

al-raida

THE PIONEER ISSUE 129 - 130 | SPRING / SUMMER 2010

03

Editorial

EUGENE SENSENIG-DABBOUS

07

File

Citizenship and Gender in the Arab World

08

SUAD JOSEPH

Gender and Citizenship in the Arab World

19

FAHMIA CHARAFEDDINE

Predicament of Lebanese Women Married to Non-Lebanese:
Field Analytical Study

36

FADWA AL-LABADI

The Effects of the Political Situation in the City of Jerusalem on the Rights
of Jerusalem Women

48

DALILA MAHDAWI

The Case of Samira Soueidan

51

Testimony

51

BRIAN PRESCOTT-DECIE

Testimony: Living with Passports in our Pockets

55

THOMAS HORNIG

This is Lebanon ... A Loaded Phrase

56

NAYLA MADI MASRI

Why the Lebanese NGOs didn't Succeed in Reforming the Citizenship Law?

60

RAWAN ARAR

Citizenship, Gender, and the Arab World

64

Fact Sheet: Nationality Law

73

BOUTHEINA GRIBAA

Citizenship Law in Tunisia: Framework, Progress, and Dimensions

76	NADIA AIT ZAI Modifications to the Algerian Citizenship Law
78	HODA BADRAN Modifications to the Citizenship Law in Egypt
83	Nematallah Abi Nasr Draft Law to Create the Green Card
85	Resposes Generated by the Green Card Proposal Silence is no longer gold!
86	BRIAN PRESCOTT-DECIE Yet Another Modest Proposal
91	MUTAYYAM JAMAL Lebanese Woman Is Half Citizen until Further Notice
94	PRESS RELEASE
96	Young Scholars
96	MISSAN LAYSI STOUHI Talk and Adult Lebanese Female Friends

Citizenship and Gender in the Arab World

Eugene Sensenig-Dabbous

There are few topics as emotionally charged as the issue of full citizenship rights for women in the Middle East and North Africa (MENA) region. Today, in no country in the Arab world do women enjoy the same rights as men with respect to transferring citizenship to their children and spouses. This form of discrimination not only taints the family life of hundreds of thousands of Arab women, it also severely burdens their “alien” children and husbands, blocking their access to education, welfare services, career advancement, social and political integration, and cultural assimilation. Viewed from the perspective of the host society, an Arab woman who marries outside the confines of her respective nation-state transitions from the authority of her father’s house to that of an alien household. She is now ostensibly under the control of the cultural norms and legal codes of her husband’s homeland.

Very few women, even the most well travelled and educated, actually realize what they are getting themselves into when they marry a foreigner. Because of the lack of an all-encompassing welfare state, the pervasive nature of corruption and of a cultural of impunity throughout the region, and the still dominant emotional and cultural significance of the extended Arab family, kinship ties continue to play a tremendous role in providing access to security, justice, social services, and an overall sense of belonging and wellbeing. Many of the scholarly and expert resources used in the preparation of this file, as well as the submissions contained in this special issue, corroborate the common knowledge assumption that, in the Arab world, the family comes first and the nation-state a distant second.

According to Nadia Hijab, “(a)lmost all the constitutions of the states in this region define family as the basic unit of society” (Hijab, n.d, p. 6), as opposed to an emphasis on the individual, which is common in many other parts of the world. As is the case in the West, states in the MENA region are reluctant to accept dual or multiple citizenships because of the potential conflicts of loyalty that come with it. According to international law, the procedures involved in extending citizenship to immigrants, refugees, and foreign nationals born on its territory are the prerogative of the sovereign nation-state. It is up to the lawmakers of a given country to decide how open they wish their society to be. The second paragraph of Article 9 of the 1979 United Nation’s Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) merely states that men and women must be treated in an equally generous or equally exclusionary manner: “States Parties shall grant women equal rights with men with respect to the nationality of their children” (CEDAW).

Discrimination against women with respect to the transfer of their citizenship to their children and spouses would seem to also be in violation of national constitutional norms.

A report by the Beirut Collective for Research and Training on Development-Action (CRTD.A) pointed out in 2004 “that the current nationality laws in the countries under study contradict with the notion of equality between all citizens as enshrined in their respective constitutions” (CRTD.A, 2004, p. 10). However, according to Suad Joseph, Arab countries are merely following the international trend in defining citizenship in a generic, gender-neutral manner and “because constitutions and laws are written in terms of such an abstract citizen, they may appear equitable.” Around the world, most states “conceal inequalities or attempt to justify them on the basis of family, religion, history or other cultural terms” (see Suad Joseph’s article in this issue, p. 8). Thus, the fact that Arab men and women enjoy the constitutional right to equality before the law by no means must be seen as being contradictory to pervasive, discriminatory legal practice in the MENA region or to be out of step with legal traditions in other regions.

The cultural and legal emphasis on the predominant role of the family in Arab society is further accentuated by the confessional personal status codes, which give religious institutions, and in many cases state sanctioned religious courts, exclusive control over issues related to marriage, divorce, child custody, and inheritance. In some countries these courts also are the primary legal entity responsible for dealing with violence in the family. It is these religious authorities which provide the main argument for the reservations common in most Arab countries with respect to Article 9 of CEDAW: “While reasons for the reservations might have varied slightly, the overall tendency has been to justify their decisions by claiming the article is incompatible with the provisions of national family codes dictated by established Islamic Jurisprudence” (CRTD.A, 2004, p. 11). A secondary argument is used in a number of Arab states, namely that full citizenship rights for their female citizens would violate the Palestinian refugees’ right to return to their homeland by integrating them, through marriage, into their respective host societies.

This issue of *Al-Raida* has been conceived from the perspective of a scholar and activist. As an Austrian-American academic, married to a Lebanese, I have had the opportunity to observe the debate on full citizenship rights for women first hand for well over a decade. By providing the public with recently published key texts on the topic, albeit in reduced format, as well as insights from women and men with personal experience in the struggle to reform the nationality laws, I hope to both inform and motivate the reader. The article by Suad Joseph mentioned above, based on a paper presented at a UN development forum in 2002, remains one of the most cited theoretical treatises on the topic of gender and citizenship in the MENA region to this very day. It has therefore been placed, in a shortened version, as an introductory text at the outset of the file. An excerpt from Fahmia Charafeddine’s report on the 2009 UN Development Program’s (UNDP) “Lebanese Women’s Rights and Nationality Law Project” is presented here in an authorized original translation from Arabic, commissioned by *Al-Raida*. Together, they lay the groundwork for the rest of the file, made up largely of case studies, testimonials, country reports, and a polemic against the “Green Card” initiative in Lebanon, which was conceived, according to the authors of this set of articles, as an attempt to permanently block the citizenship reform movement in Lebanon.

Joseph’s article introduces the reader to discourse on the concepts of dependent and independent citizenship rights. Whereas women and men in the European tradition

are seen primarily as detached individuals, whose rights are guaranteed by a neutral arbiter state, citizens in the Arab world are enmeshed in a complex web of loyalties, linked primarily to their extended family, but also to their religious affiliation, place of origin, linguistic group, as well as to partisan political ties based on the above. Patriarchy and patrilineality are part and parcel of the dependent Arab citizen’s social experience. Upholding male dominance, within the family and vis-à-vis the state, seems to be one of the few things that the various branches of the Muslim and Christian faiths, despite their protracted differences in other areas, can agree upon.

Ironically, the primary victims of this almost universal discriminatory consensus are the “alien” children, especially the sons, and the husbands of those women in the Arab world who have dared to marry outside their dependent, relational loyalty networks. Until recently, foreign men and boys in some countries of the MENA region were only granted citizenship under exceptional circumstances, often requiring an executive order or a presidential decree.

Charafeddine’s report is particularly interesting because of the light it sheds on the difficulties faced by researchers in the field of social sciences in the Arab world. I have been active in a related area, i.e. migration and refugee studies, for many years, both in Austria and Lebanon, and am acutely aware of the incompatibility of Western assumptions about research methods when applied to the MENA region. This is of particular significance when seen in light of the renewed interest in the research-policy nexus and the difficulty of informing law makers and public administrators about the needs of the their constituencies when the required data is rarely available and the freedom, as a social scientist and activist, to speak truth to power is often curtailed.

These two introductory, foundational texts are followed by Fadwa Labadi’s description of the situation in occupied East Jerusalem and Dalila Mehdawi’s report on a recent disheartening defeat for the nationality reform movement in Lebanon. Whereas Palestinian women in the Occupied Territories are confronted with the combined injustices of a discriminatory Israeli regime and deep-seated sexist Arab traditions in their private sphere, Lebanese women have seen their aspirations frustrated by those who consider full citizenship rights for women a ploy to allow Palestinians to settle permanently in Lebanon.

Brian Prescott-Decie, Tom Hornig, and Nayla Madi are activists in one of the few initiatives in the Arab world which, over a period of almost a decade, has organized the children and husbands of women married to foreign men. Their testimonials reflect the rage and frustration experienced by those in Lebanon who have seen gradual improvements elsewhere in North Africa. Rawan Arar’s personal journey through the region illustrates the difficulties in navigating dual identities – one Western, another Middle Eastern – but also highlights the privileged position of those children of Arab fathers and foreigner mothers, who can take this dual identity for granted.

A special section of the file is dedicated to country reports. A fact sheet taken from a recent 2009 Freedom House survey offers an overview of the current situation throughout the Arab world. Boutheina Gribaa, Nadia Ait Zai, and Hoda Badran, provide more in-depth analysis of the positive changes in North Africa, dealing with developments in

Tunisia, Algeria, and Egypt respectively. Finally, an intentionally controversial approach was chosen for the Lebanese “Green Card” affair. Following a presentation of the draft law, three activists are given a chance to question its intent and refute its sincerity as an initiative purportedly in the service of gender equality and integration of immigrants and refugees.

Eugene Sensenig-Dabbous is an Associate Professor and Chairperson of the Political Science Department, Notre Dame University, Lebanon. He is also a Senior Researcher at the Lebanese Emigration Research Center (LERC), Notre Dame University, Lebanon.
Email: sdabbous@ndu.edu.lb

REFERENCES

Hijab, N. (n.d.). *Women are citizens too: The laws of the state, the lives of women*. Regional Bureau for Arab States United Nations Development Programme. Retrieved May 17, 2011, from <http://www.undp-pogar.org/publications/gender/nadia/summary.pdf>

The Collective for Research and Training on Development-Action (CRTD.A). (2004). *Denial of nationality: The case of Arab women. Gender, citizenship, and nationality program*. Summary of regional research. Retrieved May 17, 2011, from <http://www.pogar.org/publications/gender/nationality/crtedesum.pdf>

Citizenship and Gender in the Arab World



- Suad Joseph**
Gender and Citizenship in the Arab World
- Fahmia Charafeddine**
Predicament of Lebanese Women Married to Non-Lebanese
- Fadwa Al-Labadi**
Effects of the Political Situation in the city of Jerusalem on the Rights of Jerusalem Women
- Dalila Mahdawi**
The Case of Samira Soueidan
- Brian Prescott-Decie**
Testimony: Living with Passports in our Pockets
- Thomas Hornig**
This is Lebanon ... A Loaded Phrase
- Nayla Madi**
Why the Lebanese NGOs didn't Succeed in Reforming the Citizenship Law?
- Rawan Arar**
Citizenship, Gender, and the Arab World
Fact Sheet: Nationality Law
- Boutheina Gribaa**
Citizenship Law in Tunisia: Framework, Progress, and Dimensions
- Nadia Ait Zai**
Modifications to the Algerian Citizenship Law
- Hoda Badran**
Modifications to the Citizenship Law in Egypt
Draft Law to Create the Green Card
- Nematallah Abi Nasr**
Draft Law to Create the Green Card
Silence is no longer gold!
- Brian Prescott-Decie**
Yet Another Modest Proposal
- Mutayyam Jamal**
Lebanese Woman Is Half Citizen until Further Notice

Gender and Citizenship in the Arab World

Suad Joseph

The chapter from which this article is excerpted is titled “Gendering Citizenship in the Middle East” and was published in the book *Gender and Citizenship in the Middle East* published by Syracuse University Press in 2000. Reprinted with permission from Syracuse University Press.

What is Citizenship?

Citizenship consists of the legal processes by which subjects of a state are defined. These processes set out the criteria for citizenship and the rights and obligations of citizens in relation to the state. To use Collier, Maurer, and Suarez-Navaz’s (1995) phrase, citizenship “constructs the subject of law” (p. 5). Citizenship, however, is also a set of practices - legal, political, economic, and cultural (Turner, 1993, p. 2). The practices of citizenship, while influenced by the laws, differ from the written laws. Citizenship also generates social processes by which subjects are made, invented, constructed (Ong, 1996, p. 737). Since classical political thinkers usually discussed the citizen in terms of an abstract person (the citizen as an “individual” with undifferentiated, uniform and universal properties, rights, and duties) the citizen appeared in much of classical political theory to be neutral in cultural and gender terms (Marshall, 1950; Benedix, 1964; Keane, 1988; Barbalet, 1988a, 1988b; Culpitt, 1992; Turner, 1993; Twine, 1994). And because constitutions and laws are written in terms of such an abstract citizen, they may appear equitable. But recent research has revealed systematic means by which citizenship, in most countries of the world, has been a highly gendered enterprise, in practice and on paper (Pateman, 1988; Phillips, 1991, 1993; Yuval-Davis, 1991, 1993, 1997; Lister, 1997a; Voet, 1998). The “civic myths” (Smith, 1997) which underlie notions of citizenship in most states often conceal inequalities or attempts to justify them on the basis of family, religion, history, or other cultural terms.

This paper investigates the impact of cultural and gender systems in the production of the unequal relationships of Arab women and men to the laws and practices of citizenship. I analyze key laws, social practices, and institutions through which citizenship in Arab states has privileged a masculine citizen. Given that citizenship is mandatory in the modern “nation-state” (Zubaida, 1988), it is striking to observe the reality that the modern “nation-state” has mandated a masculine citizen. Many of the issues affecting the gendering of citizenship in Arab countries appear to be specific to Arab states. Many are shared within the Middle Eastern region. Other issues are similar to patterns found in Third World countries. And some appear to be common to state societies in general. We need to both challenge the misplaced assumptions of cultural

homogeneity in the Arab world, as well as sharply identify the patterns which are specific to the gendering of citizenship in Arab states. Therefore, while the focus of this paper is the gendering of citizenship in Arab states, it is my aim to contribute towards the comparative study of processes, which lead to the gendering of citizenship in order both to deessentialize Arab cultures and to understand their specificities.

The Nation and Gendered Citizenship

Nations, seen as imagined communities (Anderson, 1983), often use “the woman” as a critical symbol in inventing their notions of themselves (Parker, Russo, Sommer & Yaeger, 1992; Kaplan, Alarcon & Moallem 1999; Sharoni, 1995). Most nations are divided by religious, ethnic, tribal, linguistic, regional, and class differences. The image of the national “woman” often creates a place of “belonging,” a community of kinship, a safe haven for family, a hearth, and “home” (Layoun, 1992; Peteet, 1991) to overcome internal differences.

The symbolic connection between the idea of woman and the idea of nation and the use of women as symbols of nations by nationalist and liberationist movements (Sayigh, 1993; Badran, 1995; Afkhami & Friedl, 1997) has been critical to the gendering of women’s membership in national communities (Hatem, 2000; Charrad, 2000; Amawi, 2000). Despite the diversity of identities and loyalties in any specific nation, the ideal of “woman” has fueled the ideals of “authentic” national cultures, “indigenous” religions, “traditional” family forms (Lazreg, 2000; Al-Mughni & Treteault, 2000). The category of “woman”, as a stand-in for “nation,” has been marketed to delineate “national” boundaries (Joseph, 2000; Giacaman; Jad & Johnson, 2000). Such usage of “woman” has gone hand in hand with the imposition of forms of behavioral control on women in the name of the nation, in the name of liberation, in the name of progress, and in the name of God (Donzelot, 1997; Carapico & Wuerth, 2000; Hale, 2000; Altorki, 2000).

Arab nationalist reformers and leaders, such as Qasim Amin in Egypt (Ahmed, 1992), have used women to imagine their communities as modern. They argued that it was in the interests of the “nation” to educate women, recruit them into the labor market, transform their dress-ware, and symbolically integrate them into the political process as emblems of modernity. Often, however, modern Arab reformers argued for modernity by locating its roots in indigenous cultures (Kandiyoti, 1998, p. 271). In attempting to justify modern reforms by locating them in “tradition”, such reformers have paradoxically trapped women in the very “traditions” they appear to be trying to transform (Kandiyoti, 1998, p. 271). Resistance movements, particularly political Islamic movements, also have used women for imagining their political communities. By tying their visions of the ideal political community to women’s dress or comportment, however, they have limited the possibilities of women’s equal citizenship.

The idea of the domesticated woman upholding the sacred family as the authentic core of the nation, has been reproduced in political treatises, manuals, and advice literature from the earliest nineteenth and twentieth century nation-building projects of the region (Najmabadi, 1998; Shakry, 1998). Embedded in these constructs of the nation are implicit and explicit constructs of patriarchy (Kandiyoti, 1991; Hatem, 1986). When

women and motherhood are used as icons of the nation, they too frequently become captive to the structures and ideologies of patriarchy (Papanek, 1994, Hunt, 1992), particularly when men and fatherhood are associated with the state (Delaney, 1995). Sara Ruddick (1997) suggests that the association of motherhood with nation and fatherhood with state is dangerous, bringing in “the worst of fatherhood: a right, often conjoined with real power, to intrude, humiliate, exploit, and assault” (p. 213). The political ideas of fatherhood and motherhood, she argues, are used to judge and to exclude (Ruddick, 1997, p. 217). While the forms of patriarchy change, the linkage of woman/mother to nation and man/father to state reinforces the production of gendered hierarchy and facilitates the institutionalization of gendered citizenship in state-building projects.

The State and Gendered Citizenship

No actor is more critical to the gendering of citizenship than the state. States regulate the rules by which one becomes a citizen, by which citizens pass citizenship on to their children and spouses, and by which citizens can lose citizenship. While there are a diversity of rules and means by which rules come to be codified and practiced, the tensions between passing citizenship on through land versus blood are critical to the gendering of citizenship throughout the region. Most states use both land and blood criteria. In almost all the Arab states, however, the privileging of blood in citizenship rules has gone hand in hand with the masculinization of descent and the valuing of patrilineality over matrilineality (Joseph, 1999b). That most of the Arab states have permitted fathers, but not mothers, to pass citizenship on to their children and husbands, but not wives, to pass citizenship on to their spouses testifies to the privileging of masculine blood in citizenship rules.

What it means to be a “citizen” of any particular country is a modern invention. Yet, the easy slide between “citizen” and “national” has given the idea of “being a citizen” a sense of history that appears to precede the modern state. The efforts to give a genealogy to citizens (especially the linkage to “blood”), have appeared to “naturalize” being a citizen. In the process of “naturalizing” who is and is not a citizen, states have asserted a continuity to their existence that elevates both the idea of membership and the being of statehood into the realm of the sacred.

Rogers M. Smith (1997) has described this process of “naturalizing” the boundaries of belonging as part of the process of creating the “civic myth” of a state. Civic myths regulate who does and does not belong and inevitably bring with them inequalities based on gender, race, ethnicity, and class. The “naturalization” of civic myths, of genealogies, of boundaries of belonging, of notions of who is and is not a citizen, has empowered them with a sacred aura (Yanagisako & Delaney, 1995, p. 3). No institution has had more resources available to naturalize its sense of membership than has the state and therefore no institution has had more power than the state to codify discrimination based on unequal membership.

The state, however, is not a single-minded actor with a unified set of interests. States are composed of different, conflicting, and changing sets of interests (Ismael & Ismael, 2000; Hale, 2000; Lazreg, 2000; Carapico & Wuerth, 2000). Political leaders are embedded in local, national, and global communities (Giacaman, Jad & Johnson,

2000; Charrad, 2000; Joseph, 2000). It is most productive to see the state as a contested terrain, its actions reflecting local, national, and global conflicts and contradictions (Hale, 2000; Giacaman, Jad & Johnson, 2000; Lazreg, 2000; Hatem, 2000). Women have directly shaped state legislation and policy, actively resisted state interventions or complicity participated in the development of gendered state programs (Lazreg, 2000; Hale, 2000; Hatem, 2000; Giacaman, Jad & Johnson, 2000).

Women have looked to the state (often unsuccessfully) to protect them from the tyrannies of their families (Charrad, 2000; Joseph, 1982b; Amawi, 2000); they have looked to their families (often unsuccessfully) as a haven from the tyrannies of the state (Ismael & Ismael, 2000; Altorki, 2000). At times, women both sought out and resisted the state (Hatem, 2000; Lazreg, 2000) as the tyrannies of states and families have worked together against women (Hunt, 1992, p. 17; Donzelot, 1997).

While women have worked to define the rights and responsibilities of citizenship, nevertheless, throughout the region, rights and responsibilities have been defined mainly by the state – top down (Altorki, 2000; Al-Mughni & Treteault, 2000; Amawi, 2000; Ismael & Ismael, 2000). Not only has the initiative been top down, but the defining of rights and responsibilities of citizenship, including women citizens, has been primarily a masculine enterprise (Hale, 2000; Lazreg, 2000). The struggles, by women, to change the ideas of citizenship (whether by focusing on *shari’a* or state legislation) from women-centered perspectives challenge masculinist discourses of citizenship, giving many women of the region hope.

Rarely, however, have large numbers of women in the Arab world acted categorically on behalf of their shared interests as women, across the lines of class, ethnicity, race, religion, tribe, family, or nation. That women work on behalf of women, though, has not guaranteed that other women of their societies will accept them as their representatives (Giacaman, Jad, & Johnson, 2000). While sharing some interests and circumstances, women are not a homogeneous category (Spelman, 1988; Kandiyoti, 1998). Class, race, religion or other variables have been, at times, more important than gender in circumscribing women’s rights and responsibilities as citizens (although rarely does any variable work independently of other variables). Women have experienced citizenship differently from men not only because they are women but also because they are members of particular classes, races, ethnicities, religions – all of which gender them in complex and contradictory ways. Their loyalties more often have aligned them with men of their class, religion, ethnicity, tribe, or family than with other women across these social boundaries, despite the fluidity of boundaries. Thus women need to be differentiated not only from men, but also from other women in relationship to their class, race, ethnicity, religion, tribe, and other memberships and statuses (such as age and marital status) (Yuval-Davis, 1997). Women’s experiences of citizenship have been refracted through the lens of these multiple subject positions.

Unlike Europe (where state-building emerged in conjunction with the rise of bourgeois classes intent on asserting their authority autonomously from the state – hence the arenas of civil society and the domestic/kinship), in the Arab world, state-building emerged less as an expression of specific local class developments and more in conjunction with the demise of empires, resulting in top-down citizenship. Parallel

to these processes has been the on-going enmeshment of state and civil society (Giacaman, Jad & Johnson, 2000), state and kinship (Altorki, 2000; Amawi, 2000; Hale, 2000; Al-Mughni & Treteault, 2000; Joseph, 2000; Charrad, 2000; Lazreg, 2000), kinship and civil society (Joseph, 2002; Altorki, 2000; Al-Mughni, 1996). The fluidity of boundaries between governmental, non-governmental, and kinship spheres has often meant continuities in patriarchal practices in all these domains (Joseph, 2002).

Through legislation, through regulation of courts, through its practices as well as what it has not been willing to do, the state has invented the separations between the arenas of the “state”, “civil society”, and the “domestic” (what might also be called the arenas of government, non-government, and kinship) (Yuval-Davis, 1997; Joseph, 1997). Recognizing that these are invented separations is important to understanding how women come to be defined as secondary citizens. Particularly important for analyzing women’s secondary citizenship are the processes by which the “family” comes to be marked as a separate domain (Deleuze, 1997, p. x). I would argue that the very idea of the “family” is an invention of the state. Pre-state societies tend not to delimit an arena that is specifically family, nor do they identify family with women. Indeed, David M. Schneider (1984) has argued that the very idea of the “social” is a modern invention. Family is an invention that constrains women’s behavior (men’s behavior as well) while at the same time romanticizing and sanctifying the grounds on which the constraints are built. No set of institutions has been more powerful in sanctifying the family, however, than have religious institutions.

Family Law and Gendering Citizenship

Family law is critical to citizenship laws and practices. That family law is anchored in religious law in most Arab countries has made family law a critical site in the struggle between feminists, nationalists, and state builders. Family law has been among the highest agenda items of liberal reformist movements, political Islamic movements, Islamic cultural and secular women’s movements – a testimony to the centrality of women’s bodies and behavior to notions of nation and state and a testimony to the centrality of “family” to social and political projects. Usually regulating marriage, divorce, child custody and inheritance, family law (also called personal status code) may rightfully be said to be the most critical site of power of religious communities over the shape of citizenship in Arab states.

Most Arab states either have deferred family law directly to the different recognized religious sects and have offered no civil alternatives or have incorporated the family codes of the dominant religious sect into the civil code. Only Tunisia, and Yemen have legislated civil family law, but even these civil codes have been challenged, revised and in varying degrees shaped by religious codes. Since all Arab countries have many religious communities (Lebanon legally recognizes eighteen religious sects for purposes of family law), the recognition of a plurality of family codes by most of the states has left women without a common legal framework for working through this arena of citizenship. As a result Arab women experience different legal realities from which they have had no civil recourse, for which there is no shared legal culture as a common referent. Whether such legal pluralism operates to the detriment of women’s citizenship rights has become a contested issue. Judith Tucker (1998), for example, shows that

Islamic *muftis* and *qadis* (legal scholars and jurists) of seventeenth and eighteenth century Syria and Palestine often negotiated between the four Islamic schools of law to protect women’s rights.

In practice in most Arab states, family law has upheld men’s property in their children. To paraphrase Pateman (1988), political right has emerged in fatherhood, as a paternal right, in Arab states. Children have been born subjects of their fathers. Upon divorce, control of children eventually reverts to the father and the father’s family has priority over the mother. Religious laws give men rights of access to wives’ bodies, which their wives cannot refuse. Marital rape has not been recognized in practice and in many cases by law in most Arab states. Some Arab states have permitted, either in law or practice, (or given lenient sentences for), honor crimes, reinforcing the notion that women and children are properties of males of their paternal kin. Pateman (1988) argued that wives and children were viewed by the classical contractarians as the property of their fathers and husbands. In Arab states, family law has often codified the ownership of wives and children by fathers/husbands.

By locating family law in religious law, Arab states sanctify the family through rules perceived as absolute and non-negotiable. If, for Pateman (1988) the “contract is the means through which modern patriarchy is constituted,” one can argue that the non-negotiable sacred arena of the family is the means by which Arab paternal patriarchy is constituted (p. 2).

Self and Gendered Citizenship

The constitutions of most Western states define the basic unit of society as the individualized citizen. Most constitutions of Arab states identify the basic unit of society as the family. This suggests the masculinization of citizenship in Arab states is tied to a culturally specific notion of the citizen as subject. The Arab citizen subject is seen as a patriarch, the head of a patriarchal family, legally constituted as the basic unit of the political community who accrues rights and responsibilities concomitant with that legal status. Bryan Turner (1993) argues that the emergence of modernity, embodied in the concept of citizenship, is a transition from status to contract. Citizenship, he adds, opposes the particularistic ties of family, village or tribe. C. B. Macpherson (1962) argues that the seventeenth century political theorists who laid the foundation of Western citizenship theory thought of the subject-citizen as a possessive individual. Carole Pateman (1988), links the transition from status to contract to the “replacement of family by the ‘individual’ as the fundamental ‘unit’ of society” (p. 9-10). Since contractarians believed only men were capable of contractual relations they excluded women from the status of individual. Father right was displaced only to be replaced by the rights and privileges of men as men (fraternal patriarchy) and by the masculinization of citizenship. Jennifer Nedelsky (1990, 1993) contends that the very notion of citizen rights, in America, was built on the metaphor of bounded private property. Seeing rights as boundaries between citizens and state implies a notion of the citizen as a free, autonomous, bounded self which owns itself (Nedelsky, 1989).

The concept of citizenship as a set of contractual relationships between “the individual” and the state exists on paper in most Arab countries. Altorki (2000) observes the idea of social contract may exist on paper in the form of constitutions and legislation, but

is less prevalent in political practices. The individual as an “autonomous” subject, endowed with inalienable rights and responsibilities which accrue to her/him as a person, apart from social identities and networks, while juridically and (often) socially salient, has more often than not been overridden by the notion of the person as nestled in relationships of kinship and community (Joseph, 2000; Charrad, 2000; Amawi, 2000; Altorki, 2000; Al-Mughni & Tetreault, 2000).

As a result, women are not seen as part of “the people” (Hatem, 2000), or lack “political personhood” in their countries (Lazreg, 2000; Giacaman, Jad, & Johnson, 2000; Al-Mughni & Tetreault, 2000). Women are the dependents of men, who, to a greater degree are seen as “individuals” (Al-Mughni & Tetreault, 2000; Lazreg, 2000; Giacaman, Jad, & Johnson, 2000). Women often see the men of their families as their “safe haven” (Botman, 1999, p. 107; Altorki, 2000). In some countries, men also have not been treated as “individuals,” but have their relationships to the state mediated through kin and community (Joseph, 2000; Altorki, 2000).

Western notions of the citizen-self as “individual” have been supported formally, legally, and socially in most Arab societies. Other notions of the citizen-self, however, have also been supported. Notions of a relational or a connective self are particularly common in Arab countries. Connectivity is a notion of self in which a person’s boundaries are relatively fluid so that persons feel that they are a part of significant others (Joseph, 1993b). Connective persons do not experience boundary, autonomy, separateness as their primary defining features. Rather, they focus on relatedness. Maturity is signaled in part by the successful enactment of a myriad of relationships. In Arab counties in which the family has been valued over and above the person (Barakat 1993, p. 98), identity has been defined in familial terms and kin idioms and relationships have woven through society, connective relationships are necessary for successful social existence (Joseph, 1999).

When linked with patriarchy, connectivity produces patriarchal connectivity (Joseph, 1993a). Patriarchal connectivity means the production of selves with fluid boundaries organized for gendered and aged domination in a culture valuing kin structures, morality, and idioms. In patriarchal societies, connectivity supports patriarchal power by making selves responding to, requiring, and socialized to initiate involvement with others in shaping the self.

The fact that most Arab state constitutions claim the family as the basic unit of membership in the political community implies that it is a person’s status as a member of family that qualifies them for citizenship. Given the centrality of patriarchal connectivity in Arab political, economic, religious, and social cultures, this implies the transportation of patriarchal connectivity into the practices and discourses of citizenship. Connective or relational notions of selfhood can underpin relational, rather than contractual notions of rights (Joseph, 1994b). Relational rights are neither communal (based on an assumption of a coherent corporate-like group) nor individualist. Relational rights imply that a person’s sense of rights flows out of relationships that s/he have. By being invested in relationships one comes to have rights. As a basis for citizenship practices, relational rights require citizens to embed themselves in family and other subnational communities such as religious sects, ethnic,

and tribal groups to gain access to the rights and privileges of citizenship. The differing notions of self and rights pose a dilemma, theoretically and politically, for feminists committed to activist agendas on behalf of women’s citizenship rights. How one conceptualizes and/or organizes movements on behalf of rights will be impacted greatly by whether the notion of self and rights is individualist, relational, or communal. Whether women claim rights as individuals, through person-specific sets of relationships, or as members of communities (defined by religion, ethnicity, tribe, or other salient variables) will necessarily lead to different outcomes. The multiplicity of notions of rights, self, and family, which co-reside in the Arab world complicates our attempts to search for continuities in the gendering of citizenship.

Public/Private, Civil Society/State, Family/State, Religion/State and Gendered Citizenship

The intertwining of family and state, the meshing of “public” and “private” and the embeddedness of religion and politics feed into the gendering of citizenship. The assumptions of separations of public and private, kinship and state, civil society and state, religion and state do not necessarily hold up in Arab states. Scholars have explained the lack of democracy in the Arab world both in terms of too strong states and too weak states (Sadowski, 1993). We see that states often control civil society (Giacaman, Jad, & Jonnson, 2000; Ismael & Ismael, 2000; Altorki, 2000; Al-Mughni & Tetreault, 2000; Hale, 2000). And yet, the penetration of the state by family-based patriarchy also contributes to the lack of democracy.

In Arab states, the binary between public and private assumed in the civil society model conflates many areas of social activity in such a way as to hide gender issues. This happens particularly when the impact of patriarchy across politics, economics, society, and religion is ignored (Giacaman, Jad, & Johnson, 2000). The public/private binary can be rethought as multiple spheres including the governmental (public), the non-governmental (civil society), and domestic (kinship). Social life is not seamless in Arab societies, but the distinctions are not based on the notion that the spheres of social life are bounded, autonomous, and normatively differentiated entities. The boundaries between spheres of social life in Arab societies are porous, elastic, and shifting. Anti-democratic forces have multiple sites of construction when gender is taken into account.

The patriarchy found in the domestic sphere is also found in governmental and non-governmental spheres (Sharabi, 1988). The incorporation of patriarchal family modes of operation by the state is not perceived as a disruption to state and family boundaries, but continuous with them. The fluidity of family provides a lubricant for social relationships outside domestic spheres, for better or worse. Political leaders recruit their relatives into public offices. Lay people expect their relatives in public offices to act as kin to them, rather than as public officials. Face-to-face relationships grounded in kinship are used to distribute public resources. Political leaders privilege the rights of males and elders over familial females and juniors in the distribution of resources or in the adjudication of legal matters. They defer to family heads in matters related to members of their families. They are more willing to give services to women and juniors if they are represented by their men and elders. The continuities of patriarchal structures, modes of operation, and idioms of discourse in different social spheres are expressions of the power of patriarchy in Arab states.

Zubaida (1988), following B. Badie, calls this the neo-patrimonial state (personal or clique rule and use of patronage and clientism) (p. 163). Zubaida argues that identification of the state with a particular leader is widespread in the Arab states. And the use of patronage to build and control support and supporters, Zubaida (1988) contends means that those who benefit from the state do so “as individuals, families, particular communities, villages or regions.” Central to these processes, I would add, has been patriarchal kinship (p. 165).

These continuities between governmental, non-governmental and domestic structures, modes of operation and idioms, which have been constitutive of patriarchy, are central to the culturally specific gendering of citizenship in Arab states. The boundaries of states, the parameters of nations, the memberships and meanings of ethnic/religious communities, the contents of “public” and “private,” the structures of families, the dynamics of patriarchies, and the identities of women and men have continually shifted in the Arab world. The constructedness and the contestedness of categories, however, has not diminished the passions with which they are embraced nor the power of their political and social consequences. As Sylvia Yanagisako and Carol Delaney (1995) insightfully argue, the power of social categories comes in their capacity to naturalize themselves (p. 5). Rogers M. Smith (1997) adds, this has been precisely the power of citizenship myths – they have been naturalized (p. 10).

Suad Joseph is Professor of Anthropology and Women and Gender Studies at the University of California, Davis and current President of the Middle East Studies Association of North America.
Email: sjoseph@usdavis.edu

REFERENCES

Afkhami, M. & Friedl, E. (1997) (Eds.). *Muslim women and the politics of participation. Implementing the Beijing platform*. Syracuse: Syracuse University Press.

Ahmed, L. (1992). *Women and gender in Islam*. New Haven: Yale University Press.

Al-Mughni, H. (1996). Women’s organizations in Kuwait. *Middle East Report* 198(26), No.1, 32-35.

Al-Mughni, H. & Tetreault, M.A. (2000). Citizenship, gender and the politics of quasi states. In S. Joseph, (Ed.). *Gender and citizenship in the Middle East* (pp. 237-260). Syracuse: Syracuse University Press.

Altorki, S. (2000). The concept and practice of citizenship in Saudi Arabia. In S. Joseph (Ed.). *Gender and citizenship in the Middle East* (pp. 215-236). Syracuse: Syracuse University Press.

Amawi, A. (2000). Gender and citizenship in Jordan. In S. Joseph (Ed.) *Gender and citizenship in the Middle East* (pp. 158-184). Syracuse: Syracuse University Press.

Anderson, B. (1983). *Imagined communities: Reflections on the origin and spread of nationalism*. London: Verso.

Badran, M. (1995). *Feminists, Islam and nation. Gender and the making of modern Egypt*. Princeton: Princeton University Press.

Barakat, H. (1993). *The Arab world: Society, culture and state*. Berkeley: University of California Press.

Barbarlet, J.M. (1988). *Citizenship: Rights, struggle and class inequality*. Milton Keynes: Open University Press.

