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Urban Space and the Right to Peaceful Assembly: Theoretical Frameworks and Illustration of the 2005 and 2019 Protests in Downtown Beirut

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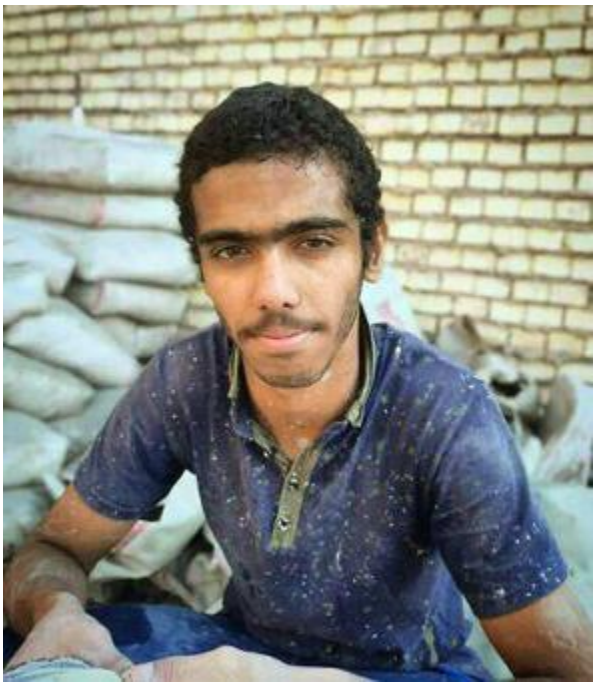
The Institute of Political Science at Saint Joseph University does not intend to give any approval or disapproval to the opinions expressed in this thesis. These opinions belong solely to their author.

Dedicated to my parents.

*And to **Mohsen Mohammadpour**, a 17-years-old teenager from Khorramshahr who was killed during the protests in my country, Iran, in 2019.*



Abstract

The right to peaceful assembly, as one of the civil-political human rights, is often limited by states through various means. While legal studies have so far focused on the areas of permit issuance or security measures related to the right to assembly, there appears to be a research gap concerning policies and actions that utilize urban spaces in this context. On the other hand, protests (or, in other words, significant protests) usually take place in urban environments, and protesters use tactics in urban spaces to express their objections.

This research aims to identify the role of space in the right to peaceful assembly from both legal and political perspectives. It will examine the tactics that protesters use to exercise their rights within urban contexts and how authorities or other anti-protest groups utilize urban spaces to counter protests.

The spatial dimensions of the right to peaceful assembly, were first identified with a library research method. Then, the main state's policies and protestors actions to restrict or exercise this right through urban space were studied.

In the final two sections and after discussing various aspects of geography, demography, economy and politics in Lebanon and also urban matters in Beirut, especially the reconstruction of the city after the civil war, the protests of 2005 and 2019 were analyzed in terms of the use of urban tools by protesters for protesting and by the government for countering them.

Our study revealed that protests in urban spaces, from one perspective, are actually a form of contention with the state over an unlimited resource known as space, and while citizens strive to make their protests heard effectively by those in power through their presence in the urban sphere, state has string motivations and uses various tools to dominate this space.

Based on the various components of the city; the various tactics of protesting citizens and the government discussed in Chapter Three with numerous examples from different countries.

On the other hand, Lebanon, and specifically Beirut, with its underlying and structural elements such as sectarianism, the high importance of real estate, and a history of colonial urban planning and design where security and military concerns were the main priority for planners, serves as a comprehensive laboratory to observe these tactics.

These approaches are particularly evident in the planning for the reconstruction of downtown Beirut, notably the Solidere project. However, during the 2005 protests, people responded by occupying space. The same tactic, along with tactics such as locking down transportation

infrastructure in a city like Beirut, where personal car transport is of high importance, was also seen in the 2019 protests. In contrast, the government countered these protests by exploiting sectarian divides in urban design, using classical methods like blocking routes, and ultimately taking advantage of the COVID-19 pandemic to regain control of public spaces.

Key words: Right to peaceful assembly, Urban Design, Protest, Spatial Tactics, Beirut

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In conclusion, I must emphasize that any shortcomings or flaws in this text are undoubtedly due to my own inability to fully implement the ideas that were shared with me.

Introduction

The right to "peaceful assembly" is one of the human rights.[1][2] This Right has been described as "fundamental"[3] and "essential components of democracy"[4]. But there are "challenges to the enjoyment" of this right[5] so far as in October 2010, the Human Rights Council adopted a resolution[6], establishing the mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and this mandate continue till now for more than 13 years. "Challenges" is this context must be defined as legislation and practices that impose restrictions on assemblies[7].

However, it seems that from a human rights perspective, the focus has been more on challenges such as obtaining permits for protests or the police and security responses to demonstrations.

For instance, in 2012, the Special Rapporteur on freedom of peaceful assembly and of association, after receiving 87 responses from Member States, national human rights institutions, regional human rights mechanisms, non-governmental organizations (NGOs) and other stakeholders regarding best practices for exercising the right to freedom of assembly worldwide, wrote their first thematic report[8]. This report consists of 100 paragraphs, 25 of which specifically address "Best practices related to the right to freedom of peaceful assembly". In 10 sections of this part, the use of police forces and law enforcement is discussed. Additionally, 7 paragraphs of the report

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[1] 'UDHR, art 20; ICCPR, art 21; 'ACHR arts 24-6. *Note: In UDHR this right is with "right to freedom of association" but I will not deal with "right to freedom of association" in this thesis.*

[2] Due to the lack of a standardized referencing system among the partner universities of the ArMA program and in agreement with the supervisor, the citation style used in this thesis is based on the Oxford Standard for Citation of Legal Authorities (OSCOLA) style.

[3] Human Rights Committee, 'General Comment No. 37 (2020) on the Right of Peaceful Assembly (Article 21)' (2020) CCPR/C/GC/37 para 1

[4] Maina Kiai, 'Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association' (UNGA 2012) A/HRC/20/27 para 9

[5] *See for example* Clément Nyaletsossi Voulé, 'Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association' pp. 13–21

[6] 'The Rights to Freedom of Peaceful Assembly and of Association' (Human Rights Council 2010) A/HRC/RES/15/21 <https://documents.un.org/doc/undoc/gen/g10/166/98/pdf/g1016698.pdf?token=oQ5kxuLtmNcUYesLFK&fe=true> accessed 22 April 2024.

[7] Nyaletsossi Voulé (n 5) paras 37–48.

[8] 'Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai' (Human Rights Council 2012) A/HRC/20/27 <https://primarysources.brillonline.com/browse/human-rights-documents-online/promotion-and-protection-of-all-human-rights-civil-political-economic-social-and-cultural-rights-including-the-right-to-development;hrdhrd99702016149> accessed 3 September 2024.

contain the Rapporteur's recommendations specifically concerning the freedom of assembly, including three paragraphs related to assembly permits and one concerning the use of force. The remaining four address relevant laws and regulations, violent behavior by others, and the protection of observers and reporters of assemblies.

However, as is evident from fig.1 we created to illustrate the challenges, the issues related to the freedom of assembly are not limited solely to the matter of permits or security responses.

Therefore, by identifying a research gap regarding the space of protests, we will focus solely on the challenges that pertain to the location of assemblies.

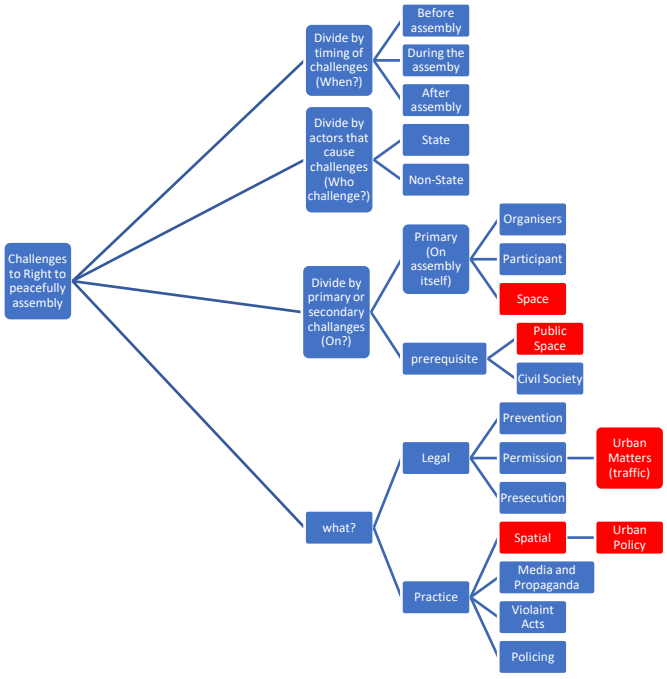

Figure 1 Challenges to Right to peacefully assembly

In recent years, in MENA region, the destruction of Pearl Roundabout or Lulu Roundabout or Al-Lulu Square in Manama, Bahrain after the protests of 2011[9], the Police vehicles and mobile security barriers that have been placed the Gezi Park, Istanbul, Turkey and also "Taksim mosque" that established in Taksim square after Gezi park protest in 2013[10] and the change of the capital of

[9] 'Pearl No More: Demolishing the Infrastructure of Revolution' (*Jadaliyya* - جدلية) <https://www.jadaliyya.com/Details/23814> accessed 6 May 2024.

[10] Stefano Rozzoni, Beitske Boonstra and Teresa Cutler-Broyles, *Re-Imagining Spaces and Places: Interdisciplinary Essays on the Relationship between Identity, Space, and Place* (Emerald Group Publishing 2022) 52.

Egypt from Cairo to a new city[11], or in words of Shady Lewis Botros, an Egyptian writer to "the city of the counter-revolution, a fenced-off fortress, away from the people"[12] that was "most significant urban development the uprising of 2011"[13] is some examples to demonstrate how urban space and the right to protest in our study area have become intertwined.

Clarifying the Subject

1. After narrowing the challenges of freedom of assembly to challenges about location of protest, we must endeavor to define the concept of space in this thesis. In the first chapter, we will clarify what specifically is meant by "assembly" as the subject of this thesis in this regard. However, to summarize, we can say that the space under consideration in this thesis:

Urban: Assembly could happen in "rural" area. For example, in China, more than half of all "mass protest" in a year are in rural area[14]. But in this thesis, we don't deal with assembly or protest in rural spaces.

Real: As the term "urban" implies, it is important to emphasize that this thesis does not address the issue of the right to freedom of assembly in relation to the use of social spaces. (more in part 1.1.1.2)

Public: Despite the fact that strategies such as the privatization of public spaces to restrict demonstrations have been considered in this text (more in part 2.2.1.2.2), the focus of this thesis is on spaces that are "accessible" to the public (more in part 1.1.1.3).

On the other hand, we should clarify that we do not consider any and all uses of urban space in this context. We can say that there are four relationships between city or urban space and assembly.

City as location of assembly: This type of utilization of space for protests is one of the central topics of this thesis.

(Public spaces in) City as a necessary condition of right to assembly: We can assume that in every assembly, participant have this knowledge that "status quo" is not suitable and should or must be changed.

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[11] New Administrative Capital

[12] Shady Lewis Botros, 'Counter-Revolution Completed' (*Qantara*, 22 April 2024) <https://qantara.de/en/article/egypts-new-capital-counter-revolution-completed> accessed 6 May 2024.

[13] Amal K Ali, 'Challenges in Managing Urban Growth: The Case of Cairo', *The Routledge Handbook of Planning Megacities in the Global South* (Routledge 2020).

[14] Bin Sun, 'Outcomes of Chinese Rural Protest: Analysis of the Wukan Protest' (2019) 59 Asian Survey 429, 429.

This knowledge is produced in society. Paulo Freire, Brazilian educator, created a phenomenon, called "conscientization". In his idea, this concept is "the process in which men, not as recipients, but as knowing subjects, achieve a deepening awareness both of the socio-cultural reality which shapes their lives and of their capacity to transform that reality."[15] Conscientization is a social process, taking place among men as they unite in common reflection and action upon their world.[16]
The question is that how people in society can get this knowledge. In view of Habermas, when citizens or assembled private individuals, have conversation with each other approaching public opinion and through of it, publish their opinions about matters of general interest in an unrestricted fashion, a "public body" has formed. Public body is a portion of the public sphere, a realm that access of all citizens to it is guaranteed.[17]
We can mention two examples of creation of public sphere here. First, in eyes of Habermas, coffeehouses in England and Germany in Enlightenment era, as a "bourgeois public sphere"—those literate private persons communicated with each other's in the form of both conversation and publication, increasingly exchanged news an also their ideas about a wide range of public issues, from economic matters on to literary, cultural and political topics and created a self-conscious identity and culture. In his opinion Coffeehouses had become "centers of criticism" where public opinion was both created and recorded.[18][19]
And second, in point of view of David Harvey, is boulevards that in 19th Paris, became, as we "corridors of homage to the power of money and commodities and play spaces for the bourgeoisie"[20]. Harvey's analyses are more economical but he also like Habermas, see boulevard as a "new way of communication"[21] and also "public places"[22].

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[15] Paulo Freire, 'Cultural Action for Freedom' [1970] Harvard Educational Review 27.
[16] Arthur S Lloyd, 'Freire, Conscientization, and Adult Education' (1972) 23 Adult Education 3, 5.
[17] Jürgen Habermas, Sara Lennox and Frank Lennox, 'The Public Sphere: An Encyclopedia Article' [1974] New German Critique, 49.
[18] Thomas Brennan, 'Coffeehouses and Cafes', *Encyclopedia of the Enlightenment* (Oxford University Press 2002) <https://www.oxfordreference.com/display/10.1093/acref/9780195104301.001.0001/acref-9780195104301-e-137> accessed 3 May 2024.
[19]Also we must consider that in Habermas view, these new public sphere "gradually rose up to challenge the traditional public sphere of the court and the government"ibid. In another words, The bourgeois public sphere came into being when private individuals came together to form a public and in doing so wrestled control over the public sphere away from the public authorities.Dennis Prooi, 'The Public Sphere in China, Beginnings of a Confucian Public Sphere' [2016] Erasmus Student Journal of Philosophy 26, 28.
[20] David Harvey, *Paris, Capital of Modernity* (Psychology Press 2003) 212, 269.
[21] ibid 269.
[22] ibid 211.

So, we can conclude that "public places" like coffeehouse and also "boulevards" are necessary condition for right to assembly. Without access to citizens to these places, the public knowledge couldn't form and also, without these places the network of citizens for assembly or protests couldn't composed take place. In Manuel Castells words: "social change results from communicative action that involves connection between networks of neural networks from human brains stimulated by signals from a communication environment through communication networks".[23]

2.3 City as a Reason for assembly: Also, the city and protest against urban policies can be the reason or motivation of people's assemblies or protest. Based on historiography of Margit Mayer, The first wave of broad urban mobilizations, in the wake of the 1960s movements, happened in reaction to the struggles around housing, rent strikes, campaigns against urban renewal and etc.[24]. We also see some protest in Lebanon in 2015 against inefficiency of state in collecting garbage in Beirut and some other parts of country, although this protest rapidly went to protest against political elites.[25]

2.4 City as an extension to assembly: Also, the city can be a permanent exhibition of people's protests against the ruling policies with the use of street art such as graffiti by protesters. We used the word "extension" of Asef Bayat's work. He said:

> *Streets, as spaces of flow and movement, are not only where people express grievances, but also where they forge identities, enlarge solidarities, and extend their protest beyond their immediate circles to include the unknown, the strangers. Here streets serve as a medium through which strangers or casual passersby are able to establish latent communication with one another by recognizing their mutual interests and shared sentiments.*[26]

This thesis will be focused on challenges that is related to city as location and city as a necessary condition of right to assembly. we can explain the challenges in one line:

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[23] Manuel Castells, *Networks of Outrage and Hope: Social Movements in the Internet Age* (2nd edn, Polity 2015) 247.

[24] Margit Mayer, 'The "Right To The City" In Urban Social Movements' in Peter Marcuse, Margit Mayer and Neil Brenner (eds), *Cities for people, not for profit critical urban theory and the right to the city* (Routledge 2012) 65.

[25] ستيفاني ضاهر, 'سياسة الحراك المدني: حركة "طلعت ريحتكم" اللبنانية أنموذجا' [تموز / يوليو ٢٠١٩] سياسات عربية 30, 35.

[26] Asef Bayat, *Life as Politics: How Ordinary People Change the Middle East* (Amsterdam University Press 2010) 12.

The city is not only a place for assembly (and in reaction) repression acts and also is a tool for them.

It should be noted that after a theoretical discussion from a legal and political perspective regarding the relationship between space and assemblies, an effort has been made to examine this issue within the context of Lebanon, specifically in the 2005 and 2019 protests in downtown Beirut. The reasons for selecting this specific case can be summarized in the following six factors:

1. Lebanon is one of the countries studied in the Arab Programme in Democracy and Human Rights.
2. Lebanon has the highest score in the region in terms of civil liberties index after Tunisia[27] [28], and it even scores better than Tunisia in terms of freedom of assembly.[29] [30]
3. Lebanon in recent years, particularly after 2019, has witnessed numerous protests.
4. In the years following Lebanon's independence, Beirut emerged as a metropolitan center in the region, with extensive urban planning initiatives implemented.
5. The country's political economy, with an emphasis on trade and the prominence of the real estate sector, has created a complex set of relationships between different segments of society, as well as between citizens and power structures, which have also influenced urban space.
6. Sectarian and religious identities have created a form of fragmentation in Beirut that has directly impacted urban space. (for more about the last three reasons, Chapter 3)

Main and Sub-Questions

The Main Question of this thesis is:

What is the role of space in exercising the right to peaceful assembly, and how can the 2005 and 2019 protests in Lebanon be explained from this perspective?

[27] 'Freedom in the World; Countries and Territories' (*Freedom House*, 2024) <https://freedomhouse.org/countries/freedom-world/scores> accessed 28 August 2024.
[28] The author does not recognize Israel as a legitimate regime and, as will be explained later, does not consider Cyprus to be a Middle Eastern country.
[29] 'Tunisia: Freedom in the World 2024 Country Report' (*Freedom House*) <https://freedomhouse.org/country/tunisia/freedom-world/2024> accessed 28 August 2024; 'Lebanon: Freedom in the World 2024 Country Report' (*Freedom House*) <https://freedomhouse.org/country/lebanon/freedom-world/2024> accessed 28 August 2024.
[30] Lebanon scored 3 out of 4, while Tunisia scored 2 out of 4.

The sub-questions are as follows:

1. From a legal perspective and by examining the literature on human rights norms, what is the significance of the location of assembly in exercising the right to peaceful assembly?
2. Politically speaking, whether through theories or states practices, can urban design ideas and techniques be used to design, develop, or suppress protests?
3. In terms of social, cultural, political, and economic structures, as well as through laws and regulations or comprehensive urban plans (focusing on the city of Beirut), what possibilities and limitations emerged in Lebanese context to exercise the right to peaceful assembly?
4. In the protests of 2005 and 2019 in downtown, how did the protesters use the downtown urban space for their protests, and what tactics did the government use in the field of urban design to counter and suppress the protests?

Rationale

Citizens usually use urban spaces for implementing the right to peaceful assembly, although sometimes specific tactics are employed to exert more pressure on states, such as blocking roads. In response, states also take actions to counter the protests. While, in human rights literature, the focus is often on actions taken during the protests, such as arrests, use of force, or at most, denying permits before the protests, it seems that one of the main tactics that states use to counter this right involves certain structural measures in urban spaces. These measures aim to prevent assemblies from forming or, fundamentally, to prevent the creation of public spaces for demonstrations, or ultimately to facilitate easier handling of protests if they do occur. This is while we can recognize positive obligations for states to provide accessible space for the expression of protests.

In Lebanese context, despite the relatively favorable legal framework for peaceful assemblies, various structures—such as sectarian and religious diversity, while increasing the potential for protests in the country, affected the public living space, i.e., the city. This has enabled government and supra-governmental interventions to undermine this right using urban tactics. So, the ruling group in Lebanon, regardless of their political or sectarian ideology, has been using urban planning, development, and design to enhance security. Even if we consider the motivation behind these actions to be the enhancement of "national security" rather than the security of the "ruling elite," these measures—such as efforts to depoliticize public spaces during reconstruction of Beirut after civil war, —have created a context conducive to the suppression of protests in the country. In

response, protesters have attempted to make their voices heard by the ruling elite by tactics like rapidly occupying urban spaces.

Method

The research strategy for conducting this research is theoretical rather than empirical, and the approach is qualitative rather than quantitative. The chosen strategy is critical research, as in this type of research researchers examine conditions in which People "find their freedom limited to instrumental forms in which essentially individuated choices are made in relation to a system of resources and constraints largely beyond their control."[31] In fact, "critical researchers assume that social reality is historically constituted and that it is produced and reproduced by people. Although people can consciously act to change their social and economic circumstances, critical researchers recognize that their ability to do so is constrained by various forms of social, cultural, and political domination."[32] This thesis also seeks to examine the constraints imposed on the freedom of assembly, where people often have little or no role in shaping or utilizing these constraints. Thus, this strategy aligns with the research topic.

In the second part of this thesis, an effort has been made to evaluate and explain the 2005 and 2019 protests within the theoretical framework established. Therefore, the research method in the second part has shifted from a deductive to an inductive approach. In fact, the studied case serves as an illustrative example supporting the evaluations made in the previous three chapters.

The method of data collection in this thesis has been desk research, utilizing books, articles, media archives, and some maps. The reasons for choosing this method are as follows:

a. Methods such as interviews or focus groups would have faced issues with the credibility of government-affiliated interviewees or urban planners, as they might have been accused of involvement in suppressing protests, which is not a desirable outcome.

b. On the other hand, there is an abundance of resources available for observing the methods used by protesters, even in Lebanon or outside of Lebanon, making new interviews unnecessary. c. Another reason is that this research is being conducted approximately twenty years after the 2005

[31] Phil Francis Carspecken, 'Critical Research' in Lisa M.Given (ed), *The SAGE Encyclopedia of Qualitative Research Methods*, vols 1 & 2 (SAGE Publications 2008) 174 <https://methods.sagepub.com/reference/sage-encyc-qualitative-research-methods/n88.xml> accessed 30 August 2024.

[32] 'METHODOLOGY REVIEW: Research Propositions, Data Collection and Analysis Framework' (2014) 27 <https://www.si-drive.eu/wp-content/uploads/2018/03/D2-1-Research-Framework-final-2014-12-small.pdf> accessed 30 August 2024.

protests and five years after the 2019 protests, making field research unfeasible. This is especially true since many protesters in these demonstrations are not well-known or, for security reasons, prefer to remain unidentified. Additionally, the lack of familiarity with Arabic (and the Lebanese dialect) has made the use of this method infeasible for the author.

d. Also, the goal of the research was not to provide a descriptive account of how urban tools were used by the government or protesters, but rather to analyze this usage in the context of legal, political, economic, and demographic factors.

Literature review

If we accept that the goal of reviewing the existing literature is to develop a form of argument[33], We are seeking to prove that although significant research has already been conducted on various aspects of this thesis, from the perspective of its problematic, this thesis is original.

Our argument here has four parts:

First, We will demonstrate that viewing space, specifically urban space, from a human rights perspective is not a new issue.

Next, We will show that viewing space, and specifically urban space, from a security perspective and the perspective of sovereignty is also not a new issue.

On the other hand, We will illustrate that historians, sociologists, and urban planners have long paid attention to the spatial tactics used by protesters or the state during protests.

Finally, We will show that the focus on spatial tactics and protests has intensified, especially in the second decade of the 21st century, with the onset of economic protests in the U.S. and the U.K., the Arab Spring protests, and the protests in Ukraine.

However, the research gap in this area lies in viewing the issue from a human rights angle. What does this mean? It means that the focus of this thesis is not just on space for protests, but on space for peaceful protests. In the first approach, the protest itself is the subject of study, and therefore the impact of urban spaces on protests is usually discussed from a political or sociological perspective. In contrast, in the second approach, the right to peaceful protests, as defined in the international human rights system, is examined, and thus, for example, the peaceful nature of the protest becomes significant.

[33] Kjell Erik Rudestam and Rae R Newton, *Surviving Your Dissertation: A Comprehensive Guide to Content and Process* (4th edition, SAGE Publications, Inc 2014) 49.

The author acknowledges that the content of their thesis is situated alongside the literature known as the "right to the city," which began with Henri Lefebvre's book *Le Droit à la Ville* in 1968. This literature is significant primarily because, according to Lefebvre, "the right to belong to, and to determine the fate of, that urban world that urban dwellers had created: the right not to be alienated from the spaces of everyday life"[34]. However, the author distinguishes their work from this literature, which was later developed by David Harvey and Don Mitchell, for two reasons: first, the dominance of Marxist thinking, which has led to critiques of current urban spaces not from the perspective of restricting the right to protest but from the perspectives of increasing consumerism, and the erosion of social justice[35]; and second, because, in this analysis, the city itself becomes the subject of the right, whereas, in our analysis, urban space is a tool for the subject of protest.

Also, it is evident that attention to security issues in cities, or more generally in human living spaces, has always been a matter of concern. Among theoretical literature, one of the best attempts to explain this relationship comes from Michel Foucault. Foucault distinguishes between law, discipline, and security. According to him, a security perspective:

A, Inserts the phenomenon in question within a series of probable events.

B, The reactions of power to this phenomenon are inserted in a calculation of cost.

C, Instead of a binary division between the permitted and the prohibited, one establishes an average considered as optimal on the one hand, and, on the other, a bandwidth of the acceptable that must not be exceeded.[36]

Foucault calls this framework the "apparatus (dispositif) of security"[37], and one of the security apparatuses he mentions is "spaces of security"[38].

This analytical structure, except for the economic cost-benefit analysis (the second point), is almost the analytical structure of this thesis as well. In fact, this thesis also seeks to explain the possible assemblies in the domain of urban space in order to find the desirable average between the right to peaceful assembly, which should not be violated, but overall, one cannot claim that Foucault's framework is entirely identical to this thesis. This is because, firstly, Foucault, in this framework, primarily aimed to explain the mechanisms of punishment in a society, which involves a

[34] Don Villanueva and Joaquín Villanueva, 'Right to the City' in E Ray Hutchison (ed), *Encyclopedia of Urban Studies 2 Volume Set* (1st edition, SAGE Publications, Inc 2009) 668.
[35] ibid 670.
[36] M Foucault, *Security, Territory, Population: Lectures at the College De France, 1977 - 78* (Springer 2007) 6.
[37] ibid.
[38] ibid 11.

relationship between the offender, the state, and the rest of society that the state represents. In contrast, human rights mechanisms deal with the relationship between rights-bearing citizens and the state, which should either not interfere with that right (negative obligations) or create conditions for exercising that right (positive obligations). Based on this, security in Foucault's analysis here actually means social security, whereas we focus more on national security and the security of the ruling regime as the primary motivation for restricting the right to peaceful protests.
This thesis has extensively will utilize analytical works from researchers in various fields, including sociology (such as the works of David Harvey[39] and James C. Scott[40]), history (such as the books written about the Haussmann era in Paris[41]), urban design (such as studies on protests in Hong Kong[42]) and also a recent encyclopedic work that focuses on protest tactics in urban spaces[43]. The common thread between this thesis and these works is the description of mechanisms that, according to researchers in these fields, are employed by both protesters and rulers for protests or counter-protest operations. However, none of these works approach the issue of space from the perspective of the right to protest; rather, they focus on the possibility or effectiveness of protests. For example, as we will later see, James C. Scott attempts to explain the issue from the viewpoint of city legibility and the matter of knowledge. In his view, knowledge is the basis of power, and in the old city, complex urban structures provided the people with more knowledge than the government, thereby increasing the possibility of effective protests. In contrast, today, it is the state that has greater knowledge of the city, allowing it to better manage protests.
Accordingly, there are also works that, due to their different approach to the issue, have been considered by the author but not utilized.

[39] Harvey (n 20).
[40] James C Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (Yale University Press 2020).
[41] Marshall Berman, *All That Is Solid Melts Into Air: The Experience of Modernity* (Verso 1983); Mary McAuliffe, *Paris, City of Dreams: Napoleon III, Baron Haussmann, and the Creation of Paris* (Rowman & Littlefield 2020); Stephane Kirkland, *Paris Reborn: Napoléon III, Baron Haussmann, and the Quest to Build a Modern City* (St Martin's Publishing Group 2013); Nicholas Papayanis, *Planning Paris Before Haussmann* (JHU Press 2004).
[42] Xueying Wu and others, 'Built Environment in Urban Space Affect Protests: A Cross-Sectional Study in Hong Kong' (2023) 15 Sustainability 13096.
[43] Oliver Elsre and Others, *Protest Architecture* (2024).

