

Article

Negotiating Gender Justice between State, Religion, and NGOs: A Lebanese Case

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Abstract: This article explores part of the process of passing a law in the Lebanese Parliament on 1 April 2014 called “Law on the protection of women and other members of the family from domestic violence,” also known as the ‘Protection Law’ or Law 293. In a United Nations Research Institute for Social Development (UNRISD) project on Religion, Politics and Gender Equality, the theorists José Casanova and Anne Phillips are engaged in establishing a transnational perspective on religious gender politics. The article then draws on written documentation regarding the discourse connected to the draft law at that time and on field interviews. The interviews were conducted in the period 2013–2016 with religious leaders and resource persons in Christian, Sunni, and Shi’a communities in Lebanon, and with key persons in the NGOs Kafa and ABAAD. An analysis of the arguments for and against the law before it was passed displays the larger field of intersection between feminism and religious practices and the consequences of the Lebanese dual court system. As a study from the Lebanese context when Law 293 was being intensively discussed, the article shows both the authority and the vulnerability of the religious leaders associated with the dual court system. The article also reveals the ambiguity of feminist activists and NGOs toward the role of the religious communities and leaders in Lebanon.

Keywords: violence against women; religious leaders; religious law; dual court system; Lebanon; Middle East

1. Introduction

In a project by the United Nations Research Institute for Social Development (UNRISD) from 2007–2010 on Religion, Politics and Gender Equality, Jose Casanova stated that “The religious politics of gender has become one of the most important issues facing humanity worldwide and is likely to remain an issue of increasing relevance for the foreseeable future” (Casanova and Phillip 2009, p. 17). Anne Phillips expresses the following ambiguity in her contribution to the same report: on the one hand, “. . . religion can and do threaten gender equality, and particularly so when the authority over their members is enhanced by a formal or informal role in the political system” (Casanova and Phillip 2009, p. 37) whereas, on the other, she warns, “we should not assume that gender equality is at odds with religion . . . ” (Casanova and Phillip 2009, p. 45).

What religious gender politics consists of and how religious communities and their leaders negotiate women’s human rights¹ within their traditions can differ greatly. Various religious traditions obviously have diverging normative views on gender issues in general and women in particular. The cultural and political contexts these normative views are woven into, and how these contexts influence the distribution of gendered positions and prescriptions of gendered performance is of great

¹ Using the expression ‘Women’s human rights’ instead of ‘Women’s rights’ reflects a position that does not view ‘women’s rights’ as different from ‘human rights’ but emphasizes that women’s rights are to be included in the human rights paradigm.

significance when we take a closer look at how “religious gender politics” plays out. Taking a closer look at how and to what extent the perspectives of gender equality and gender justice are reflected in religious beliefs, practices and organizations has to take into account the contextually significant social, cultural, and political dynamics.

To investigate this further thus requires turning to the practice of gender from a lived religion perspective, studying the actual practices and beliefs among religious groups and communities and their leaders. It would also imply studying particular contexts empirically and analyzing relations between religious leaders, civilians, and the cultural and political discourses influencing these. In their report for UNRISD, Casanova and Phillips theorized about how the concepts of secularity, modernity, and feminism would help frame questions that are useful in exploring particular contexts regarding religious gender politics. While Casanova is more optimistic (as in his statement cited above on how ‘important’ and ‘relevant’ this field would become, which may not be how researchers on gender and religion felt about it then, or feel about it almost ten years later), Phillips is deeply critical of how gender justice may be negotiated away in political interactions between state and religion. In the material I present later in the article, I will show that the complexity in the actual context is broader than Phillips suggests. Not only are the state and the religious traditions/communities involved in negotiating the field of religious gender politics, but civilians and NGOs may also contribute to the whole where women’s human rights are negotiated, and may influence both the state and the religious authorities.

In this article I ask how Law no. 293, the ‘Protection Law’ could be legislated in the Lebanese Parliament despite substantial resistance from significant representatives of the country’s religious communities. Why was gender justice not negotiated away between the political and the religious authorities in this specific case? I will further explore the discourse on violence against women (VAW) in the Lebanese context and the arguments and positions represented in the religious communities and the most significant NGOs. A modified version of the draft was finally passed in the Lebanese Parliament as Law no. 293, 2014 (Dabbous 2017, p. 5). The modification in the final law consisted mainly of rephrasing ‘violence against women’ to ‘domestic violence’, and, despite the wish of the NGOs and others to include marital rape in the law, it was omitted in the final round. The first time the draft law was proposed it failed to pass, mostly because of resistance from the religious communities that were heavily mobilized against it in 2012.² NGOs and civilians were crucial both times in mobilizing for and finally passing the law. Between the two parliamentary events of debating and voting on the law, two of the NGOs chose opposite strategies with respect to the Lebanese religious leaders of the largest Christian churches and the Sunni and Shi’a communities. The organization KAFA decided that it was counterproductive to engage with the religious leaders in mobilizing for the law. The younger and smaller organization ABAAD decided to engage closely with the religious leaders in order to highlight the problem of violence against women in Lebanon in a broader perspective.

