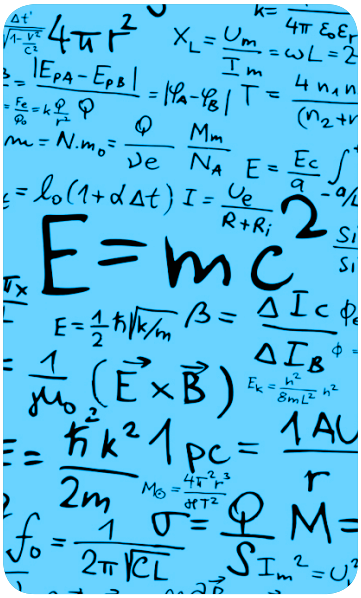

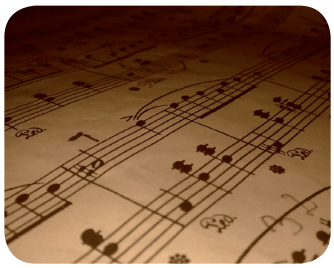

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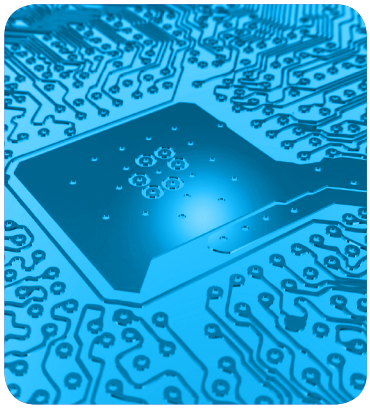

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Civil Society in the Lebanese confessional system. A chance to dismantle a dogmatic balance of power?

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Index

Abstract

This essay investigates how civil society has developed in modern Lebanon and how it has interacted with the political forces to shape the institutional constellation. The aftermath of the civil war of the 80ies and the particular Lebanese social make-up are the main determinants of the environmental background to the civil society. We have identified different types of Civil Society Organizations (CSOs) and among them we have concentrated our attention on the modern revolutionary type, active on various issues linked to the democratization process in Lebanon.

This essay shows that most of these issues bring the civil society face to face with the particular system of „sectarian" policies typical of the confessional Lebanese system.

Our theory is that many newly formed CSOs are tackling the negative aspects of managing the public sphere based on a confessional approach, trying to bring to Lebanon a new approach to democracy. Only their success will give the country long-term political and social stability and stronger institutional balance.

Keywords

Civil society, Lebanon, confessionalism, sectarianism, CSOs, NGOs, consociationism, education, Personal Law, Cedar revolution

Introduction

This study investigates the field of civil society in Lebanon and tries to show examples of its opposition to the social and political *status quo*.

To better identify this type of action we have tried to sketch the traditional scene of civil society in Lebanon, after having singled it out from its neighbor countries. The recent history of the civil society in Lebanon is particularly influenced by the long civil war.

We have been impressed by the capacity of the Lebanese civil society during the civil war years of guaranteeing a certain degree of social order in a period of total failure of the state. Differently than other countries where the disappearance of the state signified total anarchy and lack of security and logistical efficiency, in Lebanon the condition of life did not completely fall apart. The same groups that were involved in the fighting were able to dedicate a part of their resources to civil society missions, like cleaning the streets, rebuilding destroyed houses, provide poor and martyrs' families with basic needs and assistance.

Modern civil society is a heritage of that time, but more recently the Lebanese civil society has become more active and has been pursuing more varied tasks by taking on new challenges.

Both the traditional form of delivering civil society services and the emergence of these new types of organizations has been investigated through extensive analysis of the literature. Articles, publications, surveys, specialized studies, directories and catalogues, dedicated webpages of individual organizations, groups and umbrellas organizations offer a wide spectrum of information about Lebanese civil society.

All types of publications have been taken into account, sometimes for useful direct conceptual contributions and more often as a source of new theories and a wider bibliography to investigate and to put under test.

This research tries to show that a healthy civil society is the backbone of a modern country and that Lebanon would profit if its Civil Society Organizations (CSOs) were able to tackle the Lebanese confessional/sectarian[1] system, which we consider preventing the development of a true democratic system.

Since the main subject of this short research is the contrast between confessions and civil society, we have dedicated the first chapter to a definition of civil society and a

[1] In this research we use almost indisciminatively the terms confessionalism and sectarianism in what relates to the Lebanese system. The term sect is then to be intended as a community identified by its religious belief and structural institutions

discussion of the particular Lebanese case and the second chapter to a little history of the confessional system (*Ṭā'ifiyya*) in Lebanon.

The third chapter will analyze the history of civil society in modern Lebanon and the fourth will make a snapshot of the civil society nowadays. This will introduce the sectors of action of the CSOs and finally the relationship between them and the sectarian system.

Due to the limited size of this research – this is only an introduction to issues that the author is willing to investigate over the next few years.

1. What is civil society?

1.1 Civil society concept and definition

The meaning of the term civil society has been changing continuously during modern history.

Philosophers and historians of antique civilizations (among them Plato and Cicero) started talking about civil society. Originally the term indicated the political institutions that were created to represent the people as opposed to kings, consuls and emperors. Until the Middle Age social progress consisted of the effort of establishing this kind of representation so that the civil society at first is identified with these same political institutions.

The true breakthrough in theories of civil society happens in the XVII century, especially in the Anglo-Saxon world (Carothers, 2000). In the Enlightenment period these new conceptions gave birth to two currents of civil society interpretation:

- Rousseau and Hume considered civil society as the source of the state of right, through a social contract between reigning monarch and people
- Hobbes considered the state as an unstoppable machine, the Leviathan, unable to refrain from devouring the social class that generated it

Later Marx and especially Gramsci from the fascist prisons gave new impulse to the civil society studies and definitions, by interpreting the growing contrast between the civil society and the political institutions, formed by state and police, as the main characteristic.

- According to this third school, civil society assumed a counter-hegemonic character, so that its nature is external and dialectic to the power centers.

