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Restrained motherhood: the Lebanese state in times of changing demographics and moral values

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Abstract: *The socially engrained notion that motherhood is essential to womanhood is strongly portrayed in how states view women's political participation through their reproductive capacities. In Lebanon, the state's political agenda influences laws and policies that restrict or encourage women's procreation, depending on their nationality, sect, marital, and legal status. Since 1943, Lebanon's system of proportionally allocating parliamentary seats to sectarian political parties, based on their population size, has spurred fears of demographic changes across sects. This fear is also referenced by politicians as the reason why Lebanese women are legally denied their rights of passing citizenship on to their children and non-Lebanese spouses. With Lebanon holding the highest refugee population per capita in the world, the fear of disturbing the "sectarian balance" directly collides with the reproductive autonomy of both Syrian and Palestinian refugee women. Migrant women living in Lebanon are also restricted to playing out their role as workers and therefore have their sexual and reproductive health and rights denied. Another fear of the state is that of changing moral values, whereby motherhood and parenthood in single women, queer, transgender, and intersex persons are perceived as deviant and a threat to traditional values. This review aims to display how, through fear – of changing moral values and demographic shifts – the Lebanese state practices reproductive oppression on part of the population, while neglecting them and exacerbating their difficult living conditions.* DOI: 10.1080/26410397.2019.1643192

Keywords: motherhood, Lebanon, reproductive justice, refugee, citizenship, women, transgender, queer

Introduction

State policies limiting or incentivising fertility primarily affect women and their reproductive functions. One way the state maintains its power of influence is through preserving and protecting notions of nationalism, origin and heterosexuality as natural, gender as binary, motherhood as innate to all women, and marriage as the solely acceptable institution of family formation.¹ This paper aims to explore the relationship of the Lebanese state to motherhood, particularly how it categorises “good” mothers and “bad” mothers. “Good” refers to a type of motherhood the state supports, promotes and encourages, while “bad” implies a type of motherhood actively suppressed, rejected, and demonised.

As the female body has been tantamount to that of a mother's or a mother-to-be, its corporeality has been coupled with an ideal notion of

motherhood, a notion rigid in its demand that women embody care, sacrifice, selflessness, purity, and overall goodness.² Conflating the characteristics of ideal motherhood with that of ideal womanhood has, problematically, made motherhood the essence of a woman. Such views are often firmly endorsed by the state and have served as necessary foundations for a capitalist economy that requires housework and reproductive labour to remain unpaid and unquestioned.³ Outside the home and within the politics of the state, notions of motherhood are further ingrained by holding that women's most significant political participation is to serve the realisation of pro-natalist or anti-natalist political agendas. As such, state efforts to increase or to minimise the population primarily target women and their reproductive capacities, either through incentivising reproduction or condemning it.⁴

In times of economic or political crises, or conflict, national debates often focus on population growth strategies and needs. For example, Malthusian theory suggests that unrestrained populations exponentially increase and exhaust the state's resources, implying that smaller populations would lead to less poverty and higher living standards.⁴ On the other hand, proponents of large populations champion the idea that people are a power necessary in times of wars and for the building of an empire. In places where ethnic or religious groupings are crucial for the constitution of a nation, the notion of "origin" or "quality" of a population breeds a eugenics-type of population assemblage.⁴ Eugenicist policies are primarily concerned with the "quality" of a population, whereby active suppression or incentivisation of procreation of certain subpopulations is encouraged through different state apparatuses.⁴ Within a power-sharing system, frantically maintained on the population's sectarian make-up, the Lebanese state's focus on women's reproductive functions and their citizenship is highly politically motivated.⁵ By making living conditions intolerable for millions of refugee and migrant residents, and legally restricting female Lebanese citizens from passing their citizenship on to their children and non-Lebanese spouses, while also inviting millions of its diaspora to claim citizenship,⁶ it is evident that the state's invitation of mass naturalisations for economic prosperity⁷ is not a call for just anyone.

