

Can Iraq Be Democratic?

by Patrick Basham

Executive Summary

Is Iraq capable of moving smoothly from dictatorship to democracy? This paper contends that the White House will be gravely disappointed with the result of its effort to establish a stable liberal democracy in Iraq, or any other nation home to a large population of Muslims or Arabs, at least in the short to medium term.

Why are Islamic (and especially Arab) countries' democratic prospects so poor? After all, in most Muslim countries a high level of popular support exists for the *concept* of democracy. In practice, popular support for democracy is a necessary, but is not a sufficient, condition for democratic institutions to emerge. Other factors are necessary. Hypothetical support for representative government, absent tangible support for liberal political norms and values and without the foundation of a pluralistic civil society, provides neither sufficient stimulus nor staying power for democracy to take root. That reality was borne out over the past generation in numerous countries where authoritarian regimes were displaced by newly democratic regimes but democratization failed because of shallow foundations.

The building blocks of a modern democratic political culture are not institutional in nature.

The building blocks are not elections, parties, and legislatures. Rather, the building blocks of democracy are supportive cultural values—the long-term survival of democratic institutions requires a particular political culture.

Four cultural factors play an essential, collective role in stimulating and reinforcing a stable democratic political system. The first is political trust. The second factor is social tolerance. The third is a widespread recognition of the importance of basic political liberties. The fourth is popular support for gender equality.

Paradoxically, a more democratic Iraq may also be a repressive one. It is one thing to adopt formal democracy but quite another to attain stable democracy. A successful democracy cannot be legislated. The White House is placing a very large political wager that the formation of democratic institutions in Iraq can stimulate a democratic political culture.

On the contrary, political culture shapes democracy far more than democracy shapes political culture. Therefore, the American government may need to compromise its democratic ideals with a healthy dose of pragmatism. Democracy is an evolutionary development rather than an overnight phenomenon.

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Introduction

Is Iraq capable of moving smoothly from dictatorship to democracy? On September 23, 2003, President George W. Bush proclaimed that “Iraq as a democracy will have great power to inspire the Middle East.”¹ That assertion stems from the president’s notion that a democratic Iraq is a likely prospect and that a democratic Iraq will serve as a model throughout the Arab world, something of a democratic domino, in fact.² The official American effort to spread democracy to Iraq and implement democratic governance programs around the world has four principal objectives: to strengthen the rule of law and respect for human rights, to develop open and competitive political processes, to foster the development of a politically active civil society, and to promote more transparent and accountable government institutions.³

This paper contends that the White House will be gravely disappointed with the results of its effort to establish a stable democracy in Iraq.⁴ Why should one be pessimistic? Today, 1.3 billion people live in the 46 countries where Islam is the dominant or state religion. Freedom House estimates that a non-Islamic country is three times more likely than an Islamic country to be democratic.⁵ Within the Islamic world, Arab countries’ problems seem particularly pronounced. According to political scientist Larry Diamond, an expert on the spread of democratic movements, “Only in the Middle East is democracy virtually absent.”⁶ The Middle East is the only region of the world where the average level of political freedom declined over the past generation.⁷ In a recent survey of the prospects for Arab democratic reform, *The Economist* noted that “Arab political systems have, almost universally, failed to generate accountable, clean or competent government.”⁸ According to Freedom House, of Middle Eastern countries, only Israel and Turkey are electoral democracies;⁹ not one of the 16 Arab countries qualifies as an electoral democracy.¹⁰ Revealingly, during the past decade the United States spent more than

\$250 million on civic education programs to foster and promote democracy in the Middle East, with negligible impact.¹¹

As Jonathan D. Tepperman, a *Foreign Affairs* senior editor, recounts, “Islamists have proven unreliable protectors of pluralism.”¹² The UN *Arab Human Development Report 2002* constitutes a devastating critique of the “freedom deficit” in the Middle East. In this recent study, 30 Arab economists, sociologists, and other scholars dissect an Arab world that trails most of its international peers in economic development, civil liberties, and gender equality.¹³ Fareed Zakaria, *Newsweek International* editor, recently noted that the authoritarian leaders who rule many Arab and Muslim countries are, ironically, more liberal than the citizenry they lead.¹⁴ Ziad Abdelnour, copublisher of the *Middle East Intelligence Bulletin*, argues that democracy is such a foreign concept in the Arab world that, to occur, it will have to be imposed from the top down.¹⁵ Hence, the view expressed by *The Economist*: “Across the region, including Iraq, the Islamist trend remains the one most likely to succeed in open elections.”¹⁶

It is very hard to be optimistic about the chances of Iraq, specifically, establishing a stable liberal democratic political system, at least in the short to medium term. Such pessimism stems from an appreciation of, first, Iraqi history and, second, what causes democracy to flourish in a society. Phebe Marr, author of *The Modern History of Iraq*,¹⁷ reminds us of a stubborn fact: “Iraq has never had a genuine democracy in its modern history.”¹⁸ Since its establishment by the British in the 1920s, Iraq has witnessed the rise and fall of successive brutal authoritarian regimes, competing ruthlessly for power and resources.¹⁹

What type of political system qualifies as a democracy? Political scientist Valerie Bunce informs us that “the experiences of democratization over the past 25 years suggest that a precise definition providing analytical leverage is one that treats democracy as a regime combining three characteristics: freedom, uncertain results, and certain procedures.”²⁰ Here, freedom refers not only to “the full

array of civil liberties and political rights . . . but also [to] how the community is defined, that is, whether liberties and rights are available irrespective of social status, national identification, gender, and the like.”²¹

According to Bunce, “uncertain results” do not refer simply to “whether politics is competitive, but also whether competition is institutionalized through political parties that offer ideological choice and have the incentives and capacity to connect government and governed; whether elections are regularly held, free and fair, and select those elites who actually shape public policy; and whether governing mandates are provisional.”²² Finally, procedural certainty “refers to rule of law; the control of elected officials over the bureaucracy; and a legal and administrative order that is hegemonic and transparent, commands compliance, and is consistent in its operation across time, circumstances, and space.”²³

A global expansion of democracy took place over the past three decades, most notably in Europe, Latin America, and East Asia. That development was known as the “Third Wave” of democratization.²⁴ Yet, as Middle Eastern scholar Martin Kramer observes, “In an era of democratization, these islands of Islam remain an anomaly—a zone of resistance to the ideals that have toppled authoritarian regimes of the left and the right.”²⁵ According to Freedom House president Adrian Karatnycky, “Since the early 1970s, when the third major wave of democratization began, the Islamic world, and in particular its Arabic core, have seen little significant evidence of improvements in political openness, respect for human rights, and transparency.”²⁶ Indeed, “a dramatic gap [exists] between the levels of freedom and democracy in the Islamic countries and in the rest of the world.”²⁷

Democracy and Political Culture

The Third Wave stimulated a vast array of scholarship on how societies democratize.²⁸ Most recently, political scientist Ronald

Inglehart, an expert on political culture and democratic values, studied 21 years (1981–2002) of responses to the World Values Survey,²⁹ which measures the values and beliefs of people in 70 countries, from established democracies to authoritarian dictatorships, including 10 Islamic nations, representing more than 75 percent of the world’s population.³⁰ Inglehart analyzed the relationship between each society’s survey responses and each society’s level of democracy, as measured by Freedom House. Inglehart concludes that the prospects for democracy in any Islamic country are particularly poor.³¹

