
TITLE "The Blind and the Person with Impaired Vision in Early
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THE BLIND AND THE PERSON WITH IMPAIRED VISION IN
EARLY RABBINIC LITERATURE

by

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Thesis submitted in partial
fulfillment of the requirements
for Ordination

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Referee, Prof. Alexander Guttman

to my teachers -
who gave me the tools

to Dr. Guttman and Michael Klein -
who gave me the guidance

to my wife -
who gave me love and understanding
and patience

TABLE OF CONTENTS

	Page
Digest	i
Introduction	1
Footnotes to Introduction	7
Chapter 1 - Legal Status	8
Footnotes to Chapter 1	39
Chapter 2 - Social Status	48
Footnotes to Chapter 2	71
Conclusions	76
Footnotes to Conclusions	82
Bibliography	83

DIGEST

The goals of this study were to isolate a body of literature dealing with a group of people and to examine the attitudes present in that literature. The literature consisted of all the Tannaitic sources, including those passages found in the Talmud. The group to be studied was the blind.

The material was divided into two broad headings. On the one hand, all the legal material was grouped together. It was found that, although there was at least one Rabbi, R. Judah, who argued that the blind should not be held to be legally responsible, the general tendency was that the blind were indeed legally capable and responsible. It was clear from those instances where the blind person was exempted from the performance of a mitzvah that only in certain defined instances were the blind to be considered outside the bounds of halakah.

On the other hand, those agadic statements which reflected the social situation of the blind were examined. As expected this presented a more complex picture. Note was made of the stated causes of blindness. These fell into two categories: natural causes and punishment for sin. There was also a special category wherein G-d, directly or through an intermediary, intervenes to blind someone for a sin. In other cases G-d intervenes to heal blindness.

Three broad categories of attitudes toward the blind were preserved in the literature. The first, and most negative, compares the blind with the dead. The second, a more neutral position, merely states that in the desert the blind were also under the protection of the cloud of

the Lord, and therefore received the same protection as any other Israelite. The last position would seem to treat the blind person with a degree of honor.

Those passages that reflected actual living conditions of the blind were also listed. In these passages we learned of the aids used by the blind in order to move about. In addition, mention was made of those blind people who served in prominent positions at the time.

Although the material provides us with, at best, a sketchy picture, certain generalizations were made concerning the lot of the blind person in Tannaitic times. It is clear from the material that the blind were not forced out of society. They were able to fill responsible positions and were generally expected to fulfill the mitzvot. This is not to say, however, that the blind were not stigmatized. The material unfortunately suggests that the blind may well have suffered socially because of their handicap.

INTRODUCTION

In recent years the potential of the handicapped worker has increasingly been recognized. The attitudes of the past, wherein a handicapped person was shunted off to a poorly equipped institution, have been repudiated and labeled as 'medieval.' In light of this new-found interest toward the handicapped generally, it is of interest to examine the attitudes of a different time toward a certain handicap.

It can be said, without fear of contradiction, that there are more handicaps today than there were in ancient times. Our more exact methods of measurement and diagnosis have allowed us to detect and to treat many handicaps which would have gone unnoticed in earlier times. We are, then, limited when we turn to Rabbinic literature as to which handicaps may profitably be studied. Our focus in this study will be on the blind in early rabbinic, or Tannaitic, literature.

Mentions of the blind are scattered throughout Tannaitic literature. As we examine these various passages we will strive to develop some conception of what life was like for a blind person in those times. In doing this there are certain problems with which we must grope.

The most basic problem is to determine how serious the handicap of blindness was considered. It will be of interest to note if there is a difference between partial blindness and complete blindness. We will look to the attitudes expressed in the various legal statements as one gauge for developing an answer to this problem. Further, we will note distinctions made within various agadot.

It will be important also to note what limitations are suffered by the blind. There are certain limitations, of course, which are innate. We must clarify to what extent the rabbis were aware that such limitations were innate, and to what extent that awareness motivated the limitations imposed by the rabbis. Beyond this, there are other limitations, both social and legal, that are imposed by the rabbis. We will want to decide how these additional limitations developed.

Finally, there is the question of how total a picture can be reconstructed. The limits of the material dictate that, at best, only a partial picture can be developed. It will be our goal to discern what generalizations can be made from the material at hand.

Passages referring to the blind, as we have said above, are spread throughout Tannaitic literature. The initial location of the individual passages was made possible through the use of the concordances to the Mishnah,¹ Tosephta,² Talmud,³ Mekilta⁴ and Siphra.⁵ By consulting Bible passages which refer to the blind and comparing the references found in Toldot Aharon and Torah Ha-Ketubah Vehamesurah⁶ additional passages were located. Still other passages were located by the use of Masoret Ha-Shass, and the similar apparatuses included in the editions of Midrash. Finally, the indices of the Soucino Talmud⁷ and Midrash⁸ were consulted.

Having once located the passages it was necessary to determine which passages were relevant to this study. As has been indicated, this study focuses on Tannaitic material. By definition, then, all the material found in the Mishnah, Tosephta and the Tannaitic Midrash was relevant. An attempt was made concerning passages found in the

Talmud to separate the Tannaitic material from the Amoraic material.

At certain points it was found necessary to utilize Amoraic material. Where the Amoraim explained the Tannaitic passage in question it was considered appropriate, and relevant, to quote the Amoraic understanding of the text. Additionally, where there was a gap in the Tannaitic literature which could be filled by Amoraic material without doing an injustice, Amoraic material was included.

After the Tannaitic passages were identified, similar passages were compared to determine their relationships. The passages were separated, compared and categorized until they finally constituted two major headings: legal aspects and social aspects. Within each grouping the passages were further contrasted and categorized.

An attempt was then made to determine the Biblical sources of the various legal and agadic references. Where a Biblical source was found an attempt was made to determine how faithful the passage in question was to the intent of the Biblical passage.

Finally, an examination was made of the major secondary sources. The commentators found in the editions of Talmud, Mishnah, or Midrash were considered as the prime commentators. In addition in questions of Mishnah, reference was made to Albeck's commentary.⁹ The major commentator utilized in understanding passages from the Tosephta was Lieberman.¹⁰ Other commentaries were occasionally consulted, and may be found listed in the bibliography.

As was indicated above the material was arranged under two main headings: legal aspects and social aspects. Under legal aspects were discussed all sources referring to a blind person's liability and respon-

sibility under Tannaitic *nalachah*. Although there is a large amount of material dealing with compensation for having been blinded, or for blinding one's fellow, this was not dealt with in this study. There is also a body of material that is concerned with sacrificial animals which are blind. This, too, was not included.

Under the heading of social aspects were discussed all sources referring to the blind and reasons for blindness. Instances where the use of a blind person in the particular *agadah* was merely exemplary were not included. What was important in these passages was the lesson to be learned from the passage as a whole. The passages, therefore, tell us nothing of the actual attitudes toward the blind.

A study such as this depends on the amount of material preserved in the literature. In our case there was only a limited amount of material available. In many areas, if there were divergent opinions, there is no longer any trace of them. Similarly, because of the limited amount of material it is possible that conclusions may have been drawn that would have not been drawn had more material been available.

We expect to find a mixture of opinions in Rabbinic literature. The give-and-take which forms the essence of the material naturally produces a variety of opinions. In our case, also, there is a general mix of opinions. This is both good and bad. Good in that we have a wider variety of opinions preserved than other literatures may have preserved. We can, therefore, examine a larger number of positions than might ordinarily be expected. Bad in that the wider range of opinions tend to blur any clear tendency that might actually have existed toward one option or the other.

This is certainly not the case, however, concerning the question of a blind person's liability under the law. We find two broad opinions expressed as to whether the blind person is liable or not. R. Judah, through a series of midrashic interpretations, concludes that the blind are not liable. He extends his exemption to include "all the commandments stated in the Torah."¹¹ The rabbis hold the second view that a blind person is generally liable to perform the mitzvot.

The tendency throughout the material at hand is toward the position of the rabbis. In those cases where the rabbis do exempt the blind from performance of a given law they base themselves either on the Bible, directly or indirectly, or on their concept of what the physical limitations of the blind are. Further, in a number of instances the rabbis make a point to mention that the blind are required to perform a given mitzvah, even though we might otherwise have thought him exempt.

With the exception of these two major positions it was impossible to determine the opinions of any single person or school. A majority of the material was anonymous. When a person or school was quoted there was not enough material attributed to that person to discern a recognizable position.

Looking at the social aspect we find a wide spectrum of opinions concerning the blind. It should be noted that many of these opinions are at variance with the legal reality. If we would have had to form an opinion of how the blind person were treated on the basis of this agadic material, we would, in all probability, not form an impression similar to that which is evident in the legal material.

This is, to a certain extent, expected. A legal position, after all, should be consistent throughout. There is no need for an agadic position to be consistent. We are still surprised, however, to see divergences as wide as those which actually exist.

FOOTNOTES

- 1 Kasovsky, Chaim Yehoshua, Otzar Leshon Ha Mishnah (Masada Pub. Co., Jerusalem). 1956, 4 vol.
- 2 - , Otzar Leshon Ha Tosefta, (N.P., Jerusalem), 1932, 5 vol.
- 3 - , Otzar Leshon Ha Talmud. (Ministry of Education and Culture - Government of Israel and the Jewish Theological Seminary of America, Jerusalem) 1954.
- 4 Kasovsky, Benjamin, Otzar Lashon Ha Tannaim - Mekilta D'Rabbi Ishmael, (Jewish Theological Seminary of America, Jerusalem) 1965-66, 4 vol.
- 5 - , Otzar Leshon Ha-Tannaim - Siphra - Torat Cohanim (Jewish Theological Seminary of America, Jerusalem) 1967- , 3 vol.
- 6 Hyman, Aaron, Torah Ha-Ketubah Vehamesarah, (Davis, Tel Aviv) 1936-39, 3 vol.
- 7 The Talmud, (Soncino Press, London) 1948, 22 vol.
- 8 The Midrash, (Soncino Press, London) 1961, 10 vol.
- 9 Albeck, Henoch, Shisha Sidre Mishnah, (Mosad Bialik, Jerusalem), 1969, 6 vol.
- 10 Lieberman, Saul, The Tosefta (includes Tosefta Ki-Fshutah), (The Louis Rabinowitz Research Institute in Rabbinics and the Jewish Theological Seminary of America, Jerusalem) 1955.
- 11 Baba Kamma 87c.

CHAPTER 1 - LEGAL STATUS

The most basic question concerning legal status, whether the blind person is even liable for the mitzvot, was debated by the rabbis. The issue was raised by R. Judah (b. Ilai), one of the students of R. Akiva who was ordained by R. Judah b. Baba.¹ In Baba Kamma² we find a series of baraitot taught by R. Judah in which he disqualifies the blind person from the commandments between man and man leading finally to "all the commandments stated in the Torah." At each step of the way we will see that the Rabbis oppose R. Judah's view and, therefore, hold that the blind person is indeed liable for the mitzvot. As they state in answer to R. Judah: "Behold, he is like the sighted in all matters."³

The Torah states the law in the case of an accidental killing as follows: "When you cross the Jordan into the land of Canaan, you shall provide yourselves with places to serve you as cities of refuge to which a manslayer who has killed a person unintentionally may flee."⁴ The Torah then defines an unintentional killing thusly: "But if he thrust him suddenly without enmity, or hurled upon him any thing without lying in wait, or with any stone whereby a man die, seeing him not, and cast it upon him, so that he died, and he was not his enemy, neither sought he harm..."⁵ This is the law of exile.

R. Judah exempted the blind person "from the liability of being exiled."⁶ As in each of the successive cases, this is a single opinion and the Rabbis oppose it.⁷ In Siphre we are presented with R. Judah's reasoning.

Or with any stone, whereby a man dies, seeing him not": (the words 'seeing him not' imply) to include the blind and he who throws (stone) at night. R. Judah says "seeing him not" (implies) to exclude the blind.

The gemara in Makkot explains how the same phrase, seeing him not, is understood in these two contradictory ways:

On what (textual) ground does R. Judah adopt his interpretation? The wording, "as when (a man) goes into the wood with his neighbor... (he argues) implies (anybody), even a blind person; but then comes (elsewhere) the qualification "seeing him not" and thereby reduces the wider application. And R. Meir? - Since "seeing him not" (he argues) is a limiting expression, and "(whosoever killeth his neighbor) 'unawares'" is another, the effect of limitation after limitation (logically) only amounts to amplification. And R. Judah? - He takes "unawares" to exclude intentional injury.

