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**Book Review Essay: Invisibility, Inclusivity & Fraternity: Was Yosef on the Spectrum? Understanding Joseph Through Torah, Midrash and Classical Jewish Sources (Samuel J. Levine, Urim Publications (2019))**

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**BOOK REVIEW ESSAY: *INVISIBILITY, INCLUSIVITY & FRATERNITY: WAS YOSEF ON THE SPECTRUM?*  
UNDERSTANDING JOSEPH THROUGH TORAH, MIDRASH  
AND CLASSICAL JEWISH SOURCES (SAMUEL J. LEVINE,  
URIM PUBLICATIONS (2019))**

*Stephen A. Rosenbaum*\*

**I. INTRODUCTION**

The blurb on the back cover of Samuel Levine’s *Was Yosef on the Spectrum?* begins with the words “Yosef’s behaviors. . . .” I had never heard of behaviors (in *plural*) until I became the father of a son with disabilities. Levine, a Touro law professor, treats “on the spectrum” as a household term. Perhaps that says something about the level of contemporary disability consciousness, or at least about the public’s familiarity with autism spectrum disorder (ASD).<sup>1</sup> Its “unusual combination of conceptually opposite but equally powerful images – terror and innocence, incapacity and genius, handicap and

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<sup>1</sup> “Autism is a spectrum disorder involving a range of complex neurobiological disorders characterized by deficits in 2 or more areas of functioning, including impaired language development, impaired social development, and the presence of excessive and stereotyped repetitive behaviors or interests.” Doreen Granpeesheh *et al.*, *Applied Behavior Analytic Interventions for Children With Autism: A Description and Review of Treatment Research*, 21 ANNALS OF CLINICAL PSYCHIATRY 162, 163 (2009) (quoted in Arianna Cernius, *Enforcing the Americans with Disabilities Act for the “Invisibly Disabled”*: Not a Handout, Just a Hand, 25 GEO. L. J. ON POVERTY L. & POL’Y 35, 54 n.123 (2017)).

excellence”<sup>2</sup> – has catapulted autism into our social discourse. Derived from the Latin *specere*, meaning “to look or see,” the spectrum has evolved from “an ‘outsider,’ etic concept developed for diagnosis and classification...[to] an ‘insider,’ emic term of selfhood as well as a basis for group identification (and disidentification).”<sup>3</sup>

A former *Yeshiva bocher*,<sup>4</sup> Levine reminds readers that many commentators have tried to explain the enigmatic behaviors of Yosef (Joseph), his interpersonal relationships, and his personal journey and development in ways that are both in sync and inconsistent. But, to date, no one has done so through a disability lens.<sup>5</sup> The author of *Was Yosef on the Spectrum?* warns that the book is not for clinicians, but for “the close, careful, and sensitive reader....”<sup>6</sup> And, to that end, the ordained rabbi delivers a studious reading of exegetical Jewish sources<sup>7</sup> and a primer on autism and the behavioral traits of autism. The goal is both novel and ambitious: melding traditional *Midrash* and

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<sup>2</sup> Daniela Caruso, *Autism in the U.S.: Social Movement and Legal Change*, 36 AM. J.L. & MED. 483, 486 (2010).

<sup>3</sup> Heather Thomas & Tom Boellstorff, *Beyond the Spectrum: Rethinking Autism*, 37 DISABILITY STUDIES QTRLY. 1 (2017). Informed by “communities of autistic persons and their allies,” anthropologists Thomas and Boellstorff conclude, “[g]iven that metaphor ‘serves very specific purposes in autism discourse’ with regard to understanding causes, responses, and communities [citations omitted], it is highly significant that the spectrum has become the dominant metaphor for conceptualizing autism worldwide.” *Id.*

<sup>4</sup> The Yiddish term for a Torah-Talmudic academy student.

<sup>5</sup> *But see* Randy Lee, *Reflections on Jewish and American Disability Law and on the God Who Makes All Things Good*, 36 TOURO L. REV. 1 (2020); Sidra DeKoven Ezrahi, *Joseph and The Way of Forgiveness*, TIKKUN (JAN. 2, 2020), available at <https://www.tikkun.org/joseph-and-the-way-of-forgiveness?eType=EmailBlastContent&eId=bb40bcaf-d614-4845-91ca-d07ab265cfcf> (last visited Feb. 6, 2020). In her review of Stephen Mitchell’s new book on Yosef, literature professor Sidra DeKoven Ezrahi writes:

Joseph is probably the most realized human character in the Hebrew Bible, generating untold acts of interpretation and adaptation, from midrash, ancient and modern, to drama, stretching from the medieval and early periods (think of the dramatic possibilities embedded in the story of Joseph and Potiphar’s wife) to fiction (think Thomas Mann and the Book you used as a doorstep).

*Id.*

<sup>6</sup> SAMUEL J. LEVINE, *WAS YOSEF ON THE SPECTRUM? UNDERSTANDING JOSEPH THROUGH TORAH, MIDRASH AND CLASSICAL JEWISH SOURCES* 10 n.1 (2018).

<sup>7</sup> These sources include *Midrash*, containing early interpretations and commentaries on the Written Torah and Oral Torah (spoken law and sermons). Also included are *aggada* (non-legalistic rabbinic literature) and *halakha* (Jewish religious laws), which usually form a running commentary on specific passages in the Hebrew Bible (*Tanakh*). *See*, 2 SAMUEL J. LEVINE, *JEWISH LAW AND AMERICAN LAW: A COMPARATIVE STUDY* 21-35 (2018),

contemporary insights in order to understand the Hebrew Bible's Yosef.<sup>8</sup>

A cardinal principle in disability discourse is that no two people with the same disability will behave alike, much less prefer the same label for their disability—if any label at all.<sup>9</sup> Perhaps Levine's greatest contribution to the literature is in portraying an individual with a so-called invisible disability in normalized<sup>10</sup> circumstances, as much as anything written in the Bible resembles normalcy. In fact, under the

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<sup>8</sup> LEVINE, *supra* note 7, at 11-12.

