Disability Matters within Judaism

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Everything in life starts with the self as shaped by the well of life experiences. Hillel embraced this concept and is quoted in the Talmud as follows: “That which is hateful to you do not do to others; that is the entire Torah, everything else is commentary; now go and study” (Shabbat 31a). His maxim assumes common denominators among people, but commonalities may be belied by the disability divide or by not knowing disability protocol and the appropriate ways to interact with people with disabilities or with disabilities other than one’s own. When the disability well is dry, determining “that which is hateful to others” may result in outdated paternal or patronizing approaches, under or over-sensitivities, unrealistic assessments of ability, and assumptions that disability is self-defining and the primary self-identity.

Although disability touches most people, it does so to varying degrees. Limited disability exposure may contribute to approaches which are misguided and driven by one’s own emotional discomfort. Optimal engagements depend on disability awareness to develop a foundation, a toolbox for appropriate interactions to individualize per person and disability. Followers of the Torah are also guided by a concomitant study of the intersections of Judaism and disability. These intersections serve as starting points for developing appropriate and realistic attitudes toward disability. They provide firm foundations for meaningful interactions so that there is more that can be drawn from the well of experiences

and Torah values leading to greater understanding of “that which is hateful to others” in disability matters.

In Torah, in fact throughout Tanakh, there are references to the intersections of Judaism and disability. Rabbinic and current commentary on the intersections have wide ranges. Some commentary reinforces Judaism’s compassion toward disability, while others provide a historical account of how approaches toward disability have changed. There is also a body of disconcerting literature by sages, probably reflecting discomfort with disability, which claims that people with disabilities, depending on the condition, should be permanently relegated to subordinate statuses. This approach to disability received widespread, but not universal, support; and vestiges still remain.

A fresh starting point for understanding what Judaism says about disability begins with a contemporary lens to study overt and covert textual intersections and understanding commentary based on its historical time. The outcome will contribute to better disability approaches for improved relationships. Others have started this study; this article will continue the discussion.

Disability

The Torah contains many passages about justice and mercy, not all of which specifically reference disability. Throughout the text, God commands that we should assist the widow, the orphan, and the poor. Assisting is the fulfillment of justice, *tzedek*, or loving kindness*,* and does not equate with superiority.[1] Leviticus (19:14) is disability specific. This is the passage when God warns against cursing the deaf or placing a stumbling block before the blind, referencing two physical conditions, although interpretations include metaphoric references, too. Torah understood the incumbency of justice for people with disabilities before George H. W. Bush signed into law the Americans with Disabilities Act (ADA). This civil rights legislation, motivated by justice, focuses on people, not disability. The ADA ensures that people with disabilities receive equal opportunity in broad areas such as employment, higher education, utilization of public services, and communications.[2]

As with all civil rights legislations, ADA laws were enacted, since dependence on individual definitions of justice and goodwill are unreliable for the establishment of equity. The ADA categorized disability on three tiers: physical or mental

impairments that substantially limit one or more major life activities; histories or records of such an impairments; and perceptions by others of impairments (P.L. 101–336). The ADA Amendments Act of 2008 broadened the ADA to include more general limitations, such as self-care (**P.L. 110–325).**

There is nothing monolithic about disability that includes visible or invisible physical or cognitive conditions; congenital or adventitious onsets—and nobody is exempt from the latter, which may be the result of disease, aging, accidents, and violence; nuanced or extreme variations, stable or progressive diagnoses, among other variables. Those with visible disabilities usually have to explain what they can do; those with invisible differences have to explain what they cannot do. However, Judaism did not need the ADA to categorize disabilities, since mention of diverse disabilities and conditions abound in Tanakh. These references describe notable personalities, identify impairments, or are used figuratively. Biblical personalities, including Isaac, Jacob, and Moses, were not exempt from disability, but even their conditions did not preclude distorted notions of disability and misapplied justice—at best—especially in terms of practicing Judaism within the community.

Historical Perspective

With the best of intentions to preserve Jewish heritage, some of our sages, even in relatively recent times, reinforced that Judaism values those who are most competent at fulfilling mitzvoth,[3] which would exclude people with disabilities from full communal participation. Biblical and rabbinic texts reflect the general thinking of their time, and grouped diverse disability types together.[4] A seventeenth-century rabbi in Israel questioned whether non-disabled people are allowed to violate Shabbat to save a Deaf person.[5] Violating Shabbat to save a life is usually justified with the understanding that the one saved will keep future Shabbats. The rabbi felt that since the Deaf are not obligated to keep Shabbat, why should they be saved? The Hafetz Hayyim was shocked by this rabbi’s thinking.[6] To grant the rabbi some fairness within a historical framework, the deaf experience of yesteryear, marked by the inability to communicate with language prior to sign language, is not comparable to the experience of today. Still, the casual approach to the life of any group of people is disturbing.

