



BOSTON CONSORTIUM *for*
ARAB REGION STUDIES

Valentina Muñoz, BCARS Research Associate
Allyson Hawkins, BCARS Assistant Director



Patrilineal Citizenship and Legacies of Colonialism in Jordan and Lebanon

The Boston Consortium for Arab Region Studies

Throughout 2019 and 2020, the Boston Consortium for Arab Region Studies has released a series of bulletins examining how citizenship is located at the nexus of several overlapping issues related to displacement, human rights, and the role of civil society in the Arab Region. We are pleased to share this final brief of the year with you.

Contents

I. Introduction: Patrilineal Citizenship Law in Jordan and Lebanon

II. Evolution of Patrilineal Citizenship Legislation under Colonial Rule

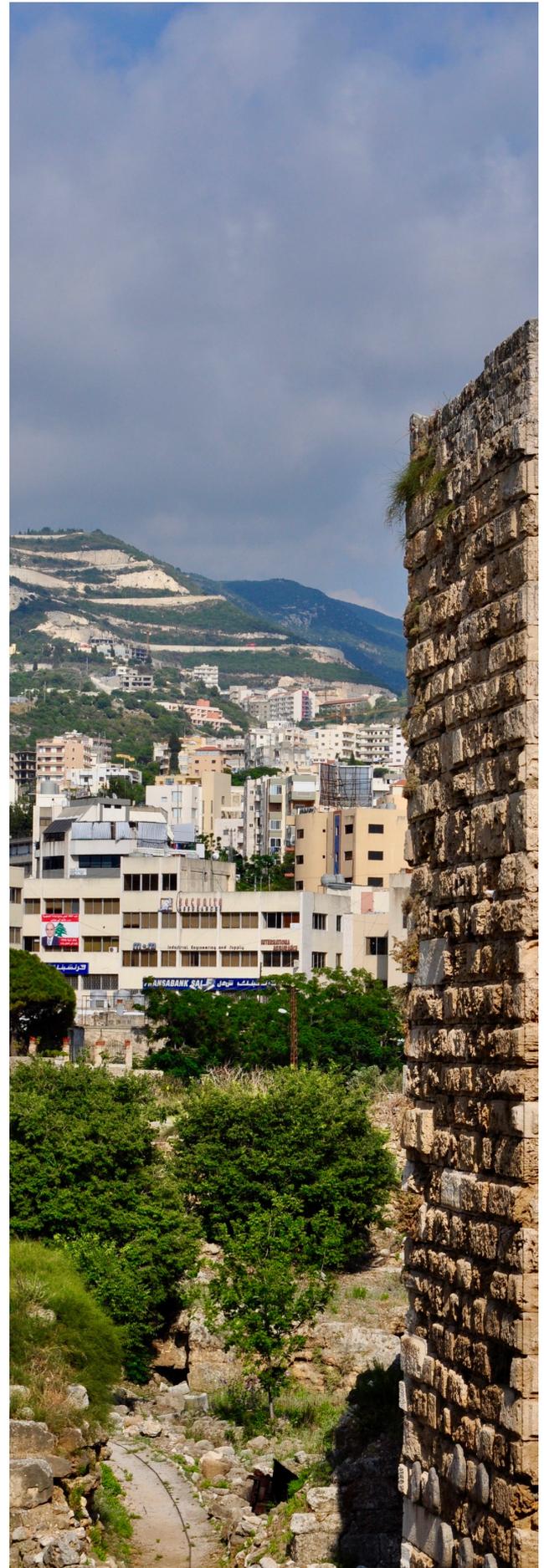
III. Pieces of Progress

IV. Conclusion and Ways Forward

I. Introduction: Patrilineal Citizenship in Jordan and Lebanon

Citizenship across the Middle East is exercised and experienced to different degrees. Migrant workers, refugees, and others on the move are unable to exercise or access their citizenship rights to the same degree as other groups. Across the region, however, gender rather than mobility plays a cross-cutting role. Fifty percent of the population experience challenges to their citizenship rights due to legislation protecting the notion of “patrilineal citizenship.”

