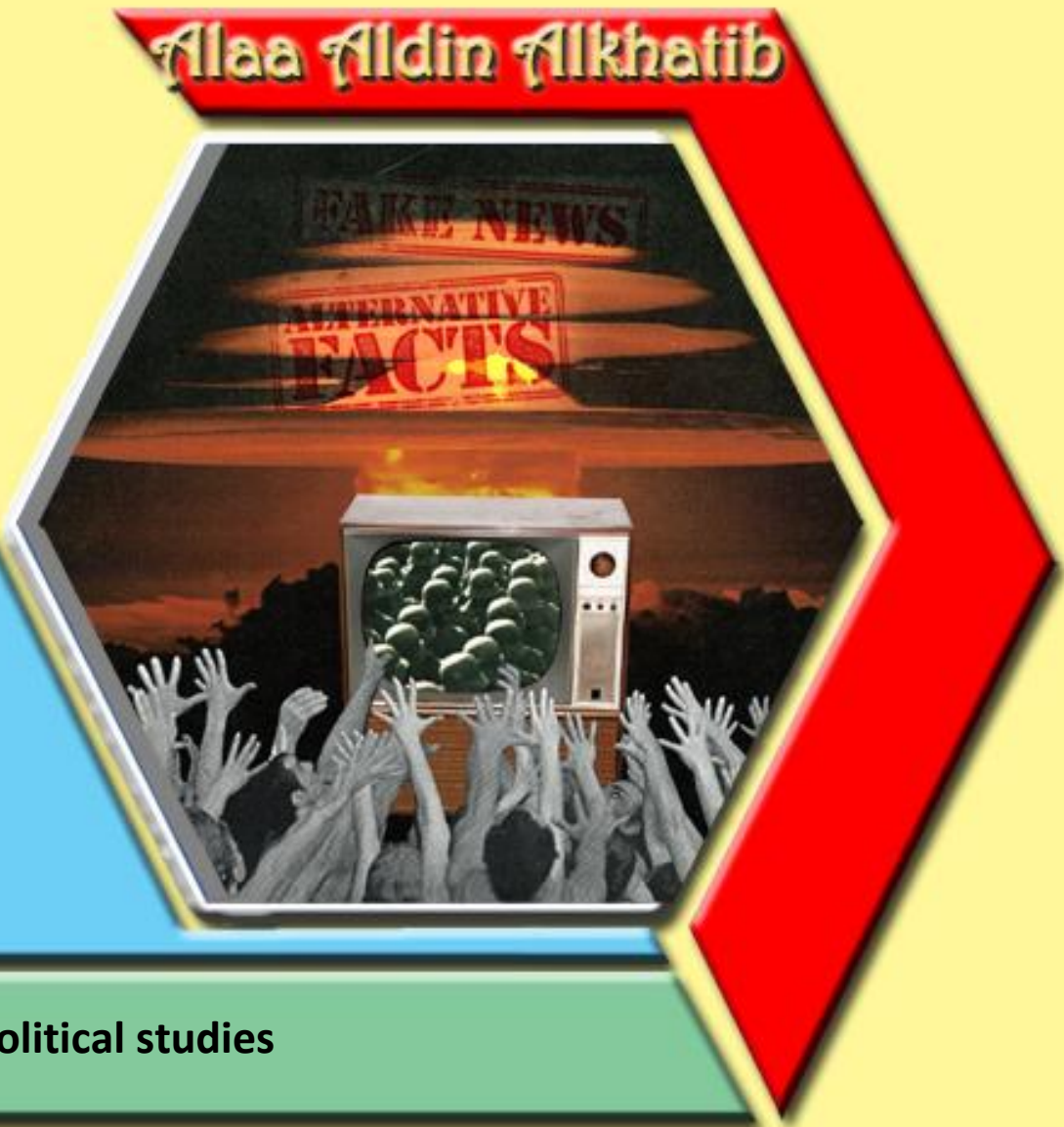




Is the Assad Regime Secular?



Many media are still describing Al-Assad as “the secular leader”. Is it true?

Is it enough to claim secularism, have a cravat and a wife who speaks English to be secular? It seems that the media say so.

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Is the Assad Regime Secular?

Alaa Aldin Alkhatib

Many media are still describing Al-Assad as “the secular leader”. Some of them, who want to be fairer, say “the secular dictator”. Indeed, even many Arab media define the Al-Assad regime as a secular regime too¹.

