

# MECHITZAH IN SHUL: WHY AND HOW?

*by Rabbi Doniel Neustadt*

The halachah that requires men to be separated from women while davening in shul has its origins in the procedure followed in the Beis ha-Mikdash. Our Sages in the Mishnah<sup>(1)</sup> report that a major "adjustment" was made in the Beis ha-Mikdash during the festive holiday of Succos. The Talmud explains that the adjustment consisted of building a balcony over the men's section so that the women could witness the festivities of Simchas beis ha-shoeivah. Had they stood where they normally did, the mingling of the crowds and the festive holiday air would have led to kalus rosh, excessive frivolity. The Talmud attests that the need for a balcony was so pressing that its construction was approved even though it is generally prohibited to expand or modify the original structure of the Beis ha-Mikdash. The Biblical source for the separation of men and women, says the Talmud, is found in the verse in Zechariah in which the prophet foretells the eulogy of Mashiach ben Yosef, where men and women will be seated separately. If separate seating is required even at so solemn an affair as a eulogy, how much more so must separate seating be required on a joyous occasion!

Following the example set by our Sages in the Beis ha-Mikdash, the age-old tradition has been to make a clear division and a separation between the main sanctuary and the women's section. Some shuls built a balcony, like the Beis ha-Mikdash had, while others constructed a thick wall that completely separated the two sections. This arrangement was so taken for granted, so undisputed, that it is not even explicitly cited in the Shulchan Aruch as a requirement<sup>(2)</sup>. About a hundred years ago, when some shuls in Germany and Hungary began to question the need for a mechitzah, all the leading rabbis<sup>(3)</sup> strictly prohibited davening in any shul that lowered or removed the traditional separation between the two sections.

With the mass immigration of Jews to the United States in the late 1800's, many modern synagogues did not insist upon a mechitzah that completely blocked off the women's section. First Reform and Conservative temples, and then even more traditional ones, began to gradually lower or remove the barrier which separated the men from the women. The following questions were then posed to the venerable poskim in the U.S.: Is this practice justified? Is a mechitzah halachically required? How high does a mechitzah have to be?

Reason for the balcony in the Beis ha-Mikdash:

In order to answer these questions correctly, we must first examine what, exactly, was the purpose of the balcony in the Beis ha-Mikdash. We explained earlier that a balcony was constructed to

prevent kalus rosh, excessive frivolity. The Talmud does not, however, elaborate on how the separation was effective in guaranteeing that kalus rosh did not prevail. There are two possible ways to understand this:

\* Kalus rosh prevails when the men can freely gaze at the women. It interferes with their concentration and profanes the sanctity of the Beis ha-Mikdash. By seating the women on a balcony over the men's section, the men can no longer view the women(4). To accomplish this purpose, the balcony was constructed in one of two ways: 1) The men's section was directly underneath the balcony, hidden from the women's line of vision. The women were nevertheless able to see a small clearing in the middle of the men's section where the few dancers would perform(5). (The majority of the men did not actively participate in the festivities; they were merely spectators(6).) 2) The balcony was built above the sides of the men's section, but it was enclosed with a curtain or a one-way mirror. This permitted the women to watch the men from above but completely blocked the men's view of the women(7).

\* Kalus rosh prevails when men and women are free to mix socially with one another. By use of a balcony and physically separating women from "mixing" with the men, the proper decorum and sanctity of the Beis ha- Mikdash was duly preserved(8). According to this understanding, then, the balcony did not completely block the men's view. Rather, it separated the two sections and prevented the men and women from communicating or interacting with each other in any way.

The question, then, as it applies to present day mechitzos, is as follows: Do we follow the first interpretation and require a mechitzah that completely blocks the men's view, or is it sufficient to have a mechitzah that divides the two sections in a way that prevents frivolity?

The two views of the poskim:

There are two schools of thought among contemporary authorities as to the practical halachah. Many poskim(9) hold that the purpose of the mechitzah is that the men should not be able to view the women. Accordingly:

- \* The mechitzah must be high enough to completely block the entire women's section.
- \* The mechitzah must be made entirely from an opaque material. Glass, flowers and decorative wood slats are not acceptable for any part of the mechitzah.
- \* Even a balcony must be completely encircled by a curtain, etc.

