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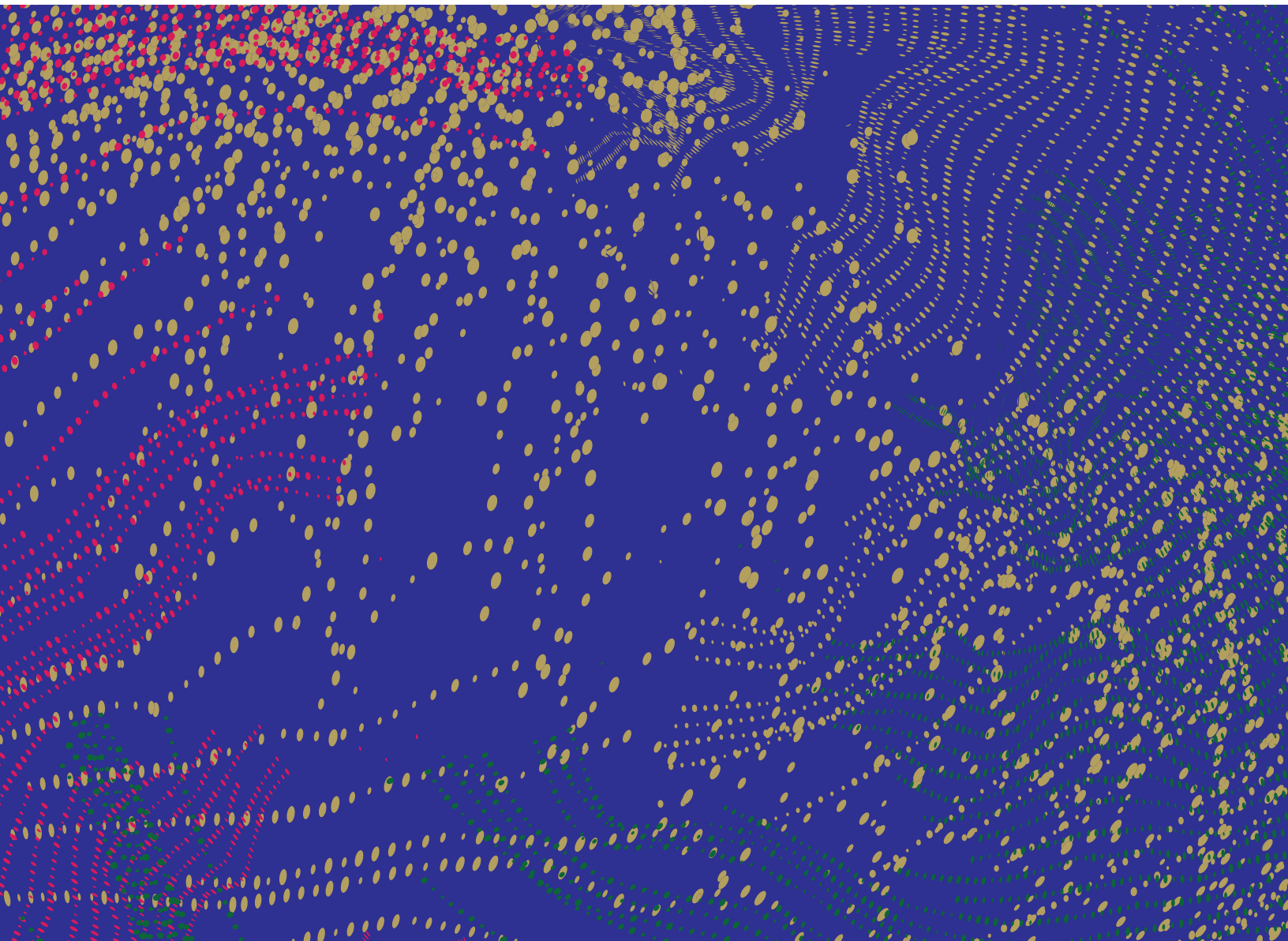
Law and the Humanities: Academic Impossibilities, Activist Necessities?