Both Latin American and Eastern European revolutionary movements towards the end of the XX century were strongly inspired by Gramsci in their fight against the respective states of police. Although many recent approaches avoid this dialectic vision of civil society, nowadays the defense from abusive authority is one of the dominant civil society characteristics.

There are many different definitions of civil society, mainly because as we have seen it is a complex and not univocal concept.

The London School of Economics, which used to have a department fully dedicated to civil society studies, for example, defines it as[2]:

[2] See the 2006 Report of Activities of the Center for Civil Society (CCS)

> *Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, and family though in practice the boundaries between state, civil society, family and market are often complex, blurred and negotiated [...].*

In our opinion a better understanding of what civil society really is, comes from a definition of the actors that shape it, or the Civil Society Organizations (CSOs), instead of a conceptual definition.

We have found a very comprehensive definition in the publication of the World Bank dedicated to the relationship of civil society with peace building[3]:

> *CSOs are the "wide array of non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations." The term goes beyond the narrower (and to many donors, more familiar) category of development-oriented NGOs, and depicts a broad range of organizations, such as community groups, women's association, labor unions, indigenous groups, youth groups, charitable organizations, foundations, faith-based organizations, independent media, professional associations, think tanks, independent educational organizations and social movements.*

Sara Roy (2012) in her work on civil society in the Gaza strip gives a similar definition, useful for this research because of the proximity of the location of reference[4], by underlining how „Civil society constitutes associations, clubs, guilds, unions, political parties, interests groups, and social institutions, including religious".

Because of this heterogeneity, the role of the civil society leaves space for the coexistence of many different approaches of its relationship to the state institutions.

It has both a function of integrating the provision of social services as well as an attempt of limiting the state authority, preventing it from abusing of its position of force.

It has become nevertheless clear that civil society cannot be considered as the full safeguard of the individuals from the state power. Many critical voices refuses to recognize in it the perfect balance between strong authoritarian government and anarchical popular revolution, as it was believed in the 90ies (Hanafi, 2002).

[3] Civil Society and Peacebuilding- Potential, Limitations and Critical Factors - World Bank, 2006

[4] Although we are aware of the peculiarities of civil society in each different Arab state, there is some similarities among Palestinian and Lebanese civil society movements

Nevertheless there is no doubt that a free and active civil society can give a strong impulse toward fixing cases of local injustice, state inefficiency and help institutions improvement and social development.

1.2 Civil society in the Arab world – short introduction

If civil society in general is a very wide concept, difficult to define, speaking about it in the Middle East can be even more complicated because concepts like Middle East, Arab world or Muslim countries are very heterogeneous culturally and geographically. There are some similarities in the way civil society developed in the region of the Levant, that goes from Egypt to Iraq and includes Jordan, Palestine, and Syria, and there are big differences from other Arabic regions, like the Maghreb or the Persian Gulf, where civil society developed relatively later (Vallianatos, 2013, p. 4).

There are furthermore differences of what can be considered civil society and state between this region and the Western world. Many differences stem from the relative conception of legitimacy of the government and all the issues related to a confessional vs. a secular conception of the state. In what concerns modern trends of CSOs, Kelsey considers that Muslim CSOs emphasize the need of creating a sphere of citizen liberty, whereas the Western world focuses on citizens' participation into specific social projects (Kelsay 2002, p. 4).

This discourse is very long and complex and it is possible to deepen the knowledge through a text that analyzes the issue making the point that both state authority and spontaneous associationism in the Arab world are very peculiar (Hanafi, Kelsay & alia, 2002).

Even more complicated is the relationship between confessional setup and civil society, a typical situation in many Middle East states and particularly in Lebanon.

Sami Zubaida (2009) argues that social organizations are dominated by networks of patronage, held together by kinship, tribe, and locality, and constructed around powerful bureaucrats. Lebanon is a particular case, where the state is hostage of sectarian interests, as we will see in chapter 2. Brigitte Rieger (2003) points out that political patrons in Lebanon have used the NGO framework as a means to modernize the patron-client relationships (Chaaban and Seyfert, 2012).

In this respect we therefore probably have to respect the cultural differences that might exist between the Western and Eastern perceptions, before we can properly judge if confessions limit state functions or actually integrate it.

This is the subject of this research, because it involves defining the relationship between sectarianism and civil society.

To better understand this point we must understand two very Arabic categories of CSOs, *al mujtama' al madani* and *al mujtama' al ahli*. Major expert of Lebanese civil society (Karam Karam, Omar Traboulsi) talk about these categories and seem to hint that the classical confessional or communitarian activity of the CSO is regrouped in *al mujtama' al ahli*, based on sectarian logics and traditional familiar bounds, whereas *al mujtama' al madani*, which is more recent and more innovative, often works independent from sects and confessions, and it dedicates to one specific purpose, theme or objective (Traboulsi, 2001 and Karam, 2006)

We will come back to this subject after having exposed the Lebanese particular sectarian political system.

Obviously a very interesting field of study for civil society is the recent Arab spring. Many of the initial revolutionary steps were taken by people active in the civil society, but often civil society organizations were absent from the anti-regime demonstrations as Francesco Cavatorta remarks (2012).

Tahrir is a good example both of a square where people spontaneously met up to change the politics of the country, but also a type of protest that surprised both state authorities and CSOs alike. Islamists for example but also all existing political parties and opposition groups joined the protests only after some time and because younger members pushed for participation.

The aftermath of Tahrir can also be seen as a failed attempt to bring true change in the political arena of one of the most important states of the region. The results of the Arab Spring can be seen now with general disappointment, certainly without the enthusiasm that was still reigning in 2013 (Vallianatos, 2013).

It seems that the democratization process did not enjoy the push that was likely to happen once civil society representatives joined forces to change the political system (Cavatorta 2012).

Once again the regimes managed to suppress the spirit of freedom or as Laith Kubba suspected already in the year 2000 the civil society awakening not necessarily lead to democratization in the Arab countries (Kubba, 2000).

