

Equality of Muslim Women in Israel as Reflected in Shari'a Court Records 1951-1961

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Abstract

The article examines transformations in the status of Muslim women in Arab society in Israel following the implementation of the Women's Equal Rights Law–1951. It further examines public reactions in the Arab community in Israel to this law and to subsequent legislation pertaining to women's status passed and/or proposed during the 1950s and 1960s. The study takes a historical approach, drawing upon sources such as print media coverage, personal interviews with qadis, letters preserved in the Israel State Archives, and court records. An attempt was made, *inter alia*, to gauge the attitudes of Muslim women in Israel toward the new gender equality laws, on the one hand, and the attitudes of the State of Israel towards the Muslim minority living within it, on the other hand. Findings point to a certain improvement in the status of Muslim women in Israel over the years - the 1950s and 1960s constituting a major turning point in this regard – including a profound increase in women's awareness in Muslim society resulting from their exposure to Israeli civil society. On the other hand, some aspects of patriarchal Muslim Arab society, reinforced by Shari'a law, have proven to be more resistant to change, thus confining Arab women to their traditional, and often disadvantaged, status, most notably in the realm of inheritance law.

Key Words: Women's Equal Rights Law, Historical-legal research, Shari'a court judges, Gender, equality, legislation.

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Introduction

The present article is based on a more extensive research paper and examines the implications of the Women's Equal Rights Law - 1951 for the powers of the Shari'a courts in Israel, and for the nature of the cases being filed and adjudicated within these courts in Israel. The article also examines the Muslim population's reactions to the law at the time it was passed and during the first decade after its adoption - a period marked by the enactment of additional laws concerning the status of women. The article surveys the reactions of the Muslim population in Israel towards these women's equal rights laws and looks at how the Israeli government and Knesset responded to the public reactions.

Rubin-Peled (2001) describes the period between the establishment of the State of Israel (in 1948) and 1961, during which a series of women's equality laws were enacted, as a particularly dynamic period for the Muslim population in Israel. According to Peled, when gender equality laws appeared, Muslim society in Israel was confronted with a difficult dilemma, since such laws tended to clash with the foundations of Islam. In the Qur'an it is written that "Men support women and are responsible for them" (Uri Rubin, 2005, p. 71). This poses a contradiction wherein the laws of the state aspire to equality while the laws of the Shari'a courts grant the power to men in a patriarchal society. The actual picture, however, seems to be less dichotomous and more complex.

Lish's study (1972) on the status of Muslim women and their rights in Israel in the 1960s shows that Muslim women were undergoing a transition at the time. On the one hand, they could be found submitting to or maintaining customary practices associated with traditional Muslim Arab society, such as early marriage, polygamy and residence in the home of their husbands' family. On the other hand, significant changes were occurring in the status of women, as polygamy became an increasingly rare phenomenon, woman sought separate

residences, the age of marriage increased, and underage marriage declined significantly.

On the other hand, Lish's dichotomous modernist approach fails to consider the response of the Muslim population in Israel to women's rights, or to examine the press coverage of the relevant events and issues during the research period. Instead, his focus is confined primarily to general, historical changes, thus overlooking the details or testimonies of the Muslim population itself. That said, Lish does deal with such important issues as the qadi's authority and the conflict inherent to his dual role as jurist and cleric, examining their implications for the Muslim woman's situation. The present article addresses these issues as well, but extends its examination to other areas, such as the ramifications of the law for Muslim society, as expressed in the archives of the Sharia courts and the Israel State Archives.

Rubin-Peled's study for its part also fails to closely examine the Muslim point of view, focusing by and large on the Jewish-Israeli perspective as part of a historical survey of Israeli policy toward Islamic institutions in Israel. She analyzes the new civil legislation following the establishment of the State but does not address the implications of the laws' amendments for the Muslim population. Accordingly, in the present study I add written testimonies from the period with the aim of elucidating the Muslim-religious point of view, and the conflict that Muslims experienced when faced with the enactment of women's equality legislation in Israel. The novelty of my research lies in its "archeological" attempts to reconstruct the Muslim public's point of view on this issue.

