

# Imagining the Future of Politics in Syria through the Constitution: Gender Exclusion and Transformative Pathways

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# Introduction

*"We got rid of Assad. That's right, but this was not the goal, our goal was not just get rid of Assad but getting rid of dictatorship. We are free from Assad but now we have the religious dictatorship which is as dangerous"* (Amina, a Syrian intellectual and activist, Interview, 9 April 2025).

On December 8, 2024, the Assad government which had ruled Syria since 1971, collapsed unexpectedly during a major offensive campaign. This campaign was led by Hay'at Tahrir al-Sham (HTS), a jihadist organization led by Mohammad al-Jolani (Ahmad al-Sharaa), who declared himself president and established a governing authority.

This paper examines the post-Assad era in Syria, where contradictory inclinations of authoritarian excluding policies conflict with pathways toward a more prosperous and inclusive future for a country torn by decades of violence and authoritarianism. With Assad's fall, Syria entered another historical juncture. This phase marks an in-between phase that offers the possibility of a new society and new political relations. This is also a founding moment in which the institutional and legal architecture of a future order is conceived, negotiated, and codified. This episode is formative as it reshapes political relationships, establishes future configurations of power, and may even influence trajectories beyond national borders (Albert et al., 2019). It holds the potential for radical transformation as much as it is equally susceptible to reproducing authoritarian and patriarchal restoration in new forms. Although this paper is about Syria, it addresses a broader concern about the future of political life in the Middle East, where in many cases the old is dying while the new is yet to be born. The concern is the society's capacity to imagine and create prosperous ways of being.

Hannah Arendt (1958, p. 9) believes that human beings possess the capacity to begin anew. She views the founding moment as not a technical exercise in legal codification, but rather a crucial moment of reconstruction. Such a moment is believed to be heavily depending on "constitutional imagination" (Loughlin, 2015, p. 1) and the extent to which the future is translated into constitutional form. However, constitutions, this paper argues, are far from neutral legal frameworks. Besides functioning as a legal framework, they also function as symbolic assertions of power and codification of popular opinion. They encode visions of both the political community and operate as mechanisms of narrative power (Loughlin, 2015, p. 1; Hirsch, 2010, p. 4).

More so when the Syrian constitutional history is considered. Historically, Syrian constitutions were primarily instruments of top-down control, invoking religion and ideology to impose a single vision of a political community, thereby undermining popular sovereignty (Hirsch, 2010, p. 4; Charrad, 2001, p. 67). Under Assad, constitutional frameworks were anchored in the "Baathist" ideology and organized around five proclaimed principles: Arab unity, resistance to Zionism and imperialism, socialism, "freedom and democracy," and alignment with global liberation movements (Wadeen, 1999, p. 13; Abboud, 2016, p. 45). While these principles claimed universality, they, in practice, encoded a domination narrative that justified repressive governance and enforced conformity.

Therefore, the main question is whether the post-Assad era represents a genuine and renewed beginning or merely reproduces authoritarian dominance and repressive rule. If, as Arendt reminds us, every beginning can potentially open up a space for enhancing possibilities, the question is whether Syria is moving towards a more inclusive future or is simply reproducing old structures under revised terms. What are the possibilities for a more inclusive future and how are they framed, expressed, and shaped?

The question of the future of political life in Syria is especially compelling given the ambivalent stance about developments in this country. While Assad's fall

was initially heralded as a democratic breakthrough, many observers now emphasize the persistence of highly centralized presidential rule under the new leadership (Al-Ali, 2025, p. 28). Comparative experiences reinforce this concern: in Egypt, Tunisia, Libya, Sudan, and Yemen, revolutionary uprisings instead of opening the horizons for a prosperous political future, either produced new authoritarian rules or devolved into protracted and violent conflict (Brown, 2002, p. 21; Sultany, 2017, p. 34). More broadly, since the 1970s, many Muslim-majority states have declared Sharia as a principal source of law, yet few, if any, constitutional frameworks have been genuinely bottom-up in design (Hirsch, 2010, p. 4). Whether Syria is an exception, or yet another iteration of this pattern is a question.

The political rupture of 2024 produced trauma, fury, and the breakdown of social and political norms due to ongoing massacres and killings. It simultaneously ushered in a new era in which the possibility of imagining an inclusive legal and political order has emerged. This study examines how competing imaginations and narratives shape political and legal authority, how undemocratic frameworks are mobilized to dominate rather than liberate, and to what extent the Syrian Interim Constitution reinforces renewed exclusion more than emancipation. It illustrates how dominant actors monopolize the constitution to entrench hierarchies rather than dismantle them, especially along the lines of gender and minority status (Charrad, 2001, p. 67).

This study approaches the Syrian Interim Constitution, not simply as a legal document but as a site of narrative contestation, where revolutionary aspirations, gendered exclusion, and minority marginalization intersect with the monopolization of power. As will be shown, the Interim Constitution risks consolidating a monolithic narrative that privileges the voice of the "liberator" over the pluralistic aspirations of the Syrian people, particularly women. There is a structural gap between undemocratic attitudes that do not treat all citizens equally and more inclusive attitudes based on equality for women and minorities. This gap illustrates Syria's political fragility.

This paper builds on my ongoing project *Feminist Transformative Imaginaries*, launched in 2022 at the UCL Institute for Global Prosperity. It explores how feminists in the Global South move beyond traditional domains to transform politics in times of crisis. The analysis presented here extends that agenda through a focus on Syria's constitutional debates and feminist interventions shaping alternative pathways.

## Constitutions for or against Gender Equality?

Constitutions are generally seen as guaranteeing women's rights and gender equality. However, many Middle Eastern experiences have proved the contrary. In Iran, the Constitution drafted after the 1979 revolution reduced women to second class citizens and denied the rights they had earned after decades of struggle (Sadeghi, 2023). In Iran, constitutions are used to perpetuate gender-based discrimination instead of dismantling it.

Similarly, in Egypt, following the 2011 revolution, a constitution was drafted in which women were not considered equal to men (Elsadda, 2013-2014). In many Middle Eastern countries, constitutions either explicitly deny gender equality, or formally recognize it while it has already been undermined by personal status laws that are legally binding.

What was the situation of women in the Syrian constitution during Assad? Did the Constitution protect women's rights? Does the Syrian Interim Constitution guarantee gender equality? How did Syrian women respond to this document? What are their alternatives? How do more inclusive narratives of women challenge the exclusionary legal practices? Is there any chance of the existence of a more democratic constitution? What are the obstacles?

As will be demonstrated in this paper, the previous Syrian Constitutions formally accept gender equality. However, this recognition is undermined effectively by the personal status law, which denies gender equality by resorting to Islamic jurisprudence and hierarchical perception of gender. The Syrian Interim Constitution,

which was drafted after Assad fell, does not guarantee gender equality either. It confines women's participation in political life to parenting and reproduction, and excludes them from substantive political roles. Despite their central role in the uprising and in grassroots initiatives for peace and justice, this legal architecture reduces women to second-class citizens.

In addition, the Syria's personal status law reinforces women's marginalization similar to many other Arab and Islamic countries. Therefore, constitutional design cannot be adequately analysed in these contexts without considering the powerful influence of personal status law. These legal frameworks often portray women as symbols of national honor, authenticity, and identity. One could conclude that in Syria, constitutional law and personal status law are interdependent.

Women's and minority rights advocates and civil society actors contest the exclusive logic of the legal framework. Their multi-faceted struggle includes not only challenging the discriminatory legal framework but also highlighting the plurality and diversity of Syrian society and questioning both the domination narrative and narrative dominance. These interventions, which went largely unnoticed, highlight the relationship between storytelling and constitution-making: whose accounts of the revolution are legitimized and directly shape whose rights are institutionalized. As this paper argues, meaningful gender inclusion is inseparable from uncovering and amplifying the female face of the revolution, recognizing women not merely as victims or symbolic figures but as central political actors whose struggles and visions must inform the constitutional framework (Al-Khalili, 2023, p. 12).

Yet, as in Egypt and other post-uprising contexts, the proponents of pluralism and gender justice frequently lack access to legislative authority, while those resisting pluralism control the legal apparatus. The Syrian case illustrates how constitutions operate as arenas of narrative domination: they codify the superiority of actors who successfully instrumentalize law to consolidate their preferred vision of the nation's past, present, and future, while silencing competing and particularly gendered perspectives.

Syria's founding moment is thus not merely a transitional phase, but also a battleground for political imagination, legal contestation, and gender equality. Recognizing and amplifying excluded voices is essential to Syria's pluralistic potential. Inclusive, collective, and redemptive narratives are central to shaping a more egalitarian future that was once imaginable but is now being violently marginalized.

## Research Method and Theoretical Framework

The study is divided into two parts: The first part examines Syria's constitutional history with particular emphasis on the Assad era, the legal codification of the state of emergency, and the role of narrative in strengthening power. The second part examines the Interim Constitution and asks whether Syria can break free from authoritarianism and exclusion and build a prosperous future. It analyses how the Interim Constitution codifies gender hierarchies and how women's narratives and initiatives contest these exclusions. Together with textual analysis of legal documents, this research adopts a contextual holistic approach that takes into account the historical context in which laws and regulations were ratified and implemented. Such an approach is essential because it does not focus solely on legal texts, which can prevent from fully comprehending the multilayered and complex situation in Syria. A holistic approach considers the interactions between the legal structure and the broader socio-political developments including gender dynamics. Therefore, in this paper, the current founding moment is analysed in relation to the previous constitutions and

the historic power dynamics. This approach allows us to consider the Interim Constitution in relation to the constitutional history as forming narratives of domination. They are often the grand narratives that a dominant individual and group impose on others based on which the society and its people are to be managed. This approach allows us to consider the constitutions more than just legal frameworks; but as products of struggle, imagination and aspiration. They must be understood within the broader context of political contestation, particularly in moments where authoritarianism and patriarchy intersect.

Apart from the existing literature, I incorporate perspectives and insights from Syrians both inside and outside the country. I conducted fifteen semi-structured online interviews with activists, lawyers, scholars, analysts, and journalists between March and August 2025. Along with the interviews, in some cases, the participants were asked to fill out a questionnaire because they were more comfortable writing their views rather than expressing them orally. The questions in both oral interviews and questionnaires include the participants' opinions on the political situation in Syria, their attitudes towards the new government, and the Interim Constitution and whether it reflects and represents the aspirations of people and the diversity of Syrian society, their opinion on gender and how it is reflected in the Constitution, the initiatives of women and civil society organizations and their response to gender discrimination, and finally, how they see the future of Syria.

The interviewees are from different cities, diverse religious backgrounds including Sunni, Alawite, Druze, Christian, various ethnic groups including Kurds and Arabs, and different age groups and generations. This diversity guarantees that a single group is not disproportionately represented. However, this research avoids generalization and by no means claims to represent Syrian society in its entirety. It only reflects the opinions of a selected group and represents their opinions only, although this does not imply that their views are less legitimate than others.

It should be noted that I have changed the names of my interlocutors to ensure their safety. Other identifiers such as place of residence and profession, are also anonymized.

# Part I: The Formation of the Syrian Republic

Syria is a diverse society and home to various ethnic and religious groups including Armenians, Syriacs, Turkmen, Christians, Druze, and others living alongside the Arab majority. It is estimated that Arabs constitute 50% of Syria's nearly 24 million people, while Alawites, Kurds and Christians make up 35%. The remaining percentage is made up of Druze, Ismaili, and other ethnic and religious groups (BBC, December 2011).

The modern political foundations of this country can be traced back to the collapse of the Ottoman Empire after World War I when the French colonial power established a mandate over the region. Historically part of the Ottoman Empire, Syria came under French control following the Empire's collapse during World War I. In 1920, at the San Remo Conference, the Allied powers formalized the League of Nations mandates dividing former Ottoman territories. France was given the mandate over Syria and Lebanon, while Britain received mandates over Palestine and Iraq.

In March 1920, the Syrian National Congress declared the Arab Kingdom of Syria under King Faisal bin Hussein, claiming the full extent of Greater Syria, including Palestine and Mount Lebanon. The Congress also approved a draft constitution in July 1920, establishing a secular constitutional monarchy and promoting justice and equality among religious communities. Yet, the French mandate was imposed by military force later that month, and Faisal was expelled. This marked the beginning of nearly five decades of constitutional instability. Efforts to establish a sovereign and inclusive constitutional state began in 1920, when the Syrian National Congress declared the Arab Kingdom of Syria and drafted a secular constitution. However, this was thwarted by the French occupation, leading to decades of political instability. A series of constitutional

charters followed, many drafted under foreign occupation or military states, and each reflected the prevailing ideological tide of the moment. Most notably, the 1950 Constitution introduced Islamic jurisprudence as a legislative source, a provision retained in all subsequent charters, because at the time it was considered an ultimate way of resisting Western and imperial power.

Under French rule, Syria adopted the 1928 Constitution, which established the country as a parliamentary republic. It enshrined key civil rights, including freedom of religion, expression, and assembly. It also enshrined equality among all citizens regardless of religion, sect, ethnicity, or language. The constitution affirmed that "the nation is the source of all authority" and that the national parliament holds legislative power. Although progressive, these provisions remained theoretical under colonial occupation.

In 1930, the French High Commissioner adopted a revised 1928 Constitution, restricting nationalist elements and asserting French authority. This constitution, though frequently suspended during French control and World War II, laid the groundwork for Syria's legal framework. It remained in place when Syria gained independence from French rule in 1946.

