**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Deracheha: Women and Mitzvot**

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Dedicated by Mr. and Mrs. Leon Brum for the Refua Sheleima of

Dana Petrover (Batsheva bat Gittel Aidel Leba)

and Marvin Rosenberg (Meir Chaim ben Tzipporah Miriam)

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In memory of six friends and family,
strong pillars of the Montreal Jewish community,
who have left us in the past 7 years.
All were אוהבי עם ישראל, אוהבי ארץ ישראל, אוהבי תורת ישראל.

Joseph (Yosie) Deitcher

Avrum (Avy) Drazin

Rabbi Joseph Drazin

Leibel Frisch

Israel (Mutch) Yampolsky

Dr. Mark Wainberg

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Mechitza II: Structure

What are the structural requirements for a mechitza? Does the ezrat nashim's structure have a halachic effect on prayers said within it?

# Structure

In our [last installment](https://www.deracheha.org/mechitza-1-purpose), we learned that, overall, the *mechitza* allows men and women to participate in communal prayer together in an atmosphere of seriousness and sanctity. Specific approaches to the *mechitza*'s purpose include:

* Preventing frivolity (*kalut rosh*)
* Preventing mingling between men and women, which can lead to frivolity
* Preventing interactive gazing between men and women (e.g., winking or signaling), which can lead to frivolity
* Preventing men's inappropriate gazing at (and thinking about) women.

The way halachic authorities understand the purpose of gender separation in the synagogue directly influences their rulings regarding the *ezrat nashim*'s structure.

Rav Yehuda Henkin, for example, is primarily concerned with mingling and *kalut rosh*. On the one hand, therefore, he would have no reservations about a balcony with no *mechitza* in front of it, because in his view a mechitza need not prevent men and women from seeing each other. On the other hand, he requires sturdy dividers for a same-level *mechitza*, because a flimsy curtain does not sufficiently define a separate domain.[[1]](#footnote-1)

In nineteenth century Hungary, though, Maharam Schick took the view that the *mechitza* must keep men from seeing women. He advocated for preserving a tall and fully opaque *mechitza*, so that sight lines would be totally blocked:[[2]](#footnote-2)

Responsa Maharam Shick OC 77

Now some wicked people have set out their hand to destroy in the women's section the partition between the women's section and the men's section, so it will not be totally enclosed with boards, just with pillars, and they will be able to see and to be seen….And behold, God forbid that you righteous ones should be silent on the immodest deed that those brazen ones have committed, for according to the law we are obligated to make a separation between the men's section and the women's section…that the men not see the women, because it leads to frivolity [*kalut rosh*] and other transgressions.

Maharam Schick and those who follow his view do not seem to assign great importance to women being able to see into the men's section.[[3]](#footnote-3) This is striking, because the mishna about the Temple specifically notes that the women’s balcony was constructed above the courtyard to enable women to see the festivities. Additionally, Shulchan Aruch rules that women should see the Torah when it is raised for *hagbaha*,[[4]](#footnote-4) which is hard to accomplish with a ceiling-high *mechitza*.

In a rejection of the position treating full closure as obligatory, Rav Yechiel Ya'akov Weinberg raises the issue of how the *mechitza* affects a woman's experience of prayer.

Responsa *Seridei Eish* I:8

Indeed the rabbis of Hungary are very stringent and demand that the *mechitza* be higher than the heads of the women, and they go further and demand that, if the synagogue does not have a *mechitza* like this, it is prohibited to pray there, and it is prohibited for the women to come and pray and it is better for them to stay at home. Certainly their intention is for the good, to preserve modesty as it was practiced in prior generations, but in our times the situation has changed and nature has changed, and if women stay at home and don't come to synagogue, they will lose their Judaism entirely, and it is certainly prohibited to push them away and distance them because of an excessive stringency that has no solid source in the Talmud or halachic authorities...In our time women are very disturbed if we distance them from houses of prayer, and going to prayer in synagogue in our time is the fulfillment of Judaism for women and for mothers.

A *mechitza* that interferes with women's desire to attend synagogue is counter-productive. How women experience prayer, and the *mechitza* as part of prayer, bears halachic weight and must be considered seriously when constructing any *mechitza*.