The current study is based upon several primary resources including press coverage of the subject during the period examined, personal interviews with qadis (Shari'a court judges), letters preserved in the State Archives, as well as Jerusalem, Nazareth and Jaffa court records. I also examine two important

points: the attitudes of Muslim women in Israel during the research period and their responses to gender equality laws in the country while also subject to the Shari'a courts; and the attitude of the State of Israel towards the Muslim minority living within it. One of the central questions I consider is whether women's equal rights legislation in the State of Israel has raised awareness among Arab women of their rights. Likewise, I look at the question of whether and how the State of Israel has tried to apply its liberal and egalitarian policy towards Muslim women.

Choosing a research approach that is historical in nature stems from the need to present the roots of the dilemma between gender equality laws enacted by the State of Israel and Islamic Sharia' laws applying to women's status, and to show the implications of such for the Muslim population.

Numerous primary and secondary sources from the research period were used. They include articles published in the Arab-Palestinian press and the Hebrew language Israeli press between the establishment of the state and 1961.

In addition, archival databases in Israel and in the library of the Nablus municipality were accessed. Hebrew newspapers that covered the phenomenon among Muslims in Israel during the years in question include "Haaretz," which were found in the holdings of the State Archives and the National Library in Givat Ram. Arab newspapers dealing with the issue include "Al-Ittihad", "Al-Mursad" and "Al-Yawm." all of which were drawn from the holdings of the National Library on the Hebrew University's Givat Ram campus. Other newspapers, such as "Al-Difaa", "Al-Jihad", and "Filastin," which cover the Muslim response to this issue between 1950 and 1960, were found in the library of the Nablus Municipality.

In addition, legal records from the period were examined. These records were culled from the Israel State Archives as well as the archives of the Sejalat al-Mahakam al-Sharaya in Jerusalem, Nazareth and Jaffa, and the Nablus Municipality Library. In addition, the journal "الوقائع الإسرائيلية", one of the main

references concerning the legal status of Palestinian society, which contains a wealth of information about laws and amendments, was extensively drawn upon. Finally, drafts of the laws amended at the time were accessed at the Shari'a Court in Tel Aviv.

Shari's court judges such as Ahmad Natur (head of the Shari'a Court of Appeals) and Tawfiq Asaliyah were interviewed as an additional means of gathering information about laws and amendments. These interviews are analyzed herein through a sociological approach. It should be noted that these informants are a significant source of knowledge given their intimate familiarity with most of the protocols and reports from the period under study. I have learned infinitely more about the life of Muslim society in Israel by interviewing them.

As aforesaid, the study is based largely on details and cases from the records (sijilat) of the Sharia courts in Jerusalem, Jaffa and Nazareth, between 1951-1961. The analysis, in turn, references newspaper clippings from the same period, which confirm the reactions and attitudes of the Muslim population toward women's rights laws during the decade in question.

A reading of the archival material shows that a significant change in the situation of Muslim women has indeed resulted from the laws' implementation. The article attempts to understand the nature of the transformation, the types of changes and their implications. Needless to say, gender equality legislation in Israel has precipitated a revolutionary change in the status of Muslim women in the country.

Records - Examples from the Israel State Archive and the Sharia Courts

Gender equality legislation enacted by the Knesset in the early 1950s created a profound social conflict for Muslim women in Israel who were forced to deal with a new system of laws they were not used to. These laws met the needs of the Israeli society but overlooked the actual lives of Muslim women. It should

be noted that not all Muslim women were of the same status and some adapted to modernity and women's equality laws more readily. The situation impacted traditional practices in Muslim society, such as underage marriage, polygamy, and women's inheritance.

In fact, the conflict in Muslim society in Israel stemmed from a clash between the Quranic verses and many of the new civil laws of the newly founded State of Israel, which on the one hand improved the status of women, but on the other were at odds with traditional Muslim religious laws and customs (Yazbak, Kozma, 2017).

The present article examines the sijilat (records) of the Sharia courts and other documents in the archives of the Shari'a courts. These include claims adjudicated in the Shari'a court on issues of underage marriage, polygamy, and inheritance law. The Sijalat are from the courts themselves, especially those in Nazareth and Jerusalem, and some from the library of the Nablus municipality. Though the cases collected do not deal with the issues wholly or exhaustively, they are a fair representative sample.