In 1950, the Constituent Assembly adopted an amended constitution that expanded civil liberties and affirmed the equality of Syrians before the law. It also affirmed voting rights for men and women over 18. It confirmed that "supreme authority belongs to the people" and allowed for the creation of political parties, as long as they were peaceful and democratic. Several articles addressed gender explicitly: Article 7 formally guarantees equal rights and dignity for all citizens, and Article 8 promises equal opportunities.

However, despite such inclusive language as "all citizens," both women and minority groups remain disadvantaged under laws governing personal status, nationality, labour, and social insurance. The absence of explicit guarantees for gender and minority equality renders the phrase "all citizens" inadequate to secure these rights in practice.

progressively alienated Syrian elites. Egyptian policies, including land reform and nationalization, were imposed, and Syrian military officers resented being subordinated to Egyptian commanders. While the union meant Egyptian domination over Syria's politics and economy, Syria did not entirely lose its constitutional framework. A new UAR constitution provided the legal basis for the unified entity, including a National Assembly, until Syria's secession.

The UAR collapsed following a Syrian military coup on September 28, 1961. Syria then reestablished the Syrian Republic and temporarily reinstated the 1950 constitution. In 1963, the Baath Party seized power, establishing the National Council of the Revolutionary Command and consolidating all state powers. A new provisional constitution was adopted in 1964. A state of emergency was declared, which officially remained in effect until it was lifted in 2011, although it remained in effect until 2024.

In 1966, the Baath Party's radical faction led another coup, overthrowing the more moderate leadership. This pivotal event brought figures like Salah Jadid and Hafez al-Assad to power, paving the way for the Alawite-dominated rule that would be solidified in the coming years. Following the coup, the radical faction consolidated power, implementing socialist policies, nationalizing industries, and centralizing the economy, which alienated the merchant and private sectors.

The Baath Party, although promoting secular Arab nationalism, created a growth in sectarian tensions due to the increasing dominance of the Alawites within the military and intelligence services. The coup marked a significant shift, as it brought an Alawite-dominated faction to the forefront of the government. This concentration of power involved the promotion of loyalists, many of whom were Alawite, within the military and security apparatus, gradually entrenching Alawite influence.

The government sustained control through a combination of coercion, clientelism, and limited reforms (George, 2003). Raymond Hinnebusch (2003) describes the Baathist regime as a "revolution from

## Baathist Ideology and the Post-independence Constitutions

Syria's post-independence constitutional order was short-lived. A series of military coups began in 1949, leading to frequent constitutional changes. The 1953 Constitution, for instance, shifted presidential elections to popular vote. However, in 1954, the 1950 Constitution was reinstated.

Syria's 1958 merger with Egypt to form the United Arab Republic (UAR) was another turning point for the country. Following the merger with Egypt, the country's constitutional governance was entirely suspended. In addition, the 1950 Syrian constitution was replaced by a provisional UAR constitution, and this suspension lasted until Syria seceded in 1961. As part of the union, all Syrian political parties, including the Baath Party, were dissolved, and the Syrian National Assembly was disbanded, replaced by a joint legislature heavily dominated by Egyptians (400 Egyptian members to 200 Syrian).

The United Arab Republic (UAR) was established as a unitary state with centralized Egyptian control, which

above," where state-led modernization and populist redistribution initially built legitimacy. He emphasizes the role of sectarianism, class, and rural-urban dynamics in shaping Syria's political order. The Baathist government's durability, he maintains, derived from a coalition between the military-bureaucratic elite and peasant classes, bolstered by agrarian reforms and the party's populist rhetoric. He analyses how this alliance institutionalized authoritarian rule, with the military and party acting as central pillars of control, while also exploring the limits of state power and the tensions between coercion, legitimacy, and socio-economic change (Hinnebusch, 1999).

Over time, however, declining social contract, elite fragmentation, and neoliberal economic reforms weakened the state's legitimacy and set the stage for unrest. The economic transformation intensified the exclusionary and coercive features of the constitutional order, as the government relied more heavily on repression and patronage rather than broad-based ideological or economic inclusion (Haddad, 2011; Hinnebusch, 2012). The government's reorientation of the economy away from its state-driven developmental model toward a market-oriented approach placing the private sector at the centre of growth radically altered the social bases of support for authoritarian rule. This shift not only deepened inequality and weakened the government's populist legitimacy but also reinforced the concentration of wealth and power in networks closely tied to the ruling elite.

As a result, many Syrians came to view the Baath Party as having betrayed its founding ideals, transforming from a revolutionary movement into a vehicle for repression and autocratic rule (Seale, 1998; Heydemann, 1999).

## The 1973 Constitution

In 1970 Hafez al-Assad took over and initiated a new political era. Following a series of earlier constitutional experiments including parliamentary systems and republican constitutions, Syria adopted the 1973 Constitution, which marked a significant shift toward authoritarianism (Syrian Arab Republic, 1973).

Drafted under Hafez al-Assad's supervision and ratified by referendum, the 1973 Constitution established the Baath Party's dominance. It outlined five key socialist-nationalist principles, positioning Syria as a leader in the broader Arab revolutionary movement. These principles included Arab unity, resistance to Zionism and imperialism, the importance of socialism, the sanctity of freedom and democracy, and alignment with the global liberation movements. The document outlined a tripartite governance structure consisting of the executive, legislative, and judicial branches. In practice, however, it concentrated power in the hands of the president. Article 8 officially designated the Baath Party as the "leader of the state and society," effectively institutionalizing a one-party system (Syrian Arab Republic, *ibid.*). It sustained *fiqh* as the basis for legislation continuing a trend begun in 1950. Article 3 asserts that Islamic jurisprudence is "the main source of legislation" (Syrian Arab Republic, *ibid.*).

In principle, Syria's constitution granted many basic rights, including freedom of speech and freedom of assembly. Article 38 of the constitution guaranteed the right of every citizen to "freely and openly express his views in words, in writing, and through all other means of expression" and to "participate in supervision and constructive criticism in a manner that safeguards the soundness of the domestic and nationalist structure and strengthens the socialist system." Article 39 granted citizens the right to meet and demonstrate peacefully, in accordance with the law (Syrian Arab Republic, *ibid.*).

In reality, however, the Syrian authorities used the state of emergency and its accompanying restrictive legislation to suppress civil associations and human rights groups. Although the Constitution allowed for amendments, and changes were made in 2012 during the early stages of the Syrian uprising, the 1973 framework has largely shaped Syrian political life for decades. The centralization of power, the legal embedding of the Baath Party's dominance, and the intertwining of religious and state authority have played a significant role in both the longevity of Assad's rule and the challenges of democratic reform. The 1973 Constitution under Hafez al-Assad entrenched the Baath Party's power and centralized authority in the presidency. Even after the 2012 reforms introduced by Assad's government during the Arab uprisings the constitution continued to preserve the president's sweeping powers and limit genuine democratic pluralism.

Under the state of emergency, Syrian authorities could refer civilian defendants to the Supreme State Security Court (SSSC, المحكمة الأمن الدولة العليا), an exceptional court that was exempt from the rules of procedure followed by regular Syrian courts. Syrian authorities relied on the SSSC in the past to prosecute human rights activists: it was the SSSC that in March 1992 sentenced ten activists to prison, for example (Human Rights Watch, 2007). The SSSC charged the defendants in that case with membership in an illegal organization, distribution without permission of leaflets critical of the Syrian government, and conspiracy to undermine the government. Most human rights activists considered the continued application of the emergency law as the biggest impediment to their work. One of them expressed his frustration: "At the end of the day, the issue is not a question of [existing] laws, whether they are good or bad. Under the current [emergency] situation, I can't even buy a fax machine without a permit. The situation is not workable" (Human Rights Watch, 2007).

## State of Emergency

The emergency law imposed in 1963 restricted many freedoms including public gatherings and freedom of movement and allowed the arrest of anyone suspected of posing a threat to security. This led to the decades-long suspension of constitutional provisions. These powers created an environment where the authorities abused the most basic rights and freedoms of the Syrian people on a wide scale. In addition, they adopted arbitrary measures to silence critics in the name of safeguarding national security. For instance, the law forbade contravention of orders from the martial law governor, offences "against the security of the state and public order," offences "against public authority, offences that disturb public confidence, and offences that "constitute a general danger."

# Syria's Constitutional History and Gender

Syria's constitutional history has oscillated between limited reforms and entrenched repression. Early constitutional texts, particularly those of 1928 and 1950, made important advances in affirming equality and civil liberties, including some recognition of women's rights. Yet, these gains were consistently undermined by political instability, colonial interventions, and authoritarian rule. Despite the inclusive rhetoric of some texts, gender equality in Syria has remained largely symbolic, with systemic legal discrimination persisting across personal status, nationality, and labour laws.

The 1950 Constitution permitted the creation of new political parties and recognized women's right to vote and participate in public life. By contrast, the 1973 Constitution marked a regression: it centralized authority in the ruling Baath Party, curtailed political pluralism, and failed to introduce any new protections for women. The 1973 and 2012 constitutions, both products of authoritarian governments, thus left significant gaps in the protection and realization of gender justice. Efforts to introduce gender reforms in revolutionary contexts also faltered, as women's movements and civil society were systematically suppressed. As Aili M. Tripp observes, the suffocation of civil society made it nearly impossible for women's rights advocates to ensure that reforms were either enacted or implemented in a gender-sensitive fashion, particularly under conditions of military dominance and political instability (Tripp, p. 35).

Beyond their institutional frameworks, the constitutions of 1973 and 2012 articulated a patriarchal and militarized vision of the nation. As Rahaf Aldoughli indicates (2016), their preambles frame Syrian identity through ideals of masculine heroism and sacrifice. The 1973 preamble celebrated the Baathist "struggle" and the duty to defend the homeland as central to citizenship. The 2012 revision, despite its modernized language, continued to glorify "martyrs who defended the nation" and the "heroic struggle against colonialism and Zionism." Both texts tie citizenship to militarized masculinity, presenting defence of the nation as the primary civic duty.

Within this nationalist discourse, women are cast as guardians of cultural authenticity and family honour (*namus*), rather than as autonomous political actors (Chatterjee 1989; Yuval-Davis and Anthias 1989; Kandiyoti 1991a, 1991b; Najmabadi 1991). Even though the constitutions employ ostensibly inclusive language such as "all citizens," the underlying narrative defines citizenship through male-coded sacrifice. This discursive framework naturalizes patriarchy not only through substantive laws but also through the ideological language of the constitution, embedding gender hierarchies into the imagined foundations of the nation (Aldoughli 2016; 2017). This, in turn, has normalized militarism and masculinized nationhood, thereby obstructing the elimination of the gender gap in Syrian law and governance.

Moreover, these constitutions failed to reflect ethnic, religious, and social diversity of the Syrian population. Like many constitutions of the region, they privileged nation-building over democratic pluralism, reducing citizens to homogeneous identities such as "Syrians," "Egyptians," or "Iranians" while erasing minority representation. This homogenizing model, intended to guarantee stability, instead marginalized large segments of society, suppressed alternative political voices, and entrenched authoritarian governance. By neglecting inclusivity and minority participation, it contributed to enduring social tensions and political fragility, conditions that continue to undermine democratic development across the region.

# Uprising and Oppression

Syria was ruled by the Assad family through extreme violence, which was not just a legacy of Hafez al-Assad, but also that of his son, Bashar al-Assad. The most notorious example of this is the 1982 Hama massacre (Lefèvre, 2013), in which the government responded to dissent with overwhelming and indiscriminate force.<sup>[1]</sup>

Despite severe repression, the wave of revolutionary uprisings known as the Arab Spring in 2011 also affected Syria. On 28 January 2011, in the northeastern town of Hasakeh, Hassan Ali Akleh set himself on fire in protest against the Assad rule. His act which went largely unremarked mirrored that of Mohamed Bouazizi, whose self-immolation six weeks earlier in Tunisia was the spark that ignited a Revolution (Yassin-Kassab and Al-Shami, 2016). In March 2011, however, peaceful demonstrations erupted in the city of Daraa and spread across Syria, calling for freedom, dignity, and an end to Assad's rule. These protests were part of a broader wave of uprisings that began in late 2010 in Tunisia and Egypt, where mass demonstrations with the slogan "الشعب يريد إسقاط النظام" ("The people want the fall of the ruling system") brought down long-standing autocracies. The momentum of these movements quickly spread across the region, inspiring Syrians to demand change.

In July 2011, military defectors formed the Free Syrian Army, marking the transition to a militarized conflict. Over time, the war became increasingly sectarian (Abboud, 2016) and drew in regional and international powers including Iran, Russia and Turkey, each pursuing its own strategic interests. Iran provided extensive political, financial, and military support, including deploying the Islamic Revolutionary Guard Corps (IRGC) and mobilizing allied militias, to bolster the Assad government. Russia intervened militarily in 2015, offering airpower, training, and diplomatic

backing, which proved decisive in tipping the balance in Assad's favour. Meanwhile, Turkey supported various opposition groups, provided logistical aid, and occasionally conducted cross-border operations, aiming to limit Kurdish influence and counter Assad-aligned forces near its border. These interventions transformed the conflict into a multi-layered proxy war, prolonging hostilities and complicating prospects for a negotiated settlement. An initially peaceful revolution was met with brutal repression by the government, exploited by international actors, and was undermined by the rise of the jihadist groups (Al-Haj Saleh, 2017). The ensuing civil war led to the displacement of over 10 million people internally and in the neighbouring countries particularly Turkey that hosted an estimated 4 million while a much smaller number left for Europe.

