

Women's Participation and Personal Status Issues in Post-War Lebanon*

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Introduction

Women's participation in current debate has been widely used and disseminated through various international development and women's rights forums alike. In the most common and recently used sense, women's participation means actively involving women in decision-making.¹ Transferred to the Lebanese context, the concept has been largely interpreted by state and non-state actors as formal political decision-making and less so as participation in fighting for personal status rights both at the levels of the family or social groups mobilization.

Personal status issues in Lebanon constitute a major area of discrimination. The current 19 religious personal status laws provide uneven and largely unfair rights and liabilities for female and male citizens within one confession and between different religious confessions.² Throughout Lebanon's recent history, personal status issues were raised through two overlapping approaches. Rights-based approaches advocated optional civil personal status law proposals since the 1950s. In response, various political and social actors repetitively dismissed the "personal status problem" as too sensitive, controversial or simply nonexistent, perceiving these efforts as destabilizing the Lebanese confessional-based political system. Post-Beijing initiatives

were influenced by the emerging approach of resisting violence against women and included personal status issues within its legal and social dimensions. They thrived to provide legal and palliative assistance to affected women, while continuing to call for legal reforms. Social and political actors were less reluctant to adopt the violence standpoint, despite some gendered, patriarchal and religious counter-arguments. Within this action on personal status issues, the concept of women's participation has not been much used in the general discourse of various actors. Moreover, no grassroots movements outside of formal Lebanese women's NGOs (LWNGOs) have organized to lobby for change, nor did the existing LWNGOs succeed in gaining momentum for substantial change.

This article aims at exploring the institutional factors that affect women's participation in personal status issues. It starts by exploring the emergence of the concept of women's participation from feminist, human rights and development discourses. It then provides a detailed analysis of the role of the official and non-governmental discourses, informal and religious networks in facilitating or hindering possibilities for women's participation in personal status issues. The article ends with a few observations that aim at bridging the gaps around this issue. The primary method



for data collection included in-depth interviews with women and activists. A review of secondary material and participant observation of several forums and activities of concerned LWNGOs and umbrella organizations were also used. Analysis of data can be described as language conscious³ due to its focus on symbolic meanings behind expressions in an unstructured discourse analysis.

The Rise of Women's Participation: Feminism Meets Human Development

Women's participation became a prominent concept in the 1990s within international and local civil society actors throughout the world. It was developed as a cross-breed of the two conceptual realms of feminism and human development.⁴ The alliance and evolution of these two concepts insured the popularity of the term despite their distinctive traditions.

Around the first half of the twentieth century, the much earlier concept of "women's rights" encapsulated the founding principles of the Western feminist movement by relating primarily to citizenship. The right to full citizenship meant equal – and later on special – legal rights than men in areas as varied as civil political, social and economic rights. Feminist movements were essentially composed of individual activists and non-governmental women's groups advocating their cause to their governments and later on to the newly formed United Nations Organization.

The UN Universal Declaration of Human Rights issued in 1948 included broad principles of rights advocated by feminist demands. This international instrument initiated a "rights-based" approach towards addressing inequality issues. The rights approach was further affirmed through the drafting of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Political Rights (ICCPR) in 1966. However, this approach took prominence in Western contexts in contrast to non-Western ones that were still subjugated to colonialism. Another state-led initiative, Overseas Development Assistance (ODA), was chiefly concerned with non-Western contexts and overshadowed human rights discourses. Building a "development" discourse, ODA was also concerned with winning over post-colonial allies within the fifties and sixties Cold War race era.⁵ This assistance targeted economic and social issues through large blueprint structural projects that incurred high costs, inadequate needs assessment of local communities, and total oblivion to women's issues.

