

# HALOCHOSCOPE

**This week's question:**

During *Chazaras Hashatz*, the repetition of the *Shemone Esrai* by the *chazan*, may one converse behind a *mechitza*, partition in the same room – if he can see and be seen through the *mechitza*?

**The issues:**

- A) *Chazaras Hashatz*; the prohibition against conversation
- B) The location of the *Minyan*, quorum of ten
- C) *Mechitza*, the partition in a shul

## A) *Chazaras Hashatz*

The *shatz*, or *shliach tzibur*, is the representative of the congregation. He acts as a single voice to express the prayers of the entire group. This is not a representative sent to act in one's behalf without the presence of the sender. It is a spokesman presenting a group's message in their presence. It would appear that the *shatz* is only needed when the 'message' can not be said by each individual. However, whenever a *minyan* gathers, they always have one of them acting as the *shatz*. Hashem told Moshe that whenever the Jews find themselves in a crisis situation, that is, out of favor with Hashem, they should plead using the thirteen attributes of Divine Mercy. The Talmud says "It is as though, if one could say it, Hashem Himself wrapped himself in a *talis* like a *shliach tzibbur* ..." and showed Moshe how it should be done. This implies that either the concept of a *shatz* was known to Moshe, or that it was introduced at this time. The idea is also that the most righteous congregant is the best person to represent them. He will know how to plead the cause and will also bring his personal merits.

Another application is when the *shatz* reads from the Torah or other Scriptures. He fulfills two functions. He is both teaching it publicly and also acts as the mouthpiece for the listeners, who are thus considered as though they are verbalizing it themselves. Thus, all present are considered 'studying Torah' or fulfilling an obligation to read. This is especially applicable when a reading is obligatory. For example, we fulfill the Scriptural obligation to read the passage relating to eradicating *Amalek*, by hearing the 'reader' in *shul*. In this case, there are more reasons to have a *shatz*. The passage must be read from a *Sefer Torah*. Not all congregants can read, and not all have the availability of a *sefer*.

The Talmud debates the role of the *shatz* is his repetition of the *shemone esrai*. In one view he exempts an individual of his own obligation at all times. In the other view he only does this for one who does not know the words himself. In former times, one had to memorize *tefilos*. The *shatz* was fluent in them, and he would say them aloud. Those who were not fluent would listen and fulfill their obligation by hearing the words.

Once people became familiar with the *tefilos*, the institution remained in place. An additional reason is given for the institution of the *chazaras hashatz*. Responsive parts of

the services can only be said if there is a leader. These include *kedusha* and *modim dera-banan*. In order to fulfill these obligations there is a separate obligation of *chazaras hashatz*. The poskim point out that both reasons apply. Even nowadays, an individual might need to rely on the *chazaras hashatz*, due to ignorance or special circumstances.

In general, if a *tzibur* joins together for *tefilah*, they are obliged to hear a *chazaras hashatz*. The *tzibur* must remain silent and listen to each word of the *shatz*. It is recommended to follow in a *siddur*. Everyone must respond *amein*. If there are less than nine people listening and responding the *chazaras hashatz* might well be considered being recited in vain. If so, the *tzibur* would be held to blame. Thus, it is extremely important to follow along with the *shatz*. There is a temptation to consider the main part of *chazaras hashatz* unnecessary. Thus, people think that they need not 'participate' by listening and following. However, if this were true, the entire institution would have been abolished. It involves many *brochos* and utterances of Hashem's Name in vain. Since the institution is now a real part of the services, it must be observed by everyone. Even Torah scholars may not peruse a Torah work without audibly sounding the words. Their liability is doubled. If they do what they consider more important, others who do not have such lofty goals will follow their example to do what they consider more important.

Needless to say, it is *halachically* forbidden to engage in conversation during the repetition. The term used to describe the severity of a violation is that used by Cain after he killed his brother Hevel, 'too great to bear'. Apart from making a mockery of the entire institution, and not being able to fulfill one's obligation, there is also the disturbance factor. This would apply even to those who are not part of the *minyan*. Even if one does not make audible conversation or loud laughter, but whispers, he is in violation. It is also a violation of the *mitzvos* associated with respect for the sanctuary, at varying levels, depending on the type of conversation. In addition, there are many spiritual problems associated with this phenomenon, including demeaning the sanctity of the *shul*, possibly for all time. For absolute necessities, one might need to leave the sanctuary to talk outside. In that case, he is not disrupting the *minyan* or disrespecting the *shul*, but loses his own fulfillment of *chazaras hashatz*. [See Rosh Hashana 33b-35a, Brochos 21b, Poskim. Tur Sh. Ar. OC 124:, commentaries.]

### **B) The location of the Minyan**

What defines a group as a quorum, rather than ten individuals? One definition is proximity. If they gather in a field, they must be in close proximity. Ideally, they should gather inside one confined area. Based on various Talmudic passages, people outside a confined area can often be included in the group inside it. The *Korban Pesach* may not be removed from the confines of *Yerushalayim*. If parts of the *korban* are in the gateway itself, the border is considered the part of the door-frame that the door bangs against. The Talmud debates the application of this to *tefilah*. If a person is outside the room where the *tefilah* takes place, is he considered part of the group? In one view, the debate is whether one in the doorway, or even outside, could be counted towards the ten. Others maintain that there is a requirement for ten inside. The debate is whether one outside may be added to the quorum and answer as though he were inside. In another passage, a small room has no wall separating it from an adjacent larger room, making it like a corner of the big room. Viewed from the larger room, there is a wall with a wide 'doorway' into the

smaller room. Are those in the smaller room considered inside the larger room? One application is a *shatz* in one room while the *tzibbur* is in the other room. Another application is where nine men are in one room and the tenth man in the other. If the individual is in the smaller room, he may be counted with the others in the larger room. A third passage discusses hearing a *shofar* from outside the *shul* where it is blown. A fourth passage states that congregants behind the backs of the *kohanim* when they bless are not included in the blessings. People outside who are unable to be there are included. The Talmud cites a view that even if a partition separates the listeners, they are included.