In another illustration of equating disability with the inability to fulfill mitzvoth, which presupposed how God saw people with disabilities, Marx cites Numbers

Raba 7:1:

> When Israel came out of Egypt, the vast majority of them were afflicted with some blemish. Why? Because they had been working in clay and bricks and climbing to the tops of buildings. Those who were engaged in building became maimed through climbing to the top of the layers of stone. Either a stone fell and cut off the worker's hand, or a beam or some clay got into his eyes and he was blinded. When they came to the wilderness of Sinai, God said, "Is it consonant with the dignity of the Torah that I should give it to a generation of disfigured persons? If, on the other hand, I wait until others take their place, I shall be delaying the Revelation." What, then, did God do? He bade the angels come down to Israel and heal them.

Marx writes "Why did God need to heal those with disabilities before He could offer them the Torah? Apparently, partnering with Israel for the Torah required competent partners capable of implementing the precepts and even interpreting them—thus the need for physical and intellectual capabilities."[7]

The intersection of Judaism and disability includes yet other dimensions to attitudes and stigmatization. Some say it was only the most severe disabilities in rabbinic culture that led to exclusion based on the inability to transmit Jewish norms and culture, such as those at the upper end of mental illness. Other might have been regarded as disabled only when their condition prevented them from full participation in communal activities.[8] On the other hand, some rabbinic leaders, especially those with disabilities, countered the notion that people had disabilities due to unsavory character or as punishments for transgressions by stating that God's motives are beyond human comprehension. One sage, the Steipler Rebbe, showed so much respect for individuals with severe disabilities that he rose when they entered a room.[9]

Perceptions of Disability Evolve

The aforementioned seventeenth-century rabbi and others like him notwithstanding, Judaism and most sectors of general society are not tightly stuck in the past when it comes to disability matters. Even terminology has shifted.

Over the past 30 years, the term *handicapped*, hand-in-cap, a beggar, has become unacceptable; the term *disabled people* has been replaced with *people with disabilities*—putting people first. The term *disability* is not used in Tanakh, although its substitute may be *blemish* or *moom,* which is a broad description of a disability or impairment.[10] Mooms were probably reflective ADA categories without specificities. Over a 40-year span in the desert, vision and hearing most likely deteriorated, mobility disabilities were acquired, and a percentage of the population probably had cognitive disabilities—a point extended into all of Tanakh.

Monolithic societies did not and do not exist, but prior experiences with disability were vastly different than they are today. Blindness in Tanakh reflected a condition of isolation without mobility and orientation training; deafness was indeed isolating without sign language; and rehabilitation was unavailable for those with mobility disabilities. Weakness from low blood sugar (diabetes), breathing issues (asthma), and cardiac conditions were not addressed. Additionally, there were no special education schools or classes for those with the range of cognitive disabilities. Disability was a personal or family issue; the community did not have to make adjustments nor were there advocates for accommodations. Disability was a pity, a problem of the individual and his family, for which little could be done.

Sampling of Disability References in Tanakh

Blindness and deafness are frequently paired together and constitute a high frequency of disability references, but they are not mirror opposites. Blindness, not a communication disability, thrusts the sighted into new levels of sensitivity and awareness.[11] From the ancients to modern times, fascination with it has contributed to distorted assumptions as the blind have been portrayed from the pitiful to mystical.[12] A mute who lost his hearing prior to acquiring language was presumed to be intellectually undeveloped without cognitive skills for full inclusion and legal responsibility.[13] Blindness has been sensationalized more than deafness throughout the ages, but the frequent literal and metaphoric pairing in Tanakh can render both on a sensational level. In Isaiah, the prophet states, as a rebuke to Israel: “Hear, deaf ones, and look (in order) to see, blind ones. Who is blind, but my servant? Or deaf, as my messenger whom I

sent.…Seeing much but observing nothing; (having) hearing hear not attending…" (Isiah 42:18–20).

Blindness makes its Torah debut in Parashat Toledot: "And it came to pass, when Isaac had become old and his eyes were too dim to see…" (Genesis 27:1). It seems that he lived most of his life as a sighted person and only old age contributed to disability onset. The same can be said for his son. At the end of his life, Jacob experienced visual loss, as referenced in Vayehi immediately prior to blessing his grandsons, Joseph's sons: "Now Israel's eyes had become heavy with age, [to the extent that] he could not see. So he drew them near to him, and he kissed them and embraced them…" (Genesis 48:10).