The Lebanese state does not seem to subscribe to a Malthusian theory of population restraint or one of growth, but displays a form of eugenistic discourse through "differential encouragement and discouragement of child-bearing in different segments of the population."⁴ This paper extends an argument on how the Lebanese state condemns deviant motherhood underneath two banners: first, demographic fear, through which it denies Lebanese women the right to pass their citizenship on and ostracises refugee and migrant populations living in Lebanon, and second, a moral fear of the decay of family and traditional values through which it shuns unmarried, lesbian, and transgender mothers and parents.

The fear of changing demographics

The alleged balance of Lebanon's population concerns stems from its power-sharing system that allocates state positions according to the sectarian political parties in what is called a confessionalist

system. In Lebanon's confessionalist system, the presidency is held by a Maronite Christian whereas the roles of Prime Minister and Speaker of Parliament are held by a Sunni Muslim and a Shiite Muslim respectively.⁸ In 1943, an unwritten agreement known as Lebanon's National Pact allocated a ratio of 6:5 parliamentary seats in favour of Christians to Muslims.⁸ This ratio was based on the 1932 census conducted under French colonisation, which is the last known census of Lebanon. In 1989, after the Lebanese civil war ended, the National Reconciliation Accord (known as the Taif Agreement), which still governs the Lebanese confessionalist system today, revised this ratio with no reference to any updated census, to an even 5:5 parliamentary seat ratio for both Christians and Muslims. The sectarian demographic breakdown of the 1932 census has since then been contested on the grounds of having exaggerated the proportional size of Christians in Lebanon through the swift admittance of Christian immigrants (Armenians, Chaldeans, and Syrians of Turkish origin), exclusion of Muslim immigrants (Kurds coming from Turkey), and the placing of bureaucratic hindrances on undocumented residents (whose descendants remain stateless and unregistered up to the present).⁸ Currently, the proportion of Christians to Muslims has also decreased greatly as a result of high emigration and low birth rates amongst Christians.⁹

Lebanese women

For two decades, campaigns by women's rights activists for the right of Lebanese women to pass their nationality to their children and non-Lebanese spouses, have been rejected on the basis that such a permission may unsettle the "sectarian balance" of the country.⁵ While blatantly ignoring Lebanese women's citizenship rights in the past 70 years, Lebanese politicians from various political parties have engaged in a tug-of-war via naturalisation allowances between sectarian populations, in order to build partisanship that would prove useful in upcoming elections.¹⁰

Three prominent examples of naturalisation decrees include: a decree in 1948, during the presidency of Camille Chamoun, which applied to a Christian majority of Palestinian refugees,¹¹ a highly contested and still-under-review decree¹⁰ led by Prime Minister Rafic Hariri to naturalise over 150,000 persons of whom an estimated two thirds were Muslim, in 1994;¹² and most recently, in May 2018, the announcement by President Aoun that 375 individuals, 70 percent of whom

are Christian, will gain Lebanese citizenship.¹³ These naturalisation efforts pale in comparison with the resolve that the Lebanese Minister of Foreign Affairs & Emigrants, Gebran Bassil, exhibited when his ministry launched an official website¹⁴ urging foreign wives of Lebanese men, or anyone of Lebanese paternal (father or grandfather) lineage, to claim their citizenship. Whilst visiting Brazil in 2016, Bassil invited the Lebanese diaspora, of whom a majority is well-known to be Christian, to reclaim their Lebanese identity, heritage, and citizenship, and implied that sectarian solidarity is needed in the struggle to thrive in Lebanon.⁷ To add insult to injury, in March 2018, Bassil suggested amending the citizenship laws to allow Lebanese women to transfer their nationality, so long as they are not married to men from neighbouring countries.¹⁵ This amendment describes the paternalistic state-gaze of “good” versus “bad” Lebanese women. By selecting the “right” foreign spouse, “good” Lebanese women will be spared the humiliation and distress of lengthy bureaucratic residency applications and fees.⁵ More importantly, in performing their (wifely) duties to the state they are at last seen as fully legitimate citizens.

