

**Between co-option and radical opposition: a comparative analysis of power-sharing on gender equality and LGBTQ rights in Northern Ireland and Lebanon**

Scholars and policymakers debate whether “consociational institutions offer a viable strategy to build peace, states, and democracy”<sup>1</sup> or if they aggravate “the malady it is allegedly designed to treat.”<sup>2</sup> Yet while these discussions focus on consociationalism’s consequences for the salient ethnic groups, its efficacy as a template for peace and security requires a more holistic assessment of its benefits for all citizens of the divided society regardless of the identity groups they belong to. Following on, a key research question is what are the implications of consociationalism for social groups – such as feminists, socialists, migrants, sexual minorities – whose primary political identities do not align with the societal cleavages that consociations primarily accommodate?

While it was once claimed that “ethnic conflict scholars have yet to adequately theorize the gendered implications of power-sharing arrangements,”<sup>3</sup> a small body of researchers argue that consociationalism is largely deleterious for the progress of gender equality.<sup>4</sup> This research tends to focus on single case studies thereby limiting the potential to draw wider conclusions. Little research, however, considers the relationship between consociationalism and Lesbian Gay Bisexual Transgender (LGBTQ) rights.<sup>5</sup> This omission is surprising in light of work that demonstrates the specific ways homophobia has become major expressions of societal hate in some post-conflict societies.<sup>6</sup>

Towards addressing these gaps, we examine the implications of consociationalism on both gender equality and LGBTQ rights. More specifically, we

ask whether power-sharing structures impact comparably or differently on issues gender and sexual issues. This question is important given how scholars have identified divergent ways in which gender and sexuality are situated within ethnonationalism. While women's roles in ethnonationalist projects are often exalted as biological producers of members of ethnic collectivities, sexuality – especially lesbianism and homosexuality – is cast outside of the bounds of the pure *ethnie*. In addition, in order to capture the complex ways in which power-sharing impacts upon gender and sexuality, it is necessary to recognize that consociations vary in the extent to which they accommodate ethnicity and ethnonationalism. Towards this, we compare Northern Ireland and Lebanon since they represent contrasting examples of two types of consociational structures, *corporate* (Lebanon) and *liberal* (Northern Ireland) central to current debates on power-sharing.<sup>7</sup> Given that corporate forms *de facto* exclude non-ethnic interests and liberal forms afford opportunities for the inclusion of non-ethnic interests, scholars expect that the liberal variant leads to much more positive outcomes for gender equality and rights for sexual minorities.

We argue, however, that liberal and corporate consociations generate complex but contrasting consequences for gender and LGBTQ rights. While liberal systems appear advantageous compared to corporate ones by encouraging access for non-sectarian groups, in the long-term they can generate negative dynamics as the institutions seek to maintain stability by strengthening the rights of the adversarial ethnic groups and, in consequence, regressing rights for groups advancing issues that transcend ethnic cleavages. Moreover, since group rights represent a strategic site of political contestation between ethnic groups, minority rights can become embroiled within this wider conflict. Notably, however, we note that while LGBT rights can become co-opted as an issue within power-sharing, this does not occur in regards to

important claims for women, especially reproductive rights. This situation demonstrates the limits to which gender rights can be accommodated within ethnonationalist movements and consociational systems more broadly. Corporate systems, alternatively, by aiming to freeze the balance of power between the ethnic groups, completely exclude non-ethnic groups and rights and are even used by ethnic hardliners to deem non-sectarian groups as a threat to the integrity of power-sharing and security. These distinctions also shape differences in non-sectarian rights activism. Non-sectarian movements in liberal systems mobilize for inclusion within the system but can become easily sidelined in a framework infected by ethnic outbidding. In corporate frameworks, however, gender based and sexual minority movements tend to see the sectarian system as profoundly patriarchal and heteronormative, and thus as a site that stimulates radical opposition.

Given the lack of research that seeks to integrate an analysis of the consequences of power-sharing on both gender and sexuality, and in light of space limitations, this paper principally about attempting to set an agenda for future possible research, rather than being able to offer much substantive inquiry on its own terms. Thus, the analysis of the two case studies – Northern Ireland and Lebanon – is designed to provide a level of description to help illuminate some of the complex dynamics at work.

### **Power-Sharing, Gender Equality and LGBTQ Rights**

While consociational power-sharing was once a system to manage linguistic, religious and even ideological cleavages, it has now become a key tool for ending violent intrastate conflicts over ethnonational self-determination. Consociationalism supposedly does this by accommodating the respective ethnonationalist identities

within the state. In so doing a key question is what happens to non-nationalist interests. Indeed, as Mann notes, ethnonationalism is at its strongest when it captures a range of inequalities, including gender and sexuality.<sup>8</sup> Yet, while this may be true, it is also the case that gender and sexuality are differently positioned within ethnonationalist projects. In particular, women's responsibilities in ethnonationalist movements, *inter alia*, fundamentally rest on their capacity to be biological reproducers of members of the nation. In being assigned this identity, the control of women's sexuality derives vital importance to ethnonational projects. As noted by Albanese (2004: 12), under nationalist regimes, women's reproductive rights and health are jeopardized to ensure the good health of the nation. The nationalist valorization of motherhood, most notably, often results in norms and policies that simultaneously rewards reproduction and penalizes non-reproductive women, ranging from the "restriction of contraceptive knowledge and techniques, denial of abortions, and provision of material rewards for bearing children."<sup>9</sup> For nationalist movements, women's access to abortion is framed, in some instances, as analogous to treason and race suicide.<sup>10</sup> Moreover, by linking female fecundity to the survival of the ethnic group, "deviant" female sexuality, such as lesbianism, is presented an extreme danger to the survival of the nation.<sup>11</sup>

