Why So Separate?:

The Nature and Purpose of the Mechitza in Shul

I. The Origins of the Mekitza

1. Mishnah, Tractate Middot 2:5

The Woman's Courtyard...[wall] was originally smooth [with no protrusions from it] but later a balcony was built around it, so that the women could watch from above with the men from below so they would not be mixed.

2. Babylonian Talmud, Tractate Sukkah 51b

At the conclusion of the first festival day etc. What was the great enactment? R. Elazar said: Like that of which we have learned: Originally [the walls of the Court of the Women] were smooth, but [later the Court] was surrounded with a gallery, and it was enacted that the women should sit above and the men below. Our rabbis have taught: Originally the women used to sit within [the Court of the Women] while the men were outside, but this would cause levity, it was instituted that the women should sit outside and the men inside. But they would still come to levity. It was instituted that the women should sit above and the men below. But how could they do so? Is it not written, “All this [do I give you] in writing as the Lord has made me wise by His hand upon me?” (I Chronicles 28:19). Rav said: They found a verse and expounded it: And the land shall mourn, every family apart; the family of the house of David apart, and their wives apart (Zechariah 12:12). They said: Is there not an a fortiori argument? If in the future when they will be engaged in mourning and the evil inclination will have no power over them, the Torah nevertheless says, men separately and women separately, how much more so now when they are engaged in rejoicing and the evil inclination has sway over them.

II. Reason for Separation: Reductio Ad Absurdum


Separate seating, we are told, reveals an underlying belief that women are inferior, and only when men and women are allowed to mix freely in the synagogue is the equality of the sexes acknowledged. To this rallying call to "chivalry" we must respond with a demand for consistency. If the non-Orthodox movements are, in this matter, the champions of woman's equality, and if this equality is demonstrated by equal participation in religious activities, then why, for instance, have not the non-orthodox schools graduated one woman rabbi all these years? Why not a woman cantor? (Even in Reform circles, recent attempts to introduce women into such positions have resulted in a good deal of controversy). Why are Temple presidents almost all men, and Synagogue boards predominantly male? Why are the women segregated in sisterhoods? If it is to be equality's then let us have complete and unambiguous equality.
They must submit as well to the private obligations incumbent upon menfolk: prayer thrice daily, and be-tzibbur, in the synagogue; donning tallis and tephillin; acquiring their own lulab and ethrog, etc. These mitzvoth are not Halachically obligatory for women, yet they were voluntarily practiced by solitary women throughout Jewish history; to mention but two examples, Michal, daughter of King Saul, and the fabled Hasidic teacher, the Maid of Ludmilla.

Does not consistency demand that the same equality, in whose name we are asked to confer upon women the privileges of full participation in public worship with all its attendant glory and glamour, also impose upon women the responsibilities and duties, heretofore reserved for men only, which must be exercised in private only?

III. Reason for Separation: Rabbinic Law and Jewish Custom

Maimonides, Laws of Rebels 3:2-3

The following rules apply when a court issued a decree, instituted an edict, or established a custom and this practice spread throughout the Jewish people and another court arose and sought to nullify the original order and eliminate the original edict, decree, or custom. The later court does not have this authority unless it surpasses the original court in wisdom and in its number of adherents. If it surpasses the original court in wisdom, but not in the number of adherents, or in the number of adherents, but not in wisdom, it cannot nullify its statements. Even if the rationale for which the original court instituted the decree or the edict is nullified, the later court does not have the authority to negate their statements unless they are greater. How is it possible that the later court will surpass the original court in number? Every Great Sanhedrin consists of 71 judges! The intent is the number of sages in the generation who consent and accept the matter stated by the Supreme Sanhedrin without opposing it.

When does the above apply? With regard to matters that were not forbidden to create a safeguard for the words of the Torah, but rather resemble other Torah laws. A different principle applies, by contrast, with regard to matters which the court sought necessary to issue a decree and create a prohibition as a safeguard. If the prohibition spread throughout the Jewish people, another Supreme Sanhedrin does not have the authority to uproot the decree and grant license even if it was of greater stature than the original court.
5. Responsa Orah Mishpat (Rav Kook z"l) Orah Hayyim #35
We have already clarified that the matter of the prohibitions of mixing of men and women in a synagogue. And even if they are just prohibited by force of custom, as some people have fallaciously argued that [the mixing of sexes is only prohibited] by force of custom, behold they are also grave matters, for the customs adopted by our forefathers are considered integral parts of the Torah. They said about this in Tractate Pesahim 50b “their forefathers already accepted upon themselves, as it says Listen, my son, to the rebuke of your father and do not abandon the teaching of your mother.” In the Jerusalem Talmud in Pesahim and Bereisheet Rabbah chapter 94, they said about matters of customs of forefathers that they came and asked and they responded to them “Do not change the custom of your deceased forefathers.” This implies that to disregard customs instituted by our forefathers about matters of prohibition is considered disrespectful to the honor of those deceased ancestors.

