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# Why So Separate?:

# The Nature and Purpose of the Mechitza in Shul

# I. The Origins of the Mehitza

#### משנה מסכת מידות פרק ב משנה ה. 1

עזרת הנשים...חלקה היתה בראשונה והקיפוה כצוצרה שהנשים רואות מלמעלן והאנשים מלמטן כדי שלא יהו מעורבין.

### 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.

#### . תלמוד בבלי מסכת סוכה דף נא עמוד ב

במוצאי יום טוב כו'. מאי תיקון גדול? - אמר רבי אלעזר: כאותה ששנינו, חלקה היתה בראשונה והקיפוה גזוזטרא, והתקינו שיהו נשים יושבות מלמעלה ואנשים מלמטה. תנו רבנן: בראשונה היו נשים מבפנים ואנשים מבחוץ, והיו באים לידי קלות ראש, התקינו שיהו נשים יושבות מבחוץ ואנשים מבפנים. ועדיין היו באין לידי קלות ראש. התקינו שיהו נשים יושבות מלמעלה ואנשים מלמטה. היכי עביד הכי? והכתיב: הכל בכתב מיד ה' עלי השכיל! - אמר רב: קרא אשכחו ודרוש, וספדה מארץ משפחות לבד משפחת בית דוד לבד ונשיהם לבד. אמרו: והלא דברים קל וחומר. ומה לעתיד לבא - שעוסקין בהספד ואין יצר הרע שולט בהם - אמרה תורה אנשים לבד ונשים לבד, עכשיו שעסוקין בשמחה ויצר הרע שולט בהם - על אחת כמה וכמה.

## 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

# 3 . <u>Rabbi Dr. Norman Lamm, "Separate Pews in the Synagogue: A Social and Psychological Approach," Tradition, Vol. 1, No. 2 (Spring 1959), pp. 141-164</u>

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

## <u>רמב"ם הלכות ממרים פרק ב הלכות ב-ג</u>

בית דין שגזרו גזרה או תקנו תקנה והנהיגו מנהג ופשט הדבר בכל ישראל, ועמד אחריהם בית דין אחר ובקש לבטל דברים הראשונים ולעקור אותה התקנה ואותה הגזרה ואותו המנהג, אינו יכול עד שיהיה גדול מן הראשונים בחכמה ובמנין, היה גדול בחכמה אבל לא במנין, במנין אבל לא בחכמה, אינו יכול לבטל את דבריו, אפילו בטל הטעם שבגללו גזרו הראשונים או התקינו אין האחרונים יכולין לבטל עד שיהו גדולים מהם, והיאך יהיו גדולים מהם במנין הואיל וכל בית דין ובית דין של שבעים ואחד הוא, זה מנין חכמי הדור שהסכימו וקבלו הדבר שאמרו בית דין הגדול ולא חלקו בו. במה דברים אמורים בדברים שלא אסרו אותן כדי לעשות סייג לתורה אלא כשאר דיני תורה, אבל דברים שראו בית דין לגזור ולאסרן לעשות סייג א אם פשט איסורן בכל [ישראל] אין בית דין גדול אחר יכול לעקרן ולהתירן אפילו היה גדול מן הראשונים.

# 4. 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.

# שו"ת אורה משפט (לראי"ה קוק וצ"ל) אורה חיים סימן לה. 5

והנה כבר ביארנו, שאלה הדברים של איסור התערבות אנשים ונשים בביהכ"נ...הם איסורים חמורים של תורה, וחלילה לשום אדם מישראל להמנות בין עבריינים, ולהיות נטפל לעדה כזאת הפורצת את גדרי - הקודש הללו, ואיסור גמור מעיקר הדין להכנס ולהתפלל בבתי כנסיות כאלו...ואפילו אם היו הדברים הללו אסורים רק מפני מנהג אבותינו בלבד, כמו שיש טועים בזה ואומרים שהם רק דברים של מנהג, הנה גם אז היו הדברים חמורים מאד, ומנהגי אבות הם הם גופי תורה, ואמרו ע"ז בגמ' פסחים נ" ע"ב כבר קבלו אבותיכם עליהם, שנאמר שמע בני מוסר אביך ואל תטש תורת אמך, ובירושלמי פסחים שם ובב"ר פ' צ"ד אמרו על עניני מנהגים של האבות, שבאו ושאלו, והשיבו להם אל תשנו מנהג אבותיכם נוחי נפש. שמזה נראה שזלזול המנהג של אבות בעניני איסורים נחשב מזלזל בכבוד האבות נוחי נפש.

