Policy Overcomes Confessional Hurdles: A Policy Strategy Tackles Challenges in the Segmented Society and State of Lebanon

Joseph Helou
PhD Candidate
University of Exeter
UK
An Introduction to
ATINER's Conference Paper Series

ATINER started to publish this conference papers series in 2012. It includes only the papers submitted for publication after they were presented at one of the conferences organized by our Institute every year. This paper has been peer reviewed by at least two academic members of ATINER.

Dr. Gregory T. Papanikos
President
Athens Institute for Education and Research

This paper should be cited as follows:

Policy Overcomes Confessional Hurdles:  
A Policy Strategy Tackles Challenges in the Segmented Society and State of Lebanon

Joseph Helou  
PhD Candidate  
University of Exeter  
UK

Abstract

This paper fleshes out an analysis of the confessional political order of Lebanon and the manner in which it impedes policy formation. It blames the political elite and their political practices for intensifying the confessional order of Lebanon. As a consequence, it suggests a policy strategy to deal with the calamities of confessional politics and explains how this strategy could help overcome confessionalism.

Keywords: Confessionalism, Political Spaces, Policy Strategy
Introduction

This paper aims to discuss the challenges to the formation of policies in Lebanon and propose a more efficient policy strategy that adequately deals with those challenges. It seeks to explain how confessionalism and its associated factors emerged to hinder the course of politics in Lebanon. Particularly, it attempts to uncover how the confessional order came about and what specific aspects of Lebanese politics truly epitomize its faults. It aims to explore how factors such as colonial legacies, foreign intervention, prevailing ideologies, and power sharing arrangements inter alia helped contribute to the intensification of the Lebanese confessional order across various timeframes. The paper also aims to specify the nature and type of policy strategy Lebanese elite ought to adopt in order to score victories on the policy front. More specifically, it aims to showcase whether the policy strategy ought to encompass more direct or indirect approaches towards policy issues, put forth a comprehensive or incremental policy agenda, and reform state-institutions or society.

The paper argues that Ottoman, French, and Syrian intervention in Lebanese politics bequeathed Lebanon a confessional political order by molding the Lebanese political landscape through setting up confessionally-imbued institutions and political practices. This confessional order shared a mutually reinforcing relationship with numerous factors such as power sharing arrangements, patron-client structures, and certain ideological inclinations, tipping Lebanon's sensitive political balance by virtue of deepening inter-confessional cleavages. With the passage of time, this confessional order became more deeply entrenched and immune to change, weighing negatively on the process of policy formation. But Lebanon can eschew policy failures by adopting a more realistic policy approach that aims to resolve issues incrementally and reform society, instead of restricting policy focus to state-centric and comprehensive proposals. Whether discussing policy reforms relating to personal status issues, electoral laws for parliamentary elections, or a basket of other civil rights, the policy process should shun away from a strict focus on amending the existing confessional order and concentrate more heavily on creating political spaces whereby various confessional communities can associate with one another and the state on a non-confessional basis.

The forthcoming parts expatiate on the political challenges of confessionalism and what policy strategy best tackles those challenges. In the first part, the paper attempts to define the meaning of confessionalism and the way it is fleshed out herein. It shows how power sharing arrangements, elite consensus and conflict, patron-client relations, and foreign influence, among many factors, played a role in building and fortifying the confessional political order. More importantly, it explains what dimensions of the confessional political order rendered it un-amenable and obstructive to the process of policy formation. In the second part, the paper elaborates a policy strategy, which serves as a model for policy formation in segmented societies, that specifies how expansive or narrow the policy goals, objectives, and targets ought to be.
in the case of a divided society such as Lebanon. The policy strategy, adopted here, divulges the importance of reforming society gradually; it also reveals how the creation of political spaces in which individuals can participate on a non-confessional basis weakens confessional bonds, which could then form the basis for a post-confessional order. The analysis does not focus on a single case study in part two, but illustrates with several examples to showcase the strength of the proposed approach.