The government came under intense pressure from protesters demanding sweeping reforms. Chief among these demands was the repeal of the 1963 Emergency Law which had long justified restrictions on civil liberties, the resignation of Bashar al-Assad (who had succeeded his father, Hafez al-Assad, in 2000), and the removal of Article 8 of the constitution, which established the Baath Party's monopoly on political power. The government responded with brutal repression: hundreds of demonstrators were killed, thousands detained, and numerous towns were placed under siege. As state violence escalated, opposition segments turned to armed resistance.

In an effort to quell unrest, Assad made calculated concessions. These included repealing the Emergency Law, abolishing the Supreme State Security Court, releasing some political prisoners, and dismissing a number of officials. Yet these moves were widely perceived as symbolic and failed to satisfy the protesters.

# The 2012 Constitution

In response to the uprising, on 16 October 2011, Assad appointed a 29-member Constitutional Commission to draft an amended Constitution. The draft was finalized in February 2012 and put to a national referendum on 26 February. According to state-run media, 89.4% of voters approved the new constitution, with a reported turnout of 57.4%. However, at that time, large parts of the country were engulfed in conflict. Voting was not feasible in opposition-held areas, and the referendum was boycotted by most opposition groups, who rejected the process as illegitimate and dominated by government loyalists.

The 2012 Constitution (Syria Arab Republic, 2012) was introduced with several changes on the surface. The most notable of these was the removal of Article 8 of the 1973 Constitution, which established the Baath Party as the ruling party. In its place, Article 8 of the amended Constitution recognized political pluralism and the legal foundation for a multi-party system.

The amended constitution also expanded political freedoms, at least nominally. It guaranteed the right to peaceful assembly, protest, and association (Articles 43–45). It included provisions aimed at protecting cultural diversity and explicitly banned political parties or activities based on religious, sectarian, ethnic, regional, class-based, professional, or gender discrimination (Articles 8, 33).

Moreover, the presidential term was limited to two seven-year terms (Article 88), a provision that appeared to address calls for checks on executive power. However, this term limit was not applied retroactively (Article 155), allowing President Assad to potentially remain in office for an additional 14 years following the 2014 election.

Despite these reforms, the 2012 Constitution was widely criticized by the Syrian opposition for its non-

inclusive drafting and ratification process, its continued concentration of power in the presidency, and its lack of genuine separation of powers. Much like the 1973 Constitution, the 2012 text preserves extensive presidential authority:

- The President retains the power to appoint and dismiss the Prime Minister and other ministers (Article 97), as well as civilian and military officials (Article 106).
- The President can declare a state of emergency (Article 103), which may now be revoked by a two-thirds majority of the Council of Ministers, though this represents only a modest procedural check.
- The President retains veto power over legislation (Article 100), which the People's Assembly can override only with a two-thirds majority.
- He may dissolve the People's Assembly (Article 111) and propose legislation (Article 112).
- In cases of "absolute necessity" or when the Assembly is not in session, the President may legislate by decree (Article 113); such decrees remain in effect unless repealed or amended by an absolute majority of the Assembly. However, even then, these amendments are not retroactive.

The 2012 Constitution, while reforming certain aspects, remains firmly rooted in the 1973 constitutional framework. It enshrined socialist-nationalist principles stressing Arab unity, anti-Zionism, and anti-imperialism. The document formalized the Baath Party's supremacy, declaring it "the leader of the state and society" (Article 8), and established a one-party state.

Though the constitution claimed to support freedom and democracy, it heavily restricted political participation. It also reaffirmed that Islam is the religion of the President and the main source of legislation, continuing a tradition started in 1950. As Thomas Pierret (2013) shows, the Assad government co-opted many ulama while repressing dissenting voices, resulting in a state-controlled religious establishment. These dynamics shaped Sunni grievances and influenced the religious dimensions of the uprising.

The 2012 Constitution was intended to address calls for reform but ultimately offered no significant improvements regarding women's rights. While the state of emergency was officially lifted, and Article 8 was revised to remove the explicit mention of Baath Party dominance, power continued to be highly centralized. No meaningful reforms were made to eliminate legal discrimination against women.

The year 2019 marked another moment of cautious optimism when UN Special Envoy for Syria, Geir Pedersen, announced the formation of the committee. After years of stalled peace talks and military-driven solutions, a new initiative emerged from the halls of the United Nations: The Syrian Constitutional Committee. It was designed to be a "Syrian-owned and Syrian-led" process, a political door-opener for a new future for the country. This initiative was the culmination of painstaking negotiations and represented the first concrete political agreement between the Assad government and the opposition to begin to implement a key aspect of UN Security Council Resolution 2254.<sup>[2]</sup> The committee's mission was to either amend the 2012 constitution or draft an entirely new one, with the ultimate goal of creating a political framework for peace.

The committee itself was a microcosm of Syria's fragmented reality. It was composed of 150 members, divided equally into three groups: a delegation from the Syrian government, representatives from the main opposition negotiating body, and a "civil society" bloc of independent Syrians nominated by the UN. This third group was meant to give a voice to a wide range of Syrians including activists, experts, and others, who were not tied to either of the two main belligerents. It was a symbolic gesture toward inclusivity, even if the selection process was itself subject to the influence of the warring parties and their international backers.

The first meetings in Geneva were infused with a sense of hope, even if fragile. However, it soon lost its momentum and descended into stagnation and frustration. The initial optimism quickly gave way to the deep-seated mistrust that defined the conflict.

The government delegation came to the table with a firm belief that the constitution was already valid and any amendments should be minimal, focusing more on lifting international sanctions. The opposition, on the other hand, saw constitutional reform as the foundation for a complete political transition, including a transitional governing body and a restructuring of power away from the presidency.

The meetings became a procedural battleground. The government insisted on an "anti-terrorism" agenda, while the opposition pushed for broader principles of human rights and democratic reform. Discussions stalled on everything from the agenda to the venue itself. The committee's work, which was designed to be a step towards a resolution, instead became a reflection of the wider geopolitical deadlock. The international powers including Russia, Iran, and Turkey had their own priorities, and the committee's fate was tied to a larger game of influence and control on the ground.

As the years passed, the Committee's meetings continued, but with diminishing returns. The process, once heralded as a breakthrough, became a symbol of how the international community was managing, rather than resolving, the conflict. It had not produced a new constitution, nor had it led to a broader political transition. It was, in the end, a story of a promising beginning that ran aground on the unyielding realities of power, distrust, and the deep wounds of a nation at war.

# Narrative of Survival: Either Assad or We Burn the Country!

Parallel to these efforts to restore legitimacy through limited legal reforms, the government adopted violent strategies to optimize and calibrate its "lethal techniques" (Munif, 2023, p. 16).

One prime example of the government's strategy of survival was the use of barrel bombs, and chemical and cluster bombs (Ismail, *ibid*). Barrel bombs are crude explosive devices packed into oil drums and dropped from helicopters, causing widespread devastation throughout the Syrian war. Since 2012, there have also been numerous documented instances of chemical weapons attacks during the conflict (Andriukaitis et al., 2018).

Another brutal tactic was homicide (Azzouz, 2023) and urbicide (Sharp and Rabbat, 2025) referring to the deliberate destruction of homes and the built environment of a targeted population, often followed by its reconstruction or intentional neglect with the aim of achieving specific political, socio-economic, ecological, and cultural outcomes, ultimately amounting to spatial domination.<sup>[3]</sup>

During the Syrian Revolution, the government extended this strategy of urbicide on cities such as Aleppo, Homs, Deraa, Houla, Deir al-Zour, Khan Sheikoun, and Damascus. Many cities such as Homs and Aleppo were completely destroyed by the bombardment and shelling of the government and the expulsion of the inhabitants. Many people have lost not only their loved ones, but also their homes and everything they had. Millions of people were

forced to flee Syria and seek refuge in neighbouring countries including Jordan, Turkey and Lebanon.

The government's broader strategy involved the systematic destruction of institutions, the deliberate exacerbation of sectarian divisions and extremism, and the imposition of widespread poverty not only to crush resistance, but to extinguish hope for a better future. As Salwa Ismail (2018) demonstrates, the political prison and the massacre, in particular, developed as apparatuses of government, shaping Syrians' political subjectivities and structuring their interactions with the government and with one another. Delving into the relationship between the individual and the state, she explains the emotional impact of state violence in Syria and shows how people re-experience the traumas they have suffered through remembering and bearing witness to its violence.

It also implied narrative power. In a famous speech on August 20, 2017, at a conference of the Syrian diplomatic corps, Assad stated: "This harmony is the foundation of national cohesion regardless of beliefs, ideas, traditions, customs, conceptions and opinions... Harmony does not imply homogeneity but the complementarity between them... This complementarity ... founded the unifying national union of all the children of the same fatherland."<sup>[4]</sup>

A key element of social cohesion, Assad noted, is harmony, which transcends ideas, beliefs, and traditions. Since the thought comes to mind that harmony means homogeneity, he immediately adds that harmony is not equal to homogeneity. Rather, it means that these elements are complementary. The government expected its citizens to ignore all their differences in beliefs, customs and ideas to create social cohesion. Nevertheless, it was difficult to talk about cohesion in this situation while violence and civil war have collapsed society.

The following short piece by AP Jama (2017) describes the situation in this way: "Dictatorships are a bit like 17th century absolutist monarchs; they're the centre of the domain. Civil society, institutions, all of that good stuff is done away with to consolidate their

power. So, the dictator is like, yo, I'm the only one keeping this shit together and we believe them. Because they are. Until they're not anymore. The same thing always happens in these types of situations: governmental institutions are quickly replaced with local interests and local quasi-institutions. All issues become local issues. The national myth replaced with a localized myth, be it tribal, sectarian or ethnic. It's difficult to see how Aleppo, having experienced what it did in the form of barrel bombs, Russian air raids, sieges that have lasted months, can see itself as not having a localised myth."

Parallel to this narrative of cohesion and complementarity, the slogan *الأسد او نحرق البلد* ("Assad or we burn the country" (Aljazeera, 9 December 2024) has been chanted by government supporters. As Radwan Ziyada (2022) notes, this was not just a slogan but a strategy. "Assad or we burn the country" was the government's strategy to ensure its continued rule at all costs. It was intended to create a process of major historical and demographic change for Syrian components. This strategy, according to him, consisted of five pillars: the extensive use of air power, the siege, massacres committed on sectarian or gender basis, forced displacement and migration, and the denial of return after asylum through the destruction of their properties. The strategy was not only about the government's survival, but also about reshaping the very fabric of Syrian society and its sociopolitical order. Displacement and destruction deepened fractures within Syrian society. This dynamic provides the context for understanding Syria's founding moment and the recurrent struggles over legitimacy, authority and inclusion in the post-Assad era.

# Part II: Towards a Prosperous Future?

Arab uprisings of the second half of the 21st century were followed by the greatest legal reforms. Through this process, twelve of the region's twenty countries either replaced their constitutions or amended them within just a few years, some more than once (Al-Ali, 2021:1). In five countries including Egypt, Tunisia, Libya, Yemen, and Sudan, the former presidents were forced out of office, leaving the new constitution to be negotiated through a political process that involved rival camps. In Tunisia and Sudan, the protests and subsequent negotiations yielded major changes to the system of government, but both countries are struggling in their efforts to stabilize their respective situations, while the general population's economic situation continues to deteriorate. In two cases, Libya and Yemen, the constitutional processes ended without having any impact. Meanwhile, Egypt has reverted to a form of rule that is similar to the pre-revolutionary period. In the remainder of cases, the new constitutions were drafted by appointed committees that preserved the same system of government with just a few differences, some of which have concentrated power even further in the hands of the chief executive. In Lebanon and Iraq, both of which experienced major uprisings in 2019, the governing class has been broadly incapable of presenting any meaningful solutions, despite promises of wholesale reform, including constitutional amendment.

It is not immediately obvious why there should have been such wide agreement between virtually all actors on the need for constitutional reform. It is particularly important when we consider that constitutions serve several important functions in Arab countries, including organising relations between state institutions and projecting state power, as Nathan Brown argued two decades ago. This style of constitution making is best described by Zaid Al-Ali:

*All were forced to improvise policies and transition roadmaps based on close to no planning or personal experience in the matter. A number of their decisions were very poorly considered, sometimes taken very quickly and unthinkingly, partially because they greatly underestimated the risks. They were also very uncertain of themselves and often reversed themselves on major policies in response to relatively minor pressure. Often, they acted against their own personal interests without anyone forcing them to and would only realize that they had done so months or sometimes years later. At the same time, individuals and groups who should have known better let their guard down at crucial moments, allowing these processes to veer off track right from the start. The result was that key legal documents, including interim constitutions, rules of procedure, etc. were rushed and poorly drafted. Some inexplicably left major areas untouched and unresolved, which allowed emerging powers in the years that followed to fight out a solution. The constitutional negotiations themselves, when they did take place, focused almost exclusively on how power would be shared between different factions. Barely any time was dedicated to the rights of the individual, or to the general population's clearly expressed desire to see social justice established. There is good reason to think that circumstances could have evolved very differently had a different set of decisions been taken, and if greater effort had been made to impose an agenda on the negotiations. (Al-Ali, 2021, pp. 3-4).*

Al-Ali (ibid., p. 2) contends that when governments are challenged, the constitution itself must change because it is closely bound to a specific form of rule. The governments seek legitimacy by signalling their commitment to law (ibid.). Yet, in constitutional negotiations, little attention is paid to individual rights

or to the public's expressed demands for social justice. Instead, the focus falls almost entirely on how power will be divided among competing factions (ibid., p. 3).

