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The Erasmus logo, featuring a stylized, handwritten-style script of the word "Erasmus" in a dark blue or black color.

**“Don’t Mix my Rights with my Faith!”:
Unpacking Family Laws in Lebanon through
the Tensions between Patriarchal Values and Women’s Agency**

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List of Acronyms

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
NGO	Non-governmental organization
RR	Religious Representative

Abstract

This paper explores how the Lebanese legal system concerning family relations fails to respect and protect international women's rights standards and laws. It sheds light on how the state, religious institutions and families in Lebanon, referred to as gendered institutions in this paper, perpetuate patriarchal values and maintain male domination in the society. It then looks at how women have challenged those patriarchal and gendered systems individually and collectively, however have been confronted by the obstacles of the systems. The objective of this research is to unpack the tensions between the patriarchal values upheld by these institutions and women's agency for change. Hence, based on these tensions, this research claims that a structural change is necessary to achieve development regarding gender equality and women's rights protection in family relations in the country.

Keywords

Women's Rights, Religious Institutions, Patriarchy, Gender Inequality,
Gendered Institutions, Women's Agency

Chapter Introduction

1.1 Introduction

In October 2019, protestors took to the streets in Lebanon expressing their anger against the Lebanese government, blaming it for the economic problems in the country and widespread corruption in its institutions¹. Those who participated came from diverse religious and ethnic backgrounds showing unity in their condemnation of the status quo, a somewhat unusual feature in a country associated with such divisions. Feminists were also active in these protests, their slogans condemning patriarchy and demanding their human rights. Some chanted “O patriarchal powers, women’s rights are not a footnote” while Rand Hammoud, a human rights activist in Beirut stated that “Lebanese women are not afraid to take their place in the streets,” and that “We weren’t scared when they threw teargas at us, and we won’t be scared when they challenge our right to govern Lebanon’s future. The feminist bloc has always had an important role in Lebanon’s civil society.”² Such slogans reflected increasing resistance by groups to the subordinate position of women upheld by the state and the religious institutions in the country. In line with these concerns, this paper analyses how state and religious institutions sustain patriarchal values in the society, promoting women’s subordination in family relations, in direct contravention of international human rights standards and norms.

Since its independence in 1943, the state-building process and the maintaining of political stability in Lebanon has been based on the representation of sectarian divisions in the parliamentary democratic republic, which took the multi-religious feature of the society on board in the political process (Parisciani 2012: 1). National Pact (1943), an unwritten agreement, established the foundations of the sectarian political system; according to then Prime Minister the agreement had the aim to “Lebanonize Lebanese Muslims and to Arabize Lebanon’s Christians” by fair distribution of power between the two religions³. The Lebanese Constitution respects among others, the freedom of opinion and belief, social justice and equality of rights and duties of all citizens without discrimination (Lebanese Constitution). There are 18 recognized religious sects in the country. In order to accommodate and

¹ <https://www.hrw.org/news/2019/10/21/lebanon-plan-address-protest-grievances-falls-short>

² <https://www.theguardian.com/world/2019/nov/08/lebanese-women-demand-new-rights-amid-political-turmoil>

³ <https://carnegieendowment.org/2016/05/16/unraveling-of-lebanon-s-taif-agreement-limits-of-sect-based-power-sharing-pub-63571>

maintain a balance of power and develop cooperation between these different groups in the political area, the legal system of the country provides for equal representation for Lebanese Muslims and Lebanese Christians in the Parliament, the Cabinet and key civil service positions (Geha 2019). With a primary purpose to end the Civil War (1975-1990) between the sectarian powers, the Taif Agreement (1989) renewed a sectarian power-sharing system by allowing the post-war political elites to unite their power in promoting their sectarian identity. (Picard & Ramsbotham 2012: 11). The governance in the post-Taif era was signified by the consensus of the political elites to represent major communal identities (Picard and Ramsbotham) by using the quota system to distribute power among religious authorities of their own sects (Geha 2019: 6).

Lebanon has ratified the CEDAW in 1997 with reservations on few articles⁴ In this research paper, I concentrate in this paper on the reservation on Article 16, paragraph 1 (c), (d), (f), (g), about the equal rights of men and women in family relations (CEDAW 2015a: 5) According to the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW 1979), the state has the obligation to provide equal rights to men and women in family relations. However, Lebanon does not have a single civil personal status code, which equally applies to all its citizens regardless of their different sectarian belongings, as the mandate to arrange the family matters is given to the officially recognized religious institutions and their respective courts (Zalzal 1997, 37-38). Henley (2016) highlighted the extension of power of the religious representatives, empowered by the political system, to influence social relations through the religious courts which deal with family relations (2016: 1). In fact, as Dabbous (2017) states in her work focusing on women's rights and personal status laws in Lebanon, Article 9 of the Lebanese Constitution protects the right of the various religious institutions in handling family issues, as a mean to respect and accept the communal and religious diversity in the society. (Dabbous 2017: 8).

While presenting and analysing the personal status laws in a list of countries in Middle East, Tabet (2005) claims that the religious sects maintain their identity and differences in the Lebanese pluralistic legal and religious systems by avoiding any effort towards the unification of their values and practices in handling family relations (Tabet 2005:1). By revisiting the importance given to the representation of the religious sects during the Lebanese state-building projects, it can be argued that adoption of civil unified family can challenge the interests of both religious institutions and political leaders. As Zalzal (1997) claims, these two

⁴https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=en#EndDec

institutions share similar interests in maintaining the sectarian feature of the social, political and legal systems (Zalzal 1997: 38), which are considered to be the two gendered/patriarchal institutions which produce and perpetuate patriarchal values and laws, in this research. Lebanese Constitution states that the right of the religious institutions to practice their authority in family matters can be terminated by the proposal of the Parliament with the agreement of two third majority (Lebanese Constitution). The Lebanese Parliament represents the religious sectarian divisions in the country⁵ and the Parliament is dominated by men⁶. Hence, reflecting on Zalzal's (1997) argument that Lebanese leaders struggle to keep their differences (Zalzal 1997: 37-38).and Joseph's (1997) claim that family laws⁷ represent the unequal power relations between men and women(Joseph 1997: 82), I argue that religious and political institutions maintain patriarchal/male-serving values and sectarian interests through the diverse personal status laws.

This paper is concerned with how the Lebanese legal system and religious practices have affected the protection of women's internationally recognized human rights. It argues that Lebanon's reservation on Article 16 of CEDAW hinders legal reforms in establishing equality in family relations between men and women and maintains the authority of the religious institutions to govern family relations. Based on the data collected from primary and secondary sources, this paper argues that the laws and the values practiced through religious bodies and the family undermines gender equality⁸ and gender justice. In addition, the paper reflects on the support and the efforts of NGOs that work on the empowerment of women and establishment of gender equality and demonstrates how women have exerted their agency through challenging gender-biased laws and patriarchal values individually and collectively.

1.2 Justification and relevance of this research

This research recognizes gender justice as a vital mean to achieve development in the Lebanese society. While previous research has problematized the sectarian nature of the Lebanese legal system in attaining gender equality and protection of women's rights, this paper also creates a platform for religious representatives and women to voice their perceptions and

⁵ See page 4 on <https://fas.org/sgp/crs/mideast/IN10900.pdf>

⁶ See the proportion of seats held by women in Lebanon on <https://data.worldbank.org/indicator/sg.gen.parl.zs>

⁷ In this research paper, "family laws" and "personal status laws" are used interchangeably.

⁸ In this research paper, gender equality/inequality entail binary understanding of gender. It is referred to as equality/inequality between men and women within marriage or in family relations, in general.

experiences regarding family relations. In doing so the paper provides greater clarity of unequal power relations involved in the different processes, how these are enacted and experienced as well as the individual and collective strategies that are undertaken by NGOs and individual women, as well as how the norms of gender rights and gender justice can be promoted in the different spaces.

1.3 Research objectives and question

Research Question:

How do the state, religious institutions and families sustain gender inequality and women's subordination through family laws in contradiction to human rights norms and how have women challenged the patriarchal systems?

Sub questions:

- a) How do religious representatives perceive personal status laws in relation to gender equality and protection of women's rights?
- b) How do women experience discrimination in the socio-legal sphere in Lebanon?
- c) How have women developed individual and collective agency to promote gender justice?
- d) How have religious institutions governing family relations influenced domestic violence law?

1.4 Methodology and Approach

1.4.1 Research focus and approach

This research focuses on how laws of the state and religious institutions have affected women's rights in the context of family relations. In order to study the link between the state-religious institutions-family relations the paper reviewed existing research on this topic, focusing on the power relations between the state and religious institutions about personal status laws. It then develops a conceptual framework to guide the empirical analysis. It presents the perceptions of religious representatives on the personal status laws in relation to gender inequality and women's rights violations, women's experiences in relation to family laws and the standpoint of non-governmental organizations in Lebanon on gender justice and socio-legal mechanisms governing women's lives. In this process, it reflected on the

value of the socio-legal approach to understand the functioning of religion and law in Lebanon, as well as the concepts of gender and patriarchy, and individual and collective agency of women to analyse how they are affected by patriarchal institutions and practices. The data collected is then examined in the light of these reflections. The gathered data is analysed by human rights approach to elaborate on the inequality between women and men in family laws which violate internationally recognized women's rights.

1.4.2 Sources of Data

The Research is based on both primary and secondary data.

Secondary Data:

The secondary data, as indicated above, includes important writings and concepts for the background and conceptual framework, as well as practices of patriarchy and women's experiences. It included reports and researches by international organizations and local NGOs on women's status and on their projects towards establishing gender equality in Lebanon. Human rights frameworks (CEDAW), Lebanese Constitutions, and documents of religious institutions were used as references to present the legal aspects of the issue. These sources analysed the historical-legal context of the issue, women's subordinate position in social, cultural and legal spheres, the patriarchal values operating in family relations and on the development of women's agency.