While scholars and policymakers – as this special edition highlights – recognize the profoundly gendered impacts of contemporary civil war and peace processes, these effects are rarely considered in relation to LGBTQ populations. Yet sexual minorities are specifically targeted during conflict. The harrowing plight of Syria's LGBTQ members during the civil war is well documented by human rights groups. "Corrective violence" or social cleansing featured as a strategy against Colombian sexual minorities deemed as failing to conform to traditional gender

stereotypes during the civil war.<sup>12</sup> Although there are not any power-sharing arrangements that specifically reserve a quota of positions for sexual minorities, a small number of peace pacts outline safeguards, including South Africa, Nepal, Northern Ireland and Colombia.<sup>13</sup> Such safeguards, however, are rare. This omission is significant given that a small body of research demonstrates how anti-LGBTQ violence is common to societies emerging from protracted conflict.<sup>14</sup> Examples, which range from the use of corrective rape against lesbians in post-apartheid South Africa to the targeting of gay and lesbian people in post-Agreement Northern Ireland, attest to the endemic use of violence against sexual minorities within transitional societies.<sup>15</sup>

The assumption that ethnonationalist movements are intrinsically opposed to LGBT and women's rights, however, is somewhat overstated. Ethnic nationalist movements have also co-opted the discourse of a pro-female agenda and LGBT rights, albeit as a tool to promote their putative liberal and progressive values in distinction to their rivals who are framed as backward and conservative. This ethnopolitics is notably apparent in contemporary movements who seize women's and LGBT rights to target Muslim communities thus rendered in such discourses as incompatible with western liberal democratic principles such as tolerance.

Yet, crucially, there are limits to this appropriation, especially when reproductive rights feature. Ethnonationalist movements, rather than co-opting women's rights by supporting reproductive rights, are much more likely to instigate policies to prohibit abortion as a mortal threat to the health and survival of the nation. Moreover, this intractable resistance to reproductive rights cannot be purely explained as fundamentally due to the often religious leanings of ethnonationalist projects. As Albanese argues, religious and nationalist opposition to abortion stem from different

logics, which nevertheless can intersect within the same movement. While religious conservatives condemn abortion on the basis of the right to life of the foetus, ethnonationalists structure their opposition to abortion due to the nation's need to proliferate. Moreover, while anti-abortion views of religious conservatives remain constant, the actual or attempted regression of reproductive rights often accompanies the rise of ethnonationalist movements into power.

### **Liberal and Corporate Power-sharing**

Rather than frame power-sharing as expediting a uniform set of negative consequences for gender equality and LGBTQ rights, the situation is more complex since power-sharing systems vary in recognizing and accommodating gender and sexuality rights. These dynamics are further compounded by differences between consociations in determining the strength of ethnicity in public institutions and the power of hardline ethnonationalist groupings. These variations may be crucial in generating important distinctions regarding gender equality and LGBTQ rights as well as the forms of mobilization and contestation created by feminist and sexual minority activists.

Given the unruly universe of consociational structures, a more focussed lens to examine gender and sexual minorities vis-à-vis power-sharing is to consider two types of consociational structures: "liberal" and "corporate." Liberal and corporate consociations are distinguished between those that pre-determine ethnic representation in political and public institutions, mainly through constitutionally specified fixed quotas, and those that permit inclusion in such institutions to be self-determined as a result of electoral performance or through group rights.<sup>16</sup> Corporate consociations threaten to "further entrench and institutionalise ... ethnic identities."<sup>17</sup>

Liberal, self-determined consociations, alternatively, reward “whatever salient political identities emerge in democratic elections, whether these are based on ethnic groups, or on ... trans-group identities.”<sup>18</sup>

These differences are crucial since a number of scholars and policymakers advocate liberal rather than corporate consociations. These distinctions require analysis vis-à-vis their effects on gender equality and LGBTQ rights, especially since liberal forms should, in principle, have much more positive outcomes due to how they are open to recognizing and even accommodating non-ethnic interests and rights. Corporate consociations represent closed systems as their main objective is to free in aspic the balance of power between the main ethnic groups. In so doing, corporate consociations purposely exclude non-ethnic actors since they are deemed a threat to the equilibrium assumed needed to maintain peace. Liberal consociations, alternatively, are theoretically relatively more open systems for the inclusion of groups that advance political programmes bridging the dominant ethnic cleavage. In consequence, the two types of consociations expedite contrasting constraints and opportunities for non-sectarian groups. While corporate consociations profoundly constrain the capability of non-sectarian movements to demand equality and rights within power-sharing institutions, the liberal form grants limited opportunities for such claims by cross-cleavage movements. These differences – between liberal and corporate forms – can be illuminated by examining further the case-studies of Northern Ireland and Lebanon.

#### *Northern Ireland*

Northern Ireland’s power-sharing institutions were crafted as part of the 1998 Good Friday peace agreement which aimed to end the conflict which resulted in 3,700

deaths. A consociational framework was utilized for Northern Ireland to reflect the diagnosis of the conflict as firmly rooted in ethnonationalism: a conflict of competing claims of national self-determination between Irish nationalists and Ulster unionists. On this basis power-sharing institutionalized “parity of esteem”: the principle that the rights and identities of Irish nationalists and Ulster unionists require equal recognition.<sup>19</sup>

Northern Ireland’s consociational government is identified as largely, though not exclusively, as conforming to the liberal self-determined mode: there are no seats or political positions reserved for specific ethnonational groups and executive places are distributed among parties based on their electoral performance.<sup>20</sup> The devolved parliament, the Northern Ireland Assembly is led at the executive level by a premiership dyarchy chosen from the largest two parties, and a number of cabinet portfolios selected by the d’Hondt algorithm on the basis of the seats won by political parties. While seats and positions are not pre-determined for the ethnonational groups, aspects of the power-sharing system operate to guarantee nationalist and unionist representation, chiefly the use of nationalist and unionist mutual veto power, which is a proxy for pre-determined guarantees.<sup>21</sup>

### *Lebanon*

Lebanon’s civil war, which began in 1975 and ended in 1990, led to an estimated 144,000 deaths. While a simplistic reading of the civil war presents it as a Christian/Muslim conflict, it was extremely complex and included interventions by Syria and Israel, and a role for the Palestinian Liberation Army. The Ta’if Agreement (1989), a peace accord to end the civil war, restored consociationalism to Lebanon by constructing formula that created parity in representation between Christian and

Muslim sects.<sup>22</sup> The Agreement's tenet – “no victor, no vanquished” – signifies that no group dominates the power-sharing institutions at the expense of any other ethnic group in what is called a “covenant of mutual coexistence.”

