

## **The First Ever Lebanese Non-Religious Marriage: An Ethnography from a Beirut Secular Setting**

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This article focuses on how the Lebanese multi-confessional social, legal and political system has been challenged by the first non-religious marriage contracted in the country on November 2012 by a couple of Lebanese citizens, in spite of the current state laws that allow religious celebrations only. Through the personal status law system, the Lebanese Republic officially recognized seventeen religious communities and gave them absolute legislative power on family law. Supported by some civil society movements in the less confessional neighbourhoods in Beirut, this couple legally challenged the current system through a rule that was established during the French mandate to protect people who did not belong to a religious sect. The discussion addresses the link between administrative and legal challenges in the Beirut urban environment to illustrate the dynamics by which this important event took place and its significance in the Lebanese social, political and legal system.

**Keywords:** Lebanon, confessionalism, civil marriage, Beirut urban setting.

### **Introduction**

This article focuses on the challenge posed to the Lebanese multi-confessional social, legal and political system by the first marriage contracted in the country on November 2012 by two citizens, Nidal Darwish and his wife Kholoud Succariyeh, who do not belong to any religious sect. They made their marital consent before a non-religious authority. The discussion extends to other Lebanese couples who have made a similar decision, looking at the potential political significance of non-religious marriage celebrations in the Lebanese territory. My analysis draws on field research and interviews carried out in Beirut in March-June 2014 and April-May 2016 with professors, lawyers, religious authorities and activists who are directly involved in arguing the right to have a valid non-religious marriage within the Lebanese borders. For security reasons engendered by political and religious opposition, I was not allowed to interview the couple who celebrated the first non-religious marriage or the notary in whose presence they made their mutual consent to marry. I had to study their case through documentary sources.

Since the Lebanese Republic gained independence from France in 1945, the country's legal structure has always referred marriage and family discipline to religious laws, preventing State authorities from celebrating marriages. The issue of non-religious celebration of marriages first appeared on the Lebanese political scene in 1998. Now, due to these couples' legal actions, it has acquired new life. On February 2013, the Supreme Advisory Board of the Ministry of Justice officially authorized the transcription of the Darwish act of marriage, which had been contracted in the presence of a notary. Five more contracts of non-religious marriages followed, until the former Minister of Interior and Municipalities, Nouhad Machnouk, decided on February 2015 to refer civil marriage contracts to the civil courts of the country, asking them to examine their legality (Chbaro 2015).

The above mentioned couples have varied urban and rural provenance. Their most relevant common point lies in the legal, social and human support that they have received from civil society movements and NGOs located in Beirut. None of them received official support or legal help from the Lebanese political parties. Every couple's private decision to have a

secular marriage faces a fairly long administrative procedure<sup>1</sup> and strong opposition led by religious authorities and some political parties. I shall examine these dynamics in Beirut's Gemmayzeh quarter, where civil society movements and NGOs have been working for decades, and where Mr Darwish and others couples struggled to establish their non-religiously sanctioned union.

In order to understand the relevance of this secular urban setting, we must address the sectarian partition of the Lebanese legal system and the territorial and the religious control at social level. These are some major consequences left behind by the Lebanese Civil War. Started in 1975 and ended in 1990, the war caused both state and society to implode, leading to deep religious fracture between Muslims and Christians. Once the war ended, the Lebanese people kept living in religiously homogeneous neighbourhoods, where they continue to share the same values, way of life and social control over religious rules on private and family life (Mollica 2011). This, however, contributes to limit unions between people belonging to different religions; unions that are not socially and legally accepted because they infringe religious rules. People aiming to marry in spite of religious norms can only do so by going abroad in any country that allows non-religious unions. If then, they decide to live in Lebanon, the newly married couples are legally allowed to register the act of marriage. However, social and family pressures could lead the couple to be excluded from the community's social life; the new family would not be allowed to live in their own family's village or urban neighbourhood and may also face violent reprisals.

For example, in the absence of a state secular law, Druze religious family laws do not allow unions with non-Druzes. So, Druzes are often forced to go abroad to get married to a non-Druze partner. A paradigmatic, and famous, case is that of a Shia man who married a Druze woman in 2006. He was forced to ask Hezbollah, the Shia political party, for humanitarian protection and financial support after being refused residence by the woman's family and village (Australian Refugee Review Tribunal 2006).<sup>2</sup> For the couple to be allowed residence, the Druze bride had to convert to the Shia faith. Raising a key theme in urban anthropology, this strongly exemplifies how living in an urban area is a matter of living in 'a place of *meaning and identity*' (Prato and Pardo 2013: 97); an identity that, in the case in point, is a religious rather than a national one.

