

# The Ability to Claim and the Opportunity to Imagine: Rights Consciousness and the Education of Ultra-Orthodox Girls

SHULAMIT ALMOG\* AND LOTEM PERRY-HAZAN\*\*

## I. INTRODUCTION

*Whenever screams of joy were heard, everybody knew: someone is engaged to be married! Ooh!! Have you heard?! Sarah Lifshitz<sup>1</sup> is engaged! Awesome! Congratulations! Wow!! . . . The teacher came in and asked for silence: “Hush, girls! It is not decent to shout. We may sing, but let us shut the windows first, so nobody will hear us from the street. It is not decent to hear women singing.” Each newlywed was transferred to a separate class, named “The Married Women Class.” . . . They studied until noon, while the rest of the girls were required to stay until 4pm. They did not get homework, and their only duty was to study for the teaching certification examinations. One girl got engaged to the son of the head of the seminar.<sup>2</sup> . . . The entire seminar was flooded with joy. The classes were cancelled for hours. She got married in two months. She did not even have to join the Married Women Class. She instantly got a job as a librarian in the seminar.<sup>3</sup>*

This lively scene, described in a blog of an Israeli Ultra-Orthodox woman, aptly captures the situation we wish to explore in this paper; it is a situation relevant to tens thousands of Israeli girls and young

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\*Associate Professor, Haifa University Faculty of Law. Ph.D., Haifa University; M.A., Haifa University; L.L.B., The Hebrew University of Jerusalem.

\*\*Ph.D. Candidate, Haifa University Faculty of Law; L.L.M., NYU School of Law; L.L.B., Haifa University Faculty of Law.

1. We changed the original name.

2. “Seminar” is a high-school for Ultra-Orthodox girls. Some of the seminars offer two additional years of professional education.

3. Anonymous Post, “Natalie Haredi. Single. 31.” [Blog post, deleted] (on file with authors).

women, who belong to the Ultra-Orthodox community.<sup>4</sup> The Ultra-Orthodox community in Israel, which is eight to ten percents of the Israeli population,<sup>5</sup> is presenting itself as a contradicting option to all other Israeli sub-groups. This community is characterized by unique world view and lifestyle, which are expressed, *inter alia*, by the community's education system.

What characterizes the situation of the young Ultra-Orthodox women who were described in the scene above is the distinctive way in which their education is shaping their future. No one can claim that education is denied from the Ultra-Orthodox girls. On the contrary: a typical education track of an Israeli Ultra-Orthodox girl starts when she is in pre-school, and continues at least until she is eighteen years old. During their schooling, Ultra-Orthodox girls acquire a wide general education, which enables various choices of future employment options and admittance to academic education.

However, an Ultra-Orthodox girl will graduate high school without basic knowledge on the subject of human rights. Moreover, studying is perceived by these girls and young women, as well as by their families and communities, as merely one station in the way to the main destination—getting married to a man who devotes his life to the study of Torah, having children (as many as possible), and taking full responsibility for managing a Jewish household. Most Ultra-Orthodox women are not given a real chance to break through the massive wall of social expectations, constituted by years of designated guidance.

In this article we describe a link between human rights education and the development of "*rights consciousness*"—the process that enables people to define their aims, wishes, and difficulties in terms of rights. This is an evolving process, which often translates into actions and decisions that mobilize rights in society. Human rights education, which is directed towards the development of *rights consciousness* of children, enables them to turn knowledge into power that may mobilize their rights. It is especially essential when communal attachments or gender

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4. Ultra-Orthodox people are called "Haredim" in Hebrew.

5. See DANIEL GOTTLIEB AND LEONID KUSHNIR, AN OPTIMAL METHOD OF BINARY INFORMATION TRANSFER (BIT) BETWEEN SURVEYS OF AN IDENTICAL POPULATION (Discussion Paper No. 06-06, Monater Center for Economic Research, Beer-Sheva: Ben Gurion Iniversity, 2006), <http://www.ec.bgu.ac.il/monaster/admin/papers/220.pdf>; The Israeli Ministry of Industry, Trade & Labor, *Structure of Planned Research 2009-2010: The Israeli Haredi Sector 7* (2009), <http://www.israel-industry-trade.gov.il/NR/rdonlyres/E7C4C2C8-31D9-443B-819A-23FC863A7641/0/haredim1109.pdf> [Hebrew].

create obstacles to the development of the *rights consciousness* of children.

The Israeli Ultra-Orthodox education for girls is a unique cultural phenomenon, which offers the opportunity to explore the relationship between human rights education and the development of *rights consciousness*. Unfortunately, many countries prevent, discourage, or fail to enforce full girls and women's access to education.<sup>6</sup> Some of the main causes for the high gender gaps at all levels of education are expectations that girls will stay at home and perform household tasks.<sup>7</sup> In comparison, the dominant social model at the Israeli Ultra-Orthodox community is a woman that holds a job in order to support a husband that studies Torah and does not work for his living. The core purpose of this unique model is strengthening the Ultra-Orthodox "scholars' society."<sup>8</sup> This model requires the Ultra-Orthodox schools to supply the girls with adequate general education, which enables them to find employment outside the boundaries of the community. However, the primary concern of the Ultra-Orthodox education system is to continually stress that a girl's education is meant, first and foremost, to serve the family rather than the girl's personal needs, or their wishes for self fulfillment. Thus, the education of Israeli Ultra-Orthodox girls serves as a unique example of a combination between relatively wide general education, which produces women who can reach higher education and wide range of jobs, and extreme social and communal messages of gender inequality.

According to our contention, this state of affairs demonstrates that wide general education is not sufficient to empower girls and to enable them to make full use of their rights as mature women. In spite of the fact that the Ultra-Orthodox education has evolved and widened, its traditional rational was preserved—to teach the girls to accept the patriarchal order that is practiced within the Ultra-Orthodox community.<sup>9</sup> In the first section of

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6. Of the nearly 900 million people who are illiterate, 700 million are women. Gerison Lansdown, *Progress in Implementing the Rights in the Convention: Factors Helping and Hindering the Process*, in CHILDREN'S RIGHTS IN EDUCATION 37, 42 (Stuart N. Hart ed., 2001).

7. *Id.* at 43; KLAUS DIETER BEITER, THE PROTECTION OF THE RIGHT TO EDUCATION BY INTERNATIONAL LAW 488 (2006).

8. This term was suggested by the Historian Menachem Friedman in his book: THE HAREDI ULTRA-ORTHODOX SOCIETY: SOURCES, TRENDS, AND PROCESSES (1991) [Hebrew] [hereinafter THE HAREDI ULTRA-ORTHODOX SOCIETY].

9. It should be noted that although the nature of the education that Ultra-Orthodox boys receive, which does not provide neither human rights education nor general education, is certainly a worthwhile issue, it is not within the range of this paper. By focusing upon the education of Ultra-Orthodox girls we aim to present that wide general education is not sufficient in order to

the article we will describe the Israeli Ultra-Orthodox education system for girls, how it evolved, and the feminine model it is meant to shape. In the second section, we will elaborate the concept of *rights consciousness*. Studies that explored the development of *rights consciousness* indicate that this process depends both on conveying knowledge about human rights and putting into place practices that will reinforce the experience of these rights. We will propose that these two factors—human rights knowledge and the implementation of rights—are particularly important for the development of the *rights consciousness* of children. We will also suggest that childhood is most significant for shaping *rights consciousness*, since this period usually constitutes the tenets of personality, the worldview, and the perception of self and others.

In the following sections the phenomenon of Ultra-Orthodox girls' education will be used in order to demonstrate these contentions. The third section will elaborate on the gender and community obstacles that limit the ability of Ultra-Orthodox girls to develop *rights consciousness*. In the fourth section we will describe specific manifestations of the affects of *rights consciousness* deficiency upon the lives of Ultra-Orthodox women. The first is their inadequate ability to imagine a wide and open horizon, leading towards personal growth. The second is their limited competence to define problematic situations they encounter as violations of their human rights, and to seek for social or personal solutions.

In the last section we will set our conclusions alongside the multiculturalism discourse. We will put forward that core curriculum which includes human rights education is especially essential for girls who encounter gender and community obstacles that interrupt their capacity to develop *rights consciousness*. Such curriculum might limit the ability of certain religious and cultural communities to preserve their traditions, but it is required in order to build sound human *rights consciousness* for the girls growing up in these communities. The lack of such consciousness during their childhood influences the Ultra-Orthodox girls for the rest their lives.

We wish to conclude the introduction with a few personal remarks, which we believe are due in light of the nature of our inquiry here. We are secular women, legal scholars, and mothers. One of us (Lotem Perry-Hazan) grew up in a Kibbutz, and the other (Shulamit Almog) in an

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achieve appropriate human rights consciousness, especially when gender and communal obstacles come into the picture. Due to these specific obstacles, the absence of human rights education affects Ultra-Orthodox girls much more than it affect Ultra-Orthodox boys.

Israeli city. Naturally, we are experiencing the situation of Ultra-Orthodox girls and women we describe and contemplate in this paper from an external vantage point. Yet, we share important spaces with Israeli Ultra-Orthodox women—geographical space, historical space, and political space; and we believe that we should also share the same legal space, that we are all subordinate to the same normative regime. We are well aware of our different settings, and to the implications of our contentions in regard to relativist discourse that advocates un-judgmental approaches.<sup>10</sup> We deeply respect the choice of Ultra-Orthodox women to live within their communities and practice their unique way of life. Having said that, we believe that it is precisely our different location that enables us to present the analysis we put forward in this work.

