

LEBANESE AMERICAN UNIVERSITY

**THE INSTITUTIONAL DYNAMICS OF SECTARIANISM: EDUCATION AND
PERSONAL STATUS LAWS IN POSTWAR LEBANON**

By

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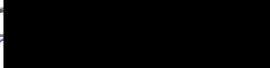
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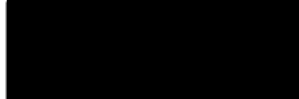
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To my parents who taught me that climbing the educational ladder is the key to success

To Professor Bassel F. Salloukh

To all Lebanese working on reforming Lebanon

The Institutional Dynamics of Sectarianism: Education and Personal Status Laws in Postwar Lebanon

Jinan Al-Habbal

Abstract

This thesis investigates how Lebanese institutions construct a sectarian culture that deepens sectarian identities and strengthens citizens' allegiance to sectarian leaders. To this end, the thesis examines how the sectarian educational system and personal status laws manufacture and perpetuate this sectarian culture. It delineates how sectarian elites manipulate these institutions to serve their own interests and entrench a clientelist system. Hence, this study demonstrates how the resilience of non-democratic norms in Lebanon has less to do with political culture or a resilient Lebanese sectarian mind. Rather it is sectarian institutions that impede the creation of a democratic society and hinder reforms. By examining the dynamics of sectarian institutions, this study shows how Lebanese citizens are divided into sectarian groups embracing sectarian identities rather than a trans-sectarian national Lebanese identity. This thesis examines how sectarian elites control the educational system and personal status laws to embed sectarian identities. Rather than reforming the educational system, sectarian elites hindered the formation of a new unified history book, published civic education books that do not create a sense of citizenship, and reinstated religious education. Moreover, each sectarian elite has established his own Lebanese University branch which weakened the national identity of the university and hardened sectarian allegiances. The thesis also examines how personal status laws in Lebanon oblige the Lebanese citizens to belong to a specific sect and abide by its regulations. Civil marriage is forbidden in Lebanon which forces the Lebanese people wishing to receive a civil marriage to travel and follow foreign laws. Sectarian elites have blocked numerous attempts to adopt an optional civil personal status law. This has limited inter-sectarian marriages and increased the sense of belonging to a sect. Finally, this study proposes secularism as an alternative to the Lebanese political system and suggests several workable recommendations to change the sectarian system.

Keywords: Sectarianism, Educational System, Personal Status Laws, Sectarian Elites, Secularism.

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LIST OF ABBREVIATIONS

ACS	: American Community School
AUB	: American University of Beirut
AUNOHR	: Academic University for Non-Violence and Human Rights
ECRD	: Educational Center for Research and Development
FHHRL	: Foundation for Human and Humanitarian Rights in Lebanon
IC	: International College
LACR	: Lebanese Association for Civil Rights
LAES	: Lebanese Association for Educational Studies
LU	: Lebanese University
UNESCO	: United Nations Education, Scientific, and Cultural Organization
UNRWA	: United Nations Relief and Works Agency
USJ	: University of Saint Joseph

CHAPTER ONE

INTRODUCTION

“As they struggle to gain or preserve independence, a certain kind of fidelity to God, a certain confessional belonging becomes constitutive of their political identity.”

Charles Taylor

1.1 – Situating the Thesis

Lebanon has eighteen recognized sects that have shaped its politics and multi-sectarian culture (Zayd El-Zein 2010a). The confessional system redirects individual allegiances to sectarian groups rather than the country, thus increasing sectarian tensions. Lebanese institutions are permeated by neopatrimonial networks that repress citizens' demands and allow leaders to control them (Anderson 1987). Nazih Ayubi argues that states re-create associations and institutions in a form that suits them so that no one else will be able to occupy the political and institutional vacuum they have established (1996). Joel Migdal emphasizes that weak states have strong societal actors that regulate social relationships and utilize resources for their own interests (1988).

Lebanon is dotted with sectarian identities and 'stigmatized groups' engendering a weak state with weak institutions (Hudson 1977; Anderson 1987). There is no separation between Lebanese political elites and the formation of institutions and society. Politicians appoint officials based on their sect and class rather than merit. They also control state institutions to preserve their own interests and extend their power, which in turn weakens existing institutions (Anderson 1987). Lebanese political leaders have the ability to abuse institutions and guarantee their own political and sectarian

interests in this confessional system, “a system in which persons make institutions, and not the other way around” (Rosen 2006, 170).

Neopatrimonial networks in Lebanon create contested state-society relations. These networks create clientelism, prohibit citizens’ democratic participation, and deny them their civil and political rights. Patrimonialism is entrenched in Arab states where the leader appoints friends and relatives in political institutions to protect against any opposition movement or revolution (Bellin 2004). Political elites in the Middle East manipulate their positions in formal state institutions to maintain access to informal forms of governance and resources thus co-opting specific society factions that will support the existing regime (Heydemann 2007).

Created by sectarian elites, Lebanon’s political institutions are not only weak but highly corrupt. Lebanon’s sectarian culture has been created throughout history to serve the political elites’ interests. It has thus entrenched clientelist networks that serve as one of the main pillars for the reproduction of sectarian elites’ political power (Traboulsi 2007). Politicians tend to appoint sectarian bureaucrats in order to preserve their interests and guarantee political support. These patron-client networks have embedded sectarian divisions in the country, thus leading to a constant state of conflict. Through these networks, political leaders hinder citizens’ democratic participation beyond sectarian identities. This clientelist relationship between the leader and his supporters, however, is unequal since the former controls access to power whereas the resources of the latter amount merely to the votes of his family and himself (Johnson 1986). Citizenship in Lebanon is thus defined through sectarian identities where the individual identifies himself/herself as a member of his/her sect and group rather than country (Moubarak 1999).

1.2 – Research Questions

What is the role of the educational system in embedding sectarianism in Lebanon? Schools and universities play a vital role in creating a sectarian culture in Lebanon. Fawwaz Traboulsi notes that sectarian identities played an important role in the educational system during the 1968-1975 period in Lebanon (2007). Students were discriminated against according to their sects; rich Christians were favored in exams, and educational institutions were dominant in Christian areas. However, sectarian identities continue to play a role in educational institutions in postwar Lebanon. Article 10 of the Lebanese Constitution allows sects to open their own private schools. The Taif Accord came as a solution for the fifteen-year civil war and called for unifying history and civic education books to decrease political sectarianism and maintain national unity in Lebanon.

Echoing Taif's request, the Ministry of Education delegated the Educational Center for Research and Development (ECRD) to develop a new curricula (Frayha 2004). In 1997, new civic education textbooks were published and unified history books were published later in 2000 (Bashshur 2003). However, the distribution of history books was immediately suspended over an argument on a chapter entitled: "They Had All Gone and Lebanon Remained: Independence of a Country" (Frayha 2004, 187). Some analyzed this title as lumping Arabs with other invaders, and thus suggesting that Lebanon is not Arab (Bashshur 2003). A new committee was subsequently formed to modify the history book, but it has made no progress. The reformed curricula also suspended teaching religion in schools. However, religious education was reinstated in the curricula in 1999 due to religious figures' demands, but without creating unified religious books or ones that teach Islam and Christianity (Bashshur 2003). Adnan El-

Amine suggests that current history books are divided among Christian and Muslim political affiliations and do not have a common historical background (2009). Moreover, he contends that weak civic education books used in schools do not promote a sense of citizenship.

This research examines the Lebanese educational system to show how it strengthens sectarian identities and the postwar sectarian culture. It looks at the debate pertaining to a common history and civic education book, and how this reflects and entrenches sectarian differences. Between the period of 1996-2001, a number of private universities were licensed and new institutions opened due to sectarian and business interests (Bashshur 2003). Religious schools create a clientelist system and allow political elites to select teachers based on sectarian considerations. Furthermore, the different branches of the Lebanese University are based on regional sectarian identities instead of uniting students from various sects (Bashshur 2003). Thus, applying educational reforms may play an important role in limiting sectarian divisions in the country.

How do personal status laws create sectarian identities and hamper civil rights? “Personal status laws were regulated by religious affiliation such that to be Lebanese meant to be defined according to religious affiliation” (Makdisi 1996, 5). A newborn baby in Lebanon directly inherits his/her father’s sect and has to abide by the rules set by his/her sect’s courts. Personal status laws oblige Lebanese citizens to be part of a religious group and sect, which hinders freedom of opinion and belief. If one wishes to abandon his/her sect, he/she is supposed to change his/her sect to become a member of a new sect and personal status laws (UNDP 2009).

Different sects in Lebanon follow different personal status laws. Among these laws are ones related to marriage, adoption, inheritance, and divorce based on religious teachings. Religious courts in Lebanon forbid civil marriage. However, people who wish to receive a civil marriage are allowed to do so outside Lebanon, and they then follow the civil law of the foreign country in Lebanon (UNDP 2009).

This thesis highlights how personal status laws hinder the emergence of civic identities thus allowing sectarian elites to maintain the patron-client system in Lebanon. Current attempts to implement an optional civil personal status law have been hampered since present laws maintain the political objectives of sectarian elites. In 1998, former Lebanese President Elias El-Hrawi proposed an optional civil personal status law that allows civil marriage. Two-thirds of the Cabinet voted for the proposed law, however, former Prime Minister Rafic El-Hariri refused to sign the law and it never reached Parliament. Thus, the research underscores how sectarian leaders hinder the implementation of an optional civil personal status law.

Finally, is there a solution to this sectarian predicament? What are the possible means to achieve successful democratic reforms in Lebanon? The Lebanese civil war has made it clear that the confessional sectarian system in Lebanon is not an effective political system. This system needs to be abolished and replaced with a secular one. Reforms have been advocated since the creation of the Lebanese republic but without any major change or political reform. Traboulsi argues that real reforms require abolishing the sectarian system, adopting an optional civil personal status law, and reforming the electoral system (1997). He defines secularization as separating religious institutions from the state which prevents their interference in one another. Ahmad Beydoun argues that the Lebanese system is based on mutual fears and interests, thus

precluding citizens from establishing a context capable of guaranteeing society's interests (2004). Separating sectarian political interests from the institutions stands as a solution since it promotes democratic governance. Bassel Salloukh stresses that intersectoral citizenship and democracy in Lebanon can be achieved through dialogue, civic engagement, and secular institutions that are not intertwined with neopatrimonial networks (2009).

Two kinds of secularization may be identified in this respect: objective secularization and subjective secularization. Peter Berger states that objective secularization is the separation of religion from state's institutions whereas subjective secularization is one's interaction with others and viewing life according to secular *raison d'être* instead of religious laws (as cited in Keyman 2007, 218). "The ostensible goal is to urge the Lebanese to abandon their "premodern" loyalties of religion that are said to have inhibited the growth of a democratic, civil and secular society" (Makdisi 1996, 1).

This thesis argues that overthrowing the confessional system and adopting a mixture of objective and subjective secularism is the best solution for a democratic Lebanon. Politicians manipulate the system to maintain their political and economic interests. The Taif Agreement asserts eradicating political sectarianism and advocates not mentioning an individual's denomination and sect on identity cards (Frayha 2004). Taif has a specific mechanism for abolishing the current system and suggests the creation of a Senate based on sectarian identities to preserve them (UNDP 2009). If secularism is to be adopted, it may end the sectarian division in the country in addition to undermining the clientelist system which serves leaders' interests. Both objective and subjective secularization are essential to overcome the sectarian system in Lebanon.

Objective secularization would hinder politicians' patron-client system in Lebanon while subjective secularization would limit the conflictual sectarian identities that lead to civil wars and sectarian divisions. Traboulsi argues that abolishing the sectarian system goes hand in hand with achieving social justice, which can hamper clientelism and corruption, and promote economic, political, and social reforms (2011). Democratic reform in the country requires major changes in its sectarian institutions and societal associations. This will make citizens realize that their primary loyalty must be to their country rather than their sects and patrons.

1.3 – Methodology

The instrumentalist approach may be used to explain the institutional dynamics deployed by Lebanon's sectarian elites. Instrumentalists look at how ethnic entrepreneurs mobilize ethnic loyalties and use ethnic conflict to gain power and state resources (Salloukh 2011). This approach helps analyze how sectarian leaders exploit the system for their own political and economic interests. Rejecting primordial explanations of sectarian conflict in Lebanon, the proposed research uses the instrumentalist approach to show how sectarian elites create and use sectarian institutions to maintain the hold of sectarianism over Lebanese society.

I base my argument on two case-studies that delineate how institutions – such as the educational system and personal status laws – sustain sectarianism in Lebanese society. This thesis uses secondary literature examining the Lebanese sectarian culture, sectarian institutions, and secularism. It also uses primary sources from different Lebanese newspapers (*Al-Akhbar*, *An-Nahar*, *As-Safir*, and *The Daily Star*).

Moreover, this thesis uses material interviews conducted hence to examine the impediments faced while seeking to reform the system, and how the educational system and personal status laws create a sectarian culture. The interviews were tape-recorded, transcribed, and analyzed. They included university professors, a former president of the ECRD, members of the Lebanese Association for Educational Studies (LAES), a Lebanese intellectual, and human rights activists. Most of those interviewed took part in the educational reform process after the Taif Agreement, while others studied the sectarian system and personal status laws. Furthermore, I look at specific cases that highlight the contest between the sectarian system and any attempts to change it. For example, I analyze why the unified history books were not published and how religious education was reinstated in the school curricula. I also examine the implications of civil laws on civil marriage and why El-Hrawi's proposed optional civil personal status law was not implemented.

1.4 – Map of the Thesis

This thesis is divided into five chapters. The next chapter surveys the Lebanese confessional system and how it was historically constructed. The third chapter examines the educational system that hinders any form of secular nationalism due to the lack of common books and the weak public state university. Chapter four argues that Lebanese personal status laws create sectarian identities where each person is obliged to follow the laws of a certain sect instead of civil laws. The final chapter summarizes the findings and suggests secularization as a solution to the sectarian predicament in Lebanon.

CHAPTER TWO

THE LEBANESE CONFESSIONAL HEGEMONY

“Pity the nation that is full of beliefs and empty of religion...Pity the nation divided into fragments, each fragment deeming itself a nation.”

Gebran Khalil Gebran

2.1 – Introduction

The Lebanese political system was shaped during Ottoman rule of Mount Lebanon and later the French mandate. However, Lebanon’s independence did not change the sectarian system but rather increased it. Sectarian elites have maintained the confessional system to gain more power and preserve their political interests. They have also created clientelist relationships with their sectarian constituencies and entrenched neo-patrimonial networks that hinder democracy. Furthermore, the sectarian system has paralyzed Lebanese institutions and weakened the state’s legitimacy. From this perspective, the Lebanese people are divided along sectarian lines and their primary allegiance is to their sectarian leaders rather than their country.

This chapter examines how the Lebanese confessional system has been reproduced throughout history. It begins with a general overview about Michel Foucault’s work regarding power and subjects and relates it to Lebanese institutions. The chapter surveys the literature on the creation of Lebanese sectarianism and how sectarian elites maintain the confessional system. It also discusses how the sectarian system creates patron-client relationships, an illegitimate state, and corrupt institutions. The chapter concludes that the confessional system hinders the development of true citizenship and increases sectarian allegiances.

2.2 – Power, Institutions, and Subjects

Michel Foucault took great interest in the study of power and subjects (1983). He contends that there is no autonomous individual or self for the latter is socially constructed and is the outcome of power shaping the mind and body. Power is a form of oppression that forbids people from acting as they wish and is intertwined with freedom; power is practiced where freedom exists (Foucault 1980). Power was initiated with the Western Christian Church's "pastoral power" that exercised power over people in the sixteenth century, forced them to confess, and prohibited sex (Foucault 1980). Confession constituted acknowledging one's sins to a specialized person, to a priest in this case, to attain atonement (Foucault 1985). It was a way to manage people's sexuality, affirm their Christian faith, and recognize themselves as sinners (Foucault 1988). Sexuality is thus a result of disciplinary power produced as a means to reject sex (Foucault 1980). However, the power of the Church diminished with the emergence of the modern state in the eighteenth century (Foucault 1983). Thus, power spread from religious institutions to reach the whole society and the state formulated laws to practice its power on citizens (Foucault 1983).

Influenced by Nietzsche, Foucault perceives the relationship between truth and power within the context of struggle (Foucault 1983). Hence, genealogy is the means that illuminates the struggles of the subjugated knowledge and represents the relationship between power and truth (Foucault 1980). The state imposes its own set of rules and laws to prohibit citizens' freedom and disseminate its own knowledge. State institutions construct various "forms of power" that are entrenched in society and mold citizens and their behavior (Foucault 1980). This power enables institutions to produce a "regime" of truth and disciplines that repress individuals and engender domination

systems of man by man (Foucault 1980; Foucault 1983). These institutions enforce certain truths that citizens recognize and accept as part of their own identity. Even the educational system is capable of imposing a certain kind of power on people where they are also taught to discipline themselves (Foucault 2003). Teaching students in schools occurs through certain regulations, lessons, and orders that control students through power techniques – such as hierarchy, supervision, and punishment (Foucault 1983). The teaching system sustains the interests and power networks of the ruling class. Individuals thus acknowledge that mere truth is what is approved by the authorities (Foucault 1980). One might believe that the judicial system man has created is the best way to punish criminals and spread justice. Foucault, on the other hand, argues that the notions of punishment and justice are man-made systems that create negative circumstances. These institutions impose disciplinary power on people to manage them. In this way, powerful institutions are able to “objectivize” citizens and turn them into subjugated subjects (Foucault 1983). Truth is thus a product of discourses and a reflection of political power. However, the main quandary today is to free ourselves and the truth from the state and its power networks (Foucault 1983). Foucault best describes when he notes that “Maybe the target nowadays is not to discover what we are but to refuse what we are. We have to imagine and to build up what we could be to get rid of this kind of political “double bind,” which is the simultaneous individualization and totalization of modern power structures” (1983, 134).

