



Lebanon, the State of Citizenship: Possibilities and Challenges

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The ideas included in this paper revolve around the concept of citizenship in Lebanon, its dimensions, and the obstacles that prevent its elaboration and achievement, and its sectarian prevalence, which is manifested in both, the constitution and Laws and also in daily life. This paper aims, on the one hand, at recalling the most prominent issues that were raised during the aforementioned meeting, and on the other hand, at an additional reading, especially of the problem at hand, i.e., the state of citizenship, provided that it ends with conclusions and opens horizons that are valid, mainly for follow-up insight, deliberation and dialogue on the same issue.

Citizenship: Concepts and Perspectives

It was necessary, in the course of this section, to follow a methodology that regulates the main issues of discussion and the points of view emanating from them in a comprehensive manner that classifies and elaborates the ideas presented and avoids repetition that may occur regarding them among the participants. At the beginning of any dialogue, and as a prelude to its launch, we should point out that addressing citizenship is closely linked to addressing the problem of sectarianism, and that the purpose is to provide a platform for the exchange of calm and thoughtful ideas intended to be placed within the reach of decision-makers to contribute to a way out of the predicament.

As a result, a number of problems were raised, with the first question being whether Lebanon was a sectarian state and which ways would enable it to shift to a state of citizenship. This is followed by a second question as to whether the imbalance was due to the political system and the constitution, or to those in power. The third question is about whether the attainment of the state of citizenship necessitates the application of Article 95 of the constitution or whether it calls for the emergence of a new social contract among the constituents of the Lebanese sectarian fabric. In the context of looking forward to the state of citizenship, the issues of neutrality and federalism and the extent of their impact on the establishment of the state of citizenship were raised. The six problems were concluded with a discussion on the concept of coexistence (living-together) and whether it is still valid and qualified to facilitate the establishment of the state of citizenship. These problems were sometimes discussed individually. At other times, they were discussed jointly or separately only regarding a certain aspect. Views on the issues at stake were often unanimous. However, they diverged at times.

One of the aspects of the dialogue is to examine the term “citizenship” itself, which is not free of confusion, especially since it carries in its folds the seeds of individualism rather than national belonging. Moreover, the confusion surrounding the term “Abolition of Political Sectarianism”, which has not yet revealed its true meaning and the extent to which it relates to the concepts of the state of citizenship, the civil state and the secular state, in addition to its potential of overthrowing the rule of balance between the constituents of the Lebanese society, was discussed. In the current situation, the abolition of political sectarianism may end up favoring one sect over another, spreading confusion and fear, and harming fraternity and rapprochement. In the course of any discussion on the sectarian reality, the consequences of cross-border sectarianism will be cautioned against. Its extreme danger is demonstrated by the fact, that the Lebanese, despite all that divides them in terms of sectarian affiliation and in their view of the sectarian system, did not fight unless sectarianism became transnational, i.e., interference through other nations took place.

It should be pointed out that the country is still held captive by an Ottoman decree that granted the religious sects to be regarded as legal persons, so the state of the sects was formed instead of the state of the citizens. However, the decree itself was positive from another perspective because it enshrined two principles when announcing equality between the subjects of the Sultanate, regardless of their sects, and at the same time it recognized the right of the sects to manage their affairs. Although sectarianism has its merits in terms of protecting the rights of sects in a pluralistic society, politicians have dragged it into positions that protect their interests.

There are many points of view regarding Article 95 of the constitution (and subsequently on the abolition of political sectarianism), as it was considered ready to explode whenever it was approached, especially since the abolition of political sectarianism cannot be completed without addressing the areas of personal status and removing it from religious authorities, adopting expanded administrative decentralization, reaching disarmament of illegal weapons, strengthening constitutional life rather than marginalizing it, stop allocating some sects with some high positions, developing educational curricula, curbing lawlessness in the matter of granting nationality, and erasing any trace of discrimination against women. It was highlighted that the constitutional legislator was very careful when drafting **Article 95**, especially since he included in it the principle of observing the requirements of national reconciliation in public office (except for the first category, where parity is adopted) despite the abolition of the rule on sectarian representation. In the line with Article 95, it was hinted that the level of sectarianism in the Lebanese constitution is lower than it is in countries suffering from the same problem, but political and administrative practices have exacerbated sectarianism (the theory of strong presidents, sectarian consensus to elect the president of the republic, national unity governments, etc.). Within the same line, it was stated that what is required today is to mitigate the impact of sectarianism, not eliminate it. We should also correct the practices that transformed it from protecting sects to excluding others.