Why are Islamic countries’ democratic prospects so poor? After all, in most Muslim countries a high level of popular support exists for the *concept* of democracy.³² Eighty-seven percent of the people in Muslim countries believe democracy is problematic but better than any other form of government.³³ It appears, though, that popular support for democracy is insufficient. In fact, individual-level lip service to democracy is only weakly related to a truly democratic society.³⁴ Inglehart and fellow political scientist Christian Welzel report, “At this point in history, democracy has a positive image almost everywhere, but these favorable opinions are often superficial, and unless they are accompanied by deeper-rooted orientations of tolerance, trust, and a participatory outlook, the chances are poor that effective democracy will be present at the societal level.”³⁵

In practice, overt support for democracy is a necessary, but not a sufficient, condition for democratic institutions to emerge. Other factors are necessary. As the late Paul Hirst, a leading political theorist and author of *Representative Democracy and Its Limits*,³⁶ pointed out in the context of political reform in Iraq, a liberal democracy requires three basic elements: a system of representative government, a framework of liberal political norms and values, and social and institutional pluralism.³⁷ Hypothetical support for representative government, absent tangible support for liberal political norms and values and without the foundation of a pluralistic civil

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society, provides neither sufficient stimulus nor staying power for democracy to take root. According to the *Los Angeles Times*, a classified February 26, 2003, report from the State Department's Bureau of Intelligence and Research expresses doubt that installing a new regime in Iraq will foster the spread of democracy in the Middle East. The *Times* reports, "Even if some version of democracy took root . . . anti-American sentiment is so pervasive that Iraqi elections in the short-term could lead to the rise of Islamic-controlled governments hostile to the United States."³⁸

In an analysis of the prospects for Middle East democracy, Marina Ottaway et al. relate:

The Middle East today lacks the domestic conditions that set the stage for democratic change elsewhere. It does not have the previous experience with democracy that facilitated transitions in Central Europe. . . . Nor has the Middle East experienced the prolonged periods of economic growth and the resulting dramatic changes in educational standards, living standards, and life styles that led Asian countries like Taiwan and South Korea to democratic change. . . . Moreover, countries of the Middle East do not benefit from a positive "neighborhood effect," the regional, locally grown pressure to conform that helped democratize Latin America.³⁹

That reality was borne out over the past generation in numerous countries where authoritarian regimes were displaced by newly democratic regimes but democratization failed because of "shallow foundations."⁴⁰ In new democracies, political scientist Bunce finds that "the cultural legacy of the authoritarian past . . . means in practice that elites are easily tempted to suspend democratic rules and publics are poorly situated to stop them."⁴¹

The so-called building blocks of a modern democratic political culture are not institutional in nature. The building blocks are not

elections, parties, and legislatures. According to political scientists Jason M. Wells and Jonathan Kriekhaus, such institutions "have a much less powerful impact on democratic consolidation than previously thought."⁴² Rather, the building blocks of democracy are supportive cultural values. In other words, the long-term survival of democratic institutions requires a particular political culture.⁴³

Four cultural factors play an essential, collective role in stimulating and reinforcing a stable democratic political system. The first is political trust.⁴⁴ This is the assumption that one's opponent will accept the rules of the democratic process and surrender power if he or she loses an election. Low levels of political trust correlate with societies that support authoritarian leaders, while high levels of trust correlate with societies that are far less supportive of authoritarianism.

The second factor is social tolerance, that is, the acceptance of traditionally unpopular minority groups, such as homosexuals.⁴⁵ Richard N. Haass, formerly the director of the Policy Planning Staff of the U.S. Department of State and the incoming president of the Council on Foreign Relations, finds: "Democratization is a process fundamentally driven by a country's citizens. Only they can promote a spirit and practice of tolerance so that the rights of minorities and individuals are respected. If the United States . . . tries to impose the trappings of democracy . . . the result will be neither democratic nor durable."⁴⁶

The third factor is a widespread recognition of the importance of basic political liberties, such as freedom of speech and popular participation in decisionmaking.⁴⁷ The fourth factor is popular support for gender equality.⁴⁸ Inglehart and Norris find that "when it comes to attitudes toward gender equality and sexual liberation, the cultural gap between Islam and the West widens into a chasm."⁴⁹ In fact, they find that "the cultural gulf separating Islam from the West involves Eros far more than Demos."⁵⁰ Seemingly, an Islamic religious heritage is a powerful barrier to gender equality. Haass concludes:

Countries cannot succeed as democracies if more than half their population is denied basic democratic rights. Women's rights are a key determinant of the overall vibrancy of any society. Patriarchal societies in which women play a subservient role to men are also societies in which men play subservient roles to other men, and meritocracy takes a back seat to connections and cronyism.⁵¹

Iraqi Political Culture

Unfortunately, in Iraq, as in many of its neighbors,⁵² most of the ingredients critical to the development of a civil society, such as democratic, market, and pluralist institutions, are either absent or were diminished by decades of benign or deliberate neglect.⁵³ *The Economist* euphemistically suggests that "it may take some time for Iraqis and their leaders to learn the mutual tolerance and self-discipline of democratic government."⁵⁴ Diamond, meanwhile, bluntly states that "Iraq lacks virtually every possible precondition for democracy."⁵⁵

Iraqi society has suffered through periods of colonial rule, monarchy, Arab nationalism, and fascist revolution. In such a society, prevailing levels of political trust, social tolerance, popular support for political liberty, and gender equality fall far short of what is found in all established democracies. According to David McDowall's *A Modern History of Kurds*,⁵⁶ Iraqi political organizations are not ready to concede defeat in a political contest. He observes: "Across Iraq, people who have bits of power are now working like crazy to create their own networks. It's happening invisibly. They will not surrender that power willingly. No one ever does."⁵⁷ Critically, both the Shiite and Sunni Muslim sects prescribe a decidedly conservative view of a woman's role in society. As the *Washington Post's* Sharon Waxman reported from Baghdad, Iraqi women live "subject to the strictures of a patriarchal society that dictates when and where women may be seen, whom they can marry, [and] under what circumstances they can divorce."⁵⁸

Overall, Iraq's democratization will be hindered by cultural and religious factors that neither stimulate nor foster political liberty. Those factors will make the evolutionary process of democratization much slower. However, Iraq is certainly not alone in its inability to come to terms with the modern world.⁵⁹ Historian Paul Kennedy relates:

Far from preparing for the 21st century, much of the Arab and Muslim world appears to have difficulty in coming to terms with the 19th century, with its composite legacy of secularization, democracy, laissez-faire economics, transnational industrial and commercial linkages, social change, and intellectual questioning. If one needed an example of the importance of cultural attitudes in explaining a society's response to change, contemporary Islam provides it.⁶⁰

Given the persistence of modes of thought characteristic of tribal societies dominated by a mythical conception of the world,⁶¹ certain cultural characteristics will make the Iraqi democratization process that much harder. For example, more than 75 percent of Iraqis belong to one of 150 tribes and exercise what historian Abbas Kelidar, an Iraq specialist, terms "primordial allegiances."⁶² For example, most Iraqis view political nepotism as a moral duty rather than a civic problem.⁶³ Extremely strong family bonds, especially the prevalence of marriages between first or second cousins,⁶⁴ also may prove to be a significant obstacle to liberal democracy.⁶⁵ According to anthropologist Robin Fox, author of *Kinship and Marriage*,⁶⁶ "Americans just don't understand what a different world Iraq is because of these highly unusual cousin marriages." Fox explains that "liberal democracy is based on the Western idea of autonomous individuals committed to a public good, but that's not how members of these tight and bounded kin groups see the world. Their world is divided into two groups: kin and strangers."⁶⁷

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Comparing postwar Iraq with postwar Germany and Japan led journalist Steve Sailer to conclude: “The deep social structure of Iraq is the complete opposite of those two true nation-states, with their highly patriotic, cooperative, and (not surprisingly) outbred peoples. The Iraqis, in contrast, more closely resemble the Hatfields and the McCoys.”⁶⁸ Furthermore, one-third of Iraqis subscribe to a traditional tribal culture that manifests itself in many of the medieval conventions of Islamic law, from unquestioning obedience to tribal elders, to such anachronistic principles as *tha’r* (revenge) and *fidya* (blood money) and such customs as polygamy.⁶⁹

Iraqi political culture remains dominated by “identity politics,” that is, the elevation of ethnic and religious solidarity over all other values, including individual liberty. In this deeply paternalistic political culture, political leaders are frequently portrayed as larger-than-life heroic figures able to rescue the masses from danger or despair. In such an environment, most people adopt a political passivity that acts as a brake on the development of the principles—such as personal responsibility and self-help—central to the development of economic and political liberalism.⁷⁰ Hence, political freedom is an alien concept to most Iraqis.