IV. Reason for Separation: Integration is Modeled on Christian Practice


Mixed synagogue seating, or to use the more common nineteenth-century term, “family seating,” first developed in Reform Jewish circles in the United States. Rabbi Isaac Mayer Wise, the leading nineteenth-century exponent of American Reform, took personal credit for this particular innovation, claiming to have introduced Jewish’s fast family pews” in 1850. [sic]...in the temple of Albany. Wise, however, did invent family seating. To understand what he did do, and why, requires first a brief digression into the history of church seating in America.

The earliest New England churches and meetinghouses, following the then-traditional British practice, separated men, women, and children in worship. Men and women sat on opposite sides of a central aisle, and children, also divided according to sex, sat in the back or upstairs. As John Demos points out, “family relationships were effectively discounted, or at worst, as Wise relates the circumstances in his Reminiscences “American Judaism is indebted least submerged, in this particular context...the family community and the religious to the Anshe Emeth congregation of Albany for one important reform; viz., family pews, community were fundamentally distinct.” Churches sought to underscore the role of the The church-building had family pews, and the congregation resolved unanimously to retain individual as the basic unit in matters of faith and prayer. “God’s minister,” according to them. This innovation was initiated later in all American reform congregations. This was Patricia Tracy, “superseded the role of any other agent; each heart was supposed to be an important step, which was severely condemned at the time.” According to this account, and it is the only substantial one we have, family pews entered Judaism for pragmatic

Beginning in the mid-eighteenth century, church seating patterns began to change. reasons: Members voted to make do with the (costly) building they had bought, and not to Families at first won permission to sit together in church on a voluntary basis, and expend additional funds to convert its American-style family pews into a more traditional subsequently family seating became the norm. Outside of New England, the history of Jewish seating arrangement, had members considered this a particularly momentous action church seating has not been written, and the pattern may have been more diverse. Missouri Synod Lutherans, for example, maintained separate seating in their churches (which were heavily influenced by German practice) down to at least the end of the nineteenth century. For the most part, however, the family pew won rapid and widespread acceptance in church circles, and Americans, forgetting that there were other possibilities, came to believe that “the family that prays together stays together.”

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7. Leviticus 18:3
You shall not copy the practices of the land of Egypt where you dwelt, or of the land of Canaan to which I am taking you; nor shall you follow their laws.

Mixed seating thus represents a desire by Jews to Christianize their synagogues by imitating the practices of contemporary Christian churches. And this kind of mimicry is, as we pointed out, a violation not only of a specific law of the Torah, but an offense against the whole spirit of Torah. Lest the reader still remain skeptical of our thesis that mixed seating represents a pagan-Christianization of the synagogue, he ought to consider the origin of mixed pews in the synagogue itself. Reform in Europe did not know of mixed seating. It was first introduced in America by Isaac Mayer Wise, in about 1825, when he borrowed a Baptist Church for his Reform services in Albany, N.Y., and found the mixed pews of the church so to his liking that he decided to retain this feature for his temple! We thus have only one conclusion as far as this is concerned that those who have favored family pews have unwittingly advanced the cause of the paganization and Christianization of our Synagogues. Understanding that it is wrong to assimilate Jews, we are now witnessing the attempt to assimilate Judaism.

V. Reason for Separation: Prohibition of Men Seeing Women

A big modification – meaning, the improvement is significant, as they would prepare a women's section and a walled-off section for men, and the women's section would be above the men's section, higher than it, so that the men do not look at the women.

9. Maimonides’ Commentary on the Mishnah, Tractate Sukkah 5:2

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10. Shulhan Arukh, Orah Hayyim, Laws of Reading Shema 75:1-2

If a handbreadth part of a woman is revealed, in a place where she usually covers, even if she is his wife, it is prohibited to read Shema near her. Note: And some say specifically his wife, but for another woman, even less than a handbreadth is considered nakedness (Hagahot Maimoni ch. 3). And it appears from the words of the Rosh that “a handbreadth of a woman is nakedness” refers to even another woman, except that a woman herself can read even if she is naked. Regarding the hair of a woman is that is usually covered, it is prohibited to read near it. Note: Even his wife. But regarding unmarried women, who usually go about with hair uncovered, it is permitted [to read Shema in their presence with their hair uncovered].

