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**YOU SHALL NOT PUT A STUMBLING BLOCK BEFORE THE BLIND:
JEWISH COMMUNAL OBLIGATIONS TO JEWS WITH SPECIAL NEEDS**

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**Thesis submitted in partial fulfillment of
the requirements for Ordination**

**Hebrew Union College-Jewish Institute of Religion
Graduate Rabbinic Program
New York, New York**

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SUMMARY

You Shall Not Put a Stumbling Block Before the Blind: Jewish Communal Obligations to Jews with Special Needs

Number of Chapters: 5

Contribution of this Thesis: This thesis contributes to the application of Torah, Talmud, responsa and other contemporary texts to issues relating to people with special needs within contemporary Jewish communities.

Goal of this Thesis: This thesis is based on the reality that Jewish textual history is filled with laws about what people with special needs can and cannot do as part of communal life. What has not been addressed is the question of what the community should do for these individuals. Therefore, it is the goal of this thesis to address what responsibilities those who are included in the community have for the inclusion of persons with special needs.

Divisions:

| | |
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| Chapter 1: | Introduction |
| Chapter 2: | Leviticus: The Biblical Paradigm |
| Chapter 3: | Mishnah and Gemara: Rabbinic Additions |
| Chapter 4: | <i>She'elot u'Teshuvot</i> , Resolutions and Initiatives of the Contemporary Movements |
| Chapter 5: | Conclusion |
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INTRODUCTION

מעשה באשה אחת שהביא קמץ אחד של סלת. והיה להן מבזה עליה ואומר:
ראו מה הן מקריבות! מה בזה לאכל! מה בזה להקריב! נראה להן בחלום:
אל תבזה עליה, כאלו נפשה הקריבה! והלא דברים קל וחומר: ומה אם מי
שאינו מקריב נפש, כתוב בו "נפש", מי שהוא מביא נפש, על אחת כמה וכמה.
חיי כאלו נפשה הקריבה.¹

It happened that one woman brought [for the offering] one handful of flour. The priest despised this and said: Look at what you are offering! What is there here to eat?! What is there here to offer?! [This] then appeared to the priest in a dream: Do not despise her, [it is] as if she offers her soul! And is it not accounted for in the comparison: And what about the person who does not offer his or her soul, it is written here "נפש"², [with] the one who brings his soul [to offer], how much the more so! Thus, it is as if she offers her soul.³

Our world is filled with people with all types of needs, and with all types of gifts to offer. This Midrash gives the account of one woman who had only a handful of flour to offer, and of the community leader who struggled to welcome that gift. Once this leader was made to realize that the woman's offering was given from her soul, he welcomed her gift and, ultimately, welcomed her into the community. However, arriving at the point of acceptance of the varied gifts of the community members was a challenge for the priest in the story. Arriving at a point of acceptance remains a challenge for contemporary Jews, who live within the framework of an increasingly complex Jewish community.

Over the course of six years as a student at the Hebrew Union College-Jewish Institute of Religion, I have been fortunate to have a number of outstanding learning

¹ Leviticus Rabbah 3:5

² Refers to Leviticus 2:1, "ונפש כי תקריב," which is normally translated, "When any person shall offer..." נפש here can be understood as a person or as a soul

³ Translation is mine

experiences, both in the classroom and in the fieldwork system. One set of experiences opened my eyes to a part of the Jewish community about which I had never given much thought. During my second year of the program, I worked with a group of developmentally disabled adults, sponsored by Jewish Family Services of Los Angeles, called *Chaverim*. By sharing classes, Shabbat and holiday celebrations, and moments of personal transformation with these people, I came to understand that although I was sent to be their teacher, in fact, they had immense amounts of spirit, knowledge, insight and experience to teach each other, and to teach me. Although they were grouped together because of similar needs, the gifts that they were each able to offer the group allowed for the formation of a cohesive, caring community.

As a complete outsider who was part of a synagogue community as well, I was welcomed into the *Chaverim* community. Soon, I came to wonder whether, when the circumstances were reversed, these individuals would be welcomed into the synagogue communities that surrounded them on the streets of Los Angeles. I wondered whether they had the opportunity to give their gifts of the spirit to, and have their needs met by, the Jewish community in all of its manifestations. Therefore, the question of what the obligations of the Jewish community are, and have been, to Jews with special needs seemed like a particularly relevant research topic.

It did not take long to realize that there exists a dearth of input in the Jewish tradition, which specifically addresses the obligations of the fully affiliated, mainstream Jewish community to Jews with special needs. This is not to say that our sacred texts do not touch on the role of people with special needs within the community. In fact, in running a search on Jewish texts and various special needs, I found a plethora of

citations. The great majority of these biblical, rabbinic and modern references, though, were not about communal obligations to welcome these individuals, but rather were the attempts of the communal leaders of different historical periods to define how people with special needs could, and mostly, could not participate in Jewish communal life.

What follows is a sampling of Jewish texts which highlights issues and questions with which communal leaders have struggled over time. Scientific understandings and technology have advanced. This has led to an evolution in the questions that the rabbis and sages of our tradition have asked. However, underlying the questions, is a set of core values which, by and large, have remained constant throughout Jewish history. This paper is an attempt to make sense out of the changing concerns and hesitations which communal decision makers have had welcoming and involving people who have special needs into the fabric of the community.

This paper examines some of the biblical texts and commentaries that help us to create a more complete understanding of the original texts. It then looks at some of the Mishnaic and Talmudic discussions that were developed from the basic biblical precepts which came before. Finally, it examines some of the positions of the major movements of modern North American Jewry on this topic in order to establish how much the reality of contemporary Jewish communal life, with regard to Jews with special needs, is a reflection of the precedents set by the *halachah* and *agama* that inform our tradition.

With all of the above being said, it would be unrealistic to say that this paper is an exhaustive look at Jewish views on every special need. Rather, it is just a taste. Because I attempted to answer the systematic question of attitudes and values here, I intentionally avoided focus on any particular disability, blemish or condition. However, the paper is

reflective of the fact that there is more written on the situation of the deaf Jew and the Jew with blemishes, for example, than many other conditions.

Part of the challenge in compiling sources for this paper is that, over time, names, definitions, and classifications of various conditions changed. This is reflected in the language used in the different chapters. I attempted to use the language of the text instead of the language of contemporary usage. For example, at this point in the twenty first century, as the title of this paper suggests, we refer to individuals with 'special needs'. In the days of the Bible, of the Rabbis, and even of some of the modern-day responsa, that phrase did not exist. Rather, terms such as 'conditions', 'blemishes', 'handicaps' or 'disabilities' are used. To some extent, these phrases reflect the understandings of the times in which they were written.

One final set of caveats regarding language: As the footnotes point out, many of the translations given were taken from pre-existing English texts. It is for that reason, sticking to the translations chosen, that some of the language used to refer to God is gendered. In addition, the subject of many of the laws that are cited is male. This, simply, is because since men are generally obligated to many of the precepts discussed, the question of variances from those obligations is more applicable to men with special needs than to women with special needs. However, that is not to say that upon further discussion, these questions could not also apply to the case of women, as well.

The command of Leviticus 19:14 to not curse the deaf and to not put a stumbling block before the blind seems simple. However, it is not until we recognize the curses and stumbling blocks that already exist that we can proactively remove them and clear the

paths in our synagogues and communities so that people with all needs can safely participate in Jewish communal life.

CHAPTER ONE

Given the reality that there have always been Jews living with varying mental and physical capacities within the Jewish community, it is not surprising that there has, and continues to be, an evolving discussion about their place within the community. The record of this discussion began in the Torah, which has numerous examples of people living with special needs. Sarah and Rachel both struggled with infertility.⁴ Leah seems to have been either visually impaired or awkward looking, or both.⁵ Moses had a speech impediment.⁶ The list goes on. The reality of special needs is depicted in the Torah through narratives about the matriarchs and patriarchs of Jewish tradition. As a complement to these examples, the book of Leviticus addresses special needs in legal and instructional terms, which, ultimately, begin to set standards for the role of people with special needs within the community. This Levitical paradigm is the focus of this paper's examination of the biblical foundations for the role of people with special needs within the community.

The book of Leviticus is commonly referred to as *תורת כהנים*, *torat kohanim*, which can be translated in one of two ways. The first, "instructions for the priests," is an accurate depiction of part of the book. Much of Leviticus focuses on what the priests should and should not do in and around the Temple, as well as how they should do it. The second translation represents much of the rest of the book, "instructions of (or by) the priests." In the sections where this applies, the priests call upon the Israelite people to live in a certain manner. Both the priests and the Israelites who lived with them were

⁴ Genesis 18 and Genesis 30, respectively

⁵ Genesis 29

⁶ Exodus 4

influenced by the priestly tradition of holiness, justice and mercy, which permeates the book of Leviticus. Ultimately, the Levitical tradition was "concerned with the celebration of holiness, the preservation of purity, and the formation of a religious community that acknowledged the true God."⁷

In the ultimate pursuit of holiness, Leviticus articulated instructions directed to all elements of priestly and communal life. To varying degrees, the Levitical rules have continued to inform contemporary Jewish communal life, though ours is no longer a priestly, hierarchical community. By examining the Levitical texts about persons with special needs, we will begin to understand the role that those individuals have historically played in – or out of – the Jewish community. This, then, can serve as background for examining the roles that people with special needs have played throughout Jewish history and today. This will lead to questions about where the Jewish community is headed with regard to its responsibility to individuals with special needs.

Leviticus 13:1-6

אֵלֶּיךָ יְהוָה אֱלֹהֵי מֹשֶׁה וְאַל־אַהֲרֹן לֵאמֹר: בְּאָדָם כִּדְהִימָה בְּעוֹר-בָּשָׂר שֶׁאֵת אִרְסָפָתָהּ אֵין בְּהִרְתּוֹ וְהִנֵּה בְּעוֹר-בָּשָׂרוֹ לִנְעָה צֹרֶעַת וְהִנֵּבָּה אֶל־אַהֲרֹן הַכֹּהֵן אִין אֶל־אַחֶיךָ מִבְּנֵי הַכֹּהֲנִים: ג וְרָאָה הַכֹּהֵן אֶת־הַנֶּעָה בְּעוֹר־הַבָּשָׂר וְשָׁעַר בִּנְעָה הָפִךְ לָבֹן וּמִרְאָהּ הַנֶּעָה עֲמָק מְעוֹר בָּשָׂרוֹ נָעַה צֹרֶעַת הוּא וְרָאָה הַכֹּהֵן וְסָמָא אֹתוֹ: ד וְאִם־בְּהִרְתּוֹ לָבָנָה הוּא בְּעוֹר בָּשָׂרוֹ וְעָמָק אִין־מִרְאָהּ מוֹהֲעוֹר וְשָׁעֲרָה לֹא־הָפִיךְ לָבֹן וְהִסְגִּיד הַכֹּהֵן אֶת־הַנֶּעָה שְׂבָעַת יָמִים: ה וְרָאָה הַכֹּהֵן בַּיּוֹם הַשְּׂבִיעִי וְהִנֵּה הַנֶּעָה עָמָד בְּעֵלְיוֹ לֹא־פָשָׂה הַנֶּעָה בְּעוֹר וְהִסְגִּיד הַכֹּהֵן שְׂבָעַת יָמִים שֵׁנִית: ו וְרָאָה הַכֹּהֵן אֹתוֹ בַּיּוֹם הַשְּׂבִיעִי שֵׁנִית וְהִנֵּה כִתָּה הַנֶּעָה וְלֹא־פָשָׂה הַנֶּעָה בְּעוֹר וְסִקְרוֹ הַכֹּהֵן מִסִּפָּתָהּ הוּא וְכִבֵּס בְּגָדָיו וְסִחָר:

The Lord spoke to Moses and Aaron saying: When a person has on the skin of his body a swelling, a rash, or a discoloration, and it develops into a scaly affection on the skin of his body, it shall be reported to Aaron the priest or to one of his sons, the priests. The priest shall examine the affection on the skin of his body: if hair in

⁷ The JPS Torah Commentary on Leviticus, Introduction, p. xi

the affected patch has turned white and the affection appears to be deeper than the skin of his body, it is a leprous affection; when the priest sees it, he shall pronounce him unclean. But if it is a white discoloration on the skin of his body, which does not appear to be deeper than the skin and the hair in it has not turned white, the priest shall isolate the affected person for seven days. On the seventh day, the priest shall examine him, and if the affection has remained unchanged in color and the disease has not spread on the skin, the priest shall isolate him for another seven days. On the seventh day the priest shall examine him again: if the affection has faded and has not spread on the skin, the priest shall pronounce him clean. It is a rash; he shall wash his clothes, and he shall be clean.⁸

Details abound. As is common in the language of Leviticus, the instructions given are extremely detailed in nature, representing the genre of 'instruction manual' for the priest. One question that begs to be addressed is: Why did the authors of the text feel that the priests needed such a 'manual'? Many commentators have attempted to answer that question. Rashi notices the detail of the instruction. He is clear that he sees this instruction as a guide for the priests who were, ultimately, the ones who made important decisions which affected the lives of these individuals. "...ולבנות הם, שמות נגעים הם," "These are the names of the ailments, and one is whiter than the other,"⁹ Rashi declares. While he seems to clarify what is already abundantly clear, Rashi reminds the reader that the priests had to be aware of the fact that not all ailments are the same. In fact, it might be thought that Rashi placed no faith in the ability of the priests to maintain a sense that persons with blemishes are, in fact, individuals. A priest who is unfamiliar with such blemishes might be inclined to group people together when, in fact, each

⁸ Biblical translations, unless otherwise noted, are from the *JPS Torah Commentary* or the *JPS Hebrew-English Tanakh*

⁹ Translations of Biblical commentaries are mine, unless otherwise noted

blemish is different, just as each person who carries it is different from all others. They, Rashi attests, should be treated on a case-by-case basis.

Another question that becomes apparent has to do with labeling: Who is in the community and who is out of the community? The detail provided by the text hints that the stakes were high, and that the priest had a great responsibility. After examining a person's blemish, the priest would determine whether it would necessitate that person's separation. It is clear in this section of Leviticus, among others, that it was ultimately the priest's responsibility to decide who could remain part of the community and who would, in fact, need to be separated. Rashi comments on verse 4, "תִּסְגֹּרֶנּוּ בֵּית אֶחָד," "[the priest] shall isolate [the affected person] in one house," Rashi claims that the priest should isolate the affected person in one house, and he should not be seen until the end of the week, at which point the priest will use his power to examine and interpret the symptoms according to his instructions. So it is the priest's responsibility to make the decisions about both the beginning and the end of a person's isolation. The power of this image and the impact of the decision are clear. The decision is not about putting the affected individual in a separate bed, or even in a separate room. Rather, he should be sent away, totally isolated from the community from which he came...and it is only the priest who is invested with the responsibility of gatekeeper. Ibn Ezra adds to the vision of total isolation when he claims, "וְהָיָה יִחָל" ¹⁰ "עד שבעת ימים" that the person is to be isolated with a hook for those seven days.

In his discussion on the power of the priest's decision, Ibn Ezra emphasized the priest's role in the situation (verse 1). He claimed that because Aaron and Moses were being addressed, we are to know that it was, ultimately, Aaron's decision to make. It was Aaron who would interpret different ailments, and it was his word which would

¹⁰ Here, Ibn Ezra inserts a footnote to clarify the word יִחָל. His explanation of this word, as stated in the footnote, is יִחָה, a hook.

determine who was deemed pure and who impure. Nachmanides added that this was an appropriate role for the priests, since everything else seemed to be channeled through Aaron's line.

לא אמר בכאן דבר אל בני ישראל, כי הכהנים בראותם
הטמאים יכריזום להסגר ולטהר.¹¹

It does not say here 'speak to all of Israel,' because the Kohanim, in their seeing the impure ones, will cut them off to close them up and to pronounce them pure [once again].

Aaron clearly set the standard for all of the priests who, theoretically, after having received this תורת כהנים, were qualified to make such determinations about the status and quality of other people's lives. Rashi, Ibn Ezra and Nachmanides begin to paint a picture of power and powerlessness, which they believed were clearly defined in the biblical world. Aaron and his descendants were at one end of the spectrum. People with blemishes and disabilities (as defined by the priests) were at the other end. In the middle was a dark chasm. It is interesting to consider how the people on both ends felt as they stood facing one another.

Finally, Leviticus 13 is just one shining example of how the Israelites and the priests, as a community, perceived persons with special needs. The JPS Torah Commentary points out that the text uses the particular disease to refer to the person who suffers from it. "וראיתו הכהן וטמא אותו,"¹² "When the priest sees it, he shall pronounce him unclean." What is this "it"? "Literally, the object of the verb ["sees"] is the disease ["it"], not the person ['him or her'], but here and in some following verses we find instances of metonymy, a literary device whereby, in this instance, the disease is

¹¹ Ramban on 13:1

¹² Leviticus 13:3

interchangeable with its victim.”¹³ Once that person has been labeled, he is to be isolated. “והסגיר את-הנגע”¹⁴ “the priest shall isolate the *nega*.”¹⁵ While the text reads that the *nega* should be isolated, it is implied that it does, in fact, refer to the diseased individual.¹⁶

If the text, which is indeed vague in its wording, does identify the afflicted person by his condition, the question that remains is *why*. Perhaps, as is evidenced by the commentary about the detail of this teaching, it is possible that priests were, in fact, unfamiliar with people with different disabilities. It is possible that they were so foreign to these persons that when they had the task of confronting them, the priests became flustered and were not able to see them as people, but rather only as the disease or blemish that they carried with them.

The issues raised from תורת כהנים recur. They need to be addressed in each era because they lead to questions that later generations have yet to resolve. Although the questions have evolved, many of the core concerns remain constant even today.

Leviticus 14:1-11

א וידבר יהוה אל-משה לאמר: ב זאת תהיה תורת המצורע ביום קהרתו והובא אל-הכהן: ג ויקח הכהן אל-מחוץ למחנה וראה הכהן והנה טרפא נגע-הצרעת מן-הצורע: ד וצוה הכהן ולקח למטהר שתי צפרים חיות טהורות ועץ ארז ושני תולעת ואוב: ה וצוה הכהן ושחט את-הצפור האחת אל-קל-חרש על-מים חיים: ו את-הצפור השני יסח איתו ואת-עץ הארז ואת-שני התולעת ואת-האוב וטבל אותם ואת הצפור השני בדם הצפור השחטה על המים החיים: ז והזה על המטהר מן-הצרעת שבע פעמים וטהרו ושלח את-הצפור השני על-פני השדה: ח וכבס המטהר את-בגדיו וגלח את-כל-שערו ורחץ במים וטהרו ואחר כבוא אל-המחנה וישב מחוץ לאהל שבעת ימים: ט והיה ביום השביעי יגלח את-כל-שערו את-ראשו ואת-זקנו ואת-גבת עינו ואת-כל-שערו יגלח וכבס את-בגדיו ורחץ את-בשרו במים וטהרו: י וביום השמיני יסח שני כבשים תמימים וכבשה אחת פת-שנתה תמימה ושלשה עשרים סלת מנחה בלילה בשמן ולג אחד שמן-יא

¹³ The JPS Torah Commentary on Leviticus, p. 77

¹⁴ Leviticus 13:4

¹⁵ Can be translated as ‘blemish’, or ‘person with a blemish’

¹⁶ The JPS Torah Commentary on Leviticus, p. 77

וְהַעֲמִיד הַכֹּהֵן הַמְטֵהר אֶת הָאִישׁ הַמְטֵהר וְאָתָם לִפְנֵי יְהוָה פְּתַח אֹהֶל מוֹעֵד:

Adonai spoke to Moses, saying: This shall be the ritual for a leper at the time that he is to be cleansed. When it has been reported to the priest, the priest shall go outside the camp. If the priest sees that the leper has been healed of his scaly affection, the priest shall order two live clean birds, cedar wood, crimson stuff, and hyssop to be brought for him who is to be cleansed. The priest shall order one of the birds slaughtered over fresh water in an earthen vessel; and he shall take the live bird, along with the cedar wood, the crimson stuff, and the hyssop, and dip them together with the live bird in the blood of the bird that was slaughtered over the fresh water. He shall then sprinkle it seven times on him who is to be cleansed of the eruption and cleanse him; and he shall set the live bird free in the open country. The one to be cleansed shall wash his clothes, shave off all his hair, and bathe in water; then he shall be clean. After that he may enter the camp, but he must remain outside his tent seven days. On the seventh day he shall shave off all his hair – of head, beard and eyebrows. When he has shaved off all his hair, he shall wash his clothes and bathe his body in water; then he shall be clean. On the eighth day he shall take two male lambs without blemish, one ewe lamb in its first year without blemish, three-tenths of a measure of choice flour with oil mixed in for a meal offering, and one log of oil. These shall be presented before Adonai, with the man to be cleansed, at the entrance of the Tent of Meeting, by the priest who performs the cleansing.

Many of the principles that arose in chapter 13 are visible again here in chapter 14. However, this chapter includes a couple of new communal positions and develops familiar ones. First, the 'how-to manual' genre of literature reappears here. However, this section and the commentaries on it incline one's thinking to the role that detail plays in the life of the priest. Why does the text feel that the priest needs a step-by-step guide? An obvious answer is that the priest needs the guide because it is he who performs the priestly duty. The text says, "*This shall be the ritual for a leper.*"¹⁷ The ritual explained in these verses "served as a manual of procedure for the priests, who administered the

¹⁷ Leviticus 14:2

purification rites.”¹⁸ Nachmanides added that the instructions were necessary because the priest was the one who went out to visit the isolated person. In such, he represented the community. “כי הכהן יצא אל מקום מושבו מחוץ למחנה.” “For the Kohen went out to his dwelling place, outside of the camp.” He was the face for the community when he went out of the camp and, therefore, had great responsibility. The instruction may, in fact, have been geared to comfort the community by ensuring that their representation would be sound and not arbitrary.

The text implies that once one who had been deemed ‘out’ of the community was declared fit for re-entry, there actually existed a process of re-entry which involved multiple stages. In his comment on verse 3, Rashi declared that when the priest went out of the camp to meet the isolated person, he actually had to go a distance, since the affected person was sent outside of three camps during the time of his leprosy, “חוץ לשלושה מחנות שנשתלח שם בימי חלוטיו.” He was cut off from all contact with the rest of the camp. Once he was allowed to re-enter the community, though, the process was gradual. Although he was allowed back into the camp, he was still not to enter his own tent. Rashi explained that this¹⁹ teaches that he was still prohibited from engaging in marital relations.²⁰ This is an intermediate stage. Eventually, he would be allowed back into his tent, back into his daily life.

Not only is the process of re-entry broken down into stages, it is also highly ritualized. Hazakuni, the 17th century kabbalist, wrote that the re-entry process is highly ritualized, with the slaughtering of birds, and with hair cutting, and with blood,

¹⁸ The JPS Torah Commentary on Leviticus, p. 85

¹⁹ That he is allowed back into the camp but not into his own home

²⁰ Rashi on 14:8

“מלמד שטהרתו וטומאתו ושחיטת צפרים וחיות דם צפרים ותגלחתו ביום”²¹ Once the ritual was performed, there could be no doubt about the priest’s judgment, or about the status of that individual within the community. In addition, it was clear to all that the ultimate declaration of re-entry was the sole domain of the priest who had been guided with the detailed instruction that was provided for him. Therefore, when the priest went out to that person, it was a sign that that person’s atonement was accepted by the community. As we saw in chapter 13, the priest was the ritual master and the public face of the community. Ritual and decisions about who was in and who was out of the community were, clearly, up to the priest. But he could not carry the responsibility himself, and the role of the afflicted person in this mix was not forgotten. Hazakuni claims that, in fact, the responsibility was shared between the priest (through the announcement) and the afflicted person (by not entering the camp until allowed, and by reporting to the priest). This, he claims, is why verses 2 and 3 are so close together here. Verse 2 ends with the afflicted person reporting to the priest. Verse 3 begins with the instruction for the priest to go out of the camp to meet him. Although the priest held the power in that relationship, both parties had to make an effort in order for the re-entry process to ensue. As the law and culture evolved, the role of the priest as the gatekeeper, determining when one would leave or re-enter the community, was in place.

Leviticus 19:14

לֹא-תִקְלַל חֵרֶשׁ וְלֹפֶט עֵינַי לֹא תָתֵן מִקְשֶׁל וְרֵצִית מֵאֲלֹהִים אֲנִי יְהוָה:

You shall not curse the deaf nor put a stumbling block before the blind. You shall fear Adonai, your God.

²¹ Hazakuni commentary on 14:2

Although this section of text is short, as the title of this paper suggests, it speaks volumes to the attitudes and responsibilities of the Jewish community to provide for people with special needs. The verse, most easily examined in three separate parts, raises a number of issues, each of which sets certain standards of communal responsibility.