There is a covert message in these two descriptions. The text does not indicate depression or a diminishment of selfhood based on reduced vision. Visual loss is presented as a matter-of-fact reality. Reading between scriptural lines, there is no mention of self-identification as men without vision. Rebecca took advantage of Isaac's condition, for a greater good, but Jacob's determination of placing his right hand on the younger grandson was not diminished by his visual loss. He did not accede to Joseph's wishes to place his right hand on the older one's head based upon a self-identity as old, blind, and therefore without the capacity for independent judgment. Additionally, there is no reference that Joseph thought of or treated his father as incapacitated based on visual loss.

In Deuteronomy (28:28), Moses makes clear that "God will strike you with madness and blindness" upon disobeying his word, although blindness here is probably used metaphorically rather than as an ultimate punishment. Perhaps the most seemingly severe passage in Torah regarding disability exclusion, blindness and others, is found in Leviticus (21:16–24) when God states that any of Aaron's descendants "who has a defect, shall not come near to offer up his God's food. For any man who has a defect should not approach: A blind man or a lame one… mis-matching limbs … a broken leg or a broken arm." The biblical scholar Martin Noth minimizes the stark impact this passage might have by stating that these laws were narrowly applied to the functions of the priests within the Temple and did not apply to their other functions.[14] Additionally, broken limbs are temporary conditions.

Preceding this passage, as previously referenced in Leviticus (19:14), God's warning about against cursing the deaf or placing a stumbling block before the blind can be taken literally or metaphorically. Juxtaposing these two passage from Leviticus, is blindness a condition that warrants compassion or punishment? It depends on the definition of blindness. Maimonides defined visual blindness as

one kind of blindness because we are all blind in some area of life, a definition which places ability and disability along a continuum. There was also a dispute with Rabbi Yehuda and Rabbi Meir about the ability of a person who is blind to carry out mitzvoth and therefore be included in community religious practices. Rabbi Yehuda disqualifies the blind; Rabbi Meir does not. A talmudic sage who was blind, Rabbi Joseph, concluded that it is disadvantageous for people who are blind to be exempt.[15] Still, blindness or being in the dark has always been considered a threatening status as shown by the ninth plague which rendered darkness to Egyptians in Exodus 10:21–23. In Judges 16:21, the Philistines preferred taking out Samson's eyes to try to destroy him as opposed to limb amputations, which was done to try to destroy Rabbi Akiva.

In addition to blindness in old age, Jacob might have also had a mobility disability after the angel touched his hip socket (Genesis 2:24), but the outcome is ambiguous. Mephiboseth, Jonathan's son, who was dropped by his nurse as an infant, self-identified as man with a mobility disability. Upon speaking to King David he said, "Your servant is crippled" (Saul II 19:27). Throughout Tanakh, there are references to what seem to be cognitive disabilities. In Proverbs, fools are specifically referenced, but it is unclear if the references are to those with learning or developmental disabilities or those who deviate from the right path out of choice not inability. *Shoteh*, defined as those with a range of cognitive differences, were deemed unable to conduct their own affairs, wed, and not responsible for following mitzvoth.[16]

Moses, the greatest communicator in Torah, self-identified as a man with a disability to resist leadership and appealed to God that "I am not a man of words…I am heavy of mouth and heavy of tongue" (Exodus 4:10). Perhaps it was his disability that caused outbursts of temper since physical expressions were easier for him than articulation, (Shemot 2:11; Shemot 32:19; Numbers 20:1). Yet, there is no reference that Yitro encouraged his daughter to seek another mate due to Moses's speech impediment (Shemot 2:21); nor did Korah proclaim that Moses's disability was a reason to forfeit leadership, (Numbers 16); nor did Moses's siblings (Aaron and Miriam) reference disability when they complained to God about him (Numbers 12:1). These four diverse personalities with different relationships to Moses and different reasons to reference his disability, did not. The only reference to his disability was referenced by Moses himself. Additionally, nowhere in the Torah does it say that "God spoke to Moses, the man with a speech disability, saying…". In other words, disability was only applied in self-description.

Sensitivity

…And God created man in His image; in the image of God He created him; male and female He created them.

—Genesis 1:27

…Who gave man a mouth, or who makes [one] dumb or deaf or seeing or blind? Is it not I, the Lord?

—Exodus 4:11

People with disabilities were created in God's image, and attitudes toward disability should consider God's part in the creation of disability.[17] The juxtaposition of these two biblical passages continue to be overlooked. Throughout the ages, disability was a stigma, a sign of inferiority, and a reason for shame. Ironically, the second passage is in dialogue with Moses after his selection to be the Israelite leader, thus communicating God's part in assigning disability and His encouragement not to allow disability to be the primary self-identity, whenever possible. Moses had shame; God was not ashamed of him nor did He allow disability to serve as an excuse from any commandment. God was sensitive to Moses, but made clear that provisions would be made so that his disability did not impede ability. Moses spoke through Aaron.