The Civic State and The National Pact

We should mention also that the constitutional legislator balanced between two goals. On the one hand, he set his sights on eventually establishing a civic state. Among the manifestations of the civic state is the endorsement of commitment to international covenants, the principle of equality between the Lebanese, and the exclusion of religion from the state, in general. On the other hand, however, he wanted to take into account sectarian specificities and reduce sectarian tension. Among the manifestations of this is preserving the right of sects to manage personal status systems, launching the idea of the Senate, and administrative decentralization in the Taif Accord, etc. In the context of discussing **Article 95** of the constitution, various obstacles that prevent its enactment were highlighted, such as the individual's affiliation to the sect, the leader, the school of self-interest, and the dangerous culture that is the culture of protecting corruption, etc. and all of that at the expense of the interest of the nation and the interest of the state.

Regarding other challenges that prevent the realization of the state of citizenship, light was shed on the non-traditional and abnormal mechanisms that were used to amend the constitution, and on the National Pact that allowed for the monopolization of some positions by certain sects over others, on the flaws of public administration laws, and on external funding for groups and sects, etc. It also highlighted the abovementioned personal status and educational curricula.

With regard to the crisis that affected the regime, it was recognized that there are upsides to the sectarian participatory governance, and there was consensus that the original cause of the crisis were those in power, rather than the constitution. The former, regardless of the text and spirit of the constitution, have been transforming sectarianism into serving their interests and positions, and are trying to achieve their goals and plans through the favorable conditions and the power of different aspects (weapons, numbers, shelter abroad, etc.). What exacerbates the crisis is the chartered or actual right of veto, which ends up, especially at fateful junctures, disrupting political life. Moreover, some partisan or sectarian parties avoid delving into the issue of the regime so that the discussion does not end in outcomes that are binding for everyone, and for the regime in particular, as long as it achieves its goals in light of the current situation, despite its ambiguity and impunity.

Within the context of discussing the constitution and the National Pact, the importance of the Pact was noted, for it determined the orientation of Lebanon's foreign policy by adopting the principle of "Neither East, Nor West" and did not discriminate between the Lebanese. Under it, customs based on equality between sects arose. The breach of those customs was an indirect reason for the establishment of the Taif Agreement. When the constitution adopted the principle of equality, the mind of its founders was more inclined towards reaching it among the components of society rather than among individuals. In any case, it is a man-made constitution that enshrines the civil state; it even has secular tendencies. However, the mutuality of interests between politicians and clerics is of disservice to it. The practices that end up, in turn, leading to the dominance of one sect over the other, are also of disservice to it and to the regime. Among the topics raised too was administrative decentralization, which was described as extensive because it combines the tendency of the majority of Muslims to adhere to the central state and the tendency of the majority of Christians to federalism. It is not wrong to think about resorting to either of them, especially since foreign, defense and financial policies remain the prerogative of the central state.

A distinction should be made between neutrality, which has an international legal nature, and neutralization, which was intended to distance the country from regional and international conflicts. It should be noted that neutrality was not an end in itself, but the prelude to a search for crises free from the interference resulting from association with external projects. This and neutrality, from another perspective, are not always a good idea.

The deep discussions will touch too on other miscellaneous topics related to the imbalance in the application of participation, such as mutual caution between sects, the absence of a valid vision of a future Lebanon among the sects themselves, social justice and development, external interference in Lebanese affairs, the most important of which is the election of a President of the Republic, active external axes on the national scene, and the lack of political parties in their modern sense.

