

B”H

THE MECHITZA ACCORDING TO THE HALACHA

LEGAL DECISION OF 71 GREAT RABBONIM 140 YEARS AGO REGARDING THE MECHITZA

71 Gedole Israel Rabbanim and Tzaddikim wrote regarding the Mechitza 140 years ago as brought in the Psak Din Year 5626 in the city of Miholowitz and among them were:

The Divre Chayim ha Kaddosh mi Tzanzt

Rabbi Shlomo Ganzfried, Baal Kitzur Shulchan Aruch

The Tzaddik and Mekubal Itzik Isaac mi Tzedechov

These are a few of the things they decreed:

- a- It is forbidden to enter to pray in a synagogue where there is not a full Mechitza so that men are able to look at women.
- b- If the Mechitza is not good it is forbidden to enter and pray there even if there are no women.
- c- It is better to pray alone than to pray in such place even in Rosh ha Shana and Yom Kippur.
- d- It is forbidden to pray in a synagogue if the Bimah is not in the middle of the synagogue.
- e- It is forbidden to neither introduce innovations nor change anything as regards to the way synagogues are built.

And as the Divre Chayim wrote: “All the things already mentioned are forbidden according to the Poskim and the Shulchan Aruch and it is forbidden to change any tradition and Minhag of Israel regarding the construction of the Bet ha Knesset or any other tradition we have received from our forefathers and from prior generations”.

The legal decision in which great Rabbis both Ashkenazim and Sephardim participated has been published many times and it was received in all the Bate Dinim both in Eretz Israel and the Gola

If a handbreadth of a woman's body [is revealed] in a part which is usually covered, even if she is one's own wife, it is forbidden to recite the Shema' in her presence. If the hair of a woman's head which is usually covered [is visible], it is forbidden to recite the Shema' in her presence (even if she is one's own wife)...One should beware of hearing a woman singing while he recites the Shema (Shulchan Aruch Or. Hayyim 75, 1-3).

One has to be very particular that the Mechitzah of the Beit Hakeneset will separate men and women. And according to many Poskim, there is an issur midoraita on a mixed tefillah. The Mechitzah has to be made in a way that men will not be able to look at women. (Kitzur Shulchan Aruch ha Rav Chapter 16, Kedushat Bet ha Kneset, Halacha 8)

(See further Rosh ha Shana Page 21, Rambam Hilchot Maamarim Perek Beit) See also the Rama Shulchan Aruch Choshen Mishpat Siman14 who wrote thus: "He who says that he cares not for the decrees of the Bet Din or the Sages even if he presents himself to the Bet Din we place him on Niddui and this is considered Apikorsus. See Siman 334"

SELECTIONS FROM RESPONSA OF THE SAGES

(Responsa Rav Aaron Kotler ZTK"l).

It is expressly stated in Talmud, Berachoth (24a) and in all Rabbinical codes, that the uncovered hair of a married woman is considered indecent, and it is forbidden to pray or read the Shema in the presence of such hair even if it belongs to one's own wife or mother, let alone if it belongs to someone else's wife or other forbidden relatives (sister-in-law, aunt, etc.). According to many Rabbinical authorities, this prohibition is included in the Biblical injunction, that He see no unseemly thing among you (Deuteronomy 23:15). It is stated in Orach Hayyim (75, 2) that the basic reason for this prohibition is that uncovered hair can induce indecent thoughts. It is also stated (ibid.) that one who has transgressed this prohibition and has prayed or read the Shema before uncovered hair has not fulfilled his obligation of prayer or reciting the Shema. If while praying or reciting the Shema, a person should even gaze on a woman and thereby come to have evil thoughts, it would also be included in this rule. And when you have men and women not separated by a proper partition, it is impossible to guard against this ...

...According to the Law such people are not fulfilling their obligations in praying or in the reading of the Shema; all is voided and unacceptable before the Lord. In addition, whenever the name of G-d is uttered at such services, it is uttered in vain.....No Bet din (court of Jewish law) may remove such prohibitions...