Leviticus 19:14a – you shall not curse the deaf. The question of language is raised here. Though the text uses *tekalel* to communicate cursing, other words such as *סבל*, to afflict, or *נגע*, to touch²², might also have been used. *Tekalel*, the opposite of *ברך*, blessed, or *כבד*, heavy or weighty²³, literally means ‘to make light of.’ The use of this word has the potential to, in a case where a person might otherwise never have thought in those terms, raise the awareness that a deaf person can be made light of or treated without seriousness. Ironically, in this case, the language has an effect that is opposite to that which seems to be the intent of the Levitical text. Ultimately, this is a result of labeling.

Leviticus 19:14b – nor shall you put a stumbling block before the blind – Commentators on this phrase have tried to understand what ‘not putting a stumbling block before the blind’ means in a metaphorical context. We are told to understand this verse as metaphor.²⁴

Just as most human beings have some area of helplessness, so too all people miss seeing something. The *gaonim* of the academies²⁵ claimed that an *ivver* is “One who is blind about anything... Give him good advice,” “שמה תאמר עצה טובה אני נותן לו.”²⁶

²² Shimon Zilberman Dictionary

²³ Anchor Bible, p. 1639

²⁴ MeAm Loez, p. 22

²⁵ Approximately 6th Century

²⁶ Sifra Kedoshim, 2:14

Refraining from misleading this person is, they claimed, the same as refraining from placing a stumbling block before him or her. The Sifra goes on to apply this principle to the situation of a marriage agreement, demonstrating that every person, regardless of their level of functioning, has certain weaknesses. Each person has the ability to be taken advantage of his or her own stumbling block:

בא אמר לך בת איש פלוני מה היא לכהונה אל תאמר לו כשירה והיא אינה
אלא פסולה. היה נוטל ממך עצה אל תתן לו עצה שאינה חוננת לו.
אל תאמר לו צא בהשכמה שיקפחוהו ליסטים. צא בצהרים בשביל שישתורב.
אל תאמר לו מכור את שדך וקח לך חמור ואת עוקף עליו ונוטלו ממנו.

Should he ask you: Is the daughter of so and so qualified to marry a priest? Do not answer him: Yes, she is qualified, when she is really unfit. If he comes to consult you, do not give him wrong advice. Do not say to him: Go out early when robbers would waylay him; go out at noon that he should get sunstroke. Do not say to him: Sell your field and buy yourself an ass and then by a trick take it from him.²⁷

Rashi built on the Sifra's discussion by explaining that this part of the verse means that the prohibition is from putting a stumbling block in front of the person who is "blind בדבר, in a certain matter." Rashi's discussion alludes to levels of weakness, since a person need not be totally blind or completely disabled in order to be protected by this law. In fact, it can be understood that each person is blind in some matter. Rashi's discussion makes this law applicable to most people.

Nechama Leibowitz states plainly that a stumbling block is really a deception. Therefore, the prohibition is actually against deceiving others in one way or another.²⁸ Members of a community are responsible for one another. This plays out in the negative, as well as in the positive. Community members are not to mislead one another when one is ignorant to the situation and its danger. Neither are they to misguide another, even if

²⁷ Sifra 2:14. Translation by Leibowitz, p. 174

²⁸ Leibowitz, p. 177

that person is aware of the situation.²⁹ Her idea was drawn from the multitude of rabbis and commentators who came before her.

This situation is further expanded to discussions about financial stumbling blocks. In the case of lending money, there should be a witness. The Babylonian Talmud, Baba Mezia 75b addresses this concern. "Said R. Judah in the name of Rav: Whoever has money and lends it without witnesses violates the prohibition of 'Thou shalt not put a stumbling block before the blind.'" Although the borrower might not be considered blind in many areas of his or her life, he or she does fall into the category of metaphoric blindness. If there are no witnesses when one borrows money, both the lender, and the borrower herself have the potential to be confused or to lie about the amount lent, or about any interest or repayment information. The lender here is prohibited from putting a stumbling block – the temptation to lie or the ability to be confused or any other potential situation – before the borrower. If there is no witness, "The borrower is likely to forget the debt, and he can deny it since there are no witnesses... People curse [the lender] because they think that he is unjustly demanding money from the borrower."³⁰

During the Middle Ages, Maimonides understood this verse in context of those who turned away from Torah. "Whoever misleads an innocent party (literally the blind in a matter) and gives him dishonest advice, or strengthens the hand of a transgressor, who is blind since the desires of his heart blind him from seeing the true path, violates a negative precept, as it is stated, 'Thou shalt not put a stumbling block before the blind.'"

The prohibition against placing a stumbling block before the blind can also be understood in a ritual sense.

²⁹ Leibowitz, p. 175

³⁰ Me' Am Lo'ez, pp. 22-23

If on one side of a river there is a Jew holding a piece of non-kosher meat, and on the other side of the river there is a non-religious Jew who wants to eat it, it is forbidden for the Jew to pass the non-kosher meat to his non-observant co-religionist if the other cannot take it on his own. Since the other person is completely non-religious and has turned his back on Judaism, he will certainly eat it. The person giving it to him would then be in violation of the [aforementioned] commandment.³¹

This is also the case for Jews who ask less observant members of the community to violate laws, such as lighting a fire on Shabbat, for them.

Beyond ritual blindness, the rabbis also understood this prohibition to be against placing a stumbling block in front of a person who is morally blind or perplexed.³² For example, it extends to a parent's prohibition from treating his son with an abundance of severity. This is considered to be a stumbling block because it "is a way of encouraging a son to act disrespectfully toward his parent,"³³ thereby encouraging him to go against the *mitzvah* of honoring his parents.

Ultimately, the commentators tell us, we are all blind in a certain matter, and we are all capable of falling over some sort of stumbling block. We all have needs, and we all provide for needs within a communal setting. The bottom line seems simple. "Whoever comes to consult you, give him advice in good faith."³⁴

One communal stumbling block is passivity. Passivity and failure to respond to the community and its needs are viewed as negatively as deception. Not doing anything is equivalent to committing transgression. On this point, one can look to B. Moed Katan 5a:

רמז לציון קברות מן התורה מניין? אמר אביי: "זלפני עור לא תתן מכשול"

³¹ Me'Am Loez, p. 23

³² Baal HaTurim in Me'Am Loez, p. 23

³³ Yoreh Deah 240 in Me'Am Loez, p. 23

³⁴ Code, Rozeah U'Shemirat HaNefesh 12, 14 in Me'Am Loez, p. 23

"Where can you find a hint in the Torah regarding the duty of marking graves? Said Abaye: Thou shalt not put a stumbling block before the blind."

Nechama Leibowitz explains that not acting is the same as actively transgressing the command.

"Here is a case where a man stays at home, completely passive, but knowing that there is an old graveyard in his neighborhood, which is unmarked. A priest might unwittingly tread thereon and be led into transgression...the Torah teaches us that even by sitting at home doing nothing, by complete passivity and divorce from society, one cannot shake off responsibility for what is transpiring in the world at large, for the iniquity, violence and evil there. By not protesting, 'not marking the graves' and danger spots, you have become responsible for any harm arising therefrom, and have violated the prohibition: Thou shalt not put a stumbling block before the blind."³⁵

In other words, to not act to help those who are needy is to put a stumbling block in front of a person who is unable to see it. This interpretation leads to the conclusion that the community must actively help those who need help in order to keep this commandment.

Leviticus 19:14c – You shall fear Adonai, your God – This final segment of the verse raises a different set of questions than did the first two. Here, the responsibility lies not on the community, but on the individual to be completely honest with God.

"Wherever the phrase 'thou shalt fear thy God' is used, it refers to something entrusted to the conscience of the individual...Only the individual conscience can know whether the action was committed in good or bad faith."³⁶ It refers to acts for which there are no witnesses.

Rashi and Ibn Ezra, contemporaries, both understood the addition of this last piece of the verse in the context of a just, punishing God. In the words of Rashi,

³⁵ Comment on Mo'ed Katan 5a in Leibowitz, pp. 177-178

³⁶ Leibowitz, p. 173-174

”המכיר מחשבותיך וכן כל דבר המסור לבו של אדם העושהו ואין שאר חבריות מכיר בו.”

Essentially, one should ‘fear God because God is the only One who knows your intentions.’ Ibn Ezra wrote that a person should “שהוא יכול להענישך לשומך חרש ועור” ‘fear God because God can punish the one who curses the deaf or places a stumbling block before the blind.’ Although people might be able to get away with taking advantage of people’s weaknesses within a communal context, Rashi and Ibn Ezra claimed that they would never be fully forgiven. Although the disabled may not know who did what to them, ultimately, God knows, and the combination of God’s omnipotence and God’s willingness to pursue justice should be considered when a person decides to act one way or another.

In addition to God’s role in human behavior, people’s free will lends weight to the discussion of this command.

Only the individual conscience can know whether the action was committed in good or bad faith. Our verse, therefore, cannot refer to the person who literally places a stone in the way of a blind man in order to cause him to stumble. That could be proved in court, if there were witnesses to the act.³⁷

Instead, it must be a metaphor for all of life’s situations for which there is no witness.

Leviticus 21:17-23

וְדַבֵּר אֶל־אַהֲרֹן לֵאמֹר אִישׁ מֵאַחֲדֶיךָ לְדֹרֹתָם אֲשֶׁר יִהְיֶה בוֹ מוֹם לֹא יִקְרַב לַהֲקָרִיב לַחֶם אֱלֹהִים יִי כִּי כָל־אִישׁ אֲשֶׁר־בוֹ מוֹם לֹא יִקְרַב אִישׁ עֹזֵר אוֹ פֹּסֵחַ אוֹ חֵרֵם אוֹ שָׂרָף יִי אוֹ אִישׁ אֲשֶׁר־יִהְיֶה בוֹ שָׁבֵר רֶגֶל אוֹ שָׁבֵר יָד כִּי אֲוִגְבֵּן אוֹדֵק אוֹ תִבְלָל בְּעֵינוֹ אוֹ גֵּרֵב אוֹ יָלְפַת אוֹ מִדּוּחַ אֶפֶס כִּי כָל־אִישׁ אֲשֶׁר־בוֹ מוֹם מִזֶּרַע אַהֲרֹן הַכֹּהֵן לֹא יֵגֵשׁ לַהֲקָרִיב אֶת־אֲשֵׁי יְהוָה מוֹם בוֹ אֵת לַחֶם אֱלֹהִים לֹא יֵגֵשׁ לַהֲקָרִיב כִּי לַחֶם אֱלֹהִים מִקְדָּשִׁי הַקְדָּשִׁים וְכָל־הַקְדָּשִׁים יֵאָכֵל כִּי אֵד אֶל־הַפְּרִקֶת לֹא יָבֹא וְאֶל־הַמִּזְבֵּחַ לֹא יֵגֵשׁ כִּי־מוֹם בוֹ וְלֹא יִחַלֵּל אֶת־מִקְדָּשִׁי כִּי אֲנִי יְהוָה מִקְדָּשִׁי׃

“Speak to Aaron and say: No man of your offspring throughout the ages who has a defect shall be qualified to offer the food of his

³⁷ Leibowitz, p. 174

God. No one at all who has a defect shall be qualified: no man who is blind, or lame, or has a limb too short or too long; no man who has a broken leg or a broken arm, or who is a hunchback, or a dwarf, or who has a growth in his eye, or who has a boil-scar, or scurvy, or crushed testes. No man among the offspring of Aaron the priest who has a defect shall be qualified to offer the Lord's offering by fire; having a defect, he shall not be qualified to offer the food of his God. He may eat of the food of his God, of the most holy as well as of the holy, but he shall not enter behind the curtain or come near the altar, for he has a defect. He shall not profane these places sacred to Me, for I the Lord have sanctified them."

This section of the Levitical text, the *חוקי כהנים*, speaks directly to the priests. It lays out rules that apply to the priests and, therefore, sets a standard that can be understood as a paradigm for the people of Israel, as well. The priestly paradigm laid out in Leviticus is perfection. Any priest who is less than perfect is subject to restricted access to communal places and roles. Rashi claimed "אין דין שיקרב," that "It is not right that he should approach."

What, the rabbis asked, would happen if every person who had a blemish could not perform the sacrifice?! "דהא כל איש אשר בו מום אין נראה טאה שיקרב,"³⁸ "What if every person who had a blemish would not appear fit to make the offering?" If that fear were to play itself out, then, who would there be to make the offerings to God? And what purpose would that serve?

Nachmanides understood that the answer to the question of 'who is pure enough or perfect enough' is alluded to in verse 17 with the words, *דבר אל אהרן*, "Speak unto Aaron." "לא אמר בכאן דבר אל אהרן ואל בניו," Nachmanides noted that normally, the text commands that one should "Speak unto Aaron and his sons." Here, though, it is only Aaron who is addressed. This change serves to keep Aaron apart from the rest of the

³⁸ Hazakuni

priests who were seen to need the warning, since Aaron was the model priest, and, therefore, free from all blemishes. Aaron's perfection would be difficult for future generations of priests to match.

בכאן אם אמר דבר אל אהרן ואל בניו ראוי שיאמר איש מכם לדורותיכם, ולא
רן עצמו בתורת המומין, כי אהרן קדוש ה' כולו יפה ומום לא יהיה בו
ירצה לחזהיר את אה

In this place, if it said, 'to Aaron and to his sons,' it would appear as if it is said that he is one of you for your generations, and one would not want to warn Aaron himself of the laws of blemishes, because Aaron is completely holy to God, he is beautiful and he has no blemish.³⁹

Now [that which the Torat Kohanim states] 'Aaron himself,' means [any] High Priest that shall be in his stead among his sons, [but it does not mean Aaron personally, since, as explained above, Scripture does not mention Aaron's name with reference to having a blemish or suffering from leprosy or an issue. It did, however, have to include the High Priest in the law of blemishes], because having permitted the High Priest [to officiate] whilst he is an *onen*, one might perhaps think that it also permits him [to officiate] although he has a blemish or leprosy."⁴⁰ In other words, although Aaron was a known entity, future priests were not. Therefore, these well-defined laws were deemed necessary.

What blemishes were deemed severe enough to prohibit priests from priestly duties? This is an important question to ask since the reality of human life is that no person, even the most pure priest, is perfect. Verse 18 lists four blemishes or conditions that disqualify a priest. Commentators have tried to understand what, exactly, each one is. The first blemished priest listed for disqualification from the priestly offering is the

³⁹ Leviticus 21:17

⁴⁰ Translation to the Ramban by Chavel, Shilo Publishing, p. 338

עור, the blind priest. When defining blindness, one should consider that it may refer to a person with the use of only one eye instead of both, or to someone who has severe visual limitations. It does not necessarily connote total blindness, and anything less than total blindness as a marker is, ultimately, subjective. So too is the case for the priest who is פסח, "lame." Examining this term leads to an understanding that in order for someone to be classified as פסח, that person might have a problem with only one leg, and not necessarily both.⁴¹ So too, judging a priest as חרם או שרוע, "having a limb that is too short or too long" is subjective, since there are no fixed measurements which define the difference in length as 'too much.' Somehow, these terms were understood and applied to the priestly world. The question is, 'how'?

The rabbis have examined the language of verses 18 and 19. In asking questions about difficult language, they show that a certain ambiguity about blemishes and conditions is inherent in the text.

Ibn Ezra pointed out that there was something to be noted in the language of verse 18. חרם ושרוע are difficult words to translate. חרם, meaning 'perforated' or 'cut off,' is the opposite of שרוע, which means 'joining' or 'adding,' as in a net. But חרם is also understood to be 'flat nosed,' and if that is the case, then what is its corresponding characteristic for שרוע? The two can also be understood in the sense of a limb that is either too short/broken off or too long/pieces gathered, respectively.

⁴¹ Comparisons to other uses and meanings of this word in Ex. 12:13 and 23, to pass over; 2 Sam. 9:13, lame; and Isaiah 31:5, protecting (חציל פסח) in JPS Torah Commentary, Leviticus, p. 209

Ramban tried to define what, exactly, a חרם is. “[Charum] is anyone whose nose is sunk between his two eyes, so that he is able to paint both his eyes [for cosmetic purposes] with one stroke.” Here, he utilized Rashi’s language.

And in the תורת כהנים and in the Gemara of Tractate Berakhot [43b], we have been taught: חרם is one whose nose is sunk. [How do I know about] one whose nose is obstructed? Or one whose nose is turned up? Or whose nose overhangs his lips? From the expression או חרם, [the word ‘o’ includes these blemishes]. Aba Yosei says: The word חרם means only one who can paint both his eyes with one stroke. But the Rabbis said to him: ‘You have overstated it. Even though he cannot paint both his eyes with one stroke’ [because his nose is not so deeply sunken], he may nonetheless come within the term חרם.

This discussion is evidence of the rabbis’ inability to define the levels of affliction that are necessary in order to be categorized as forbidden from priestly duties. Blemishes are hard to categorize. They are difficult to measure. Therefore, the rabbis struggled to quantify that which is, by nature, qualitative.

Duration is also an issue that the rabbis found worthy of debate. The text speaks to some temporary blemishes and to other permanent conditions. Although the rabbis who looked at this text clearly differentiated between temporary and permanent conditions, it is not apparent here whether or not they actually saw a different role for people with each sort. “21:16-24 enumerates the bodily defects that render a priest unfit to officiate in the sacrificial cult, whereas 22:1-9, immediately following, deals with priests who become impure, but whose unfitness is only temporary.”⁴² In their discussions about the extended or shortened limb, the שרוע or the חרם, the rabbis tried to understand the condition’s origins and then, based upon that understanding, they made a determination about the bearer’s role in the community. “[The phrase שרוע וחרם] is used

⁴² JPS Torah Commentary, Leviticus, p. 120

in medical texts to describe birth defects.⁴³ The fact that this, which was more often than not a birth defect, is used in this text may be an indicator that the disqualifying blemish can originate from the most recent accident to a birth defect and, therefore, everything in between. The time of the blemish's origin is open for discussion. So too is the duration of the blemish or condition. In verse 19, the text identifies a שבר רגל או שבר יד, a broken leg or arm as a priest's disqualifier from his priestly duties. His disqualification was permanent. In that day, "normally, such injuries would be permanent because broken limbs were not set properly in ancient times."⁴⁴

It seems from this תורת כהנים that physical appearance was key in the prohibition of priests from participating in the priestly rituals. Sforno drew a connection between the priest's appearance in making offerings to God and the case in the book of Esther, in which the person wearing sackcloth was not able to approach the king's castle,⁴⁵ לעמוד לשרת בשם ה' כענין "כי אין לבא אל שער המלך בלבוש שק".⁴⁶ In other words, one must dress for royalty and, perhaps, blemished priests are not able to 'dress' appropriately for the ultimate royalty, God. These individuals' outward appearance renders them unfit.

While some blemishes were visible with a casual glance, others were not. The reference to Aaron in verse 17 answers the question of whom, ultimately, could decide which priests were allowed to perform their duties and which were not. "Speak to

⁴³ CAD, s.v. *Aramu*, JPS Torah Commentary, Leviticus, p. 146

⁴⁴ JPS Torah Commentary, Leviticus, p. 146

⁴⁵ Esther 4:2

⁴⁶ Sforno on 21:18

Aaron". It was the responsibility of Aaron and his succeeding high priests to use these lists to weed out priests who were prohibited from performing the priestly sacrifice.⁴⁷

Identifying blemishes in the priests was a task which eventually became a ritual unto itself. In the Second Temple, priests were brought in to work with woodpiles. Before they came in for their duty, the Mishnah details, the priests would be closely inspected by the Sanhedrin.

וכהן שנמצא בו פסול. לובש שחורים ומתעטף שחורים. ויוצא והולך לו. ושלא נמצא בו פסול. לובש לבנים ומתעטף לבנים. נכנס ומשמש עם אחיו הכהנים. ויום טוב היו עושים. שלא נמצא פסול בזרעו של אהרן הכהן. וכך היו אומרים ברוך המקום ברוך הוא. שלא נמצא פסול בזרעו של אהרן. וברוך הוא. שבחר באהרן ובבניו לעמוד לשרת לפני ה' בבית קדשי הקדשים:

A priest in whom was found a disqualification used to put on black undergarments and wrap himself in black, exit, and depart... One in whom no disqualification was found used to put on white undergarments and wrap himself in white and go in and minister along with his brother priests. They used to make a feast because no blemish had been found in the seed of Aaron the priest, and they used to say thus: Blessed is the Omnipresent [*hamakom*], Blessed is He, because no blemish has been found in the seed of Aaron. Blessed is He who chose Aaron and his sons to stand to minister before the Lord in the Holy of Holies.⁴⁸

In all of the laws that relate to the standards for the priests, commentators have wondered about the role of God. In the case of these laws, God's role is not active, but God is completely present as the recipient of the offerings. While the priests worked for the ultimate goal of attaining holiness, the law focused on honoring God and God's places. In verse 21, *להקריב*, to offer, is used. Understanding that this word can also be translated as 'to approach,' or 'to draw near' adds a new level to the reading of this verse.

⁴⁷ Anchor Bible, p. 1823

⁴⁸ m. Middot 5:4

"No man shall approach (or draw near) so as to offer..." If *להקריב* is considered in terms of approaching or getting near a place, then it resonates with the issue of the purity of a location that is to be kept holy for God. If we translate *להקריב* as 'to offer,' then what is it about the offering that is forbidden for the person with a blemish? The ultimate question, then, is whether the limitation ultimately exists to appease God and God's pure sanctum, or whether it is a cultural norm of some sort that the person with a blemish cannot enter the sanctum?

To an extent, verse 22 comes to answer this question. It states that one may eat of the food of his God, "לחם אלהיו מקדשי הקדשים ומן הקדשים יאכל." A priest who was disqualified from making the offering was still allowed to remain as part of the community, since he was still allowed to eat from the remains of the offering. It seems clear that the intent of the prohibition was to keep this priest out of the sacred spaces which were pure for God.⁴⁹ This verse is evidence to the fact that the limitation was intended to maintain the purity of the holy of holies. Its effect was the isolation and distancing of certain members of that community from that space.

Leviticus 22:19-25

יט לרצונכם בבקר בפשטים ובעזים: כ כל אשר-בו מום לא תקריבו כִּירָא לרצון יהיה לכם: כא ואיש כִּירִיקריב ובה־שלמים ליהוה לפלא־נדר או לנדבה בבקר או בצאן תמים יהיה לרצון כל־מום לא יהיה־בו: כב ענת או שבור או־חרוץ או־תקלת או גרב או ילקת לא־תקריבו אֵלֶּה ליהוה ואשה לא־תתנו מהם על־המזבח ליהוה: כג ושור שֶׁה שרוע וקלוט נדבה תעשה אתו ולנדר לא ירצה: כד ומעוק וכתות וטתק וקרות לא ותקריבו ליהוה ובאֲרָצְכֶם לא תעשו: כה ומיד בְּרִינֶכָה לא תקריבו אֶת־לֶחֶם אֱלֹהֵיכֶם מִכָּל־אֵלֶּה בִּי מִשְׁחַתֶּם בָּהֶם מום בָּם לא ירצו לכם:

A freewill offering "must, to be acceptable in your favor, be a male without blemish from cattle or sheep or goats. You shall not offer any that has a defect, for it will not be accepted in your favor. And when a man offers, from the herd or the flock, a sacrifice of well-being to the Lord for an explicit vow or as a freewill offering, it

⁴⁹ JPS Torah Commentary, p. 146

must, to be acceptable, be without blemish; there must be no defect in it. Anything blind or injured or maimed, or with a growth in the eye, boil-scar, or scurvy – such you shall not offer to the Lord; you shall not put any of them on the altar as offerings by fire to the Lord. You may, however, present as a freewill offering an ox or a sheep with a limb extended or contracted; but it will not be accepted for a vow. You shall not offer to the Lord anything [with its testes] bruised or crushed or torn or cut. You shall have no such practices in your own land, nor shall you accept such [animals] from a foreigner for offering as food for your God, for they are mutilated, they have a defect; they shall not be accepted in your favor.

