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3. State and Ideology in Syria

In the previous chapter, characteristics of the modern state as well as of state society relations in developing countries were analysed in comparison to views on the state and state-society relations in the western world. The state and state-society relations in many developing countries have neo-patrimonial and/or neo-patriarchal features. State power is concentrated in few hands. The ruling elite protect its position on the one hand by repression and on the other hand by legal rational domination. Citizens are deprived as a consequence of this system of basic rights. The ruling elite use state resources for fostering private interests. Clientelism, as well as patronage, is instrumental in protecting the power position of the ruling elite. In many cases the latter has been able to legitimise its (authoritarian) ruling by taking into account interests of different societal groups.

With these comparative notions in mind, this chapter will focus on the characteristics of the Syrian state and its relations with society. Understanding the Syrian state, alongside with the kind of relationships that developed between the state and society under the rule of the Ba'ath party, will help clarify the position and the characteristics of civil society in Syria. The chapter will start with a description of state-society relations both prior to and in the first period after independence of Syria (subchapter 3.1). Subchapter 3.2 analyses state-society relations under the current regime. What are the social and institutional pillars on which the regime has based its power? Knowledge of these pillars – the structural foundations of authoritarianism – helps explain the persisting authoritarian rule in Syria. What are the policies and ideologies used by the regime to strengthen its legitimacy? Finally, the chapter ends with a brief summary and conclusions.

3.1 Pre-Ba'ath State-society Relations in Syria

From 1516 onward, what is today the Syrian Arab Republic was part of the vast Ottoman Empire. Prior to 1914, the whole area that stretched from the Taurus Mountains of Turkey in the north to Egypt and the Arabian Desert in the south and from the Mediterranean Sea in the West to Mesopotamia in the East was referred to as Syria or *Bilad as Sham* (The country of Damascus). Present-day Lebanon, Israel, the Palestine territories, Jordan, Western Iraq and

southern Turkey¹ were all part of this expansive area. Syria was not linked to any specific national sentiment and what sentiment did exist was pan-Arab. Present-day Syria came into existence at the end of World War I after the fall of the Ottoman Empire.

During the time of the Ottoman Empire, the area of today's Syria was almost an entirely rural society with the exception of two large urban centres, Damascus and Aleppo. Both cities were major trading centres while Damascus also served as the most important administrative centre for the whole Ottoman region of Syria. Most of the urban notables in Syria had studied in Istanbul, the Ottoman capital, and only these privileged people were given government jobs in the Ottoman administration.² Between the state and kin groups, there was only a thin layer of traditional civil society: "[a]wqaf (Islamic charity organisations), sufi-orders and guilds organised the urban quarters while in limited rural areas like the Kalamoun mountains and the Damascus Ghouta village associations managed water works."³ Traditional civil society was at that time fragmented and rudimentary. These organisations had some social influence but no political clout. They never established power-sharing arrangements with the Ottoman sultan and his bureaucracy in a parliament.⁴ There were no powerful independent corporate groups such as estates of aristocratic classes and free cities, or a separate church.⁵ Only in the 19th century did a private landed class emerge from the ranks of Syria's urban, privileged Ottoman administrators. This aristocratic class of urban landowners was characterised by their rapidly growing estates and related incomes.⁶

On 10 June 1916, the emir of Mecca, Sharif Hoessein Bin Ali, called for an Arab uprising against the Ottoman rulers. The Arab revolt opposed the interests of the aforementioned rich landowners, but moreover was considered by many of them to be an upheaval against Islam. The sultan (the sovereign) was considered the defender of the Islamic faith. Nonetheless, other notables from the Syrian cities saw the 'revolt of the desert' led by Prince Faisal, son of the emir and a Hashemite ruler, as a dream come true, sensing the opportunity to establish an Arab

¹ Kaplan, 1993: 1-5. In July of 1938, the Turkish Army entered the Hatay, a 2000 square mile area where Arabs and Armenians once slightly outnumbered Turks, lived. Subsequently the Turkish government annexed the region. The French, who held the Mandate for Syria, did not protest and the occupied population could not. As a result many fled the region.

² Moubayed, 1999: 11.

³ Hinnebusch, 1995: 216.

⁴ Ibid.

⁵ Ibid.

⁶ Moubayed, 1999: 11.

state.⁷ Faisal received support from the British who were at war with Germany and its allies, which included the Ottoman Empire. Arab forces entered Damascus in October 1918 and soon after; Faisal was installed as king of Syria and Palestine. However, in 1916 the United Kingdom and France already had decided, known as the Sykes-Picot agreement (named after two politicians involved in the negotiations) that Syria and Lebanon would be under French control. This was confirmed at the conference of the League of Nations in San Remo in 1920. The French sent their army and defeated King Faisal's weak forces at the battle of Mayasaloun in July 1920.⁸ Faisal fled and thus ended the Hashemite control over Syria.

The Syrian urban notables who stayed behind became the vanguard of Syrian independence over the twenty-six years that France remained in Syria.⁹ Furthermore, the Syrian identity started to unfold during this period. As Moubayed indicates, prior to this period "[n]obody in geographic Syria labeled themselves as Syrian. [...] The locals simply labeled themselves as Arabs."¹⁰ During the French Mandate period, the French tried to weaken the Sunni political elites' strife for independence by promoting communal identity, even going to the extent of dividing the country into separate states along religious and regional lines (Damascus, Aleppo, the Alawis and the Druze).¹¹ As a result, the Alawis, Druzes and other minorities answered only to the French: they paid lower taxes than the majority Sunnis and receiving larger development subsidies from the French, although this can be partly explained by the fact that most of these communities lived in more backward areas. Moreover, the French encouraged the recruitment of Alawis, Druzes, Kurds and Circassians into their occupation force, the *Troupes Spéciales du Levant*. The military became a popular career choice for poor rural Alawis.¹²

The French oppressed Syrian groups opposing the French occupation such as the majority Sunni Arabs and the Druze.¹³ Ultimately, pressure from Syrian nationalist groups as well as from the British prevented implementation of French policies to split Syria into separate states; as a result, the French departed from Syria in April 1946. As in most countries in the Middle East,

⁷ Ibid., 12.

⁸ Ibid., 19.

⁹ Moubayed, 1999: 28.

¹⁰ Ibid., 29.

¹¹ Reissner, 1980: 5.

¹² Kaplan, 1993: 2 of 5. See also van Dam, 1979: 4.

¹³ Moubayed, 1999: 49-58. In fact, Druze chieftain Atrash attacking French occupation forces sparked the Great Syrian Revolt of June 1925. The revolt spread subsequently to the Ghutia district. The French tried to prevent the revolt from spreading further by severely repressing the population and arresting its leaders. The revolt took serious forms in the cities of Hama and Damascus and could only be put down by very harsh means. Hundreds of Syrians were killed.

political power in the newly independent Syrian state passed into the hands of ruling families and educated elites who had the social position and political skills to govern during the transfer of power.¹⁴ In Syria, the wealthy Sunni urban elite, who not only controlled trade but also had acquired large rural estates, dominated the political scene. Their interests lay on preserving the existing social fabric and distribution of wealth. They tried to curtail the autonomy and influence of the Alawi and the Druze. Sunnis, people from urban centres (Damascus and Aleppo) and people from the more well-to-do classes and conservative political parties occupied the senior and most powerful positions in government. Members of religious minorities and people from rural areas were heavily underrepresented in important positions. The parliamentary system, which was established during the French mandate period, was initially dominated by the above-mentioned upper class in a political party called the National Bloc (*al-kutla al-wataniya*); political leaders of this group were, to a large extent, representatives of important extended families, who generated supporters through clientelist relations. The role of the politicians was expected to represent them as well as take care of their individual interests. While during the Ottoman area the upper class acted as mediators between the population and the imposed authorities, after independence the upper class used the existing social structure to access the parliament as well as key positions in the government.¹⁵

The parliamentary system provided the opportunity for other levels in society to organise themselves in order to promote and protect their interests. Especially in the urban context, during the last phase of the Ottoman period and throughout the French Mandate, there had developed somewhat of a modern or new middle class, separate from the traditional higher middle class of city-dwelling traders and craftsmen. This evolved beside an already vast existent urban lower middle class of small shopkeepers and workers. Although from the socio-economic point of view, a layer of higher government officials was growing such as academics, doctors, lawyers and educated military officers, many of these people were themselves part of extended families of the upper class. Others, however, including an emerging group of skilled workers in the new industries, were part of this new middle class, but had no connections to members of the families of the upper class. A modern secular education system in Syria contributed to this development of this new middle class in the 1930s and 1940s; although the increase in schools had little to do with the state and far more to do with Christian and Muslim private initiatives. The

¹⁴ Hourani, 1991: 403.

