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Formal and Informal Consociational Institutions: A Comparison of the National Pact and the Taif Agreement in Lebanon

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ABSTRACT

In the past decades, New Institutionalism in political science has rekindled an interest in the role of institutions and has theorized the interaction between formal and informal institutions. Unfortunately, little of this has made its way into the consociational literature. This article brings together the two bodies of work, focusing on the case of Lebanon because it allows for a unique analysis over time of the different ways in which consociational features have been institutionalized. The National Pact of 1943 was a gentleman's agreement between the political leaders of the two main religious communities. It formed the basis of a consociational system that lasted for decades. After the civil war, the Taif Agreement reintroduced consociationalism, but this time more institutions were constitutionalized. However, it would be mistaken to view this as a simple contrast between informal (pre–civil war) versus formal (post–civil war) consociationalism, because even today the most important consociational institution is informal. This article traces the development and interaction of informal and formal consociational institutions in Lebanon. In doing so, it contributes not only to the consociational literature and the debate about the merits of liberal versus corporate consociations, but also to New Institutionalism and questions about the relative strength of formal versus informal institutions.

Introduction

Based on the simple argument that "the organization of political life makes some difference," a voluminous literature has developed under the heading of New Institutionalism.[1] Although there is no consensus on what is an institution, March and Olsen's definition is often quoted. For them, an institution is "a relatively enduring collection of rules and organized practices, embedded in structures of meaning and resources that are relatively invariant in the face of turnover of individuals and relatively resilient to the idiosyncratic preferences and expectations of individuals and external circumstances."[2] Despite its popularity across the social sciences, so far New Institutionalism has made little impact on the consociational literature, which seeks to explain how democracies can work in divided societies, focusing on representation and power-sharing.

This article is a first attempt to systematically apply insights from New Institutionalism to a consociational country, focusing on the interaction between formal and informal institutions. This article is thus a theory-guided case study.[3] The case of

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Lebanon is selected because of its prominence in the consociational literature, its longevity, because it combines formal and informal institutions, and because informal institutions are expected to be particularly important as a result of its relatively weak state. The analysis is informed by three questions: (1) Why are some consociational institutions formal whereas others are informal? (2) What is the relationship between formal and informal consociational institutions in Lebanon and do they strengthen or weaken each other? and (3) How have (in)formal consociational institutions changed over time?

In answering these questions, this article will put forward two arguments that have broader ramifications. First, the distinction between formal and informal consociational institutions does not map onto the more familiar contrast between liberal and corporate consociationalism, also known as the self- versus pre-determination of those entitled to a share of power. Lebanon shows that the most important corporate features can be informal. In other words, empirically, it is incorrect to equate corporate consociationalism with constitutionalized consociationalism. Normatively and prescriptively, one's views on liberal versus corporate consociationalism do not offer much guidance on formal versus informal institutional design. The question whether consociational features are best institutionalized formally or informally is a separate question that so far has not been explicitly addressed in the literature. The second argument directly follows from the first and addresses what might be called the "Lebanese institutional paradox": it is common to complain about the inflexibility of consociational features in Lebanon and to lament the seeming impossibility of change. There is no doubt that the Lebanese constitution is rigid in comparative perspective, but this is not what the critics refer to; instead, they point to the difficulty of reforming the country's *informal* institutions. The allocation of the most powerful national offices to designated denominations cannot be found in the constitution or indeed in any other written document, but is part of an informal understanding between the country's leading communities.[4] Paradoxically, it may be precisely its informal nature that makes this rule so hard to change.

This article is organized as follows. First it takes stock of previous attempts to combine consociationalism and New Institutionalism. The heart of the article then pairs insights from New Institutionalism to the analysis of consociationalism in Lebanon. It does so in two parts. The first part summarizes the literature on formal versus informal institutions before providing an overview of both types of consociational institutions in Lebanon. The second part starts with a brief summary of the New Institutional literature on change before examining change in Lebanon. The conclusion formulates answers to the three questions guiding the analysis, sums up the main lessons, and reflects on the possibilities of reform in Lebanon.

Consociationalism and new institutionalism

Very few encounters exist between the consociational literature and New Institutionalism. When Grofman writes about "Arend Lijphart and the New Institutionalism," it soon becomes clear that he disagrees with March and Olsen's reading of the history of political science and that what Grofman calls "a distinctively Lijphartian approach to institutional analysis" is simply comparative politics.[5] One reason for the lack of explicit attention to institutions as institutions is Lijphart's

"behavioural conception of consociational democracy."[6] Another is that the four consociational characteristics of the grand coalition, proportionality, segmental autonomy, and mutual veto "can take several different forms."[7] In other words, what matters most is that the consociational principles are adhered to. Their particular form and shape is deemed to be of secondary importance, although this is changing, as witnessed in the debate about the relative merits of corporate versus liberal forms of consociationalism.[8]

Several studies apply insights from New Institutionalism to cases that have also been described in the consociational literature. However, consociationalism only figures in the margin.[9] Noh's study of Malaysia is different, because he claims a direct link between the country's successful New Economic Policy and the consociational nature of its politics. According to Noh, "there is little doubt that Malaysia's ability to diversify its economy is largely due to the nature of its consociational democracy."[10] Invoking the notion of path dependence, a key concept in historical institutionalism. Noh then argues that consociationalism restricted Malayia's policy options, making continuation of the New Economic Policy all but inevitable.

