

Crimes Against Syrian Human Plurality:
Critiquing Legitimacy in Post-War Syria Under the Assad Regime

By

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I. Author's Note and Motivation:

“There was no sectarian war. There was no ethnical war. There was no political war. It was terrorists supported by outside powers.”

Bashar Al-Assad¹

We, Syrians, rarely address sectarianism. When we do, we are only allowed to talk about it for the sole purpose of denouncing the west and the terrorists they export to Syria to incite sectarian strife. If sectarianism was irrelevant to us, why does my aunt always whisper when she says “Alawite”? If sectarianism was irrelevant to us, why did my friend from Latakia once took me to the corner of the classroom, only to whisper in my ears, “I am an Alawite”? When sectarianism is addressed in the media, it is always depicted as alien to us, something un-Syrian, a taboo, or a conspiracy. We address it through a language of foreignness. We are Syrians above everything else and sectarianism is just a foreign tool to divide us. But if we are so comfortable with our Syrian identity that ground all of us, why have expressing and celebrating our differences in public always been a taboo?

I grew up in Al-Qaboun, a region in north-east of Damascus, known for its opposition to the government since the outbreak of the 2011 protests. The region is a poor outskirts of the capital, but it is divided by a street, separating lower-middle class and middle-class households from predominantly poorer populations mostly living in slums. I lived in the “good” side of the region, which was ethnically and religiously diverse. The “bad” side of the region was mostly populated by poor indigenous Sunnis, with some internal migrants from coastal cities in Syria.

My family identifies as Sunni Muslim. Our backyard shares a wall with the backyard of our “Christian neighbors.” Around the corner, there is an alleyway predominantly inhabited by Syrians who left Quneitra after Israel invaded of south-west of Syria during the 1973 Yom

¹ In an Interview on November 26, 2019 with the Monica Maggioni, the President of the Italian Broadcasting Company, “Rai.”

Kippur war. We called it “the Alleyway of the Displaced Ones.” Behind that, there was “the Alleyway of the Druze.” Across our building, there was the “Palestinian school,” which was rented by the UNRWA for Palestinian refugee students. Some of our neighbors in the building were Algerians. Some were Russian Tatars, and others were Alawites.

I went to a semi-public school that was informally known as “Laique,” meaning secularism in French. It was built by the French mandate in Syria in the early 20th century for the sole purpose of educating Arab students in a non-religious French curriculum. It was handed over to the government after the French mandate. After the death of Bassel Al-Assad, the brother of the current president and the son of the former one, the school was renamed to “Lycée of Bassel Hafez Al-Assad.” The school was also ethnically and religiously mixed, but we could only identify the Christian students because they would go to a separate classroom during the religious studies sessions. Later, my family taught me the skill of telling the sect of each student by their last name. Most of my friends were Sunni Arabs and Christians. A lot of the Alawites in the school were children of officials in the government or generals in the army. The headmaster of the school was an Alawite, and his daughter was in our class.

I was aware that a lot of my classmates were Alawites, but my mother warned me to not speak about sects and religions in school. I never did. But when the revolution started in Damascus, specifically in Al-Qaboun, many students stopped talking to me. Although I was a staunch supporter of the government in the first six months of the revolution, some of my Christian and Ismaeli friends started to jokingly call me “the Qabouni terrorist infiltrator,” mirroring the state media rhetoric that protesters are terrorist importations from the west. By the end of the year, I had only two friends, and both were Sunni Arabs.

The government started using the company campus where my mother worked in Al-Qaboun as a military base to store tanks and bomb the other side of the town. With a colleague of hers, my mother objected to this usage and filed a complaint to the director of the company. Meanwhile, I was preparing for my 9th grade exams when the first siege of Al-Qaboun started. I got a permission to leave to complete my exams and later stayed inside our apartment for the entire summer. I only went out twice to see my friends. My mother's colleague was slaughtered by two unknown men in front of a mosque after the Friday prayers. She received anonymous threats and letters that mentioned my name and my brother's name to blackmail her. During the siege, I watched a lot of American movies without subtitles, hoping to learn English. I also completed a five-thousand-piece puzzle three times. I worked on it when the power was out.

On August 27, 2012, a month after my 15th birthday, the rebels shot down a military helicopter on a mosque near our apartment. The neighborhood was quickly divided up between rebel- and government-controlled areas with our apartment on the frontline. The government started bombing the other side of the town brutally, so we decided to leave the region and the country to Egypt, thinking that it would be a temporary leave.

Unfortunately, we never came back. Before we left, the government and the rebels signed a short-lived ceasefire, so my parents and my sister went to the bombarded area of Al-Qaboun to see the massive destruction. They asked me to come with them, but I refused to. I wanted to stay in our apartment. I refused to see the reality of a war that took away my teenage years. Two weeks later, we packed heavy bags that taught me to hate the sound of wheels rolling on broken asphalt.

We became refugees in Egypt. We became refugees in Turkey. I went to study in Bosnia and Herzegovina, and then I moved to the United States. My family members became refugees

in Sweden. My brother moved to Belgium. As of December 2019, my brother is a Belgian citizen. My sister got married to someone she dated in high school. He is a Syrian-Palestinian and became a Swedish citizen a year ago. Although we are the same family, our experiences with refuge is vastly different. My parents and my sister took the boat from Turkey to Greece and became part of the 2015 influx of refugees to Europe. My brother and I did not. But all my family members, except me, saw the effects of the Syrian civil war on the country. I never saw those effects. I just heard them, while I was doing my puzzle, and watching American movies. I kept wanting to understand a conflict so close to me, yet also so far away.

My project presents a combination of an insider and an outsider view. I am Syrian, but in a way, I never witnessed the war because I was too young, and I was in Syria only early in the conflict. I only lived in government-held areas, so I never experienced living under Da'esh,² nor under the rule of different opposition factions. I can only cover so much. I believe and reject theories and stories based on my experiences and, probably, based on my biases. The story of the Syrian civil war can never be told objectively, neither from an outsider nor from an insider perspective. If anyone reading this project has an opposing view, please contact me so we can learn from each other. My email is marwan.safarjalani@gmail.com.

In the beginning of nearly every section, there is a quote by a person that I know, personally or otherwise, who deeply influenced my life, negatively or positively. The quote is vaguely related to the topic of the section, but I don't engage with it. It is there to demonstrate that the questions I try to answer are related to my life outside of books and academics and are related to the lives of the people who influenced my life so fundamentally. I am writing this project to understand something that shaped my life trajectory, yet is so alien to me, and to

² Daesh is the derogatory Arabic term for ISIS, stemming from the refusal of many Muslims to recognize ISIS as an Islamic state.

reconcile my differences with my family members. They saw what happened to the place where we grew up, where we had our most intimate memories, where we used to buy fresh warm flat bread from the bakery and finish it before it arrived home, and where Muslims, Christians, Druze, Alawites, Kurds, Palestinian-Syrians formed a mosaic that showcases to the world what Syria was and will always be. I never saw what happened to that place. Now, I only see pictures of a destroyed place that I don't recognize.

Completing this project is a statement that displaced ones hold dear the places they were forced to leave and long to understand. It is a validation for the time and effort that I spent trying to understand a reality that I could not see in person. It is an affirmation of how much I value pursuing the truths of my old and new realities, and of the freedom to fully express those truths in public. It is an affirmation that I, as a displaced person, am far from a passive being. I learn about my political surroundings, teach my hosts about my values and, in turn, their own values, and construct and imagine new and hopeful realities of my new and old homes.

I want to first thank my family members who always talk me through my ideas and support me. I would not have completed this project without the generous support, patience of and endless office hours with professors James Silk and Paul-Linden Retek, or without the support of Professor Hope Metcalf and Talya Lockman-Fine. I want to thank my peers in the multidisciplinary academic program in human rights, namely Liana Wang, Keera Annamaneni, Siduri Beckman, Dani Schulman, Jordan Cozby, and Claudia Macri, and the Schell center for international human rights for supporting my summer internship in the Middle East and North Africa division and the LGBT Program in Human Rights Watch. Finally, I want to thank my advisors and mentors in HRW who inspired me to embark in this project, namely Professor

Graeme Reid, Pinar Erdem, Ryan Thoreson, and Kyle Knight. I owe it to all of you. Thank you for teaching me about myself and about what I care most about.

II. Introduction:

Sectarianism in the Syrian conflict has been addressed extensively through different theoretical lenses. Some attribute the conflict to a long-lasting Sunni-Shia divide in the Middle East. Others situate the civil war in a story of historical, political, economic and social exclusion and inclusion of certain sects, while others discount any role of sectarianism and theorize about the war through economic analyses. However, few authors focus on the role of government in the brutal targeting of largely Sunni areas that are sympathetic to the rebels. This sectarian targeting includes but is not limited to massacres, demographic displacement, and sexual violence. Often those practices are accompanied by anti-Sunni rhetoric that reveal that the story of the civil war can't be told without its sectarian elements. Even fewer authors focus on the consequences of sectarian practices on the social and political fabric of post-war Syria.

First, I delineate sectarian government practices by highlighting the demographics of the targeted locations, and occasionally by using the rhetoric of officials while targeting those regions. I survey the literature on sectarianism in Syria and its connection to the Middle East. I attempt to fill the mentioned lacuna in the literature by relying on the concept of human plurality that Hanna Arendt explained in *The Human Condition*. I address the question: *what does Arendt's human plurality illuminate about post-war legitimacy in Syria, considering the regime's role in committing crimes against humanity on rural Sunni Syrians?*

There are many ways in which sectarianism affects society in post-conflict situations. Arendt's framework, however, addresses the fundamental activities that make us humans, that is, what makes us a distinct species: speech and action, and their corresponding human condition of

plurality. I highlight that the human condition cannot be fulfilled without plurality with its two tenets: distinction and equality. Those two elements are essential for what occurs *between humans*, that is when humans use speech and action to insert themselves in the world and express their unique contributions among their equals.³ I use human plurality to highlight the gravity of the crimes against humanity committed by the government, referencing Benhabib's understanding of Arendt's conception of genocide as a reduction of perspectival politics. I connect this understanding with the definition of crimes against humanity provided in a 1996 draft statute for the International Criminal Court. I turn to analyze the structure of sectarianism during and before the civil war from the perspective of Yassin Al-Haj Saleh, who argues that sectarianism is a political tool to maintain power in the hands of rulers and notables and keep the Syrian majority divided and distrustful of each other. The government's sectarian crimes against humanity, therefore, are crimes against all of Syrians and against their human plurality.

Finally, to address the domestic legitimacy question, I analyze the role of speech in erecting a Commonwealth in Hobbesian politics. Since speech is essential for conferring one's right to protect oneself to a government, I argue that the suppression of speech, specifically the discussion about sectarianism in public, prevents Syrians from conferring such rights to a Commonwealth to protect them from being distrustful of one another. Moreover, since sectarianism is inherently unequal, and since equality is essential for both the Arendtian human plurality and for Hobbesian understanding of a just judgement, the government's sectarian crimes against humanity prevents Syrians from pluralizing their voices to give legitimacy to such a government. I end with a note that highlights the necessity for developing a political and

³ Hannah Arendt, *The Human Condition* (Chicago: The University of Chicago Press, 1958), 178.

national framework that recognizes our human plurality and what each of us, Syrians, has to contribute to Syria, the world and to perspectival politics.

III. Sectarianism in Syrian Government Practices During the Civil War:

This section of the paper documents the usage of sexual violence, demographic displacement, and massacres by the Syrian government against rural and semi-rural Sunni populations. In the case of sexual violence, evidence of sectarianism manifests in the rhetoric of government officials and the locations where sexual violence and torture are prevalent. The sectarian elements in demographic displacement stem from population swaps and the passage of laws that prevent internally displaced populations from returning to their cities and regain their properties. Knowledge of the demographics of the population residing in targeted locations may not be always documented, but I relied on some reported information as well as conventional knowledge obtained by living in Syria.⁴

A. Demographic Displacement:

As of the time of the writing of this paper, the Syrian civil war displaced 6.6 million people inside the country and 5.6 million outside as refugees.⁵ Because of the multi-faceted nature and variety of actors in the war, displacement affected Syrians of all backgrounds. However, displacement has disproportionately affected Sunni populations.⁶ There are two main mechanisms that contributed to the change in the demographic picture of the country: (1) passing restrictive property laws under the guise of “reconstruction” and (2) swapping populations of

⁴ The Syrian census collects data about people’s religions and ethnic backgrounds, but does not collect data about people’s sects, such as Alawites, Shia, Sunnis etc. Instead, I rely on conventional knowledge and reported information about the regions’ demographics. Since most Syria’s populations are Sunnis, it is safe to assume that areas that are not notoriously and overwhelmingly populated by minorities are Sunni areas.

