

The Halachic Justification for Partnership Minyanim

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Since partnership minyanim see themselves as belonging to the orthodox community, and, on the other hand, they constitute a departure from the traditional orthodox congregational model, it is important that their congregants understand the elementary basis for their halachic legitimacy.

1. The beraita in *Megillah* 23a states explicitly that women may have *aliyot* to the Torah, but that the Rabbis advised against such practice, because they felt it offended the dignity of the congregation (*kevod ha-tzibbur*). (See Text 1, following page)
2. This rabbinic position constituted conditional advice, as opposed to an absolute and permanent enactment, as may be derived from related sources.¹
3. Furthermore, the reason for this "discouragement" is no longer relevant, as may be understood from the parallel *tosefta* text. (Text 2.)²
4. Even were it to be contended that this rabbinic "discouragement" still may have an element of contemporary authority, the counter-argument would be that, in any case, the congregation has the right to forgo that so called "dignity" (*mehillah*).³
5. In addition to the above, in our generation, where women have been granted equal rights in all areas of activities, many of them feel distressed that in the area of Jewish ritual they are being discriminated against. Now the *halachah* is quite clear that distress (*tzaar*) or offending the dignity of the individual (*kevod ha-briyyot*) is so serious as to override at times even (biblical? and) rabbinic enactments. And, as it were on the reverse side, giving satisfaction to women by removing such offence to their dignity is sufficient cause similarly to override such enactments (e.g. *Rema, Orach Hayyim* 88:1.)⁴
6. As to the question of immodesty in hearing women's singing voices (*kol be-ishah erva*), already mediaeval authorities stated that this principle does not apply in an environment of holiness, and a synagogal congregation certainly comes under such a category.⁵
7. Concerning *hagbah*, lifting the Torah scroll, this is certainly permitted to a woman, as she may also do *gelilah*, as may be seen from the rulings of the *Shulhan Aruch Yoreh Deah* 289:9, and *Orach Hayyim* 88:1.⁶
8. It has further been argued that partnership minyanim, by their very innovative nature, constitute a break with tradition (*masorah*). However, it may be demonstrated from a variety of sources, both early and late, that women were, under certain circumstances, granted *aliyot*, such as for example: in a private *minyan* at home, in a congregation where there were only *Cohanim*, etc. So there are, albeit rare, precedents for such ritual proactive. (See texts 3-5.)⁷
9. There are many further details that require elaborate explanation, such as the status of the *aliyah* benedictions,⁸ which parts of the service may be led by a woman, all of which issues have been scrupulously analyzed and delineated, but these go beyond the scope of this all-too-brief synopsis.

Conclusion: Finally, it should be noted that there are those who would interpret the various sources in a different manner, and in accordance with their interpretation, they delegitimize the phenomenon of partnership minyanim. We have, however, very carefully reviewed their criticisms, and have not been convinced by them, and, indeed, have proffered counter-arguments to disprove their points, and consequently to uphold our position on the complete halachic legitimacy of partnership minyanim.

Supporting Texts:

1. מגילה בג ע"א:

ת"ר: הכל עולין למנין שבעה, ואפילו קטן ואפילו אשה. אבל אמרו חכמים: אשה לא תקרא בתורה מפני כבוד הציבור.

The Rabbis taught us: anyone can be called up for the seven Aliyot, even a child and even a woman. But the sages said: a woman should not read the torah because of the dignity of the congregation.

2. תוספתא מגילה ג(ד) 12, (עמ' 356):

... והכל עולין למנין שבעה, אפילו אשה, אפילו קטן. אין מביאין את האשה לקרות ברבים. בית כנסת שאין להם מי שיקרא אלא אחד, עומד וקורא ויושב, ועומד וקורא ויושב, עומד קורא ויושב, אפילו שבעה פעמים.

...Anyone can be called up for the seven Aliyot, even a woman, even a child. We do not bring a woman to read before the public. A synagogue which has only one reader, the reader stands and reads and sits, stands, reads and sits, stands, reads and sits, even seven times.

3. ר"ן למגילה שם:

השתא דתקון רבנן שיברכו כולם, אשה וקטן קורין, אפילו ראשון ואחרון.

Now that the sages fixed that everyone says the blessings, a woman and child may read, even for the first or last Aliyot.

4. שו"ע אור"ח רפב ג':

הכל עולים למנין שבעה, אפילו אשה...הגה: ואלו דוקא מצטרפין למנין הקרואים, אבל לא שיהיו כולם נשים או קטנים (ר"ן וריב"ש).

Everyone can be called up for the seven Aliyot, even a woman... הגה: And they may join the rest of the Aliyot, but not all the Aliyot should be women or children.

5. שו"ת מהרם הרוטנבורג, מהדורת כהנא סי' מז עמ' 10:

... עיר שכולה כהנים, יקרא הכהן ב' פעמים, ושוב יקראו נשים... (היכא דלא איפשר ידחה כבוד הציבור) (השוה הגהות מיימוניות, ה' תפילה פרק יב, אות ר').

A city consisting entirely of priests, a priest should read two Aliyot, while the rest should be read by women. (... for where it is otherwise impossible – the issue of the dignity of the congregation should be overruled).

Note: This document constitutes a very brief synopsis of the extended discussions by Rabbi Mendel Shapiro and myself in *Women and Men in Communal Prayer: Halakhic Perspectives*, ed. Chaim Trachtman, Jersey City, N.J. 2010 (published by JOFA), pp.27-290. This volume also contains several articles criticizing our position, and our responses.

In addition I have written on the subject in my *Darkah shel Halachah: Keriyat Nashim ba-Torah Perakim be-Mediniut Pesikah*, Jerusalem 2007, and in a number of essays. The references I have referred to here are primarily to my and Mendel's study in *Women and Men* etc.

¹ pp.3a et seq.; 241-272.

² pp.51 et seq.

³ pp. 261-267. And see R. Ovadiah Yosef, *Yabia Omer* vol.6, *Orah Hayyim* 23:1, p.73.

⁴ pp. 74-87, 154-161.

⁵ See my *Darkah shel Torah*, pp. 22-23, 114.

⁶ pp. 65-73. Interestingly enough, R. Gavriel Zinner, who is hardly a modern-orthodox feminist, permits *gelilah* on the part of a woman under certain circumstances and with a number of conditions. See *Or Yisrael* 20/2, (70) 2015, p.64.

⁷ pp. 57 et seq.

⁸ pp. 218-229.