Maciej Kowalewski and Marek OstrowskiIn their article[44], although they studied the relationship between space and social protests in the city, their goal was to develop policies for urban spatial planning that would both facilitate protests and resist riots.

In conclusion, it is important to mention examples that had the closest approach to this thesis. For instance, the book Beyond Zuccotti Park[45], written by a group of authors about the Occupy Wall Street movement and the occupation of public space in New York, Assef Bayat's book on the Arab spring[46], and Farzaneh Haghighi's article in the Routledge Handbook of Architecture, Urban Space and Politics on protest strategies during the 2019 protests in Iran[47]. However, all three of these works still exhibit the previously mentioned gap—namely, their primary concern is not space for peaceful protests, but rather analyzing the relationship between protests and urban spaces. Although these works will be helpful for this thesis, they do not negate the necessity for further research in this area.

[44] Maciej Kowalewski and Marek Ostrowski, 'Protests in Urban Environments: Review and Research Agenda' (2024) 28 Miscellanea Geographica <https://sciendo.com/article/10.2478/mgrsd-2023-0040> accessed 30 August 2024.

[45] Ronald Shiffman and others, *Beyond Zuccotti Park: Freedom of Assembly and the Occupation of Public Space* (NYU Press 2012).

[46] Asef Bayat, *Revolution without Revolutionaries: Making Sense of the Arab Spring* (Stanford University Press 2017).

[47] Farzaneh Haghighi, 'Street Protest and Its Representations: Urban Dissidence in Iran', *The Routledge Handbook of Architecture, Urban Space and Politics, Volume I* (Routledge 2022).

1 Chapter1: International Human Rights Law, Freedom of Peaceful Assembly and Space

In this chapter, we first examine the two main components of the concept of the freedom of peaceful assembly. Following that, we analyze the legal aspects of the positive and negative obligations of governments concerning the right to freedom of assembly.

In this chapter, we aimed both to understand the current status of laws and regulations related to the right to peaceful assembly in relation to space, and to adopt a critical approach towards them. This reflects our avoidance of a purely positivist legal approach.

We are "using textual analysis of cases, treaties, instruments and commentaries"[48] to answer the question of "what is the law?"[49] and "deepen understanding of how law can be used to protect human rights and/or action violations"[50] but also we have a critical view on law, while legal positives, "prioritizes the certainty of the law at the expense of excluding the challenges involved".[51] In other words, Because of the positivist's concern, "certain knowledge is banished from the sphere of significance, and some issues are made never to arise"[52].

1.1 Concepts

The subject of our thesis is the examination of the right to freedom of peaceful assembly, and therefore, the two concepts under our scrutiny are assembly and peacefulness.

1.1.1 Assembly

Assembly in this context (human rights), can define as the peaceful and temporary presence of at least two persons in a common space at the same time for social aims.[53]

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[48] Lee McConnell and Rhona Smith, 'Introduction to Human Rights Research Methods' in Lee McConell and Rhona Smith (eds), *Research Methods in Human Rights* (Routledge 2018) 3–4.
[49] Suzanne Egan, 'The Doctrinal Approach in International Human Rights Law Scholarship' in Lee McConnell and Rhona Smith (eds), *Research Methods in Human Rights* (Routledge 2018) 25.
[50] Lee McConell, 'Human Rights Based Approaches to Research', *Research Methods in Human Rights* (Routledge 2018) 9.
[51] Dolores Morondo, 'Escaping the Ivory Tower: Legal Research on Human Rights from a Critical Perspective' [2019] The Age of Human Rights Journal 15
[52] Pierre Legrand, 'Jameses at Play: A Tractation on the Comparison of Laws†' (2017) 65 The American Journal of Comparative Law 1, 7.
[53] Orsolya Salát, *Orsolya Salát - The Right to Freedom_ of Assembly A Comparative Study* (Hart Publishing 2015) pp. 3–5.

1.1.1.1 Temporary

The temporal element in this definition distinguishes from association[54]. In fact, some scholars believes that "assemblies by associations are primarily protected by Article 22 (of ICCPR)"[55] that is related to right to associations. But we have also this opinion that "restrictions related to the meeting of the group affect the right to assembly."[56]

1.1.1.2 Presence

While "technology is both a means to facilitate fundamental rights offline and a virtual space where the rights themselves can be actively exercised"[57], we follow what Orsolya Salát did in her book and this thesis too "only deals with offline, real-life, or physical assemblies that take up a segment of real space."[58]

But she has an argument for her choice that we can't accept in this thesis. Her argument is "an important characteristic of assembly, from a legal point of view, is it's taking place and taking a stance".[59]

Obviously because her book is about "comparative study" of this right from "human right" angle, she chooses to be limited in legal approach to this right.

But this thesis, while written for a Master of human rights and democracy, will not be only from a legal perspective. So, we will agree with Michel Foucault critics when he said in a speech in 1976:

> *"West never had a system for the representation, the formulation and the analysis of power other than law and the system of law"*[60]

So, philosophically and politically speaking, can we say that an assembly can take place in virtual space too and citizens have the right to assembly in this place? In other words, can we see any differences between a demonstration in public square of a city and a Twitter campaign to protest where the subject of that demonstration and that campaign are exactly similar to each other?

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[54] ibid 4.
[55] Manfred Nowak, *U.N. Covenant on Civil and Political Rights* (2nd edn, N P Engel 2005) 485.
[56] Salát (n 53) 4.
[57] Maina Kiai, 'Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association' (Human Rights Council 2015) A/HRC/29/25/Add.1 para 53
[58] Orsolya Salát (n 2) p.4.
[59] Ibid
[60] Meshes of Power, in: Jeremy W Crampton and Elden Stuart (eds), *Space, Knowledge and Power* (Ashgate Publishing Limited 2007) p.155.

At first glance, it seems that these two don't have any difference. Both of them are a kind of protest and want to put pressure to change some policy or even policymakers. But the main difference is the approach that protesters choose to achieve the aim.

Protest in digital space can be done with production and sharing of content or rection to content that other people produced or shared. While protest in the real world needs presence. The difference between protest with content and protest with presence is that, while digital environment has "infinite expansibility[61]", (real) space in one of "rarities" of the (especially modern) world.[62]

Now, with considering what Thomas Hobbes see in matter of scarcity and competition:

> *"if any two men desire the same thing, which nevertheless they cannot both enjoy, they become enemies; and in the way to their End, (which is principally their owned conservation, and sometimes their delectation only,) endeavor to destroy, or subdue one another."*[63]

And also, what Michel Foucault in "Governmentality" borrowed of Machiavelli's "Prince":

> imperative:
>
> *"the objective of the exercise of power is to reinforce, strengthen, and protect…what he owns, with the territory he has inherited or acquired, and with his subjects."*[64]

We can stablish our deductive reasoning in this way:

(1) Real Space is limited, (2) Scarcity creates competition, conflict or war, (3) The objective of the exercise of power is to protect from space (territory) with his subjects, So any assembly in real space is in conflict with objective power of state while because of infinity of digital space there is no competition over it.

So, in contrast with what UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly said[65], we believe that there is no right to peacefully assembly in digital space and this right is only for protection of assembly in real space.

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[61] Michalis N Vafopoulos, 'Being, Space and Time in the Web' (2012) 43 Metaphilosophy 405, p.4

[62] Henri Lefebvre, *Espace et politique ; Le droit à la ville II* (2e édition, Anthropos 1971) p.58.

[63] Leviathan, Ch.13.7 in: Deborah Baumgold, *Thomas Hobbes's Political Theory* (Cambridge University Press 2017) p.135.

[64] Michel Foucault, *Power*, vol 3 (James D Faubion ed, Robert Hurley and Others trs, New Press 2001) pp. 204–205.

[65] n.3

Albeit there are some protections of rights of people in digital space, this protection concerns freedom of expression, or specifically the right to have access to internet[66] or the right to privacy and have anonymity[67] in order to protest safely without interference.

1.1.1.3 Common space

we can define "common" as "A piece of land that belongs to local people collectively, and which is open for public use."[68] Also some scholars with using Henri Lefebvre approach about "production of space" that will be explained later, define it as "set of spatial relations produced by communing practices" that "encourage creative encounters and negotiations through which forms of sharing are organized and common life takes shape".[69]

But in some legal texts, the common space is defined as "the interior areas of the entire facility (such as hallways and washrooms) used in common by the parties to access and use the various rooms and spaces comprising the jointly operated facilities"[70]. So maybe we think that it's better to use public space as a substitute. But we must note that by "public" we don't refer to owner but "access" to this place.

In fact, Public Space or public realm are "the parts of a village, town or city (whether publicly or privately owned) that are available, without charge, for everyone to see, use and enjoy, including streets, squares and parks; all land to which everyone has ready, free and legal access 24 hours a day."[71] Also we must know that right to assembly even in "private spaces"[72] are protected.

What is the function of this component in definition of Right to peaceful assembly? With emphasize on gathering in public space, we can distinguish the scope of assembly from "the private

[66] Frank La Rue, 'Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Frank La Rue' (Human Rights Council 2011) A/HRC/17/27 paras 67-78-79–85
[67] David Kaye, 'Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, David Kaye' (Human Rights Council 2015) A/HRC/29/32 paras 9–16
[68] Robert Cowan, *The Dictionary of Urbanism* (Streetwise Press 2005) 76.
[69] Stavros Stavrides, *Common Space: The City as Commons* (ZedBooks 2016) 2.
[70] 'Common Spaces Definition' (*Law Insider*) <https://www.lawinsider.com/dictionary/common-spaces> accessed 1 May 2024.
[71] Cowan (n 68) 312.
[72] 'OHCHR | Call for Comment: No. 37 on Article 21 of the International Covenant on Civil and Political Rights – Right of Peaceful Assembly' (*OHCHR*) para 6 <https://www.ohchr.org/en/calls-for-input/call-comment-no-37-article-21-international-covenant-civil-and-political-rights> accessed 1 May 2024.

and family life or privacy"[73] or "private meetings for purely social purposes" that "protected by Article 17 of ICCPR"[74].

Another relevant question in this regard is the possibility of assembly in "indoor" places. While Human Rights Committee believes that this right protect peaceful assemblies wherever they take place, even "indoors"[75] spaces, we have this delightful comment in Dissenting Opinion Of Judges Pinto De Albuquerque And Turković in European Court of Human Rights (ECtHR) in Case of Primov and others V. Russia that "the proposed change from an outdoor to an indoor venue, where its impact would be muted, would have substantially diminished the practical impact of the event."[76] So, we can reach to this point that assembly in indoor places are protected but forcing people to held an assembly in "indoor" place is violation of this right.

1.1.1.4 Social aims

All temporary presence in a public place couldn't be protected by "right to assembly". Freedom of assembly is reserved for more social (including political) gatherings[77] and aims at the discussion or proclamation of information that go beyond the purely private sphere although need not necessarily be of a political nature in the narrow sense of this word (party politics or current events)[78].

1.1.2 Peacefulness

We will discuss the notion of peacefulness from three perspectives: (1) legal perspectives on definitions (2) legal perspectives on special circumstances and (3) philosophical perspectives on possibility of peaceful assembly.

1.1.2.1 Definitions of peacefulness

There are many interpretations about the meaning of "peaceful" in (a) international human rights law, (b) state interpretations, (c) domestic case law, (d) international case law and (e) scholarships:

[73] Salát (n 53) 4.
[74] Nowak (n 55) 484–485.
[75] 'OHCHR | Call for Comment: No. 37 on Article 21 of the International Covenant on Civil and Political Rights – Right of Peaceful Assembly' (n 72) para 6.
[76] *Primov and Others v Russia* [2014] ECtHR 17391/06 [10].
[77] Salát (n 53) 4.
[78] Nowak (n 55) 485.

1.1.2.1.1 (a) international human rights law

a.1 The African Charter of Human and Peoples' Rights is the only major international human rights treaty not to include the adjective 'peaceful' in the relevant provision on freedom of assembly.[79][80]

a.2 In American Convention of Human rights, states clarify their position by adding "without arms"[81] phrase.

1.1.2.1.2 (b) state interpretations

b. During the course of the drafting of Article 21 of the ICCPR, the delegate of Uruguay stated…that the word "peaceful" inferred that an assembly was required to take place "without uproar, disturbance, or the use of arms"[82]

1.1.2.1.3 (c) domestic case law

c.1 In United States case law, there is a rule of "clear and present danger" [83] or "true threat"[84].

> *When clear and present danger of riot, disorder, interference with traffic upon the public streets, or other immediate threat to public safety, peace, or order appears, the power of the State to prevent or punish is obvious.*

c.2 But in United States, Even in cases where permit for assembly is required, bringing guns to a demonstration will not by far result in denying the permit for grounds of unpeacefulness.[85]

1.1.2.1.4 (d) international case law

d. In the Court of Human Rights, the court decided to consider three elements to see if an assembly is peaceful or not: (1) Whether the intention of demonstration was peaceful or not or the organizers had violent intentions or not? (2) Whether demonstrator(s) is behaving violently or not? (3) Whether demonstrator(s) concern infliction of any bodily harm on anyone or not?[86]

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[79] William A Schabas, *The European Convention on Human Rights: A Commentary* (Oxford University Press 2015) 495.
[80] African Charter on Human and Peoples' Rights 1981 art 11.
[81] American Convention On Human Rights 1969 art 15.
[82] Sharon Detrick, *A Commentary on the United Nations Convention on the Rights of the Child* (BRILL 2023) 263.
[83] *Cantwell v Connecticut, 310 US 296 (1940)* (US Supreme Court) [308].
[84] *Virginia v Black, 538 US 343 (2003)* (US Supreme Court).
[85] Salát (n 53) 110.
[86] *Gülcü v Turkey* [2016] ECtHR 17526/10 [97].

1.1.2.1.5 (e) scholarships

e. Professor Manfred Nowak believes that "In accordance with the customary meaning of this word, peaceful means the absence of violence in its various forms, in particular armed violence in the broadest sense…Furthermore, an assembly whose participants are armed (stones or sticks also count as weapons) is not peaceful, even when the weapons are not employed."[87]

1.1.2.2 Rules of Peacefulness in Special Circumstances

We must also discuss about definition of "peaceful" in two special circumstances:

1.1.2.2.1 Violence by other actors

There are many cases in which violence occurs by other actors than demonstrators. For example, by state security forces or maybe by other actors, mean "private parties (individual extremists, counterdemonstrators or "agents provocateurs")"?[88]

The question is: if other actors use violence, and then demonstrators react to this force, or can we say that assembly is not peaceful anymore?

Where both sides – demonstrators and police – were involved in violent acts, ECHR said that "it is sometimes necessary to examine who started the violence."[89] However, "the possibility of extremists with violent intentions who are not members of the organizing group joining a demonstration cannot as such take away that right."[90] And "Even if there is a real risk of a public demonstration resulting in disorder as a result of developments outside the control of those organizing it, such a demonstration does not as such fall outside the scope of Article 11 § 1 (protection of right to peaceful assembly)[91].

Also in another opinion, some scholars in interpretation of European Convention of Human Rights, even recognize responsibility for state to prevent from violence in these cases.

> *States parties must prevent a peaceful assembly from leading to riots due to provocation or use of force by (other actors) because the organizers and the peaceful participants would thereby lose their human rights protection.*[92]

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[87] Nowak (n 55) 487.
[88] ibid.
[89] *Primov and Others v. Russia* (n 76) para 157.
[90] *Schwabe and M.g v Germany* [2011] ECtHR 8080/08, 8577/08 [103].
[91] *Christian Against Fascism and Racism v the United Kingdom (dec)* [1980] EComHR p.148.
[92] KJ Parrtsch, 'Freedom of Conscience and Expression, and Political Freedoms' in Louis Henkin, *The International Bill of Rights: The Covenant on Civil and Political Rights* (Columbia University Press 1981) 230–231.

1.1.2.2.2 Disobedience

What about in cases of "non-violent forms of civil disobedience. So-called "sit-ins" or blockades are peaceful assemblies"? Can we say that disobedience of officials is violence or at least a provocation of violence?

Nowak believes that they "are peaceful assemblies, so long as their participants do not use force or exercise active opposition."[93]

So, we have different views in understanding the term of "peaceful". You can see an overview of opinions in Table (1).

Table 1 Different views in understanding the term of "peaceful."

Opinion by	What is peaceful	What is NOT peaceful
American Convention of Human rights	Without arms	
Uruguayan delegate		uproar, disturbance, or the use of arms
United States case law	bringing guns (can be peaceful)	clear and present or true threat or danger
European Court of Human Rights	violent intentions of extremists who are not members of the organizing group	1. Intention of violence 2. Violent behavior 3. Any bodily harm on anyone 4. Also, we must consider who started the violence
Manfred Nowak	civil disobedience	An assembly whose participants are armed

Now the question is that Can we reach to a single and comprehensive point in defining "peaceful"? No. why? Because we have two approaches in defining this term:

1. Ideal: If you look at ACHR approach or interpretation of Nowak you see some sort of idealism. They define peacefulness in a very narrow manner to protect human rights more. They define peacefulness by only not doing a specific behavior, carrying or bringing guns.
2. Practical: But if you look at Uruguayan delegate, United States case law or ECHR, you see some interpretations from perspectives of state that are in a broader way. They define it by intention or threat and danger and in a broader way. But which one is correct and is more compatible with human rights standards?

[93] Nowak (n 55) 487.

This difference is related to different perspectives of state and also perspectives of non-state and state practice.

We can explain this difference by looking at "Realism" thinkers of international relations. In their eyes "the prudent pursuit of the national interest, and the preservation of international order"[94] take precedence of human rights. And "When international relations are conceived in this way, human rights are at best secondary, even tertiary, values. The national interest is the highest value, and its prudent pursuit is at a premium."[95]

Therefore, we cannot converge on a single perspective between these two approaches; instead, we need to incorporate both in our future analyses.

1.1.2.3 Possibility of peaceful assembly

There are many cases of peaceful assembly that occurs every day in the world. Based on The Armed Conflict Location & Event Data Project (ACLED), 131,487 "peaceful protests" occur worldwide in 2023.[96] In this database, "peaceful protest" happen when:

> *demonstrators gather for a protest and do not engage in violence or other forms of rioting activity, such as property destruction, and are not met with any sort of force or intervention.*[97]

Considering this fact, the question of "possibility" of peaceful assembly is a little tricky. Actually, this question can be divided in two more clear questions:

1. If we accept that a protest is somehow a conflict with state over a rare resource, mean space and while "Clearly" "demonstrations are sites of confrontation and often in the sense of challenging state authority"[98], we could expect that state don't permit even "peaceful" assembly. With this assumption, why does the state accept that it should or even must open the space for protesters and accept this limitation of its authority?

[94] Christian Reus-Smit, 'Being a Realist about Human Rights' in Bardo Fassbender and Knut Traisbach (eds), *The Limits of Human Rights* (Oxford University Press 2019) 122
[95] ibid 123.
[96] 'ACLED Dashboard' (*ACLED*) <https://acleddata.com/dashboard/> accessed 29 April 2024.
[97] 'Armed Conflict Location & Event Data Project Codebook' p.14
[98] Salát (n 53) 107.

2. If we accept this opinion that “protest have to be disruptive to be effective”[99] from one side and from another side, “the procuration of the safety of the people”[100] as the end, or purpose, of state in Hobbesian view, can we discuss of even Right to “Unpeaceful” assembly?

The first question is the question of possibility of “peacefulness” according to the substance of “assembly” and “state” but the second question is question of existence of a “right” according to the substance of “assembly” and “state”.

1.1.2.3.1 Rational of state to permit an assembly

There are classic ways (For natural rights theorists) to answer this question Including referring to the issue of social contract. Based on this, the state is required to grant citizens their rights based on the contract it has with them. In Fact, “government does not reflect a natural order imposing duties on subjects; it is a juridical order established for the protection of subjective rights” and “individuals give up a portion of their natural rights to secure civil order”.[101]

This theory cannot be very reliable. Basically, there is doubt in the existence of such consent for all citizens.[102] On the other hand, the uncontrollable nature of power, especially political power, prevents us from optimistically accepting that rulers always look at the supposed social contract they have with the people and act based on it.

Therefore, we can go towards another theory, which is that the state basically cannot do such a thing. This can't mean can't is not philosophical. Actually, it doesn't mean “Can’t” but Shouldn't. It means that it is not good for the government to do such a thing. Because not giving permission to demonstrations at all is impossible or it’s very hard to control it and after all there are protests in the society, it may make a mockery of the law and weaken the position of the ruler or he personally wants to pay attention to public opinion (especially as the basis of political legitimacy) and do not do such an action.[103]

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[99] Elsre and Others (n 43) Cover.
[100] Deborah Baumgold, *Thomas Hobbes’s Political Theory* (Cambridge University Press 2017) p.338.
[101] Martin Loughlin, *The Idea of Public Law* (Oxford University Press 2004) 117.
[102] Richard Dagger and David Lefkowitz, ‘Political Obligation’ in Edward N Zalta (ed), *The Stanford Encyclopedia of Philosophy* (Summer 2021, Metaphysics Research Lab, Stanford University 2021) <https://plato.stanford.edu/archives/sum2021/entries/political-obligation/> accessed 14 August 2024.
[103] Herbert Lionel Adolphus Hart and Leslie Green, *The Concept of Law* (OUP Oxford 2012) 66–71.

This approach is actually similar to the dialogue between the "Little prince" and the king.[104] When the little prince asked him if he could order the sun to set and the king reminded him that if he does something that is unreasonable and is not done, then this will be his mistake and not the one who did not do that.[105]

This theory also has bugs. For example, how can we justify the current situation in North Korea with this theory? Even if we accept that it is not recommended there that the government should not treat the people like this, the government has done it. So, it seems that we should look for another theory.

Another theory that seems to be true of state's permission to demonstrates is a set of theories that say that demonstrations in the modern age are no longer effective and are somehow a symbol of symbolic protest. Therefore, a threat from this angle does not threaten the dominant order, and therefore the state does not prevent them.

In response to how street protests became so safe for state; There are different explanations in the literature. We will discuss some of them.

Zygmunt Bauman (1925-2017) explains this situation with his idea of "liquid modernity". According to him, consumerism and the search for happiness that accompanies consumption are the engine of melting modernity and turning it into liquid modernity[106], and in this process, the forces that can challenge the political order are destroyed by the loss of the bond between people[107], and the result is that humans can no longer take collective action to protest the situation today or improve their future prospects.[108]

So, it is not surprising to see his skepticism towards protests like Occupy Wall Street. He believed

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[104] I owe the recognition of this similarity between political philosophy and Exupery's story to Mohammad Mansouri Boroujeni, who in his doctoral thesis mentioned the phrase "inescapable wise order" to describe the government's obligation to implement this category of human rights. Mohammad Mansouri Boroujeni, 'New legal empowerment tools' (Tehran University, Farabi Campus 2018) 116.

[105] -"I should like to see a sunset... do me that kindness... Order the sun to set..."
-"If I ordered a general to fly from one flower to another like a butterfly, or to write a tragic drama, or to change himself into a sea bird, and if the general did not carry out the order that he had received, which one of us would be in the wrong?" the king demanded. "The general, or myself?"
-"You," said the little prince firmly.
-"Exactly. One much require from each one the duty which each one can perform," the king went on. "Accepted authority rests first of all on reason. If you ordered your people to go and throw themselves into the sea, they would rise up in revolution. I have the right to require obedience because my orders are reasonable."Antoine de Saint-Exupéry and Katherine Woods, *The Little Prince - Large Print Edition* (Ishi Press International 2017) 73–74.

[106] Zygmunt Bauman, *The Art of Life* (John Wiley & Sons 2013) 30.

[107] Zygmunt Bauman, *Liquid Modernity* (John Wiley & Sons 2013) 6.

[108] Zygmunt Bauman, *In Search of Politics* (John Wiley & Sons 2013) 48.

"it is easier to come together in protest than in creating real proposals for change"[109] or in his own words:

> *"{T}he young people who were demonstrating had no idea against what or whom they were fighting, and therefore also didn't know by what means they should fight and where the enemy is. One can't change the banking system with feelings. Everything will be forgotten once the feelings have subsided."*[110]

Ulrich Beck (1944-2015) deals with this issue from another angle. His idea is "risk society" and he says in today's world:

> *"Where everything turns into a hazard, somehow nothing is dangerous anymore. Where there is no escape, people ultimately no longer want to think about it. This eschatological ecofatalism allows the pendulum of private and political moods to swing in any direction. The risk society shifts from hysteria to indifference and vice versa. Action belongs to yesterday anyway."*[111]

The same conclusion was reached by Alain Badiou by stating the defects of "Immediate riots" and "Latent riots" in the "Rebirth of History"[112] and Žižek by naming them zero-level protest, a "violent outburst which wanted nothing"[113].

Therefore, three types of answers can be given to answer this question. Answers aimed at contest and social contract, answers aimed at the fact that the state cannot enact laws that cannot be implemented and bring a negative score to its credibility in public opinion and answers aimed at the ineffectiveness of protests. This last issue is a good place to address the second question. In a situation where protests have become ineffective and do not have the ability to change the system as a whole, can we give the right to violent protests to citizens?

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[109] Ricardo de Querol, 'Zygmunt Bauman, Unlikely Idol of Spanish Protest Movement, Dies at 91' (*EL PAÍS English*, 10 January 2017) <https://english.elpais.com/elpais/2017/01/10/inenglish/1484037730_759492.html> accessed 16 August 2024.

[110] 'Zygmunt Bauman Lives - 3 Quarks Daily' (16 January 2017) <https://3quarksdaily.com/3quarksdaily/2017/01/zygmunt-bauman-lives.html> accessed 16 August 2024.

[111] Professor Ulrich Beck, *Risk Society: Towards a New Modernity* (SAGE 1992) 36–37.

[112] Alain Badiou, *The Rebirth of History: Times of Riots and Uprisings* (Verso Books 2012) ch 2,3.

[113] Slavoj Zizek, *Violence* (Profile Books 2010).

1.1.2.3.2 Right to unpeaceful assembly

The current human rights system is one established by states, and therefore[114], within this framework, there is no room for defending the right to violent or unpeaceful protest. However, the truth is that the answer to this question is not a philosophical one but a completely political one. This means that if you are someone like Hobbes, who wrote his *Leviathan* during the English Civil War[115], you would certainly try to avoid the chaos reminiscent of the "state of nature,"[116] and thus, argue against the right to violent or unpeaceful protest or revolution[117]. But if you are Frantz Fanon, born in a French colony and the child of a slave family[118], you might defend violence against colonialism in such a way that his idea can be used to defend the right of non-peaceful protests.[119]

1.2 Legal Perspectives on Right to Peacefull assembly and space

States have negative and positive duties to respect and ensure right to peaceful assembly before, during and after assemblies.[120] Before discussing these obligations, We will first try to derive some principles regarding the "freedom" of assembly related to city and public spaces.

1.2.1 Freedoms

1.2.1.1 Freedom of choosing location of assembly

The first base is freedom of choosing location for assembly. Do the organizers and participants have the right to choose the location of their assembly?

In view of Human Right committee, "the organizers of an assembly generally have the right to choose a location within sight and sound of their target audience and no restriction to this right is permissible"[121], unless in framework of Article 21 of ICCPR as we discussed before.

This view can be found in many other human rights documents and opinions. For example, Human Rights committee in General comment No.37 states:

> *while the time, place and manner of assemblies may under some circumstances be the subject of legitimate restrictions under article 21, given the typically expressive nature of*

[114] Jack Donnelly, *Universal Human Rights in Theory and Practice* (Cornell University Press 2013) 32–33.
[115] Ian Adams and RW Dyson, *Fifty Major Political Thinkers* (Routledge 2007).
[116] Baumgold (n 63) 137.
[117] ibid 211.
[118] Leo Zeilig, *Frantz Fanon: A Political Biography* (Bloomsbury Publishing 2021) 15-16,19.
[119] Frantz Fanon, *The Wretched of the Earth* (Grove/Atlantic, Inc 2007) 94.
[120] Human Rights Committee (n 3) para 23.
[121] *Turchenyak et al v Belarus* [2013] Human Rights Committee CCPR/C/108/D/1948/2010 [7.4].

assemblies, participants must as far as possible be enabled to conduct assemblies within sight and sound of their target audience.[122]

Or ECtHR believes that:

For the Court, the right to freedom of assembly includes the right to choose the time, place and modalities of the assembly, within the limits established in paragraph 2 of Article 11.[123]

1.2.1.1.1 Status of forcing assembly in specific locations

According to this freedom, we can extract some other rules. First of all, Can the state or government, locate some special places for assembly or not? From a legal point of view, the answer is negative.