Part One: Confessionalism as a Political Order

The volatility of the term confessionalism conjures multiple meanings—often misleading ones—and thus requires elucidation. Baydoun denotes some of these multiple interpretations of confessionalism stating that "Confessionalism... has a range of meanings that gives it a certain vagueness and allows for all sorts of ambiguities. It may refer to the politico-administrative system of government, the social reality of multicommunalism, the institutional organization — in the widest sense — of a community, a collective or individual attitude tending to involve communal institutions in the global organization and management of society, the rather exclusive, or at least privileged, identification with a religious community, affiliation with an institution or even a way of communal thinking, acting or living, etc1." However, he adopts the term "in the subjective and objective sense of collective identification and its institutional expression in global society2." Arguably, when placed in the context of Lebanon, confessionalism is actualized through citizen's identification with their sect, which also circumscribes the relationship of citizens to the state based on the sect's apportioned representation in the political order. Even if individuals decide to dissociate from their confessional affinities and identify themselves as non-sectarian, secular, or atheist, they are bound to the legal jurisdiction of their sect—to the laws, procedures, and decisions of one of 17 religious courts in Lebanon—in personal status matters such as marriage, divorce, and inheritance.

Confessionalism entraps society in a vicious self-reproducing circle that impedes policy formation outside the domain of the confessional order. This watertight order manages to encompass every aspect of Lebanese society. Even non-governmental Organizations, which spearhead change by calling out policy shortcomings, reproduce sectarianism in Lebanon. Kingston illustrates this point through his examination of the factors that reproduce sectarianism in the politics of disability, environment, and women's rights associations in Lebanon, and finds fault in the prevailing institutional order and human

2Ibid.
agency. In other words, though the Lebanese people are conscious of the deleterious effects of the confessional order, Lebanese society and state dovetail to reinforce people's collective identification on a confessional basis, and express that confessional identification in the institutional setting of the state. The more egregious impact of confessionalism lies in the annual costs it imposes on Lebanese society. Chaaban contends confessional segregation—voluntary preference to associate with individuals from one's confessional group—in the fields of education, housing, and personal status issues inter alia, inflicts an annual cost of three billion U.S. Dollars on society. Therefore, before delving into an examination of the most convenient policy making approach to tackle the calamities resulting from this confessional order, an analysis regarding the factors that had established and maintained this confessional order in Lebanon over time is appropriate.

Institutional Politics and Practices Shape Confessionalism

The Ottoman empire, French mandate, and Syrian suzerainty of Lebanon each introduced institutions and practices that managed to foster and sustain confessionalism as the political order in Lebanon. By promoting an equitable power sharing arrangement on a sectarian basis, these colonial powers insured political stability, albeit transitory, but helped mold a confessional regime that still backlashes on—if not totally precludes—the formation of policies on a non-confessional and civil basis.

Foreign powers helped fashion a confessional political order in Lebanon by nurturing a set of political institutions and practices that expressed—and often strengthened—people's collectivization in confessional groups. The Ottomans, who were the first to engineer a multi-confessional power-sharing arrangement for Mount Lebanon, provided the autonomous region viable mechanisms to resolve its inter-communal conflict through the endorsement of the Reglement organique in 1861, an agreement sanctioned by several European powers to end fighting and guarantee autonomy of Mount Lebanon. As a consequence of this agreement, the Mutasarrifiya (Ottoman administrative body) emerged with an administrative council that was comprised of twelve elected members from various confessional communities; six were Christians (two Maronite, two Greek Orthodox, and two Greek Catholic) and six were Muslim (two Sunni, two Shia, and two Druze). A subsequent revision of the Reglement organique in 1864 gave Christians a seven to five edge over their Muslim counterparts.

Although the establishment of an administrative council with seats allocated for the representatives of confessional communities helped forestall conflict, albeit temporarily, it ironically dispersed the seeds for future conflicts.

---

2 Chaaban, Jad. 2011 The Costs of the Lebanese Sectarian System. Mimeo, American University of Beirut
by transforming the role of the political elite from representatives of their village, town or city dwellers, regardless of confessional affinity, to representatives of their confessional communities. Accordingly, members of every confessional community identified and built solid relations with those elite that represented their confessional community on the council. This association with some of the political elite on confessional grounds paved the way for weak state-society relations, since every confessional community identified with their representatives and not the council as a whole, and provided the elite the liberty to shoulder the blame of political failures on their counterparts and escape accountability. In addition, the confessional allocation of political positions in the Lebanese political order invariably concentrated the political debate on issues of power sharing and limited the avenues for political competition, as vindicated by the course of politics in Lebanon. As a result, inter-elite competition became focused on the exploitation of the state to gain a larger share within the political order and consequently more economic returns to dispense services to their support-base.

