

BIRTHING STATELESSNESS: SECTARIANISM AND SEXISM IN  
LEBANESE CITIZENSHIP LAW

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ABSTRACT

*The configuration of Lebanese citizenship law, in violation of international law, prevents women from passing citizenship to their children. If a Lebanese woman has a child with a refugee, there is a high likelihood that the child will be left stateless. Due to the recent influx of Syrian refugees into Lebanon, increasing the already problematic amount of refugees in the country, this overlooked problem has been exacerbated. The issue of law-created statelessness in Lebanon is a cross-section of the complex social, political and religious systems within the country. This study finds that the existence of this citizenship law is primarily due to the patriarchal social environment, political power balances, and gender roles reinforced by religious doctrine. These conclusions are based on an examination of Lebanon's historical development, sectarian divides, political environment, and cultural background. This study is limited, as population data is estimated and issues relating to stateless populations are still developing. Through personal interviews, existing scholarship, UN and NGO reports, this study aims to outline the main causes of this international human rights issue and the obstacles to change.*

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## I. INTRODUCTION

In Lebanon, if you are a woman, you cannot pass your citizenship to your children. In the case of women married to foreigners, the children of this union have a very real possibility of being left stateless. Law-created statelessness is not a problem unique to Lebanon, but it has especial potency because of the growing number of refugees that are present within Lebanon's borders. The focus of this work will be on Lebanese women and those that are partial (or in some cases full) Lebanese who have been left stateless because of the configuration of Lebanon's citizenship law. Why are Lebanese women unable to pass their citizenship to their children and what are the obstacles to legal change? The purpose of this study is to answer these questions by exploring the primary reasons for the modern discrimination against Lebanese women in citizenship law, and relate the discussion to current struggles of those born stateless and women fighting for equality in Lebanon. The terms "unregistered" and "stateless" are used interchangeably throughout this paper. Though some refugee children and other stateless people are "registered" as refugees with the United Nations (UN), they do not possess legal personality in Lebanon and therefore are being denied basic rights. According to the United Nations High Commissioner for Refugees (UNHCR), the designation of statelessness depends on whether the person is "considered as a national by a state under the operation of its law."<sup>1</sup> The "stateless" in this paper refer to the nearly 500,000 Palestinian refugees, the children born in Lebanon of the nearly 1.5 million Syrian refugees, the children of non-Lebanese fathers that are unregistered, and the children of Lebanese parents that are unregistered. Based on estimates from Lebanon's Ministry of the Interior, if the 16,800 women registered as married to Palestinians were able to pass citizenship, there would be at least 84,000 new Lebanese.<sup>2</sup> There are 76,000 Lebanese women registered as married to non-Lebanese men, but not all marriages are registered, so the number of children left stateless because of these unions is difficult to precisely determine.<sup>3</sup> In this study I have linked, to some extent, the plight of the refugees and the plight of women within Lebanon. Though not all unregistered people in Lebanon are refugees, the issues for both are similar, and the obstacles for women's rights are linked to the high proportion of refugees.

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<sup>1</sup> UNHCR, *Handbook on Protection of Stateless Persons*, ¶¶ 23-24 (June 30, 2014), <http://www.unhcr.org/en-us/protection/statelessness/53b698ab9/handbook-protection-stateless-persons.html>.

<sup>2</sup> Mira Saidi, *Lebanon's Sexist Citizenship Law Hurts Mothers and Babies*, ALJAZEERA AMERICA (May 10, 2015, 2:00 AM), <http://america.aljazeera.com/opinions/2015/5/lebanons-sexist-citizenship-law-hurts-mothers-and-babies.html>.

<sup>3</sup> *Id.*

For this work, I have consulted government documents, NGO reports, historical works, scholarly research and conducted personal interviews in Lebanon. The issue of women's citizenship passing rights is mentioned briefly in many scholarly works, but has not been focused on specifically. This study is unique in its particular attention to the right denied to women and the current impact it has on the stateless people within Lebanon. In addressing the causes of this discriminatory law and observing the obstacles to its reform, this paper covers three major variables: Lebanese historical context, Lebanese policy and law, and Lebanese culture. This examination begins with a brief survey of the impact this law has on the condition of the people struck stateless. Following this is an examination of the relevant history that tracks the development of citizenship in Lebanon and the history that has shaped the current political climate. The third section of this paper outlines the current laws and policies, in both the sectarian personal status system and the secular government, that impact women and citizenship law. The final portion surveys the cultural conceptions of women and their place in society, along with the limitations they face due to social norms. In order to properly grasp the importance of the law preventing women from passing their citizenship, it is necessary to begin by briefly examining the impact of this law.

## II. IMPACT ON STATELESS

Stateless persons face many obstacles in trying to build a life within Lebanon. Education, one of the most empowering means to better living, is often denied.<sup>4</sup> The public and private schools have instituted quotas for the percentage of non-Lebanese students that are allowed to study.<sup>5</sup> Currently, the government requires that 50% of the student body must be Lebanese.<sup>6</sup> With the number of refugees at about one-third of the population of the country, and more children being born into statelessness, the quota prevents many students from starting or continuing their education.<sup>7</sup> The UN estimated that the school-age population of Syrian refugees alone had already exceeded the entire school-age Lebanese population in March of 2014.<sup>8</sup> In addition, many unregistered students find that there is heavy

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<sup>4</sup> *Growing Up without an Education*, HUMAN RIGHTS WATCH, <https://www.hrw.org/report/2016/07/19/growing-without-education/barriers-education-syrian-refugee-children-lebanon>

<sup>5</sup> *Id.*

<sup>6</sup> Interview with Nicolette Hutcherson, Missionary, Safe Haven Home for Girls-World Venture, in Beirut, Leb. (June 17, 2015).

<sup>7</sup> *Id.*

<sup>8</sup> UNHCR, 2014 Syria Regional Response Plan Strategic Mid-Year Update (2014), <http://www.unhcr.org/en-us/partners/donors/52b170e49/2014-syria-regional-response-plan->

favoritism for certain types of non-Lebanese, such as European residents, who can pay more money for a spot in the classroom.<sup>9</sup> Sonia el-Khoury, the director of the Lebanese Department of Counseling and Guidance at the Ministry of Education, lamented that there is also a growing trend of Lebanese families taking their children out of the public schools and placing them in private schools.<sup>10</sup> This is largely due to the fact that the refugee populations have only been educated in Arabic, whereas Lebanese children are educated in French or English in addition to Arabic, causing the refugee children to slow down the teaching pace of public school teachers to accommodate the language difficulty. The drain of Lebanese from the public schools causes the half-Lebanese quota to become even more of an obstacle. For those seeking higher education, the barriers are both legal and financial. Descendants of refugees, specifically Palestinian, are prevented from working in certain fields, like law and healthcare.<sup>11</sup> They are therefore almost completely excluded from the degree programs associated with those professions. The cost of higher education is also a barrier, as stateless students cannot qualify for public student loans. Those that successfully get higher education usually do so on the grace of a Lebanese sponsor.

The unregistered in Lebanon face several other challenges to achieving economic security and prosperity. Stateless persons are prevented from getting loans unless they are sponsored by a Lebanese citizen. Financing for housing is nearly impossible to attain. Property ownership is prohibited for anyone “who is not a citizen of a recognized state,” and foreign fathers who own property cannot pass it to their children.<sup>12</sup> Though legally a Lebanese mother can apply for loans, in 2013 women represented only 3% of formal loans in Lebanon.<sup>13</sup> Lebanese women are subject to many cultural pressures which place informal obstacles to their access to financing. This gender

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rrp6-january-december-2014.html?query=2014%20syria%20regional%20response%20plan.

