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# Transforming Power Sharing: From Corporate to Hybrid Consociation in Postwar Lebanon

*Bassel F. Salloukh*

Lebanese American University  
*bassel.salloukh@lau.edu.lb*

*Renko A. Verheij*

Lebanese American University  
*renko.verheij@lau.edu*

## Abstract

Lebanon's corporate consociation is in institutional crisis. Given domestic constraints, however, a shift from corporate to liberal consociation is not an option. The alternative is to introduce institutional reforms that move power sharing in the direction of hybrid consociation. A substantial measure of state decentralization and PR voting in the context of a new MMP or PR electoral law are two such reforms that if applied synergistically may help stabilize the political system without changing the predetermined sectarian quota institutionalized in the Ta'if Accord or undermine the Muslim elite's political economic prerogatives; increase the peacebuilding and statebuilding effectiveness of power sharing institutions; and incorporate into the political system excluded anti-sectarian groups. These changes may imbue the postwar political economic order with a measure of representation, accountability, and stability. A hybrid consociation arrangement is also a necessary but insufficient condition for the possibility of a gradual shift to centripetal power sharing ones.

## Keywords

power sharing – postwar – corporate, liberal, hybrid consociation – peacebuilding – statebuilding – lebanon – decentralization – proportional representation

## Introduction

Sectarian identities competed with alternative class and regional modes of political identification and mobilization throughout the complicated and penetrated processes of state formation in the Arab world. They were consequently often surpassed by far more relevant forms of political affiliation.<sup>1</sup> The intensity and scope of sectarianized geopolitical contests after the popular uprisings suggests that identity-based power sharing arrangements may have become inescapable options for future peace settlements, however.<sup>2</sup> But as Timothy Sisk suggests, the utility of power sharing arrangements in post-war contexts suffers from two “knowledge gaps” that have impeded scholarly contributions to war-ending policy prescriptions. The first gap pertains “to the conditions under which conflict-protagonist elites decide to accede to and to maintain power-sharing pacts.” The second involves producing “more contingent knowledge on what types of power-sharing institutions fit what types of contexts as group relationships unfold over the long term.”<sup>3</sup>

Lebanon’s protracted experience with identity-based power sharing arrangements makes it a perfect candidate for this kind of heuristic interrogation. Sisk’s first puzzle is already addressed in the academic literature on Lebanon. It traces the emergence of a sectarian power sharing experience to overlapping local, regional, and international dynamics in middle nineteenth-century wartime Mount Lebanon, one that was later institutionalized in independent Lebanon and recalibrated to end the 1975–1990 civil war.<sup>4</sup> The second puzzle remains under-researched, however. Yet far from being an outlier in the family of consociational cases,<sup>5</sup> Lebanon brings into sharp relief the long-term impact of identity-based power sharing arrangements on sectarian identity and on peacebuilding and statebuilding prospects, making it a strong candidate

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- 1 Raymond Hinnebusch, “The Sectarian Revolution in the Middle East,” *Revolutions* 4 (2016): 120–152.
  - 2 Stephan Rosiny, “Power Sharing in Syria: Lessons from Lebanon’s Ta’if Experience,” *Middle East Policy* 20 (2013): 41–55.
  - 3 Timothy D. Sisk, “Power-Sharing in Civil Wars: Puzzles of Peacemaking and Peacebuilding,” *Civil Wars* 15 (2013): 8.
  - 4 Ussama Makdisi, *The Culture of Sectarianism: Community, History, and Violence in Nineteenth-Century Ottoman Lebanon* (Berkeley: University of California Press, 2000); Marie-Joëlle Zahar, “Power Sharing in Lebanon: Foreign Protectors, Domestic Peace, and Democratic Failure,” in *Sustainable Peace: Power and Democracy after Civil Wars*, ed. Donald Rothchild and Philip Roeder (Ithaca: Cornell University Press, 2005), 219–240; Hanna Ziadeh, *Sectarian and Intercommunal Nation-Building in Lebanon* (London: Hurst and Company, 2006).
  - 5 Caroline Hartzell and Matthew Hoddie, “The Art of the Possible: Power Sharing and Post-Civil War Democracy,” *World Politics* 67 (2015): 37–71.

for an engagement with Sisk's second puzzle. It is thus useful to investigate how the country's postwar identity-based power sharing institutions can be "gradually reformed to introduce ongoing incentives for more fluid bargaining and coalition-making that cross-cuts" sectarian divisions.<sup>6</sup>

Uniquely among Arab states, Lebanon anchored its independence on the 1943 National Pact, a lopsided corporate consociation power sharing arrangement that contributed to civil war.<sup>7</sup> The war ended when external actors, namely the United States, Saudi Arabia, and Syria imposed on the sectarian political elite a recalibrated but nevertheless corporate consociation power sharing arrangement, the 22 October 1989 Ta'if Accord. Many consociational provisions were suspended during the Syrian era (1990–2005). However, the withdrawal of Syrian troops from Lebanon on 25 April 2005 after Rafiq Hariri's assassination exposed the postwar power sharing arrangement's peacebuilding and statebuilding shortfalls.

Emile Lahoud's extended presidency (1998–2007) ended in political crisis, while Michel Sleiman's tenure (2008–2014) was paralyzed by cyclical decision-making crises, extended cabinet interruptions, and the spillover effects of the Syrian war. It closed with a presidential vacuum that lasted for 29 months, ending only with the election of Michel Aoun president on 31 October 2016. The domestic contest over post-Syria Lebanon between the main Sunni and Shi'a political protagonists relegated the country's Christians to the status of an appendage rather than an equal partner in the postwar power sharing arrangement. The latter have consequently demanded a recalibration of the postwar confessional balance of power in the direction of genuine Muslim-Christian parity and partnership in the administration of state affairs. Postwar statebuilding was also derailed in typical clientelist and neopatrimonial fashion.<sup>8</sup> Moreover, the summer 2015 popular demonstrations triggered by the country's garbage collection and waste management crisis, and the emergence of alternative, non-sectarian movements contesting the 2016 municipal elections, underscored the failure of an entire political economy underpinning the postwar order, and the rise of new popular movements contesting identity-based representation and demanding radical political economic reforms.

Yet any new power sharing institutions introduced to produce a modicum of peacebuilding and statebuilding in postwar Lebanon have to grapple with

6 Sisk, "Power-Sharing in Civil Wars," 13.

7 Michael C. Hudson, "The Problem of Authoritative Power in Lebanese Politics: Why Consociationalism Failed," in *Lebanon: A History of Conflict and Consensus*, ed. Nadim Shehadi and Danna Haffar Mills (London: I.B. Tauris & Co. Ltd, 1988), 224–39.

8 Reinoud Leenders, *Spoils of Truce: Corruption and State-Building in Postwar Lebanon* (Ithaca: Cornell University Press, 2012).

domestic and regional realities. Moreover, “the power-sharing institutions that were created generate their own incentives for perpetuation, especially as the political economy of distribution of public goods and state-managed rents create powerful incentives for the maintenance of the system.”<sup>9</sup> Consequently, how can prospective institutional reforms move the country gradually in a new centripetal and later integrative direction so that sectarianism as the main marker of political identity and competition is replaced by a new kind of politics centred around counterfactual socioeconomic or regional identities, local accountability, and the rule of law?<sup>10</sup> Herein lies Lebanon’s utility to any research agenda looking for new types of power sharing institutions that may fit evolving sectarian relations. We believe that only the kind of “contingent and case-specific knowledge”<sup>11</sup> called for by Sisk culled from Lebanon’s experience with consociationalism can help answer these questions, in the process contributing insights to larger debates in consociational theory and to the policy challenges associated with rebuilding war-torn societies. But before we proceed, we should situate Lebanon’s power sharing experience within current debates in consociational theory.

