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35



Religion, Violence, and the State in Iraq

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The Project on Middle East Political Science

The Project on Middle East Political Science (POMEPS) is a collaborative network that aims to increase the impact of political scientists specializing in the study of the Middle East in the public sphere and in the academic community. POMEPS, directed by Marc Lynch, is based at the Institute for Middle East Studies at the George Washington University and is supported by Carnegie Corporation of New York and the Henry Luce Foundation. For more information, see <http://www.pomeps.org>.

Introduction:

Religion, Violence, and the State in Iraq

Marc Lynch and David Siddhartha Patel

Iraq was long neglected by Middle East political scientists, rarely treated as a comparative case for studies of democratization or social mobilization and generally viewed as an exceptional outlier case in studies of authoritarianism. Islamist movements in Iraq [received little attention](#), despite the participation of a Muslim Brotherhood-affiliated party in government as well as the fascinating array of Shi'i Islamist movements and parties that have competed in elections and governed the country since 2005. The neglect of Iraq had many causes. Prior to 2003, Saddam Hussein's security state offered little access to researchers of any kind, while the intense violence and insecurity in the decade after his overthrow deterred most scholars who were not embedded with coalition authorities or the U.S. military. Political opposition to the invasion and occupation of Iraq may also have led scholars to avoid research which they thought might somehow vindicate the Bush administration's calls for democratization through regime change.

In recent years, however, the study of Iraq has undergone a quiet renaissance. Iraq has become comparatively safer and more open to academic research than in the past, while other Arab countries have become closed to researchers or less safe. New outrages since the 2011 Arab Uprisings, such as the debates over intervention in Syria, Libya, and Yemen, have perhaps eased the unique stigma surrounding the post-2003 Iraqi project, while a younger generation of scholars may be less shaped by the politics of that moment. The failed states and civil wars of the post-2011 period arguably have made Iraq "less unique," with its experience now viewed as offering valuable comparative perspective. The opening of the Ba'ath Party archives to researchers, while problematic in some ways, has created the possibility for genuinely unique archival study of the inner workings of an Arab autocracy. And a generation of young Iraqi scholars has

emerged writing about their own country's politics and society.

This has led to a rethinking of the relationships among religion, violence, and the Iraqi state before and after 2003. How much control did the Ba'th regime have over society immediately before the invasion, and what role did violence play in that control? In what ways did the regime's Faith Campaign in the 1990s influence the post-invasion prominence of religious actors? Why did sectarian politics and violence become so pronounced soon after the invasion yet later ebb? Finally, what dynamics within Iraq are missed by looking at the country through a lens that prioritizes sectarianism?

In April 2019, POMEPS and the Crown Center for Middle East Studies at Brandeis University brought together almost two dozen scholars to discuss these and other topics. The authors come from different disciplines – political science, history, sociology, and urban studies – and employ a range of methodologies and sources of data. All of the authors have conducted research either in Iraq or in the Ba'th Party Records at the Hoover Institution or both. The 14 papers in this collection exemplify the ways in which scholars are using new perspectives, data, and sources to offer insights into religion, violence, and the state in Iraq's past, present, and future.

The state under sanctions

Understandings of Iraqi politics were long shaped by an iconic 1989 book by Kanan Makiya which described Iraq under Saddam as a totalitarian state built on violence: [Republic of Fear](#). The implication was that the Iraqi state penetrated and controlled virtually every aspect of life through pervasive surveillance and brutal punishments. The millions of pages in the Ba'th records captured and

made available to scholars after the 2003 invasion has allowed a significant rethinking of the extent to which the Ba’thist regime had been capable of exercising this level of control. Recent books by [Lisa Blaydes](#), [Aaron Faust](#), [Dina Khoury](#), [Joseph Sassoon](#), and others have carefully explored the limits of the Iraqi state’s reach, showing how the exigencies of the Iran-Iraq war in the 1980s and the international sanctions that were placed on Iraq beginning in 1990 changed how the country was governed.

Several authors in this collection draw on these sources to explore continuity and change in the 35 years the party ruled. [Samuel Helfont](#) emphasizes how powerful taboos within the Ba’thist bureaucracy – originally rooted in the party’s Arab nationalist ideology – against distinguishing between Sunnis and Shi’a transformed policies initially directed at specific groups of Iraqis into larger projects encompassing all of Iraq’s religious landscape. The state, in this account, was *compelled* to intrude into Sunni circles when the initial target were Shi’a and vice versa. In contrast, [Alissa Walter](#) uses the escalating criminalization of sex work in the 1990s to discuss how low-ranking individuals in the security and legal system could exercise discretion in the application of mandated punishments. Walter concludes that the new laws were primarily intended as public demonstrations designed to scare the public into submission. These two accounts offer different perspectives on the strength and internal consistency of the Ba’thist state. Both demonstrate – albeit in different ways – how the Iraqi state under sanctions varied from the top-down totalitarian one described by Makiya.

Sectarianism, religious actors, and the state

Scholars, analysts, and everyday Iraqis continue to argue over the origins and evolution of the political sectarianism that many see as having defined the first decade after the fall of the Ba’th. Key choices made by the United States early in the founding moments of the post-Saddam era, from the drafting of the Iraqi Constitution to the composition of the first ruling

bodies, are often seen as entrenching sectarianism and ensuring a leading role for religious actors. In this collection, [Shamiran Mako](#) pays particular attention to the consequences of the Coalition Provisional Authority’s institutionalization of patterns of exclusion and ethnic dominance through its creation of the de-Ba’thification Commission, which she argues was used as a vehicle for the exclusion of Sunni Arabs from public life rather than as one for democratization and reconciliation.

Several contributors to this collection examine how the Shi’i clergy responded to these changes. [Caroleen Sayej](#) describes how Grand Ayatollah Sistani pushed back against this trend, rejecting sectarianism and pushing for an inclusive Iraqi national identity. She emphasizes his commitment to serve as a guide and moral compass for Iraq. [Marsin Alshamary](#)’s interviews with Shi’i clerics about the relationship between religion and state reflect the impact of Sistani’s position but also the desire of the religious establishment to protect itself from the Iraqi state. The management of Baghdad’s al-Rahman Mosque, whose construction began as part of the Faith Campaign, reflects how private actors – in this case a religious party linked to a Shi’i cleric – came to control, in the words of [Omar Sirri](#), the “everyday distribution of ostensibly state-controlled resources.” He describes how “the capillaries of private interests embedded into public institutions from the very moment of their (re)founding in 2003.”

[Toby Dodge](#) sees the 2003 war and occupation as entrenching in power a political elite that brought sectarian understandings with them from exile. The system of institutionalized sectarianism he describes, known in Iraq as *muhāsasa ta’ifiya*, has profoundly structured political possibilities and meaning across both political and social fields. Yet that system has not been static. [Fanar Haddad](#) charts the evolution of sect-centricity and describes the diminishing political relevance of the Sunni-Shi’a divide. He finds two cycles of entrenchment and civil war but says there has been a “normalization” of the post-2003 political order and

of the structures underpinning sectarian relations; critically, there is no longer an existential contestation of the state by religious groups. The possibility of a post-sectarian politics in Iraq is hinted at in the successive eruptions of large-scale protests over services, governance, and corruption, as well as the role of Iran in Iraqi affairs.

ISIS, violence, and legacies

The sudden territorial expansion of ISIS leading to its declaration of a Caliphate from Mosul in 2014 posed a fundamental challenge to the integrity and character of the Iraqi state. The dissolution of the Iraqi military and the seeming acceptance of ISIS by many Sunnis across western Iraq pointed to deep failings in the legitimacy and capability of Iraqi state institutions. The recapture of those areas and destruction of the ISIS proto-state have not resolved these fundamental challenges. [Mara Revkin](#) asks the question of why some residents of Mosul stayed when ISIS took the city in 2014. Based on interviews with Moslawis, she develops a theory of relative legitimacy: many who stayed perceived ISIS as governing better than the Iraqi state had. Such perceptions of a sectarian, distant state has had persistent effects. As [Nussaibah Younis](#) notes, the ongoing prosecution of ISIS members under an outdated and inadequate terrorism law has implied collective guilt and clogged the legal system. Sunnis in Mosul find little reassurance about their place in the state based on the role of the Shi'a-dominated Popular Mobilization Forces in that campaign, profoundly flawed judicial proceedings which often assume Sunni collaboration, and very limited post-ISIS reconstruction.

[Tutku Ayhan](#) explores one of the most brutal legacies of ISIS's violence: the challenges of reintegrating Yezidi women whom ISIS captured and abused. She describes the increasing salience of Yezidi identity in violence but also how reintegration is redefining the boundaries and social norms of the community. Similar to Sistani's role in the Shi'i community, Ayhan describes the critical role played by the chief Yezidi spiritual leader in inducing

that community's acceptance of the return of captured women (but not their "IS babies").

Seeing beyond ethnosectarianism

While understanding the rise and decline of sectarianism is important for making sense of post-2003 Iraq, [Sara Pursley](#) warns that a dominant narrative of the artificiality of Iraq can trap analysts into categorizing political conflict and violence as between ethnic and religious groups and ignoring other forms of violence by both the state and outsiders. Seeing Iraq only through ethnosectarian categories ignores other forms of politics and violence, including economic and environmental, or relegates them to footnotes. [Benedict Robin-D'Cruz](#) argues that the post-2015 alliance between Sadrist and some secular-leftists was not just electoral or tactical but had deeper origins. He traces the cultural foundations of the alliance to a much earlier decision by Moqtada al-Sadr to diversify his movement and use a foundation to bridge ideological divides. The ethno-sectarian narrative and lens usually applied to understand Iraq misses the cultural and ideological diversity within an ostensibly "Shi'i Islamist" group and its connection with – perhaps even inclusion of – wider elements of Iraqi society.

[Zahra Ali](#) uses post-2003 negotiations over a domestic violence law to show the divergent strategies pursued by women's rights groups. Although religion and clerics play a role in these debates, the ongoing efforts to adopt legislation tackling violence against women cannot be understood through a sectarian lens; it requires an understanding of the various organizations through which feminist activists have mobilized and their divergent strategies.

Today's Iraq is profoundly challenging the conceptions of its state and society which have guided analysis over the last few decades. The legacies of Saddam's state, the American occupation, and a decade of violence shape the field of political contestation in fundamental ways. But they do not determine an inevitable sectarian future. Iraqi society has proven resilient and robust, generating

new challenges to the political elite which defy the logic of sectarianism and call for fundamental structural change. The ability of the Islamic State to recover from its military and political setbacks from 2007-2009 and surge to seize control in 2014 suggests that the threat of a Sunni jihadist challenge could again recur. The entrenchment of Shi'a militias in the Iraqi state during and after the campaign against ISIS has created a new level of institutional penetration with unpredictable ramifications. This fall's massive protests, and the violence and repression used to quell them, showed a state which retains significant violent coercive capacity

but little ability to meet the demands of its people. This collection represents only a starting point for engaging with and understanding the legacies of the past and the dynamics of a rapidly changing Iraqi present.

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War, Bureaucracy, and Controlling Religion in Saddam's Iraq

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Scholarship on Iraq has traditionally argued that sanctions and other post-Gulf War restrictions had weakened the Iraqi regime. More recently, however, a new wave of scholarship has questioned that assumption.¹ This paper argues that the Iraqi regime strengthened in the 1990s, at least in relation to Iraq's religious landscape, and that war played a significant role in that process. It makes this argument by examining the policies that Saddam Hussein's Iraq (1979-2003) enacted to manage both ideational and security threats emanating from the Iraqi religious landscape during war. The paper explores two instances – one from the Iran-Iraq War and one from the Gulf War – to demonstrate how the Ba'thists responded to threats from Shi'i Islamists in the 1980s, and from Salafis in the early 1990s, respectively. In each instance, taboos against sectarianism within the Ba'thist bureaucracy transformed its initial policies, which were directed at a specific group of Iraqis, into much larger projects encompassing all of Iraq's religious landscape.

How a desire to create Shi'i scholars led to a predominantly Sunni university

In the late 1970s and early 1980s, the Islamic revolution in Iran and the Iran-Iraq War spurred insurrection in the already restive Shi'i regions of Iraq. The Ba'thist regime had been concerned about unrest in Shi'i regions of Iraq previously, but the war and the Iranian revolution transformed these concerns into real fear for the regime's security. Baghdad blamed Iranian meddling for the increased unrest and developed numerous policies in the early 1980s to pacify the affected areas. In a meeting on September 9, 1984, Saddam wanted to limit perceived Iranian influence on the Shi'i Muharram commemorations, which sometimes turned into anti-regime demonstrations. To do so, Saddam wanted to mitigate the influence of what he saw as Iranian-linked Shi'i religious leaders by placing regime loyalists in

key positions throughout the Shi'i religious landscape. He ordered that "[Ba'th] Party comrades who wish to become men of religion will be chosen with the proper specifications and competencies to perform the mission of influencing the minds of the citizens. This is a party duty and the responsibility for it lies with the party, especially in the provinces of Euphrates, the Center, and the South."²

Saddam's directive specifically dealt with "the month of Muharram" in which Shi'is hold religious commemorations, and it mentioned the regions of the Euphrates, the Center, and the South which were home to Iraqi Shi'is. Nevertheless, the Ba'th Party Secretariat did not want to violate a well-established taboo on Sunni-Shi'i relations. According to Ba'thist dogma, Arabs were simply Arabs, and separating them into sects divided and weakened them. Thus, on September 23, 1984, the Iraqi Ba'th Party Secretariat sent a memo with Saddam's directive to all party bureaus, including those in the heavily Sunni areas in the north. The memo did not mention Muharram or connect the policy to problems emanating from Iraqi Shi'is in the south.³ The secretariat, therefore, transformed an issue that dealt specifically with Shi'is into national policy effecting all Iraqis, regardless of sect or location.

By the beginning of 1985, the regime realized that it would not be able to find enough Ba'thists willing to become religious leaders. Therefore, in May 1985, the Ministry of Endowments and Religious Affairs developed a different strategy to achieve the same goals. Instead of populating the religious landscape with Ba'thists, the regime would develop a "Special Institute for the Preparation of Imams and Sermon Givers." Acceptance to this institute would be controlled by a special council to "ensure the desire of the student and his loyalty to the [Ba'thist] revolution..." By creating loyal religious leaders, this institute would accomplish

the same goal as the policy of having Ba'thists become religious leaders. Saddam approved the plan a month later. The following year, in July 1986, the Iraqi daily, *al-Jumhuriyya* published a call for applications. The institute had been renamed the "Saddam Institute for Imams and Sermon Givers" and in closed-door meetings, regime officials stated explicitly that its purpose was to "treat negative phenomena."⁴

This strategy proved much more fruitful and over the following years it was expanded. In 1988, the Minister of Endowments and Religious Affairs, Abdullah Fadil, presented Saddam with a plan to develop a full university with the same mission. After undergoing reviews from the Ba'th Party, the Iraqi Intelligence Service, and Saddam, it eventually opened in 1989 as the Saddam University for Islamic Studies. The new university emerged from the same abovementioned policies that were designed to create loyal religious leaders to counter Shi'i unrest. As Fadil argued, the new university would "create an Islamic leadership ... capable of thwarting Khomeini's corrupt methods in the Islamic World."⁵ By the time the university opened, the Iran-Iraq War had ended and, therefore, countering Khomeini was less of a priority. Yet, policies that had originally been designed to address a particular threat in a specific region of Iraq had been transformed and broadened during the bureaucratic process. Despite the intent of the original policy, the leadership of the university and students who attended it were mostly Sunnis rather than Shi'is. Nevertheless, the university fulfilled its role of providing religious leaders who the regime trusted, and, as discussed below, it played an important role in the regime's religious policies in the 1990s.

Searching for Salafis in Shi'i Hussayniyyat

On August 2, 1990, Iraq invaded Kuwait. The new war produced new threats for the regime. In particular, Baghdad became increasingly concerned about Salafis in Iraq. The Ba'thists viewed Salafis as ultra-conservative Muslims, who practiced a deviant form of Islam, and who, despite their outward piety, promoted the political

interest of Saudi Arabia and its imperialist supporters in the West. By the end of August 1990, the Ba'thists began to respond to the perceived challenge that Iraqi Salafis would pose as tensions rose between Riyadh and Baghdad. Because the Salafi movement is Sunni, the Iraqi regime initially focused on Iraqi Sunnis. The party leadership convened a committee consisting of the heads of bureaus of the Sunni regions of the country (the North, the Center, and Baghdad), the Director of the Security Service (*al-Amn al-'Amm*), and the Minister of Endowments and Religious Affairs. On August 21, 1990, the committee sent a report to Saddam titled "The Wahhabi Movement" (they used the terms Wahhabi and Salafi interchangeably). It recommended that the Ministry of Culture and Information "strengthen its censorship of texts which contain the ideas of this movement and prevent their circulation in the markets." Furthermore, the committee proposed that the Ministry of Endowments and Religious Affairs "assign imams and sermon givers in the mosques to erode [the influence of] this movement and to uncover their harmful intentions during their sermons."⁶ When Saddam approved the recommendations of the report on August 24, he also proclaimed that henceforth Salafis would be prohibited from a number of public sector roles on the grounds that they did not meet the appropriate "conditions of intellectual integrity (*al-salama al-fikriyya*)."⁷

Because of Ba'thist taboos against distinguishing between Sunnis and Shi'is, the regime sent Saddam's directive to all bureaus of the country. Even those in Shi'i areas were expected to implement it.⁸ Iraqis who did not meet the standards of "intellectual integrity" were not permitted to hold positions in the Iraqi religious landscape. Therefore, a decree designating Salafis as such, required local Ba'thists and the security services to root them out and to monitor all religious leaders for signs of Salafi influences. In order to counter the Salafi trend in their areas, the bureaus began to conduct "ongoing and rotating assessment of every man of religion and sermon giver to ensure that all of them are supporters of the march of the party and the [Ba'thist] revolution." However, while this surveillance originally

targeted a specific Sunni threat, one finds examples of the party using this policy to monitor *hussayniyyat* (which are specifically Shi'i institutions), and suspected Shi'i Islamists were also rooted out for not possessing "intellectual integrity." War and the eccentricities of Ba'thism led to policies that had originally been directed at Salafis but became a blanket justification for monitoring all religious activity in Iraq, even among Shi'is.⁹

The regime and the religious landscape in 1990s Iraq

In the 1990s Saddam began to speak more publicly about religion and to promote Ba'thist ideas on Islam. He even launched a National Faith Campaign in 1993. The ideas of the Faith Campaign were not new, but the regime had been reticent to promote them without controlling the religious landscape of the country. The regime was concerned about two issues in particular. First, it needed religious leaders who would deliver the correct message about Islam to the Iraqi people. Otherwise, promoting religion could disseminate Islamist ideas that undermined the regime's legitimacy. Second, the regime was infamously paranoid. It never fully trusted religious leaders and it wanted a way to monitor them. The two cases discussed above helped to mitigate these concerns.

It was no coincidence that Saddam launched his Faith Campaign the same exact week in 1993 as the first cohort graduated from the Saddam University for Islamic Studies.¹⁰ The regime used the graduates to fill important positions throughout Iraq's religious landscape. In fact, it was the regime's official policy that "the graduates of the religious colleges be placed [in mosques and religious institutions]." The regime trusted these graduates to carry out its policies "in light of the close evaluation [they have undergone] to assess their loyalty to the party and the revolution."¹¹ The Faith

Campaign simply would not have been possible without the capacity that these graduates provided. Moreover, the attempt to root out Salafis had led to "ongoing and rotating assessment of every man of religion and sermon giver" throughout the entire country (excluding Kurdistan, which the regime did not control).¹² That was an extensive project. It required new institutions and specially qualified people.

As such, by the 1990s, wartime threats had pushed the Iraqi regime to develop the institutional capacity both to promote its version of religion and to monitor the religious landscape. As a result, increasing numbers of Iraqi religious leaders complied with, participated in, and in many instances legitimated Ba'thist initiatives such as the Faith Campaign.¹³ The regime simply did not exercise that type of control over the Iraqi religious landscape in previous periods. As such, the Faith Campaign marked a significant increase in the regime's strength in relation to Iraq's religious landscape.

Conclusion

As this paper demonstrates, the Iraqi regime developed new capabilities to monitor, manipulate, and ultimately exert control over Iraq's religious landscape in the 1990s. These new capabilities stemmed from wartime threats as well as a sometimes irrational and convoluted bureaucratic processes, which produced ballooning authoritarian structures throughout Iraq's religious landscape. Whatever the original intent of these policies, they eventually created a significant increase in the regime's capacity to operate in the religious sphere. Thus, despite the debilitating sanction and other restriction imposed on Baghdad by the international community in the wake of the Gulf War, the regime was indeed stronger in relation to this sector of Iraqi society in the 1990s than it had been in earlier periods.

Endnotes

- 1 Joseph Sassoon, "Review of State-Society Relations in Ba'thist Iraq," *International Journal of Middle Eastern Studies*, Vol, 43, No. 3 (August 2011): 561; Dina Rizk Khoury, *Iraq in Wartime: Soldiering, Martyrdom, and Remembrance* (Cambridge: Cambridge University Press, 2013); Dina Rizk Khoury, "The Government of War," *International Journal of Middle Eastern Studies* 46 (2014): 791-3; Isam al-Khafaji, "War as a Vehicle for the Rise and Demise of a State-Controlled Society: The Case of Ba'thist Iraq," in Steven Heydemann, ed., *War, Institutions, and Social Change in the Middle East* (Berkeley, Calif.: University of California Press, 2000); Ariel I. Ahram, "War-Making, State-Making, and Non-State Power in Iraq," *Yale Program on Governance and Local Development Working Paper*, No. 1, 2015; and, Thierry Gongora, "War Making and State Power in the Contemporary Middle East," *International Journal of Middle East Studies* 29 (1997), 323-340; Samuel Helfont, *Compulsion in Religion: Saddam Hussein, Islam, and the Roots of Insurgencies in Iraq* (Oxford University Press, 2018).
- 2 "Report," BRCC, 046-3-6 (0618), September 9, 1984.
- 3 "Decision," BRCC, 046-3-6 (0614), September 23, 1984.
- 4 "The Profession of Imam," BRCC, 23-4-7 (162), June 29, 1985; *Al-Jumhuriyya*, July 9, 1986.
- 5 "Islamic College of the University," BRCC, 029-1-6 (0088-0089), June 30, 1988.
- 6 "Wahhabi Movement," BRCC, 3265_0003 (0100-0102), August 21, 1990.
- 7 Untitled, BRCC, 3265_0003 (0098), August 24, 1990.
- 8 "Intellectual Integrity," BRCC, 3265_0003 (0095), August 30, 1990; "Activities taken by the comrade officials of the bureaus with regard to the hostile activities in mosques," BRCC, 2696_0002 (0723-0724), undated, probably from 1993-4.
- 9 "Information," BRCC, 3199_0002 (0139), July 22, 1992.
- 10 *Al-Jumhuriyya*, June 25, 1993; And: Ofra Bengio, "Iraq" in Ami Ayalon, ed., *Middle East Contemporary Survey*, Vol. 17, 1993 (Boulder, Colorado: Westview Press, 1995) 392.
- 11 "Important and Special Suggestions on the Position of Men of Religion and those who have been endorsed by the Meeting of the Comrades of the Secretariat of the Leadership of the Branches included under the Bureaus of Provinces of the Central Region." BRCC, 3559_0001 (0163-4). Undated, probably from 1992.
- 12 "Activities that were taken by the Comrades Officials of the Bureaus about the Hostile Activities in Mosques," BRCC, 2696_0002 (0723-0724).
- 13 Migdal suggests these categories are critical measures of strength. See footnote 1. Migdal, 32-3.

Sex Crimes and Punishment in Baghdad

Alissa Walter, Seattle Pacific University

In the 1990s, the city of Baghdad was a shell of its former self. A series of catastrophes—the ruinous economic costs of the Iran-Iraq War, US and coalition bombing of Baghdad during the Gulf War, and the United Nations’ imposition of economic sanctions from 1990 to 2003—hollowed out Iraq’s economy and destabilized Baghdad’s social order. During the six weeks of the Gulf War from January to February 1991, nearly 60,000 US and coalition bombing sorties targeted Iraqi urban centers, focusing heavily on Baghdad.¹ “Smart bombs” blew out 90% of Baghdad’s electrical grid. An estimated 75 percent of Baghdadis lost access to clean water.² Food in the capital city spoiled without electricity. Water sanitation ceased to function in Baghdad, and sewage overflowed in homes and public sewer systems.³ Even years after the Gulf War, reconstruction efforts limped along, seriously hindered by the rules of international sanctions that restricted imports that could have a military application, including cement and other building materials.⁴

The economic disruptions of the sanctions that followed the Gulf War had their own debilitating effects. Sanctions devastated the Iraqi economy and led to the devaluation of its currency. Public sector paychecks fell to an average of \$2 to \$3 per month and unemployment, already high from the demobilization of millions of soldiers after Iraq’s recent wars, surged in the midst of the economic downturn.⁵ Predictably, many employees stopped reporting to work for these paltry wages, weakening the human resources of the state and diminishing the ability of the government to carry out its tasks with the speed or thoroughness required. For example, an estimated 12,000 teachers stopped reporting to work, crippling the public education system.⁶

One consequence of the economic and social disruptions of war and sanctions was a rising wave of crime in the 1990s as some people turned to illegal means to supplement their withered paychecks. I argue here that

economically-motivated crimes, including commercial sex work, had important political effects. Growing lawlessness challenged Saddam’s legitimacy as a keeper of law and order and strained the operations of the criminal justice system and Ba’thist security apparatus.

Faced with an increasingly restive population, Ba’thist leaders outwardly relied on public spectacles of violence and harsh new sentencing laws to scare Iraqis into compliance. Behind the scenes, the diminished capacity of the state meant that officials relied more heavily on citizen informants and neighborhood-level surveillance to identify criminals. But even once government officials became aware of criminal behavior, the Ba’th Party archives⁷ reveal that officials within the justice system were not equipped or even particularly motivated to sentence all detainees to the full letter of the law.

This chapter focuses on gendered experiences of crime and punishment in the capital city of Baghdad, where the government enjoyed a relatively high level of control (in contrast to the semi-autonomous Kurdish region in the North, or to the southern provinces that had rebelled during the Intifada in 1991). Saddam’s renewed focus on Baghdad’s underground sex industry was the product of two inter-related trends in the 1990s: the regime’s faith campaign and Saddam’s reliance on spectacles of violence to govern a badly weakened state.

Policing commercial sex work: From British Colonialism through the 1980s

Commercial sex work occupied an uneasy standing in Iraq throughout the 20th century. When the British first established its mandate in Iraq, it opted to legalize and regulate the practice of prostitution, but outlawed it shortly after, bowing to domestic pressures to end the legalization of prostitution throughout its empire.⁸ Despite the ban, illegal prostitution flourished in

particular around the pilgrimage traffic in Iraq's Shi'i shrine cities.⁹ In the Hashemite era, rulers occasionally felt the need to crackdown on the sex trade. During the brief coup d'état that put Rashid 'Ali al-Gaylani in power in 1941, he formed a "morality police" squad to curb illegal prostitution, and ten years later, Hashemite officials razed an informal red light area in the central al-Maidan district of Baghdad, disbursing sex workers throughout the city and pushing the sex trade further underground.¹⁰ King Faisal II reiterated his government's opposition by passing a new law outlawing commercial sex work in 1956.¹¹ For much of the post-colonial period, Iraqi governments largely tolerated the discreet operation of brothels in Baghdad, though 'Abd al-Karim Qasim re-affirmed its illegality with an updated law in 1958.¹² But throughout the 1970s and 1980s, elite Baghdadi men, military officers, and officials connected to the Ba'thist regime were known for frequenting high-end brothels and night clubs, even if prostitution itself was usually carried out away from the public eye.¹³

Gendered anxieties at the end of the Iran-Iraq War about the destabilizing influence of returning veterans and the rise of female-headed households prompted the regime to revisit its policies towards prostitution. In particular, regime officials and government newspaper editorials identified young men returning from war as an especially volatile and even criminal segment of society: state media described young veterans as "wild" and "violent" and prone to causing street fights.¹⁴ Women were called on to solve this problem of male volatility in a variety of ways: leaving the work force to boost male employment rates, dressing and behaving modestly so as not to corrupt or be corrupted by these young men, and marrying at a young age to help 'settle' and stabilize men in domestic roles. Relatedly, the government encouraged women to bear more children through a new national fertility campaign designed to offset the high casualty rates Iraq suffered during the Iran-Iraq War.¹⁵

To assist in the domestication of society by coupling off young people, the Ba'th Party took a stronger position on prostitution at the end of the Iran-Iraq War. Viewed in

this light, prostitution was antithetical to—or at least a distraction from—the successful promotion of marriage and reproduction for young Iraqis. The Ba'th Party passed a law in 1988 that recommitted the government to enforcing the prohibition on the sex trade. This 1988 law clarified the legal definitions of prostitution (*bigha*), pimping (*samsara*), and brothels (*bayt al-da'ara*), all of which were prohibited by law. Pimps and madams were sentenced to a maximum of seven years in prison, along with the owners and managers of nightclubs, brothels, or hotels where commercial sex work took place. Anyone who forced another person into sex work was subject to harsher prison sentences, especially if that person was under eighteen years old. Furthermore, those convicted would lose their homes: neighborhood popular committees were tasked with evicting and displacing families who were accused of pimping, prostitution, or managing brothels.¹⁶

Notably, the 1988 law subjected sex workers themselves to relatively light sentences: they were to be sent to a "reform house" (*dar al-islah*) for a period ranging from three months to two years. The Ministry of Labor and Social Affairs was responsible for managing "behavioral, cultural, and professional rehabilitation programs" (*baramij al-ta'hil al-suluki wa-l-thaqafi wa-l-mihni*) that would enable women to "earn an honest living" (*tamkinhunna min kasab 'ayishhunna bi-wasila sharifa*).¹⁷ They could be released after meeting one of the following conditions: if they agreed to pay a fine and remain under the care of a husband or other male guardian, if they got married, or if the court decided that they could live an "honorable life."¹⁸

Unfortunately, there is very little information about what conditions inside these reform houses were like, or how well women were able to re-integrate into Baghdad society after being released. Interestingly, the Organization of Women's Freedom in Iraq (OWFI) writes about these Ba'thist-era reform houses positively, though without providing details. Part of their positive appraisal is meant to contrast the availability of shelter-like institutions under Saddam Hussein, in contrast to

the current government's refusal to legalize shelters for women or families in Iraq. (See [Zahra Ali](#) in this collection).¹⁹

Tellingly, the 1988 law tended to conceive of prostitutes as female, rather than male, despite the fact that men are technically included with the regime's 1988 definition of prostitution (*al-bigha'*), which was: "fornication (*zina*) or sodomy (*al-luta*) in exchange for money with more than one person."²⁰ However, the original Arabic text of this law clearly refers to "prostitutes" using female grammatical terms, and the stipulation that a sex worker could be released from a reform house into the custody of male guardian further confirms that the law was addressing female prostitutes.²¹ Punishments for men caught in sexual liaisons with other men, whether with paid sex workers or in private relationships, were dealt with through separate laws that will be addressed below.

Policing Commercial Sex Work: 1994-2003

The mid-1990s marked a turning point in the government's approach to crime and punishment for a variety of crimes, including commercial sex work. For example, it was in 1994 that the Revolutionary Command Council (RCC) passed harsh new decrees stipulating that thieves would have their hands cut off and their foreheads tattooed, and that soldiers who deserted from the military risked having their ears amputated.²² Iraqis who lived through this period recall seeing broadcasts of surgical amputations for thieves on television, and the physical deformations of amputated hands and cut ears visibly marked certain bodies as 'criminal,' to be undoubtedly subjected to some degree of negative social stigma for the rest of their lives.

Likewise, the RCC escalated the punishments associated with commercial sex work. A law passed in 1993 issued much harsher penalties for those who organized and facilitated commercial sex work: instead of a mere seven year prison sentence, pimps and madams could now face the death penalty for their crimes, and in 1994, it was ruled that their property would be seized,

as well.²³ Prostitution was not technically a capital offense, but law 234 passed in 2001 made the crime of "sodomy" punishable by death.²⁴ Though this does not explicitly relate to commercial sex work, files in the Ba'ath Party archives indicate that it was used to punish men who were discovered in a brothel raid in 2002 (it is unclear whether these men were customers of female sex workers or if they were engaged in sexual activity with other men; the specific law invoked suggests the latter).²⁵ This 2001 law coincides with an infamous spate of alleged public executions of prostitutes, pimps, and madams that was committed by the *Fida'iyyu Saddam* militia overseen by Saddam's son, 'Uday.²⁶

Scholars have posited a number of theories to explain this shift towards draconian, and, in some cases, spectacular punishments in the mid-1990s. Dina Khoury writes that, after the sanctions had worn on for longer than anticipated, these new laws were meant to "project an image of effectiveness" in the midst of lawlessness and hyperinflation. Ratcheting up its use of violent coercion was meant to mask the "incapacity of state institutions and the party" to effectively govern.²⁷ Relatedly, Ariel Ahram argues that periods of "war and crisis" push states like Iraq to adopt "hyper-masculine" behaviors, seeking to control and humiliate the bodies of targeted women and men.²⁸ Though he writes specifically about the use of sexual violence by the state, his arguments can be reasonably applied to the mutilation of thieves' and deserters' bodies, as well as to the heightened punishments for different actors in the commercial sex industry.

