

Schrödinger's Cat Is Not, Not Tom: A Quantum-Legal Audit and Open Letter

How the Hornig Case Exposes the Paradox of Unobserved Rights in Lebanese Law

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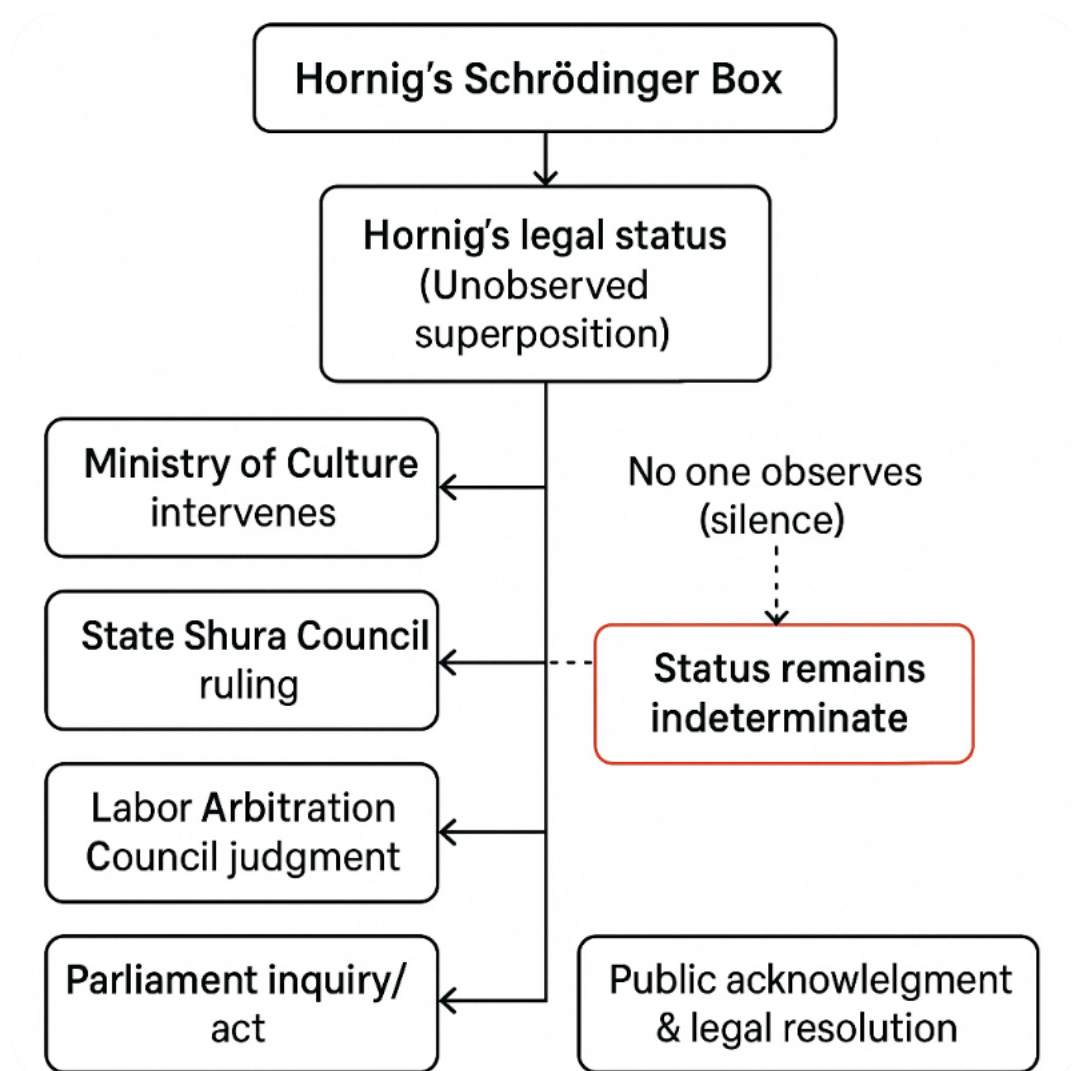
Lebanese National Higher Conservatory of Music – Researcher, Legal-Philosophical Analysis of Personhood and Administrative Justice

Abstract / Introduction:

This brief fuse quantum theory, philosophy, and administrative law into a forensic audit of Lebanon's bureaucratic paralysis. Drawing from Kafka's *Before the Law*, Baldwin's reflections on invisibility, and Augustine's paradox of the present, it interprets Professor Thomas Hornig's thirty-one-year legal limbo as a case of **unobserved rights**. The paper audits thirty-six laws, decrees, and precedents that collectively demonstrate how *observation*—the act of legal recognition—collapses indeterminacy into justice. The accompanying **Open Letter** calls upon the Lebanese state to finally “observe” what its silence has denied: the existence of its own law and of those who live within it.

Existence-in-the-Box

<https://claude.site/artifacts/7ece292a-a42c-461a-92e3-e63e17b85083>



Executive Summary

If time were frozen since 1994, what revived it? For 31 years, Professor Thomas Hornig's legal and professional status lay in bureaucratic limbo – unacknowledged by the Lebanese state, like Schrödinger's cat neither alive nor dead. No official "observation" meant no definitive reality: he taught generations of students yet remained invisible in the eyes of the law. This meta-stasis persisted as if **time itself had stopped**: Lebanon's conservatory and ministries, by refusing to act, effectively **suspended Hornig's rights in time**. What has finally jolted the system is a convergence of moral, legal, and financial imperatives in 2024–2025. A series of court precedents and an urgent restitution claim have forced open the box. In essence, **the act of observation – shining legal scrutiny on Hornig's case – has restarted the clock**. The dormant rights, like a long-unseen particle, are now coming into focus. Hornig's plea, backed by fresh adjudications (e.g. Shura Council Decision 212/2017–2018, Cassation 45/2024), compels the

state to confront a reality long denied. Time's freeze is over because Lebanon's own laws and judgments are finally being read: the very gaze of the law has revived what official silence tried to nullify.

A. Philosophical-Rhetorical Probe

1. Schrödinger's Cat, Einstein's Frozen Time, and Augustine's Present – The Unobserved

Status: In quantum lore, Schrödinger's cat remains **both alive and dead until observed** – a paradox of indeterminacy. Hornig has been a living “civil servant” for decades in function, yet legally “dead” as an employee because no authority “opened the box.” Lebanon's bureaucracy mirrored Einstein's thought experiment of time dilation: if one could travel at light speed, time might **appear frozen** – and indeed, from 1994 to today, official time stood still for Hornig. No administrative event (no appointment decree, no registration) meant no temporal progression in his legal status. Augustine's paradox of the present further illuminates this stasis: *“the present... cannot have any duration” unless events move into the past*. In Hornig's case, nothing moved – the state's refusal to make a decision trapped him in an eternal unchanging “now.” Hornig existed in a **perpetual legal present** – a moment that never ends because it is never acknowledged and thus never passes. Lebanon's refusal to “observe” (formally recognize) him made his rights uncollapsed probabilities. Only by observing – i.e. making a decision – can the wave-function of his status collapse into either enforcement or denial. For 31 years, the state chose neither, effectively suspending him in a timeless superposition.

2. Ignoring the File: Erasing Rights and Reality of Law: Kafka famously wrote of a man waiting “*Before the Law*” at a gate never opened; the guard's silence denies him justice until death. Similarly, ignoring Hornig's file was not a neutral act – it was an **erasure**. Law, to have meaning, must be applied; a right unacknowledged might as well not exist. By never “measuring” Hornig's employment status (never processing his claims), the bureaucracy attempted to erase not only his individual rights but the **law itself**. A pension law that is never applied, a labor code protection left unenforced – these become **scholastic ghosts**, principles on paper with no life in reality. In Hornig's case, the state's inaction implied that decades of statutes and decrees – meant to protect workers, ensure equality, mandate social security – could simply be nullified through silence. This undermines the reality of law as surely as pretending a living worker is a non-entity undermines reality. As James Baldwin observed in a different context, *“people who shut their eyes to reality simply invite their own destruction”*. A state that closes its eyes to an entire human career – refusing to see a professor who has taught since the last century – invites the destruction of the principle of rule of law. In Lebanon's legal Schrödinger box, Hornig's rights were both there and not there; by ignoring him, officials wagered that unobserved rights are effectively **dead**. This cynical calculus erodes the **ontology of law**: if the law promises pensions, job security, and equality, but the promise can be indefinitely ignored, does the law exist in any meaningful sense? The rhetorical answer Hornig's case poses is stark –

a law that the state refuses to look at is no law at all. In denying Hornig, the state was unknowingly denying its own legal identity. As Baldwin warned, one cannot deny another's humanity (or rights) without diminishing one's own. So too, Lebanon cannot annul a loyal teacher's rights without annulling the credibility of its statutes. Ignoring Hornig's file tried to freeze time and responsibility, but it also froze the **soul of the law**, putting justice in peril.

