

# Citizenship in the Middle East – Exploring a Field of Research

*James Sater*

The question of citizenship has been at the center of transformations in the Arab world for a number of years. Yet, a systematic overview on how to apply the concept of citizenship has so far been lacking. An initial attempt was made in the 1990s by Nils Butenschon et al. in a collection of essays (2000) yet except for a more provocative monograph called *States Without Citizens* (Jandora 2008) no other serious attempt has been made. While this short overview does not claim to provide a comprehensive approach, it still aims to introduce how citizenship can be applied to the analysis of Middle East politics, and develop some hypothesis for further studies.

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In political philosophy, citizenship has been viewed as both a normative and an empirical concept, as well as fundamentally relational to the development of the (modern) state. In its normative dimension, it refers to a pro-active attitude of “citizens” *vis-à-vis* the political, which is conceptualized as *res publica* or commonwealth. It strongly contrasts with passive consumerism, hyper-individualized societies, and other forms of social organizations such as criminal networks that disregard the struggle for the common good in commonwealth. It also contrasts with segmented societies, in which commonwealth is narrowly defined through kinship or religious ties that have little relation to the state as the embodiment of the political. This concept of citizenship is Athenian as well documented in Plato’s philosophical discourse centered on Socrates in *The Republic*. The tradition continued in Jean-Jacques Rousseau’s concept of *Volonté Générale*, as well as in Marxist and Hegelian thoughts on the individual’s relation to the modern state. What all of these normative concepts of citizenship have in common is the primary importance of the individual’s attachment to the political through the state, through which individual rights are achieved.

Instead of primarily focusing on the political, a second, more Anglo-Saxon concept of citizenship regards a set of rights as the core component of citizenship. These ‘empirical’ rights include, first of all, civil rights including the right to private property, religion, and privacy as rights that need to be guaranteed as part of the social contract. These are founding principles of modern capitalism as well as the modern state with its claims to the monopoly over the use of coercion. In the development of the rule of law as a basic principle of democratic government, equality before the law, fair trials, as well as the presumption of innocence became crucial. In the 19<sup>th</sup> century, citizenship included not just a protection from now overwhelming state power and techniques of coercion and intrusion, but also the right to political participation. These included the right to strike, the right to form political associations, and the universal right to vote in meaningful elections. The inclusion of socialist ideas in the late 19<sup>th</sup> century meant that the state would need to guarantee that these rights could be used in meaningful ways, thereby guaranteeing minimum welfare as part of the development of social rights. In the 1950s, Marshall therefore distinguished between three types of citizenship rights that have evolved since the 1800s: civil, political, and social rights (Marshall 1959).

As can be seen, on one hand these rights could be called 'empirical' in that the existence of such rights could be identified and developed in law. On the other, having such individual rights also became normative in democratic societies of the 19<sup>th</sup> and early 20<sup>th</sup> century and closely linked to the core normative concepts of freedom and justice and, inter alia, the state. Yet, in contrast to the Athenian model, the participation of individuals in political matters was not seen as an ultimate expression of human nature, but rather an individual choice and, as anarchist political philosophers such as Thomas Paine would point out, potentially corrupting for the human, harmonious condition.

The above 'Marshallian' discussion of citizenship based on civil, political, and social rights was later on supplemented by other dimensions. The analytical distinction between legal and substantial rights exposed limitations based on gender, ethnic and linguistic backgrounds. Furthermore, partially founded on environmental and more holistic ethics (inter-generational, cosmopolitan), individuals' rights to healthy environments invoked an even broader understanding of citizenship. Yet, with regards to the Middle East, any such broader discussions appeared futile given, as Butenshon points out, the prevailing lack of even basic civil, political, and social rights (2000: 7). While the normative concept of citizenship appeared to lack empirical relevance altogether, a back-to-basics approach has been the core of empirical citizenship studies in the Middle East, exposing in many instances not only the lack of women's rights to most if not all basic civil and political rights, but also the overwhelming lack of protection of even more privileged groups.

This back-to-basics approach is not only relevant in order to understand why authoritarian states are authoritarian. Actually, analyzing citizenship from the perspective of why they have been denied in the construction of authoritarian states appears tautological. The only recent contribution on the Middle East quite provocatively asserted: In the Middle East it is justified to talk about "states without citizens." Butenshon similarly develops the concept of the ethnocratic state (2000: 19) in which the state's purpose is that of the protection and hegemony of one ethnic group, not that of citizens. Consequently, citizenship studies focusing on the Middle East have had difficulties establishing relevance precisely because of the obvious absence of Marshallian citizenship. This, among many other features of Middle Eastern politics, has often been considered proof for Middle Eastern "exceptionalism." If further studies of citizenship are to be taken as a litmus test for the successful interest of citizenship studies in the Middle East, then Butenshon's attempt to do so in the late 1990s failed - notwithstanding the orientalist interest in minorities. Of course, the major exception has been with regards to gender studies, due to the interest in gender equality that emanated both from scholars working in the Middle East and from Western policy makers, with gender along with democracy and human rights being at the heart of the scholarly debate on Middle Eastern exceptionalism. Another more traditional exception relates to Palestinian citizenship, due to interest in this piece of the Arab-Israeli puzzle.

