

THE INSTITUTE on Religion and Public Policy:

Report on Religious Freedom in Lebanon

Executive Summary

(1) Lebanon is a country of religious diversity. The constitution not only guarantees freedom of religion, but also divides governmental power between 18 different religious sects. This balanced system seems to be critical to the stability of the country. Each religious group must be recognized by the government if they wish to be granted legal status under the law. Many new religious groups, however, have had a hard time registering with the government, and many have been refused. In addition, there is no civil court system established to handle personal status matters and recognized religious groups are in charge of dealing with personal status matters in court. This decentralization has led to issues with gender equality, and interfaith marriage.

THE INSTITUTE on Religion and Public Policy

(2) Twice nominated for the Nobel Peace Prize, THE INSTITUTE on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. THE INSTITUTE works globally to promote fundamental rights, and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. THE INSTITUTE encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

History of Freedom and Politics in Lebanon

(3) On September 1, 1926 France formed the Lebanese Republic out of the occupied territory of the Syrian Mandate. At the time, Lebanon consisted largely of Maronite Christians, Muslims, and to a lesser extent, Druze. In 1943, while France was occupied by Germany, Lebanon declared its independence. By 1946, all of the French troops had withdrawn from the newly formed country.

(4) Although still very diverse, over the past 60 years the gap between the two religious populations has widened as the Christian population has decreased due to emigration, and the Muslim birth rate has increased. At present, 56 percent of the population in Lebanon is Muslim. Of that 56 percent, 28 percent are Sunni and 28 percent are Shi'a. The rest of the Lebanese population is made up of to 21.5 percent Maronite Christian, 8 percent Greek Orthodox, 5 percent Druze, and 4 percent Greek Catholic. There are also about 222,776 registered Palestinian Refugees living in camps throughout Lebanon.

(5) Currently, the state recognizes 18 religions which receive funding and legal status from the government.

Legal Status

(6) Lebanon is a Parliamentary Democracy which implements a system of confessionalism. This system is meant to split governmental representation between the Maronite Christian and Muslim communities. When Lebanon declared independence from France in the unwritten National Pact of 1943, the Pact

established this multi-confessional system within even the highest powers of the government. For example, according to the National Pact, the President of Lebanon must be Maronite Christian, the President of the National Assembly must be Shi'a Muslim, the President of the Council of Ministers (Prime Minister) must be Sunni Muslim, and the Deputy Speaker of Parliament must be Greek Orthodox. The seats in Parliament were to be split between Christians and Muslims in a ratio of 6:5 in favor of the Christians. This system, however, only lasted until 1989, when it became apparent that the Christian governmental power was disproportionate to the Christian population in Lebanon.

(7) In 1989, the Ta'if Agreement ended the country's 15 year Civil War. The Agreement stipulates an increase in Muslim representation in Parliament so that it is equal to the Christian representation, and endorses the constitutional provision of appointing senior officials by religious affiliation. The 128 seats in the Parliament of Lebanon, then, are split equally between Muslim and Christians, proportionately between 18 different denominations, and proportionately between 26 regions. Officials have been reluctant to change this system because it is seen as critical to the nation's stability.

(8) The Ta'if Agreement also called for the disarmament of all national and non-national militias. All militias have disarmed except for Hezbollah, a Shi'a "resistance force" (who the United States has identified as a terrorist organization), and the non-Lebanese groups, Fatah and Hamas. Hezbollah still plays a large role in the politics of Lebanon.

(9) The Lebanese Constitution provides for freedom of religion, and the freedom to practice religious rites so long as the public order is not disturbed. Respect for all religious groups from the government is mandated, and the Constitution declares equality for rights and duties to all citizens without discrimination. The implementation of this constitutional clause, however, has not always been fair.

(10) Although not yet used, Article 473 of the Penal Code awards a one-year prison term to anyone convicted of "blaspheming God publicly."