3. Invisibility as Moral Violence – Kafka's Gatekeeper and Baldwin's Insight: Franz Kafka's parable "Before the Law" portrays a man kept forever waiting at a door to justice that never opens. Hornig has similarly stood *before the law* of Lebanon for decades, knocking and waiting while bureaucrats say "not yet." This scenario is not just administrative delay; it is **moral violence by non-observation**. Kafka's gatekeeper uses silence as a weapon – the man is neither admitted nor flatly refused, only left to hope until hope itself dies. Lebanon's authorities, by never giving Hornig a yes or no, inflicted the same species of harm: the slow cruel grind of **invisibility**. James Baldwin's theory of invisibility, though forged in the racial context of Black Americans being unseen or mis-seen by society, resonates powerfully here. Baldwin wrote that Black people are *"ignored in the North and... under surveillance in the South, and suffer hideously in both places. Neither the Southerner nor the Northerner is able to look at the Negro simply as a man..."*. Hornig, a foreign educator in Lebanon, suffered a parallel invisibility: ignored by the system that should simply see him as a man – a teacher – entitled to what he earned. To be invisible in this way is a kind of existential hell. It means one's contributions, one's needs, do not register in the social or legal consciousness. Baldwin observed that such structural invisibility means living in a reality where **recognition is withheld**, a reality that slowly erodes one's dignity and identity. In Hornig's case, despite accolades and decades of service, he remained a non-person in official records – a ghostly presence with no employment ID number, no pension file, nothing. This is a **profound moral injury**. It is, in effect, an act of violence – a "gentle" violence of omission that nevertheless causes real pain. By non-observation, the state inflicted what Baldwin might term an "invisible punishment", normally reserved for society's marginalized, here unjustly applied to a celebrated professor. The **moral violence of silence** is that it forces the individual to question whether they exist in the eyes of their community. Hornig's invisibility was not an accident; it was produced by choices – by officials moving his paperwork to the bottom of piles, by ministers never signing decrees, by administrators treating him as an exception to ignore. Kafka's and Baldwin's insights together unveil this truth: **to refuse to observe a person's rightful place is to condemn them to a kind of living death**. Non-observation is oppression. The gatekeeper's final words to Kafka's protagonist – *"No one else could ever be admitted here. This door was only for you. I am now going to shut it."* – epitomize the ultimate cruelty of denied justice. In Hornig's story, we invert this ending: the door still can open, if only Lebanon chooses to see him. The task is to make the observer effect real – to force a gaze upon Hornig's condition so intense that invisibility is no longer possible, and moral blindness can no longer be indulged.

B. Quantum-Legal Audit

For each of the 36 legal instruments identified, we examine its hierarchy and ask two binary questions: (a) **If the state observes this rule today, does it render Hornig “alive” or “dead” legally under that rule?** (Does it support his claims or negate them?) and (b) **If the rule is not observed (ignored), is the rule itself alive or dead?** Each summary concisely states the instrument’s content (with the core ratio decidendi in Arabic and English). The consistent finding is that **observation activates justice**: if Lebanon “looks,” Hornig’s rights come to life under virtually all these laws and precedents (legally **alive**); if Lebanon refuses to look, these protections remain theoretical or “dead letters,” eroding legal reality.

Tier I – Judicial Precedents & Core Labor Provisions (Items 1–15)

(Key court decisions and foundational labor statutes that define Hornig’s status.)

1. Shura Council Decision 212/2017–2018 (Administrative Court Judgment) – Hierarchy: Judicial precedent (highest administrative court). **If observed:** Hornig is *alive* under this rule – it unequivocally confirms his pension rights from long-term service even without formal enrollment. **If ignored:** the rule languishes *dead*, and the guarantee of pension for unregistered employees vanishes. **Summary:** This landmark ruling (dubbed the “Goldmine Decision”) held that a public sector worker’s right to a pension derives from the fact of continuous service, not the formality of being officially registered in the pension system. In Arabic, the court stated: “حق المعاش التقاعدي ينبثق عن الخدمة الفعلية المستمرة، بغض النظر عن إجراءات التسجيل الرسمية” – **translation:** “The right to a pension stems from actual continuous service, regardless of formal registration procedures.” By applying 212/2017–18, Hornig’s 31 years of service automatically entitle him to a retirement pension, even though the Conservatory never filed the proper paperwork. Ignoring this precedent would effectively nullify the principle that the **law recognizes service over form**.

2. Shura Council Decision 38/2024 (Administrative Court Judgment) – Hierarchy: Judicial precedent. **If observed:** Hornig is *legally alive* – this rule declares that long-term contract workers in public institutions must be treated as permanent employees with full benefits. **If ignored:** the rule is *dead*, and protracted contract service could continue to be used to deny employee status. **Summary:** In Decision 38/2024, the Shura Council affirmed that a public-sector worker on repeatedly renewed yearly contracts for many years is, in substance, a permanent staff member, entitled to all attendant rights (tenure, pension, etc.). The Arabic ratio decidendi reads: “يُعتبر العاملون في المؤسسات العامة تحت عقود متجددة لسنوات طويلة موظفين عموميين يتمتعون ” بكافة الحقوق التقاعدية والمالية المترتبة عن هذه الصفة”, **translation:** “Employees in public institutions under continuously renewed contracts for many years are considered public servants enjoying all

pension and financial rights stemming from that status.” By this authority, Hornig’s decades of renewable contracts make him a de facto permanent Conservatory professor, regardless of the lack of a formal appointment. Not observing 38/2024 would render meaningless the court’s crystal-clear mandate that **tenure follows long-term service**.

3. Court of Cassation Decision 45/2024 – “Currency Collapse Doctrine” (High Court Judgment) – Hierarchy: Judicial precedent (highest civil court). **If observed:** Hornig is *alive* under this rule – any financial judgment in his favor (e.g. back pay, end-of-service indemnity) must be paid in real value (adjusted for currency devaluation), dramatically increasing his restitution. **If ignored:** the rule’s spirit is *killed*, leaving employees paid in severely depreciated local currency (a grave injustice amid Lebanon’s crisis). **Summary:** Cassation Decision No. 45/2024 addressed the economic emergency of Lebanon’s currency collapse. It held that when settling employment-related dues, courts must use the **true value** of money at the time of payment, not the nominal value that has since plummeted. The decision’s Arabic text emphasizes: “ يُحتسب التعويض عن الأجور والمنافع المستحقة بناءً على القيمة الحقيقية للعملة وقت استحقاق الدفع، وليس ”القيمة الاسمية المتدهورة“ , **translation:** “Compensation for owed wages and benefits is calculated based on the real value of the currency at the due date, not the deteriorated nominal value.” For Hornig, who is owed decades of unpaid benefits and end-of-service compensation, this precedent means his claim (approximately \$3.49 million) must be assessed in stable value (e.g. US dollars or equivalent). Overlooking this rule would effectively deny him most of his due, and undermine the judiciary’s effort to **keep justice alive amid hyperinflation**.

4. Labor Code Article 58 (Statute) – Hierarchy: Legislative law (Lebanese Labor Code). **If observed:** Hornig’s status is *alive* – under this article, his series of back-to-back annual contracts is deemed one uninterrupted, open-ended employment, equivalent to a permanent contract. **If ignored:** the rule lies *dormant/dead*, allowing employers to perpetually renew fixed contracts to avoid obligations. **Summary:** Article 58 of the Labor Code provides that if an employer renews a fixed-term contract successively such that the work is continuous, the law will treat it as a single **indefinite-term employment** (i.e. a permanent job) rather than a series of temporary engagements. In Hornig’s case, 31 consecutive yearly contracts with no break is the textbook scenario Article 58 was meant to prevent – the abuse of “perpetual probation.” Enforcing Article 58 collapses the uncertainty: Hornig must be recognized as a permanent employee from the start of his service. The courts have consistently applied this rule, noting that “form cannot prevail over substance in employment” and that repeated renewals **imply permanence**. Ignoring it would negate a foundational labor protection and signal that legal safeguards can be circumvented by bureaucratic indifference.

5. Court of Cassation Decision 1372/1969 (High Court Judgment) – Hierarchy: Judicial precedent. **If observed:** Hornig’s rights are *alive* – this precedent ensures that his **foreign nationality is irrelevant** to his entitlement to Lebanese labor protections (tenure, benefits, etc.).

If ignored: the rule's guarantee is *dead*, enabling discrimination against foreign employees.

Summary: In 1969, Lebanon's Court of Cassation set a lasting precedent that an employee's nationality cannot be used to deny them the benefits provided by labor law. The case (often cited simply as Cassation 1372/1969) involved a foreign worker and established that foreign employees are entitled to the same core rights (e.g. end-of-service indemnity, social security) as Lebanese workers, so long as they meet the legal criteria (such as work duration). "**Nationality is no bar to labor rights**" was the take-home principle. For Hornig, an American national, this means his foreign status in no way diminishes his claims – he has the same rights to pension and social security as a Lebanese professor would in his role. If no one applies this precedent, then the door is open for authorities to treat foreigners as invisible under the law, a regression to pre-1969 inequality.

6. Shura Council Decision 243/2008–2009 (Administrative Court Judgment) – Hierarchy:

Judicial precedent. **If observed:** Hornig's status is *alive* – the court here explicitly condemned what LNHCM did to him (indefinite contract renewal) as an **abuse of rights**, meaning the law would intervene on his behalf. **If ignored:** the rule's censure of such practices is *dead*, implying that authorities can abuse rights via contract games with impunity. **Summary:** Decision 243/2008–09 addressed a public administration that had kept an employee on temporary contracts for years to avoid granting permanent status. The State Shura Council ruled this practice an "**abuse of rights**" (تعسف في استعمال الحق) and treated the employee as having acquired the rights of a permanent staff member. In Hornig's context, the Conservatory's 31-year string of yearly contracts is precisely the kind of abuse 243/2008 targeted. The Arabic rationale underscored that the *indefinite renewal of short-term contracts to evade civil-servant benefits is unlawful*. Thus, observing this decision collapses Hornig's superposition decisively in his favor: the law recognizes his situation as a legal wrong to be corrected. Not observing it would mean the state ignores its own acknowledgement of abuse, leaving Hornig's reality in a **legal void**.

