited on both days, with a bracha on both.<sup>31</sup>

## The Position of Rambam and Shulchan Aruch

Rambam, in both his *Mishneh Torah*<sup>32</sup> and in a responsum to the city of Tzor (Tyre in modern-day Lebanon)<sup>33</sup> rules that all cities whose status is doubtful are obligated to read the Megillah on both days, but they recite a bracha only on the 14<sup>th</sup>. This is also the position of Shulchan Aruch<sup>34</sup>, as he records in Beit Yosef that the common practice is to read on both days with a bracha only on the 14<sup>th</sup>.

## Explaining the Rambam

Rambam's approach (which is the normative halachic approach as codified in Shulchan Aruch) is difficult, because by declaring the reading on the 15<sup>th</sup> obligatory, he calls into question the ability to recite a bracha on the 14<sup>th</sup>. Rambam addresses this point:

- (1) In his *Mishneh Torah*, Rambam writes that one makes the bracha on the 14<sup>th</sup> because this is “זמן קריאתה לרוב העולם” – the time of reading for most of the world.
- (2) In one version of the responsum, Rambam writes that this is because the 14<sup>th</sup> is “זמן קריאה” – “the time of reading for all, except for לכול, אלא למי שנתאמת ונתקיים לנו, (שהוא) מבני ט”ו” – those that have been conclusively shown to be required to read on the 15<sup>th</sup>”.

The reason given in *Mishneh Torah* could be understood as articulating the same point as Rambam – that one may make the bracha because one is following the majority of cities. This is the understanding of Pri Megadim in the rationale of Rambam.<sup>35</sup>

One could also understand Rambam as paraphrasing the Yerushalmi<sup>36</sup> that states: “רבי חלבו רבי רבי חזונה בשם רבי חיייה רבה הכל יוצאין בארבעה עשר שהיא זמן קריאתה” – “R. Chelbo and R. Huna said in the name of Rav in the name of R. Chiyah Rabbah – all [even walled city-dwellers] can fulfill their obligation on the 14<sup>th</sup>, because this is the [main] time of its reading”. Thus, even if the city is

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<sup>30</sup> Megillah 1:1:3

<sup>31</sup> It is possible that *Piskei Riaz* took the view later suggested (and also rejected) by *Maharshal* (Commentary to the Tur) that such a *safek* should be treated in a manner analogous to the second day of Yom Tov in the diaspora when brachot are recited. For a discussion of why a second day of Purim is not observed throughout the diaspora, see *Raavyah* 2:562, also cited in *Mordechai*, *Megillah* 775. For further discussion of the opinion of *Maharshal*, see *Taz* 668:4 and *Pri Chadash*.

<sup>32</sup> *Hilchot Megillah uChanukah* 1:11.

<sup>33</sup> *Tshuvot HaRambam* 124, *Pe'er HaDor* 105

<sup>34</sup> *Orach Chayim* 668:4.

<sup>35</sup> *Mishbetzot Zahav* 688:4, although he himself suggests a different reason, see below.

<sup>36</sup> *Pesachim* 1:1, 1:5.

supposed to read on the 15<sup>th</sup>, reading on the 14<sup>th</sup> will nonetheless satisfy the obligation. This is the understanding of the *Beur HaGra*.<sup>37</sup> This reading is complicated by the version of the responsum cited above, because Rambam appears to rule that a bona fide city-dweller may **not** fulfill his obligation on the 14<sup>th</sup> against the Yerushalmi, but that nonetheless this is the time of reading for people who are uncertain. One could suggest a solution to this problem according to *Chazon Ish*<sup>38</sup> who interprets another passage in the Yerushalmi<sup>39</sup> as indicating that only a city-dweller who read inadvertently on the 14<sup>th</sup> fulfills his obligation, but not one who did so deliberately.<sup>40</sup>

In any case, both these rationales call into question the necessity of reading again on the 15<sup>th</sup>. If the obligation has already been fulfilled, and hence the bracha recited, what possible need could there be to read again?