¹⁵ Reissner, 1980: 29. In the feudal Ottoman society these influential middle-men, with their powerbase in influential extended families of which they were the leader, were called *Za'im* (*Zu'ama* in plural). They mediated between their clients and the state.

number of state-created schools grew quickly only after independence.¹⁶ The bottom social layer of the society consisted of the rural poor, often living under feudal relations with the rich landowners.

It was this new middle class that started to articulate itself in political terms by creating new parties such as the Syrian National Party (Al hizb as suri al-qawmi) led by Antoun Saada in the 1930s as well as the Liga for National Action, and the Ba'ath party and the Muslim Brotherhood a decade later. These parties, with the exception of the Muslim Brotherhood, were secular. The basic ideas of these middle class parties were nationalistic (including the ideology of a Greater Syria) and aimed at ending feudal relations and socio-economic backwardness as well as promoting social justice. The Muslim Brotherhood wanted to achieve these goals in the name of Islam.¹⁷

In 1947, for the first time parliamentary elections took place; voters directly elected their candidate. Another first in the 1947 elections was the participation of parties, which appealed to their supporters based on a shared interest, programme or ideology. This stood in stark contrast to the older parties that had garnered their support from voters through patron-client relationships between powerful people and those who depended on them. Instead, the 1947 elections showed the growing political importance of the middle class.¹⁸ While the upper class-dominated parties lost seats in the parliament, they remained in control by forming alliances with independent candidates. Nevertheless, these elections showed the growing importance of other layers of Syria's population and of the political parties representing their interests, such as the Communist parties and the Muslim Brotherhood. The latter party secured three seats in the parliament¹⁹, while the Ba'ath party failed to win a seat. In subsequent elections, the Ba'ath party would nevertheless prove to be an important party despite the lack of authority it had in the parliament or politics in 1947.

3.2 State-society Relations under Ba'ath Party Rule

The situation changed dramatically when the Ba'ath party gained control over the state apparatus through a military coup in March 1963. Members of Islamic minorities (especially

¹⁶ Ibid., 34, 56 and 57.

¹⁷ Ibid., 36 and 39.

¹⁸ Reissner, 1980: 182.

¹⁹ Ibid., 188.

Alawi, followed by Druze and Ismaeli) and people from the rural areas (especially the Lattakia region) were relatively over-represented in the principal power institutions. Political life became dominated by persons from the low middle class and progressive political parties.²⁰ The strength of the Ba'ath party message was that it combined pan-Arab ideologies with the struggle for land reform. The national revolution of the Ba'ath party thus became a social one, too. Those who profited from the land reform were the small- and medium-sized farmers who benefited significantly from the redistribution of land.²¹ The first years of Ba'ath party rule were characterised by a deficit of political legitimacy, deep internal division based on personal ambition as well as regional clan affiliations and religious and ideological splits. In 1966, a military faction within the Ba'ath party, led by Hafez al-Assad and Salah Jedid, pushed aside the party's historic political leaders, both Michel Aflaq and Salah al-Din Bitar. In November 1970, the then Defence Minister Hafez al-Assad staged a successful coup (the Corrective Movement: *al Haraka al Tashihyya*), which marked the military's supremacy over the party.²² Hafez al-Assad thereupon ruled the country for nearly 30 years until his death in June 2000. Under his rule, the Syrian state evolved into a politically stable and strong institution as well as an influential regional power. Kaplan concludes, "[c]onsidering that Damascus saw twenty-one changes of government in the twenty-four years preceding his coup, Assad's permanence is impressive. It is still more impressive when one realises that he belongs to Syria's most hated ethnic group - the group that has historically been suspected by other Syrians of sympathising with the French, the Christians and even the Jews."²³

Syrian society changed profoundly during the rule of Hafez al-Assad due to factors as industrialisation, a national education system, mass media, modern communication systems, internal and international migration and occupational mobility. However, primordial relations still played an important role in Syria. The identities of individuals as well as their loyalties were to a large extent determined by a combination of the extended family and the ethnic, tribal and religious social network to which they belonged. These networks, especially the extended family, acted in the past and, to a lesser extent continue today to act as safety nets: providing work, trade networks and marriage partners as well as assistance to the elderly and the vulnerable.²⁴ These networks play(ed) an important intermediary role between the individual and

²⁰ Dam, 1979: 76.

²¹ Wieland, 2006: 106.

²² International Crisis Group, 2004: 2.

²³ Kaplan, 1993: 4 of 5.

²⁴ Reissner, 1980: 23.

the society at large. Although the modern state created institutions through which social support to the citizens is provided, the primordial networks based on family, clan, ethnic and religious allegiance still perform an important function, including in obtaining access to state services. These primordial relations have played an important role in Syria's power structure in the past and also today, even though the power basis of ruling elites has changed.

Bashar al-Assad inherited the political system, developed during the long rule of his father Hafez, when the latter passed away 10 June 2000. All major political components of the regime agreed on Bashar al-Assad as the successor. After amendment of the constitution to allow the election of a president younger than 40 years old, Bashar al-Assad, at the time 34 years old, was sworn in as the new president of Syria on 17 July 2000.²⁵ In order to understand the character of the Syrian state as well as state-society relations, we will analyse the social, institutional and ideological pillars of the regime.

Tight Personal, Clan and Sectarian Links

Besides the authoritarian nature of the regime, it is also highly personalised. Hafez al-Assad is still omnipresent through posters and statues even 11 years after his death in 2000. Although less dominant and stern looking than his father, Bashar's face is also exhibited everywhere: on huge billboards, on posters in shops and as sun screens for car windows.²⁶ Between the deaths of his elder brother Basil due to a car accident in 1994, until the passing away of his father Hafez in June 2000, Bashar al-Assad as the new president was carefully orchestrated. The second son Bashar, decided to study medicine in order to enter a learned profession, which reflects a traditional pattern in occupational choices in Semitic families. In 1992, he went to London to follow a postgraduate training in ophthalmology after he finalised his medical studies in Syria and fulfilled his military service as an army doctor. The course of Bashar's life changed dramatically with the death of his brother Basil.²⁷ The military and security apparatus of Syria were the first to support Bashar in his rise to power. Secondly, his father Hafez al-Assad sought to promote Bashar as a reformer to the Syrian public, someone capable of leading Syria into the 21st century. Finally, Hafez al-Assad familiarised his son with the substantive dimension of his

²⁵ Wieland, 2006: 12.

²⁶ Leverett, 2005: 61.

²⁷ Leverett, 2005: 59 and 60.

future role.²⁸ The highly personalised process of succession meant that Bashar al-Assad had to take into account the interests of those who facilitated his rise to power.

