

What do Lebanese Female Writers Think About the Draft Law to Protect Women from Domestic Violence?

Fatima Abdallah

The year 2011 is coming to a close and the legislative and executive branches of the government are still hesitant about tackling pressing issues that cannot be further delayed. At the top of the list is the draft law for protecting women from family violence which was opposed, to varying degrees, by the clergy, politicians, and society in general. *Adab, Fikr, Fann* probed the opinions of some Lebanese female writers and intellectuals with respect to this issue.

Azza Charara Beydoun (researcher and university professor)

If procrastination is one aspect that characterizes the legislative process in our parliament, then the pace of passing laws related to women is even slower, especially when taking into consideration the urgent aspect of the issues dealt within these laws, i.e. women's security and safety. "The National Coalition for the Protection of Women from Family Violence" is doing its best to provide this safety and security via the bill proposed to the government. What is a matter of concern to me in this situation is the cause of this delay, i.e. waiting for the religious courts to give their feedback on the draft law. So I wonder: what has the clergy got to do with legislating for a civil law concerning Lebanese women's security and safety? Are we citizens of the religious communities or of the state? And why should we need the clergy for an issue that concerns exclusively our security and our safety? Is parliament also going to consult with them on the "Defense Plan" (that is to be debated by the Commission of National Dialogue) and ask them to give their opinion and amend it in order to preserve all Lebanese citizens' security and safety?

We do not know exactly what is going on inside the special commission that has been assigned by parliament to study the draft law on violence against women. But from what has been leaked from the MPs' debates, there seems to be a "fear" that passing this law would break up the family and violate its

intimacy. And I wonder again: dear MPs, what does that reveal about your attitude towards women if you agree that a *sine qua non* condition for preserving the unity of the family is giving those who have power in it the right to abuse women without being held responsible?

Yusra al-Muqaddem (writer and researcher)

It is a sad thing that only the law can deter the perpetrator of violence from committing his crime. Have we forgotten that we are human and that we are capable of reason and logic? The law on domestic violence and on any other type of violence should be an established right. It is just one right like any other human right and there should be no distinction in this respect between women and men. A human being, every human being, has the right to live in peace, and no one has the right to abuse another individual.

Why do the civil society organizations need to enact a civil law to prevent violence against women? Raising such a question is a source of indignation and anger, as well as ambiguity and confusion according to the party that is leading the debate, especially the religious groups, who have always stood against such laws, refuting them on the basis of the religious texts themselves.

The clergy insist on interpreting the religious scriptures literally and in their original context, as if we are still living in the early period of Islam. The real problem lies in the religious interpretations as well as in the authority that the clergy are vested with – an authority that is only matched by the machismo and the tyranny of the harsh, male-dominated society. Trying to eradicate violence is a matter of evolution of both the attitudes and the mentalities. If the gap between the two is huge, then discrimination, racism, and violence of course will remain deeply rooted.

Khalida Saïd (writer and researcher)

Those who disapprove of the law on domestic violence by invoking either a strict application of the religious texts or the respect of the old (but not obsolete) traditions, are in fact, and perhaps without being aware of it, not keen on safeguarding the family, the human dignity, or the mental health of the family members. They are not particularly interested in many possibilities that the interpretations and the meanings of the religious texts offer. Those people use religion to legalize anger, harm, and humiliation inside the intimate social nucleus that constitutes the family. By doing so, they disregard the concepts of “love and mercy” that are clearly stated in the Scriptures.

By objecting to enacting this law of deterrence, those “eager persons” are paving the way for an even worse violation of the religious texts that is not confined to breaking up the family, but that would lead the victims of violence and humiliation (wives, or daughters, or sons) to the paths of misery, despair, rebellion, and loss, as everybody knows. And those paths are not quite different from the most sacrilegious religious taboos, social problems, and crimes that humanity is suffering from.

Hoda Barakat (novelist)

The issue of domestic violence and the right of Lebanese mothers to pass the nationality to their children are the two issues that I follow most closely. This last issue was debated inside the Cabinet and then rejected. The parent is either the father or the grand-father. What does the mother have to do with it? These two issues are the two sides of the same coin. The one who is abused, beaten, insulted, raped, repudiated, while the abuser is not even being held accountable for his actions, is the same woman who is unworthy of passing her nationality to her children.

Violence is the most obvious way of punishing the one who deviates from the right path. However the adequate response to this “violence”, i.e. a total separation of the civil from the religious, is subject to a unanimous refusal. Therefore, all alibis against the draft law are insolent distortions of reality; and this insolence has its masters in Lebanon. In this context, the term “masters” is not used in the

figurative sense. These people make decisions and issue *fatwas* (religious edicts) about very sensitive matters without referring to a superior authority that should evaluate their decisions, or being accountable to the public.

The Lebanese government has denied the Lebanese woman the right to give her nationality to her children, and the successive governments keep on rejecting the draft law aiming at protecting women from domestic violence. Neither women’s voices nor any other voice for that matter were heard, because in their majority, women share the views of the anti-bill religious groups that they belong to. Some of them go as far as saying that this issue is of minor importance compared to the major challenges the country or the community is facing. These who want to fight this fatal injustice do not weigh much. Our country resembles us: a “civilized” Lebanon is the Lebanon who defends the “oppressed”, it is all one.

Elham Kallab Bsar (researcher and university professor)

So many important issues need to be regulated and happen to be related to women. And so many obvious issues require continuous struggle and happen to be related to women. The issue of combating violence against women is one of them.