## II. KNOWLEDGE, VALUES AND EMPOWERMENT: THE ISRAELI ULTRA-ORTHODOX EDUCATION FOR GIRLS

### A. The Israeli Ultra-Orthodox Schools for Girls

Most of the Ultra-Orthodox girls in Israel study in the “Bais Ya’akov” network, which most of its schools enjoy state funds as “recognized” schools that are not part of the state public education.<sup>11</sup> During their elementary and secondary education, Ultra-Orthodox girls learn both religious and secular studies.<sup>12</sup> The religious studies do not include the Talmud—the most significant content in the Ultra-Orthodox boy’s schooling—in light of the Talmudic dictate: “Anyone who teaches his daughter Torah [it is as if] he is teaching her *tiflut*”<sup>13</sup> (frivolity). The sec-

10. See generally Abdullahi Ahmed An-Na`im, *Religious Minorities under Islamic Law and the Limits of Cultural Relativism*, 9(1) HUMAN RIGHTS QUARTERLY 1 (1987); Elvin Hatch, *The Good Side of Relativism*, 53(3) JOURNAL OF ANTHROPOLOGICAL RESEARCH 371 (1997); For the affects of relativist approaches on women, see Eva Brems, *Enemies or Allies? Feminism and Cultural Relativism as Dissident Voices in Human Rights Discourse*, 19(1) HUMAN RIGHTS QUARTERLY 136 (1997); Carole Nagengast, *Women, Minorities, and Indigenous Peoples: Universalism and Cultural Relativity*, 53(3) JOURNAL OF ANTHROPOLOGICAL RESEARCH 349 (1997).

11. The Israeli education system contains diverse subsystems and individual schools based on national and religious differences. The Israeli Compulsory Schooling Law (1949) categorizes each educational institution as Official, Recognized, or Exempt (Sec. 1, 5). The Recognized and Exempt educational institutions, which enjoy substantial or full pedagogic autonomy, are mainly Ultra-Orthodox. The “Bais Ya’akov” Schools are usually Recognized educational institutions.

12. JACOB LUPU, A SHIFT IN HAREDI SOCIETY: VOCATIONAL TRAINING AND ACADEMIC STUDIES 80 (2004) [Hebrew] [hereinafter A SHIFT IN HAREDI SOCIETY].

ular studies of the Ultra-Orthodox girls are diverse. They include linguistic skills, grammar, and literature, as well as mathematics, English, science, computing, geography, history, gymnastics, music, and art.<sup>14</sup> According to 2008 evaluation conducted by the Israeli Ministry of Education, Ultra-Orthodox schools for girls generally comply with the requirements of the Israeli core curriculum.<sup>15</sup>

After they graduate from high-school, many Ultra-Orthodox girls apply for two additional years of continuing studies. In the past, the common track of the continuing studies was teaching.<sup>16</sup> During the last two decades, Ultra-Orthodox schools for girls evolved, and additional specialization tracks have been developed. One reason was the gradual diminishing of child benefits, which influenced large families. Another reason was the growing number of unemployed Ultra-Orthodox teachers.<sup>17</sup> These factors necessitated a revolution of existing patterns, which did not take place until then due to ideological resistance of the Ultra-Orthodox rabbinical establishment.<sup>18</sup> The fields of specialization that were finally chosen had to be in affinity with the Ultra-Orthodox world view.<sup>19</sup> Thus, Ultra-Orthodox girls can now take up professional studies, such as computing, accounting, graphics, architecture, and fashion.<sup>20</sup> Many girls actually choose such options.<sup>21</sup>

It is worthwhile to emphasize again the different practices in Ultra-Orthodox schools for boys. During the first to the eighth grades, secular studies are very limited.<sup>22</sup> After primary school, Ultra-Orthodox boys

13. Rabbi Eliezer, Mishna Sota 20a. For a general discussion, see Menachem Mautner, *A Dialogue Between a Liberal and an Ultra-Orthodox on the Exclusion of Women from Torah Study* (unpublished paper) [hereinafter: *A Dialogue Between a Liberal and an Ultra-Orthodox on the Exclusion of Women from Torah Study*].

14. A SHIFT IN HAREDI SOCIETY, *supra* note 12, at 80.

15. See HCG 4805/07 *Israel Religious Action Center v. The Ministry of Education* (2008) [Hebrew]. Results of the 2006 International PISA confirm this evaluation. THE AUTHORITY FOR MEASUREMENT AND EVALUATION IN EDUCATION, PROGRAM FOR INTERNATIONAL STUDENT ASSESSMENT PISA 2006, 46-48 (2008), [http://cms.education.gov.il/NR/rdonlyres/582A52BD-382A-4E00-B65D-BCD37FE97773/65907/mazeget\\_pisa\\_JAN2008.pdf](http://cms.education.gov.il/NR/rdonlyres/582A52BD-382A-4E00-B65D-BCD37FE97773/65907/mazeget_pisa_JAN2008.pdf) [Hebrew].

16. Yosef Shelhav, *Ultra-Orthodox Women Between Two Worlds*, 46-47 MIFNE (2005), [http://www.kibbutz.org.il/mifne/articles/050501\\_shalhav.htm](http://www.kibbutz.org.il/mifne/articles/050501_shalhav.htm) [Hebrew].

17. DANIEL GOTTLIEB, POVERTY AND LABOR MARKET BEHAVIOR IN THE ULTRA-ORTHODOX POPULATION IN ISRAEL 50-51 (2007) [Hebrew]; Shelhav, *supra* note 16.

18. GOTTLIEB, *supra* note 17.

19. *Id.*

20. *Id.*; KIMMY CAPLAN, INTERNAL POPULAR DISCOURSE IN HAREDI SOCIETY 207 (2007) [Hebrew]; JACOB LUPU, HAREDI OPPOSITION TO HAREDI HIGH-SCHOOL YESHIVAS 37 (2007) [Hebrew] [hereinafter HAREDI OPPOSITION TO HAREDI HIGH-SCHOOL YESHIVAS].

21. Shelhav, *supra* note 16.



study only religious texts, mainly the Talmud and its interpretations.<sup>23</sup> The gender-based Ultra-Orthodox education policy is motivated by the social and economic interests of the Ultra-Orthodox community in Israel. The primary male model is a man who devotes his life to the study of Torah, and does not hold any paying job.<sup>24</sup> The female model is that of a wife who supports her husband and family financially. The curriculum in Ultra-Orthodox schools corresponds with this model, and enables the Ultra-Orthodox girls to find the urgently needed jobs.

Human rights and democracy education is excluded from the curricula of the Ultra-Orthodox schools for boys and girls.<sup>25</sup> Although there are no formal data in regard to the values that the Ultra-Orthodox schools promote, one may presume that they fit the values of the Ultra-Orthodox world view.<sup>26</sup> One of these values pertains to the principle of equality. The Ultra-Orthodox community is characterized by its commitment to the notion of essentialism, including a perception that fundamental differences exist between men and women.<sup>27</sup> Preserving this notion is one of the most important factors within the education process of Ultra-Orthodox girls.

### B. "The Benefit of Marginality:"<sup>28</sup> The History of the Ultra-Orthodox Education for Girls

In order to understand the present, it is worthwhile to go back to the beginning of the nineteenth century, when Jewish girls went through socialization within their families. They learned their future role in the Jewish community by watching their mothers and participating in house-

22. See HCG 4805/07 *Israel Religious Action Center v. The Ministry of Education* (2008) [Hebrew]; Amos Zehavi, NO EXIT? PUBLIC FUNDING, PRIVATE EDUCATION AND ACCOUNTABILITY IN ISRAEL 24 (Tel Aviv: TAU Printing Press, 2009); HAREDI OPPOSITION TO HAREDI HIGH-SCHOOL YESHIVAS, *supra* note 20, at 35.

23. The Culturally Unique Educational Institutions Act, 2008, determines that Ultra-Orthodox high-schools for boys (9th-12th grades) may teach only religious studies.

24. See THE HAREDI ULTRA-ORTHODOX SOCIETY, *supra* note 8.

25. See Moshe Cohen Eliya, *Defensive Democracy and Education for Democratic Values in the Ultra-Orthodox Schools*, 11(2) LAW AND GOVERNMENT IN ISRAEL REVIEW 367, 370, 391 (2008) [Hebrew].

26. *Id.*

27. Benjamin Brown, *And Nothing is Left Except This Torah* 41 ERETZ ACHERET 64-65 (2007) [Hebrew].

28. IRIS PARUSH, READING JEWISH WOMEN: MARGINALITY AND MODERNIZATION IN NINETEENTH-CENTURY EASTERN EUROPEAN JEWISH SOCIETY 57 (2004).

hold chores. The societal focus was on the education given to boys, who had exclusive access to the *Talmud*.<sup>29</sup>

The change emerged during the second half of the nineteenth century, when many members of the traditional Jewish society opted for granting women general education and foreign-language training.<sup>30</sup> Some of the Jewish girls even studied at non-Jewish schools.<sup>31</sup> This space, which for the most part remained unsupervised by traditional society, opened unexpected possibilities for many of the women, who managed in some cases to utilize their new skills in order to influence their surroundings.<sup>32</sup> More than a few women began to set in motion processes that were, from the perspective of traditional society, unexpected and undesirable.<sup>33</sup> The young husbands, who received traditional education, felt inferior in comparison to their well-educated wives.<sup>34</sup> These developments led to a deep social crisis, which was linked to the fear that the Jewish community is losing its members.<sup>35</sup>

The “*Bais Ya’akov*” education network was established in Poland in 1917 in order to bring the girls back to the tradition.<sup>36</sup> Many rabbis embraced the revolutionary idea of Jewish education for girls, eager to prevent the secular tendencies.<sup>37</sup> The “*Bais Ya’akov*” network expanded rapidly, reaching the important Jewish centers of Eastern Europe, as well as Israel.<sup>38</sup> It eventually became the primary factor in the socialization process of the Ultra-Orthodox girls.<sup>39</sup> Tamar El-Or writes in this regard

29. *Id.* at 58.

30. *Id.* at 46.

31. MENACHEM FRIEDMAN, *THE HAREDI WOMAN* 3 (1988) [hereinafter *THE HAREDI WOMAN*]; see also PARUSH, *supra* note 28, at 46.

