

MARRIAGE CONVERSIONS: SHARI'A COURTS, ROMANIAN BRIDES AND PALESTINIAN BEDOUIN IN-LAWS

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Marriage conversions are often assumed to have little to do with religion, yet they inevitably operate in the realm of religious categories, relations, and institutions. This paper focuses on the marriage conversions of Romanian women who have joined their Palestinian Bedouin partners, returning to the Naqab (Israel) upon completing their studies in Romania. While such marriage conversions are largely not religiously motivated, religion is nonetheless implicated in these conversion practices. Based on an ethnographic study conducted among the Naqab Bedouin, this contribution considers the way shari'a court officials deal with these marriages and the practices and interfaith relations that eventually emerge in the daily life of brides and in-laws. Religious courts in Israel are embedded in social and political contexts committed to keeping religious-national communities apart, and conversions itself seems to confirm and conform to religious divides. Conversion indexes Romanian brides' acknowledgment of religious difference, yet brides engage in discrete religious mixing, and with in-laws they cultivated a discourse of monotheistic affinity and shared values. This study reveals the production and reproduction of both religious categories and interfaith relations by both institutions and participants.

Keywords: Marriage Conversion; Naqab Bedouin; judicial policy; interfaith marriages; monotheistic affinity; interreligious practice and mixing.

Introduction

Among the Naqab Bedouin, a union without marriage is unthinkable, and marriage is mostly considered a religious matter. When some of the men who left to study abroad, returned accompanied with a Romanian partner, the bride's religion was not the main concern of most future in-laws, and conversion was seldom a firm or even explicit demand. Yet, most Romanian brides in the Naqab had converted to Islam. The grooms' families did take it for granted that a Muslim marriage will take place. And this is further reinforced by Israel's family law that requires marriage to be concluded by one of the recognized religious authorities.

During the last two various decades studies concerning the conversion of European women to Islam have been published (Sultán 1999; Allievi & Dassetto 1999; Badran 2006; Shanneik 2011; Stoica 2013; Van Nieuwkerk 2006; Vroon-Najem 2014). These studies demonstrate the diversity of paths and contexts in which conversions take place. A distinction is often made between religiously motivated conversions and conversions that are associated with marriage. This literature tends to focus on *religious* motivations of European converts to Islam, a focus that can partially be ascribed to the need to counter the erroneous common assumption that marriage is the primary reason for the conversion of European women to Islam. Marriage conversions, typically labelled as 'relational conversions' are often only mentioned in passing (see Rambo & Farhadian 2014; Buckser & Glazier 2003), ignored or dismissed as being instrumental or a mere formality (Allievi & Dassetto 1999). Consequently, interesting ways in which religion is implicated in such conversion practices are overlooked. The conversions discussed in this article can in fact

be accurately labelled as *marriage conversions*, considering that they cannot be understood outside the context of the marriage.

This article then concerns marriage conversions that are not primarily ‘about’ religion, and yet such conversions are not entirely removed from religion either, as they inevitably operate in the realm of religious categories, relations and institutions. Two aspects in which religion is implicated in such marriage conversion practices are addressed here. The first aspect concerns the shari’a court officials and the way they deal with these marriages. The second aspect examines the inter-religious relations between converted brides and their in-laws. The discourses and affinities cultivated in these relations, and the discrete religious mixing practiced by some of the women, reveal how marriage conversions that are not foremost religiously motivated, carve a unique space for interreligious practices.

The study is based on anthropological fieldwork among the Naqab Bedouin (*Arab-al-Naqab*), the Arab-Palestinian native inhabitants of the southern arid part of present-day Israel. Based on long-term acquaintance with a number of extended families that have sons who were or are studying abroad, twenty-one cases of Romanian women who have accompanied their Bedouin husbands back to the Naqab were documented. All of these Bedouin grooms met their wives while studying in Romania. One-third of the women were their partners’ former classmates and some of them also practise their professions in the Naqab. All couples had married in their twenties and their marriages took place between 1994 and 2014. All but two of the Romanian women had converted to Islam.¹