<sup>9</sup> Hutcherson, *supra* note 6.

<sup>10</sup> Tara Kangarlou, *Lebanon Schools Struggle to Integrate Syrian Children*, AL-MONITOR (Mar. 20, 2015), <http://www.al-monitor.com/pulse/originals/2015/03/lebanon-education-crisis-syria-refugees-children-schools.html>.

<sup>11</sup> International Labour Organization, *Palestinian Employment in Lebanon: Facts and Challenges Labour Force Survey Among Palestinian Refugees Living in Camps and Gatherings in Lebanon*, (2012), [http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms\\_236502.pdf](http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_236502.pdf).

<sup>12</sup> CANADIANS FOR JUSTICE AND PEACE IN THE MIDDLE EAST, *The Plight of Palestinian Refugees in Lebanon* (Feb. 2009), <https://d3n8a8pro7vnm.cloudfront.net/cjpme/pages/1891/attachments/original/1464891019/50-En-Plight-of-Palestinians-in-Lebanon-v3.pdf?1464891019>.

<sup>13</sup> Raham Mustafa, *Stories of Impact: Increasing Access to Finance for Women Entrepreneurs in Lebanon*, IFC ADVISORY SERV. (June 2013), [https://www.ifc.org/wps/wcm/connect/543ba600407c63709fd79fcd0ee9c33/BLC+Lebanon\\_StoriesOfImpact-IFCAdvisoryServices\\_WomenAndBusn.pdf?MOD=AJPERES](https://www.ifc.org/wps/wcm/connect/543ba600407c63709fd79fcd0ee9c33/BLC+Lebanon_StoriesOfImpact-IFCAdvisoryServices_WomenAndBusn.pdf?MOD=AJPERES).

difference in financing trickles down to further problems for their unregistered children. Women in Lebanon, for example, often live at home till they are married. When they get married, any property the couple owns is generally listed in the husband's or father's name. This makes it difficult for the woman to use property as collateral to attain a loan. With men being seen as the head of the household in most of Lebanese culture, women are expected to provide for domestic needs rather than handle financing for their children. Though more women are finding employment in Lebanon, they still only represent 25% of the workforce.<sup>14</sup> Even if they are employed, it is common for the husband to have full control over the money earned, giving women less agency in the sponsorship and support of their stateless children.

Stateless children also face discrimination in their employment. First, if an employer would like to hire a non-Lebanese person, they generally have to pay fees and seek approval from the Ministry of Labor.<sup>15</sup> This drives up the cost of stateless labor, along with the paperwork, discouraging the hiring of members of the unregistered population, or (more commonly) causing employers to hire them illegally and offer far lower wages. For those that have Palestinian fathers, employment choices are limited, as the law prevents them from attaining jobs in government, healthcare, and law.<sup>16</sup> Some stateless workers only recently received limited access to some social security benefits, and are prevented from attaining employee health benefits.<sup>17</sup> A stateless person must also obtain a permit, which historically has been both difficult to attain and easily revoked, though recently implemented amendments have made the process easier for Palestinian refugees. Lebanon uses a reciprocal system for granting work visas and permits; Lebanon grants the right to work in proportion to how much the state of the foreign worker grants the right to work.<sup>18</sup> In the case of most stateless workers, who don't have a state to provide reciprocal treatment, this policy puts them at a disadvantage in relation to foreigners. For these reasons, most stateless workers are employed under the table, at lower wages than their Lebanese counterparts.

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<sup>14</sup> James Daily, *Strengthening Lebanon's Economy by Supporting Women Entrepreneurs*, VOLUNTEERS FOR ECONOMIC GROWTH ALLIANCE (Apr. 2015), <http://vegaalliance.org/wp-content/uploads/2015/06/VEGA-Lebanon-LIM-Case-Study.pdf>.

<sup>15</sup> Elisabeth Longuenesse and Paul Tabar, *Migrant Workers and Class Structure in Lebanon: Class, Race, Nationality and Gender*, INSTITUT FRANÇAIS DU PROCHE-ORIENT, 8-9 (2014).

<sup>16</sup> Dima Dabbous-Sensenig, *Children of a 'Lesser' Lebanese Citizen*, THE DAILY STAR (Feb. 4, 2010, 12:00 AM), <http://www.dailystar.com.lb/Opinion/Commentary/2010/Feb-04/119525-children-of-a-lesser-lebanese-citizen.ashx>.

<sup>17</sup> International Labour Organization, *supra* note 11, at 22.

<sup>18</sup> AMNESTY INT'L, *Lebanon Exiled and Suffering: Palestinian Refugees in Lebanon* (Oct. 17, 2007), <https://www.amnesty.org/en/documents/MDE18/010/2007/en/>.

These hindrances place the unregistered at increased risk of poverty. With employment being volatile, discriminatory, and underpaid, financing being inaccessible, and education being limited, the stateless populations of Lebanon have to fight for a decent quality of life. Those born into refugee populations are at a particular risk of poverty; 90% live below the poverty line.<sup>19</sup>

Unregistered populations are also limited in their mobility. Stateless are essentially trapped in their “host” state, prevented from legally moving out of Lebanon due to lack of identification documents. Though temporary identification documents have sometimes been issued (and rescinded), they often do not meet requirements for travel across borders.<sup>20</sup> Palestinian residents, for example, are issued IDs that are handwritten with photos glued on, rather than printed. The travel documents do not meet standards to travel to Europe, and often are not enough to allow travel to the Arabian Peninsula or Egypt.

As mentioned before, unregistered populations are excluded from social programs like social security and healthcare. The lack of access to proper healthcare is extremely damaging to the health of the unregistered, but also contributes to the perpetuation of the problem. Legally, Lebanon requires the signature of a midwife or delivering doctor in order to register newborns.<sup>21</sup> If the parents are limited in access to healthcare, there is a high chance the child’s birth will not be recorded, which causes issues if the child eventually wants to apply for citizenship.<sup>22</sup> Unregistered populations primarily rely on the UN, as well as international and national NGOs for their healthcare. Though unregistered populations are able to use government hospitals and emergency care, the cost is significantly greater for them. With the population of Lebanon growing by over 35% due to the influx of Syrian refugees, the national health system has been stretched beyond its limits.<sup>23</sup> In many cases, NGOs function as the primary hospital system and medical training providers to make up for the deficiency of the national healthcare system. However, these organizations rely on donations and sponsorship that can suffer from inconsistent funding and severe budget cuts despite growing need. As a result, many stateless persons find their aid and healthcare

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<sup>19</sup> UNRWA, *PRS in Lebanon*, <https://www.unrwa.org/prs-lebanon> (last visited Dec. 2017).

<sup>20</sup> Jaber Suleiman, *Marginalised Community: The Case of Palestinian Refugees in Lebanon*, DEV. RES. CTR. ON MIGRATION, GLOBALISATION AND POVERTY (Apr. 2006).

<sup>21</sup> FRONTIERS-RUWAD ASS’N, *Birth Registration Procedures in Lebanon* (2014), [https://frontiersruwad.files.wordpress.com/2015/03/birth-registration-manual\\_english.pdf](https://frontiersruwad.files.wordpress.com/2015/03/birth-registration-manual_english.pdf).