32. *Id.* at 70.

33. *Id.*

34. FRIEDMAN, *THE HAREDI WOMAN*, *supra* note 31, at 3.

35. *Id.*

36. *Id.* at 4.

37. *Id.* at 6-7. For information about Sarah Schenirer, see Deborah R. Weissman, *Bais Ya’akov as an Innovation in Jewish Women’s Education: A Contribution to the Study of Education and Social Change*, 7 *STUDIES IN JEWISH EDUCATION* 278, 278-281 (1995).

38. *THE HAREDI ULTRA-ORTHODOX SOCIETY*, *supra* note 8, at 28-29; Kimmy Caplan, *The Study of Israeli Haredi Society*, in *ISRAELI HAREDIM: INTEGRATION WITHOUT ASSIMILATION?* 224, 249 (Kimmy Caplan and Emmanuel Sivan eds., 2003) [Hebrew]. For a more detailed discussion about the establishment and development of the “*Bais Ya’akov*” Schools, see Lauren B. Granite and Deborah Weissman, *Bais Ya’akov Schools*, *JEWISH WOMEN: A COMPREHENSIVE HISTORICAL ENCYCLOPEDIA* (Mar. 1, 2009), <http://jwa.org/encyclopedia/article/bais-yaakov-schools>.

39. *THE HAREDI ULTRA-ORTHODOX SOCIETY*, *id.* at note 38.



that “the Orthodox community was provoked into establishing formal education for women in order to counter the process of secularization and general education that was experienced by most European Jews.”<sup>40</sup> However, “[i]n an attempt to circumvent the process of education, orthodoxy had no choice but to become part of it.”<sup>41</sup>

In Israel, the Ultra-Orthodox education for girls became an important component of the construction of the “scholars’ society,” since the wives’ salaries facilitated the capacity of their husbands to devote their time to religious studies.<sup>42</sup> Before the 1950s, marriage used to represent a crisis for the Ultra-Orthodox man, since he had to leave the Yeshiva<sup>43</sup> and start supporting his family.<sup>44</sup> The “*Bais Ya’akov*” graduates were then presented with a challenge—taking the responsibility to support their husbands financially.<sup>45</sup> That is an application of a *midrash*<sup>46</sup> regarding the partnership agreement between “Issachar,” who studies Torah, and “Zvulun,” who supports him financially. According to the belief, the tributes of Issachar will be equally divided between the two.<sup>47</sup> Until the end of the 1950s, such an arrangement became common pattern.<sup>48</sup> Since the state of Israel recognized and financed the Ultra-Orthodox education, almost all “*Bais Ya’akov*” graduates were employed as teachers.<sup>49</sup> Yet, as was noted, at some point the number of teaching jobs diminished.<sup>50</sup> Following this development, new specialization tracks became available in order to enable Ultra-Orthodox women to find jobs outside their community. Paradoxically, the social marginality of the Ultra-Orthodox girls enabled their access to general education and various employment options.<sup>51</sup>

40. TAMAR EL-OR, EDUCATED AND IGNORANT: ULTRA-ORTHODOX JEWISH WOMEN AND THEIR WORLD 200 (1994) [hereinafter EDUCATED AND IGNORANT].

41. *Id.* at 200-201.

42. *Id.*

43. THE ULTRA-ORTHODOX SOCIETY, *supra* note 8, at 57.

44. Yeshiva is an educational institution in which Jewish men study Jewish religious texts.

45. THE ULTRA-ORTHODOX SOCIETY, *supra* note 8, at 57.

46. Midrash is a narrative method intended to give meaning to biblical exegesis.

47. THE ULTRA-ORTHODOX SOCIETY, *supra* note 8, at 58.

48. *Id.*

49. *Id.* at 76-77.

50. GOTTLIEB, *supra* note 17, at 50-51; Shelhav, *supra* note 16.

51. See THE ULTRA-ORTHODOX SOCIETY, *supra* note 8, at 157; EDUCATED AND IGNORANT, *supra* note 40.

### C. “Educated and Ignorant:”<sup>52</sup> The Inevitable Gap between the Educational Status of Israeli Ultra-Orthodox Women and their Social Status

The education for girls became an irrevocable fact and an essential part of the construction and preservation of the “scholars’ society.” Yet, the contradiction became apparent between this situation and the Ultra-Orthodox ideal of a woman who restricts her activities to the enclave of her home and family, and perceives her roles there as self-fulfilling. This ideal is represented in the phrase: “all the honor of the king’s daughter is within,”<sup>53</sup> which is often quoted within Ultra-Orthodox society in order to emphasize the fundamental difference between a secular and an Ultra-Orthodox woman.

The term “educated and ignorant” was coined by Tamar El-Or,<sup>54</sup> who researched the education of Ultra-Orthodox women. Though her research is not focused on schools, it sheds light on the Ultra-Orthodox attitude towards girl’s education. El-Or describes a paradox: on one hand the Ultra-Orthodox community considers the education of girls as a central mission, which requires dedication of much time and effort. However, on the other hand it is presented on an ideological level as “education for ignorance,” which promotes a desired prototype of an ignorant woman, whose main role is tending her children and household.<sup>55</sup> Accordingly, many Ultra-Orthodox women refer to their jobs as a compulsion and not as a chosen path.<sup>56</sup> Menachem Friedman describes in this regard a process of estrangement of the “mother” figure, which is linked to modernity, and glorification of the “grandmother” figure, which represents untarnished Jewish tradition.<sup>57</sup> In his paper, “The Ultra-Orthodox Woman,” he quotes what Rabbi Simcha Elberg said during “The Women and Daughters of Agudat Israel” (Association of Israel) Conference in 1954:

Back to the Grandmother, we must follow our grandmothers. Our mothers, as much as we love and admire them, have absorbed too

52. This is a quotation from the title of Tamar El-Or’s book, *EDUCATED AND IGNORANT*, *supra* note 40.

53. *Psalms* 45:14.

54. *EDUCATED AND IGNORANT*, *supra* note 40.

55. *Id.* at 132, 201.

56. TAMAR EL-OR, *RESERVED SEATS: GENDER AND ETHNICITY IN THE REGIONS OF RELIGION AND REPENTANCE* 392, n. 2 (2006) [Hebrew].

57. FRIEDMAN, *THE HAREDI WOMAN*, *supra* note 31, at 1.

much of the European culture, they . . . were enchanted by modernism . . .

Our mothers, even the best of them, considered theatre as “culture” and dancing as “pure art.” As much as we love them, we should not hide the truth and avoid declaring: our mothers got lost. Clandestinely their eyes are wondering in foreign vineyards and enjoy it.

We, the daughters of Sarah, Rebecca, and Rachel, remained few. . . . Hence, our mothers cannot serve us as a model for perfect spiritual education. Our slogan must be: back to the grandmother. In the path of God we will walk and she [the grandmother – S.A. and L.P.] will guide our way, since she carried the flag of god’s words, and only she knew how to scorn the modern world and its idolatries.<sup>58</sup>

The Ultra-Orthodox community considers the education for women as an education for ignorance also because women are denied access to the *Talmud*, which is the source of social power in the Ultra-Orthodox world.<sup>59</sup> The attitudes in regard to the “cultural capital” of the Ultra-Orthodox society direct women towards segregated religious-cultural spheres.<sup>60</sup> “The women’s educational system opens certain doors for them and takes care to keep others locked.”<sup>61</sup> Thus, according to Ultra-Orthodox standards, women cannot be perceived as educated.

There can be no doubt that education facilitated significant changes in Ultra-Orthodox women lives. For instance, some of them are employed outside their community.<sup>62</sup> There are also Ultra-Orthodox women who took up writing or lecturing to women—areas that Ultra-Orthodox society considers to be in the dominance of men.<sup>63</sup> Additionally, continuous

58. *Id.* (our translation: S.A. and L.P.H.).

59. EDUCATED AND IGNORANT, *supra* note 40, at 201.

60. Compare PARUSH, *supra* note 28, at 247-48.

61. EDUCATED AND IGNORANT, *supra* note 40, at 201.

62. DEVORAH KALEKIN-FISHMAN & KARLHEINZ SCHNEIDER, RADICALS IN SPITE OF THEMSELVES: ULTRA-ORTHODOX WOMEN WORKING OUTSIDE THE HAREDI COMMUNITY (2007).

63. INTERNAL POPULAR DISCOURSE IN HAREDI SOCIETY, *supra* note 20, at 263-64; see also Tamar El-Or, “All the Rights Reserved to Anat”: Big Female Rabbis and Little Female Rabbis in the Religion and Penitence Industry, in LEADERSHIP AND AUTHORITY IN ISRAELI HAREDI SOCIETY: CHALLENGES AND ALTERNATIVES 129 (Kimmy Caplan and Nurit Stadler eds., 2009); Yael Shenkar, *In the Light of Introductions and Forwards: On Female Writing and Male Authority in Haredi Society*, in LEADERSHIP AND AUTHORITY IN ISRAELI HAREDI SOCIETY: CHALLENGES AND ALTERNATIVES

discourse which deals with personal experiences exists between Ultra-Orthodox women. Women discuss employment outside the community, marriage, parenting, and leisure. That discourse is sometimes characterized with new rhetoric and implicit feminist influences.<sup>64</sup> However, Ultra-Orthodox women continue to accept the gender inequality *a priori*.<sup>65</sup> They do not defy the Ultra-Orthodox interpretation of the *Halacha* (Jewish religious law), which excludes women from the public domain and shapes their subordination. Unlike the educated Jewish women of the nineteenth century, Israeli Ultra-Orthodox women did not turn into agents of social change; they did not use their education in order to scrutinize the basic values of their communities.