# Rav Moshe's Rulings

In a series of responsa, Rav Moshe Feinstein articulates a number of positions about the structure of the *mechitza* and when one is necessary. His views on structure derive directly from his opinion that a *mechitza* or *ezrat nashim* chiefly serves to prevent mingling, and that men seeing women during prayer is a separate concern, at issue only where the congregation as a whole does not adhere to halachic standards of modesty. Here are a few representative excerpts from his rulings on *mechitza* structure:

**I. Height:** In this responsum, Rav Moshe writes that he prefers a balcony to a *mechitza* on the same level. Distance reduces the possibility of mingling and makes a visual barrier unnecessary. When men and women are on the same height level, he allows for a *mechitza* of only shoulder height, which should suffice to prevent discussion and touching between them:

*Iggerot Moshe* OC I:39

In synagogues where men and women gather to pray, it is better to make a balcony so the women are above. If for some reason it is difficult to make a balcony, they must make a real *mechitza* such that will prevent *kalut rosh*…Therefore, a *mechitza* of ten handbreadths from the ground is also not sufficient, as it has no effect on *kalut rosh*, for they can speak and have converse amply with women without any difficulty, and touch their hands, and there is no *kalut rosh* greater than this, and they are considered to be fully mingled and it is prohibited…But it makes sense, in my humble opinion, that a *mechitza* above shoulder height suffices, for we have seen that the *mechitza* is not for the prohibition of gazing…

In a later responsum, Rav Moshe stipulates that shoulder height is at least five feet (1.5 m), though he still prefers the *mechitza* to be higher. Additionally, because he sees the *mechitza*’s height as crucial to preventing mingling, Rav Moshe is not in favor of raising the floor of the women's section without raising the *mechitza* height. At the same time, he does not write that such an arrangement is absolutely prohibited:

*Iggerot Moshe* OC III:23

At the least a *mechitza* to shoulder height, and according to the measure of Rashi and Tosafot this is 18 handbreadths, and for Rashbam it is the amount of 17 handbreadths (see there), but as we have seen nowadays that shoulder height for most women is less, so one who is lenient with a *mechitza* of 60 inches [152 cm], which is five feet, one should not protest…There are synagogues that raised the floor of the women's section a foot or more and don’t allow for raising the *mechitza* and this is not good in my humble opinion…

Rav Yoel Teitelbaum of Satmar rejects this ruling, as he maintains that one function of the *mechitza* is to block men from seeing women in synagogue altogether. He further maintains that a shoulder-height *mechitza* such as Rav Moshe describes would in fact allow for mingling:

Responsa *Divrei Yoel* OC 10

For he erred in understanding the words of the Talmud as meaning that they were not particular about looking… What use is a shoulder-height *mechitza* for this if the heads and forms are exposed, can’t they have much speech and joking and frivolity, and the *mechitza* between the bodies is nothing…

Rav Moshe’s and Rav Yoel's positions each have found many followers. Ruling more leniently, Rav Yosef Soloveitchik reportedly allowed for a *mechitza* of only fifty inches in some pressing situations.[[5]](#footnote-5) This view has been less widely accepted.

**II. Style:** Rav Moshe rules that a lattice-work *mechitza* is acceptable so long as it stands in the way of *kalut rosh*.

*Iggerot Moshe* OC IV:32

…Two pretty wood panels made decoratively with many holes…in my humble opinion they are fit to make a *mechitza*, when through these holes it is impossible to come to *kalut rosh*…

Judiciously-designed openings need not lead to *kalut rosh* and are acceptable to Rav Moshe,since, as above, he does not view preventing men from seeing women as a purpose of *mechitza*.

He does note, though, that a *mechitza* can also serve the function of enabling someone to recite *tefilla* even when *erva* is exposed on the other side of it. (For more on this issue, see [here](https://www.deracheha.org/dress-1-the-basics) and [here](https://www.deracheha.org/dress-3-more-details).) In his view, an opaque *mechitza* of five feet alleviates concerns of seeing *erva* during *tefilla* in communities with looser communal standards of dress. A fully transparent *mechitza* would be acceptable if no *erva* is exposed.