From this perspective, the definition of 'urban setting' is expanded as to include both the spatial and the social dimension; it is a 'highly spatial density of social interaction', which differentiates it from rural settings (Prato and Pardo 2013). In this sense, the present discussion meets an urban anthropological approach that casts the urban setting under study in the broader context of national politics, economy and culture. The neighbourhood where I conducted my fieldwork is a Christian-Muslim mixed area of Beirut. There, a large number of civil society movements and NGOs have their headquarters. It is also home to Saint Joseph University, one of the most prestigious, religiously mixed academic establishments. Being a cross-religious

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<sup>1</sup> This procedure starts with the removal of the couple's religious affiliation from the official Register.

<sup>2</sup> As I have indicated, ostracism can take violent forms. For instance, Druze relatives frequently try to kill or seriously harm the non-Druze partner.

space means that, on a political level, here civil society movements have traditionally gathered crowds who participate in organized marches and other forms of popular protests to pressure Parliament and to pass new legislation on civil marriage and, more generally, to reform the political system (Martel 2015).

Looking at the way authorities deal with the support for secular marriage manifested by this mixed, secular and political active segment of Lebanese society, is a useful way to study empirically how the legitimacy of governance is perceived in a context that is fairly distant from religious influences (Pardo and Prato 2011). Specifically, the celebration of the first civil marriages in the country can help us to understand whether Lebanese politics is strong enough to address the instances of people who only ask that their national identity should be reinforced, not the religious one. From an anthropological point of view, the analysis of Lebanese political stances in relation to civil marriage offers interesting insights to our understanding of state legitimacy, as it gives practical significance to the idea of ‘guaranteeing civil rights’ as part of the abstract political concept of ‘citizenship’ (Pardo and Prato 2011, Mollica 2011).

### **A Beirut Urban Setting Facing the Multi Confessional System**

A starting point in the present discussion is the large number of non-religious unions celebrated abroad. In spite of strong social and religious oppositions, these unions increased after the end of the civil war in 1990, mostly among highly educated Lebanese people who were born after 1990. The great majority choose to fly to Cyprus to celebrate a civil marriage; this is especially the case with Christian-Muslim unions (Abboud Mzawak 2012). According to the statistics published by activists, these couples reported to have met their partner at university, in a mixed context, and described themselves as weak religious believers. Their high level of education gave them access to information about the legal procedure on how to celebrate a secular union abroad, but they still could not escape from social ostracism in Lebanon (Abboud Mzawak 2012).<sup>3</sup> This complexity is the main reason why civil marriages in Lebanon represent a new and interesting step in the process of separation between religious and state power as regards family law. These couples embody the secular principle of the separation between personal faith and state rule and their actions raise the issue of the duty of the state institutions to protect and enact citizens’ freedom to choose their personal faith, as stated by Article 9 of the Lebanese Constitution of 1926 (Kanafani Zahar 2000).

According to the leaders of the civil society movements whom I interviewed in 2014, some of these citizens chose to oppose the multi-confessional system using the legislation currently in force by celebrating a non-religious union inside Lebanon. They intended to provoke a political reaction. Their broader aim was to point out that the current social, legal and territorial sectarian division is a consequence of the state’s failure to affirm itself as the supreme legislative power in the country; such a failure must be read in a context marked by the power of the various religious sects. Their attempt to make Lebanese politicians take a clear position on the need to pass a secular law on marriage reached an important point in 2015, when the

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<sup>3</sup> The statistics published in 2014 by the Lebanese Ministry of Foreign Affairs show that some 560 Lebanese couples chose to celebrate their marriages in Cyprus.

Ministry of Interior Affairs decided to halt the official transcription of non-religious marriages celebrated in Lebanon. It asked Parliament to pass a law on this matter arguing that such a delicate problem could not be disciplined through case-by-case administrative procedures.

Many activists also supported the more general political struggle on Lebanese multi-confessionalism reforms. I carried out interviews with religious authorities, academics, lawyers and civil society activists who for years have played prominent roles regarding civil marriages and secular status laws. Among the different groups of people involved in the civil marriage issue, I interviewed two Catholic bishops and several priests who worked as ecclesiastical judges and defenders of the bond at their respective Church's Court of first Instance and Court of Appeal.<sup>4</sup> I also interviewed a prominent Sunni Sheikh, who is a judge at the Sunni family court and a professor at Lebanese and European Universities and is therefore directly involved in the issues related to civil marriage.<sup>5</sup>

As I mentioned in the introductory section, I could not interview the couple who celebrated the first non-religious marriage or their notary. There were serious security reasons involved, as they were subjected to strong opposition from religious authorities and political parties (Abgrall 2014). Such opposition continued even when both spouses publicly reaffirmed their personal Muslim faith and said that their motivation to have a non-religious ceremony was to stress the importance of distinguishing and keeping separate religious belief from state law (Skatvik 2013). Accordingly, they formally requested the Ministry of Interiors Affairs to remove their religious affiliation from public registry. Therefore, I studied the cases of couples who celebrated non-religious marriages in the country since 2012 in an indirect way, by collecting information from people who work with them or, on the contrary, have long opposed them.