The records (sijalat) show the change in the status of the Muslim women in Israel, and how this change led to ideological transformations in the perception of women's rights subsequent to the application of the law.

It should be noted that before the enactment of the Age of Marriage Law, the age of marriage in the Muslim Arab sector was between 10 and 16 years. Although many marriages involving minors were nullified because of the principle of puberty in Islam, which allows for the abolition of marriage, women did not have the right to refuse marriage offered by their parents. Thus, the law prohibiting underage marriage was a drastic change for Muslim society.

Accordingly, an examination of the research material shows that there was a persistent attempt to bypass the law in many ways, and often by relying on

Quranic verses. The records also show that part of the population was not even aware of the Women's Equal Rights Law of Israel. Later, the law was translated and disseminated through various newspapers.

Age of Marriage

Marriages in the Arab world generally and among the Arab population in Israel specifically are considered "universal" in the sense that every man and woman is expected to marry at an age that is considered the middle of life, but in most cases earlier (Hlehel, 2008). While more and more women in modern Arab society are pursuing a higher education and enhancing their personal independence, it is still argued that the status of women in Muslim society remains fundamentally the same, in terms of their restriction to traditional roles as perceived by that society (Shapira, Arar, 2015).

Boulos (2006) argues that the phenomenon of underage marriage is one of the most obvious signs of discrimination against women and their treatment as inferior to men. The use of the term "underage marriage" is intended to emphasize the fact that girls in such circumstances are regarded as victims. Many human rights organizations prefer to use the term "marrying minors" because most such marriages are not conducted out of full consent. This phenomenon is closely related to stereotypical perceptions, according to which the place of the woman is in the home, her primary role being giving birth to and rearing children. Moreover, in conservative societies underage marriage is used as a means of controlling a woman's sexuality (Boulos, 2006).

The age of marriage issue among the Arab population in Israel involves severe discrimination and a violation of women's and children's rights, since the bride is still a minor in many cases. According to demographic data compiled during the British Mandate period, about a third of Muslim women married

between the ages of 15-20, compared to a mere 11% among Jewish women (Elroi, 2010).

Another example is a case from the Shari'a court in Acre, which deals with a case filed by a girl whose brother married her off to a man when she was 10 years old thereby taking ownership of her dowry. When she reached the age at which she could claim her rights, she turned to the court and demanded to be released from the marriage bond that was imposed on her. The Shari'a court accepted her claim and annulled the marriage.

There are many cases, however, in which the marriage cannot be annulled. Muhammad Yazbak, who deals with "the woman's right to annul her marriage," points out in the context of the Age of Marriage Law that in traditional Islamic society marriage was conducted not according to the actual age of the woman but rather according to the degree of maturity in the woman's appearance. On the other hand, according to Section 6 of the Family Rights Law, the qadi has the authority to permit marriage to a girl who has reached maturity in terms of appearance.

Goitein and Ben Shemesh note two levels of defect in the validity of the marriage agreement:

A. a null marriage is null and void and does not establish any right or obligation.

B. Negligible marriage is divided into two categories:

B(1) marital relations were not established, so it acts as a null marriage and it establishes no right or obligation.

B(2) marital relations were established: the woman is entitled to a dowry, she has to wait for the "Ida", the children - if they were - will be attributed to the couple. On the other hand, the woman is not entitled to alimony "(Goitein, Ben Shemesh, 1958, p. 133).

Violations of the Age of Marriage Law

In one case examined, the marriage was annulled after it found that the couple in question had no legal contract and the woman claimed that she "was married" before she reached the age of 13 years and before she began menstruating.

In several instances, as in the example above, women did not agree to continue the marital relationship. From this, we can learn that the law allowed Muslim women to annul their marriages if they were forced upon them when they were still minors. These claims show that the women experienced social deprivation, and that the law tried to remedy the situation. In some instances, women succeeded in dissolving the undesired marriages.