Samer Ghamroun



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More information about the author can be found at the end of this document.

Law and the Humanities: Academic Impossibilities, Activist Necessities?

Samer Ghamroun Saint Joseph University, Beirut

I was still working on my doctoral thesis. I was hoping to use my time in Lebanon, where I was doing fieldwork, to teach a short introduction to legal sociology and anthropology at one of the country's largest universities. My first instinct was to head to the faculty of law, as I believed that such an environment would give my course the largest impact, since I would be initiating future lawyers and judges into transdisciplinary reflections on law and justice.[1] I was met with a cold response from the department, followed by a clear lack of interest in my work. They politely encouraged me—after offering me a cup of coffee—to try my luck elsewhere, by which they meant the humanities department. At the time, certain academic legal circles thought of legal studies as set apart from other disciplines, disciplines that jurists considered to be inferior.[2] In this practice of disciplinary imperialism, the law—the center—can opportunistically use other humanities and social sciences—peripheries—without acknowledging the possibility of any reciprocity. So I carried my varied bibliography to the faculty of humanities to try my luck there instead. They offered me coffee before kindly suggesting that I present my course to the faculty of law. The word "law" in my proposed course title was a sufficient basis to assume its unsuitability for the humanities—or at least for the university departments that engage in them. I ended up not teaching the course in Lebanon for several years.

This anecdote offers a glimpse into what the relationship between law and the humanities looked like in Lebanon for a long time. The same was true, to a certain extent, in several other Arab countries. The fact that I am now a professor and researcher in a Lebanese faculty of law does not disprove this observation. Rather, my current position demonstrates that exceptions exist and

[1] In doing so, I adhered to a well-known adage: it is better to teach everyone how to bake than it is to teach only bakers. In other words, it would be better to teach humanistic and social scientific approaches to law to future practicing jurists, judges, lawyers, and civil servants, rather than to sociologists or anthropologists.

[2] By "jurists" I mean anyone involved in the practice of law or research and knowledge production and transmission around it, beyond the circle of judges and lawyers.

things can change for the better. At the same time, my trajectory allows one to measure the difficulty and limitations of this evolution, and it suggests pathways outside the university that could give rise to a long-awaited discussion on law and the humanities, one that is struggling to emerge and is often expected but always postponed or criticized. These inquiries are the subject of this essay.

Why does such a visceral incommunicability exist between otherwise sister disciplines? The response lies beyond the Lebanese or Arab framework. The legal discipline's inherent tensions have been well demonstrated, most notably in countries with civil law traditions.[3] "Civil law" is a long-standing euphemism designating the effects of French colonial rule on law formation in the south and east Mediterranean, as well as continental Europe. Most Arab countries still follow this tradition in their curricula and training methods and in their judicial organization, while the growing influence of the English common law tradition can be seen more indirectly. While the law is a normative science par excellence, its creation and implementation involve powerful social considerations that partially evade the clarity and coherence of legal reasoning. Besides being a social object, law is a scientific discipline in its own right, and legal scholars often monopolize knowledge of the law, relegating interest in the law from other human and social sciences (HSS) to the level of a forbidden aspiration or to a topic of general interest (*culture générale*) that adds very little to the serious study of law. As a tool for exercising power and maintaining order in the framework of the modern state, the law nevertheless becomes an effective weapon in the hands of protest movements or other social mobilizations.[4] The list of these disciplinary tensions is long, but it is worth noting that the conflict between the legal sciences and the HSS appears, at first, to be an almost automatic result of the epistemological self-sufficiency of the former and the scientific mistrust of the latter.

