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Rebecca Nocharli   April 17, 2013

Gender Inequality: The Case of Derivative Citizenship in Lebanon

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Abstract

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Citizenship is a legal status that outlines the relationship between an individual and a state and marks membership in a political community. It is integral to societal life as it determines individuals' access to rights and privileges. Throughout history, the definition of citizenship and the provision of rights have evolved depending on national and temporal contexts. The question of how citizenship is acquired is one aspect of the topic that continues to be debated and to change within the frameworks of societies' current conditions and needs. Derivative citizenship is one method of acquisition, where parents transmit their status to their children, and its requirements differ based on country. The concepts above are examined within the contexts of Germany, France, the USA and Lebanon, especially with regards to gender through a literature review and a look at the history of citizenship acquisition laws. Mainly, all four countries limited the right to transmit citizenship to men until 1934; since then, however, the USA, France, and Germany have amended laws to extend that right to women. Lebanon has yet to enact gender neutral or equal laws in the arena of citizenship acquisition, despite many efforts by women's rights groups over the last two decades. Such gender inequalities raise questions about the state's gendered valuation of and expectations for citizens. Popular culture and politicians provide a different approach to the issue and blame the inequalities on Lebanon's reluctance towards integrating and naturalizing Palestinian refugees, which is seen as a side effect of liberalizing citizenship policies; however, the power of the patriarchal religious communities in Lebanon which runs parallel to the state's power as well as the concern regarding the maintenance of the population's fragile sectarian balance are more deeply rooted obstacles slowing the advancement of gender equality in the arena of citizenship acquisition through lineage. The implications of this explanation are complex and highlight the many approaches that can be taken to resolve the problem, while showing that there is no direct, simple solution, but always a compromise where various stakeholders will have to give up some power or representation.

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INTRODUCTION

Randa Awada, a Lebanese woman, has four children who have spent their entire lives in Lebanon, a small country in the Middle East (Lutz 2013). Awada's children, however, do not have Lebanese citizenship and are not eligible to apply for it. Their father is Pakistani, and although the children do not speak Urdu and have never lived in Pakistan, they are only citizens of Pakistan. Because their father is not Lebanese, the children cannot be Lebanese, regardless of their mother's identity and their own experience and residence in Lebanon. As a result, Awada's children's access to education, work and healthcare is limited. The children will also be excluded from participating in the political community and political processes, as they are considered foreigners. Furthermore, unlike Lebanese citizens, Awada's children do not have the freedom to enter and leave the country without additional paperwork and visas.

Another Lebanese woman, Samira Soueidan, was also married to a foreigner; she married an Egyptian and they had four children together. The children were born and raised in Lebanon, and it is the only home they know, though they only hold Egyptian passports. Soueidan has worked hard to challenge the laws and to acquire Lebanese citizenship for her children, especially after their father's death, but alas, the government would not grant her requests. Her children continue to reside as foreigners in their homeland, needing work and residency permits that are issued on a yearly or 3-year basis (Awad 2009). Marriage could be a solution for Soueidan's girls; they could acquire citizenship if they marry a Lebanese man, since Lebanese

men can transmit citizenship to their spouses and families. Soueidan's boys, though, will not be able to acquire citizenship in any scenario under current laws.

Amanda Dufour is the daughter of a Lebanese mother and a Swiss father. Like Soueidan's and Awada's children, Amanda did not have the opportunity to acquire her mother's citizenship. She grew up in Lebanon, participated in the civil society there, speaks the language, and identifies as part of the cultural community. However, Dufour cannot represent Lebanon officially because she does not hold a Lebanese passport. As a dancer, implications include the fact that she cannot participate in international dance competitions with her dance school and teams, having to watch from the audience as her colleagues and co-nationals perform (Collective for Research and Training on Development-Action).

On the contrary, John[1] was born to two Lebanese parents, grew up in Canada and is a dual citizen of both Lebanon and Canada. His family recently moved to Lebanon, but he feels as though he does not belong in the community there. To him, home is Canada. However, he has the privilege of being a Lebanese citizen; and he has the rights given only to Lebanese people: access to the political community, more educational resources, work opportunities and more healthcare services. John, though, does not want any of the above.

* * *

Lebanon is a Middle Eastern country with an area of about 4000 square miles, almost the size of Connecticut, bordered by Syria on the north and northeast, Israel on the south and southeast, and the Mediterranean Sea on the west. A young country – Lebanon gained its independence from France in 1943 - Lebanon's recent history is marred with incidents of conflict and civil unrest. The state suffered and struggled through a civil war from 1975-1990 that was religiously and politically motivated, as I will explain more in Chapter 3. Since then, Lebanon

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[1] This name has been changed.

has been trying to recover from the destruction that faced the economy, politics, democracy, infrastructure, and environment. Despite the conflicts and their remnants, Lebanon is known to be more politically open than other Arab countries - and some would say more developed. In comparison to Arab states, Lebanon has "the highest literacy rate, education level, per capita schools, colleges, universities, publishing houses and newspapers/magazines/ journals… [and] boasts a relatively political conscious and engaged population" (Joseph 1997, 78). Lebanese citizens enjoy a number of democratic freedoms that are not available in the surrounding area or Arab countries; Freedom House marks Lebanon as "Partly Free" in its report *Freedom in the World*, and it is freer or at least as free as other Arab countries (2013). Lebanon also considers itself a pioneer in women's rights in the Arab world.

Despite Lebanon's pioneering efforts in women's rights, the stories above illustrate some of the consequences that Lebanese women and their families have to face because of gender inequalities in Lebanese citizenship law, and more specifically in the laws that dictate derivative citizenship - the acquisition of citizenship through birth to a citizen parent. Though not explicitly mentioned in the stories, the people affected represent a wide range of socio-economic statuses, professions, citizenships, and aspirations. The gender discrimination in derivative citizenship also hints at a wider issue in Lebanon, particularly the way the state perpetuates inequalities that create divisions within society; in doing so, the state illustrates that certain citizens are valued over others. The imposition of patriarchal laws and norms, for example, presents the case that the state values citizens depending on their gender. Despite the principles of gender equality outlined in the Lebanese constitution and various international agreements signed by Lebanon, gendered conceptions of citizenship remain. Additionally, the gender inequalities do not influence individuals only, but have consequences for various groups as well as the state. They also bring

up questions about the state's obligations to its citizens and how it defines citizens. Unequal citizenship, in turn, has consequences on the strength of the state. These concepts are the subject of this paper. With the ultimate goal of uncovering the reasons why the identity of a Lebanese woman's children is completely dependent on the identity of her husband, this paper will examine different aspects of citizenship, how it is practiced and the way it is gendered, as well as Lebanon's history and current state of affairs.

The first two chapters are a discussion of the meanings of citizenship and the relationship between citizenship and gender. I take a comparative approach throughout to see how different countries define key concepts and policies. The specific countries I examine are Germany and France as the archetypes for discussions of citizenship, the United States of America for a relatable context, and Lebanon, the focus of the project. The comparative analysis also serves as a sort of road map that outlines select countries' paths in ensuring gender equality in issues of citizenship that will later be used to assess Lebanon's situation. The last two chapters focus on certain components of Lebanon's history and its current societal problems, and the way in which those relate to citizenship and gender inequalities. The main issues include sectarianism, the power of religious communities, and the status of Palestinian refugees residing in Lebanon, as well as women's rights movements and campaigns that have taken place in Lebanon as related to the issue of citizenship. Chapters 3 and 4 also uncover the complexities faced by Lebanese citizens in determining how to overcome the current barriers to gender equality in derivative citizenship and offer possible solutions drawn from other countries' experiences, while taking into account Lebanon's unique history and circumstances.

CHAPTER I

CITIZENSHIP DEFINED

Citizenship describes the relationship between a person and a state, denoting a certain status that influences one's political, administrative, and socio-economic aspects of life (Abou Aad & Mansour 2012, 4; Kerber 1997, 834). Citizenship determines what rights the state provides and protects for citizens and what obligations citizens have to the state. For example, in the United States of America (USA), citizens enjoy the right to free speech, a jury trial, the vote, religious freedom, and against self-incrimination. On the other hand, as Linda Kerber explains, each of these rights is tied to a responsibility the citizen has to the state: citizens must pay taxes, refrain from treason, serve on juries, risk their lives in military service, and avoid vagrancy (1997, 835). The specific terms of "citizenship" differ from one country to another.

The formal definitions of citizenship tend to leave out certain complexities. For example, according to T. H. Marshall, citizenship can be broken down into and experienced in three elements: the civil, political and social elements (1950, 10). The civil dimension is associated with the courts of justice and is composed of rights for individual freedom such as freedom of speech and faith, ownership of property, and concluding contracts. The political element is associated with institutions such as parliament and councils of local government and is

composed of rights to exercise political power as a member of political authorities or an elector

of such authorities. The social aspect is associated with the educational system and social

services and comprises rights in relation to economic welfare and security as well as sharing in

the social heritage (Marshall 1950, 11). This terminology and the distinction between the

different arenas in which citizenship has a role make the discussion and comparison of

citizenship across countries clearer and more efficient. It also illuminates the reach of citizenship.

On the other hand, Kerber identifies ways in which the experience of citizenship is shaped

differently - though it may be formally defined the same – depending on gender, race, and class

(1997, 837). Evelyn Glenn confirms that legal status is only part of citizenship, explaining that in

the broader sociological sense, citizenship is "rather a kind of belonging which requires

recognition by other members of the community" (Glenn 2011, 3). Recognition by other

members is often based on issues of gender, race and class and contributes to determining who is

entitled to civil, political and social rights on a societal level, beyond legal structures and

requirements (Glenn 2011).

Citizenship vs. Nationality

It is important to note the distinction between citizenship and nationality, where

citizenship determines a political identity in the context of a state in contrast to nationality, which

determines a cultural identity in the context of a nation (McCrone & Kiely 2000, 22). Different

philosophies exist about the relationship between the two. For example, nationalists stress that

state-membership (citizenship) presupposes nation-membership (nationality), while post-national

pluralists argue for new forms of political membership (citizenship) that are independent of

nation-membership and would coexist with and support multicultural and post-national societies (Brubaker 1990, 383).

The nationalists' approach to citizenship is in line with the model of membership in classical age European nation-states, which is theoretically and ideally egalitarian, sacred, national, democratic, unique, and socially consequential (Brubaker 1990, 383). These characteristics of membership hold that all members are to be treated equally (egalitarian), long-term residents are to have the means to become members and participate in the political arena (democratic), and members have privileges that are exclusive to them (consequential). Meanwhile, members are expected to make sacrifices for the state such as risk their lives in military service (sacred), become a part of the cultural community through common language, mores and character (national), and belong to only one state at a time (unique) (Brubaker 1990, 380). In this view, the cultural and political communities – and hence, identities – are one and the same. Citizenship and nationality were sufficient and necessary for membership in the nation-state.

However, approaching this model with particular attention to immigration, there are some contradicting views regarding admission to membership. For example, the egalitarian aspect of membership requires there only be one level of membership, so resident non-members who become members can only gain full citizenship. Then, in order to satisfy the unique characteristic of membership (that it is exhaustive and mutually exclusive), a resident non-member who chooses to become a member would have to give up his or her membership in his or her home nation-state. The above two characteristics of citizenship are quite restrictive. On the other hand, the democratic characteristic of the nation-state requires that the state provides "means for resident non-members to become members," and non-members would have to become a part of

the cultural community through language, mores, and character to satisfy the national component of citizenship – both of which present a more welcoming response to immigration (Brubaker 1990, 380-1). Even the more welcoming aspects leave no room for multiculturalism, though, and only allow for assimilation.

