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Religion and Nationalism in the Legal and Constitutional Models of State Authority in Syria and Greater Lebanon during the French Mandate 1920–1930

• Abstract •

This paper attempts to shed light, in a comparative manner and from a historical perspective, on the development of legal and constitutional models of state authority in Syria and Lebanon after the end of Ottoman rule, which lasted nearly 400 years, and the formation of the first Arab government in Syria during the reign of King Faisal in 1920. This constituted the initial nucleus for the emergence of the features of the Syrian state. After that, the French mandate over Syria and Great Lebanon began, marking the beginning of a new and unique legislative and constitutional phase, in which nationalism, religion, and cultural conflict played a major role in shaping the content of all constitutional systems and articles. The situation even reached the point of dividing Syria, of which Lebanon was a part at the time, into countries on sectarian and religious grounds.

Keywords: French Mandate, Constitution, Syria, Lebanon, Religion.

Introduction

Historically, for any humanitarian, tribal, or civilizational group, there must be common elements among the group's members that constitute a starting point for integration into a unified entity distinct from the rest of the groups. If we look at all ancient societies and civilizations clearly, we find that there are several elements for establishing civilization or forming a unified human society distinct from jealousy. For example, nationalism and religion in the civilizations of Babylon, Sumer, and the Pharaonic civilization formed essential elements of its identity, as each civilization had its own religious festivals, gods, and language.

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Syria and Lebanon were part of what was known as the Levant, and there were no borders or major differences between the people. The Arameans had been present in the region since ancient times and continued to rule the region for a long time. This continuity led to the emergence of national branches such as Syriac, Chaldean and Assyrian, which formed the basis of Syrian civilization and the first peoples to embrace the Christian religion, in addition to the Phoenicians along the eastern coast of the Mediterranean. At that historical stage, we find that religion played a great role in life, as it offered sacrifices and invitations to the gods. The construction of places of worship and the celebration of religious holidays appear clearly to this day in inscriptions and monuments such as the Temple of Jupiter in Damascus, known today as the Umayyad Mosque, Amrit in the Syrian city of Tartous, and the monuments of Baalbek in Lebanon. The documents and laws regulating the lives of those civilizations showed sanctification and veneration of religious beliefs and love and protection of the homeland (Chaddad, 2021, p. 89).

Constitutional and Legal Features of Syria after the Collapse of the Ottoman Empire and the Beginning of the French Mandate in 1920–1930

After the defeat of the Ottomans in World War I, the Ottoman Empire collapsed in 1918 and the Arab forces entered Damascus, led by King Faisal I bin Al-Hussein to end years of Ottoman rule and the policy of Turkification of Syria. On March 8 of that year, the independence of Syria was declared within its natural borders, which included Lebanon, Jordan, Palestine, and the northern Syrian regions that France granted to Turkey under the Treaty of Lausanne 1921. Afterwards, the formation of the first Arab government in the history of Syria was announced, and King Faisal was appointed king of the Arab Kingdom of Syria (Salhi, 2012, p. 261).

Syria at that time was suffering from economic hardship after years of Ottoman rule, and King Faisal called for the formation of a government on May 3, 1920, led by Hashim al-Atassi, a Syrian politician. This was the second Arab government, as the first Arab government was formed in 1918 under the leadership of Ali Rida al-Rikabi, who was also appointed by King Faisal, during that period, the Syrian government focused on establishing the national army and enacted the textile law. Due to the scarcity of its financial revenues, it resorted to financing the treasury through a national loan secured by long-term guarantees on state-owned and non-invested lands and the first Syrian currency introduced was the “Syrian Dinar” for circulation (Mardini, 1966, p. 86).