It was argued that there are certain parallels between the approach taken in the nineteenth century to women's enlightenment and the current situation in Israeli Ultra-Orthodox community.<sup>66</sup> Yet, one of the marked differences between the periods has to do with the fact that today's Ultra-Orthodox society learned its lessons from the alleged "misguided education for girls" of the nineteenth century . . . with the establishment of educational systems, such as 'Bais Ya'akov,' . . . [Ultra-Orthodox] society acted to plug the gaps through which women in the nineteenth century had eluded the social and religious oversight apparatus."<sup>67</sup>

As we go on, we will use the term *rights consciousness* in order to explain why Ultra-Orthodox girls, though acquiring wide general education, do not achieve fulfillment of their rights as mature women. In the next section we will explore the concept of *rights consciousness* and the developing research in social studies in this context. Following existing research, we will maintain that the period of childhood is highly important to the process of *rights consciousness* development. During these years, the influence of the factors that shape *rights consciousness*—human rights knowledge and the implementation of rights—is most significant.

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78 (Kimmy Caplan and Nurit Stadler eds., 2009); Yair Sheleg, *The Adjustment of Israeli Religious Society to Modernization* (2007), [http://www.idi.org.il/BreakingNews/Pages/opinions\\_m.aspx](http://www.idi.org.il/BreakingNews/Pages/opinions_m.aspx).

64. INTERNAL POPULAR DISCOURSE IN HAREDI SOCIETY, *supra* note 20, at 241, 263.

65. EDUCATED AND IGNORANT, *supra* note 40, at 188.

66. PARUSH, *supra* note 28, at 7.

67. *Id.*

### III. RIGHTS CONSCIOUSNESS OF CHILDREN

#### A. Legal Consciousness and Rights Consciousness

The study of legal consciousness is focused on mapping and understanding various instances in which the law is present in everyday life by exploring how people interpret personal events in terms of legal concepts.<sup>68</sup> Michael McCann defines legal consciousness as the “cognitive activity through which legal understandings, expectations, aspirations, strategies, and choices are developed.”<sup>69</sup> One aspect of the study of legal consciousness is the exploration of the development of *rights consciousness*, a process that motivates people to define problems and obstacles in terms of rights.<sup>70</sup> This process often translates into actions and decisions that mobilize rights in society.<sup>71</sup>

The relationship between *rights consciousness* and the mobilization of rights was conceptualized by a seminal model, developed by Felstiner, Abel, and Sarat,<sup>72</sup> which suggests three stages in the transformation of disputes: *naming*, which occurs when a person identifies a particular experience as injurious; *blaming*, which occurs when a person attributes an injury to the fault of another individual or social entity; and *claiming*, which occurs when a person with a grievance voices it to the person or entity believed to be responsible and asks for a remedy. *Naming* is the critical stage in the transformation of disputes.<sup>73</sup>

68. PATRICIA EWICK & SUSAN S. SILBEY, *THE COMMON PLACE OF LAW: STORIES FROM EVERYDAY LIFE* (1998). See also Patricia Ewick & Susan S. Silbey, *Conformity, Contestation and Resistance: An Account of Legal Consciousness*, 26 *NEW ENGLAND LAW REVIEW* 731 (1992); Austin Sarat, “*The Law is All Over;*” *Power, Resistance and the Legal Consciousness of the Welfare Poor*, 2 *YALE J. OF LAW & HUMANITIES* 343 (1990); SALLY MERRY, *GETTING JUSTICE AND GETTING EVEN: LEGAL CONSCIOUSNESS AMONG WORKING-CLASS AMERICANS* (1990); Laura Beth Nielsen, *Situating Legal Consciousness: Experiences and Attitudes of Ordinary Citizens about Law and Street Harassment*, 34 *LAW AND SOCIETY REV.* 1055 (2000).

69. Michael McCann, *On Legal Rights Consciousness: A Challenging Analytical Tradition*, in *THE NEW CIVIL RIGHTS RESEARCH: A CONSTITUTIVE APPROACH* ix, xii (Benjamin Fleury-Steiner & Laura Beth Nielsen eds., 2006) [hereinafter *On Legal Rights Consciousness*].

70. Sally E. Merry, *Rights Talk and the Experience of Law: Implementing Women’s Human Rights to Protection from Violence*, 25(2) *HUMAN RIGHTS QUARTERLY* 343 (2003) [hereinafter *Rights Talk and the Experience of Law*]; see also Benjamin Fleury-Steiner & Laura Beth Nielsen, *A Constitutive Perspective of Rights*, in *THE NEW CIVIL RIGHTS RESEARCH: A CONSTITUTIVE APPROACH 1* (Benjamin Fleury-Steiner & Laura Beth Nielsen eds., 2006).

71. Fleury-Steiner & Nielsen, *supra* note 70.

72. William L. F. Felstiner, Richard L. Abel & Austin Sarat, *The Emergence and Transformation of Disputes: Naming, Blaming, Claiming*, 15 *LAW AND SOCIETY REV.* 631 (1980-1981).

73. *Id.*

Indeed, legal norms articulate certain rights, but the actual realization of these rights depend heavily on the initiative of individuals to invoke them — not just in the courtroom, but also in the context of their daily lives.<sup>74</sup> When people do not conceive obstacles they encounter as violations of rights, injurious experiences remain unaddressed.<sup>75</sup> Yet, we know relatively little about why and when a person develops, or fails to develop, rights talk.<sup>76</sup>

## B. Factors that Influence the Development of Rights Consciousness

Studies reveal that development of *rights consciousness* depends on conveying knowledge about the availability of rights and also on putting into place practices that will reinforce the experience of these rights.<sup>77</sup> Hereinafter, we will focus on these two factors and explain why they are particularly important for the development of *rights consciousness* of children. Although none of the studies that explored the notion of *rights consciousness* focused specifically on children, some of the findings demonstrate that childhood experiences have a crucial impact on the development of *rights consciousness*.

### 1. Human Rights Knowledge

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74. Anna Maria Marshall, *Idle Rights: Employees' Rights Consciousness and the Construction of Sexual Harassment Policies*, 39(1) LAW AND SOCIETY REV. 83, 89 (2005).

75. *Rights Talk and the Experience of Law*, *supra* note 70.

76. Among the few studies that explored the rights consciousness of people whose rights were violated are those of John Gilliom regarding the right to privacy of welfare mothers (JOHN GILLIOM, *OVERSEERS OF THE POOR: SURVEILLANCE, RESISTANCE, AND THE LIMITS OF PRIVACY* (2001)); Sally Engle Merry regarding battered women (*Id.*); Anna-Maria Marshall regarding women who experienced sexual harassment (*supra* note 74); Catherine R. Albiston regarding employment rights (Catherine R. Albiston, *Legal Consciousness and Workplace Rights*, in *THE NEW CIVIL RIGHTS RESEARCH: A CONSTITUTIVE APPROACH* 55 (Benjamin Fleury-Steiner & Laura Beth Nielsen eds., 2006)); and Kimberly D. Richman regarding gay, lesbian, bisexual and transgender rights (Kimberly D. Richman, *LGBT Family Rights, Legal Consciousness, and the Dilemma of Difference*, in *THE NEW CIVIL RIGHTS RESEARCH: A CONSTITUTIVE APPROACH* 77 (Benjamin Fleury-Steiner & Laura Beth Nielsen eds., 2006)).

For studies that explored the development of rights consciousness of human rights activists, see, e.g.: Neal Milner, *The Right to Refuse Treatment: Four Case Studies of Legal Mobilization*, 21 LAW AND SOCIETY REV. 447 (1987); MICHAEL W MCCANN, *RIGHTS AT WORK: PAY EQUITY REFORM AND THE POLITICS OF LEGAL MOBILIZATION* (1994); Idit Kostiner, "*That's Right: Truth, Justice, and the Legal Consciousness of Educational Activists*," in *THE NEW CIVIL RIGHTS RESEARCH: A CONSTITUTIVE APPROACH* 17 (Benjamin Fleury-Steiner & Laura Beth Nielsen eds., 2006); Judith Taylor, *Who Manages Feminist-Inspired Reform? An In-Depth Look at Title IX Coordinators*, in *THE NEW CIVIL RIGHTS RESEARCH: A CONSTITUTIVE APPROACH* 37 (Benjamin Fleury-Steiner & Laura Beth Nielsen eds., 2006).

77. *Rights Talk and the Experience of Law*, *supra* note 70, at 381.



The essentiality of human rights knowledge for the development of *rights consciousness* was noted by Sally Merry, who explored the *rights consciousness* of battered women. Merry indicated that, “[w]omen’s greater willingness to use the law to deal with gender violence . . . [was] a response to a powerful feminist . . . [demand] to redefine the meaning of battering from an inevitable feature of everyday life—an inescapable risk—to a domain of behavior subject to prevention and change.”<sup>78</sup> Similarly, David Engel and Frank Munger, who studied the legal consciousness of persons with disability, indicate that strategies aimed at introducing the norms and concept of the American with Disabilities Act to young children, including children who do not have disabilities, could prove particularly important.<sup>79</sup>

Human rights knowledge is essential to the development of *rights consciousness* not just as an instrumental “toolkit.” It also “prefigures or shapes subjectivity in that it provides a preexisting lens for experiencing meaning, for ‘seeing’ and thinking, for constructing and imagining in culturally ‘sensible’ ways.”<sup>80</sup> McCann emphasized the potential empowerment that human rights knowledge endows:

Scholars insist . . . that legal knowledge, following Foucault, conveys power through its working in subjects’ consciousness. . . . [L]egal discourses, logic, and language—the raw materials processed by legal consciousness—may not rigidly determine what subjects think, but they do shape the capacity for understanding social reality, imagining options, and choosing among them.<sup>81</sup>

## 2. Implementation of Rights

Studies exploring the development of *rights consciousness* consistently found a linkage between the process of acquiring *rights consciousness* and the implementation of rights in society. For example, Engel and Munger demonstrated that special education laws and practices on schools had a dramatic effect on the *rights consciousness* of children and adults.<sup>82</sup> They indicate that young adults, who benefited to some extent

78. *Id.* at 379.

