

The status of Druze women in the Druze religious law in comparison to Druze women's status in society

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Abstract

The Druze religious texts give the Druze woman her rights as an equal. The Druze religion has allowed the woman to choose her mate, to reject a man that she does not desire, and to divorce her husband, even with mutual liberal agreement.

Arnold Sherman*, who has visited the region and visited Druze families, observed that the Druze showed a modern progressive attitude where the woman received full respect. If the marriage was against the will of the woman, or did not suit her, she could cancel the marriage via the Druze religious court. This right is given to her so that the final and the man protected the respect of the woman for his entire life.

The Druze woman is the only wife of her home, because polygamy is prohibited and men may not marry more than one woman. The Druze woman may join the group of religious individuals and pray among them. Druze law and religion make the man and woman equal. The first Druze lawmaker (Al-Amir Al-Si'id) gave the woman rights more than six hundred years ago.

However, the facts are different. The woman in Druze society has progressed with

Relatively slow steps compared to the general Israeli population. Some of the reasons are demographic, depending on the place of residence of the Druze, because the impact of religious leaders is very strong. They have affected the personal behavior of individuals and judged people for their actions. In addition, religious leaders have had a strong impact on the status of the woman. They have delayed the progress for women, and it is possible that the main reason for this is that religion is secret and the Druze live in small rural villages whereas the colleges are in large cities.

Purpose: The purpose of the research is to examine the status of the Druze woman in the Druze religion's texts compared to Druze women in society.

Method: Examined Druze religious texts, focusing on marriage, divorce and prayer. I conducted interviews with 50 Druze women ranging in age from 30 to 65 from three villages in northern Israel.

Concise result: The findings show that the status of the Druze women in religious law is equal to the men in terms of marriage, divorce and prayer. However, in Druze society, women do not exercise their rights.

Keywords: Druze Woman, religious law, religion

1. Introduction

In Druze religious texts, the law grants women equal rights in many

- Arnold Sherman an English sociological whom vested the Druze villages in the last century and wrote about his impressive.

spheres of life. But in everyday life, women are not aware of their rights in terms of marriage, divorce and prayers.

The changes that the Druze woman has gone through from the founding of the State of Israel in 1948 until today are related to the historical experiences of the sect in the country. In 1957, the Druze in Israel were declared a separate and independent sect.

By 1961, one could already see the changes being made in Druze society. One reason is because of the law of compulsory military recruitment for Druze males which led to direct contact with Jewish society. This change gradually effected Druze women in an indirect way.

The woman in Druze society has progressed with relatively slow steps compared to the Arab and Jewish women in Israel. Some of the reasons are demographic because the Druze live in small rural villages. Another reason is the impact of Druze religious leaders. Although there are more female religious leaders than male, they have less impact on Druze society. Male religious leaders have discouraged young women from

becoming educated, for example, and are not in favor of women stepping beyond their traditional roles. This has led to very slow progress for Druze women in Israel.

As Nasrin, 40-years-old, from a village said, "I didn't know I had the same religious rights as my husband until I got to the religious court to get divorced."

2. The Woman in Religion, Society, and Law - The Personal Status

In this section, the status of women in marriage is examined in religious texts.

The Druze man may not marry more than one wife ^[1]. The woman must be Druze and if not, the man is excommunicated ^[2]; he may not live in the village, cannot inherit, and his children cannot get married to the Druze in the future ^[3].

A woman may not be married without her agreement, and if she refuses, she may not marry.

Divorce is permitted according to religion, and if a person divorces he may not remarry the same individual. A Druze woman may not be a nun. A divorced woman maintains her religious status, even if she never marries ^[4].

¹ Al Nejar, A., Medham Aldruze Vall Tohid, pg. 154.

² Kasem Falah, Salma, Nebras Al-Mohdin, Acco, 1991, pp. 133-142.

³ Al Nejar, A., Medham Aldruze Vall Tohid, pg. 153

⁴ Taki Al-Din, H., AlAhuat Al Sherasia And Al Druze, Pg. 38, 60.1

From a religious standpoint, a woman may express her attitude, opinion and desire regarding her future husband. She may not be forced to marry a man that she does not desire. As a woman, she is the only wife in her house, because marriage among the Druze is monogamous. Divorce is permitted according to religion ^[5], and it does not affect the religious status of the woman.

