

Democratization in Post-Saddam Iraq

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The Bush administration has expressed several different goals for the invasion and occupation of Iraq. One of the more recent of these is to bring freedom and democracy to that country.¹ This goal seems very laudable. Democratization in Iraq could have many beneficial outcomes – Iraqis could become our allies, enjoy an improved standard of living, and serve as a beacon of democracy in the Middle East. Whether democratization is viable or not, however, is a matter of intense debate.

Kenneth Pollack and Daniel L. Byman of the Brookings Institution argue that there are many precedents for democracy in seemingly unlikely places.² In addition, they say that while democratization would require a considerable investment of time and resources, the alternative would be worse.³ Larry Diamond believes that democracy is possible, but by no means inevitable, and that certain steps must be taken by the United States to achieve it.⁴ This appears to be the view of the Bush administration. Their question is not whether democracy can develop in Iraq, but rather how they are going to make it develop. Other scholars in support of democratization believe that not only can it be achieved, as it was in Japan and other areas, but that a functioning democracy in Iraq will somehow create a domino effect and transform the entire region.⁵

Some scholars, however, have concluded that democracy cannot develop in Iraq for various reasons. They say that Iraq is too divided, too culturally unsuited⁶, or too Muslim for democracy, and that attempting to democratize the country will fail and result in increased anti-

¹ Bush, George W. State of the Union Address, 2007

² Byman, Daniel L. and Pollack, Kenneth M. "Democracy in Iraq?" Brookings Institution, Summer 2003, http://www.twq.com/03summer/docs/03summer_bymanpollack.pdf, accessed Nov. 2007

³ Ibid.

⁴ Diamond, Larry. "Iraq and Democracy: the Lessons Learned" *Current History*. Philadelphia: Jan 2006. Vol. 105, Iss. 687; pg. 34, 6 pgs

⁵ Zinsmeister, Karl. "In the Middle East, A New World." *The American Enterprise*. Washington: Apr/May 2005. Vol. 16, Iss. 3; pg. 4, 5 pgs

⁶ Basham, Patrick. "No Quick Democracy in Iraq." *Cato.org*, May 5, 2004. http://www.cato.org/pub_display.php?pub_id=2641, accessed Nov. 2007

Americanism.⁷ Some even claim that the Iraqis want a “strong” – in other words, autocratic – leader.

Another issue with democratization is that it is possible that the United States government will not be able to impose it even if Iraq is, as it were, fertile soil. As Abdul-Aziz Said puts it, “democracy cannot be successfully implanted from the outside... it is an indigenous and delicate flower that only flourishes when deeply rooted in the dreams and hopes of the great majority of a nation.”⁸ The United States cannot force Iraqis to be democratic, and attempts to do so may create a backlash against both America and democracy itself.

Still, the United States does have an important role to play. The U.S. can either facilitate the growth of democracy, or it can crush all hope that democracy will develop in any reasonable amount of time. Therefore, the research question of this paper is this: can real democracy exist in Iraq and are US actions supporting or impeding its development?

These questions are significant for several reasons. Firstly, the answer will provide a measure of the success of a U.S. policy that has been heavily promoted by the Bush administration, but has also seen worldwide controversy. The credibility of the United States as a global leader and promoter of liberty rests to no small extent on its success in Iraq. Secondly, and perhaps more important, both Iraq and the Middle East as a region will see lasting effects from U.S. actions in Iraq. A fully democratized Iraq will have a very different destiny than an Iraq that falls once again to tyranny. The full implications of either outcome, however, are beyond the scope of this paper.

⁷ Garfinkle, Adam. “The New Missionaries,” *Prospect*, April 2003, p. 22-24

⁸ Abdul-Aziz Said. “‘Form’ and ‘Substance’ of Democracy in a Post-Saddam Hussein Iraq.” Presented October 10, 2002 at Wilton Park, United Kingdom

Other scholars have addressed the issue of democratization in Iraq, naturally, but if any have tried to come up with an up-to-date assessment of whether Iraq is becoming democratic or not, it has escaped notice.

The term “democracy” must be clarified. It is one of those words that have been overused to the point that they have lost their meaning. Originally, “democracy” simply meant “rule by the people,” which does not necessarily refer to any specific political system.⁹ In modern times the term has been used to describe the political system of the United States, which is more properly called a republic. The term is used for several other countries as well, many of which have widely differing political systems. The UK, for example, lacks a constitution, still has a monarch, and has hereditary positions in the Parliament. This would never be considered legitimate or democratic in America, but to the citizens of the UK, the monarchy and the institution of nobility are culturally significant. There are many other countries that are called democracies, all with differing modes of governance. How does one characterize “democracy” when it comes in so many different versions?

Abdul-Aziz Said solves this problem by separating the “substance” of democracy from the “form.” Said characterizes the “substance of democracy” as “a human society that has a sense of common goals, a sense of community, a process of participation in making decisions, and protective safeguards for dissenters.”¹⁰ Thus, Said makes a distinction between the universal character of the substance of democracy and the culturally specific modes of governance that comprise the form of democracy.

This is particularly important when discussing democracy in the Middle East and in the Islamic World, because of the doubts about whether democracy is compatible with either Islam

⁹ Zakaria, Fareed. *The Future of Freedom: Illiberal Democracy at Home and Abroad*. New York: W.W. Norton & Company, 2004, p. 13

¹⁰ Said, Abdul-Aziz, “‘Form’ and ‘Substance’ of Democracy in a Post-Saddam Hussein Iraq”

or Middle Eastern culture. Western scholars sometimes believe the Middle East is not ready for democracy, and some people in the Middle East, having been disillusioned by the perceived failure of democracy in their own countries, have given up on the idea and turned to fundamentalist Islam as an alternative. These ideas, however, are often based on the notion that the form of democracy found in the U.S., or other forms found in the West, constitutes the substance of democracy. Using Said's distinction between the substance of democracy and the form, one can apply democracy to a broader range of cultures, since the culture itself can be expressed through the form of democracy.

As noted above, Said argues that democracy cannot be imposed from the outside.¹¹ This is not necessarily true. Japan, for example, was not in the least democratic until the United States invaded it and transformed its political governance. However, if the form of democracy is imposed externally by an occupying power, there is a risk that conflict over the form could compromise the substance. Iraqis could object to democratization by the U.S. on many different grounds – they might not value democracy, they might feel that other issues take priority, or they might simply object to U.S. interference in their country. They might fear that they will never have control over their own destiny. Whatever the reason, if Iraqis feel that the U.S. is imposing democracy on them, then there may be a backlash against U.S. efforts, which could negate any progress the U.S. tries to make.

Another challenge to the democratization of Iraq by the U.S. is that the Bush administration is under pressure to vindicate its policy of building a stable, democratic Iraq. This creates an incentive for the administration to convince outsiders that Iraq is a democracy by setting up democratic institutions, including a constitution, election procedures, and government agencies. However, the administration is also under considerable temporal and budgetary

¹¹ Ibid.

constraints, and democratization per se is probably not its primary motive for maintaining a presence in Iraq. Therefore, it is not in the interests of the administration to consider how to build a form of government that would best serve Iraqis, and the institutions it supports or creates are likely to become hollow shells that do not serve the purpose of nurturing democracy.

This would create a number of problems. Chief among them is that Iraqi institutions created in this way would most likely not function. In addition, should the administration succumb to the temptation to simply support institutions that look good rather than those that will actually function, it will inevitably impose aspects of American culture on the Iraqi people, whether it intends to or not. Because their governing institutions would not be tailored to their culture or national challenges, Iraqis would be more likely to see U.S. influence as cultural imperialism, which they would no doubt reject.

Theoretical Concerns

Said identifies four elements of the “substance of democracy” – “a sense of common goals, a sense of community, a process of participation in making decisions, and protective safeguards for dissenters.”¹² While these are a very helpful starting point, they do not constitute a comprehensive or watertight definition of democracy. In fact, on the face of it, only the process of participation is exclusive to democracy. The other elements are at best helpful for democracy. In this analysis, therefore, the process of participation in decision-making will be considered the primary element of the “substance” of democracy. The other three elements, however, are still useful.