# 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

# 6. Dr. Jonathan Sarna, "The Debate Over Mixed Seating in the American Synagogue," The American Synagogue: A Sanctuary Transformed. New York: Cambridge University Press, 1987

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 Jewry's first family pews "in 1850 quell. The next day, Wise held Rosh Hashanah services at his home. The day after that, he [sic]...in the temple of Albany." Wise, however, did not invent family seating. To was invited to a meeting consisting of "prominent members of the congregation together understand what he did do, and why, requires first a brief digression into the history of with a large number of young men," 19 where a new congregation, Anshe Emeth, came into church seating in America.

British practice, separated men, women, and children in worship. Men and women sat on journeyed west to Cincinnati to assume his life-long position at Bene Yeshurun.<sup>20</sup> 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 world. 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."10 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, unprotected against the thunder of the Gospel."11

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. 12 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." 13

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being with Wise as its rabbi. Anshe Emeth dedicated its new building, formerly a Baptist The earliest New England churches and meetinghouses, following the then-traditional church, on October 3, 1851. Wise served the congregation there until 1854, when he Anshe Emeth is usually credited with being the first synagogue with mixed seating in the

and it is the only substantial one we have, family pews entered Judaism for pragmatic

בְּמַעֲשָׂה אֶרֶץ־מִצְרֶיִם אֲשֶׁר יְשַׁבְתֶּם־בָּה לָא תַעֲשֶׂוּ וּכְמַעֲשֵׂה אֶרֶץ־כְּנַעַן אֲשֶׁר אֲנִי°מַבִּיא אֶתְכֶם שָׁמָּה לָא תַעֲשׂוּ וּבְחַקּתֵיהֶם לָא

#### 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.

# 8 . <u>Rabbi Dr. Norman Lamm, "Separate Pews in the Synagogue: A Social and Psychological Approach," Tradition, Vol. 1, No. 2 (Spring 1959), pp. 141-164</u>

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

# פירוש המשנה לרמב"ם מסכת סוכה פרק ה משנה ב. 9

תיקון גדול, כלומר גדול התועלת, והוא שהיו מכינים מקום לנשים ומקום גדור לאנשים, ומקום הנשים למעלה על מקום האנשים גבוה ממנו כדי שלא יסתכלו האנשים בנשים.

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

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.

#### שולחן ערוך אורח חיים הלכות קריאת שמע סימן עה סעיפים א-ב. 10

טפח מגולה באשה, במקום שדרכה לכסותו, אפי' היא אשתו, אסור לקרות ק"ש כנגדה. הגה: וי"א דוקא באשתו, אבל באשה אחרת, רק אחרת אפילו פחות מטפח הוי ערוה (הגהות מיימוני פ"ג). ונראה מדברי הרא"ש דטפח באשה ערוה, אפי' לאשה אחרת, רק שבעצמה יכולה לקרות אע"פ שהיא ערומה, כדלעיל סי' ע"ד. שער של אשה שדרכה לכסותו, אסור לקרות כנגדו. הגה: אפי' אשתו, אבל בתולות שדרכן לילך פרועות הראש, מותר.

# 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].

# תלמוד בבלי מסכת עבודה זרה דף כ עמוד א. 11

ד"א: לא תחנם - לא תתן להם חן. מסייע ליה לרב, דאמר רב: אסור לאדם שיאמר כמה נאה עובדת כוכבים זו. מיתיבי: מעשה ברשב"ג שהיה על גבי מעלה בהר הבית, וראה עובדת כוכבים אחת נאה ביותר, אמר: גמה רבו מעשיך ה'! ואף ר"ע ראה אשת טורנוסרופוס הרשע, רק שחק ובכה, רק - שהיתה באה מטיפה סרוחה, שחק - דעתידה דמגיירא ונסיב לה, בכה - דהאי שופרא בלי עפרא! ורב, אודויי הוא דקא מודה, דאמר מר: הרואה בריות טובות, אומר: ברוך שככה ברא בעולמו. ולאסתכולי מי שרי? מיתיבי: דונשמרת מכל דבר רע - שלא יסתכל אדם באשה נאה ואפילו פנויה, באשת איש ואפי' מכוערת ולא בבגדי צבע [של] אשה, ולא בחמור ולא בחזיר ולא בחזירה ולא בעופות בזמן שנזקקין זה לזה, ואפילו מלא עינים כמלאך המות...

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

[It has been stated above.] 'Another interpretation of א החנם 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 Tyrranus 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!

