

Introducing the concept of disability rights in local communities: An Israeli case study

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Introduction

International norms of human rights interact with existing local values, norms, beliefs, ideas, and practices.

I will examine how the global idea of human rights of people with disabilities (PWD) have been localized and introduced into a local conservative community in Israel.

Localization

“The active construction [...] of foreign ideas by local actors, which results in the former developing significant congruence with local beliefs and practices” (Acharya, 2004: 245).

Vernacularization

“The extraction of ideas and practices from the universal sphere of international organizations, and their translation into ideas and practices that resonate with the values and ways of doing things in local contexts” (Merry & Levitt, 2017: 213).

Research lacunae

- Studies on localization have often neglected influential epistemic and hermeneutic aspects of norm diffusion (Chan-Tiberghien, 2004; Jijon, 2019).
- The existing literature on localization has usually not focused on the human rights of PWD.
- Research on disability and religion is underdeveloped (Imhoff, 2017).
- Prior research has not addressed human rights localization in Jewish ultra-orthodox communities.

Research questions

- How are human rights of PWD viewed, conceptualized, and interpreted in local communities?
- How is knowledge about these rights socially constructed and diffused?
- Is the international human rights discourse localized when it reaches the domestic arena, and if so, who are the social actors involved in this process, how does it occur, and what are the outcomes?
- What is the role of different stakeholders in this process as intermediaries between the global and local arenas?
- What are these actors' dilemmas and challenges?

The Jewish ultra-Orthodox society in Israel

- Ultra-Orthodox Jews constitute 13% of the Israeli population (Cahaner & Malach, 2021).
- They are strict adherents to Jewish religious law (*Halakha*). Rabbis direct the community in all areas of life.
- An insular community that maintains its social boundaries.
- Most ultra-Orthodox people prefer to live in towns and neighborhoods separated from non-religious society.

- Separate education systems
- Extensive social control of members' behavior
- Family-centered lifestyle
- Conservatism
- Sex-based segregation
- Special dietary laws
- Strict dress code

- Around half live in poverty.
- Recently, there has been a rise in ultra-Orthodox participation in the general Israeli economy, society, and civic affairs.

(Braun-Lewensohn & Kalagy, 2019; Genut et al., 2022; Golan & Fehl, 2020; Orr et al., 2021; Regev & Gordon, 2019; Vardi et al., 2019)

Method

- Twenty-eight in-depth, semi-structured interviews with stakeholders who promote rights or provide services to ultra-Orthodox PWD.
- They serve as translators of disability rights.
- Most interviewees are ultra-Orthodox.
- Several interviewees have disabilities or are parents to children with disabilities.
- Part of a larger study on PWD in ultra-Orthodox society in Israel.
- The interviews were recorded, fully transcribed, and analyzed using qualitative content analysis and Grounded Theory.

Findings

1. Jewish religious law (*Halakha*)

- The Halakha makes limited reference to the issue of PWD, who are not discussed as a distinct social category.
- Halakhic questions arise around PWD, such as the issue of marriage and family formation.
- Some participants argued that Jewish tradition emphasizes duties, obligations, and responsibilities rather than rights.
- However, most participants strongly argued that Judaism is in line with human rights.

2. Stigma

- Most participants asserted that the stigma towards PWD is stronger in ultra-Orthodox society, for three main reasons:
 - A. Marriage through match-making.
 - B. A society that adheres to strict social norms. Certain disabilities are perceived as social deviance.
 - C. A view according to which anything that happens to a person, including disability, happens to that person for a reason.
- In recent years there has been a positive change as a result of work by organizations to reduce stigmatization.

3. Secrecy and silence

- Disabilities that are invisible are often concealed.
- Many face the dilemma of whether and when to expose their disability.
- Disabilities as an “open secret”.
- There is a positive change in this area.

4. Charitable endeavors and acts of loving-kindness

- The prevailing ultra-Orthodox discourse emphasizes charitable and benevolent endeavors and acts of loving-kindness (“chesed” in Hebrew).
- They might be at odds with conceptions of human rights (hierarchical and patronizing).
- They might also constitute a hybrid discourse that integrates global and local concepts.

5. The human rights discourse

- According to most participants, although Judaism is full of expressions of rights, the discourse of human rights in its international sense is not prevalent in ultra-Orthodox communities.
- Ultra-Orthodox thinking is often not in line with the liberal notions of human rights.
- Ultra-Orthodox culture praises social continuity and conservatism, while the international human rights discourse aspires to promote change.
- Key human rights issues, such as equal rights to women and LGBTQ individuals, contradict ultra-Orthodox social norms.