The mere fact that the Levitical text goes into so much detail about blemishes and other imperfections on the sacrificial animals leads one to question its importance. At closer examination, though, it is clear that there are parallels between the blemishes or conditions which disqualify an animal from sacrifice, and those which make a priest unfit for making an offering. The list of exceptions for sacrificial animals, once again, makes the point that not all sacrifices are the same and neither are their blemishes. Below is a table⁵⁰ which reflects a striking parallel between the list of blemishes that disqualify a priest from officiation and which make a sacrificial animal unacceptable. Clearly, it is not a coincidence that the lists are almost identical. The question left, in examining the lists, is whether, in fact, the condition of the sacrificial animal was as crucial as that of the priest, and why:

Priest

Blindness, עור
Broken arm or leg,
שבר רגל או שבר יד
Scurvy, ילפת
A boil-scar, גרב

Sacrificial Animal

Blindness, עור
One injured, שבור
One maimed, חרום
Scurvy, ילפת
A boil or a scar, גרב

⁵⁰ Anchor Bible, p. 1870

Limb too short or too long,

חרם או שרוע

Crushed testes,

מרוח אשך

Growth in the eye, תבלל בעיני

Extended or contracted limb, שרוע וקלוט

Crushed, bruised, torn, cut testes,

ומעוך וסנתק וסנתק וסנתק

A wen, יבלת

Given the parallel lists for animals and human beings, it seems that the paradigm set in the laws for the sacrificial animal apply also to human conditions and blemishes. In verse 19, options are presented for the offering. "A male without blemish of the cattle, of the sheep, or of the goats," the verse states. Rashi expanded and gave exceptions. "But in the case of a burnt-offering that consists in a bird, the unblemished condition and the male sex are not essential, and it does not become unfit for sacrifice by reason of a mere blemish, rather only by the reason of a loss of a limb." It seems that Rashi here made the point that all sacrifices were not the same. In fact, they had different requirements depending on which type of sacrifice it might be. For him, there existed, in the laws of holiness, a precedent for acknowledging that all conditions were not the same, and for allowing for adjustments based on individual need and, even, for individual intent. "לרצונכם. הביא דבר הראוי לרצות אתכם לפני שיהא לכם לרצון אפיישמנט" "For your appeasement. This brings a thing that it fitting for your (plural) appeasement before it will be for them, for the reason of appeasement."

Rashi also drove home the point that exceptions for individual circumstances do exist in the text. On verse 22, he pointed out that the phrase "לא תקריבו," You shall not offer, is used three times, "שלש פעמים" in this section of Leviticus 22.⁵¹ The purpose of this, he contended, was to lay down three separate prohibitions involving the sacrificial

⁵¹ Verses 20, 22, 24

animals: designating blemished animals as sacrifices, להזהיר על הקדשתן, slaughtering them, ועל שחיטתן, and sprinkling their blood, ועל זריקת דמן. Again, Rashi pointed out that for different needs, there were separate requirements and restrictions.

By examining the limitation of offering animals with testicular problems, Rashi spelled out the different problems. “ומעוך וכרעת ותנוק וכרות” are forbidden as sacrifices whether the mutilation be in the testes or the membrum. מעוך means, one whose testes have been pressed by hand. כרות means crushed – it implies more than מעוך. – ותנוק means that they have been torn off by the hand, so that the threads on which they hang have snapped but they are still in the scrotum, the scrotum itself not having been torn off. – כרות, they have been cut away by an instrument but are still in the scrotum.” Here again, Rashi pointed out that the laws and guidelines were not simple because every creature had its own problems. Ultimately, there were different degrees of disability, which could not fairly be grouped together.

Rashi was not the only commentator who emphasized adjustments that he believed were implied in the text. Nachmanides, too, found room in the text for people to participate as they were deemed able. Nachmanides supported the notion that simply because an animal was blemished, it did not necessarily need to be dismissed outright from service. Rather, the type of sacrifice it might shift for each blemished animal. “[a blemished animal] שפעשה אותו נדבה או נדר לבדק הבית, אבל לא לרצון על המזבח,” “may be given as a freewill gift or as a vow [to be sold so that its money is used] for the Temple repair, but not for acceptance [to be offered up itself] on the altar.”⁵²

Nachmanides continued,

⁵² Chavel translation to the Ramban, Leviticus, p. 350

”כי לא יתקן בשום פנים שיהיו המומין כולן, הגרב והחלפת ואפילו
המעור והסתות אסורין בכל קרבן בין בנדב ובין בנדבה, ויהיה השרוע
והקלוט אסורין במקצתן ומותרין במקצתן”

It is in no way whatsoever possible to say that [an animal suffering from] any blemishes, namely, scabbed and scurvy, or even one whose testicles are bruised or crushed, be forbidden for any kind of offering, whether as a vow-offering or a freewill-offering, [and then an animal] which has any limb too long or too short, be forbidden only from some offerings, [i.e., vow-offerings] and permissible for others [i.e. freewill-offerings]!

”ולא ימצא ככה בתורה במומי המקריבים ובטומאה לחלק בקרבנו” “Such a

distinction [between the kinds of offering] is not found in the Torah with reference to blemishes or impurity in those who perform the rites of the offerings [i.e. the priests]!”⁵³

Ramban pointed out that the Torah is more explicit in finding a place for blemished

animals than it is for blemished priests. Although strikingly similar, the two lists of disqualifying blemishes did not have the same byproducts. Thus, while the priests were either deemed fully able, and therefore qualified to perform their sacrificial duties or fully unable and not capable of performing the expected ritual acts, animals were different. If animals were not qualified to be sacrificed for one purpose, another purpose could be found.

“The common denominator among the twelve blemishes listed [above] is that they are noticeable to any observer.”⁵⁴ The case is made that appearance and visibility of a condition is a clear indicator as to whether or not that disability is worthy of disqualification. “This also holds true for the twelve priestly blemishes (21:18-20), with the exception of ‘a crushed testicle,’ which indicates that the list of animal blemishes (22:23-25) is original and the priestly blemishes were chosen subsequently to match the

⁵³ Chavel, Leviticus, p. 352

⁵⁴ Anchor Bible, p. 1876

animal blemishes in number and kind.”⁵⁵ The issue raised in this case is not about an individual’s ability per se, but rather it is an issue of public perception and communal life. Regardless of the origins of the lists of prohibited disabilities, the two lists are connected. They both emphasize that visible blemishes are a problem for the afflicted animal or priest, for the public who see it and are affected, and for God whose sacred space might be made impure by the presence of an ‘impure’ condition and therefore, whose holiness might somehow be diminished. This emphasis on the visible nature of blemishes is also evidenced by the fact that the lists are noticeably missing such disabilities as deafness and mental illness. This is “an omission that the rabbis – free of structural constraints – unhesitatingly correct.”⁵⁶ As we will see more fully in the next chapter, the list of disqualifying conditions evolved, as did the times.

“והשוטה והשכור ובעלי נגעים טהורין פסולין באדם וכשרין בבהמה”⁵⁷ “...the imbecile, and the drunkard, and the one who has clean *negaim* are invalid among men and valid among beasts.”⁵⁸

Another potential blemish that concerned the rabbis was moral in nature, not physical. The actions of the priests, and those done to the sacrificial animals, were for the ultimate goal of sanctifying God. Obviously, any person or animal with a history of involvement in moral wrongdoing, can never be pure enough for God. With animals, which were not considered capable of differentiating right from wrong, the concern was what had been done to them. Physical defects were not the only ones of concern with regard to the animals. There was concern that the animal which came to be sacrificed

⁵⁵ Anchor Bible, p. 1876

⁵⁶ Anchor Bible, p. 1877

⁵⁷ m. Bekhorot 7:6

⁵⁸ translation by Neusner, Jacob

had been acquired honestly and legally. “ועל חטאת הגזולה שלא נודעה לרבים,”⁵⁹ “And concerning a stolen sin offering, that was not publicly known, that it effects atonement.”⁶⁰

Regarding the moral character of the priests, Josephus remarks,⁶¹ “Nor is it only during sacred ministrations that their purity is essential: they must see to it also that their private life be beyond reproach.” However, not everyone agrees that moral purity takes precedence over physical perfection. “Indeed, one scholar concludes flatly that H [the author of the Holiness source in the Torah] ‘attaches more importance to the freedom of priests from physical effects than to moral character’.”⁶²

Other scholars explain the lack of discussion in the text about morality in a variety of ways. One explanation given is that the discussion of standards for moral purity are subsumed under the category of *kadesh*⁶³, which is expounded in Leviticus 19 which requires all of Israel to live the laws of holiness. Therefore, priests’ requirements would already be taken care of. Gerstenberger claims that Leviticus 21 and forward seems to focus on physical rather than moral disqualifying conditions because it is an incomplete list of priestly instructions. “At best [it is] an extraordinarily fragmented [list].”⁶⁴

Milgrom adds to the discussion by looking back at the parallel lists of disqualifying blemishes: “the list of blemishes for priests (21:17-23) was compiled to match that for sacrificial animals (22:22-24). Since animals have only physical imperfections but no

⁵⁹ m. Gittin 5:5

⁶⁰ Translation by Neusner, Jacob

⁶¹ Ant. 3.279 in Anchor Bible, p. 1821

⁶² Elliott-Binns 1955:26 in Anchor Bible, p. 1821

⁶³ Anchor Bible, p. 1821

⁶⁴ Gerstenberger 1996:312 in Anchor Bible, p. 1821

moral ones, the compiler of the priestly defects was constrained to limit himself to physical imperfections."⁶⁵

One question that remains constant in an examination of this entire section of text has to do with the role of Israel. Chapters 21 and 22, located in the middle of the Holiness Code, delineate restrictions and standards for the priests.⁶⁶ Perhaps these instructions are in this visible location so that all Israel will learn the laws as guidelines for their own standards, as well, given that they are to understand the holiness code that surrounds it as binding upon them. With this strategic location in the text, it would be difficult for any Israelite to miss the lesson delineated here.

Although all Israel is poised to hear *torat kohanim*, and to learn from the priests' own instruction, a contemporary consciousness leads to a concern for the practical application of such laws. It seems that Sforno, in his day, was concerned that there were few who could actually be as pure as is required.

”ותמים ירצה, וזה ביאר באמרו כל אשר בו מום לא תקריבו, כי לא לרצון יהיה לכם
כענין הירצה או הישא פניו”⁶⁷

He is supposed to be pure, and this is for fear of what is said, “all who have a blemish, do not offer them, because it will not be acceptable to them,” in the matter of that which is acceptable or lifting one's face.¹

In other words, the values sometimes conflict and this can lead to a lack of qualified animals and priests.

From that point forward, the Israelites have been poised to compare themselves with the standards established for the High Priest, which were set for the descendants of Aaron, so that they could serve God as representatives of the entire community. For all

⁶⁵ Jacob Milgrom in Anchor Bible, pp. 1821-1822

⁶⁶ JPS, p. 140

⁶⁷ Sforno, citing מלאכי א ח

generations living after the destruction of the Temple, the priests were no longer our representatives of service to God.

Conclusions

The תורת כהנים is largely irrelevant for day-to-day life in the twenty first century, but the values which are at its core continue to serve as guides for communal attitudes towards individuals with special needs. Many of the issues that confront contemporary Jewish communities are similar to those laid out in the biblical codes. Given the chain of Jewish tradition, it is likely that these modern questions and community dynamics had their origins in Leviticus.

In chapter 13 it was apparent that the details of disease and affliction served as a guide for the priests in their communal roles. Still today, communal leaders take guidance from experts in different fields. Clergy and Caring Community Committees need medical explanations when providing pastoral care to sick patients.

Also, chapter 13 offered insights into the community's understanding of individuals with special conditions. People were addressed not as specific individuals, but as their conditions. This dynamic is not unfamiliar in our world. In hospitals, patients are referred to as the condition which brought them there. Often, medical staff speak to one another as if the person who carries the condition is an irrelevant part of their work, for example, "Have you seen the appendectomy in room 4?" It is clear that this phenomenon has foundations in biblical times. One can see this dynamic as inhumane and ignorant. From a communal or a pastoral perspective, it is tempting to yell that this person has a name, that she is a person with qualities and traits beyond her disease, and that she should be cared for as such. But from a clinical perspective, this

may, in fact, be a more harmful approach. One might argue that by labeling a person by his disability, a doctor is more able to remain impartial and to focus on the task of physical healing or reconditioning.

Chapter 14 clarifies the power dynamic that existed. The Priest was the agent of the community. He both represented the community in service and made authoritative decisions, which affected the community. The Levitical case of the priest deciding who would be included in the community and who would be excluded from it placed a power in his hands which affected the entire community as well as the lives of individuals within it. One challenge of contemporary communities is still to define the role of its various leaders, professional and volunteer. Once those roles are defined, the individuals in whose hands the power lies make decisions about the inclusion or exclusion of people. In terms of individuals with special needs, it is abundantly clear that, for example, if a congregation's clergy or board decide to invest in having a sign language interpreter at every service, deaf individuals will be more likely to attend and, ultimately, to be part of the community.

The question of labeling which appeared in chapter 13 comes to the fore once more in chapter 19. The above discussion about the word תקלל shows that labeling inevitably has consequences. The same is true in English. When a person is called 'disabled', the outside world is clued in solely to what that person is *not* able to do, as that person is, in fact, *disabled*. This word gives no hint as to what that individual is capable of doing, despite his or her challenges. The world at large might always think of that person according to his or her disabilities, and never consider what abilities he or she might have. This is also the case with the word 'invalid'. One could ask whether the

person with this label will ever be fully included in the community since it may happen that the affected person will never have an opportunity to become fully 'valid' in the eyes of the community. It is important to examine what impact the choice of language has upon the community's perception of those who have special needs. As new words develop to describe new and already existing conditions, it is the responsibility of the leadership as well as each community member to consider the possible ramifications of their own language and that which they promote within their community.

In addition to discussing the treatment of the deaf, Chapter 19 also addresses communal obligations towards the blind. However, as was discussed earlier, the rabbinic tradition has encouraged a metaphoric reading of 'the blind.' Therefore, throughout the generations, our sages have attempted to answer two key questions. Who are the blind and what are the stumbling blocks for them within our communities? Discussions of the fact that each person has the ability to be blind in a certain matter are nothing new. We all have special needs of some sort, and no person in the community is to take advantage of them. It is clear that it is the community's obligation to do what it can to provide for those needs. However, this realization raises a difficult situation. Given its limited resources, the community must make tough choices about which needs will be met by the communal structure and which will not. Priority setting is an important and arduous task which each community must face.

The **מגדל** story, about the duty to mark graves showed that the command given in 19:14 is about being proactive. It is about taking the negative command and turning it into a positive action. By remaining passive, a community or individual transgresses. As Jews, we are not to stand by passively when there is a need for action. This value, like

the others transmitted from the Levitical code, is easily translated into modern terms and into individual communities.

Although much of this discussion has focused on the responsibility of communities and individuals within the communities, the text does distinguish between the two. In the last part of Leviticus 19:14, we are told to fear God. Since relationships with God are highly personal, it is clear that ultimately, the responsibility for one's behavior in day-to-day encounters with people with special needs is individual. Only the people involved in the interaction and God will know how an encounter was experienced. Tensions arise when communal responsibility, which plays a role here as well, confronts individual responsibility. Through the generations, this tension has played itself out in different ways, since the relationship between the individual and the community has continued to change through time. The responsibility falls on both levels. The manifestation of that responsibility is, hopefully, the result of a dialogue between representatives of a community and the individuals within it who work together to take action for those in need.

The paradigm of priestly perfection was drawn out in chapter 21. This paradigm has clearly infused the rest of communal life, starting from the days when the Temple stood in Jerusalem, and lasting until today. However, balancing this with the imperfect reality of human existence continues to raise issues. If the paradigm depicted in Leviticus was the true standard for leadership, then our communities might never be able to find qualified leaders. In addition, this sets a standard for everyone in the community that is unrealistically elevated. The result is that in many cases, people's self perceptions will inevitably be negative, that they do not fit the standard of perfection that is set out,

and that, regardless of their efforts, they cannot attain those standards. Ultimately, the Jewish community must balance the need for perfection with the need for people who are able to offer their gifts to God, both as leaders and as members of the community. The case of the priest and his qualification to perform his duties remains as evidence that this balance is something with which the community has struggled since the days when the Temple in Jerusalem stood.

...Although disabilities disqualify a priest from officiating in the cult, he is still considered a priest in all other respects.⁶⁸

In chapter 22, the discussion about the standards for animals that are to be sacrificed raises issues about Leviticus' standards for humans, as well. Given the rabbinic connection between the set of priestly standards and the standards set for sacrificial animals, insights become clear with regard to how those standards can play themselves out in modern Jewish communities. Specifically, there is an apparent flexibility with regard to the animals. From this, we may see a precedent for adjustments in the priestly restrictions based on individual ability and disability. This flexibility would clearly allow for more individuals to offer their gifts as leaders or participants in the community. Then, clearly, the question that remains to be addressed later in this paper, is how the rest of Israel, the community, fits into this picture, now that we no longer have priests who serve God on behalf of the community. Now we, as individuals and as a community, have replaced the priests in serving God. Every individual, regardless of disability, has abilities which should be recognized.

⁶⁸ Abrams, p. 26

CHAPTER TWO

Well before the Medieval commentators cited in the previous chapter were alive to lend their voices to the discussion of the biblical text, rabbis and students gathered together in the great academies of the diaspora and the Land of Israel to discuss the meaning inherent in the written text, as well as the meaning that could be found in that which the biblical text omitted. The evolution of the Mishnah, and then of the Gemara, was the result of these discussions. Not surprisingly, the discussions about people who were blind, deaf, lame, insane, or had a blemish of some sort, developed. The role of people with all sorts of special needs within the community was the focus of many of the discussions within these academies.

Given the thousands of citations found in the Talmud which mention different disabilities and blemishes, the examination which follows is a mere sample of the laws which discuss people with different needs in the context of the larger community. The citations referenced below are outgrowths, whether direct or indirect, of the biblical citations discussed in the previous chapter. They reflect both the scientific knowledge and the sociological biases of their days, and they serve as a foundation for the centuries of *halakhic* discussion which would follow them.

Hagigah 2a-5b Mishnah

In many ways, this Mishnah, which begins Tractate חגיגה, sets the stage for many of the issues which were discussed throughout Rabbinic literature, and which continue to be addressed today.

הכל חייבין בראייה, חוץ מחרש, שוטה, וקטן, וטומטום, ואגדרוגניוס,
ונשים, ועבדים שאינם משוחררים, החיגר, והסומא, והחולה, והזקן, ומי שאינו
יכול לעלות ברגליו. איזהו קטן - כל שאינו יכול לרכוב על סתפיו של אביו
ולעלות מירושלים להר הבית, דברי בית שמאי. ובית הלל אומרים: כל שאינו

יכול לאחוז בידו של אביו ולעלות מירושלים להר הבית, שנאמר (שמות כ"ג)
שלש רגלים.⁶⁹

All are bound to appear, except a deaf man, an imbecile and a minor; a person of unknown sex, a hermaphrodite, women, unfreed slaves, the lame, the blind, the sick, the aged, and one who is unable to go up on foot. Who is [in this respect deemed] a minor? Whoever is unable to ride on his father's shoulders and go up from Jerusalem to the Temple Mount. [This is] the view of Beit Shammai.

But Beit Hillel says: Whoever is unable to hold his father's hand and go up from Jerusalem to the Temple Mount, for it is said:
Three רגלים.⁷⁰

The fact that this Mishnah raises a number of questions is evidenced by the extensive Gemara, which accompanies it, and which attempts to understand the background and intention of the Mishnah itself. Beginning with the first word, potential biases are laid out. "All" are supposed to make the pilgrimage to Jerusalem. It is a communal obligation and experience. However, it is immediately made clear by the text that this obligation does not, in fact, apply to "all." What follows is an entire list of the 'types' of people, who have different conditions, which exempt them from this obligation. So, the question that stands out is about communal inclusion: If the whole community is obligated to go to the Temple except these individuals, then are they in fact considered part of the community? This text does not prohibit these individuals from making the trip, it merely keeps them from the obligation. So, it is not clear what role these individuals are intended to play within the community.

The disagreement which ensues between Beit Hillel and Beit Shammai is an indication that just as the expectations for these groups of people is not clear, so too, it is not clear who fits into the different categories. The Rabbis attempt to define the

⁶⁹ Hagigah 2a

⁷⁰ Translations of Talmud by Soncino, unless otherwise noted

categories in Jewish law, which began here with the definition of a minor, and which has evolved ever since. The definition of the minor, whether in accordance with Beit Hillel⁷¹ or with Beit Shammai⁷², has to do with his⁷³ ability to participate in the activity at hand. Whether this qualification applies to the other categories listed remains a question, due in part to the lack of understanding that the rabbis had about some of these conditions.

Gemara

The Gemara comes to clarify some of the questions which were raised in the Mishnah. In doing so, it successfully raises questions of its own.

הכל לאתויי מאי - לאתויי מי שחציו עבד וחציו בן חורין. ולרבינא, דאמר:
מי שחציו עבד וחציו בן חורין פטור מן הראייה, הכל לאתויי מאי
- לאתויי חיגר ביום ראשון ותנפשט ביום שני

What does [the word] ALL come to include? – It comes to include one who is half a slave and half a freedman. But according to Rabina, who says: One who is half a slave and half a freedman is exempt from appearing [at the Temple], what does [the word] ALL come to include? – It comes to include one who was lame on the first day [of the festival] and became well on the second.⁷⁴

Immediately, the Gemara attempts to define the word “all” from the Mishnah, and immediately, the Gemara recognizes that these categories are not always clearly identifiable. There is, for example, the person who is a slave – in part. And there is the person who is lame – in part. And the Gemara goes on to identify the other conditions which a person can have partially, all the while trying to define what happens in those circumstances. While the Mishnah stated the black and the white of certain individuals with varying conditions, the Gemara here identifies the gray area. Over the course of ten

⁷¹ Whoever is unable to hold his father's hand for the trip .

⁷² Whoever is unable to ride on his father's shoulders for the trip

⁷³ “Or hers” is not included here because if a girl is not considered exempt by means of her childhood, then she is exempt because she is considered a woman

⁷⁴ ibid.

דפים, the categories listed in the Mishnah are expanded upon, explained, and more questions arise.

For example, the distinction is made between different kinds of participation: appearing for the pilgrimage and rejoicing. "הכל חייבין בראייה ובשמחה," "All are bound to appear [at the Temple] and to rejoice." Of course, exceptions are made in this case as well so that where the Gemara says "all," it is not really speaking of every person. Some are included in the communal obligation for certain elements, while others are included for other elements. The definition of who is 'in' and who is 'out' of the community is becoming complicated. The Gemara continues,

חוץ מחרש המדבר ואינו שומע, שומע ואינו מדבר, שפטור מן הראייה.
ואף על פי שפטור מן הראייה חייב בשמחה.

Except a heresh that can speak but not hear, [or] hear but not speak, who is exempt from appearing; but though he is exempt from appearing, he is bound to rejoice.⁷⁵

Another distinction that is made here is between mitzvot which originate in the Torah and those which come from the Rabbis.

ואת שאינו לא שומע ולא מדבר, ושוטה וקטן - פטורין אף מן השמחה, הואיל ופטורין מכל מצות האמורות בתורה.

The one who can neither hear nor speak, an imbecile and a minor are exempt even from rejoicing, since they are exempt from all the precepts stated in the Torah.⁷⁶

By focusing on the distinction between rejoicing and appearing, the difference between mitzvot which come from Scripture and those which come from the rabbis becomes clear. In this case, rejoicing is a scriptural command, while appearing at the Temple is a rabbinically ordained mitzvah. This situation can be applied to other

⁷⁵ Hagigah 2b

⁷⁶ Hagigah 3a

mitzvot, as well. Once again, in an attempt to define the role of people with special conditions, the gray area of their role in the community increases.

While a bi-product of the classifications and definitions is the appearance that the number of individuals who fall into one of the discussed categories is increasing, in fact, there is evidence, as in this discussion of the שוטה, that the rabbis were hesitant to add people to these marginalized groups. The evidence is clear in that they were not able to reach a decision about who, ultimately, would fall into and live with the complications associated with the category of the שוטה.

אי זהו שוטה זה המאבד כל מה שנותנים לו. הוה הדר ביה איבעיא להו כי הוה חדר ביה ממקדע כסותו, הוא דהוה הדר ביה דדמא להא או דלמא מכלוחי הוה הדר תיקו.

Who is [deemed] a שוטה? 'One that destroys all that is given to him'; he would have retracted. The question was raised: When he would have retracted, would he have retracted only with regard to the [case of the] man who tore his garment, because it resembles this [case]; or would he have retracted with regard to all of them? – It remains [undecided].⁷⁷

The tension is clear. While the rabbis resisted marginalizing individuals from the community, the attention paid to defining the community and its boundaries continued to increase. The rabbis' motivations seem mixed and, therefore, complicated and unclear. The rabbis are unclear about the result of excluding people with different conditions from the mainstream of the community. Toward the end of this Gemara, they admit their lack of understanding. Every decision will, inevitably, include some and exclude others, and the effects of this remain to be seen. To make this point, the following אגדה is told:

רבי ורבי חייא הוו שקלי ואולי באורחא, כי מטו לההוא מתא אמרי איכא

⁷⁷ Hagigah 3b

צורבא מרבנן חסא, נול ונקביל אפיה. אמרי איכא צורבא מרבנן חסא,
ומאור עיניו הוא. אמר ליה רבי חייה לרבי תיב את, לא תזלול בנשיאותך,
איזיל אתה ואקביל אפיה. תקפיה ואל בחדיה. כי הוּו מיפטורי מניה.
אמר להו: אתם הקבלתם פנים הנראים ואינן רואין - תזכו להקביל פנים
הרואים ואינן נראין. אמר ליה: איכו השתא מנעתן מהאי בירכתא.