Van Dam explains the stability of the political system in Syria since 1970 as the consequence of the sectarian and regional homogeneity of the political power elite controlling a highly reliable and effective security apparatus (also in terms of repression). The instability in the previous 25 years is presented as the outcome of much more sectarian, regional and tribal factionalism in the political elite, including in the Ba'ath party itself; the greater the diversity in factions, the greater the chance for political instability.²⁹ Contrary to the official ideology of the Ba'ath party of nationalism and pan-Arabism, the reality on the ground is that the sectarian, regional and tribal ties, thus the primordial links, have constituted an inseparable and integral part of the power structure of the Syrian regime. Van Dam concludes that: "[w]ithout their well organised sectarian, regional and tribally based networks within the Syrian armed forces, the security services and other power institutions, the Ba'athists who have ruled Syria since 1963 would not have been able to survive so long. Exploiting sectarian, regional and tribal ties was simply a matter of pure and elementary power politics."³⁰ Although rulers opted for idealistic and pragmatic reasons to broaden the social basis of the regime, "[t]he strategically and politically most sensitive positions in the armed forces, security services and other power institutions remain the prerogative of members of the Alawi community, with only a few exceptions."³¹ The backbone of the regime, however, remained the Assad family, the Qalbiya tribe from which the family stems and the Alawi community.³² At the top of the power elite, this picture is evident. It is not only the President but the Assad family who is in charge of the country, with Maher (the younger brother of the President) in charge of the elite Republican guard and until his death in 2012, Bashar's brother-in-law, Asef Shawkat – previously head of the military intelligence – serving as deputy chief-of-staff of the armed forces. Even the Assad family is linked through marriages with Sunni families. The President himself married Asma Al Ahkras, a member of a Sunni family from Homs. Asef Shawkat is also from a Sunni tribe from the border area with Lebanon near Tartus.³³ It is thus too simplistic, as Salwa Ismail indicates, to refer to the Syrian regime as one of Alawi rule. Instead, Alawi dominance is in the security sector. Moreover, there

²⁸ Ibid., 60-65.

²⁹ Dam, 1979: 136-137.

³⁰ Ibid., 137.

³¹ Ibid., 143.

³² Leverrier, 2011: 2 of 7.

³³ Leverrier, 2011: 2 of 7.

is a civilian decision taking group in which Sunni, especially Damascene, are well represented; “[t]he military sectarian power configuration is tied to a particular economic order that rests on alliances and exchanges with certain socio-economic forces. These in turn broaden the ruling coalition and bring in strata that have a vested interest in the continuation of the ruling elite’s monopoly over state power.”³⁴ One should thus take note of the political-economic alliances and the shifts within them that support the regime and outline the features of the wider confederation of the regime’s social basis. Haddad, in describing the politics of private sector development in Syria, indicates that the economic policies of the Bashar al-Assad regime privilege a small group of individuals associated in one way or another with the regime, either through familial ties or through public or governmental positions of posts in the military and security services. Haddad concludes that: “Syria has a private sector that is not private at all since most assets are owned by individuals who occupy state positions. Hence, an opposition develops between the interests of the new bourgeoisie (including the state bourgeoisie) and others in the business community who comprise the true private sector.”³⁵ Importantly, unlike his father Hafez al-Assad, Bashar does not have absolute authority, for “[i]t would be wrong to see the Syrian regime, or Syrian security, as a tightly-knit, well oiled, hierarchical machine- particularly Syrian security [...] The right hand of security does not know what the left hand is doing. Bashar has to reach consensus, negotiate, bargain and manipulate the system. Implementation regarding domestic issues is a serious problem in Syria. He is fighting against systematic, institutional, bureaucratic and cultural inertia that seriously retards any reform progress. There’s also an array of Faustian bargains erected under his father, i.e., unswerving loyalty in return for casting a blind eye toward personal enrichment and corruption, that sometimes has the regime sincerely saying and wanting to do one thing, while actions by important groups connected to the regime, or actually in the regime, do something quite contrary to this. There’s really not much Bashar can do about it without undercutting his support base, especially in a threatening regional environment.”³⁶ Furthermore, an even more far-reaching observation is made by Haidara Abboud, suggests that corruption is used as a political strategy in Syria: “[m]any Syrians believe that corruption is intentionally allowed to spread through all segments of society, in public and private institutions, in CSOs and even in religious institutions as a political strategy to prevent the emergence of a credible and respected opposition to the current regime. [...] As long as a person does not talk about politics, his or her corruption practices are overlooked. But,

³⁴ Ismail, 2009: 14-15.

³⁵ Haddad, 2009: 31-32.

³⁶ Lesch, 2007: “Syria Comment.” Joshua Landis blog. 13 November 2007.

when anyone makes politically sensitive protests or moves, the corruption file can be opened to the public and the individual sent to prison.”³⁷ The ruling elite consists to a large extent of people who through personal, family and clan ties are linked to each other as the description above on the power relations in Syria stresses. The regime acts as a representative of group interests. Firstly, these interests are those of the Assad family and of persons linked to the family by marriage and blood bonds. Secondly, the ruling elite in Syria has dominated society through repression as well as by using formal and informal channels. The regime established clientelist relations with representatives of social groups in society through the provision of benefits in return for political support or other services. As a result, corruption became institutionalised. Clientelism can be considered as an important instrument ensuring support to the rulers next to the institutional pillars on which the regime based its power.

3.2.1 The Institutional Pillars of the Syrian Regime

The Syrian regime organised its control over the Syrian society around four pillars: the army and the security apparatus, the Ba’ath party, the Ba’ath people’s organisations and the legal framework.

The Army and the Security Apparatus

As noted earlier, the Ba’ath party was first brought to power in 1963 by army officers active within it. However, as indicated by Kaplan (and also Van Dam), more important than the ideology of the Ba’ath party was the ethnic make-up of the corps of officers now in control, “[...] because of the assiduous French recruitment of minorities- especially Alawis- into the *Troupes Spéciales du Levant*, the Alawi’s had, without anyone’s noticing, gradually taken over the military from within. Though Alawi’s constituted just 12 percent of the Syrian population, they now dominated the corps of young officers.”³⁸ It was a group of Ba’athists with sectarian, regional and tribal ties within the Syrian armed forces, the security services and other power institutions, that succeeded in ruling Syria since 1963. While the 1963 military coup involved Ba’athist as well as Nasserist and independent unionist officers, the consolidation of power after

³⁷ Abboud, 2010: 1 of 3.

³⁸ Kaplan, 1993: 4 of 5. Van Dam, 1979; Landis, 2012: 1. Referring to Batatu, 1981: 341. “[I]t is estimated that, due to their over recruitment by the French Mandate authorities, Alawis already by the mid-1950s constituted some 65% of all noncommissioned officers in the Syrian military”. Ibid., 2. Landis indicates that “under the Asads, loyalty became the ultimate qualification for advancement into the upper ranks of the security forces. They packed sensitive posts with loyal Alawis and Ba’athists.” Landis refers inter alia to the security services as well as the foreign service.

the coup was done at the expense of the latter two – who were in many cases officers with a Sunni background. In 1963 the Ba'ath party Alawi military officers managed, through a number of purges and recruitment of new officers, to secure the control of key positions in the army as well as in the Ba'ath military committee.³⁹ In other cases, manipulating the sectarian loyalties of their men undermined the authority of Sunni military commanders. Nevertheless, some Sunni officers as well as officers from non-Alawi communities were posted in high military positions. Such appointments helped to counter the impression that mainly members of specific religious communities occupied key positions in the army. Holding a high position, however, did not imply that these officers had independent power.⁴⁰ Sectarian practices as a means of strengthening the power position within the army of individuals and groups were important, but such practices could also be questioned if they became too open because these practices defied the Ba'ath party ideology. Such a situation could be exploited by opponents, who might have personal ambitions to gain power and did the same without speaking openly about it.⁴¹

In general, it can be concluded that Alawi Ba'ath party military officers control (although not exclusively) key positions in the military and especially the security apparatus. Even so, personal and political loyalties remained also important. Lt. General Mustafa Tlass, the son of a minor Sunni notable, is a good example of one of the few non-Alawi senior military officers belonging to the inner circle of the regime. Since 1960, Tlass was a close friend of Hafez al-Assad. His loyalty (exemplified during the crushing of the upheaval led by the Sunni Muslim Brothers) was rewarded with the post of Minister of Defence in 1972, Deputy Commander in Chief of the Syrian Army and Deputy prime minister for military affairs. Tlass also played an important role in paving the way for Bashar al-Assad's presidency.⁴² He kept the position of Minister of Defense until 2004; thus, for 36 years.