While there is a clear relationship between cultural and political membership in nationalists' view, the post-nationalists posit that one can be the citizen of a state, and not a national of the nation. What this means is that one can owe allegiance to the state and benefit from its protection, but not identify with the culture. The opposite is also true, where one can identify with the nation's culture but not owe it any allegiance. These phenomena are results of increased immigration and globalization as people leave their home countries, join a new political community, but retain their cultural identity, and the opposite, where children grow up belonging to a culture and community that is different than their parents', but in which they do not have political rights. These scenarios are often the result of various citizenship acquisition laws. They also illustrate the relationship between citizenship and belonging, especially as identified by Glenn (2011). Citizenship and belonging become sufficient but not necessary conditions for each other, partly depending on the recognition of others and inclusion into the civil, political and social spheres.

Acquisition of Citizenship

Citizenship can be acquired in one of three ways: at birth based on descent, at birth based on territory, or at any point in one's life through naturalization. The acquisition of citizenship based on descent, or in other words through blood and family, is captured by the concept of *jus sanguinis* (Latin for 'right of blood'). On the other hand, the acquisition of citizenship based on

territory and geographic location of birth is termed *jus soli* (right of soil). This method allows anyone born in the geographic boundaries of the state to become a citizen. Finally, naturalization is the process of acquiring citizenship after birth through family relations, prolonged residence or serving a country in some way, and each country has different requirements for this process. Generally, requirements include but are not limited to being a relative of a citizen, being a legal resident for a specified number of years, becoming a member of the cultural community and learning the country's language and norms, or any combination of the above (Abou Aad & Mansour 2012, 4; Kerber 1997, 834).

Some countries' citizenship laws favor one of the three methods described above, but most countries have mixed systems with at least some treatment of all three. The approach to citizenship can often be explained by the nature of the formation of the nation-state. Generally, countries that honor the right of blood tend to function under nativist ideologies, as "nationhood is constituted by ethnocultural unity and expressed in political unity" (Brubaker 1990, 386). On the other hand, countries that honor the right of land tend to be immigration countries, more welcoming of outsiders. That does not necessarily mean that those countries are post-nationalist, because the level of cultural assimilation that is expected varies amongst them; however, they tend to be more open to newcomers overall. France is one example of an immigration country that expects high levels of cultural assimilation, with the aim of creating a unified society versus a pluralistic one. The USA, on the other hand, is an immigration country that does not require high levels of cultural assimilation for admission to the citizenry. The discussion of various policies below aims to highlight the main approach to citizenship acquisition within Germany, France, the USA, and Lebanon. The legal codes are quite complex, with possible outcomes for a range of different conditions that will not be covered. The focus of the discussion will be more

on concepts of equality and the opportunities of citizenship acquisition – or lack thereof – and particularly how those concepts are gendered.

Germany was the exemplary country for policies and laws formed according to the principle of *jus sanguinis* until the laws were changed significantly in 2000 and again in 2005. For the purpose of illustrating the difference between *jus sanguinis* and *jus soli*, consider Germany's Nationality Law of 1913: it defined the German citizenry as a 'community of descent' where citizenship was passed down from parents to their children and depended on blood relations (Howard 2008, 42). Location of birth or prolonged residence in Germany or abroad did not matter (Kerber 1997, 834; Howard 2008, 42).

An examination of Germany's history as a nation state reveals that this approach to citizenship began almost a century before the Nationality Law of 1913. In the nineteenth century, many German states had a tradition of *jus domicile*, right of residence. However, in 1818, *jus sanguinis* was introduced to Bavaria, one of the German states, and later adopted by Prussia (Howard 2008, 42). One scholar, Patrick Weil, argues that Prussia's emphasis on rights by descent was inspired by the Napoleonic Code of 1804 (Nathans 2004, 7). In addition to the principle of *jus sanguinis*, the Prussian laws gave state administrations discretion over the naturalization of foreigners, and this helped Prussia "expel unwanted immigrants and conscript those who remained" (Nathans 2004, 4). It gave the state more power than communities in deciding who could stay and who had to go, which ensured that economically desirable foreigners were treated as such, regardless of whether or not the communities within Prussia accepted their residence. As shown, citizenship laws were created to reflect the conditions and needs (i.e. economic) of the society at that time.

Economic motives also helped keep the Prussian policies in place, even after the formation of the German *Reich* in 1871. For example, with industrialization, labor became important and the value of the poor increased. The need for labor gave Germany an incentive to grant citizenship to ethnic Germans, regardless of their socio-economic status and the location of their birth or residence (Nathans 2004, 4).

Whereas Nathans claims the principle of *jus sanguinis* created the nationalist feeling, Brubaker presents a different explanation for the prevalence of *jus sanguinis* in Germany's laws, claiming that Germany's "national feeling developed before the nation-state" (Brubaker 1990, 386). Regardless, the principle of *jus sanguinis* and the strength of the national identity both fueled each other and sustained Germany's immigration policies and nativist ideology.

The Nationality Law of 1913 solidified Germany's commitment to *jus sanguinis*, and the German constitution of 1919 reinforced the commitment (Howard 2008, 42). Historical events have driven Germany to reconsider its laws since, though. For example, following the Nazi rule, the events of the second World War, and the emigration of many Germans, Germany's immigration laws were revisited in order to accommodate those who lost their citizenship because of extreme views of what it meant to be German during the war. Also, more recently, the presence of increasingly large numbers of long-term foreign residents in Germany who spoke German and might have even been born in Germany, but to whom citizenship was inaccessible because of *jus sanguinis* raised the need for reevaluating the approach to citizenship. A contrast between those who were ethnically German, but had little or no knowledge of German culture, and those who were culturally German from years of residence motivated discussions for citizenship law reform (Howard 2008, 43; Kerber 1997, 834).

In 2000, Germany introduced more liberal approaches to citizenship. For example, it amended its laws so that a child of non-German parents child born on or after the first day of January 2000 can attain German citizenship between the age of 18 and 23 by being born in Germany, provided that at least one parent has been a legal resident of Germany for eight years and has a right of unlimited residence (German Federal Foreign Office). The move to the recognition of *jus soli* in addition to *jus sanguinis* made German citizenship more accessible than it used to be under restrictions of descent. Along with the previous changes, this amendment shows the evolutionary nature of citizenship laws, as they reflect the changing conditions of the local society and global context.

France, on the other hand, is generally the exemplary country representing a nation formed through political unity and the recognition of *jus soli*. *Jus sanguinis* is still recognized and a child born to a French citizen acquires French citizenship; however, France's citizenship laws are different from Germany's Nationality Law of 1913. A child born to non-French parents has the right to a citizenship if at least one of the parents was also born in France – considered double *jus soli* - or if the child was born in France prior to 1994 to at least one parent born in a former French overseas territory prior to its acquisition of independence (Bertossi & Hajjat 2013, 2; Consulate General of France in New York). Naturalization is an option for immigrants in France upon application and the fulfillment of requirements such as residence in France for a minimum number of years, proof of permanent employment, and assimilation through language and awareness of culture and values (Bertossi & Hajjat 2013, 2 and 19). As in Germany, the reasons for this law can be traced back to the history of France and the formation of the nation-state. France "has been conceived in relation to the institutional and territorial frame of the state,"

and its "practice of citizenship has depended on confidence in the assimilatory workings of school, army and centralized administration" (Brubaker 1990, 386).

For example, the writers of the Napoleonic Code of 1804 chose to base the granting of citizenship on *jus sanguinis*, choosing to stay away form *jus soli* to avoid an association with feudal allegiances. Instead, the Napoleonic Code made French citizenship conditional on paternal lineage (Bertossi & Hajjat 2013, 3). In 1889, though, France incorporated the concept of *jus soli* into its legislation because of the empire's position as a country of immigration and to attribute citizenship to immigrants' children. One motivating factor for this change was the inequality that arose between the children of non-citizen immigrants and children of citizens with regards to military obligations: citizens were required to serve in the military for a number of years but non-citizen immigrants who were born and raised in France had the privilege of being exempt from this obligation, giving them an advantage in terms of the labor and "matrimonial markets" (Bertossi & Hajjat 2013, 4; Brubaker 1990, 395). In 1889, after other ineffective attempts to combat this problem, a comprehensive law was passed that automatically granted French citizenship to second- and third- generation immigrants. The requirement of military service from longtime French citizens and immigrants who were newly defined as French citizens contributed to France's assimilationist efforts, exemplifying France's approach to citizenship.

The new law of 1889 also took away some of the bias against women's families in issues of citizenship. Since the laws of *jus sanguinis* as described in the Napoleonic Code were patriarchal, only allowing men to pass their citizenship to their families, the focus on *jus soli* in the law of 1889 gave the children of French women the opportunity to become citizens. This did not result in complete equality, though, as naturalized citizens had to wait a period of ten years at

the time to gain full political rights (i.e. to be eligible for the National Assembly) (Bertossi & Hajjat 2013, 4).

Gender biases were further removed in 1927, when the French government readdressed citizenship laws as a result of a shortage of French citizens given the casualties of World War I (Bertossi & Hajjat 2013, 5). With the reforms of 1927, French women marrying foreigners were allowed to keep their French citizenship and even transfer it to their children. Other changes brought by the reforms of 1927 include new naturalization requirements such as a reduction in the residence period. However, these changes were temporary and reversed around the period of World War II.

The focus on birthplace and assimilatory practices of institutions does not mean heritage and genealogy were rendered unimportant in France. Though politically equal, "blood citizens" and "paper citizens" have been treated differently in the social arena, where forms of xenophobia, racism and nationalism have been apparent since the early twentieth century (Bertossi & Hajjat 2013, 5; Raissiguier 2010, 72). These social concerns also affected policy, and several laws were introduced in the 1930s that limited newly naturalized citizens' access to certain professions (Bertossi & Hajjat 2013, 6).

Reforms in the 1970s once again addressed gender inequalities and limitations on the citizenship of naturalized citizens. Citizenship was equalized for men, women and legitimate children in 1973. The law of 1973 allowed for the transmission of French citizenship to an infinite number of generations through both mothers and fathers, as long as children are registered with French authorities. It also repealed the idea that assimilation was automatic upon marriage, giving the government the discretion to reject the acquisition of French citizenship by marriage if there was a lack of assimilation. A few years later, in 1978 and 1982, all

discrimination against naturalized citizens was removed in terms of limits on their rights

(Bertossi & Hajjat 2013, 8).

The description of reforms to the French citizenship laws above is by no means

comprehensive. Still, it is clear that France's history has shaped its current citizenship laws. The

historical overview of the citizenship laws also helps clarify how the different needs and

concerns of societies at a specific time have shaped policies, while also showing that the

definition of citizenship evolves with the needs and realities of society.

The case of the United States of America (USA) presents yet another model of

citizenship acquisition. Like France and Germany's current laws, the USA recognizes both *jus*

soli and *jus sanguinis*. However, unlike France and Germany, the USA's citizenship laws have

many fewer restrictions in terms of claiming *jus soli*. According to the Fourteenth Amendment of

the US Constitution, anyone born on American soil is considered a citizen, regardless of factors

such as how long his/her parents have lived in the USA and whether or not the parents are

citizens of the USA themselves. In the case that a child of an American citizen is born abroad, he

or she can claim *jus sanguinis* with only some restriction: the American parent(s) must have

lived in the USA for a certain minimum number of years and the parents have to be married.

There are rules and procedures to grant citizenship to children born out of wedlock, as well (U.S.

Department of State 2012, 3). There are also many opportunities for naturalization, and related

policies are determined at the federal level. Requirements vary depending on specific situations

of applicants, and have changed over time. Generally, naturalization can occur if one is married

to an American citizen or if one's skills are desirable for the American citizenry.

Historically, citizenship in the USA was mediated by race, gender and social class. For

example, the Naturalization Act of 1790 extended citizenship to aliens who lived in the USA for

at least two years on the condition that the aliens were free, white men of good character. It also outlined the concept of *jus sanguinis*, claiming that the children of US citizens born outside the limits of the USA would be considered US citizens as long as their fathers had resided in the USA. Furthermore, to exercise citizenship fully, there were even restrictions placed on free white men in various scenarios; for example, until 1825, there were property requirements for suffrage for white men.