- (1) Taz<sup>41</sup>, without citing the above Yerushalmi, proposes that one can in fact fulfill one's obligation of reading the Megillah on other than the prescribed date, at least in some circumstances. Therefore, given that the majority of cities are un-walled, one can rely for purposes of the bracha on the 14<sup>th</sup>. However, the reading must be nonetheless repeated in order to fulfill the obligation.<sup>42</sup>
- (2) Pri Megadim<sup>43</sup> asserts that we in fact rule in accordance with the Yerushalmi and that the obligation of reading the Megillah is in fact fulfilled even by a walled-city-dweller on the 14<sup>th</sup> *b'diavad*. Therefore, a bracha may be recited on the 14<sup>th</sup> because one certainly fulfills one's obligation on the 14<sup>th</sup>. However, because this performance was only valid *b'diavad*, we insist on repeating the Megillah on the 15<sup>th</sup> in order to fulfill the mitzvah in a *l'chatchilah* fashion. Pri Megadim asserts that according to this reasoning, there was no need for Rambam to invoke the fact that the majority of cities are not walled. *Beur HaGra* goes further in asserting that this is in fact the rationale of the Rambam in saying that "the 14<sup>th</sup> is the time of reading for most of the world", indicating that it is therefore at least an acceptable time *b'diavad* for even walled cities.<sup>44</sup>
- (3) *Chazon Ish*, based on the Yerushalmi in Shekalim, explains alternatively that although one may fulfill the mitzvah on the 14<sup>th</sup>, this was never permitted on a regular basis, as this would uproot the entire status of the city as walled. Therefore, it was instituted to read the

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<sup>37</sup> See also *Tzitz Eliezer* 3:19 who bolsters this reading by noting that Rambam is careful not to say that the city will 'follow the majority', rather that the bracha is recited because 'that is the date that the majority read on'.

<sup>38</sup> *Moed* 153:2, cited below.

<sup>39</sup> Shekalim 1:1

<sup>40</sup> Although *Chazon Ish* then suggests that perhaps even such a person might fulfill their obligation, the position of Rambam could be explained in this manner. *Chazon Ish* interprets the Yerushalmi in accordance with the understanding of the *Gra* in his commentary to the Yerushalmi. See the other commentaries for other interpretations of this passage.

<sup>41</sup> 688:4

<sup>42</sup> This seems to be the understanding of Aruch HaShulchan. Aruch HaShulchan in fact suggests that according to this understanding, it would seem that Tiverya should be an exception to the rule, because the doubt is halachic in nature and therefore one cannot rely on the majority of cities in support of the first day. Therefore, he concludes, it appears that a bracha should never be recited on the Megillah in Tiverya. This is, of course, not normative practice.

<sup>43</sup> *Mishbetzot Zahav* 688:4

<sup>44</sup> This is also the interpretation given by *Mishnah Berurah*.

Megillah on both days in order to treat the city as walled also. However, the bracha is recited on the 14<sup>th</sup> because *b'diavad* one does fulfill the obligation even in a walled city.

## Why Does Rambam not rely on *Safek*?

While Ramban relegated the second day of reading the Megillah to a *midat chassidut* based on *safek d'rabbanan l'kula*, Rambam considers it obligatory. As explained above, Rambam considers it a requirement to fulfill the obligation according to all possibilities. Why does he not rely on the principle of *safek d'rabbanan l'kula*? Several suggestions have been offered:

- a. A simple understanding can be given based on a comment of *Ran*<sup>45</sup> that any time *safek d'rabbanan l'kula* would lead to the abandonment of a *mitzvah* completely, one must be strict. Therefore, because both the 14<sup>th</sup> and the 15<sup>th</sup> are doubtful, and the application of *safek d'rabbanan l'kula* would lead to not reading the Megillah at all, one must therefore read on both days.<sup>46</sup>
- b. *Teshuvah m'Ahava*<sup>47</sup> suggests that Rambam understands that one cannot follow the majority of cities in this case because he considers the situation one of *kavua* (see above).
- c. *Torat Chesed*<sup>48</sup> and *Teshuva m'Ahava* also suggest that perhaps Rambam and Ramban disagree about the status of *divrei kabbalah*, rabbinic enactments that were instituted by the prophets such as the Megillah reading. Because the Megillah is considered *divrei kabbalah*, Rambam considers its status to be higher than that of a *d'rabbanan* and more like a *d'oraita*.<sup>49</sup> Consequently he requires the reading to be repeated. Ramban, on the other hand, considers *divrei kabbalah* to have the same status as a *d'rabbanan* in this regard.<sup>50</sup>

## Which Cities are included?

Beit Yosef cites R. Yosef Abiob<sup>51</sup> who decried the popular practice to read the Megillah both days in 'every walled city'. What cities are considered a *safek* that requires a double reading?

