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Non-democratic Elements in a Consociational Model: The Case of Lebanese Confessionalism

Abstract

The paper analyses the functioning of the Lebanese confessional model in practise and its dynamics after the 1975–1990 civil war. A growing wave of public discontent with sectarianism in the postwar period has called the legitimacy of the system into question. The paper investigates the sources of confessionalism's setbacks by focusing on two issues: the impact of confessionalism on the functioning of political institutions at the highest level as well as on the procedures for electing political representation (its electoral system). It illustrates the ways in which a model of consociational power sharing, democratic in principle, can degenerate towards an oligarchic regime.

Key words: Lebanon, sectarianism, confessionalism, semidemocracy, power-sharing

1. Introduction

The paper analyses the functioning of the Lebanese confessional model in practise and its dynamics after the 1975–1990 civil war. A growing wave of public discontent with sectarianism in the postwar period has called the legitimacy of the system into question. The paper locates the sources of confessionalism's setbacks in the postwar settlement introduced in Taef and investigates this by focusing on two issues: the impact of confessionalism on the functioning of political institutions at the highest level, as well as on the procedures for electing political representation (its electoral system). It illustrates the ways in which a model of consociational power sharing, democratic in principle, can degenerate towards an oligarchic regime.

Lebanon stands out from its Arab neighbours as rather an unusual example of institutionally guaranteed multi-religious coexistence. Its political system, which was built upon the principle of equality, respect

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and the right to proportional representation for each of the Lebanese confessional communities, is distinctive in the region. Such a statement by no means undervalues the gravity of the several setbacks the Lebanese political system has faced in recent decades. The aim of the paper is to address the fact that this rare example of a confessional power-sharing system is today being fiercely contested as 'sectarian' by the people upon whom it was bestowed more than 60 years ago. And more importantly, it also aims to link these protests with the dynamics within Lebanese confessionalism that were heavily influenced by the political events that took place in the period between 1990 and 2005. The paper attempts to investigate the mechanisms which led to its corruption, revealing how the Lebanese political system, initially based on consociational principles, degenerated into an oligarchic, sectarian cartel system. It presents the gradual dismantling of a constitutionally settled institutional order and its replacement with informal practices that include non-democratic elements within the electoral system (an uneven playing field) as instrumental in a process referred to as deinstitutionalization.[1] As a result, the Lebanese witness confessionalism as being compromised and as having turned into a facade for growing undemocratic rule. This analysis is then situated in a wider debate concerning the effectiveness of the consociational model and factors that could have led to its deterioration.

The Lebanese political system, based on a proportional sharing of power between all confessional communities, is referred to as confessionalism, a confessional system or consociationalism. Both confessionalism and consociationalism are considered examples of a power-sharing model. Confessionalism can be treated, however, as a variant of the consociational model, in which power would be divided among segments that differ in terms of religion and denomination.[2] Interestingly, the term confessionalism is rarely used in Lebanon and most English language publications in which the system is more often referred to as sectarianism (in Arabic *taifiyya*). Imad Salamey, a Lebanese political

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[1] See G. Helmke, S. Levitsky, *Informal Institutions and Democracy Lessons from Latin America*, Baltimore: The John Hopkins University Press, 2006; O. Schlumberger, 'Structural Reform, Economic Order and Development: Patrimonial Capitalism', *Review of International Political Economy*, Vol. 15, No. 4 (October 2008), pp. 622–649; M. Bratton, N. Van de Valle, 'Neopatrimonial Regimes and Political Transitions in Africa', *World Politics*, Vol. 46, No. 4 (June 1994), pp. 453–489.

[2] See A. Lijphart, 'Consociational Democracy', *World Politics*, Vol. 21, No. 2 (January 1969), pp. 207–225; K. Trzciński, 'Istota i główne modele power-sharing w kontekście wieloetniczności. Zarys problematyki', *Przegląd Polityczny*, Nr 3 (2016), pp. 27–40.

scientist, differentiates between state consociationalism and sectarian populism, considering sectarianism a form of populism and, moreover, sees it as the main obstacle impeding the Lebanese transition to democracy. This view is shared by many ordinary Lebanese as well as those who are involved in the political struggle against the system and demand its replacement with a more democratic one. It is worth pondering the reasons behind this terminological distinction as well as on its analytical consequences.

Lijphart and other theoreticians initially worked on consociationalism as an alternative model of democracy. Implementing consociational arrangements in political systems, however, does not necessarily imply consociational democracy.[3] The latter would demand consociationalism combined with the existence of a democratic regime, which is not always the case. Furthermore, some features of consociational systems could lead to ambiguous outcomes in certain political contexts. The privileged role of the elites, implied by a consociational model, in practise means that the real power sharing necessarily remains in the hands of the leaders and politicians, who act on behalf of their communities' and according to their interests. The literal participation of each community would otherwise at best be a complex issue in the context of a deeply fragmented society. Communal leaders necessarily then 'represent' the actual communities' participation in the power sharing, which in turn remains symbolic. This however may lead to a situation in which the elites monopolise access to power and state resources. The centre of the political game is then located within a cartel of communal elites, built around personal ties, relations and networks of contacts, controlling decision making processes that are to a lesser extent transparent or accountable.

Another ambiguous outcome arises from the fact that, on one side, consociational arrangements protect communities' rights and guarantee their share in power, but on the other, they tend to strengthen communal identities and preserve segmental cleavages, which can possibly hamper the process of building intercommunal ties and mitigating communal conflicts.[4] The last statement seems to be supported by Salamey, who