In an opinion about a case between a Belarusian citizen and its state, Human Rights committee "observes that limiting pickets to certain predetermined locations…does not appear to meet the standards of necessity and proportionality under article 19 of the Covenant."[124]

Recently the Committee, in a very more implicit language states its view about limiting assembly to a or some specific location(s):

Peaceful assemblies may in principle be conducted in all places to which the public has access or should have access by virtue of article 12 of the Covenant and other related rights, such as public squares and streets…Location, like timing, is often central to the expressive rationale of assemblies. Participants may not be relegated to remote areas where they cannot capture the attention of those who are being addressed or the general public. General prohibitions on assemblies across the entire capital, or in any public location except a single specified place, either in a city or outside the city Centre, or more general prohibitions such as on "the streets", may not be imposed."[125]

Even if the state didn't locate some locations for assembly, it's not approved that for a specific assembly, force a group of protestors to hold their protest in a specific location.

[122] UN Human Rights Committee (129th sess : 2020 : Virtual), 'General Comment No. 37 (2020) on the Right of Peaceful Assembly (Article 21) para 22

[123] *Sáska v Hungary* [2012] ECtHR 58050/08 [21].

[124] *Pavel Levinov v Belarus* [2016] Human Rights Committee CCPR/C/117/D/2082/2011 8.3.

[125] *Bakhytzhan Toregozhina v Kazakhstan* [2020] Human Rights Committee CCPR/C/129/D/2503/2014 [8.6].

1.2.1.1.2 Status of negotiation with state about location of assembly

Sometimes state does not force assembly to be held in a specific location but "informally or formally imposing on the organizers the expectation to negotiate the time and place of the assembly with the authorities"[126]. This also "would be tantamount to restricting the planned assembly and would need to pass the strict test of necessity and proportionality, as defined in article 21 of the Covenant, which is applicable to restrictions."[127]

1.2.1.1.3 Freedom of assembly in specific locations

The third rule is freedom of assembly in specific locations. "In many instances the location where an assembly takes part is an important part of its message"[128]. In this case ECtHR ruled in a case that "Bearing in mind that the time and place of the events were apparently crucial to them, the Court considers that this amounted to an interference with the applicants' freedom of assembly."[129] Now we can discuss some situations that state can limit this freedom.

1.2.2 Limitations (Negative obligations of state about assembly)

The negative duty entails that there be no unwarranted interference with peaceful assemblies.[130]

1.2.2.1 Limits of restrictions

Like many others' rights, this right is not an absolute one and warranted restriction is acceptable, but all restriction must be (a) in conformity with the law, and (b) necessary in a democratic society.[131] Also the ECtHR[132] has relied heavily on the principle of proportionality. This principle first articulated in Handyside v. UK (1976)[133], and is search for a fair balance between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights.[134]

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[126] Kiai (n 4) para 56.
[127] ibid.
[128] 'Freedom of Peaceful Assembly' (*ICNL*) <https://www.icnl.org/resources/foaa-online/part-i-freedom-of-peaceful-assembly#10-the-location-of-assemblies> accessed 19 May 2024.
[129] *The United Macedonian Organisation Ilinden and Ivanov v Bulgaria* [2005] ECtHR 44079/98 [103].
[130] Human Rights Committee (n 3) para 23.
[131] 'International Covenant on Civil and Political Rights' (n 1) art 21.
[132] European Court of Human Rights
[133] *Plattform 'Ärzte Für Das Leben' v Austria* [1988] ECtHR 10126/82 [48–50].
[134] Ilias Bantekas and Lutz Oette, *International Human Rights Law and Practice* (Cambridge University Press 2020) 250.

1.2.2.2 Justifications for limitations

Based on ICCPR, we have six justifications for restriction of this right:

(1) national security, (2) public safety, (3) public order, (4) protection of public health (5) protection of morals (6) protection of the rights and freedoms of others.[135]

Now we want to discuss this justification but only about matters that can have effect on urban planning or urban design of a city or in one word: space.

1.2.2.2.1 National security

If there was "serious cases of political or military threats to the entire nation", government can "prohibited (assembly) by criminal law or broken up it"[136].

States often refer to issues related to national security but one of the collisions point about this issue and urban matters of assembly is on the case that protesters or demonstrators want to reach their voice to officials, so they usually try to protest near main governmental or state building like parliament or office of prime minister or president. And on the other hand, government may say that I sense some threats to national security, so prohibited assembly in these places or try to maintain security by using barricades or try to push out people from these areas or only permit them to go to another place for this protest.

So, the question is that, if protesters have the right to assemble in any places? And if government can restrict places that can be used for assembly because of security reason?

To answer this question, we will discuss a case in the UK legal system that also being reviews by ECtHR.

According to "Serious Organized Crime and Police Act", the secretary of state can designate an area where no point should be more than one kilometer in a straight line from Parliament Square in London as a "designated area". It is an offense to organize a demonstration, participate in a demonstration or hold a demonstration alone in this area unless a demonstration permit has been issued by the Commissioner of Police before the demonstration starts.

Even if permission is granted, the Police Commissioner can impose conditions and prohibit demonstrators from obstructing any person wishing to enter or leave the Palace of Westminster, or from obstructing the proper functioning of Parliament and creating a security risk in any part of

[135] 'International Covenant on Civil and Political Rights' (n 1) art 21.
[136] Nowak (n 55) 491–492.

the designated area. Failure to comply with this law can result in imprisonment of up to 51 weeks.[137]

On 25 October 2005, Two person, named Milan Rai and Maya Evans participated in a demonstration, which Mr. Rai had organized, in Whitehall opposite Downing Street, a "designated area". They were arrested and charged for having organized and participated in an unauthorized demonstration in a designated area.

Before the Magistrates' Court Mr. Rai and Ms. Evans argued that the ban of demonstration without permission in the 2005 Act were not compatible with Articles 10 and 11 of the ECHR.

The Magistrates' Court found that the relevant sections were necessary and proportionate restrictions of the applicant's rights under Articles 10 and 11 and the applicants were convicted. Also, the High Court dismissed the applicants' appeals and then they complained to the ECtHR argued that their arrest, police detention, charges and conviction were unjustified interferences with their rights to assemble and protest peacefully on matters of important political concern in a public place in violation of Articles 10 and 11 of the Convention.[138]

ECtHR in this case believes that "regard to the text of sections 132 and 134, the Court considers that the interferences pursued the legitimate aims of protecting national security and preventing disorder or crime".

After having established that it pursued a "legitimate aim", the court wants to find an answer to this question that whether it was proportionate to that aim and whether the reasons adduced by the national authorities to justify it were "relevant and sufficient".

Having regard to the reasonable and calm manner in which the police ended the demonstration, the court said, it cannot be said that their intervention in the unlawful peaceful demonstration was so excessive as to render the impugned interferences disproportionate.

Accordingly, the Court concludes that the interferences with the applicants' rights cannot be considered to have been disproportionate and concluded that their complaints are manifestly ill-founded and must be rejected.[139]

So, based on this opinion we can say that restricting locations of assembly based on national security reasons can be justified if the restriction be limited. In this case the secretary of state can

[137] Serious Organised Crime and Police Act 2005 ss 132–138.
[138] *Rai and Evans v the United Kingdom (dec)* [2009] ECtHR 26258/07, 26255/07 A.
[139] *Rai and Evans v. the United Kingdom (dec.)* (n 138).

limit demonstration only in an area that all points are one kilometer away from a square in a city. Also, the limitation is not absolute, and the Police Commissioner can permit some demonstrations. At the end, the way that state deal with illegal demonstration can be a sign that if state has concern of national security or it's only a tool for surpassing opposition voices. In this case, before arresting these two people, police warned them and told that this demonstration is illegal and if they left the area, no persecution has been started. Also, when the court wanted to punish them, the punishment was the least one severe? and these signs convinced the ECtHR that the limitation was only for national security reason.

1.2.2.2.2 Public Safety

In order to define "public safety" and distinguish it from "public order" we can refer to the case of "Brokdorf" in German legal system.

In this case, the court said that the concept of "public safety" includes the protection of central legal interests like life, health, freedom, honor, property and wealth of the individual as well as maintaining the legal order and the state institutions intact" and "Public order" is "the totality of unwritten rules, obedience to which is regarded, according to social and ethical opinions prevailing at the time, as an indispensable prerequisite for an orderly communal human existence within a defined area".[140]

But if we accept this definition, we must note that the goal of "unwritten rules" that in main phrase of "public order" definition is "protection of central legal interest" that is main phrase in "public safety" definition. So, we must accept that "there is a significant overlap between public-safety considerations and those concerning the maintenance of public order."[141] Also we can see same overlap of public safety with "rights and freedoms of others" that is another justification for limiting right to assembly.

Also, another problem of German legal system of concept of "public safety" is that this definition as very broad. In another case, The High Administrative Court (OVG) Lüneburg decided in 2010, that the high levels can be restricted even if they do not endanger health because its endangering

[140] *BVerfGE 69, 315* [1958] Brokdorf Decision of the First Senate 1 BvR 233, 341/81 f.

[141] *Guidelines on Freedom of Peaceful Assembly* (Second Edition, OSCE Office for Democratic Institutions and Human Rights (ODIHR) 2010) 51 <https://www.osce.org/odihr/73405> accessed 28 May 2024.

public safety as public safety includes the whole of the legal system, including thus, for example, federal emissions protection law.[142]

We can't accept this interpretation because interpretation of the human rights treaties "must be had to its special character as a treaty for the collective enforcement of human rights and fundamental freedoms…[that] require that its provisions be interpreted and applied so as to make its safeguards practical and effective. In addition, any interpretation of the rights and freedoms guaranteed has to be consistent with "the general spirit of the Convention, an instrument designed to maintain and promote the ideals and values of a democratic society".[143]

So, it seems that we must choose a narrower definition. For example, Nowak believes that:

> *An assembly may be restricted, prohibited and, if necessary, broken up to protect public safety when it constitutes a specific threat to the safety of persons (i.e., their lives, their physical integrity or health) or things. This is, e.g., the case when, as a result of clashes between opposing groups, the police are no longer in a position to guarantee the physical safety of demonstrators or passers-by or when a demonstration leads to the plundering of businesses*[144]

However, this example has a flaw Because in case of a clash between opposing groups, before restricting an assembly because of "public safety", the state can restrict the assembly because of lack of "peacefulness".

A review of the discussions in the Third Committee during the drafting of the ICCPR indicates that, with regard to public safety, "rights guaranteed by the Covenant may be restricted if their exercise involves danger to the safety of persons, to their life, bodily integrity, or health".[145]

But in Siracusa Principles on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights, the Jurists omit the phrase "or health" and add "serious damage to their property."[146]

After discussing the definition of public safety, we will discuss the occasions in which the place may affect the public safety of protestors or others.

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[142] Salát (n 53) 241–242.
[143] *Soering v the United Kingdom* [1989] ECtHR 14038/88 [87].
[144] Nowak (n 55) 492.
[145] 'Anti-Terrorism Measures, Security and Human Rights' (International Helsinki Federation for Human Rights) 34
[146] 'Siracusa Principles on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights' (American Association for the International Commission of Jurists 1985) 9.

A good example is when the number of participants exceeds the maximum capacity of a stadium, bridge, or park. Can the state limit the number of participants in assemblies or not? In general, States should not limit, and any such restriction can be accepted only if there is a clear connection with a legitimate ground for restrictions as set out in article 21.[147]

In case of Primov and Others v. Russia, local authorities had banned a demonstration on various grounds, including that the organizers were expecting 5,000 participants and the park where they wanted to gather had a capacity of only 500. When the ECtHR reviewed this case believes that:

"In the Court's opinion, even though a park is, a priori, a "public space" suitable for mass gatherings, its size is a relevant consideration, since overcrowding during a public event is fraught with danger…The Court is therefore prepared to accept that such restrictions, in principle, pursue a legitimate aim."[148]

But we must notice that in eyes of court the size of the park was not sufficient reason for a total ban on the demonstration and "it was the authorities' duty to reflect on the possible alternative solutions and propose another venue to the organizers."[149]

So, we can conclude that "public safety" can be justification for limitation of an assembly however, "It cannot be used for imposing vague or arbitrary limitations and may only be invoked when there exist adequate safeguards and effective remedies against abuse."[150]

1.2.2.2.3 Public order

Earlier we talked about the concept of public order, and here we will discuss a clear example of it that is related to the issue of space: traffic.

The general principle is that the possibility of disturbance of public order cannot be the basis for limiting the right to freedom of assembly[151] unless there is evidence that the participants themselves will use or incite imminent, unlawful and disorderly action and that such action is likely to occur.[152] Also, regulations such as informing the authorities can be accepted.[153]

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[147] Virtual) (n 122) para 59.
[148] *Primov and Others v. Russia* (n 76) 130.
[149] ibid 131.
[150] 'Siracusa Principles on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights' (n 146) 9.
[151] *Makhmudov v Russia* [2007] ECtHR 35082/04 [63–67].
[152] 'Guidelines on Freedom of Peaceful Assembly (2nd Edition)' (OSCE/ODIHR – Venice Commission 2010) CDL-AD(2010)020 51 <https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2010)020-e> accessed 15 May 2024.
[153] Nowak (n 55) 492.

Now the question is that under the first principle that was stated; Is it possible to prevent actions such as blocking roads and creating traffic by the demonstrators, and under the second principle, can the demonstrators be required to provide prior information about the time and place of the demonstration due to traffic reasons?

In this context, the European Court of Human Rights has created criteria such as inevitable disruption[154] or "mere nuisance caused by any demonstration on the public highway"[155], in which case traffic or blocking public roads cannot be a reason to restrict the right of demonstrators, but it has taken a strong position regarding tactics such as complete closing roads and highways and the government's response (Of course, according to human rights standards) has considered it legitimate.[156]

1.2.2.2.4 Protection of public health

Perhaps there was no better time than during the Covid-19 pandemic to test the legal practice in the field of this restriction. In a case brought to the European Court of Human Rights in this context, the Court identified three principles regarding the restriction of gatherings and demonstrations in public spaces under similar conditions: firstly, the restriction should not be "blanket ban remained in place for a significant length of time"[157], secondly, the decisions in the field of this restriction should be examined by the parliament and the judiciary[158], and thirdly, if such a restriction is imposed on protests, it should also be imposed on other gatherings.[159]

Additionally, political assemblies at important natural-protection or water- conservation grounds, for reasons of public health, may be prohibited.[160]

Also, based on UN expert on the rights to freedoms of peaceful assembly and of association:

> *States have an obligation to inform the Secretary General of the United Nations if and when a state of emergency has been declared and of any resulting derogation of rights, which must themselves be in compliance with the Siracusa Principles[161]. It is vital that*

[154] *Kudrevičius and Others v Lithuania* [2015] ECtHR [GC] 37553/05 [156].
[155] *Barraco v France* [2009] ECtHR 31684/05 [47].
[156] *Lucas v the United Kingdom (dec)* [2003] ECtHR 27633/95.
[157] *Communauté Genevoise D'action Syndicale (cgas) v Switzerland* [2022] ECtHR 21881/20 [86].
[158] ibid 88.
[159] ibid 87.
[160] Nowak (n 55) 493.
[161] The Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights (UN Doc E/CN.4/1984/4 (1984))

any limitations imposed be removed and that full enjoyment of the rights to freedom of peaceful assembly and association be restored when the public health emergency caused by Covid-19 ends. In this regard, States should incorporate sunset clauses into any states of emergency or laws passed in relationship to the current crisis, guaranteeing their automatic expiry when the public health emergency has ended.[162]

1.2.2.2.5 Protection of morals

The main issue regarding the protection of morality in society is that there is no single definition of moral principles. Although it is stated in the legal texts that actions that claim to maintain public morals, should be tested against an objective criterion, for example, whether they meet essential social needs or not[163]; The practice of the European Court of Human Rights shows that even the opinion of the majority regarding ethical standards is not a criterion for this court and the court believes that the countries that are members of the convention should respect the rights of the minority against the will of the majority, even assuming that the majority of the people of a country are against certain behaviors from a moral point of view, due to their membership in the convention[164]. Therefore, the European Court of Human Rights in three cases, all three related to the right to freedom of assembly and homosexual issues; has not been accepted Russia's and Georgia's arguments regarding the moral opposition of homosexuality[165]. In this situation, the only point of commonality between different countries seems to be the possibility of limiting gatherings in some religious places for moral reasons.[166]

1.2.2.2.6 Protection of the rights and freedoms of others

The government has a duty to strike a balance between the freedom of peaceful assembly[167] and (not only the fundamental[168]) rights of others. It should be noted that a "temporary disruption of vehicular or pedestrian traffic is not, of itself, a reason to impose restrictions on an assembly"[169]

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[162] '"States Responses to Covid 19 Threat Should Not Halt Freedoms of Assembly and Association" – UN Expert on the Rights to Freedoms of Peaceful Assembly and of Association, Mr. Clément Voule' (*OHCHR*) <https://www.ohchr.org/en/statements/2020/04/states-responses-covid-19-threat-should-not-halt-freedoms-assembly-and> accessed 17 August 2024.
[163] 'Guidelines on Freedom of Peaceful Assembly (2nd Edition)' (n 152) 51.
[164] *Zhdanov and Others v Russia* [2019] ECtHR 12200/08, 35949/11, 58282/12 [157–158].
[165] *Zhdanov and Others v. Russia* (n 164); *Peradze and Others v Georgia* [2022] ECtHR 5631/16; *Alekseyev v Russia* [2010] ECtHR 4916/07, 25924/08, 14599/09.
[166] Nowak (n 55) 493.
[167] 'Guidelines on Freedom of Peaceful Assembly (2nd Edition)' (n 152) 52.
[168] Nowak (n 55) 493.
[169] 'Guidelines on Freedom of Peaceful Assembly (2nd Edition)' (n 152) 52.

and "given the need for tolerance in a democratic society, a high threshold will need to be overcome before it can be established that a public assembly will unreasonably infringe upon the rights and freedoms of others."[170]

In a decision of the European Court of Human Rights, even the closure of the three main roads in Lithuania by demonstrators is not recognized as a factor on the basis of which the right to protest can be limited, because, for example, only one person filed an official complaint about the closure of the road, there has been reports about interaction between demonstrators and passing cars and the government has been in regular contact with the demonstrators.[171]

In our context, the cumulative impact on a "captive audience" of numerous assemblies (for example, in a purely residential location) or repeated, albeit peaceful, demonstrations by particular groups might also in certain circumstances might constitute a form of harassment or be viewed as an abuse of a dominant position that could legitimately be restricted to protect the rights of others.[172]

1.2.3 Positive obligations of state about assembly

The positive Obligations are to facilitate peaceful assemblies and to make it possible for participants to achieve their objectives[173].

1.2.3.1 Obligations about other's interferences

The first one is that if anyone or any group, unless the state, wants to do any interference, its obligation of state to act in order of maintaining space for people to assembly. In another words No matter "who" do interference, the obligations of the state don't change.

In words of ECHR, "effective freedom of peaceful assembly cannot be reduced to a mere duty on the part of the State not to interfere (and) sometimes requires positive measures to be taken, even in the sphere of relations between individuals, if need be." and "the participants must, however, be able to hold the demonstration without having to fear that they will be subjected to physical violence by their opponents."[174]

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[170] ibid.
[171] *Kudrevičius and Others v. Lithuania* (n 154) para 138.
[172] 'Guidelines on Freedom of Peaceful Assembly (2nd Edition)' (n 152) 53.
[173] Human Rights Committee (n 3) para 23.
[174] *Plattform 'Ärzte Für Das Leben' v. Austria* (n 133) para 32.

1.2.3.2 Obligations about public spaces

The other point is trying to answer to this question. Legally speaking, Is there any obligation or responsibility for state to creating suitable "public space" for people, both for interacting with each other or for participating in an assembly?

1.2.3.3 Obligations about current public spaces

Before going for "new" public space, we must note that state has responsibility about "current" public spaces. "Every public space should be seen fit to host an assembly" and "be open and available for the purpose of holding assemblies" and "the only legitimate restriction on location of an assembly is on site of hazardous areas and facilities which are closed to the public".[175]

1.2.3.4 Two opinions about state's positive obligations about human rights

But about new "public spaces" we have different point of views. Montesquieu believes that state "owed all citizens," among other things, "nourishment, suitable clothing, and the opportunity for a healthy life."[176] In other hand, we have this view by Isaiah Berlin that said "Mere incapacity to attain a goal is not lack of political freedom" and bring this famous example that "it is not lack of freedom not to fly like an eagle or swim like a whale."[177]

Also, in case law we have differences about this issue. In the US, in a famous case in 1983, Judge Posner writes: "Our Constitution, is a charter of negative rather than positive liberties. . .. The men who wrote the Bill of Rights were not concerned that Government might do too little for the people but that it might do too much to them."[178] Based on this, some scholar concluded that in this legal system, "what the states are forbidden to do is to "deprive" people of certain things, and depriving suggests aggressive state activity, not mere failure to help."[179] But in German legal system, we have this opinion that "the right would be worthless without the actual ability to make use of it."[180]

So, in conclusion, we have both opinions either in scholar works or in legal procedure that state has positive obligation about human right or doesn't have positive obligation and this obligation

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[175] *Joint Opinion on The Public Assembly Act of The Republic of Serbia* [2010] Venice Commission and OSCE/ODIHR CDL-AD(2010)031 4,9.
[176] David P Currie, 'Positive and Negative Constitutional Rights' (1986) 53 The University of Chicago Law Review 864, 867.
[177] Isaiah Berlin, 'Two Concepts of Liberty' 2,9
[178] *Jackson v City of Joliet, 715 F2d 1200* [cert. denied,] (7th Cir) 465 U.S. 1049 (1983).
[179] Currie (n 176) 865.
[180] *DFR - BVerfGE 33, 303*.

is limited to negative ones. But it seems that even the group that are in opposite of positive obligation, have a favor opinion, when the issue is related to freedom of assembly.

1.2.3.4.1 Opinions about state obligation about right to assembly

But even in a country like the US, when it's time to discuss about public spaces and right to assembly, it seems that legal system recognizes somehow positive obligation for state. In Schneider v. State[181], when certain municipalities by impartially forbidding everyone to distribute handbills on streets and sidewalks, "the Court had no great difficulty in concluding that the state had abridged the freedom of speech. But in substance what the state had done was to refuse to make its property available to the public to facilitate private expression."[182] So the approach of court in recognizing violation of rights in this case, shows that in opinion of court, state has positive obligation to facilitate expression in its property, i.e. public places. "Streets and parks traditionally played role in the struggle for free speech"[183] and Based on this opinion we can conclude that "When (state) decides to maintain a street or a park, it may have to make the property available as a public forum."[184]

Similar to this opinion, we have this point of view in EU legal system that.

> *"urban landscaping (including the erection of fences and fountains, the narrowing of pavements and roads, or the planting of trees and shrubs) can potentially restrict the use of public space for assemblies. Urban planning procedures should therefore allow for early and widespread consultation. Planning laws might also usefully require that specific consideration be given to the potential impact of new designs on freedom of assembly."*[185]

1.2.3.4.1.1 Selected opinion about state obligation about right to assembly

But maybe, even with this approach, the argument for creating "new" public space cannot be established. Our problem is in some area like Algeria that "have suffered from inhospitable urban

[181] *Schneider v State, 308 US 147 (1939)* (US Supreme Court).
[182] Currie (n 176) 879.
[183] ibid 879–880.
[184] ibid 887.
[185] 'Guidelines on Freedom of Peaceful Assembly (2nd Edition)' (OSCE/ODIHR – Venice Commission 2010) CDL-AD(2010)020 para 24

topography. With steep hills, narrow downtown streets and few large central squares, the capital city of Algiers has done its disgruntled residents no favors."[186]

But we have basic metal to argue for this obligation. If there is an obligation for state to facilitate right to assembly and if we don't have enough space for assembly, the state must build some space for it because "freedoms need breathing space to survive"[187].

Even in some countries we can see that "right to public spaces" has been written in constitution, like Ecuador constitution that said:

> *"Persons have the right to gain access to and participate in public spaces as a sphere for deliberation, cultural exchange, social cohesiveness and the promotion of equality in diversity."*[188]

Conclusion

In this chapter, we initially aimed to demonstrate the role of space in defining the right to peaceful assembly and then examined the regulations concerning freedoms and restrictions related to space regarding this right. This examination has brought us one step closer to our goal of answering the main research question of this thesis.

Apart from the legal considerations, four important conclusions from this chapter for our thesis were:

1. Assemblies are essentially a struggle between the state and protesters over a scarce phenomenon, namely urban space.

2. This struggle can be one of the main factors leading to violence in protests or the creation of violent protests or the state's justification for preventing gatherings under the pretext of potential violence.

3. The principle is that protesters and demonstrators have the freedom to choose the location of their assembly, and the government, when restricting this freedom, must act in accordance with the principles of the international human rights legal system, such as the principle of legality of such restrictions and their necessity in a democratic society.

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[186] Peter Schwartzstein, 'How Urban Design Can Make or Break a Protest' (*Smithsonian Magazine*) <https://www.smithsonianmag.com/history/geography-protest-how-urban-design-can-make-or-break-people-power-180975189/> accessed 15 May 2024.

[187] *NAACP v Button, 371 US 415 (1963)* (US Supreme Court) 371 U. S. 433.

[188] Ecuador 2008 (rev. 2021) Constitution - Constitute art 23.

4. States have positive obligations to create public spaces for implementing the right to peaceful assembly.

2 Chapter 2: Political Perspectives on Space and Assembly: Theories and Practices

As mentioned in the introduction, in this thesis, we do not intend to examine the subject solely from a legal perspective but also consider other viewpoints, including political perspectives. In this chapter, we will explore the political perspectives on the right to peaceful assembly and the issue of spaces of protests. To this end, in the first section, we will review theoretical frameworks in this context, and in the second section, we will examine how the government, as a symbol of political action in society, has used space to counter protests and how protesters have utilized space for their demonstrations.

2.1 Assembly and Space: A review of Theorical Framework

In this section, we will examine the relevant theories in two different parts. First, we will review the theories that directly analyze space as a location for protests, and second, we will explore the theories that consider space as a public sphere and as a prelude to the expression of public dissent. Both of these functions are discussed in Assef Bayat's analysis. Bayat attributes multiple functions to the street. One of these functions is the exercise of institutional power to pressure opponents to achieve their demands, "When people are deprived of or do not trust electoral power to change things"[189] Another function of the street, according to him, is for informal individuals (i.e., those outside formal associations, such as the unemployed and housewives) to express discontent. On the other hand, streets are also venues where people forge collective identities and extend their solidarities beyond their immediate familiar circles to include the unknown, the stranger.

Based on these, According to Bayat:

> *In all of these arenas, the actors are involved in a relation of power over the control of public space and public order. They are involved in street politics, which de- scribes a set of conflicts and the attendant implications between certain groups or individuals and the authorities that are shaped and expressed in the physical and social space of streets-from back alleys to the main avenues, from in- visible places to escape the city to main squares.*[190]

[189] Bayat (n 46) 104.
[190] ibid.

With this introduction, we can proceed to a more detailed examination of the theories.

2.1.1 City as location of assembly

In this section, the issue of the city and protests is viewed from two perspectives. First, the issue of spatial control through spatial tactics, and second, the issue of spatial control through body control.