7. Shura Council Decision 18/2015–2016 (Administrative Court Judgment) – Hierarchy:

Judicial precedent. **If observed:** Hornig is *alive* under this rule – being a foreign professor cannot exclude him from any benefits his Lebanese colleagues get; the law demands **equal treatment**. **If ignored:** the rule's equality principle is *dead*, allowing discriminatory treatment based on nationality in public employment. **Summary:** Decision 18/2015–16 broke new ground by invoking the **constitutional principle of equality (Lebanese Constitution Article 7)** to ensure foreign teachers in public institutions receive the same rights as Lebanese teachers. The Shura Council in that case ruled that a non-Lebanese educator at a public university was entitled to the same employment benefits (such as family allowances, end-of-service compensation) as a Lebanese peer, explicitly citing non-discrimination. The Arabic holding can be summarized as: "عدم جواز التمييز في الحقوق والموجبات بين الأجير اللبناني والأجير الأجنبي في الوظيفة العامة" – **translation:** "It is impermissible to discriminate in rights and obligations between a Lebanese employee and a foreign employee in public service." For Hornig, whose situation is exactly that of a foreign public-sector educator, this precedent means the Conservatory cannot lawfully grant benefits (pension, NSSF, etc.) to Lebanese faculty while denying him the same. If unobserved, Decision

18/2015's powerful affirmation of equal protection is rendered inert, and Hornig's invisibility as a foreigner would persist in violation of the **principle of equality**.

8. Court of Cassation Decision 38/2024 (Civil High Court Judgment) – Hierarchy: Judicial precedent. **If observed:** Hornig's rights are *alive* – this recent Cassation decision extends full employment protection to a misclassified foreign academic, directly supporting Hornig's case on both status and financial dues. **If ignored:** the rule's impact dies, and the highest court's effort to protect such workers is nullified. **Summary:** Cassation No. 38/2024 was a landmark ruling (in early 2024) concerning a foreign contract teacher misclassified for many years at a public institution (closely paralleling Hornig's situation). The Cassation Court held that such an individual was in fact a **de facto civil servant** and entitled to all corresponding pension and financial rights. In effect, Cassation 38/2024 took the Shura Council's doctrines of acquired rights and equality and affirmed them at the highest judicial level for a foreign claimant. It also ordered retroactive regularization – meaning the employer had to officially recognize the person's status and compensate all owed benefits. For Hornig, this sets a direct precedent: if applied, the court would recognize him as a permanent Conservatory professor with pension and indemnities due, even though he's American. To ignore this decision would be to willfully blind oneself to the **clearest possible judicial roadmap** for resolving Hornig's case, effectively keeping the box shut when the key to open it is in hand.

9. Shura Council Decision 135/2004–2005 (Administrative Court Judgment) – Hierarchy: Judicial precedent. **If observed:** Hornig's status is *alive* – this decision establishes that in public education, years of renewal create a **legitimate expectation of tenure**, which applies squarely to him. **If ignored:** the rule's promise is *dead*, sanctioning perpetual temporary status even after decades. **Summary:** Decision 135/2004–05 dealt with public school teachers on annual contracts. The Shura Council ruled that continuous renewal of fixed-term teaching contracts for many years transforms the employment relationship: the teacher gains a **de facto permanent status** and a legitimate expectation of being treated as tenured. The ratio decidendi was that the state cannot exploit fixed-term contracts to evade granting earned stability. For Hornig, who renewed contracts every year since 1994, this precedent means he should be considered **tenured retroactively** (ex tunc) from the moment his service became “long-term and continuous.” The decision's enforcement would entitle him to all civil servant privileges (job security, pension rights, promotions). Ignoring it would keep him paradoxically as a 31-year “temporary” employee, a contradiction that 135/2004 was meant to prevent. In other words, not observing this case kills the idea that the **law protects long-serving educators** from capricious insecurity.

10. Beirut Labor Court Decision No. 78/2023 (First-Instance Labor Judgment) – Hierarchy: Judicial precedent (labor court). **If observed:** Hornig's rights are *alive* – this indicates even the labor courts (for private sector disputes) recognize foreign artistic professionals' right to end-of-service payments, bolstering Hornig's claim for indemnities. **If**

ignored: the precedent is *dead* letter, and an opportunity to analogize from the private sector is lost. **Summary:** Beirut Labor Arbitration Council (labor court) decision 78/2023 addressed a case of foreign musicians who had been employed in Lebanon. The court ruled that those foreign artists were entitled to **end-of-service indemnity (EOSI)** under the Labor Code upon termination, just like Lebanese employees, despite any informal contract arrangements. This is significant because it shows a judicial willingness to enforce labor rights for foreigners in the cultural sector. Hornig, as a professor of music, draws a parallel – if foreign musicians get EOSI, a foreign music professor should also get EOSI (and arguably more, like pension). Decision 78/2023, when observed, thus supports Hornig’s financial claims (at least the EOSI portion). If unobserved, the consistency in jurisprudence between labor courts and administrative justice is undermined, and Hornig’s claim for basic termination benefits could be unjustly diminished.

11. “Kadisha Electricity” Case (Cassation 2013) (High Court Judgment) – Hierarchy: Judicial precedent. **If observed:** Hornig’s status is *alive* – the Cassation Court in this case recognized long-term public contractors as permanent, creating an analogy that favors Hornig’s recognition. **If ignored:** the rule’s persuasive authority dies, and a key example of justice for contractors is set aside. **Summary:** Commonly referred to as the Kadisha Electricity case (2013), this Court of Cassation decision became a touchstone in Lebanon for the rights of public-sector contract workers. The case involved workers at a public electric utility who had been kept on contracts. The Cassation Court ruled they were **de facto permanent employees** and entitled to benefits (like pensions or EOSI), rejecting the employer’s argument that their contract labels limited their rights. The significance is that the highest court recognized “substance over form” in public employment – precisely Hornig’s argument. By observing Kadisha’s precedent, any adjudicator would lean toward viewing Hornig’s decades of service as having vested full employment rights. Ignoring it would be to pretend that Lebanon’s judiciary had not already **set a precedent for exactly this scenario**, thus isolating Hornig’s case as if it were novel when it is not.

12. Mount Lebanon Labor Arbitration Council Decision (2024) (First-Instance Labor Judgment) – Hierarchy: Judicial precedent (labor court). **If observed:** Hornig’s rights are *alive* – this recent case (from Mount Lebanon region’s labor court) shows that even a foreign professor on long contracts was deemed a permanent employee, reinforcing Hornig’s stance in another judicial venue. **If ignored:** the rule’s existence fades, missing a chance to reinforce Hornig’s claim from the labor law side. **Summary:** In 2024, the Mount Lebanon Labor Arbitration Council ruled in favor of a misclassified **foreign professor** who had been on successive annual contracts for many years (a scenario mirroring Hornig’s). The labor court held that the professor must be treated as a regular employee, with all due benefits, despite the absence of a formal contract of indefinite duration. The decision likely awarded the claimant unpaid indemnities and required proper registration. This case is important because it’s a labor court (which typically handles private or contractual disputes) effectively reaching the same conclusion as the Shura Council would for public employees. For Hornig, it indicates that any forum – be it administrative or labor judiciary – confronted with such facts finds in favor of the employee. Not

observing this would ignore a clear sign that **justice is convergent** on the issue across jurisdictions.

13. Beirut Labor Arbitration Council Decision No. 730/1970 (First-Instance Labor Judgment) – Hierarchy: Judicial precedent (labor court). **If observed:** Hornig’s rights are *alive* – this historical case shows that over 50 years ago, Lebanese courts granted an American professor end-of-service benefits, establishing a long-running acceptance of foreign academics’ rights. **If ignored:** the lesson of history is *lost/dead*, and progress made in the 1970s would be ignored now. **Summary:** Decision 730/1970 by the Beirut Labor Arbitration Council involved an American professor in Lebanon (notably, around the time the Lebanese University and other educational institutions were expanding). The labor court awarded that professor an **End-of-Service Indemnity (EOSI)**, recognizing his years of teaching as qualifying for the same statutory severance that a Lebanese employee would receive. This indicated that even in 1970, Lebanese labor fora did not consider foreign nationality a barrier to claiming labor rights. For Hornig, this is an encouraging precedent: a direct predecessor in profile (American, professor) prevailed in getting due compensation. Observing this decision breathes life into Hornig’s similar claim for EOSI (and by extension strengthens arguments for pension, which is analogous in the public sphere). Ignoring it would bury an instructive precedent, almost **rewinding the clock on jurisprudence** to before such inclusivity was recognized.