Similarly, Nimer Sultany (2017, p. 96) observes that Arab constitutions have failed to give legitimacy to the political-legal order. He describes constitutions as simultaneously demonstrating law's centrality and exposing its contradictions (ibid., p. xxvi). They constitute, in his view, a contested field in which competing visions of a new sociopolitical order clash. Constitutionalism, therefore, does not "speak with a single word," which can produce not only political but also conceptual crises (ibid.). Sultany (ibid., p. 38) notes that constitutional texts have "expanded the political horizon" by "augment[ing] political culture."

In sum, constitutions serve as key instruments for legitimising a new political order. The critical question is how this legitimacy is constructed. As argued previously, constitution-making is never merely a legal or administrative exercise; it is also a performative act, signalling which actors hold power and which political narrative has attained primacy. In this sense, the constitution transcends its formal function as a legal framework, operating simultaneously as a symbolic assertion of dominance and a codification of the prevailing political imagination. In the post-revolutionary period, due to the fragility of the situation and the collapse of the political structure, constitution making becomes a process of consolidation of power. Furthermore, the constitutions often function as repositories of identity politics and socio-political hierarchies, frequently entrenching inequalities. Within these frameworks women are often positioned as symbolic bearers of national honour, authenticity, and identity. Therefore, constitutional law cannot be meaningfully analysed without considering the powerful influence of personal status law. This structural interdependence reveals deeper political asymmetries, in which constitutions are instrumentalised not to dismantle but to perpetuate gender-based discriminations.

In Syria, the current founding moment is a precarious and contested phase in which the foundations of a

post-Assad order are being formed, structured, legalised, and reimagined. It is marked by a tension between the aspirations to break decisively with the past and the enduring legacies of decades-long authoritarian rule. Although the Assad rule has ended, its violent legacy persists psychologically and institutionally. As Mina, a civil activist maintains: "We have the chance of change. I think the political situation is very fragile. Individuals working within the political apparatus are in a state of shock. They can't communicate. They sometimes say Syria looks very big to us. One person from Hama came to me and said, can you give me access to the local community? Even if they have power, they don't have trust. They don't have access to local communities, especially to places with religious backgrounds such as villages, and this is the opportunity that I'm talking about. This is the opportunity that we can use to create a space and change. It's a chance" (Interview, 2 May 2025).

The economic context intensifies this fragility. Syria's economy has been devastated by international sanctions<sup>[5]</sup> entrenched corruption and a protracted civil war. While sanctions have since been lifted, the environment remains deeply insecure for foreign investment, particularly due to ongoing sectarian tensions. This economic precarity further complicates the prospects for stability.

One of the most telling dynamics of this period is the struggle for the monopolisation of power and narrative dominance. Such control is not only enforced through violence, but also more subtly yet enduringly through the construction of grand narratives. To put the discussion into context, I will explain the hijab controversy and the debate around it.

# The Hijab Controversy

Soon after HTC took over Damascus in December 2024, posters outlining women's dress codes began to appear on the streets. A poster titled "The Muslim Woman's Hijab" is circulating, informing women that modest dress is expected. These include covering the entire body, not resembling men's or non-believers' clothing, being loose rather than tight, unscented, opaque, without adornments, and not a sign of public notoriety. In the poster, a woman is fully covered and shown with her back to the viewer, implying that her face should not be visible and that she should remain out of sight.

In distributing the poster, the jihadists revealed their intention to impose gender apartheid and strict hijab regulations throughout Syria similar to what they imposed in Idlib, their main stronghold. There, women face severe restrictions under HTS rule, despite the group's attempts to project a moderate image. Their public roles are tightly regulated through dress codes, gender segregation in education, and social constraints on movement. Women are largely excluded from leadership and decision-making positions within the SSG, although they remain active in education, healthcare, humanitarian work, and civil society. Many women pursue employment and economic independence out of necessity, often under constant threat of interference from HTS authorities. These conditions represent a marked rollback from the early revolutionary period, when women were more visible in leadership roles.



Figure 1: The veil of the Muslim woman and the dress of the free woman



The posters sparked widespread controversy. As Mona, one of my interviewees asserts, "This was a backlash against women. They try to frame women" (Interview, 25 April 2025). The response from civil society was swift and forceful: they distributed posters of both veiled and unveiled women (Figures 1 and 2) whose faces were visible. One of them bore the slogan: "The clothing of a free woman. We obtained freedom for all. My sister! Wear what you want in a free Syria." It then listed the features of such clothing: "It should not be compulsory; you should like it and choose it according to your taste; it should make you feel comfortable and confident; it should reflect your personality; you should be satisfied with it and it should suit you; you should wear it out of choice and inclination; and it should be what you truly want" (Figure 1).



Figure 2: The dress of women in free Syria

In contrast to the first (jihadi) poster, which emphasized duty and denied women any choice or agency, this poster placed the emphasis firmly on personal choice and autonomy.

In one of these posters (Figure 2), which creatively challenges the jihadi attitude, three women are depicted wearing different types of clothing: one in a T-shirt and trousers without a headscarf; another in a loose, long dress with a niqab; and the third wearing a headscarf. Unlike the jihadi poster, which recognized only one acceptable form of dress and lifestyle for women, this poster acknowledged both the hijab and the diversity of women's clothing, as well as their right to make personal choices. The women are portrayed smiling, conveying their satisfaction, a visual element in direct contrast to the jihadi imagery.

Amid growing concerns that women might face increasing restrictions or outright exclusion from political participation and other spheres of public life, Syrian women and their male allies advocating gender equality mobilized in public demonstrations to articulate their vision for the future state. On 20 December 2024 a large demonstration took place in Damascus. Protesters called for the establishment of a democratic state in which women would be integral to its construction, challenging both authoritarian and patriarchal structures. One of the slogans "Religion for Allah, and the homeland for all" summarised a vision of the Syrian community grounded in civic rather than sectarian or exclusionary principles (AFP, 20 December 2024).

# The Massacre of the Alawites

Fear for Syria's future has deepened in light of the massacres of Alawites in March and April 2025, only a few days after the declaration of the Interim Constitution. The sectarian clashes broke out in the

coastal area, and cities such as Latakia, Homs, and Banias. Countless lives were lost, in some cases entire towns and villages were destroyed, and millions have been displaced.

The massacre started on the 6th of March 2025 with an invitation to all the jihadist to fight against the Alawites claiming that the Alawites killed the members of the general security<sup>[6]</sup> and lasted for a few days during which hundreds were killed. According to Amnesty International, "Militias affiliated with the government killed more than 100 people in the coastal city of Banias on 8 and 9 March 2025. The organization has investigated 32 of the killings, and concluded that they were deliberate, targeted at the Alawite minority sect and unlawful. Many Alawites were murdered, abused, and forced from their homes which were then looted and burned (BBC, 9 March 2025; Human Right Watch, 10 March 2025). Armed men asked people if they were Alawite before threatening or killing them and, in some cases, appeared to blame them for violations committed by the former government, witnesses told Amnesty International. Families of victims were forced by the authorities to bury their loved one in mass burial sites without religious rites or a public ceremony" (Amnesty International, 3 April 2025).

The United Nations condemned the atrocities (BBC, 9 March 2025). Human Rights Watch (10 March 2025) also condemned these acts calling them "atrocities," and Amnesty International (3 April 2025) described them as "mass killings". Yet, no official death toll has been released. It is estimated that it exceeds 1400 mostly in the coastal region (Associated Press, 22 July 2025).

The massacre of the Alawites changed the atmosphere profoundly and replaced optimism and euphoria with despair and a culture of fear and distrust. These developments are far from revolutionary aspirations. While the Syrians welcome the end of a brutal system with its decades of systematic torture and killings of its oppositions, there are serious fears, uncertainties, and doubts about the future. Mona is a Syrian activist, who closely examined the situation. "I talked with the families of the victims," she says. "It was a shocking

three days for the people of the coastal regions. It was shocking because it was three months of peace while people were tired of the 14 years of war. Because of this it was unexpected in terms of timing. We expected them to happen right after the falling, not three months after peace, when people started to connect and go out to work. They attacked the houses, they asked the question, "are you Alawite?" If the answer was yes, they would kill you. As simple as that" (Interview, 25 April 2025).

Mona indicates that even before the 6th of March the Alawite neighbourhoods were attacked:

*This is one of the very marginalized neighbourhoods. There are rural Alawites people who are coming from different villages and lived there for fifty-sixty years. The previous government did nothing about that but during the war, many people fled from Aleppo and Idlib and settled in this area. Now, it's a diverse neighbourhood and it's not just Alawites. But two weeks before this campaign they started attacking this neighbourhood with heavy machinery and weapons and killed many people. Some people say that what happened was actually a reaction and that this was only a reaction to what happened and was because many Alawites killed the general security. Going back to the 6th of March, they started doing that and they also started killing men at first. In some cases, the entire family was killed. During that time, many families were sleeping in the back room so that no random shooting would get them. Many houses were looted, and many villages were entirely burned, and its inhabitants were mass executed. I know families who fled their houses and stayed in the forests for three days without anything - connection, food, anything. Assad massacred people with the chemical weapons and said people fabricate. They did the same. (Interview, 25 April 2025).*

Mona adds that at the same time, "misleading information spread on social media that fabricates the facts and say that anyone who is posting what is happening is against the government and part of the Assad government. So, it's like a circle, you can't post about that, and you can't condemn what is happening and you can't raise your voice and say, "stop the killing" (ibid).

These atrocities took place while the Interim Constitution forbids personal revenge punishment. According to Article 17 of the Interim Constitution, "Punishment is personal, and there is no crime or punishment except by law" (Syrian Arab Republic, 2025).

Naim is a Syrian journalist, who met with some of the families of the victims. He describes a Sunni family who hid an Alawites family and were killed. "We have about 50 to 60 names of the Sunni people who were killed because Alawites were found in their houses. According to them, they should pay back for the 14 years." Naim also adds that everyone knew that there would be a massacre against the Alawites. "They have many people from all around to fight for them because they want to go to paradise, it's not a game. That's true. They are ready to die. It's not fake, and that's a problem. You can't do anything with the people who are ready to die when they believe when they kill you, they go to paradise. They believe you're evil. And that's how the massacre took place, because they believed that the Alawites were evil and they should disappear from the face of the Earth. They have fatwa and jihad;<sup>[7]</sup> they call for jihad... I am in contact with many people in Latakia, Homs, etc... but many of them are dead after the 7th of march and people around them are in shock and trauma. They were the civil activists and the Alawites. The Alawites are now the target of the revenge of those who support this government, and they are willing to do anything to support the government by killing the Druze, Kurds, and Christians" (Interview, 7 April 2025). The notion of unanimous minority support for Assad is a fabricated image; in fact, many of his opponents were Alawites.<sup>[8]</sup>

Many of the interlocutors confirm that after the massacre they are in shock and despair. "After the massacres," as Amina points out, "I am not hopeful at all because I am from the coastal regions, and I know many people who have been killed. For example, two brothers of a friend of mine were killed and they were not part of the regime. In some cases, the entire family including elderly and children were killed" (Interview, 9 April 2025).

The massacre also terrified the Christian communities. They live in fear because they think they might be the next group being the target of revenge. One of my interviewees asserted "they started with the Alawites, maybe we are next. Easter came and we had our party, but we don't know if we are next." Reports indicate that many Christians, especially the younger generation are leaving Syria looking for security and safety elsewhere.

The massacre of the Alawites was not the end of violence. On July 12, 2025, sectarian violence broke out in Sweida with heavy fighting between Druze militias and pro-government Bedouin fighters killing hundreds (Human Rights Watch, 22 July 2025). In these clashes government forces were also accused of atrocities (Gurdian, 31 July 2025). According to the latest report of the Syrian Network of Human Rights (4 July 2025), more than 2800 individuals were killed in Syria in the first half of 2025, including 201 children, 194 women, and 17 victims of death due to torture.

## The Interim Constitution: An Unsocial Contract

On 13 March 2025, the new leadership under Ahmed al-Sharaa announced the release of the Syrian Interim Constitution, comprising 53 articles. The document was drafted by a small, male-only committee of Sunni Arabs, with only one constitutional law specialist. Both the process and content of the Interim Constitution have faced sharp criticism. The committee was selected through an opaque process, and its draft required approval by the HTS-led government, limiting its independence. Furthermore,

it remains unclear how the permanent constitution will be negotiated or drafted. Critics have expressed concern that the document grants extensive powers to the interim president and promotes an Islamist and jihadist ideology.