Benedix, R. (1964). *Nation-building and citizenship: Studies of our changing social order*. New York: Wiley.

Botman, S. (1999). *Engendering Citizenship in Egypt*. New York: Columbia University Press.

Carapico, S. & Wuerrth, A. (2000). Tests of Yemeni women’s citizenship rights. In S. Joseph (Ed.) *Gender and citizenship in the Middle East* (pp. 261-271). Syracuse: Syracuse University Press.

Charrad, M. (2000). Becoming a citizen. Lineage versus individual in Tunisia and Morocco. In S. Joseph, (Ed.). *Gender and citizenship in the Middle East* (pp. 70-87). Syracuse: Syracuse University Press.

Collier, J., Maurer, B. & Suarez-Navaz, L. (1995). Sanctioned identities: Legal constructions of modern personhood. *Identities*, 2(1-2), 1-27.

Culpitt, I. (1992). *Welfare and citizenship: Beyond the crisis of the welfare state*. London: Sage.

Delaney, C. (1995). Father state, motherland, and the birth of modern Turkey. In S. Yanagisako & C. Delaney (Eds.). *Naturalizing power: Essays in feminist cultural analysis* (pp. 177-200). New York: Routledge.

Deleuze, G. (1997). The rise of the social. In J. Donzelot. *The policing of families* (pp. ix- xxvii). Baltimore: Johns Hopkins University Press.

Donzelot, J. (1997). *The policing of families*. Baltimore: Johns Hopkins University Press.

Giacaman, R., Jad, I., & Johnson, P. (2000). Gender and citizenship under the Palestinian authority. In S. Joseph, (Ed.), *Gender and citizenship in the Middle East* (pp. 137-157). Syracuse: Syracuse University Press

Hale, S. (2000). The Islamic state and gendered citizenship. In S. Joseph, (Ed.) *Gender and Citizenship in the Middle East* (pp. 88-106). Syracuse: Syracuse University Press

Hatem, M. (2000). The pitfalls of the nationalist discourses on citizenship in Egypt. In S. Joseph, (Ed.) *Gender and citizenship in the Middle East* (pp. 33-57). Syracuse: Syracuse University Press.

Hatem, M. (1986). The enduring alliance of nationalism and patriarchy in Muslim personal status laws: The case of modern Egypt. *Feminist Issues*, 6(1), 19-43.

Hunt, L. (1992). *The family romance of the French revolution*. Berkeley: University of California Press.

Ismael, T.Y. & Ismael, J.S. (Eds.). (2000). Gender and state in Iraq. In S. Joseph, (Ed.) *Gender and Citizenship in the Middle East* (pp. 185-211). Syracuse: Syracuse University Press.

Joseph, S. (2002). Civil society, the public/private, and gender in Lebanon. In F.M. Gocsek (Ed.). *Social constructions of nationalism* (pp. 167-192). Albany: State University of New York Press.

Joseph, S. (2000). Civil myths, citizenship, and gender in Lebanon. In Suad Joseph, (Ed.) *Gender and citizenship in the Middle East* (pp. 107-136). Syracuse: Syracuse University Press.

Joseph, S. (Ed.). (1999). *Intimate selving in Arab families: Gender, self and identity*. Syracuse: Syracuse University Press

Joseph, S. (1997, Autumn). The public/private: The imagined boundary in the imaged nation/state/ community: The Lebanese case. *Feminist Review*, 57, 73-92.

Joseph, S. (1994). Problematizing gender and relational rights: Experiences from Lebanon. *Social Politics* 1(3), 272-285.

Joseph, S. (1993). Gender and civil society: An interview with Suad Joseph. *Middle East Report*, 22-26.

Joseph, S. (1982). The family as aecurity and bondage: A political strategy of the Lebanese urban working class. In H. Safa (Eds.). *Towards a political economy of urbanization in Third world countries* (pp.151-171). New Delhi: Oxford University Press.

Joseph, S. (Ed.). (2000). *Gender and citizenship in the Middle East*. Syracuse: Syracuse University Press.

Randiyoti, D. (Ed.). (1998). Some awkward questions on women and modernity in Turkey. In L. A. Lughod (Ed.), *Remaking women: Feminism and modernity in the Middle East* (pp. 270-288). Princeton: Princeton University Press.

Randiyoti, D. (Ed.). (1991). *Women, Islam and the state*. London: Macmillan.

Kaplan, C., Alarcon, N. & Moallem, M. (Eds.). (1999). *Between women and nation: Natinalisms, transnational feminisms and the state*. Durham, N.C.: Duke University Press.

Keane, J. (1988a). *Democracy and civil society*. London: Verso.

Keane, J. (1988b). Despotism and democracy: The origins and development of the distinction between civil society and the state. In J. Keane (Ed.). *Civil society and the state* (pp. 35-72). London: Verso.

Layoun, M. (1992). Telling spaces: Palestinian women and the engendering of national narratives. In A. Parker, M. Russo, D. Sommer & P. Yaeger (Eds.). *Nationalisms and sexualities* (pp. 407-423). New York: Routledge.

Lazreg, M. (2000). Citizenship and gender in Algeria. In S. Joseph (Ed.). *Gender and citizenship in the Middle East* (pp. 58-69). Syracuse: Syracuse University Press.

Lister, R. (1997). *Citizenship: Feminist perspectives*. New York: New York University Press.

Machpherson, C.B. (1962). *The political theory of possessive individualism*. London: Oxford University Press.

- Marshall, T.H.** (1950). *Citizenship and social class and other essays*. Cambridge: Cambridge University Press.
- Najmabadi, A.** (1998). Crafting an educated housewife in Iran. In Lila Abu-Lughod (Ed.). *Remaking women: Feminism and modernity in the Middle East* (pp. 91-125). Princeton: Princeton University Press.
- Nedelsky, J.** (1993). Reconceiving rights as relationship. *Review of Constitutional Studies*, 1 (1), 1-26.
- Nedelsky, J.** (1990). Law, boundaries, and the bounded self. *Representations*, 30, 162-189.
- Nedelsky, J.** (1989). Reconceiving autonomy: Sources, thoughts and possibilities. *Yale Journal of Law and Feminism*, 1(7), 7-36.
- Ong, A.** (1996, December). Cultural citizenship as subject-making. Immigrants negotiate racial and cultural boundaries in the United States. *Cultural Anthropology*, 37(5), 737-762.
- Papanek, H.** (1994). The ideal woman and the ideal society: Control and autonomy in the construction of identity. In V. M. Moghadam (Ed.). *Identity politics and women: Cultural reassertions and feminisms in interntional perspective* (). Boulder, CO.: Westview Press.
- Parker, A., Russo, M., Sommer, D., & Yaeger, P.** (Eds.). (1992). *Nationalisms and sexualities*. New York: Routledge
- Pateman, C.** (1988). *The sexual contract*. Stanford: Stanford University Press.
- Peteet, J. M.** (1991). *Gender in crisis: Women and the Palestinian resistance movement*. New York: Columbia University Press.
- Phillips, A.** (1993). *Democracy and difference*. Cambridge: Polity Press.
- Phillips, A.** (1991). *Engendering democracy*. Cambridge: Polity Press.
- Ruddick, S.** (1997). The idea of fatherhood. In H. L. Nelson (Ed.). *Feminism and families* (pp. 205-220). New York: Routledge.
- Sadowski, Y.** (1993). The new orientalism and the democracy debate. *Middle East Reports*, 183(23), No.4, 14-26.
- Sayigh, R.** (1993). Palestinian women and politics in Lebanon. In J. E. Tucker (Ed.). *Arab women: Old boundaries new frontiers* (pp. 175-192). Bloomington, IN: Indiana University Press.
- Schneider, D. M.** (1984). *A critique of the study of kinship*. Ann Arbor: University of Michigan Press.
- Shakry, O.** (1998). Schooled mothers and structured play: Child rearing in turn-of-the-century Egypt. In L. A. Lughod (Ed.). *Remaking women: Feminism and modernity in the Middle East* (pp. 125-170). Princeton: Princeton University Press.
- Sharabi, H.** (1988). *Neopatriarchy. A theory of distorted change in Arab society*. New York: Oxford University Press.
- Sharoni, S.** (1995). *Gender and the Israeli-Palestinian conflict*. Syracuse: Syracuse
- Smith, R. M.** (1997). *Civic ideals. Conflicting visions of citizenship in U.S. History*. New Haven: Yale University Press.
- Spelman, E.** (1988). *Inessential woman. Problems of exclusion in feminist thought*. Boston: Beacon.
- Stowasser, B. F.** (1996). Women and citizenship in the Qur'an. In A. A. Sonbol (Eds.). *Women, the family, and divorce laws in Islamic history* (pp. 23-38). Syracuse: Syracuse University Press.
- Tucker, J. E.** (1998). *In the house of the law: Gender and Islamic law in Ottoman Syria and Palestine*. Berkeley: University of California Press.
- Turner, B.** (1993). Contemporary problems in the theory of citizenship. In B. Turner (Ed.). *Citizenship and social theory* (pp. 1-18). London: Sage.
- Twine, F.** (1994). *Citizenship and social rights. The interdependence of self and society*. London: Sage.
- Voet, R.** (1998). *Feminism and citizenship*. London: Sage Publications.
- Yanagisako, S. & Delaney, C.** (Eds.). (1995). *Naturalizing power: Essays in feminist cultural analysis*. New York: Routledge.
- Yuval-Davis, N.** (1997, Autumn). Women, citizenship and difference. *Feminist Review*, 57, 4-27.
- Yuval-Davis, N.** (1993). Gender and nation. *Ethnic and Racial Studies*, 16(4), 621-632.
- Yuval-Davis, N.** (1991). The citizenship debate: Women, ethnic process and the state. *Feminist Review*, 39, 58-68.
- Zubaida, S.** (1988). *Islam, the people, and the state*. London: Routledge.

Predicament of Lebanese Women Married to Non-Lebanese:

Field Analytical Study

Fahmia Charafeddine

This article is an abridged and translated version of the 2009 study entitled “Predicament of Lebanese Women Married to Non-Lebanese: Field Analytical Study” prepared by Dr. Fahmia Charafeddine and funded and published by the United Nations Development Program/Lebanese Women’s Rights and Nationality Law Project. Reprinted with permission from the United Nations Development Program.

Introduction

The Lebanese Women’s Rights and the Nationality Law project is a joint project between civil society and the United Nations Development Program (UNDP). It is implemented by the National Committee for the Follow up on Women’s Issues (CFUWI) and funded by UNDP. It aims at achieving equality between men and women in the field of citizenship. The project is not the first of its kind in Lebanon with respect to gender equality and citizenship, but it does present a new methodology to deal with this issue.

This methodology has three pillars: the first pillar is a socio-legal study of the situation lived by the families of Lebanese women married to non-Lebanese men. This is done on two main levels. The first is quantitative, to show the magnitude of the problem and how widespread it is in a country known for its cultural and human diversity and openness. The second is qualitative, and involves analyzing the repercussions of the current citizenship law on families, i.e. the problems pertaining to residency, employment, and access to State aid.

The second pillar entails reinforcing the capabilities of women’s organizations as well as civil society organizations by providing them with the necessary knowledge (study results) and skills - through organizing networking and advocacy training programs in all Lebanese regions - in order to amend the current citizenship law. For this purpose, a training manual containing basic information on advocacy and lobbying was prepared. This manual has become a reference for both male and female activists working in the field of human rights and women’s rights. It starts off by addressing

general issues related to women’s rights and moves to specifics concerning their civil rights; this means enjoying the same civil status as men in terms of acquiring, keeping, or changing one’s nationality as well as concerning granting children their citizenship. The manual also focuses on providing activists and trainees working in civil society organizations in general, and human rights and women’s rights organizations in specific, with the necessary tools and means that enable them to work on a variety of issues such as networking, defending these rights, pressuring and negotiating with the local authorities and the legislative and executive powers in order to modify the current citizenship law.

The third pillar is the media campaign. A public awareness campaign promoting the idea of amending the current citizenship law will be prepared and launched to raise public awareness vis-à-vis this discriminatory law and disseminate the information that the study reached through articles, publications, the press, and meetings with the media. The campaign will also concretely depict the negative impacts the current nationality law has on the households of women married to non-Lebanese men. The aim is to build public opinion favoring the amendment of this law by showcasing the negative impact and the tragic consequences of the current law.

These three pillars are tools necessary for the amendment of the current law and the promulgation of a new law that treats male and female citizens equally.

The Study: Objectives, Methodology, Sources, and Findings

Studies are, in general, the correct way to produce knowledge in the social sciences. This study, in particular, has even more value being the first study of its kind as emphasized by the participants of the regional workshop entitled “Towards the Modification of the Lebanese Citizenship Law” which was held in Beirut on March 10, 2009.

As we have seen, great effort was put into trying to eliminate discrimination against women in Lebanon. These efforts were fruitful in many fields, although some laws, including the citizenship law, remained resistant to change. In addition, the women’s movement did not have the quantitative and qualitative data that would lead to the resolution of the citizenship law problem.

We believe it is about time to refute the claims of those opposed to gender equality in citizenship law. The current citizenship law is by general consensus the clearest example of discrimination against women in Lebanon. In addition to going against the basic principles of the Lebanese Constitution, particularly the principles of freedom and equality, this law has no religious (theological) basis. Unlike personal status laws where attempts aimed at amending those laws are violently attacked by religious authorities, opposition to amending citizenship law is nothing but a political manipulation tool through a discourse that links laws to religious and sectarian balance on the one hand and to regional and national issues (naturalizing Palestinians) on the other hand.

The Objective of the Study is therefore:

- To produce quantitative and qualitative data that reflect the magnitude of the problem in a country that is both diverse and cosmopolitan, and the negative impact of the current citizenship law on the rights of children and families in general.
- To put this knowledge and data at the disposal of government officials as well as the concerned civil society sectors involved in the elimination of discrimination in laws and advocacy for overall equality.

The Methodology of the Study

Researchers in the field of social sciences agree that quantitative data is the basis for identifying and diagnosing most problems. Statistical data is the first step towards scientific knowledge. Nevertheless, obtaining statistical data in Lebanon is a very difficult task given that it is scarce; this is not to mention the technical difficulties that make it very difficult to obtain such data if it is available in the first place. It is important to note that there are several obstacles other than the difficulty in obtaining data that are related to the political and sectarian system. Accessing the files at the personal status registries is a grueling and complicated process. Moreover, accessing the court archives is a very strenuous and time-consuming process that starts with obtaining the authorization to access the records and ends with having to manually write down all the information needed which still remains the commonly used method (considering that the records are not automated).

Despite the efforts that have been put into overcoming all the above-mentioned obstacles, there is still a dearth of information relating to some religious courts (such as the Shiite court in Nabatieh for example). Also, the records of the Druze court were not taken into account due to the fact that Druze marriages to non-Druze are not recognized by the Druze religious courts. Though obtaining figures is necessary to know the magnitude and spread of the problem, it is not enough to grasp the effects that the problem has on the families of Lebanese women married to non-Lebanese men.

The aim was to put together a study that is comprehensive and not reduced to mere statistical data on the number of women married to non-Lebanese. Through the interviews, the study attempts to showcase the personal aspects of this problem by exposing the living conditions of these women and their families. Resorting to interviews was an objective necessity, but it remained limited. Therefore, it was essential to give the opportunity for women to speak out about their suffering and distress due to an unfair citizenship law. The objective of this study required procedural intervention in order to know the diverse and common/different effects the current citizenship law has had, especially on women married to non-Lebanese men who do not belong to a unique religious background or to one Lebanese region. This is why a specific sample of people with the following four criteria has been selected:

The geographical criterion: from different Lebanese regions in order to observe the impact of geography on the selection of the spouse and to what extent local communities impact the status of households.

The confessional criterion: (Muslim and Christian women) in order to better identify the nationalities recurrent with every religion.

The social criterion: 500,000 Lebanese pounds was set as a standard to determine the different social categories in terms of minimum wage. This criterion is crucial to examine the deprivation families suffer from, be it on a financial level (low social class) or on the moral/psychological level (middle and upper classes).
The spouse’s nationality criterion (Arab or non-Arab): This criterion is very significant to understand the different trends resulting from religious and cultural influences on these options.

Sources of the Study

The study relies on many sources that can be summarized as such:

- The Ministry of Interior and Municipalities and its directorates: General Directorate for Political Affairs and Refugees, General Directorate of General Security, and the General Directorate of Personal Status;
- Islamic Religious Courts: Sunni, Shiite, and Druze;
- Archbishopries and Christian Churches;
- The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

Great efforts have been put into obtaining data, most importantly in trying to get special permission to access court records, especially in coordinating the investigators’ schedules with the courts’ schedules knowing that the Islamic and Christian courts operate independently.

The following questions were considered: How are marriages to non-Lebanese men distributed among the different religious sects? Do these statistics truly reflect the percentages of the different nationalities? And are these statistics sufficient to deny Lebanese women their full citizenship rights?

Analysis of the Lebanese Women’s Situation under the Current Citizenship Law

Quantitative Research Sample

The sample included 31 institutions from different religious sects and regions. The survey studied a 14-year period, from 1995 till 2008. This time period was chosen since it followed the issuing of the naturalization decree, considering that many similar problems were resolved by this decree.

The survey produced considerable amounts of raw data (679 pages) which included information concerning: spouse’s age group, spouse’s sect, brief on spouse’s sect, spouse’s religion, spouse’s country of origin, spouse’s continent, spouse’s affiliation, wife’s birth-related information, wife’s age group, wife’s sect, wife’s religion, date of marriage contract and number.

Mechanisms used in the Quantitative Survey

The usual mechanisms were used in the quantitative survey. They are the following:

- Using the statistics provided by the institutions concerned with marriage certificates and the selection of samples;
- Addressing a letter to authorities to ask for information;

- Sorting out the forms, evaluating and analyzing them;
- Consulting statistics related to registered marriages at the Directorate of Personal Status between 1995 and 2008;
- Analyzing the results of the various research and estimating the size of the sample, analyzing it, and projecting it on a real scale;

Results of the Study’s Field Survey

Around 18,000 marriages were contracted between Lebanese women and non-Lebanese men during the14-year period (1995-2008) studied. The data is based on the marriage contracts which were surveyed at religious authorities and personal status directorates. 8.2 percent of Muslim women married non-Lebanese men and 2 percent of Christian women married non-Lebanese men. Around 87.5 percent of the marriage contracts between Lebanese women and non- Lebanese men were registered by Muslim women and 12.5 percent were registered by Christian women.

Table 1: Estimated Number of Marriages Between Lebanese Women and Non-Lebanese Men According to Religion

Religion	Number	Number of Registered Marriages to Non-Lebanese Men	Percentage According to Religion	Percentage According to Marriages
Muslim women	191,483	15,635	8.2	87.5
Christian women	108,932	2,225	2.0	12.5
Total	300,415	17,860	5.9	100

Estimating the Number of People Suffering from the Current Citizenship Law
The number of people negatively affected by the current nationality law, which robs the woman of her right to give her nationality to her children and husband, was estimated at 77,400 throughout the 14-year period (18,000 families). The number was calculated based on the fertility rate in Lebanon which is 2.3 percent. Hence, the number of people negatively affected by this law, between 1995 and 2008, is:
Parents: 18,000 x 2= 36,000
Children: 18,000 x 2.3%= 41,400
Total: 77,400 (affected - father, mother, children)

This shows the gravity of the problem brought about by the current citizenship law. The problem as estimated by statisticians affects 77,400 individuals. This number is significant given that the population in Lebanon does not exceed 4 million people.

Estimates of Marriages between Lebanese Women and Non-Lebanese Men according to Religious Sect

If we look at the sect variable, we would be dealing with additional unexpected information. Statistics proved that: The largest percentage of marriages between Lebanese women and non-Lebanese men is among the Sunnis, constituting 11.1 percent of the total Sunni population. This is followed by the Shiites with 6.9 percent. More than half of the marriages between Lebanese women and non-Lebanese men are registered within the Sunni sect at 51.5 percent, followed by the Shiites at 33.6 percent, and the Orthodox at 5.6 percent.

Table 2: Estimated Number of Marriages Between Lebanese Women and Non-Lebanese Men

Sect	Number of Marriages Registered in Personal Status Directorates	Estimated Number of Marriages Between Lebanese Women & Non-Lebanese Men	Percentage According to Sects	Percentage According to Marriages
Sunni	82,647	9,200	11.1	51.5
Shiite	87,276	6,000	6.9	33.6
Druze	19,857	400	2.0	2.2
Alawite	1,703	35	2.1	0.2
Orthodox	19,964	1,000	5.0	5.6
Maronite	67,993	700	1.0	3.9
Catholic	12,334	250	2.0	1.4
Armenian	5,091	150	2.9	0.8
Christian Minorities	3,550	125	3.5	0.7
Total	300,415	17,860	5.9	100.0

Mechanism of Computing the Statistics and Applying the Sample at the National Level

When examining the marriage contracts, the overall number of contracts as well as the contracts between Lebanese women and non-Lebanese men were counted. These contracts were considered a sample and the same percentage was projected on the total marriage contracts for each sect at the relevant vital records.

Example: 63,060 marriage contracts have been examined for Sunnis of which 7,018 were between Lebanese women and non-Lebanese men, constituting 11.1 percent, which means that the approximate number of marriages between Lebanese women and non-Lebanese men among the Sunnis on the national level was computed by considering the same percentage out of the total marriages for the same period of time, i.e. 82,647 x 11.2/100. The same method was applied for all other sects.

There are 77,400 individuals who are members of families who suffer from the discrimination of the current citizenship law. 41,400 of these individuals are born to a Lebanese mother. A Lebanese woman is a Lebanese citizen whose duties are clearly defined by the Constitution, in times of war and peace. She has the right to choose her representatives and to vote for them. She is, according to the Constitution, eligible to defend her country when duty calls. She proved her competence in this field. She also pays her taxes just like other citizens. Nevertheless, she lives in her own country as a foreigner. She is forced to wait in long queues to obtain residence permits for her children. She is also forced to resort to the “powers that be” in order to obtain work permits for her husband to make sure he remains by her side and that of their children.

Distribution of Spouses’ Nationalities According to the Area and to the Religion of Marriage Contract Authorities

In another approach where the region of origin of foreign husbands is taken into account, it is noted that: 78.1 percent of Muslim women and 50.3 percent of Christian women have married Arab citizens; 25.7 percent of Christian women and 9.3 percent of Muslim women have married Europeans; and 16.2 percent of Christian women and 6.3 percent of Muslim women have married Americans.

Table 3: Distribution of Spouses’ Nationalities According to the Area and to the Religion of Marriage Contract Authorities

Spouse’s Nationality	Muslims	Christians	Total
Arab	78.1	50.3	74.7
Europe	9.3	25.7	11.4
America	6.3	16.2	7.5
Oceania	3.0	5.0	3.2
Asia (non-Arabs)	2.9	0.6	2.6
Africa (non-Arabs)	0.3	1.0	0.4
Undefined	0.0	1.2	0.2
Total	100.0	100.0	100.0

The importance of these tables and quantitative statistics lies in the fact that they help dismiss the argument of the political opposition of government authorities and society in general as well as facilitate the amendment of the current citizenship law. Table 3 shows figures that help dispel many illusions. While the percentage of Muslim women married to men of other Arab nationalities is 78.1, the percentage of Christian women married to men of other Arab nationalities is almost 50.3. These contrasting percentages are balanced out by the marriages of Christian women to European men whose percentage is 25.7 while that of Muslim women married to European men stands at 9.3. The same goes for marrying American men with a percentage of 16.2 percent for Christian women and only 6.3 for Muslim women.

If the disparities are clear in the percentage of marriages to non-Lebanese between Lebanese Muslim women and Lebanese Christian women, almost the same percentage is shown when counting the marriages registered in religious governmental institutions, international ones, and UNRWA, during the same period.

Husband Nationality Distribution According to Marriage Contract Issuing Parties
Of those who married foreign men, 23.8 percent of Muslim women and 6.9 percent of Christian women married Palestinians. Moreover, 30.5 percent of Christian women and

The citizenship law which discriminates against women was adopted in January 19, 1925. However, the Palestinian refugees came to Lebanon in 1948. This proves that the law is discriminatory in its origin and has nothing to do with the concerns about and fears of Palestinian settlement in Lebanon.

20.8 percent of Muslim women married Syrians, while 8.2 percent of Muslim women and 6.8 percent of Christian women are married to Egyptians.

Distribution of Spouses According to the Confession of the Wife

Sunni: 38.8 percent of women married to non-Lebanese men are married to Palestinians, 19.2 percent are married to Syrians and 8 percent are married to Egyptians.

Christian: 30.5 percent of women married to non-Lebanese men are married to Syrians, 10.9 percent are married to Americans, 9.9 percent are married to French, 7.8 percent are married to Egyptians, and 6.9 percent are married to Palestinians.

Shiite: 22.7 percent of women married to non-Lebanese men are married to Syrians, 21.6 percent are married to Iraqis, and 9 percent are married to Egyptians.

Table 4: Distribution of Spouses' Nationalities According to the Confession of the Wife

Husband's country	Wife's Confession				Total
	Sunni	Christian	Shiite	Druze	
Palestine	38.8	6.9	2.1	4.3	21.7
Syria	19.2	30.5	22.7	30.4	22.0
Egypt	8.0	7.8	9.0	0.0	8.0
Jordan	4.4	4.4	1.9	0.0	3.5
USA	2.7	10.9	4.9	34.8	5.2
KSA	4.2	0.0	2.4	0.0	3.0
Australia	3.1	4.9	1.8	17.4	3.2
Germany	3.1	1.7	3.9	0.0	3.1
Kuwait	3.2	0.1	5.3	0.0	3.4
Iraq	0.8	0.8	21.6	0.0	7.8
France	0.8	9.9	2.1	0.0	2.4
Canada	1.5	4.7	0.6	4.3	1.6
UK	0.7	3.3	1.0	0.0	1.1
UAE	1.1	0.1	1.3	0.0	1.1
Sweden	1.0	0.9	0.8	0.0	0.9
Denmark	1.0	0.3	0.3	0.0	0.7
Iran	0.1	0.2	5.8	0.0	2.0
Bahrain	0.3	0.0	4.4	0.0	1.6
Other	6.0	12.6	8.1	8.8	7.7
Total	100.0	100.0	100.0	100.0	100.0

Overall Statistics of Marriages Registered in Recent Years

The survey included governmental, religious, and international institutions such as the UNRWA, the Ministry of Interior and Municipalities, and the Directorate of Personal Status.

NB: Some Lebanese women married to non-Lebanese can go without registering their marriages. Also, Lebanese women who have acquired the nationality of their husbands can register their marriages in other countries without having to do so in Lebanon. The sect in which the marriage was registered was adopted i.e. the sect of the husband. There were some exceptions in which the husband converted to the wife's religion. The number of marriages registered in the vital records in the mentioned years was estimated at 300,415. The sects were distributed as in the following table (Bureau of Statistics and Documentation).

Table 5: Distribution of Marriages According to Religion (the religion of males was adopted as per the mechanism of registration in personal status directorates)

Religion	Number	Percentage
Muslims	191,483	63.7
Christians	108,932	36.3
Total	300,415	100.0

Table 5, which was provided by the Ministry of Interior and Municipalities, illustrates that, of the 300,415 marriages contracted during the (1995-2008) period and distributed according to confessions, 63.7 percent involved Muslim confessions (Sunni, Shiite, Druze and Alawite) and 36.3 percent involved Christian confessions (Maronite, Orthodox, Catholic, Armenian and minorities).

Table 6: Distribution of Marriages Between Lebanese Women and Palestinians According to Confession

Confession of the Spouse	Number	Percentage
Sunni	3576	91.6
Christian	183	4.7
Shiite	129	3.3
Druze	18	0.4
Total	3906	100.0

Table 6 shows that the number of marriages between Sunni Lebanese women and Palestinian men has reached 3,576 which corresponds to 91.6 percent of the total number of marriages between Lebanese women and Palestinian men occurring between 1995 and 2008. As for the number of marriages between Christian women and Palestinians it was 183, which corresponds to 4.7 percent of total marriages. As we have seen in the table above, it is 3.3 percent for the Shiites and 0.4 percent for the Druzes. This table is important because it shows the general statistics of Lebanese women's marriages during that period of time.

Looking at these statistics further re-instigates the debate over rights. The right to freely choose a spouse is a sacred right with both religious and civil institutions. It is a right consecrated by the Universal Declaration of Human Rights and by CEDAW. Lebanon has signed both the Declaration and the additional protocol without reservations and the Lebanese Constitution considers women to be equal to men before the law.

Islamic Courts

The detailed information shown in the previous tables, regarding the different courts concerned with the affairs of the different sects, helps us understand what is happening. It forces us to focus further on the injustice women suffer from, regardless of the sect they belong to. It also reasserts that the alleged sectarian balance is not a sufficient reason to block the amendment of the current citizenship law.

Sunni Courts

The Bureau of Statistics and Documentation has obtained a permit to examine courts in 4 regions: Beirut, Sidon, Tripoli, and Zahle. Upon entering the courts, we noticed as we have previously noted, that information was not computerized. It took a team of five statisticians working for a full month to sort the records out at the courts' headquarters.

The information available on marriages between Lebanese women and non-Lebanese men included the following elements: birth date of the husband; sect of the husband; nationality of the husband; birth date of the wife, sect of the wife, year of marriage contract.

The statisticians examined 63,060 marriage contracts that they were able to go through in the records of the Sunni courts in the following areas (Zahle, Beirut, Sidon, and Tripoli). Of these, 11.1 percent of Sunni marriages were between Lebanese women and non-Lebanese men since 7,018 out of 63,060 marriage contracts involved non-Lebanese men. 82.2 percent of the marriages between Lebanese women and non-Lebanese men in Sunni courts are to men of other Arab nationalities, and 17.16 percent are married to non-Arab foreigners.

Table 7. Distribution of Marriages Between Lebanese Women and Non-Lebanese Men in Sunni Religious Courts According to the National Affiliation of the Husband

National Affiliation of the Husband	Number of Marriages	Percentage
Arabs	5809	82.8
Non-Arabs	1204	17.16
Undefined	5	0.07
Total	7018	100.0

Shiite Courts

Just as the case was for Sunni courts, the Bureau of Statistics and Documentation had to obtain a permit to examine the court records of the Shiite courts in both Beirut and Baabda. The Bureau also surveyed the number of marriages between Lebanese women and non-Lebanese men in the vital records of both Nabatieh and Baalbek. Here as well, the data was not computerized and the records did not include the husband's nationality

Removing the issue of the citizenship law from political deliberation would restore its legal character as well as its social/humane dimension. The people affected by this law do not belong to one specific sect. Their families are from all sects. How can we, under any circumstances, deprive these women of their rights to fully enjoy all the rights that their citizenship entails?

which forced the statisticians to go back to the marriage contract records individually i.e. to look for the husband's identity in personal records. The Beirut statistics were completed whereas the Nabatieh statistics were hindered by the intermittent activities of the court despite the team going to Nabatieh several times. The statisticians examined around 15,000 marriage contracts, of which 890 were between Lebanese women and non-Lebanese men according to the records they were able to go through at the Shiite courts in Beirut and Baabda as well as in Nabatieh and Baalbek (see Table 8).

Table 8. Marriages Registered in Shiite Jaafari Courts and Personal Status Directorates Between Lebanese Women and Non-Lebanese Men

Area of Shiite Religious Courts	Years	Number of marriages
Nabatieh	from 2000 - 2008	472
Baabda	from 1996 - 2008	198
Baalbek	from 1978 - 2008	183
Beirut	from 1996 - 2008	37
Total		890

Table 9. Distribution of Marriages Between Lebanese Women and Non-Lebanese Men in Jaafari Courts and Civil Status Directorates According to the National Affiliation of the Husband

National Affiliation of the Husband	Number of Marriages	Percentage
Arabs	658	73.9
Non-Arabs	232	26.1
Total	890	100.0

73.9 percent of marriages between Lebanese women and non-Lebanese men in the Shiite courts were with citizens of other Arab countries while 26.1 percent were to non-Arab men (see Table 9). The details showed that Shiite women have married quite a lot into other nationalities, mostly other Arab nationalities.

Druze Courts

The Bureau of Statistics and Documentation obtained a permit to examine the court in Beirut. Nevertheless, there was great difficulty in retrieving information from the courts in Beirut as well as the ones in the governorates (muhafazats). Twenty-three cases of marriages to non-Lebanese were accounted for.

Archbishopries and Christian Churches

Upon reading Table 10 closely, one can note that: 48.5 percent of marriages between

Reading those figures would help us reconsider our prejudices; Palestinians and Syrians do not belong to one sect just like Lebanese women do not belong to one sect. It is unacceptable to make the demographic balance of sects and groups a political priority without taking into account individuals and the social and psychological problems this unjust law entails.

Lebanese women and non-Lebanese men in Christian churches are to non-Arabs. 50.3 percent of marriages between Lebanese women and non-Lebanese men are to Arabs.

Table 10. Distribution of Marriages between Lebanese Women and Non-Lebanese Men in Christian Churches According to the National Affiliation of the Husband

National Affiliation of the Husband	Number of Marriages	Percentage
Non-Arabs	557	48.5
Arabs	578	50.3
Undefined	14	1.2
Total	1149	100

According to the data collected, the Arab region is the most recurring region in marriages between Christian Lebanese women and non-Lebanese men with a percentage of 50.3 percent in comparison with Europe (25.7 percent), America (16.2 percent), Oceania (5 percent), and non-Arab African countries (1 percent).

The Effect of the Current Citizenship Law on Children and Families: Words, Tears, and Anger!

Analysis of the Interviews

Thirty-four women were selected according to the 4 criteria that had been pre-determined: i.e. the confessional criterion, the geographical criterion, the social criterion, and the spouse's nationality criterion. The choices made were dictated by the ability to find examples that reflected the survey's results. Nevertheless, these examples do not represent the survey, especially its quantitative aspect.

Hence, 34 women were selected, distributed as follows: 13 Sunnis, 9 Shiites, 4 Druzes, and 8 Christians. This selection reflects the number of marriages presented by the survey; Sunni women represent the biggest group married to non-Lebanese men, followed by Christians, Shiites, and Druzes respectively.

The women who were interviewed did not try to hide the fact that they were surprised that there was actual interest in their situation. While some of them had heard of the efforts of the women's movement or other social movements, most expressed their sorrow that the women's movement did not consider the citizenship law a top priority on their agenda. Nevertheless, their need to openly express the hardships they suffered as a result of this law was a great motivator for them to speak up ... The women spoke. We can say that most of them started with words and ended with tears...

To begin with, they stated their right to choose their partner. These women had chosen their husbands without paying attention to the nationality they belong to. Most of them were unaware that they would not be able to pass on their nationality to their children and husbands; legal illiteracy is more severe and more acute than regular illiteracy. One woman married to an Englishman said she was shocked when she arrived in Lebanon with her child and [the General Security] asked her for a visa for her child: "I went to the General Security headquarters to meet with a High Officer there and ask him why I was not able to pass my nationality on to my children, to which he replied sarcastically: you can only do that if you register him as a foundling. This means his

father is anonymous". One can imagine how tragic the situation is, especially when the same woman relates how the effects of this situation impact her children, alter their course of studies, their educational inclinations and their future as well as the future of their families. "This is a vagrancy sentence", says a second. "This is an exile sentence", says a third. "This is a sentence to migrate to another country", adds a fourth.

What are the Problems that Lebanese Women Married to Non-Lebanese Men Encounter? And How Have these Women Expressed Them?

The interviews provided us with prolific information on the hardships and problems that Lebanese women married to non-Lebanese men endure. We have concluded that we can categorize these problems under several dimensions which are organically intertwined. Nevertheless, these four dimensions are different and varied depending on each family; they are the following: residency problems for children and husband, employment problems, healthcare and education problems, inheritance problems, and psychological problems.

Residency:

Residency problems resemble a never-ending drama series. One woman married to an Egyptian says she lived in a state of continuous anxiety. Her husband could be deported at any moment because his temporary job puts him at the mercy of his boss (employer). As for her children, they reside in Lebanon thanks to a courtesy residence permit. She adds: "Had I known I will endure all this, I wouldn't have married a foreigner. And if I could speak to a politician right now, I would cry".

Tears streamed down her face while she told us about her fear that her husband would become so desperate as to leave the country. He would not leave alone. In light of the current Personal Status Law that deprives women of custody and guardianship, the father would take the children with him since the mother is not permitted to keep them with her.

As for Ms. G, she was surprised to learn that she would have to renew the residency permit which she considers very costly. She added that her son, who is a university student, does not have a residency permit because his Greek passport has not been renewed. She lives in constant fear that the university he attends might ask for his residency permit which he has not yet obtained.

