**YESHIVAT HAR ETZION**

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

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**Deracheha: Women and Mitzvot**

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Mechitza III: Separation in Society

When do we need a mechitza or gender separation ouside of prayer?

# Mechitza Parameters

In the first [two installments](https://www.deracheha.org/mechitza-2-structure) of this series, we discussed the purpose and structure of a *mechitza* during prayer. We saw two primary rationales for *mechitza* during prayer: to prevent *kalut rosh* (frivolity, often sexually charged), and to prevent mingling (which could lead to *kalut rosh* and might also be inherently problematic).

Do these concerns apply when we're not praying? When else, if ever, is a *mechitza*, or gender separation without a *mechitza*, necessary?

What is the virtue of separating women and men in society?

To what extent should a Jewish community's everyday functioning reflect that of the cultures around it?

In our discussion of mechitza in prayer, we asked a related question: to what extent a community's functioning at prayer should resemble its functioning at other times, especially since a hallmark of ritual is a distinction from the everyday.

As jarring as it can be for those of us who live in more mixed communities to enter into a prayer space organized differently from the rest of our lives, that very difference can be spiritually stimulating. Is there a role for separation to play in distinguishing Jewish community from surrounding culture outside of prayer as well?

For the most part, Western society is heavily mixed, or espouses gender mixing as a value. As Rav Ya'akov Ariel notes, traditional Jewish attitudes toward mixing are more circumspect:

Rav Ya'akov Ariel, “Halacha and Hiddur in the laws of Tzeni'ut in Our Time,” 3: Separation

On the one hand, the tradition of *tzeni'ut* in Judaism does not view mingling of men and women favorably. On the other, there is no doubt that halacha did not demand absolute separation in every situation.

Often, we think of separation between men and women in terms of distancing ourselves from sexual transgression. In some contexts, men and women can get carried away mingling with each other, which may result in kalut rosh (frivolity—often of a sexual flavor), or even more serious transgression of laws related to giluy arayot (illicit relations). Some degree of separation, to avoid these transgressions, is a natural outgrowth of our aspiration to kedusha (sanctity).

However, in the above quotation, Rav Ariel points out that there is also a second reason to limit mingling, beyond fears of “what might happen,” Mingling itself may sometimes challenge the value of [tzeniut](file:///d%3A%5CUsers%5Cuser%5CDownloads%5Cderacheha.org%5Ctzeniut), which dictates that we draw boundaries to limit certain types of exposure, including between men and women.

Though both sexual transgression and breaches of tzeniut are possible in single-gender environments, traditional sources see them as more prevalent, and therefore in greater need of preventive measures, in mixed settings.

There may also be additional benefits to separation between men and women. When implemented thoughtfully, it can help ensure open access to social and communal events in a way that honors both men and women. Separation can even foster the emergence of empowered, women-only spaces to complement existing men's-only spaces.

On the other hand, gender separation can have significant drawbacks. Too often, its implementation excludes women from aspects of communal life commonly dominated by men and deprives our communities of the benefits of a wider range of perspectives. It also leaves little room for those who don’t fit easily into the gender binary.

Additionally, when broadly applied, separation can send the damaging message that any meeting of men and women will always result in kalut rosh,or imply that men and women see each other exclusively in a sexual light.

Male-female interactions can be more than just appropriate or inappropriate; they can be valuable and important. For example, a person of any gender can learn a great deal from a talmid or talmidat chacham and can emulate the behavior of a tzadik or tzadeket.

Even as he advocates for tzeniut as an overarching value, Rav Kook acknowledges that its pursuit may come at the expense of other positive values, such as derech eretz (lit. the way of the world), social norms or proper conduct:

Rav Kook, Middot Ha-Re'iyah, Tzeni'ut

The attribute of *tzeni'ut* causes many benefits in the world, and because of this it deserves to override things that would have been good in their own right…The attribute of affection and friendship, with all its manifestations and pleasant speech, would have been fitting to be equal between genders, but because of the precious value of *tzeni'ut*, the attribute of *derech eretz* (the way of the world) is pushed aside…

A contemporary Israeli rabbi, Rav Yuval Cherlow, has argued the opposite, that derech eretz should take priority over calls for separation:[[1]](#footnote-1)

Rav Yuval Cherlow and Ran Chori, A Whole Society: A Modest Mixed Society as an Ideal, 21.

We have not found sources that deal directly with society on the day-to-day level. Given the lack of such sources, and from a spiritual perspective regarding the relation of Torah to life, we have turned to basic *derech eretz* (the way of the world), to the nature of our world in which men and women conduct themselves…

To fulfill the mandate to become a sacred nation, Jewish communal life needs to reflect and promote the totality of Jewish values, including but not limited to tzeniut. Some degree of gender separation outside of prayer can play a role in our quest for sanctity. Halachic authorities differ on what degree of separation is correct, and on how that relates to our conception of derech eretz.

A few Talmudic passages touch on gender separation. In the context of a discussion of *yichud* (the prohibition against a man and a woman being secluded together), we learn that Abbaye and Rava would use jugs or reeds to rig up a boundary between gatherings of men and women.

*Kiddushin* 81a

Abbaye placed jugs. Rava placed reeds.

These do not sound like the formal *mechitzot* required for prayer. Rather, they seem to have functioned as a sort of alarm system. As Rashi explains, the likelihood of creating a racket by crossing the boundary would serve as a deterrent against doing so:

Rashi *Kiddushin* 81a

“Jugs” – where men and women gathered for a *derasha* or for a *chuppa*, he would set up many pottery jugs between them so that if one would come into the other’s area, they would rattle and make noise…“Place reeds” – He would set up reeds so that if someone passed through them, they would make noise.

On the one hand, even if the ultimate concern was couples sneaking off together, this is a precedent for more formal gender separation, and even a quasi-*mechitza*, at large public gatherings like *derashot* (communal Torah lectures) or a *chuppa* (wedding ceremony).