#### שו"ת חתם סופר חלק ה - השמטות סימן קצ. 12

והטעם לזה כי אנו מאמינים שכל תפלה או שבח והודאה שמתערב במחשבה ההיא שום הרהור אפי' באשתו לא תעלה במעלות לפני הי"ת ולא תקובל לפניו ומפני זה אנו מפרישי' הנשי' מן האנשים בבה"כ בפ"ע שלא יבאו לידי הרהור בשעת תפלה ותהי' תפלה נדחית רחמנא לצלן ויצא לנו זה משמחת בית השואבה דאמרי' מס' סוכה.

# 12. Responsa Chatam Sofer 5:190

And the reason for this is that we believe 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

#### ב"ח אבן העזר סימן סב. 13

בקראקא נוהגין שבסעודה שעושין בליל ב' מברכין אשר ברא ולא שהשמחה במעונו והוא תימה ולא מצאתי שום טעם למנהגם זה אלא לפי שסעודה זאת קטנה היא ומושיבין האנשים והנשים יחד בחדר אחד וכתב במנהגים (שם, הגהות אות יד) דאין מברכין שהשמחה במעונו היכא דאיכא חששא דהרהור עבירה ולפי זה ודאי היכא דאין שם אלא אנשים במסיבה צריך לברך שהשמחה במעונו:

#### 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 רמב"ם הלכות שופר וסוכה ולולב פרק ח הלכה יב

אף על פי שכל המועדות מצוה לשמוח בהן, בחג הסוכות היתה שם במקדש שמחה יתירה שנאמר (ויקרא כג) ושמחתם לפני ה' אלהיכם שבעת ימים, וכיצד היו עושין ערב יום טוב הראשון היו מתקנין במקדש מקום לנשים מלמעלה ולאנשים מלמטה כדי שלא יתערבו אלו עם אלו.

## 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. רמב"ם הלכות בית הבחירה פרק ה הלכה ט

עזרת הנשים היתה מוקפת גזוזטרא כדי שיהיו הנשים רואות מלמעלן והאנשים מלמטן כדי שלא יהיו מעורבבין.

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

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

#### 16. שו"ת אגרות משה אורח חיים חלק א סימן לט

והנה עצם הדין שאף אם האנשים הם בצד אחד והנשים בצד אחר אסורין הן להיות בלא מחיצה הוא לע"ד דינא דאורייתא. וראיה מסוכה דף נ"א שהקשה בגמ' על הגזוזטרא שעשו בעזרת נשים...שאסור להוסיף שום דבר בבנין הבית ובעזרה ותירץ רב דקרא משכחו שצריך להבדיל אנשים מנשים כדפרש"י עיי"ש...ואף שאינו אלא קרא בדברי קבלה יש למילף שפיר שהרי לא בא הקרא לחדש איסורין...אלא שנאמר בקרא דדברי קבלה שיספידו כדין התורה אנשים לבד ונשים לבד.

...היוצא מזה גם בבתי כנסיות שמתקבצין שם אנשים ונשים להתפלל טוב יותר לעשות גזוזטרא שהנשים יהיו למעלה, ואם מאיזה טעם קשה לעשות גזוזטרא צריכים לעשות מחיצה ממש כזו שתמנע מלבוא לידי קלות ראש ולא סגי במה שנחשבה מחיצה לכל דבר כגון בשערים פתוחים כמו שראינו שלא הועילה במקדש והיה אסור מדאורייתא. ולכן לא סגי גם במחיצה של עשרה טפחים מן הקרקע שאינה כלום לענין קלות ראש שהרי יכולים לדבר ולהרבות שיחה עם הנשים בלי שום קושי וליגע בידיהם ואין לך קלות ראש גדולה מזו ונחשבו כמעורבין ממש...אבל מסתבר לע"ד שסגי במחיצה גבוהה עד אחר הכתפים, דהרי חזינן שהמחיצה אינה מצד איסור הסתכלות...והוא גובה ג' אמות שהן י"ח טפחים כדאיתא בשבת דף צ"ב עיין ברש"י ותוס' שם...

## 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 92, see Rashi and Tosafot there...

# VII. Reason for Separation: Synagogue is Modeled on Temple

# <u>תלמוד בבלי מסכת מגילה דף כט עמוד א</u>. 17

*ואהי להם למקדש מעט*, אמר רבי יצחק: אלו בתי כנסיות ובתי מדרשות שבבבל. ורבי אלעזר אמר: זה בית רבינו שבבבל. דרש רבא: מאי דכתיב*ה' מעון אתה היית לנו -* אלו בתי כנסיות ובתי מדרשות.

