



2020

## Reflections on Jewish and American Disability Law and on the God Who Makes All Things Good

Randy Lee  
*Commonwealth Law School, Widener University*

Follow this and additional works at: <https://digitalcommons.tourolaw.edu/lawreview>



Part of the [Disability Law Commons](#), [Disability Studies Commons](#), [Ethics in Religion Commons](#), and the [Jewish Studies Commons](#)

---

### Recommended Citation

Lee, Randy (2020) "Reflections on Jewish and American Disability Law and on the God Who Makes All Things Good," *Touro Law Review*. Vol. 36 : No. 1 , Article 12.

Available at: <https://digitalcommons.tourolaw.edu/lawreview/vol36/iss1/12>

This Article is brought to you for free and open access by Digital Commons @ Touro Law Center. It has been accepted for inclusion in Touro Law Review by an authorized editor of Digital Commons @ Touro Law Center. For more information, please contact [lross@tourolaw.edu](mailto:lross@tourolaw.edu).

## REFLECTIONS ON JEWISH AND AMERICAN DISABILITY LAW AND ON THE GOD WHO MAKES ALL THINGS GOOD

*Randy Lee\**

*And God saw everything that He had made, and behold, it  
was very good.<sup>1</sup>*

Rabbi Daniel Yolkut of Pittsburgh received a call one day from a woman who needed to talk with him about something that was troubling her. Initially, Rabbi Yolkut was relieved to learn that that “something” was not him, but that relief dissipated as the woman began to describe her concerns.<sup>2</sup>

The woman, Rabbi Yolkut had observed, was a very “wonderful” person,<sup>3</sup> one who sought, consistent with the instructions of her faith, “to do justice, and to love kindness, and to walk humbly with [her] God.”<sup>4</sup> Yet, what was troubling her was, of all things, something in the *Torah*.

“Rabbi Yolkut,” the woman explained, “every spring we read this one passage, and every time this passage is read, I want to get up and leave the synagogue.”

The passage that bothered the woman was from *Leviticus*. The passage reads:

Say to Aaron, None of your descendants  
throughout their generations who has a blemish may  
approach to offer the bread of his God. For no one who  
has a blemish shall draw near, a man blind or lame, or

---

\*Professor of Law, Commonwealth Law School, Widener University, Harrisburg, PA. The author would like to thank Professor Sam Levine and Rabbi Daniel Yolkut, whose challenging questions and insights were the catalyst for this article. The author would also like to thank his family for their light and encouragement.

<sup>1</sup> *Genesis* 1:31.

<sup>2</sup> Rabbi Daniel Yolkut, *The Torah of Brokenness*, YOUTUBE, <https://www.youtube.com/watch?v=3bYOc9y1c0o> (last visited July 17, 2019).

<sup>3</sup> *Id.*

<sup>4</sup> *Micah* 6:8.

one who has a mutilated face or a limb too long, or a man who has an injured foot or an injured hand, or a hunchback, or a dwarf, or a man with a defect in his sight, or an itching disease or scabs or crushed testicles; no man of the descendants of Aaron the priest who has a blemish shall come near to offer the bread of his God. He may eat the bread of his God, both of the most holy and of the holy things, but he shall not come near the veil or approach the altar, because he has a blemish, that he may not profane my sanctuaries; for I am the LORD who sanctify them.<sup>5</sup>

“Rabbi Yolkut,” the woman continued, “every year I listen to this passage, I listen to how God discriminates against the disabled, and it makes me want to get up and leave.”

Why does God reject the children He has made broken, the children He knew before they were born,<sup>6</sup> the children He formed in their mother’s womb?<sup>7</sup> He makes them broken, and then, He rejects them. Is this the response of a God who “art a gracious God and merciful, slow to anger, and abounding in steadfast love,” a God who “repentest of evil”?<sup>8</sup> Is not such a rejection an indication of the coldness, the harshness, the callousness of God?