By a different understanding, and use of the Biblical text, R. Judah and the Rabbis (R. Meir) arrive at opposite opinions as to whether the blind person goes into exile.

Had R. Judah's view been adopted, the blind would have been exempted from a central element of Biblical criminal law.

R. Judah, however, did not stop at this point. The same series of baraitot teaches that, according to R. Judah, the blind person is also exempt from the liability of lashes¹³ and from the liability of "being put to death"¹⁴ by a court of law.¹⁵ As the gemara goes on to explain in this passage, R. Judah's reasoning in each of these instances is by

means of a hekkesh. In the case of "death by a court of law" the gemara notes the use of the term "murderer" both for capital punishment¹⁶ and for exile.¹⁷ By the logic of the hekkesh we see that since the blind person is exempt from exile, so he is exempt from capital punishment. Similarly, with flogging, a hekkesh is made with the term "wicked." It is used once for flogging¹⁸ and once for capital punishment.¹⁹ Just as the blind person is exempt from capital punishment, so he is exempt from lashes.

By extension from exile, to flogging and capital punishment, R. Judah has excluded the blind from liability for criminal punishment. His opinions would still be opposed by the Rabbis, and R. Meir, since they reject his initial understanding of the Torah in the matter of exile.

Our passage continues. R. Judah also exempts the blind person "from all the judgments of the Torah."²⁰ Dinim, the Hebrew word translated here as judgments, can also mean a lawsuit or a claim,²¹ and it is in that sense that the word is used here. A blind person is exempt from all legal claims, theft, loss, etc., that a person may bring against his fellow.

Here again we see that R. Judah continues to utilize the law of exile to prove his point. Torah states, "then (in the case of unintentional killing) the congregation shall judge between the smiter and the avenger of blood according to these ordinances."²² Since he who is liable for exile is subject to judgments as we see here, the blind person, who is not subject to exile, should not be subject to judgments.²³

Having now exempted the blind person from both criminal and civil liability under the law R. Judah goes one step farther. R. Judah also exempted the blind person "from all commandments stated in the Torah."²⁴ The gemara in Baba Kamma states that R. Judah bases his reasoning on the Torah. Scripture says:

Now this is the commandment, the statutes and the ordinances;²⁵ he who is subject to the 'ordinances' is subject to 'commandments' and 'statutes', but he who is not subject to 'ordinances' is not subject to 'commandments' and 'statutes.'²⁶

We see that R. Judah is consistent throughout, and we will see later when we survey individual **issues that he continues to hold to** position. Before we go on to examine various individual issues we must ask two questions of the material before us. First, to what degree can we say that R. Judah, or the Rabbis, correctly understood the Biblical passage on exile? Second, what briefly are the implications both from the point of view of R. Judah and from the point of view of the Rabbis?

If we look again at that critical verse, Numbers 35:23, we must ask ourselves what it means in context. Two comments should be sufficient to demonstrate that R. Judah has forced his opinion on the text. First, Rashi, in his comment to this verse, strives to explain its literal sense. He writes: "Seeing him not" - i.e., that he (the slayer) did not see him." And in translation by Rosenbaum and Silbermann the note is added: "Not: without anyone having seen him; i.e., there were no witnesses."²⁷ Here we see clearly that one's ability to see is not questioned, but the actual fact of whether one saw the victim or not.

This would follow R. Meir's reasoning that this is one of several limiting phrases. The effect of these limiting phrases, as R. Meir states, is an amplification.²⁸

We see even clearer in the new Torah translation from J.P.S. In translating this verse they make no mention of sight. We quote vs. 22-23: "But if he pushed him without malice aforethought or hurled any object at him unintentionally, or inadvertently dropped upon him any deadly object of stone, and death resulted..."²⁹ Here we see most clearly the intent of the verse. R. Judah clearly did not react to the literal meaning of the text.

We must examine now the broad implications of this discussion upon the blind person. R. Judah excluded the blind person from the punishments of exile, flogging, and death at the hands of the bet din. These three punishments constitute the only methods of physical punishment exercised by Biblical and (not counting the Sotah ritual) Talmudic law. Rabbi Judah has, in effect, placed the blind person outside the limits of Talmudic criminal law.

Further, by excluding the blind person from "all the judgments of the Torah" R. Judah removes the blind person from civil law as well. As we said before, no one could bring a claim or suit against a blind person were this opinion of R. Judah's accepted. Taken together, this exclusion from criminal and civil law removes the blind person from liability for those mitzvot characterized as "mitzvot between man and man."

There remains R. Judah's exemption of the blind from "all the mitzvot

stated in the Torah." Having noted the systematic progression, steadily excluding the blind from those mitzvot which are between man and man, we can only accept this statement literally. The blind person is hereby exempted from those remaining commandments, those between man and God. The blind person no longer has any responsibility under Talmudic law, according to R. Judah's opinion. It can only be mentioned in passing here that later commentators took note of the harshness of this position and tried to understand it in more lenient ways.³⁰

As opposed to this harsh view of R. Judah we have seen that at each step his interpretation was rejected by the Rabbis. The basic position of the Rabbis was stated early in the discussion, when they responded to R. Judah's exemption of the blind from the law of exile. The position of the Rabbis was stated there that the blind is "like the sighted in all matters."³¹ The Rabbis, then, will strive to apply the halachah to the blind in accordance with the realistic limitations of what it is to be blind.

We will examine now those Tannaitic passages which deal with the legal status and responsibility of the blind person. There are three major groups of laws. The first we will examine deals with situations in which the blind person is disqualified from some area. The second will deal with disputes concerning his status. The last will deal with those areas where the rabbis made special mention that no limitation is placed on the blind person in these areas.

In each instance we will be interested in two issues. First, if it is known, what was the basis for this particular statement? Second, to what degree does this represent an actual physical limitation of the blind person?

Let us look first to those areas where the blind person is disqualified. We find three major subdivisions. Those laws that base themselves directly on the Torah, those that are midrashically derived from the Torah, and those that do not have Biblical support.

We read in Leviticus, "The Lord spoke further to Moses:

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 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;... he shall not enter behind the curtain or come near the alter, for he has a defect. He shall not profane these places sacred to Me, for I the Lord have sanctified them.³²

The Torah states in this passage that a priest who has some bodily defect may not perform any of the priestly functions in the Temple.

In the Siphra the Rabbis comment merely to clarify what they understood by the use of the word "blind" in this instance. "The text, 'blind' means blind in both eyes or in one eye. Whence do we derive the case of which spots (on the cornea) and eye dripping with water, (both defects being) of a permanent character? There is a scriptural text: '(a blind) man.'³³ Here we see that several forms of blindness are included within the definition of blind, even any permanent blemish on the eye is included.³⁴

Rashi, however, understands the use of 'blind' in this passage differently. He comments on the word 'blind': "the meaning is that his eye was removed and he has nothing at all."³⁵ He adds to the meaning of blind so that it now refers to a visible defect, i.e., something that would be seen by the people.

Supporting Rashi's argument we find the following statement concerning the priestly benediction: "A Tanna stated: 'The deformities which were laid down (as disqualifying) are on the face, the hands and the feet.'"³⁶ What is the reason for these particular defects being disqualifying? The Mishnah here gives the reasoning concerning the disqualification of a priest whose hands are deformed as he "should not lift up his hands, because (this makes) the congregation look at him"³⁷; and Rashi notes that it is forbidden to look at the priests during the recitation of the blessing.³⁸ What we see here is that it is not merely the ability to see that is required to perform the ceremony, but that there is something about the blind person himself that would cause the people to look at him. Perhaps the fact, as Rashi mentioned above, that his eyes have been removed.

At any rate, the understanding of blind here could be included in a category of visible defects. We have the blind included in such a category concerning both liability for blinding a slave³⁹ and the suitability of animals for sacrifice.⁴⁰

The comment of the Rabbis, then, can be seen on an expansion of the Biblical text. They have emphasized the phrase "he who has a defect."

The Rabbis understood that phrase to refer to a visible defect that would detract the people's attention from the priestly service of God. The inclusion of 'blind' in this list of defects would not, at first glance, fall into a category of visible defects that would so distract the people. Hence, as we have seen, they reinterpreted the phrase to include one whose eye has been removed, or who otherwise has a visible defect.

We read in the Torah concerning skin rashes that a person so afflicted must be examined by the priests.⁴¹ In describing that examination the Torah tells us: "But if the eruption spreads out over the skin so that it covers all the skin of the affected person from head to foot, wherever the priest can see... he shall pronounce the affected person alien..."⁴²

The rabbis understood the phrase "wherever the priest can see"⁴³ as referring to the priest's ability to see the affliction. We read in the Mishnah. "A priest that is blind in one eye or the light of whose eye is dim may not inspect leprosy signs, for it is written, 'As far as appeareth in the eyes of the priest.' They may not open up windows in a dark house to inspect the leprosy signs thereof."⁴⁴ Similarly, we read in the Midrash, "As far as appeareth in the eyes of the priest - excepting the priest for whom the light of his eyes has darkened. From here they said: A priest for whom the light of his eyes has darkened, and one who is blind in one eye, or one for whom the light of his eyes has dimmed shall not inspect leprosy signs."⁴⁵

We would expect to find the blind excluded in this instance. The Torah clearly states that the leprosy must be seen by the priest. What is unexpected is to find that any impairment of the sight would disqualify one from examining the leprosy. After all, a priest with one eye can still see well enough to examine the person, as could a priest whose eyesight is somehow lessened.

In this instance the rabbis understood the phrase "as far as appeareth to the eyes of the priest" to demand extra strictness on the qualifications of the priest. The verse says, after all, not "before the eyes of the priest", but (reading with the rabbis) "before all the sight of the eyes of the priest." We see, therefore, that they require that the priest have full sight in both eyes.

Concerning a person who comes as a witness, the Bible says: "And if any one sin, in that he beareth the voice of adjuration, he being a witness, whether he hath seen or known, if he do not utter it, then he shall bear his iniquity..."⁴⁶ Here we see various qualifications as to who is a witness. A person is a witness after having seen or heard something.

In the Tosephta we see how the Rabbis understood this verse. "And he is a witness who is qualified to bear witness. 'And he heareth' - to exclude the deaf; 'whether he hath seen' - to exclude the blind; 'or known' - to exclude the insane person; 'if he do not utter it, then he shall bear his iniquity' - to exclude the dumb; these are the words of the Rishonim. Rabbi Akiva says: 'then shalt thou inquire and make search, and ask diligently...'"⁴⁷ There are those who inquire of the deaf and

there are those who inquire of the insane. The Torah teaches:⁴⁸ 'Ye shall have one manner of law.'⁴⁹ We see, then, that the rabbis have understood each phrase of this verse as adding additional qualifications. They have not considered the other option of emphasizing the 'or' or a disjunctive. A witness, then, must be able to see, hear, speak and must be sane.

The rabbis raise an additional question concerning the qualifications of a witness. We know that we require a witness to be sighted, or hearing, etc., but what if one was sighted, but blinded before he gave testimony. Or perhaps, a person was sighted and later blinded, but recovered his sight before he gave testimony. Can a person in either of these instances bear witness?

The answer of the Rabbis is most clearly stated in the Tosephta. "This is the general rule: whoever's beginning is proper (for witnessing) and his end is proper (for witnessing) in a proper (witness). If his beginning and his end are improper, or his beginning is improper and his end is proper, then he is an improper (witness)."⁵⁰

Here we see a bit clearer the intention of the Rabbis. A witness is required to be able to see, hear, etc., the original action so that he may describe for the court exactly what transpired. He must also have all his senses at the time he testifies in order to identify either the people involved, or the objection in question.⁵¹

The Torah describes a **heave** offering, which is to be given to the priests, as : "are the best of the oil, and all the best of the wine, and of the corn, the first part of them which they give unto the Lord, to thee have I given them..."⁵²

We see, then, that the requirement of this offering is that it be given from the choice of the produce.

The Mishnah lists those who may not give heave offerings as: "He that is dumb or naked or blind or who has suffered a pollution." It goes on to note that "if they do (give a heave offering), their heave offering is valid."⁵³ The Tosephta asks why these specific classes of people should not be allowed to give this offering. "Why did they say that a blind person should not give a heave offering? Because he is not able to choose the fitting from the unfitting."⁵⁴ Here we see that because the blind person cannot choose the choicest produce, as required by the Torah, he should not make this offering.