Responsa Maharam Shick Hungary 1878

It would be sacrilege for you righteous men to keep silent on this insolent breach by the brazen ones! for it is by law that we are required to separate the men's section from the women's, as it was in the Sanctuary, each section apart. In those days, when they had the Festivity of Water for Libation, a "great amendment" was instituted [i.e., a balcony for the women] as we read in the Talmud, Sukkah 51b; it is there derived from a Scriptural verse that an amendment was needed so that the men should not see the women, since they could thus be led to a state of levity and further transgressions.... And should the income of the community stand to be diminished as a result, nothing impedes the Lord from helping, through many or a few. The Lord will give blessing to those who uphold His Torah, as is His desire....

Responsa Rabbi Hillel Lichtenstein mi Kolomai 1873

I do not know what there is to question here. It has already been clearly stated that it is forbidden to make the partition in such a way that the men can regard the women, and if the partition has already been so made, one should not enter there...Moreover, even if there is not a single woman in the synagogue, it is forbidden to enter and pray there: for on account of this willful violation it has become desecrated and is no longer a "sanctuary in miniature." ... It therefore seems to me that Maimonides means just this: it was arranged for the men to sit precisely underneath the balconies, but not beyond them, for if the latter the men could still have stared upward. He therefore is intentionally specific (to intimate that the] location for the men was only the space underneath the balconies.... Hence there was no need for a partition....Do not take it to heart or take it ill that you will pray alone; for the Writings say: Better is a dinner of herbs where love is, than a stalled ox and hatred therewith (Proverbs 15:17). God grant us the merit to see Him fulfill His word for all: that the Lord thy God will circumcise thy heart ... to love the Lord thy God with all thy heart (Deuteronomy 30:6).

Responsa by Rabbi Eliyahu Guttmacher ZTK”L

...In paragraph 6 there the Shulchan Aruch states that with closed eyes it is permissible to pray under such circumstances; but Ture Zahab, Magen Abraham and Eliyahu Rabbah (loc. cit.), by whose words we live, differ decisively with this view; Peri Hadash (ibid.) adduces proofs aplenty that shutting the eyes does not bring permission [to recite the shema' and pray].... So much can be said, then, in behalf of a lenient view, based on Shulchan Aruch Orach Hayyim 75. ...

...Our case is even more severe, for the Talmud states explicitly: R. Isaac said, A handbreadth of a woman's body constitutes an indecency [if exposed; and it is asked] To what does he refer? Shall we say, staring at a woman? but R. Shesheth has already declared ... Scripture tells you that whoever stares even at a woman's little finger, it is as if he stares licentiously. Rather, then, he refers to one's own wife when one must recite the shema' (Berachoth 24a). ..If such a sight sullies the eyes: Can there be a greater desecration than to regard women in a gathering for the sake of Heaven? O, the Heavens be confounded at this (Jeremiah 2:12). ... What argument can yet be advanced when in such a case women will be in view bedecked with hats and jewelry- in the synagogue, in the House of the Lord?

Can it be right for a man to go up and take a Torah scroll from the Ark, and then turn around, and standing elevated before the sacred Ark, have women in his vision and come to entertain alien thoughts-all the while holding the Torah which writes of capital punishments by Heaven and beth din (Jewish religious court) for immorality?

Shall kohanim (priests) go up to give the priestly blessing and have their vision encounter defiling immodesty? And if they are supposed to close their eyes and not dare to look up, lest they see the women, the enormity of the snare is only too plain: for this very action will arouse within them impure thoughts at a time when extra holiness is needed, when they should fulfill the written injunction, Sanctify yourselves and be holy (Leviticus 11:44, 20:7); as the Sages interpreted it: If a man sanctifies himself slightly, he becomes greatly hallowed; if he sanctifies himself here, below, he is hallowed from

above; if he sanctifies himself in the present world he will be hallowed in the future world' (Yoma 39).
If our Sages spoke thus when the women did not go with heads or backs bared, what is there for us
 to say? Is it not the purpose of present-day women to thus attract men's glances? ...The synagogue
 would then become a place of which the Lord might well say, Who hath Required this of your hand, to
 trample My courts?.....

...Do you then fear that the women can decrease your earnings or your esteem? Cry out to them
 that they should take care, and not go at all to such a synagogue.....The Chafetz Chayyim writes
 (Mishnah Berurah 151, lb): "...iniquity becomes so much more heinous in a sacred place... There is no
 comparison between sinning in private and sinning in the royal palace, in the king's very
 presence".....in Akedath Yitzhak, R. Isaac Arama also stressed that a public sin by a group is so much
 more serious a crime as to be of a different degree or quality from the private sin of the individual.
 These points apply with peculiar cogency and force to the question of mechitzah.

