



Ph.D. Program in Political Theory
Cycle XXIV

The Role of Civil Society in a Fragmented and a Weak Arab State:
Developing or Fragmenting the State?

Analyzing the *Mujtama Ahli*, *Mujtama Taefi* and *Mujtama Madani* in
Lebanon

**Ph.D. Dissertation by
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Content

Content	ii
Acknowledgment	vii
List of Figures and Tables	viii
List of Appendixes	x
Introduction	p. 1
A. Introduction and Methodology	p. 1
a. The Lebanese Model	p. 2
B. Project's Thesis	p. 2
C. Methodology	p. 2
D. Contribution of the Project	p. 4
E. Structure of the Dissertation	p. 4
Chapter I: Discussing Civil Society in the Middle East	p. 8
A. Introduction	p. 8
B. Civil Society in Classical Political Theory	p. 8
a. Development of the Term	p. 9
b. Distinction between the State and Civil Society	p. 10
c. Early Twentieth Century: Gramsci and Habermas	p. 11
C. Contemporary Debate on Civil Society	p. 12
a. The Reemergence of an Idea and Concept	p. 13
D. Civil Society in the Arab Middle East	p. 14
a. Absent and Weak Civil Society	p. 15
b. Islam and Civil Society	p. 17
c. New Approach: Contextual Civil Society	p. 21
E. Civil Society in the Arabic language	p. 22
a. Understanding the term in the Muslim World	p. 23
F. Historical Development of the State and Civil Society in the Arab Middle East	p. 23

a.	Creation and Evolution of Arab States	p. 24
b.	Development of the Civil Society	p. 25
c.	Civil Society and Democratization Processes in the Middle East	p. 28
d.	Classifying Middle Eastern Countries: Public Policy and Civil Society Organizations	p. 28
G.	Toward an Arab Definition of Civil Society	p. 30
H.	Conclusion	p. 31
Chapter II. Civil Society Liberal Democracy and the Lebanese State		p. 33
A.	Introduction	p. 33
B.	Historical Development of Civil Society in the West	p. 34
C.	Political and Historical Background of the State of Lebanon	p. 36
a.	The Sectarian Conflict	p. 37
i.	The Maronite of Lebanon	p. 39
ii.	Shia of Lebanon	p. 39
iii.	Sunni of Lebanon	p. 40
iv.	Druze of Lebanon	p. 41
b.	National Pact	p. 41
D.	Civility, Tolerance and State Authority in Lebanon	p. 43
a.	Civility and Tolerance	p. 45
i.	Case of Lebanon	p. 46
b.	The Usefulness of a Common Identity	p. 47
c.	State authority	p. 48
i.	Case of Lebanon	p. 49
E.	Consociational Democracy in Lebanon	p. 50
a.	Lijphart's Consociational Democracy	p. 50
i.	Grand Coalitions and Elite Accommodation	p. 52
ii.	Mutual Veto	p. 53
iii.	Proportionality	p. 53
iv.	Segmental Autonomy	p. 54
b.	Analyzing the Lebanese Consociational System and its Shortcomings	p. 55
F.	Conclusion	p. 56
CHAPTER III. Weak States; Failed States and the Case of Lebanon		p. 58
A.	Introduction	p. 58

B. Theoretical Background	p. 59
a. John Locke: Zartman and Rotberg	p. 59
b. Weberian View: Jackson and Krasner	p. 61
C. Failed States and the Third World Countries	p. 62
D. Mapping the Field	p. 63
a. The World Bank's Governance Indicators	p. 64
b. The Bertelsmann Transformation Index	p. 66
c. The Fund for Peace's Foreign Policy Index	p. 67
d. Index of State Weakness in the Developing World	p. 69
E. Analyzing State Failure in Lebanon	p. 70
a. Pre-War Period	p. 71
b. Civil War	p. 71
c. Post-War Period	p. 72
F. Conclusion	p. 72
Introduction to Part II	p. 73
A. Introduction	p. 73
B. Term Definitions Related to Civil Society in the Arab Context	p. 73
a. Lebanon	p. 74
C. General Overview of Civil Society in Lebanon	p. 76
a. Country information	p. 76
b. Historical Development of CSO in Lebanon	p. 77
D. Statistics and Graphs	p. 82
a. Weakness of the State of Lebanon	p. 82
E. Political and Historical background of the state of Lebanon	p. 87
a. Civil Society in Lebanon: Challenges	p. 89
F. Conceptual Framework and Organization of Part II	p. 89
Chapter IV. Mujtama Ahli, Mujtama Taefi and the State in Lebanon	p. 92
A. Introduction	p. 92
B. Religious Welfare Organizations in Lebanon:	p. 93

C. Historical Development of Religious Welfare Organizations in Lebanon:	p. 95
D. The development of a strong welfare society	p. 99
a. Pre-state independence and confessionalism	p. 99
b. The Political system of the state	p. 101
c. Citizens or members of a community?	p. 103
d. Lebanese Laissez-faire economy and liberal association's law and the civil war:	p. 104
e. Health and Educational Institutions	p. 108
f. Islamic Religious Institutions	p. 110
g. The case of Hizbullah:	p. 111
E. The second type of civil society: Mujtama Ahli	p. 115
F. Conclusion	p. 117
Chapter V. Development of the Mujtama Madani and the State of Lebanon	p. 119
A. Introduction	p. 119
B. Development and importance of the Mujtama Madani in Lebanon	p. 120
C. The Legal Framework	p. 121
a. Defining an organization	p. 121
b. Laws and Regulations	p. 122
c. Controversies about the law	p. 122
d. Authoritarian Regime?	p. 124
e. Challenges facing these associations	p. 125
f. Hope for the civil Society?	p. 126
D. Analyzing the political system:	p. 128
a. State-Civil Society relation	p. 129
b. Civil Society and Civic Culture: A lost dream?	
c. Three phases for the development of this society	p. 130
i. The first phase: 1990-2000	p. 130
ii. Second level 2000 and reaching 2005 Movements	p. 133
iii. Third level: Summer 2005 onward:	p. 133
d. Civil Society and international organizations in Lebanon a critical analysis	p. 134
e. Hope for the Future?	P. 135
E. Case Studies	p. 136
a. Nahwa Al muwatiniya (NAAM)	p. 137
b. Lebanese Transparency Association (LTA) and the Freedom of Information draft Law	p. 142
F. Conclusion	p. 145

Conclusion of Part II	p. 147
Overall Conclusion	p. 154
Appendixes	p. 158
Bibliography	p. 204

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My interest in civil society goes back to the March 14, 2005 uprising in Lebanon. At that time, as I was finishing my MA dissertation in Lebanon, I witnessed the marching of more than one million Lebanese citizens, from different sectarian and political background, to the down town of the capital. This movement was calling for accountability, transparency and democracy. It was a time every citizen had a full belief that people and civil society movement can lead to change in the society. It was that event that led me to research more about the role that civil society could play in a weak state. Pursuing my PHD at LUISS University helped me to deepen my philosophical knowledge about the Topic. Most of the work in this dissertation was written during my research at the Center for Civil Society Studies at the Johns Hopkins University Institute for Policy Studies where I was an associate scholar; as well as at the American University of Beirut where I was conducting interviews and research about civil society. Both periods have been very fruitful to my work and I should mention with gratitude all those friends, colleagues and professors who read and encouraged my project.

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List of Figures and Tables

Tables

Table 1. The World Bank’s Governance Indicators in Lebanon: Voice and Accountability	p. 65
Table 2. The World Bank’s Governance Indicators in Lebanon : Political Stability and Absence of Violence/Terrorism	p. 65
Table 3. The World Bank’s Governance Indicators in Lebanon : Government Effectiveness	p. 65
Table 4. The World Bank’s Governance Indicators in Lebanon : Regulatory Quality	p. 65
Table 5. The World Bank’s Governance Indicators in Lebanon : Rule of Law	p. 66
Table 6. The World Bank’s Governance Indicators in Lebanon : Control of Corruption	p. 66
Table 7. The Bertelsmann Transformation Index: Lebanon’s Ranking in 2010	p. 67
Table 8. Fund for Peace Lebanon Ranking (2005-06-07-08-09-10-11)	p. 69
Table 9. Brooking Institution Lebanon Ranking in 2008	p. 70
Table 10. Country Information Lebanon	p. 76
Table 11. Historical Development of CSO in Lebanon	p. 78
Table 12. Associations’ categorizations and date of registration 2005	p. 86
Table 13. Associations categorizations and date of registration 2006	p. 87
Tables 14. the phases of the development and establishment of self-declared sectarian organizations.	p. 148
Table 15. affiliation of organizations by area or Mohafaha in Lebanon	p. 149
Table 16. the distribution of the self-declared sectarian affiliation (of organizations) by area in Lebanon.	

Figures

Figure 1. Associations' Main Activity Distribution in Lebanon	p. 83
Figures 2&3. Geographic spread of Associations versus geographic distribution of Population	p. 83-84
Figure 4 & 5. Breakdown of associations by Sector	p. 84-85

List of Appendixes

Appendix 1. Questionnaire provided to the organizations during the Field Research	p. 158
Appendix 2. Interview Protocol	p. 161
Appendix 3. List of Organizations that have mutual agreement with the Ministry of Social Affairs (highlighted ones were the ones contacted for interviews)	p. 167
Appendix 4. World Bank's Governance Indicator in Lebanon for the years 1996;1998;2000;2002;2003 and 2004).	p. 188
Appendix 5. "Liberal" Ottoman law of August 3rd, 1909	p. 192
Appendix 6. Papers required to be submitted by an Organization to the Ministry of Interior	p. 195
Appendix 7. The Law of Associations of August 3, 1909 (article governing laws of different Civil Society Organizations)	p. 195
Appendix 8. Illicit wealth original law and its amendments	p. 196

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A. Introduction and Methodology

The years 2011 and 2012 will always be remembered as the years of change in the Middle East. The Arab Spring has brought changes to the region and altered the rules of the games that were dominating in the region for the last twenty to thirty years. “*Al sha’eb Yourid*,” or “the people demand,” was the main slogan of the movements that started in Tunisia, passed into Egypt, led to the fall of Muammar Gaddafi in Libya, and are spreading to Syria.

Whether or not these uprisings were caused by internal or external forces, and whether they will lead to full democracy or a new religious rule in the region, the people were voicing their demands. They were rising against a political system and a regime. They created movements and civil society was once again active.

Prior to these events the existence of civil society in the Middle East was highly contested.

While many argue that these events are a new phenomenon in the Arab region, similar uprisings already occurred seven years ago in the state of Lebanon.

March 14, 2005 was a turning point in the history of the Lebanese state. More than 1 million citizens marched in the streets of Lebanon united under “the Lebanese flag,” and demanded to have more accountability, transparency, and rule of law in the state.

This dissertation will analyze the different theories that exist about civil society in the Arab world and will analyze the role that civil society can play in a weak and fragmented state through taking as a case study the state of Lebanon.

a. The Lebanese Model

Civil society and nongovernmental organizations (NGOs) were present in Lebanon since the Ottoman Empire and are protected by the Law of Associations of 1909.

In the Arabic language, two terms are used to describe civil society, namely *al-mujtama al-ahli* and *al-mujtama al-madani*. (*Mujtama* means society.)

The first term *ahli*, implies "kinship." It is a broad term that implies tribal rather than social movements, which are more defined by the term *al-mujtama al-madani*. *Al-mujtama al-madani* carries a willingness to move away from traditional structures and perceptions. Before the end of the civil war, civil society in Lebanon was more of an *ahli* rather than of a *madani* nature.

B. Project's Thesis

This project will address the growing role of civil society in Lebanon. It will argue that the weakness of the Lebanese state led to the development of two types of society: The first is a strong society labeled the *mujtama ahli*. This civil society covers the role of the state and reduces the citizens to members of sectarian communities. The second, *mujtama madani*, is civic in nature and emerged as an active civil society in Lebanon as a result of the lack of progress on the political and economic level in the state. However, the role of this society is weakened by the sectarian division of the state.

C. Methodology

The methodology used in this dissertation is based on two methods in order to achieve comprehensive research.

The content analysis was carried out by reviewing the different Western and non-Western literature on civil society, public policy lobbying, civil society in fragmented societies, and civil society in the Arab world.

Furthermore, in order to be able to find a definition of civil society in the Arab world, I visited the Center for Civil Society Studies at Johns Hopkins University to deepen my knowledge about

the definition they provide to the third sector and whether it can be adopted for civil society in the Middle East and in Lebanon.

The second part is based on data analysis of information gathered during two years of research in the state of Lebanon. My empirical research was divided into three main parts:

1. Conducting interviews with scholars and professors about civil society.
2. Interviewing civil society activists in the field in order to understand their role in society, and also state officials, civil servants, and ministries.
3. Contacting civil society organizations and visiting their main branches in order to understand the importance of their work and the degree of impact they have on their beneficiaries.

(Appendix 1: questionnaire provided to the organizations; Appendix 2: Interviews Protocol)

Limitation of my empirical research:

Many obstacles were encountered while conducting the empirical research.

In order to contact the organizations in Lebanon, individual emails requesting interviews were sent to the organizations that cooperate with the government and are assisted by the Ministry of Social Affairs (Appendix 3 list of Organizations that have mutual agreement with the Ministry of Social Affairs (highlighted ones were the ones contacted for interviews)). However, many of the emails had addresses that were either incorrect or not in use anymore; furthermore, most of the organizations refused to cooperate. Thus the first limitation was the refusal of many organizations to cooperate and to grant me an appointment. In this respect, I started visiting these organizations in different areas of Lebanon (without any prior notice), requesting to visit the premises and talk to the staff and beneficiaries.

The second limitation was the political and security situation in Lebanon. During the last two years the security situation in Lebanon has been facing many challenges and during many instances I either had to reschedule the meetings or stop them (for example, due to riots on the street). Furthermore, many political parties refused to provide me with interviews for fear of security issues. Moreover, when organizations were requested to complete the questionnaire

about their partnership with the government, many refused and others requested to leave it to a later stage and then never submitted it.

D. Contribution of the Project

This dissertation will trace the development of civil society in the state of Lebanon. It will analyze the role of the three different types of civil societies and their development in the light of a weak state. It will link the weakness of the state to the increasing role of these societies, to the extent that in return these societies are preventing the development of a strong state.

The main empirical research in this project will aim to prove that the Lebanese communities are seeking services and security from this civil society of *taefi* (i.e religious) and *ahli* (communal) nature. These organizations became the most effective and efficient service providers in the state and at the same time contribute to building a confessional system that has affected private and public society. *Mujtama ahli* and *taefi* remain the most important employers, economic players and market regulators.

E. Structure of the Dissertation

This dissertation is divided into two main parts:

Part 1 presents the theoretical framework and the different theories that developed about civil society, as well as an analysis of the political system of the state of Lebanon (chapters 1, 2 and 3).

Part 2 draws conclusions from the field research conducted in the state of Lebanon (chapters 4 and five).

The first chapter will review the literature on the Western civil society and will compare and contrast it with the literature that developed about civil society in the Middle East. It will further review the different theories of civil society that developed in the Arab world and will argue that civil society does exist in the Arab world; however the historical development of the Middle East created an atmosphere for the development of a civil society that is different from the traditional civil society that developed in Western liberal thought. It will further argue that most of the social organizations in the Arab world can be considered charitable religious organizations.

Other institutions are linked to the state and are considered as semi-official ones. This supports the argument that there is a wide difference in the understanding and application of the term civil society between the West and the Arab world. The Arab scholars promote the idea of a civil society characterized by self-governing communities based on religion, with a minimalist state.

Chapter 2 will focus on the political system that developed in the state of Lebanon. It will argue that analyzing the Lebanese system based on the theories that link civil society to democracy leads us to conclude that Lebanon does not meet the criteria of a liberal democracy and does not enjoy a viable and active civil society. Social norms as opposed to rational pluralism have shaped the Lebanese confessional system and prevented the establishment of a proper civil society. The culture of dialogue and compromise that constitute the basic elements of a civil society were missing in post-Taef Lebanon.¹ What has been created in post-war Lebanon was a state that militantly guards group particularity under the guise of democratic legitimacy. Understanding the political background of the state of Lebanon will help us to analyze its civil society and the context in which it is operating. The Lebanese system, which had been shifting from civil peace to civil war, created the perfect setting for the expansion of intermediate institutions and organizations since it was not equipped with the specific tools to repress them. Furthermore, most of the centers of powers in the state are directly or indirectly linked to one of these institutions, since the political leadership in Lebanon is created by a group of political elites that are dominant within their own respective communal society.

Chapter 3 will analyze the reasons for ranking the state of Lebanon as weak or failed state and will analyze the three different phases of state weakness.

Part 2 of the dissertation will argue that in order to understand civil society in Lebanon we should differentiate between three types of societies: *mujtama ahli*, *taefi* and *madani*.

Chapter 4 will argue that the difficulty in differing between the political, civil and religious societies in Lebanon is mainly due to the nature of the political system in Lebanon; that is, the confessional politics that reduced the area between the private and the public through the direct representation of confessions in the political system. This system led to the dependence of the

¹ The Taef Agreement, or the "National Reconciliation Accord" or "Document of National Accord," is an agreement reached to provide the basis for ending the civil war and the return to political normalcy in Lebanon.

political on the religious and sectarian realms. One quarter of the organizations in Lebanon have a "self-declared sectarian affiliation"; they are directly linked to existing political parties and are serving as their social and economic pillar. For many people, these organizations have served to provide much needed social, educational, health, and other services in areas where they are lacking. One of the main elements that distinguish Lebanon from other states is the confessional nature of the society and institutions: In each sectarian group members draw their identity from their confessional belonging as opposed to developing a sense of belonging to the state. The development of civil society is thus directly linked to the political system of the state. The geographical composition of the state and the presence of different distinct sectarian groups allowed the appearance of autonomous entities loyal to their parochial and sectarian identity. These groups have their own interpretation of the past and different expectations of the future; this prevents the development of a national sense of belonging and substantive liberal institutions. After the end of the civil war in 1990, Lebanon emerged as a weak state unable to provide the minimum public services for its citizens. This weakness allowed for the reemergence of humanitarian sectarian institutions that started providing different services to communities in Lebanon. This situation created a reliance on the growing role of these civil society organizations at the expense of enhancing the effectiveness and accountability of public institutions: These sectarian groups in Lebanon started to create new social enterprises and developed new projects, replacing the role of the state and playing an important role in the construction and affirmation of local identities, of sense of belonging for the different communities, and of social values; they gained the loyalty of the different communities and encouraged youth to volunteer in the different sectarian organizations. The source of power of these organizations derives mainly from the economic influence on the community and the society. (Unofficial figures state that resources managed by civil society organizations (CSOs) in Lebanon could reach \$1 billion a year, and the budgets of social welfare CSOs can reach \$296 million (which is five times the budget of Ministry of Social Affairs). The second source of power is the closeness of the political decision-making authority to these organizations, which could favor these organizations' interests. The third sphere of power of CSOs in Lebanon is rooted in the confessional political and social system of the state. The fourth sphere of power is the high number of volunteers that these organizations are attracting, who are vowing full loyalty to the organization.

Finally, chapter 5 will analyze the role of a different type of civil society: a pure civic society. It will focus on the importance of this society that developed in the aftermath of the civil war and will argue that after the 1990 Taef Agreement, new trends have appeared. Environmental, human rights, women and certain secular organizations were formed that are more of a *madani* nature. Furthermore, this emergence of an active civil society is a consequence of the lack of progress on the political and economic level, and highlights a disconnect between the elites that demand loyalty and a society moving in a different direction. This part will analyze these organizations and to what extent they are capable of affecting public policy in the state, as well as the limitations they are facing.

PART I

CHAPTER I

DISCUSSING CIVIL SOCIETY IN THE MIDDLE EAST

A. Introduction

Research and studies evaluate civil society in the Middle East and its characteristics based on Western ideals and understanding of the term. This chapter will argue that to be able to understand civil society in the Arab Middle East, the historical and political development of each state should be taken into consideration; exporting and applying the understanding of Western liberal civil society distorts the reality. The paper will argue that the historical development of the Middle East created an atmosphere for the development of a civil society that is different from the traditional civil society that developed in Western liberal thought. When analyzing civil society in the region and determining whether it exists or not, our approach should be historically and culturally sensitive.

This chapter is divided into six sections: The first section reviews the definition of civil society in classical political theory. The second addresses the contemporary debate on civil society and the reemergence of an “idea and concept.” The third analyzes civil society in the Arab world and Islamic culture, as well as the elements that should be included and excluded from defining civil society in the Middle East. The fourth traces the development of the understanding of civil society in the Arabic language. The fifth analyzes the political development of the Arab world and its effect on the development of civil society. And finally, the sixth section considers the formation of an Arab definition of civil society.

B. Civil Society in Classical Political Theory

The history of “civil society” is controversial since the term was associated with different principles by different philosophers, who based their studies on their ideological and political

research. Civil society as a term was never used as a universal notion but has been used in different times to present particular historical issues.

The concept of civil society as a normative ideal emerged in the late seventeenth and early eighteenth centuries as a result of the crisis in the then-existing social order and the breakdown of the paradigms of the idea of order (Seligman 2002). The changes and crises of the seventeenth century - mainly the commercialization of land, labor and capital, the growth of market economies, the Age of Discovery, in addition to the English, North American and continental revolutions - led to the questioning of the existing models of social order and of authority (Seligman 2002). The idea of civil society as the ethical model to analyze the existing social order emerged from within this reorientation of European social thought (Seligman 2002). The interest of autonomous individuals in a vision of the public good created the theoretical and ethical groundwork for the understanding of civil society (Seligman 2002).

a. Development of the Term

The early modern political thinkers did not distinguish between civil society and the state: civil society was the same as political society and was contrasted with other kinds of society, mainly the despotic empires and the state of nature. Thomas Hobbes and John Locke viewed “civil state” as resulting from the social contract. According to Hobbes, the state of nature was the natural order, in which people followed their emotions rather than reason. People agree on the social contract in order to create peace and an institution to preserve it. Human freedom can then flourish under the protection of the state, which is capable of keeping peace and guarding civil society (Pietrzyk 2001). Locke argued that “civil state” resulted from the social contract: the state is not a single body (as argued by Hobbes); Locke differentiated between the government and society. Locke juxtaposed civil society against the state of nature; he described the civil society as a united body of individuals under the power of an executive that protects their property and well being, and designs legislation to govern their behavior.

Adam Ferguson differed from Hobbes and viewed society as the natural state of men (Pietrzyk 2001). According to Ferguson, the political society is the natural result of man’s experience from the day he is born; thus for Ferguson, “Civil society is a society polished and refined,

characterized by a certain stage of social, political, and economic advancement” (Benny 2007). Only those living in societies that enjoy civil liberties protected by the government could be said to live in civil societies. Ferguson did not put civil society in opposition to the state of nature, but to the “rude nation.” He argued that rude societies can be transformed into civil ones through governmental policies, education, gradual increases in knowledge, and development (Benny 2007). The distinction between civil society and the state was not present. Civil society was contrasted with despotic empires; it was considered a peaceful society as opposed to violent and rude societies. Immanuel Kant’s view about civil society differed from Ferguson’s. Kant considered the social contract and the concept of property to be the just and moral basis of civil society (Kant 1995). He saw that the main aim of the civil society is to force individuals to respect the rights of others. For Kant, civil society is the “civil state.” Thus there is no separation between state and society: civil society cannot exist without the state.

b. Distinction between the State and Civil Society

It was during the nineteenth century that a distinction between civil society and the state was presented. Georg W.F. Hegel was the first philosopher to use the term as a realm distinct from the state. Hegel argued that a self-organized civil society is crucial to balance and order the state, or the latter will become self-interested and will not contribute to the common good. He placed civil society between the family and the state. Hegel argued that civil society was developed as a means of protecting the individual’s rights and the needs of the privileged to guarantee freedom in economic, social and cultural spheres (Hegel & Friedrich 1967). Civil society for Hegel was distinguished from political society, the sphere of political activity including political parties, public holdings, and government institutions. He viewed civil society as “the achievement of the modern world - the territory of mediation where there is free play for every idiosyncrasy, every talent, every accident of birth and fortune and where waves of passion gust forth, regulated only by reason glinting through them” (Ehrenberg 1999).

Karl Marx opposed Hegel’s notion that the state should prevail upon civil society and called for its total abolition. According to Marx, civil society as such only develops with the bourgeoisie; the social organization evolves directly out of production and commerce (Tucker 1972). Thus civil society facilitates and develops in parallel to the expansion of the capitalist class. Marx and

Friedrich Engels considered the state as subordinating the civil society. They argued that the state is an instrument in the hands of the dominant classes and viewed civil society as the “theatre of history” (Kolder 2003).

c. Early Twentieth Century: Gramsci and Habermas

The understanding of the concept of civil society further narrowed in the early twentieth century. It became the space outside the market, state and family; that is, the realm of culture, ideology and political debate (Kolder, 2002). Antonio Gramsci and Jurgen Habermas both departed from the definitions provided by Hegel, and they differed from each other as well (Salam, 2002).

Gramsci influenced aspects of civil society thinking in different parts of the world, especially the processes of resistance to the totalitarian regimes in Eastern Europe and Latin America in the 1980s (Lewis 2010). While Marx saw Hegel’s civil society as based on economic relationships, Gramsci saw it as a super-structural concept that, along with the family, constitutes the ethical roots of the state (Benny 2007). For Gramsci, civil society contains a wide range of organizations that both challenge and uphold the existing order. While the state is the main body responsible for the violent and coercive methods of control, civil society provides capitalists with the power to control social and economic practices by nonviolent means (Schwedler 1995). The political society is the coercive part of the state (state police force, taxation, prisons, legal system, state army), and the civil society is the arena of the struggle between the capitalist and the laborers. Gramsci defined civil society as the “sphere of all the popular-democratic struggles which arise out of the different ways in which people are grounded together - by sex, race, generations, local community, region, nation and so on (Simon 1982).”

Habermas viewed civil society as emerging from capitalism and developing a noneconomic and populist component (Schwedler 1995). Civil society is establishing itself as an independent sphere and transforming into the realm of commodity exchange and social labor that is governed by its own laws (Habermas 1989). Habermas explained the reasons why in many contemporary societies, interest-group politics characterize activities within the public sphere (Schwedler

1995). For Habermas (1989), civil society should be viewed as the phenomenon of capitalist society that emerges as “activities and dependencies hitherto relegated to the framework of the household economy shift outward to create a new sphere of activity between the private household and the state.” Habermas noted that the boundaries of civil society have expanded to include all nonviolent associational activity between individuals and their state.

C. Contemporary Debate on Civil Society

Contemporary understanding of civil society revolves around the idea that it is the sphere of democratic social interaction rather than the result of capitalist expansion. In this view, the main aim of civil society is to provide citizens with the capability to ensure a degree of government accountability, as opposed to the idea that it exists to protect the bourgeoisie’s interests against violation from the state (Schwedler 1995).

In the contemporary debate, civil society is a fundamental element that facilitates the transition from an authoritarian regime to a democratic one. Guillermo O’Donnell and Philippe Schmitter (1986) argued that an authoritarian regime always seeks to lead its subject to pursue private goals; it is only when these individuals start to challenge the boundaries set by the ruling regime that civil society emerges. Moreover, Edward Shils (1982) viewed the concept of civil society as the idea of “a part of society which has a life of its own, which is distinctly different from the state, and which is largely in autonomy from it. Civil society lies beyond the boundaries of the family and clan and beyond the locality; it lies short of the state.”

Most contemporary scholars are in agreement about the main characteristics of civil society, which are described by Larry Diamond in the following way:

The realm of organized social life that is voluntary, self-generating, (largely) self-supporting, and autonomous from the state, and bound by a legal order or set of shared rules. It is distinct from “society” in general in that it involves citizens acting collectively in a public sphere to express their interests, passions, and ideas, exchange information, achieve mutual goals, make demands on the state and hold state officials accountable. ‘Civil society’ is an intermediary

entity, standing between the private sphere and the state. (Diamond 1994)

In contemporary debate, civil society is viewed as the sphere of pluralist activity with the main aim of challenging and limiting the arbitrary use of power by the state. Its role is to protect the citizen from unfair actions and policies of the government, in addition to encroachments from the civil society (Schwedler 1995). Jean Cohen and Andrew Arato consider civil society as a necessary and legitimate means to monitor and control state authority and power; moreover, they argue that the behavior of members within the civil society towards each other is crucial to distinguish the civil society from a society in general:

Civil society is the sphere of social interaction between economy and state, composed above all of the intimate sphere (especially family), the sphere of association (especially voluntary associations), social movements, and forms of public democracy. (Cohen and Arato 1992)

In addition to its pluralistic composition, civil society is democratic. It stresses the equal participation of all people involved in “public discussions of contested political norms, obviously referred to the principles of democracy” (Cohen & Arato 1992). The contemporary liberal understanding of civil society differs from the classical one. It replaced the belief that civil society is the right of an individual to pursue his own interest and accumulate wealth and property. The contemporary understanding of civil society is instead based on two main ideals. The first is the right of citizens to interact with the government, and the second is the presence of rules based on acceptance and tolerance within the civil society and between the civil society and the state (Schwedler, 1995).

a. The Reemergence of an Idea and Concept

As previously discussed, the concept of civil society first appeared in the late eighteenth century and entered the intellectual debates during the second half of the nineteenth century. After this time it “fell out of fashion” (al-Harmasi 1992). Then the 1970s, interest in the concept regenerated.

With the end of the Cold War, Western social scientists took the concept of civil society from European history and applied it in an attempt to explain the wave of democratization transition in the world. In this context the neo-Tocquevilian scholars used the slogan “No civil society, no democratization” (Perez-Diaz 1993; Gordon 1994; Bermeo and Nord 2000). Their main argument was that in an authoritarian regime, an active civil society consisting of independent organizations distinct from the state, economy and family can lead to democratic transformation and force the regime to accept liberal reform (Yom, 2005). Many policy makers started to advocate and build strong civil societies in non-Western states (Comaroff, 1999). Thus scholars agree that the concept of civil society reemerged after the end of the Cold War and became a tool in the hand of policy makers to strengthen development and democracy (Lewis 1994). In addition, it became a tool in the hands of activists who were opposed to military dictatorships, particularly during the transition from authoritarian regimes to more liberal democratic ones, especially in Eastern and Central Europe, South America, and, recently, Asia and Africa (Salam 2002).

D. Civil Society in the Arab Middle East

Civil society in the Western context has been associated with the enlightenment process based on individualism and democratic institutions. Western philosophers tend to agree about main factors such as pluralism and the presence of democratic institutions as being the necessary conditions for the existence of a vibrant civil society. These are factors that do not exist in Arab and Islamic society, therefore many conclude that the existence of an active civil society in the Arab world is impossible. Scholarly works on Middle Eastern civil society revolve around the question of whether it exists in the region or not, and whether it challenges the existing governmental authority.

The existence of civil society in the Middle East has been an issue of debate between scholars and researchers. The study of civil society in the region is faced with obstacles presented by many schools of thought, including the orientalist. In addition to the lack of empirical research focusing on civil society, there is an absence of consensus about the meaning of civil society in the Arab world and what it represents to the region.

Thus in order to be able to analyze civil society in the region, the first step in the research should be to assess and define the term in the context of the region. Partha Chateyer wrote that “he wishes to send back the concept of civil society to where he thinks it properly belongs - the provincialism of European Social Philosophy” (Taylor 1995).

a. Absent and Weak Civil Society

Max Weber argued that the norms of the Arab culture are not compatible with the rational demands of capitalism and democracy that are considered to be the prerequisite of an effective civil society. Weber's sociology of Islam and the Islamic city founded the theoretical setting through which the West perceived Islamic culture (Ismael and Ismael 1997). He based his analysis on the Mamluk period (1250-1517), which is characterized by the decline of the state and culture. His analytical framework was based on the thesis that clan and tribal groups are unable to act in harmony with a social and legal community. Weber's analysis of the Islamic culture, city life and political regime were limited and selective, and led to invalid and selective generalizations about the Islamic civilizations (Ismael and Ismael 1997). This idea that civil society cannot flourish in the Islamic world was shared by Bernard Lewis, who argued:

Islamic law knows no corporate legal persons; Islamic history shows no councils or communes, no synods or parliaments, nor any other kind of elective or representative assembly. It is interesting that the jurists never accepted the principle of majority decision. There was no point, since the need for a procedure of corporate collective decision never arose. In heaven that was one God, and one alone; on earth there was no court but a single judge, no state but a single ruler. (Lewis 1994)

Sayfulddin Abdelfattah Ismail looks at the term “civil society” as a Western concept that developed historically in Western political experience, and its relevance to the Muslim world as problematic (Ismail 1992). He based his argument on the Western definition of civil society that includes sets of institutions and associations that are public, voluntary and independent from

authority (such as trade unions, professional associations, political parties, and religious associations). These examples of civil society, which are characteristics of Western history, lead many scholars to refute the existence of civil society in the Muslim world.

The orientalist school argues that the lack of presence of an active civil society in the Arab world is due to the weakness of the civil society's basic elements. This is mainly a result of the Islamic religion since it is considered to be of a despotic nature: it does not separate the spiritual and the temporal and it only acknowledges divine sovereignty, which inhibits the emergence of an autonomous sphere (Turner 1984). Moreover, the mainstream Sunni political thought in Islam follows the doctrine that when the Umma (or the unity of community) is in danger and there is the potential for anarchy, everyone should submit to the ruler (Salam 2002). In this context, Elie Kedourie wrote that in Islam:

There can be no question of checks and balances, of division of power, of popular sovereignty, of elections of representative assemblies... there could be no question of representative bodies being set up to carry on a dialogue between ruler and subject; neither could there be institutions of local self-government in town or countryside; nor could craft or professional associations flourish unhindered, since they would always be suspected of limiting the sway of the government over its subjects. (Kedourie 1994)

Elie Kedourie's main argument is that the Middle East lacks challenges to state power due to the Islamic tradition present in the region:

The notion of the state, the notion of popular sovereignty, the idea of representation, of election, of popular suffrage, of political institutions being regulated by laws laid down by a parliamentary assembly... all of these are profoundly alien to the Muslim political tradition. (Kedourie 1994)

The main argument is that in the Middle East there is a total absence of social groups capable of challenging the power of the state; and should any exist they are largely ineffective. These scholars belong to the traditional school of Middle Eastern studies, which argues that the civilization, traditions, and Islam prevent the emergence of pluralistic governments.

Ernest Gellner in his studies concluded that the Islamic society did not develop the required characteristics (mainly secularism) that would allow the civil society to emerge. Gellner (1994) wrote that Islam “exemplifies a social order which seems to lack much capacity to provide political countervailing institutions or associations, which is atomized without much individualism, and operates effectively without intellectual pluralism.”

Differentiating themselves from the orientalist school, another group of scholars argue that in the absence of a strong challenge to the authoritarian regimes, the emergence of democracy in the region is without hope for the near future (Sadowski 1993). Peter Mansfield’s (1991) main argument is that the Middle East lacks a viable civil society because the existing organizations have adapted to the state and have become useless. Moreover, while Elie Zureik has rejected the orientalist school and their focus on religion and culture preventing the development of the Middle East, his main argument is that the Arab states were unable to develop a proper civil society.

b. Islam and Civil Society

Ahmad Moussali’s central argument is that Islamists react to civil society in two different ways:

The first, which represent the minority, looks negatively at the issue of strengthening civil society; the second, advocated by the vast majority of fundamentalist thinkers, calls for the establishment of civil society as the cornerstone of the new Islamic State. In fact, claim the latter group, civil society is precisely Islam’s original and ideal form of society. (Moussali 1995)

Furthermore, according to Hassan Hanafi, Muslim scholars differentiate between three alternative conceptions of civil society. The first radical one refutes the idea of civil society and considers it to be a secular antireligious concept aiming to westernize the Muslim society. The second radical secular school considers the concept as a universal one. Accepting it as a norm of practice and a lifestyle for individuals and societies, this school thus considers the Islamic traditions to be “an archaic expression of bygone values reflective of their own peculiar historical conditions.” The third school, the modernist alternative, considers that similarities can be found between classical Islam and modern social needs. In this view differences can be overcome through creating *ijtihad*, or reinterpretation of the basic sources of Islam (Hanafi 2002).

Opposed to this orientalist school is the discourse followed by Muslim scholars who view Islam as the ideal home for civil society and democratic governance (Salam 2002). Fahmi Huwaydi (1992) argues that Islamic society has been a self-organized society since long before the emergence of the idea of civil society. Furthermore, Ahmad Shukr al Subayhi (2000) states that “the historical experience of the prophet’s era constitutes the first experiment of civil contract that history has witnessed and which preceded Rousseau’s theory of Social Contract.”

Martin Gilbraith in the article “Civil Society in the Arab World” raises concerns about the boundaries that should be drawn between civil society and Islamist organizations. According to Jillian Schwedler (1995), it is individual movements and not Islam itself that are the obstacle to democracy. Saad Eddin Ibrahim, on the other hand, excludes Islamist organizations from civil society but states they usually use its channels to pursue their goals (Schwedler 1995). Gilbraith questions whether to include the organizations that adhere to the rule of the game as legitimate actors within civil society, and whether to exclude the ones that seek to change the rules once they reach sufficient power. As argued by Schwedler, Islamist organizations have been among the most effective means of challenging government authority and responding to citizens’ needs and concerns.

Furthermore, Sai’d Hajjariyan presented a link between civil society and the Shari‘a. He argued that without civil society, Islamic requirements would remain unfulfilled, since it is the duty of the Muslim to oppose the oppression of the state. Nawaf Salam argues that the orientalist school has an “essentialistic” approach since it does not provide a clear picture of whether a civil society existed or not. In his view the unity of the *umma* and its cohesiveness did not halt the

development of social organizations and institutions (such as the charitable trusts or *awqaf*); these institutions played prominent roles in providing education and social services and enjoyed a high degree of autonomy away from the central government. This autonomy was also provided to the Sufi brotherhoods and to religious minorities such as Christians and Jews whose statuses were institutionalized in the millet system (Braude & Lewis 1982; Cahen 1958). Beyond the “cultural” explanation, this approach further argues that the civil society in the Middle East is present because there are a high number of active interest groups in the region. Augustus Richard Norton (1995) refuted the idea that civil society does not exist in the Middle East because voluntary organizations, trade unions, human rights groups, women’s associations, minority rights groups, and various other social organizations exist in the region, including women’s movements in Algeria, Egypt, Kuwait, Yemen and Palestine; the businessmen’s groups and professional associations of Jordan and Egypt; the *diwanayat* (meeting groups) of Kuwait; and the peace movements, labor unions, and election-monitoring organizations of Lebanon. Norton bases his definition of the civil society in the Middle East on three normative components: civility, associability and citizenship. Groups that plan to overthrow or replace the existing regime are removed from civil society. Naomi Chazan (1992) supports this argument and wrote that groups who “equate their own aims with those of the state and consequently seek to take it over (some fundamentalist groups, ethno-national movements, and ideological associations) are outside the bounds of civil society.” Ibrahim (1994) narrowed the understanding and definition of the term since he viewed civil society as including secular nongovernmental organizations (NGOs) emerging as active political actors in the region. Thus Ibrahim excluded Islamist groups from the civil society.

Despite their differences, all the above scholars agree that analyzing civil society in the Middle East will shed the light on voluntary, interest-based organizations that are not considered when working on political reform in the region (Boulding 1994). The question that is facing the civil society in the Arab world is: which elements should be considered part of it and which ones should be excluded?

1. Should we include Islamist groups as part of civil society? Many emphasize that they are effective in assisting people socially and economically. However, others argue that they are violent groups (such as in Algeria) and are intolerant to people with different

ideas and beliefs; and this is contrary to civil society, which advocates the respect of pluralism and the freedom of speech (Salam 2002). An example of this intolerance is the 1995 Egyptian campaign against Nasr Hamid Abu Zayd for his liberal interpretation of the Qur'an (Salam 2002).

Excluding Islamist organizations would be to disregard their role in challenging the authority of the government and assisting the citizen's needs and concerns. It is important to note that many Islamic organizations operate with moderation and tolerance while others are more radical in their behavior. Thus in order to examine civil society in any state, the nature of each of these organizations should be taken into consideration in order to avoid generalization.

The assassination of the Egyptian president Anwar el Sadat and the 1979 Iranian revolution led the liberal and leftist groups to appeal to the state to face this rising Islamism and to reduce its influence. These groups used the term "civil society" to define the secular intermediary strata between the state and the private sphere, thus excluding the Islamist groups. However, since the state restricted the participation of the Islamist groups in the political life, the moderate Islamist attempted to redefine the term in an Islamist way (Huwaydi 1993). They used the term *mujtama al-ahli* (traditional kinship society) to legitimize its usage, thus integrating religious groups in the intermediary sphere. Yahya Sadowski (1993) argued that with the emergence of Islamist movements in the Arab world, the explanation shifts to one emphasizing that Middle East societies are so strong that they are in danger of the overpowering of the state.

2. Should all types of NGOs be included in the civil society? Sheila Carapico argued that:

'Non-governmental' is often a matter of degree and that classifying something as an NGO can contain an element of reification. Recognizing that the regimes may try to co-opt donor assistance to NGOs by creating NGOs, and that donor assistance itself may prompt the formation of institutions specifically to secure external funding, they have coined expressions like GONGO (government organized NGO), DO-NGO (donor-organized NGO) and quasi-NGO (pronounced 'quengo'). (Carapico 2000)

3. Should we include social organizations that are based on family, clan or tribe ties as being part of the civil society?

Michael C. Hudson (1988) notes that “civil society interpreted in specifically Western (Lockean, Hegelian, Weberian or Marxist) terms is unlikely to emerge in the Middle East, but this should not exclude the development of other kinds of inclusive solidarity communities.”

In order to be able to answer the above questions we should take into consideration each state and a case-by-case approach. In this regard the next section will examine the development of civil society in the Arab world and later there will be a focus on the Lebanese model.

c. New Approach: Contextual Civil Society

The historical developments of the Arab states created a different environment than the one that led to the emergence of Western civil society (Karajah 2007). Most civil societies in the Arab world can be considered charitable organizations since they provide assistance to the less fortunate, which consist of a significant proportion of Arab society (Karajah 2007). Other institutions are linked to the state and are considered semi-official. This supports the argument that there is a wide difference in the understanding and application of the term civil society between the West and the Arab world, since the environment required for these organizations to function as understood in the West is still missing in most of the Arab states (Karajah 2007).