.... Rabbi and R. Hiyya were on a journey, and they came to a certain town. They said, 'If there is a disciple of the wise here, we shall go and pay our respects to him.' They were told, 'There is one disciple of the wise here, but he is blind.' R. Hiyya said to Rabbi, "Stay. You must not lower your patriarchal dignity. I shall go and pay my respects for both of us." But Rabbi took hold of R. Hiyya and went with him. As they were about to leave that disciple of the wise, he said to them, 'You have paid your respects to one who can be seen but cannot see; may you be granted the privilege of paying your respects to One who sees but cannot be seen.' Hearing that, Rabbi said to R. Hiyya, 'And you would have deprived me of such a blessing!'⁷⁸

Ultimately, it is clear that the rabbis had much to learn about the different conditions they mentioned in order to clearly define the role of these individuals within the community. As communal leaders, they were concerned with maintaining the holiness of God's physical home. At the same time, however, this story shows that they were in touch with their own lack of understanding and that by excluding certain individuals, there may, inevitably, be blessings missed for themselves and for the entire community.

Middot 5:4 Mishnah

This Mishnah describes the structure of the Temple in Jerusalem. In it, there were three courts, which have ascending levels of requirements for entry. To be admitted into the Temple at all required a physical purity, which, as we will see, was extremely rare among the priests who were encouraged to make their pilgrimage there. For the few who were allowed to enter, the requirements became even more stringent for entry into each

⁷⁸ Hagigah 5b, Translation in *Sefer HaAggadah*

of the other two chambers. This Mishnah describes the Temple courts one at a time, from the outside in. The messages implied in this passage reverberate into historical and contemporary attitudes towards purity and impurity within the community.

לשכת העץ. לשכת הגולה. לשכת הגזית. לשכת העץ. אמר רבי אליעזר בן יעקב שסחתי מה הייתה משמשת אבא שאול אומר לשכת כהן גדול. והיא הייתה אחורי שתייהן. וגג שלשתן שזה. לשכת הגולה. שם היה בור קבוע. והגלגל נתון עליו. ומשם מספיקים מים לכל העזרה. לשכת הגזית שם הייתה סנהדרין גדולה של ישראל יושבת ודנה את הכהונה. וכהן שנמצא בו פסול. לובש שחורים ומתעטף שחורים. ויוצא והולך לו. ושלא נמצא בו פסול. לובש לבנים ומתעטף לבנים. נכנס ומשמש עם אחיו הכהנים. ויום טוב היו עושים. שלא נמצא פסול בזרעו של אהרן הכהן. וכך היו אומרים בדרך המקום ברוך הוא. שלא נמצא פסול בזרעו של אהרן. וברוך הוא שברך באהרן ובבניו לעמוד לשרת לפני ה' בבית קדשי הקדשים.

The courtyard "of wood," the courtyard "of the exile," the courtyard "of hewn stone." The courtyard of wood: R. Eliezer ben Jacob said, 'I have forgotten what purpose it served; Abba Saul says, the compartment of the High Priest and was situated behind the other two and it is of equal height. The second, "of the exile," has a well in it which supplies water to the entire community gathered there. The third, "of hewn stone," is where the Sanhedrin sat to judge the priesthood. Any priest found to be invalid donned black and wrapped himself in black and went out and left. The one who was not found to be invalid donned white, entered, and ministered with the priests. And they used to observe a festival day since no invalidity was found in the seed of Aaron the Priest, and thus they used to say, 'Blessed is the Omnipresent, blessed be He, for no invalidity hath been found in the seed of Aaron, and he blessed the One who chose Aaron and his sons to stand and minister before the Eternal in the Holy of Holies.⁷⁹

There were two possible judgments that the Sanhedrin would make. In the first scenario, the priest would be judged פסול, unfit to enter the Temple. In this case, he would put on black garments and leave the area. In the second scenario, the priest was judged לא פסול so that he was, in fact, fit to enter the Temple. In that case, he would dress in white garments and enter for service to God. In this situation, a יום טוב, a

⁷⁹ Though not a direct translation, this interpretation of the Hebrew, written by me, expresses the message of the Hebrew. Hebrew translations are direct translations, and mine unless otherwise noted.

festive holiday, was declared, and a blessing was said which blessed God for not entering anything that is פסול into the seed of Aaron, and who chose Aaron and his seed to stand in service before God in the Holy of Holies.

This Mishnah seems to scream out just how rare it was for anyone to pass by the Sanhedrin and enter the Temple as לא פסול. This is evidenced in the language itself. Although the word פסול is referenced multiple times, there exists no word here for the priest who is, in fact, fit to enter. For that rare person, the text uses the negative construct, לא פסול. In addition, having somebody pass through into the next chamber was reason enough for a holiday to be called, and for special blessings to be said.

Bartinora, in his commentary on this text, drew a mental picture of the scene. He told the reader to picture the court of hewn stone (the one for the Sanhedrin) as a gate. The Sanhedrin are the gatekeepers. On one side is the everyday life, the חול, where people approach and try to enter. On the side that is קדש, even the Sanhedrin could not sit, except for those who came from the House of David.⁸⁰

Bartinora seemed to drive home the point that a select few people were admitted into the first or second chambers. Not even those who were qualified to sit on the Sanhedrin were guaranteed entry beyond the office of hewn stone. A number of questions arise from the picture that is painted here. The first, regarding the blessings which were recited upon finding a priest who was fit (or rather, not unfit) enough to enter the Temple. If a majority of priests were, as the Mishnah comes to be interpreted, being turned away, then the blessing recited does not make logical sense. How could the Sanhedrin thank God for not allowing blemishes into the line of Aaron when, in fact,

⁸⁰ Martinora commentary on Middot 5:4, English interpretation written by me

these same people were facing and turning away blemished priest after blemished priest? Whether the reasoning for this blessing is rooted in denial or in a spirit of exclusivity, the disconnect stands out as worthy of consideration.

Another question, which follows, is about the middle chamber. If so few priests were allowed into the Temple, then for whom was the water being drawn? One possible answer acknowledges that the needs of the priests who were turned away were, in fact, recognized. Perhaps the water was brought from the court of the exile out to the people who were not permitted to enter. They, too, had needs, and it was the responsibility of those who were 'in' this exclusive community to take care of them to some degree, just as they were somewhat responsible for the basic human needs of those who were deemed 'out' of their own communities.

Knowing the tension that existed between the Pharisees and the Sadducees at the time, it is not surprising that this Mishnah, which portrays the Sadducees as the decision makers, seems almost absurd. In this case, the Sadducees label almost every priest who approaches the Temple as 'unfit,' and then, when they find one priest who is fit for the Temple service, they turn around and bless God for maintaining purity in the line of Aaron. By portraying the decision-making attempts of the Sadducees as asinine, the Rabbis were able to use reason to claim the power to serve as the communal "gatekeepers". This Mishnah is a reflection of the power struggle that existed during its day.⁸¹ Given that there is no Gemara to comment on this Mishnah, the issues raised remain open for interpretation.

⁸¹ Seltzer, Robert M., *Jewish People, Jewish Thought*, pp. 216-217

Makhshirin 6:1

In this Mishnah, *halakhic* rulings are seen as more lenient for people with certain special conditions. Although these individuals may be thrilled to see such exceptions made on their behalf, the intention and assumptions behind the decisions are worth examining.

Mishnah

המעלה פרותיו לגג מפני הכנימה. וידד עליהם טל. אינם בכי יותן. אם נתכון לכך. חרי זה בכי יותן. העלן חרש שוטה וקטן. אף על פי שחשב שידד עליהן הטל. אינן בכי יותן. שיש להן מעשה ואין להן מחשבה.

A person puts fruit on the roof (to make an offering to God) because of the maggots (which are presumed to be on the ground below). Dew fell upon the fruit and, therefore, this does not count (as an offering. The mitzvah is not considered to have been done because the water from the dew renders the fruit unclean). Even if the person's intention was right, the fruit is considered unclean and, therefore, it is as if his mitzvah does not count. However, if a deaf person, a mentally ill person or a minor do the lifting of the fruit, then it does not count as unclean because although these individuals are capable of doing the act, they are not capable of the thought that would go into the intention.

While this Mishnah seems to give these individuals with special conditions the benefit of the doubt, it disregards outright their ability for thought. A couple of issues arise here. The first is that the rabbis who made this decision grouped all the deaf, the mentally ill and minors together, with no acknowledgement that they, like every other human being, have their own abilities and disabilities, even in the case of intellectual capacity. The question is whether or not the rabbis realized this. In addition, it is interesting to note that the word invoked here for what these people are not capable of is *מחשבה*, thought, not *כוונה*, intention, as might be expected. The rabbis who made this decision disregarded these individuals' thought, not their heart. The relationship between mind and heart is one which reappears throughout the rabbinic literature.

In addition, what is the benefit that is derived if these peoples' offerings are counted? If they are not bound to the mitzvot, then what difference does it make if their offerings count? Perhaps this is simply an effort of the rabbis to encourage these individuals to follow the ways of the very community from which they are marginalized. This may be a case of baseless charity that, in the end, disregards the mental capabilities and sensibilities of the affected parties. Again, there is no Gemara on this Mishnah, so we are left to interpret it on its own.

Peab 8:9

Here, issues of communal responsibility for the care of persons with special needs, is raised in a legal context. It is, clearly, a serious topic for the rabbis who discussed it.

Mishnah

מי שיש לו חמשים זוז והוא נשאר ונתן בהם. הרי זה לא יטול וכל מי שאינו צריך לטול ונטל. אינו נפטר מן העולם עד שיצטרך לבריתו. וכל מי שצריך לטול ואינו נטל. אינו מת מן הזקנה. עד שיפרנס אחרים משלו. ועליו הכתוב אומר (ירמיה יז) ברוך הגבר אשר יבטח ב'י' מבטחו. וכן דין שדן דין אמת לאמתו. וכל מי שאינו לא חגר. ולא סומא. ולא פסח. ועושה עצמו כאחד מהם. אינו מת מן הזקנה עד שיהיה כאחד מהם. שנאמר (משלי יא) דורש רעה תבואנו. ונאמר (דברים טו) צדק צדק תרדוף. וכל דין שלוקח שחד ומטה את הדין. אינו מת מן הזקנה עד שעניו כהות שנאמר (שמות כג) ושחד לא תקח כי השחד יעור פקחים וגו'.

The person who has 50 zuz and gives it away, should not then take from the communal fund. Any person who does not need to take and takes from this communal fund will not die until he really does have a need to take. Similarly, any person who needs to take from the fund but refuses to do so, will not die until he supports others from what he has. About him, it is said, 'blessed is the one who trusts in God and in God's judgment.' Anyone who is not lame or blind and pretends to be, he will not die until he really is like a blind one or a deaf one or a lame one.

Here, a couple of assumptions are being made. The first is that the lame or the blind person is presumed to be in a monetary crisis of some sort. Perhaps individuals with these conditions had difficulty finding work, either because their condition made them physically unable to perform work-related tasks, or because the cultural status associated with their condition made them undesirable to employers. The second assumption is that the community takes good care of the people who are blind and lame in its midst. Therefore, people are willing to fake a disability to get the communal care that goes to these individuals, and the communal leaders are in a position to legislate consequences for such an action.

The other aspect that bears notice has to do with the consequences of the forbidden action. If a person feigns one of these disabilities, his punishment is to live with that very condition at some point in his life. Lameness and blindness are punishments. Are they seen as punishment for those who are born with or develop the conditions naturally, as well as for those who feign one of these conditions? The discussion which attempts to answer this question pervades the Talmud and, ultimately, there is no agreement made on the issue. Since there is no Gemara to comment on this Mishnah, we do not know the intentions of the rabbis who wrote here.

Yebamot 113a
Gemara

After a discussion about offering Terumah, the discussion goes on to talk about what type of a woman should be entitled to her ketubah:

ומאי שנה קטנה דאית לה כתובה, ומאי שנה חרשת דלית לה כתובה?
דא"כ, מימנעי ולא נסבי לה.

"And why is the minor different [from the deaf woman], that she should have her ketubah? And why is the deaf woman different [from the minor] that she should not be entitled to her ketubah? –

Because if the deaf woman were entitled, men would abstain from marrying her.”

In this Gemara, the community’s attitude towards the deaf is couched in terms that do not, at first glance, seem to be what it really is. Although one could argue that legislating that the deaf woman is not entitled to her ketubah is discriminatory. However, the law laid out in this Gemara can also be interpreted as existing to protect the deaf woman. There is a perceived reality that the men will not be inclined to marry the deaf woman. “While deafness, as a rule, is an affliction for life, a minor does not forever remain in her minority.”⁸² Therefore, a minor is seen as more appealing than is a deaf woman. Perhaps men are not in a place to, or willing to, come into personal contact with her to forge a relationship, or perhaps there is a concern in the community that marrying a deaf woman will be more taxing than marrying a woman who can hear and, thus, be a fully participating member of the household, and of the community. If this perception was, in fact, true in its day, then this law in fact exists to help the woman be attractive to potential marriage partners by offering a financial incentive. Marriage to a deaf woman will, ultimately, be less expensive than marrying a hearing woman.

Two issues jump out here. The first has to do with the ramifications of not having a ketubah on a deaf woman. If the marriage would, for one reason or another, dissipate some day, then the woman would be left stranded. Who would take care of her? It is possible that the thought behind this law is that, ultimately, the community is willing to care for her anyway, and that as long as she is married, she is under the care of her husband. However, this situation is a reflection of another issue that stands out from this Gemara.

⁸² Footnote 2, *Soncino* translation to the Talmud, Yebamot II, p. 794

It appears that this Gemara is recognizing a difference in attitudes toward and expectations of members of the community and the community as an entity, as represented by those making the *halakhic* decisions with regard to deaf women. Men in the community will not want to marry women who are deaf and, therefore, excluded from part of the community. The community wants to ensure that these women are cared for. Although the difference is clearly recognized here, the question that remains is whether or not the Gemara is legitimizing this difference.

Baba Kamma 86b-87a
Mishnah

המבייש את הערום, המבייש את הסומא, והמבייש את הישן - חייב, וישן
שבייש - פטור

One who insults a naked person, or one who insults a blind person, or one who insults a person asleep is liable [for degradation], though if a person asleep insulted [others] he would be exempt [from degradation].

The list of conditions listed in this Mishnah is a new grouping, which equates the three with regard to their liability and the liability of the community for them. If the three categories are, in fact, equated with one another, then the blind and naked individuals are likened to a person who is sleeping and, therefore, cannot be held accountable for his actions. While an existence without consequences for one's actions is appealing in many ways, it also sends the message that their actions, whether positive or negative, do not matter. Since blindness is usually a permanent condition, this Mishnah, clearly, has ramifications on the psyche and the actions of the person who is blind, especially when it is understood as a statement of their ability to function and take responsibility.

Gemara

The Gemara adds the category of the minor, the deaf person and the שוטה to the discussion about degradation payments. A minor and a deaf person are subject to be paid for being disgraced. A שוטה is not subject to those payments, presumably because he cannot comprehend being disgraced. However, since people living with these three conditions were typically grouped together for *halakhic* purposes, it is not surprising that neither the minor, the תרש, nor the שוטה is responsible for his or her actions because "of presumed mental limitations."⁸³ Although the שוטה cannot, according to this belief, get embarrassed, he surely can cause embarrassment. Rabbi Meir claims that,

"השוטה - אין לך בושת גדולה מזה" "The idiot – you have no embarrassment greater than him."⁸⁴

The Gemara discusses the situation of the blind person, outlining a series of other laws from which R. Judah claims that the blind person is exempt.

ר' יהודה אומר... פטור מחייבי גליות ומחייבי מלקיות ומחייבי מיתות בדין...
מה חנם סומין לא, אין חכא סומין לא מחייבי גליות, דתנא.

So also did R. Judah exempt him from the liability of being exiled and from the liability of lashes and from the liability of being put to death by a court of law... just as there⁸⁵ blind persons are not included so also here blind persons should not be included.

Again, the Talmud is ambiguous about its attitudes towards those who are set aside from the mainstream, *halakhically* bound, society. Rabbi Judah is upfront with his assertion that while the blind are excluded from areas of communal life of which they

⁸³ Wertlieb, p. 197

⁸⁴ Baba Kamma 86b, translation is mine

⁸⁵ Reference to the situation of the blind parent who is unable to publicly declare his or her son a "stubborn and rebellious son" because s/he cannot see the son in order to engage in the process of pointing to him in public and declaring that he falls into that category

would surely want to be a part, they are also excluded from the communal responsibilities, which are not generally seen in a positive light. The good comes with the bad and for some blind individuals, that notion may be a comfort. This idea is further expressed in a Baraita,⁸⁶

ר' יהודה אומר: סומא אין לו בושת, וכן היה רבי יהודה פוטר מכל מצות האמורות בתורה... אמר רב יוסף, מריש הוה אמינא: מאן דאמר הלכה כר' יהודה, דאמר: סומא פטור מן המצות, קא עבדינא יומא טבא לרבנן, מ"ט? דלא מפקדינא וקא עבדינא מצות, והשתא דשמעית להא דר' חנינא, דאמר ר' חנינא: גדול המצוה ועושה ממי שאינו מצוה ועושה, מאן דאמר לי אין הלכה כרבי יהודה, עבדינא יומא טבא לרבנן, מ"ט? דכי מפקדינא אית לי אגרא טפי.

Rabbi Judah says, "A blind person is not subject to [the law of] degradation. So also did R. Judah exempt him from all the judgments of the Torah... Rabbi Yosef⁸⁷ stated: Formerly I used to say: "If someone would tell me that the *halachah* is in accordance with R. Judah who declared that a blind person is exempt from the commandments, I would make a festive occasion for our Rabbis, because though I am not enjoined, I still perform commandments, but now that I have heard the statement of R. Hanina, as R. Hanina indeed said that greater is the reward of those who being enjoined do [good deeds] than of those who without being enjoined [but merely of their own free will] do [good deeds], if someone would tell me that the *halachah* is not in accordance with R. Judah, I would make a festive occasion for our Rabbis, because if I am enjoined to perform commandments the reward will be greater for me."

In other words, R. Yosef claims that it seems like a person who is not bound by all of the Torah laws is better off than the one who is obligated, since that person has the freedom to choose to participate in the actions without the burden of potential consequences for not participating, or for doing any part of the action improperly. In fact, though, he would feel a greater reward if he were included in the group of those who are bound by commandments. Although being 'in the community' can be burdensome,

⁸⁶ Baba Kamma 87a

⁸⁷ Rabbi Yosef was, himself, blind

there are also great rewards that come with a sense of being a part of something greater than oneself.

Bekhorot 43a **Mishnah**

מומין אלו, בין קבועין בין עוברים - פוסלין באדם. ויתר עליהן: הכילון והלפתן והמקבן, ושראשו שקוט, וסקיפת, ובעלי חטרות - רבי יהודה מכשיר, וחכמים פוסלין. חקרח - פסול, אימהו קרח - כל שאין לו שיטה של שער מוקפת מאחור לאחור, אם יש לו - ה"ז כשר.

These blemishes [named above], whether permanent or transitory, make human beings unfit. To them must be added [in the case of blemishes of human beings], kilon, liftan, makkaban, one whose head is angular and one whose occiput has the shape of sekifas [lintel]. As regards humpbacked men, R. Judah considers them fit, whereas the sages consider them unfit. A bald-headed person is unfit [for the priesthood]. Bald-headed [in the legal sense] is he who has not a line of hair from ear to ear. If however he has, then he is fit.

This text identifies a number of disqualifying blemishes that have already been discussed in the Torah, and it goes on to add a number of other blemishes to the list. It is interesting to consider why the rabbis felt the need to add to the list of disqualifying blemishes, and to try to understand what their intentions were in making these additions. One possible explanation is that there existed blemishes that were not understood during the days of the Mishnah. Therefore, to be safe, the rabbis decided that the list of disqualifying blemishes warranted expansion. Another explanation is that as scientific understanding developed, the rabbis were able to identify specific blemishes, which, perhaps, would have been grouped together with others during earlier times. Taking both explanations into account, it is not entirely clear whether the rabbis actually broadened the base of people who were deemed unfit to perform the priestly duties.

Also, in examining the wording above, we see that in some cases, the blemishes are referred to by name, while in other cases the people with the blemishes are referred

to. The distinction between those blemishes which are identified simply as medical phenomena and those which are referred to by the people who live with them, is not clear. It is likely that those conditions which were more familiar to the rabbis through personal exposure were identified as persons with blemishes, while those which were wholly unfamiliar were referred to as the condition itself. For example, it is likely that the rabbis who discussed this matter had never before come into contact with a person with a *kilon*, since they put this blemish into a list of conditions, "To them must be added [in the case of blemishes of human beings], *kilon*,⁸⁸ *liftan*,⁸⁹ *makkaban*,⁹⁰..." However, when they refer to a person who has an oddly shaped head, they do it as such, implying that they have come into contact with this condition before, "one whose head is angular and one whose occiput has the shape of *sekifas* [lintel]."

Gemara

Immediately, the Gemara asks 'why' these blemishes were added to the list and not others. "אמאי והאיכא יבלת," "But why [do these blemishes make a human being unfit]? And is there not the case of a wart...?" The discussion that ensues brings up other blemishes which, in biblical literature, prohibit animals from being fit for sacrifice. The Gemara argues that, ultimately, the list of blemishes associated with sacrificial animals is longer and, from that, the list of disqualifying blemishes for humans is drawn.

Later on, the discussion picks up on the Mishnaic line,

יתר עליהן בחדם. מנא ה"מ? א"ר יוחנן דאמר קרא (ויקרא כ"א) כל איש אשר בו מום מודע אחרון - איש ששועה בודעו של אחרון

To these must be added in connection with blemishes of human beings – Where is it proven? Said R. Yohanan: Scripture says,

⁸⁸ One whose head is wedge-shaped

⁸⁹ One whose head is turnip shaped

⁹⁰ One whose head is mallet shaped

'No man of the seed of Aaron the priest that has a blemish (Lev. 21), [intimating] that a man who is like the seed of Aaron [is considered unfit].

However, this is not such a jump in the argument, as Rashi pointed out,

איש השוה בזרעו של אהרן הוא דבעי מומא הא אין שוה בזרעו של
אהרן בלא מומא נמי מיפסיל

But a man who is not like the seed of Aaron is disqualified even without a blemish.

Aaron's descendants are understood to be normal in appearance. The question that remains is about the word "like" as used by the Gemara. Somewhere in here is a connection between the priests and the Israelites. Can an Israelite be qualified for the priestly duties if he does not have these blemishes? Most likely, the answer to this question is 'no'. Instead, Israelite blood is 'not like the seed of Aaron,' as Rashi claimed. Only the priests have a chance to be 'like the seed of Aaron.' The blemishes referred to here are truly skin deep and have nothing to do with a person's lineage. To the contrary, this seems to be consonant with the biblical notion that just because a person is born into the line of Aaron, he is not automatically fit for the priestly duties. There are a number of other factors which are, ultimately, beyond a person's control, including the line into which he is born and, sometimes, the blemishes which mark his skin.

The Gemara asks, then attempts to answer this very question on page 43b.

מאי איכא בין מומא לשאינו שוה בזרעו של אהרן? איכא משום אחולי עבודה
מומא - מחיל עבודה, דסתוב (ויקרא כ"א) מום בו ולא יחלל, שאינו שוה בזרעו
של אהרן - לא מחיל עבודה. מאי איכא בין שאינו שוה בזרעו של אהרן ומשום
מראית העין?

What is the practical difference between [a priest] with a blemish and one 'who is not like the seed of Aaron?' - The difference is whether the Temple service is profaned. If it is an actual blemish, the service is profaned, for it is written: 'Because he hath a

blemish, that he profane not.⁹¹ If, however, it is a case of not being 'like the seed of Aaron', then the Temple service is not profaned. What is also the difference between the case of one 'who is not like the seed of Aaron' and of a priest who is unfit 'for appearance sake'?⁹²

This discussion goes on and on, defining each blemish listed above, and discussing why it does not qualify for the priestly duties. All of the discussions about being 'like the seed of Aaron' emphasize the origin of the disqualifications. Although it may appear that some of the disqualifications were chosen and added at random, they were not. They are rooted in a variety of earlier sources. These exemptions raise the question about the meaning of the word פטור. Does being "exempt" imply that individuals who fall under this category are relieved of the burden of commitment, or are they excluded from participation? Although there is no simple answer to this question, it is worth considering in the context of an evolving community.

With regard to the profaning of the Temple service, the rabbis tried to bring an explanation for excluding certain individuals. It seems that the assumption was made that the people reading the laws would, without any disagreement, understand the weight and importance of not profaning the Temple service. However, that assumption carried with it cultural norms and priorities which look different from a modern perspective. Ultimately, this is a question of priorities: Was it more important for the ritual to be done "properly" so as to do what we can to ensure that God, according to our best guesses as to what God wants, is pleased? Or was it more important to provide for the human need of

⁹¹ Leviticus 21:23

⁹² "Some blemishes, more particularly the lightest, disqualify merely 'for appearance sake' as, for example, one whose eyelids are hairless or one whose teeth were removed," in footnote #2, *Soncino* translation to the Talmud. "This reason only applies to the case of hairless eyelids," footnote in *Soncino* Talmud.

belongingness? From the perspective of the rabbis, the priority was clearly proper service to God, with a nod to human needs (as expressed in the need for the lengthy explanation).