Between 2013 and 2016 I visited Lebanon regularly and interviewed representatives of the religious leaders and resource persons in different Christian, Sunni, and Shi’a Muslim communities. I also interviewed key staff members in the two above-mentioned NGOs. Altogether, I interviewed 16 people, some more than once. Most of the interviews were conducted in 2013 and 2014 before the law was passed, and viewpoints from interviewees originating from after the law was passed are marked. Four of the interviewees were connected to NGOs, the others represented religious leaders or resource persons involved in education and youth leaders related to their religious communities. Most of the interviews took place at the workplaces of the interviewees, some in one of the many Beirut cafés. The themes of the interviews were challenging VAW in Lebanon and the interviewees’ stances and strategies concerning the draft law.³ The established empirical material from the interviews is part

² Interview with a key person in KAFA, August 2013.

³ In this article I will not reveal the interviewees’ names and precise position and affiliation, due to ethical guidelines from the Norwegian Centre for Research Data (NSD), who has approved of the study. Lebanon is a small community, however, and

of the material I will analyze. I will also draw on a recent report on the developments in Lebanese personal status laws on issues focusing particularly on women's human rights (Dabbous 2017) and articles in an issue of the journal *Al-Raida*. These articles were published before the first draft law was turned down in the Lebanese Parliament (*Al-Raida*, Issue 131–32, 2010–2011) and were devoted to the theme. *Al-Raida* is published by The Institute for Women's Studies in the Arab World and affiliated with the Lebanese American University (LAU) in Beirut. The journal had several contributions discussing religious perspectives of VAW and GBV in its theme issue on Gender-Based Violence in the Arab world (131–132, fall/winter 2010–2011). The issue also included two statements from the religious leaders on the draft law made in the Lebanese public media, one from the highest Sunni Muslim law council Dar al-Fatwa, and the other from a Greek Orthodox Bishop.

The entire process and public conversation around the proposed and later implemented law altered the public discussion on VAW in Lebanon. The timespan here is quite long, from the establishment of KAFA in 2005 via the first draft, which was turned down in 2012, until 2014. The efforts of KAFA and civilians, including prominent Lebanese women lawyers, made it possible to address the problem in public. Cases of femicide and the abuse of women were increasingly addressed openly in Lebanese media. The religious leaders became used to having to announce their stand on VAW and to articulate their thoughts and reflections around it because they were challenged by the press and the NGOs about the law draft. This made it possible for an outsider to access the religious leaders and to interview them on this theme. Most were more than happy to explain to a foreign, Western researcher that they were against VAW and to explain how they were engaged in various ways of combatting it in their own communities. With few exceptions, however, they opposed what was then the draft law. I will return to the arguments behind this stance below.

2. Lebanon, Women, and the Dual Court System

A brief introduction is needed first to explain the Lebanese legal system. Most countries in the Middle East and North Africa (MENA) region have a plural law system where religious law is part of the legal structure in different ways. In Lebanon, there is a dual court system, one for public law and one for personal status law (Dabbous 2017, p. 8). The latter includes all issues concerning marriage and divorce, child custody, and inheritance. In Lebanon the 18 registered religious communities facilitate and run 15 legal court structures that deal with the personal status law of all citizens. The Lebanese state supports Shari'a courts in the Sunna and Shia communities financially through employing judges as civil servants. The Ecclesiastical courts are sustained economically by the respective churches and are not affiliated with the state (Mansour and Daoud 2010, p. 15). The religious courts are very significant in upholding the national structure of religious communities as crucial to Lebanese society and every Lebanese citizen's life. The religious courts represent an important power base for the religious communities.

