

Citizenship, Migration, and Confessional Democracy in Lebanon

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Abstract

No major citizenship reform has been adopted in Lebanon since the creation of the Lebanese citizenship in 1924. Moreover, access to citizenship for foreign residents does not depend on established administrative rules and processes, but instead on *ad hoc* political decisions. The Lebanese citizenship regime is thus characterized by immobilism and discretion. This paper looks at the relationship between citizenship regime and confessional democracy, defined as a system of power sharing between different religious groups. It argues that confessional democracy hinders citizenship reform and paves the way to arbitrary naturalization practices, and that, in turn, the citizenship regime contributes to the resilience of the political system. In other words, the citizenship regime and the political system are mutually reinforcing.

Keywords

citizenship – migration – Lebanon

On June 22, 1994, the Lebanese government of Rafik al-Hariri granted citizenship by decree to an estimated 150,000 stateless and foreign residents. According to its promoters, such massive naturalization (about 5% of the Lebanese population at that time) aimed to bring a final answer to the long-standing exclusion from the Lebanese citizenry of various groups of population who originated from Lebanon or who had settled there since several generations. Pro-governmental parties praised the decision as an “historical breakthrough against sectarianism,” which they say characterized naturalization

practices prior to the Civil War (1975–1990). In contrast, the Christian opposition criticized the decree's sectarian imbalance and denounced it as a threat against the principle of coexistence (*ta'ayush*) between the different Lebanese sects.

The persistent debate about the 1994 naturalization decree exemplifies two key features of the Lebanese citizenship regime, defined as citizenship norms and practices: immobilism and discretion. Indeed, no major citizenship reform has been adopted since the creation of the Lebanese citizenship in 1924, and the adoption of the 1994 decree cancelled out political initiatives aiming at an extensive reform of the nationality law in the aftermath of the Civil War. Furthermore, the adoption of the 1994 decree illustrates the discretionary practices of the executive in regards to naturalization, which does not depend on established administrative rules and processes, but instead on *ad hoc* political decisions.

This paper views citizenship as a mechanism of “social closure” that distinguishes citizens from foreigners.¹ It looks at the relationship between citizenship regime and political system in Lebanon. I argue that confessional democracy (i.e. the Lebanese political system of power sharing between the different religious sects) hinders citizenship reform and paves the way to arbitrary naturalization practices, and that, in turn, the citizenship regime contributes to the resilience of the political system. In other words, the citizenship regime and the political system are mutually reinforcing in Lebanon.

In a country where demography is considered “the core of politics,”² citizenship norms and practices first represent instruments of the “politics of numbers”³ and the “demographic struggle for power.”⁴ In other words, the legal conditions and the administrative processes that define who are the citizens depend on the ability of the political elite to manipulate the demographic “reality” of the country in order to increase the relative size of their religious group and, thus, to claim a greater share of political power. The following particularly focuses on uprooted and/or mobile groups of population, in Lebanon and abroad, and how they have represented an “adjustment variable” for the manufacture of sectarian statistics in the last census conducted in Lebanon in 1932.

1 Rogers Brubaker, *Citizenship and Nationhood in France and Germany*, Cambridge, MA: Harvard University Press, 1992.

2 Arnon Soffer, “Lebanon: Where Demography is the Core of Politics and Life,” *Middle Eastern Studies* 22, no. 2 (1986): 197–205.

3 William Alonso and Paul Starr, *The Politics of Numbers*, New York: Russell Sage Foundation, 1989.

4 Milica Z. Bookman, *The Demographic Struggle for Power: The Political Economy of Demographic Engineering in the Modern World*, London: Frank Cass, 1997.

However, Lebanese confessional democracy does not consist of a simple system of proportional communal representation. It is characterized by the primacy of communal over individual rights⁵ and by the subversion of the principle of equality among individuals by citizenship status.⁶ The stability of the system depends on the ability of communal elites to sustain the power sharing agreement and to maintain political control over their own community.⁷ In such a perspective, the following highlight the impact of “feedback mechanisms”⁸ to explain the resilience of confessional democracy in Lebanon. It first shows how the discretionary power of the executive over naturalization allows political leaders to use citizenship as resource to be distributed, and naturalization as an instrument to develop political clienteles. Moreover, the example of civil right advocacy after the Civil War (for the right to vote from abroad and for the women’s right to pass on their citizenship) illustrates institutional and political resistances from the state, political parties, and the associational sector itself, to reform the citizenship regime.

Before exploring such complex relationships between the citizenship regime and the political system in Lebanon, the paper recalls how the Lebanese confessional democracy was created and how it was sustained over time, and presents the main legal provisions of the Lebanese nationality law.

Setting the Frame: Power Sharing and Citizenship in Lebanon

The Formation of the Lebanese Political System

The creation of a system of power sharing among the Lebanese sects⁹ dates back to the creation of the semi-autonomous governorate of Mount Lebanon

5 Nawaf Salam, *La condition libanaise: des communautés, du citoyen et de l'État; suivi de l'émergence de la notion de citoyenneté en pays d'Islam*, Beirut: Dar An-Nahar, 1998.

6 Elizabeth Picard, “Le communautarisme politique et la question de la démocratie au Liban,” *Revue internationale de politique comparée* 4, no. 3 (1997): 639–656.

7 Kais Firro, *Inventing Lebanon: Lebanonism and the State during the Mandate*, London: I.B. Tauris, 2003.

8 Paul Kingston, *Reproducing Sectarianism: Advocacy Networks and the Politics of Civil Society in Postwar Lebanon*, Albany, NY: State University Press of New York, 2013.

9 The Lebanese population includes 18 officially recognized sects:

- Christian: Amernian Catholic, Armenian Orthodox, Assyrian, Chaldean Catholic, Copt, Greek Catholic, Greek Orthodox, Latin Catholic, Maronite, Protestant, Syriac Catholic, Syrian Orthodox
- Muslim: Alawite, Druze, Isma’ili, Sunni, Shia
- Jewish.

(the *mutasarrifiya*) in 1861. However, the Lebanese system of *confessional democracy* really took shape during the French mandate from 1920 to 1943. Such a system was further entrenched with the National Pact in 1943, which consisted of a verbal power-sharing agreement between two prominent Christian and Muslim leaders. The long-lasting Lebanese Civil War did not lead to substantive political reforms, but to a new power sharing agreement, which was adopted by Lebanese representatives in Ta'if, Saudi Arabia in 1989.

