

# The Mechitza Controversy

*20th Century Moments that Mattered*

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*Sponsored by Debbie and Simcha Firestone*

# Mechitza in Shulchan Aruch?



# In the Beis Hamikdash

מאי תיקון גדול?... תנו רבנן: בראשונה היו נשים מבפנים ואנשים מבחוץ, והיו באים לידי קלות ראש, התקינו שיהו נשים יושבות מבחוץ ואנשים מבפנים. ועדיין היו באין לידי קלות ראש. התקינו שיהו נשים יושבות מלמעלה ואנשים מלמטה. היכי עביד הכי? והכתיב: הכל בכתב מיד ה' עלי השכיל! - אמר רב: קרא אשכחו ודרוש, וספדה הארץ משפחות משפחות לבד משפחת בית דוד לבד ונשיהם לבד. אמרו: והלא דברים קל וחומר. ומה לעתיד לבא - שעוסקין בהספד ואין יצר הרע שולט בהם - אמרה תורה אנשים לבד ונשים לבד, עכשיו שעוסקין בשמחה ויצר הרע שולט בהם - על אחת כמה וכמה.

Our rabbis have taught: Originally the women used to sit within [the Court of the Women] while the men were outside, but this would cause levity, it was instituted that the women should sit outside and the men inside. But they would still come to levity. It was instituted that the women should sit above and the men below. But how could they do so? Is it not written, "All this [do I give you] in writing as the Lord has made me wise by His hand upon me?" (I Chronicles 28:19). Rav said: They found a verse and expounded it: And the land shall mourn, every family apart; the family of the house of David apart, and their wives apart (Zechariah 12:12). They said: Is there not an a fortiori argument? If in the future when they will be engaged in mourning and the evil inclination will have no power over them, the Torah nevertheless says, men separately and women separately, how much more so now when they are engaged in rejoicing and the evil inclination has sway over them.

# Gender Separation

אביי דייר גולפי רבא דייר קנה

**Abaye** would **arrange rows** of **pitchers** between the men and women, so that they would not be able to cross from one area to the other without making noise. **Rava** would **arrange rows** of **reeds** to prevent passage.



גולפי - מקום קבוצת אנשים ונשים או לדרשה או לחופה היה מסדר קנקנים של חרס הרבה ביניהם שאם יבאו זה אצל זה יקשקשו וישמע קול:

Whenever men and women assembled, for example at a lecture or a wedding, Abaye would set up a partition of jugs between them so that if anyone attempted to pass from the men's section to the women's section or vice versa, the jugs would rattle and alert everyone. If anyone passed through the reeds would rustle, alerting everyone to the fact.

# A History of Mixed Seating

- \* In 1845, the reform congregation of Berlin abolished the separate women's gallery
- \* Early 20th century - The Hamburg Temple rejected a donation predicated on men and women sitting together
- \* Churches - Lutheran Churches in Germany all had separate seating

# Coming to America

“The family as  
refuge”

“Family seating”



# Rabbi Isaac Meyer Wise

- \* First comes to Albany in 1846  
(Congregation Beth El)
- \* Tried to improve decorum in shul  
(no selling honors, changes in  
liturgy)
- \* The infamous Rosh Hashana of  
1850
- \* Started Anshe Emet
- \* Left four years later for Cincinnati



# Ideological or Practical?

- \* Anshe Emet bought their building from a former Baptist Church
- \* “The Church-building had family pews, and the congregation resolved unanimously to retain them...”
- \* Convenience triumphed...justification followed



# Offensive to Women?

“The jewess of these days is treated as an inferior being...”

