What Happens When Jewish Law Hampers the Disabled?

By Anne Cohen

About 10 years ago, Jason Lieberman stopped wearing tefillin. He had been doing so as a child of rebellion — Lieberman’s cerebral palsy simply made it too difficult for him to put them on.

Seven years later, Lieberman, 34, who serves as the assistant executive director for Agudath Israel of America, which provides Jewish education programs to special needs children, sought help from his extensive network in the Jewish community. Where could he find an occupation therapist who has experience in training disabled Jews to put on their own tefillin?

The answers disappointed him. Lieberman was trying to avoid: “I know I have the skills to do it,” he told a September audience at Yeshivat Maharat, a school for female scholars, sponsored by YCT and its sister organizations during their recitation of one of the hypoteticals — a blind woman who brings her seeing-eye dog to the synagogue on the Sabbath, upsetting some of the other congregants — said succinctly, “You need to be considerate of her needs before even considering the halachic implications of her actions.”

“Imagine a little blow away by this,” said Shelley Cohen, one of the panelists, to a group of such students. Cohen and her husband, Huvan Cohen, funded the initiative, which takes place two years in memory of their son Nathaniel, who was diagnosed with Duchenne muscular dystrophy at the age of 6 and died five and a half years ago, at age 20. Speaking to one group huddled down in the minyan of Jewish law, he exclaimed, “This is a Jew who wants to be a part of a community!”

That is the core idea that YCT’s dean, Rabbi Dov Linzer, and his colleagues want students to have absorbed by the time they leave the bosom of the Jewish community. Lieberman, the man with cerebral palsy who wanted to put on his own tefillin, related a meeting he had with a rabbi who told him he was willing to accommodate disabled people, but said he didn’t have any in his community. Lieberman suggested that this might be the number of steps leading up to the synagogue door. The rabbi was aghast: “I didn’t even realize there were steps,” he said.

This was an eye-opening experience for Lieberman, who told the audience: “I saw one step, and it feels like six steps. It was the first time I realized that people who do steps don’t really realize they’re going up steps.”

Shelley Cohen hopes to bring similar programs to other rabbinical schools in Greenspring Md., and father of four children who are hearing-impaired, agreed. “Halacha gives us direction to deal with whatever situation we’re in,” she said. “[It] doesn’t always have to be restrictive.”

But in those cases where a request simply isn’t possible, it is up to the rabbi to say no, he said. “We are observant on a consistent basis.”

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According to Cohen, one thing those different schools of thought do share is blame for the current situation. “All the denominations share this responsibility,” Shuchatowitz said. “We are so compartmentalized that we’re not engaging with the issue of inclusion, including its halachic engagement.”

Agudath Israel of America, on the right wing of the Orthodox spectrum, favors a strict, sometimes less flexible adherence to Halacha. Sometimes, there is no leniency to be had. “There are in fact halachic ‘brick walls’ where what a person might deeply desire simply can’t be obtained,” said Rabbi Avi Shifman, the agency’s director of public affairs.

Shifman did say that if a rabbi knew of opinions within Halacha that differ from his own, that rabbi is obliged to inform the person consulting him and allow that person historical context.

Rabbi Mordechai Shuchatowitz, rabbi of the Agudath Israel congregation in Greenspring Md.,

Blind Faith: Rabbi Michael Levy, right, who is blind, chats with yeshiva students about the halachic challenges of incorporating Jews with disabilities into traditional life.

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From January 22 through January 25, the students confronted philosophical, halachic, and attitudinal issues that those who are not disabled often fail even to consider. But in those cases where a request simply isn’t possible, it is up to the rabbi to say no, he said. “We are observant on a consistent basis.” Shuchatowitz said. “We are compassionate but we’re not going to change the Halacha for them.”

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