As yet another survival strategy, Saddam launched the "faith campaign" (*hamlat al-iman*) at this same point in the mid-1990s.²⁹ One goal of the faith campaign was to gain the support of religious conservatives for the regime. It was, in part, an effort to co-opt religious leaders, to carry out surveillance in mosques and religious schools, and to pressure imams to reinforce regime messaging through Friday sermons (See [Sam Helfont](#) in this collection).³⁰ The faith campaign also had important implications for the regulation of commercial

sex work. As Achim Rohde documented, the faith campaign of the early 1990s increased the public piety of the regime, leading to the outlawing of alcohol, the closing of bars, and periodic declarations against “excessive make-up,” belly dancing, and pornography.³¹ “Honor killings” against women suspected by their family of engaging in pre- or extra-marital sex, even if raped, were briefly legalized by the regime in 1990, and unofficially tolerated to a greater degree than previously throughout the rest of the decade.³²

Ambivalence in the justice system

While the RCC created new decrees calling for harsher punishments for those convicted of commercial sex work, the archives provide a more nuanced picture of how such cases were handled in practice. Exceptions could be made, and the draconian laws described above were not consistently applied.

Starting with the police: citizen informants readily forwarded accusations of prostitution to Ba’th Party officials, but the police and party investigating committees appeared to follow up on these tips with surveillance and careful investigation rather than immediate arrest. In the case of a woman from the Rashid district of Baghdad accused of prostitution, the investigating judge ordered that the woman’s house be placed under secret surveillance. At the end of an eight-month investigation, they found no evidence that she engaged in prostitution and the charges were dropped.³³ Similarly, a group of neighbors wrote a joint petition complaining that a divorced man was acting as a pimp and operated a brothel out of his home. The complaint was forwarded to the police, and in the meantime, the man fled and went into hiding. Despite his appearance of guilt, the investigating officials continued their work and eventually concluded that there was no basis for the charge and that there were “no negative indications” about this man or his family.³⁴ Whether this man was the victim of a smear campaign by his neighbors, or the beneficiary of corrupt police work that let him off the hook, it is impossible to tell from the archives

alone. But these cases indicate that it was possible to be investigated and found innocent of the accusations despite a broader clampdown on sex work by the regime.

Furthermore, even for those who were found guilty of prostitution or pimping, the penalties were often much more lenient than the RCC laws would indicate.³⁵ In 1997, after the RCC had passed its harsh new decrees, a woman was investigated and found guilty of illegally operating a hair salon at her house that also functioned as a bar and brothel, including during the holy month of Ramadan. Guilty on three counts, she was sentenced to only 10 days in jail, evicted from her house, and ordered not to engage in prostitution or pimping again, even though stipulated punishments called for at least seven years imprisonment and even possibly execution.³⁶

The case of a raid on a brothel in 2002 further demonstrates the legal ambivalence of these crimes in the eyes of the regime. The Rashid Branch in Baghdad had received reports that a particular apartment housed young female runaways from the countryside who were taught to be prostitutes, suggesting that some kind of trafficking was taking place. The police carried out a raid on the building. Instead of runaway girls, they found men with alcohol inside the apartments who subsequently confessed to “prostitution” and “pimping.” The judge reviewing the case sentenced some of the men under the anti-sodomy law 234 of 2001, indicating that the men had also been accused of engaging in sexual acts with one another.³⁷ Despite the severity of the accusations, the detainees received penalties of just six months in prison or a fine, rather than the death penalty stipulated by the anti-sodomy law.³⁸

One episode in particular helps illustrate how the new laws were primarily intended to be public demonstrations of the regime’s continued power and capability: in 2001, a group of neighbors wrote to the regime to complain that a woman and her two daughters were working as prostitutes out of their apartment. The mother had previously been arrested for sex work, for which she served only a short six-month prison

sentence. Why, they wondered, had she not been executed, as the law recommended?³⁹ Though officials had evidently chosen to treat this woman leniently during her prior arrest, the regime could not afford to appear weak now that people were complaining. The petition pushed the regime to act: the three women were subsequently arrested and turned over to a court “in accordance with RCC decree number 118 from 1994” and that “legal measures were taken,” suggesting that the women were likely executed for their crimes according to the punishments stipulated by this law.⁴⁰

The cases above indicate that the new harsh penalties against commercial sex work were meant primarily to scare the public into submission; behind closed doors, judges and officials continued with earlier practices of lightly punishing sex workers to push for their reform. Scholars had previously established this pattern of compassionate treatment or inconsistent punishments in the case of deserters from the military: despite laws requiring that deserters’ ears be cut off, Dina Khoury found archival records that indicate few deserters were punished this way.⁴¹ Desertion was a much more politically serious crime than prostitution; if military officers and Ba’th Party officials were willing to occasionally look the other way when apprehending deserters, it is not surprising to see that prostitutes were not always punished to the full extent of the law, either.

On another occasion, Saddam relied on a gruesome, cautionary spectacle of violence to scare off would-be criminals: in 1992, the regime executed 42 merchants accused of price manipulations and displayed their corpses in front of their shops.⁴² Even in this case, though, the regime displayed inconsistency and leniency in applying its punishments: 42 merchants were executed, but they were from among a group of 550 merchants detained in a sweeping crackdown against corruption. The other 508 merchants were spared this deadly fate.⁴³ Likewise, the archives give an example of a shopkeeper who merely lost his license to sell government-subsidized goods as a punishment for price manipulation.⁴⁴ In most instances, shopkeepers were

simply too low of a political priority for the regime to go after every merchant guilty of minor corruption.

Conclusions

An examination of the evolution of Ba’th Party laws punishing certain sex crimes highlights how the economic and political crisis of international sanctions and the challenges of demobilizing the Iraqi military translated into gendered policies designed to ‘settle’ young Iraqi men through marriage. Women were affected in numerous ways: they were encouraged to leave the work force, dress more modestly, and bear more children. They were also seen as responsible for protecting themselves from male harassment—and for not attracting male attention in the first place through their clothing or behavior in public.

Prostitution was another gendered expression of the regime’s concern about criminality and social volatility in the Iraqi capital. Cracking down on crime was one strategy by which Saddam’s regime attempted to avert a crisis of legitimacy. The occasional implementation of violent punishments as a public spectacle broadcast through print and news media was designed to deter potential criminals. However, the regime did not have the capacity or political will to consistently monitor the activities of the population or strictly enforce all of its laws, and so there was considerable variation in how punishments were applied. The relative autonomy of individual bureaucrats and officials within the regime to decide how to interpret and apply criminal statutes is an argument against the depiction of Saddam Hussein’s regime as “totalitarian”—a subject that has been the source of considerable scholarly debate.⁴⁵ In this collection, Helfont argued that in the 1990s, the regime developed “the institutional capacity both to promote its version of religion and to monitor the religious landscape...The regime simply did not exercise that type of control over the Iraq religious landscape in previous periods.” That may be true when it came to the politically sensitive domain of religion, in which Saddam went to great lengths to co-opt religious leaders and institutions

as a means of expanding regime influence and social control. However, the influence of Saddam's regime was not absolute, even within its own capital and in regards to its own bureaucrats. Ordinary citizens in the 1990s found that they could commit criminal acts with relative impunity in many cases, and individual bureaucrats,

police officers, and judges were able to exercise discretion. Issuing draconian laws and occasionally reinforcing them with spectacles of violence was, in many cases, a bluff meant to convey the appearance of a more unified and effective government than existed in actuality.

Endnotes

- 1 * Research for this paper was funded by grants from the American Association of University Women, the U.S. Institute of Peace, and the Academic Research Institute in Iraq. This paper is based on my dissertation, "The Ba'th Party in Baghdad: State-Society Relations through Wars, Sanctions, and Authoritarian Rule, 1950-2003," which I defended at Georgetown University in 2018. It will be incorporated into a forthcoming book manuscript with the working title *Becoming Baghdad: Daily Life in Saddam Hussein's Iraq*.
"Damage Control—and Real Damage," *New York Times*, February 14, 1991; James F. Clarity, "War in the Gulf: Baghdad; from TV Reports in Iraq, News an Attack has Begun," *New York Times*, January 17, 1991.
- 2 Joy Gordon, *Invisible War: The United States and Iraqi Sanctions* (Cambridge, MA: Harvard University Press, 2010), 22.
- 3 BRCC 01-3630-0003-0360, Secretary of Baghdad to the Ministry of Industry and Military Industrialization, "Running Purification Plants for Drinking Water in Baghdad," February 22, 1991; R.W. Apple Jr., "War in the Gulf: Combat; Raids Said to Badly Delay Baghdad Messages to Front," *New York Times*, February 11, 1991.
- 4 Gordon, *Invisible War*, 37.
- 5 Abbas Alnasrawi, *The Economy of Iraq: Oil, War, Destruction of Development and Prospects, 1950-2010* (Westport, CT: Greenwood Press, 1994), 93.
- 6 Gordon, *Invisible War*, 38.
- 7 My argument draws on extensive research in the Iraqi Ba'th Party archives, which contain approximately 11 million pages of memos from the Ba'th Party headquarters that date from the 1980s until 2003. These archives are the legal and cultural property of the Iraqi government, and their current location at the Hoover Institution at Stanford University has generated controversy. A memorandum of understanding has been signed between the Hoover Institution and the Government of Iraq stating that the original documents will be returned to Iraq. However, the date of this transfer has not been agreed upon yet. Though the US Department of Defense originally funded the seizure and transfer of the Iraqi Ba'th Party archives to justify the 2003 invasion and carry out a de-Ba'thification policy, scholars using this archive have tended to criticize the US occupation of Iraq and have produced scholarship that instead highlights the inner workings of Saddam Hussein's regime and the social and political ramifications of his rule on the lives of Iraqis. My decision to work in these archives has been guided by the motivation to help tell the history of daily life under Saddam Hussein's rule until the time that more Iraqis are able to examine these archives for themselves. For more information about the Ba'th Party archives, see: Bruce Montgomery, "US Seizure, Exploitation, and Restitution of Saddam Hussein's Archive of Atrocity," *Journal of American Studies* 48, no. 2 (May 2014): 559-593; Michelle Caswell, "'Thank You Very Much, Now Give Them Back': Cultural Property and the Fight over the Iraqi Baath Party Records," *The American Archivist* 74, no. 1 (Spring/Summer 2011): 211-240. Wisam Alshaibi is currently publishing his findings about the role of the US Department of Defense in funding the seizure of these archives: for now, see Arbella Bet-Shlimon's discussion of Alshaibi's work in her book *City of Black Gold* (Stanford, CA: Stanford University Press, 2019), 201.
- 8 Liat Kozma, *Global Women, Colonial Ports* (New York: State University of New York Press, 2017), 53. Paragraph 232 of the Baghdad criminal code passed in November 1918 explicitly outlawed prostitution, procurement, and the operation of brothels. <http://www.iraqlid.iq/LoadArticle.aspx?SC=070420103753319>
- 9 Kozma, *Global Women, Colonial Ports*, 81.
- 10 Memoirist Jamal Haydar blamed the creation of this red-light district on the arrival of the British in the early 20th century: Jamal Haydar, *Baghdad: Malamih Madina fi Dhakirat al-Sitinat* [Baghdad: Features of a City in Memories of the 1960s], 22. See also: Khalis H. Al-Ashab, "The Urban Geography of Baghdad," Vol. 1. Ph.D. diss., University of Newcastle Upon Tyne, 1974, pg. 369-370.
- 11 Haydar, *Malamih Madina*, 22.
- 12 "Mukafahat al-Bigha" [Combatting Prostitution], Law #79, June 18, 1956, <http://www.iraqlid.iq/LoadLawBook.aspx?SC=200420108658686>; "Mukafahat al-Bigha" [Combatting Prostitution], Law #54, November 1958, <http://www.iraqlid.iq/LoadLawBook.aspx?page=1&SC=&BookID=11877>.
- 13 Baram, *Saddam Husayn and Islam*, 52; al-Jawaheri, *Women in Iraq*, 114.
- 14 Jabar, "The War Generation in Iraq": 131-132; al-Khafaji, "War as a Vehicle for the Rise and Demise of a State-Controlled Society": 275.
- 15 CADN 54PO/B/6, "Monthly Summary from April – May 10," May 17, 1986; Sassoon, *Saddam Hussein's Ba'th Party*, 254-255; al-Jawaheri, *Women in Iraq*, 22.

- 16 A memo addressed to the Presidential Diwan from April 1990 complained that neither the police nor the local popular committee had evicted a Baghdad family accused of “promoting indecency” despite numerous complaints. Party secretariat to the Presidential Diwan, “Report,” April 24, 1990, BRCC 01-3787-0001-0411. The responsibility of popular committees to evict people accused of prostitution can be found in RCC decree #25 from 1995, paragraph 50. <http://wiki.dorar-aliraq.net/iraqilaws/law/2000.html>. Accessed August 17, 2016.
- 17 “Mukafahat al-Bigha” [Combating Prostitution], Law #8 of 1988,” <http://wiki.dorar-aliraq.net/iraqilaws/law/7416.html>.
- 18 “Mukafahat al-Bigha” [Combating Prostitution], Law #8 of 1988,” <http://wiki.dorar-aliraq.net/iraqilaws/law/7416.html>.
- 19 Organization of Women’s Freedom in Iraq (OWFI), Prostitution and Trafficking of Women and Girls in Iraq, March 5, 2010. Accessed May 2, 2019. https://www.peacewomen.org/sites/default/files/dispvaw_prostitutiontraffickingiraqwomen_owfi_march2010_0.pdf
- 20 “Mukafahat al-Bigha” [Combating Prostitution], Law #8 of 1988,” <http://wiki.dorar-aliraq.net/iraqilaws/law/7416.html>.
- 21 Arrested prostitutes are referred to as al-mahjuza, exclusively using the feminine grammatical form. Paragraph 11 of Law #8 of 1988 states: that a [female] prostitute can leave the reform house if: (1) “her husband” (zawjha), guardian, or other relative pays bail and takes responsibility for her good behavior after release; (2) she marries (tazawwajat), or (3) if the court testifies that she will commit to living an honorable life (asbahat bi-hala tastati’u ma’ha al-’ish al-sharif).
- 22 Decree #59 from 1994, “Severe Punishments for those who Commit Theft,” <http://wiki.dorar-aliraq.net/iraqilaws/law/16019.html>; Decree #114 from 1994, “Modifying RCC Decree #59 from 1994 (Theft),” <http://wiki.dorar-aliraq.net/iraqilaws/law/16048.html>; Decree #109 from 1994, “Tattoo on the Forehead for any Person whose Hand was Cut Off as Punishment According to the Law for Cutting Hands,” <http://wiki.dorar-aliraq.net/iraqilaws/law/16046.html>; Decree #117 from 1994, “Prohibition of Removing the Tattoo,” <http://wiki.dorar-aliraq.net/iraqilaws/law/16059.html>; Decree #115 from 1994, “Punishment by Cutting Off the Outer Ear.” Accessed August 17, 2016.
- 23 RCC #155 from 1993: “Regarding Combating Indecency and Prostitution,” <http://wiki.dorar-aliraq.net/iraqilaws/law/14431.html>. Accessed August 17, 2016; RCC #118 from 1994: “Decision to Punish by Execution Everyone who Ran Pimping Operations...” <http://wiki.dorar-aliraq.net/iraqilaws/law/16049.html>. Accessed August 17, 2016.
- 24 RCC #234 from 2001: “Regarding the Death Penalty for anyone who Commits Sodomy with a Male or a Female,” <http://www.iraqld.iq/LoadArticle.aspx?SC=190520138285285>.
- 25 Ministry of the Interior to the party secretariat, “Information,” February 18, 2002, BRCC 01-2170-0001-0758.
- 26 US Department of State, “Iraqi Women under Saddam’s Regime: A Population Silenced,” March 20, 2003, <https://2001-2009.state.gov/g/wi/rls/18877.htm>; al-Jawaheri, Women in Iraq, 114-115.
- 27 Khoury, Iraq in Wartime, 154-155.
- 28 Ariel Ahram, “Sexual Violence and the Making of ISIS,” *Survival* 57, no. 3 (2015): 57-78, pg. 58.
- 29 Gordon, *Invisible War*, 38; Graham-Brown, *Sanctioning Saddam*, 187; Rohde, *State-Society Relations*, 111; Baram, 303, 322.
- 30 Samuel Helfont, *Compulsion in Religion*, 188-189, 201.
- 31 Rohde, *State-Society Relations in Iraq*, 109-118.
- 32 Al-Jawaheri, *Women in Iraq*, 113; Rohde, *State-Society Relations*, 102-103.
- 33 Party secretariat to the Rashid Branch, “Information,” June 15, 1999, BRCC 01-2129-0000-0293.
- 34 Rashid Branch to the party secretariat, “Statement [in favor of] Eviction,” April 23, 2001, BRCC 01-3389-0000-0650 (including related documents from -0638 until -0650). Petition can be found at BRCC 01-3389-0000-0651.
- 35 See, for example, party secretariat to the Ministry of the Interior, “Arrest of a Bad Person,” March 20, 2001, BRCC 01-2077-0001-0305
- 36 Party secretariat to the Ministry of the Interior, “Request for Information,” September 17, 1997, BRCC 01-2843-0001-0503.
- 37 RCC #234 from 2001: “Regarding the Death Penalty for anyone who Commits Sodomy with a Male or a Female,” <http://www.iraqld.iq/LoadArticle.aspx?SC=190520138285285>.
- 38 Ministry of the Interior to the party secretariat, “Information,” February 18, 2002, BRCC 01-2170-0001-0758. These laws were sometimes fully enforced, of course: another case saw two men sentenced to life in prison for “practicing sodomy” Ministry of Justice to the party secretariat, “People’s Day,” February 25, 2002, BRCC 01-2170-0001-0665.
- 39 Collective petition, “Statement Proving the Practice of Pimping and Prostitution,” 2001, BRCC 01-2077-0001-0072.
- 40 Assistant Director from the party secretariat to the Khalid bin al-Walid Branch, “Information,” May 28, 2001, BRCC 01-2077-0001-0065.
- 41 Khoury, *Iraq in Wartime*, 154-155; see: “Status of Deserters for Wednesday, October 26, 1994” BRCC 027-2-4-1069.
- 42 Makiya, *Republic of Fear*, xvi.
- 43 Makiya, *Republic of Fear*, xvi.
- 44 Ministry of Trade to the party secretariat, “Raising Prices,” November 17, 1989, BRCC 001-5-3-0052.
- 45 See Faust, *Ba’thification of Iraq*, Makiya, *Republic of Fear*, Sassoon *Saddam Hussein’s Ba’th Party*.

Institutionalizing Exclusion: De-Ba'athification in post-2003 Iraq

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The American invasion and subsequent occupation of Iraq in 2003 was accompanied by an almost entire institutional reconfiguration of the state. After regime change toppled the Ba'athist autocracy, the occupation was characterized by failed statebuilding resulting in elite fractionalization, ethnic exclusion, and socio-economic and political decline.¹ This article examines institutional failures that impeded democratic consolidation in post-2003 Iraq. I argue that the Coalition Provisional Authority (CPA) cemented patterns of exclusion and ethnic dominance through the creation of the de-Baathification Commission immediately following the invasion.

The Commission's pervasive purging of former Ba'athists signaled to the Sunni-Arab community that their status had been relegated to that of a *persona non grata* (see [Haddad](#) in this collection), which crystalized the community's intransigence toward accepting the new political order. As a result, the absence of parallel, cross-communal peacebuilding initiatives intensified interethnic distrust of the statebuilding process, which exacerbated communal fractionalization and exclusion² at the onset of the transition. Far from being an instrument of transitional justice, de-Ba'athification became a jurisdictional tool for institutionalizing discrimination by previously excluded Shia and Kurdish elites who captured the political playing field post-2003. As a discriminatory institution³ advocated largely by Shia elites in exile and Kurdish elites in the Kurdistan Region of Iraq (KRI), it intensified segmental cleavages and markedly altered the country's democratic transition.

Building on Wimmer's analysis of power configurations and conflict, I posit that de-Baathification and communal exclusion during the critical transitional phase of statebuilding impeded building sustainable

peace and heightened conflict by excluding segments of the population from the exchange networks that bind a state to its society; such exclusion violated the principles of political legitimacy which the purported statebuilding effort was conceived upon and exacerbated the mobilization and determination of excluded groups to resist the new order; and, lastly, this drastic change in the institutional setup created a struggle "over who has the right to rule."⁴

Formulating Lustration in post-Ba'athist Iraq

The American statebuilding schema for Iraq, including the transitional phase of the occupation, the establishment of the CPA, and the Green Zone in Baghdad (the American Zone in Germany), mirrored the post-war planning and reconstruction of Germany under the US Group Control Council for Germany (US Group CC).⁵ It thus was no surprise that de-Nazification became the blueprint for addressing questions relating to the disintegration and demobilization of members of the *ancien régime*. Modelled after de-Nazification and the communist purges following Soviet collapse in Eastern Europe, de-Ba'athification, in principle, was purposive of eliminating the upper echelons of various Ba'athist entities.⁶ However, unlike de-Ba'athification, de-Nazification was ratified under the Potsdam Agreement signed by Allies of WWII, Britain, the US, and the Soviet Union, and was subsequently revised by German policymakers to serve as an instrument of rehabilitation rather than retribution.⁷ Moreover, once de-Nazification was handed over to vetted federal and local authorities under the Law of the Liberation from National Socialism and Militarism of 1946, its framework and structure was reformulated to facilitate its institutionalization into various governing institutions rather than one supra-national body to promote more localized oversight regarding its application. Doing so depoliticized its

scope and mandate, enabled accountability at various institutional levels of governance, and made it part and parcel of Germany's post-war democratization process.⁸ While it was quickly determined that lustration in Germany must be reformed to serve as an instrument of reintegration with an emphasis on promoting reintegration and transitional justice at the federal, state, and local levels of German society, de-Ba'thification, on the other hand, continues to operate as an unaccountable supra-national body with limited independent judicial oversight, which has enabled its politicization as an instrument of exclusion. The failure of lustration in Iraq under de-Ba'thification is an outcome of two interlinked processes. First, the absence of rule of law and judicial autonomy made it susceptible to elite capture. Second, ingrained patronage empowered political parties and facilitated its overreach, which obstructed legislative and judicial autonomy from the executive branch controlled by powerful communal party blocks.

Institutionalizing exclusion: Framing de-Ba'thification and its perils

Conceptualizing the impact of de-Ba'thification on state development requires an evaluation of the constitutive elements of its elite core-rank and file members of the Ba'th regime targeted by de-Ba'thification. The encapsulation of the state by the Ba'th regime and its diffusion in society institutionalized mandatory state-wide party membership to co-opt and subvert dissidence and maintain control. Although Sunni-Arabs were demographically a minority, membership tended to be higher in Sunni-majority areas,⁹ they were disproportionately represented in the Party's clientelistic designations and occupied both rank and file and lower echelons of the Party.¹⁰ As succinctly noted by Blaydes, "higher-order benefits associated with the Ba'th Party disproportionately went to individuals who came from

the geographic regions closest to Tikrit, as they served as the regime's loyal core."¹¹ Their targeted exclusion from governing the state through de-Ba'thification impelled their alliance of convenience with radical Islamist groups and shaped the insurgency that engulfed the country post-2003.¹²

The CPA, as the administrative and civilian arm of the occupation under Paul Bremer, issued two critical orders within two months of the occupation in 2003. Order No.1 mandated the dissolution of the Iraqi Ba'th Party while Order No. 2 dissolved all party structures, financial institutions, leaders and leadership positions, Iraqi technocrats, and political, security, and intelligence institutions.¹³ Although precise figures are difficult to ascertain, this resulted in the purging of an estimated 20-120,000 Iraqis, including doctors, teachers, and other technocrats.¹⁴ The disbanding of the army left an estimated 500,000 Iraqi soldiers armed, unemployed, and without pension pay until a vetting process was put in place a few months later that reinstated selective pension payouts.¹⁵ Although the Iraqi federal police under the auspices of the Ministry of the Interior was spared from Order No. 2, rampant corruption, looting, and the failure to devise a plan to integrate the force prior to its disbursement severely hampered post-invasion security efforts.¹⁶

The sweeping nature of de-Ba'thification also caused a fissure between the civilian arm of the occupation and the American military, including CENTCOM, the Combined Joint Task Force for Iraq (CJTF-7) and the Coalition Forces Land Component Command (CFLCC), given that the latter planned to retain the Iraqi army to aid with security and reconstruction immediately after the invasion.¹⁷ This was echoed by General David Petraeus, the Commander of the Multi-National Force in Iraq, in an interview with the author noting that "these two orders essentially cut our legs from underneath us"¹⁸

Similarly, John Nixon, the first CIA officer to interrogate Saddam Hussein upon his capture in December 2003, noted that:

We went from a period where Sunnis were helpful to where they were hostile, even with no Shia insurgency, there was an emerging Sunni insurgency, and certainly the de-Baathification order is very much a market point a watershed moment to when the hostility begins to grow... The return of these emigres who had political agendas to advance and realization that everything was up for grabs and that the Sunnis were almost completely being shut out of this. This perception was mild in the beginning but grew more so and one of the key perceptions that helps erupt the sectarian violence in 2004 onward.¹⁹

The effects of de-Ba'athification on Iraqi's Sunni Arabs reverberated throughout the formative months and years following the occupation. By 2006, over 450 teachers, 17 Tikriti university professors, 86 healthcare professionals, 4 judges, 330 police officers, and hundreds of local technocrats were out of work in Salahdin province with its capital Tikrit, Saddam Hussein's tribal base. The impact of this on local grievances was reflected in an American diplomatic cable by Ambassador Zalmay Khalilzad in December 2006:

In the Baathist heartland of Salah ad Din (SaD), the effects of de-Baathification and dismantling of the former Iraqi Army are causing SaD Sunnis to resist engagement in the political process...over 1,300 former Baathist professionals, all of whom are Group members (Firqa) or below, believe they have properly completed applications for exceptions, but have reportedly not received notice of action on their cases from the HNDC. Many more government retirees and former IA officers have been disallowed from receiving their pensions. SaD Sunnis have largely accepted that de-Baathification will remain in place, but they do want to see the regulations relaxed,

a HNDC that functions efficiently when reviewing files, and Sunni representation on the HNDC (by which they mean a Sunni who was in the country during Saddam's regime)...we fear that if the changes to the de-Baathification regulations do not allow the SaD Sunnis to return to work and to participate in government, then we will see those individuals become more supportive of insurgent elements.²⁰

Similarly, Yonadam Kanna, an Assyrian member of the Iraqi parliament and a member of the first National de-Ba'athification Commission, reiterated the politicization of Commission by Shia and Kurdish members who, more often than not, targeted individuals on the basis of communal affiliation which contributed to the shortage of Iraqi technocrats in key sectors of the state.²¹

Constraining peacebuilding: de-Ba'athification and its outcomes

De-Ba'athification adversely affected the implementation of national reconciliation initiatives. By 2007, reforming the de-Ba'athification Commission to redirect punitive measures toward only high-ranking officials while allowing lower level members (the overwhelming majority) who had not committed crimes to return to their jobs and receive pensions, had become the single most important legislative issue for national reconciliation.²² With vast powers anchored in patronage and little to no independent oversight over its mandate and application, the Commission wielded great power over the targeting and exclusion of large segments of Iraqis and subverted the application of transitional justice mechanisms during the formative years of the post-Ba'athist transition.²³ For American administrators, the politicization of the Commission was an outcome of two processes. First, according to Paul Bremer III, the absence of Iraqi technocrats made it more difficult for the UN and the CPA to form a technocratic government, which enabled the reliance on ethnic elites to form government. Second, Shia and Kurdish insistence on

dominating the statebuilding process coupled with the intransigence of Sunni Arabs to accept the post-2003 order led to its manipulation by Shia and Kurdish elites. For his part, Bremer acknowledged that “I certainly made a mistake in how I allowed Iraqi politicians to be responsible for the implementation of de-Ba’thification. It might be that if we had done that better, it would have helped certainly at the margins I’m not sure it would have made a major difference in where things stand today.”²⁴

Conflicts with governments that obstruct peacebuilding occur under three interlinked circumstances: first, if representatives of ethnic groups are excluded from state power, particularly if that group experienced a recent loss of power; second, if aggrieved groups have high mobilizational capacity; and third, if they have experienced conflict in the past.²⁵ Various institutional choices, including the muhassasa system, asymmetrical power-sharing, and weak rule of law, during the transitional and subsequent statebuilding phase of the occupation gravely hindered attempts at political, economic, and cultural rebuilding.²⁶ One way the CPA obstructed reconciliation and peacebuilding was through the creation of a mechanism that institutionalized the exclusion of particular segments of the population, which produced a crisis of governance and a conflict of legitimacy. Exclusion impedes peacebuilding because it

fosters conditions conducive to the eruption of conflict stemming from “inequality in the distribution of and access to political opportunity and power among groups, including access to the executive branch and the police and military.”²⁷ The enduring effects of de-Ba’thification on state fractionalization is best evinced by the alliance of former Ba’thists with radical Islamist groups in the creation of ISIL and its takeover in 2014 (see [Dodge](#) and [Haddad](#) in this collection).²⁸

Conclusion

This article explored the enduring effects of de-Ba’thification on state and peacebuilding in Iraq. The permeation of de-Ba’thification during the formative statebuilding period bolstered its scope and mandate, framed the boundaries of inclusion and exclusion, and enabled state capture by previously disenfranchised ethnic elites, primarily Shia Arabs and Kurds. Bereft of parallel peacebuilding institutions, externally imposed democratization in Iraq produced a highly fractionalized and fractured transitional period that sanctioned elite capture and ethnic dominance of the emergent political arena. Consequently, the architects of Iraq’s post-Ba’thist transition created the same problem they sought to eradicate: the entrenchment and mobilization of Sunni-Arab grievances along Ba’thist lines.

Endnotes

- 1 For an analysis on the legality and legitimacy of the occupation, see Asli U Bali, “Justice under Occupation: Rule of Law and the Ethics of Nation-Building in Iraq,” *The Yale Journal of International Law*, Vol. 30 (2005);
- 2 Political exclusion denotes the “denial of political rights to specific ethnic or ethnoregional communities, most notably the right to vote, organize political parties, freely contest elections, and thus become full participations in the political life of their country.” See, René Lemarchand, “Exclusion, Marginalization, and Political Mobilization: the Road to Hell in the Great Lakes,” in *Facing Ethnic Conflicts*, eds., Andreas Wimmer, et al (Lanham, MD: Rowman & Littlefield, 2004), 66.
- 3 On discriminatory institutions and ethnic conflict, see: Stefan Wolff, *Ethnic Conflict* (Oxford: Oxford University Press, 2006), 68.
- 4 Andreas Wimmer, *Waves of War: Nationalism, State Formation, and Ethnic Exclusion in the Modern World* (New York: Cambridge University Press, 2013), pp. 15-16.
- 5 Elmer Plischke, “Denazification Law and Procedure,” *The American Journal of International Law*, Vol. 41, no. 4 (1947), p. 807.
- 6 L. Paul Bremer III, *My Year in Iraq* (New York: Threshold Editions, 2006), p. 37-42.
- 7 Frederick Taylor, *Exorcising Hitler: the Occupation and Denazification of Germany* (London: Bloomsbury, 2011), pp. 281-82.
- 8 *Ibid.*, 301.
- 9 Two reasons explain higher Iraqi Shias Ba’th party membership alluded to in works by Sassoon and Blaydes, First, Shia over representation in Ba’th party membership is reflective of their majority demographics as they constitute the largest communal bloc in Iraq. Second, membership was mandatory for employment in state and civil service positions, which contributed to the overrepresentation of Shias as

the country's demographic majority. These two factors over the political economy aspect of Shia Ba'thist membership rather than an entrenched alignment of Shia Arabs to Ba'thist ideology.

10 Lisa Blaydes, *State of Repression* (Princeton: Princeton University Press, 2018), p. 164.

11 *Ibid.*, 165.

12 David Siddhartha Patel, "ISIS in Iraq: What We Get Wrong and Why 2015 is not 2007 Redux", Crown Center for Middle East Studies, January 2015, available at: <http://www.brandeis.edu/crown/publications/meb/meb87.html>

13 John Ehrenberg, J. Patrice McSherry, José Ramón Sánchez, and Caroleen Marji Sayej. *The Iraq Papers* (New York: Oxford University Press, 2010), pp. 184-85.

14 Estimates fall within the noted range-see, for instance, David L. Phillips, *Losing Iraq* (New York: Westview Press, 2005), 145; U.S. Intelligence reports estimated the removal of the top 1% of all party members, or an estimated 20,000 people, see Bremer, 40. Colonel Joel D. Rayburn and Colonel Frank K. Sobchak, et al, place the estimate between 30,000-50,000 Iraqis including senior civil servants, military leaders, and university professors, p. 141.

15 Special Inspector General Iraq Reconstruction, *Hard Lessons: the Iraq Reconstruction Experience* (Washington: U.S. Government Printing Office, 2009), 75; Hashim (2003): 39; David H. Ucko, "Militias, Tribes and Insurgents: the Challenge of Political Reintegration in Iraq," *Conflict, Security and Development* 8.3 (September 2008): 343-44.