Primary Data

The secondary data was complemented by primary data based on qualitative semi-structured interviews with key individuals and groups during the months of July and August 2019, in Beirut, Lebanon. All semi-structured interviews were recorded by the consent of the interviewees with their request to remain anonymous. Interviews were conducted in Armenian, Arabic and English languages and were later translated and transcribed in English. The details are given below:

Religious Representatives

I met four religious representatives from four religious sects. I interviewed religious representatives from Shia and Sunni sects, which are the two large Muslim religious sects in the country. From the 12 Christian sects, I selected and interviewed religious representatives from the Maronite, the largest Christian sect in Lebanon and Armenian Orthodox church, the sect I belong to. Unlike the interviews with the Christian religious representatives, which I arranged personally, I asked a previous classmate, a senior student in social work who belongs to Shia religious sect, to arrange interviews with the Muslim religious representatives. Having no previous contact with representatives from Muslim religious courts and mosques, I was advised by my classmate to wear a veil during these interviews. The interviews were in formal settings, in religious institutions, churches and mosques. I started my interviews with specific questions regarding the personal status laws in each religious sect, and continued with general questions about the societal and cultural values in relation to the status of women in the different communities. In addition to the details about the personal status laws in each of the four religious institutions, which I gathered through the interviews, I was provided by texts and legal documents where personal status laws and court proceedings of each religious institution were presented. This selection provided key ideas of some of the main religious groups with regard to their views of women's position and rights in society.

Individual and Women's Groups

In order to understand the discrimination against Lebanese women based on their lived experiences and to hear their perspectives on the legal system and values in the society, I had planned to interview women who have recently resorted to religious courts for a divorce or child custody. I contacted feminist, non-political and non-religious organizations in Lebanon to get in touch with women who have faced discrimination and challenges in religious courts, yet my request was rejected by all the NGOs due to issues of confidentiality, privacy and security. After hearing about my research topic and objectives, a woman who belongs to Armenian Orthodox church expressed her interest in being involved in my research by sharing her experiences. This interview took place in a private setting, during which the interviewee did not only elaborate on the topics of my interest, but also shared private information which is not tackled in the paper.

In order to understand the efforts of NGOs in the empowerment of women and in establishing gender equality in the country, I contacted RDFL Lebanese Women's Democratic Gathering, established during the civil war of 1975-1990. The NGO aims to eliminate violence against women in Lebanon and gender inequality in the Lebanese society⁹. The main reason I selected to interview a representative from the NGO was to find more about the sit-in it had organized, which took place during my field research, in July 2019. KAFA (translation from Arabic: Enough) was the second NGO which I contacted, which focuses on the issue of domestic violence¹⁰. I selected the NGO to understand its view about the Family Violence Law (293) and its relationship with religious institutions when cases of domestic violence reach religious courts. The third NGO I approached was ABAAD— Resource Centre for Gender Equality, which aims at achieving development through enhancing gender equality, ending gender-based violence and engaging women in policy implementation in the Middle East¹¹. The NGO was selected to understand the status of women in Lebanon from the NGO's perspective, alongside the mission and its past/present efforts for the emancipation of women.

The last interviewee of my field research was a current Member of the Lebanese Parliament, one of the six out of 128 female representatives. I interviewed her to discuss the challenges she has faced as a woman in a male-dominated institution, her perspective on the influence of sectarian division of the Parliament on women's rights in Lebanon and about her efforts in empowering women through her proposed legislations and current projects.

Sit -in Protest

During my field work, I participated in a sit-in protest organized by RDFL, in the city-centre. The sit-in aimed at raising awareness about gender discrimination embedded in the sectarian personal status laws, demanding a civil code on family relations in Lebanon. During the sit-in around six women shared their own experiences in the religious courts and the hardships they faced in accessing their rights. Despite the absence of favourable atmosphere for in depth interviews, I was able to conduct three semi-structured interviews with women who belong to Catholic, Shia and Sunni religious sects.

These interviews included general questions to understand each case and specific questions about their experiences in relation to the conceptual and theoretical framework of this

⁹ <https://www.rdfwomen.org/eng/about-us/>

¹⁰ <https://www.kafa.org.lb/ar/about>

¹¹ <https://www.abaadmena.org/about>

paper. After discussing their cases, about the laws and the courts they have dealt with, I started asking questions about their family's role/stance in the matter, about the influence of the societal values on their experiences and actions. Due to the time constraints, I interfered frequently in these interviews, and asked for elaborations on key issues which could guide my analysis.

The primary data obtained through these interviews and discussions provided insights into the experiences, perceptions and struggles of women at individual and collective levels.

1.4.3 Limitations

Firstly, I was not given the opportunity to contact women who have experienced domestic violence due to confidentiality reasons. Secondly, although I met women who had experienced discrimination in religious courts regarding matters of divorce, child custody and inheritance, but they were unwilling to share their stories.

1.4.4 Positionality

Coming from Lebanon, my knowledge of language and culture gave me an advantage when gathering the primary data. As a woman born and raised in Lebanon, I was expected to adhere to specific gender roles. In addition, I have seen women in my surroundings being subordinated due to laws and values which legitimize of violence against women, viewing women as subordinate to men and denying them equal participation in social life. As a student specializing in human rights and gender studies, I have my own biases against gendered laws and values which govern women's lives in the Lebanese society. Hence, I had a bias attitude against religious representatives' perceptions since they represent patriarchal and gendered institution. On the other had, I leaned towards empathizing women's experiences. Hence, during the interviews my biggest challenge was the phrasing of my questions and the clarifications requested by the respondents. My main concern was to avoid dictating responses which could be influenced by my standpoint and to make clarifications without using concepts/statements from the arguments of this research paper.

1.5 Chapter Outline

In the first chapter, the research problem is introduced. First, the chapter presents a historical narrative on the state-building project in Lebanon, emphasizing on the role of the religious institutions and the importance given by the political leaders to the maintenance of the sectarian divisions. Secondly, it sheds light on Lebanon's international commitments pertaining gender equality and national laws which respect/violate women's rights in family relations. Finally, after justifying the relevance of the research, I elaborate on the methodology and approach I used to conduct it.

In the second chapter, I present the approaches and the conceptual framework adopted to analyse the secondary and primary data. The third chapter analyses the state-religious institutions dynamics in the context of personal status laws through socio-legal and human rights approaches. The fourth chapter analyses how the legal system through the personal status laws creates gender inequality in the society; the primary data is collected from the religious representatives and from women, who have experienced discrimination when dealing with family laws. The fifth chapter presents the individual and collective agency of women in Lebanon and how their tendency towards a positive change was been hindered by the legal system in the country. Finally, the sixth chapter summarizes the key issues leading to gender injustice in Lebanon and addressed the research questions.

Chapter 2 Theoretical Framework

2.1 Introduction

This chapter elaborates and reviews key ideas from relevant literature that is used to develop a theoretical and conceptual framework of analysis. The chapter first reviews the Socio-Legal approach to understand the legal system in Lebanon, its stance on international laws, as well as to look into the personal status laws in relation to the state's failure to protect women's rights. The concepts of patriarchy, religion and the family are then elaborated to understand how religious laws regarding family relations and family norms reproduce patriarchal values, gender inequality, subordination and exclusion of women. Finally, the discussions on women's agency and strategies at individual and collective levels help shed light on how women have resisted patriarchal values and gender-bias laws individually and collectively. I have combined these approaches and the concepts in a theoretical framework, which analyses the voices of women and religious representatives, stemming from the social-legal-cultural context in Lebanon, and presents women as victims and agents in the patriarchal structures. . Using this framework, I was able to link the legal and the social aspects encompassing personal status laws in Lebanon, meanwhile presenting women's voices on how they have been discriminated by and how they have challenged these aspects.

2.2 Socio-Legal Approach & Women's Rights

Freidman (1969) presents legal culture as the body of laws that operate in a country and the ways in which they are conducted. Legal culture of the country can be understood through the way laws are implemented by the lawyers and judges, are adopted by legislators, are negotiated upon by the institutions involved and are experienced by the people in the country (Freidman 1969: 31-33). Freidman (1969) uses three components to explain legal culture; structural, substantive and cultural. The structural component presents the functioning courts, the operating institutions and the separation of power (Freidman 1969: 34). The substantive component presents the rules and laws which are followed by and implemented by the governing institutions, while the cultural component looks at the norms and the values upon which the application of these rules and laws are based (ibid.). Freidman's definition of legal culture is used in the subsequent chapter to analyse how the state and religious institutions function regarding the family laws in Lebanon, where the practice of diverse religious family laws creates pluralistic legal culture.

Merry (1988) defines legal pluralism as the coexistence of different laws which operate simultaneously in one social group and have unequal power relations (Merry 1988: 876). In the country, “self-regulating sectors” govern societies based on their ethnic belonging, locality, etc. (Galanter 1981 in Merry 1988). In the domestic level, local political leaders struggle to gain authority and prevail (*ibid.*). On the other hand, the legal system interacts with external regulations (Merry 1988: 874). Merry’s definition of legal pluralism reflects in many ways the nature of the the Lebanese legal system and its relationship with international human rights laws i.e. CEDAW and will be used to argue that the nature of the legal system in the country hinders the state’s compliance with Article 16 of CEDAW pertaining family relations and its effective translation from international to domestic level.

Legal translation entails the translation of the international law into local context aiming at the effective implementation of the human rights laws, norms and ideas; the localization of the global norms necessitates the consideration of the cultural assumptions, and the power dynamics in the domestic level (Merry 2006: 1-3). This approach is useful to understand how the maintenance of cultural/religious diversity through the laws pertaining family laws contradict the goal to establish gender equality in family relations in the country. After unpacking the Lebanese legal system regarding personal status law and the impact of social/cultural spheres, I agree with Merry’s approach on the localization of international human rights standards. However, if the emphasis is put on understanding local socio-cultural context as an end goal and not as a mean to integrate international standards in the system, those who tend to maintain the current social order can claim the irrelevance of international human rights standards in their local context. Merry (2006) claims that the universal standards that are international human rights laws tend to challenge the values embedded in the society and the role of the authority in order replace these values with the norms and ideas like gender equality (Merry 2006: 12).