Keman applies what he calls "rational institutionalism" to consociationalism in the Netherlands.[11] He explains the package deal of 1917, widely regarded as the starting point of consociationalism, with the preference ordering of the main political parties. By simultaneously accepting compromises on key contentious issues of suffrage, the type of electoral system, state support for religious schools, and welfare regulation, the Liberal, Socialist, and Christian-Democratic parties could bring about institutional change. For Keman, there is no need to resort to a self-negating prediction in which political elites sacrifice their short-term interests to preserve democracy and stability, as in Lijphart's account.[12] In Keman's view, "the participants were forced to behave rationally, realising the conditions of interdependence as well as recognising that optimal pay-offs could be achieved only in terms of identifying parallel and complimentary 'needs.'"[13]

Kendhammer's case study of Nigeria raises an intriguing question: "What happens when the mostly informal, network-based power-sharing of neopatrimonialism meets the mostly formal power-sharing practices associated with consociationalism?"[14] This question invites at least two kinds of comparisons: between formal and informal power-sharing and between neopatrimonialism and consociationalism. These two pairs are distinct, because consociational power-sharing can be mostly informal, as Lijphart's early work on the politics of accommodation in the Netherlands shows.[15] Kendhammer concludes that "consociational power-sharing rules and institutions are easy targets for political entrepreneurs playing by neopatrimonial rules," although he admits that Nigeria was never "an ideal type of consociational state."[16] He thus sees patrimonialism as an informal institution "undermining" or "competing with" formal consociational institutions, to use the terminology from the literature on informal institutions discussed further on.

Todd has applied the recent literature on incremental institutional change to analyze the Anglo-Irish Agreement (AIA) of 1985 and its subsequent impact on the Northern Irish peace process. She argues that the AIA shows successful "wedging" by the Irish government. "Wedging" is a novel type of incremental change, described as "introducing a new element—a contingency or redundancy—that *can* (depending on

future events and struggles) change the logic of institutional functioning."[17] The wedge in question is the Anglo-Irish Intergovernmental Conference (AIIGC), a new institution that shaped the subsequent processes of layering, displacement, and conversion that prepared the ground for the Good Friday Agreement of 1998, which established consociationalism in Northern Ireland.[18] Todd's work thus demonstrates how a bridging of the two literatures can benefit both.

This brief review reveals three things. First, contact between consociationalism and New Institutionalism is sporadic. Second, attention has focused on rational choice and historical institutionalism while sociological and discursive institutionalism so far have not been applied to consociational countries.[19] Third, much can be gained from a fuller engagement between the two bodies of literature.

Formal and informal institutions

Research on informal institutions has focused on two related questions: How do informal institutions affect the working and performance of a political regime, especially democracy? How do informal institutions interact with formal institutions?[20] Helmke and Levitsky define informal institutions as "socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels."[21] Their main contribution is a typology of informal institutions in relation to formal institutions. Complementary informal institutions not merely coexist with formal institutions but also make them more effective. Accommodating informal institutions change the outcomes of formal institutions without violating them. Helmke and Levitsky give the example of Dutch consociational practices, which enhanced democratic stability through informal, unwritten rules of elite accommodation that limited the power of the vote.[22] Competing and substitutive informal institutions both provide a response to ineffective formal institutions. The first by offering incentives that are incompatible with the formal rules, the second by effectively replacing them to deliver the intended outcome. Importantly, informal institutions are not necessarily a social phenomenon. As with consociationalism in the Netherlands, "informal institutions may be a product of elite design and imposition."[23]

Grzymala-Busse offers a similar typology, using the labels of "replacement," "undermining," "support," and "competition" to capture the relationship between informal and formal institutions.[24] She mentions informal power-sharing in post-communist governing coalitions as an example of an informal political institution that supports or reinforces a formal institution. Writing about established democracies, Azari and Smith distinguish between parallel, completing, and coordinating informal institutions.[25] The final two types are especially relevant for divided societies. Completing informal institutions fill the gaps in formal institutions, gaps that may be the result of unresolved conflict or the inability to specify all eventualities. Coordinating informal institutions "are the unwritten rules by which political actors resolve, or at any rate contain, inter-institutional tensions and conflicts."[26]

These typologies of the relationship between informal and formal institutions provide a useful starting point for thinking about informal and formal consociationalism in Lebanon in the next section. This analysis is informed by three questions: (1) Why are

Table 1. Formal and informal consociationalism in Lebanon.

Consociational feature	Formal institution	Informal institution
Proportionality	1926 constitution (article 95)	
	1990 constitution (article 24)	National Pact of 1943
Segmental autonomy	1926 constitution (articles 9, 10)	
Grand coalition		National Pact of 1943
Mutual veto	1990 constitution (article 65)	?

Source: Author's own compilation.

some consociational institutions formal whereas others are informal? (2) What is the relationship between formal and informal consociational institutions in Lebanon and do they strengthen or weaken each other? and (3) How have (in)formal consociational institutions changed over time?

