

# Gender and Citizenship in the Arab World

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## 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 countries 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 & Treteault, 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).

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