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Localization of Human Rights of People with Disabilities: The Case of Jewish Ultra-Orthodox People in Israel

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ABSTRACT

This article examines how the concept of human rights of people with disabilities is introduced, localized, reinterpreted, and contextualized in religious conservative communities. By analyzing the case of Jewish ultra-orthodox (Haredi) communities in Israel, the article illuminates the stakeholders' translation tactics that result in hybridization of transnational and local ideas. Professionals in social and therapeutic fields play a decisive role in this process. While prior research has depicted localization as a pragmatic compromise on the part of the localizers, this case demonstrates that in religious contexts localization is not a constraint but reflects an essential connection between distinct moral worlds.

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I. INTRODUCTION

Over the past two decades, studies have examined how transnational human rights norms and principles have been introduced and implemented in different states and societies.[1] Transnational human rights norms are always contested and interact in complex ways with existing local cultures, institutions, identities, beliefs, and moralities.[2] Scholars have analyzed the dynamic process of adaptation, reinterpretation, contextualization, and appropriation of transnational human rights norms to local social, cultural, and political discourses, practices, and institutions.[3] Such processes have often been referred to as vernacularization,[4] localization,[5] indigenization,[6] or translation.[7]

This research focuses on the vernacularization and localization of human rights of persons with disabilities in Jewish ultra-orthodox (Haredi) communities in Israel while addressing several lacunae in the existing literature. First, vernacularization studies have often neglected important epistemic aspects of norm diffusion, such as the complex ways in which actors justify the knowledge that they and others produce and how these

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[1] *See, e.g.,* Andrea Schapper, *Children's Rights Implementation as a Multi-Level Governance Process*, 39 Hum. Rts. Q. 104 (2017).

[2] *See* Mark Goodale, *Introduction: Locating Rights, Envisioning Law Between the Global and the Local, in* The Practice of Human Rights: Tracking Law Between the Global and the Local (Mark Goodale & Sally Engle Merry eds., 2007); Zvika Orr, *Imposed Politics of Cultural Differences: Managed Multiculturalism in Israeli Civil Society*, 55 Soc. Analysis 74 (2011); Zvika Orr & Daphna Golan, *Human Rights NGOs in Israel: Collective Memory and Denial*, 18 Int'l J. Hum. Rts. 68 (2014); Thomas Risse, *Human Rights in Areas of Limited Statehood: From the Spiral Model to Localization and Translation, in* Human Rights Futures (Stephen Hopgood, Jack Snyder & Leslie Vinjamuri eds., 2017); Tom Zwart, *Using Local Culture to Further the Implementation of International Human Rights: The Receptor Approach*, 34 Hum. Rts. Q. 546 (2012).

[3] *See, e.g.,* Zeynep Atalay, *Vernacularization of Liberal Civil Society by Transnational Islamist NGO Networks*, 16 Global Networks 391 (2016); Myra Marx Ferree, *Resonance and Radicalism: Feminist Framing in the Abortion Debates of the United States and Germany*, 109 Am. J. Soc. 304 (2003); Daphna Golan & Zvika Orr, *Translating Human Rights of the "Enemy": The Case of Israeli NGOs Defending Palestinian Rights*, 46 L. & Soc'y Rev. 781 (2012); Mark Goodale, Surrendering to Utopia: An Anthropology of Human Rights (2009); Zvika Orr, *The Adaptation of Human Rights Norms in Local Settings: Intersections of Local and Bureaucratic Knowledge in an Israeli NGO*, 11 J. Hum. Rts. 243 (2012); Shannon Speed, Rights in Rebellion: Indigenous Struggle and Human Rights in Chiapas (2008).

[4] Sally Engle Merry, Human Rights and Gender Violence: Translating International Law into Local Justice (2006).

[5] Amitav Acharya, *How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism*, 58 Int'l Org. 239 (2004).

[6] Rachel E. Stern, *Unpacking Adaptation: The Female Inheritance Movement in Hong Kong*, 10 Mobilization 421, 422 (2005).

[7] Susanne Zwingel, *How Do Norms Travel? Theorizing International Women's Rights in Transnational Perspective*, 56 Int'l Stud. Q. 115 (2012).

justifications are philosophically related to concepts of belief and truth.[8] Furthermore, most of these studies also tended to neglect key hermeneutic aspects. As Isabel Jijon recently contended, most studies on the global diffusion of culture overlooked the cultural brokers' interpretive work and "how the agents, settings, objects, and strategies are also drenched in culture."[9] Jijon emphasized that studies in this field should pay more attention to interpretation, especially interpretations of globally-circulating culture, like the culture of human rights. This research aims to contribute to filling this void by exploring the actors' hermeneutic strategies in the process of human rights diffusion and localization.

Second, the existing literature on vernacularization has usually not focused on the human rights of persons with disabilities, whose inclusion into the framework of international law is relatively new. The United Nations adopted the Convention on the Rights of Persons with Disabilities in December 2006. Israel, like other countries, ratified it several years later, in September 2012. Another possible reason for this research lacuna can be found in Yohann Aucante and Pierre-Yves Baudot's observation that "[t]he main publications that address the diffusion of new social or civic rights for people with disabilities are often supported by the same institutions that hold these norms to be universal principles."[10] The localization of disability rights is of particular interest because these rights involve central socio-cultural conceptualizations, such as perceptions of the human body and conceptions of various kinds of disabilities. Benedicte Ingstad's call for "more research that sees disability and human rights in context" is still pertinent today.[11]

Third, research on disability and religion is underdeveloped. Sarah Imhoff provides several manifestations to this lacuna, such as the fact that "[i]n three of the most widely read disability studies readers, together comprising more than 1000 pages, there is no sustained discussion of religion."[12] Considering the immense effect of religion on the lives of numerous people with disabilities, Imhoff calls "for scholars of disability to pay attention to the intricacies of religious beliefs, practices, texts, and communities."[13]

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[8] Jennifer Chan-Tiberghien, Gender and Human Rights Politics in Japan: Global Norms and Domestic Networks (2004).

[9] Isabel Jijon, *Toward a Hermeneutic Model of Cultural Globalization: Four Lessons from Translation Studies*, 37 Soc. Theory 142, 143 (2019); *see also* the critique of Lisa Vanhala, *The Diffusion of Disability Rights in Europe*, 37 Hum. Rts. Q. 831 (2015).

[10] Yohann Aucante & Pierre-Yves Baudot, *Introduction: Implementing Disability Rights in National Contexts: Norms, Diffusion, and Conflicts*, 17 Soc. Pol'y & Soc'y 87, 91 (2018).

[11] Benedicte Ingstad, *Seeing Disability and Human Rights in the Local Context: Botswana Revisited, in* Disability in Local and Global Worlds 255 (Benedicte Ingstad & Susan Reynolds Whyte eds., 2007).

[12] Sarah Imhoff, *Why Disability Studies Needs to Take Religion Seriously*, 8 Religions 186, 187 (2017).

