

DIVORCE AS A LIVED EXPERIENCE AMONG THE LEBANESE DRUZE:  
A STUDY OF COURT RECORDS AND PROCEEDINGS

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**Abstract.** The Druze community in Lebanon constitutes an esoteric religious community characterized by a rejection of any challenge to traditional family values. Research on family relations among this group is scant because of their refusal to disclose information to others. This article looks at one aspect of Druze family life – divorce through a study of court records, proceedings and mediation. The research revealed that consent is favored, even within conflict, with very few contested divorces appearing before the court. Druze women assert their legal rights to divorce, in court negotiations are exhaustive but very rare, and the aftermath of divorce continues to haunt women when it comes to child visiting rights. Change in the particularities of divorce are noticeable as perceived by the judge and mediator. Nevertheless, gender inequalities persist and legal systems that continue to discriminate against women dominate, although divorce laws have become more progressive.

**Key words.** Divorce, Druze, Family Conflict, Gender, Mediation.

### **Background**

Family life forms perhaps one of the most complex webs of relationships to be found within a single social group, involving a lot of caring, self-sacrifice, love and support. Yet, it also has a less bright side to it. Families can also become arenas for hate, violence, abuse and conflict. This murkier side of family life manifests itself in all its aspects in divorce, the lived and experienced reality that in one way or another pulls all family members and children into conflict.

Divorce as a social phenomenon has been the subject of much sociological research. Most often, divorce is perceived of as an emerging and problematic social issue requiring attention from policy-makers and social activists and, directly or indirectly, is assumed to be related to modernity (Rapoport 2005: 2). It is true that divorce rates have been on the rise over the past decades (Goode 1993). However, in itself divorce is not a new phenomenon, even though it is treated as such, particularly in Europe, where, for a long period, family life came under the control of the church, making divorce next to impossible (Clarke-Stewart and Brentano, 2006). However, in the Arab world divorce was common, even being practised widely in medieval Islamic society (Rapoport 2005, Goode 1993, Mundy 1995). This is not intended to mean that divorce was or is socially accepted, but simply that it is not solely a modern phenomenon. Divorce in the Arab world is becoming of greater interest to

sociologists, as reflected in several attempts to deal with this increasingly occurring and problematic aspect of family life (Al-Gharaibei and Bornfield 2012).

A lot of this research focuses on the intimate relations between spouses and the repercussions of divorce on children (Clarke-Stewart and Brentano, 2006). In courts worldwide, a lot of mediation occurs whereby couples are legally compelled to seek the aid of mediators, whose aim it is to reach a workable relationship between the spouses, which does not necessarily mean prevention of divorce (Johnston and Campbell 1988). Mediation is not often welcome since each party approaches the conflict with a different agenda (Mery 1994). Each party is focused on promoting his or her own interest, and rarely are negotiations successful in putting an end to a conflict. This article will look at the often desolate experiences of such families by focusing on the causes of divorce and the experiences of those involved in the divorce process as this unfolds in the Beirut Druze Personal Status Court in Lebanon, with special attention being given to in-court mediation processes and to the experiences of women.

### **Research aims and significance**

Divorce continues to be a problematic social experience in the Arab world. This is even more the case in traditional communities, which may resent change and perceive any conflict as a threat to their integrity and social solidarity. The Lebanese Druze constitutes one such esoteric religious minority with its own particularities in dealing with family matters and which continues to be inaccessible to outsiders.

This research considers the nature and causes of divorce among the Lebanese Druze as expressed in the legal claims made to the Beirut Druze Personal Status Court of First Appeal. Changes in divorce patterns and in the reported causes of divorce over a period of forty years will be analysed in as much as they reflect larger social facts that might have imposed themselves on the family life of a self-enclosed traditional religious community with laws and social practices that set the Druze apart from other religious groups in Lebanon.

Furthermore, divorce as a lived experience will be examined through an exposition of the experiences of individuals who have undergone divorce and continue to suffer from its ramifications years later. Divorce, in reality, does not put an end to the conflict between the spouses or offer closure regarding what might have been a horrible experience, particularly when children are involved. In fact, the divorce process itself may set the stage for the escalation of further conflict. Blame stories are exchanged between spouses, often bringing the children and other family members into the conflict. 'There are three major conflicting

perspectives within separated and divorced families: his, hers and the children...it can be extremely difficult to determine which perspective is true' (Mery 1994: 13-14). This article will offer insights into this exigent aspect of divorce: the experiences of divorcees and their children as they struggle over visitation rights and other ramifications of divorce within the context of the court and mediation processes involved. Divorce here is analysed as an ongoing process that does not end with the termination of the marriage contract but accompanies individuals for a great deal longer.

### **Methodology**

Issues of personal status are dealt with through the religious courts in Lebanon, where each sect enjoys complete legal independence in marriage, divorce, custody and inheritance, with all the different ramifications that may be related to these issues. Hence, a study of divorce leads one inevitably to the religious courts. There are six religious courts of first appeal and one of higher appeal that cater to the legal needs of the Druze community in Lebanon. For this research, the Beirut Druze Court of First Appeal was chosen because its jurisdiction extends over a variety of Druze communities within Lebanon, from residents of Beirut city to remote villages in the upper Matn and Baabda areas, allowing a diversified sample of the Druze people to be taken into account. It is important to note that the researcher is a member of this community and was given a certain level of cooperation, something an outsider would not be able to achieve due to the secretive nature of this community.

