

## **Lebanese National Pact and Democracy**

Speech of Prof. Father Georges Hobeika

President of the Holy Spirit University of Kaslik - Lebanon

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On the eve of the patronal feast of our University, it gives me great pleasure to extend my warmest thanks to the Chancellor of our University, the Most Reverend Father Superior General Neamtallah Hachem, for the paternal solicitude with which he surrounds our prestigious institution. By his foresight and his discernment, he leads the boat into safe harbor. In the same way, it is important to have an emotional thought for all the presidents of USEK who have invested themselves fully and with a great deal of competence in promoting the sustainable development of this great national institution, especially to my two very dear predecessors, at present on the Supreme Council of the Lebanese Maronite Order, the Rev. Fr. Vicar General Professor Karam Rizk and the Rev. Fr. Assistant General Professor Hady Mahfouz.

Also, my warmest wishes and my most grateful thanks go to the whole family of USEK, vice-presidents, deputy presidents, provost, deans, department heads, faculty members, researchers, assistants, employees. I would not be exaggerating to say that today is your feast and that of our dear students, in the pair educators-educated under the motion of the Spirit. How not to be admiring the glorious achievements of our University community in educating and supervising our rising generations? I do not find the right words to express my deep gratitude to our eminent faculty who strive

with joy not only to communicate scientific, solid, objective, widely documented and constantly updated knowledge, but especially to train a person in all his or her multidimensionality. Your sacrifices, I am deeply convinced, will be real seeds for a brighter academic future.

In the same way, my thanks and my fraternal greetings are addressed to all our friends here, ministers, deputies, diplomatic corps, military officials, politicians, rectors and presidents of universities, judges, mayors, members of the Board of Trustees, journalists and representatives of various mass media. Your unwavering moral support and your participation in our patron's day increase our joy and allow our academic enthusiasm to gain strength and resilience.

Honorable audience,

### **The concept of democracy**

The concept of democracy, strength and power of the people (demos [people] kratos [force, power], - who was born in the bosom of the city of Athens, and more precisely in the Agora, where the formula of “*Es Messon*” ( go in the middle) gave free speech to the Athenians to discuss the affairs of the city - this term failed to have a privileged status in the most prestigious philosophical system of Greek antiquity, that of Plato. For the latter, the political affair is too serious to be entrusted to the people where the majority are recruited ignorant, illiterate, delinquents and people driven only by the blind and blinding instinct. According to his philosophical approach to politics, it is exclusively the intellectual elite, guided by the light of reason and able to set in motion all the strategies, both pedagogical and administrative, which will have to be called to take the reins of power. Thus, the conceptual plan of the term democracy, so much praised and emphasized by the famous Pericles, leader of the Athenian

democracy, was banned from the philosophical plans of political rescue, proposed by Plato, the giant of the old times.

Be that as it may, over the centuries and years, and thanks to the gradual maturation imposed by the social and economic calamities produced by the despotic and dictatorial systems, a part of humanity has resigned itself to putting its grip on democracy as the mode of governance the least bad possible. Still, there is not one democracy in force in developed countries, but rather plural democracies. In this diversity of democratic paradigms, there are two modes: the first representative, delegating or minimalist, fully entrusting the management of the country's affairs to politicians, and the second participative, active or maximalist, in which the citizen continues to control personally, through the media, demonstrations, pressure of any kind, the day-to-day business of societal and economic journalism. This conception of active democracy favors, as Claudine Leleux correctly points out in her book *Rethinking Civic Education*, Editions du Cerf 1997, the individual citizenship which amounts to constantly asserting the personal opinion, apart from the delegating democracy managed by the legislative and presidential elections. Added to this is humanist democracy, in the words of Alain Mounie in his book *The School of the Republic, For an Education for Democracy*, (Presses Universitaires de Lyon, 1996), when the State, in its operation scrupulously respects human rights, which have contributed to the emergence and establishment of democratic regimes. So a democracy that is not amnesic of its founding momentum, which is nothing but the liberating burst of a man aware of his inalienable rights.