<sup>9</sup> Disability identity labels have evolved over time, sometimes engendering great debate about proper and nuanced naming. See Julia Epstein & Stephen A. Rosenbaum, *Revisiting Ashley X: An Essay on Disabled Bodily Integrity, Sexuality, Dignity, and Family Caregiving*, 35 *TOURO L. REV.* 2. 101, 103 n.6 (2019). For example, “[r]easonable—and even unreasonable—people disagree whether ‘disabled person’ is acceptable in lieu of a ‘people first’ term such as ‘person(s) with (a) disability’ that accentuates the humanity, rather than the impairment or disabling condition. Some crip activists and academics actually choose ‘disability first’ language as an act of defiance, reclaiming or pride.” See, e.g., Ana Cristina Santos & Ana Lúcia Santos, *Yes, We Fuck! Challenging the Misfit Sexual Body Through Disabled Women's Narratives*, 21 *SEXUALITIES* 3. 303, 315 n.1 (2018) (preference by feminist disability studies scholars for *disabled* as an adjective). Anthropologist Heather Thomas asked two “autistic [sic] leaders” how labels like “low functioning” and “high functioning” might be useful. One of them quickly responded that “everyone’s autism is different.” Thomas & Boellstorff, *supra* note 3. Jim Sinclair, *Autism Mythbusters* (“Why I dislike ‘person first’ language”) (1999), available at <https://autismmythbusters.com/general-public/autistic-vs-people-with-autism/jim-sinclair-why-i-dislike-person-first-language/>. Autism Network International Founder Jim Sinclair put it this way:

Saying ‘person with autism’ suggests that autism can be separated from the person....I can be separated from things that are not part of me, and I am the same person....a ‘person with a purple shirt’...one day, and a ‘person with a yellow shirt’ the next day...But autism is part of me...hard-wired into the way my brain works. I am autistic because I cannot be separated from how my brain works.

*Id.*

<sup>10</sup> Normalization has been defined as “[t]he right of people with intellectual disability to live a life as normal as possible and a lifestyle comparable to people of the same age and cultural background.” EUROPEAN INTELLECTUAL DISABILITY RESEARCH NETWORK, *INTELLECTUAL DISABILITY IN EUROPE: WORKING PAPERS 122* (2003) (Glossary of terms/service typology), available at <http://www.enil.eu/wp-content/uploads/2012/07/Intellectual-Disability-in-Europe.pdf>. This socio-political concept gained currency in mid-20<sup>th</sup> century Sweden and coincided with the deinstitutionalization process for persons with cognitive or intellectual disabilities. See also Santos & Santos, *supra* note 9, citing Colin Barnes’ social model of disability, whereby “disability [is] understood as a socially produced phenomenon of exclusion of disabled people, regardless of the specific type of impairment. Instead of being a direct result of impairment, disability is understood as the consequence of a society that disables people by regulating, constraining and occluding people with different impairments.” *Id.* at 305. For a discussion of the human rights model of disability, see Gerard Quinn and Theresia Degener, *A Survey of International, Comparative and Regional Disability Law Reform*, in *DISABILITY RIGHTS LAW AND POLICY* (MARY LOU BRESLIN & SILVIA YEE, eds.) 13 (2002).

wide-ranging ASD designation, “[t]he very concept of cognitive impairment dissipates, leaving in its place a vision of a more advanced society, where human beings are allowed to flourish for who they are . . . .”<sup>11</sup>

## II. THE TORAH’S TEACHINGS

The “one basic norm and supreme value” in Jewish law is “the command of God as embodied in the Torah given to Moses at Sinai.”<sup>12</sup> Along with the Written Torah is an Oral Torah, which consists of hermeneutic rules as well as “revealed interpretations” of certain laws.<sup>13</sup> In his recently released comparative study of Jewish and American law, Professor Levine informs us that the commandments of the Torah, like the U.S. Constitution, are subject to broad interpretation.<sup>14</sup>

Nachmanides, one of the most influential medieval Jewish commentators on the Torah, is among the legal authorities who understand the Biblical command to “be holy, live righteously” to be a general mandate for unenumerated obligations and prohibitions.<sup>15</sup> Arguably, this holiness would include the obligation to treat others equally, without regard to disability, with a mandate against disability-based discrimination and a vigorous attempt to counteract ableism.<sup>16</sup>

Notwithstanding this comprehensive and virtuous command, the Hebrew Bible is fraught with conflicting views of disability and the disabled body. On the one hand, Jews are instructed in the Torah to “not insult the deaf, or place a stumbling block before the

<sup>11</sup> Caruso, *supra* note 2, at 487.

<sup>12</sup> MENACHEM ELON, *JEWISH LAW: HISTORY, SOURCES, PRINCIPLES* 233 (1994), in 1 SAMUEL J. LEVINE, *JEWISH LAW AND AMERICAN LAW: A COMPARATIVE STUDY*, 65 n.11 (2018).

<sup>13</sup> LEVINE, *supra* note 12, at 65. The Mishnah is the first major written collection of the Jewish oral traditions known as the “Oral Torah” and the first major work of rabbinic literature. See LEVINE, *supra* note 7, at 30 n.17.

<sup>14</sup> LEVINE, *supra* note 12, at 162 *et seq.*

<sup>15</sup> 2 Nachmanides, *Commentary on the Torah* 115-16 (1960), cited in LEVINE, *supra* note 12, at 166. Nachmanides (aka Moses ben Nachman) was relying largely on verses from Leviticus, Book 19 in which Jews are commanded to “be holy, live righteously” and to love one’s neighbor as oneself.

