

# **A Tale of Two Cities? Shushan Purim in Modern-day Jerusalem**

Etan Schnall

Fellow, Bella and Harry Wexner Kollel Elyon,  
Rabbi Isaac Elchanan Theological Seminary, Yeshiva University

## I. Introduction

The holiday of Purim is unique inasmuch as halacha mandates that the date of its observance varies amongst different Jewish communities. The vast majority of Jews celebrate Purim on the 14th of Adar, while Jews living in cities surrounded by walls at the time of Yehoshua bin Nun observe the 15th of Adar, known as Shushan Purim. The Talmud establishes guidelines for determining when cities receive the latter designation.

In modern times, expansions of city limits have compelled Jewish legal authorities to formulate current applications of these guidelines in contemporary municipal settings. The most prominent contemporary example of a locality in question is modern-day Jerusalem and its environs, as *Chazal* indicate that Jerusalem was surrounded by walls at the time of Yehoshua bin Nun. The present essay will attempt to outline the issues relevant to defining the boundaries of a walled city. Following this analysis, we will present the city of Jerusalem as a case study in understanding some of the practical applications of our discussion.

## II. Historical Background of the Two Days of Purim

The institution of Purim and Shushan Purim as two distinct commemorations traces its roots to the narrative of *Megillat Esther* (Chapter 9). Haman initiated a royal proclamation calling upon subjects of Achashveirosh to attack the Jewish people on the 13th of Adar. Though Haman was executed prior to this date, the decree, issued under the auspices of the king, could not be rescinded. Instead, Achashveirosh proclaimed the right of the Jews to defend themselves and retaliate against their attackers.

When the 13th of Adar arrived, the Jewish people successfully defeated their enemies. The victory was decisive; in the capital city of Shushan alone, five hundred anti-Jewish antagonists were killed, and Haman's ten sons were publicly hanged. Seventy-five thousand were killed throughout the rest of the kingdom on that single day of battle.

Outside of Shushan, the Jewish people observed the subsequent day, the 14th of Adar, as a holiday of celebration following the miraculous national triumph. However, Mordechai and

Esther requested that Achashveirosh permit the Jews of Shushan to continue battling their adversaries on the 14th, as well. The king granted their wish and another three hundred enemies were killed the following day. The Jews of Shushan rested on the following day, the 15th of Adar, rejoicing in appreciation of God's salvation.

*Megillat Esther* explains that the institution of the holidays of Purim and Shushan Purim reflects these two independent commemorations. Purim, the 14th of Adar, is designated as the day observed by most Jews around the world, as in the time of Mordechai and Esther. Shushan Purim, the 15th of Adar, is observed only by Jews residing in walled cities. The purpose is to highlight the extended victory marked on that day by the Jews of Shushan, also a walled city at the time. In practice, the date of the observance of Purim can thus vary in different localities, as it once did following the miraculous downfall of Haman almost 2,500 years ago.

### III. Primary Definition of a Walled City

The Talmud (*Megillah* 2b) records a debate amongst the Rabbis regarding the criterion used in defining when cities qualify as “*kerachim hamukafim choma*,” cities surrounded by a wall, whose residents observe Purim on the 15<sup>th</sup> of Adar.

R. Yehoshua ben Korcha rules that halacha only recognizes a city surrounded by a wall at the time of the Purim miracle. However, the position of the author of the Mishnah (*Megillah* 2a) is that the era of Yehoshua bin Nun determines the status of cities. Only cities that were walled at the time of the original Jewish conquest of *Eretz Yisroel*, led by Yehoshua, are classified as *kerachim hamukafim choma*. The Talmud Bavli (ibid.) further explains that R. Yehoshua ben Korcha patterns the observance of Shushan Purim after the city of Shushan itself, for the primary miracle of Purim originally occurred within its boundaries. The Talmud attributes the Mishnah's ruling to exegetical derivation of verses in the Torah and in *Megillat Esther*.

However, the Talmud Yerushalmi (*Megillah* 1:1) offers a different rationale for associating Shushan Purim with the era of Yehoshua bin Nun. R. Simon reported in the name of R. Yehoshua ben Levi that the Rabbis desired to pay respect to *Eretz Yisroel*, which lay in ruins during the inter-Temple era when the events of Purim occurred. By using the period of the conquest of *Eretz Yisroel* as the determinant, the miracle of Purim was commemorated in the context of honor and tribute to *Eretz Yisroel*. The halacha follows the opinion of the Mishnah, as codified in *Shulchan Aruch* (O.C. 688:1).

Once it is established that a city was walled at the time of Yehoshua bin Nun, observance of Shushan Purim may not be limited to the perimeter of the original walls. Areas adjoining the original boundaries can stretch the city's limits, as long as there is no interruption in the continuity of residential structures. From the perspective of halacha, a gap in settlement less than

approximately 141 *amot*<sup>1</sup> is insignificant, and the residential development is still considered contiguous. In this scenario, neighboring communities are annexed to the original city by virtue of their proximity, and their residents will celebrate Purim on the 15th of Adar, as well.<sup>2</sup>

This rule is derived from the laws of *techum* Shabbat that govern how far from one's city a Jew may travel on Shabbat. In this area of Jewish law, halacha first defines what constitutes the limits of a city, before calculating the extent one may travel beyond those limits. Regarding *techum* Shabbat, as well, bordering neighborhoods are annexed to a city when they are within 141 *amot* of each other. This principle is known as "*iburo shel ir*," the extension of municipal boundaries, as codified in *Shulchan Aruch* (O.C. 398:6).