Recently, the National Commission for Lebanese Women (NCLW), an official institution directly affiliated to the Presidency of the Council of Ministers, suggested an amendment to the citizenship law that allows Lebanese women to pass their citizenship on, but only to their children below 18 years of age.¹⁶ Those over 18 years would be issued a “green card” (conditional to having no prior or present criminal charges or nationalities from hostile countries) that grants civil, economic, and social rights, but not political rights, property rights, or the right to hold positions in public office.¹⁶ Only after being granted this green card for five years can these offspring aged over 18 years apply for Lebanese nationality; in this way, they are not guaranteed nationality rights, but are treated as foreigners seeking naturalisation in Lebanon, which subjects their applications to a case by case review.¹⁶ While the NCLW claims that this legal amendment is to achieve social justice and equality between men and women in Lebanon, Lebanese women would still not be granted full rights for passing on citizenship compared to their male counterparts. Children of Lebanese men do not need to prove good behaviour for full citizenship, while the children (over 18 years) of Lebanese women will have to be evaluated on

whether they are fit to be granted this nationality, an evaluation that reflects the quality of rearing and transfer of nationalist values that a good citizen mother should have done. These discriminatory legal and social impediments facing Lebanese women, and their 21,796 children and spouses,¹⁷ impose prejudiced notions of desirability.

Non-citizen spouses and children of Lebanese women are regularly harassed with the renewal of their residency and employment permits, restricted in employment opportunities and protection, and initially even made to pledge that they would not seek employment at all.⁵ By restricting Lebanese women’s spouses mostly to manual labour and ensuring they cannot attain higher-skilled and better-paying jobs, the suggestion is that the state perceives them to be a risk to the Lebanese men’s job market.¹⁸ However, an equivalent risk to the Lebanese women’s job market when a Lebanese man marries a non-citizen, appears to be inconceivable to the state. Undoubtedly, the state is reassured that women, citizens or not, entering the market would not threaten the employability of Lebanese men, as systemic inequalities, including the glass ceiling and the gendered division of labour, would maintain the value of wives being occupied with tending to unpaid housework instead of attempting to be sole breadwinners or heads of households.¹⁹

Refugee women living in Lebanon

Lebanon hosts the highest refugee population per capita in the world, yet it has not signed the 1951 Refugee Convention, nor its 1967 protocol. However, Lebanon is a signatory to multiple human rights conventions that are relevant to the protection of refugees. Both the United Nations High Commissioner for Refugees (UNHCR) and United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), officially operate in Lebanon.²⁰ Palestinian and Syrian refugees have spent 70 and 7 years respectively living in Lebanon. The Lebanese state’s deliberate restrictions on improving the quality of life of Syrian refugees after the 2011 uprising, and of Palestinians after the Israeli occupation and Palestinian exoduses of 1948 and 1967, are justified through feigning concern of both populations’ “right of return” home, i.e. elsewhere.^{21,22} This insistence on barring these refugee populations, who are of a Muslim majority, from humane living conditions, with Palestinians in particular being restricted

from gaining any civil or political rights, can also be linked to the recurring theme of maintaining a sectarian balance. As a result, the political agendas of the Lebanese government^{23,24} and discrimination of hosting communities and Lebanese healthcare systems,^{23,25–27} negatively impact Syrian and Palestinian women's sexual and reproductive health and reproductive autonomy.

Palestinian women

Only one week prior to US President Trump's reinstatement of the Global Gag Rule*, UNRWA, the agency providing Palestinians with education and healthcare services where host states refuse to, also suffered a drastic budget cut from 350 million USD to 60 million USD by the US administration.²⁸ UNRWA is the primary source of comprehensive reproductive, maternal and child health services for Palestinians and Palestinians from Syria who live in Lebanon.²⁹ The budget cuts on UNRWA, which pose a real threat to the sustenance of Palestinian refugees in Lebanon, was interpreted by the Lebanese state as a threat of Palestinians' permanent settlement in Lebanon.²⁴ Over the last 70 years, the systemic aggravation and deterioration of Palestinians' conditions in Lebanon has been justified as part of a long-term repatriation plan by the Lebanese state. Today, a large majority of Palestinians live in poverty, reside in areas with inadequate infrastructure and housing, have restricted access to basic services and social protection, and face discriminatory laws. Lebanese law restricts Palestinians from owning property, starting their own businesses, taking up employment in at least 19 syndicated prosperous professions, requires that they attain work permits, and excludes them from maternity, sickness, and family allowance benefits in the National Social Security Fund (NSSF).¹⁸ While these restrictive laws have come a long way from where they began, where employment permits were solely issued for construction and farming, they raise the question of how in a time of dire need and refuge many generations and families have been