⁵ “Syria Refugee Crisis,” The United Nations Higher Commissioner for Refugees, 12/17/2019.

<https://www.unrefugees.org/emergencies/syria/>

⁶ “How Victorious Bashar Al-Assad is Changing the Country,” The Economist, 06/28/2018.

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

different sects under the pretext of “reconciliation.” Below, I analyze the two tactics as tools that disproportionately affect Sunni rural rebel-held areas.

1) Demographic Displacement Through Agreements:

Since 2014, the regime managed “reconciliation agreements” through the newly established ministry of national reconciliation. Those agreements took place mostly with opposition fighters. Their purpose was to give the residents of sieged rebel-held areas the choice between leaving and staying in their neighborhoods. Most of those agreements occurred after long sieges that pressured the rebels to surrender by preventing the entry of humanitarian aid to local civilians.⁷ Under those agreements, residents, mostly Sunni opposition fighters, were required to leave other rebel-held areas, particularly to northern Syria.⁸ Many civilians, especially the families of anti-regime fighters, chose to leave for fear of retaliation by government forces. What follows is a list of agreements reported on by different sources, their locations, dates, and the recorded number of individuals that were displaced. Unless otherwise noted, those populations are mostly suburban and rural Sunnis.

- A. Yarmouk Refugee Camp, Damascus. The Syrian regime and Daesh. Evacuating Daesh fighters and their families to Southeastern Damascus, Eastern Homs and Raqqa. December 2015.⁹

⁷ Raymond Hinnebusch and Omar Imady, “Syria’s Reconciliation Agreements” (Unpublished journal article, St. Andrew’s University), 2.

⁸ Suleiman Al-Khalidi, “Syrian Rebels, Iran Reach Deal to Evacuate Villages: Sources,” Reuters, 07/17/2018, <https://www.reuters.com/article/us-mideast-crisis-syria-towns/syrian-rebels-iran-reach-deal-to-evacuate-villages-sources-idUSKBN1K72EZ>

⁹ “Status Report on Yarmouk Camp,” The Carter Center, 11/14/2017, https://www.cartercenter.org/resources/pdfs/peace/conflict_resolution/syria-conflict/yarmouk-status-report-2017.11.14.pdf

Mays Al-Shobassi, “Timeline: Syria’s 13 ‘People Evacuation’ Deals,” Al-Jazeera, 05/16/2017, <https://www.aljazeera.com/indepth/features/2017/04/timeline-syria-people-evacuation-deals-170413084313089.html>

- B. Daraya, Damascus. Syrian regime and opposition. Civilians head to regime-held Sahnaya and Harajleh in Damascus while fighters leave to Idlib.¹⁰ 8,000 people displaced.¹¹ August 2016.
- C. Al-Waer, Homs. Syrian regime and opposition. 800 opposition fighters and their families leave to Idlib.¹² 10,000 – 15,000 people in total would leave to northern Syria.¹³ September 2016. The agreement fell, but Russia-sponsored deal bringing the region under government control, displacing 20,000 residents.¹⁴ October 2016.
- D. Moadamiyah, Damascus. Syrian regime and opposition. 3,000 people were set leave for Idlib, including 620 armed fighters and their families from Daraya and Kafr Souseh.¹⁵ Only 1,600 left to Idlib.¹⁶ October 2016.
- E. Qudsaya and Al-Hameh, Damascus. Syrian regime and opposition. 500 - 515 and 100 – 114 opposition fighters and their families from the two towns respectively towards Idlib.¹⁷ 2,000 – 2,500 people were evacuated from the two areas.¹⁸ October 2016.

¹⁰ Ibid.

Hussam Eddin et al. “Afterword: 5 Stories of Love, Loss and Leaving Darayya,” Syria|Direct, 08/29/2016. <https://syriadirect.org/news/afterword-5-stories-of-love-loss-and-leaving-darayya/>

¹¹ Anne Barnard and Hwaida Saad, “Besieged Town of Daraya Agrees to Surrender to Syrian Government,” The New York Times, 08/25/2016, <https://www.nytimes.com/2016/08/26/world/middleeast/daraya-syria-assad-surrender.html>

¹² Al-Shobassi, “Timeline: Syria’s 13 ‘People Evacuation’ Deals.”

¹³ Angus McDowall et al. “Syrian Rebels Agree to Leave Homs’ Al-Waer District,” Reuters, 03/13/2017, <https://www.reuters.com/article/us-mideast-crisis-syria-homs/syrian-rebels-agree-to-leave-homs-al-waer-district-idUSKBN16K13D>

¹⁴ “We Leave or We Die,” Amnesty International, 11/13/2017. <https://www.justice.gov/eoir/page/file/1012126/download>

¹⁵ Al-Shobassi, “Timeline: Syria’s 13 ‘People Evacuation’ Deals.”

Patrick Wintour, “UN Blames Syrian Government Siege Strategy for Expected Mass Evacuations,” The Guardian, 09/01/2016, <https://www.theguardian.com/world/2016/sep/01/mass-evacuations-from-syrian-cities-now-likely>

¹⁶ Bahira Al-Zarier, Ghardinia Ashour and Mateo Nelson, “For 1,600 Evacuated Residents and Rebels, Once-stalwart Moadamiyah Fades into the Distances Along the Road to Idlib,” Syria|Direct, 10/19/2016.

<https://syriadirect.org/news/for-3000-evacuated-residents-once-stalwart-moadamiyeh-fades-into-the-distance-along-the-road-to-idlib/>

¹⁷ Al-Shobassi, “Timeline: Syria’s 13 ‘People Evacuation’ Deals.”

¹⁸ Peter Kenyon and Alison Meuse, “In a Syrian Suburb Cleared of Rebels, A Gradual Return to Everyday Life,” NPR, 12/25/2016, <https://www.npr.org/sections/parallels/2016/12/25/505304239/in-a-syrian-suburb-cleared-of-rebels-a-gradual-return-to-everyday-life>

- F. Al-Tal, Damascus. Syrian regime and opposition. November 2016.¹⁹ An estimated 2,000 people in total left to Idlib.²⁰ November 2016.
- G. Khan e-Sheh, Western Gouta, Damascus. Syrian regime and opposition. 2,000 – 3,000 people were evacuated.²¹ November 2016.
- H. Aleppo:
- a. By December 15, 2016, 2,000 civilians were evacuated from East Aleppo in an agreement between Syrian regime and opposition.²² Evacuation to Aleppo's northern and western rebel-held countryside.²³
 - b. By December 17, 2016, at least 6,000 were evacuated before the deal was halted. Both sides interchanged accusations of opening fires at convoys, but the main disagreement was the evacuation of "humanitarian cases" from the Shia towns of Kafraya and Foua sieged by the rebels.²⁴

Alaa Nassar and Mateo Nelson, "After Relentless Bombardment, Two Northwest Damascus Towns Give Up and the Evacuations Begin," Syria|Direct, 10/13/2016, <https://syriadirect.org/news/after-relentless-bombardment-two-northwest-damascus-towns-give-up-and-the-evacuations-begin/>

¹⁹ Al-Shobassi, "Timeline: Syria's 13 'People Evacuation' Deals."

²⁰ Ammar Hamou and Tariq Adely, "'No Such Thing as Finished': Residents of North Damascus Suburb Stay Close to Home After Reconciliation Amid Fears of Arrest and Conscription," Syria|Direct, 11/09/2017, <https://syriadirect.org/news/'no-such-thing-as-finished'-residents-of-north-damascus-suburb-stay-close-to-home-after-reconciliation-amid-fears-of-arrest-conscription/>

²¹ Allaa Nassar, Osama Hmadi and Mateo Nelson, "Season of Evacuation to the North: the Green Buses Come for West Ghouta," Syria|Direct, 11/29/2016, <https://syriadirect.org/news/season-of-evacuation-to-the-north-the-green-buses-come-for-west-ghouta/>

Al-Shobassi, "Timeline: Syria's 13 'People Evacuation' Deals."

²² Kareem Shaheen, "Syrian Negotiators Race to Salvage Aleppo Evacuation Deal," The Guardian, 12/17/2016, <https://www.theguardian.com/world/2016/dec/16/aleppo-evacuation-suspended-as-blasts-heard-at-departure-point>

²³ Kareem Shaheen, "Aleppo: Russia-Turkey Ceasefire Deal Offers Hope of Survival for Residents," The Guardian, 12/13/2016, <https://www.theguardian.com/world/2016/dec/13/deal-reached-to-evacuate-rebels-and-civilians-from-aleppo>

Ben Hubbard and Hwaida Saad, "Aleppo Evacuation Effort Restarts, and Assad Calls It History in the Making," The New York Times, 12/15/2016, <https://www.nytimes.com/2016/12/15/world/middleeast/aleppo-syria-evacuation-deal.html>

²⁴ "Aleppo Evacuation: Thousands Wait to Leave as 'New Deal Reached'," BBC, 12/17/2016, <https://www.bbc.com/news/world-middle-east-38350658>

- I. Wadi Barada, Damascus. Syrian regime and opposition. Fighters to leave for Deir Muqaran in Southwestern Damascus countryside. Those who refuse to settle their status with the regime (abide to conscription rules) will have to leave for Idlib with their families.²⁵ 1142 fighters and 760 members of their families were evacuated to Idlib.²⁶ January 2017.
- J. Four Towns Agreement: Sunni Zabadani and Madaya, Shia Foua and Kifraya. Syrian regime, Hezbollah, Iran and the Syrian opposition fighters were parties. Evacuation of 3,800 people from Zabadani to Idlib. 6,000 - 8,000 people from Kefraya and Foua to Aleppo and Damascus.²⁷ Evacuation of those who want to leave from Madaya.²⁸ March – April 2017.
- K. Qaboun, Damascus. Syrian regime and opposition. 1,500 – 2,000 rebels and their families to Idlib.²⁹ May 2017.
- L. Barzeh, Damascus. Syrian regime and opposition. 1,012, including 455 fighters left for Idlib and north Syria.³⁰

²⁵ Al-Shobassi, “Timeline: Syria’s 13 ‘People Evacuation’ Deals.”

²⁶ Josie Ensor, “Syrian Rebels Evacuated out of Besieged Wadi Barada After Government Forces Capture Strategic Water Spring,” The Telegraph, 01/30/2017, <https://www.telegraph.co.uk/news/2017/01/30/syrian-rebels-evacuated-besieged-wadi-barada-government-forces/>

²⁷ “Syria Conflict: ‘Deal Reached’ For Four Besieged Towns,” BBC, 03/29/2017, <https://www.bbc.com/news/world-middle-east-39426162>

Al-Khalidi, “Syrian Rebels, Iran Reach Deal to Evacuate Villages: Sources.”

²⁸ Al-Shobassi, “Timeline: Syria’s 13 ‘People Evacuation’ Deals.”

²⁹ Suleiman Al-Khalidi, “Over 2,000 Rebels, Families Evacuate Damascus District: State Media,” Reuters, 05/13/2017, <https://www.reuters.com/article/us-mideast-crisis-syria-capital/over-2000-rebels-families-evacuate-damascus-district-state-media-idUSKBN1890W2>

Al-Shobassi, “Timeline: Syria’s 13 ‘People Evacuation’ Deals.”

³⁰ “Evacuation of Rebels From Damascus District Complete – City Governor Says,” Reuters, 05/29/2017, <https://www.reuters.com/article/uk-mideast-crisis-syria-barzeh/evacuation-of-rebels-from-damascus-district-complete-city-governor-says-idUKKBN18P1NY>

“Evacuation of Syrian Rebels Starts in Barzeh,” Al-Jazeera, 05/05/2017, <https://www.aljazeera.com/news/2017/05/evacuation-syrian-rebels-starts-barzeh-170508091135808.html>

In those agreements a total number of at least 40,000 people were evacuated from Sunni areas in Damascus, Homs, and Aleppo to Idlib and other areas of northern Syria.³¹ When assessing the risk of such demographic displacement of historically vulnerable impoverished suburban and rural populations, it is important to also remember the subsequent full-scale aggression of the Syrian government, Russia, Iran, and pro-regime militias on Idlib.³² A full analysis of the war on Idlib is, however, outside the scope of this project.

