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Divide to Unite: Is Federalism Lebanon's Last Resort?

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April 13, 1975. The starting point of a sequence of crises that would expose the deep confessional divisions of Lebanese society. Decades later, Lebanon has yet to recover. Legal solutions exist to bring Lebanon back to the prosperity it once enjoyed, but their implementation is made more difficult by the very social divisions they seek to remedy. Two republics later, growing skepticism toward finding solutions within the framework of a unitary state has led many citizens and politicians to turn toward federalism as a last resort to save a deeply divided country. Consequently, it seems necessary to evaluate the possibility of implementing a federal system as a constitutional response to Lebanon's divisions, and whether it could truly be the last card Lebanon has left to play.

To explore the prospects of federalism, this article seeks to examine the theoretical foundations of federalism and its concrete compatibility with Lebanon's context before weighing its merits against its limitations, in order to determine whether such a system is well-suited to resolving Lebanon's fragmented political reality.

I – Federalism: A Promising Alternative on Paper

Federalism is a political and constitutional system in which power is divided between a central authority and constituent units, such as states (the United States) or cantons (Switzerland). Unlike in a unitary state, where power is centralized, a federal system distributes power vertically, creating two levels of government: a federal constitution, government, and jurisdiction that bind all constituent units, while the latter enjoy their own constitution, government, and jurisdiction. The different levels of government possess complementary competences. For instance, the federal authority is mainly responsible for foreign policy and defense, while constituents are handed competence by the federal state to decide over their own internal matters.[1]

A myth one must first dismiss is that federal systems were implemented exclusively to maintain control over large territories, such as the United States or the Soviet Union. It should be noted that federal systems have historically served different purposes. On one hand, the United States opted for federalism to balance national power with state autonomy. On the other hand, the Belgian case, arguably the most relevant comparative case for Lebanon, opted for federalism to manage deep cultural - mainly linguistic - divisions between Flemish and French-speaking communities. It's worth noting that Belgium's original political system revolved around a unitary state. However, cultural differences made it impossible for the country to function properly. That’s why a gradual six-step reform paved the way for federalism; transferring competences from the central government to the regions and communities. These competences included culture, education as well as fiscal autonomy. Belgium’s transition to a federal state was ultimately

[1] https://www.law.cornell.edu/wex/federalism

formalized in the constitution. For Lebanon, this offers a tangible precedent: a transition from a unitary state to a federal system doesn't necessarily require an abrupt rupture, but rather a sequence of constitutional steps, building toward a system adapted to the country's realities. However, it must also be noted that Belgium's transformation into a federal state did not stop it from facing several political crises, including the record-breaking 541-day government formation deadlock of 2010/2011. That suggests that federalism contained the linguistic conflict rather than resolving the underlying tension. Nevertheless, the comparison has its limits. While Belgium's divisions are primarily linguistic, Lebanon suffers from a multidimensional fragmentation that extends beyond questions of identity to issues of external alliances, foreign policy, and the monopoly of force. Therefore, the Belgian experience should be understood as a useful precedent rather than a directly transferable model. [2]

In Lebanon's case, federalism would acknowledge what already exists. Lebanon is already de facto "fragmented" as many regions represent an overwhelming majority of one sect. These regions host many schools, hospitals, and even sports clubs that are largely attributed to a specific sect or community. Therefore, federalism wouldn't create a rupture; it would recognize, institutionalize, and constitutionalize what already exists. A constitution that reflects reality is more legitimate than one that denies it, or one that has become outdated and no longer representative of the current social reality. Federalism could break the deadlock that causes basic matters to drag on for months under the current unitary state. With distinct parliaments competent over state matters, every state would be able to decide for itself what is well adapted to its own people, rather than disagreeing over laws meant to defend a particular sect's interests. Federalism could also aim to protect the unitary system's minorities, in what some argue could help eliminate what some call *dictature de la majorité* - the tyranny of the majority - inherent to unitary systems. For instance, Christians have watched their political influence diminish under the current system due to demographic shifts. Federalism would grant a constitutional guarantee of self-governance that no longer disregards their interests. Furthermore, even though it has never been enforced, administrative decentralization already exists legally, having been introduced by the Taif Agreement (1989), which represents a constitutional basis for delegating power away from the center. In that regard, federalism would not be framed as a rupture, but as the logical constitutional continuation of what Taif tried to protect but failed to achieve due to sectarian tensions. Federalism could, on paper, take the Taif Agreement a step further, achieving the same goals by directly addressing the core issue. Finally, federalism could, to some extent, deprive external actors of their leverage. Historically, external actors have exploited Lebanon's central government to project influence in a state unable to unite its people. If

[2] https://www.belgium.be/en/about_belgium/government/federale_staat

constituents were to gain autonomy while remaining bound by a federal government, external actors would have much less incentive to project influence; provided that the factions previously exploited to project influence should, theoretically, no longer have authority over decisions related to foreign policy or defense, as these would fall within the federal government's exclusive competence. This argument, however, has its limits because the federal government would likely be formed by the same existing factions.

However, theory is one thing. Lebanon's reality is another.

II – Federalism in Lebanon: A Constitutional Utopia?