- (1) R. Abiob himself concludes that a city of unknown history should read only the 14<sup>th</sup>, as such a situation is not classified as a *safek* at all and consequently the majority date of the 14<sup>th</sup> should be adopted. This is identical to the position of Rav Moshe Gaon and Ramban cited above.
- (2) *Ran*<sup>52</sup> asserts that only cities that certainly date back to the time of Yehoshua, but whose walled status at that time is unknown observe both days. Cities whose age itself is unknown observe only the 14<sup>th</sup>.<sup>53</sup>

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<sup>45</sup> On Rif Pesachim 23a.

<sup>46</sup> Mishne l'Melech Megillah 1:11 notes that *Ran* contradicts himself in espousing the position of Ramban with regards to reading the Megillah, where he applies this principle but requires only reading on the 14<sup>th</sup>, after which he does apply the principle of *safek d'rabbanan l'kula*. See there for an ingenious resolution of this problem.

<sup>47</sup> Sec. 210

<sup>48</sup> *Orach Chaim* 38:8

<sup>49</sup> See *Turei Even* Megillah 5b for a discussion of the status of *safek divrei kabbalah*, as well as the possibility of distinguishing between the reading of the Megillah (particularly in the daytime) and the other observances of the day.

<sup>50</sup> Ramban alludes to this position, and Rashba states it explicitly.

<sup>51</sup> According to Otzar HaGedolim 4:513, R. Yosef Abiob was a Spanish Rabbi who served in Brescia, Italy between roughly 1490 to 1540.

<sup>52</sup> *Chiddushei HaRan*, Megillah 2b.

<sup>53</sup> This distinction is also cited by Meiri.

- (3) Beit Yosef suggests a justification of the widespread practice of reading both days in every walled city. Perhaps any city that has a wall now is suspected of having existed and had the wall since antiquity and is thus considered a case of *safek*<sup>54</sup> even though its age is unknown.<sup>55</sup>

## Practical Observances on the Second Day of Purim

*Piskei Riaz*<sup>56</sup> rules that on the 15<sup>th</sup> one should repeat the *matanot la'evyonim* and the *simcha* observances of Purim - presumably referring to the *seudah* and the accompanying drinking.<sup>57</sup> *Pri Megadim*<sup>58</sup> questions why *mishloach manot* was omitted, as it too should presumably be repeated.

*Pri Chadash*<sup>59</sup>, however, rules that the *seudah* and the *mishloach manot*<sup>60</sup> need not be repeated, as we are stringent only with regards to the Megillah, but with regards to other obligations we follow the majority of cities that observe Purim on the 14<sup>th</sup>. *Pri Megadim*<sup>61</sup> adds that one could argue that even *matanot la'evyonim* need not be repeated, as *Ba'al HaMaor*<sup>62</sup> rules that *matanot la'evyonim* cannot be given early for fear that the poor person may consume them in advance of Purim and thus be left with nothing to enjoy on the day. But, argues *Pri Megadim*, if it can be ascertained that he still has some of the money on the 15<sup>th</sup>, one has fulfilled the obligation.<sup>63</sup>

With regards to recitation of *al hanissim*, *Pri Megadim*<sup>64</sup>, *Mishnah Berurah*<sup>65</sup> and R. Ovadya Yosef<sup>66</sup> rule that *al hanissim* should be recited. *Tikkun Yissachar*<sup>67</sup> records that this was the

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<sup>54</sup> This is an extension of the distinction given by *Chiddushei HaRan* but the weakness of the argument is that there is in fact no information regarding the history of the city at the time of Yehoshua. The fact that it has a wall now does not inherently shed any light on its historical status. It seems to me that even according to Beit Yosef, this doubt would certainly not apply in a case when it is known at what time the city was built, or even if it was known at what time the current wall was built. The basis of Beit Yosef's presumption is that **this** wall and **this** city may date back to the time of Yehoshua. If that proposition can be disproved there are no longer any grounds for doubt. (I subsequently found that this point is made by the editor in *Mishnah Berurah HaMevuar*, note 41). The inverse should also be true – that even if the city does not currently have a wall, but it is known that there was once a wall this should generate a *safek* (provided that the time of the building of the wall is unknown, as above). An interesting corollary that might be raised is with regards to a wall that has been shown to have existed before the time of Yehoshua (by archeology or historical records, for example), but it is unknown when that wall was destroyed. Perhaps Beit Yosef would consider that case a *safek* also.