<sup>22</sup> *Id.*

<sup>23</sup> UNHCR, 2017 Planning Summary (Feb. 12, 2017), <http://reporting.unhcr.org/sites/default/files/pdfsummaries/GA2017-Lebanon-eng.pdf>.

subsidies cut off unexpectedly.

Stateless people in Lebanon have no political vote or representation; the population is left without a voice for their plight and can feel invisible to their own country.<sup>24</sup> In many ways, some of these people are completely invisible. The UNHCR has, since May 2015 under the direction of the Lebanese government, stopped registering and accounting for new refugees coming from Syria. It was estimated in 2015 that over 300,000 people were within the country and were not even recognized as refugees.<sup>25</sup> If these people marry Lebanese women, they can neither gain citizenship nor pass it to their children, contributing to the growing stateless problem in Lebanon.

It is clear from this short survey of the impact of statelessness on the quality of life of a person within Lebanon, that these groups are among the most vulnerable in Lebanese society. Though not every stateless person suffers from all of these disadvantages; the commonality of these problems is enough to warrant further study into their cause and obstacles to their relief. While my study focuses primarily on the injustice of the law towards women, this section is meant to serve as a reminder of the amplified impact this legal problem has on the families of these women, and draw the connection between the issue of registration of full Lebanese citizens and the horrible plight of those struck stateless and kept stateless by the construction of Lebanese law.

### III. HISTORICAL BACKGROUND

The plight of statelessness is, of course, integrally tied to the concept of citizenship. However, this concept has not always existed in its current definitions that include modern liberal values. Lebanon, like all states, has gone through an evolution of citizenship, and its development has been fairly recent. Throughout the centuries, Lebanon has been integrated into many empires, from the Babylonian to the Ottoman. The latter had control of Lebanon into the modern period when the Allied Powers took possession of the area following WWI. Under the Treaty of Sévres in 1920, the Ottoman Empire was divided into several mandates entrusted to different allied nations. Syria and Lebanon were put under French rule, a time known as the “French Mandate” period. In 1943, the Lebanese acquired independence and an agreement was struck between the major religious sects, an unwritten agreement later known as the National Pact, which divided the political power between the different religious sects. These three

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<sup>24</sup> Madeleine Arnot & Sharlene Swartz, *Youth Citizenship and the Politics of Belonging: Introducing Contexts, Voices, Imaginaries*, 48 COMP. EDUC. 1 (2012).

<sup>25</sup> Maja Janmyr, *Precarity in Exile: The Legal Status of Syrian Refugees in Lebanon*, 35 REFUGEE SURV. Q. 58 (2016).



steps in the evolution of the Lebanese nation – Ottoman province of Syria, French Greater Lebanon, and modern Lebanon – were central in shaping the concept of national identity and citizenship in Lebanon. As such, this study will survey the concepts of citizenship presented in the context of Lebanon during each of these periods.

A. *Ottoman Rule over the Province of Syria*

Citizenship within the Ottoman Empire did not exist in the modern sense of the word. The Lebanese were subjects of the empire and were governed by a centralized sultanate in Istanbul. Though the empire did not grant civic participation in the modern understanding, their governance did impact the way the future citizens of Lebanon thought of themselves and their politics. The Ottoman period contributed heavily to the instilment of religious loyalty and patriarchal authority in the mind of the modern Lebanese citizen. The idea that citizenship is centered on communal identity and loyalty, rather than connectedness to a centralized state, stems from Ottoman rule.<sup>26</sup>

The Ottoman Empire was unique in its location and make-up. It was positioned “at the crossroads of the nations,” serving as an intersection of the Eastern and Western world.<sup>27</sup> Due to the general tolerance the Ottomans had toward different religions and ethnicities, their empire was characterized by a great variety of peoples who were allowed to thrive.<sup>28</sup> The Ottomans employed the Islamic principle of *dhimmi*, in which religious minorities were given liberty to practice peaceably within the empire with minimal interference. A “millet” system of legality allowed for minorities to handle their own personal status law.<sup>29</sup> This is an element that remains in modern Lebanon’s court systems, as each religious sect has its own personal status courts. This system granted the Ottoman subjects some legal personality and limited agency, two attributes common in the modern conception of citizenship.<sup>30</sup> One group that was not offered political agency, both in the Ottoman Empire and throughout that world during that time, was women. Their contribution to politics was limited to “the politics of reproduction” in

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<sup>26</sup> Suad Joseph, *Civic Myths, Citizenship, and Gender in Lebanon*, in GENDER AND CITIZENSHIP IN THE MIDDLE EAST 107, 110-12 (Syracuse University Press 2000).

<sup>27</sup> PHILIP KHURI HITTI, HISTORY OF SYRIA: INCLUDING LEBANON AND PALESTINE 5 (Macmillan 1951).

<sup>28</sup> M. ŞÜKRÜ HANIOĞLU, A BRIEF HISTORY OF THE LATE OTTOMAN EMPIRE (Princeton University Press 2008).

<sup>29</sup> *Id.*

<sup>30</sup> Irene Bloemraad, Anna Korteweg & Gökçe Yurdakul, *Citizenship and Immigration: Multiculturalism, Assimilation, and Challenges to the Nation-State*, 34 ANN. REV. SOC. 153 (2008).

which women used their male children to influence change, an argument still used currently in Lebanon to advocate women being active in politics through their responsibilities as a mother.<sup>31</sup>

In the late period of the Ottoman Empire, the challenges of maintaining the greater empire came in the form of the growing difficulty of taxation and organization.<sup>32</sup> The need to maintain a military that could thwart the rising threat from the West required efficient taxation, something that the elites in the peripheral provinces resisted.<sup>33</sup> These provinces had established independent bureaucratic systems to manage their regions, and identified little with the central command of the empire. The designation of “subjects” was fading from Syrian and Lebanese self-identity, as one of these provinces, and WWI would deliver the empire its final blow. Historian M. Hanioglu writes: “No ethnic consciousness comparable to modern nationalism existed to an appreciable degree within any of the communities of the [Ottoman] Empire.”<sup>34</sup> This lack of corporate identification with the empire could not match the unity of Western Europe created by nationalism. The imperialism of the Ottomans stood in opposition to this growing nationalism in Europe, a philosophical conflict the empire would ultimately lose. With the rise of nationalism came the notion of individual rights of citizens who gained greater civic participation opportunities, and identified more strongly with the larger community of nation-states.<sup>35</sup> Under the Ottomans, the people of Lebanon were primarily treated as subjects and taxpayers, managed by religious patriarchs. This conception of citizenship resulted in sectarian identity divides that would persist in the Mandate Period and beyond.

### B. French Mandate Period

Though the Ottomans laid the groundwork for the political culture of modern Lebanon, the citizenship principles were presented to Lebanon by the French during the Mandate Period. If the Ottomans were the attendant patriarchal system, collecting taxes and ruling through military strength, then the French were the matriarchal system, infantilizing the Lebanese and nurturing them into a “proper” state. France was entrusted by the League of Nations to “enact measures to facilitate the progressive development of

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<sup>31</sup> LESLIE P. PIERCE, *THE IMPERIAL HAREM: WOMAN AND SOVEREIGNTY IN THE OTTOMAN EMPIRE* (Oxford University Press 1993).

<sup>32</sup> HANIOĞLU, *supra* note 25.

<sup>33</sup> WILLIAM HARRIS, *LEBANON: A HISTORY 600-2011* (Oxford University Press 2012).