As demonstrated in the first part of this article, federalism in Lebanon, on paper, should work. However, the concrete modalities of its application raise serious questions. First and foremost, federalism implies a shared foreign policy, a basic requirement of any federal system. For instance, New York does not declare war on Iran. The United States does. Since the National Pact of 1943, the Lebanese have disagreed, both socially and politically, on who their allies and enemies are. The 1969 Cairo Agreement, the 1976 Syrian intervention, and the 2006 and 2024 wars between Hezbollah and Israel all perfectly illustrate Lebanon's inability to agree on a unified foreign policy. Some consider Syria and Palestine enemies while denying any hostility toward Israel; others hold the exact opposite position. Federalism requires not only agreement on the broad lines of foreign policy, but also a sovereign authority over decisions of war and peace. If federalism were implemented today, Hezbollah's rockets could still fly tomorrow. If that happens, what would federalism actually solve? It’s therefore clear that resolving the issue of sovereignty and foreign policy is a precondition for federalism, not a consequence of it. It seems difficult to argue in favor of trusting federalism to resolve these issues when the necessary agreement would have to emerge from a federal government composed of the very parties that have failed to agree on foreign policy for half a century.

Moreover, federalism requires building constituents around the very disagreements that make them necessary in the first place. In Lebanon's case, constituents would inevitably be drawn along confessional lines. Yet perfectly homogeneous distribution is impossible. While it's true that regions dominated by a single sect exist, they are merely dominated by that sect, not exclusively populated by it. Furthermore, interconfessional marriages and mixed regions or cities are common in Lebanon. Consequently, it becomes impossible to avoid the existence of minorities; an issue that cannot be solved by drawing a multitude of infinitely smaller constituents - which wouldn’t be practical- nor larger ones. A Lebanese Sunni Muslim, for instance, could find himself living under the laws of a Lebanese Maronite-majority state, raising serious questions about minority protection. And if, to solve this, each minority were to live under the laws of its own sect regardless of where it actually lives, one could reasonably ask how each

constituent would function without deadlocks - the same kind of deadlocks that federalism seeks to remedy in the first place.

A useful historical parallel is the Ottoman-era division of Mount Lebanon into a Christian district and a Druze district, each with its own administration and tax system. Yet the impossibility of achieving complete demographic homogeneity left substantial minorities on both sides of the divide, exposing them to insecurity. Combined with competition between local elites and foreign intervention, these tensions contributed to the Christian–Druze violence of 1860 including the massacres of Deir al-Qamar and other towns that claimed thousands of lives. Significantly, the Ottoman response was not further territorial fragmentation: the Qaimaqamate system was abolished in 1861 and replaced by the Mutasarrifate of Mount Lebanon, a single autonomous province governed under a unified administrative framework. That system is generally regarded as more successful than the preceding Qaimaqamate system[3].

Besides, one of the reasons the Lebanese vote along confessional lines is the fear of being dominated by another sect. In that case, wouldn't federalism guarantee exactly that? That's where the paradox lies: federalism, designed to protect the minorities of a unitary system, such as Christians in Lebanon, risks neglecting minorities within the very minorities it seeks to protect**.**

Finally, federalism changes the structure, not the political actors. Therefore, what makes one think that, these factions, the same factions that disagree on a cabinet formation, a budget, a foreign policy will suddenly find common ground? It's clear that if the same actors persist, there is no clear reason why a federal structure would force them into an agreement. And if such agreement is reached anyway, would federalism have been needed in the first place?

III – Confederation: A Stepping Stone to Partition?

Given that federalism cannot resolve Lebanon's foreign policy disagreement, one could ask whether confederation is a valid alternative. Unlike federalism, where sovereignty is constitutionally divided between a binding federal level and its constituents, confederation reverses this order entirely. Sovereignty remains with the constituent states, and the central body only exercises the powers each state chooses to delegate to it. It's worth noting that, historically, confederations have rarely lasted. [4]The United States itself abandoned its Articles of Confederation in 1789 in favor of a binding federal constitution, precisely because confederation proved to be too weak of a structure to function as a state without a central federal

[3] https://www.kobayat.org/data/documents/historical/massacres1840.htm

[4] https://en.wikipedia.org/wiki/Confederation

entity. [5] A more recent and arguably more relevant precedent is the State Union of Serbia and Montenegro, formed in 2003 to replace what remained of Yugoslavia. Both entities kept separate governments, separate economies, and separate international stances, bound by a common structure that existed mostly on paper. The confederation lasted 3 years before Montenegro voted for full independence in 2006. Unlike the American case, this one involves a multi-ethnic state attempting to hold itself together through confederation, which makes it a closer parallel to what Lebanon could risk.

Whereas federalism would force Lebanon's communities into a shared foreign policy, confederation would simply constitutionalize their disagreement and legalize what is technically illegal under a federal system. That would enable each state to remain free and independent in conducting its own foreign policy. Hezbollah's alignment with Iran and Syria, for instance, would no longer be unconstitutional. It would be a constitutional right.

On paper, this resolves the deadlock federalism could not regarding foreign policy. However, this freedom raises a different question: if each state has its own foreign policy, what exactly is Lebanon's foreign policy? Additionally, under confederation, states retain the constitutional right to withdraw from the agreement altogether, since sovereignty never left their hands in the first place. This raises an uncomfortable question: wouldn't confederation simply serve as a stepping stone toward partition?

To conclude, while federalism appears to be a promising alternative in theory, its concrete implementation presents practical difficulties that raise doubts about its capacity to address Lebanon's reality. This does not necessarily imply preserving the status quo. What remains, therefore, is the unitary state itself reformed with a different approach to managing the confessional question. Such reform should begin with the implementation of long-unapplied constitutional provisions, complemented by new institutional ideas, an approach I have previously explored in my article, The Deconfessionalization of a Confessional System: Lebanon's Unfinished Debate. Together, these measures provide a more realistic path toward political stability and national cohesion.

[5] https://www.archives.gov/milestone-documents/articles-of-confederation
https://en.wikipedia.org/wiki/Serbia_and_Montenegro