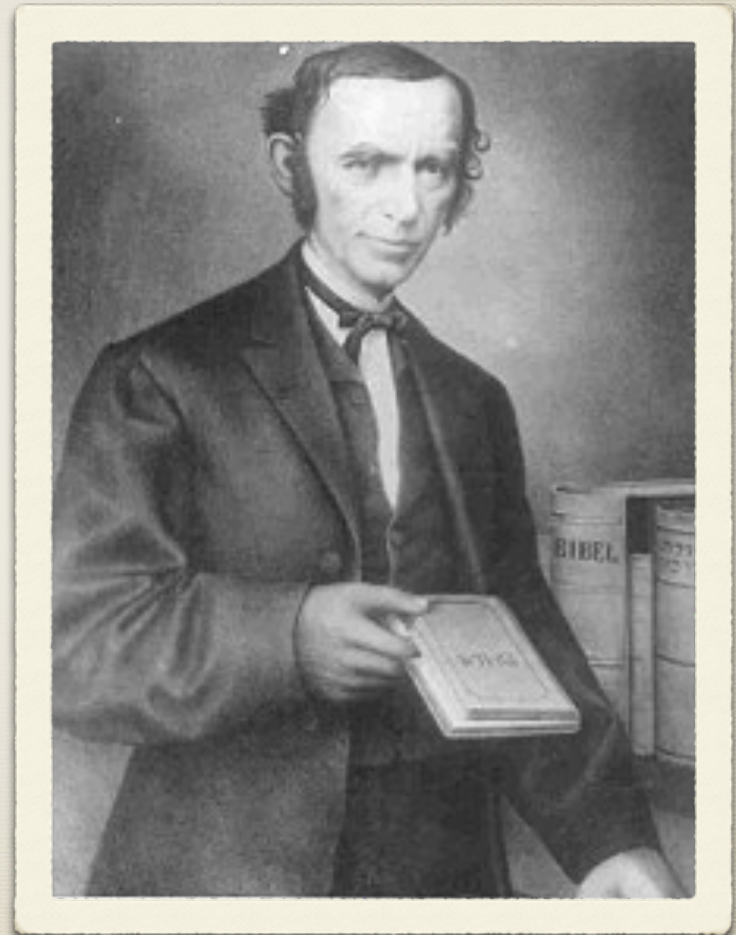
“a hen coup”

“...holds a station far inferior...”

“the great error of the Jews is the degradation in which their religion places on woman”

# Rabbi David Einhorn

- \* 1809 – 1879
- \* Temple Har Sinai in Baltimore
- \* He abolished the “gallery cage”
- \* Promoted “the complete religious equity of woman with man”
- \* A defense of women, but also Judaism itself (“a relic of the dark ages”)



# Women's Equality?

“The Jewish woman had been treated almost as a stranger in the synagogue; she had been kept at a distance, and had been excluded from all participation in the life of the congregation, had been relegated to the gallery, even as was the negro in Southern churches. The emancipation of the Jewish woman was begun in Albany, by having the Jewish girls sing in the choir, and this beginning was reinforced by the introduction of family pews.”

-Isaac Meyer Wise

# Christianization

“Mixed seating thus represents a desire by Jews to Christianize their synagogues by imitating the practices of contemporary Christian churches. And this kind of mimicry is, as we pointed out, a violation not only of a specific law of the Torah, but an offense against the whole spirit of Torah” - Rabbi Dr. Norman Lamb