<sup>55</sup> *Pri Chadash* favors the conclusion of Beit Yosef as binding *halacha l'ma'aseh* – that any city without a current wall is not subject to doubt, and any city with a current wall is subject to *safek*. *Pri Megadim*, however, notes that Beit Yosef concluded by citing Rav Moshe Gaon. This may indicate Beit Yosef's preference for the position of R. Yosef Abiob.

<sup>56</sup> Megillah 1:1:3, cited by *Shiltei Gibborim*, *Magen Avraham* and later authorities.

<sup>57</sup> It is possible that this is only according to *Piskei Riaz* who considers the second day of equal stature, but according to those who interpret Rambam as relying on the majority of cities who observe on the 14<sup>th</sup> one would not be obligated to repeat anything other than the Megillah. See below for the opinion of *Pri Chadash*.

<sup>58</sup> *Eshel Avraham* 688:5

<sup>59</sup> 695

<sup>60</sup> This is the understanding of *Pri Megadim* (*Mishbetzot Zahav* 695:5).

<sup>61</sup> Ad loc

<sup>62</sup> Rif 1b, cited by *Magen Avraham* 894:1.

<sup>63</sup> *Mishnah Berurah* 688:1 rules in accordance with *Piskei Riaz*. With regards to *mishloach manot*, *Biur Halachah* 695 cites both opinions. R. Ovadya Yosef, *Chazon Ovadyah, Purim* p.114 rules that one should repeat the *seudah*, *matanot la'evyonim* and *mishloach manot*.

<sup>64</sup> *Mishbetzot Zahav* 693:3

<sup>65</sup> 693:6



universal practice in Tzfat in the 16<sup>th</sup> century. *Ben Ish Chai*<sup>68</sup> writes that the original *minhag* in Baghdad where Purim was observed for two days was to recite *al hanissim* both days, but that his grandfather Rav Moshe Chayim (who served as Chief Rabbi of Baghdad) abolished this practice because of a concern for *hefsek*. This is also the ruling of *Kaf HaChayim*.<sup>69</sup> *Ketonet Yosef*<sup>70</sup> also records that the practice in 18<sup>th</sup> century Greece was not to recite *al hanissim*. By the 20<sup>th</sup> century, R. Yechiel Michel Tukatsinsky<sup>71</sup> records that the *minhag* was not to recite *al hanissim*.

With regards to the Torah reading of Purim, *Tikkun Yissachar* records that this was a matter of controversy in Tzfat in his day. The practice of the Musta'arabi<sup>72</sup> and Maghrebi<sup>73</sup> communities in Tzfat was to repeat the Torah reading with the brachot,<sup>74</sup> except when the second day fell on Shabbat. The Sephardic community (Spanish Jews), however, did not read from the Torah at all on the second day. *Tikkun Yissachar* explains that the blessings could be recited because it is not permissible to read from the Torah without recitation of the brachot.

*Tikkun Yissachar* records an event that took place in his shul in Tzfat on the second day of Purim 1559. That year, the community rose for the removal of the Torah from the Ark as was their custom, but the *chazzan* refused to take out the Torah, saying that the Sephardic rabbis and shuls did not do so, and that the brachot would be *l'vatalah*. R. ibn Soosan (author of *Tikkun Yissachar*) relates that he responded briefly from his seat (as there was no time to debate, seeing as the community was standing and waiting) that the practice was permissible in accordance with the *minhag*, and was no different than reciting *al hanissim* (as explained at length in *Tikkun Yissachar*). The service then continued as normal. Afterwards, a young student who had also opposed the Torah reading went to ask the illustrious R. Yosef Karo, who as a Sephardic Rabbi he expected to side with him. R. Yosef Karo apparently replied that not only was it permissible to read the Torah with the brachot on the second day of Purim, but it was the proper practice, and that he himself would have instituted it among the Sepharadim, if it were not for the fact that he did not wish to change the *minhag* that had been established in that community before his arrival.

