

Sitting Near Someone Who is Reciting *Shemone Esrei* Rabbi Mordechai Fleisher

In which areas around a person reciting Shemone Esrei may a person not sit?

Is this restriction true even when the person sitting is praying or studying Torah?

The previous installment of *Iyun Halacha* focused on the restriction of walking in front of a person who is in middle of reciting *Shemone Esrei*. A related halacha discussed in the same section of Shulchan Aruch restricts sitting within four *amos* (cubits; one *amah* measures between 18 and 24 inches, and so four *amos* is 4-6 feet) of a person reciting *Shemone Esrei*. This article will discuss the origins and details of this halacha.

Origin of the halacha: The Gemara (Brachos 31a-b) infers a number of laws regarding prayer (specifically *Shemone Esrei*, which is the primary part of the daily prayers) from the prayer of Chana, the mother of the great prophet Shmuel (discussed in the first chapter of Shmuel I). Chana's prayer took place in the *Mishkan* (Tabernacle) in the presence of Eli the *Kohein Gadol* (High Priest). Following Shmuel's birth, Chana returns to the *Mishkan* with Shmuel, and tells Eli, "I am the woman who stood with you here" (Shmuel I 1:26). Citing this verse, Rabi Yehoshua ben Levi taught (Brachos 31b), "From here [we derive that] it is prohibited to sit within four *amos* of one who is engaged in prayer." Rashi (ad loc. s.v. *hanitzeves*) explains that Chana's words "who stood with you" indicated that Eli was standing, as well, indicating he needed to stand due to the fact that, as Chana expresses, he was "with" her, or in her proximity, while she prayed. Left unexplained is the source of the four *amah* distance. The Rosh (Brachos 1:8) explains that the word *bazeh*, "here," has a *gematria* (numerical value) of twelve, which is four *amos* for three sides. (The halacha of the fourth side – behind the person – will be discussed later.)

Tosafos (ad loc. s.v. *imcha*), however, explain that the word "with you" in Hebrew, *imcha*, is spelled in an unusual fashion, with a letter *heh* at the end. The *gematria* of the letter *heh* is five, and this indicates that Eli made a point of sitting five *amos* away from Chana, as he was not allowed to sit within four *amos*.

Reason for the restriction: The Tur (Orach Chaim 102:1) explains that sitting within four *amos* of a person engaged in *Shemone Esrei* is problematic because the person praying is accepting the yoke of *malchus Shamayim* (Heaven's kingship), while he, the person sitting, is casually sitting and not taking part in this activity. Standing is a more respectful pose that shows one is not ignoring this acceptance.

The Ritva (ibid. s.v. *ani*) explains that when one is reciting *Shemone Esrei*, the *Shechina* (Divine Presence) is present in the four-*amah* vicinity of the person praying. It is therefore disrespectful to sit within this area.

These two approaches have ramifications, as will be discussed later.

Scope of area included in the restriction: According to Rashi's understanding of the derivation from the verse, as elucidated by the Rosh, it is only forbidden to sit on three sides of the person praying, in front and the two sides, and this is the ruling of the Tur. However, the Darkei Moshe (ad loc.:1) cites the Mordechai (Brachos 105) that the prohibition against sitting applies to the four *amos* behind the person, as well. The Darkei Moshe says that this is the opinion of Tosafos (ibid. s.v. *mikan she'asur*), as well. Tosafos states "whether from the front, from behind, or from the sides."

The Darkei Moshe asks that the Rosh, who is the source of the twelve *amah* total which limits the restriction to three sides, himself says that behind the person is included! The Darkei Moshe answers that both sides are regarded as one unit (ostensibly since they are both equal vis-à-vis the person praying), and thus count as one unit of four *amos*¹. According to Tosafos' understanding of the inference from the verse, however, there is no difficulty with including behind the person, and both the Darkei Moshe (as noted above) and the Taz (ad loc.:2) cite Tosafos as including behind the person. However, the Maharshal, in his glosses to the Talmud, removes the word "from behind" from the text of Tosafos, which would leave Tosafos in agreement with the Tur.

The Aruch Hashulchan (102:2) provides a reason for excluding the area behind the person, explaining that the *Shechina* is not present behind the person praying².

The Shulchan Aruch (Orach Chaim 102:1) rules in accordance with the Tur and restricts only in front and on the sides of the person praying. The Rema (ad loc.), however, in accordance with his ruling in Darkei Moshe, adds behind the person, as well.