The Talmud describes the huge *shul* in Alexandria. The *chazan* stood on a high platform visible to the entire congregation, but not audible. At a juncture requiring a congregational response, a *shamash* waved a flag. We learn that the *chazan* may be on a different floor than the *minyan*. The Talmud discusses the addition of the Name of Hashem in *bircas hazimun* if ten men ate together. If all ten can see each other, even in different rooms or floors in the same building, they may combine. Yerushalmi adds a condition: they may combine in two rooms within sight of each other if they intended to be one group. Two groups that mingle may also combine. If the groups can not see each other, but a person positions himself so he can see both, he may be *mezamen* for all together.

To reconcile the passages and explain the issues of partitions and seeing one another, a practice is discussed. The *chazan* would stand on a high platform with open walls or rails around it. Could he be part of the *minyan*, since they are not in his domain? Two factors are cited to permit it. The purpose of the platform is to serve the needs of the larger *shul*, so it is a part of it. He could even be considered serving the women's section, [which was traditionally on a different floor and could see the men's section through windows]. At his height, the *chazan* was closer to being considered in there as well. Second, since some participants always see some others, the group is unified.

This ruling is debated. Some allow combination from a second room in sight of the main room. Others only permit it for *bircas hazimun*, and only if they could each say the Name independently anyhow. Some permit responding kaddish etc. if a full *minyan* is in the main room. However, to actually participate, it is possible that this changes. The poskim prefer stringency, but permit leniency in emergencies. The poskim allow a side room in sight used for overflow, because it serves the main *shul*. However, it should be considered an emergency measure. Habitual reliance on this will lead to convening less than the ideal ten in one room. In addition, people should always try to be in the same room as the *aron hakodesh* all the time. [See Brochos 52a (Yerushalmi), Eruvin 92b, Pesachim 85b, Rosh Hashana 27b 28b-29a 35a, Sukah 51b, Sotah 38b, Poskim. Tesh. Rashba I:96. Tur Sh. Ar. OC 55:13 16 18, commentaries. Mishkenos Yaakov 74-5. Teshuvos Vehanhagos I:163.]

### **C) Mechitza**

Scripture refers to segregating men from women. The Temple had a women's section. When Avraham entertained his 'guests' the women segregated themselves. There was even a separate announcement of giving the Torah for women. That was because special language was used to address women. During construction of the Tabernacle, men and women worked separately. Later Scriptures refer to separate dancing etc.

At a formal gathering, especially a religious or ritual occasion, segregation is *ha-*

lachically required. These include a eulogy and the ceremonial dancing on *Sukos*, when multitude attended. Two attempts were made to accommodate both groups within the existing structure of the *bais hamikdash*. Both failed to prevent levity and flirtation, especially inappropriate in this holy place. Eventually, a new structure was erected annually, raising the women above the men. Everyone could now watch, but the two could not converse. Since changes to the structure are only permitted by prophetic mandate, segregation must be Scripturally mandated. Some say the structure was a raised platform, while others say it was a balcony. Some maintain the purpose was to prevent communication, others say it prevented the men from looking at the women, and a minority say it prevented *yichud*, seclusion together.

The basic reason for this is the Scriptural *mitzvah* to hold the *bais hamikdash* in awe, that also applies to a *bais hakneses*. Though there is debate whether *davening* with a *minyan* or in a *shul* is a Scriptural *mitzvah*, the awe for sanctity of a *shul* is Scriptural. Accordingly, *shuls* have a barrier to separate men and women. This is often on another floor, with a railing, or a raised platform, in the same general airspace as the men's section. This is practically a part of the men's section, with the same sanctity. If it is a separate room, the sanctity is slightly lower. Nowadays, it is common for the women's section to be in the same room as the men, with a barrier high enough to prevent lightheaded communication, or according to the stringent view, to prevent gazing. [See *Sukah* 51b-52a (Yerushalmi), *Kidushin* 51a, *Midos* 2:5, *Poskim*. Sh. Ar. OC339:3 529:4.]

Based on our discussion, the *mechitza* in our question does not constitute a separate domain. In fact, those behind it can be included with the *minyan*, according to most opinions. Accordingly, anyone in that section could not be considered outside the *shul*. He should be included in the general requirement to remain silent during *chazaras hashatz*. If there is an urgent need to converse, enough to exempt one the personal obligation of *chazaras hashatz*, going partially out of sight should help prevent the distraction aspect.

**On the Parsha ...** *And korach assembled the entire congregation at the entrance to the Ohel Moed ... Separate yourselves from the midst of this congregation, and I will destroy them instantly ... one man sins and You display anger on the entire congregation? ... Speak to the congregation saying "Go up from around the resting places of Korach, Dasan and Aviram ... [16:19-27]* The commentaries discuss the dialog between Moshe and Hashem. One view is that Moshe thought Hashem intended to destroy Israel, and told Him and Aharon to separate themselves. Hashem told him that he only intended to destroy Korach and his small congregation. The rest of Israel should separate themselves. What was behind Moshe's understanding? The concept of *minyan* is learned, in part, from the words '*mitoch ha'eidah*' from the midst of the congregation. Perhaps Moshe thought that the entire camp constituted one place, confining everyone. Moshe and Aharon were in the midst of them. Hashem responded that only the tents of Korach and his accomplices constituted a confined space for this congregation.



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