I try to demonstrate two things in this essay. First, following the experiences of several Lebanese universities, I show the university's relative inability—despite

[3] These tensions have been the object of an old reflection in the French-speaking academic sociolegal tradition. See François Ost and Michel Van de Kerchove, eds., "Jalons pour une épistémologie de la recherche interdisciplinaire en droit" [Milestones for an interdisciplinary research epistemology in the legal field], special issue of *Revue interdisciplinaire d'études juridiques* 8, no. 1 (1982); Frédéric Audren and Jean-Louis Halpérin, "La science juridique entre politique et sciences humaines (XIXème–XXème siècles)" [Legal sciences between politics and the humanities (19th–20th century)], *Revue d'histoire des sciences humaines* 1, no. 4 (2001): 3–7; and Baudouin Dupret, *Droit et sciences sociales* [Law and social sciences] (Paris: Armand Colin, 2006).

[4] Liora Israël, *L'arme du droit* [The arm of the law] (Paris: Presses de Sciences Po, 2009).

a few exceptions and promising initiatives[5]—to overcome these disciplines' tendency toward mutual ignorance in Arab academia. Then, alongside these academic tensions, I highlight the unexpected success of certain extra-academic experiences that used approaches from the HSS to answer legal and juridical questions, transforming them into topics for social commentary despite significant resistance from some scholars. I use my experience at Legal Agenda, a nonprofit based in Beirut and Tunis, along with my participation in the Lebanese October 2019 uprisings, as my sites of study. I thus attempt to parse how the dynamism afforded by being on the "outside" of law as a discipline can allow university institutions to reinvent the way they study, teach, and practice law. If such an enterprise were successful, it could pave the way for new Arab legal imaginaries that would finally allow the legal sciences to converse with the humanities and permit Arab jurists to once again be interested in major theoretical social and political questions that have been abandoned by many law schools. Perhaps such an endeavor could ultimately produce legal systems that are more equal, more accessible to the public, and more sensitive to the needs and rights of society's most vulnerable groups.

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Law as a Discipline: The Humanities as Pariah

The law is only partially understood in Arab universities, as legal studies suffer from a double limitation that produces serious consequences for our educational and political experiences in the short and long terms, respectively. On an institutional level, the law and its teaching are restricted to normative approaches in

[5] Important university initiatives have developed in the past years, but they remain exceptional and retain a limited influence. One might point to the Department of Law and Society at Birzeit University in Palestine, launched in 2005; the Law and Society Research Unit at the American University of Cairo, launched in 2014; or the recent efforts of the Faculty of Law at Saint Joseph University in Beirut. Journals have also emerged across Arab countries, but their scope remains local (such as the *Droit et Société* journal published by the eponymous laboratory at University of Adrar in Algeria).

the confines of law faculties. This first limitation engenders a second one that is methodological and theoretical: the law remains chiefly taught as a set of norms, which are more or less binding and held together by principles of logical coherence. This perspective overlooks the theoretical and methodological tools that the humanities and social sciences can offer, making it difficult to observe law in action, as it is practiced on an everyday level in contemporary Arab societies. This leads to three types of consequences for the university and its mission: legal research that is removed from social considerations; weakened critical thinking skills for future jurists; and linguistic and conceptual challenges.[6]

The Politics of Law: Innocuous Legal Research?

Some observers have provocatively diagnosed an intellectual autarky that characterizes important parts of legal research in Arab countries, despite encouraging developments in the French and European legal studies that influence it. According to them, this situation produces a progressive intellectual and political desert for legal studies. The principal problem lies in privileging technicalities at the expense of a comprehensive and potentially critical approach to legal phenomena, like what the humanities could provide. This configuration does allow for quality legal research that is sometimes brilliant and sophisticated; however, this research is often removed from social considerations and inquiries that shape Lebanese and Arab societies more broadly. The success of private law departments at Lebanese universities (contract law, commercial law, business law, etc.) as opposed to the chronic weakness of those teaching public law (constitutional and administrative law, fundamental rights and freedoms, etc.) remains one of the most salient symptoms of this situation. The scarcity of Arab research on philosophy and legal theory, or dearth of explorations of the latter's sociology, anthropology, and history, is another symptom.

