

The Reality of Muslim Women in Israel between Islamic Sharia and Civil Law: A comprehensive Legal and Sociopolitical Analysis

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Abstract: Muslim women in Israel live in a multi-layered legal, social, and political environment shaped by the coexistence of Islamic Sharia courts and the Israeli civil legal system. Sharia courts retain formal jurisdiction over matters of personal status for Muslims, such as marriage, divorce, custody, and inheritance, while civil courts apply constitutional principles of equality and human dignity to Muslim women, subjecting them to restrictions imposed by law. These restrictions require women to reconcile religious customs with societal expectations and minority politics in the predominantly Jewish state of Israel. This paper aims to analyze the legal framework governing the personal status of Muslim women in Israel, the regulation of marriage and divorce and its impact on women's autonomy, and the long-term implications of inheritance and economic rights provisions for inequality. It also seeks to uncover the socio-political context, including feminist activism and reform efforts

Keywords: Muslim women, Sharia, civil law, women's rights, judiciary.

1 Introduction

The status of Muslim women in Israel can only be understood within the context of legal pluralism, whereby religious and civil legal systems coexist and sometimes compete. Israel inherited from the Ottoman millet system a structure that grants religious communities jurisdiction over personal status matters. For Muslims, this jurisdiction is exercised by state-recognized Sharia courts, which adjudicate issues such as marriage, divorce, and inheritance according to Islamic law¹.

At the same time, Israel's civil courts and legal norms—particularly those related to equality and human rights—play an increasingly important role in shaping the options available to women². Muslim women stand at the intersection of several axes of power and identity. They are:

- Women in patriarchal social and legal structures.
- Members of a religious-national minority in a Jewish-majority state.
- Subjects of religious courts whose decisions are often insulated from direct constitutional review.
- Citizens of a modern democratic state that formally upholds equality and human dignity.

Research problem

This article focuses on the following questions:

- How is the reality of Muslim women in Israel affected by the fact that they have always been governed by Islamic law on the one hand and by civil law on the other?

1 About The Sharia Courts, Ministry of Justice The Sharia Courts, 2019, https://www.gov.il/en/pages/about_sharia

2 Shimony, Eli. Understanding Israel's Court System: A Comprehensive, Eli Shimony Law Office, <https://eshimony-law.com/legal-services/understanding-israels-court-system/>

- What is the legal status of Muslim women in Israel?
- What is the social status of Muslim women in Israel?
- What is the political status of Muslim women in Israel?

Main study objectives

This article offers a comprehensive analysis of how these layers interact. It focuses on four main dimensions:

- The legal framework governing Muslim personal status in Israel.
- The regulation of marriage and divorce and its impact on women's autonomy.
- Inheritance and economic rights, and their implications for long-term inequality.
- The social and political context, including feminist activism and reform efforts.

The main concepts of the study

- **The Muslim woman:** Islam guarantees women all their rights and ensures their independent legal status even after marriage. It grants them the right to enter into contracts and other transactions, such as buying, selling, and pawning goods, etc. They are free to own and dispose of property as they see fit, independent of their parents or husband³.
- **The Islamic Law:** It is the framework that regulates the private and public lives of people who respect the Islamic religion and Islamic law in a non-Islamic state. Islamic law includes God Almighty's commands in regulating aspects of life, including rights and duties⁴.
- **The civil law:** The expression general private law that regulates the most common relations of human coexistence," as well as the legal science that investigates and explains it, the ius civil then identified itself as an own or private right, which reaffirms the principle of the personality of the laws of the ancient world, so the foreigner is out of the orbit of this one⁵.

1. Legal Framework: Sharia Courts, Civil Law, and Legal Pluralism

1.1 Historical Roots and Institutional Design

Israel's recognition of Sharia courts as official judicial bodies dates back to the British Mandate and, earlier still, to Ottoman rule. The Sharia courts' jurisdiction over Muslims is grounded in Section 52 of the King's Order in Council and subsequent Israeli legislation, which grant them exclusive authority over the personal status of Muslim citizens in matters such as marriage, divorce, maintenance, guardianship, and custody⁶.