Similarly, Lebanese institutions are able to objectivize the Lebanese citizens and make them clients to their sectarian leaders. Powerful institutions – such as the educational system and personal status laws – force citizens to view themselves and others through sectarian identities and be part of a sectarian group. In addition,

Lebanese leaders mobilize citizens' loyalties through a patron-client system to maintain their own political and economic interests. The sectarian system in Lebanon satisfies the needs of political elites who are not willing to make any substantial changes and prevent endeavors to enhance these institutions. If we critically question ourselves about certain 'truths', we may then liberate ourselves from the power relations in our society. We thus have to scrutinize the 'truths' that our sectarian leaders have imposed upon us. Lebanese citizens have to become aware that obeying sectarian leaders is not the only option they have, but that they can reject conformity, rebel against traditions, and liberate themselves. There should be no authority that discriminates between people according to their sectarian affiliations.

Politicians manipulate the sectarian discourse to mobilize their followers and maintain the clientelist system (Salloukh 2006). They seek to increase the number of their supporters by playing on the latter's emotions and sectarian identity. Lisa Weeden asserts that an authoritarian regime's power is in its ability to enforce obedience and make people complicit, through the use of images, a mechanism of coercion (1998). Similarly, Lebanese politicians harness sectarianism to maintain their interests and mobilize their constituencies. The sectarian discourse demonizes the other, thus mobilizing sectarian identities and sanctioning sectarian violence. This makes people view their society only through a sectarian prism that creates disparities among citizens. Lebanese people have become programmed robots who often follow political sectarian groups in order to preserve their sectarian identity in the face of 'other' Lebanese. In this way, citizens become members of a sect where they abide by its rules and dismiss 'others' who threaten their identity. Lebanese citizens have stopped questioning themselves about the leaders they follow and their actions. They will never be free

unless they realize they are imprisoned by a sectarian culture and clientelist leaders. Thus, Foucault's critical thinking is the remedy to our sleeping minds and the backwardness of the Lebanese society. He urges us to think about all the 'truths' we take for granted to liberate ourselves from the 'regimes of truth' that suffocate us.

2.3 – Lebanese Sectarianism: A Review of the Literature

Many researchers have examined the origins of sectarianism in Lebanon (Daher 1981; Makdisi 2000; Ziadeh 2006), the causes of the civil war (Krayem 1997; El Khazen 2000; Khalaf 2002; Trabousli 2007), the political system and the electoral law (Hudson 1985; Maila 1992; Salam 2004; Beydoun 2004; Salloukh 2006), and the clientelist system (Hottinger 1966; Khalaf 1977; Johnson 1986). Mohammad Jawad Moghnieh (1964), Beydoun (1999), and Aref Zayd El-Zein (2010a; 2010b) examine personal status laws and civil marriage, while Munir Bashshur (2003), Nemer Frayha (2004), and El-Amine (2009) survey the educational system. However, none of these studies look at the interactive impact of institutions on the making of sectarian identity and a sectarian culture.

Farid El Khazen argues that the Lebanese confessional system is a guarantee of Lebanon's pluralism (2000). El Khazen underscores that this system maintains coexistence among sectarian citizens and engenders democracy. Thus, any attempt to adopt secularism would disrupt communal cohabitation and impede democracy (El Khazen 2000). Samir Khalaf contends that kinship, confessionalism and communalism have influenced Lebanon's primordial political culture and strengthened sectarian divisions (2003).

On the other hand, Masoud Daher argues that sectarianism in Lebanon was caused by internal and external events (1981). Locally, the Maronite Church and the increasing power of its followers in addition to the *muqata'ji* system and the socio-economic conditions reproduced sectarian identities. Externally, colonial powers aspired to break down the Ottoman Empire and the millet system in the mid-nineteenth century to establish sectarian states. Daher stresses that class-based sectarian powers pursued sectarianism to gain more economic profits and maintain their social influence. Similarly, Ussama Makdisi argues that sectarianism dates back to the strife between Christians and Druze in Mount Lebanon during the nineteenth century (2000). Makdisi dispels the political cultural argument and contends that sectarianism is modern and was constructed as a form of modern nationalism. Traboulsi underscores the historical events that reproduced sectarian identities in Lebanon and institutionalized them (2007). Traboulsi argues that sectarian leaders sought to abolish cross-sectarian movements in their pursuit of economic interests and power.

Examining the institutionalization of sectarianism, Janine Clark and Salloukh show how sectarian elite strategies consolidate sectarian allegiances and hinder inter-sectarian identities (2011). Salloukh also surveys how sectarian elites use electoral laws to maintain the clientelist confessional system (2006). Finally, Lara Khattab also demonstrates how sectarian politicians control civil society and weaken the role of women's advocacy non-governmental organizations that seek gender and democratic reforms (2010).

2.4 – The Formation and Late Consolidation of the Confessional System

The creation of Lebanon dates back to the Ottoman Empire and the influence of European colonialism. In 1516, the Ottoman Sultan Salim I occupied Syria after defeating the Mamluks in the Marj Dabek battle, north of Aleppo (Winter 2010). In the seventeenth century, the Ottomans restructured the region, divided it into *welayat*¹ and four districts,² and assigned notable families to manage local areas (Harik 1990; Winter 2010). Mount Lebanon was unique with its pluralistic religious communities living among each other (Harik 1990). The Ottoman *millet* system rendered sects to organize their affairs – such as their own personal status laws, welfare institutions, and educational systems (Johnson 2001). However, the Egyptian occupation of Mount Lebanon in 1831 politicized sectarian divisions and a Maronite upheaval in 1840, thus leading to the intervention of Western powers (Hess and Bodman 1954). In 1842, Mount Lebanon was divided among Muslims supporting the Ottomans and challenging the French-Britain colonial powers while Christians, particularly the Maronites, supported the Europeans who sought to penetrate the Ottoman system (Daher 1981; Makdisi 2000). This European intervention and the Ottoman reforms hardened sectarian divisions and led to the collapse of Mount Lebanon's system (Daher 1981; Makdisi 2000).

Moreover, Druze and Christian elites played a role in igniting religious divisions and producing sectarianism in Mount Lebanon. The former system was substituted by religious politics and sectarian administration that maintained elites' interests (Makdisi 2000). Lebanese citizens became subjugated in terms of religious groups, and personal

¹ The *welayat* were formed in Beirut, Akkar, Tripoli, Saida, Tyre, Marjeoun, Jabal Amel. Each *welaya* was ruled by an Ottoman *wali* and followed the Sultanate.

² The districts were Baalbeck, Bekaa, Hasbayya, and Rashayya. These districts were part of the *welaya* of Damascus.

status laws and the electoral system were managed according to sectarian affiliations (Makdisi 1996). The Europeans sought to create a new system that would protect Maronite interests (Winter 2010). Thus, Lebanon was partitioned between a Maronite district and a Druze district, or a *qa'immaqamiya*,³ and numerous laws were established – such as having membership in the representative councils depending upon sectarian identities – to alleviate sectarian tensions (Hess and Bodman 1954). However, the 1860 strife between the Druze and Maronites divided Mount Lebanon along strictly sectarian lines and embedded a sectarian culture (Makdisi 2000).

On 9 June 1861, the Ottomans and European powers⁴ adopted a *Règlement Organique* or an Organic Law for Lebanon (Zahar 2005). This law transformed Lebanon into an autonomous *mutasarrifiya* divided into seven districts⁵ subject to European protection (Johnson 2001). The *mutasarrifiya* had an Administrative Council⁶ that included twelve members; two members from each of the Maronites, Shiites, Sunnis, Druze, Greek Catholics, and Greek Orthodox (Hess and Bodman 1954). From this perspective, sectarianism permeated the *mutasarrifiya*'s politics, administration, taxation, security forces, employment, and judiciary (Ziadeh 2006). In 1864, tensions between the Ottoman governor and the Maronites, who were not satisfied with the confessional arrangements, necessitated certain changes in the Organic Law and the Administrative Council (Zahar 2005). Thus, the Council included twelve members; four Maronites, three Druze, two Greek Orthodox, one Sunni, one Shiite, and one Greek Catholic (Zahar 2005). The 1861 and 1864 Statutes ended the sectarian turmoil in

³ The *qa'immaqamiya* was ruled by a *qa'immaqam* assigned by an Ottoman governor.

⁴ The European powers were Britain, France, Prussia, Austria, and Russia.

⁵ The districts were Koura, Batorun, Kiserwan, Maten, Zahle, Shouf, and Jezzine. The *mutasarrifiya* was ruled by a non-Lebanese Christian. The capital of the *mutasarrifiya* was Baabda and its foreign policy was decided by the Sultanate.

⁶ The members of the Council used to help the *mutasarrif* in administering Mount Lebanon.

Mount Lebanon (Hess and Bodman 1954). This system was the keystone of the later Lebanese confessional political system.

During World War I, European powers defeated the Ottomans in Palestine and the latter withdrew from Lebanon. The 1916 Sykes-Picot Agreement⁷ divided the Levant among French and British powers, and the League of Nations assigned France to rule Lebanon (Johnson 2001; Ziadeh 2006). On 1 September 1920, the French High Commissioner General Henri Gouraud declared the creation of Greater Lebanon or Grand Liban (Ziadeh 2006).⁸ A confessional system regarding divorce, marriage, and inheritance was introduced (Johnson 2001). A Consultative Council of seventeen members from different sects was created to assist the governors, after the French abolished the Administrative Council in July 1920 (Zahar 2005). In March 1922, a Lebanese Representative Council was formed of thirty members elected on a confessional basis with respect to each sect's size (Zahar 2005).

On 23 May 1926 and due to sectarian tensions over Lebanese identity, the French High Commissioner General Henri De Jouvenel declared and implemented the Lebanese Constitution,⁹ and the name of modern Lebanon was changed from Greater Lebanon to the Lebanese Republic. The Constitution institutionalized the nineteenth century confessional system, created a presidential system, and maintained elite interests (Harik 1990; Ziadeh 2006). Article 9 of the Constitution stated: "Liberty of

⁷ The Agreement was made between the British Sir Mark Sykes and the French diplomat François Georges-Picot. The mandate was put in action in the San Remo conference on 19-26 April 1920 in Italy, with the presence of France, Britain, Italy, and Japan.

⁸ Greater Lebanon's area increased from 3500km² to 10452km² after including the *welayat* of Beirut, Tripoli, Saida, and Tyre, the *mutasarrifiya*, and the four districts (Hasbayya, Rashayya, Baalbeck, and Bekaa). The capital of Greater Lebanon became Beirut, instead of Baabda. It gained large valleys: Bekaa, Akkar, Marjeoun, and coastal valleys, which hindered famine. It also gained antiquated places: Baalbeck, Tripoli, Saida, and Tyre, which increased Greater Lebanon's touristic value. The ports of Beirut, Tripoli, Saida, and Tyre were added, which connected Greater Lebanon with the outer world.

⁹ The Lebanese Constitution was established due to Lebanese demands and France's fear that the 1925 Syrian revolution would extend to Lebanon. The League of Nations also requested the establishment of a Constitution for Lebanon within three years from the beginning of the mandate.

conscience is absolute. By rendering homage to the Almighty, the State respects all creeds and guarantees and protects their free exercise, on condition that they do not interfere with public order. It equally guarantees to individuals, whatever their religious allegiance, the respect of their personal status and their religious interests” (Ziadeh 2006, 87). Article 10 indicated: “Education is free insofar as it is not contrary to public order and morals and does not interfere with the dignity of any of the religions or creeds. There shall be no violation of the right of religious communities to have their own schools provided they follow the general rules issued by the state regulating public instruction” (Ziadeh 2006, 229). On the other hand, Article 12 asserted: “All Lebanese citizens are equally admitted to all public functions without any other cause for preference except their merit and competence and according to the conditions set by law. A special statute shall govern Civil Servants according to the administrations to which they belong” (Ziadeh 2006, 87). Yet, Article 95 of the 1926 Constitution emphasized: “As a transitory measure and in conformity with article 1 of the Charter of the Mandate and with intent for justice and concord, the communities shall be equally represented in public posts and in ministerial composition, without however any damage to the welfare of the State resulting therefrom” (Ziadeh 2006, 87). These articles of the 1926 Constitution entrenched confessional representation in state institutions and gave numerous privileges to sects. Furthermore, the legislative branch of the Lebanese Republic constituted the Parliament and the Senate¹⁰ which included sixteen sectarian members: five Maronites, three Shiites, three Sunnis, two Greek Orthodox, one Druze, one Greek Catholic, and one minority rites (Hess and Bodman 1954). In this way, sectarianism became embedded in the Lebanese Constitution and its

¹⁰ The Senate was abolished on 17 October 1927 and was merged with the Parliament.

institutions. This gave more power to sectarian leaders who sought to increase their privileges and influence.

On 26 November 1941, the French General Georges Catroux announced Lebanon's independence. However, this independence was only symbolic and different Lebanese sects demanded an actual independence. On 18 March 1943, Catroux declared the revival of Constitutional life which paved the way for genuine independence, after the election of President Bishara Al-Khoury and assigning Prime Minister Riad El-Solh. Throughout history, the confessional system became entrenched in the Lebanese political system, but it was the 1943 National Pact that basically institutionalized it (Krayem 1997).

The National Pact was an oral agreement between Al-Khoury and El-Solh. It was based on the consensus that the President of Lebanon should be Maronite, the Prime Minister a Sunni, and the Speaker of Parliament a Shiite (Maila 1992). This Pact established ninety nine parliamentary seats based on a confessional ratio of six Christians to every five Muslims; fifty four seats were given to Christians while Muslims had forty five seats (Mallat 1990; Krayem 1997). Thus, the National Pact institutionalized sectarianism in Lebanon and shaped religious loyalties that impede secularism and nationalism (Makdisi 1996).

On 8 November 1943, El-Solh announced in the governmental declaration that "One of the fundamental reforms that are required by Lebanon's national interest concerns the treatment of communalism and putting an end to its negative effects" (Ziadeh 2006, 110). Thus, the government amended or canceled nine constitutional articles that violate Lebanon's independence; Articles 1, 11, 52, and 102 were amended while Articles 90, 91, 92, 94, and 95 were abolished (Ziadeh 2006, 112). However,

Articles 9 and 10 of the 1926 Constitution remained the same to protect the right of communities to perform their religious and educational affairs without state intervention, whereas Article 95 was amended by only removing the phrase “and in conformity with article 1 of the Charter of the Mandate” (Zahar 2005; Ziadeh 2006, 240). This shows how Lebanese elites did not change articles related to confessional representation and sects’ rights but rather reproduced them to maintain their interests. In 1944, France surrendered and submitted its economic privileges to Lebanon and Syria, followed by its military forces on 1 August 1945. On 31 December 1946, the last foreign soldier evacuated Lebanon. However, this real independence did not improve the Lebanese sectarian system or allow the government to freely amend constitutional articles.

In 1975, however, various internal and external factors comprised to create the Lebanese civil war. The war ended with the signing of the Taif Agreement on October 22, 1989 in Saudi Arabia. The Agreement was a product of earlier agreements such as the Constitutional Document approved by President Franjeh in 1976, proposals offered in Geneva in 1983 and in Lausanne in 1984, the national unity governmental declaration of Prime Minister in 1984, and the Tripartite Agreement in 1985 (Krayem 1997). It was a compromise between all Lebanese political adversaries and was a package deal that created a new formula for Lebanon to end its internal war and regain political stability (Krayem 1997).

The Taif Agreement marked the birth of a new Lebanese Republic, ended the protracted civil war, and initiated state sovereignty, national identity, and political reforms (Khalaf 2002). Taif asserted Lebanon’s political system as a parliamentary democracy with the separation of its branches. It proposed making the *mohafaza* the

electoral district while increasing the number of parliamentary seats to 108 to achieve equal seats between Christian and Muslim deputies (Mallat 1990; Salloukh 2006). Taif also advocated the gradual deconfessionalization of Lebanese political sectarianism but without setting a timetable. A future elected Parliament of equal Muslim and Christian representation is responsible for achieving deconfessionalism in addition to forming a National Committee that should propose possible means to abolish political sectarianism (Ziadeh 2006). Furthermore, Taif recommended replacing sectarian representation in public agencies, security, military, judiciary, and public service posts by competence and expertise, while having equal Muslim and Christian representation in Grade One positions and their equivalents (Ziadeh 2006). Moreover, upon the election of the first national non-sectarian Parliament, Taif requested the formation of a Senate that represents all sects. It also urged removing the sect and confession from identity cards (Ziadeh 2006).

After Taif, the Lebanese Constitution was amended in 1990. In its Preamble, point H of the Constitution stated: “The abolition of political communalism is an essential national priority, for the realization of which it is necessary to proceed in accordance to a several staged plan” (Ziadeh 2006, 128). Article 19 of 1927 that gave Parliament the right to approve laws before being published was amended in 1990 to indicate: “A Constitutional Council is established to supervise the constitutionality of laws and to arbitrate conflicts that arise from parliamentary and presidential elections. The President, the President of the Parliament, the Prime Minister, along with any ten Members of Parliament, have the right to consult this Council on matters that relate to the constitutionality of laws. The officially recognized heads of religious communities have the right to consult this Council only on laws relating to personal status, the

freedom of belief and religious practice, and the freedom of religious education. The rules governing the organization, operation, composition, and modes of appeal of the Council are decided by a special law” (Ziadeh 2006, 244). Article 95 was also amended to incorporate Taif’s recommendations on abolishing political sectarianism.

