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Women and Citizenship Legislation in Lebanon

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Abstract

Lebanese women cannot confer their citizenship to their children incase they marry a non-Lebanese man, nor can the man become a naturalized citizen through his Lebanese spouse. The purpose of this study is to describe the reasons to the policy of dependent citizenship in the Lebanese case, as well as its objectives. Lebanese women's dependent citizenship in conjunction with the 15 different confessional Personal Status Codes, create a female citizen who needs to depend on male relatives to access some rights, which becomes even more problematic if the husband is foreign. Children to non-Lebanese fathers have reduced access to schooling, work and healthcare.

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Introduction

Lebanese women cannot confer their nationality to their children if the father is a foreigner with some rare and specific exceptions. This is a feature that Lebanon shares with many other Arab countries, which seems to be a contradiction to Lebanon's reputation as the liberal country of the Arab Middle East.

I first came across this issue while working with an international human rights organization in Lebanon. Children to Lebanese mothers and foreign fathers have restricted access to healthcare, education and work, as well as to housing. Often they become "illegal residents" while still being minors because their residency permit haven't been renewed in due time, if it ever has existed in the first place. In the poorer sections of society this seems to bring families who already are in difficulties deeper into marginalization, and families who are better off financially often choose to live elsewhere.

This question has steadily gained more importance over the last years in Lebanon. Feminist groups frame it as a question of women's civil and political rights. Are women really full citizens if their offspring is not entitled to any of their mothers' rights, they ask? The Nationality Law in conjunction with the Personal Status Laws suggests otherwise, as they put Lebanese women in a very specific, dependent position as citizens.

Why then apply such a rule?

Aim of this study

The aim of this study is to discuss the reasons for Lebanon to introduce and maintain the policy of dependent citizenship for women. Is it a question of religion, politics, culture or a reinforcement of patriarchy? Or is the main reason political, to keep certain groups within the Lebanese society outside of political power?

In my intention to discuss the questions asked above, I will answer the questions below:

- What is the reasoning behind dependent citizenship for women in Lebanon?
- Which objectives have been driving the actors involved in introducing and maintaining dependent citizenship for Lebanese women? Are they political, religious, cultural or patriarchal?

In order to answer this questions, I will consult Lebanon's modern history to see how women's citizenship has changed, from when Lebanon still constituted a part of an Ottoman province, to the establishment of the French mandate, and now, post-independence. The chronological description of Lebanese citizenship will be an aim in itself.

Theoretical framework

Citizenship and Nationality

In the literature, citizenship is usually defined as the legal relationship between a citizen and the state, regulating his political rights and social benefits. Nationality is often treated as a synonym to citizenship, but most cultures regard nationality to be inherited through blood. Mary Ann Tétreault points out that nation and nationality has almost religious overtones, which citizenship doesn't.¹

Uri Davis notes that the Universal Declaration of Human Rights created a difference between nationality and citizenship;

Article 15; Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality.

Nationality is thus a human right, but citizenship and the rights they entail, varies. Davis gives the example of British Commonwealth inhabitants, all of whom are British nationals but with different citizenship status – not all have the right to abode in the United Kingdom.²

Citizenship Rights

Rania Maktabi describes the rights inherent in citizenship: “Membership in a state is channeled through one authoritative agent, the state’s governing regime, and has all-encompassing effects on a person. Citizenship accords the citizen with access to a range of resources at the state’s disposal, depending on the level of modernization as reflected in political, social and economic institutions: Civil resources (legal protection and access to the courts of law); social resources (welfare, education and health services); political resources (voting, political representation); and economic resources (use of the state’s land and water, work permits, jobs in the state administration, legal inheritance, right to purchase property). The right of permanent abode in the territories of the state is also an important ingredient in citizenship rights.³

Uri Davis describes citizenship as a certificate that represents equal legal access for a citizen to civil, political and social institutions in a democratic state – in addition to the right to abode in the country. In the Lebanese context, he differentiates between citizenship as *mumvatana* and *jinsiyya*, which he translates as “democratic citizenship” and “passport citizenship”. I would however translate *mumvatana* and *jinsiyya* to citizenship and nationality respectively, from the Arabic.⁴ Davis rejects the term nationality, in its meaning of an imagined community or kinship. I will, however, use the term nationality.

¹ Tétreault, Mary Ann, ‘Gender, Citizenship and State in the Middle East’, in Butenschon, Nils A. (eds.), *Citizenship and the State in the Middle East*, p. 70.

² Davis, Uri, *Citizenship and the State: A Comparative Study of Citizenship Legislation in Israel, Jordan, Palestine, Syria and Lebanon*, p. 6.

³ Maktabi, Rania, ‘State Formation and Citizenship in Lebanon: The Politics of Membership and Exclusion in a Sectarian State’, in Butenschon, Nils A. (eds.), *Citizenship and the State in the Middle East*, p. 152.

⁴ Cowan, J.M., *The Hans Wehr Dictionary of Modern Written Arabic*, 4th edition, Spoken Languages Services (1994), p. 167 [Jnsiyaa], *nationality*, *citizenship* and p. 1265, the closest available term [muWaaTin], meaning *citizen, fellow*.

Nils A. Butenshon describes citizenship as “raison d’etat, the state idea” and states further that the authority to define citizenship affects the entire state.⁵ The authority to define citizenship defines the state, since citizenship not only regulates, but creates the legal status of the particular individual.⁶

The Citizenship Idea

The idea of citizenship traces back to the birth of the modern nation state after the peace of Westphalia in 1648, as well as to modern contractivism and the social contract (Thomas Hobbes, Jean-Jacques Rousseau and John Locke), in which people agree to relinquish from some of the freedoms of the state of nature by subjecting themselves to the laws of a political authority and gain civil rights, thus indirectly creating civil society. The power of the political authority stems from the general will of the people (Rousseau) since the social contract can be renegotiated through the right of rebellion (John Locke).

As noted by Butenshon, citizenship can be described as the embodiment of the state idea. By awarding citizenship to some and not to others, the state defines itself – what it is and what it is not. The law distinguishes between citizens and foreigners, and by briefly exploring some of the history of contractarianism we can conclude another thing - there are often distinctions between men and women in citizenship laws. Women have not been the same citizens as men.

Citizenship and Gender Hierarchy

In her well-known work “The Sexual Contract”, Caroline Pateman showed that the idea of universal political right and citizenship proclaimed by the contractarians, implied a sexual hierarchy that excluded women from political power, despite the egalitarian language of the original contract. Pateman argues that the political order of the original contract that gained ground during the enlightenment implied a consolidation of modern patriarchy.