Unsurprisingly, therefore, the available evidence indicates that most Iraqis are not enthusiastic about Western-style, liberal democracy. The first scientific public opinion survey conducted since the fall of the Baathist regime in April 2003 found results disappointing to those people anticipating a deluge of pro-democracy sentiment cascading through the Iraqi political system. When asked what kind of political system they would like to see in Iraq, only 36 percent of Baghdad residents said they wanted British- or American-style democracy with various parties competing openly for power.⁷¹

The Kurdish Democratic Experiment

After more than a decade of de facto self-rule under American protection, the largely autonomous region of Kurdish-controlled

northern Iraq was relatively freer and better off than the rest of the Baathist-controlled country.⁷² Dick Naab, northern region coordinator for the Coalition Provisional Authority, in comments echoing American spokespersons in Washington and Baghdad, asserted, “Kurdistan is a model for the rest of the country.”⁷³ While recent Kurdish experience may be reason for cautious optimism, it also demonstrates how slowly the collective (in this case, Kurdish) mindset is changed. Historian David McDowall says that “it’s a long way short of democracy as we know it in the Western world. It’s incredibly important that Americans understand that democracy is in no way coming tomorrow.”⁷⁴ Although a region-wide election was held on May 19, 1992, the result provoked a Kurdish civil war that lasted for several years. That was the first and last region-wide election. Local elections took place in February 2000 and in May 2001. However, those elections have not produced a genuinely pluralistic political system. Such a development was always unlikely, given the absence of the independent actors and institutions essential to a civil society.⁷⁵

One-party statelets are the reality of Kurdish “democracy.” The Kurdistan Democratic Party, under the leadership of Massoud Barzani, controls the northern and northwestern regions of Iraqi Kurdistan. The Patriotic Union of Kurdistan Party, led by Jalal Talabani, controls the southeastern region. As Kurdish political culture remains largely mired in authoritarianism, neither party is interested in competing within a pluralistic political system.⁷⁶

The tribal party leaders, who dominate specific regions, exhibit top-down leadership styles characteristic of the old Baathist Party elite.⁷⁷ Therefore, despite a relatively free press, frank political debate is rare.⁷⁸ The leaders cemented their power through monopolistic control of the local economy and massive political patronage.⁷⁹ Both parties used instruments of torture, murder, and kidnapping to advance their respective causes.⁸⁰ Collectively, Kurdish parties can field some 25,000 *peshmerga* (fighting men).⁸¹

Recently, following the postwar homecoming of many Kurds, U.S. forces intervened to defuse a series of violent disputes arising from fierce ethnic rivalries between Kurds, Arabs, and Turkomen.

But Kurdish politicians do not have a monopoly on militant partisanship. In late April 2003, British journalist Richard Beeston reported that many of Iraq's new political parties are establishing military units.⁸² For example, the Supreme Council for the Islamic Revolution in Iraq (SCIRI)'s Badr Brigade may have as many as 8,000 trained paramilitaries.⁸³ In May 2003 journalist Hassan Fattah confirmed that

Iraq's nascent political groups are forming armed militias and storing weapons as they prepare for a potential civil war for control of the country. . . . [T]he rise of organized armed factions could turn Iraq's capital into a twenty-first-century version of 1980s Beirut . . . thousands of men from these armed factions are now wandering the streets of Baghdad and other cities, where they are claiming certain neighborhoods as turf.⁸⁴

Democracy and Economic Development

The condition of any given democracy is bound to its own political culture. The political culture, in turn, is strongly related to the respective level of economic development,⁸⁵ specifically rising living standards and a large, thriving, independent middle class.⁸⁶ Both the historical record and three decades of empirical research demonstrate that democratization is much more likely to occur—and to take hold—in richer, rather than in poorer, nations.⁸⁷

Bunce found that “the more liberalized the economy, the more probable democratic governance and, in less politically open settings, the greater the political pressures pushing for competition and civil liberties.”⁸⁸ During the early 1990s, political scientists

Ross E. Burkhardt and Michael S. Lewis-Beck studied the empirical relationship between economic development and democracy in 131 countries.⁸⁹ They found that economic development stimulates higher levels of democratic values in the political culture but not vice versa. This conclusion is supported by political scientist John F. Helliwell's comparable research findings.⁹⁰

A high standard of living legitimizes both the new democratic institutions and the new democracy's political class.⁹¹ Studying democratization between 1950 and 1990, Adam Przeworski and his colleagues found that no democratic country with a per capita income above \$8,773⁹² suffered the loss of democracy. A higher standard of living breeds cultural values that demand greater democracy. As a person's cultural values change, those changes affect that person's political behavior, producing higher, more stable levels of democracy. Today, according to Freedom House, “free” countries account for 87 percent of the world's annual gross domestic product; “nonfree” countries account for the remaining 13 percent of global economic activity.⁹³ Economist Robert J. Barro concurs:

The global evidence demonstrates that prior measures of economic and social development (based on Freedom House's index of political rights) are relevant predictors of democracy. Notably, the chances for developing democracy in a country go up a lot when levels of per capita GDP and primary schooling are higher. In the most recent data, for 2001, Iraq was given a well-deserved zero on the Freedom House index for democracy (on a zero-to-one scale). If one plugs current values of Iraq's economic and social variables into a prediction equation, one gets a value for the democracy index of 0.2, only one-fifth of the way from dictatorship to full representative democracy. In other words, one can expect, at best, a minimal level of democracy

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Although not especially liberal, Turkey is the most pluralistic Islamic country.⁹⁵ Revealingly, it is also the most economically developed,⁹⁶ secular, and socially tolerant Islamic country and is currently progressing into a democratic transition zone with the likes of Mexico and South Africa. Why is Turkey different from Iraq? According to political scientist Gunes Murat Tezcur, increased horizontal and vertical socioeconomic mobility in Turkish society and a growing consensus about the negative effects of government intervention in both economic and social affairs "led to the emergence of more tolerant, open, plural, and less fanatical values and behaviors . . . the consequences of this transformation were reflected in the restructure of the political system." Tezcur suggests that "Turkish politics may initiate a model of bottom-up democratization in an Islamic country."⁹⁷

Iranian political culture increasingly exhibits signs of popular pressure for democratization, as befits the second most economically developed Islamic country.⁹⁸ However, like so many of its poorer brethren, Iraq will not be a stable democratic nation until it is much wealthier.⁹⁹ Saddam Hussein's adaptation of the statist economic model led to a stagnant, dilapidated economy. Under Hussein's economic "leadership," per capita income shrank by two-thirds.¹⁰⁰ In Iraq, unemployment stands at more than 60 percent; three of five Iraqis receive food subsidies;¹⁰¹ the infant mortality rate has nearly doubled since the war ended and is higher than in India.¹⁰² The combination of Hussein's rule and economic sanctions devastated Iraq's educated middle class.¹⁰³ The remnants can contribute to the democratization of their country, but the current middle class does not constitute a critical mass capable of moderating and channeling the political debate in a secular, liberal direction.