In July 1920, the Syrian government approved the first Syrian constitution consisting of 147 articles distributed over 12 chapters, explaining the form of government, the identity of the kingdom, and the rights and freedoms. Article 1 stated that the government of the Arab Syrian Kingdom is a civil parliamentary monarchy, its capital is Damascus, and the religion of its king is Islam. Article 2 states that the kingdom is a political unity that does not accept division and consists of unified provinces. Article 3 confirmed the Arab identity of the kingdom and that the Arabic language is the official language of the kingdom. The constitution also confirmed the powers and duties of the king in the second chapter of the constitution, from Articles 4 to 8. The constitution guaranteed equality among all citizens in the third chapter, from Articles 9 to 14, and affirmed freedom of belief, worship, and the practice of religious rituals, provided they do not disrupt public security. It also managed the Sharia courts and sectarian councils for their affairs according to the law of each religion and sect (Barout, 2013, p. 28).

It should be noted that the constitution emphasized the Arab identity of Syria and that Islam is the religion of the king, even though Syrian society is a unique ethnic and religious mixture. However, the constitution did not mention other ethnicities such as Kurds, Syriacs, Assyrians, Chaldeans, Armenians, Hebrews, Arameans, Turkmens, and only mentioned the Arab ethnicity as the official nationality of the kingdom. It can be said that this is because King Faisal bin Al-Hussein was Arab, and to link Syria with its Arab surroundings after decades of Turkification policies and Ottoman dependency. The constitution limited itself to mentioning the equality of all Syrians in rights and religious freedom before the law.

Syria's independence did not last long. In accordance with the secret Sykes-Picot Agreement of 1916 between France and the United Kingdom, and with the approval of Russia and Italy, this agreement aimed to divide spheres of influence in the regions that were under Ottoman control during the First World War between France and Britain (Kitching, 2015, p. 12).

The French general Henri Gouraud, who was charged with implementing the French Mandate over Syria and Lebanon, demanded in July 1920 that King Faisal accept the French Mandate over Syria and Lebanon, issuing him an ultimatum containing several conditions: the Syrian state must accept the French Mandate, reduce the number of members in the Syrian army, abolish compulsory military service, conduct monetary dealings under French supervision, and punish those who opposed or rejected the French Mandate (Eldar, 1993, p. 489).

The Syrian government accepted the French mandate, and this was a historical turning point in the constitutional and legal life of the Syrian state. France imposed its own policy, making the French language an official language in gov-

ernment offices, schools, and universities, as well as in official documents and newspapers. They also sent Christian missionary delegations, especially to the Alawite regions in western Syria, due to the religious and belief-related closeness between the Alawites and Christians. France divided Syria into mini-states based on religion, transforming the Arab Kingdom of Syria into several states, each with its own religious particularity and unique identity. These included the State of the Alawites in the west, the State of the Druze with its centre in the city of Suwayda in the south, the State of Damascus, including Damascus, Hama, and Homs, predominantly Muslim areas and the State of Aleppo, centred in Aleppo, along with the northern and eastern cities of Syria, also with a Muslim majority. The Sanjak of Alexandretta enjoyed autonomous governance and was later granted to Turkey; today, it is known as Hatay (Uslu, 2020, p. 86).

In Syria, which was initially divided, French political advisors in the new states they founded on a sectarian basis were able to side with influential local authorities by building strong relationships with prominent, wealthy landowners and property owners. This produced parliaments for the emerging states, most of whose members were such prominent figures, and gave them positions in the local police that oversaw elections. It thus became in the interest of these notables to preserve the fragile confederal system established by the French mandate to administer the country by an administrative decision issued by the High Commissioner in 1922 (Antonius, 1934, p. 557).

The majority of Syrians rejected the reality of the division that had befallen Syria. The outbreak of the Syrian Revolution against the Mandate was a decisive response to the fragile state of the Syrian state. The Syrian elite demanded the reunification of Syrian territories and rejected the constitutional and administrative status of divided Syria. Therefore, in April 1928, the French government called for the formation of a Constituent Assembly and the preparation of a constitution for a unified Syria.

The 1930 Constitution affirmed in Articles 1 and 2 the unity of Syria and the independence of its lands, and in Article 2 that Syria is a parliamentary republic and the religion of its president is Islam (Zisser, 2004, p. 202). In the 1930 Constitution, the transformation of the Syrian state from an Arab kingdom to a republic without mentioning the term Arabic, i.e., the absence of defining the identity of the state. It can be said that this is due to the fact that Syria at that time was under the French mandate and influenced by French culture.

