

# Citizenship and Gender in the Arab World

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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 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.

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