2) Demographic Displacement Through Public Policy:

The second tool that the government uses to maintain the demographic change in the country is the deference to laws under the guise of “redevelopment zones.” Those laws disproportionately target refugees, most of whom are Sunnis who have been displaced inside and outside Syria. They give little time for people to establish their ownership for their property, which makes it particularly hard for those who live outside Syria and cannot leave their country of residence because of their legal status. Even those who can come back may not be able to obtain and provide government-issued documents that establish ownership of their property. What follows is an analysis of each of those laws, what they establish and how they affect the demographic picture of the country:

a. Legislative decree N.66/2012³³

The decree establishes two redevelopment zones: 1) south-eastern Mezzeh, that is Kafar Souseh and Basateen Al-Razi and 2) South of the southern highway, *Al-Mutahaleq Al-Janoubi*,

³¹ When discussing the gravity of this displacement, it is important to remember that each one of those evacuees has a story of displacement that we will never be able to hear. Regardless of our level of connection to war and displacement, it is hard for us to imagine what it means to be uprooted from someone’s home by a so-called “reconciliation deal” and emigrate to another, perhaps, equally dangerous place in another part of Syria.

³² “Battle for Idlib News,” Al-Jazeera, <https://www.aljazeera.com/topics/events/idlib-battle-syria.html>

³³ “Legislative Degree Number 66 for the Year 2012,” Committee for the Implementation of Legislative Decree 66, 09/18/2012, <http://66.damascus.gov.sy/%D8%A7%D9%84%D9%85%D8%B1%D8%B3%D9%88%D9%85-%D8%A7%D9%84%D8%AA%D8%B4%D8%A4%D9%8A%D8%B9%D9%8A-66>

including Kafar Souseh, Daraya, Basateen Al-Qanawat, and Al-Qadam. Article 4 of the decree prohibits alteration to real estate proprieties in any of those regions, including the transferal of ownership of real estate in those areas, while Article 6 gives thirty-day grace period for owners to return to Damascus and declare ownership using government-certified documents. The law has been used to demolish private property and expel residents from previously anti-regime areas, particularly in Basateen Al-Razi.³⁴

b. Legislative decree N. 63/2012:³⁵

The decree establishes the right of the ministry of finance to confiscate “the transferred and non-transferred assets” for those who violate the counterterrorism law issued by the government earlier in the year. The sweeping counterterrorism law punishes peaceful protests under the guise of “internal and external security.”³⁶ The vagueness of the decree may enable the government to freeze both the financial and real estate assets of the activists and residents of notoriously anti-regime regions. There were cases where people were charged with terrorism for distributing humanitarian aid and protesting peacefully. Moreover, the law is said to deprive defendants of the rights to due process in courts that were specifically established to process conscription of property and terrorism cases.³⁷

³⁴ Tom Rollins, “Decree 66: The Blueprint for Al-Assad’s Reconstruction of Syria,” *The New Humanitarian*, 04/20/2017, <https://www.thenewhumanitarian.org/investigations/2017/04/20/decrees-66-blueprint-al-assad-s-reconstruction-syria>
Sara Kayyali, “Protecting Syrian Property Rights,” *Human Rights Watch*, 10/19/2018, <https://www.hrw.org/news/2018/10/19/protecting-syrian-property-rights#>

³⁵ “The Legislative Branch Number 63 for the Year 2012,” *The Syrian Parliament*, 09/16/2012, <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=16218&ref=tree&>

³⁶ “Syria: Counterterrorism Court Used to Stifle Dissent,” *Human Rights Watch*, 06/25/2013, <https://www.hrw.org/news/2013/06/25/syria-counterterrorism-court-used-stifle-dissent>

³⁷ *Ibid.*

c. Law No. 10/2018.

This law is derived from legislative decree N.66/2012, stipulating that the government has the right to designate any land as a “redevelopment zone.”³⁸ Under Law No.10, the government may redevelop urban areas destroyed by the war without the approval of owners or compensation in case they are unable to establish their ownership. Like its predecessor, Law No. 10 gives owners one month to establish their right to ownership. After international outcry, the government is said to have amended Law.10 to give owners a year to establish their ownership, but the law stays ambiguous about which urban areas it targets.³⁹ If failed to establish ownership, the owner is unable to receive compensation, or establish a company that invests in the reconstruction efforts, all of which are rights obtained by those who succeed in establishing their ownership. Despite the change in the law, the government continues to confiscate private property from people who have fled opposition-controlled areas and wish to return after the government re-controlled them. The government used the law to confiscate and demolish without due process or compensation buildings in two areas that were targeted by demographic displacement too, namely Daraya (April 2018) and Al-Qaboun (July 2018) in Damascus.⁴⁰

B. Sexual Violence:

Conflict-related sexual violence is a weapon of war that almost all parties in the war engage in. There are victims of sexual violence of all genders, sexual orientations, sects and ethnicities in the war. It’s hard for us to imagine the impact of those experiences on the individual lives of the victims, regardless of their ethnicity or religion. However, this project

³⁸ “Q&A: Syria’s New Property Law,” Human Rights Watch, 05/29/2018, https://www.hrw.org/news/2018/05/29/qa-syrias-new-property-law#_What_is_Law

³⁹ “Syria Extends Time for Post-War Property Claims Under Disputed Law,” Reuters, 11/12/2018, <https://www.reuters.com/article/us-mideast-crisis-syria-property/syria-extends-time-for-post-war-property-claims-under-disputed-law-idUSKCN1NH1OD>

⁴⁰ “Syria: Residents Blocked From Returning,” Human Rights Watch, 10/16/2019, <https://www.hrw.org/news/2018/10/16/syria-residents-blocked-returning>

focuses on the sexual violence against males and females perpetrated by the Syrian government and how sectarian patterns manifest in those practices against Sunni populations. Some of those populations are the same ones that suffered from demographic displacement, confiscation of property, and demolition of entire neighborhoods. The Syrian army, government-affiliated militias, and Hezbollah used detention centers, checkpoints, prisons, and home raids to commit sexual violence.⁴¹ Documenting the exact practices and the locations of sexual violence, despite being important for future accountability purposes, is outside the scope of this project because it has been documented elsewhere by the UNHCR, the Independent International Commission of Inquiry, and several medical and legal organizations operating inside Syria.⁴² In this section, I outline two ways sectarianism manifests in sexual violence practices: (1) the regions where it took place, and (2) the perpetrators' rhetoric during sexual violence and torture.

The scale of sexual violence committed by Syrian government forces in areas of heavy Sunni population is a piece of evidence for the sectarian aspect to this weapon of war. The Independent International Commission of Inquiry documented cases between 2011 and 2014 in Dara'a, Homs (Al-Qusair – majority Sunni⁴³, Kafr Aya, Bab Amr - majority Sunni⁴⁴, Karm Al-Zeitoun – mixed Alwaite and Sunni⁴⁵, Homs City, Tayeba, and Al-Houla – majority Sunni⁴⁶),

⁴¹ “I lost my Dignity”: Sexual and Gender-Based Violence in the Syrian Arab Republic,” Human Rights Council, 03/23/2018, <https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-CRP-3.pdf>

⁴² “The Soul Has Died’: Typology, Patterns, Prevalence and Devastating Impact of Sexual Violence Against Men and Boys in Syrian Detention,” Lawyers and Doctors for Human Rights, 03/2019, <http://ldhrights.org/en/wp-content/uploads/2019/03/The-Soul-Has-Died-Male-Sexual-Violence-Report-English-for-release-copy.pdf>

“We Keep it in Our Hearts’ Sexual Violence Against Men and Boys in the Syria Crisis,” United Nations Higher Commissioner for Refugees, 10/2017, <https://data2.unhcr.org/es/documents/download/60864>

“I lost my Dignity”: Sexual and Gender-Based Violence in the Syrian Arab Republic,” Human Rights Council.

⁴³ Alexander Dziadosz, “Syrian Town Struggles Under Siege, Awaits Attack,” Reuters, 03/03/2012, <https://www.reuters.com/article/us-syria-town/syrian-town-struggles-under-siege-awaits-attack-idUSTRE8220F920120303>

⁴⁴ “Syria’s Slide Towards Civil War,” BBC, 02/12/2012, <https://www.bbc.com/news/world-middle-east-16984219>

⁴⁵ Martin Armstrong, “Horrors of War Cast Dark Shadow over Promised Rebirth of Homs,” Middle East Eye, 06/15/2016, <https://www.middleeasteye.net/news/horrors-war-cast-dark-shadow-over-promised-rebirth-homs>

⁴⁶ “Oral Update of the Independent International Commission of Inquiry on the Syrian Arab Republic,” Human Rights Council, 06/26/2012,

Damascus (Damascus City, Saqba – majority Sunni suburb⁴⁷, and Yarmouk – majority Sunni Palestinian refugee camp⁴⁸, Zabadani – majority Sunni⁴⁹), Hama (Hama city and Tamanaa), Latakia (al-Haffe – majority Sunni⁵⁰), and Eastern Aleppo. Moreover, the commission obtained second-hand information from health practitioners who reported dealing with sexual violence cases in Idlib (Jisr Al-Shughoor – majority Sunni⁵¹, tftanaz, Idlib City), Homs (Bab Sba’ – majority Sunni⁵²), Deir Ezzor, and Damascus (Darayya and Qazaz).⁵³

Sectarianism also manifests through incidents of derogatory anti-Sunni language used by government officials perpetrating sexual violence. The Commission’s report identified that all victims of the Damascus Political Security Branch in Damascus were Sunnis, and derogatory references against their faith was used by the perpetrators who sought to disassociate themselves from their victims.⁵⁴ Branch 215’s officials in Damascus reportedly used bigoted language in their penetrative searches. One woman was humiliated by an officer for the shape of her vagina. Upon admission to the facility, the officer was told to wash off “the dirty Sunni woman.”⁵⁵ Many women were threatened that photos of them unveiled would be made public.

https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/COI_OralUpdate_A.HRC.20.CRP.1.pdf

⁴⁷ “Syria: Damascus Suburbs Come Under renewed Attack,” the Telegraph, 03/12/2012,

<https://www.telegraph.co.uk/news/worldnews/middleeast/syria/9157039/Syria-Damascus-suburbs-come-under-renewed-attack.html>

⁴⁸ Martin Chulov, “Syrian Jet Fires Rocket at Palestinian Refugee Camp in Damascus,” The Guardian, 12/16/2012, <https://www.theguardian.com/world/2012/dec/16/syrian-rocket-palestinian-refugee-camp>

⁴⁹ Anne Barnard, “Truce Struck in 2 Areas of Syria,” The New York Times, 09/25/2015,

<https://www.nytimes.com/2015/09/26/world/middleeast/syria-rebels-reach-truce-with-assad.html>

⁵⁰ “Syrian Rebels ‘Withdraw from Al-Haffe,” The Telegraph, 06/12/2012,

<https://www.telegraph.co.uk/news/worldnews/middleeast/syria/9328720/Syrian-rebels-withdraw-from-Al-Haffe.html>

⁵¹ Liam Stack, “Syria, Claiming Heavy Toll in town, Hints at Retaliation,” The New York Times, 06/06/2011, <https://www.nytimes.com/2011/06/07/world/middleeast/07syria.html>

⁵² Joseph Daher, *Syria After the Uprisings: The political Economy of State Resilience* (London: Pluto Press, 2019). Syria after the Uprisings the Political Economy of State Resilience.

⁵³ Ibid.

⁵⁴ “‘I lost my Dignity’”: Sexual and Gender-Based Violence in the Syrian Arab Republic,” Human Rights Council.

⁵⁵ Ibid.

Sectarian-based sexual violence also affected men and boys. In a report focusing on gender-based conflict-related violence against men and boys “‘The Soul Has Died’: Typology, Patterns, Prevalence and Devastating Impact of Sexual Violence Against Men and Boys in Syrian Detention,” Lawyers and Doctors For Human Rights identified a pattern of genital violence where detainees were told that they were being electrocuted so that they are unable to have children because “Sunni children will kill Alawites.”⁵⁶

C. *Massacres:*

Most massacres committed by the Syrian army, government-affiliated militias, including the Shabiha and Hezbollah, and security forces happened in majority-Sunni areas sympathetic to the rebels. Many victims are unarmed civilians, women or children. Some of those areas are the same areas that have experienced raids of sexual violence and demographic displacement. This is by no means a comprehensive list and mentioning the number of the victims is far from enough to reflect the horrendous actions done to those victims.⁵⁷ I include as many details as possible to highlight the sectarian patterns of massacres as a military and political weapon.

- a. 2011: 1) Karm Al-Zeitoun, Homs. 30 – 50 people. Mixed Alawite-Sunni town.⁵⁸

The town is also known to be a target for what’s called “the Sunni Market” for pro-government militias seeking compensation for their work for the government.⁵⁹

⁵⁶ “‘The Soul Has Died’: Typology, Patterns, Prevalence and Devastating Impact of Sexual Violence Against Men and Boys in Syrian Detention,” Lawyers and Doctors for Human Rights.

⁵⁷ Many other massacres were committed by rebel forces, Jabhat Al-Nusra, and the Islamic State against Shiite and Alawite villages, and most victims were civilians.

