

WHEN A BLIND PERSON SLAUGHTERS AN ANIMAL, IS THE SLAUGHTER VALID UNDER JEWISH LAW?

Judaism And Disabilities

SOURCES

accompanied by Actions for Increased Synagogue Accessibility

David Ferleger¹

1. "And God created man in His image in the image of God He created Him" (Genesis 1:26- 27).
2. "You shall not insult the deaf, or place a stumbling block before the blind." (Leviticus 19:14).
3. "Do not separate yourself from the community." (Mishna, Pirkei Avot 2:5).
4. "For my house shall be a house of prayer for all people." (Isaiah 56:5).
5. "Jewish law exempts the disabled from any guilt they might feel because of their inability to perform certain commandments, thus affirming that the basic worth and spirituality of the disabled is not diminished in any way" Halacha urges them to achieve their fullest potential as Jews, while exhorting society to assist them in making their religious observance possible. But the resources of society are not limitless, and the limited resources of the Jewish community are insufficient to permit duplication of facilities to provide universal access to the handicapped and disabled. (note omitted). * * * Individuals, family, and society are obligated to assist the disabled, wherever possible, in leading as full and productive a life as possible. Society should treat disabled persons as full members of the community, with no discrimination. Within the financial resources available, society should provide appropriate facilities and

¹ Presented February 2, 2025, Disability Awareness, Acceptance and Inclusion Month, Germantown Jewish Centre, Philadelphia. david@ferleger.com. © David Ferleger 2025. Permission is granted for complete reproduction for non-commercial use with advance notice to copyright holder. For large-print, contact the author.

services for the disabled. Access to services and other religious functions should be provided to the disabled, . . . ” (*The Physically and Mentally Disabled: Insights Based on the Teachings of Rav Moshe Feinstein*, Rabbi Moshe D. Tendler and Fred Rosner, J. of Halacha and Contemporary Society - No. XXII - Fall [October] 1991, at 87-88)

6. “. . . a model of adaptive obligation, which might be called ‘sliding scale obligation.’ According to this model, the mitzvot are assumed in principle to apply to each individual, but the authorities use sensitivity and creativity in defining mitzvot so that impaired individuals can fulfill their obligations by simply doing *as much as they can*. ” (Rabbi Dayle Friedman, “The Mitzvah Model: Meaning and Mission in Late Life” in *Jewish Visions for Aging: A Professional Guide for Fostering Wholeness* (2008); *The Mitzvah Model*, Journal of Aging and Judaism Vol. 1, No. 2 (Spring-Summer, 1987).
7. “The awareness of being called upon, of being commanded, is the root of religious existence. It is through this experience of being obligated that one truly exists,” Rabbi Abraham Joshua Heschel’s *God in Search of Man: A Philosophy of Judaism* (1976).
8. “Speak to Aaron and say: No man among 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; no man who has a broken leg or a broken arm; or who is a hunchback, or a dwarf, or who has a growth in his eye, or who has a boil-scar, or scurvy, or crushed testes. No man among the offspring of Aaron the priest who has a defect shall be qualified to offer GOD’s offering by fire; having a defect, he shall not be qualified to offer the food of his God. He may eat of the food of his God, of the most holy as well as of the holy; but he shall not enter behind the curtain or come near the altar, for he has a defect. He shall not profane these places sacred to Me, for I GOD have sanctified them”. (Leviticus 17-23).
9. “Rav Huna said: A priest whose eyes constantly run with tears may not lift his hands to recite the Priestly Benediction. The Gemara asks: Wasn’t there a certain priest with this condition in the neighborhood of Rav Huna, and he would spread his hands and recite the Priestly Benediction? The Gemara