16 Special Inspector General for Iraq Reconstruction, *Hard Lessons: Iraq's Reconstruction Experience*, pp. 124-25.

17 Colonel Joel D. Rayburn and Colonel Frank K. Sobchak, et al., *The U.S. Army in the Iraq War, Vol. 1* (Carlisle Barracks, PA: US Army War College Press, 2019), p.140.

18 Shamiran Mako interview with General David Petraeus, 28 November 2018, Boston, MA.

19 Shamiran Mako interview with John Nixon, 21 May 2018, Boston, MA.

20 Wikileaks, "PRT Tikrit: the Effect of De-Baathification in Salah Ad Din", 11 December 2006, Cable: 06BAGHDAD745.

21 Shamiran Mako interview with Yonadam Kanna, 17 December 2017, Boston, MA.

22 Wikileaks, "PM Insider al-Askari on DeBaathification, Sunni Leaders and Ministerial Changes", 11 February 2007, Cable 07BAGHDAD451.

23 Fanny Lafourcade, "How to 'Turn the Page'? The National Iraqi Leadership After 2003 and the de-Baathification Issue", in *Writing the Modern History of Iraq*, eds., Jordi Tejel, Peter Sluglett, Riccardo Bocco, and Hamit Bozarslan (New Jersey: World Scientific, 2012), p. 190.

24 Shamiran Mako interview with Paul Bremer III, 28 March 2013, Boston, MA.

25 Lars-Erik Cederman, Andreas Wimmer, and Brian Min, "Why Do Ethnic Groups Rebel: New Data Analysis", *World Politics*, vol. 87 (2010), p. 88.

26 Albrecht Schnabel and Hans-Georg Ehrhart, "Post-conflict societies and the military: Challenges and problems of security sector reform," in *Security Sector Reform and Post-Conflict Peacebuilding*, eds., Albrecht Schnabel and Hans-Georg Ehrhart (Tokyo: United Nations University Press, 2005), 1.

27 *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict*, the World Bank and the United Nations, p. viii, available at: <https://openknowledge.worldbank.org/handle/10986/28337>

28 Patel (2015).

Ayatollah Sistani: Much More than a “Guide” for Iraqis

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The 2003 US invasion of Iraq changed the structure of the Iraqi state. Previously a presidential republic in name, and a dictatorship in practice, the state was remade as a parliamentary democracy. Baathist regimes had long persecuted dissidents of all stripes, but on the formal level the state and the Baath Party were avowedly secular. By contrast, most of the politicians who took over the interim state structures in 2003, and most of the parties that ran in the inaugural elections in 2005, were expressly organized along lines of ethnic or sectarian affiliation as opposed to ideology or political program. As a result, many Iraqis perceived the post-2003 system as altering the basis of formal politics to communal identity for the first time in the country’s modern history.

Many people in Iraq resisted these trends. Prominent among them were the four grand ayatollahs at the hawza in Najaf, Ali al-Husseini al-Sistani, Saeed al-Hakim, Bashir al-Najafi and Muhammad Ishaq al-Fayyad. The ayatollahs tackled sectarian rhetoric head on, rejecting it as an interpretation of Iraqi history and decrying its dangers for Iraq’s present and future. They appealed instead to a pan-Iraqi nationalism. The ayatollahs were unable to stop the violence in the streets; nor did they control the entire religious landscape. But their counter-narratives had a restraining effect and at times allowed them to serve as arbiters of political stalemates. Viewed from this perspective, the ayatollahs acted as public intellectuals, tirelessly working to set the parameters for healthy public discourse, correcting misinformation and setting a moral example for society. Sistani was particularly influential in this regard. Although he was not always effective in arbitrating critical political deadlocks, his narratives tell us something about the political culture in which Iraqis were operating. There is great value in his ideas that flooded the public sphere,

reproduced over and over again, creating new patterns of interaction and new political symbols.

In this paper, I seek to explain the discourse and actions of Grand Ayatollah Sistani in order to make sense of the timing of his interventions in post-Saddam Iraqi politics. Sistani underwent a transformation from an “apolitical” ayatollah to one of the most important political actors in contemporary Iraq. By tracing his interventions at key junctures, I aim to get a sense of his strategic thinking about when to interact with the political system and when not to. Although Sistani had strategic interests, such as the need to keep the clerical establishment relevant to the political process, he often intervened during moments that would have set Iraq on a path away from democratic development. Sistani’s views were important first and foremost for their power to frame narratives about Iraq. But there was another element: in many ways, Sistani oriented a state under construction and affected its course of action. Some have exaggerated his accomplishments: one Iraqi official, for instance, was speaking in hyperbole when he said that “Iraq could have witnessed another genocide were it not for Sistani. He saved Iraq’s Sunnis.”¹ In fact, Sistani’s frequent calls upon Shiites to refrain from attacking Sunnis did little to reduce political violence. With several hundred thousand dead, the violence had taken on a life of its own. The insurgency morphed from civil war to ISIS expansion, and the multiplicity of actors involved in the conflict compounded the violence on the ground. Sistani’s positions focused on reinforcing ties between Sunnis and Shiites, calling attention to humanitarian concerns, and making clear that terrorism would not be rewarded either in this life or the afterlife. Despite the poor prognosis, such exaggerations about Sistani’s role in curbing violence show the extent of Sistani’s perceived importance in Iraqi politics.

A not-so-silent hawza

To appreciate Sistani's importance, one should not simply lay his fatwas side by side to determine which were effective and which were not. His interventions should be understood independently of their effectiveness. After all, Sistani made clear over and over again that he would serve as a "guide" only, in stark contrast to the Khomeinist model of *velayet-e faqih* (rule of the jurisprudent), which placed the ayatollahs at the center of formal politics, and, indeed, the nitty-gritty of government. His narratives about the proper course for Iraq tell us something about the political culture in which he operated after 2003. He played a vital role as the very notion of "Iraqi-ness" was thrown into question. He reached into history to make the case for pan-Iraqi nationalism, and reached out to his Sunni coreligionists to make the case for Iraqi independence from the rule of the United States, and later, the trap of ISIS.

Saddam Hussein's removal created a power vacuum, leading to the emergence of new forms of authority and the revival of older ones. The prime example of the former was Muqtada al-Sadr, son of Ayatollah Muhammad Sadiq al-Sadr, who appealed especially to the urban poor. Sadr has evolved over the years from an outsider to an insider, but still offers an alternative to the traditional clerical hierarchy, which he derides as the "silent hawza" (*al-hawza al-samita*). Yet the hawza, with Sistani at its head, proved adept at remaining relevant as Sadr and other new actors entered the scene. Sistani was aware of the critique coming from Sadr's self-styled "vocal hawza" (*al-hawza al-natiqa*); indeed, his sense of this critique's persuasive power led to his decision to take part in the political process.

Yet on many political issues Sistani maintained an equally telling silence. On federalism, for example, Sistani refused to issue an opinion, saying only that Iraqis should work it out through the political system. He did not want to influence the process. Keeping in line with his role as a "guide only," Sistani assured his followers that those entrusted with the task would find

"the perfect formula to save the Iraqi unit and the rights of all its ethnicities and nationalities."² Sistani exercised great restraint despite the fact that the Kurds were able to enter the new political pact with a disproportionate amount of power. In this instance, like other perceived threats to Iraqi unity, Sistani chose instead to highlight national unity and anti-sectarianism in the broadest terms possible.

Along with the other three grand ayatollahs, Sistani made a conscious choice to act as a "guide"—and only a guide—in contrast to the Khomeinist model of *velayet-e faqih* (rule of the jurisprudent), which placed ayatollahs at the center of formal politics and government. The ayatollahs in Najaf had no program, Islamic or otherwise, and no intention to carve out a place for themselves in the new state. Sistani derived his power from his ability to organize both alongside the state and in dialogue with it. Thus, he could pick and choose when and how to intervene. In general, over the last decade and a half, Sistani chose rule of law over chaos, Iraqi nationalism over sectarianism, and popular sovereignty over authoritarian rule. He always grounded his opinions in concrete political circumstances rather than religious ideals or abstractions.

The precise character of Sistani's interventions after 2003 marked his judgments about what was necessary given developments on the ground. Early on, he focused on correcting misinformation about Iraq and insisting that sectarianism was neither inevitable nor intrinsic to Iraqi culture. The February 2006 bombing of the al-Askari mosque in Samarra, one of the holiest sites for Shiites, marked a turning point. It unleashed unprecedented sectarian retaliatory violence that ripped through the country. In response, Sistani declared that his fatwas were binding on all Muslims, not just Shiites. In doing so, he sought to reach a broad national audience, demonstrating his ability to move beyond matters of theology and ritual and enter the world of politics. This activist stand inspired a shift in the ayatollahs' attitudes toward the Iraqi government. In 2011, the senior clerics broke off communication with the government

in response to widespread state corruption. With the second turning point, the rise of ISIS in 2014, the ayatollahs shifted back to supporting the state and the military's campaign to push back ISIS.

Sistani and sectarian strife

Sistani's main message on sectarianism, derived from the volume of his statements on the issue, was that Iraqi identity should be inclusive of all sects rather than defined by a power-sharing agreement that favored one sect at the expense of others. He did, however, worry that sectarianism was becoming a reality as the post-Saddam state was institutionalized. He was concerned that Shiites, as the majority in the country, would be blamed for the violence and chaos, particularly since some of the post-2003 governing parties claimed to speak in their name. Most of his early decrees therefore forbade the formation of militias and pleaded with citizens to put their trust in the courts to administer justice. Vigilante action was "not permissible."³ The formation of "special armies," by either men of religion or other non-state actors, would harm the country's national army.⁴ The state, with its monopoly over violence, was the key to intercommunal peace. Sistani warned the armed forces to remain neutral, free from the influence of militias or sectarian influence.

Sistani was asked also whether Shiites should have a special place in the government. His position, which became consistent over time, was that "Shiites want what all Iraqis want, the right to self-determination." He repeated that their position in the state was "not special," no different from the rest of the population. Though it might seem natural for the grand ayatollahs to be more concerned about the Shiites as their own constituents, Sistani made clear that he represented the interests of not only Shiites but also all Iraqis in the promotion of an Iraq-centric democracy.

As political violence began to appear among Iraqis after the US invasion, foreign media outlets began asking Sistani if the occupation had created a "schism" in the

country. The ayatollah, wary of repeating words that reporters would attribute to him, objected to the term. He called it the "thinking of a few people," and argued that once Iraq regained its sovereignty, there would be no "trend" along those lines. Sistani understood the power of narratives: talking about a "schism" would make it a self-fulfilling prophecy. He viewed it as his job to explain the process of cause and effect behind the violence.

It became a major challenge as the character of the anti-occupation insurgency changed. Extremists among the Sunni insurgents began to speak of a two-front battle: one against the United States and the other against the Shiites. One such group, al-Qaeda in Mesopotamia, led by Abu Musab al-Zarqawi, soon raised the sectarian stakes with indiscriminate attacks against Shiites. Zarqawi described Shiites as "the insurmountable obstacle, the lurking snake, the crafty and malicious scorpion" with whom the only thing to do was "drag them into battle."⁵ Zarqawi and his ilk exploited post-invasion US policies built on the assumption of communal divisions, as well as the sectarian agenda of some elements in the fledgling Iraqi state. The Ministry of Interior was running death squads that targeted Sunnis. Al-Qaeda in Mesopotamia waged an explicitly anti-Shiite war against the government's security forces and its associated militias.

Sistani worked to offer an alternative to the sectarian discourse that many had reached for as an explanation for these events. He spoke a great deal about Iraq's long and complex history. To downplay or omit the reality of Sunni-Shiite coexistence in that history, he said, was pure "ignorance." Instead, he emphasized years of intercommunal cooperation in defending the country when it was under attack.⁶ He repeated many times that Iraqis of different sects were "brothers in humanity" and "partners in the motherland."⁷ He attributed the growing violence mostly to "organized crime" rather than sectarianism. Nonetheless, he was not delusional. In 2006, after the al-Askari bombing, Sistani lamented that "there was no deterrent" now to sectarian strife.⁸ He

knew what the bombing would unleash.

After the 2006 turning point, Sistani first brought attention to foreign intervention's role in fomenting sectarian violence. Second, he repeatedly made the connection between sectarian fighting and a sectarian state.

When asked if he feared the onset of civil strife in Iraq, Sistani often offered some version of this response: "we do not have such fears if foreign parties do not interfere in Iraqi affairs."⁹ In doing so, he opposed the notion that outsiders would or could save Iraq. He was keen to link the violence to the occupation, which he said bore "all the responsibility for what Iraq witnesses," a reference to the breakdown of security and the increased "criminal operations."¹⁰ Consistent with his description of sectarian attacks as crimes, Sistani gave al-Qaeda in Mesopotamia as little attention as possible in his speeches and pronouncements. He preferred to refer to its acts as "threats" from a "deviant class."

As civil strife began to fade, and al-Qaeda in Mesopotamia began to decline, in late 2007, Sistani looked to Iraq's leaders to move away from such sectarian policies as those followed by the Ministry of Interior. He saw a clear link between those policies and the persistence of violence on the ground. In 2011, after years of "keeping a close eye on the government," Sistani supported growing protests against government corruption.

Sistani often addressed Prime Minister Nouri al-Maliki directly to highlight the connection between corruption and sectarian fighting. In one statement, Sistani urged the prime minister to prioritize "the higher national interest and ignore personal, party, and sectarian interests."¹¹ In doing so, Sistani made clear that he would "monitor the government's performance" and most importantly, "support the voices of the oppressed, regardless of their sect." For Sistani, these were the necessary foundations of a sovereign and unified Iraq. Sistani understood early on that leaders like Maliki

found in sectarianism a default strategy for building the social base they could not build in exile. Identity politics, derived from a narrative of Shiite victimhood, were ingrained in the political system, which in turn increased the likelihood that Iraqis would be polarized further into "Sunni" and "Shiite" camps.

Sistani and ISIS

The rise of ISIS put Iraq and the ayatollahs on new terrain. Sistani recalibrated his rhetoric to focus on the new threat. He referred to ISIS as a group as "strangers" and "disbelievers," who were targeting "anything their hands could reach" with the goal of "killing all who disagree with their opinions." The response was "everyone's responsibility." He implored politicians to move beyond "ego," "jealousy" and "rivalry" but his main appeal was to the Iraqi people. In his June 2014 fatwa he declared that all "citizens who are able to take up arms and fight terrorists in defense of their country must volunteer and join the security forces."¹² Sistani made clear that this dictate was not sectarian. His pronouncements over the years, even during the peak of sectarian fighting, had likewise called upon all Iraqis. But Sistani's impact on this occasion was profound. Tens of thousands of volunteers joined the army.

At the time of his fatwa, ISIS had taken over one third of Iraq's territory. On paper, the army was composed of 700,000 men. In reality, the army was toothless. The situation was so dire that even the Qom seminaries in Iran supported Sistani's position. This fatwa is also noteworthy because, at the time, Sistani had been boycotting the government for three years. He was able to (re)insert himself into the conversation with a single fatwa. In August, Sistani repeated his call. The Popular Mobilization Units (PMUs), or al-Hashd al-Sha'bi, as it was called in Arabic, formed in response. He seemed to spark unity because Sunnis, Christians, and Yazidis joined the PMUs, an Iraqi state-sponsored organization composed of dozens of militias that, though mostly Shiite, included these other groups as well.¹³

Sistani's message about militias remained the same: they were allowed to operate only under the state's guidance. Interestingly, however, the militias soon outgrew their mission. With ISIS defeated, they remained under arms and, in many places, assumed the functions of de facto local governments answering neither to Sistani nor the state. What was the ayatollah to do? Should he insist that the militias disband? He has yet to do so, though some Iraqis speculate that he will soon. This example demonstrates Sistani's unique brand of activism. It is not the activism of Khomeini, in which the ayatollah is the head of state. Nor is Sistani quietist as that term is traditionally understood. In declaring that the ayatollahs are "guides," as Ayatollah Najafi first said in words that Haider Hamoudi calls the "Najaf mantra," Sistani adopted a form of political activism that is strategic and careful not to overshadow formal state institutions.¹⁴

On July 1, 2019, Iraqi Prime Minister Adel Abdul Mahdi issued a decree ordering state security forces to absorb the PMUs. This call differed sharply from his 2016 decree, which acknowledged the PMUs' independence of the army and Ministry of Defense, but not the prime minister. Abdul Mahdi has been under increasing pressure to regulate the PMUs, which by some estimates are made up of 45 factions, totaling over 130,000 members. Sistani encouraged the PMUs to integrate into the military to prevent the empowerment of Iran, which controls some of the factions.¹⁵ In 2018, Sistani issued a statement in opposition to the PMUs' participation in elections. He said: "no one is allowed to exploit the religious reference's title or any other title dear to the hearts of Iraqis for electoral gain."¹⁶

Some analysts, however, fear that Sistani did not go far enough and may not do so before his death. Over the years, the militias have caused problems, especially in their unwillingness to remain loyal to the state. The PMUs differ from the Iran-backed militias that predate Sistani's 2014 fatwa and the peshmerga, who maintain loyalty to tribal rather than Kurdish national leaders. Militia leaders praised the July 1 decree, but they do not seem willing to follow its dictates. The Iranian-backed

militias, for example, continue to recruit and train followers, potentially harming Iraq's sovereignty in the long term. Many Iraqis wish that Sistani would "formally and very clearly rescind his call," fearing that otherwise it may be "impossible to address the problem for decades to come."¹⁷ But Sistani's self-proclaimed role as a guide only meant that he would offer his opinions, but that a commitment to political change needed to come from political actors from within the system.

What Sistani has done is to exhort the PMUs—whom he prefers to call volunteers—to occupy the moral high ground in today's Iraq. These calls echo his earlier discourse decrying the sectarianism embedded in the post-Saddam state and predicting that it would lead to renewed sectarian violence. In this vein, Sistani cautioned that even those whom the PMUs are fighting are victims who had been led astray. It is incumbent on the fighters to set an example to these enemies in the hopes that they would help the "misguided souls find the path of righteousness." This appeal to the volunteer PMU fighters was a sign that he had given up, for the time being, on elected officials solving problems. Rather than pleading with the leadership to solve problems, Sistani made direct appeals to the people about justice, the rule of law and the need to avoid extremism. In March 2015, for instance, Sistani said that fighters should preserve the homes of Sunnis, bury slain ISIS fighters and prevent the abuse of civilians.¹⁸ Sistani delivered the constant message that sectarian violence was not inevitable so that that narrative about the conflict would not take on a life of its own. That September, Sistani delivered a sermon calling for corrupt officials to be prosecuted. He called on Iraq's Integrity Commission to implement reform.¹⁹ The days of offering advice to government leaders were long gone.

In January 2016, Sistani delivered a sermon in praise of the liberation of Ramadi. He said then, as he had said in 2003, 2005, 2010, and 2014, that government corruption had led to the rise of extremism in the first place. Without good governance based on equality among citizens, there would be no peace in Iraq.²⁰ He offered

reminders to his followers throughout 2016 to refrain from acts of extremism, to understand the sanctity of life with regard to civilians, and to act in accordance with the rules of warfare.²¹ With fifty thousand civilians trapped in Fallujah in May of that year, there was talk of Shiites having the opportunity to commit mass atrocities.²² He counseled restraint.

Meanwhile, Sistani has consistently urged aid and reconstruction for the areas of Iraq devastated by ISIS and the fight against it. On March 22, 2017, Abbas Kadhim tweeted a fatwa delivered by Ayatollah Sistani, which he had translated: “Due to the increase in IDPs, shortages of resources, we call on ALL respected Iraqi citizens to contribute all they could to reduce suffering. This is the best way to be close to God and a means to unite people in times of crisis. Giving aid to IDPs is equivalent to fighting terror.” According to Kadhim, 1,000 large trucks filled with supplies went to IDP locations in response to Sistani’s fatwa.²³

Sistani’s emphasis on human rights is not new. At the height of the attacks against civilians in 2006-2007, Sistani warned, “if your religion does not prevent you, may your humanity.”²⁴ By 2015, however, Sistani’s language on human rights, international law, codes of conduct during war, and the notion of justice had become more sophisticated. He wanted to make clear that there were “certain conditions and etiquettes” that volunteers should follow in fighting ISIS—conditions that were “mandated by the primordial nature of human beings.” Sistani warned fighters to emulate the Prophet’s example: do not engage in “acts of extremism,” do not “disrespect dead corpses,” do not kill elders, children or women and “do not cut down trees unless necessity dictates.” Sistani declared respect for “innocent souls.” He argued that if one attempted to strengthen his authority by the “unlawful spilling of blood,” he would instead become weakened, and authority would shift to those who are wiser. From his vantage point, restraint was always the best way to maintain legitimacy. Sistani stressed that there is no justification for pursuing revenge instead of justice—especially in the case of the

innocent, whose rights should never be denied.²⁵

Today, the Iraqi government has the difficult task of prosecuting individuals involved in ISIS while ensuring that both the security forces and judiciary use restraint under a legal framework. Sistani has contributed to this process immensely, in a way that can heal the wounds of sectarianism. His language, in line with that of international law and human rights, is indicative of his ability to serve as a moral compass for Iraqis. The UN Security Council sought his support as it set up a team to document ISIS crimes. Sistani’s approval, which added legitimacy to the project, meant that the investigative team could get access to areas that it would otherwise be unable to reach.²⁶ Sistani emphasized the importance of documenting ISIS crimes: offenses such as rape and slavery would not only go in the public record, but they would also be properly addressed by the justice system. And, as in his earlier admonitions about sectarianism, Sistani urged everyone to forego “sentiments which carry hatred and bigotry.”

By 2018, Sistani had become even bolder in expressing his disdain for the Shiite Islamist politicians who make up a majority of the Iraqi government. In April, Rashid al-Husseini, a high-ranking cleric close to Sistani, said, “trust a faithful Christian over a corrupt Shiite. If you don’t pray but you can be trusted, you have my vote. If you pray but steal, you do not have my vote.”²⁷ Sistani issued a fatwa in May advising his followers to “go vote.”²⁸ Somewhat reluctantly, he called for a new prime minister who was “competent and courageous.” He was hoping that the elections would usher in new blood from the more than 7,000 candidates and 320 political parties vying for the 328 seats in parliament.²⁹ He had the same message, however, for whoever was elected: he warned against using political violence to achieve political goals.³⁰

As Sistani reaches old age, it is tempting to offer sweeping judgments on the extent to which he set the parameters for discourse on democracy, sectarianism and the healing of the country’s wounds. In some ways,

Sistani is an institution in his own right—his fatwas and statements establishing a set of norms that are meant to be self-perpetuating. But these norms are not laws, only advice from a “guide” wary of replicating the state project in Iran. The implications of such an institution—operating as it does in the informal political realm, alongside the state, and only sometimes

superseding it—are hard to measure by definition. It is clear, however, that without Sistani’s interventions, the events that unfolded in Iraq might have been described, analyzed, and acted upon based on the very ahistorical sectarian narratives that Sistani tried to counter. More importantly, under his guidance Iraqi citizens gained agency as they pursued their rights.

Endnotes

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Reimagining the Hawza and the State: According to Shi'a clerics, what is the ideal relationship between religion and the state?

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If you see the rulers at the doors of the scholars, then what good rulers and what good scholars. If you see the scholars at the doors of the rulers, then what wretched scholars and what wretched rulers.¹

This view articulated to me by a cleric in Najaf is shared by most Shi'a clerics I interviewed in Iraq. Whether Najafi or Kerbalai and whether elite or non-elite, Shi'a clerics view themselves as the spiritual fathers of the Iraqi nation. They describe the role of the Marja'ya (the leadership of the religious establishment) as “guardians of the political process,”² “paternalistic,”³ and “a safety valve”⁴ to be activated during crises, particularly in instances of war and violence. Other researchers have documented how Shi'a clerics have employed de-escalatory rhetoric in critical times, such as the civil war and the war with ISIS (e.g., see *Sayej* in this collection). Scholars have also documented clerical involvement in high-level politics, such as government formation and elections (Al-Qarawee 2018; Sayej 2018).

Shi'a politicians have nonetheless oftentimes found themselves quite literally at the doors of the scholars⁵ and have complained about the informal veto power of the clerics.⁶ Most clerics, by contrast, do not view themselves as having undue influence over the state but rather complain that “the government [and] the politicians only hear what they want” and more specifically, that they disregard most of the statements of Grand Ayatollah Sistani, the head of the religious establishment.⁷ Iraqi clerics do not view their involvement in politics as antithetical to the democratization process but, rather, in defense of it *against* state encroachment.

These countervailing views on who is exerting undue influence on whom are emblematic of the general

confusion surrounding the relationship between religion and the state in Iraq. This essay seeks to alleviate some of this confusion by presenting the perspective of Shi'a clerics. This is an important perspective to document because Shi'a clerics are influential actors in a political system in which Shi'a dominance is becoming entrenched (as both *Fanar Haddad* and *Toby Dodge* demonstrate). In order to document these views, I rely on semi-structured interviews conducted with clerics in Najaf, Kerbala, and Baghdad between November 2018 and January 2019.⁸ The interviewed clerics tended to be of two-types: mainstream and seminary-associated (students or teachers of various ranks) or clerical members of the Islamist Da'wa Party.⁹

I recognize that the rhetoric clerics employ in interviews may be intentionally palatable to a Western audience.¹⁰ Still, it is important to at least understand what concepts like “democracy” and “the state” mean to these influential actors on their own terms. To that end, I asked Iraqi clerics: “In your opinion, which state enjoys an ideal relationship between its religious institutions and its state institutions?” and “What is the ideal relationship between religious institutions and state institutions?”¹¹ The purpose of the first question is to highlight potential state models for Iraq to imitate or to avoid. The second question is meant to motivate clerics to reflect specifically on the Iraqi case.

Models for the separation of religion and the state

The first question assesses clerical views towards the model of separation of religion and the state in other countries. The Iraqi case cannot be discussed without mention of regional models and particularly Iran and its system of rule of the jurispudent (Wilayat Al-Faqih).

The Iranian example has impacted views of Iraqi clerics in two key ways: first by raising the potential of the development of a similar model in Iraq and secondly (and, conversely) by describing the Najafi school as “quietist¹².”

Interviews and previous scholarship suggest that both views are simplistic. What may come as a surprise to some is that none of the interviewed clerics suggested that the Iranian model, broadly defined as direct clerical leadership of the state, was appropriate for Iraq. Rather, many clerics tactfully cautioned against it:

No state treats religious institutions in a good way. You have Saudi Arabia and you have other countries. *I don't need to say, it is clear which ones.* These are political states, governments... the Mufti, the Sheikh of al-Azhar, the Marja'a, if they want to silence him then they can silence him.¹³

Fears of the development of a theocracy in Iraq are not entirely baseless. After all, Khomeini himself had similarly described his role as that of the guardian of the political system¹⁴. However, most Iraqi clerics (historically and presently) are doctrinally opposed to Khomeini's Wilayat Al-Faqih model, suggesting that it is inappropriate for a state as religiously and ethnically diverse as Iraq. However, their lack of support for the Iranian model does not translate neatly into apoliticism – be it in the form of “quietism” that scholars of Shi'ism use to describe the Najafi Hawza or the more disparaging accusation of “silence” that internal critics have employed.¹⁵

Every mujtahid and Marja'a sees his position and his responsibilities as different. Sistani sees himself as speaking and giving advising and when there is time for jihad, he issued jihad. People who divide in this way do not understand history. Sayed Sistani is the student of Sayed Khoei. They characterize Sayed Khoei as the silent Hawza. The one who gives a fatwa of jihad [against ISIS], can he [Sistani] be called a silent Hawza? Therefore, this division is not a correct division.¹⁶

Many of the clerics I interviewed suggested a broader Western model as an alternative. Their conception of the West generally did not distinguish between Europe and the United States and, rather, fixated on general values like the freedom of religious practice and expression. Some who had visited Western countries were firm in their views: “in general the best countries for practicing your faith.”¹⁷ Others spoke with a hopeful caution: “I hear that there is freedom in the West...there is the state that gives freedom to the religious institution.”¹⁸

The answers given to this question suggest that there is a divide between what clerics see as typical models of religion-state relations and what scholars and policymakers see (or, fear). Regional models – Iran, Turkey, and Saudi Arabia – are largely ignored by clerics (with the exception of Oman). A general understanding of a Western model appeals to many others for its commitment to religious freedom. However, it is yet unclear what they understand the parameters of religious freedom to be in this model.

Theorizing religion and the state in Iraq

My second question helps clarify these parameters by exploring the theoretical ideal relationship between religion and the state. This allows clerics to reflect on their own experiences and what they value. For example, clerics highly value their intellectual independence from the state and fear the transformation of their institution into Al-Azhar University (in Egypt) or Al-Mustafa College (in Iran).

Furthermore, their experience of repression under Ba'athism has made them wary of the state. As Helfont demonstrates, the Ba'athist government actively attempted to exert control over the academic production of religion by producing state-friendly clerics. This experience has led clerics to prioritize their independence, which they derive from the financial and ideological support of followers:

The Shi'a marja'a should be independent and should not be close to the sultan. They do

not need to get money or authority from the government. They have authority and prestige and money and love from the people. People kiss their hands.¹⁹

The political economy of the religious establishment is difficult to study given the secrecy surrounding the various institutions (clerical offices, shrines, and other religious endowments). However, an obvious point of contention between religion and the state is in the management of funds. Shi'a clerics have consolidated control over many religious endowments and the public offices which oversee them (Hasan 2019). This includes the very lucrative shrine institutions which have monopolized certain industries in the south (particularly in Kerbala²⁰). In one example, Omar Sirri describes the takeover of the Al-Rahman Mosque in Baghdad by an Islamist party associated with an elite cleric.

This involvement in the market space raises the question of what role religious institutions occupy in civil society. Is religion part of civil society? Some clerics think this would be ideal: "religious institutions are like other civil society institutions – they must be free. They have a role to monitor and to critique and to encourage people to act."²¹

On the other hand, other clerics stressed that religious institutions were unique and not simply civil society associations. Thus, while they value freedom and rule of law, they do not find this to be in contradiction with their supervisory and expanding role. For example, the

same cleric who claimed, "the ideal relationship, as I tell you, the religious laws must support law and order and it [the religious establishment] must command believers to submit to law and not to break it," also described the religious establishment as "paternalistic" and as a "father" who has "spiritual authority over society."²² This tension between this rhetoric of freedom and the paternalistic notion of guidance suggests a blurred definition of freedom. This definition may privilege certain notions of freedom which are outside of clerical control (i.e. freedom of religion) over other forms that are traditionally within clerical domain (i.e. social freedoms).

Conclusion

Thus, clerics are able to employ the rhetoric of democracy, but they are simultaneously unable to recognize that their self-ascribed paternalistic role is inherently undemocratic. Their motivations for espousing this role stem from their desire to maintain their independence and to protect themselves from state control. What can potentially be harmful is that their professions of loyalty to democracy may make the need to negotiate their position in society less urgent. There is a true fear, however, of stickiness in politics: if religious-state relations continue to go unaddressed in Iraq, the informal will gradually take on the characteristics of the permanent. Some suggest that it already has and that clerics are becoming stake-holders in an entrenched political system.

Endnotes

1 Interview with Mohammad Al-Qubanchi. Najaf, Iraq. December 2018. Translated by the author. Original Arabic quote:

إذا رأيت الحاكم على باب العالم فنعمة الحاكم ونعم العالم ، وإذا رأيت العالم على باب الحاكم فبئس العالم و بئس الحاكم

2 Ibid.

3 Interview with Ali Shukri. Karrada, Baghdad, Iraq. December 2018.

4 Interview with Hadi Al-Modaressi. London, UK. October 2017.

5 Sistani has met with many politicians including Hayder Al-Abadi and most recently Hassan Rouhani of Iran and Nabih Berri of Lebanon.

6 The idea of a Marja'ya "veto-power" has been expressed by many Iraqi politicians (including Islamists), see for example interview with Bahaa Al-Araji.

7 Interview with anonymous cleric (anonymous by request). Najaf, Iraq. January 2019.

8 This essay is part of a longer project on the separation of religion and the state from the religious actor perspective. The evidence presented in this essay is suggestive and preliminary.

9 A missing component of the analysis is the Sadrist Movement whose clerical members I have not interviewed. Although they are largely considered to be outside the mainstream religious establishment they are nonetheless critical actors in the Iraqi state and in the discourse on the role of religion in politics in Iraq.

10 At the same time, this was one of the questions that I received requests for anonymity for. Therefore, there are a few times in this essay where I quote clerics anonymously (in some instances, I do so without their request).

11 In Arabic this question was:

برأيكم ما هي الدولة التي تتمتع بعلاقة مثالية بين المؤسسات الدينية والمؤسسات الحكومية؟
وما هي العلاقة المثالية بين المؤسسات الدينية والمؤسسات الحكومية؟

12 The term “quietist” is often used in academic discourse to refer to clerics who are apolitical and stands in contrast with “activist” clerics who engage in politics. Certain clerics are associated with each term. Most contemporary scholars of Shi‘ism have dispelled the myth of quietism in the Iraqi Hawza or at least, have cautioned that it is overly simplistic. See, for example: (Al-Qarawee 2018; Corboz 2015; Louer 2012; Sayej 2018).