A “sense of common goals,” could easily be a component of a “sense of community,” and neither is specific to democracy. A monarchy, for example, could easily have a strong sense

¹² Ibid.

of community and of national purpose. However, a “sense of community” is necessary for the coherence of any country, so it will be included in this analysis. It is particularly important for a country such as Iraq. There can be no Iraqi democracy if there is no unified Iraq, so this paper will assess the extent to which Iraqis define themselves as Iraqis and the extent to which they are willing to work together. The “sense of common goals” will be included as part of the sense of community.

“Protective safeguards for dissenters” is a vague term. It might mean something as broad as protection of minority rights or something as narrow as freedom of the press. It might even refer to protection for opposition parties. In this analysis, it will refer to the protection of minority rights. The reason for including this element is that the tyranny of the majority, like any form of tyranny, can silence the minority and strip them of their rights. This could be the undoing of any democracy. Therefore, minority rights are essential for the preservation of democracy, defined as *a process of participation in making decisions that includes all citizens*. Using the above definition, “protective safeguards for dissenters” becomes an essential component of true democracy.

A “process of participation” is the fundamental concept of democracy. It could theoretically mean any process by which every person’s voice is heard and taken into account. In practice, for any group too large to make decisions by a show of hands, this will always mean holding a vote. But to go beyond that, the term “process of participation” could also refer to a system of representation. The way a system of representation is constructed can make a big difference in whether democratic institutions support the substance of democracy or not.

In the United States, for example, citizens are represented at the local level, the state level, and the national level. At the national level, they are represented by the House of

Representatives. They are also now represented by the Senate and by the President, although this was not perhaps originally intended. The country is divided up into states, and then into districts, and each district votes for an individual candidate for Representative. Each member of the House of Representatives gets two years in office, and then must seek reelection. Factors such as the individual nature of the election and the short term length tie the representative to his or her district. This gives a wide array of localities an equal voice in politics. If there was no House of Representatives, and the people were only represented by their Senators, then small local areas would have much less of a voice. In addition, people in different states would get significantly varying levels of representation due to the differences in population size. The term length ties Representatives to their areas by forcing them to run reelection campaigns almost constantly, without any chance to relax and ignore their constituents' concerns.

Research Design

There will be three elements to this study. First, it will answer the question of whether it is possible for Iraq to become a full-fledged democracy. This involves several new questions as to the suitability of Iraqi culture and the feasibility of any new political system in the midst of widespread violence. It is theoretically possible that there is something in Islam or in Arab culture that is incompatible with democracy. It is also possible that Iraqi society is too divided for democratization, and it will be necessary to examine whether there is any sense of community.

In addition, while it would be nice to think that democracy will flourish if only the people want it enough, it is also very possible that practical considerations such as the lack of a functioning army or bureaucracy in Iraq could inhibit the growth of democracy. This study,

therefore, will determine whether Iraqi culture is suited for democracy, whether Islam is compatible with democracy, and whether the reality on the ground will allow for the growth of democracy.

Second, this study will examine new political developments in Iraq in order to determine whether they are democratic. This will involve two steps. The first step is to examine the Iraqi constitution and election procedures to find out how democratic they really are. The second step is to find out whether Iraqi politics are actually democratic. Are Iraqis following the dictates of their constitution? How much of their political activity is held under the auspices of the laws and institutions? To put it more succinctly, does rule of law exist in Iraq, and if it does not, then are the political activities of Iraqis democratic or not? This is where Said's elements of substantive democracy come in. Iraqi institutions and political activities will both be examined in light of whether they facilitate a process of participation in decision-making, and whether they offer protection for minority rights.

The third and trickiest step is to evaluate the effect of the United States presence on these developments. This will involve going through each element of democracy that has been identified – the conditions that facilitate democracy as well as the essence of democracy itself – and providing a discussion of the relevant U.S. actions.

This research will be done through primary sources where possible. The Iraqi constitution, for example, is readily available for examination. However, much of the research will be done through secondary sources. The data is mostly qualitative in nature, although some quantitative data will be included.

Some caveats apply to this research. Unfortunately, the veracity of any data regarding Iraq is, in these chaotic times, questionable. There is simply too much violence, insecurity, and

lack of bureaucratic infrastructure. In addition, the topic of this research is exceedingly broad, and there is a limit to how much one can say about it without literally writing volumes. Still, it is worth the attempt.

The State of Iraq

The first order of business is to find out whether Iraq is suited for democracy in terms of culture, religion, and the realities on the ground. Since democracy has been identified in this analysis as a process of participation along with minority rights, the natural next step is to decide whether these are supported by Iraqi culture. Culture is defined here as the language, customs, and beliefs shared by a group.

By that definition, unfortunately, a single, coherent “Iraqi culture” does not exist. Rather, it is a mix of several different cultures – Arab Sunni, Shi’ite, and Kurdish being the most important. Iraq has a long history of cultural pluralism. For an extremely long time, several different ethnic, tribal, linguistic, and religious groups have inhabited the country.

Currently the demographic composition of Iraq consists, as nearly as anyone is able to estimate, of around 55% Arab Shia, 20% Arab Sunnis, and 17% Kurds, along with several small groups such as the Turkmen, Assyrians, Chaldeans, and so on.¹³ This has been the approximate ethnic and religious mixture in Iraq for the past few decades, if not longer. In addition to the cultural plurality of Iraq as a whole, there is also a fair amount of intermarriage between groups.¹⁴ This very plurality is hopeful for Iraqi democracy. While there is sectarian strife, in the end, Iraqis will have to draw together in order to pursue their interests.

¹³ O’Leary, Carole. Lecture, Aug. 31, 2007

¹⁴ Reynolds Kiefer. Lecture, Nov. 14, 2007

On the other hand, Iraq's cultural diversity has been exploited by the political elite. For hundreds, if not thousands of years, Iraqis were dominated by their political leaders. The Ottomans did not have perfect control over the country by any means, but their presence did tend to concentrate power in the cities.¹⁵ Later on, the Ottomans, in an attempt to modernize their empire, instituted sweeping reforms. Land ownership was one area in which they made some very significant reforms. The idea was to make cultivators of land into owners, so that they would have a stake in production.¹⁶

However, this ended up giving land to powerful people in society, as opposed to the common people. The Ottomans inadvertently granted authority to tribal sheikhs by making them sole owners of tribal lands.¹⁷ The British continued this policy.¹⁸ In addition, there were many other people who used their connections and political influence to acquire land. Its effect was to create a situation wherein, as Charles Tripp notes, "those who registered as owners of the title deeds were wholly unconnected with the cultivators of the land."¹⁹

This kind of centralization and disenfranchising of the lower classes went along with a divide between the Arab Sunnis and Shia. The Ottoman Turks were Sunnis, so they put Sunni Arabs into positions of administrative power in Iraq, marginalizing the Shia majority and the significant Kurdish minority. Historically, then, there has been little process of participation in Iraqi political life. Political power has been very centralized for a long time, and it has been kept out of the hands of the people. The British continued this tradition, and so did the Iraqi

¹⁵ Tripp, Charles. *A History of Iraq*. Cambridge: Cambridge University Press, 2000, p. 14

¹⁶ Ibid, p. 16

¹⁷ Ibid, p. 16

¹⁸ Dodge, Toby. *Inventing Iraq: The Failure of Nation Building and a History Denied*. New York: Columbia University Press, 2003, p. 111

¹⁹ Tripp, *A History of Iraq*, p. 17

monarchy, the republic, and then Saddam Hussein, simply because a pattern of centralized control was established to begin with.²⁰

The effect of this was, among other things, to inflame sectarian and ethnic tensions. Saddam Hussein, for example, propped up his regime using Ba'athist rhetoric. The Ba'athists are secular pan-Arabists. In the case of Iraq, most Ba'athists were Sunnis. When Saddam persecuted the Shia and the Kurds, it drove a wedge between them and the Sunnis. This created a huge amount of mistrust, which is affecting Iraqi politics today.

Another influence to consider is that of tribalism. The structure of tribes is very different from that of governments. They are arranged according to family structure. However, there is a process of participation that involves all adult males. Collectively, they have the power to depose a sheikh.²¹ Around 75% of Iraqis are members of tribes.²² On the other hand, the aforementioned Ottoman reforms weakened tribal structure.²³ In addition, urban life is very important in Iraq, and urban culture is not very tribal. Still, tribal identity is still very important to many Iraqis and it is encouraging that there is a tradition in tribal life that is at least somewhat democratic. In addition, the tribes do not want to be told what to do by the central government, so they are a force against centralization.