The research utilized more than one method of data-gathering, namely document analysis, interviews and participant observation. The main method used for collecting statistical data regarding divorce from as early as 1970 was document analysis. All divorce cases brought before the court during the years 1970, 1980, 1990, 2000 and 2010 were included in the sample. The court files included all the legal papers presented by the parties involved, the claims each party made, the reports of the mediators, if any were involved, the judge's final sentence and different legal documents such as copies of marriage contracts, personal particulars and copies of the identification cards of the parties involved. All these documents offered the kind of background information needed for the analysis of divorce. All this information was hand-copied, as photocopying was not allowed.

In addition to document analysis, a series of interviews were carried out. Two in-depth semi-structured interviews were conducted, one with the judge of the Beirut Court, the Honorable Sheikh Nassouh Haidar, the other with a lawyer, Ibtisam Hatoum-Zeid, the mediator appointed by the court. The interview with the judge focused on his evaluation of

the causes of divorce, the divorce process and his perception of any changes in divorce. The interview with the mediator focused on her role in reaching a final workable agreement between the parties and her position as a liaison officer between the judge and the contending parties. She described a number of cases, which added further depth to the understanding of the divorce process. She also pointed out some changes she had noticed in her work in the court and offered an evaluation of the whole process.

In addition, four semi-structured interviews with divorced women were carried out to provide some personal reflections of Druze women. These women reflected on their own personal experiences and the social circumstances in which they found themselves as divorcees in a traditional community. Their contributions were very helpful, as they provided some insights into the plight of women, not just during the divorce proceedings, but also afterwards.

The research was further supported by observations of court sessions over a period of five months. Cases attended were not restricted to actual divorces but also covered issues of custody, maintenance and inheritance. These observations were very useful as they permitted first-hand experience of court proceedings. Participant observation in two mediation sessions provided further detailed information on the nature of attempts at reconciliation and procedures in court mediation sessions.

### **Ethical Considerations**

As a method, document analysis does not require much in the way of ethical considerations, especially since names and exact places of residence will not be given. Most data were transcribed numerically, making it impossible to track the information back to any particular person or case. When cases are described and the allegations detailed, every possible measure has been taken to hide the identities of the parties involved. Therefore the data extracted from court cases presented limited ethical issues.

The interviews with the judge and mediator similarly posed no ethical problems, since they both fully consented to the interviews and were informed of the way the information they were revealing would be used. Both also gave permission to be referred to by name. When they described certain cases, they did not disclose the names of those involved, so ethical considerations were respected in this regard too. The same applies to the semi-structured interviews with divorcees, who gave their informed consent to the information revealed in this article.

### **The Druze: some background information**

Before describing the research findings, a brief historical background to the Druze will be offered so as to correctly place the research within a suitable social setting. Some of the basic aspects of the Druze faith that set the sect apart from other Islamic traditions will be described.

The Druze faith, or *tawheed*, as members of the sect would rather say, is officially recognized in Lebanon as an Islamic sect. Historically, the call for this new faith was announced by the sixth Fatimid Caliph, usually known as Al-Hakim Bi Amr Allah (Khuri 1988: 180; Makarem 2005: 2-16). The declaration and the call for the new faith met with a lot of hostility and suffered more than one setback, especially after the disappearance of Al-Hakim, referred to as Alghaiba. It is commonly believed among members of the faith that Al-Hakim went into a state of 'retreat' after going on one of his normal spiritual excursions to Al-Muqatam Mountain near Cairo. This is considered to be a deliberate absence to test the believers' faith and their belief in Al-Hakim as God's incarnation and hence *tawheed*. Al-Hakim's successor, Caliph Al-Daher Ad-Dine Allah, ruthlessly persecuted the followers of the faith, killing many (Atashe 1995: 13-15). The calling for the new faith was halted in 1043, and ever since then no new believer has been allowed to join it (Makarem 1974: 38). The sect remains closed to outsiders, and a person not born to Druze parents cannot become a Druze.

The religious teachings of the sect consist of a series of epistles grouped in the religious scripture called the *Books of Wisdom*, which are written in esoteric language and are not available to non-believers. Even among believers the texts are not made readily available to the stratum of non-religious Druze called the *juhhal* (literally 'the ignorant'). Only the *uqqal* (literally 'the knowledgeable'), the members of the religious stratum who have taken up a religious way of life, can have access to these texts, and even then only under appropriate guidance and initiation. The *uqqal* stratum – the men and women who take up the religious way of life and dress in particular religious clothing – have access to the religious texts and teachings, which they receive through a programme of training at the hands of religious men with higher levels of knowledge. This stratum is referred to as *mashayekh*, and its members can easily be distinguished in Druze society by their well-known religious attire, normally a black *shirwal* (baggy trousers) for men and ankle-length black skirts and very long white veils that cover the hair, mouth and nose (depending on the level of religiosity) for women. The texts continue to be hand-copied to this day and disseminated among members of the

community. Because of the constant persecution, believers were forced to exchange the epistles in secrecy. Their status as a persecuted minority led them to the practice of *taqqiyya* or concealment behind accepted norms so as to escape persecution (Azzam 1997: 27-8). Historically, believers practised their religion in concealment and hid their teaching from outsiders, and they continue to do so. To this day, a Druze will rarely disclose information about his or her religion to outsiders. Many Druze know nothing about Druze religious teachings, but still have a very strong religious identity. Druze who know some information refuse to disclose it because the teachings of the faith instruct that the disclosure of knowledge to unworthy people is sinful. Druze often mislead others by claiming that they are Muslims and believe in the Quran and the Prophet because they fear persecution even to this day. As one old man expresses it, 'We are few in numbers. They can easily kill us all. It is our religious duty to practice *taqqiyya*.' Most Druze therefore retreated to remote areas to practise their religion in secrecy. This strengthened their internal solidarity and unity as a group against outsiders while emphasizing their esoteric nature.