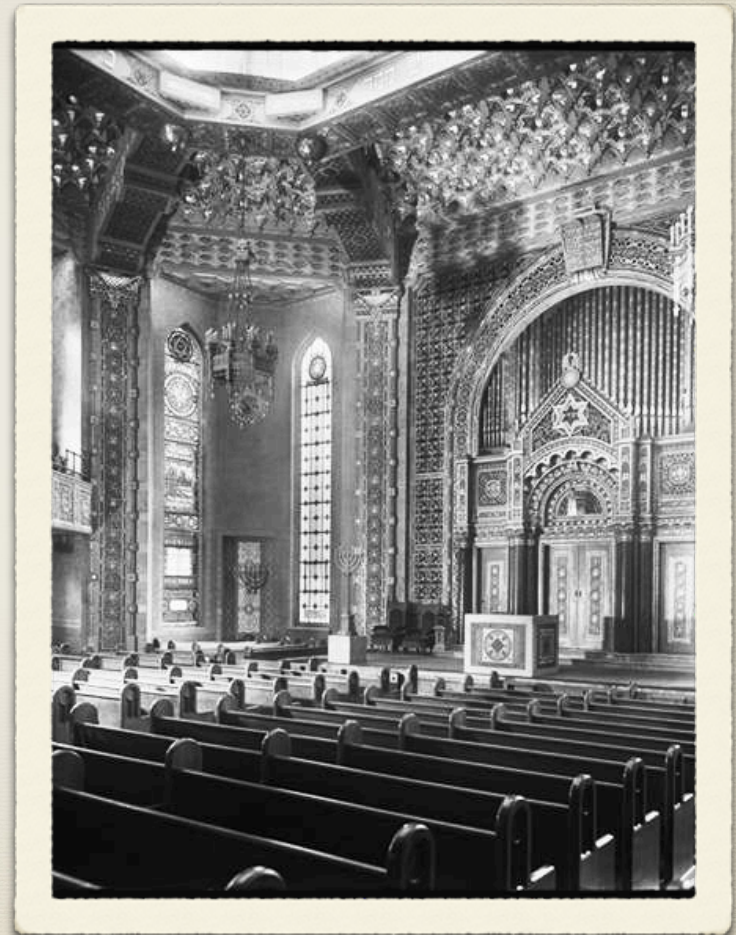
**JEWISH SURVIVAL?**

**VS**

**JEWISH  
DISTINCTIVENESS**

# B'nai Jeshurun

- \* Founded in 1825, second Synagogue founded in NYC
- \* In 1849, Rabbi Morris J. Raphael was elected Rabbi
- \* He began making changes for decorum purposes
- \* In 1874, the board voted to introduce mixed pews
- \* The goal was to win young people back
- \* 55 votes for, 30 against



*Israel F. Solomon v.  
The Congregation B'nai Jeshurun, and others*

Solomon

- \* Deprives him of his purchased seats
- \* “according to the rites, customs and usages of the German and Polish Jews”

Congregation

- \* “throughout the civilized world...male and female members sit together during worship
- \* “the unified appearance of a household before God tends to enhance devotion...”

Assimilation

Family togetherness

Saving our youth

Jewish Law

Promiscuity

Christianization

Women's equality

Progressive image

Abandoning tradition



Beth Tefilas  
Moshe

Mt. Clemens, Michigan

**THE SANCTITY  
OF THE  
SYNAGOGUE**

The Case for Mechitzah:  
Separation Between Men and Women  
In the Synagogue

Baruch Litvin

# Davis v. Scher

## **Michigan Supreme Court Bans Mixed Seating in Orthodox Synagogue**

*JTA June 15, 1959*

“Mr. Litvin, who claims to have spent \$12,000 in battling the suit for four years, stated that the court’s decision was not a personal triumph, but a victory for Orthodox Judaism.”

“Mr. Litvin’s victory has won him a congregation but lost him the congregants; has won him a decision that has cost him the friendship of the rabbi of the synagogue and nearly every family in the Mt. Clemens community; has won him a court case that gives him use of a building that prohibits mixed seating but lost him a minyan to conduct services.”

# Michigan Supreme Court

1. That Congregation Beth Tefilas Moses was an Orthodox Jewish congregation;
2. That under Orthodox Jewish law, Jews cannot participate in services where there is mixed seating;
3. That if mixed seating was enjoyed in this congregation, Orthodox Jews would be prohibited from participating in the services there.

# Conservative Judaism

- \* 1921 Rabbinical Assembly - Professor Louis Ginzberg  
“the separation of the sexes is a Jewish custom well established for about 2,000 years and must not be taken lightly”
- \* “when you live long enough in America you realize that the status of womanhood had changed so much that separating women from men has become obsolete...”

