



Bo 5778

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## Dear Reader,

The final plague of our coming forth from Egypt took place “in the middle of the night” – the time we know as *chatzos*. The following question arises: If we divide a twelve-hour night into two halves, we will reach two six-hour halves, with nothing in between – just as if we divide an apple into two halves, we cannot expect to find any remainder.

If we are to define a time called the “middle of the night,” it will have to be a time that encompasses some of the first half of the night, and an equal part of the second half. However small we make this period of time, it will not be the true “middle of the night.” It cannot be, because the two halves of the night cannot contain

This week’s article discusses the nature and halachos of the mechitzah—the partition that separates between men and women in Shul and other events. What is the source of the obligation to erect a mechitzah? What kind of mechitzah is valid, and what kind is not halachically qualified? Is the mechitzah required at all public and even private events, or only in Shul? These questions, among others, are discussed in this week’s article.

This week’s Q & A addresses the question of adding water to a humidifier on Shabbos.

## The Partition: Laws and Principles of the Mechitzah

When Pharaoh began to crack under the pressure of the plagues that continued to strike him, and wished to allow the Jewish people to leave Egypt to serve Hashem, he asked Moshe the question: Who exactly will be leaving? His intention, as is clear from the ensuing conversation, was that only a part of the nation should leave to serve Hashem: “Go now, please, the menfolk, and serve Hashem, for this is what you request!”

Moshe, however, clarified that the service of Hashem will not be limited to a single group of priests or a specific part of the nation. “We will go with our young and our old, with our sons and our daughters, and with our flocks and herds, because it is a festival to Hashem for us.” All parts of the nation, men and women alike, young and old—all are part of serving Hashem, all must be party to the festival.

Throughout the generations, having both men and women



anything in between!

If so, when is the precise moment of *chatzos*, the precise moment when the final plague of Egypt took place?

Several commentaries have addressed this question. Of them, we cite the intriguing answer given by Rav Isaac Chaver (*Hagadas Yad Mitzrayim*), who suggests that the stroke of our redemption from Egypt *had* to come at a time that we are unable to put our fingers on.

Even before the redemption from Egypt, the first *mitzvah* given to the fledgling nation of Israel was the *mitzvah* of time: “This month is for you the first of months.” Before we could exist as a nation, the time in which we exist had to come into being.

Our time frame is different to that of the nations; the time continuum in which we live leads to a different destiny than that of other nations. This new time frame was incepted even before we came forth from

present in the service of Hashem raises the question of modesty: How do you have both men and women present while respecting principles of modesty fundamental to Jewish law and tradition?

The basic solution to this is a *mechitzah*—a partition that separates between men and women. Yet, as we will see, the nature and the laws of the *mechitzah* are widely debated, and have a range of opinion. Moreover, is the *mechitzah* required at all events, or only in Shul?

These questions, among others, are discussed below.

### Basic Sources

The source for a halachic separation between men and women during a religious event is the Mishnah in *Sukkah* (51a), which records the proceedings of the *simchas beis ha-sho'eva* in the Beis HaMikdash: “One who has not seen the happiness of the *simchas beis ha-sho'eva* (water drawing) has not seen happiness in his days. After the first *Yom Tov* of the holiday, they went down to the *ezras nashim* (women’s courtyard) and would make a great modification (*tikkun gadol*).”

The Gemara (51b) explains the nature of the *tikkun gadol*: “What was this great modification? [...] The Rabbis learned: Originally, the women were inside and the men were outside, and they would come to lightheadedness. They established that women should sit outside and men inside, and they still came to lightheadedness. They therefore established that women should sit above and men below.”

The Gemara teaches that a special balcony was constructed to allow women to be present during the *simchas beis ha-sho'eva*. This presents a halachic difficulty: the construction of the Mikdash is governed by Scriptural commandments, which raises the problem of how building the additional balcony was permitted. The Gemara replies: “They derived it from a Biblical passage”—a passage referring to separation of gender even at a eulogy. Rashi explains that the passage teaches

that there is an obligation to separate men and women, to ensure that there should not be any spiritual flaw. As the Gemara explains, if an obligation to separate between men and women applies at a eulogy, it applies all the more so on occasions of joy.

As to the nature of the separation between men and women, the Rambam offers two seemingly distinct interpretations. In his commentary to the Mishnah in Sukkah, the Rambam states that the purpose of the separation is that the men should not look at the women. However, in the laws of Lulav (8:12) the Rambam suggests a different reason: “so that they should not be mixed with one another.” As we will see, the difference is of significance concerning the nature of the *mechitzah*.