#### *Some distinctive Druze beliefs*

One of the main beliefs of the faith that contradicts Islamic belief is the belief in reincarnation. Members of the Druze sect believe that they are reincarnated as Druze in every life, as they have written a covenant upon their souls. Druze believe that, when the faith was made available to believers, those who adopted it signed a written covenant with Al-Hakim which binds them through all their reincarnations – the soul took the oath upon itself, not the body. These covenants were collected and will be hidden until the Day of Judgment, which, according to the Druze, is the time when *tawheed* light will shine upon all, and those who believed in *tawheed* (i.e. the Druze) will enjoy utter bliss in knowledge, while the rest will suffer from the hell of ignorance. Hell and Heaven are interpreted allegorically. In this light, reincarnation is considered to be the only means through which a human being can acquire knowledge of *tawheed* or unity with God. God and all of existence is one, and the purpose of life is to recognize this unity, which requires more than one life, hence reincarnation (Makarem 2005: 6). In addition to reincarnation, the new faith preaches freedom, maintaining that a human being is free to choose and that these choices dictate the outcome. Hamzah Bin Ali said to his followers, 'It is your deeds that return to you. Any difficulty you meet in your life is the result of your wrong deeds' (Makarem 1974: 113). Freedom of action and belief is further emphasized by the lack of observed ritualized prayers among believers. No daily prayers, fasting or pilgrimage is required from believers, as all ritualized behaviour

might act to bind their freedom. Druze do not perform daily ritualized prayers because they consider that prayer is something a Druze should be engaged in constantly and not only when rituals are being performed. Pilgrimage is also interpreted allegorically as the pilgrimage of the heart and mind towards God, which is to be done at all times. Fasting is further explained as mental and not just physical, being abstinence from saying bad words or expressing immoral thoughts, as well as abstinence from thinking of God as having an equal.

Another important principle is equality between all believers. Males and females are approached equally in all epistles without discrimination, as clarified in Epistle 25. This equality was very strong at the onset of the faith, but became weakened through years of persecution and the practice of *taqqiyya* (Makarem 1974: 112-13). The scriptures do not distinguish between male and female believers, and in the early days of the faith-heralding period pious and strong women were sent as leaders of missions, such as Sitt Sarah, who headed a group of men, including her father, who was sent to Wadi Al-Taym in Lebanon. Furthermore, the Druze religion does not allow the practice of polygamy. A Druze man can marry only one woman, as laid down in the Druze personal status law Article 10, and the wife has the same right to file for a divorce as her husband.

The beliefs in reincarnation, freedom and equality set the faith apart from other Islamic traditions that are dominant in the region. Because of their status as a minority, believers practised *taqqiyya* in order to survive in a hostile environment. This has led to the creation of a strong ethno-religious identity that seems to defy any attempt to weaken the group and is constantly being strengthened through the practice of endogamy. Nowadays the Druze make up a community that, although very small in numbers, is still held together by a very strong internal sense of solidarity and a common ethno-religious identity.

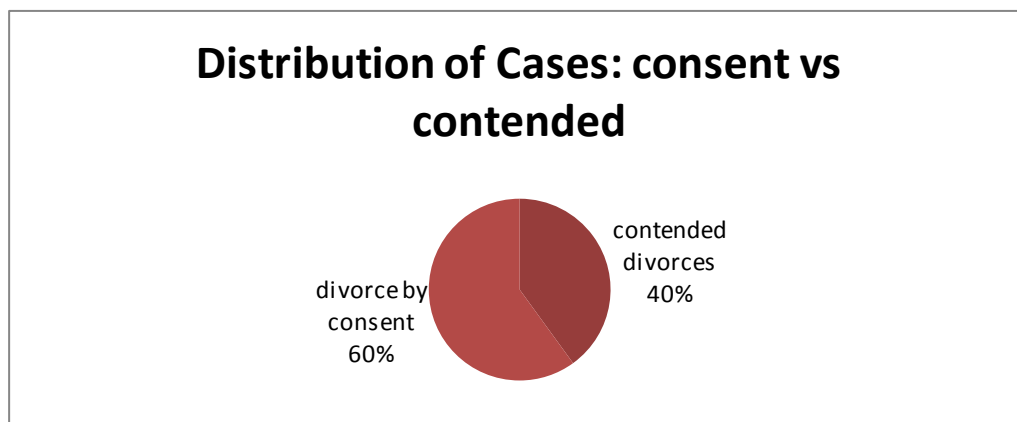
## **Results and Discussion**

The total number of divorce cases brought before the court in the years included in the research was distributed as follows (Table 1):

Table 1. Frequency distribution of divorce cases by year.