[13] *Id.* at 186.

Fourth, while the implementation of human rights principles in religious communities has been studied in different contexts,[14] prior research has not addressed human rights vernacularization in Jewish ultra-orthodox (Haredi) communities. The current study addresses the specific characteristics of Haredi society that impact the vernacularization of transnational human rights norms.

To contribute to filling these gaps, this research aims to explore the following questions: How are human rights of persons with disabilities viewed, conceptualized, and interpreted in different Haredi communities and by different stakeholders? How is knowledge about these rights socially constructed, interpreted, and diffused? Is the transnational 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 are the factors that affect how localization takes form? What is the role of different stakeholders in this process as intermediaries between the global and the local arenas?

II. VERNACULARIZATION OF HUMAN RIGHTS IN LOCAL COMMUNITIES

International norms of human rights interact with local socio-cultural meanings, beliefs, identities, and moralities. In the process of negotiating human rights, various global and local actors shape and manipulate knowledge and discourses.[15] Therefore, it is essential to locate human rights in concrete historic, political, social, and cultural contexts.[16]

Specifically, human rights of people with disabilities should be examined in their social, cultural, and political contexts. Ingstad argues that while the universal, standard principles and rules regarding disability rights are indeed required, it is necessary to question and assess their applicability and unintended consequences in diverse socio-cultural contexts.[17] Thus, she emphasizes that the individualism embedded in the human rights discourse

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[14] *See, e.g.*, Barbara Oomen, *Between Rights Talk and Bible Speak: The Implementation of Equal Treatment Legislation in Orthodox Reformed Communities in The Netherlands*, 33 Hum. Rts. Q. 175 (2011).

[15] *See* Goodale, *Introduction, supra* note 2; Goodale, *supra* note 3; Speed, *supra* note 3; Ann-Belinda S. Preis, *Human Rights as Cultural Practice: An Anthropological Critique*, 18 Hum. Rts. Q. 286 (1996); Michal Jan Rozbicki, *Human Rights and the Grammar of Interculturality, in* Human Rights in Translation: Intercultural Pathways (Michal Jan Rozbicki ed., 2018).

[16] *See* Kenneth Cmiel, *The Recent History of Human Rights*, 109 Am. Hist. Rev. 117 (2004); Zvika Orr, *International Norms, Local Worlds: An Ethnographic Perspective on Organ Trafficking in the Israeli Context, in* Organ Transplantation: Ethical, Legal and Psychosocial Aspects: Global Issues, Local Solutions (W. Weimar, M. Bos & J. J. V. Busschbach eds., 2014).

[17] Ingstad, *supra* note 11.

is not in line with social values and norms in many societies. Imposing the liberal individualistic approach may have undesirable results for people with disabilities in these societies.[18]

Studies have identified a dynamic process of translation, localization, or vernacularization of global human rights norms in domestic communities.[19] Amitav Acharya defines localization as "the active construction . . . of foreign ideas by local actors, which results in the former developing significant congruence with local beliefs and practices."[20] According to Sally Engle Merry, "indigenization is the symbolic dimension of vernacularization," referring to changes in meanings, especially how "new ideas are framed and presented in terms of existing cultural norms, values, and practices."[21] Thus, for example, India's courts that promote gender equity pursue resonance by grounding their ruling in terms of socially accepted institutions, such as marriage and other traditional values and goals like retaining "the sanctity of the family."[22]

There are several classifications for the forms and strategies of translation and vernacularization. For example, Rachel Stern points to a continuum between adoption and adaptation.[23] Adoption is an imitation of the imported ideas, structures, or tactics without change, while adaptation entails their fundamental change. In between lies indigenization that represents "innovation at the margins": introducing new, creative elements while central ideas, structures, or tactics remain intact.[24] Merry proposes a similar continuum: one end represents the replication of the imported norms and institutions into local contexts in a way that remains similar to the transnational original. The mid-section stands for hybridization, or an interactive process that merges imported and local norms and institutions. Finally, the opposite end of the spectrum represents the adoption of the titles of international norms while completely changing their content.[25] N. Rajaram and Vaishali Zararia identify four main translation strategies: simplification, hybridization, recuperation (the adaptation of a concept from the past to strengthen a new campaign), and compartmentalization (the process by which ideas are sorted out or narrowed down).[26]

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[18] *Id.*

[19] *See, e.g.*, Atalay, *supra* note 3; Golan & Orr, *supra* note 3; Goodale, *Introduction*, *supra* note 2; Goodale, *supra* note 3; Orr, *supra* note 3; Speed, *supra* note 3; Zwingel, *supra* note 7.

[20] Acharya, *supra* note 5, at 245.

[21] Sally Engle Merry, *Transnational Human Rights and Local Activism: Mapping the Middle*, 108 Am. Anthropologist 38, 39 (2006).

[22] Carolyn E. Holmes, *Conventions, Courts, and Communities: Gender Equity, CEDAW and Religious Personal Law in India*, 54 J. Asian & Afr. Stud. 965, 970 (2019).

[23] Stern, *supra* note 6, at 422.

[24] *Id.*

[25] Merry, *supra* note 4.

[26] N. Rajaram & Vaishali Zararia, *Translating Women's Human Rights in a Globalizing World: The Spiral Process in Reducing Gender Injustice in Baroda, India*, 9 Global Networks 462 (2009).

Nongovernmental organizations (NGOs) often play a decisive role in vernacularization and are commonly perceived as "translators" of global human rights norms in local settings.[27] Their staff members often serve as intermediaries[28] or "cultural brokers"[29] who translate global discourses, practices, and agendas to specific situations and contexts of suffering, and reframe and redefine the appeals against injustices in terms of violations of human rights.[30]

Despite the established body of literature on vernacularization, only a few studies have focused on vernacularization of human rights of people with disabilities in local communities. Most studies have analyzed disability rights norms diffusion and policy-making processes on the state level. In the European context, for instance, Lisa Vanhala demonstrates that the way in which disability activists interpret the "social model of disability" impacts the chances of a disability rights norm to be adopted in a particular state.[31] Vanhala found that the local actors' impact can in some cases be more significant than international prompts in accounting for the acceptance of disability rights.[32]

Ingstad was one of the first scholars to suggest moving beyond seeing disability in one particular isolated cultural setting to instead exploring the interconnections between global ideas of human rights of people with disabilities and the "possibilities, constraints, and beliefs imposed by the local physical, social, economic, and cultural setting."[33] Nissim Mizrachi examined how Muslim imams in Israel translated notions of human rights of people with disabilities to religious Muslim community, as part of a project funded by a US organization.[34] The imams used a strategy of modular translation, defined as "the selective translation and adjustment of meaning components from one network of meaning into another."[35] Mizrachi explains how the imams used a decoupling strategy that makes a clear distinction between disability rights' norms of conduct and their underlying liberal justifications.[36] This strategy promoted changes in public attitudes and behavior based on elements from the social model of disability[37] by framing them within the Muslim community's existing cosmology, without jeopardizing this commu-

