

A New Yavneh Publication

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Mekhitzot

By David Wolkenfeld

A (not quite so) Brief Thought: *mehitzah* Rabbi David Wolkenfeld

This week, I have decided to write about a halakhic issue that is relevant to our community rather than address the *parasha*. At the outset, I want to make clear that I am not writing in an authoritative tone—that is not my model of rabbinic leadership nor is it appropriate to our employment within the context of the Jewish Learning Initiative. Rather, I am writing as a concerned member of the community hoping to provide some added knowledge to an area that effects our religious lives together with the hope that this added knowledge will help our community grow.

None of the standard halakhic codes of the medieval or modern periods mention the requirement for a *mehitzah* between men and women in synagogue. There are references to *mehitzot* in the halakhic literature, but the *mehitzah* is always mentioned as an aside or detail mentioned in passing. However, at the dawn of Jewish emancipation, men and women prayed separately in all Jewish communities throughout the world—either divided by a *mehitzah*, a balcony, or, in some communities, a separate women’s synagogue adjacent to the men’s synagogue.

In the United States during the 1950’s and 1960’s the presence of a *mehitzah* became the distinguishing factor between Conservative Judaism and Orthodoxy (neither movement was characterized by widespread *shemirat ha-mitzvot* in those years) and from that time, major Orthodox *poskim* have formulated conceptual frameworks for understanding *mehitzah*.

Rav Yehudah Herzl Henkin believes that the obligation for *mehitzah* is modeled on the separation between the *ezrat nashim* in the *beit ha-mikdash* and the *ezrat yisrael*. These areas were only separated by steps, yet they were halakhically defined as being a separate *reshut*-domain. For Rav Henkin, a *mehitzah* delineates a separate domain. From this conceptual framework, there are numerous halakhic ramifications: A *mehitzah* need not be taller than 10 *tefachim* (about 30 inches) and it can be constructed out of a “halakhic barrier,” such as parallel twine within 3 *tefachim* of each other. Rav Henkin’s permissive response to women saying kaddish in public is a partial outcome from his understanding that the *ezrat nashim* is a separate *reshut* and women can do what they like there without effecting whatever it is the men are doing. But if a hanging curtain is used for a *mehitzah*, it must drop to within three *tefachim*

of the ground and be able to withstand normal winds (the same rules for a sukkah wall). Furthermore, such a *mehitzah* could be included in the category of a *mehitzah ha-materet*, which cannot be constructed on Shabbat.

The second major conceptual framework for understanding *mehitzah* is that of the the Hatam Sofer—made popular in America among the Hungarian hasidim by the Satmar Rav z”tl. According to this approach, based on a comment of Rambam, the purpose of a *mehitzah* is to prevent men from looking at women during times of prayer. This conceptual model would require very tall and opaque *mehitzot*. One leniency that might emerge from this model is that women might feel themselves free from the “male gaze” while in the synagogue and thus freer to pray with less inhibition and choose how to dress guided only by their own sense of propriety and “walking modestly before God,” and not think about the effect of their dress or behavior on male worshippers.

The third major framework for understanding *mehitzah* is that of Rav Moshe Feinstein z”tl. Rav Moshe thought that the purpose of a *mehitzah* was to prevent mingling between the sexes and a co-ed atmosphere - which he claimed would create *kalut rosh*, improper levity - during synagogue services. According to this conception, a *mehitzah* need not prevent sight lines - but it must be high enough to clearly keep men and women in separate parts of the synagogue and make it hard for them to communicate with each other. One leniency results from Rav Moshe’s opinion. He allowed one or two women to pray with a minyan without a *mehitzah* (e.g. they came to a *beit midrash* minyan to say kaddish) since one or two women standing to the side does not create an environment of *kalut rosh*. Most mainstream American Orthodox synagogues have *mehitzot* that follow Rav Moshe’s conceptual model.