The French Mandate authorities (1919-1943) played a more direct role in consolidating confessionalism by intervening in daily political affairs. In 1932, for example, they refused the candidacy of Sheikh Muhammad Al-Jisr, a Sunni-Muslim leader from Tripoli, to the presidency, and suspended the constitution and disbanded parliament to prevent the election of a Muslim president. They advanced numerous safeguards to protect the fledgling polity of Lebanon, whose adherents were overwhelmingly Christian, against the irredentist claims of Muslim communities, who favored a union with Syria or the larger Arab World. These safeguards included the right of the high commissioner to rule by decree to limit the prerogatives of the council; French objection to any legislation that might lead to the dismemberment of Lebanon; and French pressure exerted on extreme Syrian unionists or Arab nationalists to withdraw from elections inter alia. As a result, Muhammad Jamil Beyhum, an Arab nationalist, succumbed to pressure and withdrew from parliamentary elections in 1922.

These formative years witnessed the emergence of confessionalism as a set of political institutions and practices that invited Lebanese society to associate with the state—and especially the political elite—on a sectarian basis, rendering the prevailing political order more resistant to non-confessional arrangements. This political order, which allocated the presidency of the republic to a Maronite, speaker of the house to a Shiia, and premiership to a Sunni, and accorded every confessional group a specific number of parliamentary seats (based on a six-to-five Christian-Muslim ratio becoming six-to-six after the 1975-1990 Lebanese civil war), rendered inter-elite exchanges—both those occurring during conflict and peacetime—as

---

1 Traboulsi, Fawwaz. 2012 Ibid. P.92
3 Solh, Raghid. 1988 Ibid.
tantamount in effect to overt declarations of enmity or amity between the confessional groups that these elite represent. The negotiations of political settlements, pacts, and power sharing agreements between Lebanon's political elite always took on a confessional die. Khalidi, for example, regards all power arrangements in Lebanon to include a link between the issue of identity and both sectarian structures and inter-sectarian power balances. He argues that a shift in emphasis from one aspect of the political formula to another reflects the underlying changes in the regional power balances and the change in the identity of the external power sponsoring the power arrangement. In addition to playing a role in mediating or intensifying conflict, external intervention in Lebanese affairs deepens the ideological divide between different confessional groups, as assistance provisioned to a confessional group adopting an exclusive ideology, such as Christians with Lebanonism and Muslims with Arabism in the Lebanese civil wars of 1958 and 1975, can render irreconcilable views as recipes for inter-communal conflict.

Syrian suzerainty of Lebanon through its co-sponsorship of the Ta'if accords, the Saudi-brokered treaty to resolve the Lebanese civil war, and through devising the Brotherhood Agreement, which placed Lebanon within Syria's immediate political and security orbit, reshuffled the political landscape and further consolidated confessionalism as the de jure political order. The Ta'if accords, for instance, introduced amendments to the Lebanese constitution that enshrined the confessional affinity of the President of the republic, Premier, and the speaker of the house in the constitution. It also spelled a confessional parity between Christians and Muslims in parliamentary representation, allocating each group sixty-four members of parliament, let alone vindicating confessional parity across all government bureaucracies. The Brotherhood agreement permitted Syria an upper hand in determining and meddling in the political and security affairs of Lebanon—and at times extended beyond those realms into the intricacies of the Lebanese political system, allowing it to tip one confessional group against another and capitalize on societal divisions. Arguably, this accumulated set of political institutions and practices withstood the test of time and became immune to the reformist efforts of progressive individuals and politicians, who introduce policies on a non-confessional basis. The way out of this current predicament lies in understanding the patron-client relations that help the political elite in

1For better understanding see Abul-Husn, Latif. 1998 the Lebanese Conflict: Looking Inward. Colorado: Lynne Rienner Publishers
mobilizing society before being able to suggest adequate policy making strategies to overcome policy challenges.