### **Mechitzah in Shul: Rav Moshe’s Approach**

One of the most important and influential rulings on the subject of the *mechitzah* in Shul is found in *Shut Igros Moshe (Orach Chaim 1:39)*. When discussing the reason for the separation and the type of *mechitzah* that is required, Rav Moshe Feinstein says that the obligation to separate between men and women is Torah law. Although derived from a Pasuk in *Nevi'im*, Rav Moshe explains that the Pasuk does not mean to teach a new law, but to indicate the Torah law concerning modesty at public events. Moreover, were the prohibition not Torah law, it would not justify making an alteration to the structure of the Mikdash.

In defining the prohibition of having men and women together, Rav Moshe writes that the problem is creating an atmosphere of lightheadedness and frivolity, and not to prevent men from looking at women. Based on this explanation, he rules that while it is preferable that women should be upstairs and men downstairs, a *mechitzah* qualifies under *halacha* even if it reaches shoulder height alone (he mentions a height of **18 tefachim**), even if men and women can see each other over the *mechitzah*.

Egypt.

As we came out of Egypt, two distinct time frames met – the time of the nations, and the time of Israel. This impossible clash, a clash between the natural and the supernatural, between the earthly and the unearthly, is expressed by the time of *chatzos* – a time that simply cannot be found. It is outside the ordinary concept of time.

From that moment and on, the nation of Israel lives outside the regular order of the natural world. Were this not the case, how could a single sheep survive among seventy wolves – at it does to this very day?

The continued existence of the nation of Israel is the revealed miracle that teaches us of the daily, hidden miracles that accompany us always.

May we speedily merit seeing the final redemption, and the fulfillment of the verse: “As the days of your coming forth from Egypt I shall show you wonders.”

Rav Moshe also highlights that the *mechitzah* is required only at gatherings of men and women. Where there is no gathering, there is no need to separate men from women even at a time of prayer, as we find concerning Chana who prayed in the Mikdash next to Eli the Kohen Gadol. We will discuss below the question of social gathering for non-prayer events and meetings.

### Types of Mechitzah

Based on Rav Moshe's approach, it seems that a *mechitzah* made of glass will also fulfill the halachic requirements. While not preventing men from looking at women, a glass *mechitzah* is sufficient to prevent the intermingling of men and women, and is therefore halachically valid.

In fact, Rav Moshe himself discusses the possibility of a *mechitzah* made of glass (*Orach Chaim* 1:43; he refers to a *mechitzah* of which only the top third was glass), and argues that while halachically valid, such a *mechitzah* will raise a modesty issues concerning women who come to Shul in immodest clothing. This will cause a problem for men who can see the women, and who thus will not be able to freely *daven* while immodest women are visible. He adds that a one-way mirror could be a good solution, so that the men will not be able to see women, while women can still see the men.

Rav Moshe (*Orach Chaim* 4:29) likewise disapproves of *mechitzos* in which the top part is made of lattice work (he refers to these

as "open windows"), and recommends that a curtain be hung over them. He writes that some are lenient if the gaps are less than three inches, but states that this is inappropriate for *benei Torah*. However, if the lattice *mechitzah* has only small holes which don't allow for conversation between men and women he is lenient (*Orach Chaim* 4:32), provided it is five feet high which is enough to prevent lightheadedness.

### The Satmar Rov's Approach

The principle disputant of Rav Moshe on this matter is the former Satmar Rov, who wrote a lengthy and fiery *teshuva* (*Shut Divrei Yoel, Orach Chaim* 10) concerning the obligation of a *mechitzah* in Shul.

Concerning the 18-tefachim *mechitzah* permitted by Rav Moshe, the Satmar Rov argues that such a *mechitzah* is not sufficient even to prevent frivolity, since men and women will be able to intermingle by speaking above the *mechitzah*. Lightheadedness, he explains, depends first and foremost on people's heads, and not on their bodies.

Yet beyond this, the Satmar Rov argues that the obligation to separate men and women is not out of concern for intermingling alone, but also out of concern for the possibility of men seeing the women. This too, as noted by the Rambam, is a cause for the prohibition.

While the Rambam also mentions the issue of lightheadedness (*kalus rosh*), the Satmar Rov explains at length that if a person has

improper thoughts (that are caused because he can see women), this itself is considered lightheadedness, and the concern for men looking at women (which he explains is a Torah prohibition, too) is therefore sufficient to obligate a *mechitzah*.