Iraqi culture, then, has been heavily influenced by authoritarianism, and yet, it has always been very pluralistic. There are opposing forces of centralization and of decentralization. It is tribal, and yet it is urban. It is hard to characterize Iraqi culture one way or another.

However, it is telling that the Kurds have managed to create a democracy. The Kurds are not Arabs, and they tend to be Sunni, unlike the majority of Iraq's Arabs. However, inasmuch as

²⁰ Ibid p. 293-4

²¹ O'Leary, Carole. Lecture, 12-05-07

²² Hassan, Hussein D. "Iraq: Tribal Structure, Social, and Political Activities." Congressional Research Service, March 15, 2007

²³ Ibid.

they can be compared to Arab Sunnis and Shi'ites, they do provide a model for democratization in Iraq. In addition, Iraqis are so mixed together, socially as well as geographically, that it would be fruitless to try to untangle them. It is almost certain that they will have to stick together as a nation if they want to avoid violence over territorial disputes and population transfers. Hence, it seems like that there is at least some cultural foundation for democracy in Iraq, although democratization most likely would not happen on its own for quite some time.

The next step is to discover whether Islam is compatible with democracy. It is the religion of the vast majority of Iraqis, and it has a huge influence on politics. After all, the Ottoman Empire derived its legitimacy from and was held together by Islam. Of course, the Ottomans were Sunni, and until recently all the subsequent leaders of Iraq were Sunnis, while the majority of Iraqis are Shi'ites.

Therefore, there are two forms of Islam to contend with. Sunni Islam and Shia Islam are structurally and ideologically different, and they have different versions of sharia law. In addition, there are four different schools of legal thought within Sunni Islam. Structurally, Sunni Islam would seem more democratic. There is no formal hierarchy, and religious authority comes with education. Shia Islam, on the other hand, is structured around a clerical hierarchy. However, it is Sunni Islam that has more often been the tool of Islamic empires. Saddam himself employed Sunni imams.²⁴ In Shia Islam, however, it is the clerics, or *mujtahids*, who are in charge of politics. This has been the case in Iran for some time.

Whether Islam is compatible with democracy or not depends on the Muslim. In theory, Islam is very compatible with democracy. The Prophet never specified any particular system of governance, and there are concepts within Islam that sound very democratic. *Shura*, for

²⁴ Otterman, Sharon. "IRAQ: The Sunnis." Council on Foreign Relations, Dec. 12, 2003
<http://www.cfr.org/publication/7678/>, accessed Dec. 2007

example, means “consultation.” This was a form of decision-making that was practiced from the earliest days of Sunni Islam, with Muslim leaders coming together to discuss issues. They made their decisions according to the principle of *ijma*, or “consensus.” Now, this sounds awfully like a “process of participation in making decisions.”

Unfortunately, there is a historical tendency of Muslim societies to favor authoritarian governments. Majid Khadduri writes that “The tendency among the later Muslim publicists was to exalt the position of the caliph and justify his authority on the grounds of fear of disorder and anarchy. Some publicists went so far as to justify the authority of any ruler who could effectively maintain order, regardless of his piousness or injustice.”²⁵ This was based on the concept of *ummah*, or solidarity among all Muslims, and the need to promote the Islamic faith even at the expense of individual rights. However, the Shia have suffered for a long time under the heels of oppressive rulers. They are likely to welcome democracy as a way to end that oppression.

The most problematic part of Islam is the desire of some of its followers to adopt sharia law. Since there are so many versions of sharia law, it would be impossible to satisfy everyone by using just one. And yet, some feel that to follow any other system of law would violate their religious rights: “Shiite religious parties objected that the [secular] 1959 law did not allow their own community to practice Shiite law; they also found the transfer of authority from religiously trained judges to secular judges tantamount to a state takeover of religious interpretation.”²⁶ The Ottomans took care of this by allowing different people to go to different courts depending on their religious convictions, but that is not a choice that the U.S. would favor. Fortunately, the

²⁵ Khadduri, Majid. “Theory of the State.” *Peace and Conflict Resolution in Islam: Precept and Practice*. Ed. Abdul Aziz Said, Nathan C. Funk & Ayse S. Kadayifci. Lanham, New York, Oxford: University Press of America, 2001, p. 35

²⁶ “The Final Draft of the Iraqi Constitution: Analysis and Commentary” by Nathan Brown

Iraqis have solved this problem (at least for now) by making Islam a “foundation source of legislation” rather than simply using the sharia.²⁷

There are some definite positives to Iraqi Shi’ism. Ayatollah Sistani, one of the most respected Shi’ite clerics in Iraq, is apparently a very reasonable and democratic leader, in favor of majority rule, accountable government, and voting rights for all.²⁸ He even tolerates separation between religion and state.²⁹ This is very important, because, as Faleh Jabar points out, “Secularism, often confused with atheism, is the guardian of a peaceful symbiosis between religion and politics, notably in multi-ethnic, multicultural societies.”³⁰ Jabar also explains that while democracy is a popular concept among Shi’ites, secularism is not.³¹ To have an esteemed leader like Sistani come out almost in favor of secularism is going to be very helpful for democratization.

On the other hand, there are also those in Iraq’s religious community who call for the immediate withdrawal of all U.S. troops. Muqtada al-Sadr “uses symbolism to his advantage. He adopted his father’s anti-U.S., anti-Israel slogan not only to stake his claim as inheritor of his father’s political and religious legitimacy but also to galvanize supporters to fight occupation.”³² It is this sort of radical opposition to occupation that is most difficult for the United States to deal with. It has its roots in forces that have been shaping the Middle East for a long time. Colonialism caused a lot of resentment against colonial powers, and eventually towards the forces of secularization and Westernization that came along with them. The Middle East had a decades-long flirtation with secularization and Westernization, and was disappointed. Now the

²⁷ Constitution of the Republic of Iraq, (2005), Section One, Article 2, First clause

²⁸ Nasr, Vali. *The Shia Revival: How Conflicts within Islam Will Shape the Future*. New York: W.W. Norton & Company, 2007, p 174-5

²⁹ Smock, David. “The Role of Religion in Iraqi Politics.” United States Institute of Peace, Dec. 23, 2003. http://www.usip.org/pubs/usipeace_briefings/2003/1223_NBiraq.html, accessed Dec. 2007

³⁰ Jabar, Faleh A. *The Shi’ite Movement in Iraq*. London: Saqi, 2003, p. 21

³¹ Ibid.

³² <http://www.meforum.org/article/655>

Middle East is experiencing a resurgence of Islamic movements, and they are defining themselves specifically as non-Western or even anti-Western. This is the category into which Muqtada al-Sadr's movement falls, and it will be almost useless for the United States to try to directly change the movement's ideology.

So, all in all, Islam in general is compatible with democracy, but this is dependent on what the Muslims in question actually believe. In Iraq, Islam is of limited compatibility with democracy. It does have a long and authoritarian history, and there are some elements that are very non-democratic, but Islam in Iraq also contains democratic concepts. The Shi'ites are likely to welcome democracy, and will probably even accept a separation between religion and state. While this is not essential to democratization, it certainly expedites the process simply because there are already models in place of secular democracies, but almost no models of religious democracies. In addition, secularism will help smooth relations between the Sunnis and the Shi'ites, because they will not have to have legal battles over whose interpretation is more valid.

The third step is to examine whether or not the realities of the situation in Iraq provide an environment in which democracy can flourish. According to Jessica T. Mathews, "More and more of the Iraqi people look to a source other than the government (a sectarian party or militia, Islamist terrorists, a tribe, a criminal gang) for the security and services the Baghdad government cannot provide."³³ The Iraq Study Group Report concurs – "To put it simply: there are many armed groups within Iraq, and very little will to lay down arms."³⁴

Violence in the form of militias is worse in terms of democratization than, say, criminal activity. It indicates that people are unwilling or afraid to participate fully in the political process. This strikes directly at our first element of democracy – the process of participation.

³³ Jessica T. Mathews "The Surge in Iraq Has Failed." Carnegie Endowment for International Peace, Sept. 2007

³⁴ Baker, James A., Hamilton, Lee H., et al. *The Iraq Study Group Report: The Way Forward – A New Approach*. New York: Vintage Books, 2006, p. 20

And with so many people using violence to achieve their ends, minority rights go straight out the window, exacerbating the fears of the Sunnis.

