

From Hidushei Ramban on the Holiday of Purim: A Case Study in Halakhic Innovation

THE INTRODUCTION OF RAMBAN, R. Moses b. Nachman, Nachmanides, to the tractate *Megillah* presents the legal genesis of the holiday of Purim, the chain of steps that led from the miracle in Shushan to the holiday we currently observe.¹ In my personal experience, this piece is not well known. Certainly the professionals—the *lamdanim*—know it, but, as I estimate the matter, they have not been impressed by it, nor have they emphasized it to their students.

There is good reason for this state of affairs. The problems with *Ramban's* approach were highlighted effectively by *Ran*, R. Nissim b. Reuven Girondi, so much so that *Ramban's* approach merited only limited subsequent attention by the commentators.² Nevertheless, in my opinion, this came at a cost. For the passage in question allows the student, despite the problems, to see *Ramban* grappling with the difficulties of the relevant verses in *Megillat Esther*, to watch him work “with his sleeves rolled up,” as it were, and to have a glimpse into the religious mind and heart of *Ramban*. This essay attempts to redress this situation.

It is worth noting that this selection from *Ramban's* novellae might bear on current ideological discussions in the Orthodox community, where one extreme insists on all-embracing exclusive rabbinic authority and the other on maximal personal and lay communal autonomy within the constraints of the Halakhah.³ *Ramban* articulates a highly sophisticated and nuanced relation between the lay community and its religious authorities but, to my knowledge, awareness of such sophistication and nuance is absent from the contemporary discussion.

On one hand, in all fairness, public debate by its nature is broadside, and does not allow for subtlety—neither in public positions nor in the ide-

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ologies that guide them. One might even argue that *Ramban's* conceptions are too unrealistic to be incorporated into the contemporary setting, no less into current debate. But, then, awareness and appreciation of *Ramban's* approach—outside the confines of public debate—is all the more necessary since it has no expression outside the direct study of the text. On the other hand, one might argue the opposite, that *Ramban's* understanding of these matters indicates that the current debate is misdirected, and is rather far off the mark. However, consideration of these possibilities is best left to other writers; here, the goal is to present *Ramban* on his own terms.

Ramban starts his discussion by asking why there are two separate days of Purim, the thirteenth and fourteenth of Adar, each day for a different segment of the Jewish people. While there might not be formal halakhic objections to such an ordinance of the Rabbis, they certainly modeled their legislation on Biblical laws, which are always uniform throughout the population. The first possible answer is that the Jews throughout the world fought their enemies on the thirteenth of Adar, and rested and celebrated the victory on the fourteenth, whereas in the city of Shushan the fighting continued for another day, with their rest and celebration on the fifteenth. Therefore in subsequent years the celebration in Shushan would be on the fifteenth. Because the main miracle was in Shushan, Mordekhai and Esther included with the city of Shushan the “honored locales,” namely, the walled cities. All the rest of the cities for whom the miracle took place on the thirteenth and the rest day on the fourteenth, had the holiday established on the fourteenth—the day celebrated in the year of the miracle of Purim. Since the Land of Israel was desolate in those days, “They accorded honor to the Land of Israel” (*Yerushalmi Megillah* 1:1) by defining a walled city as one which was walled in the days of Joshua b. Nun (when the Jews first entered the Land of Israel), even though such cities might not have been walled in the days of Ahasuerus. This, of course, is the usually accepted explanation. But *Ramban* is not pleased with it.

And this explanation is not sweet and good in my eyes, because the main miracle occurred in Shushan itself on the thirteenth, and it is therefore appropriate that the holiday for them should be the fourteenth with the rest of Israel, even though they celebrated on the fifteenth in the year of the miracle. Or the holiday for Shushan should be the fourteenth and the fifteenth.

One might flesh out *Ramban's* criticism of the standard explanation by arguing that the “main miracle” did *not* take place in Shushan. The focus of the celebration and holiday is not on the palace intrigue,⁴ but on the bat-

ties with the enemies of the Jews. If after two days, the Jews of Shushan killed a total of eight hundred people, and elsewhere throughout the realm of Ahasuerus the Jews killed seventy five thousand of their enemies, then one cannot think of Shushan as the overwhelmingly disproportionate focus of the battles.⁵ So it is not clear why Shushan should be singled out to be distinct from the rest of the people in their celebration, that they then required the more prestigious “honored locales” to celebrate with them.