However, Taif has not been implemented as promised. Law 154 of 1992 increased the Taif Agreement’s 108 parliamentary seats to 128 (Salloukh 2006). Since Taif, politicians have not initiated any measures to eradicate political sectarianism or achieve the aspired reforms. The Senate has not been formed yet, the National Committee has not been assigned, the electoral system has not been reformed, the sect is still mentioned on identity cards, and confessional representation still prevails. Moreover, Articles 9 and 10 of the 1926 Constitution have not been amended which violate the principle of abolishing political sectarianism. The Taif Agreement has not been able to maintain a stable political formula. Rather than diminishing political sectarianism and the confessional system, Taif has established this system and led to both administrative and political paralysis. It merely transformed the 1943 National Pact from an oral agreement into a written document. Kamal Salibi argues that “there are no major differences in essence between the National Pact of 1943 and Taif... The philosophy behind the Taif Agreement and the way it was achieved was Lebanese. It was a Lebanese formula similar to the formula that was born in 1943” (1992, 6).

The 1990 Constitution shows how sectarian elites manipulated the law to maintain more privileges. Adding the principle of eradicating political sectarianism does not ensure that sectarian elites would abide by it or utilize certain strategies to ensure their hegemony. Articles 9, 10, and 19 of the Constitution prove how sects seek more influence and control. Hence, the Lebanese postwar political system stresses the

sectarian identities of Mount Lebanon, Greater Lebanon, and the 1926 and 1943 Lebanon. This system has strengthened sectarian institutions and allowed sectarian elites to manipulate the state.

The Lebanese confessional system divides administrative and political positions among major sects in the country. Allocating the three main state positions – the President, the Prime Minister, and the Speaker of the Parliament – among the Maronites, Sunnis, and Shiites respectively – makes Lebanon a case of corporate consociation that privileges accommodated sectarian groups and excludes others (Lijphart 1990; McGarry and O’Leary 2007). However, such a system is unable to adapt to demographic changes. Before the Taif Agreement, Christians had more parliamentary seats than other communities even though they were not the majority of the Lebanese (McGarry and O’Leary 2007). The Lebanese confessional system is thus a contract between sects to sustain their involvement in political, social, and international networks (Beydoun 2004). Lebanese sects organize the relation among the state and religion, and each sectarian leader represents his sect toward other sects and the state (UNDP 2009). However, each sect seeks to augment its political power, enjoy more privileges, and control more state institutions (UNDP 2009).

On 30 January 2010, former Lebanese Minister of Labor Boutros Harb proposed a draft law that prevents selling property between Muslim and Christian Lebanese citizens for fifteen years. Harb justified that his draft law protects national coexistence and is a reaction to fears that land sales from different religious members would affect the demographic equilibrium in Lebanon (Aleiq 2010). Some politicians criticized Harb’s draft law. They asserted it would augment sectarian divisions in the country and violate the Constitution while others supported it because it would protect

Christian areas from the suspicious transactions that would force them out of specific Lebanese areas (Sakr 2011). Ironically, Member of Parliament Walid Junblat advocated the formation of “a Christian committee that would buy the lands that are being put to sale by other Christians in Lebanon,” but criticized Harb’s draft law and called it ‘insane’ (*The Daily Star* 2010; Aleiq 2010). This draft law is another example of how sectarian elites seek to maintain the confessional system in Lebanon through manipulative ways and under the cover of protecting national coexistence of different sects. Such a law would only strengthen sectarian divisions in an already divided society. Instead of searching for realistic solutions for Lebanon’s predicament and finding ways to reform the country, sectarian elites utilize various methods to augment this sectarian quandary that could prohibit the Lebanese from living in peace and harmony among each other and could engender future civil wars due to the fear of the sectarian ‘other’. To this end, sectarian leaders are capable of implementing a clientelist system that serves their interests.

2.5 – The Clientelist System: The *Za‘im* and his Clients

The Lebanese confessional system entrenches a clientelist system by which political leaders control citizens and hinder their civil participation. Clientelism is a political system based upon a mutual relation between a patron who offers protections and favors, and a client who offers his allegiance and support (Weingrod 1977; Gilsenan 1977). Patronage is a form of power relations since the patrons’ power increases if they control more resources and more clients (Weingrod 1977; Gilsenan 1977). As the degree of state centralization, control over laws, and citizens’ access to state resources increases, the degree of patronage decreases (Gilsenan 1977). Thus,

patron-client relations occur mostly in weak states that lack social control (Gellner 1977; Midgal 1988). The relationship between patrons and clients is dyadic: clients seek benefits, protection, and security from their patrons, whereas patrons seek augmenting their clientage (Khalaf 1977). Patrons are more dependent upon their clients since they prolong the clientelist system to remain in power, however, clients can end this relationship if they find other ways for pursuing their ends (Waterbury 1977).

Patron-client relations can take several forms and have numerous means to show leaders' and clients' support to one another. Clients can vote for their leaders or *zu'ama* in elections and fight or even die for them during wars while the *zu'ama* can sustain this support by offering services to their clients and fight electoral opponents to preserve their administrative positions (Johnson 1977; Traboulsi 2007). Furthermore, the *za'im* plays the role of the mediator between his clientele and the government (Hottinger 1966). The government can reach any community via its *za'im* while his clientele deem him indispensable since he links them with the government, guarantees peace between them and others, and offers them services (Hottinger 1966). Three kinds of clients can be identified: those who are rich and give the *za'im* electoral and financial support, poorer clients who can only vote for the *za'im*, and those who vote in a different constituency or are not enfranchised (Johnson 1977).

From this perspective, the Lebanese system has been a victim of clientelist networks and a coalition of political patrons to maintain selfish interests and the survival of sectarian communities. Politicians form interconfessional coalitions, during election times, to recruit various sectarian clients and maintain their privileges. The electoral system in Lebanon entrenches clientelism and hampers national political agendas. Salloukh argues that "interethnic alliances in postwar Lebanon have instead

institutionalized the clientelistic confessional political system, serving the interests of ethnic rather than national politicians, and concomitantly hardening sectarian animosity and robbing the electoral process of its prewar contestatory dynamics” (2006, 650). During elections period, Lebanese leaders use “competitive clientelism” to compete amongst one another in their pursuit to gain access to state resources and embed patronage (Lust 2009). Thus, voters elect these leaders to benefit from the available resources in addition to other services (Lust 2009). Moreover, campaign finance and sectarian media outlets play a vital role in Lebanese elections. Wealthy leaders can buy electoral votes, utilize media campaigns for their benefit, and offer social or charitable activities (El-Hoss 2010a). Most of the political leaders pay money to their clients to vote for them on elections day. Usually, half of the amount of the money is given beforehand and the second half is given after elections day to ensure that clients vote for their patron. Other than vote buying, politicians use certain methods – such as intimidation – to mobilize their followers (Johnson 1986).

Hence, Lebanese clientelism “will not be an easy death, because politicians have built machines that not only exploit individualism, but also encourage its persistence” (Johnson 1977, 208). The political system supports the existence of a clientelist system, where sectarian elites provide economic and social services to voters in exchange for their support. Being elected over and over again makes some families resilient in the Lebanese political system. If the first elected person in the family passes away, then his son or daughter or brother or even his wife take over his seat and perform his functions. Confessional citizens often support a certain political leader in order to maintain the privileges, favors, and services they want – services that in theory should be equally offered to all the citizens. Citizens also follow an elected leader based on his sectarian

identity rather than his political program or political platform to guarantee the power of the sect over other sects. Besides, leaders recruit *qabadayat* or strong-arm men to organize clients and carry out the leader's 'dirty' work during war and crisis (Johnson 2001).

In addition, sectarian elites are able to provide protection and services to their clients due to their powerful positions. The system is thus corrupt since citizens are overwhelmed by power and cannot criticize their sectarian leaders. They are also unable to hold their leaders accountable due to the services they are receiving from them. This makes a citizen part of a group that identifies him according to his neopatrimonial networks (Rosen 2006). Politicians try to offer as many services as possible to entrench their patronage, receive more votes, and mobilize more constituencies. However, most *zu'amas* benefit their clients to protect personal and sectarian privileges. It is worth noting that it is hard for a citizen to sustain essential services without having a *wasita* or a recommendation from a sectarian leader who – via his connections and power – ensures that his client gets the aspired service in exchange for loyalty. Thus, it is essential to use a *za'im's wasita* in order to be employed or promoted, to get medical care, enroll children in school, or deal with state institutions (Johnson 1986). In this sense, citizens receive services from their sectarian leaders rather than the state.

Currently, there are several national patrons or *zu'ama* for each community in Lebanon. Some of these sectarian leaders inherited their positions and sects' control from their fathers, and need access to state resources to maintain their power. Saad El-Hariri, the main Sunni leader, inherited his leadership after the assassination of his father Rafic in 2005. Walid Junblat, the main leader of the Druze, inherited his position after the assassination of his father Kamal in 1977. Talal Irsan is also another Druze

leader who inherited his leadership from his father Majid after the latter's death in 1983. Amine El-Gemayel, a Christian leader, inherited his position after the assassination of his brother Bashir in 1982.

Nonetheless, other sectarian leaders entered the ruling class after being warlords during the Lebanese civil war. The main Shiite leaders Nabih Berri and Hassan Nasrallah gained their leadership during the civil war and fighting against Israel. As for the Christians, both Michel Aoun and Samir Geagea played an important role during the civil war. Rather than trying to fix the situation and find a remedy for the conflict, sectarian leaders mobilized more supporters and constituencies to serve their own interests and gain more power to protect their sect from other sects. To our day, these sectarian elites maintain their political positions and consider themselves war heroes due to the high amounts of casualties they produced. Intraconfessional leaders even compete amongst one another in their attempt to drive solo and become the mere leaders of their sect.

In addition to national leaders, there are some local *zu'ama* whose power is limited to a certain city or town – such as Omar Karami of Tripoli who became a leader after the assassination of his brother Rashid in 1987. Suleiman Franjeh Junior of Zgharta also inherited his position after his father Tony was assassinated in 1978 and his grandfather Suleiman passed away in 1992. Furthermore, Ossama Saad of Saida became a leader after the death of his brother Mustafa in 2002.

To institutionalize this strong clientelist system, numerous associations, ranging from hospitals and schools to mosques and churches, offer services to sectarian citizens (Salem 1999). In this way, Lebanese politicians manage institutions to ensure that the sectarian regime prevails. Among these sectarian organizations is the Hariri Foundation

that provides several services to citizens – such as education and health services. Until June 2003, this foundation helped 31,614 Lebanese students from different religious backgrounds to pursue their education (Baalbaki 2009). There are also different foundations where sectarian elites provide numerous services to the orphans and the disadvantaged. Among these foundations are the Safadi Foundation, the Makassed Philanthropic Islamic Association of Beirut, Imam Sadr Foundation, Makhzomi Foundation, Al-Mabarrat Association, Social Welfare Institutions, Caritas Lebanon, and René Moawad Foundation, etc... Sectarian leaders use these institutions as a way to embed clientelism and provide services to their followers. All of these associations help the poor and needy to gain their loyalty through clientelist institutions. But the question raised is: How do state institutions maintain their legitimacy in the presence of clientelist leaders and a sectarian system?

2.6 – State Legitimacy and Corrupt Institutions

The Lebanese confessional system lost its legitimacy the moment it was born. The system merely creates civil strife and instability among Lebanese people. The country has failed to achieve a legitimate system based on power-sharing due to sectarian identities that control the state (Hudson 1988). Lebanon's institutions are permeated by neopatrimonialism, which impedes the development of national loyalties. This also allows political leaders to appoint their clientelist bureaucrats in state institutions to preserve the leaders' interests. The Lebanese Parliament is not a representation of citizens' needs as much as it is a representation of lingering clientelist privileges. The best formula that delineates the Lebanese government is: by sectarian leaders, for the sectarian leaders, and of the sectarian leaders. It is worth noting that

some appointed bureaucrats do not offer services to citizens unless they receive a bribe or the person has a *wasita* from a sectarian leader. This hinders the emergence of democratic institutions, and leads to an illegitimate system based on nepotism and despotism. Lebanese institutions thus create high ‘levels of distrust’ which hinder their legitimacy (Jamal 2007). The more clientelist networks permeate state institutions, the more the levels of trust decrease and Lebanese institutions fail to serve people’s needs.

Where legitimacy perishes, corruption prevails. Corruption is seeking gains by abusing authority, money, or doing illegitimate acts. Lebanon ranks twelve among corrupt Arab countries and ranks 130th internationally (El-Hoss 2010b). Corruption pervades Lebanese institutions and has its own mechanisms for stealing public money and gaining more illegitimate profits (Suleiman 2003). Sectarianism has created a corrupt system that only serves the interests of political leaders and protects them from punishment. The system “too often serves as a bulwark for corruption, precluding the prosecution of sectarian leaders for corruption-related perpetrations, as any charges are effectively portrayed as assaults against the sectarian community of the culprit” (El-Hoss 2010c, 301-302). These leaders utilize the confessional system to protect themselves and maintain more interests, thus sectarianism is used to impede serving the public interest and maintains corruption (Suleiman 2003). After the implementation of the 1992 constitutional reforms, corruption increased and paralyzed the country (Mattar 2004). Salim El-Hoss’s government sought to prosecute numerous political leaders and civil servants for abusing public funds, however, these attempts failed due to political pressure (Mattar 2004). The confessional system is thus unable to offer democratic state institutions. “What is seriously undermining democratic governance, the state and its institutions is the overlap between business, clientelist and sectarian interests to the

extent that all attempts to reform the system are perceived or discussed as attempts to “take away” the privileges of one community or the other” (UNDP 2009, 29). Talal Salman contends that no state can be established as long as the Lebanese are supporters of sectarian leaders. Furthermore, the Lebanese Constitution stresses the separation of the legislative, judicial, and executive government branches. However, this does not seem to be the case by practice (2011). The Minister of Justice interferes in judicial issues and some parliamentarians are also ministers (El-Hoss 2010b). This overlap of state branches increases corruption and hinders democracy.

One clear example of the overlap between sectarianism and corruption is the clash between former Minister of Telecommunications Charbel Nahhas, and General Director of the Internal Security Forces Ashraf Rifi. On 26 May 2011, more than fifty armed forces, under the supervision of Rifi and at Ogero’s General Director Abdelmonem Youssef’s orders, Nahhas was prevented from entering the ministry to lay his hands on a Chinese telecommunications network offered to Lebanon in 2007 (*As-Safir* 2011). The former Minister of Interior and Municipalities Ziad Baroud ordered the Internal Security Forces to leave the building but they refused to do so (*As-Safir* 2011). While Rifi and Youssef were protected from the former Prime Minister Saad El-Hariri, Nahhas was supported by Member of Parliament General Michel Aoun. However, due to his non-partisan status, Baroud was protected by no one. The state has thus collapsed to be distributed among the sectarian and confessional powers in the country (Salman 2011). This delineates how the state and its institutions remain a source of conflict among sectarian leaders in their pursuit for more privileges and authority.

Corruption is thus rampant in Lebanon due to sectarian leaders’ control over public institutions. It has become entrenched in people’s minds where it impedes

economic, administrative, human, and political development (Mattar 2004). Moreover, the lack of whistleblowers or anti-corruption techniques augments the level of corruption in Lebanon (El-Hoss 2010b). Accountability plays an important role in fighting corruption and repressing it. If violators are not held accountable or get punished, they will continue with their illegitimate and corrupt acts. The more time we spend without a legitimate state and reformed institutions, corruption will remain the president of Lebanon. As long as the sectarian system prevails, sectarian leaders will continue to take advantage of the corrupt and illegitimate state institutions. This emphasizes how politicians manipulate institutions to remain in power. Lebanon is thus a state of sectarian leaders fighting among one another to gain more power without any consideration of state laws. Sectarian leaders act as the primary dynamo of Lebanon and have more power than the state itself. From this perspective, they entrench a clientelist system where citizens become loyal to them rather than the country.

2.7 – Conclusion: Lebanese Citizenship or Sectarian Loyalty?

In a clientelist sectarian country like Lebanon, citizenship is hardly found due to the presence of multisectarian allegiances. Citizenship is the relationship between a citizen and his/her state where the former practices his/her rights and duties according to the law. It is the individual's political, social, legal, and cultural interactions with society and political institutions. However, Lebanese people are loyal to their sectarian groups and leaders instead of their country and its institutions. There is no collective national Lebanese identity but rather there are eighteen sectarian identities where each one of them interprets Lebanon and its history differently. Moreover, Lebanon's

consociational democracy makes individuals prefer their group identity more than the national one (Moubarak 1999).

Sectarian identities also emerge as an ideological means to rationalize self-interested politics (Telhami and Barnett 2002). In this sense, Lebanese sectarian leaders utilize sectarian discourse to gather more supporters and maintain their posts. Furthermore, the sectarian electoral system serves the interests of sectarian political actors instead of national ones. This system weakens patriotism and undermines national loyalty since it produces a dual allegiance to the sect and the state (El-Khalil 1988). It also impedes national unity and hinders the formation of a democratic system.

Loyalty to the sect is socially and culturally constructed and thus can be altered to tolerate the 'other' and view differences as a cultural multiplicity. One's sectarian loyalty should complement his/her loyalty to his/her country and no sect should undermine another sect's loyalty. The next chapter shows how sectarian elites control education. It investigates how the educational system perpetuates sectarian allegiances and impedes the formation of a national citizen who is loyal to his/her country.

CHAPTER THREE

THE EMBEDDED SECTARIAN EDUCATIONAL SYSTEM

“Education is a better safeguard of liberty than a standing army.”
Edward Everett

3.1 – Introduction

Parents, the state, religious men and their institutions, and educators determine the quality of education students receive (Bashshur 1999). In Lebanon, the educational system witnesses a clash between religious men and the state. Lebanese education is based on a secular system, yet Article 10 of the Constitution permits sectarian groups to open their own religious schools. This has made sectarian leaders enjoy substantial freedom in managing their private schools and universities (Harik 1999). This educational freedom dates back to World War I, when Mount Lebanon was under the rule of the Ottoman Empire (Kobeissy 1999).