### **The Lebanese Constitution**

After this short, succinct and condensed, prelude, I think that the ground is more or less cleared to begin our approach of the Lebanese democracy. Lebanon, a tiny and historically overburdened country, comprises 18 different religious and cultural

communities. Decree No. 60 L.R. of the High Commissioner of March 18, 1936 recognizes 18 religious communities. Most of these communities, afflicted and persecuted, and anxious to safeguard their memory and identity, sought refuge in the land of Cedar. It was necessary, over a time punctuated by social tribulations and fractures, constantly envenomed by external interference, to find a political system that was in tune with the expectations of these communities in distress.

The State of Greater Lebanon, proclaimed by France in 1920 and later recognized by the international community, holds these confessions institutionally as essential components of its socio-cultural contexture, and grants private and personal status to their respective jurisdictions. Already in the Ottoman Empire, non-Muslim minorities enjoyed full autonomy in private law. In the modern Lebanese State, newly established under the French mandate, two separate but complementary legal frameworks will frame the political life, the Constitution and the National Pact, the first written and the second unwritten. The Lebanese Constitution of 1926 is largely inspired by the French Constitution of the Third Republic. On this point, it will be interesting to consult the authoritative work in this field, that of Edmond Rabbat, *The Historical Formation of Political and Constitutional Lebanon*, (Lebanese University, 1970, 377 sq.).

Articles 9 and 10 of the Constitution deal, first, with the guarantees that the Lebanese State undertakes to grant to the people, to whatever religion they belong, in respect of their personal status and interests. The second, on the "assurance that no harm will be done to the right of communities to have their schools, subject to the general instructions on public education issued by the State". In addition, article 95 states that: "As a transitional measure and ... with an intention of justice and concord, the communities will be fairly represented in the public offices and in the composition of the Government, but this must not harm the good of the State".

## **The National Pact**

The second unwritten legal reference is the National Pact. It was concluded in the summer of 1943 between the President of the Republic, Bechara Al-Khoury, Maronite leader, and the Prime Minister, Ryad As-Solh, a Sunni leader. Although the first Lebanese Constitution has been imported from abroad in most of its essentials, the National Pact, on the other hand, has been entirely inspired by the Lebanese and Middle Eastern situation, and is therefore deeply rooted in the concept of differentiated citizenship of the Lebanese people. In this consensus, all the key posts of the State are allocated according to a quota to the different communities of the Lebanese society. For example, the presidency of the republic is attributed to the Maronites, the presidency of the House to the Shiites, and the presidency of the Cabinet to the Sunnis. As for the ministries and functions of the first category, they will also be subject to the same logic of sharing between the different communities.

The fact remains that the award criteria have never been rigid and inflexible. They change with the socio-political evolution of Lebanon. As everyone knows, at the beginning of the creation of modern Lebanon, Muslims, especially in their Sunni movement, violently opposed a Lebanese entity independent of the Arab neighborhood, in this case Syria. The reasons for non-parity between the Christian shares and the Muslim shares in the early days of the State of Greater Lebanon are clearly evoked by Charbel Nahas, in his research entitled "Confessionalism in Lebanon" under the direction of Marc Auge at the School of Higher Studies in Social Sciences, in 1980: "The development of this sharing has been progressive and has continued in practice in two directions: the increase to equality, on the Muslim side compared to the Christian part originally largely majority for reasons both sociological (much more developed instruction among Christians from the

beginning of the century, because of religious schools) and political (refusal of Muslims to recognize the State of Greater Lebanon proclaimed by France in 1920) and the increasingly precise specification of posts to the lowest echelons of the administration "(p.4, footnote 3).