Letters dealing with violation of the Age of Marriage Law by Muslim residents were found in the Israel State Archives. Each letter contains numerous details attesting to the fact that the Shari'a Courts do not possess authority to curtail the phenomenon. Moreover, the correspondences show that the State of Israel did not have a cohesive policy toward Israeli Arabs, and that these matters were considered subject to bias.

Saleh Thiab, the mukhtar of Tamra, wrote a letter faulting the marriage registrar:

Following up my letter to you dated 20.10.52; I would like to draw your attention to two more cases of early marriages:

1. Abdullah Shibli, who married Aida, who was not yet 17 years old.
2. Abdullah's father who married a woman under the age of 17 (State Archives, 36/24/14- 22.1.1957).

The response of the Ministry of Religious Affairs to the Attorney General was: "The judge found no mistake in the work of the marriage registrar." (ISA, File No. 2843/89).

From the above case, it can be understood that the institution gave backing to the qadis, or alternatively, the qadis themselves concealed the documents that served as evidence of underage marriage. Therefore, it may be assumed that often the Age of Marriage Law was not simply enforced in the Arab sector, or that various ways were found of circumventing it without reporting such.

Another letter, issued by the Ministry of Justice on October 20, 1952, notes that "women who were involved in cases brought to me, were at the time of marriage 10-15 years old" (2/11/14, date -22.1.1952). The contents of this letter reflect the social customs that were the norm in the Arab sector prior to the enactment of women's equal rights legislation in Israel.

In addition, letters were sent to the Secretary of Arab affairs in Jerusalem by various figures in Muslim society addressing violations committed by Muslims in Israel. For example, Salah Diab wrote the following on the non-enforcement of the Age of Marriage Law:

"A marriage contract was annulled for a girl who divorced one man and was married to another on February 11, 1952. Her family claims that the original documents attesting to her birth date were lost after the Israeli army collected all the documents during the occupation of Acre. Salah Saliman said that he had already informed the judge, Musa al-Tabari, that this was a forgery of information. However, the marriage was not stopped, and therefore we ask you to tighten your supervision to put a stop to the anarchy in Arab society" (no. 2843/89, 5.3.1952).

Another example of a case involving a violation of the Age of Marriage Law: a case adjudicated on February 10, 1955 in the Shari'a court in which a woman argued that she was married at ten years old: "It is important to note that I did not receive anything from the dowry (1250 Lira) that my brother asked for.

He ordered me to agree that the man would be my husband. I am now 16 years old and divorced and I know my rights."

Here we are talking about a 16-year-old girl who went to the Shari'a court by herself to demand a divorce. This and many similar cases describe the harsh conditions in which Muslim women were forced to live.

Yusuf Abdallah Diab, the mukhtar of Tamra, sent a letter in which he reported that "a marriage that took place on January 5, 1951 entailed some changes in the date of birth, so the whole event was done in strict secrecy. Therefore, we are demanding that this issue be dealt with seriously."

An additional case was found in the archives of the Sharia court in Jaffa: "an illegal marriage of a woman who claims that she was married under the fear and threats of her parents and could not defend herself." These cases repeat themselves and show that forced marriage was part of Muslim social customs, thus indicating the severity of the situation.

Polygamy

Judge Abd al-Hakim Samara, currently President of the Shari'a Court of Appeals in Israel, noted in an interview (held on October 18, 2012) that the law would not be considered binding if not enforced. According to Samara, the court does not object to the existence of additional marriages unless the first wife claims her right to prevent her husband from marrying another woman. In other words, Muslim society tended to refrain from enforcing the law prohibiting polygamy except in cases where a woman sued her husband.

Lish notes that restricting the freedom of a male's divorce rights – that is, his right to divorce a wife without legal grounds or permission – created a problem because the man then could not divorce the woman without her consent (Ibid, p.394).

Judge Samara quoted the Quranic verse (129) "You will never be able to do justice among women even if you try" (Uri Rubin, 2005, p. 83), concluding that the verse effectively forbids polygamy because no man can truly uphold it and be fair towards more than one woman. He also added that the Islam placed limits on the practice, allowing a man to marry up to four women only on the condition that he maintain an egalitarian attitude towards all of them, or in extreme cases in which the woman is barren or has an incurable disease. Even if there is a justified reason for marrying more than one woman, Shari'a law obliges the husband to support all his wives and fulfill their needs equally, in accordance with the Quranic verse "... marry the women you like, two, or three or four. But if you fear you will not be fair, then one." (Translated by Uri Rubin, 2005, p. 66). In the qadi's words, "[A man's] feelings are not under his control, but the fact that he loves one woman more than another cannot lead to neglecting any one of his wives" (El-Alami, 1996, p.17).