Formal and informal consociationalism in Lebanon

There are many consociational interpretations of Lebanese politics.[27] No scholar, however, has applied the insights from New Institutionalism to the case and none have focused on the interplay between formal and informal institutions. Table 1 provides an overview of the main formal and informal institutions of consociationalism in Lebanon. The oldest formal institution of power-sharing is the 1926 constitution, which, "despite the turbulence of the ensuing ninety years . . . has proven sufficiently resilient to serve as the basis for the contemporary Lebanese constitutional order."[28] The 1926 constitution introduced two elements of consociationalism: segmental autonomy and proportionality. The two key articles that provide for segmental autonomy for the 17 officially recognized religious communities are articles 9 and 10. Article 9 guarantees respect for personal status laws and religious interests.[29] Article 10 grants them the right to education. It explicitly allows religious communities to have their own schools.[30] The two key articles that provide for proportionality are articles 95 and 24. Article 95 reads: "Temporary, with the intention of assuring justice and harmony, the communities will be equitably represented in public employment and in the composition of ministries." This provision is seen as the legitimation of communalism in public office and political representation.[31] Article 24, which governs the elections to parliament, can be seen as an application of the principle of proportionality enshrined in article 95. The original article 24 referred to decree 1307, dated 8 March 1922, for the election and composition of the House of Deputies. It allotted 17 seats to Christians and 13 to Muslims. These figures changed to 25:20 in 1929, 14:11 in 1934, and 35:28 in 1937, the last elections before independence in 1943.[32]

The National Pact of 1943 is often regarded as the start of consociationalism in Lebanon.[33] As can be seen in Table 1, the National Pact introduced one modification and one novel element of consociationalism. The modification concerns the agreement to fix the ratio of Christian-to-Muslim seats in parliament at 6:5. This principle was followed in all subsequent electoral laws until the Taif Agreement.[34] El-Khazen suggests that this ratio was the outcome of fierce negotiations among the communities, and credits part of the success to foreign intermediaries.[35] The 6:5 formula not only was used for parliamentary elections but also affected "all positions throughout the government."[36] Importantly, before 1990, article 24 merely referred to the electoral law,

which in Lebanon has been changed for every election. The constitution did not specify the allocation of seats to religious groups – this was based on an informal agreement.

The main consociational innovation of the National Pact was to allocate the top positions in the state to designated sects: executive presidency (Maronite Christian), prime minister (Sunni Muslim), and speaker of the House of Deputies (Shia Muslim).[37] None of these changes were codified, let alone constitutionalized. The National Pact was a "gentleman's agreement" between the Maronite Christian Khoury, who would become president, and the Sunni Muslim Solh, who would become prime minister on independence.[38] The National Pact should be seen in combination with the consociational elements in the 1926 constitution. In fact, it was directly aimed at remedying some of the flaws in the implementation of these principles, which "was a major source of discord among the various confessional communities in Lebanon."[39] For Hanf, it is the "*combination* of Constitution, Electoral Law, and National Pact" that "plainly made Lebanon a consociation."[40]

The Document of National Accord of 1989 (or Taif Agreement, as it is better known), is a peace agreement, which ended the civil war that had been raging since 1975. It is the first written document apart from the constitution to explicitly mention consociational principles. It resulted in several constitutional amendments, two of which impact directly on its consociational features.[41] The first is that article 24 now requires equal representation between Christians and Muslims, proportional representation among the confessional groups within the two religious communities, and proportional representation among geographic regions. Thus, the informal agreement on the ratio between Christians and Muslims from the National Pact has been modified and constitutionalized. Second, article 65 now governs how the Council of Ministers should operate. It stipulates that the cabinet "shall make its decisions by consensus." If that is not possible, "basic issues," which are enumerated, require the approval of two-thirds of the members of the government. Here, the constitution introduces the mutual veto. In addition, article 19 gives the heads of legally recognized communities the right to appeal to the Constitutional Council in matters of civil status, freedom of conscience, religious practice, and freedom to religious education. This can be seen as a separate, extra-parliamentary safeguard for vital community interests. Overall, the package amounts to a "constitutional institutionalization of communalism."[42]

The Doha Agreement of 2008 did not result in constitutional changes.[43] Its main purpose was to stop the violence, end the political crisis, and restore order in Lebanon with the help of foreign mediation. It helped to settle a dispute about the drawing of electoral districts and provided for an interim government of national unity. Of the 30 ministers, 16 came from the 14 March Alliance and 11 from the 8 March Alliance, thereby giving the opposition the one-third of cabinet seats necessary to invoke the veto powers established in the constitution.[44] This episode shows the increased importance of cabinet composition after the constitutionalization of the mutual veto in the form of a specified minority of government ministers. Salamey sees the Doha agreement as weakening parliament, limiting majoritarian rule, and overall deepening consociationalism.[45]

In Table 1, there is a question mark in the bottom right cell, indicating uncertainty about the status of the mutual veto as an informal institution. Lijphart has little doubt, writing about the mutual veto as a "basic, but again unwritten, provision of the political system."[46] Similarly, Hudson sees the mutual veto as "operative in a practical if not

strictly legal way" given the distribution of offices and the practical obstacles Christians and Muslims would face in trying to override each other's interests.[47] El Khazen locates Sunni veto power in their control of the position of prime minister.[48] Messara offers a different take, suggesting that the Sunni minority veto existed thanks to Lebanon's position as an Arab country in an Arab region. In other words, the expectation that neighboring states would check any Maronite encroachment on (Sunni) Muslim interests was expected to constrain the behavior of the Maronite executive president and the Christian majority in parliament.[49] This dynamic still exists. Writing about the aftermath of the assassination of former prime minister Hariri in 2005, Kerr notes that "in times of crisis Lebanon's communities will look for external sponsorship to reinforce their domestic positions."[50] Another way in which Lebanese communal groups exercise an informal veto is through violence.[51] The events leading up to the Doha agreement when Hezbollah's militia occupied parts of the capital to protest a government decision against its interests, serve as a reminder that what ultimately undergirds power-sharing in Lebanon is the threat or exercise of violence.[52] Historically, then, the informal mutual veto in Lebanese politics existed in the form of the dual threat of foreign intervention and domestic violence. The constitutionalization of the mutual veto after 1990 has not changed this. In fact, the way it is operationalized through a minority veto in the cabinet closely links the two consociational principles of the grand coalition and the mutual veto, making the distribution of positions in the government of vital importance for the respective communities. Tellingly, the fighting preceding the Doha agreement was in part about the composition of the cabinet: evidence that the formalization of the mutual veto has merely reinforced the violent logic of the informal mutual veto.