*The Global Gag Rule (GGR), or Mexico City Policy, prohibits foreign non-governmental organisations (NGOs) who receive U.S. global health assistance from providing legal abortion services or referrals, while also barring advocacy for abortion law reform, even if it's done with the NGO's own, non-U.S. funds. Indirectly, the GGR blocks critical funding for services like contraception, maternal health, and HIV prevention and treatment.

purposefully impoverished in unemployment, and discouraged from pursuing a higher education or profession. These legal, social, and political discriminations have anchored many to refugee camps and blocked attempts for a better livelihood and circumstances.

The hypocrisy in the Lebanese state's benevolent approval of Palestinians to register with the NSSF, is that it mandates them and their employers to pay the same obligated sum, as it would from any Lebanese employee, but then forbids them from fully benefiting from it. The NSSF sends a clear message to working Palestinian women: it will not pay for their childbirths or maternity leave, it will not support them in their illness, it will cover solely work injuries, and if they should accept these conditions of labour up till the retirement age of 60, then and only then may they cash in their end-of-service compensation.¹⁸ In entering the Lebanese labour force, Palestinian women must forgo maternity benefits as the state does not appreciate seeing them in this condition. However, when Palestinian refugee women marry Lebanese men, this image becomes a lot more tolerable to the state. In accordance with citizenship law, Palestinian women married to Lebanese men should be able to take Lebanese citizenship one year after registering their marriage. However, in practice, it appears that the General Security Directorate, a security agency under the Ministry of Interior, tends to stall this process among couples who have not had a child. In fact, an officer of high ranking in the General Security Directorate stated that within three years of marriage, it should be possible for the couple to have had one or two children; this process they say helps distinguish sham marriages from real ones.³⁰ It is not surprising that patriarchal practice informs the implementation of the citizenship law, seeing that the Palestinian wife is not sufficient in her marriage until she births a Lebanese child and becomes a Lebanese mother.

In under 20 years, Palestinian refugee women living in Lebanon have had their total fertility rate (TFR) drop from 4.49 in 1987³¹–2.3 in 2006.³² There is a 2020 projection of a negative TFR among Palestinian refugees in Lebanon. The overall declining trend is not unknown, as refugees and non-refugee populations in Lebanon, Syria, and Jordan all witnessed a steep TFR decline.³³ Compared to Palestinian refugees in Syria and Jordan, Palestinian women in Lebanon have a much higher rate of contraceptive usage, are frequent

users of UNRWA clinics for modern methods of contraception, and constitute the largest proportion of never-married women.³⁴ The trends bear a resemblance to both the host Lebanese population and developed countries,³⁴ and within a public health perspective, indicate a positive met-need for contraceptive usage. However, in light of the previously described conditions of living, persistent impoverishment, and discrimination, it would be inaccurate and rash to compare favourably the TFR trends in populations experiencing radically different social, economic, and legal privileges. There is a need to further investigate the underlying factors that affect women's reproductive choices; from hostile budget cuts to Palestinian women's reproductive and maternal healthcare services from across the globe,²⁸ to the host state's discourse that never misses the opportunity to remind refugee women that they are unwelcome and must never feel settled.²⁴