Being a Lebanese citizen (note that many of the country's inhabitants are not, such as Syrian and Palestinian refugees, and migrant workers) entails that one belongs to one of the religious communities. Non-religious citizens and religiously mixed married couples, even if their marriage is a civil marriage conducted abroad, have to choose a religious affiliation in order to be able to address legal issues concerning them in personal status legislation. The Sunni and the Shi'a religious courts are, in principle, transnational in their rulings, as they accept Sunnis and Shi'as, respectively, with other nationalities, but who belong to the Islamic law schools in Lebanese practice. At the same time, how these courts are integrated into the Lebanese state is different from how the Ecclesiastical courts are, as shown above. Ecclesiastical courts are, to some extent, transnational as well, but have

readers familiar with the Lebanese context may recognize some of the interviewees. All interviewees consented to be part of the study, and the views of the most profiled leaders on the issues raised in the interviews would be well known in the Lebanese context.

different structures. Some Protestant and Orthodox churches cover both Syria and Lebanon in their structures, and churches affiliated with the Vatican and Orthodox churches are transnational entities with their highest authorities based outside of Lebanon. Churches affiliated with the Vatican have a developed canonical law, whereas the Orthodox and Protestant churches do not have an overarching legal structure to lean on in the same way. This makes them more adaptive in principle to the particular Lebanese context.

Rania Maktabi claims that female citizens in the MENA region have “acquired wider civil rights through parliament in relatively homogenous states with unitary court systems than in multi-religious states with dual court systems (e.g., Lebanon)” (Maktabi 2012, p. 57). She argues that, in Lebanon, the interests of the political and religious authorities have been coinciding in ways that hinder reforms that would make legal practices concerning divorce, child custody, and inheritance in personal status law more gender fair. According to Maktabi, this has also prevented public law from being reformed so that women can represent themselves (Maktabi 2017, p. 2). Another marker of Lebanese patriarchal state law is that Lebanese mothers married to non-citizens cannot pass Lebanese citizenship on to their children because nationality is transmitted only through male citizens.

The shared interest between the political and the religious establishment is to uphold group-based citizenship (Maktabi 2012, p. 58). The political interest behind this is to secure Lebanon as a multi-religious state with a certain power balance manifested in the political and legal structure between the Christian, Sunni, and Shi’a Muslim population. The dual court system in a multi-religious state secures the autonomy of religious law in the rule of personal status law. This structure also confirms the authority of religious traditions represented by judges and leaders over significant areas of the lives of all individuals. Investigating the dynamics between women’s human rights and female citizenship in Lebanon must, therefore, relate to the complex structure of the dual court system. Religious courts and their interpretation and ruling based on religious law do then not only represent a power base for the Lebanese religious communities and provide income for the Islamic courts through the state employment of the staff but also legitimizes how politics and religion are woven together in the country. Article 9 of the Lebanese Constitution, on freedom of conscience and belief, rules that it “guarantees the respect of the system of personal status and religious interests of the people.”⁴ This legitimates the religious courts and provides them with the necessary legal authority. However, instead of separating state and religious communities, which could have been the aim of such an article, it underlines the mutual dependence between them because of the Lebanese structure.

Anne Phillips states in the UNRISD report that “a fusion of state and religion is not favorable to gender equality” on a general basis (Casanova and Phillip 2009, p. 44). Her argument rests on the observation that religion is not democratically organized. Religion is a collective endeavor (although not a democratic one), and individual rights are generally not in focus. In societies where there is no civil code regulating personal status, as in Lebanon, all citizens are referred to the religious codes. This favors the religious communities and puts gender justice at stake when those who represent the religious communities do not favor reinterpreting patriarchal religious traditions in this direction. When the political stability is claimed to be dependent on the existing power balance between the state and the religious communities and mutually between these communities, it becomes even more challenging. This is the case in Lebanon. Regarding women’s human rights and the discussion about the draft law, some of my interviewees (both Christian and Muslim) suggested that the religious communities were hiding behind each other, claiming that the other party would be upset if they declared open support of the draft law and that the mutual balance would, thus, be threatened. At the same time, there are public discussions going on and civilian organizations and NGOs are seeking to establish space for imagining a different, secular structure that includes all Lebanese in the same legislation.

⁴ https://www.constituteproject.org/constitution/Lebanon_2004.pdf?lang=en Accessed 16 May 2018.

Sherifa Zuhur discussed extensively the challenge of initiating change in Lebanese gender politics in a 2002 article, in which she analyzed a law draft on civil marriage. According to her, the sectarian system in Lebanon poses particular challenges for feminist NGOs and for implementing CEDAW⁵ because religious tolerance is used as an excuse for not changing the systems (Zuhur 2002). Lebanese politicians decided not to ratify the parts of the convention that concerned personal status law. Zuhur suggests that Christian women in the country primarily face challenges on the issue of divorce and the doctrine of marriage as a sacrament in the Roman Catholic-affiliated churches. Muslim women primarily have challenges with the issue of polygamy, violence, and child custody, according to her (Zuhur 2002, p. 198).