This chapter investigates how sectarianism is institutionalized in the Lebanese educational system. It focuses on how the educational system creates a sectarian culture and perpetuates sectarian identities. The chapter begins with a discussion of the establishment of the first private sectarian schools during the Ottoman Empire. It shows how the Constitution gives privileges to sectarian groups and emphasizes the Taif Agreement’s recommendations to reform the educational system. Furthermore, the chapter analyzes why most parents send their children to sectarian schools having their same sectarian affiliation. It also examines how sectarian elites manipulate the history, civic education, and religious education subjects taught in schools to embed sectarian allegiances. Moreover, it looks at how sectarian elites hinder the formation of a national

Lebanese University by establishing numerous branches. The chapter concludes that sectarian elites hinder educational reforms to serve their own privileges.

3.2 – Education: From the Ottomans to the Lebanese State

In 1535 and under the pretext of commercial protection, France and the Ottoman Empire signed an agreement that gave the former privileges to protect the Christians living under the Ottoman rule, and renewed it in 1673 and 1740 (Kobeissy 1999; Bahous et al. 2010). In 1636, the French opened the first private school in Mount Lebanon followed by the first French Jesuit missionaries' school in 1734 (Bahous et al. 2010). In the eighteenth and nineteenth centuries, numerous missionaries established their schools to teach their religion. In 1846, the Ottomans issued a law that allowed sects to open their arts, sciences, and industry schools (Bahous et al. 2010). They then issued another law in 1869 that classified schools into public ones administered by the state and private ones administered by social groups and individuals (Kobeissy 1999; Bahous et al. 2010). American Presbyterians established the Syrian Protestant College (currently known as the American University of Beirut) in 1866 and the French Jesuits opened the Saint Joseph College (currently known as the University of Saint Joseph) in 1875 (Kobeissy 1999). The Americans opened around one hundred thirty-two schools, the British-Syrian missionaries established forty schools before World War I, the French Jesuits were also active, and the Muslims opened their own schools but in lesser amounts than the Christians (Frayha 2004). The French hardened this principle by supporting foreign missionaries and private groups to open schools, under the pretext of protecting Christians from the Ottoman Empire. This allowed Christians to be autonomous in administering their education, while public schools that Muslims

attended were neglected (Kobeissy 1999). However, few secular schools were found in Mount Lebanon – such as Boutrous Al-Boustani’s school that was established in 1863 (Kobeissy 1999).

Foreign education allowed missionaries to cultivate a sectarian educational culture and stress students’ allegiances to foreign countries. Lebanese preferred missionary and sectarian schools, partly to protect their religious practices, but also because public schools used Turkish as the language of instruction.¹¹ The latter were also viewed as schools for poor Sunnis (Bahous et al. 2010). Missionary schools were only present in Christian areas whereas public schools were found in poor Muslim areas (Kobeissy 1999). This allowed the emerging of numerous conflicting concepts of nationalism, identity, and loyalty among the Muslim and Christian Lebanese who attended different schools (Bahous et al. 2010). Muslims paid allegiance to the Ottoman Empire while Christians were loyal to France and Britain.

In 1876, the Ottomans established several public schools to limit religious men’s power (Kobeissy 1999). However, these schools had a low educational quality and little amount of government aid (Kobeissy 1999). By 1919, all sects had established their own schools – whether local or foreign – and educational systems (Bahous et al. 2010). In 1919, private schools reached 88.6% of Lebanese schools: 39.2% were foreign schools and 49.4% were local schools; public schools did not exceed 11.3% (Kobeissy 1999).

The formation of Greater Lebanon in 1920 did not change the existing educational system but rather gave more privileges to sects to manage education and empower their institutions. Each sectarian group provided its students with selected

¹¹ The Arabic language was added to the public schools’ curricula in 1913.

knowledge and values that served the sect's interests (Kobeissy 1999). In 1943, the government amended the educational system as a means to unify the Lebanese people (Frayha 2004; Bahous et al. 2010). Numerous legislations were issued to create new curricula that strengthened the Arabic language, restructured the Ministry of Education, managed private schools, and promoted public schools (Frayha 2004). However, the independence government did not change or amend Article 10 of the Constitution. Educational curricula were also revised in 1968 and were affected by Arabism and leftism. This gave private schools more freedom to promote their perspectives of civic allegiance and national identity which in turn had negative effects on Lebanese social unity (Frayha 2004). Ogarit Younan, the co-founder of the Lebanese Association for Civil Rights (LACR) and the Academic University for Non-Violence and Human Rights (AUNOHR) and a human rights activist, asserts:

The educational system and its schools were the main vein for the presence of sects and their power. If sects had not had sectarian schools, Lebanon would have been different today. When the Lebanese state was created, these sectarian schools became stronger and defeated the state.¹²

Nowadays, the Lebanese government continues to offer public education for those who are unable to afford private schooling (Harik 1999). The current educational system is divided among public schools that are established and administered by the state and offer education from kindergarten to secondary classes, free private schools that are non-profit schools established by recognized religious institutions and receive financial support from the state and provide education for elementary classes only, and private schools that provide education for all classes where parents cover financial expenses (Abu Rujeili 1999). Moreover, the number of private universities and schools

¹² Ogarit Younan, co-founder of LACR and AUNOHR, and a human rights activist, interview by author, 29 June, 2011, Beirut, Lebanon.

continues to increase in Lebanon. On 13 March 1996, the former Minister of Culture and Higher Education Michel Edde requested issuing licenses for numerous new private universities and colleges: opening three sectarian universities, transferring two colleges into universities, and establishing thirty-five new institutes and colleges (Bashshur 2003). On 5 October 1996, Presidential Decree No. 9278 approved Edde's request (Bashshur 2003). There was no objection to this decree that violated the criteria of establishing new universities and institutions because it served sectarian and business interests (Bashshur 2003). Each sect opened more colleges, universities, and institutes that allowed it to maintain its sectarian privileges and gain more financial assets. To this end, sectarian elites did not raise any objection to the opening of these new educational institutions since they all got their share. The following section will explain how the Lebanese Constitution preserves sectarian privileges.

3.3 – The Constitution and Sectarian Education

Article 10 of the Constitution allows religious communities to open their own schools. However, it stipulates that groups must follow government policies and not affect the freedom of other communities. Yet, this article does not mention the people's right to education which is a universal one and the role of the state in providing educational services to at least balance with the private sector. Nor does it call for compulsory education that should be provided at the national level.¹³ Younan contends that Article 10 gives priority to sects and makes the state secondary, and raises the question: "Why should Article 10 remain if there is already a law issued in 1950 that

¹³ Adnan El-Amine, co-founder of LAES and UNESCO consultant, interview by author, 21 April, 2011, Beirut, Lebanon.

regulates the opening of private schools?”¹⁴ Nemer Frayha, a professor of education and former president of the ECRD notes:

What is amazing about this article is that it has never changed or been amended even though the Constitution has been amended many times. It is a kind of a common understanding among the politicians to keep religious communities’ rights in education, through this article, and thus satisfy their demands.¹⁵

The current educational system is capable of constructing a sectarian culture among students due to the large amount of sectarian private schools. This sectarian ambiance is evident in the choice of teachers according to their sectarian identities, or the low level of social integration among students from different sects, or in the content of education, particularly in the social sciences subjects such as civic education and history that play an instrumental role in transferring a sectarian culture.¹⁶ Moreover, since the Lebanese civil war, public schools have lost their autonomy and neutrality to become subjugated to sects that educate people on sectarian affiliations and teach them religion, even though it is against state laws.¹⁷ Thus, the educational system perpetuates sectarian identities that are present in a constructed sectarian culture and in the sectarian system. From this perspective, then, education is the main weapon to creating divided sectarian identities that invade the spirit and mind because

when you teach students to belong to a certain sect and make them get used to a specific culture – clothes, greetings, and holidays the school celebrates – this creates sectarian identities, especially that the state’s supervision on private schools is nil.¹⁸

¹⁴ Ogarit Younan, interview by author, 29 June, 2011, Beirut, Lebanon.

¹⁵ Nemer Frayha, professor of education and former president of the ECRD, interview by author, 28 June, 2011, Beirut, Lebanon.

¹⁶ Ahmad Beydoun, Lebanese author and former professor of social sciences at LU, interview by author, 3 May, 2011, Beirut, Lebanon.

¹⁷ Ogarit Younan, interview by author, 29 June, 2011, Beirut, Lebanon.

¹⁸ Ogarit Younan, interview by author, 29 June, 2011, Beirut, Lebanon.

The main problem thus lies in the Lebanese state's weakness and inability to play a role in supervising history and civic education books.¹⁹ The following section will highlight the educational reforms recommended by the Taif Agreement.

3.4 – The Taif Agreement and Educational Reforms

Education was considered an indirect cause of the 1975 Lebanese civil war but one that can play at the same time an essential factor in Lebanon's social reconstruction (Frayha 2004). In a country that has witnessed a civil war, changing the educational curricula is essential. This was ultimately mentioned in the Taif Agreement and incorporated into the Constitution.²⁰ Moreover, school books are considered to be the most crucial characteristic of the curricula since it unites citizens around one ideology, spreads knowledge, and contributes to developing one's country and solving its problems (Al-Kayssi et al. 2007).

The Taif Agreement stated the necessity of reforming the Lebanese school curricula that promotes national integration and stressed unifying the history and civic education books. Taif also asserted that education should be mandatory, at least for the elementary level, in addition to reforming the Lebanese University, and public technical and vocational education. Furthermore, Taif emphasized the protection of private education while respecting general state regulations and laws (Frayha 2004). However, Taif is unclear about reforming the curricula and maintaining social integration.²¹ It does not provide a specific mechanism on what the curricula should include or how it should be implemented to achieve integration. Taif also does not set a timetable for

¹⁹ Ahmad Beydoun, interview by author, 3 May, 2011, Beirut, Lebanon.

²⁰ Ogarit Younan, interview by author, 29 June, 2011, Beirut, Lebanon.

²¹ Adnan El-Amine, interview by author, 21 April, 2011, Beirut, Lebanon.

reforming the curricula or oblige all schools to abide by it. Yet, the Ministry of Education assigned the ECRD to create new curricula and books (Frayha 2004).

In 1994, the government approved the ECRD's plan which tackled citizenship, national belonging, and internal peace (Frayha 2004). It was also agreed that the two committees chosen to write history and civic education books would include members from all sects so that no religious community is excluded and that books can be used in all schools (Frayha 2004). This shows that sectarian identities were considered in the educational reform process which might hinder the objectives of the reform process where each sect would want to include its own views. Rather than depending on a sectarian committee, expertise and professional experience should have been considered. In 1995, new subjects – such as arts, technology, economics, computer science, civics, sociology, and a second foreign language – were added to the curricula (Frayha 2004). On 8 May 1997, Cabinet approved the new curriculum for all subjects except history with Presidential Decree No. 10227 (Bashshur 2003). However, the 1998-1999 reformed curricula were merely mandatory for public schools while private schools remained autonomous in choosing their books, except civic education ones (Kobeissy 1999; Bahous et al. 2010). This highlights the weakness of the state that is unable to supervise the implementation of the curricula. It also emphasizes how sectarian private schools did not abide by the reformed curricula and continued to disseminate their sectarian knowledge. From this perspective, most parents send their children to religious schools having their same sectarian affiliation so that the children can obtain their sectarian knowledge and education.

3.5 – Parents and Religious Schools

Since 1949, parents have been sending their children to schools that reflect their religious identity (Frayha 2004). After the 1975 civil war, the number of eminent public and private schools in Beirut that had students from different backgrounds decreased (El-Amine 2009). The demographic changes caused by the civil war hindered social integration and increased people's fear from the sectarian 'other'. In this sense, citizens felt more comfortable in attending schools having their same sectarian affiliations.²² Few students enroll in private schools that differ from their sectarian affiliation because they offer better education than public schools with affordable tuition fees (Frayha 2004). Furthermore, Munir Bashshur, co-founder of LAES and professor of education at AUB, argues:

People in this country are becoming more sectarian and more religious. They feel more secure in belonging to a religion than belonging to a state, and their religious loyalty gives them more satisfaction. Thus, they enroll in their sectarian schools.²³

Other factors such as residence, school's policies, and tuition fees also determine which schools parents send their children to, however.²⁴

Yet, some Muslims enroll their children in Christian schools while Christians rarely do the same (Frayha 2004). Adnan El-Amine, a co-founder of LAES and consultant at the United Nations Educational, Scientific and Cultural Organization (UNESCO) stresses that

traditionally, Muslims were not used to sending their children to Muslim schools. If they did not trust public schools, they sent them to Christian schools because they had higher educational standards and due to social expectations.

²² Ogarit Younan, interview by author, 29 June, 2011, Beirut, Lebanon.

²³ Munir Bashshur, co-founder of LAES and professor of education at AUB, interview by author, 26 April, 2011, Beirut, Lebanon.

²⁴ Ahmad Beydoun, interview by author, 3 May, 2011, Beirut, Lebanon.

They considered Saint Joseph schools as having good quality because they taught good French with acceptable prices.²⁵

Research shows that public schools encourage tolerance among different religious members more than private schools do (Frayha 2004). A study confirms that public school students show higher percentage rates of belonging to their country than secular and sectarian school students (Alwa 2011). Another study conducted in 1997 shows that only 7% of Lebanese students were enrolled in religiously and geographically mixed schools (El-Amine 2009).

For the 2009-2010 academic year, the number of Lebanese pre-university students was 868,977 divided among 264,899 enrolled in public schools, 121,726 enrolled in free private schools, 481,183 enrolled in private schools, and 1,169 enrolled in the United Nations Relief and Works Agency (UNRWA) schools (ECRD 2010a). Currently, 70% of Lebanese students attend private schools while 30% attend public ones (Alwa 2011). However, private secular schools are few – such as the International College (IC) and the American Community School (ACS) – and thus most Lebanese students receive a sectarian education. Consequently, social integration among students from different sects decreases and is limited to people who can afford private secular schools. Hence, Lebanese schools form and reflect a sectarian culture among citizens rather than uniting them. This sectarian culture is also created by the content of religion, history, and civic education books taught in different sectarian schools.

3.5.1 – Religious Education

The educational system in Lebanon was a secular one that did not include religion as a subject in its curricula (Nahas 2001). However, the 1946 curricula

²⁵ Adnan El-Amine, interview by author, 21 April, 2011, Beirut, Lebanon.

introduced religion to be taught one hour in elementary and intermediate classes and two hours of “Religious Education and Morals” in secondary classes (Nahas 2001, 299). Private sectarian schools taught their sects’ or confessions’ religion and made it optional for students from other religions to attend these sessions (Nahas 2001). In 1973, numerous attempts were undertaken to cancel religious education from the curriculum, or replace it with a morals session, however, these attempts reduced religious education to once per week (Atrissi 2001).

After the Taif Agreement, the new 1997 curricula canceled religious education but kept it as an elective in public schools to be taught for elementary grades after school hours on Sundays and Fridays for two hours (Bashshur 2003; Frayha 2003). Muslim and Christian religious men opposed this decision and asked the government to include religious education in the curricula for at least one session per week during school time (Bashshur 2003; Frayha 2003; Frayha 2004). Religious groups pressured the government to adopt their demand. As Bashshur contends:

This was a very rare occasion when different groups agree. They went back to the government and put pressure on it to reinstate the number of hours in the curriculum for teaching religion.²⁶

This highlights how sectarian elites manipulate the state to maintain their interests. Removing religious education from the school curricula threatened all sectarian groups who demanded the government to reconsider its decision. On 1 October 1998, Cabinet issued Decision No. 73 to assign the ECRD to study reinstating religious education (Frayha 2003; Frayha 2004). The ECRD thus presented in 1999 the idea of teaching comparative religion that would promote national unity instead of religious instruction (Frayha 2004). Thus, on 12 November 1999, Cabinet approved

²⁶ Munir Bashshur, interview by author, 26 April, 2011, Beirut, Lebanon.

adding religion to the public schools' curricula to be taught once weekly except for third secondary classes, starting from the academic year 2000-2001, and delegated the ECRD to prepare unified books (Bashshur 2003; Frayha 2003). In this way, the government was subjugated to the will of sects who considered that most of their poor sectarian students are enrolled in public schools. Including religion as part of the public school's curricula is a

constitutional violation because public schools belong to the state. If sects unite then there will be a unified book. But is the objective of the state to unite sects or create an educational curriculum?²⁷

Numerous meetings were conducted with the Minister of Education Mohammad Beydoun and religious references to agree on the committee members (Frayha 2003). The assigned committee included the ECRD president, clergymen representing major sects, philosophy or theology specialists, and curriculum development experts from the ECRD (Frayha 2004). During the committee meetings, sects wanted to have two separate books, one for Muslims and another for Christians (Frayha 2003). The former president of the ECRD Nemer Frayha then met with some politicians who supported having one unified book for both religions and proposed this to the government (Frayha 2003; Frayha 2004). Thus, the committee meetings were delayed awaiting a decision from Cabinet regarding this issue (Frayha 2003).

On 10 October 2000, Cabinet announced that elementary classes should have two books, but each one of them should include a part that tackles the other religion, whereas secondary classes should have one book that tackles both religions and specifies a section to show the common values between the two religions, and that the ECRD should write these books (Frayha 2003; Bashshur 2003). Yet, after the

²⁷ Ogarit Younan, interview by author, 29 June, 2011, Beirut, Lebanon.

committee resumed its work, religious men insisted on having two separate books that do not mention anything about the other religion due to the difficulty of having one teacher who can explain the two religions (Bashshur 2003; Frayha 2003; Frayha 2004). Only one Druze *sheikh* refused having separate books because this would augment sectarian divisions in the country (Frayha 2004).

Consequently, the committee requested a period of three years to publish the unified books after Christians endeavor to create their own unified books, and Muslims do the same (Bashshur 2003). In 2006, Christians developed a unified book while it still seems hard for Muslims to do so.²⁸ The reason for not having created a unified Muslim book yet is unknown, but it may be that the sectarian cleavages among the Sunnis, Shiites, and Druze are so deep that they are not able to agree on a book. Moreover, there has been no decision regarding religious education till today and no curricula were developed regardless of the efforts made (Frayha 2003; Frayha 2004). This emphasizes that sectarian elites are afraid of change and are manipulating education for personal interests rather than seeking national unity.