2. Confessional system in Lebanon

Modern Lebanon was born from the Ottoman empire as a French protectorate in 1920 as an attempt to segregate a territory with Christian Maronite majority, considered by the French an easier Arabic minority lo lean on for power administration (Rigby, 2000).
It is a territory that was united to Syria for much of its history. It includes a population homogeneously Arabic but extremely varied in what concerns religion and ethnicity, and nowadays 17 religious confessions are officially recognized[5]. More than half of the population is Muslim (mainly Shiites, Sunnis and Druze), and growing at a faster rate, and the rest is Christian (mostly Maronites, Greek and Armenians)
Neither independence from France and the National Pact of 1943[6] nor the 15-year long civil war, which raged between 1975 and 1990, modified the root of the social and political system, leaving in place the structure that the French had envisaged in the 1926 constitution.
According to it most political and economic appointments in Lebanon are attributed to the religious groups through a straightforward system that split competences evenly among them. These dynamics make individual sects more powerful than the state itself (Leenders, 2012) and actually limit the development of a democratic state.
Although the 1990 Ta'if agreement established new rules for the Lebanese democracy in order to end the civil war, it did not devise a safe mechanism of avoiding social tensions. It recognized a stronger than before direct representation of Muslims, but it failed to introduce mechanism of adjustments to further demographic changes and it did not alter the nature of the system.
Because of this sectarian approach to power management, Lebanon has been a case study for the Consociationalism, the political theory approach, according to which segmented societies manage to sustain democracy through power-sharing agreements (Lijphart, 1969 and 1977). Instead of through majoritarian or proportional electoral system, the parliament is elected according to rules set up by religious confessions and political parties. The leaders of these groups interact among themselves and take most decisions often outside the parliament discussions and votes.

[5] These are Sunni, Shia, Alawi, Druze and Ismaili among Muslims; Maronite, Greek Orthodox, Syriac Orthodox, Syriac Catholic, Melkite Catholic, Nestourian (Assyrian Orthodox), Caledonian, Latin, Evangelist and Coptic among Christians; and Jewish.
[6] In 1943 Muslims and Christians agreed to set apart instances of merging with the growing Panarab cultural movement and with foreign powers like France respectively.

The civil war and other recent developments have contributed to show the limits of this approach in Lebanon. What was considered as a way of ruling by consensus and a wise balance of power of the predominant religious groups, turned out to be a system based on kinship, patronage and confessionalism living on the brink of collapse.

Everything in Lebanon runs based on sectarian rules and the state is hostage of the leading families, whose leaders (*za'im*) have not really changed during and after the civil war, apart for natural substitution.

The Lebanese civil law, for example, allows individual religious confessions to manage civil rights of own members independently from the state. The state has no say in marriage, divorce, inheritance and only little more in education or social insurance. Although this system, inherited from the Ottoman *millet* system, might demonstrate tolerance in principle, it grants communities leaders full authority on the members affiliated, without giving citizens a national *habeas corpus* stronger than confessional belonging.

Confessions manage to run almost private states as they take care freely of the health care system, the education, and of many other competences usually owned or at least regulated by the state. They do this often through organized associations, many of whom are registered as NGOs and therefore belong to the big universe of civil society.

The electoral system conforms to this social setup and facilitates elections of representatives who will support the sects' game, often luring them with favors and rewards.

Just to name a few of them, Hezbollah, Amal, al-Mustaqbal, Lebanese Forces, the Druze community, they all behave in their own interest and manage the whole system according to pure sectarian purposes.

3. History of Lebanese civil society

The civil war divides the history of the Lebanese civil society in three phases, before, during and after its course.

3.1 Before the civil war

Associations dedicated to providing social assistance to poor and legal protection from the state initially formed the root of Middle East civil society. Under Ottoman domination, spontaneous associations developed in the whole Levant region. They were in charge of charity, education, and healthcare, filling the gap of a distant empire, and often sponsored and managed by religious communities. They were usually based in towns and very static (d'Aspremont, 2011).

French protectorate did not change this situation in Lebanon, but made an effort of introducing laicism in education. After independence a growing number of Civil Society Organizations were created, mostly to provide marginalized communities with more complex services and in a more organized way (Karam 2006, pp. 50,51, 55).

Ethnic and religious groups that had been marginalized previously and were neglected by the official associations started taking care of themselves. This is the case of the Shiite population of the Southern region in the early 70ies under the charismatic leadership of Musa al Sadr and the Palestinian refugees populations that settled down in Lebanon particularly after 1970 black September.

This trend of self-care was reinforced by the civil war.

3.2 During the civil war

As anticipated in the introduction, the same sects that were fighting for supremacy in the civil war, started also taking care of basic social needs of the civil population in their enclaves (Ibrahim, 1998). In the vacuum left by the disappearance of the state they were keeping schools, markets and hospitals open and running and they became also in charge of cleaning the streets, rebuilding damaged houses, providing shelters and basic necessities to poor, families of martyrs and wounded, widows, elders and children, and even running independent transport networks, ports, buses, employment agencies (Slaiby, 1994).

According to calculations of Makdisi and Sadaka (2003, p.17), these social services amounted to about 20% of large militias' budgets.

In the meantime umbrella organizations were also created to coordinate the CSOs action. Among them Bennett (1996) quotes „La Coordination des ONG en vue du

Developpement au Liban“ (CDL-ONG) and the „Lebanese NGO Forum“ (LNF). The first became particularly important in the most chaotic years of 1985-88, because of its connection with international NGOs and funding from external sources. The LNF until those years was more inward looking as it had a broad internal base, but started developing international programs in 1988 together with the International Council of Voluntary Agencies.

3.3 Post civil war

In 1991 the civil war was brought to an end by an agreement between the parts involved in it. Saudi Arabia started the effort, supported by Iran, Syria, Israel and the Western states, and it convinced the militias to put an end to 15 years of madness.

The Ta'if agreement[7] redistributed the power stakes between the sectarian groups increasing the relative weight of Muslims representation, particularly Sunnis. It also stated intentions of abolishing sectarianism in politics and reforming aspects of it in the field of education, administration and elections (Krayem, 1997).