**Patron-client Relations Boost Confessional Mobilization**

The Lebanese Za'im (political boss or patron) plays an essential role in intensifying the confessional mobilization of society by nurturing a clientelist network of social services and subsequently exploiting it for political purposes. The za'im dispenses favors in return for his client's unwavering political loyalty and support. He remains in close contact with his supporters by resorting to a network of middle men or Qabadays. These middle men convene meetings, establish contacts, and often guarantee the votes of individuals and families during elections\(^1\). They also broker the transmission of orders, goods, and services between the Za'im and his political clients\(^2\). In the 1958 civil conflict, for example, Ibrahim Qulaylat, a 16 year old qabaday, participated in the civil fighting\(^3\), and mobilized fighters for Lebanese politicians supporting the pro-Arab camp—predominantly Muslim following—to combat the supporters of the Lebanese politicians who were backing the pro-Western camp—predominantly Christian following. This highlights how patron-client relations can culminate in the polarization and mobilization of public opinion—more often along confessional lines—and strengthen political identification with the elite as opposed to the state, further fracturing an already fragile order.

By tying individuals in an intricate web of social services, the Lebanese Za'im manages to build a loyal base of support in two important ways. First, the za'im makes himself available for his clients and continuously provides governmental services\(^4\). Second, he forges contacts within the business community to grant his clients employment, contracts and capital\(^5\). Depending on the client's demands and political significance, the za'im may be willing to dispense public works contracts, governmental concessions, employment in the state and private sectors, promotion within the professions and civil service, free or cheap education and medical treatment in government or charitable institutions, and even protection from the law. In return, the za'im receives his client's votes in elections, full support during political challenges, greetings during feast days, and backing on all other political issues. Arguably, the Za'im has an interest in the perpetuation of the patron-client network of societal dependence on the elite for social services, and thus barely pays lip service to advocating policy and reforming the state from within. These politicians prefer dealing with their counterparts from other confessions through what Hottinger

---

\(^1\)Khalaf, Samir. 1968 Primordial Ties and Politics in Lebanon. *Middle Eastern Studies*, April, 4(3):243-269
\(^4\)Johnson, M. 1986 Ibid. PP.48-49
\(^5\)Ibid.
calls "a backstage of personal, confessional, regional group, family and interest group politics," and maintain a keen interest in preserving influence over the confessional group to which they belong in order to fortify their position within the Lebanese political order.

But the political role assumed by the Lebanese Za'im is far from obsolete and impacts the course of confessional politics in Lebanon till this date. Khalaf discusses the existence and role of three types of such leaders: the feudal, administrative, and urban za'im. The demise of the system of feudal za'ims, whose political patronage emanated from their ownership of land, in 1860, culminated in the emergence of administrative Za'ims that usually served as magistrates or bureaucrats under Ottoman rule. A number of Lebanon's more influential political personalities are the descendents of administrative Za'ims. The urban za'im is a city notable who gains patronage by politically capitalizing on his wealth to build a clientele. The urban Za'im is probably the most reoccurring phenomenon within Lebanese politics, since a number of Lebanon's current political elite have amassed fortunes in Africa and the oil-rich monarchies of the Arab Gulf and have capitalized on that wealth to gain political clout. Since the only criteria for leadership within this class of Za'ims is material wealth, a number of individuals have obtained their ticket into the Lebanese political order by using their wealth to foster networks of social services and employ them to manipulate society—chiefly the confessional community to which they belong. Their actions continue to inflict negative repercussions on the Lebanese political order by strengthening society's affiliation with the Za'im, often at the expense of the state, let alone debunking state institutions and policy formation within those institutions.

The aforementioned part does not flesh out an explanation on an exhaustive list of factors that contribute to the sustenance of the confessional system, but rather explains how the watertight confessional political order, brought about by the cascading influence of foreign intervention in Lebanese affairs, political practices, institutions, and elite exchanges and power sharing arrangements, confines society to this confessional political order. It places great weight on the role of Lebanese politicians and foreign intervention in shaping the institutional political system of Lebanon, and expatiates on the benefits of the confessional order to the Lebanese Za'im. The robustness of this confessional political order has a negative bearing on all types of policy initiatives that deviate from the confessional route of politics in Lebanon. But the forthcoming part shall showcase how the adoption of an adequate policy strategy that proposes a new mindset to tackling policy challenges in Lebanon promises to deliver more fruitful results.