In an UNFPA-supported study report from 2012, 35% of the Lebanese women interviewed reported they had experienced domestic violence (Wetheridge and Usta 2012, p. 9). In the UN statistics on VAW, however, there is no data for Lebanon. There seems to be a general lack of knowledge about the presence of VAW in Lebanon and, thus, no statistical data to suggest that it is a larger problem among Muslim Lebanese than among other groups.

3. Violence against Women (VAW) and the Religious Communities

As shown above, the legal and political structure in Lebanon strongly favors traditional rulings based on the various religious denominations' interpretation of their own canonical scriptures, laws, and general norms. Group-based rights overrule individual rights in this structure, which is mostly bad news for feminist agendas or for gender justice, according to Phillips (and the general transnational feminist discourse on human rights). The problems VAW represents, however, seem to have challenged this dual court system in the Lebanese context in several ways. One of them was reflected in the discussions when the majority of the religious leaders interpreted the draft law as an attempt at transferring legal power from the religious courts to the civilian courts. If VAW/domestic violence was to be defined as being within the realm of civilian law instead of personal status law, this entailed redefining it as a public, shared matter under criminal law. As such, this could have been a repetition of the fate of the proposed law for civil marriage that was dismissed in order to avoid undermining the dual court system in 1997–1998 (Zuhur 2002). However, the law against VAW/domestic violence actually passed the second time it was proposed. The question is how this was possible. One of my Christian interviewees told me she thought most of the leadership in her church supported the draft law because they did not openly speak against it. She was convinced any law legitimizing civil marriage would be explicitly dismissed by the same leadership.

The terms domestic violence, gender-based violence (GBV) and VAW are often used interchangeably, but they do not cover exactly the same thing. Domestic violence refers to violence in private households and families and, as such, includes children, the elderly, and men and women alike, even if it is often used for VAW in marriages. GBV refers explicitly to gender, often implying women, but it may also include men and transgender people. VAW covers women of all ages, both in the public and in the private spheres, and addresses misogynic structures and cultures of violence in a broad manner. Sally Engle Merry claims that VAW is “a cultural, social, psychological and political problem, as well as a challenge for public health” (Merry 2006, p. 24). However, is it a religious problem too, and, if so, in what way? The cultural, social, and political structures in a country like Lebanon are extremely interwoven with the religious. However, in the religious courts, which deal with cases of domestic violence and VAW connected to processes of divorce, there is a specific religious interpretative element to the rulings.

Merry goes on to state that “Gender-based violence is embedded in cultural understandings of gender and sexuality as well as the institutions of marriage and community” (Merry 2006, p. 25). It would be reasonable to add that GBV is also embedded in *religious* understandings of gender

⁵ The UN Committee on the Elimination of Discrimination Against Women (CEDAW).

and sexuality for researchers and others who do not conflate the notions of culture and religion. In the case of Lebanon, it is significant to distinguish between the two if the religious courts and their interpretations of law are to be held accountable for their practice. To facilitate intra-religious negotiations on gender, religious law, and religiously-based prescriptions for gendered behavior in marriage and divorce-related issues, something has to be identified as belonging particularly to the religious.

The Dar al-Fatwa argued that the proposed law would undermine *Shari'a* as well as Islam through undermining the prerogatives of the Islamic courts (Dar al-Fatwa in Lebanon 2010–2011, p. 79). They further stated that they found that the draft law was founded on gender segregation and threatens the family as a social unit. The council referred to the fact that

some feminist secularist organizations promoted distorted interpretations of Western law that only conform to the aggressive capitalist and individualistic values and are in defiance of the religious principles . . . (Dar al-Fatwa in Lebanon 2010–2011, p. 80).

The Greek Orthodox bishop George Khodor holds that the line between support and resistance of the draft law is not between Christians and Muslims but within each faith community. He claims that the struggle is between traditionalists and reformists in all the communities (Khodor 2010–2011, p. 85). According to Khodor, this struggle is the real challenge for Lebanon as a society because, if transposed to the political structure, it could rip the country apart (Khodor 2010–2011, p. 86). He argues strongly for the development of a civil society based on shared humanity rather than on religious groups in a form of checks and balances. Khodor seems to be the only church leader of significance who advocates publicly for this, although Protestant clergy in Lebanon have long been making the same point.