The rights-based instruments finally addressed women-specific discrimination by launching the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in the seventies. This instrument was needed after earlier instruments failed to effectively address women-spe-

cific issues.⁶ In the same era, the development discourse witnessed the rise of concepts of participation and empowerment as alternative development methods. The appeal as well as criticism of the concept was based on its adaptability to various opposing development schools from both left and right wings. Reformist development experts such as Robert Chambers⁷ coined the term "roles reversals" considering local communities as the real "experts" and advocating their involvement in every step of projects design and implementation in a reversal of authority and ownership. Liberation theology led by Paolo Freire⁸ in Latin America also relied on participation to release communities from poverty and economic and intellectual oppression. The neo-liberal agenda also promoted participation because it suited their minimalist state-spending approach. In this period, participation was still not directed towards women, and the Women In Development approach initiated by the UN in 1975 included women in a simplistic add-on effect to development processes.

In this way, feminism was mainstreamed within development and still had to reach out for participation. Participation was criticized from a feminist standpoint, since the use of "community" as an analytical unit ignored several power dimensions, and excluded vulnerable groups and mainly women. Women And Development (WAD) drew women as actors in the development process. Women's participation increased with this approach as they became more involved and targeted in specific initiatives.

The eighties witnessed further rapprochement between feminist and development discourses. The gender standpoint moved away from the controversial men/women dichotomy into questioning preconceived socially and culturally defined gender roles and gendered order. In the nineties, human rights and international development discourses further reconciled with the rise of a "rights-based development approach" following Sen's seminal work.⁹ Participation was perceived as an essential tool to reach full citizenship and achieve good governance.¹⁰ In addition Gender And Development (GAD) was adopted as a development strategy. The Declaration to Resist Violence Against Women in 1994 and gender mainstreaming, adopted at the 1995 Beijing Fourth World Conference for Women, sealed the alliance towards gender equality and women's participation and empowerment.

In the following section, I will be tracing the possibilities for effective women's participation in personal status issues in Lebanon. I will use the definition of participation as "a process in which individuals are empowered to take part in decision-making over resources, claim their rights and hold the authorities responsible for ensuring their rights."¹¹ This definition allows for a broad understanding of participation. First, it includes the individual dimension that is often omit-

ted from other collective community participation notions. Applied to the Lebanese case, it allows us to venture beyond “professional” women’s groups towards individual women who are experiencing injustice in the form of personal status issues. Second, it recognizes broader types of participatory activities in addition to formal activism and lobbying, such as possibilities of acquiring their rights and engaging in institutional changes. This specifically applies to the Lebanese case where women are challenged from gaining their basic personal status rights (i.e. fair terms of divorce, custody and alimony) and deprived of holding legal institutions accountable for their commitment to fair law application and treatment. Thus, this article focuses on the ways in which the participation of women experiencing personal status issues is affected by the various institutions (state, civil society, family, religious bodies). It will examine the extent to which these institutions perceive women and their issues, facilitate their claims of individual personal status rights and include them in decision-making and their accountability mechanisms.

Personal Status Issues and Participation in Lebanon: State Framing of Women’s Participation: The Personal is Not Political

Women’s participation in Lebanon has been mainly framed within different and sometimes contradictory meanings by various government and non-governmental actors. Official actors shaped these local meanings mainly around a quantitative notion of formal political participation. For example, the “Women’s Political Participation” and “Gender Empowerment” measures within UNDP’s socio-economic indicators¹² almost exclusively rely on the percentage of women MPs, the dates of women’s suffrage and first woman MP election.¹³ The meaning of “political” is in this case restricted to the public sphere of representational politics.¹⁴ Discrimination in the private sphere (such as personal status laws) is disregarded and along with it the “personal is political”¹⁵ motto that third world feminists thrived to voice.

As emphasis on political participation grows, personal status issues are subdued, further entrenching the public/private divide. In the recent Millennium Development Goals (MDGs) Lebanon report, personal status issues were omitted from the pool of challenges facing Lebanese women and were rather positioned as an exception to a generally favorable legal framework:

Lebanese laws **do not include** articles that discriminate between men and women in terms of rights and obligations, **except** those related to personal status and the right of women to confer their nationality to husband and children... Despite Lebanon’s reservations on three basic articles (Article 9 covering nationality, Article 16 on personal status, and Article 29 on arbitration), the ratification of the convention **represented a positive step**.¹⁶[My emphasis.]