2.1.1.1 Spatial control

As Harvey explained city is not merely "a passive site (or pre-existing network)-the place of appearance-where deeper currents of political struggle are expressed" and "certain urban environmental characteristics are more conducive to rebellious protests than others".[191] Because of this Political power "often seeks to reorganize urban infrastructures and urban life with an eye to the control of restive populations."[192] In this situation we can say that "Protesters fight back against "spatial control" with their own "spatial tactics"."[193]

Spatial "tactics" in Michel de Certeau's analyses are networks of innumerable, mute and clandestine or ways of operating or antidiscipline processes or forms or "tactics", articulated in the details of everyday life and taken by the dispersed, tactical, and make-shift creativity that entire society as users or consumers of space (or dominee's side) or groups or individuals already caught in the nets of discipline use to deflecting functioning of technocratic structures and reappropriate the space organized by techniques of sociocultural production.[194]

In Context of assembly or protests, "When protest movements extend into public space and take root there", they use spatial tactics to "blockade, defend, or seize these spaces". The strategies used can range from the body deployment of protesters occupying spaces or arranging themselves into formations all the way through to camps.[195]

[191] David Harvey, *Rebel Cities: From the Right to the City to the Urban Revolution* (Verso Books 2013) 117.
[192] ibid.
[193] Amory Starr, Luis A Fernandez and Christian Scholl, *Shutting Down the Streets: Political Violence and Social Control in the Global Era* (NYU Press 2011) 124.
[194] Michel de Certeau, *The Practice of Everyday Life* (University of California Press 1984) xiv–xv.
[195] Elsre and Others (n 43) Cover.

2.1.1.2 Body control

On the other hand, Michel Foucault approaches "spatial control" through "analysis of the human body, spatial arrangements, and architecture".[196]

Before delving into Foucault's approach, we must mention that from perspective of him "population is a constructed political subject that is governed in specific ways to protect the state."[197] Based on this definition Farzaneh Haghighi, in her article, attempts to demonstrate the importance of urban space for protests. According to her analysis:

> *"Population, therefore, is not a collection of individual human beings…By drawing a parallel between the population and the crowd, I argue that it is in fact the street that constructs a mass, which becomes an object and a potential target to be shot, killed or injured."*[198]

Now, based on Foucault's definition of the population and the conclusion that Haghighi has drawn from that definition, Foucault's perspective on body control in urban space can be better understood.

Foucault examines the relationship of power and space by positing architecture as a political "technology" for working out the concerns of government - that is, control and power over individuals - through the spatial "canalization" of everyday life. The aim of such a technology is to create a "docile body" through enclosure and the organization of individuals in space."[199]

Of course, both theories ultimately lead to the same conclusion regarding our thesis topic, which is the control of urban space. However, Foucault approaches it from a more human-centered perspective, viewing humans as the ones who bring the city to life. In contrast, from Harvey's perspective, humans are more like users of urban space.

2.1.2 City as a necessary condition of right to assembly

Public spaces can sow the seeds of an assembly, or a protest, in the soil of society. Analysis of existing study shows us that this activity can be done in numerous ways:

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[196] Setha M Low and Denise Lawrence-Zúñiga, *Anthropology of Space and Place: Locating Culture* (Wiley 2003) 30.
[197] Haghighi (n 47) 362.
[198] ibid.
[199] Low and Lawrence-Zúñiga (n 196) 30.

2.1.2.1 Visibility

As Hana Arendt said:

> *"Everything that appears in public can be seen and heard by everybody and has the widest possible publicity…appearance something that is being seen and heard by others as well as by ourselves-constitutes reality... a kind of reality which, their intensity notwithstanding, they never could have had before."*[200]

But what is relation of reality and protest? We can use Václav Havel's work to explain this relationship. He believes that "If the main pillar of the system is living a lie, then it is not surprising that the fundamental threat to it is living the truth. This is why it must be suppressed more severely than anything else."[201]

This visibility is more important when we are in a state that has strict law's for how being visible in society. In this situation we can say that "culture and values prevailing in these public spaces challenge the "cultural hegemony" of official cultural policy"[202] and we can name these challenges, as James C. Scott said, "everyday forms of resistance". In his definition these forms of resistance are "informal, often covert, and concerned largely with immediate, de facto gains acts that are intended to mitigate or deny claims made by superordinate classes or to advance claims vis-à-vis those superordinate classes."[203]

Therefore, it can be said that although the act of being visible in these public spheres can also be considered a form of protest, but in our discussion, being observed in these arenas is a kind of existential representation of protest and protestors and can give them confidence to participate in more dramatic arenas of confrontation like assemblies and street protests.

2.1.2.2 Communication

Public places can be a place for establishing or maintaining meaningful interaction or social relationship between two or more individuals or "communication action" in Habermas words.[204] The communication in this context is not only for exchange news, but for conversation about news. This idea has been discussed by Ray Oldenburg in his brilliant work, "The Great Good Place". He

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[200] Hannah Arendt, *The Human Condition* (University of Chicago Press 1958) 50.
[201] Václav Havel, *The Power of the Powerless* (Random House 2018) 24.
[202] Narciss M.Sohrabi, 'Coffee Shop (Café), Public Sphere for Further Reflections on Social Movements (Case Study: Tehran, Capital of Iran)' 8.
[203] James C Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (Yale University Press 1985) 32.
[204] Andrew Edgar, *Habermas: The Key Concepts* (Routledge 2006) 21.

discusses about difference of getting news from television or newspapers and getting news in American pubs:

> *What the tavern offered long before television or newspapers was a source of news along with the opportunity to question, protest, sound out, supplement, and form opinion locally and collectively. And these active and individual forms of participation are essential to a government of the people. An efficient home-delivery media system, in contrast, tends to make shut-ins of otherwise healthy individuals; the more people receive news in isolation, the more they become susceptible to manipulation by those who control the media.*[205]

In the Communication part, we can also use Bakhtin work. "Shared space ('chronotope' in his language) within which participating voices entered into a relationship of 'inter-illumination', each learning more about themselves and their position as they engaged with understanding the voices of the others."[206] Based on this definition, communication in public space can be a good tool to know about potential participants of assembly or know the approach of people to state and the reason of them for protest.

2.1.2.3 Deviation

The French philosopher Michel Foucault created a concept, namely, "Heterotopia". It refers "to a place that is socially different from the (implicitly normal) spaces surrounding it."[207]

In a radio speech, he uses term of "counter-space" for them and explain them with an example of children's world.

"These counter-spaces, these localized utopias, the children know them perfectly. Of course, it is the bottom of the garden, of course, it is the attic, or better yet the tent of Indians set up in the middle of the attic".

But "These counter-spaces, to tell the truth, it is not only the invention of the children (...). The adult society has organized, and well before children, their own counter-spaces, their localized utopias, these real places out of all places. For example, there are gardens, cemeteries, there are asylums, there are brothels, there are prisons, there are the Club Méditerranée villages, and

[205] Ray Oldenburg, *The Great Good Place: Cafés, Coffee Shops, Bookstores, Bars, Hair Salons, and Other Hangouts at the Heart of a Community* (Marlowe 1998) 85.
[206] 'What Is "Dialogic Space"?' (*Rupert Wegerif*) <http://www.rupertwegerif.name/1/post/2016/02/what-is-dialogic-space.html> accessed 9 May 2024.
[207] Ray Hutchison, *Encyclopedia of Urban Studies* (SAGE 2010) 354–355.

many others."[208]

These places can be described either by "crisis" like "the menstrual hut" or "deviant" like "theatres, cinemas, gardens"[209]. In this section we deal with deviant ones. spaces "in which individuals whose behavior is deviant in relation to the average or norm, are placed"[210]

what is the relation of these places to assembly? We can say that people by presence in public places that are deviant heterotopia, first can see other deviant people and be sure that they are not only deviant people, second can communicate with them as we discuss these two before. But also, they can "incites (re-)consideration and (re-)negotiation of sociospatial norms." In another words, as we know that "Foucault was concerned with ways in which normative political power was exercised (and resisted) through small-scale social practices and structures…(so) heterotopia provides a space or rupture-conceptual-discursive as well as literal that can unsettle expected conventions."[211]

Also based on "Labelling Theory" "which originated in sociology in the 1950s, that the social attribution of deviant identities to individuals or groups is a self-fulfilling prophecy leading to the amplification of deviance."[212]

So based on these two new functions, we can expect that people that go to these places are more vulnerable to act in contrary with status-quo norms and participate in assembly and protests.

2.1.2.4 Organization

Public places can be used for organize a protest too. Oldenburg believes that "More than anywhere else in colonial America, the taverns offered a democratic forum. Their protest gelled into action and the organization of the revolution and of the society to follow were agreed upon. Within them…there existed that full and free interplay of spontaneous and responsible group association

[208] 'Michel FOUCAULT, Les Hétérotopies, France-Culture, 7 Décembre 1966. | PDF' (*Scribd*) 1 <https://fr.scribd.com/doc/199903028/Michel-FOUCAULT-Les-Heterotopies-France-Culture-7-decembre-1966> accessed 9 May 2024.

[209] JAMES D FAUBION, 'Heterotopia: An Ecology', *Heterotopia and the City* (Routledge 2008) 31.

[210] Michel Foucault, *The History of Sexuality* (Random House 1978) 139.

[211] *Encyclopedia of Urban Studies*, p 355 <https://books.google.com/books/about/Encyclopedia_of_Urban_Studies.html?id=wKc5DQAAQBAJ> accessed 9 May 2024.

[212] Daniel Chandler and Rod Munday, 'A Dictionary of Media and Communication', *A Dictionary of Media and Communication* (Oxford University Press 2011) 234 <https://www.oxfordreference.com/display/10.1093/acref/9780199568758.001.0001/acref-9780199568758> accessed 9 May 2024.

which appears to be a necessary condition of a healthy social order…the tavern furnished the "requisite machinery" for a new social and political order."[213]

To understand more, we can note to the role of coffee houses in Egypt protest during Arab Spring. In middle of unrests, we have report that shows a coffeehouse becomes "destination for gossip and debate over Egypt's fate"[214]. Also, there were reports about another coffeehouse that established itself "as a space where revolution was observed, unpacked, and understood."[215] This coffeehouse, Riche, in words of a well-known Egyptian writer and based on opinion of "many of people" has a "big role" in Arab Spring[216].

But 2 months after counterrevolution and fall of Mohamed Morsi's government, we have some reports that said:

> *Security forces launched their first campaign to close cafes in the center of the capital, claiming violations and a lack of licenses, something the owners of those cafes denied at the time.*
>
> *Since that time, the cafes in that region have shifted from their political and cultural role to fear, cautious silence, and gossip sessions, due to censorship, restrictions, and repeated closure campaigns for security reasons.*[217]

Also, we have some news of arrest of political activists in coffee houses.[218]

It's very interesting to mention that closure of coffee houses because of political concerns is not something modern. Ottoman Sultan MURAD IV (r. 1623-40) outlawed both coffeehouses and the smoking of tobacco in 1633 because "coffeehouses became gathering places for unsavory types and were viewed with suspicion as providing the setting for immoral and seditious behavior."[219]

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[213] Oldenburg (n 205) 83.

[214] Tara Bahrampour, 'N.Va. Cafe Becomes Destination for Gossip and Debate over Egypt's Fate' *Washington Post* (2 February 2011) <https://www.washingtonpost.com/local/with-egypt-in-turmoil-nva-cafe-becomes-destination-for-gossip-and-debate/2011/02/02/ABa91yQ_story.html> accessed 9 May 2024.

[215] Joseph Dana, 'When Coffee Caused a Revolution' (*Salon*, 15 August 2012) <https://www.salon.com/2012/08/15/the_cafe_and_the_unfinished_revolution_salpart/> accessed 9 May 2024.

[216] 'مقهى «ريش» في القاهرة | بِدَايَات.' <https://bidayatmag.com/node/1453> accessed 9 May 2024.

[217] 'مقاهي الثورة خالية من السياسة .. في محيط ميدان التحرير' (*Anadolu*, 26 January 2019) <http://v.aa.com.tr/1374365> accessed 9 May 2024.

[218] The New Arab, 'Dozens of Egyptian Activists Arrested in Coffee Shop Raids' (*https://www.newarab.com/*, 22 April 2016) <https://www.newarab.com/news/dozens-egyptian-activists-arrested-coffee-shop-raids> accessed 9 May 2024.

[219] Ga´bor A´goston and Bruce Alan Masters, *Encyclopedia of the Ottoman Empire* (Infobase Publishing 2010) 138.

2.2 Assembly and Space: A Review of Political Practices

After reviewing the theories, we must examine the practical actions taken by both the protesters and the government or in other words, various types of spatial tactics for controlling urban spaces (as locations for protests) as well as spatial tactics for utilizing the environment for protests. To better understand the tactics, we have not only described each tactic but also provided examples from protests in various countries for each one.

However, before proceeding, we need to define what constitutes a city, based on which we can classify the tactics according to the different components of this definition. For this definition, we will refer to Max Weber.

According to Weber, a city is a settlement within a large territory, with houses close to one another, where residents do not have personal familiarity with each other despite being neighbors. Economically, both consumers and producers live in the city, and the presence of a market, in the sense of regular trade being an important part of income, is a key characteristic. Additionally, the majority of the residents are engaged in non-agricultural work, primarily in various industries or trade.[220]

Based on this definition, we identify four key components of a city:

1. Compact and High-Rise Settlement: The city can be characterized by residential areas housing a large population, which are located in dense urban fabrics or within high-rise buildings and skyscrapers.

2. Infrastructure: From the previous point, we must also draw conclusions that are not necessarily specified in the definition. The presence of these individuals in the city necessitates a network of roads for the movement of private vehicles, networks of pedestrian pathways, public transportation, and also a network of international routes for exchanges with foreign countries, such as airports or ports. Additionally, there must be infrastructure for public services, such as waste recycling or the provision of water and energy. The government must also provide recreational infrastructure, such as parks, for these individuals.

3. Social Diversity, Difference, and Conflict: Social, cultural, religious, and economic diversity, and even conflict, can be identified within and between different neighborhoods.

4. Political and Economic Centrality: Both production centers and commercial centers, for both intermediaries and final consumers, are present in the city. Consequently, administrative centers

[220] Yuliia Fedorenko and Yuliia Kolos, 'Definition of Concept "City": Multidisciplinary Approach' (2023) 668.

also exist in the city, whether they are economic or political management. Additionally, due to the presence of political management, we can also witness the presence of foreign countries, either through companies or through diplomatic representations such as embassies or consulates.
Based on Weber's definition and the analysis we have provided, we will examine spatial policies of control or protest concerning these four components.

2.2.1 Spatial tactics for control

2.2.1.1 Compact Settlement

The best example we can present of compact urban fabric is Haussmann's approach to the reconstruction of Paris in the mid-19th century. It's very famous that Georges-Eugène Haussmann (1809-1891) was the architect of modern Paris. Also, it's a belief that "The new Paris created by {him and} Louis Napoleon became, by the turn of the century, a widely admired public works miracle and shrine for would-be planners from abroad."[221] Therefore, it is essential to examine his work and the model he created, which has been applied to other cities around the world.
In the biographies written about Haussmann, he is a person influenced by nationalism as well as the discipline of his grandfather that was a military man and inheritor of his father's political and revolutionary spirit, and of course an ambitious person, with high-level political relations and with very good project management, who finally at the age of 45, selected as the position of prefect of the Seine and takes over the management of the French capital.[222]
Before Haussmann, Paris was a city whose population had increased, but its urban infrastructure, especially in the field of security, was not suitable for the new population[223]. Hausman's biggest problem was:

> *"neighborhoods of the center of the city with their tangle of streets almost impossible to navigate by carriage and their crowded, sordid, and unhealthy houses; these neighborhoods that are for the most part a seat of misery and disease and a subject of shame for a great country such as France."*[224]

[221] Scott (n 40) 60.
[222] Kirkland (n 41) 73–78.
[223] Papayanis (n 41) 51.
[224] Georges Eugène (1809-1891) Auteur du texte Haussmann, *Mémoires Du Baron Haussmann*, vol 2 (1890) 257 <https://gallica.bnf.fr/ark:/12148/bpt6k220529h> accessed 18 August 2024.

But the problem was not shame or honor and actually was something else. The problem was that the poor were concentrated in certain places[225] and the king "wanted to open up areas that had been bastions of insurrection and to facilitate troop movement."[226] Haussmann was a good choice for this project, especially when we consider that he has a harsh way to respond to the 1851 riots in Bordeaux and the Gironde.[227]

In words of James C. Scott:

> *Louis Napoleon {the king} and Haussmann had seen the revolutions of 1830 and 1848; more recently, the June Days and resistance to Louis Napoleon's coup represented the largest insurrection of the century. Louis Napoleon, as a returned exile, was well aware of how tenuous his hold on power might prove.*[228]

So,

> *"At the center of Louis Napoleon's and Haussmann's plans for Paris lay the military security of the state. The redesigned city was, above all, to be made safe against popular insurrections. As Haussmann wrote, "The order of this Queen-city is one of the main pre-conditions of general [public] security.""*[229]

Among the actions that Haussmann took with the aim of providing security in Paris, we can mention two things:

First,

A kind of gentrification[230] of Paris in such a way that the city center is emptied of the poor people who could be the main core of protestors or rebels. A work that was done both by destroying the impoverished slums in the city and by integrating the invincible marginal neighborhoods into the city system.[231]

And secondly, the widening of the street or the construction of wide boulevards that "unquestionably served as unimpeded avenues on which troops could march into the roiling heart of anti-imperial Paris"[232] or in word of another scholar "increase the availability of troops in the

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[225] Papayanis (n 41) 52.
[226] McAuliffe (n 41) ch 3.
[227] ibid.
[228] Scott (n 40) 61.
[229] ibid 60–61.
[230] Christophe Catsaros, 'Haussmann, hors de l'histoire. | Espazium' (31 January 2017) <https://www.espazium.ch/fr/actualites/haussmann-hors-de-lhistoire> accessed 18 August 2024.
[231] Scott (n 40) 61–62.
[232] McAuliffe (n 41) ch 7.

city center and facilitate their movements".[233] This approach can be further examined in subsequent sections under the title of road networks. However, it is important to note that the construction of these road networks was also a tool for disrupting the dense, rebellious, and impoverished fabric of Paris.

Haussmann changed Paris in such a way that "It is impossible to walk out without noticing some new change. Even old Parisians are obliged to study the map of their city again."[234] Therefore, he practically changed the possibility of legibility the city by the local people in favor of the possibility of legibility the city by the authorities and government forces.

Legibility is a point that we can read about in Scott's work. Scott's general idea in this regard is that the design and planning of the city in the past was such that the city was legible for its inhabitants but for a stranger or illegible. In Scott's words, the past planning could be said to privilege local knowledge over outside knowledge, including that of external political authorities.[235]

The use of this tactic is not limited to Paris. Similar efforts to achieve social segregation for security purposes have been observed in other countries as well. For example, in Egypt after the revolution, there were numerous reports of the development of certain slums while others were demolished.[236] In the existing research literature, there is also mention of the Turkish government's use of this tool in controlling the Kurdish region of Diyarbakır within the context of the initiatives to rehabilitate the city's historic Centre.[237]

When it comes to high-rise buildings, aside from the obvious issue of surveillance over protesters, the subject can also be examined from the perspective of space production. The experience of Hong Kong, a city-state with 558 skyscrapers—200 more than New York—serves as an example of space production, first by colonial powers, second by capitalists, and more recently by China, aiming to create a purely commercial space as part of the global capitalist economy. In this process, the space is almost entirely stripped of local culture, and in addition, a network of platforms and

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[233] Kirkland (n 41) 112.

[234] McAuliffe (n 41) ch 4.

[235] Scott (n 40) 53–54.

[236] ماجد مندور, 'الجانب المظلم في خطة السيسي للتنمية المدينية (*Carnegie Endowment for International Peace*)
' <https://carnegieendowment.org/sada/2021/05/the-sinister-side-of-sisis-urban-development?lang=ar> accessed 22 August 2024.

[237] Fırat Genç, 'Governing the Contested City: Geographies of Displacement in Diyarbakır, Turkey' (2021) 53 Antipode 1682.

pedestrian bridges connecting the towers essentially removes people from the streets. In other words, these towers act as a mechanism for excluding citizens from the public sphere.[238]

2.2.1.2 Infrastructure

In this section, we will specifically focus on tactics for countering protests through the use of road networks and recreational spaces such as parks.

2.2.1.2.1 Road networks

Marshall Berman believes that "In the post-Haussmann city street, the fundamental social and psychic contradictions of modern life converged and perpetually threatened to erupt."[239]

This is where the ideas of Le Corbusier, who we talked about before, come into play and he talks about the "highway" instead of the "street". As Bregman quoted him, although Le Corbusier talks about a "new type of street", he actually plans to kill "the street" and create paths entirely for automobile traffic and without cafes and sidewalks.[240]

The idea of "killing the street" and building highways for cars, in addition to eliminating public spaces and the possibility of pre-protest conversations, leads to a city (as has been said, for example, about Phoenix in the United States) being constructed not for people but for cars. [241] This makes the city fundamentally inhospitable to dissenting individuals.

This is how Bergman concludes that "the distinctive sign of the nineteenth century urbanism was the boulevard, a medium for bringing explosives material and human forces together; the hallmark of twentieth- century urbanism has been the highway, a means for putting them under."[242]

Research conducted in the United States shows how highways constructed between 1950-1990 destroying similarity and consequently distinguishing neighborhoods, and then led to uniformity of neighborhood population and increased the possibility of urban riots.[243]

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[238] Paige Anderson, 'The Design of Dissent: Protest and Urban Space in Hong Kong's Umbrella Movement' (University of Pittsburgh ETD 2016) 21–22 <https://d-scholarship.pitt.edu/27800/> accessed 22 August 2024.
[239] Berman (n 41) 167–168.
[240] ibid.
[241] George Parker, 'How Private "Public" Space in Cities Shuts out Protest' *Financial Times* (7 June 2017) <https://www.ft.com/content/45cd3dbe-34dd-11e7-99bd-13beb0903fa3> accessed 22 August 2024.
[242] Berman (n 41) 165.
[243] Avichal Mahajan, 'Highways and Segregation' (2024) 141 Journal of Urban Economics 103574.

Another observation and study in the United States can also serve as evidence of how the dominance of automobiles in urban planning and the construction of streets and highways can limit the right to protest:

> *In western American cities, like Las Vegas or Salt Lake City, where the car is king, protests still struggle to gain traction among dispersed neighborhoods and vast, easily policed freeway networks. How, for example, are marchers to march or demonstrators to launch sit-ins when they must negotiate such mundane concerns as recovering distant, parked cars? Or lack accessible and symbolic spots to target? It's consequently often only on the freeways themselves, as after the killing of Trayvon Martin in 2012, that people feel able to make their presence felt.*[244]

Also, if we view the network of streets and highways, which were built to facilitate car traffic, from the perspective of Jane Jacobs, we see that "the areas most defeated, uses that cannot stand functionally alone—shopping malls, or residences, or places of public assembly, or centers of work—are severed from one another"[245]. In addition, downtown areas and neighborhoods are destroyed, and ultimately, "City character is blurred until every place becomes more like every other place, all adding up to Noplace."[246] By Noplace, she referred to "Marc Augé's term for generic places such as bus depots, train stations, and airports which, however elaborate and grandiose, do not confer a feeling of place…In direct contrast to places, which we tend to think of as being relational, historical, and concerned with identity, non-places are designed and intended for the frictionless passage of a nameless and faceless multitude."[247]

Another example of actions related to the road network can be found in Egypt, where the government undertook the construction of various bridges in the eastern part of the city after the 2011 protests. According to researchers, these bridges, built with a high budget and under specific conditions (in some areas with only a 50-centimeter distance from residential balconies), were designed to enhance the ability of armed forces to move through the city and to enable the rapid deployment of military and paramilitary forces in the event of widespread social unrest.[248]

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[244] Smithsonian Magazine, 'How Urban Design Can Make or Break a Protest' *Smithsonian Magazine* <https://www.smithsonianmag.com/history/geography-protest-how-urban-design-can-make-or-break-people-power-180975189/> accessed 22 August 2024.

[245] Jane Jacobs, *The Death and Life of Great American Cities* (Vintage Books 1961) 338.

[246] ibid.

[247] Ian Buchanan, *A Dictionary of Critical Theory* (OUP Oxford 2010) 346.

[248] مندور.(n 236)

2.2.1.2.2 Recreational spaces

In this context, it will be interesting to consider two experiences related to the protests in the United Kingdom and the United States (known as Occupy Wall Street), both of which took place in 2011. The government's tactic for countering both protests was the use of privatized public spaces.

According to researchers, one of the factors contributing to the failure of the Occupy Wall Street movement was that, after Wall Street was blocked, so, the protesters set up their camp in Zuccotti Park, which was a few streets away from the former World Trade Center site. Although this park was a public space, it was privately owned. When the park's owner announced that the use of sleeping bags, tents, or tarps was completely prohibited due to unsanitary and hazardous conditions, the police were able to dismantle the protesters' main tactic of camping near key financial centers in the United States.

Another tactic used to prevent the utilization of public spaces in New York is hostile architecture. This includes urban spaces designed without resting areas or with barriers that prevent sitting, as well as bars and fences that block people from walking along certain paths.[249]

Privatized public spaces were also a major obstacle for the 2011 protests in London. These spaces, often referred to as "POPS" (Privately Owned Public Spaces), appear to be public but allow their owners to restrict what the public can do within them—ranging from ball games to protests. These spaces were introduced in the UK, inspired by the United States, in the 1980s, but people only became fully aware of their restrictive nature in 2011. It was then that they realized there were few places in London available for protests. "When the protesters wanted to set up camp outside the London Stock Exchange in Paternoster Square, the owners issued an order banning their entry into the area. As a result, they moved to the steps of St. Paul's Cathedral. They didn't want to be on the steps of St. Paul's, but they had no choice. If you want to protest in the City of London, you have the steps of St. Paul's or a small area outside the Bank of England."[250]

2.2.1.3 Social Diversity, Difference, and Conflict

For other tactics in this field, it is necessary to pay attention to Mark Davis's studies in City of Quartz on Los Angeles.

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[249] Georgina Lombardero, 'What Makes or Breaks a Protest. How Does Urban Design Influence in the Making or Breaking of a Protest?' 20–21 <https://interioreducators.co.uk/uploads/submitted-files/213.W_.CSb_.2022.pdf> accessed 22 August 2024.

[250] Parker (n 241).

Davis, in the fourth chapter of his book, examines the security mechanisms in Los Angeles during the 1990s. His focus is on the economic-racial dynamics of this city, meaning that he discusses the security segregation of white and wealthy individuals from Black and poor communities. However, the tactics used and observed by him in Los Angeles can also serve as a model for other cities.

He refers to the security trend in Los Angeles during the 1990s as militarization, noting "an unprecedented willingness to integrate urban design, architecture, and police apparatus into a single, comprehensive security effort." According to him, this has three major impacts:

1. First, "security" becomes a commodity, not for everyone, but a class-based one.
2. Second, as William Whyte observed in New York City's social interactions, "fear validates itself." The social perception of threat is a function of the security mobilization itself, not the crime rate.
3. Third, this securitization leads to the destruction of accessible public space.

He also mentions various tactics pursued in Los Angeles during this time with the goal of security, one of the most important being the insulation of neighborhoods to create fortress-like cities with encompassing walls, limited entry points with guard posts, overlapping public and private police services, and even privatized roads that ordinary citizens cannot access. In other words, residential areas that can privatize the local public space, separate themselves from the rest of the metropolis, and even impose a kind of "neighborhood passport control" on outsiders. Of course, other methods exist as well, such as efforts to depopulate a neighborhood.

A particularly noteworthy point is that in this chapter, he refers to the security-focused architecture of certain structures in Los Angeles at that time as "Beirutization." In fact, he uses Beirut not as the name of a capital city, but as a model of integrating security with architecture and urban planning.[251]

The similarity between Los Angeles and Beirut is also present in the literature of other researchers. In their article, Haghighi and Bobic state:

> *Spatial regulatory frameworks at an urban scale can be instruments that reinforce social, class, race and gender divisions, as evident in the zoning of Los Angeles, or an instrument*

[251] Mike Davis, *City of Quartz: Excavating the Future in Los Angeles* (Verso Books 2006) ch 4.

of warfare, as evident in urban development in Beirut in anticipation of a near-future armed conflict.[252]

2.2.1.4 Political and Economic Centrality

Perhaps the best example we can find of government tactics to counter protests in cities, and based on which we can explain this case, is the plan implemented by the Egyptian government after the failure of its revolution to transfer the capital from Cairo to the new administrative capital. Before delving into this, it is important to note that, according to some researchers, the entire policy of building new cities (not just the new capital) can be analyzed from the perspective of social engineering.[253]

Regarding the new capital, it's important to mention that Cairo, the capital of Egypt and the center of the Tahrir Square revolution, has reached a point where it now has a population of 20 million[254], with half of Egypt's population living within 90 kilometers or less from the city.[255]

In this context, the government decided to relocate all ministries and governmental organizations, the presidential palace, the parliament, embassies, and major banking centers to the new capital. Through high pricing, they also initiated a form of gentrification[256] in the area, ensuring that only the elite (those less inclined to engage in violent revolutions[257]) would reside there[258]so, "the lack of affordable housing and public transportation in the new capital will make it impossible to stage protests as successful as those of the Arab Spring."[259]

Some researchers view this area as a "wall of fear" that separates the people from the government, likening it to the Green Zone in Baghdad. They argue that in this new capital, one can remain far

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[252] Nikolina Bobic and Farzaneh Haghighi, 'Spatialization of Oppression; Contemporary Politics of Architecture and the Urban', *The Routledge handbook of architecture, urban space and politics* (Routledge 2003) 9.

