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ACCEPTABILITY OF CIVIL MARRIAGE  
IN A MULTIDENOMINATIONAL SOCIETY:  
RESULTS OF AN EMPIRICAL SURVEY IN LEBANON

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Working Paper No. 861



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## Abstract

Family laws in Lebanon are administered by eighteen religious institutions, while the Lebanese State has abandoned its duty to produce any unified civil marriage contract. Competition between religious institutions provides a large number of marriage contracts for the Lebanese citizens who have the ability of converting from one denomination to the other seeking for their favorite contract. A statistical survey on 603 couples allows us to sketch the portrait of a typical Lebanese who would accept the implementation of a civil marriage regime in Lebanon. Religious affiliation is essential to understand this willingness.

**JEL Classifications:** A13, Z12

**Keywords:** Marriage Contracts, Religions, Secularization.

## ملخص

تدار قوانين الأسرة في لبنان من قبل ثماني عشرة مؤسسة دينية تتمتع بحرية مطلقة بتقرير مصائر الأزواج والأسرة، بينما تخلت الدولة اللبنانية عن واجب إنتاج أي عقد زواج مدني. وتوفر المنافسة بين المؤسسات الدينية مجموعة متنوعة وواسعة من عقود الزواج للمواطنين اللبنانيين الذين لديهم القدرة على اختيار العقد الأنسب لهم عبر تغيير دينهم من طائفة إلى أخرى سعياً لعقد أفضل زواج ممكن. وقد اتاحت لنا دراسة إحصائية أجريت على 603 زوج رسم صورة للبنانيين المستعدين لقبول نظام الزواج المدني في لبنان. الانتماء الديني عامل مهم لفهم هذه الرغبة.

## **1. Introduction**

The choice of law debate has a deep and thorough field of experiment in multid denominational societies where competition is set up between the State and religious institutions over personal status codes. Lebanon's family law regime, mainly a heritage of the Ottoman and French legal systems, delegates jurisdiction over marriage and divorce to religious courts. Divorce procedures are strictly governed by religious communities who enjoy a monopoly power in deciding peoples' private matters. Though the Lebanese Constitution does not recognize any religion as the official religion of the State, religious institutions play a pivotal role in the Lebanese judicial, social and political systems. The State ensures mutual respect and coexistence between different and largely opposed religious communities, protecting the rights of each community to a fair and equal treatment, but refrains itself from producing a civil family law.

Traditionally, there are three systems of interaction between State and religious institutions (Nichols 2012). The State can concede control of entire domains (health, education...) to religious groups. The State can delegate the decision in family disputes to religious groups (with having the possibility of oversight). Finally, religious groups decide family disputes using religious laws rather than State law. The Lebanese legal system falls into this last category. The regulatory response of the State is limited to an ex-post regulation: it decides if there is any harm from religious arbitration (honor killing, domestic violence, unequal bequests...).

Each of the eighteen religious communities recognized as official by the Lebanese State produces its own religious marriage contract. Lebanon does not produce a unified civil marriage contract but recognizes as legal all civil marriages contracted abroad (for interreligious marriages or marriages between Christians, but not for Muslim couples). The marriage contracts market in Lebanon can trivially be described as a monopolistic competition of religious institutions. On one hand, religious marriage contracts are differentiated enough regarding their terms (marriage conditions, effects, divorce conditions, inheritance, custody...) which confer a clear market power to religious institutions, backed up by strong political and social ties. On the other hand, the high number of varieties of contracts creates substantial competition between denominations especially that the Lebanese State has allowed religious conversion and legalizes interreligious marriages.

The production of marriage contracts in Lebanon is characterized by a fully privatized system (Singer 1992): the State has given up this duty of providing its citizens with a unified legal marriage contract and conferred this privilege to religious communities (Sunstein 2004). In a multi-denominational society, interreligious and secular couples are pushed to seek legal recognition of their union abroad. All matters of marriage, divorce, death, inheritance (with the exception of Christian communities since 1951) and filiation are governed by the Lebanese religious courts under the power of religious judges with canonical training for Christian judges and Sharia teachings for Muslim judges. Civil judges have judicial power in disputes arising out of a civil marriage contracted abroad according to the laws of the country of origin (Gannagé 1969). This jurisprudence entails a problem of legal sovereignty. Would foreign law prevail when disputed by national laws?

The debate on Family law in Lebanon is still at its starting block: to secularize or not to secularize? Family laws across the world have known major mutations since the 1970s with the "no-fault" revolution and mutual consent divorce regimes (Nakonezny et al. 1995). The debate in Western societies has gone over the neutrality of divorce laws and is discussing whether marriage contracts should be fully privatized or not (Singer 1992). What is puzzling is that Lebanese authorities do not take advantage of the current situation of the marriage market in order to find innovative solutions to boost competition between religious

institutions even further. It is as if Western legal systems are seeking competition whereas Lebanon is seeking to monopolize its family law. The interstate disputes in America about the definition and legalization of same-sex unions (Kindregan 2007) is one example of how a society can benefit from its diverse legal systems. Thus, the enactment of a civil regime of marriage has the disadvantage of confining the management of personal status to the State and sweeping off competition between religious institutions.