*Iggerot Moshe* OC III:23

Aside from the matter of the *mechitza*, which is obligatory even for the most modest women, there is the matter of *mechitza* for the prohibition of actually looking at areas that must be covered, which have the status of *erva* in our time…Regarding a glass *mechitza*, it is effective for the law of *mechitza,* but is not effective for the prohibition of reciting *Shema* and prayer in the presence of *erva*…If it is a synagogue where they don't tolerate women with exposed arms, etc., entering the synagogue, they can in compliance with the law make even a glass *mechitza* …

**IIII. Setting:** There are some prayer situations in which Rav Moshe does not consider a *mechitza* obligatory, so long as men and women keep separate, as when a group assembles in a private event (such as *sheva berachot*, as opposed to a more public event or open house like *shiv'a*) or when one or two women happen to make their way on an ad hoc basis into the area where the men have congregated:

*Iggerot Moshe* OC V:12

1. ... You asked whether a *mechitza* is necessary when praying in a place that is not regularly designated for prayer, for example, in a house of mourning, Heaven help us. Whether the women need to go to a separate room, or whether a separation of air is enough. It seems that halachically women in a house of mourning need to go to another room. The reason is that a house of mourning is a place open to the public…But if in practice the women do not agree to leave the room, it is considered ad hoc, and one does not need to avoid praying because of this. But in the house of a bridegroom, halachically there is no need for a *mechitza*, since it is not open to the public, but only to family members. Therefore, it is sufficient for the men who are praying to go to one corner where they can focus, and pray there.
2. ... You asked whether one needs a *mechitza* as a partition before only one or two women… Over the generations, the practice was that sometimes a poor woman would come into the *beit midrash* to receive charity, or a female mourner to recite *kaddish*, and the practical halacha in this matter requires investigation and depends on many factors… One may be lenient ad hoc, only up to two women and no more.

The ad hoc nature of these situations reduces the halachic concern of *kalut rosh*, even without a full-fledged *mechitza*.

At the same time, men forming an ad hoc minyan (at weddings or other affairs) can be inclusive of women by setting up some sort of *mechitza* or otherwise helping to designate a space for women who are interested in praying. The same applies to minyanim in a *shiva* house. Deracheha Editor-At-Large Sarah Rudolph explains why this is important:[[6]](#footnote-6)

Sarah Rudolph, "A Woman in Search of a Wall." Jewish Action

Why did my friends and I have to huddle together and strategize: Should we ask if we can go? Should we just go find the minyan and see if there’s a spot where we can stand, apart from the men but close enough to be able to hear and respond to the prayers?...I’m asking for a space for women….if I am welcome, I should be invited….announce from the beginning, “There will be a minyan in five minutes; this part of the room will be the men’s section, and this part will be the women’s section”? And perhaps if we were invited, more women would consider attending….We can respect all the reasons for women to skip public prayer while still creating a community that encourages those who are able and interested to attend.

As Rav Moshe noted, though, when men form an ad hoc minyan in a public area with women around, as in a corner of a wedding hall, women joining in prayer don't need a *mechitza.* As it is, the men are praying without one, but with other women present.

Which is the best type of mechitza?

The setup of a women's section sends a message to the community; ideally, its structure is informed by the needs and comfort of the women in the community, sending the message that the community is invested in meeting those needs. Some general standards each synagogue might strive toward include:

Ensuring that the women's section is set up, lit, clean, stocked with prayerbooks, unlocked, heated or air-conditioned, and accessible to women for every tefilla, for the full duration of tefilla.

Maintaining the women’s section as a woman's-only space throughout tefilla.

Maximizing a woman's opportunity to see and hear the chazzan and the Torah reading, as suits the specific community.

Devorah Rubin explains why steps like these are so important, and why she is optimistic that much can be achieved in this area:[[7]](#footnote-7)

Devorah Rubin, "Davening in Dark Corners," *Jewish Action*, Spring 1998.