11. Talmud Babli, Tractate Shabbat 4a

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11. *Babylonian Talmud, Tractate Avodah Zarah 20a*

[It has been stated above.] 'Another interpretation of לא תחנם is, Thou shalt not pronounce them as graceful.' This supports the view of Rav. For Rav said: One is forbidden to say, 'How beautiful is that idolatress!' The following objection was raised: It happened that R. Simeon b. Gamaliel, while standing on a step on the Temple-mount, saw a pagan woman who was particularly beautiful, and he exclaimed: How great are Thy works, O Lord! Likewise, when R. Akiba saw the wife of the wicked Tyrannus Rufus, he spat, then laughed, and then wept. 'Spat,' — because of her originating only from a putrefying drop; 'laughed,' — because he foresaw that she would become a convert and that he would marry her; 'wept', that such beauty should [ultimately] decay in the dust. What then about Rav's ruling? Perhaps each of these Rabbis merely was thanking G-d. For a Master has said: He who beholds goodly creatures should say. 'Blessed be He who hath created such in His universe.' But is even mere looking permitted? They ask from a braita: 'Thou shalt keep thee from every evil thing implies that one should not look intently at a beautiful woman, even if she is unmarried, or at a married woman even if she is unattractive, nor at a woman's colorful garments, nor at male and female donkeys, or male or female pigs, nor at birds when they are mating; even if one be all eyes like the Angel of Death!

12. *Responsa Chatam Sofer 5:190*

And the reason for this is that every prayer or praise and thanksgiving that is mixed one's mind with any thought about even one's own wife will be ineffective before Hashem and will not be received by Him. Therefore, we separate women from men into their own synagogue so that [the men] will not come to [inappropriate] thoughts during prayer, such that the prayer would be rejected, G-d forbid. This is learned from the celebration of water drawing, mentioned in Tractate Sukkah.

VI. *Reason for Separation: Lack of Seriousness Caused by Mixed Seating*

13. *Bach, Even ha-Ezer 62*

It is the practice in Cracow that at the meal [in honor of the groom and bride] given on the second night [after the wedding] one recites the blessing, *Blessed be You, Hashem, our G-d, King of the Universe who has created joy and gladness* [following the Grace after the meal] but not *Blessed be You, Hashem, our G-d, King of the Universe* in whose dwelling is gladness, [before the Grace]. This is puzzling, and I have found no explanation for it, unless it is because this is a small meal and the men and women are seated together in one room, and it is written in the [Book of] Customs (#14) that the blessing, *in whose dwelling is gladness*, is not recited where thoughts of transgression are suspected.
14. **Maimonides, Laws of Shofar, Sukkah, and Lulav 8:12**

...Although it is a Mitzvah to rejoice on all festivals, on the Sukkot holiday there was a time of overabundant joy in the Holy Temple, for it is written, "...you shall rejoice before Hashem your G-d for seven days." And how was this done? On the eve of the first holiday they would arrange in the Holy Temple a place for the women above and for the men below so that they might not mix one with each other.

15. **Maimonides, Laws of the Temple 5:9**

The women's courtyard was surrounded by balconies so that women could see from above and men below so that they would not be mixed.

16. **Responsa Igrot Moshe (Rav Moshe Feinstein) Orah Hayyim 1:39**

The rule that even if the men are on one side and the women on the other it is forbidden without a mechitza is, IMHO, a biblical rule. And the proof is from [Tractate] Sukkah 51b, where the Gemara questioned… how they built a balcony in the ezrat nashim… given that it is forbidden to add anything to the Temple and the courtyard, and Rav answered that they found a verse [which states] that it is necessary to separate men from women… And even though the verse appears only in the Prophets, one can learn from it, because the verse didn't come to create prohibitions… rather, it says in the verse that… they should mourn like the law of the Torah, men alone and women alone…