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[3] Lijphart, 'Consociational Democracy'..., pp. 207–225.
[4] This is even more sharpened as confessional communities and their leaders often seek external, regional patrons who in turn openly interfere in internal Lebanese politics. See: M. Kerr, *Imposing Power-Sharing. Conflict and Coexistence in Northern Ireland and Lebanon*, Irish Academy Press, 2006; T. Fakhoury Mühlbacher, *Democratisation and Power-Sharing*

claims that state consociationalism remains feeble as a result of bestowing too much autonomy on the confessional segments and also, because of persisting sectarian populism, which in turn impedes state-building and nationhood in a deeply fragmented society. [5] It seems then that confessionalism, in Salamey's analysis associated with state consociationalism, carries a rather neutral and theoretically grounded meaning. Sectarianism however has clear pejorative connotations, denoting negative consequences stemming from the prevalence of religious affiliations in public life and the functioning of a corrupt system. Even members of the Lebanese political establishment – confessional elites, who are the main beneficiaries of the system – are often heard publicly complaining about sectarianism and equating it with the general malfunctioning of the Lebanese state. The system has been moderately criticised since the end of the civil war but such criticism gained new impetus after the Syrian regime withdrew its troops from Lebanon in 2005 and it was further enforced in the aftermath of the Arab Revolutions in 2011. Recently, various Lebanese civil society organisations have begun to openly campaign for abolishing the sectarian system, rejecting the entire formula as undemocratic, corrupt and a facade for class hegemony.[6]

This lexical duality between confessionalism and sectarianism might then be a reflection of a certain split, perhaps pointing at the difference between the principle and its actual realisation. The origins of the split highlight interesting issues concerning the dynamics of a consociational model and factors determining its effectiveness. Hence, taking the practical functioning of both terms, it is worth examining the course of a consociational model's distortion towards a sectarian regime in Lebanon.

The sectarian regime, which has become a sort of 'bad product', is being contested as undemocratic. It preserves, however, certain remnants of democracy – since the end of the civil war Lebanon has had parliamentary elections and the Lebanese press also enjoyed relative freedom of speech. On the other hand, elections have not been regular, in the last five years alone they have been postponed three times, have last been held in 2009.

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in Stormy Weather. The Case of Lebanon, Wiesbaden: Verlag für Sozialwissenschaften, 2009.

[5] I. Salamey, P. Tabar, 'Democratic Transition and Sectarian Populism: the Case of Lebanon', Contemporary Arab Affairs, Vol. 5, No. 4, October–December 2012, pp. 407–512.

[6] See K. Karam, Le mouvement civil au Liban. Revendications, protestations et mobilisations associatives dans l'après-guerre, Paris: Karthala, 2006.

Meanwhile, independent candidates (outside the confessional political class) complain they face overwhelming obstacles while running in elections, leaving their chances of wining reduced to zero, while independent observers report of multiple cases of fraud in the course of voting. The Lebanese then are not given free choice in the election process. Theoreticians refer to such ambiguous cases as hybrid regimes, semi-authoritarianisms or semi-democracies.[7] An important factor to note at this point is the domination of the Syrian authoritarian regime over Lebanon that lasted until 2005. The Syrian army, which was initially sent in as a stabilising and peace force, soon embraced Lebanon in an iron grip that may also have significantly contributed to the consolidation of certain undemocratic elements within the Lebanese regime. Damascus' guardianship over confessional stability and reconciliation worked in favour of preserving the hegemony of the traditional political class, turning the Lebanese regime into a hybrid, eroded of its representative, democratic character.

One of the crucial things about hybrid regimes is the weakness of democratic institutions, which tend to be reduced to facades. The paper then investigates the way confessionalism impacts the functioning of these institutions. If the institutional order represents a buffer zone separating the public and the private spheres, and because of this is a marker of a democratic regime, then any disruption of this balance favouring the latter will immediately affect the state's autonomy, as rooted in the strength of its institutions. This would, in turn, reflect important shifts in the locus of power and the structure of power relations, indicating that power does not remain in the institutions conceived to hold it and therefore that the regime loses its accountability. It is necessary then to analyse relations between the highest institutional organs of the state and the functioning of the central administration in general. Taken together thus might give a clearer picture of the formal institutional order (or lack of it) and illustrate tendencies that could lead to the point in which the split between confessionalism and

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[7] See L. Diamond, J. Linz, S.M. Lipset (eds), *Politics in Developing Countries. Comparing Experiences with Democracy*, Boulder: Lynne Rienner Publishers, 1995, pp. 7–8; M. Ottaway, *Democracy Challenged. The Rise of Semi-authoritarianism*, Washington: Carnegie Endowment for International Peace, 2003; S. Levitsky, L.A. Way, *Competetive Authoritarianism. Hybrid Regimes After the Cold War*, New York: Cambridge University Press, 2010, pp. 5–39, S. Heydemann, *Upgrading Authoritarianism in the Arab World*, Analysis Paper, No. 13, Washington: The Saban Center for Middle East Policy at the Brookings Institutions, October 2007, p. 1.

sectarianism might arise.

The paper is then divided into two parts: the first analyses the way confessionalism affected the functioning of political institutions at the highest level. It investigates three interconnected mechanisms that contributed to weakening the state institutional order, namely: unclear and sometimes overlapping division of competences between the highest state posts, gradual undermining of the formal institutions (devoided of their principle role and eroded of their representative character they are exploited by politicians for personal or communal interests), leading to a replacing of formal institutional procedures by informal practises. The second part looks at the way confessionalism impacts the Lebanese electoral system – the principle mechanism ensuring representativeness and a rotation of power. This looks at relations between the incumbents and their opposition, revealing in turn much about the character of the regime and its modes of consolidation.

2. Confessionalism and state institutions – deinstitutionalization?

The Lebanese institutional order is regulated by the Lebanese Constitution signed in 1926, the National Pact (1943), the Taef Agreement (1989) and Doha Agreement (2008).[8] According to its Constitution, the modern Republic of Lebanon was proclaimed as a result of a consensus among the Lebanese historical communities concerning their will to coexist in one political entity.[9] It was the National Pact from 1943, however, that precisely regulated the core of the power-sharing model in Lebanon. Conceived as a mere gentlemen's agreement made between the Maronite President Bichara al-Khuri and Sunni Prime Minister Riad as-Sulh, it consequently determined the future sharing of the state's highest posts with respect to all communities' right to receive a proportional representation. This practice remained unwritten for decades, but eventually was officially inscribed in the Constitution in 1989, along with other amendments of the peace accord signed in Taef at end the civil war.[10] The Taef Agreement