*Ben Ish Chai* records that the *minhag* in Baghdad was also to read the Torah, a practice that his grandfather Rav Moshe Chayim did not object to as he felt that it involved no concern for a *bracha l'vatalah*. *Ketonet Yosef* records that the *minhag* in 18<sup>th</sup> century Greece was not to repeat the Torah reading. *Kaf HaChayim*<sup>75</sup> also cites opinions that assert that the Torah reading should not be

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<sup>66</sup> *Chazon Ovadyah, Purim* p114

<sup>67</sup> p. 59a-61a. Written by R. Yissachar ibn Soosan, a 16<sup>th</sup> century Sephardic authority in Tzfat.

<sup>68</sup> *Parashat Tetzaveh, Hilchot Purim* 14

<sup>69</sup> 685:54

<sup>70</sup> Sec. 31. Written by R. Yosef Yitzchak Montekiyo in 18<sup>th</sup> century Saloniki, Greece.

<sup>71</sup> *Sefer Eretz Yisrael* p. 47

<sup>72</sup> The local Levantine Jews as they were referred to by the Sephardic Jews following the Expulsion.

<sup>73</sup> Moroccan and North African. They formed a single community with the Musta'arabi Jews.

<sup>74</sup> The question of reciting a bracha on a non-obligatory Torah reading is a subject of debate among the Acharonim in other contexts, notably on the night of *Simchat Torah*. See for example *Shu"t Ginat Veradim* 1:48 and *Shu"t Meshiv Davar, Orach Chayim* 16.

<sup>75</sup> 886:25

repeated, although he concludes that one should follow local practice.<sup>76</sup> By the 20<sup>th</sup> century, R. Yechezkel Michel Tukatsinsky<sup>77</sup> records that the *minhag* was not to repeat the Torah reading.

*Mayim Amukim* records that those communities in Turkey that observed Purim for two days repeated all the observances, including recitation of *al hanissim* and the Torah reading. It is also possible that they recited a bracha over the Torah reading.

*Ketonet Yosef* discusses the recitation of *kedusha d'sidra* after the Megillah reading. He notes wryly that in Saloniki it was not even that every shul had a different *minhag* regarding this question, but in fact nobody ever remembered what they had done the previous year! He concludes that it should not be recited.<sup>78</sup>

## Observance of Two Days of Purim outside Eretz Yisrael throughout History<sup>79</sup>

As we have seen, already in Amoraic times Purim was observed by some for two days in Tiverya and Hutzal, and this practice may go back to Tannaitic times according to one possible interpretation of a *baraita* in the Yerushalmi.

Rashba in his own *Chiddushim* asserts that Jews at the time of Mordechai and Esther could have only been expected to know the age of cities in Eretz Yisrael because of the halachic necessity of defining walled cities for the purpose of redemption of property. Ritva's rendition of Rashba, however, asserts that Jews at that time had general knowledge of both Eretz Yisrael and the surrounding lands, presumably due to their having lived in that region since the time of Yehoshua.

The responsum of Rambam indicates that in the city of Tyre, Lebanon, in the 12<sup>th</sup> century Purim was observed for two days. According to the responsum, the *minhag* had been to recite the bracha on both days, a practice that was opposed strenuously by Rambam who insisted that the practice be changed. The question asked in the responsum is telling, in that only the repetition of the bracha is called into question. It would seem that there was a tradition predating that period that required doubtful cities to read the Megillah on both days. It should be remembered that Tyre is within the borders of Eretz Yisrael as defined in the Torah.

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<sup>76</sup> R. Ovadya Yosef in *Halichot Olam* v. 1, p233 also concludes that if there is a local *minhag* to read the Torah on the 15<sup>th</sup> day of Purim it should be allowed to continue.

<sup>77</sup> *Sefer Eretz Yisrael* p. 47

<sup>78</sup> *Ketonet Yosef's* argument may not be entirely applicable according to all *poskim*. He argues that given that the *minhag* of his community is to omit *al hanissim* on the 2<sup>nd</sup> day, therefore *kedusha d'sidra* should be omitted also. He bases this on his lengthy argument that addition of *al hanissim* should not constitute a *hefsek*, and therefore its omission can only serve to indicate that the 15<sup>th</sup> is not to be treated as Purim in the prayer service. But according to the other *poskim* cited above who did argue for the inclusion of *al hanissim*, and even according to those who argued for its omission due to a concern for *hefsek*, it would seem that *kedusha d'sidra* should be recited. I have not seen this topic discussed by contemporary *poskim*.

<sup>79</sup> This brief survey is certainly incomplete, with much further study needed to find all the sources that deal with this question.