Many attempts to establish the civil regime in Lebanon have all failed in the past. The latest was a 1998 law implementing an optional, non-compulsory civil regime side by side with religious regimes. This attempt was aborted due to strong resistance from religious communities who presently enjoy an unchallenged monopoly on the marital status and find that secularization of marriage contracts shakes their economic, social and even political powers. Civil society organizations are always active in demanding secularization of family laws in Lebanon, but do the Lebanese people really want to have a unified civil marriage law? Do the people really want to curve down the possibilities to switch between varieties in order to opt for the best variety there is?

To address the issue of the acceptability of implementing a civil marriage regime in Lebanon, a statistical survey was conducted in 2009 on a sample of 603 couples of five different major religious communities: Maronite Catholic, Greek Orthodox (on the Christian side), Sunni, Shia and Druz (on the Muslim side). The aim of this paper is to address the variables which push people to accept the secularization of marriage regimes. Variables that come to mind are of socio-economic nature: age, revenue, education. We add more explaining variables dealing with religious attitudes and marital status. The final goal is to profile who has the highest propensity to accept civil marriages.

The rest of the paper is organized as follows. Section 2 is a selective literature review on civil and religious marriage contracts as well as secularization of family laws. Section 3 explains the methodology and data collection. Section 4 summarizes the results of an econometric study on civil marriage acceptability. Section 5 concludes.

## **2. Literature Review**

The following selective literature review tackles the issue of acceptability by trying to justify that there are less differences between civil and religious marriage contracts than one could think of, and to explain that the alternative to religious marriage contracts can be something other than secularization.

Is marriage a contract or a sacrament? From a religious point of view, Witte (1992) explains the view of the medieval church on marriage and family. The naturalist perspective considers marriage as a natural association between man and woman which aims to raise children and tackle lust. The contractual perspective views marriage as the product of mutual consent which creates a long term relation of love, service and devotion. Finally, the sacramental perspective views the union between man and woman as the eternal union between Christ and his church.

From a legal and economic perspective, marriage is considered a *sui generis* contract with multiple legal implications much like any commercial contract. The “production” of marriage contracts has long been entrusted to private institutions such as family or religious institutions. The State has then inherited this function in what was called the secularization of personal status laws. Some countries continue to mix these different sources of law (La Porta et al. 2007). Contemporary legal systems move towards "hybrid" family laws crossing the two traditions.

The civil marriage contract is a mere legalization of what has been the rule for centuries: religious marriages. Freed from its religious liabilities, the contractual legitimacy of marriage

is questioned by those who believe that the marital relationship goes beyond any commitment of a materialistic nature. Intimate relationships and trust blessed by higher powers cannot be confined to a secular code of rights and obligations (Witte 2012). For others, a unified civil marriage contract is capable of reducing economic inefficiencies of religious marriages by reducing transaction costs associated with the entry, exit and continuation of the marriage (Cohen 2004). It can also reduce asymmetry in information (Lundbeck & Polak 1996), in power (England & Farkas 1986) and marital opportunism (Baker et al. 1993). Finally, the civil marriage contract unburdens individuals of their obligations and allows them to focus on the emotional ties that are at the core of their union.

Modern legal systems emphasize the secular aspect of a marriage contract in order to keep up with the social mutations of modern societies and to reflect women's rights movement, the rise of divorce rates and out-of-wedlock births (Smith 2003). However, secularization has its own faults: for instance, the "no-fault" revolution has been accused of making divorce easier, thus reducing capital-specific investments of marriage (Dnes 2000). To counter the contractual regulations of spousal law (Weitzman 1981), "covenant marriage" (Shaw 2004) is being reinstated in many American states as a response to the weathering of secular marriage.

Are religious and civil marriages irreconcilable? There is no doubt about the continuity, or even the similarity, of religious and civil marriages (Schmiedeler 1932). What were considered major breakthroughs in legal innovations in family laws have been, in fact, regular practices in traditional religious marriages. First, contemporary forms of legalizing unions between individuals (Common law partnerships or France's PACS...) can be traced back to religious forms of prenuptial agreements like muslim marriage (*kitab*) or jewish traditional marriage (*ketubah*) or other forms of contracts (Witte et al. 2008). Hanafi Islam (of Saudian origin) has always allowed couples to amend their contract in order to protect women from "greener-grass" opportunism (Baker et al. 1993). Druz marriage contracts allow for mutual consent divorces (Ducruet 2003). Islam permits limited-time marriage contracts (*muta'* marriage) which fix an expiry date for marriages (Haeri 1992) and even same-sex marriages (El Menyawi 2012). That being said, it is legitimate to put in question the extent to which these contracts respect human rights or protect women's rights (Shehadeh 1998).