In these four cases, priestly service, inspecting leprosies, bearing witness and giving, the heave offering the rabbis base themselves directly on the Torah. In 3 cases we have seen that the rabbis added to the simple meaning of the Biblical text, **usually to expand and extend the disqualification of the Biblical text beyond what would be necessary for context.**

An additional question remains as to whether a blind person is physically able to perform these actions, or if these are realistic qualifications in light of a blind person's disabilities. In the case of performing priestly functions there is a clearly stated disqualification from the Torah. If this is based, as noted in the Mishnah,⁵⁵ on the distraction it would cause the people, causing them to look at the priest, then the note of Rashi⁵⁶ that this refers to one whose eye was removed may be valid.

In the case of examining leprosy, we are surprised to find the disqualification extended to those whose eyesight is less than 100 percent. Certainly a person who has only one eye can see to examine the leprosy. And, in all probability, one who has only partial sight could also fulfill this function.

The case of bearing witness is the hardest to understand. A blind person cannot claim to be an eye witness, but there are other matters to which he may witness. Indeed this fact seems to be recognized in the Biblical text when it states, "whether he hath seen OR known."⁵⁷ The disqualification here seems to be based on a preconception of the tannaitic rabbis and not on the reality of the situation as acknowledged by the Torah, as well as the later Amoraim.⁵⁸

The clearest case is that of a blind person bringing a heave offering. While a blind person could choose between good and bad produce, he could not choose which was the best, which had the fewest physical defects. In this case, then, the limitation of the Torah is in line with the physical capabilities of the blind person.

In the following cases we will look at various disqualifications which are based on Biblical exegesis, midrash. We will be interested to see if the midrashic interpretation is in the line with the Biblical sense of the verse.

When a person brings a burnt offering of the herd to the temple, or tabernacle, "he shall lay his hand upon the head of the burnt offering, that it may be acceptable in his behalf, in expiation for him."⁵⁹ The Torah presents this as part of the normative ceremony that one goes through in bringing a burnt offering to the priests. There are no qualifications as

to who may or may not perform this ceremony.

We learn, however, in the mishnah that there are limitations as to who may perform this semikah. "All may perform the laying on of hands excepting a deaf-mute, an imbecile, a minor, a blind man, a gentile, a slave, an agent, or a woman."⁶⁰ We are then told various particulars about this ceremony. In the Tosephta the blind are not included in the list of those who do not perform semicah.⁶¹

We must ask, on what basis is the blind man disqualified: The gemara⁶² offers **two reasons**, one in the name of R. Hisda and one in the name of R. Issac B. Abdine. Let us examine each of these explanations.

According to the first reasons the laying on of hands in all instances is like the laying on of hands performed by the elders of the congregation. We read in the Torah that when the entire congregation sins that "the congregation shall offer a bull of the herd as a sin offering" and that "the elders of the congregation shall lay their hands upon the head of the bull."⁶³ These elders of the congregation are, according to Bertinoro, the great Sanhedrin.⁶⁴

We learn further in the tractate Sanhedrin: "As R. Joseph learned: Just as the Beth Din must be pure in righteousness, so they must be free from every blemish. Amemar said: What verse (proves this): - Thou art all fair, my love, and there is no blemish in them."⁶⁵ But perhaps a literal defect (blemish) is meant?"⁶⁶

If, then, the blind man is not qualified to be among the elders, and we base our qualifications as to whom may perform semikah on the elders of the congregation, then the blind person may not perform semicah.

The second line of reasoning presented in our gemara bases itself on the semikah performed during the three pilgrimages.⁶⁷ Since a blind man is not required to go up to the Temple for these pilgrimages,⁶⁸ he is likewise not required to perform semikah.

While either of these comparisons would accomplish the purpose of excluding the blind man from performing semikah, it must be objected that there is no compelling reason why a comparison should be made to either of these cases.

One feels forced to say that the Amoraim, R. Hilda and R. Issac b. Abdim constructed Biblical reasonings for a Tannaitic decree which seemingly had no other basis. Further, it must be said that their reasoning, while internally valid, does not seem to be in any way supported by the text in Leviticus.

The normal procedure in the case of a suspected adulteress is that she is brought before the priest and goes through an elaborate ceremony.⁶⁹ As a part of that ceremony she is made to drink the "water of bitterness." The Torah describes the crime of the wife: "If any man's wife go aside... and a man lies with her carnally, and it be hid from the eyes of her husband...and there be no witness against her."⁷⁰

We learn in a midrash that the phrase "And it be hid from the eyes of her husband" comes to exclude the blind.⁷¹ Further, the phrase later in the Torah, "When a wife, being under her husband, goeth aside" comes "to compare a husband with a wife and a wife with a husband."⁷² The import of this comparison, as explained by R. Shesbet, as it is written

"And it be hid from the eyes of her husband," so she does not drink if she is blind."⁷³

We see that the rabbis have taken the phrase and it be hid from the eyes of her husband" as a qualification of her transgression. This qualification demands, for the rabbis, that it be possible that the matter not be hid from the eyes of her husband; i.e., that he could be able to see what was happening. Therefore, if the husband were blind he would be disqualified from charging his wife as a suspected adulteress. They can arrive at this formulation by reinterpreting the context and meaning of the Biblical text.

We read in Deuteronomy: " If a man have a stubborn and rebellious son, that will not hearken to the voice of his father, or that of his mother, and though they chasten him, he will not hearken unto them; then shall his father and his mother lay hold on him, and bring him out unto the elders of his city, and unto the gates of his place; and they shall say unto the elders of his city: 'This our son is stubborn and rebellious, he doth not hearken to our voice; he is a glutton, and a drunkard.' And all the men of the city shall stone him with stones, that he die;..."⁷⁴

The rabbis, as we have seen them do before, understand each phrase of this description as an additional qualification. So we read in the Mishnah: "If either of them was maimed in the hand, or lame or dumb or blind or deaf, he cannot be condemned as a stubborn and rebellious son, for it is written, Then shall his father and his mother lay hold on him - so they were not maimed in the hand; and bring him out - so they were not lame; say - so they were not dumb; this our son - so they were not blind; he will not obey our voice - so they were not deaf..."⁷⁵

Here again we see that though it is demanded neither by the Biblical verse, or by the physical limitations of the blind person, nevertheless, the Rabbis impose a qualification.

The ability of a person to act as a judge depended on what the matters were to be judged and one's personal qualifications. It was accepted that a person who was blind could not be a judge in capital cases. The question of his suitability to judge in cases of a less serious nature was discussed.

From among the general category of issurim the rabbis discussed only a blind man's suitability to be a judge in a case of halitzah. The Mishnah states that "the Commandment of halitzah must be performed in the presence of three judges, even though all three are laymen."⁷⁶ The Tosephta to this Mishnah cites the opinion of R. Judah who holds that five judges are required.⁷⁷ The gemara, trying to explain these two opinions, asks for the proof of each. Explaining the phrase "Before the eyes of (the elders):"⁷⁸ We learn that since we are talking of a case where laymen can judge it must be explicitly stated that a blind person may not judge. "Whence, then, does R. Judah deduce the eligibility of laymen" - He deduces it from "Before the eyes of"; a Master having said: "Before the eyes of", excludes blind men. Now, since the expression that even laymen (are eligible). For should it be suggested (that only members of) the Sanhedrin are required, what need was there to exclude blind men..."⁷⁹

In this case the disqualification of one totally blind is certainly warranted, since the judge must be able to see the widow spit in the face

of the brother-in-law. Further, we learn from this case that, in the case of isgurim which may be judged by laymen, a blind person would be considered qualified to judge unless it is specifically ruled otherwise.

In more serious matters, the blind person was disqualified from judging, even if he were blind only in one eye.⁸⁰ Referring to the case of a rebellious son we read: "Just as we require (these conditions) with his father and with his mother so we require (them) with the elders of the Beth Din; as it is written,⁸¹ 'They shall go out - to exclude the lame; 'and say' - to exclude the dumb; 'Our hands have not shed (the blood)' - to exclude those maimed in the hands; 'neither have our eyes seen it' - to exclude the blind. The text teaches that just as the elders of the Beth Din are perfect in righteousness, so they must 'be perfect in their limbs.'⁸²

Similarly we read: "Rabbi Meir used to say: what is meant by the verse, "According to their word shall every controversy and every leprosy be?⁸³ Now, what connection have controversies with leprosy? - But controversies are assimilated to leprosy: just as leprosy (must be examined) by day, since it is written, "And in the day when (raw flesh) appeareth in him," so controversies (must be tried) by day; and just as leprosy cannot (be examined) by the blind, for it is written, "Wherever the priest looketh," so controversies too may not be tried by the blind."⁸⁴

We have seen in these last cases instances where the rabbis have imposed limitations on the blind through the use of various midrashic devices. In some instances, such as that of the rebellious son, they have

used this midrashic approach to extend or create a restriction. In others, such as semicah, they have used the midrashic approach to clarify an otherwise ambiguous law.

In the examples that follow there is neither a Biblical nor a midrashically derived basis for the restriction.

According to the Torah ^A, Get, a writ of divorce can only be granted by the husband to the wife.⁸⁵ There is no Biblical discussion of whether a man may be forced to divorce his wife. Specifically, the Mishnah notes: "If defects arose in the husband, they may not compel him to put away his wife. R. Simeon b. Gamaliel said: This applies only to the lesser defects, but for the greater defects they can compel him to put away his wife."⁸⁶ In the Tosephta R. Simeon b. Gamaliel defines these greater defects as: "If he were lame in one foot or if he were blind in one eye..."⁸⁷ We see, then, that the rabbis assumed that there were circumstances in which a husband should be forced to grant his wife a divorce. One of those cases was where a man became so maimed that his wife may not want to live with him any longer. In such a case the community was empowered to force him to grant a divorce.

The Torah specifies that a Get must be written specifically for that particular woman at that particular time.⁸⁸ If a Get is not written in the presence of the wife, it must be done so that it may be certain that it was written specifically for her. The rabbis decreed that a deaf mute, an imbecile, a minor, a blind person or a gentile may not be trusted to bring a Get.⁸⁹ This was explained by the Amora, R. Joseph, to refer only to a Get brought from outside the land of Israel.⁹⁰ In that case, and

not in the case of a Get delivered within the land of Israel, it was required that the messenger be able to say: "Before me it was written, Before me it was sealed."⁹¹ Here, then, because of his inability to testify, the blind person is disqualified.

The Tosephta notes that a blind man should not go out on a holiday with his staff.⁹² The staff is declared to be Muktzeh, forbidden for use or handling on Shabbat. The assumption is made that the blind person used the staff as an aid to his walking.⁹³ Since it is not essential for walking, and since it is the way one customarily goes about on a weekday, it was considered a cheapening of the holiday to go out with the staff.

In all the cases that have been previously discussed there have been no disputes. In those that follow there will be a dispute as to whether a blind person is liable in these cases, and to what extent.

We read in the Tosephta that: "He that is blind may recite the Shema and translate." R. Judah says: 'Whoever has never seen the light may not recite the Shema.' They said to him: 'Many have discoursed⁹⁴ on the Heavenly Chariot and they have never seen it.'

There are several terms here that require elaboration. When our passage speaks of "translate," it refers to translating the Torah into the vernacular. It was accepted that a blind person could not read from the Torah itself since it is forbidden to recite the Written Torah by heart. A translation into the vernacular which was recited by heart was not forbidden.

When our passage refers to "recite the Shema" it refers to the person who leads the congregation in the Shema. Levy notes that the term refers specifically to a case "when 10 (or 7) people come to the synagogue after the congregation has already recited the Shema with its Benediction." He notes further that "the paragraphs of the Shema itself were probably well known by the congregation and recited in unison."⁹⁵ It is clear that this is within the context of a public service and that the benedictions are recited by someone leading the service.

The Mishnah would allow a blind person to fill this role in the congregation, but R. Judah objects that a blind person who has never seen light may not recite the benedictions. This objection is based on the principle that one recites a blessing only when one receives enjoyment from the object blessed. Since the benedictions of the Shema include a blessing over light, a blind person who has never seen light should not recite this blessing, according to R. Judah.

Further, since a person who is not liable for a commandment cannot exempt others from their responsibility to perform that commandment, a blind person who has never seen the light cannot fill this public role in the congregation.