The discussion on VAW among religious leaders in Lebanon used to be difficult to separate from the discussion on the draft law before it passed in Parliament. In my interviews conducted in 2013 and 2014, I interviewed several Christian (from various denominations), Sunni, and Shi'a clergy and resource persons connected to these communities. I was interested in how they thought VAW was affecting people in their communities, how they reflected on their role and responsibility for women's personal security, how they framed VAW ethically, and their positions on the draft law.

Among the Christian informants were Armenian and Greek Orthodox, Maronites, and Protestants. Some of them were clergy, but all of them were involved as leaders of a sort in their respective communities, including youth work and education. I will not refer to them by denomination in this article because there were not any significant differences between their answers related to their particular church. I will refer to their gender because there seems to be a gender difference in their take on VAW, as I will show.

First, all informants claimed VAW to be a widespread problem in Lebanon, including the Christian communities. Some pointed out that, among the publicly-known cases of femicide from the media, there were several Christian women among those killed by their partners in recent years. A couple of informants stated that the public discrimination of women had to be seen in connection with this violence as legitimating it. Many of them addressed a lack of openness about the problem in the families, in the churches, and in society in general. When I asked a Christian clergyman if he addressed the problem of VAW and domestic violence in his sermons, he said that it was impossible to do so. He stated that people would start speculating about which family he was referring to, and that it would cause serious issues for the relatively small community where he served.

The difficulty in getting a legal divorce in some of the Ecclesiastical courts (where the religious law restricts or forbids divorce) was mentioned as a problem. This makes it difficult for women to exit an abusive marriage and may result in silencing the internal discussion in the church on domestic violence. The difficulty in getting a divorce may also have motivated one of the woman informants to say the following: "I tell my students that the first time your boyfriend hits you, you must leave him immediately." Being trapped in an abusive relationship and later marriage is what she warns her female students against.

One of the other woman informants talked about a culture of preaching ‘female obedience’ in the churches. She claimed that the churches did nothing to protect women from domestic violence but indirectly posed a threat to women’s ability to take care of their own mental and physical integrity because women’s obedience was communicated as a crucial virtue for women in marriage. Older women in the church this informant belonged to were actively passing on behavioral norms to the younger women, teaching them to be obedient and patient. In the wedding ritual one of the biblical texts in many cases would be 1. Tim 2, 8–15,⁶ which speaks of women’s duty to be subordinate to their male spouses.

One Christian clergyman I interviewed preferred to talk about the beauty of flourishing family life for all family members rather than domestic violence. However, he stated that what he called “moral violence and manipulation” from either of the spouses would be a “misuse of obedience,” and, thus, a sin. Another clergyman was more upfront, saying: “You talk about domestic violence, but the worst are the killings.”

Interviewing Sunni Muslim leaders, including judges and clerics, added various other aspects to what I referred to above from the Christian informants. A woman informant put it this way: “Lebanon is not only a patriarchal society, it is an authoritarian patriarchal society . . . this makes women more vulnerable to violence.” She said it was a tragedy for women that the religious leaders held so strongly to personal status law as their legal domain, calling it “the remains of their power base.” Another Sunni woman claimed that the most pressing problem in Lebanon was the general level of violence that she regarded to be very high. She saw this as the main cause of VAW and domestic violence and suggested that the effort and money put into work preventing VAW would be better spent if directed toward improving the general situation of violence.

Among Sunni clergy, several of the informants referred to the discussion about the draft law. One of them said it was the Lebanese churches that wanted the law because of their own restrictive practices of granting divorce. This suggests that he viewed the draft law as a kind of ‘safety valve’ for abusive marriages among Christians so that the state would provide security for Christian women when the Christian religious courts could not grant them a divorce. Another Sunni clergyman stated that the sponsors of the law were seeking to “undermine the whole system we have here,” obviously referring not only to the dual court system but also perhaps to the whole sectarian structure in which the religious courts played a pivotal role, as I have shown.

Both the interviewees from the Sunni clergy and the Sunni Muslim judge I spoke to actively denied that Sura 4:34⁷ of the Koran functioned as a religious justification for male spouses to physically abuse their wives. They rejected the interpretation of this text from the Koran as a justification of VAW and domestic violence in their courts. One of them said: “This Sura is not about the obedience of the wife, it is about the responsibilities of the husband . . . According to Islamic law, it is illegal to hurt others”.