⁵⁸ Armstrong, “Horrors of War Cast Dark Shadow over Promised Rebirth of Homs.” Anne Barnard, “Massacre is Reported in Homs, Raising Pressure for Intervention in Syria,” The New York Times, 03/12/2012, https://www.nytimes.com/2012/03/13/world/middleeast/death-toll-in-homs-rises.html?_r=0

⁵⁹ Yassin Al-Haj Saleh, *The Impossible Revolution: Making Senses of the Syrian Tragedy* (Chicago: Haymarket Books, 2017).

- b. 2012: 1) Taftanaz, Idlib. 57 people. 2) Houla, Homs. 108 killed.⁶⁰ Mostly Sunny.⁶¹ 3) Qubair, Hama. 78 people killed.⁶² Sunni enclave.⁶³ 4) Daraya, Damascus Countryside. Estimated 500 killed.⁶⁴ Sunni.⁶⁵ 5) Ma'aret Al-Numan, Idlib. Estimated 100 people, including around 50 army defectors.⁶⁶
- c. 2013: 1) Basatin Al-Hasawiya, Homs.⁶⁷ Alleged attack by Alawite pro-government forces against the Sunni town.⁶⁸ 2) Jdaydat Al-Fadl, Damascus countryside. 100 people. Predominantly Sunni area.⁶⁹ 3) Bayda and Banyas, Tartus governorate. Predominantly Sunni committed by Alawite government forces. Around 200 civilians.⁷⁰

⁶⁰ "Houla Massacre: UN Blames Syria Troops and Militia," BBC, 08/15/2012, <https://www.bbc.com/news/world-middle-east-18348201>

⁶¹ Yassin Al-Haj Saleh, *The Impossible Revolution: Making Senses of the Syrian Tragedy* (Chicago: Haymarket Books, 2017).

⁶² "Houla Massacre: UN Blames Syria Troops and Militia," BBC.

⁶³ "Syria Eyewitnesses: Charred Bodies Proof of Hama Massacre," The Telegraph, 06/07/2012, <https://www.telegraph.co.uk/news/worldnews/middleeast/syria/9316829/Syria-eyewitness-charred-bodies-proof-of-Hama-massacre.html>

⁶⁴ Janine Di Giovanni, "Syria Crisis : Daraya Massacre Leaves a Ghost Town Still Counting its Dead," The Guardian, 09/07/2012, <https://www.theguardian.com/world/2012/sep/07/syria-daraya-massacre-ghost-town?newsfeed=true>

⁶⁵ Julian Borger, "Syrian Regime Accused of Killing Hundreds in Daraya Massacre," The Guardian, 08/26/2012, <https://www.theguardian.com/world/2012/aug/26/syrian-regime-accused-daraya-massacre>

⁶⁶ "Rebels Say Halt Syrian Army Attempt to Retake Town," Reuters, 10/10/2012, <https://www.reuters.com/article/us-syria-crisis-battle/rebels-say-halt-syrian-army-attempt-to-retake-town-idUSBRE8991CN20121010>

⁶⁷ Oliver Holmes, "Massacre of Over 100 Reported in Syria's Homs," Reuters, 01/17/2013, <https://www.reuters.com/article/us-syria-crisis/massacre-of-over-100-reported-in-syrias-homs-idUSBRE90G09R20130117>

⁶⁸ "100 Civilians Killed by Syrian Army," The Telegraph, 01/17/2013, <https://www.telegraph.co.uk/news/worldnews/middleeast/syria/9808230/100-civilians-killed-by-Syrian-army.html>

⁶⁹ Abigail Hauslohner and Ahmed Ramadan, "Syrian Rebels Accuse Government of Massacre in Damascus Suburb," The Washington Post, 04/22/2013, https://www.washingtonpost.com/world/middle-east/syrian-rebels-accuse-government-of-massacre-in-damascus-suburb/2013/04/22/5f7350a0-ab3e-11e2-a198-99893f10d6dd_story.html

⁷⁰ Ian Pannell, "Syrian Activists Document Al-Bayda and Baniyas 'Massacre'," BBC, 05/28/2013, <https://www.bbc.com/news/world-middle-east-22684359>

IV. Literature on Sectarianism in the Middle East, Syria and the Syrian Conflict:

What sectarianism no sectarianism?⁷¹ Things are no longer about religion. We cannot explain people's behaviors only based on groups. Things are no longer that simple.

My mother.

Since the outbreak of the Syrian revolution in 2011, academics and policy makers tackled sectarianism through different lenses, debating whether it was a root, a consequence of the war, or both. The U.S. foreign policy establishment attribute the conflict to long-lasting regional divisions between Shias and Sunnis. Barack Obama addresses “ancient sectarian differences” to explain the conflict in Syria,⁷² while Ted Cruz spoke of a “1,500-year-old religious conflict.”⁷³

Academics attempt to intervene in the debate, situating the relationship between sectarianism and the civil war regionally, historically, economically, and socio-culturally. Some explain the revolution as a local struggle of the Sunni majority against an Alawite regime, the latter being backed by other minorities. Balanche, for example, explains the conflict through the development of religious slogans in certain Sunni areas, and the rarity of protests in minority neighborhoods in Syrian metropolises.⁷⁴ Some nuanced the events of the conflict by attributing them to the Ottoman millet system and the overrepresentation of the Alawites in army forces during the French mandate.⁷⁵ Many rely on a “zero-sum” game theory that explains the war as a power struggle by regional poles, namely Saudi Arabia and Iran. They argue that militant Sunnism, supported by Turkey, Saudi Arabia and Qatar, instigate the intervention of Shiite forces from Iran, Afghanistan, Iraq, and Lebanon, to support the regime of Bashar Al-Assad.⁷⁶

⁷¹ A formulation is Syrian Arabic used to dismiss a proposed idea or a concept.

⁷² Barack Obama, “Statement by the President on Syria,” the White House, 08/31/2013, <https://obamawhitehouse.archives.gov/the-press-office/2013/08/31/statement-president-syria>.

⁷³ Ted Cruz, “How U.S. Can Stop ISIS,” CNN, 09/10/2014, <https://www.cnn.com/2014/09/10/opinion/ted-cruz-how-us-can-stop-isis/index.html>

⁷⁴ Fabrice Balanche, “Sectarianism in Syria’s Civil War,” *The Washington Institute* (2018).

⁷⁵ Peter Sluglett, “Deadly Implications: The Rise of Sectarianism in Syria,” in *The Levant in Turmoil*, ed. Martin Beck, Dietrich Jung and Peter Seeberg, (New York: Palgrave Macmillan, 2016).

⁷⁶ Ibid.

Others maintain that analyzing the conflict from a mere sectarian point of view distorts the regional and local alliances that usually form beyond ethnic and religious divides. Those academics attribute the heightened role of sectarianism in social mobilization in the Middle East to the increasing fragility of state institutions and socio-economic exclusion of some groups. They argue that the lack of coherent institutional design produces a power vacuum filled by local elites that manipulate populations and mobilize them according to religious lines.⁷⁷ Others downplayed the sectarian elements of the war, in favor of quantitative analyses and a story of socioeconomic exclusion of certain areas in the country.⁷⁸ Some have gone far to argue that people in the Middle East learned how to socialize in sectarian lines because those divides have been constructed, studied and reproduced by colonial powers.⁷⁹

At risk of oversimplifying those arguments, the literature about sectarianism in the Syrian civil war can be split into two camps. The first assumes the inherent divisions between Syrians, while the second posits that sectarianism is a tool to achieve cultural, economic, social and political exclusion of different groups. What they have in common is a lack of attention to the consequences of sectarianism on future Syrian social and political fabric. Perhaps the closest was Schank in his “Sectarianism and Transitional Justice in Syria: Resisting International Trials

Uzi Rabi and Brandon Friedman, "Weaponizing sectarianism in Iraq and Syria." *Orbis* 61, no. 3 (2017): 423-438.
Geneive Abdo, *The New Sectarianism: The Arab Uprisings and the Rebirth of the Shi'a-Sunni Divide*. (New York: Oxford University Press, 2017).

⁷⁷ Gregory Gause, "Beyond sectarianism: The New Middle East Cold War." *Brookings Doha Center Analysis Paper*, 11 (2014): 1-27.

Nader Hashemi and Danny Postel, "Sectarianization: Mapping the New Politics of the Middle East." *The Review of Faith & International Affairs*, 15, no. 3 (2017): 1-13.

Christopher Philips, "Sectarianism and Conflict in Syria," *Third World Quarterly* 36, no. 2 (2015): 357-376.

Raymond Hinnebusch, "Thinking about the International Factor of the Syrian Crisis," *The War for Syria: Regional and International Dimensions of the Syrian Uprising*, (New York: Routledge, 2019).

⁷⁸ Rabie Nasser et al., "Socioeconomic roots and impacts of the Syrian crisis." *Syrian Centre for Policy Research. Damascus: Syrian Centre for Policy Research* (2013).

⁷⁹ Julie Peteet, "Question: How Useful Has the Concept of Sectarianism Been for Understanding the History, Society, and Politics of the Middle East? Pensée 1: Imagining the “New Middle East” *International Journal of Middle East Studies*, 40, no. 4 (2008): 550-552.

Note,” where he argues that if the premature international framework for transitional justice in Lebanon and Iraq is replicated in Syria, it risks legitimizing and institutionalizing religious and ethnic divisions that a Syria-led transitional and social justice mechanisms could avoid.⁸⁰

Schank, however, fails to examine the deep involvement of the government of Bashar Al-Assad, recently consolidating its power over large swaths of the country, in the sectarian patterns that I highlighted in the first section, and therefore, fails to question the legitimacy of the government to rule Syrians in the future. Perhaps one of the most credible works on sectarianism in Syria, highlighting the regime’s culpability in instilling sectarianism historically and during the civil war, tying it to future peace settlements in Syria, is the work of Heiko Wimmen of the International Crisis Group. Wimmen, however, only preliminarily addresses the consequences of sectarian factionalism in the post-conflict era.⁸¹

V. **Filling the Lacunae - Arendtian Human Plurality:**

To fill the lacunae about the consequences of sectarianism in the civil war, I use the Arendtian framework on human plurality, articulated in her book *The Human Condition*. For Arendt, what she calls *vita activa*, literally means the active life, consists of labor, work, and action.⁸² Each of those elements of human activities corresponds to a human condition of life, worldliness and plurality respectively. A full explanation of the three elements is outside the scope of this paper, but Arendt argues that only action is indispensable to be a human. To justify her claim, Arendt argues that action is the only element of human activities that requires the involvement of others. She states that “action, the only activity that goes on directly between men

⁸⁰ Alex Schank, "Secret Arianism and Transitional Justice in Syria: Resisting International Trials." *Georgetown Journal for International Law*. 45 (2013): 557.

⁸¹ Heiko Wimmen, “The Sectarianization of the Syrian War,” in *Beyond Sunni and Shia: The Roots of Sectarianism in a Changing Middle East*, edited by Frederic Wehrey, (New York: Oxford University Press, 2017).

⁸² Hannah Arendt, *The Human Condition*, 7.

without the intermediary of things of matter, corresponds to the human condition of plurality, to the fact that men, not Man, live on the earth and inhabit the world.”⁸³ Action, therefore, is an element of one’s active life that may not take place without the presence of others. This is precisely where Arendt’s definition of politics is relevant.

Arendt argues that all aspects of the human condition are somehow related to politics, however, the condition of human plurality, corresponding to action, is *the* condition for political life. Plurality, for Arendt, is “condicio per quam of political life,”⁸⁴ meaning that if and only if plurality is fulfilled, men can live a political life through action. In *the Promise of Politics*, Arendt argues that “politics deals with the coexistence and association of different *men* [italics introduced].”⁸⁵ Action and human plurality correspond to each other because they both may not be fulfilled without the presence of others. But how are human plurality and action fulfilled?

To act, meaning to take initiative,⁸⁶ is something that “no human being can refrain [from] and still be human.”⁸⁷ To truly take initiative is, therefore, to become a human. As already established, action cannot take place without the presence of others (I will shortly analyze the role of those others). Action, however, may not occur without speech, because speech is the only way one can make themselves comprehensible.⁸⁸ Without speech, Arendt argues, that action loses its subject, so actors cease to be “acting men, but performing robots...”⁸⁹ Since action is incomprehensible without speech, plurality is the basic human condition for both.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Hannah Arendt, *The Promise of Politics*, (New York: Schocken Books, 2005), 93.

⁸⁶ Hannah Arendt, *The Human Condition*, 177.

⁸⁷ Ibid., 176.

⁸⁸ Hereinafter, when the subject of the sentence is “one,” I use “they,” “them,” “theirs, and “themselves” as singular gender-neutral pronouns.

⁸⁹ Hannah Arendt, *The Human Condition*, 178.