<sup>16</sup> Ableism, or disableism, is a mindset that “privileges able-bodiedness; promotes smooth forms of personhood and smooth health; creates space fit for normative citizens; encourages an institutional bias towards autonomous, independent bodies; and lends support to economic and material dependence on neoliberal and hyper-capitalist forms of production.” DAN GOODLEY, *DIS/ABILITY STUDIES: THEORISING DISABLISM AND ABLEISM* 21 (2014).

blind.”<sup>17</sup> Yet, two chapters later in Leviticus, God issues a blistering manifesto of ableist insults and obstacles, telling Moses to forewarn his brother Aaron and all Israelites:

“...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 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>18</sup>

The catalogue of disfavored includes those who are “blind or lame” and those with defective sight—the very individuals who in a previous chapter we were advised to neither insult nor obstruct.

In his reflections on Jewish and American disability law, Professor Randy Lee<sup>19</sup> discusses the discomfort of a synagogue congregant over these inhospitable verses in Leviticus. In exasperation, the congregant said to her rabbi: “[E]very spring we read this one passage, and every time this passage is read, I want to get up and leave the synagogue.”<sup>20</sup> Lee poses the question: “Why does God

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<sup>17</sup> *Leviticus* 19:14.

<sup>18</sup> *Leviticus* 21:16-23. This explicit disdain for display of physical “deformity” finds secular expression in contemporary American jurisprudence. *See, e.g., World Fair Freaks & Attractions, Inc. v. Hodges*, 267 So. 2d 817 (Fla. 1972), in which the Florida Supreme Court reviewed the constitutionality of a statute designed to prohibit “the exhibition for pay or compensation of any crippled or physically-distorted, malformed or disfigured person” in circuses or side shows. *Id.* at 817-18. “It may be that certain malformations, perhaps those relating to private areas of the body or some which may be repulsive or vulgar in nature, would so affect the morals and general welfare as to lend themselves to a prohibition by a proper law which sets appropriate standards.” *Id.* at 818. The court compounds its perverted and patronizing reasoning by stating “[t]he exhibition could actually be informative and educational of facts and occurrences that the public should see and know regarding certain deformities which result to human beings; to know of the horrors that beset mankind.” *Id.*

<sup>19</sup> Lee, *supra* note 5 at 149.

<sup>20</sup> *Id.*

reject the children He<sup>21</sup> has made broken, the children He formed in their mother's womb?"<sup>22</sup> Is this the response of a God who "art a gracious God and merciful, slow to anger, and abounding in steadfast love?"<sup>23</sup>

In his eventual explanation to the troubled member of the congregation, the rabbi strained to distinguish between the roles of cantor and those who serve on the *bimah*.<sup>24</sup> Whereas imperfection—read "disabled"—is acceptable for the liturgical leader, he explains that the temple clergy must be perfect.<sup>25</sup> Like Lee, I am not convinced by the Modern Orthodox rabbi's adherence to the literal text of Hebrew Scriptures.<sup>26</sup> Lee opines:

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.<sup>27</sup>

Moreover, if God said, "Let us make humankind in our image, according to our likeness . . .,"<sup>28</sup> why would [He] create human beings

<sup>21</sup> G-d/God is not available to me in order to identify a preferred P/pronoun. Unless quoting someone else, I am opting to use "[He]" in translations from the traditional Hebrew Bible. However, nothing should be inferred from this about my views on God's gender identity, supremacy or humanlike attributes.

<sup>22</sup> See *Jeremiah* 1:5 ("Before I formed you in the womb I knew you, before you were born I set you apart...") and *Isaiah* 44:24 ("Thus says the LORD, your Redeemer, who formed you from the womb").

<sup>23</sup> Lee, *supra* note 5, at 150, quoting *Jonah* 4:2. See also *Psalms* 103:8 ("The LORD is compassionate and gracious, slow to anger, abounding in love").

<sup>24</sup> The focal point of the synagogue sanctuary, the *bimah* is the podium or platform from which the Torah and Book of Prophets are read.

<sup>25</sup> The rabbi in Lee's account reasoned that as one involved in prayer, the cantor was not subject to the same perfection requirements as the priest who "serves the temple." Lee, *supra* note 5, at 153.

<sup>26</sup> Lee writes: "...I'm just not sure it's God's answer. That answer still assumes that those who have what we call 'disabilities' are imperfect, even in the eyes of God, and it concedes that because God sees these people as imperfect, there are things He will not allow them to do." Lee, *supra* note 5, at 154. My rejection of the literal interpretation is not informed by observant practice or affiliation with a non-Orthodox sect of Judaism. I do, however, confess to being a Jew for whom the early twentieth century "draw of law for Jews as members of an excluded and discriminated upon group was its commitment to justice and equality. . . ." Eli Wald, *Jewish Lawyers and the Legal Profession: The End of the Affair?* 36 TOURO L. REV. 1 (2020).

<sup>27</sup> Lee, *supra* note 5, at 154 (emphasis added).

<sup>28</sup> *Genesis* 1:26-27. The full quotation is: "Let us make humankind in our image, according to our likeness...So God created humankind in [His] image, in the image of God [He] created them; male and female [He] created them."

who are “blemished” and unworthy of approaching the Lord?<sup>29</sup> I disagree with the notions of “perfect” and “broken” and the parsing that it requires in order to reconcile the textual conflict in Leviticus.<sup>30</sup> Instead, I subscribe to the interpretation that preserving human dignity is of such importance that it overrides any negative commandment found in the Torah.<sup>31</sup> This would also be in keeping with the place that dignity holds as a key principle in secular disability rights and justice discourse.<sup>32</sup>

A few disability themes stand out in Levine’s chronicles of Yosef that draw the reader to reflect on this autistic young man’s social or community inclusivity, fraternal relations and his sexuality.

