Special Needs: What Halachah expects from the Jewish community
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Society’s obligation toward every member: Economic
1. Vayyikra 19:13

לא תעשק את רעך ولا תגזל לא תלין פעלת שכיר אתך עד בוקר
Do not cheat your neighbor, and do not steal; you shall not keep an employee’s salary with you until morning.

2. Talmud, Ketuvot 67b

ת"ר תושב שבא לחפשו את מנהלו של כל פרשה זאדה קר משלים של אמרו של כל פרשינו עלא מפורים אחור אחר
אמרו עליי על הולך התקין להם בנכםandinא סוסא תשב עלי יۈוועד לעריך הלןفعلני במע楗 לא מצע עד ברך לעריך הלןفعلני
שלשה מילין
Our sages taught: If an orphan comes to get married, we rent a house for him, we arrange a bed and all necessary implements, and we pay for him to get married, as it is written (Deuteronomy 15), “[Give him] whatever he is lacking, which is lacking to him.”… It is said of Hillel the Elder that he purchased a horse for a pauper whose parents had been wealthy, and he hired a servant to run in front of the horse. Once Hillel could not find a servant, and so he ran in front of the pauper for 3 mil, himself.

Society’s obligation toward every member: Social
3. Vayyikra 25:17

ולא תונו איש את עמיתו ויראת מאלוכי כי אני אלקיך
And one may not pain his friend, and you shall fear your Gd, for I am HaShem, your Gd.

4. Vayyikra 19:16

לא תלך רכיל בעמיך לא תעמד על דם רעך אני אלקיך:
You shall not go as a peddler among your nation, and you shall not stand by the blood of your neighbor; I am Gd.

Society’s obligation toward every member: Judaism
5. Vayyikra 19:14

לא תקלל חרש ולפני עור לא תתן מכשל ויראת אלקיך
Do not curse the deaf, and do not put a stumbling block before the blind; you shall have awe of Gd, I am Gd.

6. Talmud, Shabbat 121a

כון ואוכל נבלות בית דין מצווין עליו להפרישו
If a minor is eating non-kosher food, the court is required to keep him from doing this.

7. Talmud, Shevuot 39a

כל ישראל ערבים זה בזה
All Jews are responsible for each other

8. Talmud, Nedarim 37a

אמרתי לך, יתן היום ולמדך וכתב בחוקים ומשפטים אשר יצני דאיני ברכה איני אשליך
[Moshe said:] ‘Gd instructed me, at that time, to teach you,’ and, ‘See, I have taught you statutes and laws, as Gd instructed me.’ Just as I taught for free, so you should teach for free.

9. Talmud, Eruvin 54b

רבי פרידה הוא לינא למום את ארבל ראיי לומדים את חוקים ומשפטים אשר יצני, דאיני ברכה איני אשליך
R’ Preida had a student who would only learn after R’ Preida taught him a lesson 400 times. One day, R’ Preida was asked to participate in a mitzvah [which would take place after the lesson], and he taught the student but the student could not learn. He asked, “Why is it different now?” The student replied, “From the moment I heard them tell my master that there was a mitzvah to pursue, I could not focus. At every moment I said, ‘Now the master will leave, now the master will leave.’” R’ Preida said to him, “Pay attention, and I will teach you”…

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10. **Rabbi Shimshon Raphael Hirsch, Thoughts on Education, Collected Writings 7:419**

The fact that the maxim חנך לנער על פי דרכו directs our attention separately to each individual child whose education has been entrusted to us, and bids us raise each of our children according to the future course of his life, should make us mindful of yet another reflection that is no less worthy of our consideration: Every child must be raised as an individual... The practical means by which we are to guide each individual child to this height of pure devotion to duty are not the same. They are as different from one another as the tendencies and abilities, the temperaments and proclivities, the intellectual and emotional potential are in each individual personality. Every shoe does not fit all feet. The objective of our educational work should be to raise children as different as Jacob and Esau in such a manner that both of them will grow up to be good and capable men. But if this purpose is to be achieved, the two cannot be raised by the same method.

11. **R’ Dr. Abraham Twerski and Dr. Ursula Schwartz, Positive Parenting, pg. 257**

Medication does not do homework, medication does not practice the new pasukim, and medication does not read the chapter in social studies. It is they who do the learning, who practice their new assignments, who do the homework and who organize and plan their time and tasks in a better fashion.

