

Women and the Law in Lebanon

**Women Must Get Involved In The
Syndicate Movements In Lebanon**

Interview with Judge Dr. Mohamad Ali Chekhaibe

The Honorable Judge Dr. Mohamad Ali Chekhaibe is President of the Labor Court of Beirut since 1966. He is also President of the Collective Conflict Court, as well as Professor of Law at St. Joseph University and Professor of Law at the Judge Institute in Beirut.

Some of his most prominent publications in Arabic are:

- Al-Wasit Fi Qanoun Al'Amal
- Nizam Nihayat Al-Khedmah
- Al-Sarf Al-Tasi'fi fi 'Aqd Al-'Amal Al-Fardi



Political Rights and Participation in Politics

Q. While women are permitted by the law to run for parliamentary elections, this has been very rare in Lebanon. In your opinion, why is that?

A. Actually, two Lebanese women have held a seat in the Lebanese Parliament. The first was Myrna Boustani and the second was Mrs. Jermanous during the 1960's. Participation of women in parliament is minimal mainly because of the social system of our society. It is not a matter of sex-discrimination but rather a result of a social system in which both men and women of prominent families rule. The proof to this is that the two women who participated in parliament come from such families. Another reason for women's absence from parliament is their lack of participation in political parties. We have not yet women in high posts even in the parties which have women in their cadre.

Q. A woman is allowed to vote (like all Lebanese) by means of a national voting list. What is the procedure for getting her name on that list?

A. There is no discrimination between men and women in this listing. The list is revised every year by a committee headed by a judge. The names of eligible voters are added, those of ineligible or dead voters are removed, other names are transferred from one voting district to another according to their place of residence. Women do not have to go personally to get their names inscribed. Their names are added automatically upon eligibility just like all other Lebanese citizens regardless of sex. If a woman gets married, her name is transferred from her native district to the district of her husband.

Q. Are the women exercising their right to vote or not?

A. I don't think that the number of female voters is less than the number of male voters in Lebanon. Women are not being stopped from voting. However, the voting room is separated from the men's.

Q. Women tend to vote like their husbands. Do you think that this constitutes a form of submission?

A. I believe that members of the same family tend to have the same political opinion. For instance, up to 90% of the time, my wife, my children and I have the same opinion. Of course sometimes they may differ. But I don't think that there is any pressure from the man on his wife.

Q. The U.N. resolution "To end all forms of discrimination against women" has been explicitly adopted by many Third World and Arab countries. Why hasn't this been implemented in Lebanon?

A. Very true. Some of the countries that have adopted this resolution in their constitutions are Iraq and Egypt. Lebanon has not done so although it is clear in its constitution, which stipulates equality for all Lebanese citizens without specific mention of the sexes. Perhaps Lebanon feels that it goes without saying that men and women are equal. Take Europe for instance, the constitutions of developed European nations do not emphasize this sexual equality. It is a matter of fact. Maybe Lebanon feels the same way.

Commercial Laws

Q. A Lebanese woman needs the permission of her husband to work. Why?

A. The law allows women to work without written permission from their husbands. One theory behind the issue of permission is to account for how the wealth of the husband would be affected if she goes bankrupt. If distribution of wealth between the husband and the wife is not specified in the marriage contract, and if the wife works without permission, her bankruptcy has an unlimited liability on her husband's finances.

Q. Do you think that the law is more favorable towards single women than towards married women?

A. In real life, when a woman gets married she becomes a wife, a mother and responsible for the house work. The employer fears that because of this, her work may become secondary to her familial responsibilities. Therefore, he is more hesitant to employ a married rather than a single woman. But according to the law, the employer is not allowed to differentiate between the two.

Q. Is the traditionality of jobs held by women attributed to society, men or women themselves? Why?

A. Women themselves, maybe because of their physiology. We tend to see women in liberal professions like law and medicine more than in engineering for instance. Maybe their presence on the field is more difficult than it is for men. It is not that women are mentally less capable than men. Law is not easier than engineering. Furthermore, there is no doubt that the nature of the profession itself plays a role in attracting women.

Q. Some women will be displeased to hear about this physiological difference.

A. But it is true. For instance, pregnancy is a handicap for the working woman whether we like it or not.

Q. What is the line of reasoning behind the fact that women unlike men, need to have at least two male witnesses in order to draw a legal contract?

A. This is because of the Shari'a* which states that the testimony of a woman is equal to half the testimony of a man. But, this is only in the religious courts. In

the civil law of the Lebanese State, the testimony of a woman is equal to the testimony of a man. For instance, if you sell a car or draw any legal contract at a Public Notary or in any other public office a woman is not required to have any male witnesses or any more witnesses than the man needs.