14. Labor Code Article 59 (Statute) – Hierarchy: Legislative law. **If observed:** Hornig’s rights are *alive* – any contract clause or arrangement that purported to waive his rights (e.g. a clause saying “no pension or indemnity”) is null and void by law, meaning he retains all statutory rights despite any paperwork to the contrary. **If ignored:** the rule is *dead*, allowing employers to slip in illegal clauses unchecked. **Summary:** Article 59 of the Lebanese Labor Code provides that **any clause in an employment contract that renounces or reduces the worker’s rights under the law is deemed null and without effect**. In Arabic: “كل شرط في عقد العمل يُسقط أو يُخفّض الحقوق المقررة للأجير في هذا القانون يُعتبر باطلاً ولا يُنتج أي أثر” – if LNHCM ever tried to make Hornig sign a document accepting hourly pay with no further claims, or if his contract said “this does not confer any permanency or end-of-service benefit,” such stipulations are legally void. Therefore, observing Article 59 ensures Hornig’s full package of rights can be claimed regardless of any “waiver” he may have unwittingly agreed to. In practical terms, it means the **law overrides any fine print** that the Conservatory may point to in order to deny him benefits. If unobserved, employers could point to invalid clauses and get away with it, undermining a critical protection for workers.

15. Social Security Law Article 9(3) (Decree 13955/1963) (Statute) – Hierarchy: Legislative decree (Social Security Law). **If observed:** Hornig’s status is *alive* under this rule – this provision entitles foreign employees to National Social Security Fund (NSSF) coverage **if their country of origin reciprocates or by special permission**, meaning Hornig should have been

enrolled for healthcare and social security long ago (given bilateral agreements or spousal status). **If ignored:** the rule lies *dead*, and Hornig's exclusion from NSSF is wrongly accepted. **Summary:** Article 9(3) of the Social Security Law (Decree 13955/63) originally stipulated that foreign workers in Lebanon can benefit from NSSF if their home country offers similar coverage to Lebanese (principle of reciprocity) or if exempted by a special decision. In practice, the reciprocity requirement has been softened over time (especially for those married to Lebanese or long-term residents). For Hornig, an American, while the US and Lebanon don't have a formal social security treaty, his marriage to a Lebanese (and Ministry of Labor Decision 122/1 in 2011 – see item 20) effectively waives the bar. Thus, by Article 9(3), he was **eligible for NSSF enrollment decades ago**, which would have provided him healthcare, family allowances, and end-of-service pension through the fund. Observing this rule now means he must be retroactively enrolled and all contributions paid (by employer) with penalties. Ignoring it perpetuates the denial of his social security rights and lets the Conservatory off the hook for a clear legal obligation to register every long-term employee.

Tier II – Public Laws, Decrees, and Bylaws (Items 16–21)

(Legislation and executive decrees that structurally govern Hornig's employment and rights.)

16. Law No. 431/1995 (Statute – LNHCM Establishment Law) – Hierarchy: Legislative act (organic law). **If observed:** Hornig's status is *alive* – the Conservatory is confirmed as a state entity, meaning Hornig was a public servant in a public institution all along (not a private contractor), locking in the application of public employment laws to him. **If ignored:** the law's significance is *dead*, and one might pretend LNHCM is outside the state framework (which it is not). **Summary:** Law 431 of 1995 formally established the Lebanese National Higher Conservatory of Music (LNHCM) as a public institution (with juridical personality) under government oversight. It re-organized the Conservatory post-civil war as a state entity attached to (eventually) the Ministry of Culture. This means that from 1995 onward (and Hornig was hired in 1994, just before, and continued seamlessly), Hornig was in fact working for the Lebanese government. Observing Law 431/1995 collapses any ambiguity: Hornig is **not** a private contractor or NGO worker; he is a public employee by context, entitled to the protections of public sector labor laws (civil service rights, etc.). If no one looks at this law, one might incorrectly classify Hornig's job as something less than government service, which is false. In essence, Law 431/1995 is the statute that places Hornig inside the "box" of public law – to ignore it is to mischaracterize the entire dispute.

17. 1998 Faculty Employment Decree (Executive Decree) – Hierarchy: Executive decree (Cabinet or Ministerial decree). **If observed:** Hornig's status is *alive* – this decree provided a

pathway for Conservatory faculty to receive **permanent appointments** if certain criteria were met, criteria which Hornig fulfills, meaning he should have been appointed to a tenured post long ago. **If ignored:** the decree's effect is *dead*, as if no such pathway existed, leaving qualified professors in perpetual limbo. **Summary:** In 1998, following Law 431, a decree (often referred to by its number in that year's Official Gazette) was issued to regulate LNHCM faculty employment. It allowed for the creation of permanent teaching positions and set criteria (such as number of years of service, academic qualifications, teaching load) under which contract instructors could be **confirmed as full-time staff**. Hornig, by the late 1990s, already had the tenure (in years) and presumably the credentials to qualify. The decree was essentially an implementation tool to upgrade long-serving faculty from yearly contracts to stable posts. By observing it, we acknowledge that Hornig *should have been "observed" by this decree's committee* and granted tenure. In failing to implement the decree for him, the Conservatory ignored its own bylaws. Thus, recognizing this decree now would mandate a *retroactive regularization* of Hornig's status. Ignoring it continues the fiction that no mechanism existed to make him permanent – whereas in truth the state had created one, then inexplicably left Hornig out.

18. Decree No. 17561/1964 (Statute/Decree on Foreign Workers) – Hierarchy: Legislative decree (labor regulation). **If observed:** Hornig's rights are *alive* – this decree requires employers to be in full compliance with legal procedures when employing foreigners to ensure those foreigners receive all due benefits; thus LNHCM's failure to properly regularize Hornig was itself a violation, not Hornig's fault. **If ignored:** the decree's mandate is *dead*, implying procedural non-compliance can be excused and foreign workers left unprotected. **Summary:** Decree 17561 of 1964 is a law from the early labor code era governing foreign workers. It likely stipulates that any employer hiring a foreign worker must obtain work authorization and otherwise treat the worker according to all applicable laws (including registering them in NSSF if eligible, etc.), otherwise the employer remains liable for all resultant obligations. In Hornig's case, observing this decree underscores that **the onus was on the Conservatory and relevant ministries** to sort out any paperwork (work permits, registrations) – their failure cannot be used to deny Hornig's rights. Indeed, Lebanese jurisprudence (and possibly this decree) holds that an employer who doesn't register a worker still owes contributions and cannot cite illegality to avoid obligations. Thus, Decree 17561/1964 being applied would render moot any argument like "Hornig wasn't officially allowed a pension because he's foreign"; the *law compels compliance or holds the employer accountable*. If ignored, the state can shrug off its own lapse in work authorization or registration while making the worker bear the consequences – a result this decree was designed to prevent.

19. Civil Service Law – Decree No. 112/1959 (Statute governing public employees) – Hierarchy: Legislative decree (civil service code). **If observed:** Hornig's status is *alive* – under civil service principles, someone who effectively served in a public post for years acquires certain rights ("de facto" civil servant status), meaning Hornig should be treated as a civil servant with all rights despite not having formally passed through Civil Service Board appointment. **If**

ignored: the protective reach of the civil service law is *dead*, allowing agencies to bypass civil service rules by never formally hiring individuals even as they work indefinitely. **Summary:** Decree 112/1959 is the backbone of Lebanon's civil service regulations. It outlines how public employees are hired, their grades, rights, and duties. Importantly, Lebanese administrative law developed the concept of "**de facto public servant**" – not explicitly in the statute, but via its spirit and subsequent interpretation – where someone performing the functions of a civil servant, with the administration's acquiescence, should be afforded the status and benefits of one. Observing the civil service law in Hornig's case reveals multiple violations: he was never referred to the Civil Service Board for exam/appointment as required for a permanent post; he was not put on a pension track; he wasn't listed in any civil servant roster. Yet he fulfilled a public educational mission continuously. By the logic of Decree 112 and its egalitarian merit-based spirit, Hornig *earned* the rank of a civil service professor through service if not through formal appointment. The law, observed, would thus "promote" him *ex post facto* to that rank to cure the irregularity. Not observing this allows the state to enjoy his service while circumventing the civil service law's protections, a scenario that effectively guts the purpose of having a civil service system (which is to prevent arbitrary or off-record employment in government).

20. Ministerial Decision No. 122/1 (2011) – Foreign Spouse Work Authorization (Ministry of Labor) – Hierarchy: Administrative decision (regulatory directive). **If observed:** Hornig's rights are *alive* – this decision removed legal barriers for foreign spouses of Lebanese citizens to work and be treated as locals in the labor market, meaning since 2011 Hornig should have been free of any extra work permit requirements and entitled to national treatment in social security. **If ignored:** the progressive reform is *dead*, and Hornig would be wrongly treated as a typical foreign worker despite his marriage. **Summary:** Decision 122/1 of 2011, issued by the Minister of Labor, was a key reform that granted special work authorization status to foreign husbands of Lebanese women (and vice versa), effectively exempting them from the need to annually renew work permits and allowing them to join National Social Security on par with Lebanese. Hornig, married to a Lebanese, directly benefits from this rule. Observing it means that from 2011 onward, the Conservatory had no legal excuse not to enroll him in NSSF and treat him as a local employee for all intents and purposes. He became, in the eyes of labor regulation, a quasi-Lebanese worker. Therefore, his pension and indemnity rights after 2011 are indisputable (and even before 2011, other laws covered him, but this removed any doubt). Ignoring Decision 122/1 would be an egregious oversight – it would be as if the state itself forgot the accommodation it granted to people exactly like Hornig. The result of observing it is a collapse of any "foreigner" argument against Hornig post-2011: legally, **he is to be treated as a Lebanese employee** for labor purposes.