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27. Golan & Orr, *supra* note 3; Orr, *supra* note 3.
28. Merry, *supra* note 4.
29. Jijon, *supra* note 9, at 142.
30. Merry, *supra* note 4; Merry, *supra* note 21.
31. Vanhala, *supra* note 9, at 840.
32. *Id.* at 833; *see also* Aucante & Baudot, *supra* note 10.
33. Ingstad, *supra* note 11, at 250.
34. Nissim Mizrachi, *Translating Disability in a Muslim Community: A Case of Modular Translation*, 38 Culture, Med. & Psych. 133 (2014).
35. Nissim Mizrachi, *On the Mismatch Between Multicultural Education and Its Subjects in the Field*, 33 Brit. J. Soc. Edu. 185, 198 (2012).
36. Mizrachi, *supra* note 34, at 135.
37. Michael Oliver, The Politics of Disablement (1990).

nity's local moral world and without arousing its objection.[38] At the same time, however, this decoupling strategy did not allow full inculcation of a thick liberal notion of disability rights within the target community.[39]

III. THE HAREDI SOCIETY IN ISRAEL

At the end of 2019, 1,125,000 Haredi (ultra-orthodox) Jews lived in Israel, constituting 12.5 percent of the population.[40] Haredi Jews are devout and strict adherents to Jewish religious law that shapes all aspects of their life.[41] They have a unique culture, distinct life values, and separate education systems. They created a scholarly society, where the men are immersed in Jewish religious studies.[42] Haredi society is characterized by insular communal life, extensive social control of members' behavior, family-centered lifestyle, conservatism, sex segregation, special dietary laws, strict dress code, and leadership of prominent rabbis that direct the community in all areas of life. In the last few years, however, there has been an increasing involvement of the Haredi population in the general Israeli economy, society, and civic affairs.[43] Though many tend to view the Haredi society as homogeneous, it is in fact composed of several different communities belonging to different factions that diverge in worldview, lifestyle, religious leadership, economic and political institutions, and custom.[44]

The Haredi population is growing rapidly at 4.2 percent annually, with a fertility rate of more than seven children per woman.[45] The fact that Haredi families tend to be large, combined with the expectation that Haredi men study at a yeshiva (a religious seminary), often leaves it to women to provide for the family as the lone breadwinners with help from child subsidies and subsidies for yeshiva students. Furthermore, the salaries of Haredi employees are usually low. Consequently, many Haredi families experience economic

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[38] Mizrachi, *supra* note 34, at 155.

[39] *Id.* at 156.

[40] Lee Cahaner & Gilad Malach, The Yearbook of Ultra-Orthodox Society in Israel 2019, at 11 (2019) (Hebrew).

[41] Yoram Bilu & Eliezer Witztum, *Working with Jewish Ultra-Orthodox Patients: Guidelines for a Culturally Sensitive Therapy*, 17 Culture, Med. & Psych. 197, 198 (1993).

[42] *See* Reuven Gal, Ultra-Orthodox Jews in Israel: A Status Report, 2014 (2d ed. 2015) (Hebrew); From Survival to Consolidation: Changes in Israeli Haredi Society and Its Scholarly Study (Kimmy Caplan & Nurit Stadler eds., 2012) (Hebrew); Cahaner & Malach, *supra* note 40; Maya Vardi, Zvika Orr & Adi Finkelstein, *Civic Engagement of Students from Minority Groups: The Case of Ultra-Orthodox Students and Communities in Jerusalem, in*: Understanding Campus-Community Partnerships in Conflict Zones: Engaging Students for Transformative Change (Dalya Yafa Markovich, Daphna Golan & Nadera Shalhoub-Kevorkian eds., 2019).

[43] *Id.*

[44] *Id.*

[45] Cahaner & Malach, *supra* note 40, at 11, 13.

scarcity.[46] Around half of Haredi Jews in Israel live in poverty.[47] These conditions make Haredi society in greater need of realizing their economic and social rights.

Not much has been written about people with disabilities in the Haredi community in general or about their rights. Revital Maman examined the subjective sense of burden experienced by Haredi parents of a child with a mental disability.[48] The parents felt that they had lost their sense of identity, not only as parents but also as Haredi people. They also felt that there was a spiritual toll involved, as they found themselves devoting less time to spiritual activities, which in turn affected their sense of spiritual identity. Furthermore, they faced the problem of cultural dissonance between the values embedded in the health care and rehabilitation systems and the values of the Haredi society.[49]

According to Chaya Gershuni, the notion of rights is foreign to the Haredi community in Israel, where the status of people with disabilities is not regulated by means of rights, which is a liberal and individualistic concept.[50] Rather, their status is regulated by the perception that it is the community's duty and responsibility to attend to the needs of persons with disabilities. Gershuni also noted that the community associates disabilities with a negative image, despite the fact that the Jewish Scriptures feature—and, hence, Haredi communities practice—a few approaches to disability. The *essentialist* approach views the disability as a punishment or, conversely, as a source or sign of sanctity; the *functional* approach distinguishes between the person and the disability; the *charity* model views the person with a disability as a target for support motivated by pity; and, finally, there is the *medical* model of disability. However, all these approaches view the person with a disability as passive and dependent on the benevolence of the community.[51]

In a study about people with mental illness, Yehuda Goodman examined the various types of therapeutic discourse from within the Haredi community and identified three major approaches.[52] The *conservative* perspective applies the Haredi hegemonic ethos to people with mental health problems

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[46] Vardi, Orr & Finkelstein, *supra* note 42, at 263.

[47] National Insurance Institute of Israel, Measures of Poverty and Social Disparities, 2018: Annual Report (2019) (Hebrew).

[48] Revital Maman, *"All Your Waves and Breakers Have Swept Over Me": Subjective Burden Among Parents to Children with Emotional Disability in Haredi Society.* MSW Thesis, Baerwald School of Social Work and Social Welfare, The Hebrew University of Jerusalem (2014) (Hebrew).

[49] *Id.*

[50] Chaya Gershuni, *The Discourse of Equal Rights of People with Disabilities in the Haredi Community, in* The Law and the Haredim in Israel (Yoram Margaliot & Haim Zicherman eds., 2018) (Hebrew).