Ramban now presents his theory. It is driven by two considerations: (i) the necessity to place the Land of Israel at the center of the danger and fighting, and (ii) a close analysis of the verses 9:19–31 of *Megillat Esther*.

And when I looked into the verses, the matter became beautifully settled. For it is clear that at the time of the miracle Israel was remembered and they went up to the Land [of Israel] with the permission of Cyrus and settled in their cities. And even though Haman said “there is a people spread and scattered through the nations” (Esther 3:8), nevertheless, the Men of the Great Assembly with most of Israel were in the Land, and only very few of them went up, again, in the time of Ezra. And when Ahasuerus decreed to “annihilate, kill, and obliterate” (Esther 3:13), the open cities and those with no walls were in doubt [as to their survival] and in great danger, that the enemies will (not) attack them more [successfully] than the walled cities. . . . And when the miracle occurred, they all [i.e., open and walled cities] celebrated a rest day and feasting and joy, as it is written, “And the other Jews who were in the king’s provinces gathered to defend themselves . . . on the thirteenth day of the month of Adar; and they rested on the fourteenth of it [i.e. the month], and made it a day of feasting and joy” (Esther 9:15–16). Shushan also did the same on the morrow of the day of their miracle. And this was in the year of the miracle alone.

Thus the argument rests on the fact that the main body politic of Israel was located in the Land of Israel, and on a distinction *in fact* between the miracle in the open cities and the walled cities—that the open cities were far more vulnerable to attack than the walled cities.

R. Nissim b. Reuven Girondi, “*Ran*”, objects that, from the Book of Ezra (Ezra 2:64), it is clear that only 40,000 people went up to Israel after the announcement of Cyrus. So the main body of the people Israel could not have been in the Land of Israel at that time.⁶

Also, he objects that walled cities would only provide protection for Jewish cities, not for cities with mixed populations. If the enemy is inside the walls alongside the Jews, then the walls provide no protection. (One

might add that the city's walls would then pose an added danger, for they would then become a trap, an impediment to escape.) *Ramban* himself considers this objection. He answers that since the main miracle was in the Land of Israel, with the main body politic of the Jewish people there, in Israel, the cities were Jewish cities. Therefore, the distinction between the walled and open cities remains valid.⁷ *Ran*, of course, had effectively argued that the main body politic of the Jewish people was in exile, spread through the length and breadth of the Persian Empire. So the proposed distinction, in fact, between open and walled cities is invalid.

Ramban now discusses the celebration of the holiday in the open and walled cities. The development of the holiday proceeds in two stages.

Afterwards, in the coming years, the open cities instituted on their own to make the fourteenth [of Adar] joy, feasting, and holiday, but the walled cities did nothing, for the miracle was great in the open cities and they had the greater danger, as explained above. And this is what is written, "Therefore, the Jews of the villages, who dwell in unwalled towns, make the fourteenth day of the month of Adar a day of gladness and feasting" (Esther 9:19), and the walled cities are not mentioned at all.

Some time afterwards, after the Holy One, Blessed be He, enlightened their eyes and they found a support in the Torah, Mordekhai and his court stood up and saw the opinion of the open cities, that it is appropriate to make for this miracle a commemoration through all generations. And they established it for all Israel as they were all in doubt [as to their safety]. And it is appropriate to have the open cities precede the walled cities because their miracle was great, and they initiated the mitzvah to establish for themselves a holiday. Therefore they [i.e. Mordekhai and his court] established the holiday of the open cities on their day, that it be unique to them, and the walled cities they established on the day of Shushan.

Next comes the analysis of the verses concerning Mordekhai's decrees.

And this is what is written "And Mordekhai wrote all these things and sent letters to all the Jews who were in the province of Ahasuerus, both near and far, to accept on themselves that they shall keep the fourteenth day of the month of Adar, and the fifteenth day" (Esther 9:20). Namely, he sent that they should all accept to establish a commemoration of the miracle, and the ones far from Shushan and the Land of Israel should not say, "Haman and his cohorts would not rise against us." And Israel accepted upon themselves the matter [i.e., Mordekhai's decree]. This is what it says, "And the Jews undertook to do as they had begun, and as

Mordekhai had written to them” (Esther 9:23), namely, they undertook what the open cities had started on their own.