Crying is a common pattern in these interviews. The women speak of their financial problems and of their psychological state. One respondent explained: "It is a disaster if I forget to pay for the residency permit because I would be fined and would have to pay double the amount. I can barely pay for it once".

Ms. O's Egyptian husband has been living in Lebanon since 1992 with a work permit. But since they got married in 1996, the husband's sponsor filed a theft and fraud lawsuit against him. This left him without a residency permit till 2002. During that period, Ms. O did not encounter any residency problems. She said: "After 2002, we had to start procedures for residency so we could register the children in official registries. I immediately went to the General Security to proceed with residency paperwork under my own name but they refused my application. I asked to see the General Director of the General Security and I was told he was abroad. The Colonel in charge refused

to see me, although I know her personally, she was unable to give me a clear answer on the issue. After the Minister of Justice interfered, we were able to carry out the residency procedures and paid 8 million Lebanese pounds”.

Since then, Ms. O says the residency permit is renewed on a yearly-basis. However, the last time they tried to renew it, the request was rejected on the grounds that the husband works for an international company. “This is not true because if my husband is working there should be no problem. They refused to grant him residency and his case was being studied for deportation. After the Minister of Interior intervened, my husband and I issued a deposition/statement that he is unemployed and each deposition cost 350,000 Lebanese pounds. The residency was renewed for several months”.

Ms. O said that her lawyer is currently working on processing the birth certificates to register the children in the Ministry of Interior and Municipalities. When these documents are done, she will have to pay a sum between 2,000 and 3,000 USD.



Poster prepared for the launch of the study "Predicament of Lebanese Women Married to Non-Lebanese". It reads: "He takes after his mother in everything: the color of her eyes, her smile, her kindness, ... but not her nationality. He is destined not to be Lebanese because his father is not Lebanese".

The issue of residency is a nightmare not only for those with low income. Even women from the middle classes complain about the time spent on this issue. They worry every time the renewal date approaches. Ms. F recounts how she once forgot to renew the residency permit while she was outside the country. This resulted in a problem with the General Security that lasted for a very long time. She added, while trying to hide her tears: "the General Security could decide not to renew my children's residency permit when they are 18 years of age".

Even upper-class women suffer from the grueling and complicated procedures in obtaining residency permits. According to one respondent: "I have to come in person and stand in line. It is as if I am not a Lebanese citizen. The hardest part is when my husband's residency permit expires while we are abroad, because then my husband cannot return to Lebanon without securing a visa". She also adds: "When my children are 18 years of age, the General Security could choose not to renew their residency permits. It depends on their mood".

What has been noticed is that women married to Syrian men do not face residency issues and financial burdens due to geography and the current policy, given that they can live in Lebanon as long as they have their entry and exit papers.

Employment:

All the women interviewed worried about the future of their children. One of them related: "I have already started thinking about how to secure a job for my son at an international multinational company in order to secure his professional future". Ms. F says: "My husband was rejected from many positions he applied to because of his nationality, although he is Syrian and has the right to work in Lebanon". She also expressed her fear concerning her children's professional careers since they will not be able to work in the public sector and will be considered foreigners in the private sector. "Our income is limited and my husband cannot grow professionally because he is not able to get bank loans or guarantees. We remain stuck in reverse".

Just as Ms. F's case was a typical one, so was Ms. G's. Her children obtained their university degrees and, naturally, travelled abroad. They married foreigners and obtained their wives' nationalities. She adds with grief: "But I was not able to give them my nationality". She related how her son who married a French woman "works as a French expert in Lebanon". As for her daughter who graduated as a medical doctor from the Lebanese University, she could not practise in Lebanon and had to emigrate.

Worry is a given when thinking about the future of their children. Ms. E. said that her husband works in Syria and she was aware that if he were living in Lebanon, work would have been a difficult issue for him since he is not Lebanese. Ms. E. tried to be honest with her children and constantly reminded them that they cannot work in Lebanon because of their nationality. She added: "I am constantly worrying about my children's future and their career".

The cases may be different but the complications remain the same. Lebanese women married to non-Lebanese men are subject to all sorts of exploitation. Ms. O. explains that her husband is exploited by his boss. He has to accept the terms and conditions set

by his boss given that he is unable to obtain a work permit that would ensure a decent contract.

Health Care and Education:

If the problems of families of good social class are limited to residency and work, the suffering of the remaining households that have financial problems exceeds that. These families do not have access to either health care or education. Lebanese women who are married to non-Lebanese cannot enroll their children in public schools because they are treated as foreigners. In addition, they cannot benefit from public health care.

Inheritance:

All women expressed their concern vis-à-vis the inheritance issue. As per Lebanese law, foreigners can own a certain percentage of land or property and this presents a problem to Lebanese women married to foreigners. The case is more complicated for those women married to Palestinians who are denied the right to own any property in Lebanon, thus they cannot inherit any property or land from their mothers.

Psychological Problems:

On the psychological level, most of these households do not have many problems due to the cultural and historical openness in Lebanon. Moreover, children do not feel any inferiority on this level. They feel they belong to Lebanon more than their country of citizenship. However, the feeling of being estranged, social isolation, and the incapacity of mingling because of the language i.e. suffering resulting from problems of social integration - accompanies some nationalities where fate is determined by external factors.

“I feel that my husband is torn, he has an identity crisis. He has no national affiliation, neither to Lebanon nor to Palestine. He has lost hope of getting the Lebanese nationality. ... I fear and worry about my children, and the social and psychological problems they will suffer from in the future. We are trying to emigrate in order to secure a nationality”.

Fahmia Charafeddine is a Professor at the Lebanese Univeristy and the Vice President of the National Committee for the Follow up on Women Issues.
Email: fahima@cfuwi.org
Translated by Farah Sahyouni

REFERENCES

United Nations. The final recommendations of the Committee on the Elimination of Discrimination Against Women regarding the official reports (first, second, and third 2004 and 2007 respectively) presented by the National Commission for Leabenese Women. Retrieved July 28, 2010, from <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>

The National Committee for the Follow up of Women's Issues. Lebanese Women's Rights and Nationality Law Project (raw date).

The National Committee for the Follow up of Women's Issues. (2007). Third shadow report on the implementation of the Convention on the Ellimination of all Forms of Discrimination Against Women (CEDAW) in Lebanon. UNIFEM and UNICEF

The National Committee for the Follow up of Women's Issues & Research and Training Centre on Development Issues. (2005). Shadow report on the progress achieved in the implementation of the Convention on the Ellimination of all Forms of Discrimination Against Women (CEDAW) in Lebanon.Funded by UNFPA and UNIFEM retrieved <http://www.cfuwi.org/data/shadow%20report%202%20eng.pdf>

The Effect of the Political Situation in the City of Jerusalem on the Rights of the Jerusalem Women

Fadwa Al-Labadi

Introduction

The concept of citizenship was introduced to the Arab and Islamic region during the colonial period. The law of citizenship, like all other laws and regulations in the Middle East, was influenced by the colonial legacy that impacted the tribal and paternalistic systems in all aspects of life. In addition to the colonial legacy, most constitutions in the Middle East draw on the Islamic *shari'a* (law) as a major source of legislation, which in turn enhances the paternalistic system in the social sector in all its dimensions, as manifested in many individual laws and the legislative processes with respect to family status issues. Family is considered the nucleus of society in most Middle Eastern countries, and this is specifically reflected in the personal status codes. In the name of this legal principle, women's submission is being entrenched, along with censorship over her body, control of her reproductive role, sexual life, and fertility.

Because of the absence of democracy in the Arab region and in view of the lack of many individual freedoms, Arab women have been forced to surrender to the dominant patriarchal system. Here the alliance between patriarchy on the one hand and national, tribal, and religious forces on the other plays an important role. Female subordination is thus closely linked to a woman's loyalty to her family, tribe, and religion. This is further cemented through a culture and legal system that see individual rights as being secondary and collective or relational rights as being primary. Even though Arab constitutions include the principles of human rights and equality before the law, they remain biased when it comes to gender. In the Palestinian Law of Citizenship there is no particular mention of women and their social roles. In Palestine, there was no law of citizenship during the period of direct Israeli occupation. When the national authority took over and there were signs that an independent state would be formed, the feminist movement became more optimistic and expected that attention would be paid to the rights of Palestinian women, as had been the case in other Arab countries.

1. These are Palestinian residents who carry the blue ID card "the Israeli Identity", who live within the borders of the municipality of Jerusalem according to the Israeli division, and administratively follow the Israeli authority.

The citizenship rights of the women of Jerusalem are not granted to them by an independent and sovereign political entity. They carry no nationality that stipulates full rights of citizenship. Women have refused to belong to the Israeli state and acquire the Israeli nationality. Moreover, they are deprived of their right to the Palestinian nationality because of Israel's intransigence and refusal to negotiate in good faith over the status of East Jerusalem. Furthermore, Israeli authorities have deployed a variety of humiliating and abusive measures in order to gradually empty Jerusalem of its original inhabitants. The Palestinians of Jerusalem thus refrained from trying to obtain the Palestinian nationality because this could be easily used as a pretext by the Israeli authorities to expel them from the city.

Therefore, the concept of citizenship, as it is generally applied, cannot be used with respect to the Palestinian women of Jerusalem. A discussion of the general concept is therefore necessary in order to adapt it to the unique circumstances prevalent in the MENA region in general and Jerusalem in particular. This article will first briefly discuss citizenship theory and then move on to its application. The discussion of the practical aspects of the human rights situation as it is applied to the women of Jerusalem will be described, along with the impact of the citizenship issue as it is influenced by the unique political situation in the city of Jerusalem, focusing primarily on the way these rights are related to social, economic, and legal equality.

All previous studies conducted were meant to uncover the lived experiences of Palestinian women of Jerusalem and its suburbs under Israeli occupation. They were also meant to improve their economic conditions and provide awareness programs for women, men, and youth in the region about the social situation, violence against women, and drugs, with the coordination of civil organizations in Jerusalem. Further, these studies also aimed at forming clubs and associations for young and adult women and creating educational and artistic programs for them.

Not all previous studies included the whole region of greater Jerusalem. Some dealt with only those areas in which the population held the Israeli blue ID card¹, others concentrated on the areas whose population holds the green ID of the West Bank. Some of these areas are adjacent to the separation wall; others have been isolated from the city center by the wall. Subsequently, the results of these studies in their entirety provide a composite picture of the city of Jerusalem as a whole, including the surrounding villages and suburbs. Some of the areas included in these studies are: the Old Town, Beit Hneina, Jabal Al Makbir, the Shaafat Camp, Abou Dees, Hazma, Anata, and Selwan. This article is based on the conclusions previous studies have arrived at.

Women and the Concept of Citizenship Rights

Discussing the concept of citizenship rights and the legal status of women in the Arab world requires a critical perspective enabling one to consider two contradictory vantage points, i.e. the secular and the religious. The secular position concentrates on the women themselves, calling for a civil law aiming at equality and democracy for all women. The religious position focuses primarily on maintaining the hegemony of *shari'a* (Islamic Law) in society as a whole and thus applies this approach to all

areas related to women's rights. A conflict is ongoing in the Arab world between these two positions. The secular position is based on the application of the principles of citizenship and the rights of women as being rooted in the Western tradition. The religious position calls for the application of Islamic *shari'a* which restricts the rights of women and blocks their future development. As a result, a number of Muslim female scholars, such as Hiba Raouf Izzat, Leila Ahmad, Aziza Al Hibri, and Fatima Mernissi, have emerged in Islamic and Arab countries and attempted to reconcile the opposing traditional-religious and secular-democratic camps. They have proposed a fresh approach to women's rights by introducing legislative initiatives based on a reinterpretation of the Quran from a feminist point of view. This enables women to fight for their full rights of citizenship, while reconciling the two positions.

Before we move on to a discussion of the application of citizenship theory, we must answer a few questions. Can any of the existing theories be applied adequately to the situation of Arab women? Should we consider developing a unique theory that is compatible with realities in the Arab world and drop all attempts at emulating Western thinking? Should we work deductively, by using Western approaches as a point of departure; or work inductively by surveying our experiences as women in the MENA region and then formulating new concepts and theories based upon the results? Can the struggle for equal rights actually be based on concepts found in the Islamic tradition? And finally, in a more practical sense, which ideas and concepts should we adopt in order to achieve equal rights for women, especially with regards to citizenship? Is it advisable, or even possible, to attempt to collect and integrate all theories and legal traditions which promote the recognition of women's rights, equality, and freedom? Arab women in general and Palestinian women in particular are in need of mechanisms that provide equality and protection, and secure all rights of citizenship stipulated by their religion, as well as national laws and international treaties. These rights cover basic freedoms in the social, economic, political, cultural, and civil fields. They include the rights of equality before the law, freedom, and personal safety.

In order to study and analyze the state of citizenship discourse in Palestine we have chosen to adopt a "multi-level" approach (Joseph, 1996)². This will enable us to work on many fronts simultaneously by integrating various areas of social activity and dealing with both the private and public spheres. In order to facilitate this process, this article will concentrate on three aspects of social reality, i.e. first: the family and home, second: the official and unofficial sectors of the economy, and third: the public sphere and civil society. The study of these various areas will help lead to a better understanding of citizenship in Palestinian society through documenting what is really happening in these sectors and finding ways to create new concepts and theories for citizenship which are closely related to our reality and specificities. Through this approach, the article will present a general glimpse of the reality of the Palestinian women in all three sectors, with an emphasis on the reality of citizenship for the Jerusalem women who are being attacked from many sides. The rights of citizenship for the women of Jerusalem are infringed upon by the personal status laws on the one hand and the Israeli state policy on the other. The latter aims at stripping the Palestinians of their citizenship rights altogether and at accelerating the process of ethnic cleansing.

2. Joseph demonstrates that the concept of citizenship requires a pluralistic approach. Therefore, instead of discussing the private and the public, it could be replaced by suggesting new concepts (terminology of "government, non-government").

First: Women and the Rights of Citizenship within the Family and Home

The family is considered the nucleus of society in most countries of the MENA region. The constitutions of these countries consolidate patriarchy in the family and the tribal system when the law of citizenship is closely linked to the patriarchal/ paternalistic system (Joseph, 1996). In the absence of democracy in the region and given the lack of individual freedoms, a woman is forced to submit to the patriarchal/paternalistic system and this increases her subordination and loyalty to family, tribe, and religion.

The Palestinian woman has three life choices. She can try to make her way in the public sphere by ignoring traditional expectations with respect to family and home. Secondly, she can attempt to juggle her career and household responsibilities. Finally, she can dedicate herself exclusively to the private sphere by staying at home to raise her children and look after the family. Because of the oppressive political and economic conditions in Palestine, most women are relegated to the third option and spend their time at home, which undermines their chances of breaking out of the patriarchal system and obtaining full citizenship rights. These women are, by choice or by force, financially dependent on their husbands or on other males in their families. This leads to them being seen as second class family members and their activities have diminished value within the household. Although some of these women perform other activities, in addition to bearing and raising children and various household chores, they are denied full economic citizenship rights. Men, who carry out similar activities, either outside or within the home, enjoy full rights as the head of the family. Furthermore, many men and women do the same job, yet there remain differences in their status, interests, authority, and rights within the family. Because of their diminished status, women also lack access to the decision making process. As members of a Palestinian family, and of society as a whole, they should be granted access to the mechanisms that enable men to participate in decision making in both the public and private spheres (Allen, 1990).

Throughout Palestine, the second-class citizenship of women within the private sphere is reinforced by laws and regulations in the public sphere. Family status laws straddle both spheres and keep women in a state of subordination and dependency within the household and without (Moghadam, 2007). In marriage, the Muslim man in the Arab region enjoys more rights than the woman. He can initiate divorce whenever he wants, and can marry whoever he wishes even if she is not Muslim. However, a Muslim woman can only marry another Muslim. With respect to jurisdiction, a woman cannot marry by herself, although the *Hanafi* doctrine applied in Palestine would allow the woman to be her own guardian when entering into a marriage contract. However, the law of personal status gives guardianship in marriage to the male, and the female is forbidden to leave the house without her husband's permission. Criminal law facilitates the acquittal or attenuation of sentence for the husband who commits a "crime of honor". Although the law gives women the right to keep their property, they inherit less than men. And although women receive a dowry through marriage, they can lose it in the event of divorce if the woman is considered to be the guilty party. In the absence of a premarital agreement that includes provisions for the division of property and spousal support in the event of divorce or breakup of marriage (premarital separation of property contract), the wife can conceivably lose access to the marital house. Most

Muslim marital contracts demand the bride's approval. In some countries, the woman can stipulate certain conditions in the marriage contract, such as the right to divorce if her husband marries another woman. But in this case, her request for divorce can also mean losing the dowry (if the husband pays it belatedly, a thing that happens in many instances).

The specific position of the women of Jerusalem is even more precarious. As mentioned above, they suffer from the overlap of Palestinian and Israeli jurisdictions, accentuated by the fact that, like most Arab women, they do not enjoy full citizenship rights. The women of Jerusalem are governed by the Jordanian personal status law as well as the Israeli family law. Thus, in case of marriage, two marriage contracts are necessary, one according to the Israeli law and another according to the Jordanian personal status law. The Israeli law enhances a woman's legal status by giving her additional rights, such as the right to divorce and a prohibition of polygamy. Thus, she has the right to file a complaint against her husband if he marries another woman. It also gives her the right of custody over her children as well as equal rights to the house and the right to control her body, e.g. the use of birth control measures.

However, these rights are limited in two ways, one cultural the other political. First, the patriarchal family limits the chances of a woman benefiting from the positive aspects of Israeli law. Shaming and family pressure force the woman to use the Jordanian personal status law. This law allows the family to force a girl to marry at an early age and the man to divorce his wife and obtain custody of his children. It also gives the man the right to polygamy and to beat his wife. Moreover, it denies the woman the right to complain about her husband. However, if she were to defy her family's standards of behavior and decide to file a complaint against her husband in accordance with Israeli family law, this would be a severe blow from a Palestinian nationalist perspective. If she files a complaint in the enemy courts, her husband would be imprisoned in the enemy's jail by the enemy's police which would be unthinkable. Accordingly, most women tend to waive their Israeli rights to enhanced protection within the family.

The same applies to the woman's right to control her body and the birth of her children. This right is weakened by two contradictory positions. On the one hand, societal and family pressure urge the woman to keep on bearing children to influence demography and increase the number of Palestinians in Jerusalem. On the other hand, there is the racist Israeli occupation that strives towards ethnic cleansing in the city of Jerusalem through encouraging birth control among Palestinian women in Jerusalem and other Arab cities within the green line. It provides free means for birth control, introduces hurdles which decrease access to social security for a mother and child, and withdraws the Jerusalem ID from women and children who live outside the municipal borders in areas controlled by the Palestinian authority. It is important to note here that residents of East Jerusalem, according to the law of Israeli sovereignty in the city, have the right to make use of the services of the national insurance bureau provided to the public, as long as they are not exempt from paying corresponding government dues. There is a delivery grant which a woman receives after giving birth to each child, plus children allowances that are paid for the child as of birth until the age of 18. But the issue of actually receiving these allowances is extremely complicated as there are

many procedures that might hinder obtaining this right. Moreover, many women have no knowledge of the rights given to them by the law of social security. Consequently, the National Coalition Center for Defending the Rights of Palestinians in Jerusalem has documented in the past four years an increase of complaints filed with it against the Israeli national insurance institution. The complaints (around 1250) dealt with issues such as deprivation of medical treatment and allowances for disability and salary security and children's insurance (The Statistical Yearbook for Jerusalem for the year 2007 number 10).

It should be noted that children in Israel obtain their citizenship and religion from their mother. However, this right does not apply to the Palestinian women in Jerusalem. The latter do not have the right to give their nationality to their children and husband, nor to reunite with family members. An Israeli government decision two years after the *Al-Aqsa* uprising froze deliberations on c. 5000 applications for reuniting families. These were submitted to the Ministry of Interior by a group of Jerusalem citizens in order to bring their families together. The current Israeli nationality law bans the granting of Israeli citizenship to children if one of their parents is a Palestinian from the West Bank. This law has been described by international – and even some Israeli legal experts – as racist in nature.

The registration of children takes place according to the place of residence. When Jerusalem is the mother's permanent place of residency, children are registered at the bureau of statistics in Jerusalem. Moreover, based on their mother's ID, they can receive an Israeli birth certificate, and they are permitted to retain the right to obtain a blue ID (Jerusalem ID) after they reach the age of adulthood. The Ministry of Interior retains the right to withdraw this right in case the applicant's statement proves to be false (Abu Jaber, 2008).

The political situation in Jerusalem causes Arab women there to suffer more than elsewhere in the Palestinian territory, based on their husband's or children's nationality. Many married women in Jerusalem who carry the Palestinian ID (or any Arab or foreign ID), suffer after they obtain the right of citizenship in Jerusalem. They are denied the right to have their children receive their status and the children's names remain registered under their fathers' IDs. In this case, after separation, these women are denied the right to have custody of their children. Also, the women of Jerusalem suffer because of a policy governing the reuniting of families with respect to non-resident husbands, irrespective of whether they carry foreign passports or are citizens of the West Bank and Gaza Strip. According to this policy, the husband must apply for a 6-month entry visa until procedures for reunification are finalized. However, Israel ceased giving temporary permits in 1994 and changed the system which now states that only husbands carrying the Jerusalem ID have the right to apply for reunification with their wives. It thus ostensibly deprives women of the right of family reunification. Seen from a cultural perspective, this problem is further aggravated by Arab traditions according to which women are expected to follow their husbands (Abu Jaber, 2008). In recent years, the women of Jerusalem have continued their fight to reunite with their husbands and families. More than 35,000 women in Jerusalem are married to Palestinians from the West Bank and thus do not hold Palestinian IDs. They are still waiting for reunification with their husbands. Currently, there are nearly 10,000

children living in East Jerusalem who are not registered under their parents' IDs. The number of children unable to enroll in public schools or receive medical treatment because they are not registered is estimated at 23.6 percent (The Jerusalem Center for Social and Economic Rights, March 2003).

Second: Women and the Right of Citizenship in the Economy

The rights of citizenship have implications for all areas of a woman's life. Various studies on gender and citizenship (Joseph, 2000) demonstrate that the gendered nature of citizenship affects not only women's rights in the domain of the family and home, but also their economic and social rights. Women are second-class citizens in the private sphere as well as in the public sphere, with respect to the state, the job market, and the various aspects of civil society. Studies focusing on gender and other social indicators have revealed a comparative general drop in the level of female participation in the workplace and other areas of the public sphere throughout the Arab world, and more specifically in Palestine, compared to other regions (Moghadam, 2007).

Following the Cold War era, gender issues in general, and women's rights issues in particular, have received more attention with respect to the dynamics, crises, and fluctuations of the new global economy. Women's rights in Palestine have been historically affected by both colonial strategies and national aspirations. Legal and cultural restrictions on women's work prevent them from enjoying the social rights of citizenship. By law, a woman is obliged to get the permission of her father, husband, or guardian in order to obtain a passport or open a bank account for her children. This indicates that women are not fully capable of embarking on contractual relations on their own.

The participation of Palestinian women in the job market takes different forms: working outside the home in the official job market, and joining the unofficial workforce, either outside the home or on the family property. During the last several years, the percentage of women who were part of the official Palestinian work force ranged between a third and a quarter of all females of working age. These low rates have further entrenched gender discrimination and facilitated the marginalization of women in the official job market. Analysis of reports by the central board of Palestinian statistics for the year 2009 shows that the number of female workers in the Palestinian territory dropped from 126,000 in the fourth quarter of 2009 to 120,000 in the first quarter of 2010, whereby the rate of women's participation in the work force reached 15.5 percent during the year 2009. The rate of working women in Jerusalem was 14.9 until 2007 (Myers, 2008).

According to a recent survey by the United Nations Research Institute for Social Development, most female participants in the formal sector had 13 or more years of formal education. 66.4 percent of all women working outside the home in the formal sector were employees, whereas female employers made up a low 1.6 percent. The largest proportion of female employees were found in the service and agriculture sectors, at 61.8 percent. 50.0 percent of working women received paid maternity leaves (UNRISD, 2005). Various reports coming out in 2010 about the Palestinian territory indicated that 16.8 percent of female employees belonged to labor unions or professional associations. Despite a slight raise in women's salaries, the huge gap in

wages between men and women remains a problem. This discrepancy is often blamed on protracted legal inequalities between the sexes, as well as sexist and discriminatory recruitment practices.

The high level of female activity in the informal sector of the Palestinian economy, especially in the informal home economy, has attracted particular attention of late. Experts consider the informal home economy to be a productive activity; however it has not been measured or categorized as such (UNFEM, 2005). Workers in the informal sectors are particularly vulnerable, and women working in the informal home economy have the weakest position within this sector. Therefore, there is little protection of their economic rights, and these women are largely deprived of the economic rights of citizenship. To make matters worse, the overall increase in unemployment amongst Palestinian women has hit Jerusalem women particularly hard. Results from The Palestinian Central Bureau of Statistics for the year 2009 have shown that the rate of unemployment is 23.8 percent among women in the work force, and 25.7 percent among men. However, as stated above, a formal secondary education tends to push unemployment rates down amongst the female population.

Over the years, Palestinian women have achieved higher education, but there is a contradiction between women's educational performance and their participation in the job market. Various reports have revealed that higher education for females does not necessarily translate into better job opportunities. On the contrary, unemployment affects mostly educated women (WB, 2005). In normal circumstances, increased levels of education have a direct, positive influence on the rates of employment, this does not necessarily apply to the Palestinian territory in general or to Jerusalem women in specific. Despite their college education, job opportunities remain very limited, forcing many female college graduates to work as saleswomen in Jerusalem shops or as caretakers for the elderly in return for modest salaries of not more than 2000 shekels (around \$530 US dollars a month).

However, the evaluation of women's economic rights cannot be based solely on the rate of their participation in the work force. There are economic rights for women found outside the framework of the work force, such as their share of social and national insurance and pay increases which the state gives to government employees (the man receives a compensation to cover his wife and children, but working women do not receive this compensation because they are not considered to be responsible for supporting their family). Furthermore, women do not have access to secure ownership of real-estate, which would shield them from the ordeal of having their property confiscated. It is indicative of the situation in Jerusalem that the Israeli authorities have stepped up the confiscation of real-estate, especially properties belonging to women.

This policy of the Israeli occupation goes hand-in-hand with the situation within the Palestinian family where the woman's right to her inheritance is being undermined. Her share of the inheritance is often unfairly distributed amongst the males in the family on the grounds that the female is economically dependent on her husband. In case she is single, widowed, or divorced, her economic subordination to the father and brothers replaces that of an absent husband. This legal concept of women being

“protected subordinates” is based on personal status laws, which undermine the economic rights of women and makes them second class citizens within the family in an economic sense, especially with respect to access to financial support, control of their dowry, and inheritance (Kuttab & Johnson, 2007). The right of ownership, the woman’s right to have private property, and to sign commercial contracts is indeed one of the main remaining frontiers in the struggle for equal economic rights.

As is the case in all Arab and Islamic countries, ownership of private property in Palestine is based on the Islamic *shari’a*. Women obtain property rights through inheritance or commercial transactions, rights which are skewed by the fact that inheritance laws are biased towards males. Although the law gives women the right to keep their property and do as they please with it, their share of inheritance is less than men’s share. Thus, the link between secular citizenship rights and religious discourse must be dealt with in more detail in the future.

Third: Women and the Right of Citizenship in the Public Sphere – the State and Civil Society

Studies on the political rights of citizenship for women have often linked typologies of government and citizenship on the one hand, and the nature of the state and categories of political systems on the other. In the MENA region, political systems range from the authoritarian – be it based on theocracy, monarchy, or military dictatorship – to the semi-secular republican model. Unlike liberal or social democratic societies in the West, religion plays a role in all categories of government in the MENA region and often goes hand-in-hand with state authority and the political party system in the modern paternalistic Arab state. The state, be it headed by an individual ruler or ruling party, plays the role of father and grants men special privileges, which places them above their wives, mothers, and daughters (Moghadam, 2007). There is a close link between male domination and paternalistic authority in the various parts of Arab society. In the private sphere, patriarchal domination within the household allows the father and husband to rule over the wife and children in his family. The same model is applied to the male right to dominate and rule women in the public sector (Pateman, 1988).

Based on the analysis developed by renowned Sri Lankan feminist, Kumari Jayawardena (1986), that women’s liberation can be seen as a form of sub-awareness within the larger national awareness raising process (linked to the struggle against colonization), it can be assumed that the awareness of the Palestinian woman with respect to her citizenship rights is also tied to the national struggle against colonial rule and occupation. Palestinian women first struggled together with men for national self-determination and independence from Ottoman and then British rule. Following the colonial period, in the Palestinian case, resistance continued in the form of a struggle for mere physical survival and for the preservation of a distinct national identity. Women must thus fight on two fronts, within the Palestinian political system and within the Palestinian family. The Palestinian-Israeli conflict has had a severe impact on traditional gender roles within the Palestinian society, making it extremely difficult to safeguard the historical power relationships within the existing social fabric. At times like these, the gap narrows between the two sexes (Macdonald, 1987). It can lead by default to the empowerment of women and their assuming of

unconventional roles. However, there is also the danger of the expansion of violence from the public-political sphere, i.e. against Israeli occupation, into the private sphere, i.e. to the internal front within the family.

During the first Palestinian uprising it became clear that the National Liberation Movement (NLM) and the women’s liberation movement were linked. The NLM thus created the social and political space for the women’s struggle. Through the overriding battle for national liberation, Palestinian women fought against the patriarchal system and against oppressive government rules and regulations concerning women. They found solutions for their family problems and were able to take part in elections and assume high positions in the government. The women of Jerusalem secured this right, like all Palestinian women, when they managed to participate in the national elections and gain seats in the legislative council (3 seats), while three women from Jerusalem (Zahira Kamal, Lamiss Al Alami and Hanan Ashrawi) became ministers in the Palestinian national authority, and others assumed high ranking ministerial or diplomatic posts.

The Jerusalem women seized this political right by force. They resisted the measures and practices of the Israeli authorities aimed at emptying Jerusalem of its Palestinian residents or stripping them of their Palestinian national rights. Furthermore, the Jerusalem women defied the patriarchal system and entered into the competition over seats in the legislative council and high ranking positions in the government and thereby defended their right to participate in the public sphere as full-fledged Palestinian citizens.

In conclusion, one area more than any other illuminates the link between the three arenas in which women struggle for full citizenship rights, as described above, i.e. the issue of motherhood. Like other countries that have witnessed national liberation movements, a strong link exists in Palestine between patriotism and motherhood. This is considered an important issue with respect to the concept of citizenship because the national movement constantly calls for linking the homeland to the role of mothers as Pateman (1992) said: “Motherhood has become politicized”. The Palestinian national authority sees population growth as a strategy to exert pressure on Israel in negotiations over land. This attitude, which was accompanied by Islamic support for an increase in child bearing, contributed to the quick increase in the population, especially in the Gaza Strip, but also in the city of Jerusalem. The size of an average family in the district of Jerusalem has reached 5.2 members, which is almost as high as the overall average of 5.8 within the entire Palestinian territory.

At the same time, the Israeli authorities are taking the opposite stand towards Palestinian fertility and are introducing many schemes aimed at decreasing the number of Palestinian children, leading up to ethnic cleansing. As a result, thousands of Palestinians have lost their right to reside in Jerusalem. The Jerusalem Center expects the suffering of tens of thousands of Palestinians from Jerusalem, especially women, to increase because of the wall of ethnic segregation in the occupied city of Jerusalem, particularly amongst those citizens living outside the wall. According to the Statistical Yearbook for Jerusalem for the year 2007 (number 10), this will jeopardize their social and economic rights as well as their right to live in secure housing because of the

Israeli measures aimed at expelling Palestinian families and demolishing their homes. Maysoun Al Ghawi, one of the women to be expelled from her home expressed it this way: "In circumstances like these, the woman shoulders a double burden; she is dealing with the general event, and with the meticulous details of the family. She has to provide security for her children and meet their needs and ease their worries and fears. At the same time, she has to stand by her husband against the aggression". Ghawi indicates that Jerusalem women in this case play a substantial role for they have to rearrange their lives under dire circumstances and without the basic conditions for living a dignified life, especially if they have small children to care for (Palestine Today Agency-Al Ikhbariya, 2010).

The women of Jerusalem have paid a heavy price to protect their rights as citizens of their city. They have been directly targeted in recent years whereby a large number of them were injured, some seriously, in confrontations with the Israelis against the policy of demolishing their homes, which is often the first step towards ethnic cleansing. Many women in Jerusalem were also arrested during confrontations with settlers in neighborhoods targeted by Israeli settlement. The Israeli occupation forces arrested a large number of women and imposed house arrest on many others.

Although the women of Jerusalem are indeed second-class citizens in the private sector, i.e. within the household, as well as being second-class citizens in the economic and governmental sectors, they have discovered new and unique ways to use this dual subjugation in order to link the struggle for public and private citizenship. They have made use of both Western discourse and Islamic traditions in this endeavor. Moreover, they have bravely brought the struggle against occupation and the fight for equality within the family into same equation.

Fadwa Al-Labadi, Director of Insan Center for Gender and Women Studies and Head of Development Studies Department at Al-Quds University, Palestine.
Email: insancenter@art.alquds.edu
Translated by Nazih Khater

REFERENCES

- Abu Jaber, I.** (2008). Mustaqbal al-Quds wa subul inqadhiha min al-Tahwwid. Retrieved September 3, 2010, from http://www.foraqsa.com/library/books/aqsa_books/qudsFuture/qudsFuture.pdf
- Abu Shama, F.** (2005). *Drug addiction in Shu'fat refugee camp*. Jerusalem: The Women's Center.
- Allen, J.** (1990). Does feminism need a theory of the State? In S. Watson (Ed.), *Playing the state*. London: Verso.
- Gerner, D. J.** (2007). Mobilizing women for nationalist agenda: Palestinian women, civil society, and the state-building process. In V. M. Moghadam (Ed.), *From patriarchy to empowerment: Women's participation, movements, and rights in the Middle East, North Africa, and South Asia*. Syracuse University Press.
- Jayawardena, K.** (1986). *Feminism and nationalism in Third World*. London & New Jersey: Zed Book.
- Joseph, S.** (Ed.). (2000). *Gender and citizenship in the Middle East*. Syracuse: Syracuse University Press.
- Joseph, S.** (1996). Gender and citizenship in Middle Eastern States. *MERIP: Middle East Report* 198, 4-10.
- Kuttab, E. & Johnson, P.** (2007, December). *Women's Economic Rights in the MENA Region*. Paper presented at the IDRC MENA Regional Consultation, Women's Rights and Citizenship in Cairo, Egypt. Retrieved September 3, 2010, from http://eepsea.org/en/ev-60148-201-1-DO_TOPIC.html
- Lister, R.** (1991, March). *Citizenship engendered*. Paper presented in the Critical Social Policy Conference Citizenship and Welfare, London.
- Macdonald, S.** (1987). Drawing the lines-gender, peace and war: An introduction. In S. Macdonalds, P. Holden, & S. Ardener (Eds.), *Images of women in peace and war: Cross-cultural and historical perspectives*, London: Macmillan.
- Moghadam, V. M.** (2007, December). *Governance and women's citizenship in the Middle East and North Africa*. Paper presented at the IDRC MENA Regional Consultation, Women's Rights and Citizenship in Cairo, Egypt. Retrieved September 3, 2010, from http://eepsea.org/en/ev-60148-201-1-DO_TOPIC.html
- Myers-JDC-Brookdale Institute** (2008). Special analysis of data from the labour force survey, Central Bureau of Statistics. Retrieved September 3, 2010, from http://brookdale.jdc.org.il/_Uploads/dbsAttachedFiles/ArabsIsraelisBackgroundDocumentENG-Nov2008.pdf
- Narli, N.** (2007). Women in political parties in Turkey: Emerging spaces for Islamic women. In V. M. Moghadam (Ed.), *From patriarchy to empowerment: Women's participation, movements, and rights in the Middle East, North Africa, and South Asia*. Syracuse University Press.
- Palestinian Central Bureau of Statistics (PCBS).** (2009). Jerusalem Yearbook No. 10. Retrieved September 3, 2010, from http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1438.pdf
- Palestinian Central Bureau of Statistics (PCBS).** (2007). Jerusalem Yearbook No. 10. Retrieved September 3, 2010, from http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1438.pdf
- Palestinian Central Bureau of Statistics (PCBS).** (2004). Impact of the Israeli measures on the economic conditions of Palestinian households. Retrieved September 3, 2010, from <http://www.miftah.org/Doc/Press/Other/2004/PCBS021004.pdf>
- Palestine Today Agency - Al-Ikhbariya.** Retrieved September 3, 2010, from <http://paltoday.ps/arabic/News-73393.html>
- Pateman, C.** (1992). Equality, difference, subordination: The politics of motherhood and women's citizenship. In G. Bock & S. James (Eds.), *Beyond equality and difference: Citizenship, feminist politics, and female subjectivity*. London, New York: Routledge.
- Pateman, C.** (1988). *The sexual contract*. Cambridge: Polity Press.
- United Nations Development Fund for Women (UNIFEM).** (2005). Progress of the world's women 2005: Women, work, and poverty. Retrieved September 3, 2010, from http://www.unifem.org/materials/item_detail.php?ProductID=48
- United Nations Research Institute for Social Development Research (UNRISD)** (2005-2009). Gender equality: Striving for justice in an unequal World. Retrieved September 3, 2010, from [http://www.unrisd.org/80256B3C005BCCF9/\(httpPublications\)/1FF4AC64C1894EAAC1256FA3005E7201?OpenDocument](http://www.unrisd.org/80256B3C005BCCF9/(httpPublications)/1FF4AC64C1894EAAC1256FA3005E7201?OpenDocument)
- Women's Bureau.** (2005). Employment status of women and men in 2005. Retrieved September 3, 2010, from <http://www.dol.gov/wb/factsheets/Qf-ESWM05.htm>

The Case of Samira Soueidan

Dalila Mahdawi

When Samira Soueidan fell in love with an Egyptian man and decided to marry him, she thought little of the consequences. She had no idea that the marriage would ostracize her future children from their friends. She did not know that Lebanese women who married non-Lebanese men were all but abandoned by their government and viewed as second-class citizens.

