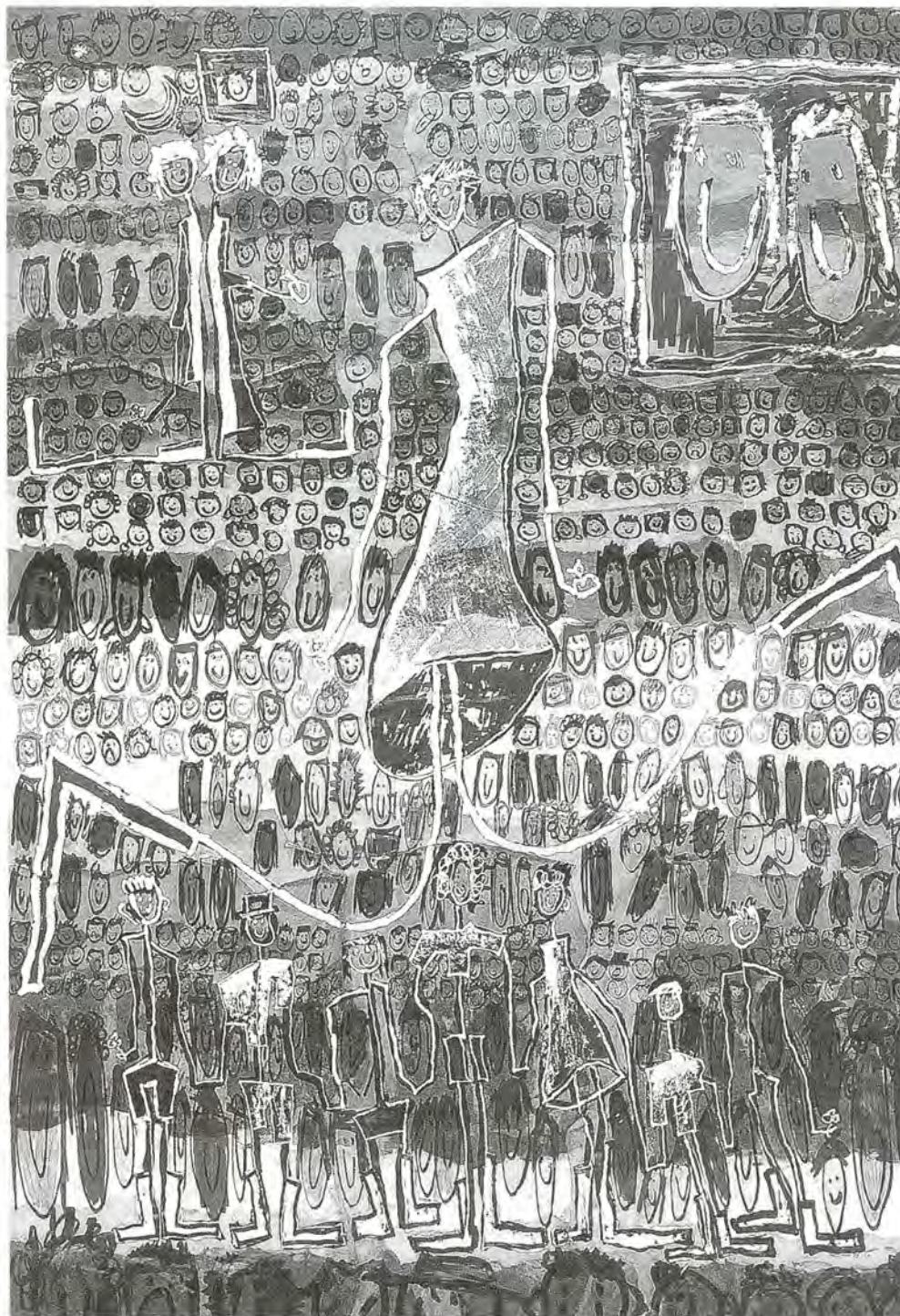


CIVIL MARRIAGE ... BETWEEN FICTION AND REALITY

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The question that will be dealt with in this article is whether the Lebanese law of personal status coincides with the Convention on the Elimination of all Forms of Discrimination against Women, or whether it emphasizes oppression and discrimination? This article sheds light on the issue of civil marriage, its implications and how it is perceived and dealt with in the Lebanese society.

The Universal Declaration of Human Rights stated in its first article that "all human beings are born free and equal in dignity and rights". Followed in 1979, was the "Convention of Elimination of All Forms of Discrimination Against Women", known as CEDAW, which Lebanon ratified in 1995. But a look into the Lebanese legislation reveals many violations against women. For example, the nationality law, compensation and indemnities and the right to work in the public sector, working conditions in the private sector, penal law, personal status law, etc. reflect discrimination between the sexes. Unfortunately, Lebanon made reservations to two articles when ratifying CEDAW and these are Article (9) dealing with nationality laws, and Article (16) dealing with equality in marriage and family life. In this respect, introducing civil marriage into a unified personal status law will make Lebanon drop the above reservations. But how is civil



"Untitled" oil on canvas, 1996 by Nidal Haddad

marriage dealt with in our society?