Between December 2013 and August 2015 multiple informal conversations and in-depth semi-structured interviews were conducted with most of these women and in some cases with their partners as well as in-laws. I have been well acquainted with some of these families for over two decades while conducting research in the Naqab. Insights gained from the perspective of relatives provided valuable input and context to this study. Also in the other cases, I approached the women by first contacting relatives of the couple through my existing network. I visited most women’s homes more than once, and visited some at work. Visits and conversations typically lasted at least two hours and addressed topics such as migration experience and choices, courtship and marriage, family background, relationships with family of origin, in-laws and neighbours, education, career and work environment when relevant. I also asked the women about their expectations regarding marriage prior to meeting their husband, and finally their expectations of life in the Naqab. Most conversations were in Arabic with occasional switches to Hebrew, and one recently-arrived bride preferred English. After learning that the majority of the Romanian brides had converted to Islam, an interview was also conducted with the *qadi* of the shari’a court in Bir-as-Saba’.

Romanian Brides and Bedouin Grooms

All couples discussed here met in Romania where the Bedouin men had come to study medical or paramedical professions. Romania is one of the destinations in former Soviet Eastern Europe that remained a relatively affordable destination for mostly students from the global South. These student trajectories were established during the Cold War era and were at the time supported by Soviet-based scholarship schemes. While these scholarships no longer exist, for Palestinian students one of the main push factors still persists. Many Palestinians citizens of Israel obtain their academic degrees abroad due to various forms of structural discrimination that result in limited access to higher education,² particularly to the more prestigious medical studies.

Arab-al-Naqab, commonly known as the Bedouin, are the Arab Muslim native inhabitants of the Naqab. With an estimated population of over 240,000 they make up

part of the Palestinian national minority who are citizens of Israel and constitute one of Israel's most marginalised minority groups.³ Neglect and discrimination result in severely inadequate health, education and welfare services. For many families the investment in sending a son to study abroad is immense. As a result, these young students are often indebted to multiple family members and are under a great deal of pressure to succeed and return. Return rates among these young men are high and they generally comply with their families' expectations in terms of employment, residence and marriage.

Marriages across religious boundaries (i.e. to non-Muslims) are rare among the Naqab Bedouin and generally deemed undesirable.⁴ Families, and many young women themselves, consider their cousins to be the most probable marriage candidates. Among the Naqab Bedouin, roughly half of all marriages are between relatives, often first cousins. The young men graduating from studies abroad are highly desirable grooms, and marrying a foreigner generally falls short of relatives' expectations and hopes. Despite their low occurrence, marriage to foreign brides figure prominently in the anxieties of the families of men leaving for studies abroad. The families' main concern is that their sons will not return to the Naqab. They fear that a foreign or overseas bride will not adjust to the inconveniences of heat, poor material conditions, and dense family relations in the Naqab. Divorce, or a bride — sooner or later — insisting to leave with her children, are the most dreaded scenarios. Elsewhere (Kisch, forthcoming) I have suggested that conversion functions as a gift meant to soothe precisely such anxieties and gain acknowledgment for the Romanian brides' commitment.

Shari'a Court and Judicial Policy

In the Israeli legal system, the law that applies in matters concerning marriage and divorce, is determined according to the religious affiliation of those involved — a principle inherited from the Ottoman legal system (Halperin-Kaddari 2004; Shahar 2015; Ramadan 2015). State-run shari'a courts have jurisdiction in matters of marriage and divorce concerning Muslims. The Israeli legal system does not allow for civil marriage. Thus, interfaith couples need to submit to religious courts, unless they choose to marry abroad⁵. In Romania a Muslim marriage can be concluded by a registered Imam.⁶ In order to have legal effect, a civil marriage needs to be concluded. Most significantly, such a marriage does not require conversion. Only two of the couples concerned here had concluded and registered their marriage in Romania before settling in the Naqab.⁷ Among the remaining couples only very few made any inquiries to even explore such a possibility.