Soueidan learnt these unsavory details later on. When her husband passed away in 1994, she was left to grieve with four young children who the Lebanese state did not recognize as citizens. Under Lebanon's antiquated nationality law, women cannot pass on citizenship to their spouses or children. Children of Lebanese women and foreign husbands are viewed as foreigners, even if they were born and live in Lebanon.

Lebanon's nationality law was formulated in 1925, at a time when the country was still under French Mandate. Times have changed but the Lebanese government's perceptions of women have not: its refusal to grant women equal citizenship rights is further entrenched by a reservation it maintains on Article 2 of paragraph 9 of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), signed and ratified in 1996.

Soueidan's children were born and raised in Lebanon, have never visited Egypt and do not possess nor desire the Egyptian nationality. Disturbed that her children had been rendered stateless by archaic legislation, Soueidan did what many loving mothers would have done: she went to court to demand her

children be recognized as Lebanese citizens. "All my friends and family told me not to bother as it wouldn't change anything and would cost a lot of money, but I felt driven to", she said. "My children consider themselves 100 percent Lebanese ... They love their country very much".¹

Since seeking legal redress, Soueidan has become the unwitting poster child for Lebanon's fight for equal citizenship laws. She is anything but alone in seeking official recognition for her progenies. According to a study by the United Nations Development Program, there are estimated to be over 18,000 Lebanese women married to non-Lebanese living in Lebanon.² Including children and husbands, the number of individuals affected by the current law climbs to a staggering 80,000. If Lebanon's population is estimated to be 4.5 million, then roughly one out of 56 people is marginalized by the legislation. Many other Arab countries have similar discriminatory laws, although campaigns against them have resulted in partial or total reform in Egypt, Tunisia, and Morocco.

The difficulties faced by the "non-Lebanese" families of Lebanese women are considerable: Without proper papers, children can be subject to harassment at Lebanon's many military checkpoints and have difficulty obtaining employment, affordable education, and health care. As foreigners, they are also forced to undergo regular medical check-ups and blood tests, cannot legally inherit, and must live under the constant threat of deportation. Up until recently, they were also made to pay for expensive annual residency permits, although following sustained campaigning the Interior

Ministry now gives these for free. For the children of Lebanese women married to Palestinian or other refugees, or to men from countries with similar sexist nationality regulations, the law also means statelessness.

In July 2009, change seemed on the horizon. In what many thought signified a landmark judgment on nationality, judges John Qazzi, Rana Habka, and Lamis Kazma issued a verdict granting Soueidan's two sons and two daughters the right to Lebanese citizenship. The ruling was made on the premise that there was no law preventing a Lebanese mother from passing on her nationality to her children after the death of her husband. The judges also recalled Article 7 of the Lebanese Constitution, which notes that all Lebanese citizens- men and women- have equal rights before the law. The judges also went so far as remark that Lebanon's nationality law was "obscure" and questioned the rationale behind allowing only men to pass on their nationality. "Is it conceivable that Lebanese law prefers the foreign woman to the Lebanese women? No law can stipulate rights giving more protection to a foreigner than to a national", they said in the ruling, in reference to the fact that non-Lebanese wives and children (even from a wife's previous marriage) of Lebanese men can obtain citizenship after one year of marriage.³

Their bold words, hailed by Soueidan as a "great joy" for her family, led many to believe Lebanon's discriminatory legislation would finally be reformed. But what the State gives with one hand, it can also take away with another. Soueidan's victory was short-lived, as in May 2010 an appeal to overturn the decision to grant her children citizenship rights was upheld.

That it was Lebanon's Justice Ministry who decided to appeal Soueidan's victory is bitingly ironic. While in many other countries, justice ministries are charged with trying to improve the lot of their citizens, Lebanon's obsession with confessional representation means that it is often the citizens whose rights are sacrificed in the interest of political point scoring. Justice Minister Ibrahim Najjar is from the right-leaning Christian Lebanese Forces party, which believes that an amendment of the law

would lead to the naturalization of thousands of Palestinian men and children. It is argued that their naturalization would tip Lebanon's delicate sectarian balance in favor of Sunni Muslims, the religion of the majority of the country's 400,000 Palestinian refugees.

Anyone who has done their homework on the issue of nationality rights in Lebanon knows this claim is a laughable one. According to a recent study by The National Committee for the Follow up on Women's Issues, less than two percent of Lebanese women are married to Palestinians.⁴ The study also notes that Lebanese men married to foreigners can pass on citizenship to their wives and children, which by the same logic must also surely affect Lebanon's sectarian balance.

To add even more salt to the wound, it was a woman judge who overturned Soueidan's victory. The Court of Cassation, presided over by judge Mary al-Maouchi and two other women aides, overturned Qazzi's ruling saying it contravened Articles 3 and 537 of Lebanon's Civil Law code and the nationality law. "Judicial courts are not concerned with granting nationality rights [in cases where it was not granted at birth] as this is a right only enjoyed by the president", the 17-page ruling said.⁵ Soueidan, who has a modest income, was ordered to pay all the legal fees incurred in the proceedings.

In yet another blow to activists, several non-governmental officials have reported that Judge Qazzi is now being harassed by Justice Ministry officials. When contacted, Qazzi, who had previously been willing to talk, said that all interview requests had to have the prior approval of the Justice Ministry. The request submitted by this author was never responded to, however. Qazzi appears to be being bullied into silence, perhaps out of fear that he could persuade other judges to issue similarly ground-breaking rulings on nationality cases.

Prior to the verdict, rights group Amnesty International spoke out against Lebanon's sexist nationality law. If Soueidan lost the appeal, it would "shatter the hopes of thousands of children born to Lebanese mothers and foreign national fathers, who

are treated as foreigners in their own country and denied access to public education and other services”, said Hassiba Hadj Sahraoui, the organization’s Middle East and North Africa deputy director.⁶

Sadly, it seems it will take time to change the opinions of Lebanese officials. As recently as May 2010, the head of General Security Wafiq Jezzini stunned human rights activists by accusing foreign men of marrying “Lebanese women to benefit from the provided facilities and nothing more”. In an interview with Al-Akhbar’s newspaper, Jezzini also said foreigners “do not take age differences into

consideration and sometimes marry rich widows because they are looking for a refuge or a way out”.⁷ Soueidan has been dealt a cruel blow, but she stands resilient in her pursuit of nationality rights for her children. “We have lost the battle but not the fight”, she told reporters as she came out of the court room following the loss of her appeal. “What right do they have to take my children’s nationality away from them?”⁸

Dalila Mahdawi is a journalist based between Beirut and London writing mainly on human rights issues.
Email: dmahdawi@hotmail.co.uk

ENDNOTES

1. See Mahdawi, D. (November 9, 2009). One woman’s fight against Lebanese nationality law. The *Daily Star*. Retrieved September 30, 2010, from http://dailystar.com.lb/article.asp?edition_ID=1&article_ID=108455&categ_id=31#axzz11WoY4ORg accessed).

2. See United Nations Development Program (January 27, 2010). 77,400 men and women negatively affected by the current Lebanese nationality law. Retrieved September 30, 2010, from <http://www.undp.org.lb/communication/news/NewsDetail.cfm?newsId=209>.

3. A widowed non-Lebanese woman who acquires the Lebanese nationality upon marriage to a Lebanese can confer her acquired Lebanese nationality to her minor children from the previous marriage. See article “Landmark ruling granting citizenship to children of Lebanese mother overturned”. Retrieved September 28, 2010, from https://www.zawya.com/story.cfm/sidDS19052010_dsart2%284%29/Landmark%20ruling%20granting%20citizenship%20to%20children%20of%20Lebanese%20mother%20overturned.

4. See Lebaense Forces website. Retrieved September 29, 2010, from <http://www.lebanese-forces.org/forum/showthread.php/44921-Study-debunks-justification-for-maintaining-nationality-law>.

5. See the *Daily Star*. Retrieved September 28, 2010, from http://dailystar.com.lb/article.asp?edition_ID=1&article_ID=115007&categ_id=1#axzz0ppLdp3Uly

6. See *Amnesty International*. Retrieved September 28, 2010, from <http://www.amnesty.org/en/news-and-updates/lebanese-women-must-have-right-pass-nationality-their-children-2010-04-13>, accessed August 27 2010).

7. See the *Daily Star*. Retrieved September 28, 2010, from http://dailystar.com.lb/article.asp?edition_ID=1&article_ID=115099&categ_id=1#axzz0ppOEVpoc, accessed October 1, 2010.

8. See *Executive Magazine*. Retrieved September 28, 2010, from <http://www.executive-magazine.com/getarticle.php?article=13145> and in conversation with the author).

Testimony

Living with Passports in Our Pockets

Brian Prsecott-Decie

My wife, Taline, and her sister Maral were born in Mar Mikhael, a suburb of Beirut, of a Lebanese family of Armenian origin. Her father and paternal grandparents were also Lebanese born and bred, but her mother, of Armenian origin, but a citizen of Egypt where she was born, became Lebanese by marriage, and her aunt, also originally from Egypt, became Lebanese by virtue of the edict promulgated in June of 1994 (Maktabi, 2000, p. 147 and Immigration and Refugee Board of Canada, n.d.). During the civil war, when my wife was a child, they lived for a couple of years in the USA, and they have relatives in the USA, Canada, Brazil, Australia, Turkey, and elsewhere. They are, in fact a quite typical Lebanese family, thoroughly at home in today’s “global village”. Given the circumstances, the family must have known something of the complications that my wife might face when she chose to marry me – a British citizen – but, certainly, they have found the experience far more complicated than they could ever have expected.

I was born and brought up in the UK in 1951, a British citizen, but left the country not long after my 21st birthday to live first in Greece, then more recently in Cyprus and Lebanon. In due course I declared my “non-resident” status. That is to say, I declared that I no longer had a place of residence in the UK, as a result of which I no longer had an obligation to pay taxes, but also lost my vote. My first wife, many years ago now, was Greek. Under the then British laws, after five years of marriage, she received British citizenship, and our son was born both a British and a Greek citizen. He and she consequently hold dual nationality and citizenship,



and since both citizenships are in European Community member states, their problems are very few. My son will soon have to serve in the Greek army, a condition of Greek citizenship for males, and may have some minor complications due to having received his education in British, not Greek, schools and universities, but these are on the whole very minor issues.

Since that time, however, British citizenship laws have changed. They no longer take a “hail fellow,

well met” approach to spouses of British citizens. Under the present law, which was introduced during the term of Margaret Thatcher’s government, a spouse must reside legally, that is with a residence permit, in the UK for a period of time, currently five years, as a condition of citizenship. There are also conditions intended to prevent marriages of convenience, most significantly that the spouse must share a single place of residence with the British citizen and that the couple must be able to show an income in the UK. The police can and do perform physical checks from time to time, and also check that the foreign spouse is not absent from the country for more than 90 days in any one calendar year, so this is not a formality. Since my current wife and I chose to make our life in the Lebanon, she has naturally not been able to become British, and therefore remains one of the few Lebanese I know to hold only one passport.

Our children, on the other hand, are not Lebanese, but British only. The British law determines that they are automatically British if either parent is British, but places some restrictions on this citizenship, of which more in due place. The current

Lebanese Citizenship Law, on the other hand, accords citizenship only to children of a Lebanese father, or to children born in Lebanon who would otherwise be stateless. Clearly, since we foolishly declared our marriage to the proper authorities, our children fall into neither category. It should be noted in passing that some couples have, by failing to declare their married status, managed to get their children registered as Lebanese citizens,¹ since they would otherwise be stateless, but that is not the case in our family. As for our children's British citizenship, however, there is a single, extremely important, restriction. They cannot pass it on in turn to their children unless they return first to the UK, reside there, and have their children there. The guiding principle is clear: If they continue to have no effective connection with Britain or with British society, then, since they do not have any obligations to the British state, the British state has none towards them. As a result, it is entirely possible that my grandchildren may, at some future date, be stateless.

My children's life is a peculiar one. They are, as far as the Lebanese Republic is concerned, not Lebanese. Yet their mother is Lebanese, they were born in Lebanon at the St. George Hospital in Achrafieh, and have lived in the Lebanon all their lives. They go to school at Brummana High School where they take Arabic lessons just like the Lebanese children. This is not obligatory for them, and we could take advantage of their foreign passports to register them for "Special Arabic" – indeed half their friends, though Lebanese by both parents, do precisely this – but it seems foolish that, growing up in Lebanon, and with a Lebanese mother, they should not take advantage of the best possible knowledge of Arabic. Thankfully, they are both good enough students to be doing well in this class, despite the fact that we speak very little Arabic at home. At school, they participate in activities which also define them as Lebanese. They salute the (Lebanese) flag, recite the meaning of its colours, sing the (Lebanese) national anthem, participate in the (Lebanese) Scouting Association and, for the May Festival, they will take their place with their classes in Lebanese dances performed to music sung by Lebanese artists. They are, understandably, a little confused. My eight-year-old daughter recently proposed that they should

have a new flag. It should be quartered diagonally. In the upper, left hand, quarter, it should have two red horizontal bars, with half a cedar tree. In the right, lower quarter, it should have (again, halved) the red and blue crosses of St. George, St. Andrew, and St. Patrick – the Union Jack of Great Britain. This flag she proudly prepared on a large sheet of cardboard in the hopes that she might be able to fly it in a school parade. Sadly, it got left out in the rain with predictable results. The soggy remnants were somehow symbolic of the impossibility, under current circumstances, of their dream.

Under the present laws, I remain a foreigner, and must consequently every year obtain a new work permit and *iqama*, or residency permit. Should I not have work one day, my residence permit would automatically be terminated and I would be expected to vacate the country, leaving my wife and children behind, or taking them with me, despite the fact that my wife is Lebanese. The only advantage I have over other foreigners is that, since my wife is Lebanese, my work permit is issued without charge, though there is still a fee for the residence permit. My children too must have residence permits, but, for the last few years, have been able to obtain documents valid for up to three years or the life of their passports, whichever expires first. This has meant that my retirement, which is not many years off, has always been an issue of fear and foreboding in my family. It might mean that, being unemployed, I might no longer be allowed to reside in the Lebanon, or might have to put down a cash guarantee of 100,000,000 LL (\$67,000) in order to obtain a residence permit without working. My children also face the possibility that they might one day be told to leave the country (go home – but where is home?) once they attain the age of 18 unless they too, in turn, are able to obtain either student or work visas. Thankfully, it seems that this will no longer be an issue. On Wednesday, April 21, 2010, the Lebanese Cabinet approved "a draft decree granting foreigners married to Lebanese women a residency permit after one year of marriage as well as granting their children, whether adults or minors, a three-year residency". (Kawas, 2010). The edict itself, of course, is yet to pass, and the details have not been published at the time of writing, but if the

report is correct, then it will certainly ease our lives slightly and we will be duly thankful to the Ministers who have put this into effect.

However, there are other serious consequences of our status which cannot so easily be resolved. There is a law in this country forbidding foreigners to inherit property. This includes the children of a Lebanese mother. We own a house. It seems that this property, as the law currently stands, cannot be passed on to our children, which is ridiculous. The law may exist to prevent Lebanon from being bought up by foreigners, but plainly it is not having the correct effect. We all know that large parts of Lebanon, indeed whole villages like Bhamdoun, are being systematically bought up by foreigners, yet our children, with a Lebanese mother, under the current regulations cannot inherit the family home and property once their mother dies. This simply is not right.

There are other potential restrictions in store for my children, of which they have, as yet, only the dimmest inkling. If, God willing, they complete their school and university education, they will eventually have to take jobs and may wish to do so in Lebanon. However, the range of jobs they can take in this country is severely limited. Since they are considered foreigners (at least the half of their chromosomes that the Lebanese state chooses to count), they are barred from membership in any syndicate or professional union. Consequently, they cannot work in medicine or banking, or as architects, engineers, lawyers, or almost any other profession. Nor can they work in any capacity either for the government or for quasi-governmental organizations. It seems that they might, just about, qualify for a job as casual labourers. Alternatively, of course, they must seek careers outside the country. If we, in our old age, choose to stay here, we will be just two more Lebanese grandparents whose children have emigrated. The difference between us and other such Lebanese grandparents, however, is that our children will have emigrated because the law forces them to, not because they choose to.

They may also (though we hear that there may be some change soon in this department) be barred,

as I am, from participation in the Lebanese Social Security. While this is not a major issue at the moment, we do not know what the future may hold; one day the university where I teach will no longer be responsible for my private medical insurance and if, God forbid, we are at some point unable to pay the hefty premiums of our private insurance plans, we might find ourselves in need of the *daman* or social security as it is locally known. The argument that we have not contributed to this fund, and therefore should not benefit, is a specious one. My wife does contribute, but receives very little benefit and none for her children since they are foreign, despite the ratification of Law No. 343 in 2001,² and the amendment to article 14 of the social security bylaws in the following year to ensure equality of women employees, neither of which applies in her case (Center for Asia-Pacific Women in Politics, n.d.). I would willingly contribute if I could, but this is not permitted, nor, since I am non-resident, do I benefit from British Social Security except for the most basic emergency assistance.

Altogether, this is a serious list of disadvantages, especially in light of the fact that, when it comes to duties and obligations, we must fulfil all the obligations of a Lebanese citizen and more. We are obliged, like any Lebanese citizen, to pay our taxes, and to spend several days waiting in line at the offices of the Internal Security Forces to complete paperwork for which in turn there are fees. Rights, however, we have none. Though we are two adult householders, we have only one vote, not two, in the municipal elections. Do we not, as foreign residents, have the same expectations of the municipality as any other Lebanese householder? Clearly, if our road is not repaired, or our garbage not collected, we should be in a position to correct this since we pay the municipality tax, but we have less say in this than any other household on our street, simply because I am a foreigner, and consequently will not vote. Perhaps, as a non-voter, I should be excused from paying their tax.

For myself, I make few claims, but I have lived on and off in the Lebanon since 1980. I first came here during the civil war and worked with Lebanese schools throughout the country during the following ten

years. I have lived now continuously in the Lebanon for more than ten years, and have no other home. Most of my friends are Lebanese, so too my colleagues and students. There are less foreigners at the Lebanese American University today in my department than there were when I first joined, and no wonder – given the restrictions many eventually leave, and are rarely replaced by other foreigners. I pay my taxes, participate in school committees and the like, and will probably live here till I die, yet I cannot be a citizen of the country. It seems that I have all the duties and obligations of a Lebanese citizen, but none of the rights which ought to offset them.

For my wife, however, the situation is much more serious, and this on the highest ethical level. Quite apart from the inconveniences and restrictions to which she is and we are subjected, she is a Lebanese citizen. The current Constitution of the Republic of Lebanon states plainly in Article 7 that “all Lebanese are equal before the law. They equally enjoy civil and political rights and equally are bound by public obligations and duties without any distinction”. (Lebanese Constitution as amended 1990 [Lebanon]). It does not state that, to parrot George Orwell, some Lebanese (i.e. men) are more equal than others (i.e. women), nor does it state that women are not

Lebanese. If my wife is Lebanese, then she has not only obligations and duties, but also “civil and political rights”. One of these rights is plainly the right to pass on her nationality, on an equal basis, just as men do. There can be no mis-interpretation, no doubt, no distinction: the highest law in the land makes this absolutely clear. That the citizenship law denies her this right is a shameful act on the part of a state which has failed signally and consistently, since the law was first written³ (Decree No.15, 1925) to bring the act into line with the constitution. The whining of politicians who perennially hide behind antiquated sectarian and tribal positions to promote their personal interests and perpetuate a sexist law founded in 19th century legislation of the Ottoman Empire and the French Republic, and long since superceded in both France and Turkey, has driven my wife to the point of disgust with the Lebanese body politics, and recently she has begun to ask whether we too should not follow so many other Lebanese into exile. We love this country, and will not willingly leave, but if needs must, and if this situation is not rectified, then eventually my wife’s position will prevail.

Brian Prescott-Decie is an Instructor of English and Cultural Studies at the Department of Humanities at the Lebanese American University.
Email: bprescott-decie@lau.edu.lb

ENDNOTES

1. The “illegitimate” child of a Lebanese mother can exceptionally acquire Lebanese citizenship in case the identity of the father is not known.
2. Law No. 343 concerning the right of the Lebanese female employee who is married to a foreign national to extend the benefits gained from the cooperative of governmental employees to her husband and children in case they are not included in any other scheme of benefits.
3. The Nationality Law was first written not by any Lebanese authority, but by an unknown French mandate official in the Grand Serail of Beirut in 1925 acting on a decree of the French High Commissioner of Grand Syrie-Liban of 1920.

REFERENCES

Center for Asia-Pacific Women in Politics (n.d.). *Antiquated laws violate women’s civil rights*. Retrieved April 23, 2010, from http://www.onlinewomeninpolitics.org/NewsFolder_Aug31/AntiquatedLawsViolate.doc
Decree No.15. (1925, January 19). Decree No.15 on Lebanese Nationality including Amendments [Lebanon]. Retrieved April 23, 2010, from <http://www.unhcr.org/refworld/docid/44a24c6c4.html>.
Immigration and Refugee Board of Canada (1997, June 1). Lebanon: Information on the June 1994 decree affecting Lebanese citizenship. Retrieved April 23, 2010, from <http://www.unhcr.org/refworld/docid/3ae6ab4e9c.html>.
Kawas N. (2010, April 22). Cabinet approves draft to grant foreign husbands residency after 1 year of marriage. *The Daily Star*. Retrieved April 22, 2010 from http://www.dailystar.com.lb/article.asp?edition_id=1&categ_id=2&article_id=114073#axzz0loEJo9u8
Lebanese Constitution. (1990, September). Lebanese Constitution as amended 1990 [Lebanon]. Retrieved April 23, 2010, from <http://www.unhcr.org/refworld/docid/44a24a674.html>.
Maktabi R. (2000). State formation and citizenship in Lebanon: The politics of membership and exclusion in a sectarian state. In N. A. Butenschøn, U. Davis, and M. S. Hassassian (Eds.). *Citizenship and the state in the Middle East: Approaches and applications*. USA: Syracuse University Press.

Testimony

This is Lebanon ...A Loaded Phrase

Thomas Hornig

When I explain that I’ve had eighteen continuous years of residence in Lebanon; eighteen years as a professor at the Lebanese National Conservatory of Music; eighteen years of marriage to a Lebanese woman; eighteen years of demeaning and costly work permit/ residence permit renewals; eighteen years of living with no social safety net, no social security, no protection under the law, and no retirement benefits; the hair-trigger response is always the same: “This is Lebanon”. This very loaded phrase is the ultimate deal-breaker. It implies apathy, frustration, a painful past and hopelessness. For a foreigner like me it represents an impasse, a ‘catch 22’.

The weight of the 1925 Citizenship Law has affected me and my family in many ways; ways that are subtle and profound. The devastating domino effect of the archaic 1925 Citizenship Law can be validated in the lives of thousands of husbands, children, and grandchildren who live here, work here, and contribute, in many fantastic and immeasurable ways, to Lebanon and Lebanese society... Here’s my story: Most of my students were born years after my arrival here. I am a civil servant. My wife is a civil servant. My daughter was born at the American University Hospital in Beirut. As a professor of music I hold the highest classification, reflective of my sixteen years of study. I pay taxes, insurance payments, water payments, electricity payments, tuition fees, house payments, car payments, and have done so for eighteen years. As civil servants, our combined salaries do not cover all of these costs and, to add insult to injury, I’ve been required to pay nearly \$40,000 in residency fees (\$2,000 each year x 18). Add this to health insurance and a very long list of exclusions such as public education and tax returns for families with children... It’s scary.

Now, as possibly the first American male to take up residence after the civil war in Lebanon, my first

years here were humbling. I was a guest and acted as such for many years... “Lebanon took me under its wing and treated me like a king” I often recount. Moving to another country is like being born again and frankly, for those first ten years I felt like a child. However, I am now 45 years old and as a provider, a father, and a husband I can no longer ignore the fact that I own nothing. My wife and I can no longer accept that our family has no social safety net, no protection under the law, no social security, and a very, very uncertain future with no retirement benefits. We desperately want our daughter to feel, and be seen as 100 percent Lebanese!

One cannot mention the citizenship law without using words like assimilation and identity. I often give the example of a Lebanese living in Germany who never learns to speak fluent German knowing that he/she will never be identified as a full citizen. This unfortunate inability to assimilate leads to an immeasurable loss of opportunity. For my daughter, like all of the other children born in Lebanon and denied their Lebanese nationality, there is an even more fundamental crisis of identity. At the age of nine how will she begin to answer the simplest but most important question of all: ‘Who am I’? Is she Lebanese or American? Is her mother tongue French, English, or Arabic? Is she Christian or Muslim? Is she culturally an Arab or Westerner? Where does she fit in?

The nationality question has served to censure the constitution, equality, and the rule of law! We all hold out hope that the thousands of husbands, children, and grandchildren who live, work, contribute, and will eventually die here will be granted a right which is, was, and will always be inherently theirs!

Thomas Hornig, Professor of Saxophone at the Lebanese National Conservatory of Music.
Email: info@tomhornig.com

Why the Lebanese NGOs didn't Succeed in Reforming the Citizenship Law?

Nayla Madi Masri

Allow me on behalf of thousands of Lebanese women married to non-Lebanese men to raise my voice high so that it reaches their Excellencies, Ministers and MPs... A woman says: “why does the Lebanese government grant a Lebanese man the right to pass his nationality to his children and wife, while it deprives a Lebanese woman from this right?” Where is the logic? Doesn't this undermine blatantly her citizenship rights and the principle of equality? Doesn't this undermine the rights of children, men, women, and the family combined? Isn't this regarded as a violation of human rights and unfair discrimination between men and women? This shouldn't be the case given that the Lebanese Constitution acknowledges the principle of equality among citizens as do all international agreements ratified by Lebanon, namely the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

I write these lines while my mind is flooded with memories of cases of households of Lebanese women married to non-Lebanese men, whom I met while conducting a study on the status of Lebanese women married to non-Lebanese men within the framework of the National Committee for the Follow up on Women's Issues (NCFUWI) and the United Nations Development Program (UNDP) project on Lebanese women's rights and the citizenship law (Charaffedine, 2010). The study revealed that between 1995 and 2008, 18,000 women suffered from the repercussions of the citizenship law, i.e. an average of 80,000 women, children, and men. It is noteworthy that all the cases are similar irrespective of social status, nationality of husband, confession, and geographical location.

Women are blatantly discriminated against when it comes to the injustice inflicted by the citizenship law which undermines their complete and efficient citizenship. This law does not only prohibit them from exercising their fundamental rights as female citizens, but it preemptively confiscates the rights of their children as human beings. The citizenship law has become obsolete and no longer meets the ambitions and needs of the Lebanese society. Hence, this ever-present issue has to be addressed from all angles be they historical, legal, or social dimensions. Here civil society plays an important role.

No one can deny that the NGOs in Lebanon have undertaken great efforts to amend the discriminatory law of the land. Why have they not succeeded so far in reforming the citizenship law? What are the difficulties and challenges they are confronting?

According to Fahima Charafeddine (2005) the Lebanese women's movement is an itegral part of the Arab women's movements that was established in the early stages of the twentieth century where the first women's union was founded in 1921. This raises a big question mark about the achievements made by the Lebanese women's organizations. As part of Lebanese civil society, women NGOs have managed to highlight the citizenship law issue as a prominent social issue that constitutes a blatant violation of human rights. Non-Governmental Organizations have succeeded in generating media interest in the issue. Thus, the audiovisual and print media have allotted air time and columns to discuss this problem through presenting live testimonies

and hosting specialists in the field such as lawyers, social workers, and psychologists to talk about the issue. Studies and campaigns were also prepared, such as the project on the Lebanese women's rights and the citizenship law funded by UNDP and implemented by NCFUWI between 2008 and 2010, and the campaign on “Nationality is my right and the right for my family” conducted by the Collective for Research and Training on Development - Action (CRTD.A) and other NGOs.

Thus, interest in the topic has also grown among civil society in general. Lobbying, research, training sessions, and demonstrations have been dedicated to this issue. The question remains, why hasn't this problem been solved yet? Why couldn't Lebanese women's organizations fulfill their promises to amend the citizenship law? What are the major excuses given by Lebanese politicians and legal experts who successfully prevent any changes in the present law?

In a political and sectarian system based on sharing power between confessions, numbers play an essential role in defining constituencies and determining their future. In Lebanon the last census was carried out in 1932 by the French mandate. All further census taking was blocked as a result of an attempt to cover up demographic changes. The lack of progress with respect to the citizenship law must be seen in this context. Sectarian logic has prevented a debate based on facts.

Thus, citizenship law became one of the doors that confessions want to keep closed. The political sectarian system has prevented the possibility of changing these laws till now.

Despite the efforts of the NGOs to reform the present law, this problem is still a main challenge preventing the Lebanese state from fulfilling its commitments to the international instruments it signed.

There are undoubtedly a number of factors that affect women's status in Lebanon. The two primary components include the inherent sectarianism and the patriarchal nature of society as we mentioned

before. There are 19 formally recognized religious sects in Lebanon.

We believe that these factors have not only affected women's status, but they have directly impeded the success of the women's advocacy movement in Lebanon.

Lebanese women have been very successful in making significant strides in society, particularly in comparison to other MENA countries; however, many obstacles still lay ahead. The patriarchal culture in Lebanon defines and intensifies many of these challenges, making it all the more difficult to eliminate laws and traditions that are based on male dominance.

Women's NGOs in Lebanon, though successful in bringing about a number of positive changes, have not united to create an effective, core movement capable of agreeing on key reform issues and to work together to achieve those reforms. This has primarily been a result of sectarian divisions and competition for donor funds towards the improvement of women's status. These obstacles will need to be overcome in order to develop a more unified women's advocacy movement in Lebanon.

Sectarian divisions have had a number of effects on the women's rights movement. As noted, the Lebanese people tend to identify more with their sectarian affiliation than with their national identity. This tendency works against women's advancement in several ways. First, even among women, the interests and priorities of the sect are held above issues of gender rights, giving women's issues less importance than other issues. Furthermore, each sect has differing views on reform, limiting women's ability to form a critical mass that transcends sectarian divisions and supports a national feminist agenda. In turn, this has led to weak coordination among women's NGOs and subsequently limited their ability to mobilize significant public support for improved women's status.

The allocation and availability of donor funds has also proven to be an obstacle to the formation of

a unified coalition for women’s rights. Though there is an increasing number of NGOs committed to improving the status of women in Lebanon, these NGOs remain largely in competition with one another for donor funding. Additionally, NGOs often veer away from their original causes to accommodate donor priorities and secure additional funds. Donors also contribute to the movement’s fragmentation through a lack of coordination among one another in the programs they fund, leading to a duplication of efforts among groups that already have difficulty collaborating.

It is also noteworthy that protest activities organized to support women’s issues do not attract a large number of participants. One reason for this could be that NGOs lack the ability to mobilize public support as we mentioned above. This is due to many factors, mainly lack of national coordination and strategy, lack of a media strategy,

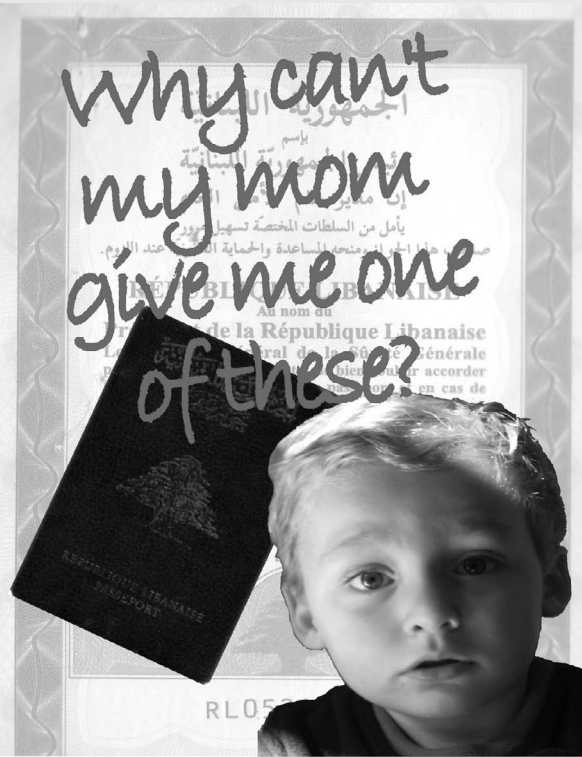
as well as the political affiliations of some civil society associations and their members.

The heterogeneous nature of Lebanese society often means that the simplest issues become issues of high politics. As Marguerite Helou (2010) has pointed out, issues related to the survival of communities, their identity, share of power, and loyalty to the group supersede any other loyalties. This type of culture acts against women’s advancement in two ways at least. First, issues of gender equality are usually pushed down on the list of group priorities (especially in sectarian religious cultures) and second, the political behavior of women, as that of men, tends to serve the interests and priorities of their sect over gender and human rights issues thus consecrating a culture that works against them.

In summary, it should be reaffirmed that the civil society organizations (NGOs, political parties, syndicates etc.) can play an active role in spreading the principles of human rights. They have the ability to form pressure groups to reform the discriminatory laws across all sectors of society.

In order for this to take place in the Lebanese context, the following are necessary:

- Coordinating between all NGOs to achieve their goal to form one pressure group to lobby for change;
- Putting in place an agenda with prioritized issues;
- Taking into consideration the benefit of the recipients and not merely personal benefit and profit;
- Organizing local grass root workshops on democratic governance and the meaning of citizenship. By necessity, these would include discussions of the rights and obligations of citizens and the role of citizens in a democratic context;
- Creating partnerships with advertising agencies and different media outlets to promote articles about these issues and make them available to as wide a public as possible;
- Creating partnerships with parliamentarians and other stakeholders to enhance civic oversight over state performance in the areas of human rights; the aim would be to build partnerships between parliamentarians and international and national



organizations working on human rights issues. Specific indicators that would measure performance on these issues can be established; these would also help establish international human rights and democratic standards into everyday practices.

- Lobbying for a new citizenship law; one that grants expatriates the rights to Lebanese citizenship if they meet a collective set of criteria (such as they were born in Lebanon, have lived in Lebanon for a set number of years, have a permanent residence, etc); under this new law, Lebanese women would also be granted the right to pass on their nationality to foreign-born spouses and children.

A prerequisite for the above is that leading women’s NGOs, and civil society in general, sever their ties to political parties and religious institutions. Furthermore, an overall political will must develop to achieve real progress in the field of nationality

legislation, and citizenship law with respect to women in particular.

Moreover, we believe that lobby groups should be formed to advocate on the basis of issues and not partisan politics. NGOs should coordinate among each other to prioritize the common public interest and not their own particular interests. We should bear in mind that affiliation with human rights transcends any identification with politics in order to boost human rights in the country, especially the human rights of women. In conclusion, reforming the citizenship law is not a political option, but rather a human rights necessity.