## 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.

### שו"ת מהר"ם שיק אורח חיים סימן עו. 18

והנה חלילה לכם הכשרים לשתוק על דבר הפריצות שעשו החצופים ההם, כי מדינא אנו מחוייבים לעשות הפסק בין עזרת אנשים לעזרת נשים, כמו שהיה בבית המקדש עזרת נשים לחוד ועזרת אנשים לחוד.

## 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. שו"ת אורח משפט אורח חיים סימן לה

- יבודאי חייבים אנחנו להתקרב בכל מה שאפשר לנו, ובכל מה שמותר לנו, במקדשי מעט הללו, מעונות השכינה שלנו בתי -ובודאי חייבים אנחנו להתקרב בכל מה שאפשר לנו, ובכל מה שמותר לנו, במקדשי - מעט הללו, מעונות השכינה שלנו בתי -
- כנסיותינו, לתכונת הקדושה של הבית הגדול והקדוש, שיבנה במהרה בימינו, וקדושת בית המקדש היתה לאבותינו לקו
- המדה, שחלקו גם בבתי הכנסיות שבכל מושבותיהם עזרת אנשים לבד ועזרת נשים לבד, כמו שהיה הדבר כן בבית המקדש.

# 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

# 20. <u>Rabbi Dr. Norman Lamm, "Separate Pews in the Synagogue: A Social and Psychological Approach," Tradition, Vol. 1, No. 2 (Spring 1959), pp. 141-164</u>

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

# 21. Rabbi Dr. Joseph B. Soloveitchik, The Sanctity of the Synagogue, p. 116

[T]he 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. שו"ת בני בנים (רב יהודה הרצל הענקין) חלק א סימנים א-ב

פעמים כשבקרתי אצלכם הערתי על המחיצה בבית הכנסת שאינה מבדלת רשות כיון שהוילון מרוחק ד' טפחים מהקרקע, וגם אינו קשור למטה, ואינו עומד ברוח מצויה. לפי הנראה, לא קבלתם דעתי ואמרתם לסמוך על פרוש המשנה של הרמב"ם ז"ל לסוכה פרק ה' שטעם התקנה בשמחת בית השואבה היה שלא יסתכלו האנשים בנשים ופרשתם ותו לא, והרי הוילון אצלכם מונע הסתכלות. איני תמה עליכם היות וראיתי ששאלה זו של מחיצה בבית הכנסת, האם צריכה דין מבדלת רשות, אינה נדונה כלל ועיקר ביו הפוסקים.

...גם אגלה לו מה שראיתי ושמעתי מגאוני ארצי שהועד נאמנה שהגרי"ד סולוביציק שליט"א כמה פעמים התיר תפלה במחיצה בת י׳ טפחים בשעת דחק גדול ומעשה היה כאשר יצקתי מים על ידי מועז הגאון האדיר ציס"ע הרי"א הענקין זצלה"ה ושאלוהו לגבי בית כנסת בבית ספר תיכון שעמדו הבנים מקדימה והבנות מאחור ומחיצת י"א טפחים ביניהם בתפלות המנחה ולא אמר לא איסור ולא היתר אבל נתן רשות לרב השואל אחרי שישתדל להגביה המחיצה אם רואה שאי אפשר לו לשכנעם להגביהה ואין דרך אחרת שיכול להתפלל שם ופשוט שהצריכו שנוי רשות שאם אין הסתרת הראות כנהוג מדור דור וגם אין הבדלת רשות מחיצת י' טפחים מאי עבידתה

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

On several occasions I visited you and commented about the *mechitza* 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...

...I will also reveal that which I say and heard from the greats of my homeland, from a trustworthy group, that Rabbi Joseph B. Soloveitchik occasionally allowed prayer with a ten handbreadth mehitza in a difficult situation. There is also a story from when I was learning from my grandfather, Rabbi Yosef Eliyahu Henkin, hat they asked him about a synagogue in a a high school in which the boys were in front and girls in back and a mehitza of eleven handbreadths between them during afternoon services and he did not prohibit or permit this, rather he gave permission to the questioning rabbi after he tried to raise the mehitza once he saw that it was impossible to convince them to reaise it and there is no other way to pray there. It is obvious that they required a distinction of sections, because if there is nothing blocking the view, as has been the practice in previous generations, and there is no division of sections, what does a ten handbreadth wall accomplish?