

Partnership Minyanim: A Defense and Encomium

Originally Published on Morethodoxy (2013)¹

Rabbi Zev Farber

Partnership minyanim such as [Shira Hadasha](#) in Jerusalem and [Darkhei Noam](#) in New York, wherein women lead certain parts of the service, are becoming a significant force in the prayer experience of the Modern Orthodox community. Although these currently exist only in the biggest Jewish communities, they also exist on numerous college campuses, and as time goes on the phenomenon will probably expand. For some, like me, this is an exciting possibility. However, those in the Modern Orthodox camp who believe that women’s leadership of any part of the synagogue service is a violation of halakha, are concerned.

This concern has recently been expressed articulately and forcefully by Rabbi Dr. Barry Freundel, noted author and Rabbi of Keshet Israel in Washington D.C., in an article titled, “Putting the Silent Partner back into Partnership Minyanim,” available on [Hirhurim](#). I commend Rabbi Freundel for his thorough analysis and critique of the phenomenon and will use his piece as an opportunity to share my own thoughts on the subject in the spirit of collegial debate. (I apologize in advance for responding to a 35 page paper with a blog post, and for inevitably skipping over a number of details.)

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

Rabbi Freundel opens with the surprising assertion that there has been no “formal attempt in writing” to discuss whether the partnership minyan’s practices are indeed halakhic. Although Rabbi Freundel may be making a unique contribution to the discussion with this article, he is actually part of a larger conversation that began with Rabbi Mendel Shapiro’s [article](#) on Women’s Torah reading (which Rabbi Freundel cites) and moves on to other aspects of *tefillah* as well. Dr. Chaim Trachtman has an edited volume on the subject, with essays by a number of authorities, [Women and Men in Communal Prayer: Halakhic Perspectives](#), and Rabbi Dr. Daniel Sperber has an entire book on the subject, [On Changes in Jewish Liturgy: Options and Limitations](#). The very issue Rabbi Freundel wishes to discuss, women leading *Qabbalat Shabbat*, was debated by Rabbi Michael Broyde, [Women Leading Kabbalat Shabbat: Some Thoughts](#), and Rabbi Josh Yuter, [Land of Confusion: A Response to R. Broyde on Women Leading Kabbalat Shabbat](#).

It seems unfair to characterize halakha as the “silent partner”, implying that not much thought was put into teasing out the halakha from the sources. It is my understanding, from speaking with people who were involved in the process of designing these *minyanim*, that halakha committees were formed and many discussions held, with sources analyzed carefully and thoughtfully. Although not all their analyses were written up, there is an entire [booklet](#)—as Rabbi Freundel himself references—put together by Michal Bar Asher Siegel and Elitzur Bar Asher, and available for download on the [Kolech](#) website, which describes in detail the practical findings of these committees. In short, Rabbi Freundel’s

characterization of halakha as the silent partner, and his article as the first, seems “ungenerous.”

Before getting to the main halakhic point, Rabbi Freundel addresses the question of whether it is incumbent upon the Orthodox community to allow women’s public participation in the synagogue service since barring them completely is hurtful.

(Note: I am aware of the “us-them” language here and the fact that this debate is yet again two men talking about women – but I see no way around this as Rabbi Freundel and I are both men.) To this, Rabbi Freundel writes:

"We would need to know who or what group is entitled to speak for women—all women, all Jewish women, observant women, Orthodox women, etc. It is also necessary to have a clear idea of what percentage of women actually feel demeaned, troubled, or unhappy at not being able to lead services, and what percentage is happy or unconcerned with the status quo. To my knowledge no one has made a formal presentation of the data that exists on these questions—if any does exist. Absent an attempt to gather that information scientifically we are dealing with anecdote and hearsay."