Bekhorot 44a

This section of Gemara continues an ongoing discussion focused on defining different disqualifying conditions, and trying to rationalize why they do, in fact, disqualify priests. This part of the discussion adds a new perspective by returning to the Mishnah's word צירן, and graphically discussing it as,

הצירן-עינו תרדמות וצירניות, דומעות דולפות טורדות. תנא - הזור והלופן
והתמיד זור-דמור עניה, לופן - דנפישן זפיה, תמיד- שתמו זיפין.
והני גבי מומין תנו להו, והתנן: שנשרו ריסי עינו פסול מפני מראית העין

"Ziran -One whose eyes are bleared and granulated; weeping, dripping and running. A Tanna taught: Zewir, lufyon, and tamir are blemishes. Zewir is one whose eyes are unsteady. Lufyon is one having thick and connected eyebrows, and tamir is one whose eyebrows are gone. And is the latter defect reckoned among disqualifying blemishes? Have we not learnt (in the Mishnah): One whose eyelids are hairless is unfit [for the priesthood] 'For appearance sake'?"

The grammatically odd insertion once more of the phrase 'for appearance sake,' stands out as worthy of examination. It implies that it is not an actual blemish which warrants concern, rather it simply appears strange to others who see it. If, in fact, we are only discussing unpleasant appearance, then the ultimate concern of maintaining a pure sanctuary for God seems out of place. These individuals are not, by the original standards, impure. Why, then, would they be deemed 'unfit' for service to God? There is a good chance that the communal leaders who made this decision were, from their perspectives, ultimately concerned with maintaining God's holiness. However, the reality of any human decision that is made in the spirit of God's sanctity, is just that – human. This judgment was made by human beings who were, most likely, unfamiliar

and uncomfortable with the above-mentioned conditions. Their discussion was rooted in their own limited exposure and their own sensibilities, which were based purely on what they did know, appearance.

Megillah 19b

Mishnah

הכל כשרין לקרות את המגילה חוץ מחרש שוטה וקטן ר' יוחנן מכשיר בקטן

All are qualified to read the megillah except a deaf person, an imbecile and a minor. R. Judah declares a minor qualified.

Here, again, חרש, שוטה וקטן are grouped together. What follows, in the Gemara, is a test of how much they, in actuality, should or should not be grouped together.

Gemara

In the discussion about whether or not, in fact, the same requirements and restrictions apply to people with all three conditions, the rabbis compare this situation to that of the requirement for reciting Shema. Much of the aforementioned discussion is reviewed here. The difference between the two cases, though, is that for the Shema, the discussion is about whether the affected person can perform his obligation, namely hearing. Here, the concern is whether these individuals are "qualified" to do the act itself.

The discussion continues about the grouping of the three categories together.

While some rabbis question it, the Gemara ultimately states,

חרש דומיא דשוטה וקטן מה שוטה וקטן דיעבד
נמי לא אף חרש דיעבד נמי לא

For a deaf man is mentioned in the same category as an imbecile and a minor; just as the reading of an imbecile and a minor is not accepted, so the reading of a deaf man is not accepted.

Since the three are grouped together in the text more often than not, we must consider the ramifications of this grouping upon the individuals themselves, as well as upon the community that gets used to thinking of them as one and the same. In fact, they are different. Each person, in each of the categories, has different needs and abilities, which need to be considered. Ultimately, by grouping them together, there were ramifications on the individuals who were subject to the classifications as well as upon the community, which received them.

Megillah 24b
Mishnah 4:6

This Mishnah outlines what religious duties could be performed by Israelites who had different blemishes and disabilities, and which ones could not.

המפטיר בביתא הוא פורס על שמע, והוא עובר לפני החניכה, והוא נושא את כפיו. ואם היה קטן - אביו או רבו עוברין על ידו. קטן קורא בתורה ומתרגם, אבל אינו פורס על שמע ואינו עובר לפני החניכה. ואינו נושא את כפיו. פוחח פורס את שמע ומתרגם, אבל אינו קורא בתורה, ואינו עובר לפני החניכה, ואינו נושא את כפיו. סומא פורס את שמע ומתרגם. רבי יהודה אומר: כל שלא ראה מאורות מימיו - אינו פורס על שמע.

The one who says the Haftarah from the prophet repeats also the blessings before the Shema and passes before the ark and lifts up his hands. If he is a child, his father or his teacher passes before the ark in his place. A child may read in the Torah and translate, but he may not pass before the ark nor lift up his hands. A person in rags may repeat the blessings before the Shema and translate, but he may not read in the Torah nor pass before the ark nor lift up his hands. A blind man may repeat the blessings before the Shema and translate. R. Judah says: One who has never seen the light from his birth may not recite the blessings before the Shema.

A few points arise from this Mishnah. First, a distinction is made between the person who is blind from birth and the one who becomes blind later in life. This seems consonant with Berakhot 15a in which two distinct blessings are prescribed for seeing people with disabilities either from birth or that are later onset. Second, while the minor

is allowed to translate the Torah, the person wearing ragged clothes and the person who is blind are allowed to translate the blessings before the Shema. Why the difference? Perhaps the answer is simply that a minor is expected, some day, to be able to participate fully in all of the listed activities and, since he currently has representation for the others, he is considered fully participatory at this point, thus allowing him to participate in the scripturally based activities of reading from and translating Torah. For blind persons and those with ragged clothes, that expectation does not exist. Therefore, while they are welcome to participate in those actions which are rabbinically ordained, those from the Torah itself will never be accessible to them.

Again, the question of levels of engagement within the community appears. Here, individuals with different conditions are allowed to participate at various levels.

Gemara

The Gemara claims that there are two main reasons that these rules were set.

מאי טעמאן רב פפא אמר: משום כבוד, רבה בר שמי אמר: משום דאני לאתצווי. מאי בעייהו? - איכא בעייהו דעביד בחנם.

What is the reason? R. Papa said: As a mark of honor. R. Shimi said: Because otherwise quarrels might arise.

Both reasons, to avoid quarrels and to maintain respect, are left vague at the outset. Then, as the Gemara goes through each of the categories of people, it gives specific reasons. For the minor, a parent or a teacher could do it for him. This is out of respect for both of them, as well as to avoid quarrels between them. The person who is dressed in torn clothes is forbidden specifically out of respect for the congregation. Here, the Gemara draws a comparison to a naked person standing up in front of the

congregation. For the blind person,⁹³ it is okay to recite the blessings surrounding the Shema. To make this point, the Gemara deviates from the pattern of assigning either the reason of respect or that of minimizing conflict, to the ruling. Instead, an aggadah about a blind person carrying a torch is offered.

פעם אחת הייתי מהלך באישון לילה ואפלה, וראיתי סומא שהיה מהלך בידך
ואבוקה בידו. אמרתי לו: בני, אבוקה זו למה לך? - אמר לי: כל זמן שאבוקה
בידי - בני אדם רואין אותי, ומצילין אותי מן הפחתין ומן הקוצין ומן הברקנין.

"I was once walking on a pitch black night when I saw a blind man walking in the road with a torch in his hand. I said to him, My son, why do you carry this torch? He replied: As long as I have this torch in my hand, people see me and save me and save me from the holes and the thorns and the briars."

Although the man is blind, he benefits from the light. So too, although he cannot see the light and creation that he blesses in the *Yotzer* blessing before the Shema, he is presumed to derive other benefits from the light and creation by merely living with it.

Rashi added to this discussion of reasons.

משום כבוד - להעביר לפני הטיבה, הואיל וממצית עצמו לדבר שאינו כבוד

Out of respect - to pass before the ark, since he finds himself in the situation that he does not bring respect.

He claimed that it is out of respect for the Torah that the person dressed in rags should stand in one place rather than pass before the ark, essentially parading his dress. If he reads from the Torah, then people will sense a diminishment of respect for the Torah. Public perception of the actions is a crucial component of this discussion, which bears keeping in mind. People might, for example, witness this ill-dressed person parading back and forth in front of the ark and see that as a model. They could then follow that lead, thus diminishing respect for the Torah of their own volition.

⁹³ As opposed to the Mishnah, the Gemara does not distinguish between the person who is blind from birth and the one who is blind as a result of something later in life

Mishnah 4:7

This Mishnah adds to the list in 4:6 one category of blemished person, which merits an entire discussion.

כהן שיש בידיו מומין לא ישא את כפיו. רבי יהודה אומר: אף מי שהיו ידיו צבועות סטיוס לא ישא את כפיו מפני שהעם מסתכלין בו.

A priest whose hands are deformed should not lift up his hands [to say the priestly blessing]. R. Judah says: Also one whose hands are discolored with woad (red dye) should not lift up his hands, because [this makes] the congregation look at him.

This Mishnah alludes to the custom that people in the congregation are not supposed to look up at the priests while they give the priestly blessing. This custom is rooted in the notion that in the exact location where the priests stand to recite this blessing, God's presence becomes manifest. In light of the claim in the book of Exodus⁹⁴ that a person cannot survive after having seen God, the custom of the people of Israel covering their eyes and simply listening to this blessing began.⁹⁵ The prohibition outlined in this Mishnah claims that blemishes draw people's attention, thereby encouraging them to transgress the law.

Gemara

The Gemara claims that all of the disqualifying blemishes are on exposed surfaces such as the hands, feet and face. This Gemara provides an example of how the rabbis expanded the list of blemishes and exemptions, which they had inherited.

R. Joshua ben Levi states that there are limits to how they can participate, 'ידיו במוקטות' - 'not if the hands are spotted.' He then claims that bent or curved hands were added to this category. All of these conditions would make people

⁹⁴ Exodus 33:20

⁹⁵ Idelson, p. 107

stare. But note the difference in the afflictions. The original ones were on the surface of the skin, while Joshua b. Levi adds structural problems that go much deeper than the surface. Although an effect of the blemish is still the hands' appearance, clearly the structural blemishes had more of an impact on the blemished priest, himself.

R. Assi says that not only are we talking about local priests with blemishes, but foreigners, as well.

אין מורידין לפני החובה לא אנשי בית שאן, ולא אנשי בית חיפה,
ולא אנשי טבעותין, מפני שקורין לאלפין עינין ולעינין אלפין.

Priests from Haifa and Beit Shean are not to go before the ark because they might pronounce the letters differently than would a local priest.

Here, the reasoning is for the benefit of the people, since their speaking with an accent might lead people astray, or teach them in a way that is somehow deemed wrong. This prohibition also introduces a new category of disqualification. Here, the condition that makes the priest unfit is neither physical nor mental, as we have seen so far. Here, the priest is excluded because he is foreign. The question, then, is whether or not R. Assi equated foreign status with that of the mental or physical conditions which disqualified priests from service.

R. Hiyya, in his conversation with R. Simeon b. Rabbi, added to the discussion, as well.

אלמלי אתה לוי פסול אתה מן הדוכן. משום דעבי קלך. אתה אמר ליה לאבוב.
אמר ליה: זיל אימא ליה: כשאתה מגיע אצל (ישעיהו ח') וחכתי לה,
לא נמצאת מחורף ומגדף

If you were a Levite, you would not be qualified to chant, because your voice is thick. He went and told his father who said to him: Go and say to him, when you come to the verse, And I will wait for the Lord, וחסתי לה, will you not be a reviler and blasphemer.

Again, the concern is about teaching people incorrectly. Here, though, a new concern arises and that is the concern that it might be blasphemous to God. In this Levite's attempt to chant *וְחָסְדִי לַיהוָה*, 'I will wait for Adonai,' there is concern that it might sound like *וְחָסְדִי לַיהוָה*, 'I will smite Adonai.' The sounds are similar enough that someone who does not have clear enunciation might mislead the congregation. Time and again, it seems there is a direct relationship between familiarity with a condition and the inclusion or exclusion of persons who live with it. The more familiar a condition is to the community of worshippers, the more acceptable it tends to be.

R. Huna claims that if a priest's eyes run, he should be disqualified from reciting the priestly benediction.

זבלגן לא ישא את כפיו - והא ההוא דהוה בשיבבזתיה דרב הונא,
והוה פריס דיהו - ההוא דש בעירו הוה.

A man whose eyes run should not lift up his hands. But was there not one in the neighborhood of R. Huna who used to spread forth his hands? – The townspeople had become accustomed to him.

Again, it seems like there is a direct relationship between familiarity with a condition and the inclusion of persons who live with it. That familiarity allowance is evidenced again in the words of R. Judah.

R. Judah says that if his hands are discolored, he should not perform the duty of raising his hands in front of the congregation in this priestly duty. However, a Tanna stated,

תנא אם רוב אנשי העיר מלאכתו בכך מותר

If most of the people in the town follow the same occupation [as he does], it is permitted.

The presumption here is that if they work with him, they are familiar with the cause of the discoloration and might even suffer from it themselves. Therefore, they will

not be tempted to transgress by looking up during the recitation of the Priestly Blessing.

The more exposed the people are to a particular condition, the more the people with that condition can participate fully in their communal duties.

The Mishnah, in its attempts to make meaning of the earlier texts, often expanded categories in ways that later sages revoked. "A priest who has a blemish on his face, hands, or feet, lo this one should not raise his hands [in the priestly blessing] because the people will stare at him" (M. Megillah 4:7). The meaning here seems logical. Where a person's condition takes away from the ability to perform his leadership responsibilities, he should not do them. However, by the time of the Tosefta, the sages realized that this generalization was overly broad.

רבי יהודה אומר מי שהיו ידיו צבועות לא ישא את כפיו, תנא אם רוב
אנשי העיר מלאכתו בכך

But if he was an associate of the town [and therefore well-known,]
lo, this is permitted.⁹⁶

"The Bavli then picked up on the evolution of these laws regarding the priest and the priesthood. The main additions of the Bavli are that priests whose speech is inaccurate and those whose vision is impaired are disqualified. The former disqualification is quite logical: to offer the blessing one must be able to pronounce it correctly."⁹⁷ But what remains unclear is the reasoning behind the disqualifying conditions that do not make logical sense.

Pesachim 116b

This Mishnah in Pesachim does not address the concerns of people with special needs, but it does set the stage for the relevant Gemara by discussing the key duties of

⁹⁶ T. Megillah 3:29

⁹⁷ Hauptman 1988, 128 in Abrams, p. 35

obligated individuals during the Passover festival. These obligations, namely the Passover offering, the matzah and the bitter herbs, are all symbols of the events of the Exodus from Egypt and have requirements associated with them during the festival. The questions that the Gemara addresses have to do with the 'ins' and the 'outs' of the Passover festival and its requirements.

Gemara

אמר רב אחא בר יעקב: סומא פטור מלומר הגדה. כתיב הכא בעבור זה וכתיב
התם (דברים כא) בנו זה, מה להלן - פרט לסומא, אף כאן - פרט לסומין איני?

R. Aha b. Jacob said: A blind person is exempt from reciting the Haggadah. [For] here it is written, it is because of that (זה), while elsewhere it is written, This is our son (זה).⁹⁸ Just as there the blind are excluded, so here the blind are excluded.

In an effort to justify its decisions regarding the obligations of the blind during the Passover festival, the Gemara draws a comparison between the laws regarding the recitation of the Haggadah and those regarding the stubborn and rebellious son, as laid out in Deuteronomy. The statement made by parents with regard to this son, "This is our son," implies that they are able to see him, and to point and identify him as their son. This fits with the Gemara's discussion about lifting the unleavened bread and the bitter herb, because as the Haggadah is read and the matzah and maror are lifted, the leader of the seder points to each of the symbols respectively and says, "זה" to identify the symbol of the Exodus from Egypt. This law is another case where the rabbis associate the exclusion of persons with certain disabilities to the actual act that needs to be done, citing that their disability impedes them from being able to perform the actual act. It is specific to the disability.

⁹⁸ Deut. 21:20

Sanhedrin 71a
Mishnah

The discussion in this Mishnah is focused on the **בן סורר ומורה**, the stubborn and rebellious son.⁹⁹

היה אחד מהם גידם או חגר או אלם או סומא או חרש - אינו נעשה בן סורר ומורה, שנאמר (דברים כ"א) ותפשו בו אביו ואמו - ולא גדמין, והוציאו אותו - ולא חגרין, ואמרו - ולא אלמין, בנו זה - ולא סומין, אינו שמע בקלו - ולא חרשין. מוצין בו בפני שלשה, ומלקין אותו. חוזר וקלקל - נדון בעשרים ושלשה. ואינו נסקל עד שיחזו שם שלשה תראשונים, שנאמר בנו זה זהו שלקה בפניכם.

If one of them [his parents] had a hand or fingers cut off, or was lame, dumb, blind or deaf, he does not become a 'stubborn and rebellious son', because it is written, 'then shall his father and his mother lay hold on him' - this excludes those with hands or fingers cut off; 'and bring him out', excluding the lame parents; and 'they shall say', excluding the dumb; 'this our son', excluding the blind [this implies that they can see him], 'he will not obey our voice', excluding the deaf...

The son, in this case, cannot be acknowledged publicly and punished. The parent has a certain disability and is not perceived as being able to take control, to accuse him in the ways that are required. Since all of the steps outlined above are required to declare that a son is **בן סורר ומורה**, the Mishnah here is rigid and, thus, non-responsive to special needs. A person must be able to do all of the listed actions in order to classify his or her son as a stubborn and rebellious son, and no exceptions are made. By maintaining these strict guidelines, the communal power leadership is limiting the number of instances in which a son is deemed a **בן סורר ומורה**. As a result, there may have been very few people who were actually eligible for communal rebuke. The extent of the detail involved in the litany of abilities which are necessary in order to make this declaration is strikingly similar to the requirements that were held up for the priests to qualify to perform their priestly duties. The paradigm of perfection is matched here.

⁹⁹ Deuteronomy 21:18

Berakhot 15a Mishnah

This Mishnah is all about the recitation of the Shema. While the teaching claims, "חֲקוּרָא אֶת שְׁמַע וְלֹא הִשְׁמַע לֹאֲזוֹ - יָצָא." "If one recites the Shema without hearing what he says, he has performed his obligation," R. Jose disagrees, claiming that this man has not fulfilled his obligation, "רַבִּי יוֹסִי אָמַר: לֹא יָצָא."

Gemara

מֵאֵי טַעְמָא דְרַבִּי יוֹסִי - מִשּׁוּם דְּכָתִיב: שְׁמַע - הִשְׁמַע לֹאֲזוֹךְ מֵה שֶׁאַתָּה מוֹצִיא מִפִּיךָ. וְהָנָה קָמָא סִבְרָה שְׁמַע - בְּכָל לָשׁוֹן שֶׁאַתָּה שׁוֹמֵעַ וְרַבִּי יוֹסִי - תִּרְדֵּי שְׁמַע מִיָּנָה.

What is R. Jose's reason? Because it is written, 'Hear' which implies, let your ear hear what you utter with your mouth. The first Tanna, however, maintains that 'hear' means, in any language that you understand. But R. Jose derives both lessons from the word.

The Gemara adds to the discussion by invoking the example of offering Terumah.

With this addition, the Gemara attempts to make sense out of the Mishnah's מחלוקת:

While the first Tanna believes that "hear" means any language that one understands, R. Jose seems to believe that "hear" means, "Let your ear hear what you utter with your mouth." The resolution is made by invoking the rabbinic distinction, להתחילה, בדיעבד. "A deaf person who can speak but not hear should not set aside terumah; if, however, he does set aside, his action is valid." This is a clear cut case of להתחילה, בדיעבד, in that although the precept is clear that he should not set aside the terumah, if he happens to do it, then the terumah is accepted.

The question is about the meaning of פטור. If a person who has a certain disability is told that he is exempt from a religious obligation, but then he does it and it counts, then it sends a message about the nature of being פטור. He is exempt. In that, he

is neither forbidden from participating nor encouraged to do so. Perhaps, this was a way for the rabbis to keep the door open to people who were exempt from the mitzvot. But in the end, it is doubtful that they felt as if the mitzvot were, in fact, theirs.

The other distinction that the rabbis make keeps the offering of terumah and the recitation of the Shema in two different categories. While the recitation of the Shema is a Scriptural command, דאורייתא, blessing the terumah is considered a Rabbinic command, דרבנן, because "the setting aside of terumah [is forbidden] only on account of the blessing, and blessings are an ordinance of the Rabbis, and the validity of the act does not depend upon the blessing."¹⁰⁰ It seems that the Gemara teaches that there is room for an act which is forbidden להתחילה to be done בדיעבד if, in fact, the prohibition is דרבנן instead of דאורייתא.

The Gemara continues with a discussion between R. Judah and R. Meir.

אמר רבי יהודה משום רבי אלעזר בן עזריה: הקורא את שמע צריך שישמע לאוזן, שנאמר שמע ישראל אמר לו רבי מאיר, הרי הוא אומר: אשר אנכי מצוך היום על לבבך - אחר כונת הלב הן הן הדברים.

"R. Judah said in the name of R. Eleazar b. Azariah: When one recites the Shema', he must let himself hear what he says, as it says, 'Hear O Israel, Adonai is our God, Adonai is one.' Said R. Meir to him: Behold it says, 'Which I command thee this day upon thy heart': on the intention of the heart depends on the validity of the words."¹⁰¹

The connection between mind and heart is evident here. It is as if R. Meir claims that one can only have the intention of the heart if he is able to understand the words and, then, confer validity to his recitation of them. Clearly, both mind and heart are crucial elements of comprehension and, clearly, the mind is weighed more heavily than the heart by those who make these laws.

¹⁰⁰ Berakhot 15a

¹⁰¹ Berakhot 15b

Berakhot 30a
Mishnah

This Mishnah states clearly that men are obligated to recite the eighteen benedictions of the *Tefillah* each day. Immediately, it begins a discussion of exceptions to the listed rule, showing that, in fact, when life does not allow for the full recitation, adjustments to the requirement are made so that the obligation can still be fulfilled.

These exceptions are described in the Gemara which follows.

Gemara

היה רוכב על החמור וכו'. תנו רבנן: היה רוכב על החמור והגיע זמן תפלה, אם יש לו מי שיאחז את חמורו ירד למטה ויתפלל, ואם לאו - ישב במקומו ויתפלל רבי אומר: בין כך ובין כך - ישב במקומו ויתפלל, לפי שאין דעתו מיושבת עליו. אמר רבא ואיתימא רבי יוחנן בן לוי: הלכה כרבי תנו רבנן. סומא ומי שאינו יכול לכון את הרוחות - יכון לבו כנגד אביו שבשמים, שנאמר (מלכים ה' ח') והתפללו אל ה'.

If one was riding on his donkey, etc. - It was taught in a Baraita: If one was riding on his donkey and the time for prayer arrived, if he has someone to hold on to his donkey - he should get down and pray. And if he does not have anyone [to hold his donkey], he should sit in his place and pray. Rabbi says: In either case, he should sit in his place and pray, because his mind is not settled. Rava and some say Yehoshua ben Levi said that the halachah is with Rabbi. It was taught in a Baraita: A blind person and one who cannot discern his directions should direct his heart towards his Parent in Heaven, as it is stated, "And they will pray to Adonai."

Given that one of the requirements for the recitation of the *Tefillah* is that a person should face east, the Gemara recognizes that a person who is blind might not know which way 'east' really is. However, he is still encouraged to recite the *Tefillah* to the best of his ability.

תנו רבנן: סומא ומי שאינו יכול לכון את הרוחות - יכון לבו כנגד אביו שבשמים

"Our Rabbis taught: A blind man or one who cannot tell the cardinal points should direct his heart towards his Father in Heaven, as it says, "And they pray unto the Lord..."

This Gemara gives weight to the idea that intention holds weight. The rabbis might have taught that the blind person did not need to recite the Tefillah [this, in truth, is debated elsewhere], but they did not. Rather, they acknowledged that accommodations to the law could be made for people with certain disabilities, since it is, ultimately, the intention that matters.

However, it is interesting to consider that blindness is judged differently than the other three categories of people. This can be seen in the contradiction between this teaching and that in m. Makhshirin 6:1 which states clearly that a שוטה או קטן, a deaf person, a person who suffers from mental illness or a minor are capable of the action, but fully incapable of the thought that goes into the intention. There is an interesting insight here related to the connection of heart, insight, and mind in Jewish tradition. If the blind person has the mind to have the intention, then perhaps it is assumed that he also has the heart – or does he? This connection comes into view in a couple of locations in the laws regarding persons with special needs.