Secondly, even if they are based on the Judeo-Christian tradition of marriage, all religious marriages require a number of conditions to be respected by the spouses: faithfulness, the goal of procreation, mutual respect and support. Jewish and Muslim marriages bring the marriage contract even closer to a private contract than a statutory law, unlike Catholic contracts. For instance, the Jewish religion has instituted the *ketubah* as a prenuptial marriage contract in which the bride and groom formulate themselves the terms and conditions of their marriage, before, during and upon dissolution or death (Cohn 2004). The Muslim marriage contract (*kitab* or *'aqd*) regulates the relationship between the spouses and sets out the respective rights and obligations as well as the identity of each spouse and commitments towards his family and his community. The wife is able to require more protection for herself by modifying the clauses and demanding the right to repudiate, to prevent polygamy and to increase her bride price (Miller 2009).

Thirdly, the three monotheist types of marriage contracts require the consent of both spouses for the marriage to be valid. Even in the presence of a guardian, acceptance of each future spouse is required. In addition, the choice of partner is subject to eligibility requirements. Marriages between blood relatives are prohibited and so are marriages of persons of the same sex, persons not having the mental capacity or age of consent, and even people of different social classes (Dnes 2000).

Finally, religious marriage contracts provide for an exchange of property rights. Marriage contract involves the exchange of promises and commitments. Spouses give up the right on

their body, stick to monogamy, time to each other and engage in capital-specific investments (Lemennicier 1988). Dowry and bride price are exchanged at the time of signing the contract, which increases the assets of the couple and also the heritage of their respective families. The dissolution of marriage is problematic in the sense of sharing assets added by each spouse to the wealth of their family and the cumulated assets during the marriage (Sambrani et al. 1983).

If there is that much similarity between religious and civil marriages, why is it that the majority of countries have adopted civil family laws (even countries with one major religious domination like Turkey)? The definition of secularization has been somewhat mixed up with definitions of non-religion, atheism, shifting from religion to non-religion creating a sort of apprehension in religious societies. Secularization theories tend to make one believe that modern societies are moving away from religions to differentiation, rationalization and worldliness, especially in marriage contracts (Tschannen 1991). The process of secularization could be explained from the supply or the demand side. On the supply side, an increase in the diversity of religions boosts competition between them and provides higher quality services and more adapted products to the needs of the consumers (Fink & Iannacone 1994). State regulation or state-religion could only be detrimental in that case since it lowers competition. On the demand-side, diversity in religious institutions enhances the exposure of individuals to a variety of religious products, cutting down their ties with their religion of origin. Disaffiliation is a probable consequence of such exposure (Sherkat & Wilson 1995), especially in the case of interfaith marriages (Voas 1993).

Yet that doesn't mean that the secular legal systems are more efficient. In the French legal system, it is hard for every couple to obey a unique codified family law and to comply with statutory rules made by the legislature. In modern societies, couples want to have the opportunity to choose the most conducive law that would develop their legal personality and their feelings (Murat 2013), which is not necessarily the State law, especially that children, and not marriage in itself, are the founding act of marriage.

The secularization of family law has not succeeded in many countries where the personal status codes are still delegated to religious institutions for distinct reasons. In Israel for instance (as in Lebanon), the failure to implement a unique civil marriage is due to an upstream deficiency: the coalition of religious establishments (Jewish, Muslim and Druz) and to the core definition of "who is a Jew" (Englard 1987). In India, the reason is found in the downstream channel: the importance of social norms and arranged marriages (Gupta 1976) as well as the Cast system (Galanter 1963) which pushes people to adhere to their social group and not the State's legal system.

The logic is slightly different in the US since marriage is considered by some as a religious act (ministers of religion can celebrate it), and by others as a civil institution (since that is how it is considered by the State) (Coulmont 2004). Unlike the arguments of some civil marriage advocates (Sanger 2006), toning down civil contracts does not aim at legalizing same-sex marriages but at rethinking the role of the State in private matters. The main idea is to find alternatives to the State monopoly on marriage in secularized societies (Bix 2008). It is not meant to put civil marriages back on track again but rather to think of a way of establishing real competition between religious markets (and civil ones) in order to comply with potential couples' wishes. Is that option viable in a multid denominational society like Lebanon, and who really wants to secularize family law in Lebanon? The conducted statistical survey can help us shed light on that subject.

### **3. Methodology and Data**

A survey was conducted in February and March 2009 on a sample of 603 couples chosen to reflect the confessional distribution of the Lebanese population in its main features. The



sample is composed of couples belonging to the five largest religious denominations in Lebanon: Maronite Catholics, Greek Orthodox, Shia, Sunni and Druz. Half the couples were interviewed in Beirut (the capital of Lebanon). The other half were interviewed in other major cities (Tripoli, Zahle, Saida and Tyr): approximately 75 couples in each city.

The Lebanese authorities haven't conducted any official census of the Lebanese population since 1936 in order to preserve the delicate political balances and avoid constitutional implications of democracy and the right to a pro rata political representation. Recent unofficial surveys (CIA World FactBook) show that Shia and Sunni Muslim communities each account for approximately 30% of the population, followed by Maronite Catholics (24%), Greek Orthodox Christians (10%) and the Druz Muslim community (5%) of a total population estimated at 4 million.