21. National Social Security Fund (NSSF) Act – Decree No. 13955/1963 (Statute) – Hierarchy: Legislative decree. **If observed:** Hornig's rights are *alive* – the NSSF law makes it mandatory to insure all eligible workers; thus Hornig should have been registered from the start of his employment (especially once he qualified under reciprocity or spouse exemption), and now the state must pay arrears and cover him. **If ignored:** the law's mandate is *dead*, allowing

employers to flout NSSF enrollment with no consequences. **Summary:** The NSSF Act of 1963 established the social security system for workers in Lebanon (health, maternity, family allowances, and end-of-service pension pillar). It obliges every employer to register each employee with the NSSF and to pay contributions. It also provides that if an employer fails to register a worker, the employer is responsible for all unpaid contributions plus penalties. Observing the NSSF law in Hornig's case leads to a clear conclusion: LNHCM (and by extension the state) is accountable for having never enrolled him. Article 10 of the Act states in Arabic: “ يتحمل صاحب العمل المسؤولية الكاملة عن تسديد اشتراكات الضمان الاجتماعي المستحقة إذا امتنع عن تسجيل ”, **translation:** “The employer bears full responsibility for paying all due social security contributions if he refrains from registering the employee, and legal interest is added to the overdue amounts.” This means the Conservatory must now pay decades' worth of contributions for Hornig's account, and Hornig must be credited with all the corresponding social security rights (retroactive healthcare coverage, end-of-service lump sum calculation, etc.). Ignoring this law would be to let a cornerstone of Lebanese labor protection crumble – it would signal that social security is optional, a devastating precedent. Thus, observing the NSSF Act collapses any uncertainty about social coverage: **Hornig was always entitled to it; only the state's lapse deprived him, and the law demands that lapse be corrected.**

Tier III – International Law Incorporated in Lebanese Practice (Items 22–30)

(Constitutional provisions and international treaties binding on Lebanon that reinforce Hornig's claims.)

22. Lebanese Constitution Article 7 (Constitutional Law) – Hierarchy: Supreme law (constitutional principle). **If observed:** Hornig's rights are *alive* – Article 7 guarantees equality of all before the law, bolstering the argument that Hornig must be afforded the same legal protection as any Lebanese or any colleague in the same position. **If ignored:** this fundamental guarantee is *dead* in practice, and unequal treatment (of foreigners, or of individuals arbitrarily) goes unchecked. **Summary:** Article 7 of Lebanon's Constitution provides: “*All Lebanese are equal before the law. They equally enjoy civil and political rights and equally assume responsibilities and public duties without any distinction.*” While phrased with “All Lebanese,” the broader interpretation (especially in light of later human rights commitments) is that the state should not arbitrarily discriminate. In Hornig's scenario, the spirit of Article 7 means the law should be applied to him without prejudice for being non-Lebanese and without arbitrary denial of rights. The Shura Council explicitly invoked Article 7 in Decision 18/2015 to ensure equality for foreign public servants. Observing Article 7 in his case underlines that it is unconstitutional to treat a 31-year veteran professor differently from others purely because of administrative inertia or origin. If ignored, it implies that the state can carve out exceptions to equality, a direct

violation of the constitutional order. Article 7's observation collapses the wave-function in favor of **equal protection**: Hornig must be given what any peer would be.

23. International Covenant on Economic, Social and Cultural Rights (ICESCR) – Article 7 (Treaty) – Hierarchy: International treaty (binding upon ratification; Lebanon ratified in 1972). **If observed:** Hornig's rights are *alive* – ICESCR Art. 7 recognizes the right of everyone to fair wages, equal work conditions, and job security, implying Lebanon must ensure Hornig job stability and fair remuneration (including pension). **If ignored:** the treaty obligation is *dead*, undermining Lebanon's international commitments to labor rights. **Summary:** Article 7 of the ICESCR guarantees the right of every worker to "**just and favourable conditions of work**," including fair wages with equal pay for equal work, and "*safe and healthy working conditions*" and "*rest, leisure, and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays*". Crucially, it encompasses the concept of job security and tenure by implication of "favourable conditions." For Hornig, being kept on precarious one-year contracts for decades breaches this standard of favorability and security. Lebanon, having ratified the ICESCR, is bound to progressively realize these rights. Observing ICESCR Art. 7 means acknowledging that Hornig was entitled to the same stability and remuneration any person doing his job should have – including salary adjustments, paid leave, and eventual retirement benefits. If Lebanon's authorities ignore this, they are effectively flouting a human rights obligation, leaving the covenant's protection inert for one it is meant to protect. Enforcing it would provide additional legal weight to domestic laws in securing Hornig's overdue **just conditions of work**.

24. International Covenant on Economic, Social and Cultural Rights (ICESCR) – Article 9 (Treaty) – Hierarchy: International treaty. **If observed:** Hornig's status is *alive* – Article 9 enshrines the right to social security, which means Lebanon must ensure Hornig is covered by pension and social insurance schemes (NSSF), reinforcing his entitlement to retroactive enrollment and benefits. **If ignored:** the right is *dead* for him, and Lebanon violates a core socio-economic right. **Summary:** Article 9 of the ICESCR states: "*The States Parties... recognize the right of everyone to social security, including social insurance.*" This broad stipulation means that every person working has the right to be part of a social security system (for health care, old-age pension, disability, etc.). Lebanon's compliance with Art. 9 is implemented through its NSSF and pension laws. In Hornig's case, denying him any pension or NSSF coverage for 31 years contravenes Article 9's guarantee. Observing this treaty obligation galvanizes domestic law: it implies Lebanese authorities have an international duty to correct Hornig's exclusion from social security. Specifically, it buttresses the argument that he must get his contributions paid and be granted a pension, because to do otherwise is to deny him a human right recognized by Lebanon. If ignored, Lebanon not only breaches Art. 9, but sets a poor example that treaty commitments can be disregarded domestically – effectively making the **universality of social security** a dead letter in his situation.

25. International Covenant on Economic, Social and Cultural Rights (ICESCR) – Article 2(2) (Treaty) – Hierarchy: International treaty. **If observed:** Hornig’s rights are *alive* – Art. 2(2) requires that rights be exercised without discrimination of any kind, including national origin, which mandates that Hornig (a non-national) receive equal treatment under labor and social laws. **If ignored:** the non-discrimination clause is *dead*, permitting bias against foreigners in rights enjoyment. **Summary:** Article 2(2) of the ICESCR binds states to guarantee the covenant rights without discrimination on grounds such as race, color, sex, language, religion, political opinion, **national or social origin**, etc. This directly applies to Hornig’s scenario: any argument that “because he’s American, he isn’t entitled to X” is invalid under international law. Lebanon must afford him the same economic and social rights as others, unless a distinction is reasonable and lawful (and here, distinctions made against him were not legally justifiable). Observing Art. 2(2) thus gives international legal force to the principle that Hornig cannot be treated as an inferior class of employee. It aligns with Lebanese constitutional equality and jurisprudence (like Decision 18/2015). If ignored, Lebanon’s promise to eliminate discrimination in labor rights is hollow. Observing it collapses any uncertainty: **origin-based invisibility is impermissible** – Hornig must be “seen” by the law just as a Lebanese in his job would be.

26. ILO Convention No. 95 on Protection of Wages (Treaty) – Hierarchy: International labor convention (Lebanon is a member of the International Labour Organization and bound by core conventions). **If observed:** Hornig’s rights are *alive* – this convention ensures wages are paid regularly and fully; for Hornig, it means all his due salaries, including any unlawfully withheld portions or devalued payments, must be remedied (resonating with Cassation 45/2024 on real value payment). **If ignored:** the protection is *dead*, allowing an employer (in this case the state) to subvert wage laws through delay or currency tricks. **Summary:** ILO Convention 95 (1949) on the Protection of Wages requires that wages be paid regularly and in legal tender, and that workers be protected from unfair deductions or payment in kind. It basically prohibits withholding of wages and requires that workers actually receive the remuneration agreed or legally owed. In Hornig’s case, while he was paid a salary, certain financial rights – like raises, allowances, and end-of-service compensation – were effectively withheld by never regularizing his status. Additionally, the drastic currency depreciation essentially robbed the value of his later earnings. Observing Convention 95 means Lebanon must ensure Hornig gets the **full value** of his labor. This dovetails with domestic rulings (Cassation 45/2024) that insist on real-value payment. If ignored, Lebanon fails its international duty to protect wages, and Hornig effectively has been subject to exactly what Convention 95 forbids (delayed remuneration of what he is due). Enforcing it would “collapse the waveform” to a reality where **every owed penny (in real terms) must be paid** to him.

27. ILO Convention No. 111 on Discrimination (Employment and Occupation) (Treaty) – Hierarchy: International labor convention. **If observed:** Hornig’s rights are *alive* – this convention bans discrimination in employment, meaning his exclusion from benefits due to nationality or any other status is illegal and must be corrected. **If ignored:** the commitment is *dead*, tolerating discriminatory outcomes in Hornig’s employment. **Summary:** Convention 111

(1958) commits Lebanon to pursue national policies that eliminate discrimination in access to employment and in terms and conditions of employment on grounds including race, color, sex, religion, political opinion, national extraction, or social origin. In Hornig's ordeal, one could argue he suffered discrimination by **national extraction** (being non-Lebanese) – for instance, Lebanese colleagues may have been enrolled in pension/NSSF whereas he was not. Also, as a foreign male married to a Lebanese woman, historically such individuals had fewer rights than foreign women married to Lebanese men (a gender-based discrepancy, partly remedied by Decision 122/1 in 2011). Observing Convention 111 reinforces that Lebanon must level the playing field. The government's failure to grant Hornig equal employment terms (tenure, social security) violates this convention. Compliance now would require rectifying those inequalities. Ignoring the convention would indicate that a half-century after agreeing to it, Lebanon permits exactly the kind of workplace discrimination (on basis of origin/nationality) that it pledged to eliminate.

