

Sada

Analysis on Arab Reform

How to Slice the Pie: Reforming Lebanon's Electoral Law

May 24, 2012 Maren Milligan

In recent years, nearly every incoming government in Lebanon has called for comprehensive electoral reform, and with a year left before the next parliamentary elections, the issue is once again center-stage. Interior Minister Marwan Charbel proposed a new law in September calling for fundamental change: replacing the current majoritarian (or “winner take all”) system with proportional representation. As June 7 approaches—when the legal window closes on some reforms—politicians are staking out positions. What will come of this proposal in the coming weeks? Do leaders’ positions align with voters’ preferences? And how will recent violence affect debate?

Two issues have paralyzed progress: district size and the electoral system itself. Given that parliament’s 128 seats are divided among multi-member districts with multi-confessional slates, district size is contentious because it determines the confessional demography in each constituency. Smaller districts (like the smaller administrative unit, the *qada’*) are more homogenous in their sectarian identity. Proposals to shift to larger electoral districts (like the larger *muhafaza*) would not change the number of MPs or parliament’s sectarian balance, but many minority politicians object on the basis that demographic majorities in larger districts would have the power to elect minority seats. They argue that MPs elected by voters from another confession would not be “real” representatives of their communities but rather “lackeys” of the majority sect.

The second contentious issue is the electoral system. In the current “block vote” (BV) system, voters are given as many votes as there are seats; candidates with the highest number of votes win. Because Lebanon has no pre-printed ballot, the system operates similar to a *party* block vote in which voters cast a single vote for a party slate. Consequently, blocs often sweep seats in a district after winning a simple majority or a simple plurality. List-proportional representation (PR), in which parties receive seats proportionate to the number of votes received (thus ensuring representation for less popular parties), has repeatedly emerged as an alternative.

In May 2006, a 12-member expert panel known as the Boutros Commission appointed by former Prime Minister Fouad Siniora, proposed a mixed system with PR at the *muhafaza* level and majoritarian voting at the *qada’* level. The proposal languished for two years due to the July War with Israel and the subsequent political crisis and, ultimately, politicians agreed to return to the 1960 electoral law for the 2009 elections—majoritarian voting in the *qada’*. Only a few administrative reforms, such as countrywide same-day voting, were passed. Politicians rejected introducing pre-printed ballots—unsurprising considering that varied formatting (font, name order) has been used to track votes and pressure voters to vote the list “as it is.”

Today, PR is again on the table. Charbel’s law calls for PR on the basis of 10 to 14 medium sized districts and “open” rather than “closed” lists: rather than getting only one vote for the entire list, voters can vote for a list and also cast two “preferential votes” *within* the list. When seats are distributed among lists and confessions, candidates that receive a greater number of preferential votes are ranked higher. Preferential votes could thus give minorities greater power to elect their representatives.

Proportional representation has long been an objective of Shi’a representatives, long before the formation of Hezbollah in the 1980s—and even before Amal’s in the 1970’s. Yet, support for PR has put the Shi’a political parties at odds with others. Saad Hariri, leader of the largely Sunni Future Movement, has rejected PR and placed an insurmountable roadblock to the debate by refusing to discuss it until Hezbollah disarms. Hariri’s support for the 2008 law is expected given how Sunni demographic distribution maximizes seat gain under BV in smaller districts. The clashes in Tariq al-Jadida may have called greater attention to intra-Sunni dynamics, but the Future Movement remains the dominant party—and is committed to maintaining the electoral status quo.

Walid Jumblatt, the leader of the Druze Progressive Socialist Party, has also rejected the Charbel proposal, and instead advocated single-member districts (by definition, majoritarian)—a shift from the PSP position in 2005 that advocated a majoritarian system in multi-member districts. The last time Lebanon had single-member districts was under the 1953 law, which Jumblatt’s father supported. Other leaders with geographically concentrated bases—such as independent Boutros Harb—support single member districts.