While this is the prevailing opinion amongst Jewish legal authorities, there is a minority view that distinguishes between the laws of Purim and those of *techum* Shabbat. R. Yechiel Michel Tukachinsky,<sup>3</sup> refutes the comparison. Regarding the laws of Purim, he maintains that the only determining factor of city limits should be the actual perimeter of the city as defined by its walls. Therefore, the concept of *iburo shel ir* will not allow neighborhoods adjacent to a walled city to observe Shushan Purim.

#### IV. Extended Definitions of a Walled City: *Samuch* and *Nireh*

There are instances in which all agree that the observance of Shushan Purim will take place outside the actual boundaries of a walled city. The Talmud (*Megillah* 2b) records a tradition that confers special status upon certain areas that surround a walled city:

אמר רבי יהושע בן לוי כרך וכל הסמוך לו וכל הנראה עמו נידון ככרך.

R. Yehoshua ben Levi rules that any region adjacent to [*samuch*] or visible from [*nireh*] a walled city carries the same status as the walled city [and observes the 15th of Adar].

The Talmud indicates that this law is alluded to through a series of seemingly extraneous words in *Megillat Esther* (9:28). The details of this halacha will be discussed in detail below.

#### V. Definition of *Samuch*

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<sup>1</sup> According to R. Avraham Chaim Naeh, this measures approximately 211.5 feet. According to *Chazon Ish*, this is the equivalent of approximately 282 feet. Some scenarios would not permit a gap of more than approximately 70 *amot*, see *Shulchan Aruch*, O.C. 498:7.

<sup>2</sup> See *Chazon Ish*, O.C. 151, *Mikraei Kodesh*, Purim 21.

<sup>3</sup> *Ir HaKodesh V'HaMikdash*, vol. 3, pg. 383.

The above Talmudic discussion limits the application of *samuch* to one *mil*, or 2,000 *amot*.<sup>4</sup> In other words, an adjacent neighborhood must be proximally located within 2,000 *amot* of a walled city for its inhabitants to observe Purim on the 15<sup>th</sup> of Adar. The aforementioned discussion of whether to include *iburo shel ir* in the definition of a walled city will have great impact on the application of *samuch*. According to most *poskim*, the *mil* will be calculated from the last point of residential development that is contiguous to the walled city. However, according to R. Tukachinsky, the 2,000 *amot* are measured from the walls of the city or from where they once stood.<sup>5</sup> No community beyond this point will celebrate Shushan Purim.

Notwithstanding, even amongst *poskim* who apply *iburo shel ir*, some believe that the *mil* is calculated from the original walls of the city. Effectively, these *poskim* concede in part to the position of R. Tukachinsky. In their opinion, continuity extends the physical city, but does not change the point from where *samuch* is measured.<sup>6</sup> Nevertheless, according to all opinions, whatever ultimately qualifies as *samuch* need not be *nireh*, as well. A neighborhood situated in a valley or on a mountain adjacent to the city will follow the practice of the walled city, even if this neighborhood cannot be seen from the walled city itself.

## VI. Definition of *Nireh*

The concept of *nireh* is not clearly defined in earlier Rabbinic literature. Therefore, *achronim* attempt to identify what is considered visible by halachic standards.

Indeed, there are many mitzvot that require one to see an event or an object as a prerequisite to the fulfillment of these laws. For example, a *ba'al k'ria* must see the text of the Torah scroll that he is reading from. A kohen who decides the impurity of *tzara'at* (leprosy) must see the blemish in question in order to determine its status. One who wishes to recite *kiddush levana* must see the new moon before beginning the blessing. In all of these cases, *poskim* discuss whether one must see the item naturally, with only the naked eye, in order to perform the mitzva. Perhaps the requirement of “*re'ia*,” seeing, is strictly defined according to one’s natural ability to see, unassisted by external aids. If so, one who wears eyeglasses and is unable to see without them would be unable to perform these mitzvot.

In practice, authorities generally agree that eyeglasses are acceptable.<sup>7</sup> Based on this assumption, R. Chaim Palagi<sup>8</sup> suggests a further innovation. If we are to accept the use of

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<sup>4</sup> According to R. Avraham Chaim Naeh, this measures approximately 3,000 feet. According to *Chazon Ish*, this is the equivalent of approximately 4,000 feet.

<sup>5</sup> The current walls of the Old City of Jerusalem were built by Suleiman the Magnificent of the Mamluk Empire in the late 16th century. Of concern to halacha would be either the walls present at the time of Yehoshua’s conquest, or the walls present at the time of the Babylonian exile. See *Ir HaKodesh V’HaMikdash*, pg. 420.

<sup>6</sup> *Chazon Ish*, O.C. 153.