In 2006 an estimated military in active service was around 300,000 of which 200,000 were the ground forces, 100,000 the air forces and 7,600 as naval force. The reserve force consists of about 354,000 men (up to an age of 45 years).⁴³ Besides the protection of the Syrian territory, a number of specialised units within the army were designed with specific tasks related to guaranteeing internal security, cooperating and liaising with the military wings of foreign political

³⁹ Dam, 1979: 34-61.

⁴⁰ Ibid., 37.

⁴¹ Ibid., 39-40.

⁴² Middle East Intelligence Report, 2000: 3 of 4.

⁴³ EIU, 2006: 18. Based on 'The Military Balance' published by the International Institute for Strategic Studies.

movements supported by Syria and protecting the president and his family. As far as is known, many of these special units are headed by Alawi military officers. Most likely, the most crucial units, the military intelligence and the Republican Guard, are headed by family members of President Bashar al-Assad. The Republican Guard has the primary mission of protecting the regime and is charged with controlling the Damascus area.⁴⁴ The military security does not simply gather operational and strategic intelligence relevant to the armed forces. It has an important mission relating to internal security as well. This organisation is regarded as highly influential within Syria's intelligence/security network and seems to be involved, in unconventional warfare.⁴⁵

A myriad of security/intelligence services with overlapping missions gather intelligence on opponents of the Assad regime as well as take action against them, such as the state security services, the political security service, the military security service and the air force security service. Tens of thousands of people are working for these security services. Each organisation has its own detention cells and interrogation centres and is, at least formally, directly responsible to the president and his closest advisors.⁴⁶

Besides the army and security forces the regime uses criminal gangs, *Shabiha*, to intimidate political opponents, to accumulate personnel wealth and to ensure its own survival at all costs. The notion is possibly derived from *ashbaah* (ghosts), because the shabiha operate outside the law. According to Saleh, in the late 70s after Syria intervened in Lebanon in 1976 and smuggling from Lebanon to Syria increased, the term *shabiha* was used more often. At that time the term was used in a narrow sense and referred to bands of young Alawite males from coastal regions with links to families of the ruling elite (al-Assad, Makhoul, Deeb family). These men made their living from smuggling and imposing taxes. In the beginning of the 1980s, the regime used the Shabiha to crush the upheaval against its ruling. Rifaat al-Assad, Hafez al-Assad's younger brother, led the paramilitary force called the Defense brigades, who were above the law and funded by the state. A feature of these Shabiha is the patriarchal relations combined with ties of kinship that bind the bosses of these paramilitary groups with an autocratic president, also a boss.⁴⁷

⁴⁴ Jane's security forces and foreign forces. Syria. 2002: 2 of 8.

⁴⁵ Ibid., 3 of 8.

⁴⁶ Ibid., 2 of 8.

⁴⁷ Saleh, 2012: 2 and 3.

The Ba'ath Party

During the 1950s and the 1960s, the Ba'ath party was already an authentic political party with some success in parliamentary elections. The Ba'ath party is an organisation that aspired – at least on paper - to reunite the Arab nation. *Ba'ath* means rebirth; the Ba'ath party was to bring about the rebirth of the Arab nation. The party was active in Syria and Iraq but also in some other countries in the Near East, as well as other parts of the Arab world. The organisation aspired to Arab unity on the basis of socialism and nationalism.⁴⁸ In the beginning, the party was hardly a mass movement. It originally appealed to low middle class intellectuals and ethnic religious minorities that felt marginalised. Many of these middle class intellectuals were students with a rural background⁴⁹, and the ethnic and religious minorities were, in the case of Syria, Druze, Christians and principally Alawi, as International Crisis Group indicates.⁵⁰ In the early 1950s as George points out, the membership totaled only some 4,500 people, including the at that time a high school student in Lattakia Hafez al-Assad, and Abdul Halim Khaddam later to become the country's vice president.⁵¹ When in 1952 the Ba'ath party merged with the Arab Socialist Party (ASP) of Akram al Hawrani, a lawyer from the city of Hama, it received its first mass peasant constituency.⁵² The party gained even more support and power when it supported Gamal Nasser in his revolution against the monarchy in Egypt. The subsequent union of Syria and Egypt in 1958 soon led to discontent in Syria, because the Syrian elites felt marginalised. The Ba'ath party had been dissolved under the union but in 1959 it stayed active through a clandestine military committee founded by officers. They were however rightist military, which led in September 1961 to a military coup. This gave way to a secessionist regime, backed by Jordan and Saudi Arabia and rich urban Syrian notables. Finally, in 1962, the Ba'ath party was re-established. When in 1963 the Ba'ath party gained power in Syria, it was not through elections but as a result of a military coup. In the night of March 7 to 8 in 1963, military officers of the military Committee of the Ba'ath party, in alliance with other leftist officers, seized control

⁴⁸ ICG, 2004: 1.

⁴⁹ George, 2003: 66.

⁵⁰ ICG, 2004: 1.

⁵¹ George, 2003: 66.

⁵² Ibid. Akram al Hawrani is the father of Fida Hawrani, who on the 1st of December 2007 was chosen as a chairperson of the National Council of the Damascus Declaration. Fida Hawrani was arrested shortly afterwards together with 12 other leading figures of the National Council. She was released on 16 June 2010 after serving a three years prison sentence. She had been sentenced by the first Damascus criminal court based on charges of publishing false or exaggerated news with the aim to weaken the spirit of the nation, belonging to a secret society with a view of changing the structure of the state's political and economic structure, as well as of awakening sectarian strife and undermining the prestige of the state, according to Articles 285, 286, 306 and 307 of the Syrian Penal Code.

over the state through a coup. Subsequent power struggles in the Ba'ath party led to another coup in November 1970 through which the faction of Hafez al-Assad took control over the state and the Ba'ath party. The Ba'ath party stopped being an autonomous political force⁵³ and changed into an instrument to mobilise support for the ruling elite while at the same time act as a watchdog over society, using its monopoly on every level of Syrian society to represent Syrian people. As a young party, Ba'athits leaders had foreseen the Ba'ath as a vanguard party, where members would be carefully scrutinised. But, under Hafez al-Assad, the party changed into a mass organisation because, as George indicates, the criteria for party membership had been less strict.⁵⁴ Zisser mentions that on the basis of a report published for the sixth Ba'ath Party Congress, held in June 2000 immediately after Hafez al-Assad's death, "[...] the membership of the party was 1,409,580 of whom 406,047 were full members (Adw Amil) - the highest category of membership, followed by trial member (Murshshah) and supportive membership (Nasir)."⁵⁵ The latter were aged between 14 and 17 years old. In May 2005, there was an estimated number of 1,8 million party members. As the numbers show, compared to 1971 when there were 65,398 members, the party developed into a large organisation.⁵⁶ There is, however no possibility for independent verification of these figures and the regime might inflate them. As indicated, membership of the Ba'ath party is also an important asset for upward occupational mobility in the government apparatus. Zisser points out that the Ba'ath party has absolute hegemony in many social sectors. "For example, 998 of the 1.307 sitting judges in Syria were members, and apparently most of the intellectuals in the country were at the service of the party: 56 percent of the lectures at the University of Damascus were party members, as were 54 percent at the University of Aleppo, 79 percent at Tishreen university of Lattakia and 81 percent at the Al Ba'ath university in Homs."⁵⁷

The constitution of 1973 reflects the dominant role of the Ba'ath party in both the state and society. It describes the Syrian Arab Republic as a democratic socialist People's Republic led by the Ba'ath party. This party is not only the ruling party but it developed into, as Zisser indicates, an "[i]ndispensable instrument used by the regime to maintain its hold over the state. The party also serves as an important foundation upon which the regime rests its legitimacy, since the

⁵³ Ibid., 64-70.