This institutional continuity is often defended as a way of protecting religious freedom and minority autonomy. Yet it also means that substantive Islamic family law, as interpreted by the Sharia judiciary, remains largely insulated from direct legislative overhaul. Reforms tend to occur through incremental judicial interpretation, administrative changes, or external pressure rather than through comprehensive codification.

2.1 Concurrent Jurisdiction and the Role of Civil Courts

Sharia courts enjoy exclusive jurisdiction over Muslim marriage and divorce, other aspects of family life can be brought before civil family courts, which apply state law and general principles of equality. For example, civil courts may handle disputes over maintenance, property distribution, or child welfare in certain circumstances⁷.

Amendments to the Family Courts Law and related statutes have gradually created concurrent jurisdiction for civil courts in some areas previously dominated solely by religious tribunals. These reforms are often justified in terms of protecting women and children from discrimination. However, they do not abolish religious jurisdiction; rather, they create a complex interplay in which choice of forum becomes a strategic legal decision, and power imbalances can influence which court is approached first.

³ Ali, Abdul. Woman in Islamic Law, International Journal of Multidisciplinary and Current Educational Research, Vol.3, NO. 4, 2021, PP 172- 179.

⁴ Akgunduz, Ahmed. Introduction to Islamic Law, Islamitische Universities Rotterdam, Istanbul, 2010, p. 21.

⁵ Navarrete, Miguel. The Concept Of Civil Law Historical Dimension, Revista de Derecho Actual, vol. 3, 2017, pp. 1- 14.

⁶ Solberg, N., & et al. The Supreme Court sitting as the High Court of Justice, 2013, <https://versa.cardozo.yu.edu/opinions/doe-v-supreme-sharia-court-appeals>

⁷ Shahar, Ido. "The Shari'a Court in West Jerusalem and the Civil Family Court." Tel Aviv University, 2025.

3.1 Legal Pluralism and Its Gendered Effects

Legal pluralism may appear neutral in theory, but in practice it can reinforce patriarchal norms. Studies comparing religious and civil decisions have shown that both forums may reproduce gender hierarchies, albeit in different ways⁸. Religious courts often rely on traditional fiqh, which grants husbands asymmetric powers in marriage and divorce.

Civil courts while formally egalitarian, may lack sensitivity to the specific social and economic constraints facing minority women, thereby offering remedies that are not realistically accessible to them. For Muslim women, therefore, legal pluralism is a “double-edged sword” it may create additional avenues for rights claims but also additional arenas for control and exclusion.

2. Marriage, Divorce, and Personal Autonomy

1.2 Marriage: Contracts, Consent, and Social Control

In principle, Islamic law requires the consent of both spouses for a valid marriage. In practice, however, cultural and familial norms play a decisive role. Many Muslim women in Israel marry within extended kin networks, where family reputation and communal expectations strongly influence decisions⁹. Even when women formally consent, they may experience informal pressure or limited alternatives. Early marriage and polygamy have declined following criminalization and stricter enforcement, but they have not disappeared entirely¹⁰.

Marriage contracts are a potential site for negotiating women’s rights. Clauses may be added to provide for:

- The woman’s right to pursue education or employment.
- Restrictions on polygamy.
- Financial guarantees in case of divorce.

However, many couples sign standard contracts without independent legal advice, and women may lack the bargaining power to insist on protective terms, especially in conservative communities.

2.2 Divorce in Sharia Courts: Asymmetry and Delay

Divorce is perhaps the most contentious area in which Sharia courts’ authority affects Muslim women’s lives. Under classical Islamic law, the husband has unilateral power to repudiate his wife (talaq), whereas a wife’s access to divorce is more restricted.

A woman may seek divorce by:

- **Khul'**: a form of divorce by consent in which she may return her dower or waive financial rights.
- **Judicial dissolution (tafrīq or faskh)**: initiated by the wife, requiring proof of harm, abuse, or irreconcilable conflict.

Empirical work on Sharia court records in Israel shows that while some women successfully use these mechanisms, they often face **lengthy proceedings**, evidentiary burdens, and social pressure to reconcile at almost any cost¹¹.