13 Interview with anonymous cleric (anonymous at his request). Najaf, Iraq. January 2019.

14 In his famous interview with Oriana Fallaci, Khomeini explained that “Since the people love the clergy, have faith in the clergy, want to be guided by the clergy, it is right that the supreme religious authority should oversee the work of the Prime Minister or of the President of the republic, to make sure that they don’t make mistakes or go against the law” see: (An Interview With KHOMEINI 1979).

15 The accusation of “silence” was made by Grand Ayatollah Muhammad Sadeq Al-Sadr in the late 1990s against Grand Ayatollah Sistani (and the school of Grand Ayatollah Khomeini in general).

16 Interview with Mohammad Ali Bahraluloom. Najaf, Iraq. December 2017.

17 Interview with Jawad Al-Khoei. Najaf, Iraq. December 2018.

18 Interview with Ahmed Kashif Al-Ghita. Najaf, Iraq. January 2019.

19 Interview with Hussein Baraka Al-Shami. Baghdad, Iraq. January 2018.

20 Many Kermalais complain about the monopoly of the Al-Kafeel Company (associated with the Imam Abbas Shrine). The company runs factories, hospitals, school and even provide cellular services.

21 Interview with Mohammad Al-Qubanchi. Najaf, Iraq. December 2018

22 Interview with Ali Al-Taleqani. Kerbala, Iraq. December 2018.

Siting the State: Intersections of space, religion, and political economy in Baghdad

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Al-Rahman Mosque and the Iraqi state

There is no front door into al-Rahman Mosque. Covering the entranceway is a sheet of plywood that blocks gusts of wind from blowing in. Fit for a building whose mammoth concrete structure sits unfinished, the mosque looks and feels like a construction site. Nine cranes adorn the mosque's skyline; gravel paves its service road. This exterior is what makes the main hall inside the mosque feel strange: it is fully functional, equipped with electricity, carpeting, and lighting. Eight stand-up heating and air conditioning units are evenly spread out around the room, and short scaffolding sits in the center of the space on which cameras sit to film Friday prayers.² How did these dissonant conditions transpire?

Al-Rahman Mosque is the defining landmark of Mansour district in West Baghdad. Its construction began in 1998, amid Saddam Hussein's "faith campaign" that instrumentalized political Islam. After the concrete structure was largely built up, the regime abandoned construction of the mosque in 2002, directing its precarious resources elsewhere in the run up to the 2003 US- and UK-led invasion of the country. Iraq's Ministry of Finance took formal control over al-Rahman Mosque after the fall of the regime. Since 2003, the Islamic Fadhila Party and its leaders have been the mosque's de facto rulers. The Fadhila Party was formed that same year by Ayatollah Mohammed al-Ya'qoubi after he split from Muqtada al-Sadr's camp. Today the unfinished mosque remains more or less as it was when construction stopped 17 years ago – a partially-completed concrete shell. Yet followers of al-Ya'qoubi have for years held weekly Friday prayers in the main hall of the mosque. This dual sense of abandonment and utility grounds the mosque's political story. But more critically, the holy site is also an entry point into

how private political-economic interests shape the very nature and function of Iraqi state institutions.

The history of al-Rahman Mosque stretches back to 1950s Baghdad and meanders through Iraq's experiences in wars and sanctions from the 1980s through 2003. The mosque reveals contemporary political-economic transformations in Baghdad as well. These current conditions illuminate how the production of the "state effect" in Iraq – the mechanisms and practices of power that structure an entity we often call "the state" – is intimately tied to land, capital, and urban political economy.³ This site-specific past and present draws attention to how private interests are simultaneously structuring public spaces and the Iraqi state.

Racing for capital: Histories of Baghdad's present

The grounds of al-Rahman Mosque were once hallowed for a very different reason: The more than 43,000 square-meter plot of land was once home to Baghdad's horse races. The racetrack was moved to the city's outskirts in 1993 as Mansour cemented itself as an upper-middle class consumer hub. Mansour's set of entertainment boulevards lined with shops and restaurants – like Rawad Street, 14 Ramadan Street, and the eponymously-named Mansour Street – was also infamous for being one of the preferred hangouts of Uday Hussein (and where gunmen attempted to assassinate him in 1996). The site's previous life as a racetrack speaks to the history of Mansour as an entertainment center, and to the district's wider political-economic past. On the site's western border sits the Hunting Club, one of Baghdad's most famous and prestigious private clubs. Running along its eastern border is Princesses Street, named after palaces built for two of Iraq's former princesses (Badi'a and Jalila, sisters of Abdullah, former Regent to King Faisal II) during the country's Hashemite monarchy.

Al-Rahman Mosque embodies the 1990s political moment in which it was designed. The mosque's main dome is surrounded by eight other domes. Each dome is surrounded by eight smaller domes. These "eights" represent the 8th of August 1988 – 8/8/88 – marking the end of the Iraq-Iran War, what Saddam Hussein called Iraq's "victory" over Iran. Such politicized architecture was common during this period. For example, Um al-Qura Mosque, completed in 2001 and then known as Um al-Ma'arak Mosque (the "mother of all battles"), was built to commemorate the 1991 Gulf War. Some of the minarets at Um al-Qura Mosque were built 37 metres high as a tribute to Saddam Hussein's year of birth, 1937.⁴

In 2003, five years after construction on al-Rahman Mosque began, and less than a year after construction was abandoned, militants seized control of the site and quickly looted it of its core materials. Under the cover of darkness, as multiple residents told me during fieldwork, the looters trucked away tens of thousands of dollars' worth of building materials and metals like copper that were being used to build the mosque. In the early days of the occupation, Baghdadis chaotically ransacked government buildings, stealing things like office furniture and supplies as US forces stood idly by permitting and abetting the disorder.⁵ But the mosque looting, widely known among residents of Mansour yet never reported on, was more organized and methodical,



Figure 1: Al-Rahman Mosque in the distance. Author photo, August 2018.

and consisted of stealing far more consequential materials than desks and vases.

This event also recalls the ways in which steadfast Iraqis fought to survive under withering sanctions: In the 1990s, it was common for Baghdadis to strip their own homes of valuable metals to sell on the black market in order to pay for basic foodstuffs.⁶ In an important sense, then, the mosque's looting in 2003 represents a critical *continuity* of Baghdad's political economy precisely when Iraqis were living through one of the country's most significant conjunctures or discontinuities. The intrinsic relationship between continuity and discontinuity in Baghdad's political economy is partly grounded in people's experiences living through more than a generation of precarity and insecurity, punctuated by moments of violence, war, and upheaval.⁷

State land, private interests, and bureaucratic artefacts

Al-Sharqiya News is one of Iraq's most-watched channels, known for investigative reports that target Iraq's political elite across the ideological and religious spectrum. In April 2015, al-Sharqiya journalists investigated al-Rahman Mosque's post-2003 history.⁸ The over 30-minute special on the mosque focused on Iraq's Shi'i religious endowment (*al-waqf al-Shi'i*) and the Fadhila Party in an attempt to discern who controlled and benefitted from the mosque. Notably, after 2003 Iraq's Ministry of Endowment and Religious Affairs was formally supplanted by three "confessional offices of endowments" along the respective lines of Shi'i, Sunni, and Christian minorities including Ezidi and Sabeen Mandaean.⁹ Leaders from the two Muslim endowments negotiated over who would own and control Baghdad's "presidential" mosques and the lands on which they sit. Ownership over the four most prominent mosque sites in Baghdad would be split along sectarian lines: The Sunni endowment would control Nidaa Mosque in al-Adhamiya District (north Baghdad) and Um al-Qura mosque located towards the western limits of the city.

The Shi'i endowment would control al-Rahman Mosque, and the site of the grand mosque that was to be built on the grounds of the former Muthanna Airport, adjacent to Baghdad's central train station.

As al-Sharqiya reported four years ago, a land title document from 2012 shows that the Shi'i endowment owns the al-Rahman Mosque site. This official deed was issued by the Land Registration Department of the Ministry of Justice. That year, the Ministry of Justice was controlled by the Islamic Fadhila Party. The minister then was Hassan al-Shammari, a prominent member of the Fadhila Party. Al-Sharqiya's report goes on to state that, in 2012, the head of the finance and administration department within the Shi'i endowment was also a Fadhila party member. Late last year, as part of an investigation into the mosque site by the newspaper *Baghdad Today*, a second deed dated 2018 was published and spread among Iraqis on social media.¹⁰ This more recent document repeats the site's mundane details, including its 160-donum size, and states as matter of fact that it is wholly owned by the Shi'i endowment. Three stamps from the Ministry of Justice and the Shi'i endowment festoon the document's official signatures.

Iraq's political parties are embedded in the country's state institutions. This entanglement highlights how Iraq's political system known as *muhassassa* – apportioning government ministries and departments among ethnic and religious parties¹¹ – is reflected in the everyday distribution of ostensibly state-controlled resources. But zooming in on these relationships also uncovers the political-economic foundations undergirding religious forces and agendas. Understanding changes in the function of religious endowments after 2003 requires investigating the political economy of land control in Baghdad and beyond. State and city transformations are contingent on how political-economic elites and religious actors co-constitute their power and capital.

The political economy of land control

The Fadhila Party has been in control of the al-Rahman Mosque site since 2003. Minister of Interior police officers who guard the site include followers of Ayatollah al-Ya‘qoubi, though one guard/follower told me explicitly that this was not a condition of his deployment there.¹² In addition to refurbishing the main hall of the mosque, those controlling the site have also utilized the lands that surround the building itself. Some party loyalists and followers of al-Ya‘qoubi – whose photo is projected on a billboard at the secured entrance – live on-site in makeshift homes. While already widely reported, such a fact can be affectively confirmed: Walk along the northern edge of the property fronting Mansour Street at just the right time and day and the unmistakable smell of Iraqi okra (*bāmīa*) will waft over the high walls and captivate the senses. “There must be a whole family living inside here,” a friend insisted to me as we strolled down the sidewalk. “Only Iraqi women know how to

cook okra – most men don’t know how and can’t even when they try.”¹³

Those controlling the mosque site have in recent years opened a bustling business on the northeast corner of the land. At the intersection of Mansour Street and Princesses Street – directly in front of Rifat al-Chaderji’s profiled building that bears his family’s name – sits a large parking lot named the Garage of Guidance (*garaj al-hidāya*). With constant vehicle traffic in and out of the lot, about 1,000 cars might park there on an average day. Each driver will pay 3,000 Iraqi Dinar (IQD) to enter the lot (2.50 USD). Inside the garage, customers can also have their car washed at Hanover Station at the cost of 18,000 IQD (15 USD) for regular sedan owners, and 23,000 IQD (19 USD) for those with an SUV.¹⁴ Conservative estimates suggest the Garage of Guidance generates 1-1.25 million USD annually. Because of their control of the site, those revenues are likely directed into Fadhila party coffers.



Figure 2: Night time at the Garage of Guidance and the Hanover Station car wash. Author photo, May 2019.

Tracing these financial windfalls shows how ordinary urban life structures and is structured by political-economic agendas and developments. Focusing on such forces illuminates the capillaries of private interests embedded into public institutions from the very moment of their (re)founding in 2003. Current events surrounding al-Rahman Mosque continue to show this. In 2018, Baghdad mayorality's urban planning committee considered a proposal to build a new and glitzy shopping mall on the vacant part of the land.¹⁵ While a majority of the committee was receptive of the proposal, its status remains uncertain. *Baghdad Today's* report from 2018 included documents detailing the initiation by the Shi'i endowment of a bidding process for prospective investors interested in redeveloping the property.¹⁶ The initial terms outlined include an annual land-lease rate of 25 billion IQD (20 million USD) as well as other financial commitments the lessee must deliver on.

Conclusion

An embodiment of the blurred lines between public and private actors and interests, the case of al-Rahman Mosque strikes at the heart of how the state has been "effected" in Iraq since 2003. Under the cover of positively remaking social and political life in the country, those with power and capital have injected their own interests into the marrow of Iraqi state institutions. Though hardly a brick has been added to the unfinished structure, al-Rahman Mosque represents transformations of city and state. Along with the shell that sits on it, the wider site's past and present politics reveal how political-economic forces are deeply implicated in the shape, nature, and reach of state institutions. Any significant changes to al-Rahman Mosque and its surrounding land will be determined in large part by the financial interests of a select few who stand to gain a great deal more than most Iraqis have even the privilege to imagine.

Endnotes

- 1 Thank you to Marc Lynch, David Siddhartha Patel, Nora Palandjian, and the POMEPS workshop participants for feedback and edits. I am grateful for thoughtful comments from Tamara Abu Nafiseh, Harith Hasan, José Ciro Martínez, Sherene Seikaly, and Kerem Ussakli, and for encouragement and assistance from Abu Rand and Ibn Nahar. Fieldwork was generously supported by the Arab Council for the Social Sciences (ACSS), the Department of Political Science at the University of Toronto, the Project on Middle East Political Science (POMEPS), and the Social Science Research Council (SSRC).
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Muhasasa Ta'ifiya and its Others: Domination and contestation in Iraq's political field

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The aftermath of the invasion of Iraq in March 2003 saw the country's political and economic system completely transformed under U.S. domination. The year-long rule of America's imperial viceroy, Paul Bremer III, saw incoherent attempts at imposing a new neo-liberal order but also, as [Shamiran Mako](#) argues, the demonization of a section of its population (Dodge 2010, Dodge 2012). In an attempt to achieve the goal of a neo-liberal transformation, the Ba'ath Party was disestablished, the civil service was brutally purged, and Iraq's armed forces and security services were dissolved, only to be hastily rebuilt in the face of violent resistance (Dodge 2012, 53-74, 116-120). This attempted transformation of the country drove Iraq into an extended civil war that Iraq Body Count has described as "ceaseless violence", a conflict that has seen a conservatively estimated 183,249 to 205,785 civilians murdered (2019). The U.S. project in Iraq also saw the drafting of a new constitution anointed by national referendum and five national elections – two in 2005, then three in 2010, 2014, and 2018 respectively.

Against this background of a radical, violent, and incompetently imposed transformation and intense politically motivated violence, the post-2003 ruling elite, brought back to Iraq and imposed on the country through U.S. force of arms, has remained remarkably stable. A comparatively small number of individuals, political parties, and movements, in spite of having profound disagreements, deploying violence against each other and facing sustained challenge, have remained near to or at the center of the country's ruling elite. This ruling elite is popularly and correctly blamed for the systemic corruption that has come to dominate Iraq; it is held responsible for the weakness of state institutions and their inability to deliver basic government services to the majority of the population. Over a decade and a half since regime change, how can the stability of the

ruling elite and the system that it sits on top of, the *Muhasasa Ta'ifiya*, be explained?

Seeking to understand Iraq's political system

Any analysis of Iraq's current political system and the elite at its core, would have to assess the role that high levels of violence have played in its imposition and perpetuation. It would also have to examine the political economy of the Iraqi state, how money and rents have been used to secure domination. The power of ideology – the use of ethno-sectarian rhetoric to justify the role of key political parties, electoral mobilization and government formation – would also have to be at the center of any explanation.

Two works on Lebanon can perhaps indicate how these different analytical threads could be brought together in one overarching framework. Michael Johnson, deploying a Marxian approach, examines the ways that both street-level violence and cascading dyads of patron-client relationships structured Lebanon's pre-civil war system. This approach, both structuralist but also instrumental, combines the political economy of neo-patrimonialism with the coercive disciplining of seemingly everyday thuggery to detail how the Lebanese system functioned (Johnson 1986). From a different theoretical perspective, Salloukh, Barakat, al-Habbal, Khattab, and Mikaelian, deploy a Foucauldian frame, detailing "a holistic political, economic, and ideological system" (Salloukh et. al. 2015). They uncover a genealogy of institutionalization, which delivers social reproduction and material domination and imposes a very specific type of national imaginary. Both Johnson and Salloukh identify the system's ultimate aim as "manufacturing docile sectarian subjects" (Salloukh et. al. 2015, 160, 170, 188). However, as these works point out, the Lebanese system took more

than 180 years to impose its disciplinary power across society. The Iraqi system, by contrast, was violently and exogenously imposed 16 years ago and has been subject to sustained contestation ever since. As the protests of 2011, the mass movement of 2015, the elections of 2018, and the mass protests of 2019 indicate, the system has yet to gain sustainable domination over the population as a whole. Both Johnson and Salloukh's approach capture a mature and coherent system of domination, whereas the Iraqi system is still under construction (Salloukh 2019).

Against this empirical background, Antonio Gramsci's notion of the war of position and the maneuver within an on-going struggle for hegemony or Pierre Bourdieu's understanding of the struggle for domination within the political field may be more applicable to contemporary Iraq. There are interesting commonalities but also differences between Bourdieu and Gramsci's work (Burawoy 2012). This paper seeks to apply a Bourdieusian approach to understanding the struggle to impose the *Muhasasa Ta'ifiya*, Iraq's political system, on its population and the resulting contestation. The 'thinking tools' developed by Bourdieu – especially the notion of political field, and economic, symbolic, and coercive capital – allow for the Iraqi system to be analytically disaggregated, to move beyond a reductive but also Orientalist sectarian narrative, to examine how a new governing elite, in alliance with the US, has imposed a system of rule on Iraq's population through the deployment of economic and coercive but also ideational power.

Bourdieu's definition of the political field is especially useful for understanding Iraq's political system (Zubaida 1989, 145-150, Zubaida 1991, 207). For Bourdieu, the political field is not simply the state. The state is disaggregated into an "ensemble of administrative or bureaucratic fields." These are multiple sites of contestation where there is a struggle for "the monopoly of legitimate symbolic violence, i.e., the power to constitute and to impose as universal and universally

applicable within a given 'nation' ..." (Bourdieu and Wacquant 1992, 20, Bourdieu 2014, 20). This disaggregation of the state captures the reality of Iraq's current political struggle, where dominion over the political field and the state within it continues to be contested at a number of levels.

Bourdieu sees competition between individuals and organizations as being conducted with and through resources he labels capitals. He certainly recognizes the power of money, which he describes as economic capital and the utility of violence, coercive capital. However, he expands his notion of power within a struggle for domination to include a number of other capitals including social and symbolic (Bourdieu 1986). Social capital comes from the resources gained through organizing an extended group or network (Bourdieu 1986). In Iraq's political field, groups like the Sadrists have solidified their social capital, whereas the demonstrators who brought people onto the streets of Basra in 2018 and Baghdad and across the south of Iraq in October 2019 have more fluid, if not ephemeral, social capital.

Symbolic capital and its application, symbolic violence, is used by elites in order to naturalize their domination of the field, to have the social categories that advance their own power seen as the natural order of things. It is the symbolic capital wielded by Iraq's new governing elite from 2003 onwards that persuaded a section of society that the country would benefit from recognizing ethnic and religious division as the key organizing trope for post-regime change politics.

The political field is the site where political parties, professional politicians, and, in Iraq's case, those wielding coercive capital, struggle against each other for domination (Davis 2010, 206). The aim is to deploy coercive, economic, social, and symbolic capital to impose a vision and mobilize the population behind it within the political field (Bourdieu 2005, 36-39).

The struggle for domination in Iraq's political field

Symbolic violence

Ideationally, the principle vision that dominated Iraq's political field after 2003, the *Muhasasa Ta'ifiya* or sectarian apportionment system, was largely developed in exile in the early 1990s and brought back by the US-aligned formerly exiled politicians after the Ba'athist regime had been removed. The reordering and division of Iraq's political field along identitarian lines was agreed to by a group of exiled politicians at a conference held in Salah al-Din, an area of northern Iraq outside Baghdad's rule, in October 1992. Positions in the newly formed Iraqi National Congress, the umbrella organization created to bring the opposition groups together and give them social capital in planning for a post-Saddam future, were distributed amongst the exiled Shi'a, Kurdish, and Sunni political parties in proportion to a "virtual census", the purported size of each ethnic and religious group in Iraq (Nawar 2003, al-Bayati 2011, 889, 906, 949, 953). At the center of this exogenous vision of Iraq's political field was the assertion of religious and ethnic identities, primarily, Shi'a, Sunni, and Kurd, but also Christian, Turkoman and Assyrian, as the only units through which Iraq could be conceived, its politics organized, and Iraqis successfully interpellated by the system (Althusser 1984, 44, 47, Hall 1995, 102, 108). In an act of symbolic violence, other categories - nationalist, regional, or class, for example - were rejected from within this principle of vision and division.

The seven major parties that dominated Iraqi politics after 2003, the Kurdistan Democratic Party, the Patriotic Union of Kurdistan, the Iraqi National Council, the Iraqi National Accord, the Supreme Council for Islamic Revolution in Iraq, the Dawa Islamic Party, and the Iraqi Islamic Party, all signed off on the *Muhasasa Ta'ifiya* principle vision before the invasion. They used this principle vision to institutionalize their place at the center of Iraq's political field. It provided the rules for competition within the field but also the basis for the symbolic capital they were fighting over. The *Muhasasa Ta'ifiya* principle of vision and division was

deployed to completely restructure Iraq's political field. It was institutionalized through the formation of its first governing body, the Iraq Governing Council, and its sectarian mathematics were deployed to form each government of national unity after elections in 2005, 2010, 2014, and 2018. The sectarian principle of vision and division at the core of the *Muhasasa Ta'ifiya* was also used to justify the civil war that dominated the country from 2004 to 2008.

Economic Capital

Economically, at the height of occupation, America's ability to wield economic capital was greater than any other competitor in the political field, having spent US\$200 billion on reconstruction alone. However, the formation of the Iraq Governing Council and then governments of national unity after each election allowed the seven dominant political parties to colonize the institutions of the state, giving them access to its economic capital.

The first outcome of this was a rapid expansion of the public sector payroll. Under the terms of the *Muhasasa Ta'ifiya*, party bosses were given responsibility for appointing government ministers. These party functionaries directly controlled the resources of their ministries for the duration of each government. Each party would exploit these resources to gain economic capital for their struggle to dominate the political field. The parties would issue a *Tazkiyya* or letter of recommendation to their followers. This would allow them to get jobs in the ministries they controlled (Bahadur 2005, Herring and Rangwala 2006, 131). As a result, access to government employment, still dominant in the Iraqi job market, is only guaranteed by pledging allegiance to one of the political parties controlling the ministries and promoting the *Muhasasa Ta'ifiya*. This use of economic capital interpellated Iraqis as sectarian subjects. The extent of this practice can be seen in the rapid growth of the state payroll, which expanded from 850,000 employees a year after regime change to between seven and nine million in 2016 (al-Mawlawi 2018, Arango 2016, Chulov 2016, Morris 2016).

The second transformation of Iraq's political economy delivered by the *Muhasasa Ta'ifiya* was even more destructive. One recent study estimates that as much as 25 percent of public funds in Iraq are lost to financial corruption (Abdullah 2018). As the majority of academic and journalistic writing on this issue suggest, this theft certainly funds personal enrichment, tying members of the ruling elite together, creating a community of complicity at the center of government. However, more importantly, it provides the economic capital to maintain the system, financing the parties operating budgets, giving them the economic and the social capital needed to dominate the political field (Ismael and Ismael 2015, 116, 122). Judge Radhi Hamza al-Radhi, the most senior government figure responsible for pursuing corruption from 2008 to 2011, identified the government's contracting process as "the father of all corruption issues in Iraq" (Special Inspector General for Iraq Reconstruction 2011, 8). Contracts are frequently awarded to or through companies run by or very close to senior Iraqi politicians. The companies are then paid handsomely but complaints about poor or non-existent delivery are ignored as the same politicians who ensured they won the contracts in the first place protect the companies from which they and their parties financially benefit.

Access to corruption is shared amongst these party elites through *Muhasasa Ta'ifiya* and the subsidiary *Wikala* system. This not only divides ministerial positions between senior members of the victorious parties, but the *Wikala* system sees the power to appoint positions at the top of the civil service, the 'private grades' containing the Director Generals that run each ministry, given to party bosses. In the aftermath of the 2018 election, for example, the awarding of approximately 500 senior civil service jobs, spread across all ministries, was part of the government formation negotiations. Party aligned Director Generals, appointed under *Wikala*, allow the resources from contract corruption across all ministries to reach the parties that make up the ruling elite (Author interviews 2019).

Coercive capital

The US, in theory, should have had the predominant coercive capital in Iraq, with its troop numbers ranging from 150,000 during the invasion to 171,000 at the height of its military engagement in 2007 (Dodge 2012). However, the collapse of the Ba'athist state's military forces was compounded by the American decision to quickly disband the Iraqi army at the start of its occupation. This allowed numerous players within Iraq's political field to deploy coercive capital in the struggle for domination. This drove a spiral of competitive violence from 2004 onwards, as coercive capital became a central unit of currency in the political field. Mass terrorist attacks, utilizing suicide and car bombs, were deployed in the name of a militant, violent, and sectarian Sunni political Islamism (Hafez 2007, 52). In parallel and in reaction to this, a mass campaign of terror was launched against the Sunni section of Baghdad's population. Key political parties who held institutional capital, especially in the Ministry of Health and Interior, supported this campaign of sectarian violence. Both state and militias forces deployed coercive capital to transform the demography of Baghdad, reducing the numbers of Sunnis in central areas, thus violently imposing the principle vision of the *Muhasasa Ta'ifiya*, whilst attempting to coercively create docile sectarian subjects (Dodge 2012, 54-70).

From 2004 to 2012, the US struggled to recentralize coercive capital in the hands of their Iraqi allies who increasingly controlled the state, creating a security force that numbered 940,000 (Dodge 2012, 118). However, a large percentage of these forces collapsed in the face of Daesh's 2011-2014 campaign (Dodge et. al. 2018, 15). In response, coercive capital once again became decentralized with the formation of the *Hashd al-Shaabi*, or popular mobilization forces. Tens of thousands of young Shi'a men joined the force to defend Baghdad against the advance of Daesh. It was the coercive champions of the *Muhasasa Ta'ifiya*'s principle vision, groups like *Asa'ib Ahl al Haq*, *Kata'ib Hezbollah*, and the Badr Organization, who now came to dominate the political field, arming and deploying

these new recruits and, in the process, rapidly expanding their own coercive, social and symbolic capital. As a result, coercive capital in Iraq's political field is now held by both centralized state forces and decentralized militias, both using it as a means to defend and expand the *Muhasasa Ta'ifiya's* principle vision. The militias, personified by *Asa'ib Ahl al Haq* and *Kata'ib Hezbollah*, deploy covert coercive capital to enforce the symbolic violence of the system, violently disciplining society in the name of a radical Shi'a Islamism.²

Opposition to the *Muhasasa Ta'ifiya*

A close examination of popular protest in post-2003 Iraq shows from at least 2009 demonstrators have steadily increased the social and symbolic capital that they can deploy in the political field. Before 2011, popular mobilization against the *Muhasasa Ta'ifiya* tended to be diffuse, mobilized by the government's inability to deliver electricity and water during the hot summer months. From 2011 onwards however, protestors began to accrue social capital and use their mobilization to challenge the symbolic violence of the *Muhasasa Ta'ifiya*. This reached a tipping point in the summer of 2015, when mass demonstrations against the government's inability to deliver power supplies developed into a movement that coherently challenged the symbolic capital of the *Muhasasa* system. Blaming it directly for post-2003 corruption and institutional incoherence, demonstrators chanted, "In the name of religion the thieves have robbed us" (Jabar 2018, 9). As the social capital of the demonstrators increased, their symbolic capital also cohered around a principle vision calling for a "civic state".

The demonstrations in 2015 forced then prime minister Haider al-Abadi, to develop a potentially wide-ranging reform program. However, members of the wider ruling elite, their position, power, and privileges threatened by such a move, managed to block this. Since 2015, mass protest designed to force systemic reform have continued, in Basra in July and September 2018 and in Baghdad and across the south of Iraq in October 2019. Unlike 2015, these protests were much more diffuse,

lacking the social capital of the 2015 movement. In Basra, demonstrators vented their frustration about the lack of government services, job opportunities, and development by burning the offices of the Shi'a Islamist parties and the Iranian consulate. The response was swift, with militias from the *Hashd al-Shaabi* deploying very high levels of coercive violence, imposing political passivity on the city through fear.

The extended demonstration in Baghdad and across the south of Iraq in October 2019 more closely resembled Basra in 2018 than they did Baghdad in 2015. Demonstrators again blamed the *Muhasasa Ta'ifiya* for the systemic corruption and economic stagnation that blighted their lives. They called for the end to the system through the resignation of the government, the reform of electoral laws, then new national elections under United Nations supervision. The ruling elite, apparently having learned the lessons of Basra in 2018, deployed overwhelming violence. Government forces used live ammunition to suppress demonstrations in Baghdad and major cities across southern Iraq, including Nasiriyah, Diwaniyah, and Najaf. This was followed by mass arrests and a sustained campaign of press intimidation. After 10 days of protest and suppression, the death toll stood at over 150 (Human Rights Watch 2019 and Amnesty International 2019).

The demands of the protest movement from 2015 to 2019 are of significance because the vast majority of demonstrators in Baghdad and across the south were young Shi'a. This exposed the limits of the *Muhasasa* principle vision to produce docile sectarian subjects within the political field. Instead, the protestors risked their lives to reject the symbolic violence underpinning the system and demanded its wholesale reform.

The popular protests that have lasted from 2015 until today clearly show that opposition to the *Muhasasa* system can mobilize both social and symbolic capital in their struggle to transform the political field. However, the coherent political movement of 2015 and the more organizationally diffuse protests of 2018 and 2019 have

yet to pose a sustained challenge to the *Muhasasa* system for two reasons. Firstly, the demonstrators did not develop the levels of social capital needed to compete with the established parties within the political field. They also have little organized coercive capital and are thus exposed to extended state and militia led repression. This, in 2015, left them vulnerable to co-optation by Muqtada al-Sadr's movement, which seized the symbolic capital and momentum developed by the movement and deployed it for its own electoral ends.

In return, from 2015 to 2018, the movement benefitted from Sadr's substantial reserves of coercive and social capital. Isam al-Khafaji argues that the political movement that came out of the 2015 protests movement, the *Takaddum* coalition, had the symbolic capital to challenge the *Muhasasa* system in the political field (2018). However, the social and symbolic capital that *Takaddum* had amassed largely came from the Iraqi Communist Party, which pushed for the movement's co-optation/integration into Sadr's Revolutionaries for Reform Alliance (*Tahaluf al-Sairoon*) in the 2018 elections. Given the history of Sadr's own party and militia, it is of little surprise that this reduced the coherence of the movement's symbolic capital and its ability to channel societal anger into a focused political movement with a coherent reform agenda. Sadr's inability to transform electoral success in 2018 into a meaningful program of governmental reform afterwards also undermined his movement's symbolic capital and its ability to represent the alienated and angry young people involved in the protest movement.

The effects of this cooptation and the Sadrist movement's role in government formation were felt in the protests in Basra in 2018 and the mass protests in Baghdad and across the south in 2019. Neither the Iraqi Communist Party nor the Sadrist movement played a significant role in the organization of either protest. In September 2018, Sadr issued a letter calling for the Basra protestors to de-mobilize in the face of very high levels of violence deployed by the militias against them. In 2019, in the wake of government formation, the

protestors no longer looked to the Sadrist movement as offering plausible anti-systemic symbolic capital.

Conclusions: The *Muhasasa Ta'ifiya* and its others

In the elections of May 2018, the anti-corruption pro-civic principle vision and its symbolic capital that had been pioneered by the 2015 protest movement was, to varying degrees, co-opted by all those competing for votes. However, the lowest voter turnout since regime change indicated that the dominant political parties did not have the social and symbolic power across Iraq's political field to get the vote out. Those who could be convinced to vote were split between Sadr's alliance, based on a populist but incoherent and contradictory commitment to reform, a coalition of *Hash'd* militias attempting to translate the coercive capital they had accrued during the fight against *Daesh* into dominance of the political field, and a third group representing the Shi'a Islamist parties previously dominant in the *Muhasasa Ta'ifiya*.

Arguments that this election and the elongated government formation process in its wake represented a sustained challenge to the principle vision of the *Muhasasa Ta'ifiya* belied the fact that yet another government of nation unity was created and the majority of ministerial posts distributed between the formally exiled parties who, in partnership with the US, had created the political system and have long dominated it. The selection of Adel Abdulmahdi as Prime Minister, one of the chief architects of the *Muhasasa Ta'ifiya*, chosen and increasingly directed by the *Hash'd* parties, goes a long way to exemplifying the durability of the elite's domination of Iraq's political field.

The widespread but organizationally diffuse protests of October 2019 certainly indicated a population alienated from its ruling elite and no longer mobilized by its symbolic capital. Given that the symbolic capital of the ruling elite has failed, domination within the political field is now reliant on the overt coercive capital supplied by government forces but also, increasingly, the covert

coercive capital deployed by groups within the *Hashd al-Shaabi*. The challenge posed by the protest movement's social and symbolic capital will certainly continue, but until they can develop greater symbolic and social capital and hence assert their own autonomous position within Iraq's political field, their role will continue to be contained by the overt and covert deployment of coercive capital by the Shi'a Islamist groups who now dominate the political field.

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Endnotes

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2 The murders of human rights activist Suad al-Ali and political activist Wissam Al Ghrawi in Basra in September and November 2018 and writer, Alaa Mashzoub, in Karbala in February, 2019, would be examples of this.

