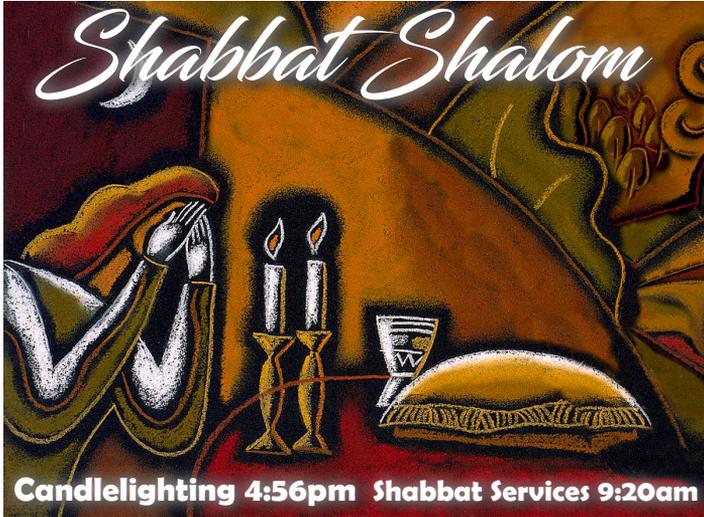




Carnegie Shul Chatter

January 10, 2019



Mechitzah — Tradition or Halacha?

The Carnegie Shul is a traditional congregation. We have a service that is predominantly Orthodox and we have a Kosher kitchen.

But we are not entirely Orthodox. Women may accept aliyot and we count women towards minyan. Last Shabbos we had nearly as many women at services as we did men (six men, five women). Most Saturdays we would have trouble making minyan without our women.

Another very big difference between our shul and a strictly Orthodox congregation is that women and men sit together in our shul. There is no mechitzah, or barrier, dividing men and women, nor do women sit apart from men in a balcony.

So why do Orthodox shuls separate men and women at services? Is it tradition or is it halacha (Jewish law)? The answer is not entirely clear.

Seating Arrangements

I must admit that I like sitting with my wife when I go to shul.

Can it be distracting? Yes, but not because she is a woman, but sometimes she wants to say something to me, or I may want to say something to her. But even though we occasionally speak to each other, we are usually attuned to the service and it is important to us that we should not interrupt the others' concentration, prayer, or meditation.

And it is not just a woman that may distract me at shul. Sometimes a man might distract me by saying something to me, like, "How did you like the ballgame last night," or "What did you think of that movie that won the Oscar?" But no one suggests building a barrier to protect me from the distractions of other men.

And if we provide barriers to prevent men from being distracted in their prayers by women, and vice-versa, what happens when men have a sexual attraction to other men or women to other women? It does happen, and there is no mechitzah to deal with that.

I respect those who prefer a mechitzah. If the halacha was more clear, perhaps I would prefer one also. But as traditional as I tend to be, I like seating the way we have it at the Carnegie Shul.

The first article below, from chabad.com, does not cite any halacha at all.

Separation in the Synagogue

By Aron Moss

Question:

Why do men and women sit separately at traditional Jewish services?

Answer:

All Jewish practices have their simple reasons as well as deeper, more spiritual explanations.

One obvious benefit of separate seating in a synagogue is that it helps ensure that the main focus is on the prayers and not on the opposite gender.

There is no question that we don't act the same in a mixed crowd as we do in a same-gender one. There is nothing wrong with that. It is good and healthy that we are attracted to each other, but during prayers we shouldn't be trying to impress anyone other than G-d.

In addition to that, a synagogue should be a welcoming and inclusive place. No one should feel left out. Many single people feel extremely uncomfortable at a function or event at which everyone seems to be with a partner except them. No one should ever feel this way at a synagogue. When men and women sit separately, there is no discrimination between singles and couples. (There will always be a chance for singles to mingle afterwards at the Kiddush!)

But it goes deeper than that. Women and men are very different beings. Not only are we physically different; our thought processes, emotional states and psychology are all different. This is because our souls are different - they come from complementary but opposite sources. The prayer experience is supposed to be an opportunity to be with your true self, to communicate with your soul. Men and women need space from each other to help them become intuned to their higher selves.

Ironically, it is by sitting separately in prayer that we are able to truly come together in the other areas of our lives; because it is only when both male and female spiritual energies are allowed to flourish that we are complete as individuals, families and a community.

The second article, from myjewishlearnig.com, reveals that some orthodox congregations actually had mixed seating into the 1950s, and credits a twentieth century rabbi, Rabbi Moses Feinstein, as being a significant source of halachic interpretation of separate seating. I have also found reference to the same Rabbi Feinstein in other sources discussing this matter.

Mechitzah: Separate Seating in the Synagogue

A curtain or other divider separates men and women while they pray in some synagogues.

By Dr. Norma B. Joseph

The mechitzah is the physical barrier separating the men's section and women's section of an Orthodox synagogue.