Syrian women

The influx of Syrian refugees has sparked similar sentiments and reactions from the Lebanese state, with population concerns used as a justification to spread demographic fear among the Lebanese public. Rising resentment and hostility between Syrian and Lebanese people is fuelled by Lebanese state actors through media reports of increased crime and socio-economic instabilities, a scapegoating necessary to deflect from holding the Lebanese state accountable for the deteriorating socio-economic conditions in Lebanon.³⁵ This hostility largely affects underprivileged Syrian refugees more than those from middle or bourgeois classes, whose consumerism and economic power makes them more "relatable" to the Lebanese middle class.³⁵ Spreading a moral panic (when a condition or a group of people are defined and presented as a threat to societal values and interests)³⁶ of looming demographic change, news outlets describe a takeover of the once elegant tourist areas in Lebanon's capital³⁷ by large numbers of indigent Syrian children facing economic difficulties,³⁸ as well as a takeover of once wholesome family neighbourhoods by Syrian women being sex trafficked and involved in sex work.³⁹ A review of local newspaper articles examining Syrian refugee women's reproductive health demonstrated that publications were focused on the need to limit Syrian women's fertility, stop early marriage, and increase access to

contraceptive services and family planning awareness programs.⁴⁰

While the Lebanese state endorses a discourse of population control, it simultaneously falls short in the provision of reproductive health services to these same Syrian women. In fact, a study of Syrian refugee women's reproductive health status in the West Bekaa region, describes the difficulties that these women face in accessing contraception, as compared to the free provision they were accustomed to in Syria.⁴¹ Syrian refugee women in West Bekaa⁴¹ and other regions in Lebanon²³ face difficulties in reproductive health access due to the privatisation and high cost of health services, costs of transportation, and lack of availability of their preferred contraceptive methods. Contraceptives offered by humanitarian aid agencies and NGOs often run out.⁴¹ Aside from availability and reachability of reproductive healthcare services, Syrian refugee women also reported being discouraged from seeking such services due to the discriminatory treatment of health care providers, as well as the absence of female health care providers.^{41,23} Meanwhile, there is a lack of interest in uncovering and understanding refugee women's reason for having more children; whether it be the social pressure they feel to replace those lost in conflict, the fact that having more boys would eventually increase the family income, the belief there is a better chance at resettlement or aid services with a larger family, or simply that their lives and desire to have and raise a family do not cease in conflict and refuge.^{41,23}

The state adopts and perpetuates a xenophobic and reductive narrative that paints a picture of reckless, negligent, promiscuous, immoral, uncalculating, and broken women, who have fallen too far from the virtue of motherhood, while actively neglecting and dismissing the sexual and reproductive health needs and conditions of Syrian refugee women. As the hosting state and its political parties continue propagating such rhetoric, its impact is ever present in Syrian refugee women's reproductive decisions and their access to care, and in how healthcare providers, landlords, employers, aid workers, and the hosting community continue to mistreat these women.²³ Syrian refugee women, Syrian mothers, and especially pregnant Syrian women are made to feel as though they are uncivilised for the number of children they have. Their children face bullying and violence, and they themselves face verbal and sexual

violence. These accounts of violence are not reported, as many are afraid that their partners' and their own "legal" status would be investigated, and that they may face incarceration and deportation.²³

Migrant women

The demographic fear of migrant women's reproduction, and particularly of migrant domestic workers' (MDW), is not similar to the concerns mentioned earlier, because migrants come from multiple countries with differing political tensions with Lebanon. The characterisation of migrant domestic mothers as deviant mothers is more about their being from low-income countries, being black or brown, or of East/South-East Asian origin. The dehumanisation of migrant women in the belief that they are fundamentally different from Lebanese people in culture, intellect, and social values is crucial as it suits the inhumane employment conditions they find themselves in. The sponsorship system (*Kafala*) governs migrant domestic workers' residency and ties their legal stay in Lebanon to the employers' legal status as citizens. The *Kafala* system does not adhere to the Lebanese Labor Law,⁴² it allows for salaries well below the minimum wage, and does not ensure the protection of basic labour rights (e.g. weekend days off or holidays, working hours, proper lodgings). This system subjects migrant domestic workers to the whims of their sponsor/ employer, placing constraints and restrictions on all aspects of their lives. Migrant women are essentially seen as workers who should have no personal interests other than their labour. Nevertheless, it is estimated that approximately 15,000 children of MDWs live in Lebanon. The forbidden pregnancies, whether or not a result of rape, lead many MDWs to leave the houses of employment and render them in breach of contract: a condition of high precarity for both mother and child.⁴³