# Orthodox with no Mechitza!?



# Rabbi Solovietchik

A young man moved into a suburb of Boston, where the only existent synagogue had men and women sitting together. He asked me what he should do on the High Holy Days...I answered him that it were better for him to pray at home at both Rosh Hashana and Yom Kippur, and not cross the threshold of that synagogue. A few days later he telephoned me again: he had met the man who was to sound the shofar in the synagogue and this man had warned him that if he did not come to the synagogue he simply would not hear the shofar at all, for the man would not sound the shofar again privately, for his benefit. The young man practically implored me that I grant him permission to enter the edifice...I hesitated not a moment, but directed him to remain at home. It would be better not to hear the shofar than to enter a synagogue whose sanctity has been profaned. (*Rabbi Soloveitchik*)

# What's the Purpose of a Mechitza?

## Rambam - Mishne Torah

וכיצד היו עושין? ערב יום טוב הראשון היו מתקנין במקדש מקום לנשים מלמעלה ולאנשים מלמטה כדי שלא יתערבו אלו עם אלו..

How would it take place? On the first night they would make a place for the women above and the men below, so they would not interact with each other....

# What's the Purpose of a Mechitza?

## Rambam - Peirush al Ha-Mishna

ומקום הנשים למעלה על מקום האנשים גבוה ממנו כדי  
שלא יסתכלו האנשים בנשים.

The place of the women above the men's space so the men  
.would not look at the women



# What's the Purpose of a Mechitza I

## Rav Moshe - Frivolity

...Also in synagogues, where men and women gather to pray, it is preferable to make a balcony in which the women are above. If for whatever reason it is difficult to make a balcony, it is necessary to make a real separation, which will prevent them from frivolity... Therefore, a *mechitza* of ten *tefachim* is not sufficient... rather it seems that a *mechitza* which reaches the shoulders would be sufficient, as we see that the need for a *mechitza* is not related to gazing... [A *mechitza* of] less than 18 *tefachim* [five feet] is prohibited, and one should protest [such a *mechitza*]...

(*Iggerot Moshe* OC 1:39)

# What's the Purpose of a Mechitza II

## Chasam Sofer - Impure Thoughts

And the reason for this is that we believe that every prayer or praise and thanksgiving that is mixed one's mind with any thought about even one's own wife will be ineffective before Hashem and will not be received by Him. Therefore, we separate women from men into their own synagogue so that [the men] will not come to [inappropriate] thoughts during prayer, such that the prayer would be rejected, G-d forbid. This is learned from the celebration of water drawing, mentioned in Tractate Sukkah.

*(Responsa Chatam Sofer 5:190)*

# What's the Purpose of a Mechitza III

## Rav Kook - Mimicking the Beis Hamikdash

We are certainly obligated to come as close as possible, in all that is permitted to us in these "small sanctuaries," ...to the holy qualities of the great and holy Temple...and the holiness of the Temple was the standard that was used to apply in every Jewish settlement separate sections for men and women, as was the case in the Temple. (*Responsa Orah Mishpat, #35*)

# What's the Purpose of a Mechitza IV

Rav Eliezer Waldenberg - Seeing Women

והנה שאלת המחיצה כבר נתעוררה בדור הקודם ובספר לב  
העברי ח"ש נדפס פסק דין על כך אשר עליו חתומים למעלה  
משבעים גאונים ובראשם...אסור לעשות המחיצה המבדלת  
בין עזרת נשים ואנשים רק באופן אשר לא יוכל להסתכל  
אנשים בנשים, רק יעשו כנהוג בימי קדם, וכן אם כבר נעשה  
לא יכנסו בה עכ"ל..

*(Tzitz Eliezer 7:8)*

# What's the Purpose of a Mechitza V

## Rabbi Soloveitchik - Prayer should be lonely

"The concept of "family pews" is in contradiction to the Jewish spirit of Prayer. Prayer means communion with the Master of the World, and therefore, withdrawal from all and everything. During prayer man must feel alone, removed, isolated. He must regard the Creator as an only Friend, from who alone he an hope for support and consolation... Clearly the presence of women among men, or of men among women, which often evokes a certain frivolity in the group, either in spirit or behavior, can contribute little to sanctification or to the depending of religious feeling; nor can it help instill that mood in which a man must be immersed when he would communicate with the almighty."