Because of the sects staying in power, often under the lead of the same war lords transformed in political leaders under total impunity (see paragraph 5.2), the Ta'if agreement's spirit of change was neutralized and space open was left for the action of CSOs (d'Aspremont, 2011). Many new Foundations and welfare organizations sided with the old traditional ones, linked to families (like Fares, Hariri, Moawad, Safadi), sects and political parties (Amal Movement, Druzes or Hezbollah) and financed through private wealth, contributions, and international support (Chaaban and Seyfert, 2012) to take care of social services for all social classes.

Probably because of the civil society preeminence in the fall of the Soviet block, the 90ies represented a fundamental international push for CSOs worldwide and there was a strong commitment of international organizations to this kind of activities also in the Middle East context. It seemed that civil society was going to be the panacea for democratization all over the world. But the first cracks appeared at the turn of the millennium at the beginning on the theoretical side (Carothers, 2000, pp. 18-29) and later in many countries.

Lebanon itself experienced both this enthusiasm with the birth of many interest based CSOs and many subsequent disappointments, as we will see in chapter 5.

[7] See the full text at https://www.un.int/lebanon/sites/www.un.int/files/Lebanon/the_taif_agreement_english_version_.pdf

4. The context of the civil society in Lebanon today

Very important for the free action of the civil society in a country is the legal context in which NGOs operate, because it is a segment of the society that need freedom an protection to funtion properly.

Not less important is the practical environment, in which they do act, which in Lebanon occurs to be again the specific context of a fragmented society.

In this environment over the last few years „vocational" associations were created, dedicated to social mobilization issues, like ecology, human and women rights, minorities, claiming law changes and system overhaul (Karam, 2006).

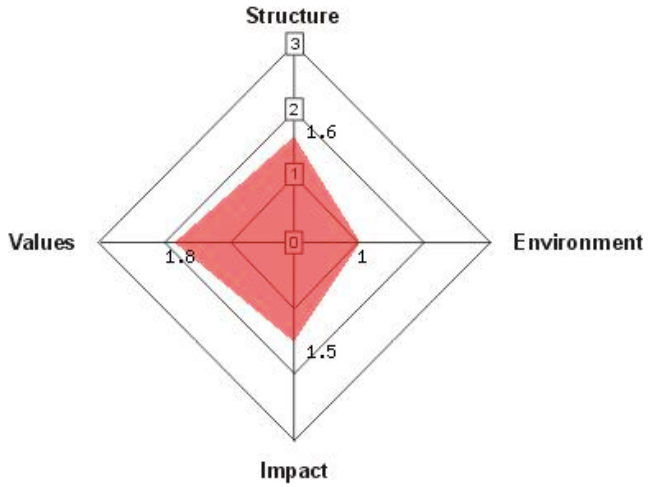
4.1 Legislation

Although the Lebanese legislation regulating NGOs still stems from the 1909 Ottoman Law of association, thanks to continuous improvements, it is one of the most liberal of the Arab world. The French Law on Associations inspired it, but differently than it, it requires immediate notification of a new association to the government and a receipt of notification (*Ilm wa-Khabar*) before operations can start[8].

A 2006 law made this procedure more straightforward, making it harder for institutions to delay the release of the notification, a way used to boycott new organizations in the past, particularly by Syrian agents (Clark and Salloukh, 2013, p. 8)

As we can see from the Civicus graphic representation (Fig. 1) though the environment for NGOs is considered the main problem for its development (Kaldhoun, 2006).

Figure 1



Source: CIVICUS – LEBANON 2006

[8] Source The international Center for Not-for-profit Law

Among the main problems there is the lack of a dedicated budget support, a situation that makes NGOs depending on political and sectarian support to finance their costs, in practice limitating their independence in pursuing their tasks.

In the most egregious violation cases of Civil Society freedom, the Council of Ministers has dissolved associations without any legal or factual basis as Ghassan E. Moukheiber[9] has repetitevely denounced.

4.2 Classical operative Civil Society Organizations

We can summarize 5 classical types of CSOs as defined by Bennett (1996), most of which have been created before the early 90ies.

1. Sects, confessions and communities have created over the last 2 centuries *charitable welfare organizations* that are long established and socially very useful.
2. Mainly during the civil war other confessional oganizations started providing *assistance to society* in the form of relief, medical care, school and shelter particularly to families in need.
3. *Local NGOs* often specialized in a limited geographical area and with a limited scope of activity, often education, development and assistance.
4. *Bigger national NGOs* with a national scope, dedicated to health, relief, disability, children and women welfare. They originated during the civil war often financed by foreign sources.
5. *International NGOs*, also established in Lebanon during the war and often still owned and financed by external organizations.

These associations are often operative associations with a clear task, and are either run by the religious communities or participating in the sectarian system rules.

External organizations and branches of international networks often voice their disapproval of the ingerence of sects' leaders in the decisions concerning the civil life of the Lebanese society. Nevertheless they end up having to accept the sectarian logics and work together with sects' representatives. Often leaders of CSOs are actively coopted (Abi Yaghi, 2012) or even corrupted by political parties and sectarian organizations as part of a wider ruling system (Leenders, 2012).

[9] Moukhebeir, MP of the bloc Change and Reform, denounced these legal abuses in his blog and official webpage http://www.ghassanmoukheiber.com

4.3 Interest based vocational Civil Society Organizations

In the 90ies a growing number of NGOs were created by a new generation of Lebanese, often educated in an international context, open-minded and at least in their original intention independent from or even hostile to the sectarian mindset.

This new CSOs, that Karam Karam (2006) calls interest-based organizations, started pursuing with „exuberance and spontaneity" humanitarian and democratic causes, in the range of human rights, public liberties, political rights or ecology (d'Aspremont, 2011). They acted to support the context of citizenship and national interest, instead of the sectarian system.

This differentiation reminds the distinction between *al mujtama' al madani* and the *al mujtama' al ahli* as exposed in chapter 1.

In this respect we consider extremely relevant the study of "Beyond reform and development" of 2015, called "*Mapping Civil Society Organizations in Lebanon*".