Proponents of consociational power sharing distinguish between two approaches: corporate and liberal or, respectively, pre-determined and self-determined. Corporate consociation accommodates segments of a plural society according to ascriptive criteria institutionalized through predetermined quotas “on the assumption that group identities are fixed and that groups are both internally homogenous and externally bound.”<sup>12</sup> By contrast, liberal consociation adopts a constructivist logic that assumes ethnic identity as fluid and endogenous to political institutions.<sup>13</sup> As its main proponents contend, liberal consociation “rewards whatever salient political identities emerge in democratic elections, whether these are based on ethnic or religious groups,

9 Sisk, “Power-Sharing in Civil Wars,” 13.

10 Donald Horowitz, *Ethnic Groups in Conflict* (Berkeley, CA: University of California Press, 1985); idem., “Ethnic Power Sharing: Three Big Problems,” *Journal of Democracy* 25 (2014): 5–20; Stephan Rosiny, “A Quarter Century of ‘Transitory Power-Sharing’: Lebanon’s Unfulfilled Ta’if Agreement of 1989 Revisited,” *Civil Wars* 17 (2015): 485–502.

11 Sisk, “Power-Sharing in Civil Wars,” 17.

12 John McGarry and Brendan O’Leary, “Iraq’s Constitution of 2005: Liberal Consociation as Political Prescription,” *International Journal of Constitutional Law* 5 (2007): 675.

13 Daniel N. Posner, *Institutions and Ethnic Politics in Africa* (New York: Cambridge University Press, 2005); Ashutosh Varshney, “Ethnicity and Ethnic Conflict,” in *The Oxford Handbook of Comparative Politics*, ed. Carles Boix and Susan C. Stokes (Oxford: Oxford University Press, 2007), 274–295; Kanchan Chandra, “Introduction,” in *Constructivist Theories of Ethnic Politics*, ed. Kanchan Chandra (Oxford: Oxford University Press, 2012), 3–44.

or on subgroup or transgroup identities.”<sup>14</sup> Corporate consociation’s emphasis on ascriptive identities discriminates against groups that embrace alternative counterfactual identities, whether these are cross-ethnic, ideological, environmental, gender, or regional. By avoiding locking people into predetermined ascriptive identities, liberal consociation allows them the freedom to choose which political identity to embrace or party to support, thus ensuring representation of those not wishing to affiliate themselves with a specific ethnic identity or group. It also enables the political system to adjust to changing political identities or to the breakdown of segmental cleavages altogether.<sup>15</sup>

Lebanon’s consociational power sharing arrangements generated systemic crises and entrenched rather than ameliorated confessional and, in the postwar period, sectarian identities because of their corporate institutional architecture.<sup>16</sup> Yet given demographic disparities – with Christians representing around 35 percent of the total population, and a mere 37 percent of the country’s 3.6 million eligible voters,<sup>17</sup> ones that are expected to increase in the future, and postwar political economic conditions, a transition from corporate to liberal consociation is not only a non-starter with the country’s political elite and most sectarian communities, it is also a recipe for conflict rather than peace. Muslim sects will not accept changes that jeopardizes their newfound political economic gains in the postwar power sharing arrangement. Similarly, Christian sects will not accept any tampering with the country’s postwar predetermined quota system spread across state institutions, one that is based on strict confessional parity or *munasafa*.

In this context of postwar entrenchment of sectarian identities, and Christian fears of a Muslim-dominated postwar political economic order, we contend that the only possible transition for Lebanon is from the present corporate consociation to a more hybrid variant through the introduction of two new power sharing institutions: decentralization and proportional representation (PR) voting. We believe that such a shift may achieve a number of objectives

14 McGarry and O’Leary, “Iraq’s Constitution of 2005,” 675.

15 McGarry and O’Leary, “Iraq’s Constitution of 2005;” Allison McCulloch, “Consociational Settlements in Deeply Divided Societies: The Liberal-Corporate Distinction,” *Democratization* 21 (2014): 501–518.

16 John Nagle, “Between Entrenchment, Reform and Transformation: Ethnicity and Lebanon’s Consociational Democracy,” *Democratization* 23 (2016): 1144–1161.

17 Bassel F. Salloukh, Rabie Barakat, Jinan S. Al-Habbal, Lara W. Khattab, and Shoghig Mikaelian, *The Politics of Sectarianism in Postwar Lebanon* (London: Pluto Press, 2015), 14; “Census and Sensibility,” *The Economist*, November 5, 2016 (Available at: <http://www.economist.com/news/middle-east-and-africa/21709535-new-data-reveal-looming-crisis-lebanons-ruling-elite-exposing-fiction>) (accessed January 5, 2017).

simultaneously. First, it remedies the deviations in Lebanon's power sharing arrangement, bringing it closer to the practical and normative intentions of consociational prescriptions. Second, it adjusts the postwar power sharing arrangement in a manner more conducive to peacebuilding and statebuilding without altering the postwar balance of power between the different sectarian groups or undermining the sectarian elite's political control and economic prerogatives. Finally, it reverses the discriminatory nature of the existing corporate arrangement by opening institutional incentives for the emergence of hitherto repressed non-sectarian or cross-sectarian counterfactual political identities and groups and their incorporation into the political system. This, in turn, helps move consociationalism in Lebanon gradually in a more centripetal direction, giving rise in the long-term to a new kind of accountable politics.

A transition away from corporate consociation is not without problems, however. The "immobilism problem" is perennial to consociational settlements,<sup>18</sup> and corporate arrangements especially "discourage opportunities for reform and transformation."<sup>19</sup> This is certainly the case in postwar Lebanon where "the delicate but asymmetrical balance of power" undergirding the country's corporate power sharing arrangement makes any transition "to a liberal power sharing model ... intertwined with a zero-sum formula in which any change is seen by one or more group as a serious challenge to their position."<sup>20</sup> Undoubtedly, sectarian entrepreneurs will resist changes to the current corporate consociation arrangement if these undermine the ensemble of clientelist, institutional, and discursive practices undergirding the political economy and ideological hegemony of sectarianism in postwar Lebanon.<sup>21</sup> They can also deploy multiple discursive strategies vis-à-vis proposals to reform the power sharing arrangement that "place strict boundaries on fostering institutional revision,"<sup>22</sup> thus torpedoing the effort altogether.

Against this understandable pessimism about the possibility of a corporate-to-liberal consociation transition in Lebanon and in other deeply divided societies, this paper contributes a 'contingent and case-specific' search for a middle ground between these otherwise binary choices. Given the political economic impasse postwar Lebanon has reached, it may be the case that the sectarian political elite have no other option but to entertain the kind of institutional reforms suggested here that may help them salvage a sectarian system that

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18 Horowitz, "Ethnic Power Sharing," 11.

19 Nagle, "Between Entrenchment, Reform and Transformation," 1146.

20 Nagle, "Between Entrenchment, Reform and Transformation," 1145.

21 Salloukh et al., *The Politics of Sectarianism in Postwar Lebanon*.

22 Nagle, "Between Entrenchment, Reform and Transformation," 1146.

plays an instrumental role in retaining the clientelist networks, institutional strategies, and ideological structures undergirding their political economic control. Otherwise they will find themselves one day forced to throw the consociational baby out with its corporate bathwater. Moreover, the inflationary price of perpetual political deadlock on the political economy and ideological hegemony of the corporate consociation arrangement is not missed on the sectarian political elite. Anecdotal evidence and the use of extra-legal coercive measures or financial incentives to contain the summer 2015 popular protests organized by groups mobilizing outside sectarian affiliations, and to defeat the anti-sectarian grassroots movements contesting the 2016 municipal elections, suggest that the political elite are apprehensive of the growing numbers of people alienated from the sectarian system and its political economy. Nor do the reforms proposed in this paper amount to a radical overhaul of the postwar power sharing arrangement. Instead, they seek to create institutional conditions for the emergence of counterfactual cross-sectarian or non-sectarian identities that are bound to coexist with their sectarian counterparts. This, in turn, renders the political system more representative and accountable. One would assume that the sectarian elite should not be averse to this since incorporating new groups into the political system renders it more stable and, from their perspective at least, more legitimate. Finally, the institutional reforms suggested in this paper have already gained traction among substantial sectors of the public and civil society organizations.