The report’s recommendations included general statements advocating the need to remove reservations on the CEDAW and amend all laws accordingly, without specifically mentioning personal status issues.¹⁷ This positioning reduces the intensity of the debate and curbs women’s possibilities for rallying public support around this issue.

In state literature, the public and private were described using a broader and less confrontational language. Participation was encouraged as a tool for broader decision making: “Real participation takes shape through mutual conviction – between men and women – in joint and integrated action; contributing to political decision-making; and influencing the decision-making centers at all levels.”¹⁸ In contrast, suggestions to address personal status issues included:

To review legislation related to women and the family amending laws that continue to discriminate. It is necessary to amend some prejudiced laws, and reality confirms the profound gap prevailing among the various texts and legislation, and the effective practices vis-à-vis women. Generally, men and women are not adequately aware of women’s rights stipulated in the legislation, laws and international agreements. It is thus necessary to follow-up with legal education and awareness in order to amend existing laws and make new ones, as well as to change the traditional mentality.¹⁹

The milder and broader taxonomy of “women and the family” instead of religious personal status laws is used to dilute the sensitiveness surrounding the issue of legal reform. Also, claims about citizens’ legal ignorance masks the severity of legal discrimination and the crucial responsibility that political and religious decision makers have in reforming these laws. Furthermore, these claims block the dissemination of accurate information pertaining to needed legal reforms. One example is the following MDGs statement: “The Lebanese constitution affirms equality among all citizens, irrespective of gender.”²⁰ A legal reading of the constitution contradicts this claim. Article 19 of the amended post-war constitution (i.e. Taif agreement) indicates “the right of referral to the constitutional council is granted to ... religious leaders of legally recognized confessional groups exclusively in relation to personal status, freedom of belief, religious practices and freedom of religious education.”²¹ This clause indicates that constitutional provisions can indeed halt citizen’s participation – including women – in lobbying for personal status laws amendments, by granting extensive powers to religious leaders.

Civil Society and Personal Status Issues: Women’s Participation in the Problem and the Solution

The women-focused civil society scene provides a more comprehensive understanding of women’s participation.



The major LWNGOs or women's umbrellas dealing in one form or another with personal status laws (or violence against women) referred in some way to participation. Both the Lebanese Women Democratic Gathering (LWDG) and the Non-Governmental Committee for the Follow-Up of Women's Issues assumed broad notions of participation. Their goals included "activate[ing] women's participation in the economic social and political fields" and "include[ing] women in decision-making [with the LWDG specifying the following] within the family, at work, in general politics."²² This understanding of participation would fall within the definitions of broad participation within both the private and public spheres.

Other LWNGOs went beyond participation as "inclusion" towards a self-representation as a vehicle for citizens' and women's activism. The "Support Committee for an Optional Civil Personal Status Law" portrayed itself as a popular movement inclusive of various groups of citizens. Their introductory statement read: "Who are we? Regular citizens, students, trade unions, political parties, civil society organizations, human rights activists..."²³ The campaign's slogan is "We are all concerned, men, women, and youth."²⁴ The Lebanese Council to Resist Violence Against Women (LECRVAW) promoted itself as a platform for women to achieve empowerment: "Through LECRVAW, women can rally support, publicize abuse and get free legal counseling... In order to help and encourage abused women to stand up and fight for their rights, LECRVAW has put at the disposal of these women free legal aid and counseling services."²⁵

Civil society's analysis of the obstacles towards women's participation intersects with the official discourse. It considers women as simultaneously part of the problem and the solution in a psychological approach:

LECRVAW is at the front line of the gender battle in Lebanon today... The major obstacle facing women is their passive nature which instigates and encourages more violence, and this is mainly due to the lack of awareness of women's basic human rights... Our group of lawyers will help you understand your rights as well as help you through the different steps that you may choose to take. You must always remember that it is your choice and your rights that determine what you want to do. The last word should always be yours.²⁶

In this way, women are represented paradoxically as passive and rational actors and in any case in a separate category than the organization's activists.