- Interviewees identified the beginnings of a change and a strengthening conception of PWD as people who have rights.
- Participants see the ultra-Orthodox non-governmental organizations (NGOs) that work with ultra-Orthodox PWD, as change agents in the community, who use human rights discourse alongside ultra-Orthodox discourse.
- These are people who work with parties that are external to ultra-Orthodox society, and who are beginning to embed the rights discourse within ultra-Orthodox communities.

5.1. Types of rights

Distinction between two types of rights:

- The rights given by the state
- The rights of a person within their own community

5.2. Activists' self-definition

Refraining from self-describing as a “human rights activist”.

5.3. *“Human rights” versus “realization of rights”*

A common distinction:

- The term “human rights”, which is associated with the rights of Palestinians in the occupied territories, is less accepted.
- The term “realization of rights”, which is associated with the more legitimate economic and social rights of Israeli citizens, is increasingly accepted.

5.4. Circulation of knowledge

- For religious reasons, many ultra-Orthodox people do not have access to the internet and are not exposed to online information regarding rights.
- Lots of information circulates by word of mouth. This often creates inaccuracies but is also efficient.

5.5. The reliance on for-profit middlemen

Centrality of commercial middlemen in realizing rights due to:

- Lack of knowledge about rights
- Mistrust of governmental institutions and feeling of alienation

6. The localization of human rights

- Ultra-Orthodox activists try to promote a discourse of disability rights in ultra-Orthodox society that involves a perceptual and societal change.
- To fulfil this goal, they use vernacularized conceptions of human rights that merge global and local moral worlds.

6.1. Using Jewish sources

- In the localization process, the activists deploy local ultra-Orthodox knowledge, ideas, concepts, and beliefs.
- For example, they use the idea of loving-kindness and charity, but they instill into it a sense that is consistent with the social model of disability and the idea of rights.

6.2. Concretization, specification, and simplification

- Some participants attempt to translate the forbidden term “human rights” into the more accepted notion of “realization of rights”.
- Clarifying the concrete and specific actions being proposed, and the logic driving them, without using the term “human rights”.

6.3. Direct confrontation with resistance to the idea of human rights

Other participants directly and explicitly confront the resistance that the term “human rights” sparks among their ultra-Orthodox interlocutors.

6.4. Promoting human rights while preserving hierarchy and social stratification

Some actors make sure to promote disability rights without deviating from ultra-Orthodox social norms, using culturally appropriate language.

6.5. Confronting the idea of charity and compassion

Participants confronted the idea of charity and compassion in two opposing ways:

- Challenging the centrality of this idea as opposed to rights.
- Adopting this idea as a motivator for their work to advance rights.

6.6. Work with rabbis

- Participants work with rabbis and even with recognized middlemen.
- For example, they work with a rabbinical committee when they face difficulties with their clients. The rabbis talk with the clients.
- Participants teach synagogue managers about disability rights, in the hope that they will pass the information on to the community.

6.7. Explaining the bureaucratic logic to the clients

- According to interviewees, ultra-Orthodox people often do not understand or accept the state's criteria for allocating rights.
- As part of providing assistance to clients, participants try to “translate” to their clients the rationale for the criteria that the state authorities determined.
- They clarify the bureaucratic logic (Handelman, 2004) to clients.

6.8. Changing the authorities' view

- Translation is also done in the other direction: Translation of messages from the community to the authorities.
- Actors fight together with their clients against the bureaucratic logic, drawing on their common moral and social logic.
- Interviewees criticized the state authorities for not taking ultra-Orthodox culture into consideration when treating PWD in ultra-Orthodox society. They aim to change the authorities' view.

7. Activists' challenges and dilemmas as translators and localizers

7.1. A sense of being different than the norm in ultra-Orthodox society

- Some activists live with a constant gap between their worldview in the rights field, and those of the ultra-Orthodox society.
- Consequently, some described feeling different and alienated within the ultra-Orthodox community.

7.2. Tension between their personal position and the rabbinical position

Participants depicted a gap between their personal perspective and the position of some of the rabbis on issue related to disabilities. This creates a troublesome moral dissonance.

7.3. Adherence to ultra-Orthodox social norms versus to state institutions

Staff of ultra-Orthodox NGOs that provide services with state funding described a difficulty stemming from the obligation to have dual loyalty: to both the norms of the ultra-Orthodox community and the norms of the state.

Conclusion

- The findings point to complex hybridization of global and local norms and ideas, in which imported and local notions are interactively merged.
- Most of the literature on vernacularization viewed the translation of rights as a pragmatic constraint on the part of the translators, a compromise they had to make in order for the international norm to be accepted locally (Kenyon, 2019; Merry et al., 2010).
- In contrast, in this case, the translators believe deeply in the religious-local values. Localization for them is not a constraint but reflects an essential connection between two worlds.

Thank you!

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