Its introduction and rethoric are strongly critical of the sectarian aspect of the majority of NGOs. Even if the report recognizes the importance of sectarian NGOs in providing basic education and health and a variety of social, cultural and recreational activities, it states openly its focus on the subset of the civil society promoting „intra-sectarian cooperation, civic participation and inclusion in the governance and political order in Lebanon".

In our opinion this statement represents a step forward in recognizing that CSOs have to become more independent from political and confessional powers of sects to be recognized as true civil society, more *madani* and less *ahli*. Is it a first step of progressively excluding confessional NGOs or sectarian CSOs from civil society also in the Middle East context?

Similar steps we have seen in the past when state institutions became from substance to antagonist of civil society, which experienced a sort of emancipation process. Maybe this abstraction is what before we have called mixing Western and Muslim concepts as there is a clear Gramscian view of the oppositional force to the state.

Nevertheless as d'Aspremont (2009) notes:

> *There is an opportunity for civil society to lead the move towards the Lebanon of the future. Divisions in the country need to be fully addressed, and the abrogation of political confessionalism will need thorough planning and extensive national dialogue.*

Many examples will show in chapter 5 how difficult this process actually is.

4.4 Sectors of action

Classical Civil Society Organizations in Lebanon are not only dealing with typical social functions of providing assistance to people in particular need. Because of the limited size of the state, they have been dealing also with the core of social services like education and health care for the whole of the population.

Cammett and Issar (2010, pp 390-1) have accounted for the number of schools and clinics run by communitarian interests in Lebanon. For what concerns education, the state run almost half the institutions (1399 out of 2792 schools), although with a smaller average size[10] and also a worse reputation than confessional schools institutions.

Health care is predominantly in the hands of NGOs, since only 5 out of 160 hospitals and about 10% of the 453 registered health care clinics are run by public agencies.

A second category of CSOs is dealing with collectivities in special need, like people with disabilities, poor, families in distress and often active in remote areas.

More recently new organizations have entered a wide sector of civil society activism sometimes with a more modern approach. They tend to target groups penalysed by the system and neglected by the previous structures of assistance and they tend to introduce a new approach to the way the problem is dealt, introducing for example environmental concern, more modern welfare and health points of view and sensitiveness for excluded and abandoned.

[10] According to the UNESCO database between 80% (in pre-primary) and 55% (in secondary grade) of pupils attend private mostly confessional schools

5 Fields of action and sectarian attitude

As we have extensively stated throughout this document, the main purpose of this paper is to analyze the complex relationship between CSOs and religious communities. We have pointed out how most classical NGOs active in the Lebanese society are a direct outcome of the sectarian system and were born as an effort of sects to take over social services for the Lebanese society. Confessional NGOs are instruments for sectarian elites to exert patronage to their supporters and acquire political leverage and social acceptance (Chaaban and Seyfert, 2012).

Other CSOs have been created independently from the sectarian system but have somehow accepted it as necessary fieldwork to operate. It is a strategy adopted by many international organizations, which often voice strong criticism to sectarian customs but end up accepting their rules.

Finally we have identified in the third category of NGOs, organizations who deliberately act independently from sectarian viewpoint. These NGOs are part of the front that we would call modernist approach, they aspire for independence and refuse cooptation, they prefer antagonism to alliance, although this might mean less resources, less visibility and more unfair treatment.

5.1 Interaction of confessions with Civil Society Organizations

Traditionally religious communities have created NGOs to fulfill the tasks of providing basic services, such as schools and hospitals to their members. Originally the group target of such NGOs were restricted to the religious or ethnic group, particularly during the civil war, but this is not anymore necessarily the case (Cammett and Issar, 2010). Although the proximity of the NGOs location and the affinity make a certain relationship to the sect more likely as population is often distributed in sectarian clusters in the territory, the quality, availability or price of the service have become more important determinants. There have been more complex situations, as Cammet and Issar (2010) show in their study concentrated on Hezbollah and al Mustaqbal welfare providing. They notice a higher flexibility in providing for non-members, an attitude that has been growing rapidly because of a certain fair-play among sects and also because of an evolving political competition based on mobilization strategies, fight for popularity and luring techniques targeting voters from other confessions. Nowadays Lebanese NGOs provide assistance to gain popularity, profit and political advantage for their sponsors

(Chaaban and Seyfert, 2012). This is particularly true for service providers in sectors like health care and education *(p. 390)*.

There is also an increasing coordination effort among different organizations, with a clear target to increase the depth of service provision in the society. This effort started actually during the civil war with the birth of umbrella organizations (la Coordination des ONG en vue du Developpement au Liban (CDL-ONG), the Lebanese NGO Forum (LNF), the Lebanese Council of Women (LCW), the General Confederation of Lebanese Workers (CGTL), the Association for Volunteer Services (AVS), the Corporate Volunteer Council of Lebanon (CVCL), etc.).

Paradoxically these overarching institutions have been more of a defender of the sectarian system than a pool of associations trying to modernize the system. Sectarian agreements have driven them and sabotaged any attempts to challenge the sectarian system (Clark and Salloukh, 2013, p. 1).

The interest-based organizations born over the last two decades on the contrary are often trying to dismantle the sectarian system itself. By tackling subjects more sensible for the society, related to changes in election system, politics of civil war memory, legal system, family law and women rights, they go after the very sensible points that sectarian leaders control.

It is a war piece by piece conducted by NGOs, attempting to fight all individual aspects of the system to modernize the Lebanese society, but the sectarian system as a whole is protecting the *status quo* from them.

The wide array of campaigns promoted by these NGOs show the complexity of the battle conducted against sectarian values and a long-term commitment with various degree of success.

For example the „Rassemblement pour les Élections Municipales of 1997“ (REM) came out positively because the resistance was not as strong as in other campaigns. On the other hand the „Rassemblement pour le Mariage Civil“ (RMC) and the 1998 „Mouvement pour la majorité à 18 ans“, which stroked a delicate chord with religious institutions and with communitarian balances respectively, badly failed (Karam, 2006).