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[8] The Taef Agreement:
http://www.presidency.gov.lb/Arabic/LebaneseSystem/Documents/TaefAgreementEn.pdf
(accessed 20.05.2016). Doha Agreement:
http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-
CF6E4FF96FF9%7D/Lebanon%20S2008392.pdf (accessed 20.05.2016).
[9] Lebanese Constitution Promulgated on May 23, 1926. With its Amendments:
http://www.presidency.gov.lb/English/LebaneseSystem/Documents/Lebanes%20Constituti
on.pdf (accessed 20.05.2016).
[10] D. Madeyska, *Liban*, Warszawa: Trio, 2003, pp. 65, 200–202.

brought significant changes to the structure of power, above all equating Muslim and Christian representation in parliament and broadening the competences of the president, the prime minister and the speaker of the parliament.[11]

The paper focuses on these amendments viewing their consequences as crucial for the process of deinstitutionalisation in Lebanon in the postwar period. At first it seemed that the changes would result in improving political representation and reinforcement of parliament. However, a closer analysis of the consequences makes it difficult to sustain such a statement. The first Republic of Lebanon (1943–1989) was said to be characterised by the too strong position of the president, and therefore competition between him and the prime minister, which resulted in several political crises. In the second Republic of Lebanon (since 1989) these issues have not only not been resolved, but have complicated even further, contributing to greater confusion between the executive and the legislative.[12]

2.1. Unclear sharing of power and overlapping competences

According to its Constitution, Lebanon is a parliamentary republic with the president the head of the state but sharing executive power with the council of ministers. The president is the guardian of the Constitution and the symbol of national unity. He is elected by the parliament for a period of 6 years and his term cannot be prolonged (a legal article that has already been violated twice since 1989).[13] The Taef Agreement stipulates that the president designates the prime minister after consulting with parliament. He can block bills prepared by the cabinet, issue decrees with the acceptance of the prime minister or respective minister, negotiate and ratify treaties along with the chair of the cabinet. The president can also call the government to revise decisions made by parliament and even

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[11] The Taef Agreement, pp. 1–6:
http://www.presidency.gov.lb/Arabic/LebaneseSystem/Documents/TaefAgreementEn.pdf (accessed 20.05.2016). Elias Hrawi in 1994 and Emile Lahoud in 2004 had their terms prolonged for another 3 years, a decision imposed by the Syrian regime during its occupation of Lebanon.
[12] See A. Messarra, *Théorie générale du système politique libanais*, Paris-Cariscript-Beyrouth: Librairie Orientale, 1994; I. Salamey, *Politics and Governance of Lebanon*, New York: Routledge, 2014.
[13] Lebanese Constitution Promulgated on May 23, 1926. With its Amendments. Preamble and Articles 49, 51–63 and 73–75:
http://www.presidency.gov.lb/English/LebaneseSystem/Documents/Lebanes%20Constituti on.pdf (accessed 20.05.2016).

dissolve it in the event it fails to pass the budget.[14]

The prime minister is designated after long and exhaustive consultations with all political parties, as his appointment must satisfy all the demands of the major leaders, the preferences of the main political blocks, the interests of religious communities, not mentioning the preferences of regional patrons. The position of the Sunni prime minister was empowered as a result of the Taef Agreement. Previously subjected to the president, after Taef the prime minister became the second head of state. He chairs the cabinet and determines its work although in the latter he must cooperate with the president.[15]

Already problematic confusion within the executive, originating from institutionally rooted competitiveness (overlapping competences of the president and the prime minister), was after Taef further enhanced by quasi-executive competences bestowed upon the speaker. [16] The Agreement strengthened the role of the speaker in the following aspects: instances in which the parliament could be dissolved were much reduced, the speaker also gained the right to freeze the bill preventing the cabinet from issuing laws without the approval of parliament. An important change was that the Taef Agreement removed the article forbidding the prolongation of one's term as the speaker of parliament. This opened the way for Nabih Birri, leader of the Amal party, to remain in this post uninterrupted since 1992. Therefore, the speaker has a powerful position as he coordinates all the work of parliament, decides on the order of the sessions and negotiates between the groups submitting bill proposals. All that situates him in the position of an intermediator and a key player controlling the process of accepting bills. In his hands then is the right to exercise an indirect veto, a move frequently used by Birri to break off the

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[14] Ibidem.

[15] The prime minister signs bills, decrees and treaties. Politicians can be designated as prime ministers multiple times, for example Rashid Karami was nominated 8 times, while Rafiq al-Hariri, a bussinesman and billionaire was holding this post for almost 10 consecutive years.

[16] The Speaker of the parliament is nominated for period of 4 years and this post since independence has been reserved for the Shiite community. It used to be rather representational and of minor importance for decades prior to the civil war, which reflected the historically marginal position of Shiites. This has changed however because in the postwar period Shiite political leaders demanded a greater access in the confessional sharing of power. See: 'Lebanese Parliamentarism: Shadow Plays and the Death of Politics', *The Lebanon Report*, No. 1, Spring 1996, p. 28.

law proposals that were potentially against his interests.[17]

The unclear division and overlapping competences between the highest organs of the state resulting from the Taef Agreement led to the creation of some sort of an informal triumvirate of the Maronite president, Sunni prime minister and Shiite speaker of the parliament. This so-called *troika* was formed on the edge between formal and informal institutions and determined the state's decision making processes for most of the 1990s. The case of *troika* remains an important one in describing the deinstitutionalisation problem in Lebanon, revealing that institutional conflict originating from overlapping competences has not been resolved in a legal way on purpose, because it was motivated by fierce rivalry between the confessional communities. Instead, conflicting powers had to be regulated by informal relations and ad hoc arrangements made by politicians holding the posts, at one time working things out together in a smooth way, while in another exploiting the possibility of provoking an institutional deadlock if it would suit their immediate interests. Being an informal political force, the strength of the *troika* largely depended on the personal charisma of the leaders who created it: Elias Hrawi, Rafiq al-Hariri and Nabih Birri. It is quite significant that they were called the pillars of the state at the time.[18] The utility of this triumvirate, on the other hand, revealed the institutional feebleness of the Lebanese state in its postwar period. The end of the Hrawi presidency in 1998 led to the end of the *troika*, leaving Lebanon prone to recurring states of institutional deadlock.[19] A remarkable example of how problematic it could get in a situation where the politicians holding these posts hardly get along was the fierce conflict between the President Emile Lahoud and Prime Minister Rafiq al-Hariri in 1997–2004. Gen. Lahoud, during both his terms strongly backed by the Damascus regime in all his actions, would openly challenge and obstruct most of the prime minister's political