Among the major objectives of the National Pact, Edmond Rabbat, in his work cited above, prefers to project the following: "Lebanonization of Muslims and Arabization of Christians" (Id., P.518). This interpretation is based on the approach led by Youssef Ibrahim Yazbeck, in his article in the magazine *Al Ousbou 'Al' Arabi* (The Arab Week), No. 66 of 12 Sept. 1960, where he refers to the words of President Bechara Al Khoury himself, asserting bluntly that: "the National Pact was not only a conciliation between two communities, it also realized a fusion between two doctrines, one that tended to resorb Lebanon in another State, and that which sought to keep it under the cover of protection, or foreign guardianship". This basic ideological perspective will be branched out into definitional clauses no less fundamental in the emergence of the State of Greater Lebanon, which could be summarized in the following points:

1. Lebanon is an independent Republic, of absolute independence ...
2. Lebanon has an Arab face; his language is Arabic; it is an integral part of the Arab world; it has its particular character. Notwithstanding its Arabity, it cannot interrupt the ties of culture and civilization it has forged with the West, since these ties have had the effect of bringing it to the progress it enjoys.
3. The vocation of Lebanon is in its cooperation with the Arab States.
4. The distribution of all State jobs will be equitable among all communities.

It is precisely thanks to these basic data in the National Pact that Lebanon has marvelously succeeded in removing its political system from the socio-political

structures of the neighboring countries where the differences and peculiarities were and unfortunately are! Always as much hidden as embedded in a fusional and monochrome statism. This task was not easy. Huge sacrifices have been made to keep pluralistic Lebanon alive and through the causal chain the natural right of men to difference. It is indeed in this area that Lebanon is able to bring humanity, condensed nowadays in a space of life without borders or distances, a model of differentiated citizenship, somehow served, by a consensual democracy. This citizenship, based on the principle of unity in difference, helps to favor, not without difficulty, a passage, more or less successful, from murderous identities to reconciled identities in the fragile and robust harmony of opposites.

### **The alliance of Medina**

Similarly, it should be emphasized that the Lebanese National Pact is nonetheless a major political event in an East managed most often by lethal uniformity and sometimes by religious ostracism. In our approach to the philosophy that inspires this Lebanese National Pact, we find entirely justifiable a connection with the "Alliance of Medina" that the Prophet of the Muslims Mohammed had signed at Yathrib in 623 with Jews, Sabeans and Pagans, at his exit from Mecca, under the military pressure of the opponent tribes. The 41 clauses of this Alliance bring out the unity of the community in religious pluralism, and stipulate that the administrative tasks pertaining to the management of the affairs of the city are divided equally. The other, different in culture and religion, is considered as associate and partner. Still, this Alliance, which lays the first foundations of human rights, and assumes an egalitarian *modus vivendi* in a plural society, will unfortunately all later be replaced by *sharia* law, the canon law of Islam, as the only constitution for Medina. It will be necessary to wait for the emergence of the Lebanese National Pact to revive the "Alliance of Medina" and to base citizenship

on the recognition of the *Dissimilar Other* as a full partner in the functional unity of the pluralistic State.

In fact, the Lebanese National Pact and the Arab regimes in force, based on the principle of "national fusion" (*Al Insihar al Watani*) are diametrically opposed. Throughout the Arab and Muslim Middle East, the term "national fusion" is constantly recurring as a leitmotif in political discourse, so much so that any attempt to break the slogans displayed by the political power will be seen as an attack on the unity of the nation, cemented by "national fusion", and disengaged by cloned political formulas. However, the fusion or melting is originally a term used exclusively in the steel industry to describe the process of melting various metals in the furnace, which ends in a uniform monochrome alloy. It can not in any case apply to the societal composition.

### **Differentiated Lebanese citizenship, antidote to the "national fusion"**

In the Taif Agreements, the term "national fusion" frequently appears. This terminology in the texts of the new Lebanese Constitution, foreign to the vocabulary of the National Pact, faithfully reflects the direct influence of Middle Eastern mentalities, still at work today, which have difficulty in conceiving a unity, beyond the merging of all components of society. It is the status of the submissive subject that is always reserved for individuals. Citizenship, enjoying all the duties and rights, egalitarian and respectful of cultural, political and religious affiliations, in accordance with Article 18 of the Charter of Human Rights, is not yet operational in the overwhelming majority of Middle Eastern countries. However, this morbid frequency of the term "national fusion" - culminating in the insistence on the abolition of political confessionalism, which slyly smacks of unmistakable unobtrusive denominational expansionism - is counterbalanced by a strong, but implicit, response of the Lebanese political conscience, which states that any law,



undermining the principle of want-to-live-together, will be considered as invalid and illegitimate. It follows that even in the mistaken conception of "national fusion", the Lebanese legislator, working under the auspices of foreign occupation and the guardianship of countries in non-democratic political systems, is working, as well as it is difficult to save Lebanon's raison d'être by this insistence on egalitarian citizenship before the law, but respectful of the historical memory of the people. Differentiated Lebanese Citizenship is not amputated from the founding history of being, nor from cultural and religious constituents. It is different from modern Western citizenship, generated by American and French revolutions, purified from particularisms and based exclusively on ahistorical and abstract notional components.