Patrilineal citizenship refers “to the mechanism by which membership and identity in kin groups follows male descent” [1]. As such, the transfer of legal nationality can only be done by a father or other male relatives. Although patrilineal citizenship laws are common across the Middle East and North Africa, they are especially problematic in places that are also home to large populations of refugees and migrants like Jordan and Lebanon. In these contexts, patrilineal citizenship laws intersect with refugee policy to



[1] Joseph, 2000.

create barriers to rights and services not just for women, but for their children and spouses. Spouses of female nationals who are stateless or refugees cannot access rights and services, including but not limited to healthcare, education, the ability to own land, and the ability to obtain and utilize travel and identification documents via their spouse's citizenship. Similarly, children resulting from unions of female citizens and foreign spouses are prevented from accessing similar rights and services.

As a result, tens of thousands of individuals must repeatedly obtain and renew residency permits in order to remain in good legal standing, which can be a lengthy and expensive process that ultimately does not ensure complete or consistent access to rights and services either. These gender discriminatory citizenship laws were estimated to affect around 78,000 individuals in Lebanon and more than 65,000 families in Jordan [2]. Additionally, patrilineal citizenship laws are by nature discriminatory and therefore violate tenets of international law. So why haven't they been amended? The answer starts with the colonial histories of these countries, and the policies have become further entrenched and perpetuated by respective domestic policies over time.

II. Evolution of Patrilineal Citizenship Legislation Under Colonial Rule

Jordan and Lebanon are countries with unique histories but shared experiences of colonialism. Until 1923, both countries were subject to the same legislation as part of the Ottoman Empire, which stated that any individual who was a child of an Ottoman mother or father was considered an Ottoman national. In terms of marriage, the law granted citizenship to the foreign wives of Ottoman men, however, if an Ottoman woman married a foreigner, she would lose her citizenship and acquire her

husband's. Therefore, only the children of unmarried Ottoman women were eligible to receive their mother's nationality. This was a common practice internationally and was consistent with global standards at the time.

The basis of this system was a patriarchal model originating from ancient Roman tradition in which the father was the head of household and only he was able to confer nationality to his wife and children. This tradition carried over into and heavily influenced Ottoman citizenship legislation. The only exception was mixed marriages of Ottoman women with Iranian men, which were forbidden. In those cases, women were allowed to retain their nationality and their children were considered Ottoman subjects. Additionally, the citizenship law incorporated a clause that allowed the children of foreign parents born within the Ottoman territory to apply for citizenship [4].

In WWI, the Ottoman Empire dissolved and Lebanon and Jordan became subject to colonial rule and influence of the French and British respectively. In Lebanon in 1924, French authorities drafted the Nationality Law based on their own legislation. At the time, both French and Lebanese women were unable to transfer their nationality to their children and would lose their citizenship if married to a foreigner. When Lebanon became independent from France in 1943, they adopted the same nationality law and it has not seen any major reforms since. One of its few modifications took place in 1960 when a new amendment allowed Lebanese women to retain their citizenship upon marriage. While in France women gained the ability to pass their citizenship to their children in 1973, Lebanese women remain under the same patrilineal citizenship legislation to this day [5].

Jordan's nationality law developed under similar circumstances. The British Mandate imposed the 1928 Nationality Law on Jordan, modeled after British patrilineal citizenship legislation. Similar to

[2] Charafeddine, 2009 and Murad et al., 2011.

[3] Hanley, 2016.

[4] Kern, 2007.

[5] Joseph, 2000.

Lebanon, Jordan declared independence and incorporated British style legislation into its own 1954 Jordanian Nationality Law. Furthermore, it granted nationality to “any person who, not being Jewish, possessed Palestinian nationality before 15 May 1948 and was a regular resident in the Hashemite Kingdom of Jordan between 20 December 1949 and 16 February 1954” [6]. This amendment was part of Jordan’s campaign to expand their territory and integrate Palestinians into Jordanian society. The next section addresses this legal reform in the context of Palestinian refugee influx more in detail, however, it is important to note that although Jordan amended the nationality law to include Palestinian refugees, the patrilineal nature of the law remained unchanged.