In Orthodox congregations, men and women are not permitted to sit together during prayer services. The height of the mechitzah varies, and it can be a curtain, screen or even shelving or plants. In some



synagogues, instead of being divided by a mechitzah, the women's section is in the balcony and the men's section is on the main floor of the sanctuary.

Origins of the Mechitzah



It is unclear exactly when mechitzahs came into use, and the (Jewish law) issues are equally ambiguous. The wording of the Talmudic texts is unclear, and the codes nowhere explicitly require a mechitzah. There is neither a direct prohibition nor a direct requirement. Maimonides refers to the women's section in his compilation of laws dealing with the ancient Temple and not in the section dealing with prayer and synagogue. Other medieval texts specifically mention using a partition for public occasions such as the rabbi's lecture.

Responses to Reform's Family Pews

The Mordekhai, a 13th-century German rabbinic authority, states specifically (Shab. 311) that a screen could be set up for such a purpose even on Shabbat. (One might question whether this permission to erect something on the Sabbath, an ordinarily forbidden act, might not indicate the absence of a permanent mechitzah in the synagogue.) It was not until the modern period, when the Reform Movement first removed the mechitzah and later instituted family pews, that Orthodox responsa explicitly requiring a mechitzah for prayer services were written. Orthodox decisors today all agree that one can only pray in a synagogue with separate seating and a mechitzah.

The halachic process surrounding this one issue involves many levels of interpretation, differential weighting of sources, a variety of reasons, and a serious difference of opinion concerning women's "disturbing" presence during prayer. In the last 150 years, the issue of a separation has taken on political overtones that impinge on the legal ones.

The legal questions raised are fascinating and begin with the ambiguous sources relied upon. The primary text is the Talmudic discussion of Sukkah 5:2, which states that on Simhat Beit ha-Sho'evah (the water-drawing festival, during Sukkot) they went into the women's section and made a great improvement (repair) or a major enactment (u-matkinim sham tikkun gadol). There are other Mishnaic references such as Middot 2:5, and Sanhedrin 1:5, that add to the picture, but the Talmudic discussion in Sukkah 51a,b-52a is the most elaborate.

What exactly was the "new enactment"? The legal decision to separate the men and women is clear in the Talmudic discussion in Sukkah 51a-52a, but the questions as to how, why, and when remain. Was this reform, according to the Talmud, only for that one holiday, when levity reached a level that moral laxity was feared? Or does the Talmudic use of the text of Zechariah 12:12-14, which relates that men and women were separated for mourning, indicate a known policy on the separation of men and women? What is the legal relationship of that text to other biblical texts in which men and women mingle at public celebrations?

Furthermore, if men and women were separated for



mourning, how is it that women still performed officially as wailers? Is that text, then, extendable to all moments of holiness such as prayer? How did the Sages institute something new for the Temple? Even with the agreement of a special court of 71, how could any changes be made when 1 Chronicles contains the injunction *ha-kol be-khtav* (all this in writing), which prohibits any change to the Temple structure? Given even that a physical structure is necessary, will only a balcony suffice?

Consideration of all the above questions, plus other factors such as the equation of synagogue with Temple and the authority of biblical law versus rabbinic law, play a major role in the decision-making process of today's rabbinic authorities. Primary attention is given here to the responsa—*teshuvot*—of Rabbi Moses Feinstein, in an attempt to elucidate the halakhic process surrounding this one issue. As one of the major Orthodox rabbinic authorities of the 20th century, his views and decisions on this issue are significant.

For Feinstein, separation of the sexes is mandatory and is *mid-oraita*—having biblical authority. He deals directly with *mechitzah* in 14 separate *teshuvot*. Many responsa in the collection *Igrot Moshe* (IM)—the seven volumes of questions and answers authored by Feinstein—deal with the ways and means of separating men and women. For Feinstein, gender separation is essential in order to preserve biblically mandated morality. He strives to maintain this pattern in many different aspects of daily Jewish life, not just in the synagogue. For example, a large number of his decisions require separate schools for boys and girls, even at the primary level. Having taken such a consistently strong position on male-female separation, it is understandable that he will legislate a strict position on *mechitzah*.

Denominational Demarcation



The halachic issue aside, the debate became one of denominational polemic that reached its peak in the 1950s in America. At that time, there were Orthodox congregations that had mixed seating. The Orthodox Movement's Yeshiva University even allowed rabbinical students to accept posts in mixed seating congregations, with the hope that they would influence their congregants to change. Both those practices are no longer permitted.

Legal battles were fought in the 1950s in America, as Jews used the civil courts to force one or the other practice. One of the most famous cases was the Mt. Clemens case, in which one man, Baruch Litvin, sued his congregation for depriving him of his rights by changing the

seating to mixed pews. The court ruled in his favor and the *mechitzah* remained. This case was an important element in the hardening of the Orthodox position. Litvin collected various rabbinic sources, statements, and responsa in the book, *The Sanctity of the Synagogue*. Though Orthodox responsa forbidding mixed pews had been written before, after the publication of Litvin's volume, all Orthodoxy became defined by this one practice.