I have not discussed the force of the requirement for a *mehitzah* (from the Torah, rabbinic enactment, etc.), nor have I discussed the scope of the requirement (only prayer, also for weddings, etc.). Perhaps I will in a future column. But I want to conclude with one final point which is my major motivation to write this piece:

There are some synagogues where women pray “behind a *mehitzah*.” In those communities, the entire synagogue is a place for men, with a small reservation where women are allowed. In other synagogues, women pray in the women’s section and men pray in the men’s section. In such communities, the integrity

of both the men's section and the women's section is respected. Just as women do not enter the men's section during prayer times, men do not enter the women's section unnecessarily.

Both Wilf and Feinberg are spaces that are not ideal for Orthodox worship because men must walk through the women's section in order to enter the men's section. However, this can be done in a respectful way if men are careful to only walk across the back of the women's section and never through the front. By refraining from entering and exiting in front of the women's section and by refraining from praying in the women's section—even when no women are at that service—we men can show that we are part of a community that ascribes to the latter vision of what synagogue separation can mean. Of course the best practical solution to the problem is for men and women to be at their seats before prayers begin!

Minyan Times

Friday Mincha	6:05 PM
Kabbalat Shabbat	After Mincha
Saturday Shacharit	8:45 AM
Saturday Mincha	5:50 PM
Saturday Maariv	7:14 PM

Announcements

- Kiddush this week is sponsored by Menachem Lazar in honor of Amitai Bin-Nun, Shmuel Kadosh, and Chava K. Schwarzbard, who are visiting for shabbos, and in honor of Shira Billet, who is also visiting.
- Succot starts this Monday night! Thanks to all those who helped put up the schach. A few things to remember:
- Arba minim (if you ordered through Yavneh) will be available for pick-up from the CJL starting sometime Sunday morning or afternoon.
- There will be a shiur given by Sara Wolkenfeld this Monday (Erev Succot) between Mincha and Maariv about the permissibility of women carrying sifrei Torah.

- The second night of Succot, Chabad would like to personally invite every member of Yavneh over for dinner the second night of Succot.

Obscure Halacha

Oh the Etrog

By Rabbi Eitan Webb

Some get them from Israel, others from Italy or Morocco. Round, smooth, bumpy etc. Pick a size and pick a shape and there is sure to be someone who will tell you that this is the most beautiful/least desirable. The Chatam Sofer writes that the Tosafists got their Etrogs from Calabria, Italy. One possible reason that they got Italian Etrogs is because Esav was blessed with the fat of the land. Obviously, when you want to do a mitzvah with fruit, there is no better place to get than said “fat of the land.” Others (most people?) get from Israel. Don't think we need an explanation for that one.

More insights from the Chatam Sofer in the same tshuva: The law of an Etrog is just like the law of a Kosher bird. That is a verbatim quote, if translations are ever verbatim. What he means by that, as he goes on to explain, is the following: The Torah tells us which birds are NOT kosher, and infers that whatever is not on the list, is understood to be Kosher. We, however, don't know for certain what the translations are of some of the names in that list. Hence, every bird is potentially on the list. What to do? Well, we do have a tradition that some birds have always been accepted as kosher and those are the ones that we eat. Some of them are actually mentioned in the Torah as sacrifices (dove, pigeon, quail, etc.) and others have been eaten by Jews since time immemorial (chicken). Turkey was a big question mark. The Shelah Hakadosh refused to eat it. More about that another week. But you get the point.

Etrog's too, grow on trees that have traditionally been accepted as Etrog trees. That's why it's important not only to have something that looks like an Etrog, but to have a Hashgacha testifying to the history of the tree. And that is why the Chatam Sofer wanted us to know where the Tosafists acquired their Etrogs. Of course, now that some of those Etrog trees have been replanted in the Holy Land, it is now possible to have an Etrog from a tree that the Tosafists used, and still get it from Eretz Yisrael.

Gut Shabbos and Gut (almost) Yom Tov.