On the other hand, the Talmud gives no indication that erecting boundaries of this sort was normative practice, and the halachic codes do not cite Abbaye and Rava's actions.

The very next statement in the Talmud, again as interpreted by Rashi, further complicates the picture:

*Kiddushin* 81a

Avin said: the most vulnerable time is the festival.

Rashi *Kiddushin* 81a

The most vulnerable time is the festival – the most hazardous days of the year for *yichud* and transgression are the days of the festival, when there is a gathering of men and women hearing the *derasha* and discussing it with each other…

Rashi's understanding of Avin's statement, to the effect that Yom Tov is problematic because men and women "hold discussions with each other" when gathered to hear the *derasha*, suggests both concern about free conversations between men and women, or at least where they might lead, and a lack of formal legislation to prevent them. We'll see below that Rambam (followed by Shulchan Aruch) codifies the concerns about mingling leading to transgression on Yom Tov.

Separation need not be the only response to these concerns. Drawing inspiration from Megillat Rut, the Yerushalmi (as explained by Penei Moshe) suggests that the Megilla attests to an alternative approach to mitigating concerns about gender mixing – chaperones:[[2]](#footnote-2)

Yerushalmi *Ketubot* 1:1

"And Boaz took ten men from the elders of the city and said, sit here, and they sat"… Rav Pinchas said: from here we learn, regarding this house, that they appoint elders in their houses of feasting.

*Penei Moshe Ketubot* 1:1

To supervise the matter so that they do not act with frivolity in their houses of feasting.

The presence of community elders may prevent *kalut rosh*, without need for gender separation.

Taken together, these passages establish that mingling between men and women raises concern, and suggest some possible responses. However, they do not elucidate clear halachic obligations or parameters for *mechitza*, separation, or other measures.

*Simchat Beit Ha-sho'eiva*

To find halachic parameters for separating men and women outside of prayer, let's return to the Talmudic passage (discussed [here](file:///d%3A%5CUsers%5Cuser%5CDownloads%5Cderacheha.org%5Cmechitza-1-purpose)) concerning constructing a balcony in *Beit Ha-mikdash* for *simchat beit ha-sho'eiva*, the festival of the water drawing.

*Sukka* 51b-52a

They found a verse and expounded. "And the land mourned, each family to itself, the family of the house of David to itself, and their women to themselves” (*Zecharya* 12:12). They said: Are the matters not a *kal va-chomer* (a fortiori)? Just as in the time to come, when they are occupied with eulogy and the evil inclination has no power over them, the Torah said men to themselves and women to themselves, now that they are occupied with rejoicing [on Sukkot] and the evil inclination has power over them, how much more so [should they be separated]!

This passage describes two events at which men and women must separate: at a eulogy and at *simchat beit ha-sho'eiva*, a major public celebration on the grounds of *Beit Ha-mikdash*. Neither case is specific to prayer, though the location of *simchat beit ha-sho’eiva* in *Beit Ha-mikdash* raises specific precedent for the Temple in miniature, the synagogue (or study hall—a point we'll come back to soon).

An inference from a verse in *Zecharya* seems to provide a mandate for separating men and women even at a time when "the evil inclination has no power." Halachic authorities differ on how broadly to apply this inference and to mandate gender separation.

# Mishnaic Evidence

Two *mishnayot* from disparate halachic discussions may shed light on whether it was normative for men and women to eat meals together. These *mishnayot* have been cited to question the broader approaches to applying gender separation and to provide support for a narrower approach.

The first mishna deals with the laws of *zimmun*, the formal invitation to recite *birkat ha-mazon* together. It teaches that women, bondsmen, and minors are not counted together with men towards the quorum of three to enable a *zimmun*.

Mishna *Berachot* 7:2

Women and bondsmen and minors are not counted towards a *zimmun*.

Furthermore, the Talmud deems the case of women and bondsmen making a *zimmun* together a breach of modesty:

*Berachot* 45b

Women and bondsmen, if they wish to join together for a *zimmun* do not. Why not? …Because of immodesty.

Shulchan Aruch, however, explains that women can in fact respond to a men's *zimmun*, when eating with men:

Shulchan Aruch OC 199:6-7

Women and bondsmen and minors are not counted towards a *zimmun* [with men], but they can recite *zimmun* on their own. A group of women and bondsmen and minors may not recite *zimmun* together because of the immodesty of the bondsmen. Rather, women may [recite *zimmun*] on their own and bondsmen on their own…But when they [women] eat with men, they are obligated [in *zimmun*] and discharge their obligation with our [the men's] *zimmun*.

He does not suggest it is prohibited for men and women to eat together, nor does he stipulate that they need to be seated separately. The implication, as Rav Ben Tziyon Uziel notes, is that women eating with specifically with bondsmen poses a modesty concern, but free men and women may eat together.[[3]](#footnote-3)

Responsa *Mishpetei Uziel* 4 CM 6

…For we rule regarding the law of *zimmun*: A group of women and bondsmen and minors should not recite *zimmun* together because of the immodesty of bondsmen, and women recite *zimmun* for themselves, but when they eat with men, they are obligated and discharge their obligation with our *zimmun* (OC 199:6,7) and from this it is explicitly proven that even at a party of feasting we are not concerned about immodesty, and specifically when there are bondsmen together with them we are concerned about the immodesty of bondsmen…

Similarly, another mishna teaches that a bride eating *Korban Pesach* may turn her head away from her *chabura*, the group with which she shares and eats the *korban*, presumably to preserve her own sense of modesty when eating with her new household, kinsmen, or social circle:

Mishna *Pesachim* 7:13

Two groups that were eating in one house, these turn their faces to one side and these turn their faces to the other and they eat, and the water boiler is in the middle…And the bride may turn her face away and eat.

*Pesachim* 86b

And the bride may turn her face away— What is the reason? Rabbi Chiyya bar Abba said Rabbi Yochanan said: because she is embarrassed.