Though I do not have any statistics to offer Rabbi Freundel, I do not think his request for data is to the point. The fact that the Orthodox service, and often the Orthodox shul, is designed for men only should be clear to any objective observer. I have written about this previously, in [“Davening Among the Loyal Order of Water Buffaloes.”](#) Some Orthodox women have also written about their experience in shul and the pain it causes them; the [piece](#) by Dr. Vered Noam (in Hebrew), a Rabbinitics

professor at Tel Aviv University, is a poignant example. Furthermore, Rabbi Freundel does not mention that a growing number of *men* are unhappy with this situation as well, a phenomenon one can read about in Elana Sztokman's *The Men's Section*. Simply put, many women and men find the complete lack of female public presence in Orthodox synagogue services to be hurtful. Many women and men wish for a change. These are facts, although not quantifiable; I do not see what more information is needed.²

This brings us to the main halakhic point in his essay. Rabbi Freundel describes the argument for the legitimacy of women leading *Qabbalat Shabbat* as two-pronged. First, *Qabbalat Shabbat* is not a Talmudic requirement, but a qabbalistic custom that began in the 16th century, so the question of whether women are obligated is irrelevant. Second, *Qabbalat Shabbat* does not require a minyan, so the question of whether women are part of the minyan is irrelevant.

Rabbi Freundel believes the above analysis to be mistaken. *Qabbalat Shabbat*, he argues, is a custom that was accepted amongst all Jews and is therefore as binding as if it were halakha. A discussion about when the service was instituted is of

² Two technical notes: Rabbi Freundel states that he does not wish to discuss the already highly debated question of women reading from the Torah. Instead he limits his discussion to the *Qabbalat Shabbat* service. For the sake of this blog post, I will do the same and, as he suggests, will forego discussion of the oft-quoted Talmudic passage of *kevod ha-tzibbur* (the honor of the congregation), which forms the basis of the debate surrounding women's Torah reading. Rabbi Freundel goes on to discuss whether *kevod ha-briyot* (human dignity) should be a mitigating factor in this debate – he thinks not – but I will skip over this issue for the sake of brevity, as I think it unnecessary to invoke *kevod ha-briyot* here.

academic interest only and he believes such discussion to be an example of the Genetic Fallacy (i.e., assuming historical accident defines the essence of a thing.) Additionally, as the custom is to have a mourner recite *Qaddish* at the end of this service, it seems clear that it was instituted as part of the public synagogue service—Rabbi Freundel calls this category *tefillah be-rabbim* (public prayer)—and should be subject to the usual requirements that the leader must be “obligated” in the service and be part of the minyan, in other words, the leader must be a man.

With all due respect to Rabbi Freundel, I believe his analysis is dependent upon a category error. There are two possible functions of a *shaliaḥ tzibbur* (prayer leader). The classic function of the *shaliaḥ tzibbur* is to say certain prayers out loud either on behalf of the congregation as a whole, e.g. *Qaddish* and *Barkhu*, or on behalf of individuals who do not know how to recite the prayer on his or her own, e.g. the repetition of the *Amidah* (=ḥazarat ha-shatz) and the repetition (Rashi) or out-loud recitation (Rambam) of the *Sh'ma* service (=pores al Sh'ma, no longer practiced in most synagogues).

The second function of the *shaliaḥ tzibbur* is to set the pace and tone of the prayers. In such cases, the *shaliaḥ tzibbur* is not reciting prayers out loud in order to fulfill anyone’s obligation, but to enhance the collective prayer experience by keeping the various participants together, saying the same prayers, singing the same tunes, etc. This is how the *shaliaḥ tzibbur* functions in the *Qabbalat Shabbat* service as well as in the *Pesukei de-Zimrah* service, for example, another staple of partnership minyanim. The leader will generally recite the psalm silently, like the rest of the congregants, but will say the last couple of lines out loud so that

everyone will know “where they are.” Sometimes, the leader will sing one of the psalms and the rest of the congregation may join in.

This tone and pace-setting function of the *shaliah tzibbur* is entirely different from the recitation-on-behalf-of-others function since the leader is not reciting any prayer on behalf of the congregation or any individual. Rather, each participant is reciting the prayers on his or her own. Therefore, even if Rabbi Freundel were correct in claiming that there is an *actual* halakhic obligation to recite *Qabbalat Shabbat* (I do not think he is), this does not mean that the leader of the service need share this obligation. The *shaliah tzibbur* is simply setting the pace and tone for the service, he (or she) is not reciting anything on anyone’s behalf.

This point can be illustrated in two examples Rabbi Freundel brings to demonstrate the existence of a public recitation not limited to the classic *Sh'ma* and *Amidah* prayers: *Magen Avot* on Friday night and the ten-person *zimmin* after meals. The first, although instituted as a way of extending the evening service, was built as a kind of mini-repetition of the *Amidah*. For this reason the leader recites the prayer out loud on behalf of the congregation. The second is a classic example of a prayer said by one person on behalf of the participants. In both of the examples, the *shaliah tzibbur* fulfills the classic function of reciting a prayer on behalf of those obligated in that prayer service (*Ma'ariv* and *Birkat ha-Mazon* respectively), and must be someone obligated in the prayer service in order to do so.