People of African birth or descent did not gain access to citizenship through naturalization until 1870; and in that same year, the Fifteenth Amendment prohibited the denial of suffrage on basis of race (Kerber 1997, 841). However, there were still restrictions on African Americans' citizenship even after 1870. For example, suffrage was not federally protected until the Voting Rights Act of 1965. Also, it was not until 1991 that the Supreme Court ruled race an unacceptable consideration for peremptory challenges to prospective jurors (Kerber 1997, 842).

Racial discrimination in citizenship laws and practices also affected Asian immigrants. Anti-Asian immigration policies were in place for many years; however, changes in legal decisions were made and bans were lifted as the USA's relationship with different countries developed. For example, exclusion laws that prohibited Chinese immigrants from naturalizing or entering the USA in the 1880s were undesirable during World War II, since China was an ally. To show support for the ally, the USA exempted Chinese people from exclusions to citizenship (Kerber 1997, 843). Also, citizenship laws were revisited in 1947 to govern the relationship between soldiers and Japanese women.

Not all Americans who married foreigners were treated equally. Generally, the foreign wives of American born men automatically gained access to the process of naturalization. Whereas American women who married foreign men lost their citizenship as established by a

statute in 1907 (Kerber 1997, 840). Most of the effects of this law were reversed in the 1930s, and women today are equal in terms of passing citizenship to foreign spouses and children.

Lebanese law – the main focus of this project – approaches citizenship in a similar way to Germany's Nationality Law of 1913, and it, too, is influenced by the French Civil Code of 1804 (Abou Aad & Mansour 2012, 9). According to Article 1 of Law Number 15 of the Lebanese Constitution of 1926, a person is only considered Lebanese "if born to a Lebanese father, if born in the Greater Lebanon territory and able to prove that he is not naturalized as a foreign subject, or if born in the Greater Lebanon to unknown or stateless parents" (Abou Aad & Mansour 2012, 10). This law has not changed since the writing of the constitution in 1926, and there were only a few changes made to other laws relating to citizenship since then (i.e. an amendment to the laws made it an option for Lebanese women to retain their citizenship even if they married a non-Lebanese man, which previously warranted an automatic loss of citizenship). The principle of *jus sanguinis* is the primary way to citizenship in Lebanon. It reflects the value placed on descent and kinship. It also reflects the nativist ideology, which is further confirmed by looking at the issues of racism and discrimination in Lebanon. Even Lebanese citizens who are born to a foreign mother and look foreign (because of skin color or clear facial characteristics) are treated as "others" (Damon 2013).

As for naturalization, foreign spouses of Lebanese men are automatically naturalized – while Lebanese women who married foreign men automatically lost their citizenship until 1960 (Abou Aad & Mansour 2012, 4; Joseph 1997, 81). Otherwise, Lebanon has not yet developed "regulatory frameworks regarding immigrants' acquisition of citizenship…in spite of the fact that the country has long been both a target for migrants and a source of significant out-migration" (Hourani 2011, 4). Consequently, naturalization is neither common nor easy and only occurs by

a special decree signed by the president, the prime minister, and the minister of the interior (Maktabi 2000, 172). It has happened on a large scale at certain times in Lebanon's history, such as at Lebanon's establishment as a state and in the mid 1990s with the Naturalization Decree of 1994, discussed more below (Hourani 2011, 1).

The history of citizenship in the national context helps us understand the current approach. In Lebanon, the state did not have distinct, formal citizenship laws for its first four years, during which Ottoman citizenship laws continued to be used. In 1924, the Treaty of Lausanne of July 1923 was put into effect, recognizing Turkish subjects who resided in the territories of Greater Lebanon at the time as Lebanese citizens and simultaneously regarding them as having lost the Turkish citizenship (Maktabi 1999, 224). Physical presence in Lebanon on 30 August 1924 became imperative for residents in matters relating to acquiring citizenship. Emigrants, though, were exempted from this requirement and allowed access to Lebanese citizenship despite their physical absence from the country. Many problems arose in cases of naturalization demands as a result of the contradicting requirements for citizenship as outlined above, coupled with the problems stemming from the guidelines of who was to be counted in the census of 1932, which later became the basis for citizenship (Maktabi 1999, 226).

The census of 1932 was pivotal in citizenship legislation because what originated as guidelines for conducting the census later got reinterpreted as specifications for the granting of Lebanese citizenship. The guidelines, and later naturalization norms, gave Christian applicants an advantage or preferred status over Muslim applicants, according to Rania Maktabi, a political scientist and Middle East scholar. For example, Christian applicants who emigrated from Lebanon before 30 August 1924 or who were recent immigrants to Lebanon such as Armenians, Chaldeans, and members of the Greek Catholic churches, were naturalized. However, some

Muslim applicants were not counted in the census because of their residence in towns along the border - and because they were left out of the census, they were considered not Lebanese in future affairs (Maktabi 1999, 227).

Maktabi acknowledges that administrative or bureaucratic blunders resulted in groups of stateless or legally undocumented people. Since the establishment of the state apparatus was new, the general population was unaware of the importance of registration. However, she also hypothesizes that "the consistent exclusion of stateless persons and resident non-citizens as members of the Lebanese state became politically motivated over time" (1999, 229). She continues to explain how the naturalization process was manipulated by the Christian-dominated regime to compose the citizenry in ways that advanced its priorities. For example, the numbers of Christian citizens were inflated, and another census was resisted to represent opponent groups as minorities (Maktabi 1999, 238).

On the other hand, even under a Maronite Christian president, Director of the Lebanese Emigrant Research Center and humanities scholar Guita Hourani claims citizenship legislation was politically motivated in favor of Sunni Muslim groups in 1994, showing that the dynamics of the political community changed within the century (2011, 2). Her claim references the Naturalization Decree of 1994, which aimed to rectify some of the initial problems regarding the granting of citizenship based on the 1932 census by naturalizing certain stateless groups, including Kurds, Bedouins and residents of border towns such as the inhabitants of Wadi Khalid from the north and the Seven Villages from the south, among others (Hourani 2011, 1; Maktabi 1999, 240). The Decree granted Lebanese citizenship to over 150,000 individuals who were mostly Sunni and Shiite and came from 80 countries. In fact, stateless people were actually a minority of the group (Hourani 2011, 1). The Maronite League questioned the constitutionality

of the Decree. They were particularly concerned with the fact that unentitled persons acquired the citizenship, rather than descendants of Lebanese emigrants who did not opt for Lebanese citizenship in 1924, as well as with the sectarian imbalance that the naturalization of a majority of Muslims brought onto the country's already sensitive demographic situation (Hourani 2011, 2). Some Christians believed the Naturalization Decree was an intentional political move by Sunnis to increase their representation in the Lebanese population rather than a human rights undertaking that aimed at resolving issues of statelessness. The concern was confirmed as true by members of a Sunni political party, the Future Movement (Hourani 2011, 2).

This brief historical overview of Germany, France, the USA and Lebanon demonstrates that citizenship laws are dynamic. Citizenship laws reflect society's attitude towards "others" and membership in the state at that time. Current restrictions in various countries are subject to change. In the examples above, they evolved in terms of citizenship acquisition and the definition of citizenship. Citizenship laws can also evolve in other regards, such as how different groups of people are treated (i.e. women, children, people of different sexual orientations, religions, races, etc.), and in terms of what rights and responsibilities are determined by citizenship versus residence.

CHAPTER II

GENDER & CITIZENSHIP

One relationship that has changed drastically over the years is the one between citizenship and gender. It has evolved and continues to evolve differently in various countries. As Birte Siim explains, "there is no universal story about gender and citizenship" (2000, 3): both temporal and national contexts are important in discussions of gendered citizenship (Lister et al. 2012, 374). Feminist scholars have brought attention to and critiqued the many ways in which women have been "excluded from citizenship," from the perspective of belonging, participation in the state, and the exercise of rights (Abu Laban 2008, 9). For example, Carole Pateman argues that the public, political sphere was dominated by men, and its membership was based on fraternity - "the brotherhood of men," effectively excluding and subordinating women (Abu Laban 2008, 9; Siim 2000, 51). While men were responsible for public activities and outside relationships, the household, children and private world of the home were a woman's responsibility (Zaher 2002, 461). Not only were the two spheres separately occupied by gender, the public sphere was seen as superior to the private sphere, sustaining and reinforcing patriarchal values (Siim 2000, 47; Zaher 2002, 461).

The public sphere/private sphere divide has had several implications, one of which is the way in which women have experienced rights acquisition. Women have experienced several differences in comparison to men, both in terms of time frame and trajectory (Abu Laban 2008, 9; Walby 1994, 384). According to T. H. Marshall, men acquired the three elements of

citizenship in the following order: first, civil rights, then political rights, and finally social rights (1950, 21). Women, on the other hand, have generally acquired political rights first, then used the political rights to leverage their civil and social rights later (Walby 1994, 389).

While most men in Germany, France, and the USA had secured their political rights in the eighteenth or nineteenth centuries or at the ratification of the constitution in the case of Lebanon, it took women until the twentieth century to gain their political rights. Women in Germany were granted the right to vote and to stand for election in 1918 (Thomsen 2007, 351). In France, women gained the right to vote and be eligible for political assemblies in 1944, 96 years after men; women could vote before that, starting in 1916, only in the event that their husbands or sons were killed in war, in which case the right to vote was considered inherited by a widow or a mother in absence of a father, respectively (Allwood & Wadia 2009, 62; Siim 2000, 46). As for the USA, women gained the right to stand for election in 1788 and the right to vote in 1920 with the ratification of the nineteenth amendment to the constitution (Thomsen 2007, 342), which made it unconstitutional to deny someone the right to vote based on sex. Before then, each state set its own voting laws, and eligibility to vote was based on a number of the following factors throughout the history of the USA: race, religion, age, ownership or property, and gender. Even after the nineteenth amendment was passed, equality was not always practiced. An example of this is the case of *Breedlove v. Settles* (1937) which sustained a Georgia law that excused women from the poll tax if they did not vote, basically rewarding women for and incentivizing not exercising their right to vote (Kerber 1997, 839). Finally, in Lebanon, women gained the right to vote and run for office in 1953 (Joseph 1997, 81). Despite this achievement, women were not represented in the parliament until the early 1990s, with the exception of one woman who held a seat in 1963 (Khalaf 2010, 2).

As for the acquisition of civil rights, in the histories of Germany, France, the USA, and Lebanon, before and during the acquisition of political rights, women and particularly married women were generally excluded from civil citizenship. Women's identities were dependent on their husbands' - and sometimes fathers', meaning they had no individual civil rights. In Germany, as in France and Lebanon, the Napoleonic Code of 1804 influenced laws relating to gender relations, mandating that women "be placed under the care and supervision of their closest male relative" (Allwood & Wadia 2009, 62; Nathans 2004, 7). The German Civil Code also did not give women rights equal to their husbands (Nathans 2004, 212). For example, a woman had to take her husband's name upon marriage; she also took his national identity and citizenship; and she had to obey him as the head of the household and family.

In France, during the *ancien régime,* a woman remained under her father's control until marriage, when she would be subject to her husband's rule (Abray 1975, 43). Women gained certain civil rights after the French Revolution and the Declaration of the Rights of Man and of the Citizen of 1789, which is said to have questioned paternal power. For example, women gained the right to divorce and a law was introduced making sons and daughters equal in terms of inheritance (Siim 2000, 47 and 51). However, the adoption of the Napoleonic Code in 1804 was a setback for women's rights, as it gave husbands power over their families, which was "premised on married women's lack of civil rights" (Siim 2000, 48). The inequality between men and women was ironic, considering that equality was one of the three main values of the French Revolution. However, the irony helped advance women's rights because it made the gender inequality more visible under the new laws of equality, making women's exclusion more problematic (Siim 2000, 52). With time, though, and especially after World War II, women were

able to gain civil rights including the right to control their own property and legal affairs in 1965 and the right to divorce by mutual consent in 1975 (Siim 2000, 59-60).