The Diminishing Relevance of the Sunni-Shi'a Divide

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Recent developments in Iraq,¹ Syria,² and the region have occasioned a shift in the vocabulary of conflict and contestation away from sectarian categories and have helped diminish (though not eliminate) the emotive force and ready utility of sectarian identities from what they were only a few years ago. Today, what had been transformed into artificially simplified categories of 'Sunni' and 'Shi'a' have lost the ersatz veneer of monolithic homogeneity that was created by/for the sect-coded conflicts that followed 2003, giving way to a more familiar intersectionality and intra-sectarian heterogeneity and lines of contestation (see [Dodge](#) in this collection). As will be illustrated, this can be seen in Iraq in, among other things, the transformations that have marked electoral politics and the *muhāsasa* system in recent years. The point is not to suggest that these shifts are permanent or that sectarian identity has been reduced to irrelevance but to note that the landscape has significantly changed between 2003 and 2018 and that the political relevance of the Sunni-Shi'a divide has considerably diminished in the latter years of that period. Beginning around 2016, sectarian dynamics were no longer the chief driver of political instability – neither in Iraq nor the region.

The shifting politics of sect since 2003

As central as sectarian identities were to the very foundation of the post-2003 Iraqi political order, and as pivotal as Sunni-Shi'a cleavages have been in Iraqi political contestation and political violence, the role, utility, and political relevance of sectarian identity have not stood static over the last fifteen years. The inflamed salience of sectarian identities at various junctures since 2003 should not blind us to the ebbs and flows of sectarian dynamics, something that cannot be explained with recourse to vague concepts such as 'sectarianism'. Rather, the politics of sect in Iraq between 2003 and

2018 are better understood as having gone through several stages that can be loosely divided into two cycles:

- **First cycle**
 - 2003 – 2005: Entrenchment
 - 2005 – 2007: Civil war
 - 2007 – 2010: Retreat
- **Second cycle**
 - 2011 – 2012: Entrenchment
 - 2013 – 2015: Civil war
 - 2016 – 2018: Retreat

It is important to note the fundamental difference between the two cycles. The drivers of entrenchment and the broader political climate in 2003-2005 differ in many respects from those of 2011-12. For example, the impact of the American occupation in the former and that of the Arab uprisings and the Syrian civil war in the latter fundamentally shaped perceptions toward sectarian identity and sectarian relations. Likewise, internal Iraqi dynamics and the positive regional shifts mentioned above differentiate retreat in 2016-18 from the earlier stage of retreat in 2008-10. The broader enabling environment is crucial – and is often overlooked in speculation regarding the future of insurgency in Iraq.

The stages of sectarian dynamics listed above are a reflection of the shifting political stakes of sectarian competition. They are also a reflection of the gradual normalization of the post-2003 order and the consequent restriction of what is politically up for grabs. Political contestation in the earlier stages was more zero-sum and more identity-based, with the very nature of the Iraqi state and the foundational rules of political life seemingly up for grabs. In these early years, sect-centric and ethno-centric actors believed they were in an existential struggle to ensure their place and survival in an Iraq whose contours had yet to be solidified. Since

then, the prism of sectarian/ethnic identity has lost the capacity it once had to dominate political perceptions and calculations as the relations of power between sect-centric actors became less open to contestation thereby leaving greater room for intra-sect, or indeed trans-sect, dynamics.

The normalization of the post-2003 order

The shifting stages of the politics of sect in Iraq underline the normalization of the post-2003 order and of the structures underpinning post-2003 sectarian relations. What was contentious or shocking in 2005 is often no longer so today. Perhaps the most straightforward illustration of this normalization process is the changing attitudes, in Iraq and beyond, toward the empowerment of Shi'a-centric political actors, including those aligned with Iran. Initially, this was controversial enough to cause regional consternation and ultimately led to an internationalized civil war. Today, for good or ill, the political ascendance of Iraqi Shi'a-centric actors is accepted by domestic, regional, and international policymakers and political actors as a fact of the political landscape.

A key indicator of these shifts is changing threat perceptions – both elite and popular. A large part of normalization is the waning of fear. Fears of group extinction and fears of group encirclement were heavily sect-coded in the early years after the U.S. invasion. This had a divisive social impact, as spiralling violence led people to seek safety in their own sectarian communities and to frame the sectarian other as a threat.³ Today, and particularly since 2014, this is no longer the case. Despite the Islamic State's unambiguously genocidal stance towards Shi'as, post-2003 Iraq's second phase of civil war was not sect-coded in the same way that the first was – not least because of the diversity of forces that fought against the Islamic State. Again, normalization and by extension the waning of fear are key elements to this: in 2019, the sectarian other may be loved, hated or viewed with indifference, but is no longer regarded as an existential threat. One manifestation of this is a greater

ability to distinguish between the individual and the group and between the sectarian other and the militants claiming to represent them. The intra-Sunni divisiveness of the Islamic State, the diminished relevance of sectarian categories and the normalization of the politics of sect mean that unlike in 2005-2007, Iraqis after 2014 may fear Sunni or Shi'a militants without viewing Sunnis or Shi'as writ large as a threat – thereby shifting from a higher to a lower generality of difference as commonly happens with de-escalation.⁴ To illustrate, in July 2016, Baghdad experienced its deadliest bombing to date, when more than 300 civilians were killed in an Islamic State suicide truck bombing in the mostly Shi'a area of Karrada.⁵ Yet despite the backdrop of the wartime mobilization against the Islamic State, popular outrage at the atrocity was aimed not at Sunnis nor at Sunni neighbourhoods but at the Iraqi government for its failure to protect civilians.⁶ This starkly differs from the grim patterns of 2006-2007, when such an incident would have stoked fear of and anger toward 'the Sunnis' further fuelling the tit-for-tat atrocities between Sunni and Shi'a armed camps.

A corollary to the process of normalization relates to the perceived reversibility of the post-2003 order. In the first stage of civil war in 2005-2007, the political order was young, insecure, internationally isolated, and directly linked to and dependent on the American occupation. Today, over a decade later, memories and experiences of pre-2003 Iraq are dimming, and powerful interests spanning across sectarian, ethnic, and even international boundaries are firmly entrenched in Iraq and are vested in the survival of the state. This is a product of the two stages of civil war and the ascendance of the state and its allied forces: where 2005-2007 signalled the irreversibility of the post-2003 order in the capital, 2013-2015 did so on an Iraq-wide scale. Insurgency will undoubtedly persist and is likely to be a feature of the Iraqi landscape for years to come. Likewise challenges to the system will likely grow as evidenced by the widespread calls for 'revolution' in the mass protests that erupted in 2019. However, the idea of overthrowing the political order in a *sect-coded* revolution is one

entertained by a demographic that gets smaller and more extreme by the year.⁷ Again, this is reflected regionally: Iraq today enjoys positive relations with all of its neighbours, regional interests are increasingly invested in Iraqi stability and would-be spoilers have fewer potential regional patrons than ever before

None of this means that political instability is a thing of the past. Rather, it signals that its parameters have changed in line with the increasing complexity of the Iraqi state and of Iraqi political contestation, which have moved beyond broad-stroke foundational issues relating to the politics of sect and the balance of power between sect-centric political actors. These changing parameters have been evidenced in political messaging, electoral behavior, public opinion, and patterns of violence. For the purposes of this brief note, it suffices to examine the changes that have been witnessed in electoral politics and in the *muhāsasa* system.

The muhasasa system

There were always two components to the *muhāsasa* system: a *muhāsasa ta'ifiyya* (sectarian apportionment) and a *muhāsasa hizbiyya* (party apportionment). These two overlapping components serve as important drivers of inter and intra-sectarian political competition respectively. The former was more prominent in the earlier stages of the post-2003 era when the basic balance of power between sect-centric actors was being contested – in other words, when the contours of sectarian apportionment were being established. Over the last fifteen years, however, contestation within the *muhāsasa* system has shifted increasingly toward party apportionment as a function of the political classes' acceptance of the rules governing relations of power between sects. As one politician put it in a private conversation in 2018: "Today it is all about the parties. They [the political classes] have moved beyond *muhāsasa ta'ifiyya* because, especially after 2014, everyone knows their size and place." Put another way, at the level of political elites, ethno-sectarian *muhāsasa* and the political shares accorded to 'Sunnis', 'Shi'as' and 'Kurds' are, for the moment, reified and minimally

contested. Even at a popular level, opposition is less animated by how political office is apportioned or how much is given to this sect or that, and is instead driven by wholesale rejection of the *muhāsasa* system itself.

The increasing tilt of the lines of contestation animating the *muhāsasa* system from sectarian to party apportionment has several implications for how we think about sectarian dynamics. Most obviously, it again reflects the importance of normalization as sectarian relations of power become more institutionalized and less contested: moving away from inter-sect divisions in a contested *muhāsasa ta'ifiyya* and more towards intra-sect divisions in a contested *muhāsasa hizbiyya*. The increasing tilt towards a party *muhāsasa* is a function of the normalization of the post-2003 order and of the culmination of the tension between Shi'a-centric state-building and Sunni rejection with the ascendance of the former and the containment of the latter.⁸ In turn, this has seen sect-centric actors turn from competition to collusion in pursuit of intra-sect and trans-sect ends. It has also driven the shift from identity politics to issue politics and has deepened the divide between the people and the ruling classes.⁹

After 15 years of sect-coded political contestation, Iraqi politics are no longer about managing the coexistence of communities nor are they about establishing or tearing down a state. Rather, elite bargains evolved into an exercise in the management of the coexistence and working arrangements of complicit elites. This reflects the reality that the political classes have long made common cause through their mutual interests and collusion in an exclusionary system that has given them all a stake in its continuation. The political classes also share a common threat perception with regards to the burgeoning social pressure from below from a public that has grown ever more distant from the political classes as the politics of sect lost relevance.¹⁰

Electoral Politics

Linked to the above is the evolution of electoral politics. Surveying the political evolution of Iraqi elections,

one of the most visible patterns that emerges is the shift from inter to intra-sectarian competition. In the earlier elections the contest was about the fundamental political norms that would govern the post-2003 order: establishing the *muhasasa* system and determining the practical extent of communal representation and particularly of the respective shares of Sunnis, Shi'as, and Kurds. The more these broad and foundational issues were settled, the less contested inter-sect and inter-ethnic political competition became. By extension, this diminished the perceived need for sectarian solidarity and allowed for greater intra-sectarian and intra-ethnic competition, thereby intensifying the fragmentation of electoral politics with every electoral cycle. The formalization and normalization of the ethno-sectarian division of office was bluntly described by former Speaker of Parliament Mahmud al-Mashhadani in a television appearance soon after the elections of 2018: "Our share [Sunnis] is known: six ministries, nine commissions, and more than 60 other positions – special grades. So, what do we care who comes and who is the largest bloc and who is Prime Minister? What do I care? Whoever comes, we will say: this is our share, give it to us. He cannot say no, because this is agreed upon."¹¹ This perspective, of course, is a stark departure from the hotly contested debates surrounding demographics and political entitlement that proliferated in the early years following 2003.¹²

The numbers speak for themselves. In January 2005 the vote was dominated by three lists – Sunni, Shi'a, Kurdish – who between them secured more than 87 percent of the vote. The Shi'a list alone secured more than 48 percent of the vote. In December 2005, 90 percent of the vote went to just five ethno/sect-coded lists.¹³ Since then the vote – and the political constellations vying for it – has fragmented with every round of elections to the extent that in 2018 the top nine lists shared 80 percent of the vote, with the top performer, Sadrist-led Sa'irun, netting only 14 percent. Furthermore, in another departure from prior practice, many of the major lists campaigned across ethnic and sectarian lines.¹⁴ These dynamics were subsequently reflected in the government

formation process, which defied ethno-sectarian compartmentalization. For example, the trademark backroom jockeying for ministerial positions that follows every Iraqi election yielded unexpected bedfellows between Shi'a-centric and Sunni-centric political actors more accustomed to hurling accusations of treason and complicity with Iran/the Islamic State at each other.¹⁵

This cross-sectarian collusion between what had been regarded as implacable enemies is another marker of the development of a more transactional Iraqi politics, shaped by political interests and pragmatism.¹⁶ This echoes the literature on the evolution of political marketing in post-authoritarian and/or post-conflict settings whereby an initially more blunt and narrowly focussed messaging gives way to more politically flexible and professional strategies.¹⁷ Further, with time, the increasing complexity of the electoral system alters incentive structures away from zero-sum calculations and shapes electoral behavior accordingly: from inter-group competition to increased intra-group competition as seen above.¹⁸ Indicative of this is the banality of the once-controversial and contested apportionment of the highest political positions among Shi'a, Sunni, and Kurdish representatives – a banality that is evidenced in the cross-sectarian and cross-ethnic alignments that underpinned the nominations for these positions after the elections in 2018. The broader dynamics of government formation after 2018 saw rival cross-sectarian alignments pushing their respective Shi'a and Sunni nominees rather than Sunni and Shi'a camps disagreeing over a position or over how it was to be apportioned.

Evolution, not resolution, of political instability

The fact that the relevance of sectarian categories has diminished in Iraqi politics should not be taken to mean that Iraq's political problems are over. That the prism of sectarian identity is not what it was does not mean that Iraq is any closer to addressing the structural drivers of political dysfunction. Likewise, if sectarian dynamics lose their capacity to drive conflict and instability, it does

not follow that other drivers will not persist or that new ones will not emerge. From *muhāsasa*, to corruption, to political violence, to weak rule of law and shortcomings in governance, these and many more structural issues continue to plague Iraq even if they are less sect-coded today.¹⁹ As such, what is being described here is more the *evolution* rather than the resolution of instability and dysfunction between 2003 and 2018.

As existential sect-coded contestation of the state subsides, and as serious contestation of the balance of power between sect-centric actors wanes (regionally and domestically), so too do political sect-centricity and, by extension, the political utility and relevance of the sectarian divide. Like their Sunni-centric counterparts, Shi'a-centric politicians have also had to adapt to the diminished political utility of sectarian identity in Iraqi politics. With Shi'a political ascendancy seemingly secured in Iraq and accepted regionally, intra-Shi'a politics and issue politics could better come to the fore as evidenced by the escalating yearly protests in Baghdad and the southern governorates since 2015.²⁰ Gone are the days when Shi'a-centric political actors could stoke fears of recalcitrant Sunnis, murderous 'takfiris', or closeted Ba'athists. Hence, despite broad support for the war against the Islamic State, no amount of wartime jingoism was capable of preventing the emergence of a robust protest movement against perceived government failings in Baghdad and other Shi'a-majority cities in 2015.²¹ In the years following the cataclysm of 2014, political leaders were no longer able to distract from their failures by pointing to the security situation or by blaming the sectarian other. Today, Shi'a-centric actors have as much to fear from a disgruntled Shi'a public as they do the re-emergence of insurgency in Sunni areas.

Does this signal the end of sect-centricity? Not at all; rather, it underlines its transformation. Further, it signals the normalization of the balance of power between sect-centric actors whose relations are now marked more by collusion than competition. As such, and as has been abundantly illustrated in the upheaval of 2019, the main political challenge is no longer about the politics

of sect or rival sect-coded claims to the state. Rather, the greatest internal challenge is popular anger that, thus far, has been primarily mobilized in Shi'a areas. This again reflects the diminished political salience of the politics of sect which itself is a function of the normalization of the main contours of Shi'a-centric state-building: ensuring that the central levers of power are in Shi'a hands (and more so, Shi'a-centric hands), and institutionalizing a vision of Iraq that frames Iraqi Shi'as as the big brother or senior partner in Iraq's multi-communal framework.

Today violence, victimhood, political perception, and populist discourse are no longer as sect-coded or as juxtaposed against the sectarian other as was the case in the past. As early as 2014, and even prior to the fall of Mosul, there were warnings that the rise of the Islamic State was threatening to turn intra-Sunni violence into a long-term problem.²² And indeed, in areas liberated from the Islamic State, intra-Sunni violence and tribal vengeance have been a more persistent issue than sectarian violence.²³ The grim human rights situation in liberated areas and the primacy of vengeance over justice have been too systemic and have implicated too broad an array of actors to be reduced solely to the prism of sectarian violence.²⁴ As such, Sunni victimhood is driven as much by local predation by Sunni actors as it is by 'the Shi'as'. Likewise, resentment at the state and its institutions is today an Iraq-wide issue that does not conform to a sect-coded logic of Sunni opposition and Shi'a support. Where once a contested Shi'a sense of state ownership was rallied to uphold and defend the nascent order against a sect-coded challenge, today the same Shi'a motifs, symbols, and rituals that were enlisted in the service of Shi'a-centric state building are being directed against the state for its failure to offer much beyond the prism of identity politics.²⁵ 'Shi'a rule' is no longer an emotive issue for the Shi'a public because it has been secured. Rather than identity issues, Iraqi mobilization is animated today by the demand for a peace dividend, political representation, economic opportunity, functioning services, and the elusive promise of a better life.

The trigger for the accelerated elevation of the political relevance of sectarian identities was ultimately the manner in which the American invasion of 2003 disturbed the balance of power between sect-centric actors both in Iraq and in the broader region. The political and military contestation that followed and the sect-coded fears and ambitions they engendered have considerably receded in Iraq with the normalization of post-2003 hierarchies of power. Today, Iraqi and regional developments seem to be veering away from the prism of sectarian identity: at the time of writing, the sectarian wave seems to have crested.²⁶ However, another black swan event that allows for the contestation and renegotiation of the relations of power between sect-centric actors could nevertheless reinvigorate the political relevance of sectarian identity.

Changes since 2014 and the relative stabilization of the Iraqi state may ultimately be squandered, as were the gains made in Iraq's brief moment of optimism in 2008-2010.²⁷ Nevertheless, even if sectarian dynamics

take a turn for the worse, it is almost impossible for them to perfectly revert to what they were in earlier years. The entrenchment and civil war of 2003-2007 were caused by a set of extraordinary circumstances and an enabling environment that cannot readily be recreated: foreign invasion and occupation, state collapse, a backdrop of decades-long isolation and sect-coded legacy issues. The Iraqi state eventually grew more complex since its destruction in 2003 and, by 2018, political alignments and political contestation reflected a complexity that could no longer be contained in the prism of 'sectarianism' – however defined. This was even more glaring on the level of regional politics, where the illusion of Sunni and Shi'a camps had long been unsustainable.²⁸ Where sectarian dynamics are concerned, the last 15 years demonstrate the way that sectarian relations and sectarian identities evolve according to context and respond to ever-changing incentive structures and enabling environments rather than having an ancient logic of their own transcending time, space, reason, and comprehension.

Endnotes

1 In addition to the dramatic drop in violence and the territorial defeat of the Islamic state, Iraq's improved bilateral relations with Saudi Arabia and its greater regional integration are cases in point. See Mehiyar Kathem, "A New Era Beckons for Iraqi-Saudi Relations," *War on the Rocks*, Feb. 2, 2018, <https://warontherocks.com/2018/02/a-new-era-beckons-for-iraqi-saudi-relations/>; "Saudi Arabia: Back to Baghdad," International Crisis Group, Middle East Report no. 186, May 22, 2018, <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/186-saudi-arabia-back-baghdad>; Renad Mansour, "Saudi Arabia's New Approach in Iraq," Center for Strategic and International Studies, Nov. 2018, https://csis-prod.s3.amazonaws.com/s3fs-public/publication/181105_RM_Gulf_analysis.pdf?AWXv0HPipY0ev0TR2M08LPbRCQSY99.

2 On the drawing down of the Syrian civil war, the shift in how regional actors view the conflict and the steady reintegration of Syria into the regional fold are another example. See Kamal Alam and David Lesch, "The Road to Damascus: The Arabs March Back to Befriend Assad," *War on the Rocks*, Dec. 7, 2018, <https://warontherocks.com/2018/12/the-road-to-damascus-the-arabs-march-back-to-befriend-assad/>. On Syria's reintegration, see Hashem Osseiran, "UAE Reopens Embassy in Damascus after Six Years," *National*, Dec. 27, 2018, <https://www.thenational.ae/world/mena/uae-reopens-embassy-in-damascus-after-six-years-1.806947>; Bethan McKernan and Martin Chulov, "Arab League set to readmit Syria eight years after expulsion," *The National*, Dec. 26, 2018, <https://www.theguardian.com/world/2018/dec/26/arab-league-set-to-readmit-syria-eight-years-after-expulsion>; Jeyhun Aliyev, "Bahrain reopens embassy in Syria," *Anadolu Agency*, Dec. 28, 2018, <https://www.aa.com.tr/en/middle-east/bahrain-reopens-embassy-in-syria/1350510>.

3 On the central role of fear in shaping action in conflict see Lina Haddad Kreidie and Kristen Renwick Monroe, "Psychological Boundaries and Ethnic Conflict: How Identity Constrained Choice and Worked to Turn Ordinary People into Perpetrators of Ethnic Violence during the Lebanese Civil War," *International Journal of Politics, Culture and Society*, 16:1 (2002): 5-36; Michael J. Boyle, "Bargaining, Fear and Denial: Explaining Violence Against Civilians in Iraq 2004-2007," *Terrorism and Political Violence*, 21 (2009): 261-87.

4 This shift away from a zero-sum negative framing to a more spectral one was noted by Neta Oren in how Arab entities have been framed in Israeli political discourse: the easing of tensions and fear encourages a lower generality of difference. Neta Oren, "Israeli Identity Formation and the Arab Israeli Conflict in Election Platforms, 1969-2006," *Journal of Peace Research*, 47:2 (2010): 198.

5 Ahmed Rasheed, "Death Toll in Baghdad Bombing Rises to 324: Ministry," *Reuters*, Aug. 1, 2016, <https://www.reuters.com/article/us-mideast-crisis-iraq-toll-idUSKCN10B0VK?il=0>.

6 “Ghadhab muwatinin athna’ ziyarat al-Abadi li-mawqi’ tafjir al-Karrada,” (Citizens’ Anger During al-Abadi’s Visit to the Site of the Karrada Bombing), BBC Arabic, July 3, 2016, http://www.bbc.com/arabic/multimedia/2016/07/160628_iraqi_haider_abadi.

7 As has been widely noted, since losing their territorial ‘caliphate’, Islamic State militants have been staging a resurgence in rural parts of Iraq. While a repeat of 2014 remains unlikely, the Islamic State and insurgency in general will continue to threaten Iraqi stability for some time. For recent analysis on post-caliphate Islamic State fortunes and strategies see Michael Knights, “The Islamic State Inside Iraq: Losing Power or Preserving Strength?” *CTC Sentinel*, 11:11 (Dec. 2018): 1-10, <https://ctc.usma.edu/app/uploads/2018/12/CTC-SENTINEL-122018.pdf>; Hisham al-Hashimi, “Tandhim Da’ish fi ‘am 2018: al-Iraq Namuthag,” (The Islamic State in 2018: The Case of Iraq,” *The Center of Making Policies for International and Strategic Studies*, Oct. 2018, <https://www.makingpolicies.org/ar/posts/isisin2018.php>.

8 Fanar Haddad, “Shi’a Centric State Building and Sunni Rejection in Post-2003 Iraq,” in *Beyond Sunni and Shia: The Roots of Sectarianism in a Changing Middle East*, ed. Fred Wehrey, (London: Hurst and Co., 2017).

9 Faleh A. Jabar, “The Iraqi Protest Movement: From Identity Politics to Issue Politics,” *LSE Middle East Centre Paper Series no. 25*, 2018, http://eprints.lse.ac.uk/88294/1/Faleh_Iraqi%20Protest%20Movement_Published_English.pdf; Renad Mansour, “Protests Reveal Iraq’s New Fault Line: The People vs. the Ruling Class,” *World Politics Review*, July 20, 2018, <https://www.worldpoliticsreview.com/articles/25161/protests-reveal-iraq-s-new-fault-line-the-people-vs-the-ruling-class>.

10 The scale of the near-annual summer protests across southern Iraq and Baghdad in 2018 are a case in point. See Harith Hasan, “The Basra Exception,” *Diwan*, Carnegie Middle East Center, Sept. 19, 2018, <http://carnegie-mec.org/diwan/77284?lang=en>; Fanar Haddad, “Why Are Iraqis Protesting?” *Al Jazeera English*, July 19, 2018, <https://www.aljazeera.com/indepth/opinion/iraqis-protesting-180718131316968.html>. The protests of 2019 posed a far greater challenge to the governing order. In both cases and those preceding them, the politics of sect were marginal: they were concentrated in Baghdad and other Shi’a-majority areas, they were driven by issue politics rather than identity-politics, and, in the case of 2019, they were an expression of rage against the political system in its entirety.

11 “Sa’et Mukashafa ‘ra’is majlis al-nuwab al-asbaq al-Mashhadani,” (Sa’et Mukashafa ‘former head of the Council of Representatives al-Mashhadani’), uploaded Nov. 7, 2018, <https://www.youtube.com/watch?v=ioeMo2uJmeo>. In the same interview Mashhadani emphasizes the fact that, beyond sectarian identity, muhasasa today is a function of family links, tribal connections and party affiliation.

12 In particular, a fairly common view among Sunni Arab politicians in the early post-2003 era rejected the notion that Sunni Arab Iraqis were a minority. This position was voiced by mainstream Sunni politicians as well as more extreme voices; from religious leaders such as Harith al-Dhari (former general secretary of the Association of Muslim Scholars), to politicians such as Khalaf al-Ulayyan, Mohsen Abdel Hamid (former head of the Iraqi Islamic Party) and Osama al-Nujaifi, to extremists such as Salafi jihadist preacher Taha al-Dulaimi. In fact, as early as August 2003 Dulaimi was describing the idea that Sunnis are a minority as a lie. See Taha al-Dulaimi, “Hathihi Hiya al-Haqiqah: al-A’dad wa-l-Nisab al-Sukaniyya li-Ahl al-Sunna wa-l-Shi’a fi-l-Iraq” (This is the Truth: Population Numbers and Percentages of Sunnis and Shi’as in Iraq), published online August 2003, re-published in 2009, <https://ia601608.us.archive.org/19/items/adef-0044/Aqidah05778.pdf>. For a less extreme iteration see comments of then-Vice President Tariq al-Hashemi in which he claims that the notion of a Shi’a majority in Iraq is a lie. “Media bias ‘threat’ to Iraq,” *Al Jazeera*, Jan. 3, 2007, <https://www.aljazeera.com/news/middleeast/2007/01/2008525184921434756.html>.

13 For the elections of 2005, see the relevant pages of the Iraqi Independent High Electoral Commission: <http://www.ihec.iq/page6/page18.aspx> and <http://www.ihec.iq/page6/page16.aspx>; Adam Carr’s election archive, <http://psephos.adam-carr.net/countries/i/iraq/>; Dodge, *Iraq*, pp. 44-48.

14 For the elections of 2018 see the relevant pages of the Iraqi Independent High Electoral Commission’s website, <http://www.ihec.iq/HOME/IconFiles/pageC3>, accessed January 13, 2019; Adam Carr’s election archive <http://psephos.adam-carr.net/countries/i/iraq/>, accessed January 13, 2019; and Renad Mansour and Christine van den Toorn, “The 2018 Iraqi Federal Elections: A Population in Transition?” *LSE Middle East Centre*, July 2018, http://eprints.lse.ac.uk/89698/7/MEC_Iraqi-elections_Report_2018.pdf.

15 Perhaps the starkest example was the umbrella ‘Construction Bloc’. This political alliance linked the (Sunni-centric) National Axis, former Prime Minister Maliki’s State of Law, and the PMU-led Fatah Alliance. This combined two sect-coded camps that had long framed each other as the sect-coded hate-figures par excellence embodying the heart of sectarian narratives of victimhood.

16 Needless to say, political interests and pragmatism are often regarded as a euphemism for political cynicism. Iraqi public opinion was taken aback by the unexpected alignment of political actors who had previously expended much energy demonizing each other as Islamic State supporters or nefarious Iranian militiamen. This fed into the wider popular alienation from the political classes. See Helene Sallon, “In Iraq, The Revolt of Generation 2018,” *Worldcrunch* (originally in French in *Le Monde*), Oct. 13, 2018, <https://www.worldcrunch.com/world-affairs/in-iraq-the-revolt-of-generation-2018>.

17 For a discussion of these themes see Adam Harmes, “Political Marketing in Post-Conflict Elections: The Case of Iraq,” *Journal of Political Marketing*, (2016), DOI: 10.1080/15377857.2016.1193834. Harmes applies the Lees-Marshment model of political market that categorizes political parties along three ideal types: product oriented, sales oriented and market-oriented parties. Post-conflict electoral evolution goes through these stages from the least sophisticated (product oriented) to the more layered, nuanced and practical market-oriented model – be it in inter or intra-group dynamics.

18 *Ibid.* To give an example of the evolution of incentive structures away from zero-sum identity politics, referencing Dodge and Benraad, Harmes argues that legislative and procedural changes in the voting system aided in the reduction of sectarian mobilization. For example, Benraad

points to the controversial decision following the elections of 2010 allowing the head of the largest coalition formed after the elections to form a government. This, she argues, incentivized parties to run individually rather than in a broad list in future elections. Quoting Myriam Benraad, "Al-Maliki looks at a third term in Iraq," Al Jazeera Center for Studies, April 22, 2014, p. 3. Also see Dodge, Iraq, pp. 147-80.

19 For a concise overview of the challenges and internal contradictions facing the incoming government in 2018 (none of which are particularly sect-coded) see Kirk H. Sowell, "A Fractured Iraqi Cabinet," Sada, Carnegie Endowment for International Peace, Nov. 8, 2018, <https://carnegieendowment.org/sada/77674>.

20 Protests in 2019 have been especially severe. The overhanded and bloody suppression that ensued transformed the protests into an insurrection that may yet flare up again. See Fanar Haddad, "Iraq's protests and the reform farce," Al Jazeera, Oct. 5, 2019, <https://www.aljazeera.com/indepth/opinion/iraq-protests-reform-farce-191004095142453.html>.

21 Harith Hasan, "Ab'ad al-ihitijajat al-ijtima'iyya bi-l-Iraq wa mu'tayat al-khilaf al-Shi'i," (The parameters of social protests in Iraq and the nature of Shi'a division), Al Jazeera Center for Studies, Aug. 17, 2015, <http://studies.aljazeera.net/mritems/Documents/2015/8/17/201581712140930734Iraq-Shi'ite.pdf>; Ali Taher, "Harakat al-ihitijajat al-madani fi-l-Iraq ba'd 31 July 2015: aliyat al-tashakul wa ma'alat al-mustaqbal," (The social protest movement in Iraq after 31 July 2015: mechanisms of formation and future implications), King Faisal Center for Research and Islamic Studies, Oct. 2015; Jabar, "The Iraqi Protest Movement."

22 Wa'il Ni'ma, "Al-Anbar takhsha 'harb tharat' wa-rijalaha musta'idun li-tard Dai'sh itha taghayar ra'is al-hukuma," (Anbar fears 'a war of vendettas' and its men are ready to expel Da'ish if there is a change in head of government), Al-Mada Newspaper, June 4, 2014, <https://almadapaper.net/Details/106910>.

23 See for example, Kamal al-Ayash, "Anbar Tribes Exact Revenge upon Iraqis Who Worked with Extremists," Niqash, Oct. 13, 2016, <http://www.niqash.org/en/articles/security/5378/>; Kamal al-Ayash, "Anbar's New Anti-Extremist Militias Get Bigger, Cause New Problems," Niqash, Nov. 2016, <http://www.niqash.org/en/articles/security/5417/>.

24 For an excellent report on the human rights situation in liberated areas of Iraq and the fatal challenges facing those accused of Islamic State affiliation or of being related to anyone with such affiliation see Ben Taub, "Iraq's Post-ISIS Campaign of Revenge," New Yorker, Dec. 24, 2018, <https://www.newyorker.com/magazine/2018/12/24/iraqs-post-isis-campaign-of-revenge>. The report's occasional portrayals of a campaign of revenge aimed at Sunnis are contradicted by the many examples it gives of locally perpetrated predation and locally driven targeting of suspected Islamic State members and their families.

25 As Harith Hasan put it in describing the 2019 disturbances, protestors are, "... using national symbolism and connection nationalism and a particularly Shi' revolutionary spirit to issues of social justice." Harith Hasan, "Iraq is currently being shaken by violent protests," Diwan, Carnegie Middle East Center, Oct. 4, 2019, <https://carnegie-mec.org/diwan/79993?lang=en>.

26 The term 'sectarian wave' is taken from Byman's analysis of the subject. Daniel Byman, "Sectarianism Afflicts the New Middle East," *Survival*, 56:1 (2014): 80.

27 There were great improvements in these years: violence continued declining, sectarian politics were in very clear retreat, militia and insurgent networks had been crippled, and many were optimistic that post-2003 Iraqi politics had come of age – unfortunately this proved illusory and was derailed by the controversies surrounding the elections of 2010 (see note 50). Writing in 2009, Visser provides an overview of the reasons for optimism and also why optimism needed to be cautious. See Reidar Visser, "Post-Sectarian Strategies for Iraq," *Historiae.org*, March 2009, <http://historiae.org/post-sectarian.asp>.

28 On the transformation of regional politics see Lynch, "The New Arab Order: Power and Violence in Today's Middle East."