Many women become “chained” wives—formally married but effectively separated—when husbands refuse to grant divorce or cooperate with court rulings. Such situations can last for years, particularly when combined with economic dependence and fear of losing custody of children.

3.2 Civil Courts as an Alternative Forum

Increasingly, Arab-Muslim women attempt to **bypass or supplement** Sharia proceedings by resorting to civil family courts, especially in cases of domestic violence, maintenance, or property division. Journalistic reports and legal analyses describe a growing trend of Arab-Israeli women seeking civil remedies despite community criticism and familial

8 Oren Asman & Ido Zelkowitz. Legal competence in Shari'a courts in Israel, Nationalism and Ethnic Politics, Vol. 29, No. 2, 2023, pp 1- 13.

9 Sezgin, Yüksel. “Negotiating Women’s Rights under Muslim Family Laws in Israel.” Journal of Islamic and Comparative Law, 2020, <https://www.jiclaw.org.uk/journal/june-2017/do-not-betray-god-or-your-people-negotiating-women-s-rights-under-muslim-family-laws-in-israel-and-india>

10 Keadan, Taghreed. Equality of Muslim Women in Israel as Reflected in Shari'a Court Records 1951–1961, AL- Qasemi Journal of Islamic Studies, Vol. 3, No. 1, 2018, pp 69- 92.

11 Keadan, Taghreed. Equality of Muslim Women in Israel as Reflected in Shari'a Court Records 1951–1961, Ibid.

backlash¹². Civil courts may:

- Issue protection orders against abusive husbands.
- Enforce maintenance obligations.
- Recognize property claims based on contributions to the marital home.

However, choosing the civil forum may be seen within the community as a challenge to religious authority and collective identity. This stigma can deter women from using civil law even when it offers more egalitarian outcomes.

4.2 Narratives of Victimhood and Empowerment

Qualitative research on women's experiences in Sharia courts in Jerusalem and other cities reveals a tension between narratives of **victimhood** and **empowerment**. Some women describe themselves as trapped by inflexible judges and unsympathetic procedures; others view the courts as arenas where they can strategically mobilize religious norms to secure better outcomes for example, by invoking Islamic concepts of justice, maintenance, or humane treatment¹³.

This ambivalence underscores that Muslim women are not passive recipients of law but active agents who interpret, negotiate, and sometimes resist both religious and civil institutions.

3. in heritance, Economic Rights, and Long-Term Inequality

3.1 Sharia Inheritance Rules in Practice

Sharia courts apply classical Islamic inheritance rules, under which women typically inherit half the share of equivalently situated male relatives. Daughters receive half the share of sons; wives receive a fixed fraction depending on the presence of children; sisters' shares depend on the existence of brothers and other heirs¹⁴.

3.2 Informal Practices and Social Pressure

Beyond the formal legal rules, **informal family practices** often disadvantage women even further. Studies and anecdotal evidence indicate that women are frequently encouraged—or pressured—to relinquish their inheritance rights to brothers, in order to “keep the property within the family” or avoid conflict¹⁵. Because such waivers may occur outside formal legal settings, they are difficult to challenge later. Women may sign away their rights without fully understanding the implications, or under the emotional weight of loyalty, guilt, and social expectations.

3.3 Civil Law and Property Disputes

Civil law provides tools for addressing property and inheritance disputes, including:

- Recognition of **co-ownership** in marital assets.
- Claims based on **unjust enrichment** or contractual arrangements.
- Regulation of **wills** under civil succession law.

However, these remedies presuppose legal literacy, access to lawyers, and willingness to confront relatives in court—conditions that many women lack. Furthermore, civil succession law defers to religious jurisdiction regarding personal status in some circumstances, which can limit its transformative potential for Muslim women¹⁶.