In the second half of the 19th century, the Ottoman Empire witnessed tremendous social changes as a consequence of the political and economic expansion of the European powers. In Mount Lebanon, where the majority of the population was Christian (Maronite, Greek Orthodox, Greek Catholic), the traditional sociopolitical order of the *Imarah* (principality) collapsed after a series of conflicts between 1841 and 1860, which culminated in the massacre of thousands of Christians in 1860. Under the pressure of the European powers, the Sublime Porte created a semi-autonomous governorate in Mount Lebanon (the *mutasarrifiya*), which included in its organic law the principle of proportional communal representation. The number of representatives of each religious group (Maronite, Greek Orthodox, Greek Catholic, Druze, Sunni, and Shia) in the Administrative Council (to advise the Governor of the *mutasarrifiya*) did not really depend on the demographic weight of each sect, due to the lack of census and limited number of representatives, but on political bargaining and the balance of power.¹⁰

At the end of World War I, the Ottoman Empire was dismantled and France took control of Lebanon and Syria, following the Sykes-Picot Agreement in 1916 and the Mandate given by the League of Nations in 1920. On September 1, 1920, France proclaimed the creation of Greater Lebanon and divided Syria into various entities (eventually reunified in 1936). Such decisions were motivated by the principle of the protection of the religious minorities, which guided French foreign policy, as opposed to the British support for Pan Arabism. To guarantee the economic sustainability of Greater Lebanon, its territory included, in addition to the *mutasarrifiya* of Mount Lebanon, the coastal cities (Beirut, Tripoli, Sidon), the Bekaa's lowland, and the southern and northern mountains of Jabal Amel and Akkar. Muslims (Sunni and Shia) mostly populated the new territories attached to Greater Lebanon and the share of

10 Dominic Chevallier, *La société du Mont Liban à l'époque de la révolution industrielle en Europe*, Paris: P. Geuthner, 1973; Samir Kassir, *Histoire de Beyrouth*, Paris: Fayard, 2003; Marie-Joëlle Zahar, "Power Sharing in Lebanon: Foreign Protectors, Domestic Peace, and Democratic Failure," in *Sustainable Peace: Power and Democracy after Civil Wars*, (eds.) Donald Rothchild and Philip Roeder, Ithaca, NY: Cornell University Press, 2005, 219–240.

Christians in the population shrank from an estimated 80% in the *mutasarri-fya* of Mount Lebanon to an estimated 50% in Greater Lebanon.

The Lebanese constitution, adopted in 1926, included the principle of proportional communal representation in public offices and in the composition of the ministries as a *transitional measure*. However, it soon represented an instrument for the elite to access state institutions and wealth, and to allocate privileges to their political clientele. In addition, France supported the creation of separate communal councils and courts for personal status affairs. Such decisions, which aimed to strengthen France's influence on Lebanese politics following divide and rule policies, greatly contributed to the institutionalization of communal religious power. In other words, it contributed to the development of sectarianism defined as "the product of series of processes through which a kind of religious identity is politicized, even secularized, as part of an obvious struggle for power."¹¹

In 1943, on the eve of Lebanese independence, two prominent political leaders, Bechara al-Khoury (Maronite) and Riad al-Solh (Sunni), agreed on a formula of power sharing called the National Pact. It entrenched the principles of proportional communal representation and communal autonomy (including for personal status affairs). Neutrality in foreign policy was also introduced as a third principle.¹² Of course, it did not prevent Lebanese political parties from seeking outside allies and foreign powers to compete to influence Lebanese politics. However, external interferences have not been the only cause of the eruption of civil violence in Lebanon in 1958, in 1969, and from 1975 to 1990.

The inequality of the 1943 formula, which greatly favored the Maronite community at the expense of the others, particularly the two other largest communities, the Sunni and the Shia, was the direct cause of these conflicts. The National Pact required that the President of the Republic, who concentrated the executive power, was Maronite, while the Prime Minister and the President of the Parliament, who had limited powers, were respectively Sunni and Shia. In addition, parliamentary seats were allocated among sects according to a ratio of six Christians to five Muslims. However, another major cause of the eruption of civil violence in Lebanon was the country's highly unequal socio-economic development in the 1950s and 1960s in a context of unprecedented

11 Ussama Makdissi, "Moving Beyond Orientalist Fantasy, Sectarian Polemic, and Nationalist," *International Journal of Middle East Studies* 40, no. 4 (2008): 559–560, cited in Kingston 2013.

12 Neutrality meant to put an end to calls for Syrian/Arab unity, supported by most Muslims and a minority of Christians, and to demands to rely on foreign protection (France at that time) to defend the sovereignty of Greater Lebanon, supported by most Christians.

liberal economic expansion. Social segmentation contributed to widespread political clientelism and prevented elite renewal, thus spurring conflicts both within and among religious communities.

At the end of the Civil War, a new constitution was adopted following the Ta'if Agreement in 1989. It preserved the main features of the 1943 agreement (communal proportional representation and communal autonomy) and established a new formula of power sharing. Christian and Muslim representatives were at parity in the Parliament, and the Council of Ministers (including the Prime Minister) and the President of the Parliament increased their powers at the expense of the President of the Republic. The constitution of the Second Republic included provisions to progressively abandon confessional democracy, but none has been implemented so far. Syria, which imposed its domination on Lebanon until the withdrawal of its army in 2005, played a key role in reestablishing sectarianism. Since 2005, fierce sectarian and political tensions, fed by the regional crisis and the conflict in Syria, have largely paralyzed the process of political decision-making and, thus, any prospects of constitutional reforms.