In Article 3, the religion of the head of state was determined, which is Islam, to which the Christians objected to. The determination of the religion of the head of state was justified because Islam is the religion of the majority in Syria and does not

conflict with the concept of democracy. The Constitution also affirmed the equality of all citizens in civil and political rights and freedom of personality and belief before the law in Articles 6 and 7. Also the official language of the Syrian state was not mentioned, nor were the components of the Syrian people from other nationalities mentioned. We find the absence of the term Arabism or a mention of the rights of other nationalities. Rather, the constitution was satisfied with mentioning the term citizens without addressing the issue of nationalism. Therefore, the language and national specificity of the Kurdish people did not receive any recognition from those elites, which prompted a group of Kurdish and Christian tribal leaders to submit two petitions to the French mandate, registered in the office of the French High Commissioner. The first, in 1930, and the second in 1933, under number “6501”, demanded that the Kurds be treated in a similar manner to the rest of the population components subject to the French mandate, and that they deserved a completely special administration, and that the Kurds be accepted into public positions, administration, justice, gendarmerie, and police, and that the Kurdish language be accepted as an official language in public departments, and that a Kurdish school be established in Hasakah city to qualify teachers (Shafan, 2025).

Greater Lebanon and the Conflict between Religion and Nationalism since the Establishment of the State and the Issuance of the First Constitution

The division and formation of new states on a sectarian and cultural basis did not stop. On September 1, 1920, France declared the establishment of the independent state of Greater Lebanon under the French mandate. Beirut was established as the capital of this country, which carried a flag similar to the French flag in its three colours: blue, white, and red, in addition to a cedar tree in the middle (Geukjian, 2023, p. 68).

After the declaration of the establishment of the State of Greater Lebanon, the first government was formed under French supervision, and the High Representative, Major General Gouraud Haqqi Al-Azm, was appointed Prime Minister, and the first government consisted of ministers from various sects to represent the new state on September 1, 1920 and continued until 1922 (Al-Chaer, 2020, p. 231).

As a result of the declaration of the establishment of the State of Greater Lebanon, supporters of their positive position on the establishment of the State of Greater Lebanon supported the idea that the State of Greater Lebanon was ideologically a gift from France in response to the Lebanese memorandum to the

Versailles Peace Conference in France in 1919, which stated: “Lebanon has always constituted a national entity distinct from neighbouring societies in language, customs, intellectual similarity, and Western culture.” As for those who reject the establishment of the state of Greater Lebanon and who support remaining with Syria and with King Faisal bin Hussein’s project to establish an Arab kingdom that includes the regions of Greater Syria, they were punished in exile and rejected by other Lebanese parties supporting the establishment of the new state (Lebanon 1926, rev. 2004).

It is worth mentioning that the religious diversity in the Christian-majority Lebanese society, which imposed the distribution of powers between the various parties, was clearly manifested in an agreement known as the national charter, and the most prominent of what was stated in it, the distribution of powers in Lebanon is based on the system of sectarian “consensual democracy”, where the three presidencies are divided according to the National Charter of 1943: the president of the Republic is a Maronite Christian, the prime minister is a Sunni Muslim, and the speaker of the House of Representatives is a Shiite Muslim. The parliament (128 seats) is divided equally between Christians and Muslims (Georges, 2018).