On Shabbos, on Yom Tov, and especially during the *Yamim Noraim*, it enhances one’s *kavanos* to see the *baal* *tefillah*; to watch the Torah being read and raised; to see the *shofar* being blown; and to see the *Hakafos* on Hoshana Rabba.  …  At the present time, in many *shuls*, it requires imagination to feel that one is part of the congregation. It is also harder to follow the rabbi’s *drashah* when one cannot see his face.  The solution adopted in some *shuls* of drawing back the curtains during the speech does not take into account that some of us are uncomfortable being suddenly put on display. Several major Orthodox *shuls* have had the good sense to try to remedy the situation.  The technology certainly exists, for example: the one-way mirror; a combination of smoked glass and screen; adjustable wooden louvers; and of course, balconies, especially tiered balconies, afford a good view.  Installing a kosher, women-friendly *mechitzah* need not be difficult or expensive; all it requires is good will and ingenuity.

Even with today’s many options, it can be challenging to balance halachic considerations with women’s preferences, and design the most women-friendly mechitza, especially since preferences can vary widely even within a single community.

For instance, Talmudic precedent describes a balcony and that is also Rav Moshe Feinstein's preference; however, not all women can easily ascend to a balcony, and not all synagogue structures can accommodate one. Additionally, we've seen that women's experience of mechitza carries its own halachic significance, and many women prefer other options.

The atmosphere most conducive to serious and focused prayer isn't the same for everyone. Some people like singing; others prefer to pray quietly. Some singers might prefer a balcony to sing more freely; other singers might prefer to be closer to the men, to hear them better. Some find prayer in a large group of people to be a powerful experience; others find it distracting or overwhelming. Some women prefer the relative privacy of a balcony; others prefer a side-by-side configuration, to emphasize that everyone in the synagogue has an equal stake in prayer.

For example, contemporary educators Deborah Klapper and Racheli Weinstock have different approaches to mechitza.

Deborah Klapper feels passionately that a mechitza should be side by side:[[8]](#footnote-8)

Deborah Klapper, "What do our Shuls Teach Us," *Times of Israel*, April 28, 2017.

**If the women’s section is behind the men’s section, rearrange as soon as is feasible…**.When you convert your shul to side-by-side, you are sending a message of equal importance and also facilitating access for women to hear and see.

Racheli Weinstock prefers a closed, opaque space, to allow for ecstatic prayer.

Racheli Weinstock, "*Mechitzot* of Hope," *Mekor Rishon,* February 21, 2020.

The rectification that was made in the Temple, separating men and women, affords me with an environment free of sexual tension, in which I can express the soul’s desires for the Creator with total freedom of voice and body, in a protected and safe space that allows for a pure prayer to break out without reservation. The impenetrable *mechitza* through which I do not see the men, which leaves me only in the presence of my fellow women, allows me to see the voices [of prayer] and to etch them in my heart.

In short, there is no single ideal mechitza model for everyone. Since structure follows our understanding of the mechitza's purpose, the best type of mechitza is one that is chosen and implemented in line with a community's halachic guidelines.

Further challenges stem from the fact that not all synagogue structures or budgets can accommodate all types of mechitzot. Even when they can, synagogues may be reluctant to allocate space or financial resources to women's sections, when the men's section tends to be reasonably full all week long, and the women's section is not. Women, in turn, are less likely to attend weekly services when the women's section is less welcoming.

One way to break this chicken-and-egg cycle, improving women’s experience and engagement in public prayer, might be to ensure the women of the community are involved in designing the mechitza and women’s section.

# Communal Prayer

The structure of the *ezrat nashim* may also affect the status of prayer within it. Halachic authorities discuss this question as it applies to a man in the *ezrat nashim*.

Why are men often found praying in or entering the women’s section during tefilla?

A woman who comes to her synagogue during the week to pray may be surprised to discover that there are some men in the women’s section. This phenomenon seems be prevalent in certain communities.

There is no one explanation for why it happens. Sometimes the men’s section is crowded and cramped, and the overflow of men allow themselves access to the women’s section when no women are there, on the assumption that none will come. Sometimes men arrive late to the minyan, and the women’s section is a space that allows them to participate or even just put on tefillin without everyone noticing their late arrival. Sometimes a man might just be looking for a more private and intimate prayer experience, while still being able to answer to the minyan.