The Treaty of Lausanne (1923) and of the Lebanese Nationality Law (1925)

Since at least the 1960s, Lebanese lawyers, academics, and parliamentary representatives have insisted on the need for extensive reform of the citizenship regime. However, the two main legal texts that regulate the acquisition, transmission, and loss of citizenship, both adopted by the High Commissioner during the French Mandate, have remained almost unchanged. The first is the *arrêté* n°2825 of August 30, 1924, which translated into Lebanese law the provisions of the Treaty of Lausanne (1923). The second is the *arrêté* n°15/S of January 19, 1925, which partly reproduced the Ottoman nationality law of January 19, 1869 (the latter being inspired by the French Napoleonic Code).¹³

The Treaty of Lausanne ended Atatürk's war (1920–1922) against Greece and the Allies. In regards to international law, it marked the recognition of the Republic of Turkey and the end of its sovereignty over the territories detached from the Ottoman Empire. Lebanese citizenship was thus first established by positive law on August 30, 1924, when the French High Commissioner adopted the *arrêté* n°2825. According to Article 1 (which reproduced Article 30 of the Treaty of Lausanne): "Turkish subjects (read Ottoman) habitually resident in territory which in accordance with the provisions of the present Treaty is

13 Uri Davis, *Citizenship and the State: A Comparative Study of Citizenship Legislation in Israel, Jordan, Palestine, Syria and Lebanon*, New York: Ithaca Press, 1997.

detached from Turkey will become ipso facto, in the conditions laid down by the local law, nationals of the State to which such territory is transferred.”¹⁴ Residence was thus the first principle for the acquisition of the Lebanese citizenship.

Furthermore, Articles 2 to 4 of the *arrêté* n°2825 (which reproduced Articles 31 to 33 of the Treaty of Lausanne) introduced the so-called *right of option*, which offered the opportunity to apply for the citizenship of another country (detached from Turkey) within two years. Successful applications were to be followed by the transfer of residence in the chosen country. Such right was a legacy of the Treaty of Versailles and the Treaty of Saint-Germain, both from 1919. It represented an alternative to the principle of residence that usually ruled citizenship modifications at a time of great transformations of Europe’s political map. The aim was to regroup the various populations that composed the former empires (German, Austro-Hungarian, Ottoman) according to *national affinities*, following the Wilsonian Principles.

However, the treaty of Lausanne extended the *right of option* to the emigrants abroad, an innovation that was not included in the previous treaties. According to Article 5 of the *arrêté* n°2825 (which reproduces Article 34 of the Treaty of Lausanne), those who were *habitually resident abroad* could demand the citizenship of their country of *origin* (within two years) without being compelled to transfer their residency. The extension of the *right of option* to the emigrants thus introduced origin as an alternative principle to residence for the acquisition of Lebanese citizenship.

The second main piece of Lebanese citizenship legislation is the *arrêté* n°15/S of January 19, 1925, which includes two main provisions. First, *jus sanguinis* through patrilineal affiliation is the sole principle for citizenship transmission.¹⁵ As a consequence, Lebanese women married to foreigners cannot transfer their citizenship to their children (or their foreign spouse), which raises obvious and serious problems, as explained below, especially for children whose father is stateless. The second main provision of the *arrêté* n°15/S is the discretionary power of the executive regarding naturalization.¹⁶

14 Treaty of Peace with Turkey Signed at Lausanne, July 24, 1923, from *The Treaties of Peace 1919–1923 (vol. II)*, New York: Carnegie Endowment for International Peace, 1924, available at http://www.lib.byu.edu/index.php/Treaty_of_Lausanne.

15 *Jus soli* only applies to exceptional cases, such as an individual born in Lebanon from unknown parents.

16 In addition, a minimum length of residence of five years in Lebanon is required to demand citizenship (one year if married to a Lebanese woman). Moreover, it is noteworthy that the Lebanese nationality law does not include a provision to ease the naturalization of fellow Arab citizens, as co-ethnic, as is the case in other Arab countries (e.g. Syria, Egypt).

Very few citizenship laws have been adopted in Lebanon since 1925. The possibility of direct legal action against the State was introduced by the law of December 4, 1967, which defines the legal procedures of nationality cases to national courts.¹⁷ The Lebanese courts thus represent the unique, though limited, counter power to the discretionary power of the executive. Additional citizenship reforms are secondary: two laws of 1946 and 1962 extended the conditions of denaturalization,¹⁸ and the law of January 11, 1960 marked a very limited progress toward gender equality by allowing Lebanese women married to a foreigner to retain her Lebanese citizenship.

Sectarianism and resilience, on the one hand, immobilism and discretion, on the other, respectively characterize the Lebanese political system and the citizenship regime. The following explores how exactly one interplays with the other.

Exploring the Relationship between Citizenship Regime and Political Regime

Citizenship Norms and the "Politics of Numbers:" the 1932 Census

The 1932 census aimed at allocating public positions among sects, including parliamentary seats. However, as Kais Firro puts it, "the distribution of seats in Lebanon's Parliament among the different communities depends, not on any 'real demography' as reflected on the ground, but on the ability of the different elites to manipulate the issue of 'demography' for their own 'confessional cause.'"¹⁹ As a consequence, the census raised a persistent controversy and different results were published, and no other census was conducted in Lebanon since then.

The following does not discuss the results of the census, but explains how exactly the Lebanese political elite manufactured sectarian statistics. It focuses on the conditions to be registered as Lebanese in the census for different groups of migrants, from and to Lebanon, and for nomadic groups. The case of uprooted and/or mobile populations is particularly relevant because their situation does not fit with the standards of the nation-state and, thus, paves the

17 Previously, Mixed Chambers of the Civil Courts were in charge of nationality cases and, during the French Mandate, the High Commissioner had final authority over citizenship issues.

18 As political symbols after the Independence and after the failed *coup* of the Syrian Social Nationalist Party (SSNP).

19 Firro 2003, 204.

way to imbalanced interpretation and application of the legal and administrative conditions to be registered as Lebanese in the census.

The registration of Lebanese emigrants in the 1932 census raised a persistent controversy between Christian and Muslim leaders. At the time of the census, the emigrant population represented approximately one-fourth of the total population, and almost 80% of the emigrants were Christians. The emigrants' registration in the census was crucial to secure a Christian demographic majority. The controversy focused on a particular group of emigrants: (former) Ottoman subjects of Lebanese origin who had migrated abroad before the creation of the Lebanese citizenship (August 30, 1924). In contrast, the registration of those who had migrated after becoming Lebanese was almost undisputed.