The main problem with the Interim Constitution is that it exists only as a text, without genuine popular support or participation. The Syrian people were effectively excluded from its creation: they were neither present as the constituent power nor meaningfully represented within its provisions. Consequently, the document lacks the legitimacy and moral authority necessary for any constitution, temporary or otherwise, to be respected and observed. Drafted behind closed doors by a small, hand-picked group who cannot credibly claim to represent the full diversity of Syrian society, it was never subjected to public debate or referendum. This is best reflected in its introduction, which declares:

*At the dawn of a memorable day, the morning of victory breathed its last, and Syria embarked on a new era, heralding the end of injustice and oppression and the revival of hope in building a modern state based on justice, dignity, and true citizenship. Tyranny had weighed heavily on the Syrian people, extending for six decades under a totalitarian regime imposed by the Baath Party [...] But the Syrian people, with their firm faith, solid will, and legendary steadfastness, did not surrender. Rather, they continued their great revolution, which spanned nearly fourteen years. During this revolution, the free sons (أبناء سوريا الأحرار) offered their blood and sacrifices, sweeping away the legacy of tyranny, until a new dawn broke, and the sun of liberation shone over Damascus on December 8, 2024, announcing the end of the era of the criminal Assad regime and its supporters [...] Today, as the homeland has been returned to its sons (عاد الوطن إلى أبنائه), and they have returned to it to build its pillars and protect its borders, the historical responsibility has become imperative to complete the path of struggle by fortifying this victory, consolidating the foundations of justice, ensuring that the tragedy is not repeated, and protecting future generations from any new tyranny. Based on this national duty, and after*

*intensive dialogues between the various components of Syrian society, conducted in an atmosphere of freedom and constructive exchange of views regarding the future of Syria, culminating in the convening of the National Dialogue Conference, the outcomes of which were issued on February 25, 2025, expressing national consensus on major issues, and in its introduction: \*Achieving transitional justice and redressing victims (Syrian Arab Republic, 2025).*

Several issues arise from this introduction. The repeated references to "sons of Syria" and the return of the "homeland to its sons" reveal a masculinist imagination of the nation, effectively excluding women and implying that they are not equal citizens. As Catharine MacKinnon (1993) notes, gendered language in constitutions, including the masculine generic ("he" or "his"), implicitly equates citizenship with maleness. This language not only excludes women but also intertwines manhood with militarism, reinforcing structural gender hierarchies (Aldoughli, 2016).

Article 10 of this document asserts that "citizens are equal before the law in rights and duties, without discrimination based on race, religion, gender, or lineage." However, this principle is contradicted by personal status law, which as will be seen, grants women fewer rights in matters such as marriage, divorce, inheritance, and custody based on Sharia.

Article 12 of the Interim Constitution stipulates that international human rights treaties ratified by Syria, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>[9]</sup> and the Convention on the Rights of the Child, are legally binding. Nevertheless, women are consistently excluded in other sections of the document. As noted, the introduction highlights only men as actors in the revolution, marginalizing women's contributions and participation.

Despite its reformist language, the Interim Constitution continues Syria's legacy of centralized power, religious gatekeeping, and the marginalization of women and minorities. It reproduces patriarchal governance structures under the guise of Sharia, suppressing rights and perpetuating inequalities. Certain groups,

such as Alawite women, remain particularly vulnerable to targeted violence, including kidnapping and slavery, reflecting ongoing sectarian tensions and unresolved societal trauma (Reuters, 2025; DW, 2025).

As Amina, a Syrian activist and intellectual observes, "Although the constitution includes language that speaks of gender equality, this remains largely symbolic. In practice, patriarchal norms dominate, and discriminatory laws especially those related to personal status remain unchallenged. A constitution must be gender-sensitive; otherwise, we are not making progress" (Interview, 9 April 2025).

From a feminist legal perspective, the Syrian Interim Constitution fails to achieve substantive equality. As Vrinda Narain (2024, p. 9) emphasizes, substantive equality requires contextualization of claims, attention to outcomes rather than formal opportunities, a rejection of purely classificatory approaches, and a focus on group-based inequality. By these standards, the Interim Constitution largely enshrines formal equality while failing to address historical oppression and structural subordination.

While the introduction emphasizes "achieving transitional justice and redressing victims," reiterated in Articles 48<sup>[10]</sup> and 49<sup>[11]</sup>, few practical steps have been taken to implement these commitments. My interlocutors believe that, without transitional justice, a new Syria cannot emerge. To date, the government has made no substantial progress toward fulfilling these promises.

Article 52 stipulates that the interim period shall last five years, ending with the adoption of a permanent constitution and subsequent elections (Syrian Arab Republic, 2025). However, the document does not clarify how the permanent constitution will be drafted, who will draft it, and how they will be selected. In practice, the interim period can be extended indefinitely based on "security and political conditions." Concerns about centralization are reinforced by Article 23, which allows restrictions on rights for vague purposes, including "national security, territorial integrity, public safety, protection of public order, and

prevention of crime" (Syrian Arab Republic, 2025). This ambiguity mirrors previous Syrian constitutions, which enabled a decades-long state of emergency under the Assad government (Al-Ali, 2025, p. 29). Article 41 further authorizes the president to declare a state of emergency for up to three months, with limited oversight, without specifying conditions or citizen rights during such periods. Given Syria's history of emergency rule, these provisions are particularly concerning.

Although the People's Council has theoretical authority over legislation and the ability to question ministers, one-third of its members are presidential appointees, while the remainder are chosen by a high committee also appointed by the president (see figure 3).

Furthermore, the Constitutional Court can be dissolved and replaced by a new judiciary, whose Supreme Constitutional Court judges are appointed by the president. Consequently, separation of powers is nominal, and no representatives are directly elected by the population.

Similarly, the newly formed eight-member National Security Council<sup>[12]</sup>, responsible for approving emergency declarations, is fully hand-picked by the president, consolidating executive authority.

In sum, the Interim Constitution reproduces entrenched patriarchal, centralized, and religiously constrained governance structures. It excludes women and minorities from meaningful participation, leaves transitional justice unaddressed, and provides mechanisms for indefinite consolidation of executive power. The document exemplifies how formal constitutional reforms may coexist with the continuation of authoritarian practices, reflecting both Syria's historical trajectory and ongoing sociopolitical inequalities. It comes as no surprise that many Syrians do not regard it as a constitution at all. This absence of public ownership undermines its ability to function as a unifying and inclusive legal framework, particularly in a context as fractured, war-torn, and marked by decades of violence as Syria.

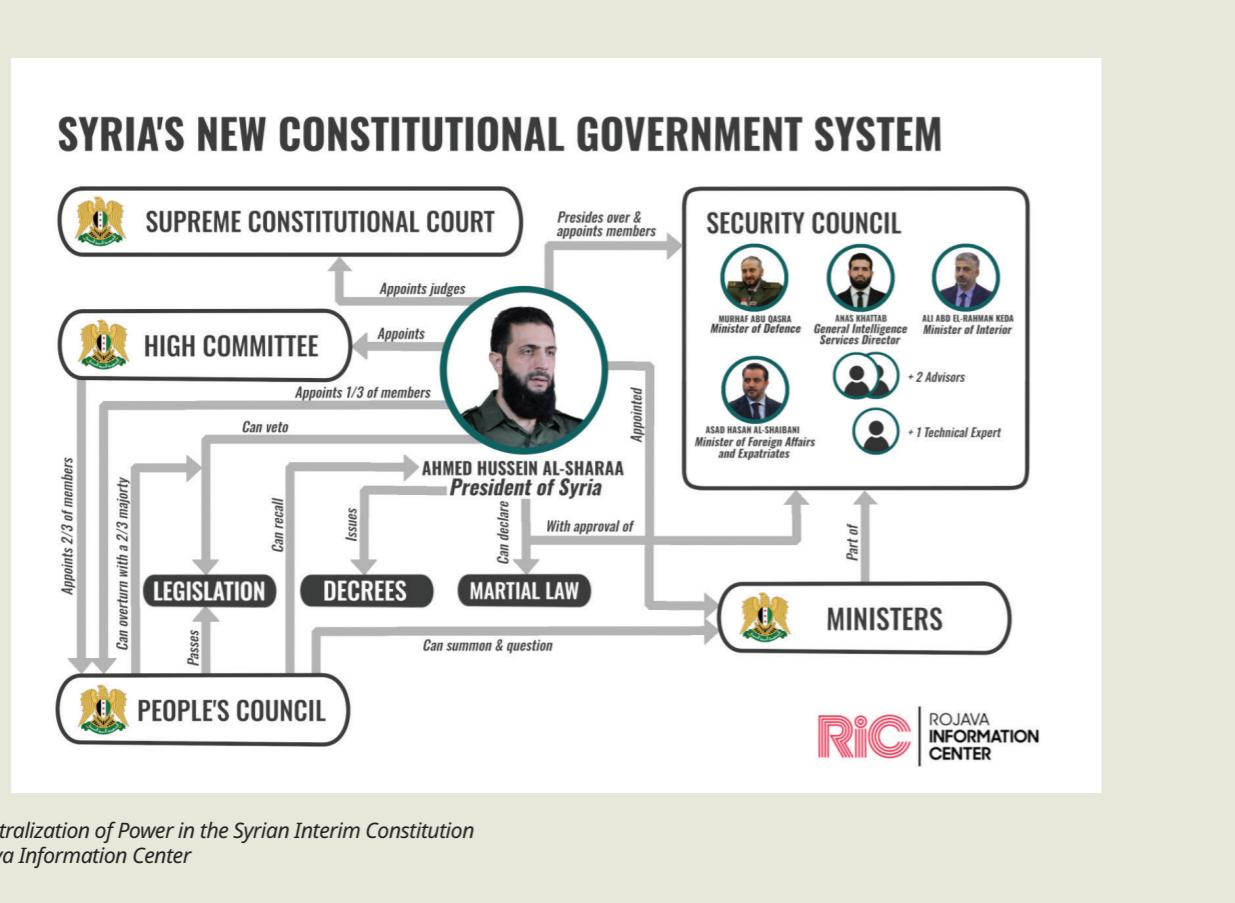


Figure 3: Centralization of Power in the Syrian Interim Constitution  
Source: Rojava Information Center

## The Primacy/Supremacy of Islamic Law

Like the previous constitutions, the Interim Constitution gives central importance to Islamic law. According to Article 3, "The religion of the President of the Republic is Islam, and Islamic jurisprudence is the principal source of legislation." It should be noted that this is a slight change to the old constitution, in which it was pointed to as "a main source of legislation". This article also limits official recognition to "heavenly religions," referring to Abrahamic faiths like Christianity, Islam and Judaism, which effectively denies recognition to several long-standing religious communities in Syria, including the Yazidis and Druze. While this article asserts that Islam is the primary source of legislation, the same article declares that "freedom of belief is protected." However, the protection of freedom of belief is constrained by a "repugnancy clause" specifying that "the State

respects all divine religions and guarantees the freedom to perform all their rituals, provided that this does not disturb public order."<sup>[13]</sup>

Several articles of this Constitution suffer from ambiguity. For example, Article 10 declares "citizens are equal before the law in rights and duties, without discrimination based on race, religion, gender or lineage" (Syrian Arab Republic, 2025). However, this article seems rhetorical with regard to gender and ethnic discrimination. The same document states that the Syrian president must be a Muslim, and that Islamic jurisprudence (fiqh) is "the main source of legislation."

Similarly, Article 21 indicates that "1. The State shall preserve the social status of women, protect their dignity and their role within the family and society, and guarantee their right to education and work. 2. The State shall guarantee the social, economic and political rights of women, and protect them from all forms of oppression, injustice and violence" (ibid.). With Islamic law as "the" primary source of legislation, it is unclear how rights stipulated in the draft constitution that are contrary to Islamic law will be realised in practice.

During the civil war, a small minority, disillusioned by the instrumentalization of religion, began to question it more critically; yet, overall, religious sentiments were inflamed, and religious references were further reinforced (see Yassin-Kassab and Al-Shami, 2016). It should be noted that although Syrians are generally religious, this does not mean that the majority support Islamist or jihadist narrative.

As Rober Cover (1983) indicates, "no set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning [...] For every constitution, there is an epic" (p. 4) Thus, "law and narrative are inseparably related" and "narrative is insistent in its demand for its prescriptive point, its moral" (p.5). "Once understood in the context of the narratives that give it meaning, law becomes not merely a system of rules to be observed, but a world in which we live" (pp. 4-5).

Taking power by usurpation is a tradition deeply rooted in *taghallub* (تعطّل/dominance or overcoming), a theory that military authority can declare constitutional and political directives. Historically, *taghallub* has legitimized the "imamate of the conqueror" (*imāmat al-qāhir*), whereby whoever takes control of the caliphate or emirate by force and subdues opponents becomes a legitimate ruler whose obedience is deemed obligatory and rebellion against him forbidden. This is known in Islamic jurisprudence as "the emirate of usurpation" (*imārat al-istilā*) and the authority of the usurper. For example, the Hanbali jurist Abu Ya'la Ibn al-Farrā' (d. 458/1066) states that the imamate can be established either by election of the *ahl al-hall wa-l-'aqd* (those qualified to elect) or by succession from a previous imam. Citing Ahmad ibn Hanbal, he adds: "The imamate can be established by force and domination, and in this case, there is no need to contract allegiance, even if the ruler is immoral" (Ibn al-Farrā', 1408 A.H., p. 24).

Such a vision excludes participatory politics and pluralism. I asked Mona, a Syrian feminist activist, what she thinks about this myth. "He is not a liberator," she said. "Syrian people are the true liberator!" (Interview, 25 April 2025).

## The Narrative of Domination: Who Liberates, Decides!

At the same time, a new slogan began to circulate in Syria which is «من يحرر، هو من يقرر» (who liberates, decides!), or "نحن أصحاب الأرض... ونحن من يقرر" (We are the owners of the land... and we are the ones who decide!) (Financial Times, 1 February 2025). This rhetoric reinforced Hay'at Tahrir al-Sham (HTS) and Julani's claim to constitutional and judicial authority, prioritising military conquest over consensus-building and democratic legitimacy. The slogan reflects a warlord logic, in which power derives from force rather than from legitimacy, human rights, or democratic consensus. It is used to justify why HTS and later its successor structures could dictate the constitutional trajectory on the basis that they had secured the territory. The slogan also evokes heroism and cultivates a personality cult around a single leader, while erasing the fact that without the Syrian Revolution, and those who fought for freedom and democracy, Julani's military gains would not have been possible. In this way, it undermines inclusive, negotiated settlements to the Syrian conflict by reinforcing the idea that political authority belongs solely to those who wield military power.