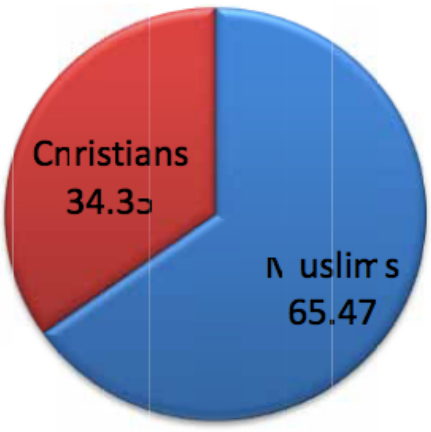
Sometimes also secular NGOs like alternative NGOs (Clark & Salloukh, 2013) are forced to follow the sectarian logic if they want to find support, financing and get their exposure to public through the controlled and manipulated medias.

The pursue of social mobilization is the main target of these NGOs, because only a strong support of society strengthens their requests and allows winning the resistances

of the status quo. The reformist front is well aware that the battle will last for a long time and those successes and defeats will alternate on the pathway.
In the following chapters we take into consideration the major areas of conflict of modernist civil society against the sectarian approach.

5.2 Census and electoral law

The last Lebanese population census was made in 1932, during the French Protectorate and it attested a majority of Christians. Those data were used to devise the electoral system in 1943 and the initial Parliament representation (60-40 ratio Christians to Muslims) was based on them. The refusal by Muslims to keep accepting this minority role was at the root of the civil war. On the other hand Maronites and in general Christians, whose number is relatively decreasing, have prevented from carrying out a new population census until our days.
Ta'if bypassed the need for a census by increasing the representation of Muslims to a 50-50 ratio, but without making the system flexible to new demographic changes.
Administrative elections though allow the calculation of percentages of voters per religion and they bring about a very different constellation. Muslims have become the majority of the population (as seen in the diagram below elaborated by the Lebanese Information Center on the basis of the 2006 elections). In particular it is widely believed that population is formed by three groups similarly sized, of Shiites, Sunnis and Christians.



source Lebanese Information Center –
The Lebanese Demographic Reality - 01/2013

Presently the parliament is still composed of 50% each Muslims and Christians ending up with an unbalance in voting power among sects that upset representatives of some confessions (Fahra, 2009). This situation has also generated an increasing competition for voters of other religious groups and alliances of candidates with parties of other confessions. The Shiite party Amal has a Christian MP for example and Muslim voters are key in electing some Christian MPs.

At the same time many reforms are proposed to change the way Parliament is elected, both discussed in Parliament and proposed by interest groups and CSOs.

The debate has been particularly intense over the last year, because institutions are facing a severe situation of *impasse*. There is no President and internal Maronite disputes and external boycotting attitudes are delaying the election. As a consequence the Parliament is not meeting regularly and has been given an automatic 3-year renewal in 2014, which is also a breach of the democratic rules.

With the Syria crisis looming and tensions rising in North Lebanon and in some Beirut districts, it might be that Parliament underestimates the danger of a serious internal crisis. As Picard and Ramsbotham already in 2012 were claiming, urgent electoral reforms should be implemented, without too many calculations about whom they favor, starting from lowering voting age to 18, organizing the vote of expatriated nationals and facilitating the election of women (Picard and Ramsbotham, 2012).

Most important would be to reach an agreement on the many fronts open to come out of the total impasse, that blocks parties and institutions, and discuss possible solutions instead of procrastinating the effort.

There are quite a few NGOs directly claiming a new census and many of them have been pursuing changes for the past 2 decades.

In 1997 the Lebanese Association for Democratic Elections (LADE) brought together more than 15 local associations in a national campaign called „Rassemblement pour les Élections Municipales“ (REM) (Abi Yaghi, 2012). Since then LADE keeps fighting for reforms, but sometimes facing boycot of parties, as in 2009, when its voluntaries were poached by parties by promise of hefty salaries, to prevent them from challenging the national elections (Clark and Salloukh, 2013).

The Civil Campaign for Electoral Reform (CCER) is a coalition of 66 Lebanese civil society organizations, calling for 12 main points of electoral reform (Badran, 2010) as reported by the *Daleel madani* NGOs directory. This campaign is lobbying for the electoral reforms suggested and included in the Boutros draft electoral law[11].

[11] see A Guide to the Boutros Electoral Law Proposal, in www.policylebanon.org

Nahwa al-Muwatiniya (*Na-am*) is one of the partners in this campaign. Its action includes opinion building and training of CSOs employees on issues related to the electoral reform and to the lobbying and advocacy process.

5.3 Civil war memory

The civil war in Lebanon raged during more than 15 years and went through phases of extreme brutality. The end of the civil war came together with a sort of a deal among the warlords to guarantee total impunity to each other and allow them to become political parties leaders. Episodes like the Shabra and Shatila massacres, the hotels' and the camps' wars, the villages' massacres, the mountains' war, political homicides, ID killings are crimes never investigated.

We might consider this situation as the fundamental dirty deal base for the sectarian cooperation that is in place nowadays.

An example. Elie Hobeika is widely believed to be the main perpetrator of the Shabra and Shatila massacres, a few days after Bashir Gemayel was killed. He was never indicted he was elected MP in the 90ies and several times Minister. Just a few days before he was going to testify at a Belgian court investigating the 1982 Palestinian slaughter, probably unveiling the role of Sharon and of Syria in the massacre, he was killed in a car bomb attack in 2002.

Initially only medias and intellectuals attempted to represent the horror of the civil war. Movies started this with Civilisées (1999) by Randa Chahal Sabag; West Beirut (1998) by Ziad Doueiri; and In the Shadows of the City (2000) by Jean Khalil Chamoun (Barak, 2007). Intellectuals have denounced crimes starting with Samir Khalaf speaking of a "collective amnesia" and Michael Young unveiling the effort of enforcing a foundation of state sponsored amnesia by institutions (Larkin, 2011). In 2004 in the Hotel Bristol Lebanese intellectuals from all sides agreed on a text denouncing the brutality of the civil war in what is called the Beirut declaration and claiming responsibilities of all sides for what has happened. They have predicted that lacking recognition of the mistakes committed might let Lebanon repeat them and artists have started to mark the war's anniversary on April 13 by exhibition and rememberances.