⁶ 1 Timothy 2:8–15:

8 I desire, then, that in every place the men should pray, lifting up holy hands without anger or argument; 9 also that the women should dress themselves modestly and decently in suitable clothing, not with their hair braided, or with gold, pearls, or expensive clothes, 10 but with good works, as is proper for women who profess reverence for God. 11 Let a woman learn in silence with full submission. 12 I permit no woman to teach or to have authority over a man; she is to keep silent. 13 For Adam was formed first, then Eve; 14 and Adam was not deceived, but the woman was deceived and became a transgressor. 15 Yet she will be saved through childbearing, provided they continue in faith and love and holiness, with modesty. New Revised Standard Version (NRSV) of the Bible, Division of Christian Education of the National Council of the Churches of Christ in the USA, 1989.

⁷ Men are in charge of women, because Allah hath made one of them to excel the other, and because they spend of their property (for the support of women). So good women are the obedient, guarding in secret that which Allah hath guarded. As for those from whom ye fear rebellion, admonish them and banish them to beds apart, and scourge them. Then, if they obey you, seek not a way against them. Lo! Allah is ever High, Exalted, Great. The Glorious Qur’an: Text and Explanatory Translation (Pickthall and Pickthall 1996).

The Higher Shi'a Islamic Council in Lebanon also rejected the draft law when support for the law on VAW/domestic violence was being mobilized in the first round.⁸ Among the Shi'a clergy, however, there were diverse opinions about the law. One of the most prominent Shi'a leaders in the country underscored that the most important measures he could identify in opposing VAW included educating and raising awareness among women about being persons of their own, with the right to independence and not to be relegated to the margins. His late father, who also was a significant religious leader, issued a fatwa in 2007 stating that wives who were beaten by their husbands had the right to strike back as an act of self-defense.⁹ I asked if he would agree with this fatwa, and he confirmed that he did. "But we do prefer that the woman sees a judge, not that she strikes back. The same goes for the man, he is not allowed to hit her without seeing a judge first. And it is totally unacceptable that he hurts her, physically and verbally, or deny his wife her rights. Personally, I don't think any hitting should happen at all."

Distinguishing between hitting and actually hurting someone could also be read into the statement from the Sunni judge I referred to above. This reflects a dilemma among many Muslims on how to interpret the specific part of Sura 4:34 that states that a husband may hit his wife if she is disobedient (mostly referred to as a euphemism for sexual infidelity). Due to respect to the authority of the Koranic text, most Muslims would face challenges in openly rejecting this part of the verse, but it is common to underscore the demand that the hitting should not in any way cause harm (Barlas 2002, p. 188; Roald 2001, p. 168). The whole discussion about these words may turn into a discussion on the right to limit VAW or to say that the sura could be interpreted as explicitly forbidding harmful behavior by the husband or killing as it is not explicitly referred to in the text (Grung 2015, p. 382).

The same Shi'a leader suggested that Lebanon should establish special police task forces to deal with the problem of domestic violence. This was implemented after the law was passed (Dabbous 2017, p. 28). One of the NGOs working against VAW, ABAAD, which I will present below, started training both police and military forces in order to make them better equipped to handle situations of VAW and domestic violence. The other NGO I will present, KAFA, is now training judges in civil courts on how to apply Law 293. KAFA was also training police forces and provided equipment for police stations to take care of battered women.

Throughout the presentation from my fieldwork, crucial elements of the interpretation of VAW in Lebanon came from the Christian, Sunni, and Shi'a representatives interviewed. How these religious communities, their leaders, and their courts interpret their canonical texts, their religious laws, is obviously of importance. However, how they interpret the contexts is equally important: the situation of families and married couples in the religious courts, the challenges in general society, and the needs for education and awareness.

The question of the authority to interpret itself needs to be interpreted in a self-reflecting manner. The interviewees did so in only a limited way, mostly taking their own rights—as well as their obligations—to judge right and wrong in cases of VAW for granted. In my conversations with them, the male leaders of more prominence, authority, and formal responsibility seemed to be quite self-confident about their own capabilities. The women I interviewed posed more questions and were more openly critical of the male-dominated Lebanese culture, an inability (by the churches) to protect women from VAW and what some claimed to be a clinging to power by the general religious leadership—that there was no willingness to abolish the dual law system among them because it served their own interests.

⁸ See *Al-Raida*, Issue 131–32, Fall/Winter 2010–2011, p. 78.

⁹ (Makki 2013).