Year	Frequency	Percentage
1970	8	7.5
1980	6	15.0
1990	21	19.6
2000	37	34.6
2010	25	23.3

The number of divorces brought before the court was quite small (8) in 1970 and reached 37 in 2000 but went down to 25 in 2010. These figures themselves cannot be over-interpreted except to point out that they are not so high as allegedly to threaten family life among the Druze, as people from the older generation constantly claim with their remarks about the breakdown of family life. Out of the total of 97 cases, only 40% were contested or contended divorces, the rest being cases of divorce by consent.



According to the Lebanese Druze Personal Status Law, Article 12, a couple wishing to divorce may appear before the court, either in person or through a lawyer, and together file for a no-fault divorce, which only becomes effective when the judge passes a divorce judgement. The judge is not required, legally speaking, to ask for an explanation or clarification as to the causes of the divorce but issues a divorce judgement within a month, or in special circumstances two months. The data revealed that a significant percentage, 39.9%, of the cases ended within a month, while only 7.4%, a total of eight cases, took longer than a year. As such, divorce proceedings are not slow. A divorce judgement is relatively quickly arrived at without many attempts made to resolve the conflict. Knowing that a divorce among



the Druze is final, in the sense that a couple who divorce cannot go back to each other, the speed of divorce judgements becomes even more intriguing. Articles 11 and 38 both specify that a man's divorcee stops being his *halal*, which means that she is religiously forbidden to him. This, according to the judge, is important because allowing a husband to take his ex-wife back transforms divorce into a 'farce where this decision is taken lightly without due consideration'.

When asked about divorce by consent, the kind discussed above, the judge explained that he was not in favour of passing quick divorce judgements but added: 'What can I do? If they have agreed to the divorce, it normally means that they have decided and will likely not change their minds. All sorts of mediation would have been attempted by family members to no avail. In such cases, my hands are bound by the law.' Considering the fact that only 39 cases or 36.4% were filed by couples seeking legal intervention, it seems that Druze favour consent even within conflict. Evidently, expressions of family conflict in legal settings are not welcome but rather avoided. One woman said:

I found no use in stretching the process through court records. We could not live together...we wanted to divorce, and the easiest way is divorce by agreement. It does not make sense to tell our intimate family details in court, even though I might have been able to get more money out of a court proceeding, but the shame of going to court outweighs any material benefit. That is what my family thinks, and I agree.

Thus, consent continues to be favoured over contested divorces, and clearly in the case of this woman her family had attempted to mediate, but to no avail. The intervention of family members constitutes an important aspect of conflict resolution among the Druze, and the judge pointed out that all sorts of attempts at reconciliation would have been made by family members and others before the case were brought before the court. In villages intervention is not limited to immediate family members but may also involve reputable villagers, normally referred to as *alkhairoun* ('those who try to do good'), who try to reconcile the couples. They are mentioned in all the contested cases brought before the court.

One important aspect of divorce proceedings involves the decision to divorce, a willingness to take the conflict before the court and the decision to move on (Clarke-Stewart and Brentanoo 2006: 52-7). Among the Druze this is evidently an important decision, since it has social as well as legal repercussions. Socially, the person who took the first step towards terminating the marriage is stigmatized. Legally, that person must be able to provide sufficient legal causes to convince the court to follow up any allegation and, if that is not done, must also face the possibility of paying the whole legal costs of the case. Druze law

grants both men and women the right to file for divorce, and if fault is proven, the party at fault is made to pay compensation to the other. In the case of men, this includes having to pay the full deferred *mahr* (bridewealth) specified in the marriage contract and, in some cases, compensation for harm and injury. Women at fault may be asked to give up their *mahr*, maintenance rights and their children's custody if found guilty of immoral conduct and to pay the legal costs. Working women may further be asked to pay compensation for harm and injury, although this rarely happens. Out of the 39 contested cases, 59% were filed by women and 41% by men, which shows that Druze women are willing to exert their rights to divorce when their husbands do not agree to a divorce, despite the stigma involved. When all attempts to reach a workable agreement fail, a divorce in court becomes the only available alternative.

Another significant finding regarding divorce as revealed by the sample is that most, namely 65%, of the divorcing couples had children and 32% did not, with uncertainty in the remaining thirteen cases. This revealed that the existence of children did not act as deterrence to divorce: in fact 21% had children who were under custody age, which is less than seven for boys and nine for girls. Therefore, the presence of children in itself does not act as a deterrent to divorce. Some Druze women choose to wait until their children are adults or at least out of their teens to file for divorce, while others find the situation too troublesome to be able to wait. A case study of such a delayed divorce might help the reader understand the circumstances in which such a decision is taken. In this case, which was brought before the court in 2000, the couple had married in 1972 and had had three children, the youngest being twenty years old when the case was brought before the court. The wife declared that all through the marriage her husband had beaten her, but she put up with his violence for the sake of her children. She left the house on more than one occasion, but, upon the intervention of family members, returned because her children needed her. However, the children were now old enough to look after themselves, and she found it socially acceptable to file for divorce, as she would not be stigmatized as a woman who was placing her own interests before those of her children and who was not playing her proper role as a good mother.

