Consensus democracy and representation in Lebanon

Between agony and electoral reform

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What is the potential impact of electoral reform on political representation in Lebanon? This article argues that the reinforcement of proportional representation combined with reforms to weaken confessionalism might allow the 'agonising' consociational system to endure in Lebanon, at least until more radical reforms are possible.

Agonising consociationalism

Consociationalism is a model of democratic government designed for plural and divided societies. It emphasises consensus rather than opposition, and inclusion rather than exclusion. It aims to guarantee the participation of all groups or communities in state institutions, and is often referred to as a power-sharing model of government.

According to Arend Lijphart, consociational democracies have two primary and two secondary characteristics: grand coalition and segmental autonomy; and proportionality and minority veto. Proportionality is the basic consociational standard for the political representation of the different groups, civil service appointments and the allocation of public funds.

Since the declaration of the Lebanese Republic in 1926, Lebanon's political system has featured segmental autonomy and proportional representation of confessional groups, reflecting the confessional organisation of society. These features have led to the formation of grand coalitions in government and confessional proportionality in public administration as dictated by article 95.3.b of the Constitution. In Lebanon, moreover, administrative districts

(*muhâfazât*) that have often acted as electoral districts are mixed in their confessional constituency. This leads to the formation of lists with multi-confessional alliances: ie large coalitions.

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The National Pact of 1943 introduced the 'minority veto', meaning that no confessional segment in the country could impose anything on another. Constitutional reforms arising from the 1989 Taif Agreement stated that important government decisions would require the support of two-thirds of the cabinet, thereby providing a grouping of 'one third plus one' of government ministers with veto power.

The initial success of consensus democracy in Lebanon was based on the ability of 'traditional' elites (notables and political bosses) to accommodate compromises and avoid

large-scale confrontations. But the war and its militias, the Syrian hegemony and the emergence of Hezbollah, as well as the growing role of foreign actors in local issues ended this, paving the way for militant elites to take the lead as powerful representatives of their communities prepared to fight to impose their priorities – or at least hamper the functioning of institutions if their choices were not accepted. These factors have combined to make consociationalism an agonising system for Lebanon.

Frozen politics versus evolving society

Consociationalism in Lebanon is an inert formula that has proved incapable of dealing with important transformations in society. The 1926 Constitution and electoral law and the 1943 National Pact provided for a governing formula and official prerogatives that gave the Maronite President much more authority than the Sunni Prime Minister, and applied a 6:5 Christian-Muslim ratio in parliament and government as well as fixed confessional quotas based on the 1922 and 1932 censuses – the only ones ever conducted in Lebanon.

The demographic balance probably shifted from the late 1950s in favour of Muslim communities, leading to calls for a greater Muslim share in institutions. But the quota was not changed until 1990 by which time Lebanon's social demography was no longer reflected accurately in the political system. In addition, the rapid depopulation of rural provinces – as people left for the suburbs of Beirut in the 1960s or the Arab Gulf states in the 1970s – brought about important changes in socio-economic relations between citizens and political representatives

in both urban and rural areas. Exploitative and limited industrialisation failed to absorb urbanised landless peasants and created volatile social inequalities. All of this imposed severe pressures on political leaders, who nonetheless remained impervious to reform or to other adjustments to accommodate changes.

It took the end of the civil war to see more fundamental reforms adopted as part of the drafting of the Taif agreement: a 5:5 ratio, and a more equitable balance of power between the Christian President and Sunni-led government, although parliamentary seats were still allocated according to fixed confessional quotas. Although administrative decentralisation and socio-economic development were also addressed in Taif, no measures were taken to strengthen municipalities or to implement important projects in the Lebanese *muhâfazât* to allow fair and balanced development between Beirut, Mount Lebanon and the rest of the country.

Representation: confessional hegemony and foreign influence

From the early 1970s, the political representation of confessional communities began to overlap with political/ military forces and leaders. In the Christian community – particularly the Maronites – this began with Bachir Gemayel from 1976–82 and continued with Michel Aoun after 1988. In the Shiite community, this was led by the Amal Movement (from 1969) and then Hezbollah (from 1985). Much later, the Sunni community was led by Rafiq al-Hariri (1992–2005), and then his heir Saad. The Jumblatt family dominated

Table 1: Percentages of parliamentary seats allocated by community

	1932		1992	
Community	Share of population[1]	Parliamentary seats	Share of population[2]	Parliamentary seats
Maronites	28.7		22.19	34
Greek Orthodox	9.7		7.9	14
Greek Catholics	5.9		5.2	8
Christian Minorities	5.7		2.14	2
Armenians			3.7	6
Other Minorities	1.3			
Total Christians		*14*		*64*
Sunni	22.4		26.44	
Shiites	19.6		26.04	
Druze	6.7		5.6	
Alawites			0.8	
Total Muslims		*11*		*64*

1. **From the General Census (1932)**
2. **Among the 3,007,927 voters in the first post-war election (1992)**

leadership of the Druze community, especially after 'The War of the Mountain' in 1983.

Sectarian division occurred in several Lebanese regions and facilitated political and cultural hegemony within various religious communities. Powerful militarised elites' territorial control over confessional groups has been a feature of all crises in Lebanon, including recent ones, and has primarily manifested as aggressive confessional mobilisation rather than political exchange.

The progressive transformation of political into confessional divisions in Lebanon is partly a consequence of consociational inertia. Sectarian conflict hampers the functioning of constitutional institutions and deepens societal divisions. The Lebanese political system, with its rigidity and frozen formulas, cannot respond to an evolving society. Still, no one has been able to change it or introduce amendments beyond the mere distribution of political allocations and the Christian-Muslim 'parity' adopted in Taif.