Most interviews were held at Saint Joseph University and at different lawyers' offices. The setting of Saint Joseph University for these interviews played a major role because this academic establishment is currently one of the major interreligious meeting places, where students belonging to all sects can meet, overcoming religious rules and weakening confessional control. Lebanese universities have played a key role in interreligious relations. Significantly, those established by Christian religious orders (as Saint Joseph University led by Jesuits, Saint Esprit University guided by the Maronite Church, Balamad University founded by the Greek-Orthodox Church and Sagesse University) have always been opened to Muslims. Saint Joseph University played a major role during the Civil War because it was located on the Rue de Damas, alongside the so called 'green line'; that is, the urban line dividing the West Christian neighbourhoods from the East Muslim neighbourhoods. The University continued to offer courses during the fifteen years long war, opening its buildings to all students. Saint Joseph University, distinguishes itself also because it has long established a Master degree in inter-confessional dialogue opened to Muslims and Christians students.

As local academics told me, this role played by universities in granting free and non-religious places where students and young people can meet and share everyday life is a great

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<sup>4</sup> I conducted the interviews at the archbishoprics and at Ecclesiastical Courts' offices.

<sup>5</sup> A non-religious place was chosen for these interviews.

tool in support of the idea of a common ‘Lebanese citizenship’ and state institutions. At the same time, they stressed a key aspect of this mixed space: studying together, young people can easily choose to live with a partner from outside their community. As one of the professor said, in mixed universities young students may fall in love with people from different sects and they can decide to give religious faith a less relevant position than the feelings that they experience.

A relevant role in my ethnography has been played by interviews with members of the Lebanese Association for Civil Rights. This association specializes in supporting couples who decide to have non-religious marriages inside the Lebanese territory. As it is suggested by its official denomination, this association intends to cast the struggle for a Lebanese civil law in a broader effort to enforce civil rights in the country. I did the interviews in their headquarters, talking to some of the leaders. I spoke with those working at a legal level, drafting the law on civil marriages and with those leading the social media office, who gave me information on popular support to their activities. The activists defined themselves as ‘just Lebanese’ and no one accepted to tell me their religious affiliation. On the contrary, some declared to be atheist and expressed the will to remove their official religious denomination from the civil registers. Some chose to go abroad to marry people belonging to a different sect; others simply chose not to place their unions under a religious law.

This association is basically non-confessional. It was founded in 1997 to fight against the death penalty and the use of violence at political level. They helped to rebuild a social coexistence after the Civil War. From this perspective, their support of civil laws allowing non-religious marriages is a way to open up the multi-confessional system and to let citizenship become the only, or at least the prominent, legal element in the Lebanese Republic. The choice of locating their headquarters in the Gemmayzeh neighbourhood embodied this non-confessional principle, as this is one of the less religiously homogeneous and richest areas in Beirut, even if it is part of the Christian Achrafieh district. Located to the east of Beirut’s Port, next to the Rue de Damas and Saint Joseph University, Gemmayzeh has been Christian since the Ottoman domination, as it was the Greek–Orthodox predominant quarter (Kassir 2010). Being a mercantile zone, this area has always seen the presence of different people working together. After World War I, Gemmayzeh hosted a consistent Armenian community. After World War II, the Christian Maronites increased their presence; so, when the civil war erupted in 1975, this neighbourhood became inhabited by a Christian heterogeneous population. Given the Christian-Muslim polarization in Lebanon and the urban religious segregation among different Beirut’s neighbourhoods, Gemmayzeh became the Christian counterpart of Basta and Hamra, the Sunni homogeneous quarters (Colombijn and Erdentug 2002, Mollica 2016). Being one of the Christian districts next to the ‘green line’, it became a sniper alley during the civil war and an urban example of the state institutions’ collapse and the society’s confessional fracture between Christians and Muslims. Following the end of the civil war, Gemmayzeh became the eastern edge of the post-war downtown reconstruction project. Since the beginning of 21st century, its low-rent rates have made it economically attractive (Mayaram 2009).