It should be noted that the restriction against sitting near a person praying applies to sitting within four *amos* of the *shliach tzibbur* during his repetition of *Shemone Esrei*, as well (Mishna Berura 124:20).

Sitting while praying or studying Torah: Tosafos (ibid.) state that one who is reciting *Shema*, its blessings, or something similar may sit within four *amos* of one who is praying. Many other Rishonim state this ruling, as well (see Bais Yosef ad loc.), and the Tur (ibid.) cites it in the name of the Geonim. The Bais Yosef (ibid.) says that "something similar" is meant to include one reciting the praises of Hashem or blessings recited before or after the main sections of the prayers, and notes that the Hagahus Maimonis (Hilchos Tefilla 5:30) and the Terumas Hadeshen (3) both concur with this. The Bais Yosef further says that recitation of sections of the Torah customarily recited at the start of prayers (referred to as "*korbanos*") are possibly permitted, as well, even though they are not, strictly speaking, prayers. The Bais Yosef notes that Rabbeinu Yonah (Brachos 23a *bedapei haRifs*.s.v. *ani*) seems to indicate this as well. He then cites Rabbeinu Yeruchem as saying that *korbanos* and *Pesukei Dizimra* are not included in this leniency, but then says that some permit *Pesukei Dizimra*.

¹ See Darkei Moshe further for other possible solutions to the problem, including the possibility that the word "from behind him" is to be omitted from the text in the Rosh. See also Aruch Hashulchan 102:1-2.

² This reason works well for the Ritva's reasoning that one must stand out of respect of the *Shechina*. According to the Tur's reason, that one is not joining in accepting *malchus Shamayim*, it is unclear why behind the person is less relevant. Perhaps because one is standing behind the one praying, he is not really a part of what is going on, and does not give the appearance of ignoring the acceptance of *malchus Shamayim*. The Aruch Hashulchan himself (ibid.:4) questions the Tur's reason and instead says that the reason for the restriction is because the four *amos* around one praying are holy (this reason is given by the Taz, and will be discussed below, and it is similar to the Ritva's approach), and it seems his reasoning is in line with that approach.

The Tur continues that one studying Torah may not sit within four *amos* of one who is praying. The Tur explains the reasoning behind this distinction: The issue of sitting within four *amos*, says the Tur, is because it appears that one is blithely ignoring his fellow's acceptance of *malchus Shamayim*. If one is reciting *Shema* or other prayers, however, he is clearly including himself in this process. Torah study, however, does not achieve this effect, and therefore will not mitigate the problem.

The Bais Yosef (ibid.), however, proposes that one who is verbally engaged in Torah study (not mere Torah thoughts) would also be included in the exception. He then says that both the Smag and Smak include Torah study in the exception, and concludes that although many sources only mention *Shema* and prayer, this is because it is common that the person sitting would be involved in prayer at the same time as the person reciting *Shemone Esrei*.

The Taz (ad loc.:3) offers another reason why Torah study is included. He says that the reason for the prohibition of sitting within four *amos* of one reciting *Shemone Esrei* is because the area is sanctified, and sitting in that area is disrespectful. If one is engaged in sanctified activity, be it prayer or Torah study, there is no lack of respect. This reason of the Taz for the prohibition is very similar to that of the Ritva, though the Taz does not cite the Ritva (it is likely that the Taz did not have access to the Ritva's commentary).

The Shulchan Aruch (ibid.) cites both opinions without providing a conclusive ruling. The Mishna Berura (102:6) cites the Acharonim that one should not rely on the leniency when studying Torah unless he has no other option. Kaf Hachaim (102:7) says this would include one who has nowhere else to sit and will have difficulty standing, or if standing will put pressure upon the person praying to finish quickly. The Mishna Berura adds that one may rely on the leniency of Torah study if sitting behind a person praying (which is itself a dispute, as discussed above).

