

Women and Law

When discussing women and the law in the Arab World, it is imperative to remember that in most of these countries, unlike western countries, a Personal Status Code rather than civil codes legislates the rights and duties of women. The main objective of the Personal Status Code is to protect the family in various legal matters. It stipulates rules and regulations regarding marriage, divorce, inheritance and even work for women. The Personal Status Code in Arab countries is generally based on the religious dictates of the Koran.

In the case of Lebanon, where there are seventeen Christian and Moslem sects, each sect has its own Personal Status Code which it implements in its own religious courts. These various codes in Lebanon, like elsewhere in the Arab World, focus on family matters (marriage, divorce and inheritance). On the other hand, criminal laws, commercial laws and other matters related to public life are civil concerns of the state based on the Napoleonic Code. For instance, marriage being a personal status matter, civil marriages are not performed in Lebanon. Couples who wish to have a civil marriage are obliged to travel to nearby Cyprus or other European countries.

Unlike the Personal Status Code, the constitution of the State does not explicitly mention the rights of women; it speaks only in terms of Lebanese citizens in general. Some interpret this as a deliberate neglect of women. Others claim that it promotes equality between men and women, since a mention of women might imply a minority status to men. To say the least, such interpretations, especially regarding the fairness of laws towards women, are endless.

Therefore, instead of summarizing and analyzing specific texts of the civil codes and the different Personal Status Codes in Lebanon, we interviewed two Lebanese judges for this purpose. The first judge was a male and the second a female. Much to our surprise, there was no great difference in their attitude towards

the rights of women in the legislation. With some minor reservations, the judges seemed content with the clarity and justice of the laws of the State. They insisted that the texts promote equality between men and women, and offer equal opportunities at work. Hence, as you read the interviews, you may be swept with feelings of optimism and enthusiasm for the emancipation of women in Lebanon. What are women complaining about then? How come they are being taken advantage of in everyday life at work and in society?

Is there not a discrepancy between the laws themselves and the real status and treatment of women in society? With respect to this, the judges pointed out that the women themselves are not active enough in politics and the legislation. Thus, they are not aware of their rights and duties. It is, therefore, no wonder that men dare to claim dominance and dare to stipulate laws for women. What is stopping women from mobilizing the law to their advantage? The judges feel that sexual discrimination is not the main obstacle, although women claim that it exists. Instead, the judges attribute the problems to the war in Lebanon.

Nevertheless, the status of women in Lebanon is still far more advanced than that of women in some other Arab countries. For instance, there are no laws, civil or religious, which force women to wear the veil.

Furthermore, women in Lebanon can drive, go to schools and universities, and interact with men in public places without any legal restraints on their liberties. In other words, the basic grounds for mobility and improvement are already established in Lebanon. So, I agree with the judges when they say that it is up to the women themselves to push the wheels of progress further ahead by asserting their credibility and irrefutable worth to society.