Excerpted with permission from Daughters of the King: Women and the Synagogue, edited by Susan Grossman and Rivka Haut (Jewish Publication Society).

Finally, here is a letter written by By Rabbi Menachem M. Schneerson, The Lubavitcher Rebbe, discussing the mechitzah. Again, there is no halacha cited by the Rebbe.

Why Separate Men and Women in the Synagogue? The Mechitzah Partition

By the Grace of G-d
10th of Nissan, 5721
[March 27, 1961]
Brooklyn, NY

Greeting and Blessing:

This is in reply to your letter and questions:

(1) Regarding the Mechitzah partition between the men and the women in the synagogue.

You mention several explanations which have been suggested to you, according to which the necessity for a Mechitzah would be qualified and limited to certain conditions only.

Let me preface my answer with a general observation about a misconception in this matter. It is a mistake to think that the Mechitzah is degrading to the honor or dignity of the Jewish woman. The best proof of this is that although the love of parents for their children is not only a very natural one, but has even been hallowed by the Torah, as we pray to G-d to show us the same fatherly feeling (“As a father has mercy on his children”), yet there is a Din [law] in the Shulchan Aruch [the Code of Jewish law, the volume of] Orach Chaim 98,1 that it is forbidden to kiss one’s little children in Shul [synagogue], and, moreover, even not during the time of prayer. Not to mention the Din of the Torah to esteem and honor every human being created in the “image” of G-d. To think that there could be anything degrading in the Mechitzah is to betray complete ignorance not only of the significance of the Mechitzah but of the whole attitude and way of the Torah.

One of the inner and essential reasons for the Mechitzah—since you insist on an explanation—is that the synagogue, and the time of prayer in general (even when recited at home), are not merely the place and time when a formal petition is offered to Him Who is able to fulfill the petition; it is much more profound than that. It is the time and place when the person offering the prayer unites himself with Him to Whom the prayer is offered, by means of the prayer. And as our Sages declare: Know before Whom you stand: before the Supreme King of kings, the Holy One, blessed be He. “Know” (da), as the term daas [knowledge] is explained in the Tanya, in the sense of unity, as in “And Adam knew Eve.” The union of two things can be complete only when there is not a third element involved, be it even a matter of holiness and the like.



From the above it follows that there certainly must be nothing to distract the attention and the attunement of the heart and mind towards the attainment of the highest degree of unity with G d.

From the above it also follows that the separation of the sexes by a Mechitzah has nothing to do with any particular condition or state in the women, as has been suggested to you.

It further follows also that the purpose of the Mechitzah is not just to set up a visible boundary, for which a Mechitzah of several inches might do, but it must be one that completely hides the view, otherwise a Mechitzah does not accomplish all its purposes.

I have indicated above, though quite briefly, some of the basic facts about a Mechitzah and the essential explanation behind it in order to answer your questions and satisfy your curiosity. I must say, however, quite emphatically, that the approach of testing and measuring Torah and mitzvot by the yardstick of the limited and often fallacious human reason is totally wrong. The human intellect is a very unreliable gauge, and quite changeable from one extreme to the other. Even in the so-called exact sciences, the unreliability of human reason and deduction has been amply demonstrated, and what was one day considered as an "absolute" truth is the next day abrogated with equal certainty and absoluteness. Hence to presume to make conditions in regard to the eternal and G d-given Torah and mitzvot is completely out of place.

Therefore, inasmuch as we have been instructed to have a Mechitzah in the house of prayer, it would violate even common sense to present a petition to the Almighty in a manner which displeases Him, and to add insult to injury, to declare that "the reason I do not accept this regulation is because my human intelligence suggests to act otherwise than is the will of the En Sof [the Infinite G d], yet, please fulfill my request anyway!"

Much more should be said on this subject, but it is difficult to do so in a letter.

I trust that in harmony with your search for knowledge which you display in your letter, you have regular daily periods of study of the Torah and the Torah view, and that it is the kind of study which leads to action and practice in the daily life, as our Sages emphasized that the essential thing is the deed.

Wishing you and your fellow students a kosher, happy and inspiring Pesach [Passover],

With blessing,

(Excerpt from a Letter)

By Rabbi Menachem M. Schneerson, The Lubavitcher Rebbe

Honor Your Loved Ones

Commemorate a loved one by **dedicating a yahrzeit plaque** in his or her memory at the Carnegie Shul. These beautiful plaques, mounted on the sanctuary walls, are lit on the loved one's yahrzeit, Yom Kippur, and days when Yizkor is recited. The names are also read aloud from the Bimah during services on the Sabbath of the yahrzeit and on Yom Kippur.



Or **sponsor a kiddush** in honor or in memory of a loved one; your sponsorship will be announced from the bimah and in the weekly Chatter.

To purchase a plaque, for only \$175 or sponsor a kiddush for only \$36, please email Mike Roteman at mrmike7777@yahoo.com.