

DISABILITY IN JEWISH LAW

Tzvi C. Marx



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DISABILITY IN JEWISH LAW

In recent decades, record numbers of Jews are taking a newfound interest in their legal heritage – the Bible and the Talmud, the law codes and the rabbinical responsa literature. In the course of this encounter, they may be interested in how these sources relate to the issue of disability, and the degree to which halakhic attitudes to disability are in harmony with contemporary sensibilities. For example, can the blind, or those in wheelchairs, serve as prayer leaders? Need the mentally incompetent observe any ritual law? Is institutionalization in a special-education facility where Jewish dietary laws are not observed permitted if it will enhance a child's functioning? And how are we to interpret teachings that seem inconsonant with current sensibilities? *Disability in Jewish Law* answers the pressing need for insight into the position of Jewish law with respect to the rights and status of those with mental and physical impairments, and the corresponding duties of the non-disabled.

Disability in Jewish Law is neither an exercise in apologetics for the tradition, nor an attempt to recast and 'reform' the traditional views. Rather, Marx's book engages the halakhic tradition on its own terms, seeking explanations and solutions on the basis of the classical premises of halakhic analysis. Marx's insistence on grappling with the legal questions without losing sight of the existential pain underlying them, and his unfailing compassion for the disabled and their loved ones, give the reader new respect for Jewish law and its ability to address our most universal human concerns. The book will be of great interest to those in the caring professions, such as social work, therapy, and medicine, as well as scholars in the areas of Jewish law, Jewish studies and religion. It will also appeal to a wider, non-Jewish readership, who will be interested in how a religion-oriented society responds to these issues, which affect so many families.

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DISABILITY IN JEWISH LAW

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CONTENTS

<i>Foreword</i>	ix
<i>Preface</i>	xi
<i>Dedication</i>	xii
1 Introduction	1
1. <i>Halakha and disability: an overview</i>	1
2. <i>Disability</i>	3
3. <i>Method</i>	8
4. <i>Disability as reflected in the tradition</i>	14
5. <i>Confronting the dissonance</i>	19
2 Moral imperatives governing disability	21
1. <i>The human essence</i>	21
2. <i>Obligation as conferring dignity</i>	28
3. <i>Responsibility and interdependence</i>	41
3 Extra-halakhic sources: biblical narratives and Rabbinic Aggada	48
1. <i>Disability as perennial</i>	49
2. <i>Rejection, acceptance and ambivalence</i>	53
3. <i>Theology of disability</i>	60
4. <i>Morale and hope</i>	65
4 Guidelines from charity	69
1. <i>Theology: Imitatio Dei – emulating God in morality</i>	71
2. <i>Donor issues</i>	72
3. <i>Recipient issues</i>	75
4. <i>Aid</i>	77
5 Laws on relating to the disabled	80
1. <i>Overcoming estrangement</i>	80
2. <i>Limits of caring for incapacitated relatives</i>	84

CONTENTS

3. <i>The role of liturgy</i>	86
4. <i>Identification with the disabled</i>	91
6 Categories of disability	96
1. <i>Blindness</i>	96
2. <i>Mental dysfunction</i>	107
3. <i>Deafness/muteness prior to the nineteenth century</i>	114
4. <i>Contemporary deafness/muteness</i>	119
5. <i>Conclusion</i>	127
7 Elemental dignity	128
1. <i>Disability and the law of torts</i>	128
2. <i>Fulfilment of the obligation to procreate</i>	134
3. <i>Violating the Sabbath for the disabled</i>	137
4. <i>The obligation to educate</i>	142
5. <i>Sources that seem dismissive of the disabled</i>	151
6. <i>Concluding comments</i>	158
8 Observances related to liturgy	160
1. <i>Liturgy concerning physical and existential states</i>	161
2. <i>Synagogue observances</i>	169
3. <i>Rituals performed in the home</i>	183
4. <i>Final remarks</i>	187
9 Non-verbal observances	189
1. <i>Non-verbal precepts of contemporary relevance</i>	189
2. <i>Precepts related to the land and the Temple service</i>	197
3. <i>Final remarks</i>	214
10 Preparatory observances and technological aids	216
1. <i>Preparatory activities</i>	217
2. <i>Speech, hearing, and mobility aids</i>	226
3. <i>Final remarks</i>	232
11 Conclusion	233
1. <i>Dialectical tendencies</i>	235
2. <i>Relationship of Jewish law on disability to scientific advances</i>	236
3. <i>Halakhic self-critique</i>	238
4. <i>The dignity of obligation</i>	242
5. <i>Fathoming the dissonance</i>	244
6. <i>Tikun olam</i>	245
7. <i>Concluding remark</i>	248
<i>Bibliography</i>	250
<i>Index</i>	255

