

Compassion towards People with Disabilities: The Torah Perspective

Allison J Tawil

A disability, whether physical or mental, is the interaction between an individual's health condition and his or her environment. Disabilities are not an uncommon occurrence, with some manifesting themselves at birth and others developing later in life. According to the World Health Organization (WHO), over 1 billion people, or 15% of the world's population, are living with some sort of disability, using the broadest sense of the term. Included in this number are those with a physical disability, which encompasses difficulty in seeing, hearing, or walking, and those with forms of mental or intellectual disability, such as people affected by Alzheimer's, Down syndrome, or autism [1].

Understandably, people with disabilities require special accommodations to accomplish everyday tasks and lead fulfilling lives. It was not until fairly recently in modern society that their special needs have been recognized and accommodations made to help these individuals. For example, special education classes focus on providing instruction to children who would not succeed in the typical classroom setting. Special education was not a mandatory provision in American public schools until 1975 [2]. Up until 1990, it was not obligatory by American law to provide for public transportation, communication, or to make other areas of public life accessible to those with disabilities [3]. Without such accommodations, it would be very difficult for people with disabilities to succeed and lead as normal a life as possible.

While modern society has only recently recognized the special needs of individuals with disabilities, we can see that in many instances, the Torah has always been directing us to treat these people with respect, compassion, and an understanding of their special needs.

The first indication of this understanding is found in Vayikra (19:14), "You shall not curse a deaf person. You shall not place a stumbling block before a blind person" [4]. We are instructed not to take advantage of other people's vulnerabilities, namely those who cannot see. The Rambam, 12th century philosopher, astronomer, Torah scholar, and physician, points out that these pesukim refer not only to those who are blind in the conventional manner, but also include those who are blind in any aspect of life. He notes that every person has limitations in some aspect of life and, therefore, we must treat each person with the utmost respect [5].

For numerous laws in the Torah, it is indicated that having a specific disability would relieve that person from participating in the mitzvah. Although this may superficially be interpreted in a degrading manner, in all of these instances the Torah is in fact looking out for this person's benefit. By disqualifying or exempting participation in certain mitzvot, the Torah shows compassion towards the disabled and ensures that no one is harmed by an unrealistic requirement to fulfill specific mitzvot. It also ensured

that no guilt would be felt by those individuals who are not able to fulfill the mitzvot [6]. No one was forced to do something that would hurt or inconvenience them to a great extent.

When Hashem explained to Moshe the role of the kohanim, the Jewish priests who worked in the Beit HaMikdash, He enumerated certain disabilities that disqualify a person from performing a kohen's duties (e.g., offering korbanot). These disabilities include, "A blind man or a lame one, or one with a sunken nose or with mismatching limbs; or a man who has a broken leg or a broken arm; or one with long eyebrows, or a cataract, or a commingling in his eye; dry lesions or weeping sores, or one with crushed testicles" (Vayikra, 21:18-20) [4].

It seems cruel, and almost unfair, that such prestigious duties are withheld from these people due to their disabilities. However, looking deeper into the issue at hand, this prohibition is based on practical reasoning. The Beit HaMikdash is the ultimate place of holiness in the world. It is understood to be the connection between olam hazeh and olam habah. As workers in the Beit HaMikdash, kohanim hold the vital role of being mediators between these two worlds, and thus, of necessity, they must be very close to Hashem and His holiness. Hashem's holiness has the power to kill those who are not careful in its presence, as demonstrated by the story of Nadab and Abihu. Therefore, it is vital for the selection of kohanim to be completely tahor, born from a permitted marriage, and free of overt blemishes. These qualities were designated because this is the only form that a person would "fit in" in olam habah, and would therefore be the most protected from the holiness of Hashem. Of course these people are perfect in the eyes of Hashem, but every measure is taken so that nobody would be harmed by the extreme holiness of the Beit HaMikdash, that could kill even those who do not have bad intentions. Their job was dangerous and a simple mistake, even if with the right intentions, could cost them their lives. Kohanim with disabilities were permitted to eat from the korbanot, which proves that this prohibition was only with regard to working in the Beit HaMikdash [7].