As the subsequent chapter argues that the nature of the legal culture in Lebanon hinders the protection of women’s rights, I will look into personal status laws using human rights based-approach presented by Marks (2005) and rights-based approach to gender equality and women’s rights presented by Powell (2005). Marks (2005) explains human rights-based approach having development as a focus; he refers to the integration of internationally accepted and practiced norms, principles and standards of human rights into “plans, policies and processes of development”, where these norms encompass international laws and declarations/treaties (Marks 2005: 28). Equality between men and women, equality in accessing resources and benefitting from opportunities, mutual respect without any distinction between

people and social injustice are key factors to achieve development by human rights-based approach, where human being is the primary concern (Marks 2005: 28). Although Marks (2005) mentions about gender equality in his work, yet does not tackle the role of societal-cultural aspects, which lead to gender inequality. On the other hand, Powell (2005) emphasizes on the issue of gender inequality in values and practices, which has not been studied enough by policy makers.

Powell (2005) explains rights-based approach specifically from women's rights and gender equality perspective, considering CEDAW as the human rights instrument which elaborates on the principle of equality between men and women (Powell 2005: 607). Considering that the social injustice tackled in this paper is gender inequality, I have chosen Powell's approach, which targets women as a marginalized group. Powell (2005) claims that states and actors involved in the protection of human rights should integrate gender mainstreaming in their policies; in other words, before decisions are made, policy makers should consider the effects of those decisions on women and men (Powell 2005: 608). Gender mainstreaming in decision-making changes institutions, priorities, values and policies for the promotion of gender equality (*ibid.*). Departing from legal translation, this approach is useful to understand how international human rights are being respected/violated in the context of Lebanon, in the practiced laws and values and in the operating institutions. Powell (2005) sheds light on the work of Goonesekere (2001) which claims that gender equality rights in the international human rights laws compete with and challenge the practices and values embedded in the culture while national courts play a decisive role in balancing human rights (Goonesekere 2001 in Powell 2005: 610). Although I find the importance given to national courts in reforming laws relevant, this approach does not take into account the presence of factors, which result in the unwillingness of national courts to make changes. In the subsequent chapters, I argue that the institutional structures, values and laws do not only fail to balance the "competing rights" but they also promote the persistence of patriarchal values, gender inequality and exclusion of women from the decision-making processes.

2.3 Patriarchy, Religion and the Family

“Patriarchy is a system of social structures and practices in which men dominate, oppress and exploit women” (Walby 1990: 20 in Sultana 2012: 2). The concept of “Patriarchy” will help me analyse how the laws and practices within the key institutions (state, religious institutions and family) are shaped based on women’s subordination. Sultana (2012) defines “women’s subordination” as women’s inferior position in the society, their absence in decision making processes and lack of resources they can access (Sultana 2012: 7-8). Being considered as second sex and subordinate, women experience the unequal power relations between themselves and men through norms and practices embedded in their daily lives starting from families to school, religious institutions and workplace (ibid). The elaboration of Sultana (2012) on patriarchy as the male domination over women in institutional and social relations is useful to shed light on the gendered institutions in Lebanon, where men are superior in the interactions in public and private spheres. According to her, traditionalists believe that there is hierarchy between men and women, where men dominate and women subordinate by nature, while others believe that patriarchy is men-made and therefore it is possible to change it (Sultana 2012: 3). In this paper, these two different views appeared while analysing the information gathered from the interviewees; religious representatives have traditionalist beliefs, while others believe in and are agents of change.

Simon-Kumar (2007) presents the concept of patriarchy in the context of development, claiming that “at the heart of the field is the premise that women have experienced development differently – if not discriminately – from men”. According to her, as opposed to the general belief about development being gender-neutral and unbiased, development encompasses male bias; the experiences of women who have been discriminated necessitates the appropriate trainings and educating of male planners (Simon-Kumar 2007: 4). In addition to looking at women’s marginalization in laws and policies and at the importance of gender mainstreaming, I shed light on women’s marginalization in social relations by Simon-Kumar’s elaboration on male bias, masculinities and gender roles. Simon-Kumar (2007) claims that women’s status in developing societies have been influenced by male bias; in other words, there were social imbalances in roles of men and women and in the attitudes towards them. These imbalances were created due to the expectations imposed by the society in behaving certain ways – masculine- leading to patriarchy (Simon-Kumar 2007: 5). This elaboration on unequal power relations between men and women is used in this paper to situate the views of the religious representatives in relation to what is considered legitimate in the relations between the two genders.

Following the conceptualization of “Patriarchy”, I analyse the persisting gender inequalities in family relations through gender socialization, gender roles and gendered institutions. “Gender socialization” is used to explain the victim’s (women, in this paper) perception, religious institutions’ and families’ stance on domestic/intimate partner violence. Walker & Browne (1985) focus on intimate partner violence and claims that men and women are socialized differently in the family and in the society; women are socialized to adapt to physical abuse while men are socialized to express aggression and to perceive women as “appropriate recipients of violence”. As Walker & Browne claim, “gender appropriate” behaviour determine how men and women should act in the family and society; women tend to prioritize the security of their families and accept abuse, while men’s dominance and use of physical power is accepted by the society. This elaboration on gender socialization manifests itself in the voices of women and in their priorities while having their physical integrity and family’s honour on opposite sides of the scale. Based on the primary data gathered from the NGOs, officials and religious representatives, who claim that men and women are socialized differently in the Lebanese society, this concept helps to situate the measures taken by the NGOs to combat violence against women and gender-bias practices accordingly.

Scott (1986) elaborates on the different roles given to men and women in the society by cultural constructions, which determine what women and men should do based on their biological sexes. Gender is represented in societies by symbolic systems “to articulate the rules of the social relationship or construct the meaning of experience” (Scott 1986: 1063). She claims that sexual symbolism has been useful to understand how social order has maintained in specific societies or how social change been promoted (Scott 1986: 1054). Based on the religious representatives’ perceptions and the stance of the women’s families, I agree with her claim that gender roles which are expected in the society manifest and are the manifestation of the differences between men and women in the legal systems. In this paper, “gender roles” and “gender socialization” are used to explain the persistence of abuse between intimate partners and how the socio-cultural values and norms play a role in the brutal experiences of women in the family. I argue that the legitimization of male violence is not only socially constructed but also sustained by institutions; Sultana (2012) claims that with the legitimization of state, violence is a tool to control and subjugate women; by avoiding to interfere unless the instances are exceptional, the state causes the persistence of insecurity of women, who become attached to their homes and exploited in economic and social spheres (Sultana 2012: 10).

In addition to arguing that the laws and practices of the decisive institutions in this paper are patriarchal, I have used the theory of gendered institutions by Acker (1992) to look into the domination of men in these institutions and how it creates barriers for women to enjoy their equal rights with men. Acker (1992) defines gendered institutions by the presence of gender in the “processes, practices, images and ideologies, and distribution of power in various sectors of social life” (Acker 1992: 567). She claims that political, religious and legal institutions were historically established by men, are dominated by them and are interpreted from their decisive and leading standpoint (*ibid.*). Acker (1992) claims that the ideologies and symbols of the male-dominated institutions legitimize hegemonic masculinity as well as the norms and policies of these institutions subordinate women and exclude them from decision-making processes (Acker 1992: 568). This identification of “gendered institutions” goes hand in hand with the framework of gender socialization and gender roles to discuss how patriarchal values prevail in state-religious institutions and families, which violate women’s rights. Based on the presented work, which tends to explore how institutional structures are formed through gender, I have used the work of Kabeer (2000) to emphasize on how women’s exclusion has been taken up by the institutional mechanisms and how this exclusion is demonstrated in relation to women’s rights violations and gender inequality.

Kabeer (2000) claims that the institutional mechanism, through allocation of resources and the assignment of values, do not recognize specific groups of people as full participants of social life while systematically excluding them from the structures (2000: 86). Kabeer’s elaboration on “privileged insiders”, who are those occupying central positions in institutions and shaping norms and values in the society (Kabeer 2000: 87) is useful to problematize the dominance of men in religious and state institutions. Without claiming that the discriminatory decisions against women made in religious courts are a result of men’s dominance in those courts, I have tried to explore how the unequal power relations between men and women in the decisive positions have shaped patriarchal values and laws, which have violated women’s rights. She claims that the membership in and exclusion from these institutions are associated with the specific group’s access of resources and recognition in other domains of life; for instance, those who are disadvantaged in the community are disadvantaged in the legal system (Kabeer 2000: 87). Linking the concept of gender roles to exclusion, I have tried to explore how religious representatives perceive the equality between men and women in occupying central positions in religious courts, which I have presented as gendered institutions. These institutions are biased towards those who tend to change the status quo without the agreement of the ones representing that status quo (Kabeer 2000: 91). By identifying

men's dominant position in the institutions and the patriarchal norms as the "status quo", I have looked at how women have challenged the "status quo" individually and collectively, while facing challenges in different spheres and by various institutions.

2.4 Women's Agency: Individual and Collective Strategies

Whittington (2010) explains agency by "capacity to do otherwise", which entails refusal to follow a specific practice (2015: 147). In order to present agency in relation to structures and social practices, he outlined Giddens's structuration theory. Agency in this theory goes beyond what individual is willing and can achieve, as it involves having control over resources and following/ rejecting rules (Whittington 2010: 147). I refer to "rules" as written laws and practiced values in the society and gendered institutions, which are challenged by women and feminist NGOs. Decisions made in these structures on inclusion and exclusion of groups "reinforce or amend established social and organizational hierarchies" (Whittington 2010: 150). This idea is useful to shed light on how and why the governing institutions tend hold on to the gender hierarchies and limit women's access to an equal status as men in social relations. The structuration theory considers collective rather than individual struggle as a more effective mean to make social changes (Whittington 2010: 152); however, based on the stories of women and the personal experiences of the officials, I argue that in some cases individual agency can be as effective if not more than the collective agency.