FOREWORD

Disability in Jewish Law, the third volume in the series, *Jewish Law in Context*, is hereby presented as an introduction to a subject perhaps unfamiliar to many – disability in the Jewish sources. This volume will, we hope, provide readers with insight into the attitudes to disability reflected in the halakhic sources. Among the disabilities the Talmud routinely takes note of are deafness/muteness, speech impediments, blindness, infertility, and mental disability. Contemporary concern for the rights of the disabled has evoked considerable interest in the position of Jewish law in this regard, and Dr. Marx's pioneering study is a welcome contribution for scholars as well as those with a personal or professional interest in disability. It is essential, however, that readers take seriously the series' title, *Jewish Law in Context*. For this study is not a comparative study juxtaposing halakha and contemporary ideas, nor is it undertaken in order to present the halakhic understandings as precursors to current views. It is, rather, an attempt to delve honestly and openly into the authentic voices of Jewish law on disability, in its own context. It is hoped that this investigation will provide the reader with an important perspective that can be referred to in contemporary discussions of disability.

Disability in Jewish Law is a comprehensive survey of the position of the halakha on questions pertaining to the obligations of the community toward the disabled, of the individual toward his disabled fellow, and of the disabled individual himself. Marx surveys the broad spectrum of attitudes to disability evinced in the Rabbinic and halakhic literature, some of which are disturbing to contemporary sensibilities. Rather than attempting to ignore or whitewash problematic passages, he seeks to balance them by citing sources that evince a more caring, more inclusive attitude. It is here that the author's painstaking research is apparent, as he shows us that in almost every case where a negative attitude is openly expressed in the Talmud, there are either dissenting opinions or positive voices latent in the text. Marx brings these sensitive voices to the fore, and shows that as a rule, where there is an opinion inhospitable to the disabled, it is not necessarily the sole view that can be sustained on the basis of the sources.

Marx's approach can be characterized as constructive. The law never formally articulates an overall policy on the disabled, and it would be completely anachronistic to approach the sources with the intention of finding such a pronouncement. Rather, Marx attempts to piece together the halakhic perspective on disability and

FOREWORD

the disabled through analysis of the canonical sources of Jewish law and their interpretation in the vast halakhic literature. He attempts to discern how the tradition relates to the disabled from the internal perspective of the halakhic literature rather than from the external perspective of social or historical critique. His strategy is to identify the various legal categories, such as intent, dignity and religious obligation, that circumscribe specific halakhic discussions of disability issues, and to consider the degree to which the halakhic rulings that issue from these discussions are consonant with the broader ethical precepts that inform the tradition.

This study is of critical scholarly import for a number of reasons. First and foremost, it fills an important lacuna in Jewish scholarship. It is the only comprehensive analysis of the position of Jewish law on disability yet undertaken. The analyses hitherto available are either partial, dealing with a single disability; limited in perspective, putting forward only interpretations espoused by a particular legal authority or stream within Judaism; or, written in Hebrew and hence inaccessible to the English-speaking reader. Second, the approach of *Disability in Jewish Law* is unique in that it integrates strictly legal with ethical analysis, and does so from the internal, intra-traditional Judaic perspective. Thus while it does not restrict itself to exposition of the law, but goes beyond exposition to analyze and critique the law, it does so on the basis of the law's own premises. Finally, in a field often characterized by detached and abstruse reasoning, Marx's study is distinctive in its unfailingly sensitive and responsive attitude to the immediate existential concerns of the disabled. While primarily a work of legal analysis, it nonetheless lays out, with great persuasiveness and courage, the possibilities for realigning the law, where necessary, so as to maximize inclusion of the disabled.