To elaborate on the importance of the presence of others in action and speech, Arendt emphasizes the importance of presenting ourselves to others from the way we speak and act. She says, “with word and deed we insert ourselves into the human world, and this insertion is like a second birth, in which we confirm and take upon ourselves the naked fact of our original physical appearance... To act... means to take an initiative, to begin, to set something in motion.”⁹⁰ A full analysis of the role of human natality is outside the scope of this project, but it suffices us to say that Arendt seems to argue that since action and speech is an activity indispensable to one’s humanity, acting and speaking are equivalent to one’s second birth. In other words, to act and speak, both are activities that allow us to be humans and insert ourselves in a world full of humans, is to confirm something that our birth has established, that is, to confirm that we are humans. But why do those activities require the presence of others?

Arendt speaks extensively about a web of human relationships and “enacted stories,” where action and speech take place between humans. She states that:

The realm of human affairs, strictly speaking, consists of the web of human relationships which exists wherever men live together. The disclosure of the “who” through speech, and the setting of a new beginning through action, always fall into an already existing web where their immediate consequences can be felt. Together they start a new process which eventually emerges as the *unique* life story of the newcomer, affecting *uniquely* the life stories of all those with who he comes into contact.⁹¹

When one speaks and acts, they make themselves part of a human world with interconnected relationships. The reason those relationships are interconnected is because the action and the speech of one person in the world have “consequences” that are felt by others that share the world with that person. Again, without others, there is no action and speech. Regardless of the

⁹⁰ Hannah Arendt, *The Human Condition*, 176-177.

⁹¹ *Ibid.*, 183-184.

nature of the effect of one person's speech and action (negative or positive), others comprehend speech and action as part of "who" uniquely the actor (or the newcomer) is.⁹² By comprehending "who" the actor is, others confirm the actor's second birth set in a "new beginning." Moreover, that process of coming in contact with others becomes part of the lives of others, that is, it affects the way they perceive their lives and tell others about that life. By doing so, those others are displaying "who" they are to the original actor, or "the newcomer." That process is what makes humans have a "web of human relationships." The *unique* actions and speech of one, which Arendt refers to, affects the *unique* actions and speech of the others, confirming the basic humanity of one another. This uniqueness is essential for the concept of human plurality.

Plurality, besides being the basic human condition corresponding to speech and action, has a twofold characteristic: equality and distinction. The interconnectedness of those two elements of plurality is evident when Arendt argues that "plurality is the condition of human action because we are all the same, that is, human, in such a way that nobody is ever the same as anyone else who ever lived, lives or will live."⁹³ Arendt's reasoning is the following: the full expression of "who" we are takes place only when we act and speak to others around us. But this process cannot take place when we are not equal. This is mainly because inequality prevents us from understanding each other and understanding "those who came before... plan for the

⁹² It is unclear what Arendt meant by "the newcomer," and why exactly she has chosen that word instead of simply a "human," "man," or an "actor." Although it is outside the scope of this paper, it is worth mentioning that, in her famous chapter 9 of *the Origins of Totalitarianism*, Arendt establishes on page 297 that "we became aware of the existence of a right to have rights (and that means to live in a framework where one is judged by one's actions and opinions) and a right to belong to some kind of organized community, only when millions of people emerged who had lost and could not regain these rights because of the new global political situations." This means that action and speech (opinions) are indispensable for one's right to have rights, and that a newcomer, that is the stateless in this case, cannot be redeemed that right without living in a community that judge them strictly based on their speech and action, as opposed to their national origin, ethnicity, religion, gender... etc. In the analysis presented above, the newcomer is like any other person, in need for a political community that listen to them, understands them, and have the right to be judged based on what they say and do, that is, have the right to have rights.

⁹³ Hannah Arendt, *The Human Condition*, 8.

future and foresee the needs of those who will come after [us].”⁹⁴ Arendt does not expand on her understanding of equality in this essay, but it seems like, for her, human beings are equal when they have the same capacity to speak and act, to take initiative and participate in the human world through their speech. Without that equality, humans fail to comprehend each other.

While being equal, human plurality preserves the distinctness of each individual. For Arendt, speech and action are tools through which one can show others “who” they are. They display our individual *uniqueness* by participating in those two intertwined human activities. Arendt elaborates on the importance of uniqueness and distinction when she says, “in acting and speaking, men show who they are, reveal actively their *unique* personal identities and thus make their appearance in the human world [italics introduced]...”⁹⁵ If humans are not unique, that is they are all the same, they would not need to speak or act, because their speech and actions would not have any effects on others; they would be unable to affect the “life stories” of others because they can’t add anything new to the lives of others. Human plurality, therefore, recognizes the uniqueness of individuals and what they can contribute to the world around them. This idea is definitively pronounced when Arendt characterizes the actualization of human plurality through speech and action as “living as a distinct and unique being among equals.”⁹⁶

But how is this analysis of speech and action, as well as their human condition of plurality relate to sectarianism in the Syrian civil war? There was a moment where Hanna Arendt speaks about the detachment between speech and action during warfare, which obscures the identity of the actor. She says:

⁹⁴ Ibid., 175.

⁹⁵ Hannah Arendt, *The Human Condition*, 179.

⁹⁶ Ibid., 178.

Without the disclosure of the agent in the act, action loses its specific character and becomes one form of achievement among others... This happens whenever human togetherness is lost, that is, when people are only for or against other people, as for instance in modern warfare, where men go into action and use means of violence in order to achieve certain objectives for their own side and against the enemy. In these instances,... speech becomes indeed 'mere talk,' simply one more means toward the end... disclosure comes only from the deed itself, and this achievement, like all other achievements, cannot disclose the "who," the unique and distinct identity of the agent.⁹⁷

This paragraph is yet another instance of the tight relationship between speech and action. When this relationship ceases to exist, human togetherness is lost because "who" we are is no longer revealed in our action. Our actions become representatives of something else, of human objective that harms the lives of others, as opposed to being part of "who" they are and their "unique life stories." That human objective can be the exploitation of, murdering, raping, cleansing, displacing, or suffocating others. The list goes on. For Arendt, those actions may not represent "who" the perpetrators are because the objective behind them is no longer a human objective. It is a mere "end." Speech, what humans need to insert themselves in a human world, is absent from this equation. This is a reason to believe that, in the context of the warfare, the perpetrators of those actions are no longer human. I will come back to this paragraph when I explain the Salehi structure of sectarianism in the war in Syria. Now, I want to connect the Arendtian analysis of human plurality with the sectarian crimes that the government in Syria committed during the war. To do so, I will analyze the concept of crimes against humanity through legal documents and the concept of genocide as Seyla Benhabib understood it from Arendt.

⁹⁷ Hannah Arendt, *The Human Condition*, 180.

VI. Implications on the Meaning of Crimes Against Humanity:

And just as you supported and carried out a policy of not wanting to share the earth with the Jewish people and the people of a number of other nations as though you and your superiors had any right to determine who should and who should not inhabit the world - we find that no one, that is, no member of the human race, can be expected to want to share the earth with you. This is the reason, and the only reason, you must hang.

Hannah Arendt, in the Epilogue for Eichmann in Jerusalem.

In his book, *Crimes Against Humanity: Historical Evolution and Contemporary Application*, M. Cherif Bassiouni traces the term back to Turkey's massacre of Armenians, when terms like "crimes against peace," and "crimes of Turkey against humanity and civilization" occurred. Crimes against humanity (CAH) emerged as international criminal law sought to criminalize individual conduct for crimes committed by states. Besides CAH, this category included crimes of aggression and genocide. CAH was codified in Article 6(c) of the London Charter of the International Military Tribunal at Nuremberg, which states that crimes against humanity are "murder, extermination, enslavement, deportation or other inhumane acts committed against any civilian population, whether before or during the war, or persecutions on political, racial, or religious grounds in execution with any crime..."⁹⁸ Many issues arose, and still arise, from this definition, including the jurisdiction of a tribunal, what counts as a state action, how to prove the grounds of persecutions, and how to conceive of a domestic crime as an international crime. The rationale, I think, is that if a civilian population is no longer protected by the perpetrating state actors, there is no reason to believe that the same state actors would not victimize another civilian population that was not protected by them originally, making it an issue of humanity at large.⁹⁹

⁹⁸ M. Cherif Bassiouni, *Crimes Against Humanity: Historical Evolution and Contemporary Applications*, (New York: Cambridge University Press, 2011), 3.

⁹⁹ *Ibid.*, 10.

The concept of crimes against humanity developed in the post-war period and was codified in Article 4 of the International Criminal Tribunal of the Former Yugoslavia (ICTY), Article 3 of the International Criminal Tribunal for Rwanda, and Article 7 of the Rome Statute of the International Criminal Court. Both the ICTR and the Rome Statute speak of “widespread or systematic attack” against civilian populations, to include attacks in the absence of clear state policy. However, all definitions include the prohibition on persecutions based on religious grounds.¹⁰⁰ For the sake of this paper, the most illuminating definition of crimes against humanity comes from a 1996 Draft Statute for the ICC, which formulated the prohibition on the following types of persecution as a crime against humanity: “persecution, whether based on laws or practices targeting select groups or their members in ways that seriously and adversely affect their ethnic, cultural or religious life, their collective well-being, and welfare, or their ability to group identity.”¹⁰¹ This formulation is broad enough to not only consider whether the state has persecuted a particular civilian group *because of* their religion, but also takes seriously the outcomes of such persecutions on their religious and cultural identity. This definition is at the heart of Benhabib’s analysis of Arendtian understanding of genocide and its relation to crimes against humanity, which I analyze now.

In her essay, “International Law and Human Plurality in the Shadow of Totalitarianism: Hannah Arendt and Raphael Lemkin,” Seyla Benhabib sets forth a theory whereby she argues that Arendt’s conception of human plurality “provides the concept of genocide with one of its

¹⁰⁰ “Rome Statute of the International Criminal Court,” International Criminal Court (The Hague: International Criminal Court, 2001), 3.

“Statute of the International Tribunal for Rwanda,” International Criminal Law Society, https://legal.un.org/avl/pdf/ha/ict_r EF.pdf.

“Statute of the International Tribunal for the Former Yugoslavia,” International Criminal Law Society, http://www.icls.de/dokumente/icty_statut.pdf

¹⁰¹ Bassiouni, *Crimes Against Humanity: Historical Evolution and Contemporary Applications*, 182.

strongest moral and existential underpinnings.”¹⁰² Benhabib establishes that Arendt does not see that genocide should be prohibited because the group provides “original contributions” to the world, but because any group is essential to the human diversity which is intrinsic to the perspectival politics that Arendt so vehemently advocates for. According to Benhabib, Arendt sees that “groups are enduring associations, rooted in the human capacity to create a world in common that is shareable yet diverse, that is communicable yet open to misunderstanding, and that appears as one yet refracted through many different narratives and perspectives.”¹⁰³

Benhabib’s understanding of Arendt, then, follows this logic: what’s horrendous about genocide is not only that it deprives a group of people who have the right to exist from this existence; it is because genocide offends all of us, humans, as it does not allow the people of this earth to be enriched from the perspectives of those who have the right to exist. It deprives us, humans who are lucky enough that we are not born in the exterminated group, race, nation from the honor to let our life stories be shaped by the perspective, speech and action of those who can no longer exist because they were born in the wrong group. If human plurality is intrinsic to the human condition, then reducing that plurality is an offense to our capacity to form a *web of human relationship* in which each of us influences and enriches the other. If human plurality is reduced by genocide, it reduces the entirety of our humanity. Genocide becomes a crime against the victim’s humanity and our humanity at large at the same time.

Benhabib’s understanding of Arendt’s analysis of genocide, therefore, is at the heart of the definition of persecutions as a crime against humanity in the Draft Statute. If individuals are targeted in their groups “in ways that seriously and adversely affect their ethnic, cultural or

¹⁰² Benhabib, “International law and Human Plurality in the Shadow of Totalitarianism: Hannah Arendt and Raphael Lemkin,” 344.

¹⁰³ *Ibid.*, 343.

religious life, their collective well-being, and welfare, or their ability to group identity,” then we lost an element of the perspectival politics that they would otherwise have contributed through. We lost a piece of our shared human plurality that cannot be fulfilled except through action and speech, both of which are seriously impaired by the commission of crimes against humanity against that group. Following the same logic, how does the Syrian’s government crimes against humanity affect Syrians’ ability to be together, to influence each other and fulfill each other’s human plurality? Why is it important to highlight the sectarian element of those crimes? To answer these questions, I analyze the government’s sectarianism during and before the civil war from the perspective of the Syrian scholar and philosopher, Yassin Al-Haj Saleh.