Jordanian women were also still prevented from transferring their nationality to their children and foreign spouses. The last modification to Jordan’s 1954 Nationality Law was in 1987 when Jordanian women were no longer considered foreigners if they married a non-Jordanian. Previously, the law outlined that: “the wife of a Jordanian is a Jordanian and the wife of a foreigner is a foreigner.” As such, before 1987, if a Jordanian married a foreigner, she would lose her citizenship [7].

Other countries that do not contend with the legacy of colonialism that exists in Jordan and Lebanon have been able to transition away from the patrilineal nationality laws of Ottoman times. For example, Turkey has modified Ottoman law and allows women to retain their nationality if married to foreigners. In 2003, a new amendment gave the foreign husbands of Turkish women the right to a nationality. This was part of Turkey’s efforts to enter the European Union and to adhere to the European Convention on Nationality [8]. In contrast, Lebanon and Jordan, since declaring their independence from colonial rule, have not followed Turkey’s example and their patrilineal citizenship laws remain on their books.

Patrilineal citizenship laws in Lebanon and Jordan, therefore, remain a lasting part of each country’s colonial legacy. The high numbers of refugees that Lebanon and Jordan have received in recent decades and the politicization of demography in each country serve to entrench this legislation and make amending or eliminating these discriminatory laws much more difficult. Turkey, while host to an even larger number of refugees than Lebanon or Jordan, does not face the same challenges.

"Patrilineal citizenship laws in Lebanon and Jordan, therefore, remain a lasting part of each country's colonial legacy."

[6] 1954 Jordanian Nationality Law.

[7] Amawi, 2000.

[8] Kardirbeyoglu, 2009.

III. Pieces of Progress

Jordan and Lebanon are countries with complex demographic makeups, intricate personal status codes, strained economies, and fraught histories with migration and refugee populations. These dynamics serve to perpetuate and further entrench laws that were originally introduced under colonial rule, but are not the root cause of patrilineal citizenship itself. While this colonial legacy is not unique to Lebanon and Jordan, the dynamics surrounding this issue in both countries make political will for progress more difficult to harness.

As a result of the efforts of civil society actors over the past decades, Tunisia, Egypt, Algeria, Morocco, Yemen and Libya have seen a change in discriminatory nationality laws. In 2010, Tunisia granted mothers the ability to transfer their citizenship to their children automatically. In 2004, Egypt changed its nationality law, allowing women married to non-citizens to transfer their citizenship to their children, except if they are Palestinian.

However, after the perseverance of civil society actors, Egyptian women married to Palestinians gained the right to confer their citizenship to their children in 2011, however their foreign husbands continue to be excluded from acquiring Egyptian nationality. Algerian advocacy groups were also successful in changing gender discriminatory legislation. In 2005, Algeria modified its nationality law giving women the right to transmit their nationality to their foreign husbands and children. Moroccan women's struggle to attain equal citizenship rights was successful in 2007 when the government allowed women to pass on their citizenship to their children. In 2010, Yemeni and Libyan women were also granted the right to transfer their nationality to their children automatically.

In Jordan, following the relentless efforts of advocacy groups, the government created special IDs

for the families of Jordanian women married to foreigners. In theory, this identification card would improve their access to public services and would allow them to reduce the paperwork for residency permits. In practice, however, the new document was not consistently recognized by governmental entities, and as such, did not improve the life of those to whom it was issued [10].

In Lebanon, after a long struggle, in 2010 the government lifted regulations on labor by granting work permits to the foreign spouses and children of Lebanese women without the need of a local sponsor. One year later, they were eligible to receive three-year courtesy residency permits [11]. Change is happening, but it is slow and incremental.

“

These dynamics serve to perpetuate and further entrench laws that were originally introduced under colonial rule, but are not the root cause of patrilineal citizenship itself.

”

[9] Abou Aad and Mansour, 2012.

[10] Human Rights Watch, 2018.

[11] Abou Aad and Mansour, 2012.