79. DAVID M. ENGEL & FRANK W. MUNGER, RIGHTS OF INCLUSION: LAW AND IDENTITY IN THE LIFE STORIES OF AMERICANS WITH DISABILITIES 251-252 (2003).

80. *On Legal Rights Consciousness*, *supra* note 69, at xiv.

81. *Id.* at xii-xiv.

from these laws, may be more inclined to incorporate rights into their thoughts about future employment.<sup>83</sup> Similar conclusions can be inferred from an empirical research conducted by Hart, Pavlovic and Zeidner, who explored children's views of the main rights mentioned in the UN Convention on the Rights of the Child.<sup>84</sup> Hart, Zeidner, and Pavlovic assessed each right on a five-point scale four times—importance at home, importance at school, existence at home, and existence at school. The findings indicated a significant correlation between the rated existent level of rights and the rated importance level of rights. Although the study does not deal with the development of *rights consciousness*, this correlation implies that the protection of children's rights and the *rights consciousness* of children are interrelated. When children's rights are protected, children view their rights as more important.

The impact of rights' implementation on the development of *rights consciousness* was also recognized by Merry, who argued that the law's greater willingness to treat complainants with respect and to take their problems seriously helped battered women to assert their rights.<sup>85</sup>

An individual's willingness to take on rights depends on her experience trying to assert them. The more this experience reflects a serious belief that she is a person with a right not to be battered, the more willing she will be to take on this identity. On the other hand, if these rights are treated as insignificant, she may chose [sic] to give up and no longer think about her grievances in terms of rights.<sup>86</sup>

Indeed, rights cannot precede concerns about implementation; human rights are difficult for individuals to adopt as a self-definition in the absence of norms and institutions that take these rights seriously.<sup>87</sup>

### C. The Gradual Development of Rights Consciousness during

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82. ENGEL & MUNGER, *supra* note 79, at 244.

83. *Id.*

84. Stuart N. Hart, Zoran Pavlovic & Moshe Zeidner, *Children's Rights: Cross-National Research on Perspectives of Children and Their Teachers*, in CHILDREN IN CHARGE: THE CHILD'S RIGHT TO A FAIR HEARING 38 (Mary John ed., 1996); Stuart N. Hart & Moshe Zeidner, *Children's Rights Perspectives of Youth and Educators*, 1 THE INTERNATIONAL JOURNAL OF CHILDREN'S RIGHTS 165 (1993); Stuart N. Hart, Zoran Pavlovic & Moshe Zeidner, *The ISPA Cross-National Children's Rights Research Project*, 22(2) SCHOOL PSYCHOLOGY INTERNATIONAL 99 (2001).

85. *Rights Talk and the Experience of Law*, *supra* note 70, at 379.

86. *Id.* at 347.

87. *Id.* at 381.

## Childhood

Human rights knowledge and the implementation of rights are particularly important for the development of the *rights consciousness* of children. We indicated earlier that the stage of *naming*, which occurs when a person identifies a particular experience as injurious, is the critical stage in the transformation of disputes.<sup>88</sup> People are more likely to engage in “naming” when they get less than they have gotten in the past, or less than others who have similar rights are getting.<sup>89</sup> Since most children have no experience with the law and little knowledge about it, these retrospective and horizontal comparisons of rights entitlement are complicated, if not impossible for them. Hence, knowledge in regard to human rights and practices that reinforce the experience of these rights are crucial for them to be able to engage in “naming”—to recognize that they have rights and that these rights were violated.

Moreover, childhood experiences impact the ability to develop *rights consciousness* later in life since this period shapes the tenets of personality, the worldview, and the perception of self and others. Katarina Tomasevski, the former United Nations Special Rapporteur on the right to education, indicates in this regard that human rights education is “unlikely to be effective if the child was earlier taught about its own unworthiness because the child happens to be female.”<sup>90</sup> The significance of childhood experiences can be inferred from the findings of Engel and Munger, who traced the emergence of identity and orientation towards law from experiences in early childhood, through adolescence, and continuing into the years of employment and adult life.<sup>91</sup> They noted that identities formed in childhood around the assumption of social inclusion were a key to the future thriving of many of the interviewees.<sup>92</sup> Therefore, they indicate, people who “viewed themselves at an earlier age as right-bearing individuals . . . may perceive higher employment aspirations as appropriate.”<sup>93</sup>

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88. Felstiner, Abel & Sarat, *supra* note 72, at 635.

89. Dan Coates & Steven Penrod, *Social Psychology and the Emergence of Disputes*, 15 LAW AND SOCIETY REV. 655 (1980-1981).

90. KATARINA TOMASEVSKI, EDUCATION DENIED: COSTS AND REMEDIES 192 (2003).

91. ENGEL & MUNGER, *supra* note 79, at 251-252. The individual’s sense of self in relation to others and to society as a whole determines how and whether rights should play a role. *Id.*

92. *Id.*

93. *Id.* at 244.

In light of the above it seems that human rights education, consisting of general knowledge of rights as well as practices for their application in school environment, should be a basic standard in each school.<sup>94</sup> In the following chapters this contention will be demonstrated by the example of the education of Ultra-Orthodox girls in Israel. In a recently published literature review regarding legal consciousness, Michael McCann notes that since consciousness is constructed out of context-specific life experiences and cultural practices, it is hardly surprising that studies of legal consciousness emphasize the particulars of context in which people and their activities are situated.<sup>95</sup> However, very few studies of legal consciousness explicitly develop and illustrate systematic searches for the interrelated elements that might define contextual analysis.<sup>96</sup>

In light of these insights, the case of Ultra Orthodox girls in Israel will be elaborated in two contexts. The first is depicting how the lack of *rights consciousness* education during childhood shapes adulthood. The second is examination of *rights consciousness* within a specific societal background, which is characterized by certain obstacles that will be elaborated in the next section.

#### IV. COMMUNAL CONVENTIONS AND GENDER INEQUALITY

In this section we will focus on two obstacles that Ultra-Orthodox girls and women meet. One obstacle is constituted by their gender, and the other is constituted by their communal conventions and attachments. Using terms that were introduced before, these two obstacles, working in alliance, limit the ability of Ultra-Orthodox girls to develop *rights consciousness*. Acceptable human rights knowledge could be used to address the obstacles. However, the lack of such knowledge highly lim-

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94. The components of human rights education are addressed by the comments of the Committee on the Rights of the Child:

Human rights education should provide information on the content of human rights treaties. But children should also learn about human rights by seeing human rights standards implemented in practice, whether at home, in school, or within the community.

The Committee on the Rights of the Child, General Comment no. 1: The Aims of Education U.N. Doc. CRC/GC/2001/1 (2001), para. 15, [http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)CRC.GC.2001.1.EN?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)CRC.GC.2001.1.EN?OpenDocument), see also Lansdown, *supra* note 6, at 50.

95. *On Legal Rights Consciousness*, *supra* note 69, at ix, xxiii.

96. *Id.*

its the capacity of the Ultra-Orthodox girls to adequately deal with rights demining situations. In addition, it affects their ability to imagine a full range of possibilities to choose from in order to shape their lives.

### A. The Community Factor

The Ultra-Orthodox community, which is constituted of diverse groups and sub-groups, has special characteristics that distinguish it from other religious communities in Israel. These characteristics are represented in various aspects of the community members' worldview and daily lives.<sup>97</sup> For example, one of the basic principles of the Ultra-Orthodox worldview is the belief in the authority of spiritual leaders, which are called "*Gdoilim*" or "*Gdoley Hatorah*,"<sup>98</sup> to interpret the Torah and indicate what the *Halacha* denotes in any issue, including such that are perceived as private in liberal-democracies.<sup>99</sup> According to the Ultra-Orthodox perception, human beings are supposed to unquestionably obey the guidance of the *Gdoilim*.

The obedience to the *Gdoilim* should be absolute. A person who does not comply is exposed to ostracism threats, and even to physical violence.<sup>100</sup> Some Ultra-Orthodox sects have "Chastity Guards," which confront Ultra-Orthodox people who are perceived as too promiscuous.<sup>101</sup> These practices illustrate the way human dignity is perceived by the Ultra-Orthodox community. Ultra-Orthodox people are concerned by the perception of human dignity that entails the freedom to live as one chooses, even when the choice contradicts social norms. Instead, the Ultra-Orthodox community emphasizes a perception of honor. The indi-

97. *The Study of Israeli Haredi Society*, *supra* note 38, at 224, 227.

98. The term derives from the Hebrew word "Gadol" which means big. It denotes prominent figures in the Ultra-Orthodox world.

99. Brown, *supra* note 27, at 41, 56.

100. See Avishai Margalit & Moshe Halbertal, *Liberalism and the Right to Culture*, 71(3) SOCIAL RESEARCH 529, 531 (2004).