According to the Satmar Rov, it follows of course that the *mechitzah* needs to prevent any possibility of men seeing women in Shul, and a *mechitzah* made of glass is entirely disqualified for halachic purposes. In support of his position, the Satmar Rov mentions a letter, organized by Rav Shlomo Ganzfried (author of the *Kitzur Shulchan Aruch*) and signed by seventy leaders of Hungarian Jewry, prohibiting entry into a synagogue in which the men can see the women.

Other Poskim, predominantly from the Hungarian tradition, side with the Satmar Rov in this matter. For instance, Rav Shmuel Vosner (*Shut Shevet Ha-Levi* 1:29) also writes that the primary purpose of a *mechitzah* is to prevent men from seeing women, and only a *mechitzah* that does so is halachically valid.

### Non-Prayer Conventions

Is the *mechitzah* obligatory even in gatherings for purposes other than prayer?

Rav Moshe Feinstein writes that for gatherings that are non-obligatory, such as weddings, he is in doubt as to the need for a *mechitzah*. He proceeds to bring a number of proofs that there is no obligation to erect a *mechitzah* for

non-obligatory events, as we find concerning eating the Korban Pesach, and in other sources.

In another *teshuva* (*Yoreh De'ah* Vol. 4) he notes that the obligation for a *mechitzah* applies only to events that are open to the public, and not to private affairs (such as weddings) that are not open to the general public. For a Torah lecture open to the general public Rav Moshe writes (*Orach Chaim* 5:11) that there is an obligation of a *mechitzah* (since it is open to the general public), but if there is no option one should not refrain from teaching in such an environment, where doing so is for Kiruv purposes.

Other authorities are far more stringent, and write that even at weddings and similar functions there is a full prohibition on mixed seating of men and women. Rav Moshe Sternbuch (*Teshuvos VeHanhagos* 2:65) writes (concerning South Africa, where most weddings were mixed) that there is no room for leniency, noting that according to the Bach the *Simcha Bime'ono* blessing is not recited in a mixed environment, and adding that rabbis should refrain from attending such weddings (see also *Shut Lev Avraham* 1:135, who disputes Rav Moshe's ruling at length).

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In conclusion, it is worth noting the ruling of the *Seridei Eish*. The author, Rav Yechiel Yaakov Weinberg agrees essentially with Rav Moshe's position, and he notes that while stringency for the Hungarian position is worthy, such

halachic ruling will depend on circumstances. In his time and place, he writes that “if women stay home and do not go to *shul*, they will completely forget their Judaism, and therefore it is prohibited to distance them based on this

stringency.”

The halachic ruling in practice will therefore depend on the time and locale, and of course a competent halachic authority should always be consulted for proper guidance.

## ⌘ Halachic Responsa ⌘

to Questions that have been asked on our website [dinonline.org](http://dinonline.org)



### Question:

Can one add water to run a humidifier on Shabbos? There is no electricity involved other than the on bottom, and one cannot see the water turning into vapor, but it does help the air for coughs.



### Answer:

For children who are ill it is certainly permitted to add water.

Even without extenuating circumstances, it seems that it is permitted to do so, though some are stringent.



### Sources:

The *Minchas Yitzchak* (7:21) raises the question of humidifiers, and writes that there is room to be stringent on account of the prohibition of *molad*, though he appreciates that this is not a classic case of *molad* because the water is being divided and not boiled. [He adds a concern that the machine will shut down if water is not added.]

Or *Le-Zion* 2, 41:6, however, rules that it is permitted to use the humidifier, because no act of labor is involved.

The division of the water raises the concern for the *Yerushalmi*, which discusses (and prohibits) the separation of water by means of the wind. However, authorities have already limited the application of the *Yerushalmi* (see *Magen Avraham* 446:2 (and *Mishnah Berurah* 6) and *Biur Halachah* 319 citing from *Rabbi Akiva Eiger* 20; see also *Shulchan Aruch Ha-Rav* 446 in K.A. 3), and authorities generally don't understand why splitting water by means of wind should involve any *melachah*.

This is the reason why authorities have permitted the use of spray cans (though for spray cans there are still greater grounds for leniency), and it is therefore permitted to add water, certainly for the purpose of sick children (in which case even those who are stringent will agree).

This is also the ruling given by “*Orchos Shabbos*.”