2Khalaf, S. 1968 Ibid.
Part Two: A Policy Strategy for the Confessional Society and State of Lebanon

Whether policy makers aim to abolish political sectarianism, tone down confessionalism's institutional expression inside the framework of the state, or put forth sweeping reforms to introduce secularism as a political order, they ought to be introduced in piece meal and injected gradually into the Lebanese political order. Arguably, if a single policy places the objective of abrogating confessionalism, it is doomed to fail because of the multifaceted character of the confessional order that manages to regenerate itself on the societal level, even if the legal prerogatives of confessional groups are dissolved within the political system. This is why any proposed policy should aim to liberate political spaces to insure citizens' participation in the political system on a non-confessional basis and ultimately strengthen their relationship with the state. In order to relax the confessional grip on Lebanese society, adequate policy strategies need to absolve the Lebanese political order from confessional tendencies in a piece meal fashion, influence society as opposed to strictly focusing on the state, and create political spaces for citizens participation in the Lebanese political system on a non-confessional basis. In a number of volumes on policy proposals for Lebanon, several towering academic figures expatiated on policies to redress shortcomings regarding Lebanon's public administration, business laws, foreign affairs, education, and identity, among many, but rarely expounded on effective and full-fledged policy strategies to bridge those gaps. Therefore, this part argues that for policy to be efficacious, it ought to adopt the components of the aforementioned policy strategy, and illustrates with examples herein to vindicate this point.

Reforming the Electoral Law

A number of draft proposals on electoral laws for parliamentary elections were discussed among the political elite of Lebanon, and some were scuttled in parliament, because they threatened the political standing of current parliamentary blocks. While Lebanese politicians deem the current majoritarian electoral law unjust, they have reached a deadlock in attempting to settle for an alternative. The proposed Orthodox electoral law, which embraced proportional representation as its guiding principle, was turned down in parliament not merely because it restricted Lebanese voters to a choice of candidates from their own confessional community, but because it threatened to downsize the parliamentary blocks of certain political parties who have

---

2See Orthodox Electoral Law. 2013 Orthodox Law. English Translation, February 19, Submitted to parliament by MPs Alain Aoun and Nemtallah AbiNasr URL: https://now.m media.me/lb/en/2013elections/the-orthodox-proposal
benefited from the majoritarian electoral system. Under the current majoritarian electoral system—with multi-candidate and closed electoral slates, those confessional leaders whose supporting community predominate an electoral constituency usually play a decisive role in determining the representatives of other confessional communities or political persuasions through "the winner takes all" majoritarian system. Therefore, the principle of proportional representation in any electoral law—whether on a confessional or national basis—will continue to collide with the political interests of some Lebanese politicians.

The only way to break the existing deadlock is to adopt a strategy that centers on partial reform as opposed to introducing radical and sweeping solutions. Since the majoritarian system preserves the privileges of confessional leaders and the proportional system jeopardizes those very same privileges, the most convenient way out of this predicament is to create some political space in which individuals can compete in the electoral race on a civil basis. Arsenian Ekmekji argues in favor of adopting the Boutros commission draft—dubbed after the commission tasked with proposing a new electoral law for Lebanon—that proposes mixed-electoral constituencies according to proportional and majoritarian representation. She contends the implementation of the Boutros Commission Law can take place gradually (over a period of three electoral cycles/twelve years) and culminate in the creation of a bicameral Parliament with a senate, which in turn insures confessional and civil-secular privileges. In other words, though a proportional electoral law would be the ideal scenario to insure better representation of Lebanese society, the more conducive proposal for implementation is the mixed-proportional and majoritarian system precisely because it introduces reform gradually, creates political space for unconventional or new political contenders to hop into the political system, influences society to participate more actively in parliamentary elections, and renders political concessions or agreement on such a law less threatening to the immediate interests of the existing political elite.