Contract theory was a revolutionary change in how political authority was viewed. Instead of the political authority of the ancient law, which stems from the sons’ subjection to their father (*padria potestas*) which Pateman terms Classic Patriarchalism, the original contract formed a political community from a civil fraternity, a brotherhood of equals, without the requirement of blood descent. The civil fraternity created a universal, albeit hierarchical citizenship,⁷ in which men were equals merely on account of being men. This created an obvious alien to the political community – women. Initially, some were worried that the original contract would take away men’s authority over women and create a social revolution, but for example John Locke provided contract theorists with arguments to defend the current power relation, saying that women’s subjection to men was ‘natural’.⁸ Locke furthermore argued for the separation of the familial from the political, requiring that women were to remain in the former, thus separating women from the political

⁵ Butenshon, Nils A., ‘State, Power, and Citizenship in the Middle East’ in Butenshon, Nils A. (eds.), *Citizenship and the State in the Middle East*, p. 6.

⁶ Ibid. p. 11.

⁷ Pateman, Carole, *The Sexual Contract*, p. 81.

⁸ Ibid. p. 91.

right as well as from the public sphere in general.⁹ The private sphere was created through marriage and the marriage contract, in which the women entered as an independent party – although women were not considered to be fit to partake in the original contract. The married couple was viewed as one person before the law.

The original contract separated the private and the public sphere to a greater extent than before. In both spheres women are subject to men and patriarchal right, according to Pateman. Indeed, “Civil society (as a whole) is patriarchal.”¹⁰ Citizenship, according to the early contract theorists, was thus universal – for men. The original contract also implied that men, through marriage and the marriage contract, exercised control over women’s reproductive abilities – which Pateman simply terms ‘sex right’ - and in theory, that each man were to have a woman (“for each brother a woman”).¹¹

Citizenship and Kinship

Citizenship presupposes a state in which one can be citizen. In old states, since long familiar with the idea of the Nation-state, the relation between the citizen and the state is direct. In younger states, citizenship usually competes with another type of membership; kinship. Kin, as in family and tribe, is still very important in many Middle Eastern countries. Blood is a central theme for kin, being the liquid of identity as Suad Joseph put it.¹² Most tribes and families are patrilineal, i.e. it is the descent of the father that counts (patrilineality). Kinship, as well as citizenship, is a way to organize politically and socially. In patrilineal kinship, authority usually rests with the patriarch, thus reminding of the *padria potestas* of Pateman’s term ‘classical patriarchy’. In patrilineal kinships, authority is associated with masculinity and age.

Suad Joseph argues that, given the weakness of the Lebanese state, Lebanese citizens experience kin as their basis of security. Indeed, “Kinship is a site of cultural unity in a society that is politically fragmented and has often seen itself as culturally fragmented.”¹³

In Lebanon, patriarchal kin is a central structure that ties the public and private spheres together. Political leaders mobilize their kin for support in patron-client relationships, who expects favors or money in return (‘wasta’ - brokerage), and elites distribute resources based on real or idiomatic kinship to males and elders, who exercise control over women and children.¹⁴

⁹ Ibid. 21 and 90.

¹⁰ Ibid. 113.

¹¹ Ibid. 110.

¹² Joseph, Suad, ‘Descent of the Nation: Kinship and Citizenship in Lebanon’, 3:3 *Citizenship Studies* (1999), p. 301.

¹³ Ibid. 298.

¹⁴ Joseph, Suad, ‘The Public/Private: The Imagined Boundary in the Imagined Nation/State/Community: The Lebanese Case’, No. 57 *Feminist Review* (1997), p. 79.

Patriarchy and Paternalism

Since this essay tries to explain the structural discrimination towards women inherent in the Lebanese citizenship laws, firmly putting women in a determined position in society, I feel a need to bring patriarchy and paternalism into the discussion.

In ‘The creation of Patriarchy’, Gerda Lerner argued that women have been subjected to a certain form of patriarchy for almost four thousand years, which she calls paternalistic dominance.¹⁵ She describes it as an un-written contract, in terms similar to those of Carole Pateman, (who didn’t agree with Lerner on this point, and argued that the relationship between men and women were always changing and the un-written contract was always renegotiable). “The basis of paternalism is an un-written contract for exchange: economic support and protection given by the male for subordination in all matters, sexual service, and un-paid domestic service given by the female.”¹⁶ She derives the pattern of the paternalistic behavior from family relations under patriarchy, in which the father “had absolute power over all the members in the household”, in other words the *padria potestas*. But whereas the sons finally break loose from the power of father when they become heads of households themselves, the subordination of women as wives and daughters is life-long.¹⁷

Although Lerner argues that patriarchy has maintained much of its paternalistic character for the last thousand years or so, she regards patriarchy as a historical development, which has been consolidated in laws and religious statutes. Lerner defined patriarchy with the following words:

“[Patriarchy] is the manifestation and institutionalization of male dominance over women and children in the family and the extension of male dominance over women in society in general.”¹⁸

Sylvia Walby gives the following definition of patriarchy: “[Patriarchy is] a system of social structures and practices, in which men dominate, oppress and exploit women.”¹⁹ Walby differentiates between private and public patriarchy, the first of which takes place in the household (although Walby recognizes that the household also is a public structure, but a less important one) and the second in the public workplaces and the state. The patriarchal strategies and the mode of expropriation differ according to type of patriarchy: “In private patriarchy the expropriation of women’s labor takes place primarily by individual patriarchs within the household, while in the public form it is a more collective appropriation. In private patriarchy the principle patriarchal strategy is exclusionary; in the public it is segregationist and subordinating.”²⁰

¹⁵ Lerner, Gerda, *The Creation of Patriarchy*, p. 217.

¹⁶ Ibid. 218.

¹⁷ Ibid. 240.

¹⁸ Ibid. 239.

¹⁹ Walby, Sylvia, *Theorizing Patriarchy*, p. 20.

²⁰ Ibid. 24.

Method

In order to answer the questions above, I have analyzed the Lebanese version of dependent citizenship from a number different angles: The legal stipulations that constitutes the basis of dependent citizenship, the religious and ethic stipulations that lies underneath them and the political realities when the law of nationality, the constitution and the Personal Status Codes were promulgated. I have synthesized theory on citizenship with patriarchy and kinship. I discussed definitions on nationality/citizenship, as well as patriarchalism/paternity, but have used them as synonyms.

Part One: Citizenship in Lebanon during the Ottoman Empire

Historical background – The First World War in Lebanon

World War I had devastating effects on Lebanon, which still was a part of an Ottoman province. Draught and miss-growth pushed Mount Lebanon and the surrounding areas into a hunger crisis that lasted throughout the war. Mount Lebanon, with its predominantly Christian population, was hit hardest by the great famine, and wished for support from France.²¹ Both Ottomans and the Allies, however, were equally known to use the ‘famine weapon’ against the Lebanese. The Allies had shut down all the ports, including the primary supply route to Lebanon, which depended heavily on imports. The British had hoped that famine would spark an Arab revolt against the Ottoman Empire, making it crumble from within. Discontent with the Ottomans did increase with the difficult conditions during the war, as did Arab Nationalism.