Rav Moshe Feinstein notes the implications of this mishna for our topic: Women and men from different families ate *korban Pesach* in the same space, even within the same *chabura*, without any *mechitza*:

Responsa *Iggerot Moshe* OC I:41

…For we find with eating the Pesach that the men and the women would eat in one house, and there were a few families there, for there was no Pesach offering that did not have more than ten people counted for it…Further, the bride turning away her face, which Rashi explains in light of what Rabbi Chiyya bar Abba said in the name of Rabbi Yochanan, because she is embarrassed to eat before the men, since they look at her. This does not apply in front of her father and brothers but before other men. If so, it is clear that there was no *mechitza* between them.

This precedent informs Rav Moshe's more narrow applications of the mandate for *mechitza*, which we will see later.

Those adhering to a broader approach to separation challenge the relevance of these *mishnayot* to our discussion. Lack of a *mechitza* does not necessarily mean that men and women sat mixed together.

For example, Rav Avraham Weinfeld responds directly to Rav Moshe’s argument, contending that a bride might have been embarrassed to eat in front of relatives from her extended family (especially if it's her husband's), so the setting would still have been familial. He also points out that Rav Moshe bases his argument on inference from only tangentially-related halachic discussions:

Responsa *Lev Avraham* I:135

It is a general principle that it is impossible to derive a new law from what is said in the *gemara* tangentially, and not where they are discussing that matter. For since it is not the place of this law, they were not very precise...The proof he brings in the above responsum from a mishna (86a) "the bride turns her face away," is not a proof. For one can well say that she is embarrassed before such relatives [notwithstanding the fact] that, for purposes of the prohibition of mingling, they are considered her familiars [with whom it is permissible to mingle]...

Indeed, the lack of direct early sources about gender separation in daily life, and debates such as this one over how to interpret the sources we do have, complicate attempts to determine the halacha.

Further complicating matters, it can be difficult to distinguish between the questions of *mechitza* and of gender separation, since separation may sometimes be required even when a *mechitza* is not. Separation or *mechitza* also may sometimes be encouraged even when not required.

Below, we attempt to explore the main approaches to gender separation, moving from the stringent to lenient, and highlighting which factors may affect whether separation is obligatory.

# Broad Application

Taking a broad approach, some halachic authorities call for gender separation at all meals or gatherings, others call for it especially at festive gatherings.

**I. Meals or Gatherings**  A Ge'onic era responsum prohibits mixed seating at meals, with the exception of family and only when one's spouse is present. (The spouse may function as a sort of chaperone, or perhaps a spouse's mere presence has a focusing effect.) The responsum singles out men as being prohibited, but this is effectively a prohibition for men and women.

*Teshuvot Ha-ge'onim*, *Sukka* 189

…But they are prohibited at a meal at a time when they are intermingled, the men and the women, for it is prohibited for a man to mingle with women at a meal, except for his sister or his father's sister or his mother's sister or his wife's sister, on condition that his wife be at the meal, for she keeps him from sin.

In a similar vein, *Sefer Ha-Pardes*, attributed to Rashi, suggests that the argument from the verse in *Zecharya* creates a mandate for gender separation at all gatherings:[[4]](#footnote-4)

*Sefer Ha-pardes*, *Inyan Issur Ve-heter*

It is forbidden for the women to mingle with the men, whether for a meal or for dancing or for any matter. Rather, women to themselves and men to themselves, from a *kal va-chomer* [a fortiori argument]: If in a time of mourning it is written "And the land mourned, each family to itself, the family of the house of David to itself, and their women to themselves,” how much more so for a party that includes drinking, or merriment…

*Sefer Ha-pardes* does not mention a *mechitza*. However, it prohibits gender mixing “for any matter,” singling out meals, dances, and drinking parties. Preventing mingling serves as a hedge against frivolity and sin.

Much more recently, in the twentieth century, Rav Weinfeld articulates an extreme approach to separation, arguing that there is a Torah-level independent prohibition against active male-female mingling at all times, an oral tradition that our sages linked to the verse in *Zecharya*.[[5]](#footnote-5) On this view, mingling between men and women is prohibited in and of itself, regardless of atmosphere or conduct.

Responsa *Lev Avraham* I:135

[There is[ a prohibition for men and women to be together actually intermingled. This prohibition was a received tradition for our sages, *Halacha Le-Moshe Mi-Sinai*, and Zecharya connected it to a verse, and this is an independent prohibition…But this prohibition applies only if they are actually together, but if the men stand on one side and the women on another side, even though there is no *mechitza* between them but some open space, this is considered men to themselves and women to themselves, and they have already kept themselves from violating this prohibition…

Even those who follow a broad approach such as this to mandating gender separation often make exceptions for family (as in the Ge'onic responsum) or for cases in which men and women gather incidentally, not really interacting, as at adjoining tables at a restaurant, or benches on a train.[[6]](#footnote-6)

**II. Festive Gatherings** The Talmud cites the verse in *Zecharya* to mandate separation at *simchat beit ha-sho'eiva*, which was a singularly joyous event.[[7]](#footnote-7) *Sefer Ha-pardes* itself could be read as calling for gender separation specifically "in every matter" of rejoicing.

Concern about separation especially at times of rejoicing may animate a ruling of Rambam. Rambam combines the Talmud Bavli's concerns about misbehavior during Yom Tov rejoicing with the Talmud Yerushalmi's mention of chaperones. He calls for policing festive gatherings on Yom Tov, in or out of doors, lest the mingling of women and men, and perhaps wine, lead to sin:

Rambam, Laws of Yom Tov 6:21

A *beit din* is obligated to set up patrols on the festivals that will circulate and search in gardens and orchards and by rivers in order that men and women not gather to eat and drink there and come to sin. Similarly, they should caution the entire people about this, in order that men and women not mingle in their homes for celebration, and not be drawn on by wine, lest they come to sin.

Rambam’s concern seems to be that mingling in a festive context could lead to sin. He does not indicate that mingling itself is prohibited or that every type of mingling would necessarily raise such concerns.