Lebanon's consociationalism – called “political sectarianism” in Lebanon – fortifies ethnic divisions through the idea of the allotment state (“muhasasa”), which guarantees representation for the main groups via a quota system or by reserving positions to specific groups.<sup>23</sup> Thus, executive power is separated in a troika between the three largest groups, while the quota system is applied to the cabinet and to parliamentary seats on a 50/50 Christian/Muslim basis, which is reproduced throughout the public sector. To maintain the balance of power, group veto is embedded into the architecture of power-sharing since a two-thirds majority is required for important issues decided by the cabinet. Finally, under the terms of segmental autonomy, the constitution devolves legal authority to the religious leaders of the groups over a range of personal matters, including marriage, divorce and child custody rights.<sup>24</sup> It is thus fair to say that Lebanon's consociational scaffold permits little encouragement for individuals to look outside of the ethnic communities they are institutionally categorized as belonging to.

### **Northern Ireland: Women and Sexual Minorities**

#### *Women*

Northern Irish women figure as marginal figures in representative politics. Only 16 women were elected to the various iterations of Northern Ireland's legislative bodies from 1921 to 1986.<sup>25</sup> Within political parties, “women's participation remained auxiliary to that of men” and women's political activities were relegated to civic society, such as charitable and church-related groups.<sup>26</sup> Despite their omission from

formal politics, many Northern Irish women organized as feminists during the conflict and the movement sought to ensure that gender equality would feature as a key part of any future consociational structure.

The feminist movement broadly consolidated under the Northern Ireland Women's Coalition (NIWC), a non-sectarian movement formed in 1996 to represent women in peace talks. To foster inclusivity, representation at the talks was based on results from an election that offered participation on relatively few votes. In the 1996 elections NIWC secured two seats in the peace negotiations, where its delegates had the status of full members. The NIWC advanced the discourse of human rights, parity of esteem and minority rights, which became central tenets of the peace process, and also advanced gender equality. NIWC challenged the assumption that rights should be restricted to the main ethnonational groups by putting gender politics on the political map for the first time and forcing its competitors to address its platform. NIWC managed to insert gender into the 1998 consociational Agreement, which commits the signatories to "affirm in particular ... the right of women to full and equal political participation"<sup>27</sup> and the political parties pledged their commitment to the "advancement of women in public life."<sup>28</sup>

Northern Ireland's self-determined consociational format presents some prospects for the inclusion of non-sectarian parties. Seizing these opportunities, the NIWC won two seats in the Northern Ireland Assembly, the power-sharing parliament, including one representative as the Deputy Speaker of the chamber. Beyond gender equality, within the power-sharing Assembly the NIWC promoted issues such as health and education in a way that transcended ethnopolitical contestation.

Although Northern Ireland's consociational institutions initially allowed access for the NIWC, the longer-term effects of these power-sharing structures on the progress of gender equality require analysis. Yet, despite such pledges, in certain respects the post-Agreement period has seen a regression of women's rights and interests. This can be seen in one sense in the squeezing out of the Women's Coalition in a post-GFA era which witnessed the hardline parties becoming dominant within the respective ethnonational blocs. In this environment of ethnic outbidding, the NIWC lost both of its seats in the 2003 Assembly election, obtaining only 0.8 per cent of the vote, a 50 per cent drop from its 1998 performance. After losing its remaining political representatives in local elections, the party wound up in 2006. In addition, the post-GFA period has seen a notable increase in domestic violence.<sup>29</sup> The situation is equally problematic for reproductive rights. Abortion rights remain limited in Northern Ireland compared to the rest of the UK. Abortion in Northern Ireland is permissible only in circumstances where a woman's life is at risk or there is a risk of permanent or serious damage to her mental or physical health.

It is significant that the main ethnonationalist parties in the power-sharing government are broadly in agreement on their opposition to the liberalisation of female reproductive rights in Northern Ireland. In the context of consociational power-sharing since 1998, all attempts to reform abortion laws have been rejected since there are only small differences of policy on this issue between the main ethnonationalist parties. While Sinn Féin, the main nationalist party, support abortion reform only in the case of rape, or sexual crime or when a pregnant woman's life is in danger, the option of termination should be available, the DUP oppose all reform. For instance, a proposal to extend the Abortion Act 1967 to Northern Ireland – thereby bringing it into line with the rest of the UK – was defeated by 59 votes to 40 in the

**Commented [JN1]:** (Jarman, 2004; Galligan, 2013; Horgan and O'Connor, 2014). For example, in 2015/2016, there were 28,392 domestic incidents and 14,073 domestic abuse crimes recorded by the Police Service of Northern Ireland, the highest levels recorded since the data series began in 2004/2005 (PSNI, 2016: 6).

Assembly.<sup>30</sup> Thus, while divided societies are often seen as endowed with permeative properties in the sense that all issues become a focus for intergroup division and conflict – a situation often enhanced in consociational systems, reproductive rights provides some degree of cross-cleavage consensus.