Many Syrians started to collaborate with the army of Sharif Husayn, led by his son, Prince Faysal (Faysal bin Al-Hussain bin Ali Al-Hashemi 1883 – 1933).²² The Allies encouraged the Arabs to rise against the Ottoman Turks who sided with the Germans, and in 1916 Prince Faysal and the Hashemite family of Mecca did. This became known as the Arab revolt. The Allies and the Arab troops entered Damascus and Beirut in October 1918, and an armistice was signed with the Ottomans by the end of the same month. By November, the war had ended. The military government proclaimed liberation and independence, and the support for a Syrian-Arab Kingdom ruled by the Hashemite Prince Faysal was widespread among Muslims in Lebanon and Syria²³ while Christian Lebanese wanted a separate state.

At the same time, socially and politically active women would reject yet another government where political power was based on *paternalism* – they petitioned the Syrian Congress to permit women’s suffrage. “In essence, women favored universal democracy over both fraternal republicanism and the male hierarchy of paternalism.”²⁴

By then, however, the European peacemakers of the League of Nations had changed their minds and French rule was unilaterally imposed on the territory, which was divided into two countries, Syria and Lebanon, with their good will. The intention of the mandate was to prepare the people for self-determination along the lines of Woodrow Wilson.

²¹ Thompson, Elizabeth, *Colonial Citizens: Republican Rights, Paternal Privilege, and Gender in French Syria and Lebanon*, p. 2.

²² Ibid. 23.

²³ The Muslims were not unanimously supporting Prince Faysal. Some opposed the secularism of Prince Faysal’s Hashemite Kingdom and wanted a Sunni Muslim Patriarch, others rejected his Arab (he was born in Mecca) ancestry in favour of the local Syrian notables, and others wanted to unite with what was left of Anatolia (mainly the population in the north of Syria).

²⁴ Ibid. 41.

Faysal's army revolted against the French, but was defeated in the famous battle of Khan Maysalun on July 24 1920.²⁵ The French were better received in Lebanon, where many greeted them as liberators.

Citizenship during the Ottoman Empire

In 1918, European powers started dividing the Ottoman Empire, which marked the culmination of a period of westernization and reforms within the Ottoman Empire that had taken place during the nineteenth century. Mahmud II (1807 – 1839) had initiated economic, social and religious reforms, which centralized the state and reformed the ownership of land, reducing the power of the religious clerks (The Ulema'). The Tanzimat reforms challenged the notion of Muslim supremacy.²⁶ In 1840 new law codes regarding administration and economy were introduced, largely based on Western law codes, with law courts of western type. In 1870 the Mejlle, the civil law, was issued, considered to be the first attempt to codify the Islamic Shariah. This was replaced by the secular Family Law of 1917.

The Family Law of 1917 did not only impose on a legal area that originally was the domain of the autonomous religious sects²⁷, but also equalized the political status of the different religious communities, when the Muslim sect previously had enjoyed a privilege in that matter. The law also improved Muslim women's rights in key areas such as marriage, divorce and inheritance.

The Ottoman Citizenship Law (Tabiyet-I Osmaniye Kanunnamesi (the 'TOK'))²⁸ was issued on 19 January 1869, inspired by the French citizenship law of 1851, and regulated many of the problems of modern citizenship, such as naturalization (Articles 3 and 4), surrender of citizenship (Article 5) and, most important, the effect of marriage on women's citizenship (Article 7), which stated the following:

Article 7. The woman who, while an Ottoman subject, marries a foreigner may return to her original nationality if, within three years following the date of her husband's death, she petitions for it. [...]

The Citizenship Law of 1869 thus provided for dependent citizenship for women, but so did virtually all the Western countries until a good part into the 20th century, mostly as a protective political measure against immigration. For comparison, I can mention that American women received independent citizenship in 1922, with the 'Married Women's Independent Citizenship Act'.²⁹

The Citizenship Law also leveled much of the premier status previously enjoyed by Muslim citizens. Article 27 of the 1876 Constitution further stated:

²⁵ Ibid. 39.

²⁶ Lapidus, Ira M., *A History of Islamic Societies*, p. 495.

²⁷ Thompson says that the Patriarchs of all three creeds objected that it "illegally undercut their authority", p. 150.

²⁸ Flournoy, Richard W., *A collection of nationality laws of Various Countries as contained in constitutions, statutes and treaties*, p. 569.

²⁹ Bredbrenner, Candice Lewis, *A Nationality of Her Own: Women, Marriage and the Law of Citizenship*, p. 4.

‘All subjects of the Empire are called Ottomans, without distinction, whatever faith they profess; the status of an Ottoman is acquired and lost, according to conditions specified by law’ (Art 8).

The TOK was furthermore an effort to impede the applications of Ottoman subjects for foreign citizenship (thus indirectly weakening the Empire).³⁰ The Ottomans traditionally ruled over their vast empire through mediating elites, but as western influence of different forms increased, so did the interest on behalf of the Ottomans to create a direct, tighter relationship with their subjects.³¹ The Ottoman notion of citizenship (*ra'wiyya*) was based on geographical affiliation (*jus soli*) instead of ethnic or religious. Anyone who resided on Ottoman territory when the TOK was promulgated was considered an Ottoman citizen, provided that he followed one of the three monotheistic religions (Article 9 of the TOK).³² However, the TOK ensured that the Ottoman citizenship subsequently would be based on descent, *jus sanguinis*, law of blood (Article 21).

Conclusion to Part One

World War I and the subsequent defeat and dismemberment of the Ottoman Empire put an end to the era of modernization and reforms that had been initiated during the previous century. Due to the rising economical and ideological foreign influence and its implicated threat to the Ottoman Empire, the Ottoman authorities had realized the need of maintaining a direct relation with Ottoman subjects and keeping their loyalty, thus introducing the westernized Citizenship Law of 1869, and the civil Family Law of 1917, also in an effort to undermine the power of the strong religious classes.

The political events of World War I toppled the social order in the territories, and witnessed the rise of Arab nationalism and women’s activism. The British had since long supported the desire for self-determination in the territories, hoping for allies that could fight Ottoman Empire from within. The people of the territories were not united in their aspirations on state building, although the support for self-determination was strong. Some wanted a Muslim Arab Caliphate, some a secular republic, and still others wanted support from Western countries. In sum, this chaotic time was seen by many as an opportunity to re-negotiate social and cultural traditions as well as political realities - many women started to re-view woman’s position in society and claim equal rights for men and women. The famine crisis, the altered political and social order and the perils of the war, did also create a strong need to return to normalcy, however. Thompson has argued that this contributed to a crisis of paternity, and a need to re-build the social structure. Then came the establishment of the French Mandate, and the different political agendas of the different groups in the territories were stifled for some time.

³⁰ Davis, Uri, *Citizenship and the State: A Comparative Study of Citizenship Legislation in Israel, Jordan, Palestine and Lebanon*, p. xxvii.

³¹ Thompson, Elizabeth, *Colonial Citizens: Republican Rights, Paternal Privilege, and Gender in French Syria and Lebanon*, p. 77.

