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Conference August 23-24/2022 at Haifa University, Topic “New Developments in the Accommodation of Religious Law in Modern States: Critical and Comparative Perspectives”

"Regulating Sharia in Palestine: some interesting legal and political developments".

On March 18, 2021, President Abbas issued the Decree-Law 8 (2021), published in the Official Gazette No 177. It regulates the Sharia Judiciary and strengthens the position of the Supreme Muslim Judge (Qāḍī al-Qudāt), Mahmūd al-Habbāsh, appointed in 2014. The paper discusses this Decree taking into consideration the background of legal pluralism prevalent in Palestine. The following questions will be discussed: What implications does the Decree Law 8 (2021) have in the legal as well as in the political context of Palestine? And, as there is to date no Palestinian status law and very outdated laws are being applied (the Jordanian Personal Status Law of 1976 in the West Bank and the Egyptian Family Rights Law of 1954 in Gaza): What does it mean for the process of developing a Palestinian personal status law, which has been under discussion since the establishment of the Palestinian Authority in 1994? How does the strengthening of the Sharia Judiciary relate to the implementation of international law bearing in mind, that President Abbas already in 2014 signed the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) – thus accepting the commitment to the international community to apply international standards of gender equality?