Rabbi Yolkut had nothing to say to this woman.<sup>9</sup> After all, if God demanded perfect metal, perfect wood, perfect cloth, perfect rings, perfect lambs, perfect bulls, and perfect measurements down to the cubit in the construction of the Tabernacle,<sup>10</sup> why would we expect Him to settle for less than perfect people to serve in the Holy of Holies? Could God Almighty not look over all He had created and say, “[I]t was good,”<sup>11</sup> and if all He had created was good, should He not be able to insist that those who served in His sacred space be perfect?

Perhaps, the woman’s outrage was fueled somewhat by being American, by being able to compare our law with respect to people with disabilities to God’s. After all, in America, our laws do not allow

<sup>5</sup> *Leviticus* 21:17-24.

<sup>6</sup> *Jeremiah* 1:5 (“Before I formed you in the womb, I knew, and before you were born I consecrated you; I appointed you a prophet to the nations.”).

<sup>7</sup> *Id.* See also *Isaiah* 44:24 (“Thus says the Lord, your Redeemer, who formed you from the womb . . .”).

<sup>8</sup> *Jonah* 4:2.; See also *Psalms* 103:8.

<sup>9</sup> Yolkut, *supra* note 2.

<sup>10</sup> *Exodus* 25-30.

<sup>11</sup> *Genesis* 1.

discrimination against people who are disabled.<sup>12</sup> We grant them access.<sup>13</sup> We accommodate them.<sup>14</sup> We invite them to work and have value.<sup>15</sup> We call them equal and seek ways to help them emulate the lives of those of us who are not disabled. We allow them to share in our perfection.

Or do we? Might one also accuse us, as the woman to Rabbi Yolcut accused God, of rejecting those whom we label in our laws “disabled”?<sup>16</sup> Might one accuse us of rejecting these people as they are, and then seeking to accept them only as we might redefine them? Do we seek to remake these people in our own image when we should be helping them to find God’s perfection for them, helping them to find God’s image uniquely articulated in how He created them?

I had a friend once who was blind. By law, this friend was entitled to job training, so each day, my friend would go off to his vocational rehabilitation site and receive his training: placing nuts and bolts in a cup passing him by on a circular assembly line. For a long time, it struck me that this was a very odd job for which to train a person who was blind. The only real skill this task seemed to require was hand-eye coordination, an asset that seemed to me inherently inaccessible to a person who was blind. It seemed to me that my friend was better-equipped to be the president of a Fortune 500 company than he was to put nuts and bolts in a moving cup. Still, those who knew better than I did, and ultimately let me know as much, had determined this was the job my friend was best-suited for and, thus, would be trained for, so off my friend went each day, and each day, he somehow figured out how to get those nuts and bolts into the moving cup.

Years later, I was trying, for the sixth time, to learn the piano. I was also in the process of failing for the sixth time, and, in fact, failing in exactly the same spot. That spot was the moment when I was required to move my hands on the keys without looking at the keyboard. As I was insisting that this was impossible, that I could not do it, that this feat required hand-eye coordination and, therefore, necessarily, eye involvement, as I was insisting that if I were going to play the piano, I had to see the keys, my son gently corrected me. “Actually, Dad,” my son said, “you don’t. You don’t need to look.

---

<sup>12</sup> See, e.g., Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.* (2018).

<sup>13</sup> See, e.g., *id.* § 12132.

<sup>14</sup> See, e.g., *id.* § 12111(9).

<sup>15</sup> See, e.g., *id.* §§ 12111-17.

<sup>16</sup> See, e.g., *id.* § 12101.

It's just muscle memory. Stevie Wonder and Ray Charles can play the piano. Jose Feliciano can play the guitar. You don't need to see to make music." People don't need to see to make music.

I never learned to play the piano, but after that, I did begin to wonder whether my friend got his job putting nuts and bolts into a moving cup because the people who decided those things had listened to enough Ray Charles and Stevie Wonder to know my friend could do that job or whether my friend had gotten that job because it was a sufficiently menial task that it could be done by a blind person? Did my friend get that job because we, as a nation, recognized that my friend was "fearfully and wonderfully" made?<sup>17</sup> Did my friend get that job because we knew my friend could do that job because we knew my friend could "do all things through Him who strengthens" my friend?<sup>18</sup> Did my friend get that job because we knew a blind Stevie Wonder or a blind Ray Charles could play the piano, or a deaf Beethoven could compose music, or an armless Tony Melendez could play the guitar? Or did my friend get that job because he was disabled and this was a job for, this was a job accessible to, disabled people?