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[17] 'Lebanon, Fin de Règne. The Hariri Resignation and the Post-Taif System', *The Lebanon Report*, Vol. 6, No. 1, January 1995, p. 3. The leader of the Amal party – one of the most important blocks in the Coalition of March 8th – went beyond his competences several times, for example during the presidential elections in 2007–2008. As the speaker, he would manipulate with the order of the parliamentary sessions preventing taking decisions that would be against his political block. See: O. Nir, *Nabih Berri and Lebanese Politics*, New York: Palgrave Macmillan, 2011, pp. 101–103.

[18] See 'Presidents Adrift: A Leadership Troika and No Leaders', *The Lebanon Report*, Vol. 5, No. 6, June 1994, p. 3; 'Hariri the Third', *The Lebanon Report*, No. 4, Winter, 1996, p. 4; 'The Troika divided', *The Lebanon Report*, No. 4, Winter, 1996, p. 5.

[19] Nir, *Nabih Berri...*, p. 99.

moves, considering him a threat to Lebanese stability. The president would interfere in the meetings of the cabinet based on his constitutional right to chair the council, cancel some of the prime minister's political decisions, accusing him of fraud or engaging in open war, as was in the case with the privatisation of the telecommunication network.[20]

It must be noted that even though the concept of the *troika* retain its explanatory power primarily in reference to the Lebanese politics of the 1990s, it remains emblematic of the way the state continued to operate at its highest levels – all major political decisions are made dependent on the personal relations between confessional leaders. The events and processes that began at that time introduced certain precedences into Lebanese politics and therefore shaped the contemporary political situation.

2.2. Undermining state institutions by private interest

The case of the Lebanese parliament is also illustrative of the way institutions – fundamental for democracy – are becoming devoid of their principle role, eroded of their representative character and eventually subjected to the interests of political leaders holding posts within it.

According to the Constitution the parliament is elected for a period of 4 years and consists of 128 deputies. It remains confessional, which implies that the mandates must be divided equally between the Christian and Moslem communities, each getting 64 of the seats.[21] The Taef Agreement stipulates deconfessionalisation of the parliament and establishing a confessional senate that would instead represent the interests of all religious communities. Even though it was incorporated in the Constitution as Article 90 it has not yet been executed. The parliament proposes bills, levies taxes, accepts the budget, elects the president and appoints the prime minister. It can also remove the head of government as well as the ministers from their posts in case of treason or negligence of

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[20] President Lahoud and Prime Minister Al-Hariri famously clashed over the issue of the privatisation of the cell phone sector. At first glance it seemed to be an argument whether the ownership of telecommunication network should be given into private hands. In time, however, it evolved into a conflict over the sphere of influence between the Syrian-backed president, demanding a state managed telecommunication sector, and anti-Syrian prime minister who was for private ownership. See: G.C. Gambill, 'Lebanon's Cell Phone Scandal', *Middle East Intelligence Bulletin*, Vol. 5, No. 1 (J2003), https://www.meforum.org/meib/articles/0301_l2.htm.

[21] Lebanese Constitution Promulgated on May 23, 1926. With Its Amendments. Article 24: http://www.presidency.gov.lb/English/LebaneseSystem/Documents/Lebanes%20Constituti on.pdf (accessed 20.05.2016).

their duties.[22]

In the aftermath of the Taef Agreement more power has been shifted towards the prime minister and his cabinet, which has in turn contributed to the fact that the government practically holds a monopoly over legislative initiative, as well as the right to issue decree-laws.[23] It is then often pointed out that the actual centre of legislation and decision making process is located beyond parliament. Confessional leaders, in close collaboration and through behind-the-scenes negotiations, reach conclusions that later take the form of bills presented in parliament for their acceptance, leaving this organ instrumental and marginal.[24] Futhermore, with Rafiq al-Hariri becoming the prime minister in 1992, the structure and composition of the house of deputies was being gradually diverged, moving it far away from being a national, representative institution. In spite the fact that the number of deputies has grown, it is its composition that raises doubts, as many of the newly elected national deputies were ex-warlords, militia bosses, businessmen, millionaires or billionaires. They were granted an entrance into politics as a reward and an invitation to the financial benefits which have arisen in the absence of an actual and constructive opposition in Lebanon.[25] Parliament has since then been referred to as "so loyal and submissive that it is almost invisible".[26]

Hence, deputies are not viewed by the Lebanese as national representatives but rather as clients of the prominent confessional leaders, with their wellbeing and interests entirely depending on their loyalty to the patrons. The erosion of the parliament's representative character is further confirmed by the fact that the last general elections took place in 2009 and have been postponed since 2013 three times already. Another argument would be the low percentage of women deputies, their number

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[22] Lebanese Constitution Promulgated on May 23, 1926. With its Amendments. Articles 25 and 65–70:
http://www.presidency.gov.lb/English/LebaneseSystem/Documents/Lebanes%20Constituti on.pdf (accessed 20.05.2016).
[23] 'Lebanon, Fin de Règne. The Hariri Resignation and the Post-Taif System', *The Lebanon Report*, Vol. 6, No. 1, January 1995, p. 3.
[24] Some of the laws were named after Syrian officials who were probably their authors, for example Ghazi Kanaan Law, from the name of the long time chief of the Syrian intelligence. Salamey, *Politics and Governance of Lebanon...*, p. 134.
[25] 'Lebanese Parliamentarism: Shadow Plays and the Death of Politics', *The Lebanon Report*, No. 1, Spring 1996, p. 29.
[26] M. Young, 'The Price of Politics', *The Lebanon Report*, No. 3, Fall, 1996, p. 22.

oscillating around 3%. Women exist on the political scene as long as they are wives, widows, daughters, sisters etc. of the prominent leaders.[27] It remains doubtful then whether the Taef Agreement actually renewed the parliament, improved its representative character and reinforced it by adding new competences to the speaker,[28] unless it is some peculiar sort of renewal and reinforcement. During both his terms Rafiq al-Hariri did introduce new political forces into the parliament, but these forces did not represent society as much as they did various business circles, reflecting a new political deal in the making. Parliament was simply taken over by this new class, as their forum of presenting and negotiating their particular interests.