There are several other problems. Iraq's army and police force are, to put it bluntly, pathetic. The Iraq Study Group Report goes into detail on this subject. It claims that Iraq's army lacks leadership, equipment, personnel, and logistics.³⁵ There are a lot of questions about the loyalties of the soldiers, who may be members of militias.

Terrible though the army is, the police force, apparently, is "substantially worse." Its officers have been trained in counterinsurgency work instead of police work. Things are so bad that authorities do not even know who is in the police force.³⁶

This, too, is bad news for democracy. Both institutions could be and probably are fostering the sort of sectarian violence that is ripping the country apart. There is a strong possibility they are being used to funnel arms and equipment to militias, as well as people. If they were called upon for duties related to facilitating democracy, such as safeguarding the polls against suicide bombers or insurgents bent on disrupting elections, there is no telling what they would do. In addition, these forces are insufficient for any sort of protection against invaders, which could potentially be the undoing of Iraq as a state, never mind as a democracy.

Worse yet, each ministry in Baghdad has its very own armed unit of the Facilities Protection Services, the members of which are not identified. The idea is that these forces guard ministry infrastructure, but, as the Iraq Study Group Report put it, "these units have questionable loyalties and capabilities. In the ministries of Health, Agriculture, and Transportation – controlled by Moqtada al-Sadr – the Facilities Protection Service is a source of funding and jobs

³⁵ Ibid, p. 8-9

³⁶ Ibid, p. 10

for the Mahdi Army.”³⁷ Thus it would seem that everyone of note in Iraq has a private army of some sort. This is not a hopeful sign for reconciliation, security, or democracy.

The judiciary might be able to help with all of this, but according to the Iraq Study Group Report, it is too weak.³⁸ It is plagued by lack of expertise and by lack of enough people. In addition, the judiciary is prone to intimidation. Things have gotten so bad that “Many Iraqis feel that crime not only is punished, it is rewarded.”³⁹ This situation is quite ironic, because when the United States invaded Iraq, it unwisely swept away the old judiciary, which had stood up to Saddam.⁴⁰

Some of these issues could be addressed if the Iraqi government had the bureaucratic capacity, but unfortunately, it is lacking in that area as well. After de-Ba'athification, there were not very many experienced professionals left. In addition, because “Iraq’s elected representatives treat the ministries as political spoils,”⁴¹ the ministries “lack technical expertise and suffer from corruption, inefficiency, a banking system that does not permit the transfer of moneys, extensive red tape put in place in part to deter corruption, and a Ministry of Finance reluctant to disburse funds.”⁴² Even without knowing this, however, it is clear from the lack of documentation with regard to military and police personnel that the Iraqi government bureaucracy has a long way to go.

In conclusion, while the prospects for democracy in Iraq are dubious, it is still possible that with a lot of work, the Iraqis could, theoretically, make it work. Iraqis are used to authoritarian forms of government, but this seems to have led to a greater longing for democracy among the Shia and the Kurds. The Shia have participated in the formation of the new

³⁷ Ibid, p. 10

³⁸ Ibid, p. 21

³⁹ Ibid, p. 21

⁴⁰ O’Leary, Carole. Lecture, Nov. 2007

⁴¹ Baker and Hamilton, *Iraq Study Group Report*, p. 21

⁴² Ibid.

government, whereas the Sunnis have not. The Kurds have actually been running a democratic government for some years now, which indicates that Iraq may in fact be culturally suited to democracy. The Sunnis, perhaps, are more entrenched in authoritarianism, but they are a minority group. With regard to Islam, there is nothing in that religion that would prevent democracy. The biggest obstacle to democracy in Iraq, in terms of preconditions, is the lack of a functioning bureaucracy and the presence of completely dysfunctional military forces.

In addition to adequate security and services, something Iraq needs in order to democratize – or even to form any type of cohesive government – is unity. Unity is the crucial element that makes everything else work. Every society is divided, but the divisions in Iraqi society happen to be causing so much strife currently that it is difficult to democratize or even simply turn on the power.

The meaning of unity is twofold. First, there is the question of whether the “sense of community” identified by Said is present. Do Iraqis feel that they are Iraqis? How strong is their sense of nationalism? Second is the question of whether the various sects and ethnicities can coexist. This is not a theoretical discussion, but rather an examination of the ongoing process of reconciliation. Can Iraqis lay down their arms and settle their differences in a civil manner?

Iraqi nationalism is a somewhat strange phenomenon. Nationalism began in Europe when different ethnic groups began to want their own homelands. In the Middle East, identification with the state was based on religion. However, when nationalism spread from Europe to the Middle East, different groups started to desire their own national homelands, which contributed to the downfall of the Ottoman Empire. Nowadays in the Middle East, national identity is often based on ethnic identity. Turkey, for example, is the national home of

the Turks. Iran is the home of the Persians. The Kurds would like a national home as well. In addition to these nationalisms, there is Arab nationalism, or pan-Arabism, which is what the Ba'athist ideology was based upon.

In Iraq, there are two major ethnic nationalities – Kurdish and Arab. The Kurds have been semi-autonomous for several years now, and they have their own regional government in the new Iraqi state. The Arabs have some nationalistic feeling too, but it is more complicated. The Sunnis are the ones who have been most associated with Arab nationalism, because they were the rulers of Iraq, and the Shia were to a large extent left out. In other words, Iraq is no more unified in terms of ethnic identity than it is in sectarian identity. Therefore, ethnic nationalism is not an option. Obviously there are many countries, the United States among them, that are not based on ethnic nationalism. In these countries, nationalism is based upon things like citizenship.

Nationalism in Iraq could have originated in many different things. Foremost among them is a history of national unity in terms of borders, administration, and politics. This dates back to the creation of the state of Iraq in about 1921, which is three or four generations ago now. This event “established a new framework for politics, embodying distinctive ideas about government.”⁴³ In other words, once the state had been created, everyone within its boundaries had to pursue political ends within it. In its first stages, the new Iraqi state was ruled by the British, but control was quickly handed over to Iraqis. At first the leader of Iraq was an outsider himself – an important man, but from another country – and eventually Iraq came into the hands of Iraqis.

Since then, Iraq has suffered through certain collective experiences that have shaped it as and into a nation. Just the rule of Saddam Hussein is an era in its own right. Saddam Hussein

⁴³ Tripp, Charles. *A History of Iraq*. Cambridge: Cambridge University Press, 2000, p. 1

ruled for decades, and it was over Iraq as a whole. Iraq as a whole country went to war with Iran. Now the whole country is ruled by the United States. Simply based on the history of Iraq, it is hard to doubt that many Iraqis ought to have a sense of patriotism.

The unity of the Iraqi state in terms of nationalism cannot be undermined by internal conflict. While each group has its own interests, and each group competes with the others, they are all working within the same paradigm. “The history of the state, therefore, is in part a history of the strategies of co-operation, subversion and resistance adopted by various Iraqis trying to come to terms with the force the state represented.”⁴⁴ So even if the different communities are not united in terms of interests, they are united in that they all center their political lives on Baghdad.

According to some reports, we have only just now created nationalism in Iraq. Apparently, “American officials here inadvertently created this sense of unity” through their actions in Iraq, and Iraqis have responded thusly, “With Sunni and Shiite Arabs working together to attack the American occupiers, either through force or tough talk, the phrase “Iraqi first; Sunni or Shiite second” has become an often heard refrain on the streets.”⁴⁵ It does not seem possible that the United States could have created a previously absent sense of nationalism all by itself, but either way, the Iraqis are definitely nationalistic.

They are not, however, united in the sense that they like each other and share one another’s goals. Obviously, many of them have competing goals. But that should not be a problem, because after all, there are people all over the world who have conflicting goals, but do not physically fight over it. The problem Iraqis face is that there is a history between the different groups that keeps them from trusting one another. The Sunnis followed Saddam, and

⁴⁴ Ibid.

⁴⁵ Wong, Edward. “Iraqi Nationalism Takes Root, Sort Of.” *Nytimes.com*, April 25, 2004. <http://query.nytimes.com/gst/fullpage.html?res=9D04E2D7123AF936A15757C0A9629C8B63&n=Top/Reference/Times%20Topics/People/S/Sadr,%20Moktada%20Al->, accessed Dec. 2007

he oppressed and killed massive numbers of both the Shia and the Kurds. This caused a lot of resentment that is still around today.