Nayla Madi Masri is a women’s rights activist.
Email: naylamadi@yahoo.fr

REFERENCES

Charaffedine, F.(2010). *Status of Lebanese women married to non-Lebanese men*. Beirut: NCFUWI & UNDP.

Charafeddine, F.(2005). *A perusal in the history of the Lebanese women movement*. ESCWA.

Helou, M. (2010). Lebanon country profile on women’s rights within the framework of SWEMENA project. International Foundation for Electoral System (unpublished).

Citizenship, Gender, and the Arab World

Rawan Arar

We sat on suitcases filled to the brim in the living room of my aunt’s house, waiting for an uncle to take us along the scenic airport road to the imminent Delta flight awaiting. My mother turned to me and said, “Don’t forget what I have been telling you”. I acknowledged her comment with an, “I knnnnnnnnow, Mom”. Picking up on my dismissive attitude, my mom began to unhook three delicate bracelets from her wrist.

The first was silver metal, twisted, with gold beads at every juncture. As she fastened it to my right wrist she said, “When you look down, this bracelet will remind you to be aware of the clothes you wear. Clothes are not just clothes; they reflect upon your intentions and your character”. The second bracelet was more gold than silver, a series of diamond shapes chained together. “Be aware of your voice”, my mother said. “This bracelet is to remind you not to laugh so loud in public. Your voice is as important as the words that you speak”.

The third bracelet was just a thin gold chain; “Remember, you aren’t an American girl here”, she said. “You may have grown up in the United States, you may have an American education and an American lifestyle, but no one here will think of you as an American girl. You are *bint* Mazen (i.e. the daughter of Mazen), your father’s daughter”.

I smiled, hugged her, pointed to my left wrist, and said, “I still need a few more bracelets to remind me to be polite, chew my food, and...”

I left the Lone Star State of Texas in the summer of 2009. My first month in Jordan was spent with

my mother, father, and youngest brother, while my other brother stayed behind to finish up another round of summer school. We spent that month visiting relatives and eating. Soon enough, it was time for the rest of the family to go back home while I began my adventure in the homeland.

Below are some of those experiences:

The zipper to an outside compartment on my old Nine West wallet broke about two months ago, but I still carry it around unfazed. It was probably the result of clumsily shoving change and receipts into an already bloated wallet. In the clear plastic cardholder is my Texas driver’s license. Although I am from Texas, I have spent the last year living in Jordan and traveling throughout the Arab world as a Rotary Ambassadorial Scholar.

There are a couple of credit cards and a few school IDs: high school, undergrad, and grad school. The first flap has some money in it; the second has a few receipts and keepsakes. Each item says a little something about me, indicating decisions I have made to shape my life and my experiences.

Nestled between foreign currency and old family photos, are two 25-page booklets—passports. As an American citizen abroad, I carry an American passport with me. Because my parents emigrated from Jordan, I am also Jordanian and carry the Jordanian citizenship.

The foreign currency tells stories of places I’ve been, while family photos show where I came from. My

school ID cards are representations of where I want to go in life and who I want to become. But my passports, those were given to me. I did not earn them.

I did not earn my citizenship. I am thankful to have a place (or two places) I can call home; however, I did not earn the luxury, opportunity, and allowances that my citizenships provide me. I have become acutely aware of my citizenship while living in the Middle East because of the pervasive role it has played in shaping my encounters.

“Her name is Jamila”, our guide explained as he stroked the back of the camel’s neck, “*Jamila*, meaning beautiful in Arabic”. We stood in the yellow desert, ready to mount camels for an excursion around the pyramids. “I know what Jamila means”, I told him, “I’m Arab”. From that point on, I was treated differently – respected more as an Arab woman.

No trip to the Arab world would be complete without a visit to the great pyramids of Giza in Egypt. I took the trip with a Canadian friend of mine, Julie. Julz has long brown hair, bright blue eyes, and pale skin. I have dark brown, almost black hair, brown eyes, and olive skin. Standing next to Julz, people seemed to assume I was Latina on vacation with my white friend.

Two camels were joined together by a less than intricate rope system, and I rode the one in front. We bounced our way on camels through the desert, to the pyramids, and then the sphinx. The sky was a cloudless blue and the air was crisp against the blazing sun.

Along the way, other guides and men selling knickknacks or water would yell out sexual innuendos and other sexually-charged comments in Arabic, sometimes congratulating our guide for escorting two young women.

Our guide would respond urgently with, “She’s Arab! You are being disrespectful!” or “She can understand what you are saying. She’s Arab”,

quickly bringing the exchange to an immediate halt. Then he would turn to me and apologize profusely.

I got the suspicion that had I been Canadian, for example, my guide would not have worked so hard to “defend my honor”. After all, no apology was given to my blue-eyed friend.

Arab women, in comparison to non-Arab women, are held to different standards and expectations, especially when it comes to modesty and sexual prudence. Non-Arab women are expected to be more promiscuous; therefore, more accepting of sexual advances. Non-Arab women, especially white women, are portrayed as sexually active in Western media, which greatly influences Eastern impressions.

This is not to say that Westerners are not respected within Arab culture, which couldn’t be further from the truth. The West is many times looked to for guidance and progress, especially when it comes to education. When visiting the Middle East, Westerners are particularly respected as guests. In fact, there have been many occasions when I have played up my Americanness for some special treatment.

Arabie shway ishway, spoken in poor grammar means, “I only speak a few words of Arabic”. It has become a euphemism for “You [any service person] are ignoring my needs, and I would like some help please”. The exchange would inevitably lead to the, “Who? What? Where? and Why?” conversation. I would put on my all-American girl living in Jordan to learn a thing or two about her roots hat, and magically the problem would be solved.

“I spy something red”. It is amazing how eight hours at the Syrian border can revert your entertainment standards all the way back to the first grade.

The Syrian border is actually a very welcoming place with restaurants, a great duty-free shop, and beautiful gardens. As a Jordanian, I was given a visa upon arrival, which took no more than fifteen

minutes. I was traveling with two Americans, however, and decided to experience the waiting game.

Although we waited for eight hours until finally being able to enter Syria, the men working at the border were exceptionally kind. Throughout our stay, one man apologized for the inconvenience, another suggested places for us to eat, and a third encouraged us to relax in the garden assuring us that he would bring the good news when the time came.

In the end it was a long wait, but not an unpleasant one. The experience was a stark realization of citizenship and the way a small 25-page booklet can control one’s movement.

A few months later, I traveled to Jerusalem. This time, instead of being a Jordanian, I was an American.

Unlike Americans who are able to enter Israel/Palestine by showing up at the border, Jordanians must apply for a visa in advance without a guarantee that those efforts will be fruitful. Many individuals with Jordanian passports are also Palestinian; therefore, visiting their land of origin is a special and emotional opportunity.

I traveled with three other American friends; I was the only person with dual citizenship. Because of my background, my citizenship, and my race, I was treated differently and questioned.

I was allowed to enter Israel/Palestine, but not as a Palestinian. I was able to visit the country that my family is from as an American. I saw a tree that my great grandfather planted - the biggest in what once was a small village. My father used to sit under it and study or just read.

My family members waited in anticipation to hear me retell my experience. They asked about the weather, the scenery, the food, the occupation, and that great big tree. Many of them are unable to visit Israel/Palestine. I felt privileged and guilty. I did not earn my freedom of movement...my citizenship.....

I spent some time in the Baq’a refugee camp at an all girls’ school getting to know the students. After sitting in on a few classes, we shared a free period together. They were wide-eyed with curiosity, and inquisitive about every aspect of my life. They asked about my family, my schoolwork, my hobbies, and most of all - America.

The girls surrounded me like a football huddle, getting closer with each question. The conversation led to discussions about the Palestinian struggle, their experiences in the refugee camp, forms of resistance, and their futures.

One girl, who was aloof at first but warmed up to me the longer I was there, asked about citizenship. “We have never known Palestine”, she said as her brow wrinkled with emotion. “Jordan is the country we have grown up in”.

Now, every girl in the room was quiet, intently listening.

“Our teacher asked us”, she continued visibly disturbed by the question that would follow, “What country do you love more, Jordan or Palestine?”

Before she could finish the question, another young girl interrupted, “We didn’t know what to say. Jordan is the country that fed us, clothed us, and gave us a home”.

Another interjected, “We don’t want to be ungrateful”.

“But Palestine is under occupation. It is not Palestine’s fault that we can not live there”, a voice from the crowd retorted.

A few girls broke out into side discussions to further explore the topic among themselves; one girl started to cry. Everywhere I looked the girls were emotionally engaged in this very serious discussion, waiting for me to respond. I knew exactly what to say.

I felt like my entire education was leading up to this one moment. I stood there, about a foot higher than

the group of girls surrounding me, most of them looking up waiting to hear my response.

I stood as an American, a Jordanian, a Palestinian, and a woman. I was me, without strategically having to navigate my citizenship, without the exclusivity of one identity over another.

“No one has the right to ask you such a question”, I told the girls.

“It is like asking which arm do you love more: your left or your right. You can love, respect, and appreciate Jordan – the country that has fed, clothed, and educated you. And you can love, respect, and appreciate Palestine – the country where you come from, the country that has given you an identity, and the country that you struggle everyday for”.

I watched their conflicted faces relax. In a few sentences, the conversation turned to pop stars, artwork, and other thirteen/fourteen year old girl topics.

Service Above Self – that is Rotary International’s motto. As a Rotary Ambassadorial Scholar, one of my responsibilities is to volunteer my time doing public service in my host country (Jordan). However, as much as I try to give back, I can never repay the Arab community for the paradigm-changing lessons I learned about citizenship, opportunity, and responsibility.

Rawan Arar, M.A. in Women’s and Gender Studies,
University of Texas at Austin.
Email: rawanarar@yahoo.com

Call for Submissions

Al-Raida is always looking for contributors to write articles about women in the Arab world.

If you are a researcher or a professional or freelance journalist please consider submitting reports on legislation, events, conferences, debates, exhibits, and performances related to women in the Arab world or Arab women in the diaspora.

For more information about our forthcoming issues, thematic call for papers, and stylistic guidelines kindly visit our website at <http://www.lau.edu.lb/centers-institutes/iwsaw/raida.html>

Fact Sheet - Nationality Law

The information in this fact sheet is taken from the country profiles published in the book *Women’s Rights in the Middle East and North Africa: Citizenship and Justice* published by Freedom House (www.freedomhouse.org). Reprinted with permission from Freedom House.

Algeria

The new code has brought a number of positive changes including Algerian women’s right to transmit citizenship to their children. Since 2005, the amended nationality code has recognized Algerian women’s ability to transmit citizenship to their children when the father is a foreigner. Article 6 of the new code stipulates that a child is considered Algerian when born to a father or a mother of Algerian citizenship. However, Article 26 subjects this provision to the approval of the Ministry of Justice. In light of the change to the code, the Algerian government recently withdrew its reservation to Article 9(2) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Article 9 of the code also recognizes the ability of a man to acquire Algerian citizenship when he marries an Algerian woman and the couple lives in Algeria.

The new code ensures Algerian women’s right to transmit citizenship to their children. However, most women’s rights groups continue to regard the amended code as far too hesitant to create true gender equality.

Bahrain

Nationality law currently allows only men to pass citizenship to their children and foreign-born spouse. Bahraini women are unable to pass their citizenship to their non-Bahraini spouses, even though Article 7 of the Bahraini Citizenship Law of 1963 permits male Bahraini citizens to do so. Moreover, the law stipulates that children may only receive Bahraini citizenship from their father, and the child of a Bahraini mother and a foreign father may not receive his mother’s nationality. In September 2006, over

370 children of Bahraini mothers and noncitizen fathers were granted Bahraini citizenship, but this was an ad-hoc decision made at the discretion of the king, and there is no guarantee that such an act will be repeated again. In November 2008, in an effort to provide consistency and a legal foundation in such cases, the Supreme Council for Women (SCW) recommended amendments to the citizenship law that would permit children from these unions to receive Bahraini citizenship after certain requirements are met.

Momentum for a change to the nationality law continued to build throughout 2009, spurring hope for government’s action. In May, a Bahraini woman and her foreign husband filed a petition in court challenging the constitutionality of the law. In June, the government extended a waiver for government fees - such as those related to health care, education, and visas—to all stateless children and children with Bahraini mothers who are nationals of their father’s country. Although this eases some of the day-to-day difficulties experienced by these children, legal inequality persists. By July 2009, the SCW officially announced the launch of a major lobbying campaign to amend the nationality law.

Egypt

Despite recent legislative reforms, women do not enjoy the same citizenship rights as men. The parliament amended the nationality law in 2004, allowing the children of Egyptian mothers and foreign fathers to obtain Egyptian citizenship, but the law still prohibits such children from joining the army, the police, and certain government posts. Moreover, those born before the reform’s enactment

had to apply for citizenship within one year or permanently lose the right to become citizens. The law continues to deny citizenship for the children of Egyptian mothers and Palestinian fathers. Prior to the 2004 amendment, Egyptian women married to foreigners could not pass their citizenship to their husbands or children, even if they lived permanently in Egypt. The ban on women passing their citizenship to their foreign spouses has been retained, although no such restriction is placed on Egyptian men married to foreign women.

Egypt ratified CEDAW in 1981. It placed reservations on Article 9(2), regarding the right of women to pass their nationality to their children; Article 16, related to equality within marriage; Article 29(2), on the resolution of disputes related to the convention; and Article 2, which calls for the implementation of policies designed to eliminate gender discrimination, on the grounds that this could violate *shari’a* in some cases. The reservation to Article 9(2) was lifted in 2008 after the nationality law was amended to allow women to transfer citizenship to their children. However, the other reservations remain.

Under amendments to the child law (No. 12 of 1996) made in June 2008, Article 20 now permits illegitimate children to receive birth certificates in the mother’s name if the father is unknown. Previously, such children were left without an official identity unless their fathers voluntarily claimed them. If left unclaimed, they were denied all citizenship rights, including the right to vaccinations, education, and Egyptian nationality. The new provision greatly helps children born out of wedlock or resulting from *urfi* marriages, although on the societal level, such children often remain stigmatized.

Iraq

Iraq now has one of the most progressive laws regarding citizenship rights in the Arab world, although the law falls short from guaranteeing full gender equality. Article 18 of the constitution guarantees that every child born to an Iraqi father or mother has the right to Iraqi nationality, and Article 3(a) of the Nationality Law (No. 26 of 2006) reflects this principle. The subsequent provisions,

however, place some gender-based limitations on conferral of nationality from mother to child. For example, according to Article 4, persons born outside Iraq to an Iraqi mother and unknown father – or a father with no nationality – can obtain Iraqi nationality upon petitioning the Ministry of Interior, provided that they fulfill certain residency and age requirements. No such conditions are placed on children born to Iraqi fathers. The new Nationality Law provides for the naturalization of the husband of an Iraqi woman as well as the wife of an Iraqi man; in the past this right was restricted to Iraqi men married to foreign women. In addition, Iraqi women can now confer their property to their non-Iraqi husbands and children after they become Iraqis. However, foreign husbands of Iraqi women need to reside at least 10 years in Iraq before they may apply for citizenship (Article 6), whereas foreign wives of Iraqi men qualify after five years (Article 11).

Iraq acceded to CEDAW in 1986, but with reservations exempting it from conforming to Article 2 (f) and (g), which call on states to modify or abolish existing laws and penal codes that discriminate against women; Article 9, which requires equal rights regarding changes and transfers of nationality; and Article 16, which concerns the elimination of discrimination in marriage and family relations. Iraq also filed a reservation on Article 29, paragraph 1, with regard to the principle of international arbitration on the interpretation or application of the convention. In practice, the former regime disregarded CEDAW at will. The current government has not discussed ratifying CEDAW or revoking the existing reservations.

Article 14 of the 2005 constitution states that Iraqis are equal before the law and bars discrimination based on “gender, race, ethnicity, nationality, color, origin, sect, belief or opinion, or economic or social status”. Unfortunately, there is no practical enforcement of this principle at present. The various parties of the government and parliament hold different views on women’s rights, and many are firmly attached to traditional views that oppose the empowerment of women. Even if some factions support women’s rights to a certain degree, they are

often unable or unwilling to assert their views and antagonize those who differ with them.
.....

Jordan

While Jordanian women now largely enjoy legal equality on issues such as freedom of movement, health care, education, political participation, and employment, they still suffer from discriminatory statutes like the nationality law, which bars them from passing Jordanian citizenship to their spouses or children. Women also face gender-based discrimination in family laws, in the provision of pensions and social security benefits, and on the societal level due to deeply entrenched patriarchal norms. These legal obstacles, combined with domestic violence and traditional societal restrictions on the scope of female employment and property ownership, have prevented many women from fully participating in the economy or achieving financial independence. Divorced women, the elderly, and widows are most likely to experience poverty and deprivation, and they are often forced to depend on relatives, friends, or welfare support.

Under the Nationality Law (No. 6 of 1954), all children of Jordanian fathers are Jordanian nationals, regardless of where the children are born, and Jordanian men can transfer their citizenship to foreign spouses. By contrast, Jordanian women married to non-Jordanian men cannot pass their citizenship to their children or husbands, although they may retain their own Jordanian citizenship. The government maintains that allowing women to transfer their citizenship to their husbands and children would encourage the immigration and assimilation of non-Jordanians, particularly Palestinians, which in turn would undermine the effort to secure Palestinian statehood and the right of return for Palestinian refugees.

Lack of Jordanian citizenship creates obstacles for children, including a requirement that they pay fees to attend government schools, whereas the primary education is free for citizens. The alternative – enrollment in private schools – entails high tuition payments. Noncitizen children and spouses require a yearly residency permit to access government

health services, and under the Law of Residency and Foreigners’ Affairs (No. 24 of 1973), they must each pay 400 dinars (US\$564) in annual residency fees.

Jordan signed CEDAW in 1980 and ratified it in 1992, although the country included reservations concerning Article 9(2), on nationality; Article 15(4), on freedom of housing and movement; and Article 16(1), paragraphs (C), (D), and (G), related to marital, custody, and personal status issues. In May 2009, Jordan formally reported that it was lifting its reservation on Article 15(4), leaving just two reservations in effect. The convention’s publication in the official gazette on August 1, 2007, represented a key step toward its full implementation. The move was the result of persistent efforts by the majority of women’s organizations, and had the effect of giving CEDAW the force of law. Any violations of the convention can now be challenged in court through lawsuits, although it remains to be seen whether this will be an effective mechanism in practice.
.....

Kuwait

Female Kuwaiti citizens remain unable to confer their nationality on their children or foreign-born spouses, while Kuwaiti men are permitted to exercise this right. A Kuwaiti woman married to a foreign national can transfer her nationality to her children only if the father is unknown or has died, or if there has been an ‘irrevocable’ divorce. Conversely, the foreign-born wife of a Kuwaiti man may become a Kuwaiti national after 10 years or less of marriage.

Women’s rights activists are generally free to advocate openly against discriminatory laws and women’s unequal access to justice. Although activists and organizations, in particular the Women’s Cultural and Social Society (WCSS), have lobbied for laws that would permit women to pass their Kuwaiti citizenship to their noncitizen children, the government has not taken any measures to address gender inequality in nationality laws.

The government should amend the Kuwait Nationality Act of 1959 to ensure that Kuwaiti women have the same rights as Kuwaiti men to transfer citizenship to their children and foreign-born spouses.

Lebanon

Progress on women’s issues since the 2006 war has been minimal, and many Lebanese policies and laws remain discriminatory. For instance, Lebanese women are unable to pass their nationality to foreign husbands and their children, the definition of and punishment for adultery differs depending on whether the perpetrator is male or female, and men are given reduced sentences for committing so-called “honor killings,” in which women are slain by male relatives for perceived moral transgressions. Systemic bias is also reflected in discriminatory provisions of the multiple personal status laws, which apply to citizens based on their religion. Under these laws, women are at a disadvantage in terms of marital rights, divorce proceedings, and child custody.

In comparison with many other Arab states, the Lebanese legal system is fairly progressive with respect to women’s rights, but the implementation of laws that assert gender equality has been uneven. Moreover, discriminatory provisions remain in the nationality law and penal code, and sectarian control over personal status law – reinforced by patriarchal social norms – generally puts women at a disadvantage. The country’s many women’s rights organizations have lobbied vigorously for legislative improvements, and the government has also taken steps to upgrade women’s legal status, but major reforms have failed to win approval in the parliament in recent years.

Certain provisions of the Lebanese Nationality Law (No. 15 of 1925) exemplify such discrimination. The foreign husbands of Lebanese women and their children have no right to obtain Lebanese nationality; even upon the father’s death, the minor children may not adopt their mother’s nationality. Article 2 states that a Lebanese woman may pass on her nationality to her child only when the child’s father is unknown. Under Article 5, a foreign woman married to a Lebanese man may become a Lebanese citizen after one year of marriage. The children resulting from this union are automatically considered Lebanese under Article 1. A woman’s inability to pass her Lebanese nationality to her foreign husband and children has serious repercussions on the entire family. Both the husband

and children must continuously secure residency and work permits in order to live and work legally in Lebanon, which is a tedious and time-consuming process. As residents rather than citizens, the children also lack the rights that nationals enjoy regarding access to education.

Defenders of this type of discrimination argue that it protects the fragile balance between the country’s various religious sects, since the extension of citizenship to male Palestinian refugees married to Lebanese women, and to their children, would greatly increase the number of Sunni Muslim voters. Reflecting this concern, a draft nationality law that is currently being considered by the parliament would allow Lebanese women to pass their nationality to their foreign husbands and children, unless the husband is Palestinian. The nongovernmental organizations (NGOs) involved in the reform effort have objected to this draft, noting that discrimination against women is simply being replaced by discrimination against Palestinian men. In 2003, the Directorate General of Public Security attempted to address this situation by adopting a measure that grants residency permits free of charge and for a period of three years to the children of a Lebanese mother, whatever the nationality of the husband. While this offers some relief to the children involved, it does not alter the fundamental gender discrimination found in the existing law.

Lebanon ratified CEDAW in 1997 with reservations to Article 9(2), regarding nationality; to several subparagraphs of Article 16(1), related to personal status laws; and to Article 29(1), on the settlement of disputes. The reservations related to personal status are premised on the fact that Lebanon lacks a unified personal status law. Establishing such a law and lifting these reservations is of primary importance if gender equality is to be secured. The right of Lebanese women to pass their citizenship to their husbands and children is an issue of particular concern to many activists. The Collective for Research and Training on Development–Action (CRTD-A) launched a campaign in 2002 entitled “My Nationality Is a Right for Me and My Family.” In early 2006, CRTD-A secured support for this initiative from leading politicians and members

of the parliament’s Women and Children’s Rights Commission. The campaign continues to date and receives notable media coverage despite continuing political and security-related instability. In 2008, the UN Development Programme (UNDP) began a two-year citizenship project in coordination with the National Committee for the Follow-Up of Women’s Issues.

The nationality law should be amended to allow Lebanese women to pass their nationality to foreign husbands and children. Specifically, Article 1 of Decree No. 15 of January 19, 1925, should be amended to read that any person born of a Lebanese father or mother shall be considered Lebanese.

Libya

Women have the right to full and equal status as citizens and enjoy the same rights as men regarding the right to acquire, change or retain their nationality, or replace it with another nationality. A Libyan woman forfeits her citizenship only if she wishes to adopt her foreign husband’s nationality. However, unlike Libyan men, Libyan women do not have the right to transfer their nationality to their foreign-born spouses or the children of such unions. While the children of a Libyan father and foreign mother are granted Libyan nationality, children of a Libyan mother and foreign father are not and require visas to enter the country if they reside abroad.

In 2007 the government issued a decree ruling that children of Libyan mothers and non-Libyan fathers cannot attend public schools unless they pay a fee of 800 dinars (US\$646). However, the General People’s Committee, the executive arm of government, later ruled that fees may be waived for families that cannot afford them. Families headed by Libyan mothers and foreign fathers are also discriminated against in that they are deprived of a family book (official documentation that permits access to certain state benefits such as subsidized food) and are not permitted to obtain loans. They are similarly excluded from state payments to families following the birth of a child.

Morocco

Whereas the 1998–2003 period was characterized by a flurry of ideological and political debates about women and their rights in Morocco, the period extending from 2004 to 2009 was characterized by a calmer legal discussion over the gains and implementation of the new family law, the new labor code (promulgated in December 2003), and the revised nationality code (which took effect in April 2008).

It is at the level of the law that Moroccan women’s rights have achieved the most significant gains, and the last five years have been particularly rich in this regard. A revised nationality code passed in 2007 eased women’s ability to pass citizenship to their children, the country lifted its reservations to CEDAW in 2008, and the *Moudawana* enacted in 2004 is now considered one of the most progressive legal texts in the Arab world. However, the implementation of that law is still problematic, and little headway is being made despite the sustained efforts of both women’s rights activists and the government.

Thanks in part to the efforts of women’s groups, particularly the Democratic Association of Moroccan Women, a new nationality code was passed in January 2007, thereby improving gender equality with respect to citizenship rights. Article 7 of the new law, which came into force in April 2008, enables women married to noncitizen men to pass their nationality to their children. However, the only children eligible for citizenship under this provision are those of a Moroccan woman and a Muslim noncitizen man who married in accordance with the *Moudawana*. In practical terms, Moroccan women married to non-Muslim men and those married outside of the country and its laws are excluded by the code. Furthermore, while foreign wives may receive Moroccan citizenship within five years of marriage to a Moroccan man, the foreign husbands of Moroccan women remain altogether ineligible for Moroccan citizenship. Although imperfect, the amendments to the code provide significant benefits for children with Moroccan mothers and noncitizen fathers who were previously excluded from receiving the free education and health care available to citizens.

In a move that bore both symbolic and substantive meaning for women in Morocco, the government announced on December 10, 2008, the 60th anniversary of the Universal Declaration of Human Rights, that it would lift all reservations to CEDAW. When it ratified the convention in 1993, Morocco, like many other Arab and Muslim countries, made multiple reservations and declarations covering portions that were thought to conflict with Islamic or national law. The reservations include provisions such as that related to Article 9, which relates to the transmission of nationality to children, and to Article 16, regarding the equality of men and women’s marital rights. The king declared that the reservations were “obsolete” in light of the progressive legislation adopted in recent years. The public proclamations regarding their removal created a stronger legal basis for additional progress on women’s rights issues, and carried a political and universal message that was widely applauded by civil society. The government and the media did not adequately explain the content of the convention or the implications of the decision to withdraw the reservations. However, the Moroccan Association of Human Rights and similar organizations are determined to ensure that CEDAW is fully implemented and that all discrimination against women is eradicated.

Palestine

Palestinian women do not have the same citizenship rights as men. Citizenship rights are still governed by the laws and regulations in effect before the 1967 Israeli occupation: the Jordanian nationality code (No. 6 of 1945) and its amendments are applied in the West Bank, while the Egyptian nationality code applies in Gaza. Both codes allow only men, not women, to pass their nationality to their spouses or children. In addition, a woman loses her nationality if she marries a non-Palestinian, unless she submits a written application to the minister of interior within one year following her marriage. In practice, however, women married to non-Palestinians are not always asked by the Ministry of Interior to give up their Palestinian nationality.

Palestinian women and men from the West Bank and Gaza who marry Palestinians with Israeli citizenship

face difficulty in transferring citizenship to their family members. Although the 1952 Israeli nationality law provided citizenship rights to Palestinians residing in Israel at that time, it did not entitle Palestinian citizens of Israel to family reunification with foreign spouses and children. In July 2003, the Israeli government enacted the Citizenship and Entry into Israel Law (Temporary Order) following a May 2002 freeze on applications for family reunification between Israeli citizens and Palestinians from the West Bank and Gaza. The law prohibits Palestinians from the occupied territories who are married to Israeli citizens or permanent residents (such as Palestinian residents of East Jerusalem) from receiving Israeli citizenship or residency. This measure affected 21,000 families as of 2004, and applies to even more today, forcing spouses as well as parents and children to live apart. On May 15, 2005, the Israeli cabinet endorsed a continuation of the law with limited exceptions depending on the age and sex of the Palestinian spouse.

Oman

Preliminary discussions regarding how to implement CEDAW are underway after its February 2006 ratification. The Ministry of Social Development (MSD), charged with supervising ‘women’s issues,’ is the governmental body most responsible for CEDAW’s implementation. Oman has made a general reservation to ‘all provisions of the Convention’ not in accordance with *Shari’a* law, and has specifically made reservations against Article 9, paragraph 2 (granting women rights equal to men in respect to deciding their children’s nationality), Article 15, paragraph 4 (granting women equal freedom of movement and choice of domicile as men), Article 16, paragraph 1 (granting women equal rights regarding marriage and family life), and Article 29 (regarding arbitration of conflicts arising from the convention).

Qatar

Overall, equality and access to justice have improved since the enactment of the new constitution, which specifically prohibits gender-based discrimination. The creation of the Constitutional Court in 2008, a

division of the Supreme Court, should help enforce this prohibition and encourage its implementation throughout Qatar’s laws and policies, although only time will tell whether it is an effective institution. Although the principles of equality and non-discrimination are enshrined in Qatar’s constitution, de jure and de facto gender discrimination continue to exist. Noncitizen husbands of Qatari women and their children are greatly disadvantaged in their ability to obtain Qatari citizenship, particularly as compared to the noncitizen wives of Qatari men and their children. The government, and especially the Supreme Council for Family Affairs (SCFA) and the Qatar Foundation for the Protection of Women and Children, has made efforts to inform women of their legal rights and provide them with social and legal services. However, the 2004 law governing private associations is so restrictive that independent women’s rights NGOs remain nonexistent, thereby limiting civil society’s influence on related legal and policy issues.

Qatari women have limited ability to pass their nationality to their non-Qatari husbands and children. The Qatari Citizenship Act (No. 38 of 2005) replaced its 1961 predecessor, a notoriously exclusive law that previously limited citizenship to descendants of those persons living in Qatar before 1930. The new law provides several avenues by which citizenship may be obtained, but it retains preferential treatment for native as opposed to naturalized citizens and continues to discriminate against Qatari women. For instance, Article 8 grants citizenship to the foreign wives of Qatari men after five years of marriage and upon notification to the Ministry of the Interior, but the noncitizen husbands of Qatari women face far more onerous preconditions for obtaining citizenship under Article 2.

Article 2 permits any person including noncitizen husbands and children to seek Qatari citizenship subject to extensive restrictions. The applicant must have maintained 25 successive years of residence in Qatar; traveled abroad for less than two months each year; maintained legal employment; established a good reputation and maintained good behavior; and learned to communicate adequately in Arabic. As noted by the NCHR, the 25-year

residency requirement limits this law’s value because children’s needs for the benefits conferred by citizenship, such as health care and education, are most acute while they are still young. On the other hand, children of native-born Qatari fathers gain full citizenship rights upon birth.

Article 8 of the citizenship act should be made gender neutral, thereby permitting all noncitizen spouses of Qatari nationals to become naturalized citizens after maintaining five years of residence in Qatar.

Kingdom of Saudi Arabia

In 2004 a royal decree affirmed the principle of equality between men and women in all matters relating to Saudi nationality, but women remain unable to pass their Saudi citizenship automatically to their noncitizen spouses and children. However, amendments to the citizenship law in October 2005 allow non-Saudis, including foreign-born husbands of Saudi women, to apply for citizenship if they have lived in the kingdom for at least 10 years and have professional qualifications deemed desirable by the Ministry of Interior. A new amendment in 2007 allows the sons of citizen mothers and noncitizen fathers to apply for Saudi citizenship once they reach age 18. Similarly situated daughters, however, may obtain citizenship only through marriage to a Saudi male citizen. While the 2007 reform in Saudi citizenship laws allows non-national women who have been divorced by Saudi husbands to apply for Saudi citizenship, Saudi women nationals married to non-Saudi husbands remain unable to pass their citizenship on to their children or spouses. However, their sons, but not their daughters, may apply for citizenship at the age of 18.

Additionally, Article 16 of the citizenship law was amended in 2007 to grant Saudi citizenship to noncitizen women married to or widowed by Saudi men on the condition that they relinquish any other citizenship. An additional amendment grants the government the discretion to revoke a foreign-born woman’s Saudi citizenship upon divorce if she has retained her original citizenship. These two amendments benefit women by letting them remain in the country to be near their children after being

divorced or widowed, but they also limit their future options for residence in their home countries by requiring renunciation of their original citizenship. Saudi Arabia ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2000, with reservations stating that the kingdom is under no obligation to observe terms of the treaty that contradict Islamic law. One such contradiction, noted by the CEDAW Committee that reviewed Saudi Arabia’s compliance with the treaty, involves the provision for equal citizenship rights between men and women, which goes against the presumed *shari’a* requirement permitting citizenship to be passed to children exclusively through fathers. The committee’s 2008 report was critical of Saudi Arabia’s compliance with the convention and called for Saudi Arabia “to enact a gender equality law”. Dr. Musfir al-Qahtani, deputy chairman of the Saudi National Society for Human Rights, responded by saying that laws related to marriage, inheritance, and women’s testimony, examples cited by the committee as discriminatory, are fixed by religious law, and are, by implication, non-negotiable.

Syria

Syria ratified CEDAW in 2003, sparking a flurry of activity among the existing women’s rights groups. However, the country filed several reservations affecting key provisions of the covenant. Although officials have indicated their willingness to revisit these reservations and more thoroughly implement the convention, few concrete changes have been instituted to date. The nationality law continues to prohibit women from passing on their citizenship to their children, while placing no such restrictions on men. This particularly affects the assimilation of the Palestinian population of about half a million and the more recent influx of about 1.5 million Iraqi refugees.

Article 3 of the nationality law permits only men to pass their nationality onto their children. Women married to noncitizen men may retain their Syrian citizenship but cannot transfer it to their husbands. Children of such marriages lack the rights of Syrian citizens, meaning they cannot inherit property,

cannot access free education and health care, and have difficulty obtaining employment generally. Additionally, they are not able to start a private business because non-Syrians are ineligible to buy or lease property. By contrast, Syrian men may confer their citizenship onto their spouse and children by virtue of their marriage and blood relationship. The Syrian Women’s League, which has led a national campaign to amend the law, in October 2004 presented a bill to the government calling for equal nationality rights for men and women. As of October 2009, nonetheless, the nationality law has remained unchanged.

Tunisia

The constitution enshrines the principle of equality, which has been incorporated through time into other legal texts, including the electoral code, the labor code, and the code of nationality. As a result, women have obtained the right to work, to move freely, to open a bank account, and to establish a business, all without the permission of their father or husband.

Despite these guarantees, the nationality law contains discriminatory provisions regarding the right of female citizens to pass their nationality to their noncitizen spouses. The noncitizen wife of a Tunisian man automatically adopts Tunisian citizenship upon marriage, often forfeiting her original nationality in so doing. Even if she retains her previous citizenship, she can acquire Tunisian nationality by simply declaring domicile in Tunisia. However, the noncitizen husband of a Tunisian woman can acquire Tunisian nationality only by decree and only if he is a Muslim who resides in Tunisia and has sufficient knowledge of the Arabic language. Even those who fulfill the conditions of naturalization often have difficulties obtaining Tunisian citizenship. A 2002 amendment to the nationality law permits Tunisian women married to noncitizens to transmit their nationality to their child, even if the child is born abroad, provided that the father consents.

Tunisia signed CEDAW in 1980 and ratified it in 1985, while issuing a general declaration statement positing that Tunisia “shall not take any organizational or legislative decision in conformity

with the requirements of this Convention where such a decision would conflict with the provisions of Chapter I of the Tunisian Constitution” (referring to the identification of Islam as the state religion). Reservations were also made to Article 9(2), regarding the right of a woman to pass her nationality to her children; Article 15(4), regarding the right of the woman to choose her own domicile; several paragraphs of Article 16 related to marriage and divorce; and Article 29, regarding arbitration of disputes arising from the convention. In September 2008, Tunisia became only the second Arab country after Libya to ratify the Optional Protocol to CEDAW. By ratifying this document, Tunisia has recognized the competence of the CEDAW Committee to hear complaints from individuals and groups of individuals who believe their rights under the convention have been violated by the state. However, because the committee is only able to issue nonbinding opinions, the impact of the protocol is as yet unclear.

.....

United Arab Emirates

Article 25 of the constitution provides for equality among Emirati citizens, “without distinction between citizens of the Union in regard to race, nationality, religious belief, or social status”. Although the law states that all people are equal, there is no mention of gender equality, nor are there any laws or policies designed to eliminate existing gender-based discrimination. Additionally, the constitution controls personal status in two separate articles. Article 15 states that the family is the basis of society, while Article 16 requires that welfare and social security legislation be promulgated to protect “childhood and motherhood,” as well as those who are unable to look after themselves. As a result, laws and policies tend to reinforce traditional roles for women rather than encourage true equality between the genders.