DIFFERENT APPROACHES

The proposed law of civil marriage, although voluntary, has raised many religious sensitivities and has been fiercely opposed by the highest-ranking religious clerics in the different sects. But what about the reaction of civil society to this matter? What do activists have to say in this regard?

Mrs. Wadad Chaktoura, president of the Women's Democratic Union, said that the proposal itself is a good step for it defines positions and provides space for public debate. Chaktoura added that civil marriage provides equality between men and women since the existing laws regarding nationality, social service indemnities, marriage, inheritance and other issues are all examples of discrimination against women in the Lebanese legislation. In other words, there is always control over women in the existing civil code, though this law does not concern only women, but society as a whole.

Regarding the reaction of women's movements to the issue, Chaktoura made it clear that "for us, as a women's organization, civil marriage is on our agenda, but in the meantime it is not a priority". When asked why, she said that "our experience has taught us that to work on this issue alone will lead us nowhere. Our association has been advocating this law since 1976, but unfortunately there have been no concrete results." Consequently, a new strategy was needed in our lobbying efforts, and the Beijing conference helped us in defining this strategy. One of Beijing's recommendations was the empowerment of women and their participation in decision making at the public level. This has been adopted through our insistence on women participating in political life. This will enable women to impose changes by voicing their opinions on various issues. Chaktoura finally added that without reviving political parties in Lebanon, changes can be hardly expected especially with the domination of the religious civil code.

On the other hand, Dr. Samia Chaar, professor of Law at the Lebanese University, stressed the legal side regarding the proposed law. Chaar supports civil marriage but not in its present form. Chaar added that the law should be carefully examined taking into consideration economic and social criteria. The civil marriage proposal is incomplete because, on the one hand, it calls for the secular implementation of a personal status law, but on the other hand limits inheritance to religious courts. Chaar supports civil marriage integrated within a unified civil code.

Civil and religious marriages intersect at some points, but clerics sometimes forget that the historical context in which religious texts stemmed from has changed. Regarding women's role in the civil marriage proposal, Chaar said it is still a largely fictional one. There is no coordination between NGO's. Without efficient governmental institutions, efforts cannot take shape.

POLITICIZING CIVIL MARRIAGE

While reviewing the different attitudes and positions

regarding civil marriage, one cannot but wonder at the discourse of opposition to the proposed law. This opposition is usually defended in the name of national interests, on one hand, and the interest of the family unity on the other: "this law must await a suitable political climate"; "it is not a priority ... it is a way to distract people"; "it will undermine national unity" and "threatens national security." Some have been extreme in expressing their anger that such a law "will pave the way to another civil war" and "will threaten the 'smooth' relations between Lebanon and Syria." Another opposition is based upon safeguarding general ethics and the family: "we should protect ethical standards and the family against this germ"; "it is an assault against God and the sanctity of marriage"; "it will lead to moral degeneration among the young"; and "interfere in people's private lives."

Whatever the excuses are, one cannot but make the following remarks:

- The question is not whether to oppose or support civil marriage, but whether this issue is being politicized or simply manipulated by those in power. Treating vital issues in this arbitrary manner is not new in Lebanon; it has always been the case and it is feared that it will remain if serious action is not taken before it is too late.
- Objection to the law is a question of maintaining power; clerics are afraid to lose their power over the family, women and individual freedom. Marriages based on personal choices of the spouses rather than family arranged marriages based on religious standards, will gradually minimize traditional boundaries among sects, religions, communities and the sexes.
- The notion of the individual in our society is still fragile. Recent studies still conclude that the family commands primary loyalty in Lebanese society. Next to the family in order of importance are religion, nationality or citizenship, ethnic identity, and finally political parties.
- The proposed civil marriage law has not been taken seriously simply because it contradicts with the interests of the dominating sects that have hindered the development of a modern polity.

CONCLUSION

When taking on the subject of civil marriage, debate becomes absurd for it enters into a political and religious vicious circle which is difficult to break. What is needed is the following:

- We need to amend legislation which discriminates on the basis of sex because laws affect the way society functions, and civil marriage, in particular, will help remove this discrimination.
- Because civil marriage alone is not enough, we must enact a unified personal status code for all Lebanese citizens who will no longer be subjected to 18 different personal civil codes. Streamlining laws, especially those related to civil status, will secure democracy and reinforce a solid Lebanese identity.
- It is time for Lebanon to abandon its reservations and implement CEDAW's recommendations as part of a comprehensive scheme.