Marx unfolds before the reader a wide and interconnected range of foundational halakhic concepts germane to disability issues, among them, the concepts of commandedness and the observance of precepts, the notion that all individuals are created in the image of God, and the obligation to be charitable and to take responsibility for one's fellows. He explores the extent to which these concepts are reflected in specific laws, such as halakhic directives to the able-bodied regarding their moral and financial obligations to those requiring assistance. Marx examines a range of areas where the law acknowledges disability, among them, assessment of the status of individuals with respect to their legal obligation to observe the commandments; observances from which the disabled are exempt or disqualified; liturgy pertaining to disabilities; and directives regarding education of the disabled. He also addresses the impact of modern technology on laws pertaining to disability.

In his introductory remarks, Marx himself recommends that this work not be viewed as a definitive exposition of disability in Jewish law, but rather, as an invitation to further dialogue on these existential issues. We invite scholars to reflect carefully on the questions addressed by this study, and to add their voices to the discussion, as is indeed merited by the vital importance of the subject.

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PREFACE

“Who Gives Man Speech?
Who Makes Him Dumb or Deaf, Seeing or Blind?”
Exodus 4:1

I would like to thank Professor Neil Hecht, director of the Institute of Jewish Law at Boston University School of Law, and the series editor of *Jewish Law in Context*, for choosing this work as the third volume of the series. I am most grateful to him for making available to me the resources and the editing assistance of his Institute, which made the publication of this book possible. In particular, the input of my editor, Nessa Olshansky-Ashtar, was invaluable.

As this book is partly based on my doctoral dissertation at the Catholic Theological University of Utrecht in 1993, I would like to take this opportunity to once again express my indebtedness to those who supported or mentored me in that undertaking, especially Rabbi David Hartman, Rabbi Yehuda Aschkenasy, and Mr. Joop Al.

Despite the best efforts, I am aware that errors may nonetheless remain in this work. Even the Bible is an “imperfect” document in the sense that it was written “in the language of men” (R. Ishmael).¹ As part of the discourse of man,² this document is inevitably incomplete and flawed. Yet I am hopeful that despite any errors that may be found by readers using this work as a learning companion, they will not be deterred from further study of this important material. It is not intended as a definitive exposition of the subject, but rather as a preliminary treatment that will encourage dialogue and further study.

“Blessed art Thou, Lord, who teaches Torah to His people Israel.”

Tzvi C. Marx
September 2, 1999

1 BT Berakhot 31b.

2 The terms “mankind” and “man,” and masculine pronouns, are used in contexts that clearly encompass human beings as such only to avoid clumsy constructions such as “him/her,” “he/she,” etc.; their intended reference is men and women. I believe that instances where the gender distinction is germane will be easily discerned.

DEDICATION

This book is dedicated to my parents Andre and Henny (nee Petrynek) Marx, who courageously survived an era when the Jewish body, even more than the spirit, became a subject of unbridled abuse by an enemy for whom its very presence was an insult. I also dedicate it to Isadore Ryback, a gentle man who was privileged to study in the Radom yeshiva in his youth and who had the courage to make *aliya* in his senior years; and to my father's cousin Fernand Klein, who survived the German camps.

I also want to commemorate three dear friends: Carole Fisher, whose zest for life inspired all those around her, as did her courage in the relentless struggle with her illness; Sharon Horowitz, whose moral beauty and shining presence lit up any room she entered, and whose premature death leaves a deep sadness in the hearts of all who knew her, and my Torah study partner Rabbi Moshe 'Morty' Bernstein, whose tragic passing robs us of a unique exemplification of religiosity, love and humor.