Today Muslim woman in Israel are sufficiently aware of their rights, but if we look back to the 1950s, we find that they were largely uneducated and powerless. They were commodities passed from hand to hand in return for a dowry, and so it was not uncommon to find girls who married even before they reached puberty.

Violations of the Law Prohibiting Polygamy

Judge Samara recounted a case in 1959 in which a husband, a resident of Kafr Kara, admitted that he married another woman. Polygamy is a serious violation of Israeli law, punishable by up to five years in prison. The court and the prosecutor sought to sentence the accused to more than five years, but due to his wife's pregnancy, the sentence was reduced to only 6 months.

Men continued to violate the civil law forbidding polygamy as long as their wives did not file complaints against them when they married other women, and

as long as they continued to support the family. The records indicate that in 1959 in the Shari's court in Taiba, a man claimed that his wife was mentally ill and unfit for family and marital life, and on those grounds petitioned the court to permit an additional marriage. His wife countered: "He claims that I am ill, but I am well, and this is only meant to gain permission to marry another woman and I will not stand for it."

Such cases show that there were men in Muslim society who argued that polygamy is legally sanctioned by religious law, and that the practice must be given full legitimacy. On the other hand, it also demonstrates how women who were fully aware of their legal rights were able to stand up for those rights in courts of law, even in the relatively hostile climate of the 1950s.

In an interesting case, Judge Hammad responded to a suit filed against him by Attorney Nimr Hawari on July 8, 1954 due to his refusal to allow a second marriage contract to a married man. Hawari argued before the court that prohibition of polygamy constitutes a violation of religious freedom, which permits polygamy. Hammad countered by explaining that while polygamy may be permitted by religion, it is not a religious obligation, and therefore not allowing a second marriage in no way detracts from the individual's religious freedom or freedom in general.

Judge Asaliya, Secretary of the Shari'a court in Jaffa, described how the Muslim population in Israel opposed to the law prohibiting polygamy, which threatened the traditional social life of Muslims.

Asaliya cited a verse from the Quran "If you fear that you will not do justice to the orphans, marry the women that are good to you, to two, to three, to four, and if you fear that you will not be able to do justice, to one" (Uri Rubin, 2005, p. 66). According to Asaliya, it is wrong to quote only the first part of the verse to justify polygamy, and since no man can be fair to more than one woman, the

verse actually prohibits this practice (from a personal interview with Asaliya on 03.09.2012).

On the newspaper "Al-Yawm" published an article entitled "Could Polygamy Occur in Any Time?" written by an educated Arab man in response to the prohibition of polygamy. In the article, he argues that polygamy weakens family ties, and extols the new legislation for limiting marriage of a man to only one woman.

In 1954, the Hebrew language newspaper "Haaretz" published an article about a man from Shafa'mr who was married to two women and got divorced from one after the enactment of the law ("Haaretz", 10.1.1954).

Judge Khulood al-Faqih of Ramallah clarified in an interview (August 22, 2012) how claims are being made against Muslim men outside of Israel, and how educated people in Arab countries have begun to publish their opinion against polygamy. However, according to Faqih, there has been persistent opposition in Arab and Muslim societies to laws restricting the age of marriage and prohibiting polygamy.

Restricting divorce is one of the topics widely accepted by women's organizations such as the Women's Council meeting in July 2012. According to Al-Faqih, this issue has been prioritized globally, but to a much lesser extent in Israel and Arab states.

Inheritance Law and the Succession Bill of 1952

Until relatively recently, men determined and deliberated on the laws applying to women's bodies and their property. The attitudes of women were rarely heard (Szagin, 2017).

