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Presidential elections in Lebanon (I):

The historical importance of change at the top

One feature has distinguished the Lebanese system over the period of its century-long constitutional life: the periodic and regular change at the helm. The president of the republic has, since 1926, regularly been replaced or changed, even when, as with the late presidents Franjiyyeh and Sarkis, the country was in the midst of civil wars and invasions.

In 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 countries as Spain, and stands in marked contrast to the slide into dictatorship in Italy and Germany in the 1930s and to the fifty-years dictatorship of Salazar and Franco in the Iberian peninsula.

The legacy of change at the top may boast of an even deeper pedigree, which puts it at par with France. There is in our country a legacy of transitions at the top which antedates the third Republic in France by a dozen years. The Mutasarrifiyya was established in 1861 in Mount Lebanon. From then until the first world war, the mutasarrif was changed periodically.

It is true that many mutasarrifs, as was the case later of many presidents, had their limitations. On one famous occasion, the sycophants were taken on by then judge and Arab poet Tamer Mallat, who is famous for standing up to corruption in the public sphere: "They said: Wasa Basha [the mutasarrif] has passed away. I responded, for I knew/ Make coins ring off the marble of his grave, and I can guarantee to you he will come back to life."

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 the mountain, to be only disrupted by the cataclysm of a world war and the collapse of the Ottoman empire. Put in less literary terms, the people did not rise against the mutasarrif simply because they knew he would be leaving soon.

One can also appreciate the uses of this historical perspective against such fashionable arguments about an alleged "Clash of Civilisations", to which our mutasarrifiyya provides one answer: the change at the head of Lebanese destinies was happening before the establishment of the Third Republic in 1875, so there is nothing ingrained in the democratic advances of one country over the other, if the criterion of change at the top, which is a crucial one, is adopted. This is not less true in the shorter, and not insignificant, timeframe of the present century.

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

This is why the change of the constitution in 1995 to extend the mandate of president Elias Hrawi is exceptionable. Albeit fought by a group of citizens, at a time when ten deputies could not be found in Parliament to constitutionally challenge the "for one and the only time exceptional law", this change flew in the face of what is arguably one of Lebanon's most precious legacies: the regular change at the top.

This precedent is also grave precisely for its very nature of 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 the precedent of 1995. In any assessment of President Hrawi's mandate in the history of the Republic, this will weigh heavily, and only his resignation some time in the course of the three-year extension could have saved his record on this score. We are now in July 1998 and no one can vouch for the normal, constitutional, termination of the present rule. This is a serious shot across the bows of stable democratic institutions.

Of course, democracy is not just a matter of presidential change. It is about due process of law at all levels, whether in the prison system with the reduced rights of inmates, or with the vote of confidence in the government. The gamut is as varied as our political and constitutional life, and the incumbent president's extension of 1995 will long be subject

for scrutiny on the achievements and shortcomings of his mandate.

There are other aspects, which also need to be addressed. Part of the need for a new president is a programme for the new president. The ways to get to a new president are singularly complex in our country, because he is not elected directly by the people. A country, 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 President Hrawi to have recently mentioned it.

Before dealing with such a fundamental change, however, the change at the helm must take place. How to encourage it against the odds, in a way which deserves to be the subject of a further treatment.

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