<sup>7</sup> *Shut Halachot Ketanot*, vol. 1, 99. See *Sha'arei T'shuva*, O.C. 426:1, *Darkei T'shuva*, Y.D. 1:193. See also *Kovetz Bait Aharon V'Yisrael*, vol 55, pg. 88.

eyeglasses, perhaps what is visible through a telescope or binoculars is also considered visible according to halacha. This could greatly increase the number of regions observing Shushan Purim under the rubric of *nireh* by extending the visible distance from a walled city. However, this approach is questionable. The rationale for accepting eyeglasses is as follows: for one who requires vision correction, wearing eyeglasses is deemed to be that individual's normal mode of vision. As such, using eyeglasses to read from the Torah is not problematic, because it is still considered the natural mode of vision for one who routinely employs this instrument. However, to introduce a new tool that allows one to see much further than any human could naturally see may overstep the bounds of halachic *re'ia*.<sup>9</sup>

Even if halacha limits *nireh* to the strength of the naked eye, what exactly must be seen is unclear. Suppose a particular neighborhood is indeed visible from a walled city. Depending on the topography or the size of the neighborhood, only part of it may actually be visible from the city. This scenario is quite relevant to the communities built upon the hilly terrain surrounding Jerusalem. A neighborhood may be located on a hill just outside the city, yet only one side of the hill, facing the city, will be in sight from Jerusalem. Perhaps the requirement of *nireh* only entails that part of the neighborhood be visible in order to dictate that all of its inhabitants observe Shushan Purim. Alternatively, it may be that a strict definition of *nireh* should be applied: only those residences actually in view of the walled city observe Shushan Purim, effectively dividing the city.

Maharil, R. Yehoshua Leib Diskin, struggles with this quandary.<sup>10</sup> Initially, Maharil views splitting the city as an untenable resolution. As proof, he cites a ruling of the Talmud (*Yevomot* 14a) regarding communal practices. The Talmud quotes the verse in *Devarim* (14:1) that states, “*lo titgodedu*,” the prohibition against harming one's body out of grief. The Talmud offers an additional level of interpretation, “*lo ta'asu agudot agudo*,” you shall not form differentiated groups. *Chazal* derive that it is prohibited for a single community under unified jurisdiction to be divided in its observance of Jewish law. Rather, a community must maintain a consistent approach to the fulfillment of halacha amongst its members. Maharil postulates that if some residents of a neighborhood would observe Purim on the 14th of Adar and others on the 15th, this would be a violation of the above stricture. Therefore, he writes, the entire community must celebrate Purim on the same day. Maharil proposes that such a neighborhood should follow the principle of “*acharei rabim l'hatot*.” That is to say, if the majority of the community is visible from the walled city, the minority will also be treated as *nireh*, and visa-versa.

Ultimately, Maharil rejects this approach, as well, in favor of considering the entire neighborhood as *nireh*, even when only a minority of the residences can be seen from the walled city. Therefore, all inhabitants would read *Megillat Esther* on the 15th of Adar. However, it is important to note that Meiri clearly indicates otherwise. In his commentary to the Talmud

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<sup>8</sup> *Ruach Chaim*, O.C. 688:1.

<sup>9</sup> See *Shut Beit Yitzchak*, E.H. vol. 1, 87, *Kol Avinoam*, pg. 251.

<sup>10</sup> *Shut Maharil Diskin*, *Kuntres Acharon*, 103.

(*Megillah* 2b), Meiri states that a village qualifies as *nireh* only when it is entirely visible from a nearby walled city.<sup>11</sup> Therefore, in the aforementioned scenario, all residents would observe Purim on the 14th of Adar.<sup>12</sup>

## VII. Limitations of *Nireh*

Even when a neighboring area is entirely visible from a walled city, the status of *nireh* will not necessarily be conferred upon this adjacent region. The physical proximity of the village may still be a factor in determining its status. *Rishonim* debate whether the 2000-*amot* limitation of *samuch* applies to regions that are *nireh*, as well. According to Rashi, Rashba, and others, for inhabitants of a suburb to observe Shushan Purim, the suburb must be located within one *mil* of the walled city. However, this is only true in a scenario where the suburb is not visible from the city. When the suburb is visible from the city, the inhabitants will observe Shushan Purim even if it is beyond one *mil* of the city.

However, Rambam apparently subscribes to a different approach. In *Hilchot Megillah* (1:10), he writes:

וכרך וכל הסמוך לו וכל הנראה עמו אם אין ביניהם יתר על אלפים אמה הרי זה ככרך וקוראין בחמשה עשר.

Regarding a city and any region adjacent to or visible from the city, if there is no more than 2,000 *amot* between them, the second region follows the practice of the city and its inhabitants read [the *Megillah*] on the 15th.

Rambam mentions the limitation of *mil* only after he records both the examples of *samuch* and of *nireh*, respectively. It is noteworthy that Rambam mentions *nireh* second, seemingly to indicate that the qualification of *mil* is relevant for an area that is *nireh*, as well.<sup>13</sup> This suggests that both categories are bound by the same caveat; any location celebrating Shushan Purim must be within 2,000 *amot* of a walled city, even when visible from the city. *Tur* (O.C. 688) presents a similar formulation, apparently concurring with the opinion of Rambam.<sup>14</sup>

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<sup>11</sup> However, R. Tzvi Pesach Frank cites contextual evidence that may reveal an alternate understanding of the Meiri that does not contradict Maharil's conclusion. See *Shut Har Tzvi*, O.C. 123.