The Shulchan Aruch continues that there are those who forbid sitting in front of a person praying as long as he is within his line of vision, regardless of what one is reciting. The Mishna Berura (ibid.:8) explains that when the person praying bows during *Shemone Esrei*, it appears as if he is bowing to the person sitting before him³. The Mishna Berura debates whether even standing in front of the person praying is a problem since it may disturb his concentration⁴. For the practical ruling, the Mishna Berura says that most Acharonim are stringent regarding sitting in front of one who is praying, but standing is certainly permitted outside of the four-*amah* area and possibly even within the four-*amah* area. The Aruch Hashulchan (ibid.:5) says that it is only a problem when sitting directly in front of the person, since only then does it appear he is bowing to him. It appears the Aruch Hashulchan is unconcerned with one standing there and disturbing the concentration of the person

³ The Mishna Berura (ibid.:9) says that this is a problem only when one is sitting. Apparently, bowing when another person is standing in front of him does not give this impression.

⁴ It is unclear why this should be a problem, since only passing before one in middle of prayer is problematic (see Shulchan Aruch ibid.:4; see previous *Iyun Halacha* article for full discussion of this halacha).

praying.

Other exceptions: The Bais Yosef (ibid.:2) quotes the Orchos Chaim (Tefilla 51) who cites the Ba'al Hatamid that if the person sitting is weak and finds it difficult to stand, he may sit. The Orchos Chaim concludes that he is in wonder of this ruling, but the Bais Yosef wonders why, as the person's weakness makes it clear why he is sitting (and thus does not appear to be ignoring the acceptance of *malchus Shamayim*). The Taz, however, says that he is in wonder that the Bais Yosef is not in wonder, for it is not difficult, even for a weak person, to move over a bit to get out of the four-*amah* area. However, the Shulchan Aruch cites the leniency, and the Mishna Berura makes no mention of the Taz's disagreement indicating that one may rely on this leniency. The Bais Baruch (or Chayei Adam 26:9) states that on Yom Kippur, when people are often weak, this leniency may be relied upon.

The Tur (ibid.:4) quotes his father the Rosh as ruling that if one was sitting and someone else then came within his four-*amah* area and began praying, he needn't stand up. The Tur explains that since the person praying came into the space of the one sitting, the new person's *Shemone Esrei* cannot cause the original person to lose his right to sit there. The Taz (ad loc.:5) adds that the person who comes and prays in the four-*amah* area where another is sitting is acting improperly by creating this situation of disrespect. In fact, the Rema says that it is an act of *chassidus* (piety) for the person sitting to move when another comes to pray in his four-*amah* area; the reason, explains the Mishna Berura (ibid.:14), is to prevent the newcomer from transgressing this halacha.

The Bach (ad loc.) severely limits this leniency to a private home that is not meant as a place of prayer. In a *bais hakneses* (synagogue) or similar place, however, the space is set aside for prayer, and the person may not continue to sit there. The Mishna Berura (ibid.: 13) says that nonetheless, one who is studying Torah need not stand up even in a place set aside for prayer.

The Mishna Berura (ibid.:2) cites the Chayei Adam that if there is a *mechitza* (barrier) at least ten *tefachim* (30-40 inches) tall and four *tefachim* (12-16 inches) wide interposing between the person praying and the person who wishes to be seated, sitting is permitted.

It is not unusual that a person finds himself lagging behind the rest of the congregation, and others are already reciting *Shemone Esrei* while he is still in middle of *Shema* or the like. If one finds himself directly in front of a person already in the midst of *Shemone Esrei*, he may not remain sitting. However, if he is off to the side, even within four *amos*, he may remain sitting, since he is actively praying. On the flip side, one may finish *Shemone Esrei* while others are still praying. Sitting down within four *amos* on any side of a person still in middle of *Shemone Esrei* poses a problem, even from behind according to the Rema (whose ruling is generally followed by Ashkenazim). If one is learning or reciting other prayers at this time, only directly in front of the one praying is a problem, but if one is not engaged in such activities, he must remain standing. In conclusion, one must maintain an awareness of this halacha when *davening* with others, as it is frequently applicable.

Points to Ponder

If one sat down near a person already praying but not yet up to Shemone Esrei, may he continue sitting when the person begins Shemone Esrei?

Is there more room for leniency if a person wishes to attend a shiur and someone within four amos is reciting Shemone Esrei?

*Iyun Halacha is a publication of the Denver Community Kollel
Please consult with a qualified halachic authority for all practical questions of halacha*

Halachic Editor: Rabbi Shachne Sommers · General Editor: Rabbi Mordechai Fleisher

5080 W. 14th Ave, Denver, CO 80204 · 303-820-2855 · info@denverkollel.org · www.denverkollel.org

To receive Halacha Weekly by email, contact info@denverkollel.org