As the texts prove, the Druze woman has equal rights with regard to marriage, divorce and personal status.

3. The Woman in Druze Society in Israel

The Druze woman has always worked alongside the Druze man. Most Druze lived in the mountains and in the past they lived off of the land. Most of the work on the land was done by the woman. After work, she returned home and did the house work, from cleaning to cooking. She brought the water from the spring to the village in buckets carried on her head.

The changes that the Druze woman has gone through from the founding of the State in 1948 until today are related to the historical experiences of the sect in Israel. In 1957, the Druze in Israel were declared a separate and independent sect. As a result of this recognition, religious courts were established for the Druze. These courts work according to the law of the Druze personal status in Lebanon and Syria ^[6].

In 1961, one could already see the changes being made in society. This change has two main causes:

The law of compulsory recruitment for males of the Druze (1957) which led to direct contact with Jewish society. This impact was seen over the men, and more slowly over the women because contact with the women was indirect.

The men went out to do hired work outside of the village. As is known, changes in socioeconomic status lead to changes in social trends. These changes have also led to the development of the woman, but in a slow fashion.

An important factor that has affected the development of the woman in Israel is religious figures.

Religious figures

In Druze society there is differentiation between the religious authority (Al-kasem Al Ruhani - the spiritual part) and between the secular authorities (Al-kasem Al Jesmani - the material part).

Since there was no strong secular leadership in Israel, the religious leadership ruled.

The ability of religious leaders to fulfill their roles and affect attitudes of the other members of the sect, including the leadership, in varied topics, is a direct result of their authority in interpreting religion and announcing excommunication on a person who deviates from the way of life determined by them. On Monday and Friday evenings, before prayers, the religious leaders discuss issues of religion, society and politics and consolidate their positions.

In order to be accepted to the group of religious Druze (Aukel - as opposed to the secular Jahel boors), it must be asked for (Tlab Al-Din) from the religious leaders. The team sits and examines if there is some limitation or prohibition (such as murder, adultery, etc.) and if not, the individual is accepted after a number of religious demands. If this is not fulfilled

then he is not accepted, and a foreign individual cannot pray among the religious. Someone who has killed or committed adultery or "kidnapped" his wife, which means running off and marrying without the agreement of their parents, all are grounds for not being accepted into the circle of the Aukel, and prayers may not be said in their presence. They may not learn the secrets of the religion.

It is much easier for women to be accepted to the group of the religious. For example, Rula, a divorced woman of 52, wanted to participate in the religious group. When she asked to be accepted, she was accepted immediately. "After the crisis that I went through with my husband, I wanted to become more religious," Rula says. "I thought because I was divorced this might be a problem. But they accepted me, and now I'm studying the laws pertaining to women."

Most adults (over the age of 50) become religious. This gives them higher status and more respect among the members of their village and their sect. When a religious individual dies he receives the blessing of the religious leaders. They say "god have mercy on him" (Allah Yerahmu). When a non-religious individual dies, he is not blessed in this way (the religious leaders do not ask god to benefit the deceased unless he was religious).

The religious individuals may not have parties with music and dancing and they may not participate in weddings with music (Perah) - happy occasions, but only (Tahil) in silence without songs, music and women. If they have a party or participate in such parties they are distanced from the house of prayer for six months (Mikata- Muhram). Then the person who has been thus punished, the Mikata, must come to the prayer house every week before beginning prayers and ask the forgiveness of the religious community so that he may pray again among them.

Sara, 48, a religious woman, said that her brother wanted a wedding party with music and mixed dancing with women and men. "I wanted to go to my brother's wedding, even if they prevent me from going to the prayer house," Sara explained. "I waited six months before I could return to the prayer house, according to the religious leaders of my village."

In some villages the period of distancing is two months. This issue is an internal matter and depends on the village and the mentality of its residents.

i) The Impact of Religious Leaders over the Woman and her Status

The Druze woman is preferred over the man in the process of joining the Aukel. The number of religious women among the total number of religious individuals is higher than that of the men, but only in numbers, because the impact of male religious individuals is much stronger and women have almost no impact. For example: excommunicating parents who allowed their daughters to learn in mixed schools and an absolute prohibition for allowing girls to learn outside of the village in villages that did not have a school. These prohibitions were reflected in villages in varying degrees according to the number of religious individuals and their proximity to the religious leadership which sits in the village of Julis - the village of the spiritual leader of the sect.