<sup>12</sup> In an unpublished responsum dated Adar II, 5757 [archived at *Machon Minchat Asher*, Jerusalem], R. Asher Weiss offers a novel approach that would include some such areas under the rubric of *nireh*. *Poskim* interpret the terminology of the Talmud, "*nireh imo*," as "visible from the walled city" (see *Beit Yosef*, O.C. 688:2). However, a literal rendering would be, "visible with [the walled city]." R. Weiss adopts this literal understanding and rules that if there is a point between the city and the suburb from where one could see both, the suburb would observe Shushan Purim. This allows for a situation where the suburb would not have been entirely visible from the walled city, but is entirely visible from the point in the middle.

<sup>13</sup> See *Beit Yosef* (O.C. 688:2).

<sup>14</sup> Commentaries offer suggestions to explain the significance of *nireh* in light of the *mil* limitation. For example, see *Beit Yosef* (ibid.) who differentiates based on the method used to measure the *mil*. To determine if an area is *samuch*, 2,000 *amot* will be measured based on the actual distance one must walk from the city to the neighboring area.

R. Yosef Karo codifies this ruling in *Shulchan Aruch* (O.C. 688:2) with one slight deviation from the language of the Tur:

וכן הכפרים הנראים עמהם אפי' אינם סמוכים... או שסמוכים להם אפילו אינם נראים עמהם... ובלבד שלא יהיו רחוקים יותר ממיל.

Similarly, villages visible from walled cities, even if they are not adjacent [observe Shushan Purim]. The same is true of villages adjacent to a walled city, even if they are not visible from the city, provided that they are no more than 2,000 *amot* from the city.

Some commentaries note that *Shulchan Aruch* first mentions the law of *nireh* and then mentions the law of *samuch*. As a result, the qualification of *mil* can be understood to only define the law of *samuch* (to which it is appended) and have no relevance to the earlier reference to *nireh*. Perhaps the intention of *Shulchan Aruch* is to allow the application of *nireh* under all circumstances; any area in view of the walled city is given the status of *kerachim hamukafim choma*. Only areas that are nearby but not visible from the walled city are subject to the 2,000-*amot* rule. According to this interpretation, the *Shulchan Aruch* deliberately reversed the order of *samuch* and *nireh* as found in Rambam and *Tur* in order to convey this distinction. This interpretation is advanced by *Magen Avraham*, *Biur HaGra*, *Birkei Yosef* and others (ibid.). As such, the surrounding areas need not be within 2,000 *amot* in order to follow the practice of the walled city. However, *Pri Chadash*, *Elya Rabba* and others (ibid.) maintain that *Shulchan Aruch* does not intend to differ from the opinion of Rambam and *Tur*. As a result, the ruling of *Shulchan Aruch* remains ambiguous.

#### VIII. Understanding the Principles of *Samuch* and *Nireh*

R. Aryeh Leib Ginzberg in *Turei Even* (*Megillah* 3b) presents a fundamental perspective of great importance to our discussion. He explains that standards of *samuch* and *nireh* are significant based on practical reality. When two cities or villages are close to each other, it is only natural for inhabitants of the two to intermingle, whether for commercial, social or other reasons. The two populations will be so closely linked that *Chazal* deemed it necessary for them to share the same date of Purim observance. Otherwise, residents of one location would continue their normal, weekday business, while their neighbors and friends in close proximity would be performing all of the *mitzvot* of Purim. To prevent a situation that might appear ridiculous to people – and risk compromising the integrity of the law in their eyes – *chazal* declared both areas to be one, unifying their observance. From the perspective of halacha, the two regions are integrated, and even the area outside of the walled city proper is subsumed under its municipal boundaries.

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Therefore, varying topography will limit the inclusiveness of *samuch*. However, when evaluating *nireh*, 2,000 *amot* will be calculated based on the aerial distance between the two points, allowing for greater inclusivity. See also *Taz* (O.C. 688:5).

R. Ginzberg's understanding allows for a very broad application of the principles governing *samuch* and *nireh*. The determining factor is not simply the physical closeness of the two areas, but the practical relationship of their populaces. When the inhabitants of a walled city associate and interact with those in surrounding areas – or when areas are linked by taxation, municipal services and the like – observance of Shushan Purim can extend far beyond the *mil* described in the Talmud.

The approach of *Turei Even* is reflected in the words of several *rishonim*. Ritva (*Megillah* 2b) succinctly encapsulates this position:

אבל בנראה כל שהוא נראה עמו ומשתתף עמו בעניניהם לית ליה שיעורא.

So long as the neighboring area is visible from the walled city, if the suburb is involved with the matters of the walled city, there is no limit to the distance between them. Rashba (*Megillah* 3b) differs slightly, though maintaining the same underlying fundamentals:

וטעמא דכל הסמוך והנראה... בשעת מלחמה מתאספין ובאין אל ערי המבצר והילכך הרי הן כאנשי הכרך ממש והרי הן כמוקפין חומה מימות יהושע.

