

Partnership Minyanim – A Follow Up

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In response to my previous post “Partnership Minyanim: A Defense and Encomium” (*Morethodoxy* 2013), Rabbi Barry Freundel has written a characteristically thorough [critique](#) of my presentation. I am honored. Although Rabbi Freundel and I seem to be reading matters differently in a myriad of areas, I wish to take this opportunity to offer a brief reframing of my main point in order to further clarify the nature of my claim. I again apologize to Rabbi Freundel for not taking up all of his detailed critiques, with the hope that I will be able to do so some time in the future.

I argued in my first post that there are two types of *shaliah tzibbur* (the person leading the synagogue service). The first is one who recites certain prayers or blessings out loud on behalf of the congregation or of individuals in the congregation. This person must be one who has the same type of obligation as members of the congregation whom said *shaliah tzibbur* is representing. The second type of *shaliah tzibbur* is someone who sets the pace for the congregation, chooses the tune for various songs, etc. This person is not reciting anything on behalf of the congregation (being *motzi* people in halakhic terminology) and,

¹ Morethodoxy shut down, so I am posting my previously published articles as PDFs here. They have not been revised.

consequently, the limits imposed on who can be the *shaliah tzibbur* in halakhic literature do not apply to this type.

Rabbi Freundel, in his critique of my response, argues that I have invented these categories out of whole cloth. Where are the sources, he asks, for allowing women to lead services in the capacity I call *shaliah tzibbur* type II? The problem with these questions is that it is not I who has invented a new category of halakha, but Rabbi Freundel. I was simply clarifying what has been the given among writers of halakha.²

To explain: Rabbi Freundel argues that once a prayer service is generally said in the synagogue as a part of a *minyan* it becomes either a *tefillah be-tzibbur*, or at least, a *tefillat ha-rabbim*. This is a *hiddush* (a novel interpretation) and hardly a consensus position. He then makes the leap that once a given prayer service has attained this status, anyone who leads it must be “obligated” in this prayer service. Nevertheless, there is no evidence that a halakhic category of “leader of *Qabbalat Shabbat*” or even *Pesukei de-Zimrah* exists. In fact, in many yeshivot, nobody leads *Pesukei de-Zimrah*, and Rabbi Freundel notes (p. 16) that “in some corners of the world” (some of these corners being Jerusalem and New York, I might add) no one leads *Qabbalat Shabbat* either.

Customs as to whether someone leads these services or not vary because there is no halakhic requirement for anyone to lead them. There is no halakhic requirement

² See, for example this random sampling of modern day Orthodox responsa ([1](#), [2](#), [3](#)) where each author explicitly assumes that *Qabbalat Shabbat* is not a “real” halakhic service and that the issue of who may lead it is one of *minhag* and/or public policy.

for a leader because these services are themselves only customs and they are performed by each individual in the congregation reciting the service to him- or herself. Nothing that these *shlihei tzibbur* say is said on behalf of anyone, hence said *shaliah tzibbur* has no halakhic status. Finding a text that discusses who can be the *shaliah tzibbur* in cases where a *shaliah tzibbur* is unnecessary would be rather difficult.

One may then ask: Why is the prevalent custom for these services to have a *shaliah tzibbur*? I think the simple answer is that we are accustomed to praying in this fashion, and it makes the experience feel more “community-like” if someone sets the pace and chooses the tune for everyone. I called this (non-halakhic but prevalent) practice *shaliah tzibbur* type II.

Allow me to demonstrate this point with a thought experiment. After reciting *Barkhu* (or the repetition of the *Amidah*, or any prayer with the status of *davar she-be-qedusha*) the *shaliah tzibbur* disappears—it turns out he had been a hologram (I’m a Star Trek fan, *mea culpa*). The congregants turn to the rabbi and ask whether the congregation had fulfilled its obligation to have *Barkhu* recited? I assume the rabbi says no. If then asked whether someone else should go up to the *amud* and recite *Barkhu* again, I assume the rabbi would say yes.