And he gave the reason, “Because Haman the son of Hamdata . . . the enemy of all the Jews, had schemed against the Jews to destroy them” (Esther 9:24). He added here the word “all” [indicating] that the miracle was for all of them, even for the walled cities. . . .

With all this, the Jews were fearful of behaving this way [i.e. celebrating] in public, until Mordekhai returned and sent them the Queen’s seal, that she commanded them to do so [i.e. celebrate]. And they were no longer fearful, for they said, “We are fulfilling the commandment of the Queen.” This is what is written “Then Esther, the Queen, . . . and Mordekhai, the Jew, wrote with all emphasis, to confirm this second letter of Purim” (Esther 9:29).

One detail remains. At first glance, the definition of a walled city should be one that had a wall at the time of the miracle of Purim. But, except for R. Joshua b. Korkhah (*Megillah* 2b), all opine that the definition of a walled city is one that had a wall in the era of Joshua b. Nun—even if it had no wall at the time of the miracle of Purim, or subsequently.

And it would be appropriate according to this [theory] that the open cities in the days of Ahasuerus will come before [i.e., their celebration will be the day before] the walled cities of his [i.e., Ahasuerus’] days. But because the main miracle was for those in the Land of Israel, and it was desolate as they had not built anything in it from when they arrived, they [Mordekhai and his court] could not see that Jerusalem, the holy city, and the [formerly] fortified cities of Judah and Israel be judged as open cities. So they set back [the criterion] to the days of Joshua, and distinguished between the walled cities of the days of Joshua and those without walls. This is what they said in the Talmud Yerushalmi: “R. Simon in the name of R. Joshua b. Levi ‘They accorded honor to the Land of Israel. . . .’” (*Yerushalmi Megillah* 1:1).

This is *Ramban’s* theory on the distinction *in fact* between the open and walled cities, which became reflected in the law of the holiday. But, as indicated earlier, *Ramban’s* construction is extremely problematic. He assumes that (i) the main body politic of the Jewish people was in Israel, contrary to the evidence from the Book of Ezra, and (ii) there were enough walled cities in Israel so that the distinction between walled and open cities would be a distinction in fact, and not an artificial concept in the Law as ultimately formulated. Also, he assumes, at the same time, (iii) that there

were insufficient number of walled cities in the Land of Israel to give the impression that the country was truly settled—so much so that it required special consideration to include walled cities from the time of Joshua b. Nun—“in order to accord honor to the Land of Israel,” as described by the *Yerushalmi*.⁸ Finally, he assumes (*iv*) that the timing of the miracle of Purim was prior to the building of the wall in Jerusalem by Nehemiah.

There seems to be no effective answer to *Ran*'s objections.⁹ One can only conjecture that the driving force behind *Ramban*'s insistence on moving the *locus dramatis* from Shushan is his overarching view of the holiness of the Land of Israel and its centrality to the life of the commandments. Of course, this is nowhere mentioned here, but it is apparent to anyone knowing *Ramban*'s writings elsewhere on the matter. Also, if the distinction between the danger faced by open and walled cities (and in the Land of Israel) was not at the heart of the of the miracle of Purim, then distinguishing between open and walled cities and “according honor to the Land of Israel” would be, in the eyes of *Ramban*, totally artificial considerations. They would be completely incidental to the essence of the holiday.

A number of comments remain, within the construct of *Ramban*.¹⁰

1. *The open cities instituted on their own*: One has to consider the character of the celebrations of the open cities. Is this a considered religious response to the events, or a spontaneous instinctive response to the turnaround of their fates? It must be the latter, since a truly religious response would have to include gifts to the poor. But gifts to the poor are first mentioned in the decree of Mordechai (*v*. 9:22); it was not part of the celebrations of the open cities. Yet, *Rambam*, R. Moses b. Maimon, Maimonides, says

It is best for a person to excessively engage himself in gifts to the poor than in his meal and sending gifts to his friends. For there is neither greater nor more beautiful joy than to gladden the hearts of the poor, orphans, widows, and proselytes. The one who gladdens the hearts of these unfortunates is likened to the *Shekhinah*. . . .¹¹

Thus the holiday initiated by the open cities was an instinctive celebration of the fact that they were alive. The Jews in the open cities seemed to have faced certain annihilation, yet the next year and the following ones saw them alive and well. Not only were they and their families alive, their friends had shared the same turnaround, the same reversal of fate. Still better, their enemies were now in the position that they were originally intended to occupy. It was far more an instinctive basic human response than a considered religious response.