⁵⁴ George, 2003: 71.

⁵⁵ Zisser, 2006: 96.

⁵⁶ Ibid.; George, 2003: 71.

⁵⁷ Zisser, 2006: 97. Footnote 34: Al Nahar (Beirut), 16 June 2000; Al Hayat (London), 17 June 2000.

Ba'ath became the flag bearer and guardian of the walls of Arabism in the country.”⁵⁸ The Syrian constitution of 1973, Article 8, grants the Ba'ath party the role of a leading party in society and the state; “[e]xtensions of the Ba'ath party are to be found throughout the state. These branches, departments and cells facilitate the spread of the party's message to all parts of the country. Every four years, the party branches elect delegates to the party congress, which in turn elects the members of the party's two bodies: the Central Committee (al-Lajna al Markaziyya) consisting of 90 members and the Regional Command (al-Qiyada al-Qutriyya). Until 2005 the Regional Command had 21 members; today it has 14 members including the president. The Regional Command is the party's supreme body and thus the most powerful institution in Syria. This status is reflected in the method by which the president is elected. The Regional Command of the Ba'ath party, recommends the presidential candidate; the candidate is then brought to the People's Assembly for approval and, with the granting of approval, a national referendum is held. The party is headed by a secretary general, a post held today by Bashar al-Assad.”⁵⁹ Largely symbolic nowadays, a National Command still exists as coordination council throughout the Arab world. In the philosophy of Ba'ath, an Arab state is seen as a region for the Arab nation as a whole.

By presidential decree, the majority of seats in parliament are reserved for the Ba'ath party and its allied parties within the National Progressive Front (NPF). The NPF consists of 10 parties including the Ba'ath party. Only the Ba'ath party is allowed to be represented by offices at local level and in the army. For the 2007 parliamentary elections, 163 seats out of 250 were reserved for the NPF, of which 130 were allocated to the Ba'ath party. The Ba'ath party has thus an inbuilt majority in parliament. In the 2007 elections, 169 seats were won by the NPF. The remaining seats were contested among non-party independent candidates.⁶⁰ Democracy Reporting International, an international NGO monitoring elections, made the following additional observations: “[r]eportedly genuine opposition politicians were prevented from running elections at all. The provision in the Constitution which states that half of the members of the parliament should be worker or farmer, led apparently to situations in which candidates have been declared belonging to these occupational categories while this was not the case.”⁶¹ Among the non-party candidates nominated in the Syrian parliament are some businessmen as well as Imams. The latter might be interpreted as a reflection of the growing conservative Islamic mood

⁵⁸ Ibid., 96.

⁵⁹ Zisser, 2006: 96. See also US Library of congress, 1987: 1-3.

⁶⁰ DRI, 2008: Annex 1. 13.

⁶¹ Ibid., 2.

in Syrian society on the one hand and on the other hand, as an attempt by the regime to co-opt Muslim leaders by allowing them to take positions in the governmental structure. It is also a reflection of a growing influence of Islam on political decision-making. In the 2007 parliamentary elections, the number of Islamic leaders in parliament rose from 1 to 3 representatives.⁶² A substantial increase, although in total numbers their presence remains modest. It was also not a new occurrence that Islamic religious leaders were present in parliament. Between 1919 and 1954, the number of Imams (*ulama*) in different parliaments was between 1 to 2 representatives.⁶³

The political and electoral system created by the Syrian regime “[...] not only prevents any serious political opposition challenge against the regime through elections, but also blocks any possibility for a party or a candidate to gain enough support to be considered an officially legitimate opposition force.”⁶⁴ In June 2005, the 10th Ba’ath party congress took place. The main outcome of the congress was the confirmation of Bashar al-Assad as leader of the party as well as that the position of the party as constitutionally leading and governing party of Syria. The position of the Ba’ath party in the government was also reinforced by the decision that the prime minister as well as the speaker of the parliament should be member of the Regional Command, the highest institutional body of the party. A striking development was also that representatives of security forces have taken over the positions in the Regional Command at the expense of the minister of defence and the chief staff of the armed forces. The congress announced a new law on political parties; a law which has not been presented until today. Another recommendation was that the Emergency Law should be reviewed in order to reduce the role of secret services in matters effecting everyday life of citizens.”⁶⁵ As a consequence of the ongoing popular revolt since March 2011, the state of emergency has been lifted, although in practice this has not changed arbitrariness of conduct of security services towards perceived regime opponents. In 2011 a political party law has been enacted that, for the first time in 48 years, allows opposition parties to be established. In October 2011 the president established a committee to formulate a new constitution.⁶⁶ The constitutional referendum of February 2012 approved the new

⁶² US Department of State, 2007: 2 of 5.

⁶³ Reissner, 1980: 77.

⁶⁴ DRI, 2008: 3.

⁶⁵ Haddad, 2005:1 of 4.

⁶⁶ Moubayed, 2011: 342. The only banned parties are ethnic and Islamic ones. The new political party’s law allows new parties to set up their own media. All parties, including the Ba’ath Party, have to apply from scratch. As of 11 October 2011, parties have applied and only one authorized by December. The only party with large membership, funding and structure is the Ba’ath Party.

constitution. As a consequence, Article 8 of the constitution, which states that the Ba'ath party leads the state and society, was removed.

Ba'ath People's Organisations

Through its People's Organisations Bureau, the Ba'ath Party administers a number of popular organisations including its own militia, which is called the People's Army. Other organisations established and controlled by the Ba'ath Party are the Revolutionary Youth Organisation, Union of Students, Women's Organisation, Peasant Federation and General Federation of Trade Unions. Each organisation is supervised by Ba'ath Party officials and it has the monopoly of representation of these groups at local, regional and national level, including in the People's Assembly (the parliament). These organisations spread the Ba'ath ideology, recruit new members for the party and extend services to various social groups. Indoctrination already starts with membership in the Vanguard, an organisation for grade school boys and girls.⁶⁷

After the 1980s, professional organisations were likewise brought under the control of the Ba'ath party. Before 1980, the Bar association and several other professional associations (for example, associations for engineers and doctors) remained formally independent from the regime. These organisations played an important role in the non-violent opposition at the end of the 1970s, requesting an independent judiciary, a democracy, lifting the emergency law, freedom of expression and association. In response, the government dissolved these organisations, arrested hundreds of leaders and activists and replaced the associations by government controlled committees. The government established a legal framework through which these organisations were brought under the control of the Ba'ath party.⁶⁸ Chapter 5 will discuss more in depth the nature of some of the people's organisations as part of a description of civil society in Syria.

The Legal Framework

After gaining control over the state, the ruling elite in Syria restructured the state apparatus in such a way that it became an instrument of control and repression, with the aim of protecting the regime's interests. As a consequence the civil and political rights of Syrian citizens became severely restricted. At the same time the regime used the legal framework to legitimise its

⁶⁷ US Library of congress, 1987: 3. See also George, 2003: 74-77.

⁶⁸ George, 2003: 103-105.

control. The following elements of the legal framework restrict the civil and political rights of Syrian citizens.

The Constitution of 1973

In principle, the Syrian constitution guarantees the main political, civil and social rights, although predominance is given, as indicated, to the Ba'ath party. The constitution affirms the principle of the separation of legislative, executive and judicial powers, and the independence of each of these powers. The Constitution attributes however, a leading role to the Ba'ath party in the process of political decision-making as well as in representing the Syrian people.