Ra'avad<sup>80</sup> also records that the practice in 12<sup>th</sup> century Provence was to observe only the 14<sup>th</sup> as Purim, although it was considered possible that cities in that locale could date back to the time of Yehoshua.

Rashba and Ritva indicate that in their locales, i.e. Spain in the 13<sup>th</sup> and 14<sup>th</sup> centuries Purim was universally observed only on the 14<sup>th</sup>, although they were also uncertain regarding the age of all their cities, as was Ran. Ramban refers to specific 'old walled cities' as being the locations of uncertainty.

In the 16<sup>th</sup> century Mediterranean lands that R. Yosef Abiob referred to it was commonplace to read the Megillah on both days. This could include Turkey, Egypt, Greece and Italy as well as Eretz Yisrael. However, a responsum of *Radbaz*<sup>81</sup> indicates that in the early 16<sup>th</sup> century Purim was observed in Egypt only on the 14<sup>th</sup>, although there were individuals who observed the 15<sup>th</sup> also.

*Sha'ar HaKavanot*<sup>82</sup> and *Tikkun Yissachar* state that Purim was observed for two days in Damascus in the 16<sup>th</sup> century. *Tikkun Yissachar* states that this was also the practice in Gaza.

R. Eliyahu b. Chayim<sup>83</sup> (who served as chief Rabbi of Constantinople in the 16<sup>th</sup> century) records that there were a number of communities in Turkey that observed two days of Purim.<sup>84</sup> This fascinating responsum discusses the practice in some of these communities that, although they observed a complete second day of Purim, did not repeat the conventional Megillah reading. Instead, these communities recited a rendition of the Purim story in Greek<sup>85</sup> including the entire Megillah as well as Midrashic embellishments. R. Eliyahu b. Chayim decries this practice, noting that even according to the opinion that one can use a Megillah written in Greek<sup>86</sup>, this would only apply to a direct translation of every word of the Megillah. He speculates that this practice may have been initially instituted when the 15<sup>th</sup> of Adar fell on Shabbat, and the Megillah itself may not be read, or that it was intended to be read in addition to the standard reading. He adds that in fact old *siddurim* were found that attested to precisely these intentions in earlier times. However, in subsequent generations it appears that people came to treat the Greek 'Megillah' as a substitute for the original reading! He therefore recommends the abolition of the practice in entirety, and the reading of the true Megillah to be reinstated.

Writing in 16<sup>th</sup> century Prague, *Shelah*<sup>87</sup> encourages individuals to be strict and repeat the Megillah on the 15<sup>th</sup> in the great walled cities of Europe. Writing during the same period and

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<sup>80</sup> In a Responsum cited by *Kaftor v'Ferach* Ch. 8

<sup>81</sup> 1:252

<sup>82</sup> 109a, cited by *Kaf HaChayim* 688:23

<sup>83</sup> *Responsa Mayim Amukim* 2:99

<sup>84</sup> This practice is also attested to by *Knesset HaGedolah*, writing in 17<sup>th</sup> century Constantinople.

<sup>85</sup> Greek had been the language of the Byzantine Empire that ruled the region until they were overrun by the Ottoman Turks in 1453. It is fascinating that a century later Jews were still speaking Greek, despite the official state language having been changed to Turkish.

<sup>86</sup> See Megillah 18a and commentaries ad loc.

<sup>87</sup> *Masechet Megillah* ch. 7

area, *Levush*<sup>88</sup> states that no community in his locale repeats the Megillah on the 15<sup>th</sup>. He justifies this as follows:

*It seems to me that the reason is that we are certain that all these locales that are in the North of the world were not inhabited at all in the days of Yehoshua, for they were all inhabited only after the conquest of Eretz Yisrael, and even after the destruction of the Temple. Therefore there is only room for uncertainty in cities to even the far South of Eretz Yisrael or slightly to the North of Eretz Yisrael. But these lands that are in the North-West of the world were all settled recently, as is well known from the maps discussed by scientists.*

נ"ל דהיינו טעמא מפני שאנו מוחזקין בכל הגלילות האלו שהם בירכתי צפון העולם שלא היו מיושבים כלל בימי יהושע, כי כולם נתיישבו אחר ביאת ישראל לארץ ישראל וגם לאחר חורבנו, לפיכך אין לספק בשום מקום אם היתה מוקפת חומה בימי יהושע, אלא בעיירות שהם באופקים הדרומיים של ארץ ישראל אפילו הם רחוקים ממנו, או באופקים הצפוניים וסמוך לארץ ישראל, אבל אלו המדינות שהם בצפונית מערבית העולם כולם נתיישבו מקרוב כידוע מנפות הארץ שמדברים בהם בעלי התכונה, נ"ל.