In August 2018, the mysterious death of Lembibo, an Ethiopian domestic worker employed in South Lebanon, sparked media and activists' outrage. Lembibo was discovered by her employers to be pregnant one month before delivery, her daughter died only two hours after she was born, and days after, Lembibo's deceased body was discovered in the private pool of the house she worked in. So far, no proper medical explanation has been given for either death.⁴⁴ The circumstances surrounding how Lembibo came to be pregnant and who the biological father was, are

also unknown. As with many other MDWs, Lembibo faced physical and verbal violence at work, even her employers casually stated that they had to call in the employment agency because they could not comprehend why Lembibo would not get back to work after her newborn had died.⁴⁴

The notion that MDWs are women who may wish to have a personal life outside of work is both societally and governmentally rejected, and invokes demographic fears and moral panic alike. Constraints in the mobility of freedom of MDWs aim to curtail familial or intimate relations, and unequivocally restrict access to contraception, abortion, antenatal, emergency obstetric, and delivery care services.⁴³ The threat of migrant women's sexual, intimate or familial relations to the Lebanese state was further proven when a memo, drafted by the General Directorate of General Security to the Ministry of Justice in 2015, proposed that sponsors pledge to forbid their employees from sexual activity or else MDWs will face arrest and deportation.⁴⁵ As per the 2014 and 2016 Human Rights Watch reports, migrant domestic workers who have had children in Lebanon have been detained, deported, and denied renewal of their residency permits.⁴⁶ The Lebanese General Security Directorate has responded to these allegations by saying that they have never forbidden border entry to an MDW who wished to bring her child with her (an unprecedented event), but that the situation of giving birth to a child in Lebanon is "difficult to achieve without violating many laws and regulations".⁴⁶

The fear of changing moral values

In order to justify its increase in social control, states need to claim an impending security threat to the public⁴⁷ – one that is so great it poses a risk to a population's existence, moral standards and social values. Non-conforming women and mothers, diverse family formations, sexual orientations, and gender identities and expressions, portray to state officials a type of chaos which threatens the very fabric of public and legal order. By spreading a moral panic, state and religious officials justify the arrests and detentions of "non-normatives" and "non-conformatives", through associating them with vice and crime that would afflict innocent victims.⁴⁸ While having adopted a learnt benevolent appearance and modern discourse, tailored to middle and upper-middle classes, the Internal Security Forces of

Lebanon have continuously carried out raids, arrests, and detentions⁴⁹ that have restricted men, women, transgender people and those with diverse sexual orientations or gender expressions from mobility, presence within the social sphere, and the ability to form families.

Unmarried, queer or lesbian women

Rigid social and state recognitions of motherhood are legitimised only through marriage, and only to heterosexual women. Merely having the reproductive capacity to bear children is not sufficient; “good” Lebanese women who surely strive to be “good” mothers, must desire and seek to marry Lebanese men of the same sect, race, and class, and not have illegitimate children. Under the Personal Status Laws, Lebanese women’s experiences of legal matters relating to marriage, inheritance, divorce and custody differ according to their sect, although they are united under the patrilineal legal reality that when they marry, they are crossed off their father’s Personal Status Records [*sijil[at] nufus*] and transferred to that of their husband.

A legal loophole exists allowing unmarried Lebanese mothers to register their children under their own (read, father’s) surname and sect.⁵⁰ However, a repercussion of this exception is that these women are labelled as “bad” mothers, who have already failed by birthing children who will in turn face discrimination in employment and society. This stigma is even comparable to the hostility non-nationals face. For example, in the previously-mentioned suggested alterations to the citizenship law, Minister Bassil states that the maternal transfer of citizenship to a child born out-of-wedlock is a “strange and unacceptable” discrimination against Lebanese mothers married to foreigners, since the latter are legally barred from passing their citizenship to their “legitimate” children, whereas the former are not.¹⁵ Even for a nationalist right-wing politician, the standards of legitimacy of respectable motherhood focus primarily on her marital status before the nationality of her spouse.