In *City of Cleburne v. Cleburne Living Center*,<sup>19</sup> the Supreme Court of the United States recognized that although people with disabilities may be entitled to equal protection, they are not entitled to any heightened scrutiny in furtherance of that protection.<sup>20</sup> When the Court did so, the Court insisted it was doing so, in part, because, "in the vast majority of situations," our legislatures do for those they label "disabled" what is "desirable," what is "legitimate," and what is to the "benefit" of these people.<sup>21</sup> To accomplish those ends, the Court insisted, our "governmental bodies must have a certain amount of flexibility and freedom from judicial oversight." The Court, then, went on to concede that the particular case before them was the product of "irrational prejudice,"<sup>22</sup> yet one more example of what the Court recognized as a history of "instances of discrimination against the retarded that are, in fact, invidious."<sup>23</sup> It was a history that the Court failed to acknowledge when the Court summarized the workings of

---

<sup>17</sup> *Psalm* 139:14.

<sup>18</sup> *Philippians* 4:13.

<sup>19</sup> 473 U.S. 432 (1985).

<sup>20</sup> *Id.* at 446-47.

<sup>21</sup> *Id.* at 444.

<sup>22</sup> *Id.* at 450.

<sup>23</sup> *Id.* at 446.

*Cleburne* twenty-six years later in *Board of Trustees of the University of Alabama v. Garrett*.<sup>24</sup>

Rabbi Yolkut ultimately did find an answer for the holy but troubled woman who came to visit him. He found that answer in the story of a congregation who had wanted to appoint a man whose arms were paralyzed to be their cantor. Unsure this could be done, in light of the passage from *Leviticus*, the congregation took their cantor question to a respected rabbi who advised them on the matter.

The rabbi's response was, "It is obvious to me that this individual is fitting to serve in this role. Indeed, the man is the ideal candidate. The King of Kings delights in using shattered vessels."<sup>25</sup> The rabbi went on to explain: That passage [in *Leviticus*] has nothing to do with [your cantor candidate] because the temple is about perfection, and that's why the servers in the temple have to be perfect. But the cantor is about prayer, and God hears in a particularly profound way the cries of the poor.<sup>26</sup>

In further investigating the matter, Rabbi Yulkut noticed also that since the 12<sup>th</sup> Century, those who serve in the Temple had been grouped with the vessels of the Temple: "The vessels of the Temple and those who work therein."<sup>27</sup> Thus, those who work in the Temple are furniture. The Temple has implements, and it has human implements as well. The priest who works in the Temple is not there as an individual. He's there as part of the furniture. He's there to carry out a specific role that has nothing to do with himself. It has nothing to do with his character, with his ego. He is there literally to blend into the surroundings. Because the Temple is perfect, as long as the priest is part of the Temple, then he has to be perfect also.

But if God has not called people with disabilities to the role in which one needs to be perfect, he has called them to something more: prayer. Prayer is our actual encounter with God. It is where the action is, the "Big Dance," so to speak. And it is at that Big Dance that God loves shattered vessels. The psalmist has assured us that God hears the cries of the "poor," "the destitute," "the crushed," and "the brokenhearted,"<sup>28</sup> and so, God has created them to be the voice of

---

<sup>24</sup> 531 U.S. 356, 366-68 (2001).

<sup>25</sup> Yolkut, *supra* note 2.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> See, e.g., *Psalm* 69:33 ("The Lord hears the poor"); *Psalm* 34:18 ("The Lord is close to the brokenhearted and saves those who are crushed in spirit.")

worship, not to be the implements nor the furniture of worship but to be at the heart of worship.

