

REPORT

FACING THE LAW, BRUISED

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For the first time, the Lebanese police began processing reported crimes on a computer data-base system in 1994. The first comprehensive statistics were released in 1995. The information in the data-base can be accessed by date, age, gender, location, and every type of crime recognized by Lebanese criminal law, including the latest to have entered the books, *e.g.*, the buying and selling of children, a criminal activity that has flourished during and after the war. We now know how many rapes of virgins were reported, but we still do not know how many women have been battered by their husbands.

Besides the codified information, each report entered in to the data base holds two written lines describing the family relationship, if any, that exists between the alleged perpetrator of a crime and the victim. But as of this time, the data base is not equipped with a program that would allow for a specific word-search to ascertain crimes committed by husbands against their wives. A woman reported as having been beaten by her husband will appear in the same category as all women who suffered assault and injury; a woman killed by her husband, brother or father will be filed along with all the other female victims of homicide. And a woman raped by her husband will not appear in the statistics at all, because rape within marriage is not recognized as a crime, although so-called "unnatural" sexual acts are.

Given the dearth of statistical information on battered wives, I turned to some of the officers working at the Police Computer Department as well as to police chiefs in some of Beirut's precincts. I randomly chose half of the *fasilaat* (precincts) of each of the three *saraya* (police administrative divisions) of the city. I was able to conduct long and very informative conversations with police representatives, thanks to a research permit officially granted to the

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Institute for Women's Studies in the Arab World. Unfortunately, I cannot quote any of the policemen on their attitudes *vis-à-vis* domestic violence, since they were not allowed to give opinions, just information concerning violence against women. All of the police officers and chiefs I interviewed affirmed that very few women, if any, walk into a police station to file a complaint against their husbands. When asked how common wife-beating was in our society, most of them answered that it was widespread, and happened in every strata of society. A few others said that it was a rare occurrence, except in some distant rural areas, and that if it did happen in the urban areas, it was usually because the man was under the influence of alcohol.

While they did not consider rape a common occurrence, one police chief mentioned that the custom of eloping sometimes masked threats of violence against a women's boyfriend; another one spoke of the increase in the number of husbands forcing their wives into prostitution. I also learned that there are no specific guidelines issued, either by the police headquarters or by the individual chiefs, concerning domestic violence. When I asked about the possible case of a woman calling the police for help because her husband was beating her (and I imagined her phoning while her husband was in the bathroom), the chief's response was clear: the police cannot interfere between the husband and the wife. The interviewees mentioned that there are women who file complaints against ex-husbands, mainly because of visitation rights. Precinct stations have become, in some instances, the only places where mothers can go to see their children.

There are several components of Lebanon's legal system that make it virtually impossible to file a suit against one's husband. It is true that it is against the law for anyone to beat another person, thus it is against the law for a man to beat his wife. But for a man to be

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prosecuted for domestic violence requires the victim to bring charges, and a wife can drop the charges anytime she likes before the matter goes before a judge. If she does, the husband will not be prosecuted by the State unless her injuries incapacitated her for more than ten days. Let us imagine two women incapacitated for seven days because of beatings: one having been beaten by her husband or another male relative, the other by a complete stranger. Both bring charges, then drop them. The husband or relative will be cleared, while the stranger will still have to face trial since, in his case, public prosecution does not stop. This legal discrimination between violence inside and outside the home is explained by the concern of the legislator and of the whole judicial complex for the protection of the family!

According to several family medical practitioners, a "ten days' incapacitation" is given for acute pain, *i.e.*, a severe case of battery. Bruises will not rate more than a three days' incapacitation. Usually, criminal procedures will not be invoked for less than a seven days' incapacitation, although one District Attorney told me that prosecution could be started for a five days' incapacitation.

The Lebanese system of separation of property between spouses creates an imbalance in the power relationship between a married couple. Under this system, the family home is technically the property of the husband because few wives are homeowners or home renters. One police chief explained to me that he could not enter a home without the permission of the owner, *i.e.*, the husband. Thus, he could not answer a call for help unless the call emanated from the husband, or unless it was a call for an emergency, such as a fire, a burglary in progress, or a case of imminent murder. The intervention, or non-intervention, of the police in cases in which a husband is heard mistreating his wife depends upon the personal attitudes of the officers and the views of the District Attorney, who has to deliver a war-

rant for the police to enter a home.