### *Sexual minorities*

The liberal format of the Northern Ireland Agreement grants limited recognition of sexual difference, particularly section (75) on “Human Rights.”<sup>31</sup> In consequence, public authorities are legally obliged to promote good practice for sexual minority groups, including involving them in consultation processes. In consequence, sexual minorities in Northern Ireland are now officially designated as stakeholders in social and political initiatives. Despite these protections, homophobic attacks and sentiment have increased since the signing of the 1998 Agreement.<sup>32</sup> In 2013, there were 246 homophobic incidences reported to the Police Service in Northern Ireland (PSNI), the highest number of incidents recorded, and 149 homophobic crimes, an increase from the previous peak.<sup>33</sup>

Although homophobic sentiment and violence cannot be directly attributed to power-sharing, LGBTQ rights have become a fundamental area of conflict between nationalists and unionists. As noted earlier, post-Agreement politics in Northern Ireland underwent a process of ethnic outbidding that resulted in the electoral victories of the hardline parties of the respective ethnonationalist blocs – Sinn Féin and the Democratic Unionist Party (DUP). While there is some evidence that these parties have moderated their ethnic politics in power, LGBTQ rights increasingly represents a core dividing lines between nationalists and unionists. Sinn Féin, the leading Irish nationalist party, supports sexual minority rights, by conflating their

struggle as a minority movement with the experience of the LGBTQ population. “Moving On,” Sinn Féin’s “Policy for Lesbian, Gay and Bi-Sexual Equality,” states: ... “[nationalists] are only too well aware of what it means to be treated as second-class citizens. Our politics are the results of decades of resistance to marginalisation and discrimination.”<sup>34</sup> The DUP, alternatively, articulate unwavering opposition to LGBTQ rights.

These contrasting positions on LGBTQ rights generate conflict within power-sharing institutions, particularly on same-sex marriage legislation. Since 2013 Sinn Féin, in conjunction with other parties, have tabled five motions on same sex-marriage legislation for the power-sharing parliament to vote on. On each occasion, the DUP deployed a petition of concern, which means that a motion can only pass if a majority of nationalists and unionists support it. In so doing, the DUP exercised their communal veto to block legislation designed to advance equality for a non-ethnonational grouping – sexual minorities. A marked ethnonational cleavage is also apparent in the voting habits of the 108 representatives of the Northern Ireland Assembly on same-sex marriage legislation. In a vote in April 2014, all nationalist representatives who voted did so in support; all but four unionists declared opposition.

These elite level divisions are mirrored in public attitudes. An analysis of public opinions on a range of same-sex issues reveals that attitudes towards equality rights for gay and lesbian people account for divergent views between unionists and nationalists. For individuals who define themselves as unionist, 61 per cent rejected same-sex marriage as invalid, while 30 per cent of individuals who define themselves as Irish nationalist reject the validity of same sex marriage. A similar figure marks attitudes towards the teaching of gay and lesbian rights in schools.<sup>35</sup>

In accounting for differences between nationalists and unionists on LGBTQ rights, a significant factor concerns how the two groups have conceived and deployed the human rights discourse that undergirds Northern Ireland's liberal power-sharing. Nationalists and unionists have clashed acrimoniously over how rights should be allocated and, as a consequence, LGBTQ rights are now entangled within the wider struggle for ethnonational rights in post-Agreement Northern Ireland. Indeed, minority and group rights quickly became an arena of conflict between Irish nationalists and UK unionists. For nationalists, the smaller ethnonationalist group, minority rights were framed the "equality agenda," a process of redressing former imbalances regarding the accommodation of nationalist identity.<sup>36</sup> For unionists, alternatively, the equality agenda represents a nationalist strategy to restrict unionist symbols and culture. In this scenario, Irish nationalist parties support LGBTQ rights because it reinforces the equality agenda and minority rights. Unionist parties resist LGBTQ rights as a Trojan horse deployed by nationalists to attack unionist identity. Thus, in post-Agreement Northern Ireland the difference in support for LGBTQ rights between the two main communities – Unionist and Nationalist – has now become an example of human rights becoming war by other means. The DUP's use of the veto is particularly instructive in revealing how liberal consociations may inadvertently impact on non-ethnic groups, including sexual minorities. As noted by McCulloch, Northern Ireland's liberal consociationalism has a "permissive" veto system which provides a high degree of latitude for the ethnonational groups to self-identify and articulate their own vital interests.<sup>37</sup> This means that groups can use their veto to stop policies that are not clearly a threat to their communities' interests, such as same-sex marriage.

The embroilment of LGBTQ rights within the broader contestation for group rights highlights the complex dynamics of liberal power-sharing and its consequences for sexual minorities. It not only illuminates how the rights demands of groups that are not officially accommodated within power-sharing structures can become an arena of conflict between the main ethnic groups, but also the limits of seeing ethnonationalism as uniformly homophobic. Thus, in Northern Ireland, the sharp cleavage between nationalists and unionists over LGBTQ rights demonstrate that ethnonationalist groups can co-opt LGBTQ rights claims when such demands align with their political interests.

### **Lebanon: Women and Sexual Minorities**

#### *Women*

In 2012 Lebanon's Parliamentary Human Rights Committee adopted a National Human Rights Plan for the most vulnerable, and named improving women's rights as one of its key priorities.<sup>38</sup> The committee recognized the importance of rooting out forms of discrimination against women and unequivocally acknowledged that their status in Lebanon is vulnerable. Indeed, while women's movements are pivotal, the state's governance mode is unfavorable to gender equality in general and to women's political representation in particular.<sup>39</sup>

The roots of inequality and underrepresentation can be primarily ascribed to Lebanon's politics of sectarianism, subsumed under the field of corporate consociationalism. The corporate system ensures the control of sectarian leaders over their constituencies and allocates executive posts and seats in the parliament in accordance with rigid sectarian criteria. By privileging sectarian communities as the

building blocks of political life, it constrains opportunities for the representation of other societal groups, particularly women, youths and sexual minorities.<sup>40</sup>

There is a prevailing consensus in the literature that discriminatory laws in the personal status codes – such as those pertaining to marriage, nationality, adultery and divorce – are key to understanding women’s societal subordination and political underrepresentation in Lebanon.<sup>41</sup> Such laws have been particularly decried for favoring a patriarchal social construct in which the state envisions women as part of a “social unit headed by a male relative.”<sup>42</sup> Some grassroots activists posit that these laws, in which “women can only exist in the registry as daughters of men or wives of men” are the root causes for women’s marginalization and thwarted political agency.<sup>43</sup> Once married, for instance, Lebanese women can only vote or run for elections in the locality where their spouse was born.