As explained above, (former) Ottoman subjects of Lebanese origin who had migrated before 1924 were required to apply for Lebanese citizenship within two years, according to the provisions of the Treaty of Lausanne. However, few actually applied for citizenship, although the French and the Lebanese authorities accepted applications after the end of the two years delay.²⁰ The exact number of applications remains unknown, but the number of emigrants registered in the category "before August 30, 1924" in the 1932 census is surprisingly high. Indeed, it is 50 percent larger than the number of emigrants according to the 1921 census.²¹ The registration of the emigrants who left before 1924 in the 1932 census thus appears as a typical example of statistical manufacturing to increase the share of Christians in the population.

20 Kahei Hashimoto, "Lebanese Population Movement 1920–1939: Toward a Study," in *The Lebanese in the World: a Century of Emigration*, (eds.) Albert Hourani and Nadim Shehadi, London: I. B. Tauris and Center for Lebanese Studies, 1992, 65–107. Various reasons were put forward to explain such a drawback: emigrants were not aware of the necessity to apply for citizenship; they lived in remote places far from any French consulate; they refused to become Lebanese citizens because they rejected French foreign policy and supported Pan-Arabism or Pan-Syrianism.

21 The total number of emigrants according to the 1932 census was 255,000, of which 68,000 after 1924 and 186,000 before 1924, while the number of emigrants according to the 1921 census (organized by the French authorities before the 1922 election for the new Representative council) was estimated at 130,000. Furthermore, it is noteworthy that the Ottoman census conducted in the *mutasarrifiya* of Mount Lebanon on the eve of WWI estimated the number of migrants at 100,000 (see Hourani & Shehadi, 1992; Jaulin, 2009; Akram F. Khater, *Inventing Home: Emigration, Gender and the Middle Class 1870–1920*, Berkeley, CA: University of California Press, 2003).

The controversy over the emigrants who left before 1924 bounced in 1934, in a context of strong internal political tensions, when the Lebanese government made two decisions to balance out the results of the census in favor of the Muslims. The first required emigrants who left before 1924 to return permanently to Lebanon to be granted citizenship. The second modified the electoral rolls and excluded (any) emigrants who did not paid taxes. However, such decisions were soon challenged. First, an agreement was concluded with Turkey²² that extended by one year the delay to apply for citizenship for emigrants who left before 1924, which meant that they were not required to return permanently to Lebanon, according to the Treaty of Lausanne. Second, on the eve of independence, the president of the Republic, Ayoub Tabet, issued a decree (n°49 of June 19, 1943) according to which 120,000 emigrants *who have chosen Lebanese citizenship* were added on the electoral rolls, thus modifying the number of parliamentary seats in favor of the Christians. Tabet's decree led to a very severe political crisis that involved foreign countries (France, Britain, Arab countries). It ended when a political agreement was found to allocate parliamentary seats on the basis of a ratio of six Christians for every five Muslims. This ratio, which remained unchanged until 1992, corresponded exactly to the ratio of Christians and Muslims in the population excluding the emigrants who left before 1924 and including those who left after 1924.²³

Nonetheless, the controversy continued with a series of decisions and counter decisions, which reproduced that of the 1930s. The nationality law of January 15, 1946 on the *restitution* of citizenship required from *persons of Lebanese origin* to return permanently to Lebanon to be granted citizenship. However, in 1946, a new agreement was signed with Turkey to renew the delay to apply for citizenship according to the Treaty of Lausanne, which was eventually implemented in 1952 and renewed twice until 1958. Finally, the controversy resumed after the Civil War, with repeated demands from the main Christian parties and the Maronite patriarchate to adopt provisions to ease the *restitution* of citizenship to the Lebanese diaspora. Such repeated claims,

22 Annex to the French-Turkish treaty of May 27, 1937, which also included provision for the extension of the delay initially set in Article 33 of the Treaty of Lausanne regarding the transfer of the main residence of those choosing the Turkish citizenship or the citizenship of another state.

23 Thibaut Jaulin "Démographie et politique au Liban sous le Mandat: les émigrés, les ratios confessionnels et la fabrique du Pacte national," *Histoire et Mesure* XXIV, no. 1 (2009): 189–210.

until recently,²⁴ perpetuate the confusion between emigrants who left before and after 1924, and implicitly suggest that the whole Lebanese diaspora (*al-intishar*), supposedly largely Christian, is denied the right to citizenship.

Further examples illustrate the processes by which the Lebanese political elite manufactured sectarian statistics. In the 1920s, Armenian and Kurdish refugees²⁵ fled massacres, violence and poverty in Turkey and settled in Lebanon. As Ottoman citizens, both were eligible to the Lebanese citizenship, providing that they resided in Lebanon on August 30, 1924. Most Armenian refugees, who are Christians,²⁶ were registered as Lebanese in the 1932 census,²⁷ in contrast with the Kurds, who are Sunni Muslims. It has been argued that most Kurdish refugees thought of Lebanon as a temporary place of residence, which explains why they rarely applied for Lebanese citizenship.²⁸ Although such a reason should not be dismissed, policy incentives seem to have played a key role to foster the registration of Christians in the census. For example, the French High Commissioner set up commissions to register Armenian refugees as Lebanese citizens as soon as 1925, while there is no indication that such an administrative measure was also put in place for the Kurds.

The registration of nomadic groups in the census represents another example of the manufacture of sectarian statistics. Groups such as the Bedouins of Wadi Khaled, who traditionally crossed the border between Lebanon and Syria, who are Sunni Muslims, were registered as foreigners, although they did not carry the citizenship of another country. The reason was that they had to prove at least six months of residence per year in Lebanon to be registered as Lebanese in the census. At that time, the lack of border control between

24 In 2011, the government approved a draft law to extend the restitution of citizenship by persons of Lebanese descent, but it was not introduced in the Parliament.

25 30,500 Armenians arrived in Syria and Lebanon in 1921, after France abandoned Cilicia; 58,000 in 1922, after the Turkish victory over Greece; and 12,000 in 1923, after the signature of the Treaty of Lausanne. In 1927, the number of Armenians in Lebanon was estimated to be 32,000. Moreover, a new wave of Armenian refugees arrived in Lebanon after the cession of the Sanjak of Alexandretta (Hatay province) to Turkey in 1939. The agreement signed by France and Turkey on June 23, 1939 offered them to choose the Turkish, Lebanese or Syrian citizenship (see Jihan Sfeir, *L'exil palestinien au Liban. Le temps des origines (1947–1952)*, Paris and Beirut: Karthala and IFPO, 2008).