Thus, separation of property turns a woman into a special kind of guest in her husband's home; special, because in the event of her husband's death, she will automatically inherit the lease if the home is a rental, and part of the property if it is owned. But she is not an autonomous guest; she has no right to leave, and

if she does leave, her husband can file a suit against her and obtain an injunction from a religious court to compel her to return to the marital home. If she does not comply, she will, in the case of divorce, automatically lose whatever rights she might have had. According to the chiefs of police I met, the police only deliver the injunction without forcibly bringing the woman back to her husband's home. Although the subject of divorce is outside the scope of this article, it is important to know that since issues of personal status in Lebanon are governed by religious, rather than civil laws, the woman's right to file for divorce for reasons of violence will depend on the religious community to which the husband is affiliated. It is also important to note that regardless of the religious court in which a divorce or separation motion is filed, and regardless of the reason, Lebanese custody laws are always disadvantageous to the mother.

Having visited a number of police stations, I can say that I found them rather intimidating places for a woman. The men were polite and courteous (perhaps because I am a middle-aged woman who was carrying an official authorization to conduct interviews). No woman was to be found in any station, because there are no policewomen working in precinct stations in Lebanon. The only women I saw during my research were not in the police stations, but in the Police Computer Center, where they were invariably employed as typists, not as part of the police force. Not only were there no policewomen at the stations I visited, but there aren't even social workers in the precincts. When I asked several police chiefs if they could use the help of social workers, they clearly expressed the wish to have a close working relationship with a non-governmental organization that could help them in some of the cases they had to handle, particularly cases of children and adolescents who get into trouble.

Of course, some precinct stations are staffed by men who are more sensitive to the plight of battered wives than others, and I may feel comfortable going there with a woman who wants to file a complaint. But if you live in Beirut, and meet a woman who has been abused, whether physically or emotionally, by her husband, and if she tells you about it, you will soon discover that there is not much you can do to help extract her from her painful situation. There are no hot-lines or shelters for

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her to turn to. If she is ready to lose all of her rights, or if she can file for divorce on the grounds of violent abuse, and if she is ready to lose the custody of her children, she can leave her marital home. To walk out, she needs a place to go to, and this place could only be her parents' home — if they are willing to take her in, and if they have room for her young children. The war left Lebanon with a shortage of affordable housing. Most building activity in post-war Lebanon has concentrated on luxurious and very expensive apartments and villas; it has become practically impossible for most Lebanese to rent an apartment.

In March of 1994, a small group of women filed for permission from the Ministry of the Interior to establish an association concerned with halting violence against women. The aims of the association were to publicize the problem and to strive to bring Lebanese laws in line with key United Nations conventions on the subject. As of today, however, this group has not been granted a license or formal recognition by the Lebanese Government.

Lebanese academia, whose libraries lack virtually any international references on the problem of domestic violence, has not published much research or reflections on this subject. This apparent lack of interest is detrimental to the advancement of the cause of women in Lebanon. We need comprehensive studies of our legal system to develop penal and civil sanctions in domestic legislation. We need studies on attitudes *vis-à-vis* domestic violence in order to develop a strategy for raising social awareness about this problem. Academia should mount studies of the attitudes of the general public, the media, and every one of the professional groups directly involved in responding to this problem, such as the police, the courts, the medical profession, religious men, social workers, teachers, *etc.* The current lack of statistics on actual incidences of violence in the home should be no obstacle to the initiation of any of these research projects.

In sum, it is evident to lay-persons and to police officers why battered women in Lebanon do not file complaints. We cannot wait until non-existent statistics appear to address the problem of domestic violence. When one starts asking questions which show interest in and concern for the victims, it quickly becomes obvious that there are indeed many battered women in Lebanon from all social classes, regions, and confessional sects. I have rarely met a woman who, upon hearing a discussion of this problem, does not immediately mention a relative, friend, neighbor or colleague who has been the victim of battery at the hands of a husband or another close male relative. I have even been surprised to discover that friends of mine have been victims themselves.

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