### III. INCLUSIVITY

In the Book of Genesis (*Sefer Bereishis*), Yosef is seen transitioning from childhood to adulthood “facing concomitant and interconnected challenges and opportunities, and experiencing, often at once, both surprising success and unexpected failure.”<sup>33</sup> Society’s

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<sup>29</sup> In the *halakha* he authored, Rabbi Moshe ben Maimon (Maimonides) offers this response to confronting disabled individuals: “One who sees...people with disfigured faces or limbs, recites the blessing, ‘Blessed are You, Lord our God, King of the universe, who makes people different.’ One who sees a person who is blind or lame, or who is covered with sores and white pustules (or similar ailment), recites the blessing, ‘Blessed are You, Lord our God, King of the universe, who is a righteous judge.’ But if they were born that way (with the disability), one says, ‘...who makes people different.’” *Mishneh Torah, Hilkhot Berakhot*10:12.

<sup>30</sup> Professor Lee has his own version of reconciling perfection and imperfection: “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.” Lee, *supra* note 5, at 156.

<sup>31</sup> Babylonian Talmud (*Berakhot* 19b). Relying on “a classic and sublime” passage from the Mishnah (Sanhedrin 4:5), the Israeli Supreme Court has affirmed, in another context, that “[a] free and enlightened society can be distinguished from a barbaric and oppressive one by the extent to which each person is accorded a measure of dignity as a human being.” *Katlan v. Prisons Service*, 34(iii) P.D. 294 (1980) (Depty. Pres. Cohn). In a lengthy discourse on the distinction between Torah commandments and those enunciated by the Sages in the Mishnah, Judge Cohn emphasized the importance of the “human dignity” commandment. *Id.*

<sup>32</sup> See, e.g., Jonathan Simon & Stephen A. Rosenbaum, *Dignifying Madness: Rethinking Commitment Law in an Age of Mass Incarceration*, 70 U. MIAMI L. REV. 1, 21-25 (2015) (reviewing ancient and post-Holocaust emergence of pragmatic doctrine of dignity, based on five core meanings and informed by human rights practice). “In the end, the recognition of legal capacity and equal treatment for all people with cognitive disabilities, with the requisite decision-making support, may be more about human dignity than any other right or consideration.” Epstein & Rosenbaum, *supra* note 9, at 118.

<sup>33</sup> LEVINE, *supra* note 6, at 11.



increasing integration of people with autism is what philosopher Ian Hacking refers to as “a very substantial human achievement . . . .”<sup>34</sup> The contemporary independent living movement is defined by concepts such as “most integrated setting,”<sup>35</sup> “full inclusion”<sup>36</sup> and “least restrictive environment.”<sup>37</sup> That is, individuals like Yosef ought to be living their lives in the most inclusive or integrated settings feasible, whether in the public square, at home or school, with family, in vocational training, the workplace, or even jail.

In the Mishnah, Rabbi Hillel said, “Do not separate yourself from the community.”<sup>38</sup> And, in the Book of Isaiah, God delivers this invitation to inclusiveness: “[M]y house shall be called a house of prayer for *all* peoples.”<sup>39</sup> While theologians and Biblical scholars may debate the weight accorded to such exegetical sources as resolutions adopted by the Central Conference of American Rabbis or Union for Reform Judaism, these too are expressions of Jewish religious thought on inclusion of persons with disability.<sup>40</sup> The latter’s governing body,

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<sup>34</sup> Ian Hacking, *Humans, Aliens & Autism*, 138 DAEDALUS 44, 45 (2009) (quoted in Caruso, *supra* note 2, at 487). Law Professor Daniela Caruso adds: “The post-modern concept of neuro-diversity, with its promise of inclusion and its philosophical acceptance of variation, may find in autism a perfect home.” Caruso, *supra* note 2, at 487.

<sup>35</sup> See, e.g., AMERICANS WITH DISABILITIES ACT, TITLE II REGULATIONS, 28 CFR § 35.130(d) (1998) (public entity shall administer services, programs and activities in “most integrated setting appropriate” to needs of “qualified individuals with disabilities”).

<sup>36</sup> See, e.g., United Nations Convention on the Rights of Persons with Disabilities, art.19, 2515 U.N.T.S. 3 (Dec.13, 2006) (“full enjoyment” by persons with disabilities of right to “full inclusion and participation in the community,” with “choices equal to others”) & art. 24 (1)-(2) (states “shall ensure an inclusive education system at all levels and lifelong learning [and] that . . . [p]ersons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live. . .”)

<sup>37</sup> See, e.g., INDIVIDUALS WITH DISABILITIES EDUCATION ACT, 20 U.S.C. § 1412(a)(5)(2018) (to “maximum extent appropriate” children with disabilities are educated with non-disabled children). Under California’s Bill of Rights for Persons with Developmental Disabilities: “Treatment and habilitation services and supports should foster the developmental potential of the person and be directed toward the achievement of the most independent, productive, and normal lives possible. Such services shall protect the personal liberty of the individual and shall be provided with the least restrictive conditions necessary...” Calif. Welf. & Instit. Code § 4502(b)(1).

<sup>38</sup> *Pirke Avot* 2:5. A tractate of the Mishnah, *Pirke Avot* (“Chapters of the Fathers”) is a compilation of the ethical teachings and maxims passed down to the rabbis, beginning with Moses.

<sup>39</sup> *Isaiah* 56:7 (emphasis added).