The sample used in this survey covers 603 couples divided into five groups according to the distribution of major communities in the population: 154 Sunni, 145 Shia, 124 Maronite, 90 Greek Orthodox and 90 Druz couples. More than 75% of the Lebanese population is urbanized, with half the population living in Beirut and its suburbs. The geographical distribution is less important than denominational distribution for the purposes of this survey. For example, a Maronite living in Southern Lebanon obeys to the same marriage laws as a Maronite residing in Beirut.

The initial questionnaire is composed of over 60 questions covering a wide range of socio-economic characteristics, religious attitudes, marital statuses, decision-making processes and time allocation inside the family.

Some 89% of the respondents are women. 44.6% of the respondents are between 24 and 40 years and 36.6% are between 41 and 60 years. 79.2 % of all households are made up of five people or less, thus characterizing the prototype of a Lebanese household. Most respondents (61.7%) have a level of education that does not exceed grade level, and 31.8% have a college degree. Spouses of respondents have a similar educational profile. Half of respondents (54.8%) and their spouses (50.4 %) had left school at age 18. The number of children (biological, adopted or load) does not exceed four for 90% of respondents.

In the sample, the proportion of unstable marriages is divided into those who have been divorced at the time of the survey (6.3%) or separated (1.8%) or remarried (5.6%). The Sunni community has the largest proportion of unstable marriages: 10% of the respondents are divorced and remarried 9%. Separation is a legal status for those going through divorce or for communities that prohibit divorce (Maronites) but allow the separation of bodies for couples who no longer want to live together.

Only 2.2% of respondents and 3.3 % of their spouses have changed their religion during their adult lives, with more than three quarters seeking the purpose of getting married. Questions about religious practices test liberal attitudes toward religion. 53.6% of respondents consider themselves conservative. Religious communities provide financial support to 7.2%, moral support to 46.6% and social contacts to 32.2% of the respondents. Some respondents believe that religious beliefs should be kept to themselves (71.8%), that faith does not depend on the frequency of visits to the place of worship (57%), that religious institutions are not outdated (47.2 %), that the sacred texts must strictly be followed (42%), that religious laws should not be changed (49.7%), that their own religion is the best (50.7%) and other religions are not worthy to be known (58.4%).

The question of interest for this paper concerns the acceptability of civil marriage. The question was formulated as follows: If the State implements a civil regime of personal status, would you be willing to comply with it? The distribution of answers by religious affiliation is as follows (Table 1):

Christian denominations are more enthusiastic to comply with a civil marriage regime than Muslim denominations since Muslim marriages are closer to contractual unions and envisage divorce. The lack of interest of the Druz community could be explained by the relative modernity of their marriage contract which allows mutual consent divorce, woman's right to repudiation, equal sharing of bequests between male and female...etc.

Among Christian denominations, Maronites are the most willing to comply with civil marriages since their denomination's marriage contract does not foresee divorce, only separation, motivating them to seek a modern way out of unhappy marriages by accepting more flexible civil marriage regimes. Greek Orthodox may be less enthusiastic than Maronites because they are granted the right to divorce by their community (justified exclusively by fault).

One major caveat resides in the spirit of the addressed question which should have been made clearer to the sample. The question should have been divided into two versions. The first one asking people if they would comply with a civil regime which replaces the current religious systems (that was the intended significance of the question). The second version would have asked people if they would comply with an optional, non-compulsory civil regime which would be added to the multiple religious contracts.

#### **4. Results of the Statistical Regressions**

Who is more likely to accept the implementation of civil marriages in Lebanon? What are the main features of a Lebanese citizen accepting such social and judicial transformations? Is religious affiliation a decisive factor? Is the Lebanese society clannish enough to hinder any meaningful social change? The relation between acceptability of civil marriage and religious denominations has to be refined in order to include other potential explanatory variables. The dependent variable is called CIVIL. It is a dummy variable which takes the value 1 if the answer is "yes" to the question "If the State implements a civil regime of personal status, would you be willing to comply with it?", and takes value 0 otherwise. Linear Ordinary Least Square regressions are not possible in that case since the dependent variable is not continuous. We use a logistic probability function which is the most suitable to predict variations in the probability of a qualitative dependent variable shifting from value 0 (not accepting) to value 1 (accepting) the civil regime. The sign of estimators is more important than their value since the sign can tell us if the correlation between the independent and the dependent variable is positive or negative. Estimators cannot be read directly like in OLS regressions; they have to be plugged into the probabilistic logit function (*see box below*), and they would only give an average estimation of the dependent variable.