Over the last fifteen years, Gemmayzeh has become a modern, young, religiously mixed and sparsely confessional quarter that is famous for its trendy bars and restaurants (Beauchard 2012). It is now one of the most attractive urban spaces where people — above all, young people

— from all religious communities can meet escaping religious social control. Gemmayzeh and the richest zones in Beirut's town centre should not, however, be seen as exemplary of Lebanese social reality. Those neighbourhoods represent the most modern urban part of Beirut and the whole of Lebanon, clearly showing deep social fractures in the country. In addition to the religious fracture, other divisions should be taken into consideration: the opposition between urban and rural areas, the economic gap keeping separate rich urban districts and the poorest zones and lastly the specific role played by Beirut as the capital city. Beirut was the main battlefield of the fifteen-year-long civil war and is now inhabited by 1.5 million Lebanese who share that urban space living in religiously homogeneous neighbourhoods. In most of Lebanon, then, the great majority of population live next to people belonging to the same sect. In mixed villages and cities, there are always different quarters. Christians and Muslims live in their own neighbourhoods. Different Muslim communities do not share the same quarters (Mollica 2016). The Zokak el-Blat neighbourhood is a good example of this territorial division along sectarian lines. Up to the eruption of the Civil War, it was a mixed urban area. It became inhabited by Shia refugees during the Civil War and nowadays is influenced by the Shia Hezbollah party (Marot and Yazigi 2012).

People generally choose to live in sectarian urban quarter or rural area because being a minority in a religiously homogeneous zone involves facing religious legal prohibitions from buying and selling properties outside the community and being forced to abide by alien cultural and legal norms and values (Mollica 2016). Moreover, people who survived the Civil War still have memories about inter-confessional atrocities and keep their religious rules as a basis for their social life. Schools are a good example: in Christian areas they are closed on Sundays; in the predominantly Shia areas in south Lebanon weekly holydays are on Fridays. Such confessional separation can still be seen in Beirut itself and the division between Sunni and Shia zones has been reinforced by the current growing political opposition between the Sunniled Future Party (mostly against the Syrian regime) and the Shia Hezbollah movement (mostly pro-Syrian regime).

Empirical and theoretical studies have largely demonstrated how this social and territorial sectarian division is a direct consequence of the fifteen-year-long Civil War and the political actions carried out during and after the war. However, we have to look at the national Lebanese legal and political grounds in order to understand the weakness of the state in relation to religious community power in family law matters.

### **The Family Law System and the Lack of Division between Religious and State Power**

The Lebanese Republic is a typical multi-religious society led by a multi-confessional political system; citizens' religious affiliation is at the base of its architecture. According to Article 95 of the Constitution of 1926, the allocation of political and public administration offices and parliamentary seats should be based on a religious sectarian quota system. In 1990, at the end of the civil war, all political factions agreed to modify this article, introducing the principle of personal competence as the basic requirement to be hired as civil servant. This constitutional reform could be seen as a serious step taken by the state institutions to overcome the confessional affiliation-based system. Meanwhile, confessional quotas continued to be the basic

criteria in the election of Deputies (Members of Parliament). Moreover, the reformed article 95 for the appointment of civil servants has never been implemented.

The old version of article 95 continues to have legal power, making it impossible for personal competence to become the decisive element in Lebanese public administration. (Messarra 2003, Gannage 2013). Lebanese political parties have never engaged in legally implementing the constitutional reform on which they agreed in 1990. This is a consequence of their electoral basis and their political structures being related more to religion than to political ideology. The link between religious and political affiliation is observable in the current Lebanese political framework, which is controlled by the two coalition parties that resulted from the Sunni-Shia religious opposition, leading to two frameworks of regional alliance. The Shia party, Hezbollah, leads a coalition with the Christian-based Free Patriotic Movement; this coalition supports the Assad regime and Iran. The Sunni-led political party, Future, leads a coalition with some Christian parties, such as Kataeb and Lebanese Forces; this coalition is strongly anti-Assad because the Syrian regime was involved in the Lebanese civil war from 1975 to 1990 and then de facto occupied the country until 2005. The political fracture between Sunni and Shia communities has increased since Rafiq Hariri, the former prime Minister and Future party's leader, was killed in a car bomb attack on 14 February 2005. The Sunnis continue to accuse the Syrian regime and Hezbollah to be responsible for the attack. Furthermore, since the Syrian civil war started in 2011, Hezbollah has been sending huge numbers of his Lebanese members to fight for the Syrian regime, while the Future movement has shared the Saudi Arabia and other Sunni Gulf states' support for the anti-Assad rebels, though only at political level.