The issue of cabinet formation as well as ministerial nominations could also be illustrative of the way state institutions are taken over by private interests. Public posts are perceived by confessional leaders as domains permitting access to services, which in return contribute to safeguarding their power. The appointment of ministers remains thus a highly contentious, competitive and hence a difficult task since the Agreement has increased the autonomy of ministries.[29] Ministries differ in size and resources, and thus provide different opportunities for their chiefs in terms of exercising influence.[30] Another important aspect is the proportion of ministries falling into the hands of the main ruling blocks: the Coalition of March 14th and The Coalition of March 8th.[31] The latter would long struggle

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[27] *Civil Campaign for Electoral Reform: Booklet of Reforms*, Beirut 2010, pp. 10–11.

[28] H. Krayem, 'The Lebanese War and Taif Agreement': http://ddc.aub.edu.lb/projects/pspa/conflict-resolution.html (accessed 16.12.2016). A counter argument is presented by Karam Karam in his article 'The Taif Agreement. New order, old framework' in E. Picard, A. Ramsbotham (eds), *Reconciliation, Reform and Resilience. Positive Peace in Lebanon*, Accord: International Review of Peace Initiatives, Issue 24, London, 2012, pp. 36–39.

[29] Issuing decree-laws and large autonomy in hiring government advisors and consultants. Salamey, *The Government and Politics of Lebanon...*, pp. 88–91.

[30] Lebanon has 18 confessional communities and each one received a proportional share in the power system. See: F. El-Khazen, *The Communal Pact of National Identities. The Making And Politics of the 1943 National Pact*, Oxford: Center for Lebanese Studies, 1991, pp. 35–43.

[31] The Coalition of March 8th considers itself to be 'an opposition' but it seems only a matter of terminology distinguishing it from the Coalition of March 14th. The boundaries between the opposition and the government are rather blurry and reflect the contemporary political split in Lebanon. Initially it was the March 14th that became the opposition to the pro-Syrian political establishment after the assassination of Rafiq al-Hariri in 2005. The March 8th began to call itself 'an opposition' in 2006 after withdrawing its ministers from Saad al-Hariri's cabinet. In fact both Coalitions do not express significant differences in their

for a safeguarding of its 1/3 share in the cabinet[32] in order to counter Prime Minister Saad al-Hariri from the rival camp, and potentially get the right to block any strategic decision. The Doha Agreement finally solved this more over 2-year dispute that led to a small civil war in May 2008, satisfying the demands of the March 8th. In effect, the coalition gained dangerous leverage – from now on it could threaten to withdraw its ministers from the cabinet whenever it suited its interests, a move that would immediately lead to the fall of the cabinet. This menace has lurked over every government since.[33]

2.3. The rule of the informal

Another dimension in which state institutions are weakened is that informal rules often take precedent over the formal institutional order, which is best exemplified by the prevalence of personalistic leadership and its multiple political consequences. This could, for example, be the case of Nabih Birri's occupation of the speaker's post for a quarter of a century, Walid Junbulat's clinging to the post of the Minister of the Displaced, as well as the peculiar tenure of the late Prime Minister Rafiq al-Hariri.

Al-Hariri's tenure was unprecedented in many respects. By taking advantage of his competences as a prime minister he built up a strong political position that no other Lebanese leader could have imagined from this post. The wide network of contacts and influence he built around himself had an enormous impact on the transformation of Lebanese politics, which was rapidly turning in effect into a massive business enterprise. During his two terms he introduced new actors to politics,

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political programs except their attitude towards the Syrian regime. Both are formed of confessional parties that are not interested in changing the basis of the system. Zob. Salamey, *The Government and Politics of Lebanon...*, pp. 88–91.

[32] Including key decisions such as declaring martial law, signing international treaties, constitutional amendments, passing the budget, electoral law, personal status reforms, giving citizenship, denouncing ministers and nominations for higher government position that require absolute majority. Nominating a number of ministers without portfolios became a solution satisfying ambitions of some leaders and gaining their support for the new cabinet. Ibidem.

[33] In January 2011 the government of Saad al-Hariri fell once again because the Coalition of March 8th withdrew its ministers in response to the Coalition of March 14th support of the International Tribunal for Lebanon investigating the case of the Al-Hariri's assassination, pointing at Hezbollah as the main responsible for it. See Lebanese government collapses, 13.01.2011:
http://www.aljazeera.com/news/middleeast/2011/01/2011112151356430829.html, (accessed 16.12.2016).

while parliament was basically turned into his royal court, filled with deputies that were either his business associates or partners, often billionaires as himself. The number of independent politicians in parliament fell in his time, which in turn raises doubts concerning the representative character of this organ.[34]

A term was even coined in reference to Al-Hariri's rule, namely harirism (also compared to Thatcherism and Reaganomics). It should be particularly understood in terms of a permanent blurring of the boundaries between the public and private spheres, which was typical for his actions. Harirism would represent a redefinition of these notions that would eventually permit an unprecedented colonisation and of the public domain by the private interests of business and especially real estate developers. Granting them access to public posts brought an intensification of practices oriented at maximising the financial profits of private groups with little or no regard to public benefit.[35] Another feature of his rule would be the constant bypassing and neglect of formal institutions or procedures, which was in Al-Hariri's discourse justified as actions oriented at accelerating economic progress and modernization.[36] Harirism was best reflected by its constant abuse of law in order to favour investment, especially in real estate, that prompted some analysts to define its functioning by the quote 'exception as the rule'.[37] State institutions have since then been gradually undermined by creating hybrid, para-governmental agencies or power centres that would replace the official organs. The scope of informal networks of patronage was as a result widened and elevated, leading to the creation of an alternative administration. In Al-Hariri's words, this was a remedy for the slow and backward state bureaucracy, hampering economic growth. This was illustrated by the cases of the Council of Development

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[34] I. Salamey, 'Consociationalism in Lebanon and Integrative Options', *International Journal of Peace Studies*, Vol. 14, No. 2, Autumn/Winter 2009, pp. 83–105.