Nevertheless, an economic turnaround is possible. Over time, economic liberalization

will liberalize Iraqi political culture.¹⁰⁴ However, in the short term, an enormous financial burden may severely retard the economic development required for cultural change. Economist Alan Krueger detailed the overwhelming debt load facing future generations of Iraqis.¹⁰⁵ Courtesy of the Iran-Iraq war, the invasion of Kuwait, and the Persian Gulf War, Iraq's financial obligations and foreign debt collectively stand at \$383 billion, or \$16,000 per capita, in a country with a per capita GDP of just \$2,500. Will a newly capitalistic Iraq suffocate under the debt of the old regime?

Impoverished people do not place much value on the apparent luxuries of political debate and dissent, no matter how essential those may be to the development and maintenance of a civil society. A Baghdad shop owner recently told a *Time* correspondent that, under Saddam Hussein, "at least we had power and security. Democracy is not feeding us."¹⁰⁶ In practice, the realization of Iraq's democratic potential will depend more on the introduction of a free-market economic system—and its long-term positive influence on Iraqi political culture—than on any UN-approved election.

Constitutional Challenges

Operation Iraqi Freedom was designed to help the Iraqi people create the conditions for a rapid transition to representative self-government. Given the enormity of that task, if Iraq is to be recast as a beacon of Islamic democracy, how should the new government be configured?

The Bush administration's plan for the democratization of Iraq is premised upon the short-term adoption of a new constitution that will be successfully implemented by groups of Iraqi elites bargaining with one another. However, democracy is not attained simply by making institutional changes through elite-level maneuvering.¹⁰⁷ To ensure that Iraq does not become another Bosnia or Lebanon, the introduction of a system of rep-

representative government must allow for the complex, heterogeneous nature of Iraqi society. There exist centuries-old religious and ethnic hatreds, as well as intense, frequently violent, tribal and clan rivalries. Eighteen million (of 25 million) Iraqis belong to tribes whose decisionmaking is dominated by tribal elders.¹⁰⁸ Historically, no Iraqi government, including Saddam Hussein's, has survived without significant tribal support.¹⁰⁹

In fact, the importance of tribes, which was eroding as Iraq urbanized, was invigorated by Saddam Hussein's quest for political support. U.S. military prowess cannot change that reality.¹¹⁰ Although American forces have arrested several tribal leaders under suspicion of supporting pro-Hussein resistance, the CPA has largely sought to placate and mollify tribal leaders. According to *Financial Times* correspondent Charles Clover:

With help from the US military their [tribal leaders'] influence has grown dramatically since his [Saddam's] downfall. Today, backed by US forces who see them as a natural source of authority, tribal leaders . . . run Al Anbar province, a huge and violent chunk of western Iraq. . . . For US forces, tribal leaders represent a quick way of fixing local issues and reaching local people in the absence of a functioning state. Even the governor of Al Anbar, appointed by tribal leaders in April, admits that most functions of the state are in their hands.¹¹¹

Historian Amatzia Baram, an expert on modern Iraqi politics, cautions, "As the US experience in Afghanistan suggests, giving too much power to tribal sheikhs may turn some of them into independent warlords whom the central government will be unable to control."¹¹² During the 1990s the two dominant Kurdish parties fought a very bloody four-year civil war that lasted until an American-brokered truce in 1998. While recent rhetoric is more political than militaristic, Zaid Sorchi, a leading Kurdish tribal

leader, proudly asserts: "We . . . believe in tribes. Tribes are the way forward, not political parties."¹¹³ According to Munqith Daghir, head of polling at the Iraqi Centre for Research and Strategic Studies, only 5 percent of Iraqis surveyed in June 2003 said they wanted to be governed by political parties.¹¹⁴ When asked what kind of political system they would like to see in Iraq, only 36 percent favored a British- or American-style multiparty democracy. However, 50 percent opted for one of the five variants of Islamic, presidential, or one-party, rule.¹¹⁵ A more recent survey of Baghdad residents conducted by the Gallup Organization found comparable results. While 39 percent of respondents would prefer a multiparty parliamentary democracy, 47 percent would prefer some form of Islamic-centered government.¹¹⁶ Hence, political scientist Larry Diamond forecasts that it will be more than five years before recognizably democratic political parties are operating in Iraq.¹¹⁷

Contemporary Iraqi politics is truly something of a hornet's nest.¹¹⁸ Consider, for example, the labyrinthine world of anti-Baathist politics, where extensive maneuvering among the myriad political groups places a further obstacle in the path of representative government. Today, popular debate in Iraq focuses as much on past injustices as it does on future possibilities.¹¹⁹ The country's new political structure must accommodate, for example, the likes of the Iraqi National Congress's Ahmad Chalabi, a Shiite, and other leaders of the fractious four-million-strong exile community. Internally, although the main anti-Hussein groups are Kurdish and Shiite, a plethora of parties and other political organizations are either appearing or reappearing on the political scene, from the communists on the far left to the constitutional monarchists on the conservative right.¹²⁰ Each group wants to benefit from the end of the Hussein era, preferably at the expense of its rivals. Yassir Muhammad Ali, who leads a million-strong tribe, candidly asserts, "We need guarantees that our tribe will be looked after in the new regime."¹²¹

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Political reconstruction means striking a new political bargain among the same old groups with conflicting interests and demands that historically have made Iraq a deeply dysfunctional country.

A balance of power must be achieved between those subscribing to different interpretations of the Muslim faith. Shiite Arabs (approximately 60 percent of the Iraqi population), including Iranian-supported fundamentalists,¹²² dominate demographically throughout southern Iraq. Sunni Arabs (approximately 20 percent of the population) formed the demographic backbone of Hussein's regime; they live mainly in central and northern Iraq. There is a large Sunni Kurdish majority (approximately 15 percent of the Iraqi population) in northern Iraq. Iraq, therefore, must confront the empirical reality that the more homogeneous a society's population, the more likely it is to experience nonviolent democratization.¹²³

For the first time, the Shia community has an opportunity to dominate Iraqi politics. In the short term, the potential for Shia political dominance is aided by a hierarchical organizational structure relative to the Sunni organizational structure.¹²⁴ Therefore, Iraq's new political institutions must be designed to prevent the long-suppressed (but best organized, most motivated, and best financed) fundamentalist Shia¹²⁵ from, first, settling scores by exacting revenge upon the minority Arab Sunnis,¹²⁶ who have governed Iraq since the days of the Ottoman Empire, and, second, ignoring the legitimate needs of the Kurds, Turkomen, Assyrian Christians, urban secularists, and others.

It will be excruciatingly difficult to identify a new Iraqi political leadership acceptable to all Iraqis.¹²⁷ Political reconstruction means striking a new political bargain among the same old groups with conflicting interests and demands that historically have made Iraq a deeply dysfunctional country.¹²⁸ Therefore, it is a gross understatement to suggest that it will require a highly skilled political navigator to successfully map a course through the diverse currents sweeping Iraq's domestic politics.¹²⁹

The first five of the following subsections deal with the constitutional options that are the most commonly discussed instruments for determining the makeup of Iraq's new

governing structure. Other challenges are discussed thereafter.