[253] David E Sims, *Egypt's Desert Dreams: Development Or Disaster?* (Oxford University Press 2014) ch 4.

[254] 'Cairo | Egypt, Meaning, Map, & Facts | Britannica' <https://www.britannica.com/place/Cairo> accessed 22 August 2024.

[255] فريق التحرير, 'العاصمة الإدارية الجديدة.. كيف يبني السيسي مدينة لن تثور عليه أبدا؟' (*الجزيرة نت*) <https://aja.me/r6ddw> accessed 22 August 2024.

[256] A two-bedroom apartment in the new capital goes for about $50,000 – a huge sum that is out of the reach of many in a country where the gross domestic product (GDP) per capita is about $3,000.Mustafa Menshawy, 'Why Is Egypt Building a New Capital?' (*Al Jazeera*) <https://aje.io/xm4h2f> accessed 22 August 2024.

[257] مندور (n 236).

[258] التحرير (n 255).

[259] 'A Steep Price to Prevent Protest: Egypt's New Capital Forged from Fear of Insurrection' (*International Relations Review*, 13 May 2024) <https://www.irreview.org/articles/a-steep-price-to-prevent-protest-egypts-new-capital-forged-from-fear-of-insurrection> accessed 22 August 2024.

from the noise of Cairo, and the president will never have to worry about an angry crowd storming the palace or protesting in front of the presidential residence.[260]

At the end, we can refer to the explicit points made by Mustafa Menshawy, one of the researchers specializing in Egypt, to summarize this section.

> *{E}l-Sisi was undoubtedly taking notes and became aware that Tahrir Square is the key to gaining and holding on to power in Egypt. Hence, after taking power, he immediately started working towards stripping the square of its status as the arena where the legitimacy of Egyptian regimes is decided. It is now impossible for the people to take over Tahrir Square and challenge the legitimacy of el-Sisi's regime. His government dotted the space with Pharaonic monuments and private security guards to ensure it cannot be filled with anti-government protesters. Now, to diminish the square's importance further, he is moving the country's Centre of gravity, its leading institutions, and seats of power, to a fortified, artificial desert oasis some 45km (28 miles) away…Once the president moves to the New Administrative Capital, however, such a demonstration of public will be not going to be possible again. The state already confirmed that the new capital will be well secured with state-of-the-art electronic monitoring systems. And more importantly, it will be miles away from Tahrir Square and any other public arena where Egyptians can come together to voice their grievances with those ruling over them.*[261]

At the end of this part, Two points should be noted before delving into the discussion. First, we have not addressed some obvious tactics, such as blocking streets during protests. On the other hand, a city is a complex and interconnected phenomenon, and it cannot be claimed that, for example, actions taken regarding the road network have only impacted transportation aspects without affecting other dimensions, such as disrupting the social structure of neighborhoods.

2.2.2 Spatial tactics for Protest

As we mentioned, the various components of a city, while they can pose a threat to the right to protest, can also be utilized as opportunities for exercising that right.

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[260] ميشيل دنّ, 'السيسي يبني منطقة خضراء في مصر- <https://carnegieendowment.org/posts/2018/12/sisi-builds-a-green-zone-for-egypt?lang=ar> accessed 22 August 2024.

[261] Menshawy (n 256).

2.2.2.1 Compact Settlement

Assef Bayat, in his analysis, has observed that the primary spatial tactic in protests is as follows:

> *"Streets of discontent need to be a maneuverable space, where protestors can easily flee from the police-a space that is open yet surrounded by narrow alleyways, shops, or homes that can offer respite or sanctuary to revolutionary fugitives. No wonder Cairo's Tahrir Square, Tehran's Enghelab, and Istanbul's Taqsim Square are all encircled by a maze of side streets and alleyways, where political escapees can disappear in the event of a police chase."*[262]

The best example of utilizing urban density to facilitate protests can be seen in the Tahrir Square protests in Cairo. "The initial success of Arab Spring revolutionaries in Cairo in 2011 might be explained in small part by the city's relatively compact size. Around 75 percent of its 20 million plus people live within nine miles of Tahrir Square…meaning it remained largely accessible by foot even after roads and rail were shut down."[263]

Salwa Ismail, in her article[264], provides a more detailed explanation of how these neighborhoods became focal points for protest and opposition to the Egyptian government. According to her, "the infrastructures of oppositional action develop in the urban every day, away from the central public square, in more peripheral sites such as neighborhood alleyways and informal markets."[265]

When the government embraced economic liberalization in the 1970s and neoliberal restructuring in the early 1990s, it withdrew from providing subsidized housing, creating the conditions for the emergence of informal settlements that were less reliant on the state and more dependent on individual and collective efforts. This set the stage for a form of spatial politics in these neighborhoods that Henri Lefebvre refers to as "counter-spaces" politics. This involves the production of alternative spaces that challenge the hegemonic spatial representations of the state and undermine capitalist dominance.

At the same time, the socio-spatial arrangements in informal and popular neighborhoods challenge the government's control of space. For example, the proximity of houses, the narrowness of the alleys, and the forms of socialization within them lead to a strong sense of connection among

[262] Bayat (n 26) 168.
[263] Magazine (n 244).
[264] Salwa Ismail, 'Urban Spatial Politics and Collective Action in Revolutionary Cairo: Counter Spaces and Paradoxes of Mobilisation' (2022) 98 Political Geography 102716.
[265] ibid 3.

residents, allowing the neighborhood to collectively protect itself against the intrusion of state agents.

In these conditions, even police attempt to control these neighborhoods through street patrols, or the establishment of checkpoints result in the emergence of a particular form of spatial relations of domination and resistance. For instance, young people, to avoid the police, prefer to socialize within the neighborhood, particularly in local cafés, many of which are located in back alleys. Moreover, they openly challenge the police's surveillance and disciplinary actions. For example, young men standing by the entrances of their homes or at street corners adopt a determined stance and refuse to move aside for police patrols.

The outcome of these policies was that, protestors set fire to 99 police stations—most of which were located in popular neighborhoods—during the first few days of the revolutionary uprising.

2.2.2.2 Infrastructure

2.2.2.2.1 Road networks

One of the primary techniques in street protests is the blockade of traffic routes. This action can be carried out in various ways, such as deploying garbage, using barriers, {stopping or parking} vehicles, utilizing crowds, or even having individuals physically block access by deployment their bodies or rappelling from bridges on highways.[266]

The history of blockade as a protest tactic dates back to the 1950s[267], while the use of barricades to counter security forces has a history of around 450 years, tracing back to the French resistance against royal forces in 1588.[268] The materials used for building barricades have varied over time. For instance, carriages and buses in the 19th century, Citroën 2CVs and traffic signs in Paris during May 1968, and electric scooters and rental bikes during the Yellow Vest movement in 2018.[269]

While it seemed that Haussmann's new boulevards might neutralize the tactic of blockades, the construction of some barricades on these boulevards during the Paris Commune in May 1871 demonstrated that this tactic was still viable.[270] As will show later in protests like those in Beirut, the strategy of highway construction failed to eliminate the spirit of protest, merely shifting the focus of blockades from streets to highways.

[266] Elsre and Others (n 43) 110.
[267] ibid.
[268] ibid 97.
[269] ibid 98.
[270] ibid.

2.2.2.2.2 Disruption of international routes

In this section, we can highlight a tactic that has been used by environmental activists in Germany since 2020: gluing themselves to the ground or Super-gluing[271]. While this tactic, when applied on roads and highways, can be analyzed as another method for blocking transportation networks[272], it has recently spread to airports as well.[273]

The protesters aim to draw global attention to their cause[274] by shutting down major airports like Frankfurt Airport in Germany[275].

2.2.2.3 Social Diversity, Difference, and Conflict

Regarding the spatial tactics used in protests in cities with social divisions, we can examine the example of Manama, Bahrain in 2011. During the 2011 protests, where demonstrators rallied under the slogan "Neither Shia nor Sunni, just Bahraini," they chose a square for their gatherings and protests that was effectively a space belonging to no one or to everyone.

This square was:

> *"Pearl Roundabout, a site that symbolized Bahrain's rich cultural heritage of pearl diving – recognized on the 500 Fils coin (which was later withdrawn from circulation) – in an effort to demonstrate national unity…In this environment, people from a range of backgrounds coalesced and in doing so embarked on discussions of the nature of political life in Bahrain."*[276]

Therefore, in a divided and "fierce" urban space, that "*processes designed to order life are operationalized in a way that reasserts Al Khalifa power; indeed, basic services and infrastructure were used to maintain control over life itself"*[277] the protesters effectively attempted to create a space of unity for themselves.

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[271] ibid 480.
[272] ibid.
[273] 'Climate Activists Protest at Four German Airports, Halting Traffic | Protests News | Al Jazeera' <https://www.aljazeera.com/news/2024/8/15/climate-activists-protest-at-four-german-airports-halting-traffic> accessed 23 August 2024.
[274] Elsre and Others (n 43) 480.
[275] 'Over 100 Flights Cancelled after Protesters Glue Themselves to Runway at Frankfurt Airport' (*Sky News*) <https://news.sky.com/story/over-100-flights-cancelled-after-protesters-glue-themselves-to-runway-at-frankfurt-airport-13184717> accessed 23 August 2024.
[276] John Nagle and Simon Mabon, 'Fierce and Accommodationist Divided Cities: Understanding Right-to-the-City Protests in Beirut and Manama' (2023) 11 Peacebuilding 381, 396.
[277] ibid 395.

2.2.2.4 Political and Economic Centrality

For the final point, regarding the use of political and economic centers for protests, we should refer to the experience of Hong Kong.

An analysis of data from 348 protests in Hong Kong from June 9, 2019, to January 31, 2020, reveals that the likelihood of violent and peaceful protests occurring in areas with high building density was 25% and 35% higher, respectively, compared to areas with low building density. Additionally, the likelihood of protests occurring in commercial centers was 21% higher for violent protests and 32% higher for peaceful protests. Moreover, the density of government buildings was positively associated with an increase in violent protests.[278]

This study can support previous research that suggests protests are often concentrated in areas where key government offices and buildings are located, serving as important sites for demonstrators. It also corroborates media reports, specifically regarding the Hong Kong protests, which noted that many gatherings took place in large shopping centers during the demonstrations.[279]

Conclusion

In the second step to address the main research question of this thesis, an effort was made to evaluate the relationship between space and political power. The purpose of this chapter was to explore how the state, through its security-oriented mechanisms, seeks to "maintain" space, while protesters, through their protest mechanisms, aim to "influence" or even "acquire" space.

In the first part of this chapter, which was theoretical, the issue of assemblies and protests and the fundamental motivation behind controlling space were examined using the approaches of Harvey and Foucault. Although this section could also have been used to structure protest mechanisms, the work was primarily focused on anti-protest mechanisms and explaining the state's motivation for controlling protests.

The second part extracted four important characteristics of urban public spaces as a backdrop to protests from various theories, demonstrating that not only streets but also these public arenas play a significant role in peaceful gatherings, and highlighting the motivations of states to dominate them.

[278] Wu and others (n 42) 10.
[279] ibid 6.

Finally, we examined the practical methods used by states. After defining the city, we studied various examples of these tactics in two sections: protest and control of protest.

Ultimately, we answered the second sub-question and found that both from the perspective of political (and sociological) thinkers and through the study of state practices, urban space is one of the primary political techniques for designing, developing, or countering protests.

3 Chapter 3: The Characteristics of Lebanon and Beirut and Their Spatial Impacts

After a theoretical examination of the concepts of space and the right to peaceful assembly, we will inductively study the case of Beirut, the capital of Lebanon, specifically focusing on the 2005 and 2019 protests in the city center, in line with our main research question. So, First we must look at characteristics of this country and also this city. It is important to note that the features related to Lebanon, in terms of geography, economy, demographics, and politics, have been studied in relation to the overall context of protests. However, when examining the characteristics of Beirut, the focus has been on the relationship between the city's characteristics and the protest "space". A brief section at the end is also dedicated to examining the legal framework of the right to protest in Lebanon.

3.1 Lebanon

3.1.1 Geographical Characteristics

3.1.1.1 Size

Lebanon is second tiniest country in the Middle East with 10,400 km^2 area[280].[281] In some of scholarships, there are some opinions that there is a link between size of country and democracy. in Federalist paper, James Madison believes that:

> *"[T]he larger a territory becomes in size, the greater will be its variety of parties and interests, and hence the smaller will be the chance that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other."*[282]

But there is a counterargument that said "widespread heterogeneity degenerates into an internecine war {and} civil society cannot function."[283]

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[280] 'Lebanon', *The World Factbook* (Central Intelligence Agency 2024) <https://www.cia.gov/the-world-factbook/countries/lebanon/#geography> accessed 4 July 2024.
[281] The writer believes that there is only one legitimate country in south of Lebanon and the whole land in Palestine with 26,990 km^2 and this country is 11^{th} biggest country in the Middle East.
[282] Alberto Alesina and Enrico Spolaore, *The Size of Nations* (MIT Press 2005) 5.
[283] ibid 6.

But in case of Lebanon, we can see a heterogeneous society in a tiny country. We must look for other elements to find reasons for this.

3.1.1.2 Geographical Structure: Mountains

Some scholars believes that this characteristic roots in geographical structure of Mounts of Lebanon. Lebanon Mountains, mountain range, extending almost the entire length of Lebanon, paralleling the Mediterranean coast for about 150 miles (240 km), with northern outliers extending into Syria.[284]

Historiographies on Lebanon often describe Mount Lebanon as a haven for persecuted groups elsewhere in the region from the seventh century onward.[285] Even some scholars describe Lebanon as "mountain-refuge"[286].

Form another point of view, the impact of mountain on Lebanese society is higher than this.

Philip K. Hitti believes that:

> *The mountain is to Lebanon what the desert is to Arabia, the Nile to Egypt and the twin Euphrates-Tigris to Meso- potamia. It conditions its climate, diversifies its flora and fauna, hinders communication with the hinterland and indirectly encourages it with the West. Here is the only land between Morocco and Iran with no desert and no bedouin population. The mountain has, moreover, im- pressed its rugged character upon its inhabitants and fostered their love of freedom and self-reliance. But, while the Nile tends to unify Egypt and the Euphrates-Tigris Mesopotamia, the Lebanon with its hills and valleys tends to divide its inhabitants.*[287]

3.1.1.3 Geostrategic and Geoeconomic location in the world

The country is also located in the far west point of Asia, with only 400 km away in direct line from Africa and about 1200 km away from first totally European country, mean Greece.[288]

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[284] 'Lebanon Mountains | Map, Location, Heights, & Names | Britannica' <https://www.britannica.com/place/Lebanon-Mountains> accessed 20 July 2024.
[285] Joshua Castellino and Kathleen A Cavanaugh, *Minority Rights in the Middle East* (OUP Oxford 2013) 335.
[286] Jack Keilo, 'The French Map of Beirut (1936)' in Alexander James Kent and others (eds), *Mapping Empires: Colonial Cartographies of Land and Sea* (Springer International Publishing 2020) 253.
[287] Philip Khuri Hitti, *A Short History of Lebanon* (Macmillan 1965) 5.
[288] Cyprus is a member of European Union from 2004 but Based on UN Cyprus is an Asian country. 'Regional Groups of Member States | Department for General Assembly and Conference Management' <https://www.un.org/dgacm/en/content/regional-groups> accessed 15 July 2024.

This geographical characteristic alongside with 225 km[289] coastline make a "maritime republic"[290] or "merchant republic"[291][292] so, even "the early Lebanese society along the coast was mainly urban, based on commercial and industrial economy"[293].

Some scholars believes that geographical position of Lebanon caused opening of the Lebanese, since the end of the eighteenth century, to Western culture like knowledge of the concept of democracy.[294]

From another side, geographical characteristic has harm effect on Lebanon. Some researchers said:

> *"The concept of "buffer state"[295] developed by George Corm perfectly fits Lebanon, with which all the conflicts taking place in the area resonate. In a system structured by institutionalized communitarianism, decisions made in the political sphere are very much shaped by the regional power relationships and the interventions of both regional and external patrons (Iran, Saudi Arabia, Syria, USA, Russia)."[296]*

Whether we see this geographical situation positively or negatively; We cannot deny its impact on Lebanon's political economy.

In fact, the rulers of Lebanon after independence with the presidency of a person named Bechara El Khoury, came to the conclusion that "Lebanon, being a small country without natural resources, its development should proceed from its economic openness allowing it to play its role as a commercial and financial intermediary at the crossroads of the two Western and Arab worlds"[297]. "This "idea of Lebanon", associating the Phoenician myth with a strict laissez-faire policy"[298], was also successful, but it had destructive effects on the Lebanese economy, the effect of which was

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[289] 'Lebanon' (n 280).
[290] Michel Chiha, *Politique Intérieure* (Éditions du Trident 1964) 104 <http://michelchiha.org/wp-content/uploads/simple-file-list/Domestic_Politics_May28th-3.pdf>.
[291] ibid.
[292] "Merchant republic" is "a republicanism congruent with commerce and a mentality that celebrated trade and valued its embodiment". Mary Lindemann, *The Merchant Republics* (Cambridge University Press 2015) 310. "Th e concept of Lebanon as a Phoenician-style commercial entity and the term "merchant republic" originated in Michel Chiha's writings."William W Harris, *Lebanon: A History, 600-2011* (Oxford University Press 2012) 311.
[293] Hitti (n 287) 15.
[294] Mona El-Bacha, 'Démocratie et culture politique libanaise' (2009) 70 Confluences Méditerranée 71, 81,82.
[295] Buffer state is a state, usually independent, situated between two or more powerful and usually rival neighbouring states. It serves the purpose of helping to allay direct conflict between them and so contains their expansionist policies. Brian Goodall, *The Penguin Dictionary of Human Geography* (Penguin Books 1987) 49.
[296] Fabrice Balanche, 'The Geopolitics of Lebanon in the Renewed Regional Tensions' in Eric Verdeil, Ghaleb Faour and Mouin Hamzé (eds), *Atlas of Lebanon : New Challenges* (Presses de l'Ifpo 2019) 30 <https://books.openedition.org/ifpo/13210> accessed 15 July 2024.
[297] Éric Verdeil, *Beyrouth et ses urbanistes : Une ville en plans (1946-1975)* (Presses de l'Ifpo 2010) 56–57 <https://books.openedition.org/ifpo/2101> accessed 1 August 2024.
[298] ibid 57.

evident later on in urban issues. One of these effects was the change in the face of Lebanon from an industrial country at the local level to a completely commercial country, and another one of these effects was the significant economic growth and increase in the country's wealth in the 50s and 60s, which led to a budget surplus and ultimately destroyed the initial building of tax system of this country because the interests of "Beirut's entrepreneurs and businessmen, whose hegemony had led to the name of the regime as Merchant Republic"[299], prevented the implementation of the policies of tax increase and strictness in the spending of public revenues, and in the end it was possible to this budget was used for the development of the country.

3.1.2 Demography

3.1.2.1 Population

Talking about statistic of population of Lebanon is not easy. Because:

4.1 The last official census in Lebanon, conducted in 1932 and other censuses were conducted unofficially. [300] This census played a fundamental role in the state-building process of the Lebanese state and political representation was based on its findings.[301] Now, Real, hard demographic data could disrupt the whole thing[302] (status-quo order) and this is the reason of not conducting another census till now.

4.2 Also Lebanon has sizable Syrian and Palestinian refugee populations but there are a lot of conflict over statistic of them. The conflict has many reasons:

a. Lack of new census as previously explained.

b. Interest of some political groups to show higher or lower statistic of them. For example, some groups want to tell their supporter that refugees get the whole country and mobilize them against Palestinian or Syrian.[303]

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[299] ibid.

[300] Wissam Raji and others, 'Chapter 5 The Lebanese Demographic Reality' (Brill 2018) 123 <https://brill.com/display/book/9789004372634/BP000007.xml> accessed 20 July 2024.

[301] Rania Maktabi, 'The Lebanese Census of 1932 Revisited. Who Are the Lebanese?' (1999) 26 British Journal of Middle Eastern Studies 219, 219.

[302] Amos Barshad, 'In Lebanon, a Census Is Too Dangerous to Implement' <https://www.thenation.com/article/archive/lebanon-census/> accessed 20 July 2024.

[303] For example: The head of the Lebanese Forces party, Samir Geagea in a press conference on April 19, 2024 "assumed that the "Syrian crisis" would persist for an additional 13 years, potentially increasing the number of Syrians in Lebanon to four million, equivalent to the number of Lebanese citizens, considering the Syrian refugees' situation in Lebanon a "real existential threat" to Lebanon." ' جعجع: النزوح السوري خطر وجودي.. ولن نسكت عن تقصير المسؤولين' (فريق موقع القوات اللبنانية) (*Lebanese Forces Official Website*, 19 April 2024) <https://www.lebanese-forces.com/2024/04/19/%d8%ac%d8%b9%d8%ac%d8%b9-62/> accessed 20 July 2024.

c. The high interest for government to raise statistics of them is to get more external financial budget and external help to deal with them? In other words, "the Lebanese authorities have been able to capitalize on the Syrian 'crises to negotiate more financial aid from the international community."[304]

d. The fact that especially about Palestinian refugees, there is a huge gap between registered persons and who that really live in the country because in UN registration system in Lebanon, "deaths as well as emigration remain often unreported"[305].

4.3 Based on this consideration, it's not strange that we have these differences about population of country as it shown in table 2.

Table 2 Differences about population of country

Source	Date	Lebanon Population
Britanica Encyclopedia[306]	2024 est.	7,447,000
International Organization For Migration[307]	2020	6,800,000
CIA Fact[308]	2024 est.	5,364,482
United Nation Population Fund[309]	2024	5,200,000
Labor Force and Household Living Conditions Survey[310]	2018-2019	4,800,000

3.1.2.2 Density

Based on estimation of 5,490,000 people in 2024, this country is the second densest country in the Middle East. Some studies reveal that population density have positive and significant relationship

[304] Clothilde Facon, 'International Actors in the Governance of Syrian Refugees in Lebanon: An Analysis of the Depoliticisation and Repoliticisation of Humanitarian and Border Interventions' (Université Sorbonne Paris Nord 2023) 264 <https://theses.hal.science/tel-04226911v1/file/ederasme_th_2023_facon.pdf>.
[305] 'Lebanon' (*UNRWA*) <https://www.unrwa.org/where-we-work/lebanon> accessed 21 July 2024.
[306] 'Lebanon | People, Economy, Religion, & History | Britannica' (20 July 2024) <https://www.britannica.com/place/Lebanon> accessed 21 July 2024.
[307] 'Lebanon' (*International Organization for Migration*) <https://www.iom.int/countries/lebanon> accessed 23 July 2024.
[308] 'Lebanon' (n 280).
[309] 'World Population Dashboard -Lebanon | United Nations Population Fund' <https://www.unfpa.org/data/world-population/LB> accessed 21 July 2024.
[310] 'Labour Force and Household Living Conditions Survey 2018-2019 Lebanon' (Lebanese Republic Central Administration of Statistics (CAS); International Labour Organization (ILO); European Union (EU) 2020) 14 <http://www.cas.gov.lb/images/Publications/Labour%20Force%20and%20Household%20Living%20Conditions%20Survey%202018-2019.pdf> accessed 21 July 2024.

with environmental degradation in Lebanon.[311] From another side, "countries suffering from environmental degradation…are more prone to civil conflict."[312]

3.1.2.3 Ethnic structure

The country has three ethnic groups: Arab 95%, Armenian 4%, other 1% although many Christian Lebanese do not identify as Arab but rather as descendants of the ancient Canaanites and prefer to be called Phoenicians.[313][314]

3.1.2.4 Religious and Sectarian structure.

There are also 18 religious sects recognized including: Muslim 67.8% (31.9% Sunni, 31.2% Shia, smaller percentages of Alawites and Ismailis), Christian 32.4% (Maronite Catholics are the largest Christian group), Druze 4.5%, very small numbers of Jews, Baha'is, Buddhists, and Hindus.[315] These diverse religious identity from point of view of some scholars are a sign of pluralism.[316] Although we choose another point of view by Halim Barakat. He distinguishes between "pluralistic" and "mosaic" societies. In Barkat's view, Pluralism, "refers to harmonious relationships of several interest, religious, and/or ethnic groups within a unified social"[317] while "{a} mosaic society, on the other hand, is defined as composed of several groups whose relationships are regulated by provisions making for the introduction of some system of checks and balances among these groups without, however, being accompanied by a consensus on

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[311] Marc Audi and Amjad Ali, 'Environmental Degradation, Energy Consumption, Population Density and Economic Development in Lebanon: A Time Series Analysis (1971-2014)' (2017) 17 Journal of International Finance and Economics 7.
[312] Wenche Hauge and Tanja Ellingsen, 'Beyond Environmental Scarcity: Causal Pathways to Conflict' (1998) 35 Journal of Peace Research 299, 314.
[313] 'Lebanon' (n 280).
[314] This point of view called Phoenicianism. Its "a point of view held among some Lebanese, especially Maronite Christians, that looks back to the Phoenicians, rather than to later Arab immigrations, as the ethnic and cultural base of the Lebanese population. This view leads to opposition of Pan-Arabism and Syrian influences in Lebanon's politics and culture."Tom Najem and Roy C Amore, *Historical Dictionary of Lebanon* (Rowman & Littlefield 2021) 241.
[315] 'Lebanon' (n 280).
[316] For example, there is a famous quote by Pop John Paul II that said "Lebanon is more than a country: it is a message of freedom and an example of pluralism for both the East and the West! (Translation from French: Liban est plus qu'un pays : c'est un message de liberté et un exemple de pluralisme pour l'Orient comme pour l'Occident!) 'Lettre Apostolique Sur La Situation Du Liban (7 Septembre 1989) | Jean Paul II' <https://www.vatican.va/content/john-paul-ii/fr/apost_letters/1989/documents/hf_jp-ii_apl_19890907_situation-lebanon.html> accessed 23 July 2024.
[317] Halim Barakat, 'Social and Political Integration in Lebanon: A Case of Social Mosaic' (1973) 27 Middle East Journal 301, 301.

fundamental issues facing these groups."[318] He believes that "Unity and assimilation into a unified national order remains as a prospect only"[319] in Lebanese society and because of this, Lebanon is a mosaic society.

3.1.2.5 Youth population

If we compare Lebanon with countries like Germany, Lebanon society seems much younger. In Germany for example, 43.4% of population are under 40[320], but in Lebanon 62.8% of society have less than 40 years old[321]. But in compare with other Arabic country, especially neighbors and near counters (like Jordan and Egypt) we can say that Lebanon is not as much younger as them. Only 49.72% of Lebanese society are under 30 while for example this number in Palestine is 66.8% and in Jordan is 60%.

High stake of youth in population of Lebanon can be interoperated as sign of "youth bulge". The term was coined by German social scientist Gunnar Heinsohn in the mid-1990s but has gained greater currency in recent years, thanks to the work of American political scientists Gary Fuller and Jack A. Goldstone. They argue that developing countries undergoing "demographic transition"—or those moving from high to low fertility and mortality rates—are especially vulnerable to civil conflict.[322] In fact, "A large proportion of young adults and a rapid rate of growth in the working-age population tend to exacerbate unemployment, prolong dependency on parents, diminish self-esteem and fuel frustrations."[323]

[318] ibid 302.
[319] ibid 320.
[320] 'Population by Age Groups' (*Federal Statistical Office*) <https://www.destatis.de/EN/Themes/Society-Environment/Population/Current-Population/Tables/lrbev01ga.html> accessed 23 July 2024.
[321] 'Labour Force and Household Living Conditions Survey 2018-2019 Lebanon' (n 310) 25–26.
[322] 'The Effects of "Youth Bulge" on Civil Conflicts | Council on Foreign Relations' <https://www.cfr.org/backgrounder/effects-youth-bulge-civil-conflicts> accessed 23 July 2024.
[323] ibid.