In this case, the woman was willing to accept a long violent relationship for the sake of her children and to wait until all her children were adults. However, the readiness to tolerate violence varies from one individual to another. In another case, also brought to the court in 2000, the wife filed for divorce, although she had two eight-year old girls. She said that her husband used to beat her constantly and even to throw her out of the house, but her parents would ask her to return to him for the sake of her children. However, she heard that he was

involved in a relationship with another woman and felt no longer able to handle the situation, so she applied for divorce.

#### *Indicators of divorce*

A lot of research point to different demographic variables that are indicators of or pointers to divorce (Gottman 1994, Clarke-Stewart and Brentano 2006). Among these variables are the early age of marriage and the age difference between the spouses. The following pertains to these two variables.

The research revealed that most Druze women, 79%, in the sample had married at an age below 25 and that of these 64% had married under the age of twenty. Marriage at a young age is therefore directly related to the predictability of divorce, as other research also seems to indicate. The sample also revealed that 65% of divorcing men had married before the age of thirty, with 29% married under 25. Evidently, in itself age of marriage does not determine divorce but acts as an indicator and cannot be taken alone.

Another variable that may be an indicator of divorce is the age difference between the spouses. Table 2 shows the age difference between divorcing couples in the sample.

Table 2. Age difference between spouses.

Difference in age (years)	Frequency	Percentages
0 to 5	30	31%
6 to 10	28	29%
11 to 13	13	13%
More than 14	26	27%

The research among the Lebanese Druze did not reveal a significant age difference except that fewer couples with an age difference of eleven to thirteen years divorced, with other categories being more or less comparable. What seemed to be of greater significance were the years of marriage before the conflict was brought before the court and whether the divorce was by agreement or contested. The data show that 34% of divorces occurred before the couple had been married for five years and 40% after fifteen years of marriage. The judge said that in recent years couples seemed less willing to work on their marriages and less willing to make sacrifices for the sake of the family: ‘Druze youngsters take divorce lightly

and do not fully consider the repercussions of divorce.’ The lawyer acting as the mediator further supported this, claiming, ‘In my work at the court I realized that people no longer cared as much about the stigmatization that divorce may entail. The matter is dealt with casually.’ This was confirmed by some cases brought before the court. For example, in one case dating from 2010, the couple divorced less than five years after their marriage, although they had two children who were, by agreement, kept with the mother but maintained financially by the father. The judge had asked them to reconsider divorcing and to take some time to work out their conflicts. However, they returned to court less than two months afterwards and insisted on getting a divorce.

Nevertheless, it seems from the data that a substantial percentage of divorces, 39%, were of couples who had remained married for fifteen years or more before filing for divorce, which reflects the existence of the opposite trend as well. Why would people live together for fifteen years and then decide to end their marriage? It seems that the presence of children is the reason, coupled by parental intervention. Some plaintiffs actually alleged this in their legal submissions brought before the court. The following case was brought before the court in 2000 and the divorce judgement issued the same year, seven months later.

The couple had married in 1973 when the wife was nineteen years old and the husband 35. When they filed for divorce they had four children, the youngest nineteen and the eldest 24. According to the wife’s allegations, their life had not been a happy one. The husband did not trust his wife, which often led to heated arguments and conflict. Earlier in their marriage they had lived together in Saudi Arabia, where the husband was working, but then his wife and children returned to Lebanon, only to be forced to leave the country because of the civil war. They then went to Cyprus so the children could be enrolled in school. However, the husband left his job and joined them in Cyprus because he did not want to put money into his wife’s bank account, as required by Cypriot law, as he did not trust her. The wife accepted the situation for the sake of her children and the continuing persuasions of her parents, who kept pointing out that it would be her children who would suffer most. After the war ended they all returned to Lebanon, but the husband travelled a lot for work. That was when he became even more abusive and untrusting, and his abuse became physical and not just psychological. The husband denied any abuse, claiming that all the disagreements had been caused by members of her family, who were constantly interfering in his family’s affairs. The judge appointed adjudicators to try to reconcile the couple. The wife’s adjudicator confirmed the abuse, but the husband’s said he could neither confirm nor deny the wife’s allegations. However, the abuse allegations were supported by statements from the children, who had

witnessed the abuse, and thus the judge issued a divorce judgement. Evidently, for the sake of her children the wife had put up with an unhappy marriage that had later turned violent.

### *Causes of divorce*

The causes of divorce vary, and for a variety of reasons they are difficult to determine just by analysing the court records. As Goode (1993: 30) maintains, people do not often mention the actual cause of divorce in court but make the allegations that would give them the fastest or most rewarding end result. Nevertheless, the causes mentioned reflect the nature of the conflict, and the changes in the cited causes of divorce signify the changes that have occurred within the Druze community as a whole. The reported causes of divorce were those described in the contested cases, 40% of the sample. The causes cited by women differ from those mentioned by men. Women made allegations having to do with humiliation, violence, drug abuse, gambling, infidelity and desertion. Men, on the other hand, cited desertion, referred to as *noshouz* (meaning that a woman refuses to grant her husband sexual access or leaves the marital house in disobedience of her husband), disrespect and infidelity. In Lebanon there is no law protecting the wife against family violence and rape. The civil authorities are not allowed to intervene in family affairs, and the whole concept of spousal rape is non-existent. A husband who rapes his wife is only practising his right of free sexual access to her.