A study conducted by Charbel Antoun shows that seventy-seven different religious books taught in private schools discriminate between religions, stress superiority over the other religion, and are based on indoctrination. Antoun highlights how the books differentiate between “Muslim and Christian,” “our faith and their faith,” and “us and them” (as cited in Frayha 2004, 190). In addition, religious education in Lebanon seeks to brainwash students’ minds where religion becomes the only source of knowledge and accepted morals (Nahas 2001). The numerous religious books taught in schools focus on each sect’s religious figures and traditions; how to pray, what is

²⁸ Munir Bashshur, interview by author, 26 April, 2011, Beirut, Lebanon; Ogarit Younan, interview by author, 29 June, 2011, Beirut, Lebanon.

considered a sin, how to go to heaven. For instance, the religion books from the series *Al-Islam Risalatuna* (Islam is our Message) are taught in Shiite schools. The book for grade five students questions the reader on page 182 whether he/she prefers to go to heaven or hell. It stresses that in order to go to heaven, one has to believe in God and abide by His laws or else he/she will go to hell (as cited in Younan 2000, 213). Another example is the series *Tariq Al-Mahaba* (The Path of Love) taught in Christian schools. The book taught for the first intermediate class questions the students about where they were born, when they were baptized, and the names of their church, priest, and godparents. This book activity then asks the students to list the names of their Christian friends to create a social religious group (as cited in Younan 2000, 250). From this perspective, religious education books stress sectarian identities and raise students to become sectarian. These books also use intimidation methods that increase students' fear from going to hell if they do not follow their sect's laws. To this end, students become sectarian and practice religion in order to escape from punishment.

Instead of teaching students to accept people from other religions, Lebanese religious education hardens the disparities between religions (Nahas 2001). Sectarian education ensures one's loyalty to the sect and teaches him/him to hate other sects and their symbols. This creates the image of the 'other' and forces people to differentiate between their sectarian group and others. It also creates inequality in the society and increases the feeling of fear from the sectarian 'other' (Younan 1999). Furthermore, religious education suppresses one's freedom and obliges him/her to follow a certain religion and abide by its habits, rituals, heritage, holidays, food, laws, and living (Younan 1999). During religious education sessions in intersectarian schools, some

students leave the class because it contradicts their religion. This increases one's feeling of being different from his/her classmates who remained in class.

Not all is bad with religious education, however. Talal Atrissi examines four major religious book series taught in Shiite, Sunni, Maronite, and Orthodox schools for intermediate classes (2001). The series *Al-Islam Risalatuna* is taught in 447 Shiite public and private schools for about 105,000 students. The series *Al-Tarbiya al-Islamiya* (Islamic Education) is taught in 70 Sunni schools for about 22,000 students. The series *Yasou' Tariqouna* (Jesus is Our Path) is taught in 39 schools for about 33,418 students, and the series *Lajnat Al-Ta'aleem Al-Diny Al-Orthodoxy* (The Committee of Orthodox Religious Teaching) is taught in Orthodox schools (Atrissi 2001). Atrissi concludes that while these religious books focus on one religion without explaining other religions, they also stress principles such as tolerance, virtue, and modesty, and do not encourage hatred between other religions (2001, 332). Thus, religious education should be situated in a matter that does not lead to social divisions and separate students in the same classroom (Frayha 2004). The following section highlights the debate pertaining to having a unified history book.

3.5.2 – Teaching History

Teaching Lebanese history strengthens national solidarity, citizenship, human rights, and the relationship between citizens and their country (Daher 2009). History education has triggered a debate over the years between different Lebanese factions. However, history books can pass on conflicts between different groups in the same country over the years. From this view, Lebanese schools still teach the 1971 history curriculum that is based on either Christian or Muslim affiliations (El-Amine 2009).

This old curriculum contains old information and methods, and should be changed.²⁹ Upon the recommendation of the Taif Agreement, the Lebanese government assigned the ECRD to unify history books.

The ECRD appointed a special committee that included members from several sectarian groups and history specialists to write books that can be adopted by all schools (Frayha 2003; Frayha 2004). Due to the divergent perspectives of the first two assigned committee members regarding Lebanon's identity and its relation with the Arab world, a third committee was appointed on 20 June 1997 (Frayha 2003; Frayha 2004). This committee included seven members who set the history curricula for all pre-university classes (Frayha 2003). On 10 May 2000, Cabinet approved the curricula with Decree No. 6/2000 after several consultations and examinations by the Council of *Shawra* and the Minister of Education (Frayha 2003; Bashshur 2003). On 22 June 2000, the new history curricula for grades two to six were published by Presidential Decree No. 3175 (Frayha 2004).

However, the Minister of Education Abdelrahim Murad objected to the title of lesson seventeen – “They Had All Gone and Lebanon Remained: Independence of a Country” – on page eighty-eight in the third-grade elementary book concerning the AD 636 Arab conquest of the current Lebanon (Frayha 2003; Frayha 2004, 187; Bashshur 2003). The title was interpreted as categorizing Arabs similar to other occupants of Lebanon, or that Lebanon does not belong to the Arab world (Frayha 2003; Frayha 2004; Bashshur 2003). The president of the ECRD Nemer Frayha proposed canceling the chapter while another member suggested removing the controversial page from the book, but Murad refused these suggestions (Frayha 2003). Furthermore, Murad objected

²⁹ Adnan El-Amine, interview by author, 21 April, 2011, Beirut, Lebanon.

to several facts that he considered “errors” in the book – such as the French nationality of Taha Hussein’s wife, the mandatory military enrollment of Kamel El-Sabbah in the Ottoman army that prevented him from continuing his education, and Gebran Khalil Gebran’s continuing his education in the United States (Frayha 2003). Frayha notes:

The textbooks were written in a very professional and educative way. I do not actually see a reason to make a fuss about the history textbook. It was easy to deal with what was considered as a shortcoming or a problem. Historically and politically speaking, the “Arab conquest” is the correct term to be used. When you say “Arab conquest,” you mean the nationality not that they are foreigners.³⁰

Changing the term “Arab conquest” would not have affected third-grade students’ ideologies or views towards Arabs since they are unable to form political opinions at an early age (Wehbe 2003). In addition, Murad requested examining the history books for grades four, five, and six before publishing them to send his comments to the Consultative Committee within forty-eight hours (Frayha 2003). On 9 October 2001, grade four and six books were submitted to the minister while grade five books were being inspected by the Consultative Committee (Frayha 2003). However, the books never left the minister’s office even after the end of his term. On 1 December 2001, Murad requested schools to temporarily replace the history session with civic education (Frayha 2003; Frayha 2004; Daher 2009). Ten days later, Frayha was suspended from his position (Frayha 2003). Some suggested that Murad requested suspending Frayha along with the General Director of the Ministry of Education Mtanious El-Halabi because they refused to pass on projects for Murad since that would violate the law (*An-Nahar* 2001). Murad thus delayed transactions of the ECRD and removed several privileges from El-Halabi (*An-Nahar* 2001). Frayha asserts:

It was beyond the minister’s prerogatives to suspend the books; the law does not give him the right to stop a textbook that was mentioned in the Taif Agreement.

³⁰ Nemer Frayha, interview by author, 28 June, 2011, Beirut, Lebanon.

The law indicates that the ECRD decides how the textbook should be written, printed, and published. I formed the committee and did not ask the minister and his advisors to be part of it. Thus, it was a personal revenge to stop a national project because they were not part of it. They disregarded professionalism and education and went after their ego to prove that they can do so.³¹

The minister's objection to the book was due to personal and political reasons rather than academic ones (Frayha 2003). Different regional and local actors affected the formation of the history book (Wehbe 2003). In this sense, sectarian elites manipulated the reform process to serve political privileges and sectarian interests. According to Frayha:

When those politicians started to interfere and stop the history book, they were actually killing this attempt to create a common memory for the postwar generation. They were perpetuating the ideas, values, and negative attitudes of the war because they themselves were symbols of the war, participated in it, and committed crimes against Lebanon during the war.³²

A new committee of ten historians was later formed to write a new book. It finished its work in 2005 but did not publish anything (Daher 2009). Recently, former Minister of Education Hassan Mneimneh formed a committee to create a new book and it presented the new book in a conference in March, however,

it is still a project. There is nothing new in the curriculum except that they added the post-independence period, the 1960s, 1970s, the civil war, the Taif Agreement, and the assassination of Prime Minister Rafic El-Hariri. But I do not think adding new material is the issue. It is good to add new material, but why would you put yourself in a situation where the assassination of El-Hariri is still a hot topic in our society? What should be changed is the methodology of teaching not the title of a chapter. It is a shameful curriculum!³³

Moreover, several religious groups rejected unifying history books in order to teach their own perspective of Lebanon and to maintain publishers' economic privileges (Frayha 2003; Frayha 2004). After suspending the ECRD books, publishing companies competed in publishing numerous history books (Daher 2009). In 2008, schools adopted

³¹ Nemer Frayha, interview by author, 28 June, 2011, Beirut, Lebanon.

³² Nemer Frayha, interview by author, 28 June, 2011, Beirut, Lebanon.

³³ Adnan El-Amine, interview by author, 21 April, 2011, Beirut, Lebanon.

more than twenty sectarian history books that lacked credibility, maintained students' allegiance to sectarian *zu'ama*, and served their image and role in Lebanese history (Daher 2009). A study conducted by LACR examines five different books for grade five; three were created in the pre-war period and two were created during the civil war. The study analyzes the content of these books regarding the image of Prince Fakhereddine, the East, the West, and the 1860 sectarian strife. The study concludes that each of these books show different perspectives and sectarian affiliations. For instance, one book highlights that the 1860 civil strife was a conflict among Christians and Druze, another one blames the Christians, while a third one stresses Ottoman and Western interests (*Bilad* 2007). In this sense, current history books exacerbate differences and divisions among Lebanese where each sect teaches its own version of history. Furthermore, history writing in Lebanon is based on including certain events while removing some important ones that happened in the country (Wehbe 2003). History books discuss past events without mentioning the present or learning from past experiences (Wehbe 2003). Schools currently teach history once per week for intermediate and secondary grades through student-centered lecturing methods (Daher 2009). The following section will discuss the new civic education curricula.

3.5.3 – Teaching Civics

Although the Taif Agreement called for unified civic education books, the Lebanese government interfered in the making of the books under the pretext of national unity (Harik 1999). However, politicians manipulated this objective to serve their own interests (Harik 1999). A committee was assigned to create the new civic education books and curricula (Frayha 2004). The objectives of the new civic education

curricula stressed the concepts of a Lebanese and Arab identity, tolerance, equality, the state and its institutions, empowering citizens, civil society institutions, environmental awareness, and justice (Harb 2007). The Council of *Shawra*, which included six members with different sectarian identities and political affiliations, approved the curriculum and referred it to the ECRD Specialists Council and the Ministry of Education (Frayha 2004). In 1995, Cabinet approved the general objectives of the curricula, and the books were published in 1997 for all grades (Frayha 2004). Currently, civic education is taught in schools during one session per week for grades one to twelve (Frayha 2004). However, most Lebanese students are enrolled in private schools. Consequently, it is not clear whether all Lebanese students are studying in the new unified book due to the government's inability to supervise public education (Khaledieh 2009).

Nor is the content of the new civic education books meets up to standards. While several institutions were informally consulted regarding the curricula, students' opinions were not taken into consideration (Frayha 2004). The new civic education books also suffer from ambiguity since they are dependent upon the authors' views and seek to inform rather than achieve certain objectives (El-Amine 2009). For instance, the civic education book for the third secondary class discusses media's freedom and its role in creating a democratic society, the role of confederations, Lebanese Diaspora, environmental issues, and the electoral process (ECRD 2010b). However, the book does not relate these abstract concepts to real-life examples from Lebanon and does not highlight the flaws in the Lebanese system. The books are didactic but lack the applied approach.³⁴ They encourage indoctrination and lack examples and activities that

³⁴ Munir Bashshur, interview by author, 26 April, 2011, Beirut, Lebanon.

empower students' skills. Furthermore, the content of the books can be obtained from public life which makes it unnecessary to have a new curriculum or unified books (El-Amine 2009). Moreover, the books do not mention the Lebanese political system (Frayha 2004). Surprisingly, the word 'sectarianism' is not mentioned in any lesson. As Younan notes:

How can you create a civic education book that should unite Lebanese in a postwar country like Lebanon without mentioning 'sectarianism'? This book should reunite Lebanese. Moreover, there are no specialized Lebanese teachers in civic education; they are either social sciences or Arabic teachers.³⁵

A study conducted by Adonis Acra shows that the new civic education curricula address "civil security" rather than "civil peace" (as cited in Frayha 2004, 192). It teaches theories that make students view civics as a subject studied only to pass exams, and do not include concepts such as democracy, meritocracy, sovereignty, and the independence of institutions (as cited in Frayha 2004, 192). Another study conducted by Aisha Zoreika stresses that the subject matter includes lectures more than introductory activities and participation; moreover, some activities are not related to the objectives, and most teachers are not social studies specialists (as cited in Frayha 2004, 192). The reformed civic education curriculum is not an effective one to create a sense of citizenship. Rather than tackling the Lebanese political system, the new books depend upon abstract theories that do not apply to the Lebanese case. This emphasizes that sectarian elites have escaped from discussing sensitive issues, such as political sectarianism and corrupt state institutions.

³⁵ Ogarit Younan, interview by author, 29 June, 2011, Beirut, Lebanon.

3.6 – The Case of the Lebanese University

In addition to pre-university schools and the impact of their teaching on citizens, the public Lebanese University has played an important role in Lebanese sectarian culture. Education in the Lebanese University started on 20 October 1951, but the legislative Decree to establish it was issued on 6 February 1953 (Abu Rujeili 1999). Law 75/67 specifies the role of the Lebanese University as a national public institution offering higher education to all Lebanese groups (El-Amine et al. 1999). The law stresses the university's administrative, educational, and financial independence from the government, but paradoxically retains Cabinet and parliamentary supervision over the university (El-Amine et al. 1999).

Between the 1960s and 1970s, the Lebanese University had students from numerous sectarian and political backgrounds. This increased social integration between Muslims and Christians (El-Amine 2009). In April 1968, Lebanese University students and teachers started a fifty day strike demanding a unified university campus, an increase in teachers' wages, more student scholarships, and the establishment of university restaurants (Traboulsi 2007). The university's administration did not respond to these demands, but the leftist student union continued protesting nevertheless (Traboulsi 2007). In March 1972, the union organized a strike to increase pressure on the university, and student groups forced the closure of private universities – the American University of Beirut, the University of Saint Joseph, and the Beirut Arab University – to support Lebanese University students (Traboulsi 2007). Student strikes continued over the years. They demanded a national university that uses Arabic as its language of instruction, provides scientific subjects that were only available in private universities, and makes education accessible to everyone (Petran 1987). The Lebanese

University student union strived to achieve these reforms regardless of the government's repression, and it became "the back-bone of the entire student movement" (Petran 1987; 141). The last student protest occurred only few days before the beginning of the 1975 civil war. During the war, its contribution to social movements decreased compared to the pre-war period (Traboulsi 2007; El-Amine 2009).

The Lebanese University has witnessed the opening of new campuses where one could find at least one branch or faculty in every area. Prior to 1975, students demanded establishing university branches outside Beirut to achieve decentralization and increase educational opportunities (El-Amine et al. 1999). However, Decree No. 122 issued in 1977, also "known as the Branching Decree", allowed for the establishment of new branches of the Lebanese University in different districts and in Beirut (Bashshur 2003, 171). Muslims opposed the university's branching because it would create partition in Lebanon, whereas Christians supported it because it would maintain freedom of choice and independence (Bashshur 2003). But when more branches were created, even opponents of new campuses sought to establish branches in their own areas (El-Amine et al. 1999). The Lebanese University consequently lost its national identity and became the victim of powerful militias and sectarian parties (El-Amine et al. 1999). The university also lost its autonomy and became dependent upon personal interests where political leaders assigned the administrative and educational committees of the different branches (El-Amine et al. 1999).

During the civil war, the level of social integration decreased between sectarian areas which entailed establishing new campuses. However, leaders manipulated the "Branching Decree" to gain privileges and harden confessional allegiances (Bashshur 2003). By 1982-1983, the Lebanese University had thirty-one campuses and each sect

wanted to establish campuses in its areas (Bashshur 2003). When the war ended these new campuses were utilized to establish demographic, geographic, and political positions; the winner of the war sought more privileges and the loser strived to have more branches for sectarian interests rather than academic ones.³⁶ In every district, even the small ones, there are branches for the Lebanese University belonging to different political parties that go beyond any rational need.³⁷ Political powers competed to gain more powers in the Lebanese University by appointing the university's president to influencing student activities (El-Amine et al. 1999). By 1997-1998, the number of branches increased to forty-three. Currently, there are forty-eight Lebanese University campuses in Lebanon. Numerous faculties suffer from the lack of financial assets and the deterioration of their academic standards (El-Amine et al. 1999). This stresses that politicians manipulate their ability to open new campuses to serve sectarian privileges without considering educational standards.

In 1997, Muslim students made up a majority in the five largest Lebanese University campuses, except in Eastern Beirut where Christians dominated (Bashshur 2003). Muslim Shiites were a majority in the South and Western Beirut branches, whereas Muslim Sunnis predominated the Bekaa and the North branches. Maronite Christians predominated the Eastern Beirut branch (Bashshur 2003). This emphasizes how social integration between Lebanese has decreased due to the establishment of numerous campuses. From this perspective, sectarian elites maintain the clientlist system and hinder social unity to sustain their power. For the academic year 2009-2010, 72,813 students were enrolled in the different Lebanese University campuses; 65,381 of them were Lebanese and 7,432 non-Lebanese (ECRD 2010a). 25,449 students attended

³⁶ Ogarit Younan, interview by author, 29 June, 2011, Beirut, Lebanon; Ahmad Beydoun, interview by author, 3 May, 2011, Beirut, Lebanon.