The next section unpacks the pre- and postwar predetermined sectarian quota systems undergirding Lebanon's corporate consociation. This is essential to establish the parameters of possible institutional reforms that can be entertained given domestic constraints. The paper then examines how decentralization and a variation of PR voting can be introduced to shift Lebanon's postwar corporate consociation power sharing institutions in a hybrid direction, and what possible benefits to the political system and sectarian relations may accrue from such a shift. The conclusion spells out the implications of the 'contingent and case-specific' engagement with identity-based power sharing in Lebanon undertaken in this paper on debates in consociational theory and on war-ending policy prescriptions.

### **Lebanon's Corporate Consociation Arrangements**

The institutional architecture of Lebanon's pre- and postwar power sharing arrangements adheres substantially to corporate consociation prescriptions. The 1943 National Pact created a predetermined power sharing arrangement

based on a fixed sectarian quota system.<sup>23</sup> The three main national offices were divided among the largest sects: the presidency went to the Maronites, the premiership to the Sunnis, and the speaker of Parliament to the Shi'a. The presidency was the single most powerful office in this corporate arrangement, however.<sup>24</sup> It possessed formal and informal powers that allowed the president to dominate the state's political, security, financial, and judicial institutions. Maronites also controlled the most sensitive security posts in the state. In Parliament, and to ameliorate Christian fears of being surrounded by states with Muslim majorities, the ratio of Christian to Muslim deputies was fixed at 6:5; a similar ratio was applied in cabinet and the civil service.<sup>25</sup> As for the contested identity of the nascent state, the National Pact essayed a reconciliation between competing Christian and Muslim "visions of Lebanon" via the intentionally vague *visage Arab* formula,<sup>26</sup> which for the Christians meant that Lebanon was geographically part of the Arab world but was not itself an Arab state, while for the Muslims it affirmed Lebanon's Arabness.

By contrast, the 1989 Ta'if Accord emphasizes Lebanon's Arab "identity and belonging."<sup>27</sup> Article 95 of the amended Constitution declares deconfessionalization a national objective, but provides no roadmap or timetable to achieve this. The constitutional amendments adopted on 21 September 1990 and other agreements reached during the Ta'if deliberations recalibrated the pre-war corporate consociation power sharing arrangement to reflect demographic realities and the postwar balance of sectarian powers.<sup>28</sup> Most importantly, and as a consequence of the greater incorporation of the Muslim sects into the postwar political economic order, the sectarian quota system was expanded substantially so that it now "rigidly reserves and allocates executive and legislative positions for the main groups, an arrangement mirrored across the

23 Michael C. Hudson, "The Lebanese Crisis: The Limits of Consociational Democracy," *Journal of Palestine Studies* 5 (1976): 109–122; Zahar, "Power Sharing in Lebanon."

24 Shafiq Jaha, *Al-Dustur al-Lubnani: Tarikhuhu, Ta'dilatuhu, Nasuhu al-Hali 1926–1991* (Beirut: Dar al-'Elm lil-Malayin, 1991).

25 Joseph Bahout, "The Unraveling of Lebanon's Taif Agreement: Limits of Sect-Based Power Sharing," Carnegie Endowment for International Peace, May 16, 2016 (Available at: <http://carnegieendowment.org/2016/05/16/unraveling-of-lebanon-s-taif-agreement-limits-of-sect-based-power-sharing-pub-63571>) (accessed January 24, 2017).

26 Albert Hourani, "Visions of Lebanon," in *Toward a Viable Lebanon*, ed. Halim Barakat (Washington: Georgetown University Press, 1988), 3–11.

27 Jaha, *Al-Dustur al-Lubnani*, 33.

28 Michael C. Hudson, "Trying Again: Power-Sharing in Post-Civil War Lebanon," *International Negotiation* 2 (1997): 103–122; Zahar, "Power Sharing in Lebanon."



public sector.”<sup>29</sup> In so doing, and instead of reforming power sharing institutions in a liberal direction to correct its pre-war pitfalls, the clientelist way by which the Ta’if amendments were applied rendered consociation even more corporate.<sup>30</sup>

Ta’if retained the sectarian composition of the three main national offices, but the balance of power among them was changed substantially. Cabinet, the grand coalition gathering almost all of the country’s sects,<sup>31</sup> emerged as an institution independent from the once all-powerful presidency, and became the real custodian of executive authority. Much of the presidency’s pre-war prerogatives were transferred to cabinet in its collective capacity. This naturally empowered the Sunni prime minister’s office and increased the power of the Sunni community. The Sunni prime minister now plays an instrumental role in shaping cabinet meetings, has the right to head cabinet sessions in the president’s absence, and may even delay indefinitely the transfer to Parliament of draft laws approved by a binding two-thirds cabinet vote. In turn, the power of the Shi’a community was increased through the speaker’s new prerogatives. The speaker is elected for a four-year term, equal to Parliament’s tenure, and is subject to a difficult two-thirds vote of confidence but only at the end of the second year. The speaker may ignore bills sent to Parliament by cabinet, and is under no obligation to convene Parliament outside constitutionally prescribed regular sessions. Moreover, the speaker plays a decisive role in the selection of the premier and the election of the president.

But it would be wrong to assume that Ta’if left the Maronite president without substantial executive powers. Provisions adopted in the Ta’if Accord require consensus among the president and Parliament’s speaker for the designation of the premier and for cabinet formation. Henceforth, the president’s single most powerful prerogative is his compulsory signature on the presidential decree forming a new cabinet. This presidential prerogative is a consequence of postwar provisions introduced as part of Ta’if’s constitutional reforms to avoid decision-making deadlock in the state’s highest decision-making body on matters related to the common good. Thus Section 5 of Article 65 in the Constitution declares that decisions in cabinet should be taken in a consociational manner or, alternatively, by a majority vote of the ministers attending the cabinet session. However, for crucial policy issues – namely, declaring a state of emergency and its termination, war and peace, general mobilization, foreign

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29 Nagle, “Between Entrenchment, Reform and Transformation,” 1148.

30 McGarry and O’Leary, “Iraq’s Constitution of 2005,” 691.

31 The exception is the ‘Alawi community which does not have cabinet representation but is represented in Parliament by 2 deputies.

policy and international agreements, the state's general budget, comprehensive and long-term development plans, the appointment of top-level civil servants or their equivalent, amending the state's administrative divisions, dissolving Parliament, the electoral law, the citizenship law, personal status laws, and the dismissal of cabinet – a two-thirds cabinet majority vote is required. By controlling at least one-third plus one ministerial votes, the Maronite president can block objectionable cabinet decisions in what amounts to veto power over major policy issues lacking cross-sectarian consensus. Consequently, and since Syria's withdrawal from Lebanon, cabinet formation has become an intricate – and sometimes creative – art of the possible where opposing political coalitions try to secure a mutual veto. Finally, the preamble of the Constitution also proscribes decisions that negate the “covenant of mutual coexistence” among all Lebanese sects, a proviso that amounts to a mutual veto for all sects.<sup>32</sup>

With respect to the predetermined quota system, Ta'if applied the principle of equitable confessional division of seats to Parliament, cabinet, and all other primary (*fi'a oula*) posts throughout the public sector. This gave Muslim sects, especially Shi'a and Druze, greater representation in ministerial, judicial, administrative, military, and diplomatic posts than in the pre-war period. The pre-war 6:5 ratio of Christian to Muslims in cabinet, Parliament, and the public sector was replaced with a 5:5 ratio. As Table 1 demonstrates, Maronite and Druze deputies are overrepresented in Parliament given their demographic weight, while Sunni and Shi'a deputies are underrepresented. Nevertheless, given that absent a two-thirds majority Parliament cannot convene to elect a president, the increase in the Muslim share of total deputies allows them greater influence over presidential elections. Moreover, the 128 parliamentary seats are further sub-divided in a predetermined “quota of seats” across the country's 26 electoral multimember districts based on a not so proportional balance of sectarian demography in each district.<sup>33</sup> A predetermined sectarian quota for the allocation of cabinet seats is maintained despite variation in cabinet size, as Table 2 shows. Here again, the principle of equitable confessional representation plays in favour of Christian, but especially Maronite, political representation given their actual demographic weight.