For example, Ikram, who is now 57 years-old, wanted to study in a teachers' seminary but her parents had consulted with the village religious leader. He told them that according to religious law, girls are prohibited from studying in mixed

⁵ Ibid, 155.

⁶ Avivi, Shimon, Policy towards the Druze Sector in Israel (Final Thesis), Haifa University, Department of Israel Studies, 1998, Introduction pg. 2.

classes with men, or to travel with them on public transportation. She was prevented from studying. "My daughter is studying engineering," Ikram. "I investigated and saw that it is written that we must educate our daughters. I didn't ask anyone—I sent her to study."

These limits blocked the Druze women in a significant fashion from progressing and reaching institutes of higher education which are outside of the Druze village. However, a large number of them did not respond to this prohibition and sent their daughters to continue their studies. This created a conflict between religious leaders and parents, and this led to excommunication and distancing. However, these steps did not succeed and a certain balance remained in the power relations between the religious and the secular, preventing the progress of women but not preventing progress.

The impact of religious individuals does not focus only on women, but also applies to males, so that the Druze man may not marry a woman who is not Druze. The excommunication for the male that transgresses this is very severe. He may not enter his village at all, may not receive his inheritance, and most severe, his children are not considered to be Druze and cannot be integrated and marry within the sect. This attitude towards a person who marries a non-Druze woman is different in Lebanon and Syria because of the political situation, and the weight of basic rights given to religions in these regimes.

On the other hand, in the Golan, which has been under Israeli rule since 1967, religious leaders prohibited accepting students to schools if their mothers were not Druze ^[7].

ii) The Woman in Druze Law

A) Al-Amir Al-Si'id

As in every religion, there is a holy book and laws of the sages. Among the Druze these exist also. These laws have connected between what was written in the holy books and between the needs of livelihood, and existence and they relate to all areas of life.

The most prominent Druze philosopher and sage is the Emir Abd-Allah Al-Tanukhi, who was born in 1407 in Abir in Syria and died in 1479 ^[8].

Al Amir Al-Si'id moved from village to village to learn. He wrote many compositions and a number of books on various topics such as interpretation of belief, writing instructions, laws and correct ways of life according to the spirit of the religion, such as his book called: "Tashria Zoaj Al-Moh Din Val Mohdat V'Tlakhos" - The Law of Marriage of Special Males and Females and their Divorce ^[9].

Al-Amir Al Si'id touched on the area of common life between couples and the status of the woman widely, not typical of that era. One of the principles that he innovated was the importance of marriage as a basic principle of belief, because he believed that marriage was constructed based on the principles of equality and justice. He encouraged marriage and prohibited monasticism. In addition he listed a number of prerequisites for the existence of a marriage, such as:

The female must be adult - over the age of 15.

The male will marry after the age of 20.

Choice of a wife: regarding the choice of a wife for life, Al-Amir Al-Si'id noted 78 traits that must be chosen in a woman

such as: beauty, connected, learned, believer, etc. Regarding the male, he cited that the woman must choose a man that has some of the traits demanded of the woman, and in addition two more traits: work and knowledge.

Al-Amir Al-Si'id called for equality for men and women more than five hundred years ago. He demanded equality in religion and life:

Equality in religion is expressed in that the man must teach his wife to worship god and teach her to read and to write if she is illiterate, adding knowledge and information to her if he knows and if not, finding an appropriate teacher for her. This means that is forbidden for the man to learn if the woman does not ^[10].

Al-Amir Al-Si'id's attitude towards equality in life regarding the woman focused on the demand to satisfy all of the woman's needs, as he wrote (literal translation):

"The man must feed his wife if he eats and dress his wife if he is dressed, and he must not ask more of her than she can do. He must find her a helper to help her in the house if she cannot do it herself, in order for her to be free to deal with religion and achieve knowledge and information, but if she is rich she pays for a maid" ^[11].

In addition to all of the rules of equality, Al-Amir Al-Si'id has a number of additional prohibitions that apply to the women in order for them to be suitable for dealing with religion, such as: The woman may not raise her voice in laughter and crying.

Salha is 64. She wears a traditional head covering, including a covering over her mouth. "This is how religious women must dress in public," Salha said. "I accept this because this is how it is in our village. I never thought whether it was necessary according to religious law."

Other laws include that the woman may not be alone with a strange man.