Historically, Al-Baath party, who ruled Syria since 1963, was classified as a secular party. Hence, they continued to see both Al-Assad, the father hafez and the son Bashar, as secular rulers, for many reasons related to the Western colonialism of Arab countries, when it was believed that France and the UK supported the secular values, and to the cold war time, when the regimes of Syria, Egypt, Algeria, and Yemen allied with the Soviets, which was defined as a communist secular camp. This reputation survived a long time thereafter, and it spread more after the rise of Islamist Jihadist in the nineties, because many thought that the Al-Assad regime and the other Arab regimes were the defending line against Islamism. So the CS Monitor reported on July 13, 2010 “*For this reason, securing secular strongholds, such as Syria, is imperative not only for the peoples of the region, but also to the national interests of the US, Europe, and all major powers*”², and the Economist, after the misery of Syria, reported in Jun 28, 2018 “*Even today many Sunnis prefer Mr Assad’s secular rule to that of Islamist rebels*”³. However, it looks that the main driver of some Western media is the comparison against the “enemy”, and, therefore any one claim fighting the Islamism terror is “secular and good”.

The Arab, including Syrian, media rarely talked about secularism over the last century. Aljazeera and few Arab TV channels talked about it a little bit in the third millennium, but from the respective of Islamism view, which see secularism as the opposite of Islam. However, the common idea among Arab

people has been that the regimes of Syria, Iraq (before 2003), Egypt, Algeria, Yemen, and Tunisia are secular. The main driver of this idea is the propaganda of the Islamism media, streams and groups. They always wanted to take over the power in Arab countries, therefore they had to fight the Arab rulers, and the democratic secular stream which has been getting stronger. So, by linking secularism to atheism and anti-Islam, they could attack both enemies. They accused the Arab regimes of supporting secularism, and accused the democratic secular stream of supporting the Arab dictator regimes.

What is a Secular state?

We will not go into academic or theoretical discussion, but let's rather take the most common definition and understanding of the term secular state. A secular state is a state that is neutral towards religions, it doesn't support or oppose either religion or irreligion, and it treats all its citizens equally regardless of their religion, which means that the legal system, the judiciary system, the constitution, the rights and duties of the citizen, and the opportunities are independent of religions and irreligion.

In practice, secularism may vary between the French type, which can somehow be characterized as antireligious animus, and the American type that can be characterized as a moderate secular system.

Al-Baath view of secularism

Al-Baath party ruled Iraq and Syria since 1963. It fell in Iraq in 2003, but it is still ruling in Syria. Michel Aflaq, one of the founders of Al-Baath party in the forties of the last century, wrote about secularism, and claimed that he supports it, but he never gave a concrete definition of it; he just said that it is not same as Western type. The constitution of the Al-Baath party didn't mention in any way secularism, neither in Syria nor in Iraq, and didn't object to the role of religion in the state. It only focused on Arab nationalism and socialism.

What Hafez and Bashar Al-Assad said about secularism

It may look unnecessary, to Western people, that the politicians talk about secularism a lot, but in Arab countries secularism is one of the biggest questions. Therefore the leaders should declare their views about it. Hafez Al-Assad mentioned secularism only few times. The first instance he said in an interview with a Yugoslavian Newspaper in April 2, 1971 "*The Palestinian*

resistance proposed the idea of a secular state in Palestine combining the Arabs and Jews, we in Syria didn't settle on such a solution ..., and the history of the region witnesses the co-existence among all religions”⁴. The second time he was talking about the Lebanon conflict. Secularism for him was to have a system in Lebanon where all the religious sects have fair rights⁵. In October 28, 1991, a CNN reporter asked Hafez Al-Assad about Saddam Hussien, comparing both regimes as Arab national and secular, but Al-Assad ignored the comparison and secularism⁶.



photo 1 Hafez Al Assad in the big mosque in Damascus.

Bashar Al-Assad said a little bit more than his father about secularism, but only after 2011 when the Syrian uprising began. He wanted to sell his regime as the inevitable choice against Islamism. We can indeed join all he said onto one page, and the summary would be that secularism, for Bashar, is to treat all religious sects equally before the law⁷.