In sum, consociationalism in Lebanon consists of a changing mix of informal and formal institutions. The pre-independence constitution of 1926 already contained two consociational elements, proportionality and segmental autonomy. The 1943 National Pact's unwritten agreement provided a particular interpretation of the proportionality principle and added a grand coalition among Maronite Christian, Sunni Muslim, and Shia Muslim leaders. The amendments to the constitution adopted in 1990, implementing the provisions of the Taif Agreement of 1989, changed the balance of power among the religious communities by shifting executive power from the president to the prime minister and the cabinet, by introducing parity between Christians and Muslims in parliament, and by formalizing the mutual veto.

Institutional change

Broadly speaking there are two approaches to institutional change in New Institutionalism. The first focuses on episodic change that punctures the usual equilibrium. In other words, long periods of path-dependent stability are disrupted by sudden, dramatic change driven by exogenous factors. These moments of institutional change are preceded by critical junctures, defined as "relatively short periods of time during which there is a substantially heightened probability that agents' choices will affect the outcome of interest."[53] The second, more recent, approach addresses incremental change, which may result in either reproduction by adaptation or gradual transformation.[54] Streeck and Thelen distinguish five types of incremental change. *Displacement*

occurs not only when the relative salience of institutions within the same field changes but also when local institutions are displaced by foreign ones. With *layering*, change happens through the introduction of reforms that over time fundamentally alter the functioning of the original institution. Layering is seen as a deliberate strategy by policy entrepeneurs. *Drift* implies that institutions are not as effective as they once were but the active maintenance they need to adjust to their changing context is not forthcoming. Drift can happen by accident or by design. *Conversion* means that institutions "are redirected to new goals, functions, or purposes."[55] Finally, *exhaustion* captures the phenomenon of institutions that are self-undermining instead of self-enforcing, making themselves redundant or irrelevant over time.[56]

Koning identifies three types of institutional change that cut across the standard schools in new institutionalism.[57] He argues that informal, formal, and ideational change should not be seen in isolation but as connected in a complex causal chain. For our purposes, of particular interest is his mention of pillarization in the Netherlands as a case of informal institutional change, "exhaustion" even, because endogenous change resulted in the destruction of the institution itself. The Lebanese equivalent would be the end of confessionalism because religious differences have lost their political salience. Unfortunately, of all types of incremental change, we know least about exhaustion.[58]

For Cortell and Peterson, institutional change requires a combination of triggers, change-oriented preferences, and institutional opportunity.[59] A quick look at their list of possible domestic and international triggers reveals that many triggers for institutional change exist in contemporary Lebanon, including geopolitical conflict, changing balance of power, macroeconomic change, demographic change, and social movement/conflict. In the presence of so many potential triggers of change, the sources of its absence then must be sought in politicians' preferences and/or the lack of institutional opportunities.

Pierson identifies "two broad reasons political institutions are usually designed to be change resistant": political actors bind both themselves and their successors.[60] While plausible, the history of consociationalism in Lebanon raises two questions. First, are the ties that bind as strong for informal as for formal institutions? Second, how, exactly, can political actors free themselves from institutional constraints? And if change from the inside is impossible, then where might external change come from and what form could it take? Finally, the strength of institutions would appear to play a role. "Weak institutions are more open to repeated and radical change," note Levitsky and Murillo.[61] Their argument is limited to formal institutions but the same logic would seem to apply to informal institutions. More problematic is the possibility of a tautology, as one of their two features of institutional strength is stability.

Institutional change in Lebanon

Many scholars have blamed the collapse of the Lebanese state and the outbreak of the civil war in 1975 on the lack of adaptability of the consociationalism system. Hudson, in a publication titled "Why Consociationalism Failed," writes repeatedly of the immobilism and even paralysis at the heart of Lebanese consociationalism.[62] Similarly, Barak blames the failure of the Lebanese state on "the 'immobilism' of the 1943 power-sharing settlement and the failure to adapt it to changing political, social, and economic

circumstances in later periods."[63] Fakhoury Mühlbacher criticizes the "rigidity of the power-sharing formula."[64] For Lijphart, Lebanon's "main weakness was the inflexible institutionalization of consociational principles."[65] He then refers to the National Pact's fixing of the ratio of Christians to Muslims. However, this agreement was never written down and existed only in the form of an informal rule. This is what the introduction of this article called the "Lebanese institutional paradox."

Of course, the paradox rests on the assumption that informal institutions are easier to change than formal ones. This assumption, at least implicitly, informs much of the critical scholarship on power-sharing in post-conflict societies, blaming peace agreements for putting in place (formal) institutions that are then hard to change legally, even if they are dysfunctional or perverse in their effects. The consociational literature on the Dayton Agreement in Bosnia and Herzegovina is replete with such accounts.[66] Similarly, McCulloch portrays Lebanon as a corporate type of consociation in which identities are fixed and positions are distributed and allocated among predetermined groups. This is viewed as problematic, because "by constitutionally entitling specific groups to representation, corporate rules freeze a particular moment in time."[67] In Lebanon, however, such corporate rules were mostly informal. The distinction between corporate and liberal consociationalism therefore does not map onto the distinction between formal and informal consociational institutions. More importantly, complaints about the inflexibility of consociationalism in Lebanon were mostly complaints about inflexible *informal* institutions.