VII. How Does Sectarianism Affect All of US, Syrians – the Salehi Structure:

Country? What country are you talking about? I hope it becomes a country again one day. When everyone cares about nothing except themselves and their survival, the idea of a country ceases to exist. We become just a bunch of people who happen to be in the same place.

My friend from middle school texting me on Instagram.

As shown above, there are historians, political scientists, and politicians who believe that we can trace the Syrian conflict to the overrepresentation of Alawites in the French mandate army, their economic, and political exclusion during the Ottoman empire, or the centuries-old Shia-Sunni Strife in the Middle East. Some trace it to the 1970s and early 1980s, when the government of Hafez Al-Assad oppressed an uprising by the Muslim Brotherhood, the government’s Sunni Muslim rivalry, and massacred tens of thousands of civilians in Hama. This theory may be somewhat more credible, mainly because it happened recently and still is in the minds of many Syrians. Nevertheless, it does not explain why large swaths of Sunni Syrians oppose the Muslim Brotherhood and its ideology. Most stories and narratives could be told logically and convincingly, but it is hard for me, as a Syrian, to believe that the murder of every Syrian and the fear incited in Syrian hearts today can be explained by a single event that

happened decades ago. It is, instead, more helpful to understand sectarianism as a tool and not an end in itself; as a political strategy to maintain power. Sectarianism should be understood in light of policies and actions of a 50-year-old dictatorship, and the reactions that those policies incite in Syrians, many of whom know of no political alternatives to this system. I chose to embrace Saleh's writing and philosophy because he, personally and academically, understood what it means to live in fear of discussing sectarian inequalities, under a regime that prides itself of being a secular, non-denominational and a protector of Syrian diversity. In his book, *the Impossible Revolution: Making Sense of the Syrian Tragedy*, Saleh narrates the story of the revolution through a selection of essays that he wrote in different Syrian cities while he was attempting to escape arrest by the Syrian regime. He travels through Damascus, Douma, and Raqqa to finally reach Istanbul. His wife was kidnapped by a Salafist organization in Douma in 2013 and he still knows nothing about her whereabouts.¹⁰⁴

Perhaps, the most relevant concept that he analyzes is *reason* which he describes as, "the newest registers of thinking that are formed by living within certain social, political and intellectual context of a given period, and that are capable of presenting the best solutions to contemporary issues."¹⁰⁵ Reason, therefore, is what we gain from Arendtian politics, through the contribution of the people around us, what they are saying, what we are saying, how we influence each other, how what we say is influenced by the state and its institutions, and vice versa. Saleh describes reason in the Syrian context as initially formed by "the state, state institutions, the nation, the people, the citizenry, class, the constitution, the laws and political parties and the roles played by intellectuals."¹⁰⁶ He argues that during the Assad era, reason is

¹⁰⁴ Yassin Al-Haj Saleh, *The Impossible Revolution: Making Senses of the Syrian Tragedy*, 1.

¹⁰⁵ *Ibid.*, 192.

¹⁰⁶ *Ibid.*, 193.

inverted into a penal code that incarcerates Syrians, encourages their distrust towards state institutions, and deprives them from the right to protest, from forming collective demands and seeking self-representation.¹⁰⁷

Within an already censored form of “reason,” Saleh argues, human thought sustains a vacuum filled by alternative forms of conceiving of one’s reality, that alternative form is called the “un-reason.” In other words, when the sources of reason, namely the state and its institutions, are turned against the citizenry, as opposed to be with and for them, people start relying on alternative registers. A type of those forms is relying on what Saleh considers “political unconscious,”¹⁰⁸ namely the clan, tribe, ethnicity, and, in the Syrian context, the sect.¹⁰⁹ The argument’s line of thinking resembles Arendt’s opinion about warfare, that is, when people turn against each other, using violence that separates action from speech. When forms of “un-reason” occur, Syrians can no longer connect the speech and action through reason. They miss that step of rational reasoning. But why, exactly, are sects the form from which “reason” becomes sourced? To answer, I rely on Saleh’s analysis of orchestrated system of sectarianism that the Syrian government built to maintain its power hold for decades.

Saleh develops the concept of the “Neo-Sultanic” state, directed by the Assad regime, where sectarianism is one pillar of four pillars that include: eternity of rule, incitement of civil disorder, and patrimonialism.¹¹⁰ The structure of the state ensures the division of society into three ordered classes: the rulers, the notables and the impoverished majority. The relationships can be explained through a social pyramid in which the notables are in the middle, controlled by the rulers at the top. Those notables are more connected to each other than most of the people at

¹⁰⁷ Yassin Al-Haj Saleh, *The Impossible Revolution: Making Senses of the Syrian Tragedy*, 193.

¹⁰⁸ Borrowing Régis Debray’s terminology.

¹⁰⁹ *Ibid.*, 194.

¹¹⁰ *Ibid.*, 214.

the bottom are. The notables are somewhat connected to the people of the same sect below them, but this connection is less robust than the connection of the notables with each other. They ensure that those at the bottom are divided, turned against each other, and deprived of genuine interactions. The Sultanic regime, therefore, can only be maintained when “the population is subordinated and stripped of political capacities.”¹¹¹ Sectarianism is the most convenient framework to govern the people. Economically, the bottom of the pyramid suffers poverty, fragmentation and distrust, while the notables in the middle exchange benefits under the supervision of the top “summit.”¹¹² Saleh emphasizes that when examining sectarianism, we deal with a world of “politics and power, wealth and influence, social privileges and social deprivations, sovereignty, and subordination: we are not in the world of faith, piety, beliefs, fanaticism, and rituals.”¹¹³ In other words, sectarianism, intrinsic to the neo-Sultanic structure, is not a clash in the expression of people’s identities, but rather is a system where privilege and power is maintained at the top, while poor populations are maintained in the bottom. The top appeals to religious and sectarian ties that the bottom connects to in groups. The poor is employed to serve the top, to act against those who are not in the same group as them. This is how poor Alawites are recruited from rural areas of the Syrian coastal cities to join pro-government militias, popularly known as Shabiha.¹¹⁴ Sectarianism deprives people from interacting with each other, through speech and action, in ways that show “who” they truly are. Instead, it antagonizes people against each other, so they live in a state of perpetual warfare,

¹¹¹ Ibid., 260.

¹¹² Yassin Al-Haj Saleh, *The Impossible Revolution: Making Senses of the Syrian Tragedy*, 262.

¹¹³ Ibid.

¹¹⁴ Although it is outside the scope of this paper, Saleh dedicates an entire chapter about the genealogy of Shabiha, their relationship to the state, and how the term developed during the Syrian revolution and at the outbreak of the war. It suffices us to say here that it is those militias, primarily Alawites, that operate in the Palmyra prison, the site where most Islamist political prisoners are kept. Anti-Sunni slurs, slogans and writings have been reported mostly there to provoke the prisoners. The Shabiha are primarily responsible for two massacres in Homs, the Houle and Karam Al-Zaitoun massacres, against Sunni civilians, primarily children and women. (End of roots to fascism)

where speech and action are no longer connected. But what are the consequences of sectarianism on those who are not affiliated with the regime's middle-class notables?

Saleh uses Hobbesian terms to explain the effects of sectarianism on its victims, society, and its affairs. He dedicates an entire essay written early in the revolution called, "the Danger of a State of Nature," in which he delineates the increasingly sectarian nature of the revolution and the loss of faith in peaceful protests, international protection, and the political opposition:

Nature designates all that clashes with forethought, deliberation, 'culture,' and 'politics.' It refers to all that is driven existential self-defense, desperation, and the survival instinct, rather than by considered estimation of the means through which issues of the general interests might be introduced into the process of revolution... the second side of the proximity to this 'state of nature' is the increasingly religious emphasis present within the protests. Religion and religiosity [are] closer to 'nature' than modern ideologies and become a vehicle for many of the same impulses in our politically impoverished society over the last few decades. The role of religion in society predictably grows more powerful during major crises, when groups tend to identify themselves through their inherited identities.¹¹⁵

There is no better quote that captures the intersection of the Salehi and Arendtian thought. For Arendt, human plurality, that is the human condition for speech and action, is indispensable for politics. Saleh complements that by emphasizing how the "nature" that takes place when people feel threatened runs counter to "politics" and "deliberation." Like I established above, he introduces the element of "forethought" or "reason" to the equation of speech and action, without which, politics cannot occur. It is replaced by elements that are more extinctual to humans, like their inherited sectarian identities.

Not only does the structure of sectarianism introduced above present a clientelist system among the bottom poor, but it also forces those who do not submit to the will of the middle sector of the society to instincts of self-defense, selfishness, and survival methods. They are forced out of the privilege to care about the common good. They become increasingly inclined to

¹¹⁵ Yassin Al-Haj Saleh, *The Impossible Revolution: Making Senses of the Syrian Tragedy*, 66.

express their deference to God, as opposed to deference to institutions, organizing, political opposition, and the laws, all of which are tools that Saleh deems more “political,” and are part of the human “reason.” This is mainly because in a society was deprived of the pursuit of knowledge of the role of law, state institutions and their responsibilities, a constitution to uphold their rights, and local civil society organizations to counter state interests, the space for the political disappears. Instead, people defer to the only hope that they know, the hope that an external power will, one day, save them from what humans have done and are doing to them. They become suspicious of everyone who does not believe in the same type of external power, and that is at the heart of what Arendt meant by the loss of “human togetherness” in warfare.

But this loss is primarily the regime’s responsibility, because at the core of the “state of nature” is the violence invoked by the regime against civilians, that is, the appalling crimes against humanity defined and outlined above and in Saleh’s analysis that follows:

Its [the regime’s] methods of aggression and abuse are known to the worldwide... nails being ripped out; skinning; electrocution of the genitals and mutilation with sharp objects or lasers, eye gouging, throttling; in addition to the more traditional methods of corporal punishment (food whipping, electrocution and sleep deprivation, stripping of prisoners and insulting them individually or as groups.¹¹⁶

For Saleh, therefore, those crimes are not being committed against Syrians only, or against Sunni rural poor Syrians to be more specific. Those are crimes that are shown to the world. They are being forecasted to everyone. They are teaching us about what humans are capable of doing to each other, and about what we should deem offensive to humans and their humanity. They are showing the world what’s possible to do in our world. If gone unpunished, they might teach other states what a state is capable of doing against the portion of the population that it abhors. That is the first reason those crimes are crimes against all of us. The second reason, which is

¹¹⁶ Yassin Al-Haj Saleh, *The Impossible Revolution: Making Senses of the Syrian Tragedy*, 69.

closer to the Benhabib analysis of Arendtian thought and to the concept of crimes against humanity introduced above, is because they are offensive to the way we should be able to reason through our realities and deduct conclusions about what makes us humans. They reduce us to groups, distrustful of one another. How exactly does that happen?

When those acts are committed against any population, they induce feelings of shock and anger, especially when they follow decades-long oppression, and economic and social marginalization. Those acts, according to Saleh, have been disproportionately affecting Sunni Muslim communities who “feel targeted in a discriminatory way by the regime’s most extreme violence, a violence that has been profoundly destructive to their basic living conditions throughout the country.”¹¹⁷ Saleh blames those acts, and the feelings they induce for the politics of kill-or-be-killed that have been developing in the country, and for the subsequent rise of what he called “militant nihilism.” When seen against the backdrop of feeling left out by all contemporary “political” powers on Earth, Saleh blames state violence for inducing violence based on Islamic ideology, which becomes the main alternative for a portion of the targeted communities. Militant nihilism, the belief in the meaninglessness of the world and the usage of violence to act upon that belief, is a response to the sectarian crimes of the government.

That belief makes Sunni communities, especially in rural marginalized areas, fertile grounds for “Islamic ideologues, who claim to monopolize meaning because they claim sole proprietorship over the correct definition of Islam...”¹¹⁸, namely Salafists, and later, affiliates with Al-Qaeda, Jabhat Al-Nusra, and Da’esh. A full analysis of those groups, their divergences and commonalities, is outside the scope of this paper, but it suffices me to say that the rise of those groups became a reason for the association of once a peaceful revolution with “terrorism,”

¹¹⁷ Yassin Al-Haj Saleh, *The Impossible Revolution: Making Senses of the Syrian Tragedy*, 122.

¹¹⁸ *Ibid.*, 131.

and the fear that this association invoked in religious and ethnic minorities around Syria. The crimes of the regime, therefore, did not only offend one community, but induced violence of one community against another and promoted further distrust between different populations.