The constitution and legislation system in the time of Al-Assad

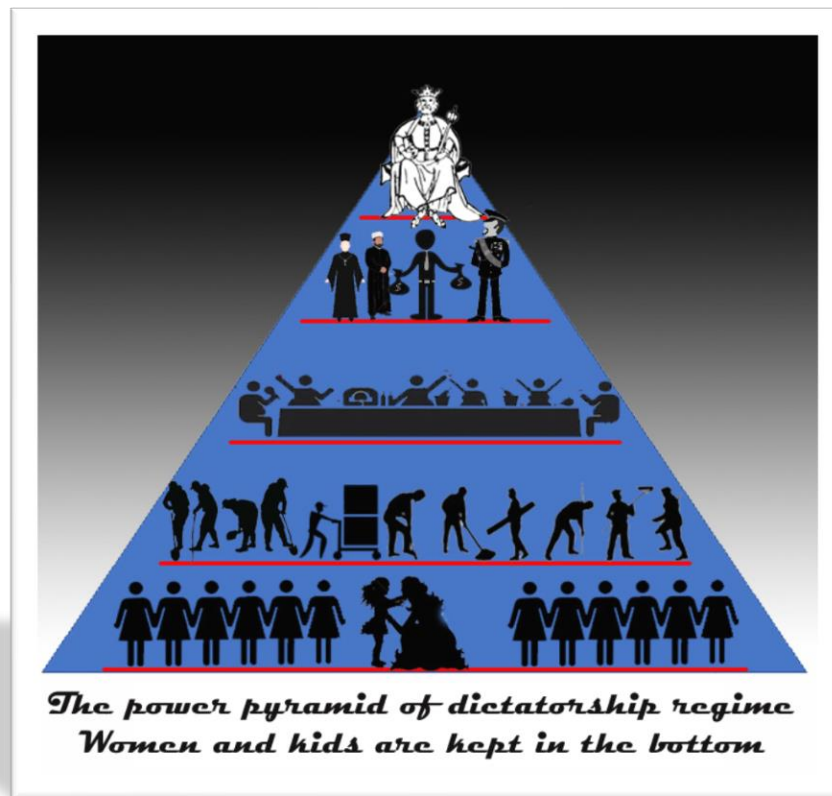
The Syrian constitution of 1973, which was approved under the rule of Hafez Al-Assad, and the constitution of 2012, which was approved under the rule of Bashar Al-Assad, declare in the third article the following: “*The religion of*

the President of the Republic is Islam; Islamic jurisprudence shall be a major source of legislation” this article continues “The State shall respect all religions, and ensure the freedom to perform all the rituals that do not prejudice public order; The personal status of religious communities shall be protected and respected”⁸. The continuation doesn’t give other religions an equal chance neither to nominate a president neither to be a “source of legislation”, although it calls for respecting them, let’s see how the legislation system is formed.



The term “personal status law” means in Arab countries, the legislation related to the families, marriage, divorce, inheritance, custody of children, etc⁹. Those regulations differ among religions, and among religious sects too. The Syrian law recognizes only four religious groups, Islam, Christianity, Jewish, and Druze, and it forces the legislation of one Sunni jurisprudence “Hanafi” on all Muslims’ sects and schools “Maddhab”, so the Shia, Alawites, Ismaili, and other Sunni schools have to follow the Hanafi School. Hence the religious sects principally are not equal in front of the law. In addition, the Syrian law doesn’t recognize either religion or irreligion other than Islam, Christianity or Judaism, so there is no place for Buddhism, Hinduism, atheism, or any other

religion. It doesn't have the possibility to organize or legalize the relations of any religion that is not one of the Abrahamic religions.



The Syrian law, like many other Arab countries, still recognize the old legislation from the time of the Ottoman occupation, when there is no clear specific law in the latest law. for example, it happened a few times in the case of different religions marriage¹⁰, when the parents disagreed on the custody of the children, the Syrian family court depended on legislation of the Ottoman empire which was initiated in the 19th century and called “Mohamad Kadri Basha book”. It declares in this case, according to the article 381, that the custody is of the parent who is from “the nobler religion, and Islam is the noblest”¹¹. So, the Syrian law still classifies the religion according to its “nobility”.