Women's Realities and Institutional Gaps to Participation

Interviews with women contested this psychological

approach. Broader and external constraints limit their endeavors in solving their issues and reaching out for LWNGO's services and advocacy for change. They are taken by institutional and informal channels within their immediate environment. Unfair custody laws in most cases take away women's custody of their children after divorce. Also, ill-defined alimony laws also deprive women – and their children – of sufficient funds. Many interviewees traded off alimony for custody after tiresome negotiations with husbands, meaning that their economic burden is doubled. Others had to give up assets such as property or money to reach settlement.

Women also tend to be inhibited by the crushing influence of the family. It constitutes women's primary and sometimes only support system and uses this power to restrain them from active participation in solving their issues.

My father agreed to my first divorce on condition that I leave my child to my first husband, because I was still young and would have a better chance of getting married a second time. Then under their [her parents'] pressure I had my second marriage within six months. Since then and over 20 years I have undergone marital violence and there is no way that my parents would accept a second divorce. All they do is mediate and preach him not to do it again.²⁷

Women tended to learn about LWNGO's services as a last resort, usually after all other options were exhausted. Respondent 2 benefited from family support at the expense of guiltifying her and restricting her from social interaction and mobility. This restriction drastically limits her from exploring possibilities for participation within local LWNGOs operating in her neighborhood:

Although my parents didn't agree to my wedding, they had no choice. Within six months when things started turning really bad, I went back to them. I delivered my baby there and they supported us throughout. My father had to sell his land to pay for all legal fees and expenses. ... He is very strict and doesn't allow me to go out. I have no friends and don't know of any organization that would provide such support services.²⁸

The link between women and LWNGOs is also weakened by another informal channel. Friends, when available, constitute an intimate and safe network that women would rely on for solving their personal status issues. A friend of respondent 3 introduced her to a trainee psychotherapist who provided her with free consultations.²⁹ She believes that this linkage was only possible through such an informal channel, and she was not able to get this type of assistance despite regularly using the local social care center for other services. Respondent 4, introduced to me by an LWNGO member, preferred to seek her friend's help in getting a

lawyer's legal advice despite the availability of the same services in the concerned LWNGO.³⁰

Religious courts are sought by women rather by necessity than choice. These courts reconcile state apparatus bureaucratic rigidity with an informal geographic-sectarian patronage network. This combination minimizes women's chances in advocating fairer terms and reaching greater decision-making. Interviewed women manifested great dissatisfaction with the courts' procedures. Exorbitant charges, delays and corruption in addition to overt sexist preferential treatment are to many women's disadvantage. The crushing power of religious judges transforms court hearings into a personality muscle flexing and favoritism. The courts' proceedings are often undocumented and based on informal pleas and decisions. Religious judges have gained such powers due to the structure of the personal status court system that combines a civil structure and a religious mandate. The legal text organizing these courts includes specific instructions, but the juridical authority of religious judges is derived from the wider unlimited religious mandate.³¹

Discourses in Action: Glass Ceiling to Women's Participation

The application of prevailing social gendered norms remains the most detrimental to women's participation. Resulting biased discourses are equally reinforced by various types of actors – sympathizers or antagonists – involved in women's personal status issues.

LWNGOs' daily discourses about women's issues in general and personal status issues in specific suggest essentialist notions limiting women's participation. Written and verbal communication of LWNGOs' activists in formal and informal settings almost exclusively refer to "the woman" in its singular form with little reference to socio-economic, geographic and confessional variables shaping women's conditions in Lebanon. Such portrayal of women into one imagined, abstract and ahistorical archetype segregates them from the concrete category of "activists."

This homogenization and separation is also performed by affiliated professional staff albeit in a modified form. During interviews with lawyers, social workers and psychologists, the term "case/cases" was constantly used when referring to various women. Although initially adopted to preserve confidentiality, it extended to mean a faceless category of "beneficiaries" blurring distinctive needs and potentials. This imagined homogenized category might have been necessary to block heavy emotional involvement by overworked staff but also creates a hierarchical "expert-lay" relationship inhibiting women's participation.