In the USA, British common law was adopted and with it the concept of coverture. Coverture is the treatment of a married woman as the property of her husband, under his protection, cover and control (Kerber 1997, 838; Zaher 2002, 460). Hence, a woman's legal existence was considered "suspended" during marriage (Blackstone 1876, 431). Religion was also used to validate coverture, in addition to the social norms and laws that existed (Zaher 2002, 461). Genesis 3:16 was referenced in particular, and it claimed, "…Your desire shall be for your husband, and he shall rule over you'" (English Standard Version). Another biblical verse, 1 Corinthians 11:3, also establishes a hierarchy between the two genders and God: "But I want you to understand that the head of every man is Christ, the head of a wife is her husband, and the head of Christ is God" (English Standard Version). It followed, then, that a married woman's civil identity and property also fell under the control of her husband.

Though the terminology used in American law was different from that used in the Napoleonic Code and the German Civil Code, the values transmitted in the laws and resulting norms were similar across all three countries. Initially, a married American woman took her husband's last name, his nationality and citizenship; she did not have the right to own property independently, and what she owned became her husband's upon marriage; she did not have the right to name guardians for her children, and if she was widowed, her husband could exclude her from guardianship herself through his will; and a woman could not stand in court (Shammas 1994, 9; Zaher 2002, 460). As Claudia Zaher succinctly states, "Upon marriage the husband and wife became one – *him*" (2002, 461). One of the consequences of coverture in the nineteenth century involved the right to settlement: there were strict laws defining who could settle in a

town and claim town charity, and a poor man might not have secure settlement in any town (Kerber 1997, 844). If a woman married such a man, she was not able to claim a settlement for her family in her home town, because the family's identity was derived from the father. A woman then had to endure harsher treatment until she was widowed.

Lebanese women have endured conditions similar to American, German and especially French women. Considering Lebanon's status as a French mandate just before its independence, Lebanon's legal code is based on the French Civil Code and the Napoleonic Code of 1804 (Abou Aad & Mansour 2012, 9). Under French influence, Lebanese women, like German, French and American women, were treated like minors whose guardians were their husbands. Women followed their husband's citizenship and identity. Interestingly, before the mandate period, when Lebanon was part of the Ottoman Empire, Lebanese women had certain rights – such as the right to keep their citizenship regardless of their husband's identity, the right to conclude contracts, and the access to justice in courts - that were taken away during the period of the French Mandate and subsequently when the Lebanese constitution and legal code were written (Zantout 2008).

When Lebanese law was written in the 1920s, men and women were both guaranteed equal access to the judiciary (Khalaf 2010, 7). However, other civil rights were unequally distributed. For example, a Lebanese woman could not keep her citizenship upon marriage to a foreigner, she did not have the right to travel freely without her husband's permission, she could not operate a business without supervision from male kin, and she was subject to different treatment under the penal code, especially in relation to honor crimes, adultery, and rape (Abou Aad & Mansour 2012, 4; Joseph 1997, 81; Khalaf 2010, 5; Stephan 2010, 536). Patriarchal

kinship, as Suad Joseph phrases it, is valued in social, religious, economic and political aspects of life and society in Lebanon, and it is authenticated by patriarchal laws (1997, 74).

Additionally, Lebanese women have been further constricted to patriarchal practices by religious codes since the ratification of the Lebanese constitution because of the power the constitution gave religious communities in enforcing personal status laws relating to marriage, divorce, inheritance and custody issues (Joseph 1997, 74). For example, religious codes determine the value of a woman's testimony as opposed to a man's testimony in court; Muslim religious courts equate two women's testimonies to one man's testimony, whereas Christian religious courts consider testimonies equal regardless of gender (Khalaf 2010, 7-8). Patriarchal values also discourage Lebanese women from "asserting their rights in opposition to men" at all, though they have access to the judiciary, to initiate proceedings, to defense and to aid if they cannot afford the costs, effectively limiting women's civil rights (Khalaf 2010, 7).

In terms of the third aspect of citizenship - social rights – the struggle for equal rights in that arena is ongoing in the four countries discussed. In Germany, families were traditionally made up of bread-winning men and homemaking women. As a strong male breadwinner model, the participation of women in the labor force in Germany was low, and this was perpetuated by the state. "House-wifery" was promoted through the offering of few services for working mothers (Orloff 1993, 312). For those women who did work, their labor was openly valued less than men's labor (Rouette & Selwyn 1997, 62). Additionally, women "had less access to the system of welfare benefits, received fewer benefits, and were more frequently subjected to degrading controls and tests" (Rouette & Selwyn 1997, 50). Women were also the first to be laid off, and after World War I, they were laid off to make room for breadwinners. Though women were forced to take up some of the men's responsibilities during World War I, it was expected

that they would return to their pre-war ways after the war. Protective labor legislation for women and young people was reintroduced after the war, too, reinforcing gender-hierarchical divisions of labor and further limiting women's access to employment. Today, close to a century later, women still find themselves battling stereotypes of being homemakers or being unable to successfully tend to both family and work (Bennhold 2010). Though women have gained some rights and social norms are changing to support women's entrance into the labor force – such as school days getting longer and afternoon programs becoming more popular – the concept is not widely accepted.

France, on the other hand, enforced policies that protect motherhood and support families, which helped the advancement of women's rights in some ways. For example, "women gained reproductive rights to contraception in 1967, the pill was covered by medical insurance in 1974, and abortion became legal in 1979" (Siim 2000, 60). Also, since the 1970s, public policy measures have facilitated the combination of employment and family life for women through generous family-centered state provisions (Siim 2000, 61). However, different understandings of what it meant to protect motherhood and support families on the Left and the Right resulted in the failure of certain efforts to grant women more rights. For example, under the presidency of Francois Mitterrand, the Socialist Party adopted a program in 1981 that included proposals for equal rights for women, increased political representation for women, equality in the work place and equality in pay, rights to freedom from sexual discrimination and harassment, improved parental leave for parents, and the creation of public day cares that would facilitate equality at work for women (Siim 2000, 62). As a result of opposition from the Right and sometimes the Left as well as unfavorable economic conditions, most of the proposals failed. Some benefits did arise from these proposals despite their overall failure: first, a proposal against sexual harassment

was passed unanimously, and second, the proposals brought publicity to women's issues and questions of gender equality.

In the USA, women have made significant advances in formal equality in terms of the acquisition of social rights. In the nineteenth century, it was debated if women should work outside the home at all. In the twentieth century, the debate shifted to address which women should work outside the home, what occupations should be made available to them, and what rights were appropriate for such workers (Cobble 2011, 69). In the 1940s and 1950s, many called for the right to employment for all women regardless of age, marital status, race, religion and ethnicity – which were all bases for discrimination against women. For example, before World War II, married women faced challenges because employers doubted women could successfully combine the responsibilities of working and taking care of their families and homes (Cobble 2011, 71). Like in Germany, it was also widely accepted that married women who were employed could be laid off before men, because men were regarded the breadwinners and because women were better suited for household work (Zaher 2002, 462). Also, in the mid 1900s, certain jobs required women to retire after a certain age. Women challenged such requirements. They also challenged the division of labor and the sex segregation of occupations, with concerns that the divisions at that time condemned women to a second-class status (Cobble 2011, 71; Orloff 1993). Racial discrimination was also prevalent in the division of labor. A detailed account of women's rights in the workplace and labor force would be too extensive for the purpose of this project. The points above serve to outline some of the issues involved in the acquisition of economic social rights for women.

In addition to economic rights, social rights are comprised of the right to education, health, housing, social security, etc. Some of the notable achievements in the acquisition of

social rights in the USA include the passing of Title VII of the Civil Rights Act, which makes discrimination based on sex – among other factors – illegal; federal laws that mandate fair credit for women; the recognition of marital rape as a crime; and the option for women to choose their surname (Zaher 2002, 462-3). However, there are many rights that have yet to be recognized. For example, contrary to practices in France and Germany that support women as being mothers and economic agents simultaneously, the USA does not legally require employers to offer maternal leave (Hall & Spurlock 2013). Currently, questions of reproductive rights and the enforcement of income equality come up regularly in political debates and agendas.

In Lebanon, women have gained several social rights since the formation of the state in the 1920s. Women have had access to education even at the university level since the state's formation (Lebanese American University 2012); women have had the right to equal retirement ages and social security benefits since 1984 (Abou Aad & Mansour 2012, 4); and "certain discriminatory provisions within the labor and social security codes were amended in 2000" (Khalaf 2010, 8). Though there are still many laws and provisions that need to be revisited in terms of increasing equality and social rights for women, the recent attention given to such issues suggests a shift "from indifference to active engagement in the government's attitude on gender discrimination" (Khalaf 2010, 8).

Consequences of inter-marriages on women

Laws that imposed a man's citizenship on his wife had particular consequences for women who married foreign nationals. In those cases, women had to surrender their own citizenship to acquire their husband's, and this was true for at least some period of time in all four countries examined above. There were several reasons for the dependence of a woman's

citizenship on her husband's and the mandate that a woman's citizenship was the same as her husband's.

First, the patricentric ideology of citizenship law and society in general is commonly cited. It was believed that there must be a head of the household, and based on patriarchal values, the responsibility of being the head of the household fell automatically on the man - the husband and father (De Hart 2006, 180). Consequently, the man was the ultimate authority and decision maker. For this reason, it was valid that the family's identity should be derived from the man's to maintain and preserve the unity of the family. As Brigitte Studer explained, women were expected to sacrifice equality for the greater good of the community and social cohesion (2001, 635). Additionally, once a woman is married, political philosophers and policy makers feared that her loyalty to the state was no longer certain. A married woman vowed allegiance to her family first and her husband, presenting a conflict of interest if the man's allegiance was elsewhere, other than the woman's state (De Hart 2006, 180; Studer 2001, 637). It is argued that the conflict between pledging allegiance to one's family versus one's state undermined the purpose and function of citizenship (De Hart 2006, 180).

Another approach to the issue looks at marriage as a choice, where a choice to marry a foreign national is equated with a choice of expatriation (De Hart 2006, 180; Kerber 1997, 841). Laws that require women to surrender their citizenship upon marriage to a foreigner are meant to act as a disincentive – or even a punishment – for choosing out-marriage. In some cases, such citizenship laws were a manifestation of anti-miscegenation legislation, discouraging and punishing the mixture of races. In others, the laws were intended to discourage marriage with ethnically or socially undesirable foreigners. Finally, such laws intended to control immigration in some contexts, preventing certain people from being admitted to the citizenry.

The consequences of the laws that resulted in a woman's loss of citizenship are multi-faceted. Women risked statelessness if the husband's home country did not have laws that automatically welcomed her to the citizenry as the spouse of a national (De Hart 2006, 181). This is a problem German women faced for a period of time, specifically in the case of marriage to Americans. A German woman lost her citizenship under the assumption that she would be covered by her husband; however, the naturalization process in the husband's country – the USA in this case – was not automatic at that time, resulting in a temporary statelessness for the German women (Nathans 2004, 212). In 1933, there were twenty-one other countries, in addition to the USA, that did not automatically grant citizenship to women who married their male citizens (Studer 2001, 629). This left women in positions of vulnerability, because without citizenship, a person's ability to travel, work, or even claim welfare benefits were limited. In other words, stateless women would have little to no political, civil or social rights, depending on the country in which they were residing. These issues might not have been relevant in the experience of some women whose husbands could help or protect them. However, if a woman was abandoned or abused, or if her husband was incapable of helping, she would find herself in difficult positions. In some countries, legislation allowed for widowed women to regain their original citizenship, but where that was not the case, widows would face the same consequences of statelessness outlined above.

Even when naturalization in the husband's country was an option, women were still alienated from their homeland and political economy, and they were placed at the mercy of foreign and unfamiliar law (De Hart 2006, 181). As Marie Elisabeth Lüders, an advocate for women's rights, stated in a speech to the German parliament in 1930, loss of citizenship meant loss of "rights to academic qualifications, positions, and pensions," as well as a loss of economic

"bases for … existence," since certain professions required German citizenship to practice, and marrying a foreigner would prevent women from finding employment in those fields (Nathans 2004, 210). Also, in the most formal definition of citizenship as the right to enter into a state, women lost their right to enter their homeland freely (Abu Laban 2008, 11).