The Federalist Model

Building on some small successes in self-ruled northern Iraq, this entails the creation of an Iraqi federation in which each of Iraq's 18 provinces elects a governor. Regionally based ethnic and religious groups, such as the five million Kurds, would enjoy a large amount of political autonomy that stops just short of statehood.¹³⁰

The Swiss Model

Under this constitutional arrangement, a confederation of semiautonomous regional governments dominates policymaking, with some limited powers reserved to the federal government. A small federal cabinet, containing an elected representative of each major ethnic and religious group, is responsible for national affairs. The position of president rotates annually around the cabinet. All constitutional changes are subject to a referendum.¹³¹

The Northern Irish Model

This requires a so-called consociational settlement based on the Northern Irish legislature, whereby those elected to office register as members of a specific religious or ethnic group. The passage of legislation requires the support of a majority in each group, thereby binding the religious groups together politically. However, the current political impasse in Northern Ireland does not augur well for this model's transmission to the Iraqi context.¹³²

The Afghanistan Model

This is the option most likely to receive British prime minister Tony Blair's support.¹³³ In post-Taliban Afghanistan, a UN-sponsored *loya jirga* (grand council) of Afghani tribal elders, held in Bonn, Germany, in December 2001, announced the formation of an interim government and elected Hamid Karzai as president. The conference decided that the first post-Taliban national election

would be held in June 2004, although it may be postponed by several months. In the context of Iraq, the UN would organize a comparable conference to appoint members of an interim Iraqi administration. The interim administration would run the day-to-day government for a transitional period until political institutions are built up and, eventually, elections are held.

However, Afghanistan is an especially sobering example. The current political situation in Afghanistan is troubled, to say the least, despite the Bush administration's pledge to reconstruct that country's political system.¹³⁴ Unfortunately, Karzai is, today, little more than the de facto mayor of Kabul, the Afghan capital. The political reality is that Afghanistan is partitioned, with tribal warlords exercising dictatorial power over each region.¹³⁵ There is also considerable concern that the 2004 elections will merely serve to rubber-stamp the warlords' de facto political fiefdoms.¹³⁶ Disconcertingly, recent reports indicate that hundreds of Taliban soldiers have crossed back into Afghanistan from Pakistan and are staking claim to large swathes of the country.¹³⁷

The Pluralist Model

The Iraqi federation would be centered on regional government units, or the country's 18 provinces, constitutionally autonomous in matters unrelated to national defense, foreign policy, and the judicial system. The U.S. Senate model may be particularly attractive to drafters of the new Iraqi constitution. By creating a legislative upper house that provides the major religious and ethnic groups with equal representation based on territory, sufficient institutional glue may be affixed to the new political structure to keep the disparate political forces adhered to one another.¹³⁸

Iraq's Governing Council

Amb. L. Paul Bremer, head civilian administrator of the CPA, backtracked on his predecessor Gen. Jay Garner's promise of a quick transition to an interim Iraqi authority.¹³⁹ First, Bremer postponed plans to convene a

national conference by the end of May 2003 to select an interim Iraqi administration. Inherited from his predecessor, the plan called for the interim Iraqi administration to serve briefly as the country's national government and appoint the members of a constitutional convention. The constitutional convention would draft a new constitution that Iraqis would vote on in a referendum. Following adoption of a new constitution, elections would take place for seats in a new national legislature.¹⁴⁰

Instead, Bremer produced a much more modest proposal: a political council of 25 to 30 Iraqis to work with the U.S.-led administration and gradually take up posts in some of the revamped ministries before organizing a constitutional convention.¹⁴¹ On July 13, 2003, Bremer announced the formation of a 25-member Governing Council to serve as a de facto interim Iraqi government until national elections are held, possibly sometime during 2004.¹⁴² In consultation with UN observers, Bremer and his staff hand-picked all of the council members. The council was composed primarily along ethnic and religious lines, raising "the fear," according to Laith Kubba, president of the Iraq National Group, a pro-democracy exile organization, "that the present council institutionalizes ethnic and religious divisions."¹⁴³ The membership consists of 13 Arab Shiites, 5 Arab Sunnis, 5 Kurds, a Christian, and a Turkomen. Three of the council members are women.¹⁴⁴ Eight members are Islamic clerics or affiliates of Islamic parties, or both. Most members are secularists recently returned from exile or from parts of Kurdistan. The appointments were the result of a protracted, frequently bitter negotiation process over the respective political guarantees that potential council members sought in exchange for their participation.¹⁴⁵

Bremer modeled the national council on the series of local and provincial councils appointed by the CPA across the country. The national council is an advisory, rather than a governing, body. Not only is security excluded from the council's remit, but the CPA retains

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The Governing Council's members have not provided neutral observers much reason for optimism.

veto power over all of the council's decisions. The council is responsible for the appointment of an interim cabinet¹⁴⁶ and diplomats, the proposal of a 2004 national budget, and preliminary planning for the drafting of a national constitution by a constitutional convention. On August 11, 2003, it named a 25-person Preparatory Constitutional Committee, composed of lawyers, academics, and religious leaders, to propose a way to select the members of the constitutional convention.

The painful and protracted steps taken to date toward a new constitution have laid bare the religious and ethnic fault lines that dominate Iraqi society.¹⁴⁷ The Preparatory Constitutional Committee failed to reach consensus on delegate selection. As a result, it did not meet a September 30, 2003, deadline for presenting its final recommendation to the Governing Council.¹⁴⁸ Instead, in early October 2003 the committee presented a range of options for selecting constitutional delegates. Such dithering reflected serious disagreement over the relative merits of the options: the direct popular election of delegates (favored by Shia groups), delegate selection by the Governing Council (favored by the formerly exiled), or delegate selection through provincial caucuses and town hall-style meetings (favored by Sunnis and Kurds).¹⁴⁹ Dara Noor Alzin, a Governing Council member, predicts that it will take 18 months to set up delegate elections.¹⁵⁰ On October 16, 2003, the UN Security Council adopted Resolution 1511, which requested that the Governing Council propose a timetable for a new constitution and subsequent democratic elections by December 15, 2003.¹⁵¹

The council has made a very hesitant start.¹⁵² Almost immediately, the council's ability to efficiently expedite the country's business was called into question after it took the 25 members more than two weeks to agree on a presidency, its first order of business.¹⁵³ The council was unable to agree on a single president, and then unable to agree on a three-member presidency, but agreement was finally brokered on a compli-

cated power-sharing formula involving a nine-member presidency that will rotate on a monthly basis. Following upon a collective inability to agree on who would be president first, the rotation will occur in alphabetical order.¹⁵⁴

How credible is the council in Iraqi eyes? The domestic reaction to the newly appointed council is poor. Tens of thousands of Iraqis protested the council as an unelected and, therefore, illegitimate puppet of the CPA.¹⁵⁵ The city council of Fallujah rejected the council's authority, as the latter's ethnic composition gives the Shiites a narrow political majority for the first time in Iraqi history. Such sentiment is noteworthy as Fallujah is an important center within the area known as the pro-Hussein "Sunni Triangle," situated to the north and west of Baghdad, that is home to two million predominantly rural Sunni.¹⁵⁶ In late September 2003, *Washington Post* columnist David Ignatius reported from Baghdad that, ominously, "the Sunni towns northwest of the city are slipping toward open revolt."¹⁵⁷

The Governing Council's members have not provided neutral observers much reason for optimism, as their predictable ideological and policy divisions were obvious from the very outset of their deliberations.¹⁵⁸ Furthermore, claims of unrepresentativeness permeate the public reaction. Especially galling to many Iraqis is the disproportionate influence on the council of former exiles, many of whom garner so little domestic support that political experts forecast that their political organizations will do very poorly in national elections.¹⁵⁹ Shia clergy are especially opposed to the Governing Council appointing the members of the constitutional convention. Instead, they seek a directly elected convention, the composition of which, they surmise, would more accurately reflect pro-Shia public sentiment.¹⁶⁰ Two weeks before the council's appointment, Grand Ayatollah Ali al-Sistani, Iraq's leading Shiite cleric, issued a fatwa decrying any plan to appoint, rather than elect, those who will draft the new Iraqi constitution.¹⁶¹

The White House correctly forecast that the UN's December 15, 2003, deadline, and any future deadlines, would pass without decisive action by the Governing Council. The Governing Council's unimpressive performance persuaded Bremer to reverse course in early November 2003 and empower the Iraqi people sooner rather than later. Bremer now plans to establish a provisional Iraqi government, as Garner originally promised, in short order. The provisional government, equipped with real power, will run the day-to-day government for a transitional period until a constitution is written and elections are organized.