Acknowledging that marriage in the Naqab was what their future in-laws expected, most Romanian future brides left the organisation of the marriage, wedding party and inquiries about the necessary procedures to their husbands and his relatives. When approaching the shari'a courts in Israel for marriage, they were instructed to convert to Islam. Women seldom mentioned their conversion in our initial conversations: upon my inquiry, women referred to it as part of the marriage procedure, and said not to have made further inquiries. They mostly repeated what their husbands, or whoever was sent to make the inquiries, reported to have heard at the shari'a court; conversion was necessary in order for the marriage to be concluded. They were advised towards the following procedure: convert to Islam, then register at the Ministry of the Interior, and apply for and issue an Israeli ID card. 'And then' as the clerk of the sharia court in Bir-as-Saba' also confirmed 'all is ready, they return to the court with two witnesses to get married'.

When discussing this issue with the *qadi* of the sharia court, he explained 'Here at the sharia courts, before marriage she has to become a Muslim, to avoid mixed marriage ... That will only bring trouble'. The *qadi* seemed most concerned with avoiding complications in case of divorce:

'It [conversion] is advisable, otherwise it is a mess' [for whom? I asked] 'for both of them. If they are both Muslim it is also easier to divorce. Otherwise, it is the Law for Dissolution of Marriage, Special Cases!'

Here, the *qadi* refers to the convoluted procedure designed to offer couples of different religious affiliation a legal course of action in case of divorce.⁸ While the legal systems based on the Ottoman *millet* did not facilitate the conclusion of interfaith marriages, from Ottoman times up till the current Israeli system, the law does attend to the need to dissolve such marriages (Karayanni 2007). Whereas divorces are otherwise within the jurisdiction of the religious court of the parties involved, for special cases the law requires, among others, an appeal to the Supreme Court.

To further illustrate his statement that a 'mixed marriage...will only bring trouble', the *qadi* provided several examples, all referring to the ambiguities that emerge when a child is identified or registered as a Muslim following his paternal descent and as Jewish following his maternal descent. Evidently, the *qadi's* approach is shaped by the Israeli context, not only as it is manifested in the constraints of its legal system, but also based on his experience with other kinds of interfaith marriages and relations. Shari'a courts in Israel are embedded in social and political contexts committed to keeping religious-national communities apart. In contrast, the Romanian institution of the mufti representing the Muslim community is generally assumed to facilitate the cohabitation of Muslims and Christians and is claimed to have preserved much of the Ottoman configuration that allowed Muslim men to marry Christian women without conversion (Grigore 1999; Kozak 2009; Stoica 2011).

While the *qadi* of the shari'a court in Bir-as-Saba' acknowledges that according to shari'a law it is possible to wed a Muslim man to a Christian woman, he asserted that conversion will avoid the assumed complexities of diverging juridical principles and interfaith relation. According to most Islamic religious interpretations, a Muslim man can indeed marry a non-Muslim woman, provided that she belongs to *ahl al-kitab*, literally, people of the book or scripture (Martin 2004). This interpretation is applied in the family law of various Muslim majority countries (c.f. Deeb 2017), and the *qadi* also acknowledged this:

'Yes. According to the sharia a Muslim [man] can marry a *kitabiyah*⁹... But not everything that is written is applied...We have to also consider the civil law.'

[So is it the state that keeps you from marrying a Muslim to a non-Muslim? I asked]

'No, the state says: do whatever you like, but do so according to shari'a, or Judaism, or Christianity. This is our judicial policy'.

[To be certain, I asked: is it the state's judicial policy?]

'No, of the shari'a courts, it [conversion] is our judicial policy'.

It is interesting that the *qadi* used the term *siyasaḥ qada'iyyah*, later also using the Hebrew term *mediniyut shiputit*, both literally meaning 'judicial policy'. The term 'judicial policy' suggests it is a manifestation of judicial autonomy. Much has been written about the supposed judicial autonomy of religious courts in Israel, its origin and limits. The relative autonomy of the non-Jewish religious communities has been claimed to be an effect of, and even essentially guaranteed by, the relative autonomy granted to the Jewish religious establishment (Marx 2006). Shari'a courts operate within a hybrid legal system, which requires applying state civil family law in some aspects of legislation, while permitting some legal autonomy in others. This 'legal hybridity' (Ramadan 2015) not only results in 'legal schizophrasia' (Shifman 1990:537), but simultaneously constitutes 'a site of state intervention and control' and 'a site of agency, autonomy, and opposition' (Shahar 2015: 84; Ramadan 2015). Thus the question of whether the instruction to convert can be characterised as judicial policy on the part of the shari'a courts in Israel should be