12. **Talmud, Bava Batra 21a**

Rav Yehudah said, citing Rav: Remember that man, named Yehoshua ben Gamla, for the good. If not for him, Torah would have been forgotten from Israel! Initially, one who had a father would learn Torah from him, and one who did not have a father would not learn Torah... They then enacted a system of public teachers in Jerusalem... Still, only those with fathers would be brought to learn, and those who did not have fathers would not go and learn. They then enacted that, in each region, the people would establish teachers. They would bring in the students at the age of 16 or 17, and then if the teacher got upset at the student the student would simply lash out and leave. Yehoshua ben Gamla enacted that they should have teachers in every land and in every city, and bring in the students at age 6 or 7.

13. **Rabbi Moshe Feinstein, Igrot Moshe 4:29**

We don’t find it stated explicitly in the Talmud that a childless person would be required to support a school... Perhaps each of the parents would pay, on his own, whatever he had arranged with the teacher. A needy person would collect at people’s doors in order to be able to pay. However, the Talmud’s language sounds like those who established the school would pay as a community. Further, the enactment of Yehoshua ben Gamla was intended to enable every Jewish child to learn, and not only those with parents; Yehoshua ben Gamla was also concerned for the children of the poor and for those whose parents would not pay. Further, when they established schools in each area they certainly included those children who did not have parents, and the leaders and Tzedakah-collectors would pay... If so, it is obvious that money was collected via the general community chest, or from a special fund, to pay for the education of impoverished children.

14. **Talmud, Gittin 59b**

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**Society’s obligation toward people with special needs: Economic and Social**
Taking an item which a *cheresh*, *shoteh* or minor discovered constitutes theft, because of the need to keep the peace. Rabbi Yosi said: Such an act would be actual theft.

Society’s obligation toward people with special needs: Judaism

15. Rabbi Moshe Feinstein, *Igrot Moshe Yoreh Deah* 4:29

Don’t contend from here that there is a communal obligation to pay [for special education] out of the community chest, for a school in which three or four teachers are required for a class of 25 students. Perhaps the sages did not want to burden the community in this manner. At the least, though, the community would certainly be obligated to pay for these children’s education just as they would pay for other education. It would also be logical to say we should not distinguish between other children and these children, and there should be an obligation to use communal *tzedakah* for any special need, since we know there is a mitzvah to use *tzedakah* for Torah study.


Guide, train, dedicate whatever will benefit him in the way of talents and capabilities for the life which lies before him.

17. Rabbi Moshe Feinstein, *Igrot Moshe Yoreh Deah* 4:29

Certainly, they are obligated in mitzvot once they reach physical maturity, at the age of 12 or 13, and there is an obligation upon their parents to teach them whatever is possible from the time they are still minors. This is not at the age of six, as it is obligatory for other children, but rather at the time when each parent sees that his child may learn with him. That is the time to teach him Shma, until he knows the first paragraph, and to teach him that there is a Creator who creates the entities he eats and drinks, etc, and to teach him the way to read them, and to teach him that there are prohibited foods, and that one may not cook on Shabbat, and that one must listen to Kiddush, and similar things he may understand. Of course, this does not happen in a single day; it is done little by little. Once he can read Shma and the Amidah in a prayer book, even with difficulty, then one should begin to teach him *kiddush*, and similar things he may understand. Of course, this does not happen in a single day; it is done little by little. Once he can read Shma and the Amidah in a prayer book, even with difficulty, then one should begin to teach him Bible…

When they come to the synagogue, the congregation must greet them pleasantly, even when they cannot learn with them. They must see to it that such children answer “Amen” and *Kedushah* saying it with them so that they will do what they can, and so as to honor their parents. This has value for the children themselves as they fulfill whatever they can, as even walking to synagogue is a mitzvah, and they can kiss the Torah scroll.

Commmunal funds for Special Needs education


Regarding one who is entirely incompetent, I have explained that by law one may institutionalize him, but in practice one ought not do this unless there is no other way to care for her and keep her in her father’s house, and there is no one else to care for her.

As for any special need, since we know there is a mitzvah to use *tzedakah* for Torah study...