Some men walk freely into the women’s section while women are praying there, to grab a sefer or make a phone call. They often assume that separation is only to keep women out of view of the men’s section, while men can enter a women's section without any halachic concern. That perspective overlooks the halachic discussion of mingling during prayer, which mandates gender separation on both sides of the mechitza regardless of any concern of “looking” at members of the opposite sex.

When men enter a women’s section, no matter what the reason or situation, it can affect the atmosphere and leave a woman feeling that it is not truly her space. A woman who arrives to pray and finds men there might feel awkward and uncomfortable entering. A woman might even feel guilty, as though she has "chased out" the men or disrupted their prayer. This can result in women feeling discouraged from attending communal prayer, and can be especially problematic when a woman has specific reason to daven with a minyan.

In recent years, some congregations have hung up signs reminding men that the women’s section is a space that has been dedicated exclusively for women, and asking them not to enter even if no women are present at the time and even if they just want to quickly retrieve something. In this way a community sends a strong message to all of its members that women’s participation is valued and respected as part of the communal prayer experience, and we move toward a time when no signs will be necessary.

Setting aside the question of whether it is appropriate for him to be there, can a man praying in an *ezrat nashim* count as one of the ten members of a minyan? The answer to this question might depend on whether he can see and be seen.

Aruch Ha-shulchan maintains that a man praying in the *ezrat nashim* cannot count toward a minyan:

*Aruch Ha-shulchan* OC 55

Certainly those who stand in the women's section do not count together with those who stand in the synagogue even if there are windows from the women's section to the synagogue and they see each other's faces, since they are full *mechitzot*, these are two distinct domains [that do not join].

He is describing a situation, though, in which the women's *ezrat nashim* was in a distinct structure from the main sanctuary and the divisions between the areas were absolute.

Mishna Berura, on the other hand, rules clearly that a man praying even from this type of *ezrat nashim* is able to answer communal prayer and consider himself part of it, and even suggests that he counts toward a minyan:

*Mishna Berura* 55:52

It is clear that those men who stand in the women's section, and the *mechitza* that separates has a window and he shows them [the other minyan members] his face from there, he counts together with them for ten. How much more so if there are ten men without him, [his prayer] is considered communal prayer through this [standing in the women's section].

Rav Yehuda Henkin suggests two reasons those praying in the *ezrat nashim* can participate in *tefilla be-tzibbur* with those in the men’s section: a shared ceiling and a sort of subsumption of any prayer space into the main sanctuary.[[9]](#footnote-9)

Responsa *Benei Banim* 2:7

…With a *mechitza* that does not reach the ceiling, which then is considered as one place with the community.…Since the primary use of the *ezrat nashim* is that women pray and respond there to the prayer of the men and listen to the reading of the Torah…therefore the women's section is drawn after the men's section and [its distinction as its own domain] considered nullified.

In the vast majority of modern synagogues, the women's section shares a ceiling with or is otherwise structurally open to the men's section.

Though the men’s and women’s sections are considered separate domains in some respects, prayers in the women's section can join prayers in the men's.

We plan to discuss women's participation in communal prayer in a forthcoming piece.

# Sanctity

Strictly speaking, a synagogue has some level of sanctity as a Temple in miniature, which precludes treating it freely like other spaces. In practice, modern synagogues are often established *al-tenai* (conditionally). This allows the synagogue space to be used for a wider range of purposes, such as eating.

What of the *ezrat nashim*? Its level of sanctity relative to the main sanctuary is subject to some debate.

Chochmat Adam writes that the *ezrat nashim* has no sanctity at all:

*Chochmat Adam Issur Ve-heter* 86

For the *ezrat nashim* has none of the sanctity of the synagogue at all.

Presumably, he maintains that only the regular presence of a minyan confers sanctity on the synagogue. And presumably he was talking about a case in which the *ezrat nashim* was more structurally separate from the rest of the synagogue than is currently the norm.

