Evolution of the *Halakhot* of Purim from the book of Esther Through the Mishneh Torah

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Number of Chapter: This thesis consists of three chapters.

The Contribution of the Thesis: This thesis shows a specific, tangible set of laws that show clearly the evolution within classical *halakhah*.

The goal of the Thesis: The goal of this thesis was to trace the development of the *halakhot* of Purim, concentrating on the changes that occurred at different stages.

Thesis Divisions:

Introduction

Chapter 1: Evolution of the Holiday of Purim

Chapter 2: Megillah Reading
- Dates for Megillah Reading
- How Much of the Megillah Must be Read?
- Permissible Language of Megillah
- Blessings Surrounding Megillah Reading
- Appendix 1: Blessings Surrounding Megillah Reading

Chapter 3: Feasting and Fasting
- Feasting
- Festive Purim Meal
- Fasting

Conclusion

Bibliography

Sources Used:

This thesis primarily relies on:
The book of Esther
Mishnah
Palestinian Talmud
Babylonian Talmud
The Mishnah Torah

With secondary reliance on:
The Septuagint
Josephus
Alpha Text
I Macabees
Megillat Taanit
Masekhet Soferim

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Introduction:

As a religious person, one is always evaluating how one lives, how one acts in relation to G-d, others, and oneself. Traditional Judaism legislates a set of legal boundaries, *halakhah*, which literally means "path," to guide you on your way. *Halakhah* is a way to live all aspects of life, from birth to death, feasting to fasting, and love to war. The history of Jewish law is extensive. For over three thousand years Jews have issued laws dealing with ritual, civil, ethical, and personal matters.[1] For the vast majority of our people's history, Jews have lived in Diasporan communities. In most of these communities Jews had their own laws, and even their own court system to deal with violation of law.[2]

In modernity, there are numerous other options of how Jews can live their lives. There is no requirement to follow a path previously traveled. One can choose to live a Jewish life without legal parameters or influences.

Juxtaposing the extremes of these two ways of living, there is slavish dedication to *halakhah* as it existed hundreds of years ago on one side, or complete negation of all parameters of Jewish life on the other. This thesis is an argument for a point somewhere in the middle: living a life molded by the traditions of our people, while still being openly vulnerable to outside influences. The attempt is to retain the boundaries of our forbearers, while still incorporating the worth of modern society and thought.

Mendell Lewittes in his book, *Jewish Law, and Introduction,* writes, "new avenues have been explored to reveal both continuity and transition in custom and

[1] Elon, 1.
[2] ibid, 2.

tradition."[3] Though Lewiittes' goal and mine are dissimilar, I, too, am looking for the meeting point between continuity of ancient Jewish traditions and transition to the *zeitgeist* of the modern world.

How does one take ancient customs and make them meaningful for a Jew in 2003? Rav Kook, the Chief Rabbi of the state of Israel spoke of "making the old new, and the new holy." My goal is to take the ancient customs associated with the festive spring holiday of Purim, and see how significant Jewish legal works have attempted to make them relevant for their constituencies. How do the laws of Purim change in response to the times? How do the laws of Purim change in response to location? What can we learn from the ancient sources that will allow us to be the next link the chain of Jewish tradition? How does a broad investigation through the history of the observance of Purim reveal both continuity and change?

This incorporation of the old and the new into one system of law is not an original idea, and certainly not solely my idea. *Halakhah* has always been influenced by the time and place in which it exists. *Halakhah* is not stagnant, and unchanging, rather it is fluid and responsive. *Halakhah* has never been "static and indifferent to the changing circumstances in which we live,"[4] rather its development is "continuous and unceasing,"[5] and studded with "constant creativity."[6] Jewish law is responsive to the lives of Jews, whatever the age or place. The Jewish legal system could only have survived by responding to the needs of Jews of different generations and locations. "Jewish law as a living, operative legal system was called upon to react to the social, economic, and moral

[3] Lewittes, 2.
[4] Lewittes, 1.
[5] Elon, 3.
[6] Elon, 47.

changes hat occurred in every place and time...it was influenced by the social conditions of the environment in which it operated."[7] *Halakhah,* by definition, is not the same set of laws today that it was in Poland in the 1800s, nor will it be the same a hundred years from now.

I am unabashed in my view that, Judaism and Jewish practice *must* evolve in order to be relevant and meaningful for Jews, while at the same time it *must* be influenced by previous Jewish tradition. *Halakah* has always found an interesting balancing point between continuity and innovation, I hope this thesis will prove that. It is my goal to continue this balancing act, living with both innovation and respect for previous decision, continuing the process of evolution, while still retaining elements from the past.

Menachem Elon, possibly the foremost scholar on Jewish law, writes,

> Jewish law, as a living and practical law, necessarily partook of the distinctive character of every living thing, namely, continuous development—which may be apparent and recognized as its different stages occur, or hidden and unrecognized as it proceeds, and clearly discernible only after the fact and from the perspective of history. Since the function of law is to provide solutions to problems of everyday life, in every time and place, law, like any other living creation, constantly changes as it reflects the life to which it relates.[8]

This thesis is an opportunity to gain the "perspective of history," to look back over two thousand years of Jewish literature and evaluate how celebration of Purim has ebbed and flowed.

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[7] Elon, 48.
[8] Elon, 46.

Even as far back as the sixteenth century Rabbi Joshua Falk[9] was conscious of this need for change in Jewish law. In an attempt to interpret the Talmudic verse "One who makes a *really* truthful judgment" from the tractate Megillah he wrote,

> "One who makes a *really* truthful judgment"[10] [by emphasizing *really* truthful, the Talmud refers to] one who judges according to the needs of the place and time in a way that will be truthful...not that he always renders actual Torah law, because there are times when the judge must not rule in accordance with the strict letter of the law, in order to suit the times and circumstances. When he does not do this, even though it is a true judgment, it is not truthful."[11]

Jewish law must be appropriate for the "times and circumstances." As times and circumstances change, so too must *halakhah*.

A testament to this theory of *halakhic* evolution can be seen in the number of recent books that have been written on the topic, *Evolving Halakhah; a Progressive Approach to Traditional Jewish Law*, by Rabbi Dr. Moshe Zemer, *The Shabbes Goy; A Study in Halakhic Flexibility*, by Jacob Katz, and *A Living Covenant; The Innovative Spirit in Traditional Judaism*, by David Hartman to name just a few.

David Hartman, a modern scholar and teacher in the state of Israel connects *halakhah* directly back to the experience of revelation given to the ancient Israelites at Mount Sinai.

> Sinai gave the community a direction, an arrow pointing toward a future filled with many surprises. *Halakhah*...is like *a road that has not been fully paved and completed.* The Sinai moment of revelation, as mediated by the ongoing discussion in the tradition, invites one and all to acquire the competence to explore the terrain and extend

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[9] born 1555, died 1614.
[10] BT Megillah 15b
[11] Zemer, xxi

> the road. It does not require passive obedience and submission to the wisdom of the past.[12]

It is the element of the "road that has not been fully paved and completed" that will form the focus of this thesis. Looking back through the development of the Jewish laws concerning the holiday of Purim it is possible to see where the road remained straight and unchanging, and where it curved, turning in a different direction.

This paper will consult five primary sources of information; the biblical book of Esther, the Mishnah, the Babylonian Talmud, the Palestinian Talmud, and Maimonides Mishneh Torah. At times when other sources contain pertinent information, they, too are included in the discussion. Each primary text was chosen for a reason. They each represent a distinct era and location, and were able to address the legal observance of the holiday. I will take the opportunity now to briefly describe each of the sources so that I do not need to explain then in later chapters.

The book of Esther is the eighth book in the section of the Bible known as the Writings. It tells a story of intrigue and betrayal in the ancient Persian Empire. King Ahasuerus married the beautiful Jewish Queen Esther. Unbeknownst to the king, his advisor, Haman, devised a plan to kill all the Jews of the Persian Empire, including Queen Esther and her family. Esther, with the help of her Uncle Mordecai, foiled the plan. The Jews defended themselves against their enemies, Haman and his sons were killed, and Mordecai was promoted to a prominent government position. The book of Esther is essential to the holiday of Purim, for it is from this story that the holiday stems. Purim is the annual celebration of the liberation of the Jews. As part of the festivities, the entire book of Esther, known as the Megillah, is read.

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[12] Hartman, 8

The Mishnah, literally meaning "teaching," has been called the "first authoritative compilation of the oral law."[13] It is a compilation of centuries of Jewish religious thought that was brought together by Rabbi Yehudah Ha-nasi in the land of Israel *circa* 220 CE. There are six main orders of the Mishnah, which are further subdivided into sixty-three tractates, which are then further subdivided into chapters and individual paragraphs. Each paragraph is referred to as a *mishnah*.

These orders, tractates, chapters and even paragraphs continue to act as the organizing principle and the building blocks for both the Babylonian and Palestinian Talmuds which were redacted in the sixth[14] and fifth century[15] respectively. The Talmuds begin where the Mishnah ends. Both the Palestinian and the Babylonian Talmuds continued the discussions of the rabbis of the Mishnah, in the land of Israel and Babylon respectively.

The Talmuds reflect the time and place where they were created. The Palestinian Talmud was written in the land of Israel, the seat of biblical history. The Babylonian Talmud contains opinion of rabbis who lived both in the land of Israel, but primarily in the Diaspora community of Babylon. The rabbis of the Diaspora were living in a new land both physically and psychologically. They needed to alter their response to situations because of their change of locale. Given this difference of location and mentality, it is not at all surprising that the answers the Talmuds offered are not always consistent with the findings of the Mishnah or with each other.[16]

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[13] Wigoder, 494.
[14] Wigoder, 684
[15] Strack and Stemberger, 171
[16] Wigoder, 684.

Additionally, the Mishnah and the two Talmuds differ greatly in style. The Talmudim are certainly more elaborate than their predecessor. Much of the Mishnah is dedicated to the results of rabbinic discussions, whereas the Talmudim are dedicated to the discussions themselves. Whereas the Mishnah did not normally bring biblical verses to prove its point, both Talmudim were prone to do this.[17]

Because of the prominence of the Jewish community in Babylonia, for many years the authority of the Palestinian Talmud was neglected and the Babylonian Talmud became the dominant legal work in the Jewish world.[18] The fact that the Babylonian Talmud became known throughout the Jewish world as *the* Talmud is a testament to this fact.

Maimonides' Mishneh Torah is "a monumental synthesis and codification of all Jewish law, organized in a clear and logical system of classification."[19] In fourteen sections it contains the entire gamut of Jewish laws, including those that are no longer in use, such as the laws regarding Temple sacrifices. It was completed about the year 1185 and was controversial at that time because of its lack of citation to previous works.[20] Maimonides expression of law in the Mishneh Torah is incorporates previous law as well as current legal issues of his lifetime.

It will become obvious through the course of this paper that two of the most prominent forces that produced a change in law are era and location. The time and the place seriously affected Jewish law. The Palestinian Talmud reflects the experience of Jews living in the land of Israel, whereas the Babylonian Talmud reflects that of the Jews

[17] Wigoder, 684.
[18] Ibid.
[19] Widoger, 453
[20] Widoger, 453

of the Diaspora, specifically of the Jews living in Babylon. The Mishnah reports life in the early centuries of the Common Era, whereas the Mishnah Torah regulates Jewish law for Jews almost a thousand years later. "Geographical dispersion and the consequent proliferation of many local statues and customs also led to considerable development in Jewish law...The development that took place in the various institutions of Jewish law throughout its long history was generated...by various economic, social, and political causes."[21]

[21] Elon, 48.

Chapter 1: Evolution of the Holiday of Purim

The study of every book of the Bible poses numerous questions, but the questions concerning the book of Esther are of a different nature. The unity of the majority of Esther is recognized, the language is for the most part comprehensible, and even the date of the work is of minimal debate. The questions that must be asked about the biblical book of Esther probe the motivation and background of the work. Why was the book of Esther written? Where did the story originate? Is it a completely historical or completely fictitious account, or is it a little of both? How does one account for its secular nature? Why was it included in the Jewish cannon?

Before the specific laws set down in the book of Esther can be examined, it is imperative that these questions be explored, even if they cannot all be conclusively answered. The evolution of the laws of the holiday, the topic of this thesis, is preceded by evolution of the holiday itself. Just as it will be evident that each individual law changed over time, the holiday itself has also changed over time. T.H. Gaster teaches appropriately that,

> What is true of individuals is equally true of popular customs and institutions, and especially of festivals. For a festival is essentially an expression of the folk mind and spirit, and is therefore equally subject to continuous growth and change. Every generation recasts it in its own pattern, according to its own circumstances and situation; and every generation reads into it a significance and emphasis born of its own particular experience and outlook. A festival is thus a dynamic, not a static thing, and there can be perforce neither constancy nor permanence in either its form or its meaning.[1]

[1] Gaster, xiv.

The book of Esther and the holiday it birthed, Purim, on many occasions can make up two halves of a dichotomy. While most scholars today believe that the story behind the celebration of Purim is an account not based in history, it has over time become part of the collective memory of the Jewish people. Even though Purim originated as a non-Jewish holiday, it was transformed into a Jewish celebration. Even though Esther itself was a book that some rabbis wanted to keep out of the cannon, it has since become part of every Hebrew Bible.

Some personalities in both ancient history and modern academia have thought of the book of Esther as a historical account while others have questioned its historicity. The desire to find a historical basis for the origin of Purim is not at all surprising. Any story carries more weight if it can be proven factual.[2] In the case of the story told in Esther, if the events can be substantiated, it adds importance to the holiday of Purim and validity to its laws. Conversely, if Esther is proven fictitious it undermines its credibility and its future observation. Alas, there is little to no outside evidence confirming the accuracy of the story of Purim.

The opinions concerning the factual nature of Esther have evolved over time. At one point, Esther was thought to be completely accurate. Only in modernity was its history questioned. Initially, historical evidence was brought to bolster the claim that it was a factual account. When this evidence failed to be convincing, the other alternative had to be explored, that Esther is not a historical account, but is rather historical fiction. Today, most scholars agree that Esther is not historically true. There may be pieces of it that reflect the Jewish communities' role in Persian culture and civilization, but the

[2] Paton, 64.

account of the persecution and subsequent liberation of the Jews from the hand of the wicked Haman is no longer thought of as factual.

To trace this evolution, we must begin thousands of years ago. According to Jewish tradition, the origin of the holiday of Purim is accurately told in the book of Esther. The wicked Haman wanted to exterminate the Jews of the Persian Empire. Because of his powerful position in the national government, he convinces King Ahasuerus to issue a decree proclaiming this ruling. It was only because of the bravery and courage of the Jewish Queen Esther and her Uncle Mordecai that the terrible decree did not succeed. Instead Jews were able to protect themselves and a day that was to be one of mourning turned into one of joy. This commemoration of liberation and freedom is celebrated annually with the holiday of Purim.

At face value, Esther is a completely historical account of an event that occurred in the Persian Empire. "The author of Esther is trying to make his story sound *historical*, thereby according it more authority."[3] Esther is careful to record details that characterize it as a factual account. Names, places, and dates are used to substantiate the incredible story. The book even begins with the formula used to begin historical works,[4] "And it came to pass."[5]

Esther goes as far as to instruct the reader how to verify the historicity of the story, "All his (Ahasuerus) mighty and powerful acts, and a full account of the greatness to which the king advanced Mordecai, are they not written in the book of the Chronicles of the Kings of Media and Persia?"[6] The author of Esther is challenging the reader to

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[3] Berlin, xxxix.
[4] Paton, 64.
[5] Esther, 1:1.
[6] Esther 10:2.

validate the story that has just been told. He is asserting that the same story can be found in another official source.

The author of Esther is clearly familiar with the regal Persian lifestyle, banquets, administration, and language.[7] The setting and action described in the book of Esther fits the description of Persian royal life as it is described in extra-biblical sources. Royal life was filled with wealth, festivity and excess. Mourning garb was forbidden inside the palace, all Persian law was issued by the use of a written document then circulated through the kingdom,[8],[9] the king had seven advisors,[10] those people who helped the king were rewarded generously,[11] and hanging as the preferred form of capital punishment.[12] Even the description of the king's palace in the book of Esther is consistent with archeological finds from the same time period.[13]

Furthermore, the idea that the Jewish minority living in the Persian Empire might be victimized and discriminated against was within the realm of possibility. "There is nothing improbable about Jews in Susa experiencing discrimination, persecution, and even death in the traditionally tolerant Persian Empire. To be sure, no extra-biblical evidence of such a Persian persecution exists, but this may only reflect the incompleteness of our sources for the Eastern Diaspora from the fourth to the second century B.C."[14]

In order to prove the historical validity of Esther, many people have tried to match the characters in the book, especially King Ahaseurus, with well-known historical

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[7] for example see Esther 1:3, 1:5, 1:6, 1:8, 1:11, 1:20, 3:12, 3:9, 3:14, 8:10.
[8] Esther 3:13, 8:10.
[9] Berlin, xvi.
[10] Esther 1:14.
[11] Esther 2:23, 6:8.
[12] Esther 2:23, 5:14, 7:10.
[13] Paton, 65.

figures. "Every king of Media and of Persia, from Cyaxares to Artaxerxes Ochus, has been selected by some one for identification with this monarch (Ahaseurus)."[15] When external historical records substantiate character traits or actions of the figures in the biblical book, it adds validity to the entire book.

As early as the great Torah and Talmud commentator Rashi, there has been an attempt to link the identity of King Achasuerus with a historical Persian king. Rashi posits that Ahasuerus is Darius Hystaspis, the successor to Cyrus, who ruled during the Jewish return from exile.[16]

The trend of trying to harmonize the characters of the book of Esther with historical figures of the Persian Empire has continued for centuries and even millennium. In 1923, Jacob Hoschander completed a monumental work entitled *The Book of Esther in the Light of History* that valiantly tried to substantiate a historical basis for Purim.[17] The basis for Hoschander's argument was his identification of each of the characters in the book of Esther with known Persian figures.

He says the character known as King Ahasuerus is the historical figure Artaxerxes II who ruled the Persian Empire from 403 –358 BCE. Historical evidence shows Artaxerxes II's character to be similar to that of King Ahaseureus in the book of Esther. Artaxerxes II had a wife, Queen Stateira who was murdered in a royal scandal, and perhaps she was the basis for the biblical character Queen Vashti. The name Vashti,

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[14] Moore Lii.
[15] Paton, 51.
[16] Paton, 52.
[17] Berg, 19.

which means "beauty" in Persian could have been a general description as opposed to a proper name.[18]

Hoschander is not bothered by the difference in names used in official Persian documents and those in the book of Esther. It was not uncommon for prominent rulers to have a public name that was different than their private names. The king might be refered to as Artaxeres II in one realm and Ahasuerus in another.

Hoschander believes that even if the historical identity can't be proven, it doesn't invalidate the historicity of the story told in Esther. He defends this belief, which has become less and less common, by arguing that very little history is known from ancient Persia. Rulers may have existed, and events may have occurred of which we are unaware. The author of the book of Esther certainly would have been privy to information that has been lost in the interceding years.[19]

Not only do the characters in the book of Esther mirror historical personalities, but Hoschander posits a rationale for Haman's vendetta against the Jews. Within the Persian Empire, religious coalitions could be found. Jews and Zoroastrians were bonded together because of their belief that the divine is incorporeal, it does not have form or shape. Many others in the Persian Empire believed in a contrary notion in which the divine could be worshipped through an idol. Haman allied strongly with this later category. When Mordecai and the small Jewish population refused to worship idols, it threatened the entire ruling regime because Jewish protests could spread to Zoroastrians, who made up a good percentage of the Persian population. It was in the ruling regime's interest, and in Haman's personal interest to squelch the Jewish opposition. Hoschander

[18] Goodman 8.
[19] Goodman, 9.

proposes that Haman was trying to do this by issuing a decree for the annihilation of the Jews.[20]

Hoschander's work spurred others to find historical basis for the figures in Esther. To date, the most common opinion is not that of Hoschander, that Ahaseureus was Artaxerxes II but the opinion of multiple scholars that King Ahaseureus was the monarch Xerxes, or Artaxerxes as he is referred to in the Septuagint, who ruled Persia from 486-465 BCE.

There are a number of similarities between Ahasuereus and Xerxes. Xerxes' empire stretched from India to Ethiopia, as stated in the book of Esther; he owned a winter palace in Susa that fits with the description offered in Esther;[21] he was known for his extravagance, decadence,[22] temper; and he was known to limit religious freedom.[23] Xerxes is the only ruler who fits all of the descriptions of Ahaseureus found in the book of Esther.[24]

Additionally, in an inscription on a Persian monument, Xerxes is referred to as Khshayarsha. Khshayarsha corresponds etymologically to the Hebrew *kh-sh-w-r-sh*, and Ahasuerus seems to be an adaptation of this name. The name was not taken directly from the Persian in the biblical account, in an attempt to make it sound etymologically Jewish.[25]

The connection between Xerxes and Ahaseureus, though, is not without flaws. One difficulty in proving conclusively that King Ahaseureus is really Xerxes can be traced to the dates mentioned in the Megillah itself. It is understood that Mordecai was

[20] Goodman, 9.
[21] Esther 1:5-6.
[22] Berlin, xxxiv.
[23] Moore xli.

"a Benjaminite, who had been exiled from Jerusalem in the group that was carried into exile along with King Jeconiah of Judah, which had been driven into exile by King Nebuchadnezzar of Babylon."[26] The deportation of the Jews at the hand of Nebuchadnezzar happened 112 years before Xerxes came to power. If the dates were taken at face value, Mordecai would have been very old when Xerxes took the throne as ruler of the Persian Empire.[27] In addition, historical records show that Xerxes' wife was Amestris. She was the daughter of a Persian general, not a Jewish virgin, and she married Xerxes before the action of the book of Esther begins.[28]

Though hypotheses developed which equated the characters in Esther with characters in history, to date, no name used in Esther has been found in Persian records or inscriptions.[29] It cannot even be proven that all the names from Esther were even in use during this time period.[30]

As archeological skills improved and evidence was found to substantiate different biblical accounts, some thought evidence would emerge to authenticate the story found in the book of Esther. Students of the book of Esther were hopeful when a text fragment whose dates have been estimated to be around the time of Xerxes mentions an accountant from Susa named Marduka. Their optimism was quickly limited when further evidence demonstrated, "there is no assurance that he is *the* Mordecai."[31] The name Marduka was not an uncommon one, and the inscription could have been referring to a totally different individual.