4. Strategies to Combat VAW in the Two NGOs: KAFA and ABAAD

Moving on to civilian society in Lebanon, there are two organizations in particular that have been very influential in interpreting and encountering the challenge of VAW in the country. One of them, KAFA, was crucial in mobilizing people for the law on domestic violence. The two organizations have adapted two different strategies for relating to the Lebanese religious leaders in their work.

KAFA is a well-established and resourceful NGO established in 2005. ABAAD is a much smaller, but well organized, NGO established in 2011 by people who wanted to work strategically differently from KAFA. While KAFA is a large organization with a stable commitment to ending discriminative practices against women in Lebanese society as a whole, and focuses particularly on ending VAW through political lobbying and social engagement, ABAAD has the entire MENA region in view, even if its main work is in Lebanon. ABAAD's projects are often done in partnership with foreign organizations, such as various development agencies, and the focus is more directed toward civilian actors.

KAFA defines itself as:

KAFA (“enough”) Violence and Exploitation is a feminist, secular, Lebanese, non-profit, non-governmental civil society organization seeking to create a society that is free of social, economic and legal patriarchal structures that discriminate against women. KAFA has been aiming to eliminate all forms of exploitation and violence against women since its establishment in 2005.¹⁰

KAFA works both through networking and political lobbying for women's human rights, and through teaching groups and communities, as well as providing shelter and counseling for abused women.

ABAAD presents itself as:

A non-profit, non-politically affiliated, non-religious civil association . . . with the aim of promoting sustainable social and economic development in the MENA region through equality, protection, and empowerment of marginalized groups, especially women.¹¹

ABAAD further states that it

aims to achieve gender equality as an essential condition to sustainable social and economic development in the Middle East and North Africa region (. . .) to promote equality and active participation through policy development, legal reform, gender mainstreaming, eliminating discrimination, in addition to supporting the advancement of women and empowering them to participate effectively and fully in their communities. ABAAD is a pioneer organization, in both Lebanon and the MENA region, whose work involves engaging men in masculinities and ending violence against women as one of its main pillars.¹²

There are obvious differences between the two organizations. KAFA calls itself a secular organization, whereas ABAAD calls itself non-religious. The two words would give different connotations in the Lebanese context. ABAAD includes development goals (“sustainable social and economic development”), while KAFA is focused on working against discrimination against women. ABAAD declares itself to be a “pioneer organization” because it includes work “engaging men in masculinities”.

¹⁰ (KAFA Website n.d.).

¹¹ (ABAAD Website n.d.).

¹² Ibid.

ABAAD's strategy in working in collaboration with Lebanon's religious leaders became extremely visible in the public space during a specific campaign run by the organization in 2013. At that time, both KAFA, ABAAD, and other NGOs in the country were in the middle of an intensive lobbying campaign to establish the law against VAW/domestic violence. KAFA in particular, together with other activists, had been working on this since 2007.

ABAAD's campaign in 2013 consisted of large billboard advertising everywhere in Lebanon with huge photos of the most well-known religious leaders from the Shi'a, Sunni, and Christian communities, with texts stating that violence against women were against the religious laws or religious code of conduct of each separate tradition. ABAAD worked together with these religious leaders on this campaign and, at the same time, invited them to large conferences on the theme where they made joint statements against VAW. Key persons I interviewed in ABAAD explained that the religious leaders were easy to collaborate with on this matter, as they were all eager to show that they were against VAW. This allowed them to take a stand without any explicit reference to the draft law, which the majority of them were against.

When I interviewed key persons in KAFA, they criticized ABAAD for giving the religious leaders a way to expand their popularity and legitimize their platform of power through this particular campaign. One of them said: "These religious leaders already have a platform. They could have stated this anywhere, at any time—but they didn't. Why give them this opportunity?"

The result of the campaign could be seen as a way to ease the pressure on the religious leaders, to give them a 'way out' as a way of supporting the issue, but not the law. A young Lebanese activist I talked to in 2016 who was not affiliated to any of the two organizations but very active in the struggle for including refugee women and migrant workers' perspectives in the Lebanese feminist movement, was critical to both KAFA and ABAAD. She said: "How could ABAAD promote the religious leaders' agenda in this way? How could they?" and she continued: "Why does not KAFA care for the refugee women, and for the migrant workers? They are old fashioned in how they cling to their lobbying among politicians and talking to the elite, forgetting about ordinary people except when they need us on the streets to demonstrate".