[51] *Id.*

[52] Yehuda Goodman, The Exile of the Broken Vessels: Haredim in the Shadow of Madness (2013) (Hebrew).

and, hence, its focus is on influencing their behavior so that they do not violate the prevalent Haredi norms. Accordingly, a mental illness is perceived as a disadvantage that must be concealed and mental health patients are perceived as inferior beings. The second perspective is the *subversive* one, which is based on a new interpretation of major values and symbols of the Haredi community and on reviving dormant cultural motifs. This approach transforms the disability into an advantage. Finally, the *revolutionary* perspective challenges some major Haredi values, by viewing the regulation of emotions according to the Western psychological model. This type of discourse reinterprets Haredi psycho-cultural themes according to Western individualistic themes. Thus, a new ethos is forming in the Haredi community, undermining the accepted social order. Goodman's study recognizes that many therapists are functioning as agents promoting profound change in Haredi society.[53]

However, this important body of literature has not addressed the localization of human rights in Haredi communities. The current study aims to contribute to filling this gap—and the three other gaps outlined in the introduction—by analyzing how the concept of human rights of people with disabilities is introduced, translated, reinterpreted, and contextualized in Haredi communities in Israel.

IV. METHODOLOGY

This article is based primarily on twenty-eight in-depth, semi-structured, individual interviews with stakeholders who promote rights or provide services to Haredi people with disabilities in areas such as employment, education, housing, and healthcare. These include employees at NGOs, employees at two municipalities and government offices, as well as other activists. Most of these interviewees are Haredi, while a few are orthodox Jews who are not Haredi, or secular Jews who work in Haredi society. The interviewees work with people who have various kinds of disabilities. Several interviewees have disabilities themselves or are parents to children with disabilities.

The research team interviewed people living or working in two cities that represent a broad spectrum of Haredi groups: Jerusalem, a city where 227,000 Haredi people live (the largest Haredi urban population in Israel), and one other smaller city whose residents are all Haredi.

These interviewees represent all the social actors that serve as translators of human rights discourse regarding Haredi people with disabilities. However, it should be mentioned that this article is part of a larger study that examines people with disabilities in Haredi society in Israel. This study

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[53] *Id.*

includes dozens of interviews with additional actors, including Haredi people with disabilities, their families, and student volunteers at the rights center for people with disabilities in Haredi society, which we established five years ago at the Jerusalem College of Technology. The experience of establishing and working at this center may not be a formal part of the study, but it deepened this study's familiarity with the field and served as essential background information for the interviews. The research team includes Haredi and non-Haredi people, with and without disabilities.

The interviews were recorded, fully transcribed, and analyzed both deductively and inductively, using qualitative content analysis and Grounded Theory[54] including an iterative search procedure for expressions and ideas.[55] The interviews were anonymized and the interviewees' names that appear in the following section are pseudonyms.

V. FINDINGS

A. Jewish Religious Law, or Halakha

The Halakha, or Jewish religious law, makes limited reference to the issue of people with disabilities. People with disabilities are not discussed as a distinct social category.

According to the Halakha, all Jews must observe mitzvoth, or religious obligations, except for the deaf, fools, and minors. By "deaf," the Halakha refers mostly to the deaf-mute, who are perceived as unable to acquire knowledge. A "fool" is a person who cannot think clearly and cannot live an independent life. A minor is a boy up to the age of thirteen or a girl up to the age of twelve.

Halakhic questions arise around people with disabilities, such as the issue of marriage and family formation. Avraham is a Haredi man with a mental disability, an activist who has worked with people with disabilities. Avraham explained: "Many times rabbis will not be happy or enthusiastic about the idea that people with mental or cognitive disabilities will marry or establish families, and therefore, the institution of marriage is not really so open to this sub-population in comparison to what is happening in the secular sector."[56] Similarly, the question arises whether a deaf-mute person may marry in an ordinary marriage.

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[54] *See* Anselm L. Strauss & Juliet M. Corbin, Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory (2014).

[55] *See* Amanda Jane Coffey & Paul A. Atkinson, Making Sense of Qualitative Data: Complementary Research Strategies (1996).

[56] Interview with Avraham, an activist, in Jerusalem (28 Sept. 2016).

Shimon is an orthodox (but not Haredi) religious person who runs an organization that supports people with cognitive disabilities. Shimon argued that these halakhic question-marks may lead to a situation in which:

> A person, the special child, will be somewhere close to the family and community circle, but not entirely within it. Because he cannot possibly reach what was expected of him, whether it is in prayers or in other things. It's true, there is the fool, deaf, and minor, [. . .] they are exempt. But I think that in some of these people, a kind of double and triple pain can arise out of the difficulty of making them belong to the community: The difficulty of integrating them within the framework of observing the commandments in the way that they would have liked to observe them. And there is also their difficulty of functioning as a family because they carry some kind of stain or suspicion or question mark.[57]

Many scholars argue that Jewish tradition tends to emphasize duties, obligations, and responsibilities rather than rights,[58] although there are expressions of human rights ideas in Halakha.[59] This approach was reflected in some of the interviews. A social entrepreneur in the rehabilitation field named Yotam, who is an orthodox religious Jew and not a Haredi Jew, explained that in orthodox Jewish society the discourse of obligation is far more dominant than the discourse of rights:

> Religious discourse is a discourse of obligation. As observant people, we don't talk about our rights in this world, we talk about our obligations, the obligations that a person is committed to in the world, and I think that this is why this issue is difficult. On the level of discourse, on the level of terminology, the religious world does not run on "I deserve, give me," but rather on what I need and must do in this world.[60]

However, most of the Haredi and religious interviewees strongly argued that Judaism is in line with human rights. For example, Shimon vehemently asserted that human rights were a distinctly Jewish idea and protested its erroneous association with the largely secular left. Shimon gave examples from the Bible, such as the commandment "And you are to love those who are foreigners, for you yourselves were foreigners in Egypt" (Deuteronomy 10:19), or the commandment "Do not curse the deaf or put a stumbling block in front of the blind." (Leviticus 19:14).

Rivka, a Haredi woman who works in the field of mental health at the Health Ministry, believes that Jewish law refers to rights. Rivka explained her argument by means of an example related to the concept of the fool in the Gemara, one of the Jewish sources:

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[57] Interview with Shimon, a director of an NGO, in Jerusalem (21 Sept. 2016).

[58] *See, e.g.*, Robert M. Cover, *Obligation: A Jewish Jurisprudence of the Social Order*, 5 J. L. & RELIGION 65 (1987).

[59] *See* HAIM COHN, HUMAN RIGHTS IN JEWISH LAW (1984); ISRAELI DEMOCRACY INSTITUTE, RELIGION AND THE DISCOURSE OF HUMAN RIGHTS (Hanoch Dagan, Shahar Lifshitz & Yedidya Z. Stern eds., 2014).

[60] Interview with Yotam, a social entrepreneur, in Jerusalem (26 Sept. 2017).

> They speak of a fool [. . .] and they relate to the changes in disease. [. . .] When he is in a state of "non-health," like in a more difficult condition, then they feed him and give him [what he needs]. And when he is in a state of "health," they let him be independent. That's amazing. This was written long before Mister Science discovered the world of recovery.[61]

Along with the deep connection that the interviewees identified between Judaism and human rights, they also pointed to a gap between what exists in Jewish sources and the Haredi public's attitude to the subject. The question, according to Rivka, is "how much the public are willing to read what is written there [in the Jewish sources] or look for what is written there. [. . .] How do we interpret, what do we look at, what do we not look at. [. . .] These are already subjective perceptions."[62] Most research participants argued that the stigma towards people with disabilities is stronger in Haredi society than in other sectors in Israel.