Under those circumstances, according to Saleh, “the status, dignity, and honor of one’s sect cannot be maintained without striking back against the offending community, in a way that would engrave that response in their memories for generations to come.”¹¹⁹ When everyone faces everyone, like in the Arendtian warfare, no one trusts each other. People lose the ability to think, speak, have their stories heard, and have their stories affect the life stories of others, to use Arendtian terms. In this context, speech and reason are detached from action, which no longer represents “who” the agent is. This is precisely where action becomes inhumane. Sectarianism in Syria, therefore, does not only teach others what a state can do to its population without going unpunished, but also produces a seemingly pluralistic population in which no one is able to see the humanity in the actions of people who don’t belong to the same group. Sectarianism, in this case, deprives Syrians of relating to each other by virtue of their humanity. They become related to each other by virtue of their group identity. The sectarianism of the government deprives Syrians of their condition of plurality. Since plurality is a human condition, the government deprives Syrians of their human condition. By acting against one group, that is by breaching the characteristic of equality so central to human plurality, the government acts against all groups, against Syrian plurality. That is the second reason the government is acting against humanity.

If the government indeed is committing crimes against humanity, then there is a simple conclusion for its legitimacy internationally: no country may see it as a legitimate representative of the Syrian people in international fora because it has committed crimes against humanity on

¹¹⁹ Yassin Al-Haj Saleh, *The Impossible Revolution: Making Senses of the Syrian Tragedy*, 277.

its people. However, the Syrian government has been increasingly seen as the sole legitimate governor of Syrians, mainly because there is no alternative. But what does the conclusion about the sectarian violence against Syrian plurality illuminate regarding the question of domestic legitimacy? Considering the Syrian government's actions against all of Syrians, what does its post-war legitimacy look like, especially that it now controls large swaths of the country? To answer this question, I come back to the Salehi analysis of the state of nature, the government's culpability in suppressing speech about sectarianism and the Hobbesian conception of legitimacy in the Commonwealth.

VIII. Hobbesian Commonwealth and Legitimacy:

*Go to sleep. Dream that our country has become a country.
Go to sleep. These days, even a little boy can close an alleyway.
This is a country? This is not a country; more like a bunch of people added? No.
Subtracted? No. Multiplied ¹²⁰? No, but divided.*

Zyad Rahabani, singing about post-conflict politics in Lebanon.

Yassin Al-Haj Saleh provides a compelling structure that connects sectarianism, classism, and power in the Syrian case. He examines the consequences of sectarian structures on Syrians, and their inability to address the issue of sectarianism in fear of being accused by the regime of invoking sectarian strife. However, Saleh touches only briefly on the question of legitimacy of the Syrian government in the post-war period, mainly because, I think, the question was not as vital as it is now. He, however, addresses this issue in the context of ideological divisions between the many factions of the opposition, and the role of the government in perpetuating those divisions. He states that, "if Syrians are unable to overcome these ruptures, they effectively grant the regime an undue and unfair license to rule: which is to say, a form of legitimacy by

¹²⁰ The word multiplied in Lebanese and Syrian Arabic is the same word as cursed and beaten up.

default, resulting from the absence of an alternative.”¹²¹ When speaking about the failure of Syrians to unite against the regime, Saleh warns from the danger of living under “the natural condition of mankind,” referencing Hobbes’s *Leviathan*.¹²² How can Syrian post-war legitimacy under the regime be understood in a Hobbesian sense? To answer that, I address the role of speech and action in Hobbes’s politics and the consequent conferring of rights by the public under what Hobbes called Commonwealth by institution and acquisition.

Hobbes’s description of speech resembles that of Arendt’s. But he adds to it a basis for political bodies, not only of politics. He describes the role of speech as a tool to “show to others that knowledge which we have attained; which is to counsel a teach one another”¹²³ and “to make known to others our wills and purposes that we have the mutual help of one another.”¹²⁴ Both see speech as a tool to explain oneself to others, because one is the same to others, that is they are all equal, but are different in terms of perspective. People have different types and levels of knowledge that they have to share in order to educate. In Arendt’s world, this contributes to the lives of others, in terms of “who” they are. In Hobbes’s world, however, people share what they want and desire with each other with the hope that they are able to help one another. But to do what? And what could they possibly desire?

Perhaps one of Hobbes’s most relevant passages to address the purpose of speech is when he addresses the relationship between speech in the Commonwealth by saying:

But the most noble and profitable invention of all other was that of speech... whereby men register their thoughts, recall them when they are past, and also declare them one to another for mutual utility and conversation; without which there had been amongst men neither Commonwealth, nor society. Nor contract, nor peace, no more than amongst lions, bears, and wolves.”¹²⁵

¹²¹ Yassin Al-Haj Saleh, *The Impossible Revolution: Making Senses of the Syrian Tragedy*, 74.

¹²² *Ibid.*, 75.

¹²³ Thomas Hobbes, *Leviathan* (London: Penguin Books, 1985), 102.

¹²⁴ *Ibid.*

¹²⁵ *Ibid.*, 100.

In this passage, Hobbes complements Arendt's analysis of the *politics* that occurs merely between men and not inside one man. In fact, she explicitly acknowledges that in her *the Promise of Politics*.¹²⁶ Hobbes's notion of speech, moreover, complements that of Arendt. While Arendt sees speech and action as indispensable for affecting the life stories of others in a community, Hobbes sees the contribution of individuals through speech as supplying the mutual utility and conversation of others. Hobbes takes this analysis to the next step by arguing that such speech is indispensable for the establishment of a Commonwealth. I, shortly, take on Hobbes's definitions of the Commonwealth and its functions, but for now, it is worth highlighting that in the absence of such speech, where individuals are able to contribute to the world through their registers of thought, there is no basis for a Commonwealth, society or even peace. The opposite of peace in his world is nature where, as shown above, everyone is against everyone. But is speech the source of legitimacy in the Hobbesian Commonwealth? Hobbes, I think, is unclear about this relationship, but he complicates it by addressing the different ways through which a sovereign, that is the head of the Commonwealth, acquires power, namely through institution and acquisition, which I will explain shortly.

For Hobbes, men naturally do not live in peace unless there is a common power that govern them. In other words, they commit violence against each other unless there is a power that make it costly for them to do so. This is evident when he says, "men have no pleasure (but on the contrary a great deal of grief) in keeping company where there is no power able to

¹²⁶ On Page 94 of the *Promise of Politics*, Hanna Arendt criticizes every philosopher who thinks of man an inherently political being. As established above, she advocates for a notion of politics that occurs between men, through speech and action, that is through the human condition of plurality. He believes that Hobbes supports her thesis when she said, "There are two good reasons why philosophy has never found a place where politics can take shape. The first is the assumption that there is something political in man that belongs to his essence. This simply is not so; man is apolitical. Politics arises between men, and so quite outside of man. There is therefore no real political substance. Politics arises in what lies between men and is established as relationships. Hobbes understood this."

overawe them all.”¹²⁷ Humans will naturally use violence for gain to take away the possessions of others. When men have no power to rule them, they live in a state of war: “Hereby it is manifest that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war as is of every man against every man.”¹²⁸ Since there is no power to hold humans accountable, there is nothing that a human cannot do, meaning that, humans can do anything without fearing that a higher power will tell them that they don’t have the right to do it. This means in a state of war, where everyone is against everyone, “nothing can be Unjust.”¹²⁹ The notions of justice and injustice are only viable as long as men relate to each other in one society, and not when they are in war.¹³⁰ Hobbes, moreover, uses similar vocabulary as Saleh, where he states that in the state of war, everyone is governed by “his own Reason.”¹³¹ This means that reason, which I established connects speech to action, becomes in everyone’s own head. It ceases to become the tool through which people develop a public identity and political consciousness that they share with each other because of speech and action. Their way of reasoning becomes incomprehensible to the world around them, because they no longer express it through words, but through actions that seek violent objectives. Those objectives no longer represent “who” people are, but represent their lack of humanity, to use the Arendtian terms.

But those actions and words are important to confer the rights that persons could otherwise exercise in a total state of nature. Words and actions enable humans to take part of contracts. This is evident in Hobbes’s writing in:

¹²⁷ Thomas Hobbes, *Leviathan*, 185.

¹²⁸ *Ibid.*, 102.

¹²⁹ *Ibid.*, 188.

¹³⁰ *Ibid.*

¹³¹ *Ibid.*, 189.

The way by which a man either simply Renounceth, or Transferreth his Right, is a Declaration, or Signification, by some voluntary and sufficient signe... these signes are either Words onely, or actions onely; or, (as it happeneth most often) both Words and Actions. And the same are for Bonds, by which men are bound, and obliged: Bonds, that have their strength, not from their own Nature... but from feare of some evill consequence upon the rupture... The mutual transferring of Right, is that which men call Contract.¹³²

For Hobbes, therefore, words and actions have the specific role of enabling humans to leave the state of nature and enter the state of contracts. The rights conferred upon them by their mere humanity, that is their right to be violent against each other and to pursue their own gains, are regulated through a contract by which they give up their rights in return of not having their gains taken away. That mere action of transferring one's rights happens only by a combination of speech and action. The content of that contract, the covenant, happens through deliberation. Action and speech here, as in the Arendtian case, are intertwined. To deliberate is to reason through one's opinion and present it to the world, have it perceived by other people, affect them and be part of their consequent narrative. To speak in this case is, also, to take initiative and be part of a covenant. Therefore, in the Hobbesian sense, to deliberate about the content of the covenant is to act.¹³³ But what happens when one man breaches that covenant?

Following the logic of contracts and covenants is a fundamental law of nature: that when one person agrees to confer all their rights as long as others confers their same rights. Rights in this context are, basically, the full exercise of whatever one desires. This means that everyone who is part of the covenant is assumed to endeavor peace, *"for Peace and defence of himselfe he shall think it necessary, to lay down his right to all the things; and be contented with so much liberty against other men, as he would allow other men against himselfe.* For as long as every man holdeth this Right, of doing anything he liketh; so long are all men in the condition of Warre

¹³² Thomas Hobbes, *Leviathan*, 191 – 192.

¹³³ *Ibid.*, 197.

[italics in original].”¹³⁴ A full explanation of what Hobbes means by laying down one’s liberty is outside the scope of this paper, but the exercise of full liberty, in this context, means to have no limit to what one can do to another, that is, to have no line between just and unjust. To be happy with one’s liberty “against other men” has a violent sense; it means that to limit one’s liberty is to confer the right to be violent against others and be happy with feeling safe when others confer the same right. Therefore, a breach of this covenant means coming back to the state of war, so the fear of the “evil consequences of rupture” is a motivating factor for taking part of the covenant. But an underlying element of transferring one’s right is, therefore, the trust that everyone who is part of the same covenant will do so as well.

But trust should be accompanied by the establishment of a well-governed Commonwealth, mainly because humans may breach their covenants. Drawing the line between just and unjust cannot happen without an external body that establishes coercion and fear in those who governed from breaching their covenants. The generation of a Commonwealth, therefore, requires an element of power and coercion. The protection from war happens by:

Confer[ring] all their [people’s] power and strength upon one Man, or upon one Assembly of men, that may reduce all their Wills, by plurality of voices, unto one Will... This is more than Consent... it is a reall unities of them all, in one and the same Person, made by Covenant of every man with every man, in such a manner, as if every man should say to every man, *I authorize and give up my Right of Governing myself, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authorize all his Actions in like manner* [italics in original].¹³⁵

To speak and to act in this case serve more than affecting each other’s personal narratives; they allow us to shape our collective narrative. When one trusts their fellow human and believes in their words establishing a covenant to govern them all, they are part of one political community

¹³⁴ Hobbes, *Leviathan*, 190.

¹³⁵ *Ibid.*, 227.

that shape their personal and collective narratives. That is the basis of legitimacy of their government structure, be it under a president or an elected body of representatives. This covenant allows them to transfer their rights to protect themselves to the government, which is chosen to protect them in the event of war. An essential part of this transfer of power is the unity of the voices that allows for a narrative to become a collective narrative.

A part of the collective narrative, however, is the recognition that the transfer of their rights can only happen through the plurality of people's voices. The underlying logic of the social contract is, therefore, the following: a pluralistic covenant to establish a government is made through the trust of every human to the words uttered and the deeds done by every human who takes part of the Commonwealth. In return the sovereign, who heads the Commonwealth establishes peace, enforces covenants and protects participants from war. An essential element of this contract is, therefore, conferring one's right to protect themselves, that is, to be violent, to one's government.

Finally, fear of war and trust of each other are not the only two bases of legitimacy for the sovereign to lead the Commonwealth. Hobbes mentions two types of Commonwealths: by institution and acquisition. The first, which is in line with the preceding analysis, is one by institution, that is "when men agree amongst themselves, to submit to some Man, or Assembly of men, voluntarily, on confidence to be protected by him against all others."¹³⁶ However, the second is based on the power to destroy, that is, based on fear of not only one another but also fear of the destruction by the sovereign. The basis of legitimacy, then, is based on the ability of the sovereign "to destroy them [people] if they refuse, or by war subdueth his enemies to his will, giving them their lives on that condition."¹³⁷ It is unclear whether Hobbes refers to foreign

¹³⁶ Thomas Hobbes, *Leviathan*, 228.

