

*THE SANCTITY OF THE SYNAGOGUE
AND THE AMEN RESPONSE # 23*

אמן

**DOES YOUR SYNAGOGUE HAVE
A KOSHER MECHITZA?**

**RESPONSA OF RABBI ELIYAHU GUTTMACHER
ZTK'L**

**THE PARTITION IS ONLY EIGHTEEN CUBITS HIGH SO
THAT THE WOMEN'S HAIR CAN BE SEEN
THEREFORE THE PARTITION IS INVALID**

I was further asked: In the synagogue there, a mechitzah was erected to partition the men's section from the women's; however, it was to be but eighteen cubits high (about five and one half feet] so that from the shoulders up the women would be easily visible from the men's section. Now you are in some doubt on this, insofar as opinion (on related matters] is divided in Shulchan Aruch Orach Hayyim 75. Now, first let me convey that by the views you hold this can in no way be permissible, since the exposed women's hair would legally constitute an indecency. If R. Moses Isserles expresses a lenient view in this regard because women's hair is wont to extend beyond the bounds of the head-covering, this offers but scant permission: for such is not the way of reverent, wholly observant women, but rather of the brazen. Perhaps, though, in his locality such permission became widespread. Yet, granting for the moment that his view can be stretched to somehow sanction our case, what can we say when women go about with bared backs? And as regards the wife of one's fellow, even if less than a handbreadth is improperly exposed, it legally constitutes indecency. Magen Abraham (Shulchan Aruch, loc. cit.) writes that even under thick covering, if part of a women's body is visible, a ban exists. In paragraph 6 there the Shulchan Aruch states that with closed eyes it is permissible to pray under such circumstances; but Ture Zahav, 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, on behalf of a lenient view, based on Shulchan Aruch Orach Hayyim 75.

TO INVITE THE YETZER HA RA INTO A SACRED PLACE, THIS IS CERTAINLY FORBIDDEN

But alack and alas if permission is thus extracted from this source. Were the Shulchan Aruch to grant full, unequivocal permission, it would yet not cover our case: for that Code treats only of an instance where it happens, by chance that a man must recite the shema' [under such circumstances; then the question is] shall he recite it or not. But to establish such a situation in the synagogue to begin with, as a fixed state of affairs--to invite the Evil Inclination into a sacred place--this is certainly forbidden. There are parallel instances in the laws of kashrut involving meat and milk, where if something has happened, the food may yet be eaten, but to deliberately make this happen remains forbidden.

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? Oh, the Heavens be confounded at this (Jeremiah 2:12).

See what the Talmud says: You shall keep yourself from every evil thing (Deuteronomy 23:10)-[this means] that a man should not regard a beautiful woman though she be single, nor a married woman though she be ugly, nor yet the colored raiments of a woman; said R. Judah in Samuel's name: even if these last are hung on the wall, if he but recognizes their owner (Abodah Zarah 20a). Maimonides (Hilchoth 'Issure Bi'ah 21) and the Shulchan Aruch ('Eben ha-Ezer 21) cite these rules as normative law. 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 eyes must be shut against the sight of women and their raiments all about the kohanim, there will rather be fulfilled Scripture's admonition, Neither shall ye make yourselves unclean with them, that ye should be defiled thereby (Leviticus 11:43), (which is interpreted:] If a man defiles himself somewhat, he will become very unclean; if he defiles himself here, below, he will become impure from above; if he defiles himself in the present world, he will be defiled in the future world.

What more need we than to ponder this Talmudic passage: They [the Sages] came across a verse and interpreted it: And the land shall mourn, every family apart: the family of the house of David apart, and their wives apart (Zechariah 12:12). Said they: Can we not reason from the lesser to the greater? If in the [Messianic] future when they will be occupied with mourning, and the Evil Inclination will have no sway over them, the Torah says that men and women shall be separate, now that people are engaged in festivity, and they are subject to the Evil Inclination, how much more certainly must they be separate (Sukkah 52a). 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 has required this of your hand, to trample My courts?

