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PhD title: *Developing a Policy for Official Mediation Between the
Legal System and the Traditional Civil Justice System: Cultural
Aspects Regarding Divorce Processes Within the Druze
Community in Israel*

Long Abstract

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1. Introduction

1.1 Research Context and Motivation

Israel grants **partial autonomy** over personal status issues (e.g., marriage, divorce) to religious minorities, including the Druze (Barreda, 2014). However, friction surfaces when religious norms contradict civil laws. While *ṭalāq* is historically valid under Druze law, Section 181 deems it a criminal act if not judicially sanctioned (Karayanni, 2020). This scenario illustrates deeper societal dilemmas:

- a) **Multicultural Integration:** How can Israel reconcile diverse religious practices within a unified legal structure?
- b) **Communal Identity:** Does labeling *ṭalāq* as criminal weaken Druze social cohesion?
- c) **Gender Justice:** Section 181 ostensibly protects women, yet many Druze men consider it an intrusion on customary autonomy (Cohen, 2018).
- d) **Individual Freedoms:** Balancing women's rights with Druze family traditions strains a modernizing society.

This dissertation investigates the interplay between **state law** and **religious autonomy**, alongside the broader ramifications of this legal conflict.

1.2 Theoretical Framework

Three perspectives shape the study:

1. **Multicultural and Recognition Theories:** Democracies must accommodate minority traditions while preserving individual liberties (Taylor, 1992; Kymlicka, 1995; Starks & McMillan, 2023). The Druze case highlights the tension between group autonomy and gender rights (Karayanni, 2020).
2. **Conflict Theory:** Legal structures often reflect majority interests, marginalizing minorities (Monlezun, 2024). Section 181 might be seen as majority-imposed norms that trigger Druze resistance (Karayanni, 2020).
3. **Existentialist Perspectives:** Druze men confront an existential choice: conform to religious dictates or face legal consequences, fostering alienation and heightened opposition (Sartre, 1943).

1.3 Research Purpose and Objectives

This dissertation addresses three questions:

1. **Legal-Cultural Gap:** Which conflicts arise between Druze religious divorce and Section 181?
2. **Bridging the Gap:** What policy solutions can align Druze traditions with civil equality?
3. **Interest Parties Attitudes:** How do Druze citizens and legal experts view reforming Section 181?

1.4 Methodology

A **qualitative approach** combines:

- a) **Interviews** with Druze religious judges (Qadis), Knesset members, and legal professionals.
- b) **Textual Analysis** of legislation, court rulings, and Druze legal texts (Barreda, 2014).

This design captures the nuanced relationship between cultural identity and legal structures.

1.5 Significance and Contribution

1.5.1 Theoretical Contributions: (1) **Multicultural Jurisprudence:** Explores paradoxes of religious-court autonomy under state oversight (Kymlicka, 1995). (2) **Conflict vs. Integration:** Shows how legal tensions may spur community resistance or adaptation (Karayanni, 2020) (3) **Gender Paradox:** Section 181 protects women but criminalizes a longstanding religious norm (Cohen, 2018).

1.5.2 Practical Contributions: (1) **Policy Reform:** Proposes regulating ṭalāq under amended legislation (Karayanni, 2020). (2) **Mediation Models:** Draws on Canadian/British multicultural dispute-resolution frameworks (Reitz et al., 2009). (3) **Community Empowerment:** Highlights the need for legal literacy and open dialogue between Druze leaders and the state.

1.6 Dissertation Structure

Chapter 2: Multicultural, conflict, and existentialist theories; **Chapter 3:** Comparative religious-courts literature; **Chapter 4:** Methodology and ethics; **Chapter 5:** Empirical results; **Chapter 6:** Analysis of contradictions and possible solutions; **Chapter 7:** Conclusions and recommendations.

1.7 Roadmap for Future Research

- (1) **Comparative Analysis:** Study other religious minorities with similar tensions (Karayanni, 2020).
- (2) **Gender-Focused Inquiry:** Investigate women's lived experiences in religious courts (Santos, 2024).
- (3) **Cross-National Perspectives:** Assess how integrative legal frameworks fare in diverse democracies.

1.8 Conclusion

By centering on the Druze case, this dissertation illuminates ongoing debates about **identity, minority rights, and state authority**. Bridging the legal gap may require: (1) **Legislative Adjustments** granting partial recognition of ṭalāq. (2) **Alternative Dispute Resolution** structures aligning Druze family norms with civil law. (3) **Enhanced Dialogue** between Druze leaders and policymakers (4) These measures could advance Israel's multicultural legal practices, reconciling religious tradition with democratic principles and informing broader discussions on legal pluralism.

2. Theoretical Framework

2.1 Multiculturalism – Theories

2.1.1 Introduction

Multiculturalism describes the coexistence of diverse cultural groups—differentiated by language, ethnicity, or other markers—under a single overarching society (Starks & McMillan, 2023, Link). It seeks institutional and normative accommodations for minority cultures, moving away from older models that demanded assimilation. In education, higher “cultural intelligence” among teachers correlates with more positive attitudes toward students from diverse backgrounds (Katıtaş, 2024, Link).

Core to multiculturalism is the notion that minority identities cannot merely be subsumed under a dominant cultural framework; rather, distinct cultural practices must be validated (Starks & McMillan, 2023). Historically, multicultural thought emerged as a critique of oppressive or assimilationist policies.

2.1.2 Theoretical Frameworks of Multiculturalism

1. **Recognition Theory:** Focuses on validating diverse groups in the public sphere, ensuring dignity and belonging (Klompenhouwer & Hopman, 2021, Link).
2. **Conflict Theory:** Highlights structural inequalities and power disparities that can spark cultural frictions (Monlezun, 2024, Link).
3. **Social Integration Theory:** Emphasizes active participation and shared rights for successful multicultural cohesion (Reitz et al., 2009).
4. **Cultural Pluralism Theory:** Views cultural diversity as an intrinsic strength (Santos, 2024, Link).
5. **Postcolonial Theory:** Critiques colonial legacies and cultural hegemony, seeking to dismantle ongoing dominance (Hunjoo, 2024; Khan, 2023).

These frameworks illustrate the necessity of recognizing cultural specificity while addressing power imbalances that can perpetuate minority marginalization (Jonsson, 2015; Murry, 2015).

2.1.3 Approaches to Multiculturalism

- 1) **Assimilation Theory:** Holds that minorities should adapt to majority norms, but critics argue it erodes cultural identity (Shorten, 2022).
- 2) **Cultural Pluralism:** Encourages preserving minority cultures within a shared political framework (Gordon, 2016), with authentic engagement rather than token gestures (DiMaggio et al., 2004).

- 3) **Dominance Theory:** Centers on how privileged groups preserve advantages through institutionalized inequalities (Cheater, 2003).
- 4) **Inclusion Theory:** Seeks equal access to decision-making and public institutions for minorities (Aiyede & Muganda, 2023).
- 5) **Exclusion Theory:** Examines the structural barriers preventing minority participation (Sterri, 2023; Phipps, 2022).

2.1.4 Contemporary Issues in Multiculturalism

Debates arise around assimilation vs. cultural pluralism, impacts of globalization, and the role of immigration policy in shaping social integration (Benet-Martinez et al., 2015). In education, culturally competent teachers significantly affect minority students' outcomes (Paizan, 2024; Katıtaş, 2024). Media representation and grassroots movements also shape multicultural discourse (Siapera, 2010; Kurniawan et al., 2024).

2.1.5 Critical Perspectives on Multiculturalism

Critics warn that some policies reduce multiculturalism to “food and festivals,” leaving deeper inequities unchallenged (De Jesus-Reyes, 2024; Sengmany, 2023). Other theories emphasize:

- **Internalizing Identity:** How individuals reconcile multiple cultural affiliations (Sterri, 2023).
- **Intergroup Dialogue:** Structured engagement to reduce prejudices (Zuniga et al., 2016).
- **Empowerment Theory:** Amplifies marginalized voices and reforms exclusionary systems (Prodanova, 2024).
- **Subaltern Theory:** Demands active participation by historically silenced communities (Mittelmeier et al., 2024).
- **Intersubjectivity Theory:** Explores mutual understanding through empathetic cross-cultural engagement (Zhang, 2024; Lund, 2024).

2.2 Existentialism

Existentialist philosophers (e.g., Sartre, Kierkegaard) hold that essence does not precede existence (Mautner, 2011; Stopler, 2015). Individuals must construct meaning in an indifferent world. Themes like alienation and freedom resonate with multicultural debates, as people navigate multiple cultural norms. Existentialism underscores personal agency, suggesting a parallel with the challenge of aligning minority rights with broader societal frameworks (Rubinstein, 2016).

2.3 Multiculturalism

“Culture” may refer to ethnicity, religion, nationality, and more (Shmer, 2009). Multiculturalism supports an environment that respects these overlapping identities (Cohen, 2015; Gutman, 2002). In Israel, the mosaic of Jewish immigrants from diverse origins coexists with Arab, Druze, and Bedouin communities. Sabar (2001) distinguishes between:

- **Multi-cultures:** Merely describing diverse communities side by side.
- **Multiculturalism:** A policy-driven stance providing resources and legal support for minority groups (Lev Ari & Hassisi-Sabek, 2016).

2.4 Approaches to Minority–Majority Relations

Minority groups often face institutions aligned with majority norms. Four main approaches (Mautner, 2011; Stopler, 2015):

1. **Republican:** Upholds only individual rights, ignoring collective claims (e.g., historical French approach).
2. **Liberal–Pragmatic:** Focuses on individual rights, with little state support for minority institutions (Green, 2019).
3. **Multicultural:** Recognizes group-based rights, such as official language status (Rubinstein, 2016).
4. **Social-Democratic:** Seeks substantive equality through active state intervention (Green, 2019).

2.5 Bridging the Gap Between Traditional Law and Civil Law

2.5.1 Introduction

In many regions, traditional or religious legal systems coexist with civil law (Barreda, 2014). The goal is to ensure these dual systems do not violate fundamental rights.

2.5.2 Philosophical Basis

Existentialism’s emphasis on freedom and Rawls’s fairness principles both advocate structures that respect cultural minorities without sacrificing individual rights (Ferrer Beltrán et al., 2013; Kublashvili, 2013; Umeanolue, 2020).

2.5.3 Practical Approaches to Legal Integration

1. **Comparative Legal Analysis:** Adapts best practices from parallel systems (Karayanni, 2020).
2. **Dispute Resolution:** Encourages mediation or arbitration that respect local norms (Fias, 2024).
3. **Legislative Reforms:** Harmonize religious rules with universal rights (CISG, 2021).

2.5.4 Challenges and Opportunities for Legal Integration

Resistance to change can be high, and religious courts may entrench patriarchal norms. However, collaborative frameworks can validate tradition while upholding human rights (Butalia, 2023; Hynes, 2021).

2.5.5 Conclusion on Bridging the Gap

Effective integration respects both religious autonomy and universal norms. Ongoing dialogue between religious and secular authorities can yield inclusive policies, strengthening social unity (Rammala et al., 2023; Kim, 2023).

3. Literature Review

3.1 Multiculturalism in Israel

3.1.1 Multiculturalism from the Perspective of the Israeli Establishment and Government

Israel's dual identity as Jewish and democratic creates tension for minority recognition, especially among Arab citizens (Mielke & Al-Haj, 2007). The Nation-State Law highlights Jewish identity, raising concerns of marginalizing non-Jewish communities (Ichikawa, 2023). While some cultural institutions for Arabs or Druze receive government support, critics note insufficient funding (Donguiz, 2021). National security concerns also complicate policy toward Arab populations (Katz & Bigon, 2023).

3.1.2 Multiculturalism from the Perspective of Minority Groups in Israel

- 1) **Arab Citizens:** Note structural inequalities reinforced by Jewish-centric legislation (McClymont et al., 2020).
- 2) **Druze:** Historically more aligned with state interests but still face limited autonomy or social constraints (Nissim Dana, 1998).
- 3) **Ethiopian Jews:** Officially recognized as Jewish yet encounter racist perceptions and social alienation (Avraham, 2024).

Many minorities weigh the risks of preserving tradition against incentives to assimilate (Khan et al., 2019; Dissanayake, 2024).

3.1.3 Comparative Analysis of Multiculturalism

Israel's selective support for minority rights mirrors patterns in other plural states, such as Malaysia, where government rhetoric alternates between inclusive gestures and nationalist imperatives (Shah, 2019). Political polarization in Israel further complicates consistent policy for non-Jewish citizens (Shamir, 2017).

3.1.4 Challenges and Opportunities for Multiculturalism

- 1) **Challenges:** Legislative tensions (Dissanayake, 2024), socioeconomic gaps, and political polarization (Amir, 2024).
- 2) **Opportunities:** Grassroots advocacy spurring policy change (Kemp, 2015), reforms in education (Azmitia, 2024), and local initiatives in cities like Haifa or Tel Aviv (Mielke & Al-Haj, 2007).

3.2 The State of Israel: Religion and State among Minorities

3.2.1 The Struggle Between Religion and State in Israel

Israel merges Jewish religious identity with democratic structures. Minority religious communities (Muslim, Christian, Druze) have autonomy in personal status laws, yet this can leave women vulnerable to conservative norms (Karayanni, 2020).