From the moment I first heard Rabbi Yolcut's ultimate response, I thought it was insightful, and I thought it was beautiful, and I still do. But as beautiful and as brilliant as I think that answer is, I'm just not sure it is big enough to be all of God's answer. Beautiful as that answer is, it still assumes that those who have what we call "disabilities" are imperfect, are imperfect even in the eyes of God. It concedes that because God sees these people as imperfect, there are things He will not allow them to do.

Is it the case that people with disabilities are imperfect in the eyes of God, and because of their imperfections, there are things, like serving in the Temple, that God will not allow them to do? Or could it be that God has made these people, and in fact all people, uniquely perfect, and in that unique perfection, God calls each to do different things?

In making the Ark and the Tabernacle, God put in those He called to the work "ability and intelligence to know how to do [that] work."<sup>29</sup> Some were called "to devise artistic designs."<sup>30</sup> Some were called "to work in gold and silver and bronze."<sup>31</sup> Some were called to work "in cutting stones for setting."<sup>32</sup> Some were called to "carving wood,"<sup>33</sup> and some were called to weave "fine twined linen and blue and purple and scarlet stuff, with cherubim skillfully worked."<sup>34</sup> Different people were called to different tasks, but each was perfect in his task, and the fact that each was made perfect for his task and yet not perfect for another, made none of them imperfect in the eyes of God. The Word of God does not tell us how many of the people God called to this work were disabled; the Word of God only tells us how many were perfectly abled to what God had called them to do.

No one said to those devising artistic designs, "You are imperfect because you do not work in gold and silver and bronze." No one said to those who cut stones for setting, "You are imperfect because you do not carve wood." No one said to those who wove fine

---

<sup>29</sup> *Exodus* 36:1 (alteration in original).

<sup>30</sup> *Id.* at 35:32.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 35:33.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at 36:8.

twined linen and blue and purple and scarlet stuff, “You are imperfect because you do not devise artistic designs.”

When God looked on each of these children, God saw each one as “fearfully and wonderfully made.”<sup>35</sup> To be made fearfully is to be made awesomely, to be made in such a way that one must wonder how one can stand before this awesomeness, this marvelousness, this perfection, and live.

Could it be, however, that even some of these people had what we call today “disabilities”?

Professor Sam Levine, Director of the Jewish Law Institute here at Touro, recently published a book, *Was Yosef on the Spectrum*.<sup>36</sup> Was Yosef, son of Jacob, son of Rachel, prophet, mystic, favorite of his father, selected savior of the civilized world, master businessman, and Broadway star, on the spectrum?

When Professor Levine first mentioned that possibility to me and began to explain his reasoning, I felt what I thought were two different responses. My first response was, “isn’t that clever! Isn’t that neat. Isn’t it creative and lawyerly how Professor Levine has managed to find a way to connect all those events and all those conversations together to support his thesis?”

My second response was not quite so supportive. My second, and of course unexpressed, response was, “what is Professor Levine thinking? Joseph is one of the most important figures not only in Jewish history but in world history. Joseph was a prophet and a mystic at the center of events essential to the Jewish story. Joseph was an instrument chosen by God to save civilization. Disabled? Broken? On the spectrum? What’s Professor Levine going to say next: that Moses didn’t really look and sound like Charlton Heston?”<sup>37</sup>

Of course, as much as I understood these as two responses, they were only one: what Sam is suggesting cannot be true. But what if it is? How beautiful might it be if God would choose to save His people through a child they all thought was broken?

And why not have a beautiful story of a broken child in the midst of a story of brokenness, because isn’t that what the story of Joseph and his family is: a story about brokenness, and love: broken people, broken promises, broken romances, broken families.

---

<sup>35</sup> *Psalms* 139:14.

<sup>36</sup> SAMUEL LEVINE, *WAS YOSEF ON THE SPECTRUM* (2019).

<sup>37</sup> See *THE TEN COMMANDMENTS* (Paramount Pictures 1956) (starring Charlton Heston as Moses).



Jacob, Joseph's father, is a man who devises schemes so that he can get everything he wants,<sup>38</sup> only to have those schemes cost him everything he gained and everyone he loves,<sup>39</sup> and he lives with the recognition, "Because of my greed, because of my selfishness, because of my deceitfulness, I can never see my parents, my brother again."