<sup>34</sup> HANIOĞLU, *supra* note 25, at 25.

<sup>35</sup> BENEDICT ANDERSON, *IMAGINED COMMUNITIES: REFLECTIONS ON THE ORIGIN AND SPREAD OF NATIONALISM* (rev. ed. 2006).

Syria and Lebanon as independent states.”<sup>36</sup> This development would include the writing of a “proper” constitution within 3 years.<sup>37</sup> While it can be tempting to look at the development of Lebanon as a linear progression, the reality is there was remarkable accomplishment coupled with the perpetuation of backwards thinking.<sup>38</sup> The French did not remove the old sectarian patriarchal system; they reinforced it while placing their preferred sect at a political advantage in order to maintain control.<sup>39</sup> The Maronite Catholic majority within Beirut and the surrounding area of Mount Lebanon would be the main ally of the French; in return the Maronites would be granted more power over the large Muslim populations. The French took control of the region in 1916, but created the region known as Greater Lebanon in 1920, which would be recognized officially in 1923 by the League of Nations. This new territory was artfully crafted to create a Christian majority, a fact that was revealed in the 1921 census on which the confessional representative system was based.<sup>40</sup> During this period there was a fierce cultural suppression of the Muslim population in order to create a more stable control by the Maronites.<sup>41</sup>

The matriarchy of France included the use of housing projects, healthcare programs and educational systems to cement their necessity to the Lebanese and to propagate the principles of liberalism.<sup>42</sup> The private educational systems disproportionately served the Christian populations, and the imposition of French language in education further assaulted the primacy of Arab-Muslim culture.<sup>43</sup> Through their extensive educational systems, the French systematically promoted a political model that habitually placed “Christians above Muslims and men above women, in both political and economic arenas.”<sup>44</sup> This hierarchy of citizens preserved the religious divides and loyalties, and created unrest within the disadvantaged sects. Religion had always been important to the possession of power within

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<sup>36</sup> ELIZABETH THOMPSON, *COLONIAL CITIZENS: REPUBLICAN RIGHTS, PATERNAL PRIVILEGE, AND GENDER IN FRENCH SYRIA AND LEBANON* (Columbia University Press 2000).

<sup>37</sup> HARRIS, *supra* note 30, at 186.

<sup>38</sup> Suad Joseph, *Political Familism in Lebanon*, 636 ANNALS AM. ACAD. POL. AND SOC. SCI. 150 (2011).

<sup>39</sup> THOMPSON, *supra* note 33.

<sup>40</sup> HARRIS, *supra* note 30.

<sup>41</sup> B. J. Mehta, *Negotiating Arab-Muslim Identity, Contested Citizenship, and Gender Ideologies in the Parisian Housing Projects: Faïza Guène's Kiffe Kiffe Demain*, 41 Res. Afr. Literatures 173 (2010).

<sup>42</sup> Elizabeth Thompson, *Neither Conspiracy nor Hypocrisy: The Jesuits and the French Mandate in Syria and Lebanon*, in ALTRUISM AND IMPERIALISM: WESTERN CULTURAL AND RELIGIOUS MISSIONS IN THE MIDDLE EAST 67 (2002).

<sup>43</sup> HARRIS, *supra* note 30, at 181-82.

<sup>44</sup> THOMPSON, *supra* note 33.

Lebanon, but this French favoritism of the Maronites would encourage far more fragmentation within the coexisting sects. With the new legal structure, the French imported their legal principles and political theory; they introduced a common-law system that would place women at a political disadvantage and grant the sectarian courts jurisdiction over all of their own personal status law.<sup>45</sup> This would leave the political and social positions of women at the mercy of the religious doctrines of their sects. These religious sects were required to submit their personal status laws for the French high commissioner to approve, but not all sects did and the approval process provided little oversight to protect the rights of women or other disadvantaged groups. In addition, it was under the French that the Lebanese adopted a *jus sanguinis* (citizenship by paternity) system of citizenship, replacing the Ottoman's *jus soli* (citizenship by birthplace) system.<sup>46</sup> The French helped the Lebanese draft a constitution that was adopted in 1926; this constitution claimed the "equality of rights of and duties of all citizens without discrimination."<sup>47</sup> In reality, the secular provisions of the Lebanese Constitution would not translate into the patriarchal culture and the sectarian personal status laws; as a result, women would be denied equal rights. Many amendments have been added to the Constitution since its drafting. One of the most notable changes came in November of 1943, when all provisions referring to the mandate were removed, causing the French authorities to arrest most of the government officials. Later that month the French would release the officials and recognize the end of the mandate on November 22, 1943, Lebanon's Independence Day.

### C. Independent Lebanon

In 1932, another census had been taken; this would have an unanticipated impact on Lebanese politics that reverberates to present day. It is the *last* official census taken of the Lebanese people. The data from the census showed a clear growth trend of the Muslim populations, specifically the Sunni; this fact would cause Maronites and Shias to resist any kind of future census to prevent a disruption of the distribution of representative power.<sup>48</sup> Based on this census, an agreement was struck between the major

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<sup>45</sup> Mida R. Zantout, *Robbed of Citizenship: French Law Stripped Lebanese Women of Basic Rights They Freely Enjoyed Under Ottoman Rule*, THE DAILY STAR (Aug. 7, 2008, 12:00 AM), <http://www.dailystar.com.lb/News/Lebanon-News/2008/Aug-07/50815-robbed-of-citizenship-french-law-stripped-lebanese-women-of-basic-rights-they-freely-enjoyed-under.ashx>.

<sup>46</sup> *Id.*

<sup>47</sup> Aldstwr Allbnany Bkl T'edylath [Constitution] May 23, 1926, pt.3, subsec. C (Leb.).

<sup>48</sup> Rania Maktabi, *The Lebanese Census of 1932 Revisited. Who Are the Lebanese?*, 26 BRIT. J. MIDDLE EASTERN STUD. 219 (1999).

religious sects: Shias, Sunnis, and Maronites. This oral agreement, known as the National Pact of 1943, would divide the power 6:5 in favor of the Maronites. The sects divided political roles between them, declaring that the President would be Maronite, the Prime Minister would be Sunni, and the Speaker of the Parliament would be Shia.

Under this system, women were excluded from both voting and possessing public office. The sectarian personal status laws subjected them to their religiously defined roles and limited their independence. Additionally, the confessional representation kept the religious groups in their segregated communities, and encouraged citizens to be more conscious of their religious identification over the fragile, developing Lebanese identity.<sup>49</sup> As a result, sectarian communities became more defensive of the powers they did have. This included land ownership; since land was registered under the males of the household, inheritance law was slanted against women in order to prevent acquisition of land by other sects should a woman marry into a different community. The tension rose between the communities as each withdrew into their own sects and insulated themselves. In 1948, in the wake of the Arab-Israeli War, thousands of Palestinian refugees poured into Lebanon. More Palestinians would enter after the 1967 Arab-Israeli War, causing a demographic shift in favor of the Muslim population. This would begin to increase the pressure on the Christians to grant more representative power to the Muslim sects. In addition, the Palestinians violently conflicted with the Maronites and the PLO used Lebanon as a launching pad for attacks on Israel, agitating the southern neighbor.<sup>50</sup> This conflict was eventually resolved by the Taif Agreement in 1989, in which new power dynamics were instituted. It changed the representation in the Parliament from 6:5 favoring the Maronites, to 1:1 Christians to Muslims.