³⁷ Adnan El-Amine, interview by author, 21 April, 2011, Beirut, Lebanon.

the first Lebanese University branch, 13,264 attended the second branch, 13,819 attended the northern branch, 6,892 attended the Bekaa branch, and 10,877 attended the southern branch (ECRD 2010a). These branches offer educational opportunities to all social segments due to the low tuition fees, approximately 300,000 Lebanese pounds per year. However, it is mostly restricted to the poor who are unable to cover the expenses of private universities and due to its weak educational standards. Although Taif stressed the reform of the Lebanese University, there has been no initiative. Sectarian elites seek to maintain the system in order to open more campuses and increase their sectarian and economic interests.

3.7 – Conclusion: Education or Personal Interests?

The aforementioned cases demonstrate how sectarian leaders hinder reforming the educational system. From this perspective, sectarian leaders use the educational system to preserve their power and interests. If the educational system changes, this may undermine the hold of sectarian identities and lose partly the power of sectarian elites. Some politicians offer neopatrimonial educational services and scholarships to different sectarian factions, or assign teachers and administrative committees, in different schools, to gain their support. In this way, they manipulate education to impose a clientelist system that serves their personal interests. This shows that the real players in the Lebanese political arena are sectarian elites rather than the state. Sects are able to control schools and harden sectarian identities. However, this creates deep disparities among the Lebanese people and leads to more conflicts and wars that can be easily ignited in a country that has already witnessed two civil wars. Not having a session for religious education in schools that teaches about different religions and a

common view regarding the history and facts of the country hardens sectarian identities and hinder social integration. Furthermore, the inability to produce civic education books that teach citizenship, or establish a national public Lebanese University creates the image of the sectarian ‘other’ and increases fear among sects. Thus, the educational system in Lebanon requires major reforms, if not changes, to limit the sectarian cleavages and create a unified national identity among students and citizens. The next chapter examines sectarian personal status laws and how sectarian elites have resisted civil marriage in Lebanon.

CHAPTER FOUR

THE SECTARIAN WALL AGAINST CIVIL MARRIAGE

“Each one prays to God according to his own light.”
Mahatma Mohandas Gandhi

4.1 – Introduction

On 13 March 1936, the French High Commissioner Damien De Martel issued Decree No. 60 L.R. The Decree recognizes eighteen sects in Lebanon – twelve Christian, five Muslim, and one Jewish (Zayd El-Zein 2010a). Fifteen personal status laws administer the affairs of these eighteen recognized sects concerning marriage, family relations, child custody, inheritance, and divorce (Khattab 2010). The Lebanese state prohibits civil marriages in Lebanon, but accepts ones performed abroad. The latter follows foreign civil laws; i.e. laws that regulate a state’s political, social, and economic system without relying on religious laws (Baghdadi 1998).

This chapter examines how Lebanese personal status laws construct sectarian identities, and how sectarian elites hinder national integration by hampering civil marriage. It begins with a discussion of the different decrees that have embedded sectarian laws in Lebanese society. The chapter tackles the proposed optional civil personal status law concerning civil marriage and the debate it triggered. It then shows how the current Lebanese personal status laws violate human rights. The chapter concludes by examining how political and religious elites strive to maintain their interests by preventing any change or reform.

4.2 – Sectarian Personal Status Laws

Decree 60 L.R. was issued to administer sectarian personal status codes while emphasizing the right of people to follow civil laws. Article 10 of the Decree, amended on 18 November 1938, asserts that Lebanese and Syrians belonging to a recognized sect should abide by their sects' laws, whereas those who do not belong to any sect or follow ordinary laws should abide by civil laws (Zayd El-Zein 2010a). Article 14 of the Decree declares the following: "The sects follow an ordinary law regulating their affairs and managing them freely within the limits of civil laws" (UNDP 2009, 76). Furthermore, Article 17 of the decree stresses that "personal status matters for Syrians and Lebanese belonging to one of the sects mentioned in Article 14 and following, or those not belonging to one of these sects, shall be subject to civil law" (UNDP 2007, 76). These articles stress the formation of a civil law that governs people who wish to follow them. On 18 November 1938, Decree No. 146 L.R. was issued to amend Decree No. 60 L.R. However, Muslims objected to the decrees and demonstrations took place in Beirut and Damascus in 1938 (Traboulsi 1998). Thus, on 30 March 1939, the French High Commissioner Gabriel Puaux issued Decree No. 53 L.R. excluding Muslims from Decree No. 60 L.R. and Decree No. 146 L.R. that administer personal status matters and allow people to abide by civil laws (Traboulsi 1998; Moukheiber 1998; Zayd El-Zein 2010a).

Muslim clergymen thus proscribed the emergence of a civil law that citizens can follow, and forced Muslims to abide by the sectarian personal status laws based on the Islamic *Shari'a*. On 2 April 1951, a law was issued that indicates in its Article 16 that if Lebanese belonging to any Christian or Jewish sect receive a civil marriage in Lebanon it would be considered invalid (Moukheiber 1998). The same thing was later applied to

Druze receiving a civil marriage in Lebanon (Al-Qazzi 2007). Thus, the only people who can follow civil laws are either those who do not belong to any sect or those who belong to a sect following civil laws (Moukheiber 1998).

On 1 December 1924, Decree No. 2851 obliged all people living in Greater Lebanon to create personal status documents (Zayd El-Zein 2010b). However, on 7 December 1951, the Lebanese state amended this decree and issued a law to regulate all personal status documents concerning birth certificates, marriage, divorce, death certificates, marriage annulment, and religious conversions (Traboulsi 1998). The French and later the Lebanese authorities imposed the personal status law system on the Lebanese which in turn hardened sectarian identities. These personal status documents hindered people's freedom and obliged them to submit an application to the specialized authorities if they wished to convert to another sect (Traboulsi 1998). From this perspective, Lebanese citizens became members of sectarian groups.

On 2 April 1956, a law was issued to establish sectarian courts. Article 33 of the law indicates that all sects should provide their bylaws to the Lebanese state to be recognized (Mesqawi 1997). Yet, some laws have not been presented even though they are adopted as legal customs (Mesqawi 1997). For example, in 1991, the Catholics adopted new laws according to the Vatican even though it is illegal to do so without passing this change through Parliament, whereas the Greek Orthodox Church published its laws in November 2009 (Zalzal 1997; Khattab 2010). Paradoxically, some sects were recognized before they published their bylaws. This shows that sectarian groups do not abide by the state's regulations. From this view, every sect manages its own personal status matters without taking into consideration what is legal and constitutional. Sects also administer their laws without the interference of the Lebanese state which does not

impose penalties on violators. However, the Court of Cassation can interfere in the ruling of sectarian courts if there was incompetency or violation of civil order (UNDP 2009). Rather than regulating and supervising the work of sectarian courts, the Lebanese government funds these courts from its budget. In 2010, the expenditure of the government's general budget on sectarian courts reached approximately 14.7 billion Lebanese pounds (*The Monthly* 2011).

Article 9 of the Lebanese Constitution underlines the state's respect of all sects and their personal status matters. The Lebanese citizen thus abides by his/her sectarian laws and courts "from the cradle to the grave but does not participate in or benefit from effective state oversight over religious authorities" (UNDP 2009, 70). Not belonging to a sect in Lebanon is impossible with the absence of a civil personal status law. Any individual who leaves his/her sect has to convert to another sect and follow the new sect's personal status laws. Furthermore, people belonging to a sect having no personal status laws – such as the Ismailis or Bahais – do not enjoy personal status rights. Thus, such sects have to convert to a recognized sect and follow its personal status system (UNDP 2009). From this perspective, the Lebanese personal status system denies some citizens their inalienable rights and forces them to be members of a recognized sect.

Lebanese sectarian personal status laws prohibit performing civil marriages in Lebanon. However, the number of Lebanese who are having a civil marriage is constantly increasing due to personal beliefs or because some Christians want to escape from divorce or marriage annulment restrictions (Al-Qazzi 2007). Lebanese citizens wishing to receive a civil marriage can do so abroad according to foreign laws and they then settle their marriage matters in the Lebanese civil courts that recognize such marriages (UNDP 2009). Lebanese consulates abroad are informed about the performed

civil marriage and they send its contract to Lebanon to register it in the specialized personal status systems (Al-Qazzi 2007). But would it not be easier for the Lebanese government to issue civil laws for its own citizens? Lebanon has witnessed several attempts to implement civil personal status laws, however, they have all failed. The following section examines these attempts.

4.3 – The Battle for an Optional Civil Personal Status Law

So far the Lebanese state has hindered any attempt to formulate an optional civil personal status law for those who wish to do so. In 1971, the first such draft law was written by Abdullah Lahoud, Norma Melhem, and Joseph Moghaizel, and was adopted by the Democratic Party (Al-Sabie 1998; UNDP 2009). In 1972, August Bakhous, the co-founder of the Democratic Party, chaired Parliament's Administration and Justice Committee and labeled this draft law on the committee's agendas twice yearly. However, the draft law's legislation discussion was adjourned due to the civil war (Al-Sabie 1998; UNDP 2009). On 17 July 1997, the Syrian Socialist National Party also proposed a draft law to the Parliament's Administration and Justice Committee (Beydoun 1999). Debate over the issue took place but most sects refused it.

The latest attempt was done by former Lebanese President El-Hrawi. On 22 November 1996, El-Hrawi declared his initiative to promulgate an optional civil personal status law, and repeated his suggestion on 25 November 1996 (Al-Sabie 1998; Beydoun 1999; El-Hrawi and Mnassa 2002). El-Hrawi assigned a committee of legal experts representing all Lebanese sects to formulate a civil personal status law (Dagher 1998). The committee members considered all religious laws, but they disagreed on inheritance issues and the marriage of a Muslim woman to a Christian (Dagher 1998).

This was mainly because Islam forbids Muslim women from marrying a non-Muslim man and also prohibits non-Muslims to inherit from Muslims. On 16 February 1998, El-Hrawi announced his draft law. He explained that the proposed law would help achieve democracy, respect human rights, provide equality between men and women, maintain the autonomy of legislation from religious beliefs, strengthen family and marriage bonds, and manage divorce on reasonable basis (Bakhous 1998). El-Hrawi's law asserts that people wishing to receive a civil marriage should abide by the civil laws of the civil courts (Zayd El-Zein 2010a). In addition to tackling marriage issues, the law discusses adoption, inheritance, child custody, divorce, family matters, raising kids, and forbids having multiple wives (Zayd El-Zein 2010a).

Two divergent opinions emerged regarding the proposed law: some people supported the law while others opposed it. The *mufti* of the Republic Mohammad Rachid Qabbani refused the proposed law under the pretext that it contradicts Islamic principles (Beydoun 1999). Different sectarian elites also opposed the proposed law suggesting that the political situation does not make it the right time to discuss abolishing political sectarianism (Beydoun 1999). Others argued that people wishing to receive a civil marriage can do so abroad and that it is not the prerogative of the state to manage personal status laws (Beydoun 1999). Furthermore, Muslim and Christian clergymen argued that this law disregards all religious principles regarding marriage. Muslims stressed that the law is illegal pertaining to issues of inheritance, adoption, the marriage of a Muslim woman to a non-Muslim, and polygamy (Beydoun 1999).

Even regional actors intervened and presented their opinions on the issue. The Saudi *mufti* Abdelaziz bin Bazz along with five other Muslim scholars declared that the proposed law is against Islamic laws and all religions (Beydoun 1999). While Iran and

the Vatican remained silent on the issue, their local allies presented their perspectives. Hezbollah Secretary General Hassan Nasrallah refused the proposed law, and the Lebanese Catholic churches that follow the Vatican also refused it (Beydoun 1999).

Advocates of the proposed law argued that the law respects human rights, women's rights, one's freedom in choosing their partner, and that the Lebanese Constitution stresses human rights and freedom of belief (Beydoun 1999). Furthermore, implementing an optional civil personal status law does not mean adopting blasphemy or annulling religious laws, but rather strengthening national integration (Al-Sabie 1998). Christian advocates argued that the Vatican accepted both civil and religious marriages and left the choice for people, whereas Muslim advocates argued that Lebanon is not an Islamic state and there are several laws in Lebanon that contradict Islam and its *Shari'a* – such as alcohol trade, legalizing gambling, and the penal code (Melhem 1998; Beydoun 1999). On the other hand, there are many advocates of the law. They consist of intellectuals and civil society activists. However, they are incapable of making a change to the law due to their lack of political and religious influence (Beydoun 1999).

On 18 March 1998, El-Hrawi submitted his proposed optional personal status law to Cabinet (Al-Sabie 1998; Beydoun 1999). A strong majority of the Cabinet endorsed the proposed law; twenty-one ministers voted for the law while six others, represented by former Prime Minister El-Hariri and his ministerial bloc, voted against it. Suleiman Franjeh refrained from voting, and Walid Junblatt – who declared his support for the law – and Hagop Demrejian did not attend the session (Beydoun 1999). Sources suggest that El-Hariri refused to sign the draft law because it would weaken Sunni power (Reinkowski and Saadeh 2006). This draft law would give priority to civil

courts to manage citizens' personal status matters rather than referring to sectarian courts and empowering the confessional system. In this sense, El-Hariri violated the Lebanese Constitution which stipulates that a bill having a two-thirds majority votes in Cabinet becomes a law. Thus, the draft law never reached Parliament for final approval but was rather shelved (Beydoun 1999; UNDP 2009). From this perspective, statesmen hampered any attempt to implement it because they feared losing their interests and power. It was a battle between sectarian elites. In their pursuit to gain more privileges and power, sectarian elites followed "the interest of their sects, bringing the country to the brink of fragmentation" (Reinkowski and Saadeh 2006, 107). Muslim citizens who supported El-Hariri opposed the law, while Maronites who supported El-Hrawi supported the law. The other major sects in the country based their opinion regarding the proposed law on their political-sectarian affiliations.

Lebanon has not yet formulated a civil personal status law so it would not affect the sectarian balance in the country or decrease the power and privileges of religious men. In this sense, religious men forbid civil laws in Lebanon so that people do not have other options than being imprisoned in sectarian laws. This hinders Lebanese citizens from receiving a civil marriage in their own country and forces them to travel, receive a civil marriage abroad, and follow foreign laws. Sectarian and political elites also seek to maintain the current balance and cohesion of sects. Any attempt to change the system might be seen as an attempt to overthrow existing powers and change the sectarian edifice. Some political parties that used to be progressive are now afraid that extremist groups might rule the country. As Marie Rose Zalzal, a Lebanese lawyer and human rights activist, contends:

Individuals benefiting from the sectarian political system might believe that a new sect – a nineteenth sect – is emerging in the country which might compete

with them and steal their interests. The nineteenth sect might ask for Grade One employees, parliamentary seats, ministers, or a prime minister. Thus, sectarian elites close the door for such debates.³⁸

In this sense, sectarian leaders maintain their authority and satisfy their political interests without having any competitors. The Lebanese consociational system is based on power-sharing where major sects divide power among them. Thus, any attempt to change the current political system would mean a change of power balance where one sect might obtain more shares than the others.

Sectarian elites, both political and religious, also fear they will not be able to control people if civil laws were available. The draft law would limit the influence of sectarian elites on their constituencies, and hinder their ability to control the latter through sectarian laws. Furthermore, sectarian religious authorities prohibit civil marriage to preserve their own interests. Sectarian courts and judges who receive bribes to settle certain matters are the main opponents of civil marriage.³⁹ El-Hrwai contends that the law was resisted by religious leaders because if civil courts were followed, the state would stop financing sectarian courts and thus the payroll of sectarian judges would be terminated (El-Hrawi and Mnassa 2002). Thus, sectarian elites block any attempt to discuss civil laws and base their arguments on religious values and political circumstances. In this case, people feel that they have no choice but to abide by existing sectarian laws. Religious men utilize coercion as a means to force people to act as the former wishes and comply with their laws. They persuade citizens that if they follow sectarian laws they will be rewarded in the afterlife and avoid God's punishment. As Beydoun notes:

³⁸ Marie Rose Zalzal, Lebanese lawyer and human rights activist, interview by author, 30 July, 2011, Beirut, Lebanon.

³⁹ Ahmad Beydoun, interview by author, 3 May, 2011, Beirut, Lebanon.

Sectarian elites emphasize that civil marriage violates religion and God. They use religion as the sacred weapon to intimidate people and reject civil marriage.⁴⁰

Thus, religious people directly foreclose the option of receiving a civil marriage for fear of going to hell. However, religion's purpose is not to intimidate people and oblige them to follow its laws. Marriage should not depend upon intimidating religious reasons as much as it should rely on personal convictions. Nor are legal principles static. They are rather a function of existing cultural and political circumstances.

During the early centuries, Christian marriages were held at state courts prior to churches that forbid intermarriages in the fifth century (Kefrouni 1997). Wael Hallaq (2007) reminds us that in the age of the pre-modern state *Shari'a* was not only a legal or judicial doctrine, but it was also entrenched in social relations, economics, ethics, morality, intellectuality, in addition to various cultural norms. This made social morality inseparable from *fiqh* and its legal reasons. It was a way of living. However, the advent of modern Western institutions and laws replaced *Shari'a* and became alternatives of *fiqh*. The modern state implemented laws in order to discipline citizens and created legal institutions that were above the social order (Hallaq 2007). In the process, *Shari'a* itself was transformed (Hallaq 2007).

Modern Islamic laws should be based on *Shari'a* but adaptive to contemporary circumstances. Every citizen is supposed to follow certain religious institutions and settle his/her matters according to sectarian laws. A Muslim person cannot get married without the presence of a *sheikh*. Religious jurists specialized in different issues – such as divorce – use mediation/arbitration methods in conflict resolution. These traditions are similar to the traditional law. However, time has changed, and thus there is a need

⁴⁰ Ahmad Beydoun, interview by author, 3 May, 2011, Beirut, Lebanon.

for new laws. From this perspective, adopting modern and civil laws does not contradict religion but rather develop its methods to serve people's needs.