[35] A detailed and critical record of Al-Hariri's rule was prepared by his long-time opponent, an independent deputee Najah Wakim. See his *Black Hands*, published in Beirut in 1998 (in Arabic).

[36] R. Leenders, 'Nobody Having Too Much to Answer for: Laissez Faire, Networks, and Postwar Reconstruction in Lebanon' in S. Heydemann (ed.), *Networks of Privilege in the Middle East. The Politics of Economic Reform Revisited*, New York: Palgrave Macmillan, 2004, pp. 169–200.

[37] See M. Fawaz, 'Neoliberal Urbanity and the Right to the City. A View From Beirut's Periphery', *Development and Change*, Vol. 40, No. 5, 2009, pp. 827–852; M. Fawaz, M. Krijnen, 'Exception as the Rule. High End Developments in Neoliberal Beirut', *Built Environment*, Vol. 36, No. 2, 2011, pp. 117–131.

and Reconstruction, a quasi-ministry referred to as Al-Hariri's private "Bureau" or the so-called *troika* power structure. Both functioned as the actual decision-making organs not necessarily as part of the constitutionally settled institutional order.[38] The assassination of Rafiq al-Hariri in 2005 and the following withdrawal of the Syrian occupation forces did not prompt the newly elected government to undertake efforts to reform the state administration nor put an end to nepotism and corruption. The consequences of the almost decade-long tenure of Al-Hariri Senior are still felt in the way state institutions are functioning.

In summary, Lebanese political institutions suffer from the lack of a clear division of power and subjugation to private interests. Parliament remains a feeble institution in which the only interests that are actually represented are the ones of ex-warlords, businessmen and real estate developers. Its weakness was further deepened by replacing the constitutionally designed institutional order with informal practices, reflecting a consistent tendency to move the locus of power outside the institutions that were formally conceived to hold it. Such changes were enabled by the postwar political settlement – the amendments introduced with the Taef Agreement. On one hand, these solutions were a response to the system's setbacks that had caused the civil war. Some improvements had to be implemented to satisfy the demands of the marginalised sects and their leaders, otherwise the Lebanese risked plunging the civil war again. On the other hand, the political consequences of these amendments, namely broadening the competences of certain organs combined with the unclear and overlapping division of powers, have led to the perpetual institutional paralysis and crisis of the state. Finally, it would lead to the rise of alternative structures of power, operating beyond the paralysed formal institutions and actually replacing them, such as the *troika*. What clearly emerges from this picture is that democratic institutions in Lebanon have simply been turned into facades hiding the actual structure of power relations.

The postwar political settlement in Lebanon also had an important regional dimension that must not be overlooked. Syrian tutelage, lasting until 2005, exercised significant influence on the dynamics of the Lebanese political system. Damascus considered confessionalism instrumental in exercising control over its smaller neighbour and did not interfere in communal leadership as long as confessional politicians were

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[38] See Naba, *Rafiq Hariri un homme d'affaires...*, pp. 30–60.

loyal to the Assads. The Syrian regime in some way incorporated confessionalism into its structure of domination over Lebanon, exploiting it according to its interests, supporting one confessional leader against others, empowering some confessional leaders by providing them with Syrian political networks or dismissing others – if it would benefit Damascus.

3. Confessionalism and the procedures of electing political representation

Lebanon has a majoritarian electoral system where people vote on lists. The number of candidates on each list depends on the amount of confessional mandates credited for particular districts. The division of mandates in each district is determined by its confessional composition, proportionally to the size of each community. The amount of confessional mandates per district was settled according to the national census that took place in 1932. Electoral lists are then necessarily multi-confessional not only as a reflection of districts' diversities. Above all it serves to promote inter-communal alliances, mitigate inter-communal rivalry by moving competition to the intra-communal level as well as favouring moderate candidates, whose will to cooperate with leaders of other sects would in turn enhance their chances to win.[39]

The organisation and conduct of postwar elections in Lebanon has raised, however, several doubts in terms of their fairness and transparency, concerning each and every stage of its course. At the initial phase of designing electoral districts, it is pointed out that the sizes of districts are objects of constant political manipulation and bargaining, aimed at maximising the chances of certain political alliances winning. Even declaring such practices as unconstitutional by the Constitutional Court in 1992 did not put an end to it.

The Lebanese administrational division consists of 6 provinces referred to as *muhafaza*, ruled by governors (*muhafiz*), further divided into 25 smaller districts – *kada* – governed by *ka'im makam*. This division should be the basis for electoral districts but it is more often that not modified by distinguishing additional, smaller districts, starting from the first general elections after the end of the civil war in 1992. The number of districts has been growing since – in 2000 and 2005 reaching 14, while in 2009 almost 26, as it was based on kadas. Such parceling of electoral

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[39] Salamey, *The Government and Politics of Lebanon...*, pp. 113–117.

districts, according to some analysts, favours the main party blocks and secures their electoral success.[40] Electoral districts are thus formed by splitting or joining kadas in a way that fits best the confessional leaders and their alliances. Differences in electorates' sizes carry grave consequences for the weight of some votes.[41]

Designing electoral districts is then a craft of great political importance. Their size and religious composition matters for it can maximise the chance of winning for certain blocks. For example, the practise of dividing large and confessionally homogenous districts into smaller ones, which are then arbitrarily joined with others, serves to undermine political opponents by diminishing the weight of some votes.[42] In the 1996 general elections, Lebanon was divided into electorates that were based on the administrational provinces. Except one province – Mount Lebanon, known for its Christian majority – that was broken into a few smaller districts, a move then interpreted as an attempt to undermine Christian votes. It was declared unconstitutional but the government did not withdraw from its decision, explaining it was only a one-off action.[43]

Electoral solutions encouraging vast interconfessional coalitions and competing for votes of other communities, were in principle aimed at promoting moderate candidates – willing to cooperate with other communities and seek their support – and marginalising radical ones, who would only seek their own sects' support. In reality, interconfessional electoral alliances turned out to be short-lived and a means to an end – securing entrance to parliament. The rather instrumental approach to this principle was further confirmed by the fact that it would not be uncommon for some parties to compete in one district and then form joint lists in another.[44]

What is more, reform of the electoral system remained for a long time a non-negotiable issue in Lebanon, a sensitive point upon which the rule of the confessional elite lay. First anti-confessional political initiatives would not openly declare their wish to dismantle the confessional system,

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[40] I. Salamey, 'Parliamentary Consociationalism in Lebanon: Equal Citizenry vs. Quotated Confessionalism', *Journal of Legislative Studies*, Vol. 14, No. 4, December 2008, pp. 451–473.