<sup>40</sup> See, e.g., “Resolution in Support of Access to Lifelong Jewish Learning for Jews with Disabilities,” adopted by the 71<sup>st</sup> Union of Reform Judaism (URJ) Biennial (2011), available at <https://urj.org/what-we-believe/resolutions/resolution-support-access-lifelong-jewish-learning-jews-disabilities> (last visited Mar. 24, 2020).

for example, adopted a resolution that commits to “enabling and encouraging people with disabilities and their families to participate fully in Jewish life.”<sup>41</sup> Again, the notions of inclusivity—and interdependence—are consistent with secular understanding and discourse.<sup>42</sup>

As a 17-year-old, Yosef is described in Genesis as a *na’ar*, a term usually reserved for a young child.<sup>43</sup> There is a tendency to infantilize or objectify persons with disabilities, regardless of age or type of disability. Levine refers to Yosef’s self-stimming satisfaction, social difficulties, and need for adult attention, which are typical autism characteristics.<sup>44</sup>

In a recent study, parents of young adults with autism or intellectual disability were asked to assess their children’s quality of life. The “lowest rated” domain was social or peer support. Almost one-third reported that their son or daughter never or rarely “had fun” with friends, and fewer than one-half indicated their children were never or rarely “able to rely” on friends.<sup>45</sup>

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<sup>41</sup> The biennial convention is the Reform Jewish Movement’s governing body, composed of clergy, lay leaders and URJ staff. In full, the resolution’s operative clause states a commitment “to creating and sustaining welcoming communities of meaningful inclusion, enabling and encouraging people with disabilities and their families to participate fully in Jewish life in a way that promotes a sense of personal belonging for all individuals.” *Id.* The resolution also “encourages its institutions and affiliates to adopt Person First language (e.g., *child with autism* rather than *autistic child*) in all oral and written communication and publications.” *Id.* (emphasis added).

<sup>42</sup> See, e.g., California’s landmark Lanterman Developmental Disabilities Services Act, by which disabled individuals have a right to “dignity, privacy, and humane care” with treatment, services, and supports provided “[t]o the maximum extent possible...in natural community settings....” and a “right to make choices in their own lives...” Welf. & Instit. Code § 4502(b)(2), (10). See also Stephen A. Rosenbaum, *Book Review Essay, Restoring Voice to People with Cognitive Disabilities: Realizing the Right to Equal Recognition Before the Law* 39:1 J. LEGAL MEDICINE 61, 68 (2019) (noting that feminist scholars have “pointed out the fallacy of the isolated autonomous man...instead highlight[ing] the interdependence of every individual” and “the web of familial and social structures that make up our communities”)(quoting disability rights scholar Anna Arstein-Kerslake), available at [https://tandfonline.com/doi/full/10.1080/01947648.2019.1587653\\_](https://tandfonline.com/doi/full/10.1080/01947648.2019.1587653_)

<sup>43</sup> *Genesis* 37:2. We learn from a *midrash* that *shoteh* (fool) is another term applied to Yosef. LEVINE, *supra* note 6, at 80. Like the term *na’ar*, Levine suggests that *shoteh* “may be intended to imply that Yosef is, at once, both intellectually brilliant and socially inappropriate.” *Id.*

<sup>44</sup> The term may also be a reference to Yosef’s being just slightly younger than many of his brothers and half-brothers, or to the child-like behaviors that might be exhibited by a person with ASD. LEVINE, *supra* note 6 at 14-15.

<sup>45</sup> Elizabeth E. Biggs & Erik W. Carter, *Quality of Life for Transition-Age Youth with Autism or Intellectual Disability*, 46 J. AUTISM & DEVELOPMENTAL DISORDERS 190, 197 (2016). Factors affecting parental quality of life ratings included young persons’ internships, volunteer experiences or other community activities *as well as* involvement in a faith

Levine, Director of Touro’s Jewish Law Institute, contrasts the approach of Yosef’s father Yaakov (Jacob) with Pharaoh’s.<sup>46</sup> I don’t necessarily subscribe to the view that parents, teachers, and other authority figures—more than anyone else—try to “minimize, conceal, or deny” differences of individuals with autism (or other less visible disabilities) or that they are “often unsuccessful” in these efforts.<sup>47</sup> Perhaps well-meaning people attempt to mask differences or engage in contrived integration, but the better approach—which is by no means simple—is to facilitate genuine contact with and participation by persons with autism or other disabilities.<sup>48</sup> In any event, I agree with Levine’s suggestion that Pharaoh has adopted the preferred approach to integration:

“...demonstrating that differences between individuals should be accepted, if not embraced, and that, at times, these differences are accompanied by different skills and talents, which should be recognized and welcomed.”<sup>49</sup>

Yet, when he asks, “Can we find like this, a man who has the spirit of God in him?”<sup>50</sup> it is not clear to what extent Pharaoh was truly

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community. The latter may provide disabled youth with opportunities to worship, fellowship and serve alongside others in ways that lead to new relationships and social supports. Curiously, a young adult’s capacity for self-determination did not significantly predict parents’ ratings. *Id.* at 201.

<sup>46</sup> LEVINE, *supra* note 6, at 89-91.

<sup>47</sup> LEVINE, *supra* note 6, at 89.

<sup>48</sup> Recent studies have shown that participation in community activities “may provide a context for young people with disabilities to connect with others, develop friendships, and enhance social-related skills.” Biggs & Carter, *supra* note 45, at 201. But, numerous barriers can limit the involvement of autistic and intellectually disabled youth outside the home. *Id.* See also Thomas L. Boehm, Erik W. Carter & Julie Lounds Taylor, *Factors Associated with Family Quality of Life During the Transition to Adulthood for Youth and Young Adults with Developmental Disabilities*, 120 AMERICAN J. INTELLECTUAL AND DEVELOPMENTAL DISABILITIES 395, 404-06 (2015). A study of 425 parents and caregivers of “transition age” youth and young adults with autism and intellectual disabilities, based on a rigorous scale of Family Quality of Life (FQOL) measures, found that respondents “were generally satisfied with their family quality of life. . . .” The authors were nonetheless “somewhat surprised by this relatively high level of satisfaction given prevailing descriptions of the transition years as a time of stress and uncertainty.” *Id.* at 405.