B. Charitable Endeavors and Acts of Loving-Kindness

The prevailing Haredi discourse emphasizes charitable and benevolent endeavors and acts of loving-kindness ("*chesed*" in Hebrew). Rivka explained:

> The society has spoken over the years [. . .] using terms of charity. [. . .] This charity has something very beautiful—let us take care of the weak among us. [. . .] On the other hand, sometimes [. . .] this charity comes with patronage: you are mine, I tell you what to do, I manage you, I run your life.[63]

Avraham claimed that the approach of loving-kindness, charity, and compassion is directed more at people with physical or sensory disabilities and less for people with mental or cognitive disabilities. Regarding the latter, Avraham believes that Haredi society is targeting its charitable acts mainly to people who are excluded from society and living in institutions. The same people, in his words, are "people who are defined as needy and who seem to have a kind of commandment to pity them." Haredi society, on the other hand, is much more critical towards people with mental or cognitive disabilities "who live within the community and who do not fulfill society's expectations of them. [. . .] Many times they will be treated as deviant people of various kinds."[64]

Talia, a municipal social worker in the field of rights realization, believes that the well-established charity and assistance institutions sometimes comprise a faster, more readily available, and easier alternative compared to

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[61] Interview with Rivka, a Health Ministry official, in Jerusalem (27 Sept. 2016).
[62] *Id.*
[63] *Id.*
[64] Interview with Avraham, *supra* note 56.

the longer, more complicated, and more difficult rights realization process. However, she also believes that the rights realization process is essential because it addresses the root causes of the issue and has a more positive long-term impact.[65]

C. The Human Rights Discourse

The feeling among most of the research participants has been that even though Judaism is full of expressions of rights, the discourse of human rights in its international sense is not prevalent in Haredi communities. The Haredi thinking is often not in line with the liberal notions of human rights. Haredi culture largely praises social continuity and conservatism rather than change, while the international human rights discourse aspires to promote positive change worldwide. Key human rights issues such as equal rights to women and members of the LGBTQ community might contradict Haredi social norms. Avraham said: "I think the discourse of human rights does not exist in the Haredi public. The Haredi community has a concept of charity, there is no concept of rights, as far as I was exposed to it."[66]

Sarah, a Haredi woman working for an NGO that promotes the rights of people with disabilities, expressed a similar view: "People don't really see it as the human right of that person. Not the parents and not the family. [. . .] In contrast with the views of the general public, people in Haredi society still consider the obligation and the ability to give and to help from the perspective of loving-kindness rather than rights." However, Sarah also sees a change that is taking place in Haredi society today: "There is a growing trend of change because they experience the changes that are taking place in the broader society, including on this issue of human rights."[67] Other interviewees also identified the beginnings of a change and a strengthening conception of people with disabilities as people who have rights that can be understood and on the basis of which claims can be made.

The research participants see the Haredi NGOs that work with Haredi people with disabilities, as well as Haredi professionals from social and therapeutic fields such as social workers, as change agents in the community who know and use human rights discourse alongside the Haredi discourse. These are people who work with parties that are external to Haredi society daily, and who are beginning to embed the rights discourse within Haredi communities as well, even if they do not refer to themselves as human rights activists and might even actively distance themselves from this term. A few of the interviewees gave the example of people not wanting people with

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[65] Interview with Talia, a municipal social worker (18 Dec. 2018).

[66] Interview with Avraham, *supra* note 56.

[67] Interview with Sarah, an NGO staff member, in Jerusalem (5 Dec. 2017); (14 Jan. 2018).

disabilities to occupy apartments near them. Gad, who works in a Haredi NGO that provides information regarding rights and educational, housing, and employment services to Haredi people with disabilities, said that in such cases: "We explain to the residents that you deserve to be treated right. [. . .] This is a war for their rights, and they really one hundred percent know that. [. . .] We explain to them: It is your right to live where you want."[68]

1. Rights Provided by the State Versus Rights Within the Community

With respect to the rights of people with disabilities, Avraham distinguished between two types of rights. The first type is the rights given by the state, which as he says:

> There will always be people who will mediate for a number of reasons: Either from some desire to help, to give charity, or sometimes the mediators earn money for it, and sometimes there is a kind of feeling that one should take as much as possible from the Zionist government.[69]

On the other hand, he says,

> When it comes to the rights of a person within his own community, I don't think there is anyone who will provide a person with knowledge about the matter. I know quite a few cases [. . .] of people who contacted their institution and requested accessibility modifications that the institution must provide by law, and they did not receive it. They have no way of dealing with the institution, because if they complain, this will harm them. And typically, there is no one within the institution who will mediate this service to help him get what he deserves by law.[70]

Dvorah, a Haredi researcher and activist, also mentioned this distinction: "On the state level, we are quite able to handle state laws. [. . .] But on the level of a group fighting for its rights, we are far, far away from that, and I don't think that this will happen." Dvorah gave two reasons for her assessment. First, the collectivist Haredi society does not care much for the individualism implied by the notion of individual rights, or as she calls it, "The kind of liberalism that focuses on the person, on the individual and their rights." Second, there is opposition to the idea of various groups in Haredi society claiming rights: "Haredi society does not much like rights groups, not women's rights and not minority rights based on background and so on and so forth. [. . .] I don't think there is any room whatsoever for a disabilities group to fight for their rights."[71]

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[68] Interview with Gad, an NGO staff member, in Jerusalem (11 Dec. 2017).

[69] Interview with Avraham, *supra* note 56.

[70] *Id.*

[71] Interview with Dvorah, a researcher and activist, in Jerusalem (2 Aug. 2017).

Dvorah's comment that Haredi society does not like group rights seemingly contradicts a common view that many of the Haredi community's privileges in Israel are, in fact, group rights. This seeming contradiction echoes Avraham's distinction between "external" rights given by the state which are more legitimate and well-accepted and "internal" rights within the Haredi community which raise more concerns and opposition in this community.