Most of the civil societies in the Arab world are based on religious institutions such as the ones in Iran whereby they are grouped under a powerful mullah patron and are based on kinship; they remain autonomous from the state, offering alternative sites of power and autonomous spaces. Based on the traditional understanding of civil society, these groups cannot be considered as part of civil society since they are compulsory associations and used as mechanisms for social control, and they oppress women (Kolder 2003). Opposed to this analysis, the postmodernists argue that there is no arbitrary division between what is considered a good Westernized civil society and a bad traditional uncivil one (Kolder 2003). This version of civil society argues for a more culturally sensitive concept involving national and religious groupings. The Turkish Islamicist Ali Bulac promotes the idea of a civil society characterized by self-governing communities based on religion, with a minimalist state. This view is paralleled with the Ottoman millet system, involving the tolerance of different religions and secularism but lacking the individualism of Western models of civil society (Kolder 2003). According to Sami Zubaida

(2001) this notion represents an “odd mixture of communitarian corporatism and libertarianism.”

E. Civil Society in the Arabic language

Murad Bath-Al Shiyshani argued that:

In the light of the fact that civil society is an adopted concept not one indigenous to the Arab-Islamic heritage, a precise method is necessary to deal with it in determining its genesis and development outside the Arab linguistic context and it is necessary to clarify its meaning in its mother language, after which a qualitative problematic of dealing with it in the Arab-Islamic reality emerges. (Al Shiyshani 2002)

Researchers have been proposing definitions of the civil society in the Arab world; however, most of these definitions are based on elements and concepts that are Western-styled, existing outside of the Arab society. Thus in order to understand the origin of the concept in the Arab world, we need to analyze its meaning in the Arabic language.

In the Latin language, the term “civil” derives from *civis* and *civitas*, which mean “old city.” This concept is related to citizenship and to the individual as an active member of the civil life. In the Arabic language, society is defined as *al-mujtama* and refers to the place and time of a meeting between society members; thus it refers to a group of individuals living under rules and regulations. This definition does not refer to any interaction that places the civil society as “an intermediary between the individual and the different organizing forces of the society” (Al-Jabri 1995). Two terms are used in the Arabic language to define civil society: *Mujtama’ ahli* (*ahli* referring to tribal and family) and *mujtama’ madani* (*madani* meaning civil).

The term *madani*, or civil, signifies moving from the state of primitiveness to one that holds the values of the city; thus civil society in the Arabic language refers to assembling in cities as opposed to Bedouin and rural life (Arabic Dictionary 1984). This term does not connote political nor social mobilization influencing life in the city (Karajah 2007); it only implies moving from the Bedouins and rural cultural stage to a more developed one. The Western understanding of civil society is that this latter derives from a nation before the establishment of the state, and that

uniting within the borders of the state expresses a national will. However, when studying Middle Eastern and colonized states, we cannot argue that a constituted self-conscious nation existed prior to establishing the state (Kiwani 2010). Most of the post-colonial and new states in the region were socially disintegrated and endured the presence of particularistic loyalties and commitments that are stronger than national ties and thus prohibited their formation. Thus the states in the Middle East were not interacting with a proper Westernized civil society, but with a “multifaced, pluralistic and composite communal society” (Kiwani 2010). In this respect the term “communal society” is used to define the activities that are not covered by state institutions but that are described as civil.

a. **Understanding the term in the Muslim World**

Islamic scholars reject the use of the Arabic term *mujtama' madani* in relation to civil society in the Middle East. According to them, this term is a Western one that stresses membership in one single community that is civil and distinct from other community, mainly religious. Thus the preferred term is *mujtama' ahli* (*ahli* means kinship; family; tribal), which reflects the main features of the Arabic culture (Dawahare 2000). On the other hand, liberal Arab nationalists advocate using the civil society concept and at the same time “adapting to reflect specific conditions of the Arab Culture” (Dawahare 2000). The above illustrates the Western-Eastern, Secular–Islamic tension.

The definition and understanding of the term in the Lebanese context will be developed and analyzed in chapter four of the dissertation.

F. Historical Development of the State and Civil Society in the Arab Middle East

European nationalism required three centuries to gain the confidence of the Western citizens. Only when it was able to prove its respect for human rights and the rule of law did citizens start to abandon their loyalty to the class and feudal system, and begin to demonstrate loyalty to their nation (Ghalyoun 2001). In order to analyze civil society in the Arab Middle East, this section will first define the Arab Middle East, the different political system, and how the Arab

world and states were created and boundaries were defined. Understanding the political system of this region and states will help us better understand how civil society is functioning.

The Arab world consist of 24 states: Egypt, Sudan, Algeria, Morocco, Iraq, Saudi Arabia, Yemen, Syria, Tunisia, Somalia, Libya, Jordan, Eritrea, United Arab Emirates, Lebanon, Palestine, Mauritania, Kuwait, Oman, Qatar, Djibouti, Bahrain, Comoros, and Western Sahara. The Middle East consists of the following states: Saudi Arabia, Yemen, Syria, Israel, Lebanon, Jordan, United Arab Emirates, Lebanon, Kuwait, Oman, Qatar, Bahrain, Iraq, Iran, Turkey and Egypt. The focus of this study will be on the Arab Middle Eastern states, that is all the above Middle Eastern states excluding Turkey, Israel and Iran.

a. Creation and Evolution of Arab States

The historical development of the Arab states has not produced an adequate environment for the emergence of civil society as known in the West: In the pre-modern era the Arab people were aware of their ethnic, linguistic, and regional differences, but politically they were united under the caliphate and later empires and sultanates. The Ottoman Empire and the Islamic culture did not prevent the formation of civil society; it allowed the development of social organizations known as *asnaf* and of charitable trusts (*awqaf*) in addition to organizations that provided education and social services. These had a high degree of autonomy from the central government. Sufi brothers, Christians, and Jews were also given special status and institutionalized in the millet system. Thus, although the Arab world didn't have same Western environment, the existence of the above elements created an environment for the potential development of a civil society.

The idea of a territorial state was imported from the West. The inclusion of the concept of the territorial state and boundaries into the Arab world were the products of colonialism: After the fall of the Ottoman Empire, the process of the formation of new states in the region started. Borders were drawn without any concern over people, geography, or history. The emerging states were neither homogeneous nor cohesive; they had artificial boundaries and lacked internal cohesion (Kumaraswamy 2006). The British and the French empire were the imperial powers responsible for drawing these boundaries; they joined together different ethnic and national groups while other national groups were divided among different states. While in Lebanon they

created a homeland for the Maronite Christians, they scattered the Kurds in Iran, Iraq, Syria and Turkey (Kumaraswamy 2006). The leaders of Iraq, Jordan and the Persian Gulf were chosen to the benefit of the colonial interests, especially in period following colonial withdrawal. These newly established states had to deal with defining their national identity. After gaining independence, radical politics ruled the Arab world through military coups d'état in Syria, Egypt, Iraq, Sudan, Yemen, Algeria, Libya, Mauritania and Somalia.

As opposed to the European development of a nationalistic belonging, the Arab world never developed class loyalty. Although the Arab world witnessed the rise of Arab nationalism in the 1950s and 1960s, loyalty to the state and the regime was always dominant. Citizens' rights and interests were always replaced by the welfare and the interest of the state. Thus citizens showed high commitment to tribal and family ties since they were the only guarantee to protection from the state; hence, regional nationalism never developed in the Arab world. The Arab state always claimed that it is the only body capable of solving the problems of the citizens and their only protector from European colonization. Enhancing the state and the status of the regime is a priority above providing individual rights and freedoms, and more important than empowering citizens' contributions and private initiative in political life. Thus this resulted in the weakening of civil society in the Arab world (Karajah 2010).

b. Development of the Civil Society

The first phase of the development of civil society in the region was during the Ottoman Empire prior to the French and British intervention in the region. During that era the region witnessed the development of community-based organizations that were mainly religiously, charitably and educationally oriented. They were largely funded by the *awqaf* (i.e., religious and Islamic endowment). While the first autonomous associations were created under the Ottoman Empire, they slowly disappeared under the colonial rule and the post-colonial rules. The Western presence led to the alteration of different aspects in the Arab world: urbanization without industrialization; formal education without productive training; secularization without scientification; and capitalist greed without capitalist discipline (Al-Dury 1969). During that era, a second phase in the development of civil society started in the region. Modern associational organizations started to develop, such as professional associations, secular charities, cultural clubs and trade unions. A characteristic of these organizations was that they were generally more

politically active than the civil society of the first phase. These organizations were playing a crucial role in the nationalist struggles and were the main supporters of the pan-Arab cause.

Independence in the Arab world came through the creation of ruling Arab regimes, which were based on the European states imposing quasi-Europeanized culture on the population, or tribal leaders authorized by the British to administer the tribes living on the oil fields. Thus these regimes became vulnerable to any quest for legitimacy. They always neutralized or oppressed groups and movements that could threaten the regime, either through intimidation or elimination; they always engaged in ideological campaigns and identified enemies of the Arab world; and they engaged in development projects with the World Bank and the International Monetary Fund (Ghalyoun 2001). In order to gain legitimacy and control the state, the ruling regimes in the Arab world oppressed and controlled all organizations in the states. The military regimes in Syria, Egypt, Yemen, Iraq and Libya banned all civil society organizations or obliged them to adapt to the government rules and regulations. Thus this cancelled all potential for the development of the civil society; moreover, states in the Arab world exhausted their resources in order to suppress any potential opposition and faced legitimacy crises. From 1948 to 1991, inter-state and intra-state conflicts cost Arab regimes about 2.2 million casualties, \$1,400 billion, and 3.3 million displaced persons (Ghalyoun 2001). Voluntary associations and pressure groups in the Middle East were governed by laws that restricted autonomy: all civil society organization activities were and are still based on the pre-approval of the state and are subject to state interference, and the influential members of these organizations are mostly appointed by the ruling elite. This highlights the difference in the understanding and application of civil society between the West and the Arab world. The environment and the activities of these organizations in most of the Arab world still did not develop in ways the West understood as being related to civil society. The civil organizations that developed in the region were mainly charitable ones; their role is to provide material assistance to the less fortunate in the society. In other words, with the independence of the Arab world a third phase developed: the new regimes started to feel that the success of these independent and pluralistic associations would undermine the consolidated power of the regimes.

However three important events led to the reemergence of a civil society in the Middle East and led the Arab states to start opening their regimes:

1. The 1967 Arab-Israeli war that led to the defeat of the Arab states raised questions about their “nationalistic” strategies.
2. The end of the 1980s gave rise to youth dissatisfaction with the economic decay and thus led to the reemergence of an active civil society.
3. The Gulf crisis of 1990-1991 threatened the legitimacy of the oil monarchies and also as demonstrated the oppressive nature of Saddam Hussein (Saad Eddin 2009).

The decline of authoritarian regimes in the Middle East was supported by Western intervention, especially American. The United States supported specific Middle Eastern regimes: Lebanon and Jordan against Gamal Abdel Nasser’s regime; the Shah's Iran against Iraq; Kuwait against Iraq; Saudi Arabia against Egypt and Saddam Hussein's Iraq; Morocco against Algeria; North Yemen against South Yemen; Egypt against Libya (Ismael and Ismael 1997). This decline in authoritarian regimes allowed for the emergence of civil societies: In 1995, the number of civil society organizations in the Middle East doubled and reached 70,000, with 20,000 of these in Egypt. This era also witnessed the emergence of women and human rights organizations.

Moreover, many other factors led to the reemergence of an active civil society in the Middle East:

1. Massive urbanization led to increasing socio-economic needs in the population; while at the same time many Arab states became incapable of providing adequate employment and education opportunities for their citizens (Blake & Lawless 1980).
2. The expansion of education and the increase in the number of university graduates led to increased expectations and ambitions among youth; they started organizing themselves to present their demands, especially for human rights and women’s rights (Hussein 1989).
3. International organizations, international donors, UNDP, the World Bank, and the European Union started to fund the vulnerable social groups such as women groups and the disabled and assist them in projects related to sustainable development (Carapico 2000).
4. Based on the demands and advice of Western allies, many Arab rulers started to open up their regimes. This reform was not intended to lead to the renunciation of power, but on the contrary, was motivated by their desire to keep it. This reform led to the freedom of expression and allowed many social groups and non-governmental organizations to develop (Salam 2002).
5. During the 1950s and 1960s the newly independent states witnessed an educational and industrial expansion that resulted in the rise of the middle class. This new middle class became the backbone of the new civil society. Although they were faced with the rise of

populist regimes during the 1950-1970 period, they started to regain their role as populist regimes regressed.

Civil society organizations (CSOs) started to develop in the Middle East and Arab world mainly in Egypt, Morocco, Algeria, Lebanon, and the Palestinian territories. The post-gulf war led to an increase in civil society expansion and in the 1990s CSO registration increased: Bahrain and Yemen underwent 400 and 1000 percent enlargement, respectively (Salam 2002). By the end of 2002, more than 130,000 CSOs were registered in the region.

c. Civil Society and Democratization Processes in the Middle East

In 2005 the Middle Eastern states witnessed three important events that led to the advancement of democratization in the region (in Lebanon, Palestine and Iraq). However, these democratization processes and attempts did not result from domestic activism and pressure from civil society but from external political intervention (international insistence for Syrian withdrawal from Lebanon), political shock (the sudden death of Yasir Arafat), and military intervention (the military removal of the Saddam Hussein regime) (Yom, 2005).

It is important to note that three decades after the rejuvenation of the term “civil society,” the theory that an active Westernized civil society would lead to a democratic transition in the Arab states has failed. The reform initiatives by different CSOs in the Arab world were faced with more restrictions on civil liberty and political pluralism, especially in countries like Egypt and Tunisia.

d. Classifying Middle Eastern Countries: Public Policy and Civil Society Organizations

This part will analyze the civil society in each Middle Eastern state and its relation to the political system.

The crucial factor is whether the government allows civil organizations to operate freely in the country; this indicates the willingness of the state to cooperate with civil organizations. However, the freedom to operate should be backed by a rule that protects it. A CSO that is linked

to a powerful social group such as a religious movement can operate freely, but another CSO without influential connections may not be able to. However, this is relative since the degrees of freedom of these organizations differ.

Civil Society Organizations that are Capable of Campaigning against Government Policy:

Jordan, Lebanon, Israel, Morocco and Turkey fall into this category. These states have political parties that are capable of campaigning for governmental change and they have civil societies that cover different spheres of the social realm. However, it is important to note that these countries do not mirror Western democratic experiences since most of these states do not enjoy a full civil society (Niblock 2005).

Civil Societies Operating under Heavy Restrictions from the State:

Egypt, Tunisia, Kuwait and Yemen belong to this category. Civil organizations that critique the government or deal with human rights issues are denied legal status, and in other cases they are undermined through the creation of government-backed organizations that operate in the same field. The leaders of these organizations are subject to imprisonment and arrest.

The civil societies that exist in these countries operate in fields that do not affect government policies; NGOs that deal with charitable causes, literary and artistic societies are common.

Civil Societies Operating in Specific Fields as Allowed by the State:

Saudi Arabia and Iran are in this category. Both these states have strong CSOs operating within defined boundaries. Since 1902, the Saudi Arabian state and government had to change and adapt its policies in response to pressures from Islamic organizations in the country. Moreover, in addition to this official religious hierarchy, Islamic organizations and charitable bodies allowed the rise of movements that conflicted with the policies of the government. Tribal identity plays an important part in the Saudi Arabian civil society. Tribal leaders enjoy an autonomous social role and are consulted on regular basis by the government. The Iranian CSOs are involved with political parties and organizations based on economic, professional and social

interests, and are operating within the boundaries of the ideology of the Islamic revolution (Niblock 2005).

Limited Civil Society:

From 1950 until the 1970s the main policy towards civil society organizations in the Middle East was that of restraining all activities outside the control of the state. Nowadays the states that still follow this policy are Syria and Libya. It is important to note that organizations do exist in these states but they are under the control of the state. Moreover, another kind of civil society exists in Bahrain, Qatar, the United Arab Emirates, and Oman. In these states, the role of the civil society is limited by the small size of the local populations, the limited role of the foreign community that constitute the majority of the population, and the nature of the government whereby citizens seek its assistance for their economic problems (Niblock 2005).

Again, due to the cultural particularity of the Arab world, two questions are crucial when defining civil society in the region:

1. If civil society is a secular sphere based on political pluralism, should religious groups and organization be included as main actors?
2. Should we exclude groups that are aspiring for political power and organizations that have clear kinship to political power such as political parties?

G. Toward an Arab Definition of Civil Society

The Arab states have had and continue to face many crises; in these countries civil society would play a crucial role in the ways the state faces crises, as experienced by Lebanon, Iraq and Kuwait. Both Lebanon (prior to the civil war) and Kuwait (prior to the Iraqi invasion) had a fairly developed civil organization. Most of the organizations became ineffective during the wars; others provided material and moral support for the Lebanese and the Kuwaitis.

Civil society in the Arab world is mainly composed of four different sectors:

1. The religious Islamic sector is largely made up of organizations and associations whose main aim to disseminate the Islamic faith. This sector is the most active one in the region, with organizations providing social and charitable assistance, focusing mainly on medical, educational, employment and religious services.
2. The sector comprised of nongovernmental organizations, which resemble Western nonprofit organizations, started to develop in the beginning of the 1980s. The main role of the NGOs is to provide loans, trainings, and community developmental services, in many cases substituting the services of the governments.
3. In the sector of labor unions, membership-based organizations, and syndicates, the main aim of these organizations is to provide social and economic services.
4. The final sector is composed of pro-democracy organizations, which are the main promoters of democracy. These organizations are working to influence Arab government to adopt the international norms of democracy.

H. Conclusion

This paper has discussed that civil society has witnessed a global revival; it emerged in the period of enlightenment in Europe and influenced writers of the nineteenth and twentieth centuries like Hegel and Gramsci. This paper considered the views of skeptics about the presence of civil society in the Arab world and refutes their argument that the concept does not have a meaning outside of its Western origins. This paper examined the Middle Eastern meaning of the concept, and terms and elements that should or should not be included in the definition and research. The third part traced the meaning of the term in the Arabic language and its importance in Arab society. It considered the usefulness of the concept of civil society—both as an analytical construct and a policy tool—in the Arab world based on a selected review of literature. Then the paper analyzed the elements that should be included and excluded from the definition of civil society in the Arab context. This chapter represented a theoretical review about the different theories that developed about civil society both in the Western and the Middle Eastern philosophy. It has argued that the historical development and state formation in the Middle East allowed for the development of a civil society specific to this area. Furthermore, Western

intervention as well as the political systems in the state shaped this society in many ways. The next chapter will analyze the civil society and the political system in Lebanon with an attempt to apply the liberal understanding of this society on the Lebanese model.

CHAPTER II

CIVIL SOCIETY LIBERAL DEMOCRACY AND THE LEBANESE STATE

A. Introduction

A liberal democracy cannot survive without the existence of a vibrant civil society nurturing associational life independently from the state. While Lebanon has an elected parliament, unionized labor groups, and autonomous civic and religious associations, other social components are absent from the Lebanese equation that should regulate the actions of parochial and interest groups. These missing components are mainly civility and tolerance, common identity, and state authority.

This chapter will test the theory of whether liberal civil society exists in Lebanon or not. It will argue that Lebanon does not possess a liberal civil society, and since there is a relationship between civil society and democracy, Lebanon never met the requisite criteria to be considered a liberal democracy. The primary purpose of this chapter is to demonstrate that due to the political and social nature of the Lebanese state, a Western liberal civil society could never develop. Furthermore the confessional structure of Lebanon is preventing the development of the society. Specific social norms – rather than rational pluralism – shaped the Lebanese confessional system and function to prevent the development of civility and tolerance, which are essential to the idea of civil society.

To assess the state of civil society in a country, the *Civil Society Index* (CIVICUS) examines civil society along four main dimensions: the external environment in which civil society exists and functions; the structure of civil society; the values practiced and promoted within the civil society arena; and the impact of activities pursued by civil society actors.² This chapter will

² CIVICUS is an international alliance dedicated to strengthening citizen action and civil society throughout the world.

analyze the first dimension, which is the external environment in which civil society in Lebanon is functioning.

The main aim of the dissertation is to analyze civil society in Lebanon, including its growing role and direct effect on the weak state. As part of the analysis, an assessment of this civil society should be conducted. Therefore the first step of this dissertation is to apply the theory of liberal civil society to the state of Lebanon and test whether a liberal civil society exists or not.

This chapter is based on the theory that civil society is an essential component of democracy. A society with an active civil society includes factors such as civility, political integration, consensus, pluralism, rule of law, and political involvement. John P. Entelis (1996) stated that “without a well developed civil society, it is difficult, if not impossible, to have an atmosphere of supportive democracy.” The main argument in this chapter is that Lebanon lacks the main components of liberal civil society, which are civility, tolerance, and the presence of a strong state. Moreover, I will argue that the Lebanese confessional system and the composition of the society are preventing the development of a Western civil society and a public sphere. The Lebanese model is governed by a confessional system that limits competition to intra-sectarian rivalry and supports the internal cohesiveness of parochial groups rather than societal cohesiveness; furthermore the consociationalism system fails to provide stability. These factors are not compatible with the Western liberal civil society.

In terms of organization, this chapter is divided into four main parts: The first part explores the role of civility in a democratic system. The second part discusses the background of the Lebanese state, looking at the origins of the conflict and the main players in Lebanon, as well as the National Pact. The third part explores the three major components of civil society in the state of Lebanon. Finally, the fourth part discusses the consociational nature of the Lebanese state and its related shortcomings

B. Historical Development of Civil Society in the West

The Western understanding of civil society and the state is governed by two main perspectives. The liberal pluralism perspective views civil society as an independent entity, and

the state as having the main role of answering to the common good and acting as a reference between the conflicting demands of different players (Carnoy 1984). The second perspective is based on the model presented by Antonio Gramsci. It defines civil society as including institutions that are used by the exploited and dominated classes to create counter-hegemony to state control; thus civil society here has an oppositional and mobilizational role (Gramsci 1971). This chapter will be mainly based on the Western liberal understanding of civil society; it thus defines civil society as the realm distinct from the family and includes associations, clubs, religious groups, unions, political parties and interest groups.

Edward Shils provided assumptions about the nature of this active society: First, it presupposes the existence of a state of limited power that mainly uses its power to protect the liberty and pluralism of the civil society. Second, it presupposes that the state is governed by laws designed to protect civil liberties. Third, it assumes that there exist common sets of values and a common ethical vision of the state that are guiding the societal behavior, ensuring a high degree of order (Shils 1997). Fourth, civil society assumes the likelihood of citizens living a normal, ordinary life (Roy 1996).

Civil society in the Middle Eastern states can be identified through the existence of professional, social and cultural organizations, in addition to a high number of nongovernmental organizations. However, the reality is that these organizations are incapable of effectively fostering liberal democracy or challenging the power of the state. Furthermore, the political systems in the state and the historical compositions prevented the development of a favorable environment that would allow civil society to flourish. Social components that must be present to regulate the actions of parochial and interest groups are largely missing in the Lebanese equation, including civility and tolerance, common identity, and state authority.

In light of the above argument, civil society cannot exist and flourish in a society that lacks institutional guarantees. Moreover, when applied to Lebanon, these criteria pose several questions, such as: Does Lebanese society and its citizens have a common agreement about the fundamentals of government, and share a common identity? Does the Lebanese state possess the only means of coercion? To answer these questions we should understand the historical

background of the creation of the state of Lebanon, which is directly linked to the societal division of the state.

C. Political and Historical Background of the State of Lebanon

“To create a country is one thing; to create a nationality is another.” (Salibi 2003)

The development of civil society in Lebanon is directly linked to the political system of the state. Lebanon as a state was created by a mandate from the League of Nations through an agreement between the French and the British states. Like many of the newly emerging states after the end of colonialism, Lebanon was arbitrarily created without regard to its ethnic composition. As Theodor Hanf pointed out, the problem facing the new emerging states was not integration; rather, conflicts resulted from the artificial boundaries imposed upon the different populations, which obliged them to coexist (Hanf 1993). Given the inherent difficulties of sustaining any plural democracy, this proved to be a difficult task for states that were split by ethnic differences. As these ethnically diverse new states struggled to adopt democracy, aspiring politicians were arousing and playing on senses of identity based on ethnic and communal attachment. Therefore, in order to maintain a functional society, it was necessary for populations in the Middle East to disregard their own degree of particularity and create a system of government that would be representative of the various subcultures.

By the end of World War I and with the fall of the Ottoman Empire, the Allies had the main task of redrawing the political map of the Middle East. The French were willing to make provisions for groups who were clear about their demands. In contrast to other communities in the Arab world, in Mount Lebanon the Maronite community (a Christian sect affiliated with the Roman Catholic Church in Europe) demanded to have full control over Mount Lebanon and the adjacent parts of the old vilayet of Beirut, which would be called “Greater Lebanon” and would be separate and independent from Syria (Salibi, 2003). According to the Maronites, the land of Greater Lebanon has a historical and social character that is distinct from its surrounding lands. After granting the Maronites’ request and establishing the state of Greater Lebanon in 1926, the French started to divide the other lands as they saw fit. They established the Syrian republic with

the same currency and customs service as the Lebanese state, but the new neighboring states each had their own national anthem and flag, and different administrations albeit under the same French High Commissioner.

The question posed by Kamal Salibi (2003) becomes relevant: “But are administrative bureaucracies, flags and national anthems sufficient to make a true nation-state out of a given territory and the people who inhabit it? What about the question of nationality?”

a. The Sectarian Conflict

The Maronites clearly identified themselves with the newly established Lebanese state, whose four distinct neighboring states were Palestine, Syria, Iraq and Transjordan. However, the Arab nationalists refused to recognize the newly created Lebanese republic and the Syrian state as two different entities separated from the greater Arab homeland. The Maronites believed that they belonged to a long tradition of proud mountain freedoms with distinct Phoenician heritage, in addition to a Mediterranean heritage shared with Greece and Rome. The main purpose of the creation of the state of Greater Lebanon was to provide a nation for the Christians of the country and, more specifically, for the Maronite sects. The Muslim communities living in that country were never consulted prior to its creation, and the Lebanese population was divided socially and politically about the fundamental issues of the state. Moreover, since each of the Muslim and Christian communities included different sects representing “different shades of the opposed political opinions,” it became impossible to create and develop state control (Salibi 2003).

With the creation of the state of Lebanon two forces appeared: Arabism and Lebanism. While the latter (mostly Maronite sects) strongly believed in the historical and real existence of the state of Lebanon, the former (mostly belonging to Muslim sects) equally believed in the Arabic cause. These two forces clashed over fundamental issues and prevented the development of a strong state, questioning its political legitimacy. Even when the Muslim sects agreed to accept Lebanon as a functioning state, they never accepted it as their nation-state. Their argument was that that the Lebanese population could not form a nation because it was part of the greater nation that is the Arab world (Salibi 2003). Thus many questioned the mere existence of a Lebanese national identity. Mahmoud Ayoub writes that “Lebanon's communities have been unable to form a nation bound by a single history and common destiny” (Dawahare 2000). He adds that

“Lebanon’s past history, present reality, and social structure are overlaid with a host of conflicting historical, national, religious, and political myths that mean different things to different people.”

The creation of a weak state that had two different clans each believing in a different historical development of the state of Lebanon, and each envisioning a different future for the state, led the citizens to group around their clan and sect leaders, creating a *zu’ama* society. Latif Abul-Husn defined this group cohesiveness and grouping organized around the concept of *asabiya*. He defined *asabiya* as a pre-Islamic term used today to describe the bonding between members of the same group. This bonding is based on group solidarity and the commitment to support the members of the same group without question (Abul-Husn 1998). In Lebanon, *asabiya* is reflected in the Lebanese sectarian divisions and group solidarity. Kamal Salibi concluded that the 17 officially recognized sects in Lebanon are just “tribes in disguise” (Salibi 1988). In Lebanon this feeling of *asabiya* is strongly used by the leaders of the groups. Whenever a leader wants to introduce change to the social structure in the state, he is capable through the support of his people resort to coercion and riots threatening the peace ; hence obliging the state to adopt his demands . moreover, *asabiya* includes consent, obedience, and loyalty in the same integrational way that an authoritarian structure could achieve (Abul-Husn 1998).

Samir Khalaf (2003) argued:

Virtually all the prominent political families manage to find the circumstances to perpetuate their re-election into the parliament...indeed, over the entire span of fifty years of parliamentary life (1920-1972), 425 deputies belonging to 245 families have occupied a total of 965 seats in 16 assemblies...altogether not more than twenty-six families have monopolized 35 percent of all parliamentary seats since 1920. What this means in more concrete terms is that 10 percent of the parliamentary families have produced nearly one-fourth of the deputies and occupied more than one-third of all available seats.

Since the creation of the state of Lebanon in 1920, the different communities living within its boundaries were and are still in conflict over fundamental political and social issues. While the political history of the Lebanese state mainly involves the Maronite and the Druze, the social and cultural development of the society is of importance to the whole population (Salibi 2003).

Talal Hussein views the political conflict in Lebanon as being mainly caused by the social developments of the different communities in Lebanon (Hussein 1981). While the Christians were the first group to adapt to the modern world, the Shiite sect were the last, and this resulted in social and economic tensions. Hussein analyzed the civil war as resulting from social and economic difference.

Lebanon's Muslim population consists of three main sects: Shiite, Sunni and Druze. The Christian residents are divided into five main sects, which are Maronite, Greek Orthodox, Greek Catholic, Armenian Orthodox, and Armenian Catholic. Protestants and Jews are also present in Lebanon and considered among the minorities. While all sects have in one way or another affected society in Lebanon, the four major sectarian groups (Maronite, Shiite, Sunnite and Druze) have and continue to play essential roles.

i. The Maronite of Lebanon

The Maronites were located in Mount Lebanon since the fourth century and more relocated to the area, increasing numbers, during the eighth and ninth century. Shiite, Sunni and Druze sects emerged in the area at later stage. Peter Kolvenbach saw the history of Lebanon's Maronite and the history of Lebanon being so interlinked that without the Maronite sect, there would not have been a Lebanon; and without Lebanon the destiny of Christians in the Middle East would have been different. The Maronites of Lebanon have since the beginning associated themselves with Latin Christianity and Western culture, evoking their Phoenician ancestors, thus denying their Arab identity and any relation with the multi-confessional Arab community to which they really belonged. In Mount Lebanon the Maronites were the majority of the population. However, with the creation of Greater Lebanon, which included the Bekaa valley and the coastal cities of Tyre, Sidon and Beirut, they were outnumbered by the Muslims sects and faced direct political competition with them (Salibi 2003).

ii. Shia in Lebanon

Shias had virtually no connection with Lebanon as a country until 1920. They were marginalized by their lifestyle and political culture, as well as by the neglect of the central government. They

were basically a peasant society characterized by little social mobility, with both a feudalistic social structure and a parallel hierarchy of clerics. The Shiites were poor, exploited rural peasants; they were underrepresented politically and were the least educated group in Lebanese Society. (Abul-Husn 1998)

The Shiite culture in Lebanon was mainly feudalistic, with power held by a group of Shiite elite. However, the role of the Shiite population started to develop with the development of the Arab-Israeli conflict in 1960, with the appearance of the Palestinians and presence of the PLO (Palestinian Liberation Organization) in the south of Lebanon, as well as with the Israeli occupation of the south. Geographically located in the south of Lebanon, this community was obliged to move to the north of the country and to southern Beirut. All these events, in addition to the Lebanese civil war and the 1979 Iranian revolution, led to the radicalization of Shiite politics and to the creation of two political parties: Hezbollah and Amal. These events provided the Shiite sect in Lebanon with a new identity: Shiite political parties proved to be powerful political players and created an independent powerful Shiite block.

Furthermore, another crucial event in the history of the Shiite sect in Lebanon that led to the appearance of a vibrant Shia public sphere was the disappearance of the Imam Moussa El Sadr. He was a clerk of Iranian origin who in 1975 founded the Shiite movement called Amal (hope in Arabic). In 1978, El Sadr disappeared in Libya while visiting the Libyan President Muamar Qadafi. Known as "the vanished imam," El Sadr is considered the most influential myth in the Lebanese Shia culture (Dawahare, 2000). The Shia clerics became the central mobilizing public sphere for the Shiite community revolving around the myth of the vanished imam. Michael Dawahare noted that the Shiite public sphere is the most vibrant in Lebanon through their organization of support programs for the less fortunate in Beirut mosques, their organization of car pools for election days, and the political debates they hold.

iii. Sunni in Lebanon

In 1932, the Sunni population was the second largest confessional group in Greater Lebanon after the Maronite sect (Abul-Husn 1998). The Sunni population in Lebanon always identified themselves as historically linked to pan-Arabism, thus going beyond the borders of

Lebanon. They believed that the Arab history was a united national march that went wrong at some point but would ultimately prevail (Salibi 2003). The partition of the Arab world and the creation of the state of Lebanon were viewed by the Sunnite as a project to isolate them from their community and undermine pan-Arabism. They belonged to the ruling elites in the Levant, yet with the creation of the state of Lebanon the Sunnis found themselves a minority in a state ruled by the Maronite; thus they were reluctant to accept the creation of the state of Lebanon since they perceived it a Maronite “hegemony over the state’s institutions” (Kiwani 2004).

iv. Druze of Lebanon

The Druze had always viewed the history of the Lebanese state as belonging to the Arab world, as opposed to the Phoenician history as argued by the Maronite. Although a minority, the Druze were main players in the formation of the state of Lebanon. However, the group was marginalized with the National Pact (discussed later) which further reduced the sect’s interaction with other confessional groups and public spheres in the state. The Druze are not committed to the Lebanese republic as a nation, and during the different wars in Lebanon, they were always in favor of pan-Arabism and were supportive of the Palestinian PLO resistance.

The Druze community is highly committed to the group’s cohesiveness and, as noted by Hilal Khashan, they are bound by social contracts, common tradition, and a uniting culture (Khashan 1992). It is important to note that the Jumblatt family has held the hegemony over the sect, making it the most consistent ruling family in comparison with other Lebanese confessional groups.

b. National Pact

Since the independence of Lebanon in 1942, the newly established state was based on confessional balance and confessional representation. The National Pact was a verbal agreement reached between the first Maronite president and the first Sunni prime minister after independence. The agreement was reached because the Christians feared being dominated by a Muslim sect, and the Muslims feared the creation of a Western hegemonic power in the region. The Christians agreed to renounce French protection and accept the Arab face of Lebanon, and the Muslims recognized the independence and legitimacy of the state of Lebanon. This pact

reinforced the sectarian system in Lebanon. It distributed the high-level positions in the government based on the confessions and decreed that the president should be a Maronite, the prime minister a Sunni, and the speaker of the parliament a Shiite. However, there was a clear understanding that Lebanon should move beyond the power-sharing model based on religious affiliation to a more liberal democratic model. The main aim of this pact was the creation of a national spirit and the plan that confessional division in the state would diminish and societal integration would develop; however the civil wars of 1958 and 1975 and the Palestinian question proved that this hope is far from being reached.

The National Pact institutionalized the confessional system and entrenched the coalitions formed along parochial lines. Although, as previously stated, political confessionalism was considered a temporary arrangement, this provisional decision was reinforced in the Taif Agreement (to be discussed) and was judicially legitimized. This agreement strengthened the confessional division in the state; and at the same time did not institute a process of governmental rule and exercise of power.

In other words, since the creation of the state of Lebanon, democracy was deficient as a system because it lacked equal opportunities for citizens as well as political accountability and political responsibility of officials and institutions. Lebanon had and still maintains a confessional system based on a formula allocating political and administrative functions to the major sects. While such a system has historical roots, it was the National Pact in 1943 that rigidly institutionalized it (Krayem 2010). The pact allowed for different confessional groups to coexist; however, it divided them through legitimizing their sectarian difference.

The different civil wars and conflicts in Lebanon - mainly those in 1958, 1975 and 1989 - are all linked to the different perceptions of what Lebanon should be: either independent or part of a greater Arab world.

Since the creation of the Lebanese state, the Christians (in particular the Maronites) have always considered themselves to be minorities in Lebanon and the Arab region, and thus sought protection from Western countries. However the Greek Orthodox living in the state had a different cultural orientation from the Maronite. They viewed themselves as culturally oriented with the East and Arab heritage; they adopted Arab ideologies and were more oriented towards

the creation of Greater Syria. As for the Greek Catholics, they fluctuated between the two perceptions. Sandra Mackey explains the Christian skepticism toward Arab nationalism as coming from their view that the Muslim communities understand the term nation (as in *umma*) to mean the Islamic community (Mackey 1989).

The pre-Second World War years in Lebanon are characterized with the appearance of different nationalist ideologies, each with its own unique view about the identity of Lebanon. The lack of success of one national revolution over the other views created a multinational country: pan-Arabism, Syrian nationalism, Christian nationalism, and Islamism all contribute to the different concepts of nationalism in Lebanon. While the Sunnis relate to pan-Arabism, the Shiite in Lebanon are resistant to the concept. Since these latter are a minority in the Arab region, they are more loyal to the Shiite Islamist nationalism. The Maronites are also skeptical of pan-Arabism and call for the Lebanese nation. The Greek Orthodox in Lebanon are in favor of Syrian nationalism, which calls for the unity of Palestine, Israel, Jordan, Iraq, Lebanon, present-day Syria, Cyprus and a part of Turkey, since they all share the same history, culture and geographic entity. (It is also important to note that nowadays minorities are associating with Syrian nationalism.)

This part has focused on the creation of the state of Lebanon. It examined the development of sectarian diversity and political systems based on confessional belonging. It has portrayed how the divided society is challenging the state institutions and demonstrated the struggle for political power and share. The stability in the country is maintained by consociational democracy holding the fragmented society together. The civil war, political assassinations, and instability in the country are all linked to the fragile power-sharing structure of the state, which will be explored.

D. Civility, Tolerance and State Authority in Lebanon

Liberal democracies are not only based on the practice of elections; they should include normative aspects like civil conduct, civic participation, political competition, and balance between individualism and absolutism of the state. Although these factors do not compromise the democratic system in the state, they nevertheless contribute to the viability of democracy. (Many

third world countries' democratic systems are oppressive and are ruled by regimes with incompetent governments.)

Robert Putnam argues in his book *Making Democracy Work* that democratic governments are more efficient with the existence of a vibrant civil society. He noted that horizontally organized voluntary associations cutting across social cleavages promote social cooperation and help democracy to work, as opposed to hierarchical segmental organizations (Cohen 1999). Putnam argues that civil associations contribute to the effectiveness and stability of democratic government because of their "internal" effects on members and their "external" effects on the wider polity. Externally they enhance the articulation and aggregation of interests and contribute "to effective social collaboration" (Putnam 1993).

Fareed Zakaria, managing editor of *Foreign Affairs*, criticized the simplistic identification of the notion of civil society as promoting successful democratic polity. He stated that not all intermediate associations promote democratic virtues. While some associations might promote democratic practices, militia groups would not. He stated, "What we want is not civil society, but civics - what the Romans called *civitas*; that is public-spiritedness, sacrifice for the community, citizenship, even nobility. But not all of civil society is civic minded" (Zakaria 1995).

Zakaria argues that we should differentiate between the illiberal democratic systems and the constitutional liberal systems that are correlated with democracy in the West. The former are characterized by the process of holding elections and the exclusion of individual liberties, and the latter are characterized by pluralism, economic liberalism, and a high degree of individual autonomy (Zakaria 2003). Liberal democratic processes should include civil conduct, civic participation, and the existence of political competition, in addition to the balance between the interests of the individuals and the absolutism of the state. Liberal democracies cannot flourish in the absence of vibrant civil society that nurtures associational life away from the state.

Liberal democracy flourishes with the existence of a vibrant civil society that promotes associational life independent of the state. John P. Entelis (1996) argued, "Without a well-developed civil society, it is difficult, if not impossible, to have an atmosphere of supportive democracy." He added, "The growth of civil society by itself is insufficient to guarantee the emergence of either political liberalism or political democracy" (Entelis 1996). Moreover, Shils

argues that “civil society is a larger framework or synthesis of the concepts that are inherent to liberal democracy, which involves a general civic consciousness involving participation and tolerance.” Ann Mosely Lesch argues that the three main vital aspects of any civil society are tolerance, common identity, and legitimate state authority. “Civility and tolerance are essential to the idea of civil society”; diversity and the acceptance of it are fundamental to democratic pluralism. Also, in order to foster national cohesion and prevent subcultural hijacking of the government for the fulfillment of specific agenda, common identity is a must. Finally, state should impose and rule through force when necessary through legitimate means (Lesch 1996).

In Lebanon many components are missing which are crucial to regulate the actions of the civil society and interests groups. These are mainly:

- Civility and tolerance
- Common identity
- State authority

a. Civility and Tolerance

Civility allows citizens to tolerate the other in the society. Sara Roy (1996) stated, “Civil society refers to qualities of civility and tolerance, an attitude and pattern of conduct, without which societal conflict would prevail.” Roy argues that civility moderates conflicts and restricts the means of disagreements. It enables political integration since it provides citizens with the security that their beliefs are protected from physical violence by an instilled sense of pluralism. Gideon Doron (1996) supports the argument that civil societies exhibit civility, which he described as “individual group tolerance to opposing claims and interests, acceptance of one’s own and others’ modes of behavior and boundaries of identity.” The opposition thus is accepted as having an institutionalized right to speak rather than this being considered a threat.