In 2007, Bashar Al-Assad formed a committee to review the Syrian personal status law¹², the committee finished in 2009, and it kept many laws which contradict the human rights and the equality of religions. for example:

- 1- The articles 639 and 640 allow the Christian man to marry more than one woman, although the constitution declares that Christians should follow the Church law¹³.
- 2- Article 38 uses the word “Dhimmi”¹⁴, which refers in the old Islamic legacy to the Christians and Jews under the Islam state, and it has a very negative reputation because it meant that Christians and Jews were second level citizens.
- 3- Article 630 declares in a case whereby, a man or a woman denied that they were married, if the man was Muslim then the marriage wouldn’t be recognized, but if the woman was Christian then the marriage would be recognized and approved¹⁵ (according to Islam Sharia).
- 4- regarding number 3, there is no marriage case where the man is Christian and the woman is Muslim, because the Syrian law forbid the Muslim woman to marry a man from another religion, but the Muslim man can marry any woman regardless of her religion (according to Islam Sharia).
- 5- The Syrian law allows the police to punish any person drinking or eating publicly during Ramadan¹⁶.
- 6- Women’s right to inheritance remains limited, the son may inherit double of what the daughter inherits when the parent/parents die (according to Islam Sharia).
- 7- Polygamy remains legal¹⁷ (according to Islam Sharia).
- 8- There is no civil marriage in Syria until now.

Al-Assad secularism claim arguments

The media propaganda of the Al-Assad regime focuses on two statuses to support the claim of the secularism of Al-Assad, women’s status and the protection of the minorities.

The women status in Syria can’t be compared to Saudi Arabia, or Iran, because any country compared to them would look like a “woman’s paradise”, it should be compared to the natural neighbors like Turkey, Egypt, Lebanon, and Iraq (before the wars), then the objective historical analysis would prove that status of women in Syria is relatively developed compared to other Arab and Muslim countries because of the structure of Syrian society. For example, the Syrian woman won the right to vote in 1949, before Switzerland, and before the Al-Baath party took power. The Syrian society has been more

opened than many other countries because of the geographical location, and the old trade traditions over thousands of years.

Syrian people consist of about 40 religious sects and about 10 ethnicities, the history didn't record any big civil war, neither religious nor ethnic, among the inhabitants of Syria that can be compared to what happened in Europe, America, Iran, Turkey, Iraq, and other countries. Syria witnessed many wars among different empires, but not big civil wars like other countries. In recent centuries there were few clashes among religious sects, but they were limited. Indeed, one of the main fathers of the Syrian state was a Christian man, Faris al-Khury, Prime Minister of Syria in 1944, president of the parliament 1949, Prime Minister 1954.

The Al-Assad regime didn't protect either the minorities or the majority, it protected itself as an iron dictatorship regime. Its main efforts have been concentrated on the security, to guarantee its full power for 49 years, so the crime rate has been one of the lowest during its time. However, the corruption rate has also been one of the worst records in the region¹⁸. In this respect the Al-Assad regime treated all the components of the Syrian people equally, it allowed every component to have its own corrupted persons in the state, the cake of corruption was equally divided.

Because media focuses more on ISIS and Islamist Jihadism, the sectarian conflict among Sunni, Alwaite, Shia, and others, many people assume that Al-Assad is the guarantee to avoid sectarian war in Syria, but they don't ask the logical simple question, knowing that Al-Assad ruled Syria as a full power dictatorship, controlling the media, the education system, the military, the security, the economy and everything in Syria for 40 years, hence what has it been doing, if it was the guarantee against either sectarian war or Islamism Jihadist?