In the Arab sector, women, as a matter of custom, give up part of their inheritance to their brothers, a practice clearly inconsistent with the principle of

equal rights. It reflects the Muslim woman's dependence on her male relatives, and often the coercive force that they wield. It is not surprising, therefore, that a Succession Bill, which emerged soon after the Women's Equal Rights Law was passed, aroused many objections.

Judge Samar describes Arab women's relinquishment of their inheritance rights as a social mechanism stemming from patriarchal Muslim tradition, noting that the law upholds women's rights only if they sue. The court cannot sue the culpable parties without a complaint being filed against them. Therefore, according to Samar, given the absence of a constitution in Israel, we remain even today in a situation in which a woman can exercise her rights only by taking legal action against family members. This situation creates a sense of helplessness as the barriers to claiming her rights becomes almost insurmountable for the woman.

Some evidence of the incongruity between Islamic Shari'a law and Israeli civil law can be found in the letters of the Shari'a courts. For example, in a 1953 letter, Judge Taher al-Tabari of the Shari'a court in Nazareth, expressed his opposition to the way in which the succession law was drafted: "The law gave the authority to the central court or the Jerusalem court to discuss this issue." "The law granted an adopted child part of the inheritance"; "The law allowed the inheritor to give all or part of his property to certain members from or outside his family"; "Make a division according to the law and not according to religion (Case No. 181514/8788). It should be noted parenthetically that the dominance of Zionist Jewish ideology evidently prevented the Arabs of Israel from claiming legal autonomy for the Shari'a courts at this time.

Judge Musa Wajdi al-Tabari of the Shari'a court in Acre responded to the proposed Succession Law arguing that it "will be a direct intervention in the religious affairs of the Muslim population in Israel. This will lead to objections

and anger among the Arab Muslim population” (file no. 407751, 17098/40, on 9.02.1954).

Judge Asaliya explained how men deprived their sisters of their inheritance. For instance, in 1958 a case was brought by a woman from Umm al-Fahm who was forbidden to visit her parents because she claimed her share in the inheritance. She asked her mother to divide the inheritance equally. She turned to the people of Umm al-Fahm. However, their answer was that they cannot interfere in personal matters, so she turned to the Shari'a court and continued until she got her share. However, the result was that her brothers prevented her from entering the village.

Violations of Inheritance Law

In Islam, women have the right to own and manage their property without the intervention of their legal guardians (husband or father). Moreover, women have clear inheritance rights. The Quran dedicates two verses to this issue: verses 12-13, Women Sura). These verses include explicit instructions to let women inherit a smaller proportion than men do. In the Quran, God instructs: "The male receives the equivalent of the share of two females. If they are daughters, more than two, they get two-third of what he leaves. If there is only one, she gets one-half. As for parents, each gets one-sixth of what he leaves, if he had children. If he had no children, and his parents inherit from him, his mother gets one-third. If he has siblings, his mother gets one-sixth."

In July 1955, the newspaper "Palestine" published an article entitled "Women and Rights," which suggests that the greatest tragedy the Muslim woman is suffering is the severe conflict with her family inside the home.

Muslim society in Israel has traditionally deprived women of their rights. Women have not been considered eligible to receive part of their families' wealth given the class division within Muslim society, which regards women as the

property of their parents first and their husbands following marriage. Violations of state and Shari'a inheritance law has been widespread among the Muslim population to this day, notwithstanding the considerable improvement in the status of Muslim women in Israel.

The laws of Muslim inheritance are composed of two different levels: pre-Islamic Arab customary law and the instructions of the Quran. According to Arab customary law, only males are entitled to an inheritance. Islam adopted the customary law, but it added religious-legal norms to improve the status of women (Aharon Lish, 1995), thus showing that Islam appeared to protect women from the difficulties they experienced before they arose. That is, the law came to defend the woman's inheritance rights.

The approach to inheritance among the Muslim population reflects a serious problem. Muslim men have clung to the belief that family money and property should not be transferred to another family through women, and therefore they have systematically denied the inheritance rights of their sisters. Cases adjudicated in the Shari'a courts show that the courts have tended to reject women's claims. For example, the court in Jaffa denied the claim of two sisters to an inheritance from their father after an agreed-upon division with their brother (Rubin, 2005, p. 67).