Shulchan Aruch rules in accordance with Rambam,[[8]](#footnote-8) and Mishna Berura adds that men and women mingling festively is also of concern at other, non-festival times. He does not clarify, however, what is fully prohibited and what is merely unseemly:

*Mishna Berura* 529 22

And so they should caution the entire people- Behold the matter of this obligation is always to caution against and to protest [violations] when one is able, but on festivals the sin is more common.

Rav Weinfeld also agrees that festive contexts are of greater concern than other gatherings, requiring *mechitza* and not just separation, because of the sin to which they might lead.[[9]](#footnote-9)

# Narrow Application

Calls for more narrow application of *mechitza* or gender separation fall loosely into two categories: limiting it to synagogue and study hall or limiting it to officially public gatherings.

**I. Only Synagogue or Study Hall** Among modern halachic authorities who read the verse in *Zecharya* and its implications more narrowly, Rav Yehuda Henkin argues that the verse refers only to gatherings in the synagogue or study hall. Indeed, public eulogies, as referred to in the verse, typically took place specifically in those settings:

Responsa *Benei Banim* I:35

It seems in my humble opinion that the verse in *Zecharya* deals only with synagogues and study halls [*batei midrash*], which have sanctity, and not with other places…For a typical eulogy of the masses is held in the synagogue and not in another place…

On this reading, although *kalut rosh* is never favored, the synagogue and study hall demand a higher level of conduct than elsewhere because they "have sanctity." Indeed, the Talmud describes the study hall as a Temple in miniature, alongside the synagogue:

*Megilla* 29a

"And I will be for them a small Temple." Rabbi Yitzchak said: These are the synagogues and *batei midrash* of Babylonia.

Rav Henkin's understanding of the verse in *Zecharya* would leave gender separation outside of the synagogue or study hall optional and not obligatory.

In 13th-century Ashkenaz, Mordechai issues a ruling about erecting a *mechitza* for a synagogue-based Torah lecture, a *derasha*, since there are halachic limits on erecting some types of partitions on Shabbat.

Mordechai *Shabbat* 311

A *mechitza* that one makes simply for *tzeniut* is permissible [to erect on Shabbat], like the *mechitza* that we make between men and women at the time of the *derasha* is permissible to make on Shabbat.

The women in this community presumably prayed in a distinct space, but entered the men's section specifically for the *derasha*. For this purpose, the community was permitted to erect a simple *mechitza*, even on Shabbat. Rema quotes this ruling, and we can infer from it that men and women would sit separately with a *mechitza* for Torah learning, at least in a synagogue.

Rav Yechiel Ya'akov Weinberg emphasizes that the passage here refers to erecting the *mechitza* for study as a positive measure to promote *tzeniut*, modesty, not as a halachic obligation:

Responsa *Seridei Eish* I:77

Only in the synagogue is there an early enactment to make high *mechitzot*…but in gatherings of a non-obligatory nature, as when welcoming a *kalla* to the *chuppa* or during speeches and *derashot*, they were never particular to make *mechitzot*, they were simply particular that men and women not sit together and not intermingle. Indeed, I saw that he brings the words of Mordechai, who wrote: "like the *mechitza* that we make at the time of the *derasha* between men and women is permissible to make on Shabbat," meaning that they also made *mechitzot* at the time of the *derasha* and not just at the time of *tefilla* and reciting Shema. It seems that this is a pious measure and not a matter of law, and we never saw in the lands of Lithuania or Poland that they were particular with this. And leave it to Israel [that if they are not prophets, they are sons of prophets].

Rav Weinberg adds that, in his experience, communities in Lithuania and Poland were not particular to erect *mechitzot* outside of synagogue prayer, although separate seating was *de rigeur* at a *derasha* or *chuppa*.

In a similar vein, Rav Ya’akov Ariel allows opening the synagogue *mechitza* for a *derasha*.

Rav Ya'akov Ariel, “Halacha and Hiddur in the laws of Tzeniut in our Time,” 3: Separation

There are those who are particular to also set up a *mechitza* during a Torah *derasha* that takes place in the synagogue. However, in my humble opinion, one should consider carefully whether this does more harm than good. Experience shows that women who sit behind a *mechitza* feel distanced from what is happening in synagogue. This makes it difficult for them to listen to the speaker. So it’s not surprising that women find themselves engaging in chitchat during the *derasha* and causing a disturbance, and this is not their fault. In order to prevent this, I have been particular that the *gabbai’im* (sextons) should roll back the *mechitza* during the *derasha*, in order that the women should be able to listen to it. For a *mechitza* at that time is not a halacha but a good custom.

So, too, Ketav Sofer notes that gender separation at a *chuppa* was not standard:

Responsa *Ketav Sofer* EH 47

In a moment, I will discuss what his honor wrote, that we could find grounds to regret the old custom to set up the *chuppa* before the courtyard of the synagogue, for men and women come to be intermingled…I say that one should not seek nor check, God forbid, for flaws in the place of the great ones who established the generation, but see what the people do, and no one has questioned this [practice]… In any case certainly it is good and right nevertheless to enact that they [men and women] not come to mix, and one [who does so] will be called repairer of the fence, restorer of the streets with dwellings [cf. *Yeshaya* 58:12].

In light of this responsum, Rav Ovadya Yosef rules that separation between men and women is only obligatory if a *chuppa* takes place inside a synagogue.[[10]](#footnote-10)

**II. At Public Events** Rav Moshe Feinstein limits the scope of the verse in a different way, to situations in which Halacha obligates the public to congregate, as at *simchat beit ha-sho'eiva*:

Responsa *Iggerot Moshe* OC I:41

However, from the eulogy in future times [in *Zecharya*], from which we learn [about gender separation], it is inferred that it [mingling between genders] is prohibited in a place where they gather for some obligation to gather. And without the need of an obligation of gathering, it was permissible even in the Temple, as in the case of Chana who prayed in the *Mikdash* near Eli…

What is the rationale for this approach? Perhaps when Halacha obligates us to come together en masse at a public event, we have a communal responsibility to engineer the setting to make it as conducive as possible to proper conduct.