The practice of household violence, cited in 51% of cases, and of humiliating behaviour, in 41%, were the two reasons most frequently cited for divorce among women. Next came desertion in 15% of cases, with drug abuse, gambling, and not working or maintaining the family to follow, and lastly infidelity, which was cited in one case in 1970 only.

In the case of violence, 80% of the cases were after 1990. This indicates an increase in the recording of violence as a cause of divorce, which can be directly correlated with the socio-economic changes in Lebanon after the 1990s, when women increasingly entered the work place and enjoyed more economic independence, reflecting their rejection of household violence or their lack of tolerance of spousal abuse. In one case brought before the court in 2010, the wife, who worked as a full-time nurse in a Beirut hospital, filed for divorce after four years of marriage. She claimed that she wanted to divorce her husband because he was unemployed most of the time and had an alcohol addiction which she could no longer tolerate. The couple were seen by the lawyer who was acting as mediator at the court, who wrote in her report that the wife cried during mediation sessions, claiming that although she loved her husband, she could not put up with his behaviour, since he would scream and shout

a lot at her and their neighbours when he was drunk. She was feeling socially outcast. The husband acknowledged his drinking problem. He claimed that he did not abuse his wife, adding that she was filing for divorce under the influence of her brother, who wanted money out of the divorce. The couple divorced after the mediator got them to agree to a divorce agreement in which the husband paid the wife a sum of money in exchange for her share in their co-owned apartment. In this case, the fact that the woman worked and had her family's support allowed her to refuse to tolerate her husband's alcoholism and to file for divorce. The fact that they did not have children also contributed to a quick divorce.

Financial independence is an important variable in negotiating divorce, as became very evident when studying the divorce cases and the agreements arrived at by the contending parties. Working women are more able to use their economic resources to further their interests in divorce. For example, in another case brought before the court in 2000, the wife was able to use her economic status in her own favour. The couple had four children. Three were older than fifteen, but one girl was only eight years old. The wife took full custody of her daughter until her daughter became an adult, as set out in the agreement. However, in order to obtain full custody of her daughter, the wife had to promise to pay all the costs associated with the girl's maintenance, including for her education and medical care. The husband, according to the agreement, was not financially responsible for anything.

The same trend was noticed in the cases reporting humiliation, 81% of such cases being brought to court after 1990. This further supports the claim that women's tolerance of psychological abuse had declined, although in some instances humiliation might also entail physical abuse that is not directly mentioned as such because of the social stigma associated with household violence. As one informant mentioned, 'It is too embarrassing to tell the judge – a religious man – that I was constantly beaten by my husband. I would rather say he humiliated me. In the end, it's the same.'

In the case of causes of divorce cited by men, the two most frequently reported causes were disrespect and desertion. Desertion was cited in 38% of cases, disrespect in 31% and infidelity in only 1%. What is worth noting is that in 2000 and 2010 more men were making allegations against their wives and divorcing them in court for these reasons. For example, all cases citing disrespect were brought before the court in 2000 and 2010, while cases citing desertion numbered ten after 2000 and only three before 1990. What further indicated change was the citing of infidelity after 2000, which, although it remained low, was being cited more often. In one case, brought before the court in 2000, the husband filed for divorce on the basis of infidelity. He claimed that his wife was having an affair, which he had suspected for

some time because he noticed that his wife was neglecting the house and children. She would talk for long hours on the phone and leave the house for long periods of time. To prove his suspicions, he installed a spying device on the home telephone line and was able to record her calls. The recordings proved his suspicions, and he presented the recording to the court as proof. The wife denied all the allegations, claiming that recordings could be manipulated and should not be admitted as evidence by the court. Nevertheless, she later agreed to the divorce and dropped all allegations against her husband. She also waived all her rights to her *mahr* and custody over her children. The judge, however, gave her the permission to see her children for eight hours every Saturday. The judge explained this as follows:

A woman's right to her children is sacred and cannot be denied. Only if she was engaged in some immoral behaviour, such as drug use or constant infidelity, can her custody rights be denied. However, even under such circumstances, her visitation rights cannot be denied but may be limited and supervised by the presence of a grandfather or an uncle.

Were women faithful before 2000 and then changed their behaviour, or were men more willing to mention this cause after the 2000s because of changing values? Evidently stories of infidelity and even of women leaving their husbands and running away with their lovers are told in the community. Several cases of infidelity were brought to the researcher's attention, but none was recorded in the court records. This change in the cited causes of divorce was reflected in the interviews with the judge and the lawyer acting as court mediator, both of whom reported changes in the court's proceedings that reflected developments in the country's socio-economic situation. They reported that people were divorcing for different reasons currently and confirmed that these reasons may not be mentioned in the court records but discussed with the mediator, who later relayed them to the judge. The judge said that among the changes he had noticed was the increased level of distrust found between spouses and the lack of communication between them, which he attributed to the availability of internet phone services and the presence of many alternative sources of entertainment that were drawing couples further apart.