# Responses and Criticisms

As anticipated, the Interim Constitution drew severe criticism. Mina, a young activist, challenges both the process and the substance of the Interim Constitution. "I don't see Syria as a country of law, but a country of power," she remarks. She criticizes the so-called national dialogue as neither inclusive nor meaningful: "The national dialogue was not inclusive, and the final recommendations were vague. It was very fast, and there was no real dialogue, because they did not have the capacity for dialogue. The last recommendations were not recommendations at all. After a few days, nothing happened, and one week later the massacre of the Alawites took place, just one week after the national dialogue about social cohesion, inclusivity, dialogue, etc." (Interview, 2 May 2025).

For Mina, the Interim Constitution is "very problematic because it centralises and monopolises power in the president, concentrating far too much authority in one person." She points out that the very institutions tasked with implementing the constitution "have already violated it." More importantly, she stresses that the document contains *no provisions* recognising the social roles or rights of women, nor the rights of other groups such as persons with disabilities or children. "I have spoken with other civil activists," she notes, "and they also say this constitution does not represent anyone" (ibid.).

Samin, a Syrian political analyst, voices similar concerns but highlights an additional frustration: "What bothers me the most is that in the past ten years a group of people started working on a new constitution. They established a committee to write it, including people from all sides, even from the regime. They produced a very good, gender-sensitive constitution, and it's almost ready. They did huge work, and trusted people participated. The final product<sup>[14]</sup> is something we can be proud of, but it was not taken into consideration at all. Those who were involved weren't even asked to be

part of the process. Al-Sharaa and HTS are now focused on loyalty, working only with people who are loyal to them. They think this will guarantee stability. But we Syrians are now losing the opportunity to have a modern, inclusive constitution" (Interview, 16 April 2025).

For Samin the document itself also lacks the rigor that is required for it to be a legal structure. Samin views transitional justice as the pillar of the rule of law. "We have to have a system that is trustworthy. But that cost us lots of money, but we need to cooperate. The people who are not in power also need to be persecuted because they also committed crimes" (ibid.).

Amina views the Interim Constitution as being "characterized by authoritarianism, repression, and a fragmentation of sovereignty." "The constitution," she remarks, "lacks both legitimacy and effectiveness for several reasons, most importantly, the absence of democratic institutions and the rule of law. Moreover, it maintains discriminatory articles that differentiate between citizens based on religion and gender." Similar to Naim, she also points out, "the jihadists don't like [transitional justice], because that will include them and they don't want it. They know what they did... The Resolution no. 2254 determined the roadmap. However, even the United Nations and international community ignore it. They have spent too much money for this map and now they ignore it totally" (Interview, 9 April 2025).

My interlocutors point out that the Interim Constitution contains only scant references to women and makes no mention of equality between men and women. This omission prompted the Syrian Women's Council (Hawar News Agency, 14 March 2025) to denounce the exclusion of "the contributions of Syrian women in the long struggle against dictatorship," describing it as "systematic injustice that is incompatible with the aspirations of women to actively participate in the nation-building process."<sup>[15]</sup>

Civil society organizations also criticised the document and the process in which it was drafted. The Syrian Feminist Lobby<sup>[16]</sup>, for instance, issued a statement severely criticizing the Interim Constitution:

*This declaration consolidates power in the hands of the president and restricts freedoms through vague provisions related to public order and morality. These ambiguities create room for negligence of rights and freedoms in general, and women's rights in particular. We are deeply concerned about the continued confinement of women's roles to the domestic sphere, without ensuring their political participation or visibility in public life. Despite the inclusion of the principle of separation of powers, the constitutional declaration undermines it by granting the president excessive control. Without amendments, these provisions risk paving the way for authoritarian rule. The announcement of the new government reflects a stark exclusion of women, with only one woman appointed to the cabinet. This does not reflect the struggles of Syrian women or their rightful place in political decision-making. Syrian women have proven their capabilities and deserve full participation in leadership roles. While some ministers in the government are competent, their effectiveness will depend on having real authority, space for constructive criticism, and mechanisms for accountability. Only through these measures can the government meet the urgent political, economic, security, and social needs of Syria during this critical period. As Syrians, we all aspire to stability and progress in our war-torn country. We call for greater participation of women in reconstruction, local councils, and state institutions. We also demand a safe and independent space for civil society organizations, which are essential for any government committed to genuine national development. We urge these organizations to continue their oversight role, ensuring accountability and supporting efforts to rebuild Syria. Furthermore, we call on the government to establish a Transitional Justice Commission, led by experienced professionals, to ensure accountability for those responsible for human rights violations and to help achieve social reconciliation* (Syrian Feminist Lobby, 2025).<sup>[17]</sup>

In Northeastern Syria, a wave of protests broke out in the days following the publication of the Interim Constitution (Hawar News, 15 March 2025). The

Kurdish-led administration governing the region rejected the constitutional declaration issued by the new Islamist leadership in Damascus and called for it to be rewritten (Reuters, 14 March 2025). Syrian Kurdish women's organizations strongly denounced the document, stating that it "completely denies women's rights and even paves the way for the further oppression of women through Sharia law" (Medya News, 24 March 2025).

The Kurdish National Council attributed the shortcomings of the transitional constitution to the composition of the drafting committee, arguing that its members did not represent Syria's political, national, and religious diversity, thereby "stripping it [the constitution drafting body] of inclusiveness and national consensus while reinforcing exclusion and monopolization of power" (Kurdistan24, 14 March 2025). Similarly, the Syrian Women's Council issued a statement condemning the process, asserting that the draft constitution had been prepared in complete disregard for "the long struggle of Syrian women against dictatorship." It described this exclusion as a "systematic injustice" that ignores women's aspirations to actively participate in rebuilding the country, fails to reflect Syria's national diversity, and does not protect women's rights or identities. The Council concluded that the draft could not serve as a "social constitution" capable of safeguarding the existence and identity of all citizens.

Critics have further noted that the document reproduces many of the policies of the previous government, perpetuating the marginalization of Kurds, Druze, Alawites, Assyrians, Christians, Yazidis, and other religious minorities (Middle East Forum, 14 March 2025). Syrian human rights lawyer Anwar al-Bunni, co-founder and executive director of the Syrian Center for Legal Studies and Research, and a drafter of the Syrian Constitution, indicated that the Interim Constitution contains a clause on "ensuring fair representation and efficiency" to justify its structure. While acknowledging that the declaration includes some positive provisions, such as the creation of a transitional justice commission and the establishment of political parties and associations, al-Bunni warns

that it "oversteps its role as a constitutional declaration, functioning more like a mini-constitution by predetermining the name of the republic, designating Islam as its primary source of legislation, and defining presidential powers effectively undermining the will of the Syrian people" (Middle East Forum, *ibid.*) In his view, such issues should be resolved through referendums. "All ethnicities and religions in the country want constitutional guarantees," he adds. "Since this is a temporary document, the formation of a permanent constitution must include discussions over all these points and issues" (Middle East Forum, *ibid.*).

Despite official rhetoric about inclusivity, many remain unconvinced, due to the absence of concrete measures. While overtures have been made to certain religious, sectarian, and social leaders, political forces and parties have been notably excluded. There is also no clarity on the extent of political organization that will be permitted which is an especially troubling omission given that the lack of political pluralism was one of the root causes of the Syrian crisis. Although the declaration affirms the right to political participation and to form Syrian parties, such activities are prohibited until a new "party law" is enacted. This effectively delays the emergence of formal pluralism and an official political opposition.

For comparison, the Constitution (The Constitution of Rojava, 2014) of the North and East Syria (Rojava) explicitly frames itself as a social contract (Radpey, 2015) among the diverse peoples including Kurds, Arabs, Assyrians, Turkmen, Armenians, Chechens, and others of the autonomous cantons of Afrin, Jazira, and Kobane. This name was intended to counter the historical exclusion of Syrian Kurdish and other non-Arab communities from recognition within the Syrian state aimed at building structures that reflect the communal will, not centralized power. Prioritizing gender and minority representation through mandatory quotas, the Social Contract institutionalizes separation of powers, checks and balances, and grassroots participation through councils at various levels from communes to cantons reflecting a bottom-up governance model.

It also designated Arabic, Kurdish, and Syriac as the three official languages. In its preamble, it declares: "We... freely and solemnly declare and establish this Charter" based on principles like freedom, justice, dignity, equality, and environmental sustainability. Similar to philosophical social contracts, authority in Rojava's system derives from the people. Article 2 states: "Authority resides with and emanates from the people... exercised by governing councils and public institutions elected by popular vote" (The Constitution of Rojava, 2014). By contrast, the Syrian Interim Constitution excludes Kurds, Syriac Assyrians, and other minorities from comparable recognition. Kurdish political activist and writer Polat Jan, also a founding member of the YPG<sup>[18]</sup> and a former NES military leader, described the transitional constitution as "a blueprint for authoritarianism, sectarianism, and ethnic exclusion" (@PolatCanRojava, 13 March 2025).

## The Personal Status Law

In Syria, like many other Muslim contexts, women's constitutional rights are often overshadowed by personal status law, which is influenced by sharia. The Syrian Law of Personal Status (*al-ahwāl al-shakhsiyā*) regulates family matters such as marriage, divorce, custody, inheritance, and guardianship. For many Sunni Muslims, the Personal Status Law of 1953 (Law No. 59) is based on the Hanafi school of Islamic jurisprudence, with later amendments (notably in 1975, 2003, and 2019). For non-Muslim communities (Christians, Druze, Jews, etc.), separate personal status provisions exist based on their respective religious laws, recognised under Article 308 of the Personal Status Law. The personal status system maintains gender-based legal distinctions, particularly in areas of inheritance, guardianship, marriage and divorce. For many years, human rights and civil rights activists have considered that the Personal Status

Law in Syria, along with other laws such as the Penal Code, discriminate against women and have been working tirelessly to redact all clauses that are unfair to women in those laws.

The Assad government was for the most part unwilling to undertake any meaningful large-scale reforms of personal status laws. The reason for this reluctance was, most likely, that the government feared that any serious family law reform, or law reform in general, would incite calls for other legal and political reforms (Van Eijk, 2016). In 2019, new amendments (Syria, 2019) were made to the personal status law. In general, they included articles related to the conditions of the marriage contract, *mahr*, divorce and custody, raising the age of marriage to 18 for women and men, with the possibility of marriage at the age of 15 in the event of a party claiming that they had reached adulthood and receiving a judge's consent to this. This violated the previous Syrian Constitution which asserted that citizens have equal rights and duties without discrimination on the basis of sex. The new amendments in turn were subject to analysis regarding what was negative and what could be relied on in future to create legal texts in which all Syrians are equal without discrimination.

As Lama Abu-Odeh (2004) demonstrates, during the second half of the nineteenth century, Egypt made a historic decision to eliminate the rules of Islamic law in most areas and fields of law. However, Islamic law has survived in the modern era primarily through family law, having lost jurisdiction over most other areas of law. For those who were (and indeed, for those who still are) opposed to Europeanization and secularization, the Islamicity of the rules on the family came to symbolize the last bastion of a dismantled Islamic legal system, the reform of which threatened to flood Egypt with the European and secular understandings/laws/legal regimes. Not surprisingly, attachment to medieval patriarchy came to mean attachment to Islam (*ibid.*, p. 1046). Abu-Odeh (*ibid.*, p. 1047) argues that the same process that allowed for secularizing the legal system in Egypt through European transplants simultaneously placed

limits on progressive reforms in the domain of family law. Family law was the sacrificial lamb of secularization. In agreement with this view, Margot Badran indicates, "The personal status law or family law became a last bastion of control over women. The patriarchal family would not relinquish this control, nor would the state exact it. Having removed all other areas of law from the jurisdiction of Islam, the state had left Muslim religious authorities in control of Islamic personal status laws" (Badran, 1995, p. 124). As a result, women always demanded the prohibition of polygamy, equal access to divorce, an increase in the financial rights of women, and elimination of child marriage (Abu-Odeh, *ibid.*, p. 1100).

This is how Islamic law survived in the modern era primarily through family law. As a result of the legal reforms, traditional jurists lost much of their traditional authorities in other areas following the secularization of the legal system in Egypt. It was through preserving the patriarchal family law that the "reformers" gained legitimacy for other legal reforms they had in mind.

In the meantime, secular judges attempt to restrict but not abolish polygamy, adding more grounds to be granted divorce, yet not granting women equal access to divorce, and reinterpreting and restricting the terms of the wife's obedience but not abolishing it (Abu-Odeh, *ibid.*, p. 1101).

The Syrian personal status law suffers from two fundamental problems since its establishment. The first problem is that it is based on discrimination in legal status between women and men, where men hold/enjoy the highest position in most articles of the law, while women rank second. This is best exemplified by men's right to arbitrary, unilateral, unregulated divorce, which has been identified as one of the greatest problems faced by Syrian women. According to the old law in Article 117, when such a divorce took place, a woman was entitled to compensation if she could prove that the divorce caused her misery and hardship. With the amendment to this article, women can ask for compensation without any conditions. However, the law does not prevent arbitrary divorce.