Despite the legal loophole, Lebanese women of any sexual orientation are thus shamed and punished for deliberately choosing not to enter the state and sect-regulated institution of marriage. The discrediting and dismissal of queer and lesbian women’s existence is historically a practice of compulsory heterosexuality,¹ one which the Lebanese state practices by rendering women socio-legally, and often economically, dependent on men, forcing them to ignore their sexual attractions and

desires, and restricting their reproduction and pathways of family formation to the confinement of heterosexual marriages. Additionally, under the pressures of “honour” and respectability that set a high value on virginity for marriageability, unwed women who engage in penetrative sex are expected to abort pregnancies so as not to bring shame to their families. While abortion in Lebanon is criminalised on all accounts except for saving a woman’s life, we are left to wonder if the lack of implementation of these strict penal codes is to maintain the sanctity of having children within marriage and avert a surge of illegitimate births.

Transgender and intersex people

The Lebanese state has made it clear that it does not respect transgender and intersex people’s basic human rights, and most definitely not their reproductive choices. So far, there are no intersex people’s groups in Lebanon organising in defence of intersex people’s rights. In 2014, a person born with “ambiguous genitalia” was charged with Article 534 of the Lebanese Penal Code that prohibits sexual intercourse that is “contrary to nature”. While the charges against the defendant were nullified and dropped,⁵¹ the question that remains is: how many other persons born with “ambiguous genitalia” in Lebanon have been medically “corrected” in order to spare state-mandated birth registration documents from having to address their own deficiencies? Or from having to ask difficult questions about sex and gender? Early medical interferences on young healthy bodies that do not fit a sex binary blatantly ignore the person’s consent on whether they wish to undergo major surgery which could affect their fertility and mismatch their gender identity. These interventions disregard a person’s desire to have a biological family and render their gendered classification in society far more important than their bodily autonomy.

Similarly, transgender people who wish to change the sex registration of their identification documentation at birth also need to make concessions to their reproductive autonomy if they are to be legally recognised in the gender they ascribe to. If the changing of the sex on registration documents is successful, it is framed by the courts as a previous clerical error that needs to be corrected, and not as an affirmation and acknowledgement by the state of transgender existence.⁵² Disregarding the right of a transgender person to choose whether they wish to undergo gender affirming

therapies and surgeries and if so which ones, courts require a costly and lengthy legal, surgical, medical, and social transition to even consider admitting to this fictitious “clerical error” in the first place.⁵² Transgender persons need to be informed that this demanding legal process inevitably leads to sterility, and that, prior to any medico-surgical intervention, they could benefit from advancements in reproductive technology and broaden their procreative options. The threat that procreative transgender persons pose to the Personal Status Law’s patrilineal structure is so grave that the only successfully appealed cases of sex change on birth registration documents, were of transgender persons who are childless or who have never been married.⁵² Legal and medical restrictions to the fertility of transgender people, reflect fear of a shift in moral values, and exclude the very real possibility that in the eyes of the law, a (trans)man has delivered a child and was once married to another man, and that a (trans)woman has been married to a woman with whom she had a biological child.

Conclusion

Daily, the Lebanese state through its security, legal, prison, and media apparatuses informs women, transgender and intersex people that their reproductive capacities are not truly at their disposal. Moral values that are associated with good motherhood are necessary for the production of a “quality” population and the construction of a nation state, by weeding out the unwanted motherhoods of migrant, especially migrant domestic, working-class women, women seeking refuge, and those of non-normative sexualities, gender, or familial statuses. Legal, social, economic, and medical penalizations are set in place as state tools of reproductive oppression. In light of these occurrences, there is a need to unearth narratives, through qualitative research, from people who have had to negotiate having or not having