In a responsum dating on the 12<sup>th</sup> of Adar, 1705 in Saloniki, Greece, *Ketonet Yosef* discusses the 'second night of Purim'<sup>89</sup> practiced in his locale, and feels the need to emphasize that it is only practiced because of *safek*.

In the 18<sup>th</sup> century, *Chayei Adam*<sup>90</sup> records that the *minhag* of Prague was to observe a second day of Purim. Writing in the same period, R. Elazar Fleckles in *Teshuva m'Ahavah* notes that the practice of his teachers and his family was indeed to repeat the Megillah on the 15<sup>th</sup>, but that the rest of the population of Prague did not do so, including many great Torah scholars. Amongst numerous other considerations for leniency, he notes that R. Mordechai Yaffe (author of *Levush*) served in Prague and stated clearly that a second day of Purim was not observed in the 16<sup>th</sup> century. Therefore, he concludes, although he and those who have a *minhag* to repeat the Megillah on the 15<sup>th</sup> should continue to do so, others should not regard it even as a *minhag chassidut*.

In the 19<sup>th</sup> century, *Ben Ish Chai* records that in the time of his grandfather (presumably in the 18<sup>th</sup> century) Purim was observed for two days in Baghdad.

## The City of Shushan

As cited earlier, the Gemara states that Shushan reads on the 15<sup>th</sup> because the miraculous events of Purim unfolded there. Where is the ancient city of Shushan?

R. Yechiel Michel Tukachinsky<sup>91</sup> states that its location is not known with certainty. However, Iranian Jews maintain a tradition that Shushan is in fact the modern city of Hamadan in Iran, where tradition also locates the tombs of Mordechai and Esther. In fact, R. Ovadya Yosef<sup>92</sup> rules on this basis that the city of Hamadan (where there is still a small Jewish community) should

<sup>88</sup> 688:4

<sup>89</sup> This expression 'the second day of Purim' is also used by R. Menachem b. Shmuel HaLevy with respect to the observance of Purim in Hamadan, Iran. It appears that in communities where a second day of Purim was observed universally it was treated in a manner analogous to the second day of Yom Tov!

<sup>90</sup> 155:8

<sup>91</sup> *Sefer Eretz Yisrael* p. 47

<sup>92</sup> *Chazon Ovadya, Purim* p. 110.

read the Megillah only on the 15<sup>th</sup>. This tradition is recorded by R. Menachem b. Shmuel HaLevy, rabbi of Hamadan, in his work *Matzevet Mordechai v'Esther b'Shushan HaBira*, written in 1932. However, R. HaLevy writes that in actual fact the *minhag* in Hamadan itself was to observe two days of Purim, with the brachot being recited only on the 14<sup>th</sup>, although no explanation is offered for this practice!

In point of fact, historians argue that there is clear archeological and historical evidence that the city of Shushan is in fact the ancient city of Susa, located under a tel on the borders of the modern city of Shush in Iran, where Daniel is said to be buried.<sup>93</sup> In fact, this would seem to be supported by a statement of *Kaftor v'Perach*<sup>94</sup> (14<sup>th</sup> century) who writes:

*Ezra is buried in Basra. Daniel is buried in the land of Ezra in a place known as Shushtar, may their merit remain for us. So I have received from R. ... And it seems to me that Shushtar is Shushan.*

ועזרא הסופר במקום נקרא באסרה. ודניאל ע"ה בארץ עזרא ע"ה במקום שמו שושטאר. זכותם יעמוד לנו. כן קבלתי מפ"י ר' ... ז"ל. ונראה כי שושטאר הוא [שושן].