3.1.2.6 Diaspora

Another characteristic of Lebanese society is large number of diasporas. "There is no reliable source on the number of Lebanese living outside the country"[324] but "estimates vary widely but a figure of 3 to 4 million Lebanese abroad is often cited."[325][326]

Based on research's, They remain interested and involved in the political situation and development of their homeland through what has been coined as "transnational political practices" or labeled as "long-distance nationalism" or "diaspora nationalism."[327] And even in some situations like 2019 protests, "formed their own publics in support of the Lebanese revolution that interfaced with the local Lebanon-based publics"[328].

3.1.3 Politics

3.1.3.1 Perception of State

And last but not least is the perception of government within the Lebanese society. Based on Arab Barometer survey in 2020, Lebanese citizens have the lowest level of confidence in most of their political institutions of any country surveyed by this institute. Only eight percent of citizens say they have a great deal or quite a lot of trust in the government[329]. Fewer than one in ten citizens say they have a great deal or quite a lot of trust in either the president or prime minister.[330] Nearly all Lebanese citizens (96 percent) believe corruption is prevalent in government to a large or medium extent.[331] Nearly a third of citizens say there is no effective way to influence government decisions 33 percent say protesting[332] and conclude nearly three in 10 (29 percent) Lebanese

[324] Éric Verdeil and Bruno Dewailly, 'International Migration and the Lebanese Diaspora' in Eric Verdeil, Ghaleb Faour and Mouin Hamzé (eds), *Atlas of Lebanon : New Challenges* (Presses de l'Ifpo 2019) <https://books.openedition.org/ifpo/13224> accessed 23 July 2024.
[325] ibid.
[326] As previously explained, there are not an unique statistic about Lebanese diaspora and even some sources writes "The total population of Lebanese people is estimated at 18 million, of which about 75% is living abroad; six to seven million Lebanese people live in Brazil". 'Remarkable Facts' (*Living Lebanon*) <https://www.living-lebanon.com/about-lebanon/remarkable-facts> accessed 23 July 2024.
[327] Guita Hourani, 'Lebanese Diaspora and Homeland Relations' 9.
[328] Sarah Armouch, Reem Talhouk and Vasilis Vlachokyriakos, 'Revolting from Abroad: The Formation of a Lebanese Transnational Public' (2022) 6 Proceedings of the ACM on Human-Computer Interaction 1, 406:1.
[329] 'Arab Barometer VII, Lebanon Report' (2022) 7 <https://www.arabbarometer.org/wp-content/uploads/ABVII_Lebanon_Country_Report-ENG.pdf>.
[330] ibid 12.
[331] ibid 13.
[332] ibid 19.

citizens report having attending an in-person protest at least once in the past year that is among the highest in the region.[333]

Of course, people should not be criticized for this issue, because especially in recent years, Lebanon is practically in a state of statelessness. Government formation periods came to take up more than 13 months on average, up from only two to 14 days up to 2005 and the number of laws enacted in parliament dropped by more than a third: from 67 in the year preceding the financial crash (August 2018 to 2019) to 41 in the year thereafter.[334]

3.2 Beirut

3.2.1 A short history of the city

Beirut is the capital of Republic of Lebanon, based on Article 4 of the 1926 constitution[335]. But "from the last Ottoman decades, Beirut became hegemonic in both politics and commerce"[336] This narrative has opposite by whom that are defenders of Tripoli's position in history of Lebanon.

These people believe that the people of Tripoli were against joining the government of Lebanon in 1920 and for that reason they did not accept to be the capital of this newly established country. They even protested in the streets, which was suppressed by the French mandate forces, and then the French decided to punish the resident of Tripoli and chose Beirut as the capital, while:

> *"Tripoli in all of Lebanon is the only true city that enjoys a traditional urban structure and social structure that are rooted in history without interruption, unlike Beirut, which will become the capital of Lebanon after Tripoli's rejection and rebellion against its annexation…Beirut was nothing more than a small forgotten village, before it became an artificial and fabricated city due to the colonial control that preceded the birth of Greater Lebanon."*[337]

In this narrative, Tripoli is a "rebellious and tough city"[338] that "This Lebanon betrayed it, weakened it, undermined its heritage, then isolated and marginalized it, so it rebelled against it"[339]

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[333] ibid 21.

[334] Namees, 'The Grand Waiting Game: Why Lebanon's Elites Postpone Compromise' (*Economic Research Forum (ERF)*, 14 February 2023) <https://theforum.erf.org.eg/2023/02/14/the-grand-waiting-game-why-lebanons-elites-postpone-compromise/> accessed 13 August 2024.

[335] 'Lebanon 1926 (Rev. 2004) Constitution - Constitute' art 4 <https://www.constituteproject.org/constitution/Lebanon_2004> accessed 27 July 2024.

[336] Harris (n 292) 7.

[337] محمد أبي سمرا, *طرابلس ساحة الله وميناء الحداثة* (Dar al Saqi 2017) ch 1.

[338] ibid.

[339] ibid.

But with its "internal social cohesion and its sense of freedom and independence"[340] enabled "to turn its back on the Lebanese state and its continuous punishment for a hundred years, that is, from the beginning of the twentieth century until now".[341]

Against this narrative that tries to consider Beirut's capital and prosperity to be artificial and the result of foreign (French) will, there is another historical narrative that sees Beirut as a city that reached this position as a result of the prosperity of trade in the late 19th century. In this narrative, the increase in silk planting in the areas of Mount Lebanon, along with the increase in its price, will increase the quality of life and the population of Maronite Christians who lived in these areas, and they will gradually think that they want a port for themselves. This matter also supported by France as their foreign power. In this way, Beirut, which had a smaller population than Tripoli before 1860, had three times the population of Tripoli within about 50 years, i.e. in 1914.[342]

What is the relation of this matter to this thesis? The history of urbanization in Beirut can show us that we are facing either an organic urban development or an artificial one.

An organic urban development means that "both the passing of time and the new residents are (f)actors influencing the future design of the district."[343] While an "artificial" developed city "deliberately created by designers and planners"[344].

In the narrative of Tripoli people the people of Tripoli, Beirut is totally an "artificial" city but in second narrative, the historical ones, the development of city by "France" was an artificial development. Both of them has the same result but in the first one, the development of Beirut in the Ottoman era has missed. This is very important and maybe deliberate missing because in Tripoli narrative, there is a sense of pride because the port that the Ottomans built in this city, named *Al-Eskeleh*[345] but there is nothing about role of Ottoman empire in development of Beirut.

History tells us that the urban development of Beirut was not initiated by the French mandate but "{a}s of the mid-19th century, the city started to change as a consequence of the attempts made by the Ottoman Sultanate to modernize and to introduce administrative reform."[346] These reforms are called Tanzimat. "The Tanzimat –the word meaning literally organization or reorganization in

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[340] ibid.
[341] ibid.
[342] Harris (n 292) 165–168.
[343] Petra Schilders, *The Organic City: Method Or Metaphor : The Meaning of 'Organic' in Architecture and Urban Planning* (International New Town Institute (INTI) 2010) 5.
[344] Cowan (n 68) 64. Based on "A city is not a tree", an essay by Christoper Alexander (1965).
[345] سمرا (n 337) ch 1.
[346] Nasser Yassin, 'Beirut' (2012) 29 Cities 64, 66.

Arabic- represented an urge to 'imitate' Europe as per the words of admiral Khalil Pasha back in 1830."[347]

Some scholars believe that "{t}he first results of Tanzimat Reforms were seen in port cities, as the state was closely interested in changing their physical features and their functioning by various laws and regulations to cope with the west."[348]

Moreover, in the opinion of some scholars, even outside of Tanzimat context, the *development of Beirut started during Ottoman empire last years.*

> *"The establishment of the French-controlled Ottoman Bank (1850), the low import duties and the building of the wharf attracted foreign entrepreneurs and investors, followed by trading firms and consular representatives {and} Finally, the construction of the Beirut-Damascus mountain road opened Beirut to the Syrian/Arabian interior and made it the principal entrepôt of the region."*[349]

If we take this historical background into consideration and then look at the French mandate's urban development of Beirut, we can conclude that in both eras, we have an "artificial urban development" called "Colonial Planning"[350] by some scholars.

However, in this analysis, these two phases are different. The first planning in 1830s - 1910s, was responsible for much of Beirut's early modernization and was an effort of "secondhand modernization" that planning models were mostly Western and The second one in 1920s - 1930s, which is the period of the French Mandate was the French superimposed a Beaux-Arts / Haussmanian model consisting of wide boulevards intersecting at monumental squares over the city's medieval fabric, which already had been partially razed during the late-Ottoman period.[351]

But:

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[347] Nadine Hindi, 'Narrating Beirut Public Spaces Westernization' [2020] Méditerranée. Revue géographique des pays méditerranéens / Journal of Mediterranean geography para 6 <https://journals.openedition.org/mediterranee/11486> accessed 29 July 2024.

[348] Pelin Kihtir Öztürk, 'Urban Transformation of Ottoman Port Cities in the Nineteenth Century : Change from Ottoman Beirut to French Mandatory Beirut' (Master Thesis, Middle East Technical University 2006) 131 <https://open.metu.edu.tr/handle/11511/15946> accessed 30 July 2024.

[349] Robert Saliba, *Beirut 1920-1940: Domestic Architecture Between Tradition and Modernity* (Order of Engineers and Architects 1998) 7.

[350] Robert Saliba, 'Emerging Trends in Urbanism: The Beirut Post-War Experience' (*Center for the Study of the Built Environment*, 20 April 2000) <https://www.csbe.org/material-on-water-conservation-1-1> accessed 30 July 2024.

[351] ibid.

> *Unlike other examples of colonial planning in the region, where a dual city model was used and the old city was left intact and the new sections were constructed adjacent to the old ones, in the case of Beirut, colonial planning proceeded by superimposition instead of juxtaposition. Beirut's medieval fabric consequently had disappeared to be replaced with the colonial early modern Beirut {and} this issue is of considerable importance when discussing the identity of the city of Beirut.*[352]

Another scholar has recognized another difference between the Ottoman model of development and the French one. Nadine Hindi writes:

> *The primary Ottoman incentive at that time was reordering state control by connecting the Empire fragmented territories and creating an unprecedented infrastructural network among Arab provinces leading to the holy cities of Al-Hijaz (Mecca and Medina). This concern for bringing cohesion to the territory was followed by the economic one. The modernity of this approach diverged from the French Mandate concern for boosting a cultural image of civilization.*[353]

Without any further delve into the differences between these two types of urban development of Beirut, we can recognize a very important similarity. As previously explained, the type of urban development in Beirut was artificial or top-down planning means that "Modernist urban planning approaches continuously favored local elites such as politicians and landowners, emphasized physical building and redevelopment with little attention paid to social and community interests."[354]

For more evidence about this matter, it will be good to review the history of urban planning and even master plans of Beirut.

3.2.2 A short history Urban Planning and Design in Beirut

Based on Robert Saliba and Nasser Yassin, the urban development in Beirut till 1940 was without any comprehensive plan. At the beginning of 40's, Michel Écochard (1905-1985) started to make an urban plan for Beirut.

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[352] ibid.
[353] Hindi (n 347) para 20.
[354] Jean-Pierre El Asmar, John Obas Ebohon and Ahmad Taki, 'Bottom-up Approach to Sustainable Urban Development in Lebanon: The Case of Zouk Mosbeh' (2012) 2 Sustainable Cities and Society 37, 38.

What French mandate want of Écochard, has "Strategic reasons"[355]. Their intention was that in the event of an invasion or attack, the allies needed to move their armies as efficiently as possible along the mountainous coastline and along Lebanon's coastal cities while creating clear axes that connect the city's peripheries to their central districts.[356]

The reason for this story lies in the time context because these years coincide with the Second World War. In fact, France at that time was actually pursuing military goals in Lebanon by using "protective mission of minorities"[357] justification in connection with its Catholic roots.

But Écochard was not successful in implementing its plan. Even with high profile aid by French mandate official, for example General Catroux who wanted to Écochard become a "dictator" on urban planning and also exceptional combination of strategic imperatives and military administration.[358]

The reason was that Écochard promoted his plan as one where the "technical expert defends the public interests,"[359] but two groups of "the owners subject to expropriation in the project"[360] and "Beirut landowners"[361] were biggest obstacle of Écochard project and, "Not surprisingly, the most vocal opposition stemmed from Beirut's property owners and landed elite."[362] So this plan was undoubtedly neither clearly perceived nor appreciated."[363]

In other words, according to the researchers, "the power structure and division within the Lebanese political system, the Ottoman established sectarian-economic system, allowed these families significant agency over urban decisions, especially given their consistent dominance over the Beirut Municipality"[364] and finally, "the lack of top-down decision making due to the numerous and diverse actors at play, each of whom meant to advance their own economic agenda at the expense of the city itself and its inhabitants."[365] was the reason for the failure of Écochard' s plan.

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[355] Verdeil (n 297) 32.
[356] Ali Khodr, 'Planning a Sectarian Topography: Revisiting Michel Ecochard's Master Plans for Beirut between 1941-1964' (American University of Beirut 2015) 54 <https://www.archnet.org/publications/14221> accessed 1 August 2024.
[357] Keilo (n 286) 252.
[358] Verdeil (n 297) 43.
[359] Saliba (n 350).
[360] Verdeil (n 297) 44.
[361] ibid 45.
[362] 'Devastated by Laissez-Faire - Executive Magazine' <https://www.executive-magazine.com/opinion/comment/devastated-by-laissez-faire> accessed 1 August 2024.
[363] Verdeil (n 297) 45.
[364] Khodr (n 356) 65.
[365] ibid 66.

This opposition by Beirut landowner, creates a new question, and that is, who are these people and why and how their ownership of land has given them the power to stand against urban plans? Research shows how the landowning elite in Lebanon were able to establish their power during the Ottoman rule over this region. First of all:

> *Ottomans reached Lebanon and the Levant in the year 1516. The region was peripheral in relation to Istanbul, the Centre of power. Hence, governance was "subcontracted" to local notables who found their place in the power dynamics…This form of governance was institutionalized by forming local councils that claim legitimacy and authority over residents. These networks were tools of domination that later affected the registration process of landed properties.*[366]

Second,

> *The Ottoman Empire's main goal in systematic individual land titling was to collect more taxes to fund their wars. {But} farmers were rarely owners of the lands they till. {Because} They feared taxes, the military or had lost lands through unpaid mortgage. By the beginning of the twentieth century, the collapse of the silk industry led to massive land transfers from peasants to credit lenders. So, landowners who owned large areas of lands at the time were from well-off families in regions never visited.*[367]

And also

> *Local emirs and sheikhs assigned by Ottoman rulers over delineated regions to collect taxes from town dwellers on behalf of the Sublime Porte viewed land as a source of authority. They constantly sought to expand their rule of privatized miri lands through fraudulent titles or de facto power. {even after that} Ottoman land reforms sought mainly to manage fraud and decrease the number and authority of middlemen, increase their tax returns and consolidate central power, Local notables used the gaps in the system and their influence to profit even more and reinforce their presence by registering properties in their names.*[368]

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[366] Petra Samaha, 'Land as a Cash Machine: The Case of Lebanon' (Arab Land Initiative 2023) 10 <http://arablandinitiative.gltn.net/library/research-iInnovation-fund/land-as-a-cash-machine-the-case-of-lebanon> accessed 4 August 2024.
[367] ibid 11. (Order of Sentences are not exactly as same as source)
[368] ibid.

So, besides the fact that "Considering land as a scarce resource in economic production increased its commodification"[369], These historical realities tell us how an elite rich class was created in Lebanon. People who had large lands and, as a result of high wealth, had great power in the social sphere, especially for urban interventions. But this is not all, and when Lebanon rings from the traditional economy to capitalist economics, the power of these landowners also increases.

We know that Lebanese economy has recognized by some factors and between them is the banking system. There is some research that shows "the urban development and banking sector are in perfect regression and as a result, the urban development is depending strongly on the banking sector. In other words, this means that good banking conditions cause a growth in the built-up development."[370]

But it seems that this analysis has a problem. The problem is that prosperity in real estate sector doesn't mean urban development. In fact, banking system, not only in Lebanon but in all over the world has a direct relation and also interest in financialization of land. As David Harvey explained it's because

> *The house was viewed as an instrument of capital accumulation and speculative gain. It became an ATM machine from which people could extract wealth by refinancing their mortgages. Credit and liquidity sloshed through housing markets, driving house prices hither and thither. But behind this shift a far more monstrous power emerged. The focus was not on the house but on the land upon which it stood. The gap between current land value and the value under the highest and best use enticed investors. To realize this speculative gain either the existing uses had to be displaced and present occupants evicted, or current residents had to pay higher land rents for the privilege of staying put.*[371]

Also, as another historical fact, it must be mentioned that even when "Camille Chamoun[372]'s administration attempted to weaken the political influence of the old quasi-feudal landowning elite and to strengthen the base of the international service economy"[373], they don't give up completely

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[369] ibid 5.
[370] Walid Al-Shaar and Olivier Bonin, 'Factors behind the Dynamics of Land Use Evolution: Case of Lebanon' (2021) 3 SN Applied Sciences 11.
[371] 'A Tale of Three Cities' <https://tribunemag.co.uk/2019/01/a-tale-of-three-cities> accessed 4 August 2024.
[372] President of Lebanon from 1952 to 1958
[373] Carolyn Gates, *The Historical Role of Political Economy in the Development of Modern Lebanon* (Centre for Lebanese Studies 1989) 19.

of land and housing matters and "real estate rental codes were abolished to encourage construction"[374]. So, another type of feudal, gain interest of these policies.

So, if we merge these historical and also eco-political facts with demographic, geographical and also price facts, the importance of land in Beirut will be clearer. About Demography we must consider that the population of Beirut has been risen from 322,000 in 1950 to 2,402,000 in 2024.[375][376] It means approximately 745%. While in same period Tehran[377] gained 923% more population and Cairo[378] 907%. But we must consider that the whole area of Beirut is 67 square km[379] while Tehran is 707 square km[380] and Cario is 606 square km[381]. So, it's not strange when we read that "the price of land rose by 300 per cent between 2003 and 2010."[382][383] This graph also shows that what happening in Beirut with huge rise in population and also considering limited area. It can easily understandable that between 1984 and 2018, even with civil war, the built-up land use rise about 38 times.

[374] ibid.

[375] 'Beirut, Lebanon Metro Area Population 1950-2024' <https://www.macrotrends.net/global-metrics/cities/21773/beirut/population> accessed 4 August 2024.

[376] In addition to natural factors such as birth rate, the economic prosperity of Beirut in the 1950s, as well as the three incidents of Palestinian migration due to displacement after the formation of the Jewish state in 1948, the flood of Tripoli in 1955 and the earthquake in the city of Sidon in 1956, also contributed to the growth of the population in the city. Khodr (n 356) 72.

[377] 'Tehran, Iran Metro Area Population 1950-2024' <https://www.macrotrends.net/global-metrics/cities/21523/tehran/population> accessed 4 August 2024.

[378] 'Cairo, Egypt Metro Area Population 1950-2024' <https://www.macrotrends.net/global-metrics/cities/22812/cairo/population> accessed 4 August 2024.

[379] 'Beirut | History, Population, Religion, & Tourism | Britannica' (3 July 2024) <https://www.britannica.com/place/Beirut> accessed 4 July 2024.

[380] 'Tehran | History, Population, & Tourism | Britannica' <https://www.britannica.com/place/Tehran> accessed 4 August 2024.

[381] 'Cairo' (*citiesabc the digital Magna Carta social impact platform for cities*) <https://www.citiesabc.com/city/cairo/> accessed 4 August 2024.

[382] Samaha (n 366) 6.

[383] This is not just a matter of recent years. In 1963, a study published by the IRFED Mission wrote about Beirut that population growth in the city, "has led to a spiraling rise in land prices, accompanied by speculation, making it practically impossible to acquire land for the public benefit. Thus, the municipality's work at the present time is limited to some expensive and often incomplete achievements."IRFED mission, 'Lebanon faces its development: a summary of the first IRFD study 1960-1961' (Ministry of planning 1963) DEV/g63/1 48–49 <http://www.studies.gov.lb/Sectors/Development/1963/DEV-g63-1> accessed 8 August 2024.

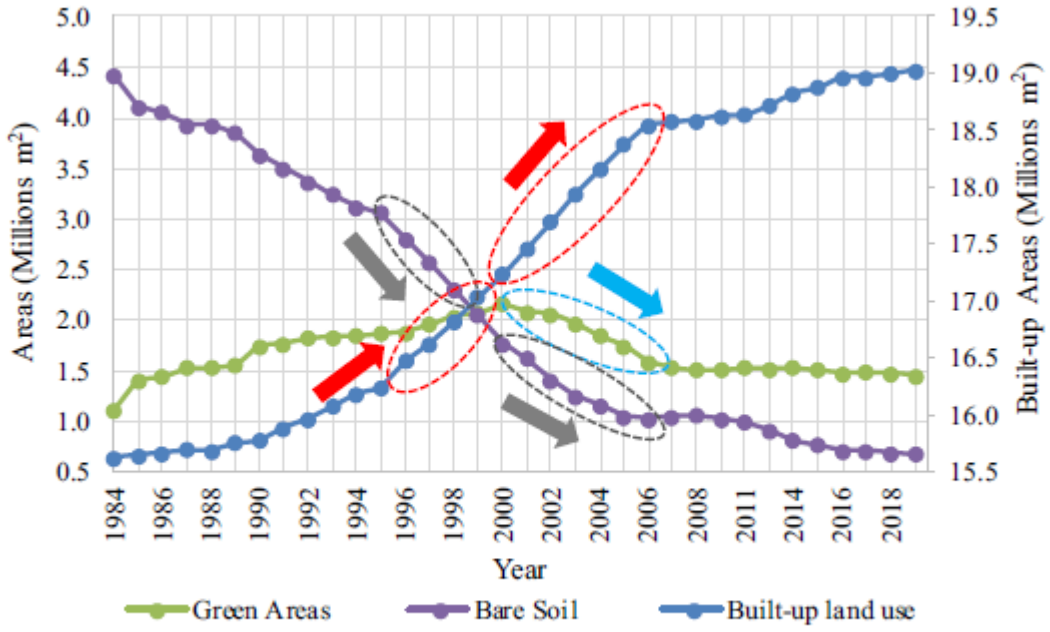

Figure 2 Land use dynamics in Beirut (1984–2019)

(Factors behind the dynamics of land use evolution: case of Lebanon, Walid Al-Shaar, Olivier Bonin, p.13)

And the last point is that in Lebanon, that as previously discussed is one of the tiniest countries of the Middle East, 52 percentage of the whole country is Rocky, non-cultivated lands, degraded range lands and 13 percentage of country is forests. These climatic and geographical features of the Lebanese land also provide another reason for the scarcity of land, which makes it valuable and, as a result, empowers the owners of the land.

Regardless of the reasons for the failure of Écochard' s plan, we can review this plan from the point of view of the subject of this thesis, i.e. the opportunities and challenges in the field of the public sphere and the atmosphere of its protests.

Écochard' s plan, in eyes of researchers, had positive aspects, such as the attempt to integrate[384] the sectarian city of Beirut, that suffers from "The lack of lateral connectivity between Beirut's neighborhoods and the longitudinal expansion of the city Southward meant the extrusion of the city's sectarian neighborhoods along pre-established community quarters with a lack of an overall comprehensive circulation pattern"[385] with "three lateral connections directly linking the Eastern and Western portions of the city"[386] as well as its "modernizing Beirut, with the application of a

[384] Khodr (n 356) 63.
[385] ibid 58.
[386] ibid 250.

radial system of planning around the city center"[387], but first of all, this plan answered the concern of a military thought to control the city[388], and on the other hand, by connecting the different sectarian islands of the city through streets (which were created later), it created the ground for sectarian conflicts[389].

After reviewing the 1943 master plan of Écochard, we must look at 1954 and 1964 master plans of Beirut.

The 1954 plan devised by a group of Lebanese planning experts, who took a different approach than that of the Écochard plan.[390] This plan was primarily under the leadership of Swiss planner Ernst Egli.[391]

The goal of this plan was "re-organizing the city in order to further the development of business by connecting the touristic and commercial areas of the city."[392] Therefore, although the goal of satisfying the military demands of France was abandoned, but still, providing the public interest was not a priority.

Also, regardless of the change of the urban fabric because of significant growth of Beirut in past decade, "the road network previously proposed during Écochard' s 1943 plan was imported."

The plan also brought other criticisms, such as that it does not have the comprehensiveness of Écochard' s plan because "did not take into consideration Beirut as part of its larger context"[393] and also this matter that "the zoning proposals; were dropped, including those relating to the preservation of the city's natural and archaeological sites and its architectural monuments and no designated open and green spaces."[394]

According to Saliba, the 1954 plan was the most damaging plan to Beirut because it was the outcome of the numerous pressures that were exerted on the planners by politicians, businessmen,

[387] ibid 63.
[388] In fact The logical consolidation of airport-port- political center was meant to facilitate armored vehicular access to and from the city center as efficiently as possible while providing the French mandate authorities with clear routes of evacuation withdrawal should the city be attacked. ibid 60.
[389] ibid 63. For example residents of the Greek Orthodox neighborhood in Mousaytbeh, which when transiting between their locality and the city center, experienced various forms of sectarian violence while passing through their surrounding Sunni neighborhoods and vice versa.
[390] Saliba (n 350).
[391] Khodr (n 356) 74.
[392] ibid.
[393] Saliba (n 350).
[394] Khodr (n 356) 74.

and property owners and according to Khodri, “the plan as a whole, awarded Beirut's land-owning bourgeoisie a resounding victory”.[395]

In late 1961, Écochard would again be contracted by the Lebanese Republic to provide a comprehensive plan for the city and its suburbs.[396] This plan, which was not implemented due to the same reasons, i.e. the real estate issue[397], has an important feature from the researchers' point of view, which is important for understanding the ideas of Écochard and the urban design of Beirut. This is the characteristic that Écochard’ s influence of Le Corbusier[398] (1887-1965), the famous Swiss-French architect and urban planner, is clear in this plan.

Le Corbusier is known in the field of urban planning for his focus on order in design and commitment to social engineering. He goes towards the orderly design of cities and the separation of their functions into four functions: residence, work, travel and recreation, which can be seen in his implemented plan for the city of Chandigarh, the new capital of the state of Punjab after the independence of India.

In this city, for example, luxurious houses for government officials are located in the highest parts, the space and amenities literally decrease as you go down. Ward 17 is the center of the city with cinemas, banks, restaurants and shops. Throughout the city, a park includes fitness trails, fountains, and a museum.

Of course, it was not only the desire for order that brought such urban design ideas to Le Corbusier's mind, but his right-wing and fascist ideas were also included. Ideas that were based on the fact that in ideal cities, by providing better houses and leisure time and facilities for cultivating the body and mind, the revolutionary tendencies of the working classes would be neutralized![399]

It was on this basis that Écochard in his 1961 plan predicted three new cities in the suburbs of Beirut and designed a communication network for them with the city and predicted that administrative and government buildings such as the new parliament building would be built in the vacant land at the intersection of the old city and the new city. The interesting thing to note in

[395] ibid.
[396] ibid 86.
[397] ibid 91.
[398] ibid 90.
[399] Ray Hutchison, *Encyclopedia of Urban Studies* (SAGE Publications 2009) 444–446. (The last three paragraphs are translations of Simon Richards’s article in this encyclopedia about Le Corbusier)

Écochard' s plan for the social engineering of Beirut was that he, probably with the opinion of the government that was opposed to the permanent settlement of Palestinian refugees, basically did not include Palestinian camps in the urban master plan of Beirut so that these temporary camps would not become neighborhoods.[400]

And in 1964 a Greater Beirut Plan was adopted with the help of Écochard. [401]

Although twenty years had passed since Lebanon's independence and the withdrawal of French troops, security and military concerns (perhaps with the background of the fear of the 1958 civil war) still influenced Écochard, and he proposed a network of roads in Beirut that could connect Baabda (the residence of the president of Lebanon), Hazmiyah (Beirut-Damascus road) and al-Fayadiyah area (home of the newly built Ministry of Defense and the headquarters of the Lebanese Armed Forces) to other parts of the city immediately. An issue that brings to mind the stabilization of city circulation around the main structures of power and security.[402]

On the other hand, in order to move towards urban integration in Beirut, Écochard stops connecting different neighborhoods that are inhabited by different sects with roads network and moves towards another type of communication between sects. He sees a kind of poverty and economic deprivation common among these sects and comes to the conclusion that these groups should live and interact with each other in neighborhoods that are self-sufficient in terms of public sphere and economic opportunities. Another advantage of this plan, according to Écochard, is that it "minimizes the often-large commutes across the city between various communities, a key factor behind sporadic urban violence in Beirut".[403]

One of the most important parts of this plan was "establishing new legislation that allowed planning processes to be carried out by joint public-private real estate companies. This joint public-private approach to planning was then opposed by the owners of real estate properties, and therefore was not implemented". [404]

[400] Khodr (n 356) 86–91.
[401] Saliba (n 350).
[402] Khodr (n 356) 94.
[403] ibid 91–98.
[404] Saliba (n 350).