<sup>49</sup> LEVINE, *supra* note 6, at 90 n.32. Levine views relationships with persons with invisible disabilities through an authority and power lens—Yaakov as a parent over children and Pharaoh as a king over his servants. *But see* Rosenbaum, *supra* note 42, at 68-69 (family members provide most obvious form of “natural support” for persons with cognitive disabilities; a role performed by friends and community where family not an option), available at <https://tandfonline.com/doi/full/10.1080/01947648.2019.1587653>.

<sup>50</sup> *Genesis* 41:38.

interested in Yosef's acceptance in the palace community of courtiers and servants. Was he merely being political in protecting or enhancing his new Viceroy's status as an influential advisor and administrator? Levine suggests that Yosef, like other individuals on the spectrum, may have failed to grasp anything beyond a literal interpretation of Pharaoh's rhetorical or sarcastic question.<sup>51</sup> Importantly, Levine stresses that Pharaoh's relationship is not based on "finding a cure" for ASD, but rather on fostering the habilitative journey of his royal appointee. Could Pharaoh even be viewed as what disability advocates call a natural support?<sup>52</sup>

#### IV. SIBLING RELATIONSHIPS

Yosef's checkered history of brotherly relations stands in contrast to contemporary fraternal relationships in families that include a child with autism. Professor Levine describes "the feelings of isolation, marginalization and bewilderment" experienced by Yosef at the hands of his brothers and half-brothers.<sup>53</sup> A recent study by education specialists, however, found that siblings of adults with autism reported spending "high quality" time with their brother or sister in a variety of activities.<sup>54</sup> "[S]peech/communication challenges,

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<sup>51</sup> LEVINE, *supra* note 6, at 91. Professor Lee also eschews "The Cure" in favor of accepting difference, remaining faithful to the imagery of perfection and imperfection: "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." Lee, *supra* note 5, at 109.

<sup>52</sup> LEVINE, *supra* note 6, at 96. See, e.g., California's Developmental Disabilities Services Act, defining "natural supports" as "personal associations and relationships typically developed in the community that enhance the quality and security of life for [disabled] people, including, but not limited to, family relationships, friendships reflecting the diversity of the neighborhood and the community, associations with fellow students or employees in regular classrooms and workplaces, and associations developed through participation in clubs, organizations, and other civic activities." Calif. Welf. & Instit. Code § 4512(e)(2016).

See also Stephen A. Rosenbaum, *Representing David: When Best Practices Aren't and Natural Supports Really Are*, 11 U.C. DAVIS J. JUV. L. & POL'Y 161, 176-79 (2007) (discussing value of family-centered planning for developmentally disabled individuals and practical challenges faced in implementing codified concepts of natural supports and "circles of support").

<sup>53</sup> LEVINE, *supra* note 6, at 119.

<sup>54</sup> Hilary E. Travers, Mary Elizabeth Carlton & Erik W. Carter, *Social Connections Among Siblings with and without Intellectual Disability or Autism*, 58 INTELLECTUAL & DEVELOPMENTAL DISABILITIES 1 (2020), available at [https://www.aaid.org/docs/default-source/default-document-library/travers.pdf?sfvrsn=9b8e3621\\_0](https://www.aaid.org/docs/default-source/default-document-library/travers.pdf?sfvrsn=9b8e3621_0). The study's authors note that "[i]n early adulthood parental direct supervision often decreases, accompanied by an increase in contact and companionship filled by sibling relationships and relationships outside the home." *Id.* at 2.

shared or separate residence, and the presence of challenging behaviors are all factors that could impact whether and how siblings spend time together.”<sup>55</sup> In another study, more than half of those surveyed reported a “close relationship” with a sibling who has a “severe” intellectual or developmental disability.<sup>56</sup>

I also have difficulty ascribing characteristics of autism to Yosef’s sibs, such as sensory overload and outbursts, perhaps manifested as a result of Yosef’s machinations.<sup>57</sup> But, Disability Studies Scholar Julia Miele Rodas describes a symbiotic relationship with her disabled brother as follows:

“[M]y life has been structured by the experience of disability, by the reaction of others to the damaged sibling unit of which I composed an essential part. I have not been blind [like my brother], but I have lived with blindness, with the limitations and requirements our culture imposes on blindness. As mediator, as satellite, as prosthesis, I have been brought into play as a functionary to blindness; I have been permanently sensitized to pedestrian obstacles in public and private spaces.”<sup>58</sup>

Recent attention to the higher and more accurate rates of autism prompted one anthropologist and father of an autistic child to conclude that “[t]he result of the new rates is that we are fortunately seeing more research, more philanthropy, and more understanding of how families struggle to cope.”<sup>59</sup>

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<sup>55</sup> *Id.*, at 3. Text accompanying note 54. More research is warranted on the quality of relationships with young adults who are on the spectrum. *Id.* at 3.

<sup>56</sup> Zach Rossetti & Sarah Hall, *Adult Sibling Relationships with Brothers and Sisters with Severe Disabilities*, 40 RESEARCH & PRACTICE FOR PERSONS WITH SEVERE DISABILITIES 2 (2015). Siblings with an Autism Spectrum Disorder were included in the study. In their literature review, authors Rossetti and Hall cite earlier studies with “mixed but generally neutral or positive results” in sibling relationships, including siblings with an ASD. *Id.* at 2.

<sup>57</sup> LEVINE, *supra* note 6, at 120-21 & n. 61.

<sup>58</sup> Julia Miele Rodas, *Limited Visibility; or Confessions of a Satellite*, 15(3) PEDAGOGY: CRITICAL APPROACHES TO TEACHING LITERATURE, LANGUAGE, COMPOSITION, AND CULTURE 493, 504 (2015).