Now let’s imagine the same case, but immediately after *Lekha Dodi*, as the mourners enter the synagogue, the hologram *shaliah tzibbur* disappears, and the rabbi is asked whether the congregants have fulfilled their “obligation” (to use Rabbi Freundel’s concept) to recite *Qabbalat Shabbat*. What would the rabbi say? I assume he would say that since everyone recited the proper Psalms together, the

congregation has indeed fulfilled its requirement to recite the *Qabbalat Shabbat* service, and that the congregation may proceed with the evening service without the need to repeat anything.

However, I assume the rabbi would add that he believes that having the hologram lead *Qabbalat Shabbat* (or *Pesukei de-Zimrah*) was inappropriate and should not be repeated. The reason, I believe, he would say this is because it is not *kavod ha-tzibbur* (in keeping with the dignity of the congregation) to have a hologram lead the services. This point, that the customs adopted by a congregation should be in keeping with their “dignity” has gone unspoken in the debate thus far, but is an important one because it answers the second of Rabbi Freundel’s questions: Why hasn’t anyone until recently discussed the possibility of women leading these services? The answer is that until the feminist revolution, such conduct would have been considered “undignified” for the congregation and that woman.

This is why the Mendel Shapiro article, which Rabbi Freundel consistently claims is irrelevant to this discussion, is, in fact, very relevant. Rabbi Shapiro’s point is that, in modern times, the leadership role of women is a sociological given and, therefore, not a violation of the congregation’s “dignity.” In short, I repeat my previous conclusion. Since there is nothing halakhically speaking barring women from leading these services, and there is no longer any fear that their doing so would be beneath the congregation’s dignity, whether women lead such services is a matter of custom and convention. Personally, I would encourage synagogues to allow women to do so, but, in the end, such decisions are in the hands of each individual community and the community’s rabbi.

This brings me to one final point. Rabbi Freundel writes that he is well aware of the fact that there have been a number of other debates about women's issues in halakha, but that this one differs from these others since, in his words, it does not follow "legitimate Orthodox halakhic epistemology." This is an exceedingly subjective claim.

It is well-known that Rabbi Freundel has championed a number of "changes" on behalf of women in the synagogue that he considers acceptable. He himself mentions that Keshet Israel (R. Freundel's synagogue) has a female president, something that many (including the National Council of Young Israel) believe to be forbidden halakhically. It is also well known that Keshet Israel has a women's prayer group, and one that includes a women's Torah reading service, something many Orthodox rabbis (including a number of YU Roshei Yeshiva) have vociferously opposed and claimed to be forbidden.³

I have great respect for Rabbi Freundel having taken a stand on these issues. Furthermore, although I do not agree with his position, I respect his right as a scholar and rabbinic leader of a community to say that he does not believe a certain practice as halakhically acceptable and will, therefore, not allow that practice in his synagogue. What bothers me is that Rabbi Freundel does not extend this same courtesy to the people on his left, but argues that since he does not agree with their reading of the halakha, this means that they are not really Orthodox.

³ See: Nissan Alpert, Abba Bronspigel, Mordechai Willig, Yehuda Parnes and Zvi Schachter, "Teshuva be-Inyan Nashim be-Hakafot ve-khu," *Ha-Darom* 54 (Sivan 5745): 49-50.

Granted that the idea of women leading any part of the service is a sociological departure from what has been, but the question of who leads *Qabbalat Shabbat* seems a rather trivial one halakhically speaking, and it is only Rabbi Freundel that seems to believe that it is really “halakha” that is at stake here. In my opinion, most Orthodox rabbis, even the ones who oppose women leading *Qabbalat Shabbat*, would admit that it is not a question of halakha but one of sociology or public policy. Even though Rabbi Freundel disagrees, and believes it is one of halakha, for him to put such stock in his *hiddush* such that he can dismiss a large swath of halakhically observant men and women—even some rabbis—from the Orthodox camp is disappointing.