3.2.1.1 Multiculturalism as a Cover for Oppressive Policies

“Covering Theory” holds that official multicultural stances might legitimize patriarchal customs (Karayanni, 2018B, Link).

3.2.1.2 The Challenges of Religious Jurisdiction

In Israel, Jewish rabbinical courts are viewed as coercive, while Muslim or Druze courts are framed as a liberal accommodation. Yet these courts may perpetuate internal inequities (Karayanni, 2020).

3.2.2 The Struggle Between Religion and State

- 1) **Jewish Model:** Funded religious institutions and rabbinical jurisdiction over Jewish family law (Liviatan, 2009; Karayanni, 2014).
- 2) **Minority Model:** Arab religious tribunals manage personal status without substantial state funding (Amir, 2016).

3.2.3 Religious Courts in Israel’s Arab Minority as a Violation of Individual Rights

Although these courts preserve cultural identity, they can infringe on liberal norms, notably women’s rights (Karayanni, 2016; 2018B). A balance is needed to ensure that recognition does not mask group-internal oppression (Shachar, 2001).

3.2.4 Acute Personal Obstacles among Israel’s Arab Minority

- 1) **Institutional Barriers:** Jewish self-definition of the state perpetuates enclaves (Merin, 1999).
- 2) **Patriarchal Society:** External pressures can reinforce conservative practices (Sa’ar, 2007).
- 3) **Secular Barrier:** Some Arab leaders avoid challenging religious norms to preserve communal solidarity (Touma-Sliman, 2005).

3.2.5 Personal Obstacles as a Multicultural Trap

Unregulated multiculturalism can legitimize restrictive religious frameworks (Rawls, 1993 in Karayanni, 2020). Women may have few exit options under split jurisdiction (Shachar, 2001).

3.3 Religious Minorities in European Countries

3.3.1 The Historical Context of Religious Minorities

Europe’s history features persistent religious discrimination, though post-World War II reforms codified greater protections (Kilinç et al., 2019). Contemporary nationalism can still fuel hostility toward minorities.

3.3.2 Islam in Europe

Modern immigration increased the Muslim demographic in France, Germany, and the UK, triggering debates over secular policies (Oran, 2021). Controversies around hijab bans or mosque construction highlight tensions (Sealy et al., 2022).

3.3.3 Jewish Communities in Europe

Jewish communities contributed significantly to Europe's intellectual heritage but faced antisemitism. Today, questions around kosher laws or circumcision provoke debates on religious accommodation (Ulvund, 2020).

3.3.4 Other Religious Minorities

Hindus, Sikhs, and smaller groups often operate within uncertain legal frameworks, relying on robust anti-discrimination measures (Schmitt et al., 2023).

3.3.5 Multiculturalism in European Countries

Western Europe historically embraced more inclusion, while recent populist movements threaten these frameworks (Maddrell et al., 2022). Eastern European nationalism complicates the integration of groups such as the Romani (Boichuk et al., 2023).

3.3.6 State Laws vs. Social and Religious Norms

Some states permit religious exemptions in education or worship, while others maintain strict secularism (Zucca, 2012). Ongoing tensions illustrate the challenge of reconciling religious pluralism and national identity.

3.4 Aspects of the Druze Community

3.5.1 The Origin of the Druze

The Druze religion emerged in the 11th century CE under the Fatimid Caliphate (Dana, 1974). Isma'ili Shi'a influences and Greek philosophical elements shaped the faith. By 1043, conversions ceased, and Druze communities consolidated in mountainous areas (Falah, 2000; Hazran et al., 2024; Kheir, 2024)

3.5.2 Core Tenets of the Druze Religion

Absolute monotheism (tawhid), truthfulness, loyalty, and transmigration of souls (al-Taqammus) form key pillars (Barakat, 2016; Abbas & Court, 2021). Initiated members ('uqqāl) hold deeper religious knowledge than laypeople (juhhāl).

3.5.3 The Druze Community – Social Structure

In Israel, ~149,000 Druze maintain a patriarchal yet cohesive social framework, discouraging polygamy and favoring inheritance rights for women (Falah, 2018; Hasan, 2011). Nonetheless, strong communal norms still shape family roles.

3.5 The Jurisdiction of the Druze Religious Courts in the State of Israel

3.5.1 The Formation of the Druze Communal Judicial System

Only in the mid-20th century was Druze recognized separately under British Mandate and Israeli law. By 1962, the Knesset enacted Druze Religious Courts Law, granting exclusive jurisdiction in personal status (Ministry of Justice, 2014).

3.5.2 The Marriage Contract

Marriage requires the bride's consent, witnesses, and an authorized official. Monogamy is enforced, and both spouses can initiate divorce under certain conditions (Falah, 2000; Mulla, 2014).

3.5.3 Divorce under Druze Religious Law

Recognized pathways include unilateral divorce (ṭalāq), wife-initiated tafriq, mutual consent, and "conflict and strife" (nazā' wa-shiqāq). Druze law forbids remarriage between previously divorced spouses, incentivizing mediation (Hasan, 2011).

3.5.4 Adapting to State Laws Pertaining to the Court

Israeli Penal Code (1977) can criminalize divorce pronounced without a court decree if the wife does not consent, conflicting with Druze law's immediate recognition of unilateral divorce (Karayanni, 2020).

3.6 Applying the Compulsory Mediation ("Mahut") Law in Druze Religious Courts

3.6.1 Divorce Under the Druze Personal Status Law

Nazā'wa-shiqāq provisions require mediators to attempt reconciliation; if they fail, the court determines fault and divides property (kablan, 2016).

3.6.2 Mediation

Mediation is a longstanding tradition in Islamic and Druze contexts, encouraging family-appointed arbiters to reduce divorce conflicts (Otolenghi, 1994).

3.6.3 The Compulsory Mediation ("Mahut") Law and Mandatory Mediation

Israel's 2016 Mahut Law obliges couples to attend preliminary mediation sessions, seeking to diminish adversarial court disputes (Finkelstein, 2007). While it can foster cooperation, critics worry about power imbalances (Finkelstein, 2009).

3.6.4 Mediation in Divorce Proceedings

Advantages include cost savings and preserving relationships (Elroy, 1992). Disadvantages arise if one spouse is coerced or vulnerable (Bogoch & Halperin-Kaddari, 2007).

3.6.5 Mediation Under Druze Religious Law

Druze courts already mandate attempts at reconciliation. Mahut might be complementary if integrated thoughtfully, ensuring professional mediators work alongside traditional arbiters (Qablan, 2016).

3.6.7 Conclusion Regarding Application of the Mahut Law in Druze Religious Courts

Mandatory mediation could reduce conflict, but must not undermine Druze autonomy. A hybrid model—where Qadis refer disputants to professional mediators—could balance tradition with modern ADR techniques.

3.7 Divorce as a Social Phenomenon

3.7.1 Reasons for Divorce

Global trends show increasing divorce rates, driven by financial stress, shifting gender roles, infidelity, and interference by extended families (Tarabey, 2013). In the Druze context, the inability to remarry the same partner post-divorce fosters a stronger drive toward reconciliation (Ministry of Justice, 2017; Abu Rish, 2013).

Concluding Observations

This overview illustrates the complexities of multicultural frameworks, from existentialist insights on personal agency to postcolonial critiques of power. While governments try to manage cultural diversity by granting autonomy to religious and cultural communities, these arrangements can inadvertently maintain group-internal inequities, particularly around gender. “Covering” theories reveal how symbolic recognition may mask systemic injustices (Karayanni, 2018B).

Mediation appears as a promising bridge between customary norms and universal rights, exemplified by Israel’s Mahut Law. Yet, the law’s application in Druze courts highlights tensions between respecting religious jurisdiction and ensuring equitable outcomes. Effective multiculturalism ultimately requires careful navigation: granting minority autonomy but safeguarding fundamental human rights. From the Middle East to Europe, this balance hinges on flexible policies, continual dialogue, and a deeper commitment to social justice.

4. Methodology

4.1 Research Paradigm

This study employs a qualitative approach, emphasizing participants' interpretations of social phenomena within their natural contexts (Tzabar Ben-Yehoshua, 2016; Shkedi, 2011). Because it explores how a proposed mediation policy might reconcile Israel's central legal system and the Druze judiciary, qualitative inquiry offers the depth and flexibility necessary for uncovering nuanced cultural and legal dimensions.

4.1.1 Uses of Qualitative Research

Qualitative research emphasizes subjective viewpoints, process-oriented insights, and the interplay between behavior and context (Tzabar Ben-Yehoshua, 2016). Methods range from phenomenology and narrative research to ethnography and case studies (Petkin & Wolfensperger, 2010).

4.1.2 Advantages

These methods reveal participants' perspectives in detail, illuminating subtle sociocultural or legal factors (Kaniel, 2014; Alpert, 2011). Researchers interpret behaviors and norms holistically, striving for contextual understanding rather than universal laws (Tzabar Ben-Yehoshua, 2016).

4.1.3 Disadvantages

Small, context-specific samples can limit generalizability (Shkedi, 2011), and concerns may arise about subjectivity and reliability (Alpert, 2011). Researchers mitigate these by transparent reporting, triangulation, and reflexivity (Tzabar Ben-Yehoshua, 2016).

4.1.4 Rationale

Given the study's focus on Druze divorce and the interface with Israeli civil law, a qualitative lens captures participants' lived experiences—how they perceive, navigate, and possibly resolve legal conflicts (Shkedi, 2011).

4.2 Case Study

A case-study design (Yosifun, 2016) examines how Druze religious courts and Israel's civil justice system intersect on divorce matters. This approach enables an in-depth look at historical evolutions, policy discourses, and real-life experiences.

4.3 Research Setup

The research unfolds in three stages, each addressing different aims: (1) identifying dilemmas in Druze divorce law vs. Israeli legislation, (2) exploring new frameworks for bridging the gap, and (3) assessing stakeholders' attitudes on changing Section 181 of the Penal Code. Data sources include interviews and document analysis, analyzed via content analysis.

4.4 Research Instruments

4.4.1 Interviews

Semi-structured interviews (Tzabar-Ben Yehoshua, 2016) permit in-depth exploration of viewpoints among Knesset members, legal professionals, Qādīs, Druze clerics, and Druze men who experienced legal discrepancies.

4.4.2 Document Analysis

Legislation, court rulings, and religious texts are examined to trace policy evolution, contextualize interviews, and identify repeated themes (Bauer & Gaskell, 2011; Shkedi, 2011).

4.5 Research Participants

Five groups contribute: (1) Knesset/public figures/legal professionals, (2) Qādīs, (3) attorneys, (4) Druze clerics, and (5) Druze men who encountered unilateral divorce issues. These participants offer diverse perspectives on legal, cultural, and religious dimensions.

4.6 Method of Data Analysis: Content Analysis

Transcribed interviews and key documents undergo iterative coding, generating themes such as “Religious-Civil Conflict,” “Penal Code 181,” and “Cultural Norms” (Dushnik, 2011). The final synthesis addresses the research objectives (Shkedi, 2011).

4.7 Triangulation

By comparing interviews, legislative texts, and participant feedback, the study strengthens credibility (Denzin & Lincoln, 2005; Shkedi, 2011). Apparent discrepancies prompt deeper investigation.

4.8 The Researcher’s Position

The researcher, a Druze religious official, leverages insider knowledge while employing reflexive strategies—peer review, participant checks—to reduce bias (Dushnik, 2011).

4.9 Research Ethics

Ethical guidelines emphasize informed consent, confidentiality, and minimizing harm, especially given sensitive topics like divorce and religious authority (Dushnik & Tzabar Ben-Yehoshua, 2016).

4.10 Conclusion of Methodology

In sum, this qualitative, case-study-oriented design integrates interviews and document analysis to elucidate how Druze religious courts and Israeli civil law converge on divorce. Triangulation and reflexivity bolster validity, while ethical protocols safeguard participant welfare. This framework offers a thorough basis for proposing culturally sensitive, legally sound mediation policies.

5. Findings

This chapter presents findings from **two main sources**: (1) **Semi-structured interviews** with five stakeholder groups in the Druze community and Israeli legal system. (2) **Textual analysis** of relevant legal and historical documents on Druze personal-status law and its intersection with Israeli civil law. These findings are structured around the study's **three research questions**, each followed by a summary. The chapter then highlights **incidental results** regarding multiculturalism and key stakeholder perspectives, offering a **holistic view** of the Druze civil–religious divorce gap, bridging strategies, and potential amendments to **Section 181** of the Penal Code.

5.1 The Findings of the first question

5.1.1 First Research Question: *“What dilemmas exist regarding the gap between the Druze community’s traditional legal system and the civil law concerning divorce proceedings among community members in Israel?”*

This question examines the **tensions and conflicts** that arise when Druze religious law, particularly regarding divorce, intersects with Israeli civil legislation. As indicated in **Table 5.1.6.1.1**, each interviewee group—Knesset Members / Jurists, Qādis, Lawyers, Druze Religious Leaders, and Druze Individuals who have encountered the legal gap—highlights unique but overlapping challenges. In parallel, **Table 5.2.3.1** shows how foundational documents (e.g., the Declaration of Independence and Basic Laws) can either **fail to resolve** or even **deepen** the tension between maintaining Druze cultural autonomy and enforcing civil equality.