Gender discrimination is built into the laws governing citizenship in several ways. First, an Emirati woman loses her citizenship upon marriage to a foreign man in the absence of a special dispensation from the Naturalization and Residence Directorate of the emirate in which the wife lives. Even with such a dispensation, she may not transfer her citizenship to her foreign husband unless the

couple was granted permission from the Presidential Court prior to marrying. Conversely, in the case of a marriage between a national man and a non-national woman, the man needs only submit a copy of his wife’s passport, a copy of the marriage contract, and proof of his nationality, at which time a family book is issued within 24 hours as proof that their marriage is sanctioned by the state. Second, only fathers can pass their nationality to their children. The children of an Emirati mother and noncitizen father have no claim to UAE citizenship. On the other hand, the children of an Emirati father, whether he is dead or divorced from their mother, automatically receive his nationality. These children, even if they are minors, can sponsor their non-national mother’s residency in the UAE. Related to this, foreign women continue to be unable to sponsor their children’s residence permits in the UAE, unlike their male counterparts.

.....

Yemen

Under Yemen’s laws, women do not enjoy the same citizenship rights as men. The children of male Yemeni citizens automatically receive their father’s citizenship, regardless of whether their mother is Yemeni. The foreign-born wife of a Yemeni man has the right to apply for citizenship after four years of marriage, although her husband may object to this application. By contrast, Yemeni women married to foreign citizens are unable to pass on their citizenship to their children. The government has taken steps to amend some of the discriminatory aspects of the law, but the new legislation fails to guarantee equality. Specifically, Law No. 24 of 2003 added Article 10 to the Nationality Law (No. 6 of 1991), allowing Yemeni women to transfer their citizenship to their children only if they are divorced, widowed, or abandoned by their non-Yemeni husbands. This amendment, while representing a step forward, failed to provide women with the unconditional right to pass on their citizenship currently enjoyed by Yemeni men. In March 2008, Article 3 of the nationality law was amended to allow a Yemeni woman to transfer her citizenship to her child if the father is unknown or if he has no nationality.

Reforming Citizenship Law: Reports from Tunisia, Algeria, and Egypt

The following three public presentations on the experiences of reforming nationality law were given at a workshop entitled “Towards Reforming the Nationality Law in Lebanon” held in Beirut on March 10, 2009. The workshop was organized by the United Nations Development Programme (UNDP) and the National Committee for the Follow Up on Women Issues within the “Lebanese Women Rights and the Nationality Law” Project.

The Tunisian Experience: Citizenship Law in Tunisia: Framework, Progress and Dimensions

Boutheina Gribaa

Tunisia and the International Law on Women’s Rights
Tunisia joined the international movement supporting human rights in general and women’s rights in specific in the second part of the last century with the introduction of the Universal Declaration of Human Rights in 1948. In addition to modifying its domestic law in compliance with the Declaration, Tunisia has signed many treaties that aim at eliminating all forms of discrimination against women.

One of these treaties concerns the citizenship of married women signed on November 21, 1967 and the other concerns consensual marriage, minimum marriage age, and marriage registration (Copenhagen Treaty) which Tunisia signed on November 21, 1967 and published in the National Gazette on May 4, 1968. These treaties also include one on women’s political rights and another on children’s rights signed respectively on November 21, 1967 and on November 29, 1991.

Since these treaties contained general and abstract rules that were more like guidelines in most of their articles, national authorities took it upon themselves to turn these principles into clear and detailed rules by writing legal texts and to find structures

and mechanisms that would guarantee that these general principles were carried out on the ground.

In 1985, Tunisia signed the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which was published in the Tunisian National Gazette in 1991. At that time, the socio-political climate was favorable for Tunisia to take part in the Convention due to the direct reforms the country witnessed following the changes of 1987. Moreover, the social context required to implement the Convention’s laws supporting gender equality in the family as well as in society was available. The availability of this favorable condition in 1991 was due mostly to the fact that the Personal Status Law had been passed over 30 years ago. This law radically and completely prohibited polygamy (having many wives) and arbitrary divorce by institutionalizing judicial divorce. The law also set the minimum age of marriage for both males and females and allowed women to file for divorce just like men. Consequently, this law contributed to making Tunisian society accept and implement gender equality as part of every day reality.

Tunisian Law on Women and International Law

Following the publication of CEDAW in the Tunisian National Gazette, legislators became aware that there were gaps in Tunisian positive law. They also noticed the conflict between some national laws and certain clauses in the convention. These laws, therefore, had to be revised in order to agree with the content of the convention.

In response, the head of state in 1991 allowed the setting up of a study committee that included legal experts, sociologists, experts on jurisprudence, and Islamic *shari'a* specialists as well as representatives of civil society. This study committee was formed to present proposals on how to develop laws concerning the introduction of mechanisms and measures that would help improve women's situation.

On August 12, 1991, the President declared in his speech on the occasion of International Women's Day that measures would be taken in order to support Women's Rights and eliminate discrimination against them in accordance with the clauses of the CEDAW. These measures took into account the following major principles:

- Communicating with reform movements aiming to liberate Tunisian women. These movements emerged in the beginning of the 20th century with Al-TaHER Al-Haddad and continued with Habib Bourkeba and Ben Ali.
- *Ijtihad*, a task assigned by the former president Habib Bourkeba to all the experts in order to put in place a Personal Status Law in 1956. The study committee had to develop laws brought about by president Zein Al Abdeen Ben Ali in 1991. The committee had to review many laws concerning women including the citizenship law.
- Consistency between national and international law (signed treaties, in specific) and "purging" national laws of any content that would compromise women's rights.

Citizenship Law and its Amendments

Before 1993, the citizenship law stated in its sixth chapter that Tunisian citizenship can be granted to a person based on lineage:

- Child whose father is a citizen of Tunisia;
- Child whose mother is a citizen of Tunisia and whose father is unknown or stateless (regardless of the child's country of birth);
- Child of a Tunisian mother and a foreign father (upon request of the father)

Thus, the principle was to recognize the child's kinship as related to his father's. As for the mother's citizenship, it would only be passed on to

her children in exceptional cases or based on the principle of *jus soli*.

The priority given to the father in passing on his citizenship caused a lot of controversy insofar as it was considered a form of sexual discrimination which the Copenhagen Treaty was specifically meant to eliminate. In fact, the second article of the latter mandates that the states parties "take all necessary measures including modifying or repealing current laws, policies and practices that discriminate against women".

Article 9 of the aforementioned treaty declares that "States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband".

The Tunisian legislation prior to 1993 consecrated the principle of the woman keeping her citizenship after marriage while allowing her to obtain the Tunisian citizenship in case the law of her country of origin deprived her of her original citizenship (chapter 13 of the citizenship law). It also allowed her to keep her maiden name after marriage, thus promoting recognition of both parents separately and their ability to grant their children their respective nationalities. However, priority was given to the father in giving his children his nationality while the mother could only do so if her children were born in Tunisia.

This situation pushed feminist groups and women's associations in Tunisia to act, led by the League of Women Lawyers, which is part of the Union of Tunisian Women (UNFT). Campaigns by the Al-TaHER Al-Haddad group also played a role, benefitting from the political climate of openness, which came about with the change of November 1987. The mobilized parties demanded that the citizenship law be modified and that discrimination against women be abolished so that women would have the same right as men to give their nationality

to their children even if the latter were born outside of Tunisia to a non-Tunisian father.

It is to be noted that the feminist movement based its [lobbying/advocacy] on a series of factors, especially:

- The incompatibility between the law and the principle of equality stated in CEDAW on the one hand and the personal status law which promotes equality on the other hand
- The sense of patriotism and of belonging among children, considering that the legislator gives only the father the possibility to anchor the sense of patriotism and of belonging in his children knowing that the mother plays an important role in developing that sense in the children.
- The demand of Tunisian women married to non-Tunisians that they be able to give their children the Tunisian citizenship so that "their daughters can fully enjoy the Tunisian Personal Status Law".

With the conclusions reached by the study committee which was formed in 1991 to look into a series of legal amendments, Parliament undertook to revise chapter 12 of the Citizenship Law under the Law of July 12, 1993. The Law then stated that children can acquire the nationality of their Tunisian mother even if they had been born outside of Tunisia on the condition that they request it in a statement during the year before they reach adulthood. If the child is under 19, he/she may obtain the Tunisian citizenship simply by submitting a joint statement from both his/her parents.

This condition that the statement be joint was in some cases an obstacle to the child obtaining the nationality in cases where the father was deceased, missing, or lacked legal capacity. To avoid such situations, Parliament introduced law No. 4 in 2002 which was issued on January 21, 2002 to amend chapter 12 and which stated that it sufficed that the mother submit the above statement in cases where the father is deceased, missing, lacked legal capacity, or in situations where it is impossible to obtain a joint statement.

It is important to note here that, in compliance with these amendments, the electoral law was modified and the conditions to enjoy suffrage included

children of Tunisian women as well as of Tunisian men. Thus, modifying the citizenship law also supported the cause of gender equality in the realm of politics.

However, the demands of the feminist movement in Tunisia were not limited to the above. Women activists continued defending their cause to achieve full gender equality, particularly in the area of citizenship:

1. The Tunisian Parliament has to date not been faced with situations where it was impossible to obtain a joint statement. Nevertheless, if both parents are alive but separated by divorce it is hard to conceive that they might issue a joint statement. It is also impossible to do so if the mother is deceased, missing, or lacks legal capacity. And so the law should mention that the statement is valid even when presented by only one of the living parents.
2. It is also to be noted that a Tunisian man married to a non-Tunisian woman can automatically pass on his nationality to his wife if she has lived in Tunisia for 2 years. By contrast, a Tunisian woman can only give her nationality to her non-Tunisian husband if he has lived in Tunisia for at least 5 years. Changing this inequality requires a Presidential decree.

We can conclude from what was mentioned above that citizenship laws have moved forward considerably in achieving gender equality concerning granting citizenship, whereby the mother's nationality is no longer a secondary or supplementary criterion which needs to be combined with the criterion of *jus soli* to make a valid reason for children to acquire the Tunisian citizenship. It has become an independent and self-sufficing criterion.

Nevertheless, the following question arises: could the changes brought to the Tunisian Citizenship Law encourage Tunisia to withdraw its reservations to Article 9 of the CEDAW? Furthermore, have these amendments helped eliminate discrimination against women completely?

The answer to both questions is "no" because withdrawing Tunisia's reservations and completely

eliminating discrimination against women requires that children be given the Tunisian citizenship solely on the basis of having a Tunisian mother without having been born on Tunisian soil or asking for the father’s approval in a joint statement.

Boutheina Gribaa is a Regional Advisor for Women and Politics, UN-INSTRAW/CAWTAR.
Translated by Farah Sahyouni

The Algerian Experience:
Modifications to the Algerian Citizenship Law

Nadia Ait Zai

A child has the right to belong to a country. Citizenship is considered to be a continuous state of allegiance and a source of duty as well as of rights whereby individuals belong to an organized political community. Citizenship is also the possibility for each individual to be a titular of rights. Citizenship defines the concept of “legal personality” i.e. the legal status of an individual and his/her aptitude.

The right to nationality is a fundamental condition of citizenship.

After achieving the country’s independence in 1962, laws in Algeria (1963-1979) witnessed the emergence of two principles that were mentioned in The Hague Convention on Nationality in 1930: “every person should have a nationality” and “no person should have more than one nationality”.

The Nationality Law of 1970 clearly and specifically affirmed its will to protect the Islamic society. Citizenship is confirmed through the existence of at least two [predecessors] on the father’s side. These two predecessors should have been born in Algeria and should be Muslim. Therefore, the Algerian legislator exclusively took into consideration the traditional means to grant citizenship by jus

sanguinis and by jus soli. According to one critic, “jus sanguinis has been favored to jus soli although the latter plays an important role in the law”. This principle is reiterated in Article 6 of the Citizenship Law which defines Algerian citizenship as a bond of filiation. A person has the right to citizenship through filiation:
- A child born to an Algerian father.
- A child born to an Algerian mother and an unknown father.
- A child born to an Algerian mother and a stateless father.

The right to jus sanguinis is linked to the requirement of being a Muslim through two predecessors in order to be granted citizenship which is the ideal way to protect the Algerian Muslim community.

Jus soli is complementary to jus sanguinis in the Algerian law. Paragraphs 1 and 2 of Article 7 consider as Algerian “the child born in Algeria to anonymous parents on the condition that he/she has no proven filiation to a foreigner” and “the child born in Algeria to an Algerian mother and a foreign father born in Algeria unless the child has not waived his/her right during the year preceding his/her adulthood”.

The Algerian legislator has tried to restrict cases of statelessness through acknowledging as an Algerian citizen “the child born in Algeria to an Algerian mother and a stateless father”, as stated in paragraph 3 of Article 6, as well as the “child born in Algeria to anonymous parents”. In this case, the child would be considered as never having been Algerian if his/her filiation to a foreigner is proven before he/she reaches adulthood and if he/she is granted the foreign parent’s nationality through a national law that this parent conforms to”.

Modifications to the Citizenship Law
The decree issued on February 27, 2005 which has brought changes to the citizenship law allows for consistency with international conventions Algeria has adopted, particularly CEDAW and the Convention on the Rights of the Child. The decree set adulthood at the age of 19 and cancelled

Article 3 which had made acquiring the Algerian citizenship dependant on wavering the nationality of origin.

Acquiring Nationality through Filiation
Henceforth, the Algerian nationality is to be granted to children born to an Algerian father or an Algerian mother. This reform is fundamental since the Algerian nationality is given equally to children born to an Algerian father or Algerian mother. It should also be noted that granting the nationality to a child born to an Algerian mother is not restricted by any reservations. Hence, the threat of having their nationality wavered or revoked is impossible because in the 1970 Citizenship Law, granting nationality through the mother, was auxiliary. It has been previously mentioned that citizenship is given to a child born to an Algerian mother and a stateless father or to an anonymous mother, but can be taken back in case either parent has a reversal of status. The mother is now entitled to pass on her nationality to her children just as the father is. This modification infringes Article 14 of the Family Law which ties the child to his father exclusively. The legislator needs to look again into these provisions or even annul them.

Acquiring Nationality through Jus Soli
When it comes to acquiring nationality through jus soli, Article 7 of the new Law also adds the dimension of filiation to the mother. “A child recently born on Algerian soil has the right to the Algerian Nationality. The birth certificate will mention the name of the mother exclusively and there will be no mention of the nationality of the father. Moreover, a child born in Algeria to unknown parents will also get the Algerian Nationality”. Some consider that this amendment helped achieve great progress towards gender equality in the field of filiation and allowed for a reexamination of the founding principle of the patriarchal Family Law. However, others consider that this reform has to do with personal status and is furthermore linked to natural and legitimate gender equality concerning citizenship through filiation. Provisions pertaining to “children born to an Algerian mother and an anonymous father” have been annulled. The modified Article 6 states simply

that “is considered an Algerian any child born to an Algerian mother or an Algerian father”. One can conclude that a child born to an Algerian mother outside Algerian territory is considered an Algerian citizen despite the principle of jus soli. It is one of the new givens that allow for dual citizenship.

Acquiring Citizenship through Marriage
Recently Article 9 has been added to the 2005 decree which allows a foreigner to acquire the Algerian nationality through marriage to an Algerian. Apart from the general conditions of ethical conduct, actual residence in Algeria, means of subsistence, and absence of convictions, the main requirement for obtaining the Algerian nationality is a legitimate marriage. Some commentators noted that this condition contradicts Articles 30 and 31 of the family law.

Article 30 currently prohibits Muslim women from marrying non-Muslim men while Article 31 refers the issue of Algerians marrying foreigners to a regulatory law. The law of 1984 completely prohibits Muslim women from marrying non-Muslims. Now, legislators have allowed for the possibility to [take back their partners] thus rendering the marriage legitimate. In this case, children born into such marriages are treated equally. Religious affiliation concerns no one but the women themselves. It is important to note that the intertwining of the Algerian with the Muslim identity in the Family Law of 1984 and the Citizenship Law of 1975 has been removed by the new Family Law of 2005. Whether the marriage was legitimate or not, the children resulting from it are considered to be Algerian since their mother is Algerian. This is revolutionary for a Muslim country and for a patriarchal system.

This is due to the fact that Algeria has lifted its reservations on Article 9 of the CEDAW through a presidential decree.

Nadia Ait Zai, President of the Center for Information and Documentation on Women and Children’s rights
Translated by Farah Sahyouni

The Egyptian Experience: Modifications to the Citizenship Law in Egypt

Hoda Badran

The Egyptian Constitution considers the issue of indiscriminate treatment of citizens an important one and has consequently allotted 2 articles for it. Article 40 stipulates that all citizens are equal before the law and have equal public rights and duties without discrimination due to sex, ethnic origin, language, religion, or creed. As for Article 11, it states that “The state shall guarantee coordination between a woman’s duties towards her family and her work in the society, considering her equal to man in the political, social, cultural and economic spheres without prejudice to the rules of Islamic jurisprudence i.e. *sharia*”. Egypt has ratified several international treaties which promote equality between all citizens and call for the protection of women and children’s rights. Egypt also ratified the International Covenant on Civil and Political Rights in which Article 3 cites 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”. Article 9 of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) states: 1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. 2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

The Egyptian government ratified CEDAW in 1981 at a time where Law No. 26 of 1975 concerning Egyptian nationality was still being applied. This law flagrantly discriminated against women since it deprived them of the right to give their citizenship to their children from a non-Egyptian father, as it is

clearly stated in the following articles:

Article 2:

Shall be considered an Egyptian:

- Whoever is born to an Egyptian father;
- Whoever is born in Egypt to an Egyptian mother and a father whose nationality is unknown or who is stateless;
- Whoever is born in Egypt to an Egyptian mother;
- Whoever is born in Egypt to unknown parents;
- A foundling in Egypt shall be considered as born in it, unless otherwise proved.

Article 3 states:

Shall be considered as Egyptian whoever is born abroad, of an Egyptian mother, and of an unknown father, or a stateless father, or whose nationality is unknown, if he chooses the Egyptian nationality, within one year from the date he comes of age, provided he shall advise the Minister of Interior of his choice, after making his regular residence in Egypt, and the Minister of Interior does not object thereto within one year from the date of receiving the notification.

Hence, Egypt has ratified the CEDAW convention with reservations to Article 9. Egypt has justified this reservation by claiming that its aim is to protect the child from having dual citizenship. It is in the interest of the child to have his/her father’s nationality and not his/her mother’s and that this does not go against the principle of gender equality because the Egyptian woman married to a foreigner must accept the reality that the child will assume the father’s nationality.

While Law No. 26 of 1975 prevents the children of an Egyptian woman married to a foreigner from acquiring their mother’s nationality, the law entitles the foreign woman married to an Egyptian man the right to obtain the Egyptian nationality. The law also grants Egyptian citizenship to the child of an Egyptian woman and a stateless father or a father whose nationality is unknown. It also gives the nationality to foundlings.

In 2004, the number of families with children who were denied the Egyptian citizenship because they

were born to an Egyptian mother and a foreign father due to Law No. 26 of 1975 was estimated at 298,000. Despite the fact that these families have been residing in Egypt for 10 years at least, their children faced economic, social, and psychological difficulties by being denied the Egyptian nationality. Hefty school and universities tuition fees need to be paid as well as other (normally) subsidized services which those children are deprived of. The biggest remaining problem is obtaining jobs as many of these children are forced to take jobs beneath their qualifications or look for a job abroad. Many of these children were born in Egypt and have spent their entire lives there, not knowing any other country and yet are frustrated and troubled by the fact that they are being treated as foreigners and not as Egyptians. One of the Egyptian women married to a foreigner said that in one of her son’s classes a teacher asked that all the foreign students stand up and introduce themselves. This woman’s four year-old son, despite having a foreign father, was born in Egypt and was unaware that he was considered a foreigner and so he did not stand up. The child was punished when the teacher found out his father was a foreigner. He went back home deeply distraught and his mother was unable to explain to him why he was different from the other Egyptian children and why he was considered a foreigner. Egypt continued to implement the Citizenship Law No. 26 of 1975 until 2004.

No doubt that recognition of the gap related to gender issues, which was openly discussed at the 1995 Fourth World Conference on Women in Beijing, shed light on many of the problems Egyptian women are faced with. Among these issues were the problems of Egyptian women married to foreigners whose children are denied the Egyptian citizenship. Many organizations shed light on this problem, such as the National Council for Childhood and Motherhood (NCCM) as well as the National Council for Women. Non-governmental organizations which defend women’s human rights started paying special attention to this problem, especially in the second half of the nineties. Several of the NGOs sent a letter to the People’s Assembly demanding the modification of Law No. 26 of 1975. In their letter, the NGOs said that the procedures adopted by the government to grant, in

some individual cases, the Egyptian nationality to the children of Egyptian women married to foreign men needed to be replaced by amendments to the law that would eliminate the discrimination against women which Law No. 26 embodies. Citizenship would therefore become a right for every child born to an Egyptian mother married to a foreigner, thus equating Egyptian women married to foreign men to Egyptian men married to foreign women. The letter was based on Article 40 of the Egyptian Constitution that asserts equality between all citizens before the law and forbids discrimination in all its forms.

This letter was concurrent with the emergence of the network of NGOs brought together by Dr. Fatima Khafaji, director of the UNICEF Women’s Program to shed light on the CEDAW treaty and to create public awareness that would support its implementation. This network decided to carry out a campaign and pressure the government to amend the Citizenship Law that clearly discriminates against Egyptian women. This network opened a communication channel between the National Council for Women, the National Democratic Party, the National Council for Childhood and Motherhood, as well as some members of both the People’s Assembly and the *Shura* Council, in order to modify the law. This network caused several other NGOs to advocate the cause and demand that the law be changed. The seminars that took place to call for the amendment of the law included testimonials by Egyptian mothers married to foreigners of various nationalities, whose children were denied the Egyptian nationality. These mothers recounted the many problems and hardships they faced as a result of the denial of nationality rights to their children.

Other organizations joined the CEDAW network in Cairo as well as in other provinces. The Egyptian Organization for Human Rights issued a report that included cases of mothers suffering because of the implementation of the existing law. The campaign drove Egyptian President Hosni Mubarak then to declare in the annual reunion of the National Democratic Party in September of 2003 that the government will make the necessary amendments to the Egyptian Citizenship Law 26 of 1975. Subsequently, the Minister of Justice formed a

supreme committee which included legal experts and representatives of the Ministry of Interior, the National Council for Women, and of the National Council for Childhood and Motherhood. The deliberations of this committee led to the enactment of Law 154 of 2004 which was published in the National Gazette issue #28 on July 14, 2004.

Based on this new law, Article 3 of the 1975 law was repealed and Article 2 was amended:
Article 2: Is considered an Egyptian:
- A person born to an Egyptian father or an Egyptian mother;
- A person born in Egypt to unknown parents. A foundling in Egypt is considered to have been born in it unless proven otherwise.

If it is proven that someone has another nationality apart from the Egyptian one, pursuant to the provisions of the previous paragraph, this person has to declare his/her desire to give up his/her Egyptian nationality. For a minor, the declaration should be done by his/her legal guardian, his/her mother, or whoever is raising the minor in case the previous two are absent.

The minor who is no longer an Egyptian citizen has to declare his/her desire to reclaim the citizenship during his/her first year of adulthood, according to the provision of the previous paragraph.

A ministerial decree was issued on the procedures and dates pertaining to the implementation of the previous two paragraphs' provisions. Accordingly decisions on the loss of the Egyptian citizenship by renouncing, or on reacquiring it according to these provisions, should be carried out by the Minister of Interior.

Article 3:
A person, born to an Egyptian mother and a non-Egyptian father before the implementation of this law, has to declare his/her desire to have the Egyptian nationality and shall be considered Egyptian upon the issuing of a decision from the Minister or when a year has gone by after the submission of the declaration [if it has not been rejected through a decree].
Enjoying the Egyptian nationality according to the

previous paragraph allows minors to acquire the Egyptian nationality. As for adult children, they must follow the procedures previously mentioned to obtain the citizenship.

If a child born to an Egyptian mother and a foreign father who dies before the implementation of this law, this child can be granted the Egyptian nationality according to the provisions of the previous two paragraphs.

In all cases, declaring the desire to acquire the Egyptian citizenship for minors falls upon their legal guardian, mother, or their primary care-giver in case the last two are absent.

In the week following the declaration of the Egyptian President to amend the nationality law, the number of cases which sought to obtain the nationality was estimated at a thousand, with 25 percent of the cases being Palestinians. The Egyptian Minister of Interior stated that the modifications brought by the new law would not benefit children born to Egyptian women married to Palestinian fathers. He justified this position by saying that the League of Arab States had issued a decision in 1959 prohibiting Arab countries from granting their nationalities to Palestinians to preserve the latter's original identity. The representative of Palestine in the League of Arab States responded to this with a memorandum he addressed to both the League and to the Egyptian government in which he objected to the Minister of Interior's statement in which Palestinians were denied the right to benefit from the new amendments of the 2004 law. He also objected to the use of the League of Arab States' resolution since it was supposed to merely be a recommendation and not a full-fledged, binding resolution.

Nevertheless, the amendment to the Citizenship Law brought great joy to most of the families concerned. However, the conditions and requirements asked for in order to benefit from it were crippling for many of these families. For instance, if the person applying for citizenship is over 21 years of age (or the mother in case the applicant is still a minor) he/she has to submit all sorts of papers and documents showing the place and date of birth,

the original nationality, religion and place of work, both parents' place and date of birth, the birth certificate of the mother's father, the mother's ID card as well as the marriage certificate. Moreover, the applicant (or his/her mother) should present his/her foreign passport, a copy of it, an [attestation of high school graduation], 4 passport photos and a copy of the criminal record for applicants above 16 years of age. All applicants should submit documents proving they had been living in Egypt for a minimum of 10 years before applying for the Egyptian citizenship. The application costs 50 Egyptian pounds and the applicant pays 1200 Egyptian pounds upon obtaining the nationality.

One of the mothers said to a reporter from *Al-Ahram* weekly: "I went to great lengths and struggled to get all the papers and documents they required, but I am most grateful if my son is granted the Egyptian nationality and is treated as an Egyptian citizen. He was not allowed to participate in a national tennis tournament because his father is South-African".

Some families filed a complaint objecting to the payment of the 1200 Egyptian pounds fee needed in order to obtain the nationality. Consequently, the Minister of Interior cancelled the fee, but there are still restrictions concerning who gets to obtain the nationality according to the law of 2004. For example, the applicants obtaining the nationality can only practise their political rights five years after they had been granted the nationality. Furthermore, they are not eligible to be members in the People's Assembly unless 10 years have passed since they became Egyptian citizens. The law also gave those desiring to apply for the nationality a year's time to submit their application after which they are not entitled to it any longer. Among the most difficult conditions imposed was the requirement that the applicant present a document certifying that he/she is working and not unemployed, and that he/she does not suffer from any disabilities. The condition that the applicant be working constituted a great obstacle since the Egyptian official bodies only hire Egyptian citizens and the private sector refrains from employing non-Egyptians. Also, excluding people with disabilities

and preventing them from benefitting from the new law goes against the principle of equality as respected in both the Egyptian Constitution and the Universal Declaration of Human Rights.

The Egyptian Government justifies its strict stance in asking for many documents, which are hard to obtain, by claiming that it seeks to preserve national security and aims to limit population growth. It also said it was preventing rifts in loyalty within the family as the children would find themselves confused since the father should be the role model and his country should be the one the children have a sense of allegiance to.

The following table shows the number of people born to Egyptian mothers and foreign fathers who had obtained the Egyptian citizenship by January 20, 2008.

Country	Number	Country	Number
Sudan	257	Kenya	2
Syria	74	France	2
Jordan	84	Belgium	1
Yemen	66	Saudi Arabia	6
Iraq	66	Mauritania	3
Libya	66	Somalia	2
Lebanon	13	Nigeria	8
Bahrain	4	Eritrea	1
Algeria	8	Mali	1
Morocco	1	Greece	1
Tunisia	6	Germany	3
Kuwait	2	Great Britain	13
Iran	2	Italy	5
India	3	Switzerland	2
China	5	Canada	6
Yugoslavia	1	United States	6
Djibouti	1	Turkey	4
Ethiopia	1	Pakistan	6
Qatar	1	Chad	1
Oman	1		
Austria	2		

Some newspapers wrote that the Egyptian government should make it up to the Palestinians by treating Palestinian students (at all academic levels, in schools and universities) as Egyptians citizens with respect to tuition fees.

The law gave to those who did not have all the necessary requirements for becoming Egyptian citizens the right to object. Hence, many lawsuits were filed against the Minister of Interior and the head of the Travel Documents, Immigration and Nationality Administration (TDINA). Consequently, the Administrative Court issued a verdict in many cases (where the lawsuit was accepted in form and in content) whereby the Minister of Interior’s decree that children of an Egyptian mother and a Palestinian father cannot become Egyptian was annulled with all the ensuing amendments. [This verdict also obligated the TDINA Administration to

pay for the incurred expenses. Furthermore, the law does not allow the foreign husband of an Egyptian woman to obtain the Egyptian citizenship as it does for foreign women married to Egyptian men. It can be concluded that the amendments brought forth by Law 154 of 2004 were a great step towards eliminating one of the forms of discrimination against Egyptian women which have prevailed for a long time, mostly preventing their children from foreign men from obtaining the Egyptian nationality. Nevertheless, there are still many discrepancies that need to be dealt with such as forbidding the foreign husband from obtaining the Egyptian nationality, delaying the children’s right to practise their political rights, bypassing the law when the father is Palestinian, and requiring a large number of documents.

Hoda Badran, President of The Alliance of Arab Women
Translated by Farah Sahyouni

Draft Law to Create the Green Card

The following article is the translated text of the Green Card draft law endorsed by Member of Parliament Neematallah Abi Nasr and submitted to the Minister of Justice Ibrahim Najjar for review.

Article I:
A card commonly called “The Green Card” shall be created, and granted to the husbands and children of Lebanese women married to foreigners if all the conditions set forth in this law are met:

1. The Lebanese wife shall have maintained her Lebanese citizenship.
2. The couple must be married for over five years, while the husband and children must have been living in Lebanon, on an irregular basis, for over three years.
3. The applicant must not have been convicted of a crime or felony or have attempted to commit a criminal act, nor shall he be stripped of his civil rights.
4. He must not be divorced from his Lebanese wife.
5. He shall not be a holder of the nationality of a hostile state.
6. The native country of the applicant must have in place reciprocal treatment for members of the Lebanese diaspora.

Article II:
The application should be submitted, together with all required documents, directly to the Ministry of Interior and Municipalities by the applicant personally or by a proxy holding an official power of attorney expressly conferring to him the power to apply. In the case of minors, parents should apply. The Ministry of Interior keeps a special record of all signatures and formalities related to the application, and refers it to the committee set forth in Article IV of this Act.

Article III:
The Ministry of Interior and Municipalities should set up a committee composed of:

- A judicial judge of at least the tenth grade or an administrative judge of a similar degree, with an alternate judge, both designated by the Minister of Justice after the approval of the Supreme Judicial Council, or the Office of The State Advisory Council: President
- The Director General of the Ministry of Interior: Member
- The Director General of the General Security: Member
- The Secretary General of the Ministry of Foreign Affairs and Emigrants: Member

This Committee should be formed by virtue of the decision of the Minister of Interior and Municipalities, and an alternate for each of the members above-mentioned should be appointed. A civil servant of the third category in the Ministry of Interior and Municipalities should be entrusted with the functions of General Secretary of the committee, delegated by the Minister of Interior for this purpose. The committee’s work mechanism, as well as the indemnities of its members are determined by a decree issued by the Council of Ministers upon the proposal of the Minister of the Interior and Municipalities and the Minister of Finance.

Article IV:
The Committee shall study the applications referred to it by the Ministry of Interior and Municipalities, and to this end, it may resort to all competent

administrations, with no exceptions, and call the applicant to an interview, if need be. A report shall consequently be drafted by the committee, containing its observations and recommendations as to the acceptance or refusal, for it to be submitted to the Ministry of Interior within a maximum period of two months from its date of referral thereto.

Article V:
The Green Card is granted by a decision of the Minister of Interior and Municipalities upon the committee’s recommendation.

Article VI:
The fees for the Green Card should be determined in the General Budget Law, and the said card should only be delivered after payment of the fees in the Treasury Fund.

Article VII:
1. The Green Card grants its holder the civil rights of Lebanese citizens, including:
- The right of residency in Lebanon, valid for five years as of the date of reception, renewable every five years;
- The right to work in the private sector without a work permit;
- The ability to enter Lebanon without a visa;
- The right to benefit from the National Social Security Fund like the Lebanese citizens;
- The right to benefit from the services provided by the Ministry of Social Affairs, as well as from other national ministries, and public institutions the same way Lebanese citizens do;
- The right to invest and to establish businesses and firms the same way Lebanese citizens do;
- The right to enroll in Lebanese public schools and universities like all other Lebanese citizens.
- The preferential right to benefit from all services provided by Lebanese diplomatic missions and consulates in the celebrations and events they organize;
- Any other similar rights or privileges.

2. Nonetheless, the Green Card does not allow its holders to:
- acquire the Lebanese citizenship;

- qualify for jobs as civil servants, vote in elections, or run for local or parliamentary positions. It also denies them the right to form or participate in Lebanese political parties and associations;
- work in any profession regulated by a syndicate, when the bylaws of these syndicates allow membership of foreigners;
- Green Card holders shall be subject to the same property laws applicable to foreigners in Lebanon in conformity with the principle of reciprocal treatment.

Article VIII:
The Green Card shall be cancelled and taken from its holder by virtue of a decision issued by the Minister of Interior and Municipalities based on the recommendation of the Committee provided for in Article IV of this Act and, at the request of the applicant or if any of the terms and conditions set forth in the second article of this law is not fulfilled.

Article IX:
This law enters into force upon publication in the Official Gazette.

Explanatory Statements
Whereas the Lebanese law, as regards the acquisition of the nationality, is based on the principle of blood ties and not territory, and therefore Lebanese men can pass their nationality on to their children regardless of place of birth, be it in Lebanon or abroad, while Lebanese women married to foreigners are denied this right, in accordance with the principle of blood ties.

Whereas we believe in the principle of equality among citizens and in order to address the complaint filed by the Lebanese women married to foreigners, who are denied this right which is granted to men.

Whereas we are keen, at the same time, to take into account the past and current demographic problems in Lebanon caused by the scarcity of resources, given the fact that they do not meet the needs of the Lebanese citizens due to the booming high demographic density and inflation, which has exceeded the acceptable limit, thereby pushing its citizens, especially the youth, to emigration. Hence,

stricter and intolerant measures were adopted in granting citizenship to foreigners in general, including those who married Lebanese women, and their children, no matter how long their residency on Lebanese territory.

But, aware of the hardship and expenses incurred by the husbands and children of Lebanese mothers married to foreigners, residing in Lebanon, to obtain residency and work permits, and conscious of the difficulties they face to enroll in Lebanese public and other schools and universities ... The current draft law addresses all difficulties faced by the children and husbands of Lebanese women

married to foreigners, for it provides them with all the facilities and rights required to live in Lebanon, and grants them all civil rights enjoyed by Lebanese citizens, except political rights, such as the right to vote and run for elections, the right to form or participate in Lebanese political parties and associations, the right to own property and to acquire the Lebanese nationality. Therefore, we have prepared this proposal requesting our distinguished colleagues to study and enact it in the General Assembly.

Translated by Lara Lahoud

Responses Generated by this Controversial Draft Law

Silence is No Longer Gold!

“My Nationality is a Right for me and my Family”
An Open Letter to MP Nematallah Abi Nasr
National Commission for Lebanese Women

It is time we name things by their names,
It is time to say No to those who speak of women with disparagement,

It is time to say Stop to those who believe that just because they are men, they can silence women; those who think they can utter words the law ought to sanction.

Mr. Abi Nasr, we women are citizens whose right of citizenship, right to work, right to achieve and right to be nominated in the parliamentary elections are all guaranteed by the Constitution, just like yours are.

We, women, are citizens, some of which are practicing attorneys much like you, and excel at their work, just like you. Then what advantage do you have over us Mr. MP?

You state that there is no room in Lebanon for women and their children. But is there room for foreign women and their children when married to Lebanese men? Is there room only for children of Lebanese men? Why is that? Aren’t men and women equals according to the Constitution? Don’t working women pay their taxes just like you do, Mr. MP? Don’t women fulfill their duty to defend the homeland when they are needed just like you... We do not wish to feel sorry for women in Lebanon. These women are a source of pride and honor. These women excel over their male counterparts every time the opportunity presents itself. These women, who have entered the world of labor through narrow doors and who, if one takes into account the thousands of years where men dominated the lives of women in every possible way, have been able to prove themselves capable in the realms of economy, management, and politics just like you have Mr. MP.

