

- **Name of the study:** Sexuality, disability, and the law: Towards a new conceptualization of disability-related sexual rights
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- **Authors:** Rina B. Pikkol, Supervised by: Prof. Sagit Mor
- **Research Authority:** University of Haifa Faculty of Law

Abstract

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This Ph.D. dissertation delves into the complex relationship between disability, sexuality, and the law, with a focus on disability-related sexual rights. The study aims to provide a comprehensive and nuanced conceptualization of disability sexual rights. The dissertation draws on relevant social theory from disability studies and sexual citizenship, as well as legal theory from disability legal studies and human rights frameworks. The dissertation aims to answer the following questions: (1) what are disability sexual rights? (2) what is unique about them compared to general sexual rights? (3) what role does the law play in shaping them? (4) how do courts and other legal actors contribute to this conceptualization? (5) What are the roles of social perceptions, regulation, and disability awareness in shaping disability sexual rights?

The dissertation consists of an introductory theoretical chapter and three empirical papers. The introductory chapter lays out the theoretical framework for the empirical studies. It presents a novel theoretical model of disability-rated sexual rights based on insights generated by empirical research papers. The theoretical framework of the thesis incorporates a range of legal and sociological frameworks, including human rights, disability studies, and sexual citizenship. The premise of the dissertation is that disability sexual rights reside in the juncture between law and society, disability, and sexuality. This interdisciplinary approach ensures a comprehensive and nuanced understanding of disability sexual rights.

Disability sexual rights refer to the sexual needs, identities, and rights of disabled individuals. According to the new theoretical model presented in the dissertation, any conceptualization of disability sexual rights must entail three core elements: access, choice, and pleasure. These elements are fundamental within the realm of disability theory and human rights literature and emerged as critical components in the social and legal construction of disabled sexuality in empirical studies.

The first paper, titled "*Disability, rights, and the Construction of Sexuality in Tort Claims,*" examines how courts define the sexuality of people with disabilities in tort law cases in Israel in

the absence of disability rights framework. The study reveals a gradual shift towards a more inclusive and medical approach to disability and sexuality. The second paper, *“Disability, Sex Work, and the Law: A Comparative Case Study of Two Judicial Rulings,”* explores the interaction between legal context and the social construction of disabled sexuality in the context of sex work, using case studies from Israel and Australia. The research emphasizes the need for further legal reforms to fully acknowledge sexuality as a fundamental human right. The third paper, titled *“Intellectual Disability and Sexuality in Ultra-Orthodox Jewish Communities,”* examines the social mechanisms and non-legal norms and regulation of disabled sexuality in Ultra-orthodox Jewish communities in Israel. The study identifies a unique social structure that supports marriage and sexual intimacy for those with intellectual disabilities. The researchers suggest that the ultra-Orthodox conceptualization can help implement a rights-based approach to disabled sexuality in other non-liberal cultures.

The dissertation underscores the need for context-driven frameworks to recognize and implement disability sexual rights. The theoretical model of sexual rights and the findings of the empirical papers provide a comprehensive account of disabled sexuality in the intersection of law and society, contributing to disability legal studies, human rights scholarship, and future developments of inclusive policy.

Keywords

Developmental intellectual disability, adults 21+, legislation and rights, policy and governance, sexuality, relationship and parenting, self-advocacy, sexual rights, human rights, law, courts, Keren Shalem research.

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