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[24] Paton, 54.
[25] Paton, 53-54.
[26] Esther 2:5-6.
[27] Gaster, 4.
[28] Paton, 71-72.
[29] Goodman, 3.
[30] Paton, 66.

When no concrete archeological evidence was found, some were convinced that there is little or no historical basis for the story of Purim. "The fact that not a trace of the Purim story exists is highly damaging evidence."[32] As early as 1773 the historical accuracy of the book of Esther came into question.[33] While some scholars still support the historicity of Esther, some are willing to call it historically plausible, while still others refer to it as "totally fictitious."[34]

"Almost everything about the story of Purim has been doubted. There are distinguished students of the Bible who assert that the events narrated in the story of Esther never happened, that the characters there mentioned never existed—not Esther, nor Mordecai, nor Haman, nor Vashti—that the story is merely a story and that the holiday was not Jewish in origin."[35]

Just as some of the elements of the story in Esther give it credibility as a historical account, other aspects make its historicity suspect. There are details found in the book of Esther that are either missing or contradicted in valid historical accounts. Persian queens came from the noble Persian families,[36] not from ethnic minorities. Official government decrees were not issued in multiple languages, rather only the official language, Aramaic.[37] To govern a country in which a law could never be changed would make governing impossible.[38] *History of the Persian Wars* by Herodotus, the main source for

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[31] Moore, Studies in the Book of Esther, Lii.
[32] Goodman, 4.
[33] Berg, 1.
[34] Moore, Studies in the Book of Esther, Lviii.
[35] Goodman, 3.
[36] "Persian queens had to come from one of seven noble Persian families, a custom which would have automatically ruled out an insignificant Jewess" Moore, xlvi.
[37] Paton, 72.
[38] Berlin, xvii.

knowledge of ancient Persia, lists that there were twenty states within the Persian Empire, not twenty-seven as the book of Ester states.[39]

Moreover, not only are there aspects that contradict historical evidence, but additionally there are aspects that are illogical. The aspect of the story that assumes the king or any members of the royal court do not know Esther is a Jew[40] is implausible. The story explicitly states everyone knew Mordecai was a Jew and that Esther was his niece, and that he made it a practice to visit the palace everyday.[41] It would have been impossible for people not to know they were related, and that Esther, like her uncle was a Jew.

Furthermore, Esther had all the Jews of Shushan fast in anticipation of her meeting with the king.[42] This could not have been unnoticed by the Persian people and their leadership.

Additionally, Cyrus, who ruled from 550-530 BCE was the founder of the Persian Empire. During his regime and the ones that followed, the Bible reports a benevolent attitude adopted towards the religious and ethnic minorities of the Persian Empire. The Persian rulers wanted their subjects to be content and not to contemplate an uprising against the Persian leadership. It is clear from biblical and extra-biblical accounts that this is how Cyrus dealt with the Jewish of the Persian Empire.[43] It is incongruous to believe that any Persian ruler would issue a pronouncement against the Jews living within his domain. This is the empire that permitted the Jews to return to Judah and rebuild the Temple, of which there is not a word in Esther.

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[39] Moore, xlv.
[40] Esther 2:10, 20, 7:3.
[41] Esther 2:11.
[42] Esther 4:16.

If the book of Esther is not a retelling of an actual historical event, then what purpose does it serve? Why was it written and retained in the Jewish cannon?

Adele Berlin argues that Esther was never meant to be a historical account. She sees it as a "farce"[44] and a "satire," "its purpose is comedy, not critique."[45] "Esther's attempt to sound like a historical work is tongue in cheek and not to be taken at face value. The author was not trying to write history, or to convince his audience of the historicity of his story (although later readers certainly took it this way). He is rather, offering a burlesque of historiography. He is imitating the writing of the history, as he knew it from the earlier books of the Bible and perhaps also from the Greek historiographers (whose motifs about Persia he shares).[46]

Berlin notes that other "imaginative" stories can be found that feature the Persian royal court. Esther is not unique, but conforms to the style of other writings. The characters in Esther have "a striking resemblance to the stock characters in Greek comedy"[47] and adhere to the stereotypes of Persians.[48] Jews would have had access to these other stories, and could have easily created a nationalistic story using the same genre.[49]

Heinrich Graetz, a highly regarded Jewish historian, posits the theory that the story in the book of Esther originated for a psychological effect. The story is one of Jewish might, strength, and military fortitude. Graetz argues that the story of Purim originated during the time of the Maccabean revolt around the year 160 CE. During this

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[43] Berlin, xxxii-xxxiii.
[44] Berlin, xix.
[45] ibid
[46] Berlin xxviii.
[47] Berlin, xx.
[48] Berlin, xxx.
[49] Berlin, xv.

revolt, the Syrian majority was threatening the Jewish minority. The Jewish prospect looked glum. A story like that told in the book of Esther could bolster the resolve of struggling Jews. In the ancient Persian Empire, Jews were able to overcome incredible odds and emerge victorious over a much stronger army. If they were able to do it then, the Maccabees could do it again.[50]

Even if Graetz is incorrect in his dating of the story of Purim, he is correct in assuming that in such an environment of persecution, the story would offer comfort and inspiration to a persecuted people. At historical junctures when Jews were victimized, the story of survival and victory Purim offers serves as an inspiration. "Esther, like other Jewish Diaspora stories, strengthens the ethnic pride of Jews under foreign domination."[51]

It is likely that the historicity of Esther was assumed for so long because the story was necessary to establish the holiday of Purim. If Purim did not originate in the historic account retold in the book of Esther, how then did it originate? It was only relatively recently that scholars tried to flip the equation. Instead of the story narrated in Esther promoting the holiday of Purim, perhaps the holiday of Purim promoted the story found in Esther.

Lewish Bayles Paton, a scholar who significantly advanced research on Esther with the commentary he wrote in 1908,[52] puts it this way,

> If it is not historical, the question then rises, how did this story originate? It is connected in the closest way with the feast of Purim; and if the events here narrated did not create the feast, then the feast probably created the story, for comparative religion shows that institutions which do not

[50] Goodman, 5 .
[51] Berlin, xxxv.
[52] Moore, Studies in the Book of Esther, Lvii-Lviii.

> have a historic origin, are often provided in course of time with a supposedly historical interpretation.[53]

Berg makes a similar claim. "The governing purpose of the book of Esther, is to explain and justify the celebration of a festival for which there is no basis in the law, by appealing to 'history' to furnish the reason for its origin and institution. Esther is a festal legend which attempts both to explain the origin of Purim and to authorize its continued celebration."[54]

Just as modern scholarship is relatively convinced that the story in Esther is no factual, there is also a fairly universal opinion that Purim came to Jews and Judaism from an extra-Israelite source. It was not of Jewish origins, but rather was a non-Jewish celebration adopted by Jews and then adapted to their specific beliefs. With the celebration of the holiday, Jews needed justification for its continued commemoration, and thus the story found in Esther was created and promulgated.

> The general argument maintains that an independent festival of extra-Israelite origin was adopted and popularized by non-Palestinian Jews during the exilic and post-exilic periods. Purim became so popular that the need arose to authenticate its celebration. Following the model by which other festivals were incorporated into Israelite traditions, Purim was associated with events which explained its origin, legitimized, and even regularized its observance.[55]

Assuming Purim has a non-Jewish origin, it would certainly not be the only holiday about which this is true.

> In their early history, the Hebrews adopted all the agricultural festivals of the Canaanites and transformed them into national memorials. Several Babylonian holy days have been similarly transformed into the Priestly

[53] Paton, 77.
[54] Berg, 31.
[55] Berg, 3.

> Code...There is no difficulty, therefore, in supposing that Purim was originally a heathen festival that the Jews learned to keep in one of the lands of their exile, and for which they subsequently invented the pseudo-historical justification that the book of Esther contains. The history of religion is full of analogous instances in which heterogeneous institutions have been given a new interpretation by the sects which have adopted them.[56]

Two main theories have emerged in terms of the culture of origin of the celebration of Purim. There is significant evidence that it may have been borrowed from Persia and Babylon. In trying to discover the loci of origin of Purim, it is natural to look towards Persia and Babylon. As more and more scholars have come to doubt the historicity of the story portrayed in the book of Esther they have looked for prototypes for the story in external cultures Jews interacted with significantly. The Persian Empire is the setting for the book of Esther and might have been chosen purposely, and Babylon is the main Diasporan community of Jews after the exile in 586 BCE. While each theory seems convincing, neither is conclusive.

In a hunt for the true origins of the story of Esther, it was natural for scholars to try to trace it to Persian literature and practice. Perhaps the setting of the story in Esther was Persia because it was originally taken from a Persian legend or holiday. The text of Esther also uses a number of Persian loan words and customs. "These facts suggest that Purim was originally a Persian feast that was learned by the Jews residing in Susa and its vicinity, and that from them it spread to the Jews in other parts of the world."[57]

This theory gained support through examination of alternative versions of the Esther narrative. The Septuagint and Josephus refer to Purim is Phruraia or Phurdaia respectively. Because the two literary works use a different name for the holiday than the

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[56] Paton, 83.

Masoretic text, this has led scholars to believe the name Purim was not the original name of the holiday. Instead, the name Purim is thought to be a corruption of the original which is much closer to Phruraia.

It was then discovered that the name Phruraia seems to come from the Persian word Farwadigan. Farwadigan is the ten day Persian All Souls festival commemorated at the end of the calendar year.[58] Similarities in aspects of the celebration of Farwadigan and Purim reinforced their interconnectedness. Farwadigan is characterized by a period of abstention, distribution of gifts to those who have died,[59]and feasts dedicated to the dead.[60] [61]

The largest impediment to this theory is the story of Purim itself. There is no connection between the meaning of Farwadigan and the content of the narrative book of Esther.[62] If Purim, as it is established in Esther, is really an adaptation of the Persian festival Farwadign, why aren't the stories of the two celebrations more similar in content and substance?

Another prominent theory of the origins of Purim is that it is the Jewish version of the Babylonian New Year festival. It is easy to find aspects of Babylonian culture and civilization that have made their way into Jewish life. While Jews were in exile in Babylon it would have been easy to take a Babylonian festival that was popular among

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[57] Paton, 84.
[58] Paton, 85.
[59] Gaster, 9.
[60] Paton, 86 .
[61] Adar itself has a connection to the commemoration of those who have died. In Adar, the death of Moses, Miriam, and Elijah are remembered and mourned.
[62] Gaster, 10.

Diaspora Jews and over time make it an intrinsic part of Jewish life, devoid of any connection to its country of origin.[63]

For the first time in the 1890s, two German thinkers, Heinrich Zimmern and Peter Jensen both suggested that the holiday of Purim was an offshoot of an already existing Babylonian festival. Zimmern noted that elements reminiscent of the Babylonian festival New Year's festival, *Zagmuku*[64] or *Akitu*[65] are found in the celebration of Purim. Both Purim and the Babylonian New Year fall in the spring of the year. During the festivities, a ritual pantomime was performed displaying the power and triumph of the Babylonian deities.[66]

The most convincing piece of this theory was the connection between the story of Purim and the epic story of Babylonian deities. Zimmern surmised that Mordecai and Esther mirrored the Babylonian gods who were cousins,[67] Marduk and Ishtar. And Haman and Vashti mirrored the Elamite gods Humman and Mashti.[68] Jensen added that Haman's wife Zeresh was probably a Jewish version of Humman's consort Geresh.[69] "Purim not only had a Babylonian name, but its content also was Babylonian; for Mordecai's struggle with Haman was probably a sanitized and judaized version of Marduk's struggle and victory over Mashti."[70] The similarities between the names of the Babylonian gods and the primary characters of the book of Esther cannot be simply accidental.

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[63] Paton, 87.
[64] Babylonian New Year festival.
[65] Moore, Studies in the Book of Esther, xxxi.
[66] Gaster, 8.
[67] Paton, 88.
[68] Moore, xlvii-xlviii.
[69] Moore, Studies in the Book of Esther, xxxii.
[70] Moore, Studies in the Book of Esther, xxxii.

Further connection between the Babylonian New Year's festival and Purim can be found in the name of the Jewish holiday. "Purim" is derived from the Babylonian word *puru,* which means "lot." On the Babylonian New Year, the gods would pick lots to determine the future for humans during the coming year.[71]

This theory of the origin of Purim, as convincing as it might seem, is not without its problems. Though both holidays occurred in the spring, the Babylonian New Year would have occurred about a month later than the noted celebration of Purim. Also, the Babylonian New Year celebration lasted for ten days, not the one day of celebration of Purim.[72]

The questions concerning the integrity of the book of Esther are not only the questions of modern scholars. Though the motivation and methods are different today, people hundreds of years ago were looking at Esther through a magnifying glass and deciding if it was appropriate to consider it part of the sealed cannon. The history of the canonization of the book of Esther is a complex issue. Even though Esther is today included in the cannon of Jews and Christians, this inclusion was not always implicit. The zealous Jewish sect the Essenes did not include it in their cannon. There were supporters and detractors among both Jews and Christians during the beginning of the first millennium of the Common Era. It is only later that both Jewish and Christian audiences consider Esther part of their cannon.

The book of Esther does not seem to be part of the cannon for the Essenes, the Jewish sect who resided in Qumran from the second century BCE to the first century

[71] Gaster, 8.
[72] Gaster, 8.

CE.[73] Despite the fact that manuscripts of Esther are more numerous[74] than any other single book in the Hebrew Bible,[75] the book of Esther is the only biblical book not to be found among the Dead Sea Scrolls.[76] Perhaps because of its purely secular nature it was incompatible with the ultra-nationalist religion that existed in Qumran.[77] The characters in Esther lack outward piety, they do not model a religious lifestyle, or endogamous marriage."[78] Covenant, Torah,[79] prayer and *kashrut* are never mentioned.[80] Perhaps the most striking omission is that G-d is not mentioned even once. King Ahasuerus is mentioned in 167 verses, a total of 190 times, but the G-d of Israel is not mentioned once.[81]

There was debate, too, as to Esther's place in the Christian cannon. For Christians, the weight of the holiday of Purim was irrelevant in their decision of whether to canonize the book of Esther. In terms of content, Esther had little to offer Christians. It didn't reference the New Testament of Jesus, it showed excessive Jewish nationalism, and was in places anti-gentile.[82] Historically, the Christian church in the west generally accepted the book of Esther as part of its cannon, while the church in the east didn't.[83] Even where Esther was given canonical status, it was of minor importance. Church

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[73] Moore, xxi.
[74] It is not entirely surprising that every community, large and small, and every family would want to own a copy of the book of Esther. Since Megillah reading is the largest part of the celebration of Purim, ownership of a Megillah would allow a community or a family to observe the holiday independently.
[75] Paton, 5.
[76] Schiffman, 164.
[77] Eisenman and Wise, 100.
[78] Berlin, xxxiv.
[79] Moore, Studies in the Book of Esther, xix.
[80] Berlin, xv.
[81] Moore xxxii.
[82] Moore, xxx-xxxi.
[83] Moore, xxv.

Fathers mentioned it infrequently and it wasn't until 836 CE that a Christian commentary was written.[84],[85] Today, Esther is part of both the Catholic and Protestant cannons.

The book of Esther is one of the only books found in the Hebrew Bible today where its inclusion was questioned. The rabbis debate the inclusion of Ezekiel, Proverbs, Song of Songs, and Ecclesiastes.[86] Even as late as the third or fourth century,[87] the canonical status of the book of Esther was still in question. There were those who thought of Esther as part of the sacred collection of the Jews, while others accorded it no honor.

In the Talmud itself, the debate over the canonization of the scroll of Esther percolated. While there were certainly those who validated Esther and made its reading the leading ritual of the holiday of Purim, there also were others who did not accept it as part of the cannon. Dialogs recorded in the Talmud offer both of these opinions in one passage.

In order to understand this Talmudic passage, it is essential to be able to decode the language of the rabbis. When the rabbis speak of a religious text "making the hands unclean," they mean that it is part of the cannon.[88] Because of its sanctified nature, it has the ability to change the status of one with whom it comes into contact. "Rav Yehuda said in the name of Shmuel, Esther does not make the hands unclean. And does Shmuel rule that Esther was not composed with the holy spirit? But Shmuel had said that Esther was composed with the holy spirit? It was composed to be read and not written down."[89]

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[84] The commentary was written by Rhabanus Maurus.
[85] Moore, Studies in the Book of Esther, xxv.
[86] Berlin, xliii.
[87] Moore, Studies in the Book of Esther, xxv.
[88] Moore, Studies in the Book of Esther, xxv.
[89] BT Megillah 7a.

According to this view, Esther is not of an elevated status. It is not part of the cannon. When one touches the scroll of Esther one's hands become unclean.

A contradictory opinion is immediately brought from another Mishnah. The Mishnah[90] brings the opinion of Rabbi Meir. "Rabbi Meir says, Ecclesiastes does not make the hands unclean, and with the Song of Songs it is disputed. Rabbi Yose says the Song of Songs does not make the hands unclean, and with Ecclesiastes it is disputed. Rabbi Shimon says, the ruling on Ecclesiastes is a lenient one from the school of Shammai, and a stringent one from the school of Hillel. But Ruth, the Song of Songs and Esther make the hands unclean."[91] Rabbi Shimon is convinced that Esther is part of the cannon, and thus affects the purity of an individual.

The second piece of evidence pointing to the diminished status of the scroll of Esther is found in the Talmudic tractate Sanhedrin. "Levi ben Shmuel and Rabbi Hucna ben Hiyya were repairing the mantles of the scrolls from Rabbi Yehudah's *yeshiva*. On coming to the scroll of Esther, they remarked, this scroll of Esther does not require a mantle. Thereupon he admonished them: 'this too savors of irreverence'." Though the reason is not given for Rabbi Huna's opinion, the message is clear, the book of Esther is not considered among the most holy of scriptures, it is not part of the Jewish cannon.[92]

[90] The text of the Mishnah seems to be an alternate version of Mishnah Yadayim 3:5.
[91] BT Megillah 7a.
[92] Moore, Studies in the Book of Esther, xxv.

Chapter 2: Megillah Reading

The rituals observances associated with the holiday of Purim are few and relatively straightforward in comparison with other Jewish holidays. The festival, as the rabbis designed it, has the ritual of Megillah reading as its central component. It is not surprising then that the details surrounding the public reading of Megillah were extremely important. Megillah reading is what creates the identity of the holiday. Without the retelling of the story of the origins of Purim, the holiday would be almost non-descript.

In an effort to structure the celebration of Purim, much attention was given to the details associated with Megillah reading. Some of these details have remained constant through the course of time, while others have changed from one generation to the next. The focus of this chapter will be to deal with those details of Megillah reading that have evolved. Specifically, the days acceptable for Megillah reading, the required quantity of Megillah, and permissible languages. All three of these customs show similar evolutionary trends. The earlier legal literature shows variety in each case. There are numerous valid options in each category. As time passes, the variety of choices becomes more and more limited, until there is only one suitable date, one appropriate beginning point, and one adequate language.

Dates for Megillah Reading

The reading of Megillah is the centerpiece of the holiday of Purim and as such it is essential that this *mitzvah* be completed at the correct time. Two permissible dates for reading Megillah are found in the book of Esther. The Mishnah expands these dates

without explanation to include three others, and the Talmudim and Mishneh Torah justify limiting the permissible dates back to the original two.

The setting down of specific dates is very important to the book of Esther. The authors want the dates of events to be abundantly clear. The mention of dates helps to ground the book and give it the appearance of a historical account. The author of the book wants the audience to feel as if the events can not happen any day, in any year, rather they happened on a specific day, in a particular year. Because the book of Esther is ultimately an etiology, concerned with establishing a new holiday,[1] the enunciation of specific dates also helps to institute its continuation, by ensuring that future generations of Jews will know when to celebrate the holiday. Through dating of events, and regulating their continuation, the book of Esther guarantees its own continuity.

The book of Esther tells the audience that in the month of Nisan Haman picked lots to designate a day for the annihilation of the Jews of Persian.[2] On the twenty third of Sivan, all of Persia was issued an edict that gave Jews permission to defend themselves.[3] For the Jews, the month of Adar was transformed from trepidation to triumph.[4] Though in Esther the initial month of the year is different than the beginning set by the rabbis, namely Nissan instead of Tishrei, the calendar itself uses the same months as the calendar set up by the rabbis, the same calendar which is still used by Jews today. Because of this, the dates mentioned in Megillat Esther can be easily transferred to the rabbinic calendar used universally in the Jewish world. Purim can be recreated today as it was originally fashioned in Persia during the time of Esther and Mordecai.

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[1] Berlin, Adele, *The JPS Bible Commentary: Esther, the Traditional Hebrew Text with the New JPS Translation* (Philadelphia, The Jewish Publication Society, 2001), xv.
[2] Esther 3:7.
[3] Esther 8:9.

The dates of, the thirteenth, fourteenth, and fifteenth of Adar occur repeatedly in Megillat Esther as significant days, and thus continue to be important days in the discussion of the holiday of Purim. The book of Esther describes the thirteenth of Adar as the day the Jews were meant to be annihilated, but instead became a day they were able to defend themselves. Because of their success on the thirteenth of Adar, the two subsequent days became days of glorious celebration

> The rest of the Jews who were in the king's states, gathered together and defended their lives, and disposed of their enemies and killed seventy-five thousand of their foes, but they did not lay hands on the spoil. That was on the thirteenth of the month of Adar, and on the fourteenth they rested and made it into a day of feasting and merrymaking. But the Jews who were in Shushan gathered together [to defend themselves] on the thirteenth and fourteenth and on the fifteenth they rested and made it into a day of feasting and merrymaking.[5]

These three verses are unambiguous. Jews who lived in towns throughout the Persian Empire defended themselves against their enemies on the thirteenth of Adar and celebrated their victory on the fourteenth. Jews who lived in Shushan, the capital, fought on the thirteenth and the fourteenth and celebrated their victory on the fifteenth. If the dates for celebrating Purim were extracted directly from this account, it would seem that all cities throughout the Persian kingdom would celebrate their victory on the fourteenth of Adar. It would only be Shushan that might have an alternate celebration date, the fifteenth.