The woman may not neglect her home and she must care for it, clean her body and clothing, clean her children, and if she does not do so and does not listen to warnings, her husband will leave her until she corrects her behavior. If after all of the warnings she does not stop, she will be sent away.

According to Al-Amir Al-Si'id: Divorce is separation between the spouses with no return to each other; the woman may not return to a man that divorced her.

Divorce is not only initiated by the man; the woman also has the right to ask for a divorce.

Samia, 61 years old, had a husband who beat her and never gave her money. She went to the religious court and requested a divorce and she received it. "I was scared about my ex-husband's reactions but I did what I felt was right," Samia said.

B) The Law of Personal Status of the Druze

On April 15, 1957, the Minister of Religious Affairs, Mr. Moshe Haim Shapira, legislated regulations according to which the Druze sect became a recognized religious sect ^[12].

The Druze religious council decided on 2/1/1961 to adopt the law of the personal status of the Druze Sect in Lebanon. The Material law of the Druze court in Israel is based on laws enacted in Lebanon ^[13].

⁷ Ha'aretz Newspaper, October 10, 2000.

⁸ Abu Zaki, Fuad, Al Amir Al Sayed, 1997, pg. 167.

⁹ The Special People: the Druze

¹⁰ Nwaihidi, A., Irat Al Amir Jemal Al Din Abd Allah Al Tenukhi, pg. 109

¹¹ Al-Tenukhi Abd-Allah: "Tashria Zawaj Al Muhdin Walmuhdat (Lebanon), pg. 48.

¹² Falah Salman, The Druze in the Middle East, pg. 123.

¹³ Ibid. 126.

Here we will relate to a number of paragraphs that relate to the status of the Druze woman in the Law of Personal Status of the Druze in Israel: ^[14]

Chapter 1

Section 6 of the law - An adult woman aged 17-21 may ask the Kadi to marry her to her choice of a man. The Kadi must let her guardian know - if he does not oppose within fifteen days or if he opposes and his opposition is not justified, the Kadi must allow her marriage.

This section gives the Druze woman the ability to choose her groom and ask to marry.

Chapter 2

Section 10 of the law - this prohibits polygamy totally and adds that no man may marry two women. If he does this his second marriage is annulled. This opposes both Islam and Ottoman law which allows Moslems to marry four women.

Section 11 - A man may not return to his divorced wife. He cannot cancel the drive and marry the same woman again.

In section 11 we see a number of limitations among the Druze. The objective of this section is to make it more difficult and to relate to the act of divorce with maximal seriousness before the step is taken. This section reinforces the security of the Druze women in the face of divorce and exchanging, and making divorce into a rare and not a daily action.

Section 23: The man must relate to his wife with love and equality. This section is very important regarding the status of the woman - her status is equal - religiously and legally. Anderson notes that this is unique to the Druze and leads to pride among the members of the sect ^[15].

Section 37 - The marriage contract is not canceled out by the man divorcing his wife, but it must be done based on a judgment of the Kadi of the community.

It is customary among the members of the sect that if a man divorces his wife she is divorced according to the religion, if there are witnesses. If he returns her to him even without the decision of the Kadi, then the couple is considered unable to pray with the religious community and they are religiously excommunicated.

Section 42 - There is the possibility for divorce with the agreement of both sides under the condition that two witnesses are present. This section emphasizes the equality between the man and the woman, and emphasizes the democracy and modern liberalism, and freedom of choice in personal fate.

Section 43 - The woman may demand a divorce if her husband has been accused of adultery. The man may also divorce the woman for a similar transgression, and her right to the dowry is rejected.

4. Summary

Druze religious law is drawn from ancient law. Proof of this is seen in the laws of marriage and divorce. The Druze have given the woman her rights as an equal individual.

Druze religion has allowed the woman to choose her mate, and to reject a man that she does not desire, and to divorce her husband, even with mutual liberal agreement. As we have seen, what is written in Druze religious law is equality for

women, but her personal status in Israel society is still influenced by conservative religious leaders. In interviewing the women, it was found that only two out of the 50 women knew that women deserve equality according to religious law. They did not know that they could study and request divorce. All they knew was that they could participate in religious life even if they were divorced. They were pleasantly surprised to learn about their personal rights according Al-Amir El-Said who wrote that the man must teach his wife or to hire a teacher for her. "I learned that I have equal rights in my religion," said Samira, 46 years old.

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