26 Armenians belong to the Armenian Catholic Church or to the Armenian Apostolic (orthodox) Church.

27 Sfeir 2008.

28 Lokman I. Meho and Farah W. Kawtharani, "The Kurdish community in Lebanon," *International Journal of Kurdish Studies* 19, no. 1–2 (2005): 137–160.

Lebanon and Syria and the absence of state institutions in remote areas obviously rendered impossible the presentation of any document that would prove one's residence in Lebanon.

After independence, the Lebanese State created an *ad hoc* administrative status, called *maktum al-qayd* (unregistered), distinct from the status of citizen, for those who had been denied the right to citizenship in 1932.²⁹ The situation of these non-citizens became more and more complex over time. In the 1950s, a new administrative status was created, called *jinsiyya qayd al-dars* (nationality under consideration), which allowed travelling from and to Lebanon, and access to public services (education, healthcare, etc.), but denied the right to claim full citizenship rights. The creation of this new status was the result of successful claims from children of non-citizens to courts and subsequent rejections of the courts' decisions by the State.³⁰

To sum up, the status of emigrants, immigrants and nomads in the 1932 census has been an "adjustment variable" to manufacture sectarian statistics and to reach a Christian demographic majority. This was made possible because *ad hoc* governmental decisions ruled the legal status of migrants and nomads, whose situations did not fit with the standards of the nation-state.

Naturalization and the Development of Political Clienteles

The following intends to go beyond the instrumentalist perspective according to which citizenship statuses directly depend on the manufacture of sectarian statistics. It explores the extent to which the citizenship regime contributes to the resilience of the political system. It looks at how foreign residents in Lebanon were granted Lebanese citizenship after independence and after the Civil War. It shows that the discretionary power of the executive over naturalization has contributed to changing the Lebanese citizenship into a resource to be distributed by political leaders. Naturalization has thus been a key instrument for the development of political clienteles. Concurrently, becoming a

29 Besides Bedouins, numbers of inhabitants of the northern and southern regions of Lebanon, predominantly Muslim, were also registered as foreigners in the census, because they failed to prove their presence in Lebanon on August 30, 1924. One of the reasons was they boycotted the 1921 census and subsequently refused to receive Lebanese identity cards, as a sign of protest against the creation of Greater Lebanon (see Rania Maktabi, "The Lebanese Census Revisited: Who are the Lebanese?," *British Journal of Middle Eastern Studies* 26, no. 2 (1999): 219–242).

30 Dawn Chatty, "Bedouin in Lebanon: The Transformation of a Way of Life or an Attitude?," *International Journal of Migration, Health and Social Care* 6, no. 3 (2010): 21–30; Meho and Kawtharani 2005.

Lebanese citizen has largely depended on one's explicit or implicit recognition of clientelist and sectarian ties.

Naturalization in Lebanon is a poorly documented and a largely disregarded issue. The exact number and background (country of origin, sect, social class, age, gender, etc.) of those who have been granted the Lebanese citizenship are almost unknown. In addition, very little research has focused on administrative and judiciary processes through which citizenship has been granted (or denied), or on the impact of naturalizations on politics and elections. Building on secondary sources, the following looks at cases of naturalization of large groups of the population after the independence of Lebanon and after the Civil War.

After independence, Lebanon turned into a destination country for different groups of refugees and migrants. In 1948, an estimated 750,000 Palestinians fled Palestine as a consequence of the creation of Israel and the first Arab-Israeli war. Among them, 130,000 sought refuge in Lebanon and became stateless refugees. Moreover, in the 1950s and 1960s, Lebanon's highly liberal economic policy favored rapid economic growth and attracted migrant workers drawn by employment opportunities. In addition, fears among the Arab bourgeoisie in the face of socialist policies in Egypt, Syria, and Iraq led to massive transfers of financial assets to Lebanon, and significant migration flows. Some among these refugees and immigrants were granted Lebanese citizenship depending on religious and/or social backgrounds.

Regarding the Palestinian refugees, maintaining statelessness has always guided the Arab League's policy, with the aim of preserving the right to return. However, the legal status and living condition of the Palestinian refugees are extremely diverse from one country to another. The Lebanese policy is characterized since 1948 by the rejection of any form of economic and social integration (not to speak of political integration) of the Palestinians in Lebanon following the argument that it would directly impact the fragile demographic balance between sects (most of the Palestinians are Sunni Muslims). Several discriminatory regulations were issued in the 1950s and 1960s, and the rejection of the settlement of the Palestinian refugees in Lebanon (*al-tawtîn*) was included in the new Lebanese constitution after the Civil War.³¹ Some

31 Jala al-Husseini and Riccardo Bocco, "The status of the Palestinian refugees in the Near East: the Right of Return and UNRWA in perspective," *Refugee Survey Quarterly* 28, no. 2–3 (2010): 262–285; Are Knudsen, "Widening the Protection Gap: The 'Politics of Citizenship' for Palestinian Refugees in Lebanon 1948–2008," *Journal of Refugee Studies* 22, no. 1 (2009): 51–73.

Palestinians, however, were granted Lebanese citizenship, but their number remains obscure with estimates varying from 3,000 to 50,000.

A first wave of naturalization occurred in the early 1950s. It has been shown that 6,500 Palestinian refugees were naturalized in the years following their arrival in Lebanon, and that most were Christians, and/or of Lebanese or Armenian origin,³² and/or from upper social classes. Surprisingly, citizenship was granted on the basis of legal provisions that initially targeted Lebanese emigrants. In 1949, the Lebanese government adopted the decree of application of the law of January 15, 1946 on the *restitution* of citizenship.³³ Such a decision would have been impossible without the direct support of the President of the Republic, Béchara el-Khoury (1943–1952), who further extended his political clientele by granting citizenship to some Palestinians, mostly Christians.