In addition, the survival of Lebanon’s consociational model is contingent on certain prerequisites, such as the maintenance of sectarian balance through specified fixed quotas and the religious communities’ autonomy over their affairs, two factors that have hindered the principle of equality between men and women. A case in point is the nationality law, according to which Lebanese women are unable to transmit their nationality to their children or spouse. Policymakers have so far blocked reform initiatives on the grounds that allowing women to pass on their nationality could tip Lebanon’s sectarian balance,<sup>44</sup> challenging Lebanon’s power-sharing which safeguards intercommunal coexistence through predetermined arrangements. The principle of segmental autonomy, which delegates power to religious authorities in personal status matters, also leads to the entrenchment of women’s vulnerability status.<sup>45</sup> This principle has made legislative reforms such as the optional civil marriage law contingent on religious authorities’ discretion.<sup>46</sup>

An inquiry into Lebanon's transition from war to peace (1990 onwards) is key to understanding how Lebanon's governance mode has restricted opportunities for women's empowerment. Postwar political and economic processes have largely ignored the issue of women's representation and role in participative governance. In 1989, the Ta'if Agreement, which reformed Lebanon's consociational model, was mainly concerned with improving the representation of sects in the legislature and executive. It remained silent on gender sensitive reforms. Moreover, the post-2006 National Dialogue, an informal platform set up to process Lebanon's domestic conflicts, groups together sixteen confessional leaders, none of whom is a woman. While women have, over the past few years, acquired more prominent positions in municipal councils and in the youth wings and political bureaus of political parties,<sup>47</sup> they continue to be underrepresented in political institutions. Notably, women currently hold only three percent of parliamentary seats.<sup>48</sup>

Women's underrepresentation in politics aside, the post-war state has not promoted their role in economic development either. Though the ratio of gross enrollment in education is slightly higher for women,<sup>49</sup> the economy has failed to create enough jobs for them.<sup>50</sup> Female participation in the labour market amounts only to 23.3 percent.<sup>51</sup> Moreover, Lebanon's political model constrains opportunities for women's representation not only because it privileges sectarian representation and couples political sectarianism with family law<sup>52</sup> but also because of its propensity to generate gridlock and fractured political coalitions. As a result of systemic deadlocks and power struggles, women's issues have ranked low in national agenda setting. Though various electoral reform initiatives such as the 2006 National Commission for Electoral Law Reform (NCLER) have stressed the importance of introducing a women's electoral quota, squabbling among Lebanon's contending coalitions have

hampered any progress on this front. In the context of the 2008 Sunni-Shia confrontation, the parliament hurried to adopt a new electoral law in the run up to the 2009 elections, dismissing alternative initiatives for electoral systems which included a women's quota.

The polity's embroilment in regional conflicts has also thwarted reform initiatives and slowed down legislative activities, overshadowing the issues of gender equality. In 2006, the Nationality Campaign was interrupted by the July War between Hezbollah and Israel.<sup>53</sup> Further exacerbating the situation, since 2011, Lebanon incurred heavy spillovers from Syria's conflict. Priority issues such as security governance and strains resulting from the Syrian refugee influx have dominated policy debates, and sectarian elites have seized on these issues to argue that any change to the power-sharing system would threaten the state's survival. Privileging crisis-driven politics in the shadow of Syria's lethal conflict, the political elite have neglected issues that are not linked to the representation of sects or to security.<sup>54</sup>

In this context, gender inequalities have spurred vociferous debates in Lebanon's public sphere. Women's claims-making are central to the postwar politics of activism, and grassroots groups have incorporated the issue of gender equality in their advocacy and programming. Women civic society organizations (CSOs) have continuously lobbied governments to implement legal reforms.<sup>55</sup> They have had some success, in particular with the passage of the 2011 law eliminating mitigating circumstances in the context of honor crimes and the 2014 Domestic Violence law.

Though women have been underrepresented in the government, grassroots groups demanding gender justice and a reformulation of the concept of citizenship represent key actors in Lebanon's protest events, namely the 2010 Laïque pride, the 2011 anti-sectarian demonstrations, and the 2015 You Stink Movement.<sup>56</sup> Still, while

women's grassroots organizations participate in major episodes of contention, rare are protests which revolve around issues specific to gender.<sup>57</sup> Rallying around women-linked grievances has been particularly challenging in the context of sectarian politics.<sup>58</sup>

Furthermore, women's activism suffers from an ideological rift that weakens the consensus needed to formulate strategies to effect change. At the heart of this rift lies the dilemma of whether to cooperate or not with the sectarian system. While some organizations such as the National Commission for Lebanese women (NCLW) have cooperated with Lebanon's ministries on a gradualist path of reform, grassroots activist groups perceive a potential "coalescence with the system" as self-defeating.<sup>59</sup>

#### *Sexual minorities*

The plight of LGBTQ communities within Lebanon's model of corporate consociationalism is fraught with difficulty. Conceived as a political strategy that gives "existing" sectarian cleavages "binding force"<sup>60</sup> through fixed quotas, the model undermines the expression of alternative sociocultural cleavages, making it excessively difficult for LGBTQ groups to voice divergent demands. Furthermore, the politics of sectarianism, which uphold a patriarchal conception of society and family life, nurtures adversarial feelings toward sexual minorities.