<sup>59</sup> ROY RICHARD GRINKER, UNSTRANGE MINDS: REMAPPING THE WORLD OF AUTISM 5 (2007) (*quoted in* Caruso, *supra* note 2, at 486). Grinker is referring to documented rates of autism in the United States.

## V.      SEXUALITY

The story told in House of Potiphar (Chief Slaughterer) has the makings of a steamy soap opera.<sup>60</sup> Potiphar's seductive wife Zuleikha<sup>61</sup> is trying to hit on Yosef, whom the Torah describes as *yefei to'ar* ("handsome in form") and *yefei mar'eh* ("of nice appearance").<sup>62</sup> She is attracted to him, but also notes some child-like characteristics. Yosef refuses Zuleikha's continued ardent and amorous advances.<sup>63</sup>

While Yosef's resistance is portrayed as a triumph of morality or righteousness, this glosses over the question of whether he was struggling with his own sexuality.<sup>64</sup> As noted above, individuals on the autism spectrum are presumed to be socially awkward. Moreover, sexual capability or liberty is not usually mentioned in the same breath as disabled personhood.<sup>65</sup> The disabled body has been typically

<sup>60</sup> LEVINE, *supra* note 6, at 57-66.

<sup>61</sup> Also known simply as "Potiphar's wife." In the Quran, she is called Aziz.

<sup>62</sup> LEVINE, *supra* note 6, at 57 (*Genesis* 39: 6-13). Levine's *Leviticus* translation of verses 6-7, 12 ("handsome in form and of nice appearance" and Zuleikha's "Lie with me" propositions) are rendered more colloquial and carnal in *Bible Gateway's* interpretation: Upon seeing a "well-built and handsome" Yosef, Potiphar's wife exclaims more than once: "Come to bed with me!" See <https://www.biblegateway.com/passage/?search=Genesis+39&version=NIV> (last visited Apr. 15, 2020).

<sup>63</sup> Was this an early #MeToo Moment in which sexual predator Zuleikha perceived the disabled Yosef as an attractive and vulnerable target, or was this an instance of a spurned woman accusing a chastened potential sex partner of attempted rape?

<sup>64</sup> Stephen A. Rosenbaum, *Hammerin' Hank: The Right to Be Raunchy or FM Freak Show?*, 23 *DISABILITY STUDIES QTRLY.* 3 at text accompanying nn. 84-97 (2003), (<http://www.dsqsds.org/article/view/432/609>). Teddy Dobbs, a brash, intellectually disabled character in a novel by a crip activist writer, wonders aloud: "Can you believe I'm twenty-one years old and never been laid?" Rachel Adams, *Privacy, Dependency, Discegenation: Toward a Sexual Culture for People with Intellectual Disabilities*, 35 *DISABILITY STUDIES QTRLY.* 1 (2015), (citing SUSAN NUSSBAUM, *GOOD KINGS, BAD KINGS* 39 (2013)). Teddy's inexperience was not due to an absence of desire; he admits to a "nonstop" erection since the age of ten. Rather, young people with disabilities who live with family or in congregate housing "may not have the autonomy and access to privacy that would allow them to cordon off a 'sex life' as discrete from other aspects of lived experience . . ." *Id.*

<sup>65</sup> Law Professor Alexander Boni-Saenz explores the broad concept of "sexual capability" for persons with "persistent cognitive impairments," *i.e.*, "the opportunity to achieve certain states of being or perform certain activities associated with sexuality, such as experiencing sexual pleasure or forming a sexual identity." Alexander A. Boni-Saenz, *Sexuality and Incapacity*, 76 *OHIO ST. L.J.* 1201, 1205, 1224-30 (2015). Disability Studies Scholar Tobin Siebers argues that "'sexual culture' is a more appropriate term to describe the embedding of intimacy and erotic activity within broader contexts of dependency." Adams, *supra* note 64. See also Tom Shakespeare, *I Haven't Seen That in the Kama Sutra: The Sexual Stories of Disabled People*, in *SEXUALITIES AND SOCIETY: A READER* (Jeffrey Weeks, Janet Holland & Matthew Waites, eds.) 143, 148 (2003) (cautioning against "replac[ing] a traditional account

viewed as passive, pathologized, victimized and/or unattractive.<sup>66</sup> Disabled young men have reported on the barriers they face in negotiating sexual relationships, ranging from socio-sexual isolation in adolescent years and parents' negative or protective attitudes to social expectations of normative functioning and poor body image.<sup>67</sup> Together, these barriers affect not only the attainment of sexual intimacy, but also the representation of people with disabilities as asexual.<sup>68</sup>

Contemporary thinking has evolved. However, even a non-medicalized, rights-based approach to social and sexual expression tends to focus more on protection from unwanted encounters, following safe sex practices, and giving informed consent, than it does on the capacity to be a publicly sexual and attractive being.<sup>69</sup> Some

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of disabled people as tragic victims of bodily restrictions with a radical account of disabled people as inevitable victims of social oppression..."). Professor Michael Perlin, who coined the term "sanism" and was an early contributor to the literature on sex, disability and competence, reminds readers that the desire of disabled individuals for sexual relationships remains a subject that is either inadequately discussed or taboo. Michael L. Perlin, "*All His Sexless Patients*": *Persons with Mental Disabilities and the Competence to Have Sex*, 89 WASH L. REV. 257, 258 (2014).

<sup>66</sup> Rosenbaum, *supra* note 63, at text accompanying nn. 84-86. See also *World Fair Freaks & Attractions, Inc.*, *supra* note 18, at 818 ("...certain malformations, perhaps those relating to private areas of the body or some which may be repulsive or vulgar in nature...").