Al-Assad regime and the Islamism Jihadists

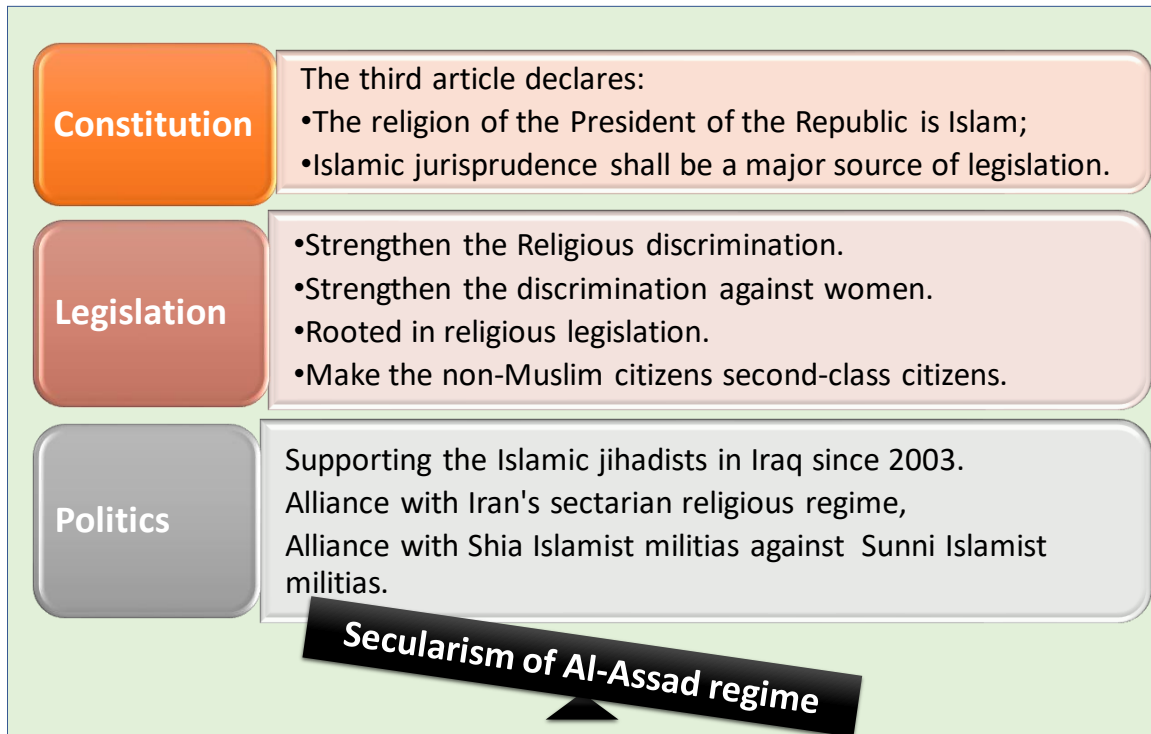
Sheikh Ahmad Kaftaru, the Grand Mufti of Syria, and the close friend of both Al-Assad's, issued a Fatwa calling for Jihad in Iraq, March 2003, against the American "occupation"¹⁹, and Al-Assad Mukhabarat received, facilitated, trained, and sent the Jihadists to Iraq²⁰. those who later formed the Islamic State of Iraq, and in 2013 formed ISIS.



photo 2 widely spread poster: Hafez, Bashar Al Assad and Hassan Nasrallah, the Islamic Shiite Jihadist

Sheikh Ahmad Badreddin Hassoun, the Grand Mufti of Syria, and the close friend of Bashar Al-Assad, threatened, in 2011, to send suicide martyrs to Europe²¹. And in 2013 he issued a Fatwa calling for Jihad in Syria defending the Al-Assad regime, addressing all Arabs and Muslims²².

Since 2012, the Iranian supported Shia Jihadist militias have been fighting defending Al-Assad²³, and even the Russian army used the Russian church to “bless” its fight in Syria²⁴.

Is Assad regime secular?*Then what is Al-Assad regime?*

The Al-Assad regime is a harsh dictator regime like many in Arab and developed countries. It used the religion and ethnic diversity in Syria, the Arab nationalism, the socialism, and the conflict with Israel for its own benefit, and it implemented the policy of “divide and rule”. The constitution declares that Syria is a republic and democratic; nevertheless, Hafez and Bashar Al-Assad ruled the country for 49 years.

Vienna

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¹ Alaa Aldin Alkhatib – Study in Arabic – “The big fallacy: Assad’s regime is secular” – **18/11/2018**

<http://wp.me/P2RRDZ-Jp>

² <https://www.csmonitor.com/Commentary/Opinion/2010/0713/Syrian-secularism-a-model-for-the-Middle-East>

³ <https://www.economist.com/middle-east-and-africa/2018/06/28/how-a-victorious-bashar-al-assad-is-changing-syria>

⁴ http://www.presidentassad.net/index.php?option=com_content&view=article&id=679:2-4-1971&catid=170&Itemid=475

⁵ http://www.presidentassad.net/index.php?option=com_content&view=article&id=651:20-7-1976&Itemid=476

⁶ http://www.presidentassad.net/index.php?option=com_content&view=article&id=811:28-10-1991&catid=191&Itemid=475

⁷ Interview of Bashar Al-Assad with the Syrian TV channel in 17/04/2013

http://www.presidentassad.net/index.php?option=com_content&view=article&id=1112:17-2013&catid=305:2013&Itemid=469