In practice, these powers are inter-linked and are dominated by the executive power. The executive power is controlled by the security services, which have major influence on the decisions of the branches of government as well as on the life of ordinary citizens due to the Emergency law and related decrees.⁶⁹ The President heads the executive branch, manages the dominant party and is a member of the highest court, whose members he appoints. Furthermore, the President, as indicated before, is not directly appointed but proposed by the Ba'ath party and approved by the Ba'ath party-dominated parliament.

Several articles of the Constitution also indicate the Syrian economy as a state-planned socialist economy. The latter situation has been altered substantially during recent years since the government accelerated the implementation of policies to transform the economy into a capitalist one.

The Emergency Law

After 9 March 1963, since the Ba'ath party gained control over the state, Syria is ruled under a state of emergency, which gives the president of the country additional powers and allows significant restrictions of political rights, such as freedom of expression and association.⁷⁰ In practice, the Emergency Law provides nearly unrestricted powers to the army and security services. Art 4 of Legislative Decree no. 51 of 22 December 1962 of the Emergency Law, states for example that the Military Governor (the President) may "[...] impose restrictions on the freedom of persons in terms of holding meetings, residence, transport, movements and detaining suspects or people threatening public security [and] monitoring all types of letters,

⁶⁹ NOHR-S, 2007: 5.

⁷⁰ DRI, 2008: 1-2.

phone calls, newspapers, bulletins, books, drawings, publications, broadcasts, and all forms of expression, propaganda, and advertisements prior to publication.”⁷¹ Article 4 of the above-mentioned decree also sanctions preventive arrests. Suspects may be detained without charge or trial for prolonged periods. There is no legal redress against arrests under the Emergency Law.⁷²

Under the Emergency Law and related decrees, the security services have far-reaching powers to act against alleged opponents, arrest them and keep them in *incommunicado* detention for weeks or months. Harsh treatment and torture are common practices in these detention centres. Alleged political opponents are tried by regular courts, by military courts and by the State Security Court, a special court created under the Emergency Law. Verdicts are not the outcome of a fair trial but are political decisions. Particularly in the State Security Court, as well as the field military courts minimum standards of fair trial are not met.

In addition to arresting opponents, the security services try to keep pressurising potential opponents by frequently summoning them to their offices, requesting information about their activities; by contacting family members and neighbours; pressurising clients or employers; imposing travel bans; and at times by beating up opponents and using other forms of harassment. Different security services might focus on the same alleged regime opponent at the same time, or one after the other.⁷³ The whole atmosphere is highly intimidating and is meant to discourage people from openly criticising and organise themselves against the regime, as well as to socially isolate them. The pressure of the services is also meant to see if potential opponents can be blackmailed. In case the latter is effective these persons might become instrumental for collecting information on activities of people in CSOs and opposition movements. Every citizen who has contact with an alleged opponent risks becoming an object of inquiry; the mere accusation of such contact is often also a pretext to bribe people.

Until 2011, the Syrian authorities have consistently claimed that a state of emergency is required because of the conflict with Israel as well as in recent years due to the political and other pressures, especially by the US. This pressure has been used by the Syrian regime as an argument that the West aims at regime change in Syria and thus the state of emergency should

⁷¹ NOHR-S, 2007: 111.

⁷² Ibid.

⁷³ For details of the practices of persecution and harassments of alleged opponents, including the situation of human rights groups see: Human Rights Watch, 2007: Without a page number.

be upheld. Regime critics in Syria itself are in this context accused of spreading false information with the aim of undermining the spirit of the nation. Under the pressure of the ongoing demonstrations calling for freedom, the President announced in April 2011 the lifting of the state of emergency, the closure of the State Security Court and the right of citizens to demonstrate peacefully.⁷⁴ Security services continue with violent actions against mainly peaceful protestors, arresting probably tens of thousands of people and killing thousands.

The Syrian regime can also use the pretext of fighting terrorism as a justification for violating human rights, especially in the context of fighting Islamist opposition (e.g. Muslim Brotherhood since the 1970s) and persons with a 'fundamentalist' Islamic profile, accused of wanting to found an organisation, aimed at changing the nature of the Syrian society and its state. The mere accusation of being in possession of books or CDs of religious leaders, encouraging activities of *takfiri* groups⁷⁵ can be a reason for preventive arrests, including of their family members and friends). There is no rule of law in Syria. The police and security services can act with impunity. While the Syrian constitution provides for an independent judiciary - a precondition for establishing rule of law - the judiciary is under control of the regime, as we will discuss more in detail in the next paragraph. In sharp contrast to the reality on the ground, in 2006 the Syrian government presented its 10th Five Year Plan its vision for Syria in 2025 to "[...] complete the establishment of the democratic, mature, up-to-date society that is built on the basis of constitution and rule of law, political pluralism, and respect for human rights."⁷⁶

A Judiciary Controlled by the Executive

As indicated, the President approves the nomination of judges working in the higher level of the judiciary. Not surprisingly, most of the judges are Ba'ath party members.⁷⁷ In 1980, after professional associations protested against the lack of freedom, the Bar Association was brought under control of the Ba'ath party. Lawyers have to be registered at the Bar Association and risk suspension or lose their registration if they are suspected of acting against the interests of the regime.

⁷⁴ Middle East Online, 2011: 1 of 1.

⁷⁵ Oxford Bibliographies Online, 2011:1 of 2. *Wahhabism*. The practice of takfir ideology is often associated with Wahhabism. In the practice of takfir ideology anyone in disagreement with one's interpretation of religion is declared to be a kafir (unbeliever) who must be fought in jihad (as holy war), thus representing a particularly intolerant interpretation of Islam.

⁷⁶ SPC, 2006: Chapter 3, 1.

⁷⁷ US Department of State, 2012: 9.

Under the Emergency Law, military courts could try civilians if they were accused of disturbing the public order, creating an illegal organisation, or if they insulted the state institutions or the President. A High State Security Court had been established on the basis of provisions under the Emergency Law. This court does not guarantee basic rights of the accused. The right of access to legal assistance is very restricted. Lawyers normally do not get approval to see clients prior to the court session. The court procedure itself was very superficial; it mostly contains a session in which the president of the court confronts the accused with the report of security services and poses a few questions. In a second session, the defence has the possibility to submit a written plea. In a third and final session, the president of the court reads out the verdict.

Special Decrees Enacted under the Emergency Law

A number of decrees have been imposed to bring associations under control of the regime. Decree number 49 of 1980 explicitly prohibits membership or activities for the Muslim Brotherhood. Membership can be punished with the death penalty. Under President Bashar al-Assad the imposed death penalty in some individual cases has been changed to a 12-year prison sentence. These decrees and their consequences will be discussed in Chapter 5, when dealing with the legal framework governing associations and NGOs.

3.2.2 Sources of Regime Legitimacy

It is apparently difficult to talk about legitimacy of a regime if the society over which it ruled has no freedom of expression or association, nor is able to choose its leaders through fair and democratic elections. Nevertheless, the regime has a social base, as described previously, which is broader than the sectarian groups it comprises. This social base may however change, for instance if the patron client-relationship between the regime and certain social groups comes under pressure. Such a situation may become the case in the current revolt since the regime has problems in providing safety and security to the silent majority. Until the uprising against the Syrian regime since March 2011, the following aspects or sources of legitimacy have been mentioned: the ability of the regime to ensure safety and political stability, the secular character of the regime, the provision of social security and economic opportunities and pan-Arabism.