<sup>67</sup> See, e.g., Russell P. Shuttleworth, "*The Case for a Focus on Sexual Access in a Critical Approach to Disability and Sexuality Research*" (Annual Disability Studies Ass'n paper, 2003) and Russell P. Shuttleworth, "*Disability and Sexuality: Toward A Constructionist Focus on Access and the Inclusion of Disabled People in the Sexual Rights Movement*," SEXUAL INEQUALITIES AND SOCIAL JUSTICE (NIELS TEUNIS & GILBERT HERDT, eds.) 174 (2006). Sociologist Russell Shuttleworth argued more than a decade ago that it "is imperative that we develop ways of theoretically apprehending the political and power-relational, structural, symbolic, interpersonal and psycho-emotional dimensions of the range of sexual difficulties that disabled people may confront." Shuttleworth, "The Case for a Focus on Sexual Access in a Critical Approach to Disability and Sexuality Research" at 4-5.

<sup>68</sup> A competing historical view holds that persons with mental disabilities are over-sexed. See, e.g., Santos & Santos, *supra* note 9, at 305 and Rosenbaum, *supra* note 63, at text accompanying n.83. Mental disability law specialist Michael Perlin describes the denial of humanity that results from "infantiliz[ing] the sexual urges, desires, and needs of the mentally disabled. Alternatively, they are regarded as possessing an animalistic hypersexuality, which warrants the imposition of special protections and limitations on their sexual behavior to stop them from acting on these 'primitive' urges." Michael L. Perlin, *Hospitalized Patients and the Right to Sexual Interaction: Beyond the Last Frontier?*, 20 NYU REV. L. & SOC. CHANGE 517, 537 (1993-94).

<sup>69</sup> Law Professor Jasmine Harris notes the structural deficiencies in sex education for students with disabilities and history of exclusion from "meaningful, inclusive public education and involuntary institutionalization..." Jasmine Harris, *The Role of Support in Sexual Decision-Making for People with Intellectual and Developmental Disabilities*, 77 OHIO ST. L.J. FURTHERMORE 83, 99-100 (2016). "Furthermore, the dominant messages and policy

disability studies scholars refer to “sexual ableism” as the manifestation of lowered societal expectations for those with intellectual and other disabilities in the realm of sexuality and intimate relationships and suggest that it is at the root of a disproportionate incidence of sexual assault upon people with intellectual disability.<sup>70</sup>

Can we allow that an unself-conscious and disabled Yosef actually exuded sex appeal for Zuleikha, a bored or unsatisfied housewife?

## VI. CONCLUSION

In the end, Professor Levine’s treatment of Yosef as someone on the autism spectrum “helps illuminate” the text of the Torah on a level of plain meaning (*p’shat*) as well as the explanations found in *midrashim* and other classic Jewish post-Biblical sources.<sup>71</sup> The application of traditional religious interpretations, together with contemporary understanding about ASD and disability, in general, do indeed “provide a more unified and complete picture” of this most beloved of the sons of Yaakov.<sup>72</sup>

Situating Yosef in normalized, if exceptional, settings can also help the reader come to terms with the portrayal of a disability that “many commentators have opposed as a catastrophe or as a condition that is not fully human.”<sup>73</sup> God’s invitation to inclusiveness applies to

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concerns in sex education are based on managing the risks associated with sex and disability and preventing abuse rather than on portraying sex as a positive good.” *Id.* at 100.

<sup>70</sup> See, e.g., K.T. Mintz, “My Blessed Child Does Not Need to Know About That!”: How Should Sexual Health Educators Confront the Challenge of Religious Pluralism in Working With Individuals Who Have Intellectual Disabilities?, 5 *ETHICS, MED. & PUB. HEALTH*, 1 at 2-3 (2018), <https://doi.org/10.1016/j.jemep>. Sexuality educator Kevin Mintz writes that special educators, therapists, and other disability rehabilitation practitioners “particularly those from strongly religious backgrounds, sometimes consider [their intellectually disabled clients] to be ‘blessed children’— people whose child-like innocence and sexual purity must be protected at all costs.” *Id.* at 3.

<sup>71</sup> LEVINE, *supra* note 6, at 11.

<sup>72</sup> LEVINE, *supra* note 6, at 12.

<sup>73</sup> Caruso, *supra* note 3, at 484-85)(citing autistic activist writers Michelle Dawson and Claudia Wallis, among others). In her recent lecture on “Autism and Narrative Invention in Daniel Defoe’s *Robinson Crusoe*,” Professor Rodas put it this way: “[Autism] is a way of being in the world and not necessarily a pathology.” University of California, Berkeley, Oct. 4, 2019. In her autie-ethnographic or autobiographical narrative, Melanie Yergeau paints a visceral picture of how autistic people are disembodied and their humanity is called into question. Melanie Yergeau, *Clinically Significant Disturbance: On Theorists Who Theorize Theory of Mind*, 33 *DISABILITY STUDIES QTRLY.* 4 (2013) <https://dsq-sds.org/article/view/3876/3405>). The professor of English language and literature caustically



all peoples and embraces all their variations “with regard to understanding causes, responses, and communities”<sup>74</sup> of those on or off the metaphoric spectrum.

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describes how “articles on autism and perspective-taking inspire me —inspire me to commit self-injury, that is.” *Id.*

<sup>74</sup> Thomas & Boellstorff, *supra* note 3, at 21. Drawing upon ethnographic research and earlier debates on a “spectrum” for conceptualizing sexual orientation (Kinsey Scale), Professors Thomas and Boellstorff write: “The autism spectrum has been seen as an advance over the ‘discrete categories’ rubric not only because it can facilitate claims to community between persons situated differently along it. Like the Kinsey Scale, it additionally entails the potential inclusion of *all* humanity: ‘although neurodiversity is most important to people who identify as being on the spectrum, it also has the potential to enrich society and change how we understand ourselves and other people.’” *Id.* (emphasis added) (quoting Kristin Bumiller, *Quirky Citizens: Autism, Gender, and Reimagining Disability*, 33 *SIGNS* 967 (2008), available at <https://doi.org/10.1086/528848>).