The fact that it is not characterized as a religious response need not preclude thanks to God for all He miraculously wrought. But such thanks would be indistinguishable from any person or group of people who, saved by God from a terrible fate, appreciated that they could never have prevailed on their own efforts and merit alone. This is not a small matter; but, equally so, this is not a mature religious response to the miracle, and certainly not a halakhic one. Indeed, that is the whole point of *Ramban's* discussion.

One might argue that *Ramban* would not formulate the obligation of gifts to the poor in the same terms as *Rambam*, but there is no doubt that *Ramban* would consider the holiday without gifts to the poor as inadequate. The “have-nots” were subject to the same fate as that of the “haves,” and they experienced the same heady reprieve and ultimate triumph. But they did not have the means to celebrate. And just because they were not in sight of those who “have,” that does not mean that the sharing of God’s gift of life was not to include them. Thus, the motives of the celebrants in the open cities were of the simplest, untutored, and, yet—on the other side of the coin—the purest.

2. *Some time afterwards, after the Holy One, Blessed be He, enlightened their eyes:* In what way did God enlighten their eyes? Is it that God had to enlighten the eyes of Mordechai and his court to appreciate the import of the miracle and necessity for celebration? Or does the “enlightenment of their eyes” only refer to the fact that they found a source in the *Torah*, and could now proceed to consider the character of the holiday? The phrase “after the Holy One, Blessed be He, enlightened their eyes” was not coined by *Ramban*; it appears in the Talmud Yerushalmi (*Yerushalmi Megillah* 1:5):

R. Yirmiah in the name of R. Sh’mu’el b. R. Yitzhak: “What did Mordechai and Esther do? They wrote a letter, which they sent to our Rabbis, and this is what they said to them. ‘Do you accept upon yourselves these two days for every year [hence]?’ They said to them, ‘Do we not have enough crises that come upon us that you wish to add, for us, the crisis of Haman?’ They wrote, again, to them a second letter. This is what is written, ‘To undertake the second letter of this Purim’ (Esther 9:29). What was written in it? They said to them: ‘If you are afraid of this matter, it is already written and [officially] entered in the archives. ”For they are indeed written in the chronicle books of the kings of Media and Persia”’ (Esther 10:2).”

R. Sh’mu’el b. Nahman in the name of R. Yonatan: “Eighty-five elders with three prophets among them were struggling over this matter. They

said, 'It is written, "These are the commandments" (Leviticus 27:34) that we were commanded by Moses, and so Moses said to us, "No other prophet may henceforth establish for you anything new," and Mordekhai and Esther want to establish something new for us?' They did not move from there, analyzing [the matter] back and forth until the Holy One, Blessed be He, enlightened their eyes and they found it written in the Torah, in the Prophets, and in the Writings, this is what is written. . . ."

Thus the phrase "the Holy One, Blessed be He, enlightened their eyes" clearly refers to finding a source in the Torah to allow the establishment of the holiday.¹² Note that the language of *Ramban* is remarkable. For the phrase "and Mordekhai and Esther want to establish something new for us?" in the *Talmud Yerushalmi* clearly indicates that the search for a source in the Torah was in response to the request of Mordekhai and Esther to establish the holiday. But that is not what a close reading of *Ramban* indicates. According to him, *after* they, the eight-five elders, found the source in the Torah, *then* they first considered the holiday and recognized that the holiday must be for all Israel.

Thus *Ramban's* sequence of events is as follows: First came the spontaneous celebrations of the open cities, then came consideration of the admissibility of a holiday by the Men of the Great Assembly,¹³ in the Land of Israel. And only then came the historical perspective supplied by Mordekhai and *his* court in Shushan—not the eighty-five elders—to shape the holiday and give it its specific form.

3. *It is appropriate to have the open cities precede the walled cities because their miracle was great, and they initiated the mitzvah to establish for themselves a holiday. Therefore they [i.e., Mordekhai and his court] established the holiday of the open cities on their day, that it be unique to them:* Thus, *Ramban*, outside of any formal conceptual discussion on the establishment of rabbinic ordinances, has described a complex exercise in "responsive coordination,"¹⁴ in which each participant knows his role and moment, all the while acutely aware of the other participants, and in which each participant acts with an instinctual grace that is inherited rather than learned.