Lebanese citizenship thus became a resource to be distributed by political leaders to develop their political clientele. This practice has been constant since then. For example, it is commonly admitted that el-Khoury's successor, President Camille Chamoun, made extensive use of his discretionary power to grant citizenship, mostly in favor of Arab Christians settled in Lebanon. However, such assumptions are rarely based on grounded research. For example, an article published in 1976 in the leftist Arabic newspaper *As-Safir*,³⁴ in the beginning of the Civil War, estimated to 100,000 those who obtained citizenship since 1958, of whom 88,000 were "Egyptians from Lebanese origin."³⁵ The *As-Safir* article, which claimed to be based on a

32 Among the Palestinians who sought refuge in Lebanon in 1948, an estimated 5% were of Lebanese origin and 25% were Christians (mainly Greek Catholic and Greek Orthodox). It is noteworthy that the proportion of Christians was higher than in Syria and Jordan because Palestinian and Lebanese Christians often had family ties, and because Palestinian Christians could expect preferential treatment in Lebanon.

33 Knudsen 2009; Sfeir, 2008. According to the decree n°398 of November 26, 1949, applicants were required to present a document attesting to their Lebanese origin. The decision to grant citizenship was subsequently taken by the Council of Ministers and the President of the Republic, after inquiry by the Ministry of Interior.

34 "Citizenship is granted to tens of thousands of emigrants... covertly", *As-Safir*, January 7, 1976 (in Arabic)

35 This expression refers to the *shawam* community who consisted of Christians, mainly Greek Catholic and Greek Orthodox, originating from Syria, Lebanon and Palestine, who settled in Alexandria and Cairo in the late-18th century and 19th century at the time of the Khedives. In the 1950s, when Gamal Abdel Nasser launched his economic program of nationalization, many among the Egyptian economic and cultural elite left the country, in particular members of the *shawam* community.

report from the Lebanese Ministry of Interior, further indicates that citizenship was granted on the basis of the nationality law of 1946, which targets *persons of Lebanese origin*.

However, the As-Safir article raises more questions than it gives answers. First, the figure of 88,000 is not confirmed by other sources of our knowledge. In addition, the article does not mention the fact that a new decree was issued in 1959, to rule the implementation of the 1946 law, which tightened the conditions to prove one's Lebanese origin.³⁶ To sum up, the lack of data and research makes it extremely difficult to estimate the number and the background of naturalized persons in the 1950s and 1960s, and it highlights the need to have unrestricted access to the State archives and to conduct further research on naturalization in Lebanon.

Furthermore, as mentioned in the introduction, the government of Rafik al-Hariri adopted a massive decree of naturalization after the Civil War (n°5247 of June 22, 1994). This decision cancelled out the elaboration of a new nationality law, although it was considered a priority and a Commission of Nationality, created by the government, was already drafting a nationality and citizenship bill. However, in the face of disagreements among political leaders,³⁷ the 1994 decree was presented as the fastest and easiest solution to normalize the situation of all those who could legitimately claim the right to citizenship, such as long term foreign and stateless residents (with exception to the Palestinian refugees). In contrast, the following shows that the adoption of the decree directly contributed to perpetuating discretionary and clientelistic practices, in addition to cancelling out the reform initiative.

At the time of the publication of the decree, the Minister of Interior, Bechara Merhej, announced that 38,900 individual and familial applications had been accepted. However, familial applications could include a large number of persons. Therefore, various estimations of the number of naturalized persons circulated in the following months and years, some clearly politically motivated. Eventually, in 2006, in the framework of the National Roundtable Dialogue, which was set up after the withdrawal of the Syrian army, the acting Minister of Interior, Ahmed Fatfat, indicated that 157,216 individuals were naturalized

36 According to this decree (n°288 issued on May 5, 1959) the applicant had to prove that his name or the one of his father or grandfather was registered in the 1921 or 1932 census.

37 Actually, most proposals did not aim at a radical change of the citizenship regime, with exception to Issam Naaman's (a parliamentary representative close to Prime Minister Selim al-Hoss) who suggested to introduce the *jus solis* as a mode of acquisition of Lebanese citizenship.

in 1994, among whom 32,564 belonged to the category *qayd al-dars* (*nationality under consideration*).³⁸ However, the sectarian distribution of the naturalized persons remains uncertain. Rough estimates, published soon after the decree's publication, asserted that two-thirds of the naturalized persons were Muslim (mainly Sunnis and Shias, but also Alawis), and one-third Christian (mainly Armenians and Syriacs, and also Greek Orthodox, Greek Catholics and Maronites).³⁹

For its proponents in the government and among the loyalist parties, the decree put an end to an historic injustice against all those whose right to citizenship was denied since 1932. In contrast, most Christian leaders took opposite views and insisted that the decree would aggravate the demographic marginalization of their community.⁴⁰ They argued that the decree betrayed the spirit of the Lebanese democracy and the principle of coexistence (*ta'ayush*), and objected that political decisions dealing with fundamental issues, including citizenship, require two-thirds of the votes at the Council of Ministers (according to the Ta'if Agreement).

Christian leaders also criticized the naturalization of Palestinians and claimed that the 1994 decree represented a first step toward the settlement of the Palestinians refugees in Lebanon. Actually, most Palestinians who were granted citizenship in 1994 originated from the so-called Seven Villages, located along the border between Lebanon and Palestine. These villages were part of Greater Lebanon in 1920, but then attached to Palestine in 1922. The citizenship status of the inhabitants of the Seven villages remained however unclear for legal and administrative reasons and, after 1948, Lebanese courts ruled out their claim to citizenship. Because the Palestinians of the Seven villages are Shia Muslims, in contrast with other Palestinians, the primary beneficiary of their naturalization was Nabih Berri, President of the Lebanese Parliament.

The political controversy over the 1994 decree resumed during the 1996 legislative elections (and the following elections) because of large electoral irregularities in several constituencies. Such irregularities, so-called *parachuting*, consisted in the registration of thousands of newly naturalized persons on the

38 "How much and who are they?", *L'Orient le Jour*, September 8, 2008 (in French).

39 "The State grants citizenship to 130,000 persons", *L'Orient le Jour*, June 27, 1994 (in French).