Hallaq unpacks two types of reform to the *Shari'a*: religious utilitarianism and religious liberalism, each relying on its own methods of *ijtihad* or jurisprudence (1997). Religious utilitarianists base their legal theory on public interest and depend upon a number of early principles of Islamic jurists. Muhammad 'Abduh was the first religious utilitarianist who created a theology for restructuring legal ideas and argued for harmony between revelation and sound reason. On the other hand, religious liberals differentiate between godly religious ideas and man-made religious explanations. They also rely on the historical framework of Qur'anic verses and revelations in their pursuit to comprehend revelation as text and context at the same time (Hallaq 1997). The religious liberals can be seen as similar to Al-Ghazali, in the sense that they do not take religion as it is but try to analyze it. Al-Ghazali did not accept the traditional religion or abide by the Qur'an as it is but rather went on a journey to truly find the meaning of religion. *Sheikh* Abdullah Al-Alayli uses Qur'anic verses in his jurisprudence to conclude that the marriage of a Muslim woman to a non-Muslim man does not contradict *Shari'a* laws but is rather based on old tribal values that forbid exogamy (intermarriage) and favor endogamy (intramarriage) (1992). One should realize that the Islamic system cannot prevail for different centuries where the social and cultural context of the society has changed. Therefore, Islamic law should be modified according to the era and life people are living in. In the case of liberals, *Shari'a* can be analyzed within the current social and cultural context. Thus, religious men, particularly Muslims, opposing civil marriage should comprehend that accepting civil

marriage does not contradict religious laws but rather complement them to make people's lives easier in the modern world.

Furthermore, a survey shows that since 1987 the acceptance of intermarriage has slightly decreased among adults while increasing among young citizens (UNDP 2009). The survey indicates that the level of condoning intermarriages changed from one governorate to another where male students in Beirut recorded the highest level. This acceptance is due to an increase in tolerating difference, participating in extracurricular activities and decision-making processes, accepting gender equality, and comprehending citizenship notions (UNDP 2009). A survey conducted by *As-Safir* newspaper and the Center for Development Studies and Projects shows that two-thirds of the Lebanese refuse the idea of civil marriage, while teenagers between the age of fifteen and twenty-four mostly accepted the idea of civil marriage in addition to widows, single, and divorced people (*Ma'loumat* 1998). The study asserts that accepting the idea of civil marriage increases with the increase of education. 28.5% of the Lebanese people accept it and they are divided among: 61.6% of the Orthodox, 55.5% of the Maronites, 44.2% of the Catholics, 41.4% of the Druze, 16.6% of the Shiites, 10.2% of the Sunnis, and 45.8% of other sects (*Ma'loumat* 1998). This highlights that the idea of civil marriage and number of people wishing to follow civil laws is increasing over the years. Moreover, for some people to accept it means that they believe in its principles. Thus, there is a need to implement an optional personal status law. Yet, some sects refuse intermarriages due to social and historical fanaticism – such as the low level of intermarriage between different Muslim sects (Kefrouni 1997). From this perspective, the optional civil personal status law can increase social

integration and national unity. The following section highlights the law's positive aspects and recommends some amendments.

4.4 – Civil Marriage: Sufficient or Flawed?

The proposed law is optional rather than obligatory which means it respects the Lebanese Constitution and freedom of belief. Receiving a civil marriage does not prevent an individual from receiving a religious marriage. Non-recognized sects are forced to convert to a recognized sect or perform a civil marriage abroad because there is no Lebanese civil law, however, individuals who are unable to financially afford their travel expenses cannot get married (Zalzal 1997). Some people also evade sectarian laws by traveling to a foreign country to receive a civil marriage. In this sense, Lebanese sectarian personal status laws are making citizen's lives harder and forbidding them from getting married in their own country.

Furthermore, some Sunni daughters are forbidden to inherit from their fathers, thus forcing them to convert to another sect (Zalzal 1997). Implementing an optional civil marriage asserts that people marrying from other religions do not convert to another religion out of obligation but rather out of belief (Khodor 1998a). Moreover, Muslims reject the idea of a Muslim woman marrying a Christian man because he might force her to follow his religion. However, this is not the case nowadays where there is mutual respect between the couple and freedom of belief (Khodor 1998a). El-Hrawi's law would produce national integration, maintain equality among citizens, and empower state's sovereignty and ability to manage personal status laws (El-Halabi 1998). By implementing El-Hrawi's law, people would not fear marrying from other sects or religions. Thus, social integration among citizens would increase and they would be

discriminated against according to their sectarian affiliations. The draft law would also ensure that Lebanese follow their country's laws not foreign ones. This would ensure that the Lebanese state is autonomous from foreign laws and can provide its citizens' demands. Furthermore, the draft law is a prerequisite to abolishing political sectarianism, as stipulated by Article 95 of the Constitution (El-Halabi 1998).

Article 110 of the proposed law allows sectarian courts to deal with inheritance matters, and asserts that couples from different religions can inherit from one another (Zayd El-Zein 2010a). This means that in civil intermarriages, the living person inherits from the deceased partner according to the latter's sectarian laws, whereas in intramarriages the living person inherits according to his/her sect's laws. Non-Muslim sects follow the inheritance civil law of 23 June 1959 that ensures equality between men and women, while Muslims follow *Shari'a* laws and jurisprudence (Mokarzel Hshaimah 2011). However, this article has some implications and cannot be applied. Law 1959 does not depend upon religion in inheritance matters, however, Article 9 of this law sets a condition that the religion of the person inheriting does not forbid non-Muslims from inheritance as well (Najem 2011). On the other hand, Islamic laws forbid non-Muslims from inheriting from a Muslim. Hence, Muslims cannot inherit from non-Muslims and vice-versa (Najem 2011). *Shari'a* laws also do not allow Druze to inherit from Muslims because they are not recognized as a sect of Islam. Thus, the only solution to guarantee inheritance would be that one of the couple converts to the other's sect when both are still alive. However, things become complicated if one of the partners is a Druze. If a Druze person converts to another sect, he/she can never rejoin the sect. It is also impossible that a non-Druze converts to the Druze sect since no one can join the sect unless he/she is born a Druze. Inheritance problems can also arise for children whose

parents have different religions and received a civil marriage abroad (UNDP 2009). Thus, Article 110 of El-Hrawi's law might be contradictory to the principle of having a civil law that is independent from religious laws. From this view, this Article needs to be amended to suit civil laws and the interests of the people who receive a civil marriage. The whole point behind receiving a civil marriage is to be liberated from all sectarian prisons and binding laws. A proposed civil personal status law should be wholly based on civil laws without depending on religious laws in any point whatsoever.

Nevertheless, debate persists about which laws to follow in cases where a couple simultaneously receives a civil marriage and a religious one (Al-Qazzi 2007). Some courts follow the laws of the marriage that was performed first, others follow religious laws, while others follow the laws of the registered marriage (Al-Qazzi 2007). Article 79 of the Code of Civil Procedures indicates that civil courts are specialized in settling disputes occurring in a marriage performed abroad between two Lebanese or a foreigner and a Lebanese, depending upon the civil laws of the foreign country. However, the Article continues as follows: "The provisions of laws connected to the competency of *Shari'a* and Druze courts shall be respected, if both parties to the marriage are Muslims and at least one is Lebanese" (UNDP 2009, 76). Thus, if two Muslims received a civil marriage abroad and want to get a divorce, they have to abide by their *Shari'a* laws. In this sense, the couple has not escaped the sectarian laws and cannot follow civil laws. As Zalzal argues:

This is a trap that most Muslims fall into. They assume that if they receive a civil marriage then they have liberated themselves from *Shari'a* laws when disputes arise.⁴¹

⁴¹ Marie Rose Zalzal, interview by author, 30 July, 2011, Beirut, Lebanon.

In other divorce cases, Lebanese civil courts follow the foreign civil laws of the country where the marriage took place due to the absence of a Lebanese civil law administering divorce (Al-Qazzi 2007). In 2010, Judge John Al-Qazzi issued a preliminary decision that civil courts are responsible for any disputes arising from civil marriages even if they are followed by a Christian marriage (Sarkis 2010). Hence, numerous foreign laws are being implemented in Lebanon rather than creating specific civil laws for the Lebanese. For example, on 24 March 2005, the Third Court of First Instance in Mount Lebanon applied the English law to divorce a Christian Lebanese married to an English woman, since the marriage was performed in London (Al-Qazzi 2007).

Different problems also arise regarding adoption in marriages performed abroad, especially that Islam prohibits adoption. It is also necessary in such cases to have judges who are knowledgeable in foreign civil laws and ensure he/she is implementing them in the correct manner, which might be hard to find in some cases. Thus, an optional civil personal status law would be the best way to ensure the needs of all Lebanese citizens and implement Lebanese laws rather than foreign ones. The proposed civil law has its shortcomings and many amendments have been made to it. There have been nine civil personal status draft laws since August Bakhous's draft.⁴² According to Zalzal:

The importance of a civil law is that it satisfies people's demands. Thus, a civil law can be changed unlike religious laws that are God-made and have no possibility for change. This is what religious men say but in reality they can be changed according to jurisprudence. Many countries have established their civil laws while depending upon religious jurisprudence.⁴³

The current personal status laws also violate inalienable human rights, the topic of the following section.

⁴² Marie Rose Zalzal, interview by author, 30 July, 2011, Beirut, Lebanon.

⁴³ Marie Rose Zalzal, interview by author, 30 July, 2011, Beirut, Lebanon.

4.5 – The Violation of Universal Human Rights

The preamble of the Lebanese Constitution confirms Lebanon's respect of international covenants and the Universal Declaration of Human Rights. Article 16 of the Universal Declaration of Human Rights asserts that men and women have the right to marry and share equal rights during marriage and in case of its annulment (Melhem 1998). Article 9 of the Constitution also asserts freedom of belief. However, when a child is born he/she directly becomes part of his/her father's sect and has to follow its personal status codes. In this sense, citizens can only enjoy their rights when they are part of a religious sect which restricts freedom of belief. Beydoun asserts that "the Lebanese Constitution indicates that freedom of belief is absolute, but where is this freedom?"⁴⁴

The Lebanese Constitution uses powerful terms that respect human rights, but these rights do not exist in reality. Nevertheless, Article 7 of the Constitution asserts equality among the Lebanese citizens in maintaining their civil and political rights. But how are citizens allowed to enjoy their civil rights in the absence of civil personal status laws?

On 14 May 1991, Lebanon ratified the Convention on the Rights of the Child. Article 14 of this Convention states the right of the child to freedom of religion, thought, and conscience. Thus, obliging the child to follow his/her father's sect violates this Convention (UNDP 2009). Furthermore, on 3 November 1972, Lebanon ratified the International Covenant on Civil and Political Rights. Article 18 of the Covenant indicates that "everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his

⁴⁴ Ahmad Beydoun, interview by author, 3 May, 2011, Beirut, Lebanon.

choice” (UNDP 2009, 70). Consequently, obliging people to belong to any recognized sect and denying them their inalienable civil right of having a civil marriage contradicts the essence of human rights and international conventions. Lebanese personal status laws limit citizen’s ability to choose their own religion without directly belonging to a sect when he/she is born. In addition, atheists or agnostics cannot free themselves from their religion and leave their sect because they would lose personal status rights. Moreover, on 16 April 1997, Lebanon ratified the Convention on the Elimination of All Forms of Discrimination against Women. However, some laws are unjust to women because they prevent women from inheritance, prevent them from child custody in case of divorce, forbid them from requesting divorce, and force them to accept their husbands having multi-wives. In some sects, the chief of the sect can allow marriage after the age of seven, which is unacceptable and violates human rights.⁴⁵ Yet, the standards of the United Nations have decreased and it is allowing such violations to occur and accepting that states put reservations on core Articles of the covenants.⁴⁶

Furthermore, sectarian courts enjoy great autonomy in their ruling and Islamic courts depend upon jurisprudence where different judges can interpret similar cases differently. Litigants also cover judges’ expenses that vary between sects concerning a similar court case. This violates the right to a just trial and equality of rights between litigants (UNDP 2009). In addition, not establishing a civil personal status law contradicts Decree No. 60 L.R. that asserts some people’s right to follow civil laws (Moukheiber 1998). From this perspective, Lebanese sectarian personal status laws violate a large number of inherent human rights, deny social unity, and hinder national integration. Therefore, implementing civil laws – but optional civil marriages – is

⁴⁵ Marie Rose Zalzal, interview by author, 30 July, 2011, Beirut, Lebanon.

⁴⁶ Marie Rose Zalzal, interview by author, 30 July, 2011, Beirut, Lebanon.

essential to provide citizens with their basic human rights and respect their well-being and freedom of belief.

A civil state takes the side of citizens and is neutral vis-à-vis numerous religions and sects, which is mentioned in Article 9 of the Lebanese Constitution (UNDP 2009). Adopting an optional civil personal status law would respect people's freedom of choice and belief. Thus, civil laws can be used as a human rights instrument that protects individuals' rights and dignity. The optional law for civil marriage thus respects one's absolute human rights and freedom of belief. However, sectarian elites manipulate the system and hinder reforms to serve their own political interests.

4.6 – Conclusion: God's Will or Sectarian Privileges?

Refusing an optional civil personal status law begs the question: Was Rafic El-Hariri against the proposed law because it contradicted his Muslim Sunni beliefs, even though he was a liberal Muslim, or was it merely to satisfy Saudi Arabia's interests and sectarian privileges? Did Saudi Arabia, Iran, or the Vatican have the right to interfere in this Lebanese matter or was it only to preserve the Lebanese political system which benefits them? Do Lebanese have any other options than relying on sectarian laws?

The Lebanese case shows that religious men are afraid of changing the system because they want to preserve their personal and institutional privileges. They consequently block any demands for reform. Some politicians know that secularism would solve Lebanon's problems, however, they prefer not to change the system to preserve their sects' social and financial power.

On 25 October 1917, the Ottoman legislator issued a family law that was considered a civil law because it did not depend upon the Sunni or Hanafi laws. This

Ottoman family law followed civil courts and was applied on Muslims, Christians, and Jewish. It is still applicable in Lebanon and some courts recognize it if people wish to follow it. However, after sects created their own personal status laws, this law became applied only for Sunnis and can also be applied on Shiites without contradicting the sect's regulations issued on 16 July 1962. Moreover, Article 58 of the Ottoman law indicates that the marriage of a Muslim woman to a non-Muslim is invalid (Al-Saleh 1998). This means that there are currently no civil laws in Lebanon that can be implemented on people wishing to follow them. Thus, the only option nowadays for people who wish to have a civil marriage is to do so abroad and follow the civil laws of foreign states.

Different reforms can take place and several amendments can be undertaken since religion's role is not to complicate people's life. What is truly needed in Lebanon is the political will to change. Civil laws should supervise personal status matters rather than being the exception to sectarian rules.⁴⁷ Only a strong state can support such laws; if the state does not support civil marriage then sects will hinder its performance in Lebanon.⁴⁸ Numerous personal status laws have been amended in Islamic and Arab countries due to *ijtihad* or popular demands for change. For instance, Egypt suspended religious courts and replaced them by civil courts that implement religious laws according to the litigant's religion. Moreover, some Islamic countries have forbidden divorce in an oral manner and restricted it to the judiciary, while others have forbidden polygamy (Khodor 1998b). Yet, Lebanon has failed to legislate a national optional civil law even though it required and has been demanded. Nonetheless, one can argue that the high level of debate and competition between different Islamic schools tends to

⁴⁷ Marie Rose Zalzal, interview by author, 30 July, 2011, Beirut, Lebanon.

⁴⁸ Marie Rose Zalzal, interview by author, 30 July, 2011, Beirut, Lebanon.

increase the ambiguity of *Shari'a* and reduce the courts' reliance on it. Since the early ages, Ash'arites and Mu'tazilites schools of thought used to fight and describe each other as blasphemous. Instead of being occupied with religious teachings, they were more involved in attacking one another. Thus, rather than attacking civil personal status laws, sectarian elites should find a way to incorporate it into the system and adopt it.

Lebanese citizens who refuse to belong to a sect, or those who belong to an unrecognized sect, have to wait and hope that the Lebanese sectarian elites and politicians will someday provide them with their human right to follow civil laws. However, Zalzal stresses that “the more sectarian people and fanatics are present, the lesser is the possibility of accepting civil marriage.”⁴⁹

Therefore, advocates of an optional civil personal status law should disseminate their ideas and lobby more for their demands to end this sectarian dilemma. The final chapter suggests secularism as a solution to this Lebanese predicament, and gives some recommendations to achieve it.

⁴⁹ Marie Rose Zalzal, interview by author, 30 July, 2011, Beirut, Lebanon.

CHAPTER FIVE

CONCLUSION

“Ask not what your country can do for you – ask what you can do for your country.”
John F. Kennedy

6.1 – General Findings and Conclusions

This thesis examined how the Lebanese confessional system is sustained. From the Ottoman Empire to the French mandate, different measures and circumstances entrenched sectarian identities in Lebanon’s political system and culture. After Lebanon’s independence in 1926, sectarianism was entrenched in its Constitution. Over the years, the confessional political system has been dependent upon the representation of the major sects in Lebanon. This has created a clientelist system which hinders citizens’ democratic participation and increases corruption in the country.

The thesis highlighted how two Lebanese institutions – the educational system and personal status laws – construct a sectarian culture and embed sectarian identities in postwar Lebanon. The Lebanese state allows sects to open their own private schools. Most students attend these schools where they are socialized into a sectarian culture from an early age and obtain a sectarian education. Sectarianism is also entrenched in teachers’ instruction methods which reflects their political affiliations, and in the content of books taught in schools.