The rationale behind *samuch* and *nireh*... is because [residents of the outlying village] will flee to the fortifications of the walled city for protection at a time of war.<sup>15</sup> Therefore, they are treated as actual residents of the walled city; it is as if they, too, were surrounded by a wall in the days of Yehoshua bin Nun.

In this context, R. Ovadia Yosef<sup>16</sup> emphasizes that despite the fact that the nature of warfare has changed dramatically, the standards nevertheless remain as originally dictated by *chazal*.

## IX. Other Factors in Applying *Samuch* and *Nireh*

As explained above, the parameters of application of *samuch* and *nireh* are subject to dispute. To avoid this disagreement and expand city limits according to all authorities in contemporary municipal settings, some *poskim* suggest alternative approaches. *Kaf HaChaim* (O.C. 688:10) offers the possibility of evaluating the distance of *mil* in a revolutionary fashion. *Chazal* measure the ability of the average man to traverse a distance of 2,000 *amot* in 18 minutes. Perhaps, *Kaf HaChaim* suggests, we must redefine this measure by modern standards. Current methods of vehicular transportation permit the individual to travel much faster. Many miles can be crossed by car during an 18 minute interval. Therefore, *Kaf HaChaim* proposes

<sup>15</sup> See commentary of Ibn Ezra to *Tehillim* (122:3).

<sup>16</sup> *Shut Yabia Omer*, vol. 7, O.C. 58:4.

allowing any area within 18 minutes-travel (by modern standards) from a walled city to observe Purim on the 15th of Adar.

In support of this assertion, he marshals a precedent in a different area of halacha, namely the laws of *aveilut*. In some instances, the distance between members of a mourning family at the time of the loss and during the week of *shiva* will determine when each member begins the seven days of initial mourning.<sup>17</sup> In previous generations, many *poskim* assumed that that this distance should be evaluated based on practical considerations. Specifically, the advent of railroad transportation increased the speed of transportation and reduced travel time between family members. This position was accepted by many authorities.<sup>18</sup> Similarly, posits *Kaf HaChaim*, the distance of *mil* as relates to Purim may be modified in accordance with technology and modern transportation. Others, including R. Ovadia Yosef, soundly disagree with this approach by drawing lines of distinction between the laws of mourning and the laws of Purim.<sup>19</sup> R. Yosef concludes that the guidelines offered by *chazal* will not change in this respect.

Authorities have also discussed the possibility of viewing an area enclosed by an *eruv* as a single city, regardless of how far the boundaries of the *eruv* expand. The laws of *Shabbat* allow one to carry within a single *reshut*, or domain. An *eruv* can unite a locality into a single domain to permit carrying within its boundaries. Likewise, when measuring the *techum* of a city, the 2,000 *amot* distance one may walk on *Shabbat* outside of his city begins at the limits of the *eruv*; everything enclosed by the *eruv* is viewed as part of the city. Similarly, an *eruv* may unite a bordering region with a walled city with respect to the laws of Purim. This opinion has been advanced by R. Shlomo Zalman Auerbach,<sup>20</sup> R. Yosef Shalom Elyashiv,<sup>21</sup> and others. According to this line of reasoning, any region surrounded by an *eruv* that also encompasses a walled city would observe Purim on the 15<sup>th</sup> of Adar.

Several arguments have been made to counter this position. For example, this approach appears incongruent with the explanation of *Turei Even* and the supporting *rishonim* mentioned above. *Samuch* and *nireh* are principles applied to surrounding neighborhoods when it is practically relevant for its population to be integrated with that of a walled city. An *eruv*, however, could theoretically join two cities many miles apart, even if their residents do not regularly associate with each other. As a result, some *poskim* have rejected the use of *eruv* vis-à-vis Purim and the laws of *samuch* and *nireh*.<sup>22</sup>

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<sup>17</sup> See *Shulchan Aruch*, Y.D. 375:8.

<sup>18</sup> See *B'Ikvei HaTzon*, pg. 123.

<sup>19</sup> *Shut Yabia Omer*, *ibid*.

<sup>20</sup> *Shut Minchat Shlomo*, vol. 2, 57, *Halichot Shlomo*, Purim, 20:10.

<sup>21</sup> *Shvut Yitzchak*, Purim, pg. 62.

<sup>22</sup> See *Noam*, vol. 7, pg. 105, *Shut Minchat Yitzchak*, vol. 8, 62, *Shut Yabia Omer*, *ibid.*, 5. See also *Shut Divrei Yatziv*, O.C. 295.

## X. Applications in Modern-Day Jerusalem: Har Nof

Over 150 years ago, Jews attempted the first settlements outside the walls of the Old City of Jerusalem. In subsequent decades, the New City of Jerusalem expanded slowly, until 1967. Following victory in the Six Day War, expansion of the city exploded beyond the Green Line, as well as in areas previously under Israeli control. Among the most successful communities created in the last four decades are Har Nof, to the west of the Old City, and Ramot, a series of neighborhoods built upon the hills north of Jerusalem proper. In the early 1980s, as these communities grew, *poskim* first addressed their status as *samuch* and *nireh* to determine if their inhabitants should observe Purim or Shushan Purim.