The Rabbis answered R. Judah by stating that this case is different. Just as people have discoursed on the Heavenly Chariot without seeing it, they would say, so here a blind person may discourse on the benefits of light without having seen it. Further, they would say that the blind

person does receive a benefit from the light. This would be in a case where sighted people see the blind person and prevent him from coming into danger.⁹⁶

The Torah speaks of a requirement of all males to make three pilgrimages a year to the Temple in Jerusalem. "Three times in the year shall all thy males appear before the Lord God, the God of Israel."⁹⁷ In reference to this we read: "Three times - this applies only to such as can travel on foot. Shall be seen - this excludes the blind. Thy males - this excludes women. All thy males - this means to exclude the stranger, the tumtum, and the hermaphrodite... In this connection the sages said all are under obligation to appear in the Temple except the deaf and dumb, the insane, the minor, the tumtum, the hermaphrodite, the lame, the blind, the sick and the aged."⁹⁸

That the totally blind person is exempt from appearing at the Temple all agree.

If a person is blind in one eye only, it is disputed whether he is required to appear or not. "For it is taught: Johanan b. Dahabai said in the name of R. Judah: A man who is blind in one eye⁹⁹ is exempt from appearing (at the Temple) as it is said: Yir'eh (he will see) Yera'eh (he will be seen)."¹⁰⁰

As we saw above the opinion as expressed in the *Mekilta* would not disqualify the blind in one eye.

The Talmud¹⁰¹ explains that these two opinions depend on principle known as 'Eim lemiqra, that the letters of the word are significant and not the traditional vocalization. The key word in our text may legitimately

be read, then, "yir'eh" or "yera'eh."

The difference in these opinions rests on the implications of this word, yir'eh - yera'eh. In the opinion of the Mekilta one can say only that one who is blind in both eyes is exempt, as we have seen. Yohanan B. Dahabai in the name of R. Judah goes farther stating: "As he comes to see with both eyes, so also to be seen with both eyes."¹⁰²

Upon marriage the woman received from her husband a Ketubah which was worth 200 dinars. If she were not a virgin, the Ketubah was worth 100 dinars. A husband could lodge a virginity suit against his wife after the first night if she were found not to be a virgin. R. Meir held that there were certain cases where, due to an accident, the woman did not have her hymen intact and that no virginity suit could be brought against such a woman. The Sages disagreed.¹⁰³

We learn in the Tosephta: "A virginity suit may be lodged against a blind woman or a barren woman. Symmachus says in the name of R. Meir, "No virginity suit may be lodged against a blind woman."¹⁰⁴

The sages hold, as stated above, that if the hymen were not intact, even though it were lost through an accident, the Ketubah is 100 dinars. The fact that one is blind, and may easily have lost her hymen through an accident, is no factor. The normal Ketubah, then, is 200 dinars and a virginity suit may be lodged against her.

R. Meir classified the blind woman as one of those who may be presumed to have lost their hymen through an accident, and therefore, no virginity suit may be brought against her. He seems to assume that when

a blind woman does lose her hymen accidentally she would not necessarily notice the flow of blood.¹⁰⁵ It would not, then, be known that this were an accidental loss. According to R. Meir's opinion this would make a difference in the worth of the Ketubah. In order to prevent an injustice, R. Meir classified all blind women in a category with those who had lost their hymen through an accident, thereby assuring the value of the Ketubah.

The Mishnah states that "if a man wounded his fellow he thereby becomes liable on five counts: for injury, for pain, for healing, for loss of time, and for indignity inflicted."¹⁰⁶ The Mishnah and the Tosephta then proceed to enumerate various exceptional cases. The Tosephta notes a dispute between R. Judah and the Sages concerning the status of a blind person. "A blind person," R. Judah contends, "is not subject to (the law of) degradation. The Sages say that he is subject to (the law of) degradation."¹⁰⁷

R. Judah's intention, according to the commentators, is to say that if a blind person inflicts indignity upon someone else, he is not liable. If, conversely, someone else inflicts indignity upon a blind person, that person would be liable.¹⁰⁸ The Sages would assert, then, that a blind person who inflicted indignity on someone else would be liable.

We must note here, as we did in our earlier discussion of R. Judah, that R. Judah intends to exempt the blind person from all the mitzvot of the Torah. Here, also, he holds that the blind person should not be liable for his actions. The Sages, by denying this initial

assumption, hold that a blind person is a responsible person, and liable under the law.

Until this point we have been examining cases where the blind person was disqualified from performing various mitzvot. We now turn our attention to those areas where it is specifically stated that the blind are liable to a certain mitzvah. It will be important to note why a specific mention was deemed necessary in these cases.

It is a command from the Torah to wear fringes on the corners of your garments.¹⁰⁹ The reason stated for this mitzvah is that you will see the fringes and remember and do the commandments. If seeing the fringes is a condition of this mitzvah, then it is rightly asked of this mitzvah applies to a blind man's garment.

The rabbis resolve the issue by positing two possible meanings to the phrase "that ye may look upon it." The one possible meaning, as we have stated, is that it refers to a blind man's garment. The other possible meaning is that it refers to a night garment. We read: "That ye may look upon it": this excludes a night garment. You say it excludes a night garment, but perhaps it is not so, but it excludes rather a blind man's garment? The verse says, 'Wherewith thou coverest thyself,' clearly includes a blind man's garment; how then must I explain the verse, 'That ye may look upon it'? As excluding a night garment. And why do you choose to include a blind man's garment and to exclude a night garment? I include a blind man's garment since it is looked upon by others, whilst I exclude a night garment since it cannot be looked upon by others."¹¹⁰

The choice of the Rabbis, to exclude a blind man's garment, is clear.

There can, also, be no doubt as to why this case had to be explicitly stated. The problem, as we saw, arises directly from the Biblical text, and, without some clarifying statement, one would naturally assume that a blind person's garment would be excluded. We know otherwise only because of the Rabbi's comment.

As we saw earlier a blind priest is prohibited from approaching the alter. This does not imply, however, that a blind priest is exempt from all the priestly privileges. So we read in the Siphre: "The priests, the Levites, even all the tribe of Levi, shall have no portion nor inheritance with Israel." This is implied since it says: 'then he shall minister in the name of the Lord his God...' I know this only of those without a blemish; if they have a blemish, from whence do it know this: Scripture teaches: 'even all the tribe of Levi.'¹¹¹

We see, then, that with the exception of public acts at the alter a blind priest may exercise all the rights and privileges of the priesthood.

The mishnah speaks of how one should conduct himself when reciting the **Tefillah**, the eighteen benedictions. Note is also made of how one should comport himself in certain exceptional situations. The Tosephta notes: "A blind person, and one who is not able to discern the cardinal points should direct his heart toward his Father in heaven and pray, as it says,¹¹² and they pray unto the Lord."¹¹³ Under normal circumstances one is expected to pray toward Jerusalem and the Temple. In this exceptional case it is sufficient that he direct his heart directly toward "his Father in heaven."¹¹⁴

As the gemara notes¹¹⁵ normally one should direct his thoughts toward Jerusalem and the Temple. The closer one comes to the Temple the more

exactly one should direct himself toward the Holy of Holies, and through that holy spot toward God. Here, where it is impossible to know which way one is facing, special mention is made to instruct one how to behave in this situation.

The Torah prescribes the ceremony of halitzah in a case where the brother-in-law will not marry his brother's childless widow. The ceremony requires that she "loose his shoe from off his foot, and spit in his face..."¹¹⁶ There is a question whether it is required that the brother-in-law see the spit, or if it is sufficient that the judges see it. It was decided that it is sufficient that only the judges see it.

We read in the Tosephta: "If she performed halitzah with a blind man, her halitzah is valid."¹¹⁷ Here we see the application of the argument described above. Lieberman has noted that among the Rishonim it is preferred that the halitzah be performed with a sighted male, but if it were already performed, or if there is no other brother, the halitzah¹¹⁸ is valid.

The Torah requires that a man leave certain parts of his crop for the poor. Among these are the "forgotten sheaf."¹¹⁹ The Mishnah states that this law is binding on a blind man as well, even though he cannot see what he is leaving behind. "If a man reaped by night and tied up sheaves, or if the reaper was blind, the law of the Forgotten Sheaf (still) applies. If he purposed to take away the larger sheaves only, the law of the Forgotten Sheaf does not apply. If he said, "I am reaping on the condition that what I forget I will take away (afterward)", the law of the Forgotten Sheaf still applies."¹²⁰

It is the contrast of the first two cases that is of interest to us. We see that if one intended to take only certain of the sheaves it is permissible for him to return and collect others later. If one intended, however, to reap his field as a whole, then, regardless of other circumstances, as soon as he has forgotten a sheaf in the field the law of the Forgotten Sheaf applies to it. A blind person who takes it upon himself to reap the field is, then, still liable for the law of the Forgotten Sheaf.

We saw above that a blind person was disqualified from delivering a Get in certain circumstances. He may, however, write the Get if he is so skilled. "All are qualified to write a Get, even a deaf-mute, an imbecile or a minor."¹²¹ In this case, since it is required that the Get be written specifically for the woman, and that there be witnesses who can attest to the validity of the document, any one who has the ability to write a valid Get is allowed.

In discussing the slaughter of animals which will be used for food the mishnah states: "All may slaughter and what they slaughter is valid, save only a deaf-mute, an imbecile, and a minor, lest they impair what they slaughter; but if any among these slaughtered while others beheld them, what they slaughter is valid...If a man slaughtered by night (so, too, if a blind man slaughtered) what he slaughters is valid."¹²²

It is unclear from the mishnah whether a priori permission is given to the blind person to slaughter, or if the slaughter is valid only ex-post-facto. The gemara,¹²³ as well as the commentators, note the problem and adopt the position that a priori permission is not given. The Tosephta¹²⁴ seems to adopt the opposite opinion.

Whichever side is accepted, we can understand why special mention was necessary to permit the blind to slaughter. There are a number of requirements which must be met for the slaughter of an animal to be valid and the meat kosher. There is a measure of doubt in the case of a blind man as to whether he has cut sufficiently through the proper organs, as explained by Rashi in the gemara. If a blind slaughterer is to be allowed to slaughter, then special mention must be made.

A person who stands in a ritually unclean place, or who passes through an unclean place, is required to purify himself. In certain instances, where a person is not competent to ask, or does not have the knowledge to ask, the rabbis ruled that he is ritually clean,¹²⁵ even though someone competent would be declared ritually impure. In the case of the blind they did not make this stipulation. "A blind person...is doubtfully clean since he has the ability to ask."¹²⁶ One commentator explains: "This (matter) depends on competence and these have competence."¹²⁷ Despite his inability to see, the blind person is presumed to have the knowledge to be able to ask and to avoid unclean places.

In Leviticus¹²⁸ the laws concerning a menstruant woman are set forth. As part of the ritual of cleaning after her flow stops a woman must go and immerse herself in a ritual bath. At the bath she must again inspect herself before immersion. A blind woman obviously cannot make all these inspections. This impure state in which she would be has implications beyond the marriage bedroom also. Were she a Cohen she would be able to eat from the heave offering when she was ritually pure.

The rabbis recognized the problems involved for a blind woman, and others in a similar situation. We read: "The hand that oftentimes makes examinations is, among women, praiseworthy...If a woman was a deaf-mute or an imbecile, or blind, or with unsound mind, and there were at hand women of sound senses, these may do for her what is needful, and then she may eat of the heave offering."¹²⁹ Under the supervision of others then, a blind woman may purify herself after menstruation.

We read in the Torah: "If a man find a woman that is a virgin, that is not betrothed, and lay hold on her, and lie with her, and they be found; then the man that lay with her shall give unto the woman's father fifty shekels of silver, and she shall be his wife, because he hath humbled her; he may not put her away all his days."¹³⁰

This law requires that the woman be a virgin. If she is not a virgin, she does not become his wife.

In this regard the Rabbis discussed the status of a blind woman. We read in the Tosephta: "He who comes upon...a blind woman...is subject to a fine."¹³¹ The emphasis of this passage is to enumerate those women who are not protected by this fine: the deaf woman, the insane woman, etc. Since special mention is made to include the blind woman under the protection of the fine, we must assume that we would otherwise have thought that she, too, was not protected by the fine.

We see from the explanations of the commentators, and the Gemara, that only a woman who may be subject to a virginity suit is protected by

this fine against the violator. Since there is a question, as we saw earlier, as to whether the blind woman is subject to a virginity suit, here specific mention must be made.

This explains the position of the blind woman in relation to the protection offered in these verses. The rabbis, however, noted also the punishment to be meted out to the violator. Among the differentiations noted between the violator and the seducer we read: "The violator must drink out of the earthen pot, but if the seducer is minded to put her away he may put her away."¹³² The mishnah then asks: "How does he drink out of his earthen pot?" and responds: "(He must marry her) even if she were lame, even if she were blind, and even if she were afflicted with boils. But if she were found unchaste or was not fit to be taken in marriage by an Israelite he may not continue (his union) with her, for it is written, 'And she shall be to him for a wife' - a wife that is fit for him."¹³³

We can infer from the mishnah that one might think that a blind woman, or a lame woman, or a woman afflicted with boils would be unfit for marriage. We learn from this mishnah that that is not the case.