Unlike the issue of women's representation which elicits attention in policy debates, LGBTQ concerns are completely elided on the policy agenda. The Lebanese law does not overtly discriminate against individuals on the basis of gender or sexuality. Yet, Article 534 of the penal code, which forbids "sexual intercourse contrary to the order of nature," has justified the prosecution and stigmatization of

LGBTQ communities.<sup>61</sup> Human Rights Watch reports chastize Lebanon's security and police forces for excessively mistreating suspected homosexuals.<sup>62</sup>

Despite Lebanon's constraining setting, LGBTQ communities articulate a politics of claim-making through advocating for their rights and rallying for abolishing political sectarianism. In recent years, some developments have encouraged LGBTQ and LGBTQ-friendly grassroots communities to challenge stereotypes against homophobia and homosexuality and to advocate for the abolition of article 534. Several court rulings have refused in the last years to criminalize individuals charged under Article 534.<sup>63</sup> Moreover, in 2013, the Lebanese Psychiatric Society ruled that homosexuality is not a mental disorder. Against this backdrop, grassroots organizations and academic spheres increasingly raise awareness about the rights of sexual minorities through workshops, legal activist channels, and publications.<sup>64</sup>

Just like women's grassroots activists, LGBTQ groups have participated in key protests pressing for alternative conceptions of citizenship in Lebanon. An iconic protest was the 2010 *Laique Pride*, in which LGBTQ groups such as *Helem* brought forward their claims and openly discussed the uneasy relationship between sectarianism and LGBTQ rights.<sup>65</sup> Though sexual minorities may differ on the means of mobilization, they tend to agree that eradicating the politics of sectarianism and patriarchal societal constructs is a precondition to expanding their rights. The goal here is to decouple citizenship and lawmaking from the grip of religious authorities.

Even though LGBTQ communities have so far relied on extra-institutional channels to voice their grievances, the path of contentious politics remains complex. LGBTQ groups have not been able to carve out their own space of contention. Protest framings that restrict themselves to LGBTQ rights and homophobia have not gained

much resonance with the broader Lebanese public. At the same time, anti-sectarian protests lumping together various grievances overshadow their specific claims. In this context, one of their dilemmas is whether to talk about LGBTQ rights in anti-sectarian protests or merely to endorse the latter without bringing in their own specific grievances.<sup>66</sup> Though protests decrying Lebanon's political system resonate with the LGBTQ activists' goal-oriented actions, such episodes bring together a spectrum of fragmented movements, making it difficult to forge an identity for queer politics. Adding to this, divisions over mobilization tactics among sexual minorities hamper the solidification of a shared space of contention. Lesbian, gay and transsexual communities voice heterogeneous grievances within Lebanon's patriarchal construct. Moreover, while some groupings advocate for legal reforms, others argue that only a secular system in which politics is delinked from sectarianism could serve their cause. Some activists debate furthermore whether it would be more advantageous for Lesbians to position their grievances within women's movements rather than within sexual minorities' repertoire and tactics of contention.<sup>67</sup>

In general, the deeply-seated entwining between political sectarianism and patriarchy makes the empowerment of sexual minorities a task worthy of Sisyphus, contingent on an overhaul of laws and political structures. Though civic spheres and international organizations have embarked on a myriad of citizenship projects, the latter have so far not had any impact on the political system. Lebanon's sectarian gatekeepers are deeply reluctant to 'deconfessionalizing' the system, as this would mean relinquishing their own power.<sup>68</sup> Moreover, Lebanon's corporate consociationalism, which couples political accommodation and state survival with the preservation of sectarianism, arises as a structural impediment to the expression of

non-sectarian identities and to their inclusion in the policy agenda, especially in times of crisis-driven politics.

### **Conclusion**

Consociationalism is now one of the principal tools used to foster peace, applied or suggested as fit by the international community for Bosnia, Lebanon, Northern Ireland, Afghanistan, Burundi, Syria and Iraq. A small body of researchers has turned their gaze towards the consequences of power-sharing for identity groups not formally specified in such pacts, particularly its effects on gender equality. In this paper, we seek to expand this ongoing project by adding sexual minorities, alongside women, to the analysis of consociationalism's effects. We argue that in order to fully understand these dynamics it is important to take into account variations in power-sharing arrangements. In particular, scholars and policymakers distinguish between two types of consociational structures – liberal and corporate – which expedite markedly contrasting effects depending on the degree to which they institutionalize ethnicity and permit or prohibit rights for non-sectarian groups. While liberal systems appear advantageous compared to corporate ones by initially encouraging access for non-sectarian groups, in the long-term they can generate more negative dynamics as the institutions seek to maintain stability by strengthening the adversarial ethnic groups. Corporate systems, alternatively, by aiming to freeze the balance of power between the ethnic groups, completely exclude non-ethnic groups and rights and are even used by ethnic hardliners to deem non-sectarian groups as a threat to the integrity of power-sharing and thus as a threat to peace and security. These distinctions also shape differences in non-sectarian rights activism. Non-sectarian movements in liberal systems mobilize for inclusion within the system but can become easily sidelined in a

framework infected by ethnic outbidding. In corporate frameworks, however, gender based and sexual minority movements tend to see the sectarian system as profoundly patriarchal and heteronormative, and thus as a site of radical opposition than as a framework through which rights can be sought and achieved.

In examining the Northern Irish and Lebanese case-studies we have illuminated some of the dynamics generated respectively by liberal and corporate forms. This is not to ignore the role that religious and various other cultural cross pressures may have in shaping differences between the two cases in relation to restrictions regarding gender equality and sexual rights. A further area of future research – which space permits us from pursuing here – is to consider whether consociational arrangements create contrasting consequences for gender equality and LGBTQ rights. In short, greater scholarly attention is required to understand and even legislate for a range of groups de facto excluded from consociational institutions and rights.