These conflicts are extremely important to the Lebanese conception of citizenship and who is allowed to have it. After the civil war, Syrian occupation became increasingly unpopular among the major religious sects with the exception of the Shias.<sup>51</sup> After the assassination of Rafik Hariri, one of the main orchestrators of the Taif Agreement and an advocate for the Syrian withdrawal, the city of Beirut broke into the Cedar Revolution. This series of demonstrations in protest of the Syrian occupation eventually achieved its goal, and the Syrian occupiers withdrew in 2005. The scars from this occupation, however, have not faded from the consciousness of the Lebanese. As more Syrians flood in from their own crisis, the sting of occupation for many Lebanese has made their hospitality towards the Syrian

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<sup>49</sup> HARRIS, *supra* note 30.

<sup>50</sup> FAWWĀZ ṬARĀBULSĪ, *A HISTORY OF MODERN LEBANON* 153 (2nd ed. 2012).

<sup>51</sup> *Id.* at 242.

refugees less generous. Additionally, the invasion by the Israelis has made many Lebanese indignant; the Lebanese have largely taken up the cause of the Palestinians in their claim to land. However, the Lebanese, especially the Maronites, still have wounds from the Palestinian militias and have consistently resisted efforts to integrate the remaining Palestinian population. The current politics of Lebanon have been structurally altered by these conflicts and decisions about current citizenship reform rest heavily on the feelings of insecurity created by them.

This brief survey of Lebanese modern history contains the main details that impact the political environment of the current state; it also provides the background for the way the identity of the Lebanese has evolved. From the subjects of an empire, managed by patriarchs, to the “liberal children” of the French, and finally the citizens of a fragile modern state.

#### IV. SURVEY OF POLICY AND LAW

Having looked at the history of Lebanon, the current state of politics and law is more easily understood. Lebanon is a quilt of many different groups that have been united by peculiar circumstances. Lebanon’s laws represent a mixture of its patriarchal habits and its liberal development. With citizenship having as much to do with the relationship between the communities and the state, and the relationship between the individual and the state, the protection of rights takes on a new shape.<sup>52</sup> Rights are typically granted to groups, and political voice is based on one’s membership in a religious group; this connected citizenship prioritizes the protection of group rights over individual rights. This establishes what Suad Joseph refers to as the “civic myth” of Lebanon.<sup>53</sup> A civic myth is a “myth used to explain why persons form a people.”<sup>54</sup> In Lebanon there are multiple civic myths that overlay each other, with the most prominent one being sectarian pluralism. Those in patriarchal authority within these sects have duties of care that cause a need for loyalty and kinship links that become more important than loyalty to the state.<sup>55</sup> An illusion of a united nation-state has been created in Lebanon, but the law’s authority is divided, governing “equal” citizens differently.

##### A. *Personal Status Law*

This divided law comes in the form of the secular national law and the

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<sup>52</sup> Helen Crowley, Gail Lewis, Pnina Werbner & Nira Yuval-Davis, *Citizenship: Pushing the Boundaries*, 57 FEMINIST REV. 1, 1 (1997).

<sup>53</sup> Joseph, *supra* note 35.

<sup>54</sup> *Id.*

<sup>55</sup> Joseph, *supra* note 23, at 107.

sectarian personal status law. Originally, the approval for personal status law came from the French High Commissioner during the French Mandate in 1936; this Commission established a precedent of hands-off deference to the proposed personal status laws.<sup>56</sup> Current personal status law is supposed to come under the supervision of the Lebanese Parliament by having each of the 17 recognized sects (according to Article 9 of the Constitution) submit their laws for approval, but the actual oversight has been weak. Parliamentary ratification should only follow “if the personal status laws and trial procedures do not contain text ‘that contravenes public security or morals, the constitutions of the state and confessions, or the provisions of this decree’”;<sup>57</sup> however, little effort has been made to challenge those laws that directly contradict portions of national and international law. In 1948, the Druze code, partially based on the Hanafi school of Sunni Islam, was confirmed.<sup>58</sup> The Christian and Jewish sects were not confirmed until 1951, and have not been ratified by the government to date consequent to the demonstrations and strikes carried out against them at the time.<sup>59</sup> The personal status codes of the Muslim sects were set out in the Law of 16 July 1962 concurring in the project of organization of the Sharia, with Sunni and Ja’afari Shii jurisdictions. However, this occurred after the Sunni population initially objected to submit to any kind of review, claiming it was a violation of their religious exercise, and the parliament issued Decree 53 that released the Sunni’s from the submission requirement.<sup>60</sup>

The treatment of women varies in each of these personal status codes, but discriminatory law is common in each. The judges of these courts are patriarchs of the sect and are not always required to have formal legal training, resulting in the doctrinal favoritism towards men as head of the household taking precedence over women’s equal rights.<sup>61</sup> Though the discriminatory habits of the personal status courts do not have a direct impact on the ability of women to pass their nationality to their children, this systematic demotion of women below men in their marriages, and in their maternal rights, results in structural resistance to granting women their rights to equal citizenship. The traditional understanding of the law, by granting more active duty to the men of households, contends that men are justly granted the ability to pass citizenship.

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<sup>56</sup> Lamia Rustum Shehadeh, *Gender-Relevant Legal Change in Lebanon*, 22 FEMINIST FORMATIONS 210 (2010).

<sup>57</sup> Decree 60LR of 1936, art. 5 (Leb.).

<sup>58</sup> Shehadeh, *supra* note 53.

<sup>59</sup> HUMAN RIGHTS WATCH, *Unequal and Unprotected: Women’s Rights Under Lebanese Personal Status Laws* (2015), <https://www.hrw.org/report/2015/01/19/unequal-and-unprotected/womens-rights-under-lebanese-personal-status-laws>.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

Though citizenship is a question for the secular Parliament of Lebanon, the marriages that fall under the nationality rules *are* governed by the personal status laws of the different religious sects. The government may register the children of marriages according to their lineage, but if the marriage is not recognized by the religious authorities, then the citizenship of their children can be confused or refused. If the marriage isn't registered with the religious sect (as is often the case with marriages to refugees, because the judges will look at the couple's proof of citizenship when they approve the marriage) then the children of the marriage can be left stateless because the registration procedures cannot be completed with the state.<sup>62</sup> Additionally, the procedure of documenting citizenship relies on interaction with the personal status system. "A birth must be declared at the Personal Status Officer within 30 days of the date of birth. The birth certificate shall be drafted and signed by the father, mother, doctor or midwife who assisted the birth and the *mukhtar* shall ratify the signature."<sup>63</sup> The confusing nature of this registration process has caused many fully Lebanese children not to be registered at all. There have been cases of Lebanese men not being registered by their fathers due to improper registration, or neglect of registration; when these men married Lebanese women their children could not be registered as citizens even though both parents were fully Lebanese. The extensive legal process that involves appeals to both the personal status courts and the secular courts are often too costly for these families. This sectarian system, in which virtually unsupervised religious courts can have substantial impact on the secular legal system, and the constitutional rights of citizens, has raised major concerns about the ability of the Parliament to uphold the values of the state and correctly care for their citizens.

### B. Secular Law

Many women's rights advocates argue that the "non-homogeneous legal conditions for its citizens makes for a direct conflict with the constitutional codes asserting equality among citizens."<sup>64</sup> This refers to Article 7 of Lebanon's Constitution which says "All Lebanese shall be equal before the law. They shall equally enjoy civil and political rights and shall equally be bound by public obligations and duties without any distinction."<sup>65</sup> However,

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<sup>62</sup> Gihane Tabet, *Women in Personal Status Laws: Iraq, Jordan, Lebanon, Palestine, Syria*, UNESCO (July, 2005), [http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/SHS/pdf/Women\\_in\\_Personal\\_Status\\_Laws.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/SHS/pdf/Women_in_Personal_Status_Laws.pdf).