Through civility, losers in the democratic game will be able to tolerate their opponents and accept failure; moreover, citizens of different ideologies will be able to accept the fundamental values of the state, thus developing a self-consciousness (Shils 1966). Shils writes:

Civility as a feature of civil society considers others as fellow-citizens of equal dignity in their rights and obligations as

members of civil society; it means regarding other persons, including one's adversaries, as members of the same inclusive collectivity, i.e., as members of the same society, even though they belong to different parties or to different religious communities or to different ethnic groups. (Shils 1966)

It is important to note that civility and ideological radicalism are irreconcilable. The concern for society is replaced by the ideological radicalism. Society should be a national society and a national state. Civility is based on the sense of membership in a society (Shils 1966).

i. Case of Lebanon

The Lebanese model lacks the presence of social and political morality. More than 30 years ago, Shils (1966) stated in *Politics in Lebanon*, "Why did this polity, which most of the time works quite smoothly, break down? The first and most general factor is the deficient civility of Lebanese society." Shils illustrated the absence of civility from the Lebanese equation. This behavioral deficiency was not limited to the mass population; he stressed the lack of civility of many of the members of the elite, families, and *zu'ama* who are dominating and speaking for the primordial and religious communities (Shils 1966). Shils defined Lebanon as the power of one's individual or parochial self-consciousness conquering the collective. He stated that the inclusive collective self-consciousness prevents society from degenerating completely into the state of nature (Shils 1966). In every society there will be winners and losers; thus in democracies compromise is crucial, especially when it comes to the realization of one ideology over another. One ideal cannot triumph without the loss of another because "the interests [and ideals] of the contending parties cannot be realized simultaneously" (Shils 1966). Shils stated that "Lebanese society revolves around an empty sphere." In Lebanon there is an absence of an authority capable of establishing social and political morality.

Ideological politics is considered the antithesis of civility; and it is different from interest-based politics because the latter has short-term and realizable goals. In Lebanon the absence of institutions that stress political change - in addition to the existence of primordial ties based on families, kinship and especially religion, which are transformed into political blocs - are preventing the development of civility and national loyalty (Perry 2008). The presence of civility is crucial to mediate conflict and refrain from ideological politics, and for acceptance of

the others. However, this is not the case in Lebanon. Elections in universities always transform into political clashes since national politics tend to be present around campuses.

b. The Usefulness of a Common Identity

Hilal Khashan (1992) argues that there is a strong tendency for societies based on parochial composition to conduct violent acts “due to a highly enforced sense of identity which precludes a conscious desire to be recognized as a means to resolution.”

While a common identity is a crucial element for the creation of legitimacy for the state’s institutions, the institutionalization of the confessional division in Lebanon formed a sense of group belonging and prevented the creation of a common national identity.

As argued in part 1, the presence of a common national character that would lead to the development of liberal democracy is impossible to develop in Lebanon, because different sectarian groups in Lebanon have different interpretation of the past and different future plans, emphasizing parochial and sectarian identity (Berman 1997).

This is clearly illustrated by Kamal Salibi (2003) in the following quote:

In all but name, Lebanon today is a non-country, yet paradoxically, there has not been a time when the Muslims and the Christians of Lebanon have exhibited, on the whole, a keener consciousness of common identity, albeit with somewhat different nuances. They did not in 1920, when the country was first established as a state under French Mandate, enthusiastically accepted by the Christians but adamantly rejected by the Muslims. Nor did they really in 1943... the deep rift between the two groups, whereby the Christians identified themselves in terms of Lebanese particularism and the Muslims with pan-Arabism, continued during the years that followed, breaking out into open conflict again over yet another crucial issue: the refusal or acceptance of the free right of the Palestinian revolution to operate in Lebanon and from Lebanon, as a state within the state. Compounded by a host of other thorny issues, it was this last conflict that ultimately

led to the outbreak of the civil war in the country- a war which continues today.

A study conducted by Khashan about the perceived self-identity between university students clearly concluded that there exists a gap in the ethnic perceptions between the Christian Lebanese students and the Muslim ones. While the Maronite students clearly opposed Arabism and insisted on their Lebanese nationalistic belonging, Sunni students identified themselves as being part of the Arab nationalism; and the majority of Shiites agreed (Khashan 1992).

The Lebanese political arena was transformed into a field in which the various confessional forces compete avidly. This has distorted even the slightest semblance of inter-group unity and solidarity... The (Lebanese) system has generated a terrible incompatibility of interest and demands, that eventually caused the disintegration of the fiber of Lebanese society, and did away with the feeling of unity the Lebanese people (Al-Huss 1984)

c. State authority

Shils (1997) argued that civil society is one where the “law prevails equally against the impulse of citizens to seek their own immediate advantages.” Civil society should be governed by the rule of law and the commitment to justice. Robert Dahl argued that civil society should abide by the established rules. Thus the state’s right to use coercion is provided by the process of democracy, paralleled by the submission of the citizens to the authority of the state, making it ultimate and recognized.

Shils (1997) argued that:

No society can exist without the belief in the legitimacy of indispensable authority within the framework of that consensus. Coercion is the only alternative to the war of each against all if this moral consensus is lacking. A society which possesses it can be an effective pluralistic and individualistic society. A society which is pluralistic and individualistic but which lacks that moral consensus will descend into the state of nature and will emerge from it only through coercion legitimated by ideology.

i. Case of Lebanon

In spite of the presence of government and elected parliament, the rule of law is absent in the state of Lebanon. Instead of an autonomous authority we have semi-autonomous subsystems ruling the country mainly through confessional and sectarian groups, political parties, militant and sectarian militias. Citizens are more loyal to their sects and political than they are to the state. These subsystems are used by political elites for their own parochial, individual ends. The Lebanese government is incapable of establishing the rule of law that will allow the civil society to work. In the absence of strong institutions, citizens will provide legitimacy and loyalty to the interests groups and these latter will work on the continuation of a weak state. Citizens will identify with parties that will provide them with their own welfare and security. Thus since the state of Lebanon is lacking the presence of a powerful state capable of controlling the whole territory, we witness the development of semi-autonomous enclaves in different part of Lebanon, especially the Palestinian weapons in and outside the Palestinian camps and the inability of the state to control them. The absence of strong institutions obliges citizens to identify and legitimize interest groups thus leading to the weakening of the state. These citizens identify with the parochial groups that are capable of protecting their welfare. In support of this argument, Samir Khalaf (2003) stated that the social unrest experienced throughout Lebanon's history has naturally led "traumatized and threatened groups" to withdraw into their sub-cultural networks.

Civil society is incapable of emerging in a state that lacks civility, tolerance, political integration, and rule of law, which in addition has an absence of shared values between the citizens of the same society. However, it is important to note that in the absence of all these factors the Lebanese state did not degenerate into a state of war or an authoritarian state due to the delicate division of power based on consociational democracy.

Any discussion about the society and the political system in Lebanon necessitates discussion about the political system based on consociational democracy and the problems inherent in it. The next part will analyze the Lebanese political system based on the model presented by Arendt Lijphart. This will help us understand the Lebanese political system and evaluate the institutional and constitutional reforms of the state.

E. Consociational Democracy in Lebanon

While the consociational democracy in the Lebanese state allowed it to have an increased level of freedom and civil right compared to other Arab countries, this system did not provide the state with protection against social and religious division; furthermore it did not prevent the state from being vulnerable to destabilizing and negative regional influences of neighboring non-democratic regimes. The post-war Lebanese system lacks the culture of discourse and compromise, which are two main elements of an active civil society. The institutionalization of religious identity and confessionalism prevents the Lebanese state from performing in a consistent and stable capacity. This results in a demographic battle that is preventing the domination of one group over another, which is evident in the legal and cultural customs of the Lebanese society.

a. Lijphart's Consociational Democracy

As mentioned in part 2, during the first half of the twentieth century, new states emerged from the colonial legacy and attempted to reproduce a democratic order. The five different states that were artificially created by the foreign imperial power lacked nationalistic distinction from each other. The majority refused the adoption of a majoritarian system due to the various inherited ethnic cleavages; there was a fear of the creation of systems in which a single group would claim electoral dominance over one or several of the others. As a result a system was needed that would be able to provide enough autonomy for each segment to run its own internal affairs. The system needed to be able to tolerate political subcultures, taking into consideration the different ethnic and religious ideologies, while avoiding a concentration of power in one single group (which is the ultimate purpose of consociationalism).

Arendt Lijphart presented the consociational democracy theory by challenging the pluralist theory in 1977. Based on Lijphart's view, consociationalism is a product of institutional engineering to secure the representation and inclusion of ethnic, religious or linguistic groups within a heterogenic society (Lijphart 1977), through political power sharing and distribution of government seats between the major groups of society. Consociationalism is distinct from pluralism: the former applies to societies where few memberships cut across ethnic or religious

cleavages, while plural societies rely on individuals holding multiple memberships that do cut across societal cleavages.

Lijphart stated four characteristics of a typical consociate state:

- A *grand coalition* in government that consists of the major elites of each pillar or segment. Members come together to cooperate since they recognize the dangers of non-cooperation. Responsibility lies on the segmental elites to stabilize the relationship between segments.
- The existence of *consensus* among the groups to confirm the majority rule, and of *mutual veto* between groups.
- *Proportional representation* ensuring each pillar in society has an equal share or proportional amount of positions in government, civil services, and other national and civil segments in society, based on the pillars' proportion of the total population.
- Communal-segmental *autonomy* and cultural-specific group right. Autonomy provides space for the different communities to uphold their own local school, mosques, churches, courts, laws, and practices. (Lijphart 1977)

All four characteristics are important in keeping the society stable and managing conflict (Eisenberg 2002). Moreover, Lijphart emphasizes the need for consociational democracies for overlapping subsystems. The interdependence of the subsystems provides groups with common characteristics, thus preventing them from later becoming established along rigid ideological lines. Additionally, Lijphart added another variable necessary to the functioning of the consociational system: political cooperation among the elite. This variable provides an explanation as to the success or failure of the system and in this paper will illustrate Lebanon's consociational shortcomings. Lijphart suggests that the stability of consociational states rests largely on "the behavior of the political elites" (Crepaz, Koelble and Wilsford 2000): "The leaders of the rival subcultures may engage in competitive behavior and thus further aggravate mutual tensions and political instability" (Crepaz, Koelble and Wilsford 2000).

i. Grand Coalitions and Elite Accommodation

Parties in the same government share a low level of trust between each other; thus they need a guarantee of political security (Lijphart 1977). Grand coalitions are represented by the major groups, parties, and their leaders. This interdependence provides groups with common characteristics thus preventing the establishment of groups along ideological lines. Moreover, the stability of the state is mainly based on the behavior of the political elites. Lebanon's multi-confessional elitism was originated during the Ottoman period. During the French Mandate the alliance was institutionalized; Maronite Christian Bishara Khouri and Sunni Muslim Riyad Solh created the first grand coalition through establishing the cabinet and the chamber representing five of the largest communities, in accord with the National Pact of 1943 (Dekmejian 1978). In August 1960 and June 1973, cabinets were expanded to accommodate and provide representation to newly emerging sects in Lebanon in an attempt to prevent the inter-confessional war. Comparing the Lebanese political system with the consociational model, it appears that the elite alliance was effective in promoting co-optation and circulation without changing the basic formula established by the National Pact of 1943 (Dekmejian 1978). The elite structure is clear when influential families like Gemayel (Christian) and Jumblatt (Druze) are still representing the Lebanese sects, with their power originating in the Ottoman period. However this alliance has also led to the failure of Lebanese consociationalism: The elite in power have used their position to change the rules of the political game in order to secure their own positions and avoid replacement. Since the Lebanese system is based on confessionalism linked to tribal and familial power sharing, elites are reluctant to give up the power they have.

In Lebanon the elite alliance and confessional leaders did not create a stabilizing effect necessary to make a consociational system work. Although the Lebanese state is divided along confessional lines, if we examine it further, we can notice that it is also divided along regional, parochial, familial and tribal lines. Khalaf (2003) regarded the control of the elite families over the system as having "given the political process a rather personalistic, opportunistic and non-ideological character...hence today's political alliances, parliamentary blocs and oppositional fronts and coalitions, much like their predecessors, continue to be initiated and sustained by personal, segmental and non-ideological considerations." Moreover, since the confessional system has

divided the governmental seats along confessional lines, competitions are emerging along intra-sectarian ones.

ii. Mutual Veto

Another important criterion to the well-functional consociational system is the mutual veto ability of the major segment of society. In Lebanon minority communities were unable in most cases to veto the majority's coalition decisions. As an example, a description of the 2007-2008 governmental disputes related to the veto issue follows:

The opposition (8 March Movement led by the Shiite groups) was requesting a larger share of the cabinet positions in order to have a blocking veto. Nabil Berri (speaker of parliament) was among the proponents of the 10+10+10 distribution of cabinet posts that would have given the Sunni-led majority, the Shiite-led opposition, and the Christian president equal shares in a new cabinet (Bathish 2008). This split would mean a further segmentation along the sectarian line, and give the opposition veto ability in cabinet. A different view of this veto ability was expressed by the Sunni majority: a three-way split would be the end of the democratic parliamentary system in Lebanon and a shift to a confederation (Bathish 2008). According to the Sunni majority, this three-way split would have marked a decrease in the effectiveness of government and an even further segmentation of sectarian power sharing. Therefore veto power to major groups may be a stabilizing solution, but in the case of Lebanon it is strengthens the sectarian-based system rather than weakens it.

iii. Proportionality

The distribution of mandates on basis of group size is one of the basic criteria for a well functioning consociational system. However, the sharing of seats and position along the sectarian division did not produced proportionality in Lebanon. This is mainly related to the involvement of external actors and a disproportional degree of mobilization and organization of different groups throughout history. Under Ottoman influence Sunnis were given the privileges. Under French influence, the French secured for the Christians a majority of state positions and these latter were more mobilized and organized than the Muslim community. Few governments and parliaments through Lebanon's history were proportional, representing all of Lebanon's

major communities. Elites and movements have instead used their influence and were making up the rules of the game, thus dominating other groups.

iv. Segmental Autonomy

Segmental autonomy is secured in Lebanon by the free establishment of communal churches, schools, and municipality administration. But this segmental isolation is decreasing since the growth in urbanization is increasing the contact between segments on all levels in society (Nicolaysen 2008). While segmental autonomy is regarded as a crucial characteristic of a consociated democracy, and may be a stabilizing factor in a heterogenic society, in Lebanon this segmental autonomy does not avoid conflict. The best type of segmental autonomy in Lijphart's model is federalism, whereby segmental cleavages coincide with territorial borders; however, this model is not present and cannot be achieved in Lebanon. The sectarian isolation is unreachable because of the long traditions of mixed districts and cross-cutting memberships due to economic growth and urbanization. Most of the Lebanese population is mixed both in urban and rural areas. While inter-sectarian familiarity could promote coexistence in favorable circumstances, it can also lead to mutual contempt and increase the possibility of communal conflict.

Furthermore, the variables that Lijphart presented that are needed to preserve a consociational system are not available in Lebanon. One of the variables is the importance of the presence equally sized subcultures or groups to effect cooperation. Although the division in Lebanon is Christian-Muslim, the subcultures are divided along tribal and parochial interests, and this causes the consensus to be based not only on confessional affiliation but also on small group interests. An example is the sectarian voting: In elections, the Lebanese have a self-corrective tendency that operates to limit the powers of any other group (Iskandar 2006). Each sectarian community votes for the candidates with the same confessional-community relation. The fragile balance of power makes sects important, since power is distributed on the basis of sects; belonging to one sect becomes a question of power and influence. Removing the distribution based on confession means a redistribution of power. Thus, any reformist needs to take into account the fragile sectarian-communal balance of power in an eventual new electoral law and power distribution. No reformist is willing to take the chance of redistributing power; this could lead to violence, civil war, and eventually the collapse of the Lebanese state.

Another variable presented by Lijphart is that limited population and landmass will simplify legislative matters since foreign policy will have a minor effect on domestic affairs. However in the Lebanese case there is a failure: During the civil war most of the Arab countries, regional states, and militias were militarily committed in Lebanon, and most of the Lebanese were loyal to foreign countries as opposed to being loyal to their own country.

A third variable is the “overarching sense of national loyalty,” “socio-economic equality,” “geographical concentration of segments,” and “long-standing traditions of accommodation.” All of these variables are totally absent in the Lebanese state, as previously discussed. Lebanese parochial composition prevents the development of a sense of national loyalty, and there is a total absence of socio-economic equality since the unemployment rate is over 25 percent. As for the concentration of the segments, communal groups exist within defined enclaves. Khalaf argues, “Massive population shifts, particularly since they involved the reintegration of displaced groups into homogeneous and exclusive communities, rendered territorial identities sharper and more spatially anchored.” This strengthens communal loyalties since the need for coexistence is limited. Michael Hudson argues that the sectarian distribution of Lebanon creates pockets of “hostages of other sects” (Crepaz, Koelble and Wilsford 2000) who are exposed to retaliation at the hands of the local majority sect. This, he argues, keeps tensions at a minimum so long as confessional strains remain low at the national level, which is often not the case.

b. Analyzing the Lebanese Consociational System and its Shortcomings

The consociational system would appear to be the best system for the Lebanese state due to its fractured nature. However, when we analyze the Lebanese system one can notice the shortcomings of such a political system. Lijphart argued that the number of segments comprising the system should be kept to a minimum in order to facilitate agreement between the elites. (Crepaz, Koelble and Wilsford 2000). However, the case in Lebanon is different since the electoral system is formed in such a way that the winner generally does not have a majority of the votes cast. Nawaf Salam described this idea in analyzing the voting practices in the Baalbek/Al-Hermel district from 1964-1996: “The proliferation of competing lists led to candidates winning with only 28.6 percent of the votes cast in 1964, 31.8 percent in 1968, 22.3 percent in 1972, 29.7 percent in 1992 and 22 percent in 1996” (Salam 2003). In contrast to Lijphart’s paradigm, in Lebanon there is a high degree of clientelism and corruption among the

political elite caused by the particularistic lens of “the communities of belief and primordial attachment” (Shils 1966). Government accountability does not exist to regulate the actions of the politicians. These elite are held up in either ideological politics or parochial interests and do not engage in civil politics, thus excluding compromise. The consociational democracy in the Lebanese state allowed it to have an increased level of freedom and civil right as compared to other Arab countries. However, this consociational system did not provide the state with protection against social and religious division; furthermore it did not prevent the state from being vulnerable to destabilizing and negative regional influences of internal conflicts and neighboring non-democratic regimes. This has effectively created a battle of demographics to prevent the domination of one group over another, which is manifest in the legal and cultural norms of Lebanese society. In addition to preventing the natural growth of the public sphere, the unwillingness to allow for the synthesis of a healthy unity of the particular with the universal precludes national reconciliation, as the myriad political, religious, and social groups are not inclined towards establishing a cohesive national agenda (Dawahare 2000). History indicates that the level of tolerance among the various communities in Lebanon has fluctuated in relation to their ability to adapt to modernization and external pressure. Nevertheless, small group identification, sectarianism, and parochialism appear to dominate contemporary Lebanese politics and inhibit post-war unification.

F. Conclusion

This chapter argued that the existence of civil society is crucial for the development of a liberal civil society. Factors such as civility, common identity, and state authority are the main factors for the existence of liberal society. Political integration, agreement on a common political culture, pluralism, and respect of the rule of law are crucial elements for the survival of civil society. Ann Mosely Lesch argues, “Civility and tolerance are essential to the idea of civil society,” and the respect of diversity is crucial for pluralism. Moreover, the presence of a common identity can foster national cohesion, thus preventing groups from hijacking the state in order to fulfill their own agendas. Furthermore, the state’s main role should be as the arbiter; it should impose its power (earned through legitimate ways, mainly transparent elections) when needed. Thus these main components – i.e., tolerance, legitimate state authority, and a common

identity - are the vital features of any civil society. This chapter has argued that Lebanon does not possess these main indicators: compromise, political integration, pluralism, rule of law, and political involvement. It further argued that the absence of civility in Lebanon prevents the Lebanese state from functioning and only safeguards the autonomy and interests of small groups. The absence of a shared sense of identity and the lack of national cohesiveness is preventing the development of civil society. However, this should not lead us to conclude that Lebanon does not possess a vibrant civil society. Lebanon has passed through a civil war whereby the main functions of the state were paralyzed, and this state did not reach the level of political modernization that supports liberal democracy. However empirical research and data analysis, in addition to literature review, have proven that civil society does exist in the state of Lebanon, and it is becoming a powerful player at the national level. It is capable of affecting public policy and gaining the loyalty of citizens. The weakness of the state in Lebanon has in many ways played an important role in strengthening this civil society. The absence of the different elements that are crucial for the survival of a civil society has created a space for the appearance of a different type of civil society that is becoming a major player in Lebanon. In order to analyze this civil society, we should start by understanding what we mean when we argue that Lebanon is a weak state.

CHAPTER III.

WEAK STATES; FAILED STATES AND THE CASE OF LEBANON

A. Introduction

Empirical data on state weakness and the absence of rule of law in Lebanon imply that the state is real failed state. The Fund for Peace ranked Lebanon 43rd in 2011, 29th in 2010, and 29th in 2009 in its Failed States Index. The Bertelsmann Transformation Index (BTI), which is based on political management of change and the way to a market-based democracy, ranked Lebanon 45th out of 128. In addition, a World Bank study conducted in 1995 stated that there is a “perception that corruption has become institutionalized in networks of protection, beyond the law, for self-dealing, bribes and the bartering of favors and influence” (Speetjens 2005).

In order to understand and analyze the role of civil society in the state of Lebanon, as well as the link between the weaknesses of the state and a strong civil society that reduces the concept of citizenship to clientelism, it is important to analyze what we mean by the terms failed and weak. While different definitions exist for failed and weak states, they all agree that sovereign states should perform their basic functions such as providing security for their citizens while cooperating with the international system. States that do not fulfill the minimal requirement of a sovereign state are labeled “weak,” “fragile,” or “poorly performing”; that is, failed and collapsed (Torres and Anderson 2004). Lebanon has been labeled by many index and research centers as a failed state, a fragile state and a failing state.

In term of organizations, this chapter is divided into four main parts: The first two parts review the different theories about “state failure” in both Western and Middle Eastern understanding. Part 3 presents the different indexes that rank failed states and analyzes the rating of Lebanon. Part 4 analyzes the different phases of state failure and weakness that Lebanon has passed through.

B. Theoretical Background

To understand state failure and weakness in Lebanon, as well as its effect on politics and civil society, we should first start with a literature review about the understanding of the terms “state failure” and “weak state.”

To date there is no agreed-upon definition of weak or failed state; terms such as “weak,” “fragile,” “collapsing,” “collapsed,” and “failing” are used to compare these states. However, all indicators agree that these countries are incapable of performing the main functions of the statehood in an effective way; that is, they are unable to provide the main public service functions for their citizens, namely security, basic services, and sustainable economic growth (Rice and Patrick 2008). The academic world is divided into two groups: The first uses conceptual analysis to help us in understanding the criteria that defines the weakness of the state. Most of the literature about state failure uses William Zartman’s definition, in which failure occurs when “the basic functions of the state are no longer performed.” Most of the recent scholarly work such as that of Stephen Krasner and Carlos Pascual (2003), Michael Clemens and Todd Moss (2005), Morvan François and Inder Sud (2006), and Martin Malek (2006) argues that the failure of the state is the cause of humanitarian and security problems. The second academic group uses quantitative analysis that ranks countries based on criteria and indicators (Cojanu and Popescu 2007).

The concepts “state failure” and “state collapse” emerged with the end of the Cold War. Scholars have identified two main approaches to state failure: Lockean and Weberian (in addition to neo-Lockean and neo-Weberian, which appeared at a later stage).

a. John Locke: Zartman and Rotberg

The first school of thought is based on the definition of statehood as provided by John Locke. Proponents of this school argue that states fail when they are no longer capable of fulfilling their main functions (Newman 2009). The two main proponents of this approach were William Zartman and Robert Rotberg.

Based on Zartman, when we analyze the failure of a state we should start with the assumption that the characteristic of the current period is based on the division of territories and populations into political jurisdictions having their own identity, authority and preset order (Zartman 1995). The definition provided by Zartman is based on the main definition of a state as an “authoritative political institution that is sovereign over a recognized territory” (Zartman 1995). Hence a state should have a source of identity with an established institution that guarantees security for the citizens. In this respect, *states fail when they are incapable of fully performing their specific tasks and functions*. And since the functions of the state are interdependent, when one function weakens it will affect the others thus leading to the collapse of the state.

Robert I Rotberg presented another definition and theory about the failure of nation-states. The main argument presented by Rotberg is that man is the main cause for the failure of the state because of his search for personal profit. Rotberg compiled different theories about the failure of the state in one book. The first school of thought presented in the book is the one of Christopher Clapham and Jeffrey Herbs, who argue that the failure of the state is a reflection of “misplaced forms of sovereignty” (Rotberg 2005). When state controls were imposed on indigenous societies, failure was bound to happen, especially since these kinds of societies are incapable of grasping the importance of state control, state norms, and authority. The main argument of this school of thought was that nation building in postcolonial states was destined to lead to the failure of states, since it created neopatrimonialism and a hierarchy of antidemocratic decisions (Rotberg 2005). Here state failure originated from the imperial colonial power’s wrong assumption that the colonies are capable of governing themselves, instead of from “artificial borders, colonial mistakes, colonial exploitation, or insufficient or misplaced tutelage.” Another theory presented by Nelson Kasfir views state failure as being based on the appearance of anarchy in the state and the failure of state control: when communities living in the same state lose their trust in each other, they seek to protect themselves by various means presented.

For both Rotberg and Zartman, failure means the incapability of the state to provide the minimal services and goods for its citizens. They define the state based on the liberal model and view the state as service provider, thus limiting their scope of research. These two perspectives have been viewed as being ideological rather than analytical (Newman 2009). Based on their analysis, a failed state is a state incapable of providing services for its citizens.

Criticizing this theory:

However, since most of the states, including the Western ones, are incapable of providing the full services and demands of their citizens, this would lead to the classification of most of the states in the world as failed ones. *Furthermore, both are basing their analysis on the liberal ideals and understanding of statehood*; thus any state that does not conform to the liberal ideals is directly classified as “failed.”

b. Weberian View: Jackson and Krasner

Max Weber’s definition the state is an institution having monopoly of the means of violence in a given territory. Thus a failed state is a state that does not possess the monopoly of violence. This differs from Zartman and Rotberg who base their definition on the inability of the state to deliver its core function. Robert Jackson (1990) and Stephen Krasner (1990, 2005) were the two main theorists that approached the failed state concept based on this theory. According to Jackson (1990), a “quasi-state” is a unit that is recognized as a participant in the system of states, yet does not possess the empirical features of statehood, such as a *monopoly over the means of violence and control over its territory*. Krasner combined Jackson’s understanding of state and linked it to the concept of sovereignty. According to Krasner, modern sovereignty has three components:

- Legal sovereignty or the recognition of one state by others. “The basic rule of international legal sovereignty is that legal recognition is accorded to juridical independent territorial entities, which are capable of entering into voluntary contractual arrangements” (Krasner 2001).
- Recognition by other states and at the same time independence from any external power; enjoying the principle of non-intervention.
- Domestic sovereignty, i.e., authority of the state with the society within its own territory. The state is the highest political authority within its territory, enjoying the monopoly of power over its defined territory, and setting and enforcing the rules on the citizens.

Based on Krasner, a failed state is a state that lacks the presence of at least one of these three features of sovereignty (Krasner, 2005); the most important being the breakdown of domestic sovereignty.

Both the Weberian understanding and the Lockean understanding of failure of the state base their analysis on one specific understanding and definition of statehood, and failure is measured through deviating from this definition. For Zartman and Rotberg, state is viewed as a service provider; for Jackson and Krasner it is based on sovereignty and monopoly of power. These two schools of thoughts are based on the ideal that a modern liberal state is the condition for development (Newman 2009). Mahmood Mamdani calls this “history by analogy,” in which the experience of non-Western states can only be understood as deviations from the “normal” development experienced by Western states (Mamdani 1996).

C. Failed States and the Third World Countries

Another theoretical perspective about analyzing failed states diverges from the above two theoretical views and is based on analyzing the third world countries. This alternative type is based on the neopatrimonial state. This theory is based on the belief that there is a strong bond between the state and the ruling regime in that state, especially in postcolonial states. The regime is the group of people ruling the state, who hold the top positions in the state and are recognized by the international community. The state here is defined as “an institution with a government claiming authority over and a monopoly of violence in a territory with a population, which claims responsibility for society as a whole and is recognized by other states” (Mamdani 1996). These regimes promote the general interest of the state and at the same time preserve their proper interest. The state thus becomes the means for safeguarding the survival of the regime: the regime will create a strong state and institutions if this will preserve its own interests; and will not if its own interests are different from the one of the state (Mamdani 1996).

In order to survive, this regime should enjoy political support, either through providing social services to the people, or through spreading nationalistic feeling and distributing favors. These powerful regimes create their own network of power instead of a powerful state, leading in return to weak and vulnerable institutions. While these states deviate from the ideal type discussed in part 1 of this chapter, these weak neopatrimonial states can be stable and survive for many years if an equilibrium is created whereby distributions of favors are balanced with preserving the existence of formal institutions based on the standards of modern state. Furthermore, since most

of these regimes are funded by an outside power, the control of power is based on strong ties with these external powers. Hence, the survival of these regimes does not depend on strengthening the state, which in return leads to a total absence of any state-building projects. In other words, the external economic dependence could become a threat preventing the state from developing strong institutions and an obstacle to the development of the strong state. This is what was taking place in the state of Lebanon, whereby for more than 20 years the Syrian tutelage and the dependency of the regime on an external power prevented the development of the institutions of the state.

D. Mapping the Field

As argued in part 1 of the chapter, the academic world about the analysis of state failure is divided into two groups: the conceptual theoretical analysis (discussed above), which helps us in understanding the criteria that defines the weakness of the state; and the quantitative analysis, which ranks countries based on criteria and indicators. In the discussion of “failed states,” there is no exact number mainly because every index has its own criteria when defining state failure, based on different aspects of governance. According to Stewart Patrick (2006), “The Commission on Weak States and U.S. National Security estimates that there are between 50 and 60; the United Kingdom’s Department for International Development classifies 46 nations with 870 million inhabitants as ‘fragile’; and the World Bank treats 30 countries as LICUS1.” The World Bank stated that there exist 30 “low-income countries under stress,” while the British Department for International Development identified 46 fragile states, and the CIA identified around 20 failing states.

Many organizations’ work concerns failed states, and those that are considered the leading donors and establish policies include the World Bank, USAID, the OECD, DAC, AusAID, DFID, and selected UN agencies.

The US government-commissioned State Failure Task Force correlates the failure of the state to internal conflicts that destabilize the regimes (State Failure Task Force 2000). This task force’s main focus is on “good governance” as an indicator of failure of the state, and it identifies three main factors for failure: high infant mortality, low trade openness, and low levels of democracy (State Failure Task Force 2000).

a. The World Bank's Governance Indicators

The World Bank's governance indicators analyze 213 states based on variables from 25 different sources (Kaufmann et al. 2006). It defines "good governance" as "epitomized by predictable, open and enlightened policy making; a bureaucracy imbued with a professional ethos; an executive arm of government accountable for its actions; and a strong civil society participating in public affairs; and all behaving under the rule of law" (World Bank 1994). In addition the World Bank created the World Bank's Worldwide Governance Indicators (WGI) to measure the quality of governance in the states. The WGI measured six aspects of governance:

1. Voice and accountability: to what extent citizens are capable of selecting their own government, and the degree of freedom of expression and media.
2. Political stability and absence of violence: the degree of the threat of unconstitutional overthrowing of the government, and the degree of political violence and terrorism.
3. Government effectiveness: the degree of dependence of the civil services and public services from political pressures, the process of policy formulation and implementation, and the degree to which government is committed to these policies.
4. Regulatory quality: the capacity of the government to plan and execute policies that encourage the development of the private sector.
5. Rule of law: the extent of the confidence of citizens in the rule of the society. the importance of the police and the court, and the degree of crime and violence.
6. Control of corruption: the degree to which agents use the public power for their private gain. (Thomas 2008)

Classification:

The World Bank and OECD/DAC donors categorize the "fragile state" and restrict their assistance to poor countries that score very low on the bank's country policy and institutional assessment indicators. Many analysts consider the ranking of the World Bank and the limitation to poor countries to be limiting to scholars and policy analysts who are examining the role of security and linking it to weak governance. Based on the WGI, Lebanon was ranked as follows.

(Appendix 4 World Bank's Governance Indicator in Lebanon for the years 1996;1998;2000;2002;2003 and 2004).

Table 1. The World Bank's Governance Indicators in Lebanon : Voice and Accountability

		1996	1998	2000	2002	2003	2004
Country	WBCod e	Rank	Rank	Rank	Rank	Rank	Rank
LEBANON	LBN	41.3461 5	38.4615 4	40.3846 2	25.9615 4	31.7307 7	37.0192 3

2005	2006	2007	2008	2009	2010
Rank	Rank	Rank	Rank	Rank	Rank
37.5	34.13462	33.65385	34.13462	34.59716	35.54502

Table 2. The World Bank's Governance Indicators in Lebanon : Political Stability and Absence of Violence/Terrorism

		1996	1998	2000	2002	2003	2004
Country	WBCod e	Rank	Rank	Rank	Rank	Rank	Rank
LEBANON	LBN	21.1538 5	18.75	28.3653 8	28.3653 8	28.8461 5	22.5961 5

2005	2006	2007	2008	2009	2010
Rank	Rank	Rank	Rank	Rank	Rank
17.30769	3.846154	3.365385	4.807692	9.004739	8.490566

Table 3. The World Bank's Governance Indicators in Lebanon : Government Effectiveness

		1996	1998	2000	2002	2003	2004
Country	WBCod e	Rank	Rank	Rank	Rank	Rank	Rank
LEBANON	LBN	54.1463 4	56.0975 6	50.243 9	47.3170 7	49.2682 9	46.8292 7

2005	2006	2007	2008	2009	2010
Rank	Rank	Rank	Rank	Rank	Rank
48.29268	42.43902	43.68932	39.32039	34.92823	43.0622

Table 4. The World Bank's Governance Indicators in Lebanon: Regulatory Quality

		1996	1998	2000	2002	2003	2004
Country	WBCod e	Rank	Rank	Rank	Rank	Rank	Rank
LEBANON	LBN	32.3529 4	42.1568 6	33.8235 3	40.1960 8	49.0196 1	50.9803 9
		2005	2006	2007	2008	2009	2010
		Rank	Rank	Rank	Rank	Rank	Rank
		49.5098	47.05882	46.1165	46.1165	52.15311	53.58852

Table 5. The World Bank's Governance Indicators in Lebanon : Rule of Law

		1996	1998	2000	2002	2003	2004
Country	WBCod e	Rank	Rank	Rank	Rank	Rank	Rank
LEBANON	LBN	48.8038 3	47.3684 2	48.3253 6	46.4114 8	42.1052 6	46.8899 5
		2005	2006	2007	2008	2009	2010
		Rank	Rank	Rank	Rank	Rank	Rank
		43.54067	32.05742	27.7512	29.80769	31.27962	30.33175

Table 6. The World Bank's Governance Indicators in Lebanon: Control of Corruption

		1996	1998	2000	2002	2003	2004
Country	WBCod e	Rank	Rank	Rank	Rank	Rank	Rank
LEBANON	LBN	36.0975 6	44.8780 5	40.9756 1	42.4390 2	35.1219 5	33.6585 4
		2005	2006	2007	2008	2009	2010
		Rank	Rank	Rank	Rank	Rank	Rank
		38.53659	17.56098	19.41748	19.90291	22.00957	21.5311

b. The Bertelsmann Transformation Index

A second index is the Bertelsmann Transformation Index (BTI), which is based on political management of change and the way to a market-based democracy. This index developed two indicators: the first, "political transformation," focuses on the development of democracy in

a state, while the second, “economic transformation,” focuses on the development of the market (BTI 2010 Lebanon Country Report).

“Political transformation” examines the following criteria: stateness, political participation, rule of law, stability of democratic institutions, and olitical and social integration.

”Economic transformation” examines the following criteria: level of socioeconomic development, organization of the market and competition, currency and price stability, private property, welfare regime, and economic performance and sustainability.

Table 7. The Bertelsmann Transformation Index: Lebanon’s Ranking in 2010:
scale: 1 (lowest) to 10 (highest) (source BTI 2010 Lebanon Country Report)

		Score	Rank
Status Index	1-10	6.21	# 45 of 128
Democracy	1-10	6.25	# 54 of 128
Market Economy	1-10	6.18	# 51 of 128
Management Index	1-10	4.46	# 81 of 128

a. **The Fund for Peace’s Foreign Policy Index** (Fund for Peace 2006)

The third index is the Fund for Peace’s Foreign Policy Index, which defines a failing state as “one in which the government does not have effective control of its territory, is not perceived as legitimate by a significant portion of its population, does not provide domestic security or basic public services to its citizens, and lacks a monopoly on the use of force”. A failing state may experience active violence or simply be vulnerable to violence. “Failed states have two key defining features,” wrote Robert Rotberg, president of the World Peace Foundation, in the index’s introduction. “They deliver very low quantities and qualities of political goods to their citizens, and they have lost their monopoly on violence” (Daily Star Newspaper 2010).

The Foreign Policy Index ranks weak and failed states using 12 social, economic, political, and military indicators, and ranks 60 states based on their exposure to internal conflict. As of 2004 the Fund for Peace computes the scores based on software that analyzes the data from international and local media sources. The results presented by the Failed States Index demonstrate that more than 2 billion people are living in insecure states and are facing civil conflict. They rank states based on their social, economic, and political pressures (Fund for Peace 2011).

The indicators that are analyzed are: demographic pressures, refugees and internally displaced persons (IDPs), group grievances, human flight and brain drain, uneven economic development, poverty and economic decline, legitimacy of the state, public services, human rights and rule of law, security apparatus, factionalized elites, and external intervention. *Foreign Policy* magazine and The Fund for Peace ranked Lebanon 34th in 2010, while in 2009 it was ranked 29th, and in 2008 it was 18th (Fund for Peace 2011).

Table 8: Fund for Peace Lebanon Ranking (2005-06-07-08-09-10-11)

	Indicator	2005	2006	2007	2008	2009	2010	2011
	Demographic Pressures	8.0	6.8	6.9	7.2	7.0	6.8	6.5
	Refugees & IDPs	8.0	4.3	8.6	9.0	9.0	8.9	8.5
	Group Grievances	7.5	7.8	9.0	9.4	9.2	9.0	8.7
	Human Flight & Brain Drain	7.1	7.0	7.0	7.1	7.2	7.0	6.6
	Uneven Economic Development	7.0	6.8	7.1	7.4	7.4	7.2	6.8
	Poverty & Economic Decline	4.7	5.3	6.3	6.3	6.3	6.1	5.7
	Legitimacy of the State	8.7	6.4	7.3	8.0	7.8	7.3	7.0
	Public Services	4.3	5.0	6.4	6.7	6.2	6.0	5.8
	Human Rights & Rule of Law	7.3	6.8	7.0	7.0	6.9	6.8	6.6
	Security Apparatus	8.1	7.5	9.0	9.3	9.1	8.9	8.7
	Factionalized Elites	9.2	8.3	8.8	9.4	9.1	8.8	8.8
	External Intervention	9.0	8.5	9.0	8.9	8.3	8.1	8.0
	Total	88.9	80.5	92.4	95.7	93.5	90.9	87.7
	Rank	37	65	28	18	29	34	43

b. Index of State Weakness in the Developing World

The fourth index is the Index of State Weakness in the Developing World as presented by the Brookings Institution, which ranks 141 developing countries based on their performance in four different spheres: political, economic, security, and social welfare (Rice and Patrick 2008). In their report issued in 2008, weak states are defined as countries that lack the essential capacity and/or will to fulfill four sets of critical government responsibilities: fostering an environment conducive to sustainable and equitable economic growth; establishing and maintaining legitimate, transparent and accountable political institutions; securing their populations from

violent conflict and controlling their territory; and meeting the basic human needs of their population.

The 2008 report ranked Lebanon as the 93rd weak state in the developing world.

Table 9: Brooking Institution Lebanon Ranking in 2008

Rank	Country	Overall	Score	Economic	Political Security	Social Welfare	GNI Per capita
93	Lebanon	7.02	7.05	4.86	6.77	9.4	5490

All the above indexes have been rating Lebanon as failed and weak state; furthermore, in many years Lebanon was considered one of the most dangerous and worst places in the world. It has a very bad economy, very low governance level, and the state is in many circumstances incapable of fulfilling its duties as a functional sovereign state. However, the question remains: what are the main causes for all these rankings?

E. Analyzing State Failure in Lebanon

As argued in part 1, the failure of the state could be linked to either the loss of the monopoly over the means of power or to the failure of the state in delivering the services. Moreover, state failure can be measured in different degrees. The most extreme state failure is the case of Somalia whereby the central authority of the state collapsed, and the case of Palestine whereby there is a total absence of state borders. The second degree of state failure is when the state is incapable of exercising coercive power, such as Haiti or Indonesia. The third degree of state failure is when the state system is based on an authoritarian regime such as Iraq under the regime of Saddam Hussein.

If we exclude the years of the civil wars in Lebanon, the Lebanese state was never considered as a failed state such as the Somalian one. It has always been considered as a weak state and this weakness is clear; Farid El-Khazen argued that when the state had to interact with the neighboring and regional state, especially during the Arab-Israeli conflict or during the inter-

Arab rivalries. Whenever this state failure takes place, it creates a security vacuum and allows for many non-state actors to step in.