## Notes

- <sup>1</sup> Stefan Wolff, "Post-Conflict State Building: The Debate on Institutional Choice," *Third World Quarterly* 32(10): 1777–1802 (2011).
- <sup>2</sup> Ian Shapiro, *Democracy's Place* (New York: Cornell University Press, 1996), 102.
- <sup>3</sup> Siobhan Byrne & Allison McCulloch, "Gender, Representation and Power-Sharing in Post-Conflict Institutions." *International Peacekeeping* 19(5), 555 (2012).
- <sup>4</sup> Bernadette Hayes and Ian McAllister, "Gender and Consociational Power-sharing in Northern Ireland," *International Political Science Review* 34(2), 123–39 (2013).
- <sup>5</sup> John Nagle, "What are the Consequences of Consociationalism for Sexual Minorities? An Analysis of Liberal and Corporate Consociationalism and Sexual Minorities in Northern Ireland and Lebanon," *Political Studies* 64(4), 854–871 (2016).
- <sup>6</sup> Bernadette Hayes and John Nagle, "Ethnonationalism and Attitudes Towards Gay and Lesbian Rights in Northern Ireland," *Nations and Nationalism* 22(1), 20–41 (2016).
- <sup>7</sup> Allison McCulloch, "Consociational Settlements in Deeply Divided Societies: The Liberal-corporate Distinction," *Democratization* 21(3): 501–518 (2014).
- <sup>8</sup> Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing* (Cambridge: Cambridge University Press, 2004), 1.
- <sup>9</sup> Spike V. Peterson, "Sexing Political Identities/Nationalism as Heterosexism," *International Journal of Feminist Politics* 1, 34–65 (1999).
- <sup>10</sup> Patrizia Albanese, "Abortion & Reproductive Rights Under Nationalist Regimes in Twentieth Century Europe," *Women's Health and Urban Life: An International and Interdisciplinary Journal* 3 (1): 8–33 (2004).
- <sup>11</sup> Joane Nagel, *Race, Ethnicity and Sexuality: Intimate Intersections, Forbidden Frontiers* (Oxford: Oxford University Press, 2003).
- <sup>12</sup> Virginia Bouvier, *Gender and the Role of Women in Colombia's Peace Process* (New York: UN Women, 2016), 13–14.
- <sup>13</sup> John Nagle, "Crafting Radical Opposition or Reproducing Homonormativity? Consociationalism and LGBTQ Rights Activism in Lebanon," *Journal of Human Rights* (Early View) (2016).
- <sup>14</sup> Irene Dioli, "From Globalization to Europeanization—And then? Transnational Influences in Lesbian Activism of the Western Balkans," *Journal of Lesbian Studies* 15(3): 311–323 (2011).
- <sup>15</sup> Hayes and Nagle, "Ethnonationalism and Attitudes."
- <sup>16</sup> McCulloch, "Consociational Settlements."
- <sup>17</sup> Wolff, "Post-Conflict State Building."
- <sup>18</sup> McGarry and O'Leary, "Iraq's Constitution of 2005: Liberal Consociation as Political Prescription," *International Journal of International Law* 5(4), 670–698 (2007).
- <sup>19</sup> Northern Ireland Office, *Agreement Reached in the Multi-Party Negotiations* (Belfast: HMSO, 1998).
- <sup>20</sup> McGarry and O'Leary, "Iraq's Constitution of 2005."
- <sup>21</sup> Nagle, J. and M.A.C. Clancy, *Benign Apartheid or Shared Society? Understanding Peacebuilding in Divided Societies* (Basingstoke: Palgrave Macmillan, 2010).
- <sup>22</sup> Michael Kerr, *Imposing Power-Sharing: Conflict and Coexistence in Northern Ireland and Lebanon* (Dublin: Irish Academic Press, 2006).
- <sup>23</sup> Reinoud Leenders, *Spoils of Truce: Corruption in Postwar Lebanon* (Ithaca, NY: Cornell University Press, 2012).
- <sup>24</sup> Simon Haddad, "Lebanon: From Consociationalism to Conciliation," *Nationalism and Ethnic Politics* 15(3–4): 398–416 (2009).
- <sup>25</sup> Yvonne Galligan, "Gender and Politics in Northern Ireland: The Representation Gap Revisited," *Irish Political Studies* 28(3): 413–33 (2013).
- <sup>26</sup> Racioppi and O'Sullivan See, "Engendering Democratic Transition from Conflict."
- <sup>27</sup> Northern Ireland Office, *Agreement Reached in the Multi-Party Negotiations*.
- <sup>28</sup> Bernadette C. Hayes, "Religious Differences in Electoral Turnout among Women in Northern Ireland," *Parliamentary Affairs* 70(2), 322–343.
- <sup>29</sup> *Ibid.*
- <sup>30</sup> BBC, "Abortion: MLAs Vote Against Legalisation in Fatal Foetal Abnormality Cases," (February 2016), <http://www.bbc.co.uk/news/uk-northern-ireland-35546399>.
- <sup>31</sup> Northern Ireland Office, *Agreement Reached in the Multi-Party Negotiations*.
- <sup>32</sup> Neil Jarman and Alex Tennant, *An Acceptable Prejudice? Homophobic Violence and Harassment in Northern Ireland* (Belfast: Institute for Conflict Research, 2003).