Although the destruction of the Beit HaMikdash eliminated the fear of its lethal holiness, there still is this fear in another one of the kohanim's duties- Birkat Kohanim. Kohanim with disabilities are not permitted to participate in giving this blessing to their community. While kohanim recite Birkat Kohanim, the kohen's blessing to the congregation, it is said that the presence of Hashem resides over the kohanim. Congregants are advised to look away to avoid an encounter with this dangerous holiness that can kill them. It was feared that congregants would be tempted to stare at a physically disabled kohen giving the blessings. Additionally, it would not be ideal to distract members of the congregation during such a serious time of prayer [8]. Therefore, kohanim with blemishes were not permitted to participate in Birkat Kohanim. Oral law

included in the Tosefta pointed out that this included kohanim with blemishes on the face, hands, or feet [9].

However, the Tosefta also made an exception to this rule. If a community was familiar with a certain physically disabled kohen, he would be able to recite Birkat Kohanim, as the community would not be compelled to look at him (Megillah, 3:29) [7]. The Talmud concurs with the Tosefta and presents examples in which this exception comes into play. Among those examples mentioned is a kohen with spotted hands or who is blind in one eye. Both of these kohanim are permitted to recite Birkat Kohanim in their respective communities, since their communities are familiar with their disability and would not be distracted by it (Megillah 24b).

Another mitzvah from which people with disabilities are exempt is the requirement to travel by foot to Jerusalem three times a year for the shalosh regalim. Rashi interprets the usage of the word “regalim” to exclude “the lame, the sick, the blind, the aged, and those who cannot go up on foot.” Again, one may assume that this is a degradation of individuals with these disabilities, as they are missing this great opportunity of visiting the Beit HaMikdash. However, in actuality, the Torah was looking out for those who would have much difficulty carrying out this mitzvah. Exemption from a mitzvah is not the same as disqualification, and they were free to visit the Beit Hamikdash if they so desired [8].

The importance of creating special accommodations for students who do not learn in the typical manner is demonstrated by the Talmud’s aggadah about Rav Pereda, whose student needed teachings to be repeated 400 times before he remembered it. On one particular day, the student was not able to grasp a teaching after hearing it repeated 400 times, so Rav Pereda taught it an additional 400 times. After this, a bat kol called out and asked Rav Pereda if he would rather his life be extended 400 years or if he would prefer that his whole generation, including himself, would go to olam habah. Rav Pereda chose the latter, so Hashem granted him both (Eruvin 54b). Rav Pereda was rewarded for making such an effort to teach his student, which demonstrates the importance for teachers to make resembling efforts when teaching their students with special needs.

Rabbi Moshe ben Shimon Margolis, the 18th century author of Pnei Moshe and teacher of the Vilna Gaon, explains that teachers should teach students no matter their intelligence level or capacity to remember things. He derives this from Moshe Rabbenu. Moshe had a record of constant forgetfulness, but eventually he acquired knowledge and became the ultimate teacher of Torah. In the Talmud, Rabbi Yohanan recounts that during the forty days that Moshe was learning with Hashem on Har Sinai, Hashem taught him the Torah forty times, but after each time he forgot it (Nedarim 38a). This narrative brings Rav Yosef Soloveitchik, 20th century rabbi, philosopher, and Talmudist, to conclude: “If it is possible for Moses to be chosen as the messenger for the Holy One Blessed be He, it is possible for every single Jew.” Hashem can convey His messages through whoever He chooses, regardless of a person’s apparent limitations. Hashem will assist this messenger in comprehending the message that will be communicated [10].

A similar idea is revisited in the Passover Hagaddah, which relates a Midrash that discusses the four sons who are present at the Passover seder. The Midrash articulates the specific methods that should be used to teach each son about the miracle of yetziat mitzrayim, the exodus from Egypt. It explains how to teach the child who is wise, who is rebellious, who is simple, and the child who does not know how to ask. It is recognized that every child does not learn in an identical manner and some children require more individualized attention than others. Nevertheless, all children should be taught about the miracle. The Passover Hagaddah explains how to open up to each son based on his intelligence level and personality. Additionally, Rashi explains that it is no coincidence that the discussion of these four sons comes right after the section of “Baruch HaMakom Baruch Hu.” The connection is meant to be a praise of Hashem for giving us the Torah and making it accessible to all types of learners, even those who require special learning styles [11].

As such, Rav Moshe Feinstein, leading posek of the 20th century, ruled that the Torah education of children with mental disability is extremely important. Since accommodations for these children can be pricey, community charity funds should be set up to support their education. These children will learn at their own pace, nonetheless, if they have the capacity to learn then they definitely should [12].