Understanding Displacement Decisions During Rebel Governance: Evidence from Mosul, Iraq

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What are the conditions under which civilians living in territory captured by an insurgent group will prefer its system of “rebel governance” to that of the incumbent state? Given the opportunity to flee to government-controlled areas, IDP camps, or neighboring countries, *who* stays and *why*? This essay presents qualitative evidence from interviews with 61 Iraqis from Mosul (“Moslawis”) conducted during and after the Islamic State’s three-year rule over the city to explore a variety of factors—social, political, economic, and psychological—that influence individual decisions to stay or leave territory captured by a rebel group with state-building aspirations.²

The Islamic State (hereafter “IS” but also known by its Arabic acronym, “Daesh”) is a Sunni jihadist group that claimed to be building a new caliphate based on the earliest model of Islamic governance (March and Revkin 2015). At the height of its expansion in late 2014, IS controlled and governed 20 major Iraqi cities (including Mosul) with an estimated population greater than five million (Robinson et al. 2017, 192-194). When IS first captured Mosul in June 2014, it allowed civilians to enter and exit the city freely for several months. Given the choice between living in a city governed by a violent group with uncertain intentions and fleeing, existing theories would have predicted out-migration on a massive scale. Contrary to this expectation, however, an estimated 75 percent of Mosul’s pre-IS population of 1.2 million was still living in the city eight months after the group’s arrival (Robinson et al. 2017, 86).

Since residents of IS-controlled areas paid taxes to IS and faced pressure to join or work for the group, the question of why so many civilians remained in IS-controlled areas when they had the option of leaving is an important one. Rebel groups rely heavily on civilians to obtain food, water, shelter, labor, and information

(Wood 2003; Kalyvas 2006), and IS could not have captured and governed Mosul for as long as it did without the compliance and active support of some of the city’s population. Those who stayed (“stayers”) provided human and economic resources—whether voluntarily or involuntarily—that enabled IS to hold and govern territory.

While recognizing that decisions to stay or leave territory captured by a rebel group are multi-factorial, this essay presents preliminary evidence for a theory of civilian perceptions of “relative legitimacy.” Interviews with Moslawis suggest that at least some of those who stayed after IS’s capture of the city perceived relative improvements in the quality of governance under IS rule in comparison with the quality of governance provided by the Iraqi state previously. In some cases, staying appeared to be an indicator of acceptance of IS as a legitimate sovereign or at least a preference for its system of governance over that of the Iraqi state. As one doctor from Mosul explained why many residents of the city acquiesced to IS rule, “As the people say, it is better than [the Iraqi] government.”³ This finding suggests that weak rule of law and ineffective governance in Iraq may have contributed to civilian acceptance of and cooperation with IS rule.

This is not to say, as is now assumed by many Iraqis, that anyone who lived for years under IS rule is a collaborator and therefore complicit in IS’s crimes (see [Younis](#) and [Ayhan](#) in this collection). This problematic assumption has contributed to the mass incarceration of at least 19,000 people on IS-related charges since 2014 of whom more than 3,000 have already been sentenced to death.⁴ In fact, many civilian residents of IS-controlled territory disagreed with the group’s ideology, were victims of its violence, and only complied with its policies in order to stay alive. By inviting Moslawis to explain, in their own

words, their motivations for staying in or leaving IS-controlled territory, this research identifies a variety of social, political, economic, and psychological factors that influenced displacement decisions under IS rule—many of which are completely unrelated to support for IS.

Theory

Existing theories of displacement do not fully explain why so many Moslawis stayed in the city after IS's arrival. Previous work has found that high levels of violence increase the likelihood of movement (Bohra-Mishra and Massey 2011). Given IS's perpetration of extreme violence—including public beheadings and beatings of civilians—as well as the aerial bombardment of Mosul by the U.S.-led Coalition starting in October 2014, this research would predict significant out-migration to areas with lower levels of violence. Furthermore, deteriorating economic conditions caused by conflict often lead to “exit” from political systems (Hirschman 1970). Contrary to these expectations, however, an estimated 75 percent of Mosul's pre-IS population of 1.2 million was still living in the city eight months after the group's arrival (Robinson et al. 2017, 86). Although these numbers are difficult to interpret given evidence of in-migration by IS supporters and foreign fighters,⁵ it appears that a significant percentage of the population stayed. Who stayed and why?

Prior work on conflict-related displacement has focused primarily on “leavers.” In contrast, this article focuses on “stayers”—those who remain in rebel-controlled areas. The literature has also tended to overlook the role of civilians' past experiences with the state in their decisions to stay or leave territory captured by a rebel group with state-building aspirations. Therefore, this article links previous research on conflict-related displacement with a growing literature on rebel governance (Kasfir 2015; Arjona 2016; Mampilly 2011; Huang 2016; Stewart 2018) that has explored the ways in which pre-existing state institutions may either constrain or facilitate efforts by rebel groups to create new political orders. For example, in Colombia, civilian resistance to

rebel governance was less likely in areas where pre-existing institutions were both legitimate and effective (Arjona 2016, 71). I build upon these findings to argue that the quality of governance provided by an incumbent state affects the displacement decisions of civilians living in territory captured by a rebel group that offers them a competing political order.

Previous research on rebel governance has explored “processes of legitimation” (Duyvesteyn, 2017) through which rebel groups attempt to win the cooperation of civilians in contexts of “multi-layered governance” where multiple state and non-state actors compete for local support within the same civil war (Kasfir, Frerks and Terpstra, 2017, p. 263). I build upon this work to develop a theory of “relative legitimacy” that helps to explain why mobile individuals with a choice between two or more political communities may prefer the one whose authorities and institutions they perceive as more legitimate—or simply less illegitimate—than the other. Therefore, this concept could alternatively be described as “relative illegitimacy.” Understanding legitimacy in relative rather than absolute terms helps to explain why a person might perceive a government as illegitimate, corrupt, or untrustworthy in absolute terms but nonetheless prefer it to an alternative that is even worse (Kasfir, Frerks and Terpstra, 2017, p. 259). I look for evidence of legitimacy through two of its observable implications: (1) the *effectiveness* of governing institutions and (2) the *fairness* of governing institutions. Importantly, relative legitimacy is not the sole determinant of displacement decisions but interacts with several other factors: (1) economic resources, (2) social and family structures, (3) information, and (4) threat perceptions.

Mosul and the Islamic State

In the years prior to IS's arrival, the predominately Sunni residents of Mosul had grown increasingly frustrated with Iraq's Shia-controlled central government, which they perceived as corrupt, discriminatory, and ineffective. At the beginning of the Arab Spring in

February 2011, protesters in several Iraqi provinces demanded the resignation of governors and local councils, the elimination of corruption, job creation, and improvements in basic services. Videos of protests from Mosul during these years show signs bearing slogans including: “No to sectarianism,” “We demand the withdrawal of the Iraqi Federal Police from the city,” and “Stop insulting human rights” (Revkin 2019, 12).

Alongside growing frustration with corruption and bad governance, IS’s precursor—al-Qaeda in Iraq (AQI)—was becoming increasingly powerful. In 2004, AQI temporarily occupied more than 30 police stations in Mosul and began to establish a “shadow government” that would exert growing influence over security and service-providing institutions in subsequent years. As early as 2008, AQI was operating courts and collecting taxes in Mosul (Revkin 2019, 12). By November 2013, a local journalist reported that “Mosul has two governments. By day, it’s the local government, but at night, it’s al-Qaeda.”⁶

IS overran Mosul over the course of five days—June 6-10, 2014—with little resistance from the Iraqi Army. Given the history of anti-government activism and insurgency in Mosul prior to 2014, it is unsurprising that many residents of the city cooperated with IS fighters and some even welcomed them. Videos taken in the early days of IS’s occupation of Mosul show residents dancing and parading in celebration (Revkin 2019, 13). Civilians described the first few months of IS rule as a kind of “honeymoon”⁷ in which IS “did not show its true colors”⁸ while the group attempted to earn trust and support by implementing popular policies. These included the removal of government checkpoints where Sunnis were regularly interrogated and detained by Iraqi police on the basis of sectarian profiling, subsidized bread and fuel, and improvements in the availability of electricity and clean water.⁹

Although IS quickly announced its intent to implement a strict and selective interpretation of Sharia with a constitution-like “Charter of the City” that banned

alcohol, cigarettes, and immodest clothing, among other restrictions, enforcement was initially lax (Islamic State 2015). At first, sellers of prohibited products such as tobacco were asked “politely” to close their businesses, while owners of clothing stores were asked to cover the hair of their female mannequins. Over time, however, IS became increasingly strict and unforgiving in its enforcement of the rules. By March 2015, cigarette sellers who would have been let off with a warning in the early days of IS rule were being thrown into prison and publicly beaten (Revkin 2019, 14).

While IS was ratcheting up the enforcement of its rules within Mosul, the group also began to limit travel and migration out of its territory with a series of policies that became increasingly restrictive over time, culminating in the imposition of a de facto travel ban on March 10, 2015. Although exit eventually became almost impossible without the help of smugglers, for the first nine months of IS rule (June 2014 until March 10, 2015), civilians were allowed some degree of freedom of movement into and out of Mosul, raising questions about why some stayed while others left.

Evidence from interviews

Over the course of three research trips to Iraq in February, April, and December 2017, I collected qualitative data through interviews with a non-random convenience sample of 61 individuals from Mosul and nearby areas of northern Iraq that were all captured by IS in June 2014.¹⁰ Interviewees were identified through snowball sampling based on initial contacts facilitated by local research assistants and through visits to public institutions in Mosul—a hospital, several schools, and a municipal services office—that had been captured and administered by IS. Forty-nine of the interviewees had stayed in IS-controlled territory for the duration of IS’s rule (“stayers”) and 12 were “leavers” who had left IS-controlled territory when exit was still possible—before March 10, 2015, which is the day on which IS imposed a de facto travel ban. Due to the geographical dispersion of “leavers” in IDP camps and other areas outside of their

communities of origin, they were more difficult to locate than “stayers” and therefore are underrepresented in my sample of interviews. Since the objective of this essay is to shed light on the motivations of “stayers,” my analysis of the interviews focuses heavily on that group.

Also, given the small and non-random nature of my sample, all of the evidence from these interviews should be interpreted cautiously. For ethical and security reasons, all interviewees are identified by pseudonyms to protect their anonymity. Qualitative evidence from these interviews provides preliminary support both for my theory of relative legitimacy and for five other well-established determinants of displacement decisions: economic resources, family structures, threat perceptions, and information. These findings are consistent with the results of my related quantitative household survey of 1,458 Moslawis (Revkin 2019).

Perceptions of relative legitimacy: Effectiveness and fairness

Evidence from interviews suggests that many “stayers” perceived improvements in the effectiveness of IS governance in comparison with the previous period of Iraqi government rule, consistent with my theory of relative legitimacy. Tamir, a butcher in Mosul, said that his industry had been lobbying the Iraqi government for years to improve the regulation and sanitation of slaughterhouses in order to prevent dishonest butchers from selling diseased animals to unsuspecting buyers. He said, “When Daesh [IS] came, they required all butchers to bring their animals to a central slaughterhouse where animals were inspected for illness and the whole process was safer and better organized.”¹¹ Bassem, a school administrator, said, “They [IS] distributed garbage cans throughout the city and started collecting the trash twice per week—much more often than the Iraqi government did previously. Then they started to impose fines for littering, so the streets stayed very clean. To be honest, Mosul was the cleanest I had ever seen it.”¹²

Many of the “stayers” I interviewed also perceived

improvements in the fairness of governance under IS rule. Latif, a restaurant manager, described several instances in which IS police or courts punished the group’s own members for breaking rules or mistreating civilians, sending the message that no one was above the law. He recalled one altercation between the owner of a bakery and an IS fighter who cut to the front of the line, claiming that he was in too much of a hurry to wait his turn: “When the owner asked the fighter to go to the back of the line, the fighter kicked him in the face and ran away with a bag full of bread.” The owner complained to IS’s Sharia court, which sent police to the bakery to interview witnesses. The court ruled in favor of the owner and ordered the fighter to apologize publicly.”¹³

Economic resources

The economic resources of Moslawis may have either facilitated or impeded their departure. Those with higher levels of mobile assets would have been more likely to leave due to their greater ability to afford the costs of travel and resettlement elsewhere, consistent with research finding that socioeconomic status is an important determinant of evacuation decisions during natural disasters (Elliott and Pais 2006). On the other hand, fixed assets may have been a constraint on exit given IS’s systematic expropriation of houses and other property abandoned by “leavers.” “Stayers” may have been motivated by the desire to protect their property. In addition to the economic value of houses and land, legal scholars have argued that the ownership of private property confers important non-economic benefits including “personhood” (Radin 1981), community belonging (Cooper 2007), and dignity (Pils 2009). These non-economic benefits of property ownership may have created additional barriers to exit.

Evidence from interviews indicates that displacement decisions were heavily influenced by economic resources. Faisal said, “I did not have enough money to travel and I would not have been able to provide a good life for my family in another place.”¹⁴ However, for some Moslawis, fixed assets appear to have been a constraint

on mobility. Several interviewees said that they stayed in Mosul to protect their houses or land from expropriation by IS, which was known for seizing immobile assets left behind by “leavers” and redistributing them to its fighters and supporters. This pattern is confirmed by newspaper reports from 2014 describing the return of wealthy landowners—including Christians, despite their persecution by IS—who initially fled the fighting but later came back to Mosul to avoid forfeiting valuable properties.¹⁵ As Fares explained, “I was afraid that IS would take my property. My family worked for years to be able to buy a house with a piece of land, and we did not want to lose it.”¹⁶

Social and family structures

A second factor is the role of social and family structures. Migration and displacement decisions are often made collectively by a family unit rather than individually (Boyd 1989). Individual “migration decisions depend heavily on those of others” (Granovetter 1978, p. 1424) and previous research has found evidence of “peer effects” (Hiwatari 2016).

Many interviewees referred to family and social structures—both inside Mosul and elsewhere in Iraq—as important factors in their decisions to stay or leave. For example, Fatima said, “Most of our friends and family were also staying in Mosul so we felt safe.”¹⁷ Similar stories were reported by Iraqi newspapers in the days following IS’s takeover of Mosul including that of one man whose family, which initially fled the city during the fighting, “decided to return to Mosul because ... my brother and his family had returned the previous day and reassured us” that the city was safe.¹⁸ Some residents of Mosul said that they were initially inclined to trust IS because friends or family members were cooperating with or employed by the group. Dalia said, “Some of our neighbors, whom we had known and trusted for our whole lives, continued working in civilian institutions [e.g. schools] that were taken over by IS, so we believed that they would not hurt us.”¹⁹

Karim identified the absence of social networks outside of Mosul as a constraint on his ability to leave: “I have no relatives or friends outside of the city who could help to support me.”²⁰ Others explained that large families and elderly or sick relatives made travel more difficult. Khaled said, “I had a six-month old baby who was receiving treatment for a heart defect at the hospital in Mosul and was too ill to travel.”²¹ Tarek explained, “The fact that there are women and children in my family made moving much more difficult.”²²

Information

Third, lack of information or misinformation about IS’s reputation and plans may have influenced decisions to stay or leave. Since IS’s treatment of civilians started out relatively lenient and became increasingly harsh over time, Moslawis may have underestimated IS’s repressive intentions until it was too late to leave. Relatedly, some may have stayed because they had inaccurate expectations about the duration of IS rule, believing or hoping that the group would be defeated much sooner than it actually was.

Interviews indicate that many residents of Mosul knew very little about IS in June 2014 and had unrealistic expectations about how long the group would remain in control of the city, suggesting that displacement decisions were sometimes influenced by lack of information or misinformation about IS’s reputation and plans. Khaled said that one of his reasons for staying was that “we didn’t expect them [IS] to last very long.”²³ Amira, a university student, and her family were on a trip to another Iraqi city, Sulimaniyah, when IS captured Mosul in June 2014. The family decided to return “because we didn’t know anything about this group at the time, and I did not want to interrupt my studies at the university.”²⁴ Adnan said that he stayed because “it seemed impossible for IS to hold the city for more than a few weeks given the strength of the Iraqi Army.” Adnan also admitted that IS “treated us well at the beginning,” although he later became disillusioned: “Gradually, they dropped the act and I realized that this group was not

at all Islamic but actually a criminal mafia. But by that point, it was too late to leave.”²⁵ Reporting from the early days of IS rule provides additional evidence for the finding that many residents of Mosul were uncertain about IS’s intentions. As one in Mosul explained, “Despite my positive impression [of] the new rulers of Mosul, I have fears that they may ban music ... We have plans to have concerts ... but the consequences for doing that remain unclear.”²⁶

Threat perceptions

A fourth factor is perceptions of the relative levels of danger both inside and outside of Mosul. Residents of Mosul faced with the decision to stay or leave when IS arrived may have weighed the risk of airstrikes targeting Mosul against the risk of roadside bombs or other hazards that they might encounter on the roads leading out of the city.

Evidence from interviews suggests that perceptions of danger both inside and outside of Mosul were a factor in displacement decisions. Ahmed, a journalist whose profession made him a target because of IS’s ban on independent media, said that he “stayed because IS was arresting journalists on charges of espionage. There are many IS checkpoints on the roads leading out of Mosul and I was afraid that if I tried to exit the city, I would be stopped and questioned.”²⁷ While fear of IS checkpoints—a hazard outside of Mosul—was cited as a reason for staying, other dangers *inside* of Mosul were cited as reasons for leaving. Some internally displaced persons (IDPs) told journalists in 2014 that they had fled Mosul not because they objected to IS but primarily to avoid airstrikes and the impending battle. One man said, “I want to go back to Mosul, but we are afraid we’ll see another Fallujah,” referencing the heavy airstrikes targeting that city.²⁸ Another IDP explained, “We aren’t afraid of ISIS but we know the conflict will escalate in the future; this is why we’re living under these hot tents.”²⁹

Conclusion

Displacement decisions during rebel governance are multi-factorial and almost all of the Moslawis interviewed for this article cited several factors that influenced their decisions to stay or leave. Evidence from interviews with “stayers” and “leavers” provides some preliminary support for a theory of relative legitimacy, suggesting that weak rule of law and ineffective governance in Iraq prior to June 2014 may have contributed to civilian cooperation with IS, but I also find support for several other well-established determinants of migration during conflict: (1) economic resources, (2) social and family structures, (3) information, and (4) threat perceptions. This research illustrates the complexity of decision-making under conditions of fear and uncertainty during conflict, casting doubt on mon-causal explanations for displacement.

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- 11 Interview with “Tamir” (40, butcher) in Mosul (April 2017).
- 12 Interview with “Bassem” (45, school administrator) in Mosul (April 2017).
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- 20 Interview with “Karim” (35, teacher) in Mosul (April 2017).
- 21 Interview with “Khaled” (38, accountant) in Mosul (April 2017).
- 22 Interview with “Tarek” (44, municipal services) in Mosul (April 2017).
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Achieving a Durable Peace by Reforming Post-ISIS Justice Mechanisms in Iraq

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At its height, ISIS held almost one-third of Iraq's territory¹ and governed over five million Iraqi citizens.² ISIS sought to create a functioning state, and to that end it required a substantial proportion of the population within its territory to actively participate in administration and public service delivery. Civil servants were forced to continue to perform the roles that they had previously occupied, including managing utilities, delivering health services, overseeing agriculture and registering property transfers, births, deaths and marriages. Those who resisted working for the Islamic State were threatened with violence.³

Given the scale of collaboration with ISIS among the local civilian population (see [Revkin](#) in this collection), the Iraqi government and judiciary is faced with the challenge of deciding whom to hold accountable for ISIS affiliation, and to what extent. The Anti-Terrorism Law which governs these decisions is vaguely defined and allows for the extreme punishment of collaborators who were coerced into non-violent roles in support of the ISIS administration. The sheer number of such collaborators means that the Iraqi judicial system would be completely overwhelmed were it to seek to prosecute all of them to the fullest extent of the law. In practice, collaborators are inconsistently prosecuted leading to resentment among local populations. The extent of collaborators who are in the judicial system is also preventing the thorough prosecution of ISIS ringleaders and is failing to allow the time and space for victims to participate in the judicial process. Beyond the law itself, there are numerous problems within the judicial system that are preventing the fair and credible prosecution of prisoners detained on ISIS related charges. These include the use of evidence obtained through torture, the use of evidence obtained through anonymous informants, the failure to grant lawyers access to their clients, and the failure to protect lawyers who take on clients accused of

ISIS affiliation. All of these elements have contributed to a deeply flawed judicial environment that undermines the goal of restoring harmonious inter-communal relations in Iraq, which in turn risks undermining stability in Iraq in the medium term.

Reforming the Anti-Terrorism Law

Iraq's Anti-Terrorism Law, No. 13 (2005), is very broadly defined. Under its terms, hundreds of thousands of Iraqis who lived under ISIS could qualify for prosecution and even the death sentence under the provisions of the law. Article 4 of the law proscribes the death penalty for anyone who "incites, plans, finances, or assists terrorists to commit the crimes stated in this law."⁴ A substantial proportion of the Iraqis who lived under ISIS occupation and who participated in local administration or governance may be prosecuted for "assisting terrorists" under this article.

Since its adoption in 2005, the Anti-Terrorism Law has been widely criticized by the international community, by Iraqi Sunni leaders, and by parts of the Iraqi legal profession. I have interviewed Iraqi Sunni leaders dozens of times over the last eight years, and the reform of the Anti-Terrorism Law has been consistently raised as a political priority for the Sunni community. Sunni leaders widely perceive the Anti-Terrorism Law to be a sectarian tool for the suppression of Sunnis in the post-2003 Iraqi political system. In an interview, Sunni leader and former Finance Minister Rafi al-Esawi said:

Since 2003, thousands of innocent Sunni men and women were detained under the Anti-Terror Law and hundreds were executed under Article (4) of the Anti-Terror Law. There is compelling evidence supported by local and international human rights organizations that confessions were extracted through

torture and coercion. The misapplication of counterterrorism laws and the use of excessive force in Sunni majority cities disenfranchised hundreds of young people. Extremist groups such as al-Qaida and ISIL attract such [Sunni] young people who feel victimized by the government and its forces.⁵

The mass protests against the Iraqi government that swept through Sunni areas in 2013 made the reform of the Anti-Terror Law a key demand.⁶

Efforts to reform this law, however, have struggled to gain a critical mass of support in the Iraqi parliament. Political leaders fear that they could be branded as “soft on terrorism” if they support reform of the law. Because the issue impacts mostly the minority Sunni community, it has been difficult to build sufficient support among Shia politicians. Some Sunni politicians believe it is impossible to achieve sufficient cross-sectarian support to achieve reform; Hisham Abd al-Malik, a Sunni MP and Chair of the Parliamentary Integrity Committee, concluded that “there is no possibility of reforming the criminal justice process.”⁷ Even when Shia political leaders are persuaded of the need for reform, the issue is not considered to be a political priority in a context where legislative reform is required to address governance concerns and reconstruction needs.

Sunni leaders have tended to lead efforts to reform the counter-terror law, because it is their constituents who are most impacted by its excesses. But in taking on this challenge, Sunni leaders are more vulnerable to being undermined and discredited for “defending ISIS,” and their limited leverage in the Iraqi political system means that they have been unable to build a critical mass of support for the reform. Although Iraqi politics have become more transactional than sectarian, as Fanar Haddad notes, the nature of these transactions are primarily financial rather than policy focused. Political parties seek to gain access to ministries for the financial gain that such access affords to the party and for the patronage that they can distribute to loyalists. Political activities in Iraq are primarily funded through ill-gotten

public funds, rather than through party membership or alternative models. In theory, Sunni political parties could mandate their joining of one coalition over another based on a commitment to reforming the Anti-Terrorism Law. But in practice, Sunni parties can only ask for so much in a negotiation, and the practical need to access ministerial posts trumps the desire to gain rhetorical commitments to pursuing reform. Sunni leaders are also keen to present themselves as firmly separate from the ‘terrorists’ and so there is also a reluctance to push hard on the issue for fear of appearing to be terrorist sympathizers. To give one recent example, a Sunni academic Shaymaa al-Hayali was forced to resign as Education Minister because her brother was accused of being in ISIS. She claimed that he was coerced into participation. There was no evidence that she personally had participated in ISIS, but the uproar against her was sufficient to drive her from office. For Sunni leaders in general, maintaining a clear separation from terrorism and related policy issues can be important to political survival.

If hard-line Shia leaders affiliated to the Popular Mobilization Units took the lead in pursuing reform in return for greater access to and credibility within the international community, this might have greater success by neutralizing those political attacks. Their nationalist credentials are strong, because of the role that they played in the war on ISIS, so they are more likely to be able to absorb the criticism. Some of these groups have substantial political capital and could prove more capable than Sunni leaders of building support for reform. Their participation also reduces the reputational risks of engagement for moderate Shia parties.

This is not as far-fetched as it might seem. A number of hard-line Shia leaders are keen to persuade the international community that they are constructive and responsible political actors who respect the rule of law. They have chosen to participate in the political process, in some cases they are seeking to reduce the excesses of the armed actors that they control, and they are seeking opportunities for international engagement.

For instance, the leader of the political party and armed group Asaib Ahl Al-Haq, Qais al-Khazali, told me he was keen to discuss the role that his party has played in brokering agreements between Sunni and Shia tribes in Yathrib, Salahuddin to enable the return of Sunni IDPs. He also raised the issue of unfair detention, saying, “there are many people unfairly in prison.”⁸ Of course, Asaib Ahl Al-Haq is accused of being responsible for the abductions and extra-judicial killing of Sunni men and boys.⁹ Amnesty International notes that “Scores of unidentified bodies have been discovered across the country handcuffed and with gunshot wounds to the head, indicating a pattern of deliberate execution-style killings,” and Asaib Ahl al-Haq is accused of being among the key perpetrators of these crimes.¹⁰ There are indications, however, that the group is seeking to re-brand itself, particularly after it won 15 seats in the 2018 Iraqi parliamentary elections and faces the prospect of assuming greater formal political power.

The cleric Moqtada al-Sadr has expressed support for the “legitimate demands” of Sunni protestors in 2013, among which was a demand for reform of the Anti-Terrorism Law.¹¹ Sadr has sought to moderate his political and armed movement in part by recognizing Sunni concerns. Qais al-Khazali, who broke away from the Sadrist, sees Sadr as his key competitor, and is similarly beginning to embrace a somewhat less sectarian tone – although he has done far less than Sadr to rein in the violent extra-judicial actions of his associated armed group.

If there is success in reforming the Anti-Terrorism Law, there will need to be an effort to ensure fair and consistent application of these reforms across ethno-sectarian communities in Iraq. The more the Law is recognized as having an impact beyond the Sunni community, the more likely it is that a cross-sectarian coalition could develop that could successfully pursue its reform. Previous Amnesty Laws that have been issued in Iraq were originally thought by Sunni leaders to provide an opportunity for the release of unfairly detained Sunnis, but are now widely seen as having been applied

disproportionately to Shia detainees – in particular those with links to power Shia political and armed groups. For example, the General Amnesty Law, issued in August 2016, specifically excluded crimes related to terrorism – a charge which is usually used against Sunnis – whereas amnesty was issued to those, often Shia militants, who had been convicted of crimes against coalition forces.¹² The issuing of amnesties also relied on victims withdrawing their complaints, which favored detainees with powerful political or armed connections who could exert pressure on victims on their behalf.

Creating an enforcement policy

Whether with the current Anti-Terrorism Law or a new one, the Iraqi government needs an enforcement strategy that prioritizes the comprehensive prosecution of the most senior ISIS leaders and of those responsible for the most serious crimes. It is impossible to prosecute every Iraqi citizen who collaborated with ISIS, and the Iraqi government is not currently seeking to prosecute every such citizen. It is estimated that between 19,000 and 30,000 individuals are currently being detained on ISIS-related offenses, and given that ISIS governed over five million people, there is a substantial number of collaborators who are not being pursued for prosecution.¹³

Currently, however, there is no strategy or set of guidelines that demarcate which collaborators should be prosecuted, and which should not be pursued. This means that the limited capacity of the Iraqi judiciary is not being directed towards the cases with the greatest potential impact on national security. There are claims that some of the most senior ISIS members have been able to use their resources and networks to better navigate their way out of the judicial system, while low-level and low-income collaborators face the most serious punishments. The arbitrary nature of prosecutions – and the draconian penalties that are handed down to those who are prosecuted – is contributing to a sense of injustice and grievance on the part of detainees and their families. This is particularly dangerous because it

is seen by parts of the Sunni community as motivated by sectarian hatred, and it contributes to their ongoing sense of alienation from the Iraqi state. It was specifically this sense of victimization that has rendered the community vulnerable to radicalization in the years since 2003, and there is no reason to believe that such a process could not happen again.

There is also no mechanism for prioritizing the prosecution of the most serious offenders. This means that the system is clogged up with potentially thousands of low-level, non-violent collaborators, which is preventing the judicial system from fully investigating and comprehensively investigating the leaders of ISIS and those guilty of genocidal crimes.¹⁴ Instead, the system is processing people who worked for ISIS as cooks and janitors in the same way that it is processing murders, rapists, and human traffickers. In many cases both types of detainees are simply being convicted of affiliation to a terrorist group and are being sentenced to death or to life imprisonment.

Valuable opportunities are being lost to fully investigate and understand the crimes that ISIS committed, and the system is failing to address the rights of victims to participate in the criminal justice process and to see justice being fully served.¹⁵ Scott Portland of the Heartland Alliance who works with victims' advocacy groups says: "There is resentment building because ISIS members are being convicted of membership of a terrorist group, instead of for the specific crimes they committed. There is a lack of differentiation between types of ISIS members. Minorities [Yezidis and Christians] want their day in court."¹⁶

A more effective way to manage the scale of collaboration with ISIS could be the creation of an enforcement strategy that differentiates between types of ISIS collaborators, which could direct the criminal justice system to focus its resources on fully investigating and prosecuting leaders of the group and those responsible for violent acts. Creating such a strategy would require the Iraqi government to identify the

goals that it is seeking to achieve through prosecutions. Such goals could include, for example, the removal of ideologically committed ISIS members from society, the punishment of those responsible for perpetrating violent acts on the Iraqi population, the delivery of justice to victims of ISIS, and the pursuit of a durable peace. In the process of creating an enforcement strategy, it would be valuable for the Iraqi government to reflect on the utility of pursuing a deterrence-based punitive strategy, which is unlikely to achieve a durable peace. An important paper published by Kristen Kao and Mara Redlich Revkin highlights that the social science literature presents little evidence that "harsher punishments discourage recidivism," and in a survey experiment in Mosul the authors demonstrate that imposing harsher sentences does not significantly advance reconciliation.¹⁷

Enforcing constitutionally-mandated standards

The abuses of the Iraqi criminal justice system in the detention and prosecution of ISIS-related detainees have been well documented.¹⁸ There could, however, be substantial progress if international pressure on the Iraqi government focuses its efforts on four key issues: the dismissal of confessions obtained through torture, the dismissal of anonymous testimonies, granting lawyers access to their clients, and prosecuting those who threaten lawyers for taking on clients accused of ISIS-related crimes. There is currently inconsistency in the use of confessions obtained through torture and the use of anonymous testimonies, with some judges in some jurisdictions accepting such submissions as sufficient for convictions, and other judges dismissing cases if this is the only evidence that is presented.¹⁹ The Iraqi government should mandate that, in accordance with the Iraqi constitution, judges do not convict defendants based on confessions obtained through torture, or based on the testimonies of anonymous informants.

Lawyers are routinely denied access to clients accused of being ISIS affiliates, and lawyers who take on these cases are regularly subject to threats. Mohammed Juma, an Iraqi lawyer who has taken on clients accused

of ISIS affiliation, said: “You can’t meet your client to prepare a case, you can only meet them in court minutes before the case. This is against the law and is imposed by security agencies.”²⁰ Ameer Al-Daamy, an Iraqi lawyer and public commentator on legal issues, has also taken on cases in defense of detainees accused of ISIS affiliation, and he confirmed that he too had never been allowed to meet his clients in advance of trial. He added that he was “interrogated by intelligence services for why I chose to accept a case of an ISIS detainee” and that he has been “labelled as a potential terrorist for accepting the case.”²¹

The denial of constitutionally mandated rights to

detainees, and the excessively severe prosecution of those who were forced into non-violent collaboration with ISIS, is creating new constituencies of aggrieved families and communities who feel unfairly victimized by the Iraqi state. The saturation of the court system with minor collaborators is also preventing the Iraqi judiciary from fully investigating and rigorously prosecuting the leadership of ISIS in the manner that victims demand and in the most effective way to safeguard Iraqi national security. The Iraqi government could achieve substantial progress towards durable peace if it seeks to reform the Counter-Terror Law, if it creates an enforcement strategy, and if it addresses key violations of detainee rights.

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Genocidal Rape and Community Cohesion: The Case of Yezidis

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Conflict-related sexual violence (CRSV) (rape and enslavement of Yezidi women) since the Islamic State's (IS) 2014 genocidal campaign against the Yezidis of Sinjar has had an enduring impact on the community and the prospects for intra- and inter-communal reconciliation. Yezidis continue to endure an exceptionally vulnerable existence in Iraq. Sinjar was liberated from IS in 2015, but restrictions, infrastructural problems, and the presence of different armed groups make return very hard for civilians. So far only a few thousand Yezidis are reported to be back, out of almost 350,000 IDPs who live in a transitory state in camps in areas administered by the Kurdistan Regional Government (KRG).¹ Around 3,000 of the more than 6,000 kidnapped women and children are still missing, if not dead. In almost all my interviews with ordinary Yezidis, I was told Yezidis no longer had a future in Iraq and would just like "to go somewhere else."