The Lebanese state passed through three different phases of state weakness and failure:

a. Pre-War Period

The historical composition of the state made Lebanon different from its neighbouring countries. While during the period 1940-1960 most of the neighbouring regimes were shifting towards radicalism and ideological politics, Lebanon was choosing moderation and pragmatism. This created a difference between the state-society relation in Lebanon and the state-society relation in the Arab world since each moved in a different direction than the other. This openness of the state system and the society in Lebanon made it vulnerable to the regional conflicts and mainly the Arab-Israeli one and the inter-Arab conflicts. The appearance of the Palestinian Liberation Organization in Lebanon (PLO) in the 1960s and different militia groups (after the different Arab-Israeli wars in the regions) that started to act freely in the state was a clear case of state failure, demonstrating that Lebanon had lost its legitimate coercive power over different territories in the state.

b. Civil War

The second phase of failure of the state was during the civil war (1975-1990). During that time, especially the first two years of the war, all the institutions of the state were paralyzed and the Lebanese army factionalized (Khazen 2003). International foreign policy in different circumstances argued that “Lebanon is an ungovernable land whose territorial integrity was being ‘devoured’ by irresponsible actors, namely the sectarian militias” (Fregonese 2009). Furthermore, Lebanese militia forces dominated the institutions of the state. By the 1980s Lebanon had transformed into a dangerous base for secular and religious terrorist organizations (Khazen 2003); it became available to state and non-state actors of the region that were searching for a place to hold warfare for the pursuit of their own personal objectives. By the end of the 1980s Lebanon was a no-man’s-land whereby the state had lost all its monopoly power over the entire land. Furthermore, all these wars led to the paralyzation of the different institutions: the Lebanese state had lost its sovereignty over most of the territory and was incapable of protecting

its citizens. Thus this weakness created a vacuum that allowed for non state actors to step in (issue that will be discussed in part 2 of the dissertation).

c. Post–War Lebanon

With the end of the civil war and the signing of the Taef Agreement, state started to take legitimate control over most of its territory (except part of the south that remained occupied by Israel until 2000). However, while most of the militias had their arms removed, Hizbullah remained an exception to this case. Furthermore, the different reconstruction processes that failed and plunged Lebanon into a huge debt are still affecting the state. This status quo does not make Lebanon a classic failed state but a weak state that is vulnerable to outside interference in addition to weak institutions. Furthermore, the Lebanese state emerged from the civil war as a weak state tainted with corruption, evident in the lack of transparency and rule of law, in addition to a new political system that consolidated family and communal ties at the expense of the state.

F. Conclusion

Theories of failed and weak state focus on the role of the state in executing its basic function, i.e. internal and external sovereignty. Any deviance from fulfilling its role will result in the state being labeled as weak or even failed. Different international indexes have labeled the state of Lebanon as weak and failing, with these classifications changing from extreme failure to average based on the regional and local events that were taking place.

This chapter has analyzed the different theories about state failures and presented the classification of Lebanon based on four different indexes. It has linked this weakness to three different phases: pre-war, civil war, and post-war Lebanon; and has argued that this weakness has allowed for non-state actors to step in and fulfill the role of the state.

However, how did this state failure and state weakness affect negatively and positively the development of civil society? Part 2 of this dissertation will analyze the development and the role of civil society that is working in the light of a weak state.

PART II

A. Introduction to Part II of Dissertation

How does civil society function in the light of weak institutions and the sectarian and political groups' control of all access to the basic services in the state?

This second part of the dissertation will analyze the reasons behind the growing role of civil society in Lebanon and its link to the sectarian nature of the state, plus the different ways it interacts with the beneficiaries.

The main argument of this part is that the weakness of the state paralleled by the structure of the civil society movements and their locally adapted decentralized structure is allowing them to provide better services to their communities thus becoming more powerful and influential than the state.

This part's main claim is that the weakness of the state of Lebanon allowed for the development of two types of civil society in the state. The first type is the communal religious society that has, due to the confessional nature and the patron-client networks of the state, grown stronger than the state; it has totally masked the idea of citizenship, and has also become a major player in the state. The second is the civic society, which, in spite of many attempts to influence public policy, faces major challenges due to the political system of the state and the internal divisions and problems.

B. Term Definitions Related to Civil Society in the Arab Context

The difficulty of differentiating between the political, civil and religious societies in Lebanon is mainly due to the nature of the political system in Lebanon. The confessional politics that reduced the gap between the private and the public sectors through the direct representation of confessions in the political system resulted in the reliance of the political realm on the

religious and sectarian ones. Therefore, before analyzing the role of faith-based organizations in Lebanon, this part will analyze the mentioned three terms in the Arabic language and the extent to which they differ or overlap.

As argued in chapter 1, researchers have been proposing definitions of “civil society” in the Arab world, yet most of these definitions were based on elements and concepts that are more Western and used outside Arab society. Thus, in order to understand the origin of the concept we need to analyze its meaning in the Arabic language. As presented in chapter 1, two terms are used in the Arabic language that define the civil society: *mujtama ahli* (*ahli* referring to tribe and family) and *mujtama madani* (*madani* meaning civil). The term *madani*, or civil, signifies moving from the state of primitiveness to one that holds the values of the city. Many scholars refuse to use the term *mujtama madani* and prefer to use the term *al mujtama ahli*, a term that reflects the main features of the Arabic culture (Dawahare 2000).

a. Lebanon

It is also important to differentiate between the understanding of *al mujtama madani* and *al mujtama ahli* and the sectarian society (*mujtama taefi*) in Lebanon.

The main difference is in the core of these two societies since the secular and religious core differentiate. Another difference is in the membership:

- In the *al madani*, membership is secondary and not related to a family, place, or location (such as village). Belonging to this community is mainly voluntary and based on the beliefs in the cause and mission of the organization. The mission is mainly directed to the whole society and not a specific group. Usually the mission of these organizations is based on a single issue and written in its bylaws.
- In the *mujtama ahli*, by contrast, you become a member not by choice but by your birthright and there are diversified activities. You are born into this society and cannot enter it by choice. It is based on your village, clan and society. Activities of this society may vary and can be directed towards different age groups in the society.

Another distinction should be made between communal society (*mujtama ahli*) and sectarian society. In Lebanon, the distinction between religious organizations and *mujtama ahli*

(communal society) is sometimes “blurred” since these two terms usually correlate, however it is important to draw a distinction between the two.

- A faith-based society or sectarian society is based on religious grounds. Religion defines its identity and characteristics, and its core mission and functions are based on religious principles. Although there is an absence of a generally accepted definition of faith-based organizations, there is agreement that they have one or more of the following traits: affiliation with a religious body, a mission statement with explicit reference to religious values, financial support from religious sources, and/or a governance structure where selection of board members or staff is based on religious beliefs or affiliation, and/or decision-making processes based on religious values.
- The organization of *mujtama ahli* is mainly based on non-religious grounds. These could be family and community where the main aims and goals are neither predefined nor religious in nature. These organizations could encompass different individuals from different sects and confessional belongings.

However, there are many common traits between these two societies, especially when it comes to the nature and conditions of the membership and the extent and breadth of the mission and movements. In both societies, the membership in these organizations is mainly *appartenance primaire*, that is, an inherent, pre-birth membership based on the place, family, village and confession. Belonging to a specific society is based on the hereditary background of an individual, which is not a matter of choice. As for exiting this society, it is not as simple as the *mujtama madani*. Since you are born into this society, you do not have the choice to exit it.

Another common characteristic between the two is the spread of their activities, mission and movements. Usually, the activities of these organizations do not go beyond the main interests of their own communities and rarely extend to other societies and communities. Their activities can vary from humanitarian to social, medical and educational depending on the target community needs. The success of these organizations is also linked their ability to reach the different age groups and needs of the targeted community guiding the individual from birth until his death.

C. General Overview of Civil Society in Lebanon

a. Country information

Table 10: Country Information Lebanon (Abu Assi 2006)

<p>Country: Lebanon Country size (in Km²): 10452 Population (in Thousands): around 4 million Population under 15 years: 29.5% Urban population: 87.5% Form of government: Republic Language: Arabic (official), French, English, Armenian Ethnicity: Arab 95%, Armenian 4%, other 1% Religion: Muslim 59.7%, Christian 39% (Maronite Catholic, Greek Orthodox, Melkite Catholic, Armenian Orthodox, Syrian Catholic, Armenian Catholic, Syrian Orthodox, Roman Catholic, Chaldean, Assyrian, Copt, Protestant, other 1.3% GDP per capita (US \$): 5074 Unemployment rate: 8.5% (official), 25%</p>
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Lebanon's society is composed mainly of Christian and Muslim communities, and since both religions call for helping the poor and needy, the emergence of religious and philanthropic organizations is common in the state. These organizations started developing in small regions and expanded to the urban areas. About 5,000 civil service organizations (CSOs) are officially registered in Lebanon, with an average of 200 CSOs established and registered every year. Moreover, based on a study conducted in 2000, out of the 5,000 registered CSOs, approximately 700 are active on a regular basis (CRTDA report 2004).

Civil society organizations have been present in Lebanon since the Ottoman Empire and are protected by the Law of Associations of 1909. During the different wars in Lebanon, these organizations played major roles and in many circumstances stepped in to fill the gaps and vacuum created by the absence of the state. After the 1990 Taef Agreement, the role of the civil society in Lebanon became more important since organizations started to adapt to the changing environment in which they operate; however, most of their focus remained on humanitarian and relief work. The events of 2005 in Lebanon brought more awareness to the people, strengthened

their sense of responsibility, and led them to participate more. New institutions developed, which in turn created space for professional, social, and political activity. After March 2005, new trends started to appear, and environmental, human rights, women and secular organizations were formed. Furthermore these shifted their work from purely relief activities to developmental, including lobbying and shaping public policies. New concepts were introduced, including those of democracy, transparency and globalization. In addition, new groups have been coming together and creating an umbrella of organizations to act as watchdogs over the government in different domains.

It is important to note that CSOs in Lebanon have an international linkage either with religious and secular missions, or through partnerships, cooperation, and attending international meetings. The most active during the civil war were the International Committee of the Red Cross, Western development agencies, and the UN organizations.

b. Historical Development of CSOs in Lebanon

Table 11: Historical Development of CSO in Lebanon

Phase	Years	Political background	Type	Focus
1	1900 and 1930	Ottoman Empire	Religious	Relief and communitarian needs
2	1940 and 1950	Independent state	Family and village associations	Divided along sectarian lines
3	1960s and the 1970s	Pre-war period	Students, universities, non-sectarian and non-political groups	Call for equality, unity, more participation, peace and development
4	1975 and 1990	Civil War Period	Revival of the family and sectarian association	Working without any interference from the government/ developed an increasing degree of political autonomy/ political parties started to group along sectarian lines/ flourishing of the role of civil society
5	1990 and 2005	Taef Agreement/ Syrian tutelage	Philanthropic organizations/ sectarian lines Civic organizations	Dominated by a system where only communal patrons and warlords are the agents of change/ civic organization working towards change in a police state
6	2005-present	Assassination of Prime Minister Hariri/Syrian Withdrawal	Non-sectarian organizations	Working on the projects initiated in post-Taef in a democratic environment

Civil society in Lebanon developed from the historical evolution of local political and economic mediations in small villages, in addition to activities presented by Western missionaries. The historical development of civil society and mediation goes back to the sixteenth and seventeenth centuries during which semi-feudal families cooperated in order to build coalitions; later on, during the nineteenth century, the church started to play an influential role. In addition, at the village level, notables were chosen from local families to present the village in front of the authorities. Moreover, at the coastal cities, especially in Sunni cities, Ottoman authorities cooperated with religious groups and families to extract taxes. In the late nineteenth century, the Western missionaries organized civil society in a different way. They started establishing schools, universities and social welfare associations, in addition to the establishment of private newspapers, syndicates, and political parties.

The historical development of civil society can be categorized into 6 different phases:

The first is between 1900 and 1930, whereby associations were given legal status under the Ottoman Empire. These organizations were mainly formed on a religious basis and focused predominantly on relief and communitarian needs, especially after World War I.

This period was characterized by several developments, including:

- Rural Christian migrants forming family associations to consolidate their position in the capital.
- Shia migrants from the south forming associations.
- Armenian refugees establishing ethnic Armenian associations.
- The Sunni, Greek-Orthodox and Druze communities establishing associations to deal with changing moral values in a modernizing city.
- Non-confessional associations to care for the blind. (Abou Assi 2006)

The second phase is between 1940 and 1950. During that time the Lebanese state was declared an independent state, however this period witnessed an increase in the number of family and village associations, which were divided along sectarian lines. It was characterized by:

- Sectarian associations: different religious groups established associations to control the members of their own sects.
- The emergence of strong neighborhood leagues to maintain solidarity among residents in the city, to face the growing numbers of migrants from the rural areas.
- The emergence of strong Sunni family associations, mainly to face the wearing down of the authority or the traditional Sunni families.
- The growth of social welfare associations, due to rapid urbanization.
- The establishment of numerous cultural associations, which were formed by poets, writers, and university graduates. (Abou Assi 2006)

The third phase is between the 1960s and the 1970s (prior to the outbreak of the civil war). This pre-war period is labeled as the golden years of Lebanese civil society. The scope and duties of different associations increased and many organizations were linked to students and universities; non-sectarian and non-political groups started to operate. These organizations started to call for equality, unity, more participation, peace, and development. Other factors included:

- Labor unions, which emerged to play a strong role in economic and political life.
- The emergence of leftist political parties and movements.
- The creation professional associations.
- The emergence of influential unions and political parties, especially among Shia residents.

However, with the outbreak of the war a fourth phase appeared and lasted until 1990. The war years and their insecurity led to the revival of the family association. During these years organizations focused their work on relief, support and assistance. These organizations cooperated with local communities and international organizations as well as public and private sectors. This period witnessed an increasing number of civil society organizations: relief and assistance was a must and aid was arriving from external donors. These organizations were working without any interference from the government and developed an increasing degree of political autonomy; in many cases they stepped in and provided services instead of the weak government (Abou Assi 2006). With the development of the war, the political parties started to group along sectarian lines, and harsh living status and poverty forced many Lebanese to join

these latter and to withdraw from volunteerism in the civil society organizations (CRTDA 2004). Civil society's sudden increase in Beirut took place in the midst of the civil war, when many groups came together and started receiving funding for relief work. These groups attracted a large number of volunteers because they were primarily non-political. Their work concentrated on issues of coexistence, peace, and non-violence, and reconstituting Beirut's civil society after the war.

Although the history of civil society in Lebanon dates back to the Ottoman Empire, its role flourished during the Lebanese civil war when it stepped in to fill the gap in the absence of the central authorities (Kraidy 1998). In this context, civil society includes the local notables as well as the militias who became the main providers of security and social services in their respective zones of influence. The civil war phase included:

- The emergence of emergency and relief assistance in the work of the organizations such as associations for the handicapped, the care of orphans and drug treatment.
- The division along confessional lines, which led to the decline of non-confessional associations.
- The revival of family and neighborhood associations.
- The emergence of Islamist groups organizations, such as Hizbullah, the Ahabash, and Jama'a Islamiyya.
- Another group of the civil society appearing in the mid-1980s composed of different civic organizations and unions who opposed the militia rules and organized protests and strikes. These organizations attracted thousands of citizens from the different sectarian parties. (Hanf 1998)

The fifth phase of the development of civil society started with the end of the civil war in 1990 and continued until 2005. This period witnessed an increasing number of philanthropic organizations, in addition to a number of organizations based on sectarianism. The Lebanese state emerged from the civil war with a Syrian tutelage and an institutionalized confessional political system dominated by patronage and corruption. Lebanon was dominated by a system where only communal patrons and warlords were the agents of change and with a total absence

of any civic identity that would allow the government to challenge the communal identities central to the Lebanese society

2005 was a pivotal year for the civil society in Lebanon. Prior to 2005, the efforts of the civil society to affect public policies were faced with threats, influences, and political concerns (Doumit 2010) mainly due to the Syrian presence in Lebanon, which had a negative effect on the freedom of the people and on the work of civil society in lobbying for policy change .

While Theodor Hanf explained the development of the national unity movement that started between 1987 and 1990 as resulting from the shared suffering of militia rule, Karam Karam found a link between these movements and the 2005 one. The movements in 1987 were initiated by trade union and called for a civic Lebanese identity. The symbols and slogans of national unity used during these anti-war movements were also used during the 2005 protest twenty years later. The protests that took place at Martyr's Square (although later adopted by political elites) were initiated by civil society groups. These demonstrations were not only calling for expelling the Syrian presence in Lebanon; they were also calling for a new political landscape in Lebanon free of sectarianism, corruption and patrimonialism. The importance of these organizations is that they indirectly challenge the political system in Lebanon, which is based on communalism, through identifying identities more important than religious community.

D. Statistics and Graphs

a. Weakness of the State of Lebanon

Civil society in Lebanon mirrors the complex society of the state. Although there continues to be no official list of registered associations in the state, the estimated number of registered associations varies between 5,500 and 6,000³ (Joseph 2010). The estimate for every 1,000 inhabitants of Lebanon is 1.3 associations. The number of operating organizations is also not officially presented but is estimated at about 3,360 organizations.

³ The 2008 NGO Roster compiled by the Ministry of Social Affairs and the United Nations Development Program indexed 5,623 associations, which registered between 1900 and 2007.

Figure 1. Associations' Main Activity Distribution in Lebanon (Joseph 2010)

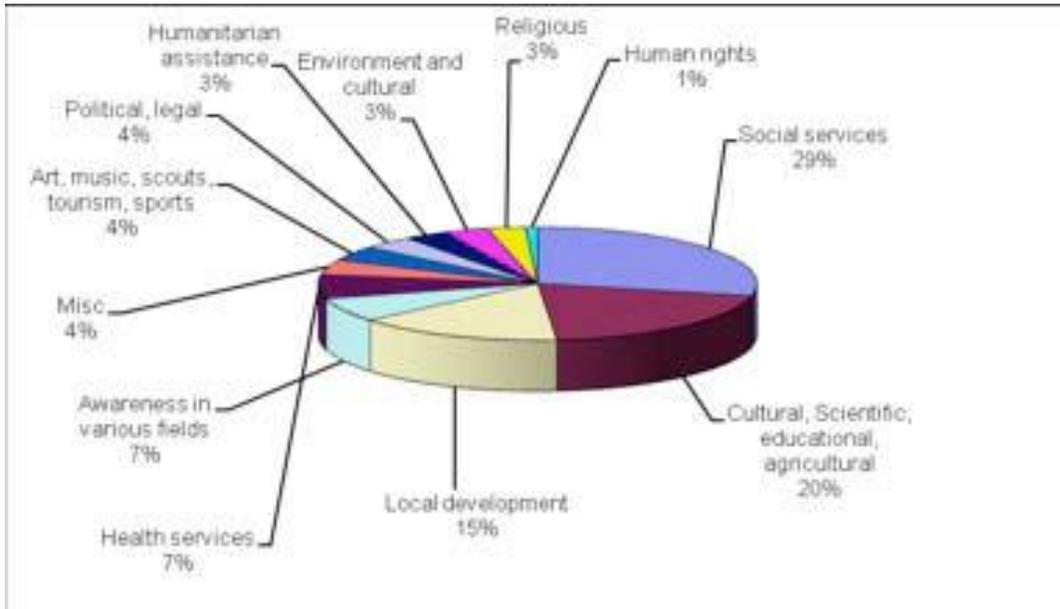
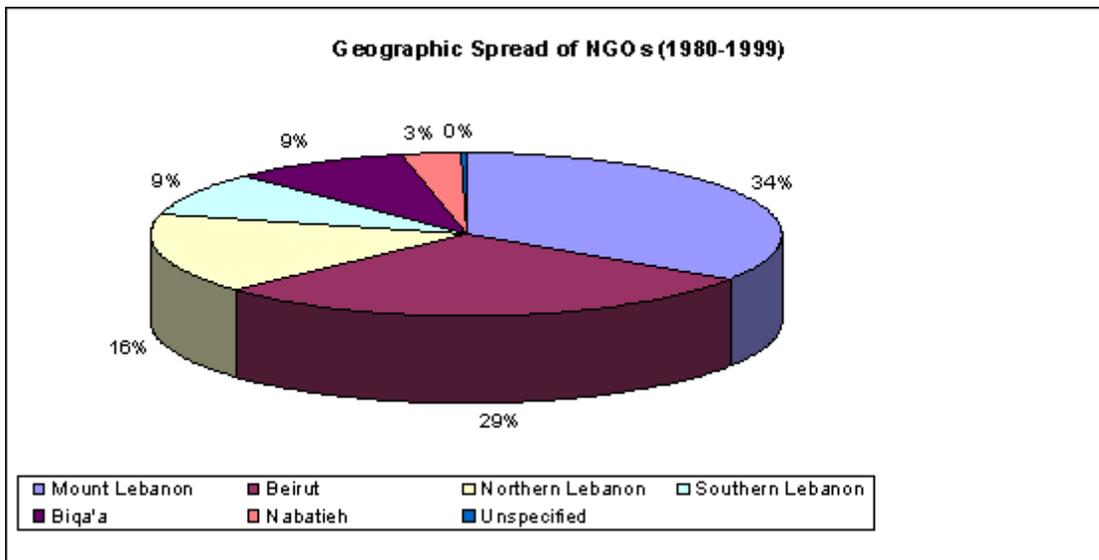


Figure 2: Geographic spread of Associations versus geographic distribution of population



Figures 3. Geographic spread of Associations versus geographic distribution of population (CRTDA Website)

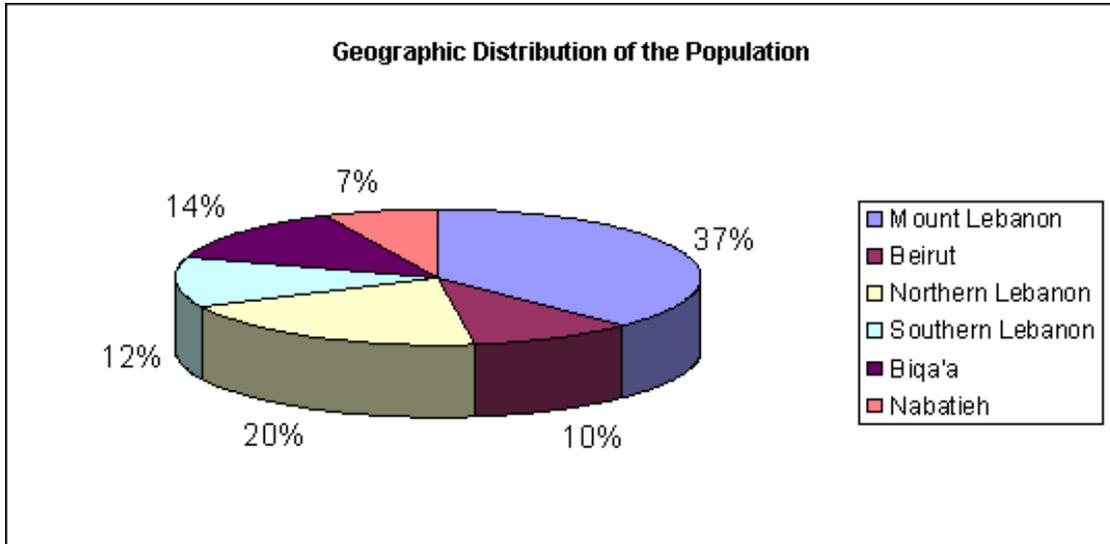


Figure 4. Breakdown of associations by Sector (CRTDA website)

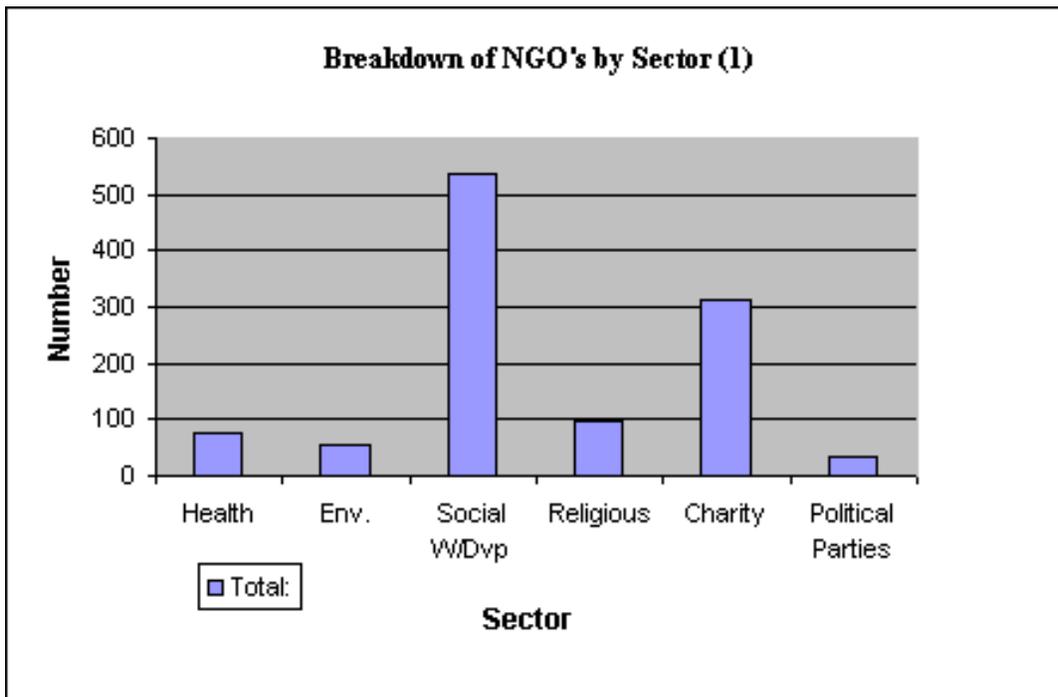
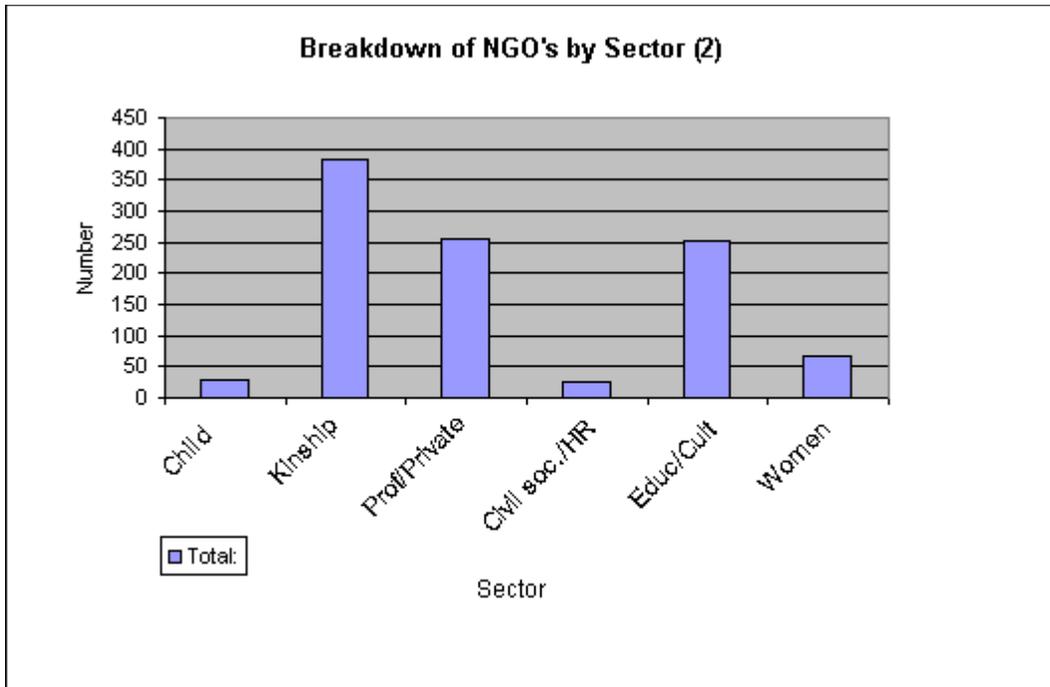


Figure 5. Breakdown of associations by Sector (CRTDA website)



After the 2005 events and the changes it brought to the political environment, the number of CSOs increased in specific areas: In 2006, 26 new political organizations were registered. Furthermore, the 2006 events led to the formation of many new organizations, with the number increased from 331 organizations in 2005 to 536 in 2006 (CRTDA website).

Table 12: Associations categorizations and Registration 2005

Criteria	Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec	Total
Social	4	4	12	7		3	12	2	4	12	7	22	89
Cultural	5	3	12	10		2	9	1	6	14	6	12	80
Friendship	1	5	6	10	1	1	7	1	3	7	5	5	52
environmental			1				1			4	1	4	11
Handicapped							2			3		3	8
Human Rights										1			1
Development	1		1				6	2	1	10	6	11	38
Women	1	1	1			2	1			1			7
Family		2	2				1	2		10	3	3	23
Religious	1		3			1				2	2	2	11
International		1		1					1	2	1	1	7
Political										1	1	1	3

Table 13: Associations categorization and Registration 2006

Criteria	Jan	Feb	March	April	May	June	July	August	Sep	Oct	Nov	Dec	Total
Social	4	7	11	19	15	16	13	10	18	16	8	6	134
Cultural	8	14	11	8	20	25	12	5	13	15	7	3	141
Friendship	1	2	7	5	10	15	6	3	7	12	2	2	72
Environmental	1	1		1	1	3	3		1				11
Handicapped	1	1			2	1	1	3					9
Human Rights		1			2	2	1	2	3	2			13
Development	6	3	8	5	1	10	6	3	7	12	10	1	72
Women	2		2			1	1		1				7
Family	1	1	4	3	3		2	2	4	4	2	2	27
Religious			3		2	4	1	1	1			2	14
International	1		2		2			2	2	1			10
Political	1		1	3	8	3	1	1	1	1	14	2	26

E. Political and Historical Background of the State of Lebanon

Understanding the political system in Lebanon will help us to analyze its civil society and the context in which it is operating. Lebanon is based on the confessional power structure which created a polyarchic and multi-centric state (Abou Assi 2006). In times of peace there was a place for the development of liberty, democracy, and respect for the rule of law (especially when compared to most other Arab and developing countries). In times of war the oligarchic structure prevented the state from shifting into dictatorship and instead resulted in a civil chaos until a new system was imposed (Abou Assi 2006).

The Lebanese system, when shifting from civil peace to civil war, created the perfect setting for the expansion of intermediate institutions and organizations since it was not equipped with the specific tools to repress them. Furthermore, most of the centers of power in the state are directly or indirectly linked to one of these institutions, since the political leadership in Lebanon is created by a group of political elites who are dominant within their own respective communal society. While sectarian power sharing has succeeded in preventing civil wars in many countries,

it has failed in Lebanon. Although the power sharing system is perceived as the classic example of successful power sharing in consociational literature, the consociational democracy⁴ in Lebanon was unable to stop the civil war and the “modified version” of it in 1989 was incapable of stopping the internal and external instability in the state. The Lebanese state has been the victim of a sectarian-based consociational democracy which led it to be vulnerable to outside interference (Makdissi and Marktanner 2006). The Lebanese system is linked to the political culture of patronage, or clientelism, and is rooted in the feudalism of eighteenth century Lebanon (Makdissi 2000).

The second Lebanese Republic was created after the signing of the Taef Agreement in November 1989, which officially ended the civil war. This agreement was called the “National Reconciliation Accord” and was signed in the city of Taef in Saudi Arabia, with the main aim of ending the years of civil war. The text of the accord was approved by the members of the 1972 parliament and took force as a constitutional law in 1990. The pact additionally revived the Lebanese consociational democracy after its collapse in 1975, and introduced some reforms at the legislative and executive levels. In addition to the traditional leaders representing political families and sects, this agreement generated new political elites, mainly wealthy expatriates and new warlords. This new governing body applied policies and practices that would secure their power. This was accomplished by:

- Shaping electoral laws to their own benefits.
- Interpreting the Laws of Associations in a way that would prevent the formation of political groups and organizations that promote civil issues.
- Weakening and dividing labor unions and professional syndicates.
- Controlling the media, and enforcing censorship of political and cultural programs.

⁴ Lebanon employs a consociational political system in which power is formally shared among the eighteen officially recognized religious communities. The presidency belongs to the Maronite community, the premiership to the Sunni community, the speaker of the parliament is given to the Shia community (el-Khazen, Farid. 1991. *The Communal Pact of National Identities: The Making and Politics of the 1943 National Pact*. Oxford: Center for Lebanese Studies)

a. Civil Society in Lebanon: Challenges

When we examine the Lebanese state we notice that it is not viewed as a successful nation-building case because the state is still facing political division, especially when it comes to Lebanon's external relations.

One of the major challenges that civil society in Lebanon is facing, which prevents it from building a modern state, is corruption: The civil war and the political deadlocks that the state passed through, as well as the politicization of the administration in the state and the manipulation by political leaders prevented the civil society from developing. Positions in the government are being assigned based on political and confessional nepotism; in addition, the administration is inflated with 180,000 employees half of which are unnecessary (Abou Assi 2006). The culture of corruption in the state is cultivated and is part of the society.

Moreover, due to the different wars that Lebanon passed through, many of the Lebanese civil society organizations are still representing one group of the Lebanese community and not the others. This favoritism and affiliation is affecting and hampering civil society from fulfilling its main role as a mediator between the different parties in the state.

F. Conceptual Framework and Organization of Part II

The second part will first analyze the role of these different organizations in providing support and high quality services to a significant number of the Lebanese society; services that should be provided by the state. It will also show that the confessional composition of Lebanese society, the failure of the state, its weakness, and its high level of corruption have all contributed to the power of these organizations. Moreover, the second part will look at the negative effect of this weak state on civil society and will show that many Lebanese also seek security from these organizations, to which they pledge full loyalty.

In order to analyze the role of civil society and the link between its growing role and the weakness of the state in Lebanon, it is important to look at particular sources of power.

The first chapter of the second part will analyze the different sources of power of the two first types of civil society: the *mujtama ahli* (family and clan-based organizations mainly directed towards providing humanitarian and social services; in Lebanon, a case in point of powerful social institutions in which leadership, power, resources, roles, and benefits are distributed along patriarchal and confessional lines) and the *mujtama taefi* (religious-based organizations). Their sources of power in Lebanon are:

- Economic influence on the community and the society. Unofficial figures state that resources managed by CSOs in Lebanon could reach \$1 billion a year, and the budgets of social welfare CSOs can reach \$296 million (five times the budget of the Ministry of Social Affairs).
- Closeness of the political decision-making authority to these organizations, which could favor the latter's interest. (The personal convictions and values of a public figure or authority and his close relations with organizations, mainly faith-based organizations, could strengthen the role of the organization.)
- The confessional political and social system of the state. Since Lebanon's electoral system is confessional based, politicians and decision makers seek support from their constituencies to gain their votes and support.
- Politicians interference in Civil Society. Since government officials need the support of civil society in many fields, they look to control it or influence its decision, or they support organizations that would enhance their political bases. Thus many government officials and politicians establish organizations to serve their political goals; these organizations are headed by relatives and advertise their platform and rally supporters through the different services provided (mainly social and developmental activities) in return for the constituent political support. Such CSOs usually conduct social and developmental activities and provide services to local constituents in return for political support during elections. Furthermore, they work to provide them with funds from the different ministries in Lebanon.
- The relationship with funding agencies such as international NGOs and donors. Organizations seek the assistance of international organization and state agencies to enhance their power. Estimates reveal that internal resources (e.g. membership fees, sales

of products) form about 30 percent of the total resources, and the rest comes from donations, contributions, and local and international funding.

- The relationship with the media. The more the CSOs are friends with the media, the more their work will get exposure and directly affect the public.

The second chapter of part 2 will analyze the sources of power of the *mujtama madani*. Throughout the different phases that Lebanon passed through, this civil society was capable of reaching success and building credibility within the Lebanese community. Three sources of power are directly related to this civil society:

- Values promoted by this civil society are appealing to the public and especially to the youth generations who share these beliefs.
- Human resources: This civil society is composed of a team of professionals who are investing in their performance and are trusted by the public.
- The ministries are recognized as partners in the work and activities of these organizations in some cases. Several civil society leaders and activists are involved in politics; many ran as candidates in parliamentary and municipal elections. CSOs may benefit from the political positions of its members.

Furthermore, in order to analyze the role of civil society in Lebanon, we should examine its structure in order to assess its outreach, size, capabilities, extent of citizen participation, depth of citizen participation, diversity of civil society participants, level of organization, inter-relations, and civil society resources.

In this respect, and in order to understand the importance of the different organizations in Lebanon, interviews were conducted with several non-governmental organizations. The first contact was through sending over 150 emails to random organizations in Lebanon. In addition, interviews were conducted with policy makers, state officials, journalists, NGO managers and directors, civil society activists, governmental organizations, beneficiaries, political figures, Lebanese diaspora, and scholars. As well as reviewing studies about organizations and civil society in Lebanon through spending three month of research at the CRTDA center in Beirut.

Chapter IV

Mujtama Ahli, Mujtama Taefi and the State in Lebanon

A. Introduction

The Ottoman Empire rule on Lebanon, the State's independence, the civil war, and the 2006 events have all had a direct effect on the development of civil society. All of these events had either a positive effect strengthening civil society (in this category we place faith-based society and family-based society) or a negative effect by weakening civil society through regime pressure (civic organizations and social movements).

This chapter will analyze faith-based organizations and family-based organizations in Lebanon. It will argue that the weakness of the state, coupled with the patron-client networks and sectarianism, allows this society to gain the loyalty of individuals thus transforming them into members of sectarian communities rather than citizens.

Faith-based organizations in the Middle East are the main providers of social and humanitarian services, providing services that should be essentially provided by the government. The annual budget of several of these organizations exceeds the annual budget of different ministries in the states.

Civil society in Lebanon is considered to host the most active multi-faith non-state organizations among the Arab Middle Eastern states. Lebanese religious philanthropy dates back to the Ottoman Empire; it survived the fall of the empire and the formation of the modern state of Lebanon, and still managed to remain an important player in the prominent social and political challenges. Philanthropic institutions were capable of shaping, through their religious values, many social policies in the state. Yet these organizations were influenced by the unique political system in Lebanon, the sectarian civil war, the Israeli occupation and 2006 war, in addition to different political occurrences in the region and in the state.

The argument in this chapter is that the historical composition of the state, its paralyzation during the civil war, and its present weakness led to growth of these religious and community-based organizations. In addition, the locally adapted and decentralized structure of these latter

contributed to the development of strong religious welfare organizations that grew to become more powerful than the state.

The chapter is divided into four main parts: Part 1 will review the historical development of religious welfare organizations in Lebanon. Part 2 will analyze the reasons behind the development of a strong welfare society in Lebanon. Part 3 will examine, through a case study, the development of politically-oriented and linked welfare organizations. Finally, the last part will analyze the development of the community-based organizations through studying two main case studies, and will argue that although they are differentiated from the religious welfare organizations, these two types of organizations are nonetheless directly linked to each other since they have the same effect on society. The article is based on fieldwork research and interviews, as well as on different earlier studies about the subject.

B. Religious Welfare Organizations in Lebanon

Research estimates that religious organizations in Lebanon account for more than 80 percent of the local voluntary sector. They are considered to be key platforms for social and political expression (Jawad 2009; Esposito 2000). In order to understand the role of these communal religious organizations and their relationship with the state, the religious composition of Lebanese society needs to be analyzed.

The growth of the religious welfare in Lebanon can be directly linked to the religious composition of society. Although since 1932 the state has not released any popular census, it is commonly understood that an estimated 60 percent of the population is Muslim (mainly Sunni, Shia and Druze) while Christians constitute 25 percent. Since Christianity and Islam are considered amongst the five religions in the world that focus on public social welfare, and as both emphasize the importance of philanthropy and the distribution of wealth, the emergence of faith-based organizations has been a natural occurrence.

Islam is viewed as more than a religion; it is a way of life (Ragab 1980; Ernest 2004). The Qur'an states, "Those who spend their wealth in the way of God are like a grain (of wheat) that grows seven ears, each carrying a hundred grains. God multiplies further to whom he will" (Ridgeon 2003:257).

In Islam there are three main practices that are directed towards the disbursement of personal wealth:

- *Zakat* is a duty that “purifies the wealth and soul of the giver” based on moral principles and is considered an obligatory alms tax (a minimum of 2.5 percent tax on all assets, which could be gold, silver or merchandise, which should be spent on Muslims). Thus it is a religious obligation to redistribute wealth to preserve *Al-Umma* (the nation) (Jawad 2009).
- *Saddaqah*, or voluntary alms-giving, is usually desirable, or *mustahab* in Arabic.
- *Waqf* is a religious endowment that will be invested in the public good (Martin et al. 2007). *Waqf* organizations are not Muslim per se but developed during the Ottoman Empire. These organizations are a common element between the Muslim and the Christian population. Rana Jawad defined the main aim of *waqf* during the Ottoman Empire as being to “provide public funds and to fulfill many of the functions of the modern nation-state.”

On the other hand, Christianity is concerned with the issue of poverty since this issue is linked to the afterlife. Furthermore, one of the seven commandments of the church clearly states that an individual should provide a tenth of his wealth to the poor, and the church always encourages its members to provide alms for redemption (Martin et al. 2007; Clark and Jennings 2008). Supporting the less fortunate is the responsibility of the entire community.

Since Lebanon is mainly composed of the above-mentioned two cohabiting religious groups, and since both religions call for the duty of the believer to assist his fellow man, we can conclude that it is normal to observe the emergence of many organizations that are becoming the main providers of many services such as education, health care and social services.

Based on the above, the growing role of these religious welfare organizations can be linked to the following:

- These organizations act according to their religious duty towards their fellow man, in his best interest, thus serving as God has dictated to them.

- The beneficiary's belief that it is his natural right as a member of the religious community to be assisted by religious organizations.
- The religious person's feeling that he is accountable to God to provide assistance to his brother (Jawad 210).

However, a historical overview of the development of these religious welfare organizations in Lebanon provides a different explanation and reason behind the creation, growth, and importance of these organizations nowadays. The religious nature and the role of faith in Lebanese society only contributes to one part of the story, as political factors also led to the emergence of these organizations; the political motive remains a major player in this game. Thus the theory that analyzes the growing role of religious welfare organizations as only providing services based on their religious obligations does not provide a full analysis of the dynamics of these organizations nor their importance. The following section will analyze the reasons behind the growing role of these "religiously inspired political parties" (Jawad 2010) which are creating networks of associations, and are influencing civil life in various ways.

C. Historical Development of Religious Welfare Organizations in Lebanon

Social service provision in Lebanon evolved from a voluntary activity based on charity into a professional network of powerful organizations. This idea was evident in interviews conducted with different NGOs in Lebanon. They all agreed that they initiated their activity to respond to different social and humanitarian urgent cases, then at a later stage they started developing social and education units and engaged in developmental activities.

The Lebanese religious welfare network dates back to before the Ottoman Empire rule of the region, and it survived the fall of the empire, Western interference, and the independence of the state. It succeeded in remaining an important player in the political game (Majdalani 2000). Since the Ottoman rules used to classify communities based on their religious belonging, these communities, in turn, started to adapt to this sense of religious identity and started to identify communities around them based on their religious belonging (Kanaan 2005). The main aim of these organizations was to provide welfare services. They established medical support systems,

educational support, and assistance for the disabled and orphans. Services were directed towards their respective sectarian groups.