Berakhot 58a Gemara

רב ששת סגי נהור הוה, הוּו קאזלי כולי עלמא לקבולי אפי מלכא, וקם אזל בהדיהו רב ששת. אשכחיה ההוא מיטא אמר ליה: חצבי לנהרא, כגני לייא? אמר ליה: תא חזי דידענא טפי מינך. חלף גתדא קמייטא, כי קא אושא אמר ליה ההוא מיטא: אתא מלכא אמר ליה רב ששת: לא קאתי. חלף גתדא תנייטא, כי קא אושא אמר ליה ההוא מיטא: השתא קא אתי מלכא. אמר ליה רב ששת: לא קא אתי מלכא. חלף תליטא, כי קא שתקא, אמר ליה רב ששת: ודאי השתא אתי מלכא. אמר ליה ההוא מיטא: מנא לך הא? אמר ליה: דמלכותא דארעא כעין מלכותא דרקיעא דכתיב(מלכים א' י"ט) צא ועמדת בחר לפני ה' ונתנה ה' עבר ורוח גדולה וחזק מפרק הרים ומשבר סלעים לפני ה' לא ברוח ה' ואחר הרוח רעש לא ברעש ה' ואחר הרעש אש לא באש ה' ואחר האש קול דממה דקה. כי אתא מלכא, פתח רב ששת וקא מברך ליה. אמר ליה ההוא מיטא: למאן דלא חזית ליה קא מברכטו ומאי הוי עליה דההוא מיטא? איכא דאמרי: חבריהו כחלינהו לעיניה, ואיכא דאמרי: רב ששת טען עיניו בו, ונעשה גל של עצמות.

R. Shesheth was blind. Once, all the people went out to see the king, and R. Shesheth arose and went with them. A certain Sadducean came across him and said to him: The whole pitchers go to the river, but where do the broken ones go? He replied: I will show you that I know more than you. The first troop passed by and a shout arose. Said the Sadducean: The king is coming. He is not coming, replied R. Shesheth. A second troop passed by and when a shout arose, the Sadducean said: Now the king is coming. R. Shesheth replied: The king is not coming. A third troop passed by and there was silence. Said R. Shesheth: Now indeed the king is coming. The Sadducean said to him: How did you know this? He replied: Because the earthly royalty is like the heavenly. For it is written: Go forth and stand upon the mount before the Lord. And behold, the Lord passed by and a great and strong wind rent the mountains, and broke in pieces the rocks before the Lord; but the Lord was not in the wind; and after the wind, an earthquake; but the Lord was not in the earthquake; and after the earthquake, a fire; but the Lord was not in the fire; and after the fire a still small voice. When the king came, R. Shesheth said the blessing over him. The Sadducean said to him: You, you say a blessing for one whom you do not see? What happened to that Sadducean? Some say that his companions put his eyes out; others say that R. Shesheth cast his eyes upon him and he became a heap of bones.

This aggadah comes to teach that one should not doubt the ability of a person with a disability. Although R. Shesheth was blind, he was more able to see God coming than was the Sadducean. It is also interesting to note that the two possible punishments that might have been put upon the Sadducean for not acknowledging R. Shesheth's ability to see God had to do with eyes and vision. The first, that his eyes would be put out, rings back to Mishnah Peah 8:9, in which the person who does not understand what it is like to be blind or lame is, eventually, made blind or lame so that he will understand the condition. This is a lesson of understanding through experience. The second possible punishment, that R. Shesheth cast his eyes upon the man and he became a heap of bones, sends a strong message about the ability of R. Shesheth. Since the Sadducean clearly did not believe that the eyes of R. Shesheth were capable of doing anything, this punishment

proves this untrue. His eyes were, in fact, capable of intense activity. He cast his eyes and, as a result, the Sadducean's whole body fell apart! These are definitely powerful eyes, backed by a powerful will.

The discussion continues when R. Joshua b. Levi prescribes blessings to be said upon seeing persons with different disabilities.

אמר רבי יהושע בן לוי: הרואה את הבהקנים אומר ברוך משנה הבריו.
מיתניב: ראה את הכושי ואת הגיחור ואת הלוקח ואת הקפח ואת הנס ואת
הדרניקוס אומר ברוך משנה את הבריות את הקטע ואת הסומא ואת פתוי
הראש ואת החגר ואת המוכה שחץ ואת הבהקנים אומר ברוך דין אמת.

On seeing pock-marked persons, one says: Blessed be He who makes strange creatures. An objection was raised: If one sees a Negro, a very red or very white person, a hunchback, a dwarf or a dropsical¹⁰² person, he says: Blessed be He Who makes strange creatures. If he sees one with an amputated limb, or blind, or flat headed, or lame, or smitten with boils, or pock-marked, he says: Blessed be the true Judge!

The first thing that jumps out from this text is that blessings are even being said over a person who is less than perfect. God is Creator and Judge. In God's creation and in God's judgment, people live with these conditions. For that, the rabbis taught, God should be blessed. The fact that there are two distinct blessings is addressed as the Gemara continues.

לא קשיא, הא - ממעי אמו, הא - בטר דאיתיליד. דיקא נמי, דקתני דומיא
דקטע, שמע מינה.

There is no contradiction; one blessing is said if he is so from birth, the other if he became so afterwards.

Here, again, a differentiation is made between conditions that exist from birth and those which are acquired through the course of life. The words of the blessings give a hint at the rabbis' attitudes about the origins of such conditions. The first, "Who makes

¹⁰² Having to do with extra fluid or water

strange creatures," takes the responsibility out of the hands of the person with the condition and places it on God. In other words, this blessing implies that the fact that this person has a condition is completely God's doing and has nothing to do with the person or his or her birth parents.

The second blessing, "Judge of truth," which is also recited immediately after a person dies, gives evidence to the rabbis' attitudes towards people who acquire conditions at some point during their lives. Inevitably, this formula invokes both God and the person. The affected person was something or did something that God judged. Therefore, the responsibility is no longer solely on God, but on the affected person, as well. This might very well be a hint that the rabbis saw acquired conditions as divine punishment for some wrong-doing. However, to fully understand the attitude that went behind prescribing this blessing here, one would have to understand the connection between this blessing and death.

First, these words are supposed to be difficult to say immediately after a person's death, since we are presumably distraught about the death. To affirm God as a "True Judge" at a time like this is a way of admitting that God's judgment is beyond our comprehension. So, too, in the case of a disabled person. It is a way of admitting that although we do not understand, God does, and we have faith and confidence that God does what is right. Second, it can be assumed that since one is distraught immediately after finding out about a death, so too a person is distraught when encountering a person living with a special condition. What is the source of this great upset? Perhaps it is for the condition itself, or perhaps it is for the deed or deeds that the person must have done

to merit this affliction. It can be a visible reminder of what God can do when God is upset.

Although there is no discussion here about why two distinct blessings are prescribed, the role that blessings and, therefore, God plays in the understanding of these conditions is crucial.

Conclusions

Throughout the Talmud, the rabbis clearly grapple with issues regarding persons with special needs within their communities. As they interpreted the biblical commands into practical laws, complications and questions arose. The sacred text which has been passed on to us is the result of their attempts to make meaning out of that which did not make sense to them personally. Therefore, only some of that makes sense to us in examining the text from a contemporary perspective. What is clear is that the rabbis who dealt with these issues in their academies in different locations throughout the Jewish world had similar questions about these peoples' roles within the community. A number of themes arise in the discussions that have been reviewed, many of which served as catalysts for the discussions that go on in Jewish communities today.

The ongoing attempt to understand and then define different conditions began in the lengthy Hagigah passage about who is obligated to make pilgrimage to Jerusalem. Those who were obligated were full members of the community and, by default, those who were exempt were given a special place associated with the communal structure which, inevitably, kept them from full inclusion within the community.

The Mishnah in Middot articulated the barriers to entry which were erected in the formal religious communal setting. In its discussion about the examination of the priest's

physical purity, the text sets standards for purity and excellence which spill into the expectations of and for the Israelites.

While some of the barriers for people with special needs are the result of intentional exclusion, other barriers arise as a byproduct of the rabbis' attempts to help. The Mishnah in Makhshirin is just one example of how the person with special needs is unintentionally invalidated by the community. Their offerings, which are not considered necessary to begin with, are accepted when the standards for the rest of the community remain high. The question is about what weight the community places upon the efforts of these individuals, and about whether there is room to consider their abilities as well as their disabilities, on an individual basis.

In the Peah text which was examined, it is clear that the community takes care of people with special needs; so much so that there is fear that fully able minded and able bodied individuals might pretend to have those needs. This text sets the tone for the rest of the discussion by posing an underlying question. Is the community expending so much energy on the people with special needs that the rest of the community is suffering?

The question of communal assistance is asked again in the Yebamot text. In trying to protect the deaf woman from being left alone or to the care of the institutionalized community, this text effectively legislates the expectation that the members of the community would not consider her as a suitable wife. It is unclear whether or not the efforts to help these individuals actually provide the benefit that was intended by those who made them.

Just as there are questions about the responsibility of the community to individuals with special needs, the text in Baba Kamma raises the question of the

responsibility of persons with special needs to the community. While these people are exempt from accountability for their actions to the rest of the community, they are exempt and excluded from much of the communal life. This text teaches that, whether a person is part of the obligated community or exempt for special conditions, there are both positive and negative outcomes.

The notion of exemption arises again in Bekhorot 43a. Here, the rabbis add to the list of people who are exempt/פטור, raising the question once more of what it means for a person to be פטור. In addition, it is clear that there was great unfamiliarity with many of the conditions which were listed. This raises the question of whether some of the exemptions which were made were based on an unfamiliarity and a discomfort with people who had those conditions. Since all of the conditions were visible, it is not surprising that some of the disqualifications were "for appearance sake." Again, this is not about the affected individual. It is about the community around that person and their exposure and comfort level with the condition.

In Megillah 19b, the rabbis try to involve the minor, the deaf person and the mentally ill person in different ways. In so doing, they play with the idea of partial involvement and its implications for the community. As is laid out more in Megillah 24b, when a person is more involved, the community becomes more comfortable with him and his condition and, in turn, he can be even more involved. By allowing them to participate in certain, clearly defined ways, the community is partially exposed. The benefits that result from this partial exposure are enormous, but they are only a portion of what would be the case for a person who is fully integrated. For the rabbis, and for each

generation, it is a judgment call that needs to be made, balancing the comfort of the community and encouraging it to push itself in new directions.

Certain disabilities specifically prohibited a person from performing a communal act, even if that person wanted to. In many circumstances, for instance Berakhot 43a, relating to the holiness of the Temple and synagogue, laws of purity are restrictive. This is a judgment call by the leadership, based solely on its assumptions about what God wants in God's holy places. In other instances, there is a physical barrier to participation. The case drawn out in Pesachim is one such instance. If a parent is blind, then that parent cannot look at and point to his or her son in a public setting. So too, a blind person cannot look at the matzah during the Passover seder to point to it in the reading of the *Haggadah*.

Despite the logical exclusion of persons with special needs, it may appear that the standards of the Jewish tradition are unrealistically high and unbending. This theme is alluded to in the Sanhedrin text cited here. For a parent to be able to publicly declare his or her child to be in the category of the "stubborn and rebellious son," he or she must use a number of faculties. If one of those faculties, such as vision, is missing, then that parent is kept from this public declaration all together. Given the high standards, it is likely that a significant portion of parents were prohibited from making this declaration and, as a result, few sons were in the category of *בן סורר ומורה*. The question that remains has to do with the motivation of the rabbis who created these standards. It is likely that they intentionally made it difficult to be able to make this declaration, since once that declaration was given, the responsibility for that son was turned over from the parents to the community. The community leaders who created these laws were

concerned about providing for the needs of individuals within the community, and they were not looking to take on the care and discipline of any additional people.

That being said, the three Berakhot texts which are cited are evidence that, although the rabbis effectively defined who was 'in' the community and who was 'out,' they were reticent to close the doors completely. Although certain individuals are excluded from certain activities, Berakhot 15 shows that there are cases in which although a person is not supposed to do an act, his actions will be accepted after the fact. This text serves as a precedent for exceptions to the strict rule, thereby leaving a bit of gray area for the participation of these individuals. In Berakhot 30a, the situation with the donkey proves that while rigidity is often the result of these discussions, there is precedent for flexibility. Ultimately, it is the intention of the person doing the act which is important. Finally, the case of Rabbi Shesheth, who was blind, clearly depicted the abilities of a person with disabilities. It also showed, however, that those disabilities are not necessarily apparent to the unfamiliar person.

The rabbis of the Talmud took a gigantic leap toward understanding the role of persons with special needs within their community. They also left an enormous territory of questions uncharted for future generations to learn and to understand who might actively participate in the Jewish community.

CHAPTER THREE

Ever since the Babylonian Talmud was redacted over fifteen centuries ago, Jewish laws regarding people with special needs have continued to evolve. Similar to the laws that developed in other fields, new questions have arisen in the area of special needs. These have caused the rabbis of different generations to consider how the laws which originated in the Levitical code did or did not apply to their times. In some generations, the questions were based on reexaminations of earlier decisions. In other generations, the questions were based on medical technological advances, and on improved understandings of different conditions.

The genre of responsa literature developed in the Middle Ages to answer questions about living with the foundations of *halachah* in a contemporary society. Responsa literature has come out of every generation since that time and continues to be produced today.

Over the years, the accumulating body of responsa thus provided a growing collection both of specific precedents based on concrete cases and also of general interpretations of key Talmudic passages, interpretations that might now be applied to any case where these passages were thought pertinent.¹⁰³

The number of responsa which deal with *halachah* and special needs is enormous. A search of twentieth century responsa alone produced thousands upon thousands of citations. It is clear that there have always been questions about the role of persons with special needs within the community. It is also clear that although the questions have changed over time, many of the issues which underscore the questions are the same as in previous generations.

¹⁰³ Holtz, *Back to the Sources*, p. 160

What follows is a sampling of contemporary responsa from some key Orthodox rabbis, as well as from the Conservative and Reform movements. Although there are many responsa written by Orthodox rabbis, I was not able to locate any responsa which reflect an official ruling of any major Orthodox organization. Therefore, although the responsa of Rabbi Moshe Feinstein, referred to here, are authoritative in many Orthodox communities, they do not reflect a general movement-based Orthodox discussion, as there is no single opinion issued by an Orthodox organization. The Reform and Conservative responsa, on the other hand, do reflect the efforts of the movements to address concerns related to this issue.

The major movements of contemporary North American Jewry are composed of rabbinic and lay arms, each of which expresses its ideology in different ways. The genre of responsa literature, שאלות ותשובות, is, historically, made up of contemporary questions posed by rabbis based on situations in their communities, and the corresponding answers written by rabbis.

Wherever a new community was being built, as in Algiers, Turkey and sixteenth-century Poland, or wherever new influences created new situations and where these requirements were able to call upon a broad, Jewish, scholarly competence, there the responsa literature awoke to a new springtime. So, too, as the problems of the modern day impinge upon the historic Jewish faith, there will be need for more and more responsa writing.¹⁰⁴

Responsa provide guidelines and decisions, but they do not necessarily translate into action. Within the Reform and Conservative movements, resolutions have been passed by both the rabbinic and lay arms which function to translate ideology into a call for action. These resolutions will be examined, as well. Although the Orthodox world is

¹⁰⁴ Freehof, *The Responsa Literature and A Treasury of Responsa*, p. 45

not organized into a single movement, the Orthodox Union represents a large segment of contemporary Orthodox Judaism. Since that organization does not issue resolutions, there are none to be examined. However, this is not to say that the organization is not working to respond to people with special needs within the Orthodox community. Those actions, along with others, will be examined in the conclusions of this paper.

It is interesting to consider the varying types of questions that are being addressed by the major modern North American movements, as well as to examine how they each have interpreted the earlier laws to answer contemporary questions from their differing perspectives. Also, in recent decades, Jews of all backgrounds have been doing research and producing books and articles on Jews with disabilities.¹⁰⁵ Many of the questions that led to these responsa could never have been imagined before the contemporary period. Since we do not know what technological advances lie ahead, we have no way to predict what *halakhic* questions will arise or how they will be answered. It will be up to the communal leaders of those days to set the stage, as has been the case since the days of Leviticus.

Orthodox

Although a number of authoritative Orthodox rabbis did write responsa during the twentieth century, the writings of Rabbi Moshe Feinstein stand out as particularly relevant to questions of special needs within the community. It seems that there are two types of questions which he addresses in his responsa. The first, in keeping with the chain of tradition, is a detail-oriented 'what-if' question about two or more seemingly

¹⁰⁵ See Bibliography

conflicting traditions. The second type of question has to do with the meeting of evolving medical technology and existing *halachah* in order to create new precedents.

In his comments to הל"מ א"ר of the earlier הל"מ א"ר של"מ, Feinstein addresses the question of whether the person with a withered left arm should be obligated and/or permitted to don tefillin on that arm. This question, which may very well have existed in earlier generations, had not been clearly answered by Feinstein's time. It is based on the laws of donning tefillin which themselves did not develop until later. As is common for this genre of *halakhic* literature, Feinstein draws comparisons to already existing comments and examples as a foundation for his discussion. In this case, he uses the Rambam's case of a bird with an injured wing serving as a sacrificial animal in the בית המקדש. He writes,

"בסוף דבריו שמה שפסול יבשה גפו בעוף הוא מצד שאין מקריבין חסר כלל...
...הוא מחמת שהוא מום גדול ולא מחמת שנחשב חסר אבר ממש."

"In the end, it is like the bird's body that is dried up and not pure, it is as if we do not offer [an animal which] lacks anything...it seems that it is a large blemish and it is not thought to be missing the wing itself..."

After citing his predecessors and their decisions with regard to offering an injured bird, Feinstein goes back to the actual question, about a withered left arm and tefillin. He considers issues of severity and staying power of the injury, as well as of perception by the rest of the community and of maintaining the sacred nature of the mitzvah. In the end, he clearly states his answer, therein setting a precedent for other situations of this nature: "שחייב להניח תפילין עליה משום שאינו בדין יבש כדלעיל," "That person is obligated to don tefillin upon himself because he is not, according to the judgment,

essentially dry.”¹⁰⁶ Despite this person’s blemish, he has much to offer the community. Although his arm is dry, his entire being is not. Thus, Feinstein’s decision impacted the communal involvement of these blemished individuals.

Themes which came through in the earlier literature reappear here as proof that many of the concerns of our ancestors are still relevant to the Orthodox community today. The fact that this issue was addressed shows that there is concern in our day about maintaining the holiness of the mitzvot. This, of course, is a balancing act between the strict letter of the law and the sacred inclusion of individuals who seek it.

Rabbi Feinstein addressed other cases that attempt to weigh those two priorities. In one such instance, he is asked to decide whether or not a blind person can be accompanied by his or her seeing eye dog to shul:

הנה בדבר הסומא אשר למדו לכלב להוליכו ומוכרח הכלב להיות
אם יוכל ליכנס לביה"כ להתפלל בצבור ולשמוע קדיש וקדושה וקה"ת
וקריאת המגילה...

Here is the case of a blind man who taught his dog to go with him and he depends on the dog to be with him always, if he can enter the synagogue to pray with the community and to hear the Kaddish and the Kedushah prayers and the reading of the Torah and the reading of the Megillah.

Again, the leader is faced with deciding whether a person will, essentially, be ‘in’ or ‘out’ of the community, since in this case, it is clear that the blind person cannot participate in these activities without his dog. Taking hints from his predecessors, namely Rashi and the rabbis of the two Talmuds, Rabbi Feinstein decided that if the blind

¹⁰⁶ Feinstein, *Iggerot Moshe*, Orach Chayim, 1:8. Note: All Feinstein translations are my own, unless otherwise noted.

person was, indeed, attached to his guide dog, then he could go with it to the synagogue and it would not be a desecration of the synagogue.¹⁰⁷

Questions with regard to the application of technology in a *halakhic* community were common for 20th century rabbis like Rabbi Feinstein. Many, though not all of these questions, had to do with using essential medical technology, which is, largely, electronic, on Shabbat. Seemingly, the laws of Shabbat would conflict with such usage. In such cases, dueling values had to be weighed: the holiness of Shabbat and the ultimate *mitzvah* of פקוח נפש. Since every situation was different, a number of responsa address seemingly similar issues in very different ways.

In the third section of his commentary on אורח חיים, Feinstein answers the question of whether or not a microphone can be used on Shabbat and holidays. While the usage of such technology would help to include persons with hearing impairment, it would also go against the laws of Shabbat. Of course, as technology advanced, options about different types of microphones appeared. On this question, Feinstein is direct with his answer from the outset of his discussion,

אף שיש איזה אדיפות למיקרעפאן הטרוניסטער --- מסתם מיקרעפאן
מ"מ הוא דבר האסור בין בשבת בין ביום טוב ואין להקל

Even if there is a preference for a transistor microphone over simply a microphone, -- it is a prohibited thing, whether it be on Shabbat or on a Yom Tov, and there is no distinction.¹⁰⁸

Again, citing rabbis who came before him, Feinstein formulates his argument so that it appears as if there is no other conclusion that can be drawn. From the perspective that he represented, once this responsa was written, there was no alternative. In this case, the laws of Shabbat outweighed a person's desire to be able to hear the *Tefillah*.

¹⁰⁷ Feinstein, *Iggerot Moshe*, Orach Chayim, I:45

¹⁰⁸ Feinstein, *Iggerot Moshe*, Orach Chayim, III:55

However, Feinstein's bias was different in each situation. In response to a question about using a microphone for reading the megillah, he permitted it so that the person who wouldn't otherwise be able to hear the reading would then be able to fulfill the obligation, which is specifically about hearing.

ומטעם זה אפשר... שרוצים לקרא המגילה ע"י המקראפון מצד ההלכה

And in this opinion it is possible...that [if] they want to read the megillah if there is a microphone, [it is] on the side of the *halachah*.¹⁰⁹

Jews are commanded to hear the public reading of Megillat Esther on Purim. However, Feinstein used this platform to remind his community that his earlier decision about using a microphone on Shabbat or Yom Tov still stood. They are two distinct situations.

וקלקול למצות אחרות שהוא לשופר וקריאת התורה בשבת
ו"ט אי אפשר לבא מזה דהא אסור לדבר במיקרופון בשבת ו"ט

And for the disgrace of the other mitzvot, which are for the shofar and the reading of Torah on Shabbat and Yom Tov, it is impossible to come from this to that, which it is forbidden to speak on a microphone on Shabbat and Yom Tov.¹¹⁰

In his fourth section of comments on אורח חיים, Feinstein goes into more detail about the use of medical technology on Shabbat. He declares that wearing electric mechanisms is permitted on Shabbat if they serve physical needs and are used for medical purposes, and if they are worn and not carried. They are, after all, articles of protection, and they can be compared to soldiers' armor in war.

שיהיו מלחמות גם על ישראל וילחמו הגבורים בכלי זין אבל
אומר שבכל המלחמות ינצח ישראל ולא יהיו משועבדים לשום עם בעולם
ומאחר שיהיו מלחמות יתרכו לכלי זין"

¹⁰⁹ *ibid*, II:108

¹¹⁰ *ibid*.

...(It was the intention of Samuel) "that there will also be wars against Israel, and the heroes will fight with tools of protection, but he says that in every war in which Israel has succeeded and was not lost among the people of the world, the difference was that they had the tools of protection that they needed."¹¹¹

Feinstein dedicates a responsum to the issue of a deaf person wearing a hearing aid on Shabbat. Again, this might seem as if two laws are contradicting one another, but Feinstein made this a clear cut issue. "אין לאסור," he states, "It is not a prohibition." That is, however, if a number of conditions are met which keep it from being a מלאכה, one of the actions specifically prohibited on Shabbat. He can wear it on Shabbat, since then it is considered an article of clothing and not something that he carries. The volume is to be set before Shabbat starts so that he will not have to work with the electronics during Shabbat. And the device serves a protective purpose, as well, such as allowing him to hear traffic and commotion when he is in public. It is a matter of "מה שצריך לשמוע כשהוא נמצא רחוב," "What he needs to hear when he enters the street."¹¹²

Finally, Feinstein addresses the issue of using assistance devices such as crutches, wheelchairs, canes and walkers on Shabbat where there is no *eruv*. If he needs these aids in order to go out for the sake of a *mitzvah*, and if he is able to propel himself with this aid, then he is permitted to use it on Shabbat.

"שישב על כסא עם אופנים שיכול לגלגל בעצמו דהוא כמנעל שלו ועדיף ממנעל מותר לצאת בשבת כמנעל של עץ"

¹¹¹ Feinstein, *Iggerot Moshe*, Orach Chayim IV:81

¹¹² *ibid.* IV:85

[The person who] sits on a wheelchair and can wheel himself as if this [chair] is like his foot and he prefers this to his foot, he is permitted to go out on Shabbat with a wooden foot."¹¹³

Presumably, this allowance can then be applied to using a wheelchair on Shabbat.

This decision brings out another issue with which the rabbis have wrestled for generations. By permitting this person to go out on Shabbat, Rabbi Feinstein is allowing him or her to go through a public area with his or her assistance device. The fact that this exception to the normal laws of Shabbat is allowed to be made in public raises questions about public perception. Perhaps, by this point, this communal leader thought that his community was ready to be exposed to and to learn from people within it, and that the community was ready to make public exceptions for special needs.

