

A Nonviolent

By Saba Fatima Haider



LAU's Saba Fatima Haider talks to Dr. Chibli Mallat, LAU alumnus, leading international human rights lawyer and scholar of European, Islamic and Middle Eastern law, about how to achieve peace in the East

Path to Advance Politics

In June 1982, a young Lebanese man by the name of Chibli Mallat was studying toward a degree in English literature at LAU (then BUC) when Israel invaded Lebanon.

Like thousands of other students around the country, his studies were abruptly halted during the war as Israeli forces spread around Lebanon, occupying Beirut.

A few weeks later, on September 19, 1982, Mallat was in a car in Washington listening to the news on the radio when he first heard of the Sabra and Chatila massacres.

News of the massacres sent shock waves around the world, enraging politicians, governments and civilians, who all asked, "How did this happen, and why?"

A democratic activist adamant in his support for nonviolence, Mallat was outraged, and he soon embarked on a career as a lawyer, academic and human rights activist. He earned an LLM at Georgetown and a Ph.D. in Islamic law at the School of Oriental and African Studies in the U.K., and gained international respect for bringing the case of Victims of Sabra and Chatila v. Ariel Sharon et al., under the law of universal jurisdiction in Belgium, winning the judgment against Sharon in February 2003.

The author of several books on law and politics, Mallat has taught at Yale, Princeton, University of Lyon and the School of Oriental and African Studies, among other top universities around the world. He has been the E.U. Jean Monnet Chair in European Law at Université Saint-Joseph in Beirut since 2001 and was a Lebanese presidential candidate in 2007.

He is now Presidential Professor of law at the University of Utah.

SH: How do you see political engagement emerging in other parts of the world, such as Europe and the U.S., compared to the Middle East, especially considering the recent Lebanese and Iranian elections and issues such as Iraq, Afghanistan and Pakistan?

CM: Politics in the region and internationally is characterized these days by the immense amount of violence it carries. My political engagement is moved by the "distaste" for violence as a political means. "A nonviolent path to advance politics" would probably be the heading of my political and academic life.

This nonviolent path takes various shapes: Some are pure human rights advocacy, such as the defense of prisoners of opinions; and some are more "activist," in the sense of helping victims bring their case against usually immensely criminal thugs of the Muammar Gaddafi and the Ariel Sharon sort—or of the Saddam sort, when he was in power. These are cases which I pursued in my career as a lawyer. Obviously they are "political" cases because the plaintiffs are victims of political violence, and the accused are usually political leaders.

The more general dimension of the nonviolent path is academic. How do you think through the history and politics of a region that is immensely complex with a vision that won't make "nonviolence" be seen as an ineffective and vague term? How do you convince people that nonviolence yields better results than violence? It's really hard, but it is probably how I would summarize my view of political engagement and academic research.

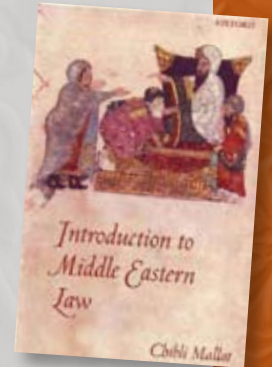
SH: Would you identify a dramatic change in the way young people in the Middle East are looking at their own governments and leadership?

CM: The academic work of my life is a book which I published two years ago, called "Introduction to Middle Eastern Law," at Oxford University Press. It is a result of 20 years of work as a lawyer, as a human rights activist, and as an academic—a specialist—particularly in Islamic law and the laws of the region. The general thrust of this book is that from a democratic perspective, insofar as you can approximate the discipline of law as a science, I cannot see any of the countries of the Middle East adhering to the basic labels of democracy as understood universally. And that controversially includes Israel.

There is no doubt that people are yearning for a nonviolent change in leadership that is more representative. My generation failed in changing those regimes in a nonviolent, democratic way. But we committed politically and got to various stages, and we continue to be moved by a belief in the need for democracy in our countries. The new generation is going to confront this and I'm sure will be more successful than us. 🙏



Mallat with Patriarch Mar Nasrallah Boutros Sfeir of Lebanon's Maronite Church



SH: How will the new generation confront the anti-democratic movements of the Arab autocratic regimes?

CM: The two ways are easy to conceive. One is the violent way, which is legal under political science and the received notions that we have since the French and American revolutions: Dictatorship and tyranny can be challenged violently. That's one way and, curiously, it's a legitimate way, but I don't believe in it morally. It will do more harm than good.

The other is the nonviolent way. It started haltingly with the first Intifada in Palestine in 1987, then firmly in the Cedar Revolution, and now in the electoral revolution in Iran.

True, the Middle East youth are also confronted with a third choice—to not do anything—which one can understand. There is an apathy, which is understandable because people are tired from politics and they think politics doesn't give results, but they're still affected by politics. Apathy is a dead end. Violence needs to be resisted, but the resistance needs to be nonviolent. Otherwise you start looking like those you resist.

SH: With the current manifestation of Iraqi democracy that is emerging, do you see Iraq's as heading in the same way as post-Civil War Lebanese democracy?

CM: I feel that they are ahead of us. The situation in Iraq is much more promising than the one in Lebanon because they are very aware of the danger of sectarianism, and they say: "We

don't want to be like Lebanon." But how do they address it? It's not easy because when you talk with leading Iraqi politicians, it's immediately a question of, "Are they Kurds? Are they Shia? Are they Sunni?" So they're trying to square it constitutionally, and it's not easy.