Sensitivity is a personal reaction. Some say that the wording of prayers can create anxiety, such as the morning prayer when we say "Blessed are You……who opens the eyes of the blind" or the Shemah ("Hear O Israel"). If taken literally, might these wordings stir anxiety? If taken figuratively to mean new insights (opens eyes) or paying due diligence (hearing) to the unity of Hashem, then the wordings are less severe or offensive.[18]

Inclusion

Inclusion of individuals and families where disability is present remains a challenge in the Jewish community, specifically regarding social life, synagogues, and education. These families may be excluded from invitations for Shabbat

meals. Families with children with disabilities are both like other families and yet different.[19] The differences may contribute to discomfort since hosts may not know disability protocol or disability-specific protocol, expectations of behavior, or make assumptions about extra work to accommodate the children of their friends.

Synagogue inclusion translates to the awareness for physical modifications for universal access, the availability of texts in alternate formats, retention of sign-language interpreters, and so on. On membership applications, there can be a section to specify special needs; families with disabilities are not uncommon. Planning committees can include members of all ages with disabilities to discuss integration into activities.[20]

Rabbinic institutions and lay leadership seminars can promote disability awareness. Teens can be asked at Kiddush to serve those with disabilities before satisfying themselves. In Jewish education classes and schools, educators can continue to employ strategies and integration to maximize potential, to lessen dependence, and integrate people with disabilities into the community as much as possible.[21] Of course, one has to be realistic. Students with sensory, physical, or cognitive disabilities cannot expect suspensions of trips to museums, theatrical performances, or ski slopes, but accommodations can be offered.

Inclusion also translates to withholding judgment and showing patience. People with hidden disabilities may not be able to fulfill expectations for reasons unknown to the observer. People with limited ability to express thoughts, either due to physical or cognitive conditions, do not expect others to complete their sentences. How many times did God interrupt Moses in the Torah by claiming he is slow of speech? The technicalities of being natural and using words such as *see* when conversing with people with visual disabilities requires heightened awareness at first, but then becomes causal upon realizing that people are not necessarily defined by disability. Judaism also does not view the individual as defined by disability.[22] People with disabilities frequently claim that attitudes are the greatest barriers toward integration.

Enhancing disability awareness, developing realistic assessments of ability, and appreciating Judaism’s overt and covert communications of respectful approaches to disability all contribute to more meaningful engagements. This is a process leading to know “that which is hateful to others.”

[1] Zipporah Oliver, “Torah Reflections on Disability,” *Journal of Judaism & Civilization*, 576 (2009), p. 60.

[2] Jane West, *The Americans with Disabilities Act from Policy to Practice,* New York, 1991, pp. XI–XXXI.

[3] Tzvi C. Marx, “Who Can Be Commanded? Disability in Jewish Thought and Culture,” *Tikkun Magazine*, 29 (2014), p. 34.

[4] Alan Henkin, “The Two of Them Went Together” (Genesis 22:6): Visions of Interdependence,” *Judaism*, 32 (1983), p. 455.

[5] *Deaf* is capitalized in contemporary disability literature when the term refers to people and not the disability.

[6] *Ibid.,* p. 453.

[7] Marx, op. cit., p. 35.

[8] Judith Z. Abrams, *Judaism and Disability: Portrayals in Ancient Tests from the Tanach through the Bavli,* Washington, D.C., 1998, p. 124.

[9] Oliver, op. cit., p. 55.

[10] Marx, op. cit., p. 33.

[11] Faith Fogelman*, “*Blind Adults,” in *Social Work with Groups,* ed. by A. Gitterman & R. Salmon), New York, 2009, pp. 189–191.

[12] Donald Kirtley, *The Psychology of Blindness,* Chicago, 1975.

[13] Henkin, op. cit., p. 454.

[14] *Ibid.,* p. 452.

[15] Marx, op. cit., pp. 34–35.

[16] Henkin, op. cit., p. 454.

[17] Oliver, op. cit., p. 62.

[18] Jeffrey M. Cohen, “Are These Blessings Really Offensive,” *Judaism*, 35 (1986), pp. 340–341.

[19] Oliver, op. cit., p. 60.

[20] Erik W. Carter, *Including People with Disabilities in Faith Communities: A Guide for Service Providers, Families, & Congregations*, Baltimore, 2007, pp. 89–103.

[21] Oliver, op. cit., p. 52.

[22] Oliver, op. cit., p. 63.