Since the eighteenth century, Lebanon witnessed the appearance of Christian missionaries who provided social assistance, health care and established schools, while the first local indigenous religious organizations were established between the 1900s and 1930s. These organizations were established by Christian families who migrated to the capital city aiming to conserve their sectarian and local identity. During that period, the ethnic Armenian refugees also started to establish organizations as a reaction to the genocide. Moreover, to face the modernization taking place in Beirut, indigenous communities in the city, mainly Sunni, Greek Orthodox and Druze families, established youth organizations to preserve their identity. Moreover, as a reaction to the urbanization process and the emergence of new migrants and settlers in the neighborhoods of Beirut, many Sunni families in the city started to establish family associations (Johnsons 1997).

In 1943, with the independence of the state, its institutionalization, and its unification, many religious associations further emerged in an effort to maintain the ethnic and confessional identities of the communities.

However, while the development of these religious organizations slowed in the years following independence, another major social and political event that led to the emergence of these confessional organizations was the civil war that lasted from 1975 to 1990. During that period, family and neighborhood associations appeared again, especially since the country was divided once again based on confessional and “tribal appurtenance.” Islamist parties and groups, mainly Hizbullah, Al-Ahbash, and Al-Jama’a Islamiya appeared as main players in the social and political arena. Furthermore many geo-sectarian organizations were established to fill the gap of the paralyzed and failed state.

This civil war augmented the communal and sectarian schism in Lebanon. The social functions of the state were substituted by dominant organizations and militia parties. “If power was in the hands of the militia, influence was still in the hands of traditional heads of communities and their welfare institutions. Indeed, the families of the militia themselves depended on these social services. In this important respect, there was a *modus vivendi* between militias and traditional

confessional organizations which was to act as a constraint to further inter-communal violence” (Bennett 1995).

For the third main religious community in Lebanon, the Shiite, the development of religious organizations was a recent phenomenon. As of the 1980s, the Shia community started to develop political and religious organizations that became highly efficient in their programs and more organized compared to Christian organizations. Although Christian institutions were historically developed and established, the recent Muslim organizations became more organized and public.

Based on the empirical research conducted, a mapping of religious welfare organizations, and the above historical development of the welfare organizations, four different types of organizations can be identified in Lebanon (Jawad 2010):

Organizations Linked to Religious Orders:

These organizations are established and headed by clergies and are part of a specific religious order. They are managed by clerics and employ individuals, such as Dar Al Inaya organization in the south. Furthermore, in Lebanon there are several schools and hospitals that are directly linked and established by religious orders which are also considered the most efficient providers of these services. These organizations are considered powerful since they are the strongest educational leaders in the country.

Organizations Established by Elite Families with a Religious Identity:

These organizations are established by elite families in different communities to answer to a special need in their respective communities. These elite families also establish public charitable institutions that are linked to the church (universities, schools and social centers).

It is also common in Lebanon for rich families to establish public charitable institutions called *waqf*, or social foundations. Wealthy individuals (either expatriates and/or politicians) establish these organizations to assist in developing their communities. These organizations are family-run and might at a later stage develop political purposes “with social responsibility.” An example would be Dar Al Aytam in Beirut. Dar Al Aytam was established by Sunni families in Beirut in 1917 to respond to the needs of orphans and widows in the capital city.

Organizations Established as Extensions to Political Movements and Parties:

These organizations are the most influential, powerful and politicized in the Lebanese system. These types of religious welfare organizations are established based on clear religious ideologies. Their main movements are based on social justice and the establishment of a social welfare organization. These “ideologically inspired organizations” mainly appeared in the 1970s, survived the civil war, and further developed and engaged in social welfare. These organizations were established based on political and military aims, yet they directly developed their social status. While religion remains the main identity of these organizations, the political character did not disappear. On the contrary, there is anticipation that they will gain the political support of their beneficiaries.

The International Humanitarian Relief Organizations:

These are organizations that have cross-national influences feeding into Islamic and Christian welfare. An example would be the Islamic Charity Emdad Committee (ICEC) association in Lebanon that is directly linked and inspired by the Emdad association in Iran, both with a Shia identity. Sunni-based religious welfare organizations are also identified here, mainly the ones where the staff is ideologically affiliated with the Muslim Brotherhood.

D. The Development of a Strong Welfare Society

As presented in the historical development of the welfare organizations in Lebanon, three main reasons led to the increase in their role:

1. Creation of the state and the confessional nature of the Lebanese state.
2. Different political situations that the Lebanese state experienced.
3. Economic laissez-faire.

a. Pre-State Independence and Confessionalism

Confessional belonging and sectarian groups in Lebanon directly affect the relationship between civil society and the state. Lebanon's diversity served as a source of conflict and also has generated a vibrant voluntary sector. The geographical location of the state of Lebanon provided a safe haven for different religious groups as well as minorities from the neighboring regions of the Middle East. As viewed in the historical background, this communitarian belonging shaped most of the civil society's organizations. These groups were each located in different geographical areas and started building their own communities rather than the formation of a unified Lebanese identity. The tendency was to emphasize the social roots of the distinct communities, their aspects and their irreducible singularism.

The starting point of analyzing the Lebanese society is through its religious conviction, labeled by Nawaf Salam as *iman*, or faith. Religion in Lebanon is not based on one's faith or code of belief although the latter was the main component that created "the first cohesion" between the different members of the communities. The dynamics of these different communities was not based on the "religious devotion of their members" but on their strong particularism. Thus, becoming a member of a certain religious community in Lebanon was not based on the strict "observance of religious practices" but, as Salam explains, was additionally based on "fanaticism" (Mouawad, 2010; Daou, 2010; Noha, 2010). This fanaticism is further enhanced by the "dogmatization" of many institutions. In this sense, religion is fulfilling the function similar to Ibn Khaldoun notion of *asabiya* (Salam 1998), which was used to explain the tribal cohesiveness in pre-Islamic era. *Asabiya* implicitly includes consent, obedience, and loyalty,

which accomplish the same group integration that the coercion inherent in authoritarian structures could achieve (Abul-Husn 1998). Ibn Khaldoun offered no consistent definition of *asabiya*, yet Abul-Husn interpreted it as “social solidarity” (Dawahare 2000). Abul-Husn described the Lebanese religious groups’ cohesiveness and grouping as being ordered around the concept of *asabiya*, which he defined as a pre-Islamic discourse that is now used to describe a strong bond between the members of the same group. This bonding is based on group solidarity and the commitment of supporting the members of the same group without questioning the reasons (Abul-Husn 1998). Thus these different communities are surviving neither because of the projection of faith nor due to the diffusion of a religious doctrine but because of the emergence of the “confessional *asabiya*” and aspiring more power through the support of individuals (Salam 1995). In Lebanon, *asabiya* is reflected in the Lebanese sectarian division and group solidarity and is strongly revealed by the group leaders; whenever a leader wants to initiate change to the social structure in the state, he could impose this change through resorting to coercion, which could escalate into a conflict. This religious belonging is manipulated by leaders through taking extreme stances against other religious groups (Daou 2010; Tabbara 2010). Whenever a leader or decision maker realizes that he or she is losing “claim on automatic group loyalty,” the former starts emphasizing differences between the groups in order to regain the group’s support and thus remove opportunities for compromise or collaboration. This classification was largely embedded in the Ottoman Empire whereby Basha used to classify the communities based on their religious belonging which, in turn, led these communities to adapt this sense of religious identity. Moreover, with the introduction of Western power to the region, this classification was further stressed, whereby religious differences became the “obvious features of Western identity.”

Thus in Lebanon one should differentiate between faith and religion. The latter is the main player and identifier in the society. Jawad further explained this issue and argued that while *iman* (or faith) is considered the main cornerstone of religion, in Lebanon it should be distinct from *din* (religion). Faith is only one aspect of the sectarian identity of a society. Religion is what constitutes the social order and the system of living (stressing the differences) and that is why, in this article, in order to emphasize the religious factor and its political consequences, organizations that are established based on sectarian identities are considered “religious welfare organizations” (RWOs) and not “faith-based organizations.”

Every confessional group is working towards protecting its own interest first and foremost, ahead of the whole Lebanese society. Furthermore, these primordial groups are preventing the Lebanese state from developing its own institutions, thus holding the state as a hostage (Salam 1995). However, according to Nawaf Salam, this situation created a limbo whereby neither the political nor the confessional groups were capable of developing their proper society. Sectarian groups in Lebanon, each believing that they belong to a different culture, are always emphasizing their dissimilarities. Furthermore, a major factor that is strengthening this sectarian nature is the significance of service referrals coming from religious organizations and religious leaders. Specifically speaking, many RWOs select their beneficiaries based on these referrals (Flanigan 2010) and according to Shwan Flanigan, 75 percent of the staff in Sunni RWOs and 85 percent in the Christian RWOs have relied on referrals from religious leaders to select their beneficiaries.

Thus religious identity in Lebanon is crucial when analyzing the sociopolitical situation of the state, especially since RWOs are amongst the most efficient and active emergency relief providers during crisis and afterwards (Nehme 1997; Harb-El Kak 2000; Melki 2000).

“Communal identity was and still is the bedrock of society, the basis not only for individual and collective identity, but also for accessing patronage, work, and services” (Berkeley Center 2009). Sectarian membership in Lebanon is used to identify one’s behavior in the private and public sphere (Kraft et al. 2008). “As a Lebanese, your religion and sectarian belonging will decide the place to live, the media to follow, and the different occupation you will have. Furthermore, any link between you and the state should pass through your own community” (Khalaf 2010).

b. The Political System of the State

The consociational democracy that emerged in 1943 was based on the sharing of power in the different governmental and public institutions among the different religious communities in the state. However this system was reflecting more a “constrained democracy,” since based on this power-sharing formula, citizens “by virtue of belonging to different religious communities enjoy unequal political rights” (Saadeh 2007). Sofia Saadeh expands on the concept of consociation calling it a system that contradicts the rules of Western democracy because it does not treat all citizens equally (Saadeh 2007). Furthermore, instead of adapting to the consociational system, the population adapted the idea of cohabitation where groups who have different cultures

emphasize these differences as opposed to their similarities. Although Lebanon is a pluralist society that hosts more than 18 sectarian groups, there was an absence of the presence of small powerful communal groups that could enforce policies and secure power through coercive measures. None of these confessional groups was dominant enough to secure the monopoly of power (Elkhazen 2000). This state of affairs in Lebanon led the citizens to relate to the state only through their own confessional and family organizations. In Lebanon, one cannot draw a distinction between the political, religious, and civic nature of the state. The confessional political system in the state abolished the gap that should exist between the private and the public, and representation is based on one's sectarian identity and confessional belonging (Messara 1997; Salam 1998). Confessional groups in Lebanon are always seeking opportunities to strengthen their share of power in the government in order to increase their interests at the expense of others.

Two major events have institutionalized the confessional representation in Lebanon: The first is the 1943 National Pact whereby it was agreed that the president will be a Maronite Christian, the speaker of the parliament a Shii Muslim, and the Prime minister a Sunni Muslim. And the second is the Taef Agreement that ended the civil war in 1989 and further divided the positions in the state along sectarian lines. This political system transformed members of parliament into representatives of their own sectarian communities (Salam 1998). Political and administrative roles were allocated based on different sectarian identities. This created an unstable system of governance and a deficient democracy characterized by the absence of equal opportunity, lack of political and administrative accountability, and transparency, which broke down with every change in the sectarian demography. In order to access public, political or administrative functions, sectarian belonging plays a very important role since all public functions in Lebanon are distributed based on a confessional division. Thus the confessional nature of the state prohibited the appearance of an upper political society above the confessional groups and the civil society. In this sense, confessional groups consider the government and the state as a place to gain interest as much as possible and to strengthen their roles in the state. This prevents the political society from developing into an independent society based on the public interest.

Latif Abul-Husn argues that the political significance of the religious sects in Lebanon is mainly due to their role in providing personal and group security to the Lebanese communities (Abul-

Husn 1998). Especially during sectarian wars, belonging to a sect provides safeguard from any harm. Shwan Flanigan argues that this sectarian provision of security also extends to the economic and human security that the different social service organizations provide. Although most of the RWOs claim that they are providing services to the different sectarian communities in Lebanon, the reality, which was proved in actual research and reports, is different, especially since the geographical location of these organizations is in segregated regions in the country. And although most of these organizations stress that they have provided services to beneficiaries from the other sects, Flanigan argues that access to the social services in Lebanon is augmenting the religious and sectarian partition in the Lebanese society (Flanigan 2010). This awareness of sectarian identity and past experience of violence is influencing the beneficiaries who are reluctant to demand assistance from different welfare organizations.

c. Citizens or Members of a Community?

Since the independence of the state of Lebanon, the idea of “citizenship” in Lebanon was blurred with communitarian and primordial loyalties. Since the independence of the state, a small group of elite took over and fostered their specific clan based and regional forces (Destramau 2000). “...The state is merely a political actor among many others, which appropriates for itself resources from the public domain” (Hannoyer 1994). The second obstacle to the appearance of the “citizenship” is the “fusion of private and public interest in Lebanon” (Bonn 1995). This blurred the distinction between personal life and civic relations. This overlap between the public and the private space facilitated the manifestation of a new structure: patronage and clientelism (Bonn 1995). Lebanese define their relationship with the state as both citizens and members of a certain group at the same time (Destramau 2000; Thompson 2000). In Lebanon, citizenship and nationhood remain overshadowed by ties based on kinship, sectarianism, and patronage, which contribute to a politically charged culture of social welfare that divides society more than it unites it. Within the absence and failure of the government, individuals relied on elitists and mainly religious groups mostly for social assistance, especially in the rural areas and the abandoned urban ones. These intermediaries created an informal network and became “forged by relations of personal dependence, which operate on the basis of favors as opposed to rights” (Denoeux 1993; Bonne 1995). These networks became the sole providers of many services such as electricity, schools, hospitals, housing loans, family

allowances, and even the pavement of roads for tens of thousands of people (Denoeux 1993; Harb-El Kak 1996). However, linking this relationship and assistance from the political parties and the different beneficiaries to electoral politics obscures a more important relationship that is built between the patrons and their clients (Cammett 2010). If we look farther than the electoral considerations, other reasons for this social assistance can be identified. As mentioned previously, the political system in Lebanon and the partial institutionalization of the democratic governance in the state as well as the nature of the electoral process allowed these elite to have a “dual game” of electoral and non-electoral politics: These different types of politics can show the party’s strength as well as become a form of pressure to support the policies requested by the party (Cammett 2010).

d. Lebanese Laissez-Faire Economy, Liberal Law of Associations, and the Civil War

The appearance of these powerful religious organizations is also linked to the Lebanese Law of Associations, which is liberal compared to neighboring countries, and to the lack of authority control over their activities, as well as to the paralyzation of the state during the Lebanese civil war.

In a 1995 UN summit on social development in Copenhagen, Lebanon’s national report noted the following:

Lebanon has a liberal economic system, where the role of the state is limited to formulating the legal, institutional, and infrastructural framework necessary for economic growth. The state also provides some intervention in the social and developmental sphere through a number of public institutions and ministries, in particular the Ministry of Social Affairs. Therefore, plans to combat poverty and unemployment do not appear as stand-alone plans, but form part of the overall comprehensive framework of the reconstruction and development plans, which place priority on ensuring the demands of economic growth. This policy considers that improving ages, and fighting unemployment and poverty are natural by-products of this growth. Economic growth is the key to official social policy. (Khalidi-Beyhum 1999: 43)

The Lebanese civil war emphasized the inherent deficiencies in the state of Lebanon (Jawad 2010). The sectarian structure and the lack of internal cohesiveness, jointly with external interference, sped up the collapse of the state. With the end of the civil war, the state emerged as a weak entity and thus contracted social services to private and volunteer organizations. The weakness of the state and the absence of any legitimate power to control this sector allowed these organizations and groups to develop. This civil war led to the total paralyzation of the different public social welfare institutions that were established in the 1960s. Thus confessional groups in most of the Lebanese religious communities started to develop social welfare programs and flourished in the social provision sector (Harik 1994; Traboulsi 2007). Thus the flourishing of this sector is not based on encouragement from the government but on its inability to exercise any authority over their activities. Prior to and during the war, the Lebanese government did not provide any service provision to the poorest rural areas in the country; nor did it initiate public projects in the suburbs of the capital and freezing the institutions of the state. Due to the weakness and the unequal regional development policies, many suburban areas in the capital city, which became strongholds for rural migrants, were neglected.

The infrastructure of the Lebanese state was completely destroyed during the various Lebanese wars. Furthermore, the reconstruction process cost the state over \$40 billion of debt. And as a result, the gap between the rich and the poor in Lebanon undermined the role of the middle class and led to the emigration of most of the younger generation in the search for better employment opportunities. The latest poverty study conducted in Lebanon in 2008 showed that a minimum of eight percent of the Lebanese population live under the conditions of extreme poverty; thus a minimum of 300,000 citizens are not meeting their basic needs. Furthermore, 28.5 percent of the population is living below the poverty line, that is, around one million citizens (Abu-Ismaïl et al. 2008). Poverty is a serious social problem in Lebanon despite some apparent improvements in the last decade. Poverty is distributed in different regions in the country: the highest poverty rate is witnessed in the three areas of Hermel, Baalbeck and Akkar. Moreover, the largest cities in the country - Beirut, Saida and Tripoli - are witnessing an increase in poverty rates mainly perceived through child labor and overcrowding. The unemployment rate in Lebanon is the highest among the poorest population, most of whom are unskilled workers. Since the early 1990s, the Lebanese government has been exerting continuous efforts to improve the social indicators through promoting social development; however this has not improved.

In Lebanon the state does not provide the minimum social rights for its citizens, thus allowing the sectarian parties to provide services for their own communities and use them for their political aims. The harsh economic situation that the Lebanese are experiencing has enhanced the increasing role of the welfare organizations.

The July 2006 war on Lebanon resulted in severe damages to the private and public infrastructure and a complete degradation of the economy. By the time of cessation of hostilities, nearly 1,200 people had died and about 4,400 were injured. About a quarter of Lebanon's population was displaced during the war, and around 500,000 people had their houses destroyed or damaged. Furthermore, the areas that were mostly affected were the same areas that traditionally witnessed the highest rates of marginalization from the state (UN Development Program).

In parallel to these harsh economic conditions, many organizations were formed to directly fill the gap that resulted from the failure of the state during the civil war, and many political parties and individual philanthropists took advantage of these hard economic and social circumstances to develop their own organizations, offering the finest services in return for the loyalty of the individuals. In a study conducted by Melani Cammett that links political partisanship to the access of welfare services in the light of a weak state, this was based on two assumptions; first, that loyalties to the party will facilitate the access to welfare services, and second, that social benefits (food, cash, health care and schooling) are directly linked to the degree of activism shown.

Melani Cammett concluded that:

The case of Lebanon shows how politics can directly mediate access to social benefits – even those that should be automatic citizen entitlements. As interviews and a national survey on access to welfare and political participation suggest, more politically active individuals, who may vote, attend party meetings, participate in demonstrations and engage in other regular and visible expressions of commitment to a party, are more likely to receive services, even after accounting for

differences in socioeconomic status, gender, age, religious participation, piety, sectarian identity and other potentially relevant factors.

In the absence of public welfare service, non-state actors, religious organizations, and political parties are stepping in to provide the basic social services to the citizens. These services can be transformed into the reinforcement of political support and group solidarity (Cammett 2010). The absence of the Lebanese state in providing services and the poverty for the residents in the suburbs provided opportunities for various religious political parties to win the support of residents by providing these absent services (Fawaz 2010). Between 1975 and 1991, a very large number of political groups entered the lives of residents of the southern suburbs of Beirut city (e.g. Amal Shiite party and Progressive Socialist Druze Party). Most of them provided services to the community at some point or other.

As mentioned above, the political system that emerged after the creation of the state, in addition to the sectarian nature of the society and the “political dominance of elite commercial and financial interests,” directly affected the welfare system in the state, which lacked any state intervention and had a profound dependence on non-state actors. The welfare system in Lebanon is unregulated and opens the door for many organizations, especially political organizations and religious welfare organizations, to provide social services (Corm 1991; Hanf 1993; Harik 1994; Traboulsi 2007).

In a study conducted about the role of these faith-based organizations in impacting social policies mainly in the educational and health sectors in Lebanon, the Collective for Research and Training on Development–Action (CRTDA) conducted a quantitative study on fourteen faith-based organizations (representing nine different religious confessions) that examined the role of these organizations in shaping the rights of citizenship and gender equality in the state, how they relate to the state, and the different ways and attempts to influence policies in the state.

The study concluded that although these organizations play a major role in educating and providing health care assistance for both men and women, they are becoming a key obstacle towards the democratization of the state. The data gathered by the study showed that these organizations define citizenship based on the confessional identity; this was reflected in the value system and the nature of the services provided, in addition to the identity of the beneficiaries and

the staff of the organization. Furthermore, this study concluded that although these organizations provide the basic services and support for the majority of the Lebanese society, they are further reproducing and contributing to the confessional system of the state.

The following part will provide three examples and case studies about the importance of these religious welfare organizations and their crucial role in providing services for the different Lebanese communities.

e. Health and Educational Institutions

According to Cammett, 17 percent of the medical services (dispensaries, medical centers, and units) are established by Christian organizations, while 11 percent are funded by Islamic charities. Moreover, Sunni and Shiite political parties (such as Sunni Future Movement and the Hizbullah Shiite party) have established highly efficient health care organizations that account for about 9 percent of the health care organizations. Furthermore, although public institutions cover 9 percent of the health care units in the state, due to the nature of the political system in Lebanon, a large portion of these organizations are directly linked to or under the auspices of the different political parties (Cammett 2010).

Data about the size and composition of the Lebanese civil society is absent in Lebanon; however, it is well known, and shown in the different interviews conducted, that most of these organizations are directed towards health and education sectors, which mainly developed during and aftermath of the civil war (Johns Hopkins center research).

The Ministry of Health estimated in a study conducted in 2000 that the share of civil society organizations in the health care system amounts to 60 percent; moreover, these organizations operate around 30 percent of the hospitals in Lebanon.

As for the educational sector in Lebanon, a study conducted in 2006 concluded that around 1,400 primary and secondary schools units (i.e., half of the total educational units in the state) are run by private organizations, most of which are either under the auspices of the Catholic school systems or directly linked to Sunni, Shia or Druze political groups (Cammett 2010).

In addition to establishing private health care organizations and educational units, these political organizations and religious groups provide social services in many different ways. Many of these sectarian political parties have established programs that regularly distribute alimentary units and material aids to their followers. Moreover, these sectarian organizations act as facilitators and intermediaries between the state and the citizens to facilitate access to rights for their own citizens. For example, while the law clearly states that the state should cover 85 percent of the hospitalization cost of any entitled citizen with serious conditions, in reality citizens do not access this right mainly because of the accruing deficit of the Ministry of Public Health and because of the role of politicians and political parties who act as “gatekeepers” to these public benefits (Cammett 2010). Many sectarian parties in Lebanon use their *wasta*, or connections, to secure government payment of the cost of hospitalization for their own supporters (Cammett 2010 based on author interviews: Official, Amal movement, Ghobeiry, 17 January 2008; Official, Ministry of Public Health, Beirut, 13 June 2006). Thus citizens who are not politically affiliated or linked to a religious organization are not capable of securing their basic needs.

Whenever an organization becomes the sole service provider of the basic needs in the community, beneficiaries will become dependent on it and will not be alarmed by the type of the organization, whether it is secular or linked to any political parties. A study conducted by Shawn Flanigan about faith-based organizations in Lebanon concluded that a significant portion of the Lebanese population is seeking support, services, and security from organizations within this circle, which have proven to be, in most cases, high-quality service providers. However, according to Shawn, these religious groups are replicating the confessional system that emphasizes the differences in the society, especially since they control a large portion of the educational and health sectors in Lebanon, and in addition are the leading employers and economic players in the market. These welfare organizations are based more on emphasizing group particularism rather than Lebanese communalism. They are becoming stronger and are shaping the identity and minds of their community members.

f. Islamic Religious Institutions

The civil war in Lebanon provided an open space for religious political parties in Lebanon to become main players in the southern suburbs of Beirut (Fawaz 2000).

As argued in part 2 of this paper, from the formation of the state of Lebanon until the start of the civil war, there was a socioeconomic equilibrium between the Sunnite and the Christian sectarian groups. Meanwhile, the Shiite groups were considered to be the minority. With the start of the civil war, a sectarian Shiite group was formed, called the Amal party, and then in 1982 Hezbollah was created. These two political parties started to provide their constituents, mainly in the south of Lebanon, with many social services primarily by building hospitals and schools. The Lebanese Forces (Christian political party) had a similar outreach in the Maronite regions from 1987 onwards: The Social Welfare Agency (Mu'assasat Al-Tadamun Al-Ijtima'iyya), which emerged out of the popular committees, was created in the early 1970s and had 35 branches (offices) helping 25,000 needy families (Harik 1994). These different political parties took advantage of the weakness of the state and started providing different services to the different communities in Lebanon; they assumed the functions of the state in a paralyzed Lebanon and developed highly efficient centralized welfare organizations (Cammett 2010).

Prusher (2000) notes that it was a “vast network of womb-to-tomb services that put Hizbullah—or Party of God—on the map as the agency that gets things done.” However, in the post-war era these Muslim religious parties and organizations worked on maintaining and strengthening their welfare organizations, while the Christian parties failed to do so. These latter were not as successful in establishing their own social and medical institution, and their religious organizations are more fragmented (with the exception of the Catholic school system)

Muslim parties became more organized and administer their program in a highly professional way; they are even capable of providing cash or different kinds of gifts to their constituents. And since the Druze, who make up about 4 to 5 percent of the population, are a diminishing minority in Lebanon, these latter are creating movements responsible for the defense of group interests by creating different network of associations in predominantly Druze areas, as well as working to have an active representation in the institutions of the government.

These Islamic NGOs provide different services that encompass health care, education, drinking water provision, garbage collection, income generation initiatives, and many others. They have also placed local resident members, often largely and formerly demobilized, into positions where they can actually impact their poor living conditions by shaping their own process of service provision and organizing for their rights.

g. The Case of Hizbullah

As previously argued, the Lebanese government is incapable of providing social welfare services to its populations; when it does provide these services, they are mostly located within the capital of the state. With the almost total absence of these services, Lebanese families face harsh economic and social conditions. As a result, a Shiite cleric called Muhammad Hussein Fadlallah stepped in to change this status quo, especially in the Dahiyeh area of Beirut, which is mostly populated by Shiite community (Norton 2007).

Fadlallah was calling attention throughout the civil war to the importance of the creation of the “human state,” or *dawlat al-insan*, with a main aim of providing the basic needs for the Lebanese people. This idea was the main inspiration for many to establish private social associations directed toward the Shiite community. From this idea we witnessed the formation of Musa al-Sadr Foundation, the Amal movement, the Supreme Islamic Shiite Council, and Hizbullah. These organizations were either created by families or funded by benevolent trusts (*awqaf*) and became the most significant social centers in the regions (Norton 2007).

Hizbullah operates as a faith-based organization and has established a network of organizations that have become successful and proven durable throughout time. The organizations of this political party are characterized by high responsiveness to the needs of the population, as well as accountability, professionalism and leadership, and also by their effectiveness in reaching their goal. According to Fawaz, these organizations can be considered as “faith-based socio-political organizations” since they “interpret and deploy faith as a political construct, organizing and mobilizing social groups on the basis of faith identity but in pursuit of broader political objectives.” The organizational feature of these organizations and their holistic approach (as they cover every aspect of the life of the individual), in addition to the professionalism and leadership they proved plus high performance, has provided them with great success and enlarged their

social base. Nizar Hamzeh estimated the beneficiaries from Hizbullah's educational units to more than 25,500 students on a yearly basis, and the medical services as almost 410,000. According to Harik, the beneficiaries of the micro-credit organization are over 7,500 per year. Fawaz estimated the social base of Hizbullah to be a minimum of 300,000.

Hizbullah's Organizations:

Hizbullah has a network of institutions working in the suburbs of Beirut, the Beqaa and the south of Lebanon that focuses on education, health, research and development in addition to other activities. These different organizations created their own social and cultural environment known as the "resistance society," which directly conveys faith-based values to their targeted community. The satellite organization is composed of 10 organizations, which are registered with the Ministry of Interior. Moreover, these organizations are divided amongst two groups: those that provide services to the community and those that are involved in military resistance. The two are responsible for providing education and micro-credit service. These organizations have a high level of organization and their institutions are based on scientific knowledge and rational thinking, and a high level of professionalism, in addition to dedicated personnel and charismatic leaders.

Hizbullah's large-scaled social organizations are concentrated in the southern suburbs (Fawaz 2000):

1. The Imam Khomeini's assistance committee was founded in Beirut in 1982 and had branches in Tyre, Sidon, and Baalbeck.⁵ It provided 130,000 scholarships, interest-free loans, and aided 135,000 needy families.
2. In 1988, the Islamic Health Organization and Reconstruction Campaign, an Islamic engineering and contracting organization, was formed. Hizbullah's considerable heavy construction projects are carried out by this organization, which is registered as a Lebanese charitable association. (Iran uses the same name.) This organization is mainly responsible for repairing war-destroyed houses and attending to daily needs of the

⁵ Ruhollah Musavi Khomeini, officially known as Imam Khomeini, was an Iranian religious leader and politician who later became the country's Supreme Leader.

population in Shia concentrated areas. This institution remained active until the Council for Development and Reconstruction (CDR) took over in 1994 (Harik 1994: 26-27).

3. The Martyr Organization (Al-Chahid, established in 1982) takes care of more than 2,500 families and includes a hospital, dispensaries, and schools
4. Al-Jaridh, established in 1990, is a second organization that supports the wounded. This organization takes care of more than 3,000 wounded and their families.

The other group is composed of organizations that are more concerned with the social, religious and financial provisions of the community at large:

5. Al Muassasa al Tarbawiyya, or the educational institution, established in 1991, is responsible for nine schools in Lebanon encompassing around 5,300 students.
6. Al Ward al Hassan (the good loan) was established in 1984 and distributes a monthly average of 750 micro-credit loans based on Islamic rules of borrowing.

The other four organizations, which are affiliated with the party yet are administratively autonomous from Hizbullah (and are local branches of Iranian institutions), are as follows:

7. Al-Imdad (the support), established in 1987, is responsible for providing social services to the less fortunate.
8. Al-Hay'a al Suhiyya (the health society), established in 1984, is responsible for 46 health care centers and hospitals.
9. Jihad Al-Bina (jihad for building), established in 1988, is working in the building sector mainly in the south of Lebanon and Beqaa.
10. The Consultation Center for Studies and Documentation (CCSD), established in 1988, is mainly a think tank (or policy institute) that provides policy reports and studies; it has a database of at least 500,000 articles and has published around 300 reports on public policy in Lebanon.

Hizbullah is a typical example of a religious political party that acts in the shadows of a weak state, whereby all institutions are weak and sectarian groups are the main providers of the basic services. Most of the Hizbullah's social service organizations are located in the Shiite area but are also serving other communities if asked; in particular, their hospitals and clinics assist any patient that walks in without any reference to his political or sectarian view. However, since they are located in predominantly Shiite areas the majority of their beneficiaries are by default Shiite. Although Hizbullah is raising many funds domestically, most of the funds are received from the state of Iran, amounting to more than \$100 million per year (Norton 2007).

August Norton quoted a Shiite as saying, "There are no needy people in the Dahiyeh," and thus noted that these social organizations are responding to the different needs of the Shiite population, creating a safety net to the whole area.

These organizations' importance was shown during the 2006 war whereby they stepped in to assist with the needs of the community, especially regarding the total destruction of houses, which in return provided Hizbullah huge support among the Shiite community.

Hizbullah bases its work on clear religious ideals: "Our work in the Islamic health society forms a 'jihad' (or struggle) for God and a civilized challenge (tahaddi hadari) through the creation of medical institutions on Islamic bases, where the values of honesty, goodwill, excellence, modesty and service are developed. This proves the capacity of Islamic Reason (Al-Aql al Muslim) in managing medical work and reaching the targeted objectives" (Al-Hay'a al Suhiyya Newsletter,).

Thus these organizations include many pious beliefs and faith values. Hizbullah's network plays a major role in creating a "social and religious transformation" in Lebanon. Based on Hizbullah's belief, a religious person following the faith of Islam should adhere to *jihad* and transform into a mission of resistance which will lead to martyrdom (Fawaz 2000). This resistance is not only military, but also political, social and cultural. There are different Hizbullah institutions that are responsible for the promotion of Islamic faith and mobilizing the resistance society, which are labeled as "faith propaganda institutions." (Al Manar television and Al Nour radio station disseminate Islamic slogans on a regular basis.)

As of the 1998 municipal elections in Lebanon, these organizations became partners of the local municipalities that were backed by the party, and these municipalities relied on the social expertise of these organizations to implement local development strategies, mainly because these organizations had over 15 years of experience.

E. The second type of civil society: Mujtama Ahli

As previously discussed, in developing countries, due to the lack of legitimacy, the weakness of the state, and failed competency, whereby citizens start searching for new means to secure their daily life, many actors emerge to provide welfare for the citizens, thus replacing the role of the state (Gough et al. 2004). The importance of these organizations is that they were all established based on a certain need in the society during the civil war, and they grew into powerful organizations that serve their communities, replacing the role of the government in many fields.

Alternative to the welfare state is the family (Flaquer 2000; Naldini 2003; Clastles and Ferrera 1996; Rhodes 1997; Ekert-Jaffe and Terraz 2004; Ferrera 2005), and in addition to the religious networks (Azzi and Ehrenberg 1975; Hungerman 2004; Clark and Lelkes 2005; Gruber 2005; Dehejja et al. 2007; Jawad 2010) another player that emerges is the patron-client network.

The introduction to part 2 differentiated between the different sectors of civil society in the Arab world and more specifically in Lebanon. Another face of civil society in Lebanon is the *mujtama ahli*, or the foundations established by families or notables in the state. Most of these organizations developed during the paralyzation of the state during the civil war, based on the needs of the society. With the end of the civil war these organizations continued developing and have transformed their work from relief to development. One critic has described the Lebanese state as being a welfare state for its sectarian communities.

The importance of these organizations is that they are established by active politicians in the Lebanon. Throughout the fieldwork conducted, it was clear that politicians, members of parliament, and welfare organizations are major players in Lebanese society and they provide major assistance to the different communities in the state especially in the light of the high cost of living and expensive social care system. However, clientelistic networks can also become a major player in the game.

The major player and prominent foundation is the one established by the prime minister Rafic Hariri. With the paralyzation of the state, Hariri, a multi-billionaire, started a new trend in Lebanese society. He created a new path in corporate social responsibility by creating his own foundation called the Hariri Foundation. This foundation started providing thousands of students with educational grants for studies in Lebanon and abroad; in addition it established and supported many schools, universities, hospitals, and social institutions. The success of this may have encouraged many other politicians in Lebanon to reproduce these welfare organizations. Many prominent politicians and businessmen started to create their own foundations that had the same objectives and activities as the Hariri one: Fares Foundation, Mouawad Foundation, Frem Foundation, Makhzoumi Foundation, and the Safadi Foundation (Khaldoun 2006). The common denominator of all these foundations is that they were established by “politically ambitious businessmen” that were working to build their public image and thus enlarge their popular base (Khaldoun 2006).

While these organizations might reflect an ethical commitment of their founders to assist their own society or provide them with tax exemptions, Khaldoun argues that these organizations are connected to politicians in the state and are being used politically to create a public image and thus enlarge the popular base.

This strategy is protected by the Lebanese constitution since “Article 10 of the Lebanese Constitution allows confessional communities to establish their own social institutions” (Joseph 2000). And Article 37 of Decree 60 LR provides the confessional-based social institutions the status of “corporate body” (Zalzal 2009).

The United Nations report on the state of Lebanon argued that the activities of these NGOs are limited to boosting the status of local notables or justifying the spending of a budget based on financial assistance from certain ministries or political figures who seek good ties with those running a given association.

This state of affairs, whereby sectarian groups own private institutions, has led to two main important issues:

- The development of “semi-closed” and “self-sufficient sects” as opposed to the development of the state. These sects do not feel the need to demand that the state fulfill its main role as a mechanism representing the nation, implementing policies, and safeguarding the interests of the public.
- The formation of the state as a unitary authority and arbitrating force has been obstructed in that it has been constantly pulled back.

In a study conducted about the relationship between the access to social welfare and the degree of partisanship, Cammett demonstrated that access to social welfare in Lebanon is uneven. The main contributing factor to the access to the services is political since, as demonstrated by the study, citizens who demonstrate that they are politically active receive more expensive benefits as compared to apolitical or even less active citizens.

Cammett in her study showed that the basic social rights of the citizen are withheld from the poor and the apolitical or less politically active members of the community. These providers of social welfare, as well as the brokers of public entitlement, profit from this situation in Lebanon and work to preserve this status quo, which denies citizens access to rights.

These parties and organizations have become major players in the political system of the state and are providing services and even mediating the access to the services of the state for the citizens. Although Lebanese are entitled to health care services, the combination of “state fiscal crisis - clientelist politics” are working toward placing obstacles in front of the citizen and preventing him from accessing his social rights. Meanwhile the citizen who demonstrates a commitment to the political party enjoys access to these services. “For example, in Lebanon, clientelist linkages are premised on hierarchical relationships of dependence and perpetuate a system in which citizens cannot in practice benefit from public entitlements. At the same time, sectarian and religious providers offer services that might not otherwise be available” (Cammett 2011).

F. Conclusion

As with other parts of its civil society, philanthropy in Lebanon is tainted with a sectarian character, and most of the political parties in Lebanon that have a sectarian identity or a religious

affiliation are creating highly efficient religious welfare organizations responsible for providing services to their constitutive members of the community (although they usually claim that these services are directed towards all the different communities as well). These religious welfare organizations are considered by many to be the only source of assistance in the light of harsh economic conditions in Lebanon. As explained in this chapter, there are two assumptions: First, loyalty to the party will facilitate access to the welfare services, and second, access to social benefits such as food, cash, health care and education is directly linked to the degree of activism shown.

Many factors led to the development of these highly efficient organizations. The structure of the Lebanese political system, the patron-client networks, and the paralyzation of the social services of the state during the civil war led to a minimal state intervention in the welfare system and a great reliance on non-state actors. Thus this welfare system became fragmented and allowed the political and religious organizations to assume the main role of service provision in the state.

Furthermore, the confessional nature of the state prevented the creation of an autonomous civil society capable of raising its own demands and pressuring the government; instead of the appearance of an independent body raising their demands through the right civil society channels and playing its own role of mediator between the private and the public, sectarian groups are raising their demands through their own representative in the governments and parliaments. Due to the religious and cultural composition of the society, the nature of the Lebanese consociational democracy, and the laissez-faire economic composition of the state, the Lebanese government is always encouraging the development of these organizations and cooperating with them.

However, it is important to recognize that these welfare organizations are the ones that are assisting a huge portion of the population and replacing the role of the state. Thus considering their role to be negative would be incorrect; if they stopped offering their services, many of the populations would be below the poverty line.

CHAPTER V

DEVELOPMENT OF THE MUJTAMA MADANI AND THE STATE OF LEBANON

A. Introduction

Civic organizations appeared in Lebanon for the first time during the end of the civil war, when a group of non-confessional associations gathered and started demanding an end to the war. Recently many internal events led to the reemergence of these organizations, mainly the end of the civil war, the assassination of Prime Minister Rafiq Hariri, as well as the withdrawal of the Syrian army and the end of their tutelage of more than 16 years. Furthermore, the changes that the civil society passed through were also caused by regional and international events, mainly the September 11 attacks and the 2006 Israeli war on Lebanon.

This chapter will focus on the growing role of these organizations and social movements, and their relationship with the state of Lebanon. It will argue that the civil society of *mujtama madani* nature was only able to develop in Lebanon due to the changes in the local, regional and international political environment; and although these associations face many challenges, especially due to the confessional nature of the system, this society is striving to affect public policy and make changes in Lebanese society. This chapter will argue that the weakness of the state and the political regime that appeared after the signing of the Taef Agreement had a negative effect on this society.

This chapter is divided into four main parts:

Part 1 will discuss the importance of these organizations and their differences with previously discussed organizations. In part 2, the legal framework within which these organizations are working will be examined, as well as the limitations and drawbacks of such laws. Part 3 will discuss the political and social situations that led to the development of these organizations. Finally, part 4 will analyze two case studies and the extent to which they are capable of affecting public policy through presenting draft laws.

B. Development and importance of the Mujtama Madani in Lebanon

In order to analyze the role of the *mujtama madani* and its growing role in the Lebanese society, first we should understand its characteristics in comparison to the other types of civil society discussed in the previous chapter.

The first characteristic of this new type of this society is its activities and objectives. Activities extend to new areas that were neglected in the past, mainly human rights issues, civil liberty and democracy, as well as ecological concerns. The importance of these activities is in their focus on the national post-war construction of a common identity; they surfaced as an attempt to find a new common ground and political consensus to renew national social ties. Furthermore, the relationship that was established between the Lebanese civil society actors and their international counterparts allowed for the transfer of technology and "know-how" in various fields (Karam 2000).

The second difference between these new organizations that surfaced and the other types of civil society (discussed in the previous chapters) is at the "organizational level." Instead of the hierarchical vertical structure, Lebanese civil society witnessed the development of horizontal structures that were more flexible and adaptable to changes. When comparing the budgets of the associations focusing on socioeconomic development and communal associations, these new associations claimed that they are managing with a small budget (an average of \$20 thousand a year as compared to more than \$10 million a year for major developmental NGOs) since they work in an ad hoc way, and therefore are capable of reducing their number of employees to the minimum (limited to the management of the secretariat). They further rely on a number of volunteers specialized in specific areas. This type of internal organization and management has strengthened the position of these associations vis-à-vis donors on one side, and public institutions (such as ministries), on the other side. But this freedom is unstable and delicate since it only relies on a group of volunteers and is determined by the type of activity and the context (Karam 2000).