Many NGOs advocate making an effort to investigate the crimes committed and making public the fate of the many people disappeared. „*Families of the Kidnapped and Disappeared in Lebanon*" started already during the civil war years to denounce people disappearance. The Committee of the Parents of the Kidnapped and the Disappeared have never interrupted this quest and other connected reivindication,

among whom the impossibilities of declaring disappeared people as dead, bringing to widows and orphans serious damage.

These campaigns have been supported by groups like *SOLIDE* (Support of Lebanese in Detention or in Exile) (Abi Yaghi, 2012) and more recently by NGOs that wish to make youth aware of the issue (for example *Act for the disappeared*). Together they have brought to Parliament a proposal for a law on the kidnapped and disappeared in Lebanon in 2012 notwithstanding the resistance of part of the political establishment.

5.4 Civil marriage, civil law, discrimination for women

One of most heavy battles between traditionalists and modernists is fought in the domain of the Civil Personal Law and in the related fields of family law.

As per birth Lebanese receive the sectarian identity of their fathers and they become automatically subject to the laws governing their confession. Mothers are not allowed to pass the Lebanese nationality to foreign spouses nor to children and this brings about paradoxical cases. Sometimes they cannot pass inheritance to their own children, because this would mean transfer wealth to members of another confession and they need a tutor supervising their upbringing if they become widows.

Each one of these limits to personal freedom generates a new battlefield for activists.

CRTDA (The Collective for Research and Training on Development) for examples lead the campaign called *Jinsyati* (My nationality) challenging exactly the mechanism of receiving exclusively the paternal heritage in what concerns nationality and confession. It targets also spreading the concept of the importance of the nationality more than sectarian belonging in order to achieve legal recognition of individuals' rights as such (Badran, 2010).

A decades-long battle has been also fought in order to institute the civil marriage (El-Cheikh, 1998). President Elias Hrawi at the end of his Presidential term (1989- 1999) conducted the up to now strongest attempt of introducing a civil marriage in Lebanon, frustrated by the veto of Prime Minister Rafik Hariri, amid strong oppositions of Hezbollah and in general of Muslim representatives.

The civil marriage issue is continuosly brought to discussion by NGOs and more recently a few civil marriages were conducted in Lebanon by activists, who refused the widespread solution of flying to Cyprus to get married. They found a loophole in the Lebanese legal system, renounced their sects and got married in a Lebanese court. But they face legal uncertainty and continuous confessional obstruction.

These are examples of mobilization of individuals in a country where the majority of people favour the introduction of civil secular rules as opposed to confessional codes (Alami, 2012), but where most marriages are still religious and the confessions have unlimited leverage on most people consciences.

To understand the obsessive conservatorism of the sectarian system in the field of the family law, we can refer to an episode of the Lebanese Council of Women (LCW).

The LCW is by far the biggest association of pro-women NGOs in Lebanon as most NGOs dealing with women protection belong to it and contribute actively to it. Nevertheless the LCW does not take a clear cut position on various issues related to human rights. Rape for example is considered a crime against honour and not against the person and as such is not recognized inside marriage.

Although the LCW includes associations from all the sects and confessions and it is an overarching organization, it accepts the sectarian logics, not as predominance of one sect over the other, but as system accepted by everybody. The idea is that the sects unite in defending the system that legitimates and empowers them all.

This was clear for example when the LCW called its participation off in the year 2000 World March of Women without explaining any plausible reason. Just a few days before the demonstration against violence on women the organization simply gave up endorsing it, clearly under the influence of some group of power wishing to delegitimate the International Women's Day march, demanding equality (Clark & Salloukh, 2013).

According to Lara Khattab the LCW is a clear example of an association trapped into a political coopted role. Elite women organize and participate into its fundraising events to attain visibility and to make important contacts, transforming the LCW into a launch pad for a personal career in politics, media or NGOs world (Clark, J. Salloukh, 2013).

5.5 Minorities' rights

Many refugees have moved over the centuries to Lebanon (including religious confessions fleeing from prosecution) and some of them carried their own civil society organizations. Palestinians moved to Lebanon after the 1948 *Nakba* and the 1971 Jordan expulsion of the PLO and Syrians since their civil war outbreak of 2011 keep choosing Lebanon as preferred destination.

Palestinians in Lebanon enjoyed a strong civil society activity between 1971 and 1982 when the PLO had its headquarters in Beirut and the 1969 Cairo agreement was granting them freedom of association. After 1982 PLO expulsion most Palestinian

associations had to be closed down, opening the field to international organizations, who take care of Palestinians in the *diaspora*.

Something similar is happening more recently to Syrian refugees, whom Lebanon is granting refugees' status but is not particularly well organized in welcoming. Issues like education, housing and health care are not fully taken care of by the state, which refuses to build refugees' camps, and therefore a big number of international organization and of local spontaneous associations are taking charge of fulfilling the basic services.

Among the most actives there are Relief & Reconciliation for Syria (under the initiative of Europe based activists), Kayany (Malala Fund), Mouvement Social and Sonbola.

Other associations like Lebanese Society for Educational and Social Development (LSESD), ANERA, Iqraa Association work under the coordination of international organizations like the NRC (Norwegian Refugee Council), UNHCR, UNICEF, MEHE and UNRWA (INEE, 2014).

Similarly to what has happened in Western societies, fields of fights of CSOs expand from existing to new ones. From defending refugees' minorities for example there has been growing sensibilization to injustice suffered by individuals of other nationalities. This trend might be a repetition of what has happened in the Western world, where civil societies focus on citizens' participation into specific projects more than into political fights (Kelsay 2002, p. 4).

Kafa (Enough) for example started „Stop the exploitation of migrant domestic workers in Lebanon", a campaign in favor of domestic workers, particularly Nepalese and Filippinos, that due to the sponsorship system of their work permit are at the mercy of their employers.