¹³⁷ *Ibid.*

encroachment and occupation, but later, in *Of Dominion Paternal and Despotical*, Hobbes contends that even when Commonwealth is established by acquisition, it still requires “the plurality of voyces” of those who are afraid of the despotic power.¹³⁸ The core difference between the two types of Commonwealths, he argues, is that the first is driven merely by fear of each other while the second is driven by both fear of each other and fear of the sovereign.¹³⁹ In both cases, that sovereign is the Leviathan.

Perhaps one of Hobbes’s most relevant laws of nature is one about equality of treatment of all those under the rule of the sovereign, be it part of a Commonwealth by institution or by acquisition. The purpose of the sovereign is to deliver justice to the ruled, because the subjects know nothing about right or wrong, justice or injustice, as there is none of those concepts in the state of nature. Those concepts should be applied to subjects equally. In *Of Other Laws of Nature*, Hobbes states:

If a man he [another man] trusted to judge between man and man it is a percept of the law of nature that he deal equally between them. For without that, controversies of men cannot be determined but by war. He therefore that is partial in judgement, doth what in him lies to deter men from the use of judges and judgment, doth that in hum lies to deter men from the use of judges and arbitrators, and consequently against the fundamental law of nature, is the cause of war.¹⁴⁰

If the idea of the sovereign is to protect subjects from war, that is the point of a Commonwealth, then the sovereign is supposed to be resolving conflicts that would always occur naturally between humans. If the governor treats the subjects discriminatorily or unequally, the governor is not delivering their job in a way that qualifies them to be the legitimate head of their Commonwealth. Judgement is necessary to prevent war, and if that judgement is partial, war is not prevented, but perpetuated. Without equality, there is no justice. Without justice, there is war.

¹³⁸ Ibid., 251.

¹³⁹ Ibid., 252.

¹⁴⁰ Ibid., 78.

With war perpetuated by the injustice of the governor, the Commonwealth and who governs it become illegitimate.

IX. Legitimacy in Post-Conflict Syria:

*We are of a breeze and we rebound against destruction
And when you dare to ask about the conditions deteriorating
They silence you with slogans about all the conspiracies
And the herd depicts you as a traitor whenever you demand to change the homeland
They depress you until you sell your freedoms whenever the homeland is lost
They taught you your anthem. They said your struggle is for the homeland
They numb you through your vein. They said your inactivity is for the homeland*

Mashrou' Laila, in their song, "For the Homeland."

For Hobbes and Arendt combined, speech allows people to convene, confer their rights upon their ruler, and establish a Commonwealth for the former, and express "who" they are, influence and be influenced by other people's expressions in the human condition of plurality. Saleh, however, argues that, long before the revolution, under the heavy scrutiny of sectarianized Syrian elites and security system, the public discussion and deliberation of sectarianism was prohibited, feeding into an atmosphere of distrust between different groups. After addressing the sectarian structure and nepotism of the rule of the two Assads, he argues that:

Under these circumstances, a dramatic decline in academic freedom, independent political and cultural activities, and the rule of law was inevitable. The abstract nationalist ideology along with the principle of national unity (which we previously defined as: 'Standing in one line behind the wise historic leadership of Mr. President Hafez Al-Assad'), drew a heavy rhetorical curtain over the chronicles of sectarianism, and a thick veil of prohibition over any attempt to address the issue.¹⁴¹

This passage illuminates that sectarianism is indeed not something that has started with the civil war and will not end with the end of it. As shown in previous sections, sectarianism is a system of patronage that the regime needs to keep the people divided and distrustful of each other. Moreover, the regime uses that system of nepotism and sectarian security forces to keep the

¹⁴¹ Saleh, *The Impossible Revolution*, 103.

population silent about issues of sectarianism in the name of national unity. By doing so, the regime appeals to decades-old Ba'athist rhetoric of national unity over sectarian division. This stifling of the freedom to express one's opinions about the sectarian system of the regime is most evident in depicting those who address the issue as traitors to national unity that the Ba'ath and Assads built in Syria. Moreover, it depicts those who speak up about the system as enemies of the state and people because they are invoking sectarian strife between the different groups.¹⁴²

The repression on academic and deliberative freedoms, therefore, has induced groupings in the social structures. It has prevented people from addressing sectarianism, reason through it, and reveal its structure that divide them. It has perpetuated the distrust between them, to the extent that they have become trustful of only "their own ethnic or sectarian group and feel safe only with their relatives."¹⁴³ This is why my aunt whispers when she says, "Alawite." Within the context of distrust among the different groups of society and the stifling of inter-religious and inter-ethnic dialogue, speech and action, it is irrational to expect Syrians to convene, confer their rights upon one man whose regime is responsible for their division, and choose him to become the head of their Commonwealth. The non-existence of speech, as an element offering a basis for the establishment of the Commonwealth, deems the Commonwealth as it currently exists illegitimate. Using the Hobbesian sources of legitimacy, therefore, illuminates the inherent illegitimacy of the Syrian government as a head of a Commonwealth that perpetuated sectarianism in the manner that Saleh describes. But what about the aforementioned sectarian crimes against humanity committed by the Syrian government during the war?

As established above, the sectarian crimes against humanity committed by the Syrian government are horrendous and brutal threats to the human plurality of Syrians. They are,

¹⁴² Saleh, *The Impossible Revolution*, 226.

¹⁴³ *Ibid.*, 105.

therefore, crimes against this very plurality that would have otherwise allowed Syrians to reason through their realities, speak about this reality, and act upon it. However, those crimes, because of their sectarian nature, have stricken through the very essence of the human plurality, that is equality according to Arendt. This is where the Hobbesian equality of judgement is useful. The Syrian government is not only illegitimate because it trusted certain groups and discriminated against others historically. It is illegitimate because it has breached the very principle of equality of the judge that Hobbes emphasized so essential for the head of the Commonwealth. If Syrians were treated unequally during the war, and the victims, namely rural impoverished Sunni Muslims are aware of that, there is no reason for us to believe that trust and peace will be rebuilt in the future under the auspices of the current government. When such speech and action are absent, society will be unable to heal, convene, and confer rights upon their rulers. They will be in a state of perpetual war, and the government is the main reason for the perpetuation of that war. Since the basis of legitimacy for the Commonwealth is the protection of those populations, there is no legitimacy for the Syrian government in post-war Syria. The inequality inherent in its crimes against humanity renders it so illegitimate that it is unable to gain the trust of Syrians and help them build trust amongst each other. For Hobbes, with inequality, there is no legitimacy. For Arendt, with inequality, there is no human plurality. For Syria, when there is no human plurality, there is no legitimacy for the government, neither domestically nor internationally.

So far, I have attempted to prove the illegitimacy of the Syrian regime as a ruler of the Commonwealth *by institution*. However, Hobbes leaves the space for a tyrannical Commonwealth *by acquisition*, which is the closest to the legitimacy the Syrian government can claim. As I have shown above, a Commonwealth by acquisition exists when there are two types of fears: people fearing of force of their Leviathan and of each other. Unfortunately, both exist in

Syria, whether that's in the context of sectarian structures or in the context of regime oppression of speech and the commission of crimes against humanity. It could be argued, therefore, that this fear is what gives the Syrian government its legitimacy. The Syrian government has brutalized and terrified the Syrian people, and it has proven through its monstrous practices that it is ready to destroy and displace half of the Syrian population to preserve its rule. Since that force, and the fear that arises from it, is the basis of legitimacy for this type of Commonwealth, the Syrian government may have the basis of that legitimacy, sadly.

However, the issues of the absence of equality and plurality are still unresolved under the rule of the Syrian government. The sectarian nature of crimes against humanity prevents the Syrian government from being a legitimate governor for Syrians because its practices are inherently discriminatory, even when the basis of legitimacy is acquisition. But perhaps more importantly, Hobbes emphasizes the Commonwealth of acquisition still requires the plurality of the Syrian voices to confer their rights upon that one government. For the same reasons I explained extensively above, the Syrian government is not willing or able to establish an atmosphere where such plurality can occur, let alone a space where the conferring of rights can take place. Without such plurality, Syrians are unable to relate to each other, and are, therefore, unable to confer legitimacy to a government that have silenced them historically and brutalized most of them just recently. In such a situation, where even the government's tyrannical and despotical form of governance cannot be a basis for its legitimacy, the only source where the Syrian government can claim to be a representative of the Syrian people is because of the lack of political alternative, as Saleh argues. As a Syrian, I doubt that any Syrian would be content with such a basis for legitimacy for our shared Syrian Commonwealth.

X. *A Way Forward:*

But Saleh did not leave us with no alternatives. He urged all of us, Syrians, to develop and *imagine* political realities where we can redeem our human plurality. He urged Syrians to develop “an anti-sectarian culture” where cultural and religious expression is included, protected and celebrated.¹⁴⁴ He encouraged us to develop organizations and political frameworks in which we do not only recognize that diversity and human plurality tacitly but celebrate and encourage its public expression. Saleh views that breaking the taboo of sectarianism, which the regime attempted to build for the last 50 years, would be the only way to construct a new *politics between men*, a politics of “trust, solidarity and brotherhood.”¹⁴⁵ This will require a new inclusive constitutional conception of national expression, away from what the Ba’ath party and the Assad regime have developed. This conception would require a “shift” in the way we would identify as a society with valuable connections and lessons to provide to the world.¹⁴⁶ At the core of this new politics is an Arendtian understanding that each group of us has something special to give to the world, a perspective through which we change each other’s narratives. Without each and every special thing that we have to give to each other and to outsiders, that collective gift that we provide to the world would no longer be Syrian. To do that, we will need to attack the hegemony that the regime built on the public confrontation and the handling of sectarian issues. Without such a step, we would be deprived of our ability to *reason* through our human reality and condition, to construct arguments and refine them in a way that allows us to express our truths to the world and conceive of our reality that makes us all humans, that is to conceive of our condition of Syrian human plurality.

¹⁴⁴ Saleh, *the Impossible Revolution*, 118.

¹⁴⁵ *Ibid.*, 109.

¹⁴⁶ *Ibid.*, 118.

XI. Conclusion and Unresolved Tensions:

In this project, I tackled the complicated issues of sectarianism before, but especially during, the Syrian civil war and the implications that sectarianism has on post-conflict social fabric and governmental legitimacy. Through analyzing Arendt's concept of human plurality and Saleh's structure of sectarianism, and through framing government sectarian violence in Syria as crimes against humanity, I argued that sectarianism inhibits Syrians from their ability to relate to each other, perform speech and action together, and contribute to the world through their perspectives. Then, I turned to question the legitimacy of the Syrian government in light of its sectarian crimes against humanity, using the Hobbesian understanding of the role of speech in the erection of the Commonwealth. I argued that the lack of public discussion and deliberation about sectarianism prevents Syrians from establishing a Commonwealth that fulfills their human plurality. Moreover, due to the inherent inequality of sectarianism and the essentiality of equality in human plurality and its commonwealth, Syrians are unable to confer legitimacy upon a government that offended their plurality and undermined their ability to live with each other. Sectarian crimes against humanity deem their perpetrators, the Syrian government, illegitimate to govern their victims.

There are many unresolved tensions in this project that are worth questioning. First, because the government has implicated many Syrians, including Sunni notables, in its crimes against rural impoverished Sunni populations, what is the role of those people in the post-sectarian future of Syria? In other words, there are huge swaths of Syrians who benefitted, directly and indirectly, from the system of oppression that the Syrian government has orchestrated to maintain its power. What is the role of those people, individuals or groups, in the future of Syria and how do we redeem national coexistence when many people were so heavily

implicated in such a system? Second, crimes against humanity, in most of its definitions, has targeted state actions and policies. But since militias, Syrians like the Shabiha or otherwise like Hezbollah, are not officially part of the state apparatus, how can we think about a justice mechanism in which they are punished? Since many of those fighters are foreigners, how can a justice mechanism in Syria implicate members of Hezbollah in Lebanon, for example?

Finally, in the future, what does it mean to think about ourselves as Syrians and not as divided sects? Does that mean we are ascribing to a national identification? However inclusive that national identification is to religious, ethnic and sectarian differences, does it make us identify with each other within a nation-state? If so, what about Palestinian-Syrians? Are they part of this nation-state? In other words, when we talk about building inclusive future in Syria, are we automatically envisioning a nation-state that includes its citizens and excludes others? More broadly, is the nation-state the ultimate solution to post-sectarian politics in any country, or are there other ways through which we can “skip” the mistakes of the nation-state and imagine our new reality through new and alternative political frameworks?

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