Leah, Jacob's wife, is a woman who deceives Jacob, the man she loves so that for one night he will see her as the perfect woman and even marry her,<sup>40</sup> only to realize that no matter how good a wife she is, or how many sons she gives him, Jacob will never see her that way again.<sup>41</sup> And she lives with the recognition, "My husband only loved me because he thought I was my sister, and I will never know that love again."

Rachel, Joseph's mother, is a woman who marries her sister's husband,<sup>42</sup> causes her sister to be rejected by her husband,<sup>43</sup> and then is barren herself.<sup>44</sup> Rachel watches woman<sup>45</sup> after woman<sup>46</sup> after woman<sup>47</sup> bear her husband's sons, and then when finally her barrenness is broken,<sup>48</sup> Professor Levine would have us believe that the barrenness is broken by a son who is broken,<sup>49</sup> even though that son may be perfect in his father's eyes.<sup>50</sup>

So much brokenness.

Ironically, in the midst of this broken story, Professor Levine directs us to look to, of all places, Pharaoh to see the hand of God. When Pharaoh encounters Joseph, Pharaoh does not recognize Joseph as disabled. It is Pharaoh who recognizes Joseph as an instrument of God, and it is Pharaoh who seeks to help this instrument fulfill his

---

<sup>38</sup> See, e.g., *Genesis* 25:29-34 (Jacob getting Esau's birthright for a bowl of pottage); *id.* at 27:1-40 (Jacob deceives his father into giving Jacob his brother's blessing).

<sup>39</sup> *Id.* at 27:41-45.

<sup>40</sup> *Id.* at 29:15-25.

<sup>41</sup> See, e.g., *id.* at 30:15 (Leah saying to her sister Rachel, "Is it a small matter that you have taken away my husband," and then Leah bargaining with Rachel to have Jacob spend a night with Leah).

<sup>42</sup> *Id.* at 29:28.

<sup>43</sup> See *supra* note 41.

<sup>44</sup> *Genesis* 30:1-2.

<sup>45</sup> *Id.* at 29:31-35 (Leah gives birth to four sons, Reuben, Simeon, Levi, and Judah.).

<sup>46</sup> *Id.* at 30:3-8 (Rachel gives Jacob her maid Bilhah, and Bilhah bears Jacob two sons, Dan and Naphtali.).

<sup>47</sup> *Id.* at 30:9-13 (Leah gives Jacob her maid Zilpah, and Zilpah bears Jacob two sons, Gad and Asher.).

<sup>48</sup> *Id.* at 30:22-24 (Rachel bears Jacob a son, Joseph.).

<sup>49</sup> See generally LEVINE, *supra* note 36.

<sup>50</sup> *Genesis* 37:3-4.

divine purpose. As Professor Levine puts it, only Pharaoh in the story “possesses the wherewithal to find the strengths in others and identify the value they may bring, while at the same time recognizing and, when necessary, accommodating their deficits and weaknesses.”<sup>51</sup> Pharaoh, like God, comes into the brokenness and brings fruitfulness and healing and abundance,<sup>52</sup> such that the brokenness is forgotten, and only the perfection remains<sup>53</sup> because nothing was ever really broken, just unrevealed.<sup>54</sup>

There are those who insist that the best way to teach autistic children is not to try to fix them but to try to meet them and help them uncover their perfection.<sup>55</sup> That’s what they want, what they hunger for, and that is how we know they are like us: because that’s all any of us want, all any of us need.

At the end of Joseph’s story, Professor Levine highlights for us Joseph’s two great revelations. First, every step of Joseph’s journey, even the moments of brokenness, “God intended it for good.”<sup>56</sup> If Joseph had been more politically discerning, less a candidate for being on the spectrum, he might never have made it to Egypt. What got Joseph to Egypt was a dad who played favorites, eleven jealous brothers, and a less than discreet tongue. In the end, we learn God made Joseph perfect, and Joseph was never out of God’s care.