The recalibrated postwar sectarian quota system occupies every nook and cranny of the state bureaucracy and beyond, from entry-level positions, cabinet portfolios, the Constitutional Council, to the boards of directors and

32 Jeha, *Al-Dustur al-Lubnani*, 34.

33 Nagle, “Between Entrenchment, Reform and Transformation,” 1148; Bassel F. Salloukh, “The Limits of Electoral Engineering in Divided Societies: Elections in Postwar Lebanon,” *Canadian Journal of Political Science* 39 (2006): 635–655.

TABLE 1 *Seats in Parliament in Proportion to Demographic Ratios*<sup>34</sup>

Sect	Seats in Parliament	Share of seats	Share of registered voters	Share of the population (2011)
Muslims	64	50.00%	>59.50%	
Sunni	27	21.00%	26.80%	29.38%
Shi'a	27	21.00%	26.30%	29.38%
Druze	8	6.20%	5.60%	5.48%
Alawite	2	1.50%	0.80%	
Christians	64	50.00%	>39.90%	
Maronite	34	26.50%	21.80%	19.31%
Greek Orthodox	14	10.90%	7.70%	6.75%
Greek Catholic	8	6.20%	5.10%	4.38%
Other	8	6.00%	5.30%	

TABLE 2 *Sectarian Distribution of Cabinet Seats*

Cabinet Size/Sects	30	24	14
Maronite	6	5	3
Sunni	6	5	3
Shi'a	6	5	3
Greek Orthodox	4	3	2
Greek Catholic	3	2	1
Druze	3	2	1
Armenian/Minorities	2	1	1
Minorities	0	1	0

vice-governors of independent state bodies such as the Council of Development and Reconstruction (CDR) and *Banque Du Liban* respectively. A change in one appointment often triggers a game of musical chairs among the sectarian political elite to rebalance quota allocations. Finally, a high degree of non-territorial corporate autonomy is guaranteed in the Constitution

34 "Assessment of the Election Framework: Election Law of 2008," Democracy Reporting International, 2008 (Available at [http://www.democracy-reporting.org/files/report\\_leba\\_non\\_0902.pdf](http://www.democracy-reporting.org/files/report_leba_non_0902.pdf)) (accessed August 16, 2015).

(Articles 9 and 10) and practiced across a host of cultural spheres, from family law, which falls under the jurisdiction of sectarian rather than civil courts, to schools and other civil society organizations.<sup>35</sup> Yet contrary to consociational recommendations, the corporate autonomy of sectarian courts operates in the absence of parallel civil family laws.

### Transforming Power Sharing in Lebanon

Lebanon's postwar corporate consociation hardened sectarian identities, discriminated against cross-sectarian and anti-sectarian groups, and, most importantly, failed to secure a modicum of peacebuilding and statebuilding. Undoubtedly, geopolitics has played a role in this, with domestic contests often overlapping with geopolitical ones.<sup>36</sup> But to reduce the system's instability to geopolitical factors alone assumes that they are diachronically constant – which they are not. Reforming postwar power sharing institutions is inescapable to create the preconditions for peacebuilding and statebuilding and, consequently, to insulate the country from the intrusion of geopolitical contests. As the discussion in the preceding section suggests, however, the parameters of any such institutional reforms are indeed limited. Given that abolishing or changing the postwar predetermined sectarian quota will have dire consequences on civil peace, only institutional reforms within the context of this quota are possible. Decentralization and a measure of PR voting are two institutional reforms particularly pertinent to move Lebanon's political system from its current corporate form to a more hybrid brand of consociation without tampering with the country's predetermined sectarian quota. We start with a discussion of how decentralization can contribute to both peacebuilding and statebuilding in Lebanon.

Lebanon's sects enjoy substantial non-territorial functional autonomy. Nevertheless, this has not obviated postwar feelings of political economic marginalization among the country's Christian sects. This is partly rooted in the reforms made to the pre-war power sharing arrangement, the Muslim sects' postwar economic rise, and postwar electoral laws (discussed below). It is also a function of the centralized structure of the Lebanese state. For albeit the Ta'if Accord contains a section prescribing administrative reforms towards decentralization, the Lebanese state remains highly centralized and local authorities

35 Salloukh et al., *The Politics of Sectarianism in Postwar Lebanon*.

36 Brenda M. Seaver, "The Regional Sources of Power-Sharing Failure: The Case of Lebanon," *Political Science Quarterly* 115 (2000): 247–271.

extraordinarily weak. In fact, Ta'if “delivered the exact opposite of devolution and autonomy to the different ethnic communities; rather, it centralized government and maximized power in the hands of the few.”<sup>37</sup> This has led to the lopsided economic development of the country. It also concentrated fiscal resources in the central administration and distributed them along neopatrimonial lines to finance the sectarian elite’s clientelist networks.<sup>38</sup> Given the instrumental role played by the Premier’s office and by the Ministry of Interior and Municipalities in distributing state resources, Christians feel discriminated against in postwar fiscal spending. Underscoring the limits of the functional autonomy embedded in Lebanon’s postwar corporate consociation arrangement, these postwar Christian political economic grievances restored to central stage demands for broad political, administrative, and fiscal decentralization in Lebanon.<sup>39</sup>

Territorial group autonomy can be accommodated in postwar Lebanon by decentralizing the state into districts where one sect represents a significant majority of the population. After all, the population transfers that transpired during the civil war transformed substantially what was a heterogeneous sectarian geography into a more homogenous one. While safeguarding the constitutional rights of minorities that remain in each administrative area, the majority group will be assured protection of its social, cultural, and economic rights as it is granted a measure of political and administrative authority.<sup>40</sup> This, in turn, may help stabilize Lebanon’s political system by mitigating group feelings of insecurity.<sup>41</sup> Christians may be guaranteed a degree of political power and self-rule despite the constant threat of demographic changes that have caused them to become a religious minority on the national level. By transferring a degree of political, administrative, and fiscal authority to districts where one of the major sects forms a majority, an important contribution can be

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37 Michael Kerr, *Imposing Power-Sharing: Conflict and Coexistence in Northern Ireland and Lebanon* (Dublin: Irish Academic Press Ltd, 2005), 178.

38 Nisreen Salti and Jad Chaaban, “The Role of Sectarianism in the Allocation of Public Expenditures in Postwar Lebanon,” *International Journal of Middle East Studies* 42 (2010): 637–655.

39 This is the position of the Free Patriotic Movement, the Phalange Party, and the Lebanese Forces’ rank and file though not the official position of its leadership.

40 Arend Lijphart, “Consociation and Federation: Conceptual and Empirical Links,” *Canadian Journal of Political Science* 12 (1979): 499–516; Brendan O’Leary, “The Federalization of Iraq and the Break-up of Sudan,” *Government and Opposition* 47 (2012): 481–516.

41 Caroline Hartzell and Donald Rothchild, “Security in Deeply Divided Societies: The Role of Territorial Autonomy,” *Nationalism and Ethnic Politics* 5 (1999): 254–271.

made to postwar peacebuilding and to shoring up institutional performance at the local level.