Within their daily interactions, members and professional

staff dropped the formal discourses of neutrality and unconditional support to women. One professional staff member stated that "I try as much as possible to deter women from going for divorce, I try my best not to let her "ruin her life" [Arabic transliteration *tikhrob bayta*], if after much advice she wants to do it, then there is nothing to do."³² This statement was also repeated by respondent 6 who stated that "she has no income; she has nowhere to go, she's got kids, she'd better remain in her marriage and put up with it."³³ Interestingly the same strategy was also mentioned by women's lawyers as well as religious authorities.³⁴ These approaches discourage women from breaking the injustice cycle and collectively advocating their issues.

These discourses cannot but be directly linked to a gendered order based on a legitimated vilification of women: "Some women are really unbearable, if I were in their husbands' place I would also be hitting her" or "between us, some women really bring it [violence] upon themselves. They provoke their husbands so much leaving them no choice but to retaliate."³⁵ Various involved actors such as religious leaders, security forces, LWNGOs members, and professional staff routinely repeated these condemning statements, proving the widening gap between formal and informal discourses.

Conclusion

This article started with a brief historical review of the concept of women's participation and its formation as a hybrid from various feminist, human rights and human development discourses. A broad working definition was adopted so as to analyze women's participation in personal status issues in Lebanon. Using this definition, the article then traced the influence of the various institutions surrounding women who are experiencing such issues. Official and non-governmental discourses showed discrepancy in meanings of participation. Official institutions framed participation mainly into public formal representational politics while LWNGOs used the broader meaning of multilayered decision-making. These discourses intersected by emphasizing women's legal ignorance and passivity about the discriminatory legal-social set up. Such a focus decreases the possibilities to critically assess and address the wider inter-related obstacles preventing women from making these choices. This emphasis was then contrasted with women's realities within various networks. Women's participation was curbed by uneven power relations resulting from their dependence on religious courts, family and friends networks. Rather than legal illiteracy, obstacles lie in the unfair legal provisions and proceedings provided by various courts. Finally, the article exposed the ways in which such discourses and hindrances are put in action and reinforce gendered and discriminatory social norms. An essentialized view of "the woman" and "the case" prevailing in governmental and non-governmental discourses reflects



another type of glass ceiling that blocks women from actively participating in solving their own issues. The study has shown that these norms and discourses have been located within various involved actors – including LWNGOs themselves – and were found to clearly be to the disadvantage of women. These discourses generated and reinforced by informal and formal networks create a disabling

environment that does not support women experiencing personal status issues. They discredit women's ordeals and pressure them into shying away from initially disclosing their problems or taking action to stop injustice and mobilize support. Effectively targeting these norms is a priority to enhance women's participation in decision making and gaining fair personal status rights.