It treats women as if they receive financial compensation in exchange for obedience. Moreover, the concept of marital rape was dismissed while no law or religious jurisprudence permits forced sexual relations between the spouses, and Islamic religious texts encourage marriage to be based on goodwill between both parties. Article 128 states that the right of custody requires that the mother and child be of the same religion after the latter's fifth birthday, and this in practice denies Christians married to a Muslim custody of her Muslim children if they divorce.

The second problem is the complete absence of any means of protection against domestic violence. While the discrimination against women in existing laws contributes to domestic violence, women continue to be legally inferior to men and laws are not enacted. This is while military violence in Syria has contributed to greater domestic violence, highlighting the need for legal action in this regard. To create a new civil status law in Syria that recognizes equality between men and women in legal status and governs marriage and family relations based on equality and human rights, while ending discriminatory practices against women is still necessary.

Another major source of inequality for Syrian women is the law that stipulates that citizenship can only be obtained through the father. This law has remained in effect for over five decades with devastating consequences for women who married foreigners and as a result of which, their children are stateless. For example, if a Syrian woman marries a Palestinian man, she will have to give up her Palestinian nationality so that the family could retain their right to return to Palestine. In comparison, in Tunisia and Algeria, women have equal rights with men to pass on their nationality to their children. In Egypt and Morocco, reforms have now granted women equal rights as well. However, in some other countries such as Iraq and Lebanon, women's ability to pass on their nationality remains restricted or conditional, sometimes only applying if the child is born in the country or if the father is unknown or stateless.

The religious elites saw these demands for women's equal rights as assault on their God-given right to men. Based on religious interpretation, *nasab* belongs to father and mothers are completely disregarded. As Mounira M. Charrad (2001, p. 166) indicates, "The term *nasab* refers to the agnatic lineage, the line of male ancestors on the paternal side." Thus, the inclusion of this definition of filiation in the laws highlights the extent to which family law emphasizes patrilineage in its conception of the family.

By identifying the more egalitarian pillars of Islam as depicted in Qur'an and later Muslim patriarchal traditions, Islamic feminism presented a strong and empowering critique viewing Muslim law and shariah. It is noteworthy that Muslim feminists stress one crucial element in the tradition of Muslim legal thought: that is, the distinction between Shariah (the 'path', found in the Qur'an and the Prophet's practice) and *fiqh* ('understanding', the jurists' efforts to deduce laws from these textual sources); this distinction enables us to see patriarchal laws not as divine, but as outdated human *fiqh*. As Ziba Mir-Hosseini (2006) has argued, an egalitarian Muslim family law is possible through criticizing the patriarchal visions of the jurists, who justifies injustices referring to Qur'an and the Prophet's sunnah.

The current Personal status law in Syria violates the Interim Constitution, although the latter ambiguously mentions gender equality, with significant limitations tied to undefined concepts like "public order" and "morality."

## My Nationality is Their Right

Over the course of fourteen years of war, countless Syrian women were displaced from their homes, separated from their children, and forced to live in camps under precarious and often inhumane

conditions. A growing number of women were married to foreign fighters whose real identities and countries of origin were frequently unknown. Many others were subjected to sexual violence by ISIS members or foreign combatants, leaving them unable to establish the paternity of their children.

The continued enforcement of Syria's personal status law has exacerbated these women's vulnerability. In cases where women gave birth following rape, the legal and bureaucratic barriers to registering their children have been particularly severe. Registration often requires substantial financial resources, and in some instances, women have been exposed to further abuse including sexual, psychological, or financial, merely to secure basic documentation. This has contributed to a growing population of stateless children in Syria. The principal challenges include, first, the absence of verified paternal identity, nationality, or even authentic names, and second, the fact that many wartime marriages were performed exclusively through religious ceremonies without formal legal registration.

In response, Syrian activists launched the campaign "My Nationality is Their Right" (جنسيني حق لي ولأطفالي) in 2017, with the specific objective of amending Legislative Decree No. 276 of 1969 to permit Syrian women to transmit their nationality to their children. Initially spearheaded by the Syrian Women's Association, the initiative built upon a broader regional campaign initiated in 2002, which demanded an amendment to the law stating: "Anyone born to Syrian father or mother, inside or outside the country, shall be considered a Syrian Arab." The central argument of the campaign rests on the constitutional principle of equality: if all citizens are equal in rights and duties, then Syrian women and their families must be entitled to the same legal protections and pathways to citizenship as Syrian men.

The campaign was also a direct response to the alarming rise in the number of stateless children born to Syrian mothers during the war, particularly in territories outside government control. Nevertheless, the underlying discrimination has deep legal and

historical roots, persisting for decades and systematically undermining Syrian women's rights. Although the matter has reached the Syrian parliament on several occasions, repeated demands for reform from rights advocates have failed to produce substantive change. In 2011, a committee was established to review possible amendments to the nationality law, but internal conflict and political instability forestalled progress. With the recent formation of a new government, however, Syrian activists cautiously anticipate the possibility of legal reform.

A Syrian legal activist involved in the initiative reflected on the current state of the campaign:

*Thus far, no concrete progress or definitive position has been articulated by the new government. However, there has been some interest from the Ministry of Social Affairs and Labor, particularly from Minister Hind Qabawat<sup>[19]</sup>, who had prior knowledge of the campaign before the fall of the regime. Additionally, certain members of the government have expressed personal interest, though not in any official capacity. This provides an opening for us to initiate governmental advocacy and to lay the groundwork for further engagement (Questionnaire, 20 August 2025).*

She does not foresee significant prospects for reforming the personal status law, particularly under the current leadership, which demonstrates marked religious conservatism and a strong reliance on Islamic jurisprudence. Nonetheless, there is a likelihood of securing an amendment to Legislative Decree No. 276 on nationality, granting women the same right as men to confer nationality upon their children. The matter is, in essence, more political than religious in nature, which renders it comparatively more attainable. Despite many indicators indicating a challenging environment for women's rights, she believes sustained advocacy and consistent demands will, in time, yield progress and open the door to meaningful change.

# The Female Face of the Revolution

Women's participation in the Syrian revolution was crucial, although in narrating the Syrian revolution, the masculine face dominates, that is, the Assad government and its opponents including jihadists, ISIS, and the Syrian army. The female face of the Syrian revolution is buried under the rubble of the male-dominated narratives. This is while women pioneered protests demanding an end to the Assad government in Syria (Saleh, 2020, p. 355).<sup>[20]</sup> During peaceful uprisings they were active as political activists, humanitarians, care takers, and providers, fulfilling a variety of roles.

In some cases, women even joined the Free Syrian Army. Given the precarious situation, however, the total numbers of women who actively participated is difficult to estimate. In addition to protesting, Syrian women became grassroot activists forming and heading organizations such as the Syrian Women for the Syrian Intifada (Ghazzawi, 2014) and providing medical care to local populations. They also worked as journalists, documenting the government's atrocities and extremists' crimes and reaching wide audiences inside and outside Syria. Women's multifaceted activism reflects the inclusiveness of the Syrian revolutionary popular mobilization that transcends gender, religion, class, sect, and ideology (Saleh, *ibid.*).

As the uprising developed, the nature of women's involvement also evolved. Initially, women's protests were the regular feature of the first months of the uprisings and continued a few weeks into the protests. One Friday named "the Friday of Free Women" was dedicated to women of the revolution. As women increasingly participated and led protests, though, they became targets of the government's crackdown being detained, tortured, and murdered (Saleh, *ibid.* p. 356).<sup>[21]</sup>

When the revolution turned into a civil war, many women turned to writing, music, peacebuilding, journalism, civil disobedience campaigns, and other forms of national and community activism. Those who remained inside suffered from violence, economic hardship, and social collapse. Despite that, women have organized workshops, assisted other women and families, provided food, shelter, and healthcare for the displaced, and provided psychological support for others. Those who fled Syria had to cope with starting over in exile, learning another language, and coping with a strange society while also helping the newcomers adjust. Despite that, they helped other refugees, launched campaigns, and provided various humanitarian aids, among other activities.

Amid the ongoing Syrian conflict and efforts toward a democratic transition, a major constitution-related initiative led by civil society and feminist actors has emerged reflecting different but complementary visions for Syria's future.

The initiative, *"Towards a Democratic and Non-Violent Transition in Syria through Inclusive Constitution-Building"* (2013–2014), was led by the Coalition of Syrian Women for Democracy (CSWD) in partnership with the European Feminist Initiative (IFE-EFI) and funded by Sweden. It focused on embedding gender equality, human rights, and inclusive citizenship within a future Syrian constitution. Activities included training sessions, strategy papers, and a major international conference in Brussels in April 2014. Drawing on lessons from Egypt, Tunisia, and Morocco, the initiative promoted full parity between men and women, gender-sensitive constitutional language, civil personal status law, and alignment with international treaties like CEDAW. It significantly shaped feminist constitutional thinking and amplified women's voices in transitional debates.<sup>[22]</sup>

This initiative represents a broader movement within the Syrian diaspora and civil society to redefine statehood premised on pluralist, inclusive, democratic, and gender-just foundations. It also highlights tensions between civil-led and elite-led processes of

constitutional transition. While distinct in form and timing, this effort emphasizes that genuine peace and democracy in Syria must be rooted in constitutional guarantees of equality, justice, and participation for all (Suteu, and Draji, 2015).

This brief description only scratches the surface of women's experiences in the revolution. The participation of women in the Syrian revolution needs to be further documented. Women have held Syrian society together over the past several years. When men were killed, women travelled far seeking a better life for their families. They were present at different fronts. Many women were killed in prison. Women worked both inside and outside the home, in humanitarian aid, and in all aspects of life. They were involved in all the political bodies and the political activities; they were part of writing the constitution we have noted earlier. They deserve to be recognized for their contributions in overthrowing the Assad government and they must be included in public life and in building a new Syria.

Despite the absence of gender quotas in parliament and even in local councils (which remain largely non-functional), Syrian women continue to be active, present, and leading figures in civil society organizations throughout Syria.

Hani, a middle aged-Syrian activist, reminds us of the major role women played over the years of conflict: "Over the years of conflict, so many things have changed. Men were fighting, but women were managing everything else." While laughing, she brings the example of a woman "who worked in my workshop, her husband was arrested, and she said that if he sets free, we don't know if we will be in agreement and who is going to run the household. Unfortunately, she found out that he is dead." She also adds, "I learned the true meaning of rights and how important it is to defend them. I learned that women are more powerful than they look. They are able to do things that they didn't realize in themselves" (Interview, 22 May 2025). Therefore, Hani is neither pessimist, nor optimist, but a combination of two.

One of the main challenges that women face is to obtain a status that they deserve. So far, their contributions have rarely been recognized. The dominant outlook often portrays women either as followers of male revolutionaries or as passive subjects of the political developments in the past and present. Even when women's participation is acknowledged, it is typically portrayed as temporary, fragmented, and mainly disconnected from broader developments.

Leena, a Syrian journalist and activist, regrettfully describes the current state as "the state of men." Referring to the recently segregated Umayyad Mosque, she remarks, "While in the past the HTS they hated women and there is the experience of how they led Idlib such as schools and even the elementary schools in Idlib they segregated. After liberation, they extended this style to the large cities such as Halab, Latakia, etc. At the beginning was Idlib, but now is the whole Syria. Just give you an example: The Umayyad Mosque in Syria is like Hagia Sufia in Istanbul and it was like a *muthaf* (museum) and open to both men and women" (Interview, 25 April 2025).

## Women's Inclusive Narratives

One of the most compelling examples of women's grassroots initiatives to cultivate inclusivity and diversity is their effort to create and normalise narrative inclusivity. Mina, a young activist, who is deeply engaged in this work, describes her concern as such:

*I see a very important conflict about the narratives, the narratives about the war in Syria. Kurdish people tell the story of the revolution in one way, people in Idlib tell it in another, and these narrative conflicts*

can be dangerous. Sometimes they are built on religion, sometimes on geography, sometimes on achievements. They are dangerous and complicated.

In the organisation where I work, we now have a programme to bring these narratives into parallel. If you bring together a group from diverse backgrounds and ask them about one event in Syria, you will hear multiple, sometimes contradictory, stories. These narratives vary by culture, region, ethnicity, religion, and more. Our programme aims to develop tools so that these narratives are neither intersecting (متضاربين) nor conflicting (متنازعين), but parallel (متوازيين). Your narrative and another person's narrative can both be valid though perhaps in different ways. The point is to talk about these narratives and recognise how every regime has deliberately fed them so that Syrians fear each other.

For example, the Alawites say: 'Any Sunni from Idlib will kill me,' because the Bashar regime cultivated this fear. When the regime fell in some areas, people especially in the coastal region were genuinely afraid of Sunnis. And then what did Julani do? Within three months of taking power, Sunnis came and killed Alawites. This became a tool in the hands of those in authority: people's fear led them to accept authoritarian control. What should we do? Invite people to confront these fears by recognising that their narrative is one among many, and that others' narratives are also deeply held. By framing them as parallel rather than mutually exclusive, and by returning to communities with this message through many programmes, we can reduce fear (Interview, 2 May 2025).

Mina's work can be read as a counter-constitutional practice, an attempt to reimagine the political community not through a single "official" narrative, but through a pluralistic narrative sphere in which legitimacy emerges from the recognition of difference rather than its suppression. In constitutional terms, this challenges the prevailing political imagination that equates unity with uniformity and legitimises exclusion through legal codification.