The International Foundation for Electoral Systems (IFES) published a report in 2011 showing the number and percentage of registered voters per sect in each electoral district as of September 2011.<sup>42</sup> The electoral districts were formed by the 2008 electoral law but are based on the middle-sized administrative district known as *qada'* (governorate). The IFES data shows that all of the 26 districts have a Sunni, Shi'a, Maronite, Druze or Greek Orthodox majority, except for Metn, Ba'abda, Shuf,<sup>43</sup> and two of Beirut's three districts.<sup>44</sup> Moreover, Metn and one of the Beirut districts possess a Christian majority, a religious group more divided on political rather than sectarian basis. This data demonstrates how Lebanese sects are geographically concentrated but in different smaller pockets. The borders of these districts can be further altered to create an even more ideal situation, but even if the Lebanese state is decentralized on the basis of the current electoral districts, there would only be three truly mixed districts, and the five major sects would all have area(s) where they form a majority of the population.

Beyond addressing Christian fears of postwar political economic marginalization and stabilizing the political system, political decentralization can furthermore lead to increased accountability and effectiveness of the power sharing arrangement. In fact, research examining the impact of decentralization on governance standards, democratic citizenship, and accountability levels overwhelmingly supports its positive effects.<sup>45</sup> Closer and denser voter interaction with elected local representatives makes for better governance

42 "Electoral Districts in Lebanon," IFES, October 5, 2011 (Available at <http://www.ifes.org/publications/electoral-districts-lebanon>) (accessed December 5, 2016). These data are not affected by the Syrian and Iraqi refugee crises due to the rigidity of Lebanese nationality laws.

43 Much of the Christian population of the Shuf did not return to its ancestral villages after the civil war, however.

44 A moot point given that the boundaries of the Beirut districts are gerrymandered in every election cycle.

45 Larry Diamond, *Developing Democracy: Toward Consolidation* (Baltimore, MD: JHU Press, 1999); *Decentralization in Unitary States: Constitutional Frameworks for the Arab States Region*, International IDEA, 2014 (Available at: <http://constitutionaltransitions.org/wp-content/uploads/2015/02/Decentralization-Report-English.pdf>) (accessed August 16, 2015); Pippa Norris, *Driving Democracy: Do Power-Sharing Institutions Work?* (New York: Cambridge University Press, 2008); World Bank, *Balance, Accountability, and Responsiveness: Lessons about Decentralization* (Washington, DC: World Bank, 1999); USAID, *Democratic Decentralization Programming Handbook* (Washington, DC: ARD, 2009).

standards, and enables voters to exert more influence on the political process.<sup>46</sup> In the case of Lebanon, with its deep vertical cleavages that often cause political deadlock at the national level, a degree of territorial self-government shifts some contentious issues from the central to the local level, thereby facilitating decision-making, thus leading to increased state effectiveness. Moreover, it would prevent the sectarian political elite from framing non-sectarian topics in sectarian terms, a ruse that leads to deadlock and economic inefficiencies.<sup>47</sup> Local politics would then fall along developmental rather than sectarian fault lines, undermining the sectarian elite's ability to instrumentalize municipal resources for narrow neopatrimonial ends. As a result, there could be a shift from inter- to intra-sectarian competition. Because it is easier to gain a share of power at the local rather than the national level, decentralization opens up possibilities for the emergence of intra-sectarian competition over voters' choices, and hence the competition absent in national politics assumes greater importance at the local level. Consequently, decentralization may help produce a centripetal shift away from narrow sectarian interests toward intra-sectarian or cross-sectarian competition over local socioeconomic and developmental issues, thus limiting the utility of sectarian mobilization and demonization, and unleashing alternative counterfactual cross-sectarian, ideological, environmental, gender, or regional identities.<sup>48</sup> To achieve this, however, the districts should not only be sufficiently homogeneous, there should also be significant devolution of political power to the local level. While safeguarding minority rights, the local governance institutions should be granted both fiscal autonomy and legislative authority in realms such as service provision and taxation. Nor would decentralization encourage secessionist trends in Lebanon.

There are presently no significant regional parties in Lebanon. Although the sects are geographically concentrated in some areas, most sects have a considerable presence in different parts of the country. Therefore, as explained above, it is possible to design the administrative borders in such a manner that each major sect represents a majority of the population in multiple districts in several areas of the country. It is not difficult to reduce the extent of overlap

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46 Robert D. Putnam, *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton: Princeton University Press, 1993).

47 Andreas Mehler and Clare Degenhardt, "Not Always in the People's Interest: Power-Sharing Arrangements in African Peace Agreements," GIGA Working Papers 83, 2007 (Available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1200862](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1200862)) (accessed August 10, 2016).

48 Bassel F. Salloukh interviews with NGOs receiving donor developmental aid in the Beqa' and northern Lebanon, 14–23 May 2017.

of sect and territory in the case of Lebanon, and it would therefore be unlikely that regional parties would attain prominence at the national level and push a secessionist agenda. As for the rights of minorities living in areas controlled by another sectarian majority, these are already guaranteed by constitutional provisions prescribing the corporate autonomy of all the sects across Lebanon.

Such surmountable impediments aside, calls for decentralization have faced in the past strong ideological opposition from the Muslim political elite and public opinion who view them as nothing more than Christian isolationist projects. This is largely a legacy of the civil war, however, when the push for federalism championed by the Maronite Lebanese Forces was tantamount to *taqsim*, or partitioning the country along religious lines, an ideological trope identified with Israel. More recently, however, decentralization has entered the everyday lexicon of Lebanese politics free from the war's negative connotations. It has emerged not just as a Christian demand to redress their postwar political economic marginalization, but also as a way to reverse the socioeconomic underdevelopment of areas outside Beirut. It was even mentioned by Aoun in his inaugural address to Parliament as a precondition that enables the multiple confessional and sectarian communities that make up Lebanon express their different 'visions of Lebanon', each in their own unique way but without undermining the country's tradition of religious pluralism and mutual coexistence.<sup>49</sup>

In fact, a decentralization bill drafted by a committee of experts appointed by Sleiman and unveiled on 2 April 2014 offers a concrete example of how such an option may operate in Lebanon.<sup>50</sup> At the core of the proposed Administrative Decentralization Draft Bill is the transfer of substantial administrative powers from the central government to 30 newly-created governorates plus the city of Beirut. The boundaries of the proposed governorates follow in large measure those of existing ones, except where large governorates are broken down to create new ones that are more homogeneous along religious or sectarian lines. Thus the 'Akkar governorate is broken into 3 (1 Christian, 1 Sunni, 1 mixed) governorates, Ba'albak-Hermel divided into 5 (3 Shi'a, 1 Maronite, 1 Sunni), Western Beqa'-Rashaya divided into 2 (1 Sunni, 1 Druze), and Marje'youn-Hasbaya divided into 2 (1 Christian, 1 Druze) governorates. The governorates would be run by a Governorate Council composed of a popularly elected General Body and an executive Administrative Council. The bill proposes to

49 See the text of Aoun's address to Parliament, reproduced in *al-Akhbar*, November 1, 2016 (Available at: <http://www.al-akhbar.com/node/267331>) (accessed November 1, 2016).

50 "Administrative Decentralization Draft Bill," 2014 (Available at: <http://www.decentralization-lb.org/PDF/MACHROU3%20ALKANOUN.pdf>) (accessed August 16, 2015).



transfer a broad set of administrative, developmental, and security functions away from the central government to the Administrative Councils (Article 55 and 62). Moreover, it establishes multiple revenue streams to ensure the fiscal autonomy of the governorates vis-à-vis the central government in Beirut. For example, property taxes, license fees, twenty percent of income taxes from citizens residing in the governorate, fifty percent of real estate registration fees, taxes on real estate profits, and other sources of local revenues are allocated to the governorates (Article 78), a far cry from the current centralization of resources in the hands of the government in Beirut.