The collective of agents who are knowledgeable and creative, can transform the structures through innovative ways (Sewell 1992: 4). Sewell (1992) claims that the discussion on structures assume that the social life is rigid and lacks the recognition of human action (Sewell 1992: 2). This paper would have given an incomplete presentation of the issue of gender inequality in personal status laws, if it only discussed the structures pertaining patriarchal norms without looking at the agency of women who challenge these norms. Sewell (1992) explains how collective and individual agency are practiced; the coordination with others is key in forming collective projects and the individual's agency is highly dependent on his/her position in the collective organizations (1992: 20). However, if we consider that the position of the individual is a determining factor of what he/she can achieve, we imply that the individual belongs to a single collective and undermines the possibility of the individual's membership in different collectives with different dynamics. Based on the experience of one of my interviewees, I argue that women in the political sphere, which is argued to be patriarchal and gendered, does not only refuse to follow the gendered laws and practices in the collective

(male-dominated Lebanese Parliament), but also challenges those by working with feminist organizations.

This paper does not claim that resistance and agency are only born from the refusal of patriarchal values and laws, but also from the tendency of the privileged members of the social organizations to keep their established dominance. I use Bourdieu's definition of social class and recognizes gender as the differentiating factor between these classes. Social classes are "sets of agents who occupy similar positions and who, being placed in similar conditions and are subjected to similar conditionings, have every likelihood of having similar dispositions and interests and therefore of producing similar practices and adopting similar stances" (Bourdieu 1985, 725). I refer to Bourdieu (1985), as I present the voices of religious representatives on the fight of women and feminist NGOs against gender-bias treatment in the male-dominated institutions. Avishai (2016) posits that feminist activism does not only tend to impact women's lives but also targets "unjust social structures" where unequal power relations and subordinate position of women in relation to the privileged position of men are reproduced (2016: 268). She states that individuals, families and the communities constantly negotiate on religion and claims that religion can be at the same time a site of oppression and empowerment (Avishai 2016: 267). Based on the findings of the interviews, I find the approach of Avishai (2016) relevant, as religious legal system is perceived uncontestably legitimate and just by the religious representatives, who claim to follow "what God wants". As I present women's demand for adoption of civil law pertaining family relations, I refer to Avishai's work to highlight women's perception on religion as faith and as a site of oppression. Consequently, theorization of structure and agency from a feminist standpoint helps to reconcile the experiences of women with their demands for the protection of their rights and with their resistance against gendered laws and institutions.

2.5 Intersectionality: Understanding the theoretical framework

Finally, the concept of *intersectionality* is useful to understand how the combination of different factors can result in the domination of men and subordination of women. The term *intersectionality* was coined by Kimberle Crenshaw (1989) as she analysed and evaluated the influence of the interrelations of different identities such as race and gender in the experiences of black and white women (Crenshaw 1989). In addition, intersectionality as an approach allows the re-evaluation of social positioning of men and women and reflects how social relations are produced and reproduced by them (Lutz et al. 2011). Stemming from the above discussed elaborations on patriarchy, gender roles and exclusion, I argue that the

interconnectedness of class and gender, results in the “intersectional discrimination” of women and the “intersectional privilege” of men in the Lebanese society. By showing how the unequal power relations between men and women are resulted from gendered institutions and gender-biased practices of family laws, I argue that “intersectional privilege” of men and “intersectional discrimination” of women exist in social-legal-political-religious spheres. The concept of *intersectionality* enabled me to understand how the perceptions of the religious representatives and the experiences of the women (as victims of unequal treatment as well as as agents for change) we influenced by the social identities- class and gender.

Chapter 3 Personal Status Laws and State-Religious Institutions dynamics

3.1 Introduction

In this chapter, the personal status laws will be discussed as human rights concern using the socio-legal approach. The nature of the legal system in Lebanon is analysed with regard to international human rights and obligations. It shows that the authority given to the religious institutions, by the Lebanese constitution to govern family relations, challenges women's equal access to rights with men in family relations. It discusses the influence of the plural legal systems on women's rights and how the Lebanese state uses its legal culture to avoid legal reforms.

3.2 Personal Status Law as a Human Rights Issue

The Personal Status Laws based on sectarian belongings, which are still functioning under the claim of respecting diversity of religions and variety of confessional practices, do not tackle the issue of gender inequality embedded in the institutions and in the structures, which govern them (Zalzal 1997: 37). The Lebanese state has failed to establish a legal system in which all citizens are treated equally despite their sectarian belongings. The authority given to the religious institutions by the Constitution to handle family relations discriminates women and challenges the attainment of equal rights to men in family laws (ibid.). The Lebanese state has failed to comply with its commitments at the international level; although the state has ratified CEDAW in promotion of gender equality and protection of women's rights, yet civil laws give power to the discriminatory religious laws (Dabbous 2017: 5). Taking into consideration the areas which are regulated by the personal status laws (marriage, divorce, child custody and inheritance), in the following paragraphs I present examples of laws and practices from different religious institutions while discussing their compliance with CEDAW.

Marriage in Lebanon, defined by the personal status laws, is a two party contract in which both parties agree on matters of cohabitation and cooperation; however based on religious institutions' values and practices, this contract entails unequal partnership between men and women, where women are discriminated and do not enjoy their rights and freedoms (Shehadeh 2010: 217). According to Shehadeh Muslim women are not allowed to leave the house without their husbands' permission, based on culturally and socially practiced laws as

well as women are obligated to abide by their husbands' choice with regard to their place of residence in Christian sectarian laws (ibid.). These values and practices violate international human rights laws, which guarantee the equality between men and women to move freely and choose place of residence (CEDAW 1979, Article 15).

The unequal treatment between women and men does not take place only during their marriage and in the period of their cohabitation, but also while terminating their marriage. Shehadeh (2010) presents several divorce laws and practices from different religious institutions and courts, where women experience discrimination. Christian sects, specifically those who follow Catholic religious laws, do not permit divorce; generally, men can end their marriage more easily and freely than women, who are expected to have severe injuries and “convincing reasons” to be able to end their marriage in the religious court (Shehadeh 2010: 2019). Gender unequal laws and practices are also present in Muslim sects, where marriage can be terminated by men without women's knowledge, while for example in Shia religious court a woman cannot terminate her marriage without the consent and the permission of her husband (ibid.). The Lebanese state has reservation on Article 16 of CEDAW which claims that men and women have equal right in marriage and has not taken measures to tackle the inequality between spouses within and outside of their marriage.

3.3 Socio-Legal Approach to Personal Status Laws

3.3.1 Internal and External Dimensions

Legal pluralism and its impact on gender inequality in the legal system in Lebanon will be tackled from internal and external dimensions. In this case, internal dimension is referred to the diversity of religious family laws operating simultaneously in Lebanon and external dimension is referred to the national laws (Lebanese Constitution) and international human rights laws (CEDAW).

Lebanon has ratified CEDAW in 1997 with reservations on three articles; to develop my analysis, I will concentrate on its reservation on Article 16 paragraph 1 (c), (d), (f), (g), under which men and women have equal rights in family matters (CEDAW 2015a:5). To analyse the gender inequality under the personal status laws from internal dimension, the power relations and dynamics at the domestic level should be taken into account. “Self-regulating sectors” govern the societies at the domestic level, which differ based on ethnic belongings, locality, etc. (Galanter 1981 in Merry 1988, 878). In the Lebanese context, single personal status law ensuring equality among all citizens in front of the law does not exist and

diverse religious institutions and courts have a decisive role. In fact, Article 9 of the Lebanese Constitution gives freedom and right to diverse religious institutions resulting into the practice of the 15 religious family laws, as measure to respect the communal and religious diversity in the country (Dabbous 2017: 8). Religious laws influence state laws and integration of international human rights laws in national legal system as well as state laws influence religious laws, as the mandate of the religious institutions to govern family relations is guaranteed and can be terminated by the Constitution (Lebanese Constitution). During the Lebanese state-building project, this mandate was given to the religious institutions local elites gave this mandate to religious institutions based on their own interests and their fear to lose their sectarian identities¹². Hence, the struggle of the political elites in Lebanon to maintain their authority and power over their communities, can be understood through the *internal dynamics*, studied by Merry (1988).

In order to approach personal status laws from the external dimension, I will look into the standpoint of the Lebanese legal system in relation to international human rights laws. Merry (1988) describes legal pluralism by not only understanding the power relations in the society but also by looking at how that legal system interacts with external regulations (Merry 1988: 874); the discussion will be based on Lebanese state's ratification of CEDAW.

In 2015, Committee of CEDAW highlighted the issue of personal status laws in the "List of Issues" which was submitted to the Lebanese state. The Committee claimed that the system which governs the family relations gender-unequal and violates women's rights and asked from the Lebanese State to withdraw its reservation on the respective article (Article 16 of CEDAW), adopt measures to combat the gender inequality in family relations and adopt "unified personal status law" (CEDAW 2015a: 5-6). This demonstrates the dynamics between the international laws and national laws can be explained by the interactions and the struggles of each level in multi-layered legal organization (Kidder 1979 in Merry 1988: 876).

In its reply to the Committee, the Lebanese State restated the current situation without providing any measures towards combatting the gender inequality and making legal reforms. According to the State's reply, the regulation of domestic affairs falls under the religious institutions' jurisdiction which is based on the values and laws which they abide by (CEDAW 2015b: 8). The Lebanese state justified its standpoint with this regard and claimed that there are no new developments towards the withdrawal of its reservation on Article 16 and

¹² <https://carnegieendowment.org/2016/05/16/unraveling-of-lebanon-s-taif-agreement-limits-of-sect-based-power-sharing-pub-63571>

establishment of a unified law with the right given to the religious institutions by the Lebanese Constitution (CEDAW 2015b: 17). The Committee of CEDAW challenges the national laws and nature of the legal system, asking for the compliance of the state with its international human rights obligation through legal reforms, while the Lebanese State justifies its failure in protecting women's rights and its unwillingness to reform gender-unequal laws with the plurality of the legal system.