5.1.2 Interview Findings for first Question

5.1.2.1 Knesset Members / Jurists

Politicians and legal experts describe a **persistent identity-systemic gap**: Druze religious law is a core facet of cultural identity, yet civil legislation aims at universal equality. Most friction arises in **divorce proceedings**, where Druze unilateral divorce (ṭalāq) can be seen as a **criminal offense** under Section 181 if deemed forced or unrecognized by civil authorities. Interviewees also cite **external pressures**—notably from women’s rights organizations—contending that coerced divorces contravene democratic values. This “multicultural trap” means the Druze are formally acknowledged but effectively constrained whenever collective religious norms clash with Israel’s broader legal framework.

5.1.2.2 Qādis (Religious Judges)

Qādis emphasize the **legal ambiguity** that erodes their courts’ authority. Although Druze courts theoretically have exclusive jurisdiction over personal status, **overlapping civil statutes** allow spouses to invoke criminal provisions if a divorce lacks mutual consent. Consequently, Qādis worry about

losing community trust: they cannot uphold Druze traditions without risking legal repercussions. In addition, **outdated regulations** inherited from Ottoman or Mandate-era sources hinder adopting modern standards that still respect Druze heritage.

5.1.2.3 Lawyers

Attorneys point to a **double authority failure:** the civil and religious systems both fall short of community expectations. Formerly, parties engaged in a “race of jurisdictions,” seeking whichever forum might offer a procedural advantage, ultimately causing confusion. Though the Supreme Court curbed that practice, there is no unified mechanism to **reconcile** Druze law with civil requirements. Lawyers further highlight **family pressures:** uncertain about which system will prevail, spouses may trade away economic or custody rights to avoid criminal liability or social backlash. This leads to hasty compromises that can undermine fair outcomes.

5.1.2.4 Druze Religious Leaders (Imams)

Imams frame the issue as **traditional values vs. modernity**. While they respect Israeli law in many domains, they insist **religious divorce** belongs fully under Druze jurisdiction. The extension of civil law into divorce proceedings, they argue, undermines their **spiritual authority**. Simultaneously, they warn of **exploiting the gap:** wives might invoke civil protections to gain leverage, just as husbands might exploit *ṭalāq* to ignore the wife’s input. Even constrained, such “forum shopping” creates resentment, threatening community cohesion and trust.

5.1.2.5 Druze Individuals Who Have Experienced the Legal Gap

Community members who personally faced these conflicts describe **inequity and helplessness**. Men cite fear of **criminal sanctions** if they proceed with a unilateral divorce. Some women report social coercion to follow religious protocols they do not fully support. A recurring theme is **cultural subordination:** many prioritize communal “peace,” sacrificing individual claims or rights. The contradictory legal frameworks exacerbate confusion and anxiety, especially where one spouse benefits from civil avenues while the other adheres strictly to religious tradition.

5.1.3 Textual Analysis for first Question

Legal and historical documents—from the **Declaration of Independence** through **Basic Laws**—shed additional light on these dilemmas (see **Table 5.2.3.1**). The Declaration pledges equality for all citizens, yet the **Order-in-Council (Transition) Ordinance (1948)** cements civil law primacy. As a result, **Druze courts** find their rulings vulnerable to override if they conflict with civil standards.

Moreover, **Basic Law: Human Dignity and Liberty (1992)** enshrines individual freedoms, bolstering the argument that coerced or unilateral divorces violate women’s rights. In contrast, **Druze personal-**

status law still permits such dissolutions, intensifying conflict whenever the civil system deems them inconsistent with modern equality norms. Men risk criminal charges for a religiously valid divorce lacking final civil approval. Although **polygamy** is less prominent here, key rulings banning it reflect a broader tension: the state pursues gender equality and universal standards, whereas Druze law maintains certain traditional practices not fully aligned with civil legislation.

5.1.4 Concluding Summary for First Question

In synthesizing the interviews and textual data, four major challenges emerge:

1. **Legal Incompatibility:** Druze courts validate unilateral divorce, yet civil law criminalizes it if deemed coerced or lacking mutual consent.
2. **Power Imbalances:** Wives can harness civil statutes to oppose forced divorce, while men feel threatened by legal consequences if they follow religious tradition.
3. **Community Cohesion vs. Individual Rights:** Imams and Qādis defend communal norms, whereas lawyers and some Knesset members emphasize the necessity of equality, especially for vulnerable spouses.
4. **Symbolic vs. Substantive Autonomy:** Although Druze courts are officially recognized, limited regulatory independence perpetuates confusion and weakens trust.

Hence, **First Research Question** reveals a **structural clash** between an age-old religious framework and a modern, equality-driven civil system. This tension is far from abstract: it impacts real families, fosters procedural ambiguity, and undermines confidence in both religious and civil institutions.

5.2 The Findings of the Second question

5.2.1 Second Research Question: *“Which components might comprise a new conceptual framework for bridging the gap between the Druze community’s traditional legal system and Israel’s civil justice system?”*

Building on the dilemmas highlighted under Question A, this query explores practical and theoretical methods to reconcile Druze religious law with Israeli civil statutes. **Table 5.1.6.2.1** and **Table 5.2.3.2** detail interviewees’ suggestions—rooted in the Declaration of Independence, the Basic Laws, and other legislative tools—that can support or hinder more cohesive integration.

5.2.2 Interview Findings for Second Research Question

5.2.2.1 Knesset Members / Jurists

These stakeholders propose **flexible legislation** that honors Druze religious law without abandoning key civil principles. They emphasize **Section 30** of the Druze Religious Courts Law, which permits

formulating community-based regulations. If fully enacted, these rules could clearly define Druze court authority, balancing tradition and democratic values. They also advocate a **specialized mediation system** for divorce disputes, avoiding the immediate threat of criminal or civil litigation.

5.2.2.2 Qādis (Religious Judges)

Qādis similarly view **Section 30** as essential for modernizing Druze personal-status law. By creating formal procedural codes, they can enhance their courts' credibility and reduce external interference. They also suggest an **internal mediation framework**, wherein each divorce case undergoes community-based reconciliation efforts before resorting to criminal enforcement.

5.2.2.3 Lawyers

Attorneys recommend **exempting the Druze community** from criminal liability under Sections 181 and 182. Instead of imprisonment for unilateral divorces (talāq), they propose **civil remedies**—like compensation or negotiated settlements—to protect spouses from coerced dissolution. They also see **mediation** as a key method for couples navigating dual legal structures, allowing them to resolve disputes without criminal repercussions.

5.2.2.4 Druze Religious Leaders (Imams)

Imams favor **tailored legislation** shaped in partnership with state authorities. They especially encourage **traditional mediation mechanisms**, whereby local religious figures and extended families help spouses reach reconciliation or a fair divorce outcome. State recognition of such mediation, they argue, would bolster communal trust in both religious and civil institutions.

5.2.2.5 Druze Individuals Who Have Experienced the Legal Gap

Persons directly affected by the gap urge **adaptive legislative reform**. Fearing criminal prosecution and social stigma, they seek a framework that respects Druze norms while safeguarding women's rights. Strengthening the Druze courts, if recognized by the civil system, could alleviate confusion and protect both spouses. They assert that the current criminal approach is too harsh and divisive.

5.2.3 Textual Analysis for Second Research Question

As shown in **Table 5.2.3.2**, legal sources such as the **Declaration of Independence** offer foundational principles of freedom and equality, potentially guiding integrative legislation. The **Order-in-Council (Transition) Ordinance (1948)** might be adapted to grant limited exceptions for minority religious practices. **Basic Law: Human Dignity and Liberty (1992)** could serve as a constitutional basis to protect both communal autonomy and individual rights. Case law on unilateral divorce, which often deems such practices discriminatory, underscores the need for dispute-resolution pathways. **Section 30**

stands out as an avenue for the Druze community to craft procedural rules consistent with civil equality standards.

5.2.4 Concluding Summary for Second Research Question

Interviews and documents suggest a comprehensive framework to bridge the civil–religious divide:

1. **Implementing Section 30** to produce clear Druze procedural regulations for divorce.
2. **Revising or exempting penal provisions** (Sections 181 and 182) so legitimate Druze divorces do not lead to imprisonment.
3. **Developing mediation processes** blending religious customs with civil oversight.
4. **Collaborative legislation** among Druze authorities, the Ministry of Justice, and the Knesset to harmonize tradition and constitutional equality.

Thus, **Research Question B** highlights a consensus that dialogical, integrative solutions would greatly reduce legal friction and better protect the rights and identities of all parties.

5.3 The Findings of the Third question

5.3.1 Third Research Question: *“What are the attitudes of interested parties regarding amending Section 181 of the Penal Code?”*

Section 181 penalizes “coerced” or unilateral divorces lacking final judicial approval. In Druze practice, unilateral divorce (ṭalāq) is religiously valid yet risks criminal prosecution under civil law.

Table 5.1.6.3.3 and **Table 5.2.3.3** show broad support for change but differing views on how best to amend this statute.

5.3.2 Interview Findings for Research Question C

5.3.2.1 Knesset Members / Legal Professionals

Most advocate **amending Section 181**, noting it imposes an undue burden on Druze men by criminalizing a practice their tradition deems legitimate. Some propose **exempting Druze divorces** altogether, or **shifting to civil proceedings** where an objecting spouse can pursue damages or an injunction rather than criminal charges. They view this approach as avoiding “disproportionate punishment” while still protecting spouses from forced divorce.

5.3.2.2 Qādis (Religious Judges)

Qādis consider amending Section 181 **essential** to safeguard Druze courts’ authority. They want a clear provision that a ṭalāq following Druze law—if accompanied by basic procedural checks—should not be prosecuted. If their system is recognized and regulated (e.g., through Section 30), unilateral divorce

should not trigger criminal liability. Without these changes, Qādis warn that fear of arrest undermines communal trust in religious courts.

5.3.2.3 Lawyers

Attorneys typically favor an **exemption or tailored legislation** for the Druze community. A full exemption would remove any chance of imprisonment for practicing ṭalāq, while a narrower rewrite might institute an officially recognized “Druze path to divorce,” protecting wives without penalizing husbands. They emphasize that the current setup fuels **inequalities** relative to other recognized communities, intensifying distrust in the legal system.

5.3.2.4 Druze Clerics (Imams)

Imams stress the need for **religious leadership** and legislators to cooperate on reform that maintains Druze autonomy. They see perpetual criminal suspicion of ṭalāq as an affront to **community identity**, eroding the moral and spiritual authority of religious law. Without legal adjustments, men or women could exploit the penal code for strategic gains, harming both communal bonds and genuine respect for tradition.

5.3.2.5 Druze Individuals Who Have Experienced the Legal Gap

Those directly affected voice an **urgent call** for legislative reform. Many men recall how Section 181 was used against them to force concessions. This climate fosters resentment and the perception that civil law misunderstands Druze custom. They want **clear guidelines** for recognizing Druze divorces and removing criminal penalties when due process is followed.

5.3.3 Textual Analysis for Third Research Question

Table 5.2.3.3 references Basic Law: Human Dignity and Liberty and Supreme Court rulings on unilateral divorce, all underscoring Israel’s aim to prevent coerced dissolutions. Yet none provide an explicit Druze exception, so a formal legislative measure is required to reconcile religious autonomy with universal protections. Without it, penal provisions remain broadly applicable, exacerbating tensions between civil equality and minority religious norms.

5.3.4 Concluding Summary for Third Research Question

Broad consensus exists that the current criminal approach under Section 181 harms Druze men, weakens religious court authority, and neglects important community values. Proposed solutions range from a total exemption to substituting civil-based mechanisms, all of which must include **women’s safeguards**. Ultimately, **amending Section 181**—in cooperation with Druze leaders—would uphold religious traditions, ensure equity, and eliminate the threat of criminal punishment for those following recognized Druze procedures.

5.4 Incidental Results

Beyond the core research questions, the study revealed additional insights on **multiculturalism** and on how **five interviewee groups**—Druze individuals, imams, lawyers, Qādis, and Knesset members/legal experts—respond to key legal and social issues.

5.4.1 Multicultural Context

Legal instruments such as the **Declaration of Independence** and **Basic Laws** (Human Dignity and Liberty, Freedom of Occupation) ostensibly promote equality and minority empowerment. However, the **Nation-State Law (2018)** and **Law of Return** focus on Jewish identity, potentially marginalizing non-Jewish minorities like the Druze. Efforts to prohibit polygamy and unilateral divorce also illustrate the clash between modern equality norms and Druze religious practices, raising questions over how the state can preserve unity without eroding cultural autonomy.

5.4.2 Divergent Perspectives

- a) **Religious vs. Civil Law:** Druze individuals criticize dual systems for limiting personal rights, while imams defend traditional authority. Lawyers favor pragmatic mediation, and Qādis uphold custom but face administrative hurdles. Knesset members recognize the gap but lean toward civil-law solutions.
- b) **Mediation:** Druze individuals want simpler processes; imams prefer religious-based negotiation. Lawyers back integrated mediation, Qādis advocate community-led approaches, and Knesset experts endorse clear legal rules preventing coercion.
- c) **Amending Section 181:** Druze individuals highlight criminal liability's impact; imams accept reforms that reinforce autonomy. Lawyers view amendment as vital to protect minority rights, Qādis seek fewer criminal constraints, and Knesset experts propose collaborative legislative changes.
- d) **Socio-Communal Effects:** Druze individuals worry about family instability, imams see it as preserving identity, and lawyers warn of clandestine settlements. Qādis report eroding trust, while Knesset experts emphasize government responsibility.
- e) **Modernization:** Druze individuals welcome fair outcomes, imams reject reforms undermining religious principles, lawyers support gradual gender-equality measures, Qādis accept some modernization, and Knesset experts advocate balanced adaptation.