The proposed draft bill is therefore an example of how territorial decentralization can be implemented to move Lebanon's consociational arrangement in a more hybrid direction. Although it only speaks of administrative and financial autonomy for the new governorates, as a package the bill involves an inescapable measure of political decentralization since it produces elected local officials accountable to their immediate electors. This increases local accountability, changes voters' incentive structures away from sectarian calculations towards a preoccupation with alternative socioeconomic priorities, and opens possibilities for intra-sectarian competition at the regional level. All this, in turn, may contribute to postwar peacebuilding and statebuilding.

Equally important for the transformation of consociationalism in Lebanon and closely related to decentralization is the electoral law. As Table 3 shows, Lebanon's parliamentary seats are divided geographically in a predetermined sectarian quota, but equally among Muslims and Christians. Every Lebanese citizen twenty-one years or older can vote in the ancestral village from where s/he hails. Following the Block Vote electoral system, voting takes place in multimember districts with voters allowed to vote for as many candidates as there are seats allocated for the district. Consequently, voters may vote for individual candidates or the entire electoral list, often subtracting and adding candidates from outside the lists, as long as the district's predetermined sectarian quota is not disturbed.<sup>51</sup> However the use of simple plurality to determine the winning candidates within the different sects in each electoral district, the size of the district, the absence of pre-printed ballots, and the distribution on election day of pre-composed ballots by powerful community leaders, all this favours an entire list formed by one or more sectarian party, thus predetermining to a large extent election results, obstructing the emergence of non-

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51 Salloukh, "The Limits of Electoral Engineering in Divided Societies;" Diala Haidar Ahmad, "Challenging Lebanon's Corporate Power-Sharing Arrangement: The Case of Beirut Madi-nati," (Beirut: Lebanese American University, 2017).

TABLE 3 *Sectarian Distribution of Parliamentary Seats (2009 Elections)*

Electoral District	Seats/District	Number of Seats per Sect
<b>Mount Lebanon (6 Districts)</b>	<b>35</b>	
Northern Metn	8	4 Maronite, 2 Greek Orthodox, 1 Greek Catholic, 1 Armenian Orthodox
Shuf	8	3 Maronite, 2 Druze, 2 Sunni, 1 Greek Catholic
Ba'abda	6	3 Maronite, 2 Shi'a, 1 Druze
'Alay	5	2 Druze, 2 Maronite, 1 Greek Orthodox
Jbayl	3	2 Maronite, 1 Shi'a
Kiserwan	5	5 Maronite
<b>North (1 District)</b>	<b>28</b>	
'Akkar	7	3 Sunni, 1 Maronite, 2 Greek Orthodox, 1 'Alawi
Minieh-Dennieh	3	3 Sunni
Bshari	2	2 Maronite
Tripoli	8	5 Sunni, 1 Maronite, 1 Greek Orthodox, 1 'Alawi
Zgharta	3	3 Maronite
Batroun	2	2 Maronite
Al-Koura	3	3 Greek Orthodox
<b>Beirut (3 Districts)</b>	<b>19</b>	
Beirut 1 Achrafieh-Rmeil-Saifi	5	1 Maronite, 1 Greek Orthodox, 1 Greek Catholic, 1 Armenian Orthodox, 1 Armenian Catholic
Beirut 2 Bachoura-Medawar-Port	4	2 Armenian Orthodox, 1 Sunni, 1 Shi'a
Beirut 3 Mazra'a-Msaytbé-'Ain el-Mraysé- Mina al-Hosn-Ras Beirut-Zqaq el-Blat	10	1 Greek Orthodox, 1 Evangelical, 1 Minorities (Christian), 1 Druze, 5 Sunni, 1 Shi'a
<b>Beqa' (3 Districts)</b>	<b>23</b>	
Ba'albak-Hermel	10	6 Shi'a, 2 Sunni, 1 Maronite, 1 Greek Catholic

Electoral District	Seats/District	Number of Seats per Sect
Zahlé	7	2 Greek Catholic, 1 Sunni, 1 Maronite, 1 Shi'a, 1 Armenian Orthodox, 1 Greek Orthodox
Western Beqa'-Rashaya	6	2 Sunni, 1 Maronite, 1 Greek Orthodox, 1 Shi'a, 1 Druze
<b>South (1 District)</b>	<b>23</b>	
Saidon	2	2 Sunni
Al-Zahrani	3	2 Shi'a, 1 Greek Catholic
Jezzine	3	2 Maronite, 1 Greek Catholic
Tyre	4	4 Shi'a
Nabatiyé	3	3 Shi'a
Bint Jbayl	3	3 Shi'a
Hasbaya-Marje'youn	5	2 Shi'a, 1 Sunni, 1 Druze, 1 Greek Orthodox

cross-sectarian parties and coalitions, and maintaining sectarian elite control over the political system.<sup>52</sup>

Another flaw with Lebanon's current electoral laws is malapportionment or the disregard for the 'equality of vote' principle. Due to the predetermined sectarian seat quota allocated to the eighteen different sects and the 50:50 parity rule, in a country where Christians represent only 37 percent of registered voters, equal geographic representation and equality of votes cannot be respected without granting Muslim voters control over some Christian seats. For example, the number of voters per seat in the 2009 elections ranged from 17,656 in the predominantly Christian district of Kiserwan to 38,873 in the predominantly Muslim Bint Jbayl district. This means that some votes are more than twice as powerful as others. Under the 2005 electoral law, the range was a much more acceptable 19,471 to 23,115 voters per seat. This, however, meant that a total of 38 out of 64 Christian seats were in districts with majority Muslim voters, leading to justifiable complaints from Christian voters that they could not control who represented them.<sup>53</sup> This inequality of votes inflates the Muslim sectarian elite's legislative power at the expense of the Christians, and

52 Benjamin Macqueen, "Lebanon's Electoral System: Is Reform Possible?" *Middle East Policy* 23 (2016): 71–83.

53 "Assessment of the Election Framework."

undermines the principle of accountability between voters and many of their deputies. A shift to PR voting may help remedy these deviations.

Consociational theorists consider PR electoral systems a powerful tool to create a stable democracy in deeply divided societies.<sup>54</sup> They are inherently more democratic as they lead to the most equal and fair representation of the outcome of elections without wasting votes. Among the different types of PR electoral systems, the closed-list variant appears most successful in stabilizing postconflict societies. Empirical evidence demonstrates that postconflict societies are less likely to resume conflict when they adopt a closed-list PR system because the latter “undergirds greater state capacity and public goods provision, which satisfy the welfare needs of a broader swathe of the population.”<sup>55</sup> Closed-list PR produces this improvement in governance because it places the emphasis on political parties instead of individual candidates, creating stronger and more programmatic party politics, stronger coalitions among parties, and an increase in political party accountability.<sup>56</sup> But how does this translate into ‘contingent and case-specific’ evidence in the case of Lebanon?

A shift from the present corporate to a hybrid consociation power sharing arrangement in Lebanon entails introducing a measure of PR voting. This is best done via the adoption of a closed-list PR system in the context of sizeable electoral districts. The latter proviso is necessary to free voters from the clientelist networks and coercive technologies of the sectarian political elite, ones tied closely to their control of state resources, access to public sector funds, and an array of civil society organizations.<sup>57</sup> When combined with favourable mechanisms for the allocation of seats, a closed-list PR system in the context of a single national district favours cross- and anti-sectarian groups spread across the whole country.<sup>58</sup> But given the aforementioned Christian-Muslim

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54 Melani Cammett and Edmund Malesky, “Power Sharing in Postconflict Societies: Implications for Peace and Governance,” *Journal of Conflict Resolution* 56 (2012): 982–1016; Arend Lijphart, “Constitutional Choices for New Democracies,” in *Thinking about Democracy: Power Sharing and Majority Rule in Theory and Practice*, ed. Arend Lijphart (London: Routledge, 1991), 72–84; Norris, *Driving Democracy*.

55 Cammett and Malesky, “Power Sharing in Postconflict Societies,” 1002.

56 John M. Carey and Matthew S. Shugart, “Incentives to Cultivate a Personal Vote: A Rank Ordering of Electoral Formulas,” *Electoral Studies* 14 (2012): 417–39.