What comes from this is that in synagogues, as well, where men and women congregate to pray, it is better to make balconies so that women will be above, but if for any reason it is difficult to make balconies, they must make an actual wall such that it prevents people from frivolity, and it is not sufficient to have what is considered a wall for other purposes, such as open gates, just as we see that it was insufficient for the Temple, and was biblically prohibited And therefore, it is insufficient to have a ten handbreadth wall from the ground, as that does nothing regarding frivolity, as they can speak, and have a conversation with women without difficulty and touch with their hands, and there is no frivolity more than that and they are considered completely mixed…But it seems to me that it is enough to have a mechitza higher than the shoulders, for we have seen that the mechitza is not to prevent looking… and that is three cubits or 18 handbreadths high, as is found in the Gemara in Shabbat 92b, see Rashi and Tosafot there...
VII. Reason for Separation: Synagogue is Modeled on Temple

17. **Babylonian Talmud, Tractate Megillah 29a**

“Yet I have been to them as a little sanctuary [in the land into which they will go]” (Ezekiel 11:16). R. Yitzchak said: This refers to the synagogue and study houses Elazar says: This refers to the house of our teacher in Babylonia. Rava gave the following exposition: What is the meaning of the verse, “Lord, You have been our dwelling place” (Psalms 90:1)? This refers to synagogues and study houses.

18. **Maharam Shik OC #77**

Behold, it is forbidden for you, good people, to be silent about this breach of décor which these insolent people have done, for legally we are obligated to make a separation between the men's and women's sections, just as there was in the Temple separate sections for women and men.

19. **Responsa Orah Mishpat (Rav Kook z”l) Orah Hayyim #35**

We are certainly obligated to come as close as possible, in all that is permitted to us in these "small sanctuaries,"…to the holy qualities of the great and holy Temple…and the holiness of the Temple was the standard that was used to apply in every Jewish settlement separate sections for men and women, as was the case in the Temple.

VIII. Reason for Separation: Concentration and Distraction During Prayer


And as long as men will be men and women will be women, there is nothing more distracting in prayer than mixed company...It is too much to expect of a man, sitting in feminine company, to concentrate fully upon the sacred words of the Siddur and submit completely to God. We are speaking of the deepest recesses of the human heart; it is there that prayer originates. And how can one expect a man's heart to be with God when his eyes are attracted elsewhere? We are speaking of human beings, not angels, and the Halakhah recognizes both the strength and weakness of a man. It is simply too much to ask of a man that he sit in the company of women, that he behold their loveliness-and at the same time undergo a great religious experience...And what woman can concentrate on the ultimate issues of life and feel the presence of God, when she is far more interested in exhibiting a new dress or new chapeau? How can she try to attract the attention of G-d when she may be trying much harder to attract the attention of some man? When the sexes are separated, the chances for such distraction are greatly reduced...And it is not only that what one sees prevents one from experiencing kavvanah, but that mixed company in general, in the relaxed and non-business-like atmosphere of the synagogue, is conducive to a kind of frivolity-not disrespectful, but levity nonetheless...
IX. Reason for Separation: Prayer is a Lonely Experience


The entire concept of “family pews” is in contradiction to the Jewish spirit of prayer. Prayer means communion with the Master of the World, and therefore withdrawal from all and everything. During prayer man must feel alone, removed, isolated. He must then regard the Creator as an only Friend, from whom alone he can hope for support and consolation. Behold, as the eyes of servants look unto the hand of their master, as the eyes of a maiden unto the hand of her mistress; so our eyes look unto the Lord our God, until He be gracious unto us (Psalms 123:2)

Clearly, the presence of women among men, or of men among women, which often evokes a certain frivolity in the group, either in spirit or in behavior, can contribute little to sanctification or to the deepening of religious feeling; nor can it help instill that mood in which a man must be immersed when he would communicate with the Almighty. Out of the depths have I called Thee, O Lord (Psalms 130:1), says the Psalmist. Such a state of being will not be realized amid "family pews."

22. Responsa Bnei Banim (Rabbi Yehuda Herzl Henkin) 1:1-2

On several occasions I visited you and commented about the mehitza in the synagogue that it does not divide spaces, since the curtain is more than four handbreadths from the ground and is not tied at the bottom and cannot withstand a normal wind. It appears that you have not accepted my opinion and you said you rely on Maimonides' commentary on the Mishnah to Sukkah ch. 5, that the reason for the for the improvement at the celebration of the water drawing is so that men will not look at women so they separated them, and no more, and behold, your curtain prevents looking. However, I did not question you because I see that this question of mehitza in a synagogue as to that it required separate sections is not dealt with at all by the halakhic decisors...