This normative type of legal research is favored by Arab political regimes, which are comfortable with technicalities that remove questions of democracy and social justice from legal debates and neutralize their critical potential, gradually transforming them into technical debates between jurists who frequently and easily cross the border that separates the rulers from the ruled. This situation produces dangerous effects in our political systems, where the main mechanisms of democracy are broken or nonexistent, and the official legal systems that give the illusion of the rule of law conceal a public life rife with repression, power

[6] If dialogue between law and Arab HSS remains difficult, it is also because of the general crisis that the HSS and their departments are going through in Lebanon and elsewhere, in contrast to relatively stable and prosperous law schools. It takes at least two to have a successful dialogue.

abuses, and crony capitalism. To play the game of legal technicalities like nothing ever happened, even in good faith, has particularly harmful consequences in Lebanon and the region. The withdrawal of critical humanities in law faculties comes at an especially high cost,[7] indirectly legitimating a backward and repressive political status quo in Arab countries and sustaining it with a legal and constitutional facade that is no longer convincing for many.

Training Jurists to Serve Whom?

Pedagogically speaking, and beyond the dearth (or sometimes absence) of anthropological, sociological, and philosophical explorations of the law, the epistemological wall that separates the HSS and legal studies affects students' training and consequently affects the type of practitioners that emerge from law faculties. Understanding the law through the HSS affects jurists' intellectual endeavors, notably their interpretation of legal rules and the legal qualification of facts, among other issues.[8] Thus, the marginalization of the HSS in legal teaching methods significantly weakens the interpretive skills of future jurists, impoverishing the intellectual repertoire they can draw from and thus impairing their ability to perfect the hermeneutical operations necessary for legal work. The act of interpretive thinking ends up delegitimated over the course of the four years of study, which produces judges and lawyers who either hesitate to or are unable to think critically in a perverted positivist legal framework that becomes excessive, caricatured, and lazy. That said, there remain numerous exceptions to this scenario.

More serious still, the marginalization of the HSS and the consequently negative effect on interpretive and critical thinking produces technically brilliant jurists with reduced intellectual autonomy, who are often at the mercy

[7] During the early days of the disciplinary formation of Western social sciences (the end of the nineteenth century and the beginning of the twentieth), legal scholars in the civilist tradition frequently engaged in dialogues with social scientists (see the work of two fathers of French public law, Léon Duguit and Maurice Hauriou, and their discussions with sociologists Émile Durkheim and Gabriel Tarde). These early dialogues influenced the law departments in the Middle East through colonial transmission (see the work of Paul Huvelin, a Durkheimian historian of law who founded the Saint Joseph University law school in Beirut in 1913). These founding dialogues faltered after World War II, as well as in the metropoles in the newly formally independent states of the Middle East.

[8] On interpreting legal rules, see Michel van de Kerchove, ed., *L'interprétation en droit, approche pluridisciplinaire* [Interpreting the law, a multidisciplinary approach] (Brussels: Presses de l'Université Saint-Louis, 1978). On the legal qualification of facts, see Jean-Marc Weller, "La disparition du bœuf du Père Verdon: Travail administratif ordinaire et statut de la qualification" [The disappearance of Father Verdon's beef: Ordinary administrative work and qualification status], *Droit et société* 67, no. 3 (2007): 713–55.

of lawmakers (elected through irregular or rigged processes, where legislatures conform to many manifestations of authoritarianism) or at the mercy of "facts" that are often organized and presented to the judge by a police force that is corrupt, untrained, or both. Thus, jurists with no recourse to the humanities may end up vulnerable to the whims of authority and to the economic and symbolic power imbalance that frames their work. The significant number of graduates who have held important political positions, such as presidents, ministers, deputies, and senior officials, has long been the pride of many law departments in the Arab world. The same applies to graduates in important financial positions, for example, on the board of directors of large businesses or powerful and politically connected banks, or as businessmen and -women. However, one rarely finds—in Lebanon at least—lawyers committed to social causes or fighting structural inequalities in their respective contexts.[9]

Law without Society?