The resentment of the Shia towards the Sunnis has become a huge obstacle to national reconciliation. The switch to democracy – which means rule by the majority – is a threat to the Sunnis. This is probably the main reason that they have rebelled and are currently fighting U.S. forces and their own countrymen. Indeed, “Unless Sunnis believe they can get a fair deal in Iraq through the political process, there is no prospect that the insurgency will end.”⁴⁶ The Shia, for their part, are doing plenty of infighting amongst themselves, and have little reason to trust one another, much less the Sunnis. The Kurds are relatively well adjusted, but there are good reasons why they are so insistent about having an autonomous region.

Thus we can see that old resentments originating in Saddam’s exploitation of the divisions in Iraqi society cause fear and mistrust, which keeps the different factions from placing their faith in the political system. Instead of following the laws and relying on the institutions, Iraqis have to arm themselves or find an armed group to be a part of in order to find some measure of security.

How can Iraqis reconcile their differences? The Iraq Study Group Report proclaims that “The Iraqi government must send a clear signal to Sunnis that there is a place for them in national life,”⁴⁷ indicating that peace-making is a matter of getting the Sunnis on board. It is interesting that

It also has several suggestions for the Iraqi government. There are a host of political steps that it could take. Among these are reviewing the constitution, reversing de-Ba’athification, sharing oil revenues on the basis of population instead of on the basis of regions,

⁴⁶ Baker and Hamilton, *Iraq Study Group Report*, p. 64

⁴⁷ Ibid.

provincial representation, international arbitration in Kirkuk, amnesty, and civil society. All of these are very important issues, and the Iraq Study Group Report is quite correct to include them.

A review of the constitution probably could not produce much in the way of positive results, unless the Sunnis argue for greater local representation. However, curbs on de-Ba'athification are an excellent idea because it will bring some Sunnis back into the government. This will provide the government with some experienced professionals, and it will allow Sunnis to live in peace with everyone else. Oil revenue sharing based on population seems fair, although it does strengthen the central government. This could be a good thing or a bad thing, depending on the situation; currently it is probably a good idea to strengthen the central government, since it is too weak and corrupt to serve its country at all, but later on it may be an issue.

One could comment extensively on these recommendations, but the point is that there are many different ways the Iraqis could accommodate one another. This does not mean that they will do so. In order to reconcile, Iraqis must trust one another more readily, and before that happens, they must feel more secure.

Iraqi Institutions

The first Iraqi institution in need of examination is the constitution. The Iraqi constitution was ratified on October 15th of 2005, without Sunni participation. The document separates the executive, legislative, and judicial powers, outlines rights – civil, political, economic, social, and cultural – and liberties, and even has a preamble beginning with “We the people...”⁴⁸ In addition, it has a section for the powers of the federal government, a section for

⁴⁸ Constitution of the Republic of Iraq, 2005

the powers of the regions, and sections that deal with the governorates, the capital, and local administration.

The constitution is very liberal throughout, except for references to “public morals.” The section on rights and liberties is extremely thorough, including, among provisions for the right to free speech and religion, an article guaranteeing the right of every Iraqi to practice sports.

Levity aside, the Iraqi constitution really does grant a good set of rights and liberties to all Iraqi citizens. Rights to free speech and assembly are there,⁴⁹ although free speech is abridged by another provision that prohibits “any entity or program that adopts, incites, glorifies, promotes, or justifies racism or terrorism or accusations of being an infidel (takfir) or ethnic cleansing.”⁵⁰ Rights to religious freedom (article 41), privacy (article 17, first), a fair trial (article 19, fifth), work that “guarantees a dignified life” (article 22, first), control of private property (article 22, third), and freedom of movement (article 24) are all protected, along with even more progressive ones like the right to healthcare and safe environmental conditions.

In addition to protecting all the rights that are necessary for the safety of minority groups, the constitution of Iraq also stipulates that, while the official languages of Iraq are Arabic and Kurdish, other languages can be the official languages of administrative regions where they are spoken by the “density of population” (article 4, fourth). The constitution also emphasizes that Iraq is “a country of multiple nationalities, religions, and sects” (article 3).

So in this sense, the Iraqi Constitution does provide for minority rights. It does not, however, provide for an optimal process of participation. Members of the Council of Representatives (COR) are elected by population, but not by district, so they are not tied to local concerns or a specific body of constituents. The constitution does state that “The representation

⁴⁹ Iraq Constitution, Section Two, Chapter Two, Article 38

⁵⁰ Iraq Constitution, Section One, Article 7, first clause

of all components of the people shall be upheld in it,” but this means little, as the COR itself determines its own validity. There is also a “Federation Council” which is supposed to represent regions and governorates that are not members of regions, but there is only one short article dealing with this, and it is given no powers whatsoever. The COR, then, is like a House of Representatives, except that its members have no incentive to fight for the interests of specific areas the way U.S. Representatives do. It is a system that could work well enough, but it would be better to tie Representatives to specific constituencies.

In addition, the President is elected by the COR, not by the people. The President of Iraq would have only a few powers, but a couple of them are very important – for instance, the President can “ratify international treaties and agreements after the approval by the Council of Representatives” (article 73, second), and he or she can issue “Presidential decrees” (article 73, seventh), the nature of which is not specified. Even worse, the Prime Minister, who is “the direct executive authority responsible for the general policy of the State and the commander-in-chief of the armed forces” (article 78) is not popularly elected either, but is elected by the largest bloc within Parliament.

Another point of interest regarding the constitution is that it describes the Iraqi state as “federal” several times over. Both the Shia and the Kurds are in favor of federalism, but the Sunnis are not.⁵¹ After all, the Shia are numerous enough that there are wide portions of land that could belong to them, and the Kurds already have their own autonomous region, but the Sunnis have nothing of the sort, and if they did, it would be relatively poor in terms of oil resources.⁵²

⁵¹ Morrow, Jonathan. “Iraq’s Constitutional Process II: An Opportunity Lost.” Usip.org, 2005. <http://www.usip.org/pubs/specialreports/sr155.pdf>, accessed Dec. 2007

⁵² Baker and Hamilton, *Iraq Study Group Report*, p. 18

Federalism is a good thing for Iraq. As Carole O’Leary points out, “Federalism is one model, perhaps the best, to guarantee the rights of all communities within Iraq.”⁵³ This is because Iraq is full of different communities all with their own unique character. In order to have peace within Iraq, and to ensure that the rights of people in all communities are respected, each community should have its own voice in the government. The Iraqis are on the right track by putting federalism in their constitution.

However, the constitution was drafted without the input of the Sunnis. While this was the Sunnis’ own fault for having boycotted the Jan. 30, 2005 election, it still means that in order to bring the Sunnis into the process of participation, the Shia and the Kurds have had to agree to go through a constitutional reform process.⁵⁴ This could potentially result in further centralization, but more likely, the Shia and Kurds will get their way and the constitution will not change much.

The constitution, then, is of somewhat limited value when it comes to expediting a process of participation, although it is excellent in terms of protecting minority rights. The elections process in Iraq, however, needs serious reform. In the Dec. 15, 2005 elections, Iraq used a party list system. In this system, voters choose between different entities – party coalitions, individual parties, or individual people – each of which put forward a closed list of candidates.⁵⁵ This is another reason Iraqi Representatives are not directly connected to their constituents. They are more connected to their parties and to their sectarian groups. This is not particularly conducive to either a meaningful process of participation or to protection of minority

⁵³ O’Leary, Carole A. “Communalism and the Future of Iraq” in *Kurdish Identity, Political Status and Human Rights*, edited by Charles C. MacDonald and Carole A. O’Leary, University Presses of Florida, October 2007

⁵⁴ Neil J. Kritz, Sermid al-Sarraf, and J Alexander Thier, “Constitutional Reform in Iraq: Improving Prospects, Political Decisions Needed.” www.usip.org, Sept. 2007

⁵⁵ Katzman, Kenneth. “Iraq: Government Formation and Benchmarks.” Congressional Research Service, Aug. 10, 2007. <http://fpc.state.gov/documents/organization/91006.pdf>, accessed Dec. 2007

rights – although it must be acknowledged that any democratic process is better than none at all and could develop into something even more effective.

Iraq's thirty-one ministries are responsible for providing services in Iraq. The Ministers are chosen by the Prime Minister, and have a wide range of important powers. The Minister of the Interior, for example, is in charge of the Iraqi police, the Department of Border Enforcement, the Facilities Protection Service, and the fire departments and emergency response, among other things. These ministries are like any other government ministry around the world, in an official sense. There is not much that is inherent in them or their structure that would inhibit democratization.

