

Problems Facing The Women's Movement in Lebanon

Interview with Lawyer Laure Moghaizel

by David Livingstone (*)

Laure Moghaizel has been involved in the women's rights movement in Lebanon since the late 1940s when she was still a student of law. She began by fighting for women's right to vote. Today, she is a founding member of the Lebanese Association of Human Rights and heads the legal committee. Maitre Moghaizel spoke to David Livingstone on the problems facing the women's movement.

Q Where do Lebanese women stand today in comparison to the most conservative Arab countries and the most liberal?

A. As far as civil law is concerned, Lebanon has a modern legislation, and differs from other Arab countries. In all the Arab countries, the legislation for family rule is based on the Shari'a or the Moslem law, which has been modified only in some of these countries. For instance, in Tunisia, Egypt, and Iraq there are new interpretations of the Shari'a in the family law. Hence, in Tunisia, women and men have equal inheritance rights. In Tunisia, Iraq, and Yemen (especially before unification), polygamy was abolished.

In Lebanon, the situation is different. The plurality of religious communities precludes the respective plurality in family law. Notably, there is no civil marriage law. If you are from one of the six Catholic communities, you follow your respective law and courts; non-Catholic Christians including the Orthodox, the Chaldeans, the

Assyrians, the Armenian Orthodox, also have their own particular laws. Furthermore, in the Moslem communities, laws vary between the Sunnites, Shiites and Druze. For the Sunnites and the Shiites, polygamy is legal. These two sects have the same laws but differ on practical terms. For instance, an only daughter, in a Shiite family, can inherit all of her father's wealth, whereas she has to share it with her father's brother(s) in a Sunnite family. Therefore, many Sunnite Ministers and Deputies of the Lebanese Government have converted in order to secure the inheritance for their daughters. The Druze are very different, they can leave a last will and testament giving their daughters and sons equal shares if they so wish. Divorce is not permitted for Catholics, granted to some non-Catholic Christians; and conditions for a divorce vary between the other non-Orthodox communities. For Sunnites and Shiites, there are repudiation rituals whereby men do not have to go to court to divorce their wives; The Druze is the only community in which the spouses must appear in court, and may divorce by mutual consent.

As you can see, we have many laws. Sometimes, the State itself has its own separate laws for Muslims and Christians. For instance, the State rules on inheritance issues for non-Muslim citizens. On the other hand, the judges of the Muslim courts are appointed by the State and are considered government employees. The situation is completely different for other Arab countries where Moslem law applies to everybody.

Q. If inequality is built into the religions, it will presumably take a weakening of those religions for the inequality to be phased out. Isn't this out of the question in Lebanon which was formed around the 17 religious communities ?

A. Yes, you are right. Personal Status Laws reinforce inequality of women, although in different degrees depending on the religious communities. The most conservative are the Sunnites and the Shiites. The Druze have a new and better law that has been codified by the state, hence, they do not have polygamy; a woman can ask for divorce; and inheritance is fair. Nevertheless, the Family Law or the Personal Status Code defining women's legal rights and status remains functional and powerful because it is considered as sacred.

Q. Women must still have permission from their husband to do trade. Is this practiced, however?

A. There is an international convention of the United Nations for the Elimination of All Forms of Discrimination Against Women. In 1979, it was ratified by 109 states, including five Arab states. However, it was not ratified by Lebanon because of article 16 of this convention, which supposed the equality between men and women in the family. So Lebanon, in this aspect is not very advanced. In civil law, a married woman cannot practice business without the permission of her husband. This authority can be

expressed or tacit. But in practice, I don't think this is a big handicap for women. In any event, the proportion of women who are involved in trade is small.

Q. How large is the gap in salary between men and women doing the same job with the same experience?

A. We do not have new statistics, therefore, I cannot give you a number. There is no disparity in the public sector, and there is equality in the banking sector. Furthermore, by law, there should not be any discrimination. There is a convention for equal pay for equal work and Lebanon ratified this convention, however, implementation is something else. Unfortunately, women are not very active in trade unions. Consequently, trade unions are not pushing this issue.

Q. How much sexual harassment is there in the work place ?

A. I don't think this problem can be really addressed. When the woman is working for an employer, it is assumed that she has to be very kind to him. Even if there is sexual harassment - and I'm sure there is, there must be! - I don't think she will tell anybody about it. She will not tell her parents because she will not be allowed to return to work. We have more than 100 women's associations in this country, but we do not have specialized groups who deal with such a problem, because it is not a public issue, nor can it be made public. It is a taboo issue in Lebanon.

Q. A husband finds his wife cheating on him and kills her. What happens to him ?

A. This is what we call crimes of honor, which is not really a question of honor. Before the war, we addressed the issue through lectures and publications (1). We also made attempts to abolish article 52 of the



Penal Code because Lebanon is not the retrograde of all Arab countries with the exception of Saudi Arabians. We have two kinds of situations: If a man is suspicious of his wife, daughter, granddaughter, grandmother or sister being in an equivocal situation and he kills her and her lover, he has a reduced punishment because of attenuating circumstances if the judge so decides. In the other situation, where he sees her in bed with her lover and kills her and her lover, he has a full excuse and the court cannot tell him anything. The judge cannot punish him, and is obliged to judge him innocent.

Q. If polygamy is mistreatment of women, but written into the Koran, how can that be changed ?

A. We are not asking to change the Koran. We are not even asking to change the Personal Status Law. All we want is a civil law, which guarantees equality, liberty and non-discrimination. We prepared the legal texts for such a law and placed them in the hands of the Parliamentary Committee of Justice and Administration. The head of the Committee tells me that every six months he attempts to raise the issue, but realizing that he could get killed, he returns the file to the drawer.

In Tunisia, they are working on a new interpretation to prove that inequality is not dictated in the Koran itself but in social customs.

Lebanon is different from other Arab countries. Even if equality is given to women, it is not enough. We are asking for equality not only between the sexes, but between women themselves and men themselves. Thus, if the laws differ among the religious communities even men are not equal.

This civil law we are calling for does not abolish The Personal Status law. We are proposing an optional law, i.e. an opportunity to choose between Personal Status Law and the proposed civil law. How can we speak of a democracy that does not entail equality by the law? With 17 laws, there is no equality between people. For example, during the war, many people died leaving behind a large inheritance controversy. There is no inheritance between Moslems and Christians, i.e. a Moslem man cannot bequeath his possession to a Christian wife. The State gets it all. We had many court cases, where nothing could be done.

Q. What is the worse case of discrimination you have come across ?

A. I cannot tell of one particular case. The world is done by the men, for the men. Women may work outside the home, but cannot ignore or neglect their domestic duties, which mean a double load. Their work (domestic) is not paid, not prestigious, nor highly esteemed and has no limit. Men, in general, are not sharing these responsibilities. I still do not know of a country where this particular problem has been resolved.*

(* David Livingstone is a free lance reporter.

(1) The Institute for women's Studies in the Arab world published Laure Moghaizel's book *al Mar'a fi al-Tashri' al-Lubnanl, Women (rights) In the Lebanese legislation.* in 1985.