3.3.2 Legal Culture

To reflect on the structural component presented by Freidman (1969), I investigate how the courts function and how the power is distributed among these courts. The eighteen religious sects and their respective courts play a decisive role in decision-making process and in appointing of decision-makers. The Constitutional Court has a limited role and the religious institutions have the monopoly to appoint judges who handle matters related to marriage and its termination (Human Rights Watch 2015: 30). In Christian religious institutions, clerical and judicial positions are combined by the appointed judges and in Muslim sects, the judicial and executive bodies are interdependent, as the judges in Sunni and Shia religious institutions are appointed by the Supreme Islamic Authority, affiliated with the Cabinet (Human Rights Watch 2015: 31). Considering the roles and the responsibilities given to the judges in the religious courts, the separation of power and independence of the institutions that govern the society has not been ensured and implemented by the Lebanese state.

The substantive component presents the rules and laws which are followed by and implemented by the governing institutions (Freidman 1969: 34); the analysis will focus on the state and the religious laws. Lebanese Court of Cassation is the highest court which examines and ensures the compatibility of religious laws and practices with the civil order; however, the role of the Court is limited to the examination of the legal processes "rather than the substantive religious rules" (Human Rights Watch 2015: 36). Despite the absence of civil marriage registration in Lebanon, civil marriages of Lebanese couples registered abroad and under foreign laws are approved by the Lebanese Supreme Court (Human Rights Watch 2015: 19). However, by accepting civil marriages registered under foreign laws, the Lebanese state does not combat the inequality resulted by the personal status laws at the domestic level¹³. For example, during the termination of marriages between couples from Sunni, Shia

¹³ "Personal Status of Women in Lebanon: Limits of compliance with international human rights obligation in a pluralist legal culture", Essay prepared by the Author for the course "Human Rights Law & Society", Institute of Social Studies, 2019.

and Druze religious sects, the foreign civil laws are not applicable and the personal status laws of the respective religious institution is implemented (Mansour & Daoud 2010: 17), re-creating unequal power relations between men and women in front of the law.

Considering the cultural component, explained by Freidman (1969: 34), it is essential to recognize the embeddedness of patriarchal values and attitudes in the family laws regulating social relations in Lebanon. Based on voices of the interviewed women, I find Joseph's (1997) argument relevant; the unequal power relations between men and women are inseparable from the personal status laws which handle cases of child custody, termination of marriages and inheritance of property (Joseph 1997: 82). The lack of effectiveness of accepting civil marriages that were registered abroad is portrayed by the fact that religious institutions fail to implement foreign laws while terminating these marriages¹⁴. This maintains the unequal religious norms and values that in turn hinder apt translation of textual laws into reality, and thus maintain the detrimental structural and cultural spheres (ibid.). Considering, that the social and cultural systems do not authorize women to become judges in religious courts, initiate laws and make decisions on family matters (Mansour and Daoud 2010: 16), the legal system of the religious institutions in Lebanon encompasses gendered and patriarchal values and practices.

3.4 Personal Status Laws in relation to Domestic Violence Law

In 2014, Lebanese Parliament passed the "Law on Protection of Women and Family Members from Domestic Violence¹⁵" (Human Rights Watch 2015: 5). The draft law proposed by KAFA¹⁶ referred to the violence between married couple, marital rape, as a crime (Khattab 2016: 21). Despite the efforts of the civil society to address the lack of protection of married women under religious and criminal laws, the religious institutions pressured the political leaders to remove the section of the law which recognizes and punishes marital rape as a crime (Dabbous 2017: 25). It is important to highlight what Khattab (2016) notes about the failure of the state to protect women's rights. Although the state holds the legislative and executive power, yet the implications of the law on domestic violence is highly influenced by

¹⁴ "Personal Status of Women in Lebanon: Limits of compliance with international human rights obligation in a pluralist legal culture", Essay prepared by the Author for the course "Human Rights Law & Society", Institute of Social Studies, 2019.

¹⁵ Referred to as Law 293

¹⁶ See "Preamble" on <https://www.kafa.org.lb/sites/default/files/2019-01/PRpdf-77-635530470324885132.pdf>

the religious institutions and personal status laws (Khattab 2016: 23). This shows that even in cases where women's security is under threat, religious representatives insist on maintaining their authority in regulating family relations and refuse the interference of civil law in these relations. The Law 293 established important measures for protection, stated previously, yet it failed to criminalize marital rape and to address the challenges married women face inside their homes (Human Rights Watch 2015: 5). In cases where violence has taken place between married couples and conflicts arise between the civil and religious court rulings, personal status laws take priority over civil laws (ibid.). Therefore, the interference of the religious institutions in the adoption of Law 293 has resulted in the mis-recognition of women's rights, based on the importance given to the physical integrity of women and to her protection from spousal abuse, in Beijing Declaration and Platform for Action (1995)¹⁷.

3.5 Conclusion

Personal status laws of Lebanon were presented as human rights issue, since the absence of single civil law and the existence of plural legal system challenge Lebanese state's compliance with its international human rights obligations. While discussion personal status laws by socio-legal approach, the authority and the jurisdictions of the religious institutions were highlighted. Taking into consideration the legal system in Lebanon, where religious laws and state laws influence each other, this section analysed the ways in which the Lebanese state has upheld women's discrimination in family relations.

¹⁷ See Article 245 (a) on https://www-un-org.eur.idm.oclc.org/en/events/pastevents/pdfs/Beijing_Declaration_and_Platform_for_Action.pdf

Chapter 4 Patriarchy, Religion and the Family

4.1 Introduction

Departing from the discussion on state-religious institutions dynamics in Lebanon and their role in the incompatibility with international human rights laws, in this chapter, the role of religious institutions and the family in the persistence of gender injustice is discussed. The chapter argues that the religious laws regarding family matters as well as the stance of families in the society uphold patriarchal values. Apart from analysing existing research material on the mentioned topics, I present the voices of four religious representatives and four women, who have shared their views and experiences during my field research. The data gathered from the religious representatives, aside from the information on personal status laws of the religious institutions they represent, are their personal views on the matter and should not be subject to generalizations. Similarly, the data gathered from the women which covers their personal experiences and views as focus, is not subject to generalizations.

4.2 Family-Religious Institutions dynamics

Family is a societal unit that socializes children according to the society's norms and values and raises them according to what the society finds appropriate and expects from them (Moghadam 2004: 137). The role of the religious leaders in Lebanon is extended from religious to social and communal, as they are the representatives of their communities (Henley 2016: 4), hence influence social relations in the society. Supported by the cultural beliefs, in Lebanon, the family is valued above the individual; the collective needs and family solidarity are pursued even at the expense of subordinating individuals' needs (Joseph 1993: 476). However, based on the family and religious values, men and women have developed different tendencies; men have greater individualistic tendencies based on the greater choices given to them in the society, while women have greater collectivistic tendencies (Ayyash-Abdo 2001: 506). Based on the findings of focus group discussions in Lebanon, Usta et al. (2016) present how "ideal woman" was described by participants; she is expected to devote to her family, sacrifice for the other members and is obedient to her partner (Usta et al. 2016: 425).

Khatab (2016) claims that the language of the constitutions in the Middle Eastern countries do not discriminate between genders, yet gender inequality exists in the practices and processes of institutions, which legitimize the injustice based on religious, familial and cultural terms (Khatab 2016: 5). While Article 7 of the Lebanese Constitution guarantees the

equality of all citizens in front of the law, personal status laws give different and unequal rights to men and women intra-religiously and are differentiating amongst women inter-religiously (Lebanese Constitution). The following section elaborate on the claim Khoury & Wehbi (2016) raise; the choices women make are shaped and impacted by the cultural norms and values, which then are translated into their life experiences (Khoury & Wehbi 2016: 82). As women who were interviewed for the purpose of this research, elaborate not only on the discrimination they have faced under the personal status laws, but also in family and religious values.

4.3 Contradicting Voices on Gendered Institutions

This section demonstrates the perceptions of religious representatives in a male-dominated sector on gendered institutions and unequal treatment of men and women. Women's voices are presented here which contest those perceptions, arguing that the institutions governing their lives are gender-biased, reproduce patriarchal values and prevent their equal participation in social life.

Law is used as a vehicle, which defines the regulations, values and behavioural patterns in the society (Shehadeh 2010: 212). Referring to the concept of gendered institutions by Acker (1992) and to notion of exclusion by Kabeer (2000), I explore how the decisions made by men perpetuate patriarchal norms.

“Just because men are the ones who are making the decisions, does not indicate that the laws or the decisions are gender-bias; we are implementing God's laws, according to which everyone has rights”, stated the Shia RR (interviewed on 9 August 2019).

“The religious judges are men, but they serve men and women equally” added the Sunni RR (interviewed on 9 August 2019).

Hence, the religious institutions claim to recognize the participation of women in social life and do not associate with the unequal power relations and distribution of resources in structures. Whilst the sole purpose of having these diverse practices of family laws was to maintain the religious and cultural diversity in the society, women's representation in this diversity is inhibited. The dominance of men in the religious institutions is an undeniable reality, and the absence of women in decision-making positions was reaffirmed by the interviewed religious representatives however, the representatives tend to refuse that this reality leads to subordination of women and to gender-bias decisions.