Another example referenced by Rabbi Freundel is *selihot*, which he correctly points out is treated as a *davar she-be-qedushah* (a holy service requiring a *minyan*) even

though it is post-Talmudic. This is an excellent example because the function of the *shaliaḥ tzibbur* in this service is subject to interpretation. In some traditions, the leader recites certain parts out loud (the 13 attributes of God, the *aneinu* paragraphs, etc.) while the participants listen silently. In other traditions all of these are said together or privately. The difference between these two traditions is illustrative precisely of the difference between whether the *shaliaḥ tzibbur* is performing the function of recitation on behalf of the community or whether the *shaliaḥ tzibbur* is setting the pace and tone for the participants' prayers. (Ostensibly, whether there is a restriction on who can lead *seliḥot* would be dependent on which custom one follows.)

Rabbi Freundel finds further support in his claim that a woman can never be a *shaliaḥ tzibbur* by pointing to the Tosefta (*Ḥagigah* 1:3; b. *Hullin* 34b) which states that for a male to be the *shaliaḥ tzibbur* he must have a full beard. Clearly, Rabbi Freundel points out, the text does not even contemplate the possibility of women fulfilling this role. Firstly, the fact that the Rabbis didn't discuss it doesn't prove that they thought it was halakhically illegitimate. More importantly, I will again point out that the Rabbis are talking about a *shaliaḥ tzibbur* who recites the prayers on the people's behalf, not someone who sets the pace and chooses the tune. There was no *Qabbalat Shabbat* service or *Pesukei de-Zimrah* service in the Talmudic period; the former didn't yet exist and the latter was recited privately by individuals. In Talmudic times, the *shaliaḥ tzibbur* only fulfilled the function of reciting prayers on behalf of others—a very important role in an age before prayer books.

Considering the above, it appears to me that since the *shaliah tzibbur* for *Qabbalat Shabbat* (and *Pesukei de-Zimrah*) is not reciting any part of the service in order to fulfill the participants' obligations, but is merely setting the pace and tone of the prayer service, there is nothing, halakhically speaking, to bar women from leading these services.

This brings me to my final point. Although this blog post has focused on questions of halakhic minutia, this really isn't the main issue. The main issue is that the way Orthodox services and synagogues are run is hurtful to the sensibilities of a number of contemporary women and men, who have become accustomed to social parity in every place but the synagogue. Solutions must be found. Sadly, instead of trying to find a solution Rabbi Freundel—and he is just one example—goes to great lengths to create an *issur* (prohibition) where there is none. Now I do not know whether partnership minyanim will prove to be the solution; nevertheless, I believe they are halakhically defensible and sociologically critical.

Rabbi Freundel ends his piece by urging Orthodox people not to have partnership minyanim, and warning the reader that this phenomenon might “split the community.” In my opinion, offering an option that many Orthodox people (even rabbis) consider to be halakhically valid is *not* what splits the community. What splits the community is the threat from one group to declare the reasonably defended practice of another to be illegitimate. The Orthodox community has survived halakhic debates of more gravitas than who gets to lead *Qabbalat Shabbat*. There are debates about what foods are kosher and what actions violate Shabbat. These debates often concern *real* Torah prohibitions (not just customs) and yet

both sides remain Orthodox. There are serious debates about whether day schools should be mixed-gender or separate or what prayers should be instituted to celebrate the founding of Israel. The Orthodox community has survived these as well. If the community splits over this issue as Rabbi Freundel predicts, it will *not* be the fault of the partnership minyanim.

The partnership minyanim are trying to offer a religious service to Orthodox people who feel uncomfortable with the level of participation available to women in the establishment synagogues. The disenfranchisement of women in our synagogues is a real concern and many women—and men—need a different venue. A short while ago I wrote about the need for a [paradigm shift](#) in Modern Orthodox prayer services. The presence of women in the synagogue needs to be felt, and their voices need to be heard. The partnership minyan is an excellent example of this type of necessary paradigm shift, and I, for one, wish to see them go *mi-ḥayil el ḥayil*, from strength to strength.