Mina's cautious optimism, however, contrasts sharply

with the perspective of Naim, who frames the revolutionary project as fundamentally lost. "The revolution didn't win," Naim insists:

*Julani was not a revolutionary. There were maybe a thousand people who believed in a true revolution, now there are about three hundred. Who actually won was the Assad regime. Most of the revolutionary leaders were imprisoned by Assad. He let some out so he could tell the media he was fighting terrorists. When those terrorist groups gained power, it was Assad who truly won. He always offered two options: me or the terrorists and so far, his plan has worked. But what happened to the revolution? To equality, justice, freedom, and dignity for all the people? (Interview, 23 May 2025).*

Where Mina works to create a shared civic space through narrative parallelism, Naim sees the founding moment as already captured by authoritarianism and militarism.

While grassroots actors attempt to reconstitute legitimacy from below through inclusive dialogue, the dominant political order whether under the government or armed opposition remains invested in narratives that centralise power and reproduce fear.

## Conclusion

The Syrian case illustrates how who tells the story is inextricably linked to who writes the constitution. It demonstrates how constitutions can serve as sites of narrative dominance, guaranteeing the victory of those who use law to protect their view of the nation's past, present, and future. Listening to Syrian activists, it becomes clear that there are two competing and, in many respects, irreconcilable narratives and political imaginaries.

On one side lies the jihadist narrative, exemplified by the Interim Constitution, the imposition of the hijab, and sectarian policies that frame Syria primarily through its divisions based on gender, religion, ethnicity. In this vision, the only way to hold the country together is through domination and the imposition of one narrative being institutionalised through the legal structure and governing apparatus. On the other side is a radically different Syria envisioned by those who recognize the diversity of Syrian society and embrace a parallel narrative; one that regards the country's plurality and diversity not as a threat to be eradicated, but as a gift to be respected and cherished. This vision seeks to dismantle authoritarian legacies and build a more democratic and egalitarian future. The country's trajectory will depend on which of these narratives prevails. If the first continues to dominate, as appears to be the case, the next chapter is likely to involve renewed social mobilisation and uprisings.

Syria's constitutional history demonstrates that constitutions have been less pillars of the rule of law than grand narratives that legitimized governments in consolidating power by marginalizing rival stories and rights. Therefore, fundamental constitutional questions remain unresolved: the sources of legislation, the degree of decentralisation, the relationship between state and religion, and the country's economic model. These divisions run not only between government and opposition, but within the opposition itself and they may prove the most difficult to reconcile.

With the collapse of Assad's government a new dominant narrative emerged, framed through a jihadist lens with Islamic sharia as its master signifier. The Interim Constitution, therefore, reflects not an inclusive political imagination but an Islamist narrative rooted in the tradition of usurpation (*taghallub*), that excludes alternative visions and denies the plurality and diversity of Syrian society. It is a grand narrative that seeks to impose a particular lifestyle and set of social relations on a country as diverse as Syria.

Like its predecessor, this narrative marginalizes women, ethnic and religious minorities, and even alternative interpretations of Islam. Its legitimacy rests on the slogan "the one who liberates, decides!" declaring that sovereignty derives not from people but from an extra-legal authority. The Interim Constitution codifies this monolithic vision: it concentrates all state powers in the presidency; its preamble symbolically frames Syria as a polity of and for men; and women's contributions to the revolution are erased.

In response to this exclusionary logic, civil society activists and feminists advocate for narrative plurality, the recognition of multiple revolutionary experiences within constitutional discourse. In their view, this effort highlights the intimate link between storytelling and constitution-making: whose narratives are acknowledged determines whose rights are institutionalized. Yet, in Syria, pluralist actors lack control over the legal machinery, while exclusionary actors dominate it.

It also should be noted that Syria's security situation remains fragile. Israel's intervention and incursions into Syrian territory in violation of the 1974 Disengagement Agreement, along with periodic shelling, continue without any serious international response or apparent will or capacity to deter it. The broader political situation in Syria remains highly unstable and unpredictable at this stage, particularly amid the administrative and political disorder that the new government is experiencing. This, however, is not unexpected given the profound transition the country is undergoing in the aftermath of the former government's collapse.

The demand for change, however, is deep-rooted, even as it is being suppressed. The fall of Assad opened a horizon of possibility, a founding moment to build a more democratic and inclusive Syria in which women, religious minorities, and other historically marginalised groups could claim their rights. Achieving this requires recognising the diversity of Syria's people, narratives, and identities not treating them as illegitimate, insignificant, or illegal.

Women and civil society actors have launched diverse initiatives grounded in the idea that Syria must embrace its pluralism and recognise its diversity rather than denying it. These efforts, though fragmented, embody the alternative political imaginaries on which a genuinely inclusive constitutional order could be built. The Syrian constitution is expected to be drafted in the upcoming phase. This is where the role of civil society and rights-based advocacy becomes crucial, in order to ensure that the new Syrian constitution is viewed as a genuine social contract written in a bottom-up process and from a gender-sensitive perspective that guarantees true equality between men and women.

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## Notes

<sup>[1]</sup> Hama is a historically significant city in central Syria that has long been known for its dissent. Memory continues to cast a long shadow over Syrian political life, symbolizing both the scale of state repression and the resilience of opposition in this event. The massacre occurred in February 1982, when Hafez al-Assad launched a brutal military campaign to crush an uprising led by the Muslim Brotherhood. The operation lasted 27 days and was executed by the Syrian Arab Army. According to eyewitness accounts, as many as 20,000 troops were deployed to storm the city (Shahdawi, 2025). Before the assault began, Hama was isolated from the outside world. Communications, electricity, and food supplies were cut, and a strict media blackout was imposed. The city was then subjected to intense shelling, aerial bombardment, and mass executions. Much of Hama was reduced to rubble and nearly two-thirds of the city was destroyed. Civilians bore the brunt of the violence. Estimates of the death toll vary. The Syrian Network for Human Rights estimates that around 40,000 civilians were killed (Syrian Network of Human Rights, 2022), with 17,000 still missing (Shahdawi, ibid.). The massacre is widely regarded as a sectarian and genocidal act, targeting the city's Sunni Muslim population to suppress political dissent and secure the Assad government's grip on power. Hama's residents were subjected not only to mass killings and arrests but also to decades of marginalization, exclusion from leadership roles, and heightened surveillance ensuring the city could never again pose a threat.

<sup>[2]</sup> The UN Security Council Resolution 2254 (2015), which outlined a roadmap for a political transition in Syria and called for a ceasefire and the UN-facilitated political process. This resolution, adopted unanimously in December 2015, is considered a crucial document in the Syrian conflict. It sets out a roadmap for a political transition, calling for a Syrian-led political process facilitated by the UN to establish credible, inclusive, and non-sectarian governance within six months. It also includes provisions for the drafting of a new constitution.

<sup>[3]</sup> The concept of urbicide was first developed by Bosnian architects during the 1992-1995 war (Sharp, 2012) where architects and urban planners observed that the urban fabric was not merely collateral damage but was intentionally targeted, particularly in cities like Sarajevo. This term has since been applied to subsequent conflicts,

notably in Gaza, where extensive and systematic destruction of urban areas has been reported (Euro-Mediterranean Human Rights Monitor, 2024). Urbicide and homicide had become central tactics of the Syrian government in its combat with the opposition. This was not without precedent, however. In 1982, following an uprising by Islamists in the city of Hama, the government of Hafez al-Assad launched a brutal assault. Syrian immunologist Bara Sarraj, visiting Hama after the onslaught, noted: "Not a single tombstone was in its place." In the aftermath, the Syrian government reshaped the urban fabric of Hama with the express purpose of distorting it (Sharp, ibid.). Among the most symbolic changes were the introduction of mixed-gender swimming pools in 1983 and the construction of Syria's first co-ed college dormitory.

<sup>[4]</sup> [https://syria360.wordpress.com/2017/08/20/speech-by-president-assad-at-the-opening-of-the-foreign-and-expatriates-conference/?utm\\_source=chatgpt.com](https://syria360.wordpress.com/2017/08/20/speech-by-president-assad-at-the-opening-of-the-foreign-and-expatriates-conference/?utm_source=chatgpt.com); accessed 6 August 2025.

<sup>[5]</sup> International sanctions were a central tool of pressure against the government of Bashar al-Assad, particularly following the 2011 crackdown on peaceful protests that escalated into a full-scale civil war. The sanctions were imposed by various international actors, including the United States, the European Union, and several other countries, with the aim of compelling the government to cease its repression, engage in political reform, and end its support for terrorism. However, since the downfall of the Assad's government in late 2024, many of these sanctions have been lifted or are in the process of being lifted to facilitate the country's reconstruction and political transition.

<sup>[6]</sup> The General Security Service (GSS), which is the primary police and internal security force within the Syrian government's territories.

<sup>[7]</sup> Referring to the ability of the Sunni ulema, who consider the Alawites as an offshoot of Shiites as apostates.

<sup>[8]</sup> For example, Samar Yazbek (2011) documents her own struggles as an Alawite dissenter on the government's sectarian manipulation and the severe risks faced by those within minority communities who opposed it.

<sup>[9]</sup> It should be noted that most Arab countries have made major reservations on matters to do with sharia when it applies to family law.

<sup>[10]</sup> According to this article, "The state paves the way for the achievement of transitional justice by:

1. Cancel all exceptional laws that have harmed the Syrian people and are inconsistent with human rights.  
2. Cancel the effects of the unjust rulings issued by the Anti-Terrorism Court that were used to suppress the Syrian people, including the return of confiscated property.  
3. Cancel the exceptional security measures related to civil and real estate documents, which the former regime used to suppress the Syrian people" (Syrian Arab Republic, 2025).

<sup>[11]</sup>Based on the Article 49: "1- A transitional justice commission shall be established, adopting effective, consultative, victim-centred mechanisms to determine accountability mechanisms, the right to know the truth, and justice for victims and survivors, in addition to honouring martyrs. 2- War crimes, crimes against humanity, genocide, and all crimes committed by the former regime are excluded from the principle of non-retroactivity of laws. The state criminalizes the glorification of the former Assad regime and its symbols, the denial or praising of its crimes, justifying or downplaying them, all of which are crimes punishable by law" (ibid.).

<sup>[12]</sup>It includes the foreign minister, defence minister, interior minister, and national intelligence chief, plus two advisory members and a technical expert appointed by the president. Three of those current ministers, as selected by al-Sharaa, were alongside him in Jabhat al-Nusra/HTS: foreign minister, Asad al-Shaibani, intelligence chief, Anas Khattab, and defence minister, Murhaf Abu Qasrah. Interior Minister Ali Keddah is also HTS-linked: he was the former prime minister of the Syrian Salvation Government in Idlib.

<sup>[13]</sup>Repugnancy clause is common in the constitutions of Muslim countries. For instance, Article 227 of the Pakistan Constitution explicitly states that laws must conform to the injunctions of Islam. Numerous articles of the Iranian Constitution also consist of repugnancy clauses assuring the conformity of the constitutional rights with Islam. See Sadeghi, 2023.

<sup>[14]</sup>I will explain this initiative later in this paper.

<sup>[15]</sup><https://hawarnews.com/en/mjs-rejects-new-constitutional-declaration-new-era-of-exclusion;> accessed 19 June 2025.

<sup>[16]</sup>The Syrian Feminist Lobby, also known as the Syrian Women's Political Movement (SWPM), is an independent, non-partisan political movement and advocacy group founded in 2017. It works to ensure women's rights and their equal participation in the political, social, and economic life of Syria, advocating for a future democratic, pluralistic, and secular state.

<sup>[17]</sup><https://syrianfeministlobby.org/en/2025/04/09/statement-from-the-syrian-feminist-lobby-on-the-constitutional-declaration-and-the-new-government/>; accessed 19 May 2025.

<sup>[18]</sup>People's Protection Unit is a Kurdish militia that is a key component of the Syrian Democratic Forces. The YPG has been a significant force in the fight against ISIS in Syria and has also played a role in the broader Syrian civil war.

<sup>[19]</sup>A politician, researcher, international counsel and activist who is currently serving as minister of social and labour affairs in the Syrian transitional government since 2025. The current government has 23 male ministers and only one woman (Hind Qabawat) in social affairs and we heard nothing from the minister. And the female minister can't have any impact culturally, politically, etc."

<sup>[20]</sup>In 2023, women in Sweida once again started peaceful demonstrations against the government.

<sup>[21]</sup>A prominent example is Razan Zeitouneh, a human rights lawyer and activist, who became a legendary figure of the Syrian revolution. She was abducted by an Islamist armed group in December 2013, along with three of her colleagues, and her fate remains unknown to this day. Since 2001, she had been part of a legal team defending political prisoners and was among the founding members of the Human Rights Association in Syria that same year. In 2005, she established the Syrian Human Rights Information Center, through which she documented ongoing human rights violations. From 2005 until her disappearance in 2013, Zeitouneh was also an active member of the Committee to Support Families of Political Prisoners in Syria (Saleh, ibid.).

<sup>[22]</sup>A decade later, in 2024, a new constitutional draft was released by Anwar al-Bunni, a renowned human rights lawyer and director of the Syrian Center for Legal Studies and Research. This draft, titled "Draft Constitution for the New Syria 2024," presents a secular, decentralized, and democratic vision grounded in universal human rights. It guarantees equality for all citizens, including full gender equality, and recognizes ethnic and religious diversity. It proposes limits on presidential powers, enshrines civilian oversight of the military, supports civil personal status laws, and embeds transitional justice mechanisms. The draft reflects Al-Bunni's long-standing legal advocacy for a post-Assad constitutional order that is inclusive, pluralistic, and rights-based.

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