We do not want you to take back what you have said. But if the resources are not sufficient for the husband and children of a woman, how can they be sufficient for the wife and children of a man? We want you to carry out your suggestion just as long as it applies to both men and women. We ask but for equality!

You wave the “demography” card in our faces. No one can control demography. The ultimate opportunity for all those anxious and fearful is that this country, which has been under the yoke of its multi-confessional system for so long, is for it to become a nation for all its sons and daughters, men and women equal in duties and in rights.

We do not expect you to change your position. But we do ask of women to open their eyes and realize that what MP Neematallah Abi Nasr said undermines their dignity and their very existence. Mr. MP addresses us as if we were mere maids. He says to us: no, “your nationality is not your right or a right for your families”. Oh but yes Mr. MP,

we are just as Lebanese as you are. Our ancestors are from here. We do not want our daughters and grandchildren to live far away from us. We will no longer accept this talk that disrespects our position and our will.

You want to implement your suggestion. So be it. Just as long as it applies to both men and women like the Constitution so clearly states it. It is time to end this masquerade, Lebanese women, just as Lebanese men, deserve to live in a state of tranquility and stability, Lebanese women, just as Lebanese men, have the right to choose their partners, Lebanese women, just as Lebanese men, have citizenship rights and duties, It is unfair that you deprive women of their rights under false pretenses and make them and their families pay alone the price of long-lasting problems caused by the multi-confessional system. It is time to render justice to women. Modifying the Citizenship Law is not a privilege; it is one of women’s basic rights which needs to be reclaimed.

Yet Another Modest Proposal

Brian Prescott-Decie

When Jonathan Swift published his satirical essay “A Modest Proposal for Preventing the Children of Poor People in Ireland from Being a Burden to Their Parents or Country, and for Making Them Beneficial to the Public” in 1729, he little knew that he was starting a chain of events that would in time become a common pastime – the writing of “Modest Proposals” on a vast range of subjects. Member of Parliament Neematallah Abi Nasr recently offered his own “modest proposal” with regard to the issue of Nationality Law in Lebanon, to wit that the state should offer the families of Lebanese women a Green Card similar to the system normally practiced in the USA and elsewhere in the western world. We cannot know, and should not try to guess, what motives Abi

Nasr had in making this proposal – to put words into a man’s mouth is an evil thing indeed – so I shall take it, for the sake of this argument, that Abi Nasr’s motivation must be entirely altruistic, and that he is a statesman of the highest caliber. We can, however, test his proposal using logic to see what effect it might have on the recipients of his beneficence, and whether it might have any positive or negative effect on the Lebanese body politic.

Although the American Green Card is only in fact a work and residence permit, it is often perceived as a stepping stone on the road to citizenship, and rightly so, since citizenship in the United States, as in many other countries around the

world, is largely defined as being a recognition of involvement in the community, of which work and residence obviously form a significant part. The person who lives and works in a community, pays taxes, and in general undertakes the obligations and duties of the community, eventually becomes a full member of that community, and thus acquires the right to be considered one of its citizens. Not so here in Lebanon, nor indeed in Abi Nasr’s proposal which clearly states that the offer of a green card should be considered an acceptable alternative, not precursor, to citizenship. In this community, citizenship is acquired not out of duty, but solely by descent in the male line. The New Testament of the Bible starts with a catalogue of the generations from Abraham down to David, from David to the Exile in Bablyon and thence down to Joseph. The fact that Joseph was not the father of Jesus is conveniently glossed over with the phrase “and Jacob begat Joseph the husband of Mary, of whom was born Jesus” (Matthew 1:16). So too Abi Nasr would keep the right of citizenship restricted to the male line of descent, and the issue of motherhood carefully glossed over – just another of those “inconvenient truths”, to be discussed at best at arm’s length. Of the duties and obligations of citizenship he has, naturally, nothing to say, since his definition of that status has nothing to do with duty. His solution is therefore one of practical ways and means. A near automatic entitlement to a Green Card would, he argues, allow the husbands and children of Lebanese ladies, should those ladies be so foolish as to marry foreigners in the first place, to live and work in Lebanon without impediment. They could benefit (and here we must marvel at his largesse) from the great boons of access to the Lebanese Social Security system and even send their children, should they so desire, to public schools. Far be it from me to belittle his proposal, which has some merit, especially for the poorest segments of the community, for whom access to the *daman* (i.e. social security) and to public schooling represent real and desperate necessities. Let us not examine the plight of the Lebanese mother who suddenly discovers that she is unable to bequeath her own property, perhaps her family home, to her own children. After all, her children are foreigners, so the state will seize

her property on her death and her children will not benefit. Let them learn that since they are foreigners, the state has a natural and perfect right to evict them from their own family home as soon as their mother is no longer there. Far be it from me to criticize the fact that these privileged Green Card holders can still only work in the private sector – after all, it would be unreasonable to employ foreigners in the government service – and that there are restrictions even here. Mr. Abi Nasr kindly allows that naturally such *Untermenschen*¹ would not desire to become pharmacists, engineers, bankers or, indeed, members of any of the “syndicated” professions. Perhaps it is their natural fate to be restricted to the laboring classes as housemaids, chauffeurs, builders’ laborers and, perhaps, university teachers.

Of course, this proposal requires that the recipient of a treasured Green Card be the holder of a valid foreign passport. How unfortunate then that there exist in Lebanon whole classes of foreign children who could never benefit. Let us take as an example the wife of a Syrian laborer. He came to Lebanon originally to work, at the princely rate of \$10 per day, uninsured and without receipts or taxes, and stayed to marry. With the arrival, however, of a child or two, this salary proved meager, so he took his leave, returning to his village where his wife, left without funds or means of support for her children, could not follow him. Today he has perhaps even married another wife in his village, but, whether or not he has taken this step, certainly his Lebanese adventure is long forgotten. The Lebanese mother and her children are now in a most unenviable position. Her children cannot get Syrian passports unless she goes to Damascus, and perhaps to her husband’s village as well. Even if she makes the attempt, she must fight her way through a foreign bureaucracy to obtain the necessary documentation. While this is theoretically not impossible, it must be admitted that, unless she has an unexpectedly good education, and enough money, she must find more than a few impediments in her way, and the natural result is that her children are likely to be without passports, possibly even without birth certificates. Without these documents however, under Mr. Abi Nasr’s

plan, no Green Card can be forthcoming for them, so they will not be eligible for either social security or public schooling. When they attain the age of 18, the children are likely to be summarily sent to Syria because without passports they cannot obtain work permits even in the unlikely event that they can find an employer prepared to sponsor their stay. That this case is not an imaginary one is too well attested to merit comment here. The lady (Samira Soueidan) whose Egyptian husband died, leaving her in Lebanon but with Egyptian children, and whose case at the District Court of Jdeideh-Metn has been so much in the news of late, is just one of many such.

A further case not covered by Mr. Abi Nasr's proposal strikes closer to home. I am 58 years of age, and in the normal course of events at my university, may expect to retire at the age of 65. At this point, or at some point not too long thereafter, I shall no longer have an employer. How then, can the Ministry of the Interior authorize a Green Card for me, since it is tied by definition to my job? The answer might be that there is currently some small provision for a husband who is not working. There is indeed an administrative procedure whereby a residence permit can be obtained without a work permit on presentation of sufficient funds in the bank, but this rule is hedged around by a great restriction. The sum that must be on current deposit is very large – some \$67,000 to the best of my knowledge – and cannot be replaced by a banker's bond or guarantee. There must be many Lebanese families, let alone families where one partner is foreign, who would baulk at the idea of having to maintain a current account minimum balance of this magnitude. Perhaps Mr. Abi Nasr assumes that, even though my wife is gainfully employed, our house fully owned and debt free, and some income assured for my retirement, we, my wife and children and I, should, merely because sufficient current cash is not available on account, be uprooted and transferred to my country, a land foreign to her and to our children, where she would be unlikely to find work of the sort she currently does, or perhaps he has merely not realized the difficulties that this might entail. Either way, as a citizen of Lebanon, my wife should surely have the right to cry "no fair"!

We might continue an examination of the problems and perils that the Green Card solution may entail, but these would remain minor issues beside the greater practical effects on the Republic of which my wife is so proud to be a citizen, and I to be a guest. Mr. Abi Nasr's proposal would seem to contain pitfalls on a much wider scale. There is already a considerable drain of educated and skilled Lebanese out of the country. While we may not be certain of the exact numbers of Lebanese living in self-imposed exile all over the globe, from Dubai to Mexico, from Nigeria to Brazil, France to California, we must be very sure that this is a very large number, far exceeding the number of Lebanese currently residing in their own country. Mr. Abi Nasr's proposal merely encourages Lebanese women who have married foreigners to follow their brothers and sisters into self-imposed exile. In time, of course, they will then cease to be a problem for the state. The wives will probably become permanent emigrants, proud possessors (like so many other Lebanese citizens) of that most valued of documents, a foreign passport. Their children will be brought up as foreigners and, having no rights in Lebanon, will probably forget that they ever had any connection with their mother's country. At most, they may attend the occasional reunion in the Lebanese club of their city, where they will learn to dance a *dabke* (i.e. a Lebanese folk dance) and perhaps enjoy a *mezze* (i.e. traditional Lebanese appetisers). Perhaps the assumptions of citizenship under which this proposal is made can explain this odd attitude, for certainly it seems unlikely on the face of it that Mr. Abi Nasr intends to drive people intentionally away from their own, and his, country. The basic principle of nationality by male descent is that the wife should, on marriage, move to her husband's village. Thus Mary, the wife of Joseph, became a resident of his town of Nazareth, and, when the authorities called for a census, accompanied him to the place where his family record was kept, Bethlehem. Thus, more relevantly perhaps, it was also through several centuries of Ottoman domination. But today, in the 21st century, the world has changed. We no longer need a passport issued by the Ottoman authorities to travel from one village to the next, and the train, the car, and airplane have all resulted, together

with the telecommunication systems, telephone and Internet, in a much much smaller "global village" in which people, singly or as families, move much more freely. In these circumstances, it is most likely that neither wife nor husband will end up in the village of their ancestors. Though they may retain ties with it, they will not necessarily be close ones. Children will be born (like Jesus) in cities to which they are not native. Sometimes, like my children who, though British, were born in Beirut, they will then remain in that city, go to school, make friends, and so on. Such children can hardly be told, at an arbitrary age, that they must "go home". Home, they say, is where the heart is, or else where the hearth is, and for my children, heart and hearth are both here, where they were born. My wife does not wish to leave the country of her birth, and why should she since it is her birthright. If she were forced to do so, I am certain she would be homesick, which would in all probability damage our marriage. I, on the other hand, am happy to live in her country, because I have learnt to love it, have made friends, and have here a job which I also love. If called upon to defend it, I am as sure as eggs are eggs that I would do so. This I swear, though I am not a citizen. If the husband's home is no longer the automatic home of choice for a married couple and their children, then a law which is predicated on that state is clearly no longer relevant, and a system of residence permits based on that premise also therefore invalid.

In the past, there have been proposals that the ability of a Lebanese woman to confer citizenship on her husband and foreign children, or even the inverse case of a Lebanese man married to a foreign wife, might be made subject to reciprocity according to the laws applicable in the nation of the foreign spouse. On a practical level this would be complex, since no two nations agree entirely or exactly in this matter, so that the Foreign Ministry and Ministry of the Interior would be obliged to track vast numbers of foreign laws. This is not impossible and is already done on issues such as recognition of marriages, but is obviously difficult, and would entail either many hours of possibly pointless work for officials of the Ministries, and a plethora of legal arguments in a multiplicity

of languages, or that the Republic of Lebanon enter into a vast number of bipartite treaties with other countries. Again on a practical level, it has been suggested that this might solve some of the sectarian fears that have been voiced. It has been argued that citizens of Arab nations which have only male inheritance of citizenship would be excluded and that this would be helpful in maintaining the sectarian balance of the Lebanon, and also that this would have the "merit" of excluding Palestinian refugees who, after all, do not possess a passport which would confer this right. Mr. Abi Nasr's proposal of a Green Card also has the incidental effect of excluding the passport-less Palestinians. Yet Palestinian girls have been marrying Lebanese men for years now, and, even though they then receive citizenship for themselves and their children as a matter of right, the sectarian balance has not been shaken, nor have the numbers of such marriages been very high. It is hard to imagine a great rush of Lebanese women to marry Palestinian men in order to give them, through a marriage of convenience, the right to citizenship. Moreover, there are many simple means by which the Internal Security Forces can determine whether a marriage is real or fake. Other countries have dealt with this efficiently, and so can Lebanon. Indeed, former Minister of State Mona Afeiche recently catalogued a very reasonable set of checks on this, some of which are already in place for the foreign wives of Lebanese men. Proof of residence for a reasonable period together in Lebanon, the existence of a child by the marriage, and some proof of engagement with the community, such as a basic language test, will take care of many of these issues, and an oath sworn to uphold the Constitution and abide by the laws of the land would take care of the legality of it. On the issue of legality, however, the objection must be far more strenuous. If Lebanon were to accept the principle of reciprocity, then the rights of women, citizens of Lebanon, would be dictated not by the Constitution of Lebanon, but by the laws of their husbands' countries. A change in the husband's country's law would, in effect, bring about a change in the laws of Lebanon. I doubt that any lawgiver in this land would find such an abrogation of authority even remotely acceptable.

The Lebanese Constitution is perhaps one of the most complex in the world. That this should be so is not surprising given the complexities of the social structures, religious variety, and the fact that it was written in part at least not by the Lebanese themselves, but by functionaries of the French mandate. That it works at all is close to miraculous. But it contains an inherent contradiction. Article 7, as Mr. Abi Nasr certainly knows, guarantees equal rights, and requires equal duties and obligations of all Lebanese citizens without exception. There is no mention of gender in this article. The adjacent article states that the issue of nationality shall be subject to a separate law, which by virtue of that article, is also effectively part of the constitution, and was apparently written by a French mandate official in 1925, using as his model the laws of France (dating back to the latter part of the 19th century) and of the defunct Ottoman Empire. His major concern was not unnaturally, as is shown by the plethora of articles on the subject, the proper allocation of former Ottoman citizens into the various states and departments of Grand Syrie-Liban and/or of other parts of the former Ottoman Empire now divided into various mandates, kingdoms, and other states. It must be doubtful at least that under these circumstances such a person would even have considered the question of the status of women because in the circumstances and at that time, the issue was simply not relevant. As a result, the law of 1925, faithfully reproduced in subsequent amendments, still states that only a man can pass his citizenship to his children, thus leaving women as second class citizens as regards this issue. In the meantime, and with the creation of an independent Republic, Lebanon has given to women all the duties and obligations of citizenship, vote, tax liability and legal obligations. For this, the creators of the Republic must be commended. But if, as Mr. Abi Nasr appears to propose, the Green Card is to be used in lieu of citizenship, then this inequality of rights will be perpetuated, and the

highest law of the Republic of Lebanon must then continue to contain a very basic contradiction. I have been told that Mr. Abi Nasr is a lawyer, in which case I have no doubt that he well knows that contradictory laws are never a good thing (except of course for those lawyers who can occasionally make a bit of money arguing about them!) and that, when the contradiction occurs in a law as important, basic, and complex as the Constitution, then it is likely that, sooner or later, it must cause serious difficulties. The only way to rectify such a situation is therefore to remove the inequality which is at the root of the legal problem; in this case, to make men and women equal in the Nationality Law, as they are in the Constitution.

There are, in fact, only three possible solutions, and none of them allows for any reasonable negotiable middle ground. One is that the Constitution, not the Nationality Law, is faulty and must be amended to state that equality of rights applies only to men, women having lesser rights. To amend the Constitution is a difficult and dangerous task, as the Lebanese have very good reason to know. The second is that men and women do, as in the Constitution, have equal rights, but neither can confer citizenship to their children or spouses, even within the present limitations, in which case some altogether new principle must be found to confer citizenship, or else Lebanon will in the not too distant future become the first state in history to have no citizens at all. The third, of course, is to accept the Constitution's implied equality of men and women, and therefore give them equally the right to confer citizenship on their children and spouses, and with equal controls in place to prevent misuse of their rights. I leave it to the reader to consider which of these may be the wisest course.

Brian Prescott-Decie is an Instructor of English and Cultural Studies at the Department of Humanities at the Lebanese American University.
Email: bprescott-decie@lau.edu.lb

ENDNOTES

1. Untermenschen is a German word meaning under man, sub-man, sub-human. The term became infamous when the Nazi racial ideology used it to describe "inferior people", especially Jews, Gypsied, Poles along with other Slavic people like Russians, Serbs, Belarussians, and Ukrainians.

The Lebanese Woman Is Half Citizen until Further Notice

Mutayyam Jamal

“Lebanon is a parliamentary democratic republic based on respect for public liberties, especially the freedom of opinion and belief, and respect for social justice and equality of rights and duties among all citizens without discrimination.” This is stipulated in the third clause of the introduction of the Lebanese Constitution which summarizes all great human values such as freedom, rights, justice, and equality. It is further supported by article 7 of the Constitution whereby “All Lebanese are equal before the law. They equally enjoy civil and political rights and equally are bound by public obligations and duties without any distinction”. However, an observer can describe the situation as follows: Not all Lebanese are equal before the law. Social justice is linked to many cultural, sectarian, class, and social criteria, and there is flagrant discrimination against some groups of citizens and preference for some other groups, with a huge difference in civil rights.

This remark is true for many groups, but here we are singling out discrimination against the Lebanese woman, who has only half of the citizenship rights which the Lebanese male citizen enjoys. For she cannot give her nationality to the husband she chooses, and she doesn't have the right to pass her nationality to the baby she carries in her womb, as if this enfant is not hers. If she chooses to live in her country and marry a non-Lebanese, she will have to pay a price for her choice and bear the consequences. Neither her husband nor her children have any civil rights, not to mention political ones; they are deprived of their right to work and make a living, and they even have to open short-term bank accounts to acquire the right to reside with her in

Lebanon. This is the case even if they were born in Lebanon, spent all their money in it, embraced the Lebanese identity, spoke the same language, and shared the hopes and woes of this country. Neither the woman nor her family has a share in the system of *wasta* (i.e. connections or influence peddling). If this is to her dislike, let her find herself another country to live in, and let her join the hordes of tourists visiting Lebanon; only then will her country welcome her.

As for the Lebanese man, if he lived all his life in another country, and married a woman of any nationality, his wife will acquire the Lebanese nationality, and his children are one hundred percent pure Lebanese, even if they don't know Lebanon or feel any sense of belonging to it. The condition of the Lebanese woman is as follows: she is equal to the man at the polling stations when it comes to voting for him to reach decision-making positions. But she is definitely beneath him in human dignity, she has imperfect nationality rights, and she has incomplete access to her civil rights. There have been of late some voices demanding an end to this oppression, calling for justice for the Lebanese woman in her right to pass on her nationality to her family just like women in other Arab countries such as Iraq, Egypt, Tunisia, Morocco, and Algeria do. In these countries, a mother can pass her nationality to her children, a part of an international trend to fight all types of discrimination against women.

However, there have been voices opposing the woman's right to equality. The most prominent of all might well be Deputy Nematallah Abi Nasr, who

has been striving for a long time to undermine efforts to grant women their rights. Although the Deputy has a degree in law and is an appeals attorney, he claims that the Lebanese woman has achieved a high level of rights and outdone fellow women in comparison to laws in neighboring countries simply because she “drives a car”. He also believes that a reform of the citizenship law could impact the country’s demography at the expense of Christians. It is known that the highest percentage of Lebanese women married to non-Lebanese are those married to men of Arab nationalities, specifically to Sunni Muslims. Thus, giving the woman her right to give her nationality to her family means an increase in the number of Muslims, an issue that might harm the Lebanese demography, according to Abi Nasr and his supporters. It should be noted here that the current political representation in parliament preserves equal shares between religious communities, regardless of the actual percentage of each community in forming the Lebanese population.

In the framework of his quest for secular change and reform, and as a member of the Maronite League and head of the Democratic Christian Union, Deputy Abi Nasr has proposed a law “restoring nationality” to all those of Lebanese origin, whereby they are entitled to obtain the nationality of their grandfathers who emigrated from Lebanon a long time ago. It should be noted that they have already acquired other nationalities in the countries they lived in all their lives.

It is no secret that the main beneficiaries of the above suggestion will be Christians. It is a beautiful idea that expatriates are able to reclaim the identity of their grandfathers so long as they are prepared for effective integration into Lebanese society, whether they are Christians, Muslims, Jews, Hindus, or atheists. Religion is something personal that should play no role in this matter.

However, what is more important and urgent right now is not the needs of Lebanese expatriates who enjoy all rights in their second countries, of which they have become a part, but rather the needs of the husband and children of the Lebanese woman who

are residing in Lebanon. They are deprived of basic conditions of decent living at a time when they are more Lebanese than the expatriates because they live in Lebanon, have integrated themselves into it, and are an economic, intellectual, cultural, and social asset to the country.

It seems that the issue of Lebanese demography is troubling Deputy Abi Nasr more than the expatriates, as a lot of them do not know the Arabic language and haven’t visited Lebanon and are not closely acquainted with it. The least of their worries is the balance of religious communities within the Lebanese population. They are totally immersed in their countries that are free of the sectarian complex, and are comfortable where they are, away from Lebanese sectarian calculations. But their formal acquisition of the Lebanese nationality means a lot to the demography of Deputy Abi Nasr. It is worth mentioning that this very deputy calls for a separation between religion and state, and the elimination of sectarianism from our hearts and laws.

Lebanon will continue to drown in the whirlpool of sectarianism as long as the Lebanese woman must study demography before marrying a non-Lebanese. She must ponder the possibility that her fetus might destabilize the unique Lebanese formula, and calculate whether this addition befits the demographic vision of the Deputy. As for the Lebanese man, he has the absolute right to toss demography over his shoulder and marry any woman of any nationality and produce children with Lebanese nationality, whether they know Lebanon or not.

Lebanon’s strength lies in its ability to embrace diversity and merge it in one identity rather than in sectarian calculations that empty religion of its spiritual and moral aspects, and use it as fuel to spread hatred, oppression, and discrimination. Truth, justice, and equality are values that are not subject to partitioning, selectivity, and preference. They should determine the orientation of laws in Lebanon and elsewhere so as to establish a civil society that respects freedoms and the rights of humans and all creatures living on its land or flying

in its sky. This is the current international attitude, and it is in Lebanon’s interest to enter this race, for it is the sole guarantee of reaching a high level of development and to increase the chances of progress and prosperity. The alternative would be depriving people of their rights using the pretext of democracy and religious balance which would only serve to fan the flames of sectarianism. The fire of sectarianism can break out anytime because this country sees its citizens as mere numbers in a religious community rather members of a homeland.

As for the latest procedure in the Council of Ministers that calls for issuing a decree that grants a complimentary three-year residency to the children of the Lebanese woman, it can be described as positive, but it doesn’t solve any problems. Women will still be deprived of enjoying their rights in some areas, the most important being earning a decent living, a thing which severely limits the rights of the Lebanese mother and undermines her right to an economically stable life with her family. This decree of complimentary residency has been applied since 2003, but its application is as fickle as are other laws in Lebanon. For even if the mother is Lebanese and her son is living in Lebanon for twenty years, he might be denied this complimentary residency if he doesn’t have valid reasons for it. And his request is often accompanied by mistreatment by the officials involved. Also, he

and his mother must both pledge that he will not work, or he can pay a sum of 300,000 LBP (around \$200 us dollars), only then can he obtain a one-year workers’ residency like all other foreigners residing in Lebanon.

The time has come for Lebanon to rid itself of the law of the jungle and sectarian mini states and racist laws, and to abide by the Constitution and human rights. It is most unfortunate that many countries throughout the world are progressing while Lebanon is regressing, at a time when it is in desperate need of polishing its image in international circles, especially after repeated civil conflicts. We have experienced that there is a need for drastic and swift reform in the field of human rights in order to support ideals such as “tolerance” and “coexistence”, which Lebanon claims to champion.

We urge the Minister of Interior to directly oversee the application of the law of complimentary residency pending complete justice for the Lebanese woman by which she would receive full citizenship rights and subsequently her right to pass her nationality on to her family.

Mutayyam Jamal is a novelist.
Email: Mutayyam.Jamal@hotmail.com
Translated by Nazih Khater

Press Release

The Minister of Labor issues decrees facilitating the right to work for spouses and children of Lebanese women: A beginning of a citizenship spring?
Beirut, 28 September 2011

In an unprecedented step towards challenging discrimination against women, especially in Lebanon, the current Minister of Labor, Charbel Nahhas, announced during a Press Conference held on September 27th a series of reforms which were introduced on a number of clauses of the labor laws, aiming to eliminate various forms of discrimination and injustice against non-Lebanese children and spouses of Lebanese women.

The Minister indicated that he has taken these steps in order to address what he has described as an unacceptable situation whereby non-national spouses and children of Lebanese women are treated as any foreigner. This, according to the Minister, is unjust since “spouses and children of Lebanese women are intimately linked to Lebanon in view of the kinship relation and, as such, are entitled to fundamental rights namely the residence to right and work”.

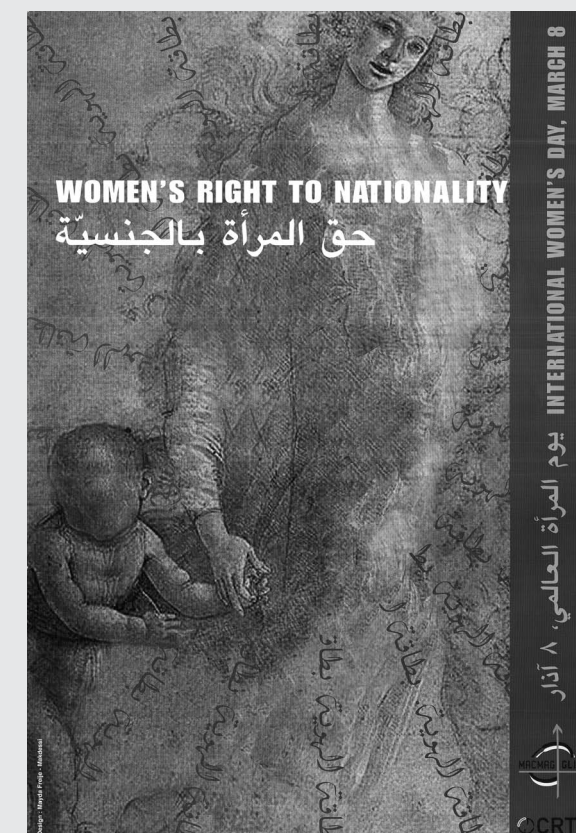
As such, the Ministry of Labor has introduced radical changes on the law namely granting work permits to children and spouses of Lebanese women which are not limited to occupations allowed to foreigners, simplifying the administrative procedures as well as allowing employers of spouses and children of Lebanese women to reclaim bank guarantees (amounting to 1.5 million LBP per person) previously blocked for that purpose.

The Minister has also sent an official request to the Cabinet requesting the inclusion of a specific clause in the finance law waiving the fees needed for issuing a work permit as well as a pre-work permit approval for all children and spouses of Lebanese women (effective one year after the official marriage registration for the spouses).

The “My Nationality is a Right for me and my Family Campaign”, which was invited by the Office of the Minister to attend the Press Conference, would like to express its support to Minister Nahhas’ initiative, especially since the initiative has been formulated within a human rights framework, as expressed by the Minister, who indicated that “out of respect to human rights and to women’s rights, spouses and children of Lebanese women are intimately linked with one half of the Lebanese society and it is the duty of the state to provide for their rights and needs. The Ministry of Labor found it appropriate to alleviate their financial burden through waiving work permit fees normally requested from foreigners”.

This logic and approach based on the fundamentals of human rights is a strong base for addressing all social issues and ought to be consecrated fully through an overall reform of the current discriminatory nationality laws, in order to eliminate all forms of discrimination against women.

The “My Nationality is a Right for me and my Family Campaign” will be closely following the implementation of these new measures with the Ministry and will ensure that information about the implementation mechanisms are widely disseminated. The Campaign is also ready to support the efforts of Minister Nahhas to regularize the situation of Lebanese women and their spouses and children. In addition, the Campaign will also be following up the fate of the law petition submitted on the 27th of July to the office of Prime Minister Mikati to ensure equality amongst women and men, as well as women’s full citizenship rights in Lebanon. “My Nationality is a Right for me and my Family Campaign”.



Captions from the CRTDA Nationality Campaign. For further information contact CRTDA at info@crtdda.org.lb

Talk and Adult Lebanese Female Friends

Missan Laysy Stouhi

Introduction

Hardly any research on language and gender in general, and women's talk in particular, has been conducted in the Arab or the Lebanese context (see Haeiri, 1997; Sadiqi, 2003; Nelson, Al-Batal, & Echols, 1996). Outside the Arab world, major studies on female friends' talk focused on conversations between children and teenagers (Goodwin, 1982; Goodwin, 1983; Goodwin, 1998; Goodwin, 2002; Hunt, 2005) or married women with children (Coates, 1996; Holmes, 1995; Tannen, 1990). This research study aims at further exploring potential competition for social power by examining levels of support and competition in the talk of adult (unmarried) Lebanese women best friends' gossip, narratives, and discussions. The study examines the levels of support in these best friends' responses to each other in conversations. It also investigates the extent to which these adult women friends recognize or admit that they disagree or compete for popularity or knowledge in their interactions with their best friends.

Booth (2005) suggests that in many parts of the Arab world, women have gained a considerable amount of social power over the centuries - especially by means of the literature they have produced, i.e. by their words. They developed a deep thirst for knowledge, became educated, occupied high and prestigious professional posts, and started to speak their mind and encourage other women to break their shackles and free themselves from gender role expectations.

Jackie Guendouzi (2001) put forward a ground-breaking work on the talk of female best friends, probably the first study that explicitly and exclusively reflected on elements which could signal competition in conversations between female best friends. She said that female best friends share a set of norms. When one of them judges any person based on these norms, she is practicing a slightly more elevated level of power than the other interlocutors. She decides what is considered acceptable and what is unacceptable with respect to intra-group beliefs and norms. She is showing courage by actually articulating this judgment and sharing it with others whom she expects to agree with her.

The present research study is rooted in what the above-mentioned works suggest. Findings suggest that the evolution¹ of which Guendouzi (2001) and Booth (2005) speak has made its way to even the most spontaneous and basic practice: conversation between female best friends. Despite the high level of support adult Lebanese female

friends enjoy in their conversations, competition and challenge are not altogether absent, and knowledge² may be one of the reasons for this phenomenon.

Women Friend's Talk: A Brief Literature Review

Robin Lakoff (1975), Deborah Jones (1980), Deborah Tannen (1980), Janet Holmes (1995), and Jennifer Coates (1996), among others, highlighted the importance of women's talk as a tool for maintaining and strengthening their friendships, establishing rapport and solidarity, and exchanging support. In the new millennium, however, some researchers in the field of language and gender detected elements in the talk of women friends which may not be absolutely supportive (Ardington, 2006; Cameron, 2005; Campbell, 2004; Guendouzi, 2001; Guendouzi, 2004; Hess & Hagen, 2006; Hunt, 2005; Kotthoff, 2006; Lampert & Ervin-Tripp, 2006). Their studies focused on some of the conversational elements which earlier research overlooked or discussed cursorily, such as potential competition for knowledge or popularity in the conversations of adult women friends.

Marjorie Goodwin (1982, 1983, 1985, 1990, 1998, 2001, 2002) was among the first researchers to argue that even at an early age, young girls sometimes use unsupportive and even aggressive conversational strategies when the need arises. Young girls at play generally prefer to use supportive and rapport-building, friendly forms such as the collective pronouns "we" and "us" as long as the play environment is safe and conflict-free. However, in the case of conflict, competition and aggression may be manifested in the use of strong directives such as "ADMIT IT" or "SAY IT"³ (Goodwin, 2002; West, 1995) and exclusion from play (Goodwin, 2002).

Studies on the talk of older groups of female friends focused primarily on the narratives they tell in their conversations (Coates 1996; Holmes 1995). Narratives entail recollecting past events through speech (Labov, 1967; Labov, 1997). In women friends' narratives, "mirroring", i.e. telling a story which shows agreement with that of the previous speaker, was identified as one of the main strategies by which interlocutors exchange support. However, while Coates (1996) argued that women's narratives are always mirrored, Holmes (1995) concluded that women friends' responses to each other's narratives may range anywhere on a supportive-unsupportive spectrum.

Besides narratives, gossip - or the evaluation of an absent party's behavior - is another type of conversational content typically associated with the talk of women friends (Campbell, 2004; Guendouzi, 2001; Jones, 1980). Campbell (2004) and Guendouzi (2001) associate gossip with a higher power status even among groups of women friends. When a female gossips, she exhibits deep knowledge of the norms and standards of her group, and gives herself the right to pass judgment accordingly. Furthermore, Campbell states that women's gossip involves challenge and competition for knowledge and popularity. Interlocutors who are more likely to pass judgments - i.e. gossip - are believed to have an elevated level of power compared to the rest of the interlocutors in the conversation; they are considered better - and probably more courageous - experts on what types of behaviors are acceptable and unacceptable based on the system of beliefs and norms that the group of interlocutors - more or less - shares. It is noteworthy that gossip also denotes indirect aggression through attacking someone's reputation (Campbell, 2004; Guendouzi, 2001; Hess & Hagen, 2006).

1. The evolution that females have experienced on the level of their status in their societies is reflected in their speech. Accordingly, and as far as this research study is concerned, parallel to their elevated power status, female friends' talk has undergone a certain level of transformation in terms of attitude and purpose: from pure support (Coates, 1996; Jones, 1980) to possible challenge for knowledge, power, and popularity through speech (Booth, 2005; Guendouzi, 2001).

2. As this research study would later suggest, women may like to exhibit the knowledge they have acquired through their education and their life experiences. They may choose to argue about issues in fields of their expertise; they may pass judgments based on what they have established as a strong system of beliefs and norms. These types of knowledge are assets that women sometimes employ in order to attain their underlying purpose from the conversation.

3. Capitalized words indicate that they have been articulated in a strong imperative tone and intonation.

Atypical to women friends’ talk are discussions which are defined as eventless conversational exchanges that involve neither a recollection of events nor the evaluation of an absent party (Coates, 1996). Sally Hunt concluded from a study she conducted in 2005 on college roommates’ talk that discussions are a means by which women friends compare and contrast their outlook on several issues pertaining to their lives, culture and experiences. Women friends, she said, feel free to explicitly agree or disagree with each other in their discussions, and any disagreement is frequently met by laughter and humor. Adkins (2002) suggests that disagreement involves a level of competition for knowledge in a certain field.

Summing up, it can be observed that research on language and gender has so far shown that women friends’ talk is not exclusively supportive; there are elements in women friends’ gossip, narratives and discussions which may introduce a certain level of competition for power, popularity or knowledge into the conversation (Cameron, 2005; Campbell, 2004; Guendouzi, 2001; Hess & Hagen, 2006; Hunt, 2005; West, 1995). These elements may not be detected in the way a woman initiates talk as much as in the way women friends respond to each other in a conversation (Holmes, 1995).

Objectives and Methodology of the Study

This study seeks to examine the types and frequencies of supportive and unsupportive reactions to gossip, narratives, and discussions in the conversations of adult Lebanese women friends. It compares the frequencies of these three types of conversational content and explores the topics that each type involves. Furthermore, it sheds light on the relationship between women’s talk and their friendships. It also investigates the participants’ beliefs concerning disagreement or conflict in their conversations.

The study deals with a group of females that is underrepresented in the literature, namely 25-30 year-old single Lebanese females. Thirty-five Lebanese females who belong to this age group were asked to participate in the study, twenty-eight of whom agreed to participate (seven females declined). The group is homogeneous in terms of educational background: all 28 females are holders of Bachelor’s or Master’s degrees from the American University of Beirut or the Lebanese American University. They all live and work – full-time or part-time in Beirut. Their hang-out zones are the same cafés, restaurants, or pubs in Beirut – mainly around Hamra or Ashrafieh areas.