This is not the only instruction the book gives for the perpetual commemoration of the holiday. In an uncharacteristic fashion, the book of Esther changes its tone from

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[4] Esther 8:12, 9:1, 15, 17-21.
[5] Esther 9:16-18.

narrative to instructive, "this takes us out of the story itself and into Jewish practice."[6] It no longer tells the story of Purim, but rather it provides for its remembrance.

> ... The Jews, who live in unwalled towns, observe the fourteenth day of the month of Adar and make it a day of merrymaking and feasting, and as a holiday and an occasion for sending gifts to one another...Mordecai recorded these events, and he sent dispatches to all the Jews throughout King Ahaseurus' states, near and far, charging them to observe the fourteenth *and* fifteenth days of Adar, every year—the same days on which the Jews enjoyed relief from their foes and the same month which had been transformed for them from one of grief and mourning to one of festive joy...[7]

It appears that the text is trying to regulate both the fourteenth *and* the fifteenth as mandatory celebratory days for all Jews, living in all locations.[8] The text does not appoint certain people to celebrate on one day, and others to celebrate the following day, rather the text is (insert text) "charging them to observe the fourteenth *and* fifteenth days of Adar, every year.[9]" Esther 9:18-10 described two distinct dates for the celebration of Purim in different communities, while 9:21, 27-28 advocates for a two day celebration for every Jew.[10]

Extensive research has been devoted to these few verses in the book of Esther. Most scholars agree that verse 19 is a gloss to the original textual unit because of its imposing tone and its awkwardness in relation to the surrounding verses.[11] Though the style and syntax of the following verses, principally for our purposes 9:19-22, are similar to the rest of the book, they seem to be just an imitation and in actuality come from a

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[6] Berlin, xxiii.
[7] Esther 9:19-22.
[8] Moore, 93.
[9] Esther 9:21.
[10] Berg, 40.
[11] Moore, 89.

different source.[12] Berg notes the "author is sensitive to the style and spirit of the tale,"[13] yet this section does not come from the same hand.

The Septuagint[14] is almost identical stylistically and content wise in its description of the origins of Purim. In a repetitive manner it describes how Purim is a joyful commemoration of the days of rest that followed the day of fighting in the Persian Empire. These two sections mirror Esther 9:16-18 and 9:19-22.

The first section, corresponding to Esther 9:16-18, relates that Jews throughout Persia fought on the thirteenth of Adar "and having rested on the fourteenth of the month, they kept it as a day of rest with joy and gladness."[15] And the Jews of Shushan[16] defended themselves on the fourteenth, so their day of celebration was on the fifteenth.

This narrative in the Septuagint is also followed by instruction to be enacted at a later date, which mirrors Esther 9:19-22. "Mordecai wrote an account of these matters in a book, and sent it to all the Jews who were in the kingdom of Artaxerxes far and near, to set apart as holy days and to keep *both* the fourteenth *and* the fifteenth of the month of Adar, for in those days the Jews had rest from their enemies."[17] The celebration of Purim was to be a continuous two day celebration. Jews originally celebrated on both the fourteenth and the fifteenth, thus future generations of Jews were also to celebrate on both the fourteenth and the fifteenth.

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[12] Clines, 50.
[13] Berg, 38.
[14] Also known as the B-text.
[15] Septuagint 9:17.
[16] Susa in the Greek text of the Septuagint.
[17] Septuagint 9:20-22.

Another shorter Greek version of the story of Esther,[18] the Alpha-text,[19] records the dates for Phourdaia[20] as 14 and 15 Adar, without explaining that there was a different date for different locations.

Josephus, in his retelling of the story of Purim found in his epic work, *Jewish Antiquities*, also seems to mandate *both* the fourteenth and the fifteenth as days of celebration for all Jews.

> Now there were slain by the Jews that were in the country, and in the other cities seventy-five thousand of their enemies, and those were slain on the thirteenth day of the month, and the next day they kept as a festival. In like manner, the Jews that were in Shushan gathered themselves together, and feasted on the fourteenth day, and that which followed it; whence it is, that even now all the Jews that are in the habitable earth keep these *days* (meaning both the fourteenth and the fifteenth of Adar) as festivals, and send portions to one another.[21]

Since Josephus' historical narrative generally follows the Masoretic text, the similarities between the account in *Jewish Antiquities* and the Bible are not surprising, while at the same time still extremely significant. While the book of Esther was written during the late Persian or early Greek period, most likely between the years 400-200 BCE,[22] Josephus lived hundreds of years later, most likely from 37-100 CE.[23] Josephus seems to be concurring with the book of Esther that the ongoing Jewish celebration of Purim occurs over a two-day period, the fourteenth and fifteenth of Adar. If Jews were in fact celebrating for two consecutive days, this is enormously noteworthy. As we will see, by the time of the compilation of the Mishnah, the celebration of Purim is assuredly only

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[18] Berlin, xlix.
[19] Also referred to as the Lucianic recension, or L.
[20] Purim.
[21] Josephus, Flavius, *The Antiquities of the Jews*, Book 11, 291-292.
[22] Berlin, xli.

a one-day holiday. This would signal a shift in the primary ritual of the holiday of Purim. It is likely that the early celebration of Purim took place in every location on both the fourteenth and the fifteenth days of the month of Adar.[24] It was a holiday that lasted for two consecutive days. A two-day holiday celebration becomes a one-day celebration.

The authors of the Mishnah are familiar with the text of the Megillah. They know the importance of the thirteenth, fourteenth and fifteenth of Adar, as well as the differentiation the book of Esther makes between all the cities of the Persian Empire and Shushan, the fortified capital. But they are also privy to the actual practice of Jews, as well as their own personal agendas. These considerations drive the laws found in the Mishnah concerning possible days for the reading of Megillah.

> Megillah is read on the eleventh, the twelfth, the thirteenth, the fourteen, the fifteenth. No less and no more. Cities surrounded by a wall during the days of Yehoshua ben Nun read on the fifteenth. Villages and large cities read on the fourteenth. It is the villages that advance [the reading] to the day of assembly.[25]

It is clear that Megillah reading, the core of the Purim celebration, has evolved. The reading does not take place over the course of two full days, as earlier literature would seem to prescribe. Rather it takes place on only one of a given number of days. The book of Esther delineated two days for the celebration of the holiday of Purim, the fourteenth or the fifteenth of Adar. The Mishnah allows for the choice of one of five, anywhere from the eleventh through the fifteenth.

This extended list of dates would be familiar to an ancient audience. Historical evidence shows that early Persians celebrated a one day spring holiday dedicated to the

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[23] Whiston, William, *The Works of Josephus, Complete and Unabridged* (Peabody, MA, Hendrickson Publishing, Inc., 1987), ix.
[24] Moore, 93.

Babylonian gods Marduk and Ishtar during this of year.[26] Outside evidence suggests that: "the Persian festival of Favardingan was celebrated from the eleventh to the fourteenth of Adar. The Jews adopted a Babyloninized version of this feast and also accepted the Babylonian legends connected with the festival."[27]

The dates allotted for the celebration of Purim, from the eleventh through the fifteenth of Adar, harmonize with the dates of a Persian spring festival. Perhaps the expansion of the dates from just the fourteenth and fifteenth of Adar to include the eleventh, twelfth, and thirteenth are an attempt to synchronize the dates of Purim with the dates of Favardingan.

Most scholars agree that the multiple options for acceptable days to read Megillah are a reaction to actual Jewish practice. The understanding is that Jews were reading Megillah on different days during one season of the year. The Mishnah is trying to justify and legislate the practice. Not every community has to read on the exact same day, but neither can they read any day. There are a select number of suitable times for Megillah reading, and that number is not infinite.

According to the instruction in the Mishnah, Purim is to be celebrated on one day between the eleventh and the fifteenth of Adar. The date selected depends on the size and structure of the city. With the system described in the Mishnah, those cities surrounded by a wall are meant to read one day after all other cities, and villages, the smallest population centers, are able to advance the reading of Megillah in order to accommodate their specific needs.

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[25] Mishnah Megillah 1:1.
[26] For more information on the connection between Purim and Favardigan, see chapter 1.
[27] Baumgarten, "Scroll of Esther".

The Mishnah goes on to give a detailed account of how villages advance the reading of Megillah. The rules follow a distinct set of criteria:

1. the ideal day for Megillah reading for villages and cities is the fourteenth of Adar,
2. the ideal day for a city enclosed by a wall is the fifteenth of Adar,
3. if the fourteenth is not a day of assembly, then villages can advance the day of reading Megillah to the day of assembly,
4. Megillah reading can be (insert text) "advanced, and not postponed,"[28] and
5. Megillah is not read on Shabbat.

The *locus classicus* for these rules is Mishnah Megillah 1:3:

> If the fourteenth is Monday, villages and big cities read it [Megillah] on that day, and cities surrounded by a wall the following day.[29] If it [the fourteenth] occurs on Tuesday[30]or Wednesday,[31] then villages advance to the day of assembly, and large cities read on that day, and cities surrounded by a wall the following day. If it [the fourteenth] occurs on Thursday, villages and large cities read on that day, and cities surrounded by a wall the following day.[32] If it [the fourteenth] occurs on Friday, villages advance to the day of assembly, and large cities and those surrounded by a wall read on that day.[33] If it [the fourteenth] occurs on Shabbat, villages and large cities advance the reading and read on the day of assembly, and cities surrounded by a wall on the following day.[34] If it [the fourteenth] occurs on Sunday, villages advance to the day of assembly, and large cities read on that day, and cities surrounded by a wall read on the following day.[35],[36]

[28] Mishnah Megillah 1:3.
[29] See Chart #1.
[30] See Chart #2.
[31] See Chart #3.
[32] See Chart #4.
[33] See Chart #5.
[34] See Chart #6.
[35] See Chart #7.
[36] Mishna Megillah 1:2.

Charts of Megillah Readings

Chart #1

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Shabbat	Sunday
Date	14th	15th					
Location	villages, cities	walled cities					

Chart #2

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Shabbat	Sunday
Date	13th	14th	15th				
Location	villages	cities	walled cities				

Chart #3

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Shabbat	Sunday
Date	12th	13th	14th	15th			
Location	villages		cities	walled cities			

Chart #4

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Shabbat	Sunday
Date	11th	12th	13th	14th	15th		
Location				villages, cities	walled cities		

Chart #5

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Shabbat	Sunday
Date		11th	12th	13th	14th	15th	
Location				villages	cities, walled cities		

Chart #6

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Shabbat	Sunday
Date			11th	12th	13th	14th	15th
Location				villages, cities	walled cities		

Chart #7

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Shabbat	Sunday	Monday
Date				11th	12th	13th	14th	15th
Location				villages			cities	walled cities

There is an incredible amount of flexibility inherent in the system the Mishnah devises. Villages, the smallest population centers, have flexibility with regards to Megillah reading. They do not need to meet on an extra occasion during the week. They may celebrate Purim earlier than their Jewish counterparts in larger cities. They holiday is so flexible that it accommodates their lifestyle instead of asking their life to accommodate the celebration.

An exception to this lenient rule is built into the Mishnah. "But, in a place that doesn't gather on Monday and doesn't gather on Thursday, they don't read it [Megillah] at any occasion but the appropriate time."[37] A small village, which does not assemble on a regular basis, must only read Megillah on the fourteenth of Adar. There is no alternative. It is unacceptable for them to advance the reading. A village can only move the reading if they are "a place that gathers on Monday and Thursday."[38]

The Gemara is built upon the Mishnah. Its own validity is inherently connected to the authenticity of the Mishnah. If the Mishnah is invalid, then the Gemara, which is based on it, must be also. Before the Mishnah can be overruled, the Gemara must prove the ruling of the Mishnah true, and only then go on to override it.

The Gemara needs to find textual proof for the Mishnah's leniency. Two prooftexts are found. The first is the wording "to establish these days of Purim in their times."[39] Both of the words, "their," and "times" are plural. "What is meant by 'their times'? Many times."[40] Because the words are plural, this particular phrase signifies that it is not just on the fourteenth and fifteenth that Megillah can be read, but also on an additional two days, the eleventh and the twelfth. Rabbi Shmuel bar Yitzhak reminds the reader that the thirteenth is a permissible date for Megillah reading because this date is part of the miracle. This was the precise date of the military victory of the Jews over the Persians.[41]

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[37] Mishnah Megillah 1:3.
[38] Mishna Megillah 1:3.
[39] Esther 9:31.
[40] BT Megillah 2a.
[41] BT Megillah 2b.

The second instance of textual support for the Mishnah's accommodating decree comes from the phrase "like the days on which the Jews rested."[42] The Gemara points out that the key to understanding this proof-text is understanding what "like" is referring to. "Like" refers to the eleventh and twelfth of Adar. Since the fourteenth and fifteenth are days explicitly reserved for Purim, and the thirteenth is part of the miracle, "like the days on which the Jews rested" includes from the eleventh through the fifteenth of Adar.[43]

Now that the Gemara has proven the Mishnah correct in theory, regarding its leniency in expanding the permissible days for Megillah reading, it will attempt to impose more restrictions. The Amoraim are heirs to a lenient tradition but are not comfortable with such flexibility. Individuals and communities should know what their obligations are so that they can fulfill them to the best of their ability. The Mishnah allows for too much difference in practice. The Jewish observance needs to be a religious rite with specific legal parameters. Similar to legal parameters in other areas, their needs to be a stringency that gives the holiday form and substance.

The rabbis of the Talmud know it is difficult to alter firm opinions found in the Mishnah. Early opinions carry significant weight. By the nature of a legal system that reveres precedent and places primacy on previous opinions, early opinions are very compelling.

The only recorded report in the Mishnah rules Megillah can be read over a series of days. This though, is not the only early opinion that can be instructive in the discussion of acceptable dates for Megillah reading. It is evident from the account in the

[42] Esther 9:22.
[43] BT Megillah 2b.

Babylonian Talmud that other contradictory opinions did exist during the Tannitic period. The Amoraim, who had different motivation and historical circumstances, used two other Tannaitic opinions to bolster their preference for more restrictions to the appropriate dates for Megillah reading. They are much more stringent than the opinion found in the Mishnah.

Rabbah bar bar Chanah brings the opinion in the name of Rabbi Yochanan that everything that is documented in the Mishnah "are the sayings of Rabbi Akiva, the anonymous one, who explained [the leniency in regards to dates for Megillah reading from] 'time, their time, their times', but sages say one can read it only at its appointed time.[44]" In order to modify the opinion of the Mishnah, Rabbah bar bar Chanah assigns the opinion found therein to one specific individual, Rabbi Akiva, the distinguished second generation tannaitic teacher who taught during the period of Yavneh.[45] If it is only a single opinion, even of a great scholar, then it is not a binding opinion. It is not the general, standard ruling, rather it is a minority opinion. Rashi comments that oftentimes the opinion of Rabbi Akiva is given as if it is the general opinion, when really it is the minority.

A second proof is brought to further strengthen the case against the ruling of the Mishnah. Rabbi Yehudah stated in a Baraita that it is only permissible to advance the days of Megillah reading "during the times when the years are fixed [by a rabbinic court] and Israel resides in their land, but at this time, since people look at [Purim to calculate the date of Passover], one can only read it [Megillah] at its appointed time.[46]"

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[44] BT Megillah 2a.
[45] Strack and Stemberger. 72.
[46] BT Megillah 2a.

At one point in Jewish history, there was flexibility with regards to Megillah reading. Communities could read from the eleventh to the fifteenth of Adar. That is no longer true. Today, Passover begins thirty days after the reading of Megillah. If the date of Purim fluctuates, it is impossible to know the correct date to celebrate Pesach. If the Megillah reading was advanced, people might celebrate Passover at the wrong time, and eat forbidden foods. In order to avoid this confusion, today Megillah reading cannot be advanced. Unfortified cities read Megillah on the fourteenth of Adar and fortified cities must read on the fifteenth.

The Babylonian Talmud brings these views that were set aside by the Mishnah to serve their own purposes. The rabbis know precedent is a convincing argument. The rabbis of the Talmud bring Rabbi Yochanan and Rabbi Yehudah's rulings to create an avenue for their own. They are invested in altering the leniency of the Mishnah's ruling. Because the two alternative opinions are also from Tannaitic sources, they carry more weight than an original idea.

It is important to note that normally the view expressed in the Mishnah takes priority over the opinion in a Baraita. Here the decision-making process is inverted. The Talmud ruled that the Mishnah is a non-binding minority and an interpretive mistake. Instead of the pertinent Mishnah serving as the ruling voice in the case of acceptable dates for Megillah reading, an unrelated Mishnah and a Baraita propel the law. The alternative options offer the restrictive view the Babylonian Talmud wants to impose. The authorities of the Talmud take advantage of this and change the law based on the opinions found there. They change the law so that instead of being able to read Megillah any day from the eleventh through the fifteenth of Adar, cities must read either on the

fourteen or the fifteenth, there are no other acceptable days. Reading on the eleventh, the twelfth, and even the thirteenth, the day of the miracle itself are unacceptable.

Once the Babylonian Talmud has limited the acceptable days for Megillah reading, by proving conclusively that the opinion of the lenient ruling in the Mishnah is a non-binding minority opinion and that its ruling was only binding during a previous historical period, it can move on to its second task.

Its second task is to create a logical arrangement for the scheme of what cities read on which days. This is not a simple task. The classifications set forth in the Mishnah, "walled cities" and "villages" only spoke in the most general terms. "Cities surrounded by a wall during the days of Yehoshua ben Nun read on the fifteenth. Villages and large cities read on the fourteenth."[47] What about all the locations that don't fit tidily into these two categories? The Gemara is obsessed with creating criteria for identifying locations as either "walled cities" or "villages." Its editors want to eliminate confusion and create a clear system of when each geographic location is obligated to read Megillah. The Gemara brings both common and unusual situations and rules when each of these cases must read Megillah. None of this detail was given in the Mishnah's ruling, it is all new.

The Gemara first has to define a walled city. Both the Babylonian and the Palestinian Talmuds ask a logical question: Why is the life of Yehoshua ben Nun, a man who lived historically earlier than the institution of the holiday of Purim, the criterion for defining walled cities?

Neither Talmud is totally comfortable with using Yehoshua ben Nun as the key indicator for walled cities. It isn't completely logical to define fortified cities using

criteria from the lifetime of Yehoshua. He lived long before the miracle of Purim occurred and the prototype for walled cities, Shushan, did not even exist during Yehoshua's lifetime[48]. Both Babylonian and Palestinian Talmuds, offer an alternative opinion. Again they bring a Tannaitic opinion to bolster their claim. They convey the opinion of Rabbi Yehoshua ben Karha found in both a Baraita[49] and the Tosefta[50] that contradicts what is stated in the Mishnah. It states, "cities surrounded by a wall from the days of Ahasuerus read on the fifteenth."[51]

The historical marker is no longer Yehoshua ben Nun, but rather King Ahasuerus. The important character is not a hero of ancient Jewish history, but the lead figure in the story of Purim itself. Rabbi Yehoshua ben Karaha reasons that since a wall surrounded Shushan[52] during the time of Ahasuerus, and we are told explicitly that Shushan reads Megillah on the fifteenth of Adar, than any other city that was surrounded by a wall during the time of Ahasuerus should also read Megillah on the fifteenth.

The Gemara has offered two conflicting opinions from the same time period, one from the Mishnah and one from a Baraita. The former states the lifetime of Yehoshua ben Nun as the criterion for classification as a walled city, while the latter uses the lifetime of King Ahasuerus. The Gemara initially does not offer a definite ruling for one over the

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[47] Mishnah Megillah 1:1.
[48] Shushan did not have a wall during the period of Yehoshua ben Nun but it celebrates on 15 Adar with other walled cities because the miracle itself occurred there [Bavli 2B].
[49] BT Megillah.
[50] PT Megillah.
[51] BT Megillah 2b, PT Megillah 1:1.
[52] Extensive archeological excavations have occurred in the ancient city of Sushan, known also as Susa. The city itself is situated in modern day Iran and served as the capital of the ancient Persian Empire. It was a strategic location because it was in the middle of the Persian Empire and had good road access to other parts of the Empire. As early as the Persian conquest of Babylon in 539 BCE, a Jewish community existed in Shushan. The city had two distinct parts, the royal city and the lower city. A protective wall surrounded the royal city, while the lower city was unfortified. When the book of Esther refers to "Shushan the capital" (Esther 9:6, 11, 12) it is referring to the fortified royal city, but when it refers to just "Shushan", (Esther 9:13, 14, 15) it is referring to the unfortified lower city.

other, but in subsequent Talmudic discussion, there is consistent mention of the connection between walled cities and the date marked by Yehoshua ben Nun's life. The connection to the days of Ahasuerus is never explicitly denied, but it never gains a significant following. This is not surprising given the greater authority accorded to the Mishnah in comparison to the Baraita. The opinion of the Mishnah becomes law and the view of the Baraita fades away.

Maimonides carries on the tradition that the definitive characteristic of a walled city is any city surrounded by a wall during the time of Yehoshua ben Nun. There is no mention in the Mishneh Torah of the lifetime of Ahasuerus serving as the authoritative date for defining walled cities.

How then does the text connect the lifetime of Yehoshua ben Nun as the defining characteristic for walled cities that must read Megillah on the fifteenth of Adar? The Babylonian Gemara uses the literary technique *gezeirah shavah,* an "argument from analogy"[53] to prove this. In the book of Esther, the word meaning "unwalled towns" is used and it appears again in Deuteronomy 3:5.[54] The first verse in Esther declares that everyone who lives in unwalled cities celebrates Purim on the fourteenth of Adar, and the second verse from Deuteronomy describes the Israelite conquest of the Land of Israel under Yehoshua ben Nun's military leadership. The common use of the word "unwalled cities" links the two narratives together. One is commenting on the other. The verse in Deuteronomy speaking of Yehoshua ben Nun is meant to be linked with unwalled cities. Thus cities that were surrounded by a wall during the time of Yehoshua ben Nun read Megillah on the fifteenth of Adar.

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[53] Strack and Stemberger. 18.
[54] BT Megillah 2B.