Rav Moshe Feinstein also draws on the public-private distinction with regard to public Torah lectures, though attendance at these is not obligatory. He maintains that such events require a *mechitza* because they are open to the public. However, he allows for lectures to be conducted without a *mechitza* in order to draw people closer to Torah who might otherwise not feel comfortable attending:

Responsa *Iggerot Moshe* OC 5:11

For it is permissible for his honor to invite a congregation of people to *derashot* on matters of Torah and ethics, in order to bring them close to Torah and to *mitzvot*, even though it is impossible to arrange that there be a *mechitza* separating the men and the women, because of what his honor said, that there is a concern that they will refuse to come if they are required to be separated by a *mechitza*. Even though according to the law there needs to be a *mechitza*, as my grandson responded to his honor, since the invitation is to the general public, and not to individuals, as explained in my responsa OC I:39-44, in any case, since here there is no other possibility, one should not refrain from influencing them in order to draw them near to Torah and mitzvot for want of a *mechitza*, so long as this is not at the time of prayer.

Rav Moshe does not stipulate that separate seating is required when there is no *mechitza*.

**III. Festive Gatherings or Immodest Participants** As we saw above, festive events may carry a greater risk of frivolity and thus require a higher degree of separation. Rav Ben Tziyyon Uziel argues the converse. He permits mixing when men and women gather with seriousness of purpose, as for a meeting.

Responsa *Mishpetei Uziel* IV, CM 6

Reason indicates that any serious gathering or purposeful conversation does not involve immodesty, and every day men meet with women for business transactions, and they transact business, and yet there is no breach or outcry. Even those who are most in violation of modest norms will not think about that which is forbidden while they are seriously involved with business dealings…. Sitting in one area and grouping for public service, which is a holy service, does not accustom one to sin or lead to frivolity, and all Israel, men and women, are holy, and are not suspected of breaching the boundaries of modesty and ethics… [The requirement of separation] applies only at a large gathering of modest and immodest people together, and in such cases we are concerned about the minority of immodest people, and more so if they are involved with festivity…

Rav Uziel rejects the idea that there is an inherent problem with male-female interactions. He cites three factors that could combine to warrant greater caution: a large gathering, participants who do not adhere to modest norms, and a festive atmosphere.

Is it reasonable to claim that seriousness of purpose will head off impropriety?

In the #MeToo era, Rav Uziel’s assertion that serious business transactions seldom involve breaches of modesty seems slightly naïve. We frequently hear of sexual harassment, and even assault, in what should be serious work or educational environments.

It is reasonable to require less-rigid gender separation in serious contexts than in festive ones, even though seriousness of purpose does not in and of itself eliminate all concerns. This is especially the case since separation does not guarantee protection against breaches of tzeniut, either, and since separation often disadvantages women.

# Social Norms

Elsewhere, also discussing meetings, Rav Moshe adds an important parameter in determining when gender separation is needed.

Responsa *Iggerot Moshe* YD II:109

Regarding the meetings of the society to which men and women come to discuss and debate and decide everyday matters of the society, and they established that at each meeting one of the group teaches a *devar Torah* of a halachic ruling from *Shulchan Aruch* or of a matter of ethics or awe of Heaven, this is a good enactment for which they are to be commended. Regarding whether the women can also be present during the study as they are during the conversations and discussions in everyday matters, or whether they need to go out to a different room, behold the words of Torah and ethics are no worse than everyday matters, and since they are not stringent about letting them come to the meeting, like all societies in this country, for women also participate in all affairs, even though the reason that they are lenient in this country as a given is not known, but since they are lenient there is no reason that they should leave during the study.

Though Rav Moshe does not seem to view mixing with great favor, he writes that there is no reason to separate men and women specifically for Torah study if the practice in a given place is for men and women to mix in general (at a private event such as a meeting). The implication is that, in a society that practices gender separation for meetings, the *devar Torah* should also be separate.

That is to say, the degree to which Halacha calls for separation often depends on the extent to which that is the communal norm. This position becomes central to the debate over whether *mechitza* or separate seating is required for a wedding feast.

Norms and the Wedding Feast

The wedding feast receives special halachic attention because of one of the *sheva berachot* recited at the end of *birkat ha-mazon*. Sefer Chassidim rules against reciting the *beracha* of *"she-hasimcha bim'ono*," "that joy is in His dwelling," if men and women sit mixed:

*Sefer Chassidim* 393

…Whoever recites the *beracha* "that joy is in His dwelling" must investigate whether they have fulfilled “rejoicing with trembling,” whether there is trembling at this place of rejoicing. But if …women sit among the men, so that inappropriate thoughts are present, it is inconceivable to recite the *beracha* "that joy is in His dwelling."…Any mitzva that leads to a transgression, it is better that one not perform the mitzva, like the mitzva to cause the groom to rejoice. And if there are breaches of modesty and one knows that it won't be without immodesty or if he cannot avoid inappropriate thought or cannot avoid seeing women, he should not be there.

Sefer Chassidim is troubled by the inappropriate thoughts that might arise as a result of mixing.[[11]](#footnote-11) Based on this logic, some halachic authorities rule that men and women must eat the wedding feast in separate rooms.[[12]](#footnote-12)

Bach, however, clarifies that *mechitza* is not obligatory for *sheva berachot*. There is only an issue of reciting "that joy is in His dwelling" during *sheva berachot* when men and women sit intermingled, and even then only when the women are sexually experienced, which could lead to more inappropriate thoughts:

Bach New Responsa 55

Since at that same meal on the second night [from the wedding] only relatives make the meal and everyone sits in the winter-house and eats together with the groom, men and women, therefore we don't say "that joy is in His dwelling" in accordance with *Sefer Chassidim*. This is not the case on Shabbat at the third meal when we make a large meal and men and women sit separately and so at the meal on Shabbat eve and Shabbat morning, in Cracow only young unmarried men and women eat there, there are no inappropriate thoughts. Rather specifically when non-virgin women [join men at a meal] on the second night [there is a constraint]…

In other words, Bach does not take either of the broad approaches mandating gender separation at a gathering, even when it is festive, though he sometimes finds it appropriate, and lack of separation might get in the way of reciting that specific *beracha*.