<sup>63</sup> Personal Status Documentation Law of 17 Dec. 1951, art. 11 (Leb.).

<sup>64</sup> Marie Rose Zalzal, *Personal Status and Sectarian Law*, in THE AMERICAN UNIVERSITY IN BEIRUT GENDER AND CITIZENSHIP IN LEBANON CONFERENCE (Mar. 1997).

<sup>65</sup> Aldstwr Allbny Bkl T'edylath [Constitution] May 23, 1926, art. 7 (Leb.).



it is not just the personal status law that designates female citizens as unequal in contradiction to the constitution. The Lebanese Nationality Code is a secular code, and it is at the root of the current problem. Article 1 of this code declares, “every person born of a Lebanese *father*” as Lebanese.<sup>66</sup> This denial of women’s equality seems especially injurious as Article 6 of the constitution reads “Lebanese nationality and the manner in which it is acquired, retained, and lost shall be determined in accordance with the law.”<sup>67</sup> This is immediately followed by Article 7, making the unequal distinction regarding nationality rights an even clearer contradiction. The unequal treatment of women continues further into the Nationality Code as well. Article 5 allows for foreign wives to take on the Lebanese nationality of their husbands, an option not given to Lebanese wives and their foreign husbands. The father’s primacy over the nationality of their children is only lost when the father is unknown (or potentially if the father dies); women, individually, have no impact on their children’s legal identity. This legal possession by the father is echoed in the lives of Lebanese women as well. Lebanese women are listed under their father’s name in official records and are listed under their husband’s name when they are married, upon divorce they are again marked under their father.<sup>68</sup> Though these women are considered citizens, their legal personality is classified in relation to men.

Lebanon has an estimated 4.467 million legal population. With the 449,957 registered Palestinian refugees<sup>69</sup> and the 1,088,231 registered Syrian refugees<sup>70</sup> who have flooded in, the refugee population has increased the population of Lebanon officially by 35%.<sup>71</sup> While allowing Lebanese women to pass citizenship would only grant a limited amount of the stateless access to rights and benefits, the struggling nation is resistant to allowing the refugees any path to citizenship. With such an incursion of foreign populations, the Lebanese have withdrawn into their communities and anxiously resist the accommodation of the refugees. Remembering that the Syrians occupied Lebanon not so long ago, this new influx has irritated recent wounds. The Palestinians face problems from both the Lebanese that support their cause and the Lebanese that remember their role in causing the civil war. A recent study found many Lebanese were supportive of considering granting women citizenship passing rights, but were firmly

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<sup>66</sup> Nationality Decree 15 of 19 Jan. 1925 (Leb.).

<sup>67</sup> Aldstwr Allbnany Bkl T’edylath [Constitution] May 23, 1926, art. 6 (Leb.).

<sup>68</sup> Maya Mikdashi, *A Legal Guide to Being a Lebanese Woman*, JADALIYYA (Dec. 3, 2010), <http://www.jadaliyya.com/pages/index/376/a-legal-guide-to-being-a-lebanese-woman-%28part-1%29>.

<sup>69</sup> UNRWA, *supra* note 16.

<sup>70</sup> UNHCR, *supra* note 20.

<sup>71</sup> Because the UNHCR has stopped registering refugees, the percentage is estimated to be significantly higher.

against allowing the passing of citizenship to Palestinian husbands and the offspring of these unions.<sup>72</sup> Many Lebanese reject offering a path to citizenship to Palestinian refugees because they believe that it will weaken the Palestinians' resolve to get a home for themselves in Israel/Palestine. The Arab League, which Lebanon is a member of, also has adopted this position concerning Palestinian refugees in the Middle East. The Arab League's Resolution 1547 (1959) exhorts Arab states to support Palestinians' "nationality" by not granting them citizenship.<sup>73</sup> The Palestinian population in Lebanon is characterized by a growing generation of people that know Lebanon as their only home and do not identify with the struggle for a Palestinian state.<sup>74</sup> Instead the Palestinians, especially those married to Lebanese, feel that the government is ignoring their plight and placing the stability of the religious-political balance above the rights of individuals.<sup>75</sup>

### C. Political Environment

The interplay of legal systems is not exactly properly characterized as secular law against religious law. The Parliament is composed of sectarian parties, as developed from the National Pact. The parties represent the political goals of the religious sects and are heavily shaped and influenced by religious doctrine and religious leaders. One researcher commented that Lebanon is "the most secular country of the Region, although the most heavily encumbered by religious laws."<sup>76</sup> Religious leaders, and the culture they foster, have created several doctrinal obstacles to the granting of women's citizenship passing rights. However, this religious influence often has more to do with the kinship political loyalty than the religions themselves. In the case of women's right to pass citizenship, many sects are open to considering the idea, but are resistant that the legal change may grant political advantage to the Sunni sect, as most of the refugees are Sunni.

Similar sectarian power concerns have come into play in other women's rights issues, such as the fight for civil marriage. In that case the Christian

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<sup>72</sup> Laura Kisthardt, *Confessionalism in Lebanon: Reflection and an Analysis of Issues*, SENIOR HONORS PROJECTS 15 (2013).

<sup>73</sup> Arab League Res. 1547, March 9, 1959.

<sup>74</sup> Matthew Cassel & Moeali Nayel, *Lebanon: Women Battle for Citizenship Rights*, IPS (June 6, 2009), <http://www.ipsnews.net/2009/06/lebanon-women-battle-for-citizenship-rights/>.

<sup>75</sup> Sarah Weatherbee, *Lebanese Support Giving Nationality to Children of Palestinian Fathers*, THE DAILY STAR (Mar. 23, 2015, 12:27 AM), <http://www.dailystar.com.lb/News/Lebanon-News/2015/Mar-23/291777-lebanese-support-giving-nationality-to-children-of-palestinian-fathers.ashx>.

<sup>76</sup> Muhamad Mugarby, *Some Impediments to the Rule of Law in the Middle East and Beyond*, 26 FORDHAM INT'L L.J. 771, 777 (Mar. 2003).

and Sunni sects have been adamantly against granting the right for women to sidestep religious disadvantages in marriage by offering a civil marriage option because such a change could potentially benefit the Shia sect.<sup>77</sup> The concern over political power is especially evident in the examination of the Parliament's handling of proposed legislation and political protests concerning this issue. The political leaders have spent less time disparaging the rights of women and more time simply ignoring them. Multiple NGOs have arisen in the last five years, such as My Nationality is a Right for Me and My Family, specifically demanding equal passing rights for women.<sup>78</sup> In January 2013, these campaigners proposed a draft law that would allow women to pass on their nationality, but it was subsequently rejected by Parliament without formal consideration.<sup>79</sup> In addition to this law, two other similar nationality law proposals were submitted; not only were they rejected, according to Lina Abou Habib, coordinator of a nationality rights campaign, parliament also "did not even acknowledge receiving them."<sup>80</sup> While several leaders have articulated their support of future change to the law, they believe the current political environment is too fragile to handle it.<sup>81</sup>

#### *D. International Law*

Lebanese politicians have been feeling the pressure from both the NGOs and the international organizations that are calling for the Parliament to honor their supposed commitment to equality, in compliance with the Lebanese Constitution and international law. There are many that believe international pressure is going to be the only thing that can put enough pressure on the Lebanese government to reform by offering support in the current refugee crisis.<sup>82</sup> However, there are also suspicions that Lebanon will simply continue in its habit of recognizing international standards and then muting their impact domestically.<sup>83</sup> Lebanon has ratified (with

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<sup>77</sup> Sherifa Zuhur, *Empowering Women or Dislodging Sectarianism: Civil Marriage in Lebanon*, 14 YALE J.L. & FEMINISM 177 (2002).