101. See *The State of Israel v. Busaglo* (CC 226/08 (District Court – Jerusalem 2009) [Hebrew]. In this case the defendant was convicted of offenses involving violent behaviour and blackmailing during his activity in the "Chastity Guards" organization. The verdict notes as follows:

Among the goals of the organization is to fight phenomena of indiscency, according to the view of its members . . . In order to fulfill its goals, the "Chastity Guards" organization also uses threats and violence

(*id.*, at para. 2, our translation S.A. and L.P); See also Neta Sella, *Jerusalem Police versus the Chastity Guard*, YNET (Aug. 21, 2008), <http://www.ynet.co.il/articles/0,7340,L-3585941,00.html> [Hebrew]; Yonatan Liss, *An Ultra-Orthodox Woman and a Soldier were Attacked for Sitting Next to Each Other in a Bus*, HAA'RETZ (Oct. 21, 2007) <http://www.haaretz.co.il/hasite/spages/1016435.html> [Hebrew].

vidual is committed to honorable behavior, which fits his or her social status and communal attachments. This attitude successfully blocks potentially “problematic” values, such as autonomy and free choice, and promotes alternative values, such as obedience.<sup>102</sup>

The Ultra-Orthodox community is also religiously conservative. The conservative attitude leads towards a strict interpretation of the religious norms, and avoidance of any deviances.<sup>103</sup> It characterizes the Ultra-Orthodox judgments in various issues that are relevant to women’s daily lives. Another Ultra-Orthodox tenet is inner seclusion. The rationale of this tenet is that Ultra-Orthodox Jewry can be preserved and sustained only if walls will separate between the Ultra-Orthodox community and the secular world.<sup>104</sup> Secular movements, such as the enlightenment and Zionism, are seen as artificial and dangerous to the “real” Judaism.<sup>105</sup> This self-perception of Ultra-Orthodox Jewry as minority that stands for the only legitimate truth and continuously fights for its survival is a central component of the Ultra-Orthodox consciousness.<sup>106</sup>

## B. The Gender Factor

As was noted, Ultra-Orthodox society opted for an essentialist perception which takes for granted certain fundamental differences between men and women.<sup>107</sup> This is embedded in many religious sources, such as:

102. Michael Rosenak, *Focuses of Religious Radicalization: Educational Aspects*, 1 PHILOSOPHY OF JEWISH EDUCATION JOURNAL 155, 157-158 (1998/1999) [Hebrew].

103. *Id.* at 65.

104. *Id.* at 63-64.

105. *The Study of Israeli Haredi Society*, *supra* note 38, at 232.

106. *Id.* The Ultra-Orthodox community perceives itself as the successor of the traditional Jewry. However, most of its researchers describe it as a modern phenomenon, which originated as a response to the secularization of young Jews during the nineteenth century and to the rising of the enlightenment movements. *Id.* at 226.

107. Brown, *supra* note 27, at 64-65. This approach is also relevant to differences between Jews and non-Jews (*id.*), as well as to differences between Ultra-Orthodox Jews whose origin is European (“Ashkenazim”) and Ultra-Orthodox Jews whose origin is Arabic countries (“Sefaradim” or “Mizrahim”). *Id.* Tzvi Zohar argues in this regard that part of the Ashkenazi Ultra-Orthodox community is characterized by problematic perceptions of ethnic superiority. Tzvi Zohar, *Torah Sages and Modernity: On Orthodoxy, Sephardic Sages and the Shas Party*, GILAYON 8, 16 (1996-1997) [Hebrew]. Such perceptions ensue ethnic discrimination in the Israeli Ultra-Orthodox schools, as was the case of the Beis Yaa’kov school in Emanuel. See H CJ 1067/08 *Noa’r Kahalacha Association v. The Ministry of Education* (2009) [Hebrew]; Aviad Glickman, *Court to Emmanuel Parents: Obey Ruling Or Go To Jail*, HAA’RETZ, June 15 2010, <http://www.ynet.co.il/english/articles/0,7340,L-3905731,00.html> [Hebrew]; Aviad Glickman, *Religious School Accused of Contempt of Court*, HAA’RETZ, April 8 2010, <http://www.ynet.co.il/english/articles/0,7340,L-3872948,00.html> [Hebrew]; Yaheli Moran Zelikovich, *Closure Order Against School for Ashkenazi Girls Only*, HAA’RETZ (April 13 2010),



[Your] desire shall be for your husband, and he shall rule over thee (Genesis 3:16). . . . To revive a man before a woman (Mishnah, Horayot 3:7). . . . A women's voice is [sexually arousing like nakedness (Kedushin 70a). A woman has no wisdom except with the spindle (BT, BT, Yoma 66b). Women are frivolous (BT, Shabbat 33b). . . . A woman cannot judge nor testify (PT Yoma 7:1). Thank God for not making me a woman (Toesefta, Berakhot 7:10 and daily morning prayer). . . . When Eve was created Satan was created with her (Genesis Rabbah 17:9).<sup>108</sup>

No doubt, these are ancient sources, and some of them reflect ideas and practices that no longer prevail in Ultra-Orthodox society. Nevertheless, the undisputable status of the *Halachic* demand endows the ancient articulations permanent vitality, which preserves the message that women in Ultra-Orthodox society are dependent on men and are subordinated to them.<sup>109</sup> It should be noted though that various voices and articulations in regard to women are abundant in Jewish tradition.<sup>110</sup> In the orthodox religious-national society there are prominent feminist trends that seek reconciliation between the *Halachic* norms and principles of gender equality.<sup>111</sup> These trends are being led by women who succeeded in putting the gender issue at the top of their communities' agendas.<sup>112</sup> Yet, such trends are very rare in the Ultra-Orthodox community, in which women are still banned from the most prestigious public activity—studying Torah and its application,<sup>113</sup> and are not allowed to become spiritual or political leaders. Additionally, Ultra-Orthodox women are

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<http://www.ynetnews.com/articles/0,7340,L-3862520,00.html> [Hebrew]; see also Lotem Perry-Hazan, *The Regulation of the Ultra-Orthodox Education in Israel: Between Politics and Law*, in REGULATION IN EDUCATION (Yossi Yona ed., forthcoming 2011) [Hebrew].

108. Rachel Elior, "Present but Absent," "Still Life" and "A Pretty Maiden Who Has No Eyes" *On the Presence and Absence of Women in the Hebrew Language, in Jewish Culture, and in Israeli Life*, in STREAMS INTO THE SEA STUDIES IN JEWISH CULTURE AND ITS CONTEXT 194-95 (Rachel Livneh-Freudenthal & Elchanan Reiner eds., 2001).

109. HANNA KEHAT, FEMINISM AND JUDAISM: FROM CONTRADICTION TO REVIVAL 26-30 (2008) [Hebrew].

110. See *id.* at 25.

111. For more information regarding religious-national feminists, see: RACHEL ADLER, ENGENDERING JUDAISM: AN INCLUSIVE THEOLOGY AND ETHICS (1998); Tamar Ross, *Modern Orthodoxy and the Challenge of Feminism, in JEWS AND GENDER: THE CHALLENGE OF HIERARCHY*, XVI STUDIES IN CONTEMPORARY JEWRY 3 (Jonathan Frankel ed., 2000).

112. See KEHAT, *supra* note 109, at 9, 14.

113. See *A Dialogue Between a Liberal and an Ultra-Orthodox on the Exclusion of Women from Torah Study*, *supra* note 13.

segregated in synagogues, in social events, and even in public buses that are operated in Ultra-Orthodox zones.<sup>114</sup>

As illustrated, both obstacles—the community and the gender obstacles—prevent the implementation of many human rights norms in the lives of Ultra-Orthodox girls. These obstacles, alongside the lack of human rights knowledge, hinder Ultra-Orthodox girls from reaching the domain of human rights. As will be elaborated in the next section, the deficiency of *rights consciousness* is prone to affect the plight of the Ultra-Orthodox girls for the rest of their lives.

## V. THE ABILITY TO CLAIM AND THE OPPORTUNITY TO IMAGINE – MANIFESTATIONS OF RIGHTS CONSCIOUSNESS DEFICIENCY

In the following we will describe three common situations among the lives of Ultra-Orthodox women, which poignantly reflect the outcome of the lack of *rights consciousness*. The first situation is the typically poor ability of Ultra-Orthodox women to address domestic violence effectively. In most cases, the victims of domestic violence keep silent in order to preserve the image of peaceful family life, which is a meta-value in the Ultra-Orthodox community. The other situations pertain to the inability of Ultra-Orthodox girls to imagine the various possibilities they can choose from in their futures. One situation is the employment of many Ultra-Orthodox women in “bad jobs”—jobs that do not fit their skills and do not allow professional advancement or adequate wages. The second situation is that of Ultra-Orthodox women who unreservedly accept the dictate of having as many children as biologically possible, and avoid turning towards *Halachic* or external options of birth control. Even women who are highly distressed by their many pregnancies, births, and maternal duties do not easily link their distress to the perception of autonomy. Being aware of such a link could enable them to tailor a personal balance between the value of fertility and their individual needs.

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114. Tzvia Greenfield, *Is It Really so Benign? Gender Separation in Ultra Orthodox Bus Lines*, 1(1) LAW & ETHICS OF HUMAN RIGHTS, Article 8 (2007). Available at: <http://www.bepress.com/lehr/vol1/iss1/art8>.

## A. The Ability to Claim

### 1. Silence in Front of Domestic Violence

Most of the Ultra-Orthodox women who are exposed to domestic violence do not complain and do not seek help.<sup>115</sup> When an Ultra-Orthodox woman hints that she is being abused, the message she gets is that she must first consider the interests of her community.<sup>116</sup> The manager of a shelter for abused Ultra-Orthodox women says:

In society where women learn that the altar weeps whenever a couple gets a divorce, an abused woman feels she must keep *shlom bait* (domestic harmony). . . . In no other society [do] women pay a price of ostracism as they do in Ultra-Orthodox society. . . . An abused woman is perceived as a stain that harms the entire family.<sup>117</sup>

The rabbis are inclined to direct violent men to group therapy and avoid suggesting the option of shelters to abused women, though it is doubtful whether therapy for men is successful.<sup>118</sup> Even rabbis who claim that in principle domestic violence should be addressed and denounced, will demand extensive “proofs” from women, especially when the accused men have prominent social status.<sup>119</sup> Haya Rozenfeld, director of the Department of Domestic Violence at the Jerusalem Municipality explains that:

He [the Rabbi] sees a man who prays regularly, a great “Kollel” student. And then the wife comes and tells a strange story. “But I know him,” says the rabbi, “it is impossible.”<sup>120</sup>

115. See Yael Branovski, *The State is Helpless in front of Secrets in the Ultra-Orthodox Family*, YNET (Apr. 2, 2008), <http://www.ynet.co.il/articles/1,7340,L-3526643,00.html> [Hebrew]; Zofia Hirschfeld, *A Plague not Inflicted in the Torah*, YNET (Nov. 7, 2009), <http://www.ynet.co.il/articles/0,7340,L-3793292,00.html> [Hebrew]; Tamar Rotem, *Ultra-Orthodox Society Discovers Violence In the Family, But Slowly*, HAA'RETZ (2004), <http://www.haaretz.co.il/hasite/pages/ShArtPE.jhtml?itemNo=384545&contrassID=2&subContrassID=2&sbSubContrassID=0> [Hebrew].