As stated earlier, Rabbi Moshe Feinstein's responsa go into more detail about the lives and responsibilities of people with special needs, and about the communities that these individuals may call home. For him, there seems to be an ongoing battle between different values, and the reality of living an *halakhic* lifestyle within a world of unprecedented advances.

Conservative

Although issues relating to Jews with special needs have undoubtedly been an important issue for the Conservative movement, tracking down their discussions on the topic was a challenging task.

Professor Louis Ginzberg began the discussion in the Conservative movement when he answered a question which was posed to him in 1938. This question, asked by Dr. Otto Neustatter, an ophthalmologist, was about the development of attitudes toward

¹¹³ Feinstein, *Iggerot Moshe*, Orach Chayim IV:90

"the deaf and dumb, the blind, and the cripples of all kinds"¹¹⁴ as they have evolved since the Levitical paradigm was established demanding absolute physical perfection from the priests. In his response to Dr. Neustatter, Professor Ginzberg states clearly that people with disabilities are not viewed as unacceptable by the community, "...while a good deal of speculation is found in Rabbinic sources about the causes of human deformities, there is not the slightest attempt to consider the cripple inferior in any respect."¹¹⁵ In his responsum, Ginzberg sets the tone for a welcoming and inclusive Conservative movement.

In addition, the Rabbinical Assembly of the Conservative movement has its Committee on Jewish Law and Standards, which sets policies and examines *halakhic* questions for the movement. Under that committee is the Subcommittee on *Halachah* and Special Needs, which has issued both responsa and resolutions to address the pressing issues in the movement.

In two separate resolutions for movement-wide action, the United Synagogue for Conservative Judaism has voted to encourage a general welcoming attitude in its congregations. These resolutions ask congregations to make accessibility for persons with disabilities a priority. After framing the need for action in terms of the need which plainly exists, combined with the "moral, ethical and practical obligation to encourage and support greater participation by persons with disabilities in the religious life of the community,"¹¹⁶ this document makes the following resolutions:

¹¹⁴ Golinkin, *The Responsa of Professor Louis Ginzberg*, question of Neustatter, Dr. Otto, p. 263

¹¹⁵ *ibid*, response of Ginzberg, Dr. Louis, p. 264

¹¹⁶ Resolution of the United Synagogue for Conservative Judaism, "Measures for Persons with Disabilities"

That the United Synagogue of Conservative Judaism provide guidance to its constituent congregations for the implementation of measures to make synagogues accessible to persons with disabilities; and

...that all member congregations of the United Synagogue of Conservative Judaism are urged to take immediate steps to make all synagogues physically and programmatically more open and accessible to persons with disabilities, said steps including but not limited to, the purchase of large print prayer books for the sight impaired, infra-red sound systems for the hearing impaired and ramps for entry to the premises and to the Bimah for those in wheelchairs; and

...that all segments of the congregation on the adult and youth levels become involved in the process of welcoming persons with disabilities into our synagogue; and

...that from this date forward all future conventions and public programs of the United Synagogue of Conservative Judaism be held within facilities that provide adequate accessibility to persons with disabilities.¹¹⁷

The fact that this resolution was proposed and passed by the Conservative movement makes a bold statement about the ideology in that community. We have already seen that, in reality, many of the desired results listed above may conflict with other *halakhic* principles, for example the use of electricity on Shabbat and *יום טוב* for certain hearing devices. In this resolution, the priorities are set in favor of working towards inclusion of all who desire it.

It is also noteworthy that the authors of this resolution specifically mention that the responsibility of working to create a welcoming environment does not fall on the leadership alone, as it did in earlier times with the *קהלים*, rather it is explicitly the responsibility of everyone who is already part of the community to welcome people with

¹¹⁷ Resolution of the United Synagogue for Conservative Judaism, *Measures for Persons with Disabilities*

special needs. The community members themselves have responsibility in the community and the role of the leadership has shifted within the structure.

Finally, this resolution extends beyond the synagogue walls, acknowledging that while the synagogue is the building block of the community, the Jewish community is larger. People with disabilities have the right to be welcomed at all levels, including, as this resolution claims, "all future conventions and public programs of the United Synagogue of Conservative Judaism."

A separate resolution from the Conservative movement extends the aforementioned responsibilities towards persons with disabilities to individuals who suffer from mental illness. In a recognition that mental illness is common and that the stigma associated with it is part of the suffering associated with it, the United Synagogue of Conservative Judaism once again resolved to act on its moral and religious obligations to people with mental illness.

Now, therefore, be it resolved that the United Synagogue of Conservative Judaism:

- a) establish a campaign to promote destigmatization of mental illness by encouraging the clergy to speak about mental illness and its textual references on the Shabbat of Mental Illness Awareness Week; and
- b) calls on its regions to work with local social service agencies to develop in-service training programs for the clergy to instruct them in the classifications and symptoms of mental illness and to assist them in addressing the problems of the mentally ill and their families within their community; and
- c) develop methods to encourage synagogues to help reintegrate the mentally ill back into the synagogue community; and
- d) develop program models for matching congregants and the Jewish mentally ill who need to be welcomed back into the community (i.e. accompany the individual to synagogue, invite the person to Shabbat dinner); and

- e) develop USY programming and/or guidelines to define the categories and demystify the behaviors of those afflicted by mental illness; and
- f) support efforts to establish housing for the mentally ill that reflects Conservative Jewish practices; and
- g) encourage religious schools to train their teachers in the education and inclusion of mentally ill children.

Presently, the Subcommittee on Halachah and Special Needs has drafted a responsum entitled "Stumbling Blocks on the Bimah" and is currently waiting to pass it through the larger Committee on Jewish Law and Standards. In this lengthy responsum, Rabbi Danny Nevins, Chair of this Subcommittee, reviews the *halachah* relating to the role of the blind within the community in order to answer the question posed by Rabbi David J.B. Krishef, "Can a person who is blind read Torah by memorizing the *parshah*, or by placing a scanner on top of the Torah text that would translate the text into Braille?"

Rabbi Nevins sets the tone for his answer by immediately citing Leviticus 19:14, which was discussed here in chapter one.

לֹא-תָשֶׁל חֵרֶשׁ וְלֹפֶי עֵר לֹא תָתֵן מְכֻשָּׁל וְיִרְאֵת מִתְּלָקֶיךָ אֲנִי ה'

Do not curse the deaf nor shall you place a stumbling block before the blind; you shall revere your God—I am Adonai.

After reviewing the trends in *halakhic* attitudes over time, Rabbi Nevins states clearly that a tension exists between the desire to include blind persons in the communal Torah reading ritual and acknowledging the precedent set by established *halachah*.

Three *halakhic* obstacles lie in the path of Jews who are blind and who wish to read Torah. As we have learned, the first obstacle is the status of their obligation...

The second obstacle is the prohibition of reading "even one letter of a written text from memory." This Talmudic maxim is cited by all medieval authorities on our subject, as noted above. Clearly this rules out the first suggestion of

the שאלה. *But since the development of a Hebrew Braille system in the 1930s and the printing of Braille Chumashim, and the more recent advances in optical scanning, the objection that blind Jews would have to rely on memory in order to chant Torah has been removed. The specific objections raised in the codes of the Rosh and his followers are nullified when the Jew who is blind reads from a Braille Chumash.*¹¹⁸

Nevertheless, there remains a third obstacle which is not so easily cleared. The congregation's obligation to hear the Torah read is fulfilled only via a kosher Torah scroll, not from a printed book...

Although these three stumbling blocks to the inclusion of blind persons are important for this discussion, I included the entirety of only the second explanation. This underscores the critical element of technological advances. Just as advances such as the Chumash printed in Braille eliminate certain *halakhic* problems, they introduce new ones. It is for this reason that this discussion is, necessarily, an ongoing one in Jewish life.

Ultimately, Rabbi Nevins acknowledges that including the blind in communal life is a value that needs to be part of the decision making process with regard to the posed question. To answer the original שאלה, he presents a couple of options that, in his opinion, satisfy both the needs of the blind individuals to be part of the community and the desire to comply with the established *halakhic* tradition.

Jews who are blind should participate in synagogue rituals together with sighted Jews, all of whom are obligated to keep the Torah. Indeed, it is in the interest of the Jewish community to include as many Jews as possible in the rituals of studying Torah and fulfilling mitzvot. As we have seen, Jews who are blind may certainly lead the congregation in prayer, count in the minyan, chant Haftarah and otherwise participate in the liturgy. Because the Torah must be read for the congregation directly from a Torah scroll, and not from memory, Jews who are blind may read Torah in one of two ways:

¹¹⁸ These italics are the format of the responsa itself.

- a. A sighted reader chants the Torah, and the Jew who is blind recites the blessings and repeats the reader's words softly.
- b. The Jew who is blind chants Torah from a Braille text while a sighted and Torah-literate עולה recites the Torah blessings and follows the text in the *Sefer Torah*.

In either case, the congregation would listen to a reader who is blind, but would also observe that a kosher Torah scroll was used for the chanting. The primary restriction would be that when blind Jews chant Torah from the Braille text, the עולה must in fact be sighted and capable of following the reading in the Torah scroll. This system would allow Jews who are blind to experience the sacred act of chanting Torah for their congregation, thereby removing a stumbling block on the Bimah and augmenting our collective reverence for God.

The practical suggestions given here and in the previous responsum are insights to the practical complications involved with the general desire to encourage a communal inclusivity. Communities have many elements within them, each with its own needs. If each segment of the community is to be involved in the welcoming efforts, then each needs assistance and guidance to prepare for its task. This, then, is where the role of the leadership, ideally, comes back into play. While the leaders of the biblical community, as described in Leviticus, were the sole welcoming agents for the community (and, therefore, they were the sole individuals who would send people away, as well), in today's Conservative Jewish community, everyone involved is an agent. It is the job of the leaders to prepare them for their task.

Reform

Twentieth century responsa that came out of the Reform movement are markedly different from those from the Orthodox and Conservative worlds. When the questions addressed are asked, there is no assumption in the Reform movement that the answers will be binding upon the individual rabbi, congregant or congregation. In addition, while

the Reform Responsa committee uses tradition as a guide, it reevaluates past laws to see if they maintain their relevance in guiding modern Reform Jews.

Because the Reform movement is based on the notion of individual choice rather than on *halachah* as a binding force, the very nature of the questions being asked is often different from those being asked in the other movements. These patterns will be explored later, after an examination of some policies set forth as examples in the modern Reform movement.

One issue¹¹⁹ relating to special needs with which the Reform Responsa committee dealt had nothing to do with synagogue life per se, but rather it was about the obligations of the Jewish community to provide for the religious needs of the "mentally retarded and the insane Jews who are in state institutions."¹²⁰

The response to this question begins by acknowledging that this question is a contemporary one, regarding psychiatry and techniques of psychoanalysis, and that it is not surprising that "Jewish traditional law has not yet come to terms" with these conditions. Freehof does cite new *halakhic* studies, which focus on these fields. This is another sign that *halachah* has evolved and that it is not solely Reform Jews who deal with contemporary issues.

That being said, it is clear that the Reform position is different from the suggestions of the *halakhic* studies. Underlying all of its statements of ideology, there is discussion about who is obligated to the *mitzvot*, since the Reform community is one that does not define any of its members as obligated to the *mitzvot*. In this responsum, it is

¹¹⁹ Most of the responsa cited in the books of Responsa did not have dates with them. Unless otherwise noted, the dates of these responsa cannot be traced.

¹²⁰ Freehof, *Today's Reform Responsa*, p. 9

clear that if a person is deemed a שוטה, he is not bound to religious duty in the first place, in which case the nature of this question changes but does not dissipate. Regardless of a sense of commandedness, the community has its own implied obligations. "The only doubt in the mind of Moses Sofer is that although they are not obligated to eat only kosher food, nevertheless it may be a sin on our part to send them to where they will eat *trefa* food."¹²¹ It is worthy of note that this concern for communal obligation does not begin in the Reform movement, rather it is a discussion which others, such as Moses Sofer and the Reform decision makers pick up on.

Ultimately, the Reform responsum answers that in a health care situation such as the one discussed, missed religious observance is permissible if it cannot be helped.

... whatever religious observance they can grasp may be of help to them and should be provided. But it must be borne in mind that if these religious observances cannot be provided for, then no sin has been incurred by the patient.¹²²

The question which follows this discussion picks up on the theme of communal obligation: "What, in accordance with Jewish law, is the status of the insane, and our duties to them?"¹²³ To reach its conclusion, the Responsa committee cites a discussion in the Talmud,

If a man is insane, the court must appoint trustees to conserve his property so as to provide for his wife and children.¹²⁴

It is clear, [based on the Talmudic dictum] then, that our responsibilities to the insane are great. We must protect and help them in any way we can. This is always our duty.¹²⁵

¹²¹ Freehof, *Today's Reform Responsa*, p. 10

¹²² *ibid.*, p. 11

¹²³ *ibid.*, Question asked by Rabbi Melanie Aron, Morristown, NJ

¹²⁴ Citation of Ketubot 45a

¹²⁵ Freehof, *Today's Reform Responsa*, p. 12

The Reform Responsa committee is clear in its directive for communal responsibility to those who live with mental illness. From this position, two key questions arise. First, "How should the community actually go about taking responsibility?" The very last sentence of the responsum offers an answer, "Each [person] must be judged individually."¹²⁶ Another responsum addresses a second question, "How does this position apply to communal treatment of people with other conditions?"

In the compendium entitled *Current Reform Responsa*, the question of inclusion of individuals with special needs is addressed.

"A graduate student from out of the city came to the local university. She asked for complimentary tickets for the High Holidays. When assured that she would be given them, she added that she is blind and cannot come without her seeing-eye dog. May she be admitted with the dog to the Holiday services?"¹²⁷

It is interesting to compare this discussion with that of Rabbi Moshe Feinstein about a person entering the synagogue with a seeing-eye dog. While much of Rabbi Feinstein's discussion is focused on checking how dependent that person was on his seeing-eye dog in an attempt to balance the needs of the community with the needs of the individual, here the discussion takes a different turn. It begins by acknowledging the tradition that exists which exempts a person who is blind from attending public services at all,¹²⁸ and in attempting to explain that exemption, it cites the Talmudic discussion of Rabbi Joseph, who was blind. "Although I was *not* commanded, nevertheless I have

¹²⁶ Freehof, *Today's Reform Responsa*, p. 12

¹²⁷ Freehof, *Current Reform Responsa*, p. 74

¹²⁸ Note that in the Reform Responsa, the fact that the person being discussed is a woman is not mentioned until later. This is fitting with Reform ideology but would, undoubtedly, be a major deciding factor in other Jewish communities.

obeyed God's commandments."¹²⁹ Although she is not *halakhically* bound to appear in the synagogue, it is clear that she has a desire to do so. "In this, of course, she deserves our respect and every assistance."¹³⁰ Without making a decision about the status of this woman, the Reform Responsa committee is clear about trying to define and find meaning in the term פטר.

It is clear that in the case of this woman with the seeing-eye dog, the woman herself is welcome in the community. This responsum then turns to discuss the permissibility of having her dog there with her. Citing the responsa of Rabbi Feinstein and his source, the mandate of the Palestinian Talmud to welcome a stranger in search of lodging into one's synagogue along with his donkey and his possessions,¹³¹ the Reform Responsa committee acknowledges that the concern for the synagogue and the congregation's prayer experience, which existed even in the early days of the Talmud, still exists today.

To this end, the Reform responsum suggests another option which ultimately brings it back to the value of communal obligation set out at the beginning of the discussion.

"It would be better if she be asked not to bring the dog but that a member of the congregation be assigned to bring her to services, to sit by her during services, and to bring her home after the services...and it should be a special privilege, a *mitzvah*, for a member of the congregation to take complete charge of her on that occasion."¹³²

¹²⁹ Cited in Freehof, *Current Reform Responsa*, p. 75

¹³⁰ Freehof, *Current Reform Responsa*, p. 75

¹³¹ Citation of Palestinian Talmud, *Megillah* III, 3 in Freehof, *Current Reform Responsa*, p. 76

¹³² Freehof, *Current Reform Responsa*, p. 77

In December of 1988, Rabbi Stanley Davids submitted a question to the Reform Responsa committee about working to change the physical structure of the synagogue he served to make it handicapped accessible. However, since that synagogue, Central Synagogue in New York City, held historic landmark status, certain individuals were concerned about making the proposed changes.

In this case, two clear and distinct priorities were at play. The first, inclusion of persons with special needs, had been previously discussed. The second, maintenance and establishment of beautiful houses of worship, has not been previously discussed. In scanning the tradition on this issue, in order to reach an answer for this rabbi, the Responsa Committee cited a medieval responsum, which touched on both concerns. "In the medieval period when synagogues were often located in a common courtyard, access could not be blocked in any way, nor could it be made difficult."¹³³ This responsum was the foundation for a clear decision, in this case, which prioritized the individuals who wanted to use the synagogue for its intended purpose over the landmark status. "It is an obligation for us to serve all segments of the community and to provide access to our synagogues for those who are handicapped."¹³⁴

In the early 1990's, the CCAR Committee on Justice and Peace asked about communal obligations to persons with special needs. In examining the שמלה and its resulting תשובה, one would be amiss not to wonder why this committee felt the need to

¹³³ Freehof, *New American Reform Responsa*, Citation of Meir of Rothenburg *Responsa* #541, 542 *Shulkhan Arukh* Orach Chayim 150 in "Handicapped Access," 43

¹³⁴ "Handicapped Access," *New American Reform Responsa* 43

pose the question, "What are the obligations of the community, and specifically of congregations, toward physically and mentally disabled persons?"¹³⁵

What follows is a sequential discussion which cites established laws with regard to persons who are disabled in different ways: Blind persons, otherwise physically disabled persons and mentally disabled persons. This responsum sets the stage for the conclusion it ultimately draws. In the final section of the תשובה which is entitled, "Reform Perspectives," a conclusion begins to form which highlights the issues at hand.

Our *she'elah* asks whether the community or congregation has an express 'obligation' in this respect. The answer is yes with regard to the principle. We deal here with a *mitzvah* and include it under the obligations we have with regard to our fellow human beings (*mitzvot bein adam l'chaveiro*), and the important part such *mitzvot* play in Reform Jewish life and theology.

Of course, their application must be considered in the context of the congregation's and rabbi's resources. We cannot obligate any rabbi or congregation to provide special services to all disabled persons who come within their purview, but the obligation to be of whatever service possible has the status of a *mitzvah*. Without stating what is or what is not possible in a particular community, the following opportunities may serve as examples...¹³⁶

The responsum goes on to outline areas in which communities can work to welcome individuals with special needs. They include: physical facilities (such as large-print and Braille prayer books, hearing aids, sign-language interpreters, and wheelchair access all around the synagogue), individual or special needs education, and inclusion in the ritual life of the synagogue, even where that inclusion goes against other laws and prohibitions.

The fate of the tablets of the Decalogue describes our obligation:
'The tablets and the broken fragments of the tablets were deposited

¹³⁵ CCAR Responsa 5752.5

¹³⁶ *ibid.*, p. 3 of 6

in the Ark.' There was no separate ark for the broken tablets: they were kept together with the whole ones.

In sum, our worth as human beings is based not on what we can do but on the fact that we are created in God's image. We should aim for the maximum inclusion of the disabled in the life of our communities.¹³⁷

This general principle can be applied to synagogue and communal life. Rabbi Richard Address, Director of the UAHC's Department of Jewish Family Concerns, conducts a critical examination of the process that synagogues go through to become transformed into communities that encourage the inclusion of all who seek them. In his paper,¹³⁸ he acknowledges that "caring communities" do not come naturally, given the reality of contemporary Reform synagogue life, and that for the transformation to happen, a concerted effort must be made by the congregation's leadership and membership.

Successful caring-community programs rest upon a foundation of personal relationships. These relationships serve as the vehicle through which individuals, and thus congregations, can evolve...

Many of the caring-community programs began out of a desire to involve a greater segment of a congregation's membership in direct support of the clergy. Given the increased demands being made on them, it was not unusual for clergy to seek a method to broaden the responsibility of doing sacred work, that is, to "democratize the *mitzvah*." In addition, congregational leadership, both lay and clergy, began to understand that the realities of modern life were acting as a deterrent to the ideal of the synagogue as an interconnected community of faith. What emerged, was more than just a new program. In both Buffalo and Atlanta¹³⁹ it became clear that helping congregants during crises triggered deep feelings and raised powerful emotions. A feeling of personal involvement enhanced the volunteer's sense of self worth. My project demonstrates the hypothesis that congregational change can be built

¹³⁷ CCAR Responsa 5752.5, p. 4 of 6

¹³⁸ Thesis written in partial fulfillment of his Doctor of Ministry degree at Hebrew Union College, New York.

¹³⁹ Cities where Reform congregations agreed to pilot the *Lehiyot* certification program of the Department of Jewish Family Concerns, UAHC

on seeing how individual members care for and support each other.¹⁴⁰

The challenge of this project, as mentioned in the 5752.5 responsum, is that every synagogue and institution must make serious decisions about priorities for itself. Just as no two individuals with special needs are the same, so, too, no two Jewish communities are the same. However, implicit in the need to make choices is the reality that no community can have or do everything. The question that lingers is: What happens to the individuals whose needs do not make the cut? This reality, and this challenge, have been addressed by various communities in recent years. They merit consideration here.

In 1972, the Central Conference of American Rabbis acknowledged that putting resources towards serving people with special needs meant making sacrifices in other areas of communal life. In a call to action, the CCAR pledged to support entire congregations that exist for the deaf. "We also resolve to give our moral and financial support to our congregations for the deaf in New York, Chicago and Los Angeles."¹⁴¹ In fact, students from the New York and California schools of the Hebrew Union College-Jewish Institute of Religion were, for many years, sent by the College¹⁴² to provide rabbinic services to these congregations. By lending support on a communal level, the Reform rabbis encouraged the already existing deaf community to flourish.

It is clear that this support is not as easy to provide as one might like. Rabbi Elyse Goldstein wrote of the challenges that face the Reform community in its attempt to provide for these deaf congregations,

¹⁴⁰ Address, *The Synagogue as a Caring Community: Possibilities for Personal and Communal Transformation*, pp. 73-74

¹⁴¹ "Jewish Deaf," *Digests of Resolutions Adopted by the CCAR Between 1889 and 1974*, p. 96

¹⁴² Representing the Reform Movement

...for to have meaningful ceremonies for the Jewish deaf we must have Jewish professionals, especially rabbis and educators, who can serve them effectively. A familiar lament, over and over again, is that young, interested rabbis who serve deaf groups leave in rapid succession, sometimes even before they have mastered sign language. This is not necessarily the fault of the student rabbi who cannot afford to live on a part-time salary after ordination. The Jewish deaf community, on the other hand, cannot afford full-time professionals. Part of the solution is the outside support of the larger Jewish community, which should be seen not only as an obligation but a privilege.¹⁴³

The Reform movement acknowledges that people with special needs should be welcomed within their communities. That being said, the Union of American Hebrew Congregations recognizes that the Jewish community is only one part of these individuals' lives. One can hope that these individuals' Jewish identity can enrich every aspect of their lives. In 1978, the UAHC passed a resolution urging the Jewish community to fulfill its moral obligation to provide for those with special needs by serving as a model and teacher of this value to the outside community.

In order to respond to our commitment to a just society in which each citizen lives in dignity, the Jewish community must become more sensitive to the plight of the disabled, the blind, and the deaf.

THE UAHC, THEREFORE, URGES:

1. The United States Congress, the Canadian Parliament, and state and provincial legislatures to provide tax incentives for businesses to hire and train disabled workers and to provide funds to make structural changes in the offices and factories of companies that employ substantial numbers of disabled people.
2. The labor movement to recognize its obligations to the disabled and, together with management and government, to take initiatives for the encouragement of handicapped workers;
3. Our congregations to modify as necessary our physical plants, grounds, and camps so as to be more accessible to the disabled;
4. Our congregations to take steps to encourage the participation of disabled Jews in synagogue life; and

¹⁴³ Schein and Waldman, *The Deaf Jew in the Modern World*, p. 58.

5. Our congregations to initiate community-wide educational forums, together with other religious and civic groups, to sensitize the public to the needs of our disabled citizens.¹⁴⁴

In December of 1981, the UAHC Biennial Convention delegates approved two resolutions that were rooted in the value of inclusiveness. The first, entitled simply, "Disabled Persons," called on congregations to make their "worship and program functions and facilities accessible as soon as possible,"¹⁴⁵ as well as to encourage the hiring of qualified disabled persons. This resolution seems to be a logical follow up to the 1978 resolution for action, giving a solid commitment on the part of the UAHC itself. The resolution cites that the national board of NFTY, the Reform youth movement, made working with the disabled and advocacy on their part its primary national project for that two-year period. An additional resolution on how to include persons with disabilities was passed by the CCAR two years later, as evidence that all areas of the Reform movement was concerned about this issue.¹⁴⁶

The next resolution, "The Synagogue as a Caring Community," changed the focus from 'disabled' to 'special needs,' claiming that we all have special needs which need to be met. The synagogue, once again, is the focus of the communal efforts to include people with all sorts of needs.