12 Ben Solomon, Ariel. “Arab-Israeli Women Increasingly Avoiding Religious Courts in Favor of Civil Ones.” The Jerusalem Post, 2016, <https://www.jpost.com/israel-news/arab-israeli-women-increasingly-avoiding-religious-courts-in-favor-of-civil-ones-442962>

13 Abed-Rabbo, Laila. “From Victimhood to Empowerment: Muslim Women’s Narratives in the Shari'a Courts of Jerusalem and Taibe.” Journal of Contemporary Ethnography, 2012, <https://link.springer.com/article/10.1007/s11562-012-0200-4>

14 Lerner, Pablo. Muslim Law in Israel, Talk About: ICLRS Blog, 2025, <https://talkabout.iclrs.org/2025/09/04/muslim-law-in-israel/>

15 Ghandour, Zeina. “The Jurisdiction of the Shari'a Courts of Palestine and Israel.” International and Comparative Law Quarterly, vol. 39, 1990, pp. 368–388, <https://www.jstor.org/stable/3381561>

16 Shava, Menashe. Matters of Personal Status of Israeli Citizens Who Do Not Belong to a Recognized Religious 2025 @ Copyright

4. Social and Political Context: Minority Status, Gender Norms, and the State

4.1 Intersection of Gender and National Minority Status

Muslim women in Israel are simultaneously members of the Arab-Palestinian minority and citizens of the State of Israel. This dual position shapes how gender issues are perceived and addressed. Demands for women's rights can be framed by some community leaders as threats to cultural or religious authenticity, especially in a context of political conflict and widespread mistrust between the minority and the state¹⁷.

As a result:

- Feminist discourse is sometimes depicted as a foreign, Western imposition.
- Women activists may be accused of undermining communal solidarity.
- State interventions in Muslim family law may be viewed with suspicion, as attempts to control or assimilate the minority.

At the same time, state policies toward Arab citizens—such as unequal distribution of resources and discriminatory planning practices contribute to social and economic conditions that disproportionately affect women, including limited employment opportunities and inadequate social services.

4.2 Education, Employment, and Public Life

Over the past few decades, there has been a notable increase in **Arab women's higher education** and participation in professional fields such as law, social work, and academia. Yet gender gaps remain pronounced in employment rates, wage levels, and representation in leadership positions¹⁸. Despite obstacles, Arab-Muslim women are increasingly visible in:

- Municipal politics and local councils.
- Civil society organizations.
- Academic research on gender and law.
- Media and public discourse.

4.3 State Feminism and Its Ambiguities

Some reforms affecting Muslim women—such as the criminalization of polygamy or the enhancement of family court jurisdiction—can be read as examples of “**state feminism**”, where the state uses its power to promote women's rights from above¹⁹.

However, in a context of national conflict, such reforms may be mistrusted or resisted, as they are associated with a state that many Arab citizens perceive as discriminatory. This ambivalence complicates alliances between state institutions and minority women's organizations and underscores the importance of community-based initiatives.

5. Arab-Muslim Feminist Activism and Legal Reform

5.1 Women's Organizations and Grassroots Initiatives

Community.” In Religions and Constitutional Transitions, Brill, 2019, <https://brill.com/display/book/edcoll/9789004422926/BP000012.xml>

17 Aburabia, Rawia. “Excluded from the Law: Muslim Women in Religious Courts.” UCLA Y&S Nazarian Center for Israel Studies, <https://www.burkle.ucla.edu/israel/article/263455>

18 Salaime, Samah. “The Quiet Feminist Revolution in Arab Society in Israel.” +972 Magazine, 8 Mar. 2018, <https://www.972mag.com/the-quiet-feminist-revolution-in-arab-society-in-israel/>

19 El-Husseini, Rola. Women's Rights and ‘State Feminism’ in the Arab World.” Arab Center Washington DC, 2023, <https://arabcenterdc.org/resource/womens-rights-and-state-feminism-in-the-arab-world/>

Several women's organizations—including the **Haifa Women's Coalition**, Arab feminist centers, and local NGOs—have played a crucial role in supporting Muslim women facing violence, divorce, and discrimination²⁰. These organizations typically engage in:

- **Legal aid and counseling**, often in Arabic, for women dealing with Sharia and civil courts.
- **Shelters and crisis services** for victims of domestic and sexual violence.
- **Public campaigns** against harmful practices such as “honor” crimes and forced marriage.
- **Leadership training** and empowerment workshops.

Another example is **Na'am – Arab Women in the Center**, which works in mixed cities like Lod, Ramla, and Yafo to combat femicide and promote economic and political empowerment for Arab women²¹.