[41] M. Young, 'The Price of Politics', *The Lebanon Report*, No. 3, Fall, 1996, p. 22.

[42] 'Lebanon's Supreme Soviet', *The Lebanon Report*, No. 3, Fall, 1996, p. 4.

[43] Ibidem.

[44] Salamey, 'Consociationalism in Lebanon and Integrative Options'..., pp. 97–99.

only raising the issue of an electoral reform instead.[45] Traditional communal leaders however objected and still object to any change because it would obviously be the first step to challenging their hegemony.[46] The majoritarian system diminished the chances of independent parties and candidates of forming their own lists and competing with mainstream political blocks. Politicians from outside the confessional cartel were then entirely dependent on the sectarian political class that forces them to become their clients. Hence, electoral law seemed to be a very important tool in maintaining the political domination of the confessional elite.[47] In June 2017, after a few years, Lebanese political leaders finally came to an agreement concerning the new electoral law for the elections scheduled for 2018. For the first time in Lebanon they adopted a proportional system, in which voters will be also able to choose their preferred candidates.[48] Even though such reform has been appraised as long awaited by those who oppose the hegemony of the confessional political class, it is also noted that the new design of electoral districts raises many doubts concerning the real chances for independent candidates to challenge traditional leaders.

Major doubts concern not only the design of the electoral system but also the course of voting. Reported cases of buying votes or direct foreign interference clearly undermined the democratic nature of the elections.[49] Buying votes, in spite of being widely condemned, is still openly practised in Lebanon, which has not only changed the outcome of the voting itself but compromises the whole procedure of selecting political representation. Patrons ensure their clients vote according to an agreement because each voter receives a ready-made, signed voting card prior to election day. Leaders are also able to exercise strict control over the course of voting given that in the event that any of the distributed cards not being returned during the elections, one would expect consequences. Even though the law precisely stipulated that there should be only one model of voting cards, patrons have still issued and distributed signed

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[45] See Karam, *Le mouvement civil au Liban...*.
[46] Salamey, 'Consociationalism in Lebanon and Integrative Options'..., pp. 85–87.
[47] Salamey, *The Government and Politics of Lebanon...*, pp. 124–125.
[48] https://en.annahar.com/article/594740-lebanons-new-election-law-explained (accessed 03.06.2017).
[49] Damascus regime would openly interfere in the list of candidates and the division of the electorates. See 'Lebanese Parliamentarism: Shadow Plays and the Death of Politics', *The Lebanon Report*, No. 1, Spring 1996, p. 29.

cards to their voters. Members and volunteers of civil society organisations monitoring the elections have continued reporting of multiple other violations committed during the voting process.[50]

Another factor seriously limiting the voting power of the citizens was the necessity to vote in the place of one's residential registration. As a result, people did not vote in the place they live in, but in the place – town or village – in which their parents or grandparents were registered during the national census in 1932. Since that time the Lebanese have simply 'inherited' their registration regardless of where they actually live. The only instance in which one can change this registration has been when women get married – they take the registration of their husbands' male ancestors.[51]

The situation was equally murky at the municipal level, where elections ought to take place every 6 years. After the civil war the government kept postponing them for several years simply by extending the mandates of the municipal councils every consecutive 6 years from 1963 onward. A grassroots campaign stopped this unlawful procedure and successfully forced the government to call an elections in 1997.[52] During the elections, people choose the members of municipal councils and *muhtars*, officials who are responsible for registering civil matters. Their number depends on the size of a city, every quarter should have its own *muhtar*. The composition of the municipal council is not bound by confessional quotas but sectarian balance and proportionality is traditionally respected. The head of the municipal council is its president, appointed from the council members. The city councils are responsible for managing local affairs but their autonomy is much reduced by confessional leaders from the central administration, often pushing the municipal officials aside as their clients. As a result, local councils remain largely in the background of the political game that is played out at the central level. In spite of the fact that the Taef Agreement stipulated decentralisation and more autonomy for municipalities, such initiatives

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[50] Members and volunteers of the Lebanese Association for Democratic Elections (LADE), an NGO monitoring the election process since 1996, report on multiple cases of buying votes, correcting votes or ghost voting, by people considered dead or living abroad. During the last municipal elections in 2016, the act of buying votes was widely covered in the media – reporters were showing dollar bills offered voters at the ballot boxes.

[51] Salamey, 'Consociationalism in Lebanon...', pp. 90–95.

[52] The last municipal elections before 1997 took place in 1963. As the result of a grassroots campaign the Prime Minister Rafiq al-Hariri withdrew from his prior decision of prolonging municipal mandates for another time. See Karam, *Le mouvement civil au Liban...*, p. 179.

are constantly blocked by the central authorities.[53]

During the May 2016 municipal elections a first non-confessional list of candidates to the city council was presented. A collective named "Beirut Madinati" was formed by independent experts and mostly NGO-based activists who proposed a programme of how to deal with the most urgent problems in the Lebanese capital.[54] Even though the list received significant support (around 30 thousand votes in Beirut) it did not get a seat in the council, mostly due to the limits caused by the majoritarian system.[55]