The inhabitants of the open cities respond to the event, to the miracle of Purim. They do not forget, they appreciate what happened, and they celebrate. As mentioned, there is nothing mature or sophisticated in their response, neither in far reaching historical vistas nor in religious sensitivities. This takes place in the Land of Israel, where the Men of the Great Assembly reside. The Men of the Great Assembly certainly see the celebra-

tions. As private individuals, they might or might not participate in the celebrations. But, as members of the Sanhedrin, they hold back. Indeed, members of the Sanhedrin are obligated to hold back, as their perspective must be more considered. They require an indication in the Torah that the holiday will stand the test of time.¹⁵ Once they know that the Torah hints for such a holiday, the determination of its character and specific laws are left to Mordekhai and his court, in Shushan. They are to define the holiday with their historical perspective, they having been at the center of the events, the intrigues and political machinations, and they having appreciated the true extent of the danger to all Israel. Mordekhai and his court not only incorporate into the Law their recognition of the danger to all the Jews posed by the threat of Haman, and the relatively greater danger faced by the open cities. They also celebrate the part played by the open cities in showing the way to appreciating the event. They give recognition to the fact that had the open cities not started marking the day on their own, there might never have been a holiday to celebrate the miracle of Purim. The pure instinctual response of the open cities was, indeed, the “initiation of the mitzvah.”

NOTES

1. *Hidushei Ramban, Megillah* (Jerusalem: Machon haTalmudi haShalem, 1973), cols. 5–8.
2. The only extended analysis I know is a responsa of R. Shimon b. Zemah Duran (see *Hidushei*, col. 6, n. 8). The theory of *Ramban* was given homiletical treatment by R. Isaac Meir of Gur (the first Gerer rebbe), *Hidushei haRim al haTorah* (Jerusalem, 1986), 129ff.
3. There is no lack of intermediate positions. I only tried (perhaps unfairly) to indicate the extremes.
4. Even though that is the focus of the story of Purim in *Megillat Esther*.
5. My attention was drawn, to the numbers of enemies killed, by my friend Arthur Wiener.
6. In his commentary to *Hilkhot Alfasi. Megillah* (Vilna Editions, 1a).
7. Later in the discussion, col. 10.
8. But see, for (ii) and (iii), *Mishnah in Erekhin* 9:6, and the statement of R. Ishma'el b. R. Yosi (*Tosefta Erekhin* 5) analyzed in *Erekhin* 32a-b and *Megillah* 10a-b.
9. Amazingly, *Ramban*, himself, later in the chapter refers to the fact that the leaders (*g'doleihen*) and most Jews remained in Babylonia after Cyrus gave permission to the Jews to return to the Land of Israel (col. 18).
10. I was told by Professor Bernard Septimus that, as a graduate student in Boston, he

heard Rabbi Joseph B. Soloveitchik, the *Rav*, ז"ל, teach this excerpt of *Ramban* around Purim. The *Rav* always emphasized that, when Jews are in one area of the world and seemingly secure in another, they are in fact threatened everywhere!

11. Maimonides, *Mishneh Torah*, *Hilkhot Megillah* 2:17.
12. *Ran* also objected that there is no source that establishment of the holiday was ever in question. The *Bavli* only discusses the request as referring to including the *Book of Esther* in the canon, the *kitvei hakodesh* (*Megillah* 7a). One certainly has the impression that *Ran* did not know the statement of R. Joshua b. Levi, about "giving honor to the Land of Israel" directly from the *Yerushalmi*; rather, it seems that he knew it indirectly through *Ramban's* citation of the passage.
13. Mention of the three prophets (Haggai, Zekhariah, and Malakhi) clearly indicates that the eighty-five elders are from the Great Assembly.
14. The phrase is from Gary Wills, *Venice: Lion City* (New York: Simon & Schuster, 2001), 22.
15. It turns out that the holiday "passed the test of time" quite literally. See the Midrash on Proverbs 9:2, and the discussion in the responsa of R. Shlomo ibn Aderet, *Teshuvot haRashba*, ed. H. Dimitrovsky, Vol 1:1, no. 22 (1:93 in the standard editions) (Jerusalem: Mossad HaRav Kook, 1990), 66–67.