Moreover, in the twentieth century, the French issued numerous decrees to recognize religious sects and allow them to manage their own personal status laws. These sectarian laws force citizens to belong to a certain sect and abide by its regulations that limit freedom of belief and choice. From this perspective, the

educational system and personal status laws have been the main pillars of the Lebanese sectarian system throughout history and have played an important role in sustaining sectarian allegiances.

This thesis also highlighted how sectarian elites control these institutions to serve their own interests and maintain privileges. After the Taif Agreement of 1989, numerous committees were assigned to create new school curricula, particularly history and civic education books, and reform public education and the Lebanese University. In academic year 1998-1999, the new curricula for all subjects were taught in schools. However, sectarian elites delayed the publication of history books due to an argument over a lesson concerning the Arab conquest in AD 636. No history book has been published since then. In 1999, religious education was reinstated in the curricula due to sectarian elites' demands. This allows sectarian schools to disseminate their own religious principles and create the image of a sectarian 'other'. New civic education books neither strengthen the sense of citizenship among students nor do they explain the Lebanese political system and the country's history. In addition, the Lebanese University and the public educational sector have not yet undergone any reforms. Rather than establishing the Lebanese University to unite students from different sects and areas, sectarian elites have opened numerous campuses to serve their own clientelist networks.

Lebanese sectarian personal status laws limit the formation of intersectarian identities, violate their inalienable human rights, and hamper citizens' democratic participation. The Lebanese state also forbids citizens from receiving a civil marriage in Lebanon. People wishing to marry according to civil laws are obliged to do so abroad and follow foreign laws. Thus, several attempts have been made to implement an

optional civil personal status law. Former Lebanese President El-Hrawi's draft law triggered debate among advocates and opponents of the law. El-Hrawi's optional civil personal status law allows citizens to receive a civil marriage in Lebanon and abide by civil laws. The majority of the Cabinet voted for El-Hrawi's draft law, however, former Prime Minister El-Hariri did not sign the law, because it was rejected by about all religious institutions. The law was never submitted to Parliament. From this perspective, sectarian elites hindered the adoption of a civil marriage bill to preserve their sectarian positions.

This thesis thus argued that sectarian elites manipulate Lebanese institutions and hinder reform attempts to embed sectarian loyalties and serve their interests. In this way, sectarian elites sustain the clientelist confessional system and hinder the creation of a national Lebanese identity. This raises the question: What is the best means to achieve a democratic Lebanon where citizens are loyal to their country rather than sectarian patrons?

6.2 – Choosing Confessionalism or Secularism?

The Lebanese confessional system and sectarian institutions have failed to create a unified country and produced a fifteen-year civil war. Thus, it is necessary to think of a new system based on secular principles. A secular system would create a democratic system that serves the country's interests rather than those of sectarian elites. A democratic secular society would hinder individuals' manipulation of one another (Daher 1981). Implementing objective secularization would prevent religion's interference in state institutions while subjective secularization would allow people to view their society according to secular doctrines (Keyman 2007).

Nevertheless, secularism can be divided into two categories: partial secularism and comprehensive secularism. Partial secularism is removing religion from political life. It does not tackle absolute moral values or people's private lives (Elmessiri 2000). On the other hand, comprehensive secularism goes further than partial secularism from merely separating religion from the state to supervising one's private and public life, eradicating religious values, and marginalizing God (Elmessiri 2000).

For instance, after depending upon Islamic law for six centuries and under the rule of Mustafa Kamel Atatürk, Turkey institutionalized secularism and adopted Switzerland's secular civil system (Çinar 2005). The secular state separated religion from politics, controlled all religious activities, abolished religious courts, and secularized education (Çinar 2005). Furthermore, Atatürk banned wearing religious clothes, holding religious titles, and attending Sufi dervish lodges (Navaro-Yashin 2002). People who do not abide by these new laws were punished by state decree (Navaro-Yashin 2002). Yet, in the late twentieth century, Turkey witnessed a contested relationship with the emerging Islamists and political Islam (Çinar 2005). France has also adopted secularism and imposes secularism on its citizens (Esposito 2000). It relied on anti-religious belief and discriminates against women who wear the veil (Esposito 2000). These two countries are examples of countries that have adopted comprehensive secularism. However, one can argue that such secularism contradicts with democracy and violates freedom of belief where everyone is entitled to act as he/she believes and wishes. Comprehensive secularism implements extreme secular measures and can be detrimental to multicultural societies.

A multicultural country like Lebanon should instead adopt – what I call – a 'partial subjective and objective secularism'. Subjective secularism would decrease

opposed sectarian identities, while objective secularism would limit the Lebanese clientelist system; and partial secularism would respect different sectarian beliefs. This secularism involves removing religion from the state, assigning civil judges in the judiciary, unifying legislation and applying it equally to all citizens, and, finally, emphasizing the state's support for public education (Traboulsi 2002). In this sense, Lebanese citizens would become equal regardless of their sectarian affiliations, and secularism would "protect the rights of believers and unbelievers" (Esposito 2000, 12). Secularism would also empower democratic institutions, guarantee freedom of opinion and belief, and strengthen the rule of law (Traboulsi 2002).

Adopting partial secularism does not mean abolishing or contradicting religion and converting to blasphemy, however. It does not prevent personal beliefs; it merely displaces religion from political and social life (Taylor 2004). Religious and moral values can be present in a partially secular society on the condition that they do not intervene in politics (Elmessiri 2000). Secularism would remove religion from politics without eradicating it from people's own lives and identities. Secularism would not abolish citizens' personal religion but it is rather "an additional, not a replacement identity" (Harik 2003, 14). In addition, secularism is optional and voluntary where it allows citizens to make their own choices about what kind of education and marriage they wish to receive (Traboulsi 2002).

The potential to implement secularization increases as citizens' divergent views increase (Harik 2003). A survey conducted by Muhammad Faour and El-Amine shows that there was support for secularization during the Lebanese civil war and in the post-war period (as cited in Harik 2003). This shows that in a country like Lebanon that has witnessed sectarian strife, people tend to accept secularism more. If secularism is

adopted, it seems much more likely that citizens would choose their country over their sect and ensure that the civil war would not be repeated. Lebanese would be free and break the sectarian prison they are obliged to be part of. Politics would not be based on confessional representation anymore, and thus everyone can be represented in a democratic manner. However, this begs the question: Are the Lebanese people prepared to adopt partial subjective and objective secularism?

6.3 – Abolishing Political Sectarianism

Most Lebanese politicians refuse to adopt secularism because it would undermine their privileges. However, some politicians argue that the best option for Lebanon is to abolish political sectarianism. Based on the Taif Agreement, point H of the Lebanese Constitution's preamble and Article 95 assert that political sectarianism is a transitional phase to be abolished based on a gradual plan (Ziadeh 2006). Article 95 stresses that a National Committee should be created after the first postwar parliamentary elections. This Committee should consist of the President of the Republic, the Prime Minister, Speaker of the Parliament, intellectuals, politicians, and social figures. It should also be divided equally between Muslims and Christians. The Committee should be unbiased and independent where it should work to benefit the country rather than satisfy political, economic or social interests (Dimitrova 2010).

The National Committee is responsible for examining the means to eradicate political sectarianism, suggest them to the ministers and Parliament, and administer the implementation of the intermediary plan (Ziadeh 2006). It should also evaluate all feasible methods to achieve constitutional reforms and draft the new constitution according to a two-stage process. In the first phase, the National Committee should

ensure reconciliation and debate, while in the second phase it should write a draft text in the second phase (Dimitrova 2010). During this intermediary phase, the numerous sectarian groups should be equally represented in Cabinet, and confessional representation in different job positions should be replaced by merit and competence. Nonetheless, Grade One positions and their counterparts should be equally distributed among Muslims and Christians based on expertise without reserving a certain posts for a specific sect (Ziadeh 2006).

Taif also proposes the formation of a Senate based on sectarian identities to maintain some of their privileges. A Senate is one way to start the process of abolishing political sectarianism. Article 22 of the Lebanese Constitution states: “With the election of the first Parliament on a national non-confessional basis, a Senate is established in which all the religious communities are represented. Its authority is limited to major national issues” (Ziadeh 2006, 245). However, no formula has been established for the formation of the Senate. The Senate would not contradict Parliament’s privileges even though it has the right to vote about laws related to personal status matters, laws administering the relationship between the state and sects, regulating public authorities, religious institutions, religious education, constitutional laws, electoral laws, and decentralization (Rashed 2011).

Zalzal contends that abolishing political sectarianism is important for it would regulate citizens’ relationship with the state through laws rather than sectarian *zu’ama*. However, she adds that some political leaders – such as the Speaker of the Parliament Nabih Berri – want to abolish political sectarianism to strengthen their own leadership at the expense of the national interest.⁵⁰ On 21 January 2010, Berri proposed the

⁵⁰ Marie Rose Zalzal, interview by author, 30 July, 2011, Beirut, Lebanon

formation of a National Committee to eradicate political sectarianism (Dimitrova 2010). The initiative is still just a proposal, however.

Some politicians and intellectuals are against eradicating political sectarianism, but favor adopting institutional reforms. Frayha stresses that the Lebanese people are sectarian by nature because they have been brought up in this way.⁵¹ Others argue that attempts to eradicate religion have failed. Thus, abolishing political sectarianism would not be the solution but rather reforming the electoral law, implementing an optional civil personal status law, and adopting decentralization.⁵²

Antoine Messarra, a member of the Constitutional Council and professor of political science at USJ, indicates that the eighteen recognized sects in Lebanon are all minorities that constitute an ‘all minority situation’. He adds that Lebanon is a consensual model of democracy where addressing sectarianism and abolishing political sectarianism do not lead anywhere. As Messarra argues:

On 18 August 1945, Charles Helou wrote an article in the *Le Jour* newspaper about eradicating political sectarianism. However, nothing has happened since then. What we really need is to focus on transcommunitarianism rather than abolishing political sectarianism.⁵³

However, whether there are real measures to abolish political sectarianism or achieve secularism, numerous reforms have to take place before. These reforms should focus on changing and enhancing the educational system and personal status laws. The next section examines some of these reforms.

⁵¹ Nemer Frayha, interview by author, 28 June, 2011, Beirut, Lebanon.

⁵² I owe this idea to Dr. Wa'il Kheir, director of FHHRL and instructor of human rights at AUB.

⁵³ Antoine Messarra, member of the Constitutional Council and professor of political science at USJ, interview by author, 10 June, 2011, Beirut, Lebanon.

6.4 – Recommended Reforms

Article 26 of the Universal Declaration of Human Rights asserts: “(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. (3) Parents have a prior right to choose the kind of education that shall be given to their children” (United Nations 2007, 12). Based on this article and the fact that the Lebanese Constitution underlines Lebanon’s respect for the Universal Declaration of Human Rights, several reforms should take place in the educational sector.

Frayha contends that the only educational reform that occurred in Lebanon was in 1946 when the curricula were given a national orientation with national aims and objectives.⁵⁴ According to Beydoun:

Reforming the educational system is part of reforming the state. This does not mean that we should delay or wait for one of them. It is necessary that we have a coherent state that undertakes its normal tasks rather than a powerful state that threatens people.⁵⁵

El-Amine suggests five reforms that should be implemented in the Lebanese educational system: restructuring the Lebanese University, reforming higher education,

⁵⁴ Nemer Frayha, interview by author, 28 June, 2011, Beirut, Lebanon.

⁵⁵ Ahmad Beydoun, interview by author, 3 May, 2011, Beirut, Lebanon.

enhancing public education, improving vocational education, and reforming educational management (2004).

The Lebanese state has to strengthen the quality of education in public schools and the Lebanese University, a source of education for everyone. The different Lebanese University branches should be replaced by five main campuses that include numerous faculties and majors spread among central Lebanese areas: Beirut, Greater Beirut, North, South, and Bekaa.⁵⁶ In this way, students from different Lebanese areas would be able to attend the university. This, in turn, would increase social integration. Moreover, decreasing the branches of the Lebanese University would allow the state to focus its support on funding and supervising these five branches rather than the existing numerous branches that serve sectarian and political interests.

Regarding school books, the best solution is to have unified curricula that are taught in public and private schools. Books can differ in their teaching methodology and approaches, but what matters is the unified content of the books that should be supervised by the state. The Ministry of Education should not allow the publishing of books that encourage sectarian divisions among different Lebanese factions or that contradict national interests.⁵⁷ Article 317 of the Penal Code indicates that any individual who advocates sectarianism would have to either pay a fine, or enter prison.⁵⁸ It is also important that all books have an activities section that can develop students' critical thinking rather than to offset the rote learning adopted currently. In this sense schools can become capable of creating individuals who respect one another and have a sense of citizenship rather than constructing antagonistic sectarian identities.

⁵⁶ Adnan El-Amine, interview by author, 21 April, 2011, Beirut, Lebanon.

⁵⁷ Ahmad Beydoun, interview by author, 3 May, 2011, Beirut, Lebanon.

⁵⁸ Ogarit Younan, interview by author, 29 June, 2011, Beirut, Lebanon.

Furthermore, schools should teach about religion rather than religion.⁵⁹ This means that students should learn about the different religions and their practices to strengthen the similarities among them rather than to become religious. Specialized committees should be assigned to create new history books that highlight the common Lebanese history and strengthen one's allegiance to his/her country rather than to sectarian elites. It should also celebrate diversity among citizens. Moreover, civic education books should also highlight the common values and culture between the Lebanese people and explain the political system. This might show students that the similarities between them are greater than the differences which might hinder possible sectarian strives. Younan stresses that national education sessions should be added to the school curricula, at least two or three times per week. According to Younan:

This subject is different from civic education that teaches about municipalities, cleanliness, manners, and state institutions. National education requires specialized non-sectarian teachers. It is Lebanon's salvation because it creates national identities.⁶⁰

Educational reforms would decrease sectarian identities to focus on creating a citizenship culture that is based on understanding and respecting the other.

The Lebanese state should also implement an optional civil personal status law. This would give citizens the option to follow civil laws if they choose not to submit to the sectarian laws. Furthermore, individuals who want to have a civil marriage would be able to do so in Lebanon without having to travel to a foreign country and follow its laws. By adopting an optional civil personal status law, the Lebanese state would guarantee its sovereignty and rule of law. A specialized committee should be created to establish a reformed civil law that tackles all aspects of personal status matters – such as

⁵⁹ Munir Bashshur, interview by author, 26 April, 2011, Beirut, Lebanon.

⁶⁰ Ogarit Younan, interview by author, 29 June, 2011, Beirut, Lebanon.

inheritance, marriage, divorce, adoption, and child custody – without being hindered by sectarian laws. Some laws would then be amended to suit to citizens' demands.

The civil court should be separated from sectarian courts, with individuals given the choice to follow any of them. Civil courts should also have specialized civil judges who are capable of implementing such a new law. The civil judiciary's review of sectarian courts should be empowered via appealing to the Constitutional Council regarding constitutional rights matters (Beck 2010). In this case, the Lebanese state would respect its citizens' inalienable human rights. It would also support freedom of belief, and freedom of opinion and expression. Even if the majority of the Lebanese are against the implementation of a civil personal status law, they should respect the secular minority's right and take action towards achieving it.⁶¹ Moreover, reforms in personal status laws would ensure equality between men and women and hinder discrimination against secularists and non-recognized sectarian minorities. Strengthening civil laws over personal status codes, allowing intermarriage, and respecting the rights of secularists would empower the Lebanese state and reduce sectarian tensions (Beck 2010).

Knowing the cause of the problem is part of finding its solution. Lebanon's case stresses that the confessional system and its sectarian elites are the problem that is hindering any kind of reform. Thus, a democratic reform in the country requires major change in its sectarian institutions. Only by adopting the aforementioned reforms can sectarianism be abolished from a country that has suffered from a civil strife due to this system. In this sense, Lebanese will be members of the same country rather than members of different sects. They would finally realize that their basic loyalty is to their

⁶¹ Ahmad Beydoun, interview by author, 3 May, 2011, Beirut, Lebanon.

country rather than their sectarian patrons. Not finding a solution jeopardizes leading the country to an even greater civil war than that of 1975.

6.5 – Lebanon: A Hopeful or Hopeless Case?

Regardless of the impediments that might be faced towards achieving reforms, the Lebanese people are aware enough that adopting the recommended reforms will give rise to a democratic country that ensures its citizens' needs and respects their freedom. Reform is not a process that can happen overnight but it rather takes a lot of time. However, this should not stop the Lebanese from developing their country that has survived a civil war and resisted Israeli occupation. After adopting educational and personal status laws reforms or changes, Lebanon might be able to successfully abolish political sectarianism and eventually reach the attained partial secularism. This would allow Lebanon to finally escape from “the whims of ethnic politicians versed in the clientalistic art of neopatrimonial politics, and the confessional state controlled by predatory politicians” (Salloukh 2009, 147). The recent uprisings in the Arab world stress that nothing is impossible. Change can happen despite the resistance of sectarian elites who seek their own interests at the expense of everyone else.

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Appendix: List of Interviews

1. Adnan El-Amine, co-founder of LAES and UNESCO consultant, interview by author, 21 April, 2011, Beirut, Lebanon.
2. Ahmad Beydoun, Lebanese author and former professor of social sciences at LU, interview by author, 3 May, 2011, Beirut, Lebanon.
3. Antoine Messarra, member of the Constitutional Council and professor of political science at USJ, interview by author, 10 June, 2011, Beirut, Lebanon.
4. Marie Rose Zalzal, Lebanese lawyer and human rights activist, interview by author, 30 July, 2011, Beirut, Lebanon.
5. Munir Bashshur, co-founder of LAES and professor of education at AUB, interview by author, 26 April, 2011, Beirut, Lebanon.
6. Nemer Frayha, professor of education and former president of the ECRD, interview by author, 28 June, 2011, Beirut, Lebanon.
7. Ogarit Younan, co-founder of LACR and AUNOHR, and a human rights activist, interview by author, 29 June, 2011, Beirut, Lebanon.