Religion was the most prominent player in declaring the State of Greater Lebanon because the idea of transforming Lebanon from a Mutasarrifate state in Mount Lebanon during the Ottoman era into a sovereign state was launched by Maronite Patriarch Elias Hoayek, who served as ambassador for the Maronite community during the French Mandate. Maronite Patriarch Elias Hoayek saw France as the caring and benevolent mother of the Lebanese throughout history, a refuge, protector, and saviour for the Maronites after the years of persecution and famine that the Maronites experienced under Ottoman rule. He also expressed his admiration for her sophisticated liberal face that supports freedom and human justice. This relationship contributed directly to Lebanon obtaining official and final recognition of its complete independence from Syria in 1919 through the written promise made by Clemenceau, and then in 1920 through the declaration of the establishment of the State of Greater Lebanon by General Gouraud. But the dual political and economic crisis that the world was going through, and Lebanon’s need for the support and assistance of a Western superpower, prompted Patriarch Hoayek to retreat from the demands for complete independence and the filling of internal and external sovereignty that he expressed in the speech that he prepared in Lebanon and delivered in France before President Clemenceau in 1919. Although he was convinced that Lebanon deserved to be a fully sovereign state, both internally and externally, he accepted that Lebanon be subject to the principle of the mandate, provided that this mandate did not restrict Lebanon’s

right to sovereignty, but rather prepared it for it. He demanded that France be the mandate state, and this was expressed in the memorandum he prepared in France and submitted to the peace conference in 1919 (Mouawad, 2016).

The Lebanese did not have a unified opinion on the declaration of the State of Greater Lebanon. There were those who rejected the continued dependency on Syria under the French mandate. Such a trend was the Syrian Central Committee, a movement that called for the establishment of a small Christian Lebanon, and others who supported the idea of establishing the State of Greater Lebanon with friendly relations with Syria and the Arab countries (Issam, 1998, p. 57).

The French cultural influence in Lebanon was stronger than in Syria. This was due to the fact that the majorities in Lebanon were Christians and France presented itself as a Christian country that supported freedoms and rights. Compared to the Ottoman rule, it could be said that this influence was also present. The influence of the Ottoman rule and its support was greater in Syria than in Lebanon, where the percentage of Muslims was greater than that of Christians.

As a result of the change in the form and identity of the authority in Syria and Lebanon over time, the problem of identity and belonging emerged since the beginning of the French Mandate and the establishment of the State of Greater Lebanon. The Maronites frankly expressed their Phoenician nationalism and their lack of Arabism, while in Syria we find that Syria after the Mandate moved towards a civil character and reduced the role of religion. This appeared clearly in the 1950 Constitution and the party and religious pluralism in the Syrian Parliament. After that, it moved towards Power towards Arab affiliation, and this is what ultimately led Syria to the Egyptian-Syrian unity led by Gamal Abdel Nasser in 1958 and the arrival of the Arab Socialist Baath Party to power after the collapse of the Egyptian-Syrian unity in 1961.

Conclusions

1. The Syrian and Lebanese experience in the subject of religion and identity is considered one of the most complex experiences in a society characterized by religious and national pluralism, where the majority confiscates the opinions of other nationalities without taking them into consideration as partners in the homeland. This is what happened in the establishment of the State of Greater Lebanon in 1920 and also in Syria in the Syrian Constitution of 1930 when Syria changed from an Arab Kingdom to the Syrian Republic, and without specifying national affiliation in a way Clear.

2. The adoption of religion as a source of legislation and giving it a major role in personal, political and party matters has given religion a great place in influencing the identity of the state since the founding of the states of Greater Lebanon to the present time, as well as in Syria.
3. The French mandate had a great impact with positive and negative results. France contributed to encouraging education, opening schools and universities, and adopting the teaching of French as an official language, even in drafting laws and legislation. However, French policy contributed to dividing Syria on a sectarian basis and establishing Greater Lebanon as a Christian country in the Arab East.
4. The formulation of Syrian and Lebanese legislation and laws was influenced by the French legislator in matters of freedoms, rights, and the judicial system, all the way to the structure of the state and its political and educational system. We find that the French system remains the one adopted to this day since 1920.
5. The change in the form of authority, the constitutional system of the state, and its national orientation depends on political events, the circumstances in which it lives, and cultural influence as well. This is what happened when Syria transformed from an Ottoman state, then an Arab kingdom in 1920 under the rule of King Faisal, then into the Syrian Republic during the French Mandate in 1930. The same applies to the State of Greater Lebanon.

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