As stated previously, this practice was universally accepted, wherever Jews davened. The women's section, whether in the balcony or at the back of the shul, was totally separated from the men's. Such a separation was a fundamental feature of shul architecture, as basic as positioning the amud at the front of the shul and a bimah in the middle. It was and still is part of the standard model for a Jewish place of worship.

Harav M. Feinstein(10), however, after establishing that the basic requirement for separating men and women during prayer services is a Biblical obligation, holds that the basic halachah follows the second approach that we mentioned earlier. Although he agrees that it is commendable and praiseworthy to maintain the age-old traditional mechitzah, he nevertheless rules that the widespread practice of many shuls to lower the mechitzah somewhat is permitted according to the basic halachah. As long as the mechitzah is high enough to effectively block out any communication or interaction between the men's and women's sections, it is a halachically valid mechitzah. Accordingly:

- \* The minimum height for a mechitzah is shoulder-high, which the Talmud (11) calculates to be 17 to 18 tefachim high. Allowing for a difference of opinion concerning the exact size of a tefach, Harav Feinstein rules that a 66-inch mechitzah is permitted(12), while in extenuating circumstances 60 inches will suffice(13). Any mechitzah lower than that, however, is not considered a mechitzah at all.
- \* A balcony does not need to be encircled with a partition or a curtain. It is preferable and recommended, however, to do so if possible(14).
- \* Although, technically, the upper part of the mechitzah may be made out of glass since it serves as a physical barrier between the sections, it is self-defeating and inadequate to use glass, as many women, unfortunately, come to shul improperly dressed and /or with their hair not covered properly(15).
- \* A mechitzah which has sizable gaps towards the top is not acceptable since it does not effectively guard against kalus rosh(16). A mechitzah which has tiny openings in the lattice work is permitted(17).
- \* The mechitzah must reach the required height (60") in both the men's and women's sections. Raising the floor of the women's section - which in effect lowers the height of the mechitzah - defeats the purpose of the mechitzah(18).

#### FOOTNOTES:

1 Succah 51a.

2 Tzitz Eliezer 7:8.

3 Led by R' Shlomo Ganzfried, author of Kitzur Shulchan Aruch, and M'haram Ash, disciple of Chasam Sofer, and countersigned by the Divrei Chayim. The proclamation is published in Lev ha-Ivri. See also Chasam Sofer 5:190, M'haram Shick 79 and Zichron Yehudah 1:62 who also voiced strong objections to any tampering with the traditional mechitzah.

4 Rambam (commentary to the Mishnah Succah 5:2)

5 Tosfos Yom Tov (commentary to the Mishnah Succah 5:2).

6 Rambam Hilchos Lulav 8:14.

7 Piskei Rid Succah 51; Meiri Midos 2:5; Korban Eidah (Yerushalmi Succah 5:2) as explained in Divrei Yoel 1:10.

8 Rambam Hilchos Lulav 8:12 and Hilchos Beis ha-Bechirah 5:9; Meiri Succah 51a; Tiferes Yisrael Succah 5:6; Aruch ha-Shulchan ha-Asid 11.

9 M'haram Shik 77; Divrei Yoel (Satmar Rav); Harav E. M. Bloch (Taharas Yom Tov, vol. 6); Shevet ha-Levi 1:29.

10 Igros Moshe O.C. 1:39 and in various other responsa; Seridei Eish 2:14. See also ruling of Harav E.E. Henkin (quoted in Teshuvos Bnei Banim, pg. 12).

11 Shabbos 92a.

12 Igros Moshe O.C. 4:31.

13 Ibid. O.C. 3:23; 3:24; 4:30; 4:31.

14 Ibid. O.C. 1:42.

15 Ibid. O.C. 1:43; 3:23.

16 Ibid. O.C. 4:29.

17 Ibid. O.C. 4:32.

18 Ibid. O.C. 3:23; 3:24; 4:31.

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