- answers: That priest was a familiar figure in his town. Since the other residents were accustomed to seeing him, he would not draw their attention during the Priestly Benediction. This is also taught in a *baraita*: One whose eyes run should not lift his hands to recite the Priestly Benediction, but if he is a familiar figure in his town, he is permitted to do so.” (Megillah 24b:12)
10. “Rabbi Yoḥanan said: One who is blind in one eye may not lift his hands to recite the Priestly Benediction because people will gaze at him. The Gemara asks: Wasn’t there a certain priest who was blind in one eye in the neighborhood of Rabbi Yoḥanan, and he would lift his hands and recite the Priestly Benediction? The Gemara answers: That priest was a familiar figure in his town, and therefore he would not attract attention during the Priestly Benediction. This is also taught in a *baraita*: One who is blind in one eye may not lift his hands and recite the Priestly Benediction, but if he is a familiar figure in his town, he is permitted to do so.” (Megillah 24b:13).
11. “In reciting prayers, eight points should be heeded and observed. If, however, these were disregarded, owing to stress, or disability or even willfully, the recital of the prayers would not be debarred [deemed ineffective]. (Mishneh Torah, Prayer and the Priestly Blessing 5:1)
12. “The *Amidah* [main prayer] is only recited, standing. A person who is on a ship or in a wagon should, if he is able, stand up for that prayer. If unable, he may read it, sitting in his place. A sick person may read it, even lying down on his side, provided, however, that he can concentrate his mind. A thirsty or hungry person is in the same category as the sick: if he can concentrate, he recites the prayer; if not, he should not do so till he has refreshed himself with food and drink. A person who is riding, need not alight, even if there is some one to hold his beast so that his mind may be at ease.” (Mishneh Torah, Prayer and the Priestly Blessing 5:2)
13. “Rabbi Yehuda says: Anyone who has not seen the luminaries in his life may not recite the first of the blessings before Shema, which is the blessing over the luminaries. It is taught in a *baraita* that they said to Rabbi Yehuda: Many have seen enough with their mind to expound upon the Divine Chariot, although they have never actually seen it. Similarly, even one who has never seen the luminaries may recite the blessing. And how does Rabbi Yehuda counter this argument? He can say

that there, with regard to the Chariot, the matter depends upon the heart's comprehension, and one can concentrate his mind and understand the Chariot even if he has never actually seen it. But here, with regard to the luminaries, the blessing is recited due to the benefit one derives from them, and one who is blind does not derive any benefit from them, and therefore he may not recite a blessing over them. And the Rabbis maintain that even a blind man derives benefit from the luminaries, in accordance with the opinion of Rabbi Yosei, as it is taught in a baraita that Rabbi Yosei said: All of my life I was troubled by this verse, which I did not understand: "And you shall grope at noon as the blind man gropes in the darkness" (Deuteronomy 28:29). I was perplexed: What does it matter to a blind person whether it is dark or light? He cannot see in any event, so why does the verse speak about a blind man in the darkness? I continued to ponder the matter until the following incident occurred to me. I was once walking in the absolute darkness of the night, and I saw a blind man who was walking on his way with a torch in his hands. I said to him: My son, why do you need this torch if you are blind? He said to me: As long as I have a torch in my hand, people see me and save me from the pits and the thorns and the thistles. Even a blind man derives at least indirect benefit from the light, and therefore he may recite the blessing...." (Megillah 24b:3-7).

14. "MISHNAH: A blind man spreads out the *Shema*` **This Tanna holds that blindness is not a disability freeing from religious observances.* and translates. Rabbi Jehudah says, a person who never saw light does not spread out the *Shema*` **Since the first benediction preceding the Shema` is a praise of God for the creation of light.*
 HALAKHAH: There, we have stated, "A blind person is not exiled, the words of Rabbi Jehudah; Rabbi Meïr says, he is exiled." And both of them explained the same verse, *without seeing*. Rabbi Jehudah says, to include the blind person. Rabbi Meïr says, excluding the blind person. And here we have stated, "a person who never saw light does not spread out the *Shema*`." Therefore if he saw he spreads. Rabbi Ḥaggai asked before Rabbi Yose, is the argument of Rabbi Jehudah inverted? There he says, excluding, but here he says, to include. Rabbi Ḥanania the son of Rabbi Hillel said, the Mishnah is about one sitting in a dark house. So we are saying, "one sitting in a