Whereas the Babylonian Talmud uses complex interpretive strategy to connect Yehoshua ben Nun to the holiday of Purim, the Palestinian Talmud chooses to use sentimentality and logic as the two prongs of its argument. The decision is made to define a walled cities using the date of Yehoshua ben Nun's life, as a way to "pay respect to the land of Israel which lay in ruins" but additionally because "there were few walled cities in the Holy Land in the time of Ahasuerus. Therefore, the date is associated with Yehoshua ben Nun."[55]

The contributors to the Palestinian Talmud had a tremendous connection to the land of Israel. They lived in the land. They worked the land. They related to the land in all the various realms: sociological, emotional, and political. It is not surprising that they would want to enhance the honor brought to the holy land. Yehoshua ben Nun is the symbol par excellence of the Jewish conquest of the land of Israel. By attaching this figure to the story of Purim, the authors of the Palestinian Talmud are placing the recognition of the sanctity of Israel into a holiday that celebrates the Jews of the Diaspora. They are infusing the land into the dispersion.

The second half of the response of the Yerushalmi, "there were few walled cities in the Holy Land in the time of Ahasuerus. Therefore, the date is associated with Yehoshua ben Nun,"[56] is an example of the Talmud being honest with a historical situation and legislating laws that make room for historical circumstance. The Yerushalmi is recognizing that Shushan was very unusual during its time. There were very few cities during that period of history that were surrounded by walls. To appoint this as the definitive moment in time would only allow for very few Megillah readings on

[55] PT Megillah 1:1.
[56] PT Megillah 1:1.

the fifteenth of Adar. To assign the date concurrent with Yehoshua ben Nun would guarantee more observance on the fifteenth of Adar.

The Palestinian Talmud's response might also be one that dealt with the facts on the ground. It is commenting on a custom that was already occurring. It was not creating a new ritual. It was, in a way, just reporting the status quo. A custom must have already existed in term of which areas read on each date. Perhaps most unfortified cities read Megillah on the fourteenth of Adar and most fortified cities read Megillah on the fifteenth. Choosing the lifetime of Yehoshua ben Levi as the defining mark allows these cities to be acting in an acceptable manner. They do not need to alter their behavior, but rather continue acting in the same way they have until this point.

The Rambam asks the question directly "and why hang this issue on the day of Yehoshua?" The answer he brings follows the opinion of the Yerushalmi, "In order to give honor to the Land of Israel that was destroyed at the same time, ...they would accordingly read the Megillah on the fifteenth because they were surrounded by a wall in Yehoshua's time, and so the land of Israel, too, would be called to mind during the celebration of the miracle."[57] The Rambam offers the same answer as the Palestinian Talmud, but with very different motivation. Many contributors to the Yerushalmi have an intrinsic connection to the land of Israel because it is their physical home. For the Rambam, the land of Israel is idealized and magnified. It is the mythic utopia of Jewish life. For Maimonides, every time a walled community reads Megillah on Purim, their heart is directed towards the unknowable Israel. They experience an inherent connection between their own lives and the lives of their ancestors who lived in the holy land. The Palestinian Talmud is commenting on its country of origin, while the Rambam is trying

to devise a way for Jews who do not live in the Land of Israel to connect spiritually to that far away and sacred place.

As part of this discussion, the Rambam adds a very interesting point that had not been previously made.

> Every state that was surrounded by a wall from the days of Yehoshua ben Nun, whether in the Land [of Israel] or outside of the Land, even if now it does not have a wall, it reads on the fifteenth of Adar, and this state is called a 'walled city.' And every state that was not surrounded by a wall in the days of Yehoshua ben Nun, and even if it is surrounded today, they read on the fourteenth, and this state is called a 'city'.[58]

He says the dates for reading Megillah are the same for cities that are in the land of Israel, and those that are outside the land. There is no difference in ritual depending on location with respect to Israel or the Diaspora. Perhaps because the date of Yehoshua ben Nun is so intimately connected with the conquest of the land of Israel, people might come to believe that only walled cities in Israel read Megillah on the fifteenth of Adar, while cities outside Israel must all read on the fourteenth of Adar, regardless of whether they were walled during the time of Yehoshua ben Nun. Maimonides is refuting this. The same rules apply to cities inside the holy land and outside. They are judged by the same criteria.

Maimonides is responding to the reality of the Jewish situation of his own experience. By the Rambam's lifetime, the existence of Diaspora Jewry was very real and a growing phenomenon. The Rambam may be attempting to standardize Megillah reading for Jews throughout the world, and setting patterns for a future when Jews will remain dispersed. This is not *per se* an evolution of the law itself. The Rambam's ruling

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[57] Mishneh Torah 1:5.

is consistent with what came before, but his clarification is representative of the dynamics of the Jewish community as it existed during his lifetime.

Once it is clear that cities that had walls during the lifetime of Yehoshua ben Nun read Megillah on the fifteenth of Adar, it is imperative to delineate what is included in the city limits. If an area is considered within the walled city, they must read Megillah on the fifteenth of Adar, but if they are officially outside the city limits, then they read the preceding day. The Mishnah simply speaks of "cities that are surrounded by walls from the day of Yehoshua ben Nun."[59] There is an assumption that the inhabitants, buildings, and commerce of the city are neatly situated within the city walls. The walls were built to protect the people and the objects of the city, and as such they surround the entire city.

By the time of the Babylonian and Palestinian Talmuds this is no longer consistently accurate. The writers of the two Talmuds seem to be aware of urban sprawl, and they need to be responsive to the realistic needs of their constituents. The rabbis are obligated to create a legal system that accommodates the realities of an ever-changing life. People no longer only live within the confines of the city walls. Individuals, families, and even entire communities have migrated from inside the urban center to outside the walls. The law needs to expand in order to clarify what is considered part of a walled city.

Two opinions are offered as to how to deal with this growing ex-urbanization. "Rabbi Yehoshua ben Levi said, a walled city, and everything that is adjacent to it, and everything that can be seen with it, is judged as being part of the walled city. Until how far? Rabbi Yirmiyah, and some say Rabbi Hiyya bar Abba responded, [the distance]

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[58] Mishneh Torah Megillah 1:4.
[59] Mishnah Megillah 1:1.

from Hammata to Tiberias, one *mil.*"[60] There are elements of the city life that reside outside of the walls of the city. Rabbi Yehoshua ben Levi is giving these outlying areas permission to read Megillah with the urban dwellers on the fifteenth of Adar. This is a logical decision. Those who have chosen to live outside the city are not making a sociological statement. They continue to consider themselves member of the larger community found within the walls of the city. Their social, political and economic lives are interwoven with the lives of those people who live inside the city walls. One family might have family members living both outside of and within the city walls. An individual might live outside the city walls, but work inside. Rabbi Yehoshua ben Levi's ruling allows the entire city complex to celebrate Purim together on the fifteenth of Adar. This decision allows for one communal celebration, and one day of collective festivities.

At the same time, the Babylonian Gemara is not comfortable with simply saying anything adjacent to the walls of the city, and anything that can be seen from the city is considered part of the city. This can encompass too great an area, even neighborhoods that are virtually disconnected from the city center itself. The rabbis' response is to limit the area that can be included with the walled city. Establishments can only be a *mil,* the distance between Tiberias and Hammata, from the walls of a city to be legally considered part of that city. By the time of the Talmud, the city limit may have grown so far from core city, that it was as if they were in essence a second city situated next to the original city. There is no connection between life inside and outside the walls. Due to this, there was no reason to have them read Megillah on the same day.

The second anonymous opinion expressed in the Babylonian Gemara, represents a much more lenient approach. An area is considered part of the walled city if, "It is

[60] BT Megillah 2b, PT Megillah 1:1.

taught, if it is adjacent [to the walled city], even though it can't be seen [from the city, or if] it can be seen, even thought it is not adjacent."[61] This means that either the two parts of the city are obscured from view by a physical object such as a mountain, or a valley,[62] or the two parts of the city are situated at such a great distance apart that they are not visible to one another. It can be assumed that the divergent areas were considered one physical location because in all other ways they thought of themselves as one community, one populace, and one society.

The Mishneh Torah perpetuates the opinion that sets limits on the dimensions of a walled city. Cities were even larger during Maimonides' lifetime, thus the likelihood of disconnect between those living outside the walls and those living inside is even more possible. There is no reason for people living within view of the city, but sociologically separate to read Megillah based on a date set by the walled city. The specific distance Maimonides legislates a building can be from the walled city to be included within the area of the city, obligating it to read Megillah on the fifteenth of Adar, is as follows, "The city and everything that is adjacent to it, and everything one can see with it, if there isn't between them more than 2000 *amot*, then this is like a walled city and [here Megillah] is read on the fifteenth."[63]

The rabbis recognize that urban sprawl is not the only issue that is going to arise in defining a walled city, and a clear definition is imperative in determining when a community will read Megillah. Building on this discussion, the Bavli, Yerushalmi, and the Ramban ask a number of practical questions concerning the evolution of walled cities,

[61] BT Megillah 3b.
[62] BT Megillah 3b.
[63] Mishneh Torah Megillah 1:10.

What about a city that didn't have a wall during the time of Rabbi Yehoshua ben Nun but is later surrounded by one? "And Rabbi Yehoshua ben Levi said, a city that was established and later surrounded [by a wall] is dealt with legally like a village." Yehoshua ben Levi is clear, even though the city now has a wall, it didn't during the conquest of the land of Israel, thus it is still legally considered a village, and thus reads Megillah on 14 Adar.[64]

What about a city that has a wall during the time of Rabbi Yehoshua ben Nun, but the wall is subsequently destroyed, thus leaving the city without a visible wall? Two conflicting opinion are offered. The first says, "What is meant by 'destroyed'? The walls [were knocked down]. [Then the walls were] reestablished, yes, [it is considered a walled city]. If it was not reestablished, then no [it is not considered a walled city]." And second, "A Baraita teaches, Rabbi Eleazer bar Yosi says from the verse 'that has no wall',[65] even if it doesn't have one now, but it did have one previously, [then it is considered to be walled, and thus reads Megillah on the fifteenth of Adar]."[66]

> What if the walled city was destroyed, and it became non-Jewish?" Clearly if the question is being asked, despite the destruction of the city center itself, Jews continue to live in the adjacent town. These Jews living directly outside the city have always read Megillah on the fifteenth of Adar because of the walled city, and because of their identification with the walled city. Now that Jews no longer live in the walled city, when are the Jews living just outside the walls obliged to read Megillah? "Hence in it [the walled city] they don't observe or read [on the fifteenth] so outside [the walls] they don't read [on the fifteenth].

[64] BT Megillah 3b, Mishneh Torah Megillah 1:4.
[65] Leviticus 25:30.
[66] BT Megillah 3b.

Those Jews who live outside of the walls of the city, once the city is destroyed, are effectively living in a non-walled city. Though they still have a historical connection to the Jewish community that had lived within the walls, that community no longer exists. Because of this, the community outside of the walls no longer reads Megillah on the fifteenth of Adar, but rather on the fourteenth.[67]

The early evolution of the laws regarding acceptable days for Megillah reading is straight forward. The earliest literature, the book of Esther, the Septuagint, the Alpha text and Josephus, prescribe reading Megillah on both the fourteenth and fifteenth of Adar. The Mishnah expands the dates to include the eleventh through the fifteenth, but at the same time makes a two day holiday into a one day holiday. The Talmudim, and later the Mishneh Torah, limit Megillah reading to either the fourteenth or the fifteenth of Adar and spend much effort defining what qualifies a community to read on the fourteenth versus the fifteenth.

How much of the Megillah must be read?

Though the reading of Megillah emerges as the primary obligation of the holiday of Purim, it may be the only one that is not explicitly mandated in the book of Esther. Nowhere does the scroll of Esther explicitly dictate that future generation must read the story of Purim.

Some scholars would argue, as Adele Berlin has, that,

> The public reading of the Scroll is not ordained in the book itself, yet the reading is rooted in the book's ideology. The only festival practice the author envisaged was festivities which replicate the Jews' rejoicing of year 12 [the time of the events of chapters 8 and 9]. The Jews of subsequent generations, rather than commemorating something that

[67] PT Megillah 1:1.

> happened to their ancestors, celebrate their ancestors' *experience*...It was an accurate extension of the author's intention when the rabbis took an imperative implicit in the text—'read me'—and made that the prime commandment of the festival.[68]

The re-creation of an ancient experience in order to make it alive for modern individuals is not unheard of in Judaism. The Passover *seder* is a reenactment of redemption from Egyptian bondage and dressing in sackcloth on Tisha B'av is a sign of intense mourning.

Any discussion on the topic of the amount of Megillah that must be read in order to have filled ones obligation, is connected to Megillah reading as a reenactment of deliverance from Haman's evil decree. If each year we must reenact this redemption, how much of the ancient story is needed for us to have actually relived the experience today?

The trajectory of how much of the Megillah must be read in order to complete ones obligation is similar to path of evolution of the dates permissible for Megillah reading. For both of them there is a narrowing of options, an imposed stringency that results in greater uniformity of practice over time.

The custom of reading Megillah is already so much a part of the celebration of Purim that it is not questioned in the Mishnah. One question that does arise is how much of the Megillah must be read. The Mishnah offers three different, yet equally valid opinions. There are three places one can begin, and still have completed his obligation. The Babylonian and Palestinian Talmuds go on to limit this number. The Yerushalmi rules that one must read all of the Megillah, starting at the beginning, and the Bavli rules that it is preferable to read all of the Megillah but it is also permissible to begin reading

[68] Berlin, xlviii.

Esther at the phrase "a Jewish man" found in Esther 2:5. The Mishneh Torah upholds the ruling of the Yerushalmi and unabashedly states the entirety of the Megillah must be read.

The three opinions expressed in the Mishnah concerning the amount of the scroll that must be read all come from three very powerful Palestinian rabbis, Rabbi Meir, Rabbi Yehudah, and Rabbi Yosi. Each of the three rabbis lived during the same time period, that of the third generation of tanaaim[69], and each studied under the great scholar Akiva[70]. As disciples of the same teacher they would have known each other well, they would have studied together, and certainly would have debated issues of law and custom. On the issue of the amount of Megillah that must be read, it is clear they held differing opinions. "From where does one read the Megillah in order to fulfill his obligation? Rabbi Meir says one must read the entire thing. Rabbi Yehudah says one must read from, 'a Jewish man.'[71] Rabbi Yosi says one must read from 'after these things.'[72,,73]

Clearly different opinions existed as to the appropriate place to begin reading Megillah. Three of the greatest figures of the entire Mishnah offer contradictory opinions. Since all three rabbis lived during the same time period in the land of Israel it can be understood that multiple traditions existed simultaneously in the same location. Each opinion noted in the Mishnah is attributed to a specific person, there is not a general anonymous opinion. Perhaps this is a clue that there was not one generally accepted practice with a few individuals deviating from that practice. Rather, there was no normative starting point for Megillah reading. Different scholars, who had no precedence

[69] From approximately 130-160 CE.
[70] Strack and Stemberger, 76-77.
[71] Esther 2:5.
[72] Esther 3:1.

for uniformity of action, begin at different points.

Given the stature of each scholar, each opinion must have carried significant influence and had a notable following. Different segments of the community must have followed different customs, each with a sense of self-surety that they were completing the *mitzvah* in the correct way. There were some people who heard the entire Megillah, some who began with 'a Jewish man' and some with 'after these things.'

While there was no universally accepted beginning point for Megillah reading, there also does not seem to be an infinite number of a possibilities. There were three acceptable places to begin, all offered by admirable authorities. It simply states the prevalent opinions and doesn't show preference for one opinion over another. The Mishnah is reporting, not legislating on practice.

The Mishnah does not give any reasons why different authorities recommend beginning at different points in the Megillah. In light of modern research, Rabbi Yehudah's opinion that one should begin the reading of Megillah with the phrase "a Jewish man" is significant for a number of reasons. We do not know why Rabbi Yehudah chose this as the beginning for Megillah reading. Perhaps because this verse is the beginning of Jewish involvement in the story of Esther or the entry of the hero of the story, brave Mordecai. For those who are reliving the experience, it is their personal entry into the story. The story up until this point concerns only the Persian royal family.

Some modern scholars argue that this section of the book of Esther is not a part of the core story at all, rather it is a later addition. Its purpose it to serve as a prologue. "It is not part of the mail plot or action."[74] Perhaps Rabbi Yehudah had a sense of this. The

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[73] Mishnah Megillah 3:2.
[74] Berlin, 3.

first chapter is not integral to the story, and certainly not to the Jewish story, and thus can be omitted from a communal reading in celebration of the Jewish holiday of Purim.

It is interesting to note that no one suggests shortening the reading and not reading until the end of the scroll. The Mishnah and subsequent literature, takes it for granted that populations would read to the conclusion of the scroll. No matter where communities initiated the reading, it appears they would conclude at the end of the scroll. Perhaps there was something consciously or subconsciously appealing about the end of the book of Esther that secured its inclusion in the public ritual. The final chapter of Esther describes the how King Ahasuerus protected the Jews and how Mordecai, the Jew, rose to penultimate power in the Persian government. If the scholar Heinrich Graetz is correct in thinking Esther has a powerful psychological effect on Diaspora Jewry, allowing them the feeling of power even though they are a minority, and protection even though they are sometimes the persecuted,[75] perhaps this final chapter is indispensable to achieving that effect. The last chapter of Esther allows Diaspora audiences to be hopeful about their future. If the last chapter were completely omitted, this psychological gain would be lost.

The Babylonian Gemara adds a fourth opinion of what the Megillah reading should include. It brings the opinion of Rabbi Shimon bar Yohai found in a Baraita. Shimon bar Yohai was another student of Rabbi Akiva.[76] Together with Rabbi Meir, Rabbi Yose and Rabbi Yehudah they made his four most famous students, and certainly some of the most prolific of their generation. In this discussion it is not only important

[75] Goodman, 5.
[76] Strack and Stemberger, 76.

what is said, but the stature of the individuals who said it. Because of the integrity of the individuals, no view can be disregarded.

Rabbi Shimon ben Yohai rules that one must read from the words, "this night."[77],[78] Rabbi Shimon ben Yohai's position seems to be the most radical of all of his contemporaries. He pronounces that one can begin reading Megillah closer to the end than to the beginning. Clearly for him the substance of the story comes in the last five chapters of the book, not the first five.

The Talmud does not bring this Baraita because it prefers this starting point. It is mentioned because it must have been a prevalent starting place for a substantial number of communities, and the Babylonian Gemara can't be blind to this reality. The contributors of the Babylonian Gemara know of this custom, and in order to have credibility, they must make mention of it. They have to deal with the real customs. They cannot simply blind themselves to actual practice.

Whereas the Mishnah was content to simply list the starting places for Megillah reading, without any justification, the Palestinian and Babylonian Gemaras offer scriptural proof texts for each of these opinions. Considerable time is spent justifying starting the Megillah reading from a spot other than the beginning of the book. The Talmuds do not want the reader to think that the starting points are haphazard, but rather well thought out. They lists both Rabbi Yochanan's and Rav Huna's rationale for the Mishnah's rulings of variant starting points.[79]

According to Rabbi Yochanan, a second generation Palestinian Amora,[80] where

[77] Esther 6:1.
[78] BT Megillah 19a.
[79] BT Megillah 19a.
[80] Strack and Stemberger. 86.

one begins reading Megillah corresponds to what they believe the crux of the story of Purim is and with whom the power of the story of Purim lies. One who follows Rabbi Meir's opinion and reads the entire Megillah is emphasizing the power of Ahashuarus. One who follows Rabbi Yehudah's opinion and begins reading at "a Jewish man" is emphasizing that the story is one of Mordecai's power. One who follows Rabbi Yosi's opinion and begins reading with "after these things King Ahashuarus promoted Haman" is emphasizing evil Haman's power. One who follows Rabbi Shimon bar Yochai's opinion and begins reading from "this night" is emphasizing the power of the miracle itself.[81]

It is interesting to note that no opinion wants to give Esther primary credit for the victory of the Purim story. There are places where small amounts of credit are given to her, i.e. women must be included in reading Megillah,[82] but on the whole she is not seen as the most powerful character in terms of the salvation of the Jewish people.

There is a large tension evident in the Gemara. The earlier literature allows for divergent practices in terms of what portions of the Megillah must be read to complete the *mitzvah*, and the Gemara on one hand validates this practice, but on the other hand moves to an established standard for all Jewish communities. After bringing extensive proof that seemingly validates all of the opinions of both the Mishnah and the Baraita, thus leading the audience to the conclusion that it is permissible to begin the Megillah at a number of different places, the Gemara tries to make a definitive statement that is binding on all of Israel.

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[81] BT Megillah 19a.
[82] BT Megillah 4a.

The Yerushalmi is able to do this effectively, while the Bavli is not. The Palestinian Talmud states, "Rabbi Ba, Rabbi Jeremiah, in the name of Rav says the law accords with the view of Rabbi Meir, who rules that one must read the whole of it."[83] The Yerushalmi chooses this opinion not because the texts in support of it are more convincing, but because it is the opinion of the great Rabbi Meir. His opinion is followed in abundant other cases, so it should also be followed in this situation.[84]

Certainly for both Jews living in the land of Israel and for those living in Babylonia, Rabbi Meir is regarded as a great scholar. His accomplishments are numerous and his influence on the Mishnah is enormous.[85] Perhaps because Rabbi Meir was a Palestinian, his influence in the land of Israel, the land of origin of the Yerushalmi, was even greater. Those who lived in the land of Israel took pride in the honor of another Palestinian. For individuals living in Israel, his opinion was sufficient to win the debate.

In the Bavli, no credit is given to Rabbi Meir. His name is not even mentioned in the summative declaration of law. The Bavli says, "Rabbi Chelbo said in the name of Rav Hama bar Gurya who said in the name of Rav, law according to the words of *the one* who says all of it must be read. Even according to the opinion that says [one can beginning reading] from 'a Jewish man', the entire [Megillah] must be written [on the scroll]."[86] Rabbi Meir's name is not even mentioned. Instead, the ruling seems to be that of the notable figure Rav.

Whereas Rabbi Meir is a Palestinian notable, Rav is a first generation *Babylonian* Amora. He was born in the Babylonian Jewish community and went on to found the

[83] PT Megillah 2:4.
[84] PT Megillah 2:4.
[85] Wigoder, 474.
[86] BT Megillah 19a.

Babylonian Academy of Sura.[87] Perhaps his reputation in the Babylonian Jewish community is a powerful as Rabbi Meir's is in the Palestinian community. The Babylonian Gemara wants to convince its constituency to read all of the Megillah. By attributing this ruling to Rav, it has a greater likelihood of doing so.