This is also supported by the *Sefer Masa'ot Binyamin*<sup>95</sup>, the travel itinerary of Benjamin of Tudela who traveled the Jewish world in the 12<sup>th</sup> century and records:

*From there (Basra) it is four days journey to Kzuztan which is the great city of Eilam. It is not fully inhabited, rather part of it is destroyed, and in the ruins is Shushan HaBira, which is the palace of Achashverosh, and there was once a great building there from earlier days. In the city there are about 7000 Jews and 14 synagogues. In front of one of the synagogues is buried Daniel.*

ומשם ארבעה ימים לכוזתאן היא עילם המדינה אינה מיושבת כולה כי היא חרבה מקצת' ובתוך חורבותיה שושן הבירה. והיא ארמון המלך אחשורוש והיה שם בניין גדול והיה מימים קדמונים. ובתוכה כמו שבעת אלפים יהודים. ובה י"ד בתי כנסיות ולפני הכנסת האחד קברו של דניאל ע"ה

These accounts clearly identify Shushan as the burial place of Daniel, which corresponds with the modern city of Shush, where Daniel is buried according to local tradition.<sup>96</sup>

A final indication can be found in the comments of Rashash (Megillah 2b) who relates his encounter with a Persian Jew who informed him that the city of Shushan had been destroyed many years ago. While Rashash speculated that Shushan may already have been destroyed at the time of the Mishnah, the city of Susa was destroyed by the Mongols in 1218 and totally abandoned by the 14<sup>th</sup> century, while the city of Hamadan was a thriving metropolis during the lifetime of Rashash in the 19<sup>th</sup> century, and had only ever been destroyed for short periods.<sup>97</sup>

The question is complicated by the fact that Achashverosh actually had four capital cities, one of which was located at Shush, and another at Hamadan. However, the above citations would

<sup>93</sup> See *Encyclopedia Mikra'it*, Shushan.

<sup>94</sup> End of sec. 11

<sup>95</sup> Sec. 73

<sup>96</sup> Interestingly, this issue was already pointed out by Rev. Abraham de Sola, a prominent Rabbinic leader and Orientalist in 19<sup>th</sup> century America who advocated strenuously for the identity of Shush as Shushan. (*The Occident*, vol. 7, 1850, available at <http://www.jewish-history.com/Occident/volume7/jan1850/persia.html>).

<sup>97</sup> *Encyclopedia Ivrit, Hamadan, Shushan.*

appear to demonstrate that the tradition regarding Hamadan is of relatively recent origin, and even in 1932 the Hamadan community observed Purim for two days, not on only the 15<sup>th</sup>, despite this tradition.<sup>98</sup>

## Conclusion

The question of the proper dating of walled cities and the ramifications of uncertainty on the observance of Purim has busied *poskim* since the time of the Amoraim. With the destruction of European Jewry and the mass *aliyah* of much of Oriental Jewry, the observance of a second day of Purim outside of Israel has become largely a matter of history, whereas once the practice was well known throughout the Mediterranean and even existed for a brief period in Prague. Modern communities do exist in Turkey, Iran and Greece that may continue to observe this practice.

Jews were perennially uncertain regarding the age of their cities, and yet *poskim* formulated an array of responses to this problem, ranging from the observance of only the 14<sup>th</sup> in some cases, all the way to the full observance of both days with a bracha recited on both. Ultimately the *psak* of the Rambam won the day with most communities reading two days and reciting a bracha on the 14<sup>th</sup>, but until today controversy continues regarding details like *al hanissim* and even *kedusha d'sidra!*

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<sup>98</sup> Interestingly, both Hamadan and Shush are considered by archeologists to have been major capitals long before the times of Yehoshua bin Nun. Shush itself was the capital of the kingdom of Eilam. This leads to a problematic question – why does the Gemara assume that Shushan is an exception to the rule that unwalled cities read on the 14<sup>th</sup>? A tentative solution could be offered based on the fact that the Gemara never explicitly states that Shushan was not walled at the time of Yehoshua, although many Rishonim, including R' Chananel and Rambam understand the Gemara in that fashion. Rashi, however, understands that Shushan must be an exception because: "הא פרזי הוא – Shushan is an unwalled city, and we do not know of its being walled at the time of Yehoshua." This echoes the formulation of the Tosefta (Megilla 1:1): "היכן מציינו לשושן הבירה שמוקפת חומ' מימות יהושע בן נון" – "where have we found that Shushan HaBira was walled at the time of Yehoshua bin Nun?" If this is correct, what the Gemara means to say is that the age of Shushan was not known – and consequently it was treated as unwalled. This would be a strong proof for the opinions cited above that any city of unknown age observes Purim only on the 14<sup>th</sup>, Shushan being the exception.