The Maronite RR (interviewed on 26 August 2019) tried to confirm the fact that women are also included in the court proceedings and are have equal participation in religious life:

“40% of the lawyers are women, but high positions are occupied by men; in the past women and men used to sit separately in different sides, but now everything is equal”

The Maronite RR did not address my question about exclusion of women from decision making-processes. His illustration on how that the doors of the religious institutions are not closed in front of women, and they are given the opportunity to participate in religious practices. His response to my question addressing women’s equal participation in the religious institutions demonstrates how gender equality and inclusion of women are understood in ways which do not contest the patriarchy engrained in the structures and do not problematize the absence of women in religious judiciary. The perceptions of the religious representatives from different religious institutions show that despite their religious differences they have a similar stance on the inclusion of women in the judiciary.

“We follow the laws and study each case separately; decisions of the court on divorce and child custody are made based on the laws of our religion and not based on the opinion of the judge”, insisted the Armenian RR.

Tracing back to how and by whom these institutions and legal systems were established and are functioning, Acker’s theorization of gendered institutions explains how men have used their position to legitimize their domination through laws that serve their own interests.

The negative consequences of exclusion of women from the institutional structures have been amplified in the personal experiences of women. Revisiting Kabeer’s (2000) indication of legal systems as an arena where societal organizations and values are represented and certain groups are valorised over others, I reflect on women’s experiences to argue that men are privileged in the religious institutions. One of the lawyers in KAFA (interviewed on 8 August, 2019), who is an expert in Sunni and Shia personal status laws and assists women in the court, stated that judges sometimes refused to meet women in court because they “act emotionally”. Judges’ attitudes need to part from the understanding of traditional sex roles when dealing with policies which already embrace discriminatory norms against women (Shehadeh 1998: 502). This claim contradicts the accepted perception of the religious institutions that the gender of the decision-maker does not influence a biased treatment of women in courts.

The treatment of the women by the religious judges can be understood by what Kabeer (2000) calls “unruly practices”, which describe the gap between the rules and their application

in certain institutions (Kabeer 2000: 92). The Sunni and the Shia women show that their husbands were treated unequally in the religious courts;

“When I raised a petition against my husband to get my monetary rights, I had to wait for three months for him to show up in front of the court, but when he raised a petition against me, I was required to be there within 24 hours. The judge, who was aware of my case, threatened me to remove the petition voluntarily or else I would have been forced to do so”, said the Sunni woman (interviewed on 31 July , 2019).

The Shia woman (interviewed on 31 July 2019), based on her experience, explained about corruption in the political and religious spheres.

“Indeed, the decision served my husband’s interests, he has “political backing” (based on her claim, he was affiliated with a political party which has influence on particularly Shia religious court), and I don’t”, she said.

Hence, connecting the elaborations of Acker (1992) and Sultana (2012) on male-dominated institutions and patriarchy, I argue that patriarchal institutions in Lebanon (religious and state) empower each other to maintain the status quo of men as leading members of the society.

“Despite having mental issues, my husband was given the custody of my daughter; he was forbidding me to see her in violation of the court’s decision. I approached the court asking from the judge to interfere with specific measures, but I was told that the court can only make the decisions whilst the implementation is our responsibility”, stated the Catholic woman (interviewed on 31 July 2019).

The experience of the Catholic woman shows that even in extreme cases where the safety of the child is under threat, the law leans towards privileging men. Recalling the role of the state and the governing institutions in the exploitation of women by keeping them intact to male members of the family, as discussed by Sultana (2012), the institutions only interfere in exceptional and life-threatening situations, otherwise legitimizing the subjugation of women and the control of the husband over wife’s life and choices. This is also seen in the case of the Armenian Orthodox woman (interviewed on July 24, 2019), who’s physically abused and was disloyal to her. Yet she was told in the court “it is okay, it was something that happened in the past, give him a chance and go home” without considering that she had been patient long enough before filing for the divorce. As Dabbous (2017) highlights, in Lebanon, women are not protected during the court proceeding; in contrary, they are encouraged to remain patient in the marital home until a decision is made by the court (Dabbous 2017: 16). Hence,

women's interests are rarely taken into consideration by religious leaders, who tend to value the unity of the family over the security and the preferences of the individuals involved. "Perhaps if women were allowed to make decisions for fellow women, mothers and wives in our society, my experience in the religious court would have been different", concluded the Catholic woman.

In order to promote equal participation of men and women in decision making in the religious courts, structural changes are unavoidable. However, is the women's inclusion in the judiciary a priority for the religious representatives? These representatives draw their power from these established gendered-institutions and exert it on women through patriarchal values and norms, which are embedded in the societal and cultural practices. Shehadeh (2010) suggests that as family matters are handled by males, the patriarchal ideology of the judges has its impact and envelopes their fear of losing their natural right to dominate in the power-relations (Shehadeh 2010: 221). This seems to be reflected in the voices of the religious representatives. Hence, perceptions which are derived from the legitimization of gendered-practices and laws in the social structures dictate and reinforce their ideological standpoint; this standpoint internalizes the exclusive rightfulness of men to occupy decision-making positions and normalizes of gender hierarchies in the institutions. As "privileged insiders" they avoid challenging long-practiced laws and norms which authorize them to govern social-family relations and serve the interest of those who maintain the patriarchal structures.

4.4 Contradicting Voices on Gender roles and Family Values

Considering the role of the religious representatives in the Lebanese society being the representation of religious and communal lives, this section demonstrates their perceptions on different societal expectations from men and women in relation to the unequal power relations in the family. Despite their acknowledging of differences between men and women, which are dominantly based on biological facts and personal assumptions, the religious representatives tend to disagree that different gender roles form patriarchal and gender unequal practices. While women's voices contest those perceptions, arguing that gender roles which are assigned societally and practiced within their families have affected their individual choices and their lived experiences.

During my interview with the Armenian Orthodox RR (interviewed on 10 July, 2019) , I shared a personal story about a conversation that I have had with my mother about marriage and divorce. My mother's stance was clear; "choose your future partner wisely and do

not think that you can return to your father's house after every argument you have with your husband". Combining the key issues presented by Sultana (2012) on patriarchy and societal expectations on women's behaviour in male-dominated developing societies presented by Simon-Kumar (2007), I argue that my mother's stance was nothing else but a reflection of patriarchal value system. According to that value system, I am expected to devote my individual interests and "save my marriage", disregarding discriminatory behaviour from my male partner. The Armenian Orthodox RR claimed that in our society, the parents do not wish for their daughters to run back to their families after encountering "small issues with their partners", be tolerant and find solutions to reconcile. Interestingly, discussions with the religious representatives on gender roles in marriage revolved around how women are expected to behave when the unity of the partners is under a threat; they did not problematize the patriarchal structures and the laws which authorize men to overpower women.

"Men and women are different by nature; men are more aggressive and rational while women are shy and emotional. Men think rationally before filing for a divorce, because under the Sunni religious law men have financial obligations towards their wives", stated the Sunni RR.

Recalling the presentation of gender by Scott (1986), the perception of religious representative reflects the social constructs on gender based on biological differences. The view of Sunni RR rationalizes unequal treatment between men and women using biological differences. Following his view that biological differences are determinants of attainment of resources and rights in the society, one can find the gender-bias family laws unproblematic. Therefore, this view legitimizes the refusal of the gendered institutions to evolve from privileging men to promoting gender equality.

In her work, Khattab (2016) states that in Lebanon, oppressed women do not always report about their cases and do not always file a complaint asking for divorces in the religious courts, to maintain their families' reputation and honour (Khattab 2016: 16).

"Although my family was aware of the hardships I was facing in my relationship, they were worried about what the neighbours and the society would say after I get a divorce. Even if woman experiences domestic violence every day in our society, is abused and humiliated in the house, she is expected to handle the brutal situation. Men feel entitled to use violence, because men think they are sole decision-makers without understanding that marriage is based on mutual understanding and sharing", said the Sunni woman.

Her family was concerned about her children and their future after the separation of their parents. In addition, women in the Lebanese society are encouraged to stay in abusive relationships, prioritize the collectivistic interests and abide by cultural values to avoid marginalization in the society (Khoury & Wehbi 2016: 82). According to Joseph (1993), the structural relations in the Lebanese society entailing patriarchy directs women to consider themselves as belonging to the males in the family (Joseph 1993: 460). Revisiting the conceptualization of “gender socialization” by Walker & Browne (1985), in this context, violence against women is legitimized by how the society perceives women as “appropriate recipients of violence”, while preserving the cultural norms which regard men rightful to use physical violence because they are perceived to have the physical power.

“My family was financially and morally supportive when I decided to terminate my marriage, but I stayed silent for few years, thinking about my family’s honour and society’s perception on divorced women; I only filed a divorce only when things were unbearable”, said the Armenian Orthodox woman.

“My parents created obstacles for me to get a divorce and constantly pressured me to stay in the house with my children and husband, despite the moral and physical abuse that I was experiencing. The use of aggression and controlling of women by men are seen normal in our society, but these have negative consequences. The upbringing of children is a determinant of how they will behave in their own families and treat their partners; parents should interfere whenever the male child entitles himself to controlling of his female sibling”.

Joseph (1993) describes the different gender roles assigned to men and women to maintain the stability in the society; men are encouraged to be responsible for female family members and controlling towards them while women are encouraged to serve the men who should be perceived as their protector (Joseph 1993: 479). Referring to the claim of Scott (1986) on sexual symbolism and its role in maintaining social order as well as to the elaboration of “gender appropriate behaviours” by Walker & Browne (1985), the gender expectations create hierarchies in Lebanese society, where the subordination of women is not problematized.

Different gender roles and expectations from women and men in their families embed values in the social relations. These values extend from familial to institutional level, creating layers of discrimination and subordination of women. The family and the religious institutions enforce systems of practices, which are demonstrated in the processes of family laws in Lebanon. The individual choices of women are not independent from their family’s

expectations and are not invulnerable towards the patriarchal values, which sustain gender inequality and women's rights violations.

4.5 Contradicting Voices on Gender Equality and Women's Rights

This section draws attention to the perceptions of the religious representatives on the issue of gender inequality in the family laws in Lebanon. This includes their stance on the misrecognition of marital rape as women's rights violation and on the adoption of civil law/marriage as a mean to establish gender equality in the society. Women's voices which are presented here contest those perceptions, claiming that the gender inequality will persist without the recognition of intimate partner violence and without the adoption of single civil code on family relations.