The logistic curve relates an independent variable  $X$ , to the mean of the dependent variable according to the formula  $P = \frac{e^{a+bX}}{1+e^{a+bX}}$ , where  $P$  is the probability of a 1 (the proportion of 1s, the mean of dependent variable),  $e$  is the base of the natural logarithm (about 2.718) and  $a$  and  $b$  are the parameters of the model. The value of  $a$  yields  $P$  when  $X$  is zero, and  $b$  adjusts marginal effects of  $X$  changing of a single unit. Because the relation between  $X$  and  $P$  is nonlinear,  $b$  does not have a straightforward interpretation in this model as it does in OLS regressions.

The logistic regressions will enable us to predict the value of estimators of each independent variable and to sketch the typical profile of a person demanding a civil regime through:

1. Regressing the dependent variable of accepting the implementation of civil marriage (CIVIL) to two separate blocks of independent variables (socio-economic variables and religious attitudes).
2. Calculate the marginal effects after logistic regression and inverse the model.

The first regression will enable us to determine the causal relationship between the dependent variable and each independent variable depending on the sign of the estimator. Only statistically significant variables are retained in each regression. Table 2 describes the dependent and independent variables used in the regression models.

IVREG and IVPROBIT commands used on Stata deliver the same result: no endogenous estimators in these regressions.

#### ***4.1 Logistic regressions: Separate explaining blocks***

The independent explanatory variables are grouped in two different blocks: Socio economic variables (religious affiliation, age, education, location, revenue and number of children) and religious attitudes (respect of religious laws and institutions and religious identity). The first step is to run a logistic regression for each block of variables separately. The second step consists of plugging in all variables together. The following table shows the estimation results with each block of variables being run separately, as well as the complete model.

We will not comment on the value of the estimators, as is usually done with OLS regressions, but we will point out the following remarks regarding the sign and the statistical significance of estimators:

- The estimators are all statistically significant (Table 3) but the explanatory power of each block remains relatively lower than the complete model (measured by McFadden's pseudo- $R^2$ ).
- The variables in the first block (socio-economic variables) are positively related to CIVIL and statistically significant at the 5% level:
  - Religious affiliation, age, education, revenue and the number of children would positively affect the probability of accepting civil marriages.
  - It is likely that higher education and revenues tend to favor social and judicial mutations.
  - Religious affiliation's impact will be discussed further along in the paper when the marginal effects are addressed. Maronite Catholics is the only religious denomination which doesn't legalize divorces. Separation and annulment of marriages are considered as exit strategies, but they have to be justified by fault or by contractual defaults.
  - The variable SAIDA is used as a proxy for divorcees. The positive sign of its estimator reflects the fact that bad experiences in divorces ruled out by religious courts would push couples to seek civil litigation.
  - Having a high number of children would favor the acceptability of civil marriages in the sense that problems of pension and legal custody emerge from religious divorces, which mainly favor male parents and discriminate against mothers. In religious family laws, the male parent benefits from legal custody when children reach around seven (for girls) and nine (for boys). The female parent would only obtain custody if her husband wishes to concede his right.
- The variables in the second block (religious attitudes) are negatively related to CIVIL and statistically significant at the 5% level. Considering that religious laws should not be changed (LAWS) and considering one's religious identity as conservative (CONS\_WOM) do not encourage the acceptability of civil marriages. A respondent can consider however that religious institutions are outdated (INSTITUTIONS), and should be reformed, but would not consider secularization of marriage contracts as a viable solution. The three religious attitudes variables are proxies for conservative identities which go against reforms in family law.

- The constant is statistically significant and high enough in the first two regressions: it captures a great part of the explaining factors (which is why we have to find a way to make it lose its statistical significance). In the complete regression model, the intercept loses significance, and can be dropped (when marginal effects are computed in the next section, the constant term is dropped anyway).

#### **4.2 Predictions after marginal effects**

The following step is to use the logistic regression model in order to make predictions about the profile of a person accepting a civil marriage. In this regression, we compute marginal effects after Logit and then we calibrate each variable and each block of variables. Marginal effects measure the change in the probability of the dependent variable due to a change in the independent variable. In the sense that the retained variables in the model are all dummy variables, the shift in the independent variable consists of a change from value 0 to value 1. This implies a change from one category to the other: for instance, from being a non-Maronite Catholic (MARONITE=0) to becoming a Maronite Catholic (MARONITE=1)! This kind of shifts is unlikely and rare, especially when it comes to the socio-economic attributes of people. If we were dealing with metric values, the change in marginal variables would have a better meaning (e.g. the effect of a marginal increase in monthly revenue on consumption). The results of a logistic estimation could be better used in order to make predictions when it comes to dummy independent variables.

The aim is to sketch the profile of a typical Lebanese with a number of related characteristics given that the independent variables are all statistically significant. The variables fitting the profile are fixed to the value 1. Since we have two blocks of variables, the predictions would be run for each independent variable, for each block and for all. The variables belonging to each prediction would take the value 1, and the rest of the variables would be calibrated to 0.

In table 4, we present the predictive result of calibrating each independent variable separately to 1, all other variables are calibrated to 0. We then calibrate all the variables of the first block to 1, while the second block's variables are calibrated to 0 and vice-versa.