Instead, “his density proposal would be greatly modified by Lebanon's political class, seeking to capitalize on real-estate development in the new cities…{and} allowing the haphazard and unchecked development of the mountainsides surrounding the city”.[405]

So, “although colloquially referred to as Écochard’ s plan, the architect himself dismisses his agency over the proposal, citing its irreparable modification”.[406]

Interestingly enough, “the Lebanese businessman and current prime minister, Rafiq al-Hariri, has reestablished that legislation in the early 1990s - but gave it a different scope - so as to establish Solidere”. [407]

After this period, the urban planning and design of Beirut has been carried out in the form of four plans. The 1977 design by the French consultant L'Atelier Parisien D'Urbanisme (APUR) and the 1983 design by the regional consulting engineering company Dar Al-Handasah, the 1991 design (after the war) again by Dar Al-Handasahand the 1994 design which was first designed by Dar Al-Handasah and then by Solidere It was emphasized.[408]

But as Seliba says “Lebanon does not suffer from a lack of planning laws or regulations, but from the failure to implement such laws and regulations. He attributes this failure to the weaknesses of existing management systems.”[409]

What we have reviewed here can have three clear results:

1. The first is the impact that Écochard’ s ideas have had on the urban design of Beirut. In fact, although his plans, including the 1943 plan, were not implemented, has had a considerable “intellectual impact” on the planning models that followed it.[410]

2. The impact that French military and security ideas had on the Écochard plan and through it on the overall planning and urban design of Beirut.

3. And finally, the failure of these plans, which was more than anything caused by the interests of the powerful group of property owners in Beirut.

[405] Khodr (n 356) 106.
[406] ibid.
[407] Saliba (n 350).
[408] ibid.
[409] ibid.
[410] ibid.

3.2.3 A special urban feature: Road Networks

Another feature of Beirut to talk about is the city's road network. We said earlier that France had military goals of Beirut's urban development plans and therefore demanded "several large avenues that delineate the city's center as well as pierce through the fabric to provide direct access between the port, airport, Grand Serail, the city's largest public spaces, its railway station, and the road to Damascus."[411]

Beirut has two phases of building roads and avenues. The first one was in 1950. In this period of time two important avenues were built: Corniche al-Mazraa and Elias Sarkis (Independence) Avenue. The goal of this avenue was "urban connectivity, as opposed to segregating the city"[412].

Figure 4 Corniche al-Mazraa

Figure 3 Elias Sarkis (Independence) Avenue

But the second was in 1950 and 1960 was aimed at complementing the growth of Beirut as a regional financial and tourism hub. Based on Ali Khodr, the main idea was: "I want to get from the airport to the city center in one straight line. And when I get to the city center, I want to be able to go around the city center in a straight line, or at least in a loop. All of these are things that we need to consider."[413]

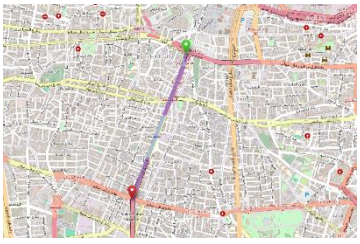

Figure 7 Salim Salam Road

Figure 6 Bechara El Khoury Road

Figure 5 Fouad Chehab Road

[411] Khodr (n 356) 54.
[412] Mohamad El Chamaa, 'Beirut's Main Roads Were Meant to Connect the City. Instead, They Divided It' *L'Orient Today* (26 August 2022) <https://today.lorientlejour.com/article/1309534/beiruts-main-roads-were-meant-to-connect-the-city-instead-they-divided-it.html> accessed 11 August 2024.
[413] ibid.

This era saw the construction of the major arteries we know today, such as Fouad Chehab, Bechara El Khoury and Salim Salam.

Therefore, it can be concluded that in general two types of roads have been established in Beirut. North-south roads with the purpose of access from downtown to the airport with tourist destinations (except Fouad Shahab road, which was probably established with the purpose of access from downtown to northern cities such as Byblos and Batrun, as well as mountainous areas) and streets from east to west And vice versa with the purpose of sectarian connection.

Both of these cases have been influential in the topic of our thesis. In two ways: firstly, by pulsing the protestors about the importance of the roads, which made them take strategies such as closing the highways, and secondly, by putting pressure on some sectarian groups in some areas, which made them feel that demonstrator caused besiege their area and then don't participate in protest or even destroy the unification of them. We will discuss this issue more in the final chapter, but before that, we must examine the factors that have intensified urban protest tactics on the roads.

The first factor is the amount of car usage in Lebanon and specifically in Beirut. "Lebanon is among top 25 countries with highest car ownership. According to McKinsey Global Institute, 865 out of every 1,000 residents in Lebanon own a car."[414] Based on another statistic there are more than two million cars for six million people in Lebanon.[415]

In this case, as in the case of real estate, traces of business can be seen. In fact, the car importers have been able to mold the car as a sign of freedom to the bourgeois class of society[416], but beyond that, it seems that there was another purpose behind these roads, and that is to "disconnecting people from the city"[417].

In fact, after worrying about sectarian tensions, the government's only concern for building these roads has been to get from one origin to one destination, and not necessarily to build a street. Street or boulevard in its French sense is considered a public arena as we showed in the first chapter. In fact, it is a place to live and not necessarily a path to cross, but in Beirut, the paths have less of this feature.

It can even be said that the failure of public transport in Beirut also has such a background. In fact, the government does not want to be the curator of something that the "public" can use and end up getting into

[414] 'Lebanon Among Top 25 Countries with Highest Car Ownership' (15 February 2019) <https://www.the961.com/lebanon-among-top-25-countries-with-highest-car-ownership/> accessed 11 August 2024.
[415] 'Lebanon's Car Culture Questioned in Crisis' (*France 24*, 20 October 2021) <https://www.france24.com/en/live-news/20211020-lebanon-s-car-culture-questioned-in-crisis> accessed 11 August 2024.
[416] El Chamaa (n 412).
[417] ibid.

the sectarian challenges associated with it. A situation that has caused nearly 81% of all trips in Beirut to be made by private vehicle.[418]

This issue will become clearer when we pay attention to the research that has been done on walkability line Beirut. Based on this research in Beirut, "6 % of streets lacked sidewalks completely, while roughly 17 % of existing sidewalks had permanent obstructions. Approximately 20 % of all sidewalks were narrower than the minimum comfortable passing width of 1.2 m."[419]

More importantly, the map obtained by this group of researchers of the situation of pedestrian traffic in the city clearly shows that the pedestrian traffic between the two sectarian parts of the city is completely cut off and pedestrian traffic is only in one part of the city. East or West) is done.

Of course, another point should be noted about Beirut, and that is the special topography of this city. In fact, although Beirut is a coastal city, there are two hills in the middle belt, which has made it not so easy to travel from the economic and political centers in the north of the city to the population and residential centers on foot. In the map of this issue, it is well known that the height from the coastal points to some high points both in the east and in the west of Beirut is even up to 120 meters different.

[418] Andres Sevtsuk and others, 'Pedestrian-Oriented Development in Beirut: A Framework for Estimating Urban Design Impacts on Pedestrian Flows through Modeling, Participatory Design, and Scenario Analysis' (2024) 149 Cities 104927.
[419] ibid.

Figure 9 Map of Modeled Pedestrain Flows at weekday PM Peak Time

Andres Sevtsuk and other (n.288)

Figure 8 Beirut topographic map

(https://en-us.topographic-map.com)

3.2.4 Beirut: Contested and Divided City

And last but not least thing about Beirut is characteristic that urban researchers insist on them in literature about the city with different words but same content.

In words of some researchers Beirut is a contested city.[420] Contested cities are cities "where socio-political order is contested by actors who use violence and repression to challenge or reinforce the prevailing distribution of power and political, economic, and social control."[421] And "For decades now, the name Beirut has been synonymous with war, chaos, and violence. Indeed, from 1975 to 1990, the city was the epicenter of the long Lebanese civil war."[422]

Some other researchers believes that Beirut is a divided city. About definition of this concept, scholars, "categorize this group of cities as polarized and politically divided…The conflicts in these cities are multidimensional and that within the basic religious-ethnic division, there are layers of national division, geographic segregation, and economic stratification."[423]

But we want to use some elements that Peter Marcuse used in his work about recognition of a city as "divided city" because it's very precise and related to our subject, Beirut. Based on him "The growth in the size of certain quarters - notably, the gentrified city and the abandoned city and the shrinking of others", "The importance which the identity of the quarter has in the lives of its residents", "The walls created between quarters, and the intensity with which they are defended" and "The growing internationalization of the connections between certain sections of the city and the outside world, with impacts in all quarters of the city".[424]

Anyone who knows Beirut, reading these features will immediately be reminded of neighborhoods from Beirut. In fact, the significant growth of an area at the cost of its abandonment is an accurate description of Downtown and the Solidere project, the stickiness of the residents' identity with a neighborhood can be seen as soon as you enter any neighborhood and see a lot of signs or writings about that neighborhood. It was seen from a neighborhood in recent years in Tayouneh Incident, when the entry of Shia forces into the Christian neighborhood of Ain al-Ramanah during a demonstration caused a mini-civil war[425], and lastly,

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[420] Hiba Bou Akar, *The For the War Yet to Come: Planning Beirut's Frontiers* (Stanford University Press 2018) 2.
[421] Jonathan Rokem, 'Politics and Conflict in a Contested City' [2012] Bulletin du Centre de recherche français à Jérusalem <https://journals.openedition.org/bcrfj/6895> accessed 11 August 2024.
[422] Akar (n 420) 2.
[423] ibid.
[424] Peter Marcuse, 'What's So New About Divided Cities?' (1993) 17 International Journal of Urban and Regional Research 355, 358.
[425] 'Tayyouneh Clashes: One Year Later, Questions Remain Unanswered' (*L'Orient Today*, 15 October 2022) <https://today.lorientlejour.com/article/1314720/tayyouneh-clashes-one-year-later-questions-remain-unanswered.html> accessed 12 August 2024.

the international connections of each neighborhood which aggravated the rift between them. Sunni Arabs west of Beirut with Syria, Egypt, Saudi Arabia or Palestine, Shiites south of the city with Iran and Christians in the east with France or European and Western countries in general.

Some researchers have historical notes about the roots of division in Beirut:

> *Since the eighteenth century, Beirut's Christian residents settled mostly on the eastern side of the city and Muslim sects in the southern and western sections. One Lebanese historian observed that these clusters have shaped historic events in the city for many generations: "There was always a certain polarization of confessions and this polarization of confessional private areas would lead to a demarcation line, whenever a political problem appeared". With the outbreak of full-scale civil war in 1975, these traditional demographic patterns shaped the conflict and new patterns emerged.*[426]

The reason for dividing city to a Christian neighborhood in the East and Muslim neighborhood on the West is that:

> *{in late 1870} Most Christian newcomers chose to live outside the city in order to avoid Ottoman regulation and military requirements, and this tendency accelerated the emergence of a relatively homogeneous Christian enclave in the eastern suburbs of the capital.*[427]

But interestingly, there were other authors that recognize a common dialectique between Beiruti people: "through the souks, the city functioned as a complex urban entity, each sector depending on the other, independent of religion".[428]

Kotek applies the term "frontier city" to this group of places, differentiating it from "multiethnic" or "multicultural" cities. By "frontier" Kotek means that the divisions are not only economic or ethnic but rather that they are a combination of their location on fault-lines between ethnic, religious, and ideological wholes.[429]

The amount of tension between different groups in the city should not be underestimated. There are researchers who use the term everyday sectarianism to describe these conditions, because they

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[426] Jon Calame and Esther Charlesworth, *Divided Cities: Belfast, Beirut, Jerusalem, Mostar, and Nicosia* (University of Pennsylvania Press 2011) 39.

[427] ibid.

[428] Michael F Davie, 'Demarcation Lines in Contemporary Beirut', *World Boundaries and Borderlands*, vol 2 The Middle East and North Africa (Routledge & International Boundary Research Unit 1992) 37 <https://hal.science/hal-01085205> accessed 12 August 2024.

[429] Joel Kotek, 'Divided Cities in the European Cultural Context' [1999] Progress in Planning 228 <https://www.academia.edu/49742715/Divided_cities_in_the_European_cultural_context> accessed 12 August 2024.

believe that sectarianism has entered the heart and soul of this society to the point where even urban infrastructure and provision of basic needs and service such as electricity (which is usually not done by the government) "are constitutive of a sense of community, while, in turn, a sense of community and belonging reproduces and reiterates the institutional channels and networked connections that created them in the first place."[430]

3.3 Right to peaceful assembly in Lebanese legal system

At the end of this chapter, we must review the status of Right to freedom of assembly in Lebanese legal system.

Based on Lebanon constitution, "the freedom of assembly…guaranteed within the scope of the law"[431]. The domestic legal system of gatherings in Lebanon is regulated by the 1909[432] Ottoman period law, which has been amended twice in years 1931 and 1932[433]. Also, Lebanon is member of ICCPR and also Arab Charter of Human rights that Under Article 24(6) of the Charter, every citizen has the right to freedom of peaceful assembly.[434]

The legal system of rallies in Lebanon is a system where the assembly does not require permission (Article 1), but at least 48 hours before any rally (Article 4), at least two persons residing at the location of assembly; must submit an announcement of the place, day and time of the rally, as well as the name of the two men, to the Ministry of Interior[435] in Beirut and the administrative authority for assemblies to be held outside of Beirut (the *Muhafiz* and the *Qaem-maquam*)[436] outside Beirut (Article 2 and Article 3). The reason and purpose of the rally should also be stated in this notice. (Article 5)

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[430] Joanne Randa Nucho, *Everyday Sectarianism in Urban Lebanon: Infrastructures, Public Services, and Power* (Princeton University Press 2016) 127.

[431] 'Lebanon 1926 (Rev. 2004) Constitution - Constitute' (n 335) art 13.

[432] In some sources, 1911. 'The Right of Peaceful Assembly in Lebanon' (*Peaceful Assembly Worldwide*, 10 May 2021) <https://www.rightofassembly.info/country/lebanon> accessed 17 August 2024. But its not correct because based on Article 11, the law implemented on 20 Jamdi-ul-awwal 1327 that is equal to 20 June 1909.

[433] 'الجامعة اللبنانية | التشريعات الاجتماعات العمومية' <http://77.42.251.205/Law.aspx?lawId=257671> accessed 17 August 2024.

[434] 'The Right of Peaceful Assembly in Lebanon' (n 432).

[435] Department of Political Affairs, Parties and Organizations 'Lebanon' (Euro-Mediterranean Human Rights Network 2013) 4 <https://euromedrights.org/wp-content/uploads/2015/03/FOA2013_EN_LEBANON1.pdf> accessed 17 August 2024.

[436] ibid 3–4.

The government may not be pre -notified or if the meeting is disturbed by security or public order, or bypassing public ethics or preventing regular and regular public interest, preventing a rally from holding a rally. Slow. (1931 and 1932 Amendments)

Assembly can be in any place, except three kilometers from the presidential palace or Parliament (at the time of the sessions)[437]. Also, it is not possible to gather on public roads. The time of the assembly should also be between sunrise and sunset. (Article 6 and 7)

A committee consisting of three people must run the rally and are responsible for maintaining order, preventing unlawful acts, and preventing non -deviation from the matter stated in the statement. They should also prevent the remarks that violating public order and ethics and provoking the crime. (Article 9)

If a meeting is held without a notice, its punishment will be one week to one month in addition to the cash penalty (three to fifteen gold coins), and if with ban, be held, in addition to the cash punishment (25 to 200 Lira Lebanon) the punishment will be one month up to three years in prison. The second case will also apply to the owners of the centers where the rally is held. (Article 4)

In addition, violations of the provisions of this law will result in cash or imprisonment (from 1 hour to one week). (Article 10)

Three points have been made by human rights observers on how these regulations are implemented.

First, despite the requirement to inform the rally, spontaneous and urgent assemblies is also tolerated by if they are not violent.[438]

However, while Lebanese security forces are required to protect human rights under the law of the year 1990[439], cases of excessive force and violent behaviors, for example, have been reported in the protests of Year 2015 and 2020.[440]

It has also been reported that gay rallies in Lebanon or some artists who had political positions in the Syrian civil war are not tolerated, especially by forces outside the government.[441]

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[437] The literature of law is totally ottoman. For example, it said قصرالهمايوني and دوائر الاعيان والمبعوثين but in Lebanon, there is no قصرالهمايونى or even lord parliament (الاعيان). So we can have doubt that this translation by EUROMED not be very precise. ibid 5.

[438] ibid 4.

[439] ibid 6.

[440] 'The Right of Peaceful Assembly in Lebanon' (n 432).

[441] ibid.

Conclusion

The facts we have examined here about Lebanon show that this country is prone to street protests with **Laws related to gatherings that are largely in line with human rights approaches**, **young society** and of course with a **lack of trust in the government**. The catalyst for these street protests is the **ethnic** situation and, of course, the **sectarian divide** among the population. The gaps that make the field of protests more favorable in this **small** country with a **very high population density** compared to the regional average. Protests that can bring the support of the strong **diaspora** of this country.

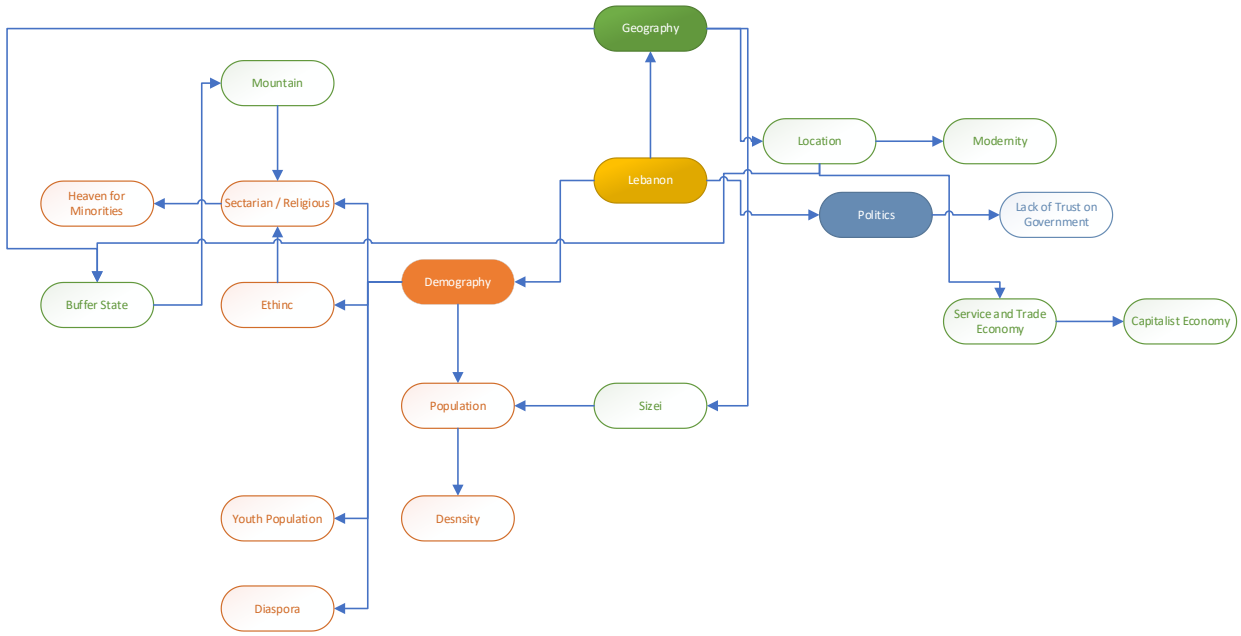

Figure 10 Relation of Characteristics of Lebanon in this thesis.

But from the specific point of view of this thesis, i.e. the opportunities and challenges related to the field of urban design in the field of mass protests, we must point out the mercantile character of the Lebanese society. A structure created by an economic elite class, and this elite even uses architectural structures and urban design to protect itself. In the words of William I. Robinson, who researches global policing policies:

> *The ultra-rich appear to have read the writing on the wall. They are preparing for a collapse by buying up islands, building luxury bunkers, and hiring private armies… Should the Barbarization scenario solidify, global capitalism would become a fortress in which the global elite and a narrow stratum of highly skilled intellectual and technical*

> *workers are able to survive, even flourish for a time-being, behind the ironclad walls of a global police state.*[442]

This is what happen in Lebanon, especially in 2019. Based on Sami Atallah:

> *I would say the ruling elite was actually saved by the pandemic because it actually almost ended these revolutions. But they also use a lot of tactics to stop revolution. They use repression, threats, and violence—whether directly through the state military apparatus or indirectly through political party thugs.*[443]

But specially about Beirut, What is the relationship between the contested city, the divided city, or the frontier city with the topic of our thesis?

The first effect of this issue is to eliminate the "public". Previously, in the second chapter, we explained how public arenas and places can become grounds for protests, but in cities with this level of conflict and separation, it is difficult to create a public arena that can be used by everyone, or that the public can use it regardless of sectarian issues.

On the other hand, it becomes extremely easy to use these sectarian tools to disrupt protests, especially when these sectarian labels are practically attached to people's habitats. It is easy to provoke the residents of a neighborhood that "you surround with demonstrators", or it is possible to separate two opposing groups (who may be protesting the same issue) from coming together in such a way that a demonstration doesn't be big.

On the other hand, in such cities, government can simply develop a neighborhood and take very small actions (without being in the form of a comprehensive and long-term urban plan) to gain the satisfaction of the residents of a neighborhood and prevent them from joining the demonstrations. In fact, what the residents here want is not the public benefit for the whole city but for their neighborhood, and therefore, for example, improving the streets condition of a neighborhood can convince the residents that the government is thinking about them, even if the situation in other neighborhoods is not suitable.

In the reverse direction of this analysis, it can be pointed out that in such cities, in principle, urban issues cannot become a public concern. For example, the destruction of the historical district in a

[442] William I Robinson, 'The Crisis of Fortress Capitalism | William I. Robinson' (*Great Transition Initiative*, 24 October 2022) <https://greattransition.org/gti-forum/which-future-robinson> accessed 13 August 2024.
[443] 'Lebanon's Freefall' <https://www.csis.org/analysis/lebanons-freefall> accessed 13 August 2024.

region is only the concern of the residents of that region and not the whole city because others do not have a historical link with that region.

What changed in Beirut almost since 2015 was that grievances became public grievances. In fact, the garbage crisis in 2015 was a crisis that involved all localities, the WhatsApp tax issue involved everyone in 2019, and the economic crisis related to the value of the national currency was not something that only affected a certain sect.

Therefore, although urban planning is difficult in these cities, it is extremely easy to plan repression in them. Because there is the main ground for people to confront the people (and not the government), and this makes the unity of the people against the government extremely difficult and extremely fragile if it is created.

4 Chapter 4: Protests in Downtown of Beirut, 2005 and 2019

Before delving specifically into the 2005 and 2019 protests in Downtown Beirut, we need to examine three preliminary points. First, we must understand the urban characteristics of Downtown Beirut, and then we should acquire some basic information about the reasons behind the protests in these two years.

Downtown of Beirut

The reconstruction project of Downtown Beirut began after the signing of the Taif Agreement in 1989, the end of the civil war in 1990, and with Rafik Hariri's premiership in 1992.[444] In May 1994 the Hariri government appointed the private joint-stock company Solidere to finance, restore, and oversee the reconstruction and rehabilitation of Beirut's Central District.[445]

In the existing literature, there is wide criticism of Solidere's operations, ranging from allegations of corruption[446] to dispossession of residents[447]. Here, we will focus only on the aspects of this project that are relevant to the topic of our thesis.

Solidere's objectives, as identified in the research literature, are twofold: first, to regain its Beirut's pre-war role, and second, "to announce the end of war and the beginning of the return to normality"[448].

These two goals led to the extensive destruction of Beirut's downtown area. "In the end Solidere's bulldozers levelled more structures than did the entire civil war."[449] Amid widespread protests regarding the erasure of the city's memories, Solidere sought to establish a non-sectarian, national identity for Beirut, turning towards "Lebanon's ancient roots in Roman and Phoenician times"[450].

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[444] Aseel Sawalha, *Reconstructing Beirut: Memory and Space in a Postwar Arab City* (University of Texas Press 2010) 24,26.
[445] ibid 27.
[446] Charles Adwan, 'Corruption in Reconstruction: The Cost of "National Consensus" in Post-War Lebanon' (The Lebanese Transparency Association, Lebanon (LTA) 2005) 9 <https://www.anti-corruption.org/wp-content/uploads/2016/11/Corruption-in-reconstruction-TIRI-Adwan.pdf>.
[447] 'The Crisis of Heritage in Beirut: Corruption, Capital and Reconstruction' (*SAHGB*) <https://www.sahgb.org.uk/features/beirut> accessed 24 August 2024.
[448] Sawalha (n 444) 27–28.
[449] M Christine Boyer, 'Collective Memory under Siege: The Case of "Heritage Terrorism"', *The SAGE Handbook of Architectural Theory* (SAGE Publications Inc 2012) 337 <https://collaborate.princeton.edu/en/publications/collective-memory-under-siege-the-case-of-heritage-terrorism> accessed 30 August 2024.
[450] Sune Haugbølle, 'Spatial Transformations in the Lebanese Independence Intifada' (2006) 14 Arab Studies Journal 60, 61–62.

However, behind Solidere's claims of nationalism, there appears to be a political motive aimed at erasing memories of the past in favor of those who participated in the civil war.

In words of Sune Haugbolle:

> *the lack of references downtown to the war served the interests of a political class of war veterans, who were protected by a general amnesty in 1991 and later integrated into the post-war political system, and who actively sought to avoid any reminders of the civil war and their own role in it.*[451]

Another notable feature of the Downtown Beirut reconstruction by Solidere was the gentrification of the area, which led to the displacement of the original population and made it increasingly difficult for others to own shops or homes in that neighborhood. This was because the new downtown was "a gentrified neighborhood with built in luxury residential areas like Saifi village, which was...Likewise, the Souks inscribe themselves on this luxurious island by offering merchandise that is always more expensive than anywhere else in Lebanon even if it is the same product."[452]

Thus, the city, which originally began its development from the Downtown area near the port, reached a point where the population of Downtown became smaller than that of its southern areas. This is clearly illustrated in these two maps[453][454].

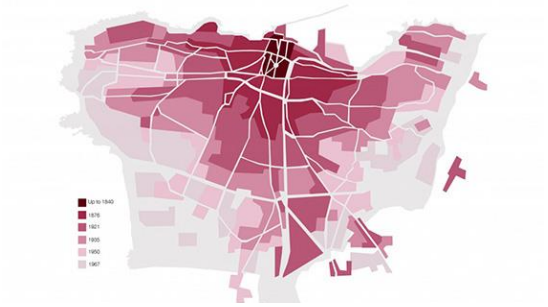

Figure 11 The Growth of Beirut 1870-1975

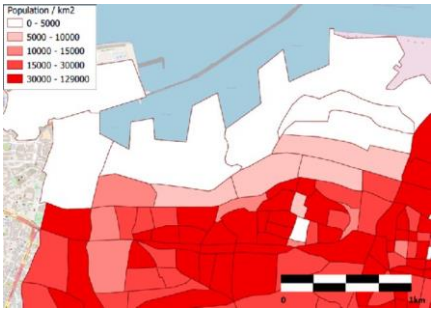

Figure 12 Population density map of Beirut city

[451] ibid 62.
[452] Rawane Nassif, 'The Politics of Memory in the Reconstruction of Downtown Beirut' (2011) 149 <https://era.library.ualberta.ca/items/052c6420-e78f-4853-a29c-7a5222be85e4> accessed 24 August 2024.
[453] 'Beirut: From City of Capital to Capital City |' <https://projectivecities.aaschool.ac.uk/portfolio/yasmina-el-chami-beirut-from-city-of-capital-to-capital-city/> accessed 24 August 2024.
[454] George Valsamos, Martin Larcher and Folco Casadei, 'Beirut Explosion 2020: A Case Study for a Large-Scale Urban Blast Simulation' (2021) 137 Safety Science 105190.