Specifically, provincial caucuses will be held throughout Iraq to select representatives to a transitional assembly, which will then form the provisional government. The provisional government will assume sovereign authority by June 30, 2004, at which time the Governing Council will be dissolved. This will ensure that the civil occupation of Iraq ends before the November 2004 U.S. presidential election. As soon as it is logistically possible, the provisional Iraqi government will conduct an election to select the delegates to a constitutional convention. The working assumption is that, once a constitution is agreed upon, a national legislative election will take place by the end of 2005.

One hopes that the authors (whoever they prove to be) of the forthcoming Iraqi constitution are aware of the relevant historical lessons. Above all, history informs us that the political infrastructure necessary to support a democratic system of representative government requires a constitution that limits the power of government to interfere in people's lives, establishes the primacy of the rule of law, settles conflict through an impartial judicial system, maintains public order through an untainted police force, mandates regular elections, and guarantees freedom of speech and association. Critically, Iraq's constitutional writers must recognize that the absence of those elements will doom the chosen model regardless of other, more ornate, constitutional trappings.

Local Democracy

Revealingly, Bremer canceled the first series of local elections planned to take place across the country during the summer of 2003. He correctly surmised that the likely electoral outcomes would be favorable to anti-American religious groups and former Hussein loyalists.¹⁶² Bremer said: "In a post-war situation like this, if you start holding elections, the people who are rejectionists tend to win. It's often the best-organized who win, and the best-organized right now are the former Baathists and to some extent the Islamists."¹⁶³ It is also true that Hussein's rule of terror discredited secularism in the eyes of many Iraqis.¹⁶⁴ Consequently, secularists will be very much the underdogs in Iraqi elections for the foreseeable future.

On April 24, 2003, Defense Secretary Donald Rumsfeld said, in response to a reporter's question, "If you're suggesting, how would we feel about an Iranian-type government with a few clerics running everything in the country, the answer is: That isn't going to happen."¹⁶⁵ The residents of more than a dozen cities and towns (including Basra, Iraq's second largest city, in southern Iraq; Samarra, 75 miles northwest of Baghdad; Saddam Hussein's hometown of Tikrit, north of Baghdad; and Najaf, the holy Shia city 100 miles south of Baghdad) were not permitted to democratically select their new political representatives.

Instead, American and British military commanders installed handpicked mayors and administrators. In most cases, the appointed leaders were former Iraqi generals and police colonels as well as, in some cases, former Baathists.¹⁶⁶ In Basra, the canceled election followed the CPA's removal of the leader it had installed earlier. In Najaf, American troops arrested Col. Abu Haider Abdul Munim, the CPA-appointed acting mayor (a Sunni Muslim with alleged Baathist links), on charges of kidnapping, theft, and embezzlement.¹⁶⁷

Illiberal Religiosity

Does the Shia community's numerical

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strength foreshadow serious problems for a democratic Iraq? Is Alexis de Tocqueville's early 19th-century concern about the "tyranny of the majority" relevant in the contemporary Iraqi context? Ironically, the Bush administration implicitly accepted the anti-war argument that Iraq was too secular a country to foster a populist, religious-based antipathy to American interests. Deputy Secretary of Defense Paul Wolfowitz observed that "the Iraqis are among the most educated people in the Arab world. They are by and large quite secular."¹⁶⁸ In reality, however, the notion of an Iraq that is both educated and secular requires considerable qualification. Iraq's adult literacy rate, for example, is less than 60 percent.¹⁶⁹ The majority of Shiites are either illiterate or nearly so.¹⁷⁰ Over the past 40 years, Iraq's outward appearance of religious moderation largely reflected the Baathist regime's preference for institutionalized thuggery over religious fanaticism.¹⁷¹ Today, however, few Iraqi politicians are brave enough to embrace separation of church and state.¹⁷²

The Arab Socialist Baath ("Renaissance") Party that provided Hussein's political backbone was philosophically and operationally fascist, inspired more by the radical secular socialism and muscular pan-Arab nationalism adapted from European Nazism than by dreams of an Islamic afterlife.¹⁷³ According to Iraqi sociologist Faleh A. Jabar, "The structure of the Iraqi totalitarian order resembled the Nazi model with its single party system, command economy, nationalist-socialist ideology and control of the media and army."¹⁷⁴ Hussein himself sprang politically from Iraq's minority Muslim sect, the Sunnis, who are moderate in comparison with Iraq's Shia Muslim majority, a sizable proportion of which adheres to the faith promulgated by Iran's fundamentalist Islamic leadership. There is no evidence that a majority of Iraqi Shiites hold different views from Arabs throughout the Middle East.¹⁷⁵

In post-Hussein Iraq some religious parties want Islamic law to be declared the only source of law in Iraq.¹⁷⁶ Vivid demonstrations of religious fervor and undemocratic intent, in

tandem with clerics who have taken the political initiative by gaining control of numerous villages, towns, and sections of major cities, caught the U.S. political leadership completely off guard.¹⁷⁷ The August 29, 2003, assassination of Ayatollah Muhammed Bakr al-Hakim at what the Shiites consider the country's holiest mosque, in Najaf, sent shock waves through Iraqi politics.¹⁷⁸ Hakim's death removed a rare species in postwar Iraq: a respected senior religious figure whose rhetoric was not violently anti-American.¹⁷⁹ Hakim was a moderate cleric who supported SCIRI, which was cooperating with the CPA; Hakim's brother serves on the Governing Council. During his funeral procession, policed by members of the SCIRI's paramilitary Badr Brigade, banners declared that Hakim's life would be avenged in Baathist blood.¹⁸⁰

Like citizens of all countries, Iraqis abhor a political power vacuum.¹⁸¹ In this vein, in Iraq we are witnessing a historic awakening of the country's Shiites.¹⁸² The fundamentalist side of a long and brutally suppressed religion is breathing fresh political air for the first time in decades.¹⁸³ Shiites are showing that they want religious freedom, political power, and, to some extent, revenge for past wrongs. Amidst calls for a boycott of the new Governing Council and the establishment of an Islamic army, young, radical, anti-American clerics, such as Muqtada al-Sadr, have organized into Shia militias impoverished male followers from the slums of eastern and northern Baghdad and Najaf.¹⁸⁴ Sadr preaches armed revolt against the American occupation as a prelude to Islamist revolution.¹⁸⁵ In the interim, Sadr declared the formation of an alternative Iraqi government.¹⁸⁶ According to the last senior American diplomat stationed in Baghdad, Joseph C. Wilson:

The Shiites in the south are already controlling the villages, and they're rapidly consolidating their power. We had limited knowledge about the clan, tribal and clerical bases of power outside of Baghdad and particularly in the

south. We relied on a few exiles who had not been there in decades. We're just beginning to pay the price for not fully understanding that Iraq has its own set of political relationships that depend on anthropological and sociological structures we didn't grasp.¹⁸⁷