Scores are ranked from highest to lowest. For instance, the probability of accepting the implementation of civil marriage by the Lebanese State jumps to 59.72% from the simple fact of being a Maronite Catholic. This is the highest probability of accepting civil marriages. The second highest chance is for a person with a monthly revenue exceeding USD1,500 (58.39%), followed by location, age, education and the number of children.

It is no surprise that richer, more educated people would tend to accept major social and judicial transformations. People having known a divorce experience in their lives (as is proxied by the variable SAIDA) would also be in favor for a civil, non-religious marriage contract which would make exit from marriage easier.

The fact that Maronite Catholic affiliation scores the highest prediction probability is also of no surprise. It is the only denomination which does not recognize the possibility of divorce for couples. No exit options are available for couples of this denomination: except for annulment (which enable couples to remarry) or separation (which forbids them from remarriage). Out of 49 unstable marriages in our survey (divorced or separated), 11 are of the Maronite denomination, the second highest score is for the Sunni denomination. However, only three have converted to another denomination (in order to get married out of their faith), and none for divorce reasons. This illustrates, even further, the weight of religion in marriage decisions and the need for Maronite Catholics to seek a civil regime.

In table 5, we cumulate predictions by block of variables and within each block. For instance, adding up MARONITE to REVENUE probability estimators increases the chance of accepting civil marriage to 76.35%, but with only 14 cases. The main results are as follows:

- If all socio-economic variables were calibrated to 1, the prediction of accepting civil marriages jumps to 97.14%. The number of persons in that case is ridiculously lowered to one.
- In the first block, when a marginal estimator is added to the previous ones, prediction increases, the number of observations decreases and some variables lose statistical significance.
- Since estimators of religious attitudes are negative, any additional estimator would lower the chance of accepting civil marriages. For instance, adding up LAWS and INSTITUTIONS probability estimators would lower the acceptance of civil marriage to 11%.
- In block 2, the cumulative prediction is lowered to 4% with 182 respondents.

We have to arbitrate between reasonable results and econometric results. It is clear from our regression and calibration results that being Maronite is the most influential variable. Socio-economic variables are important, but it is rare to find a respondent who cumulates more than one characteristic without losing statistical significance.

The main result of these prediction models is that religious affiliation is the main explanatory factor for accepting marriages contracts more than religious attitudes. Belonging to the Maronite Catholic affiliation is enough to increase the probability of accepting civil marriage by more than 59%. This proves that religious affiliation is intimately linked to Lebanese people's relationship to the State and their expectations of the State. Since Catholicism prohibits the possibility of divorce whereas civil marriage contracts allows it, Maronite Catholics find that their only way out is by secularizing marriage.

On the other hand, it is worth noticing how the attitudes of Lebanese towards judicial changes are anchored to social and economic attributes. Given certain features, a Lebanese citizen could be in favor of a civil regime or not: it is not about religious attitudes but rather about sectarianism. If one belongs to a repressive religious denomination, he/she would be in favor of change. If his religious denomination offers him an "easy" way out of a bad marriage, he would not seek out to secularize the judicial system, but would be comfortable with a clannish society. There is no place for such a discussion in this study, but it would be interesting in further research to explain the most efficient way to conduct changes. Is a top-down approach, which encourages religious institutions to change a better option or is a bottom-up approach where more education and more wealth enhance the relationship between the State and citizens' expectations better?

## **5. Conclusion**

The statistical survey conducted for this paper has allowed us to scan some characteristics of the Lebanese people, specifically for the debate over implementing a civil marriage regime. Religious affiliation is crucial to understanding the willingness to accept such a regime. A logistic regression has enabled us to sketch the profile of a Lebanese individual who would be willing to accept civil marriages. However, the solution to the problem remains in the hands of public authorities. The Lebanese State has not even triggered the debate about the subject, let alone asked the citizens of Lebanon if they were pro-secularization or not. Our study makes the matter even more puzzling: the Lebanese State would not be able to trigger changes since the acceptability of civil marriages is a matter of group preferences and not of general religious attitudes. This acceptability is strongly dependent on education and revenue, but even more on religious denominations.

Lebanon is still under the influence of religious institutions which hold the legal rights of producing marriage contracts and have uncontested political, social and cultural powers. Even though these institutions are in competition, culture and religious beliefs make it hard for couples to choose a marriage contract produced by another denomination than their own.

One shouldn't ignore also the discrimination against women in laws and in society. Even if there are loopholes or ways which women can use in order to improve their power of negotiation or enhance their marital rights, they are either unaware of them or they are prevented from using them by their social groups.

Hence, Lebanon has many options. First, it could decide to replace current religious family laws by a unified civil regime exclusively run by the State. This option would have the disadvantages of any monopoly. Second, it could implement an optional civil marriage regime in addition to the current religious regimes. This would mean that the State is a clan, in competition with other religious clans. What would that imply as State power and collective representation? Third, the State can maintain the current competitive regime and find ways to boost competition in order to push religious institutions to modernize their religious laws and amend their marriage contracts. This is actually the solution for which the Lebanese State has opted by allowing conversion and interfaith marriages. Installing mutual recognition of religious norms and separating between marriage contracts and other aspects of family law could be also a viable solution.