Third, this society is distinguished by the characteristics of their activists and members. These associations are composed of two groups: The majority is made up of the "young" generation between the age of 22 and 40, and although they show an affinity with a particular political party

or another, they are characterized by low partisan participation. Furthermore, a small minority that is over 40 years old (the same group that initiated the movement at the end of the civil war that shares the same values) is looking at these organizations as substitute to their past movements. Karam argues that the majority of these latter belong to the middle class, with a minority from a wealthy class. They include a large number of university students, professionals, and members of liberal professions (lawyers, engineers, journalists, etc.) (Karam 2000). The novelty of this activism lies in the fact that the associative structure is calling for a non-violent way to achieve change. Moreover, it is a national movement covering the territory of the Lebanese state. Another characteristic of these organizations is the trans-regional and cross-community memberships that are calling for non-confessional and non-ideological causes.

These new type of associations and movements, although is still small in number, are capable of affecting the Lebanese public sphere through their movements at the associational level as well as collective wider action leading to social movements. However, these movements and organizations are facing many obstacles in fulfilling their objectives, mainly the limitations of the Lebanese laws and the political system of the state.

C. The Legal Framework

As argued previously Lebanon enjoys the most liberal laws in comparison to the neighboring countries; however, these associations are governed by a restrictive system especially during and after the civil war. In order to understand the relationship between the state and the civil society in Lebanon, this section will analyze the rules that govern the actions of these organizations and the controversies concerning these rules that limit the work of these organizations.

a. Defining an Organization

Article 1 of the Lebanese Law of Associations defines an association as “a group of several persons permanently unifying their knowledge or efforts for nonprofit objectives”(Kamil 2010). Furthermore, the Lebanese Decree Number 153/54 of 16 September 1993 defines an organization as a “moral entity founded by a minimum of three individuals who permanently put

forward their knowledge with activities or material resources for a goal that does not seek material profit” (Kanaan et al. 2004).

b. Laws and Regulations

The Lebanese constitution instituted articles for public freedoms, mainly Article 13 which states the freedom of the establishment and scope of their work as follows: “The freedom to express one's opinion orally or in writing, the freedom of the press, the freedom of assembly, and the freedom of association are guaranteed within the limits established by law.”

Furthermore, the establishment and functioning of associations in Lebanon is based on the “liberal” Ottoman law of 3 August 3 1909 (Appendix 5: “liberal” Ottoman law of August 3rd, 1909). This law is viewed as the general legal framework for associations and nongovernmental organizations in Lebanon.

The following are key legislation governing the work of associations in Lebanon:

1. Article 13 of the Lebanese Constitution
2. The 1909 Law of Associations
3. The 1911 Law of Public Assemblies
4. Public Utility Organizations, Legislative Decree No.87 of 30/6/1977
5. Foreign Associations, Decision No.369 LR of 1939
6. Section 2 of the Penal Code
7. The International Covenant on Civil and Political Rights
8. Decision of the Council of State (Shoura) No.135/2003 (See Annex 1)
9. Income Tax Law, which exempts NGOs from taxes and tariffs
10. Article 20 of the Universal Declaration of Human Rights, which states that everyone has the right to freedom of peaceful assembly and association and that no one can be compelled to belong to an association or a collective activity.

c. Controversies about the Law

In principle, the Law of Associations should protect the rights of these associations to be recognized; they only need to inform the Ministry of Interiors (MOI) about their establishment and present their bylaws (Abu Assi2006). (Appendix 6: the papers required to be submitted by an Organization to the Ministry of Interior)

As per Article 2 of the law, “Establishing an association requires no prior permit but, by virtue of Article 6, notifying the government of its establishment is a prerequisite.” Based on the MOI decision of 17 January 1996, any organizations that does not secure the permission from MOI is considered illegal (Abu Assi2006). However, since the declaration and informing process by the ministry is not written in any law, MOI has been interpreting this law to its own benefit mainly for political reasons. As an example, this ministry refused in many cases to receive the informing papers of organizations and considered their status as illegal until the issuance of the permit. Moreover, this ministry is requesting these organizations to prepare and submit bylaw templates; a request that violates the provisions of the law. Furthermore, especially during and after the end of the civil war, the MOI was delaying the applications of organizations that focus on human rights, fighting corruption, and other sociopolitical controversial issues (Moukheiber 2003). An example is the case of the Lebanese Transparency Association, which had to resort to informal methods of delivering their papers since MOI refused to accept their papers (Khaldoun 2006). Another example is the Association for the Defense of Rights and Liberties (ADDL) who filed a case against the MOI in front of the Council of State: the council’s verdict (Council of State decision No. 135/2003-2004 dated 18 November 2003) was for the benefit of the association and was based on the law that organizations need only submit their notification papers and do not have to wait for the MOI to issue the registration permit (Khaldoun 2006). As another example, in 1996 the MOI refused the declaration statement of LADE and banned this association’s activities. The argument of the ministry was that the objectives of this association are political and they are interfering in the prerogatives of the government. It was not until 2006 that LADE was provided with the notification papers (Camille 2010).

Yet another example of more restrictive measures being imposed on these associations was the proclamation that was issued by MOI in 1996. This proclamation imposed greater restrictions on associations. They were obliged to notify the ministry one month prior to the date of their internal election, and furthermore, this proclamation provided the ministry with the right to supervise the elections and investigate the background of the candidates. In addition, amendments to the statutes and bylaws of the association needed prior approval from the ministry. Furthermore, the accounts and budget as well as the members list had to be submitted to the ministry. Not abiding by these new procedures would lead to the dissolution of the association and withdrawal of the notifications. However, the state council revoked this

proclamation in 2003 since it was viewed as contradictory the Law of Associations of 1909, based on a complaint presented by the ADDL.

In 1993 the Lebanese NGO Forum presented three examples of laws that illustrate the negative relationship between the organizations and the government (*Lebanese NGO Forum*. Beirut, 17 November 1993). These laws are i) the customs and tariffs fees, ii) the national social security law, and iii) the municipality fees.

Although as per the law these organizations should be exempted from different taxes, the custom and tariff fees and the municipalities' fees are treating these organizations as profit-making organizations and taxing them. Furthermore, these organizations should be governed by the Public Benefit Law, which provides them with tax exemptions once they acquire a public benefits status (recognized by the government as aiming to serve the society). However, due to the economic crisis in Lebanon, the government placed this law on hold, especially the part discussing the tax exemption.

d. Authoritarian Regime?

During the civil war and prior to the assassination of Prime Minister Hariri, the Lebanese state was acting as an authoritative system. Files presented by the associations to the Ministry of Interior for information were facing delays and usually had pass through other ministries and the police before being processed (Camille 2010). Furthermore, different governments introduced many decrees that contradicted the original laws; as an example the decree No. 153 of 1982 (cancelled in 1985) introduced restraining measures contradicting the liberal nature of the original law. This new decree introduced new processes for the notification system prior to the licensing of the associations. This decree provided the authorities with a three month legal period before processing the license, and in case an answer was not provided, silence would be considered as a rejection. This decree further provided a supervisory authority to the Ministry of Interior over the finances and accounting of these associations (Camille 2010). In the report on freedom of association, Joseph Camille argued, "In practice however, Lebanon's system of notification was transformed into a de facto authorization system for decades (during the civil war and subsequent years)." He further stated that, "In practice, and especially during the civil

war and the occupation years (from 1975 to 2005), the Lebanese State implemented a de facto authorization system despite its de jure liberal notification system.”

e. Challenges Facing These Associations

Ghassan Sayyah provided three types of challenges facing these Lebanese organizations (Sayyah1993):

- Internal level: mainly problems of funding administrations, lack of volunteers, developments, absence of long term plans, and lack of coordination between organizations with similar scope.
- National level: ministries consider these organizations as profit making and they are being taxed as such, while in other countries social organizations are exempt from taxation and rent.
- International level: while international organizations should cooperate with local organizations and empower them, international organizations are instead competing with these organizations, mainly to escape taxation in their own countries.

Another major challenge is the finance and taxation of the civil society organization (CSO):

In Lebanon there is an absence of legislation about the financing and taxation of CSOs. Thus assessing the tax benefits and exemptions of these organizations is usually based on different legal clauses that sometimes contradict one another. Problems appear due to the arbitrary interpretations of these laws in addition to different ministerial decisions that further complicate the issues.

In Lebanon there is no clear law that states whether CSOs are exempted from taxation and which exemptions and benefits should be enjoyed. Furthermore, as previously mentioned, the Public Benefit Law governs the organizations that have a public benefit status: These are the organizations that are recognized by the government and the council of ministers as aiming to serve the needs of the society (Khalidoun2006). This law conditions the benefits and exemptions of the CSOs and provides the government with supervisory and control mechanism. Only 50 organizations were granted public benefit statute (14 in the social sector, two in health, six in education, and 27 working in multisectors). This law provided these CSOs with exemptions

especially in registering building property and indirect taxes; however, additional legislations that were incorporated in the national budgets after the Taef Agreement in 1990 removed the majority of these tax exemptions. Furthermore, this law had many gaps thus the government decided to suspend it until reviewed, especially since the tax exemptions and benefits are no longer in line with the financial and economic conditions. Thus these tax laws are complicated, unclear, contradictory and outdated. In addition to the aforementioned problems, there is an absence of one legal law or decree that governs the actions of these associations. Many laws and decrees were issued that define and specify the conditions of the legal performance and objectives of these associations. For example, syndicates and cooperatives are governed by their own laws (Decree No.17199 issued on 18 August 1964); trade unions are licensed by the Ministry of Labor; political parties need a prior approval permit; religious associations are granted legal status under the Decision No.60 LR of 13 March 1936, mainly those associations that have charitable, cultural and educational objectives; mutual funds and cooperatives are linked and supervised by the Directorate General of Cooperatives (one of the directorates of the Ministry of Agriculture); and business and labor associations are linked and require their permits from the Ministry of Labor. (Appendix 7: The Law of Associations of August 3, 1909 (article governing laws of different Civil Society Organizations))

f. Hope for the Civil Society?

The major event that provided more freedom, power and space for this civil society in Lebanon and led to the emergence of the vibrant associational life was the Syrian withdrawal from Lebanon in 2005. Civil and human rights associations started to enjoy more freedom after the withdrawal of the Syrian army at that time. This freedom was manifested in different policy changes, starting with the mandate of the acting minister of interior Ahmad Fatfat, and continued with the mandate of Ziad Baroud, who is considered an active protector and activist in civil society in Lebanon as well as being co-founder of the ADDL association.

Baroud stopped all the illegal practices that were followed prior to the Syrian withdrawal, mainly the refusal to provide notifications or the dissolutions of associations for arbitrary reasons. He also corrected flaws in the administrative practices, including reducing the waiting period for

providing the notification receipt for the association to less than two months, thus providing these associations with a space to work with minimal interference from the government (Camille 2010).

Furthermore, under the mandate of Baroud in 2009 during the celebration of the 100 year anniversary of the 1909 Law of Associations, the ADDL and Parliamentary Human Rights Committee proposed a number of recommendations to improve the rights of these associations (Camille 2010). During the symposium, Baroud presented a draft law that would lower the minimum membership age of the associations from 20 to 18 years old.

However, although minister Baroud advanced many changes to the laws of associations, civil society has a long road ahead in order to reach its full independence. In an interview, Bassam Chit noted, “The implementation mechanisms of the Law of Associations in Lebanon has always been dependent on the Minister in office, so if the current minister leaves, the system could change depending on who takes his place” (Camille 2010).

Moreover, the procedure of acknowledging the declaration statement of associations in Lebanon is still not transparent. In 2008 the Ministry of Interior issued a new circular about the associations’ rights in an attempt to set new procedures for their creation ensuring that the investigation procedure is lawful. Based on this new procedure, the ministry is obliged to sign the notification once the declaration statement is received and transfer it to the General Security for investigation about the founding members. These latter can withhold the delivery of the notification or decide to dissolve the association in case it is proven illegal based on article 3 of the Law of Associations (Camille 2010).

However, many viewed this law as a breach to the freedom of associations since it increased the role of the General Security and legalized it, especially since the role in dissolving these associations remained very broad. While the main aim of this circular was to provide freedom for the association and maintain security concerns at the national level, this has led to a compromise in the freedom and rights of these associations. A member of parliament stated, “The 2008 Circular is a step back for the right of freedom of association and creates a further ambiguity on the registration process while giving more leeway to the General Security” (Camille 2010). Moreover, a lawyer stated, “During the Syrian occupation, the General Security had an important

role in overseeing associations but this is the first time that their role is enshrined within the legal system” (Camille2010).

D. Analyzing the Political System

The assassination of Prime Minister Rafiq Hariri in 2005 and the Syrian withdrawal are considered by many as the turning point in the development of civil society in Lebanon, since everyone believes that these events have brought more awareness to the people, strengthened their sense of responsibility, and led them to participate more. New institutions developed in Lebanon which in turn opened space for professional, social, and political activity. However, this section will argue that the development of these organizations had started with the end of the civil war and has been shaped by local, regional and international events.

After the Taef Agreement in 1990 new trends have appeared. Environmental, human rights, women and certain secular organizations were formed that are more of a *madani* (civic) nature, which started to represent the dominant model. Furthermore, they shifted their work from being purely relief activities to more developmental ones, including lobbying and shaping public policies. Lebanese civil society started serious work in affecting public policies on issues that are important to them, to the public, and to international donors. New concepts have been introduced, including those of democracy, transparency and globalization. The role of civil society has been stressed and large responsibilities are being placed upon it. Moreover, the globalization effect and the growth of new ideas (such as the importance of spreading civic, political, and cultural rights as part of the universal human rights declarations) led to the introduction of new principles in Lebanon, mainly, participatory democracy, sustainable development, good governance, transparency, and accountability (Khaldoun 2006). All these ideas and concepts led to the appearance of an active civil society in Lebanon calling for change and the promotion of ideas such as human rights, rule of law, and social justice. These organizations’ main aim was to lead the change in society and become the main watchdogs on the work of the public sector.

a. State-Civil Society Relation

To analyze the impact of the social movements and organizations in Lebanon, it is important to understand the constitutional framework and the degree of openness of the system

The Lebanese political system is not comparable with any other regimes in the region since it is not characterized by an ideology nor linked to a single person. While the regime that appeared in the 1990s was more open to accepting any actor compared to the regional state, the instability of the Lebanese system prohibited political elites from rising above their conflicts and differences through stable democratic mechanisms; an outside arbitrator (state; foreign ministers,,,)was always needed solve internal problems and interpret parts of the Taef agreement. This agreement brought to power heterogeneous elites without any specific political agenda or common ideology who were only competing with each other in the pursuit of profit, interests, and the protection of certain positions of power. As a result of the activities and consciousness of this sector, the state has frequently been forced to withdraw or issue regulations concerning practices that were hindering the freedom and democratic rights of citizens and placing restrictions on civil society. Furthermore, the Syrian tutelage had a direct effect on the development of the civil society in Lebanon since it had a direct influence and control over the apparatus of the state and was always trying to deter associations that focused on civil and human rights (Camille 2010).

The relationship between the civil society and the political powers in Lebanon is not systematic and changes in relations are based on the political party that is governing.

This relationship can be negative and challenging, as it was prior to 2000 mainly in issues such as the freedom of expression, human rights, or the issues of elections. The political powers were always suppressing these movements. Furthermore, the volunteers and activists in these organizations were persecuted due to their positions and stances concerning issues that were considered as private or monopolized by the political powers.

This relationship can also be positive and based on cooperation, especially through the signing of different agreements and plans between the local powers and the Ministry of Environment and environmental organizations, or between the ministry and social organizations. It can also be on contractual bases as it was with the cases after the summer of 2005 when the government asked a

group of civil society activists to write a draft proposal for changing the electoral system in Lebanon and for allowing for different organizations to monitor the elections of 2009.

b. Civil Society and Civic Culture: A Lost Dream? Three Phases for the Development of this Society

While many argue that this movement started after the assassination of Prime Minister Hariri and the withdrawal of the Syrian army from Lebanon, this movement actually started during the mid-1990s, and was shaped by local and international events. The development of these movements and society can be summarized into three phases.

i. The first phase: 1990-2000

With the signing of the Taef Agreement and the Syrian tutelage on the country, the political and civil space was neutralized by the ruling elites, as was any opposition to the system, through the following different strategies, mainly:

- Repression or exclusion, such as the imprisonment of Samir Geagea in 1994 and the exile of Michel Aoun in 1990. This period was characterized by the banning of the political leaders who became the main opponents of the regime.
- Closing the political system through controlling the electoral system.
- The policy of cooptation and distribution through the different programs of reconstruction mainly led by Prime Minister Rafiq Hariri (Karam 2009). As a reaction to these political closures, and in the absence of any public space for reaction, civil society actors' main role became limited to opposing the government policies without any reference to the political system or the government. The main mobilizers were a group of journalists, academics, and lawyers that represented the upper middle class of the Lebanese society. These actors were mainly calling for the de-confessionalization of the political system and were refusing the intervention of security services in the public life as well as the restrictions on the freedom of expression (Karam2009).

This civil movement and mobilization started signing petitions and writing articles about the corruption of the government and the regime. They were mainly calling for the respect of law and the refusal of the amendment of the constitution based on personal ends.

These movements developed into civil associations calling for the defense of human rights, the environment, civil and political rights, and public freedoms. Their main aim was to place on the agendas of the parliament and ministers issues of electoral reform, laws of associations, the cases of the disappeared persons from the civil wars, and other.

Many other organizations were initiated during that era, in particular:

- The Assembly for the Holding of Municipal Elections (1997)
- Mobilization for the Social Rights of Disabled Persons (1997)
- Assembly for Civil Marriage (1998)
- The National Campaign for the Age of Political Majority at 18 (1998)

Karam compares the development of these associations and movements to the movements of associations in the western democracy and Eastern Europe (Karam2009). These organizations were supported by the same financial organizations and their main agendas were similar in many ways. As in the case of electoral reforms and observation, human rights, and associations of the families of the disappeared, many international associations developed and established themselves in the regions. However, the flexibility of these associations and their ad hoc and direct response allowed them to address different audiences based on the cause they were calling for. All the above organizations were the first initiators of the social movements in that era and enjoyed high media coverage. These organizations were calling for reconstruction, reconciliation, the rule of law, and institutional reform; thus they were calling for long-term political changes, reform of the electoral system, and the proper functioning of the state's institutions.

In parallel to these organizations, many social movements also appeared, especially those initiated by students and unions through organized demonstrations. These student movements replaced the actions of the political parties that were banned, mainly the Lebanese Forces and the Aounist Movements; moreover, union mobilizations were repressed by the regime. The importance of these different movements is that they were all run by civil associations. Moreover, according to Karam, the importance of these organizations is that "their actors gained and gradually built up knowledge in action in the same way that they established networks and brought in their wake a variety of actors."

The initiative of such organizations remained marginal and they were unable to mobilize social groups, mainly due to the following four reasons:

- The closed political system in which they were making political claims, such as calling for political freedoms.
- The Syrian tutelage in Lebanon that was repressing calls for reform or changes in the political systems, and the political realm that was based on Syrian supervision.
- Religious and communitarian solidarity that led to refusal many of the drafts policies, especially the ones calling for civil marriage; in addition, the objections of religious and community leaders to the movement that was calling for the establishment of civil personal status.
- The differentiation of these groups and their activities from militia-based actions.

The regime viewed these organizations and movements as a threat since they were alerting the public about issues that were considered taboo, mainly economic policies, local development, human rights, and democracy (Kahldoun 2006). Thus the government attempted in different ways to block their actions and interfere in their internal affairs (Khaldoun 2006); this was done mainly by politicizing the internal elections of these organizations, supporting the creation of similar organizations, imposing members in the organizations, and even dissolving them based on security reasons.

These organizations and their different demands did not find the political support that is necessary for them to reach their goals, and their initiatives were marginalized. However, they did succeed in impacting the functioning of the political system: The movements of these organizations led to the organization of the municipal elections, the adoption of the rights of the disabled, and the creation of the Ministry of Environment, and placed on the agenda the issue of associative freedom.

The importance of the activities of these movements and organization stems from the fact they advanced the demands to end the sectarian political system and the demands for a peaceful settlement of political issues, and opposed the interference of the security services in the restriction on the freedom of expression (Karam et al. 2009). Moreover, a success of these civil associations and movements was the creation of the Ministry of Environment in 1993.

ii. *The Second Phase: 2000 to the 2005 Movements*

The second major change that affected these organizations was the 11 September 2001 attack and the launching of the Middle East Project that placed Lebanon once again at the international agenda (Rougier 2005 and Karam 2009). The changes in the international agenda, the death of Hafez el Assaad, the withdrawal of the Israeli army from the south in 2000, the arrival of new members in the parliaments that were confident that they were legitimately elected, the opening up of a public space that transcends the communitarian space: all these events transformed the relations between the power elites in Lebanon as well as the work of this civil society in the state. This movement reached its highest point with the spring of 2005 and the demonstrations of 8 and 14 March. The international events and the local developments provided the Lebanese civil society with a space for their action. The movements were mainly sovereignist, and the major demands were the liberalization of the public space, independence from Syria, and the end of Syrian intervention in the Lebanese security (Karam 2009). The culmination of these movements was the demonstrations that occurred in March 2005. After the assassination of Hariri, Lebanon was divided into two main camps: the March 8 and the March 14 ones. Although they differed, these two camps and movements were calling for independence. March 14, which was composed of an “anti-Syrian” coalition, and March 8, composed of a pro-Syrian coalition, were both demanding and insisting on independence, first from the Syrian tutelage and second from French and USA interference (Karam et al. 2009).

The actors of the first phase of the civil movement allied with the political elites and they were freer in demanding and voicing their concerns. Thus the assassination of the PM Hariri, the “upheaval of independence,” and the Syrian withdrawal provided new hope for this civil society to create change and have an impact. During these three events, civil society movements were the main mobilizers of the citizens and were calling for more democracy and rights. This was a huge move from the traditional structure of the welfare civil society into a new civil society working as a watchdog of the state.

iii. *Third Phase: Summer 2005 Onward*

This phase had a negative effect on the development of these civil societies and marginalized their reform mobilization. The hope that was reached by these organizations in voicing their demands and working without any interference from the government, independent

from the confessional system in Lebanon, was further lost with the division that appeared in the society. The partisan mobilization that appeared in the society was comprised of political forces that confronted each other with violent clashes, even reaching civil war (especially the one of May 2008). The division and clashes further reinforced the political divisions in the society, and the idea of patron-client reemerged in the society. Political patrons started to reinforce their positions and maximize their political gains in a time when the state was incapable of imposing its authority over the Lebanese territory, and of cooperating with the civil society to reform social policies (Karam et al. 2009).

c. Civil Society and International Organizations in Lebanon: A Critical Analysis

During and after the end of the civil war, Lebanon witnessed cooperation between the government agencies, the civil society, and the international institutions (Karam, 2011). The main reasons for the cooperation between these three sectors were the same in the different regions in the Arab world: First, there was international pressure pushing for such cooperation through the international organizations, mainly the United Nations and the World Bank. Second, there was a commitment to the millennium development goals of the United Nations. And third, there was a response to western pressure to adopt programs of reform whereby the civil society should be third partner included in the reform program and the public sector. Moreover, in order to show support for the international treaties and conventions and in light of the Universal Declaration of Human Rights, the Lebanese state amended the constitution to provide more importance to human rights and public freedom

However, Lebanon did not benefit from the cooperation and expertise of the civil society sector, mainly due to the civil war that divided the state into small cantons, and then the sector was excluded from the reconstruction process after the civil war. The public sector cooperated with the private sector in the reconstruction process without providing any role for the civil society.

The cooperation of the local civil society with the international organizations passed through two main phases. The first phase was after the end of the civil war whereby the government was focusing on the reconstruction process and the role of international organizations was to support the government through providing it with loans and assistance. The government in return was redistributing a small portion of the assistance to a small number of selected civil society organizations (especially since as previously mentioned, many civil society organizations were

marginalized during that era, mainly the ones that were focusing on human rights as well as legal political and cultural rights. However, this situation changed in the early twenty-first century mainly due to internal reasons, especially the weakness and failure of the reform processes, and also due to regional and international reasons, that is, the democratization process that was carried out by the United States, as well as the co-signing of the Lebanese government on many international agreements that stressed the need to cooperate with civil society. Civil society organizations were included in the reconstruction process through the direct pressure from local and international organizations, especially the World Bank and the United Nations.

In this respect, civil society organizations started witnessing financial support from international organizations, mainly the World Bank and the European Union, especially on projects that focus on development of local government, activating and strengthening the participation of women and youth, environment issues, and the respect and protection of human rights. As of 2005 Lebanon witnessed the rise in the number of organizations focusing on such issues mainly because of the financial support of these international organizations.

d. Hope for the Future?

The work of these civil society organizations and civil movements was able to reach a higher number of supporters as well as is initiate and affect public policy, especially through passing different laws in parliament; however, the demands and objective of the civil society in Lebanon are far from being reached and are not reaching the constitutional organizations, either legislative or executive.

Civil society in Lebanon is still in its early phase of development and is still missing the legal framework that would allow it to work in an efficient way; mainly, there is an absence of legal rules that should govern the legal, political, social, and civic rights of individuals, especially the civil law of personal status, the cancelation of sectarian quota in the representation, as well as in the governmental position, and social equality between the different groups in the society. However, all these issues did not prevent the civil society in Lebanon from developing; on the contrary, the absence of these laws and regulations provided these different organizations with a common ground and an initiative to work and cooperate.

In the western understanding, civil society is always in opposition with the state or requesting the less state interference in the public sector; however, civil society in Lebanon is always demanding and defending the existence of the state and its institutions, but a state that is democratic, fair, and based on the rule of law and equality among citizens irrespective of their political and religious belonging, as mentioned in the different bylaws of these organizations.

E. Case Studies

In order to understand the growing role of this civil society the following section will analyze two organizations that are working on affecting public policy. The first one is Nahwa Al Muwatiniya (NAAM) and the other one is the Lebanese Transparency Association (LTA).

Karam defined lobbying as an action undertaken by a private advocacy group to ensure that an individual's or organization's point of view is represented in the government (Karam 2006). Moreover, in order to reach success in the lobbying process, citizens should participate in the policymaking process, thus ensuring that their demands are understood. Organizations should first start by monitoring, observing and analyzing the political processes and developments through using the proper lobbying instruments. And then they should monitor, analyze, and evaluate the effects of their lobbying activities (Karam 2006).

Both NAAM and LTA based their work on the above, and worked closely with government officials and members of parliament to bring forward their demands, which were to fight corruption. In order to cooperate with these latter and forward their demands, both organizations worked on finding common ground between the objectives of the officials and the objectives of the organizations. Both organizations were capable of convincing member of parliaments that the amendment of the Illicit Wealth Law and the Freedom of Information would fight corruption in the state.

a. Case Study 1: Nahwa Al Muwatiniya (NAAM) ⁶

NAAM is a non-profit organization that was founded by a group of people from different political and religious backgrounds who were striving to make a positive change in the Lebanese state of affairs through engagement and informed activism.

The idea of NAAM came with the aftermath of the Cedar revolution, a time when Lebanese society was divided into two main camps and members of these opposing camps were refusing to communicate with each other. This group of individuals met and agreed on the ideas of citizenship and democracy, and created this organization that was officially registered in 2006.

Since 2005 Naam was able to grow and affect public opinion, and it has proven to be one of the major actors in the Lebanese society. The importance of NAAM is in its focus on new projects that no other NGO or movements were addressing, issues that were considered taboo. NAAM believes that democracy begins with inclusive, educated, and engaged individual behavior, which will lead to the improvement of civil society and to the betterment of the national, regional and global future. These are the common and basic principles of this organization (Abu Dayya 2011; 2012).

The Main Mission of NAAM:

“We believe democracy begins with inclusive, educated, and engaged individual behavior which, when nurtured and multiplied, will lead to the improvement of civil society and the betterment of our national, regional, and global future.” (NAAM Website)

“We seek a progressive, forward-looking democratic society based on social justice, knowledge, and an advanced economy simultaneously in harmony with the environment. We thus aim to alter the political culture in Lebanon - and the wider Arab world - towards a more participatory governance system where people exercise their rights and responsibilities. That is, towards greater citizenship.”

The main projects that NAAM are working on are divided into five distinct areas: educational, research, dialogue, civic actions, and lobbying and advocacy efforts (Nahwa Al Muwatiniya

⁶ this part is based on conducting interviews with the founders of NAAM and the Board of Trustees; as well as through visiting and attending meetings at NAAM premises in Lebanon.

official website). These projects are being funded by local fundraising events in addition to international government and nongovernmental organizations (Marwa Abu Dayya 2010).

I. Research Projects:

- **Democratic Reform and Leadership Assessment Survey:** By conducting a phone survey, NAAM analyzed the opinion of the Lebanese population on public policy matters such as public services, privatization, security, sovereignty, freedom, corruption, international relations, constitutional reform, electoral reform, media reform, and the reform of party law.
- **Corporate Social Responsibility:** The main aim of this project was the drafting and lobbying of a law that would support the donations from the private sector to civil society organizations through taxes breaks, in order to strengthen the national ownership of development and raise the responsibility of the private sector.
- **Separation of Power:** This project's aim is the drafting of a law that would strengthen the public institutions and provide independence and integrity to the judicial sector.

II. Education and Awareness Projects:

- **Economic Citizenship:** Based on the belief social and economic commitment produces more responsible citizens, the main aim of this project is raising awareness about the economic rights as well as responsibilities of the Lebanese citizens; as well it provides youth participants with the required skills and knowledge to enable them to play an effective role in their society.
- **BaddiKounMas'oul (I want to be responsible):** This project raises awareness among secondary school students about the electoral process and its mechanisms, the rights and responsibilities of the citizens, and the ethical standards for electoral integrity, by presenting elections simulation that utilizes the proportional representation system leading to the election of three student representatives from each school.
- **Dialogue Projects Lebanese-Syrian Dialogue:** This project's main aim is to train a selected group of Lebanese and Syrian youth to explore their similarities and differences, build cooperation and trust, and enhance their awareness about their mutual society; this project was initiated because of the ethnic tension and resentment that was witnessed

between the neighboring populations in the aftermath of the assassination of Prime Minister Rafiq Hariri.

- Na-am lilHiwar (Yes for Dialogue): In the light of the turmoil that was happening in Lebanon and the division of the Lebanese society into two camps, NAAM aimed to initiate dialogue among ordinary people to bring them together and strengthen their understanding of various economic, social, and political issues. (NAAM Pamphlet)

III. Advocacy and Lobbying Projects:

- Parliamentary Monitor: Through monitoring the members of parliaments, the main aim of the project is to inform citizens about decisions taken by their elected leaders, to enhance transparency; thus they can hold these officials accountable for their decisions. The main aim of this project is to provide a non-partisan informative platform that provides information about the performance of the members of the Parliament. According to Marwa Abu Dayyya, the project was initiated because there was a deep need to document and make such information centralized and accessible for the citizens.
- Youth in Action: The main aim of this project is to create awareness about the importance of laws that address accumulation of illicit wealth among politicians and public servants; in addition it educates young Lebanese about the various laws that address these issues and the process of lobbying and enforcing such laws. An analysis follows.

Youth in Action and Illicit Wealth Law

Since the Lebanese lack a crucial participatory role in governance, in 2007, with the cooperation and funding of the World Bank, NAAM initiated a project that aims to inform the young citizens about the importance of the laws that address the accumulation of illicit wealth among politicians and public servants; furthermore it intended to provide these young citizens with the skills needed to successfully lobby and amend the current law. The targeted law was the 1954 Illicit Wealth Law 154/99 that specifically targets politicians and public servants. For NAAM, amending this law was considered as a step further in fighting corruption and monitoring the work of public servants and members of parliaments (Abu Dayya 2010).

The Project:

After establishing a workshop and presenting a draft law, 128 students from different backgrounds and geographical locations in Lebanon were trained on the ways to fight corruption as well as enhance their lobbying and advocacy skills. These students contacted members of parliament from the different districts of Lebanon and informed them about the draft law, seeking their support.

Proposed Amendments: (Appendix 8: illicit wealth original law and its amendments)

NAAM proposed the following amendments to the law in order to cover all the gaps and provide new modifications; it introduced changes to five of the 21 articles of the illicit wealth law:

1. Article 8 states that MPs and government officials are protected by the Constitution even when an illicit wealth case is raised.

NAAM proposed that constitutional protection should be removed if a legal case is raised against the MP or the public servant.

Article 10 states that the plaintiff should present a bank guarantee of 25 million Lebanese pounds to the Central Bank. NAAM proposed that the bank guarantee should not exceed 10 million Lebanese pounds

2. In case the plaintiff loses the case against the MP or the public servant, Article 15 allows the court to arrest the plaintiff for a minimum of three month and fine an amount of 200 million Lebanese pounds. In this case, citizens in fear of losing and facing jail and the fine are overlook the corruption.

NAAM proposed to reduce the amount to a maximum of 10 million Lebanese pounds or even remove it, thus encouraging citizens to take action against corruption.

3. Article 17 of the law states that “taking into consideration what the constitution states” the court of penal appeal examines the cases of illicit wealth...”

NAAM proposed the removal of this first section (“taking into consideration what the constitution states.”)

4. Article 18 states that cases are called invalid after time passes without a specific period.

NAAM proposed that cases should be called invalid after a period of 25 years.

Why Amend the Law:

According to NAAM, the main reasons for the urgent need to amend this law were mainly due to the corruption of the Lebanese public section. Furthermore, the following four reasons were identified:

- The declaration of the accumulation of funds is not transparent.
- The law protects the MPs while they should be the ones held accountable.
- If a person files a law suit against a public servant and loses, it will cost him a lot of money due to the amounts specified by the current law.
- The article needed to change that states that when a law suit crosses a certain period of time without finding a solution, it will be declared inactive.

The Process:

While convincing the MPs to sign the draft law, the NAAM team faced many obstacles. Many MPs refused to sign, arguing in particular that the corruption is not in the law but in its application; and they argued that it is more important to introduce new laws for fighting corruption.

Analysis and Assessment:

According to Marwa Abu Dayya, the importance of this campaign for the amendment of the Illicit Wealth Law is in its introduction of change and efficient results at three levels: organizations, public and political (Abu Dayya 2011).

The project provided the youth with lobbying skills and capabilities as well as provided them for the first time with a platform to express themselves and the power to influence their representatives.

The law was drafted with the cooperation of 30 organizations meeting during six workshops in the six districts of Lebanon; 139 volunteers were trained, 68 MPs were contacted, 26 MPs were visited, and 16 MPs signed the draft law.⁷

b. Case Study 2: Lebanese Transparency Association (LTA) and the Freedom of Information Draft Law

Freedom of information is crucial to enhance an open government and encourage the participation of civil society. An open government will provide (OECD 1995):

- Transparency (being exposed to public scrutiny);
- Accessibility (to anyone, anytime, anywhere)
- Responsiveness (to new ideas and demands)

Access to information is an essential component for fighting corruption. Gabriel Almond and Sidney Verba presented the term “civic culture.” It is a culture to monitor and maximize freedom of information (FOI) and its utility (Almond et al. 1963).

The case of Lebanon:

The Lebanese constitution guarantees the right of freedom of expression and belief under Article 13; however, this article did not include the right of access to information (Transparency International 2008). In a study it was argued that “despite the efforts made in the post-civil war period, where Lebanon witnessed huge progress in terms of displaying information, access to information is still scant and restricted to the public, thereby limiting the possibility of holding officials accountable” (Transparency International 2008).

After the end of the civil war, the Lebanese government and administration lacked staff and management (Choucair 2006). Julia Choucair argued that the political system in Lebanon is leading to “perpetual political and administrative paralysis; where the existing institutions cannot introduce needed reforms for fear that these changes would alter the status quo and the balance of interests among the communities” (Choucair 2006).

⁷MPs who signed were: Butros Harb, Robert Ghanem, Kassem Hachem, Nabil De Freij, Pierre Dakkash, Hagob Bacradonian, Mohammad Kabbani, Mohammad Al Hajjar, Ghassan Moukhaiber, Ahmad Fatfat, Moustafa Alloush, Yasine Jaber, Ali Khoreis, Ali Hassan Khalil, Hasan Hobballah, and Elias Atallah.

For 17 years the Lebanese state did not recruit or train civil servants. “Sixty per cent of the posts were vacant, leaving entire departments without management” (El Zein et al. 2004). Following this case of weakness, corruption and secrecy, a new stage of administrative revitalization was introduced by the Office of Minister of State for Administrative Reform (OMSAR). “OMSAR was the key recipient of international aid to coordinate short-term rehabilitation and plan long-term institutional development within the public sector” (El Zein et al. 2004).

Reasons behind the lack of access of information in Lebanon:

Many factors are leading to the lack of access of information in Lebanon. First, there is information that is legally considered secret and should not be disseminated to the citizens. In this category we find the minutes and the proceeding of the parliamentary committee meetings, and information about the wealth and property of the public officials; especially with the banking secrecy policy in Lebanon and the immunity of the Ministers and members of Parliament.

A second reason is the lack of documentation. Civil servants in Lebanon are not required by law to archive information or categorize it, although there is no law that prohibits providing such information to the public.

A third reason is the difficulty of accessing such information, especially since this information is not centralized or present in an accessible location (Abu Dayya 2010).

In the absence of FOI, democratic practices in Lebanon are threatened, especially since without access to information civil society’s impact on public policy will remain marginal.

Thus the importance of changing the law:

1. Introducing the Freedom of Information Act (FOIA) will provide increased government responsiveness and decrease the corruption in the state.
2. Freedom of information is crucial to contest government secrecy and lobby for an open dialogue; as well it will provide civil society with tools to hold their representatives accountable.
3. This act will also have governmental, administrative and political considerations: Paul Appleby stressed that “public administration is a part of the political apparatus and that administrative decision-making is intermingled with political decision-making” (El Zein

et al. 2004). In enacting this law, political considerations should be clearly stated. Since this FOIA will potentially change the balance of power by providing authority for the citizen, politicians will be hesitant to enact this law.

4. With this flow of information, Lebanese citizens will be able to hold their elected officials accountable.

Lebanese Transparency Association and the Draft Law:

This policy change was mainly led by the Lebanese Transparency Association (LTA) as part of Transparency International. Charles Adwen, founding member of this organization, stated that “the current struggle for freedom of information is happening at a very decisive time in Lebanon and the region as a whole” (LTA 2004). LTA’s main work was through publications, campaigns, and online portals providing studies about the importance and the impact of FOI (LTA 2004).

The right to know and access to information struggle was initiated by LTA in 2001 and became a fundamental human right in 2004 (LTA 2004). One of the major campaigns conducted by this organization was in 2005 when it published booklets linking transparency and access to information, explaining the reasons for corruption, and linking it to “vacuums in transparency, access to information, and democracy” (LTA 2005). In 2007 this organization launched a campaign about “the right to know,” focusing on the following objectives (LTA 2007):

- Raising awareness among citizens on Access to Information
- Promote transparency and accountability
- Encourage decision-makers to promote Access to Information

Furthermore, this association has presented a project to enact a law about the freedom of information in order to redefine the relationship between the citizens and the state. For LTA, enacting such a law will empower citizens to question their representatives as well as empower them to ask for change and engage in the process as well.

In order to present a draft law, LTA formed an alliance with the following organizations to supervise and manage the project:

- Local NGOs: LTA, Lebanese Youth Shadow Government, Nahwa-el-Muwatiniya, and Association pour la Defense des Droitset des Libertes (ADDL)
- Representatives of OMSAR, Ministry of Justice, and Ministry of Finance
- Representatives of the Syndicate of Lawyers and representatives of the Chamber of Commerce
- Representatives from labor unions, media and journalists
- Lebanese Parliamentarians against Corruption

Furthermore, the LTA was working with members of parliament to fight corruption.

In order to pass this law, LTA used three strategies carried by three working groups:

- Lobbying groups, mainly composed of members of parliament who convinced other members to adopt the law
- Advocacy groups, composed of LTA, NGOs and media representatives, with the main role of raising awareness of such a project through campaigns and training
- Legal drafting group, led by the associations (ADDL) and Lebanese lawyers

The above two draft laws have secured the signatures of the MPs to be passed to the parliament; however, the lobbying process should start here. Many challenges will follow if these two laws are passed, since this law will help in fighting corruption only when mechanisms of obligations of documentations and centralizations follow.

F. Conclusion

This chapter has analyzed the relationship between the state and the civil society of *madani* nature.

It analyzed the different phases that this society has passed through, the importance of the support of international organizations, as well as the role of these organizations in shaping public policy, through analyzing two case studies.

It argued that post-war Lebanon was marked by reconstruction projects and constitutional changes in the structure of the regime in the state. The contribution and expertise of civil society

in rebuilding the institutions of the state was highly needed, especially in the projects of reconciliations and economic and political reforms; however, it was restricted by the government. Thus civil society movements focused on ad hoc projects, mainly electoral reform, reconstruction, environmental concerns, and rights of women and the disabled.

The chapter demonstrated how during the 1990s, the Ministry of Interior restricted the work of these organizations and their freedom by introducing laws that control their movement and by dragging them into courts. However, these organizations did succeed in achieving environmental and electoral reforms, but the future of these movements and organizations is not as bright, particularly since they face two major obstacles:

The first obstacle is the sectarian system in Lebanon and the religious institutions that are always opposing and putting up obstacles to laws such as the civil marriage law and the personal status law.

The second obstacle is the patron-client system in Lebanon, and the fear that with the development of the civil society would lose the grip of these elites on the system.

Many have argued that the societal, economic and political tensions that were the main causes of the different cause of the Lebanese civil war were not addressed by the various post-Taef governments. The post-Taef emerging civil society could play a major role in mediating these tensions, since it is calling for a comprehensive corrective movement that might lead the country from a sectarian to a non-sectarian environment. The optimistic wave that was brought by these movements and by the uprising of March 14, 2005 was faced with failure; the efforts of the citizens were exhausted by the traditional elites who tried to undermine the bottom up campaign for the creation of a civic Lebanese nation. These elite were not ready to give up their role in the Lebanese arena and preferred to call for outside support in order to enhance their importance in the state. Moreover, during the Doha Accord, many demands of the civil society that would bring changes in the Lebanese political landscape were not adopted, such as the introduction of a proportional voting system, a form of feminine representation quota, reducing the voting age from 21 to 18 years old, or the right to vote for the many Lebanese living abroad

Conclusion to Part II

In any society, the civil society picture is likely to be complex, and “Lebanonization” is a concept that can only add confusion and amorphousness to it. If we stress the “civil” and rely on the narrow meaning of the term, then Lebanon largely lacks a civil society, by which we mean the civil confronting the political, brandishing the demands of socioeconomic groups and demands related to civil and political rights and freedoms. Socioeconomic groups are based on conditions and not, in the manner of families and sects, or even villages and neighborhoods, on origins or traditions, meaning that Lebanon's social diversity does not automatically translate into a healthy civil society movement. (UNDP report “Toward a Citizen’s State” 2008:114)

To reconstruct a failed and weak state, there is a need to convince the individuals to rise above their sectarian and ethnic identities and to accept once again that the national identity should be the dominant identity in the society. In this way citizens will once again share equal rights, without any gender or religious discrimination. Sovereignty of the state becomes once again the dominant force in the society. Here the role of civil society should be included in the construction phase.