57 Salloukh et al., *The Politics of Sectarianism in Postwar Lebanon*.

58 Meghan L. O’Sullivan and Razzaq Al-Saiedi, “Choosing an Electoral System: Iraq’s Three Electoral Experiments, their Results, and their Political Implications,” Harvard Belfer Center, April 29, 2014 (Available at: <http://belfercenter.ksg.harvard.edu/files/MOS-RA%20Iraq%20Electoral%20Paper%20Working%20Draft%204%2029%2014.pdf>) (accessed November 20, 2016).

disparity in ratios of registered voters, proposals for the adoption of PR voting in a single national district, associated most openly with Hizbullah, have hitherto been considered nonstarters. Alternatively, closed-list PR in the context of large electoral districts – smaller than the present provinces but larger than most existing governorates, where each of the major sects constitutes a majority in a specific district, creates a measure of intra-sectarian competition, unleashes anti- and cross-sectarian movements, and liberates many Christian deputies from the hegemony of Muslim votes, rendering them more accountable to Christian voters. It also resonates well with the logic of decentralization outlined above. Nor would this entail changing the predetermined sectarian seat quota in Parliament, unthinkable given its implications on the postwar power sharing arrangement. As the Civil Campaign for Electoral Reform (CCER) has demonstrated, by arranging the electoral lists in each district in increasing order of number of votes gained, and then distributing the seats horizontally among the lists, the fixed sectarian seat quota remains unchanged in the context of PR voting.<sup>59</sup> What does change is the predetermined nature of the elections and the ability of the Muslim sectarian political elite to elect Christian deputies in Muslim-majority districts. This is especially true in Sunni- and Druze-majority electoral districts hitherto dominated by the Future Movement and Walid Jumblatt's Progressive Socialist Party (PSP) respectively, which explains their objection to any move towards PR voting not tailored to their own electoral objectives. By contrast, Christian parties and voters stand to gain the most from PR voting in large electoral districts, while the costs to the Shi'a Amal and Hizbullah parties remain manageable, hence their support to some variation of PR voting.

These instrumental calculations have shaped sectarian political elite responses to demands by civil society organizations to introduce PR voting. For example, one attempt to find a middle ground between simple plurality and PR voting was essayed in the draft electoral law prepared by the government-appointed but nominally independent National Commission on Electoral Law. Labelled the Boutros law, in reference to its president, former Minister of Foreign and Expatriate Affairs, Fouad Boutros, and presented to Prime Minister Fuad Siniora in May 2006, it adopted a variation on the Mixed-Member Proportional Representation (MMP) electoral system whereby 60 percent (or 77 out of a total of 128) of parliamentary seats are elected by voters at the existing governorate level using simple plurality to determine the winners, with the

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59 See the documentary produced by CCER (Available at: <https://www.youtube.com/watch?v=qMTzPofecFk>) (accessed 20 January 2016).

balance of 40 percent (or 51 out of a total of 128) seats elected by voters at the larger provincial levels using PR voting.<sup>60</sup> The Boutros law also proposed a package of progressive reforms – for example, an independent electoral commission, lowering the legal voting age to eighteen years, out-of-country voting, regulating campaign spending, and voting at the place of domicile – which can improve substantially the quality of elections. Apprehensive of the law's impact on the Future Movement's electoral prospects, Siniora promptly shelved the proposal.

Another law, this time endorsed by the Maronite Church and proposed by the (Greek) Orthodox Gathering in December 2011, labelled the Orthodox Law, and supported initially by most Christian parties, called for the adoption of a PR list system whereby the current 26 electoral districts are gathered in one single national district, but where the proportional and geographic distribution of the seats is maintained as in the current electoral system. However, the proposed law called for voting along strictly sectarian lines whereby each sect elects its own deputies to Parliament. PR voting consequently would take place between competing electoral lists but within each sect. To assuage non-sectarian voters who do not want to vote for candidates affiliated with the recognized 18 sects, the law created a new Register 19. Candidates belonging to this list would appeal to non-sectarian or cross-sectarian voters, representing them in Parliament if they achieve a total of votes above a predetermined threshold.<sup>61</sup> Despite gaining initial endorsement from Christian parties as well as Hizbullah, and approval by a parliamentary joint committee, the Orthodox Law was ultimately shelved. As with the Boutros law, it was opposed by the Sunni Future Movement and the Druze PSP for strictly electoral calculations: it would deny them control over Christian parliamentary seats located in Sunni- and Druze-dominated electoral districts. Moreover, the Future Movement would find itself sharing Sunni deputies with other members of the Sunni sectarian elite, especially in northern Lebanon. By one estimate, the Orthodox Law would reduce the Future Movement's parliamentary bloc almost in half.<sup>62</sup>

Ultimately, given the country's sectarian geography and the political elite's determination to retain the biggest share of their parliamentary representation,

60 "A Guide to the Boutros Electoral Law Proposal," CCER, 2007 (Available at: [http://policy Lebanon.org/Modules/Ressources/Ressources/UploadFile/8055\\_24,08,YYboutrosdraftguideen.pdf](http://policy Lebanon.org/Modules/Ressources/Ressources/UploadFile/8055_24,08,YYboutrosdraftguideen.pdf)) (accessed July 16, 2015).

61 Nagle, "Between Entrenchment, Reform and Transformation," 1152.

62 Abdel Kafi Al-Samad, "Orthodox Law Halves the Future Movement Bloc," Alakhbar English, May 10, 2013 (Available at: <http://english.al-akhbar.com/node/15763>) (accessed December 1, 2016).

any new – or ‘reformist’, in the sectarian elite’s parlance – electoral law will be designed with the intention of reproducing as much of the existing sectarian parties’ parliamentary shares as possible.<sup>63</sup> This instrumentalizing of electoral laws has made the drafting of alternative proposals a creative art dominated by political rather than technical considerations. This is especially stark when comparing MMP electoral systems proposed by different sectarian parties and coalitions. One such proposal, floated by the Shi’a Amal Movement in 2014, divides parliamentary seats equally, with 64 seats elected by simple plurality at the level of the 26 governorates, and another 64 seats elected by PR voting at the provincial level: the four existing provinces of Beirut, the South, the Beqa’, and the North plus two new ones consisting of the confessionally-mixed Southern Mount Lebanon province – gathering the Ba’abda-‘Alay-Shuf governorates – and the mainly Christian Northern Mount Lebanon one – Jbayl-Northern Metn-Kiserwan. Moreover, the criteria<sup>64</sup> used to divide the seats among PR and simple plurality voting leads to some 34 Muslim deputies elected by simple plurality, an electoral law favoured by the Muslim political elite, with the balance of Muslim deputies determined by PR voting, while 34 Christian deputies would be elected by PR voting, an electoral law favoured by the Christian elite, with the balance of Christian deputies elected by simple plurality. On this electoral proposal, some 53 parliamentary seats would be determined by Christian votes, with another 11 seats falling in districts where Christian votes are not negligible. Moreover, the number of Sunni and Shi’a seats elected by simple plurality and PR voting is equal: 15 and 12 respectively.<sup>65</sup>

By contrast, an alternative electoral law advanced by the Sunni Future Movement, the Maronite Lebanese Forces, and the Druze PSP puts the number of parliamentary seats elected by simple plurality in the same 26 governorates at 68, with the remaining 60 seats elected by PR voting in six provinces: those of Beirut, the South, the Beqa’, and the North as in the law proposed by the Amal Movement, but with the province of Mount Lebanon now divided into two new provinces: Mount Lebanon 1 – Northern Metn-Jbayl-Kiserwan-Ba’abda – with its majority Christian voters, and Mount Lebanon 2 – ‘Alay-Shuf – with its majority Druze voters. This gerrymandering of the Mount Lebanon province

63 In fact, current MPs insist that electoral laws are political choices, and that their main objective is to return them to office!