children in return for their freedom from state persecution. Documenting the additional levels of precarity that befalls migrant women who have had children on Lebanese land, is another layer of argumentation against the *Kafala* system, and in favour of respecting the bodily rights and integrity of women’s reproductive health and rights. Furthermore, in response to the defunded and under-funded sexual and reproductive health services for refugee women, the Lebanese government must allocate resources in order to support women’s access to non-judgmental, affordable, and appropriate comprehensive reproductive health services. Media discourse fuelling tensions between refugee and host communities by scapegoating women’s reproductive choices must be challenged by politicians, academics, journalists, and activists alike. Lastly, Lebanon must repeal discriminatory laws forbidding Lebanese women from passing their nationality to their children and spouses, and must become a signatory to both the 1951 Refugee Convention and the 2011 International Labour Organization’s Convention on Domestic Workers, as a step in the right direction of fulfilling its duty to protect the wellbeing of refugee and migrant women living in Lebanon. The political discourse of marginalisation and discrimination that is described in this paper must be countered on multiple levels, as its influence is palpable in the lives, wellbeing, safety, and realisation of sexual and reproductive health and rights of women, transgender, and intersex people who live in Lebanon.

Disclosure statement

No potential conflict of interest was reported by the authors.

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Résumé

L'idée profondément ancrée dans la société que la maternité est essentielle pour qu'une femme se réalise est traduite avec force dans la manière dont les États considèrent la participation politique des femmes à travers leurs capacités reproductives. Au Liban, le programme politique de l'État influence les lois et politiques qui restreignent ou encouragent la procréation des femmes, en fonction de leur nationalité, leur religion, leur situation matrimoniale ou juridique. Depuis 1943, le système d'allocation proportionnelle des sièges au Parlement à des parties politiques confessionnelles, selon la taille de leur population, a suscité des craintes de changements démographiques entre les différentes religions. Cette crainte est aussi citée par les politiciens comme la raison pour laquelle les Libanaises se voient refuser par la loi le droit de transmettre leur nationalité à leurs enfants ou à leur conjoint non libanais. Alors que le Liban abrite la plus importante population de réfugiés par habitant dans le monde, la peur de modifier « l'équilibre confessionnel » entre directement en conflit avec l'autonomie reproductive des réfugiées syriennes et palestiniennes. Les migrantes qui vivent au Liban font également face à des restrictions de leur rôle comme travailleuses et se voient donc refuser leurs droits à la

Resumen

La noción socialmente arraigada de que la maternidad es esencial para ser mujer es representada enfáticamente en la manera en que los Estados ven la participación política de las mujeres por medio de sus capacidades reproductivas. En Líbano, la agenda política del Estado influye en las leyes y políticas que restringen o fomentan la procreación entre las mujeres, según su nacionalidad, secto, estado civil y condición jurídica. Desde 1943, el sistema de Líbano de asignar de manera proporcionada escaños parlamentarios a partidos políticos sectarios, según el tamaño de su población, ha generado temor a cambios demográficos entre sectos. Este temor también es mencionado por políticos como la razón por la cual a las mujeres libanesas se les niega legalmente sus derechos de transmitir la ciudadanía a sus hijos y a su cónyuge no libanés. Dado que Líbano tiene la mayor población de refugiados per capita del mundo, el miedo a perturbar el “equilibrio sectario” choca directamente con la autonomía reproductiva de las mujeres refugiadas tanto sirias como palestinas. Las mujeres migrantes que viven en Líbano también se ven restringidas a desempeñar su rol como trabajadoras y, por ende, se les niega su salud y sus derechos sexuales y reproductivos. Otro temor del Estado es el cambio en los

santé sexuelle et reproductive. Une autre crainte de l'État se rapporte à l'évolution des valeurs morales qui considèrent que la maternité et la parentalité de femmes célibataires et de personnes « queers » transgenres et intersexuées sont déviantes et menacent les valeurs traditionnelles. Cette étude souhaite montrer comment, par la peur de changer les valeurs morales et les équilibres démographiques, l'État libanais pratique une oppression reproductive sur une partie de la population, tout en la négligeant et aggravant leurs conditions de vie difficiles.

valores morales, por el cual la maternidad y crianza de hijos por mujeres solteras, personas queer, transgénero e intersexuales son percibidas como desviadas y como una amenaza para los valores tradicionales. Esta revisión procura exponer cómo, por miedo al cambio en los valores morales y cambios demográficos, el Estado libanés practica la opresión reproductiva en parte de la población, a la vez que hace caso omiso de esas personas y exacerba sus difíciles condiciones de vida.