40 The lack of census since 1932 makes it difficult to estimate the demographic size of each sect in Lebanon. According to different sources (electoral rolls, civil registers) Muslims represent between 60% and 65% of the population. Cumulated fertility differential between Christians and Muslims explains the Christians' demographic marginalization in the last decades (see Eric Verdeil, Ghaleb Faour and Sébastien Velut, *Atlas du Liban. Territoires et société*, Beirut: Presses de l'Ifpo, CNRS, 2007).

electoral rolls of a constituency in which they did not reside with the aim to influence the outcome of the election. Such irregularities were particularly obvious and massive in the constituency of the Metn, where the Minister of the Interior, Michel el-Murr, was running for parliament.⁴¹ Michel el-Murr, who was in charge of the distribution of civil status certificates to the naturalized persons, could exert direct pressure on the newly naturalized persons, including threatening to revoke their citizenship.⁴²

The adoption and implementation of the 1994 decree exemplifies how the citizenship regime, characterized by immobilism and discretion, has contributed to the resilience of the political system through the development of political clienteles. The last section further explores the complex relationship between the citizenship regime and the political system by looking at advocacy politics in post-war Lebanon.

Citizenship Rights and Advocacy Politics' Drawbacks

This section focuses on two different claims supported by civil society organizations and political parties in Lebanon: the right to vote from abroad for legislative elections, and the women's right to pass on their citizenship to their children and foreign spouse. The following analyzes institutional and political resistances, from the state, political parties, and the associational sector itself, to explain the drawback of advocacy politics in post-war Lebanon. Following Paul Kingston, it argues that the Lebanese associational sector itself represents one of the "feedback mechanisms" that contribute to the resilience of the Lebanese political system.⁴³

In the aftermath of the civil war, advocacy campaigns supported by civil society organizations focused on specific issues (in the area of environmental, freedom of expression, civic rights, etc.) identified as "lowest common denominators" among parties and sects with the aim to foster *transcommunal* mobilizations and to bypass sectarian veto.⁴⁴ The results of such strategy were mitigated, at least regarding citizenship issues. On the one hand, provisions enabling the vote abroad were adopted in 2008, but their implementation proved unsuccessful. On the other hand, awareness-raising campaigns to grant

41 Eric Verdeil, "Les territoires du vote au Liban," *M@ppemonde* 78, no. 2 (2005): <http://mappemonde.mgm.fr/num6/articles/arto5209.html>.

42 Thibaut Jaulin, "Lebanese Politics of Nationality and Emigration," *EUI Working Papers*, RSCAS 29 (2006).

43 Kingston 2013.

44 Karam Karam, *Le mouvement civil au Liban. Revendications, protestations, et mobilisation associatives dans l'après-guerre*, Paris and Aix-en-Provence: Karthala and IREMAM, 2006.

Lebanese women the right to pass on their nationality failed to result in the reform of the nationality law.

In the early 1990s, civil society organizations and Christian political organizations (at home and abroad) were the sole supporters of the right to vote abroad. However, they disagreed on the strategy to put forward this demand and on its final goal. On the one hand, organizations close to the Maronite Patriarch (e.g. the Maronite League) and Christian parties (Lebanese Phalanges Party, Lebanese Forces, etc.), with exception of the Free Patriotic Movement (FPM), repeatedly associated demands for voting rights abroad with demands to ease the *restitution* of citizenship to *persons of Lebanese origin* (in particular after the adoption of the 1994 decree of naturalization). The objective was to increase the number of Christian citizens (at home and abroad), and also to raise awareness of the demographic and political marginalization of the Christian community in the aftermath of the Civil War. On the other hand, organizations for the promotion of democracy and civil rights, such as the Lebanese Association for Democratic Elections (LADE), and the FPM, which defines itself as non-sectarian, viewed demands for the *restitution* of citizenship as sectarian and, thus, contradictory with the objective of fostering *trans-communal* mobilizations.

The 2000s witnessed increased political awareness about the issue of voting rights abroad. For example, loyalist leaders and parties, such as Nabih Berri or the Syrian Social Nationalist Party (SSNP), expressed support for the “political participation of the Lebanese abroad.”⁴⁵ In 2003, a parliamentary representative, Nemet Allah Abi Nasr, member of the Maronite League (at that time), managed to gain the support of several representatives from different political and confessional background for his draft law to grant voting rights abroad.⁴⁶ The proposal consisted of the creation of 12 additional seats in the Parliament (out of 128 seats) to be reserved for the Lebanese abroad. Because the latter represent an estimated one-fourth of the resident population, such a formula would have greatly limited the impact of the participation of the Lebanese abroad on the election outcome. The government of Rafik al-Hariri rejected the proposal, but it contributed to raise awareness on the potential to reach a compromise on this specific issue.

45 Nabih Berri’s proposal actually consisted of the nomination of diaspora representatives in the Parliament, rather than extending voting rights to the citizens abroad.

46 It is noteworthy that Nemet Allah Abi Nasr simultaneously presented a draft law to ease the *restitution* of citizenship to *persons of Lebanese origin*, but it did not gain the same support.

Demands for the right to vote abroad entered a new stage after the assassination of Rafik al-Hariri in February 2005. First, petitions for the right to vote abroad were launched in Lebanon and abroad during the electoral campaign for the June 2005 elections, in a context of massive popular mobilizations, resulting in tens of thousands of signatures. Furthermore, provisions to enable the vote abroad were included in the electoral bill presented in 2006 by the independent commission for the reform of the electoral law (the Boutros Commission) in addition to major reforms.⁴⁷ In contrast with Abi Nasr's proposal, this provision entitled Lebanese citizens residing abroad (whose name was already registered on electoral lists) to cast their ballot in Lebanese embassies and consulates to elect the representatives of their constituency of origin. This provision was eventually adopted in 2008 in the framework of the new electoral law adopted prior to the 2009 elections after two years of political blockades and unrest in Lebanon, following the July 2006 Israeli-Hezbollah war. It is usually acknowledged that the adoption of this provision was part of a typical sectarian bargain according to which the right to vote abroad, which supposedly favored Christians, was adopted in exchange of the lowering of the voting age to 18 years old, considered to be more advantageous to the Muslims.