In my field research since May 2018, I had 48 interviews with displaced and non-displaced Yezidis in Duhok and in the diaspora, Yezidi activists, religious leaders, NGO staff, and political representatives, as well as Kurdish doctors, psychologists and social workers. My research examines family attitudes towards formerly abducted women and community attitudes towards their reintegration into wider segments of the Yezidi community. I also look into the effects of CRSV on relationships between different social groups and between political elites and ordinary Yezidis. I argue that Yezidis' relations with Sunni Arabs and Kurds are characterized by a lack of trust, shaped by the experience of the genocidal assault by IS. A conditional acceptance and integration of survivors of captivity can be seen within the Yezidi community but on problematic terms: Families force victims to remain silent about their experience and abandon their children born out of rape.

Seeing no future or security for themselves in Iraq, many Yezidis have immigrated (usually to Western countries), and many others try to, through both legal and illegal means. As a historically marginalized and persecuted religious minority, the future of Yezidis and their identity in Iraq appears uncertain. Yet, the majority will probably continue to live in the country. Conditions of reconciliation are therefore not only of vital importance for Yezidis, but also for the reconstruction of peace in Iraq and the situation of all religious minority groups.

Lack of trust and feelings of insecurity

Intercommunity relations have been profoundly shaped by the memory of the IS assault. The complicity of some local Sunni Arab and Kurdish tribes with the IS fighters during the attacks and killing and enslaving Yezidis heavily eroded intercommunal relations.² The withdrawal of Kurdish Peshmerga forces before the attack made Yezidis an easy target for IS and created a sense of distrust and betrayal among the community against the Kurdish government.

During my fieldwork, many Yezidis expressed their distrust for all Muslims, without differentiating as Shias or Sunnis, or as Arabs or Kurds. I was told several times during the interviews that it was not safe for Yezidis to live in Iraq because it is a Muslim majority country, and that long-term peace and security were not possible for Yezidis since Muslims would attack them again as soon as they had the opportunity, as they had been doing nearly every 100 years. It is important to emphasize here that Yezidis do not perceive the IS persecutions as an extraordinary event but as the latest of the *firman*s³ which reoccur in cycles throughout their history. This further explains why they don't feel safe in Iraq and anticipate future massacres.

Many survivor testimonies address the participation of local Sunni Arab and some Kurdish tribes in the killings, looting, and rape and enslavement of Yezidi women.⁴ This local complicity has heavily contaminated Yezidi-Sunni Arab relations,⁵ making it very difficult for Yezidis to live in their villages in Sinjar where they are surrounded by Arab villages. One Yezidi survivor who is now an activist living in the United States recently tweeted:

The stupid Iraq prime minister, Haider Alabadi, wants to make a National Reconciliation between Arabs (ISIS) and Yezidis (Genocide Survivors). Isn't that so stupid? We still have over 3000 women and children captive by those Arabs. We still have remains of 5000 Yezidi elder, young and children on ground in mass graves who were murdered by those Arabs. We still have more than 80% of Yezidis displaced and refugees, their homes were destroyed, and their properties were stolen by those Arabs.

The categorization of IS to all Arabs, which was also common in my Yezidi respondents' discourses, signals a long-term difficulty in terms of intercommunal reconciliation.

Yezidis' relations with Kurds are more nuanced. While resentment remains over the perceived abandonment by the Peshmerga, the governing Kurdistan Democratic Party (KDP) had been increasing its control over Sinjar after 2007, in part by claiming Yezidis as ethnic Kurds, and hence Sinjar as part of Kurdistan. Non-displaced Yezidis living in Kurdistan Regional Government (KRG)-controlled areas, especially those working for the government, peshmerga or Kurdistan Democratic Party (KDP), assert less prejudice against Kurds. Yezidis speak Kurmanji, the northern dialect of Kurdish. While some Yezidis identify themselves as Kurds, others (especially those from Sinjar region) identify themselves as a distinct ethno-religious group. If anything, we can speak of an increase among Sinjari Yezidis in self-identification as a distinct ethnic group after 2014. While issues

related to ethnic identity are more openly discussed among Yezidis in the diaspora, political pressure makes Yezidis in KRG, especially camp residents, refrain from commenting on the topic.

Another dominant topic in interviews were claims for retributive justice. Respondents' answer to the "most urgent thing to do" generally focused on finding the women and children who are still lost, locating mass graves, holding perpetrators accountable in courts, and providing security in Sinjar. They demand a separate coexistence in which Sinjar has an autonomous status which shall be under international protection, if Yezidis are to continue living in Iraq.

"They stole our girls. How can we live together anymore?"

We have today an extensive body of scholarly literature on the reasons and different forms of CRSV, aiming to explain the variation in its targeting, intensity and frequency.⁶ As for its social consequences, a research field which is still in development, studies point to the social stigma experienced by survivors of CRSV, as well as the detrimental effects of sexual violence during conflict on intracommunal relations.⁷

The Yezidi society is highly hierarchical and many aspects of daily life, especially gender relations, are regulated by strict patriarchal norms.⁸ Women's bodies and labor are strictly controlled in both public and private spheres, leading to different forms of gender-based violence including 'honor' killings.⁹ Yezidis can only marry someone from their own caste.¹⁰ For a child to be Yezidi, both her parents need to be Yezidis. Hence the sexual assault on Yezidi women and girls not only put the patriarchal structure of Yezidi society under great stress but also exacerbated the effects of genocide in terms of preventing repopulation.¹¹ What was specific to the Yezidi case was the establishment of sexual slavery as an institution, based on religious justifications.¹² Cathy Otten reports how, during an interview, a young Yezidi man, showing a photo of his Arab neighbor taken

while dining at their house, tells her that Yezidis are peaceful people who don't like violence but if he finds this neighbor who kidnapped his sister, "he will drink his blood."¹³ Some of my respondents expressed their willingness to have lost many more Yezidi men if this could save Yezidi women and girls from being enslaved.

In the Yezidi belief, having sexual contact with a non-Yezidi, whether it is a rape or consensual relationship, brings expulsion from the faith. In non-conflict contexts, Yezidi women might have been victims of so-called "honor-killings" by men of their faith in case they were believed to have sexual relations outside of marriage, with a Yezidi man or an outsider.¹⁴ Female survivors of CRSV during previous *firmons* did not even have the ability to return in most cases (taken as slaves and incorporated into Muslim families and tribes). The difference with post-2014 attacks is that up to 3,000 women were able to escape or were rescued by the help of their families given the weakening power of the IS. Reintegration of thousands of abductees was a challenge the community faced for the first time. Hence, when Baba Sheikh, the Yezidi supreme spiritual leader, issued an order to community leaders in September 2014 and clearly stated that survivors of IS captivity still remain Yezidis and that they ought to be invited back to the community, it meant a significant change in the Yezidi faith. Survivors of abduction are first brought to Lalish, the holiest temple, for rebaptism. Fisher and Zagros¹⁵ assert the importance of the ceremony of rebaptism of abductees for their reintegration and for intracommunity resilience.

The overall attitude of community towards survivors of captivity appear to be welcoming both in Iraq and in diaspora after Baba Sheikh's edict in mid-September 2014 which declared survivors of IS captivity (men and women) to still remain as pure Yezidis.¹⁶ While Baba Sheikh notes that he was first to decide to take the decision,¹⁷ a Yezidi psychiatrist as well as a Yezidi scholar both stated to me that they were the one to convince Baba Sheikh to take the step. On the other hand, a Yezidi IDP activist told me that the community pressed Baba

Sheikh to release the edict by protesting in front of his house, and that he was in a way forced by the community to take the step. Those who were hesitant about the decision (especially young or married Yezidi men whose relatives or wives had been kidnapped) were convinced by community leaders on the grounds that welcoming Yezidi women back to the society was part of fighting back at the IS and resisting the impacts of genocide. Families have been going through immense efforts, at times paying large amounts of money or risking their own lives, to bring Yezidi women and children back. In all interviews, respondents explained how much value and respect the community holds for female survivors and that these women merit the utmost support before any other Yezidis. In this regard, we can speak of resilience of the community.

The Head of Commission on Investigating and Gathering Evidence, a KRG government office responsible for documenting atrocities against Yezidis, indicated that while in a few cases the survivors refused to testify before the commission, the majority of female survivors were not reluctant in speaking about their experience before the judge. We can presumably infer that CRSV increases survivors' political participation and their demand for justice. As a matter of fact, some female survivors have become international advocates for their community;¹⁸ many others became activists and they speak to NGOs and the media to let the world know what has happened to them and the kind of help the community needs.

Yet this does not mean there is no stigma for survivors of captivity. Psychologists and social workers working with survivors of captivity in Duhok, at camps or elsewhere, expressed that while families are in most cases welcoming of former abductees, they nonetheless force them not to talk about their experience to others and control their interactions with non-family members. In Yezidi society, especially in the traditional, close-knit community of Sinjari Yezidis, social control mechanisms are quite strict on individuals. It can be argued that it is actually not a stigma against female survivors themselves

on the part of the families, but the very fear of social stigma by the community that makes families forcing the women or young girls not to share – which, in the end, is harmful to survivors' wellbeing as they cannot seek any help for their trauma. This is especially the concern for survivors who live in camps or who are displaced, and who lack any access to psychological support. Some families, however, seem less concerned when speaking to foreign journalists - sometimes even forcing the survivor to speak¹⁹ - in the hopes of getting some help as a result of the interview. Of the six former abductees I've interviewed, two were rejected by their husbands. At this stage, further research is needed to have a better understanding of the scope of resilience, stigma, and rejection among Yezidi community about survivors of captivity.

The issue of the children born out of rape remains a taboo topic, and the community is not ready to accept "IS babies".²⁰ I was told by doctors and scholars in Duhok that these children are usually sent to an orphanage in Mosul and that families would force survivors of CRSV to leave the child behind as a condition of returning back. One expert expressed her concern for infanticide cases, especially in camps. There are reports about women who had to move alone to another city because her family would not accept her with the child or who preferred to keep the child and not return back.²¹

Lastly, the whole experience of violence and being displaced seems to create a sense of lack of representation among Yezidis from Sinjar who stand in distance to KRG. Some IDPs expressed their disappointment towards Yezidi political and religious leaders, accusing them of being passive and insusceptible during the attacks. Some respondents claimed community leaders to be in a pragmatic relationship with the KRG, acting for their own interests and not of the community. It is early to see any effects

of this perception in the highly hierarchical social context of Yezidis, yet it is possible to speak about an intracommunal tension. On the other hand, a sense of unity against the challenges of the survival of Yezidi identity is also visible. One of my respondents expressed this feeling of unity in her words: "After August 2014, life for a Yezidi turned upside down, wherever part of the world he/she is living." There are examples of wealthy businessmen dedicating all their resources and networks to the rescue of Yezidi women.²² Non-displaced Yezidis in host communities of Duhok work voluntarily in camps; those in the diaspora have founded international NGOs, organize events, engage in advocacy, and try to raise awareness. All these propose an increase in social-cohesion.

Conclusion

Reconciliation for Yezidis after the genocidal attack of the Islamic State is not only consequential for the community, which is characterized by a very precarious existence, but for the wider question of peace in Iraq. Recent literature on community reconciliation in post-conflict settings indicates that decay and resilience can occur simultaneously after conflicts.²³ My initial findings suggest a similar pattern: Inter-communal relations seem to be heavily infected by distrust where reconciliation faces many challenges, though Yezidis lack the political power to demand control over Sinjar and a separate coexistence. They nonetheless emphasize retributive justice rather than restorative justice²⁴. In terms of intra-community relations, a conditional resilience can be the general tendency among the families of CRSV survivors in which they welcome the survivor back on the condition of remaining silent about her experience and leaving the children born out of rape. The attitude of community towards CRSV survivors seems to be resilient without any conditions yet it is still not welcoming of babies.

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Violence in Iraq: Some Methodological and Historiographical Questions

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Introduction: Iraq as a perfect storm

On March 13, 2019, as the 16th anniversary of the invasion of Iraq approached, the *Wall Street Journal* published an article titled “Long-Classified Memo Surfaces Warning of ‘Perfect Storm’ From Invading Iraq.” The State Department’s “Perfect Storm memo” had been the subject of speculation long before it was declassified. The subtitle of the *Wall Street Journal* article summarized the memo’s contents in much the way that previous rumors had envisioned them: “Diplomats accurately forecast many setbacks: sectarian violence, attacks on U.S. troops, Iranian intervention and long road to structural change.” Or, as the body of the article explained in slightly more detailed but just as predictable form: “The 10-page memo forecast many setbacks that came to pass—violence among Iraq’s Sunnis, Shiites, and Kurds; attacks on U.S. troops; intervention by Iran and other neighbors—and accurately predicted that trying to bring structural change and stability to Iraq would take years.”¹

The memo was written in July 2002 by President Bush’s Deputy Secretary of State William Burns. As Burns has explained, the document was not meant to oppose the US invasion and was simply intended as a “hurried list of horrors”—a collection by his team of all conceivable ways the invasion might affect “American interests.” Many of the scenarios imagined in the memo never happened, such as Saddam Husayn’s use of chemical weapons.²

Moreover, one presumes that not all of the scenarios even fall into the category of “horrors” from a State Department perspective. For example: “Sunni general and small group of followers get to Saddam before allies do, kills him, declares Iraq free, and announces

provisional government. Calls for immediate truce, pledges elections after transition period, declares readiness to rid Iraq of all WMD, live in peace with neighbors, and abide by all UN resolutions.” Finally, a few sound prescient in ways presumably not of interest to the *Wall Street Journal* and thus not mentioned in the article, such as a prediction of increased restrictions on the entry of Arabs and Muslims into the US. “Sunni Islamic extremists paint picture of US warring against Islam. Bad karma as this mixes with negative Pal[estinian]-Israel sat[ellite] TV images all over Arab world. US backlash against upsurge in anti-US activity results in calls for even more restrictions on entry of Arabs and Muslims.”³

Among the highly varied types of scenarios described in the memo, then, the *Wall Street Journal* article was interested only in those that forecast particular things, namely “violence among Iraq’s Sunnis, Shiites, and Kurds; attacks on U.S. troops; [and] intervention by Iran and other neighbors.” Perhaps the most remarkable thing about the article is that the memo did not in fact predict the main thing it was said to predict, i.e., generic “sectarian violence” or “violence among Iraq’s Sunnis, Shiites, and Kurds.” While the memo does describe some of the actors it invokes in ethnosectarian terms, it assumes they have specific interests, rather than an essential predilection to violence, and the ethnosectarian groups they are identified with are assumed to be internally heterogeneous. For example: “Turkey, alarmed by increasing KDP, PUK unity, steps up flow of arms and money to Iraqi Turkmen Front, as well as contacts with Kurds opposed to KDP, PUK, and with Sunni tribes in north and west.”

In this essay, I do not wish to critique the 2002 “Perfect Storm” memo, which was quite clear about its

purpose, namely to protect American interests during the impending invasion. Rather, I am interested in the way in which current American understandings of the 2003 invasion of Iraq, and of violence in Iraq today, continue to rely on and reproduce what I call the “artificial-state narrative.” In (incorrectly) asserting that the State Department memo predicted a generic eruption of “sectarian violence,” the *Wall Street Journal* was repeating this narrative, which posits Iraq as an irrational collection of ethnosectarian identities and tensions held together, on the eve of the 2003 invasion, by a totalitarian strongman but waiting to explode again at the first opportunity. The violence of the invasion and occupation is thereby erased and their catastrophic outcomes reconfigured as reflections of the essential violence of Iraqis.⁴ This is consistent with a dominant understanding of the war in US public discourse today, namely as a strategic mistake or failure reflecting the very impossibility of Iraq.

The artificial state narrative thus serves very usefully to simultaneously criticize the US invasion (as a mistake or miscalculation) and minimize its effects (which simply exposed what was already wrong about Iraq). It leaves little space for recognizing, let alone analyzing, the violence of the invasion and occupation, whether short-term (bombing, shooting, home raids, torture) or long-term (the ongoing decay of damaged infrastructure and of health and education systems; agricultural collapse; chemical pollution and other environmental disasters caused, exacerbated, or not helped by US military actions). In what follows, I will briefly review how the artificial-state narrative continues to be repeated in historical scholarship (and not just popular commentary) on Iraq, before turning to types of violence, both past and present, that are continually occluded in the focus on purportedly artificial borders and fixed ethnosectarian identities.

Violence, sectarianism, and the archives

The artificial state narrative, as I have argued elsewhere, was created during the period of British mandate rule

(1920-32). It was originally a colonial narrative, used against anticolonial insurgents and nationalist thinkers who demanded the independence of Iraq within what they called its “natural borders,” which they defined as stretching from “north of Mosul to the Persian Gulf.” In countering this movement, British officials argued that Iraq was not yet coherent enough to govern itself and must therefore be governed by Britain. The popularity of the narrative has waxed and waned over the past century, but was dusted off and trotted out with particular fanfare after the US invasions of 1991 and especially 2003. As I wrote in an earlier article: “what harm had been done in destroying a country that had never authentically existed in the first place?”⁵

Iraq’s purported artificiality has been linked from the beginning to the existence of large Shi’i and Sunni populations within its borders. For example, many scholars continue to assert that “the Shi’a” in Iraq opposed the British choice of a “Sunni” king in 1921, which then fueled sectarian divisions and the incoherence of the Iraqi state. The narrative’s persistence is partly due to the over-reliance on British primary sources. In fact, it was British mandate officials who introduced the claim that Iraqi Shi’a opposed King Faysal on sectarian grounds, despite the fact that the claim seems critical of the British choice of Faysal. In its attempt to depoliticize and sectarianize resistance against the mandate, the narrative is far more consistent with British colonial reasoning than would have been a recognition of the anticolonial motives of the rebels.

Unfortunately, the narrative continues to shape scholarship on Iraq, including recent work by the “new” British imperial historians. For example, Susan Pedersen writes of early mandate-era Iraq: “Some of these [non-Arab-Sunni] groups had their own ‘national’ dreams. The Shi’i clerics and tribesmen who had been the backbone of the 1920 rising hoped to bring about an independent and devoutly Islamic Iraq.”⁶ The notion that Iraq’s Shi’a had “national” dreams as Shi’a in 1920 is nonsensical even with the word in scare quotes. I am not aware of any major Shi’i clerical or other leader in Iraq who

argued for Iraq's borders to be anything other than those claimed by all Iraqi nationalists, namely as stretching "from north of Mosul to the Persian Gulf." I also do not know of any who spoke against a "Sunni" king for Iraq, or who was even thinking or writing in those terms. On the contrary, the leading Shi'i clerics involved in the 1920 revolt explicitly called for a son of Sharif Husayn—Faysal, for example—to govern Iraq under a constitutional monarchy, which was one reason the British chose Faysal. It was only in mid-1922, a full year after his crowning, that they turned against Faysal, since the original conditions of their support—the withdrawal of British troops and a fully sovereign Iraqi state governed by a representative constitutional monarchy—had not been fulfilled.⁷

Beyond the ongoing problem of over-reliance on British sources for writing the history of Iraq's formation, the sectarian narrative of conflict in 1920s Iraq may have been inadvertently strengthened by recent work based on the League of Nations archives, including that of Pedersen. This work has drawn on petitions sent to the League on a range of concerns related to the governance of the mandate territories. In fact, Pedersen's book makes a number of important arguments about the mandate system on a global level and of Iraq's pivotal role in it. For example, she shows how the responses of the League to petitions it received and processed from Iraq were strongly shaped by the assumptions of League officials related to Iraq's minorities. "Petitioners who sought the Commission's protection against majority nationalisms or who opposed the lifting of mandatory protection—as did Iraq's Bahai, Assyrian, and Kurdish communities—found the Commission very willing to publicize grievances so in keeping with its assumptions."⁸ One of the more important broader arguments she makes is that the "Iraq process did not simply reveal minorities' fears; it also helped establish the category of 'minority' within Iraq and indeed within international politics."⁹

Pedersen is well aware that the League would only process petitions that were sent through the mandatory

authorities (the British, in Iraq's case), and thus that it is "impossible to know how many petitions were sent to the League (since some were suppressed along the way)."¹⁰ She does not, however, seem to consider that sending petitions from Iraq without going through the mandate authorities was difficult if not impossible, since British officials controlled the media and the mail and telegraph systems, and strongly censored all of them for political content. It is thus not only a question of how many petitions were sent to the League and not processed by it but also of how many petitions could not be sent at all. Currently, one must turn to the Arabic-language historiography for any discussion of these questions.

As just one example, 'Ali al-Wardi reports, in his six-volume history of Iraq, that a petition to the League was signed by 73 leaders of the 1920 revolt (Sunni and Shi'i). Since there was no way to transmit such petitions through British officials, or to send them out of Iraq by way of the tightly censored telegraph and postal systems, it was smuggled on foot across the border to Iran with the aim of delivery to the European and US consulates in Tehran and from there to the League of Nations. The petition read in part:

We used legal and peaceful means [to achieve the independence promised by the Western powers after the war], but were met with heavy repression by the occupation troops...They attacked and burned down the houses of our tribal shaykhs, killing many men, horses, and animals in the shaykhs' absence...They pursued us with their troops, cannons, and airplanes... They killed our women and children and bombed our houses of worship, violating all humanitarian, civil, and religious norms, and all the while shutting every door through which we could have reported our grievances to other governments...We learned recently that we can send our grievances to the League of Nations, and so here we are crying out to the League of Nations...¹¹

According to al-Wardi, the petition was not delivered to the consulates to which it was addressed until the revolt was over, due to the messenger's fear of punishment.

More research is needed into this apparently unsuccessful petition-sending effort, and into similar incidents reported in Arabic-language scholarship and memoirs. (I have not seen the original version of the petition and am relying on al-Wardi's account of it.) But it does point to some of the limitations of relying on the British and League of Nations archives. Even while aware that petitions related to minority grievances were the most likely to be processed by the League, Pedersen's arguments assume that the petitions stored in the League's archives reflect certain truths not only about League politics but also about political conflict in mandate Iraq, namely that it was driven by ethnosectarian concerns. For example, she writes,

In most [mandate] territories... petitions were used to articulate collective and often proto-nationalist claims against mandatory rule; in Iraq, however, *since an Arab government was nominally in control*, petitions arrived from those ethnic and religious minorities who feared that government's growing power. Since those petitions did not challenge the mandate, and indeed usually wished to see it prolonged, the PMC could take them seriously.¹²

The claim is both that members of Iraq's Arab Muslim majority were not trying to send petitions against the mandate to the League of Nations—which is not true—and that the reason they were not doing so was that an “Arab government” was “nominally in control”—in other words, that their political interests were driven by ethnosectarian affiliations.

The violence that disappears

Political conflict and forms of violence in Iraq that cannot be explained by reference to ethnosectarian categories have been subject to far less discussion and analysis in the scholarship. It is not that the violence of the Iraqi state has not been seen, of course. On the

contrary, much of the work on Iraq's history has been driven by a teleological interest in explaining the rise of Ba'thist dictatorship in the 1970s and 1980s. But this scholarship, too, is strongly shaped by ethnosectarian narratives. For example, scholars have shown a fair amount of interest in the militarization of the Iraqi education system in the 1920s and 1930s, especially the al-Futuwwa program of compulsory military training in schools, which can be linked to a particular right-wing trend in Arab nationalist thought. Reeva Simon has gone so far as to connect these projects to interwar German fascist ideology on the one hand and to the rise of the Ba'th in the late 20th century on the other.¹³ By contrast, there has been virtually no scholarly interest in the far more brutal projects to discipline schoolboys during the 1940s and 1950s that were implemented by the Western-aligned Cold War-era Hashimite regime and motivated by anti-communist concerns. These latter projects, which may have been supported by US advisors in Iraq, punished students exhibiting leftist sentiments by incarcerating them in military boot camps for the summer or expelling them from school and conscripting them directly into the army.¹⁴

Finally, forms of economic, including infrastructural and environmental, violence often get lost entirely in the narrativization of violence in Iraq through ethnosectarian categories. In my own work, I look at a land settlement project shaped by US agrarian reform theory in the 1950s that resulted in social and ecological catastrophe—the rampant spread of disease and the salinization of the soil—due to factors that were clearly predicted from the start.¹⁵

Economic, environmental, infrastructural, and imperial forms of violence are all highly relevant (and inter-related) in Iraq today, and indeed have been the targets of recurring protest across the southern and central regions since 2015. The initial protests in July 2015 were against power outages in Basra during the summer heat, and escalated after security forces opened fire and killed 18-year-old Muntadhar Ali Ghani al-Hilifi. They then spread to other southern and central cities,

including Baghdad. While the movement is often framed as opposing the twin evils of “corruption” and “sectarianism,” terms that are indeed often invoked by the protesters, this framing can miss the larger systemic critiques of the environmental and infrastructural types of violence that make Iraqi lives so difficult to live today. A recurrent slogan of the protesters has been: “In the name of religion the thieves have robbed us” (*bism al-din baguna al-haramiya*).¹⁶ The slogan posits religion not as fueling primeval violence from below but as being exploited by the state and the elite classes to further economic violence from above. It challenges both sectarianism in Iraq and the discourses of sectarian violence repeated endlessly in Western media and scholarship. In 2019, as Fanar Haddad writes, the “excessive focus on ‘sectarianism’ and the politics of the Sunni–Shia divide continues to unduly overshadow the far more relevant divide between elites and people” to which the protests should be calling our attention.¹⁷

Conclusion: The need for new directions

In the summer of 2018, tens of thousands of people were hospitalized after drinking polluted water in Basra, a city in which “it is hard to find a glass of clean water.”¹⁸ The causes of the crisis include the failure of desalinization and other water treatment plants during the post-2003 era of privatization, deregulation, and rampant corruption; mismanaged or unregulated agricultural and industrial waste practices; chemical pollutants left over from the wars; and a decline in water level caused

by drought associated with climate change and by dams going up in Iran and Turkey at a time when the Iraqi government has limited leverage in negotiations with neighboring states. The extreme degradation of the Iraqi agricultural sector since the US invasion of 2003 has also played an important role, being associated with desertification, dust storms, salinization, food insecurity, and increased rural-urban migration. In protests against the water crisis last August alone, at least 20 protesters were killed in Basra by Iraqi security forces and hundreds were injured and arrested.¹⁹ Because these protests against the current Shi’i-centered government have taken place predominantly in Shi’i-majority areas, they do not fit easily within standard sectarian narratives of Iraqi politics and the Iraqi state.

Historians of other regions of the world have been employing innovative new methodologies for exploring infrastructural and environmental history and the multi-scalar production of space involved in state-building (and re-building) projects. In the historiography on Iraq, despite the increasingly glaring importance of such spatial questions to any history of the present, they tend to be relegated to footnotes or to studies that continue to employ older methodologies—focusing, for example, on agriculture or oil as discrete spheres separate from questions of religion, violence, and the production of space. One explanation may be the resilience of imperial narratives that are just as obfuscating of the country’s past and present in 2019 as they were in 1920.

Endnotes

- 1 Warren Strobel, “Long-Classified Memo Surfaces Warning of ‘Perfect Storm’ From Invading Iraq,” *Wall Street Journal*, 3/13/2019.
- 2 William Burns, “Iraq: The Perfect Storm,” linked from Ibid.
- 3 Ibid.
- 4 Recall also that another of the memo’s supposed predictions highlighted by the WSJ was “attacks on US troops,” presumably not a very difficult scenario for an invading and occupying army to foresee.
- 5 Sara Pursley, “‘Lines Drawn on an Empty Map’: Iraq’s Borders and the Legend of the Artificial State,” *Jadaliyya*, 6/2/2015, <http://www.jadaliyya.com/Details/32140/>.
- 6 Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (Oxford: Oxford University Press, 2015), 278.
- 7 See Sara Pursley, *Familiar Futures: Time, Selfhood, and Sovereignty in Iraq* (Stanford: Stanford University Press, 2019), Chap. 1.
- 8 Pedersen, *The Guardians*, 93.
- 9 Pedersen, *The Guardians*, 277.

- 10 Pedersen, *The Guardians*, 86.
- 11 `Ali al-Wardi, *Lamahat Ijtima`iyya min Tarikh al-`Iraq al-Hadith* (London: Alwarrak Publishing, 2007), 5.1:392-93.
- 12 Pedersen, *The Guardians*, 278-79. Emphasis added.
- 13 Reeva Simon, *Iraq between the Two World Wars: The Militarist Origins of Tyranny*, rev. ed. (New York: Columbia University Press, 2004). Peter Wien also looks at al-Futuwwa, but contests Simon's argument on some crucial points. Peter Wien, *Iraqi Arab Nationalism: Authoritarian, Totalitarian and Pro-Fascist Inclinations, 1932-1941* (London & New York: Routledge, 2006).
- 14 I deal with this tangentially in Sara Pursley, "The Stage of Adolescence: Anticolonial Time, Youth Insurgency, and the Marriage Crisis in Hashimite Iraq" *History of the Present* 3, no. 2 (2013): 160-97.
- 15 Sara Pursley, *Familiar Futures: Time, Selfhood, and Sovereignty in Iraq* (Stanford: Stanford University Press, 2019), Chap. 5. For another recent work analyzing forms of environmental violence, see Jennifer Derr, *The Lived Nile: Environment, Disease, and Material Colonial Economy in Egypt* (Stanford University Press, 2019).
- 16 Faleh A. Jabar, "The Iraq Protest Movement: From Identity Politics to Issue Politics," London School of Economics Middle East Centre Paper Series, June 25, 2018, https://eprints.lse.ac.uk/88294/1/Faleh_Iraqi%20Protest%20Movement_Published_English.pdf.
- 17 Fanar Haddad, "The Waning Relevance of the Sunni-Shia Divide," *The Century Foundation*, April 10, 2019, <https://tcf.org/content/report/waning-relevance-sunni-shia-divide/>.
- 18 Bel Trew, "Boiling Basra: Residents afraid of their taps as Iraq's water crisis threatens to destabilise the region," *Independent*, October 1, 2018, <https://www.independent.co.uk/news/world/middle-east/basra-iraq-water-shortages-crisis-riot-unrest-oil-a8561546.html>.
- 19 Ibid; "Basra Polluted Water Crisis, Iraq," *Environmental Justice Atlas*, December 2, 2019, <https://ejatlas.org/conflict/polluted-drinking-water-in-basra>.

Cultural Antecedents of the Leftist-Sadrism Alliance: A case study of Sadrism institution building

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In 2015, the Shi'i Islamist Sadrism movement, led by the cleric Muqtada al-Sadr, formed an unexpected alliance with Iraq's secular-leftist forces. This alliance began as a social movement coalition jointly staging protests against the *muhasasa ta'ifia* (the quota system that has entrenched sectarianism and corruption in Iraq's political system), and developed into an electoral alliance that emerged as the largest list in Iraq's May 2018 elections. This was a radical reorientation for an Islamist movement previously characterized by a deeply hostile posture towards Iraq's secular cultural and political elites.¹ Thus, the leftist-Sadrism alliance, and its integration with Iraq's secular-leftist cultural domains,² challenged dominant frameworks for explaining Iraqi politics. These have tended to focus on the strategic 'power politics' of a narrow political elite. By contrast, the leftist-Sadrism alliance revealed unforeseen potential for complex forms of political struggle with deeper social roots and cultural antecedents.

Analyses of the Sadrism movement have similarly focused on elite dimensions of Sadrism politics, or on the movement's paramilitary wing, to the exclusion of other Sadrism actors and forms of practice.³ Less attention has been paid to the cultural dimension of the Sadrism movement, to its intellectuals, journalists, and other cultural activists, and the sorts of institutions, practices, and discourses in which they are engaged. Moreover, the potential role of these cultural strata in shaping Sadrism politics has not been explored. Consequently, the leftist-Sadrism alliance has typically been portrayed as a merely 'instrumental coalition',⁴ or a tactical intra-elite strategic bargaining,⁵ lacking deeper social and cultural dimensions.

By contrast, this essay uses a case study of Sadrism institution building to explore the cultural dimension of the movement.⁶ It will also suggest ways in which this

overlooked stratum of cultural activists contributed to shaping Sadrism politics by linking these social processes to the later development of the leftist-Sadrism alliance. This case study focuses on the Sadrism Foundation (*mu'assasat al-shahidayn al-sadrayn*, Foundation hereafter) in Baghdad. In 2009, Muqtada approached a well-known Iraqi public intellectual, Sa'ib 'Abd al-Hamid, and persuaded him to take over leadership of the Foundation with a view to transforming it into a bridge between the Sadrists and Iraq's secular-liberal cultural elites. One prominent Sadrism intellectual who worked with 'Abd al-Hamid during this period told the author that the latter's tenure between 2009-2013 had been a 'golden age' for the Foundation.⁷

Despite resistance to his appointment from some elements within the Sadrism movement, one important effect of this experiment at the Foundation was greater social embeddedness between elements of the Sadrism movement and Iraq's secular intelligentsia. This, in turn, was a factor in the later development of the leftist-Sadrism alliance. New social relationships and ideological frameworks were developed as a result of secular-Sadrism interactions that occurred via the Foundation and its projects. However, this case also points to great internal contestation of Sadrism politics between competing views over its orientation towards other sections of Iraqi society and political groups. Consequently, when conceptualizing Sadrism ideological transformation, it should be recognized these processes, and their effects, are unstable and unevenly distributed throughout the movement.