Shia Muslims, especially, have reason to believe that their numbers are not adequately reflected in their share of political power, limited as they are to 27 of the 128 seats in parliament, on a par with Sunni Muslims, and informally barred from holding a more powerful post than the speaker of parliament. Combined with the military might of the leading Shia party, Hezbollah, this has led to claims that Hezbollah has "rejected consociationalism" because "Shia grievances stem from corporate consociationalism."[68] Although recent survey research indicates that Shia Muslims in Lebanon are consistently more satisfied with the government than other communities, the fundamental point raised by the behavior of Hezbollah and the position of the Shia Muslims stands: How adaptable are Lebanon's consociational institutions today?[69]

The amendments to the 1990 constitution following the Taif Agreement constitutionalized the informal power balance between Christians and Muslims. Does this make reform easier or more difficult? The constitution can be revised on the initiative of the president or the parliament (articles 76–79). In both cases, an amendment only passes with the support of two-thirds of the members, with at least two-thirds of the members of parliament present. In the case of a disagreement between parliament and government about a proposal for constitutional reform initiated by the former, a three-fourths majority of all members of parliament is necessary to compel the government to proceed. Using Lijphart's index of constitutional rigidity, Lebanon would score either a three or four on the four-point scale, depending on whether one takes into account the first or the second scenario, indicating a rigid constitution.[70] Widespread dissatisfaction exists in Lebanon and proposals for constitutional reform abound. Some stay within the bounds of the consociational system and merely seek to improve its functioning.[71] The proposal for a referendum mechanism to settle major issues could make the decision making more majoritarian, depending on how it is done.[72]

New Institutionalism allows for the question whether the behavior of Lebanese political elites is driven by "preferences and expectations about consequences" (the logic of consequentiality) or involves "fulfilling the obligations of a role in a situation" (the logic of appropriateness).[73] In the highly critical literature on consociationalism in Lebanon, many observers see pernicious self-interest at work. Even opposition to power-sharing as such is best understood as a means of advancing one's own group's position.[74] However, according to March and Olsen, most behavior in politics follows the logic of appropriateness.[75] If correct, this could help explain the surprising staying power of confessionalism/consociationalism as an informal institution. Over time, Lebanon has arguably become more, although differently, consociational.[76] There has been a tendency to formalize informal consociational institutions, notably the mutual veto and representation. Most changes and attempted changes were directed at influencing the power balance among the religious communities. Overall, "Taif does not constitute a paradigm shift or a radical departure from earlier attempts at political reform or conflict resolution.[77]

Conclusion

Consociationalism is a package of four principles whose embodiment depends on local circumstances. Beyond a general preference for self-determination over pre-determination of the segments, little attention has been paid to the question of what works best under which conditions.[78] This article has provided a first examination of Lebanon's peculiar mix of formal and informal consociational institutions, with the help of insights from New Institutionalism. The conclusion returns to the three questions raised earlier.

First, why are some consociational institutions formal whereas others are informal? Most contemporary consociations are born out of civil war and have their origin in a peace agreement.[79] Contemporary Lebanon is no exception, so it is easy to see why recent changes and additions to its consociational institutions have resulted in their constitutionalization. The main institution to remain unchanged was the grand coalition, an informal institution going back to the National Pact of 1943. It allocates the three most powerful positions in the republic to the three most numerous religious communities. The troika of president, prime minister, and speaker of parliament that effectively governed Lebanon from 1992 to 1998 was therefore not an aberration of the consociational model but a logical extension.[80] Still, what Lijphart calls "the primary characteristic of consociational democracy" remains an informal institution.[81]

Second, what is the relationship between formal and informal consociational institutions in Lebanon? Do they strengthen or weaken each other? Using the terminology from the literature on New Institutionalism, one can conclude that informal consociational institutions support and complete formal consociational institutions. Taking democracy as the formal reference point, Helmke and Levitsky judged informal consociationalism in Holland to be accommodating in nature. However, taking formal consociational institutions as the starting point, there is no doubt that informal consociational institutions in Lebanon would be categorized as "complementing" in their scheme.

Third, how do (in)formal consociational institutions change over time? In Table 1, the first consociational institutions in Lebanon are formal. However, it would be wrong to date the origins of consociationalism to the 1926 constitution, because its roots run much deeper.

More likely, what we see here is the codification of existing principles of proportionality and segmental autonomy. The National Pact complemented these formal institutions with the crucial informal institution of the grand coalition. The Taif Agreement and the 1990 constitution added a formal mutual veto. The overall tendency in Lebanon, therefore, is for informal consociational institutions to become formal.[82]

In her typology of pathways from consociationalism, McCulloch classifies Lebanon's Taif Agreement as an "aspirational pathway" based on Rosiny's reading of the agreement, and the resulting constitutional amendments as a "transitory power-sharing arrangement."[83] Already the 1926 constitution presented its consociational features as explicitly temporary, but the preamble of the Taif Agreement went further by calling for the abolition of the confessional system through a gradual plan, including several steps mentioned in the constitution.[84] However, classifying Lebanon's consociationalism as an interim measure raises more questions than it answers. Where is change going to come from? How and by whom? A focus on the constitution would make parliament the place of action, the procedure of the constitutional amendment the means, and members of parliament the actors in charge. Most consociational features have been constitutionalized, including the equal representation of Christians and Muslims. One shortcoming of the National Pact was its inflexibility in the face of demographic and other changes. Discussing the collapse of the Lebanese state in 1975, Najem critizes the lack of political will on the side of the Christians to renegotiate the power-sharing arrangements of 1943 and observes that "the system had no real mechanism or defined procedure to allow for such change."[85] Is that different now?