Epistemologically speaking, and because of the aforementioned intellectual and pedagogical issues, exploring the law from its social, political, and praxeological dimensions has become the concern of Western researchers who work on the Arab region. This gives rise to its own set of linguistic and conceptual issues. These scholars typically publish in English or French; the dearth of scientific publications in Arabic that tackle the law through HSS tools raises concerns of circulation and accessibility (especially for citizens and residents of Arab countries who do not read French or English easily). This abandonment of HSS-inflected legal studies in Arab universities also produces tension concerning the production and manipulation of Western concepts by Western researchers, which are then applied to the Arab world. This is not about regurgitating old accusations against colonial anthropology (legal or otherwise), nor is it about questioning European and North American researchers' right to explore or interpret legal practices and texts in the Arab world, as many have produced work on these subjects that is of great importance. It is simply about highlighting the possible differences in the approaches of Western jurists, produced by their dominant institutional frameworks within the existing global academic balance of power, as well as the varying ways their research is received in our region as compared with theirs. For example, the prominent place of Islam in Western approaches to

[9] These would be equivalent to the "causes lawyers" of the common law tradition. See Stuart Scheingold and Austin Sarat, eds., *Cause Lawyering: Political Commitments and Professional Responsibilities* (Oxford: Oxford University Press, 1998). I do not discuss here lawyers who work with public-interest nongovernmental organizations (which typically provide access to law, legal aid, etc.), who may follow a different logic.

Arab law produced scholarship that is intensely interested in Islamic law in the region (or Islam's influence on law) despite its relatively limited implementation in societies. At the same time, these approaches marginalized the practice of positive non-Islamic law by laypeople and legal professionals, despite it being central to the daily lives and legal experiences of people in Arab countries.

It is also important to note the scarcity of legal research (in law departments) using HSS tools by researchers whose first language is Arabic and who live and work in the societies they study. This rarity produces a paradox: while "pure" legal science—perceived as autonomous and detached from its social and cultural foundations—remains abundantly researched by Arab jurists who approach it as an abstract and technical language, the law in practice, understood in its cultural and social dimensions and its contextual specificities, is left to Western researchers who do not share the culture or society. Does Arab jurists' desire to produce universally applicable work make them forget how law is practiced and implemented in their societies and instead encourage them to abandon these comprehensive, contextual, and interactional legal inquiries to occasional "visitors"? Or are we witnessing the effects of a power imbalance between the Western center and its Arab periphery, where the only important element in the latter's legal context is the abstract, technical language that links the region's national economies to the former's capitalist infrastructures, thus extending—albeit discreetly—the systems of colonial economies?[10]

Grasping the Law through Social Action: The Humanities as Necessary

While the university preoccupies itself with redrawing interdisciplinary boundaries and celebrating the specific identity of each discipline, the real encounter between the law and Arab HSS is perhaps already taking place beyond its purview. This is happening at the epicenter of political and activist action, including action research.[11] Here I focus on two case studies, not because they are necessarily representative of the most crucial issues facing Arab countries but because I have been actively involved in both of them for over twelve years through my work at the Legal Agenda and since 2019 in the mass political mobilization in Lebanon.

[10] Sally Engle Merry, "Law and Colonialism," *Law & Society Review* 25, no. 4 (1991): 889–922.

[11] Broadly speaking, action research refers to research whose objects are defined, and whose results are used, to serve social action and positive social change on the ground.

Transformation through HSS: The Law for Social Change

Legal Agenda (LA), a nonprofit activist organization that conducts legal research, was founded at the end of 2009 in Beirut and a few years later in Tunisia. It sought to build bridges between law, the social sciences, and the humanities, as well as between research and social action.[12] The organization emerged out of an eagerness to address the aforementioned academic issues and a desire to create a space for thinking differently about law. Its programs and activities revolve around issues such as the judiciary's political dependence and problems, social justice, and the due process of law in Arab societies. The group initiates public debates on topics usually ignored by the political establishment, while allowing laypeople, who usually remain alien to these debates, to engage with them. Emancipated from disciplinary constraints, this approach to law was shaped by the HSS, allowing law to be mobilized to create social change toward equality, freedom, and solidarity in Lebanon and Arab societies. The first, relatively quick successes of this effort clearly showed that the incommunicability between these academic spheres is not inherent in law and in the HSS but stems from habitus and strategies specific to the academic field.

