

Faqih: My name is Kholoud Mohammad Ahmad al-Faqih. I was born in 1977. I am a descendant of the [families from] villages depopulated in 1948. Following the exodus, I resided in the village of Qatnash, in the Jerusalem District. I hail from a 14-member family. I obtained my high school diploma with a final result of 92 out of 100. I have a bachelor's and a master's degree in law from al-Quds University. I am married and have two daughters.

Al-Monitor: What pushed you to study law? Faqih: The encouragement of those around me and my family, due to my strong personality and

ability to prove myself in all fields. Al-Monitor: How did you become a Sharia judge?

Faqih: After my university studies, I was an apprentice lawyer, and the absence of women in the Sharia judiciary caught my attention. This had pushed me to look for the roots of this absence. I looked into both the legal and religious aspects that prohibit women from assuming this position. I did not find any legal limitation since we implement the Jordanian law. The latter stipulates that every capable adult with a bachelor's degree in law or Sharia can assume the position, without specifying gender. Moreover, there was no religious limitation according to the four [schools of law in Islamic jurisprudence].

I presented my dissertation to then-Supreme Judge Sheikh Taysir al-Tamimi and told him that I wanted to become a Sharia judge. He was shocked since it was not a normal occurrence. I became more outspoken within social circles about my desire to become a Sharia judge. Everyone used to be surprised and take the matter lightly. Afterward, I obtained my civil and Sharia admission to practice law and I opened my own firm. I also worked as a consultant for a number of institutions and represented women in Sharia and civil courts.

In 2008, I presented my documents to become a Sharia judge along with 45 other candidates and I Palestinian female judges gavel down taboos. I was the only female. I passed the test with high results. Since the number of candidates who passed the test did not meet the standards, another test was held. I convinced my friend, Asmaa al-Dhaidy, to sit for the test and in 2009, a presidential decree was issued by President Mahmoud Abbas, who assigned us as the first two female Sharia judges.

Al-Monitor: What were the challenges that you faced?

Faqih: The main challenge was the societal environment, whether citizens or clergymen. Some preachers said during Friday sermons that women could not assume such a position. Articles were published in newspapers about the subject, resorting to opinions that converge with their viewpoints. Some judges even refused it completely and did not accept that a woman could compete with them for a position that long was monopolized by men, and distinguished them [the men] on the social and economic levels.

Citizens also had objections, and in particular elderly people, who would say that they would not accept a woman's judgment over them. At times, women also would refuse it because of their social upbringing. I remember one time at the central court of Ramallah, a woman walked in and when she saw me she said, "I do not accept for a woman to rule over me." I believe that the limitation preventing women from assuming this position is cultural and social, and relates to customs and traditions. It is a "custom" that prefers males over females in Arab societies. This position was linked to bearded men wearing a turban and fez. Many citizens disapproved of the presence of women because they believed the position had a religious aspect and had to be assumed by a clergyman.

Today, after five years, the surprise and disapproval are less, as though it became normal. Some bitterly accept it.

Al-Monitor: How did you receive the news about being named among the 100 powerful Arab women in 2012?

Faqih: To be honest, it came as a surprise, although it was not the first naming. I believe women with the biggest influence on society, who were able to open a closed door and change customs and traditions dating back thousands of years, were chosen. It was happy news — and I was particularly glad because I received it in December, days after Palestine was granted the status of a non-member observer state — because I raised the name of Palestine in the Arab World.

Al-Monitor: What has the title of Sharia judge added to you?

Faqih: This position exemplified the saying, "If there is a will, there is a way." It also further entrenched my belief that Islam is a religion of peace, although some are trying to besmirch it; that the person should be determined; that women are whole. God gave women as much as men. Women have rights and are able to assume positions whenever they had the opportunity; they must fight for these opportunities.

Al-Monitor: What are your concerns?

Faqih: On the professional level, I am concerned about the old laws and our need for a legislative system able to meet the needs of society. The personal status law has been in use since 1976 despite the developments witnessed in society. This may lead to a gap between the law and reality, particularly given that the Jordanian lawmaker who drafted the law was a male and did not take into consideration the needs of females. This is why we are in need for a new personal status law.

Al-Monitor: What prevents the passing of a new personal status law?

Faqih: Many studies and draft laws were proposed by legal and feminist institutions. The Sharia judiciary agreed on the majority of the articles, which were all inspired by Sharia. However, the legislative council is paralyzed and has yet to pass it despite the desperate need for it. As far as I know, the supreme judge, Mahmoud al-Habbash, is striving to pass the law by presidential decree.

Al-Monitor: If you had the chance to add articles to the new law, what would they be?

Faqih: There are some important and sensitive issues that I would address, such as custody and divorce. In other words, I would add an article allowing the women whose husbands are impotent to get a divorce — an article that is not mentioned in the applicable law. Moreover, the current law does not address the issue of custody, which both parents should share in case of separation to achieve the best interest of the child. Having custody over a female child, especially after they reach puberty, is a very sensitive issue as the father, according to the law, becomes the legal custodian since the girl represents the honor of the family. However, at this stage, the girl would be in desperate need for her mother for guidance.

Al-Monitor: What are the issues that oppress women the most?

Faqih: I believe the issues that oppress women the most relate to inheritance, with all the ensuing economic control. Women are blackmailed by customs and traditions and sometimes the names of the sister or the stepmother are stricken off legal documents to deprive them of inheritance. There is still resistance to acknowledging the rights of women.

Al-Monitor: To what extent does your ambition go? Faqih: My ambition has no limit. My short term goal is to obtain my Ph.D. in law. For the longer term, I am thinking about opening closed doors. Al-Monitor: Such as becoming the supreme judge?

Faqih: There is nothing wrong with it. I believe any person can assume this position after climbing the ladder leading to it. It is not wrong for me to become the supreme judge, but such a matter requires a presidential will.