

# The need for change at the top

by Chibli Mallat

One feature has distinguished the Lebanese system over its century of constitutional life: periodic change at the helm. Since 1926, the president of the republic has regularly been replaced, even when, as with the late presidents Franjeh and Sarkis, the country was in the midst of civil wars and invasions.

From a world perspective, the legacy of change compares well since the constitution of 1926 established periodic changes at the top of the country's official hierarchy. This tradition goes further back than such European states as Spain and stands in marked contrast to the slide into dictatorship in Italy and Germany in the 1930s and the fifty-year dictatorship of Salazar and Franco in the Iberian peninsula.

The legacy of change at the top may boast an even longer pedigree, which puts it on a par with France. There is in our country a galaxy of transitions at the top which precedes the third republic in France by a dozen years.

The *mutasarrifiyya* was established in 861 in Mount Lebanon. From then until the first world war, the *mutasarrif*, or provincial governor, was changed periodically. It is true that many *mutasarrifs*, as was the case later with many presidents, had their limitations.

On one famous occasion, the sycophants were taken on by then judge and Arab poet Iqbal Mallat, who is famous for standing up to corruption in the public sphere with two lines pronounced upon the death of the country's governor in 1892. "They said: Wasa Basha (the *mutasarrif*) passed away. I responded, for I knew/ Let coins ring off the marble of his grave, and I can guarantee you that he will come back to life."

Nor is the appointment of the *mutasarrif* by the Ottoman empire, as well as his attention to a compromise which constantly involved European powers, to be lightly

ignored. Such attention, if not outright subservience to one or more foreign powers, was ominous of a reality of constrained independence which continues to date.

Still, the *mutasarrifs'* redeeming characteristic was that they changed and this was perhaps the major cause for the unique social peace between 1860 and 1914 in Mount Lebanon, which was only disrupted by a world war and the Ottoman empire's collapse. The people did not rise against the *mutasarrif*, simply because they knew he would be leaving soon anyway.

This historical perspective undermines against fashionable arguments about an alleged 'clash of civilizations', to which our *mutasarrifiyya* provides one answer: the change at the head of Lebanese destinies

### Presidential elections

Lebanon's legacy of the hierarchy's periodic replacement goes further back than France's third republic

was happening before the establishment of the French third republic in 1875. There is nothing ingrained in the democratic advances of one country over the other, if the crucial criterion of change at the top is emphasised. This is no less true this century.

The late constitutional specialist Professor Edmond Rabbath noted in his seminal commentary on the 1926 Lebanese constitution that the Islamic revolution, by doing away with Iran's 1906 constitution, had turned our 1926 text into the dean of Middle Eastern constitutions. This is a precious legacy, at the core of which stands regulated and orderly change at the helm.

This is why the change of the constitution in 1995 to extend the mandate of president Elias Hrawi is objectionable.

Albeit fought by a group of citizens at a time when ten deputies could not be found in Parliament to constitutionally challenge

"the exceptional law", this change flew in the face of what is arguably one of Lebanon's most precious legacies: the regular change of the people at the top.

This law is also grave precisely for creating a constitutional precedent. While we have always assumed that we would bid goodbye to our presidents once every six years, whether we like or dislike them, there is now uncertainty because of this precedent. This will weigh heavily in any assessment of Hrawi's mandate and only his resignation in the course of the three-year extension could have saved his record on this score. Three years on, no one can vouch for the normal, constitutional termination of the present rule. This is a serious threat to stable democratic institutions.

Democracy is not just a matter of presidential change, nor is Hrawi the only president who sought or succeeded in extending his mandate. It is about the due process of law at all levels; whether in the rights of inmates in prisons or with a vote of confidence in the government.

The achievements and shortcomings of the extension of Hrawi's term will long be subject to scrutiny.

There are other aspects which also need to be addressed. Part of the need for a new president is a new programme. But the ways to get to a new president are singularly complex in our country because he is not elected directly by the people.

Any country – as de Gaulle knew well – will not come of age democratically unless the head of its executive branch is elected directly by the people. Considering the regional pressure, and our own history, it is to the credit of Hrawi to have recently aired the issue of direct elections.

Before dealing with such fundamental change, however, the transfer of power must take place. How to encourage it, against the odds and in a way which makes the best of the country's talents, deserves to be the subject of further treatment.