2. "Human Rights" Versus "Realization of Rights"

The interviewees pointed out the common distinction in Haredi society between the term "human rights," which is not accepted, and the term "realization of rights," which is increasingly accepted in Haredi society. Though the two terms may appear very similar, the expression "human rights" is primarily associated with the civil and political rights of Palestinians, whereas the expression "realization of rights" is associated with the more legitimate economic and social rights of Israeli citizens.[72]

Yotam explained how the concept of human rights has become illegitimate in Israeli society in general and in Haredi society in particular:

> Us here in Israel, we are used to this whole thing where if people say "human rights activists," then they mean those guys that fight about the [Separation] Fence, leftists, radicals. And in other places it's not like that, human rights activists are the people working in the field of people with disabilities.[73]

Batya, a Haredi woman that coordinates a rights center in a Haredi neighborhood, did not personally like the term "human rights" and made sure to use the less charged word "rights." The following dialogue illustrates this preference:

> "Interviewer: We talked earlier about human rights, and you explained that human rights is what the government provides….
>
> Batya: Not human rights but rights. Human rights is something else.
>
> Interviewer: What is human rights?
>
> Batya: "Human rights is all kinds of Western trends that are getting a lot of attention, everything that has to do with feminists, welcoming the stranger and those who are different and refugees and immigrants and all those things. Or Reform people who dance in the Western Wall, women, and Torah scrolls, it's really undermining the basis of… Well, what's the question, let's hear it."[74]

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[72] *Cf.* Zvika Orr, *Socially Engaged Ethnographic Research in Human Rights Organizations*, 9 Collaborative Anthropologies 149 (2016–17).

[73] Interview with Yotam, *supra* note 60.

[74] Interview with Batya, a rights center's coordinator, in Jerusalem (25 Sept. 2017).

3. Circulation of Knowledge

One practical difficulty that some research participants raised relates to the way in which knowledge about rights is transmitted. For religious reasons, many Haredi people do not have access to the Internet and are therefore not exposed to the extensive online information regarding rights. A lot of information circulates by word of mouth, which creates inaccuracies and disinformation. A key challenge that activists face is to find alternative ways to transmit information in a reliable manner. Sarah claimed that Haredi parents of children with disabilities:

> don't receive an organized cluster of meetings and lectures [from government officials]. I know that they get a lot of information from each other [...] and in my eyes it is very inadequate because each case is different. [. . .] One mother gives another mother information that concerns her son, regarding a mobility subsidy, let's say, not everyone has the same right to a mobility subsidy, it is based on each person's disability, so the information is already spotty and it seems to me that parents are missing a lot of information. [. . .] Haredi society is a lot about connections. [. . .] So if you know someone then you call immediately, regardless of whether they have a connection to the issue, no connection or somewhat of a connection, you ask them and the information is less precise that way.[75]

Similarly, Chaya, a Haredi mother of children with disabilities and a disability activist, said that most information about rights circulates by word of mouth: "The mothers meet at school parties, they meet in the hospital, and they meet in the health clinic with other mothers who are also dealing with problems, so they pass on information. They usually pass information amongst themselves." Unlike Sarah, Chaya emphasized the efficiency of this method and felt that Haredi mothers know as much about what their children have a right to as other mothers.[76]

Vered, a municipal social worker, also believes that the information networks in Haredi society are an extremely efficient method of information dissemination: "I think that the Haredi community on the one hand is affected by structural digital gaps, and in this sense it is true that they are in some kind of disadvantage. On the other hand, there are quite significant social networks that make up for the digital disadvantage." Vered supported her observation with an example about the right to a grant for people who receive low salaries:

> The rate of eligible people who realize this right in the general population in Israel is around 70 percent, [. . .] and in Haredi society it is above 90 percent. This is a population that was not exposed to television campaigns or internet

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[75] Interview with Sarah, *supra* note 67.

[76] Interview with Chaya, an activist, in Jerusalem (22 Nov. 2017).

> campaigns, it has less access to the internet, but there is something there with the social networks, the fact is that they know about this right and take advantage of this right more than any other population in Israel at very very high rates.[77]

Talia, a social worker in the rights realization field at another municipality, added that people who are excluded from these social networks encounter difficulties. Her challenge was to connect those people to the community, thereby increasing their knowledge about their rights.[78]

In addition to transmitting information by word of mouth, Haredi organizations have been successfully organizing conferences in the last few years. For example, conferences organized by the Haredi organization Ezer Mizion have been well-attended and have earned the trust of the Haredi community. Local authorities also organize conferences in various neighborhoods, and the conferences they hold in Haredi neighborhoods have higher attendance than in other neighborhoods.

4. The Reliance on For-Profit Middlemen

Rivka criticized the great reliance on for-profit middlemen in realizing economic rights, which is much more prevalent in the Haredi sector than in other sectors in Israel. For example, when she sat on a Health Ministry committee that determines whom to grant rehabilitation services, most Haredi applicants paid someone to help them prepare and submit their application, while most of the others came through a public welfare office or a public mental health clinic. This made Rivka extremely frustrated.[79]

The centrality of commercial middlemen in realizing rights derives, among other things, from the Haredi public's lack of knowledge about their rights. But these middlemen also perpetuate this lack of knowledge and influence the perception of rights in Haredi society as fundamentally instrumental. Another reason is many Haredi people's mistrust of governmental and municipal institutions, and the alienation that they feel towards them. As an example of this widespread phenomenon, Vered shared the case of a Haredi woman who received a disability subsidy for her children, who is well-versed in the procedures, and whom today is paid to help other Haredi people to prepare their materials for committees. Notwithstanding the great popularity of this woman's services, there is a similar service that is provided by the National Insurance Institute for free, but few Haredi people take advantage of it. Vered:

> I understand that there is some kind of cultural block where Haredi populations maybe prefer to take advantage of services provided by someone who is familiar to them, even if it costs money, someone who went through it personally, someone that they trust, who has a name in the community.[80]

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[77] Interview with Vered, a municipal social worker, in Jerusalem (2 Jan. 2018).

[78] Interview with Talia, *supra* note 65.

[79] Interview with Rivka, *supra* note 61.

[80] Interview with Vered, *supra* note 77.

In addition to the popularity of private middlemen, the government also outsources state services to Haredi NGOs that are considered legitimate and well-known in the Haredi community. Rachel, a department director in such an NGO, explained: "especially the Welfare Department is seen by people as not loyal enough for them [Haredi people] to go and seek help there. And many times, it is actually NGOs like ours that can be middlemen or mediators or assistants."[81]

D. The Localization of Human Rights

Haredi and religious activists are trying to promote a discourse of human rights in Haredi society that involves a perceptual and societal change. Rivka explained how she sees the desired change and her role in it:

> It's very important to me that our society be knowledgeable about rights, [. . .] a society that does not depend on one another: It helps one another, it supports one another, but this deep dependence is disturbing to me. And this is where I act, I try to bring the knowledge out, to spread it.[82]

Yotam said:

> Human rights discourse is much more appropriate [than the discourse of loving-kindness, charity and compassion], but that is not the discourse that is in use in the Haredi sector. If the Haredi sector does succeed in transitioning to a human rights discourse, these people's situation would be much better.[83]

To fulfill this goal, Rivka, Yotam, and other actors use vernacularized conceptions of human rights that merge global and local moral worlds.