Based on this case study, it is also argued here that a longer historical perspective⁸ on the leftist-Sadrism alliance suggests it was more than a merely 'instrumental coalition' between political elites shorn of deeper social

and cultural roots. Rather, while strategic political interests and tactical calculations were important in the alliance's formation, it also contained a crucial cultural dimension that unfolded within social sites outside elite political domains. This more complex form of political struggle on cultural terrain indicates that a broader range of actors and forms of practice were implicated in the formation of this instance of strategic coalition politics in Iraq than has hitherto been recognized.

Sa'ib 'Abd al-Hamid and The Sadrist Foundation⁹

The leftist-Sadrist alliance was a cross-ideological coalition that involved the Islamist Sadrist movement in the public performance of new forms of symbolic and ideological politics. These new practices were shaped largely by Iraq's secular intelligentsia, who defined the coalition's secular and universalistic politics. This cross-ideological alignment was predicated on deeper processes of social integration between parts of the Sadrist movement and Iraq's secular intelligentsia that can be traced back to 2009, and to Sadrist institution building on cultural terrain. Here, the story of Sa'ib 'Abd al-Hamid and the Sadrist Foundation is used to unpack this integrative process.

In the early post-2003 period, the Sadrist Foundation was under the direct supervision of Sheikh Akram al-Ka'bi, one of Muqtada's most trusted allies, head of the Office of the Martyr al-Sadr (OMS) and second in command of the Sadrist paramilitary organization Jaysh al-Mahdi (JAM). The Foundation's activities were primarily concerned with producing propaganda and religious indoctrination materials in support of JAM, such as the Sadrists' paper *al-Hawza* (famously shut down by Paul Bremmer in 2004)¹⁰ and the Sadrists' radio station. In 2007, the Foundation was caught up in a power struggle within the Sadrist movement, as al-Ka'bi and Qais al-Khaza'li split from JAM to form *Harakat al-Nujaba'* and *'Asa'ib Ahl al-Haq* respectively. The Ka'bi-Khaza'li splinter group seized control of the Foundation and the Sadrist radio station, until Muqtada eventually sent JAM fighters to take them back. Muqtada

then appointed Sheikh Salman al-Fureiji, head of OMS in Sadr City at the time, as the Foundation's interim manager. However, the chaos engendered by the struggle over the Foundation resulted in 'an administrative vacuum and a hibernation of the Foundation's activities,' according to one senior Sadrist official at the Foundation.¹¹

Sa'ib 'Abd al-Hamid would eventually takeover as director of the Foundation in 2010, but he was not a normal appointment for the Sadrist movement. Sa'ib Mohammad 'Abd al-Hamid¹² is an unusual figure in his own right, being a public intellectual who converted from Sunni Islam to Shi'ism. He was born in Anbar province in 1956 and was raised in a Sunni religious family. In his youth he was influenced by Arabist currents and later by Sunni Islamist trends (particularly Hassan al-Banna and Sayyid Qutb). However, following his conversion to Twelver Shi'ism in his thirties, 'Abd al-Hamid increasingly distanced himself from the Shi'i Islamist movements that predominated around the time of the 1979 Iranian revolution. Today, he situates himself within a liberal-Islamic current outside established political and religious-doctrinal frameworks. Like many lay intellectuals within Islamist currents, 'Abd al-Hamid experienced his socialization within an Iraqi intellectual field characterized by a strong secular inheritance.¹³ He studied physics at the University of Baghdad in the 1970s, before moving into the field of Islamic Sciences in the 1980s.

The context preceding 'Abd al-Hamid's appointment to the Foundation was a turbulent period for the Sadrist movement. Between 2006 and 2009, the numerous splits within JAM were compounded by a series of major political and military setbacks that left the Sadrist movement politically isolated and militarily weakened.¹⁴ Muqtada himself retreated into exile in the Iranian city of Qom. It was from this precarious position that Muqtada would announce a reorientation of the movement towards what he called 'cultural resistance'.¹⁵ One effect of this cultural turn was greater efforts to engage with Iraq's secular-liberal cultural elites

with whom the movement had a deeply antagonistic relationship post-2003. Thus, in March 2009, Muqtada approached 'Abd al-Hamid, who was residing in Qom as a political refugee, and sought to persuade him to become the Foundation's new permanent director.

Muqtada's initial approach was made through Sheikh Mahmud al-Jiyashi (then head of Muqtada's Private Office in Qom) and an old friend of 'Abd al-Hamid's. However, initially, 'Abd al-Hamid refused Muqtada's offer because of his ideological differences with the Sadrist movement and its role in some of the worst sectarian violence of the civil war. Nevertheless, he agreed to meet Shaykh Jiyashi for dinner at Muqtada's offices, and, upon arrival, was told that Muqtada was present and insisted on meeting with him and pressing his case. After listening to the Sadrist leader, 'Abd al-Hamid again refused the offer and, in doing so, delineated his ideological differences with the Islamist movement, telling Muqtada:

I am different from you in my ideological orientations. First, you hold Sadr I and Sadr II¹⁶ as sacred religious *marja'* to be imitated [*taqlid*] and followed. Whereas I regard them as respected and wise men, symbols of modern Iraq, deserving of serious study. Second, your doctrine is an internationalist Islamist creed, looking to the concept of the unified Muslim community [*ummah*]. Whereas I have a nationalist and humanist vision, my ideology is that of the nation Iraq with all its peoples and land. I believe that what is called *al-umma al-islamiyya* is a great deceit, just like the lie of the 'united Arab nation' led by the Arab nationalists. Third, because of your Islamist vision you do not appreciate the threat of Iran's projects inside Iraq. Whereas I think that these projects are a threat to the nation and could be more dangerous in this regard than the current US occupation.

Muqtada's response to these objections took 'Abd al-Hamid by surprise:

He [Muqtada] spoke words that surprised me,

and perhaps they also shocked those of his followers who were present. He said: 'Do you realize that since I assumed this task, I have been hoping to meet a man who would speak just as you have now spoken to me?'

Muqtada offered to give 'Abd al-Hamid complete control of the Foundation and promised that neither he nor any of his advisors or other Sadrist leaders would interfere in his work.

By recruiting 'Abd al-Hamid, Muqtada proposed to transform the Foundation into a bridge between the Sadrists and Iraq's secular cultural domains. Thus, he told 'Abd al-Hamid:

It is no secret to you that the name of Sadrist trend is an unacceptable name from the cultural perspective, people call them barbarians and backwards, so at least if we had an institute of cultural activity, it would reflect another contrasting image, it would contribute to changing this image which aggravates me a lot. At least they will say they have people who can read and write.

The project Muqtada had in mind also reveals his interest in building up the movement's cultural capacities, to encourage the development of Sadrist intellectuals, journalists and academics who could participate in Iraq's cultural and intellectual fields (also see [Haddad](#) in this collection).

'Abd al-Hamid requested a couple of weeks to think about his decision. During this time, he visited the Foundation and met with its staff. He found the institute was a spacious building with multiple wings housing about 150 employees. As 'Abd al-Hamid recalled:

Dozens of young members were distributed throughout the departments of the institute, but without really knowing what their tasks were. The cultural energies of university professors, writers, and journalists were scattered and lost. All, without exception, were from modest working-class backgrounds and poor, *sha'biyya* neighborhoods of Baghdad.

'Abd al-Hamid decided to take up al-Sadr's offer and assumed leadership of the Foundation. He immediately set about a fundamental reorganization, replacing the various departments with research centers with greater administrative autonomy. The new institutional structure was made up of: the Center for Qur'anic Sciences and Studies; the al-'Ahd Center for Literature and the Arts; the Center for Women's Opportunities; the Friends House for Children (Dar Sadiqi lil-Atfal) which published a monthly magazine under the title: 'My Friend' (Sadiqi); and al-'Ahd Newspaper, a weekly political and cultural paper. Finally, the Iraqi Scientific Center was created with a view to inviting prominent Iraqi scholars to publish research, particularly in the social sciences.

'Abd al-Hamid's task was to try and create a cultural dialogue between the Sadrist movement and wider elements of Iraqi society, particularly the intelligentsia and artistic domains. Muhammad Abu Tamhid al-Sa'di, who headed the Culture Department of the Foundation before 'Abd al-Hamid's arrival, became a close ally for 'Abd al-Hamid during his tenure in charge. Al-Sa'di told the author:

We tried to resist extremism and fundamentalism, and to attract artists and writers and intellectuals from outside the Sadrist trend, to open up to others and to change the negative image of the Sadrist trend in cultural and intellectual circles.

In this task, the project achieved some success. For instance, the Iraqi Scientific Center would publish some 25 scholarly works, including titles by the leftist political psychologist Faris Kamal Nadhmi (who later emerged as one of the key ideologues of the leftist-Sadrist alliance) and the renowned Iraqi philosopher and Marxist intellectual the late Hussam al-Alusi.

However, many of the cultural activities 'Abd al-Hamid introduced were radical and challenging from the Sadrist perspective. He told the author: 'Some of what I brought in was a shock to many of the Sadrists.' One particularly controversial example was the forming of a theater

group and an annual theater festival which was attended by many of the prominent troupes in Baghdad. As 'Abd al-Hamid explained:

It wasn't only music that was strictly prohibited for them [the Sadrists], but also the entrance of women without hijab into the Foundation as actresses or in the audience of the plays which was a major prohibition.

As a consequence of such endeavors, 'Abd al-Hamid faced increasing levels of resistance from those within the Sadrist movement opposed to his leadership of the Foundation. Al-Sa'di stated that:

'Abd al-Hamid did not find active and open support from all the departmental heads at the Foundation since he did not belong to the Sadrist trend, he was independent, whereas the existing leadership of the Foundation were hard-line Sadrists and somewhat fundamentalist.

Thus, 'Abd al-Hamid's leadership of the Foundation turned the institution into a contested cultural space in which the contours of an intra-Sadrist social struggle, between advocates of two competing visions for the movement and its relationship to wider elements of Iraqi society, became visible.

In the face of this opposition, 'Abd al-Hamid held a crisis meeting with Shaykh Jiyashi in late 2013, in which he expressed his frustrations:

I told the Shaykh, 'I have come to understand that Muqtada is boxed in between his followers, and not only the elders and those close to him, but also the wider body of followers. The man [Muqtada] has a vision that he cannot implement against all this opposition.'

Muqtada reluctantly agreed to let 'Abd al-Hamid step down from the Foundation. However, the two reached a new compromise whereby the Iraqi Scientific Center would be made entirely independent from the Foundation and continue to operate under 'Abd al-Hamid's control (albeit still funded by Muqtada).

Thus, although 'Abd al-Hamid's designs for the

Foundation were constrained by internal Sadrist resistance, his project nevertheless entailed the development of stronger social linkages between cultural activists in the Sadrist movement and Iraq's secular intelligentsia. One example which illustrates this process, and its importance for the leftist-Sadrist alliance, is that of leftist intellectual Faris Kamal Nadhmi. Nadhmi regularly attended the Foundation, and later the Iraqi Scientific Center, from 2010. His experience interacting with the Sadrists in these locales encouraged him to theorize and advocate for a leftist-Sadrist alliance which he framed in Gramscian terms.¹⁷ One of the alliance's key political architects told the author that Nadhmi's writings had 'created the intellectual atmosphere for this relationship [between the Iraqi left and the Sadr movement].'¹⁸

Conclusion

This case study of Sa'ib 'Abd al-Hamid and the Sadrist Foundation reveals how the leftist-Sadrist alliance incorporated complex forms of social struggle on cultural terrain, and was not limited to a merely

'instrumental' and tactical negotiation between political elites. 'Abd al-Hamid's tenure at the Foundation began a process of building stronger social linkages between cultural activists in the Sadrist movement and Iraq's secular intelligentsia. These relationships, and new ideological frameworks that emerged from these interactions, came to play an important role in the formation of the leftist-Sadrist alliance.

Equally significant, 'Abd al-Hamid's story shines a light on the emergence of an intra-Sadrist conflict implicating competing visions for the movement's role in Iraqi society and politics. This points to a seldom-recognized diversity within the Sadrist trend in terms of cultural orientations and political perspectives. Nevertheless, this diversity, and the greater intra-movement contestation of Sadrist politics it entails, also point a potential instability in Sadrist politics. In other words, transformations in the movement's ideological orientation do not reflect homogenous shifts, but internally contested process of change that are localized in particular strata (i.e., the movement's cultural and intellectual activists).

Endnotes

1 The Sadrists and the Iraqi left lined up on opposing sides of the struggle for power in Iraq. The left, ensconced in a secular-liberal cultural elite, anathematized the Sadrists' conservative cultural puritanism and messianic religiosity. The Sadrists meanwhile, saw the left as collaborators with the occupation because of their involvement with the Iraqi Governing Council (IGC). Nor did the Sadrists exhibit much interest in the cultural capital of the left at a time when Shi'i religious and Islamist ideology and symbolic discourses were ascendant. Rather, the early post-2003 Sadrist movement pursued a strategy of differentiation from secular and mainstream Iraqi society and violently targeted aspects of Iraq's secular-liberal cultural life. See Juan Cole, 'The United States and Shi'ite Religious Factions in Post-Ba'thist Iraq,' *Middle East Journal* 57, no. 4 (Autumn, 2003): 559-560, 565.

2 A more detailed analysis of the leftist-Sadrist alliance itself can be found in Benedict Robin-D'Cruz, 'Social Brokers and Leftist-Sadrist Cooperation in Iraq's Reform Protest Movement: Beyond Instrumental Action,' *The International Journal of Middle Eastern Studies* 51, no. 2 (May 2019): 257-280.

3 For examples, see Patrick Cockburn, *Muqtada: Muqtada al-Sadr, the Shia Revival, and the Struggle for Iraq* (London: Scribner, 2008); 11 July, 2006, "Iraq's Muqtada al-Sadr: Spoiler or stabiliser," International Crisis Group; Amatzia Baram, 'Sadr the Father, Sadr the Son, the "Revolution in Shi'ism," and the Struggle for Power in the Hawzah of Najaf' in Ronen Zeidel, Amatzia Baram, and Achim Rohde eds, *Iraq Between Occupations: Perspectives from 1920 to the Present* (Palgrave Macmillan, 2010).

4 Damian Doyle, 'Pulling and Gouging: The Sadrist Line's Adaptable and Evolving Repertoire of Contention,' in *New Opposition in the Middle East*, eds. Dara Conduit and Shahram Akbarzadeh (Palgrave Macmillan), 48.

5 For example, see Kirk H. Sowell, 'Iraq's Fake Populism and Anti-sectarianism,' Carnegie Endowment for International Peace, June 9, 2016. <http://carnegieendowment.org/sada/63777>; and Michael Weiss, 'Moqtada al-Sadr, the Donald Trump of Iraq,' *Daily Beast*, April 13, 2017. <https://www.thedailybeast.com/moqtada-al-sadr-the-donald-trump-of-iraq>

6 This paper draws on interviews conducted by the author during fieldwork in Iraq during the summer of 2017 and subsequent interviews and conversations with key actors involved in the leftist-Sadrist alliance.

7 Based on interviews conducted by the author with Mohammed Abu Tamhid al-Sa'idi.

8 This picks up Michaëlle Browers' call to investigate the longer intellectual backstories to cases of leftist-Islamist political cooperation, noting that party politics is at the 'mass production' end of the ideological process, and not the site of creative and innovative ideological developments. Michaëlle L. Browers, *Political Ideology in the Arab World: Accommodation and Transformation* (Cambridge: Cambridge University Press, 2009), 9-10.

9 Interviews with Sa'ib 'Abd al-Hamid conducted by the author.

10 "Closure of al-Sadr daily stirs protests" 28 May 2004, al-Jazeera. <https://www.aljazeera.com/archive/2004/03/200841012217955679.html>

11 Based on interviews conducted by the author with Mohammed Abu Tamhid al-Sa'idi.

12 All information presented here is drawn from interviews and conversations conducted by the author with Sa'ib 'Abd al-Hamid.

13 Stéphane Lacroix, *Awakening Islam: The politics of religious dissent in contemporary Saudi Arabia* (London: Harvard University Press, 2011) 31 & 136.

14 Muqtada's reputation, and that of the Sadrist movement more broadly, was severely damaged by the participation of JAM in some of the worst sectarian violence and criminality of the Sunni-Shi'i civil war which peaked between 2006-2008. However, the Sadrist were also locked in a struggle for power within the Shi'i Islamist political and paramilitary spheres. JAM became enmeshed in a bitter struggle in Baghdad and the south with government officials and security forces, many of whom were loyal to SCIRI and Badr. In one such confrontation, in August 2007, JAM fighters engaged in a gun battle with Iraqi security forces guarding the Imam Hussain shrine in Karbala, killing numerous Shi'i pilgrims who were caught in the crossfire. In response to the public outrage, Prime Minister Nouri al-Maliki led a force of policeman from Baghdad to Karbala where they arrested hundreds of Sadrist officials and militiamen. Muqtada, meanwhile, announced a temporary freeze on JAM's activities and a reorganisation of the militia. Maliki, increasingly siding with SCIRI and Badr, came to regard displacing JAM from Basra as a strategic priority. In March 2009, he launched a successful operation, Charge of the Knights (Saulat al-Fursan), against JAM positions in the city. This was followed by a string of Sadrist defeats across the south and even in their Baghdad stronghold of Sadr City.

15 'Iraqi cleric Al-Sadr interviewed on "armed resistance, political process, Iran's role," Al-Jazeera TV, BBC Monitoring Middle East-Political, March 31, 2008.

16 Sadr I refers to Ayatollah Muhammad Baqir al-Sadr, Sadr II refers to Ayatollah Muhammad Muhammad Sadeq al-Sadr.

17 Based on extensive interviews and discussions between the author and Faris Kamal Nadhmi since 2015.

18 Interview conducted by the author with Jassim al-Helfi in Iraq in August 2017.

Feminist Activisms in Post-Da'esh Iraq

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Since 2008, the adoption of legislation tackling violence against women has constituted an important project for feminists in Iraq. No law sanctioning domestic violence exists in Arab Iraq (in contrast to Iraqi Kurdistan). Over the last decade, feminist activists have drafted several versions of a law in an attempt to submit it to vote in the Iraqi parliament in vain. The debate around the legalization of shelters for women victims of abuse has emerged several times since in Iraqi public and media discourse. Domestic and sexual violence is a common reality in a country torn by conflict and in which essential state services to protect the victims are lacking.

The most recent attempt to legalize shelters was launched after the Da'esh invasion of Mosul and parts of northern Iraq in June 2014 when shocking images of Yezidi women enslaved by Da'esh fighters spread through local and international media. Those horrifying images made the discourse around sexual violence and rape as a weapon of war central for global NGOs, UN programs in Iraq such as UN-Women and the UN Assistance Mission for Iraq (UNAMI), and the Iraqi state. The Iraqi government adopted an emergency plan to deal with the situation in 2015, which was to be implemented within one year. However, according to Bushra al-Aubadi and other feminist activists I interviewed in Baghdad in spring 2016 and spring 2017, it was never implemented by the Iraqi authorities.

In this essay, I explore recent feminist mobilization around the adoption of legislations sanctioning violence against women. The essay draws on my extensive fieldwork with both [feminist and women's groups in Iraq](#), as well as protest movements that spread across the country starting in 2015.¹ I have followed the negotiations and discussions raised by this campaign within the Iraqi civil society networks, the meetings initiated by feminist activists with representatives of Shi'a religious authorities in Najaf the *maraje'*, as well

as the debates within feminist groups. I will focus here on Arab Iraq and on the main actors of this campaign: the Iraqi Women Network (IWN), the Iraqi Al-Amal Association (Al-Amal), Baghdad Women's Association (BWA), the Iraqi Women's League (al-Rabita), the Organization of Women's Freedom in Iraq (OWFI), and the Iraqi Women Journalist's Forum (IWJF). All of these feminist networks and organizations develop different strategies and initiatives to support the drafting of a law tackling violence against women.

Mobilization for legislation on violence against women (VAW)

The battle by women's rights organizations in Iraq to draft a law sanctioning VAW began in 2008. This plan was followed and finalized in Iraqi Kurdistan in the form of the law "combatting domestic violence" that was adopted in 2011.² In the rest of Iraq, discussion of this plan continued until 2013 when it was finally discussed by the government. The initial government approval included a plan aiming to implement the UN Security Council Resolution 1325 on women, peace, and security in April 2014.

Feminist and women's mobilization focused on both reforming the existing legislation and pushing for a law sanctioning VAW. Mobilization on the Iraqi Personal Status Code (or Family Law) started as soon as December 2003 when it was questioned by Iraqi Shi'a political groups who demanded a sectarian based code instead of the current one that gathers Sunni and Shi'a Muslims under one family law.³ The activism on legislation related to VAW has often focused on revising articles of the Iraqi Penal Code no. 111 of 1969. Women's movements challenged Article 41 of the penal code, allowing for "*taadib al-zawj li zawjatih*" (the domesticating of the wife by the husband) which equals the legalization of domestic violence. They also targeted

Article 398 related to “crimes committed in the name of honor” that lightens the sentence for the killing of a woman by a person who invokes “honor” as a motive for the crime. Many feminists also focused on the definition of sexual harassment found in Articles 400 through 404 as being vague and ineffective. Women’s groups such as Baghdad Women Association (BWA) also called for the strengthening of the criminalization of marriages contracted outside the civil court, as such marriages made up the majority of child marriages arranged in the context of poverty and/or armed violence.⁴

The draft of a law tackling VAW submitted by women and civil society organizations in 2012 to the State Consultative Council was put aside and kept dormant until the Da’esh invasion. After review by the council in 2015 prior to submission to vote in the Iraqi parliament, it changed from the “Law Combatting VAW” to the “Family/Domestic Violence Protection Law.” Civil society organizations and feminist activists such as the Iraqi Women Network (IWN), the Iraqi Women’s League (al-Rabita), and the IWJF started to work on a draft to submit for a vote to the Iraqi parliament. They held meetings with various representatives of Iraqi authorities, including the parliament’s Woman and Child Committee, the recently formed Interior Ministry Office for Family Violence Protection and its attendant court, as well as UNAMI. There were also unprecedented historical meetings with three of the main *maraje’* in Iraq. As a result of these negotiations with various social, political, and religious forces in the country, these organizations proposed a new draft of the law.

The Organization of Women’s Freedom in Iraq (OWFI) harshly criticized the activists’ new draft. In partnership with MADRE, OWFI launched a different campaign: in September 2016, they signed an open letter urging the UN Security Council to pressure the Iraqi government to legalize women’s shelters.⁵ OWFI is the only organization outside of Iraqi Kurdistan providing direct support for women who have been victims of abuse. Established immediately after the U.S.-led invasion, OWFI became the first organization to open shelters for

women and to work on women trafficking and sexual violence outside of Iraqi Kurdistan. OWFI’s independent shelters are considered illegal by the Iraqi state, however. In September 2014, OWFI founded an anti-trafficking coalition (NATWI) that was joined by many groups in Baghdad, Babil, Nasiriya, and Basra.

Another example of women’s organizations bridging activism and services is the Iraqi Women Journalist’s Forum (IWJF). In 2015, the IWJF worked on sexual harassment in conjunction with the Iraqi Civil Society Solidarity Initiative.⁶ In addition to issuing a report on the matter clearly defining and documenting sexual harassment in Iraq,⁷ IWJF opened a service center for “Women Human Rights Defenders in Iraq” offering free services for women victims of sexual harassment, such as counselling and legal support as well as professional trainings for women.

The debate over shelters

The parliamentary debate on the proposed law, especially on the articles of the draft suggested by women activists referring to the legalization of shelters, was initiated in early 2017 by a coalition of parliamentary committees including the Woman and Child, Human Rights, Awqaf and Religious Affairs, Labor, and Social Affairs committees. As reported by the local press, civil society, and women activists, the debates were heated and tense.⁸ MPs suggested that shelters were a Western notion that could not be applied in Iraq as they would cause division in the society and break with the sacredness and integrity of the family. There was a strong insistence on the consultation of both tribal and religious authorities, as some MPs consider that Iraq is “tribal and Muslim” and that the law should not contradict *al-shari’a al-islamiyya*. Bushra Al-Aubadi, a prominent lawyer and member of the IWN, pointed out that some leaders of political parties objected during their meetings with women’s rights activists that such a law would not only be against religion, but would also question the Iraqi Penal Code that allows “*taadib al-zawj li zawjatihi*” (domesticating of the

wife by the husband).⁹ Men and women of the leading Islamist political parties insist on privileging of “*al-sulh*” (reconciliation of spouses) before any separation, and on naming shelters “*dur amina*” (houses of protection) with the intention to “Islamize” the terms of the campaign that they perceive as too secular. However, as pointed out by many activists, rejection of the law in the name of “Islam” or “Iraqi culture” was similarly expressed by both secular and Islamist voices.

In February 2017, historical and unprecedented meetings were held with a delegation composed of various women activists, many leading feminists in the country, and other intellectuals. Ayatollah Sistani decided not to get formally involved in the debate with feminist activists. The Shi’a religious figures *maraje’* al-Shaikh ‘Ali al-Najafi, al-Sayyed Muhammed Sa’id al-Hakim, and al-Shaikh Muhammed Ishaq al-Fayadh were less reluctant to the idea of adopting a law regarding domestic/family violence than the Shi’a Islamist parties in power. However, according to several activists who participated in these meetings, the religious authorities raised similar concerns regarding the compatibility of the law with Islam; namely that 1) the definition/title of the law wishing should include all family members and not only women; 2) when defining violence, “*taadib al-zawja*” should be preserved; 3) “family reconciliation” should be put forward before any separation; 4) the sentences for violations should be lowered; 5) the shelters should be monitored and should aim to prevent society and family’s divisions. The women’s delegation obtained the approval of these religious authorities regarding the importance of adopting a law but did not obtain a clear agreement regarding the five points the religious authorities raised.

Divergent feminist strategies

Iraqi activists submitted their draft to the Iraqi Parliament in 2016. Since the Parliament did not take into account their version, in 2017 they launched a new campaign alongside wide consultations and meetings with political and religious authorities. Amal Gbashi,

head of the coordination committee of the IWN, explains:¹⁰

The idea is to convince them that the shelters are not only for women, but also for children and men if necessary. This is of course a strategy from us. We mention women first, but we also include all the members of the family – it is more convincing. It is a strategy but it is also related to the realities. We have documented violence against children, and abuse of elders [...] Also, the difference with them is that we say that we want to protect each individual within the family, and not like the conservative, the family itself as a unit. It is a huge difference. We included women without a husband, individuals living at their relatives for example and who do not have parents.

Many Iraqi feminist activists adopted a similar strategy in order to reach an agreement with dominant Iraqi political forces. They agreed to target “family violence” instead of violence against women. This new strategy also echoed public debates on child victims of abuse following the scandal of horrific photos of molested babies and children that became viral across the Iraqi media and social networks.

OWFI’s activists on the other hand consider the collaboration, work, or engagement with Islamist parties and religious authorities to be unproductive. Despite being the main organization working on shelters and VAW, OWFI was not invited to the negotiation meetings with Iraqi authorities, UNAMI, and civil society and women’s groups. Its leader, Yanar Mohammed, whom I also met at the time of the campaign in May 2017 in Baghdad at the organization’s office, was very critical of the process:

We tried to put pressure on VAW for years. I even reached the UN Security Council in 2015 to talk about that.¹¹ The draft was done in 2015. So now, I hear about a law on family violence. [...] I went to UNAMI to let them

know about my points regarding the draft. We need a law, I told them this morning. However, the law cannot consider our shelters illegal. The law talks about family and not women. Why are women not in the title? Why is women's oppression not acknowledged?

Through a statement she published in March 2017,¹² OWFI's leader explains her critical points on the governmental draft: first she insists on the use of VAW and the notion of "male violence" and "women as the main victims of domestic violence", and she proposes the title to be "Protection of Women from Family Violence." Her statement criticizes the reliance on the Iraqi Kurdistan version of the law instead of feminist terminologies and principles. Yanar Mohammed raises important critiques related to the heart of OWFI's work—the shelters. She considers that the law makes shelters "new prisons for women," especially through the involvement of the Interior Ministry in their management, instead of being places that provide protection, health, and social care services. She insists that the law should grant organizations like OWFI the right to run shelters, as well as the full recognition and legalization of their work.

The divergence of opinions between these two campaigns can be read through their different political strategies and modes of organizing. The first strategy is developed by networks such as the IWN composed of individuals belonging to established NGOs, such as Al-Amal organization, funded by a large network of international donors. These organizations work in partnership with the Iraqi state and UN programs such as the UN Assistance Mission for Iraq (UNAMI) and UN-Women. The IWN has a very wide reach within Iraqi civil society through its long-term work with diverse state and non-state actors, including social youth groups and religious and conservative networks. Its strategy follows a more reformist type of activism, adapting its discourse and initiatives to the type of audience it seeks to reach. OWFI, on the other hand, is mainly funded by international feminist and women's rights networks. It adopts a clear secular, anti-Islamist

type of discourse and refuses to adapt its agenda and advocacy to what activists call in Iraq the 'conservative mass'.

Conclusion

Iraqi feminist activists are still campaigning about this law.¹³ They also expressed that throughout the negotiations with the Iraqi government, religious authorities, and political parties around the law, their discussion of issues of sexual violence, marital rape and abortion were considered taboo. With the deterioration of the security situation, even mobilization around the Personal Status Code has been stopped; feminist activist Bushra Al-Aubadi explains:¹⁴

At the moment, we do not want to direct attention to reforming the Personal Status Code because we are too afraid that they will come up with the Ja'fari Law supposed to be based on Shi'a jurisprudence. So, we decided as a strategy to be okay with the current Personal Status Code fearing that they would use our attempt to reform it to re-propose the Ja'fari law, which is the worst thing ever for women's basic rights. We managed to stop it, and it was withdrawn thanks to our pressure.

Feminists in Iraq are caught between, in Deniz Kandiyoti's words, "the hammer and the anvil": "they have to fight both for their formal *de jure* rights that are under constant threat from conservative social forces and for their substantive rights to security and human dignity that have become the casualties of endemic lawlessness and impunity in their societies."¹⁵ It is clear that feminists are mobilizing in the context of a weak, ethnosectarian, and repressive regime in which the "war on terror" is being used to justify the use of violence to repress political activism. Moreover, following the Da'esh invasion, it is a context in which conservative armed groups and militia violence are being normalized and institutionalized, and the authoritative power of religious authorities and armed social and political groups are competing with the state.

Endnotes

- 1 I interviewed and conducted participant observation in Baghdad, Najaf-Kufa, Karbala, Nasiriya, as well as Basra, with the different organizations involved in the campaign seeking to draft a law proposition and submit it to vote in the Iraqi Parliament. I also rely on my previous in-depth fieldwork experience with women's social and political organizations in Iraq, mainly based in Baghdad, Erbil, and Sulaymaniyah analyzed in my recent book *Women and Gender in Iraq: Between Nation-Building and Fragmentation* (Cambridge University Press, 2018).
- 2 A law "combatting domestic violence" was adopted in 2011 in the semi-autonomous Iraqi Kurdistan. It includes "any act, speech or threat that may harm an individual of the household physically, sexually, and psychologically and deprives his/her freedom and liberties." The law implies a criminalization of forced or precarious marriages, female genital mutilation, and many forms of what is commonly defined as violence against women. A special court and a general directorate in charge of "combatting domestic violence" working in conjunction with the Ministry of Health, as well as the Ministry of Labor and Social Affairs and the Ministry of Interior assure both the implementation of the law through sanctions of penalties and/or imprisonment and the protection of the victims with the appropriate support such as shelters, health and social services.
- 3 Ali, Zahra. 2018. *Women and Gender in Iraq: between Nation-Building and Fragmentation*. Cambridge University Press.
- 4 See: Daraj, 2018. *إنها كارثة: ثلث المتزوجات في العراق قاصرات*. عماد الشرع. <http://daraj.com/قا-العراق-في-المتزوجات-ثلث-الكارثة/>
- 5 "Open Letter to the UN Security Council on the Government of Iraq's NGO Shelter Policy" by OWFI/MADRE.
- 6 See the Shahrazad Campaign: <https://www.iraqicivilsociety.org/shahrazad-campaign>
- 7 Iraqi Women Journalist's Forum/Shahrazad, *A New Study Reveals Facts about the Phenomenon of Sexual Harassment in Iraqi Society*, 2015.
- 8 See for example :
جدل ساخن في البرلمان حول فقرات في قانون العنف الأسري, Jan 17, 2017, Al-Mada, Baghdad
- 9 Meeting organized by the IWJF in Nadi al-Nafd, Baghdad, May 14, 2017.
- 10 Meeting at the offices of Al-Amal in Baghdad in May 11, 2017.
- 11 See her speech at the UN security council on October 13, 2015: <http://webtv.un.org/en/ga/watch/yanar-mohammed-ngo-working-group-on-women-peace-and-security-on-women-peace-and-security-security-council-7533rd-meeting/4555272468001/?term=?lanoriginal&sort=popular>
- 12 "On the Necessity to Amend the "Family Violence Protection Law", Press release from OWFI published on Yanar Mohammed's Facebook page on March 28, 2017.
- 13 Statement of Iraqi Women Network, April 30, 2019.
- 14 Interview in Baghdad, May 2017.
- 15 Kandiyoti. Deniz. 2007. *Between the Hammer and the Anvil: Post-conflict reconstruction, Islam and Women's Rights*, *Third World Quarterly*, 28 (3): 503–517.

The Project on Middle East Political Science

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