As a consequence, these parties have little interest in modifying the public administration system and relinquish their religious quotas of civil servants. More relevantly, inaction in implementing the constitutional reform highlights a common interest of religious and secular power in avoiding granting fundamental rights to citizens, regardless of their religious faith.

At the same time, according to Article 9 of the Constitution, the multi-confessional system leads to state recognition of religious-based personal status laws, granting confessional authorities absolute legislative and jurisdictional competence over family law. This legal set-up, inherited from the Ottoman Empire, recognizes religious affiliation as the only legally relevant element in personal and family relations, which are considered to be the only legal way to pass core values, especially religious values, from generation to generation (Messner 2011).

The 1923-1943 French mandate established a lawful option for atheist and secular citizens, including all kinds of wedlock that breached religious norms. Thus in 1936, through a law approved by Parliament, the French High Commissioner ratified the Article 14 of the *Arrêté* (Decree) n. 60, providing the creation of the so called '*communauté de droit commun*' (community common law). That law should have disciplined family law issues under a set of secular and state legal principles. At the same time, that *Arrêté* officially recognized 18 religious communities and their different religious laws, granting them the full right to apply their legal principles to marriages between their members. This would have been the legal way to prevent the primacy of religious affiliation over national citizenship and allow state power to balance sectarian power (Gannage 2001). However, since Lebanon gained independence from France in 1945, the legislative power has never managed to pass a secular family law. Moreover, the

civil law passed in 1951 officially forbids marriage celebrations by non-religious authorities, recognizing only non-religious unions contracted abroad. Since independence, Parliament has rejected all draft laws on civil marriage and on the implementation of civil courts' jurisdiction on this matter. Consequently, the French *Arrêté* (Decree) 60/1936 is still in force (Dubois 2002).

Legally, this personal status system became a 'closed matter' based on the personal religious affiliation's principle instead of on the principle of the general territoriality of the state law (Messarra 1994). This has been named 'closed system' because people have the right to change their religious affiliation but the state law does not allow them to regulate their family matters under non-confessional rules if they choose to reject religious affiliation altogether. Thus, until the first non-religious marriage was celebrated on 10 November 2012 and officially registered on February 2013, non-religious unions were allowed under Lebanese law only if people married abroad and then had their civil marriage recorded in a Lebanese Public Register under article 25 of *Arrêté* 60/1936 (Tobich 2008). Even if the Ta'if Agreement — signed by all political factions in 1990 to end the Civil War — proclaimed the end of the confessional principle on a political and administrative level, there continues to be no legal way to be a Lebanese citizen and fulfil civil and political rights without belonging to any religious sect (Tobich 2008).

On a theoretical level, this situation could be seen as religious affiliation prevaricating state citizenship. It could be seen as a weakness in the bond between state and citizens. On a practical level, the lack of the state power in this key legal field has relevant consequences for Lebanese citizens who have no religious affiliation, including those who were married by a non-religious authority in Lebanon. These people have no parliamentary representation; they are not allowed to fulfil their right to be elected to Parliament, are legally unable to apply for a public job and have no legal protection regarding family issues. Their only legal recourse is the *Arrêté* 60/1936, which as I have indicated would allow Parliament to pass a secular family law. This legal vacuum and political lack of state power became particularly relevant when the Darwish couple had their first child; their baby was the first Lebanese citizen without any religious affiliation and with serious limitations to his civic and political rights.

### **The Civil Marriage in the Lebanese Political and Social System**

Since the country's independence in 1945, Lebanese political parties, groups of lawyers and civil society organizations have drafted various proposals on marriage laws. Especially after the end of the Civil War, politicians and civil society activists produced draft laws on family matters, introducing the institution of civil marriage. None of those projects has ever been voted on by the Lebanese Parliament because strong religious opposition has always influenced all political parties not to do so. Let us not forget that, due to the parliamentary sectarian quota system, the electoral base of each political party is religiously homogeneous (Karam 2006, Tobich 2008).