Har Nof was built in greater proximity to the already established New Jerusalem, but not directly adjacent to any preexisting community. The closest neighborhood at the time was Givat Shaul. In fact, Har Nof was originally referred to as “Givat Shaul Bet,” now used to refer to the industrial zone that lies between the two. Today, it is generally accepted that residents of Har Nof observe Shushan Purim with the rest of Jerusalem, as a continuous line of residential area runs from the Old City to Har Nof itself with no significant interruption. Historically, Har Nof was originally subject to the standards of *samuch* and *nireh*. However, as Givat Shaul and Har Nof expanded, the gap between them narrowed and Har Nof eventually became contiguous with Jerusalem proper. Therefore, residents of Har Nof observe the 15th of Adar, because it is deemed annexed to the walled city of Jerusalem, by virtue of the principle of *iburo shel ir*.

However, even today the status of Har Nof is not universally agreed upon. In fact, the status of many of the older communities that are situated between Har Nof and the Old City hinge upon a similar issue. As explained above, *poskim* debate the method of calculating the *mil* of *samuch*. R. Tukachinsky argues that *samuch* only includes neighborhoods within 2,000 *amot* of the walls, regardless of the expansion of the city. R. Tukachinsky went to great lengths to determine how far the original walls of Jerusalem extended and which neighborhoods would be encompassed. He published detailed charts indicating how far from the walls various neighborhoods are located, in an effort to clarify the halacha within this framework. According to R. Tukachinsky,<sup>23</sup> the western limit of the walled area is no more than 300 meters beyond Jaffa Gate. Much of the residential area in the vicinity of Machane Yehuda is already beyond this point. Therefore, residents of Har Nof and many other communities would celebrate Purim on the 14th, as any non-walled region would.

To this day, many residents of the neighborhood where R. Tukachinsky once presided still abide by his ruling. Despite the fact that his opinion was not generally accepted, his descendents continue to publish his position in the annual “*Luach Eretz Yisroel*,” a well-

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<sup>23</sup> *Ir HaKodesh V’HaMikdash*, pg. 421. See *Shut T’shuvot V’Hanhagot*, vol. 2, 347 and vol. 3, 233.

respected compendium of many practical laws associated with the Jewish calendar, originally composed by R. Tukachinsky.<sup>24</sup>

## XI. Applications in Modern-Day Jerusalem: Ramot

One of the first responsum to tackle the question of Ramot was written by R. Ovadia Yosef in 5742. R. Yosef analyzes many of the factors discussed above and comes to the conclusion that inhabitants of Ramot must celebrate Purim on the 14th of Adar. At the time, the closest neighborhood to Ramot was Sanhedria, with far more than 141 *amot* between them. Indeed, even today, Ramot is not directly contiguous to Jerusalem, though new areas have since been developed that narrow the gap. R. Yosef notes that Ramot is also beyond 2,000 *amot* from the city and therefore not *samuch*. Those who attempted could not see Ramot from the Old City. He adds that even if they could, it would not necessarily be deemed as *nireh*, for it exceeds the distance of a *mil* from the walls of Jerusalem.

R. Yosef also adopts the position that the Jerusalem *eruv* that includes Ramot would not change its status of Ramot. He further argues that even if an *eruv* would normally be an acceptable way to expand the limits of a walled city regarding the laws of Purim, it would not change the status of Ramot. This is because a separate *eruv* was constructed around Ramot itself. An independent *eruv* may be viewed as an act of cession from the connection provided by the larger *eruv* that encompasses all of Jerusalem. This point is also made by R. Yitzchak Weiss in a separate responsum.<sup>25</sup> R. Yosef concludes that residents of Ramot must observe Purim on the 14th of Adar. He adds that it would be *middat chassidut*, pious behavior, to perform the *mitzvot* of Purim on the 15th, as well, without reciting the *brachot* upon the reading of *Megillat Esther*. The basis for this stringency is to satisfy the opinions of those who maintain that Ramot should follow Jerusalem. The *Beit Din* of the *Eidah HaChareidit* of Jerusalem, under the leadership of R. Weiss issued a similar ruling, instructing residents of Ramot to observe Purim on both days, reciting *brachot* only on the 14th, out of doubt.<sup>26</sup> This was also the initial decision of R. Yosef Shalom Elyashiv.<sup>27</sup>

R. Auerbach, as above, accepted the *eruv* as a means of viewing Ramot as part of Jerusalem and ruled accordingly. Furthermore, even in the fledgling years of Ramot, he saw

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<sup>24</sup> Even at the time of R. Tukachinsky's ruling, halachic precedent was not in line with his opinion. *Shut Tzitz HaKodesh*, 52 cites an earlier ruling of the author of *Chesed L'Avraham* of Lublin instructing residents of a home for the elderly at the outskirts of Jerusalem to celebrate Purim on the 15th of Adar. The home was located approximately where Jerusalem's Central Bus Station is located today, not contiguous to residential area, but within 2,000 *amot* of the last house. This location is well-beyond R. Tukachinsky's borders.

<sup>25</sup> *Minchat Yitzchak*, *ibid*.

<sup>26</sup> *ibid*.