Your new moons and your appointed seasons My soul hates.... And when ye spread forth your hands [to give the priestly benediction]-I will hide Mine eyes from you

(Isaiah 1: 12, 14, 15). As the kohanim shut their eyes on such sights, so will the Lord shut His eyes [so to speak] to their blessing.

Many years ago I was asked by a G-d fearing man to write to his rabbi (of blessed memory) because of this very question: a short partition-but a huge breach of the Law-was to be installed in the synagogue, to separate the women's section. I gladly complied with the request; but the rabbi consulted his wife, and she frightened him against opposing the innovation. In the end the Lord visited upon him the iniquities of all the congregation; as our Sages say, "the righteous man is seized for the sin of the generation"; those close about Him are judged most critically, to a hair (Psalms 50:3) for he would not wage the battle of the Lord.

The very season in which the new synagogue building was completed, standing before the Ark on the Shabbat of Repentance to preach, a sudden and strange death seized him (may we be spared), and he was taken lifeless from the pulpit. His great righteousness merited this much, that he should not preach in such a synagogue.

Therefore, O my brethren, do not commit evil; betray not the Lord. Let your ears hear what you utter, as the Law requires of you, when you say, And You shall love the Lord your G-d with all your heart and with all your soul (Deuteronomy 6:5). 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 women will heed if you but appeal to them out of heartfelt distress, as though they were going to deprive you of a livelihood; and you will find that the Lord is with you. It is incumbent on me to inform you, and all your congregation equally-men, women and children-that I am of greater authority for your community than other rabbis.

The matter cannot remain as it is; let poles be set up at the ends, and a beam be put on them; a lattice is to go in the middle, and let curtains hang over all. If for our many iniquities one breach has been made in our sacred tradition, and the center has been abolished from many synagogues-something most strictly prohibited, for which the guilty congregations will have no answer at judgment- nevertheless, whatever can be repaired to return the synagogue to its original state of grace, we are required to repair.

Our definitive latter-day authority, R. Israel Meir ha-Kohen (the Hafetz Hayyim) notes in another connection (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"; these words recall what another authority wrote, in a similar vein, several centuries earlier: in his Bible

commentary 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]

NOW THERE ARE FOOLS WHO ALLOW THEIR SYNAGOGUES TO HAVE A MECHITZA WHERE YOU CAN SEE WOMEN! NOT ONLY ARE THEY NOT DOING A MITZVAH BUT ON THE CONTRARY THEY CAUSE MANY PEOPLE TO STUMBLE IN SIN

MAYBE YOU NEVER HEARD YOUR RABBI TALKING ABOUT THESE THINGS FOR IT MAY NOT BE IN HIS BEST INTEREST TO TELL YOU. SO EVEN IF YOUR RABBI RIDICULES YOU FOR KEEPING THE SHULCHAN ARUCH YOU SHOULD BE STRONG AND GO AHEAD FOR IT MAY BE THAT YOUR RABBI BELONGS TO THE EREV RAV AND HE JUST DOES NOT WANT YOU TO KEEP THE TORAH AS IT SHOULD BE FOR MAYBE HE WOULD BE EXPOSED AS A FAKE IN THE EYES OF THE OTHER CONGREGANTS WHEN THEY SEE THAT A COMMON PERSON KEEPS THE SHULCHAN ARUCH TO A GREATER EXTENT THAN THE RABBI. AND WE ARE NOT TALKING ABOUT PIOUS PRACTICES BUT WE ARE TALKING HERE ABOUT KEEPING THE SHULCHAN ARUCH, SPECIFICALLY CONCERNING THOSE AREAS WHERE THE RELIGIOUS LEADERS OF OUR TIME ARE LAX ABOUT. FOR EXAMPLE, TALKING IN THE SYNAGOGUE IN THE MIDDLE OF PRAYERS, DURING THE KADDISH, GIVING TORAH LESSONS TO MEN AND WOMEN WITHOUT A MECHITZA, HAVING A DEFICIENT MECHITZA IN SHUL, LOOKING AT WOMEN WHICH IS SOMETHING FORBIDDEN, ETC