## References

- Bix, B. 2008. Pluralism and decentralization in marriage regulation. *Minnesota Legal Studies Research Paper*, 06. Available at SSRN: <http://dx.doi.org/10.2139/ssrn.1088440>.
- Cohen, L. 2004. Marriage: the long term contract. In *The law and economics of marriage and divorce*, 10-34. New York: Cambridge University Press.
- Cohn, M. 2004. Women, religious law and religious courts in Israel - the Jewish case. *Retfaerd (Scandinavian Journal of Social Sciences)* 107: 57–76. Available at SSRN: <http://ssrn.com/abstract=942478>.
- Coulmont, B. 2002. Devant Dieu et face au droit? Le mariage religieux des homosexuels aux États-Unis. *Critique Internationale* 4(25):43–52.
- Dnes, A. 2000. Marriage contracts. *Encyclopedia of law and economics: The regulation of contracts* 3: 864–86. Available at: <http://encyclo.findlaw.com/5810book.pdf>.
- Ducruet, J. 2003. Le statut du mariage et de la famille au Liban, *Travaux et jours* 71:77–92.
- El Menyawi, H. 2012. Same-sex marriage in Islamic law. *Wake Forest journal of law and policy* 22, 375–531. Available at SSRN: <http://dx.doi.org/10.2139/ssrn.2226750>.
- England, P., and G. Farkas. 1986. Households, employment and gender: a social, economic and demographic view. New York: Hawthorne.
- England, I. 1987. Law and religion in Israel. *The American Journal of Comparative Law* 35(1):185–208.
- Galanter, M. 1963. Law and caste in modern India. *Asian Survey* 3(11):544–59.
- Gannagé, P. 1969. Statut personnel et laïcité au Liban et dans les pays Arabes. In *Le pluralisme des statuts personnels dans les états multicommunautaires*, 15-28. Beirut: Presses de l'université Saint-Joseph.
- Gupta, G. 1976. Love, arranged marriage, and the Indian social structure. *Journal of Comparative Family Studies* 7(1):75–85.
- Haeri, S. 1992. Temporary marriage and the State in Iran: an Islamic discourse on female sexuality. *Social Research* 59(1): 201–23.
- Kindregan, C. 2007. Religion, polygamy, and non-traditional families: Disparate views on the evolution of marriage in history and in the debate over same-sex unions. *Suffolk University Legal Studies Research Papers Series no. 26*.
- La Porta, R., F. Lopez-de-Silanes, and A. Schleifer. 2007. The economic consequences of legal origins. *Journal of Economic Literature* 46(2):285–332.
- Lemennicier, B. 1988. *Le marché du mariage et de la famille*. Paris: Presses Universitaires de France, 226.
- Lundberg, S., and R. Pollak. 1996. Bargaining and distribution in marriage. *Journal of Economic Perspectives* 10: 139–58.
- Miller, K. 2009. Who says Muslim women don't have the right to divorce? – A comparison between Anglo-American law and Islamic law. *Islamic Law and Law of the Muslim World Paper* 79. Available at SSRN: <http://ssrn.com/abstract=1459062>.
- Murat, P. 2013. La constitution et le mariage : regard d'un privatiste. *Les nouveaux cahiers du conseil constitutionnel* 2(39): 19–41.

- Nakonezny, P., R. Shull, and J. Rodgers. 1995. The effect of no-fault divorce law on the divorce rate across the 50 states and its relation to income. *Education and Religiosity, Journal of Marriage and the Family* 57(2): 477–88.
- Nichols, J. 2012. Multi-tiered marriage: reconsidering the boundaries of civil law and religion. In *Marriage and divorce in a multicultural context*, 11–59. New York: Cambridge University Press.
- Sambrani, R., E. Sambrani, and A. Aziz. 1983. Economics of bride-price and dowry, *Economic and Political Weekly* 18(15).
- Sanger, C. 2006. A case for civil marriage. *Cardozo Law Review* 27(133).
- Schmiedeler, E. 1932. Some social values of ecclesiastical and civil marriage legislation. *Social Forces* 10(4): 587–93.
- Shaw, K. 2004. Louisiana covenant marriage: recapturing the meaning of marriage for the sake of the children. In *The law and economics of marriage and divorce*, 92–117. New York: Cambridge University Press.
- Shehadeh, L. 1998. The legal status of married women in Lebanon. *International Journal of Middle East Studies* 30(4):501–19.
- Sherkat, D.E., and J. Wilson. 1995. Preferences, constraints, and choices in religious markets: an examination of religious switching and apostasy. *Social Forces* 73(3): 993–1026.
- Singer, Jana B. 1992. The privatization of family law. *Wisconsin Law Review* 1443–1567.
- Smith, I. 2003. The law and economics of marriage contracts. *Journal of economic surveys* 17, 201–26.
- Stark, R., and L.R. Iannaccone. 1994. A supply-side reinterpretation of the secularization of Europe. *Journal for the Scientific Study of Religion* 33, 230–52.
- Sunstein, C.R. 2004. The right to marry. University of Chicago, Public Law Working Paper no. 76. Available at SSRN: <http://dx.doi.org/10.2139/ssrn.612471>.
- Tschannen, O. 1991. The secularization paradigm: A systematization. *Journal for the Scientific Study of Religion* 30(4): 395–415.
- Voas, D. 2003. Inter-marriage and the demography of secularization. *British Journal of Sociology* 54(1): 83–108.
- Weitzman, L. J. 1981. *The marriage contract: Spouses, lovers, and the law*. New York: The Free Press.
- Witte, J., and J. Nichols. 2008. More than a contract: marriage as contract and covenant in law and theology. University of St. Thomas School of Law, Legal Studies Research Paper no. 8.
- Witte, J. 2012. Church, state and marriage: four early modern Protestant models. *Oxford Journal of Law and Religion* 1(1): 151–68.
- Witte, J. 2012. *From sacrament to contract: marriage, religion, and law in the western tradition*. Kentucky: Westminster John Knox Press. Louisville.