Both Muslim representatives claimed that international human rights laws are not applicable in the Lebanese context, because they advocate for what is unacceptable in our society, such as legalization of homosexual relations. However, they claimed that the incompatibility of the state laws with international human rights laws does not affect the protection of women's rights in "our society". On the other hand, The lawyer in KAFA articulated the divorce process under the Shia religious family laws as a unidirectional power-relation, "even in cases where women file for a divorce, it is not granted until and unless the husband utters *talak* (act of rejecting the wife and permitting separation) in the court, who sometimes uses his powerful position to pressure the woman to give up on her right to dowry in return for his permission". Such exclusionary treatments establish differences between those who can and cannot access resources according to the common-sense knowledge perpetuated in the society by those who hold the power based on their identity (Foucault 1982: 781). Hence the gendered institutions internalize values and practices which lead to the further enforcement of gender injustice in the society.

The denial of gender inequality in the family laws by the religious representatives came in the form of stating rights given to women by disregarding the patriarchal and cultural constraints that women face while exercising those rights. According to the Muslim religious representatives, women can put their rules and conditions in the marriage contract before the marriage. However, in the Lebanese society where divorce is perceived as the right of the man, women rarely include this right in the marriage contract as they are pressured by their families, society and cultural values (Dabbous 2017: 14). Countering the argument of Dabbous (2017) on the subordination of women by the religious family laws, the Sunni RR insisted,

“The Court guarantees that the husband fulfils his obligations as per the family law; men and women are treated unequally in the court and men are privileged? In many cases you can also see that men are being oppressed”.

Referring to the interference of the religious institutions in the adoption of civil law aimed at protecting women’s rights and physical integrity in her marital house, the religious representatives were asked to elaborate on the stance of those institutions.

“There is no marital rape; both partners should satisfy each other’s sexual needs. In case the woman refuses to be involved with her husband sexually and give what he should rightfully have, then the husband no longer must provide her financially”, said the Shia RR.

“Are there limits between a married couple? Can we prove or measure marital rape?”, said the Armenian Orthodox RR.

As representatives of religious institutions, which interfered in the adoption of the civil law (Law 293) to eliminate the clause that criminalizes marital rape, the interviewees voiced the denial women’s sexual abuse within marriage. This shows how they tend to maintain male privilege and turn their backs to women’s physical integrity and rights violations. Religious family laws in Lebanon imply that the woman’s body is the property of the husband, as he has either paid or has been paid dowry (Shehadeh 2010: 218). The power exercised in relationships tend to force others to adapt, include violence in the power dynamics, and create systems of differentiation to determine privileges (Foucault 1982:788-790). On the other hand, the Maronite RR insisted,

“Religious institutions do not legitimize any kind of violence. Religious courts collaborate with the civil courts especially in the cases of severe physical abuse; our courts ensure the protection of the woman and the separation of the perpetrator and the victim”.

On the other hand, the story of the Catholic woman, who struggled to find protection even after presenting her severe situation by a recording of the threat from her husband, questions the claim of the Maronite RR. The experience of the Catholic woman embodies the conclusion of Dabbous (2017), according to whom religious institutions in Lebanon are not responsive to intimate partner violence and do not consider it as a ground to grant a divorce (Dabbous 2017: 14).

Henley (2016) argues that religious representatives in Lebanon use their respected position in the society to perpetuate values to establish a social order which benefits the

persistence of governing institutions and their role in regulating social relations in their communities.

“Marriage is a sacrament for the church and cannot be dealt by civil laws; the church unites individuals therefore it should be the institution to dissolve the marriages”, claimed the Armenian Orthodox RR.

Highlighting the word *sacrament*, I argue that the religious representative uses religious faith to deny the injustices embedded in the institutions and to legitimize their authority on marriage.

On the other hand, the Armenian Orthodox woman, after passing through the challenges that the personal status laws under the jurisdiction of religious institutions, claimed that she would have preferred to be married under civil laws. “The decision of the religious court violated my rights, but I cannot contest it because these courts represent my faith. But no, don’t mix my rights with my faith!”, she exclaimed.

Referring to gender bias in patriarchal institutions explained by Sultana (2012) and Acker (1992), I argue that religious representatives derive their power by sustaining the superiority of men in the society and use this power to interpret laws and conduct social relation based on what serves men in the society. Looking into intersectional factors which empower religious representatives to preserve their power, I argue that as men who hold powerful positions in the society as faith leaders they have “intersectional privilege”. Hence, the legitimacy and justice behind the laws and values they promote, is not questioned.

Chapter 5 Agency of Women: Individual and Collective Strategies

5.1 Individual Strategies

This section analyses the efforts of women and women's rights groups to combat unequal and unjust laws and practices in the country. As members of a society enveloping patriarchal values, I shed light on the resistance from the gendered institutions to avoid legal changes, hence maintaining what Kabeer (2000) calls the "status quo" of men in the socio-legal sphere. Sewell (1992) states that individual agency is derived from the position of the individual in the society and is practiced by the influence of collectives (1992: 20). Considering the subordinate position of women in the society, discussed in the previous chapter, I refer to Sewell's conceptualization of agency to investigate how women in similar position in the society empower each other, use their personal experiences and individual agency to have large-scope impact. During her journey to get her rights, the Catholic woman claimed that NGOs helped her in getting divorced; currently she is collaborating with them to raise awareness, share her experience and inform other women about their rights under the personal status laws. She stated:

"Now, whenever I see women struggling in their relationships, I tell them to not stay silent, to ask for their rights because times have changed, and women should not be patiently accepting harsh treatment from men just to keep a roof above their heads".

However, in many cases women derive their power to resist from circumstances which are exclusive to their case which highlight their individual agency and achievement. The Shia woman, who tried to get her child's custody and challenged the obstacles created by the religious court, expressed:

"If I didn't have the courage to talk to the ministry of interior, I would not have been here today, holding my son's hand. My case was removed from the court several times, but I challenged the judges and achieved justice. I am not ashamed of kidnapping my son from my husband, who used his connections in the court to get my son's custody. I am not ashamed that I was being confronted by institutions along my journey, because I was being confronted for a cause, for my son and for my dignity".

Hence, I argue that the high value given to the collective needs, which were a negative aspect to women's status in the society as per Joseph (1993), can also empower women to confront injustice. By stating so, the Shia woman expressed her anger towards decision-

makers in the religious court and indicated how she was challenged by patriarchal and gendered structures individually. Similar to the Shia woman's individual agency, whose child was the main aspect enabling her to challenge structures, the Sunni woman claimed that despite the moral pressure of her family to not get a divorce, she took the decision to leave her husband, being supported by her children morally and financially.

"My children who were in the unhealthy atmosphere in the house, empowered me with their insistence to leave their father". She added that financial dependence on the husband plays a great role in keeping women in abusive and unhealthy relationships, elaborating that the Lebanese state does not provide the needs of the children. Hence, the resistance of women is dependent on several factors".

In the Lebanese political sphere, women challenge patriarchal structures and values individually and collectively. Khatib (2008) argues that women's achievements in Lebanon should not be seen "as a haphazard consequence of individual choice" (Khatib 2008: 440). Starting from the private sphere, where men and women are unequal, the negative consequences of their subordinate position extends to public sphere (ibid.). The female Member of the Parliament (interviewed on 20 August 2019) insisted:

"The equal participation of women in the decision making is an indicator of a healthy and just society. I encourage women to enter the political sphere; sometimes I act tougher than needed in the Parliament because I am aware of all the belittling perceptions about women in our society, especially among men. I hope by my presence and initiatives in Lebanese politics, I pave the way for other women to challenge the dominance of men in our institutions".

Based on her statement, I argue that women's participation in decision making can have a transformative impact in the recognition of gender equality in political and legal spheres, which in turn become a basis for social transformation. She acknowledges how male-dominated institutions perpetuate values which normalize the absence of women from decision-making, which in turn guarantees the maintenance of *status quo* of men in benefitting men in the society by producing gendered laws. Although she occupies equal position in politics to men, yet her expression shows how men in the political sphere still regard women as second class and question their capabilities. Hence as a representative of a social group (women) in politics, in addition to her efforts to make legal changes aiming at gender justice in the society, she challenges the perceptions on gender roles and women's "natural" traits, discussed in the previous section. Her position as a political representative can be seen as collective agency as her efforts are directed towards not only her individual interest but also in the interest of

women in the society; this can be further seen in the efforts of NGOs fighting for women's rights.

5.2 Collective Strategies

The efforts of the feminist non-governmental and non-political organizations to fight patriarchy can be effectively understood via Wittington's (2010) conceptualization of agency as the "capacity to do otherwise" in relation to what he finds to be an effective way to influence social structures. Such NGOs create strong networks at local and international levels to promote gender equality and the protection of women's rights (Khattab 2016: 11).

The respondent from ABAAD (interviewed on 21 August 2019) mentioned that in addition to supporting women individually by providing shelters to survivors of gender-based violence and legal-psychosocial-psychological support, the NGO performs advocacy for legal reforms and organizes trainings aiming at collective empowerment of women. According to her

"The patriarchal mentality in our society is the main reason for gender-based violence.

Working with only women does not bring any change, so we are including men in our new approach to change the image of men, masculinity and gender expectations."

In this way the NGO tries to transform what Simon-Kumar (2007) calls "social imbalances" between men and women (2007: 5). To influence legal spheres that influence social practices and decisions, NGOs develop networks (by working with men and officials) to engage different actors involved in the attainment of social relations. Although they are not involved in the decision-making, they use different channels to influence decision-makers through lobbying and campaigns (Acosta 2011: 159). For instance, in 2017, ABAAD had petitioned against Article 522 (by which the rapist could escape prosecution if he marries the victim), asked for its removal, was lobbying with other NGOs and was in direct contact with political representatives. "The lawmakers who witnessed our work were convinced that we are not against men but against violence", she added. This statement implies that the NGO took into consideration the status of the lawmakers in the gendered institutions and attacking men as a social group would have had its direct negative implications on the repealing of gender-bias law.