The mediator, who is not a religious woman and thus not as candid as the judge in calling things by their names, clearly pointed to the presence of a lot of infidelity among the spouses and the creation of affective, though not always sexual ties with alternative partners, made easy with mobile services such as What's App., Skype, Facebook and similar types of mass communication. She said, 'A woman could be sitting with her husband in the same room while chatting with her lover and vice versa.' She actually informed me that there were several cases of that nature that she had come across during her work at the court in which

the wife or husband would report that their spouse would spend more time chatting online than talking to other family members and that in one way or another the partner discovered the betrayal that had been occurring right before his or her eyes without being aware of the matter. For example, in one case brought before the court in 2010 the husband alleged that he suspected his wife of misbehaviour, as he saw some 'suspicious' pictures of his wife at a party with a stranger on Facebook.

The mediator mentioned several other causes of divorce, remarking that most often divorce was the result of a multitude of factors, not simply one or two: 'The case is most often one including a mixture of violence and disrespect coupled with parental intervention and economic need.' She reported that, as more women were joining the work force and making money, conflict or at least its expression was increasing. The judge agreed, saying that the man is, according to religious traditions, the head of the family and the main income provider. When he does not perform these roles, conflict over authority in the household emerges, with the wife who finds herself economically independent undermining his authority and disobeying him. He remarked that the case was particularly problematic since in some cases it would not be fair to ask the woman to quit her job so as to avoid conflict since the wife was making more money than her husband. He added that sometimes the husband uses the fact that his wife's is working as an excuse to obtain a cheaper divorce.

The mediator described one divorce that occurred under such conditions. The husband filed for divorce, claiming that his wife was neglecting her household duties and continually disobeying him. He wanted her to quit her job and become a full-time housewife. During the wife's own meeting with the mediator, she explained that she was working as a sales agent for a cosmetic company and made about two thousand dollars per month, while her husband's income was nine hundred dollars. She could not quit her job because they would not be able to live on his income alone. The wife claimed that her husband was using her job as an excuse. They had many disagreements and both wanted to divorce, but he was filing under false pretences because he wanted her to give up all her rights to her deferred *mahr*. The mediator and the judge both realized that the husband's condition that he would withdraw his divorce suit if his wife quit her job was ill-intentioned. However, legally speaking, the judge had to ask the wife if she was ready to comply. She was not and they divorced, with the wife giving up half of her deferred *mahr* as stated in the marriage contract. Luckily, they had no children and no further complications were involved.



The above case shows how the legal process can be manipulated to satisfy the interests of one party at the expense of the other. The mediator reported that in most cases this took place at the expense of the wife, adding that women are more likely to forgive and forget:

A woman seeks reconciliation when her husband goes back on his mistake and is more likely to compromise even in cases of infidelity. Men, on the other hand, take more of a masculine chauvinistic attitude, saying things like 'I am the man, and it is my right to do whatever I want.' Men feel that their masculinities are being challenged and that they were not quite able to keep their families and spouses under their authority.

Johnston and Campbell (1988: 76) tackle this aspect of spousal relations and the threat that divorce poses to the partner's self-esteem:

For many, divorce involves a threat to their self-esteem and to core elements of their self-image as a spouse or a partner. Consequently, they need to save face. Whereas some experience the rejection inherent in divorce as a blow to their self-esteem, others experience it as a totally humiliating assault on the self.

Druze men whose wives file for divorce feel just such an assault on their masculinity.

A continuity of gender differences in the perception of divorce is evident. Women continue to suffer from more social stigma than men and do not think of divorce as an end to the conflict but as a beginning to a life of being under constant social scrutiny and judgment. One informant expressed these feelings by saying, 'I really do not understand how he could behave the way he did... To take me to court...the mother of his children. To be a divorcee at such an age – this is horrible.' This woman had two daughters over 22, and her husband divorced her because he was involved in a relationship with another woman, whom he actually married a few months after the divorce.

Another woman reported that her suffering increased after the divorce, as it did not put an end to her conflict with her husband. At the time of her divorce she had a three-year-old daughter and was pregnant. Her husband told her that he would let her keep the child when it was born if she signed over a concession to the daughter. Not possessing the financial means to care for two children, she agreed on condition that she would see her daughter every week. She described her attempts to see her daughter during her pregnancy as horrible since her ex-husband used to take their daughter on outings on the agreed dates for a visit and later tell his daughter that her mother did not love her and did not want to see her. A year after the baby, a boy, was born, the husband filed for a custody case, claiming that his ex-wife was not a suitable mother and had a lot of psychological problems which prevented her from providing appropriate care for the boy. In fact, she said that by that time she was taking anti-depressants

because she was being denied her right to see her daughter and was constantly involved in court litigation with her ex-husband to be able to do so. The husband lost the custody case but was given visitation rights, the boy being allowed to stay with his father during the weekends. The husband, the wife claimed, used these visits to poison his son's mind against his mother – a thing he had already achieved with their daughter, who told her mother whenever she was able to see her that she hated her and did not want to see her. Soon afterwards, the boy started making similar claims. This continued until the boy was seven years old, at which time his custody was legally transferred to the husband. This was almost ten years ago, and the woman has not seen her children for more than six years. She reported that she still waits outside their school and their house to catch a glimpse of them, but they refuse to talk to her. This woman is now under heavy medication and was even hospitalized for some time in a mental institution.