INTRODUCTION

1. Halakha and disability: an overview

Sensitivity to the disabled is a hallmark of contemporary culture in most Western countries. The compassion underlying the current awareness is hardly new to modern society, however, and permeates the monotheistic religions. It is at the heart of the Jewish tradition, and clearly reflected in the Jewish sources. The biblical foundations of the Judaic tradition manifest a sensitive, humane, and dignified attitude to all persons, regardless of individual differences. To a great extent, this attitude is expressed in the precepts, the divine commandments enjoining performance of or abstention from various acts, that constitute the structural framework of the tradition. Yet examination of the halakhic literature also reveals instances of apparent indifference, or even callousness, with respect to the disabled: laws and liturgical passages that appear to evince a dismissive, even derisive attitude toward individuals with disabilities. This inconsistency gives rise to a certain dissonance within the tradition, a dissonance that cannot be ignored by those who value its teachings. It is love and respect for the tradition, and recognition of its moral authority, that motivates this study and its methodology.¹ While an

¹ Little work on the subject of disability in Jewish law has been carried out to date. To my knowledge, only Joseph Blau's "The Defective in Jewish Law" (1916) and Carl Astor's . . . *Who Makes People Different* (1985), have attempted comprehensive treatments. Astor's work presents an overview covering different kinds of disabilities, touching on the various realms encompassed by the halakha, and introducing biblical, Rabbinic, and responsa literature. But as it addresses the lay reader, its exploration of the halakhic discourse is limited. Blau's article, though more scholarly, is brief. While he raises the question that concerns me – the dissonance between aspects of the laws that pertain to disability and the moral imperatives underlying the law as a whole – his solutions leave much unanswered.

Other works have treated specific disabilities, such as Isaac Joseph Cohen's Hebrew study of the blind and the law, David Feldman's "Deafness and Jewish Law"; or aspects of specific disabilities, e.g., Y. Moshe's "Electric Wheelchair on the Sabbath." In *Nishmat Avraham*, his extensive commentary on Caro's code, A.S. Abraham provides an up-to-date treatment of disability, citing current responsa, but his work does not constitute a comprehensive overview. The work of Moses Tendler and Fred Rosner on very specific halakhic situations affecting the disabled is invaluable in identifying areas where further research is necessary, and in covering recent halakhic decisions. Faitel Levin has also contributed to the subject in the context of his study of halakha and science.

INTRODUCTION

adequate examination of the Jewish approach to disability may entail critique of specific laws, this critique should, I believe, be carried out on the basis of criteria internal to the halakhic culture, and not simply on the basis of contemporary sensibilities. Indeed, the principle that the criteria governing the process of halakhic self-scrutiny ought to be internal is itself internal.²

Although this work is academic in nature, it is my hope that it will serve to enlighten readers, and among them, members of the rabbinate, by alerting them to the possibilities of inclusion on the basis of the classic sources of the law. The legitimacy of responsiveness to the marginalized, though clearly mandated by the tradition, will only come to the fore if those administering the law are sensitized to it. It is also my hope that this encounter will encourage the undertaking of observance by the non-obligated.

My study reads the tradition as conceiving of human existence as worthy in itself in the eyes of God: achievement is irrelevant to human worth. While I do not deny that halakhic culture is inherently precept-oriented, I argue that this orientation does not conflict with the tradition's broader ideals of compassion, helping, and responsibility. As these ideals are shared with other religions and societies, affirming their significance in the context of disability also highlights the universal elements in the tradition.

Excluding individuals from full participation in religious activities on the basis of physical or mental impairment is offensive to contemporary thinking. But the possible lack of correspondence with contemporary views is not what drives my interest in Jewish law on disability; rather, the source of my unease is the intra-traditional dissonance, the dissonance within the halakhic culture itself. It is the offense against Jewish ethical sensibilities that motivates my desire to clarify the position of the halakha. Biblical culture, as I will argue in the coming chapters, is inclusive, and does not regard the individual as dependent on specific mental or physical endowments. Its heroes, the patriarchs and matriarchs of Israel – Isaac, who is blind; Jacob, who limps; the initially childless matriarchs Sarah, Rebecca and Rachel, and the speech-disabled Moses – are no less esteemed because of disability. When the tradition admonishes us not to place obstacles before the blind, or curse the deaf, it clearly directs us, its adherents, to relate to the impaired among us with consideration. In general, the teaching of compassion for the disadvantaged members of the community – its orphans, widows, strangers or disabled – is a defining parameter of the culture. Overall, then, the aim of this book is to explore an internal ambivalence and to consider whether and how the law can better express the tradition's ethical mandate with respect to the disabled.