116. A quotation of Haya Rozenfeld, manager of the Department of Domestic Violence at the Jerusalem Municipality. See Rotem, *supra* note 115.

117. *Id.* (our translation – S.A. and L.P.).

118. *Id.*

119. *Id.*

120. *Id.* (our translation – S.A. and L.P.).

The taboo that surrounds the domestic violence enhances the fear of Ultra-Orthodox women to damage their reputations and the matrimonial chances of their children. Hence, abused women who try to get help typically wait until their children are married. Another factor that hinders their opting for a shelter is their unwillingness to part from some of their children. When the older children do not accompany them, they can be easily persuaded to return home.<sup>121</sup>

Occasionally, Ultra-Orthodox women also experience also verbal or emotional abuses. In some cases they are victims to situations that are termed “spiritual violence.”<sup>122</sup> Adv. Noach Korman, director of the “Bat Melech” (King’s Daughter) organization, which offers social services for Ultra-Orthodox women who were victims of domestic violence,<sup>123</sup> explains that Ultra-Orthodox society is very different from secular society in regard to emotional abuse, which is sometimes more harmful for Ultra-Orthodox women than physical violence.<sup>124</sup>

“Bat Melech” aims to promote the awareness of abuse towards women within Ultra-Orthodox society and to educate in order to prevent violence. The organization distributes brochures in mikves,<sup>125</sup> synagogues, and other places women visit. However, these efforts contradict the tendency of Ultra-Orthodox society to hide the issue of abuse. The Ultra-Orthodox press has published only a few articles about abuse, and Ultra-Orthodox schools do not deal with the subject.<sup>126</sup>

## B. The Opportunity to Imagine

### 1. Acceptance of “Bad Jobs”

In spite of their wide and varied education, many Ultra-Orthodox women experience difficulties in finding suitable jobs. First, the number of jobs within the Ultra-Orthodox community is limited.<sup>127</sup> Accepting a

121. *Id.*

122. Nicole Dehan and Zipi Levi, *Spiritual Abuse: An Additional Dimension of Abuse Experienced by Abused Haredi (Ultraorthodox) Jewish Wives*, 15(11) VIOLENCE AGAINST WOMEN 1294 (2009).

123. See BAT MELECH, <http://www.batmelech.org/index-english.html>; Hirschfeld, *supra* note 115.

124. Hirschfeld, *supra* note 115.

125. Bathes used for the purpose of ritual immersion.

126. Rotem, *supra* note 115.

127. See Eliezer Shwartz, *Encouraging the Employment of Ultra-Orthodox Women 1-2* (Research and Information Center of the Israeli Knesset, 2008), <http://www.knesset.gov.il/mmm/doc.asp?doc=m02006&type=pdf> [Hebrew].

job within secular society might damage the family's reputation and consequently damage the educational and matrimonial chances of the children.<sup>128</sup> Additionally, the obligation to raise many children and the heavy load of house chores prevents Ultra-Orthodox women from investing time and effort in their careers.<sup>129</sup>

During recent years, the Israeli government initiated several projects that were intended to address these problems by creating new high-tech jobs for Ultra-Orthodox women in specially-designated centers near their homes.<sup>130</sup> The idea is that such centers will enable Ultra-Orthodox women to combine professional work with their domestic responsibilities.<sup>131</sup> According to the project terms, the employer receives 1000NIS (around \$270) a month for each woman employed during five years and is obligated to pay her at least five percent above the minimum wage in Israel, which is around \$1,100.<sup>132</sup> Eventually, the state profits, since the employed women pay municipal taxes and the state does not have to pay them unemployment allowances.<sup>133</sup>

The high-tech firms that employ Ultra-Orthodox women also profit. The women wages are slightly above minimum wages;<sup>134</sup> it is about half of the wages for similar jobs that employees in secular sector get.<sup>135</sup> Additionally, the employers report that Ultra-Orthodox women are dedicated employees; they do not use the phone or the Internet for personal reasons, they give up breaks, and they hardly miss a day of work.<sup>136</sup> According to one employer, their production rate is excellent: "they produce in seven hours what other women produce in nine hours."<sup>137</sup> Hence, Ultra-Orthodox women are "cheap and obedient" employees.<sup>138</sup> The

128. See Yifa't Erlich, *No Talking during the Meal*, 310 NEKUDA 18 (2008) [Hebrew].

129. See Schwartz, *supra* note 127.

130. See Zach Colman, *Modi'in Illit Firms Show Power of Haredi Women in Workforce*, THE JERUSALEM POST (Aug. 11, 2009), <http://www.jpost.com/Home/Article.aspx?id=151528>.

131. See GOTTLIEB, *supra* note 17.

132. See Ruth Sinai, *The Ultra-Orthodox Women in Modi'in Illit: The New Competitors of the High-Tech Centers in India*, HAA'RETZ (Sept. 19 2005), <http://www.haaretz.co.il/hasite/pages/ShArtPE.jhtml?itemNo=626488&contrassID=2&subContrassID=1&sbSubContrassID=0> [Hebrew].

133. Elli Shimony, *Who Can Find a Java (Ultra-Orthodox) Woman*, YNET (Sept. 23 2005), <http://www.ynet.co.il/articles/1,7340,L-3143773,00.html> [Hebrew].

134. See *id.*; Sinai, *supra* note 132.

135. See Galia Yemini, *They Do Not Mind to Be the Indians of the High-Tech*, HAA'RETZ (Jan. 16 2005), <http://www.haaretz.co.il/captain/pages/ShArtCaptain.jhtml?contrassID=11&subContrassID=0&itemNo=527771> [Hebrew].

136. See Shimony, *supra* note 133; Sinai, *supra* note 132.

137. Sinai, *supra* note 132.

138. Avirama Golan, *High-Tech in the Service of the Rabbis*, HAA'RETZ (Mar. 4, 2008), <http://www.haaretz.com/hasite/spages/960142.html> [Hebrew].

firms that employ them proudly report that outsourcing is no longer necessary.<sup>139</sup>

The rabbis operate hand-in-hand with the employers. They appointed supervisors in each company who sees that the women do not consort with men and eat in separate kitchens.<sup>140</sup> In this way they achieve two goals: they preserve the status of the “scholars’ society” which depends on the wages of the working women who support the entire family and, at the same time, they entrench their hold in the women’s lives. Avirama Golan expressively describes this state of affairs:

What a brilliant idea. The rabbis, who continually rejected initiatives that enabled men to integrate between studies and work, discovered in the high-tech world a new option for regeneration of the collapsing “scholars’ society,” by using the well-known old tool of repressing women. The men will sit in the Kollel again, the women will work again, but their education, instead of giving them a key for change will deepen their suppression. Without a difficulty [the rabbis] cut a circular deal with the employers and with the government, pays twice what it is worth.<sup>141</sup>

Thus, the women’s dead-end jobs actually block their horizons, and present an educational model that sends a message of inferiority. Accordingly, Ultra-Orthodox women refrain from demanding higher salaries, better conditions, or promotion, although they are well aware of the fact that they are paid less than employees in secular sector.

After completing their job duties, the Ultra-Orthodox women turn to their second jobs—looking after their many children and managing their households. Golan quotes an engineer employed by a company which also employs Ultra-Orthodox women, who tells about their daily routine:

They . . . asked the rabbis if they are allowed to have a break for prayers, and were reprimanded that they are not allowed to do so. Resting for a moment is also forbidden, because of the *Halachic* fear of “Gezel,”<sup>142</sup> and they do not argue and do not complain. They

139. See Yemini, *supra* note 135; Shimony, *supra* note 133. One of the reporters wrote that Ultra-Orthodox women are “the proper Zionist solution to the off-shoring problem in the high-tech.” Sinai, *supra* note 132.

140. Golan, *supra* note 138.

141. *Id.* (our translation – S.A. and L.P.).

142. “Gezel” denotes in Hebrew *stealing*.



only leave from time to time to a special room to pump milk for a baby. I see them waiting for the bus to *Bnei Brak*, exhausted, at 4:30pm. The heart aches for them.<sup>143</sup>

A minority of Ultra-Orthodox women choose secular working places in spite of the difficulties.<sup>144</sup> Such jobs usually carry higher chances of self-fulfillment and rewarding wages. Yet, even women who broke up the borders of their community define their positions as secondary to men, and indicate that men are the decision makers of the family.<sup>145</sup> According to their perception, the main legitimization for their employment outside their homes is not aspiration for self-fulfillment but the ability to contribute income in a way that will enable their spouses to study Torah.<sup>146</sup> Hence, the absence of *rights consciousness* is meaningful also in the labor context. Ultra-Orthodox women, even if they find jobs, stay behind as a cheap and obedient work force, unable to spread wings and reach domains of empowerment and self fulfillment.

## 2. A Child Each Year

Ultra-Orthodox women are typically mothers to many children.<sup>147</sup> According to the *Halacha*, men are obligated to “be fruitful and multiply and fill the earth,”<sup>148</sup> but women are not. Although the *Halacha* offers some options for family planning and alleviating the onus of the *Halachic* dictate,<sup>149</sup> the mainstream Ultra-Orthodox contemporary rhetoric is that the “mitzvah” of “fill the earth” is more important than family welfare.<sup>150</sup> The “wide family” model reflects a notion of self-sacrifice, mainly demanded from women. Their continuous fatigue, due to multi-

143. Golan, *supra* note 138 (our translation – S.A. and L.P.).

144. See KALEKIN-FISHMAN & KARLHEINZ SCHNEIDER, *supra* note 62; Erlich, *supra* note 128.

145. KALEKIN-FISHMAN & SCHNEIDER, *supra* note 62 at 184-85.

146. *Id.* at 211.