Even with the attribution to Rav, the Gemara still cannot claim a complete victory of issuing a unified ruling. The tension between deviating customs and unified practices exists even in the final ruling. As late as the composition of the Bavli, different communities read divergent portions of Megillah. Not everyone began from the same place. There is a stated law, the entire Megillah must be read, but also the acknowledgement that there are still those who are only reading from chapter two, verse five which begins "a Jewish man", and this is permissible. The reality amongst Babylonian Jews was that some communities do not read all of the Megillah, rather they begin in the second chapter. The ruling of the Gemara does not change this reality. It can try to legislate practice, but it also must be cognizant of the practice of its constituents.

Certainly the most striking difference between the two Talmuds is that unlike the Bavli, in the Yerushalmi, there is no second acceptable opinion given for how much of the Megillah needs to be read. In the Bavli, the final ruling states one can read either the entire Megillah or beginning with "a Jewish man". In the Yerushalmi, one cannot choose from two possible options. There is one definitive answer, "one must read the whole of it". The audience in the Land of Israel must have had or were trying to achieve a more unified practice than their counterparts in Babylon.

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[87] Wigoder, 584.

By the time of Maimonides the idea of one universal custom for all Jews has taken root. The Rambam takes the view unanimously chosen in the Yerushalmi and suggested as the preferential choice in the Bavli. He declares that the entire Megillah must be read. He does not enter into a discussion of other possible places to begin or end, but states simply and decisively, "it is a *mitzvah* to read all of it."[88] The commandment is not simply to read a given piece of the Megillah, but to read all of it. Anything less is unacceptable.

Whereas Tanaitic sources propose four valid beginning points for the recitation of Megillah on the holiday of Purim; the Babylonian Talmud narrows the options and only validates two, the Palestinian Talmud restricts it even further and only endorses only the complete reading of the entire Megillah, and Maimonides carries on the tradition of the Yerushalmi and legalizes solely a full Megillah reading.

Permissible Language of Megillah

Since the book of Esther itself does not specifically ordain the reading of Megillah, it does not establish a particular language it must be read in. It is interesting to note Esther's attitude towards multi-lingualism. When Mordecai sent a letter to all 127 provinces in the Persian Empire, he wrote it "to each and every province in its own script and to each and every people in its own language, and to the Jews in their script and in their language.[89,,90] There is an acknowledgment that different people spoke different languages, and that comprehension of central documents was of the utmost importance.

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[88] Mishneh Torah Megillah 1:3.
[89] The Septuagint omits the second half of the sentence, omitting "the Jews in their script and their language" (Moore, 80).
[90] Esther 8:9.

Because not all of the peoples who lived within the Persian Empire spoke the same language, in order for them to understand their legal responsibilities, they needed to receive correspondence in their own language.

This sentiment, despite its lack of historical accuracy[91], parallels the discussion in later legal literature. In what language can Megillah be read? Is comprehension necessary? As we have seen already, Jewish law is influenced greatly by non-Jewish societal influences. This is especially true in regards to the issue of permissible language for Megillah reading. "The linguistic history of the Jews accurately mirrors their dispersion over the world."[92] Jews often adopted the foreign language of their host country.

There is a constant struggle in the legal literature between Hebrew, the official language of the Jewish people, and an alternative lingua franca of the Jewish community. In Esther, peoples who didn't speak the official Persian language, Aramaic, received the decrees in their own native language. For Jews who live in the Diaspora, who might not understand Hebrew, in what language must Megillah be read?

There is a consistent thread throughout the legal works. During each time period, regardless of location, all the authorities agree that Megillah read in Hebrew fulfills the obligation for anyone. Beyond this steady refrain, each legal work offers divergent options. The Mishnah does not permit Megillah to be read in Aramaic, but it can be read in the vernacular to those who understand it. The Palestinian Talmud puts so many restrictions on when languages other than Hebrew can be used that in practical terms it has limited the public, communal reading of Megillah only to Hebrew. The Babylonian

[91] From 529 BCE, Aramaic was the official language of the Persian Empire and all official government decrees were issued in that language (Wigoder, 73).

Talmud allows for the most number of permissible languages. One opinion rules everyone can fulfill their obligation by hearing Megillah read in Greek, and a second opinion declares one can only hear Megillah read in a comprehensible language. Maimonides in the Mishneh Torah emphasizes the use of Hebrew as the holy language of the Jewish people, but also allows for Megillah to be read in Greek.

The Mishnah makes three consecutive statements concerning permissible languages for Megillah readings. "[First,] if one reads a *targum*[93] of the Megillah, in any language, he has not fulfilled his obligation.[94] [Secondly,] but if one reads it in a foreign language to foreigners, it is permissible, and [thirdly,] if the foreigner hears it is *Ashurit*,[95] then he has fulfilled his obligation."[96]

The Mishnah is full of inconsistencies and ambiguity. The first two statements contradict one another. One cannot translate the Megillah into Aramaic or any other language, but one can read it in a language the congregation is familiar with. What conduct is the Mishnah prescribing? It is clear that Hebrew, the original language of the book of Esther, fulfills one's obligation universally, but can a congregation hear Megillah in any language besides Hebrew? And does the audience need to understand the language being used?

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[92] Birnbaum, "Jewish Languages".

[93] Albeck defines *targum* as Aramaic. From this point forward, *targum* will be identified as Aramaic translation. (Albeck, page 359)

[94] It is surprising to me, given the dominance of Aramaic, that the Mishnah summarily rejects the Aramaic translation of Esther. Aramaic was such a popular language part of the biblical books of Daniel and Ezra were composed in it, legal contracts were written in Aramaic, prayers were offered in Aramaic, (Donin, 16) and some would even say that for a period Aramaic replaced Hebrew as the spoken language of the lower classes of Jews in the land of Israel. Knowledge of Aramaic was so pervasive that parts of the Palestinian and Babylonian Talmuds were written in it. It was not until the Geonic period that the use of Aramaic lessened and was replaced by alternative languages. (Wigoder, 72-73) The two Aramaic versions of the book of Esther were known to ancient audience as Targum Rishon and Targum Sheni (Komlosh, "Targum Sheni").

[95] (Albeck, page 359) Albeck defines *Ashurit* as "*lashon hakodesh*", the holy language, Hebrew. From this point forward, *Ashurit* will be identified as Hebrew.

The Palestinian Talmud works hard to understand the Mishnah and the practice it is recommending. It grapples with the difference between forbidding reading of Megillah in Aramaic and the permissibility of reading in the vernacular:

> Rabbi Yose in the name of Rabbi Acha, Rabbi Zeirah in the name of Rabbi Eleazar said; when [the Mishnah] says written in a foreign language [is permissible], how is this to be understood? If it is written in Hebrew and simultaneously translated to the foreign language, this is regarded as [what the Mishnah said about] 'any language' [and is forbidden]. If it is written in a foreign language, and translated simultaneous into Hebrew, this would be permissible, but...Megillat Esther can only be written in Hebrew [thus it could never be written in a foreign language]. Rabbi Shmuel bar Siseretai, [this means] it is written partially in Hebrew and partially in a foreign language [and is thus not allowed]."[97]

One cannot translate without reading the original Hebrew text, one cannot write a Megillah in any language other than Hebrew, and one cannot write a Megillah partially in Hebrew and partially in a foreign language. Without expressing it explicitly, the Palestinian Talmud is creating rules that will essentially guarantee a Hebrew text read in the original.

The Palestinian Talmud still must deal with the idea in the Mishnah that Megillah can be read to a foreign crowd in the vernacular.

> "Rabbi Abbahu in the name of Rabbi Eleazar [says] if one knows Hebrew in addition to knowing a foreign language, he may only fulfill his obligation in Hebrew. If he knows Hebrew and a foreign language, can he fulfill the obligation for others by reading Megillah to them in a foreign language? The idea is brought that anyone who is obligated to carry out a deed, and can't fulfill his own deed [by acting in a certain way] can't fulfill the obligation of anyone else."[98]

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[96] Mishnah Megillah 2:1.
[97] PT Megillah 2:1.
[98] PT Megillah 2:1.

The Yerushalmi is not negating the idea found in the Mishnah, but it is employing so many restrictions that in actuality, Megillah must almost always be read in Hebrew. One who knows Hebrew, must read Megillah in Hebrew without exception. It would be the extremely rare exception if Megillah could be read in the vernacular. The only way this could happen is if there was no one in the community who knew any Hebrew. If there was even one Hebrew speaker, then Megillah must be read in Hebrew to fulfill that individual's obligation.

The Babylonian Gemara takes a different tack in an attempt to mesh the two incongruous opinions found in the Mishnah. What does the Mishnah really mean when it says one cannot read a translation of the Megillah in Aramaic or any other language, but one can read Megillah in a foreign language to foreigner? In order to understand the Mishnah, the Babylonian Gemara offers the opinions of both Rav and Shmuel.

Rav and Shmuel were both extremely prominent first generation Babylonian Amoraim. Rav was the head of the academy in Sura and Shmuel was the head of the academy of Nehardea.[99] Hundreds of their debates appear in the Babylonian Talmud and their rulings hold a great amount of power. "Rav's pre-eminence can be seen in the fact that while technically a member of the first generation of Amoraim, he was granted the authority to dispute Tannaitic pronouncements, a right generally reserved for tannaim only."[100]

The Babylonian Gemara makes it clear that Rav and Shmuel are not ruling together, but they each rule on their own. They do not only offer one opinion, but two opinions that correspond with one another. This gives the opinion twice as much

[99] Wigoder, 622-623.

authority. Much of the time Rav and Shmuel are at odds over an issue, but here, they agree in their pronouncement.

Rav and Shmuel refer back to a discussion that occurred in a previous Mishnah. The prior Mishnah addressed permissible languages for writing biblical books, *mezuzot*, and *tefillin*. "There is no difference between biblical books, *tefillin*, and *mezuzot*, except that biblical books can be written in any language and *tefillin* and *mezuzot* can only be written in Hebrew. Rabban Shimon ben Gamliel says, even biblical books are only permitted to be written in Greek."[101]

Rabban Shimon ben Gamliel, a third generation Palestinian Tanna,[102] thus limited the language in which biblical books may be written to Hebrew or Greek. It is clear from this statement that Rabban Shimon ben Gamliel is raising the status of Greek close to that of Hebrew. Holy books may only be written in two languages, Hebrew and Greek. Hebrew and Greek thus hold a higher status than other languages. This is not a surprising opinion since Shimon ben Gamliel was living in Greek speaking Palestine. In his reality, Greek was a language spoken by Jews.

Rav and Shmuel build on this opinion. "Rav and Shmuel both say, it is acceptable to read [Megillah] in the Greek language". They are interpreting the opinion of the Mishnah, that "one may not read a translation of the Megillah in any other language" as referring to any language other than Greek. They seem to read the statement that a foreigner can hear Megillah in a foreign language, as implying the permissibility of all audiences hearing Megillah read in Greek, even if they don't speak Greek.

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[100] Wigoder, 584.
[101] Mishnah Megillah 1:8.

Rav and Shmuel want to elevate the status of a Megillah written in Greek. This means not only is the Megillah read in Greek, but the text of the Megillah itself must also be in Greek. It was stated earlier in this Mishnah that one could not recite Megillah from memory. The rabbis of the Babylonian Talmud rule that this means one cannot have a text in one language and translate into another language as they read aloud.[103] Given this, if one were to recite the story of the Megillah in Greek, than the written text itself must also be in Greek.

Rabbi Aha in the name of Rabbi Elazar supports Rav and Shmuel's opinion and makes a definitive statement concerning the Megillah, "that it was written in the language Greek."[104] The physical Megillah scroll should be written in Greek, and any audience may read it in Greek in order to complete the mitzvah of reading Megillah. Greek is elevated to an equal plane with Hebrew. The Mishnah states Hebrew, the original language of the Megillah, is acceptable for all audiences, regardless of comprehension. Rav, Shmuel and Rabbi Acha in the name of Rabbi Elazar all agree that Hebrew is not the only language this is true of, Greek has the same status.

It is not surprising to see the importance Tannaim and early Amoraim placed on Greek. One must remember "The linguistic history of the Jews accurately mirrors their dispersion over the world."[105] By the lifetime of Rabban Shimon ben Gamliel through the time of Rav and Shmuel, "Greek-...[had] became the dominant tongue in the whole Near East especially among the educated ruling classes."[106] Greek would have been

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[102] Strack and Stemberger, 78.
[103] BT Megillah 18a.
[104] BT Megillah 18a.
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[106] Kutscher, EJ.

spoken in and around the land of Israel. Rav, who was educated in the land of Israel,[107] would be familiar with Greek and would have observed a Jewish community functioning with Greek as their vernacular.

The story is told in a document, known as the Letter of Aristeas, of seventy-two Bible scholars who at the request of the king come to the island of Pharos, near Alexandria, Egypt and translated the entire Bible. This Greek version of the Bible came to be known as the Septuagint. Modern scholarship now thinks it was not the foreign king Ptolemy II Philadelphus who wanted the Greek version of the Bible, but rather the Egyptian Jewish community.[108] If modern scholarship is correct, Greek was such a dominant language that the early Jewish community wanted their most holy book, the Bible translated into Greek so that Jews could understand it universally.

The Septuagint is the most well known Greek version of Esther, but it is not the only one. As a testament to the widespread Jewish knowledge of Greek, three early Greek versions of the book of Esther exist, the Septuagint, a shorter text known as the Alpha-text or A-text[109], and Josephus' periphrastic retelling.[110] The contributors of the Mishnah and the Talmud were probably familiar with at least some of these Greek versions.

Not all authorities are content with the decision to permit Megillah reading in Greek. There is unease with according Greek such an elevated role. A Baraita is brought

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[107] Wigoder, 584.
[108] Wigoder, 636.
[109] Scholars used to equate the A-text with the Lucianic revision of the Septuagint, but "it has been universally agreed since Carey A. Moore's 1965 Johns Hopkins dissertation on *The Greek Text of Esther* and R. Hanhart's edition in the Gottingen Septuagint (1966) that that A-text has nothing in common with any Lucianic type of text" (Clines, 72).
[110] Berlin, page lii.

which states, "one who reads in Coptic, Ivrit,[111] Elamit,[112] Madit or Greek, he has not fulfilled his obligation". How can one opinion say Greek is permissible for everyone while another opinion forbids Greek altogether?

The Gemara attempts to reconcile these opinions. It says that Rav and Shmuel were affirming that Greek could be read to those people who understood Greek, whereas Coptic can be read to those who understand Coptic, Elamit by those who understand Elamit, and so on. Thus the Gemara instructs that Rav and Shmuel's opinion should be reread. It should be understood that anyone who understands Greek should be able to hear Megillah in Greek, and the same rule applies to any other language.[113]

Accordingly, this is what the Mishnah means when it says no translation can be read, but a foreign language can be read to a foreigner. "The Mishnah should be read according to the Baraita."[114] A translation that is not understood cannot be read. Rather, Megillah must be read in an understandable language. For Greek speakers this is Greek, for Aramaic speakers this is Aramaic, and for Coptic speakers in Coptic.

During this discussion of the use of a foreign language, it is important to remember the Mishnah has already approved the use of Hebrew for any audience, and the Babylonian Gemara is in support of this decision. The Gemara rules to allow the use of a foreign language for speakers of that specific language, but it has already been resolved that this same audience, every member of it, can hear Megillah read in Hebrew and fulfill their obligation.

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[111] Rashi (*ad locum*) does not think Ivrit refers to Hebrew. This would explicitly contradict the Mishanh. Instead, he describes Ivrit as the language from *ever hanahar*, from over the Euphrates River.
[112] (Tadmor, EJ) Elamite is presumably the ancient language of Elam, the region located on the edge of the southwestern piece of the Iranian plateau which today is Khuzistan. The capital of Elam is Shushan or Susa, the setting for the story of Purim. Elamite stopped being spoken by the fourth century BCE and little is known of it today.
[113] BT Megillah 18a.

The Babylonian Gemara goes on to addresses a practical concern: whether everyone may fulfill their obligation to hear Megillah by hearing the text read in Hebrew. "What about a person [who hears Megillah in Hebrew] but does not understand what is being read?" This is a pragmatic question. By the time of the compilation of the Babylonian Gemara, Hebrew is not necessarily a language known by everyone. There were people who could not understand Hebrew.

The general answer offered by the Gemara adheres to the principle expressed in the Mishnah. It is satisfactory if the Hebrew is not completely understood. "It is similar to women and unlearned men." Women and ordinary Jews wouldn't necessarily understand the Hebrew, yet they have completed the mitzvah by hearing Megillah read in Hebrew.

Ravina, the sixth generation Babylonian Amora,[115] is not satisfied with this answer. He wants to support the ruling of the Mishnah, that Hebrew is an acceptable language for every audience member, but he finds a more convincing way to prove it. He brings a piece of Megillat Esther itself. "He had them written in the name of King Ahasuerus and sealed with the king's signet. Letters were dispatched on mounted couriers, used in the king's service, *ha'acashtranim b'nai haramachim.*"[116]

He astutely notes that any Jewish audience would not understand these three words from the original text of the book of Esther. The phrase contains two words borrowed from other ancient languages that were not familiar to the listeners in all parts of the current Jewish world. *Achashteran* comes from the Persian word, *khshatra*,

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[114] BT Megillah 18a.
[115] Strack and Stemberger, 97.
[116] Esther 8:10.

meaning royal[117] or governmental, while the word *ramachim*, has cognates in Aramaic and Arabic, and means something akin to "quick mares."[118] Yet people are still able to complete their obligation by hearing these words. Even with this verse that was unintelligible to all audiences, those who heard it read have completed their responsibility to hear the Megillah.[119]

Perhaps because the Babylonian Gemara is uncomfortable that Ravina points out a piece of the book of Esther that is not completely "Jewish" in nature, or because it doesn't seem to have interpreted the Mishnah in a totally satisfactory way, the anonymous voice shifts the focus away from the notion of understanding Megillah. "Rather, the *mitzvah* is reading it and publicizing the miracle. Here also [even when people don't understand the language of the Megillah], the *mitzvah* is [completed by] reading it and publicizing the miracle."[120] By ending with this statement, the emphasis of Megillah reading is not upon the language of the recitation, but centered upon the obligation to make the miracle known.

Rashi understands this statement as: "even if one doesn't know what he hears, the hearer will ask, and they will tell him what this reading is about, and concerning the miracle and teach him." Thus, for a reading of the Megillah done in Hebrew, even if the audience doesn't understand, they will inquire, and the telling of the story in an understandable fashion will occur. Thus the initial understanding is less important than the publicizing of the miracle.

Compared to the Mishnah and the two Talmudim, the opinions of Maimonides are

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[117] Paton, 273.
[118] Berlin, 77.
[119] BT Megillah 18a.
[120] BT Megillah 18a.

much more organized and each detail is written with an attention to detail. Not only the content of Maimonides' comments, but also the specific phrases he uses to express his opinion are important. Much of the content of his statements predictably incorporates the sentiment of previous literature, but even in these cases, the phraseology he uses to express himself is very important. From his word choice, it is clear that for him the language Megillah is read in is not a simple issue. The chosen language is a reflection of Jewish identity.

Even the order of his comments in the Mishneh Torah hints at Maimonides' preference in the discussion of appropriate languages for Megillah reading. Whereas the Mishnah and Babylonian Gemara begin by speaking about foreign languages, Maimonides begins by speaking of Hebrew. "The foreigner that heard the written Megillah in the holy language and the holy print, even if he doesn't understand what they are saying, he has completed his obligation."[121] He is very direct. "Even if one doesn't understand what they are saying, he has completed his obligation."[122]

Furthermore, the Mishnah refers to Hebrew by the term *Ashurit* whereas the Rambam uses the term, "the holy language and the holy writing."[123] For the Rambam, that is exactly what Hebrew is, a holy language. It stands alone as *the* holy language of the Jewish people. Hebrew is the universal Jewish language, which completes the *mitzvah* of Megillah reading for all Jews. Maimonides' choice of Hebrew as the favored language for Megillah reading is only strengthened in the subsequent laws of his legal code.

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[121] Mishneh Torah Megillah 2:3.
[122] Mishneh Torah Megillah 2:3.
[123] Mishneh Torah Megillah 2:3.

The Mishnah reads, "if one reads a translation of the Megillah, in Aramaic or any language, he has not fulfilled his obligation, if one reads it in a foreign language to foreigners, it is permissible, and if the foreigner hears it in Hebrew, then he has fulfilled his obligation."[124] The Mishneh Torah does not give a simple retelling of the law in the Mishnah, but incorporates the discussion in the Talmud, and then goes even farther. The Babylonian Gemara established that Megillah could be read to people in a language other than Hebrew, but limits it to a language they understand, Hebrew to a Hebrew speaker, Coptic to Coptic speakers, Aramaic to Aramaic speakers.

The Mishneh Torah further limits this leniency. "If it [the Megillah] is written in Aramaic or in another language from the languages of the other nations, he has not fulfilled his obligation to read it, unless he knows this language *only*."[125] The ruling in the Mishneh Torah is stricter than that found in either of the Talmudim. One can only read Megillah in a foreign language, a language other than Hebrew, if the foreign language is the *only* language the individual understands. It is implied if one understands Hebrew, then it is the mandatory language of Megillah reading. The employment of a foreign language is a second, disfavored choice.

The Rambam uses words that accentuate his preference for Hebrew over any foreign language. The original Mishnah says one can read Megillah *l'loazot b'loaz*, "to foreign speakers in the foreign language." The text is not making an evaluative statement. It is not claiming a superior or an inferior language. The Rambam on the other hand, seems to be making an ownership claim. He refers to alternative languages, languages other than Hebrew as "another language from the languages of the non-Jews."

[124] Mishnah Megillah 2:1.
[125] Mishneh Torah Megillah 2:4.

Any language other than Hebrew is a language that belongs to other people, not to the Jews. It can be inferred from his statement that Hebrew belongs to the Jews while other languages are outside of the Jew's domain. The status of Hebrew is superior to any other language.

The Rambam also makes it clear that if, "the reader has not fulfilled his obligation, the listener has not fulfilled his obligation through him."[126] The concern of appropriate language for the Megillah is not only an individual problem, but also a communal one.

This, too, adds pressure to use Hebrew as the language of Megillah reading. Hebrew is the only language that fulfills everyone's obligation. If there is even one visitor in the congregation who doesn't speak the vernacular, he has not completed his obligation. The reader of the Megillah must think about this as a possibility and act appropriately by reading Megillah in Hebrew.