We have seen, then, that in order to prevent some misconceptions, based either on the Torah itself or on other halachic passages, the Rabbis made special mention of the blind. In certain cases by including the blind person within the scope of the law they granted them privileges which they may otherwise not enjoyed. In other cases, however, the blind are subject to responsibilities from which one would normally assume them to be exempt.

FOOTNOTES

- 1
Brüll, Jacob, Mavo Ha Mishnah, (Makor, Jerusalem). 1960, Vol. 2,
p. 169.
- 2
Baba Kamma 86b-87a.
- 3
Tosefta Makkot 2:9.
- 4
Numbers 35:10-11.
- 5
Numbers 35:22-23.
- 6
Baba Kamma 86b; also Mishnah Makkot 2:3; Tosefta Makkot 2:9.
- 7
Mishnah Makkot 2:3; Tosefta Makkot 2:9.
- 8
Siphre, Masai, Piska 160; also see Makkot 9b.
- 9
Deuteronomy 19:5.
- 10
Here the anonymous majority opinion of the Siphre is attributed to
R. Meir.
- 11
Deuteronomy 19:4.
- 12
Makkot 9b.
- 13
See: Maimonides, Mishneh Torah, Shoftim, Hilcot Sanhedrin 18:1,
for a description of those liable for flogging.
- 14
For a description of those offences punishable by "death by a court
of law" see: Mishneh Torah, Shoftim, Hilcot Sanhedrin Chapter 14-15.
- 15
Baba Kamma 86b.

FOOTNOTES

16

Numbers 35:31 - "You may not accept a ransom for the life of a murderer who is guilty of a capital crime; he must be put to death."

17

Deuteronomy 19:3 - "...so that the manslayer may have a place to flee to."

18

Deuteronomy 25:2 - "then, it shall be, if the wicked man deserve to be beaten..."

19

Numbers 35:31.

20

Baba Kamma 87a.

21

Jastrow, Marcus, Dictionary...., (Pardes Publishing House, N.Y.). 1950, Vol. 1, p. 301.

22

Numbers 35:24.

23

Baba Kamma 87a.

24

Ibid., also Talmud Yerushalmi, Sotah Ch. 2, Hal. 5; Yerushalmi Makkot Chapter 2, Hal. 5.

25

Deuteronomy 6:1.

26

Baba Kamma 87a.

27

Rosenbaum, M. and Silbermann, A.M., Pentateuch with Rashi's Commentary, Numbers, (Hebrew Publishing Company, N.Y.). p. 169.

28

Makkot 9b.

29

The Torah, (Jewish Publication Society, Philadelphia). p. 318.

FOOTNOTES

30

For a discussion of these later authorities see: Cohen, J. Joseph, "The Blind in Halachah", Ha-Ma'ayan, Nisan, 1964, He notes, among others the opinion of Tosafot, Baba Kamma 87a, who says that "if this is so, then he (the blind person) becomes like a gentile who doesn't participate in the Torah of Israel at all."; see also the forthcoming article on "Suma" in the Encyclopedia Talmudit, Jerusalem.

31

Tosefta Makkot 2:9.

32

Leviticus 21:16 - 18, 23.

33

Siphra Emor, Parsha 3:6; also Bekoroth 44a.

34

Note various specific diseases mentioned in: Gordon, B.L., "Opthamology in the Bible and in the Talmud", Archives of Opthamology, Vol. 9, 1933.

35

Bekoroth 44a.

36

Megillah 24b.

37

Megillah 4:7; Megillah 24b.

38

Megillah 24b.

39

Mekilta, Nishpatim 9.

40

Sipra, Emor, Parsha 7:11; Tosefta Arachin 4:2.

41

Leviticus Chapter 13.

42

Leviticus 13: 12-13.

FOOTNOTES

43

The Holy Scriptures, (Jewish Publication Society, Philadelphia), 1919: "as far as appeareth to the priest".

44

Mishnah Negaim 2:3.

45

Siphra, Negaim, Perek 4:4.

46

Leviticus 5:1.

47

Deuteronomy 13:15.

48

Leviticus 24:22.

49

Tosefta Shevouth 3:8.

50

Tosefta Sanhedrin 5:4; Mishnah Gitin 2:6.

51

It should be noted that the inclusion of the blind in this category troubled the Amoraim. The Amoraim mention that a blind person is able to gauge various measures (Baba Bathra 128a) and to recognize voices well enough to testify concerning them (Gitin 23a). Also note the comment, Encyclopedia Judaica, "Witness", Vol. 16, p. 586.

52

Numbers 18:12ff.; also Numbers 18:29.

53

Trumah 1:6.

54

Tosefta Trumoth 3:1.

55

Megillah 4:7.

56

Bekoroth 44a.

57

Leviticus 5:1.

FOOTNOTES

58

See above note 51.

59

Leviticus 1:4.

60

Menahoth 9:8.

61

Tosefta Menahoth 10:13.

62

Menahoth 93a.

63

Leviticus 4:14 - 15.

64

Mishnah Menahoth 9:8.

65

Song of Songs 4:7.

66

Sanhedrin 36b.

67

Note Deuteronomy 16:16.

68

Mishnah Hagigah 1:1; also see our discussion of this Mishnah below.

69

Numbers 5:11-31.

70

Ibid.

71

Siphre, Naso, Piska 7.

72

Sotah 27a.

73

Ibid.

FOOTNOTES

- 74
Deuteronomy 21:18-21.
- 75
Sanhedrin 8:4; also Siphre, Ki Tetse, 219.
- 76
Yebamoth 12:1.
- 77
Tosefta Yebamoth 12:9.
- 78
Deuteronomy 25:9.
- 79
Yebamoth 101a.
- 80
Tosefta Negaim 1:7.
- 81
Deuteronomy 21:7.
- 82
Yerushalmi Sanhedrin 8:5.
- 83
Deuteronomy 21:3.
- 84
Sanhedrin 34b.
- 85
Deuteronomy 24:1.
- 86
Ketuboth 7:9.
- 87
Tosefta Ketuboth 7:10; also Ketuboth 77a.
- 88
Deuteronomy 24:3.
- 89
Gitin 2:5.
- 90
Gitin 23a.

FOOTNOTES

91
Gitin 2:1.

92
Tosefta Betzah 3:17.

93
Tachalit Mordechai on Tosefta Betzah 3:17.

94
Tosefta Megillah 4:28; Mishnah Megillah 4:6.

95
Levy, Jacob, Wörterbuch..., (Wissenschaftliche Buchgesellschaft, Darmstadt). 1963, band iv, p. 122.

96
Megillah 24b.

97
Exodus 34:23.

98
Mekilta, Mishpatimo 20; Hagigah 1:1.

99
It should be noted that Prof. Lieberman feels that a more original tradition referred only to those blind in both eyes. Tosefta Ki-Fshutah, Vol. V., p. 1266-1268.

100
Haggigah 2a; Tosefta Haggigah 1:1.

101
Sanhedrin 4b; Haggigah 4b.

102
Haggigah 4b.

103
Ketuboth 1:2-3.

104
Tosefta Ketuboth 1:3.

105
Ketuboth 36b.

FOOTNOTES

106

Baba Kamma 8:1.

107

Tosefta Baba Kamma 9:13; Baba Kamma 86b.

108

Hazon Yehezkel, Baba Kamma 9:13, Biurim.

109

Numbers 15:38-40.

110

Menahoth 43a.

111

Siphre, Shoftim 163.

112

I Kings 8:44.

113

Tosefta Berakoth 3:14; Berakoth 30a.

114

Lieberman, Saul. Tosefta Ki-Fshutah, Vol. 1, p. 43, notes that variant readings suggest directing his heart toward the Shekina or, as the Mishnah reads, "toward the Holy of Holies".

115

Berakoth 30a.

116

Deuteronomy 25:9.

117

Tosefta Yebamoth 12:10; Yebamoth 103a.

118

Lieberman, Saul, Tosefta Ki-Fshutah, Vol. 6, p. 132-3.

119

Deuteronomy 24:19.

120

Peah 6:11.

FOOTNOTES

- 121
Gitin 2:5.
- 122
Hullin 1:1.
- 123
Hullin 13b.
- 124
Tosefta Hullin 1:3.
- 125
Tohoroth 3:6-7.
- 126
Tosefta Tohoroth 3:11.
- 127
Minhat Bikûrim, Tosefta Tohoroth 3:11, (freely translated).
- 128
Leviticus 15:1 -30; 18:19.
- 129
Niddah 2:1.
- 130
Deuteronomy 22: 28-29.
- 131
Tosefta Ketuboth 3:5.
- 132
Ketuboth 3:4.
- 133
Ketuboth 3:5.

Chapter 2 - SOCIAL STATUS

Blindness was considered as punishment for sin and as a form of degradation by the ancient nations.¹ The rabbis, including such an important figure as R. Judah Ha-Nasi, attempted to remove this stigma. In the Tannaitic literature we see indications of both attitudes present.

We read, for example, that "four are considered like the dead: the poor, the blind, the leprous, and the childless."² As we will see later each of these groups are derived from the Torah. Opposed to this derogatory view we learn of a visit made by Rabbi and R. Hiyya to a blind rabbi. R. Hiyya, intending to protect the honor of Rabbis' position, protested that Rabbi should not go to greet this blind rabbi. After receiving a blessing from the blind rabbi, Rabbi rebukes R. Hiyya, for had he followed his advice he would have been deprived of the blessing.³ We see, then, that both attitudes are found in the literature.

Before we examine the various passages to try and determine the social role into which the blind person was placed, we must first examine the terminology which is used in reference to the blind. It is axiomatic to say that a word in any given language has its own connotations, and that these connotations may vary from language to language. We will want to see, if possible, what connotations there are in the words referring to the blind.

The word for blind in the Bible is ivver, and this is also used in later literature. It may refer to one who is blind in one eye or in both eyes.⁴ It is quoted from the Bible and used symbolically.

The normal word which is used in Tannaitic literature is suma. It is used throughout the literature from Tannaitic times forward. It

is perhaps worth mentioning that Jastrow⁵ notes that in its verbal form this root can also mean to bind up. One could then hypothesize to say that this is the concept upon which they based their view of blindness. One who is blind has had his eyes bound up. In the literature itself, however, there is nothing to compel one to adopt that position.

In addition to these two terms there are two euphemistic phrases used to refer to the blind: neor einayim, light of the eyes, and sag' nahor, rich of light. Here we see that the language expresses an attitude toward the blind. A euphemism, as explained by Webster, is used "to avoid the direct meaning of an unpleasant, painful, or frightening reality."⁶ We may assume, then, that the blind person was such a frightening or unpleasant reality. We will have to note if this assumption is borne out by the literature at hand.

It is not unusual to find the Rabbis giving advice as to how one should care for oneself. This advice may be a moral dictum, as we often see in Pirke Avot, or it may be advice of a medical nature. Among this medical advice we find several comments referring to natural causes of blindness.

We read, for example, in Pesachim: "Our Rabbis taught: three things were said of the Babylonian Kutah: It closes up the heart, blinds the eyes, and emaciates the body. It closes up the heart, on account of the whey of milk, and it blinds the eyes, on account of the salt; and it emaciates the body, on account of the stale crusts."⁷ This Babylonian Kutah is, apparently, some sort of puree⁸ or relish.⁹ Similarly, we read: "Our Rabbis taught: three things increase one's motion, bend the stature, and take away a 500th part of a man's eyesight. These are they:

coarse black bread, new beer, and raw vegetables."¹⁰

Without commenting as to whether there is, in fact, any medical benefit to this advice, we can clearly note the intent and understanding of the Rabbis. The Rabbis have noted, or a tradition has taught, that certain foods will cause damage to the body. These findings, or traditions, have been passed on to the public, perhaps in much the same spirit as the Food and Drug Administration today keeps the public informed of its findings. This advice was, in turn, preserved for us by the Talmud.

In these examples we see that certain foods were known as being harmful to the eyesight. Since the Babylonian Kutah was mentioned in the mishna, the Gemara takes the time to pass on its advice concerning this food.

This advice of the Rabbis took not only the form of a warning, but we also find recommendations. For example, it has been taught:

A scholar should not reside in a city where the following ten things are not found: a court of justice that imposes flagellation and decrees penalties, a charity fund collected by two and distributed by three; a synagogue; public baths; a convenience; a circumciser; a surgeon; a notary; a slaughterer and a school master.

