

Passing Before Someone Who is Reciting *Shemone Esrei*

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When is it forbidden to pass in front of one who is in middle of reciting Shemone Esrei?

Why are many people lax regarding this halacha?

There is a fairly well-known restriction on walking in front of someone who is in middle of *Shemone Esrei*. While some are quite scrupulous about observing this halacha, others are not, leading many to wonder whether there are leniencies they are unaware of. This article will explore the origins and parameters of this halacha, as well as possible leniencies.

Origins: The Gemara (Brachos 27a) teaches that it is forbidden to pass in front of one who is in the midst of praying *Shemone Esrei*. The Gemara qualifies this ruling, saying that it is only forbidden within four *amos* (6-8 feet). Rashi (ad loc. s.v. *vilo paskei*) seems to understand that the problem is interposing between the person praying and the wall in front of him, as there is not supposed to be anything between oneself and the wall in front of him (Brachos 5b; see Shulchan Aruch Orach Chaim 90:21). However, it seems that this is not the accepted reason¹, as will be discussed below.

The Talmud Yerushalmi (Rosh Hashana 2:5) relates that Rav Chiya bar Bo was *davening*, and Rav Kahana entered and began *davening* behind him. When Rav Chiya bar Bo finished, he could not take three steps back to end his *Shemone Esrei* because Rav Kahana was still *davening* behind him. The Bais Yosef (Orach Chaim 102:5) cites this passage as proof to a ruling of the Mahari Abuhav in the name of the Orchos Chaim that one may not step back from *Shemone Esrei* if one is praying behind him; this halacha is codified in the Shulchan Aruch (ad loc.:5).

Reason for the restriction: The Chayei Adam (26:3) initially states that the reason for not walking within four *amos* of one in middle of *davening Shemone Esrei* is because it will disturb his concentration. However, the Chayei Adam continues that it seems to him that the reason is because the *Shechina* (Divine Presence) is in front of one who is reciting *Shemone Esrei*, and walking within four *amos* is to place oneself between the person praying and the *Shechina*.

The Mishna Berura (102:15) cites both reasons, and seems to give credence to both reasons. There are various differences that emerge between the two reasons, as will be discussed below.

Parameters of the restriction: Rabbeinu Yonah (Brachos 18b *bidapei haRif* s.v. *assur*) states that only walking in front of the person praying is forbidden, but passing to his side is permitted. This ruling is codified in the Shulchan Aruch (ibid.:4). The Mishna Berura (ibid.:17) cites the Zohar in Parshas Chayei Sara that even the sides are forbidden. However, the Aruch Hashulchan (102:12) questions this understanding of the Zohar and concludes that even the Zohar permits passing on the side of one who is *davening*. The Magen Avraham (ad loc.:6) states that passing in front of the person to his diagonal is also forbidden; the Mishna Berura explains that this is because the person passing is still in the line of sight of the one praying, and so he will be disturbed. However, the Elya Rabbah (ad loc.:8) says that only directly in front is forbidden, but diagonally across is permitted, as this does not disturb the person's concentration. The Aruch Hashulchan (ibid.:11) says that the custom is not to be stringent. The Mishna Berura (ibid.:18), however, says that one may rely upon the Elya Rabba only *bishas hadchak* (in a case of need)².

¹ See, however, the Levush (Orach Chaim 102:4), who seems to understand this as being the issue. The Elya Rabbah (ad loc.:7), however, interprets the Levush differently. See Tzitz Eliezer 9:8:5 for further discussion.

² See Mishna Berura ibid. where he seems to say that the Elya Rabba also permits merely standing in front of the person praying. This comment is difficult to understand, since if the person was standing there before the other person began praying, everyone agrees he may remain (Pri Megadim Aishel Avraham 102:6; Levush ad loc.:6; Aruch Hashulchan ad loc.:11), and if he was not there, he cannot walk over to stand in front of him since he will disturb him by walking into the four-

Until what point during a person's prayer may others not walk in front of him? Must he actually step back from *Shemone Esrei*? To illustrate this question, it often occurs that there is a line of three (or more) people *davening*, and the person in the back is still *davening*, thus preventing the person in the middle from stepping back from *Shemone Esrei*. May the person at the front take three steps back, although he is (or will enter) within four *amos* of the middle person, but not the four *amos* of the person still *davening* in the back?

A number of *poskim* permit the person at the front to step back (Shu"t Az Nidbiru 3:45,6:47; Shu"t Bitzeil Hachochma 6:32; Rabbi Chaim Kanievski cited by Ishei Yisrael 29 fn. 44). Rabbi Shlomo Zalman Auerbach (Halichos Shlomo Tefillah 8 fn. 53) was uncertain about the question. Ishei Yisrael (ibid.), while ruling leniently, notes that the Mishna Berura (ibid.:3) states one may not step back as long as the person behind him has not stepped back, indicating that anything before that point would not be permitted. (At the same time, the same Mishna Berura states one may not step back while the person behind him is reciting additional prayers at the end of *Shemone Esrei*, indicating that if this is not the case, and he is merely waiting to step back, it is permitted.)