³² Davis, Uri, *Citizenship and the State: A Comparative Study of Citizenship Legislation in Israel, Jordan, Palestine and Lebanon*, p. xxv.

Part Two: The French Mandate and Citizenship

After the war

The Ottoman Empire was defeated in 1918, and the League of Nations placed Lebanon and Syria under French mandate. In 1920 the Sykes-Picot agreement (that secretly had been concluded in 1916) divided the Ottoman Empire into French and British areas of influence with the consent of Russia. Syria and Lebanon was under French control, and was treated as an un-separated entity during most of the mandate. The Ottoman legal system was officially terminated in 1924.

The French took position as mandate power in disrupted and traumatized society. World War I and the great famine of 1915-1918 had altered the old social order, creating a deep trauma within the population and a profound need to return to normalcy.³³

When the men left their families to fight in the war, the women had to replace them at workplaces and in families as heads of households. The interwar period thus witnessed dramatic changes in society and economy. After the war, work and employment plummeted, and the men fought to reinstall themselves in the workforce, now also occupied by women.³⁴ According to Thompson, these dramatic changes helped to form a crisis of paternity in the Lebanese culture. The advent of French rule did not help to resolve this crisis of paternity or appease its symptoms, but rather made it worse.

The Armed Resistance

The armed resistance against the French was centered in Syria, but spilled over into Lebanon on several occasions. The most important rebellion was the Syrian revolt, which started in the Druze mountains (*Jabal Druze*) of southern Syria. The Druze chief led ten thousand men to capture al-Suwaida, the provincial capital of the Hawran (al-Houran).³⁵ The reason was the intrusive measures of the new Commander of the Druze mountains, General Gabriel Carbillet,³⁶ who had little regard for tribal autonomy, which France otherwise respected to some degree for diplomatic reasons. Then, the Syrian nationalist leaders officially declared a revolution against France on August 23 1925.

Establishment of the French Mandate and the High Commissioners

The French ruled indirectly through intermediaries in an almost feudal manner. The intermediaries were the local elites of tribal sheikhs, religious patriarchs and rural landowners who

³³ Thompson, Elizabeth, *Colonial Citizens: Republican Rights, Paternal Privilege, and Gender in French Syria and Lebanon*, p. 30.

³⁴ Ibid. 35.

³⁵ Ibid. 43.

³⁶ Fieldhouse, D.K., *Western Imperialism in the Middle East 1914 – 1958*, p. 287.

were in favor of the French High Commissioner Henri Gouraud against the Syrian King Faysal in the 1920s and received privileges for their cooperation and loyalty.

“[T]he French fostered a neofeudal landowning class in both Syria and Lebanon with economic and political power that far surpassed that of the Ottoman era. In exchange for political loyalty, the French awarded large tracts of Ottoman imperial land to tribal shaykhs, village chiefs, and landlords in the plains of Lebanon and the north and northeast of Syria.”³⁷

The political structure was based on republican rights and representation, but political power followed the lines of paternalistic privilege.³⁸ What with the state of paternalistic crisis that the society experienced even prior to the French intervention, this worsened the gender-related conflict:

“Because it so fundamentally defined power, gender became a primary site of conflict between the French and the Syrians and Lebanese as they variously challenged and defended these paternalistic privileges.”³⁹

The first High Commissioner, Henri Gouraud, based his authority on ties with religious patriarchs (for example the Maronite church in Lebanon) and other elites according the ancient principle of “divide and conquer”, in effect promoting a society where power and privilege ran along sectarian lines.⁴⁰ However, a leftist government had been elected in France during the mandate of General Maxime Weygand (April 1923 – November 1924) and his successor, Maurice Serrail (November 1924 – December 1925). This implicated a new policy with “France’s colonial children” where “such a state would rule not through favors to mediating elites, but as Foreign Minister Aristide Briand put it, through respect for the Rights of Man”.

Although Maxime Weygand and Maurice Serrail both used the language of republicanism, the French order was paternalistic and colonial. The French were the “tutors” of the Lebanese and the Syrians, who had no right to elect or dismiss them. Weygand sought to create alliances with the middle classes instead of the old elites, and removed the Maronite church from active decision-making in Lebanon.⁴¹ Serrail, his successor, was even more inclined to exclude religious patriarchs from political power, and sought to abolish the confessional quotas in Lebanese elections entirely. This was welcomed by Sunni Muslims, many of whom had been left out of the census in 1921, thus excluded from representation, and now saw a means to increase their political influence.

Serrail’s successor was the civilian Henri de Jouvenel (23 December 1925 – 23 June 1926). The Lebanese constitution was realized during de Jouvenel’s mandate. It was promulgated on May 23, 1926, due to pressure from the League of Nations. The idea of non-sectarian politics was finally rejected, due to the high sectarian tension in Lebanon. De Jouvenel re-established the cooperation with the Maronite church, once again installing it as a pillar of French rule.

³⁷ Ibid. pp. 53-54.

³⁸ Ibid. p. 43.

³⁹ Ibid. pp. 3-4.

⁴⁰ Ibid. p. 44.

⁴¹ Ibid. 45.

The Lebanese Constitution

The Lebanese Constitution was modeled after the constitution of the French Third Republic. The constitution provided for a parliamentary government with a French High Commissioner with power to dismiss the unicameral parliament (the Chamber of Deputies), annul laws, to suspend the constitution (which the French came to do numerous times before independence) and to retain control over the military, the police and foreign affairs.

The constitution gave every Lebanese the right to hold office based on merit, but it also stipulated for equal representation of each sect in the cabinet, the parliament and in civil service. The constitution guaranteed respect for each religious sect. Accordingly, the president was to be a Maronite Christian, the prime minister a Sunni Muslim, and the speaker of parliament a Shia Muslim. Initially, the parliament was to perform a legislative function, but came to pass the bills prepared by the executive without exception, hence creating a very dominant executive.

The early Lebanese political regime was influenced by both Ottoman and French political practice.⁴² The French directly, through the direct power of the High Commissioner, and indirectly, through the cultural and educational exchange between France and Lebanon – many Lebanese politicians had studied law in France. The Ottoman legacy appeared in the apportionment of parliamentary seats to each sect, a policy dating back to the first Ottoman elections in 1876. The constitution ensured universal male suffrage, where political power previously had required possession of property – but the two-staged elections ensured that elites would continue to keep the upper hand of the electoral process. Rules for secret balloting were violated on a routinely basis, as are they today.

The constitution further states that the (patriarchal) family is the smallest unit of the Lebanese society,⁴³ thus elevating patrilineality to a legal norm. This helped to solidify a set of patriarchal social practices that in the past appear to have been more flexible, when matrilineal kin was almost equally important, as Suad Joseph argues. Patrilineality is also sanctioned by religious norms and practices. All the 18 officially recognized sects apply patrilineal and patriarchal social practices. The centrality of patrilineality is furthermore endorsed by the centrality of kinship in Lebanese culture, which is one of few features uniting Lebanon's ethnically, culturally and religiously diverse society.⁴⁴

The Nationality Law

The Nationality Law was published in 1925 and regulated Lebanese citizenship. Article 1 of Order No. 15/S of January 19, 1925, states the following:

Article 1. The following are Lebanese:

He is considered Lebanese:

(1) Individuals born of a Lebanese father.