R. Akiva is quoted (as including) also several kinds of fruit (in the list), because these are beneficial to the eyesight."¹¹ This, then, is the converse of the previous case. Not only are we warned of harmful food, but healthful food is recommended by the Rabbis.

In addition to this advice the Rabbis warn against other practices that might be harmful to one's health, particularly one's eyesight. "Our Rabbis taught: One should not drink water in the night; if he does drink his blood is on his head, for it is dangerous. What danger is there? The danger of **Shabiri**.¹² But if he be thirsty, how can he put things right? - If there is another person with him, he should wake him and say: I am athirst for water.' If not, let him knock with the lid on the jug and say to himself: 'Thou (giving his name) the son of (naming his mother), thy mother hath warned thee to guard thyself against Shabriri, briri, riri, iri, ri, which prevails in blind vessels."¹³ Here we see that this demon, as Rashi calls it, is known which acts on people who drink at night, but that an incantation will protect one from danger.

In a similar vein we read in Ta'anit that Joseph warns his brothers against taking big steps, for that will take away a 500th part of a man's eyesight.¹⁴ Here, as above, this is a warning against an unhealthy practice.

In all of these cases we see that the rabbis assume that these foods or practices will, from natural causes, affect one's eyesight. One cause of blindness, then, is from neglect of those things which will protect one's eyesight.

One may lose their eyesight, however, as punishment for sin, or even, in certain cases, for their parent's sins. As a result of some sin that a person does he becomes blind and blindness is, as we shall see, the appropriate punishment for that given sin.

For example, the Mishnah states: "If a man is not lame or blind or halting, yet makes himself like one of them, he shall not die in old age before he becomes like to one of them, as it is said, 'But he that searcheth after mischief it shall come to him.' And again it is written, 'That which is altogether just thou shalt follow.'¹⁵ This same thought is expressed in the Tosephta: "(A beggar) who blinds his eye or feigns a swollen belly or causes his foreleg to swell, shall not depart this world until he becomes sick like that."¹⁶

For falsely making oneself blind in order to receive charity, one will, in turn, actually become blind; or, in more conceptual terms, a man will be punished by that with which he sins.

The Torah states that one should not accept a gift "for a gift doth blind the eyes of the wise."¹⁷ The Siphre understood this literally. "Another interpretation: 'for a gift doth blind the eyes of the wise': he shall not depart this world except with blind eyes."¹⁸ Here also we see that as punishment for his sins he will be blinded.

In the gemara an opinion is expressed, in the name of R. Johanan, that it is forbidden to gaze at the form of the countenance of a wicked man.¹⁹ In response to this, R. Eleazar says: "His eyes become dim" as a punishment and cites the case of Issac. The Torah tells us that when Issac was old "his eyes were dim, so that he could not see"²⁰. The reason, according to R. Eleazar, is "because he used to gaze at the wicked Esau."²¹

Issac, in this instance, is exemplary of all men who gaze knowingly

at a wicked person. Just as Issac's eyesight was weakened, so will that of any man who gazes at a wicked person.

These are all cases of a person being blinded for his own sins. It is possible, however, to be blinded as a result of one's parents' sins.

We read in Nedarin: "R. Johanan B. Dahabai said: The Ministering Angels told me four things: People are born lame because they (se. their parents) overturned the table (i.e., practiced unnatural cohabitation); dumb, because they kiss 'that place'; deaf because they converse during cohabitation; blind, because they look at 'that place'."²² In this case the sin of the parents is such that they do not receive the punishment, but that the punishment is passed on to the offspring.

There is also a concept that the parents' merit, or lack of merit, will stand for the child. We read in Tosephta: "Rabbi Akiva used to expound five things as Aggadah: A man transmits to his son five things. The sages said: up to the age of majority the father's merit stands by him, after that he lives on his own merits. R. Akiva said: where did we find that they were lame until the age of majority and when they reached the age of majority they became straight; that they were deaf until the age of majority and when they reached the age of majority they became hearing that they were blind until the age of majority and when they reached the age of majority they became sighted. How did his merit stand by him until that hour? They said to him: For we see that...there were people who were sighted until the age of majority and when they reached the age of majority they became blind. Behold, his merit stands²³ by him only until that time."

The majority opinion seems to hold that the father influences the son only through his merit and only until the age of majority. Akiva, however, seems to hold that even a parent's lack of merit could affect the child. Why else would he ask if there were a person who was blind until the age of majority and become normal thereafter? Akiva's position is that "neither piety nor prudence can really change man's destiny on earth as it is foreordained by Providence, working through the immutable forces of heredity and the laws of reward and punishment."²⁴

The actions of the parents, then, can rebound throughout their generations. As a result of their actions, as we have seen, a parent may benefit his children, or bring punishment, possibly blindness, upon them.

Related to this concept of one being punished either for their own sins or for their parents' sins we find instances where God intervenes directly to blind someone, or to heal blindness. Whereas in the previous category the person became blind as a consequence to his action, in this category some event, or happening, will prompt direct intervention. Also, while in the earlier category we were investigating only causes of blindness, here we see that God may intervene either to blind or to heal.

In Exodus we read that after Moses slew the Egyptian taskmaster Pharoah "sought to slay Moses."²⁵ Moses, afraid for his life, fled Egypt. Later, when God calls Moses to return to Egypt and confront Pharoah, God assures Moses saying, "Go, return to Egypt; for all the men are dead that sought thy life."²⁶

In the Mekilta we read: "R. Elezer says: God turned the people who set out to capture Moses into different groups. Some of them He made dumb, some He made deaf and some He made blind. They asked the dumb ones:

Where is Moses? and they could not answer. They asked the deaf ones, and they could not hear; the blind ones, and they could not see, just as it is said: 'And the Lord said unto him: who hath made a man's mouth? or who maketh a man dumb...' ²⁷ Referring to this it is said: 'For the God of my father was my help.' ²⁸

We read a similar story in the Mekilta of Simeon ben Yohai. "Moses responded and said before the Holy One, Blessed be He: Master of all the world, you have said to me, 'Go down to Egypt and bring the children of Israel from Egypt.' I am afraid of the men who sought me. He said to him: 'Do not be afraid of them, for they are all dead, as it says: 'For all the men are dead that sought thy life.' The Holy One, Blessed be He, said further to Moses: The men whom Pharoah sent to seize you, Who made them dumb, deaf or blind if not I, as it says: 'And the Lord said to Moses: who hath made a man's mouth? etc.' ²⁹

According to both versions of the story God deliberately blinds the Egyptian pursuers in order to safeguard Moses. The intervention in this case is to confuse the plans of the Egyptians and to prevent them from carrying out their duty. In the following cases the motivation is different.

We learn that when the people of Sodom attacked Lot's home while the visitors were inside the visitors "struck the men that were at the door of the house with blindness." ³⁰ The visitors were, of course, angels. This is, then, a parallel case to God intervening to cause blindness.

It must be noted that the Bible does not imply the normal term for blindness in this instance. The medieval Biblical commentators note this

31

unusual word and describe it, with variations, as a stroke of blindness. Onkelos translates the word with the term Shabriri, the same term we noted above in our discussion of water being a cause of blindness.

The tendency of these traditional commentators is supported by a more modern commentator, Ephraim Speiser. He notes that the word implies "not just 'total blindness,' as the word before us is generally rendered, but a sudden stroke. And that is just what the term suggests: a blinding flash emanating from angels...which would induce immediate, if temporary loss of sight... Thus the very work evokes a numinous image. It is a matter of magic as opposed to myopia."³²

This unusual word, as well as the circumstances were noted by the Rabbis. "The children of Sodom began to sin first, as it says: 'Before they lay down (the men of the city...compassed the house around, both young and old).'³³ They were punished first and the rest did not escape, as it says: and the men who were at the door of the house they smote with blindness."³⁴

The people of Sodom are punished for their sin. The punishment is a sudden blinding and it strikes first, as our passage tells us, those who sinned first.

In the following two cases we see that God acting through intermediaries causes Samson and Zedekiah to be blinded because they rebelled against Him. Concerning Samson we read: "Our Rabbis have taught: Samson rebelled (against God) through his eyes, as it is said, 'And Samson said to his father, Get her for me because she is pleasing in my eyes.'³⁵ Therefore, the Philistines put out his eyes, as it is said, 'And the Philistines laid hold of him and put out his eyes.'³⁶ Here we see that Samson, by

chasing after gentile women, rebelled against God. The organ by which he rebelled was his eyes, and it is in this organ that he is punished.

We read concerning Zedekiah: "Our Rabbis have taught: Five were created after the image of Him who is above, and all of them incurred punishment on account of (the feature which distinguished) them...

Zedekiah in his eyes, as it is written, "They put out the eyes of Zede-

³⁷
kiah."

We see that Zedekiah then, has sinned and is punished by blindness. We do not yet understand wherein lay his sin.

In Leviticus we read the cryptic passage that says: "And I will bring a sword upon you, that shall execute the vengeance of the covenant; and ye shall be gathered together within your cities; and I will send the pestilence among you; and ye shall be delivered into the hand of the enemy."³⁸ The Siphra comments on this verse phrase by phrase. On the first phrase it notes: 'There is a vengeance that is of the covenant and there is a vengeance which is not of the covenant. What is a vengeance that is not of the covenant: for example, blinding of the eyes; for they blinded the eyes of Zedekiah, the king of Judah...' ³⁹

The parallel passage in Vayyikra Rabba explains why Zedekiah deserved this punishment, and why it is not of the covenant. "Which was the requital not in respect of the covenant? R. Azariah and R. Aha said in the name of R. Johanan: that was the blind of the eyes of the king of Judah, as it said, 'Therefore thus saith the Lord God: As I live, surely Mine oath that he both despised, and My covenant that he hath broken, I will bring

upon his own head.'⁴⁰ 'Surely Mine oath' - That is the oath he (Zedekiah) had sworn to Nebuchadnezzar; 'And My covenant that he hath broken' - that is the covenant of Mt. Sinai; 'And I will bring it upon his head.' And was the rest of the body not affected? - R. Samuel B. Nahman said in the name of R. Jonathan: (The retribution for the breach of the covenant was) the blinding of the eyes, which is something affecting the head."⁴¹

Nebuchadnezzar had caused Zedekiah to take an oath by God. Zedekiah later rebelled against Nebuchadnezzar,⁴² thereby breaking his oath to the King of Babylon and to God. For this he was punished, in accordance with the verse, by being blinded.

While punishment for sin is unsolved in these cases, as in the previous ones, it is important to note that in each of these God acts directly on through some intermediary. Blinding in this way is highly exceptional, prompted only by the most extraordinary circumstances.

As we said above, instances are cited in the literature where God heals the blind. The most outstanding case is that all the blind of Israel, as well as the deaf, the dumb, the lame and the insane, were healed at Mt. Sinai.

We read in the Mekilta: "Another interpretation: This is to proclaim the excellence of the Israelites, for when they all stood before Mt. Sinai to receive the Torah there were - so Scripture tells us - no blind ones among us. For it is said: 'And all the people saw.' It also tells that there were no dumb ones among them. For it is said: 'And all the people answered together.' And it also tells that there were no deaf ones among them. For it is said: 'All that the Lord hath spoken well

we do and listen to.' And it also teaches that there were no lame ones among them. For it is said, 'And they stood at the nether part of the mount.' And it also teaches that there were no fools among them. For it is said: 'Thou hast been shown to understand.'⁴³

Similarly we read: "What is meant by: 'Thou art all fair my love.' R. Simeon B. Yohai taught: when Israel stood before Mt. Sinai and said, 'All that the Lord hath spoken we will do and obey,' at that moment there were among them neither persons with issue, nor lepers, nor lame, nor blind, no dumb and no deaf, no lunatics and no imbeciles, no dullards and no doubters. With reference to that moment it says, 'Thou art all fair my love.' After they sinned not many days passed before there were among them persons with issue and lepers, lame and blind, dumb and deaf, lunatics and dullards. Then the order was given: 'Let them put out of the camp every leper, and every one that hath an issue.'⁴⁴

It is clear from both passages that as part of the sanctification that was called for before the giving of the Torah⁴⁵ God healed all the blind, as well as those with other afflictions. We also learn from the second midrash that sin was considered as a direct cause for all those various afflictions.