As political scientist Bruce Bueno de Mesquita observes, "In building a democratic system you run into the buzzsaw that people have religious authorities who trump the rule of voters."¹⁸⁸ On July 30, 2003, the U.S. Marine colonel supervising the reconstruction of Najaf indefinitely postponed the swearing in of the Shiite holy city's first-ever female judge after her appointment provoked a harshly negative reaction from the conservative Shia religious establishment.¹⁸⁹ Three senior Islamic clerics, including Grand Ayatollah Ali al-Sistani, the most revered Shiite cleric in Iraq, issued fatwas (religious edicts) condemning her appointment. According to Rajiha al-Amidi, a female protester: "We refuse the appointment of a woman judge, because it contradicts Islamic law. . . . A woman cannot be a judge because women are always ruled by their emotions."¹⁹⁰

The formal abolition of the Baath Party on May 11, 2003, placed Iraq's mosques in the spotlight as the nation's primary centers of political influence.¹⁹¹ Whether setting up Islamic courts of justice or applying (frequently violent) pressure against liquor distributors, music stores, cinemas, brothels, and unveiled or unaccompanied women, Khomeini-style religious fundamentalists are taking advantage of the power vacuum and generally chaotic situation that is postwar Iraq to coerce their communities into a stricter Islamic way of life.¹⁹² Some Sunni religious leaders are calling for a defensive jihad against the Shia, whom they accuse of betraying both the Muslim faith and Iraq by collaborating with a non-Muslim invader of their ancestral land.¹⁹³ At the very least, the postinvasion explosion of Shia sentiment vividly illustrates the perplexing nature of Iraq's domestic political environment.¹⁹⁴

De-Baathification

Experience gleaned from the recent democratization of Central Europe shows that, for regime change to result in liberal democracy, the social infrastructure (such as the educational, judicial, policing, and public administration systems) that supported the old regime must be dismantled and reconstituted.¹⁹⁵ Ironically, the only obvious counterbalancing force to Shiite fundamentalism is the former Baathist Party membership. Perhaps that is why de-Baathification is not a priority for American policymakers, who underestimate the potency of this issue for many (especially non-Sunni) Iraqis.¹⁹⁶ Therefore, the CPA's options always were far from ideal. How could American and British officials know how far down the Bath Party ladder to purge, know which tribal leaders were legitimate representatives of their people and which had been in Saddam's pocket?¹⁹⁷

The most comprehensive response to that challenge came on May 16, 2003. Bremer banned senior Baath Party members, that is, the party's top four ranks (approximately 30,000 people), from government jobs.¹⁹⁸ The overwhelming majority of the 1.8 million Baath Party members (one in eight adults) kept their regular jobs, as they collectively constitute the most skilled and most secular—yet most undemocratic—constituency in Iraqi politics. Illustrative of the skills void was the CPA's appointment of Hussein's personal physician as president of Baghdad University and a senior Baath Party official as the interim Iraqi health minister.

It is true that in Baathist Iraq most party members were de facto civil service functionaries, not murderous thugs. Yet, reliable estimates place the number of committed Baathists at several hundred thousand, a figure far larger than the number of those banished from civil society in the new Iraq.¹⁹⁹ In some cases, a Baathist Sunni social infrastructure dominates entire Iraqi communities, such as the towns of Dhulutya and Fallujah, north and west of Baghdad, respectively.²⁰⁰ The populations of those and many other towns were almost entirely dependent

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on Hussein's patronage for their economic survival. Those communities were devastated by Hussein's overthrow, remain fiercely loyal to the former dictator in absentia, and would enthusiastically welcome his return to power. Hence, the late September 2003 demonstration in Fallujah in support of the Hussein regime.

Therefore, the appearance of pro-Hussein and pro-Baathist graffiti on city walls and the clandestine maneuverings of an organized, underground political opposition to the American presence are unsurprising.²⁰¹ Even in southern, largely Shiite, Iraq, "Long Live Saddam" graffiti are visible.²⁰² Around Baghdad, graffiti slogans herald the Baath Party as "the Party of the Return."²⁰³ Forty-seven percent of Baghdad residents expressed no preference when asked by pollsters whether they would prefer to live under Hussein or the CPA.²⁰⁴

Baathist gangs are rapidly reorganizing, with predictably violent consequences.²⁰⁵ Hassan Fattah reported from the Iraqi capital: "Since the American takeover, Baghdad has turned into an Arab version of the Watts riots. Burning buildings dot the city skyline. Armed looters terrorize the population, tearing into homes and emptying them of their possessions. Petty crime has become rampant on the streets, virtually no one feels secure, and homes are never left unguarded at night."²⁰⁶ Baghdad is also suffering a wave of well-organized kidnapping.²⁰⁷ In June 2003 Will Day, head of the aid agency Care International UK, wrote:

There is a dangerous vacuum where there is no security, no law and order. . . . Nobody seems to be in charge. . . . These days in Baghdad, it is common to see bodies in the road. . . . Many families are too afraid to leave their homes, parents are too frightened to let their children go to school. . . . Nobody is safe. . . . Certain parts of Baghdad and the countryside are off-limits, simply too dangerous to visit.²⁰⁸

In July 2003 a report by Human Rights

Watch documented a rise in sexual violence against Iraqi women and girls.²⁰⁹ Seventy-five percent of surveyed Baghdad residents say the city is a more dangerous place to live since the American-British invasion.²¹⁰ In Baghdad 518 civilians were killed by gunfire during September, "down" from 872 in August 2003 (under the Hussein regime, civilian gun deaths averaged six per month).²¹¹ Since Hussein's fall, vigilantes have killed hundreds of informants to the former regime's intelligence services.²¹²

Since Hussein's regime collapsed on April 9, 2003, undemocratic elements (largely diehard Baathists and foreign "jihadis") have killed more than 300 American and British soldiers. International organizations are also targets of disaffected elements of Iraqi society. An August 19, 2003, truck bomb destroyed the UN headquarters in Baghdad, killing 24 people, including UN special representative Sergio Vieira de Mello.²¹³ In northern Iraq, Indo-European Kurds forced Arab Sunnis from homes and land originally confiscated from the Kurds during Hussein's tenure.²¹⁴ Meanwhile, the Turkomen, most of whom live in Kurdish areas, complain of the postwar "Kurdization" of the northern town of Tuz Khurmatu. On August 22, 2003, eight Iraqis died as ethnic clashes between Kurds and Turkomen occurred in the town.²¹⁵

To many observers, therefore, the free-for-all that is postwar Iraq looks a lot closer to anarchy than to democracy.²¹⁶ The battle to make Baghdad a less fearful city is vital for the long-term task of rebuilding civil society. Without safe streets, democracy will be neither achieved nor wanted.²¹⁷

Conclusion

Can Iraq be democratic? In the long term, perhaps it can. In time, modernity will transform Iraqi society. However, in the short to medium term, during the next two to three decades, unquestionably the Iraqi democratic reconstruction project will be a good deal harder than White House theorists originally

expected. In part, it will be harder because this project is not just about establishing *electoral* democracy—the right to vote and the parliamentary institutions of representative government. This project is really about establishing *liberal* democracy—electoral democracy plus the rule of law, an independent judiciary, the separation of religious and secular authority, institutional checks and balances, civilian control of the military, and the rights of assembly, association, belief, property, and speech, as well as protections for the rights of minorities.²¹⁸

Political scientists Jason M. Wells and Jonathan Kriekhaus demonstrate that “only when citizens support democratic practices and accept the legitimacy of democratically elected governments can a country . . . be considered truly democratic.”²¹⁹ Similarly, Valerie Bunce reminds us that “having the basic forms of democracy does not necessarily mean having the foundations, and the quality of democracy—and perhaps its sustainability—is often short-changed.”²²⁰ Paradoxically, perhaps, a more democratic Iraq may also be a more repressive one.²²¹ As political scientist Michael McFaul points out, “In cases of failed democratic transitions, premature elections destabilized already fragile political orders and offered radicals access to the state, which they in turn used to destroy democratic practices.”²²²