Unlike in previous years when leaders united around the *qada’*, there is no Christian consensus so far. Michel Aoun’s Free Patriotic Movement (FPM) has expressed support for PR—which could be a quid pro quo for Hezbollah’s support for the *qada’* in 2009. But it might also reflect Aoun’s confidence that preferential votes of the open list ballot would allow Christians to control their allocated seats. FPM has also expressed support for another plan. Through the Maronite “Bkirki Gathering,” the Free Patriotic Movement joined parties on the other side of the political divide to express support for majoritarian voting using two- to three-member districts (even smaller than some *qada’*), indicating Christians might be coalescing around this plan.

Meanwhile, the Civil Campaign for Electoral Reform, a civil society initiative that has spearheaded voter education since 2006, advocates adoption of PR (at either the national or intermediate district level) as well as other reforms, like lowering the voting age to

18, introducing a quota for women, and instituting a pre-printed ballot.

Despite the centrality of the issue—or perhaps because of it—there has been little examination of the preferences of Lebanese voters. An October 2011 public opinion survey¹ offers some insights: Popular support for reform is quite high, with 82 percent responding “yes” and 12 percent “no” to the question “Do you think Lebanon needs a new electoral law?” Only six percent were “not sure.” When asked “What, if anything, concerns you most about Lebanon’s current electoral law?” 45 percent of respondents answered “Electoral System (that is, majoritarian/PR),” 10 percent responded “Electoral Constituency (*muhafazah/qada*),” and 27 percent responded “Administration (e.g., lack of a pre-printed ballot).”² This was fairly consistent among confessions.

Given the centrality of system reform, what is the preferred electoral system? At 50 percent, a majority of all respondents supported PR. Unsurprisingly, 64 percent of Shi’a polled support PR. More surprisingly, a majority of Greek Orthodox polled (53 percent) and a plurality of Maronites polled (47 percent) support PR. This seems to align with recent moves by some Christian *zu’ama* to support PR. Still, support for majoritarianism within the Greek Orthodox and Maronite respondents is not to be discounted at 26 percent for each.

The picture among the Sunni and the Druze respondents is less clear-cut. Only 38 percent of Sunni respondents prioritized electoral system reform (with 29 percent reporting no concerns with the current electoral law and 26 percent reporting administrative concerns). A low priority on changing the current system is understandable given the way it translates Sunni demography into political power. But when asked which electoral system was preferred, a plurality (45 percent) of Sunnis answered PR—18 percent majoritarian, 18 percent Other/Mixed, 14 percent No Preference, and 5 percent Not Sure.

In contrast, Druze respondents prioritized electoral system reform at the highest rate—59 percent but did not favor PR. The plurality of Druze respondents (37 percent) answered Other/Mixed and another 33 percent answered majoritarian. The high rate of response for “other” and “majoritarian” suggests that Jumblatt’s proposal for single-member districts might be well received.

Despite overwhelming support for electoral reform, these divergent stances would be difficult to reconcile under the best circumstances. With the deadline less than two weeks away, escalating political conflict—including Sunday’s clashes in Tariq al-Jadida—will likely stymie electoral reform again, making those in favor of the current system the de facto winners. The great irony of electoral reform is that it requires those who benefit from the existing law to change it. However, while changes to the electoral system or constituency size would prove challenging at this stage, other crucial administrative reforms prioritized by those polled (such as pre-printed ballots) could be implemented. By eliminating the tyranny of the list and protecting secrecy of the ballot, incremental administrative reform could be an important step forward in comprehensive electoral reform.

Maren Milligan is a visiting assistant professor at Oberlin College in Ohio.

Do you think Lebanon needs a new electoral law?