(11) In order for a religion to gain legal standing in the eyes of the Lebanese government, they must submit a statement of doctrine and moral principles to the government for review and recognition. If a religion is not recognized by the government, the followers of that religion are still allowed to practice, but they do not receive any legal standing in the courts. For example, Baha'is, Buddhists, Hindus, and unregistered Protestant Christian groups can believe in, practice, and perform their religious rites freely, but members of these unregistered religions do not qualify for government positions. In addition, the recognized religious groups are in charge of personal status matters such as marriage, divorce, and inheritance. Since there is no civil court for personal status matters, those citizens who do not belong to a registered religious group, cannot marry, divorce, or inherit property. Of the 18 recognized religious sects in Lebanon 4 are Muslim, 12 are Christian, 1 is Druze, and 1 is Jewish.

(12) Lebanon celebrates both Christian and Muslim holidays as national holidays.

(13) On February 11, 2009, the government allowed citizens to remove their religious association from their civil registry papers. However, since there are no civil courts in Lebanon, this move, while symbolic, was purely cosmetic.

Specific Instances of Religious Discrimination

(14) Although the Ta'if Agreement establishes abolishing the system of political sectarianism as "a fundamental national objective," little progress has been made toward this goal. In fact, many religious groups who are not part of either the Muslim or Maronite Christian majorities feel discriminated against when receiving high governmental positions. For example, a minority Christian group known as Syriac Christians state that while some of their representatives have served in high-level civil offices, such as

Director General, all of the higher and more senior positions are always filled by Maronite or Greek Orthodox Christians. In addition, although they have a population of 54,000 members, they are still only allotted one representative in Parliament.

(15) The Evangelical Synod is the leader and representative of all the Protestant Churches in Lebanon. If a Protestant Church wants to be recognized by the government, they have to register with the Evangelical Synod. Representatives from some Protestant Churches have complained that it has been very difficult to become a member of the Synod. Since 1975, many churches have been refused. This prevents those clergy members from administering to their member's needs according to their specific beliefs.

(16) All Lebanese citizens are subject to the laws pertaining to their religious affiliation for matters of personal significance such as marriage, divorce, inheritance, and child custody. This takes away the rights of those Lebanese citizens who are not members of any of the recognized religions. This lack of a civil court system also forces those Lebanese citizens who are members of a recognized religious group to submit to the laws of that religion. These laws, however, are not always fair. For example, intermarriage in Lebanon is hard because a Muslim cannot marry a non-Muslim unless the non-Muslim converts. In addition, men and women are rarely treated equally under religious laws. For instance, Muslim women need consent from their husbands before a divorce is granted, while Muslim men may divorce easily. Muslim inheritance laws (specifically Sunni) provides twice the amount of inheritance to a son as to a daughter. In the past, there has been a campaign by some Lebanese civil society groups to establish a civil marriage law that would guarantee equality between men and women. The campaign, however, was unsuccessful.

(17) Each religious sect has its own leadership council which elects and makes appointments to senior clerical posts. The Lebanese government, however, only endorses the ecclesiastical judges for the Muslim sects, and the Druze. The government, then, pays the salaries of the Muslim and Druze clerics, but not the Christian or any other religious group's clerics.

US Foreign Policy

(18) The US Government promotes religious freedom as part of its overall policy to promote human rights. In doing so, the United States supports a sovereign and independent Lebanon. The government keeps an open dialogue with Lebanon about the importance of religious freedom and tolerance.

(19) The US Government supports the Ta'if Agreement, but continues to discuss the issue of sectarianism with governmental officials and civic leaders.

Conclusion

(20) Lebanon has attempted to progress towards eliminating the religious sectarianism that governs the country, but rather than actually affect change the government has only so far taken symbolic strides towards that goal. Many young Lebanese citizens blame the older generations for creating and continuing a system of political and religious affiliation within the government. However, the stability of a Lebanon without a system of confessionalism is in question. One necessary step towards equality for all citizens would be the creation of a civil court for personal matters. A civil court would allow those citizens who are not members of one of the 18 recognized religious groups in Lebanon to marry, divorce, and inherit property. In addition, it would allow members of religious groups to file claims in a court that would strive for equality and civil justice rather than moral justice.