Citizenship and Its Complexities

The problem of the state of citizenship gives way to special readings that take place from different viewpoints, especially since its pillars and outcomes are yet to be elaborated in the Lebanese political and constitutional scenes. From another perspective, it can be considered an exuberant article, if not controversial. In order to contribute to the development of its concept and to highlight its outcomes, and the obstacles that may arise from it, I found it useful to compare it from the subsequent angles:

First – Defining some terms.

Second – The Lebanese constitution is a document of reconciliation and balance.

Third – Article 95 of the constitution is not an isolated article.

Fourth – In the organic relationship between the two pillars of the state of citizenship: the abolition of political sectarianism and the establishment of the Senate.

Fifth – Obstacles to the integrity of the path of the state of citizenship.

Sixth – The chances of successfully addressing these obstacles.

Seventh – Prospects and recommendations.

1. Defining some Terms.

In this regard, we find it useful to try to adjust the following terms:

Sectarianism and political sectarianism, the National Pact, the state of citizenship, and the civic state. Defining the terms will be inspired from the text and spirit of both, the constitution and the Taif Accord.

- **Political sectarianism** was mentioned in the eighth item of the preamble to the constitution and in **Article 95** thereof, whereby the legislator considered that its abolition is a national goal (Introduction) that must be achieved by taking the necessary measures according to a phased plan (**Article 95**). If the term **Sectarianism** is mentioned in one of the passages of **Article 95** as well, it means political sectarianism only. Article 22, within the framework of creating the Senate, stipulates, that the first Parliament to precede should be elected on a national, non-sectarian basis. In all these cases, the political sectarianism to be abolished is that which relates to the election of members of the parliament, the formation of the Government and the public sector in all its aspects, with the exception of the highest political positions (the Presidency of the Republic, the Presidency of the Parliament, the Presidency of the Council of Ministers), which remain subject to the National Pact enshrined in constitutional custom.

- **The National Pact** has a historical dimension (the emergence of the unwritten National Pact in 1943), a constitutive dimension (the National Reconciliation Accord in 1989) and a constitutional dimension represented by the last clause of the preamble to the constitution, where it is stated that *“There shall be no constitutional legitimacy for any authority which contradicts the ‘pact of the living together’”*.

The idea of the National Pact was accompanied by another concept, namely the consensus contained in Article 65 of the constitution. Even if it didn't take place with regards to the decisions of the Council of Ministers on basic issues, it becomes necessary to obtain the approval of two-thirds of the members of the Council for these decisions to become reality. If the constitution wants to protect the Pact by making the approval of two-thirds of the members of the Council of Ministers necessary to decide on fundamental issues, or considers the Government as resigned if it lost more than two-thirds of its members in accordance with Article 66 of the constitution. If this is what protects the **positive Pact**, then using this

third for something other than that for which it was designed transforms it from a **third of a Pact** to a blocking third according to the common name attached to it.

- **The state of citizenship** reflects the principle contained in the first article of the preamble to the constitution, which states that Lebanon is “a final homeland for all its children, one land, people and institutions, etc.”

It prioritizes the citizen’s belonging to the state over any other affiliation or connection, and at the forefront of that sectarian connection. By giving priority to this affiliation over others, the state guarantees protection to the citizen and the constitution and laws guarantee the consequent rights.

- **The civic state** is the antithesis of the religious state, and the antithesis of the state that considers sectarianism in the formation of governing institutions and in the field of personal status.

The **Lebanese constitution**, in most of its principles and rules, is the constitution of a civil state, but it takes the National Pact into account at the level of the public institutions and takes the confession representativity into account when guaranteeing their freedom in the field of personal status.