The Ability of the Regime to Ensure Safety and Political Stability

As indicated before, between 1946 and 1970, the Syrian state and society were confronted with large-scale political instability due to ineffective governments unable to promote socio-economic development. Moreover, the armed upheaval of Islamist groups at the end of the 1970s, the ensuing insecurity and the subsequent repression by the regime, traumatised Syrian society. The fact that the regime provided safety – albeit by repressing anyone considered a potential opponent – should not be underestimated. Both Syria's minorities and many of its Sunnis worry about Sunni radicalism promoting a state and society based on Islamic foundations. Furthermore, many Syrians are concerned about the continuing unrest in the region and the threat it poses to the lives of ordinary citizens in neighbouring countries such as Iraq, Lebanon and the Palestinian territories. With the many Iraqi refugees in Syria fleeing sectarian violence, individual persecution and general lack of security, Syrians are reminded of the risk of a sudden collapse of the existing political system. The regime uses fear harboured by many Syrians about sectarian strife, religious extremism and tribalism in their society to legitimise its authoritarian rule. A significant number of Syrians prefer to live under enlightened dictatorship that promises safety and stability instead of a democracy, which might once again contribute to political instability and fear among minority and secular communities because their rights and way of life might come under attack from fundamentalists and radical extremists. The regime exploits these fears and uses them to justify their continued authoritarian rule. That might be a reason why at least until the beginning of 2011, many Syrians seemed to accept the president's words that democracy is not a goal in itself; it is an instrument for development and prosperity and needs careful preparation and the appropriate circumstances.⁷⁸ At least not until the successful popular revolts in Tunisia and Egypt, many Syrians did not believe in the possibility of changing the regime in Syria, especially not by non-violent means.

The Secular Character of the Regime

In the Arab world, secularism has a different history and connotation than in the Western context. In the latter context, secularism is especially part of social development and personal experiences. Yet, in the Arab world, secularism has a more ideological meaning and was used by ruling elites to legitimise their ruling. In the case of Syria, as Wieland explains, secularism is less the result of the socialist Ba'ath Party ideology and more the outcome of Alawi influence on regime policies: "[i]t was not primarily a (western) ideology -socialism- but a very traditional player -a religious group- that favoured social liberalism on account of their religious teachings

⁷⁸ SANA, 2007: 7 of 15. See also Landis, 2007: 1 of 3.

implemented it, and has maintained it up to today in spite of opposition.”⁷⁹ The Syrian constitution provides for freedom of religion to the many religious denominations in Syria. There is no official state religion, however the constitution requires the President to be Muslim and stipulates that Islamic jurisprudence is a principal source of legislation. The constitution acknowledges the separation of religious institutions and the state. However, the government routinely intervened and controlled religious groups up to and including the highest Sunni religious authority, the grand-mufti, who is appointed by the government. Intervention in religious life by the state can be seen in guidelines of the Ministry of Awkaf (religious endowments) stipulating government positions on certain political issues such as the war in Iraq and the Palestine issue, to be included in the sermons of imams. Furthermore, all religions and religious orders must register with the government, which monitors fundraising and required permits for all meetings by religious groups, except for worship. The Ministry for Awkaf is the government organ in charge of these activities.⁸⁰ The regime allows religious institutions, Christian as well as Islamic, to operate and to provide a social framework for the lives of their followers. The social activities of religious organisations are allowed and supported as long as they do not challenge the existing political order.

Although the regime is secular in its nature, society is not. The strength of the secular ideology of the Ba’ath party is that it could be used by the ruling elite in legitimising their hegemony over a very fragmented society along ethnic and religious lines. The secular character of the state provides protection to religious minorities as well as secular citizens against pressures from religious groups, especially Islamists, threatening to impose themselves on society and limit civil liberties. In practice however, the regime exploited primordial relations as well as pan-Arab sentiments to impose itself on society.

Social relations between people are to a large extent determined within the framework of the religious communities in which they live. Major aspects governing the personal lives of individuals – Muslims as well as Christians – such as marriage, divorce, inheritance and the position of women is determined by the Personal Status Law, based on Sharia. In July 2006, a new personal status Law for Catholics went into effect, giving Catholics their own laws for adoption, inheritance and guardianship. Regardless of religion, however, child custody laws for

⁷⁹ Wieland, 2006: 90.

⁸⁰ US Department of state, 2007 a: 8 of 15.

all children remain based on Sharia.⁸¹ The Personal Status law contains a number of provisions based on traditional Islamic family law that discriminates against women, such as in the case of divorce. The implication of this situation is that the personal lives of individuals, especially women, can be deeply affected by the existing legal framework, which in turn reflects the importance of primordial relations in society, including the unequal relations between men and women.

Secularism in Syria has developed into a balancing act of an Alawite dominated regime trying to stay in power. Already under Hafez al-Assad, the regime felt obliged to co-opt conservative Sunni Muslims by allowing Islam to be more visible in social life and by regime activities such as the setting up of Quranic schools in the name of the regime or the granting of permission for social activities of Islamic foundations. Thus the institutional formal laicism – the separation of church and state - went in the case of Syria not parallel with social secularism⁸²; to the contrary.

The Provision of Social Security and Economic Opportunities

Especially in its first period in power, the Ba'ath party drew much of its ideology from the Soviet states. The land reform, the state-controlled economy, the leading role of the Ba'ath party but also the provision of basic services and goods by the state clearly refer to this socialist legacy. As discussed earlier, the socio-economic policies of the Ba'ath party-led government resulted in a substantial improvement of the lives of the impoverished rural predominantly Sunni population through land redistribution and guaranteeing fixed prices for a number of agricultural crops such as cotton and wheat. The system of subsidised consumer goods such as heating oil, petrol, bread, cooking oil, sugar and rice helped as well in guaranteeing basic needs of the poorer sections of the population. Free education and health care through government institutions also led to improvement of the standards of living of large sections of the population. Industrialisation policies of the government based on import substitution and state-owned factories created jobs as well as provided additional goods for the local market. The expansive government administration as well as government agencies in many areas also provided jobs and income.

Ba'ath party membership was also an avenue for individuals to gain access to privileges distributed by the state. Membership of the Ba'ath party as a sign of loyalty to the state became

⁸¹ US Department of state, 2007 a: 8 of 15.

⁸² Wieland, 2006: 91.

as well an instrument of access for individual Syrians to higher positions in the state apparatus and privileges related to it. Seemingly modest salaries in the higher echelons of the government structure are topped up by many state-provided benefits, including housing made available by the state, electricity, water and heating oil bills paid by the state, free treatment in special government hospitals, cars and petrol made available by the state and so on. These advantages – to which hundreds of thousands of Syrians have access – depend on loyalty to the state. This dependency relationship between the ruling elite and other layers of the society is a complex one. The elite must secure the loyalty of these officials in ministries, state related agencies, the army and the security services for its survival and unrestricted access to the state's resources. Much of Syria's middle class has developed under the umbrella of the state, dominated by the Ba'ath party, the army and security services. The reverse is also true: namely, that the privileged status of certain layers of the vast state apparatus depends on the survival of the regime. The legitimacy of the regime was both based on its willingness to use brutal force if necessary for survival, "[...] but importantly the regime also coalesced around itself an array of constituents by offering economic opportunities, co-opting segments of the population via patronage and channeling social forces through a corporatist system involving the creation of popular organisations, professional associations and unions."⁸³ The regime was in this way able to bring into it non-Alawis, while keeping Alawis in key positions in the armed forces and security services: "[n]on-Alawi constituencies and social forces were promoted and co-opted, including other minorities (Druze, Christians, Isma'ilis) for whom Alawi control meant protection from Sunni dominance, and rural Sunnis who had traditionally been excluded from economic and political power."⁸⁴ In the 1960s, as Zisser indicates, socio-economic reasons played an important role in the emergence of the Ba'ath party and the Assad dynasty. These events, like the current ongoing upheaval, involved a coalition of peripheral forces. In the 1960s, the Alawis led these forces, although other social groups that came from the periphery also joined. It was a struggle to gain access to power and take over the centre.⁸⁵ The socio-economic policies during the first decennia Hafez al Assad's rule – as part of Baath socialist policies – were characterised by nationalisation of industries, the creation of state enterprises, land reform (confiscation of properties of the large landowners and creation of state co-operative farms), as well as subsidising basic consumer goods. In the beginning of the 1990s he embarked on policies encouraging domestic and foreign private investors through generous fiscal initiatives

⁸³ IGC, 2004: 2.