A last view, advanced by Levush, suggests that constraints on reciting *she-hasimcha bim'ono* when men and women together depend on social norms. Where men and women have been habituated to each other's presence, they do not apply.

Levush OC *Minhagim* 36

They say in *Sefer Chassidim* [393] anywhere that men and women see each other, as at a wedding feast, one may not recite "that joy is in His dwelling," since there is no joy before God in the presence of inappropriate thoughts of transgression. We are not careful about this now, perhaps because now women are accustomed a great deal to be among the men and inappropriate thoughts of transgression are not present to such an extent, for they [the women] seem to us [the men] like "white geese" [i.e. not provocative] on account of being habituated to having them among us, and since they have trodden that path, they have trodden it.

In Practice

Whether, and to what extent, we rely on Levush in practice remains a matter of debate.

Rav Moshe Sternbuch, of the Eida Charedit, does not. He takes a broad approach to applying gender separation, maintaining that it is prohibited to participate in a wedding where men and women sit together at mixed tables. He strongly prefers full separation in different rooms, although he allows for separate seating in one room if an actual *mechitza* is impossible:

*Teshuvot Ve-hanhagot* II:651

…At simchas the danger is greater because the evil inclination grows stronger to cause sin. Here (in Johannesburg) the vast majority of weddings are fully mixed, and men and women sit at one table, and in our great iniquity rabbis participate in the weddings…In my opinion the participants transgress very serious prohibitions and publicly desecrate God's name. It is beyond our power to establish things correctly, and, thank God, to the best of our ability, there are those with fear of Heaven who try to make the weddings in accordance with the Halacha with full separation of men and women each in their own room, or in one room they try at least to make a special place for men to themselves…(And they relied for no reason on weak arguments of some rabbis in America who were lenient with this, and participated in mixed weddings, for it is a clear halacha that this is fully prohibited, and it is proper also to be concerned about the sin of desecrating God's name for there is no greater sin than that.)

In contrast, Rav Ovadya Yosef cites Levush's view as part of his discussion of whether separation is necessary at a *chuppa* in synagogue,[[13]](#footnote-13) and here, in a tangential discussion in a responsum discussing women's head-covering:

Responsa *Yabi'a Omer* VI OC 13

Also our master Chida in Responsa *Yosef Ometz* cited the words of Levush above. So he [Rav Yehoshua Ardit] wrote in the book *China Ve-chisda* to rely on the above Levush. And so in the book *Taharat Ha-mayim* he brought the words of Levush and wrote that even in the great Jewish city of Saloniki they were not accustomed to be concerned about this [separate seating at wedding feasts]. And so he wrote in *Menachem Meishiv* II that in Ashkenaz as well they were not concerned for this, see there.

Tzitz Eliezer accepts Levush's argument for habituation, and extends it to another area of Halacha, the question of men walking directly behind women, which the Talmud cautions against:[[14]](#footnote-14)

Responsa *Tzitz Eliezer* IX:50

Therefore, nowadays is different from long ago…The woman does not sit in the confines of her home as long ago and they [men] are more habituated to seeing women in the street; therefore, their weakness is their strength, for now there is not so much inappropriate thought in walking behind her [a woman] as then…Something like what was said [here] I found in Levush OC *Minhagim*…

Based on our discussion thus far, it should come as no surprise that Rav Feinstein does not mandate separation at a wedding feast. Rav Moshe presents his ruling as applying to the wedding as a whole, consistent with his overarching approach to questions of *mechitza*, because a wedding is a private event, not open to the general public.

*Iggerot Moshe* YD IV:24

…For the obligation for *mechitza* is only for an event open to the masses, and a wedding is considered a private affair.

In practice, whether Levush's specific point is accepted or not, the layout of a *chuppa* and wedding feast often reflects the religious community norms of the families who make it. Dancing is treated more stringently, at least in terms of separation, because of its intense festivity and innate physicality and because of a long halachic tradition of separate dancing.[[15]](#footnote-15)

Many of the authorities we have quoted are in favor of gender separation even when it is not mandated, depending on the context.

In many circles, it is common practice that even on occasions at which men and women do sit together, couples remain sensitive to how they sit. Men and women may gravitate toward sitting in slightly different areas or a woman will sit next to her husband on one side and another woman on the other, so that men and women who are not married do not sit next to each other.

Rav Yuval Cherlow, who advocates following a more mixed social norm, emphasizes that participants in a mixed religious society must make a concerted effort to maintain halachic requirements of modesty.

Rav Yuval Cherlow and Ran Chori, A Whole Society: A Modest Mixed Society as an Ideal,30.

…[A] modest mixed society in the spirit of the Torah of Israel. This is not simple to implement, it requires constant work, internal and external, on the personal level and the educational level. We must strive constantly to improve and be improved in the area of *tzeni’ut*…Our existence as a mixed society in adult life is not *bedi’avad*, but is the way of the world, upon which, as we have said, the entire halacha is based. Truly, it is necessary to sanctify adult society, and the demand to live according to the four halachic principles…exists in full force. The obligations of *tzeni’ut*, of avoiding frivolity, *yichud*, and touch – these define a society that conducts itself according to the Torah.

Inevitably, a halachic discussion of *mechitza* cannot cover every situation and every context, unless taking the broadest approach to applying gender separation. Even when there is no formal separation, some communities will separate informally. Even when there is formal separation, the particulars of whether it is with or without a *mechitza*,and of how such a *mechitza* should be constructed, are typically less well defined.