Acosta (2011) states that legislative changes that disrupt social organizations and functioning order require identification of specific cause, and ongoing commitment (Acosta 2011: 162). In other words, the organization of the movements and the development of agency should have a common goal and a persisting attitude towards gender injustice at stance. To

situate Acosta's (2011) elaboration on advocacy and campaigning as mean to challenge existing structures and attain legal reforms in the Lebanese context, I refer to the key points highlighted by the social worker (interviewed on 8 August 2019), who tackled KAFA's role in the adoption of Law 293 regarding the protection of family members from domestic violence. According to her, the NGO was demanding a law for protection for 8-9 years before its adoption. In her words:

“There was a major protest in 2014, when 5000 people were on the streets, demanding a law that protects women from domestic violence; the law was adopted in 2014, but was not exclusively for women. Till now, we are demanding a fixed law, which also protects women from their intimate partners and criminalizes marital rape”.

Recognition of women's vulnerable position in family relations in the Lebanese society questions the ability of religious institutions to respect gender justice and equality. Hence, the adoption of the Law 293 without specific clauses addressing the physical integrity of women appears as a guarantee for human rights protection but does not challenge cultural/religious assumptions on gender roles. Fraser (1997) claims that affirmative politics of recognition hinders transformative politics of redistribution, necessitating the use of transformative approach to influence deconstruction of identities and redistribution. In other words, women's emancipation and rights protection cannot be tackled merely by adopting a law which falls weak in recognizing cultural constraints faced by women in the society. Referring to the work of Merry (2006) which pins down to the importance of understanding socio-cultural contexts for the effective translation and implementation of women's rights laws, I argue that the subordinate status of women in Lebanon cannot be improved by affirmative legal reforms. Hence, as long as the family relations are governed by the religious institutions that are unfairly bias against women (misrecognition of marital rape as crime discussed in Chapter 4), the civil law protecting family members from violence is ineffective to eradicate violence against women in the family.

On the other hand, to combat structural issues pertaining gender inequality takes the form of misrecognizing of gendered institutions as the authentic practitioners of laws. In order to challenge what Kabeer (2000) calls the “*status quo*” of the men in power and by recognizing what Scott (1986) calls “*sexual symbolism*” in the articulation of rules and establishment of gender-unequal social order, I argue that RDFL has adopted a more radical standpoint. Unlike the other NGOs who tend to achieve socio-legal change by working with religious structures, taking into consideration their decisive role in the family relations, RDFL

focuses on state-citizen relationship. According to the respondent from RDFL (interviewed on 29 July, 2019):

“As we speak about the initial mission of the NGO, which was to combat gender-based violence, we can clearly see from the cases of gender-based violence which approach the NGO for support that women’s main issue is the personal status laws related to child custody and inheritance. Recently, we found out that there is the need to raise women’s voices about this structural problem. As citizens, our relationship regarding family laws should be with the state and not with the religious institutions. Therefore, the efforts of the NGO are not directed towards cooperating and dialoguing with religious institutions, as the NGO does not recognize their authority in this matter”.

Following the interview, I participated in the sit-in organized by the NGO, where women shared their personal experiences and deduced their own stance towards the religious courts. The social organization is dependent on the conscious engagement of individuals, who defend a common cause and voice their interests on local grounds (Acosta 2011: 160). Hence, using “extra-institutional means” (Goodwin & Jasper 2009: 3-4), women’s collectives resist powerholders and demand single civil family law.

Actors who resist, claim their ability to eradicate what exploits them, renew the commonly shared values and represent themselves (Harney & Moten 2013: 20). NGOs have provided women with an arena to resist against patriarchal values and institutional policies that give little or no importance to equality and to the protection and liberty of women’s body. In addition, by raising awareness about women’s rights and women’s status in Lebanon, NGOs tend to achieve recognition of inequality; recognition of differences does not necessarily lead to further marginalization of women but becomes a tool by which women strive for justice¹⁸.

5.3 Resistance by Gendered Institutions

In the previous paragraphs I referred to resistance as the formation of agency around a shared goal and using it to destroy constructed values and laws. However, by referring to the definition of social class by Bourdieu (1985), I argue that in order to hold their powerful position in social-legal-political institutions, men have constituted collectives combatting the resistance of women. Patriarchal institutions tend to settle what they believe is “correct” and

¹⁸ “Body Politics: Encounter between Human Rights and Resistance”, Essay produced by the Author for the course “Making of Development”, Institute of Social Studies, 2018

those who walk against their values need to be corrected; Kabeer (2000) elaborates on how patriarchal/gendered institutions engrain institutional bias towards those who tend to challenge the stability and the functioning of these institutions. The Member of the Parliament, who collaborates with feminist non-governmental and non-religious organizations for the criminalization of marital rape and amendment of Law 293, mentioned “our goal is clear but the journey towards that goal is tough; every day we are confronted by the politicians and religious representatives”.

Women’s status and rights in the Lebanese society are governed by political and religious gendered institutions, and demanding legislative changes implies challenging the latter’s power which enables them to sustain unequal gender norms (Khattab 2016: 14). Based on the experiences of women who were confronted by gendered institutions during their journey to challenge unequal power relations between men and women, I agree with the claim of Goodwin & Jasper (2009); authorities tend to keep social stability, persist their control over the societal relations and avoid changes which entail destabilization of routine (Goodwin & Jasper 2009: 4).

After unpacking the relations between the state and religious institutions in Lebanon, I acknowledge the relevance of Steinmo’s (2008) argument, which states that institutions do not exist on their own but are part of a larger institutional structure where any change of rules in one institution affects the functioning of the others (Steinmo 2008: 129). In this case, how gendered political and religious institutions co-influence the persistence of their authority. The key issues tackled in the interviews show the tensions between the religious institutions in Lebanon and the individual/collective agency of change, stemming from patriarchal values. and legal systems. Patriarchy as “rules of the game”, benefits certain groups on the expense of others (Bachrach & Baratz in Kabeer 2000:91)-in this case, the superiority of men over women. Hence, the individual and collective strategies of women are constrained by the political-religious-legal systems where attitudes to maintain male domination overrules their inclination to address gender inequality and women’s rights violations.

Chapter 6 Conclusion

This paper analysed how the Lebanese legal system has failed to respect and protect international women's rights standards and laws concerning family relations. It demonstrated how the state, religious institutions and families in Lebanon, referred to as gendered institutions in this paper, continuously perpetuate patriarchal values and maintain male domination in the society. While tackling gender inequality in family laws as a social injustice, this paper highlighted the voices of the women to share and reflect their experiences. In addition, it showed how women have challenged those patriarchal and gendered systems individually and collectively, however have been confronted by the obstacles of these systems.

The research paper reflected on the state-building project of Lebanon and on the relations between the state and religious institutions. It showed how the Lebanese state has tried to maintain sectarian divisions and diversity of religions by giving undue power to the religious institutions to govern family relations in their communities. Both the religious sphere and political institutions have been proven to be gendered, their values and laws perpetuate patriarchy and legitimize women's subordination. As family relations are governed by religious institutions, the research has shown that women's rights have been violated in layers – state, communal and familial; where the state's legal system empowers the religious institutions which in turn determine communal laws and influence social relations in the families. As representatives of gendered institutions, the religious representatives interviewed denied that that family laws which are implemented in their communities result in gender inequality and women's rights violations. Their stance, as individuals who were privileged as males and who were of a high social standing due to their position in the community, leaned towards benefitting men in their communities. They denied the sexual violence women face in marriage and used faith and religion to legitimize the gender unequal treatments resulting in women's rights violations.

Based on the experiences of women, women clearly faced discrimination in the religious courts, despite the insistence of the religious representations that the family laws are gender neutral. They shared how court decisions favoured their husbands even in the face of abuse and danger to their children. They raised how their families have also tried to prioritize the collective value of the sanctity of marriage and have encouraged them to stay in the marriage by disregarding their individual choice and safety. Despite being pressured by the values and laws promoted in the gendered institutions (state, religious institutions and family), many women have refused to accept the undermining of their rights in the name of faith and

religion. Hence, they have tried to resist the patriarchal systems individually and collectively. They have challenged court decisions, shared their story in the society to raise awareness about the gender injustice attached to the family laws as well as resorted to seeking help from NGOs. These NGOs in turn, promote gender equality and aim at eradicating women's rights violations through their advocacy and women empowerment projects. The gender injustice in Lebanon and the negative influence of the religious family laws are experienced by women collectively, despite their different sectarian belonging. This shows us that the authority that was given to the religious institutions in governing family laws as a mean to maintain and respect religious diversity has had similar and detrimental effect on women as a social group.

In order to maintain their decisive and privileged position in the society, the religious representative have resisted change and have created obstacles for women to express their agency. This position has given them the power to legitimize male dominance and maintain social order based on patriarchal norms. They have interfered in the civil law on protection (Law 293), which if criminalized marital rape, could have hindered monopoly of religious institutions to govern the family matters. The mobilization of the religious institutions against criminalization of marital rape re-emphasizes on the relations of state and religious institutions in preserving laws and upholding values which violate women's rights.

This research claims that a structural change is necessary to achieve development regarding gender equality and women's rights protection in family relations in the country. In other words, a legal change is required, by which the authority of governing family relations falls under the mandate of civil court instead of religious institutions and courts. Stemming from one of the key interviewee's expression "don't mix my rights with my faith!", this research shows how patriarchal values are upheld in the Lebanese society in the name of respecting religious diversity and representation of different faiths. As highlighted in the voices of women and NGO representatives, gender equality in family relations can be achieved only by the adoption of single civil family law, which applies to all citizens despite their sectarian belongings.

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