Rosiny blames the failed transition in Lebanon on "ethnic entrepreneurs."[86] If that is correct, then these actors hold the key to the country's future setup. This should prompt advocates of change to look beyond parliament toward the leaders of the various communities. Absent the kind of institutional exhaustion witnessed in Austria and the Netherlands, the end of consociationalism in Lebanon will require an act of political will of the leaders of its main communities. In other words, the political voluntarism of consociationalism, which puts its trust in the wisdom of communal elites, has come full circle: it is actors who establish consociationalism and it is actors who decide to end it.[87] There are no real-world examples so far of such a process, but this does not mean that Lebanon is consigned to consociationalism.[88] The risk of reifying institutions is usefully countered by the notion of "institutional work," which focuses on the micro-practices of actors in creating, maintaining, and disrupting institutions and seeks to recast the relationship between structure and agency.[89] So far, the few scholars to combine New Institutionalism and consociationalism have used rational choice and historical institutionalism to explain path dependence and the absence of change. Attention to sociological and discursive approaches to institutions would open a new perspective on possibilities for consociational change.[90]

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Notes on contributor

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Notes

1. James March and Johan Olsen, "The New Institutionalism: Organizational Factors in Political Life," *American Political Science Review* 78, no. 3 (1984): 734–49.
2. James March and Johan Olsen, "Elaborating the 'New Institutionalism'," in *The Oxford Handbook of Political Institutions*, edited by Rod Rhodes, Sarah Binder, and Bert Rockman (Oxford: Oxford University Press, 2006), 3.
3. On types of case study, see Matthijs Bogaards, "Case-Based Research on Democratization", *Democratization* 26, no. 1 (2019): 61–77.
4. Stephan Rosiny, "A Quarter Century of 'Transitory Power-Sharing': Lebanon's Unfulfilled Taif Agreement of 1989 Revisited," *Civil Wars* 17, no. 4 (2015): 485–502.
5. Bernard Grofman, "Arend Lijphart and the New Institutionalism," in *Democracy and Institutions: The Life Work of Arend Lijphart*, edited by Markus Crepaz, Thomas Koelble, and David Wilsford (Ann Arbor: University of Michigan Press, 2000), 43–73, 44.
6. André Kaiser, "Types of Democracy: From Classical to New Institutionalism," *Journal of Theoretical Politics* 9, no. 4 (1997): 419–44.
7. Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration* (New Haven, CN: Yale University Press, 1977), 25.
8. See Allison McCulloch, "Consociational Settlements in Deeply Divided Societies: The Liberal-Corporate Distinction," *Democratization* 21, no. 3 (2014): 501–18.
9. Anneliese Dodds, Jelena Obradovic-Wochnik, and Ahmed Badran, "The New Institutionalism in the Context of Kosovo's Transition: Regulatory Institutions in Contested States," *East European Politics* 30, no. 4 (2014): 436–57; Georgina Waylen, "A Seat at the Table—Is it Enough? Gender, Multiparty Negotiations, and Institutional Design in South Africa and Northern Ireland," *Politics and Gender* 10, no. 4 (2014): 495–523. Lane discusses consociationalism and constitutional choices in South Africa, but without linking this to his broader review of New Institutionalism in political science. Jan-Erik Lane, "Institutionality: 'Institutions' and 'Institutions Matter,'" *Open Journal of Political Science* 4, no. 1 (2014): 23–30. Clark and Zahar note the 'stickiness' of Lebanon's sectarian power-sharing institutions, but their focus is on the Arab spring as a critical juncture for more democracy. Janine Clark and Marie-Joëlle Zahar, "Critical Junctures and Missed Opportunities: The Case of Lebanon's Cedar Revolution", *Ethnopolitics* 14, no. 1 (2015): 1–18, this quote p.5.
10. Abdillah Noh, "Historical Institutionalism and Economic Diversification: The Case of Malaysia," *Asian Social Science* 10, no. 9 (2014): 40–51.
11. Hans Keman, "Political Stability in Divided Societies: A Rational-Institutional Explanation," *Australian Journal of Political Science* 34, no. 2 (1999): 249–68.
12. Arend Lijphart, *The Politics of Accommodation: Pluralism and Democracy in the Netherlands*, 2nd ed. (Berkeley: University of California Press, 1975).
13. Keman, "Political Stability in Divided Societies," 260.
14. Brandon Kendhammer, "Getting Our Piece of the National Cake: Consociational Power-sharing and Neopatrimonialism in Nigeria," *Nationalism and Ethnic Politics* 21, no. 2 (2015): 43–65.
15. Lijphart, *The Politics of Accommodation*. In his earliest work, Lijphart described the politics of accommodation in terms of seven rules of the game that are "unwritten, informal, and implicit", p. 123.
16. Kendhammer, "Getting Our Piece of the National Cake," 161. On consociational elements in Nigeria's regimes, see Matthijs Bogaards, "Ethnic Party Bans and Institutional Engineering in Nigeria," *Democratization* 17, no. 4 (2010): 730–49.