This draft law which was the outcome of a follow-up and lobbying for nearly two decades is still making its way with difficulty and perplexity in the male decision-makers’ milieu. Don’t they see and hear? Do they think that women’s issues are marginal, or private, or unworthy of a proper debate in their meetings?

Anyway, they are experiencing “domestic violence” in their political meetings, giving the ugliest example to our children, in whom we are doing our best to inculcate the principles of logical debate and mutual respect. How are they going to understand that human relationships and family relationships, if built on violence and oppression, destroy households? How are they going to realize that their violence is wrecking the country? They resort to religious teachings and to social traditions

and customs when confronted with any issue concerning women. Since when does religion mean violence and not mercy? And since when do traditions allow the infringement of human dignity?

There is a big gap between the mind and the heart, and a long way before decision-makers can understand that what women are aiming for is not a threat to men's status, and that dignity in the public sphere means also dignity in the private sphere. Domestic violence whose victims are usually women is bound to increase due to social, economic, and psychological conditions. It might get even worse in the absence of a law that criminalizes domestic violence and protects family members (women, children, and men) from any injustice that might affect them.

Hala Kawtharani (novelist)

Under the guise of emancipation, the bare and shocking truth is crystal clear. The truth is that we are slaves in a sectarian system that is only defended by those who benefit from it, and who invoke the necessity of taking into consideration the religious factor in our society. We are all prisoners, but women prisoners suffer more. The beneficiaries of such a sectarian system are the men of course, and they are not willing to let go of the privileges and dominance they enjoy thanks to the prevalent macho way of thinking. Society is crumbling under the stories of women who are victims of violence committed by their husbands. The facts reveal that women are the victims while men are the abusers, and not the opposite. A law promoting the protection of women from family violence does not contradict belief in gender equality. It simply aims at protecting women. Such a situation supposes enacting a law that deters the abusers, reminding them, with the force of law, that human life, and in particular that of women, is not at all cheap. The fears some have expressed regarding any amendment of the *shari'a* law provisions confront us with their particular understanding of religion. Religion prohibits putting women's lives in danger, and forbids various forms of mistreatment such as beating or offense. Unfortunately, insisting that there is a contradiction between the law on domestic violence and the provisions of *shari'a*

on the one hand and a conflict between the prerogatives of the civil courts and those of the religious courts on the other hand, makes one realize that we are living in a society where sectarian rights have precedence over individual rights, and particularly women's rights.

So what kind of revolution should women start in such a sectarian society in order to snatch their rights from a past characterized by male dominance and from a present where they have to fight for their lives?

Elham Mansour (writer)

I admit that I am not familiar with the Lebanese laws related to issues of violence, but what I am sure of is that I am totally against any kind of violence, especially among humans whose main quality is supposed to be reason. We are supposed to confront each other by using arguments and not by using force and violence. But generally speaking, I know that our laws penalize those who abuse or kill someone. If this was the case, then this should also apply to the so-called domestic violence. But for a woman to be able to defend her rights, her status should move from that of a "woman" i.e. a person of no importance, to a "person" with full rights. It is only when she reaches the status of a human being that a woman can defend her rights, because she will be aware of them, even if the law does not grant her such rights. And in case the law recognizes such rights, then as a human being, she knows how to ask for its implementation. However, what I notice from some of the demands of the women's movements is that Lebanese "women" are still not aware that they are full human beings. By asking for a quota system in the electoral law, they are proving their ignorance: so women are sanctioning the kind of discrimination that was initially banned from the Constitution which puts all Lebanese on equal footing when it comes to political rights. In case the women who are lobbying for passing the law against domestic violence are the same women who are advocating for the quota system, I predict their failure. Equality and the elimination of discrimination are not achieved gradually as they pretend. We can either have equality or discrimination.

Sanaa al-Jak (writer and journalist)

It is not unusual in Lebanon, where the basic components of the state are missing, and where the human being does not enjoy his/her main rights as far as the laws are concerned, that a law on domestic violence against women is rejected.

If we start from the point that all of us are citizens of a non-state, we can understand why men in this “non-state” are obstructing the enactment of a law that would provide women with a minimum of social, psychological, and moral security. The reason for the rejection is that such a law does not appeal to our “legislators”, who, although they were convinced of the content of its clauses or they pretended to be so, are still not ready to upset the religious authorities, unless it is in their own interest to do so. Everybody remembers how in the nineties of the last century all religious authorities united to say no to civil marriage which would have contributed to the elimination of sectarianism and to safeguarding women’s rights in the marriage contract. The civil marriage contract would also have meant that the male spouse is not the only one

who can cancel or annul the contract. The weird thing with respect to the draft law on domestic violence is the argument presented by the clergy and endorsed by the “legislators”: it is “the fear of breaking up the family as it is the case in the West”, and “protecting the Lebanese society from the on-going Western conspiracy”, as if society and justice in our part of the world were at their best.

If we give it some thought, we note that the status of women is regressing in Lebanon due to these prevailing backward-looking attitudes. Upon further reflection, we realize that the clergymen are afraid of losing their source of revenue if they give up the privileges they are enjoying by virtue of the current (religious) law. Therefore, despite their ugly sectarian religious disputes, they all agree on blocking all proposals leading to the protection of women and the respect of their dignity.

Translated from Arabic by Rada Soubra

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