considered in the broader discussion of the actual capacity to practice the assumed judicial autonomy accorded to the different Palestinian-Arab religious communities, a discussion that is beyond the scope of this article. However, this case seems to illustrate several contrasting characteristics of this hybrid system. It illustrates the value that the *qadi* accords to his autonomy, as well as the actual limited autonomy of the religious courts. It also illustrates, as pointed out by Karayanni (2007), how this legal construction may limit individual liberal freedom, that while the jurisdiction accorded to the different Palestinian-Arab religious communities is too often referred to as a group right granted by the state in the name of pluralism and religious autonomy.

By applying the notion of judicial policy, the *qadi* suggests shari'a courts here exercise agency and choice. Furthermore, he argues against interfaith marriages — not because they are not possible in the current legal system or according to his understanding of shari'a law — but because of potential complications and ambiguities. However, tracing the legal articles relevant to interfaith marriages in Israel reveals complications of another order. Upon termination of the British Mandate in 1948, parts of the British 'King's Order-in-Council for Palestine 1922' remained in force in the State of Israel.¹⁰ Initially the Hebrew version of the Order-in-Council contained an article stating that special courts would be set up to conclude civil marriages, which would also allow for interfaith marriages (Shakargy 2018). However, such courts were never installed and the relevant article was superseded and later repealed. One possible interpretation is that in the absence of such special courts, interfaith marriages are simply not possible.¹¹ According to this interpretation the shari'a courts do not have the legal authority to conclude an interfaith marriage, which challenges the *qadi*'s usage of the notion of judicial policy. This might also explain the straightforward formulation by the shari'a court clerk, as quoted by one of the husbands who was told by the secretary of the shari'a court in Biras-Saba' that 'the court was for Muslims and if she is not a Muslim, they don't have anything to look for here'. The *qadi*'s approach aims at generating clarity and avoiding ambiguity over the relevant legal code and the authority of his court.

Religious Affinities and Mixing

Despite the court's clear instruction to convert, Romanian women did not experience conversion as imposed on them, and indeed few opted for other alternatives. They accepted and understood conversion to be necessary in order to nurture their relationship and marriage. Conversion also provided them with an opportunity to make a gesture of good will towards their in-laws, conveying their commitment and awareness of cultural and religious difference. Typically, women gave the example of keeping a halal kitchen, fasting or avoiding eating in public during Ramadan, and dressing modestly by way of demonstrating their commitment and respect towards relatives and Islam itself. However, it became increasingly clear that they did not necessarily consider conversion, or the observance of some Muslim practices, to be in contradiction with their Christian faith. Most women did not entirely distance themselves from their earlier religious affiliation, practices or faith. In the Naqab, not being of Muslim or Jewish background, their given Christian identity was taken for granted and women generally complied to this assumption.

Some of the first Romanian brides belonged to a generation born under Soviet rule, but they too had reached adulthood during the time of post-Soviet transition. Elena was one of the few who explicitly identified as being atheist or agnostic. Elena could evidently appreciate Bedouin society, yet did not shy away from outing her critique. She consistently ascribed her critique and frustrations with living in the Naqab to what she perceived to be local culture, and it being confronted with rapid change. In particular, she complained about child rearing practices and spoke of lack of discipline and consistency.

Disentangling culture from religions, Elena never related any of her concerns to religion. On the contrary, despite explicitly identifying as non-religious, she mentioned religion as something recognisable and universal. She underscored similarities between religions and drew comparisons between religious lifecycle transformations: 'In recent years my husband is more religious, but not too much. They say it comes with age. I see it with my mother too'. She went on comparing the role religious practice played in growing older and reflecting on one's life choices and achievements, a phase she recalled her mother experiencing and could now see her husband going through. 'And how about you?', I ask. 'For me ... if there is a god, it is more like an energy that we do not understand', she replies.