⁴² Thompson, Elizabeth, *Colonial Citizens: Republican Rights, Paternal Privilege, and Gender in French Syria and Lebanon*, p. 30, and El-Gemayel, Antoine E., *The Lebanese Legal System*, pp. 18-19.

⁴³ Joseph, Suad, 'Descent of the Nation: Kinship and Citizenship in Lebanon', 3:3 *Citizenship Studies* (1999) p. 299.

⁴⁴ *Ibid.* 298.

- (2) Individuals born in the territory of Greater Lebanon, who at their birth do not prove to have acquired a foreign nationality by filiation.
- (3) Individuals born in the territory of Greater Lebanon of unknown parents or whose nationality is unknown.

The Nationality Law of 1925 confirmed patrilineal descent as a condition for Lebanese citizenship. Lebanese women originally lost their own nationality upon marriage with foreigners but could reclaim it once the husband had died or after a divorce – this was changed through a legal amendment in 1960. Foreign women who recently had acquired Lebanese citizenship, enjoyed the ability to confer Lebanese citizenship to their minor children, in case their Lebanese husband had died – while Lebanese women could not confer Lebanese citizenship to their children after the death of a foreign husband (Art 4)⁴⁵. One of the few cases in which Lebanese women could confer their nationality to their children, was if their child was illegitimate, thus not enjoying the protection of a father and the patriarchal family inscribed in the constitution, inadvertently leading some women to untruthfully claim that their child was illegitimate, so as to give them their citizenship (Art 2)⁴⁶.

The Nationality Law of 1925 was inspired of French Citizenship Law of the time, but Lebanese authorities did not follow their example when French women received independent citizenship in 1960.

The supporters of dependent citizenship for Lebanese women often frame it as a measure to protect Lebanon from the political effects of immigration, which would risk tilting the sensitive confessional balance. The restrictive law of nationality mirrors the need on Lebanon's behalf to protect itself from the political and religious tension inherent in the region, since Lebanon is considered a safe haven for immigrants.⁴⁷ This was also the case with the American expatriation act from 1907, which denaturalized American women of their citizenship if they married foreigners⁴⁸. Legislators feared that there would be a contradiction of loyalties for women married to foreigners. It was woman's duty to be loyal to her husband – could she be loyal to her husband and her nation at the same time, if her husband was a foreigner? In Lebanon, the resistance against women's independent citizenship correlates with the support for the religious Personal

⁴⁵ Article 4. A woman married to a foreigner who has become a naturalized Lebanese, and the children of age of naturalized foreigner will be able, if they apply therefor, to obtain the Lebanese nationality, without condition of residence, either by an ordinance which confers this nationality to the husband, father or mother, or by a special ordinance. The minor children of a father or a surviving mother, who have been naturalized as Lebanese will become Lebanese unless during the year which follows their majority they refuse this quality.

⁴⁶ Article 2. The natural [illegitimate, authors note] child whose filiation is established during his minority will take the Lebanese nationality if the one of his parents, in whose behalf the proof of filiation has been given, is, in first instance, a Lebanese. If this proof is given for both the father and mother by the same deed or judgment, the child will have the nationality of the father, if the latter is Lebanese.

⁴⁷ El-Gemayel, Antoine E., *The Lebanese Legal System*, p. 477.

⁴⁸ Bredbenner, Candice Lewis, *A Nationality of Her Own*, p. 4.

Status Codes. Both dependent citizenship and the Personal Status Codes define women's rights from their positions in the patriarchal family.

The Personal Status Codes

During the 1930s the struggle between the French and the religious patriarchs for legal authority heightened. This was due to the dual legal system, an old Ottoman institution that the French themselves had re-imposed on the Lebanese and Syrian populations. The dual legal system provided the religious patriarchs with authority over personal law, such as inheritance, marriage, child custody, etc, while the state regulated the rest. Respect for the religious sects and their personal status codes, is inscribed in the constitution (Article 9 of the Lebanese Constitution). This implicated that citizens of different creed and gender held different status. There were, however, many gray areas, in which the French and the religious patriarchs fought for jurisdiction.

There are 15 different codes for the eighteen officially recognized sects⁴⁹, to which the state has delegated jurisdiction over personal status, family law and to some extent succession. By doing that, the state elevated religious law to common law. The Sunni and Ja'fari (Shi'a) personal status codes were based on the secular Ottoman Family Law of 1917 and Hanafi and Ja'fari religious schools, and were introduced in 1942. The Druze personal status code was issued in 1948. The Christian and Jewish personal status codes were issued in 1951 during a secular government, but were never ratified due to demonstrations against them by lawyers and clergy – the first argued that the religious groups obtained too much control through the personal status codes, and the latter argued that it wasn't extensive enough⁵⁰.

The personal status codes have effects on nationality, as in the case of children born out of wedlock. As previously mentioned, a person is considered Lebanese, if born to a Lebanese father. One case in which a woman can confer her nationality is if the child is illegitimate, why some Lebanese women have claimed that their legitimate children are born out of wedlock, in order to give them right to the Lebanese nationality. In that case Lebanese nationality thus depends on bedroom loyalty, which Uri Davis points out.⁵¹

The women's movements

The end of the Ottoman Empire and the advent of French rule initiated the age of mass movements in the territories. Among them were the women's movements. As I previously mentioned, there was a national re-assessment of self for Lebanese and Syrians in the political unrest that followed World War One, the dismemberment of the Ottoman Empire and the

⁴⁹ The religious sects confirmed by the state are: Maronite Christian, Greek-Catholic, Armenian-Catholic, Syriac-Catholic, Roman-Catholic, Chaldean-Catholic, Greek-Orthodox, Armenian-Orthodox, Syriac-Monophysite, Assyrian, Protestant, Coptic-Orthodox, Chaldean-Orthodox, Sunni, Shiite, Druze, Alawite and Jewish.

⁵⁰ For more information about the differences and similarities between the Lebanese Personal Status Codes and their effect on women, please read Lamia Rustom Shehadeh's article 'The Legal Status of Married Women in Lebanon', which will give an insightful overview.

⁵¹ Davis, Uri, *Citizenship and the State: A Comparative Study of Citizenship Legislation in Israel, Jordan, Palestine, Syria and Lebanon*, p. 151.

French occupation, and as Thompson argues, a growing crisis of paternity. This ignited lively debates and political unrest for many years to come in the territories. In the republican and nationalist spirit that spread in the territories (inspired by Young Turks as well as the motto of the French revolution “Liberté, Égalité, Fraternité”), women started to claim social and political rights for themselves, as well as for their husbands and sons. Women demanded reform of the constitution, which provided for universal male suffrage only and didn’t prohibit discrimination based on gender. This was considered very controversial, and was opposed by religious elements, as well as by the French.