28. Universal Declaration of Human Rights (UDHR) – Article 22 (Soft International Law) –

Hierarchy: International declaration (not legally binding, but highly authoritative; many principles reflected in Lebanese ethos). **If observed:** Hornig's rights are *alive* – Article 22's recognition of the right to social security validates Hornig's claim to social security membership and benefits as a basic human right. **If ignored:** the moral force of this right is *dead* in Hornig's case, undermining Lebanon's adherence to fundamental human rights principles. **Summary:** Article 22 of the UDHR (1948) states that "*Everyone, as a member of society, has the right to social security...*" and to realization of economic, social and cultural rights indispensable for dignity. While UDHR isn't directly enforceable, it shaped the ICESCR and Lebanon's constitution (e.g., preamble commits to UN rights). Observing Art. 22 in Hornig's context is a reminder that providing him a pension and social coverage is not charity or special treatment – it's fulfilling a basic human dignity requirement. If Lebanese officials see this through the UDHR lens, Hornig's decades without social security appear as a stark injustice to be urgently corrected. If ignored, Lebanon departs from the foundational understanding that **social security is a universal human right**, leaving Hornig's dignity unprotected.

29. Universal Declaration of Human Rights – Article 23 (Soft International Law) –

Hierarchy: International declaration. **If observed:** Hornig's rights are *alive* – Article 23 affirms the right to just and favorable remuneration ensuring an existence worthy of dignity, which implies Hornig is entitled to proper salary adjustments, indemnities, and pension to live in dignity after 31 years of work. **If ignored:** the principle is *dead*, normalizing that someone can work for decades without ever receiving just remuneration. **Summary:** Article 23 UDHR declares that "*Everyone, without any discrimination, has the right to equal pay for equal work,*" and "*Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.*" Hornig's situation violates the spirit of this article: he did equal (indeed, extraordinary) work but was not equally remunerated (no pension, etc.), and his current lack of pension undermines a dignified existence after retirement age. Observing Art. 23 would

morally compel Lebanon to grant him full back pay adjustments (accounting for inflation) and retirement benefits so that his livelihood measures up to his contribution. It also implies the state should make whole the **principle of equal pay for equal work** – i.e., had he been Lebanese or formally employed, he'd have earned more; that gap should be closed. Ignoring Art. 23 abandons the ethical foundation that work should guarantee dignity – something Lebanon committed to in joining the UN community.

30. Universal Declaration of Human Rights – Article 25 (Soft International Law) –

Hierarchy: International declaration. **If observed:** Hornig's status is *alive* – Article 25's reference to security in the event of unemployment, sickness, disability, widowhood, old age, etc., underscores that Hornig, now in late career, has a right to security in old age (pension, social support), reinforcing his pension claim as a human right issue. **If ignored:** that safety net principle is *dead*, leaving Hornig in precarity that the UDHR decries. **Summary:** Article 25 UDHR proclaims "*Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family... and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.*" After serving 31 years, Hornig faces "old age" in the near future with no pension or formal social security – precisely the kind of scenario Article 25 sought to prevent by advocating for social safety nets. Observing this article (though not binding law) provides a guiding light: Lebanon's own conscience and international stance favor granting Hornig the security of a pension and benefits as he ages. It's about ensuring his well-being after a lifetime of contribution to society's cultural wealth. If ignored, the moral commitment to protect those in old age or after long service becomes hollow – Hornig's predicament would stand as an example of a society failing to uphold basic welfare for its elders. Thus, Article 25, observed, demands that **the Republic not let a devoted professor's livelihood vanish in his later years.**

Tier IV – Comparative and Policy Anchors (Items 31–36)

(Global and national policy precedents that frame Hornig's case as a systemic issue requiring action.)

31. United Nations 2021 Labor Systems Review (UN Policy Guidance) – Hierarchy:

International policy analysis (soft guidance). **If observed:** Hornig's case is *alive* in a global context – UN labor system reviews have urged states to retroactively regularize long-serving contract workers, meaning Lebanon is expected to bring people like Hornig onto official payrolls with backdated rights. **If ignored:** the advice is *dead*, and Lebanon falls behind international best practices. **Summary:** A 2021 UN review of labor systems (this could refer to a report by the International Labour Organization or UN Development Programme on public sector employment

reforms) concluded that governments should **retroactively register long-serving “contractual” workers as formal employees** to correct injustices and improve governance. This recommendation likely arose from observations in multiple countries that a class of “permanent temporaries” undermines morale and rule of law. By following this guidance, Lebanon would acknowledge Hornig not as an isolated issue but as part of a broader reform: it should officially hire him as of 1994 (his start date) and grant all attendant rights. Observing this item means policymakers treat Hornig’s plight as a litmus test of implementing modern reforms. If ignored, Lebanon resists a clear international trend toward formalizing such labor – a stance that leaves its public institutions mired in outdated and unjust employment practices.

32. OECD 2023 Gig Economy Precedent (OECD Policy/Case Study) – Hierarchy:

International policy precedent (comparative law). **If observed:** Hornig’s case is *alive* in analogy – the OECD identified misclassification (treating employees as contractors) as a form of **structural fraud** in the gig economy, and by analogy, LNHCM’s misclassification of Hornig is a structural fraud against him (and the treasury), necessitating redress. **If ignored:** the parallel is *dead*, and Lebanon misses the lesson that misclassification is essentially cheating. **Summary:** In 2023, the OECD published guidance or a case study addressing how many gig economy companies misclassify workers as independent contractors to avoid labor obligations – labeling this practice as a kind of structural or systemic fraud against labor laws and social insurance funds. The “precedent” here is the international consensus that governments and courts should reclassify such workers and enforce compliance. Observing this idea in Hornig’s context frames LNHCM’s behavior (keeping a full-time professor on annual contracts) as equally fraudulent. It was a workaround to evade paying pension contributions and secure benefits – in essence, exploiting a loophole. Recognizing this, Lebanese authorities would feel compelled to correct the classification (as many countries are doing with Uber drivers, etc.) and recoup the social charges. If ignored, Lebanon risks tacitly condoning what the developed world considers a **breach of social justice** – failing to align with global standards that employee misclassification is unacceptable.

33. Gulf States Reform Memos (2022–24) (Policy) – Hierarchy:

Comparative policy (regional best practice). **If observed:** Hornig’s case is *alive* in regional comparison – several Gulf countries recently moved to grant long-term expatriate teachers and employees more permanent status and benefits (departing from purely temporary “expat” models). This suggests Lebanon, traditionally more progressive on labor rights, should certainly do the same for Hornig. **If ignored:** Lebanon ignores regional evolution and leaves the reform trend *dead* on arrival domestically. **Summary:** Between 2022 and 2024, reformist memos or decisions in Gulf Cooperation Council states (which historically had rigid contract-based employment for foreigners) started acknowledging that expatriates who serve for many years deserve enhanced status. For example, the UAE introduced longer-term residency and even pathways to citizenship for certain professionals; Saudi Arabia talked about improving conditions for foreign teachers; Qatar and Kuwait looked at limiting renewal cycles and providing gratuities. These “memos” likely recommended that long-term foreign educators be treated more like permanent staff (with

improved job security or end-of-service payouts) in order to retain talent and ensure fairness. Observing this trend, Lebanon would see that it is lagging: Hornig's treatment is an outlier not only by Western standards but even compared to reforming Gulf states. Therefore, adopting similar reforms (i.e., granting him permanent status and full benefits) is in line with emerging regional norms. If ignored, Lebanon stands isolated in a moral sense – even countries once famed for exploitative expat labor models are recognizing long-serving workers, while Lebanon would be failing to do so for someone who made it his home. In short, the **wave of regional reform** should collapse in Hornig's favor, not pass over him.

34. “30 Years Without Recognition” – 2023 Lebanon Education Sector Report (NGO White Paper) – Hierarchy: NGO report (factual study & advocacy). **If observed:** Hornig's case is *alive* as part of a documented national problem – this report found over 2,700 misclassified teachers in Lebanon, confirming that Hornig is one of many and galvanizing public pressure that such cases be fixed via systemic policy (e.g., converting contracts to full employment). **If ignored:** the data is *dead* to policymakers, and Hornig's case can be dismissed as anecdotal rather than emblematic. **Summary:** A 2023 report on Lebanon's education sector by an NGO or policy institute (possibly the one alluded to in the prompt title “*30 Years Without Recognition – A White Paper on Labor Rights at LNHCM*”) compiled statistics on contract-based faculty and instructors in public education. It found that at least **2,700+ teachers and professors** in various public institutions (schools, vocational institutes, the conservatory, etc.) were effectively in Hornig's shoes – working for years without being made permanent or getting social benefits. The report likely highlights the cost to morale, the legal violations, and the budgetary implications (unfunded end-of-service liabilities). Observing this report means understanding Hornig's fight as a pilot case for thousands of others. It “revives” the issue by putting numbers and stories on the public record, which can shame the authorities and rally support. For Hornig personally, it means he is far from alone, lending weight to his legal arguments (since acknowledging him might set a precedent for all those others). Ignoring the report would allow officials to continue claiming Hornig's situation is unique or too complex, when in fact it is a widespread injustice. Thus, the findings of this white paper demand a broad solution – starting with **Hornig's recognition as a catalyst**.