It is nonetheless useful to emphasize that the political system of Lebanon, established on the total respect of the religious and cultural peculiarities of the pluralist nation, thanks to the decisive contribution of the Lebanese Christianity, is fully embedded in what Charles Taylor calls "*The Politics of Difference*" ("*Multiculturalism: Examining The Politics of Recognition*, 1994). Taylor notes that "Before the late eighteenth century no one thought that the differences between human beings had this kind of moral significance. There is a certain way of being human that is my way. I am called upon to live my life in this way, and not in imitation of anyone else's." From what precedes concludes Taylor to what he considers it appropriate to call the "principle of originality". "Each of us, comments Marie Gaille, in her book *The Citizen*, GF Flammarion 1998, is unique and has something to say that no other can state. In a democratic society, the government, recognizing the equality of all, must give all people equal opportunities to develop their authentic selves".

Only this policy of difference, underpinning the Lebanese political system, makes national unity a constant daily victory over failure. This fragility perfectly illustrates to what extent Lebanese democracy marries both the dignity of the human condition and its weaknesses. Thus, Lebanon, a country of minorities, has managed to set up an unstable political balance, without capsizing in the military dictatorship that artificially and ephemerally reinforces the foundations of the state. Among the benefits that flow from this humanizing instability, we can cite that of the peaceful alternation to power, in accordance with the deadlines provided by the Constitution, something that is found nowhere else in the Arab countries, where the single party or the dynasty are permanently and without sharing in power, not by universal suffrage, but most often by a coup d'etat. In addition, it is important to point out that Lebanon is the only country in the Arab League where we find former presidents, still alive, with bodyguards and monthly salaries. Added to this is freedom of the press, religious freedom and freedom of conscience. As for the latter, it is clear that Lebanon is also the only country in the Arab League where the Muslim can freely convert to Christianity without running the risk of being incarcerated. In Arab countries, constitutions forbid leaving Islam for another religion. On the other hand, conversion to Islam is accepted and encouraged.

Faced with these serious attacks on the basic rights of man, Lebanon presents itself, despite its intrinsic contradictions and its political system, which sometimes suffers from internal factors as well as external interference, as a privileged space for human beings, in free quest for their authentic self in a variegated society. It is from here that we can partially understand why the entire Middle East region has been attacking, for some 30 years now, directly or indirectly, this tiny country, which "disturbs" as much by its public liberties as by its religious and cultural pluralism. By its plural contexture, it is in contradiction with the founding idea of the countries

which reject at the base the possibility of formation of a nation by different religious and cultural components. By this exclusivist ideology, these countries plunge back into the sterile and obsolete tradition of Sparta. Similarly, Lebanon, by the respect of article 18 of the Charter of the Humans Rights, by the National Pact which frees Christians from the dhimmitude and puts them on equal footing with the Moslems at the level of the State and at the level of rights and civic duties, by the peaceful alternation of power and by all the freedoms, both individual and collective, Lebanon is nonetheless a source of intolerable embarrassment for all neighboring countries which are immersed in a political and socio-economic culture incompatible with the basic elements of a true democracy.