This case and several similar ones show that divorce does not put an end to the conflict for women but might increase it further when children are involved. The judge explained in the interview that visitation rights as outlined in court sentences were not always respected by the husband:

Women are often faced by the masculine society and mentality and are denied their visitation rights. The husband tries to deny his wife that right and refuses to deliver the child as agreed upon in court. I have been trying a new method recently. I have been forcing the husband to pay some money [35,000 Lebanese pounds, or US\$23] for every hour's delay in handing over the children. Nothing else seemed to work. Sending security officers to get the children is a traumatic experience for the children and is often used by the husband to turn the children against their mother. When the husband feels that his 'pocket' is going to suffer, he gives in!

This might prevent some of the manipulation of the system by the husband, but it does not put an end to it and certainly does not guarantee that the children will not be manipulated by their fathers and grow up resenting their mothers.

The judge was approached with questions pertaining to the law and his evaluation of the legal process. He replied that the Druze Personal Status Law required much reform. The law had been adapted from the Sunni Hanafi tradition and hence did not fully reflect the essential spirit of the *tawheed* faith. He pointed out that equality between men and women is not reflected fully in the law, despite this being one of the basic teachings of *tawheed*. He was also against the existing laws regarding custody for girls and boys. He believed that the children should not be separated and declared that he tried to pass such a judgement when he could get the parties to agree to the matter on the legal basis of the child's best interest. He was nevertheless bound by the law. For instance, personally he thought that no specific age

should be fixed as the age of custody. A mother should be able to keep her children with her at all times provided she did not remarry because she is more loving and caring. He was trying to change the age of custody to thirteen for both boys and girls but was facing a lot of resistance from other religious and legal authorities. He was, in practice, giving children above the age of fourteen the right to decide their custody arrangements for themselves.

Reflecting on divorce among the Druze, the judge said that he noticed a lot of change. Marriage is not perceived as a lifelong commitment but as a 'project' with mutual interests for the parties involved. When these interests are no longer satisfied, divorce is suggested in a casual manner. He attributed the change to modernity and to the involvement of what he termed 'civil society', referring to parties and social occasions that brought the Druze into contact with ways of life that were not traditionally part of the Druze way of life. He gave the following case as an example.

A man filed for divorce against his wife, claiming that she had misbehaved in public and flirted with a man. The wife came before the court and did not deny the accusations but claimed that she was not acting consciously at that time since she was under the influence of alcohol.

The judge found this quite phenomenal. First, she was not in the least bit embarrassed about reporting drunkenness to the judge and did not think of her consumption of alcohol as deviating from Druze traditions. Secondly, she thought that being intoxicated could and should excuse her improper behaviour in other ways. This is a huge deviation from Druze traditions, where even smoking by women is looked upon negatively and considered shameful behaviour. The judge blamed the husband for his wife's behaviour. Going to parties and drinking was part of the family's life that the husband could have controlled if he had wanted to, as was his wife's drinking habits. He considered this change in the Druze way of life to be behind the increase in divorces. He also claimed to be noticing that recently marriages had ceased to be stable, especially with divorce occurring soon after marriage.

### **Concluding remarks**

Divorce among the Druze is shown to reflect the sect's particularities as a minority that constantly needs to affirm its internal solidarity and unity as one group. This was revealed in the practice of divorce by agreement in the overwhelming majority of the cases brought before the court and covered in the sample. This revealed a continuity of traditions whereby family matters are solved within the parameters of the family and rarely submitted to external mechanisms of control. Although the court is a Druze court, nevertheless it is a legal

institution that formalizes family relationships by transforming the private into the public. Despite this, some changes, though very subtle ones, have been observed in divorce.

The research revealed some evident changes in the causes of divorce among the Lebanese Druze that reflect the socio-economic changes in the country. This was obvious in the legal cases, whereby violence and infidelity were being more openly cited in court sessions, particularly in recent years. Another remarkable change was the decrease in women's tolerance of household violence and behaviour that humiliated them. Women, especially those enjoying a certain degree of economic independence, claimed their rights and refused to give in to abusive spouses. Druze women seem to be quite aware of their legal rights and were prepared to assert them, as was obvious from the fact that in most cases the women were the ones who brought cases to court and who were willing to take the necessary steps towards ending the marriage. When it comes to men and divorce, other changes were observable. For example, men were more willing to cite their wife's infidelity and to explain the circumstances of the conflict clearly to the judge.

Changes relating to the causes and experiences of divorce were mostly noted by the judge and the mediator working at the court. Both attributed the changes to the influence of modernity and to changes in family and moral values in Lebanese society. They also hinted at changes in the role played by both men and women in society and at how women's participation in the labour force was influencing their role within the family, thus challenging men's traditional role as the heads of families. Grossbard-Shechfman (1993) highlights the role of economic independence in divorce decisions whereby divorce is directly related to market labour. Gottman (1994) also points to the relationship between economic change on the national level and divorce decisions: 'prestigious jobs may give women the freedom to leave a failing marriage that they do not have in countries at a lower level of development' (Gottman 1994: 70).

Druze laws of divorce have been adapted from the Sunni Hanafi tradition and, according to the Druze judge, must be modified if they are to conform to the basic religious teachings of *tawheed*. Although the law appears progressive in permitting non-fault divorces and in giving men and women equal rights to end the marriage, still many modifications need to be introduced in the light of actual practice and the ongoing struggle of divorcees long after the divorce judgement has been issued.

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