<sup>78</sup> Interview with Zeina El Masri, Legal Representative, My Nationality is a Right for Me and My Family, in Beirut, Leb. (June 12, 2015).

<sup>79</sup> Mazin Sidahmed, *Women Demand Right to Pass on Citizenship to Their Children*, THE DAILY STAR (Mar. 23, 2015, 12:27 AM), <http://www.dailystar.com.lb/News/Lebanon-News/2015/Mar-23/291778-women-demand-right-to-pass-on-citizenship-to-their-children.ashx>.

<sup>80</sup> Saidi, *supra* note 2.

<sup>81</sup> Weatherbee, *supra* note 71.

<sup>82</sup> Erica Qualliotine, *Statelessness is a Human Rights Violation*, HUMAN RIGHTS FIRST (Mar. 30, 2015), <http://www.humanrightsfirst.org/blog/statelessness-human-rights-violation>.

<sup>83</sup> S. G. Harb, *Gender Politics, Women's Rights and International Norms in Lebanon* (2010) (unpublished Ph. D. dissertation, Florida International University) (on file with

reservations) the United Nations' Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (1979) which "affirms women's rights to acquire, change or retain their nationality and the nationality of their children."<sup>84</sup> In the UN's review on Lebanon's compliance with CEDAW, it was concluded that satisfactory compliance "requires the establishment of equality between the father and the mother regarding the citizenship of the children and the withdrawal of the reservations Lebanon had concerning Article 9, Paragraph 2 of the Convention."<sup>85</sup> The UN also examined the personal status law of Lebanon, even though it is not under their jurisdiction, and claimed that "whichever denomination she belongs to, a Lebanese woman is a victim of gender discrimination in her contact with the personal status laws. [. . .] There have been some noted laws and committees formed to prevent discrimination within the law and in economic structures, but the *de jure* compliance has not been met by *de facto* compliance [with CEDAW]."<sup>86</sup> In addition to CEDAW, Lebanon also adopted the Universal Declaration of Human Rights (1948), which states in Article 2 that "everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."<sup>87</sup> Some of these rights include the "right to recognition everywhere as a person before the law" (Article 6), "right to a nationality" and not be "arbitrarily deprived of his nationality nor denied the right to change his nationality" (Article 15).<sup>88</sup>

Lebanon has also assented to the International Convention on Civil and Political Rights (1966), a document that demands that "the States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant."<sup>89</sup> It dictates that "every child shall be registered immediately after birth and shall have a name" and "every child has the right to acquire a nationality."<sup>90</sup> This has obvious serious implications for the children struck stateless by being unregistered. But once again, Lebanon has done well at recognizing international norms without implementing them. Similar conditions were promulgated in the Convention on the Right of a Child,

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<sup>84</sup> G.A. Res. 34/180, Convention on the Elimination of all Forms of Discrimination Against Women, art. 9 (Dec. 18, 1979).

<sup>85</sup> Initial Report of States Parties, U.N. Doc. CEDAW/C/LBN/1 (Sep. 2, 2004).

<sup>86</sup> Third Periodic Report of States Parties, U.N. Doc. CEDAW/C/LBN/3 (July 7, 2006).

<sup>87</sup> *Id.* art. 2.

<sup>88</sup> *Id.* art. 15.

<sup>89</sup> G.A. Res. 2200A (XXI), International Covenant on Civil and Political Rights, art. 3 (Dec. 19, 1966).

<sup>90</sup> *Id.* art. 24.

which Lebanon has ratified. It also demands that children born in the country have a right to registration and a name.<sup>91</sup>

Lebanon is not alone in its neglect to offer equality to women in citizenship law and its refusal to offer paths to citizenship for refugees; 27 other nations do not allow women to pass citizenship. However, Lebanon has been seen to be one of the least receptive to possible change.<sup>92</sup> Lebanon's general acceptance of international norms makes Lebanese women's rights activists hopeful for change, but the culture and political environment are making legal reform far more complex, pushing change farther off on the horizon. As the regional crises continue and the religious powers still feel threatened, the contradictions between the goals of the constitution and the secular and personal status legal systems will continue to exist.

## V. CULTURAL CONTEXT

Culture is the final of the three variables to be considered as an impediment to the rights of women to pass citizenship. This variable is tied into all the others, dictating receptiveness to change and prescribing proper roles to its members. Societies construct frames for interaction that are culturally specific. These frames shape the way people within a culture think about their roles in connection with others; they become the norms of the society. In Lebanon, social norms are framed primarily by religion, but are impacted heavily by gender, race and class. Most religious sects have similar feelings about women and their role in society. Though commonly, Sunni families are considered more restrictive of their women than their Shiite counterparts, both (as well as Christians and Druze) operate on patriarchal family models.<sup>93</sup>

The Lebanese family is traditionally characterized, as many societies in the world, by males at the head of the household, with women in supporting roles. Women, in most cases, are seen as the charges of their fathers, brothers, husbands, and other male relatives. Both men and women, in Lebanese culture, are raised with the understanding that they possess rights, but these rights are given in connection with their familial relations. Girls are the bearers of the family honor and are granted relative freedom if they conform to social standards of modesty, but face severe repercussions if they do not.<sup>94</sup> Women are passed between male authorities throughout their lives,

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<sup>91</sup> G.A. Res. 44/25, Convention on the Rights of the Child, art. 7 (Nov. 20, 1989).

<sup>92</sup> UNHCR, *Background Note on Gender Equality, Nationality Laws and Statelessness* (2014), <http://www.unhcr.org/4f5886306.html>.

<sup>93</sup> LOIS BECK & NIKKI KEDDIE, *WOMEN IN THE MUSLIM WORLD* (Harvard University Press 1980).

<sup>94</sup> Rita A. Sabat, *Translating International Norms: Filters to Women's Rights in Lebanon*

with the exception of early childhood. Once girls pass from their mother's legal authority (once they are weaned), they belong to their father until they marry and become the charge of their husband. In the case of divorce, the woman is passed back under the authority of her father. This system is meant to keep assets within the kin community; because women often do not have rights to property. Because the husband usually puts marriage assets under his name, women are a liability to the family property and legacy if they marry outside of their social communities. These norms cross sectarian lines. With the fragile history of Lebanon, and the current precarious political state, women's rights are seen as inconvenient and potentially dangerous to the stability of communities.