However, in Lebanon the reconstruction process from the war to peace period did not pass through this reconciliation phase. In Lebanon sectarian identity is still the dominant identity; furthermore, local forces are still more important and powerful than the state. Civil society (mainly the *mujtama ahli* and *taefi*, i.e., communal and religious societies) in Lebanon has been playing a major role in preventing the formation of a strong state and instead strengthens the division along communal and sectarian lines. The weakness of the state during the civil war has allowed for this society - with local political, regional, and international assistance - to develop and replace the role of the welfare state. (Tables 14 illustrate the phases of the development and establishment of self-declared sectarian organizations. Table 15 Self self-declared sectarian affiliation (of organizations) by area or Mohafaha in Lebanon) This society emerged from the

civil war stronger than the state, fostering strong networks of loyalties that have intensely detracted from the idea of citizenship in the state.

Table 14: the phases of the development and establishment of self-declared sectarian organizations.

Table 15 Self self-declared sectarian affiliation (of organizations) by area or Mohafaha in Lebanon

Self-declared sectarian affiliation of NGO's by period of establishment					
	Pre Independence (-1943)	Independence (1944-1974)	Civil War (1975-1990)	Post War (1991-2000)	2000-2006
With Sectarian Affiliation	53	22	23	17	16
Non Sectarian	47	78	77	83	84
Base	97	602	557	1024	492

Self-declared sectarian affiliation by Mohafaza (%)							
	Lebanon	Beirut	Mount Lebanon	North	Bekaa	South	Nabatieh
Non Sectarian	79	82	75	85	79	82	75
Sectarian Affiliation	21	18	25	15	21	18	25
Base	2836	577	1007	486	373	231	162

Moreover, while the Lebanese laws protect the rights of families and sectarian groups, the laws went a step further and provided these latter with socioeconomic and civil rights. This in turn presented the political sectarian leaders with the tools to exploit the groups they are presenting. These leaders became the main custodians of the communal associations that we labeled *mujtama ahli*.

In Lebanon, sectarian groups became the most important players in both the political and civil societies. These groups have transformed into multi-functional groups that engage their communities through the umbrella of “unity of sectarian affiliation.” It is important to note that piety is not a condition for becoming a member of the sectarian community: Every Lebanese by birth belongs to a sectarian group and community and this membership has nothing to do with whether one is pious or not. Sectarian affiliation is thus viewed as being the rule of the game as opposed to being an exception. This affiliation is linked to the leaders of the sectarian groups, who provide absolute protection and assistance to their members; in return they expect full loyalty.

Most of the organizations that are registered in the government have a sectarian or political affiliation and act as the social and economic service arm for many political parties. They were created during the civil war to serve the needs of their respective sectarian communities. To illustrate this, table 16 below shows the distribution of the self-declared sectarian affiliation by area in Lebanon. As shown in the table, most of the Shiite organizations are concentrated in the south and the Bekaa, which are areas that are mostly populated by Shiite groups; this also applies to other sectarian groups.

Table 16: the distribution of the self-declared sectarian affiliation (of organizations) by area in Lebanon. (Seyfert 2008)

Self-declared sectarian affiliation by Sect and Mohafaza (%)							
	Lebanon	Beirut	Mount Lebanon	North	Bekaa	South	Nabatieh
Sunni	20	43	10	29	20	19	0
Shi'a	25	12	15	1	51	50	88
Druze	8	8	15	0	0	2	3
Kurdish	0.3	2	0	0	0	0	0
Maronite	15	5	22	28	8	10	0
Catholic	7	5	8	7	11	7	0
Orthodox	5	5	3	15	4	0	5
Aremnian	7	11	10	7	0	2	3
Other	12	9	17	13	6	10	3
Base	588	106	248	72	80	42	40

This state of affairs whereby sectarian groups establish communitarian organizations leads to the appearance of self-sufficient communities. For most of the Lebanese, these politically and sectarian affiliated organizations are the main providers of their welfare needs in social, medical and educational services. Significantly, these organizations also create local identities and “sense of self” for the different communities. This, in turn, prevents the creation of national identity and the development of the state in Lebanon.

Relation with the Government and the State

All these issue raise questions about the role of the government and the state in relation to these organizations.

The weak state in Lebanon, through its different bodies - mainly the ministries of health, education and social affairs - supports and relies on the activities of these organizations.

The partnership between the Lebanese civil society and the state started in 1963. This partnership was based on the recommendation of the Ervid Commission (French commission) that conducted a study about the social situation in Lebanon. This commission stressed the importance of this partnership and of taking advantage of the expertise and work of the civil society. Moreover, this commission recommended the signing of a common contract between the two parties whereby the government would provide 70 percent of the expenses while the other party would provide 30 percent (as services or contribution in kind). At a later stage, every organization was requested to pay 10 percent of its contribution in cash. It is important to note that many of these partnership contracts that were established 40 years ago were not reviewed to date.⁸ However, during and after the civil war this partnership and reliance grew in importance, becoming crucial.

The Ministry of Social Affairs (MoSA) has established various centers in different areas of the state to cater to the needs of the different communities; however, during informal talks with representative of these centers, they all agreed that they lack the budget necessary for the work that's needed, and therefore rely on local contributions to be able to work.⁹ Without the assistance of local contributions, these centers would not be able to operate due to the meager financing from the ministry. Furthermore, the MoSA usually uses their partnership with these organizations to be able to enter into different areas in Lebanon. Thus instead of there being a reliance of these organizations on the state, the roles are switched, with the government requesting the assistance of these organizations. In addition, it is important to note that in many cases the budget of these organizations equals or exceeds the whole budget of the different ministries of the state.

With the end of the civil war and the reconstruction of the Lebanese state, the relationship between civil society and the state can be characterized as “one of tense symbiosis.” The weak state continues to rely on these organizations to provide social services, particularly in areas where the state is completely absent, and at the same time many small organizations that are suffering from the reduction in foreign funding are becoming more dependent on financing from

⁸ More than forty-five years after this partnership between *moujtama ahli* (faith-based organizations) and the government, these contracts face many problems, mainly the lack of financing from the government. MoSA is not paying either the doctors or the employees, or the contributions in kind. The spokesman from MoSA explained that the reason behind this problem is the lack of signing the yearly budget of the state.

⁹ These interviews were conducted in an informal way through the assistance of local organizations. since any interview with these centers should be pre-approved by MoSA, and this process would take at least a month.

the state. Furthermore, small organizations that are established by sectarian groups and political leaders rely on the state and benefit from services and privileges that it provides (including budgets allocated by the government for assisting these organizations). Most of the contributions of the state are mainly targeted to sectarian groups or organizations established by politicians. These same sectarian groups are not demanding that the state fulfill its role of representing a nation by protecting its citizens, enforcing policies, and protecting the public interests; thus they are preventing the creation or the appearance of a united nation-state.

The UNDP report about Lebanon argues that although thousands of associations are registered in the Lebanese state, the main aim of these organizations is “boosting the status of local notables or justifying the spending of a meager budget based on financial assistance from certain ministries or political figures who seek good ties with those running a given association” (UNDP report “Toward a Citizen’s State” 2008).

Labor Unions

Labor unions and syndicates are considered an important pillar for the civil society. Their main aims are linked to the socio-economic concerns of the society.

However, in Lebanon political and sectarian organizations have divided the unions and placed them in the middle of their confrontation. These unions are incapable of creating a difference in the society and any socioeconomic demand they present is viewed as a tool in a larger political-civil confrontation.

Elections in syndicates and unions are transforming into a political sectarian race, canceling the main role of these organizations and pressuring them to meet the interest of the political and sectarian leaders. While politicians should listen to the socioeconomic demands of the labor unions (this being a major measuring unit in the effectiveness of civil society), in Lebanon these demands are expressed in a weak way and sectarian political division prevents the unification of such demand. Thus in Lebanon socio-economic movements are marginalized and dominated by political/sectarian interests. These associations are not autonomous agents separate from the social networks in Lebanon. Rather they are rooted in the social and political power structures that make up the country.

Civic Organizations

After the end of the civil war, a new movement appeared that is labeled in this dissertation as a civic movement, or *mujtama madani*. The importance of this movement is that it was working independently from the sectarian and political leaders and groups. It focused on environmental, political and civic issues (Karam 2011). These movements were not focusing on Lebanese political issues such as the corruption in the state, the flawed sectarian system, or the incomplete sovereignty. They were instead focusing on issues of reforms, political and civil rights, the importance of local representations, and environmental and developmental issues. They were more focused on specific issues than on reforming society and the system.

The importance of these movements is that they were able to mobilize citizens from different sectarian communities and surpass the social and political divisions of the state. They refused to be part of the political struggle for power and thus rose above any differences, which removed any potential weapon that the authorities could use against them. These movements were purely civil since they were independent from the political society and focused on issues that would not clash with the interests of the heads of political groups. Furthermore, the important role that these organizations were collectively playing did not involve the reconstruction process of the state.

Although these groups were working and focusing on civic issues and mobilizing supporters, they did not succeed in preventing the rise in sectarian divisions that took place again in post-2005 events. The March 14 uprising is considered by many to be a revolution of the people, who were demanding freedom, accountability and sovereignty. It is considered by many to be a culmination of the work of the civic organizations that were calling for the end of the Syrian tutelage in Lebanon, and also for civic and political rights.

However, to consider this uprising to be a continuation of the civic movements that started after the end of the war would be wrong, as this uprising was taken hostage by the traditional political leadership of March 14. Although in the beginning this March 14 movement appeared to be a

culmination of the previous events, it transformed into a festival for the different political leaders. While previously this movement was calling for specific demands, it transformed into a celebration of a victory. Thus, although many viewed March 14 as the culmination of the work of these civic organizations, in reality its transformation pointed out the weakness of this civil society. This is seen through the dominance of the political and sectarian interests in the elections of the labor and professional unions.

It would be injudicious to refer to the Lebanese as a people... [T]he inhabitants of this country are merely a plurality of people – or so it seems – having little, or nothing, in common to warrant the establishment and maintenance of a viable state.

-Hilal Khashan 1992

CONCLUSION

Libanisation: Processus de fragmentation d'un État, résultant de l'affrontement entre diverses communautés de confessions par allusion aux affrontements qu'a connus le Liban dans les années ...1980.

-Larousse Français

This dissertation evaluated civil society in the Arab countries of the Middle East with a special emphasis on Lebanon. Through conducting empirical research, this dissertation stressed that in order to understand the role of civil society in Lebanon, it is necessary to differentiate between three types of civil society: *mujatama ahli* (communal society), *mujtama taefi* (religious society) and *mujtama madani* (civic society). All of these three movements were affected by the political structure of the state, that is, by the sectarian division and consociational democracy, and especially by the civil war.

In order to analyze the relation between the aforementioned three types of civil society and the weak state of Lebanon, this dissertation was divided into two main parts: the theoretical part (chapters 1, 2 and 3) and the empirical part (chapters 5 and 6).

Chapter 1 of the dissertation argued that in order to understand civil society in these states, the historical and political development of each state should be taken into consideration. Thus, exporting and applying the Western liberal understanding of civil society will distort the reality. The historical development of the Middle East created an atmosphere for the development of a civil society that is different from the traditional civil society that developed in Western liberal thought. Chapter 2 of the dissertation argued that the post-war Lebanese system lacks the culture of discourse and compromise, which are two main elements of an active civil society. The institutionalization of religious identity and confessionalism prevent the Lebanese state from performing in a consistent and stable capacity. Instead of the emergence of a viable liberal

democratic state in post-war Lebanon, we witnessed the emergence of a state that guards groups' particularities under the guise of "democratic legitimacy," and the domination of sectarianism and parochialism. This resulted in a demographics battle to prevent the dominance of one group over another, which is evident in the legal and cultural customs of the Lebanese society. Furthermore chapter 2 argued that the Lebanese system is linked to the political culture of patronage, or clientelism, and is rooted in the feudalism of eighteenth century Lebanon (Khashan 1992). Since the Ottoman Empire, politics in Lebanon have been functioning based on the *zaym* system. In this system of quasi-dynastic leadership, party affiliation is based on sectarian interests, and these parties embody "parochial and personal rivalries" and lack any commitment to the broader national purpose (Makdisi 2000). The consociational system would appear to be the best system for the Lebanese state due to its fractured nature; however, when we analyze the Lebanese system, the shortcomings of such a political system become evident.

In the 2007 "Failed States Index," the Fund for Peace and Foreign Policy Magazine ranked Lebanon 28th globally as a failed state; this was due in particular to foreign intervention and heightened group allegiance ("The Failed States Index" 2007). Chapter 3 analyzed the different reasons for ranking the state of Lebanon as weak or failing. The Lebanese state throughout history has failed to provide its citizens with the basic core functions, mainly security and public services. This resulted in the collapse of institutions during the different political disaccords.

Throughout its history, the Lebanese state has been plagued by weak institutions. A viable state is capable of functioning even during wars and crisis, and is capable of acting in an authoritarian position respected by all parties involved; however, the confessional system in Lebanon has only recognized the legitimacy of the militias, the parties, and their social networks (El Khazen 2000). The identification with one sect, group and party surpasses the concepts of national sovereignty and state authority in Lebanon. The Lebanese state has been constructed "around the communal institutions rather than imposing itself on society," and thus is incapable of providing accountability (El Khazen 2000). In the aftermath of the war, Lebanon witnessed an intense sectarianism division that strengthened the political legitimization of ideological movements; thus what emerged was a system that undermined pluralism and limited government accountability, negating the rule of law (Khashan 1992).

Although the Lebanese state is divided along confessional lines, if we examine it further, we can notice that it is also divided along regional, parochial, familial, and tribal lines. Khalaf regarded the control of the elite families over the system as having “given the political process a rather personalistic, opportunistic and non-ideological character.” “Hence today’s political alliances, parliamentary blocs and oppositional fronts and coalitions, much like their predecessors, continue to be initiated and sustained by personal, segmental and non-ideological considerations” (Khalaf 2010). Moreover, since the confessional system has divided the governmental seats along confessional lines, competitions are emerging along intra-sectarian ones.

In light of the above variables, the dissertation’s second part was analyzing the role of the different communities and their relation to the state.

The failure of institutions during the civil war created the opportunity for non-political actors to fill the socioeconomic vacuum. As had been the case after the end of the civil war, the Lebanese Government was again ineffective when responding to the aftermath of the August 2006 events, and it was unable to support the citizens with financial aid. These events allowed for the development of a strong civil society that in turn prevents the development of the state and the emergence of one Lebanese identity. However, the alarming issue that this dissertation is raising is that since many of these organizations are based on religious and communal identities, the civil society is reinforcing the societal fragmentation and diminishing the idea of citizenship.

Chapter 5 analyzed the role of the civic movements that emerged after the civil war. This chapter argued that in order for the Lebanese state to move beyond the patronistic beliefs, we should move beyond the belief that the political elites in Lebanon are the only agents of change in Lebanon. The new evolving civil society that appeared after the civil war and was dominated by *madani* (purely civil) civic organizations as well as horizontally oriented structures, created a space that was allowing the transformation from a society based on patron-client networks to one that was based on mass-oriented elites.

All the changes witnessed after the civil war were an indicator of the appearance of new players in the political game in Lebanon, as well as the emergence of changes in the civil society. We are witnessing the shift from the traditional patron-client structure to a new vision of a Lebanese state that is working towards the abolition of the corrupted confessional system. This move is

driven by new actors with the young generation being the main players. These movements led to the creation of horizontally organized civic organizations. They became agents of change as well as active groups in negotiating the Lebanese national identity. After the civil war the focus of this civil society shifted from social services to sustainable human development, including human rights, democracy, and good governance.

This emerging Lebanese civil society is demanding greater political accountability and economic governance, and is lobbying for equality in access to economic political opportunities. If applied, these will allow the Lebanese state to create immunity against destabilizing external elements resulting from its geopolitical position. Although the movement is still slow, the civil society has nonetheless proven to be a new player in the political arena. It is moving beyond the traditional structures towards a new vision of the Lebanese state. The civil society is expected to play a significant role in addressing the division in the country, political confessionalism, and national dialogue

Appendix 1: questionnaire provided to the organizations during the Field Research

Sample Study of non-governmental organizations and associations

This study aims at revealing the types and contributions of the non-governmental sector in Lebanon and their direct link with their communities and the state

1. Interviewer name:
2. Interviewee name:
3. Position in the organization:
4. Date:

I. Organization's identification Form

1. Name of Organization
2. Name of organization in Lebanon
3. Date of Establishment
4. Head office location
5. Mailing Address
6. The Interviewee's position at the organization
Appointed () Elected ()
Paid/Salaried () Volunteer ()

Branches in Lebanon:

Area (s):	_____	Telephone:	_____
	_____		_____
	_____		_____
	_____		_____
	_____		_____

Member of a Union: _____

II. Human Resources:

1. Total number of paid staff
2. Total number of board members
3. Total number of volunteers

III. Nature of the organization:

1. Identity of the organization
 - A. ___ NGO association/co-ordinating body
 - B. ___ Development NGO
 - C. ___ Community based organization
 - D. ___ Religious organization
 - E. ___ Service organization

- F. Academic/research institute
- G. Trade unions
- H. Other: (Specify)

2. Type of Affiliation (if any):

- A. International organization operating locally
- B. National affiliate of an international organization
- C. National organization without external affiliation
- D. Community organization without external affiliation

3. Programs distribution according to centers in areas (education; health; vocational training; disability; social welfare; environment; community development, youth....)

Center	Program	Sector	Types of activities	Total number of beneficiaries

Target Population(s):

- Type/Group(s) & number: Women
 Children
 Elderly
 Handicapped
 Community Groups
 Others (specify)

Describe how your organization maintains contact with the target population(s):

IV. Financing

1. Source of Income (including contributions in kind? Grants? Or unconditional donations?) (percentage)

Local Donations _____
 Governmental _____
 International _____
 Income from services _____

2. Distribution of Budget per center

Center	Location	Budget

3. Distribution of Budget per program

Program	Location	Budget

V. Local counterparts:

1. Does the Governmental function present the same services? If yes specify the locations

Health Services	Yes ()	No ()	Locations
Education	Yes ()	No ()	Locations
Social Welfare	Yes ()	No ()	Locations

2. What is the amount of the fees charged for similar services offered by a private institution of your standard?

Institution name
 Address
 Service
 Cost

Please attach extra pages if the space provided for replies is insufficient. If possible, please attach a descriptive brochure.

Appendix 2: Interview Protocol

INTERVIEW PROTOCOL

1. Interviewer name:
2. Interviewee name:
3. Position in the organization:
4. Date of Interview
5. Location:

Interviews with organizations

The organization

1. Please tell me a little about the founding of your organization.
2. What is the main mission of your organization?
3. How did you personally come to work for this organization?
4. What are the services provided by your organization?
5. How does your organization's service impact your community?
6. What aspects of your work do you consider most important? Why?

If faith based organization

7. Your organization is a faith-based organization. Do you believe there is a link between your faith and the work of your organization? How?
8. Does including faith in your organization increase the trust of people and your credibility?
9. How do you recruit your staff? Based on their religious background? (letter from the pastor; clergy...)

Partnership with the government and local counterparts:

Local Counterparts

10. Does your organization have partnerships with any other groups or organizations in the community?
11. Being a faith based organization: do you believe that your work is different than that of other organizations? How?
12. Do any other organizations provide similar services in this community?
13. Why did you establish the same functions or services?
14. Does your organization have any partnerships with Political parties? Religious organizations?
15. Is any political figure; Member of Parliament or minister member of your board? To what extent you believe their presence in the board is important vis-à-vis your relationship with the state?

16. Do you have any link to other NGO's or organizations? are you part of an NGO Umbrella?
17. To what extent you communicate with other NGO's?
18. Do you have to abide by their conditions? Or are they unconditional ones?

Government:

19. Does your organization have any partnerships with government agencies?
20. How was the process of submitting for funds from the government?
21. Are you assisted by the government? This grant constituted more than 50% or less than 50% of your annual budget?
22. How did you submit the request for funds from the government? Was it an easy process or difficult process?
23. How do you follow up with the government? Do they monitor your work on regular basis?
24. How long did it take the process
 - a. 1 month
 - b. 6 month
 - c. More than 1 year

Targeted Community

25. What is the contribution of your organization to the society?
26. Who are the beneficiaries of your project? (who is the targeted community)
27. How are beneficiaries selected?
28. How do you define your role and relationship with the targeted community?
29. Are your services free of charge? Or you provide services with minimal payment?
30. Recruitment process: how do you recruit your employees?
31. In post Taef agreement, your role is increasing or decreasing?
32. Do you think your role is essential or highly essential in your society?
33. Are any of your employees' members in a political party? Or affiliated to a certain political party? Are you flexible in that area? Or you have strict policy?
34. To what extent is your work being communicated? Relationship with the media? Newsletter? To whom are you distributing these newsletters?

Interviews with Scholars and Professors

State of Lebanon:

1. We all agree that Lebanon during the civil war became a failed state; in your opinion, 20 years after the end of the civil war Lebanon can be described as: failed state? Weak state? Or a functioning state?
2. What is causing the weakness of the state?
3. Future of the state of Lebanon: Lebanon will remain a weak state? will develop into a stronger state? Or will deteriorate into a failed state?

Civil Society in Lebanon

4. define civil society
5. Define Lebanese Civil Society?
6. Role of civil society in Lebanon: is it strong? Weak? Complementing the role of the state?
7. How do you define “mujtama ahli” (family based society) and “mujtama madani” (pure civic society)? Do you think there is a difference between “mujtama ahli” and “mujtama madani” in Lebanon? Do both fit the definition of civil society you provided in question (5)? Which is stronger?
8. Many argue that some private welfare associations were downsized as the state resumed the provision of services that were interrupted during the war. Is that true?
9. When did their respective role start and increase?
10. What triggered the role of “mujtama ahli” (family and clan based) to develop?
11. Is their growing role linked to the weakness of the state?
12. What strengthened the role of “mujtama ahli” (family and clan based)?
13. One critic has described the Lebanese state as being a welfare state for its sectarian communities. Do you agree or disagree with this statement? And why?
14. The beneficiaries from these institutions are more loyal to the founder of the institution; (either individual philanthrop; local political party; local political leader) or to the state?
15. Why do you think mujtama madani’s (pure civil society) role is increasing today? If yes is it linked to the weakness of the state?
16. Do you think their role will continue to increase? Or will they only have a marginal role? Why?
17. When did this role started to increase? Pre-post or during the war in Lebanon?
18. Do you think their increasing role will harm the state? Or strengthen its role?
19. How do you see the future of civil society in Lebanon?

Interviews with Ministers; ministry employees at Ministry of social affairs; ministry of youth and sports; ministry of health

1. What is the main role of the ministry in Lebanon?
2. How do you define your role and relationship with civil society in Lebanon?
3. Do you see their role as competing or as complementing your role as a ministry?
4. Did any of these organizations defy any of your decisions as a ministry?
5. What is the yearly budget of the ministry?
6. What is the percentage of this budget that provided as grants for organizations?
7. Is this budget increasing or decreasing?
8. What was the Role of the ministry during the civil war?
9. Did your role increase or decrease after the end of civil war?
10. Why do you choose to assist organizations rather than extending the services directly to the citizens without passing by these organizations?
11. In post war Lebanon; this period is defined as the 'partnership' between civil society and government agencies. Can you elaborate on that?
12. Did the grants increase post-Taef agreement?
13. Do you consider that organizations are working more after the Taef-agreement? What is the cause?

Grants and decisions

14. What are the pre-set criteria for providing a grant for an organizations or NGO?
15. Who has the final decision? Is there a committee? Or a one person decision?
16. What is the screening process?
17. What is the average number of demands you get per year?
18. Who decides the amounts given for each organization?
19. Which type of services is provided the priority?
20. Do you provide service based institutions in the remote areas in Lebanon priority? i.e. do you give priority to geographical distribution?
21. Do you provide priority for faith based organizations? Or Pure civic organizations?
22. After providing the grant; do you have a follow up team to monitor how the grant is spent?
23. Did the types and amounts of grants differ from one year to another? From one political event to another? From one social crisis to another?
24. Who assists the ministry in providing these grants? Is it solely based on government funds or other funds? i.e. does the ministry receive grants from INGO or other countries to be distributed for institutions?

Interviews with Individual philanthroper:

1. What is your mission as a major contributor in Lebanon?
 2. When did your mission start?
 3. Was it the absence or weakness of the state that led you to assist the society?
 4. On what basis you assist people? Why did you choose to assist this community?
 5. What is your annual budget?
 6. How do you define the state in Lebanon: weak? Functioning? Failing? Failed?
 7. Do you have any political ambition in the future?
 8. Are you politically active?
 9. What is your relationship with the state? With March 14 blocs? And March 8?
 10. Do you believe your role is weakening the state of Lebanon?
 11. What is your relationship with the Media in Lebanon?
 12. What is your public communication plan (newsletter; documentary; websites); what is the main goal of this plan?
-

Interviews with Syndicates in Lebanon

1. Define the role of the Syndicate in Lebanon?
 2. Define your role as part of civil society in Lebanon?
 3. The role of the syndicate has increased or decreased post –war and Taef agreement?
 4. What are the latest major decisions taken by the syndicate?
 5. How do you define your role vis-à-vis the different political parties in Lebanon?
 6. How do you define your role vis-à-vis the government in Lebanon?
 7. As one of the major important syndicates in Lebanon, are you capable of affecting public policy in Lebanon? Explain
 8. To what extent you believe politics play a role in the elections of the syndicate? Do you believe that this should be the case?
 9. Does the vision of the syndicate change based on the results of the election?
 10. What was the main change you have introduced to the syndicate?
 11. To what extent the weakness of the state of Lebanon is affecting your decision making process?
 12. To what extent the confessional system in Lebanon is affecting the decision making in the syndicate?
-

Head of Political Parties:

1. Do you think Lebanon is a failed or a weak state? What are the causes of the failure of the Lebanese state?

2. Do you think civil society exists in Lebanon?
3. What is the difference between moujtama' madani (pure civic) and moujtama' ahli (family based)?
1. Being head or member of a political party, what is your relationship with the state?
2. What is your relationship with the syndicates in Lebanon?
3. In your opinion what is the role of the syndicate in Lebanon?
4. Do you think it (syndicate) has an efficient role in affecting the public policy of the state?
5. Being a political party in Lebanon, why did you establish humanitarian organizations and NGO's?
6. What are the main missions of these NGO's? Who are the beneficiaries? Where are they established? (areas in Lebanon)
7. Can you link the establishment of your humanitarian organizations and the weakness of the state?
8. Why don't you work on strengthening the Ministries in the Government instead of opening parallel organizations?
9. What is your relationship with the ministry of social affairs?

Pure civic organization

1. Being part of the mujtama madani (pure civic) in Lebanon, to what extent you believe you are capable of influencing public policy?
2. To what extent are you capable of holding state accountable?
3. To what extent the failure of the state in Lebanon and its weakness have positively or negatively affected your work?
4. To what extent are you capable of empowering citizens and meeting their social needs?
5. To what extent you believe in the power of the state?
6. To what extent you trust other political parties and communities?
7. Do you think this trust is increasing or decreasing after the civil war? After feb 14 events?
8. What is your major success in affecting public policy?
9. How do you perceive the future of civil society in Lebanon?
10. How do you perceive the future of the state of Lebanon?
11. How do you define your relationship with the state? At odd? Complementing?
12. Are your members politically affiliated?
13. Who are the members of your board? How are they elected?
14. Who is your main funder?
15. Did you ever consider applying for funds from the state?
16. Who sets your main policy? Mission and vision?

Appendix 3:

List of Communal Organizations that have mutual contracts with the Ministry of Social Affairs (Highlighted ones are the organizations that were contacted)

Amount Paid by MOSA	مكان النشاط	نوع المشروع Type of the project	اسم الجمعية Name of the Organization
35	عائشة بكار	مركز خدمات اجتماعي social center	رابطة الشباب الإسلامي المتقف Youth Association of the Islamic intellectual
50	الطريق الجديدة	دار حضاناته نهارية Daycare Nursery	تجمع النهضة النسائية Renaissance women's gathering
75	برج أبي حيدر	دار حضاناته نهارية	رابطة أهالي رأس النبع الاجتماعية
30	طريق الجديدة	مركز صحي اجتماعي	جمعية الإصلاح الاجتماعي
45	بيروت	مركز تنظيم الأسرة	جمعية تنظيم الأسرة Family Planning Association
20	الأشرفية	مركز صحي اجتماعي	نادي الشبيبة الكاثوليكية
90	الأشرفية	دار حضاناته نهارية Daycare Nursery	جمعية سيدات المحبة Women's charity association
45	الطريق الجديدة	مركز صحي اجتماعي Health and social center	الرابطة الاجتماعية لمحلة طريق الجديدة Tarik el Jdideh Social association

35	الرميل	دار حضانة نهائية	راهبات الناصرة-الرميل
60	الأشرفية	مركز صحي اجتماعي	الجمعية الخيرية المارونية
55	بيروت	مكتبة للمكفوفين	جمعية شبيبة المكفوفين
90	بيروت	مركز للمعوقين	أرك ان سيال
20	بيروت	مركز للمعوقين Center for Handicaped	اتحاد المقعدين اللبنانيين Lebanese Physical Handicapped Union
25	بيروت	مركز صحي-دار حضانة ونادي للمسنين Health and social center; Nursery; 3 rd age center	المجلس العام الماروني General Council of Maronite
15	وطى المصيطبة	مركز صحي اجتماعي Health and social center	الجمعية الخيرية الدرزية في وطي المصيطبة Charity organization for the Druze of Wata el Msaytbeh
8	بيروت	مركز توثيق ودراسات عن المرأة	المجلس النسائي اللبناني
15	بيروت	برامج رياضية للمعوقين	جمعية النادي الخاص لرياضة المعاقين والمتخلفين عقليا
10	بيروت	مركز توثيق ودراسات	رابطة خريجي ومتدربي المعهد الوطني للإدارة والإتماء
15	بيروت	مركز صحي اجتماعي	مؤسسة المفتي الشهيد الشيخ حسن

		Health and social center	خالد للتربية والثقافة Martyr Foundation Mufti Sheikh Hassan Khaled for Education and Culture
12	بيروت	مركز صحي اجتماعي Health and social Center	مستوصف الجمعية الخيرية التربوية الأرمنية Dispensary of the Educational Association for Armenian
10	بيروت	تدريب وتأهيل ودراسات	جمعية الصادق للدراسات والإتماء
الهيئات المتعاقدة محافظة جبل لبنان في 2009			
Organizations that are on contract bases with the MOSA located in the Mount Lebanon District 2009			
20	شرتون	مركز صحي اجتماعي	مطرائية بيروت المارونية
20	حراجل	مراكز صحية اجتماعية	مطرائية جونية المارونية
20	حي السلم	مركز صحي اجتماعي Health and social Center	الجمعية الخيرية لأهالي حي السلم Charity organization for the community of Hay el Seloum
55	الشياح- صبرا	مراكز صحية اجتماعية	الجمعية اللبنانية للرعاية الصحية

35	معاصر الشوف	مركز صحي اجتماعي Health and social center	الجمعية الخيرية الدرزية في معاصر الشوف Charity organization for the Druze community in Maaser el Shouf
20	علمات/جبيل	مركز صحي اجتماعي	الجمعية الخيرية الاسلامية- علمات
30	شحيم	مركز خدمات اجتماعية	الجمعية النسائية الخيرية لإقليم الخروب
115	بياقوت-عين عار	مركز صحي اجتماعي ودار حضانة نهائية Health and social center and Daycare Nursery	جمعية التدريب على السمع والنطق Association for training for hearing and speech
25	السماقانية-الشوف	مركز صحي-اجتماعي	الجمعية الخيرية النسائية
30	العبادية	مركز صحي-اجتماعي	جمعية الهدى الخيرية-العبادية
35	برج حمود	مركز صحي-اجتماعي	جمعية أسرة التآخي الخيرية الثقافية
40	عين زحلنا	مركز صحي-اجتماعي	جمعية الرابطة الخيرية-عين زحلنا
25	الباروك	مركز صحي-اجتماعي	جمعية رعاية الطفل اللبناني-الباروك
40	الحدث	مركز صحي-اجتماعي	النادي الثقافي الاجتماعي-الحدث
45	برج حمود	مركز صحي-اجتماعي	الجمعية الخيرية للأرمن

			الكاثوليك
70	عرمون	مركز صحي-اجتماعي	مطرائية جونية المارونية
55	الشويفات	مركز صحي-اجتماعي Health and social center	رابطة سيدات الشويفات Associations for the Ladies of Shouweifat
55	الحدث	دار حضانة نهائية	الجمعية المسيحية للشابات
50	مجدلينا	مركز صحي اجتماعي	جمعية نهضة المرأة الدرزية
45	الكفور	مركز صحي اجتماعي	رابطة الكفور الاجتماعية
30	كفرذبيان	مركز صحي اجتماعي	جمعية إغاثة البائس
45	الروضة	مركز صحي اجتماعي Health and social center	رابطة سيدات الروضة Associations for the Ladies of Rawda
120	برج البراجنة	مراكز اجتماعية ودار حضانة نهائية	جمعية الزهراء الخيرية
45	نيحا-الشوف	مركز صحي اجتماعي	جمعية رعاية الطفل اللبناني-نيحا
60	برج حمود	دار حضانة نهائية	جمعية الشعلة
20	جل الديب	مركز للمكفوفين ومركز صحي	الجمعية الخيرية لمساعدة العميان
30	بعورثة/عالية	مركز صحي اجتماعي	رابطة سيدات بعورته
50	ساحل علما	مركز صحي اجتماعي Health and social center	الهيئة النسائية الخيرية-ساحل علم Charity Associations for

			the Ladies of Sahel Alma
60	برجا	مركز صحي اجتماعي	النادي الثقافي الاجتماعي-برجا
50	حارة الناعمة	مركز صحي اجتماعي ودار حضانة نهائية	نادي الاتحاد الثقافي الصحي الاجتماعي
30	الاوزاعي	مركز صحي اجتماعي Health and social center	جمعية الإمام الحسين بن علي الخيرية Charity Associations of Imam Hussein Bin Ali
20	بسكنتا	مركز صحي اجتماعي	الرهبانية اللبنانية المارونية العامة-بسكنتا
25	الحازمية	مركز خدمات اجتماعية	مركز الرعاية الدائمة
20	الاوزاعي	دار حضانة نهائية Daycare Nursery	جمعية الشابات المسلمات Association of young Muslim women
85	حي السلم-الخيام- شمسطار	مراكز خدمات صحية اجتماعية	الهيئة الوطنية للعمل الشعبي(عامل)
20	مجد المعوش	مركز صحي اجتماعي	الرابطة الخيرية الأدبية-مجد المعوش
70	القماطية	دار حضانة نهاري	الندوة الثقافية الاجتماعية- القماطية
20	رأس المتن	مركز صحي اجتماعي	جمعية سيدات رأس المتن
18	بعقلين	مركز صحي اجتماعي	جامعة بعقلين الخيرية
30	بعبدا	مركز صحي اجتماعي	المؤسسة اللبنانية للتنمية الاقتصادية الاجتماعية

25	مزرعة الشوف	مركز صحي اجتماعي	جمعية التعاضد الاجتماعي - مزرعة الشوف
55	الدوحة	مركز صحي اجتماعي	جمعية المبرات الخيرية
25	برج حمود	مركز صحي اجتماعي Health and social center	جمعية صليب إغاثة الأرمن Cross Society for the Armenian Relief
35	كترمايا- الشوف	مركز صحي اجتماعي	جمعية الوعي والمواطنة الخيرية
30	كفرنبرخ- الشوف	مركز صحي اجتماعي	هيئة إنماء سيدات كفرنبرخ
30	كيفون	مركز صحي اجتماعي	المجلس الإسلامي الشيعي الأعلى
25	بيت جباق	مركز صحي اجتماعي	راهبات القربان الأقدس المرسلات
25	اليرزة	رعاية الطفولة	جمعية عناية ورعاية شؤون الطفولة
30	البنار	مركز للمعوقين	جمعية الزورق
35	كفر عقاب- كفر تية	مراكز صحية- اجتماعية	مطرائية الروم الكاثوليك - بيروت
35	غوسطا	مركز صحي اجتماعي	مطرائية جونية المارونية - غوسطا
25	الرميلة	مركز صحي اجتماعي	الندوة الثقافية الرياضية
15	الناعمة	مركز صحي اجتماعي	جمعية مساعدة الأمومة والطفولة

8	العطشانة	مركز صحي اجتماعي	جمعية مساعدة الأمومة والطفولة
20	صوفر	مركز خدمات اجتماعية	جمعية لبنان العطاء
15	عبيه	مركز صحي اجتماعي	مؤسسة الشروق القروية لعبيه وجوارها
10	برج حمود	مركز للمعوقين	الجمعية الخيرية للنساء المصابات بعاهات
12	بكفيا	مركز صحي اجتماعي	جمعية مار منصور دي بول
15	المعصرة	مركز صحي اجتماعي Health and social Center	المؤسسة الخيرية الاسلامية لأبناء جبيل وكسروان Islamic charity organization for the community of Byblos and Keserwan
10	عانوت	مركز للمعوقين	هيئة الخدمات الاجتماعية في إقليم الخروب
15	المنصف	مركز صحي اجتماعي Health and social center	النادي الرياضي في المنصف Sports Club in Monsif
15	الغابون	مركز صحي اجتماعي	تجمع سيدات الغابون
15	فرن الشباك	مركز صحي اجتماعي	مطرائية الروم الملكيين الكاثوليك
15	برج البراجنة	مركز صحي اجتماعي	الجمعية الخيرية الاسلامية- برج البراجنة
10	الدكوانة	مركز خدمات اجتماعي	جمعية مشغل سيدة النجاة

10	الشياح	مركز صحي اجتماعي	جمعية التنشئة والعمل
15	جونية	دار حضانة	جمعية أصدقاء المدرسة الرسمية
10	سن الفيل	نادي للمسنين	جمعية أيادينا
15	الحازمية	وقاية ودورات حوادث السير	تجمع الشباب للتوعية الاجتماعية
10	سهيلة	مركز صحي ونادي للمسنين Health and social center and 3 rd age group club	مؤسسة مار مخايل الاجتماعية Mar Mechael Social organization
15	الحدث	نادي للمسنين	جمعية بيت المحتاج-دوموس
15	بتخنية	مركز صحي اجتماعي	الجمعية النسائية الخيرية
15	سرجبال	مركز صحي اجتماعي Health and social center and Nursery	مطراتية صيدا ودير القمر للروم الكاثوليك Archbishop of Saida and Deir El Kamar for Roman Catholics
10	عبيه	رعاية الأشخاص المعوقين والأطفال ذوي الاحتياجات الخاصة	المركز الوطني للتنمية والتأهيل
<p>الهيئات المتعاقدة في محافظة النبطية في 2009</p> <p>Organizations that are on contract bases with the MOSA located in Nabatiyeh District 2009</p>			

35	جباع	مركز صحي واجتماعي ودار حضانة	جمعية البر والإحسان الإسلامية لأبناء جباع
100	النبطية	دار حضانة نهائية	جمعية التعاضد الخيرية- النبطية
20	حومين التحتا	مركز صحي اجتماعي	جمعية الرسالة للإسعاف الصحي
130	النبطية	دار حضانة ونادي المسنين	جمعية تقدم المرأة
25	ياطر	مركز صحي اجتماعي Health and social center	دار الإفتاء الجعفري Dar al-Jaafari
25	النبطية	مركز للمكفوفين Center for the Blind	جمعية الكفيف الجنوبي Blind Association for the Southern
25	الجمجمة	مركز صحي اجتماعي Health and social center	المجلس الإسلامي الشيعي الأعلى Higher Islamic Shiite Council
20	تولين	مركز صحي اجتماعي	دار الإفتاء الجعفري
14	كفر كلا	مركز صحي اجتماعي	المجلس الإسلامي الشيعي الأعلى
13	الكفير	مركز صحي اجتماعي	جمعية نور للرعاية الصحية الاجتماعية
10	ميفدون	دار حضانة نهائية	النادي الثقافي الاجتماعي في ميفدون

10	النبطية	مركز صحي اجتماعي	صندوق التعاضد للتكافل الاجتماعي في النبطية
10	بنت جبيل	مركز صحي اجتماعي	الرابطة الثقافية الاجتماعية لأبناء بنت جبيل
الهيئات المتعاقدة في محافظة البقاع في 2009			
Organizations that are on contract bases with the MOSA located in the Bekaa Area 2009			
85	دورس-بعليك- حوش حال-رياق- الفوار-طرابلس	مراكز صحية اجتماعية	قيادة الجيش اللبناني
50	علي النهري	مركز صحي اجتماعي	جمعية الأمان الاجتماعي
50	حزرتا-حدث بعليك- شعت-حوش الرافقة-يونين	مراكز صحية واجتماعية	الجمعية اللبنانية للرعاية الصحية والاجتماعية
25	تمنين التحتا	مركز صحي اجتماعي	نادي الشعلة
95	عين كفرز بد	مركز صحي واجتماعية ودار حضانة Health and social center and Nursery	جمعية الشعلة Association of the torch
110	وادي العرايش- زحلة	مركز صحي اجتماعي ودار حضانة Health and social center and Nursery	جمعية المركز الصحي الاجتماعي Social Health Association Center
45	الجديدة	مركز صحي اجتماعي	الحركة الاجتماعية