In Avot de Rabbi Nathan we again learn that God can heal the blind, this time in a very different context. "And some say: The verse in Ecclesiastes (4:14-'For out of prison he came forth to be king') refers to Joseph the righteous. When that wicked woman came along she kept outraging him by her words. She said to him: I shall shut thee up in prison. He answered: 'The Lord looseth the prisoners.' She said to him: I shall put out thine eyes. He answered: 'The Lord openeth the eyes of

the blind.' She said: I shall make thee to stoop. He retorted: The Lord raiseth up them that are bowed down. She said: I shall fill thee with wickedness. He retorted: 'The Lord loveth the righteous.' She said to him: I shall make thee a pagan! He answered: The Lord preserveth the stranger! Finally he said: How then can I do this great wickedness?"⁴⁶

In the first example, the people at Mount Sinai, we saw that the singularity of the event demanded that the people be purified of their sins. In accord with this, God removed those signs of sin, like blindness, which the people themselves could not remove. In the second case, we see Joseph claiming that the Lord protects the righteous even to the extent of curing blindness, or other afflictions, which they have suffered at the hand of the wicked.

Before moving on, let us briefly review. As we have seen, there are two major causes of blindness discussed in the literature. On the one hand there are natural causes. If a person neglects those things which protect his eyes, either in diet or habit, then he will become blind.

One may, however, become blind not through such natural causes, but as a consequence of sin. We have seen that blindness is at times the normal punishment for a given sin, at times a punishment inflicted from God, either directly or through an intermediary.

Let us now turn our attention to those attitudes expressed by the midrash toward the blind. There is, of course, a wide spectrum represented by these midrashim, and were there a greater amount of material, we would expect an even greater variety.

An early source is cited as saying: "Four (kinds of persons) may be regarded as dead, they are: the poor, the blind, the leprous, and the childless; the poor, for it is said, 'for all the men are dead which sought thy life' - now these men were Dathan and Abiram, and they surely were not then dead, they only became reduced in their material circumstances; the blind, as it is said: 'He hath made me to dwell' in darkness, 'as those that have been long dead'; the leprous, as it is said, 'Let her (Miriam) not, I pray thee, be as one who is dead'; the childless, as it is said, 'Give me children, or else I die.'⁴⁷

Death, in this instance, is understood figuratively. The person so afflicted is dead in the sense that they do not share in the normal intercourse of daily life. As this passage concerns the blind it is clear that the blind are outside the pale of everyday life, perhaps even to be avoided. At best an attitude of benign neglect is expressed toward the blind.

A similar attitude is found expressed in the blessing which one recites upon seeing a blind person. According to the Tosephta, if a person sees "a dwarf, a lame person, a blind person, or one afflicted with boils, he says: Blessed be the Truthful Judge."⁴⁸ It should be noted that according to the later commentators this blessing should be recited only over someone who is blind from birth. If they were later blinded, the proper blessing is: Blessed be He who makes strange creatures.⁴⁹

The blessing, "Blessed be the Truthful Judge," is the same blessing recited over the dead, or when one hears bad tidings.⁵⁰ That the same

blessing is recited upon seeing a blind person is significant. As in the previous example 'the blind person is associated with the dead. We can assume that the feeling that the blind person is to be avoided is implicit in this statement as in the previous one.

One further detail ought to be noted in this generally - unfavorable portrayal of the blind person. These passages do not go on to derogate the blind. Were there a strong feeling of disgust or repulsion toward the blind we would expect that to be expressed in a statement such as this. The attitude expressed may better be described, then, as a form of benign neglect.

A somewhat different attitude is expressed in the following. "And the cloud of the Lord was over them by day" - over the lame, the blind, those who suffered a flaw and the leprous.

'And the cloud of the Lord was over them by day' - from where do you say that if one of the Israelites withdrew from under my wings, the cloud stretched back with him until the time he returned? Scripture teaches: The cloud of the Lord was over them..."⁵¹

This is a deceiving passage. Due to the way the two parts are separated in the printed text one could read it two ways. One could read it as two separate statements, and the implications that could be derived are extremely negative. One could, and, in my opinion, should, read the two passages as connected, thereby implying a much more positive attitude.

Either way that one reads the text it is obvious that a comparison is made between the lame, the blind, those who have suffered a flaw and the leprous. If one separates the two passages one would automatically consider

the passage: "Command the children of Israel, that they put out of the camp every leper, and every one that hath an issue..."⁵² By comparison, then, one would think that the blind were also unclean and forced from the camp.

The correct reading, however, would connect the two passages. These four groups are comparable because they are all outside the camp. The leprous and those who have suffered a flow are outside the camp because they are unclean, and therefore unfit to come into the camp. The lame and the blind since their disability makes it difficult for them to keep pace with the main body, will often fall behind the rest. Over all of these people, we are told, the protecting cloud of the Lord extends itself.

The attitude expressed in this passage is neutral. We learn, however, that despite their handicap the protection of the Lord extends to the blind. By implication this passage may speak against any derogatory view of the blind. If, after all, the blind are protected the same as any other Israelite, then any form of derision toward the blind would be distinctly out of place.

As we noted at the beginning of the chapter, there were efforts made to remove the stigma of the blind. The midrash reflects this change of attitude in several passages.

For example: "Rabbi and R. Hiyya were once going on a journey. When they came to a certain town, they said: If there is a rabbinical scholar here, we shall go and pay him our respect. They were told: There is a rabbinical scholar here and he is blind. Said R. Hiyya to Rabbi: Stay (here); thou must not lower thy priestly dignity; I shall go and visit

him. But (Rabbi) took hold of him and went with him. When they were taking leave from him (the blind scholar), he said to them: You have visited one who is seen but does not see; may ye be granted to visit Him who sees but is not seen. Said (Rabbi to R. Hiyya): If now (I had hearkened to you) you would have deprived me of this blessing..."⁵³

Both attitudes are expressed here. R. Hiyya implies that a blind person, even if he is a scholar, is somehow less worthy of a visit from Rabbi than someone else might be. Even stronger than this he states that this blind scholar will in some unexplained manner sully the "priestly dignity" of Rabbi. This reaction to the blind is more negative than any we have seen.

Rabbi, on the other hand, refuses R. Hiyya's advise. He does not yet correct R. Hiyye's thinking, but obviously does reject the concept in practice. As the end of this tale we see that Rabbi actually does rebuke R. Hiyye for holding his position. Further, he implicitly praises the blind rabbi who bestowed the blessing upon them.

A similar example: "Our Rabbis taught" How does one dance before the bride? Beth Shammai say" The bride as she is. Beth Hillel say: Beautiful and graceful bride! Beth Shammai said to Beth Hillel: If she was lame or blind, does one say of her: Beautiful and graceful bride? Whereas the Torah said: Keep thee far from a false matter. Said Beth Hillel to Beth Shammai: According to your words, if one has made a bad purchase in the market, should one praise it in his eyes or deprecate it? Surely one should praise it in his eyes. Therefore, the Sages said:

Always should the disposition of man be pleasant with people."⁵⁴

The questions involved in this case are slightly different from those in the previous one. Here we are discussing a general case, of which the blind woman is a special case, whereas in the previous example we were discussing the blind person directly.

Beth Shammai holds that one should describe "the bride as she is," and brings the example of a blind or a lame woman as a case which Beth Hillel must cope with. By implication Beth Shammai itself would describe a blind bride as just that, a blind bride. In doing so, Beth Shammai would certainly come to deprecate the bride before the gathered company, as Beth Hillel claims.

Beth Hillel, on the other hand, would apparently state of a blind bride, as of any other bride, "Beautiful and graceful bride." The implication is that at a time such as a wedding a blemish such as blindness should not make a difference. The bridegroom will, presumably, always consider the bride to be beautiful and graceful, and so she should be described. The blind bride, then, is equal to any other bride.

Another aspect is presented in the following tale: R. Jose said: I was long perplexed by this verse, 'And thou shalt grope at noonday as the blind gropeth in the darkness.' Now what difference (I asked) does it make to a blind man whether it is dark or light? (Nor did I find the answer) until the following incident occurred. 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 from the holes and the thorns and the briars."⁵⁵

R. Jose learns one interpretation of this problematic verse from the blind man in this story. In this learning process there is a certain amount of respect for the blind man implied on the part of R. Jose. Had R. Jose held an attitude toward the blind similar to that of benign neglect, which we saw before, he very likely would not have had the type of open attitude necessary to learn from the blind man. Also, had he not held a certain amount of respect toward the blind man, he may have simply dismissed the occurrence without a moment's serious thought.

There is also a degree of hope expressed in this passage. Even on the darkest night, when there seems to be the least chance of help, the blind man has a method to protect himself. It is true that the blind man is, to a certain degree, always dependent on his sighted brother, but here we see that he knows to utilize that dependence to increase his own independence.

We have seen several attitudes expressed and we would do well to contrast them yet again. At one end of the spectrum the blind person is considered to be like the dead. We characterized this as an attitude of benign neglect, although stopping short of derision. The second attitude we saw expressed was that of protection, and we noted that this may of itself militate against an attitude of derision toward the blind. Finally, there was an attitude of respect, even honor, towards the blind.

As we stated at the beginning of this chapter, among the ancient nations blindness was considered as a punishment or a form of degradation.⁵⁶ Compared to that attitude the attitudes expressed here are relatively more tolerant. Further, the gap between that position and the measure of respect accorded the blind person in our last example is nearly immeasurable.

We have until this point dealt with the theoretical. Before we end we must look toward the more practical. Does the literature tell us anything of how the blind person managed in daily life? As a general rule, rabbinic literature does not provide us with such details of everyday life. We will present here those few details which do appear.

Walking, getting about, is a major problem for a blind person. He has no natural way to avoid holes or steps or stumbling blocks. It is in recognition of this difficulty that the Torah imposes a punishment upon one who sets a stumbling block before the blind.⁵⁷ Similarly, the Torah states: "Cursed be he that maketh the blind to go astray in the way..."⁵⁸ In Tannaitic literature we find several mentions of the methods employed by the blind to aid them in walking about.

We have seen before that, according to the Tosephta, a blind man should not go out at appointed times with his staff.⁵⁹ As was explained earlier, this was decreed because the use of a staff as a walking aid was customary during the week, and, therefore, a cheapening of the

holiday. A staff, then, was used by the blind as an aid for walking and finding a safe route.

Another aid for walking is mentioned in a tale told by the Mishnah. We read: "If a man had fallen into the water, whether or not in sight of shore, his wife is forbidden (to marry another). R. Meir says: Once a man fell into a large well and came up again three days later. But R. Jose says: Once a blind man went into a cave to immerse himself and his guide went with him; and they waited long enough for life to become extinct and then permitted their wives to marry again..."⁶⁰

Here we see that at least some blind people hired a person to act as a guide for them.

A third method for avoiding the dangers involved in walking was seen above, in the incident with R. Jose. R. Jose saw a blind man walking on a pitch black night with a torch in his hand. The purpose of the torch, according to the blind man, was so that people would see him and save him from the holes, the thorns, and the briars.⁶¹ Though not as certain a method as utilizing a staff or a guide, we see that a blind person could, to a degree, rely on sighted people to help him avoid dangers.

Finally, we see that the Rabbis were also aware of the habits of the blind, and took care to maintain the safety of their path. "One may clear stones onto the public road, words of R. Joshua. R. Akiva says: As one has no right to put dung on the public road, so one must not clear his field and deposit the stones on the road; and if he does clear it, he must carry the stones to the sea or to a river or to a quarry. The one who clears the stones from the middle (of the road) and places them

on the side: if another comes and is injured on them, behold this one is liable. Therefore, they said that he is like one who clears stones from before animals and places them before men, from before the sighted and places them before the blind; for it is the custom of cattle to use the middle of the road and for men to use the side; it is the custom for the sighted to use the middle and blind people to use the side..."⁶²

We see that the blind, in order to avoid as many dangers as possible, would walk along the side of the road. Rabbi Akiva recognized this and held one liable for putting an obstruction in that path.

In Tannaitic literature we have, with only a single exception, no record of a blind person serving any public function. The exception is the blind rabbi who was visited by Rabbi and R. Hiyya.⁶³ It is, however, worthy of note that two Amoraic rabbis were blinded during their careers and yet served in highly prominent positions.

Rav. Sheshet was an Amora of the second and third generations in Babylonia. According to one source he blinded himself so that he could follow the piety of Rav.⁶⁴ His learning, however, was renowned. Blessed by an extremely retentive memory, it is said that he knew by heart the entire body of tannaitic tradition, as well as its Amoraic interpretations.⁶⁵ Besides this great learning, he also founded an academy at Shile.