Women participating in the debates and claiming their rights often had to suffer repercussions; there was violence at demonstrations, street hassling, and public condemnation and ridicule from religious sources. A good example was the case of Nazira Zayn al-Din and her important and radical book, ‘Un-veiling and Veiling’, which was published in 1928. In the book, Zayn al-Din questioned and challenged the practice of veiling from a religious Muslim point of view. Although the book initially was widely admired and appraised, Muslim religious sources were quick to denounce it, and the debates that followed turned into a public outcry. This had a very unfortunate impact on the general claims of the women’s organizations and their paths to female liberation, as all such claims suddenly became radical.

In order not to isolate them selves from the society, women’s organizations made an ideological move to the political center. Their rhetoric changed; from having demanded the right to vote and argued for the benefits of un-veiling, women now claimed they would have to make themselves worthy of citizenship by improving themselves, for example through education,⁵² and justified women’s right to citizenship with their roles as mothers – mothers of citizens, mothers of the nation. By using this kind of rhetoric, the women’s movement sought support from the nationalist opposition. They had understood that they needed allies in order to not become isolated, and some feminists were convinced that independence had to come before the liberation of the Lebanese women.

The women’s conferences between 1928 and 1930 had almost exclusively a social agenda, omitting most of the political claims from the past. Partly, this was due to the fact that many of the women who were engaged in women’s organizations also were working with charity organizations, often supported by religious funds.⁵³ They hadn’t given up all claims on political rights and citizenship though. Their hope lay with the nationalist opposition. They hoped that the secular and reform-minded nationalists would win the struggle against France, and that they, when Lebanon was independent, would grant women their rights.⁵⁴ But women gained no support for their initiatives to reform, when it stood clear that the nationalists depended on the religious patriarchs. In order to achieve independence the nationalists and the religious had to put aside their differences and work together. The losers in this compromise were the women’s

⁵² Thompson, Elizabeth, *Colonial Citizens: Republican Rights, Paternal Privilege, and Gender in French Syria and Lebanon*, p. 30, and El-Gemayel, Antoine E., *The Lebanese Legal System*, p. 144.

⁵³ Ibid. 145.

⁵⁴ Ibid. 146.

groups. Although the nationalists didn't approve of the dual legal system, they downplayed women's demands for a compromise with the religious patriarchs.⁵⁵

World War Two

World War Two came with a fresh fear of famine, but this time the Lebanese were prepared. The political effects of the war were massive in the territories. The Third Republic of France had been defeated by Germany, and was succeeded by the rightwing Vichy government, which collaborated with the Germans. In Syria and Lebanon, soldiers loyal to the Vichy government and Germany fought against Charles de Gaulle's Free French forces and the British. In 1941, the Free French recaptured Syria and Lebanon in conjunction with the Allies and their Syria-Lebanon campaign, 'Operation Exporter', and the Governor General of the Free French forces, Georges Catroux, was made High Commissioner (24 June 1941 – 7 June 1943) of the mandate. It was clear, however, that France's position in the territories had changed forever. The Free French had little financial means to support the people of the territories, who now marched the streets, protesting against the increasing bread prizes and calling for higher minimum wages.⁵⁶

In 1941, Catroux, who was more liberal than his predecessors, proclaimed a conditional independence for Lebanon. The Nationalist opposition took office and realized their conservative social agenda. The election in 1943 came to be in favor of or against the French.⁵⁷ Jean Helleu (7 June 1943 – 23 November 1943) was appointed Delegate General and had a political agenda for Lebanon different from that of Catroux. Helleu aimed to strengthen the French hold over the territories. In November 1943, the Lebanese Parliament ratified the Constitution, omitting the articles that gave authority to the French mandate, while Senegalese and French soldiers surrounded the Assembly Hall.⁵⁸

Conclusion to Part Two

The French reinforced a patriarchal social order in Lebanon, by contributing to and supporting legislation that consolidated women's position in society, and using intermediary elites to base their rule. Although the Ottomans also had used a system of mediating elites, they had started modernizing reforms, beginning in the middle of the 19th Century until the end of the Ottoman Empire, in an effort to strengthen the loyalty of the citizens to the state and to diminish the influence of religious patriarchs and tribal shaykhs. The French effectively contradicted these measures, and built their rule using intermediate agents from tribal, religious or economic elites, rewarding them with power over other citizens, including "peasants, workers, family members and members of religious communities of both sexes, as well as women of every status."⁵⁹, and re-installed men as the formal heads of households, representing and protecting women and children.

⁵⁵ Ibid. 148.

⁵⁶ Ibid. 233.

⁵⁷ Ibid. 250.

⁵⁸ Ibid. 253.

⁵⁹ Ibid. 3.

By delegating the legislative authority over family law to the religious leaders, the French not only consolidated the political and social power of the religious, but also let them define the social and political status of women according to their different beliefs. Furthermore, the Constitution from 1926, and the Nationality Law from 1925, established patrilineality and women received dependent citizenship.

As Thompson noted, the age of the mass movement had come to the territories after the defeat of the Ottoman Empire. Women continued to work actively to realize their rights, as did the nationalists and religious leaders. The question of women's position in society had, however, also become an important question for religious groups, who argued that women did not have a place in the public sphere whatsoever. Women had sought support from the nationalists by changing their rhetoric; instead of claiming civil and political rights directly, they argued their value as 'Mothers of the Nation' and that they would make themselves worthy of civil and citizenship rights eventually, through education. This resembles the problematic argument of 'republican motherhood' of American suffragettes once claimed to justify women's citizenship, thus implicating that their only value as citizens was through the sons they might give birth to, while women themselves were 'disposable citizens'.⁶⁰

Women's groups had to balance their claims between religious groups, nationalists, the French authorities and the rest of society, and were eventually downplayed by all. The French had never shown any support for the activities and claims of the women's groups, and later came to refuse the nationalists' demands on independence in the strongest possible way.

⁶⁰ Bredbenner, Candice Lewis, *A Nationality of Her Own: Women, Marriage and the Law of Citizenship*, p. 12.