Studer shares the stories of two women who married foreign men, illustrating the consequences of such marriages on the individual women (2001, 623). First, a Swiss woman, Irma Bornheim, married a German Jewish, stateless man and inherited his stateless status. After Nazis deported her husband, Bornheim tried to return to her homeland. However, since her husband was classified as 'missing' and she was not considered a widow – who under Swiss law would regain her citizenship – Bornheim was treated as a foreigner by Swiss officials, only eventually gaining access to her homeland under the status of a refugee and not a citizen. Her citizenship's dependence on her husband's made entering her homeland difficult and made her stability and welfare uncertain. Studer also illustrates problems women could face at the mercy of foreign law through the story of Frieda Rech. Rech was mentally ill, and after marrying a German man, she fell victim to Nazi euthanasia policies.

Women and independent citizenship

Women's movements have tried to rectify this inequity along with others, and have been successful in advancing women's rights at different rates and in different regards. In Germany, reforms to the laws that revoked a German woman's citizenship upon marriage to a foreigner took place in 1930 (Nathans 2004, 210). As for constitutional equality, it was not until 1949 that an article in the constitution claimed that men and women shall have equal rights. Following the establishment of formal equality between genders, more norms and laws that treated them

unequally were challenged and brought down for being unconstitutional. For example, in 1957, tax laws designed to prevent women from participating in business activities and competing with men through higher taxes on women's earnings were changed. In 1959, it was established that parental authority was not exclusively the father's right, and in 1974, the father was no longer automatically seen as the head of the household, and that view was replaced by a partnership between both parents. Also in 1974, it was deemed unconstitutional that only children of German fathers could acquire the citizenship, and that right was extended to women. As recently as 1991, partners in a marriage were granted the right to choose their own names and equality in that regard was enforced (Jaeger 2001).

In France, married women gained full equality with their husbands in 1983, after gradual changes to old family law (Siim 2000, 48). For example, in 1945, after similar legislation was implemented and then overturned during the period of World War II, new legislation was put in place again to allow women the option of keeping their French citizenship regardless of whom they married. In 1973, a law was passed to establish gender equality for the transmission of French citizenship to spouses and children, and another law was passed to make citizenship independent of marriage (Bertossi & Hajjat 2013, 12; Rouhette 2006, 6). Also, with the acquisition of civil, political, and social rights mentioned above and the absence of a clause dictating otherwise in the civil code or constitution, women's citizenships were effectively independent from the mid twentieth century.

In the USA, married women began gaining the rights of an independent agent in legal contexts with the Married Women's Property Acts, a series of statutes that began taking form in the 1830s (Shammas 1994, 11; Zaher 2002, 461). The changes started with the introduction of laws that protected certain types of property that a woman brought to a marriage from being used

to cover her husband's debt (Shammas 1994, 11). Women then gained rights to own and sell property. As women gained more property rights, other areas of the law began to recognize they were legal individuals as well; the acquisition of property rights was the catalyst for American women gaining the rights to sue their husbands for divorce or personal injury and rights to custody of their children (Zaher 2002, 462). Also, the Cable Act of 1922 allowed women to keep their citizenship even after marriage to a foreigner with some restrictions regarding the spouse's nationality, which were then removed in 1931. All these achievements contributed to women's independence in terms of citizenship. It was not until 1992, though, that the US government ruled explicitly that a husband has no control over his wife's physical body (Kerber 1997, 839). Even with all these achievements, there are still subtle remnants of coverture in the way domestic relations are understood and laws are applied today, but at least women can claim formal independence and equality in the eyes of the law (Kerber 1997, 839; Zaher 2002, 463).

As for Lebanon, women continue to strive for independent citizenship. Though there have been some successes in the acquisition of rights, which allow women more independence, women are still not seen as equal with regards to the laws, especially those mandating citizenship and the transmission of citizenship. Also, obeying one's husband continues to be commanded by law – more specifically personal status laws – which threatens women's independence (Joseph 1997).

It is important to note the efforts of the international community in establishing certain minimums or standards for the equality and independence of women's citizenship. One such example is the United Nations (UN) Convention on the Nationality of Married Women of 1957, which aims to protect the nationality[2] of married women by making women's nationality

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[2] Though the convention's title uses the word "nationality," it is referring to the concept of citizenship as I use it in this project.

independent of husbands', to which of the four countries being discussed, only Germany acceded.

Also, the UN Convention on the Elimination of All Forms of Discrimination Against Women

(CEDAW) of 1979 aimed at "recognizing women's autonomy and equality in the acquisition and

transfer of their nationality" and eliminating gender discrimination (Abou Aad & Mansour 2012,

6). Germany, France and Lebanon have ratified CEDAW, with some reservations; namely,

Lebanon had reservations about the articles that required gender equality in terms of rights to

transmit citizenship and marriage rights, which are managed by religious communities in

Lebanon. The agreements helped bring international attention to specific issues even if countries

did not ratify the conventions, and sometimes they even influenced change (UN).

Gender and derivative citizenship

Derivative citizenship – or citizenship acquisition through *jus sanguinis* - is another area

of citizenship that is gendered, as hinted earlier in the paper. Men and women do not have the

same rights in all situations and circumstances when it comes to transmitting citizenship to

children. Some countries only allow citizenship acquisition through a citizen father. Others allow

both a citizen mother and a citizen father to transmit citizenship – but only when the parents of

the child are married. Some countries allow only citizen mothers the right to transmit citizenship

to illegitimate children, whereas others are more lenient. Also, it is important to note that

countries can – and have – changed laws guiding derivative citizenship. For example, in

Germany, before 1974, the child of a German mother could not claim *jus sanguinis* and acquire

the citizenship; only the child of a German father could do so (Jaeger 2001). However, these

guidelines were deemed unconstitutional, and the right to transmit citizenship to children was

extended to mothers in 1974. French citizens faced a similar situation: only fathers could

transmit citizenship to their children, until a law was implemented in 1973 that gave fathers and mothers equal rights. In the USA, women have had equal rights regarding transmitting citizenship to children since 1934 (U.S. Department of State 2012, 11). It can be said that women have had more rights than men because in cases of children born out of wedlock, only a mother can transmit citizenship to her children automatically. A father must prove a blood relationship in order to be able to do the same (U.S. Department of State 2012, 3). Finally, in Lebanon, the preamble of the constitution claims that men and women are not to be treated differently; however, Article 1 of Law Number 15 of the Lebanese Constitution of 1926 pertaining to derivative citizenship makes it clear that the legitimate child of a Lebanese father only is eligible to acquire Lebanese citizenship. The only exception is when a mother bears a child out of wedlock and the father is unknown, then a woman can transmit citizenship to her child, as Article 2 of that same law outlines (Abou Aad & Mansour 2012, 10). In this way, Lebanese law ironically gives an illegitimate child more access to the state, its institutions and its benefits than a legitimate child. This brings me back to the initial question: why is it that Lebanese citizenship laws are still gendered in this way, while the other countries examined above were in similar situations within the past century, but all of them recognized the unconstitutionality of the citizenship laws that only permitted men to transmit their citizenship to their children? What is holding Lebanon back from making similar decisions? As I will show below, Lebanon's history and current affairs come into play in the consideration of why women do not have the right to pass their citizenship on to their children. Also, Lebanese citizens have been challenging the constitutionality of the law for years, but their attempts have yet to succeed.

CHAPTER III

LEBANON COUNTRY PROFILE & HISTORY

It is important to consider the political and social context of Lebanon in more depth to better understand the reasons why its citizenship law has yet to be amended to include women as agents for transmitting citizenship, while other countries have already achieved this move towards equality. The brief historical overview of the country below will highlight the importance of religion and religious identities in the Lebanese population and Lebanese politics and law through a discussion of the prevalence of sectarianism in Lebanon and the status of Palestinian refugees. Religion, sectarianism and the presence of refugees all have implications on Lebanon's citizenship policies and the way they are gendered.

As mentioned in Chapter 1, Lebanon is a Middle Eastern country with an area of about 4000 square miles, bordered by Syria on the north and northeast, Israel on the south and southeast, and the Mediterranean Sea on the west. Lebanon has a history that spans over seven millennia. However, the past 150 years are sufficient to better understand the issue at hand regarding citizenship and gender.

At the turn of the twentieth century, Lebanon was a part of the Ottoman Empire. A religiously diverse population existed in a feudal social system and its loyalties were divided between the political and religious spheres. Druze, Christians, and Muslims lived together in villages, and their loyalties were split between their village's lord and their religious communities (Hess & Bodman 1954, 14). Families controlled different regions of Mount

Lebanon, and they formed an interdependent, trans-sectarian elite (Makdisi 1996, 24). However, increasing European penetration and economic incorporation into European markets enticed elites "to make appeals to the European powers along religious lines to legitimate their position in rapidly changing circumstances" (Makdisi 1996, 24). This caused both the Christian Maronites and the Druze elites to create a new definition of community that primarily focused on religious solidarity, more than kinship and village as it did in the past. Hence, the political and economic motivations created lasting divisions amongst the population.

After World War I, Lebanon became a French Mandate. Greater Lebanon was established in 1920, made up of Mount Lebanon (what the term Lebanon had referred to previously) and some surrounding areas and coastal cities. The importance of religious identity did not falter with the establishment of French rule. Rather, the seats in the appointed legislature were apportioned among various sects, a characteristic of the Lebanese government that continues to define the country's politics today. Additionally, with the expansion of the territory unified under the Lebanese state, the population saw a rise in regionalism, where one's loyalties were further split depending on what region they came from (Hess & Bodman 1954, 14-15).

The Lebanese Constitution was written in 1926, and Lebanon gained its independence from France in 1943. Within a population of around one million at the time (Maktabi 1999, 235), there were eighteen officially recognized religious sects. People had divided loyalties to their religious communities and regions rather than a single national authority, creating a fragmented political culture. Also, no single sect was large enough to represent a majority. Thus, Lebanon did not have an official state religion. Instead, an article (Article 95) was written into the constitution declaring equitable representation of various religious communities in public employment and in the Cabinet (Hess & Bodman 1954, 16). Essentially, Lebanon was

established as a parliamentary democratic republic whose government falls under the framework

of confessionalism, "a system of proportional representation by religious faith in all government

functions" (Hess & Bodman 1954, 10). The system is more specifically an example of

parliamentary consociationalism, defined as "government by elite cartel designed to turn a

democracy with a fragmented political culture into a stable democracy" (Salamey & Payne 2008,

451).

In addition to the Constitution of 1926, the National Accord of 1943 - an unwritten

agreement that allocated the highest offices of the state among the country's sectarian groups –

instituted confessionalism (Salamey & Payne 2008, 453). The allocation of offices among

sectarian elites was based on the 1932 census – which also unexpectedly established the citizenry

of Lebanon, as explained in Chapter 2. At the time, Christians made up a little over 50 percent of

the population, leading to an agreement that gave Christians a slightly higher representation than

Muslims in government. There were no arrangements made to incorporate changing

demographics, which has been the root of many conflicts within the country as the percentage of

Muslims has grown, accentuated by the outmigration of Christians to the West and the influx of

Palestinian refugees, which strengthened sentiments of Arab nationalism and emphasized an

Islamic identity (Salamey & Payne 2008, 454-5).