1. Using Jewish Sources

In the vernacularization process, the activists deploy local-Haredi knowledge, ideas, concepts, and beliefs. Thus, for example, they use the idea of loving-kindness and charity that prevails in Haredi society, but they instill into it a sense that is consistent with the social model of disability and the idea of rights. For example, Leah, a Haredi woman working for an NGO that promotes the rights of people with disabilities, used the words of Maimonides, one of the most important Jewish thinkers of the Middle Ages, to justify her position of denying patronage to people with disabilities. Maimonides spoke of the eight degrees in charity, the highest of which is a charity that is done to strengthen the hand of a man until he no longer needs the help of others.[84]

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[81] Interview with Rachel, a department director in an NGO (9 Dec. 2018).

[82] Interview with Rivka, *supra* note 61.

[83] Interview with Yotam, *supra* note 60.

[84] Interview with Leah, an NGO staff member, in Jerusalem (28 Sept. 2017).

Shimon described as a central goal the narrowing of the gap that he believes exists between Judaism's deep commitment to human rights, and the prevailing social outlook in the Haredi sector towards this idea. According to Shimon, the goal is to build the religious commitment of the Haredi public toward people with disabilities "as a commitment to the worship of God and the commitment of the Torah of Israel." To this end, Shimon uses biblical stories as parables. For example, it is impossible to say something negative about the Prophet Moses, but it is written in the Torah that he was "slow of speech, and of a slow tongue" (Exodus 4:10). In addition, Shimon offers the teachings of Rabbi Samson Raphael Hirsch, who lived in the nineteenth century in Germany and who can serve as "God's spokesperson on this subject of human rights" among the Haredi public.[85]

Haredi activists even use statements by leading contemporary rabbis to justify their views regarding the rights of people with disabilities even though those rabbis do not use the language of rights. For example, Sarah referred to statements by the Talner Rebbe,[86] which made a strong impression on her and which she uses to justify an egalitarian and non-patronizing approach to people with disabilities even though the Rebbe did not use rights language. The Rebbe was asked about how to know which candidates for a position would be able to work with people with intellectual disabilities. According to Sarah, the Rebbe responded:

> "Take a person with a disability who is short, and let the people who you are considering for the position speak with that person, and watch: If they talk down to that person from higher up, then that is not the person that I would choose to hire. If they bend, then that is already better. And if they find a way to speak to them on the same level, let's say by sitting or getting to a lower height so that they could talk to that person on the same level, then that is the person that I would want to hire." And I think that the concept that he laid out there is actually the concept of equality. He did not use the word "rights," but the idea of people not feeling superior to each other.[87]

2. *Concretization, Specification, and Simplification: Moving from "Human Rights" to "Realization of Rights"*

Yotam said that his role was to "simplify" the concept of "human rights," or, in other words, to translate the forbidden term "human rights" into the more accepted and widely used notion of "realization of rights." He described the process as one of clarifying the concrete and specific actions being proposed, and the logic driving them, without using the term "human rights":

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[85] Interview with Shimon, *supra* note 57.

[86] A "Rebbe" is a spiritual and religious leader of a Hasidic group.

[87] Interview with Sarah, *supra* note 67.

> I think that slowly, if we simplify the term [human rights], then we can come to insights involving the realization of rights, that you have rights that you are entitled to by law. If you simplify these things and get down point by point to that level of detail, they will agree with you. Even in the Haredi sector, on the issue of "let's get out of the institutions and transition to community-based housing," no one will say no to you. Go to the rabbis and say: "These institutions are less appropriate for us and we want to move to the direction of more family-based day-care, five or six guys, even guys with retardation that will be living at home," no rabbi will say no to you. [. . .] If you come and say to him: "We are promoting human rights"—that will not work as well with him. You need to break it down into small pieces, and to explain to him what the idea and logic behind this is, and then it will go through. If you use the term "human rights," in my view it will work less. You need to break the term "human rights" into specific things.[88]

3. Direct Confrontation with Resistance to the Idea of Human Rights

Leah has an approach that is diametrically opposed to Yotam's. She does not refrain from using the term "human rights," opting instead to directly and explicitly confront the resistance that it sparks among her Haredi interlocutors. For example, she is invited to discuss the issue in Haredi educational institutions for women, where she must confront resistance to human rights that stems from the concept's relationship to LGBTQ rights, allowing public transportation on Shabbat, and other issues. She responds thus:

> Human rights is a concept that belongs to no one, anyone can use it and you can use it in a calculated manner. I am halakhically opposed to same-sex marriage and to its institutionalization, on the one hand. On the other hand, I can take that same term and that same world of values, and to plant it, to insert it where it is halakhically appropriate and where it is generally appropriate. I ask the girls, where is the problem exactly? I explained what human rights are to them, and I put "human" in the context of people with disabilities. Is there some halakhic problem with that? If so, let's have a debate on it. There is no halakhic problem on the issue of people with disabilities.[89]

4. Promoting Human Rights While Preserving Hierarchy, Social Stratification, and Proper Language

Dvorah ran a project that trains teachers to promote self-advocacy among students with and without disabilities in girls' schools. Dvorah explained how she thinks that she can promote rights without deviating from Haredi social norms:

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[88] Interview with Yotam, *supra* note 60.

[89] Interview with Leah, *supra* note 84.

> To speak on our own behalf, to ask for what is important to us with respect, politeness, and while maintaining hierarchy and stratification. Just as an example, I don't think that if there is no women's section in a synagogue then women need to organize into a forum and shout and say "There is no women's section, it's not ok, we are being discriminated against." That won't work. But if you come in a respectful manner and say: "It's very important for me and I would really want this, and I could donate however much it costs, I can." You'll get what you [want]. Speak on your own behalf. [. . .] Actually I think that this is completely Haredi.[90]

A complementary aspect of this approach is making sure to use proper, accepted language. Batya said: "Let's say we're talking about rape; we will talk about security. We won't talk about sexual harassment, but rather we will talk about how we defend ourselves using self-defense or something like that."[91]

5. Confronting the Idea of Charity and Compassion

Research participants confronted the idea of charity, loving-kindness, and compassion in two opposing ways: challenging the idea and adopting it.

Leah explained how she tries to challenge the centrality of compassion and charity as opposed to rights. Those who turn to her for help in the course of her work in the organization often tell her: "Thanks so much and may G-d reward you." She responds thus: "'The state is obligated to give this to you, it is written into the law as I showed you, you are entitled to this, don't cast down your eyes when you receive this, you don't owe anyone anything.' [. . .] And people learn that that's the way it is."[92]

In contrast, Batya emphasizes loving-kindness and compassion as a motivator for her work to advance rights, a motivator that the residents recognize and appreciate. She said that so many people turn to them "Because of the warm welcome and the fact that the work is being done from a place of compassion and a desire to serve the public. [. . .] From a place that is more Jewish, more human, more compassionate, we usually believe this and communicate this."[93]

6. Work with Rabbis

Another strategy the research participants used is to work with rabbis and even with recognized middlemen in the field. Yael, a Haredi social worker in the rehabilitation field, talked about a rabbinical committee that the municipality works with when they face difficulties with their clients. Those rabbis talk with the clients in the presence of municipal officials, or they

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[90] Interview with Dvorah, *supra* note 71.
[91] Interview with Batya, *supra* note 74.
[92] Interview with Leah, *supra* note 84.
[93] Interview with Batya, *supra* note 74.

can speak with the clients' rabbi. Furthermore, the municipality also has ties with Haredi middlemen who work in the disabilities and medical fields.