64 For example, half of the seats allocated for each province are elected by PR. But if the number of these seats is odd, then the number is rounded down. Half of the seats allocated for each governorate are elected by PR, with the result rounded down if the total number of seats is less than five.

65 Jean Aziz, “Qanun Berri Jadi, Famaza Ya’ni Bel’arqam?” *al-Akhbar*, November 20, 2014 (Available at: <http://www.al-akhbar.com/node/220169>) (accessed December 1, 2016).

allows the PSP greater control over 'Alay and the Shuf's parliamentary seats, a necessary price for its acquiesce to the introduction of PR voting given the Druze community's demographic size and compact geographic concentration. Moreover, the criteria used in this proposal to divide the seats among PR and simple plurality voting favour the latter system when the number of seats is equal to five or more. The result is that whereas the two Sunni seats in Saidon and the two Maronite seats in Bshari are divided equally among PR and simple plurality voting in the Amal Movement's proposal, in this alternative proposal the two seats in each district are elected by simple plurality, a ruse serving the electoral prospects of, respectively, the Future Movement and the Lebanese Forces.<sup>66</sup>

Invariably, these disparities in criteria and in the gerrymandering of new provinces have little to do with electoral reforms, norms, and standards. They are instead rooted in instrumental political objectives: namely, the attempt by different sectarian parties or coalitions to predetermine the vote in their favour in as many districts as possible to maintain control over as many parliamentary seats as possible. What is new is the sectarian elite's willingness to consider some variation of PR voting. Whatever 'reformist' electoral law is ultimately promulgated, it will necessarily reflect the sectarian elite's political calculations. This may be the limit of what kind of new electoral power sharing institutions can be expected from a sectarian elite bent on protecting their political economic prerogatives, but it is also the price of maintaining sectarian peace. Nevertheless, any variation of MMP or PR<sup>67</sup> electoral laws is bound to move the country in the direction of hybrid consociation. It may also serve the electoral prospects of anti- and cross-sectarian groups, as well as postwar peacebuilding and statebuilding.

## Conclusion

Lebanon's corporate consociation is in institutional crisis, giving rise to the failure of elite accommodation and perpetual deadlock. Moreover, substantial anti-sectarian and cross-sectarian groups are alienated from the postwar political economic order. However, Christian fears of marginalization, coupled with growing demographic disparities, and an ascending Muslim political

66 Walid Husseini, "Jawla 'ala Qawanin al-Intikhabat," *Almodon*, 26 May 2016 (Available at: <http://www.almodon.com/politics/2016/5/26>) (accessed December 1, 2016).

67 Some members of the sectarian elite floated the idea of PR voting in 10 newly-designed provinces.



economic elite, make any changes to the predetermined postwar sectarian quota impossible. Changing Lebanon's corporate consociation to a liberal variant is consequently not an option. The alternative is to introduce institutional reforms that move postwar power sharing in a hybrid direction, thus avoiding the corporate-liberal binary while retaining the political system's power sharing *raison d'être*. Ultimately, nothing compels the postwar sectarian political elite to introduce the kind of reforms suggested in this paper. The proposed MMP electoral laws surveyed in this paper may be no more than attempts to postpone the promulgation of real reforms, at least for the foreseeable future. But there is nothing institutionally inevitable about this. Instead, we have demonstrated in this paper that there are viable institutional alternatives to Lebanon's crisis-ridden corporate consociation.

This paper contends that a substantial measure of state decentralization and PR voting in the context of a new PR or MMP electoral law are two such reforms that if applied synergistically may achieve a number of objectives: they may help stabilize the political system by addressing core postwar Christian concerns without changing the predetermined sectarian quota institutionalized in the Ta'if Accord or undermine the Muslim sectarian elite's newfound political economic prerogatives; increase the peacebuilding and statebuilding effectiveness of power sharing institutions; and help incorporate into the political system hitherto excluded cross- or anti-sectarian political groups. All this may consequently imbue the postwar political economic order with a measure of much needed representation, accountability, and stability.

Equally important, the institutional reforms suggested in this paper have already gained traction among many Lebanese and not so insignificant sectors of the postwar sectarian political elite. PR voting has entered the parlance of Lebanese politics and the agendas of different parliamentary blocs. Moreover, and as the negative reception in Lebanon and the region of any hints of a federal option in Syria suggests, broad political, administrative, and fiscal decentralization remains a much better option at both the mass and elite levels than far less popular federal solutions. Ultimately, Lebanon's postwar sectarian political elite face an inescapable conundrum: either they introduce the kind of institutional changes that transform the country's corporate consociation into a more hybrid one, or they sit idle and watch as the political system serving their political economic fortunes crumbles thus exposing the country to a new round of violence.

What then are the implications of the argument presented in this paper to consociational theory and the impact of power sharing arrangements on long-term peacebuilding? The 'contingent and case-specific' examination of the Lebanese case undertaken in this paper suggests that it is sometimes better

to think in terms of hybrid consociational arrangements rather than a binary choice between corporate or liberal ones. There is no denying that Lebanon's corporate consociation incentivizes clientelist political economic and institutional practices that with time further entrench sectarian identities, derailing the prospects for statebuilding, and obfuscating the emergence of national integrative movements. Students of consociational theory have long recognized these – and other – challenges associated with identity-based power sharing arrangements. Consequently, any institutional leap from corporate to liberal consociation is impossible given the country's delicate sectarian balances and demographic realities. A hybrid consociation arrangement along the lines suggested for Lebanon in this paper may be a third option for policymakers to entertain when engineering war-ending power sharing arrangements. Another implication to the power sharing debate emerges directly from this one.

If it is the case that power sharing arrangements are best considered as interim measures or transformative processes in postwar contexts,<sup>68</sup> then a hybrid consociation arrangement in Lebanon may serve as a transitional stage toward more long-term centripetal institutional arrangements. Hybrid consociation institutional arrangements incentivize cross-sectarian and anti-sectarian groups and counterfactual socioeconomic or regional identities, paving the way for the emergence of intra-sectarian competition and hence better representation and accountability. In the very long-term, this allows for the emergence of interest-based identities that privilege socioeconomic priorities and the rule of law over narrow clientelist and sectarian interests, perhaps even paving the way for a measure of “desectarianization” when paired with “bottom-up ‘social cohesion’ programming”.<sup>69</sup> But because they are hybrid arrangements, they open up these possibilities for new kinds of identities and political dynamics without altering in the short-term the predetermined sectarian quota associated with the existing power sharing arrangement or threatening the sectarian elite's political economic interests.

A hybrid consociation arrangement may thus be a necessary but insufficient condition for the possibility of a gradual shift to centripetal power sharing ones. It may be the only alternative to two equally objectionable choices

68 Tamirace Fakhoury, “Debating Lebanon's Power-Sharing Model: An Opportunity or an Impasse for Democratization Studies in the Middle East?” *The Arab Studies Journal* 22 (2014): 230–255; Timothy D. Sisk, *Statebuilding: Consolidating Peace after Civil War* (Cambridge: Polity Press, 2013).

69 Timothy D. Sisk, “Peacebuilding in Sectarianized Conflicts: Findings and Implications for Theory and Practice,” in *Sectarianization: Mapping the New Politics of the Middle East*, eds. Nader Hashemi and Danny Postel (New York: Oxford University Press, 2017), 271.

in many postwar states: the immobilism and instability of corporate consociation, and the gradual atrophy of state institutions and the possible collapse of power sharing altogether. Policymakers who want to avoid Lebanon's pitfalls in other deeply divided societies should steer away from corporate power sharing arrangements that render the transitional phase permanent. They should opt instead for hybrid consociation arrangements that carry within them the possibility of transcending narrow, identity-based politics toward more representative and accountable inter-sectarian or cross-sectarian political economic dynamics.