⁸ https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_125885.pdf

⁹ Alaa Aldin Alkhatib – Study in Arabic – - “Woman is a historical victim of Islamic traditions and Fiqh” – 10/11/2018

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¹⁰ for example, A resolution of the Syrian court of cassation in 06 April 1981

Sharia court of Damascus – resolution 2205/904 in 18 October 2000

¹¹ researchers – „The Islamists and the status of the state and the society” – Arabic center of studies and research – Qatar - 2016

¹² Syrian Lawyers Forum

<http://www.damascusbar.org/AlMuntada/showthread.php?t=8060>

¹³ An article in Arabic "The Fragility of Legal Protection for Christians of the Arab Orient in Personal Status Issues" - Dr. Nael Girgis - Middle East and North Africa Program at the International Secretariat of Amnesty International

<http://www.amnestymena.org/ar/magazine/Issue19/FragileLegalProtectionforMashreqChristians.aspx?articleID=1086&media=print>

¹⁴ A study in Arabic "a governmental committee prepared a draft law on personal status in Syria" - Damascus Center for theoretical studies and civil rights - 26/05/2009

¹⁵ An article in Arabic – “The Dhimmi in Syria” – Syrian lawyer Michel Shamass – 27 May 2009

<http://www.annaged.com/w/%D9%85%D9%82%D8%A7%D9%84%D8%A7%D8%AA-%D9%84%D9%83%D8%AA%D9%91%D8%A7%D8%A8-%D8%B9%D8%B1%D8%A8/%D8%A3%D9%87%D9%84-%D8%A7%D9%84%D8%B0%D9%85%D8%A9-%D9%81%D9%8A-%D8%B3%D9%88%D8%B1%D9%8A%D8%A7-%D8%A7%D9%84%D9%8A%D9%88%D9%85>

¹⁶ An article in Arabic – "The Legal Punishment of the Deceased in the Month of Ramadan" - Lawyer Hossam Karim El Din - Damascus Now – 02 June 2018
<https://damasnow.com/06/2-%D8%B3%D9%88%D8%B1%D9%8A%D8%A7-%D8%A7%D9%84%D9%8A%D9%88%D9%85>

¹⁷ The law library of Congress - Global Legal Monitor - Syria: Women's Rights in Light of New Amendments to Syrian Personal Status Law - Apr. 8, 2019
<http://www.loc.gov/law/foreign-news/article/syria-womens-rights-in-light-of-new-amendments-to-syrian-personal-status-law/>

¹⁸ Corruption Perceptions Index - Syria
www.transparency.org/cpi
Enterprise Surveys – World bank – 2003

¹⁹ Aljazeera report in Arabic – "Mufti of Syria calls for the implementation of martyrdom operations against invaders" – 27 March 2003
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²⁰ SFGATE – "Syrians told to prepare for fight with U.S. / Iraq war is just the beginning, leaders say" – 31 March 2003
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²¹ A Video of Sheikh Ahmad Badreddin Hassoun threatens to move martyrs in Europe
<https://www.youtube.com/watch?v=1GfL-9dVxQU>

²² A Video of Sheikh Ahmad Badreddin Hassoun calling for Jihad in Syria defending Al-Assad regime
<https://www.alarabiya.net/ar/arab-and-world/syria/2013/03/11/%D9%85%D9%81%D8%AA%D9%8A-%D8%B3%D9%88%D8%B1%D9%8A%D8%A7-%D9%8A%D8%B9%D9%84%D9%86-%D8%A7%D9%84%D8%AF%D9%81%D8%A7%D8%B9-%D8%B9%D9%86-%D8%A7%D9%84%D9%86%D8%B8%D8%A7%D9%85-%D9%81%D8%B1%D8%B6-%D8%B9%D9%8A%D9%86-%D9%88%D9%8A%D8%AF%D8%B9%D9%88-%D9%84%D9%82%D8%AA%D9%84-%D8%A7%D9%84%D8%AB%D9%88%D8%A7%D8%B1.html>

²³ Washington institute - "Iran Is Outpacing Assad for Control of Syria's Shia Militias" - April 12, 2018

²⁴ The American Orthodox Institute - "Russia Fights for Christianity in Syria, the US Fights Against It" - OCTOBER 20, 2015
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