Religious prevarication over the State was highlighted in 1998, when the President of the Republic, the Christian Maronite Elias Hraoui, officially presented to the Government, led by the Sunni Muslim Deputy Rafiq Hariri, a draft law on optional civil personal status. By letting civil marriage become an option (as opposed to a compulsory religious ceremony), he intended



to give the state a legal supra-religious dimension that would respect both confessional requirements and citizens' freedom of belief (Karam 2006). Nevertheless, religious authorities opposed this legislative proposal and the former Prime Minister, the Deputy Rafiq Hariri, along with all political parties, refused to let Parliament debate the Bill (Ofeish 1999). This parliamentary impasse allowed the Darwish couple — who, as we know, contracted the first non-religious marriage on 10 November 2012 — to challenge the Lebanese legal system through the 1936 French Decree's provision of a community common law compelling state authorities to recognize that a *de facto* 'community common law' now existed. So, for the first time in Lebanese history, a private decision was supported by sections of Lebanese society as a direct way to pressure the legislative power on such old legal issue. Further considerations will help to explain why civil society movements, such as 'The Civic Centre for the National Initiative', and legal experts decided to support the Darwish's plan (Muhanna 2013).

Mr Darwish and his wife lived in Beirut and belonged to two different Islamic sects. He was Sunni, she was Shia. They described their families as 'conservative', even if they did meet in a non-religious setting, an English language course given by Mrs Darwish in Beirut. Even in such a problematic family milieu, an inter-Muslim union would not become a problem if celebrated by a Muslim judge; this kind of marriage is indeed frequent in Lebanon (Tobich 2008). So, their union challenged the legal system distinctly because they chose to celebrate the wedding ceremony in the presence of a notary, not of a religious authority.

This choice made by the Darwishes is integral to their political motivation to enforce secular state institutions, and to do so through any kind of initiative, including private and non-publicly organized ones. This would challenge the religious-based personal status laws system, bypassing legislative impasse through a simple implementation of the Decree 60/1936. As a consequence, they had to organize a secret ceremony including only her brother as a witness. The urban Beirut context helped them to be supported by a structured civil movement led by legal experts and lawyers (Brophy 2013), which raises the question whether such a decision could have been taken by a couple living in a rural area, or in a more religiously controlled city, far away from NGOs and civil society movements. Here, I shall remind the reader that they received no concrete support from the political parties; even those that officially supported their decision failed to engage in a parliamentary debate to approve a civil marriage law. Moreover the couple had to face strong opposition led by every Muslim authority and even by some Christian authorities. This needs attention.

Decisions officially taken by the Gran Mufti (the highest Sunni religious authority), Sheikh Mohammad Rachid Kabbani, show clearly the depth of religious control over family matters in Lebanon. On 28 January 2013, immediately after the couple sought for the official transcription of their act, he called a *Dar el-Fatwa's* meeting. There he declared apostate every Sunni Lebanese citizen who would undertake a non-religious marriage and every Sunni Lebanese Registrar who accepted that act of marriage and recorded it in the Public Register (Papi 2016). Similarly, the highest Shia authority — although did not share such serious charge against couples, notaries and registrars — stated that this kind of marriage is 'illegal because it is in contrast with the Shari'a law'. He added, however, that a dialogue between state and religious authorities was needed to address their different meanings of the institution of

marriage (Sadaka 2013). The majority of Christian religious leaders also opposed any law on civil marriage, though some of them did stress the need to respect the freedom of belief. This could also mean freedom not to have a religious faith and to discipline family relations only according to a civil regulation.

The opposition of the religious authorities led to the current political *impasse*. If in 2013 and 2014 Muslim politicians like Saad Hariri expressed their personal support to the Darwish couple and their struggle for a civil marriage law,<sup>6</sup> they did not act consistently at legislative level; they made no effort to make Parliament debate any of legislative proposals that had been drafted over the years. Christian-led parties — like Lebanese Forces, Free Patriotic Movement and Kataeb — tried and failed to pass a civil marriage law and Michael Sleiman, the (Christian Maronite) President of the Republic until May 2014, publicly endorsed the first act of marriage's official transcript.

This situation replicated the 1998 religious and political opposition to the draft optional civil personal status law presented by the President of the Republic Elias Hraoui. The Parliamentary *impasse* throughout 2013 mirrored what had happened fifteen years earlier. In May 2014 the mandate of the President of the Republic expired and a long vacancy followed, which prevented the Deputies from legislating. The new President, the former Christian Maronite general Michael Aoun, was elected on 31 October 2016. The forthcoming general election, scheduled for April-May 2017, contributed to keep the secular family law issue away from parliamentary consideration.