⁸⁴ Ibid., 3.

⁸⁵ Zisser, 2011: 2 of 8.

(Investment Law 10 of May 1991). These policies of economic liberalisation (*infitah*) were especially favourable for the Sunni urban economic and commercial elite dominating the private sector of the Syrian economy as well as for high state officials and members of the presidential family starting businesses, often through their children (the *awlad al-mas'ulin*; the children of the powerful).⁸⁶ The latter, as Landis suggests, was a deliberate policy of the regime to keep control over the economy by the Assad family. A key figure profiting from the regime's control over the economy is the President's cousin, Rami Makhlouf, who assumed a majority stake in many major enterprises and holding companies. These politics of economic liberalisation contributed to growing income disparities between layers of the Syrian population and an explosion of corruption.⁸⁷

Pan-Arabism

The Ba'ath party's ideology – at least in theory – focused on reuniting the Arab nation. A core element of the Ba'ath party's ideology is pan-Arabism: an idea that the Arab nation is a culturally homogenous people, divided over different states as a consequence of colonial policies. Pan-Arabism strives to unite the Arab people in one state. Attempts have been made by ruling elites in different states to unite or merge their states. In some cases this actually took place, such as with Syria and Egypt, although it ultimately failed. Arab nationalism in practice remained a facade, behind which there were many different intentions and persuasions that were partly working against each other. The main problem remains defining what is actually meant by, or included in, an Arab nation. Is it the intention of the individual who wants to belong to the nation or not (subjectivity), or is the nation based on origin and lineage (objectivity)?⁸⁸ In Arab nationalist ideology, the latter view is dominant. Speaking Arabic is considered a corner stone of the common identity as is the Islam. This is however also a source of controversy. While the Quran is the source of the Arab language and a dominant element of Arab culture, there are also many non-Islamic communities in the Arab-speaking world. The reverse is also true; in the Arab states there are Islamic communities, such as Kurds, who have their own language and do not consider themselves Arabs. In practice, it is the feeling of common community (*assabiya*) that matters. Although this feeling differs from region to region and may occasionally become stronger or weaker, it is present in the Arab world and thus also from the political point of view, is an important element to the Arab nation as well as the rulers in the different Arab states. This

⁸⁶ IGC, 2004: 3.

⁸⁷ Landis, 2012: 5 of 10.

⁸⁸ Wieland, 2006: 96 and 97.

feeling of *assabiya* is used by them and others as a political tool. Minorities such as the Kurds and the Assyrians are uncomfortable with the Syrian Arab Republic; the presumed Arab character of the Syrian nation, as expressed in the name of the Syrian country. This identity issue, which is discussed more in detail in the next chapter, not only affects relations between the Syrian regime and notably the Kurds, but is also a source of controversy among opposition groups, as we see today. The rights of minorities are a fundamental issue for the future of the people in Syria.

Besides the ideology of pan-Arabism, many Syrians have family ties with people in neighbouring countries and therefore are concerned with developments in countries such as Iraq, Palestine territories, Jordan, Lebanon and Egypt. Although not necessarily sharing the views and policies of the Syrian government, there is a strong involvement among Syrians with developments in the region and the plight of its people. The solidarity with the Iraqis as well as with the Palestinians, as shown once again at the end of 2008 (the war between Israel and Hamas and the plight of the people in Gaza) clearly shows this involvement. Also during the last war in Lebanon in 2006, Syrians hosted almost 200,000 Lebanese refugees. Much of the assistance to Iraqi refugees was given by local Syrian faith-based organisations. Regime support is also a political tool as can be seen clearly in the case of the strife for a Palestinian state. Syria has positioned itself as an advocate for the Palestinian cause. This is not pure rhetoric; Syria has more than 400,000 Palestinian refugees as of today. Since 1948 Syria, in cooperation with the UN, has given generous support to these refugees who fled to the country. The Palestinians enjoy almost equal rights with native Syrians, which enables them to work (even in the government administration), study and own property.⁸⁹ Former refugee camps have developed into urban quarters of cities. The official point of view is that Palestinians are guests awaiting their return to Palestine.

A *Greater Syria*, although it is not an official idea or position of the government, the idea still has some support in Syrian society. A Greater Syria refers to the former Ottoman province of Syria, based on historical developments. During the French Mandate period, Syrian nationalist politicians expressed the desire of establishing a Greater Syria, in which Transjordan, Palestine, Lebanon and Syria belonged together. They even tried to incorporate this goal in the constitution for an independent Syria. The French however, revoked the including of the

⁸⁹ Palestinians do not have the right to vote.

proposal in the constitution, which the Syrian nationalists reluctantly accepted.⁹⁰ Nevertheless, there is a popular movement in Syria as well as in Lebanon, which endeavours for a Greater Syria. This is one of the goals of the Syrian Social Nationalist Party (SSNP), a party active in both countries. By a presidential decree on 4 May 2006, the SSNP was granted participation in Syria and has now become part of the NPF.⁹¹

In sum, by means of its control over the state apparatus, especially the security forces, the ruling elite gained an autonomous powerbase with which it could ensure access to the country's resources and foreign assistance. The Syrian regime has been able to deeply penetrate society through the state apparatus and the structures of the dominant party. The Syrian regime's ruling has neo-patrimonial characteristics. Regime power is concentrated in the hands of few, using state resources in order to foster private interests. On the one hand, the regime dominates society in a legal rational manner through state institutions. On the other hand the Syrian regime established clientelist relations with representatives of different groups in society. The latter relations between the regime as patron and different, each other sometimes competing, societal groups as clients are patriarchal in nature and uneven in power. These formal and informal structures enable the regime to control society as well as create channels for upward mobility and other privileges for those citizens loyal to the regime. The mass organisations linked to the ruling Ba'ath Party function as state-corporatist structures through which group interests can be protected in exchange for loyalty. In practice, the structures function predominantly as control instruments and as instruments for individual interest enhancement. These popular organisations are considered by the regime to be representatives of civil society. The regime also aims to pull in traditional civil society through clientelist practices. The Syrian regime's stability is thus not only the result of mere repression. The regime has a strong social and political base, which accepts the authoritarian rule. The loyalty to the regime in its first phase depended on its ability to provide socio-economic security to low income groups and to provide safety. The regime tried to broaden its social base by co-opting economic and social elites by means of giving them access to socio-economic and other advantages, as well as by spreading its ideology through state controlled institutions. While the regime's ideology is one of pan-Arabism, in practice sectarian, regional and tribal ties form part of the regime's power structure. Social elites, such as tribal and religious leaders, continue to be considered by the ruling elite privileged contacts, intermediaries and representatives of civil society. In this way, the regime

⁹⁰ Reissner, 1980: 6.

⁹¹ Ministerie van Buitenlandse Zaken, 2007: 10D. The Arab name is *Hizb Al'Kawmi Al Suri Al-Ijtima'i*.

reproduces the traditional system of primordial loyalties and relations and incorporates them in its authoritarian political system. As indicated in the first chapter, the EU good governance assistance is based on the assumption that the partner state is willing to democratise its political system. One element of the good governance cooperation is the readiness of the partner state to create conditions in which civil society cannot only contribute to socio-economic development but also promote efficiency and accountability of government agencies. Given the characteristics of the Syrian state and its relations with society, the above-mentioned assumption should be questioned.