2. The Lebanese Constitution is a Document of Reconciliation and Balance.

Like the Taif Accord, and as a reflection of it, the Lebanese constitution was, in its turn, a document of reconciliation and balance. The words reconciliation and balance are closely related to the Lebanese situation, and to the pluralistic Lebanese fabric, historically and currently, which always needed to create a climate of mutual reassurance among its constituents. The necessity of spreading this climate is increased by the fact that the pillars of the citizenship state have not been elaborated yet, or at least were not yet completed.

The reconciliation in question refers to the groups that make up the Lebanese society. As for balance, it extends to the pillars of governance and to institutions. Among the manifestations of the concern for balance in our constitution is that it would work as the constitution of a civic state (with the aforementioned exceptions) in some respects, and in other respects takes the sects into account. It adopts a democratic parliamentary system and is keen on the Pact. It calls for a free economic system and social justice. It establishes a parliament that represents the people and establishes a senate that represents the sects. It aspires to abolish political sectarianism and implicitly preserves some of what was stated in the customary National Pact at the same time.

These contradictory - not conflicting - principles indicate that the constitutional legislator knew how to reflect the mentalities of the pluralistic Lebanese social fabric, and how to take specificities into account, and aspire to the state of citizenship, at the same time.

3. Article 95 of the Constitution is not an isolated Article.

The tripartite committee that paved the way for the Taif Agreement worked to achieve three goals. A National reconciliation, the election of a president of the republic, and laying the appropriate foundations for the process of abolishing political sectarianism. The implementation of the **Article 95** of the

constitution, which established the principle of abolishing political sectarianism in the first section of the constitution, and organized the transitional period in the second section, was the result of this effort, together with the efforts of the drafters of the 1989 National Reconciliation Accord. It is useful to substantiate what is written in Section I, where it states:

“The Parliament that is elected on the basis of equality between Muslims and Christians shall take the appropriate measures to bring about the abolition of political sectarianism according to a transitional plan. A National Committee shall be formed, headed by the President of the Republic. It shall include, in addition to the Speaker of the Parliament and the Prime Minister, leading political, intellectual, and social figures. The tasks of this Committee shall be to study and propose the means to ensure the abolition of sectarianism, propose them to the Parliament and to the Council of Ministers, and to follow up on the execution of the transitional plan.”

Article 95 was, at the same time, a fundamental reformist political goal, and an inevitable result of a set of rules related to it, which are stipulated in the constitution. Among these rules is the content of the second clause of the introduction, which indicates Lebanon's commitment to international covenants and the Universal Declaration of Human Rights. The third article guarantees equality between citizens without discrimination or preference. The eighth article, which preceded and established **Article 95**, stipulates that the abolition of political sectarianism is a basic national goal that requires work to be achieved in accordance with a phased plan. This is in addition to other articles that exclude sectarianism by promoting the idea of creating a Senate in conjunction with the election of the first Parliament on a national, non-sectarian basis.

Therefore, **Article 95** is not an isolated article in the constitution, but despite the keenness to implement it and despite its establishment in other constitutional articles, it is still suspended in a way that proves that those who implemented the Taif Accord were unable to keep pace with the aspirations of its drafters.

4. In the organic Relationship between the two Pillars of the State of Citizenship: the Abolition of political Sectarianism and the Establishment of the Senate.

In confirmation of the constitutional legislator's intention to consolidate the idea of abolishing political sectarianism, Article 22 of the constitution tried to give the groups that make up Lebanese society a characteristic that distances it from sectarian discord and the resulting political rivalry, calling these groups “spiritual families”. These spiritual families will be represented in the Senate for two combined reasons: to reassure the sects of the effectiveness of their existence, especially since the Senate will participate in the decision when crucial issues are raised, and to make political representation in the Parliament exclude sectarian representation so that the Member of Parliament truly becomes a representative of the entire nation, as stated in Article 27 of the constitution.

However, the organic relationship between the goal of abolishing political sectarianism and the intention to create a Senate, makes any project that the latter is dealing with face the impossibility of being decided upon, that exists in any parliament elected with sectarian restrictions.