Where a community does not have a clear custom, the factors that we've seen, such as how festive or public the gathering is and where it is being held, may be taken into consideration. Within the bounds of Halacha, practice is determined by the nature, needs, and norms of a given community.

How much of this is Halacha and how much is social?

We've tried to show that the answer to this question is itself subject to halachic debate, with a range of broad and narrow approaches, and that social trends affect the application of these approaches.

In the past few decades, the charedi world has increasingly embraced a broader approach to mandating separation and mechitza outside of prayer, treating mechitza in these contexts as a full-fledged halachic requirement and building mechitzot on the model of the synagogue mechitza.

This trend is complicated by the fact that women are deeply affected by mechitzot but often are not included in making decisions about them. How a mechitza is constructed can make a world of difference to the person beside or behind it.

In a passionate piece, Israeli charedi activist Estee Rieder-Indusrky describes the changes she has experienced over her lifetime, as well as their effects:[[16]](#footnote-16)

Estee Rieder-Indursky, "You May Not See It, But Ultra-Orthodox Women Are Angry" Jan 31, 2020

The mehitza was always there: in big banquet halls and at the small-scale venues where Hasidic relatives held celebrations. We would go as a family, enter the hall together and then split up and meet again, standing on both sides of the mehitza. The mehitza was friendly there, too – not hermetic; you could move it and talk around it. Expanding when possible, narrowing when necessary. It’s hard for me to remember exactly when this happened, but suddenly there was a mehitza everywhere. It is a second kind of mehitza, one that is no longer friendly. It’s opaque. Sometimes it’s made of plywood; sometimes it’s an actual wall; sometimes it’s only virtual, but no less divisive than a wall….Suddenly, we no longer enter the hall together with the men – there’s a special entrance for women, an afterthought, by way of a dark and dank alleyway. There’s also [separation on buses](https://www.haaretz.com/opinion/.premium-a-bus-ride-with-the-ultra-orthodox-can-give-israeli-women-ptsd-1.7499747).

The increased separation in charedi society may be a response to a perception of increasing permissiveness in Western culture and even among other branches of Orthodoxy. While this reaction is understandable, increased separation sometimes departs from tradition, with real collateral damage to the community, especially its women.

Even those who understand Halacha as widely mandating separation have no halachic basis for situating women in inferior conditions. Chana Chava Perton makes this case:[[17]](#footnote-17)

Chana Chava Perton, In your place: An open letter to the front of the shul

[A] large segment of women have experienced: a slow, quiet shift of cultural norms that results in a two-tier, hierarchical society. Enough women (frum, content-with-our-roles-but-concerned-with-current-trends women) have since spoken up, and far too many to be dismissed as anomalies. Women who are perfectly content praying behind a mechitza are upset about the lack of air conditioning…space or grape juice to make kiddush. About the lack of dignity. They’ve shared stories of trying to speak up and repeatedly being shut down.

Those in more mixed communities face their own challenges. Integration into Western culture can make it difficult to retain sensitivity to the idea that some situations do call for separation, and that different approaches to this issue are viable. Adi Ben Yishai, an Israeli national religious activist, sees separation in public as an empowering religious right that others should accommodate:[[18]](#footnote-18)

Adi Ben Yishai, “Separation isn't Discrimination”

Separation isn’t discrimination. Separation between men and women enables free conduct in the public sphere. Thus it is at the beach, on the dance floor, and sometimes also at a show or lecture. Separation isn't a decree, but a community's choice to conduct itself in its sphere in its way.

At the same time, a community is made up of individuals, with individual sensitivities and needs. In a responsum, Rav Nahum Rabinovitch expresses the importance of being sensitive to and aware of what's appropriate for our communities, while retaining ultimate responsibility for ourselves.

Responsa *Si'ach Nahum* 112

Human sensitivity to different things is affected by the environment, and by the society’s accepted policies and ways of life, which engender different responses to similar phenomena. That is to say, the same phenomenon might lead to different effects and responses based on the accepted way of life of each and every society…Indeed there were distinct ways of life in different places…Social reality has an effect on the desirable standards…For the conditions of a society establish the level of sensitivity to different stimuli…Just as there are trials of exposure, so, too, there are corresponding ones in a place where fences and protections are established by the society…Every congregation needs to worry about its community and to endeavor that this community conduct itself in accordance with the laws appropriate for it. However, one should know that whatever public policies and rules may be established, they cannot guarantee to prevent all failure, and at the end of the day every person must be responsible for his own behavior.

Mechitza is one of many tools at our disposal for regulating ourselves. Its effectiveness depends in large part on how it is employed, and it sends a message that should be carefully calibrated. No mechitza can replace self-regulation. The mechitza doesn’t make the society. How we wield it and relate to it does.

# Further Reading

Cherlow, Rav Yuval and Ran Chori, A Whole Society: A Modest Mixed Society as an Ideal. Available here: <https://toravoda.org.il/files/chevra%20shlema-website.pdf>

Haber, Rav Shemuel. *Et Tzenu’im Chochma*, Vol. 2. Karnei Shomron, 2007. (Chapter 22: *Hafrada bein Ha-minim*).

