

# Editorial

Issues of personal status of Palestinians in *al-dakhel* (inside Israel) deserve considerable attention and serious treatment, since personal status laws affect the social and economic situation of individuals, and determine social values related to personal and social status of individuals, particularly of women.

Amendment Number 5 to the Family Courts Law passed in 2001. It provides the possibility of choosing to litigate certain procedures in the civil Family Court or in the religious courts, in most issues of personal status for Muslims and Christians, except in cases of marriage and divorce.

The articles published in this volume of *Jadal* address some of the issues related to personal status; some pieces review the debates and ramifications of the aforementioned amendment. Other articles discuss the importance of changes in the Sharia (Muslim) and Christian courts, or in community awareness concerning values associated with these changes. Due to the wide range of issues, all topics and opinions cannot be debated here; however, we make an attempt to present some of the leading concerns.

The analytical article by **Areen Hawari** addresses the importance of personal status issues in determining individuals' social status, and addresses the amendment to the Family Rights Law, while commenting on some of the debates that took place among various parties, namely among preservers of the Sharia courts and feminist activists and forums.

In her article, **Heba Yazbek**, a coordinator of the Committee for Equality in Personal Status, presents a reading of the legal amendment put forth by the committee, emphasizing the amendment's importance in creating legal and gender-inclusive alternative debate based on concepts of human rights, which could affect social change.

Judge **Hamza Ahmad Hamza** emphasizes the importance of the Ottoman Family Rights Law, and the role of the Sharia Court of Appeals in reviving the judicial system of Sharia courts. He argues that amendment enacted in 2001 came from outside of Islamic jurisprudence, and has failed since the majority of the people still prefer to conduct litigation in the Sharia Court.

In her article, Dr. **Naifeh Sarrissi** emphasizes the necessity of amending the Ottoman Family Rights Law to accommodate new developments taking place

within the society and to enhance women's status and their role in the private and public spheres. Dr. Sarrissi describes how Women and Horizons Organization is working on developing new provisions of the law from an enlightened jurisprudential perspective.

Through analyzing eighteen interviews she conducted with women turning to Christian Courts, advocate **Shirene Batshoun** addresses the ways these courts treat divorce and separation cases. Batshoun discusses how women suffer in these courts, due in large part to their independence, emphasizing the need for state supervision.

Advocate **Rawia Abu-Rabia** presents the phenomenon of polygamy in Palestinian society in the Naqab (Negev), stating that this phenomenon cannot be understood without being aware of the fact that it does not flourish in a vacuum. It thrives on a combination of patriarchal and colonial power relations, which turn women into an invisible group, unprotected by the law; laws are bypassed without any regard from the state and its institutions.

We chose to also include an article regarding the discourse taking place following the revolutions in the Arab world, especially in Egypt concerning the new constitution in the light of the victory of political Islam. Researcher **Marwa Sharafeldin** calls for amending personal status laws from within Islamic law, viewing it as a system capable of interacting with reality and allowing for gender equality.