On the other hand, the Aruch Hashulchan (ibid.:12) rules that if a person finished his actual *Shemone Esrei* and is reciting extra prayers before stepping back, there is no restriction against walking in front of him, especially if there is a need to do so. Aishel Avraham (Butchatch) (ibid.) seems to permit this, as well. The Maharsham (Daas Torah Orach Chaim 102:4) cites such a ruling from other sources, as well.

Exceptions: There is discussion among the *poskim* as to whether one may walk in front of another person praying in a case of a mitzvah need. Shu"t Yad Eliyahu (Lublin) (6) rules that if there are nine people waiting for a tenth, one may pass in front of the person praying to complete the *minyan*, since this is a *mitzvah dirabim* (a mitzvah of the public). Aishel Avraham (Butchatch) (102), however, says one may pass in front of one praying in order to answer *amein* or respond to *kaddish*, indicating that it is permitted even for a more minor, non-public mitzvah such as these opportunities. Rabbi Shlomo Zalman Auerbach (Halichos Shlomo ibid.:33), however, permits one to pass before one who is *davening* for an actual mitzvah (as opposed to, for example, taking three steps back before *Shemone Esrei* to enable the customary three steps forward) only if the person's eyes are closed or he is clearly not concentrating.

The Aruch Hashulchan (ibid.:13) states that a Rov for whose completion of *Shemone Esrei* the *shliach tzibbur* (person leading the prayers) waits to begin *chazaras hashatz* (*shliach tzibur's* repetition of *Shemone Esrei*) may take three steps back to avoid *tircha ditzibura* (unnecessary bother to the public). It would seem that other similar instances of avoiding *tircha ditzibura* would permit walking before a person in middle of *davening*, as well.

If one needs to relieve himself to the point where he will transgress the prohibition of *ba'al tishaktzu*³, he may also pass in front of one in middle of praying. However, if one has not reached that point of need, it is forbidden (see Aishel Avraham [Butchatch] ibid. and Ishei Yisrael ibid.:15 with fn. 60).

amah area in front of him.

The Mishna Berura concludes that one may rely upon the Elya Rabba *bishas hadchak*. It is not clear if the Mishna Berura says this only regarding the second leniency of the Elya Rabba of standing before the person praying, or also regarding the diagonal area. However, it seems the Mishna Berura is rendering his *psak* for both parts of the Elya Rabba, and Ishei Yisrael (29:6) understands this as well.

³ The exact point where this becomes an issue is a matter of debate. See Mishna Berura 92:7,10.

Other leniencies: While the restriction on passing in front of one who is middle of *Shemone Esrei* is clearly codified in the Shulchan Aruch and later commentators, many are not careful about this halacha. Indeed, the 19th century Turkish Torah authority Rabbi Chaim Palagi (Ruach Chaim Orach Chaim 102) wonders why people do not observe this halacha. In these next paragraphs, several possible leniencies will be explored. While these leniencies may provide justification for an often lax attitude, it must be noted that Rabbi Shlomo Zalman Auerbach stressed that one should not look for leniencies regarding this halacha (Halichos Shlomo ibid. fn. 129). Rabbi Moshe Feinstein was also known to be quite careful not to walk in front of someone in the midst of praying. It is told that he once needed to depart from a *shul* for an important matter, but he refused to pass in front of a person in the midst of *Shemone Esrei*, stating, “There’s a wall in front of me.” The reader is, as always, encouraged to seek halachic guidance as to what his personal conduct should be.

The Maharsham (ibid.) says that one who prays in a place that is meant for people to walk though is comparable to a grave that is located in a place that causes damage to the public, which may be moved. Here, too, people may walk in front of this person. While the Maharsham concludes that the matter needs further investigation, this ruling is cited by later halachic authorities⁴. Aishel Avraham (Butchatch) (ibid.) offers a similar ruling. Rabbi Shlomo Zalman Auerbach (Halichos Shlomo ibid.:36) said that one may move a person who is *davening* in a place meant for people to walk through, and may even walk before him, though the latter should be avoided if possible. Rabbi Auerbach explained this based on the halachic principle that one cannot forbid something that is not his; since this is a place where the public walks, the person cannot forbid people from passing through (ibid. fn. 55).

The Tzitz Eliezer (9:8:3) cites Shu”t China Dechayei who also rules that there is no restriction if a person is praying where people walk, but he adds that even if after the person started praying, his space became an area where people walk, there is no restriction. The exact scenario referred to is unclear; it is possible that the reference is to areas between tables and the like which are not utilized during *davening*, since people occupy the space, but are used by people as an aisle after *davening* is over. If this is indeed the case (and this author has heard such an idea from other halachic sources), then in a scenario where there are tables in a *shul* where people sit and stand during the prayers, one would be permitted to step back from *Shemone Esrei* into the space between himself and the table behind him even though someone is still *davening* by the table behind him.

This author was told by a family member of Rabbi Shmuel Kamenetzky that he said that if a person’s *Shemone Esrei* continues past the beginning of *chazaras hashatz* (the *chazzan’s* repetition of *Shemone Esrei*), it is equivalent to praying in a place where people usually walk, as this person is praying beyond the “allotted time” of the *minyán*. If there is no *chazaras hashatz*, such as by *ma’ariv*, the time limit would be when the *chazzan* recites *kaddish* after *Shemone Esrei*.