Rule of Law

The next question is whether there is rule of law in Iraq. In this analysis, the term refers not just to the idea that no individual is above the law, but also to the extent to which Iraqis follow their laws. The intuitive answer to this question, to go by news reports in the West, is a resounding “No.” However, the subject bears further inspection.

Are Iraqis generally law-abiding? How much crime is occurring in Iraq? It is difficult to find precise figures, but according to the Iraq Study Group Report, crime is rampant. “Criminality... makes daily life unbearable for many Iraqis. Robberies, kidnappings, and murder are commonplace in much of the country.”⁵⁶ In addition, “Organized criminal rackets thrive, particularly in unstable areas like Anbar province.”⁵⁷ This is to be expected. After all, the United States allowed looting to occur right from the beginning, which did not set a good precedent. In addition, security forces have been lacking. The Iraqi military was dissolved, and

⁵⁶ Baker and Hamilton, *Iraq Study Group Report*, p. 5

⁵⁷ Ibid.

the Iraqi police force was dissolved. As mentioned above, neither was put back together with much thought or design, and they do not function well. U.S. forces are not trained to do police work, and have been rather tied up with the business of quelling an insurgency. It would seem, then, that there is quite a high level of crime in Iraq.

To go in a different direction, were the elections free and fair, and were they conducted in an appropriate manner? An extensive report from the International Mission for Iraqi Elections (IMIE) concluded that, “the IECI [Independent Electoral Commission of Iraq] has prepared and conducted elections that generally met recognized standards of election law, planning and preparations.”⁵⁸ The report did mention some discrepancies, but they apparently were not serious enough to affect the election results.

Do Iraqis follow the dictates of their constitution? To some extent, it seems that they do. They have elected a Council of Representatives and top officials such as the President and Prime Minister, and they have designated a Council of Ministers. The constitution of Iraq is actually fairly vague as to how these officials are meant to conduct business, so whatever they are doing, aside from things like violence, assassinations, or connections to organized crime, is probably legitimate.

Of course, there has been quite a lot of violence between Sunni insurgents and Shi'ite militias. Some of these militias are controlled by top officials in the Iraqi government. The Badr Brigade, for example, is affiliated with the Islamic Supreme Council of Iraq (ISCI), formerly known as the Supreme Council of the Islamic Revolution in Iraq (SCIRI).⁵⁹ So politics in Iraq has at least two major expressions – legal and political maneuvering, and brute force. Brute force, naturally, does not lead to a process of participation for everyone, and it is antithetical to

⁵⁸ “Final Report on the December 15, 2005, Iraqi Council of Representatives Elections,” International Mission for Iraqi Elections, April 12, 2006. http://www.imie.ca/pdf/final_report.pdf, accessed Dec. 2007

⁵⁹ Baker and Hamilton, *Iraq Study Group Report*, p. 5

protections for minority rights. If Iraqis were truly committed to their laws and constitution, there would be no need for the armed groups. Still, violence has been decreasing in Iraq ever since the U.S. came to an agreement with the Sunnis in Anbar province.⁶⁰

Another issue in need of discussion is the government ministries. As mentioned above, every ministry has its own “Facilities Protection Services” unit that is intended to provide security, and some of these ministries, along with their armed units, are affiliated with political parties. There is a great potential there for inter-ministry violence, which is destructive to the ministries themselves and to cooperation between them. Insofar as this impedes the functioning of the government, it impedes any process of participation in decision-making. In addition, this impedes the process of participation by eroding the trust necessary for all parties to rely on the process in the first place.

There are other problems with the ministries. They do not provide services the way they are supposed to, and they are corrupt.⁶¹ Electricity, drinking water, sewage, and other basic services are not being provided. In fact, according to the Iraq Study Group Report, “the government sometimes provides services on a sectarian basis.”⁶² Here is another instance of the ministries being used to subvert the legitimate democratic process.

One glaring example of this is the Ministry of the Interior torture scandal. Back in 2005, not long before the December 15 elections, it came out that the Ministry of Interior, then headed by Bayan Jabr, was holding dozens of Sunni Arabs at Ministry-controlled locations and torturing them. When conducting surprise raids of these locations, U.S. forces had found men who “had

⁶⁰ Reynolds Kiefer. Lecture, Nov. 14, 2007

⁶¹ Baker and Hamilton, *Iraq Study Group Report*, p. 20-21

⁶² *Ibid*, p. 20

been subjected to torture that included broken bones, pulled fingernails, cigarettes stamped into skin and electric shocks.”⁶³

In summary, Iraq does have a reasonably well-constructed, if not entirely satisfactory, system of government. It has elected officials, it has ministries, it has legislators, it has an army and a police force, and it has a judiciary. Iraqis have held not one, but two elections, both without serious incident. They now have a very progressive constitution that guarantees a whole pile of rights and liberties, and contains provisions for an election system that is by no means perfect, but which is at least adequate for the moment. In an institutional sense, then, Iraq has been democratized.

In the practical sense, however, Iraq has a long way to go. Much of the political maneuvering in Iraq is happening outside the boundaries of the law and institutional structure. The different factions are relying on force to get their way instead of trusting in the system, at least to some extent. This is incredibly un-democratic, partly because it erodes unity and partly because it discourages people from participating in the democratic process. It may somehow work out one day, but in the near term, the presence of armed conflict between political factions is hindering democratization.

What, then, needs to happen before true democracy can come about? Essentially, the Iraqis need to stop fighting each other physically and work to solve their issues within the legal and institutional framework that has been erected. Reconciliation is generally the preferred method for making this change. The Iraq Study Group Report, for example, recommends that the government take steps regarding national reconciliation – “revising de-Baathification, which prevents many Sunni Arabs from participating in governance and society; providing amnesty for

⁶³ Knickmeyer, Ellen. “U.S. Envoy Calls Torture Sever And Extensive at 2 Iraqi Prisons.” Washington Post Foreign Service, Wednesday, December 14, 2005; Page A22.
<http://www.washingtonpost.com/wp-dyn/content/article/2005/12/13/AR2005121300429.html>, accessed Dec. 2007

those who have fought against the government, sharing the country's oil revenues; demobilizing militias; amending the constitution; and settling the future of Kirkuk.”⁶⁴ If this were to happen, there is no reason why Iraq couldn't become just as democratic as any other nation.

The U.S. Role in Iraq

The United States has certainly facilitated the current situation, but what has the United States really done to encourage or to hinder democracy in Iraq? The obvious answer is that the U.S. has defeated Saddam Hussein, pushed for democratic institutions, and done its best to halt the violence that has been so detrimental to Iraqis' lives and to democratization. However, it's a little more complicated than that. In this analysis the discussion of the U.S. role in Iraq must include an examination of the progression of the situation through time. Following is a discussion of what the situation was in Iraq right after the U.S. military defeat of Saddam Hussein, and what the situation is like now.

First, the interaction between the U.S. occupation and the culture of Iraq must be examined. There is not much that U.S. forces could have done in order to either encourage it or get rid of it, of course. The United States is not trying to impose U.S. culture. But equally important, the U.S. is not trying to play one faction off against the other in quite the same way Saddam did. Under Saddam, the Sunnis were elevated to a position of power, and they took to that role. Under the U.S., the balance is tipped against the Sunnis, but overall it is much more equitable.

If there is one aspect of Iraqi culture that the U.S. is consciously trying to influence, it is probably their attitudes toward women. The Iraqis seem to be taking women's empowerment

⁶⁴ Baker and Hamilton, *Iraq Study Group Report*, p. 17-18

pretty seriously, however. There is actually a quota in the constitution for a minimum number of women who must be in the Iraqi parliament – the COR must be 25% female.

There have been cultural clashes between U.S. forces and Iraqis. The practice of kicking down doors and doing searches, for example, does not sit well with Iraqis, in part because someone is kicking down their door, but also because it is usually an intrusion of a male into a female space. In addition, most soldiers do not speak Arabic, and this can easily cause misunderstandings. Another cultural difference between Iraqis and Americans is that Americans tend to want to work to a tight and demanding schedule, whereas Iraqis, like most people around the world, have more patience. These cultural differences have little to do with democratization in and of themselves, but every annoyance that accumulates makes the process of democratization more difficult.