Other authorities, including Rav Eliezer Waldenberg, maintain that the *ezrat nashim* does have sanctity, since it is a space set aside for prayer, but less so than the men's section of synagogue where the minyan takes place:

Responsa *Tzitz Eliezer* 9:11

It is true that the predominant view in the responsa of our later sages is that sanctity is also inherent to the *ezrat nashim*, but nearly the vast majority of halachic authorities concede that it does not reach the level of sanctity of the sanctuary itself.

These positions help explain why, in some communities, only the women's section is used for purposes other than prayer, such as *kiddush* on Shabbat.

Aruch Ha-shulchan, however, disagrees with this type of distinction. He maintains that even when the *ezrat nashim* is a distinct structural space, the fact that women pray within it grants it the full sanctity of a synagogue:[[10]](#footnote-10)

*Aruch Ha-shulchan* OC 154:7

So, too, the women's synagogue has the sanctity of a synagogue, since women pray there.

A well-structured *ezrat nashim* enables women and men to pray in an environment of sanctity, reflects its halachic purpose, and suits the needs of the community.

1. Responsa *Benei Banim* I:1

In the entire range of Jewish settlement through all generations, you cannot find an *ezrat nashim* that was not a separate domain from the *ezrat gevarim*, and in most cases they were completely separate rooms or balconies, and it never occurred to anyone to say that a separate domain was secondary and preventing gazing was the only primary [purpose of *mechitza*]… It is clear that one who maintains like Rambam in his commentary to the mishna maintains thus to be stringent and not to be lenient…[A *mechitza* for prayer] must comply with the laws of a *mechitza* that separates domains, not a *mechitza* that goats can break through underneath or that will not hold in a normal wind…

Available here: <https://hebrewbooks.org/pdfpager.aspx?req=20021&st=&pgnum=12> [↑](#footnote-ref-1)
2. Available here: <https://hebrewbooks.org/pdfpager.aspx?req=1494&st=&pgnum=55> [↑](#footnote-ref-2)
3. In Mechitza I: Purpose, <http://deracheha.org/mechitza-1-purpose> we learned that it is not generally considered a halachic problem for women to see men during prayer. [↑](#footnote-ref-3)
4. *Shulchan Aruch* OC 134:2

For it is a mitzva upon all men and women to see the writing… [↑](#footnote-ref-4)
5. Rav Soloveitchik reportedly accepted a *mechitza* only fifty inches (127 cm) in height:

Rabbi Aryeh Frimer, "Women and Minyan," *Tradition*, 23:4 (Summer 1988): 54-77, note 89

In a personal *horaah halacha lemaaseh* (Cambridge, Mass. 1971) Rabbi Joseph B. Soloveitchik shlita ruled that a *mechitza* need only be 50 inches high.

Rav Yosef Eliyahu Henkin allowed for a *mechitza* of only ten *tefachim*, the minimum height of a *mechitza* in the context of the laws of *sukka*, so long as there was a curtain on top.

Rav Yosef Eliyahu Henkin, *Gevurot Eliyahu* I:44:2

In a pressing situation the mechitza should be at least ten handbreadths (84-100 cm) tall, and there should be an adequate curtain above it. [↑](#footnote-ref-5)
6. Available here: <https://jewishaction.com/opinion/just-between-us-a-woman-in-search-of-a-wall/> [↑](#footnote-ref-6)
7. Available here: <https://jewishaction.com/religion/inspiration/davening-dark-corners/> [↑](#footnote-ref-7)
8. Available here: <https://blogs.timesofisrael.com/what-do-our-shuls-teach-us-modern-orthodoxys-hidden-curriculum/> [↑](#footnote-ref-8)
9. Available here: <https://hebrewbooks.org/pdfpager.aspx?req=20022&st=&pgnum=26> [↑](#footnote-ref-9)
10. See also here:

Responsa *Sho’el U-meshiv* I:2:2

For in truth a woman's section has also sanctity and in the Temple there was an *ezrat nashim*, so too “a Temple in miniature,” and in any case it is permissible to change [the men's section to a women's section] and this is not considered reducing its sanctity. [↑](#footnote-ref-10)