		Health and social center	Social Movement
30	ضهر الأحمر	دار حضانة نهارية Daycare Nursery	جمعية رعاية الطفل في راشيا Association for Child Care in Rachaya
35	عرسال	مركز صحي اجتماعي Health and social center	جمعية الإرشاد الاجتماعية Social Guidance Association
65	بعلك	مركز علاج فيزيائي	الجمعية اللبنانية لرعاية المعوقين
20	دير الأحمر	مركز صحي اجتماعي	أبرشية بعلك-دير الأحمر المارونية
25	بكفيا	مركز صحي اجتماعي	جمعية نهضة المرأة الدرزية
45	شمسطار	مركز صحي اجتماعي	جمعية الميثاق
10	اليمونة	مركز صحي اجتماعي	المجلس الإسلامي الشيعي الأعلى
15	ضهر الأحمر-غزة	مركز للمعوقين والعجزة	جمعية الرؤيا للتنمية والتأهيل والرعاية
15	دير الأحمر	مركز خدمات اجتماعية	رابطة سيدات دير الأحمر
15	بعلك	مركز صحي اجتماعي	جمعية مركز الشهيد الرائد الركن ياسل الأسد الثقافي الاجتماعي
الهيئات المتعاقدة في محافظة لبنان الشمالي في 2009			
Organizations that are on contract bases with the MOSA located in the North			

District 2009			
30	طرابلس	مركز خدمات اجتماعية	الجمعية المسيحية للشابات
85	طرابلس	مركز خدمات اجتماعية	جمعية التضامن الاجتماعي
25	طرابلس	مركز صحي اجتماعي	الجمعية النسائية للرعاية الاجتماعية
25	حلبا - مشتى حسن - البرج - ممش	مراكز صحية	جمعية الخدمات الإنسانية والاجتماعية في الشمال (4 مراكز)
20	المقيطع - عكار	دار حضانة ومركز خدمات Health and social center and Nursery	جمعية المحبة الخيرية Association of loving charity
100	الزاهرية - طرابلس	مركز صحي اجتماعي Health and social center	مطرانية الروم الأرثوذكس Orthodox Diocese
20	يقسميا	مركز صحي اجتماعي Health and social center	نيابة البطريركية العامة المارونية في البترون - بقسما Maronite Patriarchate General in Batroun-Baksima
30	بيت الفقس	مركز صحي اجتماعي	جمعية النهضة الخيرية
30	طرابلس	دار حضانة نهائية	جمعية الشابات المسلمات

35	طرابلس	مركز صحي اجتماعي	جمعية الشبيبة الأرثوذكسية
50	طرابلس	دار حضانة نهائية	جمعية التضامن الاجتماعي
30	الحدادين - طرابلس	مركز خدمات اجتماعية	جمعية الشبان المسيحيين
65	طرابلس	دار حضانة نهائية	جمعية الخدمات الخيرية
90	طرابلس	دار حضانة نهائية - مركز صحي اجتماعي	جمعية الإنماء الاجتماعية الخيرية
85	زغرتا الزاوية	مركز صحي - دار حضانة - نادي للمسنين	جمعية المساعدات الاجتماعية
125	فيح - بشمزين - كفرحاتا - كفر حبو	مراكز صحية اجتماعية	مطرائية الروم الأرثوذكس - الكورة
65	زغرتا - أهدن	مراكز صحية اجتماعية	الحركة الاجتماعية - زغرتا
35	دوما	مركز صحي اجتماعي	نادي دوما
130	زغرتا	مركز للمعاقين جسدياً	مؤسسة ايريس فرنجية للمعاقين جسدياً
45	المنية	مركز صحي اجتماعي Health and social center	جمعية النهضة الخيرية الاجتماعية - المنية Al Nahda Charitable Social- AL Meniyeh
65	حلتا - شكا	مراكز صحية اجتماعية Health and social centers	حركة الإنماء الإنساني human Development movement
40	طرابلس	مركز صحي اجتماعي Health and social	جمعية التوجيه والتضامن

		center	الاجتماعي Society for Guidance and Social Solidarity
60	حرف ارده	مركز صحي اجتماعي ودار حضانة نهائية	النادي الخيري الثقافي الرياضي
60	طرابلس	مركز صحي اجتماعي ودار حضانة نهاري	الجمعية الخيرية- الاسلامية- وإسعاف المحتاجين
25	طرابلس رأس الصخر - منيارة	مركز للمعوقين	فيستا
35	الكواشرة- عكار	مركز صحي اجتماعي	هيئة الإسعاف الشعبي
25	طرابلس	مركز خدمات اجتماعية	جمعية العمل النسوي
40	رأس مسقا	مركز صحي اجتماعي	جمعية الشباب الخيرية- رأس مسقا
25	المنية	مركز صحي اجتماعي	جمعية التوعية والعمل الخيري
30	طرابلس	مركز صحي اجتماعي ودار حضانة نهائية	بيت الزكاة في طرابلس ولبنان الشمالي
25	طرابلس	مركز صحي اجتماعي	جمعية العمل الصحي الاجتماعي
90	بنهران - بحبوش	مراكز صحية اجتماعية	الجمعية الخيرية لإنعاش القرى الخمسة
30	طرابلس	مركز صحي اجتماعي	جمعية مسعفي الهلال الوطني اللبناني في الشمال
25	طرابلس	مركز صحي اجتماعي	مؤسسة مؤازرة الطوارئ

15	جربتا	مركز صحي اجتماعي	الراحيات اللبنايات المارونيات - جربتا
15	ضهر المهر	مركز صحي اجتماعي	جمعية اللقاء النسائي الخيري
15	مجدليا	مركز صحي اجتماعي	مؤسسة بسملة الصحية
15	اردة	مركز صحي اجتماعي	حركة التوعية الاجتماعية
12	طرابلس	تأهيل المعاق في بيته	منتدى المعاقين في لبنان الشمالي
8	طرابلس	مركز صحي	جمعية الخدمات الخيرية
8	الكورة	مركز للمدمنين	جمعية طريق الإصلاح
10	زغرتا	نادي للشباب	نادي الطلاب - زغرتا
15	طرابلس	مركز صحي اجتماعي	جمعية تعاون تنمية وصحة
12	مزرعة طرابلس	مركز صحي اجتماعي	لجنة وقف مار ضومط
الهيئات المتعاقدة في محافظة الجنوب في 2009			
50	صور	دار حضانة نهائية Daycare Nursery	مؤسسات الإمام الصدر Imam Sadr Foundation
35	صديقين	مركز صحي اجتماعي Health and social center	مؤسسات الإمام الصدر Imam Sadr Foundation
20	باتولية	مركز صحي اجتماعي Health and social center	المجلس الإسلامي الشيعي الأعلى

25	مشموشة	مركز صحي اجتماعي Health and social center	الرهبانية المارونية اللبنانية العامّة General Order of Lebanese Maronite
45	المية ومية	مركز صحي اجتماعي Health and social center	مطرانية الروم الكاثوليك - صيدا Roman Catholic Diocese - Sidon
60	تفاحتا - طير فلسيه - برج رحال	مركز صحي اجتماعي Health and social center	جمعية نساء جبل عامل Women's Association of Jabal Amel
50	صيدا	مركز للإتقان الفني	جمعية ارتيزانا جنوب لبنان
80	صيدا	دار حضّانة نهارية Daycare Nursery	روضة الشهيد معروف سعد Kindergarten Martyr Maarouf Saad
125	الغازية	مركز صحي اجتماعي Health and social center	جمعية البر والإحسان Association of Charity
70	صيدا	مركز خدمات اجتماعي	جمعية المواساة والخدمات الاجتماعية
150	صيدا	دار حضّانة نهارية Daycare Nursery	جمعية رعاية الطفولة والأمومة Association of Children's and Maternity

60	الصرfund	مركز للمعوقين Center for the Handicapped	الجمعية اللبنانية لرعاية المعوقين
20	الزرارية	دار حضانة نهائية Daycare Nursery	بيت المرأة الجنوبي
50	صيدا	مركز صحي اجتماعي Health and social center	الصليب الأحمر اللبناني
20	كفرحونة	مركز صحي اجتماعي Health and social center	الجمعية الخيرية الإنسانية في بلدة كفرحونة
25	باريش/ صور	مركز صحي اجتماعي	المجلس الإسلامي الشيعي الأعلى
25	الصالحية	مركز صحي اجتماعي Health and social center	الرهبانية الباسيلية المخلصية Basilian Sistersn
40	صيدا	دار حضانة نهائية Daycare Nursery	جمعية مكتبة أطفال صيدا الشعبية Association of Sidon children's popular library
25	عين ابل	مركز صحي اجتماعي Health and social	مطرانية صور المارونية Maronite Diocese in

		center	Tyre
15	اركي	مركز صحي اجتماعي	المجلس الإسلامي الشيعي الأعلى
15	شحور	مركز صحي اجتماعي	المجلس الإسلامي الشيعي الأعلى
15	كوثرية الرز	مركز صحي اجتماعي Health and social center	المجلس الإسلامي الشيعي الأعلى Higher Islamic Shiite Council
15	دير عامص	مركز صحي اجتماعي	المجلس الإسلامي الشيعي الأعلى
15	طير دبا	مركز صحي اجتماعي	جمعية الرسالة للإسعاف الصحي
14	الخلوسية	مركز صحي اجتماعي	جمعية الرسالة للإسعاف الصحي
15	عيتيت	مركز صحي اجتماعي	جمعية الرسالة للإسعاف الصحي
10	صيدا	مركز للمعوقين	جمعية التضامن والتنمية
15	حاثويه	مركز خدمات اجتماعية	نادي حيرام
15	مروحين	مركز صحي اجتماعي Health and social center	جمعية أبناء مروحين Organization of the Community of MErwahin

12	الغازية	دار حضانة نهائية Daycare Nursery	جمعية التنمية الثقافية والاجتماعية Assembly of cultural and social development
15	صيدا	مركز صحي اجتماعي	جمعية التوجيه والإرشاد الإسلامي
10	صريفنا	مركز خدمات اجتماعي	الجهة الخيرية لأهالي صريفنا
15	صيدا	دار حضانة نهائية	جمعية ارض الطفولة
10	صيدا	مركز وقاية من الانحراف- نادي للمسنين	مركز الرحمة لخدمة المجتمع
10	رميش	نادي للمسنين	جمعية كشافة لبنان

Appendix 4: World Bank's Governance Indicator in Lebanon for the years 1996;1998;2000;2002;2003 and 2004).

Worldwide Governance Indicators:

The Worldwide Governance Indicators project constructs aggregate indicators of six broad dimensions of governance:

1. *Voice and Accountability*
2. *Political Stability and Absence of Violence/Terrorism*
3. *Government Effectiveness*
4. *Regulatory Quality*
5. *Rule of Law*
6. *Control of Corruption*

The six aggregate indicators are based on 30 underlying data sources reporting the perceptions of governance of a large number of survey respondents and expert assessments worldwide. Details on the underlying data sources, the aggregation method, and the interpretation of the indicators, can be found in the WGI methodology paper:

The governance indicators presented here reflect the statistical compilation of responses on the quality of governance given by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries, as reported by a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The aggregate indicators do not reflect the official views of the World Bank, its Executive Directors, or the countries they represent.

Percentile rank among all countries (ranges from 0 (lowest) to 100 (highest) rank)

Rule of Law:

Reflects perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence.

The governance indicators presented here reflect the statistical compilation of responses on the quality of governance given by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries, as reported by a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The aggregate indicators do not reflect the official views of the World Bank, its Executive Directors, or the countries they represent.

		1996	1998	2000	2002	2003	2004
Country	WBCode	Rank	Rank	Rank	Rank	Rank	Rank
LEBANON	LBN	48.80383	47.36842	48.32536	46.41148	42.10526	46.88995
		2005	2006	2007	2008	2009	2010
		Rank	Rank	Rank	Rank	Rank	Rank
		43.54067	32.05742	27.7512	29.80769	31.27962	30.33175

Voice and Accountability

Reflects perceptions of the extent to which a country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media.

The governance indicators presented here reflect the statistical compilation of responses on the quality of governance given by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries, as reported by a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The aggregate indicators do not reflect the official views of the World Bank, its Executive Directors, or the countries they represent.

		1996	1998	2000	2002	2003	2004
Country	WBCode	Rank	Rank	Rank	Rank	Rank	Rank
LEBANON	LBN	41.34615	38.46154	40.38462	25.96154	31.73077	37.01923

2005	2006	2007	2008	2009	2010
Rank	Rank	Rank	Rank	Rank	Rank
37.5	34.13462	33.65385	34.13462	34.59716	35.54502

Political Stability and Absence of Violence/Terrorism

Reflects perceptions of the likelihood that the government will be destabilized or overthrown by unconstitutional or violent means, including politically-motivated violence and terrorism.

The governance indicators presented here reflect the statistical compilation of responses on the quality of governance given by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries, as reported by a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The aggregate indicators do not reflect the official views of the World Bank, its Executive Directors, or the countries they represent.

		1996	1998	2000	2002	2003	2004
Country	WBCode	Rank	Rank	Rank	Rank	Rank	Rank
LEBANON	LBN	21.15385	18.75	28.36538	28.36538	28.84615	22.59615

2005	2006	2007	2008	2009	2010
Rank	Rank	Rank	Rank	Rank	Rank
17.30769	3.846154	3.365385	4.807692	9.004739	8.490566

Control of Corruption

Reflects perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as "capture" of the state by elites and private interests.

The governance indicators presented here reflect the statistical compilation of responses on the quality of governance given by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries, as reported by a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The aggregate indicators do not reflect the official views of the World Bank, its Executive Directors, or the countries they represent.

		1996	1998	2000	2002	2003	2004
Country	WBCode	Rank	Rank	Rank	Rank	Rank	Rank
LEBANON	LBN	36.09756	44.87805	40.97561	42.43902	35.12195	33.65854

2005	2006	2007	2008	2009	2010
Rank	Rank	Rank	Rank	Rank	Rank
38.53659	17.56098	19.41748	19.90291	22.00957	21.5311

Regulatory Quality

Reflects perceptions of the ability of the government to formulate and implement sound policies and regulations that permit and promote private sector development.

The governance indicators presented here reflect the statistical compilation of responses on the quality of governance given by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries, as reported by a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The aggregate indicators do not reflect the official views of the World Bank, its Executive Directors, or the countries they represent.

		1996	1998	2000	2002	2003	2004
Country	WBCode	Rank	Rank	Rank	Rank	Rank	Rank
LEBANON	LBN	32.35294	42.15686	33.82353	40.19608	49.01961	50.98039

2005	2006	2007	2008	2009	2010
Rank	Rank	Rank	Rank	Rank	Rank
49.5098	47.05882	46.1165	46.1165	52.15311	53.58852

Government Effectiveness

Reflects perceptions of the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies.

The governance indicators presented here reflect the statistical compilation of responses on the quality of governance given by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries, as reported by a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The aggregate indicators do not reflect the official views of the World Bank, its Executive Directors, or the countries they represent.

		1996	1998	2000	2002	2003	2004
Country	WBCode	Rank	Rank	Rank	Rank	Rank	Rank
LEBANON	LBN	54.14634	56.09756	50.2439	47.31707	49.26829	46.82927
		2005	2006	2007	2008	2009	2010
		Rank	Rank	Rank	Rank	Rank	Rank
		48.29268	42.43902	43.68932	39.32039	34.92823	43.0622

Appendix 5: “liberal” Ottoman law of August 3rd, 1909

The Law of Associations (29 Rajab 1328 and August 3, 1909 (1325) (article governing laws of NGOs)

Section I

Article 1: An association is a group of several persons permanently unifying their knowledge or efforts for nonprofit objectives.

Article 2: Establishing an association requires no prior permit but, by virtue of Article 6, notifying the government of its establishment is a prerequisite.

Article 3: Amended by virtue of the Law of 26/5/1928.

It is prohibited to establish associations on illegitimate grounds that contradict the provisions of laws and public mores, that disturb the peace of the Empire, that aim to change the standing form of government, or that aim to politically separate the different Ottoman entities. They are not to be granted a notification and they are to be dissolved and banned by a decree issued by the Council of Ministers.

Article 4: The establishment of political associations of a nationalistic nature or dictum is strictly forbidden.

Article 5: Members of associations must be above twenty years of age, enjoy all their civil rights, and not have any felony convictions.

Article 6: Establishing clandestine associations is strictly forbidden. Accordingly, upon establishing any association, the founders must submit a signed and sealed statement containing its address, goals, objectives, main office, and the names, capacity, and position of those entrusted with its governance. The statement is submitted to the Department of Interior (Ministry of Interior) if the association’s headquarters is in the capital (Dar el Sa’ada) or to the senior royal commissioner if it is based outside the capital. Two certified copies of the association’s statutes, sealed by the association’s official stamp, must be attached to this statement. In return, the association is granted a notification. Then, the founders may declare the establishment of the association and how it was set up.

All associations are obliged to immediately inform the government of any amendment or alteration to their statutes, administrative board, or location. This amendment or alteration shall be implemented on a third party as of the date of informing the government, and shall be registered in the register created for this purpose. This register must be available whenever the judicial or royal governments request to review it.

Article 7: The headquarters of any association must contain an administrative board of at least two individuals. If the association has branches, each branch is to have an administrative board affiliated to the central administrative board. These boards must keep three books/accounts: all information related to the members of the association and when each joined the association must be recorded in the first; decisions, correspondences, and notifications must be recorded in the second; and revenues, income, the type and amount of operations or transactions must be recorded in the third. These three books/accounts shall be presented to the judicial or royal governments upon request.

Article 8: Each association that has submitted a statement by virtue of Article 6 of this law may stand before the courts as plaintiff or defendant by means of a mediator, as stated in Article 9. It may not govern or dispose of state grants and aid that are binding, but may dispose of the following:

- The monetary contributions paid by members, on the condition that the contribution does not exceed twenty-four gold coins a year.
- The location designated for governing the association and the meeting places.
- The fixed assets needed to reach the set objectives in accordance with its bylaws.

These associations are prohibited from disposing of the other fixed assets.

Article 9: The requests and demands submitted to the registrars, courts, and official councils on behalf of associations for reasons related to their own interests must be under the form of stamped requests which are personally signed and sealed by the administrator or the scribe; noting that the identities of those working in the name and on behalf of the association must be stated in its statutes.

Article 10: Members of the association may discontinue their memberships at any time they wish, even if the association’s statutes state otherwise, on the condition that they have settled their monetary obligations or contributions for that year.

Article 11: All associations are prohibited from entering and keeping firearms and weapons in their meeting places. Clubs offering hunting and fencing activities are allowed to keep and store as many weapons as needed on condition of informing the police.

Article 12: (amended by virtue of Legislative Decree No. 41 dated 28/9/1932):

Associations that do not inform the government of their establishment by submitting the statement as stated in Articles 2 and 6 shall be banned; and their founders, administrative boards, owners or renters of their meeting places shall be fined an amount that ranges between five and twenty-five gold coins. If the association has been established for the prohibited reasons as listed in Article 3 or in the Penal Code, the penalty stipulated in the latter shall also be charged. Any person involved in whatever capacity in an association, committee, or council which aims to obstruct public interest, whether directly or indirectly, shall be sentenced for six months to three years imprisonment and/or a fine of between 25 to 200 Lebanese–Syrian Pounds.

Article 13: Any association that violates the provisions of Articles 4, 5, 7, and 9 and does not notify the government as stipulated in Article 6 shall be fined between two and ten gold coins. In the event of recurrence, the fine shall be doubled. Any person operating or re-establishing a previously banned association as stipulated in Article 12 shall be fined between ten and fifty gold coins. The same fine is imposed on anyone who holds or allows meetings of members of banned associations.

Article 14: The funds of the associations banned by the government or dissolved by its members or bylaws are to be disposed of as stipulated in the association’s statutes. If no such text exists in the statutes, the decision of the general assembly in this regard shall be adopted. The government shall confiscate the funds of the banned association that has been established for the illegitimate reasons mentioned in Article 3.

Article 15: Clubs comply with this Law of Associations.

Article 16: Currently existing associations are required to submit the statement, and fulfill the conditions as listed in Articles 2 and 6 and the provisions of the other articles within two months of this Law’s publication.

Section II

Article 17: Considering an association to be a public utility association depends on the certification of the state by decision of the Council of State (Shoura). Such an association shall conduct all legal operations stated in its statutes. The shares and remittances owned by the association shall all be registered in its name. Its donated funds or its entrusted fixed assets must

be granted a permit by the government. If the donated funds or the entrusted fixed assets are not needed to conduct the association's functions, they must be sold in the timeframe set in the decision to sell. The money received in return for the sale is to be deposited into the association's fund.

Article 18: The police are entitled to inspect associations and clubs; therefore, the latter must keep their meeting places and offices open for police inspection at all times. Yet, the police must present a search warrant to prove that their inspection is conducted for due reasons. The search warrant can be issued by the police commissioner if in the capital (Dar el Sa'ada) and by the local senior royal commissioners, or their deputies, if in the districts.

Article 19: The Ministries of Justice and Interior are entrusted with enforcing this Law.

Appendix 6: Process and Stages of the Establishment of an Association by Virtue of the 1909 Law:

The establishment of an association according to the 1909 Law is defined by the following stages:

- 1- A number of individuals meet on an idea/set of ideas and agree on a set of objectives/goals.
- 2- The association issues an official stamp (optional)
- 3- A statement is sent to the government to notify the authorities about the establishment of the association. Two copies of the association's certified statutes should be attached to the statement.
- 4- The statement and the two copies of the association's statutes are submitted to the Ministry of Interior in Beirut or to the senior royal commissioner (in the mohafaza or district if the association is based outside Beirut)
- 5- The association then receives notification.
- 6- The association specifies how the founders established it (this is generally published in the Official Gazette).

Appendix 7: laws governing the different organizations

a) Foreign associations

foreign associations are established by virtue of a special decree issued by the Council of Ministers. The association is considered foreign if its founder or director is foreign, if it is based outside Lebanon, or if more than a quarter of the members of its general assembly are foreigners. It is governed by the provisions of Decision No. 369 LR dated December 1, 1939.

b) Associations with a mentorship authority

These include sports and scouts associations as well as associations of some professional syndicates. Sports and scouts associations used to need a prior approval permit from the Ministry of Education's General Directorate of Youth and Sports. The legal framework was entrusted to the Ministry of Youth and Sports following its establishment (Ministerial Decree No.9104 dated September 26, 1996).

c) Syndicates, cooperatives and mutual benefit associations

A special law, issued on August 18, 1964 through Decree No.17199, governs these institutions. The Decree of Law No.35 related to mutual funds was issued in 1977.

d) Trade unions

The Ministry of Labor licenses trade unions.

e) Religious associations

On March 13, 1936, Decision No.60 LR gave legal status to associations with charity, cultural, or educational objectives, such as monasteries, within the framework of the accepted order of confessions. The religious authorities then became the reference point for some associations that asked to have their notification statement withdrawn, stating that it was no longer useful for their work because they were no longer governed by the 1909 Law.

Appendix 8: Illicit Wealth Original Law and its amendments



مشروع

إقتراح تعديل قانون الإثراء غير المشروع الرقم 99/154

إعداد

جمعية نحو المواطنة و فريق عمل مؤلف من قانونيين و أخصائيين

آبار 2006



نص مشروع تعديل قانون الإثراء غير المشروع الرقم 154/1999

الأسباب الموجبة

لما كانت ظاهرة الفساد قد أخذت في لبنان أبعاداً إجتماعية خطيرة، الأمر الذي استدعى تحديث القانون المتعلق بمكافحتها.

ولما كانت أهمية القانون هي في تطبيقه بصفته أداة لضبط المجتمع وأداة شرعية لمنع المخالفات التي تهدد الإنتظام العام.

ولما كان قانون الإثراء غير المشروع المعدل بالقانون رقم 154/99 يحتوي على ثغرات أدت وتؤدي الى عدم فعالية القانون في مكافحة ظاهرة الفساد، والدليل أنه لم تقدم أي شكوى إستناداً له. ونظراً لأهمية هذا القانون في إصلاح الأوضاع السياسية والإدارية فيجب أن يتضمن القانون إجراءات فعّالة وهي ما يدرر وجود هذا القانون.

ومن مراجعة قانون الإثراء غير المشروع الرقم 154/99 يتبين أنه يتضمن الثغرات الأساسية التالية:

- التصريح غير الشفاف عن الذمة المالية وبقاء التصريح في غلاف سري ومغلق.
- تأكيد القانون على الحصانات الدستورية الممنوحة للرؤساء والوزراء وهم الفئة المعنية بالمخالفات والارتكابات التي تتصل بجرم الإثراء غير المشروع.
- إشرط القانون كفالة عالية لتحريك الدعوى الجزائية والغرامة الباهظة المفروضة في حل عدم ثبوت الجرم فضلاً عن العقوبات الأمر الذي يشل الملاحقة على هذا الصعيد.
- تطبيق أحكام مرور الزمن العادية ما لا يتفق مع خطورة وطبيعة الجرم.

لذلك وفي ضوء ما تقدم، نقترح تعديل المواد التي تعتبر متناقضة مع وظيفة القانون المذكور على النحو التالي:



الإجراء غير المشروع

نص القانون المعدل

الفصل الأول - التعريف

- المادة 1- يعتبر إجراء غير مشروع:
- (1) الإجراء الذي يحصل عليه الموظف والفائز بخدمة عامة ولفاضي أو كل شريك لهم في الإجراء، أو من يبرونه اسمهم، بالرشوة أو صرف نفوذ أو استثمار وظيفة، أو العمل الموكول إليهم (المواد 351 إلى 366 من قانون العقوبات)، أو بأي وسيلة من الوسائل غير المشروعة وإن لم تشكل جزءاً جزائياً.
 - (2) الإجراء الذي يحصل عليه الموظف والفائز بخدمة عام ولفاضي وغيرهم من الأشخاص الطبيعيين أو المعنويين، سواء عن طريق الاستملاك أو عن طريق نيل رخص التصدير والاستيراد أو المنافع الأخرى على اختلاف أنواعها، إذا حصل خلافاً للقانون.
 - (3) نيل أو سوء تنفيذ للمفالات والامتيازات والرخص الممنوحة من أحد أشخاص القانون العام جلياً للمنفعة إذا حصلت خلافاً للقانون.

- المادة 2- من أجل تطبيق أحكام هذا القانون:
- يقصد بكلمة «موظف» كل موظف أو متعاقد أو متعامل أو مستخدم أو أجير دائم أو مؤقت، في أي ملك أو ملك، بأي رتبة أو درجة، في الوزارات أو الإدارات العامة أو في المؤسسات في وزارة الدفاع الوطني أو في المؤسسات العامة ومن بينهم رؤساء مجلس الإدارة، أو في المصالح المستقلة أو في البلديات أو اتحاد البلديات، وكل ضابط أو فرد في المؤسسات العسكرية والأمنية والجمارك.
- ويعتبر قائماً بخدمة عامة كل من أسند إليه، بالانتخاب أو بالتعيين، رئاسة الجمهورية أو رئاسة مجلس النواب أو رئاسة مجلس الوزراء، أو الوزارة أو النيابة أو رئاسة أو عضوية المجالس البلدية أو اتحادات البلديات أو لاختار أو الكاتب لعدل، أو اللجان الإدارية إذا كان يتربط على أعمالها نتائج مالية، ويمثلو الدولة في شركات اقتصاد مختلط، والقائمون على إدارة مرافق عامة، أو شركات ذات نفع عام.
- ويعتبر قاضياً أعضاء المجلس الدستوري والقضاة العدليين والإداريين والماليين وأعضاء كل هيئة قضائية معبرة جزءاً من تنظيمات الدولة.

- المادة 3- لا يشترط أن يحصل الإجراء غير المشروع مباشرة أو حالاً، بل يمكن أن ينشأ عن الاستفادة من مشاريع المنوي تنفيذها.
- يدخل تحت حكم هذه المادة بنوع خاص:

- (1) استخدام أموال الخزينة ووسائل الدولة خلافاً للقانون بقصد تحسين قيمة عقارات يملكها الأشخاص المذكورون في المادة الأولى من هذا القانون.
- (2) الاستحصال على أموال منقولة أو غير منقولة من قبل أحد الموظفين أو أحد القائلين بخدمة عامة أو أحد القضاة أو من ينسب إليهم وفق أحكام المادة الأولى من هذا القانون مع علمهم بأن قيمتها ستزفع بسبب أنظمة أو قوانين منوي إصدارها أو مشاريع منوي القيام بها، إذا حصل ذلك بناء على معلومات سابقة للشراء اتصلت بهؤلاء بحكم وظيفتهم وغير موافرة لدى العامة.

الفصل الثاني - التصريح عن الثروة

لمادة 4-

1) على كل فاضي وكل موظف من لفئة لثلاثة أو ما يعادلها فما فوق وكل ضابط أن يقدم عند مباشرته العمل، وكأحد شروط هذه المباشرة، تصريفاً موقعاً منه يبين فيه الأموال المنقولة وغير المنقولة التي يملكها هو وزوجه وأولاده القاصرون.

- كما يخضع لأحكام التصريح المراقبون والمدققون في وزارة المالية وموظفو الجمارك.
- كما أن على كل قائم بخدمة عامة أن يقدم مثل هذا التصريح في مهلة شهر من تاريخ مباشرته العمل.
- لا تشمل أحكام هذه المادة أفراد الهيئة التنظيمية في الجامعة اللبنانية والمدارس الرسمية.

2) على الأشخاص المشمولين بأحكام البند (1) من هذه المادة الذين نظروا الخدمة قبل نفاذ هذا القانون، وما زالوا فيها، خلال مهلة ثلاثة أشهر من تاريخ نفاذه أن يقدموا تصريفاً موقعاً يبينون فيه الأموال المنقولة وغير المنقولة التي يملكونها هم وأزواجهم وأولادهم القاصرون في لبنان والخارج.

3) على الأشخاص المشمولين بأحكام البند (1) من هذه المادة أن يقدموا، خلال مهلة ثلاثة أشهر من تاريخ انتهاء خدمتهم، لأي سبب كان، تصريفاً تالياً يبينون فيه ما أصبحوا يملكونه هم وأزواجهم وأولادهم القاصرون، وأن يحددوا أوجه وأسباب الاختلاف بين التصريحين الأول والثاني.

4) لا يلزم الأشخاص المشمولون بأحكام البند (1) من هذه المادة الذين تركوا الخدمة قبل نفاذ هذا القانون بتقديم التصريح ما لم يطلبه منهم المرجع القضائي المختص في حال خضعوا للملاحقة وفق أحكام هذا القانون، وفي هذه الحالة يقدم التصريح بتاريخ تركهم الخدمة إلى المرجع القضائي المختص.

5) يقدم التصريح موقعاً من صاحب العلاقة على مسؤوليته الكاملة، ووفقاً لأحكام هذا القانون ويشمل كامل ثمنه المالية بما فيها الأموال المنقولة وغير المنقولة التي يملكها المصريح أو زوجه أو أولاده القاصرون، ويكون التصريح قابلاً للإطلاع عليه من كل راعب في تقديم الشكوى الجزائية بناء على ترخيص من النائب العام التمييزي. ويتحمل المطلع مسؤولية إطلاعه على المعلومات والمستندات إذا استخدمها على وجه أضرب بصاحب المعلومات والمستندات وفقاً لأحكام قانون العقوبات لجهة القذف والذم والتخثير وإفشاء المعلومات المتعلقة بالوظيفة أو الإدارة القضائية أو لتعرض الي الحياة الخاصة للآخرين. ويعتبر مبرئاً من المسؤولية على هذا الصعيد ثبوت جرم الإثراء غير المشروع بموجب قرار قضائي نهائي ومبرم.

6) أرفق بهذا القانون نموذج عن شكل التصريح ومضمونه.

لمادة 5- تودع التصاريح المنصوص عليها في البنود 1 و 2 و 3 من المادة لرابعة من هذا القانون لدى المراجع الآتية:

- رئاسة المجلس الدستوري: رئيس الدولة، رئيس مجلس النواب، رئيس مجلس الوزراء، لوزراء والنواب.
على رئيس مجلس الوزراء والنواب أن يقدموا تصريفاً خلال ثلاثة أشهر بعد تعيينهم أو انتخابهم وتصريفاً آخر بعد ثلاثة أشهر من انتهاء توليهم المنصب الوزاري أو انتهاء مدة انتخابهم.

- وزير العدل: رئيس المجلس الدستوري وأعضاؤه، رئيس مجلس شورى الدولة، لرئيس الأول لمحكمة التمييز، مفوض الحكومة لدى مجلس شورى الدولة، النائب العام لتمييزي، رئيس هيئة التفتيش القضائي، رئيس ديوان المحاسبة، المدعي العام لدى ديوان المحاسبة، قضاة المحاكم المذهبية وكتاب العدل.

- رئاسة مجلس الوزراء: حاكم مصرف لبنان، قضاة المحاكم الشرعية، موظفو الإدارات والمؤسسات العامة والمجالس والهيئات والصناديق التابعة لرئاسة مجلس الوزراء.



- رئاسة مجلس النواب: موظفو مجلس النواب.
- الرئيس الأول لمحكمة التمييز: القضاة المدليون والموظفون.
- رئيس مجلس شورى النولة: القضاة الإداريون والموظفون.
- رئيس ديوان المحاسبة: القضاة الماليون والموظفون.
- رئيس المحاكم الشرعية والمذهبية: الموظفون في هذه المحاكم.
- مجلس الخدمة المدنية: موظفو وزارات والإدارات العامة الخاضعة لرقابة هذا المجلس.
- ديوان الوزارة التي ينتمون إليها: سائر الموظفون في كل وزارة من مدنيين وعسكريين الذين لا تخضع إدارتهم لرقابة مجلس الخدمة المدنية.

- ديوان وزارة الشؤون البلدية والقروية: رئيس وأعضاء المجالس البلدية واتحاد البلديات ومستخدموها والمختارون. * راجع القانون رقم 247 لصادر في 2000/8/7 فيما يتعلق بإلغاء وزارة الشؤون البلدية والقروية

- ديوان وزارة الوصاية: أعضاء مجالس إدارة المؤسسات العامة والمصالح المستقلة ومستخدموها واللجان الإدارية التابعة لها.

- حاكمية مصرف لبنان: نواب الحاكم ورئيس وأعضاء لجنة لرقابة على المصارف وموظفو مصرف لبنان.

- تُدفع المراجع المختصة المذكورة أعلاه التصاريح لدى مصرف لبنان (بوره نور وديع مركزي) بتاريخ المهلة المحددة في كل حالة.

المادة 6-

(1) على رئيس كل إدارة أو مؤسسة عامة مشموله بأحكام هذا القانون أن يصدر تحميماً عدد نقائه للتقيد بمضمون الفقرات (2) و (3) و (4) من هذه المادة.

(2) يعتبر مستقبلاً كل فاض أو موظف أو مستخدم أو عضو مجلس إدارة إذا لم يقدم خلال ثلاثة أشهر من تاريخ بلغه بواسطة رئيس إدارته، التصريح المنصوص عليه في الفقرتين (1) و (2) من المادة الرابعة من هذا القانون.

(3) يعتبر التصريح المنصوص عليه في الفقرتين (1) و (2) من المادة الرابعة من هذا القانون شرطاً من شروط تولي الخدمة العامة بالنسبة لرئيس الجمهورية ولرئيس مجلس النواب والنواب ورئيس مجلس الوزراء والوزراء، ويعتبر تخلف منولي الخدمة العامة بتاريخ صدور هذا القانون عن تقديم التصريح في المهل المحددة بمثابة استقالة المتخلف من الخدمة الفعلية.

(4) كل من يقدم تصريحاً كاذباً يعاقب بالعقوبة المنصوص عليها في المادة 462/ من قانون العقوبات.

المادة 7- للتصاريح طابع سري، وعلى كل موظف مكلف باستلامها أو حفظها أن يحافظ على هذه السرية.

- يعاقب المخالف بالعقوبة المنصوص عليها في المادة 579 من قانون العقوبات.

- للمرجح القضائي المختص أن يطلع على التصاريح في حال حصول الملاحظة.

الفصل الثالث - أصول الملاحقة والتحقيق

البند الأول - قواعد عامة

لمادة 8- في دعوى الإثراء غير المشروع، وخلافاً لكل نص، لا تحول نون لملاحقة الجزائية الأنوات أو لترحيص المسبقة. ومع مراعاة أحكام الدستور، إن القضاء الجزائي العادي هو صاحب الصلاحية في دعوى الإثراء غير المشروع في جميع الأحوال وتطبق أصول المحاكمات الجزائية العادية دون التدرع بلصنادات دستورية.

لمادة 9- تطبق أحكام قانون أصول المحاكمات الجزائية على التحقيق في قضايا الإثراء غير المشروع، وتطبق أحكام قانون العقوبات في حالات تحقق الإثراء غير المشروع نتيجة جرم جزائي.

البند الثاني - أصول الملاحقة

لمادة 10- لكل متضرر أن يقدم شكوى خطية موقعة منه للديابة العامة أو مباشرة لقاضي التحقيق الأول في بيروت.

- على الشاكي أن يقدم كفاية عادية نقدية أو عينية مقدارها مليون ليرة لبنانية فقط. وإذا كان الشاكي صاحب مصلحة مباشرة من الشكوى لقاضي التحقيق أن يقدم رفع مسئوى الكفاية لى ما لا يزيد عن عشرة أضعافها.
- للنايب العام أن يدعي مباشرة أمام قاضي التحقيق في بيروت على أن يضم إلى ادعائه المستندات التي كونت قناعته.

لمادة 11- لا تدفع الملاحقة بجرم الإثراء غير المشروع في الحالات الآتية:

- 1 - الاستقالة أو الصرف من الخدمة أو الإحالة على التقاعد أو انتهاء مدة تولي الخدمة لعامة.
- 2 - الوفاة، وفي هذه الحالة يجوز مباشرة للملاحقة أو متابعتها مديناً بوجه الورثة أو الموصى لهم في حدود ما آل إليهم من التركة.

البند الثالث - أصول التحقيق والإحالة

لمادة 12- إذا تبين لقاضي التحقيق أن الشكوى جديده يتم تبليغها مع المستندات المضمومة إليها من المشكو ضده للدفاع عن نفسه.

ويعتبر من القرائن على الإثراء غير المشروع:

أ- تلك المشكو منه بنفسه أو بواسطة الأشخاص المعددين في البند الأول من المادة الأولى من هذا القانون أموالاً لا تمكنه موارده العادية من تملكها.

ب - مظاهر الثراء التي لا تتفق مع تلك الموارد.

لمادة 13-

1- لكل من قاضي التحقيق والمحكمة المختصة، بالرغم من كل نص مخالف، أن يأمر فوراً بحجز أموال المشكو ضده المنقولة وغير المنقولة جزراً احتياطياً. ويبقى هذا الحجز مستمراً ومنجماً مفاعيله القانونية حتى صدور قرار برفعه أو بتحويله إلى حجز تنفيذي.



2- يطبق قاضي التحقيق أو المحكمة المختصة أحكام المادة السابعة من قانون سرية المصارف الصادر بتاريخ 3 أيلول عام 1956.

3- لقاضي التحقيق أو للمحكمة أن يقرر منع المشكو ضده من السفر.

المادة 14- على كل شخص أو مرجع أو إدارة يطلب إليه قاضي التحقيق أو المحكمة استقصاء معلومات أو الإطلاع على مستندات أن ينفذ لطلب وإلا عوقب بالحبس سنة أشهر على الأكثر وبالغرامة حتى عشرة ملايين ليرة لبنانية، أو بإحدى هاتين العقوبتين.
يقرر قاضي التحقيق أو المحكمة إنزال العقوبتين أو إحداهما بعد إبلاغ المخالف والاستماع إليه وتمكينه من الدفاع عن نفسه.

المادة 15- إذا تقرر منع المحاكمة عن المشكو منه أو بإبطال التعقيب بحقه فالمرجع المختص أن يقرر تخريب الشاكي الشيء التي يبلغ لا يزيد عن عشرة ملايين ليرة لبنانية.
كما له أن يقرر إلزام الشاكي ببناء على طلب المشكو ضده بدفع تعويض عن الأضرار التي لحقت به من جراء تقديم الشكوى.
يبت المرجع المختص بالتعويض حتى بعد صدور القرار بمنع المحاكمة عن المشكو ضده أو بإبطال التعقيب بحقه.

المادة 16- باستثناء قرار الإحالة، تنسب الشكوى ومستندات التحقيق وإجراءاته في شئى مراحلها بالسرية المطلقة.
- يعاقب من يخالف مبدأ السرية بالحبس مدة سنة على الأقل وبالغرامة تتراوح بين عشرة ملايين وخمسين مليون ليرة لبنانية، يفرضي بهما المرجع القضائي المختص بعد إبلاغ المخالف أصولاً والاستماع إليه.
- تضاعف العقوبة والغرامة في حال التكرار.

الفصل الرابع - أصول المحاكمة والحكم

المادة 17- تعدل مقدمة لفقرة بآلة عبارة "مع مراعاة أحكام الدستور". تنظر محاكم الاستئناف الجزائية في بيروت بدرجة الأولى في قضايا الإثراء غير المشروع، وتخضع أحكامها للمراجعة أمام محكمة التمييز بصفتها مرجعاً استئنافياً.

المادة 18- تعتبر مدة مرور الزمن على جرم الإثراء غير المشروع خمسة وعشرون سنة لجهة الحقوق المدنية واسترداد المال العام، وعشر سنوات لجهة تطبيق العقوبات الجزائية المنصوص عنها في قانون العقوبات

المادة 19- تبدأ مهلة مرور الزمن، في قضايا الإثراء غير المشروع فيما يتعلق باستعادة المال العام، من تاريخ اكتشاف الجرم.

المادة 20- مع مراعاة أحكام الدستور، يلغى المرسوم الاشتراعي رقم 38/ تاريخ 1953/2/18 (قانون الإثراء غير المشروع) وقانون الصادر بتاريخ 1954/4/14 (التصاريح المطلوب تقديمها من الموظفين والعاملين بخدمة عامة عن ثرواتهم) وكل نص آخر يناقض أو لا يتألف مع أحكام هذا القانون.

المادة 21- يحمل بهذا القانون فور نشره في الجريدة الرسمية.

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