Since all of us have needs that require sympathy, compassion, caring, and individual concern, we call upon all congregations and affiliated bodies to implement, expand, and share their techniques for effective and ongoing programs to make our synagogues more deeply human and caring communities.¹⁴⁷

¹⁴⁴ "The Disabled." Resolution adopted by the UAHC Board of Trustees, 1978

¹⁴⁵ "Disabled Persons" Adopted at the 56th General Assembly of the UAHC, 1981

¹⁴⁶ "On Persons with Disabilities" Resolution adopted by the CCAR, 1983

¹⁴⁷ "The Synagogue as a Caring Community" Adopted at the 56th General Assembly of the UAHC, 1981

With this resolution, the notion of communal obligation was once again phrased in general terms, as if a new movement was beginning. As with the other literature about people with different conditions, which evolved through the generations, so too this idea of a synagogue as a caring community would continue to evolve into specific terms and resolutions for action. Much of the detail about how this resolution played itself out will be discussed in the conclusion of this paper.

In 1997 and 2001, the CCAR and the UAHC, respectively, passed resolutions geared specifically toward advocating for people who suffer from mental illness on the national, local and communal levels. With terminology similar to that of the Conservative movement's resolution on mental health and mental illness, the Reform movement resolved to work to diminish the stigma associated with mental illness, to welcome these individuals and their families into our synagogues, and to train communal professionals to work with these individuals. These are just a few examples taken from the agendas for action of both the UAHC and the CCAR.

Rooted in a Jewish drive for justice, these resolutions put a generations-old item back on the table for discussion. Emotional and physical well-being are intertwined, and they are the responsibility of the community. In the most recent resolution on this issue, passed by the General Assembly of the UAHC, the words of the medieval commentator, RaMBaM, set the tone for the aforementioned commitment to action.

Maimonides wrote:

"When someone is overpowered by imagination, prolonged meditation and avoidance of social contact, which he never exhibited before, or when he avoids pleasant experiences which were in him before, the physician should do nothing before he improves the soul by removing the extreme emotions."

The reality is that mental illness continues to be stigmatized in our society. While people with physical illness are usually treated with solicitude and concern, persons with mental illness are frequently the objects of ridicule, contempt, or fear. While we often go to great lengths to accommodate and include people with physical illness, the mentally ill are frequently marginalized and excluded.¹⁴⁸

Conclusions

The face of the Jewish community has changed during the modern era, so that it often intermingles with secular society. In addition, it is difficult to identify a single Jewish community. These demographic changes have affected an evolution of the issues, which the Jewish community, in all of its manifestations, confronts. Each of the contemporary streams of Jewish expression has taken the discussion about the role of people with special needs in the community in a different direction. However, for all Jews who live as part of a Jewish community today, some sort of discussion on this topic is relevant. Across the spectrum, the values of inclusion and creating a welcoming community are being discussed and weighed against many of the *halakhic* precedents. In many cases, as we have seen, the two values conflict, and each community has set its own standards for just and compassionate resolutions to these conflicts.

Ultimately, within each of the movements, each question has been dealt with individually, and each outcome is unique. While, for example, Rabbi Moshe Feinstein ruled that a hearing impaired individual can be included in the community by wearing his hearing aid on Shabbat and Yom Tov, he also ruled that it is forbidden to use a microphone on Shabbat and Yom Tov. In the Conservative movement, weight is given to *halakhic* precedent, even if its outcome is exclusionary. However, the desire to be as

¹⁴⁸ "Establishing a Comprehensive System of Care for Persons with Mental Illness"
UAHC Resolution, 2001

inclusive as possible is made clear in the conditions that are ultimately decided upon, as was evidenced in the discussion about the blind Torah readers. The Reform movement, too, must balance the weight of the tradition with the weight of modern sensibilities. The incongruities between the two create tension in the Reform movement, as can be seen in the discussion of the blind college student who wanted to bring her seeing eye dog to the synagogue. Ultimately, these decisions and commitments for actions by each of the movements balance multiple values. As expected, they do not all represent the same perspective, even within a particular movement.

This trend toward a case-by-case, evolving attitude has been strengthened with the higher levels of comfort with and understanding of special needs that are prevalent in the twenty-first century. We reap the benefits of generations of opinions which are rooted in Jewish texts and tradition, and we profit from the highly advanced scientific understanding that enlightens our interactions with people who have special needs. However, the mass of material on this issue makes it clear that there are no easy answers. Each community must continually evaluate its own needs, based on its own Jewish practice and values.

CONCLUSION

לֹא-תִקְלַל חֵרֶשׁ וְלֹפֶקֶי עֹזֵר לֹא תִצֵּן מִקְשֶׁל וְיִרְאַת מַעֲלֵמָה אֲנִי יְהוָה

You shall not curse the deaf nor put a stumbling block before the blind. You shall fear Adonai, your God.¹⁴⁹

In the section of Leviticus which gives instructions on how to live a holy life as individuals and as a community, this single verse is the only one that speaks to the responsibility of the community at large to persons with special needs.¹⁵⁰ The remainder of the instructions about dealing with people with special needs is focused on what they, themselves, can or cannot do within the community. Essentially, the discussion is about who is included in the community, and who is excluded from it. This early dearth of material regarding the responsibilities of the full-functioning community to assist those who are challenged was a red flag for me when I began my explorations on this subject. I attempted to answer the question of why the material weighs the way it does, and to examine how the Jewish community does include those individuals, despite the biblical text. I asked the question, "Is the Jewish community breaking the command to 'not curse the deaf nor put a stumbling block before the blind' by creating barriers to entry?" What

¹⁴⁹ Leviticus 19:14

¹⁵⁰ In biblical times, the community was made up primarily of Israelites. Therefore, references to 'people in the community' in this context are about Israelites. To be fair, we must also consider the role of the גר and the תושב גר in the communal setting. Clear biblical examples exist of the non-Israelite living within the Israelite community. Anchor Bible Dictionary (Vol. VI, p. 103) states that the גר of biblical texts is usually understood as either Israelites living among foreigners or foreigners living among the Israelite communities. However, the term גר can be used to describe the role of the Levites living among the Israelites. According to these definitions, there is precedent for both Israelites and Levites gaining a first-hand understanding of what it is like to be an outsider. Although Israelites were the mainstream of the community, they did not live in isolation. There was always some element of 'in' and 'out.' It is only in the discussion of modern times that the discussion makes no assumptions that the community is made up primarily of Jews. Therefore, if the reference is to Jews in the community, it must be so stated.

I found was a complex set of issues that evolved over time, demonstrating an ongoing struggle with conflicting values and priorities.

In her book, *Judaism and Disability*, Judith Abrams claims that a paradigm for complete perfection was established with the requirements set out for priests to be considered "fit." "These qualifications – correct blood in a blemishless, perfectly life-filled body – allowed the priests to enter the realm between heaven and earth and mediate between God, and God's heavenly retinue, and Israel."¹⁵¹ Abrams' claim is substantiated in much of the Levitical text that was examined in Chapter One. The natural byproduct of the attempt to define holiness in Leviticus, was the identification of who did not fit that definition. Therefore, it excluded individuals who did not fit the paradigm of perfection that had been set forth. "The Temple, seen as the link between heaven and earth, was considered to be liminal and, therefore, dangerous. So, too, the rituals were considered dangerous, and the priests who performed those rituals were in a dangerous, high stakes position."¹⁵²

This paradigm, established for the priests with regard to their responsibilities in the Temple in Jerusalem, carried well beyond the realm of the Kohanim. It set a standard against which anything else was measured in biblical times. As the community has grown from those times, the priestly standard has remained a constant paradigm. Therefore, given the imperfect reality of human life, there have, since biblical days, been great numbers of Israelites and Jews who are measured by standards, which are nearly impossible to achieve. This has caused their *disabilities* to be magnified in the eyes of

¹⁵¹ Abrams, p. 16

¹⁵² Abrams, p. 17

the Jewish community, thereby increasing the perceived tension between inclusion and maintaining a sense of קדוּשָׁה, holiness.

At the root of this tension is a need to define who is 'in' and who is 'out.' Over time, this definition has evolved. In addition to defining who can serve as a priest and who cannot, Leviticus goes into great detail about who can be in the camp and who cannot. A protocol was established to deal with persons who were excluded from the community:

...the priest shall isolate the affected person for seven days. On the seventh day, the priest shall examine him, and if the affection has remained unchanged in color and the disease has not spread on the skin, the priest shall isolate him for another seven days. On the seventh day the priest shall examine him again: if the affection has faded and has not spread on the skin, the priest shall pronounce him clean. It is a rash; he shall wash his clothes, and he shall be clean.¹⁵³

After the biblical period, the rules of communal life became more complex and so did the definitions of who was 'in' and who was 'out.' The seemingly endless Mishnaic and Talmudic citations on this topic, which were sampled in Chapter Two, lay the foundation for an evolving set of definitions. The Mishnah that begins Tractate Hagigah exemplifies this phenomenon.

All are bound to appear, except a deaf man, an imbecile and a minor; a person of unknown sex, a hermaphrodite, women, unfreed slaves, the lame, the blind, the sick, the aged, and one who is unable to go up on foot. Who is [in this respect deemed] a minor? Whoever is unable to ride on his father's shoulders and go up from Jerusalem to the Temple Mount. [This is] the view of Beit Shammai.

¹⁵³ Leviticus 13:1-6

But Beit Hillel says: Whoever is unable to hold his father's hand and go up from Jerusalem to the Temple Mount, for it is said: Three רגלים.¹⁵⁴

The Gemara further defines these categories so that the laws about obligation in this regard are clear to all. With an evolving definition of who is obligated and who is not came a barrier between who is 'in' and who is 'out' which was increasingly complex as time went on. Underlying the question of obligation is that of involvement in the mainstream community.

In truth, the word, פטור is difficult to define. With that difficulty comes an ambiguity about what role the person who is פטור plays in the community. Although being classified as exempt from religious duties did not prohibit a person from participating, neither was that person invited or expected to participate. This is an important distinction. The person who was פטור was clearly not considered an equal in the life of the community, but it was not made clear what role that person did, in fact, play. This ambiguity is only heightened when we consider that there likely was, as in other societies, some degree of disconnect between legal writings (in this case, the Rabbinic literature) and popular reality. It is not entirely clear how people who were exempt from religious obligation for various reasons were greeted when they chose to participate in the *mitzvoth*. It is abundantly clear that these individuals were on the periphery and, as the responsa and literature of our day show, this is where these individuals remain.

Another interesting evolution that can be traced through the texts we have examined is that of who does the defining. It appears from the biblical and rabbinic texts

¹⁵⁴ Hagigah 1:1

that the communal leaders, namely the priests and rabbis, did the defining. Leviticus 13 clearly empowers the priests to make the decisions, given the clearly defined criteria that are given to them. Similarly, Leviticus 14 instructs the priest to interpret the person's blemish and to decide whether or not this person can be kept in the community.

This shall be the ritual for a leper at the time that he is to be cleansed. When it has been reported to the priest, the priest shall go outside the camp. If the priest sees that the leper has been healed of his scaly affection, the priest shall order two live clean birds, cedar wood, crimson stuff, and hyssop to be brought for him who is to be cleansed.¹⁵⁵

Although the priests were the ones interpreting the blemishes, to do so, they clearly followed a detailed instruction manual.¹⁵⁶ I propose that the true power agents during the time when the Priestly code was written were those who were able to influence the text. In this light, some priests were merely pawns, acting out the desires of the true power. Others were the leaders of the priestly community, and they created the policies for their community. Their policies, the texts, have impacted communal life from biblical times until today.

In the Talmud, the rabbis held decision-making power. Although many of the rulings came from an anonymous Rabbinic source, those that were identified with their author can provide additional insight.

Rav Yosef stated: Formerly I used to Say: "If someone would tell me that the *halachah* is in accordance with R. Judah who declared that a blind person is exempt from the commandments, I would make a festive occasion for our Rabbis, because though I am not enjoined, I still perform commandments, but now that I have heard the statement of R. Hanina, as R. Hanina indeed said that greater is

¹⁵⁵ Leviticus 14:1-4

¹⁵⁶ To question who wrote the manual in Leviticus raises the issue of authorship, which is relevant to this discussion only in that it acknowledges who held the power of communal leadership.

the reward of those who being enjoined do [good deeds] than of those who without being enjoined [but merely of their own free will] do [good deeds].¹⁵⁷

Knowing that R. Yosef was blind, it is clear that he had his own agenda in this matter. However, we do not understand most of the sources as resonating personally with the various rabbis. What we gain from the Talmudic discussions is an appreciation for how historical trends and power struggles, such as the aversion of the Pharisees and the Sadducees¹⁵⁸ to one another, are reflected in the texts.

In modern times, the job of decision-maker, or gatekeeper, has, to some degree, left the realm of the rabbinic leadership. Although rabbis still exert their power to influence the community make-up through responsa and resolutions, as well as through informal and unofficial means, there has been a push to empower those who are in the community to play a role, as well. In a day when people choose whether or not to affiliate with a Jewish community, the attitudes they meet when approaching the community can serve to define who actually affiliates. In its resolution, "Measures for Persons with Disabilities," the leadership of the Conservative movement shares the responsibility for gate keeping with all those who are in the community. The United Synagogue of Conservative Judaism resolves

...that all segments of the congregation on the adult and youth levels become involved in the process of welcoming persons with disabilities into our synagogue.

This language, created by the rabbinic and lay leadership of that community, resonates with the language of Leviticus that coaches the priests to act in a particular way. The difference, though, is that these instructions are general, rather than being

¹⁵⁷ Baba Kamma 87a

¹⁵⁸ As discussed in Chapter Two

communicated as specific instructions. In modern times, each Jewish community is unique. Within the world of liberal Judaism, it is the case that although the general framework for action *בין אדם לחברו*, between one member of the community and another, is still put forward by the leadership, the specific encounters are left for individuals to determine. This is a necessary outcome of a highly individualized Jewish community within a secular society that is driven by individual self-interest. "The creation of personal designer religions can only weaken the communal fabric and extend the sense of personal isolation that defines so much of our world."¹⁵⁹

Another phenomenon which has remained constant throughout the evolution of the sacred Jewish literature is that with an increased exposure to persons with special needs, comes a heightened comfort level of the community and, therefore, an increased incorporation of these individuals into the community. This point is made most clearly in Megillah 24b.

A priest whose hands are deformed should not lift up his hands [to say the priestly blessing]. R. Judah says: Also one whose hands are discolored with woad (red dye) should not lift up his hands, because [this makes] the congregation look at him.¹⁶⁰
If most of the people in the town follow the same occupation [as he does], it is permitted.¹⁶¹

Human nature is to fear the unknown. Therefore, the attention which is drawn by physical manifestations of unknown conditions, leads to an increased isolation of the individuals who live with these conditions. Thankfully, as scientific understandings have evolved, full-functioning community members, on a whole, have gained a better

¹⁵⁹ Address, *The Synagogue as a Caring Community: Possibilities for Personal and Communal Transformation*, p. 10

¹⁶⁰ M. Megillah 4:7

¹⁶¹ Tanna on Megillah 24b

understanding of different conditions. The hope is that this increased familiarity translates into increased acceptance within the community. The reality is that there remains a chasm between intellectual understanding and affective familiarity. Therefore, unless individuals who are 'in' the community actually become acquainted with people with different special needs, their acceptance of them will, most likely, remain formal and rule-based, rather than being translated by the individuals themselves into honest inclusion.

In different ways, the Reform, Conservative and Orthodox communal structures are each working to provide resources for persons with special needs in their attempts to transform their communities into genuine, welcoming communities.

In response to the responsa on creating a caring community, the Union of American Hebrew Congregations, in the mid-1980's, established a committee, which grew a decade later into an entire department, whose mission it is to help congregations transform themselves into welcoming, caring communities. Although this department exists on the macro level of the Reform movement, its key constituents are congregations, because synagogues are seen as the foundations of Jewish communal life.

The Department of Jewish Family Concerns of the UAHC was founded in 1997 to address issues of handicap accessibility within congregations. Because a primary goal of the Department is to "make our synagogues more deeply human and caring communities,"¹⁶² the *Lehiyot* program was created shortly thereafter to certify congregations as caring communities. When congregations register for the program, they are guided through a series of self-examinations which determine the areas in which

¹⁶² UAHC Resolution, "The Synagogue as a Caring Community," 1981

the congregations are strongest, and those in which they need the most work in the area of inclusion.¹⁶³ Once these congregations implement changes based on their self-examinations, they become "*Lehiyot* certified," signifying that they consciously attempt to provide a Jewish home for those who seek it there.

As time went on, the Department of Jewish Family Concerns, directed by Rabbi Richard Address, evolved. Within two years of the time that the *Lehiyot* program was established, its focus shifted to preparing congregations to educate children with special needs in preparation for Bar or Bat Mitzvah. "*Al Pi Darco; According to Their Ways*" was the guide that was produced for distribution to congregations to assist them in these matters. Soon after the publication of this document, the Department shifted focus again. During the past two years, it established the "Mental Health Initiative." Acknowledging the need to address issues associated with mental health and mental illness in congregations, the Department ran a series of think tanks around the country. By gathering professional and volunteer leadership within congregations, congregants and health care professionals, among others, the Department of Jewish Family Concerns has worked to identify aspects of the issue with which congregations need assistance. This led to the resolution discussed in Chapter Three, "," which was passed at the 2001 Biennial Convention. With the preparatory stages complete, the current endeavor of the Department of Jewish Family Concerns is to create a study guide for congregations on issues of mental health. Surely, once this project is complete, the UAHC will take another look at what barriers of entry remain in Reform congregational life. Then, it will work to break those barriers down.

¹⁶³ See appendix for outline of the *Lehiyot*: Access to Judaism program

In a time of increased isolation, individuals are looking to synagogues for interpersonal connection. The Reform movement has clearly acted on an institutional level. The hope is that this spirit of inclusion carries over to the attitudes of the members who greet newcomers as well as long-time community members. "In the face of a society of isolation, the synagogue has a unique opportunity to stand alone as a vehicle through which Jewish values are studied, transmitted and modeled."¹⁶⁴

The Conservative movement and the Orthodox Union have both established offices that exist to advocate for people with disabilities within the respective movements. Although I am not as familiar with these organizations as I am with their counterpart in the Reform movement, one distinction is clear. In the Orthodox Union, the "National Jewish Council for the Disabled," and in the Conservative movement, the "Accessibility Committee" work to provide structural and physical access for the disabled within their movements, as well as to ensure that education is provided to children with special needs when necessary. However, they do not, by way of their missions, examine the intangible barriers to entry that exist within congregations.

The Reform movement's focus is on special needs, rather than disabilities. By couching its concern in these terms, it acknowledges that it is not only the disabled who have needs. Rather, every person in the community has needs and, ultimately, the congregational structure should proactively examine what those needs are in order to provide for them. Perhaps, by understanding it in these terms, individuals within the community will more closely identify with those who have classically been excluded and will, in turn, welcome them.

¹⁶⁴ Address, p. 13

By examining what the Jewish community has done and is doing to provide for individuals with special needs within it, we can gain insight into what the future may hold. Many of the questions and issues, which confronted our ancestors in biblical and rabbinic times, continue to exist. In the future, it is likely that these issues will be reinterpreted and that all segments of the Jewish community will continue to work to define its obligations to Jews with special needs.

To prepare for the discussions that lie ahead, we must recognize that the discussions that have occurred to this point are the result of conflicting values. As we have seen, there are times when the letter of the *halachah* conflicts with the drive for equality and inclusion that itself is rooted in Jewish values. One example already examined is the wearing of electronic hearing aides on Shabbat. There are also times when core Jewish values, when played out, conflict with individual or communal measures of comfort. The discussion of the role of a priest (or prayer leader) with a blemish in an exposed location is an example of this type of conflict. These conflicts have fed the discussion for generations before us, and they will continue to engage this and future generations in dialogue. Ultimately, making policies about the role of Jews with special needs within the community is a question of priorities. It is, if you will, a cost-benefit analysis of personal Jewish values.

In every generation, that analysis must be reexamined. As times change, so do the needs of communities and the individuals who are part of them. However, exploring Abraham Maslow's "Hierarchy of Needs,"¹⁶⁵ displayed as a pyramid, can help us to

¹⁶⁵ Abraham Maslow, a psychologist, developed this theory in 1954 to explain people's core needs.

ground our examinations in an understanding of the core needs which remain constant for every person within a community – regardless of ability level.

In this hierarchy, each level is based upon the one before it. The bottom level of Maslow's pyramid is the need for physiological well-being. Oxygen, water and food are among the examples given of this type of need. Above physiological needs is the need for safety; physical and emotional.

The third level of Maslow's pyramid, which most informs the present discussion, is the need for belongingness and love. A person who has this need met can then go on to seek the top levels of the hierarchy, namely the need for esteem and, ultimately, the need for self-actualization.¹⁶⁶

For a community to satisfy the need for a sense of belongingness for everyone involved is a daunting task which contemporary Jewish communities face in a way that Jewish communities of the past never would have imagined. After describing our current social reality as a 'society of isolation' in which people are beginning to "seek meaning within a sacred community,"¹⁶⁷ Rabbi Richard Address cites the work of Robert Wuthnow who describes this search.

The fragmented lives that many of us lead provide an incentive to seek community in support groups. [Additionally,] the religious traditions that are so much a part of American culture legitimate this quest by telling us that community is important, and, indeed, by leading us to believe that community is also the way to find spirituality and transcendence.¹⁶⁸

¹⁶⁶ Maslow, Abraham H., *The Farther Reaches of Human Nature*, p. 366

¹⁶⁷ Address, p. 4

¹⁶⁸ Robert Wuthnow. *Sharing the Journey*. The Free Press. New York, NY. 1994, p. 31 in Address, p. 4

It is important to note that the meaning of "community" has changed immensely since biblical times. No longer can Jewish communities take for granted that Jews will affiliate. Gone are the days of a Jewish community of which everyone in the area was part. Today, it is a choice for Jews to affiliate with a Jewish community at all. In addition, there are multiple avenues of affiliation. In many areas where Jews reside, there are many synagogues, community centers, Jewish Federations and other Jewish communal institutions. And people who live largely assimilated lives, and choose to affiliate, have limited time to commit to the Jewish community. Therefore, the leadership of a synagogue, for example, cannot take for granted that the Jews who might need to be reached by social and programmatic outreach are being reached. The reality is that in the Jewish world of today, we may never know who is being excluded from the community. These individuals may be so far 'out' of the community that those who are 'in' may never know that they are out there at all. Whereas the community depicted in Leviticus was the starting point from which the leadership sent people with different conditions out and brought them back in, the task of today's Jewish community is primarily to bring people in. The starting point is a nebulous mix of individuals who share a certain amount of religious ideal, seek a sense of community, feel a sense of connection to that community and are willing to make a commitment.

Given the contemporary reality of Jewish communal life, the focus has clearly shifted from defining who should be excluded from the community, to identifying who should be included within it, and how. For each community, the 'how' looks different. Given the variety of communities that exist, each one must, for itself, actively engage in a process of inward reflection to assess how it welcomes and includes persons with special

needs, and how it can improve upon its efforts. If the community, with the support of the leadership, reaches 'in' to provide for its members with special needs, the effect will likely be that those efforts will function to reach 'out' to those who are currently disenfranchised, as well. In truth, every person has needs. And every person has gifts to offer, simply by being part of the community. The whole community can be strengthened if efforts are made on every level to remove the stumbling blocks, and to welcome all who seek to belong.

APPENDIX

Lehiyot: Access to Judaism Guidelines for Congregational Certification

Outline

Part I: Project Orientation

What is Lehiyot: Access to Judaism?

Why we Need Lehiyot: A Parent Speaks

Why we Need Lehiyot: A Rabbi Responds

What is a Lehiyot Congregation?

Part II: Congregational Certification

Becoming a Lehiyot Congregation: Starting the Process

Becoming a Lehiyot Congregation: Requirements for Certification

1. Draft a mission statement outlining the congregation's philosophy regarding people with special needs. Share it with the congregation and have the board of trustees approve it.
2. Have an annual Shabbat worship service highlighting Lehiyot themes
3. Conduct some sort of Shabbat dinner or similar program for members with special needs and/or disabilities, together with the rest of the congregants
4. Have some sort of a study session on issues related to disability
5. Compile a list of congregants who are interested in receiving the *Lehiyot Connection* newsletter from the UAHC (note: this newsletter is no longer being published)
6. Determine how many members of your synagogue have special needs and/or disabilities
7. Conduct a self-study of congregation's current accessibility and programming for Jews with special needs. Develop an action plan for improving both facility access and programming
8. Conduct Lehiyot Sensitivity workshops with seventh and eighth graders in the religious school. Invite students to describe their reactions in a brief essay.

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