IF A RABBI DEVIATES AN INCH FROM THE SHULCHAN ARUCH IT IS FORBIDDEN TO FOLLOW HIM

The holy Sefer ha Brit (Part 1, Chapter 3) states: "Be wary of all new customs and groups that do not follow the ways our forefathers knew. Even if these people are Torah scholars and doers of acts of kindness, if they deviate even an inch from the Shulchan Aruch do not follow them. If they conduct themselves contrary to the Shulchan Aruch, distance yourselves from their ways and don't go near their homes. Because also among the followers of Shabetai Tzvi [may his name be blotted out] there were many Torah scholars with great Torah knowledge. And there is nothing new that will be good and won't bring sin in its wake. Therefore, be very careful about new things. And this rule should always be in front of you: "The one who turns his face away from the Shulchan Aruch, even a little has no portion in the G-d of Yaakov and in his congregation." [See also Chovot ha Levavot, Shaar ha Yichud ha Maase, chapter 5 – See also Likute Amarim Tanya, Chapter 1 and 24 - Talmud Eruvin 21b]

*"There is no greater barrier to sexual arousal than closing one's eyes"
 (Sefer Chassidim 9)*

DAMAGE DONE TO THE SOUL

He who looks at women and forbidden places even if he doesn't think of committing a transgression G-d forbid, anyway that image is engraved in his mind and he ends up damaging his soul.

(Chessed le Abraham, Nahar 33)

WOE TO HE WHO LEADS OTHERS TO SIN

He who leads others to sin and particularly on this sin of mingling men and women or in leading men to look at women, this person is not given the chance to do Teshuvah and he is worse than the one who kills his fellow for he takes the life of those he leads to sin not only the life of this world but also the life of the world to Come. And this person that brings many to sin has no share in the world to Come (See Rambam Hil. Teshuva, Chap. 3) And if he is the cause of mixing men and women in one place he transgresses also the prohibition of Not to walk in the ways of the gentiles.

(Sefer Tikkun ha Brit)

IT IS MORE PLEASURABLE LOOKING AT WOMEN THAN THE ACT ITSELF

“Better is the sight of the eyes than the wandering of the soul” (Kohelet 6:9) Resh Lakish said it is more pleasant the sight of the eyes than the actual act of sexual transgression (Talmud Yoma 74b) The Maharam Ben Chaviv wrote that the intention of Resh Lakish said was to warn men, that since there is more pleasure in looking at a woman than in the act itself, therefore a man must separate in order to be holy and modest and not look at women.

(Tov Ayn)

He who looks even at the small finger of a woman in order to derive pleasure from looking, is like one who looks at her private place and even to listen to her voice (Which is considered as looking at her nakedness) or to look at her hair is forbidden.

(The Rambam Chapter 21, Hilchot Issure Biah)

LOOKING AT WOMEN IS A GRAVE PROHIBITION FROM THE TORAH

My dear friend you should know that a majority of people think that this prohibition is only words of Chassidut and are not careful to refrain from looking at women, You should know my friend that this is a grave prohibition from the Torah, and the ones who treat lightly this prohibition woe to their souls because they cause great evil for themselves. We have a verse that we repeat three times a day: “And do not go astray after your hearts and after your eyes” And it is written in the Talmud: “Why is it written (Kohelet 6:9) “Better is the sight of the eyes than the wandering of the soul” Because it is more pleasurable looking at a woman than the actual sexual act. And Rashi commented: For the Yetzer ha Ra it is better to make a person sin through the sight of his eyes than to make him sin through the actual sin.

GAZING AT WOMEN GIVES STRENGTH TO THE YETZER HA RA

Regarding one who gazes at women who are forbidden to him, even if he is like Moshe, who was given the Torah from G-d's hand to his own, he will not be free of the judgment of Gehinomm. Eventually, he will sin in matters of forbidden relations. He provokes the evil impulse against himself. He will come to the wasting of semen, which is a grave sin (Shaare Kedushah, Part 2, Section 5)