There have been efforts to turn the family cohesion argument towards the cause of women's right to pass nationality, by claiming that the preservation of the Lebanese family against foreign growth rates demands that Lebanese women be able to recognize their children within the Lebanese family.<sup>95</sup> However, the dominant argument remains that granting women citizenship passing rights will result in the empowerment of foreign or "enemy" populations. While I have already discussed the land-protectionist argument against allowing women to pass citizenship, what lies at the base of that argument, and others, is the patriarchal math that determines that women simply don't have the same influence on the lineage of their children. Scientifically, when a woman and a man have a child, the child contains equal portions of the genetic materials of each. But, in Lebanon, this scientific fact is not always acknowledged when it concerns the practical assignment of nationality. A child is under the authority of the head of the household, they inherit their father's religious and national identity. When a Lebanese man marries a foreign woman, he passes his citizenship only to her; their children will be Lebanese because they are *his*. A father's blood is the dominant one, it is not simply that women are less powerful; their children are simply not Lebanese by blood. Therefore, if a Lebanese woman is able to pass citizenship, she will be granting citizenship to her husband and *his* children. The argument that women should not be able to pass their citizenship because of the amount of non-Lebanese people that would be added to the population is very political, but it is based on the idea that the children carry their father's identity rather than their mother's. If it were only the worry that more Palestinians or Syrians would have a path to citizenship, then men would not be able to pass their citizenship either. However, in Lebanon, the children of a Lebanese father are Lebanese; just as they are also Christian, Sunni, or Shia, depending on their father's

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(2010) (unpublished Ph. D. dissertation at Florida International University) (on file at Florida International University).

<sup>95</sup> *Id.*

religion. Because of the role of men in the household, it is understood that the children will be like him and carry his legacy. In addition to this assumption about the upbringing of children, it is also recognized that women do not have as much influence (or rather she does not have as much of a role) in the public sphere.<sup>96</sup> If she is able to pass citizenship to her husband and his sons, then these men will have a better opportunity to influence the affairs of the state. Since the children of a foreign or refugee father are not Lebanese, this aggravates the problem of foreign influence on Lebanese politics. It is not simply that politics prevents the discussion of the issue and increased citizenship rights pose a threat to the balance of power. The way the culture thinks about women and their place in society lies at the foundation of these political arguments.

Patriarchal values, structures and processes link government, non-government and domestic spheres. Due to the cultural limitations on women, they have been given a smaller political voice. From that position it is difficult to establish any feeling of effectiveness; there is not a horizon that women can look to where their position in society changes.<sup>97</sup> A study conducted in 2009, a year with an uncharacteristically large amount of women in political power, found that women made up only 9% of positions of status, influence, power and decision-making authority in Lebanon.<sup>98</sup> Most women, enter power only through succeeding a male family member, leading to a prominent stereotype that “women enter parliament in black.”<sup>99</sup> Lebanese women’s suffrage was in 1952, but their voice has been poorly represented in Parliament, with little representation and many women’s issues delayed, particularly concerning women’s ability to pass citizenship. “Women lack two key instruments to aid them in promoting legal reforms benefiting women: positions of political leadership and the sense that the gender order is truly changing and can be further transformed.”<sup>100</sup>

It should be noted that patriarchal culture does not impact all women equally: class and age seem to either aggravate or mitigate the intensity of patriarchal influence on the life of a woman.<sup>101</sup> Female elites have relatively

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<sup>96</sup> Lina Khatib, *Gender, Citizenship and Political Agency in Lebanon*, *British Journal of Middle Eastern Studies* 437, 438 (2008).

<sup>97</sup> Khatib, *supra* note 93 at 450.

<sup>98</sup> Dalila Mahdawi, *Lebanon’s Women Marginalized in Politics, Business: UN Report Calls for Policy Changes to Empower Females*, *THE DAILY STAR* (Nov. 2, 2009, 12:00 AM), <http://www.dailystar.com.lb/News/Lebanon-News/2009/Nov-02/54953-lebanons-women-marginalized-in-politics-business.ashx>.

<sup>99</sup> NELDA LATEEF, *WOMEN OF LEBANON: INTERVIEWS WITH CHAMPIONS FOR PEACE* 209 (McFarland and Company 1997).

<sup>100</sup> Zuhur, *supra* note 73.

<sup>101</sup> Joe Stork, *Gender and Civil Society: an Interview with Suad Joseph*, 32 *MIDDLE E. REP.* 22 (1993). *See also* Vicky Randall & Georgina Waylen, *Gender, Feminism and the State:*

more freedom and more influence, but consequently less interest in using that freedom and influence to instigate political change.<sup>102</sup> Yet even though they often have less incentive, most of the NGOs that have been developed for the causes of women were founded by this small, female elite class.<sup>103</sup> The women's rights movements in Lebanon have broadened women's access to education; however, political upheaval has served to derail educational systems in general and slowed the impact of this opportunity for women.<sup>104</sup>

Because women's rights are seen in tension with the community of Lebanon (traditional, religious and cultural norms), they face intense obstacles.<sup>105</sup> With patriarchal kin power models both deeply ingrained in Lebanese history and present in the modern conceptions of power instituted by the French, women's rights are culturally tangled. Rights for women are presented as disruptions of the essential family unit, and consequently as an imprudent move for social communities trying to insulate themselves from sectarian rivals and foreign populations. The connectivity within Lebanese cultural identity makes autonomy an assault on kin and sectarian relationships.

The privilege and authority given to men, and their dominance in the passing of their identities onto their offspring, diminish a woman's influence, even in her own home.<sup>106</sup> The limitations on the female political voice and the difficulties that come with attaining assets as a woman make earning power and overcoming patriarchal norms seem nearly impossible. This cultural disempowerment of women is reflected in the political disempowerment of women. Without the possession of the same political influence as men, Lebanese women will have to continue relying on men for their children's identities. When those identities are not Lebanese, their children will often face the disempowerment of statelessness.

## VI. CONCLUSION

This study has endeavored to survey and highlight the key factors that pose obstacles to the reform of Lebanon's citizenship law. This is by no means comprehensive, and further research should be done into the current

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*An OVERVIEW, IN GENDER, POLITICS AND THE STATE* (Routledge 1998).

<sup>102</sup> Khatib, *supra* note 93 at 444.

<sup>103</sup> Mary Abu-Saba, *Human Needs and Women: Peacebuilding in Lebanon*, 5 J. PEACE PSYCHOL. 37 (1999).

<sup>104</sup> Kinda Mohamadieh, *No Revolutions Without Equality and Justice: The Struggle for Women's Rights in Rethinking Development in the Arab Region*, 55 SPRINGER 369 (Sep. 2012).

<sup>105</sup> Joseph, *supra* note 35.

<sup>106</sup> Khatib, *supra* note 93 at 440-42.



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political reform efforts and the current religious reform efforts. The work completed here has indicated that this issue is not simply a legal one, but a snapshot of the interaction of the political, cultural, and religious environments in Lebanon. This intertwining of problems: political, cultural, and religious, make change a multi-tiered endeavor. The history of political patriarchy that mirrors the familial patriarchy places women on an uphill battle for equal rights. The unregistered children of Lebanese women suffer human rights violations as they are denied access to resources and political representation. In the case of the descendants of refugee fathers, these children have even less hope for upward mobility. Change, as this research has revealed, must take multiple forms if it going to be effective. If the culture continues to treat women as charges of their male kin and disempower them in the private sphere, they cannot have an effective voice in the public sphere. However, even with a voice in the public sphere, if the political environment remains fragmented and focused on retaining power, then women's rights issues will continue to be avoided. Lebanon's complexity is born out of its attempt to balance diverse cultures and religions in a cohesive nation-state. Events in Lebanon's history have challenged this coexistence, and in their conservation efforts they have perpetuated sexist laws that deny women and their children human rights. However, the country has also demonstrated remarkable ability to adapt, and perhaps this issue just needs a time of stability before the obstacles can be removed.