On the other hand, legal work open to society acquires a dynamic tolerance to different theoretical approaches and a much larger audience, which makes it an important element for public debate. It offers a space to engage with topics that have become unthinkable (although possible) at universities. The attitude that academic institutions took toward the initiative in its early years illustrates the points discussed in the first part of the essay: a mixture of indifference and denigration. A space for legal reflection that is open not only to the HSS but also to practices such as activism, arts, and journalism was an unjustified and illegitimate one for many academic players. Things have changed a lot since then, and the social recognition that LA has gradually acquired in Lebanon and Tunisia, as well as Morocco and other Arab countries, has gradually been reflected in university life. It has become common to find articles published by the center in course syllabi, theses' footnotes, and law and HSS dissertations. LA researchers are now commonly invited to speak at universities about their experiences and work.

It is important to understand that this approach was not just carried out theoretically but was also forged in the heat of political and judicial practice, in interaction with legal developments on the ground. Indeed, through LA's work the HSS have been widely used to disrupt established practices in the world

[12] Nizar Saghieh and Samer Ghamroun, "Lā tatrukū al-qānūn lil qānūniyyīn" [Do not leave the law to the jurists], *L*egal Agenda, April 20, 2011, https://bit.ly/43yIHuM.

of law and justice. I give two examples. First, consider the Lebanese judiciary system. Since the 1990s, political leaders and the highly ranked judges they appoint have promoted very conservative interpretations of *devoir de réserve*. *Devoir de réserve* is understood as the professional duty of judicial representatives to exercise self-restraint or discretion when revealing information concerning the work of the court.[13]

This duty was excessively developed, to the point that it silenced judges who were worried about the moral collapse of their profession and the rule of law more generally. A judge who spoke up, even to denounce the unacceptable or illegal behavior in their profession, thus became incapable of fulfilling their ethical duties and therefore a bad judge. As a consequence, and always in the name of the judges' dignity(which the government claimed to protect), the judiciary system long rejected the freedom of association for judges. For years, judges were prohibited from forming assemblies to defend their independence, a right that is enshrined in other nations.

The use of concepts, methods, and comparative emphasis from the HSS allowed LA to publicly showcase the danger of this repressive interpretation of the duty of confidentiality and its professional and political consequences. Research done by the center emphasized how, in countries with fragile or nonexistent democracies, particularly Arab countries such as Morocco, Tunisia, or Egypt, associations of judges (which were banned in Lebanon) can be effective in creating a more independent judiciary system.[14] Associations counterbalance high judicial

> We have to develop the critical potential of the humanities and social sciences in law schools not only to sensitize students but also . . . to strengthen the fight for a more egalitarian and protective law.

[13] *Devoir de réserve* was initially intended to prevent judges from taking a public position on cases and affairs they deal with or from taking standpoints that are incompatible with the exercise of their roles so as not to undermine their appearance of impartiality. Expanded and repressive versions of this notion prevented judges, specifically in countries with weak democratic traditions, from exercising their rights and freedoms as citizens.