The structure of the book is straightforward: this introductory chapter sets the stage for the involved – and at times painful – analysis that will be presented in the coming chapters. After surveying the incidence, nature, and psycho-social consequences of disability, it presents the methodological parameters that structured my

2 Dishon, 1984.

research, then notes a dissonance between the humane outlook of the tradition, on the one hand, and the law's ambivalence toward the disabled, on the other. The rest of the book examines specific points, paying particular attention to areas in which the law can be interpreted or applied in ways supportive of the concerns, dignity and rights of the disabled. Chapters 2–4 explore the ethical teachings of the tradition with respect to disability, as reflected in the classic Jewish sources, which manifest sensitivity to the disenfranchised. Chapters 5–10 present a detailed examination of particular laws and liturgical passages of relevance to disability, most, though not all, of which, reflect this sensitivity. Chapters 5–7 examine halakhic directives to the able-bodied in their treatment of the disabled, while Chapters 8–10 examine halakhic guidelines for the disabled: precepts observance of which they are charged with or exempted from, and ritual activities from which they are disqualified.³ The closing chapter recapitulates the material and assesses strategies for mitigating the dissonance.

2. Disability

The World Health Organization (WHO) distinguishes three separate, though related, concepts: impairment, disability, and handicap.⁴ “Impairment” denotes disturbances in physical or mental function at the level of the organ, such as blindness, amputation, mental retardation, mutism. “Disability” denotes a restriction of activity within the range considered normal: disturbances at the level of the person, such as difficulty seeing, speaking, grasping, using the lavatory, or inability to use public transport. “Handicap” denotes the meaning of a disability relative to the values of a society, for example, the low status accorded those who are immobile, reflecting society's negative valuation of this disability. Thus while “disability” is a neutral term, “handicap” is value-laden, signifying the disadvantage resulting from an impairment that limits fulfilment of what are considered normal social and economic roles.

2.1. Incidence

The following figures are intended to illustrate the pervasiveness of disability. Estimates of the percentage of persons who are disabled for the 20 countries of the United Nations Statistics Data Base (DISTAT) range from 0.2 percent (Kenya, Turkey) to 20.9 percent (Austria).⁵ In Israel the disability rate ranges from

3 Due to the complexity of these matters, my treatment is not exhaustive, but restricted to specific areas.

4 1991, p. 40.

5 WHO, 1991, p. ix, ‘International Classification of Impairments, Disabilities, and Handicaps’ (ICIDH); ‘Disability Statistics Compendium,’ Table ii, p. 44. The high degree of variability is partially explained by differences in what countries perceive as impairment and disability and their degrees of severity.

9.1 percent to 17.5 percent, similar to that reported for other countries.⁶ There are 16 million persons in the United States with hearing impairment, the most prevalent chronic physical disability.⁷ In 1991, 4.2 million Canadians, constituting 16 percent of the population, had some degree of disability.⁸ Estimates indicate that in Holland in 1991, there were “upwards of 1.5 million people with a serious or very serious physical disability, 11.5 percent of the population,”⁹ including 200,000 working-age persons with major physical impairments;¹⁰ about 4 per thousand had severe mental handicaps, while the estimated proportion of slightly mentally handicapped people was 5.4 per thousand.¹¹ The number of blind persons worldwide is estimated at between 27 and 35 million.¹²

Jewish disability statistics for the United States are difficult to arrive at. From samples, it was estimated in 1988 that 8 percent of Chicago’s Jewish population, or 20,000 people, were disabled.¹³ Fleischman estimates that in 1974 there were 25,000 deaf Jews in the United States.¹⁴

2.2. *Import of disability*

If we are to appreciate the complexity of the issues at hand, an idea of the experience of disability, as well as its pervasiveness, is important. The Mishna admonishes us not to make judgments about another “unless you have stood in his place.”¹⁵ Moreover, the experience of disability is not unidimensional, but touches on every facet of one’s humanity, both privately and socially.