At the time of writing, other Lebanese couples, who in 2014 and 2015 followed the Darwishes' administrative procedure to remove their religious affiliation from public registers, got married in front of a notary. They are asking for their marriages to be officially registered. It would seem that the civil movement cannot be stopped despite the intervention of former Minister Nouhad Machnouk who, on February 2015, referred civil marriage contracts to the civil courts in order for their legality to be examined. He asked the Government and the Parliament to legislate along these lines after the election of President of the Republic (which, I have said, happened on 31 October, 2016). This act prevented forty other couples from registering their acts of marriage and, besides failing to eliminate the legal problem posed by non-religious unions, it did leave those forty families legally unprotected (Chbaro 2015). The Ministry's legal action did not, however, affect the acts of marriage already registered. So, a group of Lebanese people with no religious affiliation is currently living in the country; they are officially protected by the Decree 60/1936 on 'community common law', while waiting for a state legislation that codifies the status of the secular family.

### **Where Will He Live? Critics of Administrative Procedure and Marriages**

According to some experts whom I interviewed, family law is a much too sensitive legal issue to let it become disciplined by a case-by-case approach. Children, for example, are affected by legislative decisions and the lack of a civil code heavily conditions their lives as their civic and personal rights are limited. Some experts strongly support a Parliamentary action that passes a

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<sup>6</sup> Saad Hariri is the leader of the Sunni Party 'Future' and Prime Minister since November 2016.

complete and general state law on non-religious marriage, arguing that this is the only way to define clearly which state authority will be entitled to marry people, and to rule on matters such as the rights and duties between the couple and towards the children, the procedure to file for divorce and to establish the monthly allowances for the poorest family members. Legal problems will grow, considering that the Darwishes' first child is now born. As Lebanese law transmit the father's religious affiliation to children when they are born, this is the first Lebanese baby who does not belong to a religious community, and if a civil law is not passed he will face the aforementioned problems in his social, economic and political life.

The number of people in the same situation will obviously increase in the near future, as other children will be born to the officially non-religious families. Two options seem to be on the table. The first is to dismantle the multi-confessional legal and political system in favour of a democratic system where faith would be considered a private matter. The second is to 'open' the current multi-confessional system to people without religious affiliation, keeping religion as a main element in governance. The latter would lead to the complete application of the amended version of Article 95 of the Constitution and would help to keep a political balance among the confessional communities, at the same time giving the state the role of a real and unique supra-religions institution (Messarra 2003).

The legal experts and academics whom I interviewed in 2014 and 2016 stressed the historical and current role played by religion in Lebanon and believed it to be paradoxical to ask Parliament to abolish the multi-confessional system because Parliament is elected according to a confessional quota system. Lawyers mentioned past examples, such as the protests organized by their association in 1951 against proposed legislation on non-Muslims personal status laws and in support of a secular law. This protest was joined by the great majority of Lebanese lawyers but failed to gain strong popular support and, after a 50-day-long strike, they had no choice but continue to apply religious rules to the family procedures for which they were responsible.

Some of these experts and academics underlined the risky strategy chosen by the civil society movements that led protests in some of Beirut quarters. Secular activists' actions, they noted, need more popular support in order to be able to exert a stronger pressure on Deputies. Civil society activists explained to me that, as their legal strategy met the persistent parliamentary impasse that I have described, they have chosen to engage in administrative procedures aimed at making politics (meaning, political interests) face a *de facto* situation. At the same time, their interviews in the national press and their social activities helped to advertise their actions and gain popular support, at least among the young. The youngest and less religious generation of Lebanese citizens is indeed their best hope to garner popular support for a general reform of the multi-confessional system.

These informants' reference to general reforms led me to ask three, more complex questions: If the multi-confessional system is overturned, what kind of legal and political system could be set in its place? What does 'secular' system really mean in a country where 18 different religious communities have been living together for centuries? Would it really be possible to limit personal religious affiliation to a private dimension that did not affect the legal and political sphere? Their answers to these questions focused on the creation of a secular

political regime as a response of the huge religious variety. Secular movements have been engaged in this struggle since the end of the civil war, arguing that only a legal and political system completely detached from religious affiliations could prevent the country to experience again a civil war between Christians and Muslims.

It is from such perspective that these groups of civil society activists generally supported the Darwishes' struggle and their and other couples' choice to have a non-religious marriage, asking the Ministry of Interior to recognize these marriages under the French Decree. On the other hand, legal experts and professors who support the need for an organic family law to be passed by Parliament argue that at the moment a complete overturn of the current multi-confessional system could be politically and socially impossible. So, they suggest, it would be more efficient to reform the legal and political system, opening it to non-religious people, thus implementing both the French Decree on the 'community common law' and the Constitution, which protects the right to conversion; that is, the right to convert from a religious faith to an atheist stance. According to them, only a Parliamentary law disciplining the whole matter of family law could open the political and legal system to non-religious Lebanese citizens granting them the same rights and duties enjoyed by the Lebanese who belong to religious sects.