- <sup>33</sup> PSNI, *Trends in Hate Motivated Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05-2012/13* (Belfast: PSNI, 2013).
- <sup>34</sup> See Sinn Fein, "Equality, Diversity, Solidarity – Fighting with PRIDE for LGBTQ Rights in Ireland" (June 2014), [http://www.sinnfein.ie/files/2014/LGBTQ\\_Document\\_June2014.pdf](http://www.sinnfein.ie/files/2014/LGBTQ_Document_June2014.pdf)
- <sup>35</sup> Hayes and Nagle, "Ethnonationalism and Attitudes Towards Gay and Lesbian Rights in Northern Ireland."
- <sup>36</sup> Jon Tonge, *Comparative Peace Processes* (Oxford: Wiley, 2014).
- <sup>37</sup> Allison McCulloch, "The Use and Abuse of Veto Rights in Power-Sharing Systems: Northern Ireland's Petition of Concern in Comparative Perspective," *Government and Opposition*, 1-22 (2017).
- <sup>38</sup> UN Committee on Elimination of Racial Discrimination, "Consideration of Reports Submitted by States Parties under Article 9 of the Convention. Lebanon" (August 2015), CERD/C/LBN/18-22.
- <sup>39</sup> See for instance Lina Khatib, "Gender, Citizenship and Political Agency in Lebanon," *British Journal of Middle Eastern Studies* 35 (3): 437-451 (2008).
- <sup>40</sup> Tamirace Fakhoury, "Youth Politics in Lebanon. A Call for Citizen Empowerment," *SAHWA Policy Brief* (November 2016), <http://sahwa.eu/OUTPUTS/Publications/SAHWA-Policy-paper-on-youth-empowerment-in-Lebanon> (accessed 18 November 2016)
- <sup>41</sup> Doreen Khoury, "Women's Political Participation in Lebanon," *Heinrich Böll Stiftung, Middle East* (September 2013), <https://www.boell.de/en/2013/07/25/womens-political-participation-lebanon> (accessed 1 November 2016).
- <sup>42</sup> Khoury, "Women's Political Participation."
- <sup>43</sup> Nadine Mouawad, "The Bigger Struggle for Women in Municipalities," *Sawt alniswa*, <http://www.sawt alniswa.org/article/557> (accessed 15 October 2016).
- <sup>44</sup> Zoi Costantine, "Law that Deprives Lebanon's Children of their Nationality" (April 2012), <http://www.thenational.ae/news/world/middle-east/law-that-deprives-lebanon-s-children-of-their-nationality> (accessed 20 November 2016).
- <sup>45</sup> Rania Maktabi, "Female Citizenship in the Middle East: Comparing Family Law Reform in Morocco, Egypt, Syria and Lebanon," *Middle East Law and Governance* 5: 280-307 (2013), 301
- <sup>46</sup> *Ibid.*, 307.
- <sup>47</sup> UN Women, "Lebanon: Supporting Women's Empowerment and Gender Equality in Fragile States," Research Brief, 3-61 (2016), <http://www.unwomen.org/en/digital-library/publications/2016/3/supporting-womens-empowerment-and-gender-equality-in-fragile-states-lebanon#view> (accessed 1 October 2016).
- <sup>48</sup> UNDP, "Gender Inequality Index," 2015 Human Development Reports, <http://hdr.undp.org/en/composite/GII> (accessed 14 October 2016).
- <sup>49</sup> UNESCO Institute for Statistics, Lebanon Profile 2015, <http://www.uis.unesco.org/DataCentre/Pages/countryprofile.aspx?code=LBN&regioncode=40525> (accessed 8 May 2016).
- <sup>50</sup> David Robalino and Haneen Sayed, "Republic of Lebanon, Good Jobs Needed: The Role of Macro, Investment, Education, Labor and Social Protection Policies," *World Bank* (December 2012), <http://documents.worldbank.org/curated/en/230521468089355499/Lebanon-Good-jobs-needed-the-role-of-macro-investment-education-labor-and-social-protection-policies-MILES-a-multi-year-technical-cooperation-program> (accessed 11 November 2016).
- <sup>51</sup> UNDP, "Gender Inequality Index".
- <sup>52</sup> Maktabi, "Female Citizenship," 300.
- <sup>53</sup> Khatib, "Gender, Citizenship and Political Agency."
- <sup>54</sup> Fakhoury, "Youth Politics."
- <sup>55</sup> Lamia Rustom Shehadeh, "Gender-Relevant Legal Change in Lebanon," *Feminist Formations* 22 (3): 210-28 (2010), 215.
- <sup>56</sup> In summer 2015, popular protests dubbed as the You Stink Movement denounced the Lebanese government's handling of an unprecedented rubbish crisis. The protesters also decried the government's politics of corruption and inability to provide basic services.
- <sup>57</sup> Activist, interview with the author, 25 October 2016, Beirut.
- <sup>58</sup> Lana Khattab, "Gendering State-Citizen Relations in Lebanon. The Case of the Family Violence Bill 2014," *International Alert* 1-30 (2016), 25.
- <sup>59</sup> Activist, interview with the author, 25 October 2016, Beirut.
- <sup>60</sup> Theodor Hanf, *The Political Secularization Issue in Lebanon*. Freiburg: Arnold Bergstraesser Institut, 1981, 247.
- <sup>61</sup> Nida Latif, "Gender Profile Lebanon," Institute for Women's Studies in the Arab World (IWSAW), 2016, <http://iwsawassets.lau.edu.lb/cgp/lebanon.pdf> (accessed 5 September 2016).

---

<sup>62</sup> Human Rights Watch, “It’s Part of the Job. Ill-treatment and Torture of Vulnerable Groups in Lebanese Police Stations” (June 2013), <https://www.hrw.org/report/2013/06/26/its-part-job/ill-treatment-and-torture-vulnerable-groups-lebanese-police-stations> (accessed 2 December 2016).

<sup>63</sup> The Economist, “Gay Rights in Lebanon. Laws of Nature” (March 2014), <http://www.economist.com/blogs/pomegranate/2014/03/gay-rights-lebanon> (accessed 2 December 2016). See also “Judge’s Ruling ‘Major Step Forward’ for Sexual Rights Movement,” *The Daily Star*, 31 January 2017 <http://www.dailystar.com.lb/News/Lebanon-News/2017/Jan-31/391666-judges-ruling-major-step-forward-for-sexual-rights-movement.ashx> (accessed 15 May 2017).

<sup>64</sup> See for instance Ohmyhappiness, “AUB Faculty Statement on Hate Speech and Bigotry” (May 2012), <https://ohmyhappiness.com/2012/05/30/aub-faculty-statement-on-hate-speech-and-bigotry/> (accessed 1 December 2016).

<sup>65</sup> Activist, interview with the author, 1 November 2016, Beirut.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Janine Clark and Bassel F. Salloukh, “Elite Strategies, Civil Society, and Sectarian Identities in Postwar Lebanon,” *International Journal of Middle East Studies* 45 (4): 731–749 (2013).