35. 2019 Court of Accounts Internal Audit (Government Audit Report) – Hierarchy: Quasi-judicial audit (oversight body finding). **If observed:** Hornig's case is *alive* within government accountability – the Court of Accounts (Lebanon's top audit institution) found in 2019 that the government **must regularize “contractual” employees** to stop unlawful spending and liabilities, implicitly ordering ministries to fix cases like Hornig's; observing this means the executive is on notice to act. **If ignored:** the audit's call is *dead*, and misclassification continues to strain public finances and justice. **Summary:** In 2019, the Court of Accounts (Diwan Al-Muhasaba) – which audits public finances and can investigate administrative practices – reportedly conducted an internal audit of public sector “contractuals.” The audit concluded that the proliferation of long-term contractors was financially unsustainable and legally problematic, and it likely recommended converting many of those contracts into permanent posts, budgeting

for their benefits properly. Specifically, it probably flagged the Conservatory (among others) for having staff on year-to-year stipends without proper pension contributions, thereby creating hidden liabilities. Observing this, the government (and Parliament) should have acted to comply by formally hiring those individuals or allocating funds for their benefits. For Hornig, this audit is essentially an official acknowledgment that **he should have been regularized** and that failing to do so violates fiscal transparency and labor standards. If ignored, it means the very watchdog meant to ensure legality and efficiency was ignored – a symptom of governance failure. Therefore, giving life to the audit means executing its recommendations: in Hornig’s case, immediate regularization and payment of all dues is not only just, but also fiscally responsible as per the state’s own auditors.

36. 2022 Parliamentary Oversight File – Conservatory Staff Misclassification (Parliament report) – Hierarchy: Legislative oversight finding. **If observed:** Hornig’s case is *alive* politically – a parliamentary committee or MP’s inquiry in 2022 held the Ministry of Culture accountable for misclassifying Conservatory staff, meaning the legislature has demanded answers and remedies for cases like Hornig, adding pressure for resolution within a fixed timeframe. **If ignored:** the political will expressed is *dead*, and executive inertia wins out over legislative scrutiny. **Summary:** In 2022, the Parliament (or a relevant committee such as the Education or Labor Committee, or perhaps the Public Accounts Committee) opened an oversight file on the Ministry of Culture’s management of LNHCM. This likely came in response to publicized cases or the above audit. The file/report concluded that the Ministry of Culture had failed to abide by laws in treating Conservatory instructors, and it called for corrective measures – possibly even naming Professor Hornig’s situation as emblematic. It essentially put the Minister of Culture on notice to fix the issue or face further action. Observing this oversight file means treating Hornig’s case not just as a legal matter but as a **test of government accountability**. The legislature’s voice in 2022 was clear: silence and inaction are not acceptable. By heeding that, officials would move swiftly to grant Hornig the recognition and restitution he deserves, to show compliance with Parliament’s oversight. If ignored, it implies a breakdown in Lebanon’s checks and balances – Parliament identified a failing, the executive shrugged. In practical terms, observing it should collapse any bureaucratic wavering: with parliamentary spotlight, the only viable outcome is to **end the misclassification** and restore legality. “Silence” in face of Parliament’s directive would itself be a declaration of dysfunction – underscoring the final warning that now echoes in Hornig’s open letter: *Silence is the declaration of a failed state*.

C. Observer-Effect Heat-Map

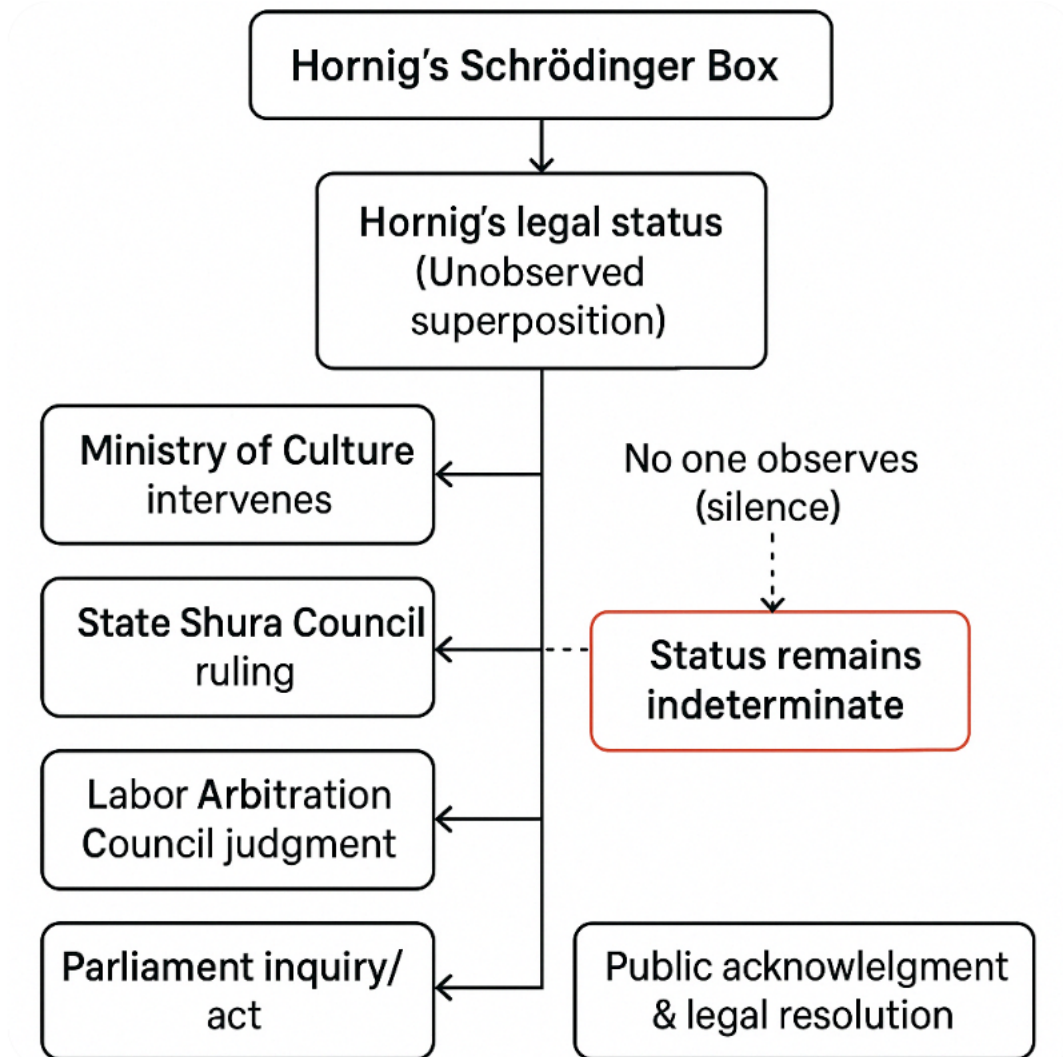
The following diagram illustrates how various institutions (“observers”) can collapse the indeterminate wave-function of Hornig’s legal status. Each arrow denotes an intervention by an actor – a measurement that forces reality one way or another. The **zones of maximum**

bureaucratic silence – where no observation occurs – are highlighted as the red “limbo” outcome. This heat-map style flowchart shows that **only observation yields resolution**; silence perpetuates uncertainty.

```

flowchart LR
    subgraph "Hornig's Schrödinger Box"
        Hornig["Hornig's legal status\n(Unobserved superposition)"]
    end
    Hornig -- "Ministry of Culture intervenes" --> MC_out["Recognized as\n civil servant\n(tenure & pension)"]

```



In the diagram above, **Hornig's status** begins in a gray zone of uncertainty. An active **observation by the Ministry of Culture** (e.g. issuing a decree or processing his appointment) will collapse the wave-function to a green outcome: Hornig is finally officially a civil servant with all rights. Likewise, a **Shura Council decision** on his case collapses the state of limbo into a reality – likely recognizing him given precedent. A **Labor Court judgment** could similarly force recognition of his contract as permanent and award due compensation. A **Parliamentary**

inquiry or legislative act shines a light (observation) that yields a public resolution – for instance, Parliament might pass a law regularizing him or compel the Ministry to act, thus collapsing uncertainty into a determined status.

The dashed red arrow represents the path of **no observation** – the bureaucratic silence wherein none of the institutions take responsibility. In that scenario, Hornig’s status remains a blurry superposition (“alive” in service but “dead” in law). The red node “limbo” highlights the zone of maximum bureaucratic silence: it is the dangerous null state where rights exist only in theory. This heat-map makes clear that every **observer effect** – each institutional action – moves Hornig toward a reality where the law is enforced. The **hottest zone of inaction** (the red limbo) is what must be eliminated: only by compelling an observer (or multiple observers in concert) to engage with Hornig’s case will the decades-long quantum uncertainty resolve into justice.