### **Conclusion: Will a Lebanese Secular Family Law Emerge?**

The study of the complex problems surrounding civil marriages in Lebanon has exemplified the issues marking the division between religious power and secular state power in the country. Looking at civil marriage and family law reforms in relation to the sectarian partition of the state's administrative, parliamentary and political institutions has highlighted the impact of religion on politics. Religion gives strength to political identity. Here, major political parties are religiously-based and politicians are elected on the basis of their religious affiliation. It is therefore unsurprising that, as we have seen, since the end of the civil war in 1990 the political establishment has failed to redefine the relationship between religious power and state power; it has failed to make political ideology more relevant than religious affiliation in politics, administration and Parliament. The civil war ended because a political agreement — the Ta'if agreement — was reached between Muslim and Christian political parties on the basic principle that living together in a united Republic would be better than fighting each other in order to build a religiously homogeneous state. However, the state institutions and politics have failed in reaffirming their supremacy over religious affiliation (Mollica 2011). The draft law on secular family code is a relevant example of how religious affiliation has kept control over politics, making governance increasingly unable to answer citizens' non-religious requests and, thus, gradually losing its legitimacy. Other examples abound of how Lebanese have reacted to this situation and fought for reform. One thinks of the law on domestic violence against women; this legislation was opposed by Muslim religious leaders and was finally passed by Parliament on April 2014 following a compromise with Muslim Deputies. A compromise was reached after 'marital rape' was removed from the definition of domestic violence; it continues to be ruled by Muslim law. This example is useful for two reasons. First, Christian and Druze religious authorities considered domestic violence to be part of their legal competence; so, while they supported this draft law, they also stressed that it would reinforce the protection of women

granted by their religious norms on marriage. On the other hand, the Muslim religious authorities who opposed the law argued that it was contrary to their religious rules. Their opposition led Muslim Deputies to oppose this law in Parliament until the Commission charged with studying the issue came up with the aforementioned compromise. The second reason is related to the social context in which this law was drafted. Before it reached Parliament, civil society movements had led a widespread campaign to defend women from all forms of domestic violence, underlining how the lack of a state law was affecting women and limiting their rights, as they were subjected to the laws of religious communities (Massena 2014).

Several civil society movements and NGOs led by the feminist and secular Lebanese NGO named KAFA (Enough) are located in the Gemmayzeh neighbourhood. Their members often say that they do not follow a religious faith, despite their obligation to belong formally to their father's community as per Lebanese law. The urban secular setting in Beirut was for these movements a safe place to protect women belonging to religious sects and to develop their initiatives. The everyday work addressing the needs of women who live far away from the richest and less religiously controlled Beirut quarters has allowed KAFA and other associations to enter the most religiously homogeneous areas of the country, such as the Bekaa where religion plays a major role in social control. The political compromise reached by the Deputies on the religiously sensitive article of the draft law that I have discussed has enabled the state to give some kind of protection to battered women and to affirm for the first time the supremacy of its legislative role over religion.

There is of course no complete parallelism between this case and that of civil marriage. However, in this case civil society secular movements notably accomplished a major objective: a reform that codifies the legal protection of women and that reached thorough a compromise between political and religious authorities. The current Parliamentary sectarian quota system seems to make Parliament capable of passing laws that modify specific aspects of the legal multi-confessional structure. However, as all political actors are more or less explicitly religion-oriented, a general overhaul of the political and legal system appears to be an unachievable goal (Karam 2006). Parliament's approval of the new law on domestic violence against women also highlights the need to gain the support of people living far from Beirut's urban secular neighbourhoods in order to gain Deputies' support (Salameh 2014).

Although the support of civil society and legal experts to the Darwishes' private decision to challenge the legal system would seem to indicate a growing popular consent, most of Lebanese society still appears to reject this kind of secular reform. As some legal experts clearly said when I interviewed them, widespread support for civil marriages could be easily achieved if this institution was seen as an option and not a secular imposition by the state against religion. Linking this kind of marriage to the official cancellation of religious affiliation could bring people to think that this is an attempt to fight religion. On the other hand, the Lebanese state institutions should implement fully the laws still in force, despite religious opposition, thus affirming the supreme role of the state as the body uniquely entitled to protect the rights and freedoms of all Lebanese citizens, including those who decide to be secular. The real challenge is to gain support beyond the most secular neighbourhoods. Only if the idea of a supra-religious civil legislation on family matters is shared in the most religiously controlled areas of the

country, the son of the Darwish couple will have a chance to choose freely where to live and will not need the support of civil society movements to exercise his civil and political rights.

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