In addition to making accommodations for the special needs of people with disabilities, the Hazon Ish, a 19th century rabbi, demonstrated the importance of providing a greater respect towards these people. The Hazon Ish, a former leader of Haredi Judaism in Israel, would stand up when a person with a physical or mental disability would step into a room. He would do this out of the belief that these people have special neshamot that belonged to righteous people who performed many mitzvot. These neshamot return to this world to make a few tikkunim, rectifications, so that they can reach perfection. Regardless of the reasoning, the Hazon Ish’s actions demonstrated a deep respect and reverence towards these individuals despite their disabilities [13].

Incidentally, Judaism’s compassionate and respectful treatment towards individuals with disabilities allows for most parents of children with disabilities to regard their children in a different light, thus facilitating a family’s coping with the disability. In other words, religion allows for a positive perception of disabilities in most families. As the mother of an autistic child put it, “His brain is damaged, that’s true, but the brain is only a physical component, the soul is the spiritual component, and this part is especially high in these children.” In Judaism, there are two aspects to a person, the physical and the spiritual. This leaves room for the belief that there is a higher spiritual level in those with limits in the physical world, such as those affected by a physical or mental disability. Additionally, thanks to the growing openness in the secular world towards disability, the stigma and shame that was once associated with having a child with special needs has been removed in the Jewish community [14].

As demonstrated by these examples, the Torah does not disregard the special needs of those with disabilities, but instead tries to

understand and accommodate the needs of these individuals. The Torah also indicates that we must not overlook or disrespect individuals with disabilities, and directs us to treat them in a compassionate manner. Indeed, the Torah's direction for proper treatment of those with disabilities contributes to the understanding that every person is important and has the ability to achieve regardless of their abilities or disabilities. It is no coincidence that

many of our past leaders had disabilities themselves. Yitzhak Avinu lost his sight later in life (Bereshit, 27:1). Yaakov Avinu walked with a limp after his struggle with an angel (Bereshit, 32:32). Moshe Rabbenu had a speech impediment (Shemot, 4:10). Needless to say, these individuals accomplished quite a lot in spite of their disabilities.

Acknowledgements:

I would like to express gratitude to my parents for their continuous support of my education and all my endeavors. Thank you Dr. Babich for giving me the idea of writing something with "compassion." Thank you Tzipora Isaac for helping me to review this paper, and for teaching me true compassion and so much more. Thanks to my friends for their helpful input and suggestions. And of course, this paper would not have been written without the inspiration that comes from "the children, who are my role models."

References:

- [1] World Health Organization. Disability and Health. www.who.int, Dec. 2014 (retrieved January 14, 2015).
- [2] Martin, E.W., Reed M., and D.L. Terman. (1996). The Legislative and Litigation History of Special Education. *The Future of Children*. 6.1: 25-39.
- [3] PBS. Lives Worth Living. Pbs.org (retrieved: January 14, 2015).
- [4] Bible translation, Chabad.org
- [5] Marx, T. C. (2014). Who Can Be Commanded?: Disability in Jewish Thought and Culture. *Tikkun*. 29:33.
- [6] Tendler, M D., and Rosner, F. (1991). The Physically and Mentally Disabled: Insights Based on the Teachings of Rav Moshe. *Journal of Halacha and Contemporary Society* 22: 87-96.
- [7] Abrams, J.Z. (1998). *Priestly Perfection. Judaism and Disability Portrayals in Ancient Texts from the Tanach through the Bavli*. Gallaudet UP, Washington, D.C. pp. 16-70.
- [8] Marx, T. (2002). *Disability in Jewish Law*. Routledge, London.
- [9] Abrams, J. Z., and W.C. Gaventa. (2006). *Jewish Perspectives on Theology and the Human Experience of Disability*. Haworth Pastoral, New York.
- [10] Stein, J.M. (2009). And You Shall Teach Them Diligently to Your Children Rabbinicalassembly.org (retrieved January 16, 2015).
- [11] Miller, J. Making the Four Children Speak to Us on Passover. Huffingtonpost.com. 18 Apr. 2011. (retrieved: January 30, 2015).
- [12] Bleich, J.D. (1982). Torah Education of the Mentally Retarded. *Journal of Halacha and Contemporary Society* 4:79-92.
- [13] Kastner, B. (2013). Why Did Gd Put Us Here? *The Jewish Press* (retrieved: January 31, 2015).
- [14] Shaked, M. and Bilu, Y. (2006). Grappling With Affliction: Autism In The Jewish Ultraorthodox Community In Israel. *Culture, Medicine and Psychiatry* 30.1: 1-27.