The most surprising piece of the Mishneh Torah which seems incongruous with his other sentiments is his attitude towards Greek. "And if it [the Megillah] was written in Greek, the listener has completed the obligation. Even if he doesn't recognize it and even if the listener is a Hebrew". Maimonides preserves Greek as a universally accepted language for Megillah reading. When the Talmud offered the same opinion, it was not unexpected because of the strong Greek influence, but to see it in the Mishneh Torah teaches us something about Maimonides. He saw himself as a legal codifier, not a legislator. He did not propose new laws, but rather he compiled existing laws. He had an allegiance to the previously expounded law. The Babylonian Talmud favored the use of

[126] Mishnah Torah Megillah 2:4.

Greek. Maimonides, in his conservative treatment of the sources, maintains this opinion in the Mishneh Torah.

In looking back on these sources: the book of Esther, the Mishnah, Bavli, Yerushalmi, and Mishneh Torah, while the texts ask the practical question of the language in which the Megillah will be read, an ideological and philosophical question is also evolving. What will the Jewish communities' relationship be with the Hebrew language as compared to other languages? How will the use of Hebrew affect Jewish self-identity?

During the time of the Mishnah, most Jews lived in Palestine except for small communities found in pockets in the Diaspora. As time went by, a growing number of Jews did not live in one geographic location or speak one unified language. Hebrew was understood by more Jews living during the time of the Mishnah than during the lifetime of Maimonides. Hebrew literacy for the average Jewish community decreased over time. This has significant legal ramification. If Hebrew were not the spoken language of the Jews, what significance did it have? What language can Jewish texts be composed in? How is Jewish tradition to be taught? In regards to the holiday of Purim, is the use of Hebrew more important or is the comprehension of the text of the scroll of Esther? How is a balance achieved? In the literature surrounding Megillah reading, we see this constant tension at work.

The Mishnah lays out the tension for us. There are those who don't understand Hebrew, but who want to know of the miracle of Purim. Nonetheless, Hebrew is still of the utmost importance to the Jewish people. The Mishnah seems to be giving each community a choice to choose for themselves. "But if one reads it in a foreign language

to foreigners, it is permissible, and if the foreigner hears it in Hebrew, then he has fulfilled his obligation."[127] One can choose to translate into the vernacular, but one can also read in Hebrew, the language of the Jews.

The Babylonian Talmud still lives with this tension, but because of the opinion of Rav and Shmuel adds an interesting twist. Can it be that there is an alternative language of the Jewish people? If all Jews speak one language, but that language is not Hebrew, can it replace Hebrew and become the Jewish national language? Rav and Shmuel, with support from other learned individuals, give the impression that even though the Jews will always have an intimate relationship with Hebrew, at a point, Hebrew must give way to the vernacular for certain public recitations. More Jews recognize Greek than comprehend Hebrew. Comprehension of Megillah, as well as other Jewish holy books, is of such great importance, that Greek, the current language of the Jews should replace Hebrew for public Megillah reading. Comprehension is favored over allegiance to Hebrew.

The Bavli's interpretation of the Baraita reinforces the message of comprehension. The Baraita itself might seem to support the supremacy of Hebrew, "one who reads in Coptic, Ivrit, Elamit, Madit or Greek, he has not fulfilled his obligation,"[128] but the way the Gemara interprets it gives weight to the primacy of comprehension. Megillah can be read in Coptic to Copts, Ivrit to Ivrites, Eilamean to Eilameans, and Greek to Greeks.

The Yerushalmi introduces so many limits to when a foreign language can be used, that it really only leave one language option, Hebrew.

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[127] Mishnah Megillah 1:2.
[128] BT Megillah 18a.

Maimonides, too wants to emphasizes Hebrew, and place it at the forefront of the Jewish psyche. For Maimonides, Hebrew is the sole language of the Jews. It is "*lashon hakodesh*," the holy language. It doesn't carry so much importance because it is the language Jews speak, but it is the language Jews own. All other languages are foreign to Jews. Hebrew belongs to them.

Blessings surrounding Megillah Reading

Reciting a blessing prior to and after a ritual act is a very common Jewish practice. Blessings are recited before sitting in a *sukkah*, before studying, and even after urinating. There are also examples of ritual acts that require a blessing both before and after their completion, eating, the reading of Torah and of Haftorah. Today the custom of reciting blessings both before and after the reading of Megillah on Purim is normative, though this has not always been the case.

The Mishnah rules that reciting a blessing both before and after the Megillah reading is a matter of custom and offers no text for the blessings. The Palestinian Talmud describes both a preliminary and a subsequent blessing, but is not focused on authorizing the words for the blessings. In a discussion based on food consumption, not Megillah reading, the text directly mandates that blessings should be recited before and after the Megillah reading. The Babylonian Talmud on the other hand, wants to solidify the custom of offering a blessing before the Megillah reading, and limits what blessings may be delivered. The Babylonian Gemara rules that the blessing before the Megillah reading is legally mandatory and only the blessing after follows local custom, going on to list the blessings that are to be recited. The ruling in the Mishneh Torah resembles that

found in the Babylonian Talmud. A blessing before the Megillah reading is mandatory, while the blessing after is still according to local custom. Though, by the time of the Mishneh Torah, the words to both the opening and closing blessing are set.

Before we delve into the specifics of each genre and source, it is helpful to mention the evolution of the blessings surrounding Torah reading. The development of benedictions associated with Megillah is not unique. It mirrors similar prayer developments. The most important scriptural recitation in Jewish prayer is the reading of Torah. By the time of the Mishnah, there was already the practice of reciting a blessing both before and after reading Torah. Some scholars place the date of the institution of such blessings as early as the second century. It was not until the Talmud[129] that the suggested text for the blessing were documented, and even then the text is not definitive. Rather, three different options are given.[130] So too will we see this development with blessings surrounding Megillah reading. The idea that a benediction is recited chronologically precedes the text of the blessings themselves, and multiple versions on the same theme are recommended, before one authoritative blessing is set.

The Mishnah begins the discussion of blessings surrounding Megillah reading in a lenient manner. "In a place that it is their custom to make a blessing, then they should make a blessing. And if they don't bless, then they should not bless."[131] The sentiment of the Mishnah is that the practice of reciting a blessing over Megillah reading is completely dependent on historical precedent. If one lives in a community where they have previously adopted the custom of reciting a blessing, then as a way to maintain this tradition, current generations should continue with the custom.

[129] BT Brachot 11b.
[130] Hoffman, 105.

But the opposite is also true. If a community has never recited blessings associated with Megillah reading, it is not incumbent upon them to do so now. The Mishnah can even be read that it is forbidden for these communities to begin the practice of reciting them.

The word choice of the Mishnah reinforces this notion. The verb *nehegu*, "they acted in a customary way," refers to an accepted custom, not a law. Whereas a law would be binding for all of Israel, a *minhag,* a custom, differs from community to community. The Mishnah is affirming that there is an endorsed practical difference between rituals in Jewish communities. There is no desire to unify the practice. Rather, the Mishnah is content to have different locales perform the mitzvah of Megillah reading in different manners. The Mishnah is not prescriptive, ruling how people should conduct the ritual of Megillah reading, but rather descriptive, reporting how this ritual is performed in various communities.

The role of blessings surrounding the Megillah reading changes by the time of the Babylonian and Jerusalem Talmuds. By this later date, the idea of reciting a blessing before performing a *mitzvah* is much more established. The Yerushalmi speaks of specific set forms of blessings, and the first generation of Amoraim, in the third century CE, set rules for creating benedictions.[132]

By the time of the Yerushalmi, there is a requirement that Megillah reading is accompanied by a blessing, but the content of these blessings still seems to remain fluid. No authoritative text is given for the blessing before the reading. The Yerushalmi states that the blessing is "like the blessing that applies to all other religious duties of the Torah,

[131] Mishnah Megillah 4:1.
[132] Elbogen, 6.

just as all of the other religious duties require a blessing so this one requires such a blessing."[133] Either the blessing was so well known by the audience of the Yerushalmi that it didn't need to be repeated, or more likely, the specific form was not as important as the idea that a blessing, without particular words, needs to be recited before the reading of Megillah.

In regards to the blessing following the reading, one text is offered which is attributed to Zakkai, the butcher, in the name of Rabbi Yochanan. The text of the blessing is as follows "who has taken up your quarrel, who has exacted vengeance for you, your redeemer, and your savior from the hand of your oppressors."[134] The words of the blessing, as we will see, are different than those given in the Bavli, but the sentiment and form are similar. Both blessings revere G-d as savior, protector, and conqueror. G-d is being praised for saving the Jews from their enemies who sought to destroy them. The two blessings share the identical phrase "who has taken up your quarrel." These similarities point to the notion that the communities in the land of Israel and Babylon shared a common tradition. There is a shared knowledge of an appropriate blessing to be recited after the Megillah reading.

The blessing found in the Yerushalmi, though, does not seem to be given as the one authoritative choice. Instead it is offered as a single opinion from Zakkai, the butcher, in the name of Rabbi Yochanan. This brief discussion leaves room for variation in what blessings are to be offered.

The Yerushalmi is concerned with another area of Megillah reading that wasn't addressed in other legal works, the choreography of Megillah reading. In a brief

[133] PT Megillah 4:1.
[134] PT Megillah 1:4.

statement, it brings a text from Tosefta Megillah 2:5 H-J that gives a visual image of the process of a public Megillah reading. One individual reads the text of the Megillah, and then gives it to a second person who recites the blessing.[135] The Yerushalmi reads this statement literally and rules that in all cases of Megillah reading, one person reads the Megillah, while a second recites the blessing. They are not the same person. This is a choreographic detail does not appear anywhere else.

The discussion concerning the blessings before and after Megillah reading in the Yerushalmi is very different than in the Bavli. It is trying to prove that one must recite a blessing *both* before and after an activity such as Megillah reading, as opposed to *either* before or after. For activities akin to consumption of food, Torah reading, and Megillah reading, blessings must encase the activity.

In order to prove that a blessing must be said before and after, the Yerushalmi brings the case of consumption of food as the prototype. After a somewhat lengthy discussion, using textual proofs, the Yerushalmi lead the reader to believe that activities such as eating and public reading of Torah and Megillah require blessings both before and after.[136]

The Babylonian Talmud, in its approach to the question of what blessings need to be recited takes a much more defensive stance. It wants to make its point emphatically—a blessing *must* be recited before Megillah reading. The Bavli, quoting the academy head and fourth generation Babylonian Amora,[137] Abaye, states that it would be an incorrect reading of the Mishnah to assume all blessings are a matter of custom. Only the blessing recited after the Megillah reading is dependent on local custom. The blessing before the

[135] PT Megillah 4:1.
[136] PT Megillah 1:4.

reading of Megillah is obligatory to everyone. Rav Yehuda, in the name of Shmuel, reinforces this idea when he says that with all mitzvot, you must recite a blessing before engaging in the action.[138]

Both the sentiment and the language of the Babylonian Talmud are drastically different here than in the Mishnah. The blessings associated with Megillah reading are no longer optional. The blessing before is incumbent upon all Jews in all locations. In places where this has never been their custom, they have been acting incorrectly. All communities must recite a blessing before Megillah reading.

The action of blessing has taken on new significance. It is no longer a matter of custom, but rather a matter of obligation. Whereas the Mishnah used the word *nehegu*, customary, the Babylonian Talmud uses the word *mitzvah* repeatedly. Reciting a blessing before the reading of Megillah is a religious obligation, one that cannot be omitted.

In the Bavli, very little emphasis is placed on the blessing after the Megillah reading. The mitzvah to recite a blessing is speaking specifically about the blessing before the performance of the recitation.

Despite the command to recite a blessing before the Megillah reading, it is unclear to what extent the actual blessing is fixed, and to what extent it still varies from community to community. It seems as if the wording of this blessing might still be imprecise. In the Bavli, text for a blessing is given, but not in a didactic manner. "Rav Sheishet of Katrazya comes before Rav Ashi and he recites the blessings referred to as *manach*, the blessing ending *mikra Megillah, she'asa nissim l'avoteynu*, and

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[137] Strack and Stemberger, 94-95.
[138] BT Megillah 21b.

shehechiyanu."[139] These three preliminary blessings are one man's personal preference. They are suggested, not brought as the definitive choice. They are not instructive, but offered as part of a narrative.

For the audience of the Gomorrah, there must have been a familiarity with these three blessings. For Rav Sheishet to refer to them by the shorthand term *manach*, and have no questions asked, there had to have been an understanding of what blessings he was referring to. It is also worth noting that there are no contradictory options offered. The only tradition that has survived in the Babylonian Talmud is Rav Sheishet's, and it is undisputed by either Rav Ashi, his companion, or any other figure.

Because of the deemphasis on the blessing following the Megillah reading, it is surprising that the Babylonian Gemara goes on to authoritatively suggest a blessing to be used after the reading of Megillah. It is not presented as an individual opinion, but in a general voice. The full text of the blessing is offered. "Blessed are You, Lord our G-d, Ruler of the universe, who argues on our behalf, who judges our claim, who avenges our vengeance, and who separates us from our troubles, and who completely avenges all the enemies of our soul."

The only part of the blessing that is disputed is the final sentiment. This closing thought has an important role in Jewish prayers. "If the text of a prayer is long, and its train of thought wanders from its starting point, the rule is that the sentence preceding the eulogy must return to the starting point."[140] The text of the blessing suggested to be used after the Megillah reading is long, and its train of thought does wander. Because of this,

[139] BT Megillah 21b.
[140] Elbogen, 6.

the final phrase holds heightened importance. It, in essence, encapsulates the entire blessing.

The Bavli's anonymous voice declares that the ending should be, "Blessed are You, Lord, who separates Israel from all their troubles," while Rava offers an alternate opinion. He thinks the blessing should conclude with the statement "G-d, the savior". Rav Pappa, in an attempt to merge the suggestions recommends a compromise, combining the two blessings and ending with "Blessed are You, Lord, who separates Israel from its troubles, G-d, the savior."[141]

In addition to the Palestinian and Babylonian Talmuds, there is another important Amoraic source that illuminates this discussion. The extracanonical tractate Soferim, that was composed in the eighth century, but which existed in pieces prior to that,[142] addresses the question of benedictions recited prior and following Megillah reading. Soferim is unusual because it recalls prayer forms in the land of Israel. "Like all the institutions and traditions of the Jewish people, the prayers were decisively influenced by Babylonia, to such an extent that even the rites that are reckoned among the Palestinian group bear for the most part a Babylonian stamp on their basic prayers."[143] While Soferim is an excellent source of information on early forms of Palestinian prayer, it is not as authoritative as the Talmudim,[144] and thus doesn't have as strong an influence on subsequent legal decisions.

The practice described in masechet Soferim is more similar to modern observance than any of the other sources, including the Mishneh Torah which was certainly written

[141] BT Megillah 21b.
[142] Strack and Stemberger, 228.
[143] Elbogen, 8.
[144] Strack and Stemberger, 225.

more recently. Three halakhot deal specifically with the blessings associated with Megillah reading. The content of the three is not the same, and at times even contradicts one another. Each seems to represent a different perspective and a different practice. Perhaps each *halakhah* is the transmission of a different custom that existed among different Palestinian communities.

In the first law, Soferim authoritatively declares, "In the case of Ruth, the Song of Songs, Ecclesiastes, Lamentations and Esther, it is *necessary* to say the benediction, 'Concerning the reading of the Megillah,' although it is included in the Writings."[145] The second states,

> They [the rabbis] enacted that, as regards the scroll of Esther, the benediction on the season[146] *must* be said; and after the conclusion of the reading the reader must say, 'Blessed are You, Lord our G-d, Ruler of the universe, G-d who pleads our cause, judges our suit and avenges our wrong, who redeems and saves us from the hand of all tyrants. Blessed are you, Lord our G-d, Helper and Saviour'. The benediction is said on account of the humiliation of the Torah,[147] while others maintain that it is said on account of the humiliation of Israel.[148]

And the third decrees,

> They further laid down that it is also necessary to offer praise and thanksgiving for the redemption and release. Thus one concludes: 'Blessed are you, Lord, G-d of vengeance, who punishes enemies according to their deeds, you are a shield to the righteous, and saves your people from the hands of their adversaries.' After that the righteous are lauded: 'Blessed be Mordecai, blessed be Esther, blessed be all Israel.' Rav, however, declared that it is necessary to say, 'Accursed be Haman and accursed be

[145] Soferim 14:3.
[146] Shecheyanu.
[147] Other versions substitute "the divine presence" for Torah.
[148] Soferim 14:5.

his sons.' Rabbi Pinchas said: It is necessary to say, 'Harbonah be remembered for good.'[149]

It is clear from the above three examples above that the communities described in the tractate Soferim were reciting a blessing both before and after Megillah reading, but the wording of the blessing was still in flux. The text offered last has an innovative addition that is not found in any of the other sources. Directly after the final blessing, one should recite a pseudo-blessing praising the heroes of the story of Purim, or condemning the villains.

Moving ahead many centuries, the Rambam seems to favor the opinion found in the Bavli rather than that expressed in the Yerushalmi. He rules that one must recite *manach*, the three blessings attributed to Rav Sheishet of Katrazya prior to reading Megillah. Because of the fixed institution of the nighttime Megillah reading, which happened during the Amoraic period,[150] he does note the exclusion of *shehechiyanu* before the morning reading.[151]

Perhaps the most notable piece of the Mishneh Torah is its perpetuation of the idea that the blessing following Megillah reading remains optional. Again this is a testament to Maimonides' adherence to the rulings that preceded him. The Babylonian Talmud ruled that the blessing before Megillah reading is according to local custom, and the Rambam transmits the same message. It has become ingrained to recite the blessing proceeding Megillah, but in respect to the blessing following Megillah reading, it still varies from community to community. The Mishneh Torah reverts to the language of the Mishnah; "in places where it is customary to bless after its reading, one should bless."

[149] Soferim 14:6.
[150] Elbogen, 110.

There is no standard practice. The ritual in one locale looks different from the ritual in a second.

Maimonides is clear though, about what blessing is to be recited if it is customary to recite one at all. The blessing is identical to the one offered in the Bavli by Rav Pappa. "Blessed are You, Lord our G-d, Ruler of the universe, who argues on our behalf, who judges our claim, who avenges our vengeance, and who separates us from our troubles, and who completely avenges all the enemies of our soul. Blessed are You, Lord, who separates Israel from its troubles, G-d, the savior."[152]

The Rambam adds one additional choreographic instruction that is not found in either Talmud. He says that when one finishes the reading, he should roll the Megillah closed, and only then recite the blessing.[153]

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[151] Mishneh Torah Megillah 1:3.
[152] Mishneh Torah Megillah 1:3.
[153] Mishneh Torah Megillah 2:12.

Appendix 1: Blessings Surrounding Megillah Reading

	Blessing Before?	Blessing After?	Text Before?	Text After?
Esther	No	No		
Mishnah	according to custom	according to custom	none suggested	none suggested
PT	Yes	Yes	none suggested	Offered by Zakai the butcher, "who has taken up your quarrel, who has exacted vengeance for you, your redeemer, and your savior from the hand of your oppressors."[154]
BT	Yes, mandatory	according to custom	Rav Sheishet of Katrazya comes before Rav Ashi and he recites the blessings referred to as *"manach,"* the blessing ending *mikra Megillah, she'asa nissim l'avoteynu,* and *shehuchanynu*."[155]	"Blessed are You, Lord our G-d, Ruler of the universe, who argues on our behalf, who judges our claim, who avenges our vengeance, and who separates us from our troubles, and who completely avenges all the enemies of our soul." **one possible ending:** "Blessed are You, Lord, who separates Israel from all their troubles," **alternative ending:** "G-d, the savior". **third possible ending:** "Blessed are You, Lord, who separates Israel from its troubles, G-d, the savior."[156]
Soferim	Yes	Yes	"Concerning the reading of the Megillah"[157] **and** benediction on the season[158]	"Blessed are You, Lord our G-d, Ruler of the universe, G-d who pleads our cause, judges our suit and avenges our wrong, who redeems and saves us from the hand of all tyrants. Blessed are you, Lord our G-d, Helper and Savior"[159] **or:** "Blessed are you, Lord, G-d of vengeance, who punishes enemies according to their deeds, you are a shield to the righteous, and saves your people from the hands of their adversaries." **then:** "Blessed be Mordecai, blessed be Esther, blessed be all Israel." **or:** "Accursed be Haman and accursed be his sons." **or:** "Harbonah be remembered for good."[160]
Mishneh Torah	Yes	according to custom	*"manach,"*	"Blessed are You, Lord our G-d, Ruler of the universe, who argues on our behalf, who judges our claim, who avenges our vengeance, and who separates us from our troubles, and who completely avenges all the enemies of our soul. Blessed are You, Lord, who separates Israel from its troubles, G-d, the savior"[161]

[154] PT Megillah 1:4.
[155] BT Megillah 21b.
[156] BT Megillah 21b.
[157] Soferim 14:3.
[158] Shecheyanu.
[159] Soferim 14:5.
[160] Soferim 14:6.
[161] Mishneh Torah Megillah 1:3

Chapter 3: Feasting and Fasting

It is appropriate to deal with the customs of feasting and fasting, as they are associated with the holiday of Purim, in the same chapter. Not only are they proscribed in one breathe in the book of Esther, even more poignantly, throughout the scroll of Esther fasting and feasting counter and compliment one another. "The auxiliary motif of fasting contrasts and highlights the motif of feasting in Esther."[1] Esther uses fasting to symbolize trepidation concerning the future of the Jewish people, countered by feasting in celebration of evil averted. The "communal fast is changed in a communal feast by the story's conclusion, viz., the feast of Purim."[2]

Feasting

As we have seen, the command to read Megillah emerges as the primary way to remember the miracle of Purim. The vast majority of the legal material concerning the holiday of Purim deals with the reading of Megillah. Exacting details are given as to when, how, and who reads Megillah. Exceptions and examples are woven into the structure of the law.

All other *halakhot* take on roles of lesser importance, but have a significant effect on the character and nature of the holiday. It has been stated "there is no merrier occasion in the Jewish year than Purim."[3] Much of this can be attributed to the festivity associated with these three traditions.

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[1] Berg, 37.
[2] Berg, 45.
[3] Gaster, 3.