5.6 Education

During the protectorate period, private schools of all faiths mushroomed after French Christian missionaries started teaching, and they became rapidly more important than public ones. After independence the focus of the Ministry of Education was to develop a common curriculum, a common language and a national identity (Zakharia, 2011). The civil war stagnated previous efforts of developing unified curriculum among all schools and provoked a dramatic brain drain (Preston, 2013).

In the 90ies the education system was reorganized and then developed by a joint effort of Ministry of Education, World Bank, and international donors. The Ta'if Agreement announced reforms that would promote uniformity and consensus of education field. In

this reconciliatory spirit we can name the Hariri Foundation scholarship program that during the 90ies expanded financing especially for health related studies and was awarded to many non-Sunnis students (Cammett and Issar, 2010, p. 400).

The 1993 Educational Development Plan and the ensuing Education Reform of 1994 that generated the 1997 common curriculum targeted giving all Lebanese students a balanced approach to being Arab, Lebanese and individuals striving for peace and integration. The plan was inspired by the Tae'f guidelines and was targeting the unification of the 17 confessions, by encouraging tolerance and coexistence and promoting democratic principles (Shuyab, 2007).

Nevertheless the targeted unification of history and civic education failed and every school can develop an independent approach in teaching them or simply avoid the subject. 35 years later than Ta'ef even if there is some agreement on the principles of the unified curriculum, these subjects are still taught with sectarian perspectives and overcoming differences is almost an off-limit discussion.

Some CSOs combine educational tasks with effort to sensibilize youth to subjects like citizenship rights above sectarian rules and need for political awareness and make a strong effort to promote peacebuilding among pupils.

5.7 Confession free parties/ secularism

Most political parties have a pure confessional character and the few secular ones either follow strict ideological platforms (communist) or are prone to opportunistic alliances tailored for the election day. Most parties do not enjoy internal democratic rules, transparency or accountability and tend to just follow up blindly charismatic leaders (El Khazen, 2003).

A few organizations target the political system itself and propose to change not only the electoral rules but also the spirit of the political discourse. They are overwhelmed by the resistance of the system.

Nachnu for example was born in the University, as a cultural association dedicated to cinema. When its topics of discussion moved to political and openly about the role of civil society in Lebanon, "the power of annoyance" of sectarian representatives hindered its operations by boycotting its meetings.

A founder of *Tayyar al-Mujtama al-Madani*, an NGO dedicated to secularism, stated that when conducting events in areas politically dominated by a sect, the group purposefully avoids using the term secularism and certain topics altogether.

Nahwa Al Muwatiniya is dedicated to increase dialogue on governance to increase people participation and awareness, which is seen as the step towards reform in electoral law (see chapter 5.2). Organizations like the Lebanese Transparency Association unite anti-sectarian requests with fights against corruption.

The delicate balance between sects and their committment to the power-sharing arrangement is a situation that do not guarantee a stable political environment. If the balance between groups fail, the risk of incurring into a renewd civil fight grows (Seaver, 2000). The loss of power of Maronite Christians was the catalyst of the civil war of 1975 and there is a certain fear that this is again a situation since the growth of Muslim population is slowly pushing aside their preminence, particularly because of their leaders' division among the 2 coalitions.

Civil society should manage to act in this environment by pushing for respect of the democratic rules and for progress in peaceful agreement of a system, where sectarianism do not bring to dangerous unbalances.

Conclusions

The development of a civil society is a process lasting for centuries. Many states originally were based on centralized powers strongly hierarchycal but in the course of their history, marginal social classes have risen up and tried to influence or determin how the common goods were managed, with Civil Society being one of the main tools to do that.

Every nation is different and the way in which power is managed and challenged varies strongly. Sometimes religion has a strong influence on the way the state is managed, sometimes clergy, or social classes like bourgeosie or nobility exert influence and control. The history of civil society is the history of a social fight made by lower classes to empowering a growing part of the community to participate in shaping the society setup.

Although civil society as well can make mistakes and we are far from considering the state always guilty and the CSOs always on the right side of the discussion, we certainly believe that civil society is a strong weapon able to challenge injustice and attempt by states (some more than others) to silence opposition. We agree with Oliver Roy (2006), when he criticizes the idea that civil society is the panacea of democratization and insists that the state authority cannot be completely bypassed when democratization is the purpose.

Spontaneous associations and organizations coming from the low part of the society are a marvellous way of people to refuse accepting the hierarchy and the dogmatic management of politics, and proclaiming limits that rulers must respect.

In the Lebanese society we interpret that the new modernist CSOs are targeting exactly the dogmatic traditional management of power conducted by the confessional system.

This is why we have structured this study to show that most modern CSOs challenge various aspects of the social life in the country and we have shown that these aspects relate in their majority to the sectarian system in place.

The big demostrations of 2005, where many political parties united with a front of CSOs to demand the implementation of the Ta'ef agreement in what concerns the expulsion of Syria from the political scene, have shown that the people can force important changes in the political life. The force of this legitimate request turned out to be much stronger than the backing of Syrian presence offered by the Hezbullah – Amal axe of the Shiite community.

We believe that the tenacity of these protests matches the Arab spring initial impetus and epidodes like this should have reinforced the self-confidence of socially engaged

activists. Nevertheless since the end of the 90ies as we have seen, there is an alternance between successes and disappointments in what concern legal, civil and human rights battles.

We hope that the CSOs and the NGOs keep up the efforts and that their fighting spirit does not lose steam. We strongly believe that the battle made one field at a time is also the best strategy for improving the level of democracy in Lebanon without compromising its precarious balance of power.

The Lebanese cultural richness with its 17 recognized confessional minorities makes a rapid switch to an alternative political system unlikely to succeed.

Would a majoritarian or a pure proportional system work better for Lebanon, than the established consociationalist system? Probably not, at least in the present situation, because the times are not ready yet to fully abolish the confessional system, due to how it is intertwined in the Lebanese social structure.

Nevertheless if we assume a more long term view, we believe that if CSOs continue bringing together decision makers and spontaneous opposition groups the way they have been doing over the last 2 decades, they are going to shape the new generations mindset and prepare them to changes.

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