- dark house may not spread the *Shema*’.” But here, *without seeing*, to include the blind person.” (Jerusalem Talmud Megillah 4:7:1)
15. “The Sages taught in a Tosefta: A blind person and one who is unable to approximate the directions and, therefore, is unable to face Jerusalem in order to pray, may focus his heart towards his Father in Heaven, as it is stated: “And they shall pray to the Lord” [I Kings 8:44].” (Berakhot 30a:8).
 16. “MISHNA: In the case of one who slaughters an animal at night, and likewise in the case of the blind person who slaughters an animal, his slaughter is valid.” (Chullin 13b:11).
 17. “A blind man should not slaughter as an initial and preferred option unless others supervise him. If he slaughters, his slaughter is acceptable.” (Mishneh Torah, Ritual Slaughter 4:10).
 18. “Anyone who deprives a student of being taught Torah, it is as if he robs him of his father’s legacy.” (Sanhedrin 91b).
 19. “[A] person is obligated to teach his student until he learns the material and understands it” and that “one must teach his students until the material is organized in their mouths.” (Eruvin 54b).
 20. “. . . Rabbi Perida had a certain student whom he would have to teach four hundred times, and only then would he learn the material, as he was incapable of understanding it otherwise. One day they requested Rabbi Perida’s presence for a mitzva matter after the lesson. Rabbi Perida taught his student four hundred times as usual, but this time the student did not successfully learn the material. Rabbi Perida said to him: What is different now that you are unable to grasp the lesson? He said to him: From the time that they said to the Master that there is a mitzva matter for which he is needed, my mind was distracted from the lesson and every moment I said: Now the Master will get up, now the Master will get up to go and perform the mitzva and he will not complete the lesson. Rabbi Perida said to him: Pay attention this time and I will teach you, and know that I will not leave until you have fully mastered the lesson. He taught him again an additional four hundred times.” (Eruvin 54b)

21. “A student should not say — I have understood when he has not understood. Rather, he should ask again, even several times. And, if the teacher gets angry and abuses the student verbally, he should say to the teacher, — Teacher, this is Torah and I must learn it, even if my capacity is inadequate.” (Mishneh Torah 4:4)
22. “It was further related that Rav Sheshet was once sitting in the synagogue that was destroyed and rebuilt in Neharde’a, and the Divine Presence came but he did not go out. The ministering angels came and were frightening him in order to force him to leave. Rav Sheshet turned to God and said before Him: Master of the Universe, if one is wretched and the other is not wretched, who should defer to whom? Shouldn’t the one who is not wretched give way to the one who is? Now I am blind and wretched; why then do you expect me to defer to the angels? God then turned to the angels and said to them: Leave him.”
(Megillah 29a:6).

Actions for Increased Synagogue Accessibility

See next page.

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David Ferleger²

1. Prioritize access with FINANCIAL resources.

Include accessibility as a separate line in the annual budget.

Allow earmarked donations for accessibility in all fundraising.

2. Facilitate PHYSICAL ENTRY into spaces.

Ensure that people with disabilities can enter, move about and access spaces in all buildings in which services and programs are held.

Train greeters and ushers to ensure an inclusive and welcoming environment.

Provide transportation. Offer van or wheelchair-accessible shuttle, arrange carpools, or supply vouchers for paratransit or payment for Uber, Lyft.

Support neurodiverse people who are extra sensitive to external stimuli by offering a low stimuli “quiet room” with a low-volume, captioned livestream of the service or event.

3. Promote inclusion in COMMUNICATIONS.

Include accommodation statements in written and electronic communications, including emails, the synagogue website homepage, and announcements for all programs and events.

Utilize text and graphics in emails, website, announcements and publications that are accessible for blind and low-vision people who use screen readers.

In all announcements, note availability of accommodations available at services and events: ASL interpreters, captioning, Braille prayer materials. Also offer information on location of parking and ramps, accessible building entrances and locations of accessible restrooms.

4. Make ELECTRONIC SPACES accessible.

Use the Zoom live caption tool, and, for the deaf, offer ASL interpreters in a zoom window.

Lend laptops, ipads and the like for temporary loan to access video conferencing, web events and email.

5. Use technology to facilitate participation in virtual SERVICES AND EVENTS.

Use technology to offer access and full participation in services and programs for those not attending in person. Ensure opportunity for all to see and hear clearly, and to participate in discussions and question-and-answer sessions.

² David Ferleger, david@ferleger.com. February, 2025.