Second, Joseph’s journey has not only saved civilization and healed a family, but it has also brought Joseph to the perfection for which God created him. As Professor Levine points out:

Yosef has indeed learned to overcome his condition, let go of past insults and indignities, to understand others, including his peers, and talk to them in a manner that shows he relates to them. Yosef now has the ability to speak to his brothers in a way that can have a real effect on their feelings — finally comforting

---

<sup>51</sup> Levine, *supra* note 36, at 83.

<sup>52</sup> *Genesis* 41:37-45 (Pharaoh sets Joseph “over all the land of Egypt.”).

<sup>53</sup> *Id.* at 41:51 (Joseph reflecting, “God has made me forget all my hardship and all my father’s house”).

<sup>54</sup> *Id.* at 50:19-20 (Joseph forgiving his brothers and telling them, “you meant evil against me; but God meant it for good, to bring it about that many people should be kept alive”).

<sup>55</sup> See, e.g., *The Son-Rise Program Principles*, <https://autismtreatmentcenter.org/son-rise-program-principles/> (last visited July 19, 2019).

<sup>56</sup> *Genesis* 50:19-20.

them — because he now has the ability to see their perspective and to touch their heart.<sup>57</sup>

Joseph, most profoundly, ends the process of his perfection, not only great but good.

In her song, *To Wrap My Arms Around Your Name*, Sarah Masen asks the question, “Do all the angels sound the same?”<sup>58</sup> If the angels are all perfect, and, yet, they all do not sound the same, why do we expect that God will express His perfection in each of us in exactly the same way?

On February 20, 1987, Amy Katherine Lane was born to George and Thea Lane. In the ensuing years, Amy would teach her parents that there are at least eight different kinds of smiles,<sup>59</sup> and that tears can be both cleansing and freeing.<sup>60</sup> She would teach her parents how to see with their hearts,<sup>61</sup> and she would show them how perfect love can be.<sup>62</sup> Amy’s “goodness” would come to “permeate” her parents’ lives, and Amy would connect her parents with “those feelings and hunches that are God.”<sup>63</sup> Amy would liberate her parents from the constraints imposed by their fears, demands, perspectives, and expectations,<sup>64</sup> and she would prove to them that she was the perfect child to be added to their family.

Amy would do all this even though her parents had struggled with the decision whether to abort her, a decision which they had struggled with because doctors had told George and Thea before Amy’s birth that Amy had Down syndrome.<sup>65</sup> Amy, however, was born anyway through an act of prayer, love, and faith,<sup>66</sup> and the message of her life to her family has been that there are different kinds of perfect.

Hundreds of years ago, the people of Scandinavia insisted that a family had been blessed by God when they had a child with Down syndrome because those Scandinavians believed that such children

---

<sup>57</sup> LEVINE, *supra* note 36, at 140-41.

<sup>58</sup> SARAH MASEN, *Wrap My Arms Around Your Name*, CARRY US THROUGH (Rethink 1998).

<sup>59</sup> GEORGE LANE, A DIFFERENT KIND OF PERFECT 240 (2006).

<sup>60</sup> *Id.* at 243.

<sup>61</sup> *Id.* at 242.

<sup>62</sup> *Id.* at 243.

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Id.* at 16.

<sup>66</sup> *Id.* at 124.

were really angels God would place in a family's home.<sup>67</sup> Today, ninety-eight percent of women in Denmark who learn that they are carrying a child with Down syndrome opt to terminate the pregnancy.<sup>68</sup> In America, sixty-seven percent of women do the same.<sup>69</sup>

God has not created us all to be the same; He has created us all to be perfectly His, and disability law will emulate Jewish law only when we stop trying to make everyone "equal," everyone the same, and figure out how to help everyone find their perfect.

Rabbi Yolkut once shared with me the following story.<sup>70</sup> There once was, in what was then Austria but is now Ukraine, a budding young rabbi named Menachem Mendel Hager, or Mendele for short. Mendele was clearly a rising star in the faith, upwardly mobile, and destined for greatness. Mendele's upward trajectory got sidetracked when he decided one day that he was called to embrace the spiritual practice of "going into exile."<sup>71</sup> Essentially Mendele decided that he should begin wandering about the country as a homeless person. Mendele felt certain that this experience of impoverished, homeless, wandering would allow him to better empathize with the pain of his people, who were themselves suffering in exile, and also better empathize with the pain of his God who, Himself, moved in a world that did not recognize Him.