Endnotes

1. For matching definitions see: <http://www.gdrc.org/gender/governance/wb.pdf> and <http://www.undp-pogar.org/publications/gender/karam1/index.html#intro>
2. Measurement of fairness is subject to extensive theoretical debates that are outside of this article's scope. Criteria of fairness in this article rely on laws' compliance with the various international human rights declarations.
3. Alvesson, M. 2002, *Postmodernism and Social Research*, Buckingham, Open University.
4. For an extensive review of the debates, refer to: McCann, C. R. and Kim, S.-K. 2003, *Feminist Theory Reader: Local and Global Perspectives*, New York, N.Y., London, Routledge; and Marchand, M. H. & Parpart, J. (eds) 1994, *Feminism/Postmodernism/Development*, London, New York, Routledge.
5. For further critical discussion on the origins of ODA, review Ferguson, A. 1995, *Anti-Politics Machine*; and Escobar, A. 1995, *Encountering Development: the Making and Unmaking of the Third World*, Cardoso, F.H. 1972, "Dependency and development in Latin America", *New Left Review* 74, 83-96.
6. Thomas D.Q. & M.E. Beasley. 1993, "Domestic violence as a human rights issue", *Human Rights Quarterly*, Vol. 15, No. 1, February 1993, 36-62.
7. Chambers, R. 1997, *Whose Reality Counts?: Putting the First Last*, London, Intermediate Technology.
8. Freire, P. c2001, *Pedagogy of the Oppressed*, translated by M.B. Ramos, 30th anniversary edition, New York, Continuum.
9. Sen, A. 1999, *Development as Freedom*, New York, Knopf
10. UNDP website <http://www.undp.org.in/hdrc/faq.htm>
11. Babajanian, B. 2005, *Promoting Participation and Capacity Building in Post-Soviet Armenia*, PhD thesis at the LSE Social Policy Department.
12. UNDP is a multilateral organization since it operates directly under the UN organization that represents recognized states, hence its classification under the "official" category of institutions.
13. UNDP Lebanon Office website <http://www.undp.org.lb/information/socioecostatistics.html>
The 'Gender Empowerment' measures also include the ratio of estimated female to male earned income.
14. Young, I. M. 1998, "Polity and group difference: a critique of the ideal of universal citizenship", in *The Citizenship Debates: A Reader*, ed. G. Shafir, University of Minnesota Press, Minneapolis; and Phillips, A. (ed.) 1998, *Feminism and Politics*, Oxford, Oxford University Press.
15. Hooks, B. 2003, "Feminism: A movement to end sexist oppression", in *Feminist Theory Reader: Local and Global Perspectives*, eds C.R. McCann and S.-K. Kim, New York, N.Y., London, Routledge.
16. Chapter on Gender Equality and Women's Empowerment, *UNDP Millennium Development Goals Lebanon Report*. UNDP website <http://www.undp.org.lb/communication/publications/mdgr/MDG%20Eng.pdf>
17. *UNDP Millennium Development Goals Lebanon Report*. UNDP website <http://www.undp.org.lb/communication/publications/mdgr/MDG%20Eng.pdf>
18. National Commission for Lebanese Women. <http://www.nclw.org.lb/lebanesemid.cfm>
19. *ibid*
20. *UNDP Millennium Development Goals Lebanon Report*. p. 14. UNDP website <http://www.undp.org.lb/communication/publications/mdgr/MDG%20Eng.pdf>
21. Lebanese Constitution, issued in May 23, 1926 and all its amendments. Lebanese parliament website. <http://www.lp.gov.lb/doustour/default.htm> I am indebted to Dr. Marie Rose Zalzal for pointing out this issue.
22. Information taken from <http://www.lnf.org.lb/windex/participating.html> accessed on November 1, 2005.
23. Brochure for the Support Committee for an Optional Civil Personal Status Law
24. *ibid*
25. Information taken from www.lebanesewomen.org
26. *ibid*
27. Personal interview with unnamed respondent 1, woman experiencing personal status issues. Beirut August 25, 2005
28. Personal interview with unnamed respondent 2, woman experiencing personal status issues. Beirut July 21, 2005.
29. Personal interview with unnamed respondent 3, woman experiencing personal status issues. Beirut August 28, 2005.
30. Personal interview with unnamed respondent 4, woman experiencing personal status issues. Beirut August 18, 2005.
31. Personal interview with unnamed respondent 5, a religious court judge. Beirut September 10, 2005.
32. Personal interview with unnamed respondent 6, professional staff member. Beirut August 10, 2005.
33. Personal interview with unnamed respondent 7, professional staff member. Beirut August 7, 2005.
34. Personal interviews with unnamed respondent 8, Shiite religious authority, Beirut August 20, 2005 and unnamed respondent 9, lawyer, Beirut August 23, 2005.
35. Exact statements from discussions with respondents 6, 7, 8 and unnamed respondent 10, LWNGO member, unnamed respondent 11, member of the security forces, and unnamed respondent 12, professional staff member held in August 2005.