Second, the interaction of the U.S. occupation with Iraqi religion must be examined. The United States tends to be in favor of secular government, and separation of church and state. This is an attitude toward religion that some Iraqis definitely do not share, and it has been disconcerting to U.S. forces to find that democracy can allow religious political parties to thrive. The central dilemma is this: according to one Congressional Research Service (CRS) Report, “some observers have questioned whether the United States should exert pressure on Arab governments to open their political systems and respect human rights with the knowledge that such steps, if successful, may benefit Islamist groups.”⁶⁵ On the other hand, there are also some very moderate religious influences in Iraq. The United States has sometimes reached out to them, and sometimes it has not. Overall, the U.S. government is extremely lucky that they exist.

⁶⁵ Sharp, Jeremy. “U.S. Democracy Promotion Policy in the Middle East: The Islamist Dilemma,” Congressional Research Service, June 15, 2006. <http://www.fas.org/sgp/crs/mideast/RL33486.pdf>, accessed Dec. 2007

With regard to the security situation, it is difficult to say whether the U.S. presence is helping or not. The question is complicated because it was the United States that invaded in the first place and triggered the current violence, and at the same time, U.S. forces are the only thing keeping Iraq together right now.

If one looks at the situation from a post-invasion perspective however, the U.S. presence was not initially as effective as it should have been. First of all, as James Fallows points out, “When Saddam Hussein fell, the Iraqi people gained freedom. What they didn’t get was public order.”⁶⁶ The very first thing that the United States Armed Forces did in Iraq was to allow public order to break down entirely.

This had a number of ill effects. According to Faleh Jabar, there were several different types of looters. There were Ba’ath party officials, who “destroyed all incriminating evidence and expanded the range of fire to hide their trail.” There was also the usual sort of petty criminal, who “had been released in November 2002 under a general amnesty, roamed the streets to terrorize the populace and strip hospitals of whatever item they could lay hands on.” There were also people who looted so they could feed their families, and “In the last category were to be found angry mobs bent on revenge.”⁶⁷

In addition to this initial violence and lawlessness that the U.S. failed to stop, there have also been killings that could have been assassinations. There are a few families in Iraq that are known as the leading Shi’ite clerical families: Hakim, Sadr, and Khoei. Abdul-Aziz al-Hakim, leader of ISCI, had an older brother by the name of Ayatollah Mohammed Baqir al-Hakim. When the two came back to Iraq after the overthrow of Saddam, the Ayatollah was killed by a

⁶⁶ Fallows, James. *Blind Into Baghdad: America’s War in Iraq*. New York : Vintage Books, 2006, p. 147

⁶⁷ Jabar, *The Shi’ite Movement in Iraq*, p. 23

car bomb.⁶⁸ In addition, Majid al-Khoei was killed by a mob. Both Hakim and Khoei were killed outside the shrine of the Imam Ali in Najaf.

Whether these killings were assassinations or not, their occurrence does indicate just how far the violence has gone. When prominent clerics can be killed in the holy cities, at the very shrine of Ali, it is clear that the violence was out of control at the time, and that U.S. efforts to stem the violence were either nonexistent or ineffective.

The major area where the U.S. dropped the ball regarding security, however, is in its handling of the Iraqi Army. The Coalition Provisional Authority (CPA), at the time headed by Paul L. Bremer III, disbanded the entire Iraqi Army in 2003, from the generals right on down to the conscripts.⁶⁹ This action was a major cause of instability. It eliminated a structure that functioned, if somewhat badly, and it put thousands upon thousands of unemployed armed men on the streets. According to David L. Phillips, “Former members of the armed forces joined the legions of unemployed sitting at home and festering rage.”⁷⁰

These mistakes – allowing the looting, failing to stem the initial waves of violence, and firing the entire Iraqi army – though terrible, were made at the very beginning of the U.S. occupation. Recently, the violence has abated somewhat.⁷¹ What has changed?

It is possible that the change can be explained by the recent “troop surge.” President George W. Bush has said that there are not enough U.S. troops in Iraq, and that “The most urgent

⁶⁸ Finer, Jonathan. “At Heart of Iraqi Impasse A Family Feud: Militia-backed Shiite Factions Vie for Political Dominance.” *Washington Post*, April 19, 2006

⁶⁹ Sharp, Jeremy M. “The Iraqi Security Forces: The Challenge of Sectarian and Ethnic Influences.” Congressional Research Service, Jan. 18, 2007. <http://fpc.state.gov/documents/organization/79272.pdf>, accessed Dec. 2007

⁷⁰ Phillips, David L. *Losing Iraq: Inside the Postwar Reconstruction Fiasco*. Boulder Colorado : Westview Press, c2005 p. 155

⁷¹ Reynolds Kiefer. Lecture, Nov. 14, 2007

priority for success in Iraq is security”⁷² Therefore, Bush sent more than 20,000 more troops to Iraq, and sent five brigades to Baghdad.⁷³

General David Petraeus, commander of Multi-National Force - Iraq (MNF-I), claims that the troop surge has made a huge difference. He stated on Sept. 10, 2007 that because of the surge, Iraqi civilian deaths have decreased by 70%, and deaths from ethnic or sectarian violence have decreased by 55%.⁷⁴ If these figures can be trusted, then this is significant progress, in terms of reduction of violence.

Does it constitute significant progress in terms of democratization? According to Jessica T. Mathews, “the administration insisted that the escalated military effort was not to reduce violence per se, but to reduce it because political reconciliation would follow.”⁷⁵ She also concludes that the surge has failed, because there has been no such reconciliation. Instead, she argues, the situation has regressed, and the divisions in Iraqi society are even deeper. She points out that

Moderate Sunnis have left the government, Shia unity has crumbled, the Kurds and Shia are less, not more, willing to share power with the Sunnis. Seventeen of 38 cabinet ministers have walked out. Former Sunni insurgents have turned against Al-Qaeda in Iraq in Anbar province, but this does not mean support for the Iraqi government or for U.S. goals. More and more of the Iraqi people look to a source other than the government... for the security and services the Baghdad government cannot provide.⁷⁶

These are all very serious problems with consequences for democratization. They point to a widening of divisions between Iraqi factions post-surge. Theoretically, a strengthening of security should make it easier for Iraqis to feel secure, allow them to trust that they can survive

⁷² Bush, George W. “President’s Address to the Nation.” Jan. 10, 2007
<http://www.whitehouse.gov/news/releases/2007/01/20070110-7.html>, accessed Dec. 2007

⁷³ Ibid.

⁷⁴ “Track Progress of Iraq Troop Surge,” US Fed News Service, Including US State News. Washington, D.C.: Sept. 10, 2007

⁷⁵ Mathews, Jessica T. “The Surge in Iraq Has Failed.”

⁷⁶ Ibid.

without attacking one another, and hence get them closer to national reconciliation. If the surge is not producing this result, then in terms of democratization, it is a failure.

Michael O'Hanlan and Kenneth Pollack, however, tell a different story. Their assessment is that things are going well in Iraq, and that the troop surge has worked. Their assessment praised the U.S., local leaders, and troops. According to them, Iraqi forces are more effective, more ethnically diverse, and better capable of leadership.⁷⁷ In addition, "The additional American military formations brought in as part of the surge, General Petraeus's determination to hold areas until they are truly secure before redeploying units, and the increasing competence of the Iraqis has had another critical effect: no more whack-a-mole, with insurgents popping back up after the Americans leave."⁷⁸

This point is extremely significant. Since "Eighty percent of Iraq's sectarian violence occurs within 30 miles of the capital,"⁷⁹ a troop surge focused on Baghdad should have been able to crack down on most of the sectarian violence. Intuitively, it seems surprising that anyone would doubt that putting more troops on the ground would be ineffective, particularly if troops were so thin in the first place that they had to play "whack-a-mole" with the insurgents. A "clear, hold, and build" strategy can only work, after all, if there are enough troops to hold. If they did, however, they have been proven wrong.

Still, Mathews' criticisms must be dealt with. She points out that moderate Sunnis have pulled out of the government, that the Kurds and Shia are less willing to share power with them, and that the Shia are divided. However, just because people are divided does not mean that they are not still working together in some sense. The Republicans and the Democrats in the United States are divided. Yet, because they agree on how the government should be run, and generally

⁷⁷ Michael O'Hanlon and Kenneth M. Pollack. "A War We Just Might Win." Washington Post, Jan. 30, 2007 <http://www.nytimes.com/2007/07/30/opinion/30pollack.html>, accessed Dec. 2007

⁷⁸ Ibid.