It can be understood that there is not only a failure to implement the Women's Equal Rights Law, but also a customary legitimization of men's behavior. A social vision predominated that allowed a man to control a woman, and with her all her resources and wealth.

A woman from Baqa al-Gharbiyye describes another case from the 1960s in which she and her sister fell victim to their brother on the issue of inheritance. Their brother invited them to his home and asked them for a "small favor": to sign a waiver forfeiting their father's inheritance. The two sisters found

themselves embarrassed, but signed nonetheless, feeling they had no choice. The sisters said that to this day, their brother had not visited them or even hosted them in his house, and that they had never been able to claim their inheritance rights because they had signed a waiver. This case is similar to many others that occurred in the Arab sector with the introduction of the Succession Law (from an interview held on 7.11.2012).

On “Al-Mersad” newspaper published an article by Jamila Mahmud about 45 representatives who met to discuss ways to elevate the status of Muslim women in response to repeated incidents of discrimination against them. These representatives, all men, felt a moral responsibility toward Muslim women who had been deprived of their inheritance rights.

On the other hand, there are Muslim women who claim that the Women's Equal Rights Law actually undermined their status, because it came all at once without any prior warning. Following the new laws, women started building up emotional expectations, which led to confusion, problematic consequences, and a frustration with the difficulty they encountered trying to bridge the expectations of patriarchal Arab society with a desire to fulfill their rights.

In sum, we have briefly examined above violations of inheritance law among Muslim Arabs in Israel. The discussion was based on records drawn from the Sharia courts as well as interviews with qadis and women who wanted to share their experiences.

Cases after the Enactment of the Law: Data and Interpretation

Notwithstanding the challenges of implementing them, the Age of Marriage Law of 1950 and the Women's Equal Rights law of 1951 had positive implications for family life and men's behavior towards women in the Muslim community. As evidence, until 1958, the number of married girls was 114, and the number of married minors was 9, while in the period between 1959 and 1961,

we found that the number of women married before the legal age was 11 and the number of minors was only 5. It can be concluded, therefore, that Muslim women have become increasingly aware of their rights and independent in terms of life decisions and determining their future. It can be said then that, to a large extent, implementation of the two laws forced Muslim society to recognize the status of Muslim women.

Statistical data from the period 1952-1958 show that the age of marriage issue was a particularly acute one among the Muslim population in Israel. The traditions at that time determined that the age of marriage was about 14-15. At such an age, girls are unable to demand their rights due to numerous constraints such as lack of fluency in the Hebrew language and the inability to hire an attorney.

According to statistics, the average age of marriage among the Muslim population in Israel in the 1950s was 20.6 years. Data from the Sharia courts show that in the years following the enactment of the law, Muslims refrained from declaring a marriage contract before the legal age of marriage. In 1956, for example, a year in which 856 new marriage contracts were registered, 396 marriage applications were received for formal realization because the marriages were conducted before the legal age of marriage. It can be said that the social system and accepted customs helped control this phenomenon.

In the records of the Shari'a court in Nazareth, we found 46 claims that were filed between 1952 and 1961 to prove marital relations, indicating that the population was observing the law. In contrast, only three inheritance claims were recorded. In my view, and as I understood from Judge Asaliya, it can be said that it was not customary at that time for women to claim their inheritance rights in inheritance due to a lack of awareness and an absence of factors that would encourage women to claim their legal rights.

Judge Asaliya described how the Arab Muslim population opposed the law since most men in those years had more than one wife. Married women in polygamous marriages did not feel "part of the problem," due to the religious legitimization of a man wedding more than one woman.

Following ongoing objections by the Muslim population, which remained unanswered by the State of Israel, a wave of violations of the new succession and family laws began. The Shari'a court discovered some of them only when they came to legally prove the marriage to the state authorities.

In conclusion, the findings of the study indicate that the Women's Equal Rights Law of 1951 caused confusion in Muslim society in Israel. At first, the law aroused great opposition, but later it was reconciled with and implemented with the cautious aim of improving Muslim women's lives and status. In matters of inheritance, we have seen that Muslim women have rarely claimed their rights, so achievements in this area have been limited. However, in other areas such as polygamy and underage marriage, a certain improvement in the status of women is noteworthy, as Muslim women have become more aware of their rights.