Despite shared priorities of fairness and stability, opinions vary on whether civil law or tradition should dominate. Achieving a workable solution hinges on cooperative policy that respects Druze cultural integrity while upholding broader legal standards.

6. Summary

The contemporary world often brings distinct identities into contact, posing challenges where traditional community values and state law intersect. In Israel's Druze community, **tensions** arise around divorce proceedings. **Druze religious law** legitimizes unilateral divorce (ṭalāq), whereas **Section 181 of the Penal Code** classifies such divorces as a criminal offense if they lack mutual consent. This tension highlights the **friction** between a long-established tradition—rooted in collective faith and culture—and legislation conceived to protect individual rights and promote equality.

6.1 Core Tensions: Tradition vs. Civil Law

6.1.1 Legal–Judicial Discrepancy

The first finding identifies a **legal and judicial gap**: Druze religious law regards ṭalāq as legitimate, but Israeli law criminalizes it. Many Druze see the law's inability to accommodate their religious customs as exacerbating alienation between the community and the civil system. This misalignment crystallizes around the possibility of men facing **criminal liability** for following a recognized religious practice.

6.1.2 Undermined Religious Court Authority

A second major issue is that penal provisions undercut the **legitimacy** of Druze religious courts. Historically, these courts have presided over personal status matters such as marriage and divorce. Civil involvement—particularly labeling ṭalāq as “criminal”—is widely interpreted in the community as a sign of distrust toward its religious institutions. Losing judicial authority, these courts become less able to maintain communal cohesion.

6.1.3 Tension Between Tradition and Individual Rights

A third finding focuses on balancing communal tradition and individual rights. Section 181 defends core democratic values, including **equality** and preventing coerced or one-sided divorce, especially to protect women. However, many in the Druze community view this as **cultural coercion** in reverse: the state fails to recognize centuries-old practices. This interplay underscores an **internal struggle**: preserving religious norms while accommodating modern principles of fairness and women's rights.

6.1.4 Potential for Mediation

A fourth central insight is the perceived necessity of a **judicial mediation mechanism**. Interviewees broadly advocated an integrative approach to reduce confrontation between Druze law and civil legislation. Such a framework would **honor religious law** and **respect democratic ideals**, lessening

the sense of being ruled by an external statute contrary to tradition. By promoting dialogue, mediation could help adapt elements of each system to achieve greater compatibility.

6.1.5 Discrimination and Alienation

A fifth theme highlights **feelings of discrimination and alienation**. The penal system is seen as enshrining the majority's cultural values at the expense of minority customs. Some Druze respondents note that ignoring their specific religious divorce practice deepens marginalization. This sense of exclusion fosters distrust toward the civil justice system and intensifies communal cohesion around tradition in a defensive way.

6.1.6 Adverse Impact on Men

Although Section 181 nominally protects women's rights, Druze men often feel unexpectedly **victimized**. Instead of enjoying a privileged position through *ṭalāq*, they face criminal charges if the wife objects. These men describe the law as “unjust,” leaving them in an uneasy position between religious norms and state demands, broadening the schism between civil law and communal tradition.

6.2 Theoretical Perspectives: Multiculturalism and Conflict Theory

6.2.1 Multicultural Theory and Minority Accommodation

From a **multicultural standpoint**, religious and ethnic minorities require legislation considerate of their unique cultural practices. In the Druze case, Section 181—criminalizing unilateral divorce—embodies majority values and, in the eyes of many Druze, ignores their heritage. This discrepancy undermines feelings of **belonging** and suggests that partial recognition of *ṭalāq*, combined with protections against abuse, might help restore community trust and a sense of inclusion.

6.2.2 Conflict Theory

Conflict theory sheds light on power imbalances between the religious minority and the state. When the Druze experience Section 181 as a majority-imposed norm, it can prompt alienation or conservative opposition to preserve identity. Conversely, inclusive **dialogue mechanisms** may defuse hostility and balance cultural autonomy with universal rights. Hence, a carefully structured mediation program, blending Druze tradition and civil norms, could help integrate religious doctrine with individual freedoms.

6.2.3 Existentialism and the Individual's Dilemma

Existentialist thought provides another angle: individuals face tension between obeying religious law permitting *ṭalāq* and complying with a civil statute that prohibits it without final judicial approval. Men seeking unilateral divorce experience dual coercion—state-imposed democratic values and

community-imposed customs—leading to a sense of **absurdity**. Such conflicts intensify the community’s need for a mediation strategy and legislative recalibration.

6.3 Main Conclusions

- a) **Eroded Legitimacy of Traditional Courts:** Criminalizing ṭalāq not only has legal ramifications but also undermines communal esteem for **religious tribunals**. The Druze feel that civil law fails to acknowledge their rightful autonomy, weakening trust in their ability to uphold custom. Amending Section 181 could help restore equilibrium, fostering a sense of **legal pluralism** that respects Druze law.
- b) **Partial Recognition and Safeguards:** Granting **partial recognition** to ṭalāq under specific guidelines might temper the sense of marginalization. If the law accepts religious divorce while ensuring due protections—especially for women—both civil and religious norms could be harmonized. Interviewees suggest that such accommodation would bolster the Druze community’s faith in the legal system and decrease conflict.
- c) **Need for Mediation: Mediation** emerged as a crucial solution. A mediation mechanism that merges civil oversight and religious authority could bridge the gap between tradition and modern equality principles, lowering communal defensiveness. By promoting consensus, mediation fosters synergy instead of confrontation, enabling each spouse to exercise rights in an environment that respects cultural context.
- d) **Reinforcing Individual Rights Awareness:** Enhanced **awareness** of individual rights—particularly among women—could address the potential pitfalls of unilateral divorce. Imams and Qādis who engage actively with civil experts can help educate the community about rights and responsibilities, reinforcing both cultural identity and legal protections.
- e) **Potential Global Significance:** Though focused on Israel’s Druze community, this model could guide other societies where religious and civil legal systems clash. Tailored mediation, legislative revisions, and community participation constitute steps toward **multicultural harmony**, showing how a minority’s legal traditions can coexist with state demands for equitable treatment.

6.4 Limitations of the Study

Despite offering valuable insights, the research faces **several limitations**:

- 1) **Sample Scope:** Most data derive from professionals and leaders—Qādis, lawyers, Druze Knesset members—rather than systematically including women, youth, or the general community. Their

elite or traditional standpoints might overlook marginalized voices, particularly women in vulnerable marital situations.

- 2) **Qualitative Approach:** Relying on in-depth interviews and participant observation yields rich subjective data but lacks **quantitative verification**. The scale and distribution of opinions remain unclear, making it difficult to measure overall support for legal amendments or gauge the extent of unilateral divorce phenomena.
- 3) **Narrow Focus on Section 181:** While the study centers on criminalizing unilateral divorce, it only briefly addresses related issues like polygamy, child custody, or inheritance. Concentrating on a single clause (Section 181) can obscure broader aspects of the relationship between Druze personal status laws and civil statutes.
- 4) **Dynamic Sociopolitical Context:** Legal and political environments are subject to change. Shifts in national politics, religious leadership, or judicial precedents might quickly render these findings less relevant. Potential future legislative reforms or broader national debates could alter the conditions explored in this study.
- 5) **Limited Comparative Perspective:** The research focuses primarily on Druze experiences in Israel, forgoing comparative analysis with other religious communities (Muslim, Christian, Jewish Orthodox), thus preventing a robust cross-cultural understanding. Similar tensions might manifest elsewhere, but the uniqueness or universality of the Druze case remains partly untested.
- 6) **Gender-Focused Complexity:** Although gender equality is mentioned, the research does not deeply analyze women's experiences in unilateral divorce or custody. Women's perspectives, especially those who attempt to contest a *ṭalāq* or seek recourse through civil avenues, are underrepresented. This gap may overlook key implications for half the community's population.
- 7) **Empirical Assessment of Mediation:** Mediation is highlighted as a proposed solution, yet the study lacks empirical data (e.g., success rates, participant satisfaction) to confirm the effectiveness of existing or hypothetical mediation frameworks. As a result, support for mediation remains largely theoretical.
- 8) **Risk of Participant Reluctance:** Because issues of divorce, criminal liability, and religious tradition can be sensitive, interviewees may avoid candid criticism or adopt "safe" positions. Potential biases might skew the findings toward more "official" or moderate viewpoints, while radical or discontented voices remain unheard.

6.5 Recommendations

Despite these constraints, the study proposes specific actions to **bridge** Druze religious law and Israeli civil norms:

1) Amend Section 181 of the Penal Code:

- a) Conditional Recognition of ṭalāq: *Integrate clear rules ensuring women's protections while validating a religiously sanctioned divorce.*
- b) Reduce Criminal Liability: *By affirming religious procedures that follow set guidelines, the law would allow the community to practice tradition without incurring penal sanctions.*

2) Establish Tailored Mediation Frameworks

- c) Cooperation Between Religious and Civil Institutions: Invite Qādis, imams, lawyers, and social workers to structure mediation protocols for divorces and related disputes.
- d) Community Participation: Encourage local leadership and extended families to contribute, aligning the process with Druze values yet upholding civil law's protective measures.

3) Increase Awareness of Individual Rights

- e) Educational Efforts: Develop programs (seminars, workshops) on legal rights and responsibilities, particularly addressing women's issues.
- f) Collaboration with Religious Leadership: Encourage imams and Qādis to engage in bridging activities, explaining how civil norms and religious obligations can coexist.

4) Build Trust Through Partial Autonomy

- g) Legislative Adaptation: Fine-tune laws so that recognized religious tribunals may continue to operate, supported rather than undermined by the state.
- h) Co-Regulation: Oversee divorce outcomes in the Druze courts to ensure compliance with equality standards while respecting cultural context.

5) Extend Research and Comparative Analysis

- i) Broader Data Collection: Incorporate quantitative surveys, larger samples, and direct input from women's advocacy groups.
- j) Comparative Approach: Examine how similar tensions are resolved in other religious communities or countries, revealing universal or distinctive patterns.

6.6 Toward a Multicultural Model

The study underscores the critical interplay between **religious courts** as cultural anchors and **civil legislation** as a protective standard for rights. Through **legislative amendments** (such as revising Section 181), establishing **mediation**, and **increasing community engagement**, these tensions might ease. Embracing a balanced approach can uphold both **collective identity** and **individual dignity**.

Such a framework, if effective, could serve as a **blueprint** for other religious minorities worldwide facing analogous dilemmas—where a longstanding tradition collides with state-led equality norms. In each case, the key lies in **recognizing minority law** while **safeguarding fundamental rights**, forging constructive dialogue rather than antagonism.

6.7 Conclusion

Overall, the Druze community's struggle highlights a **broader phenomenon** in multicultural societies: reconciling deeply rooted religious customs with evolving state legal frameworks. Criminalizing unilateral divorce, seen locally as legitimate, fosters alienation, distrust, and a perception that civil law sidelines Druze autonomy. **The findings suggest** that partial legal recognition of ṭalāq, anchored by mediation and robust oversight, could:

- a) Protect women's rights and uphold modern equality standards.
- b) Restore communal faith in religious courts.
- c) Reduce men's fears of criminal liability.
- d) Strengthen mutual respect between the Druze community and the state.

Legally and sociologically, **mediation** emerges not merely as a bureaucratic measure but as a **collaborative platform** for reconciling tradition with democracy. By integrating community-based procedures, legal reforms, and cultural sensitivity, the Druze minority may find an environment that both cherishes its collective values and aligns with universal human rights. Meanwhile, policymakers and civil society actors can view this case as a microcosm of how legal pluralism can function practically, guiding future endeavors to balance majority norms and minority traditions in a shared public sphere.

Bibliography

Abbas, R. K., & Court, D. (2021). The Israeli Druze community in transition: Between tradition and modernity. *Cambridge Scholars Publishing*.

https://books.google.co.il/books?hl=iw&lr=&id=F3MjEAAAQBAJ&oi=fnd&pg=PP6&dq=Druze+Community&ots=jT95iqU4rx&sig=JUw09YNR3DcVNEAR1bQrWW9d8AE&redir_esc=y#v=onepage&q=Druze%20Community&f=false

Abu Rish, 'A. (2016). Hitpathut ha-shiput etzel ha-Druzim be-mahalakh ha-historyah [The development of the judicial system among the Druze throughout history]. In *Eshnav le-mishpat ha-Druzi u-madrikh le-dinei ha-ma'amad ha-ish'i ba-'edah ha-Druzit [A window to Druze law and a guide to personal status laws of the Druze community]* (pp. n/a). Jerusalem: Misrad ha-Mishpatim [Ministry of Justice].