The other blind Amora of whom we have a record was Rav. Joseph (ben Hiyya). He was an Amora of the third generation in Babylonia. Renowned for his love and knowledge of Torah, he was described by his colleagues as "Sinai", meaning that his learning was so ordered it was as if it came

directly from Mt. Sinai.⁶⁶ He declined the honor of being Rosh Yeshiva at Pumpedita in favor of Rabbah. After Rabba's death he then filled that office. It was during his tenure as Rosh Yeshiva that he fell seriously ill, and, doubtless as a result of that illness, became blind.⁶⁷ His blindness apparently did not affect his role as Rosh Yeshiva.

From these examples it is clear that there was no impediment to a blind person attaining a position of respect and responsibility. Those problems which might block the way could be overcome. We are told, for example, that although Rav. Sheshet could not read the Torah himself, he hired a scholar who was acquainted with the Mishnah and Baraita to read them to him.⁶⁸ Also, although these men are both Amoras, there is no reason to assume that a blind person could not have attained a similar position in Tannaitic times.

FOOTNOTES

- 1
Eisenstein, J.D. "Blind, The, in Law and Literature" The Jewish Encyclopedia Vol. 3, p. 248.
- 2
Abodah Zarah 5a.
- 3
Hagigah 5a.
- 4
Jastrow, Marcus, Dictionary..., Vol. 2, p. 1058.
- 5
Jastrow, Marcus, Dictionary, Vol. 2, p. 999.
- 6
Webster: Third New International Dictionary, Unabridged, 1965.
p. 784.
- 7
Pesahim 42a.
- 8
Levy, Neuhäbräisches und Chaldäisches Wörterbuch, Vol. 2, p. 437.
- 9
Jastrow, Dictionary, Vol. 1, p. 627.
- 10
Pesachim, 42a.
- 11
Sanhedrin 17b.
- 12
or "blindness" as translated by Soncino, The Talmud, Peschim 112a,
p. 575.
- 13
'Abodah Zarah 12b; also Pesachim 112a. Note a similar fear of
uncovered water in Mishnah Terumah 8:4.
- 14
Ta'anit 10b.

- 15 Mishna Peah 8:9.
- 16 Tosephta Peah 4:14, note also Aboth de Rabbi Nathan chapter 3.
- 17 Deuteronomy 16:19.
- 18 Siphre, Shoftim 144.
- 19 Megillah 28a.
- 20 Genesis 27:1.
- 21 Megillah 28a.
- 22 Nedarim 20 a-b.
- 23 Tosephta Eduyat 1:14.
- 24 Finkelstein, Louis. Akiva: Scholar, Saint and Martyr, Meridian Books, New York, 1962, p. 202.
- 25 Exodus 2:11-15.
- 26 Exodus 4:19.
- 27 Exodus 4:11.
- 28 Mekilta, Amalek-Parasha Yethro 1:1.
- 29 Mekilta of Simeon ben Yohai, Va'era 6:2.
- 30 Genesis 19:10-11.
- 31 Note Rashi, Ibn Ezra, Rashbam to Genesis

FOOTNOTES

- 32
Speiser, Ephraim, Genesis, Anchor Bible Series, Doubleday, Garden City, New York, 1964, p. 139.
- 33
Genesis 19:4.
- 34
Tosephta Sotah 4:12.
- 35
Judges 14:3.
- 36
Sotah 9b.
- 37
Sotah 10a.
- 38
Leviticus 26:25.
- 39
Siphra, Behukatai, 6:1.
- 40
Ezekiel 17:19.
- 41
Vayyikra Rabba 6:5.
- 42
II Chronicles 36:13, II Kings 24:20.
- 43
Mekilta, Yethro 9; Mekilta, Yethro 3.
- 44
Shir Ha-Shirim Rabba 4:7:1 (Soncino p. 202).
- 45
Exodus 19:10.
- 46
Avot de Rabbi Nathan, Ch. 16; Yoma 35b.

FOOTNOTES

47

Abodah Zarah 5a; Nedarim 64b.

48

Tosephta Berokoth 7:4.

49

Note also Berakoth 58b.

50

Berakoth 9:2.

51

Siphre numbers Be' Ha' Alotecha 83; it is interesting to note that Josephus notes an antisemitic claim that the exodus consisted of the blind, the lame, and the leprous, Against Apion, Book II:15, Loeb Classics, p. 299.

52

Numbers 5:2.

53

Hagigah 5b.

54

Ketubath 17a.

55

Megillah 24b.

56

Eisenstein, J.D. "Blind, The, in Law and Literature, The Jewish Encyclopedia, Vol. 3, p. 248.

57

Leviticus, 19:14.

58

Deuteronomy 27:18.

59

Tosephta Betza 3:17.

FOOTNOTES

60

Yebamoth 16:4.

61

Megillah 24b.

62

Tosephta Baba Kamma 2:12.

63

Haggigah 5a.

64

Schlezinger, Dr. Simeon Solomon, "Rav Sheshet," Encyclopedia Le Ha-Talmud, Vol. 2, p. 878-880.

65

Lauterbach, Jacob Z. "Sheshet" The Jewish Encyclopedia Vol. 11, p. 285-6.

66

Kahana, Dr. Y.Z. "Rav Joseph," Encyclopedia Le - Hachme Ha-Talmud p. 551-556.

67

"Joseph ben Hiyyah", Encyclopedia Judaica, Vol. 10, p. 229-30.

68

"Sheshet," The Jewish Encyclopedia, Vol. 11, p. 285-6.

CONCLUSION

We can now propose some answers to those questions which we raised at the beginning. We noted that the central problem before us was to discern how serious a handicap blindness was.

From a legal point of view this question is easily answered. There are two perspectives as to whether a blind person is liable to perform the mitzvot or not. R. Judah holds that the blind person is exempt from "all the mitzvot stated in the Torah."¹ Blindness is, then, an oppressive handicap.

The Rabbis, however, dispute R. Judah and hold that a blind person is generally bound by the law. The blind person is, according to their position, a responsible and informed person capable of performing the mitzvot. It is clear that, in this view, the blind person should be considered merely as a person who cannot see, but is otherwise like anyone else. The tendency throughout the material is toward this point of view.

We have seen this borne out in the cases where the Rabbis exempt the blind person from a given mitzvah. There are two instances wherein the Rabbis exempt the blind. The first is where they understand the Torah, either directly or midrashically, as exempting the blind. The Torah is authoritative and immutable according to the Rabbis. If the Torah exempts the blind, the Rabbis are bound by that decision. The second instance wherein the Rabbis exempt the blind is where blindness itself prevents the blind person from performing a given mitzvah.

In general, these legal categories apply equally to all gradations of blindness. The major exception is that, unless otherwise stated, a person blind in only one eye would always be liable to perform the mitzvot. There are, however, occasional mentions of other gradations of blindness. These are mostly found in connection with the priests who cannot perform their functions in the Temple if they are blemished.

In the agadic literature the references are almost entirely concerned with total blindness. The exception is when a certain food or action is cited as taking away a certain percentage of a man's eyesight.

We saw that, broadly speaking, there are two major causes of blindness: neglect and sin. If a case of blindness is caused by neglect, there seems to be no added stigma. If, however, the blindness is a result of sin, the repercussions seem to be severe indeed. That Issac, one of the Patriarchs, could be stricken, and reprimanded in the literature, seems to imply that the burden of the sin would weigh very heavily on a lesser person.

Another measure of the seriousness of the handicap is found within the spectrum of social judgments. On the one hand, there was an attitude expressed which we labeled as benign neglect. We speculated that this position could extend to a form of ostracism. The repercussions of blindness, then, would be very severe. Not only would the blind person have to cope with the normal problems of the handicaps, but he would be marked as an outcast and have to suffer that additional burden.

The middle position overcomes many of these problems. By assuming that God's protection extends to everyone it would militate against any tendency toward ostracism. Similarly, we noted that this position would

undercut any derogatory attitudes toward the blind.

The most positive attitude toward the blind, that of respect, places the least burden on the blind. By adopting an attitude like that of Beth Hillel, that the blind person is essentially the same as anyone else, those who hold this position place a minimal social burden on the blind person. The blind person is then freer to reach his full capacity.

From a legal point of view we saw that there were three types of limitations imposed upon the blind. Biblical, midrashically derived, and those imposed by the rabbis. In addition, there was a group of cases where the blind were specifically mentioned as not being under any special limitation.

Those limitations which are imposed by the Torah had to be accepted by the rabbis. The major question with which we were concerned is whether those Biblical limitations were merely accepted, or whether they were extended by the Rabbis. In general, it was felt that the Rabbis tended to extend the limitations beyond what was necessary for the Torah's requirements.

In light of this, it is not surprising to find that the rabbis midrashically imposed limits that may or may not have been intended by the Torah.. In regards to the limitations imposed concerning a husband bringing charges of unfaithfulness against his wife (sotah) or parents charging their son as being a rebellious son. It may be that the rabbis saw a way to effectively nullify these laws by reading into them a wide variety of limitations. If that were the case, these limitations would not be against the blind as much as against the law per se. One could

explain this group of limitations as having developed as a fence about the law. Since such a limitation is conceivable, although not the simplest understanding, perhaps the limitation should be imposed anyway to protect the law. There is no clear indication, however, that this is the case.

If neither of these explanations are true, one must simply say that this is the way the rabbis understood the text of the Torah. Though we might say that another understanding of the text would be clearer and more suited to context, we have no choice, but to say that the rabbis accepted this as the context and meaning of the Torah.

Those limitations which were imposed by the rabbis are clearly cases where the rabbis assumed it was not physically possible for a blind person to perform them. This may be because there are requirements of the action which the blind person could not fulfill, as in the case of delivering a Get. Conversely, it may be because the blind person could not carry out the actions due to the actual limitations of blindness.

Finally, there are the cases where specific mention is made that the blind do not suffer any limitation in a particular case. The rabbis clearly thought that if mention weren't made in these cases one would have considered the blind as exempt in these cases. It was therefore, necessary that the rabbis make clear the status of the blind in these cases.

All this having been said, can any sort of overall picture be formed as to how the blind fared in Tannaitic times. It would seem that in a certain, very broad way, a picture can be formed, but first certain problems must be explained.

There is, understandably, a danger in making generalizations based on such a sparse amount of material. However, we have felt justified since it is in the nature of the material to preserve divergent opinions. In a broad sense, then, certain generalizations may safely be made. These are the tendencies we have striven to detail.

Even in this effort there was a problem with the material at hand. As a general rule we do not have enough material which is attributed to one person or school to be able to clearly distinguish schools of thought, or broad changes of opinion. The single exception to this is the opinion of R. Judah.

Had we been able to distinguish various opinions such as this, it might have been possible to delineate certain historical charges of attitudes toward the blind. Without these sources we are forced to treat all opinion as if they were contemporaneous.

We must also note the chance recovery, of course. First, on the part of the literature itself. We must assume that not all statements that were made in reference to the blind were recorded in the literature. While the major differences in attitudes may all have been preserved, it would have been both useful and interesting to note what variations may also have been expressed at the time.

Secondly, there was an element of chance involved in recovery of the material on the part of the author. As is clear from the methodology explained above, references were mainly found with the aid of the concordances and various cross references. It may be assumed, however, that a small number of sources were not found. Among these few sources

there is a small possibility that a variant of one of our opinions may have appeared, and that this new variant may have been helpful.

Given the material at hand certain very broad generalizations can be made concerning the daily life of the blind. First, it is clear that the blind were active within the society at large. We see this in nearly every aspect of our discussion. It is most clear in the examples of Rav. Sheshat and Rav. Joseph, or in the example of the rabbi visited by Rabbi and R. Hiyya. Were there any tendency to force the blind person out of the society, or to the periphery, these people could not have attained or maintained their position of leadership. It is clear, then, that the blind were active in society.

We can further assert that, from a legal point of view, the Rabbis considered the blind to be subject to the laws of the Torah, except in instances where they were specifically exempted. Although there was certainly minority views on this position, in the main the blind were treated, in the words of the Rabbis, "as a sighted person in all matters." We might go so far as to say that this attitude provided the means by which the blind person could be active in society.

It would be wrong, however, to assume from this legal reality that the blind were not stigmatized. From an attitudinal point of view there is a much wider spectrum of attitudes toward the blind. Some of these, of course, mesh well with the attitude implicit in the legal reality. Other opinions, however, clash strongly with that idea. Had these opinions been dominant the burden borne by the blind would have been much greater. Even as minority opinions, though, one imagines that the blind were stigmatized by them to a certain extent.

FOOTNOTES

- ¹
Baba Kamma 87a.

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