4. Conclusions – a semi-democracy?

Having said that, it seems that the electoral system is widely misused in order to preserve the rule of the confessional political class. The procedures of electing political representation are distorted into the procedures of eliminating challenges to the regime, which in the Lebanese case should be referred to as hybrid and semi-democratic – in general characterised by the existence of an uneven playing field between the incumbents and the opposition. Semi-democracy, as defined by Larry Diamond, Juan Linz and Seymur Martin Lipset, refers to regimes in which democratic procedures do exist but their execution is largely limited.[56] Political pluralism is permitted to a certain degree and some opposition parties are also legal and allowed to run in the elections. Elections, however, are not fair nor free, therefore the chances for the opposition to succeed are scarce, taking into account the advantageous position of the incumbents. A semi-democratic regime tolerates civil rights to some extent because it prevents it from completely losing its legitimacy. And this is the case with the Lebanese regime – it respects freedom of speech, the large media sector enjoys a certain amount of liberty, even in criticising the main political leaders. It should be noted, however, that the critical discursive functions simply in terms of rivalry between leaders remains a part of the system.[57]

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[53] See S. Atallah, 'False Independence: Municipalities and Central Authority', *The Lebanon Report*, No. 2, Summer 1998, p. 10.
[54] http://beirutmadinati.com/candidates/?lang=en (accessed 13.05.2016).
[55] Beirut shocks its old guard: a challenge to the stinkers: http://www.economist.com/news/middle-east-and-africa/21698599-established-leaders-are-jolted-party-protest-beirut-shocks-its-old-guard (accessed 13.05.2016).
[56] See L. Diamond, J. Linz, S.M. Lipset (eds), *Politics in Developing Countries. Comparing Experiences with Democracy*, Boulder: Lynne Rienner Publishers, 1995, pp. 7–8.
[57] See S. Levitsky, L.A. Way, *Competetive Authoritarianism. Hybrid Regimes After the Cold War*, New York: Cambridge University Press, 2010; L. Diamond, J. Linz, S.M. Lipset,

Both mechanisms described above, deinstitutionalisation as well as consolidating the power of the confessional class via control over the electoral process, contribute to the Lebanese political system being classified as a semi-democracy. Confessional arrangements could be seen as instrumental in this.

The Lebanese often compare the rule of their confessional leaders to the rule of a mafia and call themselves hostages of the confessional cartels. Such statements are directly linked with the formation of the postwar political order in Lebanon, designed mainly to satisfy the demands and ambitions of the warlords, who in return agreed to put down their guns in 1989. Imad Salamey refers to the Lebanese political regime as an example political feudalism, in Arabic *al-ikta al-siyasi*.[58]

It could successfully preserve and consolidate itself mainly because the confessional patrons for decades held a monopoly over the government and state institutions through which they could control resources, since then perceived as their sole domains of influence. Disposition of these resources became a matter of political agreement, according to which the scope of each leader's sphere of influence was precisely designated, proportionally to his power. That however would not be possible without control of the electoral process and without undermining the strength of state institutions. The informal structure of power that was built in place of the formally ordained institutional structure with time developed and expanded, becoming extremely difficult not only to control but also to contest. Blurring responsibilities and undermining state institutions is, according to Marina Ottaway, one of the main features of regimes transitioning towards hybrid power structures that she names semi-authoritarianisms, while others refer to it as semi-democracy or pseudo-democracy.[59] The Lebanese system, never fully democratic, in the postwar period only continues to drift even further from that. This gradual but important turn was initiated in the 1990s, in the aftermath of the Taef Agreement. Informal institutions and practices continuously undermining and replacing formal institutional procedures have led to the erosion of the system's democratic potential.

'Building and Sustaining Democratic Government in Developing Countries. Some Tentative Findings', *World Affairs*, Vol. 150, No. 1, Summer 1987, pp. 5–19.

[58] Salamey, 'Parliamentary Consociationalism...', p. 464.

[59] See M. Ottaway, *Democracy Challenged. The Rise of Semi-authoritarianism*, Washington: Carnegie Endowment for International Peace, 2003; L. Diamond, 'Thinking About Hybrid Regimes', *Journal of Democracy*, Vol. 13, No. 2, 2002, pp. 21–35.

It must be stated that this rule by sectarian oligarchs is possible because confessionalism remains an important pillar sustaining the regime in its hegemonic, nondemocratic and deviated form. Above all, this was possible because confessional principles became instrumental in corrupting the electoral system. Manipulating the division of electorates clearly reveals how the confessional system is used by communal elites to consolidate their hegemony. The principle of proportionality and safeguarding each community's right to representation is being diverged towards a form of executing control by confessional leaders over their communities. Leadership must remain within the same confessional clans, transmitted from fathers to sons (or sons-in-law), sometimes allowing a variation passing it from fathers to daughters. The ubiquitous network of patrons' influences, enforced by institutional arrangements has successfully prevented the development of any constructive opposition that would survive a clash with the confessional political class. Hence, in its deviated form, confessional principles function as pretexts to limit open and fair competition as well as access to political posts, blocking the rotation of political representation and thus resulting in the monopolisation of leadership. Confessionalism is instrumental in this process, in a indirect manner causing the regime's transition towards a semi-democracy.

Sectarianism, as Salamey understood it as a form of populism, remains then a sort of nourishment sustaining the confessional regime. It is the principle determining the structuring of the rule as well as its conduct. Political leaders use sectarian sentiments to justify their presence, legitimise their hegemony and above all, to boost their power. How to link this with the processes described above? Deinstutionalisation, understood as a gradual dismantling of the state's institutional order and replacing it with informal procedures and practices, is an example of an instrumental approach towards the state, shown by both sectarian leaders and communities. This statement however reveals a deeper problem. Sectarian rivalries, antagonisms and contentions are merely the tip of the iceberg, at the core of which is a profound confusion between the public and the private, and related to it the unresolved issue of the autonomy of the central state versus communities' rights. Sectarianism seems to be a manifestation of the distorted understanding of the latter relationship. Ambiguity accompanying the nature of this relationship might have contributed to the split arising between confessionalism and sectarianism, or as Salamey puts it, state consociationalism and sectarian populism. Such understanding of the Lebanese power-sharing model enabled the

amendments that in turn opened the way for a permanent bypassing and abuse of the institutional order, becoming also the main reason responsible for its setbacks.