This was completely in contrast to the role that the city center had before the war. “Before the war, the downtown had served not only as a commercial and cultural center but also as a transport hub (all bus and service-taxi routes originated and terminated there, for instance, so that trips to different parts of the city or the country more often than not were routed through the city center). As Jad Tabet points out, the 1977 plan highlighted a desire "to remold the center of the Lebanese capital into a meeting place for the various communities,"”[455]

This is not a point raised by just one study, and it can be argued that such observations about the impacts of the Beirut city center reconstruction project have reached a level of consensus. For example, in another study, we read:

“Before the Civil War and the ensuing rehabilitation of Beirut Central District, the area offered street markets, accessible and inclusive public spaces and an affordable real estate market. The area was identified as a popular public space that attracted and welcomed people from different socioeconomic statuses.”[456] But after Solidere:

> *because of: (1) the presence of heavy security; (2) the limited access due to the over securitization by political parties; and (3) the transformation of many squares into parking spaces, these spaces {in the Downtown of Beirut} are no longer truly public. While Lebanese heritage is vanishing, new tower developments, promising comfortable, luxury living, are redesigning the skyline of the city, thus contributing to a serious process of urban densification and consequent privatization of the public space…The current Beirut Central District targets mainly the medium to high income population, defined by an expensive and mostly unaffordable real estate market.*[457]

4.1 2005 Protest

On Monday, February 14, 2005, a powerful bomb in Downtown Beirut killed Rafic Hariri, one of Lebanon's senior Sunni leaders who had been Prime Minister until a couple weeks prior[458], along with several of his bodyguards and bystanders. Due to political tensions between the Syrian government and Hariri, Syria was perceived by Hariri's supporters as the main suspect behind the

[455] Saree Makdisi, ‘Laying Claim to Beirut: Urban Narrative and Spatial Identity in the Age of Solidere’ (1997) 23 Critical Inquiry 661, 667.
[456] Wael Sinno, ‘How People Reclaimed Public Spaces in Beirut during the 2019 Lebanese Uprising’ (2020) 5 The Journal of Public Space 193, 198.
[457] ibid.
[458] Rafic Hariri's second term as Prime Minister lasted until 21 October 2004.

assassination.[459] Dissatisfied with Syria's presence in Lebanon and its influence on the country's politics—an occupation (based on opponent of Syria) or a legal presence (based on supporter of Syria) that had begun[460] in 1976, a year after the Lebanese civil war, people seized the moment to express their opposition. From that day forward, every Monday, protests were held in Beirut and other locations.[461]

On Tuesday, March 8, pro-Syrian forces in Lebanon, led by Hezbollah, organized a massive demonstration in support of Syria's presence. This event motivated the opponents of Syria's presence to hold their weekly protest on a much larger scale the following week. As a result, on March 14, hundreds of thousands of anti-Syrian protesters took over Downtown Beirut.[462] This protest ultimately achieved its goals: the withdrawal of Syrian troops from Lebanon and the resignation of the government, leading to an opposition coalition taking power in Lebanon.[463]

4.1.1 Spatial Tactics in the March 8,2005 Protests

Although numerous protests took place in 2005, we will focus on the two key demonstrations: those on March 8 and March 14, 2005. The March 8 demonstration was organized primarily by Shia groups, led by Hezbollah[464], and took place in Riad al-Solh Square[465], near the Lebanese government headquarters. The choice of location was strategic, as these groups supported the then-Lebanese government under President Émile Lahoud, who backed Syria's presence in Lebanon.

However, these political forces, operating within the sectarian and divided landscape of Beirut, had effectively stepped out of their usual environment to hold the demonstration in a bourgeois area that did not truly belong to them. As Sune Haugbolle noted:

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[459] Nicholas Blanford, *Killing Mr Lebanon: The Assassination of Rafik Hariri and Its Impact on the Middle East* (Bloomsbury Publishing 2006) 142.
[460] Amanda Ufheil-Somers, 'Syria and Lebanon: A Brotherhood Transformed' (*MERIP*, 6 September 2005) <https://merip.org/2005/09/syria-and-lebanon-a-brotherhood-transformed/> accessed 24 August 2024.
[461] 'Hundreds of Thousands Jam Beirut in Rally Against Syria' *The New York Times* (14 March 2005) <https://www.nytimes.com/2005/03/14/international/middleeast/hundreds-of-thousands-jam-beirut-in-rally-against.html> accessed 24 August 2024.
[462] ibid.
[463] 'Lebanese Campaign for Democracy (Independence Intifada or Cedar Revolution), 2005 | Global Nonviolent Action Database' <https://nvdatabase.swarthmore.edu/content/lebanese-campaign-democracy-independence-intifada-or-cedar-revolution-2005> accessed 24 August 2024.
[464] Hassan M. Fattah, 'Pro-Syria Party in Beirut Holds a Huge Protest - The New York Times' (9 March 2005) <https://www.nytimes.com/2005/03/09/world/prosyria-party-in-beirut-holds-a-huge-protest.html?searchResultPosition=15> accessed 24 August 2024.
[465] ibid.

> *For many of these suburban workers and "little men" who participated in the demonstration, downtown Beirut equaled a bourgeois vision of Lebanon from which they were largely excluded. Now they were taking charge of the public space at the heart of the nation and using it as a stage for their dissent.*[466]

This choice also carried a message, as expressed in the important speech by Sayyed Hassan Nasrallah, the secretary general of Hezbollah that day, where he asked the opponents and even France president, Jacque Chirac:

> *"Are all these hundreds of thousands just puppets!? Is this entire crowd made up of agents of the Syrian and Lebanese intelligence services!?...Aren't these people part of the Lebanese nation that you love?"*[467]

Nasrallah's question and the demonstrators' presence were, in essence, an act of reclaiming public space, or "collective action by imposing their bodies on the central public space"[468].

In contrast, the March 14 demonstration took place in downtown Beirut[469], mainly in Martyrs' Square. Although the demonstrators may not have intended it, Martyrs' Square was the focal point of Solidere's project, closely associated with Rafic Hariri. With a much larger turnout than the March 8 gathering, they once again employed the tactic of imposing their physical presence on the space, sending the message that, while not all Lebanese supported Syria's withdrawal, the supporters of Syria's exit were in the majority.[470]

Beyond the act of physically imposing themselves on space, the March 14 protest can also be seen as an act of space production. Unlike Riad al-Solh Square, which had been a site for protests even before 2005[471], Martyrs' Square had no such history and was more of a historical-commercial site. Both before the war, due to political disagreements, and after the war, in efforts to erase memories of the civil conflict, there had been significant attempts to depoliticize[472] this square. However, with their massive presence, the protesters effectively redefined the space, turning it "into a

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[466] Haugbølle (n 450) 64.

[467] كلمة السيد نصر الله في ساحة رياض الصلح) 'موقع العلاقات الإعلامية في حزب الله, 3-August 2005) <https://mediarelations-lb.org/post.php?id=3064> accessed 24 August 2024.

[468] Haugbølle (n 450) 65.

[469] 'Hundreds of Thousands Jam Beirut in Rally Against Syria' (n 461).

[470] Haugbølle (n 450) 65.

[471] Elie Saad, 'Riad Al-Solh, a Triangular Square' (*Medium*, 1 January 2022) <https://medium.com/@elie.saad/riad-al-solh-a-triangular-square-f8d03655e0e1> accessed 24 August 2024.

[472] Donatella della Porta and Rossana Tufaro, 'Mobilizing the Past in Revolutionary Times: Memory, Counter-Memory, and Nostalgia During the Lebanese Uprising' (2022) 37 Sociological Forum 1387, 1399; Haugbølle (n 450) 62.

transgressive and transformative arena of mourn, encounter, and activism, raising high hopes for a genuine national reconciliation"[473].

Of course, the background of this decision should also be mentioned. Instead of following the usual custom of taking his body to his hometown in Sidon, the Hariri family chose to bury him in a plot of land in Martyrs' Square, next to the monument honoring those killed by the Ottomans, adjacent to a planned memorial garden dedicated to the victims of the civil war, and also beside the Mohammad Al-Amin Mosque, which Hariri played a significant role in building. This effectively gave his burial site a national significance.[474]

An interesting aspect, which might partly be attributed to the dialectic between space and the protesters, was that the March 14 demonstrators—who, according to some estimates, represented a quarter of Lebanon's population[475]—emphasized their non-sectarian nature and spoke of the Lebanese nation as a whole.[476]

This notion of speaking on behalf of the nation in Martyrs' Square differs from the expression of the nation in Riad al-Solh Square. Although both groups carried the Lebanese flag[477], the March 8 protesters aimed to convey that they were "part of" the Lebanese nation, while the March 14 protesters sought to assert that the "entire nation," regardless of ethnic or religious sects, spoke with a unified voice in condemning the assassination, finding the truth and demanding Lebanon's independence.

In our analysis, it is not important whether either claim is right or wrong. What matters is that the space is closely linked to each of these messages. If the goal is to defend the government's position, the protest must be staged at the gates of the governmental stronghold. However, if the aim is to claim unity and present the message as one representing "everyone," then a neutral environment must be chosen, where space can be produced, thereby generating a political message.

4.2 2019 protest

The 2019 protests in Lebanon were primarily driven by economic reasons. Signs of an economic crisis became apparent almost from the beginning of the summer as discussions around the next

[473] della Porta and Tufaro (n 472) 1399.
[474] ibid 1398,1400.
[475] Haugbølle (n 450) 65.
[476] 'Hundreds of Thousands Jam Beirut in Rally Against Syria' (n 461).
[477] Haugbølle (n 450) 64–66.

year's budget began.[478] The crisis was largely due to previous policies that had kept the Lebanese pound exchange rate fixed from 1993.[479] In response, the government attempted to implement austerity measures, particularly in the area of taxation[480]. One aspect of this tax policy, which involved imposing fees on internet calls made through apps like WhatsApp, sparked widespread public anger.

Before October 17, 2019, there were protests in Martyrs' Square related to these issues[481], However, on October 17, after Lebanese government announces new taxes[482], the protests escalated sharply, turning into violent demonstrations[483] not just in Beirut but across the country[484]. It is important to note that the protests cannot be solely attributed to the WhatsApp tax, as the media often suggests. In reality, the WhatsApp tax was the spark that ignited a powder keg. Other factors mentioned in the research literature as contributing to the protests include high inflation, public dissatisfaction with economic conditions and social services, the government's poor management of forest fires—some of the worst and longest-lasting in Lebanon's history, which became a symbol of government inefficiency and corruption—and the devaluation of the Lebanese pound, which in September led to restrictions on bank customers' access to their dollar deposits.[485] Given the ongoing nature of the protests throughout 2019 and even into 2020, it is difficult to pinpoint a specific period for analysis in this thesis. Therefore, unlike the 2005 protests, this study will evaluate the overall spatial tactics of both the protesters and the government, but only in relation to the protests that occurred in 2019.

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[478] إيلي الفرزلي, 'موازنة 2019 تكشف المحميّات... و«ثُوَرّط» حزب الله!' *الأخبار* (2019) <https://www.al-akhbar.com/Home_Page/27382684%D9%87#> accessed 25 August 2024.

[479] Sahar Al-Attar, 'Les dessous de la nouvelle ingénierie de Riad Salamé' (*Commerce du Levant*, 29 September 2016) <https://www.lecommercedulevant.com/article/26670-les-dessous-de-la-nouvelle-ingnierie-de-riad-salam> accessed 25 August 2024.

[480] Tamara Qiblawi, 'WhatsApp Tax Sparks Night of Austerity Protests across Lebanon' (*CNN*, 18 October 2019) <https://www.cnn.com/2019/10/17/middleeast/lebanon-protests-economy-intl/index.html> accessed 25 August 2024.

[481] الفرزلي.(n 478)

[482] 'Lebanon: Timeline of the 2019 Uprising | Al Sharq Strategic Research' <https://research.sharqforum.org/2020/07/10/lebanon-timeline-of-the-2019-uprising/> accessed 25 August 2024.

[483] Qiblawi (n 480).

[484] 'Lebanon: Timeline of the 2019 Uprising | Al Sharq Strategic Research' (n 482).

[485] 'Understanding the Dynamics of Lebanon's Protest Movementi' (TRT World Research Center 2020) 3 <https://researchcentre.trtworld.com/wp-content/uploads/2020/11/Lebanon-Protest-r2.pdf> accessed 25 August 2024; Abbas Assi, 'Lebanon's Protest Movements of 2015 and 2019: A Comparative Analysis' (Friedrich Naumann Foundation for Freedom 2021) 8–9 <https://www.freiheit.org/sites/default/files/2021-06/abbas-assi-lebanons-protest-movements.pdf> accessed 25 August 2024.

4.2.1 Spatial Tactics in the 2019 Protests

Mona Harb, who identifies herself as a researcher-activist in the 2019 protests, believes that the tactics employed by the protesters were all centered around the approach of "spatial occupation"[486]. However, according to her, the protesters used three different sites for spatial occupation: public and open spaces, of abandoned buildings, of infrastructure[487].

She argues that the occupation of squares, as seen in these protests with the occupation of Martyrs' Square and Riad El Solh Square, relates not only to the material elements of the space but also to its symbolic function[488]. This means that the protesters are not merely occupying a space; they are occupying a space that, over time, through various events that have occurred there or through symbols installed within it, has gained meaning.

Of course, this statement can be interpreted in a way that allows for multiple meanings to be attached to a single location. For one person, Martyrs' Square might symbolize independence because the statues of the martyrs of the war against the Ottomans are buried there. For another, Martyrs' Square might symbolize the corruption among Lebanese politicians since it is part of the large Solidere project. Another person might view the same square as a symbol of reconstruction and the prosperous days of Lebanon during the era of Rafic Hariri, who is buried in a corner of the square. Yet another might connect it to the city's past due to the historical significance of the square and its proximity to archaeological excavation sites and the core of Beirut's development. Furthermore, another individual might see the presence of both a mosque and a church in the square as a symbol of overcoming differences and the formation of the Lebanese nation.

Following the occupation of public spaces and squares, we can turn to the occupation of abandoned buildings. These buildings could be seen as symbols of the real estate sector's dominance over the fate of Lebanese citizens.[489] The symbolic representation of this issue in Beirut can be found in the occupation of the "Egg" building near Martyrs' Square. In Harb's words:

> *The Egg's interiors were repurposed, albeit for a short period of time, for teach-ins and public talks, bringing together protestors to converse and share. The Egg's exteriors were*

[486] Mona Harb, 'How Urban Space Shapes Collective Action; The Lebanon Uprising of 2019' in Jeffrey G. Karam and Rima Majed (eds), *The Lebanon Uprising of 2019; Voices from the Revolution* (Bloomsbury Publishing 2023) 113.
[487] ibid.
[488] ibid 111.
[489] ibid 112.

invaded by protestors who climbed onto the roof, poured colored paint upon the building's shell, and used it as a vista site observing and partaking in the protests from above.[490]

The third strategy in spatial occupation is the capture of infrastructure such as highways, roads, or bridges. The significance of these blockades becomes more apparent when considering the widespread use of automobiles in Beirut, as previously discussed. In Harb's words:

In cities where vehicular infrastructure was prioritized over the human scale of walkable neighborhoods and inhabitable outdoor spaces, the sight of people lounging in the middle of roads and roundabouts and under bridges was clearly a claim for urban spaces that cater to people's needs for socializing and for organizing as a collective.[491]

Of course, there is another interpretation of why the protesters blocked the roads, which suggests that "today public space {in Beirut} is almost exclusively limited to roads, when it is not monopolized by wild and illegal occupations and privatizations... The rare gathering spaces that exist in Beirut are either controlled (e.g. Horsh Beirut), or (semi-)privatized and politicized (e.g. downtown Beirut or the Zeitouna Bay marina)"[492] so "beyond the reality of blocking the roads, the choice of these gathering places is not just strategic. Where are the alternative places where they could meet? There aren't any."[493] According to this analysis, due to the lack of public spaces, the protesters used the roads as a public space for demonstrations, rather than necessarily intending to influence the political or economic space by blocking the roads.

Another analysis through which we can understand the strategies of the protesters in the 2019 protests relates to the approach of placemaking. Placemaking means "Creating somewhere with a distinct identity"[494]; or in view of UN Habitat,

"A collaborative process by which we can shape our public realm in order to maximize shared value. More than just promoting better urban design, Placemaking facilitates creative patterns of use, paying particular attention to the physical, cultural, and social identities that define a place and support its ongoing evolution."[495]

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[490] ibid.
[491] ibid 113.
[492] Ines Lakrouf & translated by Oliver Waine, 'When Revolution Reinvents Public Space in Beirut' [2020] Metropolitics <https://metropolitics.org/When-Revolution-Reinvents-Public-Space-in-Beirut.html> accessed 7 September 2024.
[493] ibid.
[494] Cowan (n 68) 292.
[495] Sinno (n 456) 200.

How did Protestors do placemaking in 2019 protests and how did they transform these spaces into collective places of their own?

> *Protestors brought their own urban furniture into the streets of Beirut Central District. They installed street food stations with affordable prices serving everyone; chairs and shisha pipes on the sidewalks transforming them into a Café Trottoir - a pop-up pavement café - stands showcasing local businesses; tents as gathering places where socio-political debates were conducted; stands for live bands; tents for children's activities and first aid tents staffed purely by medical professional volunteers. Protestors also used street walls to express their aspirations through collective art activities.*[496]

From another perspective, the 2019 protests were, in fact, a counter-tactic against what we discussed in previous chapters—namely, the privatization of public space, which is one of the strategies used to suppress revolutions and protests. Fawaz and Serhan believe that:

> *"In October 2019, activists were keen on challenging privatopia…They built their tents on private property, demonstrating through these newly established sites of operation the possibility of reorganizing Beirut's historic core into an actual lived space. Their activities expanded to closed-down public venues that they reclaimed as sites of discussion and mobilization. Thus, the derelict Egg…gained for the first time a resounding public life…The reclamation of space also expanded to areas falling within the private domain, such as land lots earmarked for development, demonstrating yet one more time that property boundaries are imagined and privatization is consequently reversible, despite the neoliberal narrative."*[497]

But what tactics were employed by the government or anti-protest or counter-revolutionary forces[498]? The primary tactics discussed in the literature regarding urban strategies include blocking the protesters' routes towards the parliament or government headquarters with fences, or later by building walls.[499]

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[496] ibid 199–200.

[497] Mona Fawaz and Isabela Serhan, 'Urban Revolutions: Lebanon's October 2019 Uprising - Spotlight On Urban Revolts' (*IJURR*) <https://www.ijurr.org/spotlight-on/urban-revolts/urban-revolutions-lebanons-october-2019-uprising/> accessed 7 September 2024.

[498] Identifying who specifically employed these tactics requires a separate discussion. This is because there is both a lack of cohesion among Lebanon's own security forces (such as the army, internal security forces, general security, and even personal bodyguards of prominent figures or places) and no consensus on the legal narrative surrounding these actions. Responsibility for anti-protest measures is often not claimed.

[499] 'The Spatiality of 2019 Protests in Beirut Nadine Hindi' (*The Urban Transcripts Journal*) <https://journal.urbantranscripts.org/article/the-spatiality-of-2019-protests-in-beirut-nadine-hindi/> accessed 25 August 2024.

Specifically, the use of this security mechanism is evident in Nejmeh Square, where the Lebanese Parliament building is located. This square was closed to the public in 2014, initially due to fears of extremist organizations. However, during the 2015 protests related to the garbage crisis, security measures in the area were further heightened with the addition of "metal barriers, heavy concrete blocks and restricted entrance for visitors, in order to prevent protests from taking place there."[500] Since then, it has remained closed to the public, except for a very brief period in 2017, and access has mostly been limited to foreign tourists. However

> *At the beginning of the 2019 protests, the area surrounding the Nejmeh Square was completely closed for visitors in order to prevent demonstrations in front of the parliament. The quarter was protected by high fences with gates on each entrance. Additionally, soldiers were lining the gates and metal barricades were erected. The security measures were tightened even more as a reaction to the outburst of violence between protestors and the military in January 2020. The gates on the entrances of the area around the square were not just closed, but also reinforced with barbed wire and steel frames. On January 23, additional concrete blast walls were erected.*[501]

It has also been suggested that the end of the protests in 2020 was largely due to the COVID-19 pandemic, which allowed the government to counter the revolution through a type of quarantine and the evacuation of public spaces.[502]

However, an interesting point raised by Nadine Hindy is the issue concerning a Shia neighborhood, named *Khandak el-Ghamik*[503] *or Bashoura*. This neighborhood became isolated and turned into an island due to the construction of the Ring Bridge[504], and when the protesters blocked the routes, the residents felt a sense of being besieged.[505]

In this situation, the forces of the Amal Movement and Hezbollah, who opposed the protests, managed to disrupt the demonstrations by making a sectarian claim of protecting the residents of

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[500] 'The Fine Line Between Protection and Citizen Control in Beirut Kamila Bak, Rita Berisha and Anna-Maria Grimm' (*The Urban Transcripts Journal*) <https://journal.urbantranscripts.org/article/the-fine-line-between-protection-and-control-of-the-citizens-in-beirut-kamila-bak-rita-berisha-anna-maria-grimm-kit1/> accessed 7 September 2024.

[501] ibid.

[502] Harb (n 486) 117.

[503] 'The Spatiality of 2019 Protests in Beirut Nadine Hindi' (n 499).

[504] El Chamaa (n 412).

[505] Marwan Chahine, 'Khandak El-Ghamik: The Other Side of the Thawra' *L'Orient Today* (18 December 2019) <https://today.lorientlejour.com/article/1199084/khandak-el-ghamik-the-other-side-of-the-thawra.html> accessed 25 August 2024.

this neighborhood.[506] This issue might not have seemed significant until we consider one of the remarkable features of the 2019 protests, which was their non-sectarian nature. In words of Hindi:

> *Unlike the 2005 protests which split the citizens into two political camps, the 2019 protests rose with the uniting political slogan 'kellon-yaani-kellon', meaning in Arabic 'all-means-all' in reference to the political system as a whole, accused of significant corruption and fueling sectarianism since the end of the civil war.*[507]

However, this urban feature became a platform that allowed counter-revolutionary forces to disrupt the united front of the people against the ruling regime.

Conclusion

In this first chapter, the sites of the 2005 and 2019 protests, which were almost the same—namely Riad El Solh Square, Martyrs' Square, and generally the downtown area of Beirut—were evaluated. It was observed how the post-civil war reconstruction project of Beirut, known as Solidere, whether intentionally or unintentionally, led to the elimination of public spaces, the depoliticization of the city center, the erasure of collective memories (often political and historical), and a form of gentrification, thereby reducing the possibility of protests in these locations.

Nevertheless, protesters responded to these policies by suddenly occupying the city center in the 2005 and 2019 protests, creating public and protest spaces in these areas. While the 2005 protests almost achieved their goals, two events helped the government to end the protests during the 2019 political deadlock, when the government seemed helpless against the protests. First, the use of a blockade against a Shia neighborhood, which had been isolated by highway development and was now effectively besieged due to the protesters' road-blocking tactics, caused the Shia community to become suspicious of the protests' objectives, leading to their separation from the unified movement. Secondly, the government took advantage of the COVID-19 pandemic to impose quarantines and clear public spaces.

[506] 'The Spatiality of 2019 Protests in Beirut Nadine Hindi' (n 499).
[507] ibid.

Conclusion

This thesis was an attempt to open a new perspective on the right to peaceful assembly. From a human rights perspective, this right is often examined through specific lenses, such as permits or violent crackdowns. However, this thesis aims to explore how space itself is a crucial factor in exercising this right and how it can be used either to facilitate or undermine it. To achieve this goal, the role of space in the international human rights literature concerning the right to peaceful assembly had to be evaluated. For this purpose, the concepts of assembly and peacefulness were first defined, and their relationship with the issue of space were assessed. The most important conclusions in this section were demonstrating how assemblies could become a significant threat to the state through the contest over space, analyzing governments' motivation for controlling space and providing a new explanation for why protests tend to turn violent.

The next step in this section was to examine the freedoms and restrictions related to space in relation to the right to peaceful assembly, from which two additional results were derived: the principle of freedom to choose the location of assembly and a positive obligation for the government to provide space for protests.

Subsequently, an effort was made in Chapter two to combine the perspectives of philosophers and political sociologists, as well as a historical review of approaches by political systems from various parts of the world on controlling protest spaces, to show the political struggle over space. In this chapter, we learned how governments, whether motivated by the desire to control space or to control bodies, make streets the focal point of their repressive policies. By referring to the four impacts of (apparently) non-protest and possibly non-political public spaces on protests, we demonstrated why the government seeks to maintain sufficient control over these spaces as well and In this chapter, based on Weber's definitions of the city, we assessed the details of protesters' tactics as well as the counter-protest tactics, particularly those employed by the government.

Next, we moved on to the Lebanese case. We had to understand the society we intended to study in order to approach Beirut's urban structure. Therefore, we demonstrated how various geographical economic and cultural divides emerged in this society, Lebanon, took root within its structure, and sowed the seeds of protest and make Lebanese society is highly prone to protests.

In this context, we examined Beirut's urban structure and showed how a combination of these divides, along with urban planners' approaches that prioritized the rulers' security, led to a form of urban design in this city that is prone to counter-protests.

In the final chapter, however, we demonstrated that even in this environment, protesters produce their own protest space and occupy the public sphere. But unfortunately, anti-protest structures prevail, and with just one or two urban tactics, the longest protests in Lebanon's history are dismantled.

It can be concluded and argued that the main adversary of protests in Lebanon is the urban space itself. This space, shaped by deep demographic divides and a political-economic structure, has led to the failure of the nation-building project in the country. In the absence of civic space, protest becomes less of a right and more of an opportunity for citizens, one that the government tries to seize in every possible way. Here, protest is no longer just a right but a privilege—albeit a privilege that the government strives to ensure citizens never actually possess.

The fate of Lebanon, the most liberal country in the Middle East in terms of freedom of assembly, lies before us. A country where the legal framework ostensibly aligns with assemblies, yet political motivations to control protests, utilizing social and economic factors (such as high property prices or the dominant use of private vehicles), in the most significant urban reconstruction project after the civil war, prioritize everything but civil and political rights and the creation of spaces for protests. Instead, it seeks to destroy or depopulate public spaces in the city's center.

In this context, the most important conclusion of this thesis, which we reached in the first chapter, gains significance: the state's positive obligation to create spaces for protests.

The future world, especially for Lebanese society, can be a better place for the right to assembly if lawyers, politicians, sociologists, urban planners, architects, and human rights activists become more sensitive to urban transformations. The city is not merely a space for going from one place to another. The city is not just a place for shopping or recreation. The city is a space for exercising the civil and political rights of citizens, specifically the right to peaceful protests. Ignoring the city becomes a tool in the hands of rulers to design its structures in an anti-protest manner. In such circumstances, even a million-strong flood of protesters who occupy urban spaces for a long time, like what happened in Beirut in 2019, will ultimately be defenseless against the bombs that urban design has planted throughout the city's history.

The thesis has concluded, but what will not come to an end is the use of a vast laboratory called Lebanon, and specifically the city of Beirut, to evaluate the relationship between urban spaces and various dimensions of social and human life. As this thesis was coming to a close, Lebanon was

once again facing the threat of war from Israel, and amidst the news, what was heard most was the airport and the road leading to it, known as *Tariq-al-Matar*. This road, which could be claimed as the most important for the residents of Beirut, leads to liberation from Lebanon and its pains, and serves as a route for fleeing from war and, of course, for the return of the large Lebanese diaspora to their homeland. The road begins at Rafik Hariri Airport, reaches Imam Khomeini Street, and then continues to Jamal Abdel Nasser Street after crossing Imam Musa Sadr Street. It seemed as if the entire Middle East had converged here. If I were to choose a title for my thesis today, one of the most intriguing titles might be: "Urban Infrastructure in Lebanon: From Political-Social Identity to a Tool for implementing Human Rights; A Case Study of *Tariq-al-Matar* of Beirut."

و آخر دعوانا ان الحمدلله رب العالمين
وصلى الله على محمد و آله الطاهرين

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