Vered, a social worker in the municipality, explained:

> The welfare department has contact with a rabbinical committee that actually accompanies us at various decision-making processes and points, to create some kind of statement that would be acceptable to the rabbis, as well as a professional statement that would be acceptable to everyone. [. . .] Usually this tool is useful in decisions related to individual cases. Let's say there is a family and a decision to take a child out of the house, and there is a need for some support from a rabbinical committee so that there will be agreement and so that the decision can be implemented.[94]

However, the municipality also consults the rabbinical committee on broader social issues. Vered discussed the issue that many Haredi women's labor rights are systematically violated, but these women refrain from petitioning the Labor Court for fear that this would damage their reputation and make it difficult for them to find work in the future. The municipality brought this issue to the rabbinical committee to try to find solutions that would be considered legitimate in the Haredi community. However, the rabbinical committee does not represent separatist Haredi groups such as Satmar and Neturei Karta.

In another municipality, in a city whose residents are all Haredi, rabbis serve on welfare committees. Anat, who oversees the field of people with disabilities in the municipality, said, "In our committees we have a rabbi advisor. [. . .] He sits with us and advises the families. [. . .] There are families for whom this is very significant. [. . .] It gives some kind of greater validity to the committee when the rabbi is present." Anat talked about the strong connection that the welfare department in the municipality has with the rabbi of the city, who even intervened with government institutions on behalf of families of people with disabilities.[95]

The municipality is also trying to teach synagogue managers in Haredi neighborhoods about the issue of rights, in the hope that they will pass the information on to the Haredi community. Vered explained:

> There is something called "The City Funds," which is basically a project by the synagogue managers in the neighborhoods that have these neighborhood charity funds, so lots of poor families come directly to the synagogue managers. In the past we were in touch with the synagogue managers to train them on this whole issue of rights realization and to give them information, because we know that they have a relationship with the family that goes far beyond giving economic support, and it can also be a relationship where they can provide real orientation. It can be that there are families that do not want direct contact with the welfare services or other municipal services. From our point of view this is a way to inform more families through the synagogue managers.[96]

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[94] Interview with Vered, *supra* note 77.

[95] Interview with Anat, a municipality staff member (6 Jan. 2019).

[96] Interview with Vered, *supra* note 77.

VI. CONCLUSION

Transnational norms are not always aligned with local moral, social, cultural, and religious conceptions and practices. In the resulting "encounter" between transnational and local norms and practices, transnational norms might be accepted, rejected, or vernacularized. This outcome is shaped to a large extent by particularistic local characteristics—values, norms, moral perceptions, beliefs, ideologies, conceptualizations, and symbols. In the present case, the following factors, among others, have contributed to the vernacularization process: Halakhic questions surrounding people with disabilities, such as the question of marriage; the question of whether Judaism emphasizes duties and obligations as opposed to rights; the prevalence of charitable activities and acts of loving-kindness on behalf of people with disabilities; Haredi society's valuing of social continuity and conservatism rather than change, and its consequent resistance to addressing key human rights issues. The findings of this study point to complex hybridization of transnational and local norms and ideas in which imported and local notions and norms are interactively merged.[97] On Stern's continuum, this process can be described as indigenization: introducing new and creative elements while central ideas and structures remain intact.[98]

The human rights discourse in its original transnational sense is not prevalent in Haredi society. The Haredi dominant discourse oftentimes distinguishes between the unaccepted term "human rights" and the increasingly accepted term "realization of rights." The former is primarily associated with the civil and political rights of Palestinians, as well as with the rights of various minority groups such as refugee rights and LGBTQ rights, whereas the latter is associated with the more legitimate economic and social rights of Israeli citizens. To increase the acceptability of the concept of rights in Haredi communities, social actors who serve as translators of transnational norms utilize several tactics of vernacularization. Many of them use local-particularistic conceptions, such as the Jewish idea of loving-kindness and charity, but they instill into it a sense that is consistent with the idea of rights. Some activists avoid using the term "human rights" and translate this term into the more widely used notion of "realization of rights." They clarify the concrete and specific actions that they suggest without using the term "human rights." These actors usually choose to promote and defend human rights while preserving social stratification and certain socio-cultural hierarchies. However, a few activists take a more radical approach. They prefer to directly and explicitly confront the resistance that the term "human rights" sparks in Haredi communities. They also broaden and even challenge the idea of loving-kindness, charity, and compassion in its Haredi interpretation rather than fully embracing and adopting it as a pivotal element in the concept of rights. Many actors routinely work with rabbis and synagogue managers, and even with recognized middlemen in the field.

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[97] MERRY, *supra* note 4.
[98] Stern, *supra* note 6.

However, all these varied tactics seem to reflect a type of translation that entails a genuine internalization of some of the core values embedded in the human rights of people with disabilities. Unlike the decoupling strategy of modular translation that Mizrachi identified in the religious Muslim community in Israel,[99] most Haredi translators insisted on at least most of the original underlying justifications of the disability rights that they promoted, even if they had reservations concerning other rights (such as equal rights to women) and certain liberal ideas.

At the same time, for the translators, the vernacularization is not perceived as merely an obligation. 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 for the transnational norm they promoted to be accepted in the local community. Translation has often been depicted as occurring on the surface of meaning to gain "cultural resonance"[100] and as a rational and pragmatic decision. In contrast, the present case demonstrates that in the religious vernacularization of the idea of human rights, human rights translators believe deeply in the religious-local values that they incorporate with the global idea. Because they are steeped in local perceptions, vernacularization for them is not a constraint but reflects an essential connection between two worlds. In their view, the disconnect is neither necessary nor beneficial.[101]

Most of the literature on vernacularization depicts human rights NGOs and activists as the main translators in the local communities. The findings of the present research shed light on the crucial role of another category of actors: professionals in social and therapeutic fields such as social work, rehabilitation, and mental health, who often serve as effective and significant localizers in Haredi communities. This finding is in line with Goodman's findings on the therapists' subversive perspective, which is based on a new interpretation of major Haredi values and symbols and their revolutionary perspective that challenges some major Haredi values and creates a new ethos.[102] The present study shows that, years later, these and other professionals challenge the existing values, conceptualizations, and norms and promote profound societal change in Haredi society, not merely in their own professional area but also in the broader social arena regarding human rights issues, discourse, and praxis.

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[99] Mizrachi, *supra* note 34, at 156.

[100] Ferree, *supra* note 3, at 307.

[101] *Cf.* Orr, *supra* note 3.

[102] Goodman, *supra* note 52.