Conclusion

The article has examined changes in the status of Muslim women in Arab society in Israel following the implementation of the Women's Equal Rights Law - 1951. It has also examined public reactions in the Arab community in Israel to women's equal rights legislation, and how the government and legislature responded to such reactions.

Implementation of the Women's Equal Rights Law can be said to be a very clear case of state intervention in the autonomy of the Shari'a courts, since Israeli civil law was "stronger" than Islamic religious law: for example, a Muslim citizen of Israel who committed polygamy came to be subject to criminal punishment and imprisonment notwithstanding the fact that it is a practice

accepted by Sharia law. Thus, there was a need for flexibility on both sides: (secular) Israeli civil law and the (religious) Shari'a courts. For example, polygamy was not recommended by the qadis, but also not prohibited, and even legalized in cases where the man is considered financially and emotionally capable. On the other hand, the study shows that the State of Israel did not hasten to punish those who violated the law prohibiting polygamy and other laws given the contradictions between the religious law and the civil law, and even sought to find solutions. Indeed, the state was not particularly interested in imposing secular liberal policy on the Muslim population.

In light of the above, the question remains as to whether the status of the Shari'a courts has been undermined since the establishment of the State of Israel as compared to its status under Ottoman or British rule. There is no clear answer, but based on the evidence compiled for the present study, it seems that there has been a certain deterioration, but also a mutual flexibility.

Beyond the legal issue, there is also the matter of mutual influence between Arabs and Jews in the State of Israel. While Israeli secular society presumably has had a significant impact on Muslim society, Muslim society in Israel has remained separate in matters of personal identity and inheritance.

As for the changes in the status of Muslim women during the 1950s and 1960s, it can be said that positive changes in their status undoubtedly have been observed. Following the enactment of the women's equal rights laws, women began freeing themselves of the shackles of a patriarchal Arab society that gives preference to men over women.

It should be noted, however, that even before the establishment of the State, the Shari'a courts did not act "against women," but rather operated within the framework of Islamic law according to which women inherit half of the sum owed to one of the brothers.

Implementation of the Women's Equal Rights Law and the penalties accompanying it forced the Shari'a courts to be flexible and adapt. Many letters were sent to the Israeli authorities by Muslim jurists and judges challenging the notion that civil law is superior to and should prevail over religious law. However, they failed. Therefore, the Shari'a courts were forced to be flexible, with one of the results being that the number of polygamous marriages decreased.

Lish notes that attempts to transform society through lawmaking are not usually acceptable, and that society must grant its consent for such changes. This has taken place in Muslim society, where the status of women is traditionally based on belonging to the family. Changes in the status of women occurred mainly after their integration into the sphere of employment, which strengthened their status and lessened their economic dependence, and not necessarily due to the civil women's rights legislation. Lish also argues that the attempt to impose civil laws on Muslim society had the unintended outcome of increasing the divorce rate and undermining the status of women who "dared" to rebel. The Shari'a courts and Muslim society in Israel also found ways to bypass the civil laws.

However, the present study also points to the positive changes in the status of Muslim women in Israel that took place in the 1950s and 1960s. In the past, it was customary to marry off girls in exchange for a dowry; however, today Muslim women are keenly aware of their rights and are less reticent to take appropriate legal action.

The findings show that civil inheritance laws have not been enforced in Muslim society, and that women have remained at a disadvantage. Indeed, women are still unable to receive inheritances from their husbands on the pretext that they could pass it on to another family.

To sum up, on the one hand, there has been a certain improvement in the status of Muslim women in Israel, but on the other hand, there remain many areas of discrimination, disadvantage and struggle. In general, the study presents evidence supporting Peled's claim that State-legislated women's equal rights laws were not truly implemented in Muslim society, which continued to be dominated by men who found ways to bypass the laws. However, the present findings show that a profound increase in women's awareness has occurred in Muslim society as a result of their exposure to civil society in Israel, and that the 1950s and 1960s comprised a significant turning point for women's status in Muslim society in Israel (Rubin-Peled, 2011).

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