Olamot Shiur, “*Mechitza bein gevarim ve-nashim*” [*http://olamot.net/shiur/%D7%9E%D7%97%D7%99%D7%A6%D7%94-%D7%91%D7%99%D7%9F-%D7%92%D7%91%D7%A8%D7%99%D7%9D-%D7%95%D7%A0%D7%A9%D7%99%D7%9D*](http://olamot.net/shiur/%D7%9E%D7%97%D7%99%D7%A6%D7%94-%D7%91%D7%99%D7%9F-%D7%92%D7%91%D7%A8%D7%99%D7%9D-%D7%95%D7%A0%D7%A9%D7%99%D7%9D)

1. Available here: <https://toravoda.org.il/files/chevra%20shlema-website.pdf> [↑](#footnote-ref-1)
2. Text according to ms Leiden. [↑](#footnote-ref-2)
3. We plan to discuss the implications for *zimmun* in a forthcoming piece. [↑](#footnote-ref-3)
4. Available here: hebrewbooks.org/pdfpager.aspx?req=39330&st=&pgnum=95&hilite= [↑](#footnote-ref-4)
5. Available here: <https://hebrewbooks.org/pdfpager.aspx?req=1653&st=&pgnum=234> [↑](#footnote-ref-5)
6. Rav Yitzchak Ratzabi, *Sha'arei Yitzchak*, Adar 5770

If they sit in a restaurant, it would seem that there is no connection between the people… [↑](#footnote-ref-6)
7. Mishna *Sukka* 5:1

They said: Whoever did not see *simchat beit ha-sho'eiva* has never seen rejoicing in all his days. [↑](#footnote-ref-7)
8. See OC 528:4. [↑](#footnote-ref-8)
9. Borrowing the Talmud's language for a structural division, *tikkun*, he argues that constructing a *mechitza* is obligatory and mere separation does not suffice whenever an atmosphere lends itself to frivolity, as at a festive meal.

Responsa *Lev Avraham* I:135

For even if they [men and women] are not intermingled, in any case if we see that they are coming to sin, whether ogling or inappropriate thoughts, whether laughter or frivolity, if so there is an obligation to make a *tikkun* [a physical correction to prevent this], and this law is not an independent prohibition but a protection from sin. [↑](#footnote-ref-9)
10. Responsa *Yabi'a Omer* III EH 10

*Le-chat’chila* [ab initio] one should be as particular as possible, how much more so in a synagogue, where one must be more careful about this [mingling between men and women]…The rule that emerges is that if women come in modest clothing, and preserve the sanctity of the place as ordained, and also sit to the side without any mingling with the men, it is fine to be lenient to make *chuppot* in a synagogue. But if one of these conditions is lacking, one should not be lenient…. [↑](#footnote-ref-10)
11. Sefer Ha-minhagim, (Tyrnau), Hagahot Ha-minhagim, Dinei Yotzerot Ve-haftarot

I found [in *Sefer Chassidim*] that anywhere where the men and women see each other, as at a wedding meal, one should not recite the *beracha* "that joy is in His dwelling," because there is no joy before God when there are thoughts of transgression. [↑](#footnote-ref-11)
12. Kitzur Shulchan Aruch 149

We must take care that men and women not eat in one room, for if men and women eat in one room they do not say "that joy is in His dwelling," for there is no joy where the evil inclination rules. [↑](#footnote-ref-12)
13. See *Yabi’a Omer* III:10 [↑](#footnote-ref-13)
14. Berachot 61a

For it was taught in a *baraita*: A man should not walk behind a woman on the road, even his wife. [↑](#footnote-ref-14)
15. We see the insistence on separate dancing as early as Kol Bo (66), though Maharam seems to have questioned the ruling when the dance merely involves momentary hand-holding in public:

Kolbo 66

Maharam Me-Rottenburg said that they enacted a ban against men and women dancing, and they would expound this from "hand to hand the evil could not be absolved" (*Mishle*i 11:21), and I said that he [*Mishlei*] did not mean this except for evil [itself], for they are not wicked people to do this in public. He [Maharam] brings proof from the *kohen gadol* in the matter of the *sota*, where he takes the meal offering from her hand [in public], and he permitted the matter to all his sons.

Halachic consensus, as exemplified here by Rav Ya'akov Ariel, is to prohibit mixed dancing.

Rav Ya'akov Ariel, “Halacha and Hiddur in the laws of Tzeniut in our Time,” 3: Separation

At regular events, such as a lecture or a sedate party, there is no need for a *mechitza*, and only where there is dancing and great celebration does one need to be particular about this, as for wedding dances.

Elsewhere, Rav Ariel explains that the mechitza for dancing serves primarily to ensure that the dancing remain separate:

Rav Ya'akov Ariel, “Dancing at a Wedding without a Mechitza”

The purpose of the mechitza is primarily to prevent mixed dancing. Its secondary purpose is to prevent looking.

Available here: <https://www.toraland.org.il/%D7%A9%D7%90%D7%9C%D7%95%D7%AA-%D7%95%D7%AA%D7%A9%D7%95%D7%91%D7%95%D7%AA/%D7%97%D7%91%D7%A8%D7%94-%D7%95%D7%9E%D7%A9%D7%A4%D7%97%D7%94/%D7%A6%D7%A0%D7%99%D7%A2%D7%95%D7%AA/%D7%A8%D7%99%D7%A7%D7%95%D7%93%D7%99%D7%9D-%D7%91%D7%97%D7%AA%D7%95%D7%A0%D7%94-%D7%9C%D7%9C%D7%90-%D7%9E%D7%97%D7%99%D7%A6%D7%94/>

Rav Yehuda Henkin argues that if the dancing is more controlled circle dancing, separate sections can suffice, even without an actual mechitza:

Responsa *Benei Banim* I:37:3

With a separate women's-only circle alongside a men's-only circle, whence should we prohibit it [without a *mechitza*]?...Women's dancing on their own and men's dancing on their own at the same time is not similar to women's dancing in front of men, for then it is certain to be a stumbling block, for what else will they [the men] look at if not at the women, and even this depends on the actual situation, but when men dance separately as well, it is not inevitable [that men will look at the women dancing] even for those who are seated…

Available here: <https://hebrewbooks.org/pdfpager.aspx?req=20021&st=&pgnum=134> [↑](#footnote-ref-15)
16. Available here: <https://www.haaretz.com/israel-news/.premium.MAGAZINE-you-may-not-see-it-but-ultra-orthodox-women-are-angry-1.8472686> [↑](#footnote-ref-16)
17. Available here: <https://blogs.timesofisrael.com/in-your-place-an-open-letter-to-the-front-of-the-shul/> [↑](#footnote-ref-17)
18. Available here: <https://www.inn.co.il/Articles/Article.aspx/19310> [↑](#footnote-ref-18)