Thus, Mendele set off to wander from town to town, trying to enhance his empathy, as he embraced his self-imposed exile. Needless to say, as time wore on and Mendele drifted from place to place, he came to appear less and less like a rising rabbinical star and more and more like a bum, or to put it more politely, like a "vagabond madman."<sup>72</sup> Not surprisingly, then, no matter where Mendele went in his wanderings, people shunned him. No one wanted to welcome him. No one wanted to shelter him. No one wanted to offer him food. Essentially, no one really wanted Mendele hanging around, except in this one little town.

In this one little town into which Mendele would wander from time to time, there lived a little girl named Rivka'le. Whenever

---

<sup>67</sup> *Id.* at 242.

<sup>68</sup> Jessica Wakeman, *The Debate Over Terminating Down Syndrome Pregnancies*, HEALTHLINE (Aug. 29, 2017), <https://www.healthline.com/health-news/the-debate-over-terminating-down-syndrome-pregnancies#1>.

<sup>69</sup> *Id.*

<sup>70</sup> Yolkut, *supra* note 2.

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

Mendele would come into Rivka'le's town, Rivka'le would manage somehow to track Mendele down and invite him to tea. Now, Rivka'le's parents had no interest in having some crazy, dirty beggar loitering around in their kitchen, so Rivka'le had to host her teas with Mendele outside in the yard. Rivka'le would bring out her little rickety tea table and her two little chairs, and she would bring out her little teapot and her chipped teacups, and she would sneak a few cookies from the larder, and Rivka'le and Mendele would sit and have tea.

The two of them, Rivka'le and Mendele would sit together in the yard at the little table, on the little chairs, and talk and laugh and eat cookies and sip tea, and finally, Mendele would thank Rivka'le for the tea and bid her good day. Then he would pick up his sack, throw it over his shoulder, and go off to the next town where he knew again he would find no one who would welcome him or show him kindness. Indeed, during all his years of exile, these teas with Rivka'le were the only human contact Mendele had.

After a few years, Mendele went back to being a rising star and went on to an illustrious rabbinical career. Mendele published a commentary on the *Torah*, entitled *Tzemach Tzaddik al HaTorah U'Moadim*, and lived well in what one might call a palace. Each day Mendele would spend time teaching and conversing with students, servants, and a plethora of other admirers.

Rivka'le, sadly, did not fare nearly so well. After she stopped encountering Mendele and having him for tea, she contracted a terrible disease, which left her paralyzed. Her parents, beside themselves with despair, took Rivka'le to doctor after doctor after doctor, hoping one of them would know something that could make their disabled daughter well again. Alas, however, there was nothing that Nineteenth-Century medicine, there or anywhere else, had to offer Rivka'le.

Throughout all the fruitless doctor visits, Rivka'le kept begging her parents to take her to Vischnetz. The child insisted that in Vischnetz, there lived a great and righteous rabbi, who happened to be her old friend Mendele. Rivka'le was sure if she could just reach out to her old friend Mendele, He would be able to help her. Rivka'le's parents, however, were equally sure that there was nothing to be gained from taking their fragile daughter to Vischnetz in search of the crazy beggar who used to nibble cookies at the rickety table in their backyard.

Desperation, however, makes people do strange things, and finally, having exhausted all medical possibilities and having watched helplessly as their daughter's condition continued to deteriorate, Rivka'le's parents finally agreed to take their child to Vischnetz to seek out the crazy man who formerly had sipped tea in their backyard. Thus, Rivka'le's parents came to tenderly carry Rivka'le's small bed, with their daughter still in it, out of their home into the winter air, loaded it on the cart, and headed off to Vischnetz.

Much to the surprise of Rivka'le's parents, the family ultimately found Mendele very much as their daughter had described they would. As they pressed out of the cold air, through a pair of doors, and into a great hall, carrying the little bed, there before them was the former Mendele the Wanderer Exile, seated on what appeared to them to be a throne and surrounded by a multitude of what could have been courtiers.