Yet, studying citizenship in the Middle East is relevant for many other reasons that I would like to explore in the following. First of all, the 2011 overthrow of authoritarian rulers across the Middle East emphasizes that the status quo has never been particularly stable. Hence, examining multi-dimensional weaknesses of citizenship continues to expose the frailty of authoritarianism. Second, after the overthrow of rulers, the question of citizenship rights is occupying center stage in the development of new constitutions. In particular, Islamic concepts of identity based on the *'Umma* and sacred rights and responsibilities appear to be in contradiction with Marshall's versions, leading to conflicts between conservative and liberal currents across the Middle East. Since 2011, this has been particularly evident in the struggles over new constitutions in Tunisia and Egypt. Third, in citizenship scholarship, a hypothesis has been pursued according to which there is a push for more citizenship rights in situations of social movements, warfare, and mass migration. Both the history of the United States and the bourgeois revolutions in North-Western Europe of the 18<sup>th</sup> and 19<sup>th</sup> century are cited as examples (Turner 2000: 42). Consequently, the question arises in how far the contemporary revolutions in the Arab world follow this example raising questions concerning Middle Eastern exceptionalism. Conversely, European and North American experiences can be understood as unique historical experiences that may not be repeated elsewhere in the world, pointing towards the validity of Middle Eastern (and other region's) exceptionalism.

While these overall theoretical considerations are relevant and justify in themselves to pursue the question of citizenship in the Middle East, there are other case study specific issues that appear of primary importance.

### National Identity

As recent as on 22 March 2013 on the occasion of Nawruz, or what is commonly known as the Iranian New Year, PKK leader Abdullah Öcalan proclaimed a complete secession of violence between the Kurdish armed groups led by the PKK and the Turkish state. Instead of seeking independence as a central demand, the leader argued in favour of democracy, freedom, and justice in the new Turkish state. In Öcalan's point of view, the new Turkey under the leadership of Recep Erdogan of the Islamist AKP party managed to escape the shadow of a narrow, elitist administration. "The broadness and inclusivity of saying "we", an important pillar in the historical context of this geography, has been narrowed to a "singularity" under the arms of elitist administrations. It is time to give "us" its old sense, spirit, and practicality" (Öcalan 2013). Yet, this inclusiveness of "we" is not easily achieved in contemporary Turkey, as the painful "Turkiyeli" discussion of Turkish identity illustrates (Oran 2010). Instead, the ghost of a state that takes on the identity of one of its religious-ethnic groups haunts Turkey as much as many of its Middle Eastern counterparts. Suffice is to mention the issue of the Christian character of state of Lebanon, the Jewish character of the state of Israel or

the Wahhabi character of the Kingdom of Saudi Arabia, which structures the debate on identity and individual rights.

### **Legal definition of citizenry**

The citizenship debate is strongly influenced by discussions of the *jus sanguinis* principle that a large majority of Middle East states have adopted. Iraq under Saddam Hussein was a notable exception. Under this dominating legislation, the patrilineal line is primarily responsible for the granting of nationality and citizenship to offspring, and nationals and citizens are viewed as belonging to a group of people that outsiders do not have access to. In spite of the inclusiveness of Arab nationalism, blood membership and politicized ideas of historical land-ownership have so far greatly restricted legal national membership. The Palestinians in Jordan and Lebanon and the question of Bidouns and Ajamis in the Gulf are the most prominent examples. Yet, the question arises if this is undergoing changes or in how far this has been static. In Europe, as Joppke argues, citizenship laws have become more inclusive when state borders have been secured (Joppke 2010: 50-1). While it can be argued that no Middle Eastern state is fully secure within its borders and in the legitimacy of its ruling elite, the definition of the population and civil rights accorded to non-nationals has undergone changes which merits scholarly analysis.

### **Legal and substantial hierarchies**

Legal citizenship hierarchies are furthermore becoming an interesting focus point for citizenship studies. Gender is a central point due to legal restrictions and inequalities that mark gender relations in the Arab-Muslim world. Yet, the legal framework for gender inequalities is slowly eroding across the Middle East. This also applies to unequal rights accorded to migrant communities such as the Palestinians in Lebanon. Yet these legal changes increase the focus on substantial rather than legal citizenship. While the contemporary debate on citizenship with regards to women and migrants in Europe and North America established this relevance, such substantial inequalities may also overlap with legal ones, or may even become a system of protection more efficient than that granted through laws and procedures, as can be argued in the case of Gulf States. This provides a complex system of analysis for Middle East scholars examining citizenship hierarchies (Sater 2013).

From the above discussion, it is possible to extract a number of hypotheses for an analysis of citizenship in the Middle East.

First, there is a slow process of increasing the scope of rights from basic rights civil and social rights to political and more elaborate social rights. It is important to point out that while the protection of social rights has been an important part of state's pre-occupation in the post-colonial era (building of schools, hospitals, etc.), especially Arab republics have had difficulties sustaining these efforts since the 1980s. In turn, where

these social rights have been more effectively protected by generous welfare state provisions in hydrocarbon rich states, the process for citizenship rights in the area of political participation have been, generally speaking, less strong. Yet, whatever the precise scope of changes, a process of broadening citizenship rights coincides with the impact of education, consumerism, urbanization, and individualization across the Middle East.

Second, we cannot assume that in the elaboration of citizenship rights in new constitutions, the state is endowed with legitimate authority to protect a new set of rights. The reason is that in uncertain transitions, pre-existing modes of organization can be a viable source of security for individuals and groups who are involved in transitions. In the state formation process, groups were successful in negotiating the transitions and protecting their particular group rights within the new states and their constitutions (Lebanon, Kuwait, United Arab Emirates, Saudi Arabia). Similarly, groups will in the ongoing transitions in Egypt and Tunisia protect their status and the group's authority over individuals. The reason for this is that the abstract definition of citizenship rights and endowing the state with the authority to protect these rights requires a high amount of social and political trust in the state and its elite. While such trust may have been lacking since the beginning of the process of state and nation-building, the recent authoritarian experiences across the Middle East have aggravated this lack of trust. This particularly applies to countries that have experienced republican, post-colonial regimes with little hydrocarbon wealth to entertain strong patron-client relations with the population.

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