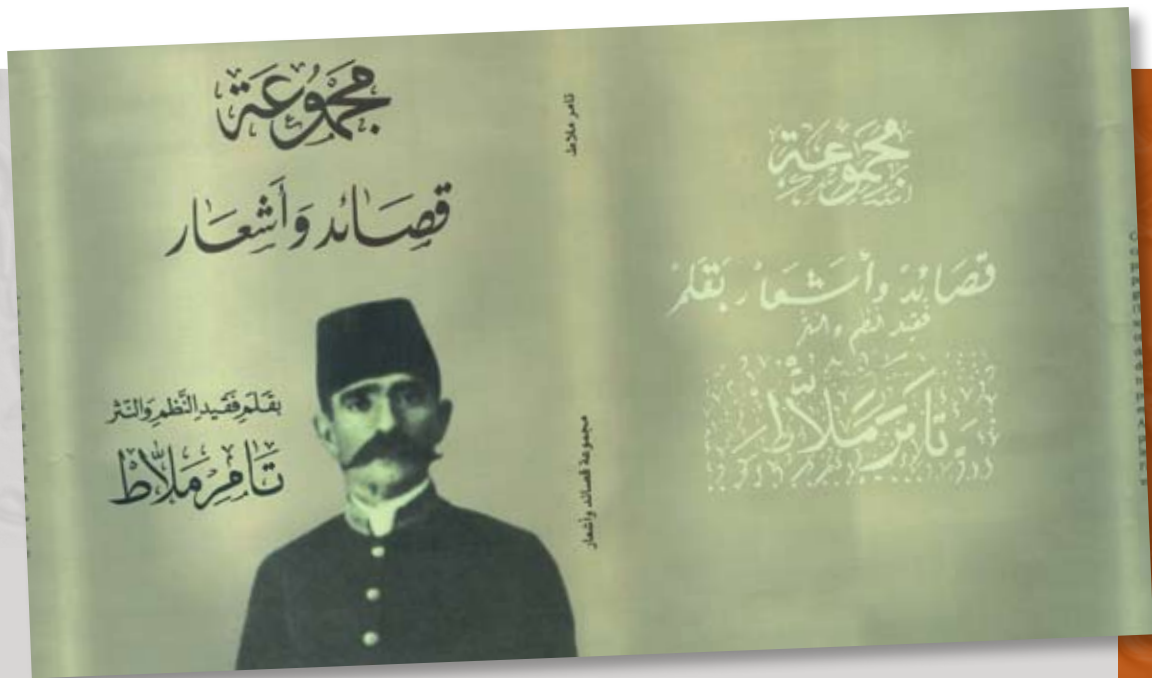
They have already had two presidents: One was a Sunni Arab, and the current president is Kurdish. If this natural alternation continues, then that's one way to defeat sectarianism.

SH: What can you say about the search for democracy by Iranians right now?

CM: The Green Revolution that's happening in Iran—more accurately, it should be called the electoral or representative revolution, because the people were deprived of their votes—is the second great nonviolent revolution in the Middle East, the first being ours in Lebanon in 2005. The trend toward nonviolence is real in the 2009 electoral revolution in Iran. There has been characteristic tampering in elections, which triggered massive nonviolent resistance by people who wanted their vote to be counted. And so we have to support them. It's going to be a very long and difficult struggle. But the fractured lines are clear between those who are for nonviolence, democracy and human rights, and the brutes in power who kill kids in the street and stage Stalinist trials against their own friends.



Mallat on air



Collection de Poèmes Inédits, by Tamer Mallat, Chibli's great uncle

SH: Would you say that the popular Iranian quest for democracy can be fulfilled in an Islamic regime?

CM: Definitely. As I say that you can fulfill a democratic country in Israel whilst keeping the Jewish state, so you have to find a formula where, against the Jewish state, you have a non-Jewish Palestinian state that is recognized collectively. Hence my campaign for a federal Israel-Palestine. You have to make sure that being a Jew doesn't mean that being a non-Jew is the object of discrimination. And in Iran, like in Turkey, countries with clear Muslim majority and tradition can also adhere to democracy.

That is something that the European Union has proved. You cannot have an effective, regional union if the countries are not democratic, because their authoritarian leaders don't trust each other. Plato formulated this principle in "The Republic" 2,500 years ago. Look at where we were in 1945 when the Arab League started—we were far better countries in terms of political systems at the time, and now look where we are. Then look at where Europe was in 1945—it was completely devastated—and look at the E.U. now.

SH: I don't think anybody would disagree that the quality of debate needs to improve in the Middle East. Do you think questioning the lack of academic freedom in the Middle East is the only way to improve the quality of debate?

CM: We live in a country that is relatively blessed. We can say generally what we think. There are taboos that one continues to hit—one of them is Israel. In other countries it's a catastrophe. It's not only academic freedom, it is also freedom in the press, and basic freedoms for the citizen.

In the U.S., people are free to say what they think anywhere, but there is an additional dimension of academic freedom which has to be calibrated depending on the duties that professors have toward their students and institutions.

If you criticize the prime minister of Israel in the U.S., the consequences are grave on your career and your standing. I think that should be fought and changed.

SH: You have talked about apathy being embedded in the Arab region. Do you think that nonviolent resistance can achieve its goal if there is so much apathy?

CM: It is hard; it's a big test. The problem is that I don't see another way. I don't believe in using violence, as it has proved to be counterproductive. Nonviolence is not as inefficient as one thinks. We have had two great instances that have relatively failed and relatively succeeded: The Cedar Revolution in 2005, which was through and through not violent, and what we see today in Iran with the electoral revolution, which is so far through and through not violent. Of course there is violence, in the sense that people in power are reacting to the challenge of nonviolence with increased violence. That's the nature of things.

I think in various parts in the Middle East, we can reach a point where nonviolence succeeds. We need to stay the course. It is not true that nonviolence is not efficient, as it has proved its worth in a number of important countries. It has not been a success so far, but it is up to the new generation to make sure that it will be successful decisively. 🟩

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