17. Jennifer Todd, "Institutional Change and Conflict Regulation: The Anglo-Irish Agreement (1985) and the Mechanisms of Change in Northern Ireland," *West European Politics* 34, no. 4 (2011): 838–58 (emphasis in original).
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20. On the first question, see Hans-Joachim Lauth, "Informal Institutions and Democracy," *Democratization* 7, no. 4 (2000): 21–50. Radnitz distinguishes between "constructive" and "parasitic" informal politics. Radnitz, "Informal Politics and the State," *Comparative Politics* 43, no. 3 (2011): 351–71.
21. Gretchen Helmke and Steven Levitsky, "Informal Institutions and Comparative Politics: A Research Agenda," *Perspectives on Politics* 2, no. 4 (2004): 725–40.
22. Ibid., 729.
23. Ibid., 731.
24. Anna Grzymala-Busse, "The Best Laid Plans: The Impact of Informal Rules on Formal Institutions in Transitional Regimes," *Studies in Comparative International Development* 45, no. 3 (2010): 311–33.
25. Julia Azari and Jennifer Smith, "Unwritten Rules: Informal Institutions in Established Democracies," *Perspectives on Politics* 10, no. 1 (2012): 37–55.
26. Ibid., 42.
27. For a recent overview, see Matthijs Bogaards, "Lebanon: How Civil War Transformed Consociationalism," in *Power-sharing: Empirical and Normative Challenges,* edited by Allison McCulloch and John McGarry (London: Routledge, 2017), 148–65.
28. Asli Bâli and Hanner Lerner, "Constitutional Design without Constitutional Moments: Lessons from Religiously Divided Societies," *Cornell International Law Journal*, no. 228 (2016): 227–308.
29. All references to the Lebanese constitution and its amendments, unless stated otherwise, are to "The Lebanese Constitution," *Arab Law Quarterly* 12, no. 2 (1997): 224–61.
30. See John Donohue, "Changing the Lebanese Constitution: A Postmodern History," *Cardozo Law Review* 30, no. 6 (2009): 2,509–33.
31. Hanna Ziadeh, *Sectarianism and Intercommunal Nation-Building in Lebanon* (London: Hurst, 2006), 98.
32. Thomas Scheffler, "Lebanon," in *Elections in Asia and the Pacific: A Data Handbook—Volume 1: Middle East, Central Asia and South Asia*, edited by Dieter Nohlen, Florian Grotz, and Christoph Hartmann (Oxford: Oxford University Press, 2001), 169–197. this quote p.174.
33. See, for example, Lijphart, *Democracy in Plural Societies*, 148.
34. Starting with Decree No. 312/FC of 31 July 1943, O.G. No. 4093, which was issued by the French. See Bâli and Lerner, "Constitutional Design without Constitutional Moments," 269.
35. Farid el-Khazen, *The Communal Pact of National Identities: The Making and Politics of the 1943 National Pact* (Oxford: Centre for Lebanese Studies, Papers on Lebanon no. 12, 1991), 36–37.
36. Ziadeh, *Sectarianism and Intercommunal Nation-Building in Lebanon*, 118.
37. Bâli and Lerner, "Constitutional Design without Constitutional Moments," 272.
38. Theodor Hanf, *Coexistence in Wartime Lebanon: Decline and Rise of a Nation* (London: I.B Taurus, 2015), 72.
39. Latif Abul-Husn, *The Lebanese Conflict: Looking Inward* (Boulder, CO: Lynne Rienner, 1998), 77.

40. Hanf, *Coexistence in Wartime Lebanon*, 73 (emphasis added).
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42. Ziadeh, *Sectarianism and Intercommunal Nation-Building in Lebanon*, 145.
43. The document is available at: https://peacemaker.un.org/sites/peacemaker.un.org/files/Lebanon_DohaAgreement2008_Engl.pdf
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54. Wolfgang Streeck and Kathleen Thelen, "Institutional Change in Advanced Political Economies," in *Beyond Continuity: Institutional Change in Advanced Political Economies*, edited by Wolfgang Streeck and Kathleen Thelen (Oxford: Oxford University Press, 2005), 1–39.
55. Ibid., 26, emphasis removed from original.
56. Mahoney and Thelen link displacement, layering, drift, and conversion to particular characteristics of the political context and particular types of change agents to explain institutional change and continuity. James Mahoney and Kathleen Thelen, "A Theory of Gradual Institutional Change," in *Explaining Institutional Change: Ambiguity, Agency, and Power*, edited by James Mahoney and Kathleen Thelen (Cambridge: Cambridge University Press, 2010), 1–37.
57. Edward Anthony Koning, "The Three Institutionalisms and Institutional Dynamics: Understanding Endogenous and Exogenous Change," *Journal of Public Policy* 36, no. 4 (2016): 639–64.
58. Jeroen van der Heijden and Johanna Kuhlmann, "Studying Incremental Institutional Change: A Systematic and Critical Meta-Review of the Literature from 2005 to 2015," *Policy Studies Journal* 45, no. 3 (2017): 535–54.
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60. Paul Pierson, "The Limits of Design: Explaining Institutional Origins and Change," *Governance* 13, no. 4 (2000): 475–99.
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63. Oren Barak, "Lebanon: Failure, Collapse, and Resuscitation," in *State Failure and State Weakness in a Time of Terror*, edited by Robert Rotberg (Washington, DC: Brookings Institution Press, 2003), 310.