Crimes of Honor

Q. Are there cases of crimes of honor in the Lebanese courts nowadays? Or are the majority of such crimes resolved in religious and familial settings?

A. Absolutely not, such crimes or any other crime cannot be settled in religious or familial settings. A crime is a crime, it is a public offense and it is punishable by the law. The Lebanese courts do have crimes of honor. The law does not, under any circumstances, allow the crime to go unpunished. The law only stipulates reasons for the severity of the punishment. Unfortunately, the law allows the judge to reduce a sentence if there is evidence that the crime was committed for moral reasons. It is part of the traditional mentality of our society. For why is it acceptable for a man to kill his wife if she cheats on him, but it is not acceptable for a woman to kill her husband if he cheats on her?

Personal Opinion

Q. What are the pros and cons of the Lebanese law with respect to the rights of the Lebanese Woman?

A. Most of the time, when we speak of the law, we speak in terms of employment, commercial laws and social security. We tend to say that they do not give women equal rights. But what we really should know is that these laws are agreed upon internationally. Lebanon has agreed in its constitution and laws to protect human rights and stipulates against any kind of discrimination on the basis of sex, race, color or religion. Therefore, there is no doubt, absolutely no doubt, that the Lebanese law protects the rights of women, and equality between men and women. On the other hand, the rights of women are often violated in the private sector. In this sector, the syndicates are the proper and capable institutions which can demand and achieve equality for women. Unfortunately, women are practically non-existent in the syndicates in Lebanon. Why? I don't know. The Lebanese syndicates have not reached the point of effectively demanding the rights of workers. One possible reason may be that women

* Islamic Law

have not taken an active part in syndical activities; they have not aggressively and effectively demanded their rights. It is essential that they do.

Q. Is there a need for amendments in the State's law regarding women?

A. I believe that the law has reached the point where there is no differentiation between the sexes. The texts of the law are clear and right; they do not need any changes. It is the mentality that is backward. We must change mental attitudes not texts.

Interview with Judge

Miss Rola Shafiq Jadayel

The Honorable Judge Miss Rola Shafiq Jadayel graduated from the Judge Institute in 1983. She worked for one year at the Ministry of Justice. Since 1984 she has been a member of the First Degree Magistrate Court of Beirut.

We interviewed Judge Jadayel at her home in Beirut. Some of her replies are similar to those of Judge Chekhaibe. Consequently and in order to avoid repetition we chose to report only the replies which were different.

"Society itself decides what the laws should be. The laws only act to discipline, organize and encourage the development of society. Thus, a law is of no use to anyone if it does not serve a purpose."

Commercial Laws

Q. How would retracting the law concerning "husband's permission to work" for married women affect the status of women in the labor market?

A. A retraction of the law will not change anything. Remember that although the law exists in the texts it is not applied in actual life. Women in Lebanon are practicing their right to work without the objection of their husbands.

Q. Is the traditionality of jobs held by women attributed to society, men or women themselves?

A. There are professions which seem to be socially more acceptable for women such as secretarial work. Nevertheless, women have proved themselves in other professions which were previously considered only for men such as: medicine, law. There are other fields which are simply unsuitable for women

like truck driving, foreman and others. Still women should tackle new fields more aggressively, especially politics. Remember that the law itself does not stop or discourage women in any of these areas.

Q. Why is the testimony of a woman equal to half the testimony of a man. i.e. the testimony of one man is equated with the testimony of two women?

A. We must differentiate between civil laws and Personal Status Code. In the civil law the testimony of one woman is equal to the testimony of one man. The two to one principle exists in the Personal Status Code. There is a theory about this which says that a woman is likely to forget some details due to the diversity of her chores at home. She, therefore, must be reminded by another woman.

Crimes of Honor

Q. Are there cases of crimes of honor in the Lebanese courts nowadays? Or are the majority of such crimes resolved in religious and familial settings?

A. All over the world there are situations where crimes are not reported. When such crimes are reported the law plays its legal role. However, the law reduces the punishment of the perpetrator in circumstances of "flagrante delicto." If however, he commits the crime days or months later, then the excuse of initial anger is not admissible.

Q. Is there any legal discrimination against women regarding adultery?

A. Yes, women are always punished for committing adultery. But men are only punished if they commit adultery in the conjugal home or if they publically admit to having extra-marital relations. Otherwise they can do as they please as long as they are discreet about it.

Personal Opinion

Q. What are the pros and cons of the Lebanese law with respect to the rights of the Lebanese woman?

A. The Lebanese law in general does not discriminate against women. However, some amendments must be made especially in the domains of commercial laws, social security and family pensions. Thus, a husband is permitted to collect the family pension of his employed wife, but she is not allowed to collect the family pension of his employment. Laws like these must be changed.