The observance of three laws in particular, a festive Purim meal, gifts to ones fellow, and gifts to the poor, all originate in the biblical book of Esther [4]and become part of the ritualized Purim festivities, but the laws surrounding them remain imprecise and undemanding until the Mishneh Torah. Because the details are so minimal, the change from one period of time to the next is difficult to observe. The primary evolution of these three acts is that they progressed from amorphous ideas to specifically regulated traditions.

All three: a festive meal, giving of gifts to one's friends, and giving of gifts to the poor, stem from one verse in the book of Esther. "Like the days when the Jews rested from their enemies, and the month that has been transformed for them from grief to happiness and from mourning to a holiday, they are to observe them as days of feasting and happiness and as an occasion for sending gifts to one another and presents to the poor."[5] From this verse, these three *mitzvot* of Purim are drawn. The customs practiced once, during the original Purim celebration became traditions that would recur annually

It is important to note that the motif of the festive meal is alluded to repeatedly in Esther, even if not directly. The Purim meal is in many ways the reenactment of the Persian banquet that is a central motif to the story of Esther. "The parties [in Esther] help to structure the scenes of the book. The book opens and closes with a series of banquets. At the beginning, Ahasuerus gives a banquet for the nobility from throughout the empire and then for the residents of Susa. This has its counterpart in the feasting of Purim at the end of the book, which is celebrated by the Jews throughout the empire on 14 Adar and

[4] Berlin, xlviii.
[5] Esther 9:22.

by the Jews of Shushan on 15 Adar."[6] "More than just a structuring device, the banquet is the setting at which all the major events occur...How appropriate that the holiday commemorating Jewish deliverance in Persia features feasting and merrymaking, as if it were a re-enactment of the many banquets of the Esther story."[7]

All three customs are also mentioned together in one verse of the Septuagint. "For in those days the Jews had rest from their enemies: And with regard to the month Adar, in which they had a change from grief to joy and from sorrow to gladness, to keep the whole month as good days of weddings and joy, sending portions to their friends and to the poor". [8]

Historians note that celebrations that include a festive meal and giving gifts to friends were not unusual during the Persian period. It is not unlikely that spring Pagan rites included both of these aspects. Jews would have been familiar with these practices, and may have possibly participated in them. The giving of gifts to the poor though, was "probably a purely Jewish addition."[9] The Jewish spring festival that evolved into Purim added an element of generosity not present in any spring celebration with which they were familiar.

The tradition of feasting and sending portions can also be found in other Jewish texts from a similar time period and environment. In the book of Nehemiah a command is given to celebrate of the gift of Torah. The Jews who had returned from exile were instructed not to mourn and weep, but rather to

> Go your way, eat sumptuously, and drink sweet beverages,
> and send potions to those for whom nothing is prepared, for

[6] Berlin, xxv.
[7] Berlin, xxv.
[8] Septuagint 9:22.
[9] Goodman. 11.

> this day is holy to our Lord, for the joy of the Lord is your strength...And all the people went their way to eat, and to drink, and to send portions, and to make great mirth, because they had understood the words that were declared to them.[10]

Here, as in Esther, Diaspora Jews employ the motifs of eating, drinking, and sending gifts to one another.

The omission of specific discussion of all three laws from the Mishnah is glaring. In a two sentence discussion of adding an extra month to the calendar, the Mishnah states, "If one reads the Megillah in the first Adar and then adds a month to the year, read it [again] in the second Adar. There is no difference between the first Adar and the second Adar except reading Megillah and gifts to the poor."[11]

This is the totality of the discussion in the Mishnah of any of these three *mitzvot*. It is clear that on Purim there was a custom of giving gifts to the poor, and in years when there is both a first and second month of Adar, gifts to the poor are distributed only during the second month. What about a festive meal and the giving of gifts to companions?

In order to be able to make conclusions about the practice of these rituals as they existed during the time of the Mishnah, one must look to a Baraita that is brought by the Babylonian Gemara. Here both gifts to the poor *and* gifts to one another are mentioned. In the passage in the Talmud, a heading is given: "Gifts to the poor," signifying a general category. The Gemara then goes on to bring an example of gifts to the poor. "Rab Yosef

[10] Nehemiah 8:10,12.
[11] Mishnah Megillah 1:4.

taught in a Baraita, when sending portions to one's friend, this means two portions to one man. And gifts to the poor, two portions to two people."[12]

From this Baraita, we can see that when the Mishnah mentions "gifts to the poor," it was using a broad definition. Both gifts to companions and gifts to the poor can be categorized in the same group, they are both a type of "gift to the poor". There is no clear separation between the two types of gifts. Instead, there seems to exist one larger category, gifts, which is made up of the two subsets; portions sent to one another, and contributions to the poor. The giving of either gift fulfills the larger obligation.

From these Tannaitic sources found in the Mishnah and a Talmudic Baraita, it is clear that gifts were being distributed as part of the Purim celebration, but that the specifics were not yet defined. It seems as if any items would complete one's obligation. The Tannaim are not concerned with the specific quantity or quality of the gifts, just with the process of giving.

During the Tannaitic era, the status of the festive meal is more ambiguous. Though banquets are central to the scroll of Esther, a festive meal is not referenced directly in any Tannaitic source. This can lead us to believe one of two very different things. Either, a festive meal was not part of the Purim celebration, or it was such an integral, common part that everyone was aware of it and it did not need to be mentioned. My inclination is to argue that a Purim meal did occur even during the Tannaitic era, and food was so much a part of every holiday and Shabbat celebration that it did not need to be mentioned in the Mishnah in order for it to be observed in actuality. We will see that both the Palestinian and Babylonina Talmuds mention a Purim meal, thus verifying its existence at least during the Amoraic era.

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[12] BT Megillah. 7a

Before we turn and look at the evolution of the Purim meal, we will continue with the discussion of the giving of gifts as part of the Purim celebration. By the time of the Talmudim, at least in Babylon there still does not seem to be a distinction between gifts to the poor and potions to others. Both are listed under the categorical designate "gifts to the poor". These two types of gifts are grouped together. There are two ways to complete the task, one by giving two items to a personal friend, and another by giving two items to two poor individuals. Whether one gives either to a friend, or to an anonymous person in need, he has fulfilled the obligation of giving gifts to the poor. The Gemara does not transmit the obligation to give to *both* a friend and one in need.

A story from the Gemara illustrates this point clearly. "Rabbi Yehudah Nesiah sent to Rabbi Oshaya the thigh of a third born calf and a bottle of wine. [Rabbi Oshaya] sent to him [a message]. Our teacher, by these items you have upheld [the commandment] to send portions to one another *and* gifts to the poor."[13] Through one gift, made up of two items, Rabbi Yehudah Nesiah completed the obligation of gifts to one's fellow and the poor. In the early evolution of the *mitzvot*, the giving of any of two items to a poor companion fulfilled the obligation of gift giving in general.

By the time of Maimonides, those contributions to friends and the poor had become two separate *mitzvot*. There were two distinct types of gifts incumbent upon each individual. One was responsible to give portions both to those they knew, and to those in need. The ideas were so independent that they are even found in two different *halakhot*.

For Maimonides, not only are the gifts separate commandments, but there is also a specific formula of gifts that can complete one's obligation. The Mishneh Torah is

specific about what the portions must be, and to whom they must be given. Concerning gifts given to a friend, Maimonides writes: "Every person is obligated to send to his friend two gifts of meat, or two types of baked good, or two types of things to eat, as it is said, [in the Babylonian Talmud,] 'and a man must send gifts to his fellow, two portions to one person.'"[14] And concerning gifts to the poor he writes: "One must distribute to the poor on the day of Purim itself. No less than two poor individuals. Give to each person one gift or money, or a type of baked good or a type of things to eat, as it is said [in the Talmud,] 'and two gifts to the poor. Two gifts to two poor individuals."[15]

In the system Maimonides outlines, more gifts are given to the poor than to one's companions. You are only obligated to send gifts to one friend while you are obligated to send gifts to two needy people. There is an understanding that generosity towards those people who are disadvantaged should happen twice as often as generosity to one whose only virtue are that they are colleagues.

Maimonides further emphasizes supremacy of generosity. We see a hint of it in the Palestinian Talmud when it states that giving to the poor is not a meticulous pursuit. One should not question the intention of the poor man who asks for alms, rather he should be treated with generosity and given a gift.[16]

Maimonides takes this idea even further. Not only must one give to anyone who extends their hand, but "one cannot give Purim portions in the place of other *tzedekah*...It is good for an individual to increase gifts to the poor, to increase their festive meal, and sending portions to his fellow. There is no happiness as great and exalted as when you

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[13] BT Megillah 7a.
[14] Mishneh Torah Megillah 2:15.
[15] Mishneh Torah Megillah 2:16.
[16] PT Megillah 1:6.

gladden the heart of a poor person, and an orphan, and a widow, and a stranger. He who causes the hearts of these unfortunates to rejoice emulates the Divine Presence."[17] The Rambam states unequivocally, there is nothing more rewarding than giving generously. By completing the *mitzvot* of giving to one another and giving to the poor, G-d's presence dwells on the earth. The exalted nature of the holy activity alters G-d's presence in the world.

The commentary of the Maggid Mishneh attributed this specific law to the creativity of the Rambam. He recognized that Maimonides was evolving and developing further the laws of giving gifts to the poor, and praises his teacher for doing so. "These are our master's own words and how appropriate for him."[18]

Yitzhak Twersky, in a compelling article argues that in many instances Maimonides pushes laws to the next phase, by instilling them with an ethical component. "Maimonides focused his ethical-spiritual interpretation on the area of ritual law...to the phenomenon of the increased ethicization of aspects of religious law which is by definition totally spiritual or has an ethical base *ab initio*. We find ethical formulations apparently generated by religious-philosophic concepts and expressing religious-philosophic values."[19] The Rambam is not only interested in the application of the law, but also in the motivation of the law. One must not only execute a regulation but must understand the impetus for the ruling. He is interested in combining rules and ethics in a system of law. We see this clearly in the Mishneh Torah's discussion of Purim gifts to

[17] Mishneh Torah Megillah 2:16-17.
[18] Maggid Mishneh *ad locum*.
[19] Twersky, 141-142.

the poor. "This analysis of the *halakhah* in [Mishneh Torah] 11:17 shows that ritual acts, in the realm of theology or metaphysics, are also areas of ethics."[20]

Festive Purim Meal

Details surrounding the meal on Purim are no more plentiful than those concerning gifts to friends or to the poor. It is not surprising that a holiday based on story, which is so focused on feasting and celebration, has a festive meal as part of its commemoration. "How fitting that a story with so many banquet scenes gives birth to a holiday whose main feature is banqueting."[21] The irony is that the mental image of the feasting in the book of Esther is much clearer than the image in any of the subsequent literature. The Purim meal is mentioned, but the early elements therein are sparse.

As we noted in the previous discussion, the Tannaitic sources, both the Mishnah and a Baraita fail to mention a festive meal associated with the celebration of Purim. One though, can assume this is not because a meal was not occurring, but rather because it was so common that is did not need to be mentioned.[22]

In describing the origin of the Purim meal, the Palestinian Talmud traces it back to a specific verse in the book of Esther. "Rabbi Helbo, Rabbi Huna in the name of Rav [declared], and these days should be 'remembered and observed' (Esther 9:28). 'Remembered' with the reading of Megillah, and 'observed' with a festive meal."[23] Beyond the command to observe through the ritual of a festive meal, it is unclear what is included in this meal. What is the menu? What is the atmosphere? Who is included?

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[20] Twersky, 146.
[21] Berlin, 88.
[22] For a fuller discussion of the issue, see above.
[23] PT Megillah 1:1.

The only area that is explained in more detail is the time of the meal. The Palestinian Talmud instructs that when Purim occurs on Shabbat "the Purim meal is delayed and not advanced...the rejoicing depends on a decision of the court, thus excluding Shabbat [when the court did not meet] and rejoicing [on Shabbat] which depends on the decision from heaven."[24] The decision to institute Purim for all time is attributed to a rabbinic court. Of course, the court was not in session on Shabbat, thus one cannot eat the Purim meal on Shabbat, but must wait until after Shabbat.

The Babylonian Talmud adds that the festive Purim meal cannot be eaten at night, rather it must be eaten during the day. "Rava said, the festive Purim meal that is eaten at night does not allow one to complete his obligation. What is the reason? It is written '*days* of feasting and happiness.'"[25],[26] This text demonstrates that there existed a custom of gathering on the eve of Purim for a communal meal.

The ruling that this gathering does not complete the *mitzvah* of a festive meal is not surprising. Jewish legal literature has continually emphasized the daytime ritual associated with Purim and deemphasized the nighttime ritual. Since this is true in regards to the dominant Purim command, the reading of Megillah, it is not surprising that it is in effect with a more minor *mitzvah,* the Purim meal. The rabbis do not outlaw an evening meal in celebration of the holiday of Purim, but they make it clear that such a meal does not complete the obligation to have a festive Purim meal, and that this can only be completely accomplished during the day. The text of the scroll of Esther specifically uses the word "*days* of feasting and happiness." The authors of the Babylonian Talmud interpret these words literally: feasting and happiness must occur on the *day* of Purim.

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[24] PT Megillah 1:6.
[25] Esther 9:22.

The prominence of a daytime meal remains in effect and is reiterated by Maimonides in the Mishneh Torah. The Rambam commands that not only must one have a daytime festive meal, "What type of meal must it be? One where you eat meat and it is a pleasant meal arranged according to what you have".[27] The meal is to be one with elements of luxury, signified by the inclusion of meat, while at the same time not excessive to the point of causing financial hardship. It was to stand apart as a celebratory banquet, without being excessive.

One aspect of celebration, presumably at the festive Purim meal, is intoxication. The conversation about drinking alcohol in the Babylonian Talmud includes both a statement and a parable. "Rava said, one must become intoxicated on Purim until he does not know the difference between cursed be Haman and blessed be Mordecai."[28] Rava is issuing a commandment to drink until the point of confusion. It is a clear, unapologetic statement.

The parable that follows it though, negates much of its message.

> Rabbah and Rabbi Zeira had the festive Purim meal together. They became intoxicated. Rabbah rose and slew Rabbi Zeira. The next day, [Rabbah] prayed for mercy and brought him [Rabbi Zeira] back to life. The next year, [Rabbah] said to him [Rabbi Zeira,] Let master come and we will have the festive Purim meal together. [Rabbi Zeira] said to him, a miracle doesn't always occur.[29]

The parable proves that there is a danger associated with intoxication. When drunk, one can act in damaging and destructive ways. The story takes this idea to the extreme. Because of his drunkenness, Rabbah kills Rabbi Zeira.

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[26] BT Megillah 7b.
[27] Mishneh Torah Megillah 2:15.
[28] BT Megillah 7b.
[29] ibid.

The anecdote seems to negate the previous command. Though Rava said that one should drink until he doesn't know the difference between cursed be Haman and blessed be Mordecai, this is too perilous. The hazards of drunkenness lead to a tempering of the command to drink. The command, given in a singular voice is corrected by the story told in the general voice. The passage suggests that a custom existed in which people would drink heavily on Purim as part of the celebration, but this drunkenness could no longer be encouraged because it was dangerous to the parties involved.

A student of Maimonides' Mishneh Torah knows that the Rambam is concise and decisive. He states laws, he doesn't tell stories. In his discussion of intoxication and the Purim meal, Maimonides declares "drink wine until you are so drunk that you fall asleep from your drunkenness."[30] The message he sends is different than the ultimate one found in the Babylonian Talmud, where he normally reiterates law as it is defined in the Talmud, here he rules differently.

The Talmud leaves the reader with the belief that drunkenness is not optimal, and can be irreversibly dangerous. Maimonides does not issue that same ruling. He commands drinking wine to a point of drunkenness. He does not qualify the command thus making it optional, rather he issues it authoritatively, one should drink wine until he is drunk. He is careful though to instruct how one should act in the drunken state, he is to fall asleep. He is being careful not to encourage any activity that can be dangerous, but rather rules that intoxication should lead to sleep, and sleep to safety.

There are modern scholars who argue it is because the celebration of Purim contains so much boisterous merriment that the name of G-d is not once mentioned in the text of the Megillah. "the boisterous and joyous manner in which Purim was to be

celebrated required that the book contain nothing which could be accidentally profaned by an overly enthusiastic or inebriated Jews hearing the story read aloud. Thus some of the distinctly religious elements were deliberately kept out."[31]

It is clear that the laws concerning a festive Purim meal, gifts to friends, and gifts to the needy increase in detail over time. All three are mentioned in the most general sense in the book of Esther, are practically excluded from the Mishnah, and include the most details in the Mishneh Torah. In regards to gifts, the Palestinian Talmud places a value on generosity, the Babylonian Talmud issues a general command to give gifts, and Maimonides separates the command to give to friends and to the needy, listing specific items and amounts that must be given, and further emphasizes benevolence. With respect to the festive meal, the book of Esther is saturated with the motif of banqueting, the Palestinian Talmud is concerned with the conflict with Shabbat, the Babylonian Talmud wants to deemphasize a nighttime celebration, and Maimonides includes details of menu and cost.

Fasting

As is evident with the previous discussion concerning the festive Purim meal and the giving of Purim gifts, so many of the customs associated with the holiday of Purim can be traced directly back to the narrative in the book of Esther. In numerous ways, the current celebration of Purim is a reenactment of the original miracle. Almost every aspect that can be reenacted, is. Just as people in unwalled cities celebrated their survival on the fourteenth of Adar, Jews who now live in unwalled cities celebrate their survival

[30] Mishneh Torah Megillah 2:15.
[31] Moore, xxxiii.

on the fourteenth, just as the Jews in Esther gave gifts to the poor and to their neighbors, Jews today give gifts, and just as a letter pronounced the destiny of the Jews during the story of Purim, Jews currently commemorate the story of Purim by reading from a scroll folded like a letter.[32]

One specific event described in the book of Esther that would seem to fit into this pattern, is the act of fasting. The Jews during the time of Esther and Mordecai fasted for three days preceding their judgment. Thus according to the pattern of reenactment, it would seem appropriate for modern Jews to fast for three days leading up to Purim. This though, does not describe the origins of Taanit Esther, the modern Fast of Esther. Though Jews in modernity fast on the thirteenth of Adar, the day preceding Purim, there is no evidence that this fast is modeled on the fast described in the scroll of Esther. Rather, fasting associated this date does not reappear in Jewish literature until Masekhet Soferim in the eighth century. This chapter will explore the evolution of a fast surrounding Purim from the book of Esther itself through the Mishneh Torah.

The narrative of the book of Esther explains specifically, "Esther retorted to Mordecai, go, gather all the Jews who can be found in Shushan and fast on my behalf and don't eat and don't drink for three days, night and day. Both my maidens and I will fast. Then I will go illegally to the king, and if I am to perish, I shall perish. Mordecai traversed the city and did that which Esther had commanded him."[33] The text of the Megillah is clear. Both the reason and the parameters of the fast are delineated. In anticipation of her appearance before the king, Esther initiated a three-day fast among all the Jews. They are undertaking the fast as an expression of their apprehension. The fate

[32] Mishneh Torah Megillah 1:12.
[33] Esther 4:15-18.

of the Jewish people was in the hands of the ruler. A self-imposed fast would hopefully bring about his kindness. The fast was to be three days long, twenty-four hours a day.

The fast the Jews undertook is noted a second time in the book of Esther. "These days of Purim shall be upheld in their proper times, as Mordecai, the Jew and Esther, the queen directed them, just they have assumed for themselves and their offspring the obligation of fasts and lamentations."[34] It appears as if the text itself was instituting a fast for the future generations. At the same time as Jews remember the days of Purim, they are commanded to commemorate the grief that Jews endured through the act of fasting.[35] Celebration and fasting seem to be intricately connected.

The text of the Septuagint also proposes an enduring fast

> The queen Esther, the daughter of Aminadab, and Mordecai, the Jew, wrote all that they did, and a confirmation of the letter respecting Phrourai[36]. And Mordecai and Esther, the queen, privately enjoined a fast on themselves, having at that time established that counsel against their health. Thus did Esther perpetually establish it by command, and it was written to be kept in remembrance.[37]

The fast was "perpetually established". It was to be undertaken annually as part of the Purim commemoration.

Given this, it is surprising to find that a tradition of fasting associated with the commemoration of Purim is absent in early literature. It is unlikely that a fast was being observed without mention of it in Jewish literature. With the large amount of material addressing both the holiday of Purim, and the topic of fasts, if there existed a pre-Purim fast, it would at least be alluded to in the literature. The Mishnah, which has an entire

[34] Ether 9:31.
[35] Paton, 301, Berlin 92.
[36] Purim.

tractate devoted to the holiday of Purim and another dedicated to the subject of fasts, does not even hint at a fast associated with Purim. There is no fast day noted in the entire month of Adar.

In fact, we see evidence that the opposite is true. Not only were the days leading up to Purim not fast days, records shows that the day before Purim, the thirteenth of Adar, was itself a day of celebration and deliverance. The Mishnah lists the thirteenth of Adar as a day permissible for the reading of Megillah,[38] and Megillat Taanit, the Scroll of Fasting, instructs that the thirteenth of Adar must be devoid of connection to fast. Megillat Taanit, a literary work from the Second Temple period, documents thirty six days in which it is forbidden to fast because these days were associated with joyous events in the history of the Jewish people.[39]

It is not surprising that Megillat Taanit lists the fourteenth and fifteenth of Adar as days on which fasting is forbidden. "They are days in which miracles occurred to Israel, by Mordecai and Esther, which transformed this into holidays."[40] The gaiety of these days is the essence of the Purim celebration. The miracle that occurred, the deliverance of the Jewish people, is to be remembered on the fourteenth and fifteenth of Adar. Fasting and supplication is anathema to this celebration.

For modern readers, it is surprising to note that the day before Purim, the thirteenth of Adar is also listed in Megillat Taanit as a day on which fasting is *forbidden*. The origins of the thirteenth of Adar as a day of celebration are documented in I Maccabees and would have been well known by Jews living in the time of the writing of

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[37] Septuagint Esther 9:29-32.
[38] Mishnah Megillah 1:1.
[39] Strack, H.L. and Stemberger, Gunter, *Introduction to the Talmud and Midrash* (Minneapolis: Fortress, 1996), 34.