### **Lebanon, the only secular country in the Middle East**

In sum, the unique Lebanese formula, reflecting the National Covenant of Wanting to Live Together, in recognizing the dissimilar other as a full partner in political action and in the management of the affairs of the State, shows political confessionalism in a favorable light and therefore puts Lebanon in opposition with all the political systems of a Middle East managed more and more by the Muslim and Jewish theocracy. Indeed, and so strange and odd as it may seem, thanks to the confessional system, Lebanon is the only country in the Middle East to be a secular State. And this is because in Lebanon there is no official religion for the State. The latter recognizes and respects all faiths, without claiming any of them. Hence the conclusion that confessionalism, positive, open and interactive, involving all national components in power, is indeed the bedrock of democracy in Lebanon and its legendary resilience. In this perspective, the powerful analysis conducted by Claus D. Hillebrand, a former German expert at the United Nations, in charge of the Lebanon dossier, took place during the German-Lebanese conference held on July 7, 2009 in Ludwigshafen. To the question: Is political confessionalism in Lebanon

really so bad, Hillebrand responds by underlining that political confessionalism now ensures a certain stability and adapts ingeniously, in decision-making processes, the interests of the different groups of the Lebanese society. A change in the system in Lebanon, he continues, involves serious risks, especially in the current situation prevailing in neighboring countries, driven blindly by expansionist appetites and hegemonists, and infiltrated by an exclusivist and fundamentalist Islamism. And by drawing a parallel between Lebanon and Germany, proportionally, of course, Hillebrand points out that even in Germany there is a small amount of confessionalism in politics. Key positions in the government and at the head of State are practically shared by politicians of different denominations and regions. Invisible thing for foreigners. He also points out that churches and trade unions are second only to them, but their influence is not negligible in the political administration of everyday life and in the implementation of long-term political strategies.

### Lebanese National Pact and Swiss Magic Formula

If, on the other hand, we draw a parallel between the Lebanese National Pact and the Swiss Confederation's Magic Formula (Zauberformel in German), we are surprised by the extent of the things shared and the management logic that governs political action in the two pluralistic countries. After almost one hundred and fifty years of internal wars between Catholics and Protestants, the Swiss had managed to find a brilliant *modus vivendi* of a nature to ensure a national unity in the right to difference, by creating twenty-six cantons where the religious and linguistic belongings are meticulously respected. In 1959, the Swiss managed to find a magic formula, a sort of tacit, unwritten national pact, controlling the distribution of seats in the Federal Council, scrupulously monitoring a political, religious and linguistic balance, according to the arithmetic formula 2- 2-2-1, making prevail, not always the balance of power, but the entire Swiss electorate. The distribution of seats in the Federal

Council is between the Radical Democratic Party (PRD), the Christian Democratic Party (PDC), the Socialist Party (PSS) and the Democratic Union of the Center (UDC). The right-left political divide is maintained, thanks to the magic formula, within the governmental coalition, to such a point that blockages in the decision-making naturally follow. Former President of the Swiss Confederation Pascal Couchepin says that sometimes the blockages last for years and years to reach a decision accepted by all members of the Federal Council. He recognizes that this is an exacerbating slowness, but it is still preferable, as he finds appropriate to draw attention to a faster and more efficient decision-making mechanism, sometimes seen as an emergency action, but which could affect the interests of one of the components of the Swiss society. This concern to serve all the Swiss components, in their political, religious and linguistic diversity, presides over all the strategies of the Federal Assembly, notwithstanding the pitfalls and difficulties generated by the system of concordance. Proof in support, the voices sharply criticizing these blockages caused by the Magic Formula and consequently calling for a return to the old alternation system in power, have failed to convince the political actors. Seeing closely the greatness and the difficulties of the Swiss political system, we couldn't help reconsidering our unjustifiable strong criticisms of the Lebanese formula which succeeded, somehow, in making a real life together from a mosaic of cultures and religions. A non-consensual and purely numerical democracy can never manage countries as pluralistic as Lebanon and Switzerland.

## Conclusion

In the final analysis, the fact remains that the Saint Pope John Paul II's historical remarks, putting Lebanon on the pedestal of international political referentiality for plural societies, powerfully illustrate to what extent the country of Cedar is opposing the sterile tradition of Sparta and that of all the retrograde countries following its

footsteps. By this kind of democracy, grounded on the National Pact, recognizing the rightness of the politics of difference and the relevance of the principle of originality, Lebanon is more than a country; it is a message for alterities constantly reconciled with themselves in the humanizing fragility of the harmony of opposites.