[14] For more on the center's research, see Samer Ghamroun and Nizar Saghieh, *Al-qaḍā' al-ʿarabi fī zaman al-istibdād: quḍāṭ Tūnis wa Miṣr, bayna qawāʿid al-mihna wa ḍarūrāt al-siyāsa* [Arab law in the age of tyranny: Tunisia and Egypt's jurists between professional ethics and political considerations] (Beirut: Legal Agenda, 2016), or Nizar Saghieh and Samer Ghamroun, "Al-taḥarrukāt al-qaḍā'iyya al-jamāʿiyya fi lubnan" [Collective legal movements in Lebanon], in *ḥīna tajammaʿa al-quḍāṭ. Dirāsah muqāranah: Lubnān, Miṣr, Tūnis, Almaghrib, Aljazāyir, w-ālʿIrāq* [When jurists joined together: Comparative study on Lebanon, Egypt, Tunisia, Morocco, Algeria, and Iraq] (Beirut: Sader, 2009).

councils, which are sacralized institutions that often comply with authoritarian and sectarian regimes. The HSS's comparative approach, especially when the comparison is between the Arab countries, was thus analytically emancipatory for an understanding of the situation in Lebanon by making it possible to sketch a more nuanced picture of judicial dependence. The approach revealed one of the judicial oddities of the Lebanese political system: for twenty years, the regime has modeled techniques from the Ben Ali regime in Tunisia and the Mubarak regime in Egypt to build hegemony over the Lebanese judiciary. These techniques subtly slipped into the clothes of postwar Lebanese polity. The interpretive battle over judges' associations was finally won, and the Lebanese Judges Association was established in 2018, despite the judicial hierarchy's public outrage.

Another example of LA's work concerns the interpretive tug of war over Article 534 of the Lebanese Penal Code, which criminalizes "any carnal conjunction running against the order of nature." This article has long been interpreted by many judges as criminalizing male homosexuality. LA has called on all humanities and social sciences for several years—notably history, anthropology, and philosophy—to explain by all means of legal actions, texts, conferences, and seminars addressed to professionals and the public how the concept of nature cannot be essentialized and how it depends on multiple changing social, scientific, and cultural factors that cannot be reduced to refer to heterosexual relations only. For example, LA published a model defense for lawyers to push for a tolerant interpretation of Article 534 in courts. It also used historical research to show how homosexuality, today sometimes described in Lebanon as a Western importation that should be rejected and criminalized, was actually considered by medieval Europeans as a practice introduced to Europe by returning Crusaders after their contact with Arabs.[15] In the fourteenth century, this produced a reinterpretation of the notion of nature that demonized and criminalized homosexuality,[16] a reinterpretation that eventually became dominant in the subsequent centuries on both sides of the Mediterranean. Partially because of LA's work, the normative environment of Lebanese judges and lawyers has been progressively modified by these unorthodox interpretations. Several decisions from first-instance single-judge courts and some appellate courts have shown

[15] Zrinka Stahuljak, *L'archéologie pornographique: Médecine, Moyen* Âge *et histoire de France* [Pornographic archeology: Medicine, the Middle Ages, and the history of France] (Rennes: Presses Universitaires de Rennes, 2018).

[16] Jacques Chiffoleau, "Dire l'indicible: Remarques sur la catégorie du nefandum du XIIe au XVe siècle" [Saying the unsayable: Notes on the category of *nefandum* in the 12th and 15th centuries], *Annales. Economies, sociétés, civilisations* 45, no. 2 (1990): 289–324.

that this interpretive struggle has had significant effects on judges' reasoning, thus producing more open and tolerant interpretations of the idea of nature and of Article 534.

Academia Pressured by the People

Law professors were able to directly experience the usefulness of the HSS when they were tested by newly pressing social demands. During the autumn 2019 social movements in Lebanon,[17] the demand for knowledge on law and legal issues dramatically increased in public spaces. Academics, who were accustomed to the calm discussions in seminar rooms, had to face direct and often impatient questions in the streets, such as "should the current constitution be kept, revised, or completely rewritten?"; "would revising the constitution make it possible to change the political system?"; and "what is the role of the judiciary system in the transition toward a better political system?"