The growing strains on the confessional accord contributed to the fifteen-year civil war

that began in 1975. The war was multifaceted; in addition to the disagreements over the

confessional accord, inter- and intra- faith conflicts were growing and the unrest in neighboring

Israel added stress to the Lebanese situation, especially with the increasing number of

Palestinians who were looking for refuge in Lebanon (Salamey & Payne 2008, 456). The civil

war ended in October 1989 with the Taef Accord and the redistribution of political offices. The

Taef Accord "did not bring about any fundamental, structural changes to the sect-based, patronage-driven, and consensus-requiring system adopted in 1943", but it updated the system by considering the new demographic and political realities in the redistribution of power (Salamey & Payne 2008, 456). Contrary to what some might expect in response to the conflicts that have arisen and the requests for a more inclusive adjustment of the political configuration, Lebanon has not had an official census since 1932. The Taef Accord awarded Muslims and Christians equal representation in the government, as opposed to the 6:5 ratio established in 1943 in favor of Christians, and it transferred some of the Maronite Christian president's rights to the Sunni Muslim prime minister (Harb 2006; Maktabi 1999, 220). However, the new, equal ratio was established without empirical evidence of the ratio of Christians to Muslims in the population as a whole. As a result, the issue of representation continues to be a point of contestation.

Lebanon continues to struggle with confessionalism, divided loyalties and responses to changing demographics, even 23 years after the end of the Civil War. A few milestones since then include the withdrawal of Israel from southern Lebanon in 2000, the withdrawal of Syrian forces in 2005, the Lebanon-Israel war of 2006, and the assassinations of many key political figures and demonstrations and protests by the citizens for various causes and requests (Salamey & Payne 2008, 457-8). The political situation in Lebanon is still considered unstable, and citizens are still trying to deal with remnants of the war including physical destruction, corruption, sectarian rifts, and the continued presence of Palestinian refugees. The state is further weakened by the presence and participation of Hezbollah in political affairs. Some, including the USA, consider Hezbollah to be a terrorist organization. Regardless of its label, though, Hezbollah challenges the sovereignty of the state by undermining the state's "monopoly on violence" through its independent use of arms and force in various contexts. The

abovementioned events leading up to the present day have shaped and redefined citizenship in Lebanon in various ways. The weakness of the state is especially relevant in questions regarding the meaning of citizenship in Lebanon, because it implies a different relationship between state and individuals. It also challenges the legitimacy of Lebanese citizenship in the international arena.

Sectarianism

Sectarianism, known as *taifiyya*, demonstrates Lebanon's prioritization of religious loyalties, ahead of and undermining patriotism and allegiance to the nation, inhibiting "the growth of a democratic, civil and secular society" (Makdisi 1996, 23). Some see sectarianism as a relic of the past, but Ussama Makdisi, a Lebanese historian, argues that the concept is actually rather modern. The presence of eighteen religious sects along with the confessional division of government offices has reinforced the importance of religious belonging in Lebanese society, which is perpetuated by the 1943 National Pact and the 1989 Taef Accord. Sectarianism has played a significant part in Lebanon's identity, and it is as much a part of the modern society as the idea of the nation-state, considering the simultaneous emergence of both (Makdisi 1996, 24).

Sectarianism is ubiquitous in life in Lebanon, and it is not exclusively a characteristic of the political arena. Not only is one's religious identity stamped prominently on his or her identification and voter registration card, but "benefits could not be obtained simply on the basis of citizenship rights because jobs, housing, telephones and education were guaranteed not by the state but through appeals to deputies and ministers and presidents who were themselves appointed or elected according to sectarian laws" (Makdisi 1996, 24-25). The inadequacy of citizenship rights in obtaining benefits demonstrates the weakness of the state. It also questions

the significance of citizenship. That is not to say that citizenship is unimportant, because religious belonging alone does not qualify an individual for rights and protections of the state; citizenship is required for participation in the political, economic, and civil arenas. However, it shows the interdependence of citizenship and religious belonging in Lebanese society. Further evidence of this relationship between citizenship and religious belonging is the coexistence of a civil code of laws applicable to all Lebanese citizens and religious codes that regulate personal status laws, such that one cannot be simply Lebanese, but must be a hyphenated Lebanese – a Lebanese-Sunni, Lebanese-Maronite, Lebanese-Greek Orthodox – and belong to a religious community.[3]

The relationship between sectarianism and citizenship has real consequences in the dialogue about citizenship and women's rights. Sectarianism is the reason that people are concerned with maintaining a demographic balance and not disturbing the current distribution of the population amongst the 18 sects. Limiting women's freedom in transmitting citizenship is one strategy used by the state and religious communities to maintain and control the demographic balance. Also, religious communities are given the power to set their own laws and regulate certain behaviors, which allows for citizenship to be defined on the scale of individual sects within the national landscape rather than the state as a whole. As a result, sectarianism perpetuates inequalities amongst citizens because not all citizens function under the same legal code or standards.

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[3] In 2006, a Lebanese bank publicized a nationalist campaign depicting the divisive nature of sectarian Lebanese identities, epitomizing the idea of the hyphenated identities and asking the question: when will we become Lebanese? For more, see: Byblos Bank. 2006. "Byblos Bank Christmas Commercial," YouTube, http://www.youtube.com/watch?v=KzEGTTCUSks (accessed April 10, 2013).

Status of Women

Overall, Lebanon is known to be more politically open and more developed than other Arab countries. It is the country with the highest literacy rate, education levels, number of educational institutions per capita, and number of newspapers and other publications in the Arab world, and it has a population that is generally politically conscious and engaged. Lebanon also prides itself on being a pioneer of reforms with regards to women's rights in comparison to Arab countries (Abou Aad & Mansour 2012, 9). Social and political feminist activists have worked on behalf of women's rights in the domain of citizenship since the early days of the state's formation, though there has not been a national women's movement in Lebanon (Joseph 1997, 79).

To complement Lebanon's status as a more developed Arab country, Lebanese women enjoy several rights, formally, in Lebanese society. As mentioned in the Chapter 3, Lebanese women have had access to higher education since the 1920s, the right to vote and run for office since 1953, to keep their citizenship regardless of who they marry since 1960, to travel without written consent from husbands since 1974, to equal retirement ages and social security benefits since 1984, and to own and operate businesses independently without supervision of or permission from male kin since 1994 (Abou Aad & Mansour 2012, 4; Joseph 1997, 81; Khalaf 2010, 5; Stephan 2010, 536). Additionally, women's rights movements have recently achieved a couple of significant changes in legislation related to nationally mixed marriages and benefitting Lebanese women: since women cannot pass citizenship to their husbands and children, in 2010, courtesy residence for foreign spouses and children was approved, and in 2011, labor law amendments were made to facilitate the acquisition of work permits for foreign husbands of Lebanese women (Abou Aad & Mansour 2012, 11).

Though the above rights and benefits are steps towards equality, Lebanon still has a long way to go to reach complete gender equality in law. Below are some examples of inequality in law:

> A man is punishable only if he commits adultery at home, while a women [sic] is punishable if she commits adultery inside or outside the home. A wife can be punished for up to two years for adultery, a man only up to one year. A man is punishable for an honour crime only if he is married, but not so a woman. One witness is enough to condemn a woman for an honour crime, but additional evidence is needed for a man to be convicted. (Joseph 1997, 81)

Furthermore, even if women have rights formally or officially, the extent to which a woman can exercise or enjoy her rights varies in practice. For example, while women have had the right to run for office since 1953, few women have held political office. Even then, there is a pattern of women coming to parliament to take the seats of their deceased husbands or fathers (Joseph 1997, 81).[4] The practical exercise of rights also depends on factors including a woman's geographic location and (religious) community.

Moreover, regardless of the rights that women currently have, Lebanon is a society that places heavy importance on patriarchal kinship and patriarchal ways. As Suad Joseph explains, "Patriarchal kinship is valorized in social, cultural, religious, economic & political practices" (1997, 74). It is exemplified through the legal codification of paternal lineage in citizenship laws, and fathers' exclusive right to pass citizenship to legitimate children (Abou Aad & Mansour 2012, 4; Joseph 1997, 81). However, the valorization of patriarchal kinship means that even formal equality in law does not always result in the practice of such equality, as the *de facto* treatment of women – and more so the way women carry themselves – is still inferior to the treatment of men, and expectations for women are lower than those for men. For example, patriarchal values discourage Lebanese women from "asserting their rights" in a way that would

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[4] Many Lebanese men come to parliament through implicit patrilineal succession, as well (Joseph 1997, 81).

challenge men and their authority, even though women have the legal tools to do so if they

choose (Khalaf 2010, 7); women have internalized such norms and expectations, and as a result,

women perpetuate the patriarchal values themselves although they sometimes place them at a

disadvantage.

Even approaching the issue of gender inequality in derivative citizenship from a different

angle, it is clear that men are considered more impactful political agents: since foreign wives of

Lebanese men are welcomed with no reluctance, but foreign husbands of Lebanese women are

consistently excluded from membership, one explanation can be that Lebanon views inviting

men into the citizenry as presenting a higher threat than inviting women in. In extension, the

practice of inviting foreign women but excluding foreign men from citizenship can also hint at

the expectation that women's political, civic and social behaviors would follow their husbands'.

Regardless, the discussion of the rights that Lebanese women have gained over the course

of the last 70 years since Lebanon's independence serves to show that there is potential for

advancement towards equality. Hence, exploring Lebanon's position in relation to moving

toward gender equality in derivative citizenship is relevant and reasonable.

Personal status laws

Patriarchal kinship is further validated through the implementation of religious family

law in public arenas in the form of personal status laws. Although the legal system is heavily

based on French civil law, each of the eighteen officially recognized sects is given power over

the observance and regulation of family law as prescribed in its religious tradition, with regards

to matters of marriage, divorce, child custody, and inheritance (Abou Aad & Mansour 2012, 9;

Joseph 1997, 81-2). Though the Christian and Muslim legal codes vary greatly, there are strong

patriarchal tendencies and biases in both.

> For most religions in Lebanon, children belong to their father and their father's family.
> Fathers and their families have priority over mothers and their families in child custody. In
> the Sunni Muslim sect, women cannot inherit. Shi'a Muslim law allows women to inherit one
> half as much as their brothers. Christians follow the state law which allows equal inheritance
> for women and men. Muslim laws generally give men a larger percentage of their deceased
> wife's property than women are entitled to from their deceased husband's property. Divorce
> in general is much easier for Muslim men than women to initiate. Sunnis and Shi'a allow
> plural marriages, but Druze and Christian sects prohibit polygamy. Among Christians,
> divorce laws vary greatly. Divorce is virtually impossible for the Catholics, while the Greek
> Orthodox are more flexible. (Joseph 1997, 82)

These variations in legal conditions based on religious law are in direct conflict with the

constitutional claims that all Lebanese citizens are equal in the third paragraph of the preamble,

and they pose a threat to and present a dismal outlook for gender equality - including in

Lebanon's citizenship laws, because changes would involve challenging sacred religious views

(Joseph 1997, 82). The use of religious codes for matters of personal status force citizens to

identify with a religious community, again exposing the hyphenated nature of the Lebanese

identity.

Conflicts arise in the case of interreligious marriages and in the absence of a secular, civil

code for all Lebanese citizens, because one religious code must be chosen. There are parallels

between such situations and the situations that arise when a woman who marries a foreigner is

subject to his land's laws: in both cases, there is one party that is unfamiliar with the legal code,

which places them at a disadvantage. This parallel also demonstrates how Lebanon's citizenry is

divided into what could be described as small nations, centered on religion, where two people

from different religious communities are treated as foreigners even within their home country

because of the power given to the religious communities.

Status of Palestinian Refugees

Another challenge to equality in citizenship laws is presented by the status of Palestinian refugees in Lebanon. Because of the large number of refugees currently residing in Lebanon, the fear of their naturalization makes up one argument against relaxing the Lebanese citizenship laws (Abou Aad & Mansour 2012, 9). The implications of that occurring are complex because of cultural aspects as well as the history of the relationship between the Lebanese state and Palestinian refugees.

Since the establishment of the independent Jewish state of Israel on May 15th, 1948, Palestinians have been leaving what was once Palestine, both voluntarily and involuntarily. A large number of the immigrants went to Jordan, where they were granted citizenship (Abu-Lughod 3). Another large proportion of them went to Lebanon, where they were – and still are today – labeled as refugees, a label that has limited their access to several resources. The "refugee" label has also brought about several restrictions, which include specified living spaces (i.e. refugee camps), limits on the types of work permits accessible, and obstacles restricting acceptance at educational institutions as well as strict movement within the country and across borders.