Social Reforms

Through the confessional system, Lebanese politicians practice their influence to procure government jobs for their political supporters. This excessive employment of individuals in the state, writes Chaaban, has increased the total base of public servants of which 16% constitute an additional Burdon on the state that amounts to an excessive annual expenditure of $396 million. These individuals vie for positions in state offices because of the pension plans and medical insurance associated with these positions. Using a mixed approach—economic regression, surveys, and semi-structured interviews, Chen and Cammett reveal that individuals that tend to show high levels of political activism with a political party in Lebanon receive greater

---

1 Arsenian Ekmekji, Arda. 2012 Confessionalism and Electoral Reform in Lebanon. Briefing Paper, Aspen Institute, July
2 Chaaban, Jad. 2011 Ibid.
access to finance in the field of healthcare\textsuperscript{1}. Therefore, Lebanese politicians intercede on behalf of their supporters to secure jobs in the state and the benefits associated with those jobs, in return for the political loyalty of their supporters. This grim reality helps sustain confessionalism by virtue of strengthening the dependency of individuals on political leaders.

To abolish this dependent patron-client relationship and thus debilitate the confessional mobilization of society, the liberation of the political space of social security becomes imperative to foster a non-confessional citizen-state relationship based on equal rights and duties for all. By suggesting the imposition of a mandatory social security program and old age pensions for all Lebanese citizens, this policy strategy, albeit partially reforming the system, precludes the possibility of political intervention in social security to serve personal political ends. More importantly, when Lebanese citizens receive their right to government-sponsored medical care without the intercession of influential politicians, those individuals regain their trust and confidence in the Lebanese state regardless of their confessional affinity. In this scenario, the equitable provision of social security would be partially contributing to the emergence of a political space in which citizens can relate to the Lebanese state in a non-confessional manner and without feeling obligated to express political loyalty to Lebanese politicians.

**Contours of Policy Strategy**

This part did not attempt to flesh out a tangible policy making approach, institutional framework, or agenda, but focused on a policy strategy that may be implemented in any reformist effort to reform the confessional system of Lebanon. As evidenced by the above examples, this policy strategy aimed to introduce partial reform to the confessional system, influence society as opposed to the state, encourage citizen participation in the political system in a non-confessional manner, and render concessions by the political elite less detrimental to their interests in order for policy to see the light. This policy strategy may be utilized in potentially reforming all policy issues in Lebanon in which the confessional system dominates.

**Conclusion**

The confessional political system in Lebanon came to life due to the manner foreign powers helped shape institutional politics and practices. Lebanese politicians also played a vital role in fostering this confessional system in which they mobilized supporters along sectarian lines. Political ideologies, communal affinities, patron-client relations, and other dimensions of politics in Lebanon displayed mutually reinforcing features with confessionalism. Therefore, confessionalism weighed in on the process of

\textsuperscript{1}Chen, Bradley, and Cammett, Melani. 2012 Informal Politics and Inequity of Access to Health Care in Lebanon. International Journal for Inequity in Health :11-23
policy formation by virtue of blocking non-confessional policy proposals from seeing the light in the Lebanese political system. As a result, the aforementioned analysis put forth a policy strategy that concentrates on partial reform instead of radical solutions, targets society as opposed to the state, and one that makes elite concessions more plausible. Although the examples of elections and social security reform were advanced, this policy strategy can be applied to virtually any aspect of reforms in Lebanon. The main reason behind the almost universal applicability of this policy strategy to multiple dimensions of the policy realm is because it considers the relationship between Lebanese citizens and the state as constituting a political space. As a policy objective, this strategy aims to liberate these political spaces from the confessional grip of Lebanese politicians to ultimately result in a non-confessional order.

Nevertheless, the enclosed analysis fleshes out a think piece that proposes a new approach to tackle an ongoing quagmire. This policy strategy did not attempt to culminate in an authoritative solution to the calamities of the Lebanese confessional order. It attempted to showcase that radical reforms in Lebanon is close to impossible due to the ability of the confessional system to regenerate itself on more than one level. Therefore, it strongly argued for the adoption of partial reforms and the liberation of political spaces. It hoped to reveal that the liberation of political spaces, such as social security, may redefine citizen-state relations along non-confessional lines and filter out the role of the political elite, whose only unaltruistic aim is to maintain their power in the political order. This piece was an earnest attempt to point out the faults of the policy process in Lebanon. Since many scholars had written about policy proposals in Lebanon, this paper took on a different bend and argued that the fault lay in the way policy is strategized in Lebanon—I.E. the way policy objectives and goals are placed and thought of. The above analysis may be examined with a grain of salt, however, it hopes to invoke a stream of research into the manner policies should be considered and tabled for discussion in Lebanon rather than simply pointing out the flaws in the Lebanese political order.