<sup>27</sup> *Halichot Shlomo*, Purim, 20:24. These considerations were also important in R. Auerbach's determination that Hadassah Hospital in Ein Kerem should be included in the borders of Jerusalem as regards Purim, at a time when other authorities were in doubt.

basis for this ruling in the rationale of *Turei Even*. At that time, Ramot was integrated with the Jerusalem municipality in many regards, such as taxation. Furthermore, they shared many municipal services, such as postal administration, public transportation systems and the like. In this respect, Jerusalem and Ramot were joined by common interests, much as Ritva and Rashba describe the underpinning of the rules of *samuch* and *nireh*. R. Yitzchak Kolitz and R. Shalom Messas, former Ashkenazic and Sephardic Chief Rabbis of Jerusalem, respectively, also favored Ramot following the practice of Jerusalem.<sup>28</sup>

Over time, many of the *poskim* who originally viewed Ramot as separate from Jerusalem have since revised their positions. Further integration of Ramot with Jerusalem, as well as modifications to the *eruv*, have allowed these northern suburbs to identify completely with Jerusalem for the purposes of Purim. Most notably, R. Elyashiv (as of Purim 5757)<sup>29</sup> is among those who now believe residents of Ramot are to observe Shushan Purim unconditionally.<sup>30</sup>

R. Yosef and others, however, continue to maintain the opposing position today. Accordingly, there are communities in the neighborhoods of Ramot that continue to observe both days of Purim, as above. However, in a fascinating development, recent years have brought new initiatives with the goal of permitting all residents to celebrate Shushan Purim, according to all opinions. Jerusalem City Councilman Eli Simchayof, a member of the Shas party, has suggested building a row of caravans stretching between Jerusalem proper and Ramot.<sup>31</sup> The plan utilizes the principle of *burgenin*, a dispensation that uses temporary dwellings to expand the boundaries of a city by closing gaps in residential development.<sup>32</sup> However, this plan has met opposition from secular environmentalist groups, because building must traverse forest area that lies near Ramot.<sup>33</sup>

The development of these rulings has been critical as the growth of Jerusalem continues. As new neighborhoods are founded, they are ultimately evaluated through the prism of the rulings that we have recorded in our discussion. Among the most recent communities to join Jerusalem in celebrating Shushan Purim according to all opinions is the southeastern suburb, Har HaChoma, in 5769.<sup>34</sup>

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<sup>28</sup> *Shut Shemesh U'Magen*, 51, 52, cited in *Shut Yabia Omer* *ibid.*, 59.

<sup>29</sup> *Shvut Yitzchak*, Purim, pg. 77.

<sup>30</sup> See the unpublished responsum of R. Asher Weiss (cited above), where the author mentions other factors that lead to this conclusion. Among these, R. Weiss notes that Ramot is *samuch* and *nireh* vis-à-vis the grave of the prophet Shumel in *Ramah*. Based on the tradition of the Talmud Yerushalmi (*Megillah* 1:1), this location was surrounded by walls at the time of Yehoshua bin Nun.

<sup>31</sup> See <http://www.moreshet.co.il/web/shut/shut2.asp?id=99659> and <http://www.haaretz.com/print-edition/news/making-purim-twice-as-happy-1.1873>.

<sup>32</sup> *Shulchan Aruch*, O.C. 398:6.

<sup>33</sup> Personal communication from R. Avraham Yosef (son of R. Ovadia Yosef).

<sup>34</sup> See R. Elyahu Adri, *Ani Choma* (available via *Otzar HaChochma*). See also <http://www.theyeshivaworld.com/article.php?p=31142>.

## XII. Pre-1967 Jerusalem

Following the War of Independence in 1948, the Old City of Jerusalem fell into Jordanian hands. Under the circumstances, the status of the New City of Jerusalem was once again in doubt. Do residents of neighboring areas celebrate Shushan Purim even when the walled city itself has no Jewish settlement? Gra and *Birkei Yosef* (O.C. 688:8) debate this question, based on varying interpretations of the Talmud Yerushalmi (*Megillah* 1:1). Prominent local authorities of the time, including R. Tzvi Pesach Frank, ruled that inhabitants of Jerusalem should continue their previous practice.<sup>35</sup> Because extensions of the Old City were contiguous to the walls, modern Jerusalem effectively remained partially inhabited by Jews, for the adjacent development is viewed as an expansion of the city itself, as explained above.<sup>36</sup>

## XIII. Other Cities

Jerusalem is the only city in Israel undoubtedly considered surrounded by walls at the time of Yehoshua. However, in a number of other localities there are some who observe both the 14th and 15th of Adar because of traditions pointing to the possibility that these cities were also surrounded by walls at the time.<sup>37</sup> Given the uncertainty, both Purim and Shushan Purim are observed, though *brachot* are only recited upon the mitzvot performed on the 14th. Among the cities in question are: Hebron, Acre, Jaffa, Lod, Safed, and Haifa.<sup>38</sup> Doubts regarding such cities relate to matters such as the historical determination of which cities were walled, whether modern localities that carry names of biblical cities should be identified with their antecedents, and the like.