Although the Lebanese and Palestinian cultures are quite similar, especially when looking within the same religious groups (i.e. Lebanese Muslims and Palestinian Muslims), the political situation and implications of the refugees' presence in Lebanon has resulted in "reinventing the difference" between the two groups and a resistance to the permanent integration of Palestinian refugees into Lebanese society and citizenry (Meier 2010, 117). In addition to the perceived threat that naturalizing Palestinians would throw off the demographic balance in Lebanon (Abou Aad & Mansour 2012, 9; Knudsen 2009, 56; Meier 2010, 112), the Lebanese government is also

in a tough position with Israel: accepting the refugees and granting them citizenship simply because Israel will not allow them to stay in their homeland would question Lebanon's sovereignty since it would be succumbing to Israel's wishes, and it would simultaneously be a threat to the Palestinians' 'right to return' – the principle that Palestinians continue to have rights to property their parents and families were forced to leave behind after the 1948 exodus, and that they have a right to return to their homeland (Abou Aad & Mansour 9; Knudsen 2009, 68; Meier 2010, 119).

Naturally, the above tensions that existed between Palestinians and Lebanese society caused conflict around intermarriages between the two. The fact that there were - and there continues to be - legal restrictions on Palestinian refugees' status in society, such as restrictions on employment, education, and health care, associating with Palestinians is not looked upon favorably. The tensions could also explain the low number of Lebanese-Palestinian marriages, which is estimated to be between 400-500 per year in a country of around four million people (Meier 2010, 113).

The rarity of such occurrences and the factors that discourage unions between Palestinians and Lebanese people notwithstanding, these marriages still take place. They have taken place between people of similar socio-economic status, especially among the poor and those who live closest to refugee camps (Meier 2010, 117). There is also a high incidence of marriages between Palestinian Christians and Lebanese Christians (Meier 2010, 114). Intermarriages also take place between people who share a passion for the Palestinian cause (Meier 2010, 116). The implications of these marriages are especially interesting when we look at citizenship laws and how marriages are bringing these laws into dialogue. First, considering the Lebanese citizenship laws, men are the only ones who can pass along their citizenship to

spouses. Women cannot give foreign husbands Lebanese citizenship. Just that fact brings up several challenges to inter-marriage. Palestinian refugees in these cases are stateless, as they have been expelled from Palestine and are not granted citizenship in Lebanon. If a Lebanese man marries a Palestinian woman, she can gain Lebanese citizenship, or at the very least a residence permit, and can become an active and involved member of Lebanese society through employment, education or other means. That couple can easily settle in Lebanon, establishing a more permanent diasporic community of Palestinians and raising their children in a mixed household but within the comforts of the protection of the state and its provision of rights. A Lebanese woman marrying a Palestinian man does not have the same benefits as she remains the sole citizen with rights in the union, placing the burden of securing an income on the woman. Also, these limitations make it less desirable to settle in Lebanon, probably encouraging rediasporization as the couple looks for a place where both can be active members of society (Meier 2010, 120). Also, should the couple have children, they would grow up without the benefits of citizenship, such as education, healthcare, and political rights, as well as the psychological effects that constantly being a foreigner can bring.

An interesting exception to the rule prohibiting women from passing on citizenship to husbands and children came up in the 1950s, when a presidential decree granted a number of Christian Palestinian men married to Christian Lebanese women citizenship (Meier 2010, 114). This, however, does not happen regularly. The rare occurrence reveals one manifestation of the sectarianism and religious bias in Lebanon and Lebanese society. The act of granting citizenship based on religious affiliation brings up questions of identity as it forces Palestinian men to choose between identifying as Palestinian or as Christian. Also, men and women react differently to the issue of being with one group against the other while belonging to both (Meier 2010, 115),

presenting yet another way citizenship is gendered specifically in terms of belonging in this case. Also, placing Palestinians in positions where the choice of one aspect of their identity over another would result in special treatment further complicates Lebanese-Palestinian unions.

Besides gender and religion, Meier mentions another dimension of the problem worth consideration: that Lebanese citizenship is only beneficial in relation to "the possession of cultural, economic or social capital which gives access to certain types of employment, the ability to move abroad, or the purchase of real estate" (2010, 125). These benefits can only be reaped by civil servants, and that already renders ineffective and useless the possession of Lebanese nationality for those in the lower class, which Palestinians usually occupy. However, citizenship can provide opportunities even at that socio-economic level that non-citizens cannot access or from which they cannot benefit. Also, citizenship solidifies a relationship with a state and feelings of belonging, which could have positive psychological effects on people who are already suffering from discrimination and the effects of war.

There is a fear that allowing women the right to pass on citizenship to their children would result in a pattern of naturalizing Palestinians from a different angle – rather than worrying about the naturalization of just that family, the fear is that the next generation of newly naturalized Palestinian-Lebanese would replicate the process through marriage to Palestinians, increasing the numbers of Palestinians being added to the citizenry. It is challenging to accept this argument, though, because a counter-argument can be made regarding Lebanese men marrying Palestinian women and the consequences of those marriages being the same. Regardless, the fear is supported by the patterns of marriage already observed in Europe and Palestinians in Europe by Mohamed Doraï. In his study, Doraï touched on the different gender roles that exist in the Palestinian community in the context of marriage (2003, 27-28). He found

that generally, Palestinian Europeans wanted their daughters to marry Muslim men from the

same background and refugee camp as their family, which resulted in a pattern of traveling to

Lebanon to find a spouse and then bringing him back to Europe. Upon the spouses' arrival in

Europe, they would receive residency permits. By extrapolating this information to the case of

Palestinians' marriages in Lebanon, the Lebanese government and people's fears become

justifiable; relaxing citizenship laws to offer equal rights to men and women in terms of passing

citizenship on to spouses and children would seem to increase the naturalization of Palestinians,

presenting a possible change in the demographic balance. The question in this case is how long

will these people be denied basic rights of citizenship, then? The importance of citizenship and

consequences of statelessness were described earlier in the project. Lebanon needs to reevaluate

the role it wants to play in aiding Palestinians within its borders. In this context, it is clear that

citizenship affects more than just individuals, but groups, too. Palestinians, though they might be

faced with different situations individually, face similar legislation and treatment just based on

their belonging to the specific national group.

Implications for the State

Above, I have shown how citizenship matters to individuals and, briefly, how it matters

to groups. Citizenship matters to the state as a whole, too. The state is as talented or strong as its

citizenry. It needs the support of the population to function; financial support, ideological

support, and military support are some of the ways in which the state depends on its citizens, and

consequently can be affected by its citizenship laws. A belief in the common community

legitimizes and strengthens the state. The citizenship acquisition laws of France and Germany

show some evidence of this: when the citizenry was considered to be too small, citizenship

acquisition laws were relaxed. In Germany, for example, citizenship was liberalized when industrialization grew, and Germany found it had a shortage of laborers; it then extended citizenship to individuals who were ethnically German who would not have had the right to citizenship previously (Nathans 2004, 4).

Lebanon has not approached citizenship and naturalization issues in this way, yet, and sectarianism and religious concerns act as obstacles in the way of adjusting legislation to help strengthen the state. The strength of the Lebanese state is further declining as a result of brain drain; many of Lebanon's citizens leave the country when they find opportunities to pursue careers abroad, taking their potential to contribute to Lebanon's society and development with them (IRIN 2007). The weak state of the economy, the high level of education of citizens makes them desirable to employers all over the world, and the expansive Lebanese transnational network all contribute to the problem. This is also affecting demographics and the issue of citizenship legislations. For men who move abroad, they do not have to worry about maintaining a family link to Lebanon, as they can automatically transmit citizenship to their wives and children. Women, on the other hand, do not have that liberty. If a Lebanese woman meets and marries a foreigner, there would be undesirable implications for her husband and children, as they would be foreigners in the woman's homeland. However, having already discussed the effects of the patriarchal citizenship laws on individuals, I want to highlight the consequences to the state: coupling the brain drain with restrictive citizenship policies will result in less support for the Lebanese state – financially and otherwise. The state is closing its doors to potential contributors to its development and growth.

CHAPTER IV

LOOKING FORWARD: MOVEMENTS FOR EQUALITY IN LEBANESE CITIZENSHIP

The Lebanese people have not let issues of sectarianism and discrimination on the basis of heritage or gender discourage them from fighting for their rights. There have been several movements for gender equality in citizenship laws and calls for amendments to the constitution in favor of more equal treatment of citizens. There have also been movements for secularization, as many citizens recognize that the divisions in Lebanon's society are weakening the state and the prospects for improvement. Citizens are realizing that the current political model is unsustainable if the goal is the survival of the Lebanese state.

Movements for gender equality in citizenship

Attempts to make changes to the patriarchal citizenship laws have been taking place at least since 1992. That year, the Lebanese Association for Human Rights collaborated with other women's associations in efforts to support widowed Lebanese women whose husbands were not Lebanese by working towards getting them the right to pass on their Lebanese citizenship to their children. Their work resulted in a draft amendment to the law and a memorandum presented to the Minister of Justice, and the government worked with the draft amendment until 1995, but nothing has been decided and no law or amendment has been passed until today (Abou Aad & Mansour 2012, 14). The law was revisited again, and a campaign was started in 2005 by a movement representing 60 Lebanese non-government organizations. This campaign was entitled,

"Because they are my children, my nationality is a right for them." The aim of the campaign was to amend the first paragraph of Article 1 of the Nationality Law, which claims a person is Lebanese "if born to a Lebanese father," so that it would say, "or to a Lebanese mother," as well (Abou Aad & Mansour 2012, 14). Though the campaign was not successful in reaching that goal, it raised awareness of the issue and kept debates regarding women's rights and citizenship alive.

The Lebanese non-government organization Collective for Research and Training on Development-Action (CRTD.A) has also been working on issues of gender, nationality and citizenship in Lebanon as well as the Arab region since 2001 (Abou Aad & Mansour 2012, 14). A campaign entitled, "My nationality is a right for me and my family" was launched in 2006. The campaign gathered over 400 signatures for their petition to change the citizenship law to make it non-gender-discriminatory (Lutz 2006). At the same time, in March 2006, Dr. Ghinwa Jalloul, then a member of parliament, submitted a draft law that would give women equal rights as men in terms of passing on their nationality to their family (Abou Aad & Mansour 2012, 15; Lutz 2006). It was not given the required attention, and it was pushed aside under the pretense that there were more pressing issues on which the country had to focus (Haidar 2007).

A few years later, former minister Ziad Baroud submitted a draft law to the Council of Ministers in 2009 proposing amendments to the nationality law that would grant women equal rights as men in terms of passing citizenship on to children, but not to spouses (Abou Aad & Mansour 2012, 15). There is no evidence regarding the progress of his proposal. It was followed by another proposed solution the next year by a different member of parliament, Neamatallah Abi Nasr, who brought forth the "green card project". The green card project entailed guaranteeing foreign husbands and children of Lebanese women civil rights but no political rights. His proposal was not supported by civil society and women's campaigns because though

it would give women's families certain rights, it was still discriminatory in that Lebanese men's families would be exempt from abiding by its rules.

Besides the draft laws, the goals of women's rights activists are being advanced through other means. The most significant recent event is the case of Samira Soueidan, who in 2009, went to court to fight for her children's rights to citizenship (Abou-Aad & Mansour 2012; Awad 2009). Lebanon is the only home her children have known despite their Egyptian citizenship, as inherited from their father; so after their father's death, Soueidan demanded that her children are treated similarly to the children of widowed foreign women who married Lebanese men: they would receive Lebanese citizenship. Since Soueidan was no longer covered by her husband, she attempted to gain rights as an independent woman and to transmit those rights as the head of the household. She could not support her four 'foreign' children because of the costs of residence and work permits that she believed were actually their right.