A basic fact of the experience of disablement is the repugnance it arouses in the non-disabled. Aversion and avoidance are universal. Physical impairment is seen as “an infringement by nature, an intrusion that undercuts one’s status as a bearer of culture.”¹⁶ This revulsion toward disability is, in part, the result of labelling, whereby the disabled are categorized as different and related to as such,¹⁷ but it is not merely a reaction to difference. The “contamination” of the disabled is seen as compromising their very humanness.¹⁸

6 Bendel *et al.*, 1987, 1989.

7 Miller, 1986, p. 72.

8 Statistics Canada, Oct. 1992.

9 *Fact Sheet . . .*, 1991.

10 Batavia, p. 12.

11 *Fact Sheet . . .*, 1991.

12 WHO, 1991, p. 16.

13 According to the Task Force on Services for the Disabled headed by Aaron Schmidt, using numbers prepared by the Illinois Department of Rehabilitation Services, cited in Olshansky, 1988, p. 42.

14 Fleischman, p. 39.

15 Mishna Avot 2: 4.

16 Murphy, 1987, p. 119.

17 See Minow, 1990.

18 Murphy, loc. cit.

INTRODUCTION

Adapting to disability means reconstructing every day to cope with its effects – the medical, occupational, practical and social problems it gives rise to, especially the stigma and isolation.¹⁹ The disabled individual must first learn to cope with the symptoms of the disease itself, then confront the broader ramifications of significant disability.²⁰ Though much effort may be invested in this process, disability often brings in its wake depression and frustration, “not as symptoms but as consequences of the disease and its disabling effects.”²¹ In a delicate “balance of opposites” – accepting the disability, while fighting to surmount it,²² the disabled must learn to pace activities and cope with greatly diminished resources.

Discovering new ways of performing everyday tasks, limiting those that cannot be executed, is taxing.²³ A constant reminder that the individual is “less” than he once was, the transfer of mundane tasks to others also points to his incompetence to care for himself, his dependence.²⁴ The individual must consult professional caregivers, thereby relinquishing responsibility for decisions concerning his own illness. He must accept definitions and judgments imposed by others, such as physicians, who possess the knowledge needed to reduce pain, enhance functioning, and verify claims for benefits and services.²⁵ This legitimation process – the extent and origins of disabilities may be questioned in what seems like a bureaucratic gauntlet thrown up before the disabled by the assistance agencies – may generate a disaffection that leaves the disabled individual feeling unimportant and abandoned by the services on which he is dependent.²⁶

The pain and fear of dependence increases with the severity of the disability, and is especially pronounced in those who rely on spouses or children for help with personal care and other practicalities of daily life. Fitting into someone else’s timetable heightens the sense of frustration and entrapment, leading to tension and conflict between caregiver and recipient. Even where help is willingly and selflessly given, the recipient often feels he is a burden on his caregiver.

The cumulative experience of powerlessness takes its toll. Resistance to what would normally be unacceptable is weakened, and the disabled individual may act in ways that run counter to his aspirations and potential.²⁷ He may believe himself to be even more powerless than is actually the case. Further, the guilt and shame experienced by the disabled constitute assaults on their dignity, identity and even their very humanity. This assault on the self may express itself in existential rage – bitterness at the fate that has made the disabled individual into a

19 Locker, 1983, p. 5.

20 Locker, p. 14.

21 *Ibid.*, pp. 19–20.

22 *Ibid.*, p. 28.

23 *Ibid.*, pp. 40–41.

24 *Ibid.*, pp. 95–6.

25 *Ibid.*, p. 43.

26 *Ibid.*, pp. 49, 134; Callahan, pp. 174–87.

27 Lerner, p. 2.

INTRODUCTION

shadow of what he could have been, expressed in “hostility toward the dominant society . . . one’s own kind, and finally . . . the self”²⁸ – and situational anger in response to upsetting exchanges with the able-bodied world. This hostility must be contained as the price for “normal” interaction with others. Frequently, such anger is vented only in the home.