After signing an Informed Consent Form whereby they officially expressed their readiness to participate in this research study, the twenty-eight participants (who are pairs and groups of best friends) tape-recorded their conversations. Studies on language and gender suggest that the most reliable results can only be concluded through the analysis of naturally occurring speech (Coates, 1996). After conversations were recorded and transcribed according to Coates (1996) key for transcription, a corpus of approximately 9 hours and 30 minutes of naturally-occurring conversations between adult women best friends was developed. The recording process started at the end of November 2008, and the last conversation was delivered mid March 2009. By the end of June 2009, transcriptions were fully ready for analysis.

The method of analysis of the corpus, similar to that in Coates (1996) and Hunt (2005), entailed a careful isolation of instances of gossip, narratives, and discussions based on

elements which constitute each of these types of conversational content respectively (see Table 1 and Table 2).

Table 1. Elements of Gossip Based on Eggins and Slade (1997) & Guendouzi (2001)

Elements of Gossip	Definition
An absent party	A person who is carrying out a behavior which is evaluated by interlocutor(s) as deviant from the norm
Substantiating behavior	The supporting information the speaker uses to prove that she is right and to elicit agreement from the other interlocutors in the conversation that the absent party’s behavior is deviant
Pejorative evaluations	Other examples provided by the initial speaker or other interlocutors to further illustrate how the absent party’s behavior was deviant
Probe (s)	Questions that are asked to further investigate the situation and evaluate the behavior of the absent party
Wrap-up	A final comment or judgment which briefly summarizes the situation and its evaluation

Table 2. Elements of a Narrative Based on Labov (1997)

Elements of a narrative	Definition
Abstract	An opening clause which introduces the narrative and which may help listeners predict its upcoming organization, topic, and relevance to the conversation
Orientation	Specifications of the place and time of the narrative as well as the people involved and their initial performance
Complicating action	The following behavior or event that would answer the question “so what happened?”
Coda	A follow-up on the events; a closing section which relates the narrative to the current conversation and which would answer the question “and what happened afterwards?”
Evaluation	Information on the results of the behaviors and actions in the narrative and how they are related to human life – a narrator assesses events by weighing what happened against what should happen or what should have happened (fiction is compared to fact)

Discussions are what could be categorized as neither gossip nor narrative. A conversation could start as gossip or narrative and develop into a discussion about a more global or abstract concept (Coates, 1996; Holmes, 1997). Holmes (1997) suggests that not all speech exchanges take the form of stories. Speakers may merely discuss the advantages and disadvantages of a certain object or behavior in what Holmes labels as “storyless interactions” or discussions (Holmes, 1997, p. 266). Yet, no example of discussions was mentioned in any of the leading works on female friends’ conversations. This may be considered as one of the limitations of the literature on women’s talk which rarely – or never actually – explored this type of conversation; the literature mainly focused on narratives and gossip as these are considered arenas for sharing and support.

After instances of gossip, narratives, and discussions were isolated in each conversation, a quantitative investigation of their frequencies took place. It is noteworthy at this point that in some instances, the three types of conversational content would overlap. That is, for example, sometimes in a narrative, an instance of gossip would occur, and the narrative would then evolve into a discussion. In this case, each type was counted once, i.e. one single conversation or chunk of a conversation entailed an instance of gossip, a narrative, and a discussion. Based on Holmes (1995), responses to each instance were investigated in terms of support, lack of support, or neutrality. For example, if a participant gossiped about an absent party and the listeners agreed, the answer would be considered as supportive. If the absent party was defended, the answer would be considered as unsupportive. A neutral response would occur for instance when the listener says that she is unfamiliar with the party who is the subject of gossip.

Afterwards, topics in each type of conversational content were examined. A list was prepared as to the topics and content of the participants’ gossip, narratives, and discussions. The analysis and conclusions were drawn from the frequencies and the topics in the corpus, which were compared to those in earlier studies, mostly Coates (1996), Holmes (1995), and Guendouzi (2001). These studies are the ones most relevant: Coates’s study highlights a high level of support in women friends’ talk (Coates, 1996); Holmes’s suggests the possibility of neutrality and the lack of support in women friends’ conversations (Holmes, 1995); Guendouzi’s study argues that unsupportive conversational behaviors can characterize women best friends’ talk (Guendouzi, 2001).

In addition to the above-mentioned corpus, semi-structured ethnographical interviews were carried out with ten of the participants based also on Coates (1996, pp. 17–19). The interviews basically investigated the nature of the friendships the participants in this study shared with their best friend(s), their reflections on their conversations, and their beliefs with regards to conflict and competition between best friends. These interviews aimed at showing how participants differentiated between a best friend and other types of friends or acquaintances. The researcher stopped interviewing participants when the answers to the questions started to become repetitive.

Results and Conclusions

Table 3 summarizes the findings concerning the frequency of each type of conversational content in the corpus: gossip, narratives, and discussions.

Table 3. Frequencies of Gossip, Narratives, and Discussions in the Corpus

Type of Conversational Content	Frequency	Corresponding Percentage
Gossip	62	18.51 %
Narratives	111	33.13 %
Discussions	162	48.36 %
Total	335	100%

Neutral, supportive, and unsupportive responses to gossip, narratives, and discussions were detected in the participants’ conversations. Table 4 provides a statistical overview of these responses.

Table 4. Neutral, Supportive, and Unsupportive Responses to Gossip, Narratives, and Discussions in the Corpus

Type/ Total in Corpus	Response (Frequency / Approximate Percentage)		
	Neutral	Supportive	Unsupportive
Gossip / 62 (100%)	0 (0%)	48 (77.4 %)	14 (22.6 %)
Narrative / 111 (100%)	15 (13.5%)	81 (73%)	15 (13.5 %)
Discussion / 162 (100%)	50 (31 %)	75 (46.3 %)	37 (22.7 %)

Gossip was never met with neutrality in the corpus. In 77.4 percent of the overall instances of gossip, the participants’ responses to each other were supportive. This support involved adding pejorative adjectives to the speaker’s judgment, or providing further examples that illustrate how the absent individual’s behavior was deviant. For example, a female would complain about a guy who did not call her back after a date saying that he is rude; her friend would echo negative descriptions of his behavior such as saying that he is dumb not to call her back, or jokingly saying that he has multiple personalities and that it was his other personality who didn’t make the call. Participants responded to 22.6 percent of the gossip instances in the corpus in an unsupportive manner. These unsupportive reactions took the form of explicit disagreement with a speaker concerning her judgment or of direct defense of the individual who is the subject of gossip.

Narratives also represent a type of conversational content in which the level of support is high; 73 percent of the total narratives in the corpus were met by agreement with the narrator. For example, a speaker narrated the story of how her family is forcing her to meet suitors. The listener mirrored by narrating an unpleasant experience with a suitor she was forced to meet. Both speakers concluded this part of their conversation with how depressing they found the whole suitor-meeting experience. Interlocutors reacted to 13.5 percent of the narratives in the corpus in an unsupportive manner. They sometimes told narratives with conclusions that contradict the ones reached by a previous interlocutor, or explicitly disagreed with an “evaluation” element of a

speaker's narrative. For instance, a speaker narrated how uncomfortable it made her to go out with a couple she knew who were not on good terms with each other. She said that they fight in cafes and restaurants and embarrass her. The other speaker narrated many instances whereby she went out with the same couple yet she always spent a good time with them. In 13.5 percent of the narratives, interlocutor's reactions were considered neutral as they basically involved asking questions to fill in the blanks of the narrative with no clear indication of agreement or disagreement.

As the frequencies indicate, and unexpectedly, discussions represent the most frequent type of conversational content in the corpus. Thirty one percent of the discussions in the corpus involved neither supportive nor unsupportive responses; they comprised neutral conversational exchanges on general themes and topics. For example, two friends with medical backgrounds discussed types of medicines usually used for psychological disorders and their side effects. Another discussion was about diets or educational programs. Discussions also involved series of questions and answers by which participants exchanged information and updates. Discussions in the corpus also seem to be a medium in which the participants felt free to express disagreement. For instance, one of the participants would list reasons why she should stay in her job while her best friend would give her reasons why she should not do so. The ratio of discussions met with agreement to those met with disagreement in the corpus is approximately 2:1.

As can be concluded, narratives and gossip comprise the types of conversational content in which the participants in this study showed the highest levels of support for each other; participants were more compelled to agree with each other in gossip and narratives than in discussions. Gossip elicited more unsupportive reactions than did narratives. The frequencies of unsupportive reactions to gossip and discussions were approximately the same. Discussions involved the highest level of neutrality where neither supportive nor unsupportive reactions were detected.

Topics in Women Friends' Talk

This study has shown that topics in women friends' talk may range from mundane activities, such as buying tennis shoes, to very particular and technical issues, such as the difference between two psychological disorders. The participants' conversations involved general topics such as diet and saving money, embarrassing situations such as getting dumped by a romantic partner, sensitive issues such as religion and politics, and technical discussions pertaining to medicine or philosophy for instance. These women's talk extensively involved the people in their lives: romantic partners, family members, bosses, colleagues, classmates, friends, acquaintances, and less frequently even total strangers.

The interviewed participants in this study indicated that they expected their best friends to update them with their latest news. Interviewees expected that they would depart from their encounters with their best friends having discussed all the details pertaining to at least each other's personal lives (dating habits and experiences, updates on intimate partners, nostalgia for an ex-boyfriend, romantic feelings and emotions), work (work environments, relationships with colleagues and bosses), study (study plans and habits), family (news and lifestyles of family members), and

4. All these quotations are authentic testimonies from the semi-structured ethnographical interviews conducted with the participants.

sometimes finances (expenses, saving money, loans, and credit card bills). They sought and gave opinions and advice on issues related to their everyday experiences such as work, study, fashion, weight loss, and new places to visit. They discussed personal development, weddings, employment, immigration, sex, money, health concerns, business, and philosophy. They "nagged" and "complained" about male partners, emotional dilemmas, singlehood, pressure to get married, as well as menstrual pain and stress. They reflected on their past experiences, reminisced about their shared memories and explained how they have changed over time. Interviewees also mentioned how they projected by expressing future ambitions, hopes, and dreams, and reflected on their fear of their growing responsibilities. Less frequently, women discussed politics, pets, desserts, and hair removal.

Talk and Women's Friendships

Talk is a form of social action. It is one of the main activities during which the participants in this study practised, maintained, and nurtured their friendships. Interviewed participants indicated that they meet their best friends over coffee, a meal, or even a cigarette. They talk at the beach or at the beauty salon. They have conversations before and after they watch a movie, a play, a concert, or any cultural event. They are culturally active. They talk over music and a drink at pubs and night clubs, or during in-door gatherings. They talk on a regular basis, face to face, on the phone, or via the internet. In the interview, women friends indicated that they make an effort to maintain their friendships.

When the interviewees defined friendship, most of them did so in terms of talk itself: "friendship is a relationship where you can disclose"; "friendship is a relationship between two people in which they are both understanding and non-judgmental"; "friendship involves being supportive of others even if you think that your best friend is making a mistake. It is about giving her advice but also accepting her final decisions"; "friendship is when two people trust in each other, respect each other, care for each other, and tell each other everything", "friendship is when two people connect to each other"; "friendship is when two people enjoy each other's company, have a meaningful and interesting conversation, share experiences and memories, and do nice gestures to show how much they value each other". One of the interviewees mentioned that "a best friend is someone who would not judge you even if you said 'the taxi driver is a hottie!!!'". The interviewees suggested that talk with their best friends is special because it is intimate. It reflects how these friends understand one another, identify with each other and share experiences. It is a chance for them to "get things off [their] chest and feel better without having to worry about the consequences". An interviewee mentioned that a woman friend can be more understanding than others because it is likely that she has gone through a similar experience. Talk with best friends, as the interviewees reported, involves a high level of knowing what a woman wants to say without having to say it, and listening attentively to a woman elaborate on an issue which others may consider trivial. Talk is the means through which women friends exchange "genuine support even if [they] are not as right as [they] think [they] are!"⁴

However, two out of the ten interviewees mentioned that they figured out from their experience that no friendship lasts forever. They justified this point by explaining that

because people have different personalities, some are unable to forgive and forget when the slightest misunderstanding or conflict takes place. These two interviewees reported that they had faced bad experiences with individuals whom they considered their best friends. These bad experiences were attributed to “serious differences” in the way the interviewees and their best friends deal with problems or react to situations.

Sharing the same values and interests comprised the main component of the interviewee’s friendships. When asked about the key components of her relationship with her best friend, one interviewee said: “I believe that a best friend is someone you have lots of resemblance with, be it in personality or in background, such as childhood or teenage memories, or perhaps a common way of thinking. It’s the resemblance with the other person that makes you feel like revealing all about yourself to your best friend because you know that you won’t shock her since she thinks the same way you do”. Three of the interviewees enjoyed the history they shared with their best friends, which created inside jokes and a special vocabulary that are exclusive to their friendships. Findings from the analysis of the corpus support this claim.

Conflict, Support, and Women Friends’ Talk

When asked if conflict ever comes up in their conversations with their best friends, interviewees’ answers varied significantly. Some indicated that conflict is a natural part of any interpersonal relation, and would just eventually surface with time because people’s personalities and moods vary and change. Others claim that they are unable to recall a single instance of conflict in their conversations with their best friends. Interviewees reported that conflicts arise because of “difference in expectations”, “hormonal fluctuations”, and “deception and betrayal”. Four interviewees mentioned that not keeping a secret is one of the conflicts which usually end friendships. Two interviewees mentioned that they would stop arguing if a conflict takes place because persisting will make the conflict more serious and jeopardize friendship. Two other interviewees described their conflicts with their best friends in a dramatic manner; one mentioned that “upon conflict, voices are raised, and there is an exchange of harsh yet truthful words. But then the conflict is resolved on the spot, even if we both stick to our opinions. We just agree that this issue is something we see differently and leave it at the point when attempts to change each other’s minds don’t work”. One interviewee mentioned that she has a complex personality and prefers to take a distance from any friend with whom she faces repetitive conflicts. Hence, most interviewees in this study admit that conflict may be a natural constituent of their relationships with their best friends, and it creates moments of tension yet does not terminate their friendship.

Analysis of the corpus⁵ indicates that disagreement, competition, and conflict may take place in participants’ talk despite the high levels of support and sharing. Interviewees also highlight that resolving conflicts with best friends is a skill that women friends learn when doing friendships. Because they know their best friends very well, women friends apply this knowledge to avoid conflict and to resolve it when it takes place. A few interviewees reported that frequent disagreement, challenge, or competition in a conversation with a particular friend may signal that this friendship may lack basic components such as trust. They said that if a woman discovers that she shares very few beliefs, values, and interests with another woman, she may decide to end the friendship or distance herself, even if the two women had known each other for a long

5. All reference to “the corpus” in this research study is concerned with the - approximately - 9 hours and 30 minutes of naturally-occurring conversations between adult Lebanese women best friends. The conversations were recorded, transcribed, and analyzed, and based on them, the conclusions of this study were made as the researcher mapped findings to the literature.

time. The majority of the interviewees indicated that they continuously, cautiously, and consciously protect and nourish their friendships with their best friends.

Comparing what the participants reported in the ethnographical interviews with findings from the analysis of the recorded conversations, indicated that conflict and disagreement did actually come up in these conversations. However, the corpus also reflected the close connections, shared histories, and high levels of support among these participants. Discussions comprised the type of conversational content most frequent in the corpus, and also represented an arena that required less support and allowed more disagreement. Levels of support in narratives and gossip were considerably higher than agreement in discussions. Agreement, support, and mirroring seem to be necessary requirements whenever narratives or gossip came up in these best friends’ conversations.

Talk and the Female Gender Role

In the Lebanese culture, women between 25 and 30 years of age are expected to find a partner to whom they can eventually get married. To satisfy these expectations, females generally associate themselves with the social roles of “wife” and “mother”. In this study, participants neither completely distanced themselves from these social roles nor did they exactly associate themselves with them.

In some of the conversations in the corpus, interlocutors expressed their resentment towards not being able to meet some of the female gender role expectations in their culture. Single participants expressed their need to find romantic partners. It was concluded from many of the conversations in the corpus that participants frequently complained about failed romantic relationships with men; the participants attributed this to negative qualities in the personalities of the men they usually meet and date. Given that these females are not afraid to speak their mind, they believe that this is one of the possible reasons that push men away from them. According to some of the participants, men prefer calmer, meeker, and more agreeable females. In many of the conversations, moreover, women presented themselves as victims who suffered from men’s carelessness, infidelity, and instability.

The participants were evidently seeking romantic relationships that could be lasting and serious. Because of many failed attempts, participants repeatedly questioned their expectations towards their romantic partners, especially when it came to personality traits and age. Participants basically discussed, evaluated, and compared what makes a man an adequate romantic partner for each of them; fidelity, generosity, intelligence, handsomeness, financial situation, extroversion vs. introversion, and future goals were some of the commonly discussed characteristics.

Although they continuously expressed their need to find adequate romantic partners, participants did not explicitly discuss wanting to get married. The idea of marriage came up when the participants were discussing the marital relationships of other people or the pressures imposed upon them by their parents. Gender role expectations towards marriage in particular seemed to provoke participants’ sense of uncertainty. Participants’ perspectives varied between acceptance, rejection, and confusion. Most participants affirmed that what they were seeking were basically relationships that

may - at a later stage - evolve into marriage. Moreover, they did not try to associate themselves with typical female social roles such as “wife” and “mother”. Based on the discussions, there seems to be a strong correlation between the participants’ inability to find adequate romantic partners and their dissociation from the idea of marriage. Besides, complaining about unsuccessful romantic relationships and dissociation from the female gender role “wife” seemed to be recurrent in many of the conversations in the corpus. The fact that participants never discussed the idea of building a family or having children in the whole corpus indicates the possibility that they might have dissociated themselves from the gender roles “wife” and “mother”.

Jennifer Coates (1996) identified women friends’ talk as the environment where women feel the most comfortable to challenge expectations. Some participants in this study challenged female gender role expectations in some of the topics of their conversations. Participants discussed practices that are associated with shame and disgrace in the Lebanese culture such as cohabitation, premarital sex, and having children outside wedlock. They sometimes made several references as to how these behaviors would infuriate their mothers. Women in the corpus rarely or never actually expressed their desire to become mothers. Hence, participants enjoyed a level of freedom to challenge, negotiate, and reject norms in their conversations with their best friends.

Another means by which women in this study challenged expectations is their choice of vocabulary. Participants used profanities quite often in their conversations with their best friends as findings in the results section suggest. These conversations gave them the chance to be spontaneous and even to transgress boundaries placed by their society on their talk. This use of profanities such as *sharmuta* (i.e. whore), *kess emmo* (a swear word cursing one’s mother), *kess ekhta* (a swear word cursing one’s sister), *w air* (i.e. dick), and “fuck”, in addition to others may be the participants’ means to associate themselves with men who represent the sex with the higher social status. They did not feel the need to conform to more polite forms of language which according to the literature (in Tannen, 1990 for example) are typical of female speech.

Challenge and Competition in Women Friends’ Talk

Participants in this study liked to show their knowledge whenever they felt that they had expertise pertaining to a topic that came up in their conversations. This knowledge may be personal or technical. As findings suggest, participants exhibited their knowledge about types of medications, psychological disorders, computers, and philosophical concepts, among others. Moreover, interlocutors in the corpus frequently gave each other advice. Hence, women in this study did not hesitate to display their knowledge and expertise whenever they had the chance to do so, and especially during discussions.

Another way the participants in this study seemed to claim popularity is by knowing what to say and how to say it. Popularity as Guendouzi (2001) defines it is an elevated level of likeability over other interlocutors in a conversation based on a higher level of knowledge in a certain area. Coates (1996) indicates that women establish a deep connection because they have deep knowledge of what the speaker expects or likes to hear. Interlocutors in this study probably tried to gain a higher level of popularity

by making each other laugh for example. Glenn (1992), as well as Lampert and Ervin-Tripp (2006) highlight the role of the ability to make others laugh in elevating a speaker’s status. Hence, through their conversations, best friends in this study continuously sent to one another direct or indirect messages which could be indicators of different levels of power or status. They challenged each other by expressing their opinions and showing their knowledge; they competed for popularity by making each other laugh. They questioned the levels of trust that their friendships entail. They reassured each other concerning their shared values and histories. They continuously spoke their mind and gave each other advice. They experimented with female gender role expectations in their society, questioning them, discussing how much they are willing to conform and sometimes defying them at least in their talk. Popularity was sought and established through different strategies and in different intensities depending on the company, the topic, the situation, etc. A deeper psychosocial analysis of the relationship between popularity and talk may be an interesting topic for future research investigations.

Conclusion

This research study has shed light on the talk of participants who seem to make-up a female sub-culture on their own, one that is underrepresented in the literature on women’s talk and that does not necessarily resemble other subcultures of females from younger or older age groups in terms of speech. These educated females have been out and about, and have acquired rich knowledge from their education and life experiences that they seemingly do not hesitate to exhibit and negotiate.

The participants’ talk typically resembled neither the speech of their older counterparts in studies by Coates (1996) and Holmes (1995) nor that of younger generations of teenage or adolescent females (see Goodwin, 1985, 1990, 1998, 2000, 2001, and 2002 and Cheshire, 1998).

The participants’ speech partially resembled that of teenagers and adolescents in terms of the evidently rebellious attitude against norms and expectations. This attitude is mostly evident in the excessive use of profanities and the discussion of topics atypical to women’s talk in the corpus; these conversational behaviors have been typically attributed to the talk of men rather than women (Tannen, 1990). Moreover, using linguistic forms that are associated with men’s speech could be these women’s means of associating themselves with the sex which enjoys a higher level of power status in society. Additionally, some practices that are frowned upon or even totally rejected in the Lebanese society such as cohabitation were discussed by some of the participants.

Findings from this research study have implications that are related to women’s status in a post-feminist world where Arab women are more educated, knowledgeable, and accomplished, and where they enjoy a wider range of choices and a higher power status than before, as suggested by Booth (2005). Alternatively, Coates (1996) suggests that unlike mixed sex conversations where women feel the need to conform to gender role expectations, women friends’ talk is a comfortable environment to break rules and challenge expectations while exchanging support.

The talk of the participants in this study is highly – yet not exclusively – supportive;

even among women best friends, talk can be cooperative or competitive. Gossip for instance seems to introduce a certain level of challenge or competition for popularity into a conversation. Some interlocutors felt free to control the norms by passing a judgment at an absent party. Gossip usually brought about a great deal of laughter into the conversation. When participants unleashed their creativity in their evaluations of absent parties, it may have been their means of attaining a higher level of popularity through entertaining and inducing more laughter. Such competitive functions of some conversational behaviors like gossip have been obscured in many studies on women friends' talk. Competition however rarely seems to create any tension in the conversations provided that support was more evident and more frequent in the corpus than the lack of support or neutrality. In many of the participants' conversations, humor and laughter accompanied reactions to competitive elements such as gossip and disagreement; laughter was also the response to talk about embarrassing situations. A deeper understanding of the laughter that comes along bonding among these women may reveal valuable information as to what makes a good laugh in this sub-culture.

Support, the over-arching element in the corpus, was found to be proportional to the level of intimacy of the topic discussed, which would explain why gossip and narratives elicited significantly more supportive responses from interlocutors compared to discussions. So, chunks of the participants' conversations which were categorized as discussions rather than gossip (no evaluation of absent party) or narratives (no chronological recount of events) did not necessarily elicit supportive reactions from participants. Participants felt free to agree or disagree with each other based on their beliefs and experiences.

It seems that in female best friends' groups, the more personal, confidential, or judgmental the speakers' conversation content, the higher the level of support required on behalf of interlocutors who are listening to this speaker. For instance, pejorative evaluations of absent parties present some threats of potential embarrassment on behalf of the speaker unless listeners react cooperatively. Agreement and support serve as a reassurance that interlocutors share the same set of values. Similarly, mirroring a narrative is a marker of deep understanding and a reminder of shared experiences and histories among best friends in this study. Coates (1996) presents mirroring as one of the most supportive conversational strategies among women friends.

Conclusions from this study were derived from a corpus of 9.5 hours of the naturally occurring talk of 28 females, unlike other studies which base their conclusions on very brief excerpts of the talk of four or five participants (Sally Hunt based her 2005 study on a 9-minute excerpt of the talk of college roommates). The corpus may provide rich substance for other studies on content or structural elements of women friends' talk. This group of young, educated, and empowered participants may constitute a sub-culture that is highly worthy of exploring especially in terms of the uniqueness of their identities as reflected in their speech.

These females are considered to have knowledge and they are not afraid to show, negotiate, and sometimes defend it. They would pass judgments based on the strong system of beliefs that they associate themselves with; they expect their female best friends to support them as this system of beliefs is usually shared. They narrate stories

about their controversial life experiences, their romantic relationships, and their daily endeavors as they look life in the face and try to find what they are looking for in terms of career and education, what they are searching for in a partner, family member, friend, etc. Their female friends reciprocate by telling similar stories. A deeper connection is established every time a female feels that her best friend understands exactly what she is talking about as she has been through the same – or a similar – experience. They discuss topics of their expertise: medicine, psychology, philosophy, writing, teaching, etc. Along the way, and although they seem to be looking for stable romantic relationships, they do not necessarily aspire to hegemonic images of femininity or play docile female roles in their society.

This study reinforces the importance of support in female friends' groups, something the literature on women friends' talk has always highlighted (especially Coates, 1996 and Tannen, 1990). It seems that support is one of the prerequisites of a friendship when it comes to females. The findings have also established that in a conversation, female friends sometimes feel free to react to each other with neutrality (Holmes, 1995) or even disagreement and challenge (Guendouzi, 2001). As Guendouzi (2001) suggests, this lack of support could represent a means by which a woman grants herself an elevated level of power status compared to her best friends with whom she is conversing. Support may be absent from parts of the conversations (mostly in discussions as the findings suggest), yet this does not threaten the friendship because the conversation is a free and comfortable arena for this disagreement to happen. Finally, this research study fills a gap in the literature on two basic levels. First, and as mentioned above, it examines a female profile that is underrepresented in the literature. Second, it introduces discussions, a new type of conversational content abundant in female conversations but rarely examined or discussed in the literature.

Missan Laysy Stouhi is an Instructor at the Department of English Language at the American University of Beirut.
Email: missans@gmail.com

REFERENCES

- Adkins, K.** (2002). The real dirt: Gossip and feminist epistemology. *Social Epistemology*, 16, 215-232.
- Ardington, A.** (2006). Playfully negotiated activity in girls' talk. *Journal of Pragmatics*, 38, 73- 95.
- Booth, M.** (2005). Activism through Literature: Arguing women's rights in the Middle East. *Yale Review*, 1-26.
- Cameron, D.** (2005). Language, gender, and sexuality: Current issues and new directions. *Applied Linguistics*, 26(4), 482- 502.
- Cameron, D.** (1998). *Gender, language, and discourse: A review essay*. Chicago: University of Chicago.
- Campbell, A.** (2004). Female competition: Causes, constraints, content, and contexts. *The Journal of Sex Research*, 41, 16- 26.
- Campbell-Kibler, K., Kodesva, R., Roberts, S., & Wong, A.** (Eds.). (2002). *Language and sexuality: Contesting meaning in theory and practice*. California: CSLI Publications.
- Coates, J.** (1999). Women behaving badly: Female speakers backstage. *Journal of Sociolinguistics*, 3, 65- 80.
- Coates, J.** (1998a). Gossip revisited: Language in all-female groups. In J. Coates & D. Cameron (Eds.), *Women in their speech communities* (pp.94-122). London and New York: Longman.

- Coates, J.** (Ed.). (1998b). *Language and gender: A reader*. Oxford: Blackwell.
- Coates, J.** (1997). The construction of a collaborative floor in women's friendly talk. In T. Givon (Ed.), *Conversation: Cognitive, communicative and social perspective*. Amsterdam: John Benjamins.
- Coates, J.** (1996). *Women talk: Conversation between women friends*. Oxford: Blackwell.
- Edelsky, C.** (1981). Who's got the floor. *Language in Society* 10, 383-421.
- Eggins, S. & Slade, D.** (1997). *Analyzing casual conversation*. London: Cassell.
- Goodwin, M.** (2002). Exclusion in girls' peer groups: Ethnographic analysis of language practices on the playground. *Human Development*, 45, 392-415.
- Goodwin, M.** (2001). Organizing participation in cross-sex jump-rope: Situating gender differences within longitudinal studies of activities. *Research on Language and Social Interaction*, 34, 75-106.
- Goodwin, M.** (1998). Games of stance: Conflict and footing in hopscotch. In S. Hoyle & C. Temple (Eds.), *Kids' talk: Strategic language use in later childhood* (pp. 23-46). New York: Oxford University Press.
- Goodwin, M.** (1990). *He-said-she-said: Talk as social organization among black children*. Bloomington: Indiana University Press.
- Goodwin, M.** (1985). The serious side of jump rope: Conversational practices and social organization in the frame of play. *Journal of American Folklore*, 98, 315-330.
- Goodwin, M.** (1983). Aggravated correction and disagreement in children's conversations. *Journal of Pragmatics*, 7, 657-677.
- Goodwin, M.** (1982). Processes of dispute management among urban black children. *American Ethnologist*, 9, 76-96.
- Guendouzi, J.** (2004). She's very slim: Talking about body size in all female interactions. *Journal of Pragmatics*, 36, 1635-1653.
- Guendouzi, J.** (2001). You'll think we're always bitchin': The functions of cooperativity and competition in women's gossip. *Discourse Studies*, 3(1), 29-51.
- Haeri, N.** (1997). *The sociolinguistic market of Cairo: Gender, class, and education*. USA: Regan Paul International.
- Hess, N. & Hagen, E.** (2006). Sex differences in indirect aggression: Psychological evidence from young adults. *Evolution and Human Behavior*, 27, 231-245.
- Holmes, J.** (2006). Sharing a laugh: Pragmatic aspects of humour and gender in the work place. *Journal of Pragmatics*, 38, 26-50.
- Holmes, J.** (1997). Story-telling in New Zealand women's and men's talk. In R. Wodak (Ed.), *Gender and discourse* (pp. 263-293). London: Sage Publications.
- Holmes, J.** (1995). *Women, men and politeness*. UK: Longman.
- Hunt, S.** (2005). Some more features of conversations amongst women friends. *South African Linguistics and Applied Linguistics Studies*, 23(4), 445-458.
- Jones, D.** (1980). Gossip: Notes on women's oral culture. *Women's Studies International Quarterly*, 3, 193-198.
- Kotthoff, H.** (2006). Gender and humor: The state of the art. *Journal of Pragmatics*, 38, 4-25.
- Labov, W.** (1997). Some further steps in narrative. *Journal of Narrative and Life History*, 7, 395-415.
- Labov, W.** (1990). The intersection of sex and social class in the course of linguistic change. *Language Variation and Change*, 2, 205-254.
- Labov, W.** (1981). Speech actions and reactions in personal narrative. In D. Tannen (Ed.), *Analyzing discourse: Text and talk* (pp. 217-247). Washington: Washington University Press.
- Labov, W. & Waletzky, J.** (1967). Narrative analysis. In J. Helm (Ed.), *Essays on the verbal and visual arts*. Seattle: University of Washington Press.
- Lakoff, R.** (1975). *Language and women's place*. New York: Oxford University Press.
- Lampert, M. & Ervin-Tripp, S.** (2006). Risky laughter: Teasing and self-directed joking among male and female friends. *Journal of Pragmatics*, 58, 51-72.
- Nelson, L., Al-Batal, M. & Echols, E.** (1996). Arabic and English compliment responses: Potential for pragmatic failure. *Applied Linguistics*, 17(4), 411-432.
- Sadiqi, F.** (2003). *Women, gender, and language in Morocco*. Library of Congress Cataloguing-in-publication Data. The Netherlands: Brill Leiden.
- Tannen, D. & Kendall, S.** (2003). Discourse and gender. In D. Schiffrin, D. Tannen, & H. E. Hamilton (Eds.), *The handbook of discourse analysis* (pp. 548-567). London: Blackwell Publishing.
- Tannen, D.** (Ed.). (1993). *Gender and conversational interaction*. Oxford: Oxford University Press.
- Tannen, D.** (1990). *You just don't understand: Women and men in conversation*. New York: Ballentine Books.
- Tannen, D. & Saville T.** (Eds.). (1985). *Perspectives on silence*. Norwood: Ablex.
- West, C.** (1995). Women's competence in conversation. *Discourse and Society*, 6, 107-131.

About Who Is She in Lebanon Online Database

The Who Is She in Lebanon online database is a project that started in 2008 following a bilateral partnership between the Institute for Women's Studies in the Arab World (IWSAW) at the Lebanese American University (LAU), and the Danish Centre for Information on Women and Gender (KVINFO), a grant-maintained selfgoverning institution under the jurisdiction of the Ministry of Culture in Denmark.

The aim behind this project is to establish a user-friendly online database that provides access to biographical information on leading and noteworthy contemporary Lebanese women from a range of areas of expertise, including opinion leaders, senior managers, politicians, professionals, artists, and researchers.

IWSAW aims to make the Who Is She in Lebanon online database as comprehensive as possible by being thoroughly representative of the achievements of women in Lebanon. At the same time, the database will be duly selective to reflect a high level of achievement by every woman listed, depending on her field of expertise.

Accessing the Who Is She in Lebanon Online Database

The Who Is She in Lebanon online database can be accessed from anywhere in the world at: <http://whoisshe.lau.edu.lb>

Using the Who Is She in Lebanon Online Database

You can browse the online database by typing the name of an expert in the search box, and then click on "search" to reveal a list of results. To view the profile of a listed expert, simply double click on her name.



If the search does not lead to any results, or to the information you want, you can proceed using one of three other alternative search modes:

1. Guided Search: To view the names of all the experts in the database.
2. Keyword Search: To search names in specific fields of expertise, professions, or organizations.
3. Alphabetic Search: To browse names of experts in alphabetical order.

Staying informed: Browsing Recently Added Profiles

To the right side of the home page of the Who Is She in Lebanon online database, users can directly view and browse the most recently added profiles.

Call for Papers

Photography has been traditionally used to document, record and preserve traces of the past such as in passports, permits and family albums. It has also been used as evidence in police work and courtrooms. Recent scholars have been interested in photography not as a record of reality but rather to understand its social function and the role photography has played in regulating modern societies through its various modes of representation. Photographic visuality can be fraught with meaning. For example, photography can be a platform to analyze the problems of working in a culture in which the feminine is defined as object for the masculine gaze. Moreover, signs of modernity, sexuality and patriarchy, to cite a few, can be identified in photographs to reveal gender, social and racial issues within a particular community. Not only can photography provide evidence for the presence of women in salient historical and social events but it can also serve as a means to analyze representation strategies and to examine complex gender relations in a particular context. Furthermore, photography can be read as a medium that empowers women by representing them as subjects/agents contrary to the broader representations of women as passive objects in photographs.

This special issue of Al-Raida on Women & Photography in the Arab World seeks papers addressing photography as a medium that challenges assumed gender roles/positions/attributes as seen in the media. It seeks contributions that examine the practice of women photographers in the Arab region as well as how women are represented in the photographs from a variety of perspectives and disciplines including arts, photo-journalism, history, anthropology, the social sciences, and cultural studies.

Suggested topics include, but are not limited to:

- Re-inventing "women" through photography
- The female as object/subject in the photograph
- Seeing through a woman's lens
- Female authorship and subjectivity
- Female identity and the construction of self-image through photography

Upcoming: First Refereed Issue

Women & Photography in the Arab World

- Photography and feminism
- Visual autobiography through family albums (analog or digital)
- Photography and the archive
- Photography and memory
- Photography and its relationship to the public and the private
- Female desire reflected in photographs

A 300-word abstract, full contact information for the corresponding author, and a biographical note (up to 75 words) on each of the authors should be submitted by November 1, 2011. Authors of accepted abstracts will be notified in December 2011 and will then be invited to submit a full paper by May 1, 2012.

Submissions are accepted in English, Arabic or French. All non-English submissions will be translated by IWSAW and published in English following the approval of the author.

Complete manuscripts should be prepared in English in MS Word and adhere to the Manuscript Submission Guidelines (add website) they should be 6000 - 8000 words, including notes and references. Papers should be accompanied by an abstract of 100-150 words and up to six keywords. The manuscript must contain a separate title page that should include: the title of the manuscript; the name(s) and affiliation(s) of the author(s); full contact details of the author(s); the author's brief biographical statement. An invitation to submit a full paper does not constitute a commitment for publication; all papers will be subject to anonymous double peer review following submission.

Please send your abstract as an e-mail attachment to the issue editor Yasmine Nashabe at the following address: ynachabe@gmail.com and to the managing editor, Ms. Myriam Sfeir, at myriam.sfeir@lau.edu.lb

Deadline for abstracts: November 20, 2011

Deadline for complete manuscripts: May 20, 2012