Somewhat younger women like Valeria, who grew up with more explicit religious manifestations, also employed such a broad understanding of religion: 'My father was in the army, there it was not even allowed to be religious. But my mother is observant, Sunday and church ... I too indeed am a believer. I follow principles of being good and helpful.'

Most women did not normally speak of themselves as Muslims, and did not denounce their Christian affinity. Some even pointed out that they doubted such transformation would have been possible or fully accepted, as Valeria later said: 'Surely few expect me to really become a Muslim'. Yet, women did not openly present themselves as Christian in the broader Bedouin community, and kept their Christian religious practice discreet.

I visited Clara on a hot August Ramadan day. After many years of living with her in-laws and working hard at her husband's clinic, Clara and her husband, who by then had three children, finally built their own private home, a few streets away from her in-laws. With the shutters closed it was relatively cool in the entrance hall of her comfortable villa, where we were seated in rococo-like armchairs, under a colourful wall-carpet depicting the *al-Ka'bah*. 'I fast during Ramad'an out of respect', says Clara. At the same time, Clara was urging me to eat and drink, just like my other fasting Bedouin hosts would insist on doing. Given that non-Muslims do not have to fast, proper hosting required such insistence, and Clara's mind rested only after I had assured her that before dawn I had enjoyed a generous *Sahur* with my hosts. Later in our conversation we were talking about language and the names they had chosen for their children, names she refer to as more universal. Interestingly, praying was also referred to in generic terms. Clara did not distinguish between religions but rather, simply between languages: 'I have taught my children to pray in Arabic as well as Romanian', she said. When I asked on which occasions they prayed in Romanian, she replied that 'When they were little, I taught them to pray before they go to bed' as she joined her hand-palms in a praying posture. 'I do have a Maria figure, but I keep it in my private room'. Clara then noticed I was looking at the wall decoration under which she was seated depicting *al-Ka'bah*. 'It does not bother me, as long as it is for a good thing', she said. As our conversation unfolded, I learnt that her religious mixing was not entirely hidden and her generic perception of religion was not entirely private:

'My husband's father, he likes religion and not just Islam. He talks to me about Issa [Jesus]. It makes me feel good that he talks to me about my religion, then I do not feel alone. This is what God brought me, to marry someone of another religion. It is the same god'.

Like Valeria, Clara refers to distinct religious belongings but she does not contrast them — rather, she underscores their resemblances and shared values. Jansen and Kühl (2008) analyse Muslim pilgrimage to Marian sites as a form of integration bringing Muslims and Christians together in shared practices, values and beliefs, and as a rejection of Muslim-Christian antagonisms. While the Naqab examples do not involve shared mixing of religious practice, like pilgrims they do express a similarity in religious feelings and perceptions while acknowledging distinct religious traditions or identities. Clara was not the only one that explicitly spoke of her Christian identity. Also, Irina was explicit

about remaining a Christian in her religious practice and about the acknowledgment she received from her father-in-law:

‘It is the same God. I did not really change my religion, it is all in the heart. He [my father-in-law] knows that I converted and signed, but that I did not get rid of my religion.... I have a picture [icon] of Maria, but it is not visible to others. They do not like images ... He [my father-in-law] says you must pray. I say I have my way, many were born in your religion and do not pray. He accepts that I am this way. I believe God accepts every good thing you do.’

Religion emerges in new and creative ways in the relationships between Romanian wives and in-laws, as time passes and they gradually grow closer. Some of the women's accounts reveal such joint cultivation of a discourse of monotheistic affinity, underscoring the basic moral common ground and affinity between Islam and Christianity as monotheistic religions. It is also significant that both Irina and Clara mentioned their father-in-law in particular — it seems their authority as heads of large families makes their acceptance particularly valuable.¹² Moreover, women had mentioned their belief that God accepts their choices.

Cultivating a discourse of monotheistic affinity and shared values carves a space for the foreign bride in order for her to participate in local traditions and engage in discreet religious mixing. It also provides those fathers-in-law entertaining such discourse a space to articulate a sense of worldliness.