However, the (lack of) implementation of the right to vote abroad since then illustrates the political parties clientelistic strategies to monitor the votes from the Lebanese abroad. On the occasion of the 2009 election, the minister of Foreign Affairs, Fawzi Salloukh, cited practical and administrative difficulties to excuse the lack of implementation of the vote abroad. As a consequence, political parties actively supported (logistically and financially) the return of their supporters abroad to Lebanon on the day of the election. Different sources suggest that political parties organized and funded the return to Lebanon of tens of thousands of voters on the day of the election, including from Australia. The vote of these *returnees* was particularly decisive in disputed constituencies, in particular in Christian areas where the two main Christian parties (LF and FPM) were side by side.⁴⁸

One year before the 2013 election (which was eventually postponed), the ministry of Foreign Affairs, Adnan Mansour, called on the Lebanese abroad to register to vote in the Lebanese consulates. When the deadline expired on December 31, 2012, only 6,000 persons had registered worldwide, out of an estimated one million Lebanese citizens abroad. The lack of human resources

47 Such as the proportional voting system and the creation of an independent electoral commission.

48 Paul Tabar, "Politics among Arab migrants in Australia," *CARIM Research Report* 9 (2009): Robert Schuman Centre for Advanced Studies, European University Institute.

were cited to explain this result, but interviews conducted by the author⁴⁹ among party representatives in Lebanon in May 2013 suggest that political parties were reluctant to call their supporters abroad to register to vote, including parties that initially supported demands for the right to vote abroad (FL and FPM). The question that arises is to what extent political parties have considered that the vote of the Lebanese abroad would be electorally less advantageous than funding their supporters' return on the day of the election according to their "needs" in each constituency. In other words, to what extent does paying for plane tickets, although extremely costly, better serve parties electoral goals than supporting the vote abroad?

To sum up, the example of the right to vote abroad shows how political parties clientelistic strategies undermine the implementation of citizenship reform initially identified as *transcommunal*. The example of the women's right to pass on their nationality further illustrates the impact of such "feedback mechanisms."

As mentioned in the first part of the paper, the 1925 Lebanese nationality law is based on the principle of patrilineal *jus sanguinis*, as in most Arab countries until recently. This principle forbids a woman married to a foreign man from passing on her nationality to her children and spouse (in contrast with men married to foreign women). Demands for granting women the right to pass on their nationality are part of the broader movement for women's empowerment, which progressively (re)developed in Lebanon after the end of the Civil War. In the 1990s, the growing international promotion of women's rights and, more specifically, the 1995 Beijing World Conference on Women,⁵⁰ directly contributed to the creation of networks of Lebanese experts and activists advocating for women's rights.⁵¹ In the following years, lobbying activities, awareness-raising campaigns, and social work were conducted by legal and human rights associations to eliminate any form of legal discrimination against women and to provide assistance in the area of violence against women.

The Collective for Research and Training on Development – Action (CRTD.A), a small association based in Beirut, launched the first "nationality" campaign in 2001 at the regional level. Subsequently the United Nation Development Program (UNDP) started the Gender and Citizenship Initiative (GCI) in the Arab States, with the aim of supporting research-informed policy

49 Tarek Sadek, Free Patriotic Movement, Byblos, May 30, 2013.

50 The Lebanese government ratified the United Nations Convention on the Elimination of All Forms of Discrimination against Women in 1995, but expressed reservations about several articles.

51 Kingston 2013.

debate on women's citizenship, raising public and media awareness and building the capacity of Arab women's NGOs in networking and advocacy. The GCI, which identified nationality legislation and access to identity cards as strategic entry points to the issue of women's citizenship, launched a large regional campaign in 2005. In the following years, while legal reforms were adopted in some Arab countries,⁵² Lebanon witnessed increased awareness of the issue. Additional campaigns were conducted, legal and research studies were commissioned, and a draft law proposal was submitted to the Parliamentary Commission on the Rights of Women and Children. In parallel, a number of politicians took an interest in the issue and committed to support the reform of the nationality law, in particular during the 2009 electoral campaign.

However, promises were set aside and, instead of a reform of the nationality law, two decrees were adopted (in April 2010 and September 2011) to grant free and renewable three-year residency permits and working permits (yet restricted to some occupations) to children of a Lebanese mother and their foreign father. Although the decision contributed to solving some of the daily problems faced by binational families in Lebanon, it highlights the government's reluctance and inability to adopt and implement citizenship reforms. Political resistance from Christian political leaders is usually considered to represent the main obstacle to the adoption of the women's right to pass on their nationality.⁵³ They paradoxically appear more occupied with strengthening the potential citizenship rights of members of the Lebanese diaspora, than they are with reference to addressing problems related to the full membership of Lebanese women in Lebanon.

Beyond such political resistances, Paul Kingston suggests to look at institutional forms of resistance to explain the drawback of gender advocacy.⁵⁴ He mentions, first of all, the "path dependency" of the Lebanese political system. The decision to leave jurisdiction over personal status and family (marriage, divorce, children custody, inheritance) to religious courts, taken by the French authorities during the Mandate, prevented the "potential of the State to act as an autonomous actor (...) transforming it instead into a defender of the power

52 Egypt in 2004, Algeria in 2005, Morocco in 2007, and Libya in 2010 adopted provisions to allow women to transmit their nationality to their children and foreign spouse, under various conditions.

53 They argue that it would further contribute to the demographic marginalization of their community, based on the assumption that marriage between Lebanese Christian women and Muslim foreigners are more common than the opposite (which had been defused by the reforms' proponents).

54 Kingston 2013.

of the patriarchally oriented religious clerical class in the country.”⁵⁵ Furthermore, Kingston claims that the Lebanese associational sector itself represents one of the “feedback mechanisms” that contribute to perpetuating a system of gender inequality. Building on the notion of “relational rights” (Joseph, 1994),⁵⁶ he shows how some women’s associations, in particular the state-sponsored National Commission for Lebanese Women, participated in the propagation of patriarchal norms.

To conclude, this paper explores the relationship between the citizenship regime and the political regime in Lebanon. It analyzes the process by which sectarian statistics are manufactured following the 1932 census, and looks at the modification of the citizenship status of mobile and/or uprooted groups of the population in Lebanon and abroad in the frame of an obvious power struggle. Then, the paper intends to show how the citizenship regime contributes to the resilience of the political system of confessional democracy. It looks at the relationship between naturalization and the development of political cliques, and at the drawback of advocacy politics (in regard to the women’s right to pass on their citizenship and the right to vote abroad). This paper concludes that mutual dependency characterizes the relationship between the citizenship regime and calls for further research on citizenship in Lebanon, in particular with regard to naturalizations.

55 Ibid, 86.

56 Suad Joseph, “Problematizing Gender and Relational Rights: Experiences from Lebanon,” *Social Politics* 1, no. 3: (1994): 271–285.