5.2 Feminist Engagement with Islamic Discourse

Beyond legal and social services, some activists and scholars adopt a **religious feminist** approach, arguing that Islamic sources can be interpreted in ways that support gender justice. They seek to:

- Re-read Qur'anic verses and prophetic traditions with attention to context and ethical principles.
- Highlight historical precedents of women's participation and leadership in Islamic societies.
- Propose interpretations that restrict male unilateral divorce, strengthen women's contractual rights, and prioritize the welfare of children in custody disputes.

5.3 Institutional Change: Women and the Sharia Judiciary

A landmark development was the appointment of the **first female qadi** (Sharia judge) in Israel, which signaled a significant shift in official attitudes toward women's roles in religious institutions²². Although one appointment does not transform the court system overnight, it opens the door to:

- Increased gender sensitivity in judicial decision-making.
- Greater trust by women litigants in the court system.
- Symbolic recognition of women as authoritative interpreters of Islamic law. These changes, combined with sustained advocacy, could gradually alter the culture and practices of the Sharia judiciary.

6. Discussion: Between Constraint and Agency

The analysis above shows that Muslim women's reality in Israel cannot be reduced to a single narrative of oppression. Instead, it is characterized by **simultaneous constraint and agency**:

- Legal structures constrain women through asymmetric divorce laws, unequal inheritance, and complex jurisdictional arrangements.
- Social norms constrain them through expectations of obedience, modesty, and family honor.
- Political dynamics constrain them by framing gender struggles within broader conflicts over national identity and state power.

Yet women also exercise agency:

- By choosing between Sharia and civil courts—or combining both—to maximize their rights.
- By mobilizing community organizations, feminist networks, and international human rights discourse.
- By reinterpreting religious texts and insisting that gender equality is compatible with Islamic values.

Comparative work on Muslim family laws across different countries suggests that **meaningful reform is possible** when legal, political, and social strategies are combined—through codification of family law, judicial training, women's participation in religious institutions, and the strengthening of civil society²³.

20 The Haifa Women's Coalition.” Isha L'Isha— Haifa Feminist Center, <https://isha.org.il/the-haifa-womens-coalition/?lang=en>

21 “Na'am – Arab Women in the Center.” Rosa Luxemburg Stiftung, and Na'am official website. [Rosa Luxemburg Stiftung Israel](https://rosalux.org/naam)

22 Irshai, Ronit. “The First Female Qadi in Israel's Shari'a Courts.” SSRN Working Paper, 2020, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3986510

23 Sonbol, Amira. “Women, Family and the Law: The Muslim Personal Status Law Debate in Arab States.” In The New Cambridge History of Islam, Cambridge UP. [Cambridge University Press & Assessment+1](https://doi.org/10.1017/9781009154401.002)

For Israel specifically, any serious attempt to improve Muslim women's status must grapple with:

- The tension between religious autonomy and state responsibility for equality.
- The risk that reforms will be perceived as instruments of control over the Arab minority.
- The need to empower women economically so that legal rights are not merely theoretical.

7 Conclusions

Muslim women in Israel live at the intersection of **Islamic Sharia, Israeli civil law, minority politics, and patriarchal social norms**. Sharia courts maintain jurisdiction over personal status, reinforcing traditional gender roles through asymmetric divorce and inheritance rules. Civil courts offer important protections but are not always accessible or culturally legitimate in the eyes of the community. Feminist activism, both secular and religious, has begun to reshape the landscape by providing legal aid, challenging abusive practices, and advocating for institutional reforms such as the appointment of women to judicial positions.

The reality on the ground remains complex: while some women continue to suffer from legal and social marginalization, others successfully navigate and reshape the systems around them. The path forward requires **multi-layered reform**: reinterpretation of Islamic law in a gender-sensitive way, expansion of civil remedies, enhancement of economic opportunities, and stronger alliances between state institutions and community-based organizations.

Ultimately, the struggle of Muslim women in Israel is not simply a local or sectarian issue. It raises broader questions about how modern states can respect religious diversity while ensuring substantive gender equality, and how women situated at the margins of both state and community can claim their rights without forfeiting their identities.

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