This intense interest in legal topics, coming from nonspecialists and resulting from the country's situation, is unprecedented in Lebanon. But more important, most of these questions involve political, social, or philosophical dimensions. Law professors are sometimes tempted to downplay these questions during classes on the pretext that they deviate from the rigor of legal reasoning. However, it was impossible to tell a rebelling citizen seeking justice what we were able to easily tell a law student pursuing a degree. Law professors were thus required to respond beyond their usual technical instincts, which would not have been meaningful to citizens in revolt. As part of the improvised conferences in Martyrs' Square, law professors had to resort to history, anthropology, and philosophy to deal with uncommon topics, which were often chosen by protesters who were not interested in interdisciplinary tensions and borders. These topics often revolved around the whys and hows of legal phenomena and observable everyday legal practices, forcing jurists to consider the law in action and in context, an idea that is usually disregarded in law schools and discharged toward the extralegal universe.

This public demand for a different legal discourse has shown that the HSS are a tool that jurists can no longer avoid in Lebanon and other Arab countries. Many jurists have been part of the political and financial establishment that is today accused of Lebanon's recent collapse. This fact is increasingly raised in

[17] After October 17, 2019, Lebanon witnessed important social mobilizations when hundreds of thousands asked for accountability for the country's mismanagement since 1990 and the resulting financial and economic crisis. During the protests in Martyrs' Square in Beirut and other places throughout the country, the protesters organized many street talks and discussions about the country's political and economic crisis and potential solutions.

public discussions, in which people blame the universities that have provided the "system" with its architects. On the streets, the protesters expressed the need to know what went wrong in recent decades. They asked why the presence of formally acceptable legal and constitutional structures did not prevent abuses of power and mismanagement and how it is possible to imagine a new Lebanese state with a different constitution and different jurists. It is now clear that a self-sufficient legal science will not be able to address the challenges of these inevitable democratic questions. Regardless of the outcome of the current Lebanese crisis, it is possible that its effects on public expectations for law schools, and therefore legal education, may be greater than what some jurists want to admit. The legal discipline needs the HSS to regain its social and political relevance, and the role of law schools in ongoing political transformations in Beirut and Tunis, but also in Morocco, Iraq, Algeria, and Sudan, will probably need to change.

Why Critical Legal Sciences?

It is impossible to conclude this essay without reflecting on the challenge raised by the potential meeting of law and humanities, a challenge that I cannot fully address here, but that I wish to mention regardless.[18] Although it is generally accepted that one of the main roles of the HSS in legal education and research is to encourage jurists to question the foundations of law and power dynamics behind it, in Lebanon and several Arab countries, we live in societies wherein law has very little legitimacy. Few people believe in the power of law, and anecdotes about its ineffectiveness circulate everywhere, whether in popular culture or in professional circles. How is it possible to train young jurists and educate the public to question something that no one takes seriously, and what would be the point of such an endeavor?

This poses a specific challenge for Arab countries, since the humanities should be given a nuanced function, which is not exclusively based in the critical tradition of law[19] or oriented toward critical objectives of legality. We have to develop the critical potential of the HSS in law schools not only to sensitize students but also to take advantage of it elsewhere to strengthen the fight for a more egalitarian and protective law. We must explain to future jurists how law can hide domination and deeply rooted inequalities, but also show nonlawyers

[18] This reflection arose out of a discussion with Lama Abou-Odeh, professor of law at Georgetown University.

[19] Mark Kelman, *A Guide to Critical Legal Studies* (Cambridge, MA: Harvard University Press, 1987).

that law, a different law, and lawyers, different lawyers, can be a powerful lever for building different, better societies, like the ones we are trying to build in Lebanon. It is a very thin thread that Arab jurists must walk today.

Translated from the French by Reem Joudi and Tamara Sleiman

Samer Ghamroun earned his PhD in legal sociology from the École Normale Supérieure of Cachan, Paris, on the subject of judicial competition between juvenile and Sharia judges in Lebanon, around the protection of children's and women's rights. He is currently an assistant professor at the Faculty of Law and Political Science in Saint Joseph University of Beirut, where he teaches legal sociology, legal history, and constitutional law, among other courses. He is also a senior researcher and a scientific editor with the Legal Agenda team in Beirut.