The abolition of political sectarianism is, with regard to the creation of the Senate, a "condition of suspension" and a "condition of cancellation" at once. The formation of the Senate is dependent on the abolition of political sectarianism. If political sectarianism is not abolished, the idea of establishing the Senate will be abolished. These two equations confirm the close relationship between the two pillars of the state of citizenship (i.e., the abolition of political sectarianism and the establishment of the Senate). This suggests that there is a major obstacle preventing the realization of the state of citizenship.

5. Obstacles to the Integrity of the Path of the State of Citizenship.

The previous obstacle is not the only one that prevents the realization of the state of citizenship, as the obstacles are many. Among them are the fear of the "other", the loss of confidence in the principle of "living together", and the collapse of the state and the dissolution of its institutions, which leads to the option of taking refuge in the sect becoming more attractive, delinquency with external desires that try, from time to time, to fuel sectarian conflict, and disparity over determining the true purpose behind the goal of abolishing political sectarianism. It is an end that may enhance the state of citizenship and the civil state, but it may cause an imbalance in political life if the same goal is misused.

Among the obstacles that we would like to highlight, in particular:

- ***The Lebanese's sense of belonging, on the human level, is to the small groups and to the sect, not to the major group and the homeland.***
- ***Politically, they are affiliated to the individual (politician), not to democratic principles and institutions.***
- ***Ethically, they are affiliated to the concepts of being "savvy" (i.e., they outsmart the system to enhance one's own situation at the expense of others), and quietly being involved in corruption, rather than to the concepts of meritocracy, fair competition and creativity.***
- ***Belonging, normatively, to the school of self-interest rather than the public interest.***

6. The chances of successfully addressing these obstacles.

The chances of successfully addressing the obstacles that prohibit the safe course of the state of citizenship will be close to impossible if they are linked to the current Lebanese political and sectarian reality. However, linking it to the obligation to abide by the National Reconciliation Accord, the constitution, and the emerging covenant among the Lebanese to belong to one homeland "land, people and institutions" (the first article of the preamble of the constitution) revives hope for the possibility of reaching a state of citizenship. This hope also revives the determination of a wide range of opinion leaders and youth energies who are ready to confront flabby, harmful and utilitarian cultures with the culture of the modern constitutional state, the culture of democracy, the culture of social solidarity, and the culture of integrity and accountability. The Taif Agreement and the constitutional reforms that emerged from it are still viable in terms of working to achieve a state of citizenship, as the fault doesn't lie in it, but in those who were entrusted with its implementation. Further neglect of what the Taif Agreement has laid out may be fatal not only to what it called for, but to the entire Lebanese political system and to the rule of "living together" in a pluralistic and single homeland.

7. Prospects and Recommendations.

To conclude this paper, we find it useful to draw attention to the following facts and prospects:






1. **The aspired internal Lebanese Peace** will be strengthened by strengthening the idea of a state of citizenship and by working to abolish political sectarianism in order to effectively exclude it from the mechanism of governance and its pillars, rather than to modify the balance of power between sects.
2. The **Pact in Lebanon** may be a pact of deliberate obstruction aimed at paralyzing political life (as is the case with resorting to what has been agreed to be called the “obstructive third”). It may be a **positive pact** that seeks to remove mutual fear between the components of the Lebanese society and establishes a state of citizenship and a full civil state.
3. The opening of the Lebanese political arena to foreign interference contributes to fueling sectarian conflict, because **Transnationalism** is the most dangerous form of sectarianism for internal peace.
4. It is advisable to work on achieving all the reforms that have not yet been implemented from the Taif Accord in full and at once. And if this is not possible – and it is still not possible - then it is necessary to work **to achieve what can be achieved**, step by step (e.g.: a voluntary law, or a unified personal status law).
5. **Reconsidering the Recent Electoral Law** that fueled sectarianism is a primary issue that should be addressed.
6. The **Judiciary System should completely distance itself from any political or sectarian influence** in order to prosecute any official who tries to use the sect to protect himself from the mechanism that would hold him accountable for acts he committed and that violate the rule of law.

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