There is a disagreement amongst *poskim* as to the application of the laws of *samuch* and *nireh* in such cases. *Biur Halacha* (O.C. 688:2) cites *Birkei Yosef* who rules that these principles do not apply to regions that observe both days of Purim based on halachic uncertainties. Rather, neighborhoods adjacent to these cities observe only the 14th. *Chazon Ish* (O.C. 153:2) argues that no differentiation should be made, and both days must be observed.

Consistent with his opinion, *Chazon Ish* personally observed both days in B'nei Brak where he resided. For years, *Chazon Ish* suspected that B'nei Brak was perhaps subject to the

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<sup>35</sup> *Shut Har Tzvi*, O.C. vol. 2, 131.

<sup>36</sup> Some authorities add that the Talmud (*Bava Batra* 75b) seems to indicate that Jerusalem's original walls stretched beyond where they are located today, encompassing parts of contemporary neighborhoods. This is another reason to consider Jerusalem as inhabited by Jews even when the Old City was under Arab control. See *Chazon Ish*, O.C. 154, *Shut Tzitz HaKodesh*, 52:6 and *Chazon Ovadia*, Purim, pg. 101.

<sup>37</sup> However, authorities differ as to whether *Al HaNisim* is said on the 15th. See *Orchot Rabbeinu*, vol.3, pg. 37.

<sup>38</sup> See R. Tukachinsky's *Sefer Eretz Yisrael* (Chap. 8), *Kaf HaChaim* 688:17 and *Kovetz T'shuvot* of R. Yosef Shalom Elyashiv, vol. 1, 68 - 69.

same classification as Jaffa given their proximity.<sup>39</sup> By the final years of his life, municipal development in the region eventually created a continuous link from Jaffa to B'nei Brak by way of Tel Aviv and Ramat Gan. At that point (Purim 5713), *Chazon Ish* instructed others in B'nei Brak to act accordingly. R. Chaim Kanievsky reports that *Chazon Ish* presumed that even *Birkei Yosef* might agree to the ruling given the circumstances.<sup>40</sup>

In *HaIggeret HaZot*, R. Shraya Deblitsky postulates that the conditions present at the time of *Chazon Ish*'s determination are no longer extant. In the 1970s, Israel began construction of the Ayalon Highway in Gush Dan, the Tel Aviv metropolitan area. This major intracity freeway ultimately created an interruption of the continuity stretching between Jaffa and B'nei Brak.

In his analysis, R. Deblitsky includes a formal letter from the government-owned company Ayalon Highways, Ltd. regarding the width of the highway, measured upon his request. A survey concluded that at its most narrow point, highway property presents a gap of 90 meters (approximately 295 feet) between developments on opposite sides of the road. This interruption will not permit B'nei Brak to be subsumed under the *iburo shel ir* of Jaffa, as it amounts to a distance greater than 141 *amot*. The author further asserts the opinion of *Chazon Ish* (O.C. 153, cited above) that the 2,000 *amot* of *samuch* may not be measured from the limits of the *iburo shel ir* (in this case, where the highway divides the Tel Aviv area). Rather, it is measured from the original city walls. B'nei Brak is more than 2,000 *amot* from ancient Jaffa, where the walls once stood. Therefore, R. Deblitsky concludes that *Chazon Ish* would reverse his own ruling today, instead instructing residents of B'nei Brak to observe only the 14th of Adar. Nevertheless, others maintain that residents of B'nei Brak should observe Shushan Purim even today based on other considerations, including possible applications of the laws of *techum* Shabbat that would unite B'nei Brak with Jaffa despite construction of the Ayalon Highway.<sup>41</sup> Notwithstanding, common practice in B'nei Brak is to observe only the 14th day of Adar.

#### XIV. Conclusion

The burgeoning development of Jerusalem is a constantly increasing blessing for the Jewish people. Likewise, municipal growth has allowed more and more neighborhoods to gain full designation as part of the city.

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<sup>39</sup> The opinion of *Chazon Ish* also brings into question the status of many relatively new areas in Israel. For example, Modi'in Ilit may be subject to the status of the city of Lod; see R. Yechiel Danziger's *Kuntress Sfeika D'Mukafin*. Regarding Beitar Ilit, see R. Elazar Chashin in *Otzarot HaTorah*, Purim 5765, pg. 19.

<sup>40</sup> *Orchot Rabbeinu*, vol. 3, pg. 36.

<sup>41</sup> See *Kiryat Ariel*, pg. 309.

Chazal tell of a future time when God will increase the size of Jerusalem dramatically, and the city will encompass a huge portion of *Eretz Yisrael*.<sup>42</sup> In these Messianic times, a wall will indeed surround this city of massive proportions. However, this wall will be built by God Himself, as Zecharia (2:9) describes, “And I will be to [Jerusalem] a surrounding wall of fire,” and His presence will rest within, for the honor of the Jewish people who reside between the walls.<sup>43</sup> May we merit to experience the fulfillment of this prophecy, and to see Jerusalem rebuilt – כעיר שחברה לה יחדו,<sup>44</sup> as a city unified as one.

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<sup>42</sup> *Pesachim* 50a.

<sup>43</sup> *Maharsha Pesachim*, *ibid.*; commentary of Rashi to Zecharia (*ibid.*).

<sup>44</sup> *Tehillim* 122:3.