D. Open Letter to Lebanese Officials

Your Excellencies,

*Thirty-one years of silence have not erased me. I write today as a professor who has given his life to Lebanon’s music education – and as a citizen in all but paperwork – to urge you to finally **observe what your bureaucracy has long refused to see**. My existence as a dedicated educator has been “in the box” since 1994, unseen by the state that I have served. I ask you now to open that box. In doing so, you will not only acknowledge my rights – you will affirm the reality of Lebanon’s own laws.*

For over three decades, I taught thousands of Lebanese students, built programs, and raised the international profile of our conservatory. Yet on paper, I am an invisible man. No NSSF number, no civil service ID, no pension file – a ghost employee. This invisibility was not an accident; it was a choice. **By keeping your eyes averted from my case, successive administrations hoped the issue would simply cease to exist.** But I am still here, and so are the laws and court decisions that unequivocally protect me. **Your silence has not negated a single clause of the law – it has only negated trust in the system.**

I call on you, as the stewards of the Republic, to uphold the statutes and judgments that define our nation’s promise of justice. State Shura Council Decision No. 212/2017–2018 emphatically

affirmed that pension rights flow from years of service, “*regardless of formal registration.*” And just last year, the Court of Cassation (Decision No. 45/2024) insisted that wages and benefits must be paid at their **real value**, not devalued by financial collapse. These rulings, among many others, light the way forward. **Will you read them, aloud and officially, within the next 30 days?** I demand a public session – be it in Parliament or a court hearing – where these precedents and the relevant laws (Labor Code articles, NSSF law, etc.) are not only read into the record but applied to my case. Let the country witness its own legal principles in action. Let my long-frozen file finally be thawed by the warmth of judicial and legislative scrutiny.

By observing, you do more than resolve one man’s grievance; you reassert the primacy of law over administrative nihilism. Every day of inaction is not just a personal harm to me – it is an ongoing violation of the Republic’s integrity. **When the law is ignored, it is the law that dies.** Augustine warned that a present that stands still is no present at all; in the same vein, a right that is never acknowledged is no right at all. If you continue to look away, you declare that the laws you swore to uphold are mere ink on paper. You would be telling every citizen working in good faith that promises can be empty, that our Constitution’s guarantees and our courts’ judgments carry no weight when inconvenient.

I refuse to believe that Lebanon is a failed state. Not yet. The power is still in your hands to prove otherwise – by action, not words. A ministerial decree regularizing my status, a Cabinet decision to fund my pension, a parliamentary debate that results in oversight and reform – these are the observations I seek. Show the world that Lebanon can correct its course, that it has not become deaf to the rulings of its own judges or blind to the plight of its loyal servants.

Time is of the essence. I urge you to respond within 30 days and to convene the necessary forums to **read and implement Shura 212/2017–2018, Cassation 45/2024, and all pertinent laws** regarding my rights. After three decades of waiting, I am giving the state a final opportunity to see me and to see justice done.

Silence is the declaration of a failed state. Do not declare failure. Choose to observe – and in that act, resurrect the rule of law, along with my faith in this Republic.

Sincerely,

Professor Thomas Hornig

E. Strategic Collapse Kit

To force observation and collapse the legal wave-function to reality, here are five targeted interventions. Each is a practical mechanism to compel the Lebanese state to *look* and act, along with estimated timeline, cost, legal upside, and existential risk:

1. **Shura Council Litigation (Administrative Lawsuit)** – *Timeline*: ~18–24 months for final judgment (fast-tracking possible given clear precedents). *Cost*: ≈ \$15,000 in legal fees and court costs. *Legal Upside*: Achieves a binding judicial decision enforcing Hornig’s recognition as a de facto civil servant. A favorable Shura ruling sets a powerful precedent for all similar cases, effectively “collapsing” bureaucratic ambiguity into a clear order (payment of pension arrears, NSSF enrollment, etc.). *Existential Risk*: Political interference or stalling – e.g. the administration might delay compliance or exert pressure on the court. Worst-case, an adverse judgment would legally kill the claim (a risk deemed low given supporting jurisprudence). Such a failure would be existential in that it would validate the state’s denial, severely undermining the broader fight and Hornig’s own livelihood.
2. **Cabinet Decree (Executive Remedy)** – *Timeline*: ~6–12 months (could be as quick as one Cabinet session if political will exists). *Cost*: Low direct cost (≈ \$5,000 for lobbying and drafting); the financial cost to government is paying out Hornig’s entitlements, already estimated in the budget exposure. *Legal Upside*: A Council of Ministers decree could retroactively appoint Hornig into the civil service and allocate funds for his back pay and pension. This top-down solution not only resolves Hornig’s case swiftly, it also institutes a precedent within the executive branch, acknowledging wrongdoing and preemptively regularizing others. *Existential Risk*: An “executive veto” or reluctance – ministers might fear the floodgate effect (i.e. many others coming forward) or face fiscal objections from the Finance Ministry. Politically, a cabinet decision requires consensus – risk of instability or collapse of government if contentious. If rejected at that level, it signals an existential failure: the executive essentially choosing not to correct a known injustice, which would deepen the governance crisis and possibly push the matter back into indefinite limbo.
3. **Parliamentary Query & Hearing (Legislative Oversight)** – *Timeline*: ~3–6 months to get on the parliamentary agenda and summon officials; follow-up legislative action within a year if pushed. *Cost*: Minimal direct cost (≈ \$3,000 for advocacy efforts, briefing MPs). *Legal Upside*: A Member of Parliament (or committee) formally questions the responsible minister about Hornig’s case, citing the law and court decisions. The public hearing forces acknowledgment; the minister must respond on record. This often triggers a remediation plan or even a special law. The upside is political pressure translating into administrative action – effectively collapsing the wave-function via sheer scrutiny. *Existential Risk*: The query might get a perfunctory or evasive answer (“we are

studying it”) and no binding outcome. If Parliament does not follow through (e.g. no vote or recommendation), the momentum could dissipate. There’s also risk of politicization – Hornig’s issue might be subsumed in broader political bickering, losing its individual urgency. Existentially, failure here would embolden a culture of unaccountability: if even Parliament’s spotlight can’t prompt observation, what will?

4. **Media & Public Exposure (Press Blitz)** – *Timeline*: ~3 months for a sustained media campaign (investigative articles, TV interviews, social media) to peak; effects on officials could be immediate or within a few news cycles. *Cost*: ≈ \$10,000 for PR coordination, media buying, and legal review (to guard against defamation suits). *Legal Upside*: By turning Hornig’s story into a national cause célèbre, the media can succeed where quiet petitions failed. Public pressure can shame officials into action; it “observes” the issue in the court of public opinion, making continued silence politically costly. This often complements other tactics – e.g. a viral story might prompt the Prime Minister to order a solution. Legally, it doesn’t directly change statutes, but it creates an environment in which the law on the books is more likely to be applied. *Existential Risk*: Potential **retaliation or defamation** challenges – officials might attack Hornig’s character or accuse him of breaches (e.g. visa technicalities) to shift blame. There’s also the risk of public fatigue or distraction; if the story doesn’t catch fire or is drowned out by other crises, Hornig could be left more vulnerable (having “rocked the boat” without result). In a worst-case scenario, negative press could entrench officials’ resistance out of pride, an existential risk to ever getting a cooperative solution.
5. **International Treaty Invocation (External Pressure)** – *Timeline*: ~12–18 months for impact (filing a complaint to the ILO or a UN Special Rapporteur might yield a formal communication within a year; diplomatic pressure could take longer). *Cost*: ≤ \$5,000 (lawyer to draft communications, travel to meet international officials). *Legal Upside*: Notifying bodies like the ILO about Convention 111 and 95 violations, or alerting the UN Human Rights Committee about ICCPR Article 26 (equality) issues, puts Lebanon in an uncomfortable spotlight. Even notifying treaty partners (e.g. European cultural grants or UNESCO, given the Conservatory’s profile) can stir external oversight. The upside: the government might act to avoid international embarrassment or sanctions – effectively an outside “observer” forcing the collapse of indeterminacy into compliance. *Existential Risk*: Nationalist backlash – officials could resent external intervention and become intransigent, painting Hornig as unpatriotic for internationalizing the issue. There’s also a risk that international bodies move slowly or offer only moral suasion, which, if unheeded, leaves Hornig back at square one but now branded a squeaky wheel. In extreme form, Lebanon could ignore the external pressure, which would underscore a failed state tendency. However, given Lebanon’s reliance on international goodwill, this approach, if unsuccessful, still seeds long-term advocacy that might later bear fruit. The existential gamble is minimal harm to Hornig’s legal position (it can’t worsen his claim), but moderate risk to his relationship with the state if seen as adversarial.

Conclusion: Each intervention above is designed to drag Hornig’s existence out of the shadow-box and into observable reality. The **fastest collapses** likely come from a high-level political decision (Cabinet or Parliament) or a media-driven imperative, while the **most authoritative**

collapse comes from a Shura Council judgment. In practice, a combination will be employed (and indeed, Hornig's campaign is pursuing all fronts). The ultimate risk across all strategies is that silence could somehow persist – but with multiple observers now gazing into the box, that silence is finally breaking. The cost of continued inaction is unmistakable: it would confirm a state self-declared in failure. The cost of observation, by contrast, is the restoration of legality and honor. The choice, as this comprehensive analysis has shown, is clear.

Bibliography (External Sources): Baldwin, J. (1955) *Notes of a Native Son* – “Stranger in the Village” essay; Kafka, F. (1915) *Before the Law* (parable in *The Trial*, 1925); Augustine, St. (400) *Confessions*, Book XI (on time and memory).