I suggested at one point to people from both KAFA and ABAAD that it was perhaps possible to see the two organizations as doing complementary work, with two different strategies aimed at the same goal. Both rejected this view, probably because the Lebanese state construction within a multi-religious state where the religious communities have such power over people's family life and so many destinies rest on the interpretation of the religious legal traditions is seen by KAFA as the main obstacle to obtaining women's human rights on an individual basis. This accords with the international discourse on women's human rights: individually-based rights are essential to obtaining more gender justice. However, ABAAD's work, in many ways, bypasses the whole structure of Lebanese society and aims more pragmatically toward the religious leaders, addressing the actual interpretation of the issue of VAW within the religious law systems. At the same time they work in a gender-inclusive way with men.

From the outside, it is possible to see the two strategies of KAFA and ABAAD as complementary, or at least that, together, they may push Lebanese society in a more gender fair direction. However, while KAFA has, perhaps, greater ambitions of turning the Lebanese society into a secular one and dismissing the sectarian system of personal status law, ABAAD seems to be more critical of the split between religious and secular as a necessary step toward a more gender fair society. This does not necessarily entail that they are supportive of the dual court system. It has probably more to do with the view of religion in general, on whether religious traditions, as they exist in Lebanon, have anything useful to offer in the struggle for gender justice and the abolishment of VAW.

5. Concluding Remarks

Casanova's prediction that religious gender politics would be "one of the most important issues facing humanity" (Casanova and Phillip 2009, p. 17) felt true to a certain extent when I visited

Lebanon doing my research for this article. Clearly, the draft law on VAW/domestic violence was high on the public agenda, and one of the main reasons for this was how the religious communities interpreted its consequences. Phillips' statement about religions being particularly challenged by gender equality when religious communities and leaders are "enhanced by a formal or informal role in the political system" (Casanova and Phillip 2009, p. 45) also made good sense. The law finally passed, although modified, and one of the reasons for this was obviously all the work done by KAFA and other organizations through political mobilization. Law no. 293 was celebrated among both secular and religious feminists.

Religious leaders among Muslims and Christians who opposed the law openly or more subtly lost their case. According to the material established on the basis of my interviewees' contributions, this may not be very surprising. It seems that many resource persons within the religious communities opposed the leaders who were against or reluctant about the law. Based on their own judgments of the situation and the challenge VAW poses in Lebanon, many people active in the religious communities were mobilized by KAFA and/or informally influenced, in their own way, the MPs to support of the law. Some of them may have favored abolishing the dual court system, but many of them simply were not impressed by their own leaders when it came to their protection of women against VAW. The gap between many of the interpretations of religious traditions done by the religious leaders in courts, as well as in the public sphere and the felt challenges by the religious people outside the established leadership may have contributed to an actual renegotiation on the question of the location of interpretative authority within some of the religious communities.

ABAAD's campaign with the religious leaders may have eased the pressure on them and in this manner functioned in a counterproductive way regarding the mobilization for the law. On the other hand, this could have incited many to hold the leaders responsible for their statements against VAW on the posters and pursue what they found to be the logical political consequence of their views. One cannot exclude the possibility that being invited and involved in the campaign which included a workshop on VAW may have influenced the religious leaders' positions on the law.

Anne Phillips claims that religious communities can play an important role in providing ideas for increasing gender justice at a political level. At the same time, she states that the most likely way to succeed in promoting change is a combination of internally- and externally-generated change (Casanova and Phillip 2009, p. 53). 'Internal' would refer to the religious communities and 'external' to feminist organizations and state bureaucracy. In the case of the passing of Law 293, feminist movements and NGOs were crucial, but it could not have happened without a 'silent content' by the religious leaders. This 'silent content', or lack of explicit opposition in 2014 (different from 2012) was, according to my fieldwork, based on the massive support of the law within the religious communities among 'ordinary people'. The religious leaders may have concluded that opposing the law would be more risky for them in regaining their power than the opposite.

The discussions on the draft law clearly opened the space for public and private discussion on VAW, GBV, and domestic violence, and for the religious interpretations of not only the issue itself, but also of the dual court system's effect on women's human rights. In a long-term perspective, this may mobilize a stronger civilian involvement. If this leads to the group-based view on citizenship and legal rights being replaced by a more individualistic legal culture (and structure) is still an open question. In 2016, the Lebanese Parliament passed another disputed decision: it abolished the part of the Penal Code allowing the prosecution to drop charges against a rapist if he marries his victim¹³. This was celebrated as another important step towards increased gender justice in Lebanon by many Lebanese. ABAAD called it a "triumph for the dignity of women."¹⁴

¹³ (BBC News 2017).

¹⁴ Ibid.

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