Megillat Taanit. The specific date and the episode that occurred on that day are all clearly document in I Maccabees. It tells the following historical saga.

Nicanor was the Greek general charged with capturing and killing Judas Maccabeus, the head of the Jewish resistance movement.[41] It was his duty to eliminate Jews and Jewish culture during the time of the Hasmoneons. Though his name is not widely known today, he is the antagonist in the much celebrated story of Hanukkah. On the thirteenth of Adar Nicanor arrayed his troops against the Jewish army. He was to lead his soldiers into battle, killing as many Jews as possible. I Maccabees retells the story:

> So the armies met in battle on the thirteenth day of the month of Adar. The army of Nicanor was crushed, and he himself was the first to fall in the battle. When his army saw that Nicanor had fallen, they threw down their arms and fled.... The people rejoiced greatly and celebrated that day as a day of great gladness. And they decreed that this day should be celebrated each year on the thirteenth day of Adar.[42]

Just as the story of Purim in the book of Esther declared that the fourteenth and fifteenth of the month of Adar should be days of celebration because of their victory over Haman's decree, a similar statement is made here. Because of the miracle of victory against Nicanor and his army, I Maccabees declares the thirteenth of Adar a day of celebration for all time.

Megillat Taanit reiterates a similar account as that found in I Macabees.

> The thirteenth of Adar is the day of Nicanor. It is said, Nicanor, general of the kings of Greece, came to Alexandria every day and raised his hand against Jerusalem

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[40] Megillat Taanit, Hebrew Union College Annual, 1931-1932, 347.
[41] Freedman, David Noel et al., *The Anchor Bible Dictionary*, Volume 4, (New York, Doubleday, YEAR), 1105.
[42] I Maccabees 7:43-44, 48-49.

> and against the Holy Temple. He came to shame, and to cut, and to blaspheme. He said, "when will it fall by the power of my hands, and I will destroy and seize it? The Hasmoneon house will fall to my forces. They will be killed along with their relatives, and their heads will be severed, and their hands and feet will be cut off and hung opposite the Holy Temple. It is said that the mouth which proudly spoke thus, and the hand that was lifted against Judah and Jerusalem and against the Holy Temple, this destruction was to happen to them on this day. This destruction that he planned to do to them on that day, became a holiday.[43]

On the thirteenth of Adar, Nicanor was unsuccessful with his gruesome plans to kill the Jews. He did not accomplish the destruction and devastation he set out to achieve. Instead, the Jews were victorious over him and the day meant for sadness was dedicated eternally as a day of joy.

Megillat Taanit knows the narrative in I Maccabees well and is unambiguous in its legal decree: fasting is prohibited on the thirteenth of Adar because it is a day of celebration over the evil Nicanor. Nicanor wanted to humiliate and annihilate the Jews but he was unsuccessful. The Jews rose up and were victorious over their enemies. They prevailed where they should have been slaughtered. The thirteenth of Adar is described as a *"yom tov,"* a holiday, one marked with joy and festivity, certainly not one marked by fasting and supplication.

A significant shift in fasting associated with Purim can be seen in the extracanonical text, Masekhet Soferim. This minor tractate is found in both a Palestinian and a Babylonian edition, thus it can be assumed that traditions found in both editions were common to both communities. It can be dated to approximately the middle of the eighth century and though similar in content and form to the Talmudim, it is not accorded

[43] Megillat Taanit, Hebrew Union College Annual, 1931-1932, 346.

the same amount of authority.[44] The material it contains concerning a fast associated with Purim is not found in either Talmud. Masekhet Soferim documents fasting in association with Purim and goes on to challenge the command to rejoice on the thirteenth of Adar.

The custom, as it is described in Masekhet Soferim, was to fast for three days in commemoration of the fast observed by those living under Persian rule during the time of Esther. "It is the custom of our rabbis in the west to fast three independent days after Purim because of the fast of Mordecai and Esther, on Monday, Thursday and Monday."[45] Presumably, the fast lasted three days because that was the duration of the fast undertaken in the book of Esther, but the days were separated because a fast of three days was too demanding.

Though there seems to be little opposition to the idea of a fast, there is debate as to when it should occur. Masekhet Soferim instructs, "observe three days of fasting, but don't fast consecutively, but separated, on Monday, Thursday and Monday. And our rabbis who are in the land of Israel, it is their custom to fast after the days of Purim, because of Nicanor and his company, and also to postpone sadness and not advance it."[46]

Presumably, at least in the land of Israel, there was knowledge of Nicanor's Day and an understanding that it was a day dedicated to celebration, one in which you must refrain from fasting but outside of Israel, it was either no longer followed or had fallen into disuse, and thus could be a day dedicated to fasting. There was a special significant of the defeat of Nicanor to Palestinian Jews. Nicanor's downfall took place in the land of Israel itself. Palestinians, by living in the land, would have a greater connection to the

[44] Strack, H.L.and Stemberger, Gunther, 225,228.
[45] Masekhet Soferim 21:1.

event, and a greater desire to see it remembered, whereas Babylonian Diaspora Jews had become disconnected from Nicanor's Day. Perhaps for the Jews of Babylon, the elaboration of Purim, as a day of Jewish victory, with all of its associated rituals overshadowed Nicanor's Day that directly preceded it, causing Nicanor's Day to fall into disuse.

But both in the land of Israel and outside the land, the institution of fast days did not necessarily overhaul the festive atmosphere of Nicanor's Day. Masekhet Soferim commands three days of fasting either before or after Purim. It does not say explicitly that one of those fast days in the thirteenth of Adar. In the land of Israel, the rabbis went farther in preserving Nicanor's day and ruled that because of respect for Nicanor's Day which fell on the thirteenth of Adar, Jews must fast only after the holiday of Purim. Nicanor's Day must remain one of levity, and sadness should be felt only in the days following Purim. Postponing the fast until after Purim allows those living in the land of Israel to avoid fasting on Nicanor's Day.

The problem in allowing for the fast to occur after the holiday of Purim is that it doesn't harmonize with the fast noted in the book of Esther. In Esther, the entire Jewish community fasts *before* Queen Esther approaches the king, and *before* the celebration of the Jew's freedom. By placing the fast days after the holiday of Purim, the rabbis are inverting the order of events. One is to fast in anticipation of disaster and in hope of salvation. To celebrate freedom though the commemoration of Purim, and then to resort to trepidation though the ritual of fasting would be to invert the logical order. As Nicanor's day diminished in importance, greater emphasis was placed on observing the fast of Esther before the celebration of Purim.

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[46] Masechet Soferim 17:3.

In Masekhet Soferim, there is an admission that the custom in the land of Israel and the custom in the Diaspora are different. In the former, fasting occurs after Purim itself, while in the latter fasting takes place before. It is not surprising that what begins as different customs, depending on location, will become one consistent regulated ritual. The two acts, of fasting and festivity, were becoming partners in a larger celebration of Purim.

The next layer of evolution in regards to a fast associated with Purim can be clearly observed in the Sheiltot of Rabbi Ahai Gaon, written sometime during the seventh or eighth century CE.[47] Here, Ahai Gaon for the first time assigns a specific date and name to the fast.

> In regards to fasting, whether in a walled city, or a village, or a town, all of them fast on the thirteenth of Adar. As Rabbi Shmuel bar bar Yitzhack said, 'the thirteenth is time for community gathering,[48]' as it says 'the remainder of the Jews who were in the domain of the king gathered together and defending their lives...on the thirteenth of the month of Adar.'[49] What does the Talmud mean 'community gathering?' A fast day. And what is a meeting day? That they meet and sit in a state of fasting, and request mercy. And when the thirteenth occurs on Shabbat, advance [the fast] and sit on Thursday, the eleventh of Adar and fast. For it is forbidden to fast on Friday because of Shabbat preparations. And when the thirteenth occurs on Friday, fast on this day because it is the appropriate time to fast.[50]

By the time of Rabbi Ahai, fasting no longer takes place over three days that are determined by the individual community. Fasting now takes place on the thirteenth of Adar for all communities, even those that don't celebrate Purim until the fifteenth of Adar. The thirteenth of Adar is the Fast of Esther, Taanit Esther, a fast day of the Jewish

[47] Strack, H.L.and Stemberger, Gunther, 301.
[48] BT Megillah 2a.
[49] Esther 9:16-17.

people. There is no mention of Nicanor's Day nor of alternative dates. The thirteenth of Adar has been indisputably set as the fast day.

The nature of the day has also been established. It is identified as a day of petition, "That they meet and sit in a state of fasting, and request mercy."[51] The fast day now directly relates to the story of Purim. Just as the Jews prayed for mercy while their future was being judged, so too, do Jews relive that episode. They pray for compassion, and when it is granted, they celebrate, as did their ancestors in the Persia described in the scroll of Esther.

This opinion is upheld in later legal works. Maimonides statement echoes that found in the Sheilta of Rabbi Acha. "It is customary for all of Israel to fast during these times. And the thirteenth of Adar, in memory of the fast that was undertaken during the days of Haman, as it says, 'the obligation of fasts and lamentations.'[52] If the thirteenth of Adar falls on Shabbat advance the fast and fast on Thursday the eleventh...And on all these eat and drink at night, except for the ninth of Av."[53] The thirteenth of Adar is a fast day "for all of Israel." The date is not dependent on geographic location or personal preference, it is a fast day for the entire Jewish people.

It is interesting to note that Maimonides uses the statement, "it is customary." Rambam was an expert in Jewish law. Perhaps this is his admission that the legal grounding of Taanit Esther, the Fast of Esther, is questionable. It is not a *mitzvah* ordained by G-d, but rather a custom that has evolved through the agency of the Jewish

[50] Sheiltot of Rabbi Acha Gaon, S.K. Mirshky, 3, 1964, 222, number 69.
[51] Sheiltot of Rabbi Acha Gaon, S.K. Mirshky, 3, 1964, 222, number 69.
[52] Esther 9:31
[53] Mishneh Torah Taanit 5:5.

people. It is not an ancient custom, but one that evolved over time. "We might conclude that *Ta'anis Esther* is only a "*minhag,*", a custom, rather than an obligation."[54]

Looking back at the radical transformation of fasting associated with Purim, there are some who would claim that Esther 9:31 which mandates, "These days of Purim shall be observed at their proper time, as Mordecai the Jews—and now Queen Esther—has obligated them to do, and just as they have assumed for themselves and their descendants the obligation of the fasts with their lamentation" is a late addition to the text of the scroll.[55] All of the laws of Purim had been given previously in the text, fasting is the last injunction given to the Jews. Previously in the chapter a summary of all the legal aspect of Purim are listed, commemoration on the fourteenth and fifteen of Adar,[56] joyful celebration, sending gifts to one another, and gifts to the poor.[57] Nowhere in this summary is fasting mentioned. Additionally, the Hebrew word used in Esther for fasts, *hatzomot,*[58] is not found anywhere else in the Hebrew Bible.[59] This may be a clue that it is of late origin.

The change in *halakha* in regards to Taanit Esther is dramatic. Though fasting is mentioned in Megillat Esther, it is not a tradition that is implemented. Fasting does not seem to be part of the Mishnaic commemoration of Purim at all. It is not until the middle of the eighth century, in Masekhet Soferim, that a fast is mentioned at all. The fast outlined there is one that lasted for three nonconsecutive days and would occur either before or after the holiday depending on location. It is beginning with the Sheilta of

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[54] Sender, Yitzchak, *The Commentators' Al Hanissim: Insights of the Sages on Purim and Chanukah* (New York, Feldheim Publishers, 2000) 49.
[55] Moore, 96.
[56] Esther 9:21.
[57] Esther 9:22.
[58] Esther 9:31.
[59] Even-Shoshan, 988.

Rabbi Acha that the practice of fasting specifically on the thirteenth of Adar is described. The day that Megillat Taanit had prescribed as a day of joy is now mandated as a day of contemplation. A day of celebration has been transformed into one of tribulation. A fast day is instituted where one did not exist previously.

Conclusion:

As this thesis begins to draw to a close, it is worth briefly recapping the findings of *halakhic* change in relation to the laws of Purim.

What are the acceptable dates for Megillah reading? The early writings: Esther, Septuagint, Alpha Text, and Josephus all seem to mandate Megillah reading over a two-day period, on both the fourteenth and fifteenth of Adar. The Mishnah shortens the duration of Megillah reading to just one day, but expands the permissible days for Megillah reading to include a day from the eleventh through the fifteenth. All subsequent literature, both Talmuds and the Mishneh Torah maintain one day of celebration, but only allow for Megillah to be read on the fourteenth of Adar in unfortified cities, and one the fifteenth of Adar in cities that were fortified during the lifetime of Yehoshua ben Nun.

How much of the Megillah must be read? The Mishnah again is the most lenient in its ruling: it reports three acceptable places to begin reading with the assumption that the reading is begun there and continues through the end of the scroll. The Yerushalmi takes a firm stance and issues the ruling that the only acceptable amount is the entire book of Esther. The Bavli does not make as stringent a proclamation. It favors a full reading of the Megillah but still allows for one to begin reading in the second chapter with the phrase "a Jewish man."[1] The Mishneh Torah follows the opinion presented in the Palestinian Talmud that one must read all of the Megillah.

In what language may Megillah be read? All of the sources agree that Hebrew fulfills everyone's obligation to read Megillah. The question then becomes, what language besides Hebrew is allowable? The Mishnah outlaws the use of Aramaic, but

[1] Esther 2:5

allows the use of the vernacular to an audience that speaks the given language. The Palestinian Talmud imposes so many restrictions that the only permissible language in actuality becomes Hebrew. The Babylonian Talmud is much more lenient, offering two different opinions of acceptable languages. One opinion states that Megillah can be read in Greek, and a second opinion that declares it can be read in any understandable vernacular. The Mishneh Torah reflects the views of both Talmuds. It rules that Megillah may be read in either Hebrew or in Greek.

Are blessings required before and after the reading of Megillah and what are the words of the blessing? The Mishnah asserts that blessings associated with Megillah reading are according to local custom. In some locations they offer a benediction, in others they do not. No text for the blessing is suggested. The position of the Palestinian Talmud is that benedictions are recited both before and after the reading of Megillah. Whereas it documents the text for the blessing following the Megillah reading, it does not suggest a text for the blessing before. The opinion in the Babylonian Talmud differs. It rules that it is mandatory to recite a blessing before Megillah reading, but a blessing after the reading is according to custom. Texts are offered for both blessings. Masekhet Soferim agrees with the Palestinian Talmud. It rules that a blessing must be said both before and after Megillah reading, and it gives examples of texts for both. The Mishneh Torah requires that one must say a blessing before Megillah reading but the blessing after is according to custom. One authoritative text for each blessing is cited.

In addition to Megillah reading, how is Purim celebrated? Three additional modes of celebration are spoken of in the book of Esther and the Septuagint. They both speak of gifts given to ones companions, gifts given to the poor, and a festive meal.

Additional information on all three of these is minimal. The Mishnah only mentions gifts to the poor as an aside in a conversation about a different topic. A baraita preserved in the Babylonian Talmud speaks of both gifts to the poor and gifts to ones friends, but with no specifics about either the recipient or the gifts. It seems from the description in the Bavli that the two types of gifts are actually interchangeable. The greatest change occurs in the Mishneh Torah. Maimonides creates two separate clear categories: gifts to companions and gifts to the poor. The Rambam describes the specifics of the gifts that must be given and underlies all of these laws with a sense of generosity.

All the literature makes it clear that a Purim meal was part of the celebration, but even as late as Maimonides it is unclear what was unique about this meal as opposed to any other holiday meal. The Babylonian Talmud and the Mishneh Torah suggest one distinct aspect of the meal: that people drink alcohol to a greater degree than on other days.

Is a fast part of the Purim celebration? Though the practice of fasting is mentioned in the book of Esther, fasting in association with Purim does not appear in any of the early legal literature. It appears for the first time in Masekhet Soferim. Here it is described as a three-day fast. Only after Sheiltot of Rabbi Acha that the practice of fasting specifically on the thirteenth of Adar appears.

If this summarizes the findings of this thesis, how is this information useful? One of the reasons why this study of *halakhic* evolution is so important is because it is not just an academic pursuit. As modern Jews we are the next link in the chain of Jewish tradition. We are the intermediaries between what came before and what is still to come. That does not mean our link must look exactly like the previous links. In fact, the

impetus for this research is to show precisely that each link looks distinctive, different from the ones before, and to validate changes in the links yet to come.

It may at first seem strange that the thesis of a Reform Rabbinical candidate deals with the issue of *halakhah*. After all, many believe the Reform movement to be non-*halakhic:* finding inspiration in the words of the Prophets, not the text of Jewish law. Solomon B. Freehof, a prominent name in issues of Reform Jewish law astutely points out that it is incorrect for Reform Judaism to claim it is not the Judaism of the rabbis, but rather the solely Judaism of the Bible.

> The self-description of Reform as solely Biblical was simply not true. All of Reform Jewish life in all its observances was actually post-Biblical in origin. None of the arrangements of worship, the hours of service, the text of the prayers, no matter how rewritten, was primarily Biblical. The whole of Jewish liturgy is an achievement of post-Biblical times. The religious calendar, based indeed on Biblical Scripture, was elaborated and refined in post-Biblical times. Marriage ceremonies and burial rites were all post-Biblical. The Bible, of course, was the source of ethical ideas, but the actual religious life was rabbinic. Early Reform may have rejected contemporary rabbinic authority, but it could not avoid the historic rabbinic constructs that lived in the pageantry of the Jewish mode of life.[2]

Judaism as a religion is based on the system of religious life established by the rabbis. Reform Judaism may be inspired by the Bible, but it is lived according to the structure created by the rabbis.

Because of this dependence on the full gamut of Jewish tradition, including Jewish legal tradition, it is incumbent upon Reform Jews to be acquainted with *halakhah* and especially *halakhic* decision making. To this end, the Central Conference of

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[2] Freehof, 16.

American Rabbis has always had a Responsa Committee that looked in Jewish law for answers to difficult questions.[3]

There still remains a tension for Reform Jews. What are the elements that determine conduct? Are the answers obtained through individual research or by the Responsa Committee binding to Reform Jews? What is the reason for consulting *halakhah* in Reform Jewish decision making? Again I return to the wisdom of Solomon Freehof. He writes, "The law is authoritative enough to influence us, but not so completely so as to control us. The rabbinic law is our guidance but not or governance. Reform response are not directive, but advisory."[4] As Jews who are inheritors of thousands of years of history, that history has a place in the decisions we make. It may not be the only factor, but it is considered with the other elements.

In order to understand our legal tradition, one must not only know the final decision, but should understand the legal process. As this thesis shows and scholars have proven, the Jewish legal system is not stagnant. It is dynamic and constantly in motion. When we understand the *halakhah,* by its nature, responsive, replying to the needs and attitudes of Jews, we will see that in order to do this, it has to be alterable. The incidences of previous *halakhic* change gives license for current *halakhic* alterations. The modification of Jewish law to fit the thought of the era and the location is the way of Jewish law. It is not acting in an unforeseen manner, rather it is acting in the expected manner.

As a liberal Jew, there are certain aspects of Jewish tradition that are inconsistent with my religious outlook. I want to be able to follow in the footsteps of Jews who came

[3] Freehof, 18.
[4] Freehof, 22.

before me. I want to be able to understand the changes they made to Jewish law, so that I can discern how to make changes today. The precedent of *halakhic* evolution validates change in Jewish law in the present.

The question this begs is how far can one change Jewish law? Can one simply negate a law because it is no longer in vogue, inconvenient, or impractical? Can one simply add a celebration to commemorate a modern event? If we look at the research of this thesis for answers, we see a relatively consistent message.

1. Once a custom is part of general Jewish practice, it is not completely eliminated.
2. Laws are often modified and molded to fit a situation or a need.
3. There is a possibility to create a custom where one did not exist before and make it legally binding. This new ritual needs to be connected to ancient Judaism so that it doesn't appear to be an innovation.

It is worth taking a moment to briefly show examples of each of these three categories.

Once a custom is part of general Jewish practice, it is not completely eliminated. None of the laws that are established in early sources completely disappear in later sources. There is an ongoing debate about many of the issues, a deliberation that can go on for a thousand years, but an issue does not completely disappear. From the Mishnah, and for many of the laws from the book of Esther itself, through the Rambam the same issues are discussed: Megillah reading, blessings recited before and/or after the reading, the amount of Megillah that must be read, gifts to one's friends, gifts to the poor, the festive Purim meal, alcohol consumption. Rituals that are widespread enough to warrant inclusion in a law code are not dismissed, they may be reinterpreted, but for the most part are not eliminated from Jewish practice.

Laws are often modified and molded to fit a situation or a need. This tactic was rampant in the literature concerning Purim. The Mishnah dictated that one could read

Megillah on the eleventh through the fifteenth of Adar. The Talmudim narrowed the permissible dates to the fourteenth and fifteenth, and the Mishneh Torah echoed this view.

There is a possibility to create a custom where one did not exist before and make it legally binding. This new ritual needs to be connected to ancient Judaism so that it doesn't appear to be an innovation. The most drastic change in the laws of Purim is the law associated with what becomes known as Taanit Esther, the fast of Esther. In this circumstance, a ritual was created *ex nihilo* and legally legislated. During the Tannitic period there was not fast associated with the thirteenth of Adar. In fact, Megillat Taanit prescribes the thirteenth of Adar as a day of joy and gladness because of the victory against Nicanor. By the time of the Amoraim, there was the custom to fast, but it was for a three day period, either before or after the celebration of Purim. Until the Sheiltot of Rabbi Ahai Gaon, written sometime during the seventh or eighth century CE, there is no evidence that the thirteenth of Adar was set aside as a fast day. Rabbi Ahai states that the origin of Taanit Esther, as the fast came to be know, is the book of Esther itself, yet looking back through history it is evident that a fast of the thirteenth of Adar was a new invention

In a legal system where modification is part of the foundation of the system itself, where previously amendments are evident, continued change is valid. It is clear that the laws associated with Purim have evolved and changed in response to time and place. Modern change in Jewish practice is in this same vane. Current evolution follows the example set by the great teachers and scholars of our people. Often times, change must be gradual—even undetectable—in the moment, but looking back through history, it is

visible. The notion of change is a valid one, one that has been employed by Jews for centuries. Certainly there are areas of great change and others of minor change, but there are few areas where there is no change.

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