147. The average number of children in an Ultra-Orthodox family is around seven. See Esther Toledano, Roni Frish, Noam Zussman, Daniel Gottlieb, *The Effects of Child Allowances on Fertility* (The Research Department of the Bank of Israel, December 2009), <http://www.bankisrael.gov.il/deptdata/mehkar/papers/dp0913h.pdf> [Hebrew].

148. *Genesis* 1: 28. Ronit Ir-shai discusses the centrality and importance of this commendment in the last generation. See Ronit Ir-Shai, “Be Fruitful and Multiply and Fill the Earth” – Between Hagmonic Discourse and Subversive Discourse in the Halachic Decisions Regarding Fertility, *DEO’T* 31, 35 (2007) [Hebrew].

149. *Id.*

150. *Id.*

ple pregnancies and home chores, often leads towards inability to grow spiritually, intellectually, and professionally.<sup>151</sup> As was noted, even working women hold dead-end jobs.

This self-sacrifice goes in line with the prevailing Ultra-Orthodox perception which holds that the main roles of women are fertility and motherhood. As one of the rabbis described, women are “branded for child-birth and children rearing.”<sup>152</sup> Accordingly, the dichotomy between the public and the private spheres within the Ultra-Orthodox community, where the roles of women are set within the private sphere and perceived in biological terms, is intensified.<sup>153</sup>

Most Ultra-Orthodox women do not doubt the sacred value of fertility. Perhaps some reach happiness while fulfilling that role, but others collapse and experience considerable difficulties.<sup>154</sup> Yet, family planning discourse is a taboo in the Ultra-Orthodox community.<sup>155</sup> The stressed

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151. *Id.*

152. *Id.*

153. *Id.*

154. Sara Einfeld, an ex-Ultra-Orthodox woman who became secular, reports that:

There are suffering mothers but they stay silent. They have no one to talk to. Nobody will mention that a woman might become unhappy when giving birth, let alone a woman that collapses. It is forbidden to touch the myth of motherhood as an ideal.

Anat Meidan, *It is Hard to Believe*, YEDIOTH AHRONOTH 21 (Oct. 2, 2009) [Hebrew] (our translation – S.A. and L.P.).

155. The following post demonstrates the taboo practiced in Ultra-Orthodox community in regard to family planning, which was published in an Ultra-Orthodox website, criticizing the managers of the forum for deleting a discussion on family planning:

A discussion on the important subject of family planning was deleted here a few minutes ago. According to the assistant manager Shloymi, the reason for this was a deviation from the limits of the good taste. Shloymi, it seems that due to your long vacation away from this forum, you don't know that the limits of the good taste were extended here, way above this innocent discussion. There were discussions here on the influence of Viagra. . . There are news here on rapes of Ultra-Orthodox girls by their fiancés . . . and there are also nice stories for Sabath about synagogue beadles that grant favours to minors. And when there is a discussion that deals, without any dirty words, with a subject that most of our families ponder about during their lives, suddenly pops out the claim that it deviates from the good taste. Very weird. I think that you deleted the discussion because you know that opinions which the Rabbis don't like are going to be heard here. On the big lie of the obligation to give birth to a child every year and on the crises that it causes to Ultra-Orthodox families.

[http://www.bhol.co.il/forum/topic1.asp?topic\\_id=252302](http://www.bhol.co.il/forum/topic1.asp?topic_id=252302) (Aug. 12, 2002), [Hebrew] (our translation – S.A. and L.P.). It should be noted that Ultra-Orthodox who surf the web belong to moderate streams of their community. It seems that in radical streams of the Ultra-Orthodox community the taboo around the subject of family planning is even tighter.

women do not admit their condition even to themselves and find it difficult to “name” the inability to plan their family as harmful.<sup>156</sup>

The education of Ultra-Orthodox girls penetrates into the most private spheres and influences their ability to make intimate personal choices. Handicaps and obstacles, constituted by their education, direct each of the girls towards the future that is desirable for the Ultra-Orthodox community—a future of a mother who raises as many children as possible.

## VI. CONCLUSION—THE RESPONSIBILITY OF THE STATE FOR THE CREATION OF RIGHTS CONSCIOUSNESS

The contention put forward in this work is that, due to the kind of education they get, Ultra-Orthodox girls are being locked firmly into their community’s orbit as young children. This is done by limiting, even blocking, their opportunity to develop *rights consciousness*. The deficiency of *rights consciousness* accompanies Ultra-Orthodox girls for the rest of their lives. As adults, their chance to free themselves from the harmful constraints set by their community’s orbit is very slim. Blocking *rights consciousness* takes place in two dimensions. The first is lack of knowledge about human rights. The second is lack of positive manifestations of human rights in action, at home, at school and at the public domains. This absence of *rights consciousness* influences the ability of Ultra-Orthodox girls to choose freely between options during their lives.

We believe that the right to acceptable education<sup>157</sup> means that the state is obligated to see that all its citizens will receive education which develops *rights consciousness*. As the unique case of Ultra-Orthodox girls manifests, wide general education is not enough to develop such con-

156. Miriam Adler, a religious-national woman who directed a documentary on the expectance of enhanced fertility explains that some mothers get exhausted and do not understand what is wrong with them. They compare themselves to their neighbors and consider themselves unfit if they cannot match the standard of births. Aviva Lurie, *Miriam Adler Directed a Movie on the Race to the Birth after Fighting on Her Home at the Sa-Nur Settlement*, HAA’RETZ (July 10, 2009), <http://www.haaretz.co.il/hasite/pages/ShArt.jhtml?itemNo=1098960> [Hebrew].

157. International human rights instruments guarantee four features of the right to education:

- (a) Availability of functioning educational institutions and programs . . . ; (b) Accessibility of educational institutions and programs to everyone, without discrimination . . . ; (c) Acceptability of the form and substance of education . . . ; [and] (d) Adaptability of education . . . to the needs of changing societies and communities and to . . . the needs of students within their diverse social and cultural settings.

sciousness. The education of Ultra-Orthodox girls did not manage to empower them in a way that will enable them to overcome gender inequality in their community. The educational message they were exposed to, alongside the human rights model they experienced at home and in their community, taught and trained them to accept and maintain the patriarchal order of Ultra-Orthodox society. Human rights education can transform the Ultra-Orthodox girls' right to education into an empowering right, which will enable them to strive towards equality within their community, and towards shaping their future more independently.

Our contention brings to mind the multicultural discourse, which is based, *inter alia*, on the assumption that cultural diversity contributes to democratization. However, promoting collective rights under the slogan of multiculturalism should not compromise individual rights.<sup>158</sup> We believe that recognizing multiculturalism in education does not require giving up basic standards in schools. Human rights education, which is directed towards the development of *rights consciousness* of children, enables the pupils to turn knowledge into power that may mobilize their rights. It is especially essential when communal attachments or gender create barriers to the development of the *rights consciousness* of children. In these cases, the human rights education should be adapted to the pupils' culture and to the obstacles that block the development of their *rights consciousness*.

The state cannot avoid its responsibility to maintain human rights education by using the pretext of multiculturalism, and it cannot avoid it even by genuine recognition of the right to educational autonomy of certain cultural groups.<sup>159</sup> One can assume that the wish for political equilibrium plays a significant part here, and the difficulty the state faces is indeed considerable, but it cannot waive the responsibility towards its

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The Committee on Economic, Social and Cultural Rights, General Comment no. 13: The Right to Education (U.N. Doc. E/C.12/1999/10), para. 6, Human Rights Library University of Minnesota (2003), <http://www1.umn.edu/humanrts/gencomm/escgencom13.htm>; *see also* Katarina Tomasevski, Right to Education Primers No. 3: Human Rights Obligations: Making Education Available, Accessible, Acceptable, and Adaptable 11 (2001), <http://www.right-to-education.org/sites/r2e.gn.apc.org/files/B6g%20Primer.pdf>.

158. *See* Susan Moller Okin's contentions regarding multiculturalism and feminism. SUSAN MOLLER OKIN, IS MULTICULTURALISM BAD FOR WOMEN? (Joshua Cohen, Matthew Howard and Martha C. Nussbaum eds., Princeton: Princeton University Press, 1999); Susan Moller Okin, *Feminism and Multiculturalism: Some Tensions*, 108 ETHICS 661 (1998).

159. *See* Menachem Mautner, *From "Honor" to "Dignity": How Should a Liberal State Treat Non-Liberal Cultural Groups?*, 9(2) THEORETICAL INQUIRIES IN LAW 609 (2008).

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children. Hence, human rights education, which includes implementation of human rights in the school environment, should be obligatory at least in state funded schools. The state hardly influences the exposure of children to human rights, or lack of human rights, in their homes and communities. However, in schools that receive public funds it is reasonable to demand the application of certain principles that promote *rights consciousness*.

We chose to conclude with a quote from a blog written by an Ultra-Orthodox sharp-eyed observer, who bravely describes the challenges his community is facing:

The one hundred and first gate,  
is the additional desired gate,  
from which one can observe anew  
the previous hundred gates.<sup>160</sup>

“The Hundred Gates” (*Meaa Shearim*) is an Ultra-Orthodox neighborhood in Jerusalem, which symbolizes the Ultra-Orthodox internal seclusion. Even if the writer did not dedicate his metaphorical “one hundred and first gate” to the free flow of human rights, we hope that he would not mind the use of his lines to enhance our hope for a new gate, which will facilitate the ability to claim and the opportunity to imagine of the Ultra-Orthodox girls.

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160. <http://goals101.wordpress.com/about/> [Hebrew] (our translation – S.A. and L.P.).