The judge in Soueidan's case ruled in her favor, granting her children Lebanese citizenship. However, Soueidan's case did not end there and the Minister of Justice asked for the judgment to be appealed. He claimed that there must be changes to the laws before courts make such decisions. Accomplishing a change in the legal stance on derivative citizenship and the gender inequality it presents has proved to be challenging, as explained above, and has left women like Soueidan in a state of limbo.

Campaigns for women's rights, particularly rights to derivative citizenship, continue to take place in Lebanon. They have also been strengthened by recent campaigns for secularization and demands for the implementation of a Civil Code for all citizens, independent of religious identity.

Secularization and the civil marriage debate

Early in 2013, a Shiite man and a Sunni woman found a loophole in the Lebanese legal codes that allows couples without a religious affiliation on their identity cards to conduct a civil marriage. Generally, in Lebanon, civil marriages do not occur because marriage is one of the areas covered by religious law and religious authorities. However, civil marriages are recognized if they occur outside the state, so many Lebanese citizens travel to neighboring countries to get married outside of religious institutions. The Shiite-Sunni couple was the first to go through a civil marriage within the state, after removing their religious affiliation from their identity cards, and with the help of activists and legal scholars (Akl 2013).

Many of the state's major actors responded to the revolutionary act, and they stood on both sides of the argument: some supported the couple's efforts and others rejected the concept of civil marriage being permitted in Lebanon. A Muslim imam claimed that he would excommunicate any Muslims who support civil marriage reform in Lebanon and the Ministry of Justice refused the couple's application for a marriage license, but other religious figures including Muslim, Druze and Christian clerics have expressed support towards the concept of civil marriage, confident that it can coexist with religious marriages (Hassan 2013).

The events and discussions raised by the actions of two citizens who are looking to lead a more secular lifestyle have brought questions of religious power, equality, and reform into the media and the social arena in a different light. It brings hope to supporters of gender equality, because it shows engagement and the potential for change. If such movements and challenges continue to arise and advance – and it is important to note that they had been occurring even before the civil marriage debate of 2013, changes to the citizenship law might become a byproduct of changes to the role of religious influences and authorities, supported by the work of

activists in the arena of citizenship rights so far. Though changes in women's rights in citizenship are not guaranteed, secularization would at least change the circumstances and obstacles in the way of gender equality.

Possible solutions and complications

Betty De Hart describes three stages of gender equality in citizenship laws as pertaining to the experience of the Netherlands: inequality, formal equality, and growing restrictiveness (2006, 179). France has experienced similar stages, too; after a period of formal equality, France restricted naturalization through greater requirements of residence and proof of assimilation. Taking into account the general desire for gender equality as well as the political issues that stand in the way of relaxing Lebanon's citizenship and immigration laws, it might be beneficial for Lebanon to consider combining formal equality with growing restrictiveness. In other words, equality can be achieved in two ways: granting Lebanese women the same rights as Lebanese men, or restricting the rights of Lebanese men so they face similar conditions as Lebanese women – or a combination of the two.

Furthermore, Lebanon could restrict citizenship through additional requirements and minimums for eligibility. Implementing a minimum income level for applicants or requiring a minimum familiarity with the Arabic language and Lebanese dialect could help Lebanon better regulate who may acquire Lebanese citizenship and who may not. This would not eliminate all forms of discrimination, which can be addressed as a separate issue, but it would improve gender equality. Lebanon would also benefit by adding qualified and productive members of society to its citizenry. Also, giving women more rights will explicitly show that they are valued as citizens.

As shown above, there is no obvious or direct solution that would result in gender equality and satisfy all stakeholders. In the case of liberalizing citizenship acquisition laws in terms of derivative citizenship, women would be empowered and foreign men would gain membership and entry into the citizenry. Communities that value patriarchy and promote the submissiveness of women would find their authority challenged and their efforts countered. On the contrary, if laws are changed to be more restrictive, the problems Lebanese women with foreign husbands faced would become more common and would present a different set of issues for the Lebanese state. Though restrictive policies might achieve gender equality, the state would have to weigh the consequences on other indicators of state strength and citizenship issues. If a strategy that combined liberalizing laws while restricting entry based on qualifications, the problem would persist, but it would only affect a certain segment of the population. The gender inequalities would be removed, but the unequal treatment of citizens would persist, on different grounds this time. Also, if secularization is the chosen strategy towards the ultimate goal of gender equality, religious communities would feel attacked or threatened. Their authority and power would be reduced. However, the national identity would ideally be strengthened.

Clearly, Lebanon is at a crossroad and will have to choose a path, but will face challenges and tradeoffs regardless of which direction it chooses to go. Different stakeholders will find themselves at a disadvantage in each of the possible scenarios – some of which are outlined above. In some cases, certain stakeholders will be asked to give up some power or superiority, in others, certain stakeholders will be ignored, and in almost all cases, the Lebanese culture and attitude toward citizenship and gender will be required to change in some way.

CONCLUSION

Citizenship is a concept with a simple legal and formal definition: it describes a relationship between an individual and a state. However, there are many complexities that arise after closer examination: issues of acquisition of citizenship, belonging, responsibilities of citizens, responsibilities of the state, the role of diversity, gendered definitions of citizenship, and reform. It is also clear that national and temporal contexts play a part in the way the complexities are handled. Citizenship is not static, rather it responds to changes in contexts and economic and social demands. As a result, citizenship legislation today can be better understood by looking at a country's history.

In Germany, France, the USA and Lebanon, citizenship has been and continues to be gendered. Initially, citizenship was only relevant for men; women were covered by their fathers or husbands. With time, gender played a different role as women entered the public sphere and gained citizenship and political, civil and social rights. How those rights are defined and what they entail exactly in light of gender differences are questions that continue to be answered today. Also, the acquisition of certain rights allows citizens to look forward and leverage the acquisition of more.

One area of citizenship that is particularly gendered is the transmission of citizenship from parents to children at birth – what is known as derivative citizenship. Women in Germany, France and the USA have been able to acquire equal rights to their male counterparts in that

arena. Children born to citizen mothers have the same opportunities as children born to citizen fathers. However, women in Lebanon have yet to acquire equal rights – or any rights at all in terms of passing down citizenship to their legitimate children. Though Lebanon's legal code is based on similar documents as the German, French and American codes (i.e. the Napoleonic Code of 1804 and religious documents), Lebanese women's rights lag behind the rights of German, French and American women.

Lebanon's case is unique, considering the religious diversity of its population, the sensitive demographic balance, and the power of the religious communities as recognized by law. In attempts to maintain its current political system of confessionalism and the current division of power amongst the different religious communities, Lebanese legislation is especially restrictive in terms of extending citizenship rights. Refugees – particularly Palestinian refugees, stateless residents, and women are three groups that have experienced negative repercussions of the restrictive citizenship laws.

In the last twenty years, women's rights activists have been trying to overcome the obstacles regarding gender discrimination in citizenship laws through political and social efforts. There has been much resistance to their efforts, and the few times that their concerns were brought up in parliament, the issues were not advanced and were set aside under the pretense that the country had more pressing issues to address. Many blame the presence of Palestinian refugees in discussions of citizenship and gender inequality. However, I dismiss this as an invalid excuse, because there are ways around naturalizing large numbers of Palestinians while allowing women an equal opportunity to pass on citizenship to their children. For example, specific minimum income or education levels for naturalization can filter out those who cannot positively contribute to society. A vague requirement involving sufficient integration would give

the government discretionary power to allow specific ratios of different demographic groups in. Also, a concern regarding the naturalization of Palestinians should result in strict restrictions on all spouses and families, including the families of Lebanese men who marry Palestinian women, but that is not presented as a problem in any of the literature regarding marriage, immigration and citizenship laws. It seems that Palestinian refugees are a scapegoat for those in power who want to perpetuate the current patriarchal ways and blame the naturalization of a large foreign population for the current injustices.

The preservation of patriarchal ways seems to be the most valid reason for gender discrimination in citizenship law in Lebanon. Communities want to maintain a level of control over their population, and they have been able to achieve that through controlling women. The motives for gender discrimination in citizenship laws in particular are not clear under this explanation; it could be that communities want to discourage their women from marrying outsiders and foreigners, or it could be that authoritative figures want to maintain some sort of superiority that would be threatened by allowing foreigners into their communities. It would require a different research project with that question at its center to satisfactorily understand the reasoning.

Finally, the argument that the government has more pressing issues to handle is also valid, but not necessarily justifiable. Lebanon has several development issues that need to be addressed, but questions of citizenship and the valuation of citizens are at the core of various concerns and can advance the state's national agenda in ways that have not yet been addressed. The civil war and political unrest have had lasting impacts in terms of damage to physical infrastructure, social infrastructure, corruption, environmental neglect, human rights, poverty, and more. However, by tackling these issues one at a time and drawing on the strengths of its educated, politically

conscious and engaged population, Lebanon can hopefully bring about social change and regain its reputation as a pioneer in the region, as the scholars Maya Mansour and Sarah Abou Aad describe it (2012, 9). In order to draw on the talents of its population, Lebanon needs to recognize the value of its population – regardless of gender, the direct focus of this project, and sectarian identities, which are implicit in gender issues in Lebanon.

Though activists have not received many responses from the government, they are finding other ways to make an impact through empowering women, which will eventually contribute to the cause of advancing gender equality in citizenship. For example, in discussing the issue with local lawyers last summer, it became evident that many women's rights activists are more concerned with the high rates of rape and the fact that many incidents of rape are not generally recognized as such because of interpretations of the self as a subordinate possession. Going back to Linda Kerber's discussion of coverture and her discussion of the logic behind derivative citizenship, she explains that in the past, a woman's husband controlled her body and her will, and consequently that meant he controlled her identity as well (1997, 838). Throughout the years, many Western countries have moved past that view, and women are now seen as independent in terms of their bodies, wills, and identities. Examples of this advancement have been described in Chapter 2. However, Lebanese women have not collectively moved past the old laws of domestic relations yet. There seems to be a consensus amongst the women who are involved with the citizenship campaigns, but it is not enough to look at that segment of the population in isolation. Lebanon is quite diverse, despite its small size and the small size of its population; there are many classes, levels of education, and religious backgrounds represented amongst its people. According to some activists, the basic problems associated with the independence of a woman's body and will need to be addressed all over the country first, before

issues of identity and citizenship can be successfully tackled. However, it is never too early to raise awareness of issues and rally support for a developmental project. This project does not detail the extensive efforts that went into establishing gender equality in Germany, France and the USA, but if their paths are an indication of what is possible, women in Lebanon will succeed at achieving gender equality in citizenship laws and beyond with continued activism and empowerment.

<div align="center">**Topics for Further Research**</div>

Citizenship is a broad topic, and many aspects of citizenship are gendered, leaving much room for exploration and research in that regard. Several of the topics I mentioned briefly in my project can turn into independent research topics, such as the relationship between welfare, social rights and gender or the relationship between religion and law in Lebanon. Also, given the time frame for my research project, there were a few topics and details that I had to choose to exclude, but would like to explore further later. For example, it would be interesting to compare gender in several Middle Eastern countries' derivative citizenship laws and guidelines, considering that some of the problems Lebanon faces are regional (i.e. patriarchal norms, prevalence of religion, etc.) in addition to the Western countries considered in this project. Another comparison could examine the struggle for gender-neutral derivative citizenship laws in Western countries and see how efforts in Lebanon have been similar or different, and if foreign strategies could be adopted. Further research regarding unique factors in Lebanon's situation – such as the treatment of Palestinian Refugees – could be examined from an international law perspective, too, where international treaties and conventions and their roles are the focus of the project, and binding and non-binding agreements made on the international scale are compared and broken down, to get a

better understanding of what role the international community plays and what potential it has yet to explore. Finally, especially in light of the current discussions in the USA concerning the definition of marriage, the topic of this paper may have greater implications in the future where marriages are not exclusively occurring between a man and a woman; citizenship acquisition and derivative citizenship will have to be examined from the beginning again. It will be interesting to see how citizenship will continue to change in various contexts and as a result of the changing societies in which we live.

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