Part Three: The Lebanese independence and beyond

Historical Summary

In September 1943 Beshara el-Khoury (Maronite Christian) was elected President of the republic and Riad as-Solh (Sunni Muslim) was appointed prime minister. On November 8 1943, the Chamber of Deputies amended the Lebanese constitution, omitting the articles referring to the French Mandate and the power of the High Commissioner. The French reacted by arresting the president and the prime minister in their homes in the middle of the night and exiled them to the castle of Rashaya, near the city of Sidon. The action provoked massive protests in Lebanon as well as internationally, and France yielded and released the prisoners on November 22 1943, which since then has been celebrated as the Lebanese Independence day. President el-Khoury and the Prime minister as-Solh, then formed the National Pact (al-Mithaq al-Watani), an unwritten agreement between the Christian and Muslim groups in Lebanon.⁶¹

The agreement contained four major principles, stating that Lebanon was an independent state that shouldn't bend to the will of European powers nor seek to merge with Arab states, that it shouldn't sever the culturally and spiritually important ties to Europe, and was to cooperate with the other Arab states but remain neutral incase a conflict arouse; and that its public offices should be distributed according the ratio of recognized religious sects which was 6 Christians to 5 Muslims based on the politically important census of 1932⁶², and that the three top government positions should be distributed among the confessional sects as follows; The President post was to be occupied by a Maronite Christian, the Prime minister a Sunni Muslim and the speaker of parliament a Shiite Muslim. This ensured that the Maronites had the ultimate executive authority. In 1945, Lebanon became a member of the Arab League and the United Nations. In December 1946, France withdrew the French forces after signing the Franco-Lebanese Treaty.

⁶¹ Collelo, Thomas (ed.), *Lebanon: A Country Study*, [<http://countrystudies.us/lebanon/>], [16/06/2009]

⁶² The National Pact of 1943 that decided the ratio of the different sects in political institutions, relied heavily on the censuses of 1921 and 1932. However, as Rania Maktabi notes, both censuses failed to include large groups of the populations, predominantly in Muslim areas, and many who were born after the census of 1932 were not enrolled in the personal registries due to the low support and “administrative short-comings” of local religious leaders. Maktabi argues that this, at least partly, was an intended outcome on behalf of the Maronites and the French in order to maintain the political power in Christian hands. The fact that the Maronites wanted to include the numerous and mainly Christian emigrants in their ratio as the basis for power sharing, and that acquiring Lebanese citizenship required very strong evidence of residence in the territory on August 30, 1924, notoriously difficult for Muslim nomads to get hold of, suggests that the French authorities and the Maronites wanted to give the bulk of the political authority to the Christians. In practice, this required registration in the census of 1921, which had been boycotted by many Muslims since they didn't want to legitimize Lebanon's parting from Syria.

Post-independence Politics

The politics after independence centered around patron-client relationships and prominent family networks, with each sectarian community having its own important family. This new elite was known as *zu'ama*, (singular: *zaim*) the patron in a modern type of clientalism. Clientalism, described by Hamzeh, as a set of interpersonal relations based on unequal exchange between patrons and clients, is a deep-rooted system in Lebanon and the Middle East, and dates back to the Ottoman system of feudal landlords and peasants of the 18th Century. In the past it was based on personal allegiance, but during the 19th and 20th Century it came to revolve around sectarian affiliation and later around party politics. The system of *zu'ama* was a product of the establishment of the modern Lebanese state, argues Hamzeh. The *zaim* strives for access to state resources, in order to provide clients with services, capital and employment. The position of a *Zaim* is often hereditary.

The politics of President el-Khoury soon became known as imperial and sectarian biased, and el-Khoury resigned after a mass rally in Deir al-Qamar in 1952, known as the 'rose water revolution'. The Chamber of Deputies elected Camille Chamoun for successor. During Chamoun's mandate (1952-1958), the criticism of the Christian influence on Lebanese politics increased from the Muslim community. The Suez crisis and the merging of Egypt and Syria into the United Arab Republic increased the tension and the ideological gap between Muslims and Christians in Lebanon. Chamoun's successor, Fuad Shihab, initiated an electoral reform, which strengthened the executive at the expense of the *zu'ama*, a policy that became known as *Shihabism*. In 1964 when Charles Helou became president, the Arab-Israeli war parted the country politically and ideologically. The conflict was definitely brought to Lebanese turf when Palestinian gerilla groups started fighting from Southern Lebanon, followed by the subsequent Israeli attack on December 28 1968. The crisis, with clashes between the Lebanese Army and Palestinian gerilla groups, lasted until the October War of 1973.

The Civil War

The civil war began in 1975 and lasted until 1990, and was ended by the adoption of the Taif-agreement. Discussing the war and its regional and internal reasons is far beyond the scope of this paper, and since it is a very complicated matter, I shall not attempt to do so. However, the conflict arising from the confessional imbalance consolidated through the National Pact is widely regarded as one of its reasons.

The Taif-agreement

The Taif-agreement (the Document of National Accord) was a compromise between the Lebanese political groups, parties, leaders and militias, and intended to bring an end to the Civil War and provide a solution to the regional and internal problems causing the war. The agreement contained the reinforcement of the following principles; the Arab identity of Lebanon; as was Lebanon's independence and sovereignty; Lebanon's unity; Lebanon's political system was a parliamentary democracy; its socio-economic system a free economy; and that ending political sectarianism was a basic national goal. The question of Lebanon's sovereignty was not solved due

to the regional aspects of the war.

The agreement introduced 31 constitutional amendments, approved by the parliament and the President, Elias el-Hrawi on 21 September 1990. The amendments largely strengthened the power of the Parliament, the Council of Ministers and the Prime Minister (traditionally Sunni Muslim) versus the President. The term of the Speaker of Parliament (traditionally Shiite Muslim) was prolonged to four years of service, and the terms under which the President could dissolve the Parliament was limited to three rare cases.

However, many argue that the Taif-agreement, despite calling for an end to political sectarianism as a goal for the future, actually ratified and reinforced the political sectarianism and confessional discrimination of the National Pact.

Changes in Citizenship

In 1960 women who married foreigners were given the option to choose to either retain their nationality, or to assume the nationality of their husband, whereas they before had lost their nationality automatically⁶³. However, the foreign husband cannot take the Lebanese nationality through his wife whereas a foreign wife to a Lebanese husband takes the Lebanese nationality automatically and may retain it even after the death of the husband. President Camille Chamoun granted women full suffrage and right to hold office in the 1953 electoral law.⁶⁴

Since the fifties, activists have worked for civil marriage and establishment of a civil personal status code. A bill on an optional status law was drafted by representatives for the Democratic Party in the seventies and presented for the parliament, but was never under debate. Kamal Joumlatt, leader of the National Movement also proposed an optional personal status law in 1975, following their secularist ideology, and the Syrian National Party did the same in 1997. In 1998 President Elias Hrawi headed a group of jurist to prepare a bill for the cabinet, where it stalled.

Lebanese women's groups and human rights organizations have continued to push for changes of the Lebanese citizenship laws, the personal status codes and to advocate for the possibility of civil marriage in Lebanon. Several times human rights groups have launched campaigns for changes in the citizenship law, and in 1993 the state responded by putting together a ministerial committee to study the Lebanese Nationality Law. A draft law was endorsed in 1995, to let Lebanese widows of foreign husbands grant their nationality to their children with a suggested addition made by the Minister of Justice that the woman would have to prove her continuous

⁶³ Translated from Arabic: Supplement to Sader Law of January 11, 1960

Article 4: For a Lebanese woman who has lost her nationality through marriage to a foreigner before the publication of this law, it is possible to regain that nationality by request.