All other considerations aside, a national election in Iraq in the near term is a logistical impossibility. After all, there has not been a reliable census taken in decades, there is no workable election law, there are no constituency boundaries in place, there are no voter registration lists, and no procedural safeguards exist to prevent widespread corruption of the electoral process. Certainly, the evidence supports Bunce’s contention:

In new democracies, publics are unusually fickle, and political parties are both fickle and limited in their institutional development and their capacity to structure public opinion. . . . This means, for example, that publics may

be unusually sensitive to their economic experiences and less constrained by party attachments in reacting to those experiences. It also means that politicians have strong incentives to play to these sentiments, particularly given the unusually low barriers to the entry of new parties and new political candidates, if not the formation of new or nostalgic social movements. Indeed, in the face of . . . the uncertainties of regime transition, deficits in civil society and social capital provide a fertile environment for the rise of populist movements.²²³

A free society is a complicated social artifact.²²⁴ It is one thing for a country to adopt formal democracy but quite another for it to attain stable democracy.²²⁵ Unfortunately, simply adopting the right laws will not create liberal democracy. In order to flourish, liberal democracy requires specific social and cultural conditions.²²⁶ The White House is placing a very large political wager that the formation of democratic institutions in Iraq can stimulate a democratic political culture. If the White House’s speculation is proven correct, it will constitute a democratic first, for what President Bush seeks to achieve in Iraq has never been accomplished before. On the contrary, the available evidence strongly suggests that the causal relationship between institutions and culture works the other way around. Political culture shapes democracy far more than democracy shapes political culture. One must hope that, against all available evidence, contemporary Iraqi political culture has minimal influence on the new Iraqi democracy.

Legal scholar Noah Feldman, senior constitutional adviser to the CPA, candidly acknowledges, “Almost certainly, democratizing the Muslim world would produce real gains for Islamists in the short and medium term.”²²⁷ Therefore, the American government may need to compromise its democratic ideals with a healthy dose of (long-overdue) pragmatism. Given that democratic develop-

A national election in Iraq in the near term is a logistical impossibility.

In coming seasons, a bountiful democratic harvest in Iraq is an unrealistic prospect.

ment is linked to capitalist development,²²⁸ one can expect that, as the Iraqi economy improves over time, cultural values will also gradually evolve and organized religion will play less of a front-and-center role in the nation's political life.

Liberal democracy is an evolutionary development rather than an overnight phenomenon.²²⁹ At this stage, democratization optimists may care to consider historian Bernard Lewis's reminder: "In the Islamic calendar, this is the beginning of the 15th century, not the 21st century. They are at a different stage of political evolution."²³⁰ It should be noted, therefore, that the United States is attempting to sow the seeds of 21st-century political institutions in the soil of a 15th-century political culture. Hence, this paper's forecast that, in coming seasons, a bountiful democratic harvest in Iraq is an unrealistic prospect.

Notes

1. George W. Bush, speech to the United Nations General Assembly, New York, September 23, 2003, <http://www.whitehouse.gov/news/releases/2003/09/20030923-4.html>.

2. In a February 26, 2003, speech to the American Enterprise Institute, President Bush said that a war on Iraq would "spread democracy" in the Arab world and that "a new regime in Iraq would serve as a dramatic and inspiring example of freedom for other nations in the region," <http://www.whitehouse.gov/news/releases/2003/02/iraq/20030226-11.html>. On April 28, 2003, Bush told an Iraqi-American audience in Dearborn, Michigan, that Iraq could become an "example of prosperity and freedom in the Middle East," <http://www.whitehouse.gov/news/releases/2003/04/iraq/20030428-3.html>. See also Condoleezza Rice, "Transforming the Middle East," *Washington Post*, August 7, 2003, p. A21; and Richard G. Lugar, "A Victory at Risk," *Washington Post*, May 22, 2003, p. A35.

3. U.S. Agency for International Development, *Budget Justification FY 2002*, May 2002, http://www.usaid.gov/pubs/cbj2002/prog_pref2002.html.

4. For more optimistic analyses from both interventionist and noninterventionist perspectives, see Noah Feldman, *After Jihad: America and the Struggle for Islamic Democracy* (New York: Farrar, Straus & Giroux, 2003); Radwan A. Masmoudi, "The

Silenced Majority," *Journal of Democracy* 14 (2003): 40–44; John L. Esposito and John O. Voll, *Islam and Democracy* (New York: Oxford University Press, 1996); John L. Esposito, *Islam: The Straight Path* (New York: Oxford University Press, 1992); John L. Esposito and James P. Piscatori, "Democratization and Islam," *Middle East Journal* 45 (1991): 427–40; Najib Ghadbian, *Democratization and the Islamist Challenge in the Arab World* (Boulder, CO: Westview, 1997); and, most recently, Joshua Muravchik, "Democracy for Arabs, Too," *Washington Post*, September 2, 2003, p. A21.

5. Freedom House, *Freedom in the World 2002: The Democracy Gap* (Washington: Freedom House, December 2001).

6. Larry Diamond, "Universal Democracy?" *Policy Review*, June–July 2003, p. 9.

7. Ibid.

8. "Arab Democratic Reform: Arab Reform, or Arab Performance?" *The Economist*, July 19, 2003, p. 35.

9. Freedom House measures democracy on the basis of scores ranging from one to four, with one being full provision of civil liberties and political rights. See, for example, Freedom House, "The Comparative Survey of Freedom," *Freedom Review* 28 (1997): 16–19.

10. Adrian Karatnycky, "A Century of Progress," *Journal of Democracy* 11 (2000): 187–200; and United Nations Development Program, *Arab Human Development Report 2002: Creating Opportunities for Future Generations* (New York: UNDP, 2002), <http://www.undp.org/rbas/ahdr/Complete English.pdf>.

11. Marina Ottaway et al., "Democratic Mirage in the Middle East," Carnegie Endowment for International Peace Policy Brief, October 2002, p. 7.

12. Jonathan D. Tepperman, "A Delicate Balance," *New York Times Book Review*, July 6, 2003, p. 16.

13. United Nations Development Program.

14. Fareed Zakaria, *The Future of Freedom: Illiberal Democracy at Home and Abroad* (New York: W.W. Norton, 2003), p. 120. See also Roula Khalaf, "Election Delivers Political Boost for Jordan's King," *Financial Times*, June 20, 2003, p. 6; and T. Christian Miller, "Jordan's 'Democracy' Disappoints Many," *Los Angeles Times*, July 24, 2003, p. A4.

15. Cited in Andrew Chang, "Tailoring Democracy," *ABC News.com*, May 2, 2003, <http://abcnews.go.com>.

16. "Arab Democratic Reform," p. 36.
17. Phebe Marr, *The Modern History of Iraq* (Boulder, CO: Westview, 1995).
18. Phebe Marr, comment made during *ABC News Online* discussion, April 14, 2003, http://abcnews.go.com/sections/community/Primetime/c hat_phebemarr041403.html.
19. Charles Tripp, *A History of Iraq* (Cambridge: Cambridge University Press, 2002), p. 1. See also John Daniszewski, "Iraqis Find Themselves Waist Deep in New Freedoms," *Los Angeles Times*, June 17, 2003, pp. A1, A5.
20. Valerie Bunce, "Democratization and Economic Reform," *Annual Review of Political Science* 4 (2001): 45.
21. *Ibid.*, p. 46.
22. *Ibid.*
23. *Ibid.*
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