⁷⁹ Bush, "President's Address to the Nation."

acknowledge the same elections procedures and so on, they are also united. That the Iraqis are divided is not the issue – the issue is whether they cope with their differences by going through legal and official processes, or whether they do so by killing one another. A crackdown on violence forces them to deal with each other through official means, and therefore a lessening of violence is necessarily a step toward national reconciliation.

Mathews also points out that while Sunni insurgents are turning against Al-Qaeda in Anbar, it does not mean that they support the Iraqi government or U.S. goals. This is technically true, but at the very least it is a hopeful sign that the Sunnis are rejecting foreign influence in favor of indigenous Iraqi movements.

The most serious criticism coming from Mathews is that “More and more of the Iraqi people look to a source other than the government... for the security and services the Baghdad government cannot provide.”⁸⁰ And yet, also according to Mathews, “The political disintegration also comes from the momentum of violence.”⁸¹ Thus she is criticizing the surge on the basis that while it has cut down on the violence, it has failed in its mission to promote national reconciliation, and at the same time, her yardstick for the extent of reconciliation that has been achieved is violence. Her circular reasoning fails to make much of a point about national reconciliation, and in fact, if one takes violence as a measure of national reconciliation, the troop surge has worked splendidly.

The main trouble with this is that there is a limit to how long the United States can sustain an increased troop presence. The U.S. Army cannot be responsible for security in Iraq forever. In order for the benefits of the surge to stick, the Iraqis must somehow develop the capacity to fulfill the exact same role.

⁸⁰ Mathews, Jessica T. “The Surge in Iraq Has Failed.”

⁸¹ Ibid.

All in all, the security situation has improved since the start of the U.S. occupation. This is an incredibly good point in favor of the U.S. forces, even though it is still not certain how things would have gone if the U.S. had simply left the original Iraqi army in place.

Next it is necessary to examine U.S. efforts at reconstruction. What is the United States doing to help the Iraqi ministries function? What is the U.S. rebuilding for the Iraqis? When will Iraq have a functioning government bureaucracy? Has the situation improved over the past four years or so, and is it better than the situation under Saddam Hussein?

In the beginning of the occupation, U.S. forces went a long way toward destroying Iraq as a state. They took out Iraqi infrastructure and dissolved the army. The looting that they did not stop meant that several of the old ministries were cleansed of their paperwork. Perhaps most egregiously, the CPA also started out by pursuing a process of de-Ba'athification. While there is some validity to the idea that the old political elite needed to be purged, the extent of the purge was far too great – “Reversing Jay Garner’s more inclusive approach, Bremer thought a more thorough purge could be accomplished by dismissing all Iraqis in the top three levels of management at every government ministry and government-affiliated institution. Overnight, 120,000 Iraqis – including teachers and doctors – were dismissed from their jobs.”⁸² This proved incredibly destructive. It kept thousands upon thousands of qualified, experienced Iraqis out of the government, leaving the job of running government services up to people who had no idea what they were doing. This, along with the terrible security situation right after the overthrow of Saddam, is probably why Iraqi services such as water and electricity became worse instead of better.⁸³

⁸² Phillips, *Losing Iraq*, p. 145

⁸³ Eric Schmitt with Thom Shanker, “After the War: Services; Water and Electricity in Baghdad Are Still Below Prewar Levels.” [www.nytimes.com](http://query.nytimes.com/gst/fullpage.html?res=9E01EFDA143DF93BA35754C0A9659C8B63&n=Top/News/World/Countries%20and%20Territories/Iraq), July 8, 2003 <http://query.nytimes.com/gst/fullpage.html?res=9E01EFDA143DF93BA35754C0A9659C8B63&n=Top/News/World/Countries%20and%20Territories/Iraq>, accessed Dec. 2007

The newest attempt to restore services is the PRTs, or Provincial Reconstruction Teams. These teams are composed of personnel from the U.S. State Department and USAID as well as contractors, and they are intended to work alongside local governing bodies in Iraq. This strategy was used in Afghanistan, as well. Observers have apparently said that some are ineffective due to poor staffing, whereas the well-staffed PRTs are doing a great job.⁸⁴ However, the PRTs, as well as every other reconstruction effort, has had its share of security and funding problems. Congress, according to the Iraq Study Group Report, “has little appetite for appropriating more funds for reconstruction.”⁸⁵

As near as can be determined, Iraqi ministries are still corrupt and ineffective. The aforementioned allocation of resources on a sectarian basis is something that was reported as recently as 2006. There has been some progress – after all, Iraq’s ministries now have duly appointed ministers, and the top officials have had time to gain some experience – but the progress has not gone far enough. In addition to all the problems that have already been discussed, the ministries often spend “as little as 10-15 percent of their capital budget,” and suffer from “a Ministry of Finance reluctant to disburse funds.”⁸⁶ The ones controlled by Muqtada al-Sadr – Health, Agriculture, and Transportation – will not even cooperate with Americans due to Sadr’s objection to the U.S. presence in Iraq.⁸⁷ It does not seem, then, that much progress has been made regarding the rehabilitation of Iraq’s ministries.

Conclusion

⁸⁴ Katzman, Kenneth. “Iraq: Post-Saddam Governance and Security.” Congressional Research Service, Sept. 6, 2007. http://assets.opencrs.com/rpts/RL31339_20070906.pdf, accessed Dec. 2007

⁸⁵ Baker and Hamilton, *Iraq Study Group Report*, p. 25

⁸⁶ Baker and Hamilton, *Iraq Study Group Report*, p. 21

⁸⁷ Ibid.

The first research question for this study was this: can real democracy exist in Iraq? Iraq is a basket case when it comes to democratization, but there is a glimmer of hope. Iraqi culture is not at a point from which it would democratize by itself. The country has been too steeped in authoritarianism from its very inception. However, aside from that, there is nothing that would keep Iraq from democratizing.

Islam, too, is compatible with democratization. There is nothing inherent in that faith that would prevent it, and there are some Islamic concepts that are extremely similar to democratic ideals. There are many Muslims who do not believe their faith is compatible with democratization, however. Some of them are Sadrists, and there are probably others who are Sunnis. However, there is also the influence of Sistani to consider. Ayatollah Sistani has been promoting democratic ideals, such as voting rights for everyone.

The security situation, however, is daunting. There is so much violence that it is difficult to build new infrastructure or get basic services working. The violence disturbs the conduct of government business, partly because there is so much of it in Baghdad, and partly because members of the government are actually part of it. It is difficult to combat the violence, because Iraqi security services are in a pitiful state.

By far the biggest challenge to democracy, however, is the lack of unity among Iraqis. The violence stems from distrust and resentment caused by Saddam's exploitation of the divisions within Iraqi society. Government officials are backed by their party's militias, and the conflict over resources and rights in Iraq is conducted outside the legal and institutional structure of the state. National reconciliation is the only thing that can change this sad state of affairs.

Still, that legal and institutional structure is decent. The election process used in the last couple of elections was unhelpful, because it did not tie representatives in the COR to their

constituents. The constitution did not help with this either. However, the constitution, election process, and structure of government agencies was still to a great extent conducive to a fruitful process of participation, and they did offer protections for minority rights. The Iraqis are essentially on the right track, even if there are improvements to be made.

Iraq, then, may not democratize easily, but given the right set of circumstances, democracy can exist in Iraq. The culture and religion of its people are not forces that would produce democracy on their own anytime soon, but there are some elements that would encourage democratization and not too many that would hinder democratization.

The second research question was whether the actions of the United States were encouraging or hindering democratization in Iraq. U.S. forces did topple Saddam, but at the beginning of the occupation, they were woefully unprepared for the task of nation-building and made several critical mistakes that have now led to more sectarian violence than there might otherwise have been. Firing the Iraqi army, banning former Ba'athists from government service, and other such actions set democratization back in many ways.

However, it was the U.S. that facilitated the process of composing the constitution, and it, along with the coalition forces, is the only power that is providing any security at all. In addition, its grasp on the security situation is improving. The troop surge helped, and the Iraqis now have some space to work out their issues. Overall, despite a great deal of blundering, the U.S. has encouraged democratization in Iraq. It remains to be seen whether democracy will survive if the U.S. leaves soon.