The Maharsham (ibid.) further states that today, people generally do not have a great deal of concentration during *davening*, as noted by the Rema (Orach Chaim 101:1). This is especially true among minors and *am ha’aratzim* (unlearned people), continues the Maharsham. Therefore, he says that there is room for leniency, since walking in front of a person praying is likely not disturbing his concentration, since there isn’t a great deal of focus to start with. The Tzitz Eliezer (ibid.:2) also endorses this idea. However, Rabbi Shlomo Zalman Auerbach (Halichos Shlomo ibid.:33) states that the allowance to walk before a person *davening* for a mitzvah is only if the person’s eyes are closed or if he is clearly not concentrating, but if his eyes are in the *siddur*, it is forbidden to do so. It is clear that absent a mitzvah need, lack of concentration would not allow one to pass by.

This leniency seems to assume that the restriction of walking within four *amos*

⁴ In addition, the Tzitz Eliezer (9:8:3) notes that the Maharsham himself states this leniency elsewhere without any uncertainty attached.

of a person praying is so as not to disturb his concentration. If the reason is due to interposing oneself between the person praying and the *Shechina*, however, concentration level should not make a difference.

The Bi’ur Halacha (102:4 s.v. *asur*) cites the Ma’amar Mordechai who says that since the restriction is to prevent disturbing the concentration of the person praying, if the person has draped his *tallis* over his eyes, there is no issue. The Ma’amar Mordechai concludes that one should preferably be stringent in this matter; the Bi’ur Halacha adds that due to the reason of interposing oneself before the *Shechina* there is no room to be lenient. (The Aruch Hashulchan (ibid.:13) dismisses this leniency altogether, but does not explain his reasoning.)

It is thus clear that the Mishna Berura/Bi’ur Halacha⁵ rules that one must be stringent in accordance with both reasons, while the Ma’amar Mordechai⁶ and Maharsham view the issue of disturbing concentration as the reason.

The Chayei Adam (ibid.:4) debates whether one may pass before a person *davening* if there is a wall or a firmly-placed object that is at least 10 *tefachim* (30-40 inches) high and at least four *tefachim* (9-12 inches) wide between the person walking and the one praying. Such a wall is halachically recognized as a barrier that creates a separate domain. Initially, the Chayei Adam says “it is possible” this would not make a difference unless the barrier is high enough to block the line of sight of the person praying. However, the Chayei Adam continues that it seems to him that such a barrier would permit passing in front (even though it does not block the line of sight). He notes that although the passerby is still in the line of vision, it is similar to walking in front of a person praying but outside of the four *amah* area in front of him; there, as well, one is still in the line of vision, yet it is permitted.

It appears that the Chayei Adam’s back-and-forth is predicated upon the two reasons he gives for this prohibition. If the issue is disturbing concentration, then having a barrier does not resolve the issue. However, if the issue is interposing between the *Shechina* and the person *davening*, then creating a separate domain obviates this problem. The Chayei Adam initially cited the reason as being disturbed focus, and here also initially says that a barrier will not help. However, as he earlier stated that his preferred reason is the interposition of oneself before the *Shechina*, concludes that he believes a barrier would help, and further proves that being in the line-of-sight of the person praying does not seem to be the problem. The Aruch Hashulchan (ibid.:13) also rules leniently regarding a barrier.

Strangely, the Mishna Berura (ibid.:2) only cites the first half of the Chayei Adam that says a barrier will not help, and cites other sources who concur. However, he does not cite the second, more lenient half of the Chayei Adam! It can be explained that since, as discussed earlier, the Mishna Berura rules that both reasons are relevant, he does not agree with the Chayei Adam’s leniency.

The Tzitz Eliezer (ibid.:6) offers another novel leniency, saying that if one is reciting Torah, Tehillim or the like, he may walk in front of someone *davening Shemone Esrei* (see there for reasoning). However, this is a novel ruling and it would seem one should not rely on this under normal circumstances; as always, one should consult with his halachic authority⁷.

In conclusion, the restriction on passing within four *amos* of a person reciting *Shemone Esrei* is real and relevant. Ergo, many are not particular about it, and this article has offered some possible justifications for that practice. Nonetheless, one should endeavor to keep this halacha. Because it can, at times, be inconvenient, and because there are many possible leniencies, one should seek halachic guidance as to which leniencies one may rely upon in his particular circumstances.

⁵ Both authored by the Chofetz Chaim.

⁶ Although the Ma’amar Mordechai says it is preferable to be stringent, this is due to an uncertainty as to whether having the *tallis* draped over the eyes will preclude the problem of disturbed focus; he does not seem to subscribe to the reason of interposing before the *Shechina*.

⁷ See Tzitz Eliezer for other possible leniencies.

Points to Ponder

Is there greater room for leniency if one stands to lose money?

What should a shliach tzibur do if someone is davening behind him when he is ready to proceed?

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