Helping professionals, recognizing that the effects of a long-term illness extend to one’s close associates, especially family, speak of family units, and not simply individuals, as “disabled.” The presence of a disabled person in a household may severely dislocate the lives of all its members, resulting in friction and strain, especially when accompanied by a lowered standard of living.²⁹

The disabled individual’s simple physical dependency dominates family life. As noted, feelings of guilt abound: the self-accusatory guilt of the impaired individual, exacerbated by guilt over being a burden, and, at the same time, the family members’ guilt at being intact, taints “the very haven to which most people return for support, protection, and love.”³⁰ Under the stress of disability, the divorce rate is over 50 per cent higher than in the non-disabled population, especially among younger couples, particularly following the onset of disability.³¹

Impairment to the body is paralleled by impairment in social standing. Indeed, it is the response of society to disability that stigmatizes it. “The greatest impediment to a person’s taking full part in his society is not his physical flaws, but rather the tissue of myths, fears, and misunderstandings that society attaches to them.”³² The stigma of disability locates the disable-bodied person on some distant edge of society, like the scapegoat sent out on Yom Kippur to an inaccessible region (Lev. 16:22). This relegation to social invisibility is manifest, for example, in the popular attribution of asexuality that renders acceptable mixed-gender rooms in hospitals. In a liminal state where they are “neither sick nor well, neither dead nor fully alive, neither out of society nor wholly in it,”³³ the disabled become less than fully human, a perception that contributes to the widespread aversion that in turn yields segregation or avoidance. Some avert their eyes, avoiding contact; social contact between abled and disabled is strained as the disability remains at the center of consciousness though both sides attempt to normalize the encounter.³⁴ Interaction with others is thus artificial and unavoidably distorted. In the current social reality, only in relations among themselves can the disabled find interpersonal satisfaction. Their shared identities, as whole, though disabled, seem to override hierarchical distinctions such as age, education, occupation and gender, allowing for the kind of intimate communication that cannot be realised with the abled.

28 Murphy, pp. 106–7.

29 Locker, pp. 155–6, cf. Murphy, p. 204. But see de Witte, pp. 193–4.

30 Murphy, p. 213, and see pp. 206–7.

31 Murphy, p. 207; Locker, p. 159.

32 Murphy, p. 113.

33 *Ibid.*, p. 132.

34 *Ibid.*, p. 122, citing Davis.

INTRODUCTION

Like everything else about their lives,

the religious practices of severely disabled persons are limited by a variety of imponderables, including stamina, attention span, diminished acuity as a result of medication, anomalies in communication skills, lack of previous opportunities for socialization of any kind (including any previous experience with formal worship services).³⁵

The disabled are not accorded the consideration that should follow from Judaism's commitment to compassion and human dignity.³⁶ This problem is not a recent development. In an 1864 sermon at London's Great Synagogue, the rabbi declared:

You are aware that the deaf and dumb children or our poor have to be brought up in an asylum where they have not the slightest opportunity of being trained in our faith and of becoming acquainted with the holy precepts of our religion Has not the Lord commanded, "Thou shalt not curse the deaf, nor put a stumbling-block before the blind"? Do we not act in violation of this commandment when we allow these poor children to grow up in utter ignorance of their religion?³⁷

The Jewish community does not adequately educate and provide for the needs of its disabled members. Chronic illness, in limiting activity, results in a loss of personal, material, and social resources, which are consumed in coping with the illness and its effects. Studies show that adequate housing, food, clothing, health care, income support and social services are not made available to the Jewish disabled.³⁸ In education, too, there is serious neglect: most deaf children, for example, receive no religious special-educational services.³⁹ Nor has moral support been forthcoming: a Jewish chaplain at the Chicago Read Mental Health Center observed that "disabled Jews have experienced rejection from family and friends, and feel that the Jewish community has rejected them."⁴⁰ One parent of a disabled child wonders about "the attitude of Jews toward the disabled, toward those who falter, who fail in the race to achieve."⁴¹

Religious services for the disabled are inadequate. Houses of worship are not "acoustically designed for hearing-impaired people."⁴² Despite the fact that deaf Jews identify with their faith to the same degree evidenced by the general

35 Fortner, 1982, p. 5.

36 This cuts across the different denominations, as From's study of Orthodox, Conservative, and Reform Jewish attitudes toward the physically disabled demonstrates.

37 Adler, p. 25.

38 Olshansky, p. 42.

39 Miller, p. 75; see too Fleischman, p. 39, and Schreiber, pp. 34–6.

40 Olshansky, p. 42, in a 1985 study, quoting Rabbi Morris Fishman.

41 Landau, 1982, p. 2.

42 Hurvitz, p. 48.