Conclusion

The most obvious way in which religion is implicated in the marriage conversions of Romanian brides in the Naqab is embedded in the notion, shared by most of their Bedouin in-laws, that marriage is by definition a Muslim marriage. In this respect conversion allowed Romanian brides to acknowledge the place of Islam in their new families and communities. Their marriage also occasioned religious institutions and authorities (courts, clerics or leaders) to attend to questions concerning conversion, religious identities and the possibility of their alteration.

The conversion procedures in Israeli shari'a courts proved to be simple and the shari'a court *qadi* presents conversion as pragmatic; in terms of his own judicial choice, and personally pragmatic and advantageous for the individuals involved. His line of reasoning in this case did not include any mention of religious motivations or inner convictions. This is not in contradiction with Muslim religious notions of conversion. Like scholarly literature on religion more generally, these have been heavily influenced by Christian perspectives that over emphasise belief and conviction over practice, belonging and embodiment (Asad 1996).

Differences in values and conduct between Romanian brides and their Bedouin relatives were often mentioned by brides and relatives when discussing these mixed marriages, but were generally ascribed to cultural background and upbringing rather than to religion. However, religion as a comprehensive and nonspecific category was certainly associated with values and humanity. As such, it provided the space for mutual respect and understanding that fostered affinity. Not only were Romanian brides' conversions not religiously motivated, their participation in Muslim practice and conversion itself were often framed in terms of living in a Muslim community and respecting their husband's family. Consequently, some brides engaged in religious mixing, in some cases their Christian background was acknowledged by in-laws who jointly cultivated discourses of monotheistic affinity. Such discourses, underscoring the basic moral common ground and affinity between Islam and Christianity as monotheistic religions, seem to serve as a vehicle for bonding, conveying mutual acknowledgment and acceptance.

Shari'a courts in Israeli are embedded in social and political contexts committed to keeping religious-national communities apart. Family law, in particular, involves an institutional distinction between religious communities, and the instruction to convert complies with this logic. Moreover, the notion of conversion itself conforms to and confirms the distinction between religions. And yet, both aspects of the marriage conversions discussed here, that is, in-laws' cultivation of shared religious affinity and the shari'a courts' judicial policy, in fact reveal the fluid nature of these divides. Underlying the notion of conversion is the distinctiveness of the categories involved — however, the possibility to convert also reveals their alterability. In the discourses of Romanian brides and in-laws, a generalised sense of believing, being and doing good may not just be a consequence of conversion, but of the deeper structures its alterability rests upon.

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Notes

1. Two of the documented cases ended in divorce. Two of the women had become pious practising Muslims.
2. See: Agbaria 2017; Mar'i 1978; Arar & Haj-Yehia 2007.
3. As manifested for instance in the unemployment and poverty rates among the Naqab Bedouin being the highest in Israel (Gharrah 2016).
4. With Christian Palestinian communities in central and northern Palestine marriages across local religious communities is slightly more common.
5. Shakargy (2018) discussed the validity of alternatives sought by Israelis to marriage before religious courts.
6. Islam was and remained one of the recognised religious denominations in Romania ever since ottoman rule in the region.
7. As is often the case there is something to learn from the exception. Just as conversion can be differently motivated and related to religion so can the choice to refrain from or avoid conversion. Interestingly these two cases were driven by very different dispositions towards religion or its institutions. While in the first case conversion was principally avoided to keep away from any religious engagement, the second case concerns the religious conviction of the husband that draws on personal authority and aversion to religious institutions. (For more on these cases see Kisch, forthcoming).
8. Jurisdiction in the Matter of Dissolution of Marriage (Special Cases and International Jurisdiction) Law, 5792-1969.
9. *Kitabiyah* (كيتابيه) referred to a Jewish or Christian woman, and means one belongs to *ahl al-kitab*.
10. While the legal construction of separate religious courts was inherited from the Ottoman *millet* system, British legislation left personal and family law under the jurisdiction of the various religious courts as established in their 'King's Order-in-Council for Palestine 1922'.
11. I am indebted to Sharon Shakargy for calling my attention to this interpretation and referring me to the relevant material in the Order-in-Council.
12. For more on the different between brides' relationships with fathers versus mothers in-law see Kisch, forthcoming.

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