IV. Conclusion and Ways Forward

History, politics and culture are key factors that define who is part of a political community and who is not. In the cases of Lebanon, Jordan, and Turkey, the history of, or lack of, colonization was also a key defining element in the creation of their current citizenship laws. All three countries were part of the Ottoman Empire and as such shared the same nationality law. However, upon its dissolution, Turkey became an independent state and based its laws on those of the fallen empire but with subsequent inclusive changes. Conversely, Lebanon and Jordan were both colonized, and despite gaining independence they maintained the same discriminatory nationality laws established by their colonizers. The current legislation that prevents women from transferring their nationality to their children and foreign husbands is a direct legacy from colonial times. Ultimately, these discriminatory laws are still on the books and 50% of the population of these countries, as well as their children and foreign spouses, suffer as a result.

The 2019 October uprisings in Lebanon, which continued through most of 2020, have proven that civil society has the power to change political structures. Women organized multiple events in which they protested gender violence and discriminatory laws. They danced, they clapped, they marched and most importantly, they demonstrated that they will continue fighting for equal citizenship rights. One possible way forward would be to examine this colonial legacy more critically as a root cause of patrilineal citizenship legislation and utilize that understanding to inform reform efforts. This could offer a strategic reframing of the issue and pivot away from the politics of demographics to harness more political will to reform laws that have detrimental impacts across both Jordanian and Lebanese society.





Valentina Muñoz holds a Bachelor of Arts in Political Science and International Affairs from Northeastern University, focusing on Security and Middle Eastern Studies. Having lived in Lebanon during the 2019 October uprisings, her research has examined the shortcomings of citizenship rights and gender inequality in a time of uncertainty.

For more information or to access an extended version of this paper, please contact:

Valentina Muñoz
BCARS Research Associate
valentinamunozascencio@gmail.com

Photos provided by:

Valentina Muñoz and Allyson Hawkins

Sharing is encouraged, but please give us credit and let us know: www.bcars-global.org



Resources

- Abou Aad, S., & Mansour, M. (2012). *Women's Citizenship Rights in Lebanon*. Issam Fares Institute for Public Policy and International Affairs. Retrieved March 2, 2020.
https://scholarworks.aub.edu.lb/bitstream/handle/10938/21239/20120504ifi_rapp_hrp_wps08_womens_citizenship_rights_in_lebanon_english.pdf?sequence=1.
- Amawi, A. (2000). *Gender and Citizenship in Jordan*. In S. Joseph (Ed.), *Gender and Citizenship in the Middle East* (pp. 158-183). Syracuse, New York: Syracuse University Press.
- Charafeddine, F. (2009). *Predicament of Lebanese Women Married to Non-Lebanese*. United Nations Development Program. Retrieved February 28, 2020. http://www.undp.org.lb/communication/publications/downloads/mujaz_en.pdf.
- Hanley, W. (2016). *What Ottoman Nationality Was and Was Not*. *Journal of the Ottoman and Turkish Studies Association*, 3(2), 277-298. Retrieved on April 19, 2020. doi:10.2979/jotturstuass.3.2.05.
- Human Rights Watch. (2018). "I Just Want Him to Live Like Other Jordanians" Treatment of Non-Citizen Children of Jordanian Mothers. Retrieved on March 6, 2020. <https://www.hrw.org/report/2018/04/24/i-just-want-him-live-other-jordanians/treatment-non-citizen-children-jordanian>.
- Joseph, S. (2000). *Gender and Citizenship in the Middle East*. Syracuse, N.Y.: Syracuse University Press.
- Kardirbeyoglu, Z. (2009) *Country Report: Turkey*. EUDO Citizenship Observatory. Retrieved on April 16, 2020. <https://cadmus.eui.eu/bitstream/handle/1814/19640/Turkey.pdf?sequence=1&isAllowed=y>.
- Kern, K. (2007). *Rethinking Ottoman Frontier Policies: Marriage and Citizenship in the Province of Iraq*. *The Arab Studies Journal*, 15(1), 8-29. Retrieved April 22, 2020. www.jstor.org/stable/27934004.
- Murad, N., Mansour, Y., Zaidan, A., Sajdi, J., Naimi, J., Amayreh, H., et al. (2011). *Reversing the Gender Bias against Jordanian Women Married to Foreigners*. King Hussein Foundation. Retrieved on February 19, 2020. https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/JOR/INT_CRC_NGO_JOR_15743_E.pdf.
-