⁶⁴ Thompson, Elizabeth, *Colonial Citizens: Republican Rights, Paternal Privilege, and Gender in French Syria and Lebanon*, p. 260.

residence in Lebanon for at least five years. Women’ and human rights activists objected, and a parliamentary subcommittee was to formed to study the subject, which it still does.⁶⁵

Mary Rose Zalzal, working with the Movement for Secularism, stated in an interview that “Religious and political leaders share a common interest in preventing any movement towards secularism” and that they were “very strong financially and socially”. She further notes the importance of women’s groups in bringing about change and that local change is faster than national change.⁶⁶

As recent as February 11, 2009, Lebanon’s Minister of Interior Ziad Baroud, announced that Lebanese citizens would have the right to remove their religion from their identification papers and in the Civil Registry Records, which can be seen as a cautious step closer to civil personal status laws – although the religious personal status laws still apply for everyone.⁶⁷

In 1996, the government approved CEDAW in law 572⁶⁸, but made a reservation to the second paragraph of Article 9 – as many other Arab countries has.

Conclusion to Part Three

As Mary Rose Zalzal states, there are groups with a vested interest against any changes in laws concerning citizenship, personal status and civil marriage in Lebanon. The confessional system of Lebanese politics has ensured that religious groups have kept their positions in the government, even considering the radical changes that Lebanon’s political landscape has undergone since the civil war. The democratic system is young in Lebanon, while clientalism and kinship have an ancient history the Middle East. Clientalism and kinship permeate the social structure and political institutions and follow confessional lines. Religious groups still enjoy a great political and social influence in Lebanon, and the personal status codes constitute an important part in this. It is important to note that not all religious groups are against changes in personal status laws, civil marriage and independent citizenship for women - in fact, many organizations working for women’s citizenship rights, are religious.

⁶⁵ SHS Papers in Women’s Studies/Gender Research No. 4, *Women in Personal Status Laws: Iraq, Jorsan, Lebanon, Palestine, Syria*, Gihane Tabet, p. 21.

⁶⁶ Zalzal, Marie Rose, ‘Secularism and Personal Status Codes in Lebanon: Interview with Marie Rose Zalzal, Esquire’, No. 203 Lebanon and Syria: The Geopolitics of Change *Middle East Report* (1997) p.

⁶⁷ Human Rights Watch, Lebanon: Removal of Religion from IDs Positive but not Sufficient, Human Rights Watch News February 16, 2009.

⁶⁸ (Translated from Arabic)
Article 1, law 572 (01 Aug 1996):

The government approves the accession of Lebanon to the Convention on the Elimination of all Forms of Discrimination Against Women sanctioned by the General Assembly of the United Nations 18 December 1979, and attached to this law are the reservations to some of the obligations of Lebanon:

In the 2nd paragraph to article 9 referring to granting women equal rights to those of men concerning the nationality of their children.

In the sections j, d, w and z from the 1st paragraph to Article 16 with regard to:

Article “j” referring to equal rights in marriage.

Article “d” referring to the mother’s rights in issues concerning her children.

Article “w” referring to the guardianship and custody of the children and their adoption.

Article “z” in the part referring to the name of the family.

Civil society has been active in negotiating women's citizenship, as well as pushing for civil personal status law and civil marriage, but their claims have usually been stopped or stalled in the parliament or the cabinet, when not being interrupted by war and conflict. The resistance against women's dependent citizenship correlates with the support for the religious Personal Status Codes.

Analysis

Objectives of introducing and maintaining dependent citizenship and the PSCs⁶⁹

Dependent citizenship was a common policy also among western countries when it was introduced in the territories, although women's movements criticized it widely. However, it was introduced during the French mandate, as was the Personal Status Codes, although neither of the policies was new to the territories. The Ottoman authorities had introduced the western notion of citizenship through the Citizenship Law of 1869 (the TOK), including dependent citizenship for women, and the different religious creeds had traditionally handled family law in religious courts. The TOK was an effort to modernize the Empire and to confirm its authority over the Ottoman subjects, in view of the increasing Western influence. After the defeat of the Ottoman Empire there was chaos, conflict and turmoil in the territories, but there was also a great urge for self-determination after many years of Turkish hegemony, embodied in the many social movements that strived for different goals. After the establishment of the French Mandate, Lebanese and Syrians became subjects once again, although Thompson calls their rule 'a colonial civic order', that entailed compromises and negotiations between French and Lebanese. Nevertheless, the mandate was hierarchical *and* patriarchal, since they completely excluded women in the establishment of the Lebanese state.

The French needed to consolidate their rule, and did so by using intermediate elites rather than seeking a wide social base. These were often landowners and tribal sheikhs, both positions associated with authority and with a long history in the Ottoman Empire. The legislation follows the same pattern with the Personal Status Codes – by giving the religious groups the jurisdiction over family law, they used well-known institutions from before WWI and avoided a conflict.

The religious groups became, at least partly thanks to the French, an important political and social force for many years to come. They have both religious and political reasons to protect the jurisdiction as it is. In Lebanon power and authority runs along the lines of kinship and clientalism, which mostly follows confessional affiliation. In turn, kinships with strong religious identity, are almost exclusively of a patriarchal structure, why they also would be likely to support the 'protective' patriarchal status quo. For example, when I explained my study to one of my Lebanese friends – who happen to be a young, educated, Christian – he answered 'Why does it matter that a woman cannot confer her nationality/citizenship to her children on her own, when she and the children will take the nationality of her husband?'

The justification of the policy of dependent citizenship in the Lebanese case

As I have showed, the delegation of family law and personal status to the religious leaders and not providing a civil alternative, have strengthened the religious elites and consolidated their

⁶⁹ The Personal Status Codes

influence over Lebanese politics and society. In turn, the personal status codes and the citizenship laws have consolidated women's status as second class' citizens, in terms of rights. The Personal Status Codes, the constitution and the Nationality Law creates and implements a blueprint over a patriarchal society where the patriarchal family is the nucleus of the society and the father keeps most of the authority. Institutions with a patriarchal structure, such as religious institutions, or kin, would naturally want to protect such legislation, although I must caution against generalizing in this matter.

Another reason often given to defend the current citizenship legislation is the political situation in Lebanon and in the region. Although Lebanon has suffered its fair share from violence and difficult conflicts, it is regarded as a safe (and a comparatively liberal) haven for refugees and immigrants from neighboring countries. Thus, the restrictive citizenship legislation in conjunction with the equally restrictive migration laws, constitute a protection against the political dangers of immigration, i.e. male immigrants cannot become easily naturalized by marrying a Lebanese woman. Foreign women, however, automatically become naturalized if they marry a Lebanese man. This reasoning discloses yet another patriarchal concept – that women married to foreign men cannot be loyal to their husband and to the Lebanese nation at the same time since one cannot count on the foreign husband to feel loyal to Lebanon.

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