64. Tamirace Fakhoury Mühlbacher, *Democracy and Power-Sharing in Stormy Weather: The Case of Lebanon* (Wiesbaden: VS Research, 2009), 94.
65. Lijphart, *Democracy in Plural Societies*, 149. Ironically, "informal rules generally work better because they are more flexible", Arend Lijphart, "The Wave of Power-Sharing Democracy", in *The Architecture of Democracy: Constitutional Design, Conflict Management, and Democracy*, edited by Andrew Reynolds (Oxford: Oxford University Press, 2002), 37–54, this quote p.54.
66. See, for example, Roberto Belloni, "Bosnia: Dayton is Dead! Long Live Dayton!", *Nationalism and Ethnic Politics* 15, no. 3–4 (2009): 355–375.
67. McCulloch, "Consociational Settlements in Deeply Divided Societies," 508.
68. Francisco Cortés and Joseph Kéchichian, "Lebanon Confronts Partition Fears: Has Consociationalism Benefitted Minorities?" *Contemporary Review of the Middle East* 5, no. 1 (2018): 5–29; Amal Hamdam, "The Limits of Corporate Consociation: Taif and the Crisis of Power-Sharing in Lebanon Since 2005," in *Lebanon: After the Cedar Revolution*, edited by Are Knudsen and Michael Kerr (Oxford: Oxford University Press, 2013), 42.
69. Kenneth Vaughan, "Who Benefits from Consociationalism? Religious Disparities in Lebanon's Political System," *Religions* 9, no. 2 (2018): 1–15.
70. Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*, 2nd. ed. (New Haven, CT: Yale University Press, 1999), 206–9.
71. Nawaf Salam, "Taif's Dysfunctions and the Need for Constitutional Reform," in *Breaking the Cycle: Civil Wars in Lebanon,* edited by Youssef Choueiri (London: Stacey International, 2007), 307–23.
72. Salim el-Hoss, "Prospective Change in Lebanon," in *Peace in Lebanon? From War to Reconstruction*, edited by Deidre Collings (Boulder, CO: Lynne Rienner, 1994), 249–58.
73. James March and Johan Olsen, *Rediscovering Institutions: The Organizational Basis of Politics* (New York: The Free Press, 1989), 160–61.
74. See, Judith Palmer Harik, "Democracy (Again) Derailed: Lebanon's Taif Paradox," in *Political Liberalization and Democratization in the Arab World, Vol. 2: Comparative Experiences*, edited by Bahgat Korany, Rex Brynen, and Paul Noble (Boulder, CO: Lynne Rienner, 1998), 138.
75. See, for example, the comments from his interview partners in John Nagle, "Beyond Ethnic Entrenchment and Amelioration: An Analysis of Non-sectarian Social Movements and Lebanon's Consociationalism," *Ethnic and Racial Studies* 41, no. 7 (2018): 1,370–89.
76. Bogaards, "Lebanon."
77. Khalaf, *Civil and Uncivil Violence in Lebanon*, 289–90.
78. Are some consociational institutions better than others? An answer to this question can come not only from an examination of the empirical record of consociational regimes but also from an evaluation of consociational institutions in terms of the five criteria of institutional design, formulated by Robert Goodin: revisability, robustness, sensitivity to motivational complexity, publicity, and variability. Together, they reflect a philosophy that views institutional design as an iterative process that should allow for experimentation and learning by doing, adaptive to new situations, defensible to the public, and appealing to people's moral principles. Robert Goodin, "Institutions and Their Design," in *Institutionalism, Volume 1*, edited by Guy Peters and John Pierre (Los Angeles, CA: Sage, 2007), 281–324.
79. Bogaards, "Lebanon."
80. Mühlbacher, *Democracy and Power-Sharing in Stormy Weather*, 330–35, is very critical of this period.
81. Lijphart, 1997, 25.
82. Whether this holds for other consociations can only be established through a comparative study.
83. Allison McCulloch, "Pathways from Power-Sharing," *Civil Wars* 19, no. 4 (2017): 405–24, 6; Rosiny, "A Quarter Century of 'Transitory Power-Sharing.'"
84. Ibid., 494.

85. Tom Najem, *Lebanon: The Politics of a Penetrated Society* (London: Routledge, 2012), 32.
86. Ibid., 495.
87. See Matthijs Bogaards, "The Favorable Factors for Consociational Democracy: A Review," *European Journal of Political Research* 33, no.4 (1998): 475–96.
88. Though Fakhoury takes a dim view, arguing that elite-led sectarian power-sharing in Lebanon has been detrimental to democratization. Tamirace Fakhoury "Do Power-Sharing Systems Behave Differently amid Regional Uprisings? Lebanon in the Arab Protest Wave", *Middle East Journal* 68, no. 4 (2014): 505–520.
89. Thomas Lawrence and Roy Suddaby, "Institutions and Institutional Work," in *Sage Handbook of Organization Studies*, 2nd ed., edited by Stewart Clegg, Cynthia Hardy, Thomas Lawrence, and Walter Nord (London: Sage, 2006), 215–54.
90. See Leigh Raymond, Laurel Weldon, Daniel Kelly, Ximena Arriaga, and Ann Marie Clark, "Making Change: Norm-Based Strategies for Institutional Change to Address Intractable Problems," *Political Research Quarterly* 67, no. 1 (2014): 197–211.