	Shi’a		Sunni		Druze		Maronite		Greek Orthodox		Armenian Armenian Catholic Armenian Orthodox		Greek Catholic		Total	
	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent
Yes	120	86.33	97	71.85	24	88.89	90	81.82	39	100.00	15	78.95	22	88.00	407	82.39
No	12	8.63	30	22.22	0	0.00	13	11.82	0	0	1	5.26	3	12.00	59	11.94
Not Sure	7	5.04	8	5.93	3	11.11	7	6.36	0	0	3	15.79	0	0.00	28	5.67
Total	139	100	135	100	27	100	110	100	39	100	19	100	25	100	494	100

What, if anything, concerns you most about Lebanon’s current electoral law?

	Shi’a		Sunni		Druze		Maronite		Greek Orthodox		Armenian Armenian Catholic Armenian Orthodox		Greek Catholic		Total	
	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent
Electoral System	72	51.80	51	37.78	16	59.26	43	39.09	17	43.59	12	63.16	13	52.00	224	45.09
Electoral Constituency	14	10.07	9	6.67	1	3.70	15	13.64	9	23.08	3	15.79	1	4.00	52	10.28

What, if anything, concerns you most about Lebanon's current electoral law?

	Shi'a		Sunni		Druze		Maronite		Greek Orthodox		Armenian Catholic Armenian Orthodox		Greek Catholic		Total	
	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent
Administration	37	26.62	35	25.93	6	22.22	34	30.91	11	28.21	1	5.26	7	28.00	131	26.28
I have no concern	16	11.51	39	28.89	4	14.81	18	16.36	1	2.56	3	15.79	4	16.00	85	16.97
No answer	0	0.00	1	0.74	0	0.00	0	0.00	1	2.56	0	0.00	0	0.00	2	1.38
Total	139	100	135	100	27	100	110	100	39	100	19	100	25	100	494	100

Which electoral system do you prefer?

	Shi'a		Sunni		Druze		Maronite		Greek Orthodox		Armenian Catholic Armenian Orthodox		Greek Catholic		Total	
	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent
Majoritarian	19	12.23	24	17.78	9	33.33	29	26.36	10	25.64	6	31.58	7	28.00	102	20.65
Proportional	89	64.03	61	45.19	4	14.81	52	47.27	21	53.58	8	42.11	13	52.00	248	50.21
Other/Mixed	17	12.23	24	17.78	10	37.04	17	15.45	6	15.38	3	15.79	3	12.00	80	16.19
No preference	9	6.47	19	14.07	3	11.11	8	7.27	2	5.13	1	5.26	1	4.00	43	8.70
Not sure	7	5.04	7	5.19	1	3.70	4	3.64	0	0.00	1	5.26	1	4.00	21	4.25
Total	139	100	135	100	27	100	110	100	39	100	19	100	25	100	494	100

[1] The poll was conducted by Shibley Telhami, the Sadat Chair for Peace and Development at the University of Maryland and fielded by Zogby International. The author is grateful for the support of the Sadat Chair in this research. It is not yet available online. The respondents included 500 individuals in Beirut (220), Babdaa (54), 'Alay (57), Chouf (20), Metn (85), and Tripoli (54) including the following confessions: Sunni, Shi'a, Druze, Maronite, Greek Orthodox, Greek Catholic, Armenian Orthodox, Armenian Catholic, Protestant and Minorities. By the law of large numbers, we can be confident in the conclusions regarding those confessions polled in excess of 30: Sunni, Shi'a, Maronite, and Greek Orthodox. Since only 27 Druze respondents were included, conclusions must be qualified. At 19 respondents, conclusions regarding the Armenian population must be tentative at best. Due to small numbers, Protestants and Minorities were dropped from the analysis.

[2] The poll was part of a regional survey and the question regarding confession asked: "Which best describes you? 1-Muslim-Shi'a 2. Muslim-Sunni 3. Christian 4. Druze 5. Other (Please specify) 6. Refuse." In self-description (in which "refuse" was an option), respondents consistently identified themselves according to officially recognized confessions. Confession was a statistically significant indicator (at the .005 level) of electoral system preference when multinomial logit analysis was conducted controlling for age, residency (in/out of a city), education, income, gender and location.