**Table 1 : Acceptance of Civil Marriage Regime by Religious Affiliation**

	YES (%)	NO (%)
Maronite	48	46
Greek Orthodox	41	46
Druz	16	67
Sunni	29	56
Shia	21	59
Total	31	55

**Table 2: Summary of Variables**

	VARIABLE	CONTENT	OBSERVATIONS	
			Value=1	Percentage
Dependent	CIVIL	The respondent would comply with a civil marriage regime implemented by the State.	184	30.51
	MARONITE	The respondent is of Maronite Catholic denomination. The religious denomination of the spouse is not relevant. All other denominations are considered as a reference group.	124	20.56
Block 1 : Socio-economic independent variables	AGE	The respondent is 40 years old or less.	337	55.89
	UNIV	The respondent has a university level education or higher.	221	36.65
	SAIDA	The respondent lives in the coastal city of Saida. This variable indicates location and is used as proxy for divorce. Out of 38 divorced couples, 11 respondents live in SAIDA.	75	12.44
	REVENUE	The monthly minimum salary of the interviewee is USD1,500.	62	10.35
	CHILD	The respondent has 2 children or more.	326	54.06
Block 2 : Religious attitudes independent variables	LAWS	The respondent believes that the laws of his religious denominations should not be changed.	452	75.59
	INSTITUTIONS	The respondent believes that religious institutions are outdated.	508	84.81
	CONS_WOM	Crossed variable: The respondent is a woman who considers herself as having a conservative religious identity.	254	42.12

**Table 3: Logit Estimators of Separate Blocks (CIVIL Dependent Variable)**

Independent variables	BLOCK 1 (Socio-economic independent variables)	BLOCK 2 (Religious attitudes independent variables)	COMPLETE MODEL
MARONITE	1.002 (0.22)		0.833 (0.24)
AGE	0.668 (0.21)		0.608 (0.22)
UNIV	0.735 (0.22)		0.555 (0.22)
SAIDA	0.729 (0.28)		0.721 (0.28)
REVENUE	0.951 (0.33)		0.777 (0.34)
CHILD	0.524 (0.21)		0.467 (0.21)
LAWS		-0.834 (0.21)	-0.687 (0.23)
INSTITUTIONS		-0.937 (0.25)	-0.951 (0.26)
CONS_WOM		-1.338 (0.21)	-1.08 (0.22)
Constant	-2.308 (0.22)	1.034 (0.26)	-0.439* (0.35)
Number of observations	599	597	593
Pseudo-R2	0.133	0.115	0.202

Notes: \*insignificant at the 5% level.

**Table 4: Calibration after Marginal Effects**

Independent variables	Pr(CIVIL)
MARONITE=1	59.72
REVENUE=1	58.39
SAIDA=1	57.02
AGE=1	54.22
UNIV=1	52.89
CHILD=1	50.71
LAWS=1	24.47
INSTITUTIONS=1	19.93
CONS_WOM=1	17.87

**Table 5: Calibration of Socio-economic Variables (Cumulated Probabilities)**

Independent Variables	Cumulated Pr (CIVIL)	Number of observations	Variables losing significance at 5%
MARONITE=1	59.72	124	
REVENUE=1	76.35	14	CHILD, LAWS
SAIDA=1	86.9	5	CHILD, LAWS
AGE=1	90.71	4	REVENUE, CHILD
UNIV=1	95.51	3	UNIV, SAIDA, REVENUE, CHILD
CHILD=1	97.14	1	AGE, UNIV, CHILD, LAWS
LAWS=1	24.47	452	
INSTITUTIONS=1	11.12	504	REVENUE
CONS_WOM=1	0.04	182	UNIV, CHILD, REVENUE