In many Lebanese crises, domestic tensions pertaining to power-sharing have been exacerbated by foreign factors linked to Lebanon's position in the region, its alliances, its involvement in the Arab-Israeli conflict, its internal divisions over the Palestinian cause, and recently its relations with the Syrian regime and its place in Iranian and Saudi plans. Since the 1958 crisis these have prompted sectarian splits, which have then clashed with the consensus system and infiltrated its institutions, hampering them or making it impossible to resolve crises through legal channels.

As external influences have further increased the pressure on the Lebanese formula, consociationalism's complicated set of rules have become increasingly hard to manage, and with each crisis, Lebanon's leadership looked to a foreign referee to prevent things from escalating – if not to provide more profound solutions. The 2008 Doha Accord between the 8 and 14 March coalitions endeavoured to bring about a formula for participation in power that would temporarily please warring parties, even as it failed to address underlying institutional problems.

Following the end of Damascus's hegemony in Lebanon and the withdrawal of Syrian troops in April 2005, major changes that had been unfolding in Lebanese political society in the post-war era came to the fore. First, confessional polarisation had been greatly exacerbated and challenged the rationale underlying the National Pact of 1943 as an agreement between Muslims and Christians; some Lebanese called for a tripartite (Sunni-Shiite-Christian) distribution of power to replace the existing 50/50 (Muslim-Christian) split. Second, relations between foreign and local parties had been consolidated, exposing Lebanon to the conflicts of the Middle East. And third, Hezbollah had emerged as a major political power.

Electoral reform in practice: the Boutros Commission

Electoral reform is potentially a means to address the challenges of representation outlined above. Lebanon has long suffered from electoral gerrymandering; combined with simple majority representation rule for each constituency (sometimes with very low voter turn-out), this has facilitated the recycling of political elites who have monopolised the affairs of their sectarian groups.

The Boutros Commission – named after its Chair, former foreign minister Fouad Boutros – was formed in late 2005 under the government of Fouad Siniora to recommend electoral reforms for Lebanon. The May 2006 Draft Law presented by the Commission proposed a 'mixed system', combining first-past-the-post rule in small constituencies to decide 51 of Lebanon's 128 MPs, and proportional and list rule in larger constituencies for the remaining 77 MPs. Elections for both would be held on the same day, instead of on four successive Sundays as it had before, in order to reflect the political choices of different regions and confessions simultaneously, distinct from confessional or geographical considerations.

The work of the Boutros Commission was one of the most serious efforts to reform the electoral system in Lebanon since the 1926 Constitution had declared the quota distribution of parliamentary seats provisional (Article 95). While adoption of proportional or majority rule was a recurrent demand by insurgents during the civil war and the subsequent Taif Agreement (II A 5) prescribed 'an election law free of sectarian restriction' the situation has remained frozen. The draft law included clauses related to electoral expenditure, media campaigns, managing and monitoring elections, voting age and gender quotas.

However, this project has stayed in the government drawer. Attempts to discuss it in the executive and legislative bodies between June and December 2006 were resisted by majority and opposition politicians. The government, led by a 14 March majority, was deemed 'unconstitutional' by the 8 March opposition because pro-Hezbollah Shiite ministers had resigned. Parliament was then closed until May 2008. Nabih Berri – its 8 March Speaker – insisted that the 'unconstitutional government' did not have the right to propose any law to parliament. In the end, the 2008 Election Law introduced only marginal improvements to the legal framework. These included attempts at setting campaign spending limits and regulations on media coverage in order to help create a fair and competitive political environment

in a context where money and the private media had played decisive roles in previous elections.

Alleviating the agony

The principles governing electoral reform in Lebanon must relate to ensuring the fair representation of all political forces, weakening monopolies of confessional representation and allowing new elites to emerge – whether inside confessional constituencies or as trans-sectarian movements.

Transforming confessional proportionality into political proportionality – so that different political movements and alliances can be represented according to their level of popular support – is the key to restoring popular legitimacy to political life. Lowering the minimum voting age from 21 to 18 would encourage young people's involvement in public life (and would also increase the Muslim proportion of the electorate). Other necessary measures include the introduction of standardised ballots and gender quotas, and establishment of an Independent Election Commission.

The Lebanese diaspora, who still retain Lebanese nationality, could be allowed to vote at foreign embassies and consulates. This is not only a right of citizenship, but in terms of confessional balance would also probably increase the proportion of Christian voters. Finally, a law to establish a senate, with seats distributed proportionally among confessions, could accompany a gradual de-confessionalisation of parliament as stressed in the Taif Agreement. The senate would be in charge of issues of Lebanese sovereignty and other important questions where communities have historically requested guarantees. At the same time it would allow parliament to focus more on legislation and government scrutiny.

Conclusion

Four years on from the 2008 political crisis, and after the 2009 legislative elections that were organised according to traditional rules, there is talk of revisiting the recommendations of the Boutros Commission. But serious debate on reform is likely to continue to be resisted by most political elites and constrained by regional developments affecting Lebanon's political stability. A first attempt by the government of Najib Mikati in 2011 showed that the positions of major political forces have not changed when it comes to de-confessionalisation, to the voting age, to the political participation of Lebanese living abroad and to the principle of proportional representation.

Consociationalism in Lebanon is agonising. Moderate electoral reform based on proportional representation and administrative decentralisation could, if adopted, sustain the system in the short-term by allowing new elites, new alliances and new discourses to evolve in the political scene. This would make it more democratic, and probably allow for deeper reforms in the future. But this would not resolve Lebanon's fundamental political problems, change the balance of power between its large confessional blocs, or create national consensus over regional dynamics and clashes. Only measures and approaches leading, in the long-term, to the secularisation of the political and social spheres, and allowing for citizenship to replace confessional identities, might address these problems.

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