Aiyede, E. R., & Muganda, B. (2023). Public policy and research in Africa. Retrieved from <https://doi.org/10.1007/978-3-030-99724-3>

Alpert, B. (2011). Mi-mehkar eikhuti le-khtivah eikhutit: Inyan, hakirah ve-yetzirah [From qualitative research to qualitative writing: Interest, inquiry, and creativity]. *Shviley Mehkar*, 17, 144–150. Tel Aviv: Mofet Institute.

Amir, D. (2024). Arabs in the Jewish state: Israel's minorities and the war in Gaza. *Middle East Briefs*, 158.

Retrieved from <https://www.brandeis.edu/crown/publications/middle-east-briefs/pdfs/101-200/meb158.pdf>

Azmitia, M. (2024). Intergroup relations. In *Encyclopedia of Adolescence*. Retrieved from <https://www.sciencedirect.com/science/article/pii/B9780323960236001263>

Barakat, I. (2016). Strategies and practices of Druze women against multiple power relations. *Bar-Ilan University*.

<https://samwell-prod.s3.amazonaws.com/essay-resource/6f200a22c0-brakat.pdf>

Barreda, N. C. (2014). Les dispositions spéciales de la lex situs en droit international privé des successions. Retrieved from

<https://www.semanticscholar.org/paper/fc03cf49f9fb20d56d608f969a8ef3aa8fc3b96c>

Bash, L. (2024). The self, the other, and identity in collective formations: Challenges for intercultural education. Retrieved from <https://doi.org/10.35464/1642-672X.PS.2024.1.10>

- Bauer, M. W., & Gaskell, G. (2011).** Eikhut, kamut ve-interesim shel yeda: Eikh le-man'oa bilbul [Quality, quantity and knowledge interests: How to avoid confusion]. In M. W. Bauer & G. Gaskell (Eds.), *Mehkar eikhuti: Shitot le-nituah tekst, tmunah ve-tsilil [Qualitative research: Methods for analyzing text, image, and sound]* (pp. 9–24). Ra'anana: Ha-Universitah ha-Ptuḥah [Open University].
- Benet-Martinez, V., & Hong, Y.-Y. (2015).** The Oxford handbook of multicultural identity. *Oxford University Press*.
- Retrieved from https://play.google.com/store/books/details?id=fgmKAwAAQBAJ&source=gbs_api
- Boichuk, D., et al. (2023).** The challenges of multicultural integration in the EU: A case study of the 2015-2016 refugee crisis. *Journal of Migration Studies*, 18(1), 45–67.
- Bogoch, R., & Halperin-Kaddari, R. (2008).** The voice is the voice of mediation, but the hands are the hands of the law: On mediation and the management of divorce in Israel. *HaPraklit*, 49, 293.
- Butalia, R. E. (2023).** Socio-cultural dynamics and their implications on gender-based violence: A deep dive into India's diverse contexts. *Journal of Sociology, Psychology & Religious Studies*.
- Retrieved from <https://www.semanticscholar.org/paper/be23ace2680a03550d5d3a1e2aabd6251ca3475e>
- Cheater, A. (2003).** The anthropology of power. *Routledge*. Retrieved from https://play.google.com/store/books/details?id=gqKEAgAAQBAJ&source=gbs_api
- Cohen, Y. (2018).** Rav-tarbutiyut ka-model le-hakhala [Multiculturalism as a model for inclusion]. *Mevinim be-Hora'ah*, 2, 13–15.
- Dana, N. (1974).** Ha-Druzim – 'edah u-masoret [The Druze: A community and tradition]. Jerusalem: Misrad ha-Datot, Ha-Mahlakah le-Inyanei Druzim [Ministry of Religious Affairs – Druze Affairs Dept.].
- Dana, N., & Fah, S. (1998).** The Druze community: Status and organization. *Bar-Ilan University Press*.
- De Jesus-Reyes, J. (2024).** A critical pedagogy analysis of literature teachers' perspectives on the integration of multicultural literature in higher education. *Traduction et Langues*. Retrieved from <https://www.semanticscholar.org/paper/6c0b306305bb6a3854b41b3b4f7cd31d639151a9>
- Denzin, N. K., & Lincoln, Y. S. (Eds.). (2011).** The Sage handbook of qualitative research. *Sage*.
- Desha, V. (2019).** The judicial system in Israel. *Nevo*.

Dissanayake, C. (2024). “Stay tuned!”: A discussion on the current state of ethnic broadcasting in Australia. *M/C Journal*, 27(2). Retrieved from

<https://www.semanticscholar.org/paper/8ff2aec1b6cee9ed8fdafb95a12c92caf926e1>

Donguiz, R. G. (2021). The perspective of the Cordilleran people on the political, economic, and socio-cultural advantages of federalism. *Violence*, 12, 1481–1495. Retrieved from

<https://www.semanticscholar.org/paper/9ba74aa91e62ad2ac575f2a8f022c636521cc961>

Dushnik, L. (2011). Nitu’ah netunim ba-meḥkar ha-eikhuti: Hatsa’ah le-arba’ah ‘ikaroni mnahim [Data analysis in qualitative research: A proposal of four guiding principles]. *Shviley Meḥkar*, 17, 137–141.

Dushnik, L., & Tzabar Ben-Yehoshua, N. (2016). Etikah shel meḥkar eikhuti [Ethics of qualitative research]. In N. Tzabar Ben-Yehoshua (Ed.), *Masorot ve-zramim ba-meḥkar ha-eikhuti: Tfisot, ‘estrategiyot ve-kelim mitkadmim [Traditions and streams in qualitative research: Perceptions, strategies, and advanced tools]* (pp. 217–235). Tel Aviv: Dvir.

Falah, J. F. (2018). Does multicultural education affect the Druze heritage curriculum? *Scientific Research Publishing*, 6, 257–271.

<https://samwell-prod.s3.amazonaws.com/essay-resource/2e270552c9-Does-Multicultural-Education-Affect-the-Druze.pdf>

Falah, S. (2000). Ha-Druzim ba-Mizrah ha-Tikhon [The Druze in the Middle East]. Tel Aviv: *Misrad ha-Bitahon (Ministry of Defense) – The Publishing House*.

Ferrer Beltrán, J., Moreso, J. J., & Papayannis, D. M. (2013). Neutrality and theory of law. *Springer Science & Business Media*. Retrieved from

https://play.google.com/store/books/details?id=LahEAAAAQBAJ&source=gbs_api

Fias, M. (2024). The nature conservation-geopolitics complex: Bridging between conservation geopolitics and peace park discourses. *Political Geography*, 114. Retrieved from

<https://www.sciencedirect.com/science/article/pii/S0962629824001240>

Finkelstein, E. (2007). The legal regime of the mediation procedure. *Ono Academic College – Faculty of Law Publications*, 62.

Finkelstein, E. (2009). The rise in the status of the mediation procedure and the constitutional question. *Kiryat HaMishpat*, 8, 403–428.

- Gordon, U. (2016).** Anarchism and multiculturalism. Retrieved from <https://www.semanticscholar.org/paper/bf97dea8f20c0455d8dd5f0ac4c94c306c12d8f3>
- Green, A. (2019).** Zkhuyot kibutsiyot shel mi'utim be-medinot demokratiyot – sekirah meshveh [Collective rights of minorities in democratic states – a comparative overview]. Jerusalem: Ha-Makhon le-Astrategiyah Tzionit [Institute for Zionist Strategy].
- Gutman, A. (2002).** Hīnukh demokrāṭī [Democratic education]. Tel Aviv: Sifriyat Po'alim.
- Hassan, Y. (2011).** Ha-Druzim beyn ge'ografiyah ve-ḥevrah: Mabat mi-befnim [The Druze between geography and society: An inside view]. Haifa: Katedra Ḥeikin le-Geostrategiyah, University of Haifa.
<https://samwell-prod.s3.amazonaws.com/essay-resource/d1f2c0ddb4-hassan.pdf>
- Hazran, Y., Reed, M. A., Schäbler, B., Timani, H. S., & Zeedan, R. (2024).** The status of Druze studies and launching the *Druze Studies Journal (DSJ)*. *University of Kansas Libraries*.
<https://core.ac.uk/download/619653805.pdf>
- Hunjoo, K. (2024).** The genealogy of Confucian modernity and the reconstruction of Confucian traditions in post-liberation Korea. *Korean Studies*, 48(127–186). Retrieved from <https://www.semanticscholar.org/paper/eda5068c88601bfcd506601ec7d2986ce993bf86>
- Hynes, M. (2021).** The social, cultural and environmental costs of hyper-connectivity: Sleeping through the revolution. Retrieved from <https://www.semanticscholar.org/paper/3cc6c3eed640ec32aa476dfe6b6706bdf6300f0d>
- Ichikawa, K. (2023).** Discrimination, segregation, and stereotypes of Holocaust vs. atomic bomb survivors in indigenous societies of Israel and Japan. *Violence: An International Journal*, 4, 125–147. Retrieved from <https://www.semanticscholar.org/paper/9e587cc572b1042b0fe0fa89d1172045047e6a5b>
- Iovine, A. (2022).** The power of transnational subaltern identities: A deconstruction of hegemonic global narratives in the era of globalization and diaspora. *Social Science Chronicle*, 2(1), 1–13.
<https://doi.org/10.56106/ssc.2022.001>
- Jonsson, S. (2015).** Dialog, walka, universalność: Uwagi o historyczności demokracji. Retrieved from <https://www.semanticscholar.org/paper/2d1e3464c668c4f8f840908d12aab28f40a38bc7>
- Kablan, K. (2016).** Ha-nissuin ve-ha-gerushin etzel ha-Druzim be-Yisra'el [Marriage and divorce among Druze in Israel]. In *Eshnav le-mishpat ha-Druzi u-madrikh le-dinei ha-ma'amad ha-ish'i ba-*

'edah ha-Druzit [A window to Druze law and a guide to personal status laws of the Druze community] (pp. n/a). Jerusalem: Misrad ha-Mishpatim [Ministry of Justice].

Kaniel, Sh. (2014). Shiluv beyn ha-mehkar ha-eikhuti ve-ha-kamuti be-argaz ha-kelim shel ha-hoker [Combining qualitative and quantitative research in the researcher's toolkit]. *Oreshet*, 5, 257–284.

Karayanni, M. (2016). Tainted liberalism: Israel's Palestinian-Arab millets. *Constellations: An International Journal of Critical & Democratic Theory*, 23(1), 1–21.

Karayanni, M. (2018b). Multiculturalism as covering: On the accommodation of minority religions in Israel. *The American Journal of Comparative Law*, 66(4), 831–875.

Karayanni, M. (2020). A multicultural entrapment: Religion and state among the Palestinian-Arabs in Israel. *Cambridge University Press*.

Karayanni, M. M. (2014). Access to justice ascends to international civil litigation: The case of Palestinian plaintiffs before Israeli courts. *Civil Justice Quarterly*, 33(1), 48–52.

Katz, I., & Kark, R. (2007). The church and landed property: The Greek Orthodox Patriarchate of Jerusalem. *Middle Eastern Studies*, 43, 383–408.

Kemp, A. (2015). The right to the city: Participatory politics in Berlin and Tel Aviv. Retrieved from <https://www.semanticscholar.org/paper/61160ac3a32dd02adb3c9d119e33aa6dd0cc389d>

Khan, F., Shafiq, S., & Qadeer, A. (2019). The autobiographic discursive construction of immigrant identity: A discourse historical analysis of 'My life's journey'. *Violence*, 4, 324–330. Retrieved from <https://www.semanticscholar.org/paper/dd54c19aff30d995e62235d0156bf2c25bc222fa>

Khan, N. (2023). Constitutions and religion (Susanna Mancini, Ed.). *Journal of Law and Religion*, 38(322–326). Cheltenham: Edward Elgar. Retrieved from <https://www.semanticscholar.org/paper/304062741323b0886d1f3d260a0a6dccb7756d08>

Kheir, E. A. (2024). Religious unification, regional divergence: Exploring multifaceted linguistic practices and identities among the Israeli Druze and the Druze community in the Golan Heights. *University of Kansas Libraries*. <https://samwell-prod.s3.amazonaws.com/essay-resource/0e7652c61f-2024Kheir.pdf>

Kim, J. H. (2023). A dialogue between public and private law. *The Korean Association of Civil Law*. Retrieved from <https://www.semanticscholar.org/paper/c647aff455bec0d4ee48ee4919086fc5c93bb2>

- Kilinç, R., Ferrari, D., & Pawlewicz, K. (2019).** Historical challenges and contemporary struggles of religious minorities in Europe. *European Journal of Social Issues*, 14(2), 112–135.
- Klompenerhouwer, K., & Hopman, N. (2021).** They sowed wind and reaped a whirlwind: An inquiry into the origin and nature of “revanchist leadership.” *International Journal of Public Leadership*. Retrieved from <https://www.semanticscholar.org/paper/e6353e932c6afc7baf48c051ff8b213ea216fbbe>
- Koos, S. (2024).** ‘Local wisdom’ and law. *Sociological Jurisprudence Journal*. Retrieved from <https://www.semanticscholar.org/paper/1090396335863d39ac13a621ac45b2b3e468eea7>
- Kublashvili, T. (2013).** Challenges of educational tourism in Georgia. Retrieved from <https://www.semanticscholar.org/paper/77046362537334b6cec3cfdbcfa034e0c8d30792>
- Kurniawan, T. A., Dwi, Y., Kuntjoro, P., Yoesgiantoro, P., & Nugroho, H. S. (2024).** Impact of social movements on renewable energy policy in Indonesia: Study of solar power plants. *International Journal of Humanities Education and Social Sciences (IJHESS)*. Retrieved from <https://www.semanticscholar.org/paper/313a9e0026f88e3632271cd265d072f951e7f79d>
- Kymlicka, W. (1995).** Multicultural citizenship: A liberal theory of minority rights. *Oxford University Press*.
- Lev Ari, L., & Hassisi-Savek, R. (2016).** Mifgash ‘im “aḥerim” be-mosadot le-hashka’lah gvohah (beyn studentim yehudim le-‘aravim): Le-qa ra t mesuglut ben-tarbutit? [Encounter with “others” in higher education institutions (between Jewish and Arab students): Toward intercultural competence?] *Research Report*. Tel Aviv: Mofet Institute.
- Liviatan, O. (2009).** Judicial activism and religion-based tension in India and Israel. *Arizona Journal of International and Comparative Law*, 26, 583–621.
- Lund, A. (2024).** Laughter and civil repair: A stage-audience encounter. *Poetics*, 103. Retrieved from <https://www.sciencedcholar.org>
- Maddrell, A., et al. (2022).** Urban cemeteries and crematoria: Multiculturalism and public spaces. *Journal of Cultural Geography*, 39(1), 67–85.
- Markovich, D. Y., & Dätsch, C. (2024).** Shared heritage revisited: National and postnational dimensions on the example of Germans, Palestinians and Israelis. *Cultural Heritage Studies*, 7. Retrieved from <https://doi.org/10.14361/9783839466995>
- Mautner, M. (2011).** Law and the culture of Israel. *Oxford University Press*.

- McClymont, K., Maddrell, A., & Beebeejaun, Y. (2020).** Deathscapes and diversity: Making space for minorities' and migrants' bodily remains, ritual and remembrance practice. Retrieved from <https://www.semanticscholar.org/paper/0fa955d3484aa7a4e28e95ae01bcde10b7f8b943>
- Merin, Y. (1999).** The case against official monolingualism: The idiosyncrasies of minority language rights in Israel and the United States. *ILSA Journal of International and Comparative Law*, 6, 1–50.
- Mielke, R., & Al-Haj, M. (2007).** Cultural diversity and the empowerment of minorities. *Berghahn Books*. Retrieved from https://play.google.com/store/books/details?id=77zRCwAAQBAJ&source=gbs_api
- Mironi, M. (2012).** On the limits of settlement and the promise of mediation. *Din U'Dvarim*, 6. University of Haifa.
- Misrad ha-Mishpatim [Ministry of Justice]. (2014).** Eshnav 'al ha-shefita be-Eretz ha-nevi'im la-muwahẖidin al-Durūz [A window on jurisdiction in the land of the prophets for Druze Unitarians]. Jerusalem: Ministry of Justice.
- Monlezun, D. J. (2024).** Foundations and families: artificial intelligence ethics of demographic, multicultural, and security shifts. In *Responsible Artificial Intelligence Re-engineering the Global Public Health Ecosystem*. Retrieved from <https://www.sciencedirect.com/science/article/pii/B9780443215971000068>
- Mulla, K. (2014).** Mabat 'al hatarat keshet ha-nissuin ba-metsi'ut [A view of dissolving marital ties in reality]. In *Eshnav le-mishpat ha-Druzi u-madrikh le-dinei ha-ma'amad ha-ish'i ba-'edah ha-Druzit* [A window to Druze law and a guide to personal status laws of the Druze community]. Jerusalem: Misrad ha-Mishpatim [Ministry of Justice].
- Murry, A. (2015).** Training "In a Good Way": Evaluating the effect of a culturally responsive pre-training intervention on learning and motivation. Retrieved from <https://www.semanticscholar.org/paper/ef411379b700fdd1a75e7bd656a38dd438267f48>
- Otolenghi, S. (1994).** Alternative dispute resolution. In *The Yearbook of Law in Israel, 1992–1993*. (pp. n/a). Place of publication not indicated.
- Oran, B. (2021).** Islam and state relations in Europe: Historical and contemporary perspectives. *European Journal of Sociology*, 62(2), 223–240.

Paizan, M. A. (2024). Relationship quality in student-teacher dyads: Comparing student and teacher determinants in multicultural classrooms. *International Journal of Intercultural Relations*, 101.

Retrieved from <https://www.sciencedirect.com/science/article/pii/S0147176724000750>

Phipps, M. E. (2022). Open the box: A narrative inquiry using a culture box to support a multicultural curriculum in a primary school classroom. Retrieved from <http://research-information.bristol.ac.uk>

Prodanova, J. (2024). Engagement and interaction in a culturally diverse higher education setting. *International Journal of Intercultural Relations*, 102. Retrieved from

<https://www.sciencedirect.com/science/article/pii/S0147176724001147>

Rammala, M., Matlala, M., & Berhane, T. G. (2023). Traditional dispute resolution through Lekgotla: The approach of the Bakgatla Ba Mosetlha in the North West Province of South Africa.

Journal of Law, Society and Development. Retrieved from

<https://www.semanticscholar.org/paper/87e4bbab197e2ecbce5d0896d25c73208c92e283>

Reitz, J. G., Breton, R., Dion, K. K., & Dion, K. L. (2009). Multiculturalism and social cohesion. *Springer Science & Business Media*. Retrieved from

https://play.google.com/store/books/details?id=j1uUIUjqLkgC&source=gbs_api

Rubinstein, A. (2016). Mi'utim lo-liberalyyim ve-anti-liberalyyim [Non-liberal and anti-liberal minorities]. *Mishpat ve-'Asakim*, 19, 695–726.

Sa'ar, A. (2007). Contradictory location: Assessing the position of Palestinian women citizens of Israel. *Journal of Middle East Women's Studies*, 3(3), 45–74.

Sabar, R. (2001). Bolelim o shozrim? Misgeret musgit le-behinat sugiyot shel rav-tarbutiyut [Mixing or weaving? A conceptual framework for examining issues of multiculturalism]. *Gadish: Bitá'on le-ḥinukh mevu garim [Adult Education Bulletin]*, 45–54.

Santos, M. (2024). Dynamics of cultural diversity and intercultural communication in the era of multiculturalism and cosmopolitanism in Brazil. *International Journal of Sociology*. Retrieved from

<https://www.semanticscholar.org/paper/e6ab7c5c64a210b72bb8fe0ae0ce332923eda5b1>

Schmitt, K., et al. (2023). Religious freedom and the state: The complex dynamics in contemporary Europe. *European Political Science Review*, 15(2), 203–219.

Sealy, T., et al. (2022). Islam in Europe: Navigating multiculturalism and secularism. *Journal of European Studies*, 48(4), 597–616.

Shachar, A. (2001). Multicultural jurisdictions: Cultural differences and women's rights. *Cambridge University Press*.

Shah, S. (2019). Populist politics in the new Malaysia. Retrieved from
<https://www.semanticscholar.org/paper/d38b87d0f5c9d33c01548de5a6309f071d504ebf>

Shamir, M. (2017). The elections in Israel 2006. Retrieved from
<https://www.semanticscholar.org/paper/2b1ca84040154d6fefbb56229fc58af3dcb3e69c>

Shorten, A. (2022). Multiculturalism. *John Wiley & Sons*. Retrieved from
https://play.google.com/store/books/details?id=CWl2EAAAQBAJ&source=gbs_api

Siapera, E. (2010). Cultural diversity and global media. *John Wiley & Sons*. Retrieved from
http://books.google.com/books?id=F9NI36QX5BkC&dq=Theories+of+multiculturalism+and+media+representation+of+multicultural+narratives&hl=&source=gbs_api

Sengmany, S. (2023). Understanding Australian multiculturalism in public relations practice through a social justice lens. *Public Relations Inquiry*, 13(9–32). Retrieved from
<https://www.semanticscholar.org/paper/4262898a1bd4a0050131e1ac91328c38a9f9cf49>

Shkedi, A. (2011). Milim ha-menasyot linga'at: Mehkar eikhuti – te'oryah ve-iysum [Words attempting to touch: Qualitative research – theory and practice]. Tel Aviv: Ramot.

Shmer, A. (2009). Etgarim maktsotiyim ba-avodah regshit tarbutit 'im yeladim ve-horim: Me-ribuy tarbuyot le-rav-tarbutiyut [Professional challenges in cultural emotional work with children and parents: From multiple cultures to multiculturalism]. *'Et ha-Sadeh*, (3), n.p.

Sterri, E. B. (2023). Prejudice in a multicultural society: Young people's attitudes toward sexual minorities and religious groups in Norway. Retrieved from
<https://kudos.dfo.no/documents/51355/files/33803.pdf>

Stopler, G. (2013). National identity and religion-state relations: Israel in comparative perspective. In G. Sapir et al. (Eds.), *Israeli Constitutional Law in the Making* (pp. 511–512). Oxford: Hart Publishing.

Starks, F. D., & McMillan Terry, M. (2023). Critical love praxis as pro-Black pedagogy: A literature synthesis of empirical research in K-12 education. *Journal for Multicultural Education*. Retrieved from
<https://www.semanticscholar.org/paper/9542cb05c4b50de5fad09734b708a84ad2522ce>

Tarabey, L. (2014). Divorce as a lived experience among the Lebanese Druze: A study of court records and proceedings. *Anthropological Society of Oxford*. Retrieved from <https://core.ac.uk/download/613842277.pdf>

Touma-Sliman, A. (2005). Culture, national minority and the state: Working against the crime of ‘family honour’ within the Palestinian community in Israel. In L. Welchman & S. Hossain (Eds.), *‘Honour’: Crimes, paradigms and violence against women* (pp. 181–198).

Tzabar Ben-Yehoshua, N. (Ed.). (2016). Masorot ve-zramim ba-meḥkar ha-eikhuti: Tfisot, ‘estrategiyot ve-kelim mitkadmim [Traditions and streams in qualitative research: Perceptions, strategies, and advanced tools]. Tel Aviv: Mofet Institute.

Ulvund, F. (2020). Jewish communities in Europe: Historical and contemporary perspectives. *Journal of European Studies*, 52(3), 287–303.

Umeanolue, I. L. (2020). Religious influences on politics in Nigeria: Implications for national development. *OGIRISI: A New Journal of African Studies*, 15, 139–157. Retrieved from <https://www.semanticscholar.org/paper/84823560f35bca74205b25865252a9b864b442a3>

Wolfensperger, Y., & Petkin, D. (2010). Ḥeker mikreh: Tovim ha-shnayim be-hora’ah, le-pitu’ah yeda maḳtso’i [Case study: “Two are better” in teaching, for developing professional knowledge]. *Ha-ḥinukh ve-svivo, Shenaton Mikhlelet Seminar ha-Kibbutzim*, 33, 151–168.

Yosipon, M. (2016). Ḥeker mikreh [Case study]. In N. Tzabar Ben-Yehoshua (Ed.), *Masorot ve-zramim ba-meḥkar ha-eikhuti: Tfisot, ‘estrategiyot ve-kelim mitkadmim [Traditions and streams in qualitative research: Perceptions, strategies, and advanced tools]* (pp. 179–217). Tel Aviv: Dvir.

Zhang, H. (2024). Cultural representation in foreign language textbooks: A scoping review from 2012 to 2022. *Linguistics and Education*, 83. Retrieved from <https://www.sciencedirect.com/science/article/pii/S0898589824000640>

Zucca, L. (2012). A Secular Europe: Law and Religion in the European Constitutional Landscape. *Oxford University Press*.

Zuniga, X., Lopez, G., & Ford, K. (2016). Intergroup dialogue. *Routledge*. Retrieved from https://play.google.com/store/books/details?id=j2gWDAAQBAJ&source=gbs_api

Appendices

5.1.6.1.1 Extended Positions of the Five Interviewee Groups Regarding the First Research Question

Group	Key Findings
Knesset Members / Jurists	<p>Identity-Systemic Gap: The discrepancy arises from the clash between the need to apply religious law as a core element of identity and secular laws aimed at full equality, mainly for women. This situation generates legal and social tension.</p> <p>Mutual Respect: There is a call for balance in which the civil system respects Druze law, while also ensuring universal human rights.</p> <p>External Pressure: Heightened pressure from women's organizations and the judicial system to grant women equal status in divorce proceedings sharpens the rupture between tradition and modern legal norms.</p>
Qadis	<p>Legal Ambiguity: The religious courts struggle to apply Druze law within a parallel legal system, undermining the community's trust in the courts. Moreover, outdated regulations lead to a state of irrelevance.</p> <p>Lack of Authority: Ṭalāq divorces emphasize existing legal difficulties—while religious law accepts a unilateral divorce, civil law treats it as a criminal offense, resulting in a lack of authority and a decline in the courts' standing.</p>
Lawyers	<p>Double Authority Failures: Attorneys perceive the abolition of the “race of jurisdictions” (the option to choose between civil and religious courts) as a fundamental failure that undermines public confidence in the system. This race for jurisdiction creates unfair complexity for parties undergoing divorce proceedings.</p> <p>Pressure on the Family: Tensions between traditional Druze law and civil legislation destabilize family relationships, potentially leading men or women to make unilateral concessions to maintain family unity and avoid criminal liability.</p>
Druze Religious Leaders (Imams)	<p>Traditional Values vs. Modernity: The central dilemma lies in preserving religious law as a source of religious and social authority amid modern demands for equality and fairness. There is concern about the loss of religious relevance due to external state intervention.</p> <p>Exploitation of the Gap: Religious leaders fear that women might use civil law to gain unfair advantages in divorce proceedings, thus compromising the status of religious law and spiritual authority.</p>
Druze Who Have Experienced the Legal Gap	<p>Sense of Inequity and Helplessness: Those who have encountered the gap report a serious blow to their perception of fairness. Men feel threatened by the civil law, while women may feel compelled to abide by restrictive traditional norms.</p> <p>Cultural Subordination: A commitment to traditional norms can compel significant concessions during divorce proceedings, primarily to preserve “family peace,” thereby compromising individual rights.</p>

5.2.3.1 Consolidated Table of Documents and Research First Question

Topic	Essence of the Subject	Research Question A: What dilemmas exist regarding the gap between the Druze community's traditional legal system and the civil law concerning divorce proceedings among community members in Israel?
Declaration of Independence	The foundational document of the State of Israel, guaranteeing equality of rights regardless of religion, race, and gender.	Ensures freedom of religion and equal rights but does not provide a clear solution to the gap between the religious and civil judicial systems with respect to divorce.
Order-in-Council (Transition) Ordinance (1948)	A document anchoring Israeli governance after the establishment of the state.	Establishes the primacy of civil law over religious law, leading to jurisdictional conflicts with Druze religious courts in matters of divorce.
Basic Law: Human Dignity and Liberty (1992)	A law enshrining the fundamental rights of every citizen to freedom, dignity, and privacy.	The dilemma lies between the right to gender equality and respecting the Druze religious law, especially regarding unilateral divorce.
Basic Law: Freedom of Occupation (1994)	Enshrines the right to free occupational choice in Israel.	Generates tension in instances of polygamy or unilateral divorce, where women are socially and economically constrained.
State Education Law (1953)	Defines the aims of education in Israel, emphasizing Jewish and democratic heritage.	Restricts independent religious education, creating tension between tradition and modernization in Druze family and marital education.
Basic Law: Israel – The Nation-State of the Jewish People (2018)	Enshrines Israel as the nation-state of the Jewish people and underscores its Jewish character.	Poses a challenge to the identity of the Druze community and underscores a sense of inequality within the civil judicial system.
Law of Return	Grants Jews the right to immigrate (make Aliyah) to Israel and obtain citizenship.	Exclusively addresses Jews, thereby excluding minorities—including Druze—from the civil legal framework.

Topic	Essence of the Subject	Research Question A: What dilemmas exist regarding the gap between the Druze community's traditional legal system and the civil law concerning divorce proceedings among community members in Israel?
Legal Prohibition of Polygamy in Israel	A legal prohibition on being married to more than one wife.	Infringes on religious law yet preserves women's equality and rights.
Key Case Law on Polygamy	Court rulings reinforcing the legal ban on polygamy.	Conflicts with religious law that permits polygamy in certain communities, yet maintains gender equality in the civil sphere.
Ban on Unilateral Divorce	A prohibition on unilateral divorce to ensure equality between spouses.	The dilemma lies between upholding Druze tradition—which allows unilateral divorce—and adherence to civil law advocating equality.
Key Case Law on Unilateral Divorce	Case law related to unilateral divorce under Druze or Sharia law, enabling a man to end the marriage unilaterally without the wife's consent.	The rulings address the conflict between traditional (Talaq) divorce and civil law. While Druze courts permit unilateral divorce through a traditional procedure, civil law perceives such divorce as contravening the spouses' equal rights. A key dilemma arises from the Supreme Court's rulings, which on the one hand protect women yet on the other hand undermine Druze religious autonomy. Men may feel legally and criminally vulnerable, while women remain protected under civil law but subject to societal pressures.
Marriage Age Law, 1950	Sets a minimum marital age to prevent child marriages.	Prevents child marriages and shields minors from cultural or societal coercion, yet is seen as state intervention in the community's marital tradition.
Case Law on Divorce and Supreme Court Intervention	Supreme Court rulings intervening in religious court decisions.	Such intervention strengthens the civil justice system but disrupts religious courts' authority.
Pig Breeding Prohibition Law (1962)	Prohibits pig breeding in most parts of the country based on Jewish religious grounds.	Reflects respect for religious sensitivities of various communities, yet raises questions regarding minority rights.

Table 5.1.6.2.1: Positions of the Five Interviewee Groups Regarding the Second Research Question – Expanded

Group	Key Findings
Knesset Members / Jurists	<p>Flexible Legislation for Integrating Tradition and Civil Law: Emphasis on creating a flexible legal framework that respects Druze religious law while maintaining civic legal principles. Such legislation would redefine the authority of Druze courts, allowing them to operate in the spirit of tradition yet aligned with democratic values.</p> <p>Implementation of Section 30: This provision enables the establishment of unique regulations for the Druze legal system, potentially creating a judicial framework that merges tradition and modernity while preserving the independence of the courts.</p>
Qadis	<p>Implementing Section 30 to Modernize the Law: Qadis stress the importance of updating procedural regulations to reflect evolving social needs, while preserving the religious and communal legitimacy of Druze courts. Adapting the legislation would grant Qadis clear powers and reduce external intervention.</p> <p>Internal Mediation Framework: Qadis recommend establishing formal mediation mechanisms within the community to resolve disputes in a religious yet fair manner, in cooperation with civil judicial bodies.</p>
Lawyers	<p>Exemption from Sections 181 and 182: Attorneys argue for excluding members of the Druze community from these provisions (which address the criminal aspects of unilateral divorce) to prevent criminal penalties in cases of Ṭalāq divorces.</p> <p>Mediation and Negotiation: Emphasis on non-formal solutions such as mediation and negotiation in divorce proceedings, to narrow the gap between traditional expectations and modern norms, and to avoid extended litigation in civil courts.</p>
Druze Religious Leaders (Imams)	<p>Tailored Legislation in Cooperation with the State: Religious leaders suggest government action in collaboration with the religious leadership to formulate legislative solutions that preserve religious law without undermining community members' rights. Such proposals include new internal regulations allowing flexible application of the law.</p> <p>Mediation Mechanisms to Protect Religious Identity: They call for establishing mediation processes rooted in Druze tradition, under partial oversight from civil authorities, to safeguard community identity.</p>
Those Experiencing the Legal Gap	<p>Adaptive Legislative Reform: Interviewees seek reforms that address on-the-ground difficulties, particularly for men facing pressure under the civil system's criminal procedures. Their suggestions involve adjusting current laws so that they better reflect traditional religious principles without conflicting with civil law.</p> <p>Strengthening the Druze Courts: There is a demand to restore authority and independence to the Druze courts, alongside fair regulations that protect individual rights (especially for women).</p>

5.2.3.2 Consolidated Table of Documents and Research Second Question

Topic	Essence of the Subject	Research Question B: Which components might comprise a new conceptual framework for bridging the gap between the Druze community's traditional legal system and Israel's civil justice system?
Declaration of Independence	The foundational document of the State of Israel, guaranteeing equality of rights regardless of religion, race, and gender.	The values of liberty and equality set forth in this document can serve as a basis for integrated legislation tailored to community needs.
Order-in-Council (Transition) Ordinance (1948)	A document anchoring Israeli governance after the establishment of the state.	Possible limited recognition of religious courts in specific areas, in alignment with the civil system.
Basic Law: Human Dignity and Liberty (1992)	A law enshrining the fundamental rights of every citizen to freedom, dignity, and privacy.	Supplementary legislation could be proposed, based on human dignity and liberty, protecting rights without annulling religious law.
Basic Law: Freedom of Occupation (1994)	Enshrines the right to free occupational choice in Israel.	A framework is needed to guarantee women's free occupational choice while clarifying their economic status in case of divorce.
State Education Law (1953)	Defines the aims of education in Israel, emphasizing Jewish and democratic heritage.	Religious and traditional content can be integrated into the education system while promoting gender equality within the Druze community.
Basic Law: Israel – The Nation-State of the Jewish People (2018)	Enshrines Israel as the nation-state of the Jewish people and underscores its Jewish character.	A legislative framework can be formulated to address the Druze community's specific needs while maintaining an equitable standing.
Law of Return	Grants Jews the right to immigrate (make Aliyah) to Israel and obtain citizenship.	There is potential for developing a legal framework that extends recognition of non-Jewish minorities within a system ensuring civil equality.
Legal Prohibition of Polygamy in Israel	A legal prohibition on being married to more than one wife.	Developing tailored legislative mechanisms in civil law that prevent exploitation of women while preserving a religious framework.
Key Case Law on Polygamy	Court rulings reinforcing the legal ban on polygamy.	Legislative mediation adapted to the Druze community, preventing harm to women's rights.

Topic	Essence of the Subject	Research Question B: Which components might comprise a new conceptual framework for bridging the gap between the Druze community's traditional legal system and Israel's civil justice system?
Ban on Unilateral Divorce	A prohibition on unilateral divorce to ensure equality between spouses.	Establishing family mediation mechanisms and agreements that prevent criminal intervention while safeguarding spouses' rights.
Key Case Law on Unilateral Divorce	Case law related to unilateral divorce under Druze or Sharia law, enabling a man to end the marriage unilaterally without the wife's consent.	A need arises to propose mediation solutions and procedural mechanisms ensuring women's rights while aligning the religious courts' practices with civil law. One component is flexible legislation suited to communal values. Such mechanisms would restrict unilateral divorce but grant religious courts sufficient legal scope without violating state law. Additionally, it may be prudent to consider applying Section 30 of the Druze Religious Courts Law to merge religious tradition with modernity.
Marriage Age Law, 1950	Sets a minimum marital age to prevent child marriages.	A special legislative framework is needed that allows a degree of flexibility under judicial supervision and mutual consent.
Case Law on Divorce and Supreme Court Intervention	Supreme Court rulings intervening in religious court decisions.	Proposing a constitutional mediation approach enabling religious courts to operate consistently with modern constitutional principles.
Pig Breeding Prohibition Law (1962)	Prohibits pig breeding in most parts of the country based on Jewish religious grounds.	Potentially a positive example of balancing majority and minority interests in addressing religious needs.

Table 5.1.6.3.3: Positions of the Five Interviewee Groups Regarding the Third Research Question

Group	Findings
Knesset Members / Legal Professionals	<ul style="list-style-type: none"> ✓ Support for Amending Section 181: Knesset members and legal professionals emphasize the importance of preventing conflicts between the civil system and the Druze religious law. The need to amend the law arises from the understanding that this section creates inherent inequality and infringes on the community's freedom of religion ✓ Exemption or Conversion to Civil Proceedings: There is a recommendation to exempt the Druze community from criminal proceedings or to convert them to civil ones, thereby preventing severe penalties that do not align with the nature of traditional divorces.
Qadis (Religious Judges)	<ul style="list-style-type: none"> ✓ Amending Section 181 Is Essential: The Qadis argue that changing this section is a necessary step to prevent state interference in the authority of religious courts and in the application of Druze religious law. There is a need to clarify the scope of authority and adapt the law to safeguard the rights of both parties. ✓ Preserving the Legitimacy of the Courts: Such a legislative change would allow the Druze courts to continue functioning independently, without the risk of civil or criminal liability imposed by the state justice system.
Lawyers	<ul style="list-style-type: none"> ✓ Exempting the Druze Community: Attorneys recommend exempting the Druze community from Section 181 to avoid unjust punishment and to align legislation with the Druze religious law and tradition. Their position is based on the assertion that the current situation creates gaps and inequalities compared to other communities in Israel ✓ Tailored Legislation: Instead of a broad exemption, they propose formulating specific legislation to implement religious law in a legal framework that ensures fairness to all parties involved.
Druze Clergy (Imams)	<ul style="list-style-type: none"> ✓ Call for Religious Leadership: Druze religious leaders see significant value in cooperating with the Knesset leadership to promote legislative change that would restore the legitimacy of the Druze courts. This approach would uphold the standing of religious law and prevent full subordination to the civil law, viewed as undermining community tradition. ✓ Safeguarding Community Identity: Amending the law is deemed crucial for preserving the community's socio-religious identity, preventing any potential misuse of the system by either party.

Group	Findings
Those Experiencing the Legal Gap	<ul style="list-style-type: none"> ✓ Demand for Legislative Change: Interviewees who have faced the gap emphasize that Section 181 directly harms men subjected to criminal sanctions due to unilateral divorce (talāq) proceedings. A legal amendment is seen as vital to protect them from exploitation of the law. ✓ Protecting Rights: There is a call to simplify procedures and restore balance between religious law and civil law, so that the system serves the community instead of exacerbating feelings of discrimination.

5.2.3.3 Consolidated Table of Documents and Research Third Question

Topic	Essence of the Subject	Research Question C: What are the regarding amending Section 181 of the Penal Code?
Declaration of Independence	The foundational document of the State of Israel, guaranteeing equality of rights regardless of religion, race, and gender.	Decision makers may rely on the Declaration of Independence to justify legal reforms.
Order-in-Council (Transition) Ordinance (1948)	A document anchoring Israeli governance after the establishment of the state.	Lawmakers tend to uphold the primacy of civil law while preserving public order.
Basic Law: Human Dignity and Liberty (1992)	A law enshrining the fundamental rights of every citizen to freedom, dignity, and privacy.	Divergent stances—some support reforms to advance gender equality, while others defend religious autonomy.
Basic Law: Freedom of Occupation (1994)	Enshrines the right to free occupational choice in Israel.	Seeks to preserve individual freedom while bridging gaps between tradition and progress.
State Education Law (1953)	Defines the aims of education in Israel, emphasizing Jewish and democratic heritage.	Support for introducing adapted educational content to promote equality without undermining the traditional educational ethos.
Basic Law: Israel – The Nation-State of the Jewish People (2018)	Enshrines Israel as the nation-state of the Jewish people and underscores its Jewish character.	Criticism from those advocating multiculturalism versus support from those reinforcing national identity.
Law of Return	Grants Jews the right to immigrate (make Aliyah) to Israel and obtain citizenship.	Divergent views: some favor preserving the current law; others advocate expanding it to include additional minorities.
Legal Prohibition of Polygamy in Israel	A legal prohibition on being married to more than one wife.	Most policymakers support applying the ban to advance gender equality.

Topic	Essence of the Subject	Research Question C: What are the regarding amending Section 181 of the Penal Code?
Key Case Law on Polygamy	Court rulings reinforcing the legal ban on polygamy.	Broad support for retaining existing rulings while preserving the values of equality and individual rights.
Ban on Unilateral Divorce	A prohibition on unilateral divorce to ensure equality between spouses.	Lawmakers prefer clear legislation preventing gender discrimination and conflict with civil law.
Key Case Law on Unilateral Divorce	Case law related to unilateral divorce under Druze or Sharia law, enabling a man to end the marriage unilaterally without the wife's consent.	These rulings call for amending Section 181 of the Penal Code. Knesset decision makers view the necessity of protecting human dignity and liberty while balancing traditional values. There is support for exempting the Druze community from the law or tailoring legislation to impose civil, rather than criminal, sanctions in unilateral divorces. These positions are driven by the intent to avoid social alienation and develop tailored solutions for the Druze community.
Marriage Age Law, 1950	Sets a minimum marital age to prevent child marriages.	Broad consensus regarding upholding the law as a tool to safeguard individual rights.
Case Law on Divorce and Supreme Court Intervention	Supreme Court rulings intervening in religious court decisions.	Mixed positions—some see this as reinforcing equality, while others favor preserving religious autonomy.
Pig Breeding Prohibition Law (1962)	Prohibits pig breeding in most parts of the country based on Jewish religious grounds.	The law is viewed as a cultural inclusion model but criticized by some groups that feel marginalized.

5.2.3.2 A Consolidated Table of Documents and Their Relation to Multiculturalism

Topic	Essence of the Subject	Encourages Multiculturalism	Clashes with Multiculturalism	Brief Explanation	Notes
Declaration of Independence	The foundational document of the State of Israel, guaranteeing equal rights regardless of religion, race, or gender.	✓ Ensures full equal rights for minorities; emphasizes recognition of diverse cultural and religious identities.		The Declaration of Independence creates a promise of equal rights and shared life for all sectors in Israel.	Serves as a basis for arguments promoting multiculturalism in the state.
Order-in-Council (Transition) Ordinance (1948)	A document anchoring Israeli governance after the establishment of the state.		✓ Does not clearly address the legal status of religious minorities; reinforces the hegemony of the secular system.	The ordinance promotes unified governance but ignores the cultural and legal diversity of minority groups.	A neutral framework yet lacking elements of multiculturalism.
Basic Law: Human Dignity and Liberty (1992)	A law enshrining every citizen's fundamental rights	✓ Promotes equal rights without distinction of religion or gender; supports		Allows for the expression of diverse cultural identities and	Serves as the basis for court rulings that uphold equality.

Topic	Essence of the Subject	Encourages Multiculturalism	Clashes with Multiculturalism	Brief Explanation	Notes
	to freedom, dignity, and privacy.	freedom of expression and religion in an equitable manner.		protects minority groups' personal freedom.	
Basic Law: Freedom of Occupation (1994)	Enshrines the right to free occupational choice in Israel.	✓ Enables the integration of minority groups into the workforce; prohibits discrimination on religious or cultural grounds.		Advances equal employment opportunities and strengthens the inclusion of multicultural groups in Israeli society.	Reinforces a liberal ethos within a multicultural society.
State Education Law (1953)	Defines the objectives of education in Israel, emphasizing Jewish and democratic heritage.		✓ Emphasizes Jewish heritage over other cultures; lacks recognition of minority cultural identity; limits multicultural education by not reflecting all groups in Israel equally.	Creates a gap for minority groups' education; focuses on Jewish identity at the expense of other cultures.	
Basic Law: Israel – The Nation-State of the Jewish People (2018)	Enshrines Israel as the nation-state of the Jewish people and highlights its Jewish character.		✓ Positions Jewish identity above other identities; undermines cultural equality for non-Jewish minorities.	This law strengthens Jewish identity but clashes with the multicultural principle of equal standing among all communities.	Subject to public debate and controversies.

Topic	Essence of the Subject	Encourages Multiculturalism	Clashes with Multiculturalism	Brief Explanation	Notes
Law of Return	Grants Jews the right to immigrate to Israel and obtain citizenship.		✓ Creates legal inequality between Jews and non-Jews; prevents equal rights for minorities who are not eligible under the law.	Promotes the view of Israel as a Jewish nation-state and raises criticism for conflicting with multicultural principles.	Reinforces the state's Jewish character.
Prohibition of Polygamy in Israel	A legal ban on marriage to more than one wife.		✓ Conflicts with traditional practices of groups such as Druze and Bedouins; seen as interfering with cultural or religious freedoms.	The ban is based on modern values of gender equality but clashes with certain communities' customs.	Sparks debate on cultural rights versus modern legal standards.
Key Rulings on Polygamy	Court decisions reinforcing the legal ban on polygamy.		✓ Collide with traditional religions that allow polygamy as part of their religious law.	Strengthening these rulings promotes gender equality but infringes on the religious autonomy of certain groups.	A flashpoint between religious norms and secular law.
Ban on Unilateral Divorces	A ban on unilateral divorce to ensure equality between spouses.	✓ Promotes women's rights and prevents any spouse from unilaterally dictating divorce terms.	✓ Clashes with traditional Druze and Islamic law that permits unilateral divorce by the husband.	Provides protection for women yet draws criticism from religious groups who view it as	Creates tension between religion and the state.

Topic	Essence of the Subject	Encourages Multiculturalism	Clashes with Multiculturalism	Brief Explanation	Notes
				interference in their religious laws.	
Key Rulings on Unilateral Divorces	Judicial decisions regarding unilateral divorce under Druze or Sharia law, allowing a man to end the marriage unilaterally without the wife's consent.	✓ Respects the autonomy of religious courts while preserving tradition; recognizes religious status as a basis for resolving family disputes.	✓ Violates gender equality and human dignity since the practice discriminates against the wife; involves state intervention in traditional religious laws.	Civil courts grapple with the gap between religious law and Israeli civil law, attempting to find a balanced solution.	This conflict leads to calls for reform and adaptation of religious law to modern social needs.
Marriage Age Law (1950)	Sets a minimum age for marriage to prevent child marriages.	✓ Safeguards the rights of individuals and minors; fosters equality.	✓ Conflicts with the traditional customs of certain communities where the marriage age is lower.	Reflects modern norms versus the religious and cultural traditions of some groups.	Regarded as progressive modern legislation.
Rulings on Divorce and Supreme Court Intervention	Supreme Court rulings intervening in decisions by religious courts.		✓ Challenges the authority of religious courts; viewed as undermining cultural autonomy of religious communities.	The Court's intervention strengthens civil law but prompts tension over cultural and judicial autonomy of religious groups.	Illustrates the strain between different legal frameworks.

Topic	Essence of the Subject	Encourages Multiculturalism	Clashes with Multiculturalism	Brief Explanation	Notes
Prohibition of Pig Breeding Law (1962)	Prohibits pig farming in most areas of the country for Jewish religious reasons.		✓ Imposes restrictions on economic freedom and the traditions of non-Jewish communities, especially Christians.	The law advances Jewish religious values but conflicts with the cultural and religious rights of non-Jewish minorities.	An example of religious-based legislation colliding with multicultural principles.

Table 5.1.6.4: Positions of the Five Interviewee Groups on Various Central Topics

Key Topics	Knesset Members / Public Figures / Legal Experts	Qadis	Lawyers	Druze Religious Leaders (Imams)	Druze Who Experienced the Legal Gap
Differences between the religious/customary legal system and the civil legal system	Acknowledge the gap and side with the civil system	Emphasize their commitment to religious tradition	Recognize the gap and the difficulties of implementation	Preserve the gap as central to safeguarding religion	Experience the gap as an infringement on personal rights
Influence of the religious system on divorce proceedings	The religious system is treated respectfully but given reduced weight	View the religious system as a supreme authority	Propose practical mediation approaches	View the religious system as an absolute authority	Critical of the religious system
Possible mediation frameworks	Propose frameworks for clear legal regulation	Support traditional mediation proposals	Support an integrated judicial structure	Refuse formal mediation	Seek efficient and fair mediation
Positions on amending Section 181 of the Penal Code	Favor changing Section 181 through cooperative measures	Skeptical about changing Section 181	Believe Section 181 needs to be updated	Oppose any change to Section 181	Favor amending Section 181 for equality
Socio-communal implications of the gap	Stress the importance of community influence	Assert a strong influence on family life	Emphasize effects on the community and individuals	Regard the gap as preserving communal identity	See an impact on family stability

Key Topics	Knesset Members / Public Figures / Legal Experts	Qadis	Lawyers	Druze Religious Leaders (Imams)	Druze Who Experienced the Legal Gap
Government influence on stakeholders' attitudes	Shaped by government positions	Influenced by state policy	Believe in balancing different authorities	Loyal to tradition and aligned with the authorities	Critical of government influence
The gap between religious leaders' stance and citizens' perspectives	Tend to concur with religious leaders and the establishment	Align with religious leadership	Critique religious leadership	Maintain conservative stances	Oppose rigid traditional approaches
Understanding emerging social demands	Receptive to gradual social change	Oppose rapid cultural shifts	Open to social adaptations	Critical of new social demands	Emphasize the need for social change
Trends in traditional change under modernization	See modernization as a means for social inclusion	Prioritize tradition above all	Support gradual changes	Reject modernization that undermines tradition	View modernization as a path to equality
The impact of existing policy on individuals' perceptions	Believe current policies strengthen the establishment	Underscore the weakness of the civil system	Identify harm to complex individual cases	Support continuation of existing policies	Highlight personal harm under current conditions

Table 5.1.6.5: Positions of the Five Interviewee Groups on Various Key Issues

Topic	Knesset Members / Public Figures / Legal Experts	Qadis	Lawyers	Druze Religious Leaders (Imams)	Druze Who Experienced the Legal Gap
Multiculturalism in Israel	Emphasize the importance of Druze integration while preserving their culture, yet generally favor a state-led policy.	View themselves as part of the state framework but seek unique recognition of the Druze traditional system.	Note the difficulties of multiculturalism due to legal gaps but acknowledge the importance of preserving tradition.	Regard multiculturalism as a challenge to maintaining the Druze religious and identity-based status.	See multiculturalism as reinforcing gaps instead of reducing them.
Druze Identity	Perceive identity as complex: a combination of loyalty to the state and preservation of religious and traditional identity.	Support preserving a unique religious-judicial identity separate from the civil system.	Stress the need to find a balance between civic identity and traditional Druze identity.	Consider identity an inseparable part of religion and the tradition of the religious courts.	Express concern about harm to identity caused by the lack of alignment between the systems.
Gap Between the Civil and Religious Systems	Consider the gap as stemming from insufficient accommodation of the Druze traditional law; they support a structured solution.	Perceive the gap as a threat to the authority of the religious courts but seek ways to cooperate.	Highlight the negative impact of the gap on legal proceedings and on resolving personal matters.	Oppose any change that might weaken the authority of the traditional courts.	Personally experience the gap as frustration and a barrier to fair reconciliation between traditions.
Perception of the Authority of the Religious Courts	Favor incorporating certain authority for traditional courts under state supervision.	Emphasize the absolute authority of the religious courts as central to preserving the religious tradition.	Support fair oversight but argue for updates to some processes.	View the courts as the supreme authority whose rulings should not be challenged.	See the traditional courts as influential but not always suited to modern realities.
Recommendations for Addressing the Gaps	Propose legislation enabling mediation between the systems while respecting the dignity of all parties.	Suggest strengthening their authority alongside dialogue with the civil system.	Support legal regulation to prevent duplication and conflict.	Recommend reinforcing Druze tradition education to reduce the need for external mediation.	Propose a tailored mediation system combining traditional values with modern solutions.

Bridging Model: Mediation And Amendments