As the cold winds followed the family into the hall, Mendele's eyes turned toward the doorway and fixed on Rivka'le lying in her bed. It is not clear whether Mendele first recognized her as a crippled child or as the little girl who had once shared with him cookies and tea and kindness, but when he spoke, he said, "Rivka'le," and she said to him. "Oh, Mendele, I am so sick."

Mendele embraced for a moment all that had befallen his only friend from his days in exile. Then, however, this rabbi, whose years in exile had exposed to him a glimpse of the Heart of God, saw something more than that. Mendele called over to himself a servant and whispered something into the servant's ear. The servant left the hall and returned with a crate. The servant opened the crate and removed from it a rickety, little tea table, a teapot, and a chipped cup. As the servant filled the pot with tea, Mendel looked at Rivka'le and said to her, "Rivka'le, pour me a cup of tea. I want you to pour me a cup of tea, like you used to."

Time passed, and, as Rabbi Yolkut shared the story, nothing happened; the child did not move: a minute, two minutes, three minutes, four minutes, five minutes.<sup>73</sup> Then, finally, Rivka'le rose from her bed and walked to the little table, and she lifted the teapot and once more poured her friend Mendele a cup of tea.

At that moment, just before her healing, the eyes of a stranger might well have looked upon Rivka'le and seen a child who was

---

<sup>73</sup> Yolkut, *supra* note 2.

broken, crippled, and disabled. The eyes of an exile might well have looked upon Rivka'le and seen a little girl who had shown him kindness, given him tea and cookies when no other heart in the world would give him anything. But the Eyes of God at that moment saw Rivka'le as a child “on the verge of a miracle just waiting to be believed in.”<sup>74</sup>

Is the story of Mendele and Rivka'le a story of brokenness, of impairment, of disability, or a story of perfection? We do see in the story pain and suffering and disappointment, pain and suffering and disappointment with which we are called to empathize and on which we are called to show compassion,<sup>75</sup> even if that pain and suffering and disappointment remain beyond our comprehension. In the end, however, is not all that we see as pain and suffering and disappointment in the story made glorious in the love of God? Do they not prove but instruments to reveal to us God's love and glory in ways we could never imagine were we not asked to encounter that pain and suffering and disappointment?

There will come a day, I believe, that we will encounter God, and on that day, we will see not as men see but as God sees. When that day comes, we will look back, and we will not see imperfection nor disability—we will only see what were invitations to encounter and participate in God's glory and our own missed opportunities to embrace and participate in that glory.

On that day, we will not wish that in our time our law had been less like His; we will only wish that our law had been more like His.<sup>76</sup> On that day, we will see that all of God's children were made to manifest and articulate His perfect love, that all of His children were made so that His glory might be revealed, and that none of His children were made to illustrate his wrath.<sup>77</sup> We will see that they were all made “very good.”<sup>78</sup> And on that day, the questions posed by a holy woman

<sup>74</sup> RICH MULLINS, *Verge of a Miracle*, PICTURES IN THE SKY (Reunion Records 1996).

<sup>75</sup> *Ezekiel* 34:3-4 (“You eat the fat, you clothe yourselves with the wool, you slaughter the fatlings; but you do not feed the sheep. The weak you have not strengthened, the sick you have not healed, the crippled you have not brought back, the lost you have not sought.”). See also *Micah* 6:8 (“He has showed you, O man, what is good; and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?”).

<sup>76</sup> See, e.g., *Nehemiah* 8:9 (The people of Israel weep as they hear the Law the Lord had given them being read to them).

<sup>77</sup> See, e.g., *John* 9:3 (where a man was born blind “so that the works of God might be made manifest in him”).

<sup>78</sup> *Genesis* 1:31.

2020

*